



## Planning & Development Services

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# Historic Preservation Commission

## Hearing Minutes of April 9, 2007

**Commission Members Present** Jennifer Stevens, Chairman, David Thomas, Scott Chandler, Cathy Sewell, Betsy McFadden, Bonnie Burry, Colleen Smith

**Staff Members Present** Sarah Schafer, Julie Archambeault, Amanda Horton, Paula Schmidt

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### CONSENT AGENDA

#### Minutes of March 12, 2007 and March 26, 2007

No changes to the minutes.

#### **DRH07-00118 / Davey and Marliece Thomas**

Location: 1207 N. 24th Street

Request Historic Preservation approval to demolish the existing roof and two-car garage, construct an addition on the north and west sides of the main dwelling, replace windows and siding, and construct a two-car garage with accessory dwelling unit on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

Commissioner McFadden disclosed that she is an acquaintance of the applicants and they have talked about this particular project but not this proposal and she feels she can be objective on the application.

Commissioner Chandler moved to allow Commissioner McFadden to participate in the decision making on this particular item. Commissioner Thomas seconded the motion.

Motion carries.

*Commissioners Smith, McFadden, Thomas, Stevens, Chandler, Sewell and Burry visited the site prior to the hearing.*

Applicant present and in agreement with the terms and conditions contained in the staff report.

NO PUBLIC TESTIMONY

COMMISSIONER THOMAS MOVED TO APPROVE THE CONSENT AGENDA CONTAINING MINUTES FROM MARCH 12, 2007, MINUTES FROM MARCH 26, 2007 AND APPLICATION NUMBER DRH07-00118 / DAVE AND MARLIECE THOMAS.

COMMISSIONER CHANDLER SECONDED THE MOTION.

MOTION PASSES 7:0

### **REGULAR AGENDA**

#### **DRH07-00094 / Michael Tobin**

Location: 1907 N. 12th Street

Requests Historic Preservation approval to demolish a portion of the garage, widen and add a second story on to the existing garage on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (*This item was deferred at the March 26, 2007 hearing.*)

Julie Archambeault: Presented staff report with a recommendation of approval.

Commissioner Thomas: The drawings in the package that are of an already constructed addition are not part of this application?

Ms. Archambeault: That's correct.

Chairman Stevens: Why were these included? It does not appear to be how the house currently is?

Ms. Archambeault: Those were included because the house appears to be a one-story from the street and the garage will be a two-story. They were included to show that the house is in fact, from the back, a two-story house. You can see that from the side.

Chairman Stevens: It's not actually how the house currently looks. I'm concerned about the lot coverage. There is a lot squeezed on to this little tiny lot. I don't want us to be complacent that because it's already over that gives us a carte blanche to make it even further over. In the staff report it reads to make a garage compliant with zoning regulations that this was necessary.

Ms. Archambeault: That is the case.

Chairman Stevens: To make it compliant the footprint couldn't be shrunk because then it would be out of compliance to have a two-car garage there.

Ms. Archambeault: That is correct. It possibly could be shrunk to 20 x 20 and take two feet off one side.

Commissioner Sewell: Why are they required to provide a two-car parking garage?

Ms. Archambeault: They're not required. The current parking condition is grandfathered in. However, staff felt that because they're using the footprint of the current garage and because current

zoning states that two parking spaces are required for new single family residences that a 3% rise in the lot coverage was not excessive.

Chairman Stevens: Are they using the footprint of the current garage?

Ms. Archambeault: They are exceeding the footprint slightly, but they are using the footprint. They're not building a third structure. They're demolishing this structure and using that footprint and a little bit more.

Chairman Stevens: On Page 24 is the application done by the applicant. There are two separate sentences. The first is that they're going to construct an addition onto the current garage and the second sentence says, "New garage will have....".

Ms. Archambeault: The initial application was to take down a portion of the garage. However, with that application there was not enough backup room. That garage would have to be shifted in towards the house a little bit. Rather than shifting a portion of the old garage in it was decided to take the entire garage down.

