

**REVISED
MEETING AGENDA**

**THURSDAY, September 24, 2015 AT 9:00 A.M.
SUN VALLEY PLANNING AND ZONING COMMISSION
TO BE HELD IN SUN VALLEY COUNCIL CHAMBER AT CITY HALL**

***The meeting will begin with a site visit at 9am for New Business Items A through C below at 212 Bitterroot Drive #7 and #8 and then adjourn to the Council Chambers of City Hall directly thereafter for the required public hearing and all remaining meeting items.**

1. Call To Order

The Idaho Code requires that, "...A member or employee of a [Planning and Zoning] Commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action." Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor.

2. Public Comment

Opportunity for the public to talk with the Planning and Zoning Commissioners about general issues and ideas not otherwise agendized below (3 minutes max. each).

3. Consent Agenda

- A. Draft Minutes from the Planning and Zoning Commission Meeting of May 28, 2015
- B. Draft Minutes from the Planning and Zoning Commission Meeting of July 9, 2015

4. New Business

- A. Rick Rausch for Linda Sisson/Seastar LLC; Public hearing for a **Design Review Application** proposing the construction of a 135 first floor addition, a 220 square foot garage addition, and an interior remodel to an existing attached townhouse unit within the Single-Family Residential Zoning District (RS-1). Location: Trail Creek Sub Resub Lot 34: Lot 8 and 1/10 Lot 11; 212 Bitterroot Drive #8. Application No: DR 2015-13.
- B. Jolyon Sawrey, AIA, for Joe & Susie Tavarez; Public hearing for a **Design Review Application** proposing the construction of a 205 square foot ground floor addition, the conversion of a 353 square foot garage to livable space, the addition of a new 359 square foot garage, and an interior remodel to an existing attached townhouse unit within the Single-Family Residential Zoning District (RS-1). Location: Trail Sub Resub 34: Lot 7 1/10 Lot 11; 212 Bitterroot Drive #7. Application No: DR 2015-36.
- C. Jolyon Sawrey, AIA, Joe & Susie Tavarez; Public hearing for a **Variance Application** specific to the Riparian Zone Regulations of the Development Code Section 9-3J for the proposed construction of an addition (DR 2015-36) within the 10 foot setback from the 25 foot riparian buffer surrounding Trail Creek. Location: Trail Sub Resub 34: Lot 7 1/10 Lot 11; 212 Bitterroot Drive #7. Application No: VR 2015-01.

5. Continued Business

6. Discussion Items

7. Adjourn

Meeting Schedule:

Regular Meeting at 9:00 am on Thursday, October 8, 2015

**Minutes of the Planning and Zoning Commission
May 28, 2015**

The Planning and Zoning Commission of the City of Sun Valley, Blaine County, State of Idaho, met in regular session in the Council Chambers of Sun Valley City Hall on May 28, 2015 at 9:00 a.m.

1. Call To Order

The meeting was called to order at 9:13 a.m.

Present: Chairman Ken Herich, Commissioner Jake Provonsha, Commissioner Margaret Walker, and Commissioner John O'Connor, Commissioner Bill Boeger.

Absent: None.

Also Present: Associate Planner Abby Rivin, City Attorney Adam King, Building Official Bill Dyer, Scott Thomson, Clint Lightner, Chrissy Gove, Peter Hendricks, Chase Gouley, Whitney Sanders.

2. Public Comment

None.

4. New Business

- A. Evergreen Ventures, LLC; Public hearing for a Design Review Application for the construction of a 3,274 square foot, three-story single family dwelling with an attached garage and associated site improvements on existing Lot 3 in the Single-Family Residential (RS-1) Zoning District. Location: Lot 3 Lane Meadows Subdivision; Lane's Way at Highway 75. Application No: DR 2015-23.**

Chairman Herich introduced the item and Associate Planner Abby Rivin gave an overview of the project. She noted the Community Development Department received one email from a citizen regarding the height of the building, which was included in the packet.

Scott Thomson, the applicant, gave a further description of the project. He stated the angle and slope of the property favors a house that is perpendicular to the road. He explained the design has the house built into the hill.

Chase Gouley discussed the topography of the lot and layout of the house, including solar orientation. Whitney Sanders, the architect, elaborated on the exterior and interior designs. He presented the proposed siding for the house. In response to Commissioner Margaret Walker, he stated the house is 30 feet tall and has an elevator. He explained the layout for the various floors, noting the basement level is underground. He pointed out the outdoor porch and noted all bedrooms in the house face south.

Sanders described the roof, noting it had one chimney and solar panels. Chairman Ken Herich requested they place a ballast on the roof. Sanders agreed to include it, noting they would likely use grey gravel.

The applicant presented and discussed the exterior siding materials.

Gouley discussed the proposed landscaping plan, stating it would focus on native, drought-tolerant plants. He noted the grade allows the property to mask certain aspects, such as the driveway. He stated the plan to incorporate the already-existing trees into the landscaping, with a few additions. Gouley and Sanders discussed drainage on the roof and overall property.

Commissioner O'Connor asked about the fireplace, and Sanders noted it would be gas. He also stated the heat in the house would be radiant, with no planned air conditioning.

Commissioner Provonsha asked about privacy for the bedroom on the east side of the home. The applicant explained the windows are above eye level and would provide privacy.

Sanders described the materials that would be used on the deck. Commissioner Walker asked about lighting around the patio and garden area. The applicant responded there would be a few sconces.

Commissioner O'Connor asked about snow storage. Gouley explained that snow storage is planned for both sides of the driveway and is recessed.

Commissioner Provonsha asked about parking on the property. Gouley pointed it out on the plans.

Commissioner O'Connor asked about placement of utility meters. Gouley stated the meters would be on the south side of the house. He noted they would be screened.

Chairman Herich asked about the glass for the deck railing. Sanders responded it is a semi-translucent, smoky color. He stated that the house glass would be clear. Chairman Herich stated the Commission would only be concerned if it was too reflective.

Commissioner O'Connor asked about construction storage. Gouley responded all materials would be stored on Lot 4 of the subdivision.

