

# Parcel II – 203 1<sup>st</sup> Ave. South

VAR-00176-2025 – 15' - Landscape Buffer / Vehicle  
Maneuvering in setbacks & Escape Lane for Drive-  
thru

April 21, 2025



# Historical Background

## ❖ 1995 – 2007

### Vacation files for 1<sup>st</sup> Ave S.

During this time the Vacation of 1<sup>st</sup> St. South was approved, vetoed, taken to court and approved again with an easement via the Idaho Supreme Court. This was to allow access to 2<sup>nd</sup> Street South via access easement

## ❖ 2014 Variance – VAR 1703-2014

This variance was for parking layout and landscape buffer width. This variance expired due to non-construction.

This approval concluded that:

1. Literal interpretation and enforcement of Section 10-15-4 F would result in practical difficulty or an unnecessary hardship.
2. The site has unique and extraordinary characteristics, and that literal interpretation of the ordinance would deprive the applicant of privileges enjoyed by other properties classified in the same zoning district.
3. Granting of the variance would not constitute a grant of special privilege.
4. Granting of the variance would not be detrimental to public health, safety or materially injurious to properties or improvements in the area.
5. This variance also allowed vehicle maneuvering within the landscape buffer and setbacks.



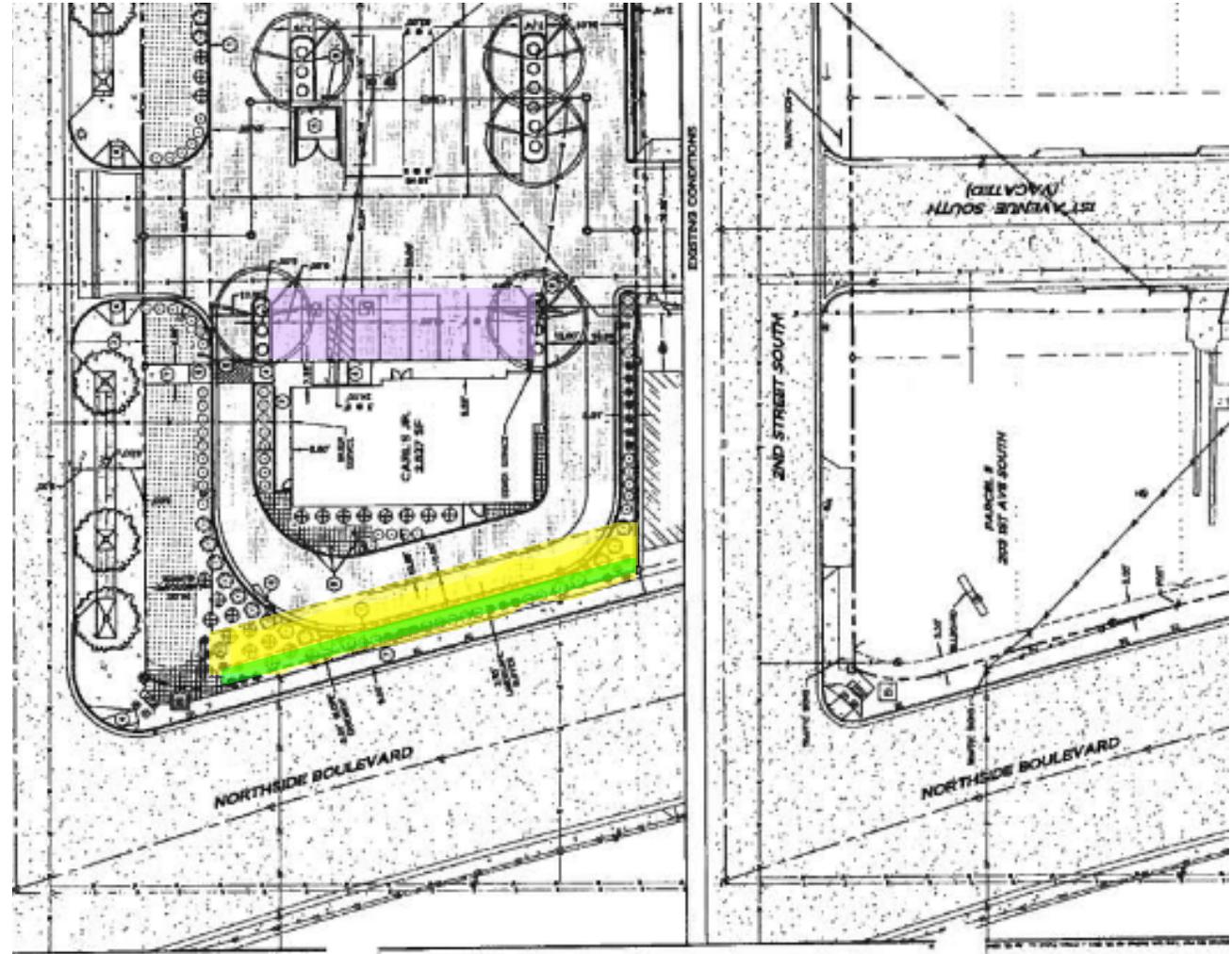
# Historical Background

## ❖ 2014 Variance – VAR 1703-2014

This variance was for parking layout and landscape buffer width. This variance expired due to non-construction.

This approval concluded that:

1. Literal interpretation and enforcement of Section 10-15-4 F would result in practical difficulty or an unnecessary hardship.
2. The site has unique and extraordinary characteristics, and that literal interpretation of the ordinance would deprive the applicant of privileges enjoyed by other properties classified in the same zoning district.
3. Granting of the variance would not constitute a grant of special privilege.
4. Granting of the variance would not be detrimental to public health, safety or materially injurious to properties or improvements in the area.
5. This variance also allowed vehicle maneuvering within the landscape buffer and setbacks.
6. This variance granted relief to allow for internal parking and pass-thru window service.



# Variance Request

- ❖ **Landscape Buffer along Northside Blvd.**

This was previously approved through VAR-1703-2014

- ❖ **Vehicle Maneuvering within street side yard setbacks**

This was previously approved through VAR-1703-2014

- ❖ **Eliminate the 10' escape lane for the drive-thru**

This variance request is for the removal of a 10'-wide emergency escape lane per 10-22-C. All other regulations per 10-22-9 are being met.

The 2007 Idaho Supreme Court ruling directing this parcel to maintain delivery access, thus bisecting the parcel presents a practical difficulty and unnecessary hardship inconsistent with the objectives of code and does create limitations site design and use because of the unique shape of the parcel, location of access points and the legally required area for delivery truck maneuverability and customer parking and queuing.

