
LYONS O'DOWD

ATTORNEYS & COUNSELORS

March 30, 2020

Via E-Mail: Clerk@daltongardens.com

City Clerk
City of Dalton Gardens
6360 North Fourth Street
Dalton Gardens, ID 83815

Re: **NOTICE OF APPEAL - ADMINISTRATIVE DETERMINATION**

Dear Mayor and Members of the City Council,

This firm represents Robert and Nora Jordan, owners of real property located at 2750 E. Hanley in Dalton Gardens and their request for an appeal of an administrative determination under section 1-11-1 Dalton Gardens City Code as adopted on March 5, 2020. This request is for an appeal of a verbal stop work order issued to cease any and all construction on an accessory structure (shop) which was previously approved under Permit No. 3771, dated January 21, 2020 (copy enclosed).

On November 15, 2019, the Jordans, through their agent, Monarch Homes requested approval to build a shop structure on their residential property located in Dalton Gardens. The Jordan parcel is approximately 9.29 acres in size and is situated at the very eastern-most location off of Hanley Avenue. The Jordans also own the immediately adjacent parcels and the property's improvements are setback from any other neighbors. A map showing the location of the Jordan property is enclosed for your consideration. The Jordans applied to the City for the construction of a 4200 sq. ft shop building and submitted their plans in compliance with the City's permitting procedures. A copy of the submitted plans are attached hereto. The plans and permit were reviewed and approved and on January 21, 2020, the Jordans' paid \$2,294.62 to the City for their permit. Part of that payment was directly related to a "Plan Check Fee" in the amount of \$150.00. The as-approved plans identified that the height of the shop structure would be 28.7 feet though the code permits a maximum height for structures in the Residential District at 25 feet for accessory structures and 32 feet for principal structures.

Construction of the shop building progressed after approval with the Jordan's contractor, including the pouring of the foundation and the erection of the side walls until Monarch Homes was informed by code enforcement orally on March 23, 2020 that work must cease. Monarch Homes was informed that the approved construction plans exceeded the height limitations for the zone and that all work must cease until addressed. This was the first and only communication from the City or its agents that the plans and approvals were being questioned. The project has not been formally "red-tagged" nor has there been any official communication from the City informing the Jordans of the decision.

MARC LYONS MARC@LYONSODOWD.COM | MEGAN O'DOWD MEGAN@LYONSODOWD.COM
LUKE O'DOWD LUKE@LYONSODOWD.COM | ANNIE HARRIS ANNIE@LYONSODOWD.COM
CHRISTOPHER GABBERT CHRIS@LYONSODOWD.COM

OFFICE (208) 714-0487 | FAX (888) 966-0036 | 703 E. LAKESIDE AVE., STE. 101, P.O. BOX 131, COEUR D'ALENE, ID 83816

The Jordans are facing an extreme hardship by reason of having their project halted at this late stage in the construction. First, their contractor has already substantially completed construction of the foundation and the walls for the shop. The project cannot now be simply modified to lower the roof line to accommodate the height restriction. As the side walls are already in place, in order to redesign the shop to strictly meet the height restrictions, the walls would need to be removed and scrapped and a complete redesign performed. Further, while the Jordans have considered requesting a variance based on hardship from the City to allow for the additional 3.7 feet in height, it is our understanding that the processing of such an application through the City would be delayed and could not be addressed for at least several months. During that time, the work would be ceased, and the construction materials remain exposed to the elements to the detriment of the Jordans' property. Additionally, given the recent stay at home orders and directives from the State of Idaho, if this matter is put off, it is likely the Jordans will not be able to get any meaningful review or action on this matter for many months.

Here a strict interpretation of the Code will result in an undue hardship to the Jordans. The property is situated so that the height variation will not impede nor impair any other property owner's view, nor does it set any precedent as to the granting of future variances to other property owners. Principal structures in the Residential District may be constructed up to a height of 32 feet and the proposed accessory structure falls beneath that limit. Further, had this matter been raised earlier during the plan review process, the Jordans would have been able to address it at that time. While we understand that the City has altered its plan review process since that time, the City's approval of the submitted plans led the Jordans to proceed forward in the construction without an awareness of these issues and have expended considerable financial resources as a result.

Because this matter has not progressed beyond an administrative decision, the City Council's appeal process remains the appropriate avenue to address it at this time. Section 1-11-1A allows the Council to hear and decide appeals of enforcement of the Code. The decision to reverse the administrative decision of a code violation would be supported given the unique topography of this property and the prior record approving the plans as submitted in November 2019. For these reasons, the applicants respectfully request the City to find no violation has occurred and allow the landowner to complete construction of their Shop as approved by the City of Dalton.

Thank you for your time and consideration in this matter.

Sincerely,

/s/ Christopher D. Gabbert
Lyons O'Dowd, PLLC
Christopher D. Gabbert

Enc:

Residential Commercial

PERMIT # 3771

BUILDING PERMIT APPLICATION

CITY OF DALTON GARDENS
772-3698

Applicant to complete numbered spaces only.

CHECKS WRITTEN ON ACCOUNTS WITH INSUFFICIENT FUNDS WILL VOID AND NULLIFY THIS BUILDING PERMIT.

1	CLASS OF WORK	<input type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input checked="" type="checkbox"/> ACCESSORY <input type="checkbox"/> MECHANICAL <input type="checkbox"/> ROOF <input type="checkbox"/> DEMO <input type="checkbox"/> OTHER			
2	JOB ADDRESS	2750 E Hanley Dalton Gardens			
3	OWNER	MAIL ADDRESS	ZIP	PHONE	
		Robert Jordan, 2750 E Hanley	83815	510 582-2433	
4	CONTRACTOR	MAIL ADDRESS	PHONE	LICENSE NO.	
		Monarch Homes - Vanessa	202-712-9323	RCE-2269	
5	ARCHITECT OR DESIGNER	MAIL ADDRESS	PHONE	LICENSE NO.	
		SELKIRK Design	970-3106-1656		
6	ENGINEER	MAIL ADDRESS	PHONE	LICENSE NO.	
7	OWNER EMAIL	CONTRACTOR EMAIL			
	w/jim4@aol.com				
8	USE / CHANGE OF BUILDING				
9	DESCRIBE WORK	4200sf Slpp - with natural gas for HVAC			
10	VALUATION OF WORK \$				

OWNER: Jordan, Robert
JOB ADDRESS: 2750 E. Hanley

MECHANICAL FEE	Admin	SITE DIST. FEE	Inspection	BLDG PERMIT FEE	PLAN CHECK FEE	PERMIT FEE
\$125.00	\$270.27	\$0	\$350.00	\$1,391.35	\$150.00	\$2,294.62
SPECIAL CONDITIONS:				Type of Const.	Occupancy Group	Division
				VN	SI	
				Size of Bldg. (Total) Sq. Ft.	No. of Stories	Max Occ. Load
				4200	1	
				Fire Zone	Use Zone	Fire Sprinklers Required <input type="checkbox"/> Yes <input type="checkbox"/> No
				No. of Dwelling Units	OFFSTREET PARKING SPACES:	
					Covered	Uncovered

DATE:	PLANS CHECKED BY:	APPROVED FOR ISSUANCE BY:	Special Approvals
12.04.19	M Ba	M Ba	ZONING

NOTICE

SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING.