Commissioner Herich noted there were complaints by neighbors regarding working hours and violations of the noise ordinance. He put the applicant on notice that it needs to stop. Thomson stated they discussed the issue with the subcontractors and made a plan going forward. He assured the Commission that it would not happen in the future.

Chairman Herich asked about the "finished storage" aspect of the application. Thomson stated he expected a future homeowner would convert it into a theater. Chairman Herich stated it could not be turned into a bedroom.

Commissioner Boeger asked about vertical panels in the plans. Gouley stated they are steel panels used as an architectural element that guide you to the front door.

Chairman Herich opened the public hearing on the application.

Building Official Bill Dyer commented that the stairway will need lighting on the top and bottom. Gouley stated he will place recessed lighting into the wall along the stairs. In response to a question from Chairman Herich, Bill Dyer elaborated on the regulations regarding lights along stairways.

Seeing no further public comment, Chairman Herich closed the public hearing.

Chairman Herich asked about the reference to a Planned Unit Development (PUD) in the findings, and suggested it be changed to refer to the Development Agreement. Abby Rivin stated she would make that change.

Commissioner Boeger recommended adding the ballast to the findings. City Attorney Adam King suggested also adding the stairway lighting. Chairman Herich formed language to add to Finding 13 for the ballast. Clint Lightner stated it would be ballasted with “inch and a half washed rock.”

Chairman Herich asked that Finding 14 include language regarding the lighting for the stairs. Commissioner Provonsha suggested that the design be submitted by approval by the Community Development Director, and Chairman Herich added that to his language for Finding 14.

MOTION

Commissioner Jake Provonsha moved to approve Application No: DR 2015-23 with the additional Findings of Fact as discussed by the Commission, seconded by Commissioner Margaret Walker. All in favor, none opposed. The motion carried unanimously.

5. Continued Business

The Commission discussed the upcoming meeting schedule. Abby Rivin stated that there was nothing expected for the June 11, 2015 meeting.

Commissioner Provonsha asked for an update on the Weyyakin pump house. Chairman Herich stated they were not in compliance with their design review with regards to screening and paint. Rivin stated she would follow up on it.

7. Adjourn

MOTION

Commissioner John O’Connor moved to adjourn, seconded by Commissioner Margaret Walker. All in favor, none opposed. The motion carried unanimously.

The meeting adjourned at 10:16 a.m.

Ken Herich, Chairman

Alissa Weber, City Clerk

DRAFT
Minutes of the Planning and Zoning Commission
July 9, 2015

The Planning and Zoning Commission of the City of Sun Valley, Blaine County, State of Idaho, met in regular session in the Council Chambers of Sun Valley City Hall on July 9, 2015 at 9:00 a.m.

1. [Call To Order](#)

The meeting was called to order at 9:00 a.m.

Present: Vice-Chairman Jake Provonsha, Commissioner Bill Boeger and Commissioner John O'Connor.

Absent: Chairman Ken Herich and Commissioner Margaret Walker.

Also Present: Community Development Director Jae Hill, Associate Planner Abby Rivin, Planning Technician Isabel Lui, Chad Blincoe, John Bowen, Leslie Bowen, Shirley Price, Leslie Howa, Mark Gilbert, Todd Morgan, Jim Gandolfi, Peter Hendricks, MB Collins, Roger Olson, Shauna Thoreson, Betsy Brooks, Barry West, Steve Boettcher and Stephanie Schmidt

2. [Public Comment](#)

None.

3. [Consent Agenda](#)

A. [Draft Minutes from the Planning and Zoning Commission Meeting of May 14, 2015](#)

Vice-Chairman Provonsha suggested a change on p.6, fifth paragraph and first sentence to read as "Commissioner Provonsha stated a need for the Commission and the City to be as diligent as possible when anticipating infrastructure needs..."

MOTION

Commissioner O'Connor moved to approve the minutes as amended. The motion was seconded by Commissioner Bill Boeger. Chariman Ken Herich and Commissioner Margaret Walker were absent for this vote. All in favor none opposed. The motion carried.

4. [New Business](#)

A. [The Villager Condominium Association; Public hearing for a Design Review Application to establish guidelines to allow condominium owners to install air conditioning units in the Multiple-Family Residential \(RM-1\) Zoning District. Location: Villager Condominiums. Application No: DR 2015-28](#)

Chad Blincoe, the applicant, gave a presentation on the project. He said the Villager Condominium Association Air Conditioning Guideline Amendment and Master Plan (PZ-B) was formulated according to the policy and procedure of the Villager Condominium Home Owners Association. He then gave a brief outline on the document, with graphic presentation to explain the rationale behind the sounds and equipment requirements, as well as the standards and technical details for implementation.

Vice-Chairman Provonsha inquired about the history of air conditioning technology in terms of sound level. Blincoe said there has been significant technological improvement in the last five years, which

also comes with higher cost. However, energy cost decreases as efficiency improves. 19SEER Multi-stage Air Cooled Energy Efficient Unit has been identified to have the optimum SEER ratio, i.e. the quietest in achieving the same efficiency.

Commissioner Boeger asked if the installation of certain material can absorb the ambient sound. Blincoe replied screening might not necessarily lower the sound level.

Vice-Chairman Provonsha said the installation of air conditioning creates environmental impacts, which the public are concerned about. He regarded the subject as a citywide issue and thought the city should have a policy in place which can be applied equitably to individual areas of the city. Vice-Chairman Provonsha commented the subject should be thoroughly discussed by the Planning & Zoning Commission and City Council before proceeding forward.

Commissioner O'Connor asked for the number of current window air conditioning units being installed in Villager. Stephanie Schdmit, Betsy Brook and Jim Gandolfi, board members of the Villager Condominiums HOA said no air conditioning is currently allowed. They gave some information on the current situation on the use of air conditioning in the Villager Condominiums.

The Commission held a brief discussion about the installation of air conditioning in other condominiums in the city.

Vice-Chairman Provonsha opened the public hearing.

Betsy Brook, board member of the Villager Condominiums Association said the installation of air conditioning is strictly volunteer. The proposed guideline is intended as a set of procedures for individual home owners to follow if they decide to install air conditioning units.

