

**PLANNING COMMISSION AGENDA**  
**COEUR D'ALENE PUBLIC LIBRARY**  
**LOWER LEVEL, COMMUNITY ROOM**  
**702 E. FRONT AVENUE**

**JANUARY 8, 2019**

**THE PLANNING COMMISSION'S VISION OF ITS ROLE IN THE COMMUNITY**

The Planning Commission sees its role as the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

**5:30 P.M. CALL TO ORDER:**

**ROLL CALL:** Messina, Fleming, Ingalls, Luttropp, Mandel, Rumpler, Ward

**PUBLIC COMMENTS:**

**STAFF COMMENTS:**

**PUBLIC HEARINGS:** \*\*\*ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS.

1. Applicant: Ian and Julie Mahuron  
Location: 1344 E. Young Avenue  
Request: Grant variance of 18' height restriction of accessory building.  
Ridge of accessory garage exceeds the restriction by 10 inches.  
QUASI-JUDICIAL, ([V-1-19](#))


**UPDATE:**

Comprehensive Plan – Sean Holm


**ADJOURNMENT/CONTINUATION:**

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_,  
to continue meeting to \_\_\_\_\_, \_\_, at \_\_ p.m.; motion carried unanimously.  
Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adjourn meeting; motion carried unanimously.

***\*The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Shana Stuhlmiller at (208)769-2240 at least 72 hours in advance of the meeting date and time.***



# **PUBLIC HEARING**



**PLANNING COMMISSION  
STAFF REPORT**

**FROM:** TAMI A. STROUD, ASSOCIATE PLANNER

**DATE:** JANUARY 8, 2018

**SUBJECT:** **V-1-19:** +/- 10" HEIGHT VARIANCE FOR AN ACCESSORY STRUCTURE IN THE R-12 ZONE (RESIDENTIAL AT 12 UNITS/ACRE) ZONING DISTRICT

**LOCATION:** +/- 8,799 SQ. FT. PARCEL AT 1344 E. YOUNG AVENUE

**APPLICANT/OWNER:**

**APPLICANT'S  
REPRESENTATIVE/CONTRACTOR:**

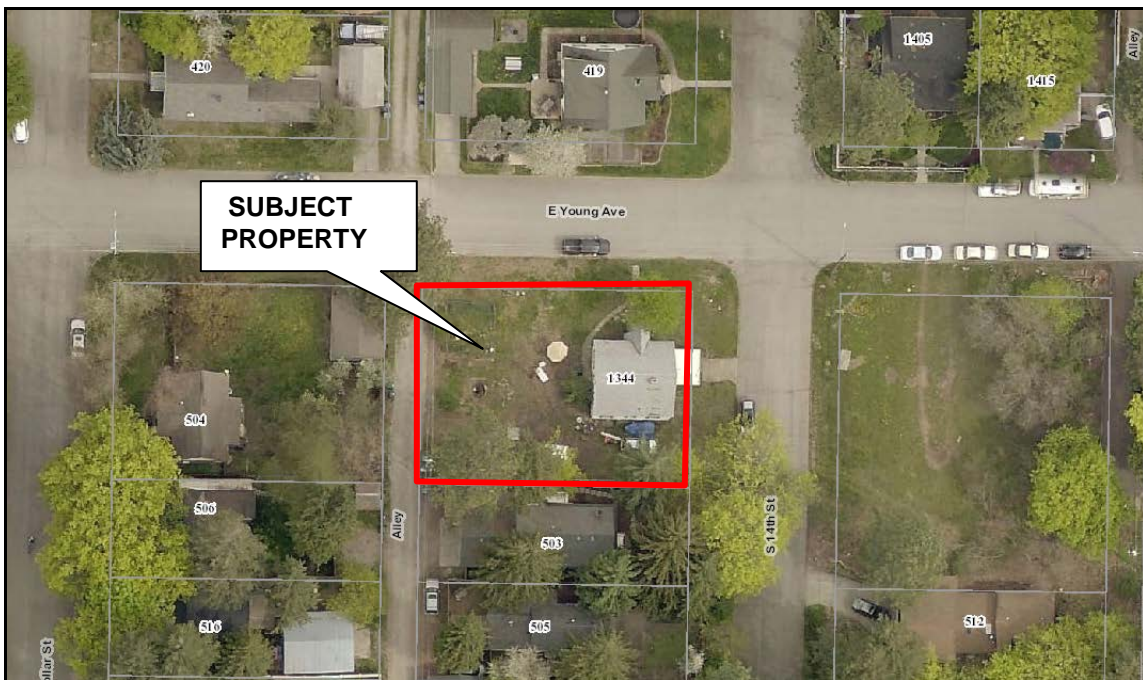
Ian & Julie Mahuron  
1344 E. Young Ave.  
Coeur d'Alene, ID 83814

Charlie Rens  
11100 N. Strahorn Road  
Hayden, ID 83815

**DECISION POINT:**

Ian and Julie Mahuron are requesting a variance to the height requirement for accessory structures in the rear yard, to allow an accessory structure to be 18 feet 10 inches, rather than 18 feet as required.

**A. AERIAL MAP:**



**B. GENERAL INFORMATION:**

On August 8, 2018, a building permit was issued for a +/- 3,954 sq. ft. addition to an existing single-family dwelling unit located on the southeast corner of 14<sup>th</sup> Street and Young Avenue. The addition includes living space, a 3 car garage which faces Young Avenue, and a +/- 532 sq. ft. "garage/shop" with a garage door access along the alley. The property owner's contractor contacted city staff to inform them of an error in the manufacturing of the trusses at the truss plant, and rather than the 6:12 truss, trusses with a 7:12 pitch were installed on the accessory structure portion of the home. The purpose of the request is for the approval of a variance to allow the height of an accessory structure, located in the rear yard (Rear 25') to exceed the required maximum height limit of 18' and be allowed to be over height by 10". The below code section pertains to the procedure for a Variance request.

**C. PROCEDURE FOR CONSIDERATION OF A VARIANCE:**

As outlined in the City Code under Section 17.09.615 and consistent with state law, an application for a variance from a provision of this title with respect to a modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking provisions, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots or the size of lots, shall be considered by the Planning Commission with an appeal allowable to the City Council. **A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.** Circumstances warranting a variance would be natural and physical site characteristics such as a rock outcropping or natural spring. A variance may not be self-imposed.