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 60 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 120 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT 11-15-19 (DATE)

SIGNATURE OF OWNER (IF OWNER BUILDER) (DATE)

CODE ENFORCEMENT	
FIRE DEPT.	
PHD	
SEPTIC	2021
ACRES	9.2987 / 597.4" Frontage
CO ISSUED	
PAYMENT AMOUNT	32294.62
DATE	1-21-20
CHECK# / CASH	# 2462

D-L315-001-001-0 Serial 340304 LPSN 558815

BUILDING INSPECTION CARD

CITY OF DALTON GARDENS

Owner: Robert Jordan

Date: 12-4-19 Permit No.: 3771

Project Address: 2750 E. Hanley

Use: 4200SF Shop with natural Gas for HVAC

General Contractor: Selkirk Design

INSPECTIONS

Date

Inspector

1.	Setbacks	_____	_____
2.	Footings	_____	_____
3.	Stem Walls	_____	_____
4.	Slab	_____	_____
5.	Wall & Roof Sheathing	_____	_____
6.	Frame	_____	_____
7.	Glazing	_____	_____
8.	Ventilation	_____	_____
9.	Insulation	_____	_____
10.	Vapor Barrier	_____	_____
11.	Drywall	_____	_____

FINAL INSPECTIONS

1.	Mechanical	_____	_____
2.	Plumbing	_____	_____
3.	Electrical	_____	_____
4.	Landscape/Swales	_____	_____
5.	Final Inspection	_____	_____
6.	Occupancy Approval	_____	_____

SEPARATE PERMITS REQUIRED FOR ELECTRICAL & PLUMBING. Any alteration or removal of this notice by unauthorized persons will constitute a misdemeanor.

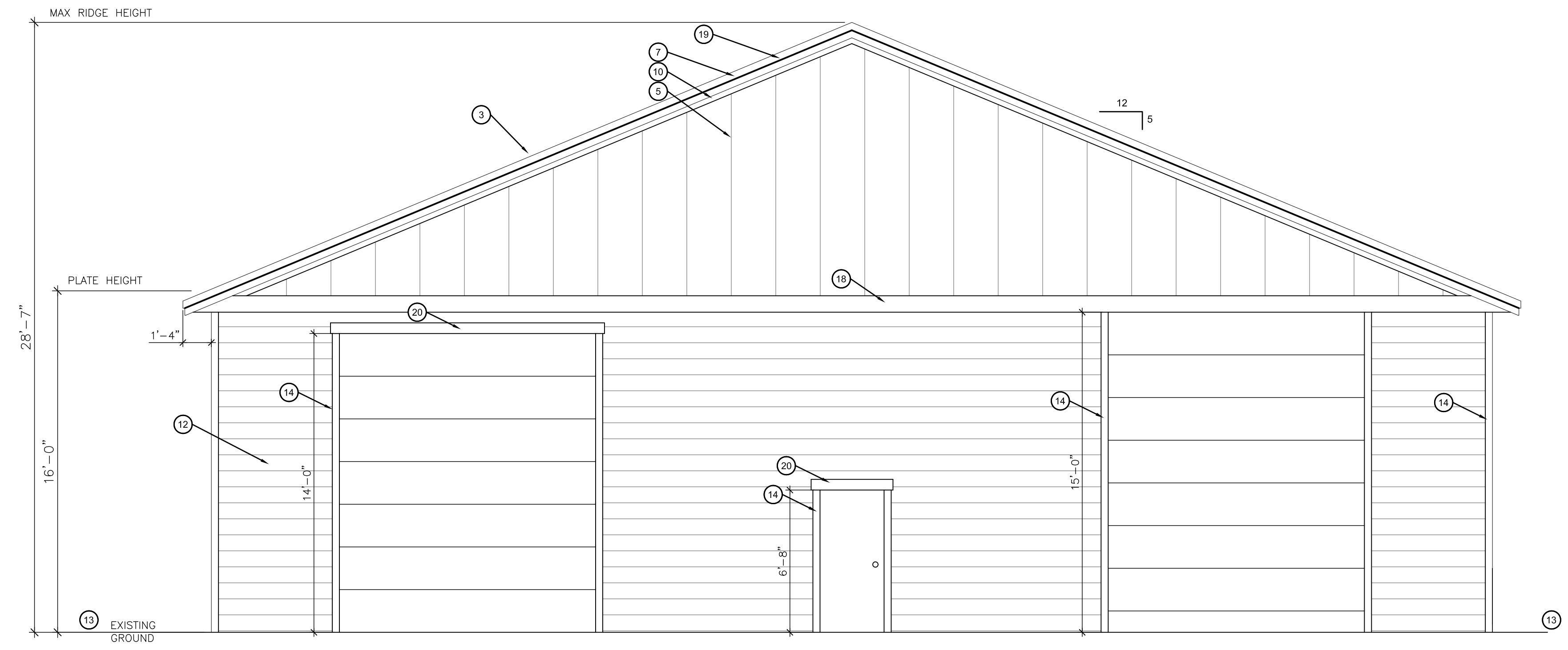
FOR INSPECTIONS, CALL 24 HOURS PRIOR TO INSPECTION:

BUILDING & MECHANICAL INSPECTIONS: CONTACT LAURIE: 208-777-8500

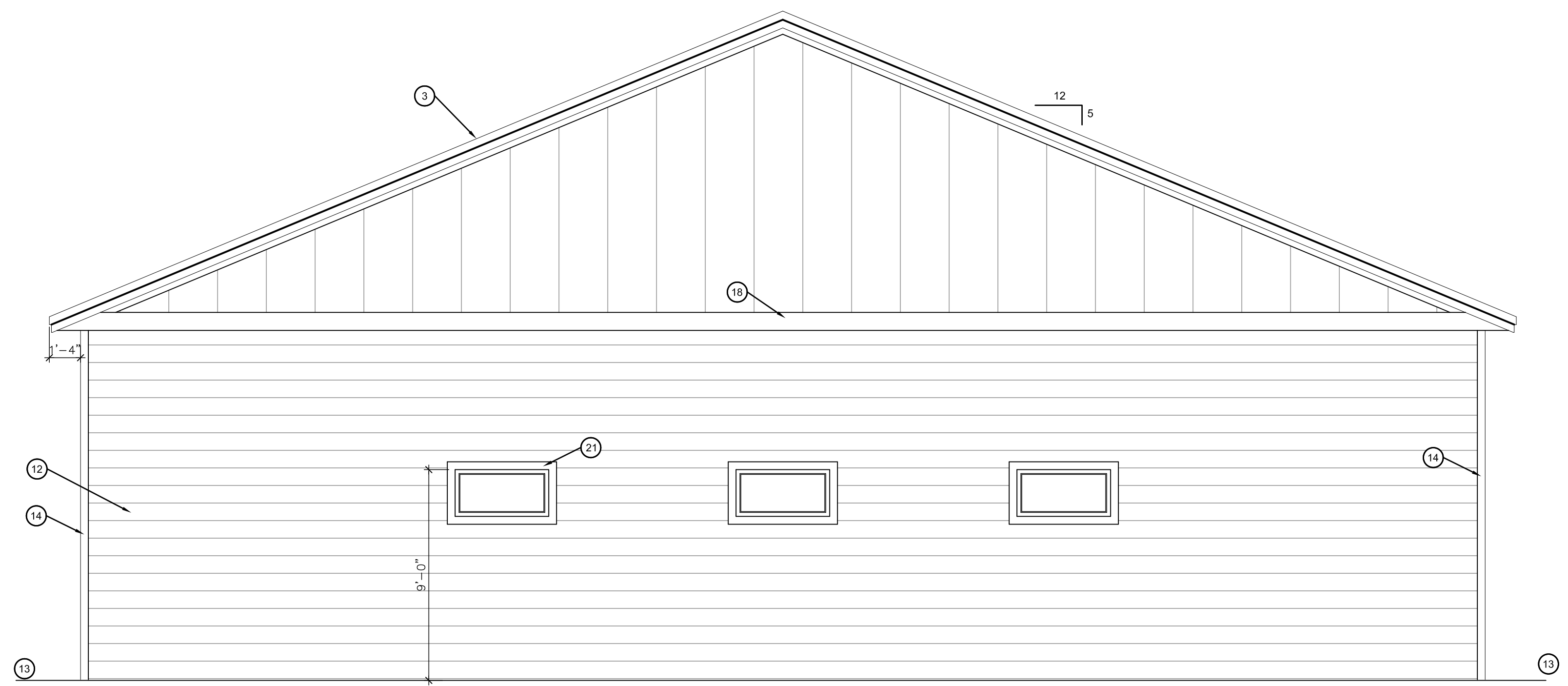
STATE ELECTRICAL & PLUMBING INSPECTIONS: 800-955-3044 (SEE [HTTP://DBS.IDAHO.GOV](http://DBS.IDAHO.GOV))

***CALL PRIOR TO COVERING

*****INSPECTION CARD REQUIRED POSTED IN A VISIBLE LOCATION AT ALL TIMES**



1 SHOP FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 SHOP REAR ELEVATION
SCALE: 1/4" = 1'-0"

KEY NOTES

- ① OVERHANG PER PLAN - COMPOSITE WOOD SOFFIT PANEL WITH CONTINUOUS EAVE VENT. 4" PROTRIM TRIM OVER 4/4"x8" FASCIA.
- ② 50LB PSF ENGINEERED TRUSS AT 5:12 PITCH 24" O.C. (TYP) OR AS NOTED
- ③ COMP. SHINGLE ROOFING OVER 15# FELT, 15/32" OSB SHEATHING (MIN. SPAN RATING 32/16)
- ④ R-38 MIN. INSULATION PROVIDE 1" AIR GAP AT EAVES WITH INSULATION BAFFLE. 5/8" DRYWALL CEILING.
- ⑤ PANEL SIDING W/ PROTRIM BATTS @ 16" O.C.
- ⑥ 7/16" STRUCTURAL PANEL SHEATHING OVER 2x6 STUDS AT 16" O.C. w/ R-21 INSULATION WITH 5/8" INSULATION INSIDE AND 1/2" DRYWALL
- ⑦ 4" PROTRIM TRIM OVER 4/4"x8" FASCIA
- ⑧ REINF. CONC. FOUNDATION WALL
- ⑨ CONTRACTOR IS TO PROVIDE MIN. (2) 1/2"x10" ANCHOR BOLTS PER PLATE AT 72" O.C. AND 12" FROM CORNERS AT ALL PERIMETER FOUNDATION WALLS
- ⑩ 5/4 X 6 FRIEZE TRIM
- ⑪ 4" CONCRETE SLAB OVER COMPACTED STRUCT. FILL OVER 6 MIL VAPOR BARRIER EPOXY FINISH BY OWNERS
- ⑫ 6" HARDI-PLANK LAP SIDING OVER TYVEK BLDG. WRAP
- ⑬ PROPOSED LINE OF EXTERIOR GRADE
- ⑭ 5/4" X 4" SMART TRIM
- ⑮ LANDINGS AT DOORS: THERE SHALL BE A FLOOR OR LANDING ON EACH SIDE OF EACH EXTERIOR DOOR.

EXCEPTION:
WHERE A STAIRWAY OF TWO OR FEWER RISERS IS LOCATED ON THE EXTERIOR SIDE OF A DOOR, OTHER THAN THE REQUIRED EXIT DOOR, A LANDING IS NOT REQUIRED.

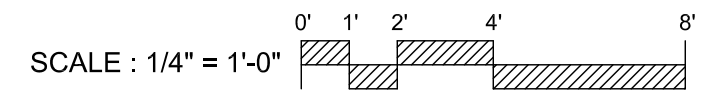
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- ⑯ LEDGER BOARD W/ SIMPSON JOIST HANGERS
- ⑰ 5/4 X 6 SMART TRIM
- ⑱ 5/4x8 SMART TRIM
- ⑲ GABLE PROW
- ⑳ 5/4" X 6" PROTRIM HEADPIECE W/ FLASHING AT TOP EDGE
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JORDAN SHOP
JORDAN RANCH ESTATES
LOT 1 BLOCK 1
DALTON GARDENS
KOOTENAI COUNTY, ID

ELEVATIONS

SCALE: 1/4" = 1'-0"
SCALES SHOWN ARE FOR 24" X 36" PRINTS ONLY
DATE: 10-29-19
THE DIMENSIONS SHOWN ON THE PLANS SHALL BE ATTAINED WITHIN LIMITS OF PRECISION THAT GOOD CONSTRUCTION PRACTICES WILL PERMIT