Sharon Morrison said we live in the mountains and her solution for cool air is to open the windows at night. She said she does not want any air conditioning.

Leslie Howa clarified on the environmental concerns raised during the meeting. She said the proposed equipment is Multi-stage Air Cooled Energy Efficient Unit with specified sound standards which should not create any environmental issue.

Chad Blincoe said he agreed with Howa. He then gave more detail about the proposed gas-based air conditioning unit versus the water-cooled one used in other condominiums. Blincoe concluded the proposed air conditioning unit for Villager Condominiums should not cause any environmental impacts.

Leslie Bowen, home owner in Elkhorn, said the installation of air conditioning does create an economic impact. She said that it is easier to rent out a condominium unit with air conditioning. This also makes a condominium unit more competitive for sale because new condominiums are built with air conditioning. She further pointed out Sun Valley is becoming more of a summer resort and hence it is important to consider whether the installation of air conditioning would bring a positive economic impact. She said the Sun Valley Water and Sewer District is very strict on water-cooled air conditioning and does not approve its use because of water concerns. The proposed air conditioning units by Villager Condominiums Association are a good alternative and should be acceptable.

Shirley Price said she wants air conditioning and submitted an application for it several years ago but was turned down. She said heat is a problem to her as there is no cross ventilation in her condominium unit. She was not able to rent or sell her unit because of the heat.

John Bowen, owner of a Fairway Nine Condo said he filed a lawsuit two years ago against the Fairway Nine Home Owner Association (HOA) for refusing to let him install air conditioning. The HOA said there is no air conditioning in Sun Valley and Elkhorn area. He gave a brief history of air conditioning installation in the condo complex and how it was later removed. He said he spent two days walking around the area to inspect units with air conditioning installed. He ended up taking pictures of 200 units with air conditioning in Elkhorn. He said people move into a home to be comfortable and the installation of air conditioning does not do any harm to others.

Todd Morgan said his parents own a condominium unit on Fairway Nine. He said he had filed a lawsuit against the Fairway Nine HOA Board of Directors under the Federal Fair Housing Act. He said his older parents and several family members have health issues but the board had refused to let them have air conditioning for 23 years. He commented that it is inappropriate for the HOA Board of Directors to dictate to them the way they live.

Jim Gandolfi, board member of the Villager Condominium Association said the proposal is a condo-wide solution especially for west facing units that get very hot in the summer. He said the Board looked at the situation and came up with a proposal that works, minimizes noise and installation is purely voluntary. He said that warmer climate is an overall trend. The purpose of the guideline and master plan is to help make Villager Condominiums better homes. He pointed out that not all units will install air conditioning, but if home owners choose to do so, they will get a return from their investment.

Seeing no further public comment, Vice-Chairman Provonsha closed the public hearing.

Commissioner O'Connor said the installation of air conditioning is a concern that extends beyond the Villager Condominiums owners. He appreciated the groundwork that the Villager Condominium Association has done. He commented that it is understandable that condominiums associations are changing their guidelines as there are new owners and new expectations. He said that the current summer is the hottest one we have had and home owners should have an option to install air conditioning. He said the current proposed guideline and master plan is a nice design.

Commissioner Boeger asked what the vote for the current proposal is. Stephanie Schmidt said the proposal did go through a voting process and got approved in an open session at the annual meeting.

Jim Gondolfi explained the various responsibilities for the installation of air conditioning.

Vice-Chairman Provonsha asked about the water issues and the use of chemicals by the air conditioning units. Chad Blincoe said the proposed air conditioning units use gas instead of water for cooling. Blincoe also confirmed there is no water consumption for the proposed air conditioning units.

Jae Hill pointed out item 2 of Conditions of Approval states the Design Review approval is good for one year from the date of approval. He said the installation of air conditioning will take place over a period of time, so the Commissioner may consider extending the time period.

Vice-Chairman Provonsha said upon the Commission's approval of the proposed guideline and master plan, individual home owners are still required to obtain approval from the city prior to installation of the air conditioning units.

Jae Hill said the proposed master plan excludes individual home owners from the city's design review process, but they are required to apply for a building permit prior to any installation work.

Vice-Chairman Provonsha said the master plan should have no time limit until the Villager Home Owners Association changes the master plan.

The Commission held a brief discussion on the appropriate time period for item 2 under Conditions of Approval. Jae Hill recommended five years with an option to extend it once.

Commissioner Boeger said it is hard for the Commission to override the decision of the home owners association. He said as long as the proposed guideline and master plan meet Sun Valley Code, he does not feel comfortable in overriding the decision of the board.

MOTION

Commissioner Bill Boeger moved to approve Design Review Application DR 2015-28 with amendment to item 2 under Conditions of Approval. The motion was seconded by Commissioner O'Connor. Chairman Ken Herich and Commissioner Margaret Walker were absent for this vote. All in favor none opposed. The motion carried.

6. Adjourn

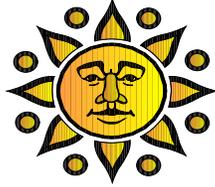
MOTION

Commissioner O'Connor moved to adjourn, seconded by Commissioner Boeger. Chairman Ken Herich and Commissioner Margaret Walker were absent for this vote. All in favor none opposed. The motion carried.

The meeting was adjourned at 10:00 a.m.

Jake Provonsha, Vice-Chairman

Isabel Lui, Planning Technician



**CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
AGENDA REPORT**

To: Planning and Zoning Commission
From: Jae Hill, AICP, CFM, Community Development Director
Meeting Date: September 24, 2015
Agenda Item: **Design Review Application DR2015-13:
212 Bitterroot #8 Remodel and Addition**

REQUEST: Interior remodel, addition of 158sf mechanical/storage room, addition of 165sf connector from house to garage, and relocation of retaining wall.

