

VARIANCE APPLICATION	
Permit info: <u>VARFY2026-0001</u>	
Application Date: <u>2/18/2026</u>	Rec'd by: _____
FOR OFFICE USE ONLY	

6015 Glenwood Street • Garden City, ID 83714 • 208.472.2921
 ▪ www.gardencityidaho.org ▪ building@gardencityidaho.org

APPLICANT	PROPERTY OWNER
Name: Kristen McNeill	Name: BARTLETT DOUGLAS MARSHALL FAMILY TRUST TRUST 06/05/2023
Company: Givens Pursley LLP	Company:
Address: 601 W. Bannock St	Address: 370 N. Mitchell St
City: Boise	City: Boise, Idaho 83704
State: Idaho Zip: 83702	State: Zip: 83704
Tel.: 208-388-1276	Tel.:
E-mail: kristenmcneill@givenspursley.com	E-mail: doug@bartlettroofs.com

PROPERTY AND VARIANCE REQUEST INFORMATION

Site address:
3588 N. Prospect Way, Garden City, Idaho

Subdivision Name: Sonrisa Subdivision	Lot: 1	Block: 1
Tax Parcel Number: R8039730100	Zoning: M	Total Acres: 0.095
Existing Use: vacant	Floodplain: <u>yes</u> no	
Proposed Use: single-family home	Surrounding Uses: residential, commercial	

Description of the requested variance:
See narrative.

How is the property deprived, by a 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)?
see narrative.

How does the need for a variance not result from the actions of the applicant or property owner?
See narrative.

How will granting a variance not unreasonably diminish either the health, safety or welfare of the community or neighborhood?

See narrative.

Why is a variance the only reasonable alternative to overcome the undue hardship?

See narrative.

Why is a variance the minimum relief necessary to allow reasonable use of the subject property?

See narrative.

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees and application correspondence with the City. I will hold harmless and indemnify the City of Garden City from any and all claims and/or causes of action from or an outcome of the issuance of a permit from the City.

Kirsten Mehall

2/17/2026

[Signature] 2/17/26

Signature of the Applicant

(date)

Signature of the Owner

(date)

APPLICATION INFORMATION REQUIRED

NOTE:

AN ELECTRONIC COPY OF THE ENTIRE APPLICATION SUBMITTAL REQUIRED
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED UNDER ANY CIRCUMSTANCES

ONE (1) HARD COPY OF EACH CHECKLIST ITEM REQUIRED

- Compliance Statement and Statement of Intent
- Affidavit of Legal Interest
- Neighborhood Map
- Site Plan
- Approved Addresses
- Waiver Request of Application Materials



PLEASE CHECK THE FOLLOWING:

INFORMATION FOR COMPLIANCE STATEMENT AND STATEMENT OF INTENT:

- Should include purpose, scope, and intent of project**
- Information concerning noxious uses, noise, vibration, and any other aspects of the use or structure that may impact adjacent properties or the surrounding community**
- Statement explaining how the proposed use(s) is compliant with the standards of review for the proposed application. Cite the ordinances the proposed use(s) is compliant with**

INFORMATION REQUIRED ON NEIGHBORHOOD MAP:

- 8 1/2" x 11" size minimum**
- Location of contiguous lots and lot(s) immediately across from any public or private street, building envelopes and/or existing buildings and structures at a scale not less than one inch equals one hundred feet (1" = 100')**
Impact of the proposed siting on existing buildings, structures, and/or building envelope

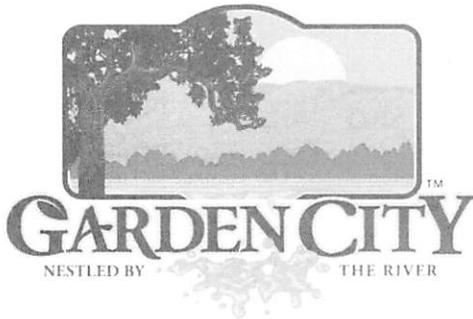
INFORMATION REQUIRED ON SITE PLAN:

- 24" x 36" size minimum**
- Scale not less than 1" = 20'), legend, and north arrow.**
- Property boundary, dimensions, setbacks and parcel size.**
- Location of the proposed building, improvement, sign, fence or other structure, and the relationship to the platted building envelope and/or building zone**
- Building envelope dimensions with the center of the envelope location established in relation to the property lines**
- Adjacent public and private street right of way lines**
- Total square footage of all proposed structures calculated for each floor. If the application is for an addition or alteration to an existing building or structure, then the new or altered portions shall be clearly indicated on the plans and the square footage of new or altered portion and the existing building shall be included in the calculations**
- For uses classified as drive-through, the site plan shall demonstrate safe pedestrian and vehicular access and circulation on the site and between adjacent properties as required in Section 8-2C-13 of Title 8.**

INFORMATION REQUIRED FOR WAIVER REQUEST OF APPLICATION MATERIALS:

- Statement must include a list of the application materials to be waived and an explanation for the request.**

Disclaimer Clause: X Denotes application information that may be waived depending on the nature of the request" found under table 8-6a-2 "required application information."