KEY NOTES

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- 5 PANEL SIDING W/ PROTRIM BATTS @ 16" O.C.
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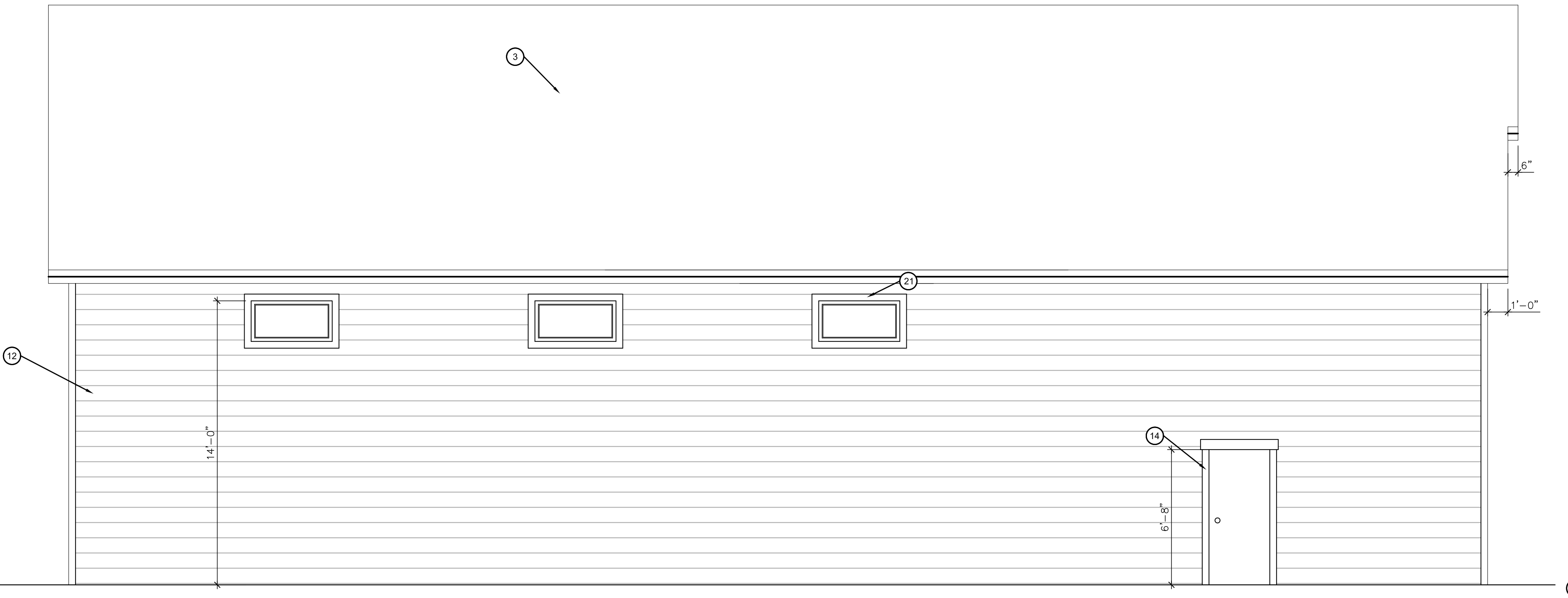
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- 19 GABLE PROW
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3 SHOP LEFT ELEVATION
SCALE: 1/4" = 1'-0"

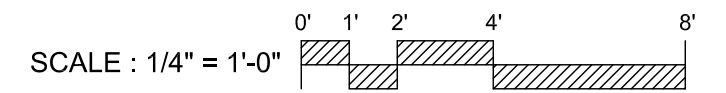


4 SHOP RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

JORDAN SHOP
JORDAN RANCH ESTATES
LOT 1 BLOCK 1
DALTON GARDENS
KOOTENAI COUNTY, ID

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TRUSS NOTES

- BUILDING SHALL COMPLY WITH THE CURRENT ADOPTED CODES OF THE AUTHORITY HAVING JURISDICTION.
- SUPPLIER SHALL SUBMIT ENGINEERED SHOP DRAWINGS AND CALCULATIONS, SIGNED BY A STATE CERTIFIED ENGINEER, FOR REVIEW AND APPROVAL, TO THE BUILDER, DESIGN ENGINEER AND THE BUILDING DEPARTMENT PRIOR TO FABRICATION.
- PROTECT TRUSSES AT TIME OF DELIVERY FROM PACKING AND OTHER DAMAGE. STORE TRUSSES A MINIMUM OF 4" ABOVE GRADE ON SOLID BLOCKING.
- PROVIDE TEMPORARY BRACING DURING TRUSS INSTALLATION AS REQUIRED BY TRUSS ENGINEER AND AS SHOWN ON TRUSS SHOP DRAWINGS.
- ALL TRUSSES SHALL BE INSTALLED & BRACED TO MANUFACTURERS SPECIFICATIONS.
- ALL TRUSSES WILL NOT BE FIELD ALTERED WITHOUT PRIOR BUILDING DEPT. APPROVAL OR ENGINEERING CALCULATIONS.
- ENGINEERED TRUSS SHEETS MUST BE ON THE JOB SITE FOR FRAMING INSPECTION

CONTRACTOR GENERAL NOTES

THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS FOR ACCURACY PRIOR TO COMMENCING WITH THE WORK. ANY DISCREPANCY SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND OWNER. THE DRAWINGS INDICATE LOCATION, DIMENSIONS, REFERENCE, AND TYPICAL DETAILS OF CONSTRUCTION. THE DRAWINGS DO NOT INDICATE EVERY CONDITION. WORK NOT PARTICULARLY DETAILED SHALL BE OF CONSTRUCTION SIMILAR TO PARTS THAT ARE DETAILED.