Applicant:	Rick Rausch for Linda Sisson (Seastar LLC)
Application Date:	April 9, 2015.
Location:	Trail Creek Resub 34 Lot 8
Zoning District:	Single Family Residential (RS-1)
Lot Size:	27,312 sf (0.627 ac)
Max Allow Floor Area:	3,868sf
Existing Floor Area:	2,976sf
Proposed Floor Area:	3,299sf (+323sf)
Required Setbacks:	15 feet from property lines, 35 feet from Trail Creek MHW
Current Setbacks:	West, 15'; Northeast, 0'; East, n/a; Riparian, -23.75'
Proposed Setbacks:	West, 15'; Northeast, 0'; East, n/a; Riparian, -23.75'

BACKGROUND: The 212 Bitterroot development is a legally-established, previously-existing, non-conforming, townhome-style development in the RS-1 zone, where multi-family dwellings are not a permitted use. The Comprehensive Plan designates the area as "Medium Density Residential."

ANALYSIS: The structure is partially located within the required Riparian Setback defined in SVMC § 9-3J-3. The code identifies a Riparian Buffer of 25 feet from the mean high water mark along Trail Creek, with an additional 10 foot setback from the edge of that buffer. The structure is not being extended or enlarged within the required buffer. The Riparian Zone code requires compliance in the event of addition or remodel in the amount of 75% of the square footage of the existing property; the applicant has proposed 1,268sf of combined remodel and addition, or 42.6% of the existing floor area, thereby negating the need to bring the entirety of the structure into compliance.

The proposed additions, totaling 323sf, constitute less than a 11% addition to the existing 2,976sf structure. Typically, the amount of interior remodel wouldn't have been subject to design review,

but in order to examine the necessity for a variance from the Riparian requirements, the sum total of addition (323sf) and remodel (945sf) had to be considered together.

There have been a number of small additions approved for the 212 Bitterroot development including DR2011-17 (358sf), DR2010-26 (151sf), and DR2009-36 (252sf). The proposed 323sf of additions would be in scale with the other additions and will keep the building in scale with the rest of the neighborhood.

PUBLIC NOTICE AND COMMENT: The site visit and public hearing for the project application was publicly noticed by: 1.) publication in the Mtn. Express on September 9 and September 16, 2015; 2.) posting of the project site; 3.) mailing of notice to all property owners within a 300 foot radius of the Lot; 4.) posting of notice in five prominent public places in the City, including Sun Valley City Hall, Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 6.) posting of the notice on the City's web site.

No other emails, phone calls or letters have been received by staff as of the writing of this Report.

PROCEDURE: The Commission should disclose all information and contacts received outside the public hearing on this item upon which the decision will be based. The Commission should receive and review the attached project comment and review materials, hold the noticed site visit and public hearing, receive a presentation of the project design from the applicant, discuss the project design and elements, and provide direction to the applicant for required revisions to the project drawings to ensure compliance with standards, regulations, and design guidelines.

RECOMMENDATION: Staff recommends that DR2015-13 be approved by the Commission.

<u>RECOMMENDED MOTION:</u> Move approval of DR2015-13 pursuant to the information contained in the staff report and the associated Findings of Fact.

LIST OF ATTACHED EXHIBITS:

- | | |
|----------------|--|
| Exhibit "PZ-A" | Required Findings for City action on a design review application. |
| Exhibit "PZ-B" | Reduced 11" by 17" project drawings stamped received by the City on August 26, 2015. |

**The entire administrative record for this Design Review application is available for review in the Community Development Department at City Hall.

Draft
FINDINGS OF FACT AND CONCLUSIONS OF LAW
CITY OF SUN VALLEY
DESIGN REVIEW

Project Name: **Design Review Application DR2015-13**

Applicant: **Rick Rausch for Linda Sisson**

Location: **212 Bitterroot Road #8 / Lot 8, Trail Creek Resub 34**

Zoning District: **Single-Family Residential (RS-1) Zoning District**

Project Description: Interior remodel, addition of 158sf mechanical/storage room, addition of 165sf connector from house to garage, and relocation of retaining wall.

Required Findings: In order to approve a design review application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 3A (DESIGN REVIEW REGULATIONS)**, the Community Development Director shall make the following findings pursuant to **Development Code Section 9-5B-3 (DESIGN REVIEW)**.

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district. **The subject additions will not further exceed the height, setback, nor any other dimensional regulation of the Single-Family Residential (RS-1) Zoning District set forth in Title 9, Chapter 2A. The existing development consists of a two-story, duplex-style dwelling with associated landscaping, vehicular access, and other site improvements. Though townhomes are not a permitted use in the Single-Family Residential Zone, these units are legally non-conforming and allowed to continue their nonconformity.**
2. The proposed design is in conformance with the standards for design review as set forth in Chapter 3A (DESIGN REVIEW REGULATIONS) of this Title. **The proposed additions generally retain the existing wall planes and/or overall design while providing an updated appearance to, and extra living space for, the structure. All new materials and colors will match the existing structure. The additions expand the enclosed floor area of the single-family dwelling by 323 square feet, which is 10% of the total 3,299sf proposed floor area.**
3. The proposed design does not significantly impact the natural, scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the City. **The proposed addition has no impact on the scenic character and aesthetic value of the City's topography because no ridges or prominent terrain features exist on or directly adjacent to the site.**
4. The proposed design is in context and complimentary to adjacent properties. **The proposed design is complementary to adjacent properties because of similarity in design, bulk, and mass. The new additions do not extend any higher than the existing structure's height and do not negatively impact views to or from the other adjacent residential properties.**
5. The proposed design is compatible with the community character and scale of the neighborhood. **The additions' styling is consistent with the original design of the dwelling, and will be similar in use and styling of other properties in the vicinity.**

The site is sufficiently screened from the public right-of-way by mature existing vegetation and is sufficiently set back to maintain privacy.

