

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

July 22, 2010
12:15 p.m.

City Annex Building, Council Chambers
680 Park Avenue

Members Present: Stephanie Austad; Alex Creek; Richard Lee; Len Stenzel; Kendall Phillips; and James Wyatt.

Members Absent: Jake Cordova; Steve Davies; and Hal Latin.

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

Also Present: The applicants.

Changes to Agenda: None.

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

Minutes: April 22, 2010.

Motion by Wyatt, seconded by Creek, to approve the minutes of April 22, 2010, as presented.

Motion passed 5, 0, 0.

Austad arrived at the meeting.

Public Hearings: **Variance Request**
Lot 37, Keefer Addition
145 Tautphaus Drive

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:

- Based on an average front setback, the request is for a variance to allow a covered porch that encroaches into the required 30-foot front yard setback by 2-feet.
- The property is not unique as it is similar in size and shape of the surrounding properties.
- Adjacent front setbacks range from 22-feet to 30-feet.
- A building permit was not issued for the covered porch.
- Code enforcement received notice of violation by concerned citizen.
- It is a health and safety issue for the applicant and she has support of her neighbors.
- Staff recommends denial, however, if approved by the board staff recommends the structure remain free of enclosed walls.

Jose confirmed for Wyatt the structure is 24'6" from the front property line. Creek said there is a provision for structures to encroach one-third into the required front setback and questioned whether the structure would be legal if the posts were removed and the cover cantilevered over the porch. Jose confirmed it would be a legal structure.

Chair Lee opened the hearing to public comment.

Teresa Bateman
145 Tautphaus Drive
Idaho Falls, ID

Ms. Bateman stated all the homes on the block face north and many are considering a similar structure. She has the support of her neighbors for the covered porch and there are

two letters in the file supporting the construction. The cover is needed due to health and safety issues and no intent to circumvent building requirements was intended, but she was told by staff and her builder a permit was not required. Exhibit A, a letter from the applicant's contractor, was entered into the record. Construction of the cover began in June.

Chair Lee closed the hearing to public comment.

Discussion by the Board: Creek believes the structure should be allowed, but remain free of enclosed walls. However, he did not believe can be a condition of approval. Austad said it is appropriate and should be a condition for approval.

Motion by Creek, seconded by Stenzel to approve the request for a variance to encroachment into the required 30-foot front yard setback by 2-feet with the condition the walls are not enclosed and approval is based on area snowfall, safety issues that are not the creation of the owner, and it is not in conflict with public interest.

Aye: Stephanie Austad; Alex Creek; Richard Lee; Len Stenzel; and Kendall Phillips.

Nay: James Wyatt.

Abstain:

**Variance Request: Portion Block 7, Highland Park Addition
955 I 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 a variance by the City of Idaho Falls to encroach into the southwest side yard setback by 3.34' and 20-feet into the required 30-foot front yard setback on the northeast for the well house.
- The intent is to replace an existing well house constructed in 1927.
- As gauges and pumps in the existing structure cannot be removed, a new, larger footing/foundation system is proposed.
- The lot is unique in shape and size.
- Staff recommends approval of the request.

Jose confirmed for Phillips the perimeter of the new footprint will be 18-24" larger than the existing structure. There are no clear-sight issues and when constructed in 1927 there were no zoning requirements. Wyatt disclosed that Karst's brother is employed by Wyatt's firm, but will not impact his decision.

Chair Lee opened the hearing to public comment.

**Kurt Karst
379 A Street
Idaho Falls, ID**

Mr. Karst said the City opted not to fence the site. The new footprint encroaches into the required setbacks, will extend 3'4" beyond the existing perimeter, and is 8-inches higher. Some trees will be removed to make room for the structure, but the site will be landscaped. Karst told Wyatt the building is being replaced due to unsafe conditions related to the age of the structure.

Chair Lee closed the hearing to public comment.

Discussion by the Board: Creek believes the encroachments are necessary and the unique property is not suitable for any other purpose.

Motion by Creek, seconded by Austad to approve the variance request for encroach into the southwest side yard setback by 3.34' and 20-feet into the required 30-foot front yard setback on the northeast for the well house as it is necessary for the health and safety of citizens, the lot is unique in shape and size, the hardship was not created by the owner, and is not in conflict with public interest.

Aye: Stephanie Austad; Alex Creek; Richard Lee; Kendall Phillips; Len Stenzel; and James Wyatt.

Nay:

Abstain:

Business:

Findings of Fact and Conclusions of Law for Lot 13, Block 2, 1st Amended Anderson-Jeppson (1494 Juniper Drive).

Motion by Austad, seconded by Creek to approve the Finding of Fact and Conclusions of Law for Lot 13, Block 2, 1st Amended Anderson-Jeppson (1494 Juniper Drive) as presented.

Aye: Stephanie Austad; Alex Creek; Richard Lee; Kendall Phillips; Len Stenzel; and James Wyatt.

Nay:

Abstain:

Miscellaneous:

The next meeting is Thursday, August 12, 2010.

Adjourn:

Meeting adjourned at 12:50 PM.

Debra Petty, Recording Secretary
Board of Adjustment