



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF NOVEMBER 12, 2019

- PROJECT:** Gyurkey LI-1 Residential Conditional Use Permit
- FILE NUMBER:** P19-121
- OWNER:** Nick & Kathleen Gyurkey
- REQUEST:** Conditional Use Permit (CUP) for a Residential Unit in Light Industrial One District
- LOCATION:** 911 North Main (North Town Center)
- ZONING:** Light Industrial Number 1 (LI-1) Zoning District
- OVERLAY:** None
- NOTICE:** Notice was mailed to property owners within a 300-foot radius and was published in the Idaho Mountain Express on November 20, 2019. Notice was posted at the subject location and on the city website on December 2, 2019. As of the publication of this Staff Report, the Planning & Building Department has received no public comment regarding this application.
- ATTACHMENTS:** A. Application
B. Floor Plan
C. Project Photos

BACKGROUND

Applicant received a cease and desist order from the City Attorney on October 3, 2019 and has applied for a Conditional Use Permit to bring into compliance the existing non-permitted residential apartment of approximately 700 square feet within the LI-1 Zoning District.

Residential units are conditionally permitted in the light Industrial zoning districts subject to the standards of evaluation set forth in Ketchum Municipal Code (KMC) §17.124.090.A. as well as §17.116.030.

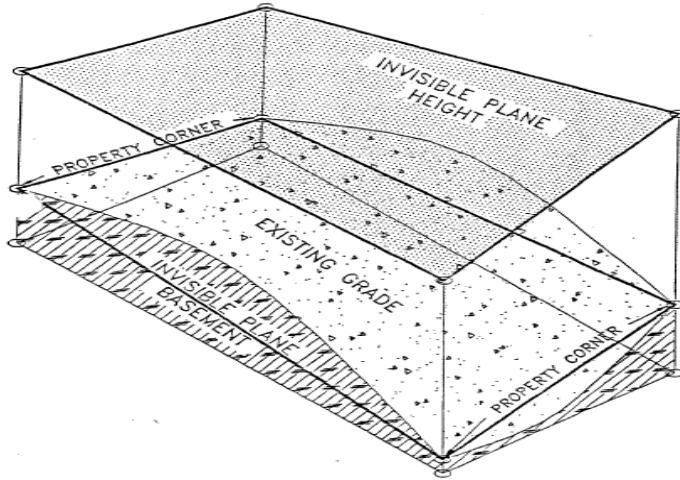
The proposed residential unit is accessed from Highway 75. A garage/light industrial unit below is accessed from 10th Street.

Residential units within the LI are conditionally allowed on the second floor of buildings. Due to the slope of the lot, the Commission should determine if the location of the unit is a second floor unit. Photographs of the building and unit are attached to this staff report. Due to the age of the building, staff is unable to provide building plans. The Commission will conduct a site visit prior to the public hearing on the project on Monday, December 9, 2019.

ANALYSIS

The key issue with any approval of subject LI Residential Unit is whether the unit complies with KMC §17.124.090.A (1) , which states that **Dwelling units shall not occupy the ground floor.**

Consistent with Illustration A and city definitions, as set forth in KMC §17.08.020, the 10th Street garage/light industrial unit is a basement.



BASEMENT: That portion of the lowest floor(s) of a building below the invisible plane. The basement invisible plane is created by measuring the finished grade elevation at four (4) corners of a lot and connecting each corner with a line around the perimeter of the lot. The city shall establish finished grade within the right of way of the alley and at the back of the sidewalk (see illustration A on file in the office of the city clerk).

Consistent with Illustration A and city definitions, as set forth in KMC §17.08.020, the proposed residential unit accessed from Highway 75 is on the ground floor:

GROUND FLOOR: The floor of a building that is at or nearest to the level of the ground around the building; also referred to as first floor or ground level.

Accordingly, it is staff’s interpretation that the proposed residential unit occupies the ground floor and, as such, does not comply with KMC §17.124.090.A (1).

