

IDAHO FALLS BOARD OF ADJUSTMENT
STAFF REPORT

**Alleged error in determination of the Zoning Administrator
505 Dickson Avenue (Lot 1, Block 7, Alice Dickson Estates #3)
July 14, 2016**



<p>Appellant: Austin Wood</p> <p>Location: 505 Dickson Avenue</p> <p>Existing Zoning: Site: RP-A, Residence Park</p> <p>Existing Land Uses: Site, North, South, East and West: Single Family Residential</p> <p>Comprehensive Plan Land Use Map: Low Density Residential</p> <p>Attachments:</p> <ol style="list-style-type: none">1. Violation Notices and Letters2. Application3. Facebook Post4. Code Enforcement Letters5. Petersen Moss Hall & Olsen letters6. Resident Letters7. Maps and aerial photos8. Reasoned Statement	<p>Powers and Duties: 10-3-6H(a): Alleged Error. The Board of Adjustment shall hear and decide appeals wherein it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Code and shall have appellate jurisdiction over all decisions and rulings of the Zoning Administrator.</p> <p>History: A violation notice was sent to Mr. Wood on February 23, 2016 following inquiries from residents and Facebook posts being provided to staff. Staff then received a March 11, 2016 letter from Mr. Wood's attorney requesting additional information. Staff responded on March 22, 2016 identifying that Mr. Woods was using the property as a "Lodging House/Rooming House". Mr. Woods attorney again responded on April 6, 2016 indicating that his client's tenants are living at the property as a "single household unit". On April 26, 2016 staff provided Mr. Wood's attorney a final letter providing the Zoning Administrator's interpretation of the Zoning Ordinance, classifying Mr. Wood's use of property as a "Lodging House/Rooming House" and making him aware of his right to appeal that determination.</p> <p>Staff Comments: The current zoning of the property is RP-A, Residence Park Zone. The RP-A Zone allows for only single-family dwellings and has no provisions for a Lodging/Rooming House. A Lodging/Rooming House is only allowed within an R-3 Zone or higher. The submitted appeal application disagrees with staff's interpretation of the zoning ordinance, classifying the current use of the home as a Lodging/Rooming House.</p> <p>Mr. Wood's appeal application indicates that he is using his home as a single-family unit. By definition a single-family dwelling involves the exclusive use by one family or single household unit. Households are made up of individuals who live together because of a family or social relationship and are not grounded in a contract. Mr. Wood's tenants live together because of their contract with him to share the premise and not because of a household arrangement. Adjacent property owners have indicated that there is a high turnover in individual tenants, further demonstrating that tenants come and go based on their individual contracts and not as a household unit.</p>
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Staff Comments

Continued:

Additionally, Mr. Wood's initial advertisement implies that his rent rates are based on the room, indicating different rates for a single bedroom or a shared room. Mr. Wood has stated that the advertisement has been removed, but has not provided anything demonstrating a modification to the way he rents the home to tenants. He further provides in his application that his tenants sign a master co-tenant lease agreement. As co-tenants renters would deal with Mr. Wood, as a landlord, on an individual basis and not as a household unit as required by the Zoning Ordinance to qualify as a single-family unit.

The City has enforced and interpreted these aspects of the Zoning Ordinance consistently throughout the City. Code Enforcement processes several violations similar to this each year utilizing the same intent and interpretation of the Ordinance.

Comprehensive Zoning Ordinance definitions:

"Lodging House/Rooming House" as a building other than a hotel, tourist home or motel where sleeping accommodations are provided for compensation.

"Dwelling, Single-Family" is defined as a detached dwelling unit designed for or occupied exclusively by one family.

"Family" is defined as one or more individuals occupying a dwelling unit and living as a single household unit.



