

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

June 16, 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; and James Wyatt.

**Members Absent:** Steve Davies; Richard Lee; and Kendall Phillips.

**Staff Present:** Renee Magee, director; and Debra Petty, recording secretary.

**Also Present:** The applicant(s) and property owner.

**Changes to Agenda:** None.

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

**Minutes:** April 28, 2011.

**Motion by Creek, seconded by Stenzel, to approve the minutes of April 28, 2011, as presented.**

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

**Nay:**

**Abstain:**

**Public Hearings:** Lot 1, Block 2, Skyline Terrace  
1612 Brentwood Drive

Magee 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 a variance to reduce the required 25-foot rear yard setback to 13-feet.
- The owner wants to construct an enclosed, tandem garage by adding a 20-foot structure off the rear of the carport and enclose the existing carport.
- The rear yard for this property is 33-feet.
- A variance was granted the neighboring property in 1983 to reduce the required rear yard by 7-feet.
- The home is on a corner lot and meets the 30-foot setback requirements from a public street; both Skyline and Brentwood Drives.
- An error, made by the county in GIS mapping, did not include the sidewalk in the road width calculation. The site plan provided by the applicant showing the property line to the rear of the sidewalk is correct.
- An alternative plan was presented to staff for the addition in the side yard adjacent to Skyline Drive.
- The shape of the lot is rectangular; is 9% larger than the average lot in Division No. 1; and has no unique features and staff recommends denial.

Magee confirmed the proposed addition and existing carport would be entirely enclosed. Creek suggested positioning the garage in a manner that meets the setback requirements and have a second access to the property from Skyline Drive. Magee said most likely a second access would not be granted the owner, as Skyline is an arterial.

Chair Cordova opened the hearing to public comment.

**Jason Donnelly**  
**4 N 3300 E**  
**Rigby, ID 83442**

Mr. Donnelly represents the homeowner, Allen Fugar. He is his son-in-law. This is the best scenario they have for creating a two-car garage on the property. The ordinance states they can use a certain percentage of the rear yard, nearly 700 square feet and they are only asking for 200 square feet. The way the law is written, he could construct the garage 1” off the rear of the home and a variance would not be required. He said the house next door received a variance for a similar addition and for the construction of a gazebo in the side yard. He does not believe granting the variance will adversely affect the comprehensive plan and is only asking to be able to do what the neighbor has done.

**Allen Fugar**  
**1612 Brentwood Drive**  
**Idaho Falls, ID 83402**

Mr. Fugar said an access from his property to Skyline Drive is not practical and very dangerous for motorists due to the grade of the road. He does not want to block the view of motorists with a structure, as the neighbors have done with their fence.

Chair Cordova closed the hearing to public comment.

Discussion by the board: Austad asked staff to clarify the comment made by the applicant a variance is not needed if the placement of the structure is 1” from the rear of the home. Magee said for a structure to be considered detached it should be separated at least 3-feet, but staff prefers 6-feet. A detached garage is possible, but challenging due to the 8-foot utility easement along the rear lot line. By offering to construct a tandem garage the applicant is preserving the setback along Skyline which is preferred by the city.

Chair Cordova opened the hearing to public comment.

**Jason Donnelly**  
**4 N 3300 E**  
**Rigby, ID 83442**

Mr. Donnelly’s understanding of the code is if there is less than 3-feet from the main structure to the addition a firewall is required. Magee explained to Creek that most zones do not require a side yard setback for an accessory structure if it is located 12-feet or more behind the rear of the main structure. Magee told Latin that even if the proposed structure were rotated 90° it would still require 20-feet of the rear yard and the angle becomes difficult to navigate without a large driveway. If a detached garage were located 5-feet to the rear of the home a variance is not required.

Mr. Donnelly said there are a number of windows at the rear of the home that prevent rotating the structure. Placing the addition 5-feet to the rear of the home also creates issues with snow removal. The ideal situation is to construct a two-car garage that encroaches into the side yard. The tandem garage is their best case scenario for approval of a variance. When asked by Austad if the variance to the rear yard is preferable to encroaching in the side yard, Magee said staff suggested to the applicant they are more likely to be granted a variance with a rear yard encroachment.

Chair Cordova closed the hearing to public comment.

Mr. Fugar requested to approach the board. Chair Cordova opened the hearing to public comment.

**Allen Fugar  
1612 Brentwood Drive  
Idaho Falls, ID 83402**

Mr. Fugar told the board a neighbor installed a fence on Skyline that blocks the view of motorists turning onto Skyline from Brentwood.

Chair Cordova closed the hearing to public comment.

Discussion: Austad believes the lot is unique in the sense that it is adjacent to an arterial street and the owner is prevented from accessing the rear yard from Skyline. As well, he is unable to construct a detached garage without being required to get a variance. Creek concurs. Cordova drives the street daily and finds this particular corner hazardous due to change in elevation and speed limit.

**Motion by Austad, seconded by Creek, to approve a 12-foot encroachment into the required 25-foot rear yard setback due to no access from arterial, the hardship is not the creation of the owner, and granting the variance will not be in conflict with public interest.**

**Aye:** Stephanie Austad; Alex Creek; Jake Cordova; Hal Latin; and Len Stenzel.

**Nay:** James Wyatt.

**Abstain:**

**Business:**

**Findings of Fact and Conclusions of Law for Lot 11, Block 9, Mill Run, Division No. 6 (1142 Caysie Circle).**

**Motion by Austad, seconded by Creek, to approve the Findings of Fact and Conclusions of Law for 1142 Caysie Circle as presented.**

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

**Nay:**

**Abstain:**

**Findings of Fact and Conclusions of Law for Lots 1 & 2, Block 13, Holmes Addition and East Portion of Legion Drive and County Courthouse (605 N. Capital).**

**Motion by Latin, seconded by Creek, to approve the Findings of Fact and Conclusions of Law for 605 N. Capital as presented.**

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

**Nay:**

**Abstain:**

**Miscellaneous:**

**Election of Officers**

**Motion by Latin, seconded by Creek, to reappoint Richard Lee as chair and Kendall Phillips as vice-chair.**

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

**Nay:**

**Abstain:**

**Adjourn:**

Meeting adjourned at 12:50 p.m.

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Debra Petty, Recording Secretary  
Board of Adjustment