Commissioner Thomas: What did you use to arrive at the difference in lot coverage? I don't have the size of the existing garage that's to be demolished.

Ms. Archambeault: I mostly likely looked on the Assessor's website.

*Commissioners Smith, McFadden, Thomas, Stevens, Chandler, Sewell and Burry visited the site prior to the hearing.*

Jeff Wallace (Representative / 2315 Roanoke Drive): No objection to site visits. The reason we did a new site plan for the garage is for not only the backup space we didn't have with the original drawings, but we also needed to move it over so we had our 5 ft. setback on the north side. The drawing of the old house that's in the package is an old drawing that was never...they went through a long process to do the house and it was just one of the drawings that had been done. It's somewhat accurate, but the elevations are a bit off. It doesn't have any relevance to what's actually there. The existing garage is now 16 x 18 and houses one car. We felt that the 20 x 22 was a nice size for them to be able to get two cars in. That's the reason we went with that. By moving it over a couple or ten inches to get that 5 ft. setback we actually slid it more towards the middle of the complete lot. I built the addition on the existing house and it mimics the garage with existing materials except for the horizontal hardi-siding...on the house we did the actual wood lap siding.

Commissioner Burry: I wondered what the relationship of the height of the proposed garage is to the garage to the north.

Mr. Wallace: The garage on the north, I believe, is 28 ft. 6 inches. My project would be 22 ft. 6 inches.

Commissioner McFadden: On Page 14 these were submitted because it was sort of built like this. It seemed like they didn't match at all. It seems like it's less than this tall. The house is. Whatever

was built there is preferable to what is here. Is the height of the house accurate on Page 14 in relationship to the height of proposed garage?

Mr. Wallace: The existing house height is 25' 3" from sub floor from sub floor. I believe there's six risers at the front door so that will give it another 2 ft. That would get us around 29 ft.

Commissioner McFadden: This proposal isn't doing anything to the main house at all?

Mr. Wallace: It was put in there for reference.

Chairman Stevens: You have to clarify for the record the drawings on Page 14 are not part of this application.

Mr. Wallace: Right.

Chairman Stevens: Is 25 ft. 3 inches accurate for height of the house as it currently exists?

Ms. Archambeault: I'm not sure.

Chairman Stevens: That's what you think it is?

Mr. Wallace: Yeah. I might have some drawings if you want me to check.

Chairman Stevens: It sounds like there's enough concern...since the drawings we have are not what was actually approved back when it was done.

Mr. Wallace: It's 24 ft. 5 inches so 26 ft. 5 inches would be the overall height from ground to ridge on the house. 4 ½ ft. difference.

NO PUBLIC TESTIMONY

Ms. Archambeault: I'm looking to see if the Findings are correct and if you do approve it, would you like me to change the Findings to reflect the height of the house correctly?

Chairman Stevens: That would be a good plan under number two of the reason statement.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER MOVED TO APPROVE THE DEMOLITION OF THE GARAGE CONTAINED IN THIS APPLICATION AND THAT THE APPLICANT HAS MET THREE OF THE FIVE FINDINGS AS PRESCRIBED IN THE REPORT BY STAFF.

COMMISSIONER THOMAS SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIES.

COMMISSIONER THOMAS MOVED TO APPROVE THE NEW CONSTRUCTION ASSOCIATED WITH APPLICATION DRH07-00094 WITH THE CHANGE IN THE REASON STATEMENT NUMBER TWO TO REFLECT AN EXISTING HEIGHT OF THE HOME AT 26 FT. 5 INCHES AS NOTED BY THE APPLICANT.

COMMISSIONER THOMAS MOVED TO AMEND THE ORIGINAL MOTION TO ALLOW FOR A MAXIMUM HEIGHT OF THE NEW STRUCTURE OF 22 FT. 6 INCHES WHICH IS 6 INCHES TALLER THAN INDICATED ON THE DRAWINGS AND TO INCLUDE THE SITE SPECIFIC CONDITIONS OF APPROVAL AND STANDARD CONDITIONS OF APPROVAL AS SUPPLIED BY STAFF.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIES.

