Historic Preservation Commission
-Minutes-
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Historic Preservation Commission

Hearing Minutes of January 14, 2008

Commission Members Present  Jennifer Stevens, Chair, Christopher Pooser, Cathy Sewell, Bonnie Burry, Barbara Dawson, Betsy McFadden

Members Present  Sarah Schafer, Julie Archambeault, Teresa Sobotka, Nicki Heckenlively

MINUTES 12/10/07

Chairman Stevens: The minutes of December 10, 2007 were not included with the packets and will be tabled until the January 28, 2008 hearing.

DRH07-00544 / Bruce and Cheryl Todd
Location: 1224 E. Bannock Street
Discussion and ratification of Findings for denial. (This item was denied at the December 17, 2007 hearing.)

COMMISSIONER POOSER MOVED TO APPROVE THE FINDINGS FOR DRH07-00544.
COMMISSIONER BURRY SECONDED THE MOTION.
MOTION CARRIES WITH COMMISSIONER MCFADDEN RECUSED.

DRH07-00587 / Julie Lynn
Location: 1419 N. 24th Street
Discussion and ratification of Findings for denial. (This item was denied at the December 17, 2007 hearing.)

COMMISSIONER SEWELL MOVED TO APPROVE THE FINDINGS FOR DRH07-00587.
COMMISSIONER POOSER SECONDED THE MOTION.
MOTION CARRIES WITH COMMISSIONER MCFADDEN RECUSED.
Jennifer Stevens
Chair, Boise City Historic Preservation Commission

Date
Historic Preservation Commission

Hearing Minutes of January 28, 2008

Commission Members Present
Jennifer Stevens, Chair, Christopher Pooser, Scott Chandler, Cathy Sewell, Betsy McFadden, Christopher Pooser, Barbara Dawson, Kathryn Forsythe

Members Present
Sarah Schafer, Julie Archambeault, Matthew Halitsky, Teresa Sobotka, Nicki Heckenlively

DRH08-00001 / Joe Pollard & Elyse Thorpe / 1706 N. 27th Street
Request Historic Preservation approval to add doors and to construct additions on the east and north sides of the dwelling on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

COMMISSIONER SEWELL: I am the applicant’s representative so I will recuse myself.

NO COMMISSION DISCLOSURES.

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

NO PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00001 ON THE CONSENT AGENDA.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES WITH COMMISSIONER SEWELL RECUSED.
DRH07-00402 / Amy Yost / 505 Logan

Requests Historic Preservation approval to change the status of the property from contributing to non-contributing on property located in an R-2H (Combined Residential with Historic Overlay) zone. (This item was deferred at the September 10, 2007, October 8, 2007, November 5, 2007 and November 26, 2007 hearings.)

JULIE ARCHAMBEAULT: Presented staff report with recommendation of denial.

SITE RE-VISITS:

Commissioners McFadden, Chandler, Sewell and Dawson re-visited the site prior to the hearing. Commissioners Forsythe, Pooser and Stevens did not re-visit the site.

AMY YOST (Applicant): I am here to ask the Commission to change the historical status on the home from contributing to non-contributing. I need this change to make improvements to the home. I feel the changes will be significant. It is my understanding that I need to prove why this is not significant. The changes have significantly compromised the home and the original intent of the home. This was placed as a contributing structure in 1984. It was largely overgrown and I don’t believe they were able to see the additions made throughout the years. The vinyl siding is the most important. I don’t find it historical in any way. It wraps around the whole house. The second is the addition of the porch. The second owner of the home did this and that was after 1947. The clinker brick fireplace is compromised. It has been boarded up for over 15 years. Inside the house the fireplace has been deemed unusable. It burned oil at one time. It doesn’t work and there is no function to it. The top of it, someone tried to fix it, but it is about to tumble over. That is a closet on the front porch. A closet for the front room. They did take care to match the house siding, but the closet was added after the porch was added. The addition on Avenue D goes all the way to the street. It is obvious from the front street and the side street. I think the property can look beautiful. We are trying to make this a beautiful home.

COMMISSIONER MCFADDEN: On the addition that goes all the way to the street, is it insulated?

MS. YOST: It is a covered patio. It is not insulated. I believe they had a permit for it. They also did some remodeling in the rear and I believe that was in 59 and the garage was added in 48.

COMMISSIONER MCFADDEN: I see the permit for it. It was 1963.

MS. YOST: There is a storage building that attaches to the garage in the back.

COMMISSIONER MCFADDEN: That is what that is.
CHAIRMAN STEVENS: You have discussed this with Staff at great length. I assume you are pursuing this because your addition is going to change the structure greatly to where it would benefit you to have it off of contributing status.

MS. YOST: Yes, I would need it out of contributing status.

RON MUELLER: I am the applicant’s finance and I do not have any testimony.

JOHN HOLMQUIST: It is at the corner of Logan and Avenue E. I am here to support Amy and her plan. I have only lived on Logan for 11 years. You will hear from neighbors who have lived there for 35 years. You will hear from a neighbor whose wife has been there off and on since 1940. The ordinance and the letter of the ordinance have been met and this should be non-contributing. The changes are very clear. The spirit of the Ordinance is that we should want to improve our neighborhoods. I strongly urge you to approve her plan this evening. This is the type of thing we want to encourage.

MS. SOBOTKA: I just want to remind everyone that this is a narrow hearing. We are only hearing whether this is a contributing or non-contributing structure.

CHAIRMAN STEVENS: Please leave this discussion to the contributing or non-contributing status.

MS. CHAMBERS: The chimney is bricked up on the inside. As the structure lies out now, there is no room for furniture. We may have contributed to adding to the closet on the front porch. I can’t remember. I do know that in the back there was a patio, we did build it up to waist high so that mother could hold on if she went out back. We did put the vinyl siding on. I do have to go a bit further then the contributing status. The women who lived across the street owned a construction company. They built my house and the houses on either side of me. When I moved in the house in 1967 you would not have wanted to live there. We had to move the electrical. We have made a great deal of changes to my house and the house on either side of me. The house across the street is a two-story house. Amy is to be commended. We are stuck with the property next door for at least the next year. I would appreciate you allowing her to improve the neighborhood.

FRAN KEARNS: My husband and I are here to support Amy’s application. She is someone wanting to improve the house and the neighborhood. The house directly to the west is non-contributing and I don’t know the status of the house to the east. We urge you to favorably consider her application.

MS. ARCHAMBEAULT: I have an e-mail from Ben Jennings (read into record). The Commission needs to decide if they are going to enforce compliance with what is the intent of the ordinance. I tried to put the original picture from the site form up on the “Elmo” but it didn’t work.

CHAIRMAN STEVENS: Is it lighter than the one in the packet?
MS. ARCHAMBEAULT: The only modern change that really shows is the vinyl siding. The infill to the porch for the closet is a small change, the addition of the porch is a small change and all other additions are to the rear. The main character defining features of the house have not been altered. Massing, the roofline, ratio between the roof and the wall plane, clinker brick chimney, the windows…everything else that was discussed is on the interior of the house and we don’t have purview over that. To staff’s mind this is a “Is it raining or not” kind of question. Is it contributing or not? Despite any other problems we may be facing this house is still contributing.

NO APPLICANT REBUTTAL

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: It appears we should look at the seven integrity points and if we agree or disagree with Staff’s analysis. We don’t have to meet three out of five similar to the demolition Findings. In going through those seven at least as I see them;

1. Location: Can’t dispute that. It’s there.

2. Setting: It has retained its integrity.

3. Design: I don’t necessary agree with Staff as far as the original massing. The porch that’s on it and other additions have made some fairly significant changes to what was originally constructed on this site. I don’t believe it really meets that design aspect.

4. Materials: Because it does have vinyl siding on it I don’t think it is slightly compromised. Highly comprised is the aspect as far as materials on that.

5. Workmanship: That is dubious given the nature of the changes to the structure. The way the porch is not attached to the house. This is very subjective. I would also have difficulty in saying that the integrity of the workmanship has been retained.

6. Feeling: I don’t know exactly…the feeling I get from the house because of the addition of the porch on the front it is significantly different than the photo that we’re seeing on Page 15 (of packet). Feeling can also be tremendously influenced by the landscaping and things of that nature that are quite devoid at this point.

7. Association: It defiantly is associated with the architecture of the 40’s.

Of the seven I agree with three, I disagree with three and I have one that I think is possible. I have to wonder if it should have been classified as contributing in the first place. I would have to support the applicant.

COMMISSIONER POOSER: I agree with Chandler. I think it has been compromised. I would be in support of the applicant’s submittal as well.

COMMISSIONER SEWELL: Staff did a good job of presenting us with their analysis. To comment on the siding. Although it is a modern material, it is most likely hiding,
protecting the original material on the house. Though I am not in favor of using vinyl on a new house, I think it could be removed. The structure still represents its time. It is a Minimal Traditional. The porch and the siding are easily removed and easily replaced. I don’t see why this should be seen as appropriate for a change in status.

CHAIRMAN STEVENS: I agree with Commissioner Sewell. We have had a lot of discussions in the past as to what vinyl siding does to a structure. We have said that just because it has vinyl siding it doesn’t render a building non-contributing. Mistakes have been made in the past on surveys just because of the vinyl siding. I don’t think this is 100% clear cut. There are obviously changes that weren’t there originally. I am uncomfortable with how the applicant wants to proceed without bringing plans to us. This lot can make some amazing changes without compromising the integrity of the structure. I would be much more comfortable looking at some of those plans and having a discussion on that. We have a good record of ensuring homes that are like this…this is not a Historical Register house. It none the less has historical significance because of being built during the depression. Time and time again we face these discussions and it is always about Minimal Traditional houses. They’re not beautiful Craftsmans, they don’t have gorgeous detailing and woodwork and fishtail shingles and all the other things we have in the 19-teens when the country had a lot of money. They’re in important to the nation and to the neighborhoods…nonetheless. I agree with Commissioner Sewell in that I far as I can tell this still looks and feels like a house that was built in 1940. Looking back through the Field Guide I see homes that are in the Field Guide that do have that front porch and that do have basically everything that this house has. I am strongly in support of making some changes to the structure and depending on what those changes are…I don’t think I can support a change in the status.

COMMISSIONER MCFADDEN: I’m torn on this one because I agree with what everybody said. It does seem like there have been some compromises to the structure that would render it somewhat noncontributing. One of the things that we didn’t bring up that I think the site visit brought to my attention how insensitively it has been added on to. Particularly with that shed to the side. I was taking that into consideration when I was thinking about this and for that reason I was going to support Ms. Yost’s application for non-contributing. However, Chairman Stevens gave a good argument there for leaving it contributing and seeing what you could do in working with that status. I’m a little torn on this, but I did want to mention that the additions to the side and to the back did seem to be fairly insensitive and also done more recently than in the last 50 years.

CHAIRMAN STEVENS: I want to add one more thing…and nothing we do on this Commission is considered precedent setting…it’s just the nature of a body like this, but we’ve been known to allow changes that may or may not change the status. I’m very uncomfortable with changing the status so that somebody can make changes without the record to support that. I wanted to add that in.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH07-00402 TO CHANGE THE STATUS OF THE PROPERTY FROM CONTRIBUTING TO NON-CONTRIBUTING AND THAT IS BASED PRIMARILY ON THE FACT THAT THIS PROPERTY IS NOT ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES WHICH IS ONE OF THE CRITERIA OF BEING ABSOLUTELY
CONTRIBUTING. AS FAR AS THE SEVEN ASPECTS THAT ARE CONSIDERED AS FAR AS THE DEFINITION OF A CONTRIBUTING STRUCTURE THAT THIS STRUCTURE DOES NOT MEET A MAJORITY OF THOSE SEVEN ASPECTS OF INTEGRITY.

COMMISSIONER POOSER SECONDED THE MOTION.

COMMISSIONER DAWSON: I am in a quandary myself as is Commissioner McFadden. I am leaning to the denial side. I do feel there are things that can be done to this house without changing the status.

ROLL CALL VOTE 4:3. MOTION TO APPROVE FAILS.

COMMISSIONER SEWELL MOVED TO DENY DRH07-00402 PER STAFF’S ANALYSIS AND FINDINGS.

COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 4:3. MOTION TO DENY CARRIES.

DRH07-00607 / Merlin Stark / 1605 N. 23rd Street
Requests Historic Preservation approval to construct an addition on the front of the structure at the northeast corner on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

MS. ARCHAMBEAULT: Presented staff report with a recommendation of denial.

COMMISSIONER POOSER: I am still learning my styles. What are the elements that make this Minimal Traditional? Obviously, the front façade makes it Tudor?

MS. ARCHAMBEAULT: The low sloping roof, the relationship of the wall planes and frequently the Minimal Traditional will import another style such as this Tudor.

COMMISSIONER POOSER: So the survey says other …does that typically mean a Minimal Traditional?

MS. ARCHAMBEAULT: The problem with this site form is that it didn’t have Minimal Traditional as a pull down option so you have to choose other.

CHAIRMAN STEVENS: I would just point out on Page 39 of that same site form, under comments, it does say Tudor Minimal.

COMMISSIONER MCFADDEN: I am acquaintances with the applicant through mutual friends.

COMMISSIONER CHANDLER MOVED THAT THE COMMISSION ALLOW HER TO PARTICIPATE.
COMMISSIONER POOSER SECONDED THE MOTION.

MOTION CARRIES.

SITE VISITS

Commissioners Pooser, Stevens, Chandler, Sewell and Dawson visited the site prior to the hearing. Commissioner Forsythe did not visit the site.

MERLIN STARK (Applicant): I have no objections to the comments or site visits. My wife and I are proposing an addition to the house. We realize that it is within the North End Historic District. It was built in 1940 and is described as Tudor architecture. We are proposing an addition to the right side of the house to house a stair. The kitchen and the dining room are an island at the rear of the house. Bringing that eave down seemed pretty straightforward. Right now there is a grey stone on the front of the house. We proposed to add Boise Sandstone to the front of the house. We thought it would be appropriate to add the stone on the face of the house to bridge the gap from the addition and the entry. I would like to comment on the Staff’s comments to the house. They suggested we set back the addition from the primary façade. I want to try to do an addition so it doesn’t look like an addition. The Field Guide states the defining feature of the Tudor style are stucco and stone wall coverings, half-timbering mimicking Mid Evil. Infill timber framing and the use of multiple materials and varied eave line heights. What we’re proposing here exemplifies all of those characteristics as well as the swept eave. We are taking one window out on the upper level and one that looks into the basement. We’re adding two small windows to the front of the house. I don’t think the addition obscures or damages the character defining features of the house. It’s not coming any further forward on the street. We’re enhancing the Tudor style and I also realize that the interior layout has no barring on your decision but it is a defining reason as to why we’re doing it. If we were mandated to put the stair in a different position to the basement the addition would probably be a lot larger. Granted...probably to the back of the house, but maintaining open space and not over building for the site should be an important consideration when designing the house. What we’re proposing here fits in well with the North End and looks good with some of the existing architecture. I hope that you understand our attention to detail and how much we love living in the North End and respect what it represents.

COMMISSIONER POOSER: Did you talk to Julie about the stone on the front?

MR. STARK: No I didn’t, but I would be willing to.

COMMISSIONER MCFADDEN: Commission Pooser brought up a good idea on the stone.

MS. ARCHAMBEAULT: I didn’t address different materials because the shape of the addition alters the front façade enough that it doesn’t matter what material you put on it. The applicant stated that they did not want it to look like an addition. The Secretary of Interior Standards clearly states that you should differentiate old from new. It does have a
Tudor entrance right now. By enhancing that it gives a false sense of historicity giving it a false sense of its time. Over-building the rear would allow for plenty of lot coverage...up to the 30%.

COMMISSIONER SEWELL: Did you discuss some kind of offset on the front?

MS. ARCHAMBEAULT: I did not.

COMMISSIONER POOSER: By offset did that mean a step back?

COMMISSIONER SEWELL: Yes.

APPLICANT REBUTTAL

MR. STARK: I heard you say there is a change in use of the historic integrity...How we are to define the integrity of a change in use?

CHAIRMAN STEVENS: I think you may have misunderstood. There was nothing said about a change in use.

MR. STARK: Then I have no other comments.

PUBLIC PORTION CLOSED

Commissioner Sewell: I can understand the applicant wanting to salvage the front yard versus the rear yard and not understanding the interior arrangement...with what is proposed, I agree with Staff that the stone is an inappropriate material for the house. The applicant stated what is there now is inappropriate now. As far as enclosing the stair, I think the proposed stone does more harm then good. I am inclined to approve the project with a condition that the applicant step back the addition a minimum of 6” and allow the front to read appropriately. I think that would be an appropriate roof form.

CHAIRMAN STEVESN: Can you explain a little further?

COMMISSIONER SEWELL: I would propose the existing front entry form not be touched and the stone not be changed.

CHAIRMAN STEVENS: So cut off the swoop? And what would happen to the window?

COMMISSIONER SEWELL: The window would have to be repositioned and the main form of the entry should remain intact.

COMMISSIONER CHANDLER: One of the conditions you would propose is the elimination of the stone entirely and maintaining the stucco as a finish in addition to the setback. Would that apply to the existing stone on the front of the steps at this point?
COMMISSIONER SEWELL: All of your comments are correct. If the applicant is willing to change out the stone I believe the stucco would be an appropriate material.

COMMISSIONER CHANDLER: I don’t have quite the objection to the stone as you do, but I certainly understand your thought process and I can concur with that easily. The fact that the front entrance is asymmetrical under what you’re proposing it would still maintain that same symmetry onto the left side as far as what’s in front and it would be stepped back slightly and it would move the asymmetry to the other side. I believe I could support a motion to what you are proposing. One thing that is significant is the fact that this is an addition on the character defining façade, but it is something that is consistent with the neighborhood, is consistent with the style and although the Tudor influence on this is only at the entrance and an addition of only 44 ft. which it might be less than that if it was stepped back.

COMMISSIONER MCFADDEN: I concur with Commissioner Sewell and Commissioner Chandler. That setback may not be easily accomplished in a stairwell. That may need to be something they discuss with Staff or go back to the drawing board. I do think the form and the direction they want to go would be appropriate.

CHAIRMAN STEVENS: Does anyone object to reopening the hearing?

COMMISSIONER POOSER MOVED TO RE-OPEN THE HEARING.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

MOTION CARRIES.

CHAIRMAN STEVENS: Julie do you understand what Commission Sewell is requesting?

MS. ARCHAMBEAULT: Yes.

COMMISSIONER POOSER: Why would the window go?

MS. ARCHAMBEAULT: My understanding is that earlier there was a window that would need to be repositioned in order to keep this in its original form. There is no way to keep this addition here and maintain the window behind it. Did you want to keep this window? It is in the original portion of the house.

CHAIRMAN STEVENS: Let’s just say the window is gone. I want to know what this does to the status of the house…and possibly doing what Commissioner Sewell has recommended?

MS. ARCHAMBEAULT: It will greatly impact the status of this house if not make it non-contributing.

MS. SOBOTKA: She has to state why so the applicant can react.
CHAIRMAN STEVENS: I’m guessing it’s because of all the reasons you’ve stated in the report already.

MS. ARCHAMBEAULT: That is correct. They are radically altering the primary feature of the primary façade. Changing the primary appearance of the primary façade, importing a feature from other houses in order to make this an exaggerated Tudor swoop that doesn’t currently exist there. We’re not following several of the important keys of the Secretary of Interior Standards and Design Guidelines. Those are the reasons I would find this house addition non-contributing.

COMMISSIONER SEWELL: Even if we retain that overall entry form and push the addition back, that would still make it non-contributing?

MS. ARCHAMBEAULT: I would have to see a picture of that. That’s hard to say. That would certainly help retain that original form. Especially if we use stucco on it rather than stone and lose the window. I don’t mind the change to the stairs because that is clearly not original anyway. It would definitely help to differentiate the two and to add important character-defining features.

CHAIRMAN STEVENS: It sounds like the best process would be to ask for a redesign and defer. What do the rest of you think?

COMMISSIONER POOSER: I would be interested in hearing the applicant’s thoughts on this discussion.

MR. STARK: I would be interested in participating in a redesign. That window is going to be at the break. We are talking about setting it back. If it has to go back 6 inches I am alright. If it has to go back feet then I have a problem.

CHAIRMAN STEVENS: The Secretary of Interior Standards says there should be a difference.

MR. STARK: If there has to be a shadow line, I can do that.

CHAIRMAN STEVENS: 6 inches should do that. Also I would like to see wood on the windows.

MR. STARK: I would like to do wood as well. Are metal clad wood windows acceptable?

CHAIRMAN STEVENS: Yes.

MR. STARK: Next month? Would that be the next meeting?

CHAIRMAN STEVENS: Yes. It would be the night hearing for the end of February.

MR. STARK: That would be great. If I redraw this and resubmit it, when would I have to have that in?
MS. ARCHAMBEAULT: By the 4th (February).

COMMISSIONER MCFADDEN: Are we asking for a scheme with or without stone?

CHAIRMAN STEVENS: We need to have that discussion.

MR. STARK: Stone can be out if you want it out.

PUBLIC PORTION RE-CLOSED

COMMISSIONER POOSER: I agree with the comments in regards to the stone. It would be more compatible to use the stucco. As far as the step back, if the applicant is willing to investigate that I would be in favor of the 6 inches. I don’t understand the concern with the differentiation. As some of the comments have been stated and I agree with them as far as the little swoop is consistent with the entry way that is there now. My personal opinion is that the addition, as we’ve discussed it, would not render this dwelling non-contributing.

COMMISSIONER CHANDLER MOVED TO DEFER DRH07-00607 TO THE FEBRUARY 25, 2008 HEARING.

COMMISSIONER SEWELL SECONDED THE MOTION.

CHAIRMAN STEVENS: We appreciate very much for your willingness to work with us. I do need to make the point that when we defer something like this it doesn’t necessarily guarantee passage. It depends on what comes back, what Staff says and whose here. We have other Commissioners who aren’t actually here tonight so I want to make that point.

ROLL CALL 7-0. MOTION CARRIES.

DRH07-00608 / Eric & Emily Boles / 1102 N. 21st Street
Requests Historic Preservation approval to demolish the garage and construct a single-car garage with living space above, construct an addition to the east side of the main dwelling and remodel the front façade on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

MATTHEW HALITSKY: Presented the staff report with recommendation of approval with conditions:

a. In the event a variance to the front setback is not granted, the applicant shall be required to provide revised drawings to PDS staff that adhere to the front yard setback required by Code.

b. The removal of mature landscaping shall first be reviewed by PDS staff.
c. The applicant shall reduce the massing of the proposed garage to meet the criteria to be considered a story and a half as outlined in the Substandard Lot Ordinance.

d. The accessory dwelling unit proposed shall be reviewed and approved under separate application.

COMMISSIONER DAWSON: Are you saying the existing home encroaches on the setback or the proposed addition?

MR. HALITSKY: Both.

CHAIRMAN STEVENS: On the two-story garage, on Page 17, the way it reads…is that partial two-story structures would be allowed?

MR. HALITSKY: That is a one and a half story.

CHAIRMAN STEVENS: Is that outlined in the Ordinance?

MR. HALITSKY: Yes. I believe if he reduced the sides of the shed dormers that would be appropriate.

COMMISSIONER POOSER: That is the height of the existing dwelling versus the proposed garage?

MR. HALITSLY: I believe it was 22 feet to the ridgeline.

COMMISSIONER POOSER: The garage says it is 21 feet.

MR. HALITSKY: The garage is lower in height then the main dwelling.

CHAIRMAN STEVENS: Have you seen these wood clad vinyl windows?

MR. HALITSLY: No I haven’t.

CHAIRMAN STEVENS: We’re sure this is not a vinyl clad wood?

MR. HALITSKY: The applicant is here and we can ask them again.

SITE VISITS

Commissioners McFadden, Pooser, Chandler and Dawson visited the site prior to the hearing. Commissioners Forsythe and Stevens did not visit the site.

EMILY BOWLES (APPLICANT): I have no objections to the site visits. My husband Eric and I have lived here for three years. We feel there are many advantages to living in the home in the North End. We want to make it more practical, functional and attractive. Last year we had our first child and look forward to raising him here. Our neighbors respect the changes we are proposing. The changes will provide us with more indoor and
outdoor living space. The addition is in line with the current setback. We are trying to obtain a variance and will be back here in a couple of weeks. We have run out of bedrooms and the rear addition will provide this. The front addition will allow us to have a good size useable front porch. It will allow us to have a porch for a bungalow. We are removing the aluminum siding and replacing it with wood. We do intend to have wood windows on the home so the look is not changed. A major aspect of the remodel is the garage. The barn style doors are literally coming off of the hinges and rain and snow blow through the gaps in that door as well as the man-door that is accessed from our backyard. The panels are so warped that they are impossible to replace and there is chicken wire stapled over the openings in the door. The garage is not weather tight and is not attractive. With the aging wiring and construction that hasn’t been maintained by previous owners it’s not safe. The finish studio space above the garage is significant part of our final plans. I work as an educational consultant for children with special learning needs. Presently my office and classroom occupy a bedroom on the first floor of our house. It’s an awkward arrangement to conduct business so near our personal living space and the room I use is not ideally suited for use as an office and classroom. The studio planned about the garage, as it’s currently designed, will be much more spacious and more professional. It will be separate from our family living areas and it will also have its own entrance. We’ve carefully considered every aspect of the plan for that studio above the garage to maximize the usable space because my classroom requires a student desk, chairs, a bookcase, a computer cabinet and storage for books and teaching materials. Every square foot of floor space will be put to use for teaching students, meeting with parents and for my own business functions. The closet will provide useful storage space for extra materials and the bathroom is also important. I work with children so having a nearby restroom for them is a matter of necessity. We’ve been especially sensitive to the neighbors who live at the property across the alley from us. All windows on the side of the garage that face their backyard are transom windows placed up high so they can provide light in the garage and the studio above it while also preserving our neighbors privacy in their backyard. That neighbor has told me specifically that they appreciate our consideration in showing them the plans before we moved ahead with anything. Their backyard is adjacent to part of our addition. The plans before you are the product of many months of work and consideration by us and by the designer, Scott Clark. They reflect careful thought given to our needs as a family living in the home and using the garage as well as attention to the ways our project may affect our neighbors. The plans for our garage particularly represent our ideal conception. For the garage structure we just received the information in the staff report on Thursday so we haven’t had a lot of time to review it. We’d like to understand Staff’s reasoning for determining our garage with shed dormers is a two-story structure while our house which has a shed dormer and gabled dormers is a one and a half story structure. If the Commission members concur with Staff’s designation of our garage as a two-story structure, as it’s currently submitted, we would like to determine modifications to the current plan that would be acceptable to the Commission so that we could proceed with plans for a garage with a studio space above. We believe that the final product of the garage replacement and the home addition and remodel will add greatly to the beauty and the attractiveness of our block and to our enjoyment of our home and property in the years to come.
COMMISSIONER POOSER: Matt, could you restate what you were suggesting on the garage to make it more of a one and a half story.

MR. HALITSKY: The reason why the home would be considered a story and a half is because the shed dormers do not run the full length of the structure. The simplest solution would be to step the dormers back so that they would not meet the base of the structure and shorten them from the full length of the structure. Another thing I wanted to mention is that on the application...it was my understanding that it would be an accessory dwelling unit and that the second story of the garage would include a conditional use permit required at the staff level.

CHAIRMAN STEVENS: What makes it an ADU is the presence of plumbing?

MR. HALITSKY: Right.

CHAIRMAN STEVENS: Since there is going to be a bathroom there is does in fact qualify?

MR. HALITSKY: You also need 220 electrical…

CHAIRMAN STEVENS: A 220 outlet makes it an ADU…if it doesn’t have a 220 outlet then it’s not an ADU?

MR. HALITSKY: I guess it’s the use as well…whether it’s a home occupation and there’s a business run out of it.

CHAIRMAN STEVENS: The way you understand it, as it’s been explained to us, is that if it has the use of basically a business…which I assume requires its own permit and it doesn’t have a 220 outlet…then it’s not an ADU?

SARAH SCHAFER: Yes. To also let you know the applicant has already received a home occupation permit for what they’re doing in their structure. They would just need to update that to go along with what they would be doing in the successor space.

CHAIRMAN STEVENS: It’s your understanding that with the way she’s intending to use it with the plumbing, but without the 220 is not an ADU.

MS. SCHAFER: She should not need to get any ADU requests. It would just be changes to the home occupation request because they’re taking it out of the home to this portion of the structure.

CHAIRMAN STEVENS: So I understand the definition as the City has defined it in our Ordinances it’s not really about the actual height to the peak. What I’m hearing you suggest is that the height itself is actually not going to change.

MR. HALITSKY: You could turn this from a full two-story to a story and a half by reducing the height. I believe anything over 18 ft. is two-story.
MR. BOWLES (APPLICANT): The garage is at 17 ft. It’s not over the 18 ft. We have a
goal to keep the symmetry there. We’d like to hear how much we would need to shrink
down the dormers to accommodate that. I’m not sure if that’s a couple of feet off each
end or…?

CHAIRMAN STEVENS: It’s not just the length of them, but it’s also the fact that their
contained within the same wall plane as the rest of the second story so I think it’s a matter
of changing that as well as bringing the width down.

MR. HALITSKY: Yes.

MR. BOWLES: Is that 6 inches like the last application?

CHAIRMAN STEVENS: No. It’s a totally different issue. That’s something we’ll
discuss during deliberation and if need be we can bring you back up at that time.

COMMISSIONER SEWELL: Matt is there any requirement for the square footage of a
one and a half story that it must be 75%...the first story or the knee walls need to be…

MR. HALITSKY: I believe there needs to be 4 feet from the knee wall, but as far as the
square footage I don’t think we have one.

PUBLIC PORTION CLOSED.

CHAIRMAN STEVENS: I’m sorry, but I have a question about the windows.

COMMISSIONER MCFADDEN MOVED TO REOPEN THE PUBLIC PORTION OF
THE HEARING.

COMMISSIONER POOSER SECONDED THE MOTION.

MOTION CARRIES.

MR. BOWLES: We want wood windows. We also want them to be energy efficient.
Most of our windows have the saran wrap on the inside and that is extremely inefficient.

PUBLIC PORTION CLOSED.

COMMISSIONER CHANDLE MOVED TO APPROVE THE DEMOLITION
ASSOCIATION WITH DRH07-00608 BASED ON FINDINGS A, B .C AND E BEING
MET AND THAT BEFORE THE DEMOLITION PERMIT IS ISSUED A
REPLACEMENT STRUCTURE SHALL BE APPROVED.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIES.
CHAIRMAN STEVENS: Next we will take up the replacement structure and the changes to the home.

COMMISSIONER CHANDLER: In looking at the site specific conditions of approval Staff has proposed, I don’t have any objections to them. Does anyone else have concerns that would need to be addressed?

COMMISSIONER DAWSON: Would this be the appropriate place to insert some language regarding the windows?

CHAIRMAN STEVENS: Yes. Go ahead if you have some.

COMMISSIONER DAWSON: No I don’t, but that was to answer Commissioner Chandler’s question.

MS. SOBOTKA: Are we taking the garage and the additions as one motion?

CHAIRMAN STEVENS: Yes. That is how we are proceeding at this point.

COMMISSION CHANDLER: In looking at the site specific conditions of approval this is all listed as one request. This in essence means we would be approving the house at this point and we would need another application for the garage.

CHAIRMAN STEVENS: Item D is in regards to the use and not to the structure design.

COMMISSIONER POOSER: There was a note in the staff report that additional parking needs to be reviewed under a separate application? I don’t know if that needs to be a specific condition.

CHAIRMAN STEVENS: Where is the note on the parking?

COMMISSIONER POOSER: Page 15 under Item F., Parking.

CHAIRMAN STEVENS: That parking is only required if it is deemed to be an ADU. Commissioner Chandler’s question is if we want to see a redesign. It seems to me that this is a full two-story and doesn’t meet the Substandard Lot Ordinance. I agree with Chandler that I am not comfortable with not approving it. I don’t object to the additional space above the garage. I think it at least needs to be brought back to Staff.

COMMISSIONER CHANDLER: Is it possible that we approve this if we want it to come back to Staff?

MS. SOBOTKA: I would prefer it came back to you. The compatibility is with the addition.

COMMISSIONER CHANDLER: Could we separate this into two separate approvals? Then they could move forward with the house addition and the garage could be redesigned.
MS. SOBOTKA: Yes, I believe that is the cleanest.

CHAIRMAN STEVENS: I would also request a condition of approval regarding the windows.

COMMISSIONER DAWSON: I would also suggest we get rid of condition D.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH07-00608 WITH SITE SPECIFIC CONDITIONS OF APPROVAL 1.A. AND 1.B. AS IT PERTAINS TO THE HOUSE ONLY. THE WINDOWS TO BE PLACED IN THE HOUSE SHALL BE EITHER WOOD OR METAL CLAD WOOD.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL 7:0. MOTION CARRIES.

COMMISSIONER CHANDLER MOVED TO DEFER THE REVISED DESIGN OF THE PROPOSED GARAGE TO THE EVENING MEETING OF FEBRUARY 25, 2008 WITH NEW MATERIALS TO STAFF NO LATER THAN FEBRUARY 4, 2008

COMMISSIONER POOSER SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIES.

MINUTES (12/10/07)

COMMISSIONER CHANDLER MOVED TO APPROVE THE HEARING MINUTES OF DECEMBER 10, 2007.

COMMISSIONER SEWELL SECONDED THE MOTION.

MOTION CARRIES.

MINUTES (12/17/07)

COMMISSIONER POOSER: On Page 42 of 44, fifth paragraph, it needs to read 18th Street instead of 10th Street. On Page 43 of 44, second paragraph, it needs to read twenty-eight streets instead of eight streets.

COMMISSIONER CHANDLER MOVED TO APPROVE THE MINUTES OF DECEMBER 17, 2007 WITH THE CHANGES AS NOTED.

COMMISSIONER DAWSON SECONDED THE MOTION.
MOTION CARRIES WITH COMMISSIONERS STEVENS AND MCFADDEN RECUSED.

MINUTES (1/14/2008)

COMMISSIONER SEWELL MOVED TO APPROVE THE MINUTES OF JANUARY 14, 2008.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

MOTION CARRIES WITH COMMISSIONERS FORSYTHE AND CHANDLER RECUSED.

______________________________________________
Jennifer Stevens
Chair, Boise City Historic Preservation Commission

__________________
Date
DRH08-00036 / City of Boise / 1815 N. 10th Street
Requests Historic Preservation approval to change the status of property from non-contributing to contributing on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

CHAIRMAN STEVENS: We have been asked by the property owner to defer this for the reason that they did not receive proper notice.

MATT HANRAHAN (Property Owner): I would like to request an extension so that I can do a little more research into...there’s a lot of material out there and I’d like to have some more time to get my argument together.

CHAIRMAN STEVENS: Did you not receive proper notice?

MR. HANRAHAN: I received a notice in the mail two weeks prior to this hearing. I was a little upset that I wasn’t contacted separately or individually by Julie Archambeault because we asked her if this ever came about that she would let us know. We couldn’t proceed with anything without resolving this issue. Whether it’s going to be changed to contributing or not. I was surprised that’s how I received the notice. I thought it’s a good thing I wasn’t out of town or I would have totally missed it. It would have been a courtesy to have her...from some other source than the mailing.

CHAIRMAN STEVENS: You would like a little more time to do some research. I have four people on the sign-up sheet that would like to testify on this...is there anyone here that could not come back if we were to defer this to our next night hearing or possibly the one after that...that’s March 24, 2008, which is Monday of Spring Break for the public school system. I have Brent Wilson, Bob Grisham, Paul Aughtry and John Cornell here. Is there anybody here who would not be able to come back on either March 24...let’s start with that date. Would anybody like to provide their testimony tonight if we do
decide to defer this? *(No response from the audience).* I’m going to take that as consent from the audience from those of you who have signed up to testify.

PUBLIC PORTION CLOSED.

COMMISSIONER CHANDLER MOVED TO DEFER DRH08-00036 TO OUR HEARING OF MARCH 24, 2008.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

CHAIRMAN STEVENS: I want to indicate to the applicant that if any further application gets filed this will be heard first…before that will be heard.

MR. HANRAHAN: Okay. Understood.

CHAIRMAN STEVENS: Mr. Hanrahan has given his consent to that.

ROLL CALL VOTE 6:0. MOTION CARRIES TO DEFER DRH08-00036 TO THE MARCH 24, 2008 HEARING.

**DRH07-00587 / Julie Lynn / 1419 N. 24th Street**

Requests Historic Preservation reconsideration of approval to change the use of the property located in an R-1CH (Single Family Residential with Historic Overlay) zone. *(This item was denied at the December 17, 2007 hearing.)*

CHAIRMAN STEVENS: This is a request for reconsideration of an item that was denied at the December 17, 2007 hearing.

JULIE ARCHAMBEAULT: This application was to change the use of this lot to two lots (referring to overhead aerial map). The applicant would like to split the lot more or less in half. Lots have been split on the other corners in the historic period. The last one to be split is 1956. This is a modern structure, but was placed on a historic lot. The parcel is sitting on two lots so she is realigning the lots running west to run north/south. The application was denied because 24th Street along with 18th and 10th are historically wider because that is where the street cars ran. This is the last lot on one of the corners that has not been split. Because of the historic width of 24th Street it is important that this lot retain its historic size. I’ve been told the back was an orchard and that’s why the historic house and garage are together at the front of the lot and the back of the lot is fairly open except for that modern garage. The applicant is asking for a reconsideration of the denial of the application.

COMMISSIONER CHANDLER: With the request for reconsideration is there any indication that there is additional information or is there a particular justification for a reconsideration?

MS. ARCHAMBEAULT: I have received no additional information. However, I believe the applicant feels that she could bring some clarification to some questions that
were answered. She was out of town at the time of the hearing and her representative was unable to answer some of the questions that were posed.

APPLICANT NOT PRESENT.

NO PUBLIC TESTIMONY.

CHAIRMAN STEVENS: So we are clear amongst all of us this is just a question of are we going to reconsider or are we not. We’ve been told that it’s going up on appeal to City Council and so it’s a matter of whether or not we want to make sure we have a clear record on our decision and possibly prevent this from going to City Council, which in fact would help the applicant out.

COMMISSIONER CHANDLER: I have a question that needs to be directed to legal counsel. I’m understanding that a request for a reconsideration needs to come from a body who voted in favor of the motion of the denial?

MS. SOBOTKA: That’s correct.

CHAIRMAN STEVENS: To be clear that would need to be Commissioner Burry, Commissioner Dawson or Commissioner Pooser who is not present is that correct?

COMMISSIONER CHANDLER: Yes.

CHAIRMAN STEVENS: Commissioner McFadden nor myself were present the night of this hearing but for the purposes of this record we do have in front of us the transcript of that night regarding this item as well as the staff report that was filed that night as well. Is there any further discussion or motion from those two members who voted to deny this to begin with?

COMMISSIONER BURRY MOVED TO RECONSIDER DRH07-00587 DUE TO THE FACT THAT THE APPLICANT WAS NOT HERE AND PERHAPS SHE COULD ANSWER SOME OF OUR QUESTIONS AND WE CAN RELOOK AT THIS.

COMMISSIONER DAWSON SECONDED THE MOTION.

COMMISSION DAWSON: Do we need to put a date specific to this.

MS. SOBOTKA: March 10, 2008.

CHAIRMAN STEVENS: Counsel is recommending March 10, which is a noon hearing. Teresa, let me ask you before we do that, my recollection is that there was quite a lot of testimony on this item from the public. I don’t know how everybody else feels…I’m a little reluctant to put that on a noon hearing…

MS. SOBOTKA: The problem is that at this point she wants to keep her appeal date of March 18, 2008.
MS. ARCHAMBEAULT: The applicant has been talking to Sarah and I and she had some travel conflicts with the original date we had for her. That’s why…

CHAIRMAN STEVENS: In her absence we can’t guess about what those issues are. We as a Commission need to make a decision whether or not we feel comfortable scheduling a noon hearing for something that was clearly very controversial and had a number of people come and testify on it. That’s something that without her here we need to make a decision with the information we have in front of us. What are people’s thoughts on the March 10 date?

COMMISSIONER CHANDLER: I believe, while there were a number of people who testified originally, that there testimony would still be relevant, but we’ve already heard it so it’s not as though we need it again. With the minutes of the prior meeting I would think that the March 10 date in order to facilitate the appeal would be the most appropriate way to deal with this.

CHAIRMAN STEVENS: I tend to disagree. I think that having it in writing and having people in front of us is a very different feeling and it’s important to act in the public’s best interest and when there’s this much neighborhood concern I like to err on the side of allowing those people to come and giving them the best opportunity that they can, which is a night hearing.

COMMISSIONER CHANDLER: Is the motion that’s on the table at this point for the March 10 date?

CHAIRMAN STEVENS: Would the maker like to amend their motion to specify a date?

COMMISSIONER BURRY MOVED TO AMEND HER MOTION TO SPECIFY THE MARCH 10, 2008 HEARING.

COMMISSIONER DAWSO SECONDED THE AMENDED MOTION.

ROLL CALL VOTE 5:1. MOTION CARRIES WITH CHAIRMAN STEVENS VOTING AGAINST.

DRH07-00607 / Merlin Stark / 1605 N. 23rd Street
Requests Historic Preservation approval to construct an addition on the front of the structure at the northeast corner on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (This item was deferred at the January 28, 2008 hearing.)

JULIE ARCHAMBEAULT: This is the subject house and the front elevation. If you will recall this was the original plan. The addition here is necessary for a stairwell. Staff recommended denial due to the fact that it would radically alter the front façade of the house and change this simple Minimal Traditional Tudor into a more grand style of Tudor house so the application was deferred suggesting that they step the addition back to retain the original entrance. These are the revised plans. This is stepped back and the
stone has been removed. A portion of it is stepped back so the entrance is maintained and
the rest is stepped forward again. However, Staff still feels partially due to the
continuation of the eaves…but this entire mass changes the front elevation so drastically
that Staff still recommends denial and that the staircase be placed in an alternate location.

COMMISSIONER DAWSON: In the analysis of the application on the first page it
indicates that there’s no indication that the eaves will be jogged…I’m looking at the first
drawing…upper left hand corner. Is that a step back in the eave or is that something else
I’m seeing?

MS. ARCHAMBEAULT: That does look like a jog in the eave. However, it doesn’t
reflect the fact that this mass here jogs back out.

CHAIRMAN STEVENS: Can you go over where the jogs are at? I’m a little bit
confused.

MS. ARCHAMBEAULT: (Referring to overhead) Lines here and here. Jog in here and
back out again.

SITE RE-VISITS
Commissioners Burry, Stevens, Chandler and Dawson revisited the site prior to the
hearing. Commissioners McFadden and Sewell did not re-visit the site. Commissioner
McFadden disclosed she is friends with the applicant but doesn’t feel that would affect
her decision.

MERLIN STARK (Applicant): At our last meeting it seemed that the consternation you
had with the project was the fact that we did add the stone. Also you wanted to have a
line of demarcation between the new addition and the existing front façade. I removed
the stone from all the areas of the house including the existing stone that everybody
deemed to be quite unattractive and we will cover that over in stucco. I left all of the half
timbering trim on the existing entry element. To clarify on the side elevation that we
were looking at before there is already a jog in that roof. There’s a prow that pops out
right where that siding occurs. That’s what is being reflected on the side elevation.
There are a couple lines I’ve shown as to where that fascia does jog, but that’s an existing
jog in the house…not one that I’ve added. The only thing that I did was I took the wall in
the 6 inches we talked about that you needed as a line of demarcation and then as I got
over 3 ft. I popped it back out again, but I continued the fascia all on the same plane as it
was on the exiting elevation. The only reason for that was is to get adequate insulation
on that wall and also have a little bit of a turning area there to get down into the stair to
get to the basement. That was the idea there.

CHAIRMAN STEVENS: If you look at the floor plan on B…that’s an interior door that
you’re showing there where the stairs are?

MR. STARK: Yes.

NO PUBLIC TESTIMONY
COMMISSIONER CHANDLER: First of all I’m a little disappointed…we were fairly specific I believe on an obvious change of the new to the old and we’re not seeing that on the eave line. It is continuous down and the wall that bumps in 6 inches bumps right back out. I would have hoped that could have stayed back further. However, in looking at the floor plan I can certainly see the problem that the applicant is faced with in doing that in a relatively tight space. My primary objections to what was initially presented to us, was the addition of the stone, which I do believe the applicant has dealt with adequately. Even though I don’t believe the applicant has addressed our concerns as well as we had hoped he would, I do understand why that is the case. I tend to think the overall design here, as I did previously from the standpoint of what it does to the roofline…while it does make a change to the primary façade of the structure it does not in fact do it significant harm from the standpoint of its appearance as a contributing structure.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH07-00607 AS PRESENTED.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

COMMISSIONER SEWELL: I tend to agree with Commissioner Chandler’s comments that eave line is an inappropriate element on the house. It would be nice if the owner could get their R-value if that is really the reason why that jogs back out. My concerns on that aren’t enough to vote to deny the application.

CHAIRMAN STEVENS: It goes against everything that our residential guidelines tell us to do and the Secretary of Interiors as well as Staff has done a very good job of pointing out in the staff report. I’m really struggling with a good reason why I should vote in favor of it other than it doesn’t seem to do as much harm as changing the façade as it usually tends to do. I don’t know if that’s a good reason to go against everything that is in our guidelines and feels somewhat arbitrary to me. Is there anybody on the Commission who can explain to me, with some detail in terms of our policy why we should be doing this? I’m struggling with it. I want to vote for it because it looks okay to me. It’s in keeping with the style of the home. It’s something we absolutely would have seen when this home was built. Everything that our guidelines tell us not to do is being done here. I’m really struggling with this Commission being arbitrary voting for it when it’s crystal clear in our guidelines that we aren’t suppose to.

COMMISSIONER SEWELL: In Chapter 4, 4.1, New Additions policy, “Design and construct new additions to be congruous with the original building in a manner that preserves the integrity and character of the building and buildings within the surrounding block. Maintain the character of a rooftop and the mass and scale of existing buildings”. With this particular property, I disagree with Staff that the addition radically alters the front façade. From what I can tell the front façade…the main entry element piece that actually has the most character for this house is unaffected by the addition. Although they are tying the roof it is still clear that’s the existing component to the house. I’ll read further under policy. “An addition should be designed and constructed to be recognized as a product of its own time and distinguishable from and congruous with the historic building.” The applicant is using similar materials, roof forms to achieve the addition
and although it is distinguishable and is delineated from the existing by that jog it certainly is a concern as to how much is enough. I would offer up those comments and I do think the applicant does meet the intent of the guidelines although perhaps not to my likely, but that’s not really an issue.

CHAIRMAN STEVENS: Thank you. That’s very helpful.

COMMISSIONER MCFADDEN: I agree entirely with what Commissioner Sewell said. Another thing I’d like to point out is that in the reason statement some of these reasons were based on the old application. For example, 4.1.6, which reads, “Use similar materials as found on the original building”. That was used as a reason for denial, but since they’ve switched from the stone and went back to stucco that’s no longer the case and this particular addition to the side, for this particular house, is appropriate.

COMMISSIONER CHANDLER: While the applicant has been forced in order to keep the exterior changes to a minimum as pretty much been forced to put this addition on the front because of how the house is laid out. They could have taken the approach of putting a much more substantial addition onto the back and while that would have not been the character defining base of the project overall the applicant has taken probably the most minimal changes into account to make the house much more useable. Many times we see much more massive changes that people regard as necessary in order to make a house more useable and the applicant has done a fairly good job here to increase in the square footage a very minimal amount to increase the efficiency of the house, which we all know is not our purview from the standpoint of how we make our judgments, but it’s also something that the applicant should be applauded on.

ROLL CALL VOTE 6:0. MOTION CARRIES.

DRH08-00020 / Jon Gould / 919 N. 6th Street
Requests Historic Preservation approval to demolish a garage, remove lattice work around rear patio and construct a two-story, two-car garage with accessory dwelling unit on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: Presented the staff report with a recommendation of approval to remove the lattice around the rear patio and denial of the request to demolish the exiting garage and construction of a new two-story, two-car garage.

SITE VISITS
Commissioners Burry, McFadden, Stevens, Chandler, Sewell and Dawson visited the site prior to the hearing.

AMY COOK (Applicant’s Representative): I don’t have any objections to the site visits. The owner is pursuing this project for a couple of reasons. First of all, is the need for a larger garage. The existing garage, as you saw, is a single-car garage. It’s not large enough to provide additional storage of yard equipment, bikes, skis, or anything like that. In some of the pictures you will see there is quite a bit of stuff sitting outside the garage. Also, that existing garage could stand a little repair. The owner is looking at either
improving what’s there or expanding to something that he can actually make more use of. The second reason is that he has plans for a possible future renovation to the existing house and he would like to be able to stay on site in the ADU while that renovation is happening. Other than that he could use the ADU for guest quarters until the renovation happens which would make his existing rather small house a little more livable for him. The ADU could function as a rental afterward. Staff is indicating that we’ve only met two Findings for demolition and I would like to take a look at two of those Findings that we didn’t meet (items a. and d.). Item A is whether or not the building is contributing. I know the house is listed as contributing. The garage is not original to the house. The Sanborn map of 1912 does not show it. It is shown on the 1949 map. I’m not sure at what point a building becomes contributing because the main structure was. I don’t think there is any unique characteristic about that single-car garage that makes it contributing in and of itself. Secondly, I would like to take a look at item D, economic feasibility of renovating the existing garage. That’s not really economically feasible. It’s not even physically feasible. That garage doesn’t have a slab to begin with. It’s not deep enough to meet the existing building code so the east wall would have to be blown out and moved back to make the building deep enough. The north wall, in order to accommodate the second bay, would have to be blown off and moved over. The west wall to accommodate the new two-car garage door would have to be destroyed. The only thing that would be left of the existing single-car garage would be the south wall and we’d have to pick that up to be able to pour a slab under it and put the wall back down. At that point, I don’t know what we would be rehabilitating except the south wall. The cost of salvaging a single wall doesn’t really make sense so I’d like to argue that we are, in fact, meeting that Finding, which would give us the three out of the five that are required.

In terms of the height issue, Staff is recommending denial pretty much entirely based on the garage being taller than the house. We know the garage is taller than the house. We’ve tried, with a lot of effort to this design, to minimize the scale visually as much as we could. We used a one story eave with a steep roof slope so that we could reduce the height of exterior walls. Another option would have been to actually go with story and a half exterior walls and a lower sloping roof that would match the house and we actually would have been below the height of the house so that met the letter of the law, but the aesthetics of that was that there was a two-story building behind a single-story house and it actually looked larger than what we’re proposing. We’re trying to meet the spirit of the historic guidelines even though we’re violating the letter of them. Other things that we’ve done to try to mitigate the scale of this garage, is we’ve located the garage as far to the rear as possible. We used shed dormers instead of gabled dormers to reduce the height of the dormer walls and we carried the main roof eave across them visually to cut that wall height. Julie, I think on the north elevation I e-mailed you a new version where that eave goes all the way across and I don’t know if you didn’t get it or it just didn’t get updated. We had talked about that when I submitted it. That eave that right now stops on either side of the dormer actually should go all the way across to break up the height of that wall. We also kept the narrow wall of the garage positioned so that it faced 6th Street so the garage presents narrower than the house. We oriented the roof so the rise climbed to the narrowest dimension and we kept the roof load off the dormer which allowed us to push the eave height down as low as possible. We also feel there are some mitigating issues on the site itself. There’s a huge tree on 6th Street which is right in front of where this garage is proposed. That will serve to screen the garage and we’d also be more than
willing to discuss additional landscaping in front of the garage or along the right-of-way to help screen the proposed garage. Also, because the garage is at the rear of the site, just by the laws of perspective that’s going to help minimize its size. The main house being in the front will actually appear larger and I have some model photographs of a site we built with the proposed garage and the house in the model with the neighbors house and the tree and you can see an idea of what that would like in perspective.

CHAIRMAN STEVENS: This two page packet showing perspectives will be entered in as Exhibit 1.

MS. COOK: I was also informed, by the owner, today that the house closest to the garage, which is the house to the south is actually taller than the proposed garage. The peak of that roof would actually be higher than the peak of the garage that we’re proposing. In addition, there’s a very large two and a half structure across the alley from this property that’s to the west. You can see that house on Page 30 in the packet. That structure is visible from 6th Street as you can see on Page 4. There’s also a six story multi-family building that’s one block southwest of this property. That’s also visible from 6th Street and from the alley. You can see that on Pages 12 and 6. There are other large structures in the area. It’s not as if we’re trying to plop something down that’s in a bare open horizontal field. We also wanted to point out that the gabled roof, the rectangular plan, wood siding, traditional windows...all of these details are in keeping with the character of the neighborhood.

Lastly, is that this lot is larger than average and we’re not even approaching the lot coverage limit. The open space helps to keep the character of the neighborhood intact and also helps mitigate the height of the garage. I also feel that because this is a larger lot it gives us unique opportunity to accommodate an ADU. So often when we try to work an ADU into the North End we have to ask for a way around the lot coverage and this isn’t the case here. We knew that the height was going to be an issue. We wanted to point out that it’s not arbitrarily so. We did work very carefully to try to create a sensitive design, but given the criteria from the owner we’ve done what we feel is the best that we can. I know other projects with height issues have been approved in the North End. Even though each project and lot is evaluated on their own criteria we feel that this particular lot has several features that mitigate the height issue and we’re hoping that you can take those into account.

COMMISSIONER DAWSON: At some point in your presentation you had indicated that you had an alternative plan that did meet the letter of the guidelines. Could you go by that again please?

MS. COOK: Right now the barring walls on the roof are 8 ft. 5 inches tall. If we made those walls more like 15 ft. tall and had a low sloping roof that was 3/12 we would be below the 18 ft. 9 inch peak that the house has. But, those walls being 15 ft. tall it was visually massive. We actually have enough area on this lot to put the ADU on the main level. Definitely that would be one story so we’d be below the height of the existing house, but the footprint itself starts to really compete with the size of the house and we felt like there was a discord as to what was the main structure, and where the dominance should be.
JON GOULD (Applicant): I’ll give an oversight of what I know and that’s just the physical setting. I don’t have any expertise in architecture and that’s why I hired out an architecture firm to handle this. Staff did misspeak. The house immediately south has two above ground floors and it’s considerably higher than this structure will be. In fact, the house to the south will be closer to the garage ADU than my house. If I could see the picture across the alley…that photo (referring to overhead presentation). As you can see that’s a very large structure with two full size floors above ground and it sets up about 4 ft. off the ground and then it has attic space. If I could get a picture of my house from 6th Street…you can’t really see it here, but in the alleyway to the west there is some type of Juniper plant. They’re quite tall. They go above I would say 25 to 30 ft. They overgrow into the alley. In addition to the house behind my house there’s significant plant growth or tall trees that would mask the structure from 7th Street and also mask it somewhat from the alley. On 6th Street where this structure will be in the right-of-way space there’s a very large old growth tree that’s probably as least 50 ft. tall. On my property immediately adjacent to this structure there’s a Maple tree that’s probably at least 30 ft. tall that will be taller than this structure. That’s immediately adjacent. On my property, adjacent to the north boundary there’s a Maple tree that’s about 25 ft. tall and then my neighbor has some type of Pine tree that’s about 20 ft. tall and some other type of tree. That’s the garage immediately to the south. My garage will be adjacent to that. As you can see, in that picture, that sits up on a platform. It’s a large garage. The four properties that are on that side of all have stand alone garages. Mine happens to have a dirt floor. It’s undeveloped. In essence you can’t fit a car inside it right now. Because of the existing psychical setting that garage will be obscured from 6th Street due to the existing tree and it will be obscured from Union Street due to existing trees. It will be obscured from 7th Street due to the two and a half story structure and the vegetation in the back. As the architect has stated we have tried everything to minimize the height. The one last point which she brought up is that it is a large lot and the garage is set back the maximum amount. From 6th Street the 2 ft. won’t be noticeable to the eye.

JOHN DRYNAN (Public): This is at the end of the alley that’s very difficult to get in and out of. I do that every day. My garage is a full human height second story that we use for storage so it is not unprecedented to have a larger style of garage in this area. My only concern is that if this is approved and the construction does go ahead that because the only exist from this alley is where the construction would occur that there’s ample opportunity or preparation that those of us at the end of the alley can still get out without any obstructions or construction debris left in the alley.

CHAIRMAN STEVENS: Your concern is not with the garage itself it is with the construction process.

MR. DRYNAN: My garage is maybe not as tall as theirs, but there’s definitely enough room in the second story for access. Yes, if he precedes, the issues that might ensue.

COMMISSIONER CHANDLER: Julie, in discussing the five criteria for demolition you say, “The building, project, site or structure is not classified as contributory to the District” and that “The site contributes to the District and the applicant has not met this Finding”. It seems to me in the past, in similar situations, where we’ve had a house with
a garage that was constructed at an indeterminate time that we have not held the garage itself to be contributing and therefore have not been in the position where the applicant did not meet that Finding. Is it your feeling that this garage is part of this site to the extent that if the garage is gone the site would no longer be contributing?

MS. ARCHAMBEAULT: No. The site form lists the total of two features and the associated feature is a detached garage. The detached garage is actually classified as a contributing feature of this contributing site.

COMMISSIONER CHANDLER: I’m having a little bit of difficulty with how we’ve dealt with what I would think are similar situations in the past. When the construction of the garage was of an indeterminate time and it doesn’t seem as though we’ve always held that fact was part of the contributory factors of the site.

MS. ARCHAMBEAULT: Sometimes the surveyor will not list the garage as a feature and sometimes they do. Sometimes the total number of features is one and in that case the garage has not been classified as a contributing structure of the site. In other cases, as in this one, the total number of features is two. The detached garage has been listed as a feature of this contributing site.

CHAIRMAN STEVENS: I had exactly the same question, but as soon as she pointed out that it’s actually listed that’s when the distinction was made in my mind. I recall those same conversations and the big question mark was always well it’s not on the form. Nobody lists it therefore it’s not contributing. That’s my recollection anyway.

COMMISSIONER MCFADDEN: That was my very same question that Commissioner Chandler asked.

MS. ARCHAMBEAULT: That was one thing I wanted to clarify. The other is that although there is a very tall house at some distance across the alley the house itself is 2 ft. shorter. Some of the other houses directly adjacent are shorter. Many of the garages in the alley are shorter and this would be a taller garage. The representative stated they also met the criteria that it was not economically feasible and I was presented no information regarding that. That’s a fairly exhaustive process and that was why I determined that they did not meet either.

APPLICANT REBUTTAL

MR. GOULD: I appreciate my neighbor coming. I want to say that the neighbors on both sides volunteered to come and speak in favor. To clarify, the house immediately to the south is a two-story house. It’s the home that’s closest to this structure and it will be taller than the garage. One last point to clarify the existing structure has a dirt floor with wood posts in the four corners and it’s a very crudely built structure. It possibly did at one time function as a garage, but right now it’s very difficult to get even a small car in there.

MS. ARCHAMBEAULT: I have a letter from Hawk Stone who resides at 302 Ressegieu. He states that he has read the staff report for DRH08-00020 and would like
his comments mentioned at the hearing. First, he thinks that the current garage is highly visible from 6th Street and that its demolition would adversely affect the character of the District. Secondly, he supports the Findings of the staff report and states that the construction would be an unwelcome addition.

MS. COOK: I wanted to say that if we need to go through some formal process to address item D, the economically feasibility for renovating the existing garage, we would prefer to do that rather than suffer denial hands down because something has got to be done with this garage. If we need to tweak this design some we are more than happy to do that, but we can’t do anything until we get beyond the approval of the demolition.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: There’s been no discussion of the removal of the lattice on this request. Should we take that up as a separate issue and have that dealt with or do we want to roll it all into one or does it make a difference?

CHAIRMAN STEVENS: I’d say it makes sense to take that up right from the start. It seems to me there are three distinct issues here, the demolition of the garage, and the demolition of the lattice and the construction of the new structure. That make sense if somebody has a motion they’d like to make on that.

COMMISSIONER CHANDLER: Do we need to deal with the five Findings for demolition that are applicable to the lattice?

CHAIRMAN STEVENS: It strikes me as a bit of overkill, but I don’t know what legal thinks of that.

MS. SOBOTKA: Repeat the question.

CHAIRMAN STEVENS: We’re discussing lattice. The question is do we need to actually go through the five criteria for demolition of lattice to make a motion?

MS. SOBOTKA: What other ordinance would you… (inaudible).

COMMISSIONER CHANDLER MOVED TO APPROVE THE DEMOLITION OF THE LATTICE. LATTICE DOES NOT REASONABLY MEET NATIONAL, STATE OR LOCAL CRITERIA FOR DESIGNATION AS A HISTORIC OR ARCHITECTURAL LANDMARK. DEMOLITION OF THE LATTICE WILL NOT ADVERSELY AFFECT THE CHARACTER OF THE DISTRICT OR THE ADJACENT PROPERTIES. PLANS HAVE BEEN SUBMITTED TO REDEVELOP WHERE THE LATTICE IS, WHICH IN ESSENCE IS NOTHING, AND WILL HAVE A POSITIVE AFFECT ON THE DISTRICT OR ADJACENT PROPERTIES. THE APPLICANT HAS MET THREE OF THE FIVE FINDINGS FOR REMOVAL OF THE LATTICE.

COMMISSIONER BURRY SECONDED THE MOTION.
ROLL CALL VOTE 6:0. MOTION CARRIES.

CHAIRMAN STEVENS: For the future maybe we should have a discussion about whether or not that type of thing be handled at the staff level. I don’t know where that falls in our matrix.

MS. ARCHAMBEAULT: Generally, if it had come in on its own we would have handled it at staff level. However, when you have both a Staff and Commission level application it’s cheaper for the applicant to handle them both as one application.

CHAIRMAN STEVENS: Thank you. I appreciate the clarification. Moving on now to the demolition of the garage and the construction of the new garage.

COMMISSIONER CHANDLER: One thing that we can consider is the comment of the applicant that they need to be able to demolish the garage before they can build. From Staff’s analysis they have met two of the five Findings. We’ve already discussed Finding A and Staff believes that the applicant has met Finding B and C. Not D, which the applicant indicates they can address. However, E is something that we may be able to approach this demolition in a way such that if we were to look at condition E that it cited as something that we can say the applicant meets if the when and if the design for the new structure is approved. Right now probably one of our most significant issues is the design of the new structure. If we were to approach the demolition making the demolition permit conditioned on approval of the new structure we might be able to deal with both the demolition and the new structure in one motion.

CHAIRMAN STEVENS: I concur. I don’t even think it matters whether it’s one motion or two. I don’t really have an objection to the demolition of the garage. There can be an argument made that it’s not contributing. If we want to go for E, that’s possible. The question here is the design in front of us and not necessarily procedural at this point. We should have the discussion on the design and what the Commissioners are feeling regarding that first.

COMMISSIONER CHANDLER: the problem with the height is a very significant problem. Enough so that I would be prepared to vote against the design as it is currently submitted. The best illustration that height is an issue to be dealt with is if you look at the photograph on Page 4, it says Site Elevation South. The existing garage is clearly visible from 6th Street and therefore a much taller structure back there would almost dominate the site given that view. The fact that the existing house is primarily a hip roof, although it does have a gable along the front, gives the visual impact of a lower roof than something if it were not of a hip style and therefore that even accentuates the height that the proposed garage would be. Consequently, the height issue is a paramount consideration and given that I feel that at best a redesign would be necessary as opposed to trying to figure out a way to deal with the existing design within the limitations of the guidelines as it pertains to an ADU or garage not exceeding the height of the existing house.

COMMISSIONER SEWELL: I would agree with Commissioner Chandler and note that in our guidelines that accessory buildings and dwelling units and garages as far as the
heights specifically deal with the relationship to the primary dwelling structure not necessarily to the District or surrounding buildings. There’s some very clear language in there that it’s the height that unit needs to be. Although the guidelines do indicate that there’s no one size fits all and given that there is a wide range of heights of buildings throughout the District it does certainly provide some challenges for those who live in single story or one and a half story homes that want to try and put on a second floor ADU. Moving forward with a deferral…it sounds like the applicant is willing to do some redesign…a wise thing to do.

COMMISSIONER DAWSON: We look at photographs that are taken during the summer and say we can’t see the buildings because the leaves are in the way and now we’ve got photographs without leaves and we can see the buildings and maybe we don’t want to see some things that we could not see if the leaves were there. It’s a bit of a conundrum at times.

CHAIRMAN STEVENS: With regard to what Commissioner Sewell noted regarding a deferral. I’m opposed to doing a deferral on this. For all the reasons stated by Commissioner Chandler this is just not an appropriate design for this site. The height, the size, the amount of open space in front of it, the vast amount of visibility and particularly its relationship with the primary structure all make it simply inappropriate for the site. I don’t think a redesign with a deferral is the answer. We need to go to ground zero. It seems to be a very clear intrusion on the site. Some of the language even the applicant used with regard to trying to mitigate the scale suggests to me that even the applicant knows it’s a bit of an issue. The applicant also said if they did the higher eaves it would be discord between what is the main structure, and which is the subordinate. I think that’s the same problem we have with what’s in front of us. That would be my preference. I’m not in favor of a deferral.

COMMISSIONER BURRY: I would agree with you. Starting over with a re-draw…something that makes more sense with the subject property and the main dwelling.

COMMISSIONER CHANDLER: I don’t have any real problem with a deferral if the (inaudible). We’re clearing stating the overall feeling of the Commission and if the (inaudible) in essence by (inaudible) this were (inaudible) a redesign if we chose a deferral it would (inaudible). I can go either way on that and I’m not sure what the difference is because in essence we’re telling the applicant that what’s in front of us is not going (inaudible).

CHAIRMAN STEVENS: If we do go the way of a deferral we need to be very, very clear…there’s never of course a guarantee that a deferral means that you’re going to get acceptance the second time around. However, we need to be really clear…if we are going to defer…we haven’t heard from everybody, but we have to be extra clear on this particular case because it sounds like from everybody that’s spoken so far that it would otherwise be a clear denial.

COMMISSIONER SEWELL: With that said, it’s becoming very clear that most of the Commissioners here are not in favor of the application. From reading the staff report and
I agree with staff’s report that the primary issue is the height. It’s something that either the applicants or the owner can go back and adjust the height to make it comply with the guidelines and make the project work or they simply can’t. It won’t work functionally with their space or not. It’s fairly, in my mind, the height and that is certainly something that may not necessarily be handled as a redesign and take additional time from the applicant, staff and us.

CHAIRMAN STEVENS: For me it’s more than just the height. The applicant told us when she was testifying that they had done one that met the letter of the law that had 15 ft. eaves and that’s not something I’m going to vote for if that comes back either. It’s not appropriate. It doesn’t match the house. It just doesn’t work on this site and I can’t say that I’d really be in favor of any type of two-story ADU in that location. It is far too visible from the street and if anything…even if 18 ft. 9 inches tall which is the height of the peak of this primary structure it is still going to be a very large intrusion on this site and is going to compete with the primary structure because of where it sits. I’m not sure that if it comes down 2 ft. that I’m going to be okay with that either. There’s not much relief on the street side of this anyway with stairs coming down. It’s just a very, very visible spot on a lot…it’s the ramifications of the site. I understand the need for a garage and I have no problem with a garage, but I don’t think this site is appropriate for a second floor ADU.

COMMISSIONER McFADDEN: Part of the problem with the design as it is presented is the roof shape not just the height of it. I think that Commissioner Chandler had a good point when he mentioned that the main dwelling is a hip roof and that’s a strong statement from that standpoint, which brings the main dwelling down even further than some of the one-story homes. Maybe, and I don’t know if this would work or not and I don’t know if this could be accomplished in a redesign, but just to throw something out that would be to switch where the stairs are coming up and have them come up to the side and hip the side of the house that does look onto the street. Again, that’s just one way of looking at it and perhaps that’s already been explored just as they mentioned that the one-story has been explored. I also agree with Commissioner Chandler that either way, the deferral or the denial, which appears the way we’re moving here gives the applicant an opportunity to go back to the drawing board and try again. I don’t see any harm in a deferral.

CHAIRMAN STEVENS: If we come back with a completely new set of drawings is that technically a new application or can we do that?

MS. SOBOTKA: Regardless of which way you do it we’re going to have to re-notice this no matter what. From everything you’ve said I would call it a new application. I would recommend that it does get re-noticed.

COMMISSIONER CHANDLER: I agree with all the points that everyone has made and especially some of the points that you’ve made that this needs more than just being made shorter. There needs to be a re-design to make it compatible with the house specifically. The fact that the house has a hip roof presents a little more of a design challenge to make this a compatible structure especially one that is trying to get this size of an ADU on the second floor.
COMMISSIONER CHANDLER MOVED TO DENY THE DEMOLITION OF THE EXISTING GARAGE AND THE CONSTRUCTION OF THE NEW GARAGE / ADU.

COMMISSIONER BURRY SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

DRH07-00608 / Eric & Emily Boles / 1102 N. 21st Street
Requests Historic Preservation approval to demolish the garage and construct a single-car garage with living space above, construct an addition to the east side of the main dwelling and remodel the front façade on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (This item was deferred at the January 28, 2008 hearing.)

MATTHEW HALITSKY: We’re revisiting this application at 1102 N. 21st Street in order to determine whether a redesigned garage heard at last month’s hearing now meets the definition of a story and a half. At the hearing last month it was determined that the garage was actually a full two-story structure as the second story dormers were flush with the primary wall plane and ran almost the entire length of the garage. With the proposed redesign the second-story dormers have been brought back one foot from the east and west, as well as one foot from the north. On the alley side the dormer has been pulled in 3 ft. from the street. As the redesign is consistent with the discussion held at the February hearing, staff is recommending approval.

CHAIRMAN STEVENS: Can you show us the primary structure please? (referring to the overhead presentation.)

MR. HALITSKY: This is the primary structure.

CHAIRMAN STEVENS: And the site plan as well.

COMMISSIONER SEWELL: Can you supply the definition of the requirement for a story and a half for 11-04-14?

MR. HALITSKY: Under the Substandard Lot Ordinance a story and a half...you’re allowed to have 4 ft. knee walls, but the majority of the second story would have to be contained within the roofline of the primary gable. In the original drawings the dormers where just too large. I felt that the second story footprint was not contained within the primary gable, but I guess to summarize a 4 ft. pony wall is allowed, but the majority of the second story would have to be contained within the primary roofline.

COMMISSIONER SEWELL: There are 4ft. pony walls?

MR. HALITSKY: Those are allowed, yes.

COMMISSIONER SEWELL: So is the majority of the floor area contained?
MR. HALITSKY: In Staff’s opinion yes, based on the redesign.

COMMISSIONER SEWELL: Based on square footage is it?

MR. HALITSKY: I can’t say that, but I can say that this design outside of the historic districts is a common one that Design Review approves at staff level. It’s a concepts standard.

CHAIRMAN STEVENS: We have staff level approvals of this kind of thing?

MR. HALITSKY: Outside of the historic districts, yes.

COMMISSIONER DAWSON: In looking at the site plan for this am I correct in reading this as being a corner lot and that the front garage doors of the garage of the proposed structure will be facing a street and the plane that we see without the stairs will be on the alley? Is that correct?

MR. HALITSKY: That’s correct.

SITE RE-VISITS
Commissioners Stevens and Chandler revisited the site prior to the hearing. Commissioners Burry, McFadden, Sewell, and Dawson did not revisit the site.

ERIC BOLES (Applicant): I didn’t come prepared with much information since I assumed we would be on the consent agenda from an e-mail we received from Matt on Thursday. We’ve, as you will see from the memo he passed along, worked with our architect to try to meet the requirements that you guys passed along to us when we met before. Short of the individual whose in that chair and Ms. Burry are the same folks that were here last time when we presented this are still here. My wife spoke somewhat eloquently about how the garage is going to be used (inaudible) kids with learning disabilities and the office upstairs is going to be used for that purpose. In redesigning it we tried to minimize the loss of square footage and we’ve come up with a compromise that seems to match both the letter of the law and our needs. I have all the information that I would want to be showing you. Matt has access to this on the slides.

CHAIRMAN STEVENS: Just so you know, when something is recommended for the consent agenda by the Staff it doesn’t necessarily mean it’s going to be on it. What it means is that the Commission discusses in our worksession prior to each hearing what’s going to go on consent and…

MR. BOLES: So the purpose of this not being on the consent agenda would be what?

CHAIRMAN STEVENS: To have a discussion about the application.

MR. BOLES: What can I answer then along those lines?

CHAIRMAN STEVENS: Remind me of the materials for the windows.
MR. BOLES: Wood windows just like the house.

COMMISSIONER SEWELL: In listening to Staff’s comments on substandard lots, the one and a half story requirement and also on the cover page of the report in using the term dormers…in our guidelines, Chapter 6, which deals with garages and Chapter 4, which deals with additions and speaks specifically about dormers…I’ll read from Figure 4.1 three examples of:

Common Roof Forms and Appropriate Dormer Additions: “If a dormer is necessary it should be in character with the style and proportion of the primary building.

With this case from the appearance of the structure it looks like they took a story and a half structure and put a dormer addition on it. I’m a little concerned that this is a new structure and although there was some attempt to meet the criteria for a story and a half accessory dwelling I just think that it falls short from what is appropriate and what is typically seen within the District. Dormers typically do not take up the majority of a roof side. There are just some issues with what is presented here. It seems that all that they did was inset the wall a foot and called it good. It still reads as two-story for the most part. I’m a little uncomfortable with the direction that this application is going. I would comment that we see this more often than not. This attempt at or calling it a dormer when really in fact it is an entire 2nd floor that just happens to be set in a foot from the edge of the wall plane. At this point, I’m not in favor of the application.

COMMISSIONER CHANDLER: I concur with Commissioner Sewell’s comments in many ways. The design…I’m not sure it’s there yet. One thing I would request of Staff in the future when we’re in a situation like this where the determination of a one and a half versus a two-story comes in with various calculations as to square footage contained within the 4ft. knee walls or whatever the calculation is. I really don’t know. It would be helpful possibly if we could at least see the results of those calculations as far as the square footage because I tend to concur with Commissioner Sewell’s observations earlier that it’s pretty darn hard without sitting here and spending a good bit of time with a calculator and a scale to figure out exactly what does meet and doesn’t meet it. I’m more than willing to go along with Staff’s conclusion that it meets the criteria even though I’m not sure exactly how it does it. Even so, given the location of the this on the alley it is set back from the street although it definitely will be visible from the street, I’m not so concerned as to want to deny the application although I do believe a better design is possible, but I’m not sure that it’s necessarily worth going back and starting again. With that in mind I would concur with Staff’s recommendation.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH07-00608.

COMMISSIONER BURRY SECONDED THE MOTION.

COMMISSIONER SEWELL: To make one additional comment. Clearly from looking at the elevations and looking at the floor plan that there is certainly more wall area that is under the dormer, if you will, than underneath the 4 ft. wall area. This clearly does not meet the criteria that we have set forth in our guidelines.
CHAIRMAN STEVENS: I’m going to be the lone wolf here. I happen to think the design, as designs go and materials is pretty good. I like the fact that we have what appears to be a good looking garage door, we’re using wood windows on the new construction, there are shingles…the attention to detail has actually been pretty good. I can’t speak for my fellow Commissioners, but my concern is the same that it’s been when we’ve had other lots in very similar locations on the corner like this and my concern is with this tall, skinny structure, which is completely absent otherwise in the District. I’m torn as to how to vote on this. Frankly, if it were to go up to Council if we denied this we would be overturned. Unless we do have evidence to the contrary that there’s any reason to deny this other than…I haven’t heard any except for the second floor issue. I don’t know that I have enough information approve it without that. I’m a little torn. I concur with Commissioner Sewell that it doesn’t look like it meets the letter of law and I’m not sure what to make of that. What we’re going to see here is a tall, skinny structure.

ROLL CALL VOTE 5:1 WITH COMMISSIONER SEWELL VOTING AGAINST. MOTION CARRIES.

MINUTES OF JANUARY 28, 2008.

COMMISSIONER BURRY: I was not present so I will not be voting.

COMMISSIONER CHANDLER MOVED TO APPROVE THE MINUTES OF JANUARY 28, 2008.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

MOTION CARRIES.

__________________________
Jennifer Stevens, Chairman

__________________________
Date
Historic Preservation Commission

Hearing Minutes of March 10, 2008

Commission Members Present Jennifer Stevens, Chair, Christopher Pooser, Scott Chandler, Cathy Sewell, Barbara Dawson, Katie Forsythe

Members Present Sarah Schafer, Julie Archambeault, Matthew Halitsky, Teresa Sobotka, Nicki Heckenlively

CONSENT AGENDA

DRH08-00040 / Ann Guardiola
Location: 924 N. 22nd Street
Requests Historic Preservation approval to modify a previously approved application to construct a garage and add on to the east elevation of the main dwelling on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH THE TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO PUBLIC TESTIMONY.

DRH07-00607 / Merlin Stark
Location: 1605 N. 23rd Street
Discussion and ratification of Findings for approval. (This item was approved at the February 25, 2008 hearing.)

Commission indicated approval of including Staff’s Findings on the consent agenda.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00040 AND THE FINDINGS FOR DRH07-00607 ON THE CONSENT AGENDA

COMMISSIONER SEWELL SECONDED THE MOTION.
COMMISSIONER POOSER: I was not present at the February 25, 2008 meeting and will not be voting on item DRH07-00607.

COMMISSIONER FORSYTHE: Mine as well.

ROLL CALL VOTE: 6:0 WITH COMMISSIONERS POOSER AND FORSYTHE ABSTAINING FROM ITEM DRH07-00607.

REGULAR AGENDA

DRH07-00587 / Julie Lynn / 1419 N. 24th Street
Requests Historic Preservation reconsideration of approval to change the use of the property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (This item was denied at the December 17, 2007 hearing with the request for reconsideration deferred at the February 25, 2008 hearing.)

JULIE ARCHAMBEAULT: This property is at the corner of Heron and 24th Street. As you can see the properties on all the other corners are split and they have been historically split. I have heard that the back of this property was an orchard and that’s why the historic buildings are at the front of this lot. This building back here is a modern garage (referring to slide presentation). The applicant would like you to reconsider the decision to deny the change in use of this property from one single-family property to two single-family properties. It has a small garage attached to the house, a little breezeway and then this large modern garage. Across Heron is this house (referring to slide presentation) and next door to it is this house. This shows the backyard and the modern garage…the house across 24th Street. This is another view of the modern garage across the alley from it (referring to slide presentation). I have no new information, but the applicant has some things she’d like to share.

I have an e-mail from Kim and Gary Wiener who reside at 1411 N. 24th Street.

“We believe that the property at 1419 N. 24th Street should not be split from one family property to two. This area of the North End and 24th Street is blessed to have so many beautiful historic homes on relatively large lots. Splitting this lot would cause it to look extremely crowded. There is no way it could look good. None of the homes on the same block have lots that have been split. This would be an aberration.

Second, if the property were to be split and a second home were built on the western side of the property it would be looking directly into my back yard. There would be no privacy in my backyard anymore. Considering the rules for building in the area and my rationale that the new house be larger than a matchbox, a two-story house would be required thus making my yard feel cramped and boxed in on one side in addition to the lack of privacy.

Finally, we have great concern regarding the look of the potential new home. My fear is that it will not fit the style of the neighborhood. The charm of the North End is derived from the old homes. The newer homes tend to detract from the charm, especially when...
they are packed onto a small lot next to another home and have new home features rather than the period look of the “neighborhood appropriate” older homes.”

For a denial of the original…24th Street is wider than most streets in the North End because the streetcars used to run down it. 18th and 10th Streets were also wider. Because of that these lots are much longer. You can see on the Sanborn Map a difference in this side of the block from this side of the block in the length of the lots. The length of these lots is historically important and therefore should not be split or changed from single-family parcels.

COMMISSIONER SEWELL: Based on the current lot configuration…there’s an existing outbuilding there…the current owner could come in and demolish that outbuilding and construct an approximate two-story ADU in there that would still impose the same impact that the next door neighbor is concerned about…something that’s two-stories looking over their yard?

MS. ARCHAMBEAULT: If it was historically appropriate…if it was congruous with the neighborhood…I can’t answer that because I’d need to look at the design and look at the surrounding homes before I could determine if an ADU would be appropriate for that side of the property.

COMMISSIONER POOSER: So there’s no new information that’s been submitted with this application so there hasn’t been a design proposed for this split?

MS. ARCHAMBEAULT: No new information has been submitted to Staff. However, the applicant has come with information.

CHAIRMAN STEVENS: I want to disclose that my husband is in business dealings with the Wieners who sent the e-mail. I have not had any discussion with them regarding this application or this piece of property, but I wanted to put that on the record. Their opinion has no bearing on my decision making.

COMMISSIONER DAWSON: As I recall there was some discussion at the previous meeting concerning substandard lot questions. As it stands, in its entirety today, that is not considered a substandard lot, but it would be if it were split. Is that correct?

MS. ARCHAMBEAULT: As it stands today it is a substandard lot. It is only 68 ft. wide and it has to be 70 ft. wide in order to not be a substandard lot. However, a new lot…because it will face Heron Street…it would be 86 ft. wide.