**D. SITE PHOTOS:**

*See photos starting on the next page.*

Looking south on Young Avenue at the single-family prior to +/- 3900 sq. ft. addition currently under construction.



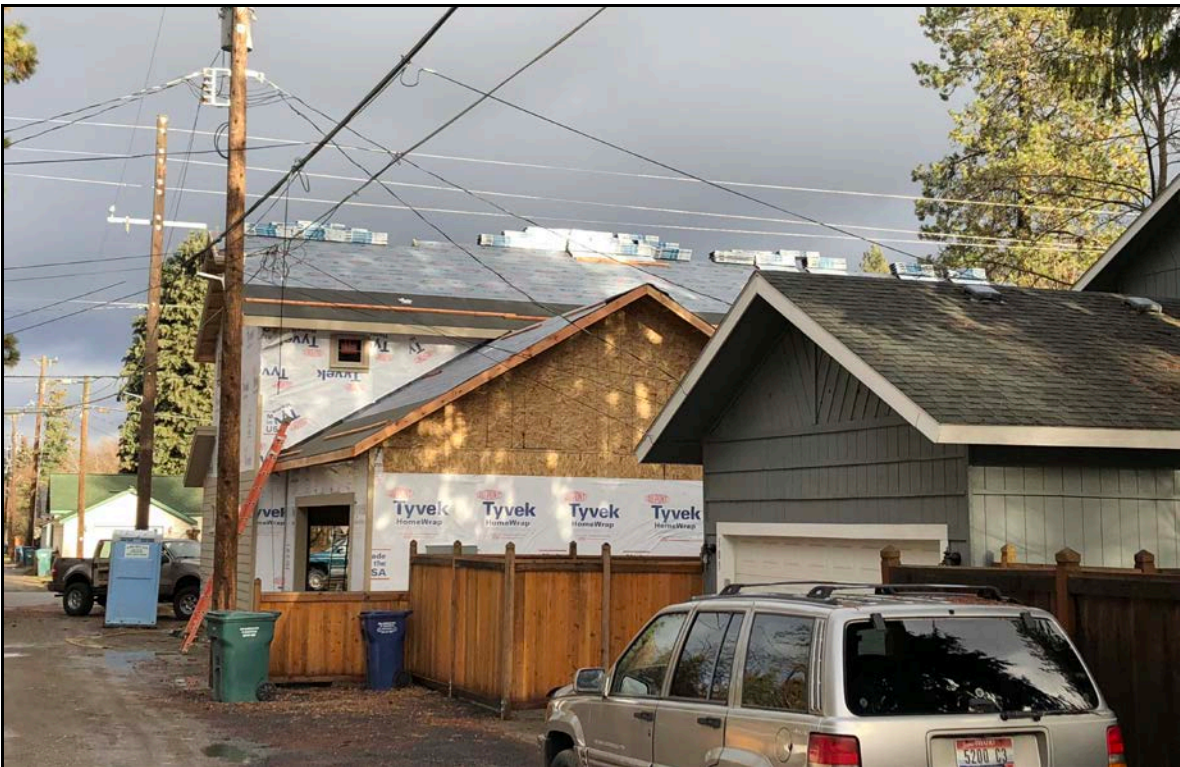
View of the subject property currently under construction, looking west from 14<sup>th</sup> Street



*Looking east along Young Avenue toward the subject property*



*View from the alley looking north at the accessory structure on the right currently under construction*



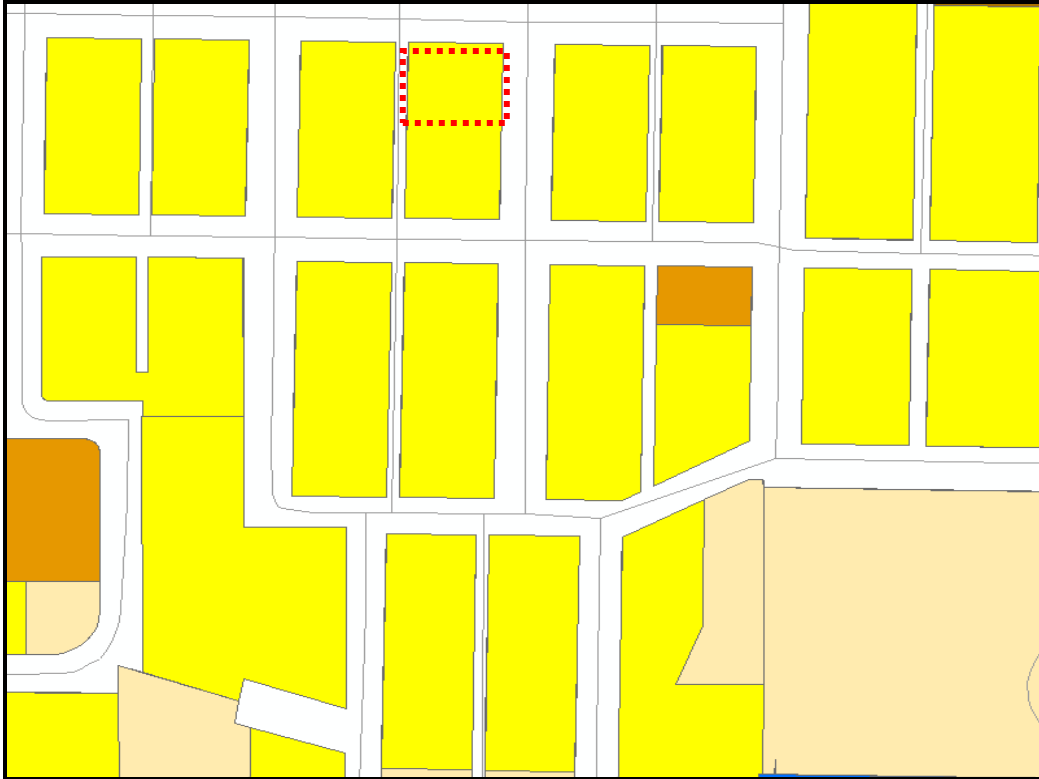
View from the alley looking north at the accessory structure portion of the home on the right, currently under construction



D. Zoning (subject property is zoned R-12)



E. Existing Land Use (yellow indicates single-family residential).



F. Land uses in the area include residential - single-family, duplex housing and multi-family,

G. The subject has a single-family home on it that is currently under renovation with the addition of +/- 3900 square feet.