**DRH07-00123 / Gayle Chalfant**

Location: 1311 Harrison Boulevard

Requests Historic Preservation approval to construct an addition on the rear of the main dwelling and an attached two-car garage on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

Staff report waived. Commission proceeded directly to questions.

Commissioner Thomas: On Page 22, which is the front elevation, on the far right hand side there's a note that says new stone wall behind existing. I don't find any indication of a new stone wall on the site plan. I'm unclear what approval of the application would be approving in regards to that wall. I see it now circled in red in the bottom right corner. It is immediately behind the existing wall, but not identified on the site plan.

Ms. Archambeault: That's correct. Originally the plan was to take directly off of the stone wall. However, because the stone wall was an original portion of the Tourtellotte and Hummel design it was decided to save it intact and put the new wall behind it. The intent is to raise that wall higher than the original wall.

Commissioner Thomas: I note that the wall effectively breaks and is not continued on to the north and because it doesn't appear to be shown on the site plan...does it go all the way to the property line?

Ms. Archambeault: It is confusing, but if you turn to the site plan it still shows the original plan which is a thin line directly from that wall going all that way to the property line. It will go to the property and will stop at the side property line. It's a sound barrier for Harrison Blvd.

Chairman Stevens: Commissioner Chandler pointed out that on Page 12 of our staff report that there is a note pointing to the existing wood fence and it says replace fence with stone wall set back. Although on the proposed site plan it actually shows it going out directly from the existing wall as opposed to being behind it. That clears up the confusion.

*Commissioners Smith, McFadden, Thomas, Stevens, Sewell and Burry visited the site prior to the visit.*

Commissioner Chandler recused himself due to his acquaintance with the designer, the applicant and who he would anticipate to be the builder of this project and has the potential of being biased.

COMMISSIONER THOMAS MOVED TO ALLOW COMMISSIONER CHANDLER TO RECUSE HIMSELF FROM THE APPLICATION.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

MOTION CARRIES UNANIMOUSLY WITH COMMISSIONER CHANDLER RECUSING.

Jim Chalfant (Applicant / 2010 Blaine Way): No objections to site visits. This is an application primarily for the addition of the garage in the back. At first we were planning on putting that underground, but when we got into the house and started looking at it there is a major sewer line going at the basement level that would be a big project for us to move. When we went through the house, in some detail, with our builder and an engineer...when they started saying it would be cheaper to jack up the house and shear the back of it off we started thinking maybe we ought to add something in the back.

Ms. Archambeault: The windows that the Commission mentioned have been approved in a prior application.

Chairman Stevens: I did not have the prior application in front of me. Is the fenestration plan that we saw in the previous application on this house the same as what we see in front of us today?

Ms. Archambeault: The only difference is that one pair of windows is not going to be changed and it was circled in red.

NO PUBLIC TESTIMONY

PUBLIC PORTION CLOSED

COMMISSIONER THOMAS MOVED TO APPROVE APPLICATION DRH07-00123 PURSUANT TO THE SITE SPECIFIC AND STANDARD CONDITIONS OF APPROVAL PROVIDED BY STAFF.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 6:0 WITH COMMISSIONER CHANDLER RECUSED. MOTION CARRIES.

**DRH07-00128 / Dale K. Cunningham**

Location: 817 N. 19<sup>th</sup> Street

Requests Historic Preservation approval to demolish a rear shed roof, remove aluminum siding from a small portion of the structure and replace with siding to match the existing siding,

remove/replace doors and windows and construct a second story at the rear of the structure on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

Julie Archambeault: Presented brief staff report with a recommendation to approve.

Commissioner Chandler: On Page 47...it doesn't identify two drawings. I would assume the upper one is referencing the proposed construction and the lower one is referencing the existing. However, I don't see the fenestration difference between the upper and lower in there so can I conclude that the upper rendering is incorrect on Page 47 as far as fenestration?