MS. SOBOTKA: I want to remind the Commission we do not look substandard lots. We’re looking at a change in use. Substandard lots per say is something for Planning and Zoning.

MS. ARCHAMBEAULT: If we don’t look at the Substandard Lot Ordinance nobody does. It doesn’t go through design review at all. It’s our job to look and make sure that these projects that fall under the Substandard Lot meet that ordinance and the
Commission has been given the right to waive anything in that ordinance that they feel conflicts with the congruousness of a project.

CHAIRMAN STEVENS: I have a procedural question. I know that this particular application…the Commission’s decision has been appealed to City Council...if the Commissioner were to make a different decision today and those variances were still needed from P&Z regarding the width of this lot, which I understand from the staff report, they need a variance for that...the appeal then gets cancelled, but if P&Z decides to deny a variance then they appeal based on that denial as opposed to this...correct?

MS. SOBOTKA: Yes. Right now what they are appealing is your decision. If your decision changes and they need to go back to P&Z for another decision, and the other decision wasn’t favorable then they would appeal that decision.

MS. ARCHAMBEAULT: I think what you’re talking about was the fact that the lots underneath the parcel are substandard and the one against Heron Street is only 30 ft. long. In order to realign a lot line across a 30 ft. wide lot she will still need a variance.

SITE RE-VISITS
Commissioners Stevens, Chandler, Sewell and Dawson re-visited the site prior to the hearing. Commissioners Forsythe and Pooser did not re-visit the site.

JULIE LYNN (Applicant): I have no objections to the Commissioners viewing the site. I had no idea this was going to be so complicated or I would have delayed the first hearing and I apologize we’re all here again. It was suggested to me, by Staff, that a timeline of the process of how this even came about might be beneficial for you to know. I bought the house in 2003. I competed on the offering. The first person who offered wanted to knock it down and build a big house like the one that’s cattycorner…the big stucco home. They tried to see if they could do it, but it wasn’t really possible to do it. The way the home is constructed is really not set up for that way that it is. I was the backup offer and I got the home. In the spring of 2004 I went into Dave Abo’s office and I spoke to him and asked him want I needed to do. I want to build a brand new old looking home. Something really fun and North Endy in the back of the home and what do I need to do in order to achieve that. The home was sold as possible lot split. I was very excited as a single woman to have a newer home so I didn’t have to repair all of the North End things. I know most of you live in the North End and you know how fun that can be. I went in and talked with him and he gave me the low-down on that. Even at that point there was no historic district that was set up in my area. I was trying to get 5 ft. on the backside and he said that would require a variance. What happened is that we progressed. In the summer of 2005 my sewer went out and I had to tear out the existing driveway and the walkway path. When I did that I thought I’m going to set this up right now the way that it should be looking at highest and best use for this particular property. When you’re inside this particular home the backyard is nonexistent. All of the entertaining or any type...if I throw a barbeque or anything like that it is all done in the front of the home, which I’m going to show you in the pictures that I brought. That is the front patio on this particular home (referring to slide presentation). I actually created these drawings of the house and how this particular home works...all the entertaining is done on the front of the house on this patio. Parties, barbeques...if you’re sitting out
having a meal…it’s a wonderful outdoor space. It’s like indoor/outdoor out there. One of the things I love about being in the North End is that people aren’t just walking into their backyards. This is a place where you get out in the front of your homes and we’re trying to introduce that in our new communities. Like in southwest Boise we have a new community, Hazelwood Village and we’re trying to introduce this concept of being out in the front instead of always being in the back. In this particular home its really well suited…that backyard in the very back is like this extra piece of grass to mow. There’s no access to it from the back door. The garage is in the way. You can’t visually see into it. If I wanted to potentialize that backyard I would have to knock the garage down and extend the house back in order to make it worthwhile. I deemed that building a new home in the back would be more beneficial than converting the old one or adding onto it and making a giant house. I don’t need a giant house I only need a smaller home. It’s just me and my oldest son. In 2005 my sewer went out so when I went through that I redid the driveway…you can see some of the decoration in the driveway. It’s actually river stone all through it. It’s like an art driveway. I put in the gate. You can see the division of the line right there (referring to slide presentation). There is a whole planter strip with three different trees in it and other plantings. That’s the additional parking space on the side of the garage. It’s already there. You can see a little bit of my deco driveway. There’s a whole backyard in addition to the front entertaining area. That backyard could be extended. When I’m going to sell this home, when the lot split goes through…hopefully when and if it does, I’m going to sell the front home and I’ll retain the lot in the back. I’m going to run a fence 6 ft. down to the garage and then 4 ft. to the end so it makes a clear division. You can see the grassy area…most people don’t even know that’s part of my yard. That was the summer of 2005. I also at that time told all of the neighbors that are here what I was planning to do. I was really open…I’m planning on building a home on the back. I want to live in a newer home. I’m overwhelmed with all of the things I have to fix…like the sewer and all the other stuff that’s going on. I need to build something that’s going to look old, but be new. My timeframe for building…I wanted to start the home in November and finish it in spring so I could sell my home. That’s what they did with me because the air conditioning doesn’t work as great as it could in July and August so it’s easier to market a home in the springtime plus it’s beautiful. Then my mom passed away so it delayed everything a little bit more and then in February of 2006 I met with Dave Abo again. I had my survey done in February of 2006 and instead of trying to fight the whole 5 ft. thing…which he said I could try and apply for a variance to get the extra 10 ft. on the other lot. I said forget it. I don’t want to try and do that. I’m going to do it the way it’s suppose to be. I’m going to go the 15 ft. that’s required for the rear of the property and work with a smaller home site. In February, 2006 I had the survey done. I turned that survey in with incomplete paperwork to Dave Abo…not his fault, but mine. I was trying to do it myself. At that time the Historic District was in place. In the summer of 2006 I began drawing the home and Julie and my architect, Chateau Design, met together at my house and discussed what should go on that home site. I wanted to do a French Country, stucco with lots of vines growing up it...which if you go through the neighborhood there are other homes that are similar to that. Julie suggested for the Historic District that it needed to be Craftsman style. That was the design element that the architect went for. I brought the plan that he had created at that time. Granted this elevation (referring to slide presentation)...I would have reworked this and it would have been cuter. It’s definitely not as cute as it could be. At this time this is what Julie said would fly. This is in 2006. Again, I don’t love that
elevation. There is an additional floor plan that I included also…this was the plan that he came up with.

CHAIRMAN STEVENS: The legal staff has informed me that what we need to do because it’s a reconsideration is focus on the issues that we denied as a Commission. She asked me to have you focus on what it is you think we missed when we made our decision.

MS. LYNN: The rest you know because now it’s 2007 and I went in again and now we’re here. One aspect that has been brought up is the canal that runs on the side of the property. The canal is actually more on my neighbor’s side than on my side. It does run down kind of in the middle between our two property lines so that really wasn’t an issue. I think that was something you were concerned about, Commissioner Dawson. I can tell you that it didn’t prohibit my neighbor from renovating their home in 2007 and substantially increasing their home to 5 ft. within in the property line running all down the sideline of 24th Street. They didn’t have any problem being 5 ft. away from it. There shouldn’t be any problem with this one being 15 ft. away. Just to note there are no trees in the backyard. None at all. That was one thing that someone thought that there were trees in the backyard that would be massacred or something. There are no trees in the backyard at all. There is a tree in the parkway, but it’s severely deformed by trimming because there are wires going through it. I took a picture of my beautiful tree in the front too that’s not deformed. It’s a gorgeous example of a Sycamore. That’s the deformed Sycamore in the back that was hacked in half by the City because of the wires. It’s probably just a bad placement of a tall tree because there are all those wires. That’s my front Sycamore. Now that is a gorgeous tree. In the concerns there had been a concern about the 10th and 18th and 24th, but I realize he meant 15th, 18th and 24th. I think…I’m guessing. I went through all the Historic District aspects and looked through all the documents I could find. There might be some somewhere else, but I read through everything and the only thing I found on this was in 2.4 North End Historic District there is a period of significance and it says, “There’s only a slight variation in the size of the blocks in which the street alleys run in the middle”. The North End was a trolley neighborhood early on and a lasting legacy of the trolley is the wider street sections along 15th, 18th and 24th. It didn’t say anything about the wider or deeper lots or anything like that anywhere. I tried to find that to see if I could find it. I drove also up and down 24th Street to see what percentage of lot splits there were. If there were…there are some lots it doesn’t make sense for. The highest and best use which is what in my business as well as in my personal life I’m always looking at. Highest and best use doesn’t warrant it, but sometimes it does. It’s about 50/50 right now as far as split versus not split on 24th Street. Then on the staff report, Item D, splits were made in the historic era. I looked through this information and I couldn’t find any relevance for the comments of the depths of the lot although it could be somewhere that I didn’t see it…where it says, “The lots need to be a certain depth”. My question is does that mean that there will be no lot splits allowed on 24th, 15th or 18th in the future based on this Finding? Nobody will be able to adjust their lot? When I did start this lot adjustment 30 ft. was all that was required on this site. I’m really sorry that it took me so dang long and there were so many factors involved. This is my house now with my new landscaping (referring to photos). I take a lot of pride in ownership. I think I’ve really improved that home and the home site itself. I would like to do the same for the back lot. Those were the two things in that first
part…I didn’t know where it is clear that the North End Neighborhood Plan says that this lot depth is special and is there no one that’s going to be able to have a lot split in the future on those streets. Section E, I didn’t understand when I read the original staff report I clearly understood that I have to pass those variances and go through all that part, but it looked like the idea and the plan was contributing. I really believe what I would be putting in would really contribute to the neighborhood and even in regard to the my neighbors’ concern I’m so willing…I do this in my business also because I work in new home communities and even now we make sure that there are no windows looking into each others side yards…even side yards in our new home communities. If you wanted to see an example of what I’m talking about you could come out to Hazelwood Village. I’m very aware that Gary’s master bedroom has been added on and it’s a very giant, mega-enormous thing in the side yard of 24th Street and it comes into this lot. I would not put any window or anything in, in anyway that would infringe upon that privacy. I would make sure that wasn’t set up that way. I don’t want to look at him any more than he wants me looking at him. I’m not worried about that part, that all has to come back before you. Anything I would want to build would have to come back and that plan…I don’t think that plan would work now, would it Julie? I went past the deadline for another change in the Historic District and now that plan that Julie worked with my architect on will not fly. I have to come back anyway. No matter what you get to approve the plan again anyway. On E, at one point, Staff said that, “This project was congruous”, then you guys decided that it wasn’t. I didn’t clearly understand why based on what I had read. They look like the same thing to me.

CHAIRMAN STEVENS: This is what can make a decision on a reconsideration. You discussing the points that the Commission made their decision based on the first time around. Particularly with regard to…if you look at the back of the first page of the staff report it talks about the Commission making their decision last time around based on this lot split not conforming to the goals stated in the North End Plan, which states that, “The unique character of the neighborhood should be maintained including architectural style, siting on the lots, orientation of the units and landscape characteristics”. Is there something that we missed the first time around regarding that point that we should change our mind on with regard specifically to that point there?

MS. LYNN: The front home site on 24th completely reflects that and is a self contained home site to the side of the property line which we talked about…it’s the back of the property line but the side on the other and doesn’t lose any value whatsoever on 24th Street. It completely maintains the integrity of 24th Street 100%. The back lot which is an empty lot right now with a modern garage sitting on it would then be completely contiguous with what is happening right around me. You saw the home that directly would be across from it which is my neighbor’s home and this would be a home that would be facing that. It would be exactly what is there. It would be a larger home site than either one of the other two lot splits on 24th and about 34% of the other lot splits. All most all of the lot splits are very small. It’s completely in line with that. It’s bigger than most of the lot splits that are already done as it stands.
GARTH NEWMAN (North End Neighborhood Association Representative): As you’re aware one of NENA’S goals is to support the richness and diversity of the neighborhood. By allowing this property to split the neighborhood diversity will be compromised. On front Page 1 of the Design Guide for Residential Historic Districts it states that “Historic Districts represent and comprise special community qualities that draw residents to live in these places. Historic designation offers resident’s confidence that the character of the neighborhood will be protected through historic preservation laws, ordinances and processes”. With that being said, 24th Street is unique for several reasons. 24th is blocked to through traffic at both the south and north ends. 24th is exceptionally wide with a 12 ft. parking strip, a 6 ft. sidewalk and 180 ft. deep lots. Why is this? 24th Street was designed in the Ellis and Peckham Additions as both the last street running north/south to have the Boise Street Railway Trolley System and to have lots that contained larger homes. Homes in the Ellis Addition range from two to four lots with the Peckham Addition commonly only having two lots. The property in question is on Lots 1 and 2 of the Peckham Addition. Lot 1 is the common 30 ft. corner lot and Lot 2 is exceptionally large because of the canal attached to the south property line. This home was built in 1900 and was placed well forward on the lot to allow orchards behind the home. The last existing trees from the orchard were removed in the mid 90’s. This created a large open space behind the home. As you reconsider this case please keep the following in mind. This is the last lot of this type on 24th that can be split this way. Make no mistake here that we’re talking about the first steps in the process of building a home on this lot. On Page 16 under Design Goals, it states, “New construction projects shall recognize the importance and diverse architectural styles and the integrity that characterizes the District by considering ways to enhance, reinforce, and restore through rehabilitation and construction of new buildings. Project should continue the diversity and housing size, development patterns and land uses while maintaining the continuity of open spaces including traditional space between houses, landscaping and trees”. I would like to go on to say that there is a definition for integrity on Page 52. “Although integrity is intangible it evokes a presence of physical characteristics and a sense of pastime and place. For example a streetcar suburb retains its original street pattern, lot sizes and variety of housing types and materials that reflect the pattern of suburban life reminiscent of the late 19th and 20th Century.” Integrity isn’t just isn’t about a house or a home. It’s about a lot and the relationship to the lots and the house. We cannot afford to take a narrow view of this contributing home and we must take a holistic view of this contributing property. Again, this lot is very unique. It is 180 ft. deep and there are no further houses on 24th Street that could be split this way. Also, we would not be here today talking about a lot split if it was the usual 120 ft. depth of most of the lots in the North End. Staff indicates that variances would be required as part of the split. If this split really was in keeping with the neighborhood standards why should it require variances? Staff’s report would lead you to believe that it would be congruous to split this lot because the other three corners of the intersection are split. I would argue that just the opposite is true. By splitting this lot you’re applying a cookie cutter approach that happens in the suburbs and in fact when you split this lot it makes it non-congruous with the neighborhood. I’d like to also comment on a couple of Julie’s earlier points. In most instances when people are looking to split lots and build new houses they come before the NENA Board to discuss the possibility of even doing this. Ms. Lynn has never
been in front of the Board and discussed this change to the lots. With that the Board
would like you to deny this approval of the lot split and I thank you for your time.

JACQUE ROSE: According to Julie Archambeault at the City of Boise the house and the
entire lot of 1419 N. 24th are classified as a contributing structure. Of the 36 intersections
shown on the map (Notice of Public Hearing) there is not one full intersection that has
split lots on all four corners. To allow the owner to split this lot will create the only
intersection split with all four lots split in the area. To argue that the other three are split
so she should be able to split hers goes against the spirit and letter of the Historic
Preservation District. The Historic Preservation Commission mission statement spells
out that its goal is to preserve the nature of our neighborhoods, our streets and our
character. To allow the lot to be split to add another house would not be in line with your
own mission statement. Our area is not defined by small lots and skinny houses. 24th
Street historically has the larger, deeper lots. This is in regard to her statement. No other
home on 24th Street has entertaining in the front. The front side entertaining area is by
her choice. Ms. Lynn has purposely planted and landscaped her area to exclude the
backyard as shown on her own picture where she has planted the row of trees. When
purchasing an older home in the North End one is prepared to work on the house. It’s an
old home. She knew it when she bought it and when she purchased it she also knew the
size of the lot. At no time has Julie ever spoken to me or my husband…I live two doors
down from her…about splitting this lot. In regards to the pride taken in the lot, again the
landscaping shows that she’s had no regard and as far as I’m concerned I think she
bought it to split it and to make money. That’s not conducive to our neighborhood and
our neighborhood lots. Again, it is a contributing structure and I ask you to deny.

PETER ROSE: I live adjacent to Julie Lynn’s property on the west side. Not only am I
concerned about granting variances for substandard lots so that another house can be
crammed onto a beautiful historic property at odds with the historic makeup of the block
as noted at an earlier meeting. I’m also concerned about the irrigation canal that runs on
the perimeter of her property and ours. During the irrigation months water pools in my
backyard next to the canal. An on the job construction person told me of a great amount
of water collected under that side of my house extensively from the canal. My immediate
neighbor to the south had her garage flooded for 20 years from the canal and that cost her
thousands of dollars in damages. Irrigation canals are the historic lifeblood of Boise and
the area. They are why we are here, but they cause problems when encroached upon.
Across 25th Street from us before the historical area was widen to include our part of the
North End a shotgun house was wedged in above the canal. Now every spring my house
and the same neighbor to the south with the garage flooding are subjected to a backflow
of water that has come close to flooding our houses. I, on two occasions, called the canal
company for quick action. Last year the person who lives across the street raced across
to warn me about the rising water and it was stopped in the knick of time. I’m convinced
we would have had severe water damage to our houses. Flow with the canals and they
flow with you. Undoubtedly Julie Lynn will say that every precaution will be taken so
that the irrigation ditch won’t adversely affect anyone. This is a person who for a long
time allowed her garbage to blow onto my driveway and into our backyard and for years
engaged in the plight of junked yards on her property. Julie Lynn told me, “*You won’t
have to worry about anymore mess; the land will be all covered with concrete*”. The land
covered with concrete is not the proud history of the aesthetically enchanting North End
where the City of Trees began and struggles to maintain its balance of space, greenery and human construction. This is a house and property that go back nobly for 107 years. If violated I suppose I should invest in wading boots and a row boat and maybe move to New Orleans to fully appreciate the high seas.

PATRICK HAAUS: I’m across the street and up a couple of houses from this project. I don’t know Julie, but I came here to say that I think she should be allowed to split her lot. In my particular block all four corners of the block are already split…both sides of me and across the street on both sides. In the next block up that one is split. The only reason the fourth one isn’t split is because it is the Booth Home so it’s one big property. At least in our immediate area, in my mind, it’s the standard configuration with the homes. I also have the deep lot. I happen to be in the middle of the block so it’s not a possibility for me to split my lot.

STAFF COMMENT

MS. ARCHAMBEAULT: The Substandard Lot Ordinance was not considered in this because there were no construction plans and that is why I don’t have those. The construction plans that you were shown today…I remember a field meeting…I don’t recall seeing these until the day that I said, “Wow, that’s 44% and you probably won’t get that passed”.

SARAH SCHEAFER: The only other thing that I’d like for you to take a look at is that I believe in the Findings that you made the last time around there was a statement that said something about the view of the property from 24th Street. We would need to make sure that would reflect changes to Heron because of the way the property is splitting. There would be some differences in how Heron is perceived with the addition of the new home if you were still to recommend denial of the application for a change in use. However, from 24th Street the property would still look the way the property does look today.

APPLICANT REBUTTAL

MS. LYNN: In relationship to some of the things that were just shared. Whether or not this lot is split or it does not change the size of the home on 24th Street. The home is 1,700 sq. ft. above grade. It has a storage basement. It’s just not going to get any bigger than that. That’s why it wasn’t enlarged or purchased by the people that were in competition with me. That’s why I didn’t choose to renovate it in that way. It’s not really in a position to be made bigger. Maybe a master bathroom would be nice, but other than that it’s going to stay 1,700 sq. ft. Someone had mentioned that the homes are all big on 24th. They’re not all big. 1,700 sq. ft. is plenty of space. The NENA…I don’t even know what that is. Can someone tell me?

CHAIRMAN STEVENS: It’s the North End Neighborhood Association.

MS. LYNN: Okay. It’s not something…I’ve lived there for five years and I’ve never had anybody invite me to be part of it and I don’t even know what it is. Maybe I should and I apologize that I don’t, but maybe that would be something good in the future for the NENA people to make that more known. I apologize that I did not go to the NENA to do
this. I would have in a heartbeat if I would have known that it was procedure, but I was
doing everything through the City. I apologize for that. As far as entertaining and stuff
in the North End there are a lot of people that have either no fences or low fences or see-
through fences and do a lot of outdoor entertaining so at any rate. I’ve lived there for five
years and when I read the staff report I noticed that one of the Commissioners…not here
today…made a comment about value of the property and some of the people have talked
about the money I might make and I’m a real estate agent and it’s all this sort of hub-a-
loo, but if I’ve stayed there for five years already in the little 1,700 sq. ft. home and I
went through the boom where I could have sold the home for $70,000 more than I could
today…I went through all of that because it’s a home for my son and I…not set up as an
investment in that way. The entire area…you saw the back of the garage and all that…it
would be so much more beautiful with this home on it. I believe that.

CHAIRMAN STEVENS: To clarify, Sarah, you’re going to change the Findings if we
vote the same way and then bring them back at the end of the meeting. Is that what I’m
understanding?

MS. SCHAFER: Because the applicant has also appealed this application, their hearing
before City Council is the 18th, which was a week from yesterday. If you can be very
clear in your Findings, I’ve got the old Findings up and I can make changes to them, print
copies and bring them back up to you for approval today before the end of the hearing so
we can proceed in a timely manner with her appeal to move forward.

CHAIRMAN STEVENS: We’ve entered the e-mail from Kim and Gary Weiner as
Exhibit 1 and that’s dated February 25, 2008. We also have Exhibit 2, submission of five
pieces of paper including architectural drawings for construction on the new lot.

PUBLIC PORTION CLOSED

COMMISSION DELIBERATIONS

COMMISSIONER SEWELL: In the previous hearing I was one of the Commissioners
that was in favor of the lot split and agreed with Staff’s Findings for the project. I want
to reiterate that and also although I supported the lot split I stressed the importance of the
lot coverage and that anything that came back to this Commission, at least as far as my
review, would be closely scrutinized. Not using the 30% as a baseline, but using the
existing neighborhood lot coverage as a baseline. I wanted to restate my comments from
the previous hearing and I’m still in support of the lot split.

COMMISSIONER CHANDLER: I agree wholeheartedly with Commissioner Sewell’s
comments. I also voted in favor of the lot split previously. I still feel that it is not
inappropriate. While I’d like to see the larger lots remain I don’t think we are in a
position that we can justify not allowing this lot split given what is in the neighborhood
existing. If you look at Page 1 of the intersection of Heron and 24th Street, three of the
four blocks that touch that intersection have lot splits and according to the staff report
those lot splits were done in the period of significance of the North End and therefore
splitting this one would not be at all incongruous with the historic nature of the
neighborhood and therefore I do not believe we have the grounds to deny this lot split and will be supporting it.

COMMISSIONER POOSER: I voted in opposition of the application at the last meeting and in favor of a motion to deny the application. I don’t see any reason to change that decision at this time. In looking at the governing standards it talks about what is the historic character of the site. It also talks about what is the historic character of the setting and in looking at the Findings that Staff put together talking about the Boise City Comprehensive Plan, the North End Plan and also looking at the Secretary of Interior Standards they all talk about how do we retain the historic character of the site and setting. Just because this is 24th Street where this particular property is located with the level of site splits that have already gone on at 24th Street and at this particular intersection I think it is important to preserve the uniqueness of these lot depths. If we were to approve this change in use from a single-family residence to two single-family I believe we would be changing the historic character of the site by changing the historic relationships of the building and the landscape. In addition we'd be changing the property as it has been historically used. This would be a major change to it that changes the space of the site and it also changes the spatial relationship of the site as well as the setting on 24th Street. I don’t believe the historic character of the property would be retained or preserved. I recognize some of the arguments that have been raised as far as the integrity of 24th Street is going to be maintained since the split is on Heron. Visually from 24th Street, but it does change again the historic character of the site as well as the setting of 24th Street, which is extremely unique and I think everybody has recognized. I would also point out from our guidelines on Page 15, “The original lots subdivided in the District were relatively small, but the building sites were created from one or more lots creating a rich diversity in the pattern of the site development”. By agreeing to this change of use we are diminishing that rich diversity and the pattern of the site development. It also notes the trolley and the wider sections of the street. I would reiterate what Mr. Newman pointed out as far as the definition of integrity and how that has a specific example that states, “A streetcar suburb retaining its original street pattern, lot sizes, and variety of housing types and materials will reflect patterns of suburban life reminiscent of the late 19th and 20th Century”. If we approve this change in use we would be adversely infecting the integrity of 24th Street and this particular site.

CHAIRMAN STEVENS: I was going to bring forth a number of the same points from the Design Guidelines so I appreciate you saving me the energy. I also wanted to point out on Page 54 of the Secretary of Interior Standards one final thing which did not make it into the last set of Findings, but is important. If you look under that, its setting, district and neighborhood, “Identifying, retaining and preserving building and landscape features which are important in defining the historic character of the setting”. This is a very clear example. While the part that Ms. Lynn read out of the North End Plan may not have specifically said anything about lot size the historic presence of that lot size was due to the fact that this trolley ran down the middle of the street. Whether or not it’s actually in the North End Plan or it isn’t that was part and parcel of how that street developed. In my opinion that’s a very cut and dry case. It’s a very clear case of us needing to preserve that historic character of the setting of that street. Commissioner Pooser made some good points about the setting of 24th, but I think it’s equally important to bring up the setting of Heron Street and what this is doing if we were to build a house on that and have a
manmade built environment on that lot. We’re going to be altering the visual scape of that street so it’s not just the 24th Street length of the lot, but it’s also what we’re doing to Heron Street which is taking away open space, which is discouraged in our Comp Plan, it’s discouraged in our North End Plan, it’s discouraged in our guidelines and putting up instead another house. In addition I happen to agree with Mr. Newman, why would we need a variance if this is not…it’s one of the points I had written down when I was going through this staff report last night…why would we need a variance for something if it’s appropriate for this neighborhood. I tend to agree with that. I want to make a point about the highest and best use which the applicant brought up quite a bit. I happen to disagree and this is really just pontification on my part because there’s nothing about highest and best use in our code or in our guidelines. The highest and best use isn’t necessarily money in anybody’s bank account or new home or anything else…I view it a lot more widely and broadly than that. Frankly, I think the highest and best use for this neighborhood is to maintain this spot as open space and I don’t think that we should be building on every little square foot that we can in this neighborhood. I’ve made that point on many occasions on other applications that have come before and I think the highest and best use…if that isn’t our purview is in fact to keep it exactly as it is, which is to maintain an open space relationship between this home, the homes surrounding it, Heron Street and 24th Street. That is the best use that has been historically used in the neighborhood and it continues to be the best use. There’s a lot that goes on with open space. It’s not just a visual impact it’s also a run-off impact. It’s got all kinds of impacts in terms of property values in the surrounding neighborhood and the surrounding blocks and there’s a lot to open space and a lot of benefit it provides and it’s absolutely critical for the highest and best use of this neighborhood to maintain as much of it as we possibly can. For that reason I will not be voting in favor of the reconsideration. I also want to point out I was not here on December 17, 2007 however, I have read in detail the entire transcript for that day and I feel very comfortable voting on this. Teresa, I can do that?

MS. SOBOTKA: Nodded yes.

COMMISSIONER SEWELL: I would either ask for Staff or Legal’s opinion on categorizing this private property as open space relative to the neighborhood or District. I would assume that open space may…I would ask for some opinion on that primarily because the current owner could come in and develop that property…put an addition on there and take away that open space so I’m not quite sure how important what we’re seeing as a large lot and given that there relative lot coverage is minimal that we should grant some importance to the remaining space there. It was Mr. Newman’s comment in regard to the variance needed…my thought would be that the variance is needed in the Historic Districts and these older neighborhoods primarily because our zoning ordinance came into effect well after these areas were established and different lot sizes were developed and platted back then. Primarily that’s why we see more variance requests in this area. In reading through the North End guidelines…even with this proposed lot split the diversity is still intact and is supported with that. There is no impact to the setting of 24th Street just by the nature of the lot split. The potential for the improvement on the lot split is down the road so I want to reiterate that I could not find anything in the criteria that we have to review this particular application that could grant or move for a denial on this.
MS. SOBOTKA: You’re looking at a lot split and where you’re still at is change in use. Quite frankly the four that have argued this have made excellent arguments both ways and that’s why you’re on the Commission and it’s a tough call. This was evidently an orchard at one time and the orchard has been cut down and now it’s open space. All of you make very significant arguments regarding the trolley and the location, etc. The other two make very significant arguments regarding looking at the surrounding areas and how many of the other uses changed all around them. Both arguments are valid. I don’t think to maybe specifically answer your question that open space in public property…it could be on private property because again we’re not looking at open space per se. We’re looking at change in use and how that change feels. You’ve made arguments both ways that are consistent with the ordinance of what you’re suppose to be considering.

CHAIRMAN STEVENS: I should clarify that when I used the term open space I wasn’t using a legal term. I was using a sort of layman’s term, open space, which is that there’s a lot of open unbuilt space in the backyard and it’s more, in my opinion anyway, about the historic relationship between the historic buildings and the landscaping in that open backyard.

COMMISSIONER DAWSON: I voted to deny the application on December 17th and I will continue to support that decision primarily based on the spatial relationships that exist amongst the various properties going along North 24th. The feeling of spaciousness that I have as I go through the corners, the interior lots…I just don’t feel that I can support this particular application.

COMMISSIONER CHANDLER: One other reason that I support this lot split is that given the nature of this property it’s also an excellent candidate for an ADU. Given what we deal with, with ADU’s when and if this applicant decides to do something with this property whether there’s a lot split or not…we have more control and would see a better product if it was a separate lot and there was a detached single home going on that rather than an ADU, which we struggle with continually as far as the appearance and the impact on a neighborhood of ADU’s that seem to spring up all the time on the alleys of lots of this nature. I do feel the long term benefit of the neighborhood would be that this be a detached home as opposed to an ADU association with this one property.

CHAIRMAN STEVENS: I’m going to respond to that directly if I could. We have had, in the last 18 to 24 months, two of these exact type of lot splits occur on 22nd Street. The difference of course being that the lots on 22nd Street aren’t as deep as this particular lot that we’re talking about today. Both of them corner lots, both of them split so that a new house went on the unnumbered street side. If you drive down those two today, and we had purview at that time over what went there, it is squished, it has completely altered the change of those streets…the look of them. It has completely altered the relationship of them. They’re rentals now…but that there’s anything wrong with rentals…in fact I think rentals are good because it increases the diversity of the neighborhood, but the look of them and how that’s changed that section of the neighborhood is, in my opinion, a real problem. It’s completely changed the historic setting and completely changed the relationship of the trees and the landscaping to the built environment. I realize this is a deeper lot, but none the less it doesn’t look the way it’s suppose to look and the way it
has looked historically. I disagree that it’s for the long term benefit of the neighborhood. If it’s a candidate for an ADU then let’s bring forth an ADU and have a discussion about an ADU. I do not believe that a second home needs to go on here and I think it’s very clear that the history of this lot and of the neighborhood supports keeping it exactly how it is.

COMMISSIONER POOSER: Just to reiterate a few points. The focus here is a change of use from a single-family residence to two single-family residences and when you moot my comments and I think a lot of the comments have related to the character of that change and what that does. When you look at the historic character of the site as well as the setting in general on 24th Street it would be impacted and I believe to the negative. I don’t agree with some of the statements that have been said that we’re maintaining the integrity of 24th Street just because we’re only splitting on the Heron side. This is a corner lot. These are visible lots on 24th Street and whether you literally view from the front the side or whatever, it is part of the character of this area. It is part of the setting and so I don’t think that is a reason to approve the change in use just because it’s happening on the Heron Street side and not on the 24th Street side. You have to look at the entire context which includes a corner lot on 24th Street. At the last meeting, and I don’t know if this is legally correct, it is also very difficult for me to consider the standards for a change in use when we’re asked to find if the request is congruous with the historic, architecturally, etc., etc., cultural significance of the District without having a proposal in front of us. I have nothing in front of me to see whether or not this change of use truly is compatible without having an application. I don’t know if that’s legally correct, but it still seems to me to be part of the equation in considering this and we don’t have anything in front of us that tells us what a new residence on this back half of this lot would be. Teresa, what would be the motion? Would it be to deny the reconsideration?

MS. SOBOTKA: Either approve or deny the reconsideration.

CHAIRMAN STEVENS: Do we need to direct additional Findings if we’ve read new things in here?

MS. SOBOTKA: That depends on which way you go. Right now you have Findings for denial and three of you that are for denial have in fact enhanced these Findings and have added a few new things. If we’re going to go with an approval then what Commissioners Chandler and Sewell are saying are not reflected in the Findings.

CHAIRMAN STEVENS: Of course.

MS. SOBOTKA: Right now there is a denial on the table and there’s a reconsideration so you are simply looking at do you want to uphold the denial for the reasons stated plus additional reasons or do you want to overturn the denial and go with the reasons that Commissioners Chandler and Sewell stated then that’s fine.

COMMISSIONER POOSER MOVED TO DENY THE RECONSIDERATION OF DRH07-00587 FOR A CHANGE OF USE AT 1419 N. 24TH STREET WITH THE ORIGINAL STAFF FINDINGS AND WITH THE EXCEPTION OF ADDING THE REFERENCE TO HERON STREET.
MS. SOBOTKA: Finding 1.a. talks about 24th Street currently.

CHAIRMAN STEVENS: It would fall under 1. b. “Will change the unique character of the neighborhood by changing the depth of the corner lot”. We could add in there something along the lines of, “Changing the historic relationships of the buildings on Heron Street”.

COMMISSIONER POOSER: I would agree with that change. Do we need to wordsmith this at this time?

MS. SOBOTKA: Generally talk about your motion like you have, see if you can get a second and then before you vote or after you vote you may want to wordsmith it a little bit, but I wouldn’t yet.


CHAIRMAN STEVENS: So Staff is clear the definition is actually for feeling, integrity as opposed to integrity that is on Page 53.

COMMISSIONER POOSER: I WOULD ALSO ADD PAGE 54 OF THE SECRETARY OF INTERIOR STANDARDS GUIDELINES ON SETTINGS.

COMMISSIONER DAWSON SECONDED THE MOTION.

CHAIRMAN STEVENS: Again the motion is to reaffirm the denial of the original application.

MS. SOBOTKA: Before you vote we have another issue to take up so we need to leave the motion on the table. You disclosed that you’re husband is business associate with the person that sent the e-mail. I need you to discuss why you’re familiar with them and if it will it affect your decision and we need a vote as to whether or not you can vote or if it’s deminimous.

CHAIRMAN STEVENS: Gary Weiner and my husband are in a business relationship together…he is a client of my husbands. I have has absolutely zero discussion with him about this. I knew that he lived next door because when I did my drive-by I thought, “Oh, there’s Gary’s house”, but the relationship is strictly one of business between my husband and Gary and I don’t feel it would have any impact at all. We have had no discussion on this particular application or anything else. It doesn’t have any impact on my decision making ability.

MS. SOBOTKA: Is there any monetary issues?
CHAIRMAN STEVENS: Well he’s a client of my husband.

MS. SOBOTKA: If you voted for or against this would that affect you monetarily?

CHAIRMAN STEVENS: Regarding this vote it would have absolutely no monetary impact at all on my husband’s relationship with Mr. Weiner. The answer is no.

COMMISSIONER DAWSON MOVED TO ALLOW CHAIRMAN STEVENS TO VOTE ON THIS INSTANCE.

COMMISSIONER CHANDLER SECONDED THE MOTION.

COMMISSIONER CHANDLER: From the assumption that your statements can be taken at face value and I have no reason to think they can’t be it would appear that you have nothing to gain or to lose one way or the other depending on your vote on how this is…the outcome of this so consequently I can’t see any reason why you should not be able to participate.

COMMISSIONER SEWELL: I agree with Commissioner Chandler’s comments.

COMMISSIONER POOSER: I agree as well.

COMMISSIONER DAWSON: I concur.

COMMISSIONER FORSYTHE: I agree as well.

MOTION TO APPROVE CHAIRMAN STEVENS PARTICIPATION CARRIES.

Tabled Motion

ROLL CALL VOTE 4:2 WITH COMMISSIONERS CHANDLER AND SEWELL VOTING AGAINST DENIAL OF RECONSIDERATION.

**DRH08-00034 / Pam Solon**

Location: 1903 N. 18th Street

Requests Historic Preservation approval to construct a patio cover on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

JULIE ARCHAMABEAULT: Presented staff report with a recommendation of approval.

COMMISSIONER DAWSON: You said it is lattice work so what we see is what’s it going to be?

MS. ARCHAMBEAULT: Exactly. Staff’s impression is that it’s complete.

COMMISSIONER SEWELL: Did the fence go through Staff?
MS. ARCHAMBEAULT: It did not and it is currently being investigated as a Code Enforcement issue.

CHAIRMAN STEVENS: It all went up at the same time. I drive by it everyday.

SITE VISITS
Commissioners Sewell and Dawson visited the site prior to the hearing. Commissioners Pooser, Stevens and Chandler did not visit the site specifically, but have seen it when they have driven by the site.

COMMISSIONER DAWSON: I have no contact with the applicant or their representatives, but I am acquainted with the applicant’s mother and I don’t feel this would have any bearing on my decision making.

CHAIRMAN STEVENS: I’m very tangentially acquainted with Pam Solon as well…sort of friends of friends. Pam Solon is active in the Democratic Party and I tend to see her at events, but I don’t feel it would have any impact on my decision.

COMMISSIONER CHANDLER MOVED THAT CHAIRMAN STEVENS AND COMMISSIONER DAWSON BE ALLOWED TO VOTE ON THIS AND THEIR ACQUAINTANCE IS DISTANT ENOUGH WITH THE OWNER OF THE PROPERTY THAT IT WOULD NOT AFFECT THEIR DECISIONS.

COMMISSIONER SEWELL SECONDED THE MOTION AND CONCURS WITH COMMISSIONER CHANDLER’S COMMENTS.

MOTION CARRIES

JEFF WALLACE (Applicant’s Representative): I’m good friends with the homeowners also. When they first bought the house I did the deck and the trellis, benches and railings and a bunch of stuff. On this particular thing the homeowners either hired or contacted a landscape architect to do the patio cover, some landscaping, redo some of the fencing and gave them a price to do all the work. The homeowner decided that she was going to do it herself and kind of piece-milled it all together. She had somebody do the landscaping, somebody move the fence, and then she had the patio cover built. Before it had the horizontal pieces on it she called me and asked if I thought it was too tall because it was originally 28 inches taller. I said yeah. There are some issues…on the interior, there’s a deck and some steps that come down to a concrete patio. If we were to lower it there were some issues. I came and measured and consulted with her on how she’d be able to lower it without create some head height issues with the deck and patio. She liked that so I ended up lowering the posts and beams 18 inches and changing the pitch to 6/12 which matches the house. It was originally 8/12. She hired a painter to do a color matches to match the existing trellis…you can’t really see it from this picture…there’s one off the alleyway that shows the existing…

CHAIRMAN STEVENS: These photographs will be entered into record as Exhibit 1. So this was built in 2002?
MR. WALLACE: 2002. Correct. This models it and the plan was (inaudible) and stain the new structure to match the old. There were weather issues and that’s why it hadn’t been done. That’s modeled after another one in the North End on 10th Street. She took what the landscape architect drew and she changed it a little bit and modeled it after another one she saw.

CHAIRMAN STEVENS: I have a clarification. Because I do drive down this street all the time I saw your truck out there from the very beginning of the project.

MR. WALLACE: I did all the fencing and I did some work on the inside and then I disassembled that whole deck in 2002, stripped it, and refinished the whole thing. Plus I needed to remove a bunch of decking to accommodate posts being put in for that structure. I did the majority of it as it turned out.

COMMISSIONER CHANDLER: I know you’ve had a long history with the Historic Preservation Commission and I’m curious...at no time was there ever any discussion....I know it’s not the contractor’s responsibility, but at no time you never had a conversation with the homeowner as to if they had gotten the various approvals necessary to do this?

MR. WALLACE: She had been involved with this process for six months before I got involved. I have no idea if the architect had discussed with Staff and I still don’t have any idea if it was ever discussed. He did full scale drawings and that’s originally what it was built to.

PUBLIC CLOSED

COMMISSIONER CHANDLER: Do you feel this is architecturally congruent with the home and the garage.

MS. ARCHAMBEAULT: As it’s a modern home...it’s not a historic looking trellis that’s for sure. It’s definitely a modern outdoor structure. Because it’s a modern house and other than the fact it’s an outdoor structure and it’s not suppose to look like an indoor structure...another house, Staff found it congruent.

COMMISSIONER CHANDLER: This is one of these that I find very troubling simply because it just happens and then we’re kind of pushed into a corner as far as what do we do with it. Looking at Page 21, Project Data and Facts, it’s got date of construction 2002. I don’t believe this home was constructed in 2002, but I don’t know. Maybe it was. I believe we have to look at this as though we’re being presented with something that is to be built not yet already existing.

CHAIRMAN STEVENS: Legal is agreeing with you.

COMMISSIONER CHANDLER: Because it’s there should that significantly color our opinion and/or decision. I have a difficult time approving what I’m seeing if it were presented to us in what we see as built. It looks like it’s...quite frankly as far as trellises go it’s probably very, very nice and all sorts of other complimentary things can be said
about. However, given its shape, height and its location it looks like an unfinished connection between the house and the garage. It is certainly very prominent...as you go along the side street you can’t miss. If it would have built more along the lines of what I think the existing trellis is...I’m not really sure. I couldn’t really tell very well on that. A little more of a flat structure it wouldn’t be quite so prominent. My feeling is that it substantially alters the appearance of the façade of this structure along the side street and nevertheless along Irene. I’m having a difficult time supporting this even though I know the owner would have a financial hardship in having to remove it or do whatever else, but at the same time it was not the contractor’s responsibility to get a Certificate of Appropriateness. It’s the homeowner’s responsibility and the homeowner has responsibilities that have been shirked in this circumstance.

COMMISSIONER DAWSON: I have some understanding of Commissioner Chandler’s concerns. Specifically when I drove by and the question I ask of Staff...is this finished? It doesn’t look finished. It looks sort of in the middle of whatever it’s going to be. According to the contractor it is finished. Perhaps when it’s stained the appropriate color to match the dark color on the existing trellis it will look a little more homogeneous with the overall project. I guess we’re asked forgiveness rather than permission on this one. Is it not?

CHAIRMAN STEVENS: Basically if we deny it they’ll have to take it down. That will be the repercussion of that. You can interpret that how you want.

MS. SOBOTKA: You can approve, you can modify or you can deny. By modification you could say, “You’re half way there, but we need you to do a, b and c. You can approve it as is. Make them take it down and bring an application in and work with you to come up with something.

COMMISSIONER SEWELL: I agree with Staff’s comments and Findings for the project. Given that this is...although it’s a new structure...the house looks new anyway and this structure is a contemporary feature to it, it certainly does disengage itself from the house and the style which clearly represents it as a contemporary component and not something that’s trying to match the existing. I do agree with some of the other comments that maybe it does give an unfinished look because right now it looks like bare untreated wood. Over time and if the applicant is going to stain it to match the trellis it may start to blend itself in. Those are my comments and I have no opposition to the structure although it does seem like it’s a little bit late in the game and it does seem like Mr. Wallace was involved extensively throughout the process. I’m not quite sure how to roll with that one.

COMMISSIONER POOSER: I would agree with Commissioner Sewell’s comments. It does stick out. I do agree with staff as far as their conclusion that it is compatible. The suggestion that perhaps it gets stained the color of the trellis or the fence to make it blend in a little bit better...I guess I wouldn’t be opposed to adding a condition.

CHAIRMAN STEVENS: I concur with Commissioner Chandler. If you look at Staff’s analysis and Findings on Page 24, particularly Item C, quoting from the Secretary of the Interior Guidelines, “Introducing new construction on the building site which is visually
incompatible where that destroys historic relationships within the setting”. I think it’s very clear this is visually incompatible and Commissioner Chandler is right and if this had come to us I have a hard time believing that anybody sitting up here would have voted to approve it. It’s location on the corner…we deal with these corner properties all the time. It makes it a unique situation. It’s highly visible and it’s highly incompatible. It’s not the kind of thing you see…it does destroy the relationship between the home and the garage and the yard in the back. Visually incompatible, in my opinion, just about says it all in this particular case. I would be very open with them coming to us with a different design…a flat roof perhaps or something lower. I don’t think it’s really a matter of the materials or it being unfinished, its high visibility from not just Irene Street, but also from 18th Street. Not to mention coming down 19th Street…if you’re driving north you can see it from there as well. It’s a very, very visible structure and it is incompatible with the neighborhood. It’s not something we see at all. If it was an interior lot it might be a different story, but because of its visibility it’s very incompatible. I tend to agree with Commissioner Chandler that this is not something we would have approved had it come to us before it was built. I find it odd that Mr. Wallace didn’t say something to his client considering how often he’d been before the Commission, but I do realize it’s not his responsibility.

COMMISSIONER SEWELL MOVED TO APPROVE DRH08-00034 PER STAFF’S RECOMMENDATIONS AND FINDINGS.

COMMISSIONER POOSER SECONDED THE MOTION.

ROLL CALL VOTE 3:2 WITH CHAIRMAN STEVENS AND COMMISSIONER CHANDLER VOTING AGAINST.


COMMISSIONER POOSER: I was not at the February 25th hearing so I will be abstaining.

COMMISSIONER POOSER: On Page 1, the fifth paragraph, three lines down, the word “every” should be “ever”.

COMMISSIONER CHANDLER MOVED TO APPROVE THE MINUTES OF FEBRUARY 25, 2008 WITH THE CHANGE BEING MADE.

COMMISSIONER SEWELL SECONDED THE MOTION.

MOTION CARRIES.

__________________________________________
Jennifer Stevens, Chairman

______________________________
Date
Historic Preservation Commission

Hearing Minutes of April 28, 2008

Commission Members Present
Jennifer Stevens, Chair, Scott Chandler, Cathy Sewell, Barbara Dawson, Betsy McFadden, Bonnie Burry

Members Present
Sarah Schafer, Julie Archambeault, Teresa Sobotka, Nicki Heckenlively

CONSENT AGENDA

DRH08-00094 / Bryant Kuechle / 1519 N. 8th Street
Requests Historic Preservation approval to demolish a rear addition, construct a two-story rear addition with dormers, remove a tree, and change a window to a door on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSIONER DISCLOSURES.

APPLICANT’S REPRESENTATIVE PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

CHAIRMAN STEVENS: For clarification purposes the change in classification of this property is not being approved with the approval of this application. The approval is for the demolition of the rear addition, construction of a two-story rear addition with dormers, removal of a tree and the change of a window to a door. Any changes of classification will be heard and approved under a separate application.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00094 ON CONSENT.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.
DRH08-00102 / Jill Dietz / 2109 N. 8th Street
Requests Historic Preservation approval to construct a two-car garage with ADU above on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSIONER DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH THE TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00102 ON CONSENT.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

DRH08-00054 / Nirmal Charan / 616 Fort Street
Requests Historic Preservation approval to construct an addition to the east side of the structure, replace the foundation, roof, windows and doors on property located in an R-3HD (Multi-Family Residential with Historic Design Review) zone. (This item was deferred at the March 24, 2008 hearing.)

NO COMMISSIONER DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH THE TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00054 ON CONSENT.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

DRH08-00097 / George Booth / 1209 N. 16th Street
Requests Historic Preservation approval to demolish a rear addition and a rear dormer and construct a two-story addition on the rear of the main dwelling located in an R-1CH (Single Family Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: Presented the staff report with a recommendation of approval with the condition that the shed roofed projection will not be constructed.
COMMISSIONER DAWSON: On the north elevation, is that a sky light?

JULIE ARCHAMBEAULT: Yes. As long as they aren’t visible from the street they are generally appropriate.

COMMISSIONER McFADDEN: Would you feel differently if the gable was shaped differently?

JULIE ARCHAMBEAULT: Possibly, if it were a gable dormer or were more in keeping with the other dormers on the house.

COMMISSIONER McFADDEN: We have two sheets. What is the difference? Is it just the clouded areas?

JULIE ARCHAMBEAULT: That is correct.

COMMISSIONER SEWELL: What do the red clouded areas indicate?

JULIE ARCHAMBEAULT: They indicate the areas of change.

COMMISSIONER SEWELL: From what?

JULIE ARCHAMBEAULT: One is circling the bay window which is new and the pop out which is new. They are indicating the small changes from the large two-story addition.

COMMISSIONER SEWELL: Both pages of elevations are the same.

JULIE ARCHAMBEAULT: That is correct.

CHAIRMAN STEVENS: Have you had the discussion regarding the shed dormer with the applicant?

JULIE ARCHAMBEAULT: Yes I have. He wanted to discuss this with the Commission.

SITE VISITS

COMMISSIONER BURRY: I will recuse myself as the applicants are clients of mine.

Commissioners McFadden, Stevens, Chandler, Sewell and Dawson visited the site prior to the hearing.

COMMISSIONER CHANDLER: What you are looking at, the south elevation, above the roof line there is a vertical line and a horizontal line that says existing and proposed changes. If you look at the opposite side it says something very similar. Am I safe in assuming that just needs to be reversed?
JULIE ARCHAMBEAULT: That is correct.

RYAN McCAENE: I am the applicant’s representative. The only objection we have is the change to the shed roof. We did go ahead and modify the drawings to show the gable dormer. We would prefer to stay with the shed because the gable would add $20,000 grand to the project.

CHAIRMAN STEVENS: We received a new drawing that we will mark as Exhibit 1 showing the gable dormer. I have the applicant and Christina Knutson on the sign-up sheet. Would you like to testify (applicant and Ms. Knutson indicated no)? No further public testimony.

PUBLIC PORTION CLOSED.

COMMISSIONER SEWELL: In regard to the shed roof…gable roof…it seems like it is more of a roof flair. I am fine with the roof as proposed. It is on the addition and the backside of the house.

COMMISSIONER McFADDEN: I concur with Commissioner Sewell. I also almost prefer it. It appears we are drawing too much attention to it. It won’t be very visible anyway.

CHAIRMAN STEVENS: Does anyone know how far it is setback from that wall plane? It is on the interior side of the house too.

COMMISSIONER SEWELL: Maybe a foot.

COMMISSIONER CHANDLER: I would agree with Commissioner Sewell’s and Commissioner McFadden’s comments. It is in such a location that it is not a significant departure one way or the other and I don’t mind either and the applicant’s desire is worth noting.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00097 PER STAFF’S RECOMMENDATIONS STRIKING CONDITION A.

COMMISSIONER SEWELL SECONDED THE MOTION.

CHAIRMAN STEVENS: The staff report not only was talking about the roof form, but also if you look at Page 25 there’s the last before Conclusions and Recommended Conditions that says, “It cantilever position on the second story is unlike any other form on the house”. Does anybody have concern about that?

COMMISSIONER CHANDLER: I have no concern with the location of that and this is not that unusual for at least what I feel is that style of a house. Yes it is the only place on that house where it would appear but given the fact that this is area that is not visible to the primary façade I don’t think it’s significant.

COMMISSIONER McFADDEN: The house next door that is of a similar style that it has a similar cantilever.
COMMISSIONER STEVENS: Was it original to the house?

COMMISSIONER McFADDEN: I believe so, but I don’t know for sure. I wonder if we need to make a demolition motion as well.

CHAIRMAN STEVENS: Yes we do.

COMMISSIONER CHANDLER MOVED TO APPROVE THE DEMOLITION OF REAR ADDITION AND REAR DORMER.

CHAIRMAN STEVENS: We need to table the original motion first.

COMMISSIONER CHANDLER: I MOVED TO TABLE THE ORIGINAL MOTION.

COMMISSIONER SEWELL: SECOND AGREES.

COMMISSIONER CHANDLER MOVED TO APPROVE THE DEMOLITION OF REAR ADDITION AND REAR DORMER AS THE APPLICANT HAS MET FINDINGS B, C, AND E.

COMMISSIONER SEWELL SECONDED THE MOTION.

CHAIRMAN STEVENS: Do we want to strike under E., where it says, “With the conditions of approval these plans will have a positive effect on the District”, those first five words?

COMMISSIONER CHANDLER: I would be in favor of that.

COMMISSIONER SEWELL SECONDED.

ROLL CALL VOTE 5:0. MOTION CARRIES WITH COMMISSIONER BURRY RECUSED.

CHAIRMAN STEVENS: LET’S TAKE UP THE ORIGINAL MOTION WHICH IS TO APPROVE DRH08-00097 AS RECOMMENDED STRIKING CONDITION A.

ROLL CALL VOTE 5:0. MOTION CARRIES WITH COMMISSIONER BURRY RECUSED.

DRH08-00099 / Ryan Doyle / 818 Eastman
Requests Historic Preservation approval to construct a front porch and replace the windows and the doors on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: Presented staff report with a recommendation of approval with the condition that the porch siding will be wood or smooth Hardiboard.

CHAIRMAN STEVENS: Was the applicant amenable to that in your discussions?
JULIE ARCHAMBEAULT: Staff did not get chance to discuss that.

COMMISSIONER McFADDEN: When there is a situation where they are matching an undesirable material are you willing to keep it the same or do you think it is better to get a better material?

JULIE ARCHAMBEAULT: It is difficult? I think matching the material that is on it is fine. I don’t know if you can get that kind of aluminum siding anymore. I think if we are going with something different than the existing siding we should bring in something that is congruous with the District.

SITE VISITS

Commissioners Burry, McFadden, Chandler, Sewell and Dawson viewed the site prior to the hearing. Chairman Stevens did not view the site.

RYAN DOYLE (Applicant): I have no objections. I actually spoke with my contractor and he has actually talked to me about replacing the siding on the whole front of the house to make the whole thing the same material.

COMMISSIONER BURRY: Have you considered shingles? I think it would be a nice look for what you are doing.

RYAN DOYLE: I don’t prefer that. I looked at other houses and prefer the changing of the siding.

COMMISSIONER DAWSON: You are re-roofing as well?

RYAN DOYLE: Correct.

COMMISSIONER DAWSON: Is that an old flue? Would it go away?

RYAN DOYLE: Yes.

CHAIRMAN STEVENS: If you would reside would you reside with Hardi-board or another congruous material or vinyl siding?

RYAN DOYLE: No. I would reside with the Hardi-board.

CHAIRMAN STEVENS: So you’re okay with the condition of doing it with Hardi-board siding.

JULIE ARCHAMBEAULT: Residing the front is a great idea. It would be a staff level so if you wanted to quicken his journey through our process you might also put that on here. I don’t know, when he talks about texture I’m not sure if he met he was going to get a textured Hardi-plank, but you might condition that it be smooth if you so desire.

RYAN DOYLE: The hardi-board would match the texture of the side aluminum siding.
COMMISSIONER McFADDEN: Is that a wood grain texture?

RYAN DOYLE: Yes.

COMMISSIONER McFADDEN: That might not be acceptable because that looks fake. Does that make sense?

CHAIRMAN STEVENS: That’s why we typically condition the smooth.

COMMISSIONER McFADDEN: Rather than a faux stamped on wood grain.

RYAN DOYLE: The intent is to match whatever is there. What I have been told by the contractor is that once you paint it you won’t notice the difference.

CHAIRMAN STEVENS: Julie, did you notice the wood grain on the aluminum?

JULIE ARCHAMBEAULT: I did not.

CHAIRMAN STEVENS: Typically we don’t try to match something that is incongruous. We try not to match something that shouldn’t be on the house.

PUBLIC PORTION CLOSED.

COMMISSIONER CHANDLER: On the subject of the wood grain versus the smooth, given that the house is non-contributing, if we felt it was important for it to be smooth, we should require the whole house to be resided and I don’t think that is reasonable. It is reasonable that the applicant be allowed to use the wood grain and it would be a more compatible siding with what is there.

COMMISSIONER BURRY: I would agree with Commissioner Chandler. With the fact that he is adding a porch it is going to add so much to the house.

COMMISSIONER DAWSON: I concur. Everything that is being done is a huge improvement.

COMMISSIONER CHANDLER: MOVED TO APPROVE DRH08-00099 WITH THE CONDITION THAT THE SIDING FOR THE PORCH OR FOR THE ENTIRE FRONT OF THE HOUSE BE HARDI-BOARD SIDING IN EITHER WOOD GRAIN OR SMOOTH.

COMMISSIONER McFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

DRH08-00100 / Amy Yost / 505 Logan Street
Requests Historic Preservation approval to demolish the garage, construct a two-car garage with bonus trusses, move the existing main dwelling from center of lot to the front of the lot, remodel the
existing structure and add a second floor on property located in an R-2H (Combined Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: Presented staff report with a recommendation of denial.

CHAIRMAN STEVENS: Is the vertical siding hardi-board as well?

JULIE ARCHAMBEAULT: Yes.

SITE RE-VISITS

COMMISSIONER BURRY: I did go by the site. I had gone by it with the other applications. I tried to envision the size of the new structure.

COMMISSIONER MCFADDEN: I did view the site. This being the second or third time. I tried to envision this design from both streets.
CHAIRMAN STEVENS: I have not revisited the site since the last time we had an application for this property.

COMMISSIONER CHANDLER: I tried to envision the massing of the project.

COMMISSIONER SEWELL: I did not visit the site.

COMMISSIONER DAWSON: I have been by the site numerous times. I did look at it specifically again.

TERESA SOBOTKA: Before he gets started I want to make sure the legal really reflects what is going on here. What I’m looking at says demolish the garage, move the house and construct an addition. The report is looking at it as a full demolition. I want to make sure everyone is on the same page.

CHAIRMAN STEVENS: I agree with you.

JULIE ARCHAMBEAULT: The application came in as a move but the legal and everything went out as a full demolition. The legal is the front page of your summary.

RON MILLER (Applicant’s Fiancé): I don’t have any objections. I would like to thank the Board for taking the time to review the project and to thank the neighbors. I am the applicant’s fiancé. We would like to make the East End our permanent home. We have determined we would like to remodel 505 Logan and make it our home. We did not know what steps we should follow. We think the plan would be great for the property and an asset for the East End. It is one of the first ones you see. It has the misfortune of being located next to 507 Logan. We initially talked to Staff about renovating and adding on to 505 Logan. Staff was enthusiastic. Unfortunately it sits at the back of the lot and it would take up most of the backyard. Staff suggested that we add a basement. We are in the flood plain. We went to the Idaho Historic Society to see if we could find any pictures. We
tried to remove it from contributing status but were denied. We worked with an architect for several months and came up with a design. Staff felt the designs were nice but that we should still try to get the contributing status removed. Hence we presented a second time to do that. The reasons that we cited in past for the front porch addition…the addition of a closet bump-out onto that front porch on the southwest side of the house is visible from the front of the house. The house was sided with vinyl. There is no old siding under there. We were denied by a vote of 4:3. That brings us to today. We’ve again talked with Staff and taken into consideration some of the homes on Logan and that general neighborhood and our architect has come up with a new plan. We would like to be able to build this house. It will require demolition of the front façade to move the home forward. I am a physical therapist, I don’t build things.

- From my standpoint the Findings, as far as the three of five Findings we felt that the building, site or structure is not classified as contributory. It is on the list.

- The second criteria is that it can’t meet National, State or Local criteria. It obviously does not do that.

- The next one is that the demolition of the building, object or site would not adversely affect the character of the District or adjacent properties. Redoing 505 Logan would enhance the character of that neighborhood.

- Rehabilitation would not be economically feasible. It would require a new roof, new wiring, HVAC, insulation, siding, windows, plumbing…basically rebuilding the entire house. If we took everything off and brought it up to standard there wouldn’t much of anything left.

- Plans submitted. We could make changes to the windows for uniformity. We see a lot of houses with the similar style. I have a list of the architect’s note if you would like to take a look at that. The notes are in regards to the setbacks.

CHAIRMAN STEVENS: Would you like to give us that information?

RON MILLER: Would you like for me to read them or just give them to you in paper form?

CHAIRMAN STEVENS: It would be best if you read them.

RON MILLER: Architect’s notes: Below is a summary of the design approach which identifies the design and site constraints along with other issues and explains the reasoning for the decisions that were made throughout the process.

The site: The site itself per Ada County Assessor’s Office is 50 ft. wide and 123 ft. deep. It is also a corner lot and therefore comprises an interior side yard as well as a street frontage side yard along Avenue D.

In today’s world corner lots are generally surveyed and designed to be slightly larger than their neighboring lots simply because of the additional street side yard setback requirements. However,
with the East End being a somewhat more established neighborhood and surveyed many years prior to this, this is not the case.

Therefore in my research of the East End lots that fall within the Historic District it is obvious that most if not all corner lots fall into the substandard lot classification as per the City of Boise’s current Zoning Ordinance.

He refers to the drawings showing the setbacks for the current zoning code for lots zoned R-2H, front yard setback was 20 ft., and interior side yard setback was 5 ft., rear yard setback 15 ft. However, where it abuts an alley there is a zero setback. Side yard street frontage was 20 ft.

When all these setbacks are applied to the lot one can see that it significantly reduces the ability to articulate a design or building elevation that is both aesthetically pleasing and renders interior space functional and maximizes allowable area that conforms to the setbacks. Even with the exception clause 11-04-14.03, Item 2.a. which reduces it from 20 ft. to 15 ft. for livable space it would effectively increase the building width to 30 ft. Taking into account the fact that Amy and Ron wish to maximize their floor space for the addition of a family some day it would essentially mean a long slender design and in our opinion would be detrimental to all parties concerned.

PUBLIC TESTIMONY

NANCI CATALANO: My address is 503 Avenue E which is around the corner from the property. I want to speak to the historic significance. My parents bought my property in 1945. I grew up in this neighborhood. All of the homes on Logan were Bungalow type homes. I know the people that built this home. It was always set way back. It doesn’t look anything like the other homes. It was built by a couple that had one child and he was the assessor. We remodeled our home, we did more than remodel. We did a lot of demolition prior to the Historic District. We had a dirt basement. Some of the homes on Logan have a basement. This is a darling little home but not like other homes in the District. If you look at the brick home, it is across Avenue B. It was built in the 40’s and has retained its original construction. This was a garage. They put an apartment above it and resided it. The little house that is boarded up was a tiny one room with one bathroom. Whatever Amy can do to the house on the corner would be an improvement. The one on the corner is original. The four on the same side as Amy’s house are fairly original. There has been some remodeling. If you look at the two homes on the end, they really are not congruent with the neighborhood. I would say they don’t have historic significance. Historically I have known all of these people. I have lived here off and on my whole life. I believe what she is doing would be an improvement to the neighborhood. The setback puts the house almost on the alley. As of today our wonderful alley was repaved back to the way it was in the 50’s. The egress and access is improved. I have been here since 1945 so that is a lot of information. She has tried for well over a year and I think that anything that would enhance the block would be beneficial to the neighborhood.

CHAIRMAN STEVENS: Thank you for your information.

DON CATALANO: In addition to what my wife said, that house is completely unlivable. There is nothing you can do to make it better. They have a lot of money invested in the property. They are
running around $300,000 dollars. I would recommend just what they are proposing to do. If you have any changes you would like for them to make, I think they would be willing to accommodate that. They are trying to make something out of there that are livable. Going around on the inside of that house, the rooms are just not serviceable.

JULIE ARCHAMBEAULT: Just because the house doesn’t look like other houses in the neighborhood doesn’t mean it isn’t contributing. It is a Minimal Traditional style. I haven’t seen anything regarding economic feasibility. I would be more than willing to work with them to set up something showing that it is not economically feasible. We have different examples. When I communicated with the architect it was made clear that this wasn’t going to be an option at this point.

APPLICANT REBUTTAL

RON MILLER: Staff has been helpful and friendly to us and we appreciate their time. The information we’ve had from the house is that they’d prefer us to move it forward and maintain that same structure the way it sits right now. It doesn’t seem to be a feasible option for us to do that. To simply move that house forward and then build on the back. The investment in that would be too much for us. We wouldn’t be able to do it as such. The option we have right now is to use the plan that we’ve come up with.

DON CATALANO: Is it not permissible to tear those other houses down?

CHAIRMAN STEVENS: We can’t have that discussion in this hearing. You can ask Staff about our procedures and go ahead and visit them on the second floor of City Hall and they can have those discussions with you. It’s not a yes or no answer.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: I am sympathetic to the applicant’s situation. What we have in front of us is essentially and application to demolish what is there and we have to meet three out of the five Findings in front of us. Previously the applicant tried to change the status and that failed. At this point we are dealing with whether or not it is a contributing structure. There are four additional Findings which Staff has at this point said you meet one of and that is B. that it cannot meet the National, State or Local criteria for designation as a historical or architectural landmark so with that you have three others that you need to meet two of.

D. is the one regarding economic feasibility which at this point has not been address. That is one you could potentially address with Staff.

C. is subjective and part of it can be looked at in relationship to Finding E. for redevelopment of the property.

Looking at the plans that have been submitted...at this point I have the most difficulty with that as far as wanting to approve this simply because the massing, the design of what is proposed is not
congruous in my mind. If you could come up with something that would fit better, you would have a much better chance meeting one of the other two criteria. Whether it be the economic one or possibly that the demolition would not adversely affect the character and that’s subjective. You have a hill to climb here and it is not impossible to do but I would be much more comfortable with an approach that had a design of a structure that would be a little more fitting with the structures that are still original to the area. Certainly we would have to discount the structure that’s directly across the street that’s a remodeled garage or whatever it was typified at. I don’t think the application has an insurmountable challenge but I don’t believe what is presented in front of us is something that right now I can feel comfortable supporting because I don’t believe the design is a design that is necessarily going to do what the Historic Preservation Commission is charged with as far as our obligation to the City.

COMMISSIONER CHANDLER MOVED TO DENIAL OF THE DEMOLITION REQUEST FOR DRH08-0100 AGREEING WITH STAFF THAT THE APPLICANT HAS ONLY MET ONE OF THE FIVE FINDINGS.

COMMISSIONER BURRY SECONDED THE MOTION.

COMMISSIONER SEWELL: I tend to agree with Commissioner Chandler. I do find that the demolition request...as far as the adverse effect on the District when viewed with the proposed plans is an easier one for the applicant to achieve. I believe Staff’s suggestions on reducing the impact are appropriate. The roof forms and the overall massing of it does seem something that is found in the District and within our own guidelines for the East End District. I am going to support the application. I think it is much closer to an approval rather than a hard denial.

COMMISSIONER DAWSON: We have certain guidelines that we have to follow. We have to be consistent in our decision making process. I believe we are almost there. I believe given the right design it has a very good chance of moving forward.

CHAIRMAN STEVENS: There are a number of issues that Staff did a good job of calling out. Only one is the demolition issue. We have an issue with lot coverage, setbacks and then some issues with the design. The form is basically fine. The windows need to be changed and the vertical siding needs to be changed. I have a problem with tearing down a 1940’s house. People like to live in these neighborhoods because of the diversity of the neighborhoods. This may not be the prettiest house on the block, but I think it is a nice modest house. It would be a disservice to tear it down just because it isn’t big. It is important to maintain affordable housing in this neighborhood simply because it has changed into a neighborhood for the well off. I’ll be supporting the motion.

COMMISSIONER BURRY: I agree. You could make all of the concerns applicable for the bulk of the homes in the North and East Ends. A lot of them aren’t functional. They are charming, affordable and the place people want to live...not just to tear it down but except it like it is.

COMMISSIONER SEWELL: I would like to make an additional comment in regard to affordability. These houses and this one in particular may be affordable, but that doesn’t necessarily make them livable. There’s probably, as has been stated by the applicant, a significant amount of
work that would be required to bring this house up to code and modern contemporary use standards. We should at least be mindful of that.

CHAIRMAN STEVENS: Then we have a lot of code work to do in our Districts because I think every house is that case. We may to agree to disagree.

TERESA SOBOTKA: Assuming you agree with Staff that you aren’t going to approve the demolition, assuming they would appeal to City Council and City Council approves the demolition, please make a clear record that says you would want them to come back here for approval on the new design.

CHAIRMAN STEVENS: From what I can tell the Commissioners agree with Staff’s report. I don’t understand your question.

JULIE ARCHAMBEAULT: I think Legal wants a separate motion for the demolition and the design.

TERESA SOBOTKA: That’s correct.

CHAIRMAN STEVENS: If I am correct you made a motion to deny the demolition.

COMMISSIONER CHANDLER: I think the comments by the other Commissioner’s have covered everything.

ROLL CALL 6:0. MOTION CARRIES.

COMMISSIONER CHANDLER AS ADVISED BY COUNCIL TO MOVE THAT IN THE EVENT THAT A DEMOLITION IS ALLOWED TO PROCEED, THAT THE PLANS AS SUBMITTED TO US ARE NOT APPROVABLE BASED ON LOT COVERAGE AND THE APPLICANT SHOULD COME BACK WITH A PROPOSAL THAT MEETS THESE REQUIREMENTS.

COMMISSIONER BURRY SECONDED THE MOTION.

CHAIRMAN STEVENS: I am planning to support the motion. Staff did a great job, if you look at Page 26 of the packet, there is a comment regarding the adjacent properties and Staff did a good job analyzing how this departs from surrounding structures.

COMMISSIONER SEWELL: Some of the criteria or Findings that Staff had…the overall roof forms, gable and porch are ones found in the East End Historic District. The windows overall are appropriate. The window pattern may be questionable. The overall solid void is consistent with the neighborhood and surrounding houses. I don’t have a problem with the siding. The lot coverage is an issue.
CHAIRMAN STEVENS: I also want bring attention to the comment Staff had regarding the gable forms which really aren’t dormers. I agree that isn’t appropriate and is incongruous with the District.

COMMISSIONER CHANDLER: As much as it may sound that we are beating you up, I know there are many of us that would be happy to approve a good design.

ROLL CALL 6:0. MOTION CARRIES.

DRH08-00101 / Dutee Dodson / 1501 N. 10th Street
Requests Historic Preservation approval to demolish a portion of the main dwelling, construction an addition with finished attic space, dormers and side porch on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

COMMISSIONER SEWELL: I would like to recuse myself from this item as I represent the applicant.

JULIE ARCHAMBEAULT: Presented the staff report with a recommendation of denial.

SITE VISITS

Commissioners Burry, McFadden, Chandler, and Dawson viewed the site prior to the hearing. Chairman Stevens did not visit the site.

CATHY SEWELL (Applicant’s representative). I have no objections to the site visits. If I could, I would like to go over a couple of things for clarification. In the application on the drawings we indicated there was a back deck and covered area to be removed. This is visible on Page 3. That is a 110 sq. ft covered rear porch area and a 170 sq. ft. deck to be removed. That is a current density of 37% but that is slated to be removed. On Page 12 of 13 in the staff report it indicates the side setback is 4 ft. 6 inches and it is actually 5 ft. 6 inches. We wouldn’t need a variance. On Page 14 which is in regards to the substandard lot, I don’t understand the landscape Finding. The applicant is a single father with a young boy. If you look on Page 6 of the staff report it shows the existing and the demo floor plan. The previous owner added in the additional living space in the attic. The actual existing bedrooms are the one up front and one tucked in behind the stair. This house isn’t a high house. The wall is a 6 ft. wall with 7 ft. 9 inches at the peak. The roof form is more of a rectangle shape than the pyramidal as indicated by Staff. The usable square feet…the Assessor has calculated about a 1,000 sq. ft. on the main level and the attic is 600 sq. ft. though it isn’t very livable. The smaller additions to the house, if you look on Page 3, you can see the secondary single story addition is a complicated roof form, the ceiling spaces are low with 7 ft. 8 inches. We are looking to increase the ceiling height not necessarily add on the square footage. The house isn’t that large. We are trying to do a little with the attic space. 4.13 Staff indicates the roof lines are different then the existing building. We are matching the pitch and the orientation of the rooflines. Yes we are trying to do an addition…we are coming up to meet the height but not exceed it. As complicated as the rooflines are in the rear we are trying to simplify that. Although it is an increase in the eave height
we are not increasing the overall height and the structure already has some inconsistencies in this regard. Staff has indicated we are altering the massing from short and square to long and irregular. We believe it is already long and irregular so we are maintaining it. We are increasing the lot coverage to 41% and that is primarily through the porch which is 168 sq. ft and we are increasing the overall coverage by 141 sq. ft. This is the only place the homeowners has any sense of yard. They are trying to utilize both sides of their yard. If the overall lot coverage was an issue, we would be looking to remove the porch. In looking at the side yard addition, this is a common location and is common and consistent with what is seen in the District. Placing an addition on the non-character defining elevation. The elevation is placed well to the rear although the eave is taller then the existing house. There were a couple of applications tonight where the eave lines were higher. If we had to match the eaves there wouldn’t be a project. We would not be able to accommodate the living space. The highest is 7 ft. 9 inches and by keeping the pitch it would drastically reduce the square footage. You are going to see the higher eave on the north side and west side. Item 3…Staff has indicated that the addition isn’t congruous with the scale or massing. We aren’t increasing the height or changing the massing. We are using the same materials and the same massing. Item 4…the pyramidal roof form will be changed to a more complex roof form. The main roof form will not be changed and the dormers needed to be increased in size. We are trying to bump them out get a little more space and keep those in line. I do want to comment on the variances. They are primarily for the south side and the porch. The house is already encroaching in the setbacks so we will have to go through the variance process. The side porch meets the setbacks.

COMMISSIONER CHANDLER: Am I correct that the calculations of the proposed square footage include the 168 ft. for the south porch addition?

CATHY SEWELL: It is included.

COMMISSIONER CHANDLER: If the lot coverage issue is a significant issue that would be the first to change?

CATHY SEWELL: That is correct.

CHAIRMAN STEVENS: Did you say the calculation would include the rear deck and porch and that would bring it to 37%?

CATHY SEWELL: That is correct.

CHAIRMAN STEVENS: Staff did you include those two in your calculations?

JULIE ARCHAMBEAULT: I did include those. I included everything.

CHAIRMAN STEVENS: Ms. Sewell, you had said that the side setback is actually 5 ft. 6 inches as opposed to 4 ft. 6 inches. So you don’t need a variance there?

CATHY SEWELL: That is correct. That is noted on the drawings. I’m not sure how Staff got 4 ft. 6 inches.
CHAIRMAN STEVENS: If you look at Page 7 the south Sherman Street elevation and you look at that rear...with the two new metal clad single hung windows, is that new construction or existing construction?

CATHY SEWELL: It is new construction in the existing wall plane. We’re filling in the gap...that little section and then the back section and raising the roof a little bit on that.

CHAIRMAN STEVENS: But it is the same pitch?

CATHY SEWELL: Yes.

CHAIRMAN STEVENS: Has anybody with a calculator done the math?

COMMISSIONER CHANDLER: By eliminating the south porch it would take the lot coverage to 39% instead of 41%.

CATHY SEWELL: I rechecked the numbers based on our information. What we didn’t include is the existing section in the back. That is where the increase and square footage came from.

CHAIRMAN STEVENS: For the record there is no one in the audience.

JULIE ARCHAMBEAULT: I just want to go over a couple of things. The pyramidal roof form is a character defining feature of the building. It has a main roof form and then some subordinate roof forms. If you look at the proposal the pyramidal roof form will be no more. You will lose it. On the north elevation it is the same thing, it will wipe out the pyramidal roof form. You will still have a hip on the front but not a pyramidal roof form. There are inconsistencies. The additions are subordinate to the main roof form but with this addition the eaves would be higher than the main roof form. This is usually denied and usually not appropriate. The size, scale and massing of the house will be changed. The windows are smaller and the eaves are higher. The scale of the features is different and the massing is going to be very different. Those are the reasons Staff has recommended denial.

COMMISSIONER McFADDEN: Our Sanborn maps don’t seem to have dates on them, but on Page 32 it was single house on the one long lot. On Page 33 that was when the house was built next door. There is no property line there but that is a separate lot, correct?

JULIE ARCHAMBEAULT: It has a separate address, so yes. If you look at down the block there is only a partial property line.

COMMISSIONER CHANDLER: Not disputing the fact that the assigning addresses has no bearing on this if that is a separate parcel or not. It is logical that given at some point there was a property line placed there.

JULIE ARCHAMBEAULT: It has its own address. Generally if there is another building on the back of the lot it would have been given a half address.
CHAIRMAN STEVENS: Would the changes render this non-contributing?

JULIE ARCHAMBEAULT: I should have seen this one coming…

CHAIRMAN STEVENS: If you can’t answer this, it isn’t necessary.

JULIE ARCHAMBEAULT: It would adversely impact the historic integrity. If it weren’t for this portion it would be an easy answer of no. It might remain contributing but it would be close.

APPLICANT REBUTTAL

CATHY SEWELL: We believe the varied existing roof forms of the house would still retain the overall integrity of that. If staff and the Commission believe it is a concern we would propose stepping it in to keep that form at approximately 6 ft. We believe this would impact the space. However, we believe as proposed we are retaining the overall integrity. In regards to the higher eave I would draw your attention to an application that was approved on the consent agenda which had a higher eave. In regards to the windows, those are existing windows. They are short and squatty because that is where the ceiling height is…7 ft. 6 inches. We are proposing to get a higher ceiling which is somewhere near 9 ft. Regardless, some of that wall plane is by virtue of the fact that the eaves only 13 ft. You’re not looking at a true two-story type situation.

PUBLIC PORTION CLOSED.

COMMISSIONER MCFADDEN: The thing that bothers me the most is the density of the house setting so close on Sherman. That is why I brought up the maps. The site plan doesn’t indicate how close those homes are going to be. I am not even talking about the amount of open space on the lot. The applicant’s representative made a good point stating that the porch would be very useful because of the lack of yard. That tall plane next to the neighbor is very concerning.

COMMISSIONER DAWSON: I am looking at the existing first floor plan and what is there now is just about the same as what is proposed. I do agree with Commissioner McFadden in regards to the wall plane. On the Sherman Street elevation it gives me the same flavor as what already exists on the elevation and makes it more consistent.

COMMISSIONER CHANDLER: The applicant has taken on a significant challenge. It is almost as though that once you have bought a lot of this size there is no where to go. The footprint is getting a little larger on the north and west sides. The comment that Staff has made regarding the destruction of the pyramidal roof form, I sympathize with that but I don’t believe it is enough to deny the request. The one thing that bothers me more then anything else is taking a structure that is already at or above the lot coverage and increasing it further. While I would like to think that nothing we do establishes precedent, it is not truly necessary…but that the side porch can be removed. I like the side porch. I am concerned with the lot coverage numbers. At this point we are dealing with two motions. The demolition request and then the design. Of the five parts of the demolition, Staff believes the applicant meets b. and c. and doesn’t meet a., d., or e. There is nothing to debate on a.
and there was nothing given to us regarding d. On e., I see that there could be some positive effects on the District because it makes the house more livable while not detracting from the District.

COMMISSIONER CHANDLER MOVED TO APPROVE THE DEMOLITION REQUEST FOR DRH08-00101.

COMMISSIONER DAWSON SECONDED THE MOTION.

CHAIRMAN STEVENS: I am not going to be able to support the motion. There is additional work to be done. We need to consider if we are being arbitrary and capricious for allowing that great of a lot coverage. We haven’t allowed it without a great hardship. The thing that makes me most uncomfortable is the eave differentiation. When we have approved it in the past it has been very incongruous. Every single one without exception has been bad. I would rather see a change in pitch and see the eave brought down. It will impair the historic integrity of the home. It is going to change it significantly.

COMMISSIONER CHANDLER MOVED TO AMEND THE MOTION TO APPROVE THE DEMOLITION OF DRH08-00101 IN THAT THREE OF THE FIVE FINDINGS CAN BE MET, B., C. AND E. AND ONLY IF PLANS ARE APPROVED CAN A CERTIFICATE OF APPROPRIATENESS FOR WHAT IS TO BE DONE TO THE PROPERTY BE ISSUED AND THEN AND ONLY THEN WILL A DEMOLITION PERMIT BE ISSUED.

CHAIRMAN STEVENS: I understand what you are saying but isn’t that putting the cart before the horse?

COMMISSIONER CHANDLER: What we’ve done previously many times when we’re not sure about the plans presented to us we go ahead with the demolition portion of it getting that out of the way so we can get to the discussion of the plans that are presented. If we approve the plans then demolition is approved and a Certificate of Appropriateness can be issued.

CHAIRMAN STEVENS: Then why don’t we do the plan first instead of…I’m not sure I understand.

TERESA SOBOTKA: Commissioner Chandler is correct. We do actually quite often take them as a two part thing. They are two different motions before you unless one of the criteria for demolition is needed for the new plans.

CHAIRMAN STEVENS: That’s my point. One of them is e. which is if demolition proceeds and as such the plans will have a positive effect on the District.

COMMISSIONER CHANDLER: That’s why I wanted to amend it to say that we have to approve the plans before any demolition could take place.

TERESA SOBOTKA: So Commissioner Chandler’s motion is based on which three?
CHAIRMAN STEVENS: b., c. and e.

TERESA SOBOTKA: If it was based on a. through d. in body then that is the way we’ve done it before. We’ve said a demolition is okay if you’re okay with the new plans.

CHAIRMAN STEVENS: So if you are not okay with the plans that are in front of us it wouldn’t make sense to vote in favor of that motion.

TERESA SOBOTKA: Exactly.

CHAIRMAN STEVENS: Then we’re all on the same page. Does the seconder of the motion agree with the amendment?