6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **All applicable services such as natural gas, electric, sewer and water are available to fully serve the addition project. No activity or development is proposed that adversely affects any aspect of access or other public safety design element.**
7. The proposed design is of quality architectural character and materials. **Exterior materials and colors will match those of the existing structure. The garage and connector additions will remain consistent with the design of the original multiple-family residential development.**
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **No land use change is involved with this addition and interior remodel project.**

CONDITIONS OF APPROVAL

1. **Applicant and their representatives shall comply with all applicable City codes and ordinances, including those related to noise (Section 4-4D-2 and 3) and water pollution control (Section 4-4C-2).**
2. **Design Review approval is good for one year from the date of approval, unless extended pursuant to Sun Valley Municipal Code Section 9-5A-8.**
3. **Any requirements and/or approvals of private associations or other entities are the sole responsibility of the property owner.**
4. **Any permits issued during the 10-day appeal period provided for under section 9-5A-9 may be subject to a stop work order in the event of an appeal. Any work commenced during the appeal period shall be at the applicant's own risk.**
5. **Approval is specific to the project drawings dated received by the City of Sun Valley on August 26, 2015.**
6. **Prior to issuance of any building permit, the applicant shall provide manufacturer's cut sheets and related materials depicting any new exterior lighting for the project and demonstrate compliance for all existing exterior lighting. Exterior lighting shall be fully shielded downcast fixtures compliant with the City's Exterior Lighting Ordinance (Section 9-3B-3) to the satisfaction of the Community Development Director and the Building Official.**
7. **Prior to issuance of a Certificate of Occupancy for the additions, snow retention devices shall be installed where appropriate on the roof if needed to adequately protect pedestrian and other usable areas below, to the satisfaction of the Building Official or Community Development Director.**
8. **Prior to issuance of a building permit, a construction management plan that addresses construction parking, material storage, nuisance control (noise, dust, trash, street cleaning and construction fencing), etc. shall be submitted to the Building Official and Community Development Director.**
9. **Bitterroot Road, and the private drive serving Trail Creek Sub, shall be kept free and clear for neighborhood traffic and emergency vehicle access at all times.**

Any significant access issues shall be brought to the attention of the City and project neighbors in advance.

10.No modifications to the approved plans shall be made without written permission of the Building Official and/or Fire Chief.

CONCLUSIONS OF LAW

Therefore, this project does meet the standards for approval under Title 9, Chapter 3A, City of Sun Valley Municipal Code provided the conditions of approval are met. Design Review approval shall expire 365 days from the date of approval, unless extended as per Municipal Code Section 9-5A-8.

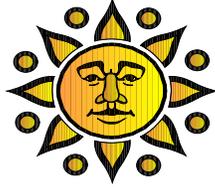
DECISION

Therefore, the Sun Valley Planning and Zoning Commission approves this Design Review Application No. DR2015-13.

Dated this 24th day of September, 2015.

Ken Herich, Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed _____



**CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
AGENDA REPORT**

To: Planning and Zoning Commission
From: Jae Hill, AICP, CFM, Community Development Director
Meeting Date: September 24, 2015
Agenda Item: **Design Review Application DR2015-36 and Variance VR2015-01:
212 Bitterroot #7 Remodel and Addition**

REQUEST: **DR2015-36:** Interior remodel, addition of 167sf laundry room, addition of 364.5sf garage, and addition of 24sf mechanical room.

VAR2015-01: Encroachment into the required 25' Riparian Buffer, the 10' Riparian Setback, and the RS-1 required 10' yard.

Applicant:	Jolyon Sawrey for Joe and Susie Tavarez
Application Date:	August 31, 2015
Location:	Trail Creek Resub 34 Lot 7
Zoning District:	Single Family Residential (RS-1)
Lot Size:	9,278sf (0.213 ac)
Max Allow Floor Area:	2,500sf
Existing Floor Area:	1,744sf
Proposed Floor Area:	2,306sf (+564sf)
Required Setbacks:	10 feet from property lines, 35 feet from Trail Creek MHW
Current Setbacks:	West, 48'11"; Northeast, 21'; East, 53'10"; Riparian, -23.75'
Proposed Setbacks:	West, 48'11"; Northeast, 8'11"; East, 53'10"; Riparian, -23.75'

BACKGROUND: The 212 Bitterroot development is a legally-established, previously-existing, non-conforming, townhome-style development in the RS-1 zone, where multi-family dwellings are not a permitted use. The Comprehensive Plan designates the area as "Medium Density Residential."

ANALYSIS: The structure is partially located within the required Riparian Setback defined in SVMC § 9-3J-3. The code identifies a Riparian Buffer of 25 feet from mean high water mark along Trail Creek, with an additional 10 foot setback from the edge of that buffer. The Riparian Zone code requires compliance in the event of addition or remodel in the amount of 75% of the square footage of the existing property; the applicant has proposed 564sf of addition and 750sf of remodel, or 75.3% of the existing floor area, thereby requiring the need to bring the entirety of the structure into compliance. The structure IS being extended and enlarged within the required buffer, which requires a variance.

The proposed additions, totaling 564sf, constitute a 32% addition to the existing 2,976sf structure. Typically, the amount of interior remodel wouldn't have been subject to design review, but in order to examine the necessity for a variance from the Riparian requirements, the sum total of addition (564sf) and remodel (750sf) had to be considered together.

There have been a number of small additions approved for the 212 Bitterroot development including DR2011-17 (358sf), DR2010-26 (151sf), and DR2009-36 (252sf). The proposed 564sf of additions will be in scale with the other additions and will keep the building in scale with the rest of the neighborhood.

The project requires variances from the Riparian Zone setback, the 75% reconstruction mandate in the Riparian Zone, and the already-reduced setbacks in the RS-1 zone. Approval of the expansion of the non-conforming structure is made more difficult by the City's code.

SVMC § 9-1B-2.C (NONCONFORMING STRUCTURES) states that:

1. *A nonconforming building shall not be enlarged or extended so as to increase the degree of nonconformity, except that nonconforming setbacks may be extended vertically or horizontally, subject to an approved design review application and the following criteria:*
 - a. *The extended nonconforming setback of the addition will not noticeably impact adjacent property any more than a conforming addition would.*
 - b. *The extended nonconforming setback of the addition maintains the plane of existing walls of the nonconforming structure.*

The applicant has provided no evidence that clauses A and B are met. Therefore, while a case can probably be made for hardship for the Riparian setbacks, a more appropriate method of providing relief to the property owner for the nonconforming RS-1 setbacks would be a rezone of the area to RM-1 (Multi-Family Zone) standards, which have no setbacks.

