

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

April 23, 2009  
12:15 p.m.

City Annex Building, Council Chambers  
680 Park Avenue

**Members Present:** Stephanie Austad; Alex Creek; Steve Davies; Hal Latin; Richard Lee; Kendall Phillips; Vice-chair Kurt Roland; Chair James Wyatt.

**Members Absent:** Jake Cordova.

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

**Also Present:** Applicant(s) and 2-3 concerned citizens.

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

**Minutes:** **March 12, 2009.**

**Motion by Creek, seconded by Davies to approve the minutes of March 12, 2009 with the following corrections:**

**Page 5, Business, Findings of Fact and Conclusions of Law, strike Wyatt as he did not participate in the approval vote.**

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

**Public Hearings:** **Variance Request**  
**Lots 25-28, & W 9' Lot 29, Block 44, Crows Addition**

Commissioner Richard Lee recused himself, as he knows the applicant.

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

- Property is located on the northeast corner of 12<sup>th</sup> Street and South Boulevard.
- Zoned R-2 on the east and R-3A on the west with a PT-2 overlay.
- In order to change land use, the PT-2 overlay requires a 30,000 square foot lot.
- The Planning Commission recommended approval to the Mayor and City Council of the land use change from a residential use to a financial advising use.
- Planning Commission asked that the Board of Adjustment require approval of two variances; a reduction in lot size required by the PT zone of 30,000 square feet to 13,625 square feet, and a reduction in the required parking from five (5) spaces to three (3) spaces and with the conditions that the use be limited to a financial advising business and limit the number of employees to two (2).
- Two site plans were prepared for consideration and the alternate plan with alley/driveway access from Boulevard is the plan recommended by the Planning Commission.
- The driveway approach from Boulevard will be widened, the shed to the north of the garage will be removed for visibility when exiting to the alley, handicap accessible ramp is located on the north side of the house to the rear entrance, and the handicapped parking stall is located across the driveway just north of the ramp.
- Mr. Trimp provided copies of his work schedule demonstrating that clientele is staggered during the work day to and he has only one staff member and will be able to function with limit parking.

- Planning Commission is in favor of a reduction in parking in order to preserve a number of mature trees on the property.
- Mr. Trimp is being sensitive to the desire of the neighbors who want to preserve the residential and historic character of the neighborhood by making as few changes as possible to the property.
- The garage on this property is unique and a contributing factor to the historic significance of the property and as such should allow some latitude for a variance.

Davies had Jose clarify that the Board is considering the reduction in the required lot size from 30,000 square feet to the existing 13,625 square feet; and that the use is conforming as it exists, but is being changed from residential to a professional business. Jose said at the recommendation of Planning Commission is to specifically limit the use to a financial advisory business so any future site changes would require review and approval by the Commission. It is a mechanism to safeguard the neighborhood from a high-impact use. The Commission was very specific in their recommendation to City Council that the use be limited to a financial advisory business.

Davies said he doesn't understand the need for the variances. Jose said it is the PT-2 overlay that changes the dynamics of the property. The lot was only 13,625 square feet when the PT-2 overlay was implemented, but with the overlay zone and change in use it requires the lot be 30,000 square feet.

Roland asked if parking on the street is allowed. Jose said it is and staff calculated that there are approximately 2-3 spaces on 12<sup>th</sup> Street and 1-2 on south Boulevard.

Chair Wyatt opened the hearing to public comment.

**Patrick Trimp  
6805 S. Sommer Drive  
Idaho Falls, ID**

- He has been looking for a number of years for a property in the general location of the one under consideration.
- He knows a number of business owners in the area and was happy when the property became available.
- The schedule provided staff shows that he does not have a large volume of clients on any given day reducing the need for the required number of parking spaces.
- It is of personal importance to maintain the appearance of a home as possible.

Trimp told Austand that he is planning to paint, repair the existing fence, a new roof, etc., but maintain the historic significance of the property. He told Davies he would like a cedar shake roof, but is not certain how that relates to the original character of the era.

**Stephanie Rose  
150 11<sup>th</sup> Street  
Idaho Falls, ID**

- Several neighbors were present for the Planning Commission hearing and had the opportunity to express support of Mr. Trimp and the proposed business.
- The property is nice looking and a great place and has good interaction with the street.

