

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

October 28, 2010  
12:15 p.m.

City Annex Building, Council Chambers  
680 Park Avenue

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

**Members Absent:** Stephanie Austad.

**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 12:20 p.m. by Chair Lee.

**Minutes:** **October 14, 2010.**

**Motion by Davies, seconded by Cordova, to approve the minutes of October 14, 2010, as presented.**

**Motion passed 8, 0, 0.**

**Public Hearings:** **Variance Request**  
**Lot 10 less W 1,663 Square Feet, Block 1, 1<sup>st</sup> Amended Blackburn, Division 1 & 2**  
**563 9<sup>th</sup> Street**

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 for a variance to the required front yard setback facing a public street from 15-feet to 0-feet.
- The applicant's rear yard fronts Flora Circle while the front of the home faces 9<sup>th</sup> Street.
- It is unique to have a through lot on a cul-de-sac.
- Without a variance the fence must be setback 15-feet, must be no higher than 3-feet, or constructed of a non-sight obscuring material such as chain link.
- Due to predominant wind patterns, staff is concerned the fence will blow over if not properly installed.
- Applicant contacted the Planning and Building offices and was instructed of the setback requirements for a fence.
- There are a number of zoning violations in the neighborhood due to the shape of the lots and orientation of the homes.
- The neighborhood is predominantly zoned residential with limited zoning for office to the west and commercial to the north.
- A "Stop Work Order" was issued by staff as the applicant did not obtain a permit and the posts along Flora Circle were being placed within the required setback.
- Per measurements by staff, the portion of the constructed fence is 10-feet in height.
- Staff recommends approval as the property fronts two (2) public streets, the lot is unique in shape, and slopes dramatically toward Flora Circle.
- Approval is recommended with the condition(s) the fence be no greater than 8-feet in height, the fence panels face outward along Flora Circle, and the posts be set into the ground no less than 1/3 the length of the posts.

Cramer clarified for Wyatt it is recommended the slats for the fence be on the outside of the rails next to the sidewalk on Flora Circle for aesthetic reasons.

Chair Lee opened the hearing to public comment.

**April Frederick**  
**563 9<sup>th</sup> Street**  
**Idaho Falls, ID**

Ms. Frederick noted the closest driveway is 45-feet from the proposed fence and does not count the building constructed for a shop now being used for a garage. The ordinance is for vehicular and pedestrian visibility and does not apply in this instance and has the approval of her neighbors. She did not realize she ordered twelve-foot posts rather than 10-foot posts until they were being set into the ground. Ms. Frederick prefers the slats on the inside of the rails, but is willing to comply with the staff recommendation. The issue is one of safety as she has a large number of high school students passing through her property. Ms. Frederick confirmed for Creek that the fence will have a man gate and a car/truck gate.

**Connie Carlson**  
**877 Flora Circle**  
**Idaho Falls, ID**

Ms. Carlson said their home is located to the east of the applicant. The past year has seen an increase of high school students cutting from Flora Circle to access 9<sup>th</sup> Street. This pattern was not deterred when the fencing was chain link. Last summer, vandals broke out the windows at the Greenhalgh's and they escaped through Ms. Frederick's backyard. The problem has become worse as more are made aware of the shortcut. She and her husband are in support of the proposed fence.

**William Hunsaker**  
**850 Flora Circle**  
**Idaho Falls, ID**

Mr. Hunsaker lives north and west of the property. He will submit his plans for a 6-foot privacy fence once Ms. Frederick's plan is approved, so he can extend the fence between their two properties. This may prevent the kids and meter readers from going through his property as well.

**Vicki Tracy**  
**550 8<sup>th</sup> Street**  
**Idaho Falls, ID**

Ms. Tracy has live in her home since 1997 and has watched the kids use Ms. Frederick's property as a cut-through, play on her trampoline, and smoke on her porch. Ms. Frederick is a single mother and is trying to keep her son safe. There have been a number of vandalisms in the area and she wants a more secure neighborhood so residents do not need to worry.