PUBLIC NOTICE AND COMMENT: The site visit and public hearing for the project application was publicly noticed by: 1.) publication in the Mtn. Express on September 9 and September 16, 2015; 2.) posting of the project site; 3.) mailing of notice to all property owners within a 300 foot radius of the Lot; 4.) posting of notice in five prominent public places in the City, including Sun Valley City Hall, Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 6.) posting of the notice on the City's web site.

No other emails, phone calls or letters have been received by staff as of the writing of this Report.

PROCEDURE: The Commission should disclose all information and contacts received outside the

public hearing on this item upon which the decision will be based. The Commission should receive and review the attached project comment and review materials, hold the noticed site visit and public hearing, receive a presentation of the project design from the applicant, discuss the project design and elements, and provide direction to the applicant for required revisions to the project drawings to ensure compliance with standards, regulations, and design guidelines.

RECOMMENDATION: Staff recommends that DR2015-36 only be approved by the Commission with an approved Variance request for the Riparian Zone standards AND after a rezone of the property to RM-1 (Multi-Family Residential) or other appropriate zone.

RECOMMENDED MOTION: Move denial of VR2015-01 and postponement of DR2015-36 until a rezone for the property can be obtained.

LIST OF ATTACHED EXHIBITS:

- Exhibit "PZ-A" Required Findings for City action on a design review application.

- Exhibit "PZ-B" Reduced 11" by 17" project drawings stamped received by the City on August 31, 2015.

- Exhibit "PZ-C" Applicant Narrative and Compliance statement.

**The entire administrative record for this Design Review application is available for review in the Community Development Department at City Hall.

Draft
FINDINGS OF FACT AND CONCLUSIONS OF LAW
CITY OF SUN VALLEY
DESIGN REVIEW

Project Name: **Design Review Application DR2015-36 and Variance VR2015-01**
Applicant: **Jolyon Sawrey for Joe and Susie Alvarez**
Location: **212 Bitterroot Road #7 / Lot 7, Trail Creek Resub 34**
Zoning District: **Single-Family Residential (RS-1) Zoning District**
Project Description: Interior remodel, addition of 167sf laundry room, addition of 364.5sf garage, and addition of 24sf mechanical room; located within the Riparian Setback and within the required RS-1 zone setback.

Required Findings: In order to approve a design review application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 3A (DESIGN REVIEW REGULATIONS)**, the Planning Commission shall make the following findings pursuant to **Development Code Section 9-5B-3 (DESIGN REVIEW)**.

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district. **The subject additions WILL further exceed the height, setback, and any other dimensional regulation of the Single-Family Residential (RS-1) Zoning District set forth in Title 9, Chapter 2A by extending into the required 10' RS-1 setback and into the required 10' Riparian Setback from the required 25' Riparian Buffer.** The existing development consists of a two-story, duplex-style dwelling with associated landscaping, vehicular access, and other site improvements. Though townhomes are not a permitted use in the Single-Family Residential Zone, these units are legally non-conforming and allowed to continue their nonconformity provided they meet conditions in SVMC 9-1B-2.C.1.
2. The proposed design is in conformance with the standards for design review as set forth in Chapter 3A (DESIGN REVIEW REGULATIONS) of this Title. **The proposed additions generally retain the existing wall planes and/or overall design while providing an updated appearance to, and extra living space for, the structure. All new materials and colors will match the existing structure. The additions expand the enclosed floor area of the single-family dwelling by 564 square feet, which is 24% of the total 2,306sf proposed floor area.**
3. The proposed design does not significantly impact the natural, scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the City. **The proposed addition has no impact on the scenic character and aesthetic value of the City's topography because no ridges or prominent terrain features exist on or directly adjacent to the site.**
4. The proposed design is in context and complimentary to adjacent properties. **The proposed design is complementary to adjacent properties because of similarity in design, bulk, and mass. The new additions do not extend any higher than the existing structure's height and do not negatively impact views to or from the other adjacent residential properties.**

5. The proposed design is compatible with the community character and scale of the neighborhood. **The additions' styling is consistent with the original design of the dwelling, and will be similar in use and styling of other properties in the vicinity. The site is sufficiently screened from the public right-of-way by mature existing vegetation and is sufficiently set back to maintain privacy.**
6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **All applicable services such as natural gas, electric, sewer and water are available to fully serve the addition project. No activity or development is proposed that adversely affects any aspect of access or other public safety design element.**
7. The proposed design is of quality architectural character and materials. **Exterior materials and colors will match those of the existing structure. The garage, laundry room, and mechanical room additions will remain consistent with the design of the original multiple-family residential development.**
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **No land use change is involved with this exterior alteration and interior remodel project.**

Additional Required Findings for a Variance: In order to approve a Variance, the Commission shall make ALL of the following findings pursuant to **Development Code Section 9-5B-8 (VARIANCE)**.

1. The subject property is deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under the applicable zoning district because of the unique size, shape, topography or location of the subject property (a finding of undue hardship). **The entire Trail Creek Sub and much of the adjacent Bitterroot neighborhood along Trail Creek are subject to the Riparian Zone provisions of SVMC 9-3J. The Trail Creek Resub 34 (212 Bitterroot) contains ten non-conforming lots.**
2. The need for the variance is not the result of actions of the applicant or property owner; **The application for DR2015-36 is entirely the result of the owners' actions, as they could continue to enjoy the property without addition and encroachment into the required setbacks.**
3. The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood. **Neither the addition proposed by the subject variance, nor the variance itself, will negatively impact health, safety, or welfare.**
4. The variance is the only reasonable alternative to overcome the undue hardship. **To overcome any hardship imposed by the regulations, the owner could pursue a rezone to RM-1 standards, alternative project design, and other relief.**
5. The variance is the minimum relief necessary to allow reasonable use of the subject property. **Compliant site design would be the minimum relief necessary to expand the home; the property is already enjoying reasonable use as a townhome dwelling unit.**

CONCLUSIONS OF LAW

Therefore, this project does NOT meet the standards for approval under Title 9, Chapter 3A, City of Sun Valley Municipal Code provided the conditions of approval are met. Design Review approval shall expire 365 days from the date of approval, unless extended as per Municipal Code Section 9-5A-8.