ENTIRE EXTERIOR SHALL BE CONTINUOUSLY SHEATHED W/ 7/16" OSB AND FASTENED W/ 6d COMMON NAILS AT 6" O.C. AT EDGES AND 12" O.C. AT FIELD

KEY NOTES

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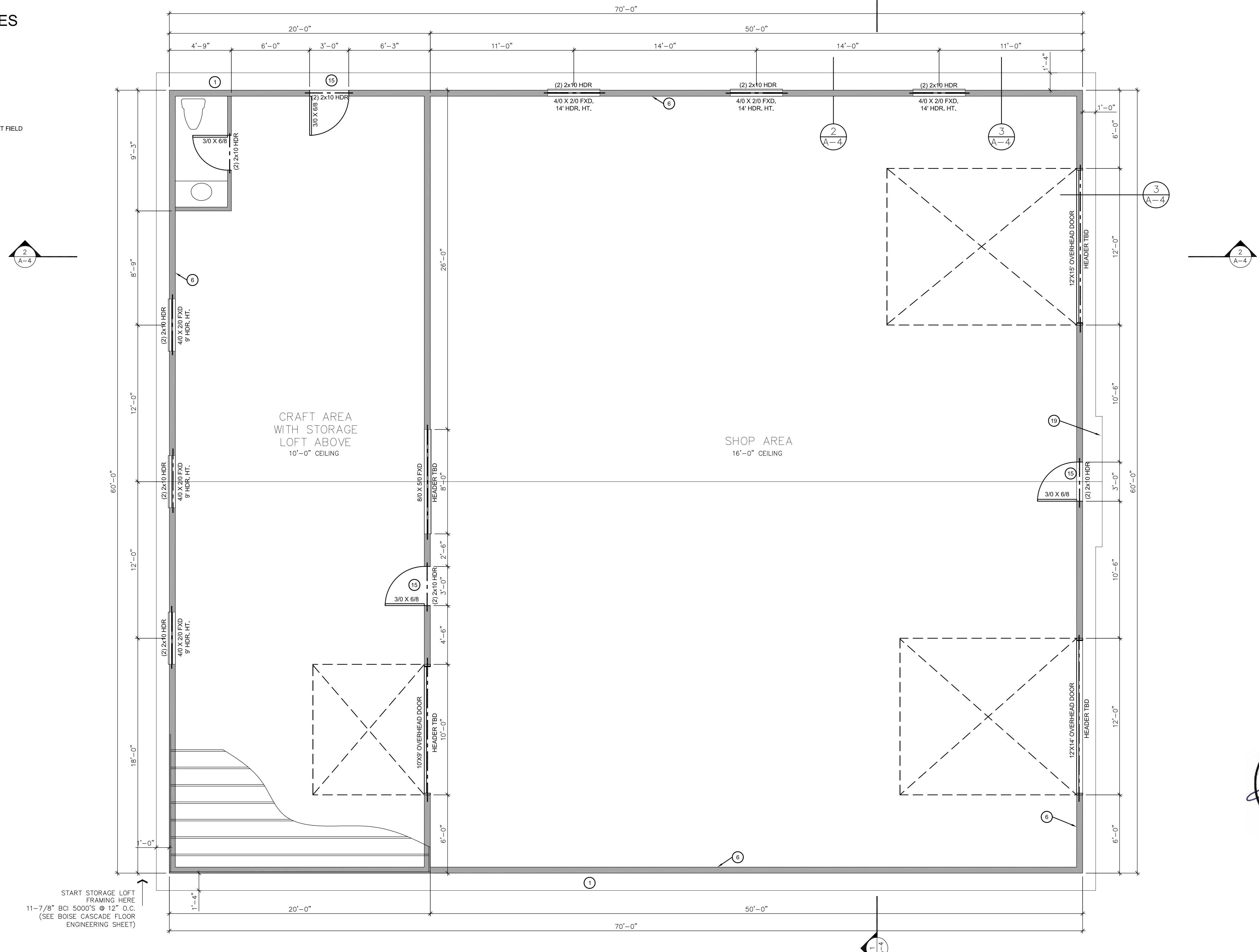
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 JORDAN RANCH ESTATES
 LOT 1 BLOCK 1
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SHOP FLOOR PLAN

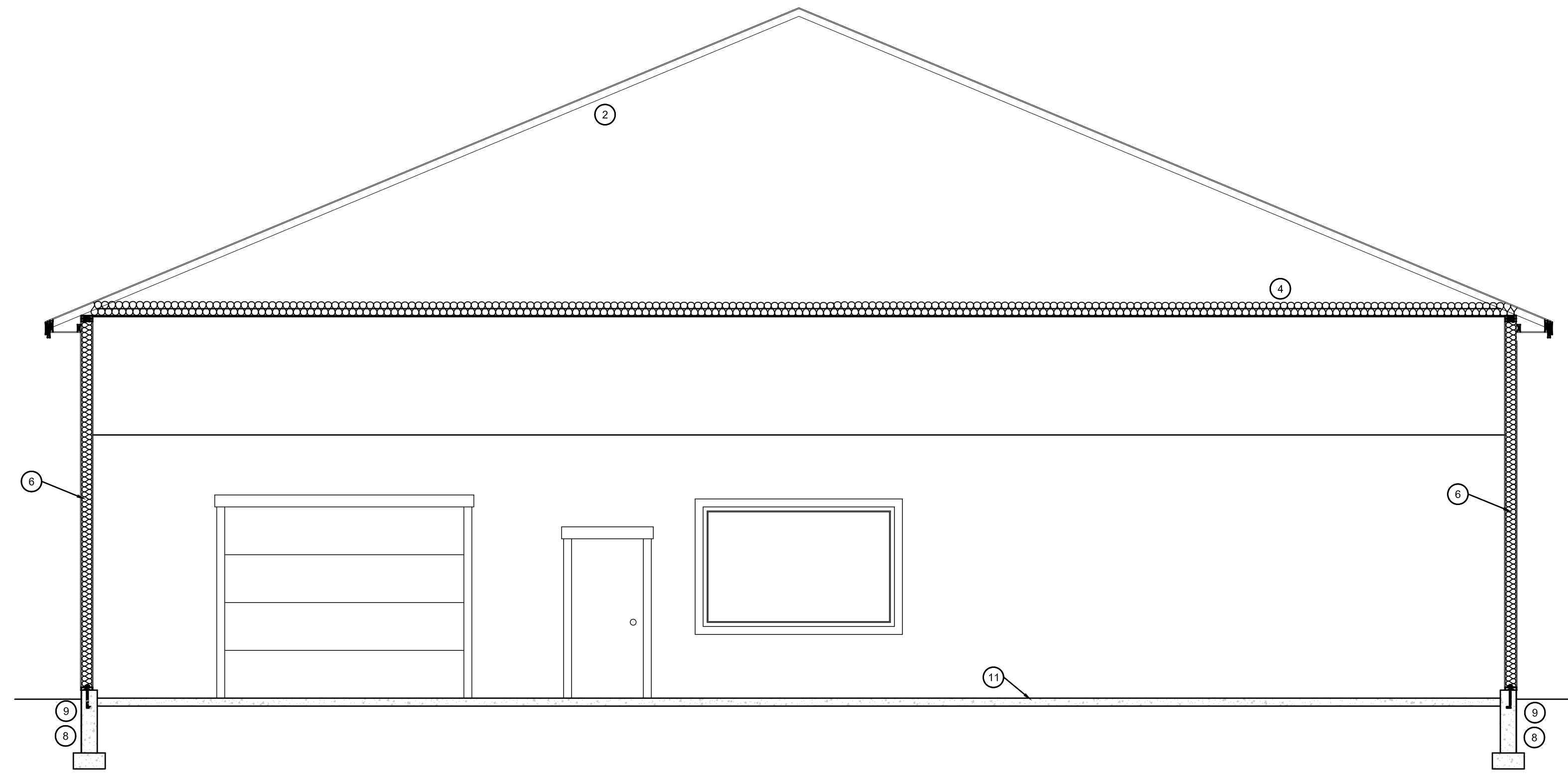
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A-3

