

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

October 27, 2011
12:15 p.m.

City Annex Building, Council Chambers
680 Park Avenue

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

Members Absent: Steve Davies; Richard Lee;

Staff Present: Brad Cramer, assistant director; and Debra Petty, recording secretary.

Also Present: The applicant(s) and five interested citizens.

Changes to Agenda: None.

Call to Order: The meeting was called to order at 12:20 p.m. by Chair Phillips.

Minutes: September 22, 2011.

Motion by Cordova, seconded by Creek, to approve the minutes of September 22, 2011, as presented.

Aye: Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; Kendall Phillips; and James Wyatt.

Nay:

Abstain:

Public Hearings:

Variance Request

**Portion of E¹/₂, SE¹/₄ and the NE¹/₄, SE¹/₄ Section 21, T 2N, R 38E
1600 S. 25th East (Hitt Road)
Eastern Idaho Technical College**

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 for a variance is to increase the permitted size of a school sign from 60 square feet to 108.5 square feet, and permitted height from 15 feet to 21 feet.
- The sign will be located on the southwest corner of the intersection of Hitt Road and EITC's northernmost access.
- Permitted size for electronic message center signs for churches and schools is no greater than 24 square feet.
- The applicant is requesting an electronic message center of 50 square feet.
- Planning Commission has authority to adjust the size if they find it necessary to "assure visibility".
- On September 6, 2011, Planning Commission approved a conditional use permit for the 50 square foot message center; the sign now requires a variance for total square feet and for the height.
- EITC has frontage on two major arterials surrounded by commercial uses.
- United States Sign Council's formula for calculating appropriate size suggest the letters of the sign is a minimum of 15 inches tall.
- The sign will be located 25 feet from the property line; and 1,500 feet from the nearest home to the north and 1,100 feet from the nearest home on the west.
- There is a drop in elevation from the sidewalk to the proposed site for the sign; another reason for the change in height.
- The current size cannot accommodate the school logo and electronic message center.
- Staff recommends approval.

Wyatt asked if re-grading the site would eliminate the need for the increase in height. Cramer said it would not. The school is requesting the change in height in order to discourage vandalism. They want the sign to be at least 10 feet from the ground. As well, Cramer will let the applicant address the graphics located on the base of the sign.

Creek questioned whether the message center should be increased from what the applicant is asking. Cramer said Planning Commission governs the size of LED signs. Creek confirmed the applicant may not have animation, but are allowed to have static pictures, etc.

Chair Phillips opened the hearing to public comment.

Todd Wightman
1600 S. 25th East
Idaho Falls, ID

Mr. Wightman said the site was zoned R-1 and at the time Hitt Road did not exist. The school provides educational opportunities for a large cross section of the community. He does not believe the sign would be a negative impact on the neighborhood, but size and height of the sign is crucial for to ability of the school to reach the public a matter of seconds. The graphic of the falcon was a rendering and not necessary for the sign. Creek has a person interest in the school, but does not believe it will impact his ability to make an impartial decision.

Chair Phillips closed the hearing to public comment.

Motion by Cordova, seconded by Creek, to approve the request for a variance to increase the size of the sign from 60 square feet to 108.5 square feet and the height of the sign from 15 feet to 21 feet due to the large amount of frontage on Hitt Road, and it is located 1,500 feet from the nearest home.

Aye: Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; Kendall Phillips; and James Wyatt.

Nay:

Abstain:

Variance Request
Lot 20, Block 11, South Bel Aire, Division No. 4
125 Tabor Avenue

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 for a variance is to reduce the required front yard from 30 feet to 19 feet and the required side yard from 5 feet to 3 feet to allow a carport.
- The original carport was constructed sometime between 2004 and 2008; no permits were issued for construction.
- The carport is not compliant with building codes and must be removed.
- The applicant would like to replace the carport with one that is constructed to code in the same location and with the same size.
- Violations were discovered by Code Enforcement during a neighborhood cleanup.
- A number of variances have been granted in the Bel Aire as it is a unique neighborhood designed in the 1940's/1950's.
- Had the carport been constructed in the 50's there would be no issue with the carport.
- Staff recommends approval based on the design of the neighborhood designed for garages and parking to be in the front yard; the request is not unique and not created by the homeowner; and there is no harm to the neighborhood.

Ms. Hunt submitted photos to the commission known as Exhibits A-J and is part of the public record.

Cramer confirmed for Creek that the structure is considered a building as it has a roof. It must be replaced as representatives of the building department do not believe the welds to be of commercial grade. Cramer told Latin that there are other similar structures in the neighborhood.

Chair Phillips opened the public hearing to public comment.

**Lu Jean Hunt
125 Tabor Avenue
Idaho Falls, ID**

Ms. Hunt said the last two months have been very stressful. One of the conditions for moving into her home was to have a garage or carport. She thought everything was legitimate. Ms. Hunt submitted a letter written by a neighbor known as Exhibit K. Her neighbor is supportive of the carport.

The new carport will have a snow load rating of 40 pounds and building code only requires a rating of 30 pounds. She asked the commission to give consideration to her request as she relies on the protection it provides.

Chair Phillips closed the hearing to public comment.

Cordova is familiar with the neighborhood and noted the number of garages that are constructed to the sidewalk. He believes the request meets all three criteria for approval. His comments are based on the criteria and not aesthetics of the neighborhood.

Motion by Cordova, seconded by Latin, to approve the request for a variance to reduce the required front yard from 30 feet to 19 feet and 2 feet into the required 5 foot side yard setback, as it meets all the criteria for approval.

Aye: Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; Kendall Phillips; and James Wyatt.

Nay:

Abstain:

Business:

Findings of Fact and Conclusions of Law for Lot 1, Block 2, Skyline Terrace, Division No. 1.

Motion by Austad, seconded by Cordova, to approve the Findings of Fact and Conclusions of Law for 1612 Brentwood Drive, as presented.

Aye: Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; Kendall Phillips; and James Wyatt

Nay:

Abstain:

Findings of Fact and Conclusions of Law for M&B 0.16 acres SE Lot 1 NE ¼, Section 24, T 2N, R 37.

Cordova would like item 5 of the Findings of Fact to be included in the Conclusions of Law.

Motion by Crodova, seconded by Austad to approve the Findings of Fact and Conclusions of Law for 620 W. Broadway with the change as noted.

Aye: Stephanie Austad, Alex Creek, Jake Cordova; Hal Latin; Len Stenzel; Kendall Phillips; and James Wyatt

Nay:

Abstain:

Miscellaneous:

Adjourn: Meeting adjourned at 1:10 p.m.

Debra Petty, Recording Secretary
Board of Adjustment