- Mr. Trimp has expressed to the neighbors a desire to preserve the character of the property and his plan maintains the appearance of the home and could easily revert to a residence.
- The proposed plan is a good compromise in regard to parking, preservation of mature trees, preservation of the historic character of the property, and follows the guidelines of Secretary of the Interior for adaptive reviews.
- Parking on the street is a fact of life for residents of the numbered streets.

**Jared Peterson**  
**135 12<sup>th</sup> Street**  
**Idaho Falls, ID**

- He is a member of the City of Idaho Falls Planning Commission.
- Echoed his support for approval of the variance requests for the Trimp property as outlined.
- When the PT overlay was put in place it was envisioned Boulevard would develop much like 17<sup>th</sup> Street.
- It does not seem appropriate, nor likely, that box stores such as Walgreen's or Rite Aid will develop along Boulevard.
- The citizens of Crow Creek Addition are working to create a conservation district that encompasses the numbered streets in an effort to protect the residential neighborhood, preserve its historic character, revitalize the area and promote the development of appropriate commerce for nodes of activity.
- Mr. Trimp's plan is in keeping with the long-term vision of the residents of the numbered streets.
- There is ample parking for the use proposed by Mr. Trimp.
- The property is a gateway to the numbered streets and a contributing house to the 11<sup>th</sup> Street Historic District and on the National Register.

Davies asked Peterson why the neighborhood doesn't petition to rezone the properties that have the PT overlay. Peterson said the neighbors are getting together to remove the PT overlay, rezone all the homes back to R-1, and create a conservation overlay. It is their desire to have some type of design guidelines for appropriate mixed uses. He said the Planning Commission did place the conditions on the variance so it remains a financial planning use with a maximum of two employees.

Creek questioned the restriction placed on the use. He believes if a professional office is an allowed use it does not seem right that restrictions be placed on the use. Peterson said the restriction can be made because of the PT overlay. Without it, Mr. Trimp could have any type of professional office. Creek expressed concern with enforcement of the restriction. Peterson said the neighbors are very watchful of their neighborhood and also believes that Mr. Trimp is very respectful of the desires of the neighborhood residents. Wyatt said the restrictions are in place and the mechanism for enforcement is beyond the control of the Board.

**Stephanie Rose**  
**150 11<sup>th</sup> Street**  
**Idaho Falls, ID**

Rose said they have a very active neighborhood association and is very watchful of the neighborhood. Within the neighborhood association known as COTHNA, the

organization is going to address some of the zoning laws to help protect historic neighborhoods and address parking issues.

Chair Wyatt closed the hearing to public comment.

Jose clarified for Austad that the reduction in parking is to 3 spaces, and said the PT zone functions much like a conditional use permit. The attorney for the City responded to the question brought up by Planning Commission and stated that some limitations on the use is appropriate as it is a site plan that is being approved. Any changes to the site would require a new review by the Commission.

Davies asked Jose if the Board needs to add the two conditions; limiting the number of employees to two, and limit the use to a financial planning business for approval of the two variance requests. Jose said the conditions were already set by the Planning Commission.

**Motion by Austad, seconded by Roland to approve the variance request for a reduction in lot size from 30,000 square feet to 13, 625 square feet and a variance request for the reduction in parking from five (5) spaces to three (3) spaces due to undue hardship posed by the historic nature of the neighborhood and the PT-2 overlay zone, that the hardship is not economic in nature, and is in agreement with the public interest.**

**Aye: Austad, Creek, Davies, Latin, Phillips, Roland, Wyatt.**

**Nay:**

**Abstain:**

**Business:**

- 1. Findings of Fact and Conclusions of Law for 5640 Glen Eagles Drive (Portions of Lots 10 & 11, Block 4, Fairway Estates, Division No. 2).**

**Motion by Davies, seconded by Creek to approve the Findings of Fact and Conclusions of Law for 5640 Glen Eagles Drive.**

**Aye: Austad, Creek, Davies, Latin, Lee, Phillips, and Roland.**

**Nay:**

**Abstain: Wyatt (Not present at hearing.)**

**Miscellaneous:**

**Adjourn:**

Meeting adjourned at 1:00 PM.

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Debra Petty, Recording Secretary  
Board of Adjustment