Table 1. City Department Comments

City Department Comments			
Compliant			City Department Comments
Yes	No	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fire: <i>The sleeping area within the Unit required the installation of a smoke detector in the living space consistent with IFC 907.2.10.1 et.seq. The fire chief would need to re-inspect for compliance if residential occupancy is permitted by Commission.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	City Engineer and Streets Department: <i>As the project does not qualify as a substantial improvement, no right-of-way improvements are required.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Utilities:

			<i>As the project does not qualify as a substantial improvement, no utility improvements are required.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Building: <i>No issues currently identified, however, the division of building safety would need to re-inspect the premises for compliance if residential occupancy is permitted by the Commission.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: <i>Comments are denoted throughout the Staff Report.</i>

Table 2. Standards for Residential, Light Industrial Districts

IMPROVEMENTS AND STANDARDS: 17.124.090 – RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:				
Residential units in the light industrial districts shall comply with the following minimum criteria:				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (1)	Dwelling units shall not occupy the ground floor.
			<i>Staff Comments</i>	<i>The proposed residential unit at 911 North Main Street in North Town Center middle building occupies the ground floor and, accordingly, does not comply with this standard.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (2)	Design review under chapter 17.96 of this title shall be required whether new building, addition to existing building or remodel of existing building.
			<i>Staff Comments</i>	<i>Design Review is not required as this application does not change the exterior of the building.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (3)	Dwelling Units: Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units and up to fifty percent (50%) of a work/live unit's gross floor area may be devoted to the residential portion of a work/live unit.
			<i>Staff Comments</i>	<i>The North Town Center LI Complex consists of three buildings. Subject proposed residential unit occupies less than 50% of subject building.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (4)	Individual Units: Except as set forth in the following instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The instances where dwelling units may be sold are limited to:
				<ul style="list-style-type: none"> a. City approved work/live units, as defined in chapter 17.08 of this title and subsection A5 of this section; b. Three-story projects in the LI-3 where not less than one-third (1/3) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with subsection B of this section; c. Four-story and five-story projects in LI-2 and LI-3 where not less than two-thirds (2/3) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with subsection A7 of this section; d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965; e. Existing condominiums and work/live units with less than one thousand (1,000) square feet of residential gross floor area that have a valid residential conditional use permit prior to the adoption of this section as published.
			<i>Staff Comments</i>	<i>N/A – subject North Town Center LI complex has not been condominiumized and would be a rental if approved.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (5)	Work/Live Units: In the approval of work/live units, the City shall also find that:
				<ul style="list-style-type: none"> a. The work portion of the unit meets the definition of work/live unit set forth in section 17.08.020 of this title, including that the project is subject to Council approval of a restrictive covenant; b. The work unit is: <ul style="list-style-type: none"> (1) Suitable for on-site employees, foot traffic/customers, and meets applicable Building and Fire Codes; (2) Signed and posted with regular hours of operation;

				<p>(3) Served by the prominent means of access for the work/live unit; and,</p> <p>(4) Associated with a business license for a use allowed (either conditionally or permitted) in the district.</p> <p>c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:</p> <p>(1) The size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet;</p> <p>(2) Means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and</p> <p>(3) Suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in chapter 17.125 of this title.</p>
			<i>Staff Comments</i>	<p>a) NA</p> <p>b) NA – no work unit associated with this application</p> <p>c) The living area is not secondary to any permitted LI use; however, the size of the living area is less than 1,000 gross sq ft. The residential portion of the unit is not from the side or rear of the property but directly from SH75. No conflict with parking and snow removal have been identified.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (6)	<p>Size: Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 no individual dwelling unit shall exceed a maximum of two thousand (2,000) square feet, contain more than two (2) bedrooms, and all units shall not exceed a mean average of one thousand (1,000) square feet.</p>
			<i>Staff Comments</i>	<i>The live space meets subject square foot limitations.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (7)	<p>Fourth Or Fifth Floor: Buildings proposing a fourth or fifth floor with a qualifying ground floor consistent with section 17.12.050 of this title shall comply with the following minimum criteria:</p> <p>a. If dwelling units are to be sold, a minimum of two-thirds (2/3) of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;</p> <p>b. The area designated as light industrial shall be as follows:</p> <p>(1) The area designated as light industrial shall be a minimum of twenty five percent (25%) of the gross floor area in four story buildings.</p> <p>(2) The area designated as light industrial shall be a minimum of twenty percent (20%) of the gross floor area in five story buildings.</p> <p>(3) Subject light industrial use shall not be for personal storage by dwelling occupants;</p> <p>c. Up to seventy five percent (75%) of the gross square footage of any four-story building and up to eighty percent (80%) of the gross square footage of a five story building may be devoted to dwelling units; and</p> <p>d. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings and 2:3 for five story buildings.</p>
			<i>Staff Comments</i>	<i>N/A</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (8)	<p>Anti-Nuisance And Notice Provisions:</p> <p>a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the City will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.</p> <p>b. All persons who rent or sublet any residential living unit within the Light Industrial Zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the Light Industrial Zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.</p> <p>c. Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such Light Industrial Zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such Light Industrial Zone.</p> <p>d. All brochures and other printed materials advertising rental or lease of a living unit within the Light Industrial Zones shall contain a provision designating that such unit or units are located within the Light Industrial Zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the Light Industrial Zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.</p>
			<i>Staff Comments</i>	<i>The property owner is aware of the nature of the light industrial zone and is aware of the other standards within this section.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090 A (9)	<p>Compliance: Compliance with all applicable code sections, including among others, the City's parking and loading standards as set forth in chapter 17.125 of this title, except that if a parking reduction is requested through a Transportation Demand Management Plan per section 17.125.090 of this title, the reduction request shall be submitted to the Zoning Administrator and the Ketchum City Council will determine if such request shall be approved.</p>
			<i>Staff Comments</i>	<i>NA</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090 A (10)	<p>Conditions: Conditions including, but not limited to, the following may be attached to the conditional use permit approval:</p> <p>a. Access to the residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted City standards;</p> <p>b. Separation of residential and light industrial parking on the site to minimize conflicts;</p> <p>c. Restrictions on exterior storage of personal property of tenants;</p> <p>d. Certificate of occupancy required prior to occupancy of units;</p> <p>e. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;</p> <p>f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;</p> <p>g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses;</p> <p>h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;</p> <p>i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,</p>