Ms. Archambeault: That is correct. The reason why these are in the back of the packet is because it doesn't address the fenestration changes. It was included because the applicant submitted it with the application. Also because it's a very good representation of how the massing of the house and how that second story will change the look of the house. However, it was included in the back because of the confusion it might cause as to the fenestration changes.

Chairman Stevens: Do you know what the materials of the windows are going to be?

Ms. Archambeault: Wood windows.

Chairman Stevens: Is that reflected in the application anywhere because I was not able to find it.

Ms. Archambeault: I believe it was reflected in a conversation that Staff had with the applicant.

Chairman Stevens: We do not have a record of that in our packet. Would it make sense to put that on as a condition of approval? Do you feel that because this is a contributing structure that it is imperative that we have wood windows?

Ms. Archambeault: I do.

Commissioner Thomas: Did the discussion pertain at all to the use of interior muntins?

Ms. Archambeault: I don't recall.

Commissioner McFadden: On the front elevation, Page 20, the main picture window...is that window going to be a new window? The one that's there has some leaded glass in it.

Ms. Archambeault: There is nothing in the application to suggest that window will be changed.

Chairman Stevens: In the drawings it appears that the chimney is not present. Do you know anything about that?

Ms. Archambeault: I do not.

Chairman Stevens: If it was to be removed what would your recommendation be on that?

Ms. Archambeault: The chimney is a small structure and it's not one of the more ornate versions that I've seen and it's been altered with the (inaudible). Staff would recommend approval.

*Commissioners Smith, McFadden, Thomas, Stevens, Chandler, Sewell and Burry viewed the site prior to the hearing.*

Matthew Jones (762 S. Silverbow Avenue / Eagle, ID): No objections to site visits. The front window will not change. In fact, everything we can preserve we are preserving and repairing. The fenestration, the intention is to replace the aluminum windows that are there with something that more closely matches the existing. Currently the plan is to use a Pella painted fiberglass window. It has the look of a wood window, but it's more durable. We can paint it to match. The rest of the trim will be custom molded to match exterior and interior with the intention being that you won't be able to see the difference from 4 ft. away...between the old windows and the new. The chimney is to remain. There's no plan to remove or do anything different to the chimney. I apologize for my inaccurate drawings. The rendering that you see on Page 47 is not accurate. The lower rendering is to represent the existing conditions. The upper is to reflect what the new addition will appear to be. However, I had not changed the one window in the setback existing portion to the door. That's actually come up recently and the lower window in the addition actually will be changed to a wood window and is currently an aluminum sliding window. The aluminum sliding patio door will be changed to a French door.

Commissioner Thomas: In regards to the fiberglass windows would the divisions or the muntins in those windows be interior windows muntins like we find on typical vinyl windows or will they be simulated divided lights with bars on the outside of the glazing?

Mr. Jones: If we have those divisions...it's actually a three part. You have the interior division that integral and then you have an interior portion and an exterior portion so the appearance is a true divided light. In reality it's one sheet of glass.

Commissioner Thomas: That's the question I was asking and you gave us exactly the answer we wanted. You said if they're divided...are you considering not doing that?

Mr. Jones: To be honest the home is currently in the process of being purchased and I may be back here shortly with a different plan. I would like to continue forward. This addition is absolutely going to happen. There are new owners becoming involved right at this moment. That's why I said if we have those divisions. My intention is to absolutely match what is there short of having a custom milled window made.

Commissioner Thomas: You would be comfortable with us approving the windows as designed and having to come back and ask if you want to change them?

Mr. Jones: Yes.

Chairman Stevens: Just so you know, windows happen to be a very important part of what makes a historic home.

Mr. Jones: I understand that.

Chairman Stevens: So if there are changes you are clear that those need to come back?

Mr. Jones: Yes.

COMMISSIONER THOMAS MOVED TO APPROVE THE DEMOLITION OF THE SHED ROOF AS OUTLINED IN APPLICATION DRH07-00128, OVER THE ONE-STORY PORTION OF THE STRUCTURE.