COMMISSIONER DAWSON: Yes.

COMMISSIONER McFADDEN: I would like to support the motion based on how the maker intended it, but it doesn’t sound like legal or you are comfortable with that.

CHAIRMAN STEVENS: I am not comfortable with the phantom plans that we haven’t approved yet. I’m not comfortable with the plans that are in front of us.

TERESA SOBOTKA: You can’t approve a hypothetical so either you find three of the five other criteria and not e. or you continue to work on e. until you come up with something that works before you make your motion.

COMMISSIONER CHANDLER: Doesn’t that mean we have to approve the plans before we can approve the demolition but we’re always told we need to approve the demolition before we approve the plans.

TERESA SOBOTKA: You have to approve the demolition first. You can’t approve something new until something is put before you…that’s first. Again, quite often you aren’t looking at e. You are approving it based on a., b., c. and d. or a combination thereof to get to your three out of your five. At which time this works very smoothly to do demolition first and then say, “However, you’re going to have to come back to us with a plan that works”. One of the approving criteria is e. the new plans. They have to come up with new plans right now that you approve as part of it.

CHAIRMAN STEVENS: For the record I’m sure we’ve gone backwards before too and approved the plans before we’ve approved the demo.

COMMISSIONER CHANDLER: I was just trying to make it go quicker.

CHAIRMAN STEVENS: The way we’re going to move forward is if you don’t support the plans that are in front of us you don’t support the motion.

COMMISSIONER CHANDLER: I’ll withdraw the motion.
COMMISSIONER DAWSON: Seconder agrees.

CHAIRMAN STEVENS: Why don’t we take up the plans…

COMMISSIONER BURRY: I really struggle with the north elevation. With the height of the eave not matching with the addition. I guess if that could be brought down not to look so out of place. I know what you’re saying. I’ve looked at some of the things that we’ve approved in the past too and that looks like this and when I go by them and look at them I’m appalled and think, “Oh my gosh, that shouldn’t have happened and I don’t want to see that on that corner”. The other issue is the lot coverage. That is squeezing a lot of house onto a small property. Even tonight we were talking to people about the same thing. Even tonight we were talking to people about the same thing. They needed a bigger house and proposed just tearing it down…something needs to be done about both of those items for me to feel comfortable with it.

COMMISSIONER McFADDEN: I agree with Commissioner Burry. I believe if there were an alley behind the house I would feel differently. The pitch is making this difficult. In a big way it is cleaning up a lot of this side of the house. The problem I have is density where is seems like we are going to slam the two houses together on the upper floors. I can see that some of the stuff…like the addition as we see it from 10th Street is set far back. The west and south are more of a concern. I would really like my fellow Commissioners to tell me I am wrong. It is just so dense and so close to the neighbor. I wish there were an alley behind it rather than the house.

COMMISSIONER DAWSON MOVED TO DENY DRH08-00101.

COMMISSIONER McFADDEN: Is there any way to ask the applicant if there is a way to move for a deferral?

PUBLIC PORTION REOPENDED

CHAIRMAN STEVENS: Ms. Sewell, would a deferral to deal with some of these concerns be advantageous for you or are they concerns that you don’t think you can overcome.

COMMISSIONER SEWELL: I appreciate the consideration on the deferral. The applicant would welcome a deferral so we could respond to some of these issues. The applicant wants to do the right thing.

CHAIRMAN STEVENS: Do you think we have given you enough information to aid you with the deferral?

COMMISSIONER SEWELL: Yes, I believe we have enough information. We will want to talk to the neighbor. We are trying to minimize the interference. We will certainly come back with options and address those issues.

CHAIRMAN STEVENS: Would the June 9th hearing work?
COMMISSIONER SEWELL: Yes that would work.

CHAIRMAN STEVENS: For the record that would work for Staff and the applicant.

COMMISSIONER DAWSON: I would like to withdraw my motion.

CHAIRMAN STEVENS: I would entertain a motion for deferral.

COMMISSIONER CHANDLER MOVED TO DEFER APPLICATION DRH08-00101 TO THE JUNE 9, 2008 HEARING.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 5:0. MOTION CARRIES.

**MINUTES (4-14-08)**

COMMISSIONER STEVENS: Change the word “seal” to “sill” on Pages 15-20.

COMMISSIONER CHANDLER MOVED TO APPROVE THE MINUTES OF APRIL 14, 2008 AS AMENDED.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

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Jennifer Stevens
Chair, Boise City Historic Preservation Commission

________________________
Date
Historic Preservation Commission

Hearing Minutes of May 12, 2008

Commission Members Present
Jennifer Stevens, Chair, Scott Chandler, Cathy Sewell, Barbara Dawson, Betsy McFadden, Bonnie Burry, Stephen Smith, Katherine Forsythe

Members Present
Sarah Schafer, Julie Archambeault, Teresa Sobotka, Nicki Heckenlively

CONSENT AGENDA

DRH08-00123 / Mary and Albert Barker / 1915 Harrison Boulevard
Request Historic Preservation approval to construct dormers on the south and west sides, construct a second story, modify the south side and rear windows, construct columns and arbor at the rear patio entry and replace the south entry steps on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSIONER DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00123 ON CONSENT.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 8:0. MOTION CARRIES.

DRH08-00121 / Sue and Henry Reents / 908 N. 18th Street
Request Historic Preservation approval to construct new front steps and entry and change the landscape on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

CHAIRMAN STEVENS: Ms. Reents does not know this, but she is subject of my History PHD Dissertation and I will probably need to do an oral history with her at some point so I don’t want my vote to impact that possibility so I consider that a business relationship and need to recuse myself.
APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00121 ON CONSENT.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 7:0. MOTION CARRIES WITH CHAIRMAN STEVENS RECUSED.

DRH08-00117 / Jay Henry / 1116 N. 15th Street
Requests Historic Preservation approval to demolish a small rear addition and construct a new rear addition on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSIONER DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00117 ON CONSENT.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 8:0. MOTION CARRIES.

DRH08-00107 / Anika Smulovitz / 916 E. State Street
Requests Historic Preservation approval to construct a rear addition with unfinished basement on property located in an R-2H (Combined Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: Presented the staff report with a recommendation of Approval with the condition that the lot coverage will not exceed 33%.

COMMISSIONER DAWSON: Does the 33% proposed include either one or all of the storage buildings that are to the rear?

JULIE ARCHAMBEAULT: Staff did not do any calculations or figuring so getting rid of one of the storage buildings might be a way to bring the lot coverage down. That would be fine. Tightening up the addition itself would be a way to do it. Staff did include all of the storage buildings when figuring in the lot coverage.

COMMISSIONER McFADDEN: This is more or less a typographical error…on Page 1 of the staff report there may have been a cut and paste issue there.
JULIE ARCHAMBEAULT: Yes there is. The legal on the first page was incorrect. I believe the legal on every other page is correct.

COMMISSIONER McFADDEN: Okay.

CHAIRMAN STEVENS: For the public’s awareness if anybody’s following along on Item 2, on that front cover page the first sentence under summary is incorrect.

SITE VISITS

Commissioners Dawson, Chandler, Stevens, McFadden and Burry visited the site prior to the hearing. Commissioners Sewell, Smith and Forsythe did not visit the site.

CHAD VINCENT (Applicant’s Architect / Representative / Renaissance Remodeling): We do have a lot coverage issue. We have worked hard on this project to figure out how to get these homeowners into a better situation with their home. They have a small child and they are currently in a two-bedroom. I know it says three-bedroom on the Ada County Assessor’s site, but it’s a two-bedroom, one-bath home without a real laundry room. We really tried to minimize what we were doing here. We have a 336 sq. ft. addition going on here with very little waste. We do have a hallway that takes up about 40 sq. ft. that we could probably redo the whole addition to gain that 40 sq. ft. but it’s…as you can note on the addition it’s because we’re eliminating a back door and are having to recreate another back door so there’s a double entrance into that back addition. We feel that we’ve really minimalized the affect that we’re trying to do. I did visit with Julie at first and I talked to these people about doing a second story addition because of the lot coverage and it was relayed to me that was probably was never going to be approved just because of the situation. We went back to a rear addition. We did the calculations based on the Ada County Assessor’s site to come up with an addition that was under 34%. When I did the final measurements for these plans the Ada County Assessor’s site did not have the smallest of the storage units in there which is about 80 sq. ft. If we took that out we were right where we needed to be. We’re differing on the percentages. I’ve done this a thousand times trying to get it into my head where exactly that we’re at, but basically we’re doing a very small master suite addition. Part of the issue…note that the bathroom is very basic at 5 ft. deep. The bedroom is very basic at 12 ft. wide. The closet and the stairs that you’ll note in there…one of the things that we’re going to have to do with the basement is when we touch those stairs we have to bring them up to code. Since that back area has no room…the stair right now are basically a ladder to get down so we had to put code stairs in there which if we ate from the closet we did not add to the addition much, but we ate from that closet, bathroom and the bedroom and this will create a three-bedroom, two-bath house and we feel very confident that we’ve done a very thorough job in trying to figure out how to do it.

COMMISSIONER DAWSON: You’re saying if I’m hearing you correctly, that the applicant would rather eliminate one of the storage buildings and maintain the floor plan that you have?

CHAD VINCENT: We need to retain the floor plan that we have because there’s really not room to take any room out of it. The way that we’ve designed it on the west side of the lot really gives them the widest open space on the east side of the lot. There are trees there that we’re not taking down. We’re not changing anything there. It’s basically going over the current deck that they have now. It’s just covering that deck. That’s an option we can do. We don’t want to do that. The house has no storage to begin with. If you took anyone of those buildings…it’s a one-car garage at best is the
biggest building there. They would rather not do that, but at last option we would. We did look all around the property. We noted how many homes had been remodeled recently and how many were… I looked at percentages of almost every home within a four block radius and they vary all over the place from... I looked at 21 homes in that area. There was one that I chose that was larger compared to their lot like what we would be doing and there was one under 30%. Six from 31% - 33%. Four home from 36% - 39%. Eight over 40% and two over 66%. What we’re trying to do isn’t… there just small lots. They don’t have a lot of choices. We can’t go up in this neighborhood. We have to do it on the first floor. If we reduce the footprint of the addition and did not change anything else we couldn’t get a master suite in there with an exterior door. A 250 sq. ft. addition is what we could put on there if we didn’t change anything. I don’t know if we could all measure our bedrooms, but they’re over 250 sq. ft. It just doesn’t work very well in that neighborhood. We have tried very hard to… I understand that it’s more than normal.

CHAIRMAN STEVENS: Julie, in your staff report you wrote, “With a repurposing of the space”. Was your suggestion mainly to get rid of that 40 sq. ft. hallway?

JULIE ARCHAMBEAULT: That was the main idea.

CHAIRMAN STEVENS: If we did that…

JULIE ARCHAMBEAULT: And shrink that bathroom and the closet a bit.

CHAIRMAN STEVENS: Which still wouldn’t bring us down to the 33% that you’re recommending? Do you have any other thoughts?

JULIE ARCHAMBEAULT: I don’t.

CHAD VINCENT: Julie and I did speak about that and she did suggest that if we redesigned it we might be able to get less square feet of an addition. My clients enjoy their yard and that side of looking north out of their lot. In redesigning it we would have to switch everything around and that extra door would really be… we’d still have to have a hallway there. We still have to have an exterior door. There’s no other spot. We did talk about that and I do understand the situation fully. We just don’t see another way around getting even a small addition.

NO PUBLIC TESTIMONY

PUBLIC PORTION CLOSED

Commissioner Chandler: I’m sitting here playing with my calculator and just looking at the square footage that the addition comprises and what it would do as far as trying to achieve what Staff has recommended. Right now the addition is 24 ft. by 14 ft. 4 inches as I read the plans on Page 20. To bring it from the 36% as proposed down to 33% would make that addition 14 ft. 4 inches by 14 ft. which essentially you’d have the bedroom at a little bit larger than it is now 12 ft. by 14 ft. 4 inches, but you’re eliminating pretty much everything else in order to achieve the lot coverage which given what the applicant has to do with the stairwell would be fairly difficult to do so all you would be gaining is the bedroom and eliminating the rest of the addition or you’d end up with the rest of the addition and no bedroom. This addition is entirely on the rear portion of a long narrow lot and after looking at it from the street I do not see how this addition will be at the least bit visible from the
street so consequently the increase in the lot coverage while it is beyond what is recommended will not be at all perceptible as far as anybody viewing from the right-of-way so consequently I would support the applicant as it is presented even though it is exceeding the lot coverage slightly. The applicant is putting forth a relatively modest addition onto a relatively modest home and I do not feel that it will be at all detrimental to the District by been slightly larger than what the recommended lot coverage would be.

COMMISSIONER SEWELL MOVED TO APPROVE DRH08-00107 AS SUBMITTED PER SITE SPECIFIC CONDITIONS OF APPROVAL DELETING 1.A. AND THAT THE LOT COVERAGE WILL REMAIN AS SUBMITTED.

COMMISSIONER CHANDLER SECONDED THE MOTION.

COMMISSIONER BURRY: I agree with Commissioner Chandler. I think the fact that this addition hugs the one side of the property leaving the other with what lawn they have left more open is really good. The other consideration is that you really cannot see it from the street. It’s like they’re really doing nothing so I fully support this.

ROLL CALL VOTE 8:0. MOTION CARRIES.

DRH08-00053 / Duncan and Kari Filson / 1502 N. 27th Street
Request Historic Preservation approval to construct a second story addition on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (This item was deferred at the March 24, 2008 hearing.)

JULIE ARCHAMBEAULT: Presented staff report with a recommendation of denial.

CHAIRMAN STEVENS: Julie, this is the original front elevation before they changed it and before what we saw last time so what they’ve submitted is going back to this and now this is what they…for clarity?

JULIE ARCHAMBEAULT: Yes.

COMMISSIONER CHANDLER: Help me understand something. Maybe it’s the elevation but if you look at the south elevation…note I think you referred to it as a floating gable…the small one that’s up there. Can you go to the south elevation…is that missing on the south elevation?

JULIE ARCHAMBEAULT: Yes. I guess so.

COMMISSIONER CHANDLER: I wanted to make sure I was reading this correctly.

CHAIRMAN STEVENS: If we could limit our comments to any changes since our last site visits that would be great. Just respond with no change or if there is a change go ahead and say that.
SITE RE-VISITS

COMMISSIONER FORSYTHE: I have visited the site again and I took notice of the surrounding houses and took notice it was on the corner and houses on both streets. I’ve had no contact with the applicant or representative.

COMMISSIONER SMITH: I did visit the site. I didn’t have any specific observations. I primarily drove around the neighborhood and looked at the house and nearby houses. I’ve had no contact with the applicant or representative.

COMMISSIONER BURRY: I did visit the site. I took note of the variety of the homes on the street and looked at what has already been done to this home and tried to envision the addition. I’ve had no contact with the applicant or representative.

COMMISSIONER McFADDEN: I did revisit the site and have no new observations and have the same thoughts that I had visiting the site the first time which is the mix of different styles of homes and architecture on that particular block. I’ve had no contact with the applicant or representative.

CHAIRMAN STEVENS: I did revisit the site. Noting in particular the different additions that had occurred to the house. The change to its integrity. I also noted the size of the lot. I’ve had no contact with the applicant or representative.

COMMISSIONER CHANDLER: I did revisit the site and have no additional observations beyond what I observed the first time. I’ve had no contact with the applicant or representative.

COMMISSIONER SEWELL: I did not go back to the site. I’ve had no contact with the applicant or representative.

COMMISSIONER DAWSON: I did visit the site and took note of the mixture of traditional and modern homes in the neighborhood. I’ve had no contact with the applicant or representative.

EVELYN GRIME (PLACE Design Planning / Applicant’s Representative): What we’ve done to this point is initially study the neighborhood, the lot, the existing home and its context. What I find in Staff’s report and this is going from our last hearing as well where again I understand where Staff is coming from given the parameters and the directions she has to review from. My disagreement there is that this home is noncontributing and that’s been established. If we look at the block, the lawn, and the home I think what is contributing and what does anchor this block is the lot and the trees and where it sits here. Also how do we take what was…we have a home that’s no longer contributing and here a home that’s been completely redirected. The front door has been relocated. We did do studies to relocate that door to the front even if it wasn’t to the center window. We did go through a series of exercises. We have a series of neighborhood pictures here. Again, all of the present site and the noted are very modern, eclectic, and untraditional homes. This is directly south of the site looking across at some small one-bedroom cottages. This is directly across the street 1960-1970’s. This is to the right as we go down the opposite street. Again we’re seeing a lot of 50’s and 60’s mixed in here with some older sections. I think what we have is a modest form of a modest neighborhood. Now we’re coming up very close to the site. This is our block. Again, I look at this as the house is noncontributing. What I do not want to do and what I think is inappropriate to do is to take this home and create a style that it never was. If I try to take it back to
what it was that doesn’t work very either. Unless I completely remodel the interior of the home again and (inaudible) the front and move back to the center. I look at the strength and the strength of this in relationship to the block and it’s a corner lot, the way it faces the street with various sites around it and its old tree growth that is very evident. I think that this photograph shows it well when you can look at it closely. Here it’s a little bit dark. In blue we have the home. We have a garage and an alley shop here. This is the backyard. We have a very large tree here. We have one here, we have one here. We have a row of them here and these are conifers. Directly back here we have a tulip magnolia that is about 6 ft. from the foundation and then we have some smaller trees in here. Duncan and Kari have also taken the pains to landscape along the edge of their property and their street trees as well, but they are younger. This is a sketch done over the aerial where I’ve identified those tree locations and then sketches of the expansion. We would add the porch here. This is showing that 2 ft. cantilever that we’re proposing in the back. If I may show you these trees. This is the front of the house. This is an addition that goes back behind the house. This was done…correct me if I’m wrong. This was done in the 70’s – 80’s. This has got a very flat roof and very thin insulation. There is a minimal crawl space and there is enough foundation underneath this addition to create a second story and to carry that load. These are the main trees in the front and you can see the tree canopy in the back. I would like to point out this Magnolia tree. This is the one that’s existing about 6 ft. off the back wall. This tree is large enough and old enough where right now it clears this home. Looking at this from the corner. This is the back looking towards the front. This street is on my left. This is the original back porch of the home. Our proposing model would leave this intact. We are not changing any of the existing original windows and materials. With this part of the roof and this portion of the structure as it currently sits is not capable of carrying a second story. We did explore going over the entire portion of the house. This is the back addition and it is capable of carrying that structure and this is where our new structure would spring from. This is the existing tree line of the conifer trees. Why I’m excited about this addition and remodel is we don’t lose any of these trees. We limb these trees up just enough for construction and everything else remains in place. This is looking at the home as you go to the right where again, that addition is and our proposal will spring up from there. This is our existing home; this is that Magnolia tree coming out here. This is the site of the home where we’ve got the wide yard with the gardens. Our goal with this addition is to create two more bedrooms and a bathroom. We are going upstairs for a modest addition. Stairway space a loft nook, a laundry closet, two bedrooms and a bathroom. Downstairs we have one bedroom and one bathroom remaining. The goal here is if you were to take that same additional square footage and put it on the ground I think you would have to lose your Magnolia tree in the back. You couldn’t build towards the street. That would impact the conifer tree line and this tree line. With our addition this corner lot remains an anchor to its block because it doesn’t take away the existing context. What we have done and again Julie and I have worked on this together to some degree and I’ve tried to take into consideration her concerns, but this is showing the proposed front elevation where we brought our front porch cover down where this new height is about 14 ft. and this is about 17 ft. We have kept the original gable that was the original stoop. I would like to put knee braces back in and anchor it back to the house. Right now it’s floating. You wonder why it’s there. I’ll show you the street and I would point out that this is where the tree canopy is and this is where the existing fence line is for the cedar fence. We’re adding 2 ft. here to create bedroom space on each end a bathroom in the middle and we’re extending the original roofline up to cover that. What I’m showing here with this dash line is if this back addition which is part of that original addition had been roofed correctly in the beginning this is where that roofline would go. I would point out the difference between this point and that point is about 4 vertical ft. The difference between this point and this point is about 8 vertical ft. We’re pulling it back and what you see back here is this is the gable that covers the porch on the
other side and this is the existing front gable. We did look at going up the front with a new porch but this was already at the 16 ft. setback line and we have no room here to add a porch. On the north side this is the rear and that’s probably the easiest to look at and digest. This has all become living space so the door remains original it’s just over 1 ft. This window and this window are replaced to give larger windows that will engage the backyard. On the side we’ve added some windows for light. These are bedrooms upstairs. This is the roofline coming down to create this more contemporary porch but at the same time we’re on a block that has modern elements and traditional elements and (inaudible) so I feel like the house (inaudible) putting the emphasis on the site and its characteristics. I did a study of the original home and this is the roofline of the existing addition. This is what it could have been and probably should have been given that it’s very cold, it’s very hot and it leaks. This is the proposed massing set from the back within the trees and that same study for that opposite side. This is a sketch study of the photograph that I took and I went into Photoshop and I did a hard edge filter and then I sketched over this to say here’s your existing massing, here would be the gable beyond, here’s the second floor beyond but it steps back in a way. All of this in the filtered photograph…this is that tree canopy that would actually be in front of this when viewed from the street. This is those conifer trees. This is the tree at the very edge. This again was another photo study just trying to show the existing tree and here and we actually want to have one here that canopies over. In the neighborhood a large part of the report is based on the home and it’s incongruous with the neighborhood. John and (inaudible) spent three hours driving through the neighborhood and we have photos upon photos of many eclectic different styles of things all built prior to Historic District approval and after historic approval. We can all agree that life is very eclectic in the North End and this is a situation where they did do a small cantilever to achieve that upstairs square footage and these are three different jobs at two different structures. Again it’s something that you see as a way for space savings when the site is more important than the structure and this is in the rear and is minimally noticeable. I would also say we have examples of odd rooflines from a modern style that have been added to and changed and are eclectic. Our focus here to meet Design Review Standards is to focus on the site and then focus on what is appropriate for the growth of this house and this family. To take this house back to a modernist style of a one-story with a small stoop is not in our future. To look at this and to grow it gently back to meet the needs and to preserve the site conditions and context that’s a good solution that meets the Secretary of the Interior Standards when you’re starting with a non-contributing structure but you’ve got a site that anchors the block.

COMMISSIONER McFADDEN: On the front elevation in a lot of your sketches…I have two questions on this. First of all, our package shows a dormer. Has that dormer been eliminated?

EVELYN GRIME: It has.

COMMISSIONER McFADDEN: So you’re proposing to eliminate that dormer. Staff did think that was incongruous and added to the complexity of the roofline. If you could add ways to…

EVELYN GRIME: We reworked the interior structure and the interior head clearance heights and removed that dormer in an effort to simplify it and still meet the interior plan needs.

COMMISSIONER McFADDEN: This isn’t a follow-up on the dormer. It’s more a question on the entry. When you were doing your drive-abouts and comparing other houses I wonder if you saw any other homes in the neighborhood that had that two-story entry like that.
EVELYN GRIME: There were a lot of eclectic entries and we do have a folder here on entries so there are pictures. We do have pictures of items that would be considered modern and we are taking the house and saying that in order for it to be congruous with the District it needs to look like a historic home that it never was. We have a modern home that’s introduced. Yes, it is still a Cottage style and it’s a soft blending and on a block with enough modern elements to support it.

CHAIRMAN STEVENS: When that dormer was taken out you also changed the window configuration on the north side of that elevation that we’re looking at. Is what is up on the screen what we’re talking about? We’re sort of dealing with changes on the fly which is not something that this Commission is very comfortable with doing.

EVELYN GRIME: I apologize for that Madame Chair. The rearrangement of the windows is in response to working with Staff and perhaps Murphy is just hanging out with us a little bit too much on this project, but I did drop a packet off to Staff on the 22nd. I made several deliveries that day. She didn’t get it, we didn’t communicate and here we are tonight. I did make that effort. What I did not do was follow up to make sure Julie got in her hands. She went with the information she had and I made a good faith effort to submit the additional information. Again, this came to light recently and here we are this evening.

COMMISSIONER McFADDEN: This is following up on that again. Evelyn, to the best of your knowledge are the other elevations correct that we are holding in our packet? That’s kind of a big problem if we’re…

EVELYN GRIME: What I’d like to do is point out the differences. The differences are that this part has not changed.

CHAIRMAN STEVENS: That’s the right elevation in our packet on Page 14.

EVELYN GRIME: The street side elevation has not changed. On the front elevation we’ve simplified these windows. We have lowered the porch gable and we have simplified this roofline by removing the floating dormer. The ridgeline, the overhang, and the overall profile have not changed.

CHAIRMAN STEVENS: The door however has changed as well as the vertical siding that was in there?

EVELYN GRIME: I’ve simplified the materials to streamline this. The door is the original door that was here and moved here and we will use it again.

CHAIRMAN STEVENS: The vertical siding has been removed correct?

EVELYN GRIME: That is correct.

TERESA SOBOTKA: I don’t see these as minor changes and I don’t feel this is either best practice or due process to at this late date be what everyone is seeing for the first time. Staff hasn’t had a chance to analyze them. The public who if they were interested haven’t had a chance to analyze anything.
EVELYN GRIME: This dormer is simply lowered. This remains in the open framework. These windows have not changed and the (inaudible) has not changed. The development of what we originally submitted to what you saw at our first hearing this is a simplification of that and this is what you would have seen at the last hearing if Murphy hadn’t been prevalent there as well. I would again ask you to consider…we’ve simplified this roof, taken away this dormer and lowered this portion of it and this is a modern eclectic element on a noncontributing home and trying to maintain the integrity of the existing home, etc. Originally I had thought perhaps we would be able to sell this best in worksession meeting because that’s the only certain view of what it meant to be incongruous with the District with a noncontributing home. I don’t know where we stand with that tonight.

COMMISSIONER BURRY: I’m looking at my Page 12 and looking at your front elevation this seems so much wider. That seems much taller and it just seems different to me. Like the space on each side of the large picture window. It just seems like it’s a lot bigger on my Page 12 than it is up there. Do you have a dimension?

EVELYN GRIME: Actually, what could be lending that appearance could be the floating dormer above and then the heavy line weight on the horizontal siding. None of those elements have changed. If you look at where the notch in the roofline comes down particularly to the right of dormer that still…I don’t put it as actually the same drawing but I look at the proportions and…I think taking out the floating dormer which was originally a fun part of being eclectic and taking this more toward the contemporary Cottage look. Removing that dormer simply brings down the scale of the front elevation.

COMMISSIONER BURRY: Clearly there’s more room above here too…again that’s just because this isn’t the right picture now.

DUNCAN FILSON (Applicant): I will not testify.

JOHN FRASIER (PLACE, Inc.): I’m a design contractor and Evelyn and I have been working on this design for months. Having read Staff’s report the one item that I would take issue with is the congruence and is the reason that I spent that time Friday afternoon. We have a series of pictures…numerous pictures of houses that are within six blocks of this one all within a Historic District and another set of pictures outside that six block area that are still in the District that are congruent with the application you have. It’s congruent with what you have. All the items that are in the original drawing and the application you have are in fact congruent with the District. That’s the reason those pictures are here.

JULIE ARCHAMBEAULT: I’m sure if you look through the District you could find at least one example of anything you wanted to. Whether that one thing was congruent with the Historic Districts, the historic characteristics of the District and compatible with the Secretary of the Interior Standards is something else entirely. The design that we have in front of us…that two-story porch is a very Alpine and modern…we do have a noncontributing structure but we still need to honor the District and be compatible with the main characteristics of the District not just with one example here, and an example and another example here. We need to be conscience of the Secretary of Interior Standards when we’re thinking about how this going to affect the District at large. Because of the roof shapes and the two-story porch and the modern windows and the many other things that don’t meet the Secretary of the Interior Standards or the Design Guidelines. This is just not a
congruent design. I’ve never seen a two-story porch. I didn’t hear whether they found a two-story porch. It was stated that they found many eclectic entrances which I’m sure is true. Also, basing a new design on an old 1970’s addition that we would never have allowed now days is also not an idea that you guys would usually recommend. Staff still recommends denial of this application.

COMMISSIONER SEWELL: Julie, do you have issue with the two-story addition and the cantilever in the back?

JULIE ARCHAMBEAULT: I don’t have an issue with a second story addition. Staff is not opposed to a second story addition on this house. The cantilever itself is not a huge obstacle, but the cantilever with the two-story porch with all of the modern windows and with all of the other things. Packaged together is something that Staff cannot support.

APPLICANT REBUTTAL

EVELYN GRIME: For record I would like to submit two items that were from 2004 when we talk about introducing modern elements into the District. These are photographs of two projects that are very modern or contemporary in that sense and they are provided by Mr. Filson.

CHAIRMAN STEVENS: Hand them here and we can mark them as Exhibits.

EVELYN GRIME: Our initial point of contention is what’s right to support the Historic District. I think the approach is from the site, trees and from lending what is there and existing open to something else. We tried to work through this roofline and porch situation and in bringing out the porch…the roofline all the way down and in providing different items none of that has met with Staff’s support. Again, I understand where she’s coming from, but I disagree with it. I don’t think it’s appropriate to build over the existing home. The original part which sits to the front and to the street…we’ve explored other opportunities to expand but again which has more strength. The site or the home? If we say that the site has more strength for historic purposes and then we go forward and we look at proposing the eclectic more modern solution which there is evidence in the District. Having the photographs and…Staff and I cannot come to an agreement about his roof and this porch and that’s what the whole report is about. I would either ask for a deferral and if it were working I would ask for a decision that says this is a soft answer and something you could support or I would ask for a worksession to say then define for me what is congruous within the District when we have a noncontributing structure because I’m at a loss.

CHAIRMAN STEVENS: We received two photographs. One that’s marked by the applicant, DRH04-00220 which is going to be marked as Exhibit 1 and then number 2 is a photograph of a home on 23rd Street which for the record was not actually approved by this Commission. Those plans were put in before the District was in place.

COMMISSIONER CHANDLER: There is something I need to disclosure for the record. Last week I ran into Mr. Frasier at an event. We had various conversations. He did mention that he would be at this meeting tonight. We discussed in no way this application and I do not believe that any of our conversations would have any barring on how I would evaluate this application.

COMMISSIONER BURRY: I have a hard time saying that I approve of something that is so different from what I’m seeing here and what I’m seeing up there with no dimensions and no
increments. I don’t think that you’re that far off. I think there are some things that could be done with this plan to make it better. But right now what I see is a lot different from what I’m seeing up there.

COMMISSIONER FORSYTHE: If we were to approve it would be difficult to say if we were to approve the design in front of us or that because they’re so different we don’t really have it up close. They’re so different that there is confusion around this is issue. Also, whenever I visited the home I noticed there are many smaller houses in the area. This design that I have in my packet looks very different from the other houses that were in the surrounding area.

COMMISSIONER SMITH: Did I understand your testimony as being…

CHAIRMAN STEVENS: We’ve actually closed the public portion of the testimony.

COMMISSIONER SMITH: Let me ask someone on the Commission.

CHAIRMAN STEVENS: We can reopen if you feel like you want to.

PUBLIC PORTION REOPENED

COMMISSIONER SMITH: I’d like to reopen for a minute. Did I understand you to testify that the addition had to be built over the 1970’s portion that I’m looking at right here? If you did say that would you explain to me again why it has to be built over that portion?

EVELYN GRIME: In the photograph that you’re looking shows just the side portion sort of peeking out. The addition from the 1970’s wraps the back of the house and that portion of the addition has sufficient footing and foundation and can carry the load of the second floor. Part of the study that was done and discussion with Staff was to build over the back porch area on the opposite side of the house and bring the whole roof mass…the center over the structure. The back porch addition is slab-on-gray. There’s no foundation that would carry a second floor so you would have to essentially demolish and rebuild versus building over the 1970’s portion of the home. The original portion of the home also…there isn’t any remodel work happening in that core part of the home and the ceiling. The arches and all over that framework…my premise is to touch it as gently as possible. Weighing that combination of things that’s why I’m saying it’s the best solution to build over the 1970’s portion of the home.

RECLOSE PUBLIC PORTION

CHAIRMAN STEVEN: We unfortunately don’t have in front of us the minutes from our last hearing on this item, but my recollection is that we were pretty clear with the applicant that we needed a final set of plans and that we needed dimensions. That’s certainly my recollection and I feel as though that didn’t come before us. What we got instead was yet another set of plans that Staff didn’t really have time to comment on. I also feel like the Commission was very clear about the direction we wanted it to go and I don’t feel like those changes were done. I feel like we basically got a real similar version to what we saw last time. The thing the Commission needs to do is deny this application and let the applicant start over with some recommendations. I feel the same way that Staff does which is that I don’t have a problem with the second story on this home generally speaking if it were done correctly. It needs to be probably more over the core area of the
home rather than that stepped over to the side. I do tend to agree with Staff’s report that what we’re seeing here… the problem isn’t that it’s modern and the problem to me isn’t that it’s a second story it’s that it’s just too cut up. It’s not the kind of stuff you see in the District. I also have issues with the flat grids in the windows. We’re taking a house that currently has wood windows and your application says that these are going to be vinyl windows with flat grids. I’m not comfortable with that either. It’s a minor point but my point is that it’s not just that it’s a modern structure and it’s not that it’s got a second story it’s that there are some design issues here that just aren’t congruous with the District. The pictures that were brought in were of stuff that would never be approved today that were designs that were done prior to the time the District when in. I agree with Staff that you can go around the District and find anything, but when we’re looking for congruousness with what’s representative of the District this is not the sort of thing that we see. I’m personally opposed to a worksession. I think we need to go to a denial and start fresh with a brand new application with a brand new design so that we’re communicated clearly to the applicant what needs to happen. That’s my take on things.

COMMISSIONER DAWSON: I agree with Commissioner Forsythe that if we don’t know what we’ve got in front of us… we’ve got this in front of us and we have that in front of us and to approve either one would be absurd because we don’t know what we’re really approving. I have to agree with the Chair that this right for denial.

COMMISSIONER CHANDLER: I don’t disagree with many of the comments that have been made. I think one thing is that this site adds a little more of a challenge. Whether this is contributing or noncontributing structure the fact that it is so visible on the south side because it’s a corner lot and is placed very far forward on the lot relative to the lot depth and also there is quite a distance between the north lot line and the structures so consequently the north face is quite visible from the street. Consequently this structure is much more visible on the sides than if it were a lot in the middle of the block that was possibly set back a little more. That I think adds to the challenge for the design and I’m comfortable with what has been put forward as far as what the north and south massing would be. I too have no problem with a second story here but I’m not comfortable with how the second story has been executed at this point.

COMMISSIONER McFADDEN: I tend to agree with my fellow Commissioners and I would like to state as well that putting a second story on this home is not the issue. The issue is the massing of this particular design. I am uncomfortable with that two-story entryway. While I can’t find anything in our guidebook about it…we don’t address every little issue. It just, for a lack of a better way of putting it, doesn’t feel right. That is another way of saying it just doesn’t seem congruous with what’s surrounding.

COMMISSIONER McFADDEN MOVED TO DENY DRH08-00053.

COMMISSIONER BURRY SECONDED THE MOTION.

COMMISSIONER SEWELL: In regard to some of the comments I agree with my fellow Commissioners and Staff. The primary issue is with the roof forms that the applicant is presenting. Although the applicant indicated the block that surrounds this house is eclectic and one thing that might be consistent within that is that the roof forms that are displayed with the existing houses that surround this house are fairly consistent and commonly seen within the District. If the applicant can go back in and read through 5.8 in our guidelines there is some clear language there as far as what’s
appropriate and not appropriate. One thing this application does do under our 5.8.9 Use of exotic building and roof forms that detract from the visual continuity of the streetscape although it’s maybe not an exotic roof form it does detract from the visual continuity given that this block face is comprised of forms, materials and shapes that are consistently found within the District.

ROLL CALL VOTE 8:0. MOTION TO DENY CARRIES.

**DRH08-00109 / Phil Gerhardson / 1511 N. 11th Street**

Requests Historic Preservation approval to construct a one and a half story, single-family dwelling with detached garage on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

**JULIE ARCHAMBEAULT:** Presented staff report with recommendation of denial because of the lot coverage, but that is Staff’s only problem with this application. The design and materials are quite congruous; however 40% is too much. The e-mail that you have in front of you is an e-mail in support the project from Tricia Canaday who lives across the street at 1520 N. 11th Street and she has no problems with the lot coverage.

**CHAIRMAN STEVENS:** Do you have any recommendations for the applicant on how to cut so that it can be brought down to something more reasonable? Say 33% or 34% maybe.

**JULIE ARCHAMBEAULT:** I would say by shrinking the whole project. The width of the garage could be brought in a couple feet. 24 ft. is pretty standard now and most people have pickup trucks and like that length and require that length in order to get their cars in the garage. However, the house could be brought in.

**CHAIRMAN STEVENS:** Perhaps 1 ft. on each side. Have you done any calculations as to what that would do?

**JULIE ARCHAMBEAULT:** I have not. I have the calculations for the remainder of the block which I have included in your packets. No one has more than 40% lot coverage.

**SITE VISITS**

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

**PHIL GERHARDSON** (Applicant): No objections to the site visits. My goals and objectives for this project is quite simply in that it is important to me to build houses that are congruous with the neighborhood. There’s a house around 18th Street that I used as a role model in the back of my head and *(inaudible).* The thing that struck me about that house 1414 N. 18th Street is that when you walk in front of that house and you take a look at it you literally have to take a second look to determine whether that is new or old construction. To me that is a quintessential example of what I’m shooting for with this design and how I want this house to look. I have kind of an issue with some of the stuff that’s been approved in the past. I’m really working very hard not to go and make the *(inaudible)* classic infill housing which I think very much detracts from what we’re trying to do here. In addition to a very authentic Bungalow it’s important to me that I also build a high performance
house. Some of this stuff may or may not be...you folks may not be very well versed in this. A high performance house incorporates any of the latest building technologies of house, science and principals. On the outside this house very much looks like an authentic Bungalow, but if you were to analyze some of the construction techniques and some of the things that I’ve paid a great deal of attention to I think that you’d find that it is going to be a pretty impressive structure. It will dramatically energy consumption as well as water consumption. It will far, far and again exceeds some of the energy star standards which are (inaudible). In short I think this house basically accomplishes both things that I’m after. One is that it looks as if it belongs in the neighborhood. Two is some of my personal beliefs about being responsible and building a house that is very, very efficient. As far as the exterior of the house you can look there. It’s actually quite simple. The lap siding there is not cedar lap-siding. It is Hardi-Plank. From the street that would not be an issue at all. Its origin of exposure which is not that far away from what you would see in an older cedar lap-siding house. The windows are wood windows. They are a combination of double-hung basement (inaudible) windows which were again very, very typical of that era. In short I’ve done a pretty good job inside and out therefore getting an (inaudible). As far as the lot coverage issue I know a number of you folks have said that the houses in that area did not reflect that. However, I did an eccentric circle around that house and starting right on 11th Street itself, directly across the street in front of where I’m going to be building, is a house there that’s 34.8%. Directly across the street which is at 1510 N. 11th Street there is a 40.6%, 1508 N. 11th Street 36% even. Dropping down over to 10th Street I’ve got 1609 N. 10th Street at 44.9%...36.2%, 39.3%...basically the entire eccentric circle around my house has a fair amount of structures that are far in excess of 30 plus percent. This is right off the Ada County Assessor. This is not something I just dreamt up. The other issue with regard to the lot coverage and I think we have to give me a fair shake and take this into consideration and that is back in 1922 when these houses were being built they didn’t require two car off-street parking and that is certainly going to affect the percentage of the lot. If you’re going to build a garage that’s going to actually house a car is at 600 sq. ft. Basically if you go much smaller than that you’re going to park one car in there and you’re going to have your lawnmower there and your second car is going to be parked directly out in front which is exactly what I’m assuming you folks don’t want. More cars parked out on the road. I do in fact need 600 sq. ft. for the garage. Then there’s the economic side of things. You may have noticed that dirt in the North End is rare and expensive. With a 600 sq. ft. garage in order to adhere directly to this 30% figure that would allow me to build a house with an 800 sq. ft. footprint. You simply can’t pay that kind of money to build something that small. What I’ve seen happen in the past which I’m not in agreement with is what people will do knowing that you have a very small footprint so the logical choice is to dig a huge hole in the ground, do a full basement and build upward. That to me does not fit in with the neighborhood at all. From a historical perspective we didn’t have full basements. We used basements way-back-when for goal chutes and to store jars of pickles down there and not for living square footage. As well, I think we have to factor in the neighborhood. I have met with every single one of the neighbors on either side of me and in back on 12th Street and all these folks are very, very supportive of this project. In fact the truth be known they’re sick and tired of looking at a dirt lot. The Bungalow is definitely the dominant house there. These houses house the entire social fabric of that neighborhood with that porch. I tried with my architect to do the best I could to get this thing down to a reasonable size. We tried cutting the porch off. We tried trimming this. We’ve done every darn thing that we could and what you get when you start making these other modifications is an ugly house. Something that doesn’t fit the true Bungalow mode with regard to proportion and all the other stuff that I think is very important. Again, the other option is dig a huge hole, build upward and not allow a porch and something of this other stuff that’s very, very important. I hope that factors into your decision. In short I would like to summarize by saying that the house is not 40%.
It is 39.3%. The house meets or exceeds current code for all of the setbacks including off the alley. I’ve got a 12 ft. setback for my driveway. My garage has 8 ft. setbacks. Code will allow clear down to 3 ft. The house is 5 ft. and I go 5 ft. 6 inches on that. I think you could factor in some of these other things and not get so hung up on lot percentages. I’m going to build a house that not only am I going to like better but the neighbors are going love it too. My final argument regarding the lot coverage issue is basically one block away a structure has been approved and is under current construction. I took a photograph of this. This house right here is exactly one block away from my house.

CHAIRMAN STEVENS: We will enter one piece of paper with two photographs on it as Exhibit 1.

PHIL GERHARDSON: When you look at that house for the life of me…I’m not an expert on construction styles, I can’t think of a single house that looks like that North End. It certainly doesn’t look Craftsman to me and not Tudor or any of the other styles. It’s been a long time since I’ve seen an old house with green synthetic stucco on it. If you look there as well and do the measurements on that, that house is again one block away from the house that is being proposed. The lot coverage is well into the 40 percentile range. That is bigger as far as a percentage than what I’m looking at. If you compare those side by side and in talking to my neighbors who have voiced tremendous concern that initially my house was going to be that house. They are very welcoming having a genuine Bungalow and something that chews up a little bit more of the lot as far as the percentage with the trade off of not having to (inaudible). I’ll close with that.

COMMISSIONER SEWELL: In looking at the site photos it appears that the houses on either side of your lot have a greater side yard setback than what you’re proposing. Do you know what those setbacks are?

MR. GERHARDSON: From their side yard?

COMMISSIONER SEWELL: Yeah.

MR. GERHARDSON: 5 ft. 12 inches as far as I know…on the south side. The north side maybe (inaudible).

COMMISSIONER SEWELL: Maybe Staff knows. It certainly looks like they are much greater than 5 ft. 6 inches or 5 ft.

MR. GERHARDSON: They might be. I honestly didn’t measure them.

STAFF REBUTTAL

JULIE ARCHAMBEAULT: The expenses you all know are seen very little and so affects the historic integrity of the District in a very minimal way and yet allow for a lot of extra square footage. They are actually a very good way to add square footage without harming the historic integrity of the District. We don’t want to give away the porch on this house. The design of the house is great, but possibly by shrinking a percentage of each room by taking the whole thing and shrinking it down…I don’t know what the side setbacks are of the other houses on either side but I was driving down the street during my site visit and it did appear that they were larger than 5 ft. 6 inches. What’s going on behind it…what I’m concerned with is the streetscape as you drive down 5th Street. The fact is we
do have houses in the 30%’s and Staff does not feel that this property needs to 30% or lower, but somewhere closer to 33% or 34% maybe even 35% would be much more congruous with what’s going on in this neighborhood.

CHAIRMAN STEVENS: Julie, the attached chart that you made reference to didn’t actually make it into our packet. None of us have it.

JULIE ARCHAMBEAULT: Right. It’s not a chart it’s a discussion.

CHAIRMAN STEVENS: In the staff report you actually do say, “attached chart”. We’ve all been scrambling trying to find it…on Page 30 it says that. You kind of give us statistics like, “exceed the 30%, etc…So there is no chart?

JULIE ARCHAMBEAULT: Right. There is a discussion on Page 30.

CHAIRMAN STEVENS: So we’re not missing anything?

JULIE ARCHAMBEAULT: Not that I’m aware of.

COMMISSIONER SEWELL: Julie, is a detached two-car garage required for new construction?

JULIE ARCHAMBEAULT: It is. However, only 20 ft. by 20 ft. interior measurement is required.

CHAIRMAN STEVENS: Can that fit a Tahoe? I’m just putting that out there.

JULIE ARCHAMBEAULT: Probably not. Most people prefer 24 ft. by…a little large than 20 ft. by 20 ft. internal. 27 ft. is not something that you see regularly. It’s more along the 24 ft. by 24 ft.

COMMISSIONER SMITH: If you made this a 24 ft. by 24 ft. two-car garage what would that shrink the lot percentage back to?

JULIE ARCHAMBEAULT: I didn’t do that calculation.

COMMISSIONER DAWSON: My calculations tell me we need to lose 96 sq. ft. somewhere.

COMMISSIONER CHANDLER: To do what?

COMMISSIONER DAWSON: To hit that calculation.

CHAIRMAN STEVENS: To hit 34%?

COMMISSIONER DAWSON: 35%.

COMMISSIONER CHANDLER: I differ with that.

CHAIRMAN STEVENS: Let’s save this for deliberation.
APPLICANT REBUTTAL

PHIL GERHARDSON: The lot percentage thing seems to be the issue here. Again, I would beckon you to look at the big picture here. As I said, directly across the street the house there is 40%. The neighborhood...the average around there may be the low 30’s but it’s not uncommon to have something 30%. 40%...even around the corner there’s a 50% plus. I think we’re in danger of getting hung up with percentages. When we talk about trimming this house down we have to keep in mind that barring the front porch the main level of the house is only 1,088 sq. ft. and that’s not a whole bunch of platform to build off of. Carving that thing up and carving up the porch would dramatically change the continuity of that house and make those rooms very small. If you look at the interior plans those bedrooms and rooms are not big to begin with. Again, if you look at carving down the garage what we’re faced with is again, although well intentioned, the net affect of that is that something 24 ft by 24 ft is extraordinarily hard to park two cars in and get out without bashing the door into the other one. The project is scaled down to what I would consider the minimal amount and I think sticking the big picture into play what is the adverse affect in the interest of having a garage that is 27 ft. wide and you can actually park two vehicles in and get in and out of and actually store something there. The house is one and a half stories high. You’re not going to see that from the street. Go around to the back alley and we all know what North End alleys look like. It’s certainly not going to have an adverse affect there. I would just propose by again asking you to look at the big picture and thank you for your time.

CHAIRMAN STEVENS: We haven’t discussed the landscaping issue at all. In the staff report it does talk about that finding for the substandard lot ordinance having not been met because of the amount of non-organic material. Are you willing to change that?

PHIL GERHARDSON: I can elaborate on that. If that’s a point of contention then I would like to explain myself.

CHAIRMAN STEVENS: Well it is. That needs to be met to meet the letter of the law.

PHIL GERHARDSON: I spent a number of years inspecting houses. It’s very important to understand that common building practices, although common, are quite often times not ideal. With regard to landscaping and a few other things that I can think of are actually not detrimental to the overall hope of a house. I know this is stretching the (inaudible) a little bit but for a number of years I counseled people on how to keep their crawl space dry. The bottom line was that there was a ridiculous amount of people that wanted to grow lawns and all these little goodies right next to there house. When you do that the water has to go somewhere. The water inevitably ends up trickling into the crawl space. Not necessarily in the way of standing water but it moistens the dirt which raises the relative humidity and especially with this house. This is a high performance house and I’m going to be using what is called a “Conditioned Crawl Space”. A conditioned crawl space is not like a conventional space. It’s more like a miniature basement. I end up pushing air into that crawl space. I’m constantly extracting air out of that crawl space with the hope of maintaining temperature differential of no more than 5° of what’s inside the house. A normal crawl space doesn’t do that. In addition the relative humidity in that crawl space will be almost what they are inside the house which is very dry. With growing lawns and all this other stuff you are not going to be able to maintain this higher standard of relative humidity temperature differential and other things that probably don’t mean a whole heck of a lot to people who are not in the know about that kind of stuff. As I said before this is very much a performance house and there are some things I need to account
for because of that. Growing all this vegetation...there was an issue about the backyard. You can see that the backyard is behind a 6 ft. fence. The front yard there...I could do a pretty good job of planting thyme. We’ve got perennial roses. We’re going with what I consider a pretty acceptable zero scape. There’s about this much space out front where I have some (inaudible) material and that’s solely what my paper’s on because you can’t do a walking across time continuously. It’s not like a lawn that can take the beating. If you look at the front of the house there I want to be able to walk around that front porch. Pouring a concrete walk is an option and the other option is putting red bark there which attracts insects and of course every cat in the neighborhood. I would just as soon not go down that route if at all possible. If you folks have some better options for out front there to butt up against that thyme I’d like to hear it. But as far as the backyard goes there’s a lack of vegetation there for a reason and in addition several years down the road I’d like to put up some photovoltaic cells and I really don’t want any trees or anything impeding. It’s going to be an area for potential energy generation.

CHAIRMAN STEVENS: That was a very wonderful answer to what I thought would be a very simple question.

COMMISSIONER SEWELL: Julie, back to the parking issue. Page 26 of the staff report indicates that each dwelling shall provide two off-street parking spaces, but it only indicates that if there is no alley access then a two-car garage is required. It indicates that if you have access to an alley you just need to provide spaces with a 22 ft. backup space. My question is, is a garage really required or just two parking spaces?

SARAH SCHAFFER: We require two offsite parking spaces. It’s typical that they’re covered. However, I don’t believe the Ordinance requires them to be covered. That’s typically the direction we send people because it’s more historically accurate for the District than to have just a pad out back. There’s usually a detached garage off the alley of some kind. If they wanted to do a one-car garage with a pad to the side that would be appropriate.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: Just to throw some numbers out here first before anyone can elaborate. I looked at here on Page 11 and I’d like to thank the applicant for putting the lot size and the footprint and all of those numbers on there because it certainly makes things easier to work with. The few things I’ve checked on there indicate while things may or may not be to the exact square foot one way or the other but it’s certainly close enough for our purposes. What I was looking at here is what it would take to bring this down to 35% whether this is right or wrong or anything else I’m just throwing it out so that there’s a little food for thought. If one were to reduce this from the 39.3% to 35% that would take the total square footage of 1,945 to 1,730 sq. ft. If you left both the attached two-car garage and the house the same length, i.e. the dimension that is parallel to the long property line and by narrowing both the house and narrowing the garage by 3 ft. 4 inches you would achieve that 35%.

COMMISSIONER DAWSON: On each building you’re saying?

COMMISSIONER CHANDLER: Yes. Narrow both the house and the garage by 3 ft. 4 inches. That would give you 215 sq. ft. which drops it from 39.3% to 35%.
TERESA SOBOTKA: Commissioner Dawson, when you disclosed you said that the applicant used to work for you?

COMMISSIONER DAWSON: He was a professional home inspector. He did a number of home inspections…

TERESA SOBOTKA: Can you foresee…

COMMISSIONER DAWSON: He’s no longer in the business.

TERESA SOBOTKA: That answers my question.

COMMISSIONER SEWELL: I appreciated Commissioner Chandler’s calculations. It seems like from Page 11 that most lots in the North End were comprised of two 25 ft. lots and 50 ft. wide lots and here we have a situation where this lot is 7 ft. narrower than a typical one which is somewhere around 800 sq. ft. less than what a typical lot might be in that area…a 50 ft. wide lot anyways. In looking at the side yard setbacks and although I don’t know what the adjacent house’s side yard setbacks are, our guidelines do indicate in 5.5 for setbacks, 5.5.1 “Keep the visual mass of the building at or near the same setbacks as buildings on adjacent sites. 5.5.2 “Maintain the spacing of side yards and fit the new building within the range of yard dimensions seen within the block”. I think that there’s some…I see an issue there with what’s proposed. I want to get back to my comment about the garage. We’re looking at two off-street parking spaces that are required not necessarily a two-car garage. In looking at the site photos it appears that there’s a mix of single-car garages, carports and that on the alley. I tend to agree with Staff that the lot coverage does need to be brought down.

COMMISSIONER CHANDLER: I concur with Commissioner Sewell. We have considered lot coverage percentages that exceed what is in our guidelines. Most of the time we are dealing with an existing structure that provides significant constraints. As to options on how to deal with an addition this is a situation where there’s a clean slate or a dirty lot or whatever the case may be, but it can be…there are no constraints as far as how the design can be put together simply from the existing structures because there are none. Therefore even though at times I have felt that it was very easy to justify exceeding what’s in our guidelines. As far as a percentage I do feel as though we have to pay serious attention to what is in the guidelines and that going up to 39.3% is not something that can be justified just simply because it’s a nice design and the design works, etc…, etc… It is something that we have to pay more attention to in this case because there’s no existing structure.

COMMISSIONER CHANDLER MOVED TO DENY DRH08-00109 BASED ON THE EXCESSIVE LOT COVERAGE OF THE PROPOSAL.

COMMISSIONER BURRY SECONDED THE MOTION.

COMMISSIONER SEWELL: Given that Staff seems to recommend approval over the basic overall design I wonder if an option wouldn’t be to perhaps discuss an approval of the application with sitting the limits on the lot coverage and that be worked out with Staff.

CHAIRMAN STEVENS: I concur. The applicant should be applauded for what is truly…as you not so humbly stated yourself, probably one of the better infill designs we’ve seen in this District. I
agree with my fellow Commissioners regarding the lot coverage issue completely, but I’m reluctant to deny it outright when I think a solution could probably be worked out at the Staff level particularly considering Commissioner Chandler’s calculations. It probably sounds like a lot to the applicant but in the overall scheme of things taking 1 ½ ft. or a 1 ft. 7 inches off either side to achieve that seems to me like a workable solution and I’d like to give the applicant that option. Of course if we do move in that direction and approve it with that condition he of course is always welcome to not do it. I tend to agree with Commissioner Sewell that this is something we should pursue. That being said, I’m also concerned about the landscaping issue and I would like to see that if we do see a substitute motion come forward I would like to see something in that motion about working with Staff to deal with the landscaping issue. I’m not comfortable waiving it which I know we as a Commission do have a right to waive that part of the Substandard Lot Ordinance. What’s missing in the staff report is basically what the requirement says, “Up to 25% of the entire landscaped area can be hardscape”. What we don’t have in the analysis is what percentage is proposed to be this perma-bark rock mulch or this non-organic material. I’m not clear on what that is. I would look to my fellow Commissioners about a way to deal with that. I understand and I appreciate what the applicant is trying to do and I’m in favor of the water we’ve talked about…environmental things that people have brought before us…very environmentally friendly good designs and we still haven’t come to a conclusion on how to reconcile those things. The historical appropriateness of things versus these other goals that some people have. I’d look to the rest of you but I think we do need to deal with that. If we go with a denial then it’s dealt with. If we move with a substitute motion I’d look to the rest of you for your creative ideas on how to handle that.

TERESA SOBOTKA: If you’re going to go with a substitute motion you have to ask the applicant if he’s okay with that.

CHAIRMAN STEVENS: He’s welcome to not meet the conditions that we put on an approval and just not do it right?

TERESA SOBOTKA: He has a right to have you rule on the application that he has submitted. If he disagrees with you then he can appeal it through the system. The way that you’re doing it makes it very difficult for him to appeal through the system because you approved it with different conditions. I guess he could appeal the conditions?

CHAIRMAN STEVENS: People have done that before. They’ve appealed our conditions before.

TERESA SOBOTKA: Okay.

CHAIRMAN STEVENS: Anyway it hasn’t happened yet so it might be a moot point. Right now we have a motion with a second to deny.

COMMISSIONER CHANDLER: As maker of the motion I would have no problems supporting a substitute motion as it’s been dealt with. I’m also concerned about the landscape issue and I’m not really sure how one deals with that given the circumstances. We’re looking at possibly a substitute motion to be made that would deal with that appropriately. I’m not sure how that would be done.

CHAIRMAN STEVENS: Maybe the motion would say that he needs to meet that condition of the Substandard Lot Ordinance and that’s that.
CHAIRMAN STEVENS: Right now we have a motion on the table for denial. Is anyone wanting to offer a substitute motion or are we going to have further discussion on this and vote on it?

COMMISSIONER SEWELL: In Legal’s comment I guess I would ask to reopen the public hearing and ask the applicant if they would…knowing where we’re headed if they’d be willing to reduce the lot coverage and meet the landscape requirement.

PUBLIC PORTION REOPENED

CHAIRMAN STEVENS: Have you followed what we’re doing?

PHIL GERHARDSON: Yes.

CHAIRMAN STEVENS: What we’re looking at here is we have a motion to deny your application and we are discussing the option of approving it and putting a condition on it that you do bring it down to a 35% lot coverage. Legal has advised us to allow you to tell us your opinion on that.

PHIL GERHARDSON: I genuinely do respect the fact that you guys want to keep this a historical district and maintain continuity and whatnot. Again, for a number of reasons, as I said before, if it’s not going to work on this particular lot…I guess if we’re both going to state those things like lot coverage, size of the garage and this and that and the other thing then why one block over are we approving a house that has an excess of 40% on top of that? That house to me doesn’t look as if it even belongs in the historic district. What I would like to do is get some rationale as to why is it appropriate one block away versus…

CHAIRMAN STEVENS: Unfortunately, we’re not here to discuss that application. What we’re trying to ask you is would you prefer us to move in the direction of taking a vote on the denial motion that’s in front of us or would you prefer a motion to approve…we don’t know how we’re going to vote yet, but with the condition that we bring the lot coverage down.

PHIL GERHARDSON: I would like a vote on the application as it stands.

COMMISSIONER SEWELL: I would like to clarify that although lot coverage is an issue an additional issue is the setbacks and that the applicant does not appear to present a project that represents the range of side yard setbacks within the block face. To respond to his comments on some of the other projects that are within the District and the style of those. I don’t believe that our guidelines set out to create new projects or additions that replicate or mimic historic structures. Perhaps that project that he mentioned a block away adhere to the guidelines in providing form, setbacks, materials, and orientation that are consistently found within the District although it doesn’t clearly mimic any kind of historic style.

COMMISSIONER DAWSON: What’s interesting is Commissioner Sewell’s remarks concerning and we have to keep in mind too that this is a substandard lot so it doesn’t have…we can’t give it the generous side setbacks that the 50 ft. or 75 ft. lots would typically have in this area.

COMMISSIONER McFADDEN: I’m going to support the motion. However, I do want to say with some reluctance because of the design and this particular design far better serves the neighborhood
than the math does on lot coverage. Unfortunately we have to go by our guidelines and when we’re this far off…I was hoping the applicant would be willing to and maybe he has tried to bring it down a little bit. I do want to commend the applicant for this design and hope that if they go back to the drawing board they use their sensibilities that they used on this design.

CHAIRMAN STEVENS: I’ll go ahead and mimic that. The Commission has shown some willingness to move in a compromising direction as well because our guidelines do say 30%. It sounds like we came to a consensus that we were willing to go to 35% considering the limitations that this lot posed. I agree with Commissioner McFadden. If somebody wants to build a project it will be built.

ROLL CALL VOTE 6:1. MOTION CARRIES WITH COMMISSIONER SMITH VOTING AGAINST.

DRH08-00067 / Susan Graham and the North End Neighborhood Association, Inc. (NENA) / 1102 W. Hays Street
Appealing a staff level approval for a temporary parking lot on property located in an R-3HD/CD (Multi-Family Residential with Historic Design Review in a Conservation District) zone.

SARAH SCHAFAER: This application before you is an appeal by Susan Graham and the North End Neighborhood Association on the YMCA’s request to place a temporary offsite parking lot on property located at 1102 West Hays Street which is located in an R-3 HD CD District which is a Multi-Family Residential with Historic Design Review and Conservation District overlay which means it has a lot of different regulations. The application property is located between 11th and 12th Streets and between Hays and Fort. The portion of the site that is within the Historic District is this northern portion. They’re also proposing to develop this portion of the block as well with temporary offsite parking. I’m going to go through some site photos first so we’re all familiar with the area. This is standing on the middle of the site on the paved alley looking towards the north so you can see the homes on the north side of Fort Street and a portion of the vacant lot which will be developed into the temporary parking. These are the other homes across Fort and the remainder of the vacant lot. As you can see there are currently “No Parking” signs up so that we’re not getting any parking on this portion of the lot at this time. You can see the development of the multi-family residential on the block adjacent. This is a single-family structure that is south of that multi-family. This would also be west. The church that is looking towards the south of the structure and this is the remainder of the block which would also be developed as temporary offsite which is not a portion of the Historic District. This is the site. It would be all of this that would be developed. Looking at the intersection of 12th and Fort. Looking west along the alley. This is just to show that there’s currently (inaudible) in place. There are overhead utility lines. There’s no site lighting currently at this location. However, there is site lighting on…the portion of the block not being developed is temporary offsite parking. It currently has a paved parking lot on it. It does have vegetation and lighting for the property. This is looking at the intersection of 11th and Fort. This is looking south on 11th Street. Looking at the proposal of the applicant they are looking at constructing a temporary offsite parking lot. It will be placing parking off of the alley as required by ACHD. Any time we have a gravel lot they do require a 30 ft. apron for driving so that hopefully that gravel is left on that 30 ft. apron and not within the public right-of-way. So at the locations where we’re entering the site we have those portions of pavement as would be required by the Ada County Highway District parking. They are looking at saving an evergreen that’s not in
very good condition, but it’s one of the only ones contributing on the site. They also have one here that is completely overgrown and it’s not in a healthy condition. Staff is recommending approval to remove so we can get spaces in there. As part of the application they’re looking at putting in perimeter landscaping along with the irrigation to maintain that landscaping. They’re will be some site lighting that would be involved with the application as well as wheel restraints. This drawing looks a little bit at how the site drainage would work. Because they are putting in gravel there’s a lot less concern. If it was paving there would be a lot more information on the sloping of the pavement and how all of that water would be treated. Because this was an appeal of a staff level decision this hearing tonight is open for discussion on everything. The Commission gets to make their own Findings in regards to the application. Staff reviewed the application for you as a change in use application. When looking at a change in use in the Historic District there are two Findings that you need to make. The first Finding is that the request supports the Boise City Comprehensive Plan, goals, objectives and policies that are contained in the Chapter 5 which is the Parks, Recreation and Cultural Resources and the applicable Neighborhood Ordinance. The objectives of Chapter 5 for the Boise City Comprehensive Plan relating to Historic Preservation are:

Objective 1: Identify, study and designate the City’s Historic and Culturally significant buildings and sites.

Objective 2: Protect, enhance and preserve Boise’s designated Historic landmarks, properties and districts.

Objective 3: Promote public understanding and appreciation for Boise’s Historic heritage.

Objective 4: Coordinate with other government entities, private groups and persons to integrate historic preservation and urban conservation into Boise’s Comp Planning process.

Staff believes Objectives 1, 3 and 4 are not relevant to the proposed use of the property. However, the use of the property located at 1102 West Hays is not in conflict with the Boise City Comprehensive Plan. The property is proposed for a temporary parking lot and the lot is non-contributing as there are no structures on the property. The property will be enhanced through the addition of perimeter landscaping and irrigation as part of the recommendations to City Council through this Conditional Use Permit which Staff has provided you copies of. To step back a little bit from this application, this application is also going through a special use exception through the Planning and Zoning Commission up to City Council. On a special exception the Planning and Zoning Commission only makes a recommendation to City Council who gives the final approval on a project. That does not come from the Planning and Zoning Commission. As part of that in our Ordinance we require that before any approvals of any other application are given that the Certificate of Appropriateness be issued. Therefore, we are here tonight to issue the Certificate of Appropriateness prior to this application going to…to issue it or not issue it based on what your recommendation is prior to this application going to City Council. As part of that recommendation the Planning and Zoning Commission has recommended conditions of approval. One of those recommended conditions of approval to City Council is that the perimeter landscaping be maintained once the temporary parking lot use is removed. As part of the removal of that temporary use you will see the removal of the wheel strips as well as the removal of the on-site lighting for the parking area. The second finding that the Historic Preservation Commission needs to make in regards to the change in use application is that the request will be congruous with the historical, architectural, archeological, educational and cultural significance to the District. If the
offsite temporary parking lot were to be a permanently improved surface parking facility. Staff believes the request would be incongruous with the District as it would provide permanent improvements that would conflict with the adjacent residential properties. Because the property is of temporary nature for the facility the conditions to remove the improvements which would denote the area as parking and the installation of perimeter landscaping that would be required through the Condition Use permit or through the Certificate of Appropriateness, Staff believes that the temporary request for parking would be congruous with the District and that the landscaping would provide some screening of the parcel which is currently not there as well as improvements which would help the neighborhood. Currently the vacant lot is more detrimental to the Historic District than the proposed use which would add some vibrancy to this specific parcel providing additional foot traffic to the neighborhood allowing some additional visibility of the area. Upon final development of the lot the structure will be of new construction which will be required to go through the public hearing process and through approvals with the Historic Preservation Commission. Staff is anticipating that the area will be developed as residential units which would provide additional life and vibrancy to the area. Furthermore there are currently no development application proposals into the City for development of this property. The temporary use would not hinder any future permanent uses that could go on the property. Staff believes that the applicant has met the requirements for the change in use findings as set forth in our Ordinance. Additionally this application is before you because it is an appeal item. The items that the applicant has submitted for appeal is that Staff’s determination is clearly in err and is a form of favoritism. There was no memorandum submitted as part of this appeal so Staff had to analyze this ground for appeal fully on the sentence that the applicant has submitted. Staff believes that the determination for the Certificate of Appropriateness for the lot would have been different if the lot was a permanent lot. However, because of its temporary nature and the fact that it would bring some vibrancy to the neighborhood by additional pedestrian circulation in the area Staff does believe it would be beneficial to the neighborhood. In evaluating the change in use, who the applicant is, is irrelevant. We don’t look at who the applicant is to make our determination on whether a project is approvable or not. We base that off the findings and the guidelines we have in place. Staff is unsure of how the approval of the temporary parking lot would show any form of favoritism. The second ground for appeal was that the determination is arbitrary, capricious and violates Boise City Codes 11-02-06.4, 11-02-06.5, 11-02-08 and Boise City Code Section 2-18-9 and is unlawful delegation of the legislative authority to the City applied City Council. No additional information was submitted by the appellant on this item. Staff starts her analysis with information from Idaho Code. It gives the City Council the authority to establish Boise City Code 2-18-9 allowing us to establish the Historic Preservation Commission as well as the Ordinance to guide the decisions of the Historic Preservation Commission. Staff has also submitted additional information which talks about what the governing body is made up of and to recommend ordinances and otherwise provide information for the purpose of historic preservation to the County or the City government bodies. I have also gone through and cited the section which they believe we are in violation of. Staff believes Boise City Code allows for some applications to be given to Staff and to process the decision matrix was adopted by the Historic Preservation Commission and the City Council, but it does not address the longer term temporary uses. It does state that seasonal uses may be processed at the Staff level. Even if the Commission believes that they should have been the decision makers on this application this application is now being brought before you for a determination and because it is a fully new hearing you do have that ability now. Therefore, the appellant will have full due process and the opinion of the entire Commission will be taken into consideration. A third ground for appeal is that the proposed use is illegal and is a form of spot zoning and is prohibited by the Idaho Land Use Planning Act. Though the use is not outlined allowed by the Zoning Ordinance, Boise City Code
11-06-08 does allow for special exceptions. Additionally this zoning issue will be taken up by Boise City Council. The fourth ground for appeal is that the process employed by the City violates due process of law. Staff cited Boise City Code Section 2-18-9 C, which states that some applications can be processed at the Staff level and any changes in zoning classification or change in use shall be issued a Certificate of Appropriateness. Prior to any final decision being made on a special exception as Certificate of Appropriateness will be acted on by this Historic Preservation Commission. Also when Staff issued their decision to issue the Certificate of Appropriateness a radius notice and a notice of decision was sent out per the Boise City Code. I have included a copy of that in your documents. It states that when the appeal period ends…which is how we had actually received the appeal and this document. Staff has complied with all due process requirements of the Boise City Code. In conclusion Staff believes that the application for the temporary offsite parking lot does meet the change in use findings that are set forth in Boise City Code and that the appeal should be denied based on the fact that there were no errors made by Staff and that Staff did follow due process and that the use proposed for the lot is not illegal.

COMMISSIONER DAWSON: Who actually owns this property? We don’t have an affidavit of interest in our packet.

SARAH SCHAFER: The property is actually owned by the church and they have signed an affidavit of legal interest to allow the YMCA to process the application on the site.

CHAIRMAN STEVENS: I have a question about your report in regards to whether or not this is a permanent versus a temporary use? Your statement in the report, as well as just now, is that if this had been a permanent request that it would not be congruous. With a permanent use it’s still the same use so I’m not sure what your objection is to a permanent use that you don’t have the same objection as a temporary use.

SARAH SCHAFER: A permanent use would take away the ability for this parcel to ever be utilized as residential which is what we’ve always perceived for this area. Because we currently don’t have any development applications in the process to provide that residential use in this area, allowing the property which is currently weeds and bare dirt to be utilized as a temporary parking lot with conditions and with improvements being made to the site…Staff felt that was very appropriate. It wasn’t taking away further development that maybe a more permanent parking lot with asphalt, paving and drainage would.

CHAIRMAN STEVENS: So it’s not the parking that you’re objecting to?

SARAH SCHAFER: It would be the temporary versus permanent nature of the parking that I stated I’d be objecting to. The more permanent asphaltting or concreting would be a concern in taking away that additional development that may come down the line.

CHAIRMAN STEVENS: So it would be the rezone you’d be objecting to…if it was permanent it would be basically rezoning it…correct?

SARAH SCHAFER: I believe with all the ordinances that are in place we would have to rezone it and use the ordinance amendments to allow a permanent parking lot in this area.

MS. SOBOTKA: Rezone is Planning and Zoning and you folks for the change in use.
CHAIRMAN STEVENS: I’m trying to understand how temporary parking is congruous but permanent parking isn’t.

MS. SOBOTKA: I’m fine with that, but you jumped over…

COMMISSIONER SEWELL: Sarah, if this temporary lot is approved then would that whole block section become parking?

SARAH SCHAFER: That is correct. This whole block for the temporary term of the parking would all be parking.

COMMISSIONER SEWELL: Does the YMCA have plans in place to provide…it looks like there are 122 stalls that they’re adding. Are there plans to construct some kind of parking facility?

SARAH SCHAFER: The reason this application came forward is because the offsite parking lot the YMCA currently has approval to use is owned by the Boise Cascade building. They are in the process of constructing a parking structure. In order for them to build the parking lot they have a surface lot which they have to move their employees from and take back the lease on this property for the duration of the construction of the parking structure. Therefore, displacing the YMCA’s offsite parking…and the need for the YMCA to find some temporary use. That’s why it’s just for the shorter term. Once the parking structure is built the YMCA can have their current offsite parking lot back and the temporary lot can go away. That’s how the YMCA came to need to find some offsite parking.

CHAIRMAN STEVENS: In reading through the P&Z hearing and the things that they outlined one of the things that they said was that the YMCA needs this offsite parking to operate or something along those lines. It wasn’t too terribly long ago that the YMCA only had the parking lot that’s adjacent to the structure that the YMCA operates in. When there was temple across the street and they didn’t have that lot and it was only a few years ago that they started using the Boise Cascade lot. I’m curious from a City standpoint is there...am I hearing you say that if they don’t have offsite parking they have to shut down or aren’t they because it’s grandfathered in or does it have to comply with some sort of parking requirements that I’m not aware of? It didn’t before so I’m curious.

SARAH SCHAFER: I am unsure as to how or why they came about using the lot that belongs to Boise Cascade. I don’t know if it was a requirement of the City that they find additional parking to be able to actually support the needs of their facility or if it was something they did voluntarily. I don’t know how that came about. It is my understanding that the City does have concerns with the fact that if we can not find additional offsite parking that there are going to be problems with the use of that structure. I don’t know exactly how that is supposed to be working out at this point.

COMMISSIONER SMITH: Is the lot only going to be used by employees of the YMCA or is it to be used by patrons also?

SARAH SCHAFER: It’s supposed to be used by both.
COMMISSIONER SMITH: Is the lot going to be used on Sunday by the First United Methodist Church?

SARAH SCHAFER: It is not supposed to be. It is supposed to be solely used for the members of the YMCA.

COMMISSIONER SMITH: Is there any chance of it being used by students of Boise High School to park?

SARAH SCHAFER: It’s not supposed to.

COMMISSIONER SMITH: Is there going to be any enforcement?

SARAH SCHAFER: That’s something that the Planning and Zoning Commission debated quite a bit. Staff has actually spoken with the applicant a lot about different ways that they could do reinforcement. I do believe they are going to have a YMCA staff member patrol the area and try to make sure that it isn’t students that are parking in the area and that it’s not church members that are parking in the area. We tried discussing ideas like tags so that if you didn’t have a tag in your window then they’d know it wasn’t a YMCA member however, because there were a lot of protocol issues with that as well. Do you require them to walk over to the YMCA, grab a tag, walk back to the parking lot, put the tag in and walk back to the YMCA to workout…walk back and forth? Do you just issue that to certain members because then you have to over issue? There were a lot of problems with how the tag system would actually work and be something that would be productive for the area.

COMMISSIONER DAWSON: The little blank space over there in the lower left hand corner is currently a parking lot and that belongs to the church…does it?

SARAH SCHAFER: That is correct.

COMMISSIONER DAWSON: How do they monitor who goes there and who doesn’t go there?

SARAH SCHAFER: I don’t know how the church monitors that. All I know is that when I was out today I saw that they had a sign that was for the church parking. I’m not sure that they monitor it would be my guess.

COMMISSIONER BURRY: How long is the temporary use?

SARAH SCHAFER: The Ordinance allows for a possible two-year use with three one-year time extensions. However Condition of Approval number 2. recommended from the Planning and Zoning Commission to the Boise City Council is a term of 15 months from the date of Council’s approval or until the time that alternative parking becomes available whichever is shorter.

COMMISSIONER BURRY: If within that 15 month period a project came in line with that could that effectively bump that out…do they have rights to 15 months no matter what?

SARAH SCHAFER: My understanding from this Condition of Approval is something that City Council could always change but the intention is that its 15 months period. There’s no time
extensions allowed and that’s what you get. However, they could always go back to the Planning and Zoning Commission or City Council for the request.

COMMISSIONER BURRY: For the time extension?

SARAH SCHAFER: They could go back to City Council and ask for the extension.

COMMISSIONER BURRY: Could we give a recommendation to City Council?

TERESA SOBOTKA: This is frustrating because there are apples, oranges, pears, apricots and all sorts of things here. You really need to focus on the apple which is the change in use for the Historic District. Now regarding the question and condition though you bring up an excellent question because Staff just said, “Go with what Planning and Zoning said”. If you feel this is a change in use and in doing that you have to look at what you mean by temporary use and do you feel what would be congruous if anything. In deciding what’s congruous if anything you need to look at what conditions you would put on. Maybe you would say a 3-day approval…I don’t know. You’re having to look at change in use and what conditions you feel are appropriate. Planning & Zoning Conditions…she’s telling you what Planning & Zoning would recommend to City Council. You get to decide yourselves if the change in use is appropriate at all and then deciding it would only be appropriate with the following conditions where put on. You may agree with what she recommended…you may disagree.

COMMISSIONER CHANDLER: Assuming that this moves forward and it’s approved for 15 months and in 15 months this, for whatever reason, comes back in to be approved again…an extension…would it go through the exact same process as far as through the various Commissions? Would we be hearing it again under the same circumstances or is an extension going to be something that just follows into place.

TERESA SOBOTKA: Again, that depends what conditions you put on it. If you just say follow whatever conditions Planning & Zoning does then it probably would just follow in place. If you say we’ll only approve this for 15 months and then if they want extensions then they’d have to come back to you. The Code says that you’re actually first in line. Any change of use has to come to you first. That’s the reason it’s critical for you all to decide whether you want to agree with the change in use and what conditions you’d want to put on before it ever went to City Council at all. You can go first it just happens that they held the recommendation first but in actuality you have to be first.

COMMISSIONER CHANDLER: It was stated earlier that the United Methodist Church is not planning on using this on Sundays under any circumstances?

SARAH SCHAFER: They are supposed to be. It’s supposed to be a temporary offsite parking lot for the YMCA.

COMMISSIONER CHANDLER: So there would potentially be some sort of physical restraints put in place so it doesn’t become a defacto church parking lot on Sundays?

SARAH SCHAFER: I don’t know the YMCA’s hours, but if the YMCA is open on Sundays then they’d utilize the parking lot.
CHAIRMAN STEVENS: The church has its first service at 9:00 and the YMCA doesn’t open until 10:00.

SARAH SCHAFER: We could put a condition in place for that.

CHAIRMAN STEVENS: Since I happen to belong to the YMCA I know their hours. I’m there a lot. I wanted to ask Sarah and I hope you don’t take this as argumentative...I understood your argument on it but I didn’t know where it came from with regard to the Comp Plan. On Page 10 you talk about the vibrancy and life to the area with pedestrians walking through the neighborhood to get to the YMCA…I’m just wondering if there’s any place in our Comp Plan that comes from or if that was something that you think or is it based on something that I don’t see in our Comp Plan.

SARAH SCHAFER: Objective number 2 in our Comp Plan under Chapter 5 was to protect, enhance and preserve Boise’s designated landmarks, properties and districts. Staff felt that with some kind of use in that area and providing the pedestrian circulation to the area that would come from people walking from their cars to the YMCA and back. People stopping and chatting that it would help enhance that area a little more than just a blank site. That was Staff’s determination and thought process for saying that it did meet the Comp Plan.

COMMISSIONER SEWELL: So Boise Cascade currently owns the lot that the YMCA uses and they have plans that are in place going through the process to put in some kind of…

SARAH SCHAFER: They’re about to if they haven’t already obtained a building permit.

COMMISSIONER SEWELL: Once that project is complete then the YMCA gets to utilize that parking as it does now…the same amount of stalls?

SARAH SCHAFER: That is Staff’s understanding.

COMMISSIONER SEWELL: You also mentioned that the temporary lot…the timeline…you indicated something about the applicant can see alternative parking locations?

SARAH SCHAFER: That they can seek alternative locations for the temporary lot?

COMMISSIONER SEWELL: Let me step back for a second. I guess my concern with putting a temporary lot here is that it’s primarily a residential neighborhood and that there are a number of surface parking lots south of the YMCA…I’m not sure who owns them or what their hours of operation are but those are more appropriate locations for cars than on Hays and Fort which are already fairly busy. My question was whether or not any other alternative locations had been looked at?

TERESA SOBOTKA: Planning & Zoning did look at other ones and you’re welcome to review their minutes if you so desire. Whether there are alternatives out there are not before you. It’s just simply where you can get this application. There may or may not be alternatives that work for them or don’t work for them. That’s their problem. Your job is to see what works in historic preservation.
Commission Disclosures

COMMISSIONER SMITH: I am a member of the YMCA. I know Mr. Erstad from Lacrosse but we have never discussed this issue and yes I can be fair. I have also driven by the lots four times a day for months.

COMMISSIONER BURRY: I was a member of the YMCA. It seems like I joined and then I never go. I have not talked with anyone about this. In fact, I’m embarrassed that I know so little about it. I can absolutely be objective.

COMMISSIONER MCFADDEN: Like Commissioner Burry I am a member of the YMCA and never go. You always go (referring to Chairman Stevens). I do know Cliff. We worked together. I helped consult a little bit on a project we did together. That was a couple years ago. I feel like I can be completely impartial as I know very little about the issue. I can be impartial but understanding the issues is another matter. I have not spoken to anybody about this particular application.

CHAIRMAN STEVENS: I’m a member of the YMCA and that’s the easy one. I also used to sit on the Board of the North End Neighborhood Association and chaired the Historic Preservation Committee of the North End Neighborhood Association. I want to say I was a member of that board from 2002 until 2005. In addition to that, my husband works with the current President of the North End Neighborhood Association Board which doesn’t have any impact on anything other than I want to disclose it for the record. I have not had any discussions with that President, but so it is. I actually testified in front of Planning & Zoning back in, whatever year it was that this came before Planning & Zoning. I’m not entirely sure if I testified in front of City Council regarding the structure that was proposed for that lot by the Church. All of that said I do believe I can be fair and objective in this situation. I think it’s a very different situation than we were facing back in 2003. I feel I can be fair and objective but I look to my fellow Commissioners to make a motion allowing me to participate in tonight’s hearing.

TERESA SOBOTKA: What about the fact that you’re a regular member of the YMCA…does that affect you in anyway?

CHAIRMAN STEVENS: I would say that my equal participation in both sides makes me about as fair and objective as a person can get. I don’t feel that impacts my opinion. In fact I feel very unopinionated about this.

TERESA SOBOTKA: You haven’t talked to anybody on either side?

CHAIRMAN STEVENS: I have not.

