

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 20, 2010, the Hailey Planning and Zoning Commission considered the recommendation by the Administrator to exempt from design review an alteration of the exterior of an existing building, located on Lots 8 & 9, Block 31, Hailey Townsite (115 River St S) within the Business (B) zoning district. The Commission, having been presented with all information regarding the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Standards of Evaluation

Articles IV and VIA of the Hailey Zoning Ordinance establish the criteria for applications for Zoning and Design Review. For each applicable standard (in bold print), the Commission makes the following Findings of Fact:

6A.3.f. the Administrator has the authority to recommend exemption of certain projects from the design review requirements, upon finding; the project is minor, will not conflict with the design review standards of this Chapter and will not adversely impact any adjacent properties. Examples include, but are not limited to minor deck additions, changes to siding materials, changes to an existing window or door, an addition of a window or door, and minor landscape changes. Such recommendation for exemption shall be drafted in the form of Findings of Fact and Conclusions of Law, subject to final decision by the Commission on its consent agenda prior to issuance of a building permit. Should the Commission deny the Administrator's recommendation or should the Administrator determine that the proposal does not meet all of the above evaluation criteria, the project shall be subject to the provisions of this chapter prior to issuance of a building permit.

An application by Harold & Betty Nelson for the 750 square foot addition to the rear of an existing building, located on Lots 8 & 9, Block 31, Hailey Townsite (115 River St S) within the Business (B) District. The applicant has applied for a Conditional Use Permit associated with this addition.

The business has been operating as an existing non-conforming use. The first business license in the city file shows the business was established in 1988, at that time auto repair was a permitted use. At some point after 1988 the Automotive Repair and Maintenance use was changed to a conditional use within the Business District; at that time Nelson's would have become an existing non-conforming use.

The Municipal Code allows for the continuation of existing non-conforming uses, however one cannot be expanded. The owner would like to add a third service bay at the rear of the existing building. The addition would expand the use by providing more space for the operation of the business. In order for the addition to be permitted a Conditional Use Permit is required.

Given the impacts of the addition relate more to the operation of the business and less on the design of the existing building, the Administrator finds the proposed addition constitutes a minor project, will not conflict with the design review standards of this Chapter and will not adversely impact any adjacent properties provided a Conditional Use Permit is approved by the Commission.


The Administrator recommends exemption of the 750 square foot addition to the rear of an existing building, located on Lots 8 & 9, Block 31, Hailey Townsite (115 River St S) from the design review requirements.

CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law and Decision:

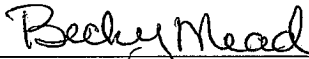
1. The proposed 750 square foot addition to the rear of an existing building located on Lots 8 & 9, Block 31, Hailey Townsite (115 River St S) constitutes a minor project, will not conflict with the design review standards of the Hailey Zoning Ordinance 532, Article VIA and will not adversely impact any adjacent properties provided the terms and conditions of Conditional Use Permit approval are met.
2. The proposed addition to the rear of the building is approved and documented in the project file.
3. This approval exempts this project from the design review requirements and standards of Article VIA.

Signed this 4TH day of OCTOBER, 2010.



Owen Scanton, Chair
Hailey Planning and Zoning Commission

Attest:



Becky Mead, Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of October, 2010, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- U.S. Mail
- Via Electronic Mail
- Via Facsimile
- Hand Delivered

Applicant:

Harold & Betty Nelson
PO Box 879
Hailey, ID 83333

- U.S. Mail
- Via Electronic Mail
- Via Facsimile
- Hand Delivered

Applicant's Representative:

Bernie Johnson, Johnson Architectural
Group
PO Box 136
Hailey, ID 83333

CITY OF HAILEY

By Becky Mead
Becky Mead, Deputy Clerk