6015 Glenwood Street · Garden City, Idaho 83714
Phone 208 - 472-2921 · Fax 208 - 472-2926
www.gardencityidaho.org

Affidavit of Legal Interest

State of Idaho)
)SS
County of Ada)

I, Doug Bartlett, 370 N. Mitchell St

Name Address of Owner
(must be primary owner as noted in Ada County Assessor's records.
If the primary owner is a business write the business name)
Boise ID 83704

City State and Zip

Being first duly sworn upon oath, depose and say:

1. That I am the record owner of the property described on the attached, and I grant my permission to Kristen McNeill,
Name of Applicant
to submit the accompanying application pertaining to 3588 N. Prospect Way,
Address of Property Subject to this Affidavit
Garden City Idaho, 83714 property.
2. I agree to indemnify, defend, and hold the City of Garden City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.
3. I hereby grant permission to City of Garden City staff to enter the subject property for the purpose of site inspections related to processing said applications.
4. I acknowledge that all fees related to said applications and improvements are ultimately the property owner's responsibility.

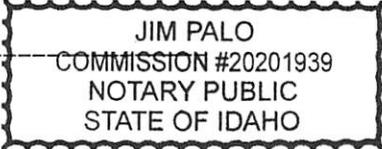
Dated this 11th day of February, 2026

[Signature] Doug Bartlett

Signature Printed Name
(must be primary owner, registered agent, or otherwise have legal authority to sign on behalf of primary owner)

Subscribed and sworn to before me the day and year first above written.

Notary Public for Idaho [Signature]
Residing at: BOISE IDAHO
My Commission expires 06/22/2026



GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
www.givenspursley.com

Elizabeth A. Koeckeritz
eak@givenspursley.com
208-388-1250

February 11, 2026

Via Email and US Mail

Planning and Zoning Commission
Garden City
6015 Glenwood Street
Garden City, Idaho 83714
building@gardencityidaho.org

RE: Narrative in Support of Variance for Setbacks

Dear Planning & Zoning Commissioners and City Staff:

This letter is submitted in support of applicant Doug Bartlett's request for a variance to obtain the approvals necessary to construct a single-family residence (the "**Project**") on property located at 3588 N. Prospect Way, Garden City, Idaho (the "**Parcel**").¹ This narrative serves as a compliance statement in support of a variance application from garage and habitable-space setback requirements



Figure 1

¹ The Parcel is more specifically identified as Ada County parcel number R8039730100.

for construction of the residence. The proposed residence will not include any negative impacts to surrounding properties.

The Parcel is approximately 0.095 acres and is unusually shaped, as shown on *Figure 1* and *Figure 2*. It is long and narrow—approximately 130 feet in length but only 26.5 feet wide at its



Figure 2

narrowest point, which is near the street frontage. The Parcel is zoned within the City’s Mixed Use (M) zoning district, where a detached single-family dwelling is an allowed use.²

Within the M zoning district, a structure is required to be built no greater than ten feet (10’) from the front property line. Garden City Code further requires the entrance of any garage to be set back a minimum of twenty feet (20’) from the back of the sidewalk.

Because of the Parcel’s unusual dimensions, this application requests a variance to allow the Project to be constructed outside the 10-foot maximum habitable-space setback³ and within the 20-foot sidewalk setback for the garage.⁴ A variance permits modification of otherwise required zoning setbacks when the following five findings are satisfied.⁵

² See Garden City Code at Table 8-2B-1.

³ See Garden City Code at Table 8-2B-2.

⁴ See § 8-2B-3(F)(8). The purpose of the 20’ setback for the garage is “to provide visibility for vehicles entering into the right-of-way and prevent vehicles parked in a driveway from encroaching into the sidewalk or roadway.” *Id.*

⁵ See Garden City Code § 8-6B-9.

For the following reasons, each finding is satisfied in this case.