				j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section.
			<i>Staff Comments</i>	<i>Recommended conditions of approval are specified in the Staff Report below. The Planning & Zoning Commission may attach additional conditions of approval to the Conditional Use Permit as specified by KMC §17.124.090.A10.</i>

Table 3. Conditional Use Permit Requirements

Conditional Use Requirements				
EVALUATION STANDARDS: 17.116.030 and § 67-6512 of Idaho Code				
A conditional use permit shall be granted by the commission only if the applicant demonstrates the following:				
Compliance and Analysis				
Yes	No	N/A	City Code	City Standards and Staff Comments
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.116.030(A)	The characteristics of the conditional use will not be unreasonably incompatible with the types of uses permitted in the applicable zoning district.
			<i>Staff Comments</i>	<i>Unlike other residential units in the Light Industrial (LI) areas, this residential unit will have its main entrance on the same floor as adjacent light industrial uses. The majority of other residential units in the LI are on the floor above the LI uses, possibly sharing common walls or entrances with administrative offices.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(B)	The conditional use will not materially endanger the health, safety and welfare of the community.
			<i>Staff Comments</i>	<i>The one bedroom residential unit does not appear to materially endanger the health, safety, and welfare of the community. However, the Commission should review the site during the site visit in addition to the other materials in the record.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(C)	The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
			<i>Staff Comments</i>	<i>A wide curb cut currently exists on the property with parking spaces for the units. Staff does not anticipate an additional traffic concern with the allowance of the residential unit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(D)	The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.
			<i>Staff Comments</i>	<i>Emergency and essential services are adequate to service the building and residential use.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.116.030(E)	The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this section.
			<i>Staff Comments</i>	<i>As described in Table 1 of this Staff Report and 17.116.030(A) of this table, the conditional use aligns with, rather than conflicts with, the policies of the Comprehensive Plan and the basic purposes of this section.</i>

The Planning and Zoning Commission may attach additional conditions to the application approval as it determines necessary in order to ensure the residential use is compatible with the vicinity and adjoining uses, mitigate adverse impacts, and enhance public health, safety, and welfare. Such conditions may include, but are not limited to (KMC §17.116.050):

- A. Minimizing adverse impact on other development;
- B. Controlling the sequence and timing of development;
- C. Controlling the duration of development;
- D. Assuring that development is maintained properly;
- E. Designating the exact location and nature of development;
- F. Requiring the provision for on site or off site public facilities or services;
- G. Requiring more restrictive standards than those generally required in an ordinance; and
- H. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the city.

Additionally, KMC §17.124.090 pertaining to residential standards in light industrial districts states that the following conditions may be attached to the Conditional Use Permit:

- A. Access to the apartments relative to design and relationship to light industrial uses;
- B. Location of residential and light industrial parking on the site;
- C. Restrictions on exterior storage of personal property of tenants;
- D. Certificate of Occupancy required prior to occupancy of units;
- E. Ketchum Fire Department and Ketchum Building Department requirements shall be met prior to occupancy;
- F. Permit shall be reviewed when light industrial occupancies within the building change;
- G. Snow removal required to ensure utility of residential spaces;
- H. Such proof of long term occupancy as deemed appropriate;
- I. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; and/or
- J. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A9 of this section.

