



BOARD OF ADJUSTMENT

February 25, 2025

Council Chambers
680 Park Ave

Members Present: Nathan Kennedy - Chair, Ron Johnson Vice-Chair (appeared telephonically), Scott Larson

Staff Present: Naysha Foster, Current Planner, David Peterson, Current Planner, Jacob Beck, Assistant City Attorney

Call to Order: Nathan Kennedy called the meeting to order at 5:43 p.m.

Minutes: Larson made a motion to approve the minutes from January 25, 2025, Johnson seconded the motion and it carried unanimously.

Public Hearing

VAR25-001: Variance to relieve the maximum front setbacks for residential structures in the TN, Traditional Neighborhood Zone due to the unique shape and location of the property.

Kennedy opened the public hearing.

Applicant: Barry Bame from Connect Engineering located at 2295 N Yellowstone, suite 6, Idaho Falls, Idaho, stated that they are seeking this variance to increase the maximum setback of this property in the TN, Traditional Neighborhood zone because of the unique shape of the property. He said they have done many layouts on this property to try and meet all requirements, but the setback is one they can't get around because of the unique shape and fire access. Fire code won't allow access off the alley because the alley is not wide enough. To meet the Fire codes, they need to come in from the front, which also pushes the dwelling back. Bame informed the Board that if granted the increased setback, they will still have to plat the lots, go through site plan review, public improvement review, will have to meet all Public Works Requirements, all the Fire zoning requirements, and Planning requirements. He said that this is an infill lot, which will be good to see something go there. There are other unique challenges with the lot such as rock. At the time of construction, the developer and contractor will work through all challenges regarding development on this property.

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

Support/Opposition: Annette Harvey, 1123 Canyon Avenue, Idaho Falls, Idaho, who's west end of property is up against the alley where the development is planned to go. Harvey said that there are a few concerns with this development. She said at the dead end of the alley there is a triangular piece that the City of Idaho Falls owns. What is the City going to be doing with that piece of property, leave it as a weed patch? Harvey has called the city many times to have someone mow it down and nothing ever happens. Harvey is also concerned that the alley is already narrow. Allowing parking in the back may cause issues with backing into the alley and hitting existing fences. She is also concerned about public utilities in the alley as they have huge ponds there during inclement weather. The alley also has a very

steep incline to the south onto Shelley Avenue. She stated that is difficult to get in and out during the winter due to snow and ice.

Marisa Trejo, 1112 Elmore, Idaho Falls, Idaho, lives next door to the property. Trejo said there is a lot of lava on the property. She is worried about blasting that lava rock and it damaging her foundation or if they build on top of the rock that water will run onto her property and flood her basement. She is also concerned that having a street built in front of her yard will block access to her driveway.

Ryan Morgan, 1135 Canyon Avenue, Idaho Falls, Idaho, agrees with comments already made and wonders about the city owned property at the end of the development. Morgan hopes that it will be utilized, maybe for traffic so it would eliminate traffic in the alleyway.

Richard Braun, 1145 Canyon Avenue, Idaho Falls, Idaho, agrees with comments already made and is concerned about the traffic they are going to gain. He is also concerned about being able to pull his camp trailer out through the narrow alley.

Bame responded that these are all valid questions and concerns. Bame stated that a lot of the concerns apply more to development than with the variance for the setbacks. He said that they had a pre-design meeting with the city to discuss the city owned parcel at the end of the development and they are under talks to utilize this as a joint use. Perhaps using that patch as a storm pond for water collection that the HOA would maintain. Bame stated that city code does not allow for parking in the alley. He said that the telephone poles in alley will stay put or be moved inside of an easement. Bame stated that he agrees that the alley is very narrow and having a second access will help with those concerns. He said that they will meet the minimum code of six-foot water depth whether that is blasting or chipping he doesn't know at this time. Bame explained to the Board that because the alley is narrower than Fire allows, they are adding a hammerhead turnaround. He said that hopefully this helps with the backing up or alley access in this area. Bame said that they did look at potentially moving the units further to the right-away but doing this basically leaves the whole site in concrete. Regardless of what gets developed on the property, there's still the walkthroughs that will have to be done with site plans and work with Public Works.

Larson asked what sort of safety precautions are in place to ensure that existing structures and utilities are not damaged?

Bame explained that the goal has always been to maintain existing structures and possibly work with Public Works and neighbors to improve certain situations.

Foster reiterated that the decision of the Board is not to decide if the developer can build, but if approving the increased setback would be a detriment to the neighborhood.

Kennedy closed the public hearing.

Johnson understands residence concerns but believes this could actually be a benefit for the neighborhood.

Larson said that they don't have the full scope of what this property is going to be so talking if this is going to be detrimental to the people, obviously they've echoed that. There's going to be several issues about getting preexisting things worked out which should be done throughout the process of development.

Kennedy said that he does not believe that the variance is going to hinder or improve any of the issues stated in the meeting.

Kennedy moved to approve the variance beyond the required maximum of 20 feet as submitted. Johnson seconded the motion. Larson, yes; Kennedy, yes; Johnson, yes. The motion passed unanimously.

Johnson moved to approve the Reasoned Statement of Relevant Criteria and Standards as presented. Larson seconded the motion. Larson, yes; Kennedy, yes; Johnson, yes. The motion passed unanimously.

Miscellaneous

BOA Training: Canceled for next meeting.

Adjourned at 6:21 p.m.

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