- 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 Parcel is unique in shape and location, which deprives it of the rights and privileges enjoyed by other properties in its vicinity. Specifically, the Parcel's narrow street frontage—made more restrictive by its location on a cul-de-sac and the presence of an Idaho Power transformer box—imposes unique site constraints on the Parcel. *Figure 3* depicts the Parcel's narrow street frontage. These constraints create a conflict in locating a garage at the minimum 20' setback from the sidewalk while also maintaining the habitable space at the maximum 10' setback, as required in the M zoning district. This conflict deprives the Parcel of its right to develop an allowed use on the land, a right commonly enjoyed by other properties in the vicinity who do not share this physical constraint. Because of the limited parcel width and the constrained frontage access, strict compliance with the M zoning district setback standards imposes an undue hardship and prevents use of the Parcel in a way that is typical for similarly zoned properties in the area.



Figure 3

- 2. The need for the variance is not the result of actions of the applicant or property owner.**

The need for the setback variance arises solely from the unique shape and location of the Parcel, not the actions of the applicant or property owner. The shape of the Parcel is a feature of the property as

the applicant found it. In particular, a carport from the neighboring parcel to the south extends approximately 10' into the Parcel, which narrows the width of the Parcel's street frontage side. Also, a power transformer box, which existed on the Parcel at the time of purchase, is located in the northwest corner of the Parcel and further narrows the Parcel's street frontage. As noted above, it is this shape that imposes the unique site constraints and creates the undue hardship for the applicant in complying with the 10' maximum setback and the 20' minimum garage setback.

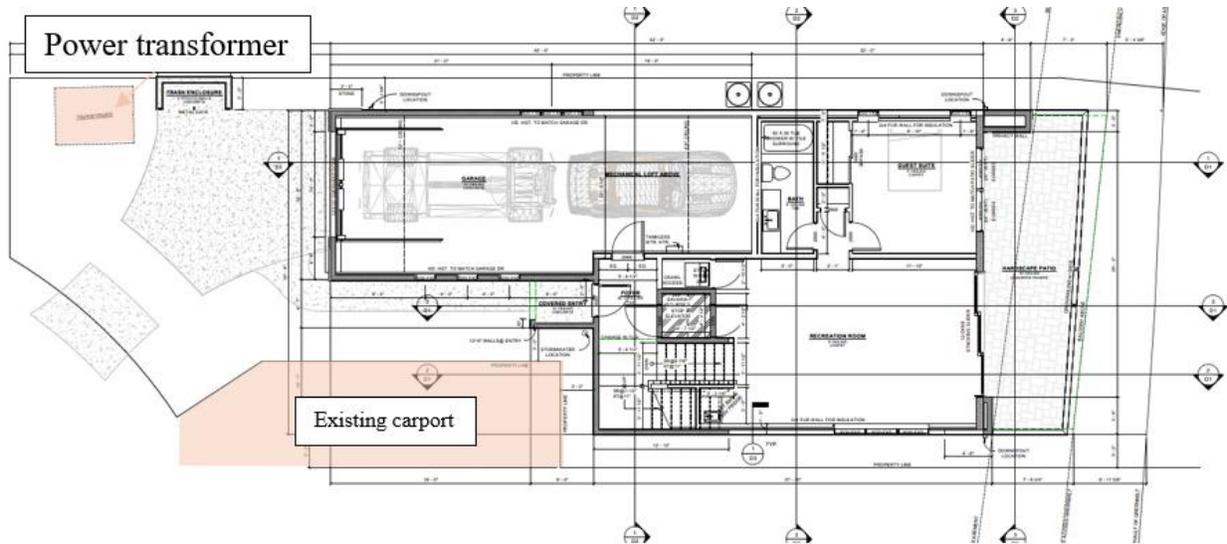


Figure 4

3. The variance will not unreasonably diminish either the health, safety or welfare of the community neighborhood.

The proposed variances will not unreasonably diminish either the health, safety or welfare of the community neighborhood. The variance is limited in scope and does not obstruct sight lines or create hazardous conditions along the street frontage. The variance will still provide visibility for vehicles entering into the right-of-way, and the tandem garage will prevent parked vehicles from encroaching into the sidewalk. The parking pad is sufficiently sized to allow a vehicle to back onto it and turn, enabling it to enter the street while moving forward. As mentioned, the Project is an allowed use in the M zoning district. In addition, as depicted in *Figure 4* above, the Project will neighbor a three-story building along its northern boundary and join other multi-level buildings in the vicinity. Thus, the Project is consistent with the established character of the area and does not adversely affect the health, safety or welfare of nearby properties.