**Rochelle Greenhalgh**  
**830 Flora Circle**  
**Idaho Falls, ID**

Ms. Greenhalgh said last August her home had windows broken out and the vandals escaped through Ms. Frederick's yard. She sympathizes with her neighbor and believes she should be allowed to have the fence as it is not detrimental to the neighborhood.

**Al Call  
530 9<sup>th</sup> Street  
Idaho Falls, ID**

Mr. Call said he and his wife live across the street from Ms. Frederick's home and the office building on 9<sup>th</sup> Street. He has observed a number of kids and others passing through her property. Several years ago his property was vandalized. He believes the proposed fence would keep her property safe and trash from blowing into her yard.

Chair Lee closed the hearing to public comment.

Discussion by the board: Creek believes the request is reasonable based on the unique lot and a minimum fence height of 8-feet would help. The applicant is faced with health and safety issues and is in favor of granting the variance. Davies appreciates the investment by Ms. Frederick in the fence but believes it too is subject to graffiti/vandalism and has concerns with the engineering of an 8-foot fence. With predominant wind patterns, there would be 1,600 pounds of force on each fence post and questioned how staff determined the depth of each post. He does not understand why a 6-foot fence would not accomplish the same. Cramer said the applicant will need a five (5) dollar permit for the fence, but building staff does not inspect fences.

Cramer confirmed for Phillips the area on the eastern property is not a sidewalk, but a parking area for a garage/shop. Wyatt does not believe the fence will not be attractive regardless of slat placement. He believes placement of the slats on the outside of the rails does more to deter unwanted foot traffic, as passersby cannot get a foot hold, than it does for appearance.

Chair Lee opened the hearing to public comment.

**William Hunsaker  
850 Flora Circle  
Idaho Falls, ID**

Mr. Hunsaker has an 8-foot fence. He obtained a permit for the fence and had it done professionally. He knows that for an 8-foot fence the posts must be 2-feet in the ground and concrete 18-inches in diameter around the post. Wyatt said he had a professionally done fence and it still blew over in the wind. He believes more is better concerning depth of the posts and wants the applicant to have the fence installed properly.

Chair Lee closed the hearing to public comment.

**Motion by Davies, seconded by Cordova to approve the variance request to reduce the required front yard setback facing a public street from 15-feet to 0-feet for the installation of an 8-foot fence within the 15-foot setback on Flora Circle with the condition the slats within the said 15-feet be on the outside of the rail. The property is unique, is not economic in nature, and not detrimental to the neighborhood.**

**Aye:** Jake Cordova; Alex Creek; Steven Davies; Hal Latin; Richard Lee, Kendall Phillips; Len Stenzel; and James Wyatt.

**Nay:**

**Abstain:**

**Miscellaneous:**

1. Findings of Fact and Conclusions of Law for Lots 10-12, South 20' Lot 13, Block 73, Highland Park (947 Cassia Avenue).

**Motion by Creek, seconded by Cordova to approve the Findings of Fact and Conclusions of Law as corrected for 947 Cassia Avenue.**

**Aye:** Jake Cordova; Alex Creek; Steven Davies; Hal Latin; Richard Lee; Kendall Phillips; Len Stenzel; and James Wyatt.

**Nay:**

**Abstain:**

2. Findings of Fact and Conclusions of Law for Lot 1, Block 1, Sunnyside Crossroads Regional Center, Division No. 1 (3365 Outlet Boulevard).

**Motion by Davies, seconded by Cordova to approve the Findings of Fact and Conclusions of Law as presented for 3365 Outlet Boulevard.**

**Aye:** Jake Cordova; Alex Creek; Steven Davies; Hal Latin; Richard Lee; Kendall Phillips; Len Stenzel; and James Wyatt.

**Nay:**

**Abstain:**

3. The next meeting is Thursday, November 4, 2010.

**Adjourn:**

Meeting adjourned at 1:00 PM.

---

Debra Petty, Recording Secretary  
Board of Adjustment