

CITY OF IDAHO FALLS  
BOARD OF ADJUSTMENT  
P.O. BOX 50220  
IDAHO FALLS ID 83405-0220  
(208) 612-8276

January 13, 2011  
12:15 p.m.

City Annex Building, Council Chambers  
680 Park Avenue

**Members Present:** Stephanie Austad; Alex Creek; Steve Davies; Richard Lee; Kendall Phillips; Len Stenzel; and James Wyatt.

**Members Absent:** Jake Cordova; and Hal Latin.

**Staff Present:** Brad Cramer, Assistant Director; and Debra Petty, Recording Secretary.

**Also Present:** The applicant(s).

**Changes to Agenda:** None.

**Call to Order:** The meeting was called to order at 12:15 p.m. by Chair Lee.

**Minutes:** **December 16, 2011.**

**Motion by Davies, seconded by Creek, to approve the minutes of December 16, 2010, as presented.**

**Aye:** Stephanie Austad; Alex Creek; Steve Davies; Chair Lee; Kendall Phillips; and James Wyatt.

**Nay:**

**Abstain:** Len Stenzel

**Public Hearings:** **Variance Request  
Lots 21-24, Block 12, Crows Addition  
301 S. Boulevard**

Cramer described the request as outlined in the staff report, a part of the public record. He noted the following in regard to the project:

- The request is to reduce the required front setback from 15-feet to 0-feet to allow a covered ADA (Americans with Disabilities Act) ramp to the basement of the Community Center.
- Building was constructed in 1922, prior to the adoption of the zoning ordinance, and has served as a church, bank, credit union, and currently as the Community Outreach Center.
- The property is zoned R-3A zone and requires a 15-foot setback from all streets; the remainder of the block is R-3 and requires a 20-foot setback from all streets.
- Average setback along the street is 20'5"; this structure is located 10-feet from the property line.
- A 15-foot wide area exists along the street, between the property line and curb, which includes the sidewalk and park strip, and in this case would act as a buffer between the ramp cover and street.
- Policy exempts required ADA ramps from setback requirements, but covers for ramps are not exempt.
- Posts will be anchored to the concrete ramp 8" from the property line.
- For a wheelchair to access the basement at the appropriate slope, the ramp changes direction a couple of times.
- Location of the ramp was limited by existing structural elements.

- Staff recommends approval of the variance due to the location of the building, the hardship was not a result of the owner, and the ramp cover is not considered detrimental to the neighborhood.

Cramer told Wyatt staff discussed exemption of ramps with legal counsel and determined it is appropriate. However, the Department of Justice states “reasonable accommodation” isn’t necessary when it is detrimental to the entire zoning scheme. An exemption for support posts increases the average allowed setback and allowable encroachment; necessitates a number of detailed changes within the ordinance; and is difficult to apply fairly across the board. As well, posts and covers must be designed and constructed to handle area snow loads. For now, a variance provides the most reasonable alternative.

Chair Lee opened the hearing to public comment.

**Dan Sanow**  
**3008 Westmoreland Circle**  
**Idaho Falls, ID**

Mr. Sanow is on the board that manages the facility and is responsible for clearing the ramp of ice and snow for the safety of their patrons. It is difficult and time consuming. A cover will eliminate much of the maintenance issues and keep the ramp open throughout the winter. The issue is one of safety.

Mr. Sanow told Creek they do not have the same issue with the ramp located on the west side of the building, and told Wyatt the building is equipped with rain gutters, but they fill with snow and ice that spill over on the north ramp. Mr. Sanow informed Davies heat tape is not installed in the gutters.

**Richard Stamper**  
**4400 Greenwillow Lane**  
**Idaho Falls, ID**

Mr. Stamper said drifting snow is the main factor for maintaining the ramp. It is possible to install ice cleats to prevent snow from sliding or blowing onto the public sidewalks and melt off at a more even pace. The cover is engineered by ES2, an engineering firm. Sidewalls, that could impact the view of motorist, are not being installed.

Chair Lee closed the hearing to public comment.

Discussion by the board: Creek is in favor of approving the variance request as outlined and suggested the applicant should consider covering the west ramp as well. Wyatt believes ice cleats are necessary for this application, but Davies believes that decision is one for the owner.

**Motion by Austad, seconded by Creek, to approve the variance request to reduce the required front setback from 15-feet to 0-feet to allow the construction of a cover for an ADA ramp for the reasons outlined in the staff report (i.e. undue hardship resulting from physical limitations of the property; hardship is not economic and was not created by the owner/occupant; and granting the variance is not in conflict with the public interest).**

**Aye:** Stephanie Austad; Alex Creek; Steve Davies; Chair Lee; Kendall Phillips; Len Stenzel; and James Wyatt.

**Nay:**

**Abstain:**

**Business:** Findings of Fact and Conclusions of Law for Lot 1, Block 1, Northgate Mile Addition, Division No. 1 (1115 Northgate Mile).

**Motion by Austad, seconded by Creek, to approve the Findings of Fact and Conclusions of Law for 1115 .**

**Aye:** Stephanie Austad; Alex Creek; Steve Davies; Chair Lee; Kendall Phillips; and James Wyatt.

**Nay:**

**Abstain:** Len Stenzel

**Miscellaneous:** There are no new applications for variances.

**Adjourn:** Meeting adjourned at 12:55 p.m.

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Debra Petty, Recording Secretary  
Board of Adjustment