COMMISSIONER CHANDLER MOVED TO ALLOW CHAIRMAN STEVENS PARTICIPATION IN THE DISCUSSIONS AND VOTE ON THIS ITEM.

COMMISSIONER SEWELL SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.
COMMISSIONER CHANDLER: My family is members of the YMCA and I wish I used the YMCA a lot but I don’t. My wife is an employee of the YMCA as a preschool teacher. She knows absolutely nothing about this. I’ve not discussed it with anybody at any point. I do feel like I can be impartial as far as the discussion on this. I’m very familiar with the property having driven by it for years and drove by it again just yesterday. I’m familiar with the variety of the people involved and do feel as though I can be impartial.

TERESA SOBOTKA: Your wife receives money from the YMCA?

COMMISSIONER CHANDLER: She is a preschool teacher at the YMCA and she does not know anything about this application. The reason I can state that is not because I’ve asked her but because I know if there were a parking issue that was to come up she’d tell me about it if she knew anything.

TERESA SOBOTKA: I need to tell you that if her financial interests are tied to the YMCA that probably puts you in a direct conflict of interest.

COMMISSIONER CHANDLER: She hardly gets paid anything.

TERESA SOBOTKA: There are many types of conflict of interest but the most direct one that can catch you is if someone from your family is receiving financial benefit. It does greatly concern me. You can decide if it is de minimis and if you do decide its de minimis you need to really articulate it because I think you’re on the line here.

COMMISSIONER CHANDLER: I have no problem recusing myself from it. I would like to participate in the discussion but either way it’s not a problem. The last thing I want to do is to have it be an issue as far as the decision that’s made here. I would have absolutely no problem recusing myself if that is the recommendation of council.

TERESA SOBOTKA: Unfortunately it is the recommendation.

COMMISSIONER CHANDLER: I’m recused.

COMMISSIONER SEWELL: I am a member of the YMCA and I go. I bike and drive. I knew nothing of this project. I must say I’ve never had to utilize the adjacent lot across the street so the outcome of tonight’s hearing and this application will not have any bearing on my use of the YMCA or anything like that. I have had no contact with anyone in regards to the application.

TERESA SOBOTKA: Does that fact that you are a member of the YMCA and use it regularly influence you in any way.

COMMISSIONER SEWELL: No.

COMMISSIONER DAWSON: I’m not now nor have I ever been a member of the YMCA. I have no acquaintance with anyone who belongs to the YMCA except my fellow Commissioners…who some use and some don’t. I don’t believe that I’ve spoken to anybody about this issue. I did go to the site and look at the ground. I did look at the yellow tapes around there. I don’t feel that there’s any issue as far as my being fair in determination.
MICHAEL JONES (Attorney representing Susan Graham and the North End Neighborhood Association): We come here because the neighborhood has an issue. I’ve listened to the disclosures that everybody has made and I’m going to ask you to rethink your disclosures because I’m not going to tell you what I’m going to do because I filed suit today against the City of Boise to stop this project. I talked to counsel and we’re going to go ahead with this hearing. I’m here mostly for a special appearance to preserve the record on appeal if this administratively goes forward. If you think you have any conflicts and don’t want hear this, this is the time to recuse yourself because it may become an issue on court review.

COMMISSIONER SMITH: Why’s it going to be an issue?

MICHAEL JONES: Because I might make it an issue.

COMMISSIONER SMITH: That’s not my question. Tell me why it’s an issue.

MICHAEL JONES: I’m just asking you to…

COMMISSIONER SMITH: No. You just said something to the Board. I want an answer as to why it’s an issue.

MICHAEL JONES: Because I’m taking you at your word that you can be fair and impartial. That’s not been demonstrated to me yet by the City of Boise and that the City of Boise, in this process, can be fair an impartial.

COMMISSIONER SMITH: We are an independent board of citizens last time I checked. If you want to make a statement that we are not impartial I would like specifics please. Otherwise, I think you need to withdraw your statement because it’s improper.

CHAIRMAN STEVENS: We’re not in court. I know we have two lawyers that want to do that…

MICHAEL JONES: I’m making my record for an appeal and that’s my job. It’s not here to be argumentative. It’s to present my case.

TERESA SOBOTKA: The Chair asked you if you had any objections. Do you have any objections?

MICHAEL JONES: At this point and time with the Commission disclosures I have no objections. I’m just asking if you have any objections and have further disclosures then please do so. Based on what I’ve had before me I have no objections to the Commission being fair and impartial. Again, I’m here not to be argumentative but here to protect the neighborhoods and the historic districts within the neighborhoods. This is not an issue about the YMCA. This is not an issue about the First United Methodist Church and parking in the Near North End Conservation District. This is about process and due process within the City of Boise. This application is unlawful and it’s a special exception. This is in the Near North End Conservation District where parking lots are prohibited. It’s a prohibited use. There’s no temporal timeframe on it. It is a prohibited use. It’s not a special exception. Under Idaho Code special exceptions are only allowed when there is a conditional use approved for that area or allowed. Parking lots in the Near North End Conservation
District of any duration are prohibited uses...unlawful use...illegal. Second point is that the YMCA is requesting a variance for the 600 ft. setback continuancy area for the parking lot which is not allowed by Idaho Code as a variance. Not one of the delineated items for a variance so it is again an unlawful use. Unlawful application...we believe that this undue form of favoritism and that this came and pressure or influence was applied from the Mayor’s Office to the Planning Director to accept this application after he had originally rejected it. Discovery will determine the true nature of that. The determination that the City has made is arbitrary and capricious. They said it was a special exception. They, in our opinion, purposely went through the special exception process to avoid this coming to the Historic Preservation Commission first. City Code says this application should have been before you first. The Certificate of Appropriateness first did not happen. It only came to you for a hearing based upon the appeal. Planning & Zoning in their determinations which has no jurisdiction over historic appropriateness made a finding of fact and determination that this would be a staff level determination. That’s wrong. So we’ve got a process that’s out of character for what I understand the City’s policies, statutes and ordinances to be. It violates due process as outlined in Boise City Code as far as the notice requirements go. The mailing to the North End Neighborhood Association was misaddressed and misdelievered.

COMMISSIONER SMITH: And the harm was what? You keep saying...making very broad statements about violations of due process, arbitrary and capricious...what’s the harm? We’re here. Make your presentation. I would like to hear something on the merits instead of...

CHAIRMAN STEVENS: Let’s let him finish and we can ask him specific questions.

MICHAEL JONES: As I say I’m trying to lay the record out for my administrative review and court action Mr. Smith.

COMMISSIONER SMITH: I understand that, but we’re here to make a decision not your record.

MICHAEL JONES: I appreciate that.

CHAIRMAN STEVENS: He has 20 minutes so let’s let him have his 20 minutes.

MICHAEL JONES: I do not have to demonstrate harm at the Historic Preservation Commission. All I have to demonstrate is not an allowed use in the Historic Preservation Commission. It doesn’t satisfy the Historic Preservation Commissions guidelines, policies, and practices that a Conservation District of the Near North End is encompassed as part of the Comprehensive Plan and prohibits this type of use within the neighborhood. It is detrimental to the surrounding neighborhood. Parking is not an allowed use. We’re going to have offsite drive-thru through the neighborhood that it’s going to be impacting. The traffic analysis is inadequate at best. I cannot find it in the record. It’s cited by ACHD but I’ve not been able to find it in the record. The harm is that it’s going to be detrimental to the Historic District and the process that the City’s employed by circumventing Historic Commission review after they’ve already had it through Planning & Zoning it’s going to be detrimental to all the rest of the historic districts. The special exception, particularly when it can allow prohibited uses is detrimental to the neighborhood. This would allow any type of use upon a finding that there’s no harm and citizens can’t afford that. They can’t afford to hire attorneys to review every application that comes before the City. With that in mind on my determination I believe the Findings of Staff are clearly erroneous. It’s a prohibited use. The determination is arbitrary and capricious because of how it is being processed. It’s a form of spot
zoning because it allows a use that otherwise wouldn’t be allowed within the zone. It’s allowing a parking lot where a parking lot is not allowed by code. It’s allowing a use for a special use for a special agency which is, “good for the community” which we don’t know what that means because there are no standards in place by City Code. It’s clearly illegal. It’s not a special exception…it’s a prohibited use. It’s not an appropriate use for a historic district. The process is flawed and the neighbors and the neighborhood find it as a conflict to their quiet use and enjoyment of their property. With this type of process in place other uses that are now clearly prohibited could be allowed upon the right application or special circumstances which we have not been able to find because of inadequate standards in City Code. With that I conclude my remarks and will sit for questions.

COMMISSIONER SMITH: You have made a couple statements that the parking lot is detrimental to the neighborhood. That’s a very broad statement. Please specify for me exactly how it’s going to be detrimental.

MICHAEL JONES: The Near North End Conservation District has made that determination that parking lots in this neighborhood are detrimental. It’s not my opinion it is the opinion of the City Council and the adoption of their ordinance. Parking lots are detrimental to residential use and detrimental for public safety.

COMMISSIONER SMITH: So you’re saying that all parking lots in the Near North End Conservation District are detrimental. Is that what you’re telling me?

MICHAEL JONES: Yes I am.

COMMISSIONER SMITH: So all of them should go away?

MICHAEL JONES: No. The ones that are permitted...we’re talking about new unlawful prohibited parking lots that are detrimental.

COMMISSIONER SMITH: So the new parking lots are detrimental, but other parking lots are not detrimental?

MICHAEL JONES: That’s by City Code. Yes sir.

COMMISSIONER SMITH: I’m asking if it is your organizations opinion that the other ones are okay. That they are not detrimental?

MICHAEL JONES: That’s not part of my argument and that’s not part of position with you. I am asking you to enforce the Boise City Code, the Near North End Conservation District that prohibits new parking lots in the Near North End of any type of nature. Parking lots is a use. There’s no temporality based upon the definition of land use in the Boise City Code. It is the use that is prohibited. Parking lots in the Near North End Conservation District that are new, nonconforming are not prohibited. That’s been a finding by the City that those are detrimental to the neighborhood.

CHAIRMAN STEVENS: I understand your comments about the due process due to the staff level application that was granted. I want to know for the record if you feel you are getting due process now?
MICHAEL JONES: I have not seen the determination yet. I believe you’re having a process and it’s an after the fact process that has been created to alleviate or allow because there was an objection. We could have had the neighborhood had we had proper notice that an application was pending before the Historic Preservation Commission initially.

CHAIRMAN STEVENS: So you have a problem with the process? But are you getting the time you need now to state your objection?

MICHAEL JONES: I can state my objections but the reason I can state the objections is because I saying there’s a denial of due process. To grant due process properly you would have to provide notice to the people within 300 ft. of this area that you’re having a Certificate of Appropriateness review, have a proper neighborhood meeting where they can attend and where the neighborhood association has some ability to get them to come here and participate. It’s not at the appeal process where you’re getting the due process. Now you’re putting the finger in the dike...or laying on the track to stop what’s already cleaned out of Planning & Zoning. It was scheduled and the public notice was in the newspaper for a public hearing before City Council when we filed the appeal. They had already filed the notice of public hearing before the appeal process had ended. I don’t think that’s due process. And they rescheduled it. Yeah.

CHAIRMAN STEVENS: If you could address the change in use and your thoughts on the change in use regarding it going from a vacant empty field which is what it is today to a temporary use.

MICHAEL JONES: When we had the objections to the demolition of the historical structures on the house that that would be never be used as parking. It would be a grassy park area that would be irrigated with grass, flowers and landscaping so it would be attractive to the neighborhood. That was the presentation the Methodist Church presented to the neighborhood. That never happened.

CHAIRMAN STEVENS: If you could start out by stating if you have any objections to the disclosures that the Commissioners have put on the record.

DAVID DURO (Representative for the YMCA): I do not. I’m I limited in scope of my testimony or what I say?

CHAIRMAN STEVENS: Absolutely not. It is entirely up to you how you spend your 20 minutes.

DAVID DURO: I’m going to do my best to give you a little background information that I think the Commission might be lacking about the project itself. I realize this is a question about process. I’m not familiar with the process. I’m not an attorney and I’m not a developer so I don’t really know the process. I do know the YMCA and I do know how important this temporary parking is to us. One of the questions I heard is why do we need extra parking when there’s a significant remodel that took place at the downtown YMCA in about 2000. Since that time we have about tripled our membership. There are 14,000 members at the downtown YMCA and in January we had 63,000 visits in the month to that facility. What that illustrates to me is there’s a great need for programs for families and kids in the North End. In fact, we’ve been serving the North End, the City of Boise and the community of the Treasure Valley since 1891 so we think we are an important part of the fabric of what happens in the community. We don’t want to have this application in front of you, in front of Planning & Zoning or in front of City Council because we really don’t want
to build parking lots. We’re forced into this by a lease that we lost and at this place it is 98 of our total 232 parking spaces. Roughly that’s a lot of parking places. For us to not have those spaces we feel like it is going to have a very detrimental if not catastrophic affect on our business and our ability to serve the community. The YMCA is 501 C3 not for profit organization. Nobody but the community benefits from our activities. No one is ever denied access to the YMCA due to inability to pay. We’re there for everyone whether they pay or not and we think when people come to the YMCA good things happen. The project Cathedral placed in 2002…it was not our project it was the First United Methodist Church. We didn’t have anything to do with it. We did hear that there was going to be underground parking as part of it. We’re very interested in that because we recognize that parking in the Downtown area and North End area is going to be tough and we’re trying to address that on a long term basis so that we’re not back asking for anything but conforming uses for parking in the future. As we have had these discussions we have been told that it’s a 10 month construction project for Rafanelli & Nahas which is the interest who owns the old Boise Cascade building which is now Boise Plaza. They are the ones constructing the garage and they told us it was 10 months. We knew that this process through Planning & Zoning that there was a 24 month limitation that was our original ask so we that we wouldn’t have to come back. Planning & Zoning in their hearing said 15 months or until other parking is available. That’s great for us because we don’t want to park over there. It’s not convenient for our members. They will park there. We think we’re an important service. We think people will park and walk to get to the YMCA but it’s not as easy as where we are now. If there was any other plan we would definitely be pursuing it. I feel like we have turned over every stone, looked behind every tree to find alternative parking. We currently share parking. We share parking with the First United Methodist Church with Boise High, and with the First Presbyterian Church because we think parking lots aren’t the greatest thing for the North End either. We want to maximize their use. As long as they are constructive let’s have everybody use them and share them. We think that’s the way to be a good neighbor. Nobody pays rent to one another in any of those circumstances by the way. Monitoring is important and has proven effective. You can bet since this project has come up we have increased our monitoring of our lot. Both the lot that we lease and the lot immediate adjacent to our building and we’ve towed a few people. You’re thinking…Boise High students…we have towed some Boise High students…we have towed some Boise High students. We’ve also towed some adults who have parked there and walked to their business location. They don’t park there anymore because it’s fairly expensive to get your car out of a towing situation. We think that face to face talking to the violator is a good way to go that’s consistent with our business ability relationships with one another. We like to talk to them and let them know their in violation before we tow their car. This whole thing about the North End Neighborhood Association and the First United Methodist Church…I have personally been to two different North End Neighborhood Association meetings. One before anything was heard by any City body and one afterwards trying to really talk about how this lot is very important to us, how it’s a temporary use, how we’re very committed to that. The YMCA really wants to be a good neighbor. We’re been here since 1891. We don’t think the need for YMCA’s is going away. We think it’s increasing. We can read the paper and I think we’d all agree that the need for organizations like the YMCA is increasing. We’re going to be working with a lot of different bodies including our neighbors and City for a long time to come. We want to make sure we do things right. The YMCA did commission a meeting between the North End Neighborhood Association or representatives of including Mr. Plum in the back of the room, the President, Kevin McGowan, and Molly Leary, a board member at large and members of the First Methodist Church, including their head pastor and a member of their Board of Trustees and the person in charge of their future development to try and talk about how we can make this project of benefit to the entire community. We drafted an agreement that started with the church agreeing with some things that
they were going to do in case this temporary parking comes to pass. Even some things that they would do in case the temporary parking doesn’t come to pass. One of the things we agreed upon or talked about doing and all three organizations were willing to work towards was a community garden in the landscape buffer. I really don’t think that has anything to do with this application or this process or lack of process. What I do think it has to do with is when people want to make their community better organizations and people can work together to make that happen. When it takes those people talking together and willing to work together and willing to work to make their community a better place to live…those kind of solutions are out there. I wish everybody thought that way. All we can do is try to bring people together. Someone said they rode their bike to the YMCA. I wanted to mention that we’re big fans of alternative transportation. We sponsor our employees to ride the bus and pay for their bus passes. We have a ton of bike parking that gets used by us and Boise High School and others. We love that. In fact, if it wasn’t for alternative transportation to our location we’d really be out of luck. The YMCA of the USA recommends that we have 382 parking spaces for a membership or building our size. We have 232 and the only way we get by is encouraging to walk and really asking our staff to work together. Staff does not park in the lots. We have parking that we trade with the Presbyterian Church on 14th and Hays and our staff park there and walk in to the location. This parking lot is costing us $100,000. That is the first bid we’ve got on doing the work. We’d much rather spend that $100,000 somewhere else. If we could get away without the lot we’d be doing it. It’s a big expenditure for us. It’s very important to us that we’re good stewards with that money because it’s not our money it’s the community’s money. We’d much rather sponsor more kids to go to camp or to childcare or families that could come to the YMCA that couldn’t afford it. Without losing that percentage of our parking lot and our ability to park patrons it will have a much greater financial effect than $100,000. Our membership income revenue size is almost 3 million dollars. If we take a third or half of the parking and we start to erode that membership base it will significantly impact the resources we have to serve the community. With that I’d be glad to answer questions if that’s next in the process.

CHAIRMAN STEVENS: I don’t believe you had any other parking other than the lot adjacent to the structure until three years ago. I’m wondering what’s changed other than this raise in membership which you said was kind of a result of the 2000 remodel. What’s changed? Has the City put some sort of onerous on you to get more parking spots or what exactly has occurred there that you feel like you need to have 232 spots.

DAVID DURO: The membership has grown and these numbers are going to be a little off so forgive me that, but we’ve more than doubled the number of members. One of the things that we did is we really listened to the members and listened to the community and in 2004 when we significantly changed our pricing structure so that membership came much more affordable to middle income. We always did a great job serving the low income because we provide all kinds of financial assistance and in fact in the Treasure Valley we’ll provide 4 Million dollars worth of financial assistance this year alone. That change in our membership fees really made the YMCA more accessible to more people. We thought that was very important for a number of different reasons. Not the least of which are our values which we try to champion and model and incorporate to everyone, which are honesty, respect, and responsibility. The other thing the YMCA is a part of a collaborative across the nation working to help people become more fit. As you all know obesity and the health care crisis…the way Americans are living their lives are actually killing them. The YMCA is really trying to step in and make sure that more people have access to preventative health practices.
CHAIRMAN STEVENS: I need to stop this because believe it or not, Commissioner Chandler’s disclosure about his wife being an employee nor Mr. Jones’ scare of additional disclosures out of us didn’t do the trick...it wasn’t until Mr. Duro came up and started talking about the YMCA’s mission that I recalled that I used to be an employee. Oddly enough. I haven’t been for a long time but I don’t know if that changes Legal’s opinion.

TERESA SOBOTKA: How long is a long time?

CHAIRMAN STEVENS: About 2003 I want to say. I worked there for about a year.

TERESA SOBOTKA: And you have received no financial benefits at all? You don’t get reduced membership?

CHAIRMAN STEVENS: No, nothing. I apologize that I didn’t remember. I’m surprised you didn’t say something (directed at Mr. Duro). Maybe you don’t remember either.

TERESA SOBOTKA: The fact that you worked there would not influence your decision whatsoever?

CHAIRMAN STEVENS: No more than having been on the North End Neighborhood Association Board and argued against this at P&Z. My history with this is obviously very complex.

TERESA SOBOTKA: I think you need to ask your fellow Commissioners whether they feel that’s de minimus or not. You need to ask Mr. Jones how he feels about it. The other thing is I need all of you to focus on whether or not the application…the change in use is congruous or incongruous with the Historic District.

CHAIRMAN STEVENS: I apologize. Your thoughts on my working with the YMCA?

COMMISSIONER BURRY: I don’t have a problem with it all. You have an open mind and you’ve certainly had experiences on both ends of this which would make you very fair.

COMMISSIONER MCFADDEN: I agree with Commissioner Burry. I think that pretty soon we could all be recused. It wouldn’t be too hard when I think about...already we’ve lost Scott who’s a wonderful sounding board.

CHAIRMAN STEVENS: It doesn’t sound like the Commission has any addition and I’m very sorry to do this during the middle of your testimony.

TERESA SOBOTKA: I need a specific motion.

COMMISSIONER MCFADDEN MOVED THAT CHAIRMAN STEVENS PAST EMPLOYMENT WITH THE YMCA IS DE MINIMUS AND SHE SHOULD BE ALLOWED TO VOTE ON THIS APPLICATION.

COMMISSIONER SMITH SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.
TERESA SOBOTKA: Let these guys finish their testimony and then let’s bring Mr. Jones back before you start deliberating.

DAVID DURO: Chairman Stevens, can I ask you for a clarification. I think I’ve heard you say a couple of times that you were on the North End Neighborhood Board and argued against this.

CHAIRMAN STEVENS: I argued against something on this property. Which was obviously a very different situation than what we have proposed tonight.

DAVID DURO: Thank you for that clarification.

Commissioner Burry: If this land was not available to you what would you do? This could very well not be available because its use is for many different things and if the economy was a little better it wouldn’t be so what would you do if it weren’t there for a temporary use?

DAVID DURO: That’s a great question. I hope we’re not going to find the answer to that. We’ve got a communication piece prepared to go to our members that talks about this process and this availability. We have among the different things we’ve tried to do is lease additional parking at above market rates. We’ve got a plan that we would participate in that elevates the football field and track at Boise High School and puts parking underneath it. That’s about a 10 million dollar project. Just as a guess…really want I think we would do is we wouldn’t just test the patience of our members and see what comes out. We do annually we survey our members. Randomly we hire a research firm and parking is always the number one dissatisfier of our members…lack of parking. As I said, I apologize for being here and keeping everyone so late. If there is a different answer we have not found it. We do have a drawing that’s in front of ACHD that vacates the right-of-way at 11th Street and we’d remove sidewalks and landscape in that area and expand across. That nets us 29 spots. We don’t really like the plan as well. It removes landscapes and sidewalks and we really don’t want to be in that business either. We are as we said trying to turn over every stone.

Chairman Stevens: I’ll ask you this and I don’t expect that the answer is going to be yes but with regard to parking that far away isn’t there ample street parking if you’re going to get that far from…I went to Boise High and I know that parking there can be difficult but if you’re getting as far away as the block between Fort and Hays on 11th and 12th it seems to me that there’s ample street parking there if your members are going to have to go that far.

DAVID DURO: I believe that’s regulated parking. I wouldn’t be able to say that factually, but I know the whole surrounding area is residential permit parking only. It’s Zone 1 and Zone 2 so it’s really not an allowable use. One of our concerns frankly is that if we don’t go forward with this project and we’ve eliminated 98 out of 232 spots and we don’t have a process for how those are going to be used we’re going to have a lot of people out on a lot of different streets in the North End driving around looking for parking. That will attrite we believe as people drop their memberships and quit consuming services and those kind of things we think it will be detrimental to that entire area if we don’t have a designated place where people can go and park because we’ll have people surfing throughout the whole neighborhood trying to find a place on the street in a lot in a non-conforming use. For a number of years we had a dirt lot that is where the house was removed for some reason and it might have been the lot that Boise High actually that we use which is
immediately west of 11th Street. That is a Boise High owned lot and it was dirt parking and it was not controlled and people just parked everywhere. Students, teachers…it was kind of a mad house. We do have some experience with folks looking for a place to park.

CHAIRMAN STEVENS: Do you believe that parking in a residential district and having another parking lot is detrimental to a historic neighborhood?

DAVID DURO: I believe that it’s a complex decision. My own belief is the benefit of having it on a temporary basis outweighs any detrimental affect to the neighborhood. When I try to objectively evaluate what the YMCA does for people on an everyday basis and weigh that against 15 months or less of parking there the benefit of the YMCA far outweighs any detrimental affect to the neighborhood. The last North End Neighborhood Association meeting I was at…the first presentation was from the neighborhood officer on graffiti. There was quite a bit of concern from the neighbors on graffiti and other illegal activities in the neighborhood. My thought was, “Boy, if a big part of the YMCA goes away and graffiti will be the least of your worries”.

TERESA SOBOTKA: I need to make sure that you’re comfortable that you have enough for making a Finding on whether or not this is congruous with the District.

COMMISSIONER MCFADDEN: Staff’s recommendation for this says, “Approval with conditions”. They’re not saying to approve the appeal? The application is for the appeal? It’s one of those double-negative things were I’m not quite sure. I’m confused.

TERESA SOBOTKA: They recommended a change in use be made from…

COMMISSIONER MCFADDEN: “They” meaning Staff?

TERESA SOBOTKA: “They” meaning Staff from blank lot with nothing at all in them to a temporary parking lot. That is what has been appealed to you. If you agree with Staff then there will be a change in use and you will find it congruous with the Historic District. If you disagree with Staff…why did you find that congruous with the Historic District? That’s what the whole focus is on. Whether or not it’s congruous with the Historic District. Is it going to be detrimental to the Historic District or i.e. incongruous or is it going to be congruous? Mr. Jones made a few reasons why it would be incongruous and Ms. Schafer made a few reasons why it would be congruous and I’m suggesting before you go much further make sure that you have plenty from your applicant on those issues.

PUBLIC TESTIMONY

WESTON SCHWETTE (Erstad Architects): I’ll retract my signature.

MICHAEL JONES: I want to apologize if I made the comment that I had scared everybody…that wasn’t my intent.

CHAIRMAN STEVENS: I didn’t mean it that way.

MICHAEL JONES: I’m disclosing about the law suit. I want to have a disclosure if there’s anything else that the Commissioners have forgotten so I’m not surprised later. It didn’t work.
People took offense. Everybody’s on edge. As far as I know from all the disclosures that everybody on the Commission has made I don’t have any problem sitting and deliberating in a fair and impartial manner. As long as everything that you’ve disclosed is true and accurate and there’s nothing you’re hiding from me I’m fine. I don’t have any problem with that.

CHAIRMAN STEVENS: Thank you.

ANDY ERSTAD (Applicant / Erstad Architects): I’m actually identified as the applicant but Mr. Duro is so much more eloquent than I. There are two things I want to make sure everyone is clear on. The overriding umbrella ordinance has a provision in its structure that allows for special exceptions for situations such as this. A special exception is an exception to the ordinance and the provisions in the ordinance…any portion of that ordinance that allows any of the governing bodies to make a determination on a temporary basis that something, while it may not be consistent under a special exception with a time limit is an allowable and acceptable use. I know that’s under dispute, but the ordinance has to have a relief valve. Otherwise we would have a totally black and white community. There would be no questions. I want to make sure that everyone is comfortable under the fact that you do need to understand or look at the temporary use on this parcel of property which I believe is actually congruous and know that within the special exception of the ordinance those provisions you are able to make such Findings. As David Duro indicated the YMCA is not in the business of spending hundreds of thousands of dollars…in this case $100,000 to approve a parking lot unless it is absolutely necessary. We have no other options at this point. The North End Neighborhood Association suggested that we go and negotiate and approach all of the various churches…that was done long before NENA even came out with that suggestion. In fact that was done in order to not even to have to be in this position. Somebody suggested that you should force them into that type of relationship. This is America. You can not force somebody into leasing you parking or letting you use their ground if they do not want to. Each of the churches that we talked to and approached looked at their needs and rightfully so must protect their needs and didn’t feel they could give an open ended lease on those parking spaces. The YMCA has bent over backwards in all good faith and stewardship of their funds and their patrons to try and make this thing go away. It’s not going away. The First United Methodist Church was approached and they felt that it was a temporary basis and a reasonable request and agreed to allow the YMCA to do that.

STAFF REBUTTAL

SARAH SCHAFER: There are a couple of additional things I’d like to put on the record for you tonight. First, Staff decided to do a staff level decision versus bringing this application to the Commission. As you know we have the decision matrix that was adopted by the Historic Preservation Commission and was recommended to the City Council and adopted by City Council for inclusion for how we handle applications. Unfortunately the decision matrix does not address temporary uses. Staff had made the determination that we would address a temporary use at a staff level because this application would be going on having a recommendation made by the Planning & Zoning Commission with a final determination via via made by City Council already. The temporary use would be an appropriate decision to be made at staff level. It wasn’t anything permanent that was going change the permanent landscape of the Historic District which is something that we do always forward on to the Historic Preservation Commission. As you know this is a de novo hearing tonight so that you are actually making the change in use Findings tonight on the record. Staff made the initial determination and after we had made the initial determination to approve the application Staff then followed City Code in sending out our Notice of
Determination which I have included for you in your packet. It is on Page 23 of your packet and on the last page of your packet shows the map of who we sent that to. We sent it to everyone within 300 ft. as required by our code as well as the registered neighborhood association. Staff’s determination is not made final until that appeal period ends. If we do receive an appeal within the appeal period that determination is not a final determination. It then comes before the Historic Preservation Commission for a determination. That determination is not final either until the appeal period ends or the appeal is heard by City Council. No final determinations have been made on this project yet. Like I said, Staff did notification of that initial staff level decision…sent out the notice that you have in your packet to the people on the map. Again, when we scheduled tonight’s hearing we also sent out notices within 300 ft. and to the registered neighborhood association so we gave an additional notice in regards to this project. Chairman Stevens initially started asking me why Staff thought a temporary use might be appropriate for the area. Because the temporary use will have a minimal affect on the District and it’s not anything that’s going to be permanently at this location. It will provide some activity for the area on a temporary basis. No more than two years. Eventually there will hopefully be some kind of residential development here whether it be single-family or whether it be multi-family development but there will be activities in this area on this vacant lot albeit it will be different than the activity that we’re proposing for the temporary use. It will be intensification in this area. Additionally in reviewing an application such as this there’s actually two separate processes that are taking place. There is the P&Z process which is the special exception process which has different Findings than what you’re looking at. The special exception process is taking into consideration that Conservation District overlay.

CHAIRMAN STEVENS: Where is the Conservation District overlay information in our Zoning Ordinance?

SARAH SCHAFER: It’s the Near North End Conservation District chapter clear to the end. What the Historic Preservation Commission needs to make their determination is the change in use. It’s very important that we concentrate on the change in use language. How it complies with the Comprehensive Plan, Chapter 5 and if it’s congruous with the Historic District. Lastly I would also like to mention the landscaping that’s for the project. Currently if we maintain the lot in its vacant condition we’re going to have the vacant ground with a little bit of weeds growing up which is something that Code Enforcement can take care of. The only landscaping that we have on this parcel are the two evergreen trees that are of questionable health and safety. One of them is leaning very drastically. With this application we would be obtaining perimeter landscaping for the neighborhood as well as various conditions that could be placed on the project…saying this landscape needs to be maintained in a healthy and attractive manner until a permanent application comes forward before this Commission. That’s a condition that this Commission could easily place on the application as it moves forward. With that I’ve covered everything I need to cover as part of my rebuttal and I can stand for any questions.

COMMISSIONER SEWELL: There are no criteria within our Ordinance to make some kind of special exception to a use or anything like that.

SARAH SCHAFER: In the Historic Preservation Commission’s decision you are not looking at special exceptions. You are solely looking at change of use under those two Findings.

COMMISSIONER SEWELL: If the project is built as a temporary lot the YMCA eventually gets some more permanent parking back in place. There are no plans from the church to develop this
property for who knows how long. That will sit as a lot with the perimeter landscaping and it will not be allowed to be used as a temporary lot?

SARAH SCHAFAER: That is Staff’s understanding of the recommendation put forth by the Planning & Zoning Commission. Staff actually suggests to you that if that is something that is of great concern to the Historic Preservation Commission you can place your own conditions on the property and that if it is temporarily used as a parking lot the next 15 months or whatever you determine that you require the removal of the wheel restraints and require removal of the lights and that there is no parking on it. If you wanted to suggest some kind of security in the area you could do that…and maintenance. Those are all possible conditions that you could place on the Historic Preservation application for the change in use.

CHAIRMAN STEVENS: Correct me if I’m wrong, but that first set of stuff that you said is in the CUP conditions, number 5, “Upon vacating a temporary parking lot the applicant shall remove all wheel stops and light fixtures from the premises”.

SARAH SCHAFAER: That is in the CUP. However, if you specifically want to address it as part of your Historic Preservation application in your change in use you can do that.

CHAIRMAN STEVENS: So simply going with Staff’s recommendation to support this isn’t enough you think that it would be also wise if we were to approve this to add that as a condition regarding a change of use?

TERESA SOBOTKA: You will need to address change in use period. You say if it’s congruous or incongruous. You can either say we think it’s congruous. We think it’s incongruous. What Sarah did is she recommended it is congruous only if you put on those specific conditions of approval that Planning & Zoning put on which she is telling you now that if you want to say it’s congruous you can say yes we think it’s congruous with these certain conditions. We agree with those conditions that Planning & Zoning recommended and we also would incorporate those into our decision. Or you could come up with any other conditions. These plus 50 others. Forget those and go with 50 others…whatever you want to do. If there’s anyway…maybe you only want to do a 3 month appeal. Whatever you want. You get to decide. It would only be congruous, if at all, under the following conditions.

COMMISSIONER SEWELL: I believe it was…I’m not sure who mentioned it but back when this house was removed and the lot became vacant someone mentioned that there were some conditions placed that the church had to maintain…provide additional landscaping and I wonder if you could shed some light on that or if you know anything about that?

SARAH SCHAFAER: Staff in reviewing the demolition permits…the demolition permits were given out. Staff did not find any conditions of approval that the City Council had adopted as far as the maintenance of the property.

APPEAL APPLICANT REBUTTAL

MICHAEL JONES: The Near North End Conservation District is in Title 11, Chapter 20 of Boise City Code, Section 11-20-03 states, “The following restrictions and allowances beyond the requirements of the R-3 Zone shall apply within the Near North End Zone”. “New off-site parking
lots, except on parcels demonstrated to have been vacant on or before the effective date of the ordinance. This prohibition shall not preclude the use of existing on-site parking lots as “for rent” of off-site parking. It’s clearly a prohibited use. It’s clear that it’s not an allowed use. It’s incongruous with the Historic District. It was established that way by the Boise City Ordinances and when they adopted the Near North End Conservation District… I can go through the history of the adoption of the Near North End Conservation District and the reasons why that was occurring in the Near North End because of the demolition of the historic houses in the near North End for parking lots for Boise City. Boise High School, the YMCA, the United Methodist Church and the Baptist Church. There’s a reason why the neighborhood and the City Council and everybody that got out because they did not want to see the Near North End turn into a parking lot. Then it would be servicing the commercial core for Downtown Boise. They wanted and CCDC wanted the commercial core to be south of State Street and that’s where the parking was designated to be by CCDC. It’s in the Master Plan for the Commercial District. Parking is an obligation of CCDC and the commercial center. Parking is not part of the Comprehensive Plan for the Near North End or the North End or the East End. What we have here is not an application for…let’s see we have a vacant lot let’s put in for a very short period of time a Christmas Tree lot for the Christmas season. We’re talking about up to a five year period for a temporary parking lot. That’s what this Ordinance allows and that would be what they could do and come back in on a special extension and once you have it with the YMCA I don’t know how City Council or anybody is going to stop Boise High School, the Methodist Church or anybody else from using that property for a parking lot or any other unallowed prohibited use in the North End or the East End. It could go for drive-thru’s or any number of prohibited uses that are clearly prohibited by statute. I disagree greatly with Mr. Erstad’s comments that you would have a black and white world if you didn’t have this special exception. Well that’s what we have. We have allowed uses, we have conditional uses and we have prohibited uses. Boise City Code says it’s not an allowed use, not a conditional use. It’s a prohibited use. All uses that are not allowed are prohibited. This is not an allowed use. It’s clearly set forth in Code that it’s a prohibited use. It’s not congruous with the Historic District as the purpose of a Conservation District. We had to expand on the Conservation District by adopting historic preservation areas in the Near North End, North End, Harrison and East Boise because of the wholesale demolition and destruction of housing. I personally have clients come to me wanting to know how they can put in housing on Harrison. Knock down historic structures (houses) and put in parking…they want to put in apartment houses and condos. I have not done that, but they said they can go in with a plan and if they can get a special exception like anybody else can we can put in a half-way house or we can put in low income housing, have it subsidized, we can flip it, have it there for a short period of time and change it. Once you allow this prohibited use you at the beginning of the end of historic preservation areas of town because you start once and…15 months. We’re talking about a 900 and some parking lot eight stories high…as high as Boise Cascades’ existing building is going to be constructed in 15 months…I don’t believe that in a day. It’s never going to get completed in 15 months. Building permits are still in the planning process. They’re now just putting up the fence and they only have a permit for demolishing the trees that are down there. It’s going to be more than 15 months. If the YMCA and Mr. Erstad believe that they can build an 8-story office building in a congested area of downtown Boise I’ll just have you look at what happened to Hampton Suites and how long it took them to do that construction in BoDo.

CHAIRMAN STEVENS: If we can keep an eye on when we’re deliberating that we’re only discussing change in use and that the two Findings that we need to make are:

1. Whether or not this supports Comp Plan, Chapter 5, objective 2 in particular.
2. Whether or not the change of use is congruous with the District.

COMMISSIONER DAWSON: I sometimes wonder if this issue isn’t moot. If there is in fact a lawsuit being filed we all know how slowly the courts crawl and the 15 months time period may have come and gone by the time something works its way through court.

CHAIRMAN STEVENS: That might well be true. We still need to act.

COMMISSIONER SEWELL: In reviewing the criteria that we have to evaluate this...Finding 1, that it supports the Boise City Comp Plan...I cannot find anything within the plan or anything within the proposed application that supports the objectives outlined in the application. In Staff’s report they get into the special exceptions which we don’t have any special exceptions or any criteria to evaluate just from strictly reading the Comp Plan, 5.4, I can’t find where that supports that. In regard to Finding 2, that the request is congruous with the historical, architectural, archeological, educational, or cultural significance of the District...Staff’s indicated as a temporary parking lot it could be congruous. If it was permanent it would not be incongruous. Unfortunately, there’s nothing in our Ordinance under temporary...the definition that indicates or includes parking lots. We deal with other types of features. Based on the criteria that we have in our Ordinance I cannot support the temporary parking lot at this location.

COMMISSIONER BURRY: I would have to agree with Commissioner Sewell. Even if it is a temporary use you set a precedence that this could happen in other situations. I hate the thought of the maintenance of it. There are a lot of issues that we aren’t dealing with right now but they’re there and I personally can’t support that in that location.

CHAIRMAN STEVENS: I’m going to read a couple of things. In our Guidelines we have a definition for congruous that I’m going to read into record. It’s long so I’m just going to read the first sentence. “The sensitivity of a development proposal and maintaining the character of existing development.” I want to put that in everybody’s thoughts. I’m going to state the same thing that Commissioner Sewell stated earlier. I don’t doubt that the YMCA perceives themselves as facing a hardship right now. I’ve been going to the YMCA every since I moved back in 2002 and there’s probably been three times total that I’ve had to park in a lot not right adjacent to the building. I have some pretty strong feelings about our parking situation period in Boise. And that is that anybody who’s lived in a city even approaching a real size city knows that we do not have a parking problem in Boise. End of discussion. That’s the way I view things and if we do want to encourage alternative transportation the last thing in the world we should be doing is encouraging parking lots. That’s where I come from with this. If we look at the definition of congruous in our guidelines and you look at Chapter 4 of our Comp Plan...contrary to Staff’s Findings I can’t support a parking lot. I don’t believe that a parking lot supports any of the things in Chapter 5 of the Comp Plan...“Promotes public understanding and appreciation for Boise’s Historic areas...” or any of the objections that were read into the record earlier. I have a hard time understanding the logic of a permanent parking lot not being congruous but a temporary parking lot being congruous. That doesn’t make sense to me. For me it’s about the use and so it’s not so much about the paving or landscaping. It’s about the use, which is, cars being parking on open space. I can’t support Staff’s Findings that one is okay and the other isn’t. It doesn’t make sense to me logically. I think it’s very clear that a permanent parking lot is not okay in this spot. Therefore, I can’t support a temporary parking lot going in here. I do agree that we do need more people here. Having a vacant lot here is
a travesty no matter if there are cars on it or not. I really hope that the YMCA, the high school, the
church, the North End Neighborhood Association can get together to encourage something
happening on this lot that isn’t parking. I’ve watched it sit there…almost 5 years or however long
it’s been and I think it’s a travesty that it’s there. I think the YMCA does wonderful work in this
community and I’m a huge supporter of the organization and I appreciate very much your consensus
building. The community would be lost without you. Please don’t see my lack of support on this as
being somehow against what your organization does, but I just don’t think it’s appropriate and I
don’t think it’s congruous and I don’t think it fits with the Comp Plan so I won’t be supporting the
application. I will be supporting the appeal.

COMMISSIONER SMITH: I take a completely different approach than the three comments so far.
This is an appeal that we are considering the “NO” vote when I find a complete failure on the part
of the North End Neighborhood Association to present any evidence whatsoever that is contrary to
the Findings of Staff. I understand that we as independent Commissioners must review this de novo
but as for the appeal part of a de novo appeal requires the presenting of some contrary evidence in
favor of the appeal. There’s been none presented in the case. Therefore, all we have before us on
this record is the recommendations of Staff and with all due respect we are substituting our own
judgments on a complete lack of record for what I view as the only evidence before us. If the North
End Neighborhood Association had decided to present some opposing evidence or brief or
something besides Mr. Jones’ arguments I might have a different opinion. As of right now the only
evidence before us on this appeal from a decision of the Staff is this three lines of statement and his
argument. From my perspective that is no evidence at all. Therefore with respect I’m going to vote
to deny the appeal because when the North End Neighborhood Association is represented by
counsel and counsel has elected for whatever reason not to present us any additional evidence I see
no basis for upholding the appeal. I will descent from the other three Commissioners who have
expressed their opinion. There has been a huge argument made tonight about our process is wrong
and that a suit has been filed and counsel is only doing this to make his record. Well, if that is
correct, he had the opportunity, the same opportunity to be part of a process and to take part in the
process…he elected not to for whatever reason and you can’t have it both ways in my view so I
descent.

CHAIRMAN STEVENS: I’m going to ask Legal a question regarding Commissioner Smith’s
comment. Obviously any of us can vote however we want to but should we be taking into
consideration whether or not a records been made on the appeal or is this a discussion about
whether or not the use is congruous in a District.

TERESA SOBOTKA: I’m comfortable with your discussion all together. I agreed with what
Commissioner Smith states, but I also agree with what everyone else has stated. You need to
analyze your Ordinance and this application and decide what you’re deciding.

COMMISSIONER MCFADDEN: It’s too bad…like you were saying that we can all get together
and get along and give each other some parking for temporary use…common sense says why not.
At the same time I have to look to my fellow Commissioners and how they’re analyzing the parking
lot and I worry about the temporary nature of this becoming a slippery slope which is exactly what
we don’t want there which is parking. For that reason I’m going to be in support of the appeal even
though I do understand all of the issues regarding the need for parking.
COMMISSIONER DAWSON: I will concur with the other four Commissioners. I don’t see that there is a whole lot of difference between a parking situation that’s temporary and one that’s permanent. It almost seems like someday down the road there’s going to be an end around trying to get more a permanent parking situation and I think that’s a concern that many of us have even though we may not say it. I will be supporting the appeal.

CHAIRMAN STEVENS: It looks like we’re moving toward a consensus.

COMMISSIONER DAWSON MOVED TO DENY STAFF’S RECOMMENDATIONS FOR A CHANGE USE FROM A VACANT LOT TO A PARKING LOT AND UPHOLD THE APPEAL OF DRH 08-00067.

COMMISSIONER BURRY SECONDED THE MOTION

ROLL CALL VOTE 5:1. MOTION CARRIES WITH COMMISSIONER SMITH VOTING AGAINST AND COMMISSIONER CHANDLER RECUSED.

MINUTES OF 4-28-08

COMMISSIONER CHANDLER MOVED TO APPROVE THE MINUTES FOR APRIL 28, 2008.

COMMISSIONER SEWELL SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.

Jennifer Stevens
Chair, Boise City Historic Preservation Commission

Date
Historic Preservation Commission

Hearing Minutes of May 19, 2008

Commission Members Present
Christopher Pooser, Chair, Cathy Sewell, Betsy McFadden, Bonnie Burry, Stephen Smith

Members Present
Sarah Schafer, Julie Archambeault, Teresa Sobotka, Nicki Heckenlively

DRH08-00067 / Susan Graham & North End Neighborhood Association, Inc. (NENA)
Location: 1102 W. Hays Street
Discussion and ratification of Findings for approval. (The appeal was upheld at the May 12, 2008 hearing.)

SARAH SCHAFER: Today were here to adopt the Findings for DRH08-00067 which is the Susan Graham and the North End Neighborhood Association appeal of the YMCA’s application for a temporary offsite parking lot at 1102 West Hays Street. The information was sent out yesterday and again today because evidently not everything got attached. The minutes were sent out last Friday as well so you have those to refer to. If you’ll take a minute or two to read through everything and make sure it is as you would like it and how you’d like it to go out to the applicant and possibly City Council if there is an appeal on the application.

COMMISSIONER SMITH: I was the only descender and I intend to continue to be the descender. Would it be procedurally appropriate at this point to vote against this particular Finding?

SARAH SCHAFER: You could do that. The other way that we’ve sometimes had members go is to say, “Yes, these Findings accurately reflect the discussion that was had”. Sometimes it goes either way, but you can vote against the Findings if that’s what you’d like to do.

ACTING CHAIRMAN POOSER: It’s just a approval of the minutes so you’re not necessarily saying, “I would have voted different during the hearing”. It’s just that these accurately reflect...I wasn’t at the hearing but I have read the minutes and I believe I can at least vote on the Findings and that they accurately reflect the discussion we had.

SARAH SCHAFER: That’s correct.

ACTING CHAIRMAN POOSER: I found a couple of typos in the minutes. On Page 2, objective 1, is that right, “The identities have been identified”??
SARAH SCHAFER: No.

ACTING CHAIRMAN POOSER: There are more typos on Page 4, four sentences down in the middle, “I have gone through and sited the section”, but should read “cited”.

SARAH SCHAFER: On Page 8, Commissioner Chandler stated, “there would be some physical restraint put in place”, change the spelling of “physical”. Also I found on Page 3, seven lines down, it states, “the wheel strips as well as the removal of the on-site lining for the parking area”, that should read “on-site lighting”.

COMMISSIONER SEWELL MOVED TO APPROVE THE MINUTES OF MAY 12, 2008 FOR DRH08-00067 AS AMENDED.

COMMISSIONER SMITH SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.

FINDINGS

ACTING CHAIRMAN POOSER: I have one question of Page 6 of 7. At that very top it talks about Finding 1 and whether or not the Comprehensive Plan supports the application and then, still on Page 6 of 7, the last phrases I can’t find for that (inaudible). It just doesn’t seem to be correct.

SARAH SCHAFER: (Inaudible) I believe. The part in Staff’s report is a quote so that needs to be dropped down. On Page 25 of 28 in Staff’s report they get into the special exceptions. We don’t have any special exceptions or any criteria to evaluate just from strictly using the Comp Plan 5.4 I can’t find where that supports that. If you’re alright with the paraphrasing and the information we could just say that the Commission couldn’t find where the information presented by the applicant was supported by Comp Plan 5.4.

ACTING CHAIRMAN POOSER: Would the applicant to the application be the appellant.

SARAH SCHAFER: It would be the applicant because we are looking at whether or not the initial application which is the temporary offsite lot is supported by the chapter or maybe we just need to provide more of the text from Commissioner Sewell, which is the other way we could do it.

ACTING CHAIRMAN POOSER: I thought that was supposed to be a summary of what the Commission found versus an actual quotation from the discussion.

SARAH SCHAFER: It’s just that last sentence. That’s a direct quote.

COMMISSIONER SEWELL: It seems like, in reading the minutes, that a few things in the proposed application that supports the objectives in the Comp Plan 5.4 that’s at least what I would say. Especially with the special exception. That was something that was in the P&Z Ordinance which we don’t have any special exceptions in our Ordinance whatsoever.
SARAH SCHAFER: So just delete that last sentence in Staff’s report that get into the special exceptions and leave it at looking at the Finding on the whole the Commission found nothing in the plan or anything within the proposed application that supports the objectives?

ACTING CHAIRMAN POOSER: As outlined in the Comp Plan.

SARAH SCHAFER: As outlined in the Comp Plan?

ACTING CHAIRMAN POOSER: Yes. Then delete that last sentence.

SARAH SCHAFER: At that bottom of Page 5 of 7 it says, “Looking at Finding 1 as a whole the Commission found nothing within in the plan or anything within the proposed application that supports the objectives outlined in the Comp Plan. Then get rid of the rest.

COMMISSIONER MCFADDEN MOVED TO APPROVE THE FINDINGS FOR DRH08-00067 WITH FINAL CHANGES 1. PART D, AT THE BOTTOM OF THE PAGE LOOKING AT FINDING 1 AS WHOLE THE COMMISSION FOUND NOTHING WITHIN THE PLAN OR ANYTHING WITHIN THE PROPOSED APPLICATION THAT SUPPORTS THE OBJECTIVES OUTLINED IN THE COMPREHENSIVE PLAN STRIKING THE LAST TWO SENTENCES.

COMMISSIONER BURRY SECONDED THE MOTION.

MOTION CARRIES 4:1 WITH COMMISSIONER SMITH VOTING AGAINST.
Historic Preservation Commission

Hearing Minutes of June 9, 2008

Commission Members Present
Jennifer Stevens, Chairman, Christopher Pooser, Scott Chandler, Cathy Sewell, Betsy McFadden, Bonnie Burry, Stephen Smith, Katherine Forsythe

Members Present
Sarah Schafer, Matthew Halitsky, Teresa Sobotka, Nicki Heckenlively

CONSENT AGENDA

DRH08-00101 / Dutee Dodson / 1501 N. 10th Street
Requests Historic Preservation approval to demolish a portion of the main dwelling, construction an addition with finished attic space, dormers and side porch on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

COMMISSIONER SEWELL: I am the applicant’s representative so I will be recusing.

APPLICANT’S REPRESENTATIVE PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00101 ON CONSENT.

COMMISSIONER McFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 8:0. MOTION CARRIES.

DRH08-00166 / Karen Midkiff and Jason Quinn / 1918 N. 12th Street
Request Historic Preservation approval to demolish a single-family dwelling and construct a single-family dwelling on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

APPLICANT’S REPRESENTATIVE PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.
COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00166 ON CONSENT.

COMMISSIONER McFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 9:0. MOTION CARRIES.

DRH08-00109 / Phil Gerhardson / 1511 N. 11th Street
Reconsideration of applicant’s request for Historic Preservation approval to construct a one and a half story, single-family dwelling with detached garage on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

MATT HALITSKY: Staff recommends the Commission reconsider the application and schedule the application for the July 14, 2008 hearing based on the resubmitted plans.

CHAIRMAN STEVENS: There is a smaller footprint for the garage and the concern was lot coverage.

COMMISSIONER POOSER: I was not at the last hearing and I will be abstaining from this application.

COMMISSIONER SEWELL: There were some additional concerns with the setbacks.

CHAIRMAN STEVENS: Before we get to deliberations I want to go through site visits.

Site Re-Visits

Commissioners Smith, Burry, Stevens, Sewell and Dawson did not re-visit the site prior to this hearing. Commissioners McFadden, Chandler and Forsythe did re-visit the site.

PHIL GERHARDSON (Applicant): At the last meeting you expressed a lot of concern on the lot coverage. I understand your concerns from where you come from and in looking at adjacent properties. There are properties in the area that are in excess. I contacted my architect and we trimmed this down as far as we could. The main structure can not be trimmed down any further. There is a master bedroom in there. We trimmed 148 sq. ft. off of the garage. At the last meeting you stated you wanted it down to 35%. I have it down to 36.3%. One thing I would like to address is the setback issue. I find that it’s a little superfluous in that those setbacks on there all exceed code as it is. It’s very arbitrary to turn around and say, “Well this house on this side of you is 5 ft. and this is 6 ft. It’s not fair. Just up the street there are houses that the water drain into each others yards they’re so close together. If you want to view this fairly and objectively the setback issue should not be an issue and you should go by current code and everything in there exceeds code. Both for the setback of the garage, setback on both sides of the structure as well as open space in the backyard.

NO PUBLIC TESTIMONY

PUBLIC PORTION CLOSED
COMMISSIONER CHANDLER: In light of the applicant addressing previous Commission concerns I do think that warrants a reconsideration.

COMMISSIONER CHANDLER MOVED TO RECONSIDER DRH08-00109 AT THE JULY 14, 2008 HEARING.

COMMISSIONER BURRY SECONDED THE MOTION.

COMMISSIONER DAWSON: Just for clarification we are not hearing the item today, but we are scheduling it for a hearing on the 14th.

CHAIRMAN STEVENS: That is correct.

ROLL CALL VOTE 8:0. MOTION CARRIES.

DRH08-000137 / Andrew Hunter / 1206 N 5th Street
Requests Historic Preservation approval to construct a front porch, replace the front steps and sidewalk and change out a metal architectural window to a wood window on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

MATT HALITSKY: Presented staff report with a recommendation of approval with conditions.

a. The proposed deck and pergola shall not be constructed.

b. If the proposed deck is approved, a five-foot setback is required from the north property boundary.

COMMISSIONER POOSER: If this porch addition is on the back of the home it wouldn’t be a concern, correct?

MATT HALITSKY: That is correct. It would be better added to the side or rear of the home.

COMMISSIONER POOSER: If it were on the rear or the side it would be a deck, and if it is on the front of the home it is more of a porch.

MATT HALITSKY: I don’t think the zoning code defines a porch or a deck.

COMMISSIONER POOSER: So they are considered the same. If for instance there was no deck but there were pavers out there over this area would there be a concern or is it the actual structure of the deck?

MATT HALITSKY: Typically we would recommend against adding a front porch to the front of the home where there wasn’t one previously. If there were to be one added to the front of the home we would recommend it being in the same architectural style as the rest of the home.

CHAIRMAN STEVENS: Has the front door always been where it currently is?
MATT HALITSKY: There is no evidence either way.

CHAIRMAN STEVENS: There was an addition of two bedrooms added and we have a permit in here for 1955 or something…is it your opinion that it’s the part of the house over to the right? Presumably the original entry could have been or probably was exactly where it is right now?

MATT HALITSKY: That is correct.

COMMISSIONER McFADDEN: If this was a covered porch versus a pergola, and there were more traditional elements that we see as a front porch versus a deck, would that be more appropriate?

MATT HALITSKY: In this case I don’t believe so because as I said there isn’t a front porch existing. If that’s the direction the Commission is going I would recommend something with columns or a roof. However, I should point out that the adjacent homes in the area…this is the home next door, the home across the street and the home next door have simple stoops.

CHAIRMAN STEVENS: Before we talk about something more permanent, what we are really talking about is altering the front façade. We are talking about radically altering the street facing façade.

MATT HALITSKY: That is correct.

Site Visits

Commissioners Smith, Burry, McFadden, Chandler and Forsythe visited the site prior to the hearing. Commissioners Pooser and Stevens did not visit the site.

KEN REED (Applicant’s Representative): No objections to the site visits. I want to thank Staff for approving the window above the porch. The porch is in the front and the actual front door was inside. That was a screened porch and how you entered the home is as you see currently on photograph. You can also see pretty clearly on that photograph that the way you get up to the home, which is about 3 ft. to the door. There’s about 10 inches from the door to the step. The step is about 20 inches wide…maybe and then there’s the four steps down below. It is a difficult way to enter the home and doesn’t meet code. It should be wider and there should be a hand railing. The architectural problem my clients asked me to solve was how do you enter the home gracefully? They enjoy their neighbors and they want to create a place to sit out front. There is very little place for outdoor entertaining and outdoor living in the first place. I created a front porch that has an architectural lattice. I created a rail and it is wide, and has a low wall. They asked me to look at protecting those windows from the western sun. They want to keep it as architecturally original as possible. It is difficult to put a new porch on a building. A trellis was the only thing I could come up with that would provide some protection from the afternoon sun. I tried to create something that was transparent and that wouldn’t detract from the original architecture. I wanted to create something that would allow them to sit out front and talk to their friends. It is my understanding that I could do something that was less than one foot in height but I wanted to do something that was more appropriate. I think a pergola is contemporary in
nature. It has been around for hundreds of years. I want to make it a closer connection to the
District and the people they like to entertain here. That is all that I noted in the staff report.

COMMISSIONER CHANDLER The 20 inch wall that you are proposing on the front, is it safe
to assume that it would be similar to the siding that is on the house?

KEN REED: Yes. You can buy that same siding at Capital Lumber. We wouldn’t flair it out
but we could get it to match.

COMMISSIONER CHANDLER: What is the finish on the trellis?

KEN REED: We would paint it white so that it would match the trim on the windows. If it was
stained it would match anything other than maybe the knee braces. I would defer to the
Commission on that. Again, as I discussed with Matt, we are going to build it out from the house
so that it could be later removed if the following owners don’t like it we could comply in the
ability for it to be removed at a later date.

COMMISSIONER POOSER: The front is an actual porch?

KEN REED: The front porch has been screened in.

COMMISSIONER POOSER: What is that area now?

KEN REED: It has a couple of table and chairs.

CHAIRMAN STEVENS: It is not a porch now because this is the new front door, correct? It is
being used as living space?

KEN REED: That is correct.

COMMISSIONER POOSER: From when I lived there that was more of a screen door.

COMMISSIONER McFADDEN: Did you explore using a more permanent roof structure?

KEN REED: I didn’t think that would be approved. I didn’t think it would be becoming to the
home.

COMMISSIONER SMITH: We clearly have something that doesn’t meet code. Just from the
photo and the observation of the property, it doesn’t appear safe either. Is this something that we
are required to fix and if Staff doesn’t recommend approval of it do we have a liability?

TERESA SOBOTKA: Code does say that if it is truly a safety issue that safety overrides historic
preservation. Something would have to be done with it. Do you have to do what they are
proposing? No. We would try to do it in concert with historic approvals.

KEN REED: My clients would like to say a couple of things.
ANDREW HUNTER: I am the owner of this house. First, I love Boise and my neighborhood and my neighbors. I want to get out and use my front yard a little more. The house to the south side has the original screened porch. I would like to enjoy my front yard a little more. We talked to the neighbors on either side and they are in favor of this. Across the street we have renters and I didn’t ask them. In the terms of the front foyer, we do have a couch in there and it is a gathering room. They did add windows and screened it off. It was the front porch. They did add the window at the top. We would like to return it to the original as much as possible.

CHAIRMAN STEVENS: It is something about being elevated that scares people.

NO PUBLIC TESTIMONY

COMMISSIONER SEWELL: I didn’t see anything in regards to the lot coverage. It is going from 36% to 41%. Do you have any concerns?

MATT HALITSKY: Perhaps a little bit, but I have a greater concern with changing the front of the home. The proposed deck and pergola will detract from the architectural element of that front elevation and it would stick out from the wall plane. Lot coverage would increase somewhat. It is already at 36%. The actual concern is the design itself rather than the lot coverage.

CHAIRMAN STEVENS: The steps are alright?

MATT HALITSKY: Staff could work with the applicant if it is a safety concern. We can work on that.

TERESA SOBOTKA: I found the exact statute that addresses Commissioner Smith’s concerns. Idaho Code 67-46-11, “Nothing in this act shall be construed to prevent the ordinary maintenance or repair of any exterior feature in a historic district which does not involve a change in design, material, color or other appearance thereof. Nor could it prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition”.

MATT HALITSKY: Evidently when there’s the possibility of an architectural issue posing a safety hazard we send someone from our Building department out and he responds to us rather it truly is a safety hazard.

CHAIRMAN STEVENS: In regard to changing the stairs to face forward…it is hard to tell but there may be a couple of stairs that face out the current direction and then rotating 90degrees. Do you have concerns with that in particular?

MATT HALITSKY: It detracts from the home. If we were to maintain a simple stoop, that would not detract at all.

COMMISSIONER POOSER: The portion that would come out and form a new landing, would that be part of the deck as well?
MATT HALITSKY: That is correct. There are a couple of stairs coming down from the current entry onto the deck and other steps going towards the street are separate and would go from the deck.

COMMISSIONER POOSER: If this feature were to be put in the back of the home would you count it towards the lot coverage?

MATT HALITSKY: I believe we only count porches that are covered.

COMMISSIONER POOSER: A pergola would be considered a “Covered”…

MATT HALITSKY: I think we’re treading new ground on that one to be honest. If the pergola is…if you could detach it probably not. Julie’s frowning so I’m thinking she disagrees.

SARAH SCHAFER: I would have to take a look at our design guidelines and I don’t have a copy with me right now. They have a definition in there of lot coverage. It shows what does and doesn’t typically go towards that.

CHAIRMAN STEVENS: 5.3.2, Page 37 of our guidelines. Three factors must be considered in total for a project in relationship among the shaded areas of each illustration, which there are three illustrations on this page. A. Lot Coverage, B. Open Space, C. Impervious Surface.

SARAH SCHAFER: If you look at Figure A under lot coverage it does have the deck going towards the lot coverage count.

COMMISSIONER POOSER: In the definition of lot coverage it says excluding those items listed as open space or allowable projections such as desks…

SARAH SCHAFER: So anything that doesn’t have a permanent roof structure over it would not. Typically with a deck it doesn’t have the permanent roof structure. It’s open to air. I would say that a pergola…as long as it doesn’t have any kind of a roofing material like the corrugated material that you often see on some of those pergolas…as long as it’s open to the sky and it’s only the joists that running then it would probably be safe not to count it towards the lot coverage because you can still get weather down through it, which is typically what we’re looking at here as far as the determination as what would go to open space.

CHAIRMAN STEVENS: Just to be clear Commissioner Pooser’s question initially was whether or not it being on the rear of the house would have any impact on how we calculate it. Correct?

COMMISSIONER POOSER: Yes.

CHAIRMAN STEVENS: The answer is that it doesn’t matter rather it’s on the rear or the front. It’s about the roof. Correct?

COMMISSIONER POOSER: Correct. So in this situation as far as the lot coverage goes it looks like that if you’re just considering a deck and a pergola that it would not count towards the lot coverage, but in this situation there’s also the knee wall which is not quite a deck in that situation.
SARAH SCHAFER: It does make it more of a permanent sort of structure once you get that knee wall around it. Decks are typically just a flat surface with not additional who-ha. You may have some planter spaces around the exterior of it and I guess it’s up to you to determine if the knee wall is similar enough to a planter box to go in conjunction with that.

COMMISSIONER DAWSON: I noticed on the recommendation that you had indicated that should this deck to be approved they would have to reduce the side setback by 5 ft. Is that because of the setback regulations?

MATT HALITSKY: That is correct.

CHAIRMAN STEVENS: There’s a setback on the north side that they need to meet…Page 14. They would need to get that from the Planning and Zoning Commission. Is that correct…if they wanted a variance to that?

MATT HALITSKY: Actually I think they are at 5 ft.

CHAIRMAN STEVENS: So we can scratch that?

SARAH SCHAFER: As long as there are no structural elements coming down any closer than 5 ft. to the property line they would not need to receive a variance. It looks like the deck and the pergola are set back at 5 ft. It looks like the edge of the home comes out to 3 ft. They would need to be at 5 ft. They are 2 ft. shy. It looks like the pergola comes out in line with the house footprint which is at 3 ft. currently.

CHAIRMAN STEVENS: On Page 3 of the staff report or Page 10 of the packet it says 5 ft.

SARAH SCHAFER: If you look at Page 7 in your staff report at the site plan drawing there’s a 3 ft. some inch…I can’t quite read it on the 8 ½ x 11…6 inch setback to the structure and the pergola comes out to that point as well. That would need to be a 5 ft. setback in there for any new construction it would have to meet the 5 ft.

CHAIRMAN STEVENS: We have Exhibit 1 that was handed to me from Mr. Reed. It is a letter dated June 2, 2008.

To Whom It May Concern:

We are the next door neighbors to Andrew and Kate Hunter who live at 1206 N. 5th Street. We’ve seen the proposed addition for the front porch and we are very excited about the improvement. We think it will enhance their home and the neighborhood.

Sincerely,
Barry and Cody Human
1202 N. 5th Street
COMMISSIONER SMITH: I am trying to visualize the front porch that Staff would approve. If I am right about my safety concerns…I’m looking at Page 6. Am I right that it would have to come out to you and have a landing and hand rails?

MATT HALITSKY: I would recommend something very modest and very simple to address the safety concern. Whether it comes down straight along the front elevation or whether it turns at some point and exists to the street…I don’t think that really matters if they have small landing and then down another couple of steps to the street. The issue is that the proposed deck detracts from the front of the home. I don’t think some modest concrete steps would detract from the home.

APPLICANT REBUTTAL

KEN REED: Again, I think, the porch is an effort to make a better statement than just a small step and landing. I suppose that could be replaced with concrete. This is a deck and I am glad that it doesn’t count for the lot coverage. It we were to make it the size of the existing porch that would only be 4 ft. and that isn’t large enough. We extended it to 6 ft. I wanted to create an architectural embellishment. I wanted to create something where people had room to set. As you can see that wall is only about 60 inches off the floor. I really don’t want to do it as a foot high where you go down two or three steps and you go down another step. I look at this as a tasteful design solution.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: I think that what Mr. Reed has designed here from a functional standpoint, may or may not provide the shade that the owner is looking for, but it will do something. You have a challenge here, which is to put something on the front that does not significantly alter the front of the structure. Are there other ways of doing this? There are, but they may not be preferable to the owners. They would not provide such a significant change to the front of the structure. Whether there are awnings to provide shade or it is raised or a patio. I don’t know. This does significantly alter the character defining feature of the house. When you put the 20 inch high knee wall along with the pergola rather it be white, stained natural or whatever it is it is not going to hide. It’s there and it’s going to be fairly prominent. I’m struggling with this because from a functional standpoint it works really, really well. At the same time I have a difficult time thinking maybe there’s an approach that can provide the same of similar function. It may not be what the owner particularly desires, but could do that without substantially altering the front of the home. I have a hard time supporting what is in front of us. I don’t have a problem with the window but do with the deck/porch.

COMMISSIONER POOSER: I have no problem with the addition of the window, it is appropriate. I have similar concerns as Commissioner Chandler with the deck. I have concern because of the knee wall so I don’t think it is a true deck. I know the lot coverage in the area is a concern even though we don’t have the lot coverage of the adjoining properties. The Boise Design Guidelines and the Department of the Interior are clear in that it needs to be compatible with the character of the home and I don’t think it is.

COMMISSIONER BURRY: I see this differently. I see this as an appropriate addition given the size of the backyard. When you look at the elevation you can’t even tell that it is there. I
think it could be easily removed. I look at it as a landscape feature rather than an addition. I do support it.

COMMISSIONER SEWELL: I tend to agree with Commissioners Chandler and Pooser. I would say that bringing the deck back from the north wall so that it doesn’t impact so much of the existing house. Based on the applicant’s comments it is going to be a freestanding element and not impact the house. The knee wall does lend itself to read as something more original to the house. Perhaps extending the columns down would help that. With some of those modifications I may be more willing to support this.

CHAIRMAN STEVENS: I am concerned that it is a dominant feature. I know that it is nearly invisible in the drawing, but it takes up almost half of the home. If you take a look at Page 87 it says not recommended “Introducing a new entry that is not in size, scale, or color with the original structure.” Maybe a patio at grade with a sail or large umbrella to provide shade. Even though it could be removed it is going to be a radical change and is on the character defining façade of this home. I don’t think I can support this as it stands.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00137 WITH THE SITE SPECIFIC CONDITIONS OF APPROVAL AS OUTLINED BY STAFF AND THE STANDARD CONDITIONS OF APPROVAL AND THAT SPECIFICALLY IS THAT WE APPROVE THE CHANGE OF THE EXISTING WINDOW THAT IS PROPOSED AND THAT THE PROPOSED DECK AND PERGOLA SHALL NOT BE CONSTRUCTED AS DESIGNED.

COMMISSIONER POOSER SECONDED THE MOTION.

TERESA SOBOTKA: I have seen this happen in the last few weeks. We need to look at what the applicant proposes. That’s what our motion should be about. What you’re looking at is what Staff felt…not what the applicant is proposing.

CHAIRMAN STEVENS: I’m not sure I understand what you’re…

COMMISSIONER CHANDLER: You prefer a motion one way to approve the window and a motion to deny the pergola.

TERESA SOBOTKA: Yes.

CHAIRMAN STEVENS: Got it.

TERESA SOBOTKA: It looks cleaner in case of an appeal than to try to appeal an approval.

COMMISSIONER CHANDLER: I would like to restate my motion.

COMMISSIONER CHANDLER MOVED TO APPROVE THE REPLACEMENT OF THE WINDOW AS PROPOSED BY THE APPLICANT.

COMMISSIONER POOSER SECONDED THE MOTION.
ROLL CALL VOTE 9:0. MOTION TO APPROVE THE CHANGE OF THE WINDOW CARRIES.

COMMISSIONER CHANDLER MOVED TO DENY THE PORTION FOR THE APPLICATION THAT PROPOSES THE DECK AND PERGOLA ALONG THE FRONT OF THE STRUCTURE.

COMMISSIONER POOSER SECONDED MOTION.

COMMISSIONER McFADDEN: I am in support of the motion. I think it could be a lovely addition in the front, but I don’t think it is congruous with the historic structure. It could be done quite beautifully.

COMMISSIONER DAWSON: I have to concur with Commissioner McFadden. I like the design and the way it looks and in the matter of consistency we have to stay with what we have determined in the past. It does alter the character defining façade.

CHAIRMAN STEVENS: If this motion does pass, I wonder how you feel about including my statement that I read from Page 87.

COMMISSIONER CHANDLER: I would very much embrace that.

COMMISSIONER POOSER: I would add Page 27 where it has the italics. It quotes from the Design Guidelines. It does actually cite to the Secretary of the Interior Standards on Page 85, but I think we just need to add the citation to Page 87 as well.

CHAIRMAN STEVENS: Page 87 is the quote. They are slightly different.

COMMISSIONER POOSER: I agree.

ROLL CALL VOTE 6:3. MOTION CARRIES WITH COMMISSIONERS SMITH, BURRY and SEWELL VOTING AGAINST.

COMMISSIONER McFADDEN: Based on that last application we might want define the difference between a deck and a porch. It seems like there might be some…what do you think Sarah?

SARAH SCHAFER: I can see if there are any definitions in our Ordinance.

COMMISSIONER McFADDEN: I’d say a porch, a patio and a deck are all different, but if they’re all treated the same then we should know that and approach them that way.

CHAIRMAN STEVENS: That might be a discussion for a worksession. First of all find out what sort of definitions there are and second of all figure out whether one versus the other counts in lot coverage and how we view them on fronts and rears of homes. That might be a difference two. We may view a deck on the back very differently than we view a deck on the front.
SARAH SCHAFER: We’ll review that as part of the Ordinance revision I’m looking at doing with the modifications and the timing of the pre-applications and all that information. We’ll roll all that together and I’ll add that to this part of my list.

MEETING ADJOURNED

Jennifer Stevens
Chair, Boise City Historic Preservation Commission

Date
Historic Preservation Commission

Worksession / Hearing Minutes of June 23, 2008

Commission Members Present
Jennifer Stevens, Chairman, Christopher Pooser, Betsy McFadden, Barbara Dawson, Stephen Smith, Katherine Forsythe

Members Present
Sarah Schafer, Julie Archambeault, Teresa Sobotka, Nicki Heckenlively

WORKSESSION

ELECTIONS / NOMINATIONS:

COMMISSIONER McFADDEN NOMINATED COMMISSIONER POOSER FOR CHAIRMAN WITH A TERM OF JULY 1, 2008 TO JANUARY 1, 2009. COMMISSIONER SMITH SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED.

COMMISSIONER SMITH NOMINATED COMMISSIONER CHANDLER FOR VICE-CHAIRMAN. COMMISSION McFADDEN SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED.

CONSENT AGENDA

DRH08-00171 / Jana Repulski / 1411 N. 19th Street
Requests Historic Preservation approval to demolish the garage and canopy and construct a two car garage with attic storage on property located in an R-1CH (Single Family Residential with Historic overlay) zone.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITION CONTAINED IN STAFF REPORT.

NO PUBLIC TESTIMONY.
DRH08-00172 / Eva Kean / 2126 N. 16th Street
Requests Historic Preservation approval to demolish the carport on property located in an R-1CH (Single Family Residential with Historic overlay) zone.

COMMISSIONER MCFADDEN: I’m not involved with this project, but I’m working with Amy Cook (applicant’s architect) on another project so I will be recusing myself.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITION CONTAINED IN STAFF REPORT.

NO PUBLIC TESTIMONY.

COMMISSIONER POOSER MOVED TO APPROVE DRH08-00171 AND DRH08-00172 ON CONSENT.

COMMISSIONER SMITH SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES WITH COMMISSIONER McFADDEN RECUSED FROM DRH08-00172.

REGULAR AGENDA

DRH08-00169 / Eric Wilde / 1209 N. 24th Street
Requests Historic Preservation approval to construct a garage with an accessory dwelling unit and a deck on the main structure on property located in an R-1CH (Single Family Residential with Historic overlay) zone.

Julie Archambeault: Presented an abbreviated staff report with recommendation of approval with conditions:

a. The proposed garage shall meet current zoning setbacks, or be reduced in size to 1,000 square feet or less or a Variance be granted for a reduced setback.

b. The accessory dwelling unit requires separate approval through the Planning & Development Services Department.

The property is located at 1209 N. 24th Street in the middle of the block. It used to have an open front porch in 1949 which has been retained. This is the current condition. The request is to construct an accessory garage with dwelling unit and a deck at the rear of the property. The property next door is a 1½ story. It is a mixed neighborhood. This is an adjacent 1½ story garage. This is a picture of the alley with 1 and 1½ story garages. The garage will be placed to the rear of the property. It will be turned 90 degrees from what you see on the screen in order to meet the zoning code. This is the house. This is the garage. You can see that the garage is going to be a little shorter then the house. The garage is going to be sunk into the ground to ensure that it is shorter then the house and it won’t overpower the house on the lot. This is the new site plan to which meets the condition of approval.
CHAIRMAN STEVENS: Are the doors going to be facing the driveway now?

JULIE ARCHAMBEAULT: Facing the alley. The house is 17 ft. 16 inches and the proposed garage will be 17 ft. There will be an ADU inside the garage and that will require a separate application which will follow if this is approved tonight.

CHAIRMAN STEVENS: A separate application to us?

JULIE ARCHAMBEAULT: No. Planning.

CHAIRMAN STEVENS: We are entering a drawing of the site plan with the garage turned 90 degrees as Exhibit 1.

COMMISSIONER McFADDEN: Did you say to the peak of the house is 17 ft. 6 inches and the peak of the garage is 17 ft.?

JULIE ARCHAMBEAULT: That is correct.

SITE VISITS

Commissioners Smith, McFadden, Pooser, Stevens, Dawson and Forsythe visited the site prior to the hearing.

KEN REED: I have no problems with any of the site visits and appreciate their efforts. I also have several more copies of the site. This is a contributing structure in a strange way. If you look at the site plan it is discombobulated. The original structure is what you see in the picture. There is a structure to the north close to the property line that is the bedroom. It contains a tract size window, and it needs to be changed to an egress compliant window. If you noticed the siding it is a wide clapboard/particle board that was traditional earlier. We figured there was enough room to remodel this into something habitable. We wanted to remodel this into something that would better fit into the neighborhood. We want to change the exterior siding to a bevel and the windows to meet egress. We are not changing the roofline and we are not adding to the footprint. He wanted to have something more than just a window to get out of. There is an ADU to be added to the back. Per the guidelines it is just slightly lower than the main dwelling. We needed to shrink this slightly. We kept the footprint small. It was my fault that I misinterpreted the code for 1,000 sq. ft. footprint versus overall square footage. Those are the changes we would like to add to the exterior.

COMMISSIONER DAWSON: I have questions on Pages 20 and 21 of the packet. I am assuming that Page 20 is the existing and Page 21 is the proposed.

KEN REED: That is correct.

COMMISSIONER DAWSON: Some of the windows have grids and some of them do not. Is that correct?
KEN REED: I added the grids for some character for the windows on the front. I did not add the grids to the side windows.

CHAIRMAN STEVENS: Though they will be grided on the front?

KEN REED: On the application on Page 33, Item 4 fully explains the nature of the proposal. The thinking on the windows was not only code compliance for that bedroom, but the south facing is kind of a storage room as existing and I’ve turned that into a little breakfast nook and I’ve tried to create that was a little more light filled than the windows that were existing. As you look at the elevations, the existing windows are small and don’t allow much light in. The windows that I am proposing do let additional light in.

TERESA SOBOTKA (Legal): We need to talk about the application a little bit. What was advertised was the garage, ADU and the deck. The windows and the siding were not advertised. We simply can not talk about those tonight. I am pushing it as far as I can in letting the house be turned without it being advertised.

CHAIRMAN STEVENS: If you look at the yellow poster that was posted at the house itself it says, “Approval to construct a garage with and ADU and a deck on the main structure and change windows on the house on property located at 1209 N. 24th Street. That was certainly in our packet about the windows.

COMMISSIONER POOSER: And the siding.

CHAIRMAN STEVENS: Page 12 of our packet. It’s a photograph of the yellow poster that was at the house. I agree it doesn’t say anything about the siding, but it does talk about the windows.

TERESA SOBOTKA (Legal): Page 12? I see it now.

SARAH SCHAFTER: I need to check one additional location before we say everything is fine. It wasn’t on the letter of legal notice that went out to everyone. We don’t have to publish in the paper for residential historic, but we do have to send out the legal notices within 30 days. The legal notices for projects within 300 ft. did not contain the siding and the wording.

TERESA SOBOTKA: Was this posted for correctly for the right amount of time?

SARAH SCHAFTER: Yes.

TERESA SOBOTKA: Then let it go. The fact that it was posted probably gives due process. The notice generally says that the whole project is up for review. What was posted gives specifics on the windows so it would be okay to do the windows, but it’s a close call.

CHAIRMAN STEVENS: And the siding?

TERESA SOBOTKA: You’re not seeing anything that talks about the siding.
CHAIRMAN STEVENS: Our packet did. Not on this yellow piece of paper…no (referring to posting).

TERESA SOBOTKA: You’re not seeing any notice that talks about siding? I’m looking at due process issues. Windows yes…siding no.

CHAIRMAN STEVENS: Could the siding be approved at staff level?

JULIE ARCHAMBEAULT: Yes.

CHAIRMAN STEVENS: If we were to approve this we could send that to Staff?

JULIE ARCHAMBEAULT: Yes.

PUBLIC TESTIMONY

DAVEY THOMAS: The exterior staircase was not mentioned on either the green public notice page or the yellow sign. We are concerned about this being used as a multi-family dwelling. We are concerned about the ADU being used as the owner occupied unit while the main dwelling is rented out. We are concerned with the pad being the additional parking and access to this is only from the alley. We do want assurance that we are allowed to have a statement for this being a multi-family dwelling. We are concerned about the small children in the area. We would also like assurance that we would have recourse if there is an application for the multi-family dwelling. By the garage being sunken, are they being allowed a larger structure than what would typically be allowed? We are concerned about the water flowing down into the sunken garage and breeding mosquitoes. Is there anything to pump out water? We oppose the south stairwell to the basement of the home. It adds a false sense of history and destroys the integrity to the house. We don’t feel there is a need for the exterior stair when there is already an interior staircase to the house. What it does do is…we feel…opens up the opportunity for a possible additional exterior access for a future rental. Without seeing the plans for the basement we highly question the intent of adding an exterior stairwell.

JERRY WEST: This is a single family residence and converting it to a rental is not in line with the historic nature of the house. I am concerned with the sunken garage creating a hazard. This will also create a view into the neighbor’s house. I don’t understand how the garage is going to face now.

CHAIRMAN STEVENS: Mr. Davey, could you please bring that drawing up to the podium and leave it there for everyone to see.

JERRY WEST: It is my understanding that the building will be set back 15 ft. now. I am concerned about it looking down into my neighbor’s backyard. It won’t affect mine. I don’t see the need for the added staircase. I don’t see why the interior stair won’t work instead of the exterior stair if it isn’t going to be turned into a rental. I don’t see any need for this to be turned into a multi-family dwelling. That shed in the rear was built by Tim Woodard of the Idaho Statesman. It is historically significant. I would hate to see that historic structure eliminated. My question is if it is going to load from the alley and it is a 15 ft. setback?
RICH PRASCH: I live directly behind the proposed garage and I’m concerned with the height. The cars will be backing into my driveway. I am concerned with it turning into a tri-plex and don’t think it is historically appropriate. I am mostly concerned with the proximity of the garage forcing people to back up into my driveway.

TERESA SOBOTKA (Legal): The neighbors brought up the external staircase and I can’t find….