Application for Appeal

Filing Fee: \$150.00

Appellant Information		
Contact Name: <i>Austin Wood</i>	Phone: <i>(208) 390-9934</i>	
Address: <i>505 Dickson Ave</i>	Fax:	
City: <i>Idaho Falls</i>	State: <i>ID</i>	Zip: <i>83402</i>
Email: <i>austinpw321@gmail.com</i>		
Owner Information (If other than Appellant)		
Name:	Phone:	
Address:	Fax:	
City:	State:	Zip:
Email:		
Is legal owner aware of this appeal of a decision? [] Yes [] No		
Subject of Appeal		
Appellee: <i>Board of Adjustment</i>	Project Number: <i>Case 2V16-010</i>	
Decision being appealed: <i>The Code Enforcement Officer Supervisor has determined that I am not using my home within zoning ordinances. She indicates that I am using my home as a "lodging house/rooming house" rather than used as a single-family unit.</i>		
Justification/Reason for appeal: <i>Here are a few reasons for the appeal:</i> <ol style="list-style-type: none"> <i>1) I am using my home as a single-family unit and am not renting out individual rooms.</i> <i>2) Tenants at the home sign a ^{master} co-tenant residential lease agreement and share the property in its totality.</i> <i>3) The Code Enforcement Officer Supervisor based her decision on minimal evidence, i.e., Facebook posts inviting potential tenants to move into a room at my house. I have removed the posts and am not renting out individual rooms in the home. No other evidence was provided that would allow me to remedy the said violation any further.</i> <i>4) Though perhaps unique, with careful examination of city definitions, ordinances, and the zoning code, my attorney and I have concluded I am not in violation of the law.</i> 		

Thank you for considering my appeal!

Appeal of a Decision of the Zoning Administrator

10-3-6(H)1(a) of the Comprehensive Zoning Ordinance

Alleged Error. The Board of Adjustment shall hear and decide appeals wherein it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Code and shall have appellate jurisdiction over all decisions and rulings of the Zoning Administrator. The Board shall decide questions involving interpretation and determination of Zone boundary lines.

Appeal a decision of the Board of Adjustment

10-3-6(H)4(e) of the Comprehensive Zoning Ordinance

Recourse from Decision. The Board shall send written notice of its decision to the appellant and to all protestants whose names appear on the record of the Board within five (5) days from the date of the decision. The written notice shall provide that any appeals to the Council must be filed within fifteen (15) days from the date of such notice.

1. Board of Adjustment. The Board of Adjustment shall be final unless a written appeal is made to the Council within fifteen (15) days of approval of the written decision. A written request for appeal shall be filed with the Zoning Administrator together with a fee set by resolution of Council. Such request shall set forth specifically where the Board erred in its decision. Upon receipt of an appeal, the Zoning Administrator shall forward to the Council the record of the Board of Adjustment. The concurring vote of a majority of the members of the Council shall be required to reverse any requirement, decision, or condition of the Board of Adjustment.
2. City Council. Any person aggrieved by a decision of the Council may seek recourse as provided in Idaho Code Section 67-6521, as amended.

Appeal of a Decision of the Planning Commission Regarding a Preliminary Plat

10-1-8(B)6 of the Subdivision Ordinance

Any aggrieved person whose preliminary plat has been denied by the Planning & Zoning Commission may petition the Council for a hearing. Such petition shall be submitted to the Community Development Services Department within fourteen (14) days from the Planning & Zoning Commission's written decision.

Appeal a Decision Regarding a Final Plat

10-1-13(C) of the Subdivision Ordinance

Appeals. Any applicant denied a permit of aggrieved by a decision, may, within sixty (60) days after all remedies have been exhausted under this Chapter, seek judicial review pursuant to the procedures set forth in Idaho Code.

Statement of Intent

I hereby appeal from the above described decision 4th day of May, 2016.

Signature of Appellants(s)

[Handwritten Signature]

Date: 5/4/2016

Date:

Application Filing Fee(s): Due at time application is submitted

Application Fee: \$150.00

505 Dickson



Austin P. Wood

November 23, 2015 · 🌐

Hey friends. I've got a couple vacant rooms in my house starting next month! And, next month I'll also have a place for some gals to move into.



Like



Comment



Share

21 people like this.



Rebecca Tippetts Palmer How much is a room? Asking for a friend 😊

Like · Reply · November 24, 2015 at 12:42am



Austin P. Wood Single bedroom is \$350-- \$320 rent, \$30 flat utilities cost. Share a room at \$250 each (there is a very big bedroom with two desks and two sets of drawers)

Like · Reply · November 24, 2015 at 3:28pm



Write a reply...



Stan-Debbie Landon That sounds pretty crafty!!