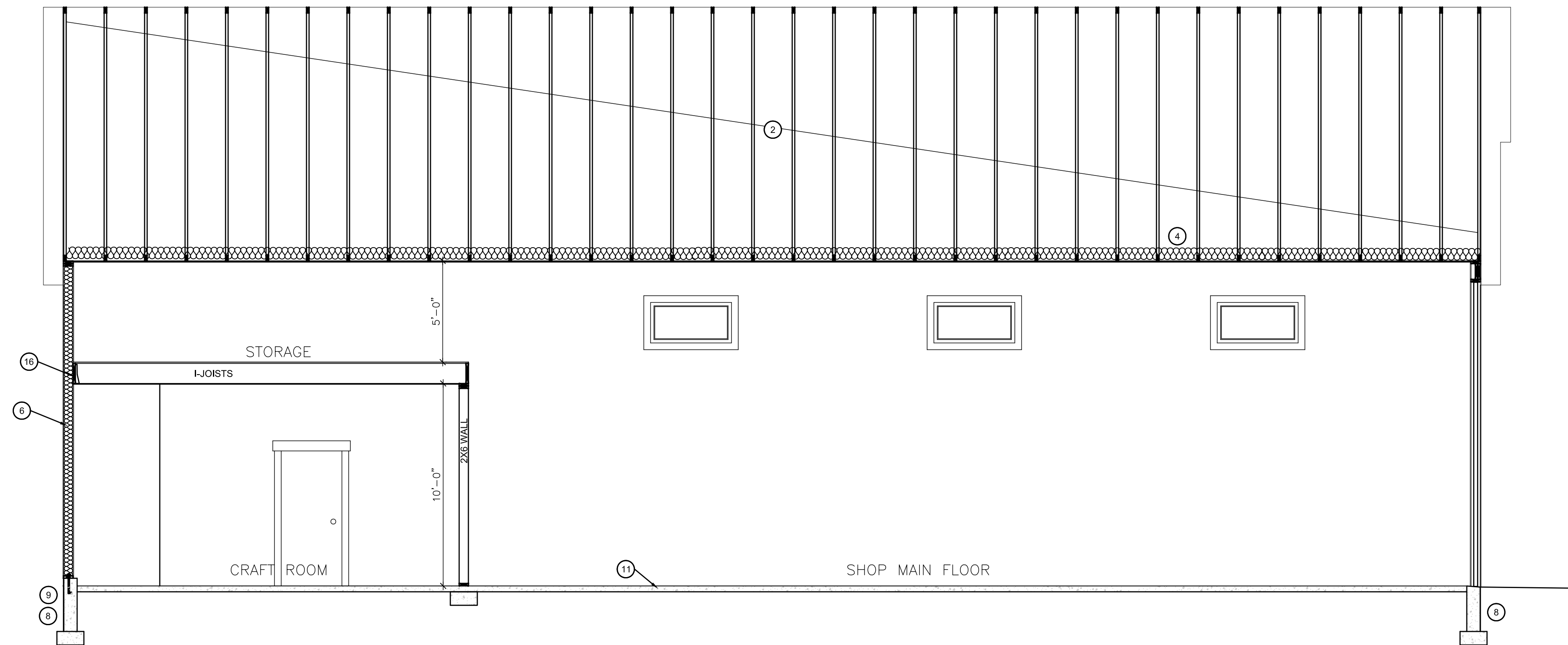
© 2019 Selkirk Design Co. All rights reserved. Jordan Shop, ID, 10/29/19