DECISION

Therefore, the Sun Valley Planning and Zoning Commission denies this Design Review Application No. DR2015-36.

Dated this 24th day of September, 2015.

Ken Herich, Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed _____

VARIANCE REQUEST NARRATIVE

For:

The Tavarez Residence Addition

31 August, 2015

This document provides a narrative giving the reasons by which the Tavarez family is requesting your consideration for a Variance to Sun Valley Municipal Code 9-3J-4. This Variance Submittal is in conjunction with a Design Review submittal for the same project.

VARIANCE TOPIC

9-3J-3: STREAM BUFFER SIZE:

Stream buffers shall apply on each side of the natural perennial or intermittent stream and shall begin at the most landward limit of mean high water mark perpendicular to the direction of stream flow. Stream buffers for natural perennial streams, natural intermittent streams, and natural lakes and ponds shall be a minimum of twenty five feet (25') in width.

Sun Valley Municipal Code 9-3J-4 States:

9-3J-4: STREAM BUFFER USE LIMITATIONS:

B. Buildings And Other Features: Buildings and other features that require grading and construction shall maintain a ten foot (10') setback from the edge of the stream buffer. Certain at grade improvements such as at grade decks, patios, walkways, or similar improvements are allowed within the required ten foot (10') setback area but are encouraged to be separated from the buffer area.

D. Variance: If evidence acceptable to the city is provided by the applicant showing that strict enforcement of this provision would prohibit a substantial portion of permitted or conditional uses of the property, then the applicant may apply for a variance.

VARAINCE NARRATIVE

The owners contracted me to review zoning and have a meeting with the Planning Administrator to determine the applicable zoning requirements for this project prior to their purchase of this property. I had a meeting with Mark Hoffman in late January of 2015 to review my zoning summary with him. After that meeting I produced the notes from the meeting of which Mark reviewed and approved per the attached copy of an email. The document is attached for your reference. Besides the written document, Mark and I also discussed that this project would not need design review rather he would review it administratively if it was simply a single car garage and covered entry addition as discussed. At that meeting we also discussed the need for a civil engineer to survey for the high water mark as well as 25'-0" Riparian setback.

This process of working directly with Mark on confirming applicable zoning requirements and written follow through was done on two other recent projects in Sun Valley that also went through administrative design review. The clients based their purchase of said property and the basis of the design on the information from that meeting with Mark as did I.

The owners purchased the property, received a civil survey and we progressed on the design of the project. The project construction documents were finished in early July and we going to be submitted for Building Permit a few weeks ago. I remembered that Mark was no longer with Sun Valley and thus I reached out to the new planning administrator (Jae) to confirm Mark's findings regarding Administrative Design Review on this project.

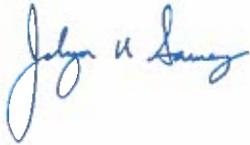
Jae, responded very timely and confirmed that due to the structure being existing non-conforming that going through Design Review was mandatory. Additionally he pointed out a unique additional setback to the Riparian 25' setback i.e. Sun Valley Municipal Code 9-3J-4 Stream Buffer which adds an additional 10'-0" of setback for a total of 35'-0". I contacted the local civil engineers who produced the document that we based our design on and they were also unaware as was I of this additional 10'-0" rule. Mark in our past discussions only mentioned the 25'-0" Riparian Setback. It is this section "9-3J-3: STREAM BUFFER SIZE" what the owners based their property purchase on, civil engineers provided a survey based upon and architect designed upon this section, as the Administrator at the time did not point out the additional criteria of the "limitations" section. We as design professionals rely upon the information provided by Planning Administrators.

Moving the Garage further back than the 25' makes on site parking more challenging, reduced snow storage area and effects more of the existing landscaping of mature trees that are mutually shared with the adjacent neighbors. We have learned that the neighbor in the same duplex condo are also going through design review currently and they too were unaware of this additional buffer requirement and had similar past discussions with Mark. My client finds that as a meeting was had with the past planning administrator and that the design was based upon his provided/confirmed site relevant information that the variance should be granted to allow the new single car one story addition to meet the 25'-0" Riparian setback.



Any additional questions or concerns; I will address at the public hearing and or will provide any additional documentation or information that you require in advance of the meeting.

Sincerely,

A handwritten signature in blue ink that reads "Jolyon H. Sawrey". The signature is written in a cursive style with a large initial 'J'.

Jolyon H. Sawrey, Architect



30 January, 2015

Five Star Kitchen and Bath/ Conrad Brothers Construction
Attn: Jennifer Conrad

RE: Bitterroot Duplex Development Initial Evaluation

The parcel/ project that this Initial Evaluation is for is:
Lot 7 or RESUBDIVISION OF LOT 34 OF TRAIL CREEK SUBDIVISION
212 Bitterroot Unit 7, Sun Valley, Idaho
Owned by Kenneth and Brook Townsend Trustees

ZONING

I have talked with Mark Hofmann of the City of Sun Valley Planning and Zoning department about zoning requirements for this house/parcel. The current zoning area that this parcel is within is the RS-1 which are residential (2) du/ (1) acre. This subdivision however was created before this current zoning designation. Thus the current zoning setbacks, nor the setbacks per the nonconforming lots applies. Therefore to my surprise the set backs to internal property lines are 0' -0". Internal lot lines are the lot lines to your adjacent neighbors on the sides (east/west). The External Property lines, which are the exterior boundary of the subdivision, are where setbacks from the zoning code apply; uniquely they do not apply to this parcel (due to one lot side being on the other side of Trail Creek, and the other side separated from by another subdivision lot.)

Limitations from a setback/encroachment standpoint will likely occur relative to flood plain, riparian demarcations and locations of existing non-conforming placement of the existing building and the existing deck. Thus, The deck can be repaired/rebuilt within the exact location or smaller/less non-conforming than existing and the same scenario would apply relative to the footprint of the home or garage. However relative to the building footprint; you could build upwards on the same footprint of the non-conforming existing building to add a second story.

Any expansion of the footprint would be dictated by the flood plain, riparian setback and International Building Code (this code dictates construction types/ratings, and amounts of window/door openings).