Like · Reply · November 24, 2015 at 9:46am



Code Enforcement
 City of Idaho Falls
 680 Park Avenue
 Idaho Falls, ID 83405
 (208)-709-3829

02/23/16

ZV16-010 ZONE VIOLATION MULTI-FAMILY

Austin Wood
 505 Dickson Ave.
 Idaho Falls, ID 83402

Dear Austin Wood,

This office conducted an inspection and confirmed code violations on the property located at 505 DICKSON AVE IDAHO FALLS, ID 83402.

Case Number	Violations:	Must be in compliance prior to:
ZV16-010	<p>R-1 RESIDENCE ZONE</p> <p>Section 10-3-10 - R-1 Residence Zone</p> <p>We hear you are advertising on Facebook to rent out rooms at your home and also renting rooms for women at another location. This home is in the R-1 Single-family residential zone in which only single-families are allowed; this zone does not allow boarding houses. Please cease from renting rooms in your home immediately as it is a violation of City Code.</p>	3/3/2016

This office would like to solicit your cooperation to comply with City Code by the date listed above.

If you have any questions regarding this matter, please contact my office at (208)-709-3829, Monday - Friday 7:00 a.m. - 3:00 p.m.

Sincerely,

Cherise Frei
 Code Enforcement Officer Supervisor
 cfrei@idahofallsidaho.gov

PETERSEN MOSS HALL & OLSEN

Stephen D. Hall
Nathan M. Olsen

Attorneys at Law
485 "E" Street
Idaho Falls, Idaho 83402
(208) 523-4650
Fax: (208) 524-3391

George C. Petersen, Jr.
(1924-2010)

Dennis M. Olsen
(1930-1985)

Reed L. Moss (of counsel)

March 11, 2016

Cherise Frei
Code Enforcement Officer Supervisor
680 Park Avenue
Idaho Falls, ID 83405

Re: Austin Wood, 505 Dickson Ave., Case ZV 16-010

Dear Ms Frei:

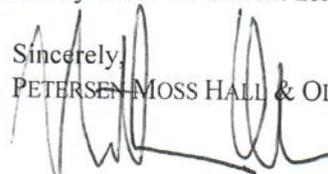
I have been retained by Austin Wood to review and respond to a "Zone Violation" notice that was issued to him by the City of Idaho Falls on February 23, 2016, with regard to property located at 505 Dickson Ave., Idaho Falls, ID 83402.

Mr. Wood is somewhat perplexed by the Zone Violation notice, in that it contains very little information about what specific provision of the code he is violating and the supporting facts. The notice only refers to hearsay about "advertising on Facebook" and "renting rooms for women at another location." It further suggests that Mr. Wood is operating a "boarding house." The notice references Section 10-3-10 of the Comprehensive Zoning ordinances of the City regarding the "R-1 Residence Zone" but without citing any applicable provision.

As such, I respectfully request that you provide to me additional information and evidence that you have with regard to Mr. Wood's alleged zoning violation, as well as a cite to a specific provision of Section 10-3-10 of the code. Mr. Wood has occupied the property himself and has also rented out the property for residential purposes as is within his right. He is certainly not operating a "boarding house" as defined under the code.

Again, any additional specifics you can provide me would be helpful in further and appropriately addressing this matter. However, given the paucity of the notice, Mr. Wood does not have reason to believe at this time that he is conducting any prohibited activity under the current zoning of the property.

Sincerely,
PETERSEN MOSS HALL & OLSEN



Nathan M. Olsen

cc. Austin Wood

COMMUNITY DEVELOPMENT SERVICES

Code Enforcement

Cell (208) 709-3829

Office (208) 612-8555

Fax (208) 612-8520



Nathan M. Olsen
Petersen Moss Hall & Olsen
Attorneys at Law

RE: Austin Wood, 505 Dickson Avenue, Case ZV16-010

Dear Mr. Olsen,

I received your letter stating you are representing Mr. Austin Wood on the Code Violation Case ZV16-010. This violation is in regards to Mr. Wood renting rooms out of his home located at 505 Dickson Avenue in Idaho Falls.