COMMISSIONER CHANDLER SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIES.

COMMISSIONER THOMAS MOVED TO APPROVE THE CONSTRUCTION ASSOCIATED WITH APPLICATION DRH07-00128 PURSUANT TO STAFF'S SPECIFIC CONDITIONS AND STANDARD CONDITIONS OF APPROVAL AND ADDING TO THE SITE SPECIFIC CONDITIONS OF APPROVAL CONDITION #2., THAT THE NEW WINDOWS BE FIBERGLASS WINDOWS WITH SIMULATED DIVIDED LIGHTS IN THE CONFIGURATION IDENTIFIED ON THE PLANS AS SUBMITTED AND #3., THE EXISTING CHIMNEY REMAIN AS NOTED BY THE APPLICANT AND #4., THE FRONT WINDOW WILL NOT CHANGE AS NOTED BY THE APPLICANT AND THE ONLY WINDOWS TO BE CHANGED ARE THOSE AS SPECIFIED IN THE PLANS.

COMMISSIONER CHANDLER SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIES.

**DRH07-00132 / Dustin Moore**

924 W. Fort Street

Requests Historic Preservation approval to demolish a garage and build a new one-story garage on property located in an R-2HD (Combined Residential with Historic Design Review Overlay) zone.

Julie Archambeault: Presented brief staff report with a recommendation of approval.

Commissioner Thomas: You indicated there was some attempt to preserve one wall of this structure in order to essentially grandfather its location in regards to zoning. Is that indicated to us somehow that there were applications to other departments or Commissions made on this application and or that a building permit was ever pulled?

Ms. Archambeault: You'd have to ask the applicant. There may have been a building permit.

Chairman Stevens: The process is that if a building permit gets pulled in a historic district it is supposed to come directly to us correct?

Ms. Archambeault: Correct.

Chairman Stevens: Perhaps if there was a building permit something slipped through the cracks?

Ms. Archambeault: Absolutely.

Chairman Stevens: I have questions regarding Pages 9 and 10 with regard to the depiction of the siding and the gable. Gingerbread siding...do we have any depictions of exactly what they mean by that? I have in my head what I think that means, but...

Ms. Archambeault: They are meaning to match this siding here (referring to presentation).

Chairman Stevens: On Page 10 some of it is shown as horizontal.

Ms. Archambeault: I believe that incorrect.

Chairman Stevens: That's something we'll need to ask them.

*Commissioners Smith, Mcfadden, Thomas, Chandler, Sewell and Burry visited the site prior to the hearing. Chairman Stevens did not visit the site.*

Dustin Moore (Applicant / 924 W. Fort Street): No objections to site visits. One thing noted in Staff's report is it actually does not touch the alleyway. The old structure touches the east boundary of the property.

Shelly Moore (Applicant / 924 W. Fort Street): There was question about the siding to match and Staff indicated per quesstimate that it was to match the house siding on Page 2. That is accurate. The siding will match what's on the existing housing structure.

Mr. Moore: In reference to your comment about Gingerbread.

Mrs. Moore: As far as alley access, there are a couple of notes to the triangular tract of land...the pie shaped tract of land. There is also documentation on Page 8. That shows an existing triangular tract of land that was granted in 1906 that belongs to this property as well that does give us access to that back garage structure.

Mr. Moore: The actual legal reference, points and boundaries is noted in Page 33 of the staff report noted as Exhibit B, which defines in the site plan on Page 8 that triangular piece.

Commissioner Thomas: I'm curious how we got to this point where we've demolished the building and were not issued a Certificate of Appropriateness. I'm particularly interested in the answer to that question given that we did just approve in the recent past the addition to the rear of the house so there's obviously acknowledgement of Historic District being in place.

Mr. Moore: I can't deny the fact that I understand the Historic Certificate of Appropriateness. I must say I got anxious because I was wanting to get it done.

Mrs. Moore: We got the cart in front of the horse.

Mr. Moore: We got the cart in front of the horse. I went through the legal boundaries. I know what could and could not be done and I just failed to go through the appropriate procedures.