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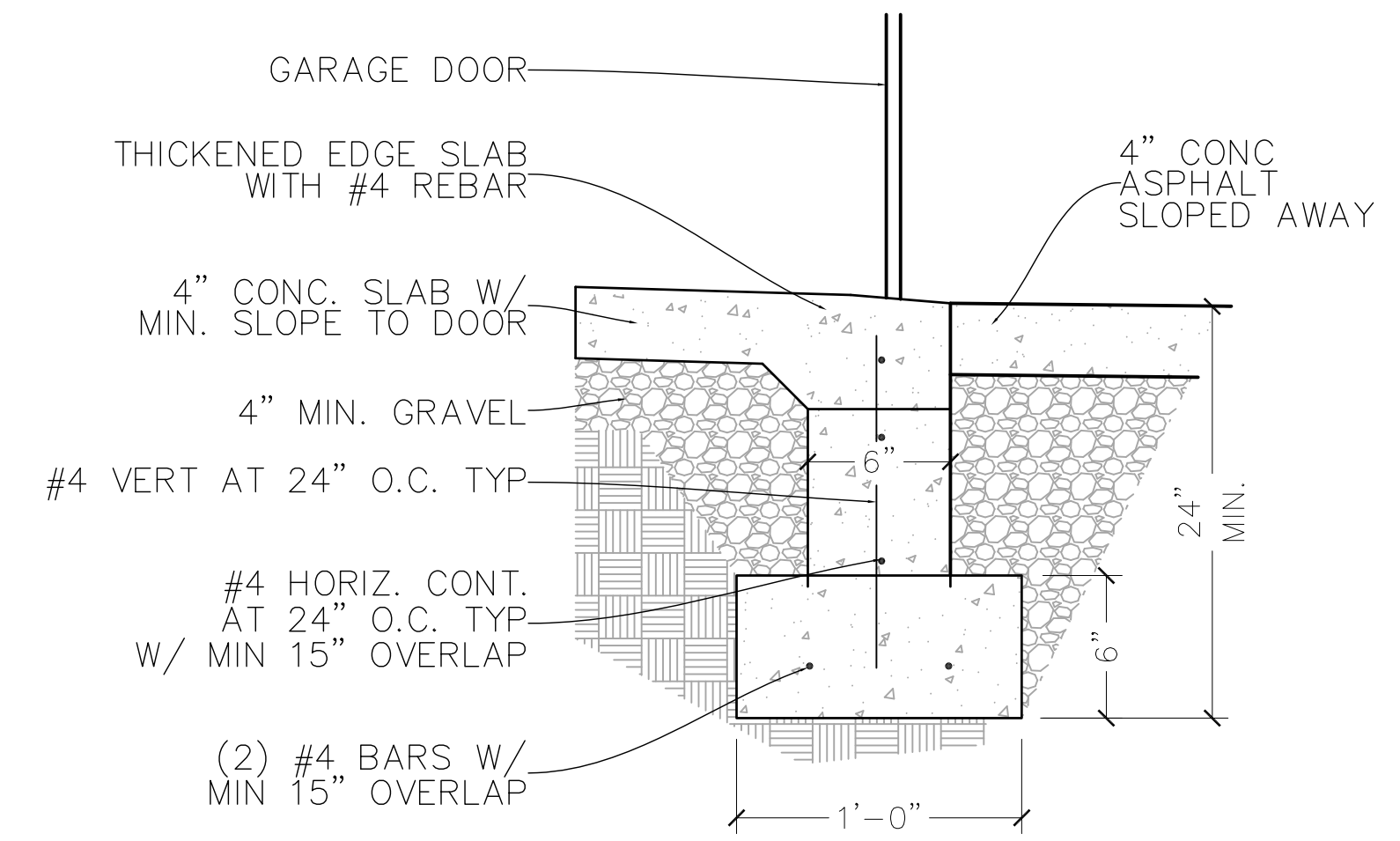
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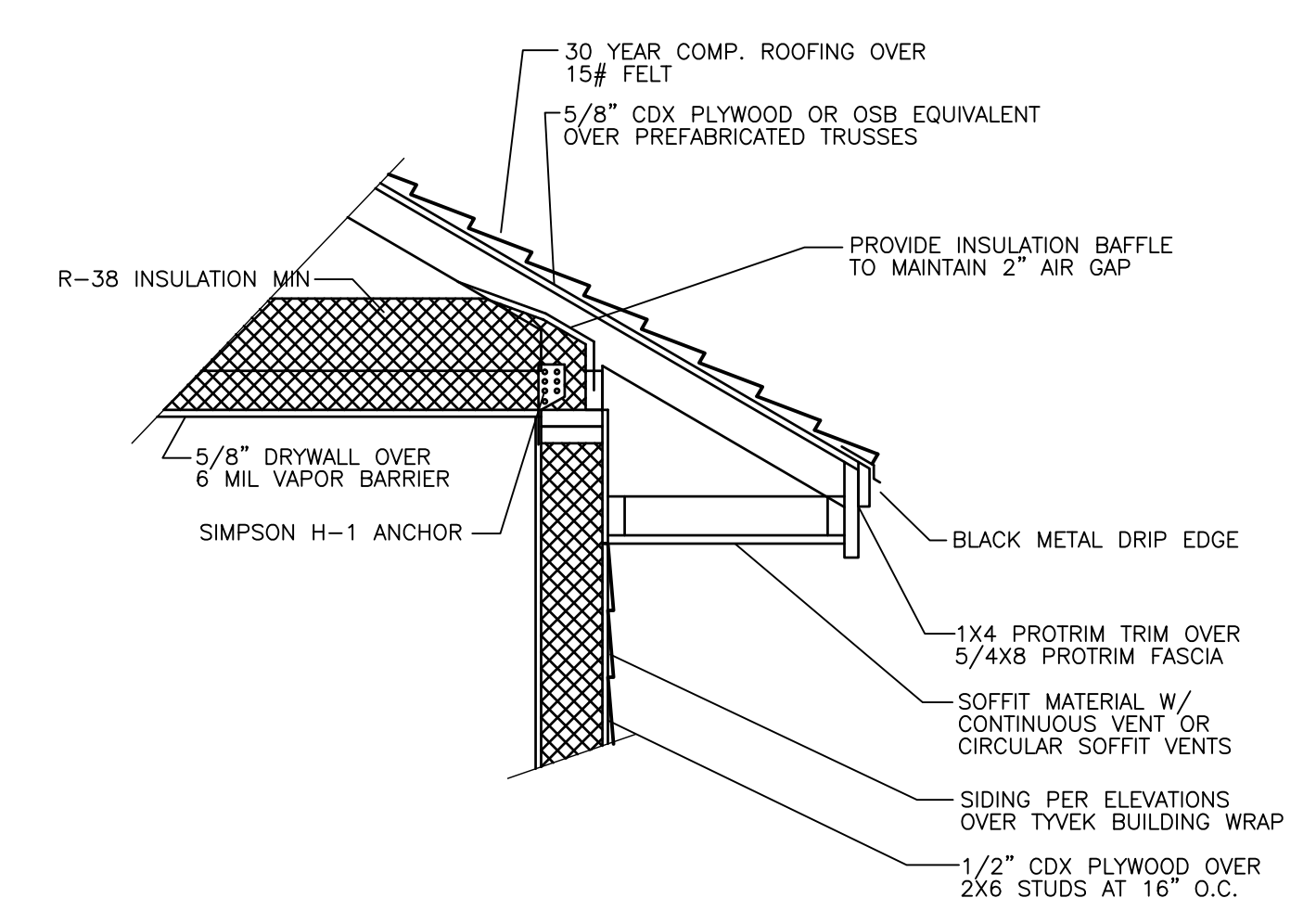
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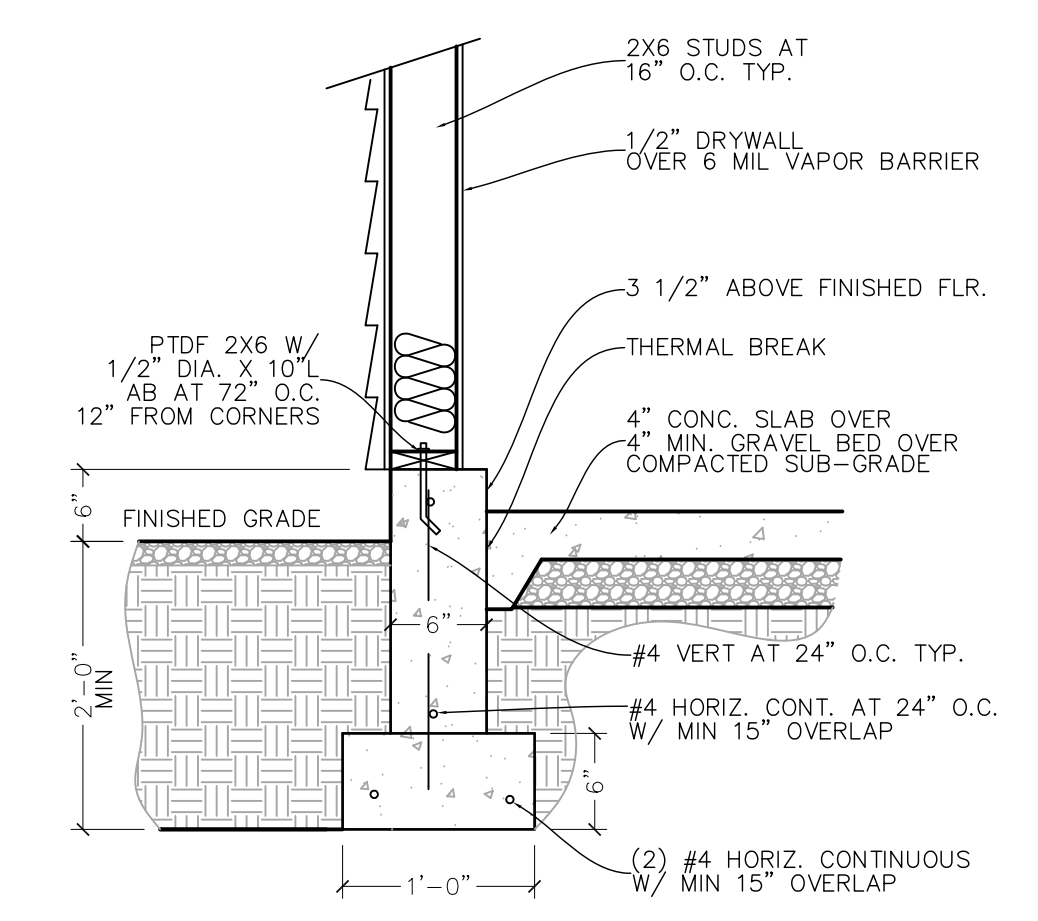
2 SHOP SECTION
SCALE: 1/4" = 1'-0"