I received a complaint on February 23, 2016 that Mr. Woods was renting rooms in his home. I was given a printed copy of Mr. Wood's Facebook page showing that he was advertising for "a couple of vacant rooms in my house starting next month " and "also have a place for some gals to move into". It further states "Single bedroom is \$350-- \$320 rent, \$30 flat utilities cost. Share a room at \$250 each (there is a very big bedroom with two desks and two sets of drawers)". See attached

The property at 505 Dickson Avenue is located in the R-1 Residential Zone. **Comprehensive Zoning Ordinance, Section 10-3-10** states: The principle permitted uses in the R-1 Residence Zone shall be one family dwellings and certain other public facilities which are necessary to promote and maintain stable residential neighborhoods. It appears that Mr. Wood is charging money for others to occupy rooms in the home which is a violation of this City code section. This type of use is defined by the **Comprehensive Zoning Ordinance, Section 10-3-3(44)** as a "Lodging House/Rooming House", and is not allowed within the R-1 Zone. See attached

Thank you for your assistance in this matter. This office would like to solicit Mr. Austin Wood's cooperation to comply with City Code by requesting that Mr. Wood cease renting rooms in his home. Please advise this office by April 6, 2016 of how you intend to resolve this issue.

If you have further questions regarding this matter, please contact my office at (208) 709-3829, Monday – Friday 7:00 a.m. – 3:00 p.m.

Sincerely,

Cherise Frei
Code Enforcement Officer Supervisor
cfrei@idahofallsidaho.gov
attachments

PETERSEN MOSS HALL & OLSEN

Stephen D. Hall
Nathan M. Olsen

Attorneys at Law
485 "E" Street
Idaho Falls, Idaho 83402
(208) 523-4650
Fax: (208) 524-3391

George C. Petersen, Jr.
(1924-2010)

Dennis M. Olsen
(1930-1985)

Reed L. Moss (of counsel)

April 6, 2016

Cherise Frei
Code Enforcement Officer Supervisor
680 Park Avenue
Idaho Falls, ID 83405

Re: Austin Wood, 505 Dickson Ave., Case ZV 16-010

Dear Ms. Frei:

I am responding to your recent letter regarding Mr. Wood in case no. ZV16-010.

Thank you for providing to me additional information with regard to the alleged zoning violations regarding Mr. Wood's property at 505 Dickson Avenue. I have reviewed the matter with Mr. Wood. The Facebook post that you provided has long been removed by Mr. Wood and is not an accurate and/or is a confusing depiction of how Mr. Wood is using the property.

Mr. Wood is not using the property as a "lodging house/rooming house," *i.e.* where he is renting out rooms for "sleeping accommodations" for "compensation." Rather, he is leasing the property to tenants who are living there as a "single household unit" as defined under Title 10, Chapter 3, Section 24 of the Comprehensive Zoning Ordinance. Tenants living in the property have full access to the entire property, *i.e.* the kitchen, living rooms, bathrooms, garage, yard, etc. Hence, it is not a situation where a person is merely renting a room for sleeping accommodations.

Again, Mr. Wood has removed the confusing advertisement on Facebook. Please let me know if you have any additional questions or concerns.

Sincerely,
PETERSEN MOSS HALL & OLSEN



Nathan M. Olsen

copy: Austin Wood

Nathan M. Olsen
Petersen Moss Hall & Olsen
Attorneys at Law

RE: Austin Wood, 505 Dickson Avenue, Case ZV16-010

Dear Mr. Olsen,

Our office received your second letter regarding Mr. Wood's zoning violation at 505 Dickson Avenue.

We reviewed the information you provided along with your description of what is occurring on the property and have determined that it continues to fall within the definition of a "lodging house/rooming house".

You indicate that Mr. Wood has taken down the Facebook post, but nothing has been provided to indicate that his arrangements with his tenants have changed, i.e. renting individual rooms to individual tenants. You indicate that the tenants have full access to the entire property, although bedrooms are not mentioned, implying that there are areas of private use and areas of shared use. It is not intended that a single household unit be defined as those contractually living in the same dwelling as you would suggest.

None of what has been provided appears to change the circumstance where tenants, as individuals, are renting rooms within the house, and not the house as a combined household unit.

If you believe our office has made an error in our interpretation of the Zoning Ordinance you may file an appeal with the Board of Adjustment as described below.

10-3-6(H)(1)(a) Alleged Error. The Board of Adjustment shall hear and decide appeals wherein it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Code and shall have appellate jurisdiction over all decisions and rulings of the Zoning Administrator. Please find the attached application.