Chairman Stevens: Is it going to be a two-car garage?

Mr. Moore: I don't know what defines a two-car garage. 16 x 18...more like a car and a half.

Mrs. Moore: A car with some storage.

Chairman Stevens: You're only planning to park one car in it?

Mr. Moore: Correct. We wouldn't park more than one car in it.

Chairman Stevens: I don't care. I'm just trying to figure out with regard to how wide this garage doors going be and frequently we...the 18 ft. width is probably too narrow for two single doors. I'm looking at our garage door guy over here who always...Page 9. It's indicated as a single steel garage door, but the dimension is 18 ft. wide.

Commissioner Chandler: 18 ft. door?

Chairman Stevens: No. 18 ft. wide structure.

Commissioner McFadden: On Page 13 it indicates a 12 ft. wide door.

Commissioner Chandler: 12 ft. 3 inches. You can't get two in there.

Chairman Stevens: I think Commissioner Thomas' point is well taken. I'll just give you my take on it. We probably would have approved it. That's my gut reaction, but it's frustrating for us because it's our charge to protect this District and if people went demoing a historic house...we have no recourse. We could potentially make you rebuild there. It's frustrating for us as a Commission that's charged by law and through not just the City ordinance but through state law to protect these areas.

Mrs. Moore: Please note that we definitely understand the frustration, but please also note that we are very interested in improving the property and had concerns about the structure that was there. It was not usable other than for some basic storage. Our intent wasn't malicious...it was to improve the property structure and we love the North End and we want to see those kind of improvements.

Commissioner Thomas: I understand that and I've been through this too. I went through an application of my own to demolish a garage. I find your answer really troubling because essentially what I just heard you tell me was that you just disregarded what you absolutely knew to be fact was that you needed to have approval to demolish this structure. I'm not sure where I go with that. I have in three years never sat up here and have somebody tell me that they just blatantly disregarded what they knew to be fact. I don't even know how to address that.

Mr. Moore: I certainly understand where you're coming from. It wasn't a blatant disregard to take away or negate the value as Shelly has mentioned to the Historic District. We just did a \$100,000

dollar addition to our house to try to improve the Historic District. Three or four years ago the area in which we lived, which was not the Historic District when we bought the house...we were for making it a historic district. I can not argue the case that we got our ducks out of line in regards to how we went about the process, but I can state it wasn't malicious intent. The intent was to try and beautify the piece of property bringing value to our property and hopefully the property around us.

Chairman Stevens: We must not argue anymore with the applicant. We all know what happened and we can leave it at that. I don't want to cut people off, but I don't want to get into a bickering match.

Commissioner Sewell: Julie, if a property such as this is grandfathered for their parking requirements meaning that they probably have two on-street parking...if they build a garage with garage door does it have to meet the minimum requirements? Backup space, size, interior dimensions...so it's really not a garage per definition in the ordinance...and outbuilding with a garage door.

Ms. Archambeault: They don't have to meet the two-car garage requirements, but they do have to meet the backup space and they do have the required backup space. They have to meet the side setback, which is why they have to move the footings, which have been poured. They will meet that.

Commissioner Sewell: But not the single-car dimensions 10x 20. They don't have to even meet single car?

Ms. Archambeault: To call it a garage they would have to meet the single-car.

Chairman Stevens: So is the question then, do they need to have a garage?

Commissioner Sewell: I wanted to get clarification to make sure that they...

Ms. Archambeault: The interior space needs to be 20 ft. Is that what you're asking?

Commissioner Sewell: To make sure that they're not required to do that.

Ms. Archambeault: They would be required to do that.

Commissioner Sewell: Is that because there's a garage door? If they were just going to have it as an outbuilding?

Ms. Archambeault: If it was just an outbuilding they would not be required to do that. It depends what the function of the last garage was. If it was a one-car garage and it functioned as a one-car garage it would not be allowed to take away that one-car garage and not replace it. If there was no parking on the property then they don't have to have parking on the property.