**E. PERFORMANCE ANALYSIS:**

A. Zoning:

The subject property is currently zoned R-12 (Residential at 12 units/acre) zoning district. The zoning classification's setbacks and height requirements for an accessory structure are as follows.

**17.06.425: MINIMUM SETBACK AT REAR AND SIDE LOT LINES:**

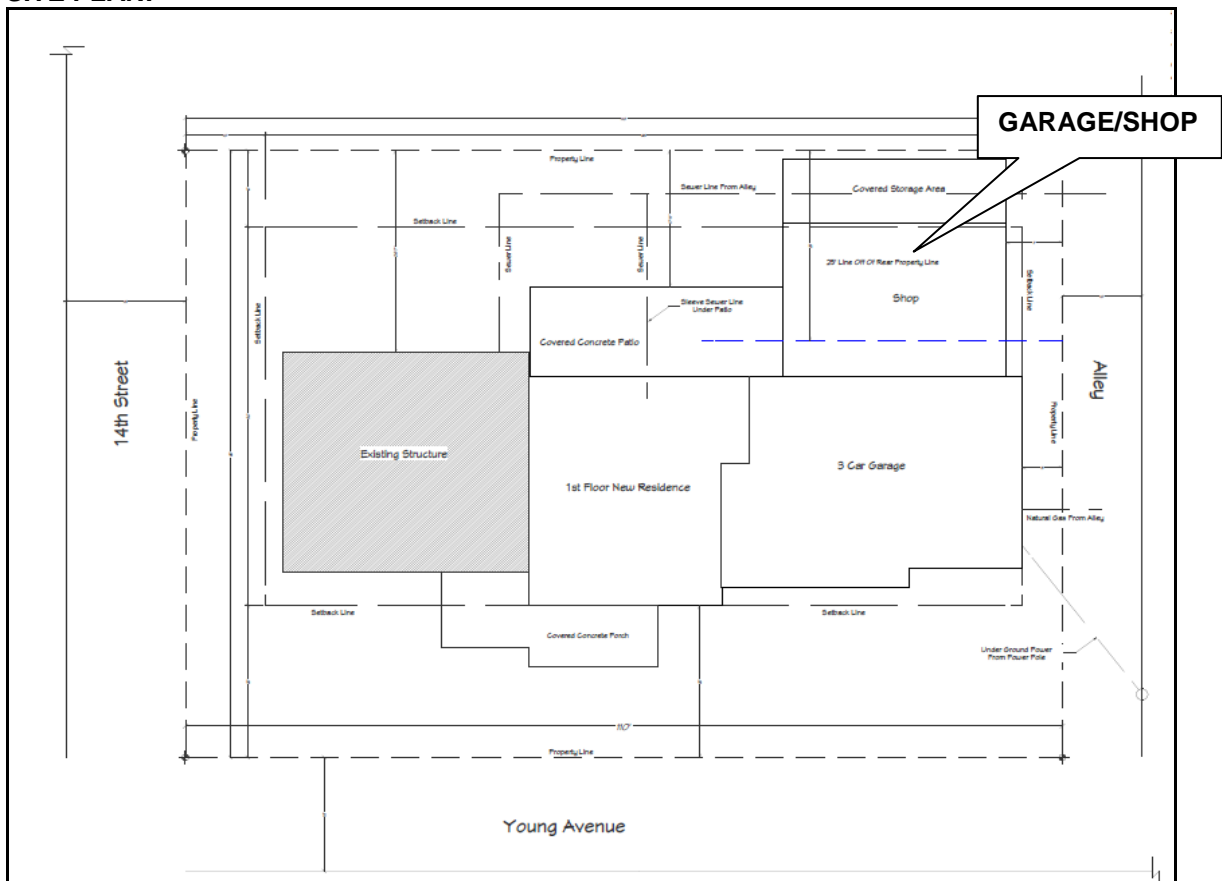
Setbacks for accessory structures located in the rear twenty five feet (25') of a lot:

A. Side Yard: All accessory structures shall be set back from the side lot line at least five feet (5').



1. However, an accessory structure may be set back three feet (3') from the side property line provided the roof does not slope toward the side property line.
  2. A detached accessory structure may encroach up to three feet (3') beyond the twenty five foot (25') rear yard and still maintain the above mentioned requirement, provided the height of the detached structure does not exceed eighteen feet
- B. Rear Yard: All accessory structures shall be set back from the rear lot line at least five feet (5').
1. However, an accessory structure may be set back three feet (3') from the rear property line, provided the roof does not slope toward the rear property line.
  2. Lots with an alley in the rear of the lot may have an accessory structure that can be setback three feet (3') from the rear property line regardless of how the roof is sloped.
  3. **A detached accessory structure may encroach up to three feet (3') beyond the twenty five foot (25') rear yard and still maintain the above mentioned requirements, provided the height of the detached structure does not exceed eighteen feet (18'). (Ord. 3600, 2018)**