This office would like to solicit your cooperation to either have Mr. Wood comply with City Code by no longer renting rooms in his home or by making application to The Board of Adjustment before May 6, 2016 or a misdemeanor citation will be issued to Mr. Wood.

If you have any questions regarding this matter, please contact my office at 208-709-3829, Monday – Friday 7:00 a.m. – 3:00 p.m.

Sincerely,

Cherise Frei
Code Enforcement Officer Supervisor
cfrei@idahofallsidhao.gov
attachments

To: Idaho Falls Board of Adjustment

1 of 2

From: Frank and Margie Bradburn
481 Dickson Avenue, Idaho Falls, ID 83402

Subject: **Decision and Appeal re: 505 Dickson Ave., Idaho Falls, ID**

We are neighbors on the immediate north of the subject property. We learned this was purchased by Austin Wood 2014. We assumed this would be his home, and we welcomed him to the neighborhood. It soon became clear he was renting part of the house to a variety of non-family individuals, and with substantial turnover. From the number of vehicles regularly parked in the driveway and on the streets, it became obvious he would have more renters than bedrooms. It has been our understanding for 21 years that such activities were not allowed in this and most residential neighborhoods based on City Code and were, in the case of Alice Dickson, contrary to original subdivision covenants.

In an early conversation with Mr. Wood, he stated he would be renting rooms in both the upstairs and basement, that he would do so on a month-to-month basis with signed agreements requiring 30-day notice, and that he was "fully insured." In response to specific questions, he further stated that all tenants would be men (no girlfriends), and that he would be living there as well.

Thinking the owner to be either quite naive and/or very poorly advised, we withheld any overt complaints, assuming someone else (family, friends, others in the general neighborhood) would convince him that what he was doing was improper and against City Code. We were wrong. We did learn that other subdivision residents were (and are) concerned that a lodging operation exists in a residence zone that specifically prohibits any business or even a "home occupation." But no one offered to file or support a complaint against the owner. Until your recent notification, we were unaware of any official action.

Our concern over the issue of lodging/solicited room rental in a subdivision zoned for single-family dwellings continued to grow as on-street parking and property maintenance at 505 Dickson Ave became issues. Not familiar with the specifics of zoning requirements and restrictions, we recently obtained a copy of the City Code, and we noted various applicable parts.

Of primary zoning and use significance are applicable portions of 10-3 which seem unequivocal namely that **"uses of land which are not expressly permitted within a Zone are expressly prohibited therein" (10-3-5)**. Characterizations of each of the residence zones (RP, RP-A, R-1, R-2, R-2A, R-3) are provided in 10-3-8 (and subsequent), and clearly state the permitted uses for each residence zone. The subject property is near the center of Alice Dickson Subdivision, amid lower-density housing zoned **Residence Park RP-A**. Clearly, **"boarding houses, lodging houses, and rooming houses"** are not permitted in RP-A, are not permitted until residence zone R-3, and even then have additional requirements with which Mr. Wood is not in compliance. For example: according to (10-3-5), **off-street parking** is required for lodging: *"one parking space shall be provided for each sleeping room or for each 100 square feet of floor area used for sleeping purposes..."*



We recently had another conversation with Mr. Wood and advised him of our findings. He stated that what he was doing was all legal because he had a lawyer tell him so. He noted that he has "another one" (house for rental of rooms). When "business license" was mentioned, he denied what he is doing is a business. He stated he was returning to school, acknowledged **he has not been living in his house**, and informed us that one of his longer-term tenants had effectively been made "manager" of the property at 505 Dickson Ave., so we could "deal with him in the future."

We have had no serious incidents with the activities at 505 Dickson Ave; no offensive parties, no disrespectful exchanges. But there have been problems of owner neglect of lawn and landscape, about which it was necessary to negotiate recently with the owner. The tenant parking problem has been an issue (including a delay of snow removal last winter, and an apparent contribution to a traffic accident). Particularly in view of owner absence, we have considered asking the owner for proof of adequate and appropriate liability insurance that would include his responsibility for tenants' actions (not normally covered for single-family dwellings).

