



## PLANNING AND DEVELOPMENT SERVICES

MAYOR: Lauren McLean | DIRECTOR: Tim Keane

February 1, 2024

John Michael Schert  
812 W Brumback St  
Boise, ID 83702  
[schert@mac.com](mailto:schert@mac.com)  
(sent via e-mail)

**Re: CUP23-00047 / 812 W Brumback St / Revised Findings**

Dear Appellant(s):

This letter is to inform you of the action taken by the Boise City Council on your appeal of the Planning and Zoning Commission's approval of a conditional use permit for a parking reduction associated with a single-family home on 0.07 acres located at 812 W Brumback Street in an R-1CH (Single Family Residential with Historic Overlay) zone.

The Boise City Council, at their hearing of **December 12, 2023, approved** your appeal, and overturned the decision of the Planning and Zoning Commission based on the Reason for the Decision and attached Conditions of Approval that were formally adopted by the Boise City Council on **January 30, 2024**.

This final decision by the Boise City Council includes the notice to the applicant of the applicant's rights to request a regulatory taking analysis pursuant to Idaho Code 67-8003.

Questions can be directed to the assigned planner, Matthew Denis at (208) 608-7134 or [mdenis@cityofboise.org](mailto:mdenis@cityofboise.org).

Sincerely,

Jessica Szlag  
Deputy Planning Director  
Boise City Planning and Development Services

JS/nn

cc: Eamonn Parke / Park Architecture / [eamonn@parkearchitecture.com](mailto:eamonn@parkearchitecture.com)  
Erik Hagen / North End Neighborhood Association / [NENA.PandZ@gmail.com](mailto:NENA.PandZ@gmail.com)

The City of Boise Planning and Development Services Department acknowledges the ancestral, cultural, traditional, and unceded territory of the Shoshone, Bannock, and Northern Paiute people on which our land use and development decisions are made.

## **REASON FOR THE DECISION**

The requested parking reduction complies with the approval criteria of Boise City Code (BCC) *Section 11-03-04.6.9(7)(a)* (Conditional Use Permit). The proposal is compatible with surrounding uses, as the subject property is located within the North End Neighborhood, in an area that is comprised of predominately single-family detached homes, as well as within the Hyde Park Neighborhood Activity Center. A parking reduction is supportable at this location because it has been demonstrated that the immediate vicinity surrounding the subject property can accommodate a sufficient amount of on-street parking, as evidenced by the submitted parking study, which detailed the amount of available on-street parking spaces at varying times and days of the week. Additionally, the submitted parking study demonstrates that the site has adequate access to a relatively comprehensive network of alternative transportation suited for walking, biking, and transit, because it is adjacent to a Level 1 bikeway (Brumback Street) as well as a bus route (VRT Route #16 – VA/Hyde Park Loop) with a bus stop within 100 feet of the subject property. Agency comments confirm that the proposed use will not place an undue burden on public facilities nor will it have an adverse effect on other properties. The proposal is supported by *Principle GDP-MU.6* and *Policy ES1.4*, which promote the availability of local services within walking distance to support designated activity centers and encourage increased transit ridership to reduce carbon emissions from vehicles.

## **CONDITIONS OF APPROVAL**

### **Site Specific**

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received **July 18, 2023**, and **August 9, 2023**, except as expressly modified the following conditions:
3. Comply with all applicable conditions set forth by DRH23-00157.
4. A new ADU application will be required for the newly proposed ground-level studio design referenced herein.
5. The applicant shall comply with the requirements of the Boise City Public Works Department (BCPW) in the memos from:
  - i. Sewer dated **August 18, 2023**,
  - ii. Street Lights dated **August 21, 2023**,

### **Standard Conditions of Approval**

6. This approval does not exempt the applicant from compliance with all local, state, and federal regulations where applicable by law or judicial decision.



7. Vision Triangles, as defined under *Section 11-012-03* of the Boise City Code, shall remain clear of sight obstructions.
8. Any outside lighting shall be reflected away from adjacent property and streets. The illumination level of all light fixtures shall not exceed two (2) footcandles as measured one (1) foot above the ground at property lines shared with residentially zoned or used parcels.
9. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or an authorized representative and an authorized representative of Boise City. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise City.
10. An Occupancy Permit will not be issued by the Planning and Development Services Department until all of these conditions have been met. In the event a condition(s) cannot be met by the desired date of occupancy, the Planning Director will determine whether the condition(s) is bondable or should be completed, and if determined to be bondable, a bond or other surety acceptable to Boise City will be required in the amount of 110% of the value of the condition(s) that is incomplete.
11. Any change by the applicant in the planned use of the property, which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant, or successors of interest, advise Boise City of intent to change the planned use of the property described herein, unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
12. Failure to abide by any condition of this approval shall be grounds for revocation by the Boise City Planning and Zoning Commission.
13. This permit shall be valid for a period not to exceed 24 months from the date of approval by the Planning and Zoning Commission. Within this period, the holder of the permit must acquire construction permits and commence placement of permanent footings and structures on or in the ground.
14. Prior to the expiration of this conditional use permit, the Commission may, upon written request by the holder, grant a two-year time extension. A maximum of two (2) extensions may be granted.