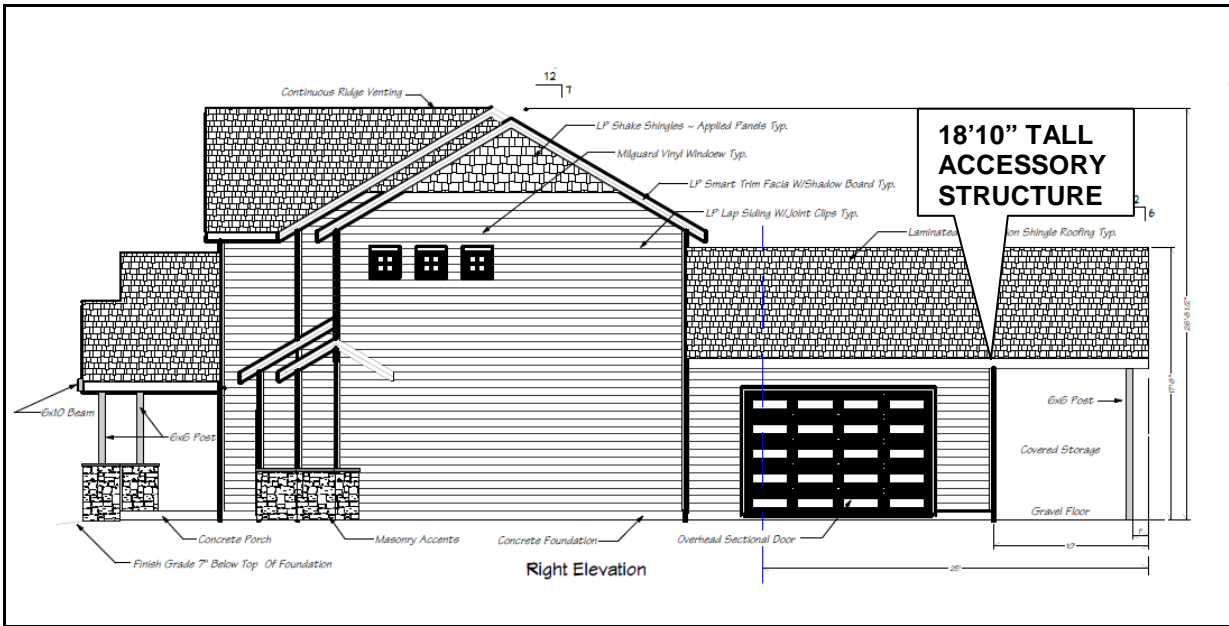
**SITE PLAN:**



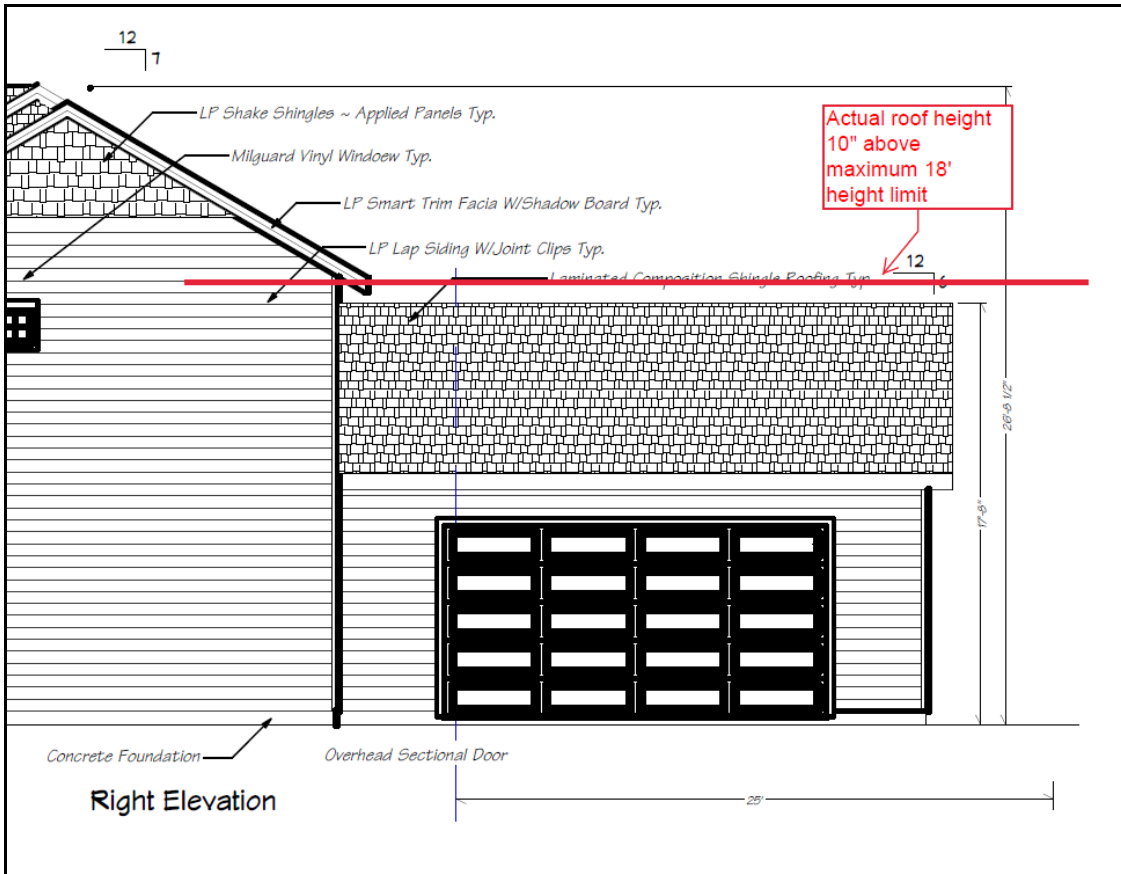
**NORTH ELEVATION ALONG YOUNG AVENUE:**



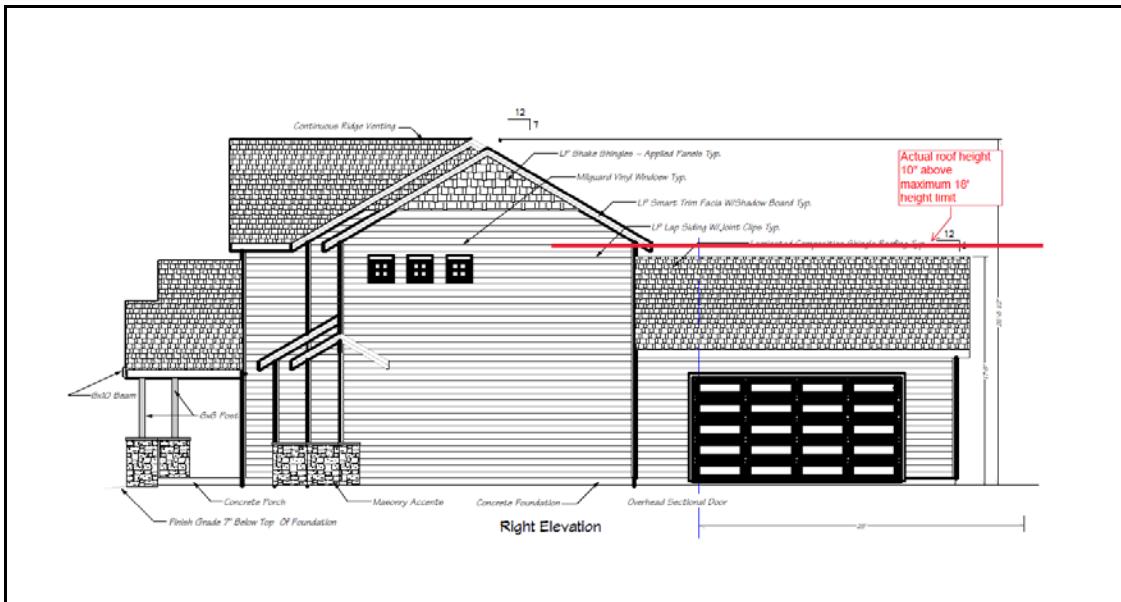
**WEST ELEVATION ALONG ALLEY:**



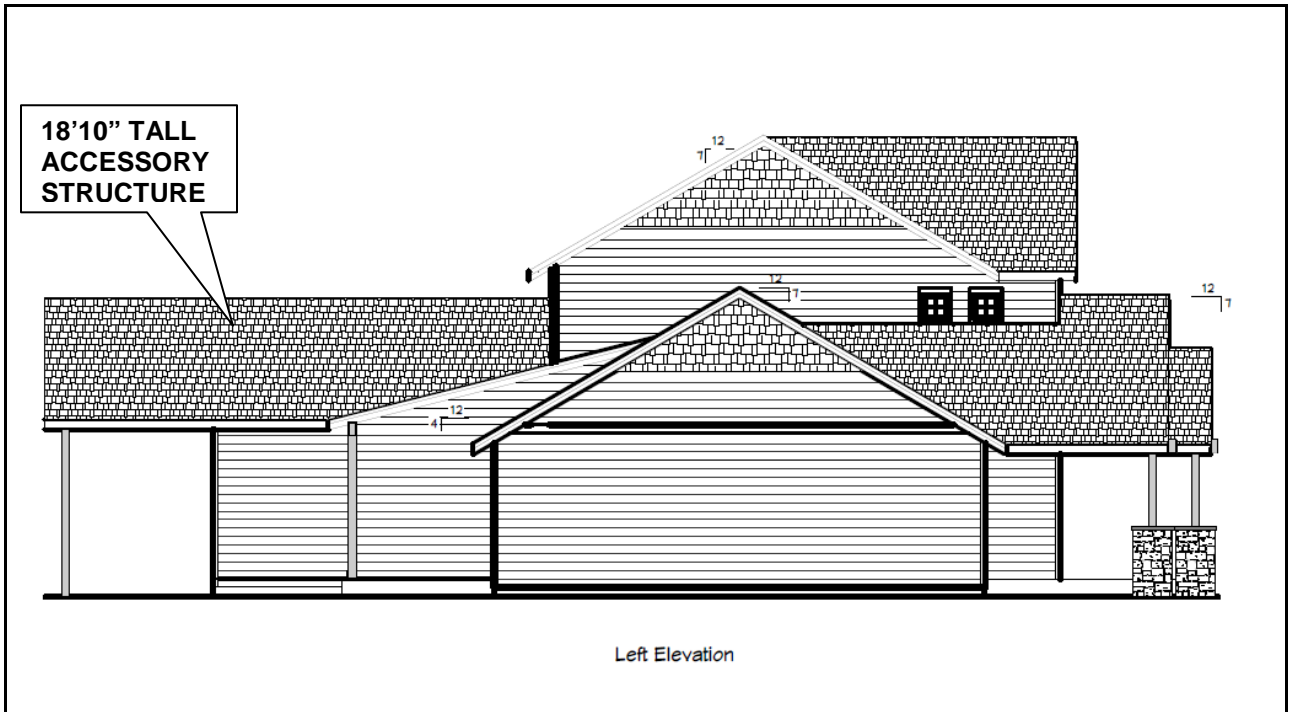
**WEST ELEVATION (CLOSE-UP VIEW):**



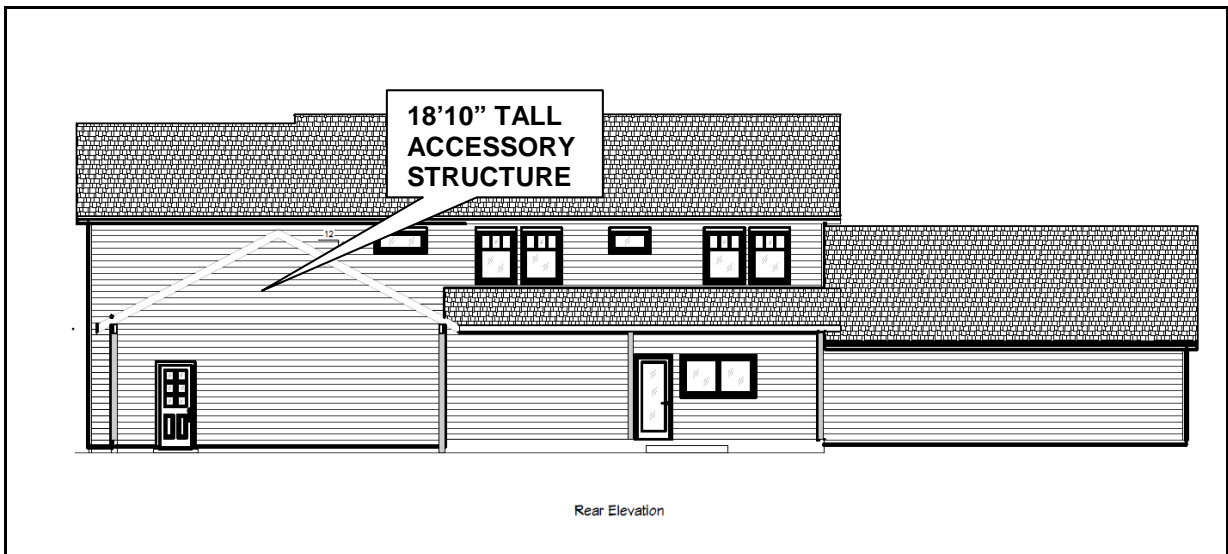
**WEST ELEVATION:**



**EAST ELEVATION ALONG 14TH STREET:**



**SOUTH ELEVATION:**



## F. REQUIRED FINDINGS FOR A VARIANCE:

Pursuant to Section 17.09.620, Variance Criteria, a variance may be granted only when the applicant has demonstrated that **all** the variance criteria conditions are present in the affirmative:

**Finding B8A:            There is an undue hardship because of the physical characteristics of the site.**

Idaho code section 67-6516 establishes the authority to grant a variance subject to the following:

*“Each governing board shall provide, as part of the zoning ordinance, for the processing of applications for variance permits. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.”*

There is slight elevation change on the far west side of the subject property; however, the remainder of the lot is flat. There is an alley along the west side of the property where the garage door is located to access the portion of the accessory structure that is over height by 10 inches (10”). The home is currently under construction.

The applicant noted in the Narrative submitted with the application that the undue hardship would be the requirement to remove the portion of the structure over height would cause construction delays, and a financial burden for multiple parties related to the construction project.

There are no physical characteristics of the site, such as topography changes, steep slopes, or rock outcrops that would that would prevent the property owner from meeting the required 18’ height limit for the accessory structure in the rear yard.

In staff’s opinion, the hardship is self-imposed and not due to the physical characteristics of the site.

**Evaluation:    *The Planning Commission must determine, based on the information before them, whether or not there is an undue hardship because of the physical characteristics of the site.***

**Finding B8B: The variance is not in conflict with the public interest.**

Within the area surrounding the subject property, there are single-family homes, several duplexes and a nearby multi-family structure to the west along 15<sup>th</sup> Street. The subject property is zoned R-12, with R-12 zoning surrounding the area then the neighborhood transitions to R-8 zoning to the south and west.. In both of these districts, the maximum height is for a principal structure is 32 feet and maximum height for an accessory structure is 18' from the peak of the roof to the average finish grade.

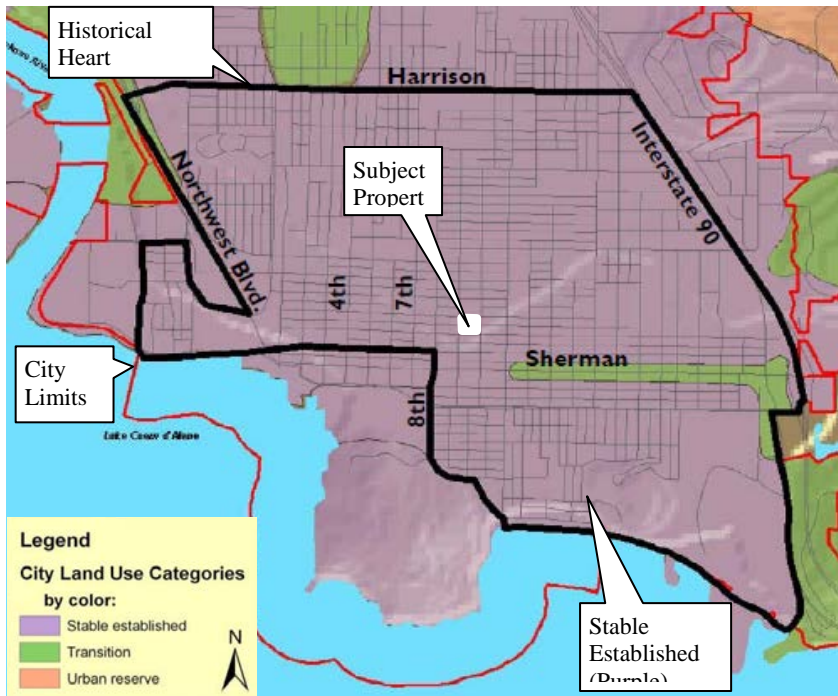
In determining if the proposed 18'10" height will not be in conflict with public interest, the Commission can only consider the impact of the 10" portion of the structure over the 18 foot allowable height in the R-12 district. The only portion of the exiting building above 18 feet is the section of roof right at the ridgeline of the building.

In staff's opinion, if this variance request is approved without meeting the undue hardship requirement due to physical characteristics of the site, more variance requests will follow.

**Evaluation:** *The Planning Commission must determine, based on the information before them, whether or not the variance is in conflict with the public interest.*

**Finding B8C: The granting of said variance will be in conformance with the comprehensive plan.**

Land Use: Historical Heart



**Stable Established:**

*These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.*

### **Historical Heart Today:**

The historical heart of Coeur d'Alene contains a mix of uses with an array of historic residential, commercial, recreational, and mixed uses. A traditional, tree-lined, small block, grid style street system with alleys is the norm in this area. Neighborhood schools and parks exist in this location and residents have shown support for the long term viability of these amenities. Focusing on multimodal transportation within this area has made pedestrian travel enjoyable and efficient.

Widely governed by traditional zoning, there are pockets of infill overlay zones that allow development, based on Floor Area Ratio (FAR). Many other entities and ordinances serve this area to ensure quality development for generations to come.

Numerous residential homes in this area are vintage and residents are very active in local policy-making to ensure development is in scale with neighborhoods.

### **Historical Heart Tomorrow**

Increased property values near Lake Coeur d'Alene have intensified pressure for infill, redevelopment, and reuse in the areas surrounding the downtown core. Stakeholders must work together to find a balance between commercial, residential, and mixed use development in the Historic Heart that allows for increased density in harmony with long established neighborhoods and uses. Sherman Avenue, Northwest Boulevard, and I-90 are gateways to our community and should reflect a welcoming atmosphere.

Neighborhoods in this area, Government Way, Foster, Garden, Sanders Beach, and others, are encouraged to form localized groups designed to retain and increase the qualities that make this area distinct.

### **The characteristics of Historical Heart neighborhoods will be:**

- That infill regulations providing opportunities and incentives for redevelopment and mixed use development will reflect the scale of existing neighborhoods while allowing for an increase in density.
- Encouraging growth that complements and strengthens existing neighborhoods, public open spaces, parks, and schools while providing pedestrian connectivity.
- Increasing numbers of, and retaining existing street trees.
- That commercial building sizes will remain lower in scale than in the downtown core.