KEN REED: The Comprehensive Plan is clear in that it encourages ADU’s to increase density and infill. We have met the guidelines keeping the structure below the home and recreating some elements that are not present at this time. I don’t know the status of the stairs. With a basement…if you are going to have one that is habitable there isn’t much harm in adding the staircase because the ceiling heights are only 7 feet. There is only the washer and dryer. I don’t think there is any reason that he shouldn’t have that access to the basement. The interior stairs wouldn’t allow for anything more then a box to be moved to the basement.

COMMISSIONER POOSER: Could you address the concerns about water in the garage?

KEN REED: You would abate the water through a drain at the front of the garage. You usually use a 2 inch metal grate that will keep the water from ponding there. We would create a dry well that would take the water away and keep it away.

CHAIRMAN STEVENS: Sometimes it does rain very hard.

COMMISSIONER DAWSON: That drainage area would be on the outside of the garage doors?

KEN REED: Yes it would. It isn’t complicated and I am sure you have been in many places where this is actually present.

COMMISSIONER McFADDEN: The other thing to address is the backing out of the garage? With the 15 ft. setback and the alley width…is it a 12 ft. alley?

KEN REED: It is a 12 ft. alley. When you add 8 ft. and 15 ft. you get 23 ft. back up space and code is 22 ft. This building actually lower than the building to the south. If there are any privacy issues I believe the building to the south can actually look down into the backyard of the building to the north on my client’s property.

COMMISSIONER POOSER: There has been some opposition to it being a rental?

TERESA SOBOTKA (Legal): The scope of your review is the external features and if it is congruous with the Historic District. Use isn’t an issue that you can look at. To some degree it may be looked at by Planning and Zoning but not by this Commission.

CHAIRMAN STEVENS: We look at use in some instances.

TERESA SOBOTKA (Legal): I may have missed understood what was being implied.
CHAIRMAN STEVENS: It is advertised as an ADU.

TERESA SOBOTKA (Legal): Yes, you would have to look as it as a change in use.

COMMISSIONER POOSERL: It is a change in use from single-family residential to a rental.

TERESA SOBOTKA (Legal): You will have to see if it meets your definition or not.

COMMISSIONER POOSER: Wasn’t that something Staff addressed as a change in use from a single family to a two single family…?

TERESA SOBOTKA (Legal): Staff, I don’t think felt it was a change in use, but what I’m telling you is it is up to you to look at the code. If you feel that it is a change in use then we would need to set all this over and look at change in use first. You need to look at your code and decide if you feel that meets the definition you have in your code is change in use.

JULIE ARCHAMBEAULT: Sometimes when we get an ADU in it’s for a guestroom. Sometimes when we get an ADU application in it is specifically for a rental unit. Either one.

COMMISSIONER POOSER: What was the first one?

JULIE ARCHAMBEAULT: A guest room for visiting in-laws.

SARAH SCHAFER: Additionally we typically review the ADU’s as just an alteration through our alteration findings. We haven’t typically addressed the ADU’s as a change in use with this ordinance. However, if that’s how you would like for us to proceed you would need to make those findings on the record for us tonight, but that’s not how we have historically done this.

TERESA SOBOTKA: The other thing is you can simply put a condition on that says that it’s not to be used for commercial purposes.

COMMISSIONER POOSER: Is a rental a commercial purpose?

TERESA SOBOTKA: Sure.

COMMISSIONER SMITH: We have talked about lack of advertising. Would we have to advertise a hearing item for a change in use?

TERESA SOBOTKA: If you feel the item rises to a change in use you would have to advertise and you also have to decide change in use first. You would have to continue this hearing to another date which is what I was referring to, advertise, and then take that matter up first. I do agree that often times ADU’s are used just for additional family members, etc. If you feel your definition is such that it rises to a potential for a no rental then either handle it through a condition of approval so that they would have to come back if that’s what they want to do or set it over.
COMMISSIONER SMITH: I have one other question for Legal…will we have to set it over because of the stairwell?

TERESA SOBOTKA (Legal): You can clarify that with the applicant about whether he wants an approval of what was advertising and he’ll come for the stairway or if he wants to set it over.

CHAIRMAN STEVENS: I’m going to read our definition of Change in Use under our ordinance which is 2-18 of the Boise City Code. “Any change of use affecting the land or structure where a conditional use permit or administrative review is required under Title 11, Chapter 4, of the Boise City Zoning Code or Record of Survey required under Title 9, Chapter 20”. I guess I’m hearing Staff tell us that this is going to be reviewed under Title 11, Chapter 4 by the Zoning Commission. Correct? Therefore, it does in fact meet our definition of Change in Use.

SARAH SCHAFER: I believe ADU’s are reviewed under Title 11, Chapter 5 and not Chapter 4.

COMMISSIONER POOSER: I have another question for legal. If, on my property, I had an exterior guest room and I wanted to turn that into a rental would I have to come to the City to get approval for that? Have I just changed my use from residential to residential/commercial?

TERESA SOBOTKA: Right now it’s an ADU. An ADU from Planning and Zoning’s point of view…they don’t care about whether it’s a rental or not. They’re going to look at does it have a bathroom in it, a kitchen in it, those kinds of things. If it already has that in it then I don’t think you would have to come back. If it doesn’t have that in it right now and you want to put in those items then you would have to come back to Planning and Zoning.

CHAIRMAN STEVENS: Not entirely.

COMMISSIONER POOSER: No…not really.

CHAIRMAN STEVENS: Do they look at an ADU simply as it’s an ADU. They don’t look at the use of the structure at all when they’re reviewing it.

TERESA SOBOTKA: No.

SARAH SCHAFER: ADU’s are governed by Title 11, Chapter 5 and what they look at in regards to those is square footage of the ADU, if the correct amount of parking can be obtained.

TERESA SOBOTKA: Like you the big thing is to make sure that it is accessory to the main unit. They’re not looking really at the use.

COMMISSIONER POOSER: We don’t know if there’s going to be a change in use in this case. I don’t think we have that application be us. We’d just be speculating that there would be a change in use.

TERESA SOBOTKA: That’s the way I took it in the beginning.
COMMISSIONER POOSER: From a personal view I don’t know how we can consider that when it’s not before us. You made a suggestion that if in fact it is turned into a rental that would actually have to come before us and we could put that as a condition that it would come before us and we do at that point consider a change in use. It seems that would happen anyway. Under the code that would be a requirement that if you have a property in the Historic District and it’s a single family dwelling and then all of a sudden you want to add some portion of your property to be a rental then you would have to come before the Historic Preservation Commission to get approval for that. Is that correct?

TERESA SOBOTKA (Legal): I don’t believe that’s the way we have traditionally looked at it. It is certainly a way that you possibly could. Change in use is not defined in the State Code. It’s how you define change of use in your code and then how you apply that definition. Traditionally we have not looked if someone had a rental on their own property as an ADU that looked at that as a change in use. However, I’m not foreclosing that idea if you want to do it. From the very beginning I’ve said to me from the testimony I’ve heard tonight it looks like it is speculation at this point as to whether or not it would be. I would go back, if you feel it could possibly meet that definition, put a condition on that says if they’re going to rent it out they have to come back to you.

COMMISSIONER POOSER: It doesn’t sound like we have the authority to do that from what you just said.

TERESA SOBOTKA (Legal): I’m not going to interrupt your code for you. You need to look at the definition of a change in use and determine if it could possibly apply to a rental. Just because they haven’t done it in the past it doesn’t mean it applies or doesn’t apply. It just means that we’ve never applied it that way.

CHAIRMAN STEVENS: It’s a little frightening…I’m going to step in here and say whether it’s an accessory dwelling unit or…what I’m hearing is that the same logic would apply to somebody who owns a home and decides they want to rent it whether they move out of state for two years…that’s a bit overstepping. I don’t know of any government around the entire country that does something along those lines so I’m a little weary of doing something along those lines and starting it here tonight.

COMMISSIONER POOSER: I am too. If we had a precedent that…at least since I’ve been on the Commissioner for however many months that’s how we’ve always acted. For us to come in now do a new requirement today especially since it’s a more a hypothetical situation…it seems like we need to perhaps have Legal maybe look at this issue and bring it back to the Commission so we can make an informed decision on how to proceed in future instances.

TERESA SOBOTKA: I’m not in any way advocating that you look at this as a change in use. You brought the question to me and I’m sticking with my answer. I see it as speculation and I see it as your job as Commissioners to determine if you feel that it could possibly be put the condition on otherwise don’t. I can simply tell you what we’ve done in the past.

SARAH SCHAFAER: One other thing is that in our decision matrix which we have in place it does state that administrative level approvals for change in use or any of the other administrative
level applications can be done at an administrative level on our part as well so if the applicant had a garage that already had an upstairs unit and they came in for their accessory dwelling unit permit which is a staff level permit through current planning we would have reviewed historic preservation wise if they were adding an exterior door and an exterior parking space at staff level. We wouldn’t have brought it up to you at the Commission level for that change because it is an administrative level approval through the current planning process.

JULIE ARCHAMBEAULT: I wanted to add that the exterior stair could also be handled at a staff level along with the change in the siding.

COMMISSIONER DAWSON: Something that was mentioned in some of the ordinances had to do with extra parking if this is an ADU for another party. Is that something that the Planning and Zoning people when they review this application will make that decision?

SARAH SCHAFFER: That is correct. The primary dwelling will require whatever they’d previously had on site. Sometimes its one parking space, sometimes they previously had two. An ADU also requires a parking space so this property will be required to house anywhere between two and three parking spaces for its use.

KEN REED: I have done a number of ADU’s and they are very complex. They require three parking spaces. They can not be more the 600 sq. ft. and they can not exceed “X” amount of sq. ft. If this is converted to a separate unit...there is a deed restriction that the owner has to live on the property. This was set up by City Council stating that they have to live on the property and can rent out one of the units. You can not rent it out and only let family stay there when they visit. I know this is complex. Finally, I think the stair is unobtrusive and I would like it if we could address that at this hearing.

PUBLIC PORTION CLOSED

COMMISSIONER POOSER: The first issue is if this is a change in use. I don’t think we are ready to review this as a change in use. To do that today would be drastic. As far as the concern of it being a rental I don’t see that as in our authority. In regards to the windows they are appropriate. As far as the garage I think the massing is appropriate as well. As far as the siding, it sounds like it and the exterior stairwell can go to Staff. With respect to the garage and the windows I will be voting in favor of the application.

COMMISSIONER SMITH: I am uncomfortable moving forward without the understanding of if we can give authorization on what appears to be a change from single-family residential to multi-family residential. I understand that we don’t have any evidence before us, but we have had at least three people testify that this is the intended use. I would prefer to hold this over as we would have to consider the exterior stairway at some point. I don’t like the legal posture of this right now. I think we have to settle this one way or another.

CHAIRMAN STEVENS: I am torn between the fact that we have never discussed it as a change in use and the fact that it is being brought before us tonight. It is a tangle. We should establish some sort of policy before we depart from what we have done in the past. That would have us as arbitrary. On another note the diversity of the neighborhood is good. I don’t think rentals are
evil. My opinion is that we need rentals, we need big houses and little house so that we can have a vibrant city. I think it is a good proposal as far as ADU’s go. The materials and the windows and the siting are all good. Even with the addition of the ADU it falls under the lot coverage requirements. I do support the application, but I do think it brings up a legal question. I think it is something that needs to come back within the next month.

TERESA SOBOTKA (Legal): I am willing to do this but my position is that you do need to interpret your ordinance.

COMMISSIONER SMITH MOVED TO TABLE THIS APPLICATION UNTIL WE GET AN OPINION FROM LEGAL ON THE INTERPRETATION OF THE ORDINANCE OR IF WE CAN PROCEED ON THIS APPLICATION AS SUGGESTED.

CHAIRMAN STEVENS: Motion dies due to lack of a second.

COMMISSIONER POOSER: I will offer a substitute motion…

CHAIRMAN STEVENS: I don’t think it is a substitute. The first motion died for lack of a second.

COMMISSIONER POOSER MOVED TO APPROVE DRH08-00169 BASED ON THE FINDINGS OF FACT AND CONCLUSION OUTLINED IN THE STAFF REPORT WITH THE EXCEPTION OF THE PROPOSAL TO CHANGE THE SIDING AND TO ADD THE EXTERIOR STAIRWELL INCLUDING THE SPECIFIC SITE CONDITIONS OF APPROVAL A. THAT THE PROPOSED GARAGE SHALL MEET CURRENT ZONING SETBACKS OR BE REDUCED IN SIZE TO 1,000 SQ. FT. OR LESS OR A VARIANCE BE GRANTED FOR A REDUCED SETBACK AND B. THE ACCESSORY DWELLING UNIT REQUIRES SEPARATE APPROVAL THROUGH THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT.

COMMISSIONER DAWSON SECONDED.

CHAIRMAN STEVENS: For clarification siding and exterior staircase will have to be re-advertised but can be considered part of this same application and be dealt with at staff level.

TERESA SOBOTKA (Legal): You don’t have to re-advertise.

CHAIRMAN STEVENS: Isn’t the problem that it wasn’t advertised in the first place?

TERESA SOBOTKA: As part of this application…staff level does them completely opposite. They will approve it and then they will send out a notice of their approval for an appeal. That’s why it’s a problem.

COMMISSIONER MCFADDEN: I agree with the motion because the review of the ADU will go forward under a separate approval. I encourage the people that are here to go through those channels to make sure their concerns are addressed. I also want to agree with Chairman Stevens that the diversity of the neighborhood is important and rentals are not the worst thing.
ROLL CALL VOTE 5:1. MOTION CARRIES WITH COMMISSIONER SMITH OPPOSED.

**DRH08-00183 / Richard L. Stacey Jr. and Aleja N. Stacey / 1312 N. 12th Street**
Request Historic Preservation approval to demolish the home and construct a new home on property located at 1312 N. 12th Street in an R-1CH (Single Family Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: Presented abbreviated staff report. This application was approved a while ago to add the dormers to the house. They were going to redo the house and put dormers up to open up the upstairs. They found many problems. There are large amounts of roof structural concerns. The applicants would now like to remove the entire structure and put back the building in the same design that was originally proposed. They were unable to meet three of the five criteria for demolition in Staff’s opinion. I gave them some examples of how to meet the criteria for the economic feasibility. They did want to ask for a deferral to the July 14 hearing. Staff recommends deferral to the July 14, 2008 hearing.

**PUBLIC TESTIMONY**

LISA CORBETT: I live at 1014 N. 14th Street. I am very opposed to this. I was walking my dog and am concerned about what is happening in the North End. I believe in everything being diverse and I don’t believe that everything should be enlarged. People should be living more energy efficient. I don’t think everything should be enlarged. My family has lived in the North End for a hundred of years. We have partied in just about every house in the North End. We just know the area. I am a real estate broker. I believe in leaving things the way they are. I am sorry that I am going a little tangential. I have trouble thinking that the roof structure is so bad. It is adorable. It is a 863 sq ft., two-bedroom, two-bath. For two people in a safe area of town people would give their eye teeth to live there. We are surprised at the razzings or getting rid of the gorgeous garages. I use to be a photography teacher and the kids loved taking pictures of these. Not these mushrooming garages. I believe in rentals. I am not concerned about a second garage. I think that could be cool. It helps the privacy to be in take. The best thing I could impart here is the New German glass windows. The glass is incredibly cool and helps keep everyone’s privacy. I have rentals and people tell me I have the prettiest rentals in town. I just think when it comes to demolition there should be added time for those that are opposed. I think demolition is way out of line for this house. Sometimes homes are approved by Planning and Zoning. There is one that is the craziest house. It is on O’Farrell between 9th and 10th. I wish I had the address. We talked about privacy. Lots of people chose not to have families and want to simplify. They want to be more energy efficient. I think if there is going to be an addition it should only be of a third of the house.

PUBLIC PORTION CLOSED

COMMISSIONER MCFADDEN MOVED TO DEFER DRH08-00183 TO THE JULY 14, 2008 HEARING.

COMMISSIONER POOSER SECONDED THE MOTION.
ROLL CALL VOTE 6:0. MOTION CARRIES.

DRH08-00186 / Duncan and Kari Filson / 1502 N. 27th Street
Requests Historic Preservation approval to construct a single-story addition on the north side of the main dwelling with new covered entry on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: Presented brief staff report with a recommendation of approval.

COMMISSIONER POOSER: Would that be on the front of the house or all windows?

JULIE ARCHAMBEAULT: The windows should be fairly consistent throughout the house so if you’re not going to use grids on the front it’s probably a good idea not to use them on the back.

CHAIRMAN STEVENS: Are you comfortable using vinyl 1/1’s even though the current windows are all wood and appear to be original? Would you recommend if it is vinyl putting some sort of seal depth requirement on it or anything like that or what is your thought on that?

JULIE ARCHAMBEAULT: If the windows can be set back sufficiently Staff would be comfortable with vinyl due to the many modern houses that are in the area. But because there are some there is some historic integrity left in the neighborhood Staff is not comfortable with the vinyl window that sets flush with the wall plane and if that’s the plan Staff would prefer to see metal clad wood or something else that would set a little farther back.

COMMISSIONER POOSER: This is a noncontributing structure so typically and maybe this is not the rule of thumb so I’m asking if it’s a noncontributing structure there’s not much of a concern as far as whether its vinyl or wood with what the new change would be?

JULIE ARCHAMBEAULT: The rule of thumb is that when you have a noncontributing structure you look to see how it’s going to affect the district around it so if it was surrounded by everything new it would be less of a concern. Also you take into account is it a 1970’s noncontributing or is it clearly…it has most of its materials and it’s on the edge of noncontributing. Because right now it has all wood windows…it is noncontributing but just on the edge of it. It also has some good architecture around it…Staff would, in order to retain the integrity that is on that street we’d be a little more careful with the windows.

SITE RE-VISITS

Commissioners Stevens and Dawson revisited the site prior to the hearing. Commissioners Smith, McFadden, Pooser and Forsythe did not revisit the site prior to the hearing.

EVELYN GRIME (Applicant’s Architect / Representative): What I was excited about in this site plan and design solution and going with a one-story…convinced Kari to give up her garden space and put everything to the north we still have not lost any trees and our existing coverage is at 28%...2% of that is actually this front porch now that’s 200 – 250 sq. ft. and really engages the
neighborhood. The other thing I liked about this design was being able to reintroduce the type of gable and some of the post design you would see with a larger Minimal Traditionalist style. In some ways we’ve essentially reintroduced the home in a way without taking it back to its original one bedroom contributing status. At least we’re keeping the story alive and telling a grown up version of what was a very small cottage. It’s appropriate to lose the original gable and also to take out the picture window that was under that original gable which you will see on the right hand side of the upper elevation. With the entry we are reusing the existing door which was the original door to the cottage before it grew in 1957-1960. We still have the original front door being reused again and actually the back door is the original multi-paned glass and wood door and it will be relocated as well. Some of those elements are important to keep. As far as the windows we haven’t had any discussion about it, but I am open to options. In the application I have noted that the proposed sill set is 4 inches. There are different vinyl window products out there that we can look at and we can certainly work with Staff to come up with something that is at least 4 inches that provides some good shadow depth. The other part of this is those two windows in the front are two single hung windows. I honestly don’t have an opinion on the clear non-mullion windows versus an open window that’s two side by side single hungs, but knowing my client I’m sure we’re open to suggestions and possibilities. We don’t have another pair of the single hung windows that we could use to replace the picture windows. The Secretary of the Interior Standards…this has already been replaced once because it used to be the door but it was still a picture window from 1957 so it’s telling a story but we’d really like to change it again for a lot of reasons. Do you do a vinyl window in the middle of two windows because that is the difference in material? If we’re not going to do mullions then I start to get a little uncertain. I’d like to bring that up and have that discussion.

CHAIRMAN STEVENS: Are you keeping the original windows then?

EVELYN GRIME: On the right hand side yes. But on the right hand side there’s a note on the pair of windows under the existing gable to be removed…there’s a word in there that says replace. If you look at the existing elevation it just shows a large picture window that was put in, in 1960. After the design rounds the owners felt that placing single hung windows it would be the best design. I am open to suggestions. The windows on the north side are the original windows to remain. But on the south side they would all be new windows. On the north and the rear…is appropriate for them to be a heavy duty vinyl. We need to consider what we’re doing up front and if we’re not going to do mullions on the left hand windows then I would ask what do we do with the replacement window between the two on the right. As far as other items, the addition allows us to bring it up to energy code and it would allow us to give it a new long life.

COMMISSIONER DAWSON: The windows that are currently on the right hand side of the home are going to be reused in their entirety? The ones that are to the right of the new front entry and the ones on the corner are existing there now and they will be reused?

EVELYN GRIME: They will remain there.

COMMISSIONER DAWSON: Then around the corner there are some existing windows that are going to be reused.

EVELYN GRIME: That will remain there. There’s no work in those rooms.
COMMISSIONER DAWSON: How difficult is it going to be to find new windows that match those?

EVELYN GRIME: We can certainly investigate to match. I think it’s a difference of do you go into one wood window for the center and where do you transition to vinyl. Do you place the requirement on it that says all wood windows which is three times the price? Again, like we talked about originally we are trying to bring this to the three bedroom home.

COMMISSIONER McFADDEN: Can you go back to the proposed front? I was wondering how the applicant would feel about doing all new vinyl on that front so that they were all consistent on the front.

EVELYN GRIME: We talked about that at one point and Kari actually got excited about reusing those existing window on an inside hutch so I think she’d be open to that. I personally would not want to turn the corner with it. I would want to leave the street side from Heron alone and original.

CHAIRMAN STEVENS: So leave the south side original.

NO ADVERSE PUBLIC TESTIMONY

NO STAFF REBUTTAL

PUBLIC PORTION CLOSED

COMMISSIONER McFADDEN: I think that this application has gone full circle and I wanted to commend the applicant for coming up with a very nice solution. I guess the subtleties of the windows is something I hadn’t even noticed when I was looking at the packet. I do agree with Staff that the vinyl grids are generally inappropriate and the pattern that she has going with the two single hungs or double hungs next to each other make a nice pattern on their own and with a nice vinyl window that her client would be getting a really nice rhythm. The problem is the mixture of the vinyl and the wood. If there was some consistency there that we could come up with I’d like to entertain that. I think that maybe if they were all vinyl it would look better than to try to mix vinyl and wood. That’s my two cents but overall I’m in support of this application. I think it’s a good direction.

COMMISSIONER STEVENS: It sounds like the thing to do is to direct the applicant to come back with a staff level application so that we can send out the notice.

COMMISSIONER DAWSON MOVED TO APPROVE DRH08-00186 WITH THE SITE SPECIFIC CONDITION OF APPROVAL # 1 AND AN ADDITIONAL SITE SPECIFIC CONDITION THAT THE REPLACEMENT WINDOWS TO BE METAL CLAD WOOD OR RECESSED VINYL WITH NO GRIDS TO BE APPROVED AT STAFF LEVEL.

COMMISSIONER McFADDEN SECONDED THE MOTION.
CHAIRMAN STEVENS: Is Staff clear on that direction?

JULIE ARCHAMBEAULT: Would like them to come back with a staff level application or would you like it included in the building permit?

CHAIRMAN STEVENS: When we’ve sent stuff back to you before how have we dealt with it?

JULIE ARCHAMBEAULT: It depends on how you word it.

SARAH SCHAFER: You’re best option because we’re changing out windows and that’s something we typically do as a staff level application and then we send the 300 ft. notice…I think it’s best that we direct the applicant to come and file a staff level application for staff to review so we can send out noticing so we can make sure there is no need for appeal.

CHAIRMAN STEVENS: Can we as a Commission make a motion to waive any sort of additional application fee?

TERESA SOBOTKA (Legal): No. That’s administrative so you can’t do that.

CHAIRMAN STEVENS: It is part of this application so I hate to have them have to pay however much it is.

TERESA SOBOTKA (Legal): We don’t have authority. We can go to the Panning Director and explain what you’re saying and then it’s up to them to decide. I want to make sure that the windows before you are the ones on the single story addition or in the covered entry. The preexisting windows are not before you.

CHAIRMAN STEVENS: They’re not?

COMMISSIONER McFADDEN: They’re proposing to reuse a couple of them.

TERESA SOBOTKA: That’s not part of the application. That’s not what was advertised. What was advertised is the single story addition with a new covered entry. Anything on the addition side or in the covered entry is free game and you can do whatever, but the windows on the other side I can’t find anywhere where it was advertised or mentioned in the application or any hint of anything.

CHAIRMAN STEVENS: So we have a copy of the notice in our packet?

COMMISSIONER DAWSON: No.

CHAIRMAN STEVENS: It sounds to me like the thing to do is direct the applicant to come back with a staff level application therefore it could be sent out to the people within 300 ft. and go from there. Correct?

COMMISSIONER DAWSON MOVED TO AMEND HER MOTION TO REFLECT THAT.
COMMISSIONER MCFADDEN AGREED WITH THE AMENDED MOTION.

CHAIRMAN STEVENS: Just so everybody is clear and the seconder agrees, we are dealing with a motion to support this application with the site specific condition of approval # 1 and adding another condition that the applicant will come back to Staff with an application for the windows that will either make them consistently vinyl single hung no grid across the front or wood clad with a grid across the front if they choose to do that. Correct?

COMMISSIONER DAWSON: Correct.

COMMISSIONER McFADDEN: *Indicated correct.*

ROLL CALL VOTE 6:0. MOTION CARRIES.

**DRH08-00173 / Athena V. Killeen / 1309 N. 25th Street**
Requests Historic Preservation approval to construct a single-story, rear addition to the main dwelling on property located in an R-1CH (Single Family Residential with Historic overlay) zone.

JULIE ARCHAMBEAULT: Presented staff report with a recommendation of approval with conditions.

- a. The roof and eaves will match those of the house.
- b. The windows will be metal clad wood.
- c. Except for the bathroom window, the new windows will be 1/1.

CHAIRMAN STEVENS: Talking about putting a gable on the back. That is a pretty big change in design without seeing a plan for that. Are you comfortable with that? As I draw it that might come up higher than the front.

JULIE ARCHAMBEAULT: I felt that it wouldn’t be that big of a change. I felt comfortable with it. It is purely at your discretion of course.

COMMISSIONER McFADDEN: It appears to be a simple solution and I can see Julie’s reasoning.

CHAIRMAN STEVENS: Have we approved this sort of modern addition before? Just like the ice house lofts…we approved a very modern addition to the back and the out building as well.

JULIE ARCHAMBEAULT: You are correct. I forgot about the ice house. From the side…the roof slope, it may look like a gable.

CHAIRMAN STEVENS: And that is the side that is visible from the street? Well if there wasn’t a tree there.
SITE VISITS

COMMISSIONER SMITH: I went down the alley. I tried to envision what it would look like. I noted the houses on both sides. I guess I have some concerns with the design.

COMMISSION MCFADDEN: I also took a look at the site from street and alley. There are very traditional historic homes on the block. The back was difficult to see because of the fencing. It was blocking the view to the backyard.

COMMISSIONER POOSER: I did not visit the site but I live a block away.

CHAIRMAN STEVENS: I couldn’t see a thing. I noticed the large tree on the south side of the home...maybe it is the north side...whatever side of the addition. There is a driveway from the numbered street. This gave a little more visibility. Otherwise you couldn’t see much.

COMMISSIONER DAWSON: I drove the street side and the alley.

COMMISSIONER FORSYTHE: I visited the site and tried to envision what the addition would look like if there was no fence.

ATHENA KILLEEN (Applicant): The main thing that we want to achieve is that it is not visible from the site lines. That is partly why you get the modern roofline and there is a cost factor. It is only 450 sq ft. We just wanted the small addition. We are not wanting to put a gable roofline there. We like the height and the light and some of the newer pieces of the structure. It is a master suite and a small bedroom. They will be energy efficient windows. The current windows are covered with storm windows. If I were to put windows on the new addition, the cost part would be a major consideration for me.

COMMISSIONER McFADDEN: Did you or your designer consider a gable on the back and then you opted for a shed roof?

ATHENA KILLEEN: When they designed it and we looked at the budget, yes.

CHAIRMAN STEVENS: I understand your concern about the cost of the wood windows. I’m wondering with regard to the configuration of the windows one of the Staff recommendations was a 1/1 configuration instead of...for instance if you look at the left side it looks like you’ve got a slider?

ATHENA KILLEEN: On that small bedroom...yeah.

CHAIRMAN STEVENS: And then in the rear it’s an asymmetrical 1/1 and so I’m curious regarding the configuration if you’re comfortable with going to a more traditional window?

ATHENA KILLEEN: I am as long as I can stay within the vinyl and the height considerations.

NO PUBLIC TESTIMONY
PUBLIC PORTION CLOSED

NO STAFF REBUTTAL

COMMISSIONER DAWSON: I have concerns with the shed roof, it just looks odd, but by the same token it’s almost invisible from the public view given the height of the fence and the surrounding vegetation that blocks what one would normally see.

COMMISSIONER SMITH: I have the same concern, but having heard the applicant talk about cost issues…I have mixed feelings because it does not look in place with the existing structure. It is nearly invisible and the fence is very high. You almost have to climb over the fence to see it.

COMMISSIONER McFADDEN: This is the classic problem with matching the old to the new. In this instance the addition is clearly different from the existing home. In some instances it turns out great and in some instances it is not. The ice house is a good example. For that reason and probably for the bigger reason that you don’t see any of it, I would be inclined to support the application.

COMMISSIONER POOSER: I am also of a mixed mind. That block is unique and the houses are well kept. I believe the houses to the north of the structure have been recently done. Regarding the ice houses I can see how the shed roof would work on a structure like that. I am inclined to support Staff’s recommendation on this. I am extremely sensitive to the cost issue. I don’t think this is congruous with this house.

CHAIRMAN STEVENS: I am going to read a couple of things into the record here. I will start by saying the location of the addition, the location of the lot on the interior of the block…the entire possibility of even seeing this…makes me feel like this is something we should approve. When you look at what we ask which is to differentiate…to use modern…but it is clearly out of step with what the house is. I want to read one thing that supports that. On Page 30, 4.1.11, “It is not appropriate to construct a new addition that creates an appearance inconsistent with the historic character of the building”. There are a lot of other things in our guidelines that tend to support doing something like this. Certainly the lot coverage, the fact that it’s staying under the amount typically asked for, the fact that it is on the rear and that it is not visible and even down to using vinyl windows…we’ve approved those in the past on additions of this character. I’m torn on it as well, but I know that we have approved similar things and I am reluctant to go the other direction on this.

COMMISSIONER FORSTYHE: When considering if it not stylistically accurate and I’ve heard Commissioners say that you can’t see it anyways because of the fence. The fence can be altered so it’s important for us to consider that down the road if it’s brought down 3 inches we wouldn’t feel that we made the wrong judgment because now it would be as visible.

CHAIRMAN STEVENS: Currently, yes.

COMMISSIONER FORSTYHE: But the fence can be altered. It is important to consider that the fence could be brought down 3 inches and then it would be visible.
CHAIRMAN STEVENS: I want to read from Page 62. Number 9 says, “New additions, exterior alterations, or related new construction will not destroy historic materials features and spatial relationships that characterize the property. New work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion in massing to protect the integrity of the property and its environment”.

COMMISSIONER McFADDEN: Initially I said I would support this application. It seems that generally we do try to make the appearance of the additions congruous with the primary structure. We are seeing some of the things that Staff cited in their report. If you look at 4.1.3, “It is generally appropriate to relate rooflines in pitch and orientation to the main structure”. We do try to do that. On Page 30, 4.1.11, “It is generally not appropriate to construct an addition that is inconsistent with the main dwelling”. I think I am going to flip flop. I see where the applicant is going. Generally it can be pulled off beautifully. I am worried about the cost too, but there is a way to eliminate some windows if the eaves come down over the French doors.

CHAIRMAN STEVENS: I am going to flip flop as well. The information I was thinking of is from the new construction portion of the design guidelines. With that being said, I am alright with the use of vinyl. The traditional 1/1 should be used. I am concerned about the peak coming over the top of the drawing. It would be wise for us to have Staff look at that carefully or ask them to come back to us. It is going to be close if we come back to match the pitch.

COMMISSIONER McFADDEN: I don’t think they are going to have a problem because it isn’t very wide. I see how Commissioner Pooser drew it on his copy in red…they would be hard pressed to go over that.

CHAIRMAN STEVENS: We could end up with a shallow pitch that I am personally not comfortable with.

COMMISSIONER DAWSON: Looking at 5.8.7, it states, “It isn’t appropriate to use a roof that isn’t seen on the structure or in the District”. Commissioner Forsythe brings up a good point in that currently it isn’t visible but it could be in the future.

CHAIRMAN STEVENS: We seem to be moving to some form of a consensus so I would entertain a motion.

COMMISSIONER POOSER MOVED TO APPROVE DRH08-00173 PER STAFF’S RECOMMENDATION WITH THE POSSIBILITY OF A DESIGN OF A GABLE RETURNED TO STAFF.

CHAIRMAN STEVENS: I think the best option would be to defer.

TERESA SOBOTKA (Legal): Do you want to give any guidance?

COMMISSIONER POOSER MOVED WITH A SUBSTITUTE MOTION THAT THE VINYL WINDOWS WITH A 1/1 ARE APPROPRIATE. THE ROOF AND THE EAVES CAN BE DONE WITH THE EXISTING SLOPE OF THE ROOFLINE MAKING IT COMPATIBLE WITH THE HOUSE.
CHAIRMAN STEVENS: Is that a motion of deferral? I’m going to ask Julie what the calendar looks like.

COMMISSIONER DAWSON SECONDED THE MOTION.

PUBLIC PORTION RE-OPENED

JULIE ARCHAMBEAULT: The next hearing is on the 14th and Staff would be comfortable with that.

ATHENA KILLEEN: I understand your concerns. The gable on the right is something people did in the 70’s. It isn’t even in the 70’s. I understand the concerns about the fence, but the alley is high. I am alright with doing what we need to be congruous with the neighborhood. Going to the gable…I don’t know if I would be able to do that anytime soon. I don’t know if I can afford the drawings to be redone and afford the construction. I am a single mother of two children.

CHAIRMAN STEVENS: It looks like we are headed to a deferral versus a denial. Which would you prefer?

ATHENA KILLEEN: If we defer to July 14th and at that point reach a decision, how long does that decision last?

CHAIRMAN STEVENS: 18 months.

ATHENA KILLEEN: Okay. I would prefer a deferral.

PUBLIC PORTION CLOSED

COMMISSIONER POOSER MOVED TO DEFER DRH08-00173 TO THE JULY 14, 2008 HEARING.

COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

DRH08-00182 / S. Scott Huerd / 1410 & 1414 N. 18th Street
Requests Historic Preservation approval to demolish the garage and construct a two-car garage, change the exterior materials, construct a fence and re-landscape the property located at 1410 N. 18th Street and construct an outdoor patio with grill and fireplace, change the fence to wrought-iron and remove mature trees on property located at 1414 N. 18th Street in an R-1CH (Single Family Residential with Historic Overlay) zone.

COMMISSIONER MCFADDEN: I don’t know the applicant. However, I am doing some work with his contractor so I will be recusing myself.
CHAIRMAN STEVENS: So you do have some financial concerns with this?

COMMISSIONER McFADDEN: Not on this application but next door.

JULIE ARCHAMBEAULT: Presented staff report with a recommendation of approval with conditions:

a. The proposed garage shall meet current zoning setbacks, or be reduced in size to 1,000 square feet or less or a Variance be granted for a reduced setback.

b. The accessory dwelling unit requires separate approval through the Planning & Development Services Department.

CHAIRMAN STEVENS: You think that is the garage at 1414 and they are going to reuse those plans at 1410?

JULIE ARCHAMBEAULT: That is correct. Placing a patio that spans the property line can be a problem for resale. They are still two separate properties. Staff also recognized that more information needs to be gained on the exact dimensions of the garage. Electric fencing was proposed as part of the application and Staff is recommending against that. The removal of the stucco finish on 1410 N. 18th...Staff is recommending that if there is no proof that the house use to be clapboard siding, that the stucco remain. Staff also recommends that the applicant return with a landscaping plan indicating the mature trees to be removed and the location, sizes and types of trees for replacement and the wrought iron fence that’s going to replace the wood fence.

COMMISSIONER POOSER: On the site coverage what number did you use to determine the site coverage on 1410?

JULIE ARCHAMBEAULT: Unfortunately this is Matt’s report so I’m not sure. I could do a quick calculation if you like.

COMMISSIONER POOSER: If he used the 440 and the 502 it isn’t going to change much.

JULIE ARCHAMBEAULT: His text he used the 440.

COMMISSIONER POOSER: Where is the wrought iron fence to go and where is the electric fence to go?

COMMISSIONER DAWSON: The plans that we are seeing show the patio to encroach onto the other property.

JULIE ARCHAMBEAULT: In this drawing it appears that it doesn’t.

CHAIRMAN STEVENS: We received a memo from Matt regarding some landscape changes. Quite a number of trees that are proposed for withdrawal. I want to ask for the record if we have any arborist report telling us about any disease in these trees?

JULIE ARCHAMBEAULT: I don’t.
CHAIRMAN STEVENS: We just wanted to place a condition on the application that it doesn’t. Correct?

SITE VISITS

Commissioners Smith, Pooser, Stevens, Dawson and Forsythe visited the site prior to the hearing.

SCOTT HUERD (Applicant): I have no objections to the site visits. On Page 33 of the packet… I do not nor have I requested the electric fence. I thought that line item stated that no electric fences were allowed. That is my mistake if I checked the wrong box. In regards to 1414…right now we have the standard patio slab. Our proposal is for a much larger patio. The property line has been clearly identified by the pins. We are under the impression that we would have to have a three foot setback for the patio. There is not intention to build up to the property or re-establish a fence between the two properties. We want to maintain the property lines and the distinction between the two. There is all wood fencing around the properties. On the east and west side of the property we would like the wrought iron. We would like to keep the wood fence to the north. We would like to have wrought iron on the alley. Between the two houses there would be arches and gates in between. We need to enclose the yard because of our 16 month old daughter. I wasn’t aware that I had to have a specific pattern. I took a picture of what I have chosen on my cell phone but that is not available for you today. I would like to comment on Item C, which is the stucco. We took the same contractor who built our home and helped with the additional house. In his feedback there is minimal insulation and it would be hard to do so. We would have to insulate externally because we do not want to rip up the plaster walls on the interior. I understand there is a desire to maintain the stucco. We have nine homes on our block and only two of them are stucco. We would like to do the wood siding. I talked with Matt approximately two weeks ago about the trees. I did that for him and brought in a copy for him. I have in my hands the site plan and the report from the arborist that came through to look at the trees that divide the properties. I don’t want to lose any of them. There are two that would require chemicals to survive and he doesn’t want to put the chemicals on them with children in the backyard. There is a Maple that is in the rear yard which is where we would like to place the garage. Every mature tree will be replaced. There are a couple of 4 inch trees that we will not replace. There will be trees all along the rear property line. There is a tree that has a split approximately 5 ft. off of the ground. I have the report from Tanager Trees and I have the site plan showing new and existing.

CHAIRMAN STEVENS: We have the site plan but we don’t have the arborist report. We will add this statement into the record.

SCOTT HUERD: I hope I am clarifying what we want to do. Internally we want it to appear as two properties. Externally we want it to appear as two properties.

CHAIRMAN STEVENS: This is undated. Darren Turner is the author of the statement. It says, “In the southeast corner where the new garage is to be built some Norway Maples will need to be removed. The remaining Maples in that location should be removed because of their poor form and the impact on their root zone from the construction. The trees are immature and replacement
trees could fill the zone in a matter of years and have much more long term viability. The American Elms along the north fence line are infested with scale, drip heavily in the summer making everything underneath them sticky with scale excrement. With children around it is my recommendation that they be removed and replaced by a tree species that does not require regular applications of pesticides. The Norway Maple between the back corner of 1410 and the house to the north has developed a co-dominant stem that snakes back over the center creating a potential breaking spot halfway up the trunk. The tree is too far out of healthy form to subordinate and reshape”. That is from Tanager Tree Service, LLC. This will be labeled as Exhibit one.

COMMISSIONER POOSER: The application indicates that it would be wrought iron with brick fence posts.

SCOTT HUERD: That has changed. It will be the standard wrought iron fence, but have changed the posts to standard posts from a cost perspective and especially because it won’t be viewed by anybody but those who use our alley.

COMMISSIONER POOSER: You access the new garage from the alley? You just turn directly into the garage?

SCOTT HUERD: Identical to the garage we have now. We had indicated moving a section that was along the driveway section. I would like to address the square footage of the garage. Our garage was 20 ft. by 22 ft. We would like the additional square footage of 24 ft. by 24 ft.

CHAIRMAN STEVENS: You just want to expand them?

SCOTT HUERD: Exactly. From 20 ft. x 22 ft. to 24 ft. x 24 ft. That’s why our square footage went up at the last minute. If it doesn’t meet the 30% requirement we are willing to cut that back to whatever will.

CHAIRMAN STEVENS: I have several concerns with the trees. It looks like you could move the garage to the north and save the major tree and a couple of the other trees. Have you considered changing the doors to the south and have it sit at the northeast corner of the property so that you could save the trees.

SCOTT HUERD: It would take up a lot of the yard. We would have less space between the patio and the garage.

CHAIRMAN STEVENS: In regard to that patio there is nothing in regards to how high it is going to be or what it is going to be made of.

SCOTT HUERD: It will be a stamped concrete slab. It will be 11 inches tall. It is currently only 4 inches. We want to add some height to it. It will be stamped concrete.

COMMISSIONER POOSER: Have you investigated the stucco at 1410 for refurbishing.
SCOTT HUERD: No. We would prefer to look at cedar lap siding and didn’t expect it to be an issue.

CHAIRMAN STEVENS: You mentioned that you would like to change the windows in that house but that isn’t part of the application.

SCOTT HUERD: I checked the box but there isn’t a place to elaborate on that.

CHAIRMAN STEVENS: That box isn’t checked and we didn’t advertise the windows.

COMMISSIONER POOSER: If you look at Page 39 I believe it is there and I think we have advertised for it.

SCOTT HUERD: Those are aluminum windows. The interior is wood.

CHAIRMAN STEVENS: Are you going to keep the grids on them?

SCOTT HUERD: We are going to replace the entire window.

CHAIRMAN STEVENS: They are currently 8/1. Are you going to replicate that and replace in kind?

SCOTT HUERD: Replace in kind.

CHAIRMAN STEVENS: The two addresses are confusing. Other questions?

JULIE ARCHAMBEAULT: We now have an additional number for the garage. The original garage that the percentage was based on was 110 sq. ft. smaller. Staff would recommend that we get a plan that reflects the additional 110 sq. ft.

COMMISSIONER POOSER: With respect to the siding how have we done that change in the past particularly when there are problems with the integrity of the material? Can we treat it similarly to a demolition?

JULIE ARCHAMBEAULT: We haven’t typically in the past.

COMMISSIONER POOSER: I am not suggesting that criteria. That is a big change, but if there are structural integrity concerns with the stucco. Can we treat it almost like a demolition? If they can demonstrate that it’s not safe, it’s crumbling, whatever the case may be.

JULIE ARCHAMBEAULT: It is similar as to whether you are changing from wood to vinyl. Stucco, if indeed it is original stucco, is a huge thing.

COMMISSIONER DAWSON: If it were changed from stucco to lap siding, would it change the status of the property?
JULIE ARCHAMBEAULT: I would have to do some research on it. It looks like it would have had clapboard siding in the past. I would have to dig into this much further to see if this house could support that large of a change and maintain its integrity. Its integrity would take a blow. That large of a change would be hard on it.

SCOTT HUERD: I have a description of a 24 ft. by 24 ft. garage. These are the plans that we turned into Matt. I am holding a copy of the ones that we turned into Matt. We would be more then happy to downsize it.

CHAIRMAN STEVENS: The drawings we have showed a 22 ft. by 20 ft. garage.

SCOTT HUERD: We submitted this with the garage size that we submitted to Matt.

CHAIRMAN STEVENS: The one with the garage?

SCOTT HUERD: The site plan we turned in with all of the trees shows the garage at the 24 ft. by 24 ft. which is what we wanted.

CHAIRMAN STEVENS: But you didn’t submit new elevations?

SCOTT HUERD: The plans that are available to me…I have a description of a 24 ft. x 24 ft. sq. ft. garage which is what the plans we had turned into Matt…I’m not sure why there’s confusion about the overall square footage. If there’s an issue obviously with the coverage of the lot then obviously we’re more than happy to go with the original lot size. We’ll be more than happy to downsize back to a 20 ft. x 22 ft. if that’s what’s necessary.

CHAIRMAN STEVENS: If you can flip to Page 25 of our packet if you have it…the drawings we have in front of us do show 22 ft. x 20 ft. and they’re stamped “Received May 23, 2008”.

SCOTT HUERD: When we talked with Matt we clarified the size of the garage on our new plans when we turned them in with the issues with the trees. He asked us to clarify the trees and we clarified the garage and clarified that on our second…

CHAIRMAN STEVENS: Was there another drawing submitted at that time?

SCOTT HUERD: We submitted this which has all the trees on it with the garage size that we gave to Matt.

CHAIRMAN STEVENS: There’s no new drawing with new information?

SCOTT HUERD: No…correct. We turned in that for this meeting with the tree issue and the size issue of the garage.

CHAIRMAN STEVENS: And that’s the 576?

SCOTT HUERD: Correct. I don’t know the answer to whether there’s wood underneath that stucco. I just know I would like to see wood on top of that stucco. I want the house to look like
it belongs in the North End like everybody else. Today, it’s an eight year old rental. That’s what it is. I think I can make it better.

PUBLIC PORTION CLOSED

COMMISSIONER SMITH: My question about the fencing was answered by the applicant. I am concerned about the trees. I would like to see a more detailed arborist report. I would like to see the orientation of the garage explored in order to maintain the Maple.

COMMISSIONER DAWSON: I have concern with the stucco. If it is original with the residence it needs to be maintained. In order to approve the change I would need to have some information that it was once siding.

COMMISSIONER POOSER: In large I would vote in favor of the application. There are things that need to be returned to us or Staff. With respect to the garage, I don’t have a problem with the design, but I think more accurate plans need to be submitted so we can look at the lot coverage and the elevations. A more detailed landscape plan should be submitted. On 1410 I am in favor of replacing the windows with wood. We should add a condition regarding the divided lights to be maintained. I am not in favor of the removal of the stucco and the installation of the lap siding. Unless we could see proof that was once lap siding I don’t think the stucco should be changed. We need to see the design of the wrought iron fence. In regards to 1414 it is important that the patio doesn’t go over the property line.

CHAIRMAN STEVENS: The conditions that Staff suggested covered a lot of our concerns. If you find the lap siding underneath then I am willing to consider the lap siding. Without any evidence to the contrary I would be in favor of site specific condition C that the stucco be maintained. Staff also put in there that the wrought iron fence design needs to come back. I am very concerned about the trees. I think we need to save them. The trees are equally if not more important than the sharing of the homes. They provide all of the things that trees provide. We need to look at the location of the garage. I won’t support the application unless we look closer at the trees. I am comfortable with the arborists report on the condition of the Maple. Mr. Huerd, is the Maple where the garage is to be built right now the one with the co-dominant stem?

SCOTT HUERD: No. That one is located adjacent to the main dwelling.

CHAIRMAN STEVENS: There is opportunity for the trees along the south property line to remain and the trees adjacent to the home.

COMMISSIONER DAWSON: In reviewing the landscape plan that we have there are 13 trees to be taken out and only 5 brought in.

TERESA SOBOTKA (Legal): I don’t see where the windows are on the notice and I can appreciate that they are on the application. As far as the stucco goes…you have said that if there is wood underneath then the stucco may be fair game. He should be able to come back if he can report that it is cost prohibitive.

CHAIRMAN STEVENS: If there is damage?
TERESA SOBOTKA (Legal): I don’t think you can just say, “Oh well, there isn’t wood underneath it”. You should say that if it affects structural elements then you can come back.

CHAIRMAN STEVENS: So it would be some sort of demonstration of damage as well as a comparison between residing the whole house and repairing the damaged stucco.

TERESA SOBOTKA (Legal): I just want to make sure that it’s not just was there wood before and if there’s not you’ve got to no matter what fix it.

CHAIRMAN STEVENS: It looks like the windows are not on the docket tonight. We can direct that to Staff easily.

COMMISSIONER POOSER MOVED TO APPROVE DRH08-00182 WITH THE STAFF’S FINDINGS AND CONCLUSIONS WITH THE ADDITIONAL CONDITIONS THAT THE STUCCO FINISH ON 1410…STRIKE THAT.

COMMISSIONER POOSER MOVED WITH A SUBSTITUTE MOTION TO APPROVE THE DEMOLITION OF THE EXISTING GARAGE HAVING MET THREE OF THE FIVE CONDITIONS BEING B, C AND E.

COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 5:0. MOTION CARRIES.

COMMISSIONER POOSER MOVED THAT WE APPROVE DRH08-00182 PER STAFF’S FINDINGS AND CONDITIONS. WITH THE ADDITIONAL CONDITION THAT AT 1410 THE STUCCO BE MAINTAINED UNLESS THE APPLICANT CAN PROVE THAT LAP SIDING WAS ORIGINAL OR THERE IS SOME OTHER PROHIBITIVE REASON THAT THEY CAN NOT USE THE STUCCO AND THAT THEY COME BACK WITH DETAILS ON THE WROUGHT IRON. THE APPLICANT WILL COME BACK TO STAFF WITH A MORE DETAILED LANDSCAPE PLAN WITH SPECIFIC DETAILS ON THE LOCATION OF THE GARAGE AND DETAIL SHOWING THE ADDITIONAL SQUARE FOOTAGE SUGGESTED, DESIGN AND NEW PLACEMENT OF THE STRUCTURE IN ORDER TO SAVE THE TREE. THE WINDOWS NEED TO COME BACK TO STAFF FOR APPROVAL.

COMMISSIONER DAWSON SECONDED THE MOTION.

CHAIRMAN STEVENS: We have a motion with the existing site specific conditions of approval with c. being amended to read, “That unless wood siding was originally there or if the applicant can prove financial reasons to get rid of the stucco as well as a condition of approval to include a landscaping plan that includes moving of the garage location so as to save the Maple trees on the south property line as well as the south back corner and that the windows need to come back to Staff for approval because they were not advertised but they do not need to come back to the Commission”.
TERESA SOBOTKA (Legal): In regards to the landscape plan you said, “Come back to Staff with a landscape plan”. Do you want more direction than that? We talked about removing a lot and only replacing a few. Do you leave it to their discretion or are you going to give them some more guidance?

CHAIRMAN STEVENS: The guidance is to move the garage to save the trees.

TERESA SOBOTKA (Legal): Alright.

CHAIRMAN STEVENS: We have a letter here stating that the new trees will be Maples. Do you want something more specific?

COMMISSIONER SMITH: My position is that I agree with Commissioner Dawson that the majority of the trees should be saved. What I would prefer is a specific landscape plan which allows us to look at exactly what trees will be taken out, what they’ll be replaced with…numerical…and I agree with the Chair that the Maple in the back has to be saved. My concern is the number of trees that are being taken out of the lot as a whole and not enough are being put back, but I will support the motion.

COMMISSIONER POOSER: So the applicant should submit a landscape plan that is sufficient to demonstrate what is being removed and what is being replaced.

CHAIRMAN STEVENS: I am a little concerned that we already have what we are asking for. There are too many trees that are coming out and that we are not going to support the motion. The arborist says that the reason they should be removed because the trees drip sticky stuff. Do we want to have a discussion on that?

COMMISSIONER SMITH: I don’t know what sticky scale is but unless it is going to kill the trees then I don’t see that as a good enough reason to remove a tree. I don’t see this site plan as sufficient because they don’t show the replacement of the trees.

CHAIRMAN STEVENS: The North side does show that there are three new trees.

COMMISSIONER SMITH: I was specifically looking right here and here.

CHAIRMAN STEVENS: I would hope that the moving of the garage would save the one in the southeast corner and the four along the south side. We have had a lot of discussions about this and until we see them die, let’s keep them there. The motion does not indicate saving the trees on the north side. I am not sure what more we are asking for other than moving the garage.

COMMISSIONER POOSER MOVED WITH A SUBSTITUTE MOTION THAT THE LANDSCAPE DOES NOT NEED TO BE RESUBMITTED TO STAFF.

CHAIRMAN STEVENS: But a new site plan moving the garage does?

COMMISSIONER POOSER: Yes. That’s completely separate in my mind.
COMMISSIONER SMITH: We would be approving the elimination of the six trees on the north side of the house?

CHAIRMAN STEVENS: That is correct unless you want to offer a substitute motion?

COMMISSIONER SMITH: Can I see the arborist report again? I don’t like the idea of getting rid of those trees.

CHAIRMAN STEVENS: Does anybody know what scale is?

PUBLIC PORTION REOPENED

JULIE ARCHAMBEAULT: I had a plant with scale once and it was a small insect that crawls all over the tree and it looks like scales because…I’m not an arborist. That was on a small house plant and I had to throw it away because it was awful and it dripped sticky stuff all over my rug.

CHAIRMAN STEVENS: That sounds like it is pretty close to the same.

SCOTT HUERD: She’s exactly right. Excrement is the real word. That’s what’s dropping in our backyard and I can’t kill these items that crawl all over our trees because the pesticides will affect my child. The other issue to address is the number of trees coming out. The landscape design was something I was told by Staff that I could come with more trees…Madeline George is going to come in when the existing backyard is ready to be re-landscaped in it’s entirety. The reason there are 13 trees going out is some of these trees are 2 inches around. Some of these trees are big and I want to save them. Some of them are tiny little droplings from the trees next door. That’s debatable what a tree is. We all know it’s a tree but is it a substantial contributor to my backyard when it’s 2 inches around and 6 ft. tall? I don’t think so compared to the Norway Maple that’s in the corner that supplies a lot of shade. That’s the one I want to keep. The Elms in the middle of the backyard are the ones that are my biggest concern of dealing with. I would try to keep every tree I can keep along the south side. I want to replace them with everything. You guys gave me a ratio tonight. If you guys gave me a ratio tonight and you said it’s got to be 3 to 1 I’ll do it. I’ll fill my backyard with trees. I want trees in my backyard. That’s what the whole back fence will be filled with. The reason you don’t see 25 trees tonight is because that is something that is in evolution. I was planning on clearing out the backyard, starting the remodel on this house and having an open backyard to bring someone in and say here’s our new fence. Let’s fill our backyard with the stuff we want in our backyard. A backyard you would be happy to see. If I can save that tree in the corner I would be glad to. All of you visited the property so I’m assuming all of you saw every tree. Some of those trees are big and some are tiny. Some are worth saving. I do believe they provide substantial shade and others are either heavily diseased that I can’t treat or they’re very small. It doesn’t mean that I’m taking out 13 and putting in three. It means Matt asked me for a preliminary place where I’m going to put something back and that’s what Matt got. If you give me a ratio tonight…something that’s a historic North End doctrine then that’s what you’ll get.

CHAIRMAN STEVENS: That would be so nice if there was such a thing.
SCOTT HUERD: In a way there needs to be. For every big tree I take out I would want to put one big tree back. The reason there’s three or four on the site plan is because there was only three or four major trees that were above a certain height that were contributing to the backyard. The rest were what my neighbors call little sucker trees that needed to go anyway. Give me a ratio and you’ll get it.

SARAH SCHAFTER: I Googled scale trees for you. It is a little insect and under damage it says for the cottony maple scale because I knew we were talking about Maple trees and this is about as close as I could get in 30 seconds. It says infestations are usually not threatening to the health of the plant however they do support sooty mold growth and heavy infestations can cause premature foliage drop and die back of twigs and branches. When you get to the Elms it does talk about how honey dew secretions are a common nuisance to cars parked under the infested Elms. It is an insect that creates the damage.

PUBLIC PORTION CLOSED

CHAIRMAN STEVENS: Would Commissioner Pooser like to add back in his request for a landscape plan based on the testimony that was just given.

COMMISSIONER POOSER: No. I’m not going to offer a substitute motion.

COMMISSIONER FORYSTHE: So the scale tree on the drawing…

CHAIRMAN STEVENS: It is those trees (referring to the drawing).

CHAIRMAN STEVENS: The vote is to approve the project requiring a new site plan to move the garage and save the Norway Maple and the four Maples on the property line. It is also a motion to maintain the stucco unless the applicant can demonstrate that the original siding was wood or there is an economic need for wood. The windows need to come back and the wrought iron fence must come back.

ROLL CALL VOTES 5:0. MOTION CARRIES WITH COMMISSIONER McFADDEN RECUSED.

DRH08-00184 / Beverly Pillott / 1515 N. Alturas
Requests Historic Preservation approval to construct an addition on the west side of the main dwelling, replace all of the windows, remodel the front entry and restore the original siding on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

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

a. The French doors on the front façade are not approved.

b. Replacement windows shall be either wood or wood clad, and match the existing fenestration and mullion pattern.
c. The changes to the front entry, including the front porch are not approved.

d. The proposed addition must be reduced in scale, the design of which shall be reviewed and approved by the Historic Preservation Commission at an upcoming hearing or work session.

e. If, while restoring the original siding, sections must be replaced, the repair shall be milled wood only.

COMMISSIONER POOSER: On Page 20 there is an Option A or Option B.

JULIE ARCHAMBEAULT: Either one.

COMMISSIONER POOSER: On the north elevation, it appears to be the same on either option. So there is going to be a new roofline that juts out over the face of the front elevation?

JULIE ARCHAMBEAULT: That is correct.

COMMISSIONER POOSER: But that line is not shown on the elevation? When I originally looked at it I thought it was going to be a small portico. Your description made it sound like it was going over the entire front of the house.

JULIE ARCHAMBEAULT: It is a portico but it isn’t a small addition.

COMMISSIONER POOSER: So that is going to be a half circle coming out from the front of the house?

JULIE ARCHAMBEAULT: Yes, that is my understanding.

COMMISSIONER POOSER: So you indicated that this would become a non-contributing structure. Is that a combination of the French doors and the portico? Or is there one that is more acceptable than the other?

JULIE ARCHAMBEAULT: If you look at the existing structure it is a simple design. To drop those windows down to the floor into French windows it is not something that we would see in the District or in this house. Then to double the entry cover it would radically alter the front elevation.

CHAIRMAN STEVENS: The application is proposing to replace every window in the house with vinyl. I assume that would add to the concern?

JULIE ARCHAMBEAULT: Absolutely.

COMMISSIONER POOSER: Are these French doors that they were proposing to add?

JULIE ARCHAMBEAULT: I don’t believe they are able to step out of them.

COMMISSIONER POOSER: On Page 31 it says French doors.
JULIE ARCHAMBEAULT: Well if Page 31 says French doors…

CHAIRMAN STEVENS: We can ask the applicant.

MARLEY CARSON: I guess you want to know what I am proposing and why. As far as the front façade goes they found one that was similar to theirs and they wanted to upgrade it to look like the one they already have. The dotted line was the existing patio to be removed. I am willing to work for something in the middle. They really want the covered front entry. They want to get coverage for an additional 8 ft. for opening the door or for leaving a package on the porch. They want to keep the snow off of the front door when the wind is blowing. The addition is set back 8 ft. The overall peak is lower. There is a fence in front of it. There are larger homes in the neighborhood and they would be larger than the house with the addition. With the replacement of all the windows they really want all vinyl. They are open to having some of them wood clad. If you did approve the vinyl they are looking at a high end vinyl with the Mullions on the exterior of the construction. They are trying to get rid of the look of the existing storm windows on the exterior of the existing wood windows. They want to update the look. They want to remove the metal siding and replace the existing underneath.

CHAIRMAN STEVENS: What is the existing siding?

MARLEY CARSON: It is clapboard and we are just going to try to patch where we can.

COMMISSIONER POOSER: The changes to the front side are going to be French doors that come out into the yard.

MARLEY CARSON: If you look on the plan the middle one is operable with two side lights.

CHAIRMAN STEVENS: What is it going to step down to? Is there going to be a front porch all the way across?

MARLEY CARSON: Yeah. The house that they found that they liked has about 5 ft. deep porch that goes all the way across for rocking chairs or what have you.

COMMISSIONER POOSER: So is the roof going to be extended over the French doors?

MARLEY CARSON: No. That area would stay the same as existing. The only extension would be over the new porch.

COMMISSIONER POOSER: So over the new porch it’s basically going to extend out? Straight out from the existing?

CHAIRMAN STEVENS: Just 5 ft. of concrete out from the foundation?

MARLEY CARSON: Yes.
COMMISSIONER POOSER: You were saying there may be a compromise on the front façade. What do you envision that being?

MARLEY CARSON: They want to propose this and hope to get it. They would like to go forward with the construction…but they would be able to handle and objection essentially if it wasn’t within the guidelines.

COMMISSIONER SMITH: Is this the original door or is this remodeled?

MARLEY CARSON: I don’t know the history of the house.

CHAIRMAN STEVENS: I don’t see anything in regards to an extension of the front porch. It hasn’t been advertised. Am I missing something?

MARLEY CARSON: I think that would fall under the remodel of the front entry.

CHAIRMAN STEVENS: It says the extension of the covered front porch and you are saying that this should be part of the extension?

MARLEY CARSON: The covered front porch is right in the center over the main front door.

CHAIRMAN STEVENS: And the part that comes out from either side where the French door is, is not…I don’t see it any place in the application. I’m pretty sure it wasn’t advertised because it’s not on the yellow sign. Underneath those French doors on either side of the front door you’re saying there’s going to be 5 ft. deep concrete pad that you’re going to pour and I’m saying I don’t see that any place in the application.

TERESA SOBOTKA (Legal): It’s a remodel to the front entry so you would have to figure out what that means.

CHAIRMAN STEVENS: Did you mean for it to be part of the remodeled front entry?

MARLEY CARSON: Yes. The only part that you might be able to guess that it would be an extended front patio is if you look on the site plan there’s a line that shows the line of the extended front patio.

CHAIRMAN STEVENS: So it extends out beyond the stairs.

MARLEY CARSON: No. Flush with the stairs.

JULIE ARCHAMBEAULT: The integrity of this house is very good. It has wood windows and the original massing. It does provide shelter from the rain. I understand and what we hear a lot is that they want the quintessential experience of sitting on the front porch. This house just doesn’t have that front porch. Bringing the windows down to French doors would not only change the elevation in appearance but in use as well. With the addition being too big for the house itself. It is overwhelming for the structure.
MARLEY CARSON: I would like to add that if the Commission felt that some of the changes were acceptable, but not all of them, that would be great.

COMMISSIONER POOSER: It is difficult to see what the length of the front façade is to the addition. If you have better numbers…

MARLEY CARSON: 30 for the existing and 14 for the addition.

COMMISSIONER POOSER: What is the depth of the addition?

MARLEY CARSON: 33 ft. for the addition and the existing is about 27 ft.

COMMISSIONER McFADDEN: I was interested in those dimensions and have a question? I don’t think the addition could be 33 ft. and the home 27 ft.

MARLEY CARSON: It is 37 ft. for the existing home. The addition is setback 8 ft. but extends an additional 4 ft. in the rear.

PUBLIC PORTION CLOSED

COMMISSIONER DAWSON: I don’t have as much concern about the addition itself. It sits back 8 ft. behind a fence. It would soften the stance there. I don’t have as much issue with that but I do have an issue with the 5 ft. of concrete and another 5 ft. or 6 ft. of roof.

CHAIRMAN STEVENS: I tend to agree. I am not as concerned with the addition but oppose the changes to the front. Option A and Option B, either number 2 or 6 on Page 20…they need to be more traditional. I also believe all windows need to be wood. I believe if we approve the addition it needs to be more traditional and have 4/1 wood windows. Because of the contributing nature we need to be careful.

COMMISSIONER POOSER: I agree with the comments on the front façade. I do believe the addition is appropriate. I don’t have a concern with the windows on the front. However, I believe the windows on the west elevation could be more traditional.

COMMISSIONER POOSER MOVED TO APPROVE DRH08-00184 BASED ON THE FINDINGS AND CONCLUSIONS CONTAINED IN THE STAFF REPORT WITH THE SPECIFIC SITE CONDITIONS OF APPROVAL WITH THE EXCEPTION OF D, TO STATE THE PROPOSED DESIGN FOR THE WEST SIDE SUBMITTED TO STAFF SHALL HAVE MORE TRADITIONAL WINDOW TREATMENTS.

COMMISSIONER McFADDEN SECONDED THE MOTION.

CHAIRMAN STEVENS: The way the conditions reads the replacement windows should be wood or wood clad but because we have a condition that states the addition should not be approved we have not given them direction on those windows regarding vinyl.
COMMISSIONER POOSER: The new windows on the addition shall be wood or wood clad matching the existing dimensions and mullion pattern.

COMMISSIONER McFADDEN: I agree. I wonder if we should be more specific to the two options. I wonder if we could choose elevation number 2, the west elevation option A where the roof pitch doesn’t break.

CHAIRMAN STEVENS: I think we should specify. Does the maker of the motion concur?

COMMISSIONER POOSER: Yes. That would be elevation number 2 with the window configuration and a condition that it move forward to Staff.

COMMISSION McFADDEN: Again with the window configuration…that doesn’t bother me as much because those windows are over the bed wall. Is that correct?

CHAIRMAN STEVENS: I am sorry but we can’t take additional testimony. While I understand that it is also the massive wall….It isn’t so much a size issue as the fact that it is a giant wall. When you were to come back I would like to see some windows on that front part as well to break that up.

ROLL CALL VOTE 6:0. MOTION CARRIES.

Minutes – May 12, 2008

Commissioner Pooser: Abstaining due to absence from this hearing.

Commissioner mcfadden moved to approve the minutes of may 12, 2008.

Commissioner smith seconded the motion.

_________________________________________
Christopher Pooser, Chair
Boise City Historic Preservation Commission

_________________________________________
Date
Historic Preservation Commission

Worksession / Hearing Minutes of July 14, 2008

Commission Members Present
Christopher Pooser, Chairman, Scott Chandler, Cathy Sewell, Barbara Dawson, Stephen Smith, Bonnie Burry

Members Present
Sarah Schafer, Julie Archambeault, Matthew Halitsky, Teresa Sobotka, Nicki Heckenlively

CONSENT AGENDA

DRH08-00173 / Athena V. Killeen / 1309 N. 25th Street
Requests Historic Preservation approval to construct a single-story, rear addition to the main dwelling on property located in an R-1CH (Single Family Residential with Historic overlay) zone. *(This item was deferred at the June 23, 2008 hearing.)*

COMMISSIONER CHANDLER: I was not at the June 23, 2008 hearing but I have reviewed the record and believe I can render an informed vote on this.

COMMISSIONER SEWELL: I too was not at the June 23, 2008 hearing but I have also reviewed the record and feel I can make an informed decision on this item.

COMMISSIONER BURRY: I will be recusing myself as I know the applicant.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

DRH08-00183 / Richard L. Stacey Jr. and Aleja N. Stacey / 1312 N. 12th Street
Request Historic Preservation approval to demolish the home and construct a new home on property located at 1312 N. 12th Street in an R-1CH (Single Family Residential with Historic Overlay) zone. *(This item was deferred at the June 23, 2008 hearing.)*

COMMISSIONER CHANDLER: I was not at the June 23, 2008 hearing but I have reviewed the record and believe I can render an informed vote on this.
COMMISSIONER SEWELL: I too was not at the June 23, 2008 hearing but I have also reviewed the record and feel I can make an informed decision on this item.

COMMISSIONER BURRY: The same and I can provide an informed decision.

CHAIRMAN POOSER: I also was not present at that hearing but I have reviewed the materials Staff prepared and believe I can give an informed decision as well.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

CHAIRMAN POOSER: Opposition was heard at the June 23, 2008 hearing and can be found on Page 52 of the staff report.

NO FURTHER ADVERSE PUBLIC TESTIMONY.

DRH08-00195 / Jana Repulski / 1411 N. 19th Street
Requests Historic Preservation approval to reopen the front porch, replace the existing roof structure, change the dutch hip in the rear to a gable, extend the chimney and replace the rear stair railing on property located in R-1CH (Single Family Residential with Historic Overlay) zone. (This item was deferred at the June 23, 2008 hearing.)

CHAIRMAN POOSER: Applicant has requested deferral to the July 28, 2008 hearing.

NO COMMISSION DISCLOSURES.

APPLICANT NOT PRESENT.

NO ADVERSE PUBLIC TESTIMONY.

DRH08-00203 / T-Mobile /1408 N. 14th Street
Requests Historic Preservation approval to increase the height of a power pole, place a cellular antenna on the top, construct a small structure to house the associated equipment and fence the area on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

CHAIRMAN POOSER: Applicant has requested deferral to the July 28, 2008 hearing.

NO COMMISSION DISCLOSURES.

APPLICANT NOT PRESENT.

CHAIRMAN POOSER: Are the members of the audience who are here to testify able and willing to return to the hearing on July 28, 2008 at 6:00 p.m.?
AUDIENCE INDICATED THEY WOULD BE WILLING TO RETURN FOR PUBLIC TESTIMONY ON JULY 28, 2008.

COMMISSIONER CHANDLER MOVED TO APROVE DRH08-00173, DRH08-00183, DRH08-00195 AND DRH08-00203 ON THE CONSENT AGENDA.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES WITH COMMISSIONER BURRY RECUSED ON DRH08-00183.

REGULAR AGENDA

DRH08-00109 / Phil Gerhardson / 1511 N. 11th Street
Requests Historic Preservation approval to construct a one and a half story, single-family dwelling with detached garage on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (Reconsideration of application approved at the June 9, 2008 hearing)

JULIE ARCHAMBEAULT: If you recall, this is the empty block on 11th Street where the project will be. Most of the houses on that street are mostly one to one and a half story Craftsman Bungalows. These are various photos of the property. When you last heard the application this was what the site looked like. The lot coverage was 39.3%. As you can see from the chart I put in your packet, that was far above the average lot coverage. The applicant is asking to reduce the size of the garage to 22’ 3” X 22’ 4” in order to make the lot coverage 36.3%, which is more in keeping with the average lot coverage. The applicant is opposed to making the house any smaller. The side yard setbacks are 5’6” on either side of this new house and that is a little smaller than the average setback for the street. Staff has put together some illustrations of what the house would look like if it were 3 ft. narrower to give a more generous side setbacks. This would be the front façade if the bedrooms were not changed. This is the upstairs bedroom and that dormer has not changed sides. Staff shaved a little bit off the eaves to reduce the appearance of the dormer. This is the first floor. The back bedroom is unchanged. The sink came out of the laundry room and the kitchen became a bit smaller. Then these 3 rooms, about a foot came off of each one. And then upstairs, again the bedrooms remain the same size, the tub was taken out of the bathroom. However, Staff was playing with the idea that if you moved this bathroom over here you could put the bath back in. There would still be a bath upstairs it’s just that this open area at the top of the stairs wouldn’t be as private. In speaking with the applicant, the applicant was strongly opposed to changing the house in any way and this is to retain the floor plan as it stands and just reduce the size of the garage. Part of what Staff was trying to do was to enhance the side setbacks. Another thing was to allow the garage to become bigger. With this plan you could also have a 600 sq. ft. garage which means that the garage would still be usable and the lot coverage would be 36%. Because there is a way to meet to the side setback concerns, have an appropriate lot coverage, have a useable house and garage and have appropriate elevations for
the neighborhood, Staff recommends denial of the application or a deferral to allow the applicant to try to meet the requirements of the ordinance and suggestions of the Commission.

COMMISSIONER CHANDLER: You state that it doesn’t address the landscaping regulations of the substandard lot code. I interpret that to mean, what is in our packet on page 26, paragraph E regarding landscaping and in there it states that some usable hardscape features such as pavers, planters, stonework, decks, etc. may be allowed up to 25% of the entire landscaped area. Is that primarily what you’re sighting the recommendation for denial, regarding the landscaping is that 25%, and if that is so, have you calculated how much of the landscaped area is hardscape versus softscape?

JULIE ARCHAMBEAULT: That is correct. In the front you can see that there are planter beds and thyme. The back is all concrete and rock mulch. Staff has not done the calculation, however from the drawings you can see that it is much more than 25%. The majority of the property will be concrete and rock mulch. Staff spoke with the applicant regarding this and this is another thing he is unwilling to change.

COMMISSIONER CHANDLER: If you took out the consideration of the mulch along the side of the house would he be in compliance with the 25%? In other words if you just considered the front sidewalk and the back concrete pad, would he be in compliance with the 25%?

JULIE ARCHAMBEAULT: Yes.

CHAIRMAN POOSER: If you look at the first floor plan of the house on the north and south side there is a window that juts out, on the north, and the stairwell…is that considered in the setbacks?

JULIE ARCHAMBEAULT: I believe it is.

CHAIRMAN POOSER: I don’t understand it to be. I understand the lot to be 43 ft. across, the house is 32 ft. but not including those two projections. I guess I was wondering if it should.

JULIE ARCHAMBEAULT: You are correct, it doesn’t include those two projections and it should. Those projections are 1 foot dining room that would leave a 4 foot side set back, it looks similar in the staircase. You have essentially 4 ft. setbacks.

CHAIRMAN POOSER: That’s obviously going to change our consideration. At a minimum the setback has to be 5 ft.?

JULIE ARCHAMBEAULT: That is correct.

SITE VISITS

COMMISSIONER SMITH: I visited the site two hearings ago. Nothing has changed and I haven’t visited since then.
CHAIRMAN POOSER: Did you have any discussions?

COMMISSIONER SMITH: No discussions.

COMMISSIONER BURRY: I did not revisit the site. I just recall it from the first time I looked at it and I have not had any conversations or contact with the owner.

CHAIRMAN POOSER: I was not at the first hearing. I have reviewed the materials and the minutes and can provide an informed decision. I did visit the site and noted the surrounding neighborhood. I’ve had no discussions regarding this application with anybody else.

COMMISSIONER CHANDLER: I noted the surrounding houses. I’ve had no contact with anyone regarding this application.

COMMISSIONER SEWELL: I did go back to the property prior to this hearing. I noted the adjacent property setbacks and have had no contact with anyone in regard to this application.

COMMISSIONER DAWSON: I did not revisit the site. I had visited it originally prior to the May 12th hearing and have had no contact with the applicant.

ANITA TJAU (Applicant’s Representative): The applicant is a smoke jumper and is unable to attend today due to his responsibility of fighting fires.

CHAIRMAN POOSER: When the applicant submits an application they have to indicate who their representative or agent is, do they not, is that not a requirement?

JULIE ARCHAMBEAULT: No it is not a requirement. I did speak with the applicant on the phone when we were talking about this application earlier. He told me that he would not be here and I offered to defer the application until a time that he could be here and he said he preferred to have his representative here for him.

CHAIRMAN POOSER: Do you have any opposition to the Commissioners visiting the site?

ANITA TJAU: No. What is the proper protocol if I have handouts?

CHAIRMAN POOSER: You can give them to me, they will be marked as exhibits and they have to remain with us for ten days. You can just bring them forward. Applicant’s representative has presented a packet of information. We will mark that as Exhibit 1.

ANITA TJAU: The purpose of this presentation is to present information for adoption of the applicant’s last plan, which was at 36.3% lot coverage. I will be making 4 points. The applicant’s original plan was at 39.3% lot coverage. The applicant has trimmed the garage by 148 sq. ft. He has compromised and now has a 36.3% lot coverage. If you look at the document that you have, the document shows photos for the following: Setbacks of 2 properties adjacent to the applicant’s future house and setbacks of houses on the same block as applicant’s future house on 11th Street. The photo shows that there are houses on the same
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block as the applicant’s future house location where the houses are very, very, close together. This photo is of the house that is across from the applicant and actually the owner of the house on the right has written a letter and has shown approval for the applicant’s plan. I did hear you say about the setback and the window…I will have to talk to the applicant about that. That is a surprise. Going back to the second point about setbacks, my understanding is that the setback is the distance from the property line to the house structure. Is that correct?

CHAIRMAN POOSER: I believe that’s the case.

ANITA TJAU: Based on what I’ve heard, your definition of house structure is whatever, like the window is sticking out, you consider that part of the house structure. You’re not taking the footprint of the house, is that correct?

CHAIRMAN POOSER: That is what Staff indicated earlier.

ANITA TJAU: I am going with the 5½ ft. setback; the standard code is 5 ft. Applicant exceeds substandard code by 1 ft. total when you consider both sites. The density argument, are setbacks an indicator of density? The applicant is stating that setbacks are not indicators of density. Does this house see a density? You look at how far the distance is between applicant’s future house and the other house. What matters more, how close the houses are together or how close they are to the property line? The third point; the applicant’s plan has the approval of the neighbors. The applicant has had the neighborhood meeting. I was there when he had the meeting, the neighbors approved of it. The fourth and last point, the proposal presented by Staff to cut the width by 3 ft. is not acceptable and was a surprise. It doesn’t seem right that the reconsideration process involved changing the interior of the proposed house plan. It is ironic and very interesting that the Commission that has been appointed to see that the houses are built to historic standards and they are working on making changes to house plans that can potentially make it look more like an infill house, a shoebox. The changes to the house were a major, major surprise to the applicant. The house will not absorb a three foot cut. Is the activity of trimming 3 ft. included as part of the set of duties of Historic Preservation? The changes proposed effect construction of the house. The heating vent and air conditioning structural elements, load bearing walls and plumbing runs. The applicant’s has 3 to 5 years experience as a home inspector so he has seen hundreds of houses. The applicant’s architect who has worked with other historic commissions in other states also is very surprised and felt that there was an overstepping of the boundaries to trim the house by 3 ft. and the applicant felt it was very unethical to have these modifications made without consulting him. To quote the Staff here on the report “Staff has drawn an optional set of plans without compromising the size of any bedrooms.” What it has compromised is it has caused changes to the laundry room, sink and counter and has eliminated the upper bathrooms bathtub and reduces the size of the bathroom upstairs. Reducing and trimming the purpose of the house does not blend in with the neighborhoods density and architecture and patio home. This reduction as proposed will have a detrimental effect and has no objective benefit to the neighborhood. The changes to the footprint can make it look more like a patio or townhouse. Cutting the house alters the character of the house. Bungalows have a square footprint. The proposed changes make a rectangular footprint. The applicant has a goal of the house to fit into the neighborhood.
ANITA TJAU: The goal of the house to fit into the neighborhood was always his criteria. He has complied with the code and has setbacks that fit in with the neighborhood. I ask you that you approve his plan.

CHAIRMAN POOSER: Are there any questions? Is there anyone in the audience that would like to speak with respect to this application?

PUBLIC TESTIMONY

CLIVE PANЕ: I am not involved in this case, but I have a question about the windows, isn’t there an amount of space that cantilever into the setback?

CHAIRMAN POOSER: My understanding from Staff and they can clarify this, but no.

SARAH SCHAFTER: Cantilevers can only encroach into the side setbacks when it doesn’t increase the volume of space enclosed by the structure. Roof eaves, cornice lines can encroach into the setback by 2 ft. over pop-up windows, bay windows cannot because in encloses the volume of space interior.

CHAIRMAN POOSER: Thank you, I am wiser. Is there anyone else in the audience that wishes to speak on this application? Let the record show that there is no body else in the audience. Does Staff have any additional comments?

JULIE ARCHAMBEAULT: Staff did not draw up those plans to say this is what the applicant has to do but was doing this for discussion and to show that the applicant could make changes. Staff also called and e-mailed the applicant this information prior to the hearing so they had plenty of time to be able to respond. This may have been a surprise to the applicant but it was not a last minute surprise. There may be that there are very generous setbacks and very small setbacks on the street, however the average setbacks are more generous than 5½ ft. When we are looking at setbacks it is important to look at the distance between houses but as soon as you put fences up it is also important to look at the distance between the side of the house and the fence.

CHAIRMAN POOSER: Any additional questions for Staff?

COMMISSIONER CHANDLER: As a follow up from my earlier question regarding the landscaping, one sentence in here says the landscape plan shall include an irrigation system. In what was given to us there is no indication of an irrigation system. In your conversations with the applicant was there any discussion of that?

JULIE ARCHAMBEAULT: There wasn’t.

COMMISSIONER CHANDLER: And also the last sentence in the same paragraph, xeriscape plans that are consistent with Public Works standards shall be considered acceptable. What is proposed here, is it in line with Public Works standards, has that been researched?
JULIE ARCHAMBEAULT: It has been researched.

SARAH SCHAFER: We have a new landscape ordinance coming into place. The third reading is going before City Council. I believe it is this week so it is not in place yet. Staff did a lot of research with Public Works as well as other members throughout the community as far as appropriate landscaping for mostly commercial districts but also for our substandard lots. The covering of rock mulch we currently have in the landscape ordinance for just the substandard lots, they have to go through the approval of the Committee or Commissions. The reason being that a lot of times you don’t get appropriate coverage and you don’t get plants in that area which is what we are looking for. They could be low water usage plants we are not requiring anything that has to have a high volume of water with lots of irrigation. But something that provides the historic nature, especially in the historic districts, of ground cover in the area where you would typically see it verses a lot of hardscape and rock which is going to give off the heat. In doing that landscape ordinance we did work with Public Works in conjunction with that. That is one reason Staff had concerns over the amount of rock mulch that was used on the property.