DESIGN

I see a variety of options to expand the home:

1. Widen garage to the East approx. one garage bay width or so.
2. Deepen garage to the North into the existing driveway area a bit.

3. Build a second story above the existing garage
4. Option- also to build above any East or North expansion- this may not be desired architecturally however from an exterior massing standpoint

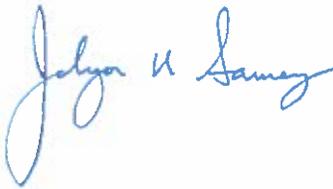
CIVIL

I recommend that the lot be surveyed by a civil engineer to confirm floor elevations, building corner locations, property boundaries, flood plain elevations and riparian setbacks. The only criteria that I believe will dictate any footprint expansion is the riparian setback. We will have to just wait and see what the civil engineers survey shows.

RECCOEMNDATIONS

I feel that building above the garage is certainly a viable option. Any other footprint expansions are pending the survey results. I could field measure the existing home, draw the existing base CAD floor plans and elevations so that preliminary design can take place to see if your goals can be achieved within the existing footprint of the building. When the survey is complete then the expansion of the footprint can be evaluated. I would suggest that all of these recommendations be completed at least to a preliminary level before any purchase of the property.

Sincerely,



Jolyon H. Sawrey, Architect/Land Planner



From: Mark Hofman <mhofman@svidaho.org>
Subject: RE: BITTERROOT- DUPLEX ZONING SUMMARY
Date: February 2, 2015 11:03:52 AM MST
To: "Jolyon H. Sawrey" <jolyon@vitalinkarchitecture.com>

Yes, the letter is representative of our conversation and the state of zoning, codes, and requirements for the property. Well done.

Thanks Jolyon!

Mark Hofman, AICP
Community Development Director
City of Sun Valley
(208) 622-4438
mhofman@svidaho.org

From: Jolyon H. Sawrey [mailto:jolyon@vitalinkarchitecture.com]
Sent: Monday, February 02, 2015 7:21 AM
To: Mark Hofman
Subject: BITTERROOT- DUPLEX ZONING SUMMARY

Mark,

I have attached a summary based on my discussion with you about the zoning requirements for the duplex at 212 Bitterroot #7. Could you look it over and provide written acknowledgement that I understood the design criteria correct. This summary is likely going to lead to the purchase of the property and I want to make sure I have the information right.

Thank you!

Jolyon H. Sawrey
Architect, LEED BD+C

Vital Ink Architecture



VARIANCE COMPLIANCE STATEMENT

For:

The Tavarez Residence Addition

08 September, 2015

This document provides a written response to the mandatory requirements of Sun Valley Ordinance item 9-5A- 4 APPLICATION INFORMATION for a variance. The applicants responses are below in *italics*.

Item 2. States: For a variance, the compliance statement shall explain the compliance of the proposal with the following considerations:

a. The need for the variance is not the result of actions of the applicant or property owner;
As was noted in the Variance Request Narrative, the applicant/property owner was basing their purchase of the property and the design of the addition according to dialogue had with the previous planning administrator which was later found to not be accurate/not complete. This is pertaining solely to the additional 10'-0" stream buffer setback to the Riparian setback.

b. The variance will not unreasonably diminish the health, safety or welfare of the community neighborhood;
The compliance with the 25'-0" riparian setback if granted by the variance process will not unreasonably diminish the health, safety or welfare of the community or the neighborhood. The 25'-0" setback provides ample setback as for stream needs as the setback is presumed to be a suggested minimum by FEMA or other governing agency; and as this is a common setback in other municipalities.

c. The variance is the only reasonable alternative to overcome the undue hardship; and
The applicant finds that based on not being provided with complete information from the past planning administrator at a meeting specific to site planning parameters, that the entire professional team was unaware of this unique buffer rule and that the property was purchased and project already designed /finalized and ready for permit submittal; that this is the only reasonable alternative to overcome the undue hardship placed on this project by others.

d. The variance is the minimum relief necessary to allow reasonable use of the subject property. (Ord. 387, 6-21-2007)

The location where the addition is proposed complies with the 25'-0" riparian setback. Additionally, moving the addition further away to the 35' distance increases unnecessary square footage of the project, begins to look less appealing as the addition appendage grows/moves away from the mass of the home. Lastly, this is addition and remodel is being done to make for a "age- in place" one story primary level home with an attached one car garage. Therefore keeping the home smaller, and more cohesive looking is more desirable. Thus the variance is the minimum relief necessary to allow for reasonable use of the property.

Additionally per Sun Valley Ordinance item 9-5B-8.E

E. Required Findings: A variance shall be granted by the commission only if the applicant demonstrates all of the following:

1. The subject property is deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under the applicable zoning district because of the unique size, shape, topography or location of the subject property (a finding of undue hardship);
This property is unique along with its' surrounding neighborhood in that it was designed and constructed before the current zoning ordinances. The nature of the location of the existing home and its' nonconformity relative to Trail Creek and the 25'-0" setback as presented by the previous planning administrator worked fine relative to the unique size/design of the existing home, shape and placement relative to the existing lot and the location of the Trail Creek. Thus, the additional 10'-0" the applicant finds as undue hardship relative to these small lots and due to the placement of the existing structure of which connecting a new additional (one car garage) becomes a hardship to meet the additional 10'-0" stream buffer requirement. But, most importantly that the hardship is designing according to the original inaccurate/not complete information from the previous planning administrator.

2. The need for the variance is not the result of actions of the applicant or property owner;
See item "a" noted above.

3. The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood;
See item "b" noted above.

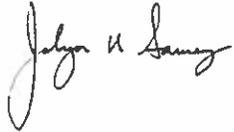
4. The variance is the only reasonable alternative to overcome the undue hardship; and
See item "c" noted above.

5. The variance is the minimum relief necessary to allow reasonable use of the subject property. (Ord. 382, 10-25-2006)
See item "d" noted above.



Any additional questions or concerns; I will address at the public hearing and or will provide any additional documentation or information that you require in advance of the meeting.

Sincerely,



Jolyon H. Sawrey, Architect