4. The variance is the only reasonable alternative to overcome the undue hardship.

There are no other reasonable alternatives to comply with both the 10' maximum setback and the 20' minimum garage setback. Alternative designs were evaluated, and none would enable the Project to comply with the standard setbacks. For the reasons stated above, compliance with the standard setbacks constitutes an undue hardship because of the unique shape of the Parcel, and the setback conflict cannot

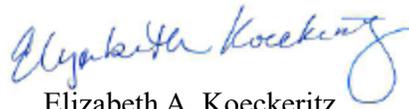
be reasonably remedied through redesign, relocation of the garage, or alteration of access without compromising other required standards, such as the onsite parking requirement for two cars.

5. The variance is the minimum relief necessary to allow reasonable use of the subject property.

This application seeks a variance from the applicable setbacks solely for the 10' maximum setback and the 20' minimum garage setback. All other applicable setbacks will remain operative. The request is limited in scope and is the minimum relief necessary for reasonable use of the Parcel.

For these reasons, strict enforcement of the standard setbacks creates an undue hardship in developing a single-family home on the Parcel, and we respectfully request a variance for the Project. Please let us know if you need any additional information on this variance request and thank you for your time and consideration.

Sincerely,



Elizabeth A. Koeckeritz

EAK/SLW

cc: Doug Bartlett (*via email only*)

January 16, 2026

Douglas Bartlett
370 N. Mitchell Street
Boise, Idaho 83704

RE: Neighborhood Meeting Notice for Project in your Neighborhood

Dear Neighbor,

You are invited to a neighborhood meeting to discuss a project we are proposing near your property. The purpose of the meeting is to discuss the project, answer any questions, and listen to your feedback and suggestions.

Meeting Date: January 28, 2026

Meeting Time: 5:30 pm

Meeting Location: GCPL Meeting Room in the Garden City Public Library; 6015 North Glenwood Street
Garden City, Idaho 83714

Project Summary: The property owner is requesting a variance from garage and habitable-space setback requirements for the construction of a detached single-family dwelling on a vacant parcel located at 3588 N. Prospect Way, Garden City, Idaho (Ada County parcel number R8039730100) due to the unusual shape of the property. The property is shown outlined in blue in the map below.

If you would like to contact us ahead of the meeting, please feel free to reach out to Kristen McNeill at 208-388-1200 or kristenmcneill@givenspursley.com. We look forward to hearing from you.

Thank you,

Douglas Bartlett





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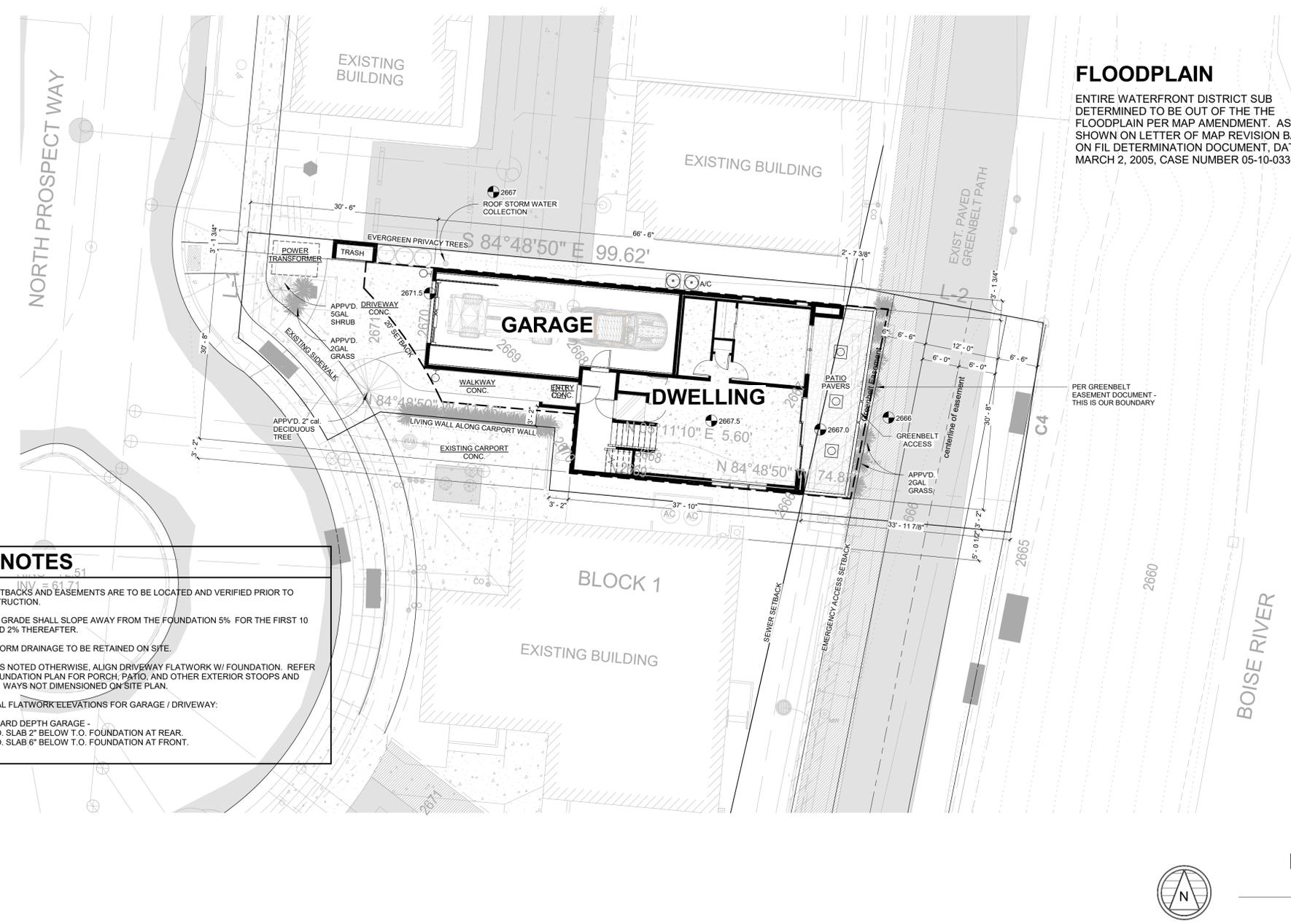
NOTICE: THESE PLANS ARE NOT STAMPED BY AN ENGINEER OR ARCHITECT. LOCAL BUILDING CODES & OTHER APPLICABLE LAWS, CODES, RULES OR ORDINANCES MAY REQUIRE THESE PLANS TO BE STAMPED BY AN ENGINEER &/OR ARCHITECT PRIOR TO RECEIPT OF A BUILDING PERMIT. OWNER, CONTRACTORS, AND/OR AGENTS ARE SOLELY RESPONSIBLE FOR OBTAINING SUCH STAMPS.

