



**BOARD OF ADJUSTMENT**

September 23, 2025

Council Chambers  
680 Park Ave

**Members Present:** Nathan Kennedy - Chair, Ron Johnson Vice-Chair, Scott Larson, Jenna Price

**Staff Present:** Naysha Foster, Current Planner; David Peterson, Current Planner

**Call to Order:** Nathan Kennedy called the meeting to order at 5:55 p.m.

**Minutes:** Johnson made a motion to approve the minutes from August 26, 2025, Larson seconded the motion, and it carried unanimously.

**Public Hearing**

**VAR25-003:** Variance to reduce the rear setback for an addition to a residence.

Kennedy opened the public hearing.

**Applicant:** Debra Merrill, the applicant and occupant of 1958 Brentwood, Idaho Falls, Idaho, stated that her husband uses a 32-inch-wide walker, but the current 28-inch kitchen entry prevents him from safely accessing the kitchen, creating safety and independence concerns. He has significant medical conditions (strokes, brain injuries, heart attacks), and the home also serves as a Certified Family Home for three adults with intellectual disabilities, further limiting kitchen use and safety. A proposed east-side expansion would resolve accessibility issues and allow the home to function as a “forever home.” Expanding west instead would cause fire code issues, sprinkler system redesign, financial hardship, and block outdoor water access. The proposed expansion will not negatively impact neighbors or property lines, and the applicant requests approval of the variance to avoid undue hardship and preserve accessibility, safety, and quality of life.

Foster presented the staff report, a part of the record.

The Board asked Foster where the fire lane would be on this property. Foster said that because the property is on a corner lot the fire trucks could park on either street. They would not need to enter the property to fight a fire.

Chuck Mikelson, the applicant’s contractor, 796 7<sup>th</sup> North, Rexburg, Idaho, explained that multiple options were explored to improve accessibility, including adding a basement egress window on the west side for ADA fire safety, but space limitations and stair placement make alternatives unfeasible. The kitchen is extremely small—so small that even an RV kitchen is larger—and there is no way to expand within the existing footprint. Given the constraints, the proposed plan is the most practical and safest solution. Johnson asked if there is an ADA ramp going into the home? Mikelson said there is not a ramp yet but that will be easily installed when needed.

Merrill noted that while her husband currently uses a cane most of the time, his neurological condition will continue to worsen, reducing his mobility. They want this to remain their forever home and have already designed the new staircase to allow space for a future ramp on one side to accommodate his needs.

**Kennedy closed the public hearing.**

Board members expressed support for granting the variance, emphasizing that it should be narrowly defined as an ADA-related accommodation to avoid setting a broad precedent. They noted the balance between code compliance and the health and safety needs of the applicant's husband and residents in the home. Some members felt the hardship was valid, partly due to the original contractor's placement of the home and the unique dual street setbacks, which limit design options. Fire safety concerns were addressed, and members agreed the proposed expansion would not negatively impact surrounding properties. Overall, the board supported approval of the variance with staff's recommended setbacks.

**Johnson moved to approve the variance as presented with the staff's recommended setbacks. Larson seconded the motion. Larson, yes; Kennedy, yes; Johnson, yes. The motion passed unanimously.**

**The Reasoned Statement of Relevant Criteria and Standards will be presented to the Board for approval at the October 28, 2025, meeting.**

**Adjourned at 6:25 p.m.**

**Respectfully Submitted,  
Ann Peterson, Recording Secretary**