Chairman Stevens: What exactly is the situation here? Was that building that was demoed...

Ms. Archambeault: I don't know.

Commissioner Sewell: I only bring this up because I thought I heard Commissioner Thomas indicate that they already have some foundation work in place?

Commissioner Thomas: At least form work. I don't know if there's concrete in it.

Commissioner Sewell: The question is whether or not they would have to come back and make that 20 ft. wide rather than 16 x 18?

Ms. Archambeault: If it's going to be a garage they would have to make it 16 x 20.

Commissioner Chandler: That's if it used to be a two-car garage?

Ms. Archambeault: The first bay of a garage needs to be a 20 ft. interior.

Commissioner Chandler: As far as the width?

Commissioner Sewell: The minimum is 10 ft. clear for a single-car.

Ms. Archambeault: The 16 would be fine.

Commissioner Sewell: I don't see any reason why if they're grandfathered in with their required parking it seems to me they can do whatever they want with their out building and put a single-car garage door on that. They're certainly not violating parking requirements by doing so. That's just a clarification with Staff and the City.

Commissioner Thomas: I'm not sure that the proposed garage door is of significance because the configuration of this site means that the garage is essentially going to be buried between other garages and they've got a very small alley to get back to their garage. I don't think most of your neighbors are even going to see your garage or at least the door. The door's not a huge issue. In terms of backup space and setbacks as they relate to the interior dimensions I would say there's a dimension on the site plan that indicates a 25 ft. dimension. Only 22 ft. is required for backup and you can include the alley in that. In terms of backup space there's room to move one wall of the garage backwards in order to gain that 20 ft. interior dimension. I don't know exactly how the code reads in terms of setbacks, but one could probably make an argument for taking that 5 ft. dimensional setback and rather than taking that dimension perpendicular to the parcel line or the lot line take it perpendicular to the rear wall of the garage so it would be diagonal in the same direction as the 25 ft. dimension in which case it would allow for the movement, potentially, of that rear wall to go back further and gain your 20 ft. Obviously I can't make a judgment on whether or not this has to meet the minimum dimensions for a garage, but there might be a little bit of room to juggle a few dimensions there and make that happen if that's the case.

Chairman Stevens: We could probably deal with that as a condition of approval. If it's just 2 ft., I'm comfortable if we move to approve it and if that's the direction the Commission wants to go, it could be handled in the conditions...an extra 2 ft. of depth.

Commissioner Thomas: I'm struggling in my head with how to word that.

Ms. Archambeault: You could say that it complies with all current zoning and will come back to Staff to insure that.

Mr. Moore: I need to understand what the concern or question is in what you guys would propose to make it Commission approved if you will?

Chairman Stevens: We trying to decide:

- a. Now that the building is gone did it use to provide parking and if so, are you required therefore to put another parking structure in its place.
- b. If you are required to actually have a real garage it sounds like there is code language to the effect that requires a certain interior dimension to actually be considered a garage. That dimension is 20 x 10.

Ms. Archambeault: One-car.

Chairman Stevens: Unfortunately our Director of Planning and Development Services who knows the zoning code backwards and forwards isn't here today. What we're suggesting is that one of the conditions of approval if we move that direction for this that you get back together with Staff and make sure that's clear and alter the dimension by 2 ft. if you need to.

Mrs. Moore: Would that only be in the case that it was actually a parking structure in the past because it was not?

Chairman Stevens: That's what I'm understanding.

Commissioner Sewell: It's only if the current zoning ordinance requires you to build a garage per code if you're building a garage. You're grandfathered in with your parking. It's just whether or not the City's going require that you build that per their standards. That would be something that would be caught at permit application submittal or can be a question of the zoning staff.

Ms. Archambeault: If they are building a garage, a garage has to meet zoning code. If it's an outbuilding that's different. If it's not going to be used as a parking structure it doesn't have to be 20 x 10. If it's a garage it does.

Chairman Stevens: Basically there's a different permit application when they go in for one versus the other. Correct?