Our great concern, though, is the negative effect that "lodging/room rental" (commercial or otherwise) will have on property values and neighborhood desirability, not only of our adjacent home, but those of the entire Alice Dickson area, and those of other low-density residence zones. There is this question: "If one is allowed, will that open it up for others?" Each Alice Dickson resident should be concerned and ask "do I want that next door to my home?"

We understand that Mr. Wood, through his attorney, is defending his position based on an unusual definition of "family." Based on the terms of tenancy, method of offering/advertising rental room availability, and owner absence, we feel it is clear his stated operation has nothing to do with "family" and is a profit-driven activity, which has no place in most residential zones.

We fully support your decision and expect you to deny any appeal. We hope the City will take this opportunity to address and strengthen the Code with respect to lodging/zoning definitions, especially in view of the likelihood of further challenges similar to that addressed in this letter.

Finally, we would like to thank whoever filed the complaint that led to your investigation.

You have our permission to use the above information and comments in defense of your decision to disallow lodging at 505 Dickson Ave., Idaho Falls, ID.

Harold F. (Frank) Bradburn

Marjorie M. (Margie) Bradburn

HFB
MMB

Kerry Beutler

From: RICK GOLDBACH <goldreko@msn.com>
Sent: Tuesday, June 14, 2016 9:47 AM
To: Kerry Beutler
Subject: Illegal Boarding House at 505 Dickson St.

Kerry Beutler
City of Idaho Falls
Planning & Building Assistant Planning Director

We want to submit this complaint on the illegal boarding house on-going operations currently conducted at 505 Dickson St., Idaho Falls, in the Alice Dickson Estates subdivision.

This neighborhood is zoned single family residential and such businesses are prohibited.

I am a licensed Real Estate Associate Broker in Idaho and understand the requirements of zoning and the importance of enforcement of these zoning regulations. I also recognize the negative impact on property values in neighborhoods where such illegal operations our allowed to be conducted.

We request the city take the required actions to stop this illegal operation.

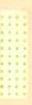
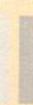
Sincerely,
Richard & Kristina Goldbach
2192 Enell St.
Idaho Falls, ID 83402

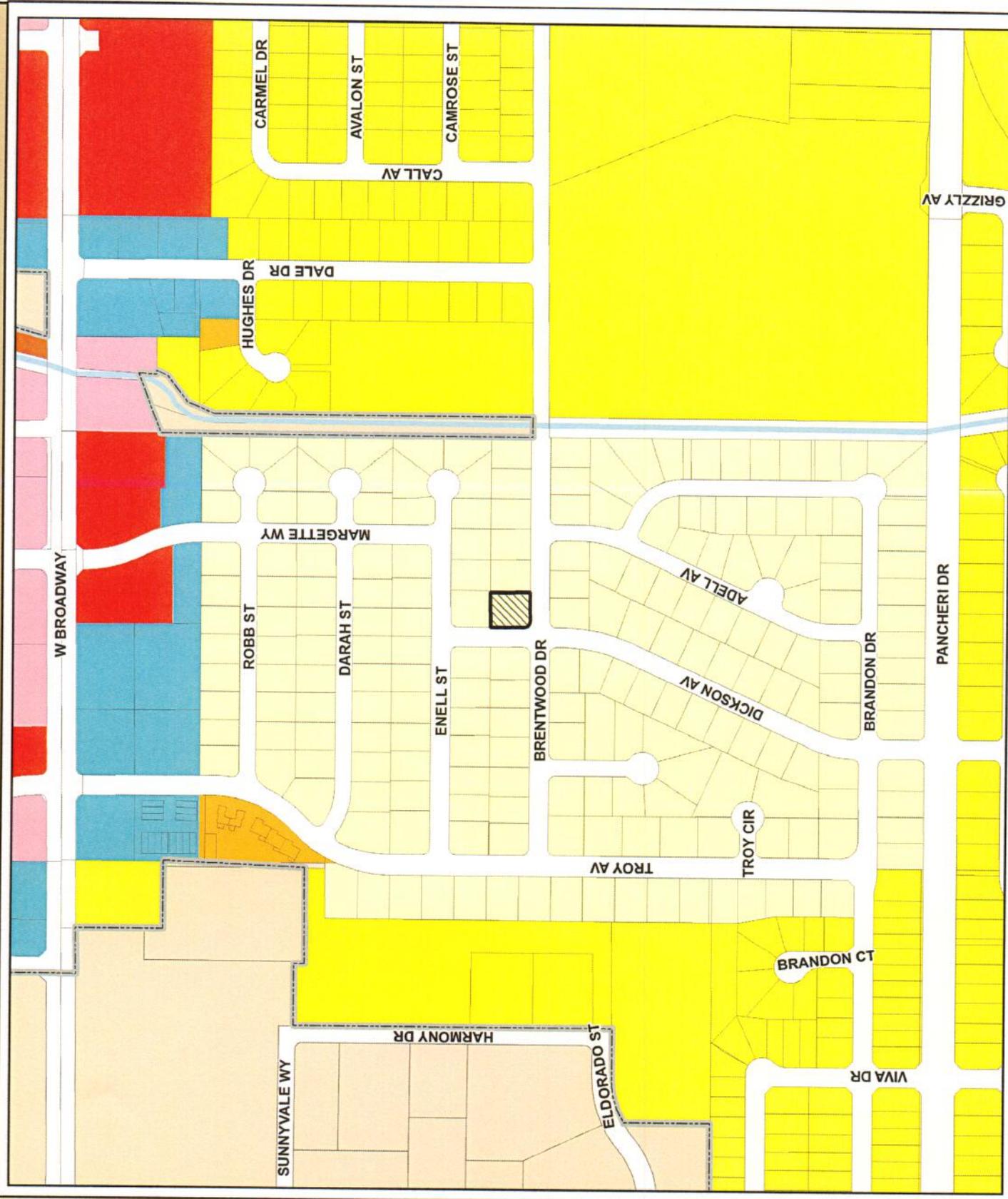
RICK GOLDBACH
Associate Broker
Century 21 High Desert
(208) 589-2707

