

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

October 14, 2010  
12:15 p.m.

City Annex Building, Council Chambers  
680 Park Avenue

**Members Present:** Stephanie Austad; Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Kendall Phillips; Len Stenzel; and James Wyatt.

**Members Absent:** Richard Lee.

**Staff Present:** DaNiel Jose, Current Planner; and Debra Petty, Recording Secretary.

**Also Present:** The applicant(s) and one other interested citizen.

**Changes to Agenda:** None.

**Call to Order:** The meeting was called to order at 12:17 p.m. by Chair Davies.

**Minutes:** September 30, 2010.

**Motion by Cordova, seconded by Phillips, to approve the minutes of September 30, 2010, with the following corrections:**

**Pages 3, last paragraph, add comment by Cordova concerning the height and location of the sign.**

**Motion passed 7, 0, 0.**

**Public Hearings:** Variance Request  
South 5' Lot 9 & Lot 10, Block 10, Jennie Lee #4  
1313 Mojave Street

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

- The request is for an encroachment of 9-feet into the required rear yard to allow an existing covered patio and 7.5-feet into the required side yard to allow an existing shed.
- The covered patio and a shed existed when the new owner purchased the property.
- The new owner replaced the existing shed with a smaller shed in the same location and began enclosing the covered patio.
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- Staff was notified by the building inspector that the patio was being enclosed without the required permit(s).
- While investigating the patio enclosure, staff discovered the non-conforming shed.
- Access to the rear yard from the east is cut off by the placement of the shed.
- Staff recommends denial of the variance request as the lot is not unique; the structures have existed for 30-35 years, but were recently altered by the new owner.

Creek noted that a number of structures on neighboring lots are set close to the property line. Jose agreed, however, sheds may be placed on the property line if more than 12-feet to the rear of the home. Davies questioned the location of a patio cover on the neighboring property. Jose said it appears to encroach into the rear yard more than the one under consideration, but has no other information. Jose said the new shed was purchased at Home Depot.

Chair Davies opened the hearing to public comment.

**Bonnie Hammond**  
**1313 Mojave Drive**  
**Idaho Falls, ID**

Ms. Hammond stated each winter the previous owner would enclose the patio with sheets of plywood. The plywood sheets are heavy and blocked the view of the backyard. She believed the incorporation of windows and sliding glass doors to be an improvement to the home and, as she was not changing the perimeter of the existing structures did not believe a permit was required. The original shed was constructed like a lean-to and was attached to the neighbor's fence. The new shed is freestanding. She told Phillips the shed is anchored to a concrete floor and if moved would require a new floor and additional expense.

**Darren Campbell**  
**1313 Mojave Drive**  
**Idaho Falls, ID**

Mr. Campbell said he is the son of Ms. Hammond and is living with her. He understands the need for an open path in the side yard for safety and confirmed the shed is relatively easy to assemble and could be moved. However, emergency vehicles could access the property from the west. Davies pointed out an area on the lot where the shed could be safely and legally located and not impede access.

**Bonnie Hammond**  
**1313 Mojave Drive**  
**Idaho Falls, ID**

Ms. Hammond believes moving the shed would actually prevent access to the utility pole and the current location is best.

**Darren Campbell**  
**1313 Mojave Drive**  
**Idaho Falls, ID**

Mr. Campbell noted a 3-foot concrete retaining wall on the neighboring property that would prevent emergency or utility access through the side yard. He doesn't understand why the neighbor's yard is higher in elevation, but believes the best entry to the site is from the west.

Jose noted the location of an 8-foot utility easement in the east side yard on the Jennie Lee Division No 4 plat. Davies confirmed for Latin that because the shed is located in the easement the homeowner would be responsible for any expense to move the shed by emergency or utility vehicles. Davies does not like the placement of the shed as the roof slopes toward the home and neighboring property creating issues with water, ice, and snow. Jose said a stop work order was placed on construction by the building inspector and a permit is necessary to complete the enclosure. Currently the shell is wood sheeting, but will be sided with vinyl to match the home.

Chair Davies closed the hearing to public comment.

Discussion by the board: Phillips is concerned the enclosure may not be structurally sound. Creek does not have a problem with the roof construction and would approve a variance. Jose said the applicant must obtain the required permits to complete the enclosure. Davies noted the applicant is required to bring the patio up to code and may cost more than anticipated. Jose confirmed for Davies that the covered patio would most likely be grandfathered if the homeowner did not enclose the structure. Stenzel confirmed for the board, although the item was advertised as one it will be considered as two separate items.

Cordova viewed the shed as a fire issue and should be moved, but does not have an issue with granting a variance for the patio as the owner must acquire a permit.

**Motion by Phillips, seconded by Creek to grant the variance to reduce the side yard setback from 7.5 feet to 0 feet to allow an existing shed.**

**Aye:** Kendall Phillips.

**Nay:** Stephanie Austad; Jake Cordova; Alex Creek; Steven Davies; Hal Latin; Len Stenzel; and James Wyatt.

**Abstain:**

Chair Davies informed Ms. Hammond that the request to reduce the side yard to allow the existing shed was denied by the board. The shed must be moved or appeal the decision by the board to City Council.

**Motion by Latin, seconded by Creek to grant the variance to reduce the rear yard setback from 25 feet to 16 feet to allow an enclosed patio as it should be grandfathered due to the length of its existence.**

**Aye:** Stephanie Austad; Jake Cordova; Alex Creek; Steven Davies; Hal Latin; and James Wyatt.

**Nay:**

**Abstain:**

Chair Davies informed Ms. Hammond that the request to reduce the rear yard to allow the existing covered patio was approved by the board. However, a building permit is necessary to resume enclosing the structure.

**Miscellaneous:** The next meeting is Thursday, October 28, 2010.

**Adjourn:** Meeting adjourned at 1:00 PM.

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Debra Petty, Recording Secretary  
Board of Adjustment