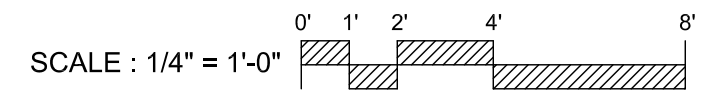
1 GARAGE DOOR FOOTING
N.T.S.

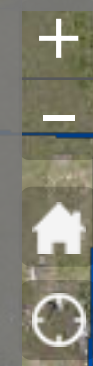


2 TRUSS EAVE
N.T.S.

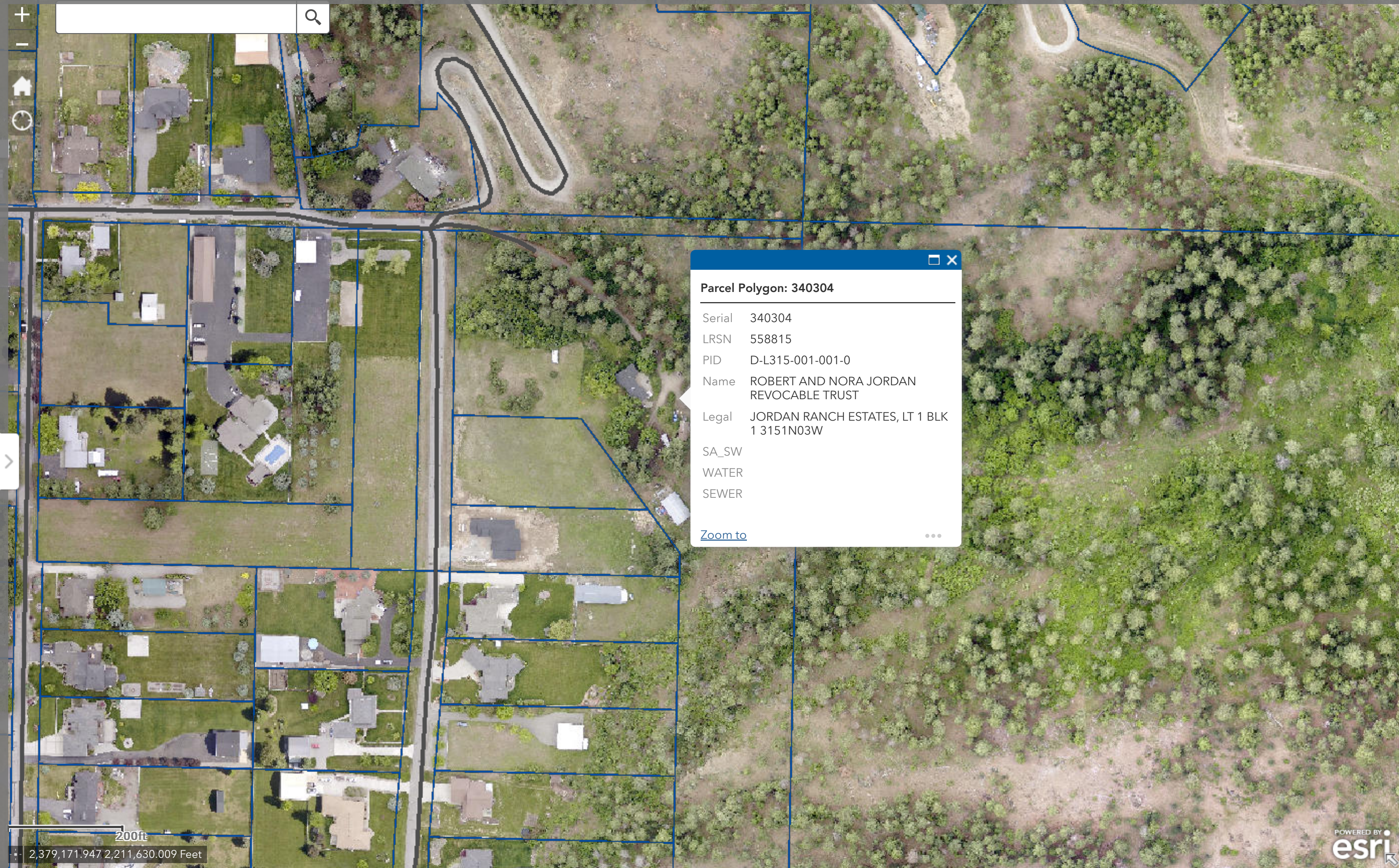


3 GARAGE FOOTING
3/4" = 1'-0"





Search bar with magnifying glass icon



Parcel Polygon: 340304

Serial 340304
 LRSN 558815
 PID D-L315-001-001-0
 Name ROBERT AND NORA JORDAN REVOCABLE TRUST
 Legal JORDAN RANCH ESTATES, LT 1 BLK 1 3151N03W

SA_SW
 WATER
 SEWER

[Zoom to](#) ⋮

200ft

2,379,171.947 2,211,630.009 Feet