### **Applicable 2007 Comprehensive Plan Goals and Objectives:**

#### **Objective 1.11**

##### **Community Design:**

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

#### **Objective 1.12**

##### **Community Design:**

Support the enhancement of existing urbanized areas and discourage sprawl.

**Objective 1.13**

**Open Space:**

Encourage all participants to make open space a priority with every development and annexation.

**Objective 1.14**

**Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

**Objective 1.16**

**Connectivity:**

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.

**Objective 2.05**

**Pedestrian & Bicycle**

**Environment:**

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

**Objective 3.07**

**Neighborhoods:**

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

**Objective 3.12**

**Education:**

Support quality educational facilities throughout the city, from the pre-school through the university level.

**Objective 4.01**

**City Services:**

Make decisions based on the needs and desires of the citizenry.

**Objective 4.06**

**Public Participation:**

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

***Evaluation: The Planning Commission must determine, based on the information before them, whether or not the granting of said variance will be in conformance with the Comprehensive Plan.***

**Staff's recommendation:**

Even though 10" does not seem like a significant amount for a building to be over height, it exceeds the allowable maximum under the Zoning Code. This variance request does not meet the findings for a variance because it is self-imposed and not based on physical characteristics. If 18' is not an appropriate maximum height in the rear yard, the Zoning Code should be re-evaluated. Staff recommends denial of this variance request.



**Ordinances and Standards Used In Evaluation:**

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

**ACTION ALTERNATIVES:**

The Planning Commission must consider this request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheet is attached.

Should the Planning Commission make the decision to deny the requested Variance, the applicant must remove the portion of the accessory structure to meet the 18' height requirement.



**APPLICANT'S  
NARRATIVE**

# Variance Request

**Project Location:** 1344 E. Young Avenue ~ Coeur d'Alene

## **A. Description of request:**

Grant variance of 18' height restriction of accessory building. Ridge of accessory garage exceeds the restriction by 10 inches.

## **B. Hardship:**

Hardship is twofold:

First, the project timing is pushing late into winter due to unforeseen delays relating to utilities. Replacing the roof would introduce significant delays to "drying in" of the structure, resulting in potential structural damage.

Second, significant financial burden will be placed on several parties, including the homeowner, contractor, framing contractor, and the truss plant operator.

## **C. Show this request is compatible with the public interest:**

The additional height of 10 inches does not result in significant change to the aesthetics of the subject property nor views of adjacent properties.

It is the belief of all parties involved that the height restriction of accessory building(s) is in place primarily to inhibit the construction of living space over accessory structures. The trusses in question were not intended for anything more than standard roof coverage of the garage. The trusses were not designed nor engineered for or suitable for a living space.

## **D. Show this request is in conformance with the 2007 comprehensive plan:**

It is the belief of all parties involved that the roof height would not pose any type of impact to the 2007 Comprehensive

## **E. Additional Justification:**


This is a simple mistake in the manufacturing of the project trusses, and there is no intent by involved parties to circumvent building code or conceal/withhold the error. Building plans were approved by city building department, showing a 6/12

*pitch, allowing for a structure which is under the 18 foot height restriction. Due to an error by the truss plant, the trusses were built at a 7/12 pitch which is common throughout the rest of the structure. The trusses were delivered Friday, November 16<sup>th</sup>, and installed the following Wednesday by the framing contractor, complete with sheathing, bracing, and sub-fascia. On Monday, November 19<sup>th</sup> following the Thanksgiving holiday, the framing contractor, questioning the interference of the roof ridge and adjacent eaves, measured the ridge and discovered the truss error. Charlie Rens, the general contractor contacted and notified Ted Lantzy, Coeur d'Alene Building Department with the issue. Lantzy was empathetic with the situation, and advised it was a Planning & Zoning decision, not Building. Lantzy requested a planner to assist. The planner advised she would have conversation with Hilary Anderson, the head planner, regarding the issue. Rens was advised the following day that the roof was in violation and would have to be removed/replaced.*


*This is the homeowner's personal home. This project involves significant investments in the form of sweat-equity and personal savings. The damages incurred by replacing the roof would erase years of savings and hard work. This would also delay additional improvements, including the replacement of the unsightly converted garage on the east side of the property.*

*General Contractor Note:*

*General Contractor has personal knowledge of the city waiving the height restriction on other projects. We respectfully request and implore your considerations in this matter*



# **FINDINGS**



**COEUR D'ALENE PLANNING COMMISSION  
FINDINGS AND ORDER**

V-1-19

**A. INTRODUCTION**

This matter having come before the Planning Commission on January 8, 2019 and there being present a person requesting approval of ITEM V-1-19 , A request for a +/- 10" Height Variance For An Accessory Structure In The R-12 Zone (Residential At 12 Units/Acre) Zoning District

APPLICANT: IAN & JULIE MAHURON

LOCATION: +/- 8,799 SQ. FT. PARCEL AT 1344 E. YOUNG AVENUE

**B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON**

**(The Planning Commission may adopt Items B1 to B7.)**

- B1. That the existing land uses are single-family, duplex housing and multi-family.
- B2. That the Comprehensive Plan Map designation is Historical Heart- Stable Established.
- B3. That the zoning is R-12.
- B4. That the notice of public hearing was published on, December 22, 2018 which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, December 26, 2018, which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on January 8, 2019.

B8. Pursuant to Section 17.09.620, Variance Criteria, a variance may be granted only when the applicant has demonstrated that all the variance criteria conditions are present in the affirmative:

B8A. That there **(is) (is not)** an undue hardship because of the physical characteristics of the site. This is based on

**Criteria to consider B8A:**

1. **Is there a topographic or other physical site problem that would justify a variance? e.g. steep slopes or rock outcrops**

B8B. That the variance **(is) (is not)** in conflict with the public interest. This is based on

**Criteria to consider B8B:**

1. **Does the request allow the applicant to have a special right or privilege (reduced setbacks) that would not be given to other property owners in the area with similar circumstances?**
2. **Does it provide for orderly growth and development that is compatible with uses in the surrounding area?**
3. **Does it protect property rights and enhance property values?**

B8C. That the granting of said variance **(will) (will not)** be in conformance with the Comprehensive Plan. This is based on

**Objective 1.11**

**Community Design:**

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

**Objective 1.12**

**Community Design:**

Support the enhancement of existing urbanized areas and discourage sprawl.