COMMISSION OPTIONS:

Staff recommends the Planning & Zoning Commission consider the analysis contained in Tables 1-3 of the Staff Report, the applicant's submittal, any public comment received, deliberate, and move to deny the Gyurkey LI Residential CUP.

Make a motion to either:

- 1. This project, North Town Center Residential CUP, **does not** meet the standards for approval under Chapter 17.116 of Ketchum Zoning Code Title 17 **because of the following standards** (Commission to insert reasons for denial); or,
- 2. This project, North Town Center Residential CUP, **does** meet the standards for approval under Chapter 17.116 of Ketchum Zoning Code Title 17 only if the following conditions of approval are met.

RECOMMENDED CONDITIONS – In the event of an approval of subject LI Residential CUP, the following conditions of approval are recommended:

- 1.** The Conditional Use Permit is non-transferable from parcel of land or condominium unit to another.
- 2.** The residential living area shall not exceed one thousand (1,000) square feet total and shall contain no more than two (2) bedrooms.
- 3.** One (1) on-site parking space per bedroom shall be provided.
- 4.** Because of the mixed-use nature of the building, the Fire Marshal shall conduct routine inspections of the residential unit, as well as the other uses in the work/live building.
- 5.** Inspections by Planning staff to ensure requirements with the Conditional Use Permit conditions may be scheduled at the discretion of staff.
- 6.** Ketchum City Engineer, Streets, Utilities, Fire and Building Department requirements shall be met;
- 7.** Conditional Use Permit elements shall be completed prior to final inspection/occupancy;
- 8.** This Conditional Use Permit approval is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans must conform to the approved Design Review plans unless otherwise approved in writing by the Commission or Planning and Zoning Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;

- 9.** The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
- 10.** Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
- 11.** All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

ATTACHMENTS

- A. Application
- B. Floor Plan
- C. Project Photos

- 9.** The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.
- 10.** Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
- 11.** All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed-use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

ATTACHMENTS

- A. Application
- B. Floor Plan
- C. Project Photos

Exhibit A: Application



City of Ketchum
Planning & Building

OFFICIAL USE ONLY	
File Number:	P19-121
Date Received:	10-23-19
By:	MP
Fee Paid:	1100-
Approved Date:	
Denied Date:	
By:	

Conditional Use Permit Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

OWNER INFORMATION	
Project Name:	North Town Center
Name of Owner of Record:	Nick and Kathleen Gyurkey
Physical Address:	911 N. Main, Ketchum
Property Legal Description:	Ketchum Am LOT 5A BLK 30
Property Zoning District:	LI 1
Contact Phone:	208 228 6152
Contact Email:	gyurkey@frontiernet.net
PROJECT INFORMATION	
Description of Proposed Conditional Use:	700 sq residential apartment for on-site management assistance located above a garage
Description of Proposed and Existing Exterior Lighting:	NA
ADDITIONAL COMMENTS	
Smoke detectors have been installed. The apartment has been in place and used for this purpose for many years. We need on-site "eyes and ears" when we are away because the buildings need consistent attention. We are aging and need this help.	
ACCOMPANYING SUPPORTING INFORMATION REQUIRED	
<ul style="list-style-type: none"> Existing Site Plan Proposed Site Plan Landscape Plan Grading and Drainage Plan Exterior Lighting Plan and Specifications Other plans and studies related to the social, economic, fiscal, environmental, traffic, and other effects of the proposed conditional use, as required by the Administrator 	

Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

Kathleen Gyurkey
Applicant Signature

10/23/2019
Date

Nick Gyurkey
City of Ketchum Planning & Building Department
Conditional Use Permit Application

November 712, 2019

City of Ketchum
Planning and Building Department
PO Box 2315
Ketchum ID 83340

TO: P&Z Commission
FROM: Nick and Kathy Gyurkey

RE: Explanation of request for CUP for on-site management apartment at North
Town Center

The space in question, approximately 700sf of residential space inside the central building at North Town Center, 911 North Main, has been an on-site management facility ever since we bought the building at the turn of the century. The domestic appurtenances of an apartment existed on the day we bought the complex, and we have assumed that its use was grandfathered. Over the years, we have availed ourselves of that potential, or not, but have always maintained the apartment as a desirable living space. It is tastefully furnished and equipped, with full kitchen and WD. It is not a warehouse or other commercial space that has been repurposed to house "squatters."