Ms. Archambeault: That I don't know.

Mr. Moore: What Commissioner Sewell said would be the case that just as setbacks and everything else would be based upon your standard building permit. Those folks would say, "Okay, you're fine, but it's got to be X dimensions".

Chairman Stevens: Have you also pulled a permit.

Mr. Moore: No I have not.

Chairman Stevens: We would strongly urge you to get a permit. We'll go ahead and put in our conditions of approval that you meet all the needs of that permit.

Commissioner Thomas: I would like to ask Staff how a garage is defined. Is it going to be considered a garage if it has in fact a garage door or overhead door?

Ms. Archambeault: It's only considered a garage if it's used to shelter a car.

PUBLIC PORTION CLOSED (*Chairman Stevens did not ask if there was further public testimony because the hearing room was empty*)

COMMISSIONER THOMAS MOVED, RELUCTANTLY, TO APPROVE THE DEMOLITION OF THE FORMERLY EXISTING GARAGE FOR APPLICATION DRH07-00132 BASED ON THE FINDINGS THAT IT MEETS THREE OF THE FIVE CRITERIA AS OUTLINED BY STAFF. IT DOES NOT MEET LANDMARK STATUS, ITS DEMOLITION WILL NOT AFFECT THE DISTRICT AND THE PLANS SUBMITTED WILL HAVE A POSITIVE AFFECT ON THE DISTRICT.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIES

COMMISSIONER THOMAS MOVED TO APPROVE THE CONSTRUCTION PROPOSED IN APPLICATION DRH07-00132 PURSUANT TO STAFF'S SITE SPECIFIC AND STANDARD CONDITIONS OF APPROVAL MODIFYING SITE SPECIFIC CONDITION OF APPROVAL:

1.a. THE GARAGE MUST MEET ALL APPLICABLE ZONING AND BUILDING ORDINANCES.

COMMISSIONER CHANDLER SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIES.

**DRH07-00097 / Brian McGaha / DRH07-00097**

Location: 1418 E. Bannock

Discussion and ratification of Findings for denial. (*This item was denied at the March 26, 2007 hearing.*)

Chairman Stevens: Is it Reason Statement or Reasoned Statement?

Ms. Archambeault: Reasoned Statement.

Chairman Stevens: Under the very second sentence there the word “only” should be inserted before the word two. The word “therefore,” should start off the very last sentence. Under number 5 it talks about the heights of the buildings and I thought it would make sense for us to...because we talked a lot about the setbacks as well...we should make sure that discussion is in there. If you look at Chapter 5, 5.5.2, we should add that in there as well, maintain the spacing of side yards and fit a new building within the range of yard dimensions seen within the block.

Commissioner Chandler: I was not at the meeting where this decision was made, but I have read the application, I have visited the site, I reviewed the minutes and I have read through the Staff statement and I do believe I’m informed enough to vote on (inaudible).

Commissioner Burry: I don’t believe I was present for this. I’ll have to recuse myself from voting.

COMMISSIONER THOMAS MOVED TO APPROVE THE REASON STATEMENT FOR DRH07-00097 / BRIAN MCGAHA / 1418 E. BANNOCK AS NOTED WITH CORRECTIONS.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES WITH COMMISSIONER BURRY RECUSED.

## MINUTES

### **February 26, 2006**

Commissioner Chandler: I would like to note that on the first consent agenda item the sentence that says, “Commissioner Chandler moved to approve DRH06-00538”. The actual motion was to approve the deferral of DRH06-00538. Add the words, “to approve the deferral of” to that sentence.

One other very minor one is on Page 18 about 2/3 of the way down there’s “have spacing were a 5 ft. space” and should be “have spacing where a 5 ft. space”.

COMMISSIONER THOMAS MOVED TO APPROVE THE HEARING MINUTES FROM FEBRUARY 26, 2007 WITH THE CORRECTIONS NOTED.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

MOTION CARRIES UNANIMOUSLY.

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Jennifer Stevens  
Chair, Boise City Historic Preservation Commission

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Date