Appeal

Lot 1, Block 7, Alice Dickson Division 3 (505 Dickson Ave.)

Legend

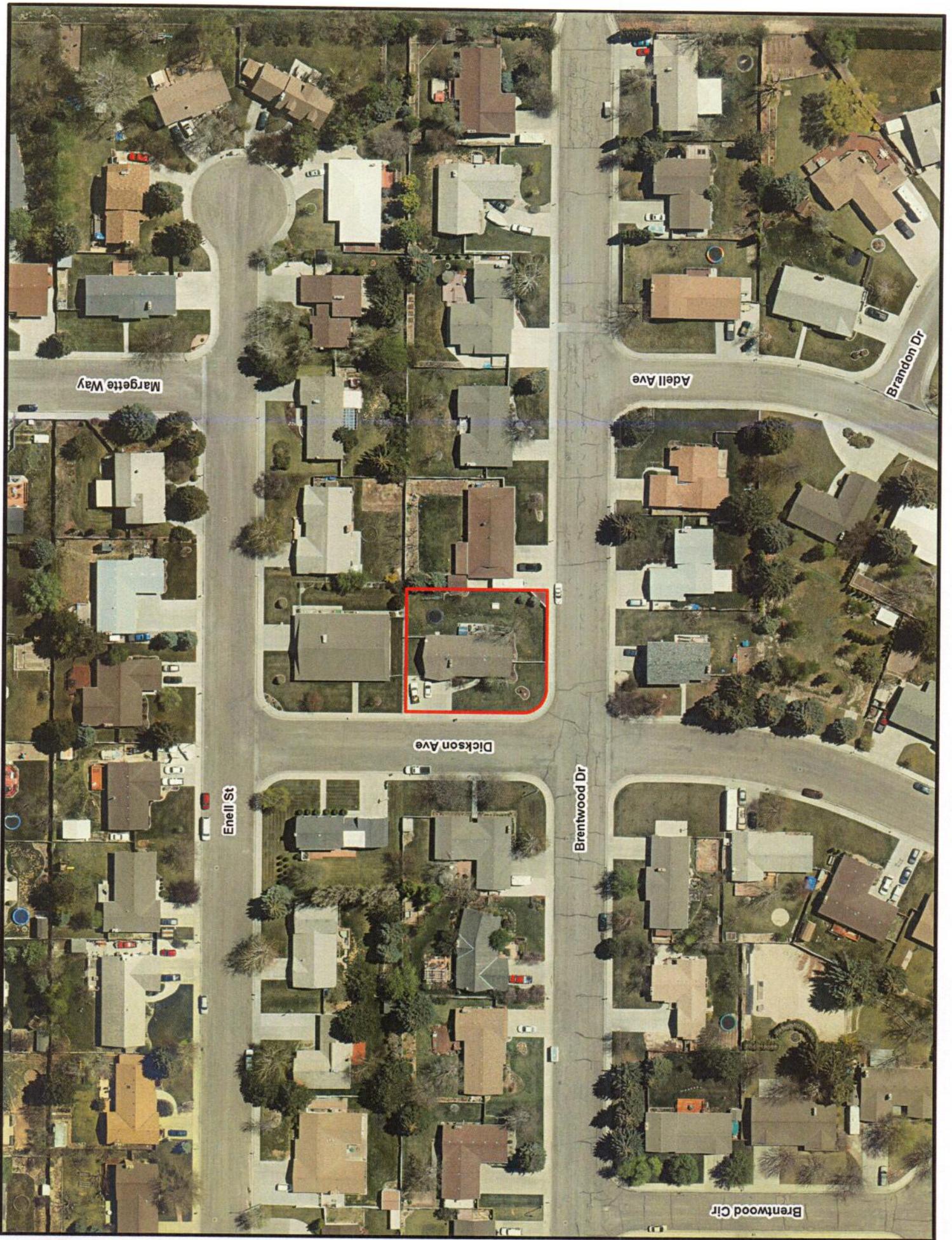
-  Site
-  RP
-  RP-A
-  R-1
-  R-2
-  R2A
-  R-3
-  R-3A
-  PB
-  MS
-  RSC-1
-  C-1
-  HC-1
-  CC-1
-  GC-1
-  R&D-1
-  M-1
-  I&M-1
-  I&M-2
-  RMH
-  PT-1
-  PT-2
-  PT-2 & T-1
-  PUD
-  T-1
-  T-2
-  30' Setback
-  50' Setback
-  City Limits
-  Area of Impact