With this letter we submit a sketch, taken from the building's original drawings, showing the layout of the apartment. Building Department staff visited the location and verified that it is on the 2nd floor of a two-story building which fronts on (1) an alleyway, (2) Tenth Street, (3) Main Street.

Other "supporting information" for the CUP permit do not seem to apply because the apartment is in an existing building that will require no alteration as to landscape, grading, drainage, exterior lighting etc. for us to continue using the apartment as it has always been used. If further paper documentation is needed, please let us know.

LI COMPLIANCE

Our understanding is that the apartment, since we put in smoke detectors following the fire inspector's message, meets all of the qualifications for residential in the LI-1 zone. The only outstanding question goes to whether it is on the first or second floor.

This is a two-story building, and the apartment is on the higher of the two levels. The first level opens to either the alley or Tenth Street, while the second floor opens on to Hwy 75. In contrast to the Tenth Street Center, across Tenth Street to the north, the business operations of those who rent space on the first level of the building open to city streets, not to a private parking lot or interior courtyard.

The building that houses the apartment was originally designed to be no more than three stories (another level could theoretically be added, structurally). The first level is not a basement or in any way an "underground" portion of the square footage; it is the supporting first floor, and has always been occupied by LI-1-compliant tenants with daylight entrances.

BENEFITS OF RESIDENTIAL USE

Four Beneficiaries of the On-site Residence

The residential rental arrangement has benefited (1) ourselves, as owners, (2) all the other tenants in the building, (3) the occupant of the apartment and (4) the community.

Good Reasons for On-Site “Eyes and Ears”

In our experience, it is always preferable to have an ownership-oriented presence in a commercial property, to offset the potential for things to go wrong, originating not only with tenants but also neighbors and customers. In particular, our parking lot is continuously subject to expropriation, potentially to the detriment of our tenants, largely because the city’s curb parking on Tenth Street is for all intents and purposes “owned” by one particular business, Ketchum Automotive, which forces everyone else to poach on private parking, most obviously our’s. We have to make continuous efforts to discourage parking poachers just to protect our tenants’ parking privileges, and to minimize wear and tear on the parking surface.

Parking is just the most prominent example. Things like dumpster insufficiency and failures of lighting and watering systems are also headed off with the help of our residential tenant.

Parking Impact on the Complex - Light parking demand benefits tenants

Renting to an individual local working person puts no parking stress on the complex; to the contrary, as the occupant works off-site during normal business hours, his/her car is not present when customers of our other tenants need parking; conversely, he/she is present at night and on weekends when the other tenants are not there and can benefit, as we do, from his/her “eyes and ears.” Our tenants would choose this use over all other possibilities.

Affordable Housing - good for the tenant, good for the community

The apartment has never been used as a short term rental. When rented as a month-to-month tenancy, the apartment has without exception been available to a local working person, and that person’s housing/utility expense has been partially offset by trading incidental “eyes and ears” assistance to us in lieu of higher rent. A flexible lease is prized by young people looking to establish a more permanent address so they can remain in the north valley. It goes without saying that even one attractive, affordable, well-located housing unit is of some benefit to our housing-strapped community. And, as we have grown older, the presence of these young helpers has been increasingly useful to us in our efforts to be good landlords.

No Complaints - no harm, no foul

To our knowledge, there has never been an incident or a complaint from our tenants or neighbors as to the conduct of the apartment’s occupant. Other tenants have occasionally acted in ways that inconvenienced others in the building, and by observing actual events the occupant of the apartment has been of help in resolving what could turn into conflicts among tenants.

For all these reasons, we are asking the P&Z to certify our continued use of the existing apartment, without the need for any alterations that we are aware of, for on-site management purposes and to benefit the community in the form of affordable, non-objectionable housing.

Thank you for your open-minded consideration of these perspectives.

Sincerely,

Nick and Kathy Gyurkey
#31 Lake Creek Dr., 208-928-6152

Exhibit B:
Floor Plan

ON-SITE APARTMENT - NORTH TOWN CENTER



Exhibit C:

Project Photos

View and access to unit from Highway 75;
Unit proposed for residential use (below)



View from 10th
Street (back of unit,
below)



View of entire building from 10th
Street

