



DEVELOPMENT SERVICES DEPARTMENT

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TO: Mayor and Council
FROM: Jenah Thornborrow, Director
DATE: March 23, 2026, Meeting
SUBJECT: Requests to Reconsider SUBFY2024-0006 Edgemere Subdivision Denial

REQUESTED ACTION

Jadon Schneider requests a reconsideration of the denial of SUBFY2024-0006 Edgemere Subdivision.

RECOMMENDATION

None.

If the City Council determines that the decision may be in error, or the written decision is otherwise inadequate, the City Council should reconsider the matter.

If there is no error in the decision the City Council does not need to grant the reconsideration request. Similarly, if City Council wishes only to clarify non-substantive matters within the decision, the City Council may do so without granting the reconsideration request.

POTENTIAL ACTION

The City Council is not required to make an action on this matter.

If the City Council does not provide a written decision on the reconsideration request within 60 days of the request, the reconsideration request is considered denied.

If the City Council decides to reconsider this matter, two matters should be included in the motion. The first is that the City Council **will reconsider the merits of the decision**, and the second is to provide a **date certain that the reconsideration will occur**.

CONSIDERATIONS

At its February 23, 2026, meeting, the Garden City Council denied SUBFY2024-0006 Edgemere Subdivision located at 219 E. 44th Street. The written decision was issued on July 30, 2025. On March 9, 2026, a timely request for reconsideration was submitted by Jadon Schneider, the applicant.

The Request for Reconsideration

The applicant has provided a request for reconsideration, as summarized, is evidence that they were able to respond to the City Council's stated reasons for denial including:

1. Garage dimensions have been revised to comply with dimensional standards.
2. The number of parking stalls are compliant with code requirements.
3. The applicant has coordinated with the Fire Department for life safety concerns, which will result in the addition of fire sprinklers.
4. Open space and landscaping has been increased.

GENERAL BACKGROUND

TITLE 67, STATE GOVERNMENT AND STATE AFFAIRS, CHAPTER 65, LOCAL LAND USE PLANNING, [67-6535](#) (linked) is applicable to this request for reconsideration. This statute provides the following guidance:

- **Written Decision:** A written decision must be provided. Whenever the nature of any decision standard or criterion allows, the decision shall identify aspects of compliance or noncompliance with relevant approval standards and criteria.
- **Reconsideration Requisite:** There is a 28-day right to judicial review from the date of the final decision. Before a person can seek judicial review of a final decision, they must first exhaust the local remedies and request reconsideration of the final decision within 14 days of the decision. This request must clearly state the specific issues with the original decision.
- **Reconsideration Process:** The City has 60 days to provide a written decision on the request for reconsideration. If a written decision is not provided, the request for reconsideration is considered denied. The timeline for seeking judicial review is "tolled" (or paused) until the reconsideration process is complete.
- **Court Review:** When reviewing decisions, Idaho courts look at the entire process to make sure it was fair and reasonable. They focus on whether

the procedures were followed properly and whether the final decision makes sense based on the facts and practical realities.

- Standing: Only those whose challenge to a decision demonstrates actual harm or violation of fundamental rights, not the mere possibility thereof, are entitled to a remedy or reversal of a decision.

CONCLUSION

Under Idaho Code § 67-6535, an applicant or affected party may request reconsideration of a land use decision within 14 days of the final written decision. The request must identify specific deficiencies in the decision.

The City Council is not obligated to act on a request for reconsideration. If no written decision is issued within 60 days of receiving the request, the request is automatically deemed denied.

If the Council believes there may have been an error in its original decision, it may choose to reconsider the matter. This would require scheduling the item for a future Council meeting. Importantly, the law does not require the Council to identify specific deficiencies in the original decision to grant reconsideration.

If the Council does not believe an error occurred but wishes to clarify the language of the written decision, such as adding wording agreed upon during deliberations, it may do so without scheduling a new meeting, provided the changes are non-substantive (e.g., grammatical or explanatory clarifications).

If the Council sets a date to consider the merits of the reconsideration request, it retains the discretion to affirm, reverse, or modify its original decision at that time. Any such action must be documented in a written decision provided to the applicant or affected party within the 60-day window.

ATTACHMENTS

- [Request for Reconsideration and accompanying documents](#)
- [SUBFY2024-0006 Decision Document](#)

LINKED DOCUMENTS

- [February 23, 2026, City Council Packet](#)
- File Record SUBFY2024-0006 Edgemere Subdivision: [2024 Quasi-Judicial Applications](#)