CHAIRMAN POOSER: In essence what you’re saying is that what we are seeing here, which is a relatively minimal landscape plan would most likely not be in compliance with the proposed landscape ordinance.

SARAH SCHAFER: That’s correct. And it is also not something we would typically see as far as a residential area. You typically have a lot more green space. In the areas where the applicant is proposing the rock mulch a good planting item would be thyme. It doesn’t require any maintenance; it doesn’t require a lot of water and would be more appropriate in lines where we see lawn verses not.

CHAIRMAN POOSER: I have a follow-up question on that. The Ordinance says hardscape features so that includes any kind of rock that is used as a groundcover? The definition seems to indicate that it is stonework, its decks, its pavers, its planters, so it is a little more permanent and substantial than just a ground cover.

SARAH SCHAFER: I would agree with you based on the wording of the Ordinance. I know I was part of the subcommittee that put together the Substandard Lot Ordinance and what we were trying to do was to get lawn and areas to have some of the softscape verses the rock. However, I agree with you based on the working that you could take it to patio deck type material which is more inlaid materials.

CHAIRMAN POOSER: Is there going to be a difference in the standards as opposed to a front yard that is viewable from the street verses something that is behind a fence that the public is not going to see.

SARAH SCHAFER: I believe you could make that differentiation. But it is something we would leave up to you as the Commission as far as on individual applications. We would like for you to make that finding for us on this particular application. We do believe it is a case by case bases depending on how they are treating it. I do believe that with there being a fence
going up and it not being visible from public right of way definitely would be a way for you to approve it if you choose.

CHAIRMAN POOSER: I also had an additional question about the setbacks. Now that we are considering that the setbacks are 4 ft. instead of 5 ½ ft. If this initially came forward to us and the proposal had 4 ft. setbacks can you explain what the process would be to get approval?

SARAH SCHAFER: In order for the applicant to go to a 4 ft. setback they would have to obtain a variance from the Planning and Zoning Commission or the Hearings Examiner, wherever that application was assigned to. You would have to recommend approval on that before they could go forward with that process.

CHAIRMAN POOSER: The first step would be coming before the Commission getting approval for the design and if we approved it, it would go to either P & Z or the hearing officer for approval of the variance?

SARAH SCHAFER: That is correct.

CHAIRMAN POOSER: Ms. John I’m going to give you the last chance, if you want to comment on anything that has been said you’re welcome to take some time.

ANITA TJAU: The comments about the landscaping, most of the landscaping that has hardscape is in the back yard. That is the only comment I have.

CHAIRMAN POOSER: At this time I am going to close the public hearing and open it up for discussion among the commission.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: I see three issues here. Some changed slightly since the first hearing, others not at all. The first issue is the percent of coverage of the site. The applicant has mitigated it somewhat, not greatly but somewhat and enough that I could see approving it just based on the lesser site coverage. The previous site coverage was substantially higher than what our guidelines call for. It is still higher but not near as much. I am uncomfortable with overseeing the landscaping. This may be just fine, and I think it is an admirable goal with the low water usage and I am uncomfortable with the xeriscaping in that the rear yard has absolutely no vegetation, some vegetation would seem to be appropriate whether it is a plant material that has some water or no water. I agree with Staff’s comments that some sort of vegetation is needed to reduce the reflection of heat. There is minor landscape in the front. For me to be comfortable with this landscaping application I would need to know a whole lot more and I think that is something that the applicant has not provided to us because it is a significant departure from what we do see in Historic Districts and it may be totally acceptable but I need to know a whole lot more than what I know at this point from this application to feel comfortable with it. Prior to this hearing I felt that the setbacks were probably adequate and they did meet the code even though they might not be the best as far as the rhythm of the houses on that block. From this point with the setbacks
only being 4 ft. - 6 ft., which do not meet the requirements and I do believe that that would require a change that would need to come from the applicant. Due to my hesitation regarding the landscaping and the problems with the setback because of the 2 bump outs, while I like the design and hope that it gets built at some point, I think it still has problems that need to be dealt with and overcome. I can not support this application as it stands.

COMMISSIONER DAWSON: Addressing the landscaping issue...just doing some very rough estimates with the greens that is shown in the front of the property, we’re looking at about 17% of green on that lot, the building is 36% and the hardscape is 37% and the substandard lot ordinance specifically states that at 25% they be covered in hardscape and no more. For that reason I would not be supporting this.

CHAIRMAN POOSER: What are you considering hardscape?

COMMISSIONER DAWSON: Concrete and the rock bark.

COMMISSIONER SEWELL: I agree with my fellow Commissioners comments and I think one major issue for me was the setbacks. I just want to comment that I think Staff did a good job of noting that it is not just the distance between the houses that we are reviewing but actual distance between the property line to the house which is what the setback is and that based on Staff’s comments it does appear that the proposed 5 ft. 6 inches is not congruous with what is on the block. With that and the other commissioner comments I will not be supporting the application.

COMMISSIONER BURRY: I would agree with my fellow commissioners with the discussion of the setbacks and the landscape plan. It would be very easy to incorporate some time and something that would be low water usage. I would like to see a little more greenery even if takes very little water. For that and the setbacks I cannot support this application.

COMMISSIONER SMITH: As a procedural observation, I think Staff has recommended denial. Notwithstanding the fact that I voted in the minority the last 2 votes of this, I have had an epiphany today and will be voting with the remainder of the commission.

CHAIRMAN POOSER: My comments are in line although a little different. There has been a great improvement on the lot coverage, coming down from over 40% to a bit over 36%. I would like to see that come down just a little bit more. The setbacks are the huge concern. I don’t have an issue with the 5’ setback. They are varied all over that block. Some are greater and some are narrower. My issue is more with the density the lot coverage and also looking at the width of the house across the lot. There are a lot of various widths of those lots and houses and I think it would fit in fine. The landscaping plan, I don’t have a problem with that. Sufficient information that’s been provided. It is obviously very simple in the back. I don’t believe a rock mulch; something that could be raked up and moved away should be considered a hardscape, like a more permanent structure. With all of that being said, I would vote for a motion denying the application because of the setbacks.

COMMISSIONER CHANDLER MOVED TO DENY DRH08-00109 BASED ON THE COMMENTS BY ALL OF THE COMMISSION
COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION TO DENY CARRIES.

**DRH08-00204 / Ben Everson and Dona Horan / 1020 E. Jefferson Street**
Request Historic Preservation approval to construct an addition on the rear of the main dwelling, remove two trees and some large shrubs on property located in an R-2H (Combined Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: The house was built in 1912 and has changed very little, 1949 and 1956. This is the house today and that front porch has been enclosed somewhat with screens, a door. On this side you can see those bay windows still. Other houses on the street are about the same size, really small. This is the existing site plan; this is the proposed site plan. The addition will be on the rear of the house. It will be compatible, compatible materials, compatible roof forms it doesn’t raise above the height of the existing roof it will continue the lines of the house. The lines where the new meets the old will be in the foundation here. It will be the same details here on this elevation. The rear elevation is also distant with the rest but because of its consistent nature with the house mock coverage has been recommended, compatible materials and forms. Staff recommends approval on it.

COMMISSIONER DAWSON: I have a little confusion, on the application they talk about the removal of some trees in one section and different trees in another section. Do we have any site plans indicating those removals?

JULIE ARCHAMBEAULT: I don’t.

CHAIRMAN POOSER: I have a similar observation, it looks like the apple tree is going to be removed and also a Doug Fir tree but it doesn’t indicate why the Doug Fir tree. That is something we can talk to the applicant about and clear up.

**SITE VISITS**

COMMISSIONER SMITH: I did not visit the site specifically, but I am very familiar with the area. I have not had a discussion with the applicant at any time.

COMMISSIONER BURY: I did not visit the site and I have not had any conversations with anyone regarding this application.

CHAIRMAN POOSER: I did not visit the site and I have not had any conversations with anyone regarding this application.

COMMISSIONER CHANDLER: I drove by the site on both Jefferson Street and the alley and noticed what would be visible from Jefferson Street as far as the proposed addition and the relationship of the structure to the surrounding structures. I have had no contact with anyone regarding this application.
COMMISSIONER SEWELL: I did not visit the site and I have had no contact with anyone regarding this application.

COMMISSIONER DAWSON: I did go by the site both on the street and the alley looking at the proposed changes and I’ve not had any contact with the applicant or representatives.

BEN EVERSON: 1020 E. Jefferson. My wife Donna is unable to attend because of work.

CHAIRMAN POOSER: Do you have any opposition to the Commissioners visiting the site?

BEN EVERSON: No, I encourage that. The removal of the trees; let me clarify that. There are 2 Fir trees, one is doing very well, and it is huge. We are doing everything we can to save it; we’ve modified the plans to put them a little farther away. The other Fir tree, which is to the north, was planted too close and it is growing into it and I’m afraid we are going to lose both if we don’t get rid of the one. The apple tree, it is a dwarf apple; you would be going out the back door and walking into the tree if these plans are approved. What we are trying to do is keep the addition small with the neighborhood so we are going down also, a basement and we are just covering the footprint of a covered patio that is already there. From a roof prospective I’m not covering any more property. We are in the guidelines as far as building and lot size.

CHAIRMAN POOSER: Are there any questions for applicant?

COMMISSIONER DAWSON: Does the applicant have an obligation to provide us with something from an arborist in regards to removal of trees?

JULIE ARCHAMBEAULT: Yes, we typically do request that there is an arborist report or something from forestry for the removal of the tree stating it is diseased or dying or that it is harming a historic structure.

BEN EVERSON: The apple tree is about 8 years old. The Fir tree is probably 50 years old and I wish we could keep them both but the one is looking pretty bad. I will talk to an arborist and if he says you can’t take that one out without hurting the other we would love to keep them both but I don’t think that it is practical.

CHAIRMAN POOSER: Is there anyone in the audience that would like to speak in regards to this application? Let the record reflect that there is no one in the audience going to speak on this application in any additional manner.

COMMISSIONER CHANDLER: Would it be, given the circumstances regarding the removal of the Fir trees, could we grant the approval if the applicant is able to give Staff an arborist report on the condition of the fir trees?

MARY WATSON (Legal): You can condition your approval with that sort of detail having Staff control the management of those tree issues you can have that sort of certification required or some other level. Yes you could condition your approval on that.
BEN EVerson: We have done everything that we can to make this appropriate for the neighborhood. The neighborhood is a beautiful area but there are some house that has been added that look nothing like the neighborhood, apartment building type and duplexes. We are hooking at the geothermal as part of this plan. I have no problems with the tree providing pictures, arborist, whatever.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00204 WITH THE ADDED CONDITION THAT WE GET A LETTER FROM A CERTIFIED ARBORIST STATING THE TREES NEED TO BE REMOVED AND THE SECOND TREE CANNOT BE REMOVED UNLESS THIS LETTER IS RECEIVED BY STAFF.

COMMISSIONER DAWSON SECONDED THE MOTION.

CHAIRMAN POOSER: Should the motion ask for just the submission of information sufficient for Staff’s approval of the changes to the trees rather than specific letter from the arborist?

COMMISSIONER CHANDLER MODIFIED THE ORIGINAL MOTION TO AS STATED BY CHAIRMAN POOSER.

COMMISSIONER DAWSON SECONDER AGREED.

ROLL CALL VOTE 6:0. MOTION CARRIES.

MINUTES

COMMISSIONER CHANDLER MOVED TO APPROVE THE MINUTES OF JUNE 9, 2008.

COMMISSIONER SMITH SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

Christopher Pooser, Chairman

Date
Historic Preservation Commission

Worksession / Hearing Minutes of July 14, 2008

Commission Members Present
Christopher Pooser, Chairman, Scott Chandler, Cathy Sewell, Barbara Dawson, Stephen Smith, Bonnie Burry

Members Present
Sarah Schafer, Julie Archambeault, Matthew Halitsky, Teresa Sobotka, Nicki Heckenlively

CONSENT AGENDA

DRH08-00173 / Athena V. Killeen / 1309 N. 25th Street
Requests Historic Preservation approval to construct a single-story, rear addition to the main dwelling on property located in an R-1CH (Single Family Residential with Historic overlay) zone. (*This item was deferred at the June 23, 2008 hearing.*)

COMMISSIONER CHANDLER: I was not at the June 23, 2008 hearing but I have reviewed the record and believe I can render an informed vote on this.

COMMISSIONER SEWELL: I too was not at the June 23, 2008 hearing but I have also reviewed the record and feel I can make an informed decision on this item.

COMMISSIONER BURRY: I will be recusing myself as I know the applicant.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

DRH08-00183 / Richard L. Stacey Jr. and Aleja N. Stacey / 1312 N. 12th Street
Request Historic Preservation approval to demolish the home and construct a new home on property located at 1312 N. 12th Street in an R-1CH (Single Family Residential with Historic Overlay) zone. (*This item was deferred at the June 23, 2008 hearing.*)

COMMISSIONER CHANDLER: I was not at the June 23, 2008 hearing but I have reviewed the record and believe I can render an informed vote on this.
Commissioner Sewell: I too was not at the June 23, 2008 hearing but I have also reviewed the record and feel I can make an informed decision on this item.

Commissioner Burry: The same and I can provide an informed decision.

Chairman Pooser: I also was not present at that hearing but I have reviewed the materials Staff prepared and believe I can give an informed decision as well.

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

Chairman Pooser: Opposition was heard at the June 23, 2008 hearing and can be found on Page 52 of the staff report.

No further adverse public testimony.

DRH08-00195 / Jana Repulski / 1411 N. 19th Street
Requests Historic Preservation approval to reopen the front porch, replace the existing roof structure, change the dutch hip in the rear to a gable, extend the chimney and replace the rear stair railing on property located in R-1CH (Single Family Residential with Historic Overlay) zone. (This item was deferred at the June 23, 2008 hearing.)

Chairman Pooser: Applicant has requested deferral to the July 28, 2008 hearing.

No commission disclosures.

Applicant not present.

No adverse public testimony.

DRH08-00203 / T-Mobile / 1408 N. 14th Street
Requests Historic Preservation approval to increase the height of a power pole, place a cellular antenna on the top, construct a small structure to house the associated equipment and fence the area on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

Chairman Pooser: Applicant has requested deferral to the July 28, 2008 hearing.

No commission disclosures.

Applicant not present.

Chairman Pooser: Are the members of the audience who are here to testify able and willing to return to the hearing on July 28, 2008 at 6:00 p.m.?
AUDIENCE INDICATED THEY WOULD BE WILLING TO RETURN FOR PUBLIC TESTIMONY ON JULY 28, 2008.

COMMISSIONER CHANDLER MOVED TO APROVE DRH08-00173, DRH08-00183, DRH08-00195 AND DRH08-00203 ON THE CONSENT AGENDA.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES WITH COMMISSIONER BURRY RECUSED ON DRH08-00183.

REGULAR AGENDA

DRH08-00109 / Phil Gerhardson / 1511 N. 11th Street
Requests Historic Preservation approval to construct a one and a half story, single-family dwelling with detached garage on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (Reconsideration of application approved at the June 9, 2008 hearing)

JULIE ARCHAMBEAULT: If you recall, this is the empty block on 11th Street where the project will be. Most of the houses on that street are mostly one to one and a half story Craftsman Bungalows. These are various photos of the property. When you last heard the application this was what the site looked like. The lot coverage was 39.3%. As you can see from the chart I put in your packet, that was far above the average lot coverage. The applicant is asking to reduce the size of the garage to 22' 3” X 22’ 4” in order to make the lot coverage 36.3%, which is more in keeping with the average lot coverage. The applicant is opposed to making the house any smaller. The side yard setbacks are 5’6” on either side of this new house and that is a little smaller than the average setback for the street. Staff has put together some illustrations of what the house would look like if it were 3 ft. narrower to give a more generous side setbacks.. This would be the front façade if the bedrooms were not changed. This is the upstairs bedroom and that dormer has not changed sides. Staff shaved a little bit off the eaves to reduce the appearance of the dormer. This is the first floor. The back bedroom is unchanged. The sink came out of the laundry room and the kitchen became a bit smaller. Then these 3 rooms, about a foot came off of each one. And then upstairs, again the bedrooms remain the same size, the tub was taken out of the bathroom. However, Staff was playing with the idea that if you moved this bathroom over here you could put the bath back in. There would still be a bath upstairs it’s just that this open area at the top of the stairs wouldn’t be as private. In speaking with the applicant, the applicant was strongly opposed to changing the house in any way and this is to retain the floor plan as it stands and just reduce the size of the garage. Part of what Staff was trying to do was to enhance the side setbacks. Another thing was to allow the garage to become bigger. With this plan you could also have a 600 sq. ft. garage which means that the garage would still be usable and the lot coverage would be 36%. Because there is a way to meet to the side setback concerns, have an appropriate lot coverage, have a useable house and garage and have appropriate elevations for
the neighborhood, Staff recommends denial of the application or a deferral to allow the applicant to try to meet the requirements of the ordinance and suggestions of the Commission.

COMMISSIONER CHANDLER: You state that it doesn’t address the landscaping regulations of the substandard lot code. I interpret that to mean, what is in our packet on page 26, paragraph E regarding landscaping and in there it states that some usable hardscape features such as pavers, planters, stonework, decks, etc. may be allowed up to 25% of the entire landscaped area. Is that primarily what you’re sighting the recommendation for denial, regarding the landscaping is that 25%, and if that is so, have you calculated how much of the landscaped area is hardscape versus softscape?

JULIE ARCHAMBEAULT: That is correct. In the front you can see that there are planter beds and thyme. The back is all concrete and rock mulch. Staff has not done the calculation, however from the drawings you can see that it is much more then 25%. The majority of the property will be concrete and rock mulch. Staff spoke with the applicant regarding this and this is another thing he is unwilling to change.

COMMISSIONER CHANDLER: If you took out the consideration of the mulch along the side of the house would he be in compliance with the 25%? In other words if you just considered the front sidewalk and the back concrete pad, would he be in compliance with the 25%?

JULIE ARCHAMBEAULT: Yes.

CHAIRMAN POOSER: If you look at the first floor plan of the house on the north and south side there is a window that juts out, on the north, and the stairwell…is that considered in the setbacks?

JULIE ARCHAMBEAULT: I believe it is.

CHAIRMAN POOSER: I don’t understand it to be. I understand the lot to be 43 ft. across, the house is 32 ft. but not including those two projections. I guess I was wondering if it should.

JULIE ARCHAMBEAULT: You are correct, it doesn’t include those two projections and it should. Those projections are 1 foot dining room that would leave a 4 foot side set back, it looks similar in the staircase. You have essentially 4 ft. setbacks.

CHAIRMAN POOSER: That’s obviously going to change our consideration. At a minimum the setback has to be 5 ft.?

JULIE ARCHAMBEAULT: That is correct.

SITE VISITS

COMMISSIONER SMITH: I visited the site two hearings ago. Nothing has changed and I haven’t visited since then.
CHAIRMAN POOSER: Did you have any discussions?

COMMISSIONER SMITH: No discussions.

COMMISSIONER BURY: I did not revisit the site. I just recall it from the first time I looked at it and I have not had any conversations or contact with the owner.

CHAIRMAN POOSER: I was not at the first hearing. I have reviewed the materials and the minutes and can provide an informed decision. I did visit the site and noted the surrounding neighborhood. I’ve had no discussions regarding this application with anybody else.

COMMISSIONER CHANDLER: I noted the surrounding houses. I’ve had no contact with anyone regarding this application.

COMMISSIONER SEWELL: I did go back to the property prior to this hearing. I noted the adjacent property setbacks and have had no contact with anyone in regard to this application.

COMMISSIONER DAWSON: I did not revisit the site. I had visited it originally prior to the May 12th hearing and have had no contact with the applicant.

ANITA TJAU (Applicant’s Representative): The applicant is a smoke jumper and is unable to attend today due to his responsibility of fighting fires.

CHAIRMAN POOSER: When the applicant submits an application they have to indicate who their representative or agent is, do they not, is that not a requirement?

JULIE ARCHAMBEAULT: No it is not a requirement. I did speak with the applicant on the phone when we were talking about this application earlier. He told me that he would not be here and I offered to defer the application until a time that he could be here and he said he preferred to have his representative here for him.

CHAIRMAN POOSER: Do you have any opposition to the Commissioners visiting the site?

ANITA TJAU: No. What is the proper protocol if I have handouts?

CHAIRMAN POOSER: You can give them to me, they will be marked as exhibits and they have to remain with us for ten days. You can just bring them forward. Applicant’s representative has presented a packet of information. We will mark that as Exhibit 1.

ANITA TJAU: The purpose of this presentation is to present information for adoption of the applicant’s last plan, which was at 36.3% lot coverage. I will be making 4 points. The applicant’s original plan was at 39.3% lot coverage. The applicant has trimmed the garage by 148 sq. ft. He has compromised and now has a 36.3% lot coverage. If you look at the document that you have, the document shows photos for the following: Setbacks of 2 properties adjacent to the applicant’s future house and setbacks of houses on the same block as applicant’s future house on 11th Street. The photo shows that there are houses on the same
block as the applicant’s future house location where the houses are very, very, close together. This photo is of the house that is across from the applicant and actually the owner of the house on the right has written a letter and has shown approval for the applicant’s plan. I did hear you say about the setback and the window…I will have to talk to the applicant about that. That is a surprise. Going back to the second point about setbacks, my understanding is that the setback is the distance from the property line to the house structure. Is that correct?

CHAIRMAN POOSER: I believe that’s the case.

ANITA TJAU: Based on what I’ve heard, your definition of house structure is whatever, like the window is sticking out, you consider that part of the house structure. You’re not taking the footprint of the house, is that correct?

CHAIRMAN POOSER: That is what Staff indicated earlier.

ANITA TJAU: I am going with the 5½ ft. setback; the standard code is 5 ft. Applicant exceeds substandard code by 1 ft. total when you consider both sites. The density argument, are setbacks an indicator of density? The applicant is stating that setbacks are not indicators of density. Does this house see a density? You look at how far the distance is between applicant’s future house and the other house. What matters more, how close the houses are together or how close they are to the property line? The third point; the applicant’s plan has the approval of the neighbors. The applicant has had the neighborhood meeting. I was there when he had the meeting, the neighbors approved of it. The fourth and last point, the proposal presented by Staff to cut the width by 3 ft. is not acceptable and was a surprise. It doesn’t seem right that the reconsideration process involved changing the interior of the proposed house plan. It is ironic and very interesting that the Commission that has been appointed to see that the houses are built to historic standards and they are working on making changes to house plans that can potentially make it look more like an infill house, a shoebox. The changes to the house were a major, major surprise to the applicant. The house will not absorb a three foot cut. Is the activity of trimming 3 ft. included as part of the set of duties of Historic Preservation? The changes proposed effect construction of the house. The heating vent and air conditioning structural elements, load bearing walls and plumbing runs. The applicant’s has 3 to 5 years experience as a home inspector so he has seen hundreds of houses. The applicant’s architect who has worked with other historic commissions in other states also is very surprised and felt that there was an overstepping of the boundaries to trim the house by 3 ft. and the applicant felt it was very unethical to have these modifications made without consulting him. To quote the Staff here on the report “Staff has drawn an optional set of plans without compromising the size of any bedrooms.” What it has compromised is it has caused changes to the laundry room, sink and counter and has eliminated the upper bathrooms bathtub and reduces the size of the bathroom upstairs. Reducing and trimming the purpose of the house does not blend in with the neighborhoods density and architecture and patio home. This reduction as proposed will have a detrimental effect and has no objective benefit to the neighborhood. The changes to the footprint can make it look more like a patio or townhouse. Cutting the house alters the character of the house. Bungalows have a square footprint. The proposed changes make a rectangular footprint. The applicant has a goal of the house to fit into the neighborhood.
ANITA TJAU: The goal of the house to fit into the neighborhood was always his criteria. He has complied with the code and has setbacks that fit in with the neighborhood. I ask you that you approve his plan.

CHAIRMAN POOSER: Are there any questions? Is there anyone in the audience that would like to speak with respect to this application?

PUBLIC TESTIMONY

CLIVE PANE: I am not involved in this case, but I have a question about the windows, isn’t there an amount of space that cantilever into the setback?

CHAIRMAN POOSER: My understanding from Staff and they can clarify this, but no.

SARAH SCHAFER: Cantilevers can only encroach into the side setbacks when it doesn’t increase the volume of space enclosed by the structure. Roof eaves, cornice lines can encroach into the setback by 2 ft. over pop-up windows, bay windows cannot because in encloses the volume of space interior.

CHAIRMAN POOSER: Thank you, I am wiser. Is there anyone else in the audience that wishes to speak on this application? Let the record show that there is no body else in the audience. Does Staff have any additional comments?

JULIE ARCHAMBEAULT: Staff did not draw up those plans to say this is what the applicant has to do but was doing this for discussion and to show that the applicant could make changes. Staff also called and e-mailed the applicant this information prior to the hearing so they had plenty of time to be able to respond. This may have been a surprise to the applicant but it was not a last minute surprise. There may be that there are very generous setbacks and very small setbacks on the street, however the average setbacks are more generous than 5½ ft. When we are looking at setbacks it is important to look at the distance between houses but as soon as you put fences up it is also important to look at the distance between the side of the house and the fence.

CHAIRMAN POOSER: Any additional questions for Staff?

COMMISSIONER CHANDLER: As a follow up from my earlier question regarding the landscaping, one sentence in here says the landscape plan shall include an irrigation system. In what was given to us there is no indication of an irrigation system. In your conversations with the applicant was there any discussion of that?

JULIE ARCHAMBEAULT: There wasn’t.

COMMISSIONER CHANDLER: And also the last sentence in the same paragraph, xeriscape plans that are consistent with Public Works standards shall be considered acceptable. What is proposed here, is it in line with Public Works standards, has that been researched?
JULIE ARCHAMBEAULT: It has been researched.

SARAH SCHAFER: We have a new landscape ordinance coming into place. The third reading is going before City Council. I believe it is this week so it is not in place yet. Staff did a lot of research with Public Works as well as other members throughout the community as far as appropriate landscaping for mostly commercial districts but also for our substandard lots. The covering of rock mulch we currently have in the landscape ordinance for just the substandard lots, they have to go through the approval of the Committee or Commissions. The reason being that a lot of times you don’t get appropriate coverage and you don’t get plants in that area which is what we are looking for. They could be low water usage plants we are not requiring anything that has to have a high volume of water with lots of irrigation. But something that provides the historic nature, especially in the historic districts, of ground cover in the area where you would typically see it verses a lot of hardscape and rock which is going to give off the heat. In doing that landscape ordinance we did work with Public Works in conjunction with that. That is one reason Staff had concerns over the amount of rock mulch that was used on the property.

CHAIRMAN POOSER: In essence what you’re staying is that what we are seeing here, which is a relatively minimal landscape plan would most likely not be in compliance with the proposed landscape ordinance.

SARAH SCHAFER: That’s correct. And it is also not something we would typically see as far as a residential area. You typically have a lot more green space. In the areas where the applicant is proposing the rock mulch a good planting item would be thyme. It doesn’t require any maintenance; it doesn’t require a lot of water and would be more appropriate in lines where we see lawn verses not.

CHAIRMAN POOSER: I have a follow-up question on that. The Ordinance says hardscape features so that includes any kind of rock that is used as a groundcover? The definition seems to indicate that it is stonework, its decks, its pavers, its planters, so it is a little more permanent and substantial than just a ground cover.

SARAH SCHAFER: I would agree with you based on the wording of the Ordinance. I know I was part of the subcommittee that put together the Substandard Lot Ordinance and what we were trying to do was to get lawn and areas to have some of the softscape verses the rock. However, I agree with you based on the working that you could take it to patio deck type material which is more inlaid materials.

CHAIRMAN POOSER: Is there going to be a difference in the standards as opposed to a front yard that is viewable from the street verses something that is behind a fence that the public is not going to see.

SARAH SCHAFER: I believe you could make that differentiation. But it is something we would leave up to you as the Commission as far as on individual applications. We would like for you to make that finding for us on this particular application. We do believe it is a case by case bases depending on how they are treating it. I do believe that with there being a fence
going up and it not being visible from public right of way definitely would be a way for you to approve it if you choose.

CHAIRMAN POOSER: I also had an additional question about the setbacks. Now that we are considering that the setbacks are 4 ft. instead of 5 ½ ft. If this initially came forward to us and the proposal had 4 ft. setbacks can you explain what the process would be to get approval?

SARAH SCHAFFER: In order for the applicant to go to a 4 ft. setback they would have to obtain a variance from the Planning and Zoning Commission or the Hearings Examiner, wherever that application was assigned to. You would have to recommend approval on that before they could go forward with that process.

CHAIRMAN POOSER: The first step would be coming before the Commission getting approval for the design and if we approved it, it would go to either P & Z or the hearing officer for approval of the variance?

SARAH SCHAFFER: That is correct.

CHAIRMAN POOSER: Ms. John I’m going to give you the last chance, if you want to comment on anything that has been said you’re welcome to take some time.

ANITA TJAU: The comments about the landscaping, most of the landscaping that has hardscape is in the back yard. That is the only comment I have.

CHAIRMAN POOSER: At this time I am going to close the public hearing and open it up for discussion among the commission.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: I see three issues here. Some changed slightly since the first hearing, others not at all. The first issue is the percent of coverage of the site. The applicant has mitigated it somewhat, not greatly but somewhat and enough that I could see approving it just based on the lesser site coverage. The previous site coverage was substantially higher than what our guidelines call for. It is still higher but not near as much. I am uncomfortable with overseeing the landscaping. This may be just fine, and I think it is an admirable goal with the low water usage and I am uncomfortable with the xeriscaping in that the rear yard has absolutely no vegetation, some vegetation would seem to be appropriate whether it is a plant material that has some water or no water. I agree with Staff’s comments that some sort of vegetation is needed to reduce the reflection of heat. There is minor landscape in the front. For me to be comfortable with this landscaping application I would need to know a whole lot more and I think that is something that the applicant has not provided to us because it is a significant departure from what we do see in Historic Districts and it may be totally acceptable but I need to know a whole lot more than what I know at this point from this application to feel comfortable with it. Prior to this hearing I felt that the setbacks were probably adequate and they did meet the code even though they might not be the best as far as the rhythm of the houses on that block. From this point with the setbacks
only being 4 ft. - 6 ft., which do not meet the requirements and I do believe that that would require a change that would need to come from the applicant. Due to my hesitation regarding the landscaping and the problems with the setback because of the 2 bump outs, while I like the design and hope that it gets built at some point, I think it still has problems that need to be dealt with and overcome. I can not support this application as it stands.

COMMISSIONER DAWSON: Addressing the landscaping issue...just doing some very rough estimates with the greens that is shown in the front of the property, we’re looking at about 17% of green on that lot, the building is 36% and the hardscape is 37% and the substandard lot ordinance specifically states that at 25% they be covered in hardscape and no more. For that reason I would not be supporting this.

CHAIRMAN POOSER: What are you considering hardscape?

COMMISSIONER DAWSON: Concrete and the rock bark.

COMMISSIONER SEWELL: I agree with my fellow Commissioners comments and I think one major issue for me was the setbacks. I just want to comment that I think Staff did a good job of noting that it is not just the distance between the houses that we are reviewing but actual distance between the property line to the house which is what the setback is and that based on Staff’s comments it does appear that the proposed 5 ft. 6 inches is not congruous with what is on the block. With that and the other commissioner comments I will not be supporting the application.

COMMISSIONER BURRY: I would agree with my fellow commissioners with the discussion of the setbacks and the landscape plan. It would be very easy to incorporate some time and something that would be low water usage. I would like to see a little more greenery even if takes very little water. For that and the setbacks I cannot support this application.

COMMISSIONER SMITH: As a procedural observation, I think Staff has recommended denial. Notwithstanding the fact that I voted in the minority the last 2 votes of this, I have had an epiphany today and will be voting with the remainder of the commission.

CHAIRMAN POOSER: My comments are in line although a little different. There has been a great improvement on the lot coverage, coming down from over 40% to a bit over 36%. I would like to see that come down just a little bit more. The setbacks are the huge concern. I don’t have an issue with the 5’ setback. They are varied all over that block. Some are greater and some are narrower. My issue is more with the density the lot coverage and also looking at the width of the house across the lot. There are a lot of various widths of those lots and houses and I think it would fit in fine. The landscaping plan, I don’t have a problem with that. Sufficient information that’s been provided. It is obviously very simple in the back. I don’t believe a rock mulch; something that could be raked up and moved away should be considered a hardscape, like a more permanent structure. With all of that being said, I would vote for a motion denying the application because of the setbacks.

COMMISSIONER CHANDLER MOVED TO DENY DRH08-00109 BASED ON THE COMMENTS BY ALL OF THE COMMISSION
COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION TO DENY CARRIES.

DRH08-00204 / Ben Everson and Dona Horan / 1020 E. Jefferson Street
Request Historic Preservation approval to construct an addition on the rear of the main dwelling, remove two trees and some large shrubs on property located in an R-2H (Combined Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: The house was built in 1912 and has changed very little, 1949 and 1956. This is the house today and that front porch has been enclosed somewhat with screens, a door. On this side you can see those bay windows still. Other houses on the street are about the same size, really small. This is the existing site plan; this is the proposed site plan. The addition will be on the rear of the house. It will be compatible, compatible materials, compatible roof forms it doesn’t raise above the height of the existing roof it will continue the lines of the house. The lines where the new meets the old will be in the foundation here. It will be the same details here on this elevation. The rear elevation is also distant with the rest but because of its consistent nature with the house mock coverage has been recommended, compatible materials and forms. Staff recommends approval on it.

COMMISSIONER DAWSON: I have a little confusion, on the application they talk about the removal of some trees in one section and different trees in another section. Do we have any site plans indicating those removals?

JULIE ARCHAMBEAULT: I don’t.

CHAIRMAN POOSER: I have a similar observation, it looks like the apple tree is going to be removed and also a Doug Fir tree but it doesn’t indicate why the Doug Fir tree. That is something we can talk to the applicant about and clear up.

SITE VISITS

COMMISSIONER SMITH: I did not visit the site specifically, but I am very familiar with the area. I have not had a discussion with the applicant at any time.

COMMISSIONER BURY: I did not visit the site and I have not had any conversations with anyone regarding this application.

CHAIRMAN POOSER: I did not visit the site and I have not had any conversations with anyone regarding this application.

COMMISSIONER CHANDLER: I drove by the site on both Jefferson Street and the alley and noticed what would be visible from Jefferson Street as far as the proposed addition and the relationship of the structure to the surrounding structures. I have had no contact with anyone regarding this application.
COMMISSIONER SEWELL: I did not visit the site and I have had no contact with anyone regarding this application.

COMMISSIONER DAWSON: I did go by the site both on the street and the alley looking at the proposed changes and I’ve not had any contact with the applicant or representatives.

BEN EVERSON: 1020 E. Jefferson. My wife Donna is unable to attend because of work.

CHAIRMAN POOSER: Do you have any opposition to the Commissioners visiting the site?

BEN EVERSON: No, I encourage that. The removal of the trees; let me clarify that. There are 2 Fir trees, one is doing very well, and it is huge. We are doing everything we can to save it; we’ve modified the plans to put them a little farther away. The other Fir tree, which is to the north, was planted too close and it is growing into it and I’m afraid we are going to lose both if we don’t get rid of the one. The apple tree, it is a dwarf apple; you would be going out the back door and walking into the tree if these plans are approved. What we are trying to do is keep the addition small with the neighborhood so we are going down also, a basement and we are just covering the footprint of a covered patio that is already there. From a roof prospective I’m not covering any more property. We are in the guidelines as far as building and lot size.

CHAIRMAN POOSER: Are there any questions for applicant?

COMMISSIONER DAWSON: Does the applicant have an obligation to provide us with something from an arborist in regards to removal of trees?

JULIE ARCHAMBEAULT: Yes, we typically do request that there is an arborist report or something from forestry for the removal of the tree stating it is diseased or dying or that it is harming a historic structure.

BEN EVERSON: The apple tree is about 8 years old. The Fir tree is probably 50 years old and I wish we could keep them both but the one is looking pretty bad. I will talk to an arborist and if he says you can’t take that one out without hurting the other we would love to keep them both but I don’t think that it is practical.

CHAIRMAN POOSER: Is there anyone in the audience that would like to speak in regards to this application? Let the record reflect that there is no one in the audience going to speak on this application in any additional manner.

COMMISSIONER CHANDLER: Would it be, given the circumstances regarding the removal of the Fir trees, could we grant the approval if the applicant is able to give Staff an arborist report on the condition of the fir trees?

MARY WATSON (Legal): You can condition your approval with that sort of detail having Staff control the management of those tree issues you can have that sort of certification required or some other level. Yes you could condition your approval on that.
BEN EVerson: We have done everything that we can to make this appropriate for the neighborhood. The neighborhood is a beautiful area but there are some houses that have been added that look nothing like the neighborhood, apartment building type and duplexes. We are hooking at the geothermal as part of this plan. I have no problems with the tree providing pictures, arborist, whatever.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00204 WITH THE ADDED CONDITION THAT WE GET A LETTER FROM A CERTIFIED ARBORIST STATING THE TREES NEED TO BE REMOVED AND THE SECOND TREE CANNOT BE REMOVED UNLESS THIS LETTER IS RECEIVED BY STAFF.

COMMISSIONER DAWSON SECONDED THE MOTION.

CHAIRMAN POOSER: Should the motion ask for just the submission of information sufficient for Staff’s approval of the changes to the trees rather than specific letter from the arborist?

COMMISSIONER CHANDLER MODIFIED THE ORIGINAL MOTION TO AS STATED BY CHAIRMAN POOSER.

COMMISSIONER DAWSON SEONDER AGREED.

ROLL CALL VOTE 6:0. MOTION CARRIES.

MINUTES

COMMISSIONER CHANDLER MOVED TO APPROVE THE MINUTES OF JUNE 9, 2008.

COMMISSIONER SMITH SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

Christopher Pooser, Chairman

Date
Historic Preservation Commission

Worksession / Hearing Minutes of July 28, 2008

Commission Members Present
Christopher Pooser, Chairman, Scott Chandler, Cathy Sewell, Barbara Dawson, Stephen Smith, Betsy McFadden

Members Present
Sarah Schafer, Julie Archambeault, Matthew Halitsky, Teresa Sobotka, Nicki Heckenlively

CONSENT AGENDA

DRH08-00208 / Don Jeffery / 1801 W. Hill Road
Requests Historic Preservation approval to convert the existing duplex into a single family dwelling, the garage to an accessory dwelling unit and convert the carport into an enclosed garage and add a second garage bay on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

DRH08-00225 / Mark and Stacy Pearson / 1602 N. 17th Street
Request Historic Preservation approval to remodel the structure including but not limited to an addition on the rear with staircase to the basement, relocate and replace the existing door and windows, and add windows to property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES.

APPLICANT’S REPRESENTATIVE PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.
DRH08-00226 / Jarret and Kammi Hopstad / 1805 N. 11th Street
Request Historic Preservation approval to construct a second floor rear addition on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

DRH08-00227 / David and Wendy Wooding / 1402 N. 20th Street
Request Historic Preservation approval to demolish the garage and construct a two-car garage with bonus space above on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

DRH08-00228 / Mary Clair Huber and Helge Gabert / 1103 N. 11th Street
Request Historic Preservation approval to remove the rear first floor addition and construct a second floor, a wood deck and a handicap ramp on property located in an R-2HD (Combine Residential with Historic Design Review) zone.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

DRH08-00229 / Pat Shalz / 1004 N. 10th Street
Requests Historic Preservation approval to demolish the garage and construct a new two-story, two-car garage with the second floor as a studio on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

CHAIRMAN POOSER: This is a request to defer to the August 11, 2008 hearing.

NO COMMISSION DISCLOSURES.
APPLICANT NOT PRESENT.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00208, DRH08-00225, DRH08-00226, DRH08-00227, DRH08-00228 AND DRH08-00229 ON THE CONSENT AGENDA.

COMMISSIONER McFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

REGULAR AGENDA

DRH08-00203 / T-Mobile / 1408 N. 14th Street
Requests Historic Preservation approval to increase the height of a power pole, place a cellular antenna on the top, construct a small structure to house the associated equipment and fence the area on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (This item was deferred at the July 14, 2008 hearing.)

JULIE ARCHAMBEAULT: Presented staff report with a recommendation of approval.

COMMISSIONER DAWSON: I understand that there is already cell service on that pole?

JULIE ARCHAMBEAULT: No there is not. The poles in the alley are 34 ft. tall and the new pole will be 44 ft. and 50 ft. with the antenna on the top.

COMMISSIONER SEWELL: I seem to remember that we approved a pole at the Hollywood Market and it seems that we approved the pole with the idea that other carries could co-locate on it. Did they look for a co-location?

JULIE ARCHAMBEAULT: I don’t know.

SITE VISITS

COMMISSIONER SMITH: I did visit the site and looked at the pole.

COMMISSIONER McFADDEN: I drove the alley and noted the pole that was to be replaced and the backyard area where the new structure would go and its proximity to Hyde Park.

CHAIRMAN POOSER: I too noted the pole and the location of the supporting equipment.

COMMISSIONER CHANDLER: I drove the surrounding streets and tried to determine how visible the pole would be.

COMMISSIONER SEWELL: I also noted the location of the new pole.
COMMISSIONER DAWSON: I also noted the location of the new pole.

TERRY COX (APPLICANT / T-MOBILE WEST CORPORATION): I just want to refer to a couple of pictures….

CHAIRMAN POOSER: Do you have any problems with the Commissioner’s visiting the site?

TERRY COX: No.

TERESA SOBOTKA (Legal): There are also some e-mails that came in after the packet went out. I would like Staff to summarize those into the record so they applicant can speak to them.

JULIE ARCHAMBEAULT: The following is opposition to the proposal.

1. Robert Cahn: Concerned with the aesthetic and health concerns.

2. Cheri Cole / 1221 N. 15th: Opposed to the project because of the aesthetic incompatibility and the health risks.

CHAIRMAN POOSER: Do those need to be exhibits?

TERESA SOBOTKA (Legal): Yes.

CHAIRMAN POOSER: Robert Cahn will be marked as Exhibit 1. Cheri Cole’s letter will be marked Exhibit 2.

TERRY COX: Could you please get to Page 49? We have to do two things. We have to raise the ….right now the pole isn’t tall enough to attach anything to it because the wires go right to the top and we would have to add pole to it to attach the panel antennas. Once mounted they will be painted to match the pole. Once attached the wires will go down the pole and run underground in conduit and to the equipment. This is the subject project right here. It is a rental home and there is another picture with a fishing boat in the backyard. The property is run down the owner resides in Arizona and in talking with him I doubt there would be much money spent on this home. We try to look for properties that could have a little money spent on it. We are looking to put a chain link fence or a privacy fence. The Commission may want to suggest that we place a privacy fence to hide a lot of things on the property. Could you find the picture with the fishing boat. It is Page 17 in the packet. It shows pretty much what the backyard is being used for now. There is another picture of the pole and you can see the tall trees. Anywhere you drive around that block there are going to be tall trees and you aren’t going to be able to see it unless you are standing at the bottom of it looking up. If you can see on Page 17 this picture shows basically what the house is used for besides bonfires…to store an old boat, there are old trees there that haven’t been pruned for years. The fence is falling down. There are two gates; both of them are just hanging on their hinges. When we looked at the property we met Idaho Power there and asked if they could change out the pole and they said it wouldn’t be a problem and they would actually like to replace the pole because it is inadequate. We could put some money into the project, change the siding, the fencing and clean up the yard. There won’t be any cables going from the pole to the building. You won’t see a change only improvement to the
area. We have an obligation to give our customers adequate phone coverage. The 911 Act requires that people can dial that from every location in their home. We looked at the parks and the schools to put up the pole. We ran out of ideas. We would like to use a pole that is existing and change it out to a taller stronger pole and use what is there. It is for safety reasons.

COMMISSIONER CHANDLER: Will the pole replacing the existing pole be wood or metal?

TERRY COX: Wood. The pole will be owned by Idaho Power and stronger.

COMMISSIONER CHANDLER: The antenna at the top will be the same color as the wood?

TERRY COX: Yes.

COMMISSIONER CHANDLER: Obviously this signal has to get back to T-Mobile some how. How does that work?

TERRY COX: The signal will run down the pole to the equipment which hooks up to a telephone line to send the signal back.

COMMISSIONER CHANDLER: I assume that you are leasing part of the property from the owner?

TERRY COX: Yes. The owner is in Arizona and I doubt that he knows what the property even looks like at this time. He has a property management company overseeing the property. It is time for someone to put a little money into it to make it look decent.

COMMISSIONER CHANDLER: Are you leasing just the little area or a larger area?

TERRY COX: It is a 10 ft. x 20 ft. space and we are leasing the pole from Idaho Power.

COMMISSIONER DAWSON: Am I correct that you don’t have any coverage in this area currently?

TERRY COX: We have outdoor and limited indoor coverage.

COMMISSIONER SMITH: Is it your understanding that they will maintain the transformers on the pole?

TERRY COX: Yes.

COMMISSIONER SMITH: I counted seven or nine hookups on the pole. are they going to remove those?

TERRY COX: They didn’t say.

COMMISSIONER SMITH: This is an unsightly pole, have you tried to talk to them about doing a better way?
TERRY COX: I imagine they would be willing but it is going to take some redesigning.

COMMISSIONER SMITH: Do you or any other provider have an antennae somewhere else in the North End?

TERRY COX: No. In this kind of application it is not co-locatable. I am sure there are going to be other cell owners that are going to want to do a similar application.

COMMISSIONER SMITH: Is there a way, keeping in mind that if we do it for T-Mobile, we could create a way for co-location for other providers?

TERRY COX: Sure. Let us construct a big 100 ft. steel tower. That’s what you see.

COMMISSIONER SMITH: So we would have to build a very large pole?

TERRY COX: The antennae rays need to be about a 10 ft. separation between antennas. If we raise this one up and we put our antennas on the top and we do a 10 ft. separation you’re back down to where the wires are so you get pretty tall. Cellular companies don’t like to put their antennas…they defeat their purpose with anything much lower than 50-60 ft. so you can see that’s where we’re going to be.

COMMISSIONER POOSER: How tall will the pole be?

TERRY COX: This one is 34 ft. so the next one will be 54 ft.

CHAIRMAN POOSER: I’m trying to understand what you’re attachment to the pole is going to be. Is it going to be 44 ft. and you’re going to put another 10 ft. on it with the antennas around or are you just putting the antennas around the top of the pole? Does that make sense?

TERRY COX: No.

CHAIRMAN POOSER: The replacement pole is going to be 54 ft.

TERRY COX: Yes.

CHAIRMAN POOSER: So what exactly is T-Mobile going to put on that replacement pole?

TERRY COX: Just our antennas at the top.

CHAIRMAN POOSER: Those are the rectangular looking things that are going to be placed around?

TERRY COX: No. The antennas are actually 8 inches wide, 6-7 ft. long. They’re just flat panels and they mount right to the pole. There will be three of them so we can get a 360 degree radius with the coverage. The power lines on this line will stay the same height. We aren’t adjusting that height.
CHAIRMAN POOSER: I am looking at Page 22 of the packet which is the site plan. The diameter says 12 and it points to the rectangular.

TERRY COX: That shows six but this one is only going to have three.

CHAIRMAN POOSER: Those are 6 ft. tall. So looking on Page 22, which is the south elevation…

TERRY COX: That is what it would look like with six antenna.

CHAIRMAN POOSER: So it isn’t going to be quite that dense?

TERRY COX: No it should only be half that. And it is 50 ft. in the air so it isn’t going to look as long.

CHAIRMAN POOSER: So you are only going to have three antenna and they are going to be 50 ft. in the air and they are going to be painted brown.

TERRY COX: Yes.

CHAIRMAN POOSER: You are going to replace the chain link fence that is there?

TERRY COX: Yes. But when driving by the property today I thought a privacy fence might be better so if you would approve of that we would be fine with it.

COMMISSIONER POOSER: What is the siding on the structure?

TERRY COX: A hardi-board lap siding with a pitched roof.

COMMISSIONER CHANDLER: You would be comfortable working with Staff on a design for a wood fence?

TERRY COX: Yes. That was my thought when driving past the property today.

CHAIRMAN POOSER: There was some concern about health risk. Is that part of our review?

TERESA SOBOTKA (Legal): Unfortunately it is not. The Telecommunications Act is a Federal Act that governs bell towers and cellular antennas. Local jurisdictions review regarding those items. The federal government has set standards to ensure safety. Local governments are preempted from looking at this issue and the federal government believes that they have set the adequate standards. Safety issues would be dealt with and referred to the telecommunications group and it wouldn’t be held under the local government.

CHAIRMAN POOSER: Do we have any ordinances which apply to cell towers?

TERESA SOBOTKA (Legal): Yes. We have a chapter in the Zoning Ordinance. However, the applicant talked about the 911 amendment to the Telecommunications Act. We do have things in place, but that amendment, for public policy reasons does limit a local jurisdictions
authority as to the extent of our review. It hasn’t specifically preempted our review. There’s been a lot of discussion about whether or not local jurisdictions are completely preempted and in fact it might be easier if there was a bright line drawn, but there’s not. We can still look at it, but we have to be very careful because there’s a public policy that’s in place now in case of terrorism, missing children and a number of issues. Cellular towers, antennas, etc…are heavily utilized. That’s the reason he was telling you that he is specifically mandated to go in and make sure there is adequate coverage.

CHAIRMAN POOSER: Our review is going to be limited to whether or not the addition to this power pole is congruous with the District and in that regard it meets our design guidelines?

TERESA SOBOTKA (Legal): That’s correct. Is it congruous and/or are there conditions that you can put on it to make it congruous?

CHAIRMAN POOSER: This is a letter to the Historic Preservation Commission from Corrina Yost, Doug Marsh and Claudia Brandes… Exhibit 3…can I just read it in to the record?

TERESA SOBOTKA (Legal): It has to be summarized.

CHAIRMAN POOSER: I will read it into the record after Mr. Everhart’s testimony.

PUBLIC TESTIMONY

DAN EVERHART (NENA Representative): I would like to clarify that the NENA board voted on whether to oppose or support and they voted to oppose. There has been a lot of interest from the neighborhood and I would like to read a couple of the letters in full.

Recently I received notice that a cell tower was to be built several hundred yards from my home. Please accept this letter as my official opposition to this project. As a home owner in the North End I value the historic character of our neighborhood and consider the addition of a visible tower to be a contradiction to the aesthetic that attracted me to the North End. Additionally the recent warning from Dr. Ronald B. Herbeman, director of the University of Pittsburg Cancer Institute to his staff to reduce their cell phone secondary to increased cancer risk is discomforting. Given the large number of families with children in this neighborhood a new tower seems like an unreasonable risk.

Sincerely,
Robert Cahn, MD

A second e-mail which I will provide.

I am writing you to express my opposition to the T-Mobile request for a new tower. This is for file DRH08-00203. I believe that a taller tower would block the view of the upper foothills and Boise front from the windows on my house on 14th Street. I can also see how building an additional structure would remove the Locust trees in the backyard of that house and take away from the historic appeal of the neighborhood. The additional building and height of the tower is just one more thing to crowd an already overcrowded Hyde Park. I urge the Boise City Historic
Preservation Commission to deny this project and urge NENA to take action on behalf of North End residents.

I would like to begin by reminding the Commission that on Page 34 of the staff report under Section C, number 2. The new taller pole is not visually compatible and it states that its increased height is acceptable and the cellular ray will be painted brown to match the other poles. It begins importantly by saying that the pole is not visually compatible. I would like to refer to a couple of spots in the design guidelines. 2.4.7, “It is appropriate to maintain the character of the streetscape when installing new sidewalks or driveways”. There are no design guidelines for cell towers. I am pulling information from other parts of the design guidelines because I do believe they are appropriate and applicable. So if you wonder why I am talking about sidewalks and driveways I think the idea is in 2.4.7 you’re maintaining the traditional character of the streetscape. In 2.4.8 it says, “It is appropriate to comply with design guidelines for new construction” in Chapters 4, 5 and 6 and that’s where I’d direct you next. In chapter 5 on Page 46, 5.10 Utility Systems quote policy, “Energy and water system improvements serving a greater efficiency are encouraged provided that they do not adversely impact the historic integrity of a building or the district by being generally placed out of view from the public way or street. The more common utilities serving properties in the district are telephone and electrical lines, gas meters, air conditioners and telecommunication systems. However, other systems are becoming more economic and accepted for use such as solar panel devices and rain water harvesting systems. For new construction visual impacts associated with utility systems should be minimized. Special care should be taken early in the conceptual stages of the design to minimize impacts” It goes on to say, “It is generally appropriate to 5.10.1, design systems that are unobtrusive and not in view of the public right-of-way”. Then it says, “and it’s not specific to cellular towers, but it says, “It is not appropriate to 5.10.3, design and construct utility systems into the front elevation or roofline of the building, 5.10.4, install solar panels that project above the plane of the roof if visible from the public right-of-way and 5.10.5, place a satellite dish in view of the public right-of-way”. The summary of all of these is to say that it is not appropriate to design systems that are obtrusive or viewed from the public right-of-way. At this point I’d like to go back to something that the applicant said. He stated that the public will just see a taller pole. I would tell you that on Page 23 of the staff report and as we’ve already discussed or as the Chairman has brought up you actually will see quite a bit taller pole with a very different profile than is currently in place. I would like to comment on something Commissioner Sewell commented on, which is the earlier proposal for a cell tower in the neighborhood which I believe was denied. I don’t have any reason other than my memory for that, but I don’t believe the cell tower is there behind the Hollywood Market and I think the Commission actually denied the application. To summarize all of this I think that the Commission is lacking information. What I am asking you to do, what the Neighborhood Association is requesting, is to get additional information that supports the applicant’s argument. We want to see elevations that will provide an adequate idea of what the pole will look like from the street, but also from 13th Street and Hyde Park. We are asking that the Commission be interested in what a 20 ft. taller pole will look like in that alleyway. It has been suggested that the trees will block the additional height. I disagree. We are asking for elevations from two different locations from the middle of 13th Street and additionally from the center of 15th Street and its proximity. We would like to see elevations from the alley way as well. We are asking for a deferral for more information and request additional information. If you feel you have enough information we would request a denial.
COMMISSIONER SMITH: Is there any design of a cell phone tower that would be acceptable to NENA?

DAN EVERHART: I do believe that sensitivity to historic concerns, that cell phone companies have disguised them. They typically approach a facility with a tall building such as a church with a steeple or a school with a copula. Typically the best way to insert a tower is to not insert one at all but to co-locate. Perhaps using a rooftop in the near North End that could use more revenue and would be close enough to the area that desires coverage would be an option. I think the neighborhood would be more then happy to accept alternatives to the proposed plan.

COMMISSIONER SMITH: I have read numerous e-mails and I don’t agree with your opinion, I don’t believe they would accept any form of a tower in their neighborhood. With that being said, we have federal requirements for cell phone coverage. With that we are left with a difficult choice because we have a neighborhood association that says put them somewhere else it isn’t our problem, but that leaves us in a tough situation. Though this is a fairly ugly pole, I don’t see how they could harm this more. Are you fairly confident as a representative of the neighborhood that if T-Mobile or the other providers that we talked about earlier were to come back with such a design that you won’t be in here again saying, “Well we oppose this one because it doesn’t quite meet what we’d like.” It seems to me, from my perspective that a NIMBY answer isn’t going to be acceptable.

DAN EVERHART: I don’t share your pessimism. I don’t think the neighborhood association is as NIMBY as it may seem. We are not asking you to deny the application we are just asking that you defer the application. I don’t think the Commission has enough knowledge to see if it has an adverse affect on the neighborhood. I think the additional information would put everyone in a better position to make the decision. I would reiterate that the neighborhood is more than willing to work with the applicant and find a site that is acceptable to the neighborhood and the applicant. I can’t guarantee what the outcome would be, but we would be willing to have those discussions.

COMMISSIONER CHANDLER: If my memory serves me correctly on the application for the cell tower behind the Hollywood Market, the application was withdrawn and there was no action taken on it.

CHAIRMAN POOSER: We will proceed with additional public testimony. For the record, the two e-mails that Mr. Everhart read into the record had already been presented to the Commission. I’ll read what has been marked as Exhibit 3, which is a letter to the Historic Preservation Commission from Karena Youtz, Doug Martsch and Claudia Brandes. This is written comment in formal opposition to T-Mobile for the cell phone tower. “Page 1 of the application claims addition of an existing power pole while Page 8 clearly states the power pole to be removed. The application is erroneous. A 20 ft. taller new power pole will have the size and scale that’s incongruous with the character of the North End District and it detracts from the integrity of the neighborhood. A new prefab metal structure is not appropriate under guidelines 5.6.5 to ensure that the structures elevations and setbacks conform with all the District rules. Chain like fence is not appropriate. 2.2.11, proposed materials are not traditionally used for the District. There is no current existing structure whose modification is being proposed. A new commercial structure should not be allowed in a historical residential district. The application clearly states this is not a preferred a site and a make shift solution
with a company. I sense the Washington School and the Elm Park rejected the tower. Along with the above state historical incongruity the perceived health risk such as the WHO reported cancer, reduced fertility and memory loss and adverse changes in children’s development with dramatic decrease in property values.” That was Exhibit number 3.

SHERI McNABB: I wanted to list a few things… I realize that you are not dealing with health issues specifically. You are looking at things associated with … I wonder if it is possible for looking at this in conjunction with the educational aspect. Several things that I have read were that children are susceptible to the cell phone use. I read in the letter that this isn’t the best location for the tower. I wonder why they have then chosen this location. As far as this not being highly visible. There is an existing tree… I along with Dan would like to see the elevations from different streets. I am concerned about the material of the pole. I have heard it will be a wood pole and a metal pole painted brown. The residents that were living there did move out. They did not take good care of the property. I don’t see a cell tower as an improvement regardless. Even if they’re not taking great care of the yard. I don’t think that a cell tower is an improvement. The last thing is that I don’t want to set a precedent for this in the North End. I understand your concerns Commissioner Smith, but I’m concerned about setting a precedent and having cell towers throughout the North End. I don’t think that fits with the historical integrity of the area.

MATT EDMOND: This is two houses over. You all drove the alley and the alleys of a few streets over. That pole would be masked by the trees. In four months, the pole will be highly visible. I would imagine you will see if for a good two to three block radius. I ask that you keep that in mind.

CHRISTINA LEQUERICA: I am directly next door. The gentleman from T-Mobile talked about the run down nature of the property. That is a pure indication that the gentleman that owns the property has no care for the North End. He is going to make money for the cell tower location and that is an exchange for our well being. I know you can’t take into consideration the health affects. I did a lot of research on the internet and it has been proven that cell phone tower radiation does cause cancer. It causes tumors. I have pictures of tumors caused from cell phone towers. I have pictures of a rat brain before cell phone exposure and then after cell phone exposure. They have been known to cause leukemia in children. I will move if the tower goes in. It is the house I grew up in and I will absolutely move. I will not expose myself or my children to a cell phone tower.

MIKE ADAMS: I live in a two-story house that was built in 1904. It has some wonderful historic windows on the north and east and I have a wonderful view of the foothills to both the north and the east. In the summertime there is a pole that is unsightly, but it’s just like all the other poles there. There is a huge, beautiful Locust tree blocking the view of the pole. In the winter time of course those leaves are gone and I see the pole, but from the second floor of that house I have a beautiful view of the snow and the foothills and from the first floor I have a partial view of those foothills. An additional 20 ft. tower would take away from not only what I do see from the first floor of the north and east side of those windows, but from the second floor as well almost entirely it would be obstructed. I’m addressing Item c and d of your staff conclusions and recommendations, that not only from my house, but lets talk about what everyone else in the entire North End has. If there going to climb Camel’s Back Hill and look out onto the beautiful historic neighborhood they’re going to see those gable houses and they’re
going to see church steeples and all of sudden now...possibly an additional cell tower that’s
going to stand far and above those trees and those steeples. I urge the Commission to deny this
project or if they do not find it in their hearts to do so to at least defer it until we have far more
information.

WENDY JONES: I am across the street from the property. My testimony seconds that from Mr.
Everhart. I believe everything in the Historic District requires a lot of specific information. It
requires dimensions, colors, etc. I believe T-Mobile could provide us with the information of
this specific tower to give us an idea of what this tower is going to look like with the antennas
attached. I understand that the drawings submitted in this application show six antennas but he is
saying there is only going to be three. I believe that a drawing of that or a picture of something
similar would be helpful. I also know, like Mr. Adams and Ms. McNabb stated that an elevation
view whether it’s a manipulated picture, a doctored picture of what this is going to look like from
different views in the neighborhood would be helpful. The Locust tree that is shown on Page 14
of the application shows the tree around the telephone pole. I’d like to know how much of that
tree is going to be removed for the replacement of the pole and if that tree is going to be trimmed
properly or if it’s just going to be whacked off to get that pole in. I’d also like to know from T-
Mobile what the percent increase in coverage is going to be based on this new location because
as Ms. McNabb stated this is not the first or second choice for locations and how many users will
be affected by this. I’d also like to know why...there are obviously other carriers in the area. I
personally have another carrier that does not seem to have this lack of coverage. I’d like to know
where their towers are and how it is that they’re getting by without putting cell towers in the
North End up to this point. My biggest concerns are for the future of the neighborhood. Setting
a precedent and allowing something in like this and what is it going to do for future applicants? I
believe that this entire application is fairly unclear and incongruent with the standards that the
Historic District sets forth for homeowners and people and that live there full time.

SARAH GOLDSTEIN: I had more of a question about the tower itself. I’m curious as to what
the magnitude of radiation that will be exposed in the North End. Not only to the residents, but
to visitors to the area. Who is responsible for monitoring that radiation to ensure that it is
operated within FCC Compliance? I’m also curious about the frequency of that monitoring
because we are suppose to be concerned about the health of our community. I understand that
health effects can’t be a concern specifically, but in terms of operating within FCC guidelines
that is important for all of us. I too have concerns regarding the property values in the area. As
one of my neighbors pointed out they are packing up and moving if this tower goes in. Should
that be the trend in this area that could be very detrimental to myself and my husband.

COMMISSIONER SEWELL: Legal...Is there any system in place to check if a carrier is
providing any 911 coverage to the residents?

TERESA SOBOTKA (Legal): I don’t know exactly what is involved. I am familiar with the
911 Amendment but I don’t know much more about it.

CHAIRMAN POOSER: With respect to replacing the pole....if Idaho Power wanted to replace
the pole, would that ever come before us?

JULIE ARCHAMBEAULT: I would assume not. There would be no reason. Actually, I am not
going to say that.....we have never received an application for something like that.
SARAH SCHAFER: Staff also advertised the change in the pole height. That is part of the legal and up for discussion today. We advertised the pole height; we advertised the attachment of the cell panels at the top, and the enclosure as well as the fencing. Those are the four items that are up for discussion. Typically we wouldn’t look at it if Idaho Power were changing out the poles because it would be a maintenance issue for them to be able to maintain their lines. It’s not something that we would look at if it was an increase in pole height because it’s just a maintenance item. We don’t regulate maintenance in the historic districts.

CHAIRMAN POOSER: If part of the application is that we have to approve the height of the pole and…we don’t have Idaho Power here and if that’s part of the application how can we approve that…we don’t have an applicant.

SARAH SCHAFER: You do. Your applicant is T-Mobile. Idaho Power wouldn’t be changing out the pole unless we were putting the antenna ray on the top. The applicant T-Mobile which is requesting the taller pole so they are the applicant for that. They are also putting on the ray and they’re also putting in the structure and the fencing.

TERESA SOBOTKA (Legal): Do you have an affidavit of legal interest?

CHAIRMAN POOSER: That’s what I’m wondering. Do we have any evidence that Idaho Power has acquiesce to this?

COMMISSIONER SMITH: Are we really confident that we have jurisdiction over a utility that’s regulated by the FCC? I’m sitting here wondering whether we, as a Historic Preservation Commission, can tell a federally regulated utility what it can or can’t do.

TERESA SOBOTKA (Legal): You do have jurisdiction. It’s a limited jurisdiction. It would actually be easier for us if they just simply said you’re preempted rather than you having extremely limited jurisdiction. They have not said that you’re preempted. You have some jurisdiction to determine that it’s congruous or make it congruous.

JULIE ARCHAMBEAULT: We have an affidavit of legal interest from the property owner of 1408 N. 14th Street, but we do not have one from Idaho Power.

CHAIRMAN POOSER: To me if Idaho Power can just change out a power pole without having us consider it I don’t know why we’d consider a new pole now. It seems to me that the scope of our review is really limited to the three antennas that are going to be put on top of that pole. Is that correct or incorrect?

TERESA SOBOTKA (Legal): To be honest with you as we’ve been discussing for the last month what you are calling change in use maybe needs to be firmed up and tied down a little bit. Usually change out a pole means put in a new pole of similar height and diameter, etc. A 20 ft. higher pole whether or not we regularly look at those or not, I don’t know. Do you feel that’s significantly different to change the congruousness so that you want to look at those?

CHAIRMAN POOSER: I don’t think it falls within our definition of change in use. Our definition of change of use is any change in use affecting the land or structure of where a
condition use permit or administrative review is required under Title 11. Is there any administrative review or conditional use permit that’s been required for this?

JULIE ARCHAMBEAULT: There is another application going forward with the Planning Department. Sarah is looking it up to see exactly what it is. There’s an application that’s going to follow this one that will be based on…

TERESA SOBOTKA (Legal): That’s how we started out the hearing by talking about on top you looking at congruousness there was also going to be a zoning application for the tower per say. We’ll also have to look at the accessory house and for the fence. That’s absolutely before you. I understand you’re more focused on the tower now.

JULIE ARCHAMBEAULT: I should also not that you’re talking about when you’re trying to decide whether you want to talk about the 20 ft. pole or the cell array. One of these says that they’re going to change out the pole…a 10 ft. extension. One sheet says that the pole is currently 34 ft. tall…this sheet on Page 23 states, “Power pole to be replaced with 10 ft. extension with feet in measurement is 54 ft.” If the pole is being replaced with a 10 ft. extension that means the total amount of cell array and everything that has to go on top of the pole is not 6 ft. but 10 ft. tall. The pole itself from what I have in front of me it seems to me that the pole is 44 ft. and then the cell array is going to be another 10 ft.

TERESA SOBOTKA (Legal): I don’t see why you’d look at the panels if…either you look at the pole and panels combined all as one or you’re not going to look at it at all. I don’t see how panels in and of themselves would fall into then you’re getting technical. One kind of line versus another kind of line. You’re purview is over exterior features and how they fit in congruously with the District as a whole. What’s located on them and unless there’s something about that, that really sticks out or really would affect the aesthetic view I don’t think you would have authority over just panels.

JULIE ARCHAMBEAULT: The reason we don’t look at utilities is because it’s almost always maintenance and this would go beyond maintenance…why we’re looking at it. It falls outside of that category of things we don’t deal with. Maintenance is specifically called out for in our Matrix as something we don’t deal with because you’re replacing with the same materials…it’s routine maintenance and this falls outside of that and so would not be covered under that part of the Ordinance.

COMMISSIONER SMITH: For counsel again…maybe for Staff. Do I understand what you’re saying that if Idaho Power were to come in and decide on it’s own for it’s own service reasons that it needed to replace this pole with one of it’s 75 ft. metal towers that it has in various places…is that or is that not under our purview? Or alternatively if they decided to put four transformers on this pole is that or is it not under our purview?

SARAH SCHAFER: There would be some review by the Planning and Zoning Department because the height of the pole exceeds some of the heights that are allowed in the zones. I don’t know what the exact pole height is, but there is some ordinance in the planning section which talks about pole heights or utilities and what the materials need to be. It would be reviewed under that section if they were changing out the materials of the poles…I don’t know how we’d
handle that with the Historic Preservation Commission. We haven’t run into it in the past. They’ve maintained the metal poles in the historic districts and the heights.

CHAIRMAN POOSER: Did you find that other application in front of P&Z? Is it under Title 11?

SARAH SCHAFER: It is a Conditional Use Permit and it would be my assumption you may be able to ask the applicant here. In the R1-C Zone for poles that are to meet the height requirements of the zone it requires a Conditional Use Permit. That’s what it’s for. It’s just for the use of the pole. All of them require a Conditional Use Permit. That would kick it over to us because of the way we have outlined change of use in our ordinance.

COMMISSIONER SEWELL: Do you know what the height requirement is in an R1-C?

SARAH SCHAFER: I didn’t look to see what that pole height limit is in the R1-C. I can take a look at that ordinance again and get that information for you. Just a moment.

COMMISSIONER SEWELL: I’m understanding that there are no other cell towers within the North End Historic District. Is that correct?

JULIE ARCHAMBEAULT: I actually don’t know.

COMMISSIONER SMITH: Are there any cell towers in any of our historical districts?

SARAH SCHAFER: I believe so. I believe we have some co-location on some of the buildings on the downtown structures. As far as our residential districts I know there’s been a couple of schools in the North End, but I don’t know if there are within the historic districts because they’re located on the schools which is State owned property and wouldn’t have had to go through the Historic Preservation Commission for those co-locations. As far as mono poles on facilities like that not since I’ve been with the City have we approved any.

TERESA SOBOTKA (Legal): We have looked at some that have gone through the co-locations at the schools, but not through Historic Preservation through Planning and Zoning because I was involved with those applications. The only one was the one we were talking about that was at the market. That’s the only application in several years…Scott and Cathy can you think of any? You’ve been around a long time. That’s the only one that’s come before in years and years.

CHAIRMAN POOSER: The one outstanding question is whether there’s a height limitation in an R1-C. Why don’t I have the applicant come up. At this time you’re going to have an opportunity to respond to any of the Commissioners questions and also public testimony if you like and to make any final remarks. You have 5 minutes for this.

TERRY COX: I’d like to remind the Commission that we keep hearing the word cell tower. This is and will not be a cell tower. Everybody knows what a cell tower looks like and this is not a cell tower. This is and always will be a power pole with attachments on it. We are not adding any poles in the District. We’re simply using an existing pole with additional height. Anybody who thinks their view is going to be blocked by a pole it should be blocked now. We heard over here that he doesn’t think that the trees are going to mask it. We heard over here that he thinks it
will be masked until the leaves fall off. You’ve been there and you’ve got to decide is this going
to be visible. The code of Boise City encourages cellular companies to look for co-locations.
Under the code of Boise City this is considered a co-location. Anytime we can take an existing
structure and attach to it, it is considered a co-location whether you add height or not you’re
using an existing structure. According to the code of Boise City this is what they encourage us
to look for. This gentleman over here wants to work with the cell phone companies to find
alternative forms of putting our antennas on and this is what we do in cities and states all over
the country. This is a form of co-location that we use in historical districts because there is
nothing else. You have no six-story buildings in this area that we can get on the roof and shine
down. We look for something that’s existing and try to make it work. This is what we’ve done
here. I also want to make the Commission aware that I sent a letter out to every resident that
lives within 300 ft. of this pole. I held a neighborhood meeting on June 10, 2008 at 7:45 p.m. I
showed up that night and I waited for ½ hour and not one person bothered to come and talk to
me. I wanted to show them pictures, ideas of what I was thinking of, express and get there
concerns and not one person bothered to come out that evening and meet with me. I’m really
surprised that there’s that many people here tonight because when I wanted to actually discuss
this and work it out with them not one of them bothered. I even sent a letter to Mr. Kevin
McGowan, who Boise City says was in charge of the neighborhood committee. He didn’t even
bother to come. I want you to make a note that we did make an effort, we were there, we wanted
to work with the people and nobody wanted to take the time to work with us on it. Under Boise
City Code under co-location this is the best we could come up with. I never did say that this was
not the best location. I did say that we looked at other locations first. Other locations that maybe
weren’t right in a residential neighborhood as of City Park or a school. I never did say that this
was not the best location. I just said we looked at every other alternative location and this seemed
to be the best use…something that’s existing and make it work for our purpose.

COMMISSIONER McFADDEN: I have a question on those additional locations, which I know
you’ve done you’re homework, but we don’t have that information here. For example you say
you looked at putting a tower at Leonie Park? Is that in the North End?

TERRY COX: Do you have the address of that?

AUDIENCE MEMBER: It’s several blocks north of Garfield School and a couple blocks west.

TERRY COX: A couple blocks north of Garfield School and a couple blocks west. We actually
looked at maybe replacing light poles in the park with a taller light pole. Here’s a picture of the
school with the copulas up. We approached the School District and for the record the Boise
School District is one of the few school districts that haven’t actually caught on to cell towers,
but about every other school district in the country…I just signed a contract with the Meridian
School District. On Centennial High School we are doing an antenna structure right there at the
school. Schools are actually quite popular to house these antenna structures. Whether it’s a new
tower or on the rooftop or whatnot. When we worked in this neighborhood we just couldn’t
come up with any…

COMMISSIONER McFADDEN: But you did approach the school and ask them?

TERRY COX: Yes.
CHAIRMAN POOSER: Earlier there was a question asked about whether there was anyway to know that you’re required to provide service within this area to comply with the limits of the Telecom Act. Can you comment on that?

TERRY COX: Everything we do…every antenna structure we put up is registered with the Federal Government. We have to tell them what signal strength we’re putting out, we have to tell them what location exactly and it’s all registered with the FCC. They do spot checks and of course a company like T-Mobile, Verizon, Singular, AT & T…they’re not going to put out any signal that’s not regulated by the Federal Government. They just couldn’t afford to do so.

CHAIRMAN POOSER: Is there some regulatory entity that has ordered you to provide or found a service deficient and has ordered you to put a cell tower in the North End?

TERRY COX: We provide signal strength data, proclamation maps when cities request them and I’m not sure that Boise City has requested a proclamation map on this one, but we do and it’s easy for us to do to show exactly signal strength in areas. I actually gave one to the Planning & Zoning Commission.

COMMISSIONER SEWELL: Have there been any reports of people not being able to call 911 through T-Mobile in that area?

TERRY COX: There are a lot of reports of people not being able to use their phones period…yes.

COMMISSIONER SEWELL: But 911?

TERRY COX: Well if they can’t use their phones they can’t use 911. That’s how we get a lot of our data is from customer complaints.

SARAH SCHAFER: You’re question was in regards to what the height of the pole is that’s allowed in the zone. I haven’t been able to find that information while you’ve been talking at this time. However, it’s really rather this pole meets that height or not…it’s whether the additional 20 ft. is congruous with the District. Whether that pole meets the height of the zone or not would actually be before the Planning & Zoning staff under the Conditional Use Permit so what we need to determine tonight is whether that additional 20 ft. is or is not congruous with the District at this point.

CHAIRMAN POOSER: I’ll give you a last chance to have any final remarks.

PUBLIC PORTION CLOSED

COMMISSIONER SMITH: It seems to me that we have multiple layers of problems here. I am not, with all due respect, the counsel. I’m not convinced we have any jurisdiction on two levels. A Federal jurisdiction questions and also the State Public Utilities jurisdiction questions. I don’t know whether we can tell a federally regulated cell phone provider where it can or can not place one of its towers. The second question I have is I don’t think we have an answer at all as to whether we can tell Idaho Power, which is a publicly State regulated utility and a Federally regulated utility, which has an easement to this property and I would imagine multiple easements
where or how it can put its poles, how tall they can be and what can be placed on them. We have those two questions. We also have a much bigger question which seems to me to be whether or not we can ever under the guidelines we operate under allow cell phone towers in the North End or any of our historical districts. I see us going down a very uncertain road here that we don’t have the answers to. If we approve T-Mobile’s application we will quickly get applications I’m certain from at least five other providers. We have no guidelines to determine whether or not cell phone towers are congruous at all with the historical district. We are operating in an area which we have very little guidance from anyone. I feel like we’re stumbling around in the dark because we don’t have enough information in front of us. The T-Mobile proposal on its face does not seem unreasonable to me if a cell phone tower ever can be congruous with a historical district. That’s a question that we don’t have an answer to. Additionally we have been mandated by Federal law that we have to provide certain levels of coverage and we might not have any choice as to whether it can be placed. I, with respect, disagree with the North End Neighborhood Association. I have a hard time based on my limited experience on this Commission believing that the association will ever approve a cell phone tower in the North End and racking my brain I can’t think of a place other than perhaps St. John’s Cathedral or the Cathedral of the Rockies, which is tall enough to allow a pole on it and I suspect there would be extreme objections to that. We have serious issues and we don’t have enough information. For that reason we don’t have much choice, but to defer this until we get a fuller picture.

COMMISSIONER CHANDLER: With all due respect to Commissioner Smith I think we have a situation that can be resolved. It won’t be to everybody’s satisfaction. There’s no question about that. There are a lot of potential slippery slopes. We need to look at what is in front of us. A relatively small structure in a backyard and there doesn’t seem to be much objection to that as long as it is hidden. The other is a pole that will be taller and this seems to be the largest concern. One of the nice aspects about this is that it is in an alleyway. This is in contrast with the one we are thinking about. How many of you have driven down Warm Springs and have looked at the extremely tall power poles that are in everyone’s front yard? They make this look short. The applicant has stated that there will be three instead of six panels and it will remain a wood pole. That is congruous versus a metal pole. Then reducing the number of panels, and they are still providing cell phone service. They are not adding anything they are sharing a pole.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00203 WITH THE SITE SPECIFIC CONDITIONS OF APPROVAL AND GENERAL CONDITIONS OF APPROVAL IN WITH THREE ADDITIONAL CONDITIONS. THE SHED HAVE HARDIPLANK LAP SIDING. THERE SHALL BE A WOOD FENCE CONSTRUCTED ALONG THE ALLEY IF NOT ALONG THE ENTIRE AREALEASED BY THE APPLICANT. IT MUST BE SUBMITTED TO STAFF AND APPROVED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF APPROPRIATENESS AND THERE SHALL ONLY BE THREE PANELS VERSUS THE SIX SHOWN IN THE APPLICATION.

COMMISSIONER DAWSON SECONDED THE MOTION.

CHAIRMAN POOSER: I am not concerned about the Federal regulations. I think our review is limited here. It is consistent with the guidelines. Having reviewed the property I don’t think the increased height and the addition of the three antennae is a violation of our ordinance. The installation of the pole in the public right of way.
COMMISSIONER DAWSON: I was surprised Commissioner Chandler made mention of the poles on Warm Springs, I live on Warm Springs and don’t notice them any longer. It has faded into the subconscious and I think this would as well.

COMMISSIONER SEWELL: I don’t disagree with the discussion, but I do agree with Commissioner Smith in that I would like a little more information. I would like to know more about the coverage and see additional views of the poles; I would not support the motion, but would support a deferral.

COMMISSIONER McFADDEN: I would support the deferral as well. We owe it to the public to know what we are approving. This is an addition to the pole and the applicant was pretty clear about that, but the application was confusing….I want to make sure other locations were explored too.

ROLL CALL VOTE 3:3. MOTION DIES DUE TO LACK OF MAJORITY.

CHAIRMAN POOSER: I would entertain another motion….I think it would be appropriate to hear what additional information we would like from the applicant, staff and legal.

COMMISSIONER SMITH MOVED TO DEFER DRH08-00203 PENDING RECEIPT FROM THE APPLICANT OF THE COVERAGE INFORMATION THAT HE TESTIFIED TO, PENDING THE RECEIPT OF THE DRAWING OF THE CELL PHONE TOWER PAINTED BROWN WITH THREE PANELS, FROM LEGAL AS TO THE JURISDICTION THAT THE HISTORIC PRESERVATION COMMISSION HAS IN REGARDS TO THE SITING OF CELL PHONE TOWERS, INCLUDING BOTH FEDERAL AND STATE JURISDICTION AS TO WHAT EXACTLY OUR JURISDICTION IS TO THE SITING AND DESIGN OF THE TOWER.

COMMISSIONER SEWELL SECONDED THE MOTION.

COMMISSIONER CHANDLER: Do we need a deferral to a specific date?

JULIE ARCHAMBEAULT: The 11th is still available as is the 25th. However, it just depends on the applicant and when they could get the information. For the 11th we would need the information in immediately.

COMMISSIONER SMITH: I’ll make it for the 25th Mr. Chairman.

CHAIRMAN POOSER: I would like to reopen the hearing and hear about your ability to provide the information we have requested….

PUBLIC PORTION REOPENED

TERRY COX: Do you just want our coverage maps?

CHAIRMAN POOSER: We would want the coverage maps, the new drawings showing the color and the panels.
COMMISSIONER CHANDLER: Also at one point there was a question as to the size of the panels because of the conflicting information on drawings as whether they’re 10 ft. high…6 ft…probably what extends beyond the existing poles is probably what would be good to have some more detail on the exact dimensions.

COMMISSIONER SEWELL: If you could, show us actual photos.

TERESA SOBOTKA (Legal): The North End would like to remind you of what they think are pertinent information…if you would like they would like to reiterate.

CHAIRMAN POOSER: If I recall it were elevations from 13th and 14th Street. It would be if you’re standing on 13th Street looking directly at the pole and the elevation of the pole from that direction as well as from in front of the residence.

DAN EVERHART: So we can see what it looks with the buildings and the pole. Not just the pole.

CHAIRMAN POOSER: I guess I would add that as well.

TERRY COX: I don’t think you would be able to see the building from there?

COMMISSIONER McFADDEN: Something like this showing the street side elevation with the pole in the background. Isn’t that what you’re looking for Dan? So that we can see how maybe even where the existing poles are and how that would relate, but you’d be looking at it from the street side so these would be Harry’s bar, the cleaners and whatever else is there and then the pole and how it would relate to 13th and 14th. We request those sometimes when we’re looking at massing of a block and we want to make sure that something isn’t sticking way up or way too small.

COMMISSIONER DAWSON: We have this rendering that was done by your company from the perspective view of Alturas Street. What we’re asking for is something like this from 13th and 14th.

TERRY COX: From the ground level?

CHAIRMAN POOSER: Yeah…ground level…street level.

COMMISSIONER DAWSON: Yes.

TERRY COX: But from 13th Street where the building sits at I don’t think you’re going to see the building at all from 13th Street.

JULIE ARCHAMBEAULT: If the applicant would like to work with Staff we could explain to him what you mean by elevation. I get what you’re talking about. Just a street with the poles.

CHAIRMAN POOSER: The street façade basically. Not a detailed street façade, but showing the massings with…
JULIE ARCHAMBEAULT: With an elevation rather than a rendering and perspective.

CHAIRMAN POOSER: Yes. I guess my question to you is with coverage information, more information on the panels...the elevations we've just spoken about...how long is it going to take you to get that information together and get it to staff?

TERRY COX: 10 days.

CHAIRMAN POOSER: Would that put us on the 25th? Are you going to be available to attend August 25th? It will be an evening hearing.

TERRY COX: Yeah.

PUBLIC PORTION CLOSED

CHAIRMAN POOSER: On the table I have motion to defer this application to August 25, 2008 to allow the applicant to submit some additional information as well as legal.

SARAH SCHAFFER: Do you want to make your motion to include all those additional elevations that we just discussed? Currently the motion doesn’t include that information.

COMMISSIONER SMITH: I’ll include those.

COMMISSIONER SEWELL: Concurs.

ROLL CALL VOTE 5:1. MOTION CARRIES WITH COMMISSIONER CHANDLER AGAINST.

DRH08-00195 / Jana Repulski / 1411 N. 19th Street
Requests Historic Preservation approval to reopen the front porch, replace the existing roof structure, change the Dutch hip in the rear to a gable, extend the chimney and replace the rear stair railing on property located in R-1CH (Single Family Residential with Historic Overlay) zone. (This item was deferred at the June 23, 2008 hearing and July 14, 2008 hearings.)

JULIE ARCHAMBEAULT: Presented the staff report with a recommendation of approval of reopening the porch and changing the railing and denial of changing the roof or raising the chimney.

COMMISSIONER McFADDEN: Julie, on Page 1 of the summary, you note that demolition is okay. In the body of your report, only one of the Findings is met.

JULIE ARCHAMBEAULT: I am afraid that that is a typo. It should say that only one of the Findings has been met. The house can’t meet landmark status. The demolition will adversely affect the District, and the replacement will have a negative affect.

COMMISSIONER McFADDEN: It met only one of the three?
COMMISSIONER DAWSON: The term change in the roof you spoke about where the overhang hit the windows and now it doesn’t…wasn’t there also a dormer to be added?

JULIE ARCHAMBEAULT: Yes. It would go from the hip roof to the gable. The reason to raise it up is to allow for livable space. If that isn’t allowed, then none of the other things are allowed.

COMMISSIONER DAWSON: This is only a single story not a story and a half?

JULIE ARCHAMBEAULT: That might have been before we decided the 7 ft. attic space is required. There is some storage space up there.

TERESA SOBOTKA (Legal): To clarify that a little bit more it’s not only the dormer, but they talk about a Dutch hip, rear window, a rear bay window and the chimney. Julie felt that because she was recommending denial of the roof that none of those…of course if you don’t raise the roof you can’t do any of those. If you do want to raise the roof you’re going to have to look at all those other issues here or send her back to look at those other issues.

COMMISSIONER POOSER: The house next door looks like it will be similar as far as the height we are talking about.

JULIE ARCHAMBEAULT: This is a conversation that we have a lot…being congruous with … looking like something that will be found in the District isn’t the same as preserving the history of the District. Preserving the history of each house is different than making sure that they look like something in the District. This would not be historically accurate for this house.

COMMISSIONER DAWSON: This house is contributing…if these changes were to be made, would it still be contributing?

JULIE ARCHAMBEAULT: Yes, it would.

SITE VISITS

Commissioners Smith, McFadden, Pooser, Chandler, Sewell and Dawson visited the site prior to the hearing.

AMY COOK (Applicant’s Architect): No objections to site visits. I’m a little bit thrown for a loop by the typo on the first page. I was assuming that it was going to be fine to tear the roof off and that the big issue was at what height we’re putting the roof back. It sounds like from Julie’s statement that maybe that is the case. Maybe if the roof isn’t as high or we understand the reason that the roof is this high that it makes this house an asset to the neighborhood and helps it fulfill two of the other Findings. With that in mind I’m going to try and explain how we arrived at this design and walk you through our rebuttal to Staff comments. First of all raising the roof is not simply arbitrary. Not necessarily just to get head height on the first floor. The existing roof structure is 2 x 4 rafters at 24 inches on center. It’s not structurally adequate as it is. Mainly if we’re going to use the space in the second floor we’re going to have to put in new floor joists. I’m going to give you a sketch here.
CHAIRMAN POOSER: We’ll mark the sketch of floor joists as Exhibit 1.

AMY COOK: If you see on sketch A, we’re putting the new 9 ½ inch (inaudible) floor joists in at the existing bearing height of the roof. You can see that the corner of those joists stick up above where the roof is now. Getting any sort of floor space up here is going to be impossible without doing something else to the roof structure. On raising the roof structure as we show in sketch B, which is what we’re proposing on the elevations that are shown or the other option is to go with a taller rafter… the (inaudible) line on sketch A is showing a 2 x 12 rafter. You can see that the 2 x 12 actually would hide the corner of those floor joists. Now with that option the peak of the roof would be lower than it is shown on the elevations. The issue there is we get into some problems on the head height on the stairs inside that access the second floor. I don’t know exactly why the floor plan didn’t make it into your package, but I’ve got the two new proposed floor plans here.

CHAIRMAN POOSER: We’ll mark the floor plans as Exhibit 2.

AMY COOK: On the floor plans we tried to limit the amount of changes that we were going to make to lower floor falls to try to keep the integrity of the lower floor design of the house. In doing so we stacked the new stairway to the second floor above the existing stairway that goes into the basement. That works great space wise, cost wise; we don’t have to move around a lot of walls. Unfortunately it doesn’t bring those stairs up under the highest part of the roof so at the left hand side of those stairs the ceiling height is about 2” below the code minimum, which is why we wanted to lift this roof structure up so we can get clearance head height at the top of the stairs. Before proposing this attic space as the historic guidelines recommend. We looked at other avenues for addition. We looked at putting an addition on the back of the side, but we were already maxed out on lot coverage. We looked at putting an addition in the basement. There’s an existing basement there. It’s just one small room with ceiling height of just over 6 ft. The work involved in jacking up a stucco house and removing the existing basement slab and digging out a decent sized addition was going to be a lot more work than trying to pursue this attic space addition. I was really worried about the stucco on the house cracking as we jacked it up. There’s also some concerns about getting decent in the basement because we can’t put window wells along the south side except right at the front because we have a close proximity of the pop out on the south side where the walkway goes around to the back and there’s no way we can put window wells on that side. There’s stairs that access the rear entry. We can’t put a window well there. There’s a garage on the rear now, which is quite close so window wells on the west side were going to be forced to the north side. That left us just the north side which isn’t a great option as far as light is concerned. The owner was worried about disturbing a row of very old rose bushes along the south property line that she shares with her neighbor. Any kind of basement addition that we were going to do there was most likely going to upset those rose bushes. I like to address some of the concerns that Julie has raised. One being the issue that additions have to be stepped back from the primary façade of the building. I’m not sure that this stipulation applies to us. I’m not sure at what point replacing a roof becomes an addition or just a replacement. I understand that with it being a little higher that maybe that kicks us in, but we’re putting the roof back exactly as it is. We’re matching the roof slope, we’re matching the materials, we matching the eave condition, we matching the bracket details, we’re matching everything that the existing roof has, it just has to be a little higher for us to accommodate the second floor. The other comments related directly to the issue of the roof bearing and if it’s okay
to have a bit higher roof bearing. Julie’s report claims that raising the roof would radically change the roof and that it would change the relationship between the roof and the building and primarily the new design does not reflect the style of the house or the character of the adjacent neighborhood. I’d like to argue that it does reflect the character of the adjacent neighborhood. I don’t think the character of the house has changed at all. It’s still a one story Arts & Crafts Bungalow. It’s similar in height to the houses around it. The new roof matches the existing in everything except bearing height. We have been able to get the bearing height down a little bit and when we first did these elevations we hadn’t run structure to the point where we could get them down to the lowest common denominator. We’ve been able to use 9 ½ inch joists and the design on the board shows a 12 inch joists and 12 inch rafters and we can actually use 2 x 6 rafters so the difference...if you look on your front elevation page on the proposed front elevation there’s a dimension between the proposed peak of the roof and the existing peak of the roof. That was a worse case scenario because we hadn’t run structure and we wanted to present to you what would potentially be the highest change...the biggest difference between the existing and the proposed. That dimension was 1 ft. 10 ⅝ inch higher than the existing ridge. The best case scenario with our new structure that we’ve run we would be 1 ft. 1 inch above the existing roof. The eave, which Julie was concerned about being so much above the existing windows, would be almost 4 inches. It would be 3 inches and ¾ inches lower than it is currently shown. There are ways for us to create attic space without raising it. We’ve talked about the issue at the height of the stair. We could potentially block up a little bit under all of the rafters just 3 inches to get us the additional 2 inch clearance we need at the edge of the stair. I would prefer to defer this rather than to have it denied. I just want to say in closing this is not a landmark home, it’s not on a corner lot. As Julie said at the beginning of her testimony the difference in the height is really not visible from the front. This is not a house that’s on a corner lot and it’s not a house that you’d be able to see the sides or the back very easily. I don’t think the 11 inch increase in the roof bearing is going to be that readily apparent. The owner is here and I think she would like to say a couple of words and then I’ll stand for questions.

JANA REPULSKI (Applicant): I have a letter from my neighbor on the south side of the house.

“My name is Connie Weaver and I live at 1407 N. 19th Street next door to the property owned by Jana Repulski. Jana is seeking to remodel her home. I have seen the plans and think they are suitable and desirable for the neighborhood. She, and her architect have taken great care to maintain and enhance the historic character of the home through the proposed remodel. I have lived in my home for the 31 years and I am glad to see that someone as young as Jana is interested in preserving the neighborhood. I hope you will approve the plans for the remodel as presented.

I would like to follow that by stating that I have lived in the home for 12 years, since I moved to Boise. I care for my home a great deal, but I really want to regain the porch. I would like to make the space that’s there livable for myself as I go into some other phases of my life with a significant other and potential family. I would like to stay in the neighborhood and I can’t imagine living anywhere else. I love the North End, the schools there and everything about the neighborhood. I really feel this will allow me to stay where I am at.

COMMISSIONER CHANDLER: You stated with some additional revisions, you could reduce it to 1 ft. 1 inch?
AMY COOK: We could get it down to 1 ft. 1 inch. Part of that reduction is because as we got a little deeper into the structure we could reduce the floor joists to 9 ½ so we lost some space there. Also we could go with 2 x 6 rafters which would work structurally. My concern there is getting enough insulation in that cathedraled space to make the REScheck work, but we’d be able to do it.

COMMISSIONER CHANDLER: If you do that what was the increase in the eave height compared to what it is now? Would that go up 1 ft. 1 inch also?

AMY COOK: No, it wouldn’t go up 1 ft. 1 inch. Part of that increase is because the rafters are larger than the existing so that increase would be…that would be 2 x 6’s sitting on top of the floor structure so that would be 9 ½ inches.

NO PUBLIC TESTIMONY

NO STAFF REBUTTAL

COMMISSIONER CHANDLER: Julie, in light of the comments by the applicant that what was referenced as a 2 ft. increase in height would be brought down to 9 ½ inches…does that mitigate your opinion at all as far as the change of how you approached this?

JULIE ARCHAMBEAULT: 9 ½ inches is certainly better than 24 inches. It’s hard to say without a drawing, but it is a huge improvement. It’s always sad to lose that much historic material, but 9 is better than 24.

CHAIRMAN POOSER: Ms. Cook, have you submitted drawings to Julie showing the new figures?

AMY COOK: No. There are so many different options. Do we bear on top of the floor structure? Is that going to be allowed? Do we try to bear on the existing roof plate and go with a larger rafter? Do we bear on the floor structure and go with a larger rafter so we can get insulation or do we go down to a 2 x 6. Is it a 2 x 10…is it a 2 x 8 and it’s blocked up…there are a myriad of different options. My client doesn’t want me to draw them all. I would be happy to work with Julie and try to get it down. The trade off is what’s acceptable to historic that’s going to give my client the most room on the second floor?

CHAIRMAN POOSER: In looking at all your different options what is the greatest height increase?

AMY COOK: The greatest height increase is what’s in front of you. In fact that’s even larger than it needs to be. There are 3 extra inches in the floor structure that we definitely don’t need. There are 2 extra inches in the rafters that we really don’t need.

CHAIRMAN POOSER: Worse case scenario for lack of a better description is 5 inches lower than what’s stipulated.

AMY COOK: Right. It would be 1 ft. 5 ⅝ inches.
CHAIRMAN POOSER: Same thing with the bearing height?

AMY COOK: The bearing height would be down to 9 ½ inches higher than the existing.

CHAIRMAN POOSER: What was 2 ft. or 24 inches…

AMY COOK: It was never 2 ft. It was 1 ft. 10 ⅝ inches. I think Julie was rounding up.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: The applicant is, for a variety of options, to work with Staff’s objections on this and overall they could most likely come up with something that would overcome their objections completely. It would mitigate the situation enough that this could be approved. If we put a stipulation on it that if we were to approve this that if the eave height increased a maximum of 12 inches and preferably less that the increase in height would be minimal to what Staff is objecting to. With that in mind I think it would be reasonable…

COMMISSIONER CHANDLER MOVED TO APPROVE THE DEMOLITION ASSOCIATED WITH DRH08-00195 BECAUSE IT MEETS THREE OF THE FIVE FINDINGS. THOSE THREE BEING B, C, AND E. WITH THE UNDERSTANDING THAT THE PLANS THAT WOULD BE SUBMITTED AND APPROVED WOULD HAVE AN INCREASED EAVE HEIGHT NO MORE THEN 12 INCHES FROM THE EXISTING EAVE HEIGHT.

COMMISSIONER McFADDEN SECONDED THE MOTION.

COMMISSIONER SEWELL: In regard to the demolition and the roof I think the question here is whether the demolition of the historic integrity carries more weight than what the proposed project is as far as the roof. The Commission or at least members agree that the replacement roof certainly seems compatible and congruous with what’s found in and around the area. I know that we’ve seen other applications like this come across where people have requested raising that roof trying to get more space. I’ll just throw that out there and perhaps the Commission can weigh in on that on some other discussions.

COMMISSIONER DAWSON: I do remember several applications where there was a shed dormer put on and it didn’t make that much of a difference from the street.

COMMISSIONER POOSER: We are putting a limit on the eave height, is that the right height to put a limit on? I agree with the intention and I understand the applicant can work with it.

COMMISSIONER CHANDLER: I think that with having staff review it, with everything, the slope of the roof being kept consistent then we are fine.

COMMISSIONER DAWSON: At this point the chimney issue would come into play, would it not?

COMMISSIONER CHANDLER: At this point we are only discussing the demolition. We could address the chimney at later time.
CHAIRMAN POOSER: In response to Commissioner Sewell’s comment….it focuses on Item C, Demolition of the building object, site or structure would not adversely affect the character of the District and whether or not we’re interjecting what is going to be replaced in making that determination when that is really reserved for the last item of the demolition.

COMMISSIONER SEWELL: Partly it’s a position maybe as a whole for the Commission. Julie touched on whether or not what’s important in our District is to retain historic integrity meaning the structure itself or to create a district that allows changes that seem congruous and compatible with the rest of the area even though it’s not true to the historic integrity. That’s just talking about inches here, but if we’re letting the roof go what’s another 4 inches…6 inches…if the rest of it is compatible as far as the eave and that are congruous. It’s just an overall question because this does continue to come up as far as hearing applicants trying to increase the height of a structure but based on our existing guidelines any additions and that need to either match or be less than the existing ridge.

COMMISSIONER McFADDEN: Commissioner Sewell is right that we’ve had that discussion on a lot of different projects and I don’t know how to say exactly what I’m going to say here except that it seems like we have kind of come to the conclusion that we have to look at it on pretty much a case by case basis and it seems like some of these homes come in when they’re raising the roof and the massing and such…it’s just way over the top and then others…like I feel the application in front of us doesn’t seem like…even though it is going up a little bit it doesn’t seem like it so I guess in that case it’s back to the whole black and white…I guess that’s why we have a Commission because there’s no one answer for every application.

CHAIRMAN POOSER: I agree with those comments.

COMMISSIONER SMITH MOVED WITH A SUBSTITUTE MOTION THAT THE COMMISSION APPROVE IN WHOLE DRH08-00195 AND OVERRULE THE STAFF’S DENIAL ON CHANGING THE ROOF AND RAISING THE CHIMNEY.

CHAIRMAN POOSER: I think we need to take up the demolition first as a separate item and then we need to take up rather or not we’re going to approve the actual change.

COMMISSIONER SMITH: Motion withdrawn.

COMMISSIONER CHANDLER: To achieve what Commissioner Smith is trying to achieve we would have to do a substitute motion that would not include the condition that was placed on the motion there because otherwise we end up approving something with a condition that we may or may not approve later depending on…then we’re back to the fact that we haven’t got a demolition approved. If we want to make a substitute motion that doesn’t have that condition in it that might be appropriate if you want.

CHAIRMAN POOSER: The substitute motion is to the proposed demolition having met b., c. and e. with no conditions.

COMMISSIONER SMITH: I so move.

SUBSTITUTE MOTION DIES DUE TO LACK OF SECOND.
CHAIRMAN POOSER: Is there any question on the first motion.

NO COMMISSION RESPONSE.

ROLL CALL VOTE 6:0. MOTION CARRIES.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00195 AS PRESENTED WITH THE CONDITION THAT DRAWINGS BE RESUBMITTED TO STAFF THAT SHOW THE EAVE HEIGHT NO MORE THAN 12 INCHES HIGHER THAN THE EXISTING EAVE HEIGHT AND WOULD ALLOW FOR THE INCREASED HEIGHT OF THE CHIMNEY AND THE OTHER CHANGES SO NOTED IN THE APPLICATION.

COMMISSIONER SMITH SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

DRH08-00230 / Pat Bronken / 1601 N. 21st Street
Requests Historic Preservation approval to remodel the structure including but not limited to converting the garage to living space, relocating the front door, add on to the front and rear of the main dwelling, construct a chimney, construct a basement, construct a single-story, single-car garage and remove a tree on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: Presented the staff report with a recommendation of approval of the rear addition, basement, detached garage and the addition of the chimney and denial of the changes to the front door, front porch, garage, removal of the tree and additions to the front façade.

Since the packets went out I have received many e-mails supporting the application.

- Gary Reedy / In support of the project.

- Peavey Smith / “The addition will improve the property and will help the day care business.

- Liza Allis / “It’s a minimal 66 sq. ft. addition. The new entryway will help the parents of children that she takes care as they’re coming into the house to drop of their children...giving them more room. The kitchen will be large so that the kids can help her do cooking activities. The basement will make more space for her family”.

- Debowden & Greg Bauer / “The improvement will benefit her and the use of her home and are true to the neighborhood’s character and current uses.”

- Gary Weiner / “The new entryway will allow for easier dropping off and picking up of the children and a larger kitchen which will allow for easier cooking for and with the children. Space in the basement is for her children.”
• Tracy Day / “My daughter is one of her students. The small entryway and kitchen are problems to the business and working with the children and this will help that”. Only 66 sq. ft. will be added to the home and it will be a much more functional space for Pat, her students and her family.”

COMMISSIONER CHANDLER: Can you show me the tree to be removed?

JULIE ARCHAMBEAULT: It is here in the path of the driveway?

CHAIRMAN POOSER: This is showing a squarish window. Do you know the shape of the current window?

JULIE ARCHAMBEAULT: I am sure it is a square window, but it is currently covered with ivy.

COMMISSIONER DAWSON: What are the proposed dimensions of the dining area and the garage?

JULIE ARCHAMBEAULT: Internal dimensions of the addition? The addition is 4 ft. 6 inches forward.

COMMISSIONER DAWSON: Then the garage portion?

JULIE ARCHAMBEAULT: That is 1 ft. 6 inches.

COMMISSIONER CHANDLER: With the proposed garage would that require a new curb cut?

JULIE ARCHAMBEAULT: I believe they are using the alley.

COMMISSIONER CHANDLER: So there would be no new curb cut?

JULIE ARCHAMBEAULT: That is correct.

SITE VISITS

COMMISSIONER SMITH: I noted the front of the residence.

COMMISSIONER McFADDEN: I drove both streets and took note of the existing garage and where the additions are proposed to go.

COMMISSIONER POOSER: I viewed from both the street side and took note of the changes proposed to the front and rear of the home.

COMMISSIONER CHANDLER: I drove the alley and both streets paying particular attention to the changes on the front façade.

COMMISSIONER SEWELL: I noted the locations where the changes were to occur.
COMMISSIONER DAWSON: I noted the front façade compared to the proposal and the tree to be removed.

GREG DENMARK (Applicant’s Representative): No objections to the Commissioners visiting the site. I will address each of these individually. I want to bring up the question about the front porch change. There is no front porch change other than the front door moving. The front door, with the way the house is situated, Page 18…right now when you go in the front door you are in the living room. We are trying to make the existing dining room into a gathering area. It isn’t just for the children that come and visit. It’s for function. The house itself is only 830 sq. ft. and I’m trying to make a designated area for the living room. The kitchen itself is in where the proposed dining area is now and it is a very small kitchen. It’s a half-sized kitchen. It has a half-sized dishwasher, a three burner oven, a reduced sized refrigerator so it’s not a very functional kitchen for anybody. Let alone somebody that runs a daycare. The proposed kitchen going in the dining area…the main reason we’re putting it over there is just to keep the flow of the home and not put a big addition out the rear and not have the flow go through the house. Keeping a garage door on the front of the kitchen, while it might maintain some of the aesthetics is really not very functional. It wouldn’t allow for insulation, it wouldn’t allow for upper cabinets, a sink or anything along those lines. The dining room itself is low. The reason why we’re proposing that 18 inches move forward is to raise it enough to have the floor all on the same level. The removal of the tree…if nobody wants to do that it’s not a problem. It’s been a nuisance tree. It’s right on the sidewalk. It’s broken multiple times…it’s actually taken out a couple of the trees that are in the right-of-way and ACHD has had to come and replace those. Originally we were going to have the driveway go into the curb cut and whatnot and that was mainly for the removal of the tree. We chose not to do that. The front façade…structurally the gable ends are maintaining the same. That one where it’s all covered in ivy right now…yes, it does get a tad bigger. Mainly it’s moving forward, but it’s going to be identical as far as all the same materials. In fact we’ll probably use all the same gable end features and the window that’s in there underneath that is a 3040. It’s just covered in Ivy so you can’t really see it. We’re taking a window about that size and putting in the location of the garage door and removing the concrete strips in the yard and turning that into just a front yard. It seems like we’re proposing a lot by saying that we’re adding on to the front and the rear of the main dwelling but it’s very minimal. Structurally it stays the same. Where the window is there will be a door and where the door is…it’ll get framed in but at the same time it will still be there in case somebody ever did want to put it back to its original location. They could always pop it out and put the door back in.

CHAIRMAN POOSER: I am a little confused about the existing door.

GREG DENMARK: Where you see the big window…that is the only living space in the house. The only place where you can put the sofa and the TV. This allows that to become a living room without the traffic in and out of it.

COMMISSIONER McFADDEN: It appears there are some setback issues….are you going in for a variance on that?

GREG DENMARK: Yes. We will go in for the 3 ft. 6 inch setback on the side where the garage is now. We’ll come forward 1 ft. 6 inches so I’ll have to get a variance for that and also on the rear where the stairwell going to the basement is.
COMMISSIONER POOSER: You’ll have to get a variance for the side setback?

GREG DENMARK: Yes, that side setback is at 3 ft. 6 inches.

NO PUBLIC TESTIMONY

JULIE ARCHAMBEAULT: Structurally they may be small additions, but you can see in the plans how currently that smaller gable that comes out here will pop out to where it’s almost even with this. We’re going to lose the garage door here and then the door is going to change position. The house is going to look radically different from what it looks like today. It’s such a unique structure and such a good example of a Tudor style so to go from that to something where these two elements are almost full in (inaudible) and this is no longer a garage...the house will no longer be contributing after this project is done and the lot is a fairly large lot and there are other things that could be done to the house that would not affect the front in such a radical manner.

CHAIRMAN POOSER: Are all the proposed changes to the front, would each of them individually render the house noncontributing? If you just took them one at a time would those in and of themselves render it noncontributing?

JULIE ARCHAMBEAULT: I never considered it like that. Certainly each one of them brings the historic integrity of the structure...it’s going to take a hit every...changing the door is a big deal. Bringing the secondary gable out to the front and making it almost equal with the primary gable is a big deal. Removing the garage doors is a big deal. It’s hard to say without seeing a picture, but certainly each one by itself would be very damaging to the historic integrity of the structure.

APPLICANT REBUTTAL

GREG DENMARK: Julie mentioned that the lot is big and it is but it also has a lot of very mature trees so it would not be allowed to move backwards. That Sycamore itself...the root ball alone probably covers most of that backyard. By adding any addition to the back would probably kill that tree. As far as the date that it says on the staff report that the house was built...it says 1936 when in actuality it wasn’t actually constructed until after World War II. We have pictures showing that. I understand it’s the style of the home but it was built in multiple places in the North End and other people have the same house without the garage on it and it still maintains that same look. I don’t think it changes it that much. Moving that one dormer forward doesn’t change anything in the sense that it’s not changing room pitches. We’re not changing materials or anything along those lines. We’re just asking to move it forward to get a little bit of square footage out of the deal. I understand that moving the front door is in questions but at the same time everywhere I’ve read it says that the front door should be located adjacent to the street. It is somewhat confusing to not see the front door from the street when you see that from most every other house in the North End.

COMMISSIONER CHANDLER: I’m seeing a discrepancy in the photos verses what I interpret are the proposed from elevations.

GREG DENMARK: The ridgeline?
COMMISSIONER CHANDLER: Yes, on the front. When I look at the proposed front elevation the gable that would be moving out is not a whole lot smaller than the existing one. When I look at the photo there’s a substantial difference in size. We’re not reducing the size of the larger one?

GREG DENMARK: No. In fact, the ridgeline is off on these drawings. These side elevations… the roof pitch is actually at a 12/12 and the front gables and the rear gables are all at a 16/12 and I’ll make that adjustment when I do the working drawings to show that the ridgeline will actually be less. That main gable will not get touched a bit. That smaller one does get a tad bigger in width.

COMMISSIONER CHANDLER: How about height?

GREG DENMARK: It goes up about 8 inches to get to the same eave line as the rest of the house. Right now it’s lower.

PUBLIC PORTION CLOSED

COMMISSIONER DAWSON: I’m not a contractor nor an architect but I have to think there is some way where that garage door can be retained and some sort of a false wall built between the current garage door and the new developed soon to be kitchen that would maintain the look of the garage without actually functioning as a garage. I’ve seen too many garage conversions in my day. Most of which are bad.

COMMISSIONER CHANDLER: This is the first time since I’ve been on the Commission that anybody has ever wanted to take out a front loading garage. There’s been some objection to it. Usually it’s the other way around with someone wanting to put one in where it’s not appropriate. That’s the only one thing I do find difficult to deal with. I fully understand and in most cases agree with Staff’s thoughts. However, at the same time what is presented to us as far as a proposed home…if it were completed as proposed one would be hard pressed in the future to say that it’s lost any of its integrity compared to what previously was there. I’d like to think that painting the garage door would be worthwhile although it’s going to look a little strange if those parking strips are removed to have a garage door there especially since it would be logical that some sort of landscaping would be in front of it. As far as the front door it would be very nice to retain it but I can certainly see the reason for moving it. This is a very small house and for the usability of the interior space it does make a lot of sense for what the applicant is proposing. I’m torn between wanting to side with Staff completely on this and wanting to side with the applicant completely. I’d like to hear some other thoughts on this.

COMMISSIONER SEWELL: This gets back to my question from the previous application in regard to whether the City or the Commission wants to try and retain the historic integrity and historic resources of properties in the North End. Particularly ones that have not had any work done to them and are contributing, but also to maintain the historic integrity on that particularly character defining façade. As much as I think that what is proposed could be consider congruous with the District as far as setbacks, materials, texture, bulk, mass…this application certainly meets that. It’s the question of whether or not we can lose that integrity. I obviously have some dilemmas with that. We certainly see it all the time, but it certainly seems that alley from what
applicants want from even what City Council has indicated that it’s providing...livable, viable, North End neighborhoods rather than preserving actual historic resources.

CHAIRMAN POOSER: My personal view on that question is that the North End is an evolving neighborhood. It has been an evolving neighborhood for the last 100 plus years and I hope it continues to evolve. As our society and lifestyles change our housing needs have changed. I personally view the changes that have been suggested to this home while they will change the character defining elements of the home are done consistently and they are congruous with our guidelines in my view. I would vote in approval of the application. I’m not concerned about the garage doors. I understand that it is a unique feature to this home. However, I believe there was testimony in the packet from the applicant that the garage is no longer useable. It was built for a time and it is not useable. I don’t really see the futility of retaining the garage doors when it’s going to be a kitchen. I do not have a problem with that change. As far as the change to the middle of the façade that is now to be the dining room...I don’t have a problem with that. The form is similar if not almost identical to what is there. I’m having a little bit of heartburn over the front door because that...everything else as far as form is the same. The front door is a big change, but I’ll probably get past it.

COMMISSIONER McFADDEN: I concur with Chairman Pooser’s thoughts on this. I side with Staff in that I see what they’re saying about the garage doors and that’s probably the one thing that gives me the most cause for reflection. I also agree with Commissioner Chandler that we’ve been working really hard to get some of these driveways out of front yards and now we’re saying they can’t take them out so that’s a catch-22 there anyway. From my standpoint I feel that I can support this application as it is submitted. I would like to save that tree unless there is an arborist reason for taking it out. If it’s sick or a hazard then it certainly it should come out otherwise if it can stay let’s leave it. Other than that I support this application.

COMMISSIONER SMITH: Taking what seems to be an unusual view from me I actually support Staff’s suggestions in this case. I have serious trouble with the changes to the front of the house. The utility and the look of the garage can be maintained. It’s something very unique in the neighborhood. A kitchen can be made out of that so I would vote to uphold Staff’s denial of the changes in the front.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00230 AS PRESENTED WITH THE EXCEPTION THAT THE ELM TREE WILL NOT BE REMOVED UNLESS A PROFESSIONAL ARBORIST RENDERS A DECISION THAT IT IS APPROPRIATE WITH ITS LOCATION BEING CLOSE TO THE SIDEWALK WHICH MAY PRESENT A PROBLEM.

COMMISSIONER McFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 3:3. MOTION DIES DUE TO LACK OF MAJORITY.

COMMISSIONER DAWSON: The applicant brought out something that I had not noticed in my visit nor when I initially looked at these drawings and renderings. I did not realize at the time that I looked at everything until tonight that the eaves on this Ivy covered addition were significantly lower than the eaves throughout the rest of the house and that the application
drawings proposed to raise those eaves up to the level of the other existing eaves...that really bothers me as a character defining façade.

CHAIRMAN POOSER: If they lowered the eaves would you be in support of the application?

COMMISSIONER DAWSON: I still like that garage door.

CHAIRMAN POOSER: Was that a yes or a no?

COMMISSIONER DAWSON: No. However, I might support something that lowered the eaves and kept the garage door.

COMMISSIONER McFADDEN: Can we possibly suggest a deferral? I don’t think we’re that far away from a workable solution.

CHAIRMAN POOSER: The door seems to be a big issue. I’m not a contractor, but I don’t see the futility of saving the doors when it’s no longer a garage. I understand the aesthetics of it. They’re beautiful doors but this is no longer a garage.

COMMISSIONER DAWSON: We have a lot of fireplaces that no longer function as fireplaces but we still keep the chimneys.

CHAIRMAN POOSER: That’s a little different. You can’t park a car in there and it’s going to be a kitchen. From an architectural standpoint is that doable? Can we keep the doors and still have a functioning kitchen?

COMMISSIONER CHANDLER: You could build a false wall behind the doors or build the doors themselves being a false front with something else behind it. It could be a bit of a challenge to make it work right but it certainly can be done. I agree with you that it looks strange because you’re likely going to have vegetation in front of it in the future but it can be done. I wonder also the feasibility and I don’t disagree with Commissioner Dawson’s observations regarding the lower eaves on the gable coming out. I’m not sure how that would work from a design standpoint. It probably could be achieved some how or other but certainly would work better as far as emulating the existing construction.

COMMISSIONER McFADDEN: It appears that they’re just bringing those walls straight out. It doesn’t seem like the eaves would need to change at all on that gable. That might be a drafting deal. Maybe that’s part of the problem. The roof isn’t drafted correctly anyway. I didn’t notice that until Commissioner Chandler pointed it out that the gable to the far left goes all the way and meets the ridge of the main gable.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00230 AS PRESENTED WITH THE EXCEPTION THAT THE PROPOSED DINING AREA RETAIN THE EXISTING EAVE HEIGHTS AND THAT THE GARAGE DOORS BE RETAINED IN SOME FASHION AS FAR AS THE EXTERIOR OF THE AREA THAT IS GOING TO BE MOVED OUT WITH THE PROPOSED KITCHEN. THE ELM TREE SHOWN TO BE REMOVED SHALL NOT BE REMOVED UNTIL AN ARBORIST HAS MADE A DETERMINATION THAT IT’S IN THE BEST INTEREST OF THE PROPERTY THAT IT BE REMOVED.
COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 3:3. MOTION FAILS DUE TO LACK OF MAJORITY.

COMMISSIONER SMITH MOVED TO DEFER DRH08-00230 UNTIL AUGUST 25, 2008 TO GIVE STAFF AND THE APPLICANT AN OPPORTUNITY TO WORK TOGETHER AND COME UP WITH A PLAN THAT CAN GET A MAJORITY OF THE COMMISSION.

TERESA SOBOTKA (Legal): You can defer, but you have to give specific guidance on what you want to see during the deferral. If you want them to bring back a plan you’d have to advertise it, show it to everybody...you have this application before you...you don’t have another before you. You could go to a worksession possibly and see what you can get worked out during a worksession.

PUBLIC PORTION REOPENED

CHAIRMAN POOSER: Mr. Denmark I’d be interested in your comments on extending the eaves on that middle portion that’s coming out.

GREG DENMARK: We have no problem doing that. We can completely keep that lower. More in question right here is the garage door. That seems to be the big issue. That gable end is basically going to be identical to what it was and we can keep the eave lower.

CHAIRMAN POOSER: You mean on the garage?

GREG DENMARK: The problem there is that if you did that even if you were to bring the floor height up to the rest of the house...to the kitchen you’d be looking out of those garage door windows at about right here (hand gesture showing height).

CHAIRMAN POOSER: If the plans went forward and you extended it out 18 inches and maintained the height is there some way to replicate from what the windows...the garage on the new façade that we could find some resolution.

GREG DENMARK: We could do something that’s a nonfunctioning façade that appeared to look like a garage door. It wouldn’t be a garage door at all by any sense of the word. You’re concerns are that it’s going to look like an addition...an enclosed garage where you can see the stucco line or if the material is still there and they just side it in and that type of thing but it’s going to be a whole new face and it’s going to flow completely with the rest of the structure. With those strips gone and landscaping and once the trees or whatever plants are put in front of it you’re not going to see it at all. Certainly I can create some kind of element that would appear to look like a garage door. The goal is to use that garage door on the new detached garage in the rear.

COMMISSIONER SEWELL: Are you removing the front chimney?

GREG DENMARK: It is nonfunctioning. It can stay if it needs to. It’s totally abandoned at this point structurally. It can stay if you want it to stay, but it doesn’t have to.
COMMISSIONER McFADDEN: Do you understand the reason for wanting them to save that garage door isn’t just to put a garage door there. It’s kind of that particular garage door.

GREG DENMARK: I agree. Also two houses down from there they removed the garage door and they were granted under the historic guidelines a gable end and a big window and everything so we came forward with this thinking because of the minimal square footage that we can add to this that this would be a feasible area to use to add a kitchen.

PUBLIC TESTIMONY

ANNE HOWIE (not available at original public testimony portion of hearing): I’ve known Pat for 12 years. She loves the North End and she is in involved with issues that concern the North End like the Booth Home. She’s known for her marvelous in-home daycare. I think the design that she has come up with is very modest and most of her square footage is in the basement. I’ve been in her house many times. My daughter goes to her daycare. Her kitchen is so small. She’s got apartment sized cook top and fridge and the dining room has a table that’s like this big and you can hardly walk around it and I don’t know where else she would go with the kitchen addition. I’d love to see her be able to make her house more livable. She’s been dreaming about this for a long time. She’s been saving her money up for a long time. I hope that the garage door issue doesn’t keep her from being able to go forward with these plans that she’s been dreaming about for so many years.

STAFF REBUTTAL

JULIE ARCHAMBEAULT: I would like reiterate that all of these things that are being changed are character defining features and the Historic Preservation guidelines specifically state that we need to preserve historic character defining features. The Secretary of the Interior Standards that we also go by state the same thing. The garage because it’s not useful anymore doesn’t mean that it’s not an important character defining feature. It’s unique. We don’t let people do that anymore, but that doesn’t mean that the historic ones are no longer valid.

PUBLIC PORTION CLOSED

CHAIRMAN POOSER: My feelings on the garage door are that we are not operating in a vacuum. We want to have a neighborhood that is viable 50 years from now as well as today. It seems to me that keeping the garage door on a house that is evolving and in my mind the changes are congruous. In fifty years someone is going to walk by that house and look at the garage door that does nothing, has plants in front of it and it just seems like it’s not fit. We need to look a little further into the future as far as our decisions go and maintaining the doors is just not necessary in my mind.

COMMISSIONER McFADDEN: I’m going to echo what you just said. I guess a couple of other things I wanted to bring up is I feel that what they’re doing to this house is modest and they could be wanting to do something really wild to it and I’d be the first one to be against that. But, what they’re wanting to do here is reasonable and also I’m going to go back to City Council and how they’ve directed us that they do want us to be keeping these homes livable and viable and
although I understand Staff’s charge to bring up all the historic points and I completely concur with those as well I just feel that in this case that garage door shouldn’t be a deal breaker.

COMMISSIONER SEWELL: In talking about the neighborhood evolving who’s to say that those garage doors couldn’t sometime in the future be converted to a pair of French doors that open out to a patio off of a remodeled kitchen area. I view these garage doors much like the guidelines and the Secretary of Interior Standards view porches. They recommend keeping the frame work intact so there’s still some sense of the previous use and the first use of the property. I’m not going to support the motion for approval. I’m sticking to my guns on denial or a deferral, but the Secretary of Interior Standards clearly state that for historic properties that the interior be reviewed for arrangement before additions are to occur. Julie made a good point about this being a character defining feature and that all these changes that are proposed, including the chimney which was not noted on the drawings have impact to that. I’m certainly not trying to halt the use. A daycare is not a typical use in the neighborhood… I should say historic use but, clearly some of these proposed changes reflect making that a more functional use and residence. I will not be supporting a motion for approval.

COMMISSIONER CHANDLER: Commissioner McFadden has made a point that we should all consider through this and that is that we have various obligations whether they be to the Secretary of Interior Standards or guidelines, but also we have obligations to the City as the charge that we receive through the City Council. It would be not appropriate for us to consider the situations that have happened fairly commonly over the recent past and that is taking a look and examining which decisions we have made that have been overturned by City Council and what does that tell us and what direction does that point us. To me it’s very obvious that City Council is first and foremost concerned with the livability of our historic districts and that we should be in support of that and if there’s a deciding factor that has to be looked at that’s got to be more important than I think we are giving it credence to. It’s very easy for us to look at the various guidelines, the Secretary of Interior Standards and Staff’s done a very good job of analyzing this and I do still agree in most cases with Staff, but at the same time when push comes to shove on this I believe we’re in a position that it’s in our best interest and the City’s best interest for us to approve this as presented with the modification made to lowering the eaves that the applicant has said is not a problem. I still don’t agree with the idea to retain the garage doors because you can. It’s putting a strange look on to the front of a house which Commissioner Pooser has said down the road is going to look like exactly what it was… “There used to be a garage there”.

PUBLIC PORTION CLOSED

COMMISSIONER SMITH: What is the procedure for deadlock? I disagree with counsel’s interpretation that we’re required to change our vote because we’re deadlocked. The fact of the matter is we have a 3:3 tie here and I don’t think it’s going to change no matter how many speeches we make to each other. I can assure you I’m not going to change my vote. Simply based on going back and forth and I know one other Commissioner is not so unless down at the end of the table there is going to be a change we’re going to be deadlocked on this particular issues and I don’t think we’re required to argue back and forth about the garage door until one of us changes. With respect to counsel I disagree. At this point we either defer or we send it to a future worksession or we do something else, but the application as presented now has died for a lack of majority.
TERESA SOBOTKA (Legal): I had earlier said deferral or a worksession were certainly options for you. I simply mean you have to have a motion. You can’t say we can’t come with a motion. A deferral or a worksession is a motion.

COMMISSIONER SMITH: I don’t understand what counsel means by we go to a worksession…tonight or some point in the future? How would that work?

TERESA SOBOTKA (Legal): We’ve had worksessions many times. What we do is set it over to a certain date and you may have other Commissioners there too with other ideas, but there’s something about looking at it around the table and saying what about this and what about that, that often times…

CHAIRMAN POOSER: I don’t see the purpose of a deferral. The information we have before is sufficient so I’m not really sure what that’s going to get us. We’re it…

COMMISSIONER CHANDLER: Unless somebody doesn’t show and we get an odd number. Our other option is and I hate to suggest this as an option but would be to deny it and essentially telling the applicant that they have another form of redress which is not this Commission. Would the Chairman care to ask the applicant if they would care to have a worksession and come back with some other proposal…hopefully they have a feel for exactly what is going on up here which is deadlock.

CHAIRMAN POOSER: Mr. Denmark I’ll invite you back up and I would limit opening the public hearing to just you so you can provide some insight to your thinking and how you would prefer to proceed.

PUBLIC PORTION REOPENED

GREG DENMARK: It’s hard to say. There are three of you that obviously don’t like it and three of you that willing to give it a try. If you guys deny it we will go to City Council with it. That’s our only option at this point. In the past the problem is that everything that we’ve done has always been about making these things look really cute from the street with disregard to making them livable. I think I have a good case in this case to go to the City with that and present it in that way.

CHAIRMAN POOSER: Would you prefer to go to a worksession or would you prefer a denial. What we could do is approve…

GREG DENMARK: Would I be included in the worksession or is it just Commissioner members?

CHAIRMAN POOSER: Yes. It would be give and take between you, Staff and the Commission.

COMMISSIONER CHANDLER: Much more informal.

GREG DENMARK: I’d be willing to do a worksession.
CHAIRMAN POOSER: We could trade ideas. Maybe there’s some alternative solution that the Commission would agree to and that you would agree to. When is a good time?

TERESA SOBOTKA: We could advertise it so if you come up with something it could possibly be approved then but usually what we do is review a working document, they fix it up and bring it back to a hearing.

SARAH SCHAFTER: That would be August 11th. We only have one item on the agenda so you could either do it at a worksession prior to that item or you could do it as a worksession after that item.

JULIE ARCHAMBEAULT: We actually have a deferral also.

CHAIRMAN POOSER: So we could do it as a 12:00 meeting? Do you have a sense as to the level of controversy that would be on those two items?

SARAH SCHAFTER: I know one will be.

CHAIRMAN POOSER: 12:00 is a difficult time for everybody as it’s the middle of the business day.

SARAH SCHAFTER: Maybe it would work best to have him come in at 11:00. We do the worksession from 11:00 – 12:00 and then do the public hearing items that we at 12:00.

CHAIRMAN POOSER: Is an hour enough?

SARAH SCHAFTER: Usually it works.

CHAIRMAN POOSER: Let’s plan for that on August 11th at 11:00 a.m.

GREG DENMARK: Okay.

COMMISSIONER McFADDEN: I wanted to mention to the applicant that when you do come in to that worksession make sure that the drawings reflect how you want the roof to be so the eaves are the right height so everybody knows and that the gables…the ridgelines…you know what I’m saying.

GREG DENMARK: They’ll be correct.

PUBLIC PORTION CLOSED

COMMISSIONER SMITH MOVED TO DEFER DRH08-00230 TO A WORKSESSION AT 11:00 A.M. ON AUGUST 11, 2008.

COMMISSIONER CHANDLER SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.
DRH08-00231 / Matt Hanranan / 1815 N. 10th Street
Requests Historic Preservation approval to demolish the multi-family dwelling and construct a three story, multi-family dwelling and change the zone of the property from R-1CH (Single Family Residential with Historic Overlay) zone to R-3H (Multi-Family Residential with Historic Overlay) zone.

JULIE ARCHAMBEAULT: Presented the staff report with a recommendation of Approval with conditions.

a. A development agreement will be finalized prior to building permits being obtained.

I have a couple of e-mails that came in after your packets went out.

Michelle Moore & Dan Zach: We’ve lived in the North End for 5 years. We strongly oppose the proposed demolition and zoning change. We are concerned with the historic value of the house to be demolished. The zoning changes impact on street parking and traffic with an increase in residential units and adverse impact to the neighbors with an apartment building going in next door.

John & Genie Swyers: Owns the house at 1708 N. 11th Street. Voices approval for the project to upgrade the neighborhood.

Lindsay Dofelmier: Supports the project. Financially impossible to restore the original structure. Likes to see modern architectural elements rather than copy-cat styles.

Cherie Cole: Please deny the destruction of this historic property and non-compatible development. Feels it is a bad infill project. The current building has historic value.

COMMISSIONER SEWELL: One question in regard to the R-3. I noted that the setback indicated for the rear is 15 ft. but in the R-3 it is actually 20 ft. so this would have to be a variance request?

JULIE ARCHAMBEAULT: Right. Staff doesn’t mind if they get a variance for the 15 ft. It seems like they have enough room to move 5 ft. forward and that is fine with Staff as well.

COMMISSIONER SEWELL: How many other R-3 zones are there within the District?

JULIE ARCHAMBEAULT: The North End is R-1 CH and R-2 H. It’s mainly R-(inaudible).

COMMISSIONER SEWELL: Your support for the rezone…I’m questioning the existing use which is a 5,000 sq. ft., 8-unit proposed use is 8 units but three times the amount of square footage. I’m wondering if that’s really maintaining the current use of that property.

JULIE ARCHAMBEAULT: This was a difficult application. It is much bigger than the other one. Staff would be more comfortable if…the economic feasibility. The positive is that the massing…there is space around it. It is much larger. Another positive is that the parking is underneath so it’s providing parking but not where you can see it.
COMMISSIONER DAWSON: You mentioned that the parking on the proposed structure is underground underneath the building and where is the parking for the current structure?

JULIE ARCHAMBEAULT: On the street.

SITE VISITS

Commissioners Smith, McFadden, Pooser, Chandler, Sewell and Dawson visited the site prior to the hearing.

PUBLIC TESTIMONY

CORRIN OLSON (Guigon Olson Studios / Applicant’s Representative): No opposition to Commission site visits. I know you have seen this property before and you have seen an application for three smaller homes. What we’ve done is Matt came to us to look at an alternative to development on this special parcel. What was talked about was doing one large mass. Economically, today, in order for us to do one large mass and keep it economically feasible for all and give people an opportunity to live in the North End doing eight loft units that are owner occupied could be rented by the owner on this lot rather than doing one single house which would be in the 2 Million dollar range which is not very congruous with the North End neighborhood diversity. We’re basically looking at this as a refill project rather than an infill because of the use of the property. What we really want to stress here is we’re reusing the property for a similar use and a similar amount of family or people…single or double occupancy. Our goal is to develop a concept for urban living making sure we get some of that downtown. Use the history of the site changing from high style Victorian Queen Anne to apartment units in the 30’s and having gone through a couple of fires as well. We want to alter the structure obviously. We’re making a different structure…something new and something that will have an architectural record from our time and a cultural living environment on this property that’s more in line with how we live today. This again is the site (referring to slide presentation). That is the existing structure. The next page is the proposed structure. It is centered on the lot. We did enlarge in the square footage of the footprint in order to accommodate the square footage for each unit…again, economical feasibility. Design elements…I really looked through the design elements of the Historic Commission as well as the Comprehensive Plan of Boise, the planning of Boise, and the urban planning. We have had meetings with neighbors and staff to try and build a design that would be beneficial to the North End. We have the concrete steps to the main entrance; we have the existing raised site level with the existing sandstone border which we would not touch. All of the existing trees would stay. They are quite developed and as you’ve seen block that in on that lot. Keeping the large structure with the exterior park like setting. The roofline is a lower pitch around the building with large overhangs and it fits in with the roofline of the house next door. The roofline of the house next door is just a little bit taller. The tree placement…we would like to propose to put two more trees on the north side as there aren’t any right now to give it a full design. Maintaining the open space was a huge thing from the last hearing and of course the existing large Oaks which are very prominent. They will be kept and pruned to fit the site. I’ve done this to show the verticality that we brought in to balance…on the next slide the horizontal aspects of this building. It’s a very balanced building. This next one shows what we’ve done to break it up so it’s not just a big box. We’ve got the large entry façade which has a second story roof overhang but as you go underneath it it’s a 30 ft. tall entrance giving it a very prominent placing of design. Geometric segments using different materials to break up the façade and pushing things back and forward visually. The structure is also centered on the lot as I said before. These are some examples. Something that kind of gives you an idea of a structure that has been built like this in another place. To give you an idea because sometimes it’s hard to visualize what it would look
like built as opposed to the two dimensional plan. Large overhang of a low pitched roof. Again, just examples. This is the metal exterior that we are proposing on portions of the design of the wall material. This is just showing it next to the siding and some other applications that it’s been used in. This is where the model comes in a little bit better. You’ve got your stucco siding, steel panel examples. I’ve looked into the window placement and talked with NENA yesterday evening. Window placement was an issue because I have some modern windows on there. We’ve very open to changing that to making them more consistent with the more traditional window layout. We did have some double hung on there which I am noting with that and the covered entry which seems to be pretty prominent around the area. This is the north elevation roof. That would be Ridenbaugh. On the trim detail we would do a 4 inch cement board in a trim with a seal very similar to what you see on other houses around the District. The utilities would be in the underground area although they currently have utilities for eight units so not much of a change there. Underground parking is a huge change and underground storage for either a compact car or bicycles, kayaks and play stuff. Our concept focuses on creating an eco-friendly building that functions in our urban environment today. The floor plans are a very lofty type design. Open, underground parking, storage units and every unit would have there own 10 x 15 with a parking for each unit with access to the three levels. The first floor is two larger units to accommodate different demographics with two bedrooms and approximately 2,000 sq. ft. with two baths, kitchen, living, entertainment, and common area…everything we have in the North End in our Bungalows. The second floor has three smaller units at about 1,200 sq. ft. with two bedrooms, one bath, kitchen, living, entertainment areas. Every unit has outdoor patio space and you start getting your view as you go up. The third floor is very similar to the second with the same amenities. When looking at the Boise City Comprehensive Plan talks of achieving a minimization of suburban sprawl which this definitely falls into just because of the close proximity to services in the area and the diverse mixture of lifestyles which is why we all live down here. This project will bring some of that in especially with the different sizes of units and different types of amenities. It definitely gives it a sense of place. The North End has that sense of place and having new living that is efficient in this area gives something to the consumer…a choice rather than buying further away for those modern amenities. This is the lot in question and the proposed structure and I’m sure…you said you’ve all driven by. I hope the model might help a little bit. It’s a little rough. It shows the materials at the depths…patios.

CHAIRMAN POOSER: We marked the model as Exhibit 2.

COMMISSIONER CHANDLER: One thing that has me a little confused and hopefully this is not a significant issue…in our packet, Page 19, are those…

CORRIN OLSON: Those are the storage units. They are underground.

COMMISSIONER CHANDLER: Are these garage doors?

CORRIN OLSON: Yeah. It’s a secured storage unit.

COMMISSIONER CHANDLER: I was trying to correlate that to what I see on Page 13.

CHAIRMAN POOSER: Floor plan underground?

COMMISSIONER CHANDLER: Yeah…the underground floor plan.

CORRIN OLSON: The east…
COMMISSIONER CHANDLER: This is facing west so these…

CORRIN OLSON: It’s a cut-out. What’s happened is I took that wall out looking west so you could see the storage units on that elevation.

COMMISSIONER CHANDLER: Okay…so I should be looking at Page 13, which is the floor plan of that and is a better representation for someone who’s having a hard time visualizing where the section is cut.

CORRIN OLSON: Yeah. They’re kind of tucked back towards 10th Street.

COMMISSIONER DAWSON: On that same floor plan in the center there’s a box with an ‘X’ in the middle of it where the stairs are…

CORRIN OLSON: Elevator.

COMMISSIONER McFADDEN: On the model and on the drawings too the vertical pillars…are those metal or painted?

CORRIN OLSON: Those are concrete. What we’re looking at in the building and the execution of the building is to make it a long standing building not something that’s just stick built and then plastered on. Those columns are actually structure.

COMMISSIONER McFADDEN: Right now you’re proposing concrete?

CORRIN OLSON: Yeah…colored.

CHAIRMAN POOSER: So will the steel rust?

CORRIN OLSON: Yes. That is part of the reason we used it. It’s a living material and so as it ages it shows that age. It’s a good quality for this area rather than some of the building that goes on in subdivisions where you have materials that are fairly typical.

CHAIRMAN POOSER: What’s the price point?

CORRIN OLSON: On the units? In order to make it with underground parking we’re looking at $300,000 - $450,000. $450,000 being the two units on the bottom because of the larger square footage, single-story so they have larger option. Obviously your third floor units are small and are going to hit a certain market. With that we’re at $275,000 - $300,000…they go down to about 1,000 sq. ft.

COMMISSIONER DAWSON: You mentioned ADA. All the units on each level or just on the main level?

CORRIN OLSON: On the main level we would love to incorporate…all of the bathrooms would be ADA because our idea…going past the approval process…is delving into that more to do wet rooms in each of the bathrooms which would accommodate that. Then having the elevator…so levers hitting that ADA would be a nice point to hit on the design. If we can’t do it on all levels at least the first for sure.
PUBLIC TESTIMONY

DAN EVERHART (Representative / NENA): Like the earlier application a majority of the board of the North End Neighborhood Association voted to ask the Commission to deny this particular application. Again, like the earlier application there were several specific neighbors who were concerned and I think you’ll hear from some of them this evening as well. The developer requested a meeting with NENA and its representatives and we did do that yesterday. We discussed at length the proposal. I can fairly safely say that nothing that I’m going to say tonight is a surprise to the applicant. They should be fairly aware of all of our concerns. We agreed that we would have liked to have had that conversation earlier and should opportunity allow we will continue to work very closely with the developer to implement and execute a design the that neighborhood association and individual neighbors around the proposed lot are comfortable with. You’ll also recall from earlier applications that NENA expressed concern about the demolition of the existing building that we argued unsuccessfully to the Commission that in fact that building should be considered contributing and not non-contributing. I will again reiterate that the demolition of this significant building will be a detriment and a loss to the neighborhood. That being said I will not belabor that point but rather I will base my comments on Item E of the Findings for Demolition. Item E being, “That plans have been submitted to redevelop the property if the demolition proceeds and such plans will have a positive affect on the District and or adjacent properties”. Staff has said and we concur that under the Commission’s previous Findings that the application meets:

A. The building is noncontributing.
B. It will not meet landmark status.
C. That the loss of the building will have an adverse impact.
D. There have been no proposals that show an exploration of feasibility for restoration.

We do disagree with:

E. That the plans will be appropriate and congruous with the neighborhood.

Before I get into the details of why I/we believe this is not a congruous design I should say, as I’ve said in front of this Commission before, that I personally don’t have an opposition to contemporary design in fact I think contemporary design in the right place can be beautiful. Contemporary design even in a neighborhood like downtown where you see the historic Egyptian Theatre right next door to the Washington Mutual Building is a really nice comparing contrast of old and new and livability and all of that kind of stuff. But, we’re not talking about downtown. We’re talking about the North End. We’re talking about a specific neighborhood with specific design guidelines. I’d like to again go through those with you. Again, going to Page 16 of the Design Guidelines. There are specific to the North End Historic District where we have 2.4.2, “Design new buildings and additions to be similar in scale through the use of similar materials, roof forms and solid to void relationships”. 2.4.8, “It is appropriate to comply with Design Guidelines for new construction” in Chapters 4, 5 and 6 so I direct you to Chapter 5 and in Chapter 5 if we accept that the demolition of this building is acceptable then I would say this particular application is not inappropriate as far as massing, form, alignment, spacing and to a certain amount setback. There are definitely aspects of this design which are great. The use of a larger building to mimic or replicate in some way the existing historic building underground parking is a great addition to this lot if this particular application is going to go through. There are some issues particularly with the remainder of the Design Guidelines. Particularly materials, fenestration, and roof form. In materials, Page 41 of the Design Guidelines, second paragraph under 5.6 it says, “In new construction the use of historic building materials is favored. Several common materials to choose from include wood siding, composite wood resin, and
fiber cement siding, among others. New vinyl or aluminum siding is generally inappropriate, but will be closely scrutinized for appropriateness on the site.” It goes on to describe why vinyl and aluminum are not appropriate. If you look at 5.6.1, “It is generally appropriate to use exterior wall materials that are commonly present in the District”. 2. “It is appropriate to ensure that the prominent texture of the new building is consistent with the texture of historic materials in the District”. 5.6.5, “It is not appropriate to use prefabricated or metal buildings”. If we can flip from the Design Guidelines to Page 17 of the current application you will see that in fact what we have here as far as materials is although in some places on the building very sympathetic to historic materials you’ll see a large portion of this building covered in sheet steel. I’m sure there’s a better description of this but this is sheet steel that will rust. It is not a material that is seen anywhere in the Historic District with maybe some very obscure application. This is not something that you see commonly. It is certainly not congruous with the design guidelines as they’re stated and as we just referred to. Sheet steel will be on the front façade of the building as well as the named street side and the other two elevations as well. But in particular importance of course are the two street elevations. Rusting sheet steel is not an appropriate material for this particular neighborhood. Moving on to fenestration, on Page 42, if you look at paragraph three, “Windows are an important design element as they are able to establish the scale and character of the building. Windows and window patterns in new construction should be of similar proportion and size to the windows of the other buildings within the neighborhood. The majority of neighborhoods developed prior to the 1940’s the rule of thumb for windows is generally vertical, double hung or casement and wood framed”. It goes on to describe Craftsman windows. If you look at these design guidelines, very specifically, 5.7.1, “Use double hung or single hung sash windows. Provide windows of overall proportion similar to those used on buildings or surrounding sites within the block”. 2. “Use a ratio of wall to window or solid to void that is similar to that found in other historic buildings within the block and found throughout the District”. 8. “It is not appropriate to erect a new building which does not maintain the proportions of patterns of windows similar to those in the District”. 9. “It is not appropriate to provide windows of overall proportions that are greatly different from windows on buildings on adjacent sites”. 10. “It is not appropriate to use window and door types incongruous with the character of the District”. 12. “It is not appropriate to use multiple window styles throughout a new building”. If you refer to Figure 5.7.2 on the top of Page 44 you will see two thin horizontal windows. If you refer to Page 18, 19 and 20 of the application you’ll see the application of multiple thin horizontal windows. I will reiterate that the central diagram on the top of Page 44 is showing you what we’re not supposed to be allowing in the District. This pattern on fenestration on this particular new application is not appropriate. It does not replicate in anyway or reflect in anyway the historic pattern of fenestration throughout the District and therefore it is incongruous with the District. Finally, the roof structure which is 5.8, paragraph two, “Roofs are major features of most historic buildings and when repeated along streets contribute to towards a visual continuity”. The architectural character of older building is generally expressed in roof forms and materials. Typical roofs in Boise’s districts are simple in form with gabled, hip or occasionally a combination of the two”. While I won’t argue that the proposal doesn’t have a hipped roof on it, it is such a shallow hip that you don’t recognize it for being a hip. You sincerely don’t recognize it for being a hip when you see it in perspective. We can go through these quickly, but 5.8.1, “It’s appropriate to add a new building with a roof that relates to the overall size, shape, slope, color and texture of roof on adjacent sites”. 4. “It is appropriate to maintain roof forms similar to those seen traditionally on the block with pitches of 6/12 or greater.” 7. “It is not appropriate to use a roof of a size, shape or slope not typically seen in the District”. If you look at the figure again, 5.8.1 on the top of Page 44, you’ll see a shed roofed building next to a box and I would represent to you that if you looked on Page 21 of your application you in fact see the very box illustrated second from the left on Page 45. Again, the shed roof in the box on figure 5.8.1 are being demonstrated as not appropriate for the District and yet that’s what is being applied for here. Just to follow up and reiterate. NENA is
urging you to deny this application for demolition and deny the proposed structure. The reason why we ask for the demolition denial is because if you follow Staff’s argument that they meet three of the five criteria for demolition one of those three would be that the new building is appropriate for the District. Clearly, it is not. It does not meet E. of the demolition criteria. But, if you go so far as to allow the demolition then I would suggest that you ask for a greatly altered design that will be congruous with the District. It doesn’t have to be matchy, matchy, it doesn’t have to be fake historic, and it doesn’t have to be columned and fluted. It doesn’t have to be any of those things. It just has to have some of the hallmarks of the style and character of the neighborhood that surrounds it. Clearly the materials, fenestration, and roof pattern of this particular building do not comply with that criteria.

CHAIRMAN POOSER: As far as the fact that it’s going to be multi-family housing and basic mass and form of the structure is not your primary concern. Your concern is more or less with the details of the design right?

DAN EVEHART: If I can get over the hurdle of the demolition of the building, which I have to tell you, is a high hurdle for me then going from there the use of the building, the size, mass and spatial arrangement on the site I don’t feel are inappropriate. Especially given the alternative of breaking up the lot into smaller lots. I really do feel strongly that this particular application in its concept is sympathetic to the neighborhood and to the existing building. It’s all in the details.

CHAIRMAN POOSER: So NENA is in support of a project that would maintain the mutli-family housing on the property but would not be in support of a proposal that would break it up into three lots for single-family housing?

DAN EVERHART: When that application was in front of the Commission prior NENA was opposed to breaking up this particular lot. Because of the lot’s history as an unsubdivided lot the fact that only two of these lots exist in the entire North End and in the Historic District frankly aside from the larger lots on Harrison or Warm Springs but certainly in the North End we were opposed to the breakup of the lot. NENA would hope that if multi-family zoning were allowed on the site that some sort of stipulation that kept the developer to that particular agreement would be put in place so that in the future that there wouldn’t be subdivision of those units further.

CHAIRMAN POOSER: I appreciate everyone’s patience. It’s been quite awhile. We’ll now get to the additional public comment on this.

HILLARY ROTH: I was recently made aware of the project through a mailing that came to my house. I was out of town during the time that it arrived so I was unable to attend any of the meetings that the developer had earlier offered. I would like to also start out by saying I really appreciate some of the things the developer and the architect have taken into consideration like providing underground parking. I appreciate the fact that they’re honoring the intent to keep it as one full lot. I know that was ruled on previously. I also appreciate the fact that they’re trying to incorporate some traditional architectural features with the double hung windows and some of the stucco and siding and things like that. With that said, I will say the style is not congruent with the neighborhood. While they’re trying to incorporate these traditional features I feel that they are so loosely interpreted that the style is overwhelming modern. Looking at the model here tonight and actually seeing the color differentiations the geometric pattern that is created by that is even more intense than what I had imagined from the drawings. Add to that the very low roof pitch combined with the large scale and it really does take on this mass, size and scale that really doesn’t seem to fit with the neighborhood. I will say that I’m not opposed to modern architecture. I grew up here in Boise in
one of the first modern homes, if you will, so I have a deep appreciation for that, but I do feel that this is very dramatically different from anything in the neighborhood. In looking at the rezoning question, I would be in favor of a development agreement to restrict the zoning to eight or fewer units so I don’t necessarily oppose that. We purchased our home about a month ago and purchased it knowing that the building kitty-corner from us was currently used as apartments. To sum up I would say that the submitted plans will not have a positive affect on the property or the neighborhood. The building is incongruent with the surrounding single-family homes and it is designed in marketable modern style so I would ask you to ask the developer to return to you guys with plans that are more reflective of the style of homes in the neighborhood.

MARK SHAEFIELD: I own a house on 10th and Brumback. I have received literature in the mail regarding this project. I’ve been in contact with Mr. Hanrahan. I’ve talked with him about some of his ideas. I think it would actually contribute to the neighborhood. I would be in favor of it. I grew up here in Boise. I would say the existing structure, though it may be old, it doesn’t really add to the neighborhood so I would be in favor of this proposed project.

CHAIRMAN POOSER: How do you feel about the architectural style of it?

MARK SHAEFIELD: It sounds like they are using typical or things that are already being used in the North End. In addition I like the idea of going underground and trying to be a little more friendly. The metal siding…the idea of a living material…I think it would bring value to the neighborhood. There is a multiple variation of styles that are in the North End and I think we should stay away from everything looking exactly the same. Yes, it will be different than what’s there, but it will add value.

KATHY MONAGLE: First I’d like to reference everything that was in the prior hearing. All materials and available tapes from the last hearing as part of this record in case of a court case so the history follows in complete form. In the 1980’s Pat Durbage, President of NENA at the time worked to down-zone the North End after a deluge of demolition of apartment buildings. You can see them today. You can pick them out. They’re the little two-story ones. This is the first step of preservation as a criteria in the 90’s we again tried to accommodate preservation with the Historical District. Both policies of preservation. This project goes against all of these efforts. Therefore, it is injudicious to the neighborhood as a whole and to NENA’s historical policies. First of all, as stated in your report very strongly, this is spot zoning. Spot zoning in my understanding is against the law under case law. Spot zoning by definition benefits unfairly one entity. Therefore if you allow this to pass normally you are violating the law. This will be your error. Everything else is mute to this matter. You therefore are denying our constitutional rights under the State of Idaho and due process is violated. The injurious judgment to the whole community would be biased, prejudicial and capricious at the least. Without this zoning the (inaudible) is inappropriate and should be denied. The design, I don’t believe, is congruous to the neighborhood. He has no right to up-zone. It’s too zone of intensity. In the report on Page 7, the zone is required by the applicant to make it economically feasible as a multi-family. Under the law economic feasibility is not a consideration in judgment. This up-zone is not beneficial to the community. It allows zoning that is not desirable. The neighborhood has had traditionally for 30 years taken opposition to. I also feel that the size of this huge project is larger than it used to be and will have a huge impact with the colors. I’m not a great fan of modern architecture…I do love Marvin lamps…but I don’t think it’s congruous with the neighborhood. It’s too large…it’s very modern and even on your Page 2 of 12 it says in one of the surrounding areas in the land use on one of the issues because of the use of modern construction it’s an intrusion. I think this would also be an intrusion into the neighborhood. It is a historical neighborhood. I’m against demolition. I still believe this has viability. We’ve seen all kind of viability of the houses in the
North End...some that you would have never thought would change so drastically and that were changed. The viability of this property is much more than that. Economic considerations are not part of the process.

MIKE STEINER: I lived in the North End 21 years. I will miss the old place. It’s been there a long time. The best scenario would be a white knight that would come along and restore it to its former glory but I don’t think such a person has showed up yet. I’m concerned about the neighborhood. I’m concerned of what will happen if nothing is done with Twin Oaks. It’s showing its age now. It’s getting tired. It would require a great amount of money to rehab it as it is and when you were done you’d have overpriced cheap apartments. I don’t see that as being viable. It would probably be nice to be able to do something that would be in a perfectly period style. Something that might emulate the Jones Block at 10th and Fort or the old Gray place between Eastman and Alturus on 9th or the big brick four flat on Warm Springs just east of the cemetery. But nothing is worse than a full Victorian that doesn’t quite come off...I’m thinking of down the street from some friends in San Francisco years ago a glass and concrete Bow house modern right up against a Queen Anne painted lady and you know they got along fine. I would rather see a quality contemporary design there than a poorly done full Victorian. Some of the design elements that have been taking hits here tonight...the low rooflines, the horizontal windows, those are Prairie style elements. Prairie style overlapped with Queen Anne by 20 years. I refer you to 901 Warm Springs...the gray one or the pink one on Fort across from North Jr. High. I think barring any better alternatives that I haven’t heard yet I’ve got to say that this is the best thing for our neighborhood.

CHRISTOP GUIGON: I’m part of the design team. I’d like to reiterate the fact that a large focus of the project that we’re trying to do is to try to create a structure that’s not going to be starting to fall apart in 50 years or 70 years. We want to maintain the historical district by maintaining the living spaces in the area. We’re really working hard on trying to make it feasible on our end to create a structure that’s 100 or 200 years old where the owners of those certain units can do what they will inside the space, but it will still be there. It won’t be something that will need to be torn down and it won’t have to be revisited by our great-grandkids. It’s a long-term...it’s not a short-sided development where it’s quick cash and get out. It’s really tight and we’re really focused on trying to maintain something that’s going to be there for awhile. We’re working on bringing in a lot of green elements and making it fairly low carbon living space as well...so just a few things aside from the aesthetics and what have you that seem to be going around.

MATT HANRAHAN: I’m the owner of the property at 1815 N. 10th Street. I also own a property about a block away on 10th Street. I have approval to remodel it, but I think we’re going to stay where we are right now. I live in the neighborhood and we’re trying to put something nice together here and this is our second go around. I wanted to mention and I think you’re probably going to read the e-mails that have come in and there were some cards sent out and some of the neighbors sent them back in checking that they approve of the project. Dan had mentioned that the neighbors were concerned and NENA opposes it, but we have spoken with all of the neighbors in the immediate vicinity that we could get a hold of and there’s a lot of positive support for it and hopefully some of the e-mails and cards will show that. I would say from the comments that have been received and this will maybe show up with the e-mails...I don’t know because I haven’t seen them, but my interactions with the neighbors...the majority are comfortable with it. Dan was suggesting we could improve this so that the neighbors are more comfortable with it. I think right now that they are comfortable with it. We don’t see Kevin and Elaine here opposing it. Elaine told me she thought it was really nice, but she wanted to see it a little more historic...more historic features and we did change that after meeting with Julie and Sarah and we put some more vertical features in it and changed some rooflines and things like that. Some of the major opponents from the first go around
aren’t here opposing it…they’re not here supporting it, but the people that we’ve talked to are on board and that’s a pretty strong indicator. Dan is representing NENA who’s really representing the board. The board tells Dan, okay go ahead and do your thing, we trust your judgment and you can represent us. We do have one member on the board of NENA who supports in an e-mail, Lindsay Dofelmier, but she didn’t mention that she’s on the board. I’m not sure what the majority was. If it was 5:4…I don’t see of the 1,000-2,000 homes in the North End that there are a lot of neighbors out there opposing it. I think it’s a good project and a viable one the way it is right now.

NO FURTHER PUBLIC TESTIMONY

COMMISSIONER SEWELL: I was wondering if either Staff or Legal could give us a little information on spot zoning and if what the member in the audience testified against is true?

TERESA SOBOTKA (Legal): Spot zoning is a matter for the Zoning Commission to deal with and on the purview of this Commission you can look at the change in use, which as Julie stated earlier the current zoning is single-family residential and what they’re asking for is multi-family residential. In our change in use it specifically does talk about zone changes. You can certainly look at that. This one does have a twist to it because the grandfather right...whether it’s eight apartments that have existed since the 30’s have been grandfathered in. However, if this gets demolished that grandfather right goes away so do you want to preserve that grandfather right or not? Staff is feeling since it’s been here since the 30’s that it should be preserved so that’s the reason that we should recommend a Planning & Zoning agreement that said limit it to eight units and have it run with the land and be binding on successors and the assigns and that way nobody could ever change it beyond the eight. What spot zoning really is, is looking at one piece of land and zoning it incongruent with the Comp Plan and incongruent with all the zoning around it...she certainly has some arguments, but it’s for another Commission to look at. It’s beyond your purview is the bottom line.

CHAIRMAN POOSER: To be clear, we look at the change of use which is focused on the change from the single-family to the multi-family and whether or not that is appropriate and then if we were to find that change of use is in fact appropriate then we would include as a condition that the applicant would go forward and obtain the appropriate zoning authority?

TERESA SOBOTKA (Legal): I would suggest that the first motion should be on change in use. If you want to approve it I would call it a motion for a conditional change in use. If the change is use is only allowed if Zoning would incorporate a development agreement to limit it to eight units that ran with the land and binding on heir successors and assigns because we have no jurisdiction over the development agreement or over the zoning so if Planning and Zoning doesn’t want to do that or the applicant doesn’t want to etc..., when they get before the Zoning Commission then you’ve protected yourself by not granting a blanket change in use. That would be your first order of business. Second order of business is the demolition and the third order of business is the design. As everyone has pointed out that fifth element of the demolition is the same as the design so look at those two carefully.

APPLICANT REBUTTAL

CORRIN OLSON: I want to hit on the spot zoning because I know it is a different issue and it’s not something that comes up a lot and we’d talked about it with the Historic Commission and Zoning and we do have to, after this part of the process, go in front of the Planning and Zoning Commission. The reason it’s been considered is because of the uniqueness of that lot being changed in the 20’s, 30’s…in that range…since it was changed at that time that use is what’s kind of historic.
NO STAFF REBUTTAL

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER MOVED TO APPROVE A CONDITIONAL CHANGE OF USE THAT WOULD BE BOUND BY A DEVELOPMENT AGREEMENT THAT WOULD LIMIT THE PROPERTY TO NO MORE THAN EIGHT APARTMENTS IN ONE SINGLE STRUCTURE ON THE SITE AND THAT BE FOREVER TIED TO THE PROPERTY WHICH WOULD RUN WITH THE LAND AND BE BINDING ON HEIR SUCCESSORS AND ASSIGNS.

COMMISSIONER DAWSON SECONDED THE MOTION.

COMMISSIONER SEWELL: My comments on this is that it is not a straight…it’s a nonconforming use right now in an R-1 zone and this change in use is not in line with what’s existing. It’s a 5,000 sq. ft. building and they’re basically going to create something that’s three times that size. These are things we can get into if this is approved. I would also like to comment that based on the proposed plan that if this rezone does get approved that within that development agreement that the applicant comply with the current zoning requirements and provide a 20 ft. setback for that rear property line.

TERESA SOBOTKA (Legal): If you want to you can put other things in the development agreement. Staff has just recommended the eight units. You can limit the footprint if that was an issue for you. If you limit it, it does take away some of your flexibility and other issues.

COMMISSIONER SEWELL: It seems like this is being brought on by the applicant. As far as the demolition they’re giving up their grandfather rights for this nonconforming use so for any kind of variance they need to show some kind of hardship and I would find it difficult for an applicant on a bare piece of ground providing a nonconforming use, a spot rezone, some hardships associated with complying with the zoning setbacks…I want to say that I support the concept of the project and even to some degree the sort of modern interpretation of historic projects within the area. I want to talk a little bit more about how we move forward with this if we…as presented I guess.

CHAIRMAN POOSER: The way I was looking at this is if we’re looking at a change of use we’re looking to see whether or not the use should change from a single-family to a multi-family and when you look at the historic use of the property it’s had eight units and it’s been multi-family housing so if we’re just going to grant a conditional change in use to allow the eight units essentially that would be the limit of our review with respect to that decision and then if we have questions about setbacks and other design features of the application then we take those up in the demolition and whether or not the design is approved.

COMMISSIONER SEWELL: The current use is a multi-family. It’s not a single-family…the current zone.

CHAIRMAN POOSER: We’re getting ahead of ourselves a little bit because we have to prove that a demolition for the change of use even comes into play…as I understand it. Once it’s demolished then it reverts back to a single-family so in effect we are looking at a single-family changing to the multi-family. Is that right?

TERESA SOBOTKA (Legal): That’s correct.
COMMISSIONER DAWSON: In my opinion we’re just legitimizing its current use.

CHAIRMAN POOSER: That’s a fair summary.

ROLL CALL VOTE 4:2. MOTION CARRIES WITH COMMISSIONERS SMITH AND SEWELL OPPOSING.

CHAIRMAN POOSER: The next decision is going to be on the demolition primarily focusing on Item E.

COMMISSIONER CHANDLER: Some things that many people never think will happen is happening tonight. Dan Everhart, I agree with you 100% and that doesn’t happen very often. I have difficulty with the design as presented. I don’t have difficulty with the concept. I don’t have difficulty with the massing, the overall approach to what is being done, but I’m not comfortable with what we’re presented with as far as the design that would be a very, very large prominent building in the North End Historic District. I don’t have any suggestions other than what Dan has suggested prior because I think that is for people who have better design skills than I do, but I believe there can be something done better than what we have been presented with that will fit this particular very large parcel and will work into the North End long term and can accomplish what both the designers and the owner of this are wishing to do. In regard to the three of the five findings that need to be approved in order to approve the demolition…E., that I think is a problem and at this point I don’t think I can support the design that has been submitted to us.

COMMISSIONER SEWELL: I would tend to agree with Dan and Commissioner Chandler’s comments. I do appreciate the applicant’s move to design something that isn’t….as Mr. Steiner stated some kind of faux Victorian. The North End and a lot of our Historic Districts…the new infill houses that come into play in my opinion try to look more like historic structures than a house in which they were built. That shows more of the evolution of a neighborhood than trying to mimic something. I appreciate that. I do think the massing is…compared to what exists and around…certainly the height is an exception to the adjacent properties…much higher as well as the overall massing. With the existing house and the large house next door there is a little bit more modulation…different heights associated with it but I do appreciate the one image that the applicant submitted for that other multi-family house on 8th Street which has a similar low hip roof with the openness of the porches. As a project it is something that with some attention to maybe the guidelines and what’s around there that it’s certainly something that could be a positive contribution to the neighborhood. One comment in regard to the materials…I’d agree that most of these materials are seen in the District. The rusted steel that they’re proposing probably isn’t but I don’t mind it so much. It kind of reminds me of the old galvanized roofing materials that were on a bunch of old buildings and kind of rusted out. I would say that the way that they’re laid out there amongst the levels is probably not something that is congruous with the District.

COMMISSIONER DAWSON: I’m making note of some of the remarks that my colleagues have made and I do note that on the application that this particular proposal is actually 5 ft. shorter than the existing building that’s currently on the site and if you do look at the drawing on Page 56 of our package which is sort of an overhead view of the existing proposed and the house next door visually the roof coverage that’s given to this particular project and the roof coverage on the adjacent home seem to be quite similar in size. Just an observation.

COMMISSIONER McFADDEN: I’m in complete support of the concept. What they have going here is a wonderful concept. I love the underground parking. The multi-family aspect as been there
and that works too. I’m glad to see them try to keep it all one big lot, but I have to say and it’s more of a gut thing…I love the design, but I don’t think it’s the right spot for it. It’s a really cool design. If it were closer to downtown it would fit in more. I have to agree with my fellow Commissioners Chandler and Sewell that as much as I like it I just think that some of the massing and some of the materials are almost too edgy and wish that we could somehow come a little bit more traditional. I appreciate what Mr. Steiner said and I truly would prefer this much more over a faux Victoria, but it’s pretty far out there on the other end of the spectrum. As it stands, I’m leaning towards…unless I can be convinced otherwise…not supporting this.

COMMISSIONER SMITH: I have to agree with Dan. I’m having trouble getting by demolishing the building to begin with. I wasn’t here for the previous discussions otherwise we may be bound by that decision but that’s not something I’m prepared to agree to at this point. As for the design I echo the views of my fellow Commissioners. It has some potential but sitting from this end of the table it seems out of place to me.

CHAIRMAN POOSER: My comments are going to be consistent with Commissioner McFadden’s. You’re close and the concept is great and a lot of great elements. Everybody up here stood just a tad uncomfortable with some portions of the design. Perhaps Mr. Everhart sums it up best with the roof and some of those windows and the steel panels…although I like the idea of those. We talked about doing a worksession for our last application and I wonder if we’re close enough that a worksession would be beneficial for this project.

COMMISSIONER CHANDLER: At this point we’ve probably given the applicant and the applicant’s designers a good bit of food for thought and I don’t think this is a project that necessarily would benefit from a worksession because we’re not trying to necessarily tweak some small items. We’re looking at an entire building that could be created from scratch from here and a worksession would tend to be more in line if we’re trying to tweak some small things but this is a structure that the designers need to get their arms totally around and put their thoughts together rather than trying to interpret any of our individual thoughts. I don’t think this one that necessarily designed by Committee is necessarily going to work well. The designers can do a very good job hopefully taking some input from what you’ve said to this point.

COMMISSIONER CHANDLER MOVED TO DENY THE DEMOLITION ASSOCIATED WITH DRH08-00231 ON THE GROUNDS THAT THE APPLICANT ONLY MEETS TWO OF THE FIVE FINDINGS, 1.A. THAT THE BUILDING, PROJECT, SITE OR STRUCTURE IS NOT CLASSIFIED AS CONTRIBUTOR TO THE DISTRICT AND 1. B. THAT THE BUILDING, OBJECT, SITE OR STRUCTURE CANNOT REASONABLY MEET NATIONAL, STATE OR LOCAL CRITERIA FOR DESIGNATION AS HISTORICAL OR ARCHITECTURAL LANDMARK.

COMMISSIONER MCFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

TERESA SOBOTKA (Legal): You need to make one more motion. On the design, if it gets appealed and gets overturned Council would want to hear from you what you thought about the design.

CHAIRMAN POOSER: So you think there’s a sufficient record as far as the elements of the design?
TERESA SOBOTKA (Legal): I think you’ve made a pretty good record on it. Dan did a lot of work for you in listing specific code sections. If you want to add other things…add it because if it goes onto Council they’ll be looking at whatever you have.

COMMISSIONER CHANDLER MOVED TO DENY THE DESIGN THAT HAS BEEN PRESENTED BEFORE US CITING SPECIFICALLY SECTIONS 5.6 WITH RESPECT TO MATERIALS, 5.7 WITH RESPECT TO THE WINDOWS AND 5.8 WITH RESPECT TO THE ROOF.

COMMISSIONER SMITH SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

Christopher Pooser
Chair, Boise City Historic Preservation Commission

Date
Historic Preservation Commission

Worksession / Hearing Minutes of August 11, 2008

Commission Members Present
Christopher Pooser, Chairman, Scott Chandler, Cathy Sewell, Barbara Dawson, Stephen Smith,

Members Present
Sarah Schafer, Julie Archambeault, Teresa Sobotka, Nicki Heckenlively

WORKSESSION

Item #1 / DRH08-00230 / Pat Bronken / 1601 N. 21st Street
Requests Historic Preservation approval to remodel the structure including but not limited to converting the garage to living space, relocating the front door, add on to the front and rear of the main dwelling, construct a chimney, construct a basement, construct a single-story, single-car garage and remove a tree on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.  (Deferred to worksession at the July 28, 2008 hearing.)

SARAH SCHAFER: The applicant has requested a deferral to the August 25, 2008 worksession because their representative is out of town.

COMMISSIONER CHANDLER MOVED TO DEFER DRH08-00230 TO THE AUGUST 25, 2008 WORKSESSION.

COMMISSIONER SMITH SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.

CONSENT AGENDA

DRH08-00241 / Bart and Tracy Cochran / 1310 N. 13th Street
Request Historic Preservation approval to remodel the main dwelling, including but not limited to the replacement of windows, reconfiguration of the front porch, and the removal of the aluminum siding and restoration of the original siding on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES
APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

**DRH08-00231 / Matt Hanranan / 1815 N. 10th Street**
Discussion and ratification of Findings for approval. (*This item was denied at the July 28, 2008 hearing.*)

COMMISSIONERS IN AGREEMENT WITH STAFF’S FINAL FINDINGS OF DRH08-00231.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00241 AND DRH08-00231 ON THE CONSENT AGENDA.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 5:0. MOTION CARRIES.

**REGULAR AGENDA**

**DRH08-00229 / Pat Shalz / 1004 N. 10th Street**
Requests Historic Preservation approval to demolish the garage and construct a new two-story, two-car garage with the second floor as a studio on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (*This item was deferred at the July 28, 2008 hearing.*)

COMMISSIONER SMITH:

JULIE ARCHAMBEAULT: Presented staff report with a recommendation of denial.

COMMISSIONER DAWSON: I have a question on the site plan. It indicates that the existing curb cut will remain, but the actual garage will be accessed from the alley.

JULIE ARCHAMBEAULT: The original garage uses a curb cut and that’s grandfathered in. However, it is no longer legal for a garage to sit on the alley line unless it’s using the alley as access. The curb cut will remain because it’s still there.

COMMISSIONER DAWSON: But you can’t use it?

JULIE ARCHAMBEAULT: You can’t set a garage on the alley line if you’re going to use a curb cut.

CHAIRMAN POOSER: Do you know when this existing garage was built?

JULIE ARCHAMBEAULT: I don’t.

CHAIRMAN POOSER: But it was sometime after 1949? Based on the Sanborns.
JULIE ARCHAMBEAULT: The Sanborns show it not being there in 1956, but I think it was built somewhere in the 40’s based on the construction and the way it looks. I think they just missed putting it on the 56’ map. I don’t believe it was constructed at the same time as the house.

CHAIRMAN POOSER: The house is quite a bit taller than what’s being proposed for the garage, but do you know what the height of the house is?

JULIE ARCHAMBEAULT: I do not.

CHAIRMAN POOSER: I was also wondering about the proposed Findings on demolition. Are we considering that the garage is a contributing structure?

JULIE ARCHAMBEAULT: Usually what we do is if the garage isn’t mentioned in the site form as a feature we consider it not a feature of the site so it’s noncontributing. However, because the whole site was nominated to the national register I wrote the whole site can meet landmark status. That’s why I wrote ‘b’ that way…including the garage as a part of that site. Staff feels that the garage because of its current cladding of corrugated metal and its later construction it doesn’t really contribute to the site. The site is classified as contributory to the District.

CHAIRMAN POOSER: The site or the building?

JULIE ARCHAMBEAULT: The entire site.

CHAIRMAN POOSER: Is that based on…?

JULIE ARCHAMBEAULT: It’s based on the site form and the fact that it’s been listed on the national register.

CHAIRMAN POOSER: When it’s listed on the national register is there a federal register notice for that?

JULIE ARCHAMBEAULT: I’m not sure what you mean by federal register notice.

CHAIRMAN POOSER: I might be wrong here, but my understanding is that if you have a national historic property that’s it’s typically a finding right…and it’s listed in the federal register and that’s where you understand what exactly has been listed?

JULIE ARCHAMBEAULT: That’s correct. It has a nomination. If you go online it just gives the title of the property and the date of its listing. It doesn’t give any pertinent features or they haven’t uploaded any other data other than that. You’d have to go the State Historic Preservation office and actually get the nomination and see what they said about all the features.

CHAIRMAN POOSER: Does the federal listing identify the garage as part of the…

JULIE ARCHAMBEAULT: The site form does not. The federal listing I don’t know. We don’t have that.
COMMISSIONER DAWSON: I’m seeing a conflict of information between the application and the plans as I can see them. One of the concerns Staff has expressed is the height of the building which on the application indicates that it’s 26 ft. to the peak yet when I look at the drawing on Page 18 of our package I can’t read it really well, but I’m looking at 21 ft. 11 ¾ inches to the peak of the building. Which is accurate?

JULIE ARCHAMBEAULT: I believe the drawings have undergone some changes so I would say the drawings are probably accurate and it’s now under 22 ft. tall.

SITE VISITS

COMMISSIONER SMITH: I have not visited the site. However I am very acquainted with the Shalz’s family. I know Mr. Shalz’s two older brothers very well and went to grade school and high school with them. My mother plays bridge every month with his mother and I need to recuse myself.

COMMISSIONER SEWELL MOVED TO ALLOW COMMISSIONER SMITH TO RECUSE HIMSELF FROM THIS APPLICATION.

COMMISSIONER CHANDLER SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.

CHAIRMAN POOSER: I did visit the site viewing it from the street sides as well as the alley. Primarily paying attention to where the garage is supposed to go and the other existing structures on the alley. I have not had any discussions regarding this application with anyone.

COMMISSIONER CHANDLER: I’ve driven by this house many, many times over the years and it was nice to see this application because I now know who owns the house. However, I’ve known Mr. Shalz for a period of time due to some business relationships and because my business does do business with Thorton-Oliver-Keller on an ongoing basis I think it’s appropriate that I be recused from this application.

COMMISSIONER SEWELL MOVED TO ALLOW COMMISSIONER CHANDLER TO RECUSE HIMSELF FROM THIS HEARING ITEM BASED ON A PROFESSIONAL BUSINESS RELATIONSHIP WITH THE APPLICANT.

CHAIRMAN POOSER SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.

COMMISSIONER SEWELL: I did visit the property. Primarily viewing it from the alley and street sides and noted the location where the garage was to occur. I have not any contact with the owner or applicant in regard to this application.

COMMISSIONER DAWSON: I did not have the opportunity to visit the site. I’ve read the package thoroughly. I have not had any contact with the applicant or his representative.
PAT SHALZ (Applicant): No objections to site visits. One of the things about this house is it is a unique house and it is basically a three-story house. We’ve taken a lot of time and pride on working with the prior architects that designed this house which according to the records was built around 1903 as you can see on the north elevation. It was built by the Tourtellotte Company which at some point became Tourtellotte and Hummel. We asked Mr. Charles Hummel to come over and advise us of what would be an appropriate design. We’ve taken a lot of time and pride on making this thing look almost identical to the house. We didn’t want to overburden it by making it a size that was a high as the house. The house is a three-story house. This is a two-story garage and roughly about 22 ft. in height. We feel the design, the roofline, the windows, and more particularly the sandstone is a design we want to incorporate in this whole thing. We’d like to take the time to let you guys know that we recommend you accept the design we proposed. We feel that we’ve kept the integrity, the historical design of this whole thing to match this area. It’s tough to match everything in the North End as you know. It’s just a hodgepodge of different stuff especially in this particular area. There are a lot of garages that are cinder. Our garage right now is a metal corrugated garage which doesn’t match anything. They just threw it up sometime in the 60’s as a place to park the car, but it has no design incorporated to compare to the house at all. I would say that goes for a lot of the stuff in this alleyway. There’s absolutely nothing that matches anybody’s house besides maybe the neighbors that built a new garage adjacent to us on the east. They pretty much did the same thing we’re doing, but they just match their house and the height of their house as well. We appreciate it and we highly recommend if you would please take into consideration what we’ve designed.

CHAIRMAN POOSER: You indicated that the garage was built in the 60’s?

PAT SHALZ: I don’t really know when it was built because we have nothing that says when it was built. I’m assuming it was built in the 60’s or 70’s. It’s a corrugated metal garage. No insulation or nothing in it. I think they just used it for pulling in a car. I don’t know of any permit that was pulled on it.

CHAIRMAN POOSER: Have you investigated seeking a variance?

PAT SHALZ: I have not. I would like to get your thoughts on that if you don’t mind. If that’s the way we have to go…I’d rather not got that way, but if we have to go that way I’d like to get your thoughts on that. I know there’s a house that was mentioned by Staff that was built about four houses down that was built way over the height restriction and I would say this would probably have the same type of recommendation to do.

COMMISSIONER SEWELL: Based on your submittal as designed you’d be required to go through the variance process regardless of…if the project was approved by the Commission you still have to go through that process. A question…Staff’s indicated that the only way to make the project work within the zoning ordinance would be to reduce it to under 1,000 sq. ft. It sounds like that’s something that you’re not willing to…

PAT SHALZ: It’s just the way this house is and the way this garage is designed. At this point it seems like it matches it very well. Once we start going a little bit different in size you start changing the whole roofline and the windows and then it really doesn’t start matching the house which is what we’re trying to. Keep that historical design that was used to build this house and keep it the same way for the garage. You start running into different rooflines and it starts really looking poorly for what we’re trying to do.
COMMISSIONER DAWSON: I noticed on your application you have vinyl as a proposed material for windows. Typically the vinyl windows are not something that this Commission approves preferring to have something like a fiberglass or a wood window.

PAT SHALZ: I didn’t follow all the details yet because we haven’t exactly gone into all the details on the windows, but I would agree 100%. I would want the same thing.

PUBLIC TESTIMONY

SCOTT CHANDLER: It’s a very attractive design that is being put forth. It is large. There’s no question about it. It’s a very large house and it does work well with the design of the house. As far as the findings that are needed for a demolition of the existing it doesn’t meet as Staff as put forth finding 1.a. as far as being classified as contributory and it would be not unreasonable for the applicant to ask the Commission to excluded the garage from the contributory status simply because the garage is obviously quite different in construction and the fact that it is on the same site may technically be classified as contributing but I think it would not be difficult for the Commission to decide that the existing garage does not clearly contribute to the historic nature of the site. Also, Staff concludes that the applicant does not meet 1.c. saying that the demolition of the building, object, site or structure would not adversely affect the character of the District and the adjacent properties. It would be very reasonable to state that given the nature of the existing garage that the demolition of that garage would actually improve the District given its incompatibility and incongruity with the District. Also, on 1.e. that the plans would have a very positive affect on the District and the adjacent properties. It is obvious that the applicant would need to get a variance to proceed with this if he was going to keep it on the alley and also the size…it is very reasonable for the Commission to approve this based on the application with the condition that a variance be obtained before a Certificate of Appropriateness would be granted.

MIKE TERRELL (Architect): One of the main things I wanted to point out was that the original building that’s there has a hip roof which this design incorporates. If we were to go with what is suggested as a 1 ½ story it’s basically bonus room tresses as you are all aware of how that works, which would require putting a gable on the front of this structure. That would probably detour from some of it resembling the original structure. That’s something I’d like to discourage everybody from considering because I don’t think it’s going to work very well. The other problem is if you go to the site plan sheet it pretty graphically indicates how much yard is available and the Shalzs have young children. They enjoy that backyard as small as it is and we’re trying to incorporate as little of the backyard as we can with this new structure otherwise we could even possibly go a three-car garage which would work better for their use. But it would reduce the backyard tremendously. If we were to move the garage in as requested by Staff and give us that 15 ft. rear setback off the alley then we’re just eating up that much more backyard. The other restriction is that existing tree that’s behind the new structure and the old structure. That tree is to remain. It’s a big healthy, beautiful tree. We want to keep it so again it requires us to put the garage where it’s proposed. We’ve got a lot of restrictions. We’ve thought it out as best we possibly could, trying to meet all the criteria. This is the best we could come up with. I would also like to request that the application is approved pending the variance approval. Just to help expedite the process the Shalzs’ would like to get under construction as soon as possible and of course the variance approval is going to take a month or two and if we have to come back through this process as well it could delay the project even further.

PUBLIC PORTION CLOSED
CHAIRMAN POOSER: I have two questions for Legal. As I understand it the Commission would have to vote to separate the garage from the existing property in terms of its contributing status. Does that sound right?

MARY WATSON (Legal): That’s a good question. Legal really doesn’t have an opinion on that. I don’t have the historical background to know whether the historicity of a property involves the extra buildings on that property or whether it’s just limited to the home or the primary residence itself. If you accept Staff’s interpretation of the historical nature of a property then you could make a determination on the historicity of the garage itself…you could take that as a separate action. That’s part of the demolition criteria so if you decided to not take that vote you could leave it as it stands with the demolition…I don’t have a really good legal answer for you because I don’t have that historic background and it’s your determination if you accept the statements by Staff about historical properties.

JULIE ARCHAMBEAULT: In the past if it’s not included as a feature on the site form then we have not considered it a contributing building. When I was looking at the demolition criteria I was looking at the site rather than each building individually. So if you so choose, I don’t think in the past we haven’t taken a vote to exclude things…we either include them because they’re on the site form or disclude them because they’re not on the site form. If you choose to not look at the entire site, but to look at the building individually, that’s just a different way of looking at things than we have done in that past…rather than take a vote we do have that condition.

CHAIRMAN POOSER: I think I have it clear in my head. Also, when I’m looking at the inventory of this property it does not indicate that the garage is there. Based on your review and the national historic listing you believe the entire site would be contributory?

JULIE ARCHAMBEAULT: Right. But, I would think that the garage would be a noncontributing piece of that overall site.

CHAIRMAN POOSER: One more question for legal. With respect to the variance it seems like there might be a little chicken-in-the-egg…if we were to approve it and they went forward with a variance and it was denied then would that design that we approved still be approved if they comply with the variance?

MARY WATSON (Legal): No. You can approve the design and you could approve the way it stands subject to the variance, but if they don’t get that variance then they can’t build what you did approve.

CHAIRMAN POOSER: Okay.

APPLICANT REBUTTAL

PAT SHALZ (Applicant): Again, reiterating what I stated before is that we’re really just trying to make this thing match the historic design of the house keeping in perspective to the size of the house as well. It is a three-story house and we feel the design really matches what’s there and we mean to put in the details like Commissioner Dawson had mentioned to make sure that we keep that integrity in place. I appreciate your time to review this and would appreciate your approval on this.

PUBLIC CLOSED
COMMISSIONER SEWELL: For the most part Staff’s done a good job of identifying the issues. The primary issue is the code issue that it does not meet the required setbacks based on size. It seems in reviewing the plan that a minimum two-car garage is 20 x 20 ft. and the applicant is proposing something quite a bit larger than that. In regard to the applicant’s comment about their proposed roof form…one, they’ve done a good job of trying to tie it into the existing house, but I think the comment that going to a bonus room would require a gable roof form is certainly an acceptable roof form within the District and certainly something seen on the house. As far as the variance this is a large corner lot and I guess in my mind trying to find some hardship for requesting and approving a variance would be difficult just based on the size. I realize that’s not our purview, but at this time I would not be making a motion for approval of this application.

COMMISSIONER DAWSON: I respectfully disagree with Commissioner Sewell. This is a good design that fits in well with the existing residence. The existing residence is larger than one typically finds in the neighborhood. The garage would appear to me to be to scale on that issue so I would support this application.

CHAIRMAN POOSER: My comments would be similar to Commissioner Dawson’s. There’s been a lot of care with this design. It matches the existing house very well. I’m not too concerned about how it’s going to impact the alleyway. It looks like there’s been careful consideration as far as the entry into the garage and how much space is allowed there. I do have a concern about the variance but if we were to approve it, it’s only going to be conditioned on a variance being granted. If a variance was denied they’d have to come forward with a new design. With respect to the demolition I would be in favor of considering the garage a separate structure as far as the contributing nature of the property in this instance. We don’t know the time, but it most likely built sometime after the 50’s and Staff agrees that it’s not a contributing structure in and of itself and based on that the applicant can meet three of the five conditions on demolition.


CHAIRMAN POOSER SECONDED THE MOTION.

ROLL CALL VOTE 2:1. MOTION CARRIES WITH COMMISSION SEWELL AGAINST AND COMMISSIONERS SMITH AND CHANDLER RECUSED.

COMMISSIONER DAWSON MOVED TO APPROVE DRH08-00229 WITH THE STIPULATION THAT THE APPLICANT RECEIVE A VARIANCE FOR THE LOCATION OF THE PROPOSED GARAGE AND THE WINDOWS IN THE PROPOSED SHALL BE SOMETHING OTHER THAN VINYL.

CHAIRMAN POOSER: In regard to the variance, perhaps the applicant will apply for a variance and that this approval is conditioned on them obtaining a variance.
Commissioner Dawson: Okay.

CHAIRMAN POOSER SECONDED THE MOTION.

ROLL CALL VOTE 2:1. MOTION CARRIES WITH COMMISSION SEWELL AGAINST AND COMMISSIONERS SMITH AND CHANDLER RECUSED.

Minutes

- June 23, 2008
- July 14, 2008


COMMISSIONER SMITH SECONDED THE MOTION.

COMMISSIONER SEWELL: I was not present at the June 23, 2008 so my vote will not count for those.

COMMISSIONER CHANDLER: I was also not present for the June 23, 2008 meeting so I will not be voting on that set of minutes.

ROLL CALL VOTE 5:0. MOTION CARRIES WITH COMMISSIONERS SEWELL AND CHANDLER ABSTAINING ON THE JUNE 23, 2008 MINUTES.

Christopher Pooser
Chair, Boise City Historic Preservation Commission

Date
Historic Preservation Commission

Worksession / Hearing Minutes of August 25, 2008

Commission Members Present
Christopher Pooser, Chairman, Scott Chandler, Cathy Sewell, Barbara Dawson, Betsy McFadden, Stephen Smith, Mara Truslow
Sarah Schafer, Matt Halitsky, Teresa Sobotka, Nicki Heckenlively

WORKSESSION

Item #1 / DRH08-00230 / Pat Bronken / 1601 N. 21st Street
Requests Historic Preservation approval to remodel the structure including but not limited to converting the garage to living space, relocating the front door, add on to the front and rear of the main dwelling, construct a chimney, construct a basement, construct a single-story, single-car garage and remove a tree on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (Deferred to worksession at the July 28, 2008 hearing.)

MATT HALITSKY: It is my understanding that this item was deferred last month because the Commission couldn’t reach a consensus on the vote on the motion. We were going to revisit it earlier this month but the applicant couldn’t make it so now we’re here again to discuss it.

GREG DENMARK (Applicant’s Representative): Distributed copies to Commission. Our biggest issue was that garage door. That is something that we’re not willing to concede based on the fact that we really cannot increase the size of the house without affecting that area.

CHAIRMAN POOSER: Are these the same renderings that were provided…?

GREG DENMARK: These are the latest versions that we discussed that we talked about lowering that front dormer. Basically what I’ve done is I’ve taken every elevation and have done a proposed and an existing. At this point we did lower that front gable. It’s still a little bit wider but we did lower that. Other than that it basically comes down to that garage door. We’re willing to put that garage door on the new detached garage. That’s on the very last page. Other than that the house…you can see the square footage on the original floor plans which I didn’t provide new ones for…nothing changed…that we are very small as it is. There’s really nowhere to put that kitchen without completely taking out a huge, very established Sycamore right behind the house. We are coming back a little bit as it is.

PAT BRONKEN (Applicant / Owner): For us to change anything…we tried to see if we could put the kitchen somewhere else…then it becomes a huge remodel. I was tried to change my house as little possible and enlarge it as little as possible to get the little bit of space that I
needed. The garage door… I had hoped to put on my new garage so it would look like my old
garage. In fact, I talked to somebody about putting an automatic garage door opener on it.

COMMISSIONER DAWSON: The front door is now at the side?

GREG DENMARK: It currently is.

COMMISSIONER DAWSON: And you’ve left it as a crack entry?

GREG DENMARK: Yeah. We moved the door to where the window is. In the original
meeting it came down to the fact that right now it’s a small living room and the front door goes
right into that living room and the dining room is so small that we just want to turn that into an
entry area not really changing anything interior wise it’s just more functional. Right now
furniture placements are almost impossible.

CHAIRMAN POOSER: If you’re going to the left…

PAT BRONKEN: Right now if you enter to the left you come right into my living room which
takes up a chunk of my living room and my dining room is only 6½ ft. by a little less than 8 ft.
so we wanted to make that an entry way and then bump out the kitchen to make a dining room
which still isn’t that big. I think its 9½ by 10 something. Then take my garage because I can’t
use because I can’t get a car in there…I can get my car in there but I can’t open the doors…

CHAIRMAN POOSER: What’s that mean? You can’t open the doors.

PAT BRONKEN: I can drive my car in but both of us at one time can’t open the doors and get
out of my car very easily because the walls are…

CHAIRMAN POOSER: You have to park to one side or the other?

PAT BRONKEN: Yeah, so I don’t park in there because it’s not worth it. My kitchen is literally
the size of a closet and I want a regular stove and regular refrigerator.

GREG DENMARK: I would like to say something. Julie represented in the aspect…she had a
lot of people write letters stating that she’s trying to increase the size of her daycare. It has
nothing to do with that.

PAT BRONKEN: I can’t. I’m what I can be now. There’s no more…I’m not trying to get any
more kids. I wouldn’t have more kids if I could get more kids. I’m licensed for 12 and I only
take six or seven because that’s all I want. My parents just know they bump into each other all
the time coming and going and it would just be nice to have an entryway.

CHAIRMAN POOSER: We had a variety of opinions on the garage door so I’m interested to
have people’s comments.

TERESA SOBOTKA (Legal): Did you guys propose any changes at all?
GREG DENMARK: We conceded to lowering the front gable to the height that it is now. Other than that we tried some redesign on the interior and there was nothing there that we could do without literally adding an entire back addition to keep that garage.

TERESA SOBOTKA (Legal): I just wanted a record about you going into that has changed from the hearing.

PAT BRONKEN: One thing I did want say…I’m not sure who said it, but said it might not look very nice taking out the garage door and putting a garage window in, but I plan to put a whole new skin of stucco around the whole house so that it won’t look like somebody’s taken something out and put something in. I didn’t know if you guys automatically assumed I was going to do that, but I am. Somebody made a comment about the garage door…like in 50 years that when you’re walking by and there’s a garage door there and you’ll say, “Why is there a garage door there and there’s no driveway or anything”. I thought that was a good point.

GREG DENMARK: That’s why we drew a couple plants out front.

PAT BRONKEN: That was a good point. I just thought yes, I could put a wall behind the garage door but then I’d have no windows. If I keep the windows that I have they are at eye level by the time we raise the floor to make it consistent with the rest of the house. I had hoped to use the garage door on my new garage in the alley.

COMMISSIONER CHANDLER: Similar to what was said in the previous meeting, I can certainly understand the desire of some Commissioners to keep the garage door because of it’s historic…it’s always been there. It’s been a part of this all along, but to either leave it as a garage doesn’t make sense for the reasons you’ve cited. It’s usability factor is very low and keeping the garage doors there just for the visual impact of the garage doors it does create the, “Why is there a garage door there”…after there is going to be vegetation and other things in front of it with no driveway leading up to it. What you’ve done as far as the revision on the smaller of the two gables on the front…that helps…and also just the way you’ve made those drawings of proposed versus existing…if you flip back and forth between the two and really the only thing that jumps out initially…you can find all sorts of things that are different but when it jumps out is the fact that the garage doors are gone. I would again support the fact that this is not inappropriate. It’s not necessarily from a historic viewpoint the most perfect approach but I can certainly understand why you propose it. If what you’ve proposed is approved will result in a design that in the long term no one will say, “That’s a lot different than it used to be”.

PAT BRONKEN: And I don’t want to get rid of the garage door. I just want to put it somewhere else.

TERESA SOBOTKA (Legal): Both sides felt really strong last time. Obviously that’s the reason you ended up where you did. Rather than both sides restating their positions it comes down to does the gable change anybody’s mind and if it doesn’t are there other ideas before we get into the, we like it, we don’t like it…

COMMISSIONER CHANDLER: What we need is to have an odd number of Commissioners.

COMMISSIONER SMITH: We do. We have an odd number.
COMMISSIONER CHANDLER: But this is the worksession. We don’t know how many will be at the hearing when we hear this.

TERESA SOBOTKA (Legal): Did you notice this so they could take a vote if it came down to it?

SARAH SCHAFFER: It’s on all of the worksession agendas and it was deferred to date specific to today.

TERESA SOBOTKA: You could take a vote if it came down to it.

COMMISSIONER McFADDEN: We could?

COMMISSIONER TRUSLOW: I am not familiar with the historic quality of this home. All I’ve seen thus far is this is this blueprint. I don’t feel comfortable with…

COMMISSIONER CHANDLER: She was not part of the original discussion.

TERESA SOBOTKA (Legal): She would have to…well you guys never came to a vote or anything. She would have to review the file and get up to date on what it is and if at the end of this worksession if you felt like you were up to speed on it after they’ve talked about the issues then you could vote. Otherwise you can’t. I don’t feel in this particular situation that it’s necessary that she would have heard…because you guys are going to recap…

COMMISSIONER McFADDEN: Was everybody else here?

PAT BRONKEN: You weren’t…but everybody else was.

COMMISSIONER McFADDEN: I concur with Commissioner Chandler that I don’t think…that the people that were in favor of the original application will still be in favor of it and…

TERESA SOBOTKA (Legal): That’s why I’m trying to get you guys to see if there are any other ideas. That’s what the worksession was supposed to be for. Is there some other idea rather than trying to break each other down?

COMMISSIONER DAWSON: If I look at the existing front elevation as proposed to the proposed front elevation you’ve got one window in the garage conversion area…I understand the rationale because of hanging cabinets and windows at certain heights, etc. We’ve got two windows in the garage?

PAT BRONKEN: Just to break that one window into two?

GREG DENMARK: You’d lose you’re upper cabinets.

COMMISSIONER DAWSON: Yeah…you’re going to lose some upper cabinets.

COMMISSIONER SMITH: You have a 3 ft. wide?
GREG DENMARK: You’d probably end up with a 12 inch upper on that one side and a return upper on that side. You’d have a lot of glass.

PAT BRONKEN: I wouldn’t mind making a little bit bigger, but I don’t really want the whole width of the room windows.

GREG DENMARK: Right now they’re approximately a little over 3 ft. by 2 ft. There’s about 6 ft. of glass or 12 sq. ft.

COMMISSIONER DAWSON: What is that window now?

GREG DENMARK: Since it’s a garage door it’s a really odd number so I would probably say…it’s an 8 ft. door so half the 8 ft. would be 4 ft. minus the sides so it’s probably right around 3 ft. wide…each one.

COMMISSIONER DAWSON: What are you calling on the addition?

GREG DENMARK: It’s a 30/30.

PAT BRONKEN: Right now my kitchen has…

GREG DENMARK: It’s a 2 ft. 10 inch by 2 ft. 10 inch that’s in there currently.

PAT BRONKEN: It’s bigger than existing it’s just not…

TERESA SOBOTKA (Legal): She’s willing to go with some of the windows but would hate to have to keep all of them. What do you feel about that?

COMMISSIONER CHANDLER: Looking at the proposed right elevation…there’s the door that I assume that’s at the top of the stairway going downstairs…the window to the left of that is that in the kitchen area?

GREG DENMARK: Yes.

COMMISSIONER CHANDLER: So you really don’t have a significant of windows on…

PAT BRONKEN: This side butts right up to my neighbors.

COMMISSIONER CHANDLER: What if you were to, instead of the 30/30’s maybe two 6/ 30’s or something like that which wouldn’t necessarily need to be twice the size of that but getting two of them with a mullion between them of some sort. That would achieve a similar look.

GREG DENMARK: Probably about six inches…

PAT BRONKEN: I just don’t want the whole width because then I lose so much cabinet space. It’s bigger than what I have but I’d prefer to have one window but I would go for…
CHAIRMAN POOSER: That is an option of adding more glass across there.

GREG DENMARK: And create less wing walls on each side of the window.

COMMISSIONER DAWSON: Yeah…so it would be similar to the window configuration there only shorter.

COMMISSIONER McFADDEN: Would that sway anybody’s opinion?

COMMISSIONER CHANDLER: Speak up guys…

COMMISSIONER SMITH: So the idea would be put two windows similar to what’s on the garage door?

PAT BRONKEN: Yes. Not quite as big though.

GREG DENMARK: Most likely it would be 3 ft. high by 3 ft. 6 inches wide…two of them…so that’s still 7 ft. of glass…even if we did 3 ft. wide of glass you’re still looking at 6 ft. of glass.

COMMISSIONER CHANDLER: If you were to do two of them at 2 ½ ft. wide…

GREG DENMARK: Oh, 5 ft. Yeah, that’s actually…

COMMISSIONER SMITH: I thought Staff’s suggestion was they wanted to leave the garage door period. Putting two new windows in it doesn’t necessarily solve that issue right?

MATT HALITSKY: That sounds like Julie…yeah.

TERESA SOBOTKA (Legal): Well at this time it is up to the Commission to try to come up with something that makes it congruous with what you have in the neighborhood.

COMMISSIONER SMITH: To the best of my recollection…I could live with that.

COMMISSIONER SEWELL: In reviewing my minutes clearly the…I sided with Staff in their report and analysis and made reference to the Interior Standards for interior arrangements before any kind of additions were made. I should say that I’m an architect so space planning is something I do all time and rearranging of spaces. I looked at it from that perspective. My comments in regard to down the road someone could come in and…I’ve worked on a project where we took two single car garage doors and converted it into living space behind that…kept the openings but did something to make it look integral to the house. It wasn’t a historic home, but it was an old ranch home. There are certainly solutions out there to integrate it in, keep the opening, keep the look, but make the space work. With that said, the other thing too is there’s the basement egress out that’s right in front of that window as well as the new front gable as well. I still feel that Julie was on with her analysis, but as far as something that is congruous…yeah, this looks congruous with the neighborhood. It’s got the forms; it’s got the windows, the gables…that all looks good. But, as Julie pointed out it’s what it does to the house itself. It doesn’t look like there’s…we don’t see any attempt at any kind of interior rearrangement to see if there are other options. I’m still sticking with my initial thoughts on this.
My comments at the previous…in no way was I thinking the existing door had to stay and you had to do a bunch of stuff behind it to make it all work although it certainly is an option that could have been done, but you certainly want the space to function as you need it to.

COMMISSIONER SMITH: The door is a big sticking point for me. Do I understand that you can’t…if you leave the door that you cannot design the kitchen with the door still in place? Let me ask a follow up question. Is it required…I heard you say that the windows are going to be at a strange level? Do you have to raise the floor?

GREG DENMARK: Yes.

COMMISSIONER SMITH: Why?

GREG DENMARK: Obviously it’s a very small level and to actually have two steps going in and out of your kitchen into any dining area and any other living area is not very functional.

PAT BRONKEN: I’ve lived in my house close to 30 years and I plan on living there forever and I would like to not be old and have to go up and down the stairs.

COMMISSIONER SMITH: That’s fair. I just wanted to ask to find out if there was an option of building the kitchen at a different level. So if the garage doors remain and you had to raise the floor the windows will be at a strange level…thigh high I believe you said?

GREG DENMARK: Yeah…most likely. You wouldn’t even be able to put cabinets up there.

COMMISSIONER SMITH: You’d lose the ability to look out your kitchen window.

PAT BRONKEN: When we tried flipping the kitchen so the kitchen part was in the back then I’d lose like a quarter of it which is…I’m going from a little kitchen to a bigger kitchen but it wouldn’t be that much bigger if I flip it over…the windows are still at thigh level.

COMMISSIONER CHANDLER: One alternative I could see which would be not a positive alternative would be essentially…first of all you’d take the garage door off, rebuild it based on the new proposed front elevation, you use the old garage door…you essentially put it on the front…you build them so it appears as though it’s functional and then deal with the glass such that it is not transparent…you wouldn’t notice it from the outside because you basically can’t tell when glass is dark that you can’t see through it and rearrange the kitchen so that you put another window on the north side. You can do all of that and you’d retain the garage door but it would still look strange. I’m not advocating that. I hope you can do something like that but you’re doing it only to retain the appearance of a historic garage, one which at this point is not usable.

GREG DENMARK: We’re also taking an unconditioned space and converting it to conditioned and that’s an old garage door and very drafty.

COMMISSIONER CHANDLER: You build a wall…

GREG DENMARK: I understand. It’s going to look like a garage door added to a wall.
COMMISSIONER CHANDLER: Nevertheless…

COMMISSIONER SMITH: To cut to the chase here, I’ve convinced if they put the other two windows you’d have an additional for approving this if that’s the direction you want to go. However, we do have a new member who may still be tied.

COMMISSIONER CHANDLER: I would feel as though our new member may not feel as though she is in a position to necessarily vote on this given the circumstances without going through a substantial amount of education on this. If we are able to do this without a tie we could possible proceed.

TERESA SOBOTKA (Legal): Now it comes down to can you vote tonight? Do you need to see a redesign or do you have a concept in your mind clear enough of what these windows would like so that you can give a specific condition and motion.

COMMISSIONER CHANDLER: I’m very comfortable making a motion that’s specific enough to deal with what we have in front of us with an alteration to it.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00230 BASED ON THE REDESIGN PRESENTED TONIGHT WITH THE EXCEPTION THAT THE SINGLE WINDOW THAT IS TO BE PUT WHERE THE EXISTING GARAGE DOOR IS NOW SHALL BE REPLACED WITH TWO WINDOWS WITH A NOMINAL SIZE OF 26” WIDE BY 30” HIGH THAT WILL VISUALLY THE SAME DISTANCE APART THAT THE EXISTING GARAGE DOOR WINDOWS CURRENTLY HAVE.

GREG DENMARK: What kind of mullion in between is your recommendation? Right now we have about 8 inches between the two windows.

PAT BRONKEN: The existing windows on the back…I have a double window in my daughter’s bedroom that’s two double hung windows, but they’re.

GREG DENMARK: But they’re mullioned together.

COMMISSIONER CHANDLER: I would envision something that would at least visually have the distance apart that the garage door windows have now.

GREG DENMARK: So we’ll stay with about 8 inches.

COMMISSIONER CHANDLER: So you have two distinct windows and not in one mullion.

COMMISSIONER McFADDEN SECONDED THE MOTION.

COMMISSIONER SEWELL: Going back to the minutes…what I stated is and I think I asked the question to the Commission on whether as a Commission we’re going to move forward with looking at projects and the historic integrity of that or whether it’s congruous with the neighborhood. I don’t think that we’ve had that discussion yet in the general sense but as I mentioned I think this project is congruous I just think that it is significantly destroying the
historic integrity. Until we have that discussion and we have some sort of sense of direction I will not be supporting the application, but I do think, as I said, that the project is congruous.

ROLL CALL VOTE: 5:1. MOTION CARRIES WITH COMMISSIONER SEWELL VOTING AGAINST AND COMMISSIONER TRUSLOW RECUSED.

CONSENT AGENDA

DRH08-00229 / Pat Shalz / 1004 N. 10th Street
Discussion and ratification of Findings for approval. (This item was approved at the August 11, 2008 hearing.)

COMMISSIONER MCFADDEN: NOT IN ATTENDANCE.

COMMISSIONER CHANDLER AND SMITH RECUSED AS THEY KNOW THE APPLICANT.

COMMISSION TRUSLOW: NOT PRESENT AT HEARING WILL RECUSE.

COMMISSION IN AGREEMENT WITH FINAL STAFF’S FINAL FINDINGS.

COMMISSIONER CHANDLER: RECUSED

DRH08-00260 / Harold and Sarah Wright / 902 N. 20th Street
Request Historic Preservation approval to demolish the enclosed front porch, construct a front porch and construct a full basement on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

ERRORS ON PAGE 1 OF 3 OF STAFF REPORT ITEM D. FINDING 2. C. PAGE 37, FINDINGS 2 B. C. THIS APPLICATION DOES NOT COMPLY BUT SHOULD STATE IT DOES COMPLY.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED.

CHAIRMAN POOSER:

CHAD VINCENT: NO OBJECTION.

NO ADVERSE PUBLIC TESTIMONY.
DRH08-00264 / Bruce Ballenger and Karen Kelley / 1503 N. 25th Street
Request Historic Preservation approval to construct rear dormers and replace all second floor windows on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

COMMISSIONER MCFADDEN: I’m a close personal friend with them, Emily Schwartz, who prepared this application, but we’ve not spoken about it and I feel like I can still make a judgment without compromising it.

COMMISSIONER CHANDLER MOVED THAT THE COMMISSION ALLOW COMMISSION MCFADDEN TO PARTICIPATE IN THE VOTE ON DRH08-00264.

COMMISSIONER DAWSON SECONDED THE MOTION.

COMMISSIONER TRUSLOW: I’m close friends with the family and feel I need to recuse myself.

COMMISSIONER CHANDLER MOVED TO ALLOW COMMISSIONER TRUSLOW TO RECUSE HERSELF FROM THE VOTE ON THIS ITEM.

COMMISSIONER DAWSON SECONDED THE MOTION.

MOTION CARRIES.

APPLICANT PRESENT AND IN AGREEMENT WITH THE TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

DRH08-00266 / Jim Prince / 1710 N. 10th Street
Requests Historic Preservation approval to remove trees, demolish a rear addition, construct a first floor addition, a basement, replace windows and construct new openings within existing walls on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

CHAIRMAN POOSER: There are some errors in this staff report that I should note. On Page 1 of Staff’s recommendation on Finding 2 b. with respect to 2-18-11 10 1.b. it should read, “This application does comply with the following guidelines”. Also on the very next page with respect to 2-18-11.01 c. it should read, “This application does comply with the following guidelines”. Also on Page 21 with respect to the Findings of 2. b. and 2. c. both of these should read, “The application does comply with the following guidelines”.

COMMISSIONER SEWELL: I will need to recuse myself from this application as I represent the applicant.

COMMISSIONER CHANDLER MOVED TO ALLOW COMMISSIONER SEWELL TO RECUSE HERSELF ON DRH08-00266.
COMMISSIONER DAWSON SECONDED THE MOTION.

MOTION CARRIES.

APPLICANT PRESENT AND IN AGREEMENT WITH THE TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT. NO ADVERSE PUBLIC TESTIMONY.

DRH08-00272 / Damon Noller / 1507 N. 8th Street
Requests Historic Preservation approval to construct a rear and side addition to property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

COMMISSIONER McFADDEN: I will need to recuse myself as I represent Mr. Noller.

COMMISSIONER CHANDLER MOVED TO ALLOW COMMISSIONER MCFADDEN TO RECUSE HERSELF ON DRH08-00272.

COMMISSIONER SMITH SECONDED THE MOTION.

MOTION CARRIES.

APPLICANT PRESENT AND IN AGREEMENT WITH THE TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

DRH08-00273 / Robin L. Bosworth / 1931 N. 20th Street
Requests Historic Preservation approval to remove the remainder of the roof damaged by a tree and reconstruct the roof slightly higher than the original roof on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH THE TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00229, DRH08-00260, DRH08-00264, DRH08-00266, DRH08-00272 AND ITEM DRH08-00273.

COMMISSIONER DAWSON SECONDED THE MOTION.
ROLL CALL VOTE 7:0. COMMISSIONER TRUSLOW RECUSED FROM DRH08-00264, COMMISSIONER MCFADDEN RECUSED FROM DRH08-00264 AND DRH08-00272 AND COMMISSIONERS CHANDLER AND SMITH RECUSED FROM DRH08-00229.

REGULAR AGENDA

DRH08-00256 / Teresa Harrington / 1503 N. 17th Street
Requests Historic Preservation approval to remove a tree and modify the roof in order to incorporate a second floor on the project located in an R-1CH (Single Family Residential with Historic Overlay) zone.

SARAH SCHAFER: As you can see from the vicinity map the property is on a corner lot at the northwest corner of 17th and Lemp Street. We have included photographs of the property as it is today. They have started on the reconstruction as approved under the original application which was DRH07-00333. The applicant had approval to construct an addition on the west side of the structure, replace windows, siding and roofing. I’ve also included several photos of adjacent properties so you can see some of the construction, roof forms and massing of the structures in the area. You can see the street frontage along Lemp Street and where the proposed addition is sitting in relationship to the existing garages. An additional request under this application is to remove a tree from the property, which you can see in several photos in the middle of your packet. In reviewing the applicant’s request Staff looked at Boise City code Title 2, Chapter 18. As part of that some of the Findings that we needed to make were that the project was consistent with the design guidelines for Boise City’s Historic Districts. This project is not located in the commercial district therefore they do not have to comply with the commercial design guidelines. Additionally we looked at Section 2-18-11.01 b., which states that they need to comply with the design guidelines for the residential historic properties. Staff does not believe this application complies with those guidelines. The proposal to change the established massing of the building would make this structure much more elongated. This is very important because this structure is located on a corner lot. In looking at the massing of the structure…the applicant initially had the approval to do the structure and this was their approved elevation from 2007. You can see the clear line as to where the addition comes from the new addition to the existing residence with the establishment of a lower roofline that would go under the eave overhangs of the existing structure. There’s a stepping in the wall as well as some additional windows and changes in the material, but there would be changes in the footings of the structure. This is the proposed change to the structure. As you can see they are proposing to maintain the exact same roofline. They don’t get that differentiation between the old and the new addition. In looking at this application Staff also reviewed the minutes from the July 23, 2008 hearing and if you go to…under public testimony, Mr. Baltes states his concerns on the continuous ridgeline. If it is differentiated on the north side because there is a greater setback…this is the side where it’s going to read as a long huge tube. I have concerns about this as well. Commissioner Sewell picks up on it after the close of public testimony. Commissioner Sewell, about half way through her statement says, Mr. Baltes addressed that as well and as a corner lot although it may not be a primary façade, it is a dominant façade given that it’s on that corner lot creating a 2 inch offset, but still continuing that roofline certainly does present that long face which is probably incongruous or perhaps not likened to the Bungalow style. It would propose that the applicant look at that a little bit more graciously offset and even having a differentiation incur as well in that roof plane. There was a
condition of approval, condition d.; the applicant shall work with staff on providing additional differentiation on that south side both in the wall plane and in the roof plane. Commissioner Stevens further states, “I would ask if we’re given enough direction for d. in particular in working with Staff on the additional differentiation. I’m not sure that I’m comfortable with any further lack of direction there. I’m okay with it being done at the Staff level, but wanted to make sure we give you enough direction.” Commissioner McFadden went on to talk about this particular structure seems like it’s so simply that it can almost be visualized unless Staff gets it and it looks entirely different than what we’re thinking as far as stepping the roofline. Because that was a site specific condition of approval and it was a topic of much discussion at the last hearing we needed to bring this application back to the Commission to review the lack of modulation and the roofline. On Item 4.1.1 in our residential design guidelines it states, “Design a new addition to preserve the established massing and orientation of the building and character of the block”. In letting the ridgeline of this project go the proposal will change the established massing of the building by making it appear much more elongated. On Page 112, “Designing a new addition in a manner that makes clear what is historic and what is new”. The jog in the roofline previously aided in making clear what was historic and what was new. Removing this jog will make this line less clear. If you look at Finding 1. c. which in relation to Boise City Code Section 2-18-11.01 C, which addresses the Secretary of Interior Standards, Staff did have a typo there. It currently states, “This application is consistent with the Secretary of Interior Standards, but it should state, “This application is not consistent with the Secretary of Interior Standards.” The Secretary of Interior Standards state, “Designing a new addition to historic buildings or adjacent construction, which is compatible with the historic character of the site which preserves the historic relationship between the building or buildings in a landscape.” That jog in the roofline ensured that the addition is compatible with the historic character of the site. Removing it will make the house uncharacteristically long, which is not compatible with the historic character. Staff also did not feel that removing that jog would create a consistent appearance with the rest of the buildings in the District. That it would radically change, damage or destroy the roofline, which was important to the overall character of the property. By removing the large tree it would be removing a prominent site feature, which was important to defining the overall character of the property. It was also mentioned as part of the previous application that the tree would also provide some visual mitigation of the addition and the property. It was going to be maintained as part of that previous hearing. Additionally in reviewing this application we have to look at the Boise City Comprehensive Plan and the plans that are found therein, which would also include the North End Plan. The North End Plan requires that the unique character of the neighborhood be maintained including architectural styles, sitting on the lot, the orientation of the units and the landscape characteristics. Staff felt that the removal of this tree and the removal of the jog in the roofline would go against this Finding. With that Staff will conclude their presentation and stand for any comments.

COMMISSIONER CHANDLER: Was there any discussion with the applicant as to why they wanted to raise the roofline? My understanding is they want to raise the roofline to put in a different truss design to achieve a bonus room on the second floor. Was there any discussion with them about instead of raising the ridgeline to lowering the ceiling height in that additional area and lowering the floor level essentially putting it at a different level from the existing?

SARAH SCHAFER: I’m unsure if that conversation took place. Julie Archambeault wrote the staff report and worked with the applicant up until just last Thursday. I don’t know if there was a conversation to that extent.
COMMISSIONER SMITH: On the picture, block face and the one immediately following it where you see the pressboard around the foundation…is that the new proposed addition?

SARAH SCHAFER: I believe so. I believe that’s the start of the framing of the proposed addition.

COMMISSIONER SMITH: Is that approved?

SARAH SCHAFER: It is approved to a certain extent. In 2007 they did receive approval for the addition. What we’re looking at now is what would be the truss form. They’ve probably gone ahead and established the wall lines. We now are discussing the trusses that would go on and whether that ridgeline would continue or if they would have a ridgeline that is subservient to the existing ridgeline.

COMMISSIONER SMITH: Okay. Is there an arborist report?

SARAH SCHAFER: I have not seen one.

COMMISSIONER DAWSON: I’m noting in the drawings that were approved and the drawings that are submitted for this reconsideration there’s a little hip there. A door coming off the addition that’s not reflected in what I can see in the construction of that addition as it is now. That hip would be added later or once the roof pitch trusses are finally determined. Is that correct?

SARAH SCHAFER: That is correct. My guess is they’ll go back and cut the openings. The windows and door. The roof trusses will reflect that other gabled end for over that entry on that street side.

SITE VISITS

Commissioners Dawson, Sewell, Chandler, Pooser, McFadden and Smith visited the site prior to the hearing. Commissioner Truslow did not visit the site.

TERESA HARRINGTON (Applicant): No objections to site visits.

CHAIRMAN POOSER: Would you like an opportunity to review the minutes from the previous hearing?

TERESA HARRINGTON: I would like to go ahead. The drop roofline, as she explained, was a point of issue per the neighbor. He was the one that initially brought it up. We complied. The plan was always that there would be a bonus room on the second level. Through the course of construction as commonly happens new information was had. I can only accommodate a 6 ft. ceiling with a 12 inch drop in the roofline. The 12 inch drop is what was approved last summer. This makes the space unusable for the homeowner and cannot legally be counted as square footage. This makes it a significant impact to my investment and the overall quality of the project. It represents about 10% of my total square footage between the existing and the addition. This is new information. We were complying with the historical districts recognition of the dropped roofline and differentiating the old from the new. We came back with a matched...
roofline because we still did have the recessed wall plane which in the guidelines one of the points specifically gives the example of recessed wall planes only as a way to differentiate the old from the new. I talked to my builder and he feels confident that he can still get a 7 ft. ceiling if I drop the roofline by 2 inches rather than by 12. That would accommodate the district and give me the 7 ft. I need to count as square footage, which was always planned. I’m confirming that we are at a stopping point. We can move forward from what is decided here.

COMMISSIONER CHANDLER: Have you explored the option of lowering the floor?

TERESA HARRINGTON: Yeah. It will be below 8 ft.

COMMISSIONER CHANDLER: It appeared to me in the drawings and also when I was there that the floor of the existing house is elevated above grade. It would appear to me that if you dropped the floor of the addition down to grade or slightly above that you would be able to essentially drop the entire addition down…I don’t know how many inches, but certainly more than just 2 inches and therefore be able to get more of a differentiation in that ridgeline. Have you explored that?

TERESA HARRINGTON: Unfortunately another surprise that’s come up when we took off the lap and plaster the beams supporting the second floor were only 2 x 6 and legally by code they have to be 2 x 10. We had to drop it another 4 inches making my ceiling on the main level just at bare minimum of 8 ft. It would severely compromise the main level which is the bulk of my project if I were to go any lower.

CHAIRMAN CHANDLER: I’m still not sure if you’ve addressed my question and that is lowering the floor of the addition.

TERESA HARRINGTON: The floor is done.

CHAIRMAN CHANDLER: So you put in the floor, put in the walls before you realized you had a problem with the trusses?

TERESA HARRINGTON: I’m going with my contractor on that and that’s the order in which things happened.

COMMISSIONER CHANDLER: Have you had an arborist look at the tree?

TERESA HARRINGTON: No. I don’t feel that it contributes….

COMMISSIONER CHANDLER: It appears to me that you’ve got a reasonably old evergreen there and as many evergreens do as they get taller many of the shed a lot of their lower limbs over a period of time. It would appear to me that with some pruning the lower part of that evergreen that has some less attractive limbs to it could probably pruned back and the upper limbs retained. If it’s not diseased or something of that nature. You might want to consider getting a professional to take a look at that.

COMMISSIONER DAWSON: I’m looking at Page 24 of our packet which are the truss details. My unschooled mind sees between the ceiling line of that truss and the floor 7 ft. 2 inches.
TERESA HARRINGTON: That would be if I got the matched roofline.

COMMISSIONER DAWSON: So these are the matched roof design not for the other one?

TERESA HARRINGTON: That’s right. By going down 2 inches I would sacrifice about 25 sq. ft. because they would have to move more of those 5 ft. walls in. In this proposal I think its 9 ft. 2 inches. That would come down to 8 ft. something. In terms of the square footage I would get in that bonus room if I drop it by 2 inches versus having a matched roofline.

NO PUBLIC TESTIMONY

NO STAFF REBUTTAL

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: The first thing I’ll state that is easiest to move through is I don’t believe it’s appropriate to move the tree that’s there given the information that we’ve been presented at this point. With regard to the request to raise the ridgeline or to keep it 2 inches below the existing…while I understand the applicant’s request for a bonus room on the second floor that is not the basis on which we considered the original approval on this. I agree with Staff that it does present a significant change to what is not the primary façade, but is certainly a very significant façade along the side street given this is a corner lot. If the applicant was to come up with another way to achieve their desired space up there…but at this point if and what is presented to use I don’t feel as those I could be in favor of this proposal as presented as far as the continuous ridgeline.

COMMISSIONER McFADDEN: I concur with Commissioner Chandler. I know the floor has been built and it would be a huge hardship to lower that floor at this point, but that does seems like it would have been a good solution in order to keep that roof dropped. Based on going back to the minutes the discussion on the last application was that to have that differentiation between the old and new by that drop particularly since it is on a corner lot and it is basically a character defining façade even though it’s a secondary façade. I’d also like to weigh in on the tree. Without an arborist report with information saying it needs to come down I’d like to see it saved as well. What they’re doing to that house is looking and good efforts are being put in on it.

TERESA SOBOTKA (Legal): Please put the minutes from the last hearing in as evidence.

COMMISSIONER POOSER: Minutes of July 23, 2007 will be marked as Exhibit 1. That also includes some additional discussion on August 13, 2007. I have a question for Legal. This is a brand new application and we’re not confined to Findings from the last application?

TERESA SOBOTKA (Legal): No you’re not.

CHAIRMAN POOSER: I’m not concerned about the differentiation. There’s already a jog where the addition is coming. That’s sufficient differentiation to reflect the old and the new. The massing is a legitimate concern. Keeping the proportions of it… I don’t have the same
concern as my fellow Commissioners. Keeping the roofline the same would be congruous with the existing home as well as the District. I agree on the tree. We need more information to justify its removal and we don’t have that in front of us.

COMMISSIONER SEWELL MOVED TO DENY DRH08-00256 BASED ON STAFF’S CONCLUSIONS AND RECOMMENDED CONDITIONS.

CHANDLER SECONDED THE MOTION.

COMMISSIONER SEWELL: My motion for denial was based on the minutes from the previous hearing and the discussion here tonight in regard to the project.

COMMISSIONER CHANDLER: While it’s unfortunate that the applicant didn’t determine the difficulty they were getting into with regard to utilizing the second floor as livable space it is reasonable that something of this nature should become apparent not only possibly through the design process but also earlier in the construction process if it’s deemed to be of vital consideration to the applicant’s economic viability of this project. It seems very late in the project for this problem to arise and for us to decide to change what we considered to be a reasonable proposal over a year ago.

COMMISSIONER SMITH: While I agree with my fellow Commissioners that it’s too bad this problem wasn’t found earlier, I do think it behooves us to recognize that this problem does exist and one of the charges that we have is to ensure that livable space does exist in homes such as this. Pursuant to our earlier discussion tonight it seems to me that we should try to find a resolution to this problem that creates livable space. That being said I can’t vote to approve this application without more information on the tree. I don’t see the logic in cutting that down. I would be inclined if the applicant did come back to us with an arborist report or some better plan or a landscaping plan to allow her to go forward with the roofline and create livable space up there. I will vote to deny the plan, but only for the reasons that the tree is not addressed.

ROLL CALL VOTE 6:1. MOTION CARRIES WITH CHAIRMAN POOSER AGAINST.

DRH08-00261 / Jim Valentine / 1001 Hays Street
Requests Historic Preservation approval to provide an off street parking space in front of the main structure on property located in an R-3HD/CD (Multi-Family Residential with Historic Design Review and Conservation District Overlay) zone.

MATT HALITSKY: The applicant is proposing to provide a single on-site parking stall. Here we have a site plan of the house with the parking stall off of 10th Street. As proposed it would be un-mortared brick pavers to allow grass to grow up between the pavers. It’s also, in Staff’s opinion, located at the most unobtrusive spot. It’s considered the rear although the front (inaudible). Staff recommends approval of the proposed parking pad based on the fact that the changes proposed are easily reversible and would not damage the interior of the home in any way. We did receive several e-mails and a fax in opposition.
1. A fax from C.J. Miller. He opposes it based on the Residential Design Guidelines as well as safety hazards for high school students in the area.

2. An e-mail from Sebastian Hargrove, Jennifer Stevens, Debra Ellers in opposition based on the Residential Design Guidelines and the City Comprehensive Plan.

COMMISSIONER POOSER: How many e-mails should I have?

MATT HALITSKY: Three e-mails and a fax.

COMMISSIONER CHANDLER: The application states that they are applying for one off-street parking space. On Page 11 of the application, off of 10th Street the rectangle that has dimensions on it that I think is this parking space I read as 18 ft. by 49 ft. Is that the space in question?

MATT HALITSKY: That’s correct.

COMMISSIONER CHANDLER: In that a typical car is about 7 ft. wide isn’t 18 ft. awful wide for a single car parking space?

MATT HALITSKY: It is in excess of what a typical space would be. Depending on the future of the applicant if this were an office and they were to provide perhaps an accessible space this rectangle would meet that.

COMMISSIONER CHANDLER: In reading this diagram there are two lines that have 18 ft. forming a square that is next to what appears to be 10th Street. What is the line that is labeled 71.7. What does that represent?

MATT HALITSKY: If I were to take a guess I would say the lot line and then access would be the right-of-way. We may want to ask the applicant.

COMMISSIONER CHANDLER: So the 18 ft. by 18 ft. square would actually be in the public right-of-way would be you interpretation.

MATT HALITSKY: That’s a possibility.

COMMISSIONER CHANDLER: So the fact that the application says one off-street parking space the space that would be converted to hard surface, some of which may be sidewalk at this point would actually be 31ft. by 18 ft. is a more accurate representation as to the size is that correct?

MATT HALITSKY: That’s correct.

COMMISSIONER CHANDLER: There’s no indication that I can find in here, nor in what you’ve stated as to what the surface would be other than brick pavers laid such that grass could grow between them. We don’t have any diagrams on that. I’m not sure exactly what I should be envisioning when we say brick pavers that would have grass growing between them in that if brick pavers that are commonly referred to as sand set pavers are not put tightly together they are certainly nothing that’s going to stay stable when you have a car driving on them. Do you have
any further information as to exactly what this surface is going to look like and what size of brick pavers and how would they be supported structurally?

MATT HALITSKY: Unfortunately not.

CHAIRMAN POOSER: So the actual dimensions of the parking area are going to be 18 ft. by 67 ft?

COMMISSIONER CHANDLER: 18 ft. by 31 ft. if that 71.7 line is the property line. The other 18 I would interpret as being out into the right-of-way and it apparently is contributed to turning space or something.

CHAIRMAN POOSER: I’m thinking that might be the fence line.

COMMISSIONER McFADDEN: If they put a curb cut in here will they be eliminating a parking space on the street?

MATT HALITSKY: To be honest I don’t know.

COMMISSIONER CHANDLER: When I visited the site I didn’t have ready access to the diagram here so I did not determine what vegetation would be removed. To what extent are there mature trees of any size that would be removed where the parking area would be?

MATT HALITSKY: Based on the application when we asked about vegetation or mature trees being removed they did not indicate any.

COMMISSIONER SEWELL: This is in an R-3D zone. Is a commercial use a straight allowed use in this zone?

MATT HALITSKY: It is not a straight allowed use. I believe an office would require a conditional use permit.

COMMISSIONER SEWELL: So if down the road they were going to convert this to commercial use they would have to satisfy commercial parking requirements or request a parking reduction?

MATT HALITSKY: That’s correct…or request a variance for that.

COMMISSIONER CHANDLER: What is the use of the structure currently?

MATT HALITSKY: I believe it is residential use.

COMMISSIONER CHANDLER: Single-family residence?

MATT HALITSKY: I believe so. Yes.

COMMISSIONER CHANDLER: It appears to have what could be construed as a primary entrance both on 10th Street and Hays Street. They both lead into the same interior space.
MATT HALITSKY: That was my impression, but we may be able to ask the applicant.

CHAIRMAN POOSER: So there’s no existing parking, correct?

MATT HALITSKY: There is no existing parking on site.

CHAIRMAN POOSER: As a residence if this was going to be a new building they would be required to have two spaces.

MATT HALITSKY: Two spaces. That’s correct.

COMMISSIONER CHANDLER: For this type of installation to get a building permit and this is not under the purview of the Historic Preservation Commission, but I’m feeling a little lost with out a lot of information being put forth here and usually we see some sort of architect’s designer plans and all we have at this point is something that indicates Group One on it. There would need to be some engineering or something done with regard to that before a permit could be issued. I understand that’s not our issue, but…

SARAH SCHAFER: The building department does not require permits on flat work. Depending on how much space is disturbed they might need an erosion and sediment permit but that would be the only permit we would require.

CHAIRMAN POOSER: Is Staff’s recommendation based on approval of one off-street parking spot or is it just off-street parking in general.

MATT HALITSKY: Julie’s recommendation was for a parking pad with the dimensions given.

CHAIRMAN POOSER: Do you have any observations about whether it can accommodate one car or four cars?

MATT HALITSKY: It is large enough to accommodate two cars.

COMMISSIONER McFADDEN: Is it 49 ft. deep?

MATT HALITSKY: That’s correct.

COMMISSIONER McFADDEN: So theoretically you could put 4 cars on there…tandem parking?

MATT HALITSKY: Per the code you’re not suppose to park within the setbacks so I would think no.

CHAIRMAN POOSER: What’s the setback?

MATT HALITSKY: 15 ft.

CHAIRMAN POOSER: Is that 15 ft. from the sidewalk?
MATT HALITSKY: From the lot line.

CHAIRMAN POOSER: Which would be the street?

MATT HALITSKY: It would be internal to the sidewalk.

CHAIRMAN POOSER: Internal to the sidewalk.

MATT HALITSKY: Yes…give or take.

SITE VISITS

Commissioners Sewell, Chandler, Pooser, McFadden and Smith visited the site prior to the hearing. Commissioner Truslow did not visit the site.

COMMISSIONER DAWSON: I will be recusing myself from deliberation on this as I work in the same office as the applicant’s representative.

COMMISSIONER CHANDLER MOVED TO ALLOW COMMISSIONER DAWSON TO RECUSE HERSELF FROM THIS AGENDA ITEM.

COMMISSIONER SMITH SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.

STACY BAHRENFUSS (Seller / Applicant’s Representative): Distributed packets to Commissioners. I wanted to clarify the driveway and the grass/brick that was explained in the application. Here are a couple of pictures along the lines of what we were thinking…cobblestone or grass brick to match the historic look of the property. I’ve also included a diagram which is highlighted in red of other off-street parking in the area. Again, just to clarify the small request that we’re making compared to the other large parking lots around the area. We want you to consider the necessary parking space for this unique property. It’s been a large challenge in selling this because there is no parking. With the house being vacant many maintenance issues have occurred. The boiler with pressure built up and all of the radiators have split and things of that nature that with the parking space we would be able to get the house occupied. With other proposals that we’ve had we’ve had other people wanting to turn it into a commercial site or office space and this applicant wants to use it as his primary residence and have his office space in there as well. That’s all I have.

COMMISSIONER CHANDLER: In looking at the photos this one is definitely cobblestone and is definitely mortared. I would have a hard time seeing grass growing in that. The one looks like a vertical application of some kind of concrete imitation, it’s mortared. You’re labeling a driveway grass brick. I would need to see some specifications on this before I would be convinced that this is something that’s going to work and have anything growing between it because my experience shows me that’s not going to work here. Do you know the brand? Can you tell me anything more about this?
STACY BAHERNFUSS: In getting this approval I would definitely be able to provide you with more information if it’s doing the test on the soil and the (inaudible) they had specified if that needs to happen. Whatever needs to happen to get the driveway historic we would definitely do the research and provide you with that. This was more just wanting to provide you with the idea of what we’re trying to pursue whether its grass brick or cobblestone.

CHANDLER: Can you help me understand the page that’s labeled parking site plan. We have 10th Street and Hays identified. The lines that are closest to the word Hays and the number 10th does that represent the curb line, does that represent the property line…there’s no identification as to what it represents.

STACY BAHERNFUSS: That is the curb line and the 71.7 that you see is the lot line of the actual property.

COMMISSIONER CHANDLER: So the 18 ft. that’s noted on here is the distance from the lot line to the curb line on 10th and Hays Street?

STACY BAHERNFUSS: Correct.

COMMISSIONER CHANDLER: Can you lend some sort of information to us or understanding as to why this needs to be 18 ft. wide for a single-car parking area.

STACY BAHERNFUSS: It does not. It was more along the lines of explaining the space that’s available if we wanted to utilize that or if we were able to utilize that. We would be able to make that smaller obviously to fit one car.

COMMISSIONER SEWELL: So the 18 ft. that is between 10th Street and the property line is in the public right-of-way and I think that you’d need to get approval from ACHD for the curb cut.

STACY BAHERNFUSS: Correct.

COMMISSIONER SEWELL: I don’t know if you’ve talked to them yet, but do they allow this type of grass pavers within that right of way and for their curb cut or do they require concrete?

STACY BAHERNFUSS: I don’t have that information available at this point.

CHAIRMAN POOSER: I’d like to make sure I understand the dimension and the 49 ft. which is at the bottom of the schematic that goes from the lot line to the edge of the parking closest to the building. That’s 49 ft. is that correct?

STACY BAHERNFUSS: The 49 ft. on the length of where the drive would be?

CHAIRMAN POOSER: Is that the total length of the drive?

STACY BAHERNFUSS: That’s the total length if you park the car all the way up to what would be the porch. What we were trying to do is give you an idea of the space available and then keep our parking within that space.
CHAIRMAN POOSER: So the 49 ft. is from the curb all the way to the end of the parking space?

STACY BAHRENFUSS: Correct.

COMMISSIONER SMITH: Due west is Cathedral of the Rockies parking?

STACY BAHRENFUSS: Correct.

COMMISSIONER SMITH: Next door is what?

STACY BAHRENFUSS: To the east of that parking?

COMMISSIONER SMITH: Right.

STACY BAHRENFUSS: Is the North End Professional Center.

COMMISSIONER SMITH: Okay.

COMMISSIONER CHANDLER: To review the question that Commissioner Smith just had did you ask what was due directly west of the…

COMMISSIONER SMITH: If I have my directions correct I understand this to be the Cathedral of the Rockies parking.

COMMISSIONER CHANDLER: I can’t really see what you’re looking at. There’s a building that’s on Hays Street directly…

COMMISSIONER SMITH: Right. Then she said there was the North End Professional Center.

COMMISSIONER CHANDLER: I understand.

COMMISSIONER SEWELL: This might also be a question for Staff, but based on the 49 ft. dimension that you indicated from the curb line to edge of the parking area…18 ft. and then the required 15 ft. parking setback that’s 33 so that leaves only 18 ft. by 16 ft. parking area if that’s in compliance?

STACY BAHRENFUSS: Can you repeat that?

COMMISSIONER SEWELL: The question is whether or not you’d require a variance to the proposed parking based on this 49 ft. dimension.

STACY BAHRENFUSS: That’s my understanding that this would be the next step in the process.

COMMISSIONER CHANDLER: There’s no dimension on here showing how close this would be to the property line that it is parallel to for the house that’s next door. What’s the dimension there?
STACY BAHRENFUSS: The property itself?

COMMISSIONER CHANDLER: The driveway is very near the property line which I think must be south or southwest on this. What’s the dimension?

STACY BAHRENFUSS: I don’t have that dimension to the property directly south of the Hays house.

COMMISSIONER CHANDLER: I think your response earlier is you’ve done nothing so far as far checking into what ACHD requirements are as far as what apron would be needed on either side of this 18 ft. curb cut if they were to allow it.

STACY BAHRENFUSS: I’ve only talked with them briefly. I haven’t been able to talk to them further about what the material they would use would be.

COMMISSIONER MCFADDEN: It appears that we’re sacrificing a parking space on the street to get one close to the house. My question would be why?

STACY BAHRENFUSS: We were informed that to have a home occupation permit approved with one employee that we had to have one off-street parking space if we were going to use 500 sq. ft. of the property for the business occupation so that is why we are pursuing the one parking space.

COMMISSIONER CHANDLER: Are seeking a variance for that requirement?

STACY BAHRENFUSS: Yes.

COMMISSIONER CHANDLER: At this point you haven’t. You’re pursing this before you pursue that.

STACY BAHRENFUSS: Yes. That’s how we were recommended to handle the process.

CHAIRMAN POOSER: We need to get a few items into the record. The packet that the applicant gave us is marked as Exhibit 1. The comments that were submitted to Staff, the comment from C.J. Miller as Exhibit 2, Debra Ebers as Exhibit 3, comment from Sebastian Hargrove is Exhibit 4 and the comment from Jennifer Stevens is Exhibit 5.

PUBLIC TESTIMONY

JIM WALKER: I’m in opposition to this application. The primary reason is sidewalks that are real important to the neighborhood. My family and I live up the street about two blocks. The main place we have to keep our senses keen is at streets and alleyways. You add more and more driveways and curb cuts and there are more and more places we have to keep our senses keen. It reduces the pedestrian friendliness of the sidewalks. Looking at that drawing up there at 49 ft. it doesn’t quite meet the setback requirements, but it allows for tandem parking. I foresee tandem parking down the road where you have one car pulled in all the way and another car that blocks the sidewalk. I just know that’s the way things happen because there have been some curb cuts
throughout the North End where that does occur. You walk down the sidewalk and the person parks in tandem and one car is blocking the sidewalk. I also will let you know I have a curb cut in my side yard and as soon as I can I’m going to get rid of it because it’s a place where the high school kids use as a turnaround. If they’ve missed their turn or see a parking spot somewhere behind them they’ll use my curb cut for a turnaround. It becomes a danger to bike traffic and to vehicle traffic. I believe this is a Tourtellotte and Hummel home. I’ve been through it a few times. I was in it with the owner previous to the owner that the agent represents. Art was a psychologist and ran a business out of there. I’ve seen a lot of blueprints from Tourtellotte and Hummel homes. I’ve never seen an elevation that included a driveway and a side yard. I don’t want to live in a neighborhood where parking is allowed in the yards. If I wanted that I’d move to Meridian. I stand in opposition to this.

JIM VALENTINE (APPLICANT): My wife and I are the proposed buyers of this property. Basically our goals both short and long term…I’m a physician, I have an office in Nampa and I’m currently starting to practice more at St. Luke’s. I need to have a residence close to the hospital and also office space. My short term goals are to remodel the inside of the home and update the heating system, plumbing that’s broken…it’s gone to disrepair the two years that this has set idle. Ultimately put in a master suite. So our short term goals are to do a part time office there while we remodel. Hopefully the housing market in Nampa and around will improve and we can sell our home in Nampa and move here. The next little bit, 2010, St. Luke’s has got a new office building that’s going to be constructed and then to move my office into that full time and then live in this residence full time. That’s why we’re using the home occupied 500 sq. ft. I’m a surgeon and I don’t see a lot of patients during the week and I really only need one office space. The reason I would like an off-street parking space is I’d like to be able to park if I roll in at 1:00 in the afternoon and the streets are filled with high school kids I want to be able to park at my house. Granted we’re taking one off-street parking to allow for this but again I think none of you would like to drive up to your home and couldn’t pull into your house. As for curb cuts if you look at all the adjacent properties, directly across the street which actually used to be the carriage house for this house back in 1911 when they built it is actually a dental office now and has parking on the front, which the address is on Hays street which would be the front yard. This is actually on the side street or not the addressed street of 1001 Hays. If you look at the house across the street which is the old Governor’s Mansion, it has a curb cut and a garage in the side yard which is the opposite this on 10th Street. If you look at the house cattycorner to it has a curb cut in the side street. Again on Hays Street they don’t have any curb cuts, but on all the side streets all the adjacent homes do have curb cuts. They either have it for direct parking for an office or for access to their garage. You asked if there are any trees that need to be removed. There is about a four inch diameter tree that is sitting between the sidewalk and the curb and the little green space there that would need to be removed. The side wise as in geometry we picked that. When I think through it I realistically think you could put to small minis in there. You could probably put two of those in there, but one full size. The other opportunity would be to put a handicap space in there if you need it so that you have access to get out of a handicap van. As for the grass pavers that was actually a suggestion from Julie. I’m not real aware of them either, but she said that’s a better way to look at less obstructive versus concrete paving strips or I have seen blocks that have basically big spaces between them that you can lay down. I think that’s what she’s saying but we were using that as Julie recommended that as an option. We’re open to anything you find less obtrusive and still hold up to a car driving on it. Our long term goals are to live there. My wife has always wanted to live in a historic home and one that’s 100 years old.
Unfortunately this is a deal breaker for me. We don’t get it I’m not buying it. It may sit for longer.

LAUREN MCLEAN: I’m here to ask that you deny this application. I come from a funny position. If this isn’t approved or if the first buyer walks away I’m in contract to buy this house and move my family and I into it. Either way even if you do approve it and at some point he walks away and we’re in contract to buy this house as a backup offer. My husband and I are really concerned about having a precedence set where another curb cut would be added to this historic neighborhood. I’ve given you a document and I know it’s long and I’m sorry but I wanted to put together some findings for you and I only have three minutes so I can’t say it all that would support denial for this. First I looked at the historic guidelines. The Hays Street Policy is pretty clear that the intent is to preserve the character of it’s streetscape and integrity of it’s historic structures and also it states that there should be a net decrease in surface parking areas in time as redevelopment encourages redevelopment encourages redevelopment encourages new building throughout the District. You asked some questions today about the loss of a parking space on the street. It’s a great point. One spot would go away and by creating this surface parking that could eventually become more. Also 6-1-16 is really clear that “It’s generally inappropriate to create new curb cuts to accommodate new driveways onto the street”. This is the crux of the issue that several people have spoken to. It also lends itself to some comp plan issues. The historic district design overlay findings that says the layout of the site with respect to separation or integration of vehicular, pedestrian and bicycle traffic patterns should be regarded. The design of off-street parking facilities as they relate to access points, building location and total site development should prevent traffic conflict or congestion. This is a house, alleyway and office building away from the high school and a main thoroughfare for people from the North End that are biking and walking to Boise High…where my children would be walking as well. Also 2-2-13 says that “Paved asphalt or other comparable material shouldn’t be used if visible from rights-of-ways”. This is a unique structure in that both sides are beautiful and they face the streets and they look like the front. Whatever is put here will be visible from Hays Street as well as from 10th Street. The Secretary of Interior Guidelines on Page 105 addresses historic relationships, “New construction on the site and historic relationships of the site”. This has been expansive yard and of course landscaping will be removed…some shrubs and trees. The Comp Plan is pretty clear in this area. It’s a transition district yet indifference has typically been given in preserving single-family homes. This was a physiologist office with no parking for 17 years. He lived in it. There is the intent that this will remain a single-family home, but regardless of what happens tonight if my husband and I become bound to buy this house we’re concerned that the ability to have a curb cut here regardless of whether or not we installed it…because we wouldn’t…but the approval to have a curb cut here could then be looked at later on with another one of the few remaining historic homes to have another curb cut in the area. I did want to point out that the house at 10th and Fort Street sold just this spring with no garage, no parking to a single-family and so I think this is an urban area where parking is definitely an issue but there are people willing to live without the convenience of a driveway.

CHAIRMAN POOSER: I’m wondering about Commissioner Sewell’s question about if this total on the site plan, Page 11, if we’re looking at 49 ft. and we take 18 ft. to the lot line that means we’ve got 31 ft. If you take the setback and you’ve only got 15 ft. then you’ve got to consider the side setback as well?
MATT HALITSKY: It would be required to have a 3 ft. side setback.

CHAIRMAN POOSER: So we’re really talking about as proposed a 16 ft. by 16 ft. parking space. Does that sound about right?

MATT HALITSKY: That would be substandard for a regular parking space. It sounds like they had talked to Julie and that a variance was required. That wasn’t in the staff report, but that easily applied to (inaudible) a parking space on site. If they’re going to pursue a variance you could go either way with it.

CHAIRMAN POOSER: Then the home occupation typically requires one parking off site?

MATT HALITSKY: That’s correct.

COMMISSIONER SEWELL: In regard to the permitted parking in that area what exactly is that? Every building owner given a permit to park along there…it looks like there’s a red area and an orange area. Any information on that?

MATT HALITSKY: To be quite honest I don’t have any idea.

COMMISSIONER SEWELL: So there’s no permitting in there that guarantees a building owner a parking stall in front of there property?

MATT HALITSKY: I don’t think so. Not that I’m aware.

CHAIRMAN POOSER: The packet that Ms. McLean provided is going to be marked as Exhibit 6.

NO APPLICANT REBUTTAL

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: There’s a variety of considerations on this particular item, but first and foremost I don’t consider this a complete application because we been spending so much time just talking about the site plan and trying to figure out what is what. What the setbacks are, what ACHD would require, I don’t believe we’ve been given enough information even to make a decision regardless of whether or not we feel that this is an appropriate use to let the applicant put a curb cut in and we don’t know whether ACHD would allow or not and convert some of the vegetation to hard surface for parking. At the very least I would think that we are entitled to see a site plan showing exactly what is proposed and how it relates to the structures, how it relates to the property lines, the various things that just need to be done. What is shown in the handout that was given to us as far as the servicing I understand the applicant is open to whatever, but again, at this point it like whatever…it’s not our place here to decide what and recommend what can be used. We can help an applicant by guiding them in directions, but it’s not our position to say, “This is what you use under this particular circumstance with regard to hard surfacing or anything else”. I cannot support this application simply because there’s not enough information here for us to make a decision on. We’d be approving a Certificate of Appropriateness to do something that we really don’t know what the end product is going to be given what the application states.
COMMISSIONER SEWELL: I appreciate Commission Chandler’s comments and would agree to some extent that the application certainly doesn’t have all the information, but I would think that based on the conversation that we’ve had with the applicant and working through the site plan and proposed materials for me the question comes in regard to allowing a curb cut that would essentially create one park stall based on the application, but that would also eliminate one existing parking stall on the street which to me doesn’t make a whole lot of sense. In addition to the information that was provided by Ms. McLean referencing some of the specific sections in the guidelines, ordinance and comp plan certainly that the curb cut isn’t something that we see within the area incongruous. Based on Staff’s analysis and the conversation we’ve had here…and with the applicant and other testimony I would not be in support of this application.

COMMISSIONER SMITH: Not very long ago we had a similar discussion about a parking lot about a block and a half away and as I vaguely recall I was the lone descending vote where this Commission decided that the YMCA couldn’t have a parking lot. I believe at 12th and Hays. That decision was reversed in record time by City Council. It seems to me that we have to be practical that this to be a single-family residence this house needs a parking pad. I think enough information has been presented and I’d be willing to bet that if we reject it today the reversal of this Commission by the City Council will be just as swift. I have seen all the comments about how allowing certain places to park in the near North End is not congruous and is against a variety of historical regulations that we follow once in awhile. It seems to me that if we take the charge that at least some of us have had when we were appointed to this Commission to make the near North End friendlier for residents we have to allow people a place to park. With all due respect to the Boise High students that might have to walk another block that’s too bad because parking in the near North End for those who live there is a problem particularly around Boise High School. I will vote in favor of this application.

COMMISSIONER SEWELL: Some additional comments in regard to Commissioner Smith’s comments. One, introducing a curb cut is more of a traffic hazard than requiring a potential owner of this property to have to park elsewhere. Any car backing up with people traveling to and fro to school around this area are certainly more at risk with a car backing up than someone pulling into a spot on the street. I don’t have a concern with the potential of this Commission denying this application and that moving to perhaps an appeal to City Council. The information that we have before us certainly is not in compliance and is incongruous with the neighborhood. The potential for a commercial use will have to go through another Commission to get approval. Planning and Zoning will need to approve that. Home occupation will require another approval. There are processes in place within the City that variances can be made for parking reductions and other types of uses like that so I just don’t see where allowing this for a potential use down the road is a good thing for the area.

COMMISSIONER McFADDEN: I tend to concur with Commissioner Sewell. I feel that where this is a transitional area that we do make some exceptions sometimes and I do understand that we do want it to be more friendly for residences but that also means more friendly for their neighbors too and that adding this curb cut would be a detriment to that street so I will not be supporting this application. I would also like to say I agree with Commissioner Chandler that we don’t have the proper information that we need to make our decision because we are missing some pretty significant dimensions on the site plan. Also some detail on the product that is proposed. We have some ideas of what it might look like, but not specifically what it is. We would need more information to approve it anyway.
CHAIRMAN POOSER: I’m not going to be supporting the application either, but I’ve got some different comments from my fellow Commissioners in large part. I completely agree with Commissioner Chandler. I don’t think there’s enough information here for us to make a good decision based on the application. I’m in favor of this property having a parking spot. I used to live in this area and I know how difficult it is to park around there particularly with respect to Boise High and how frustrating it is to find a parking spot. I believe that if there’s going to be a curb cut here the parking space needs to be minimal and it needs to accommodate just one car. I would be in support of an application that came forward that would accommodate just one car that would meet the setbacks that would be friendly to the property that would not have a concrete or permanent spot for the space. The idea of having some kind of blocks with grass is an appropriate idea, but we have to look at this property specifically and