IDAHO FALLS

Planning Division
 City Annex Building
 680 Park Ave.
 Idaho Falls, ID 83402
 (208) 612-8276

1" = 400'



Margette Way

Adell Ave

Brandon Dr

Dickson Ave

Enell St

Brentwood Dr

Brentwood Cir

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ALLEGED ERROR IN DETERMINATION OF THE ZONING ADMINISTRATOR AS PART OF AN ENFORCEMENT ACTION AT 505 DICKSON AVENUE

WHEREAS, the applicant filed an application for an Appeal on May 4, 2016; and

WHEREAS, a legal advertisement was published for the meeting on June 26, 2016; and

WHEREAS, this matter came before the Idaho Falls Board of Adjustment during a duly noticed public meeting on July 14, 2016 and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

The Idaho Falls Board of Adjustment considered the following criteria and standards and applied them to the final decision.

1. The Board of Adjustment considered the request pursuant to the City of Idaho Falls Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is currently zoned RP-A, Residence Park Zone.
3. A violation notice was sent to Mr. Wood on February 23, 2016 following inquiries from residents regarding the use of the property and Facebook posts identifying rooms for rent was provided to City staff.
4. The Zoning Ordinance defines a "Lodging House/Rooming House" as a building other than a hotel, tourist home or motel where sleeping accommodations are provided for compensation.
5. Mr. Wood's initial advertisement implies that his rent rates are based on the room, indicating different rates for a single bedroom or a shared room.
6. Testimony provided by adjacent property owners indicated that there is a high turnover in individual tenants, further demonstrating that tenants come and go based on their individual contracts with the Appellant and not as a household unit.
7. The Appellant has indicated that he leases to multiple tenants under a master co-tenant lease agreement. As co-tenants renters would deal with Mr. Wood, as a landlord, on an individual basis and not as a household unit as required by the Zoning Ordinance to qualify as a single-family unit.
8. A household unit does not include individuals who are solely bound together by contract.
9. A Lodging/Rooming House is not an allowed use within the R-PA Zone.
10. The City has enforced and interpreted these aspects of the Zoning Ordinance consistently throughout the City, classifying this use as a Lodging/Rooming House.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Board of Adjustment of the City of Idaho Falls concurs with the interpretation of the Zoning Administrator and denies the appeal and alleged error.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2016

Lee Richard, Chair