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**Objective 1.16**

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**Objective 2.05**

**Pedestrian & Bicycle**

**Environment:**

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**Objective 3.12**

**Education:**

Support quality educational facilities throughout the city, from the pre-school through the university level.

**Objective 4.01**

**City Services:**

Make decisions based on the needs and desires of the citizenry.

**Objective 4.06**

**Public Participation:**

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.



**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of IAN AND JULIE MAUHRON for a variance, as described in the application should be **(approved)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted _____
Commissioner Ingalls	Voted _____
Commissioner Luttrupp	Voted _____
Commissioner Mandel	Voted _____
Commissioner Rumpler	Voted _____
Commissioner Ward	Voted _____

Chairman Messina Voted \_\_\_\_\_ (tie breaker)

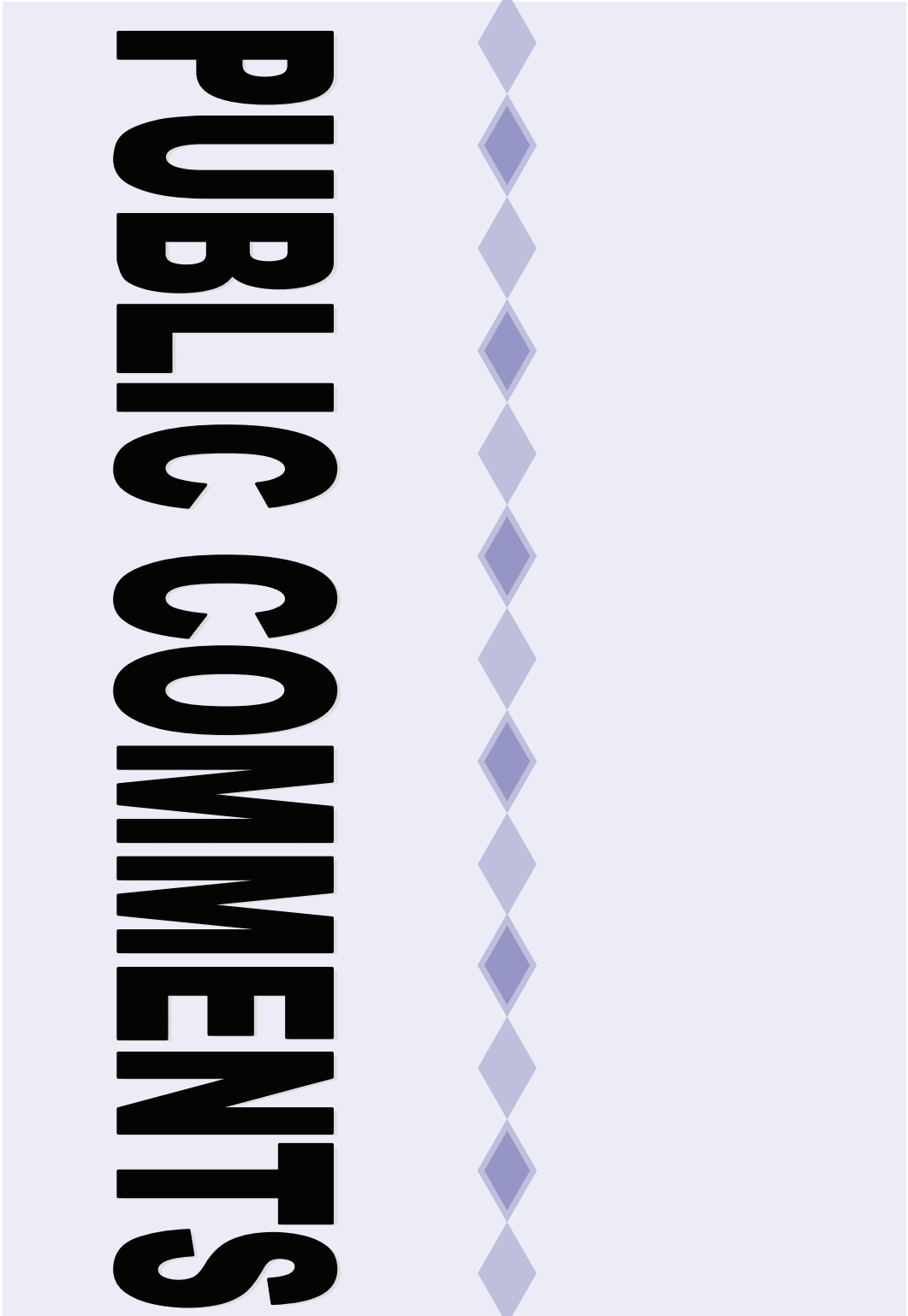
Commissioners \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

\_\_\_\_\_  
CHAIRMAN TOM MESSINA



# **PUBLIC COMMENTS**



## STUHMILLER, SHANA

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**From:** CDA Krajack Family <cdakrajacks@aol.com>  
**Sent:** Thursday, December 27, 2018 6:13 PM  
**To:** STUHMILLER, SHANA  
**Subject:** 1344 E. Young

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We live 1 block from this house, and have no issue with the garage exceeding the height restriction by 10 inches.

Scott and Colleen Krajack

## STUHMILLER, SHANA

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**From:** Wright, Roger <ROGER.WRIGHT@LibertyMutual.com>  
**Sent:** Monday, December 24, 2018 11:11 AM  
**To:** STUHMILLER, SHANA  
**Subject:** Public Hearing for 1344 E Young Ave

RE: Jan 8,2019 @ 5:30 PM. The Mahurons

Hi,

I am the immediate next door neighbor at 503 S 14th under Roger Wright

I am ok with approving the variance as outlined Thanks Roger Wright

Coeur d'Alene Planning Department  
710 E. Mullan Avenue  
Coeur d'Alene, Idaho 83814

Comments

Approve the variance for Mahuron's at  
1344 E. Young Ave, CDA, ID.

Their new home will be a nice addition  
to the neighborhood.

The Books Family  
401 S. 15th St