ALL INFORMATION ON THESE PLANS SHOULD BE VERIFIED BY OWNER &/OR ITS CONTRACTORS OR AGENTS AS TRUE AND CORRECT PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE DESIGNER OF THESE PLANS MAKES NO REPRESENTATION OR WARRANTY REGARDING THESE PLANS AND THE OWNER ACKNOWLEDGES THAT THE DESIGNER HEREOF & THEREOF SHALL NOT IN ANY WAY BE LIABLE FOR, OR WITH RESPECT TO, THE SUITABILITY OF THESE PLANS FOR OWNER'S &/OR ITS CONTRACTORS' OR AGENTS' ACTUAL OR INTENDED USE OR FOR ANY USE WHATSOEVER OR COMPLIANCE WITH ANY APPLICABLE FEDERAL, STATE, OR LOCAL LAW, CODE, RULE, OR ORDINANCE.



DOUG BARTLETT
3419 S.F. MODERN HOME
SONRISA LOT 1
PERMIT SET

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FLOODPLAIN
 ENTIRE WATERFRONT DISTRICT SUB DETERMINED TO BE OUT OF THE THE FLOODPLAIN PER MAP AMENDMENT. AS SHOWN ON LETTER OF MAP REVISION BASED ON FIL DETERMINATION DOCUMENT, DATED MARCH 2, 2005, CASE NUMBER 05-10-0330A

- SITE NOTES**
1. ALL SETBACKS AND EASEMENTS ARE TO BE LOCATED AND VERIFIED PRIOR TO CONSTRUCTION.
 2. FINISH GRADE SHALL SLOPE AWAY FROM THE FOUNDATION 5% FOR THE FIRST 10 FT. AND 2% THEREAFTER.
 3. ALL STORM DRAINAGE TO BE RETAINED ON SITE.
 4. UNLESS NOTED OTHERWISE, ALIGN DRIVEWAY FLATWORK W/ FOUNDATION. REFER TO FOUNDATION PLAN FOR PORCH, PATIO, AND OTHER EXTERIOR STOODS AND WALKWAYS NOT DIMENSIONED ON SITE PLAN.
 5. TYPICAL FLATWORK ELEVATIONS FOR GARAGE / DRIVEWAY:
 STANDARD DEPTH GARAGE -
 T.O. SLAB 2" BELOW T.O. FOUNDATION AT REAR.
 T.O. SLAB 6" BELOW T.O. FOUNDATION AT FRONT.

SITE & LANDSCAPE PLAN
 1" = 10'-0"

SITE PLAN

DATE: 10/17/24
 JOB #: 2023017
 DRAWN: MAB
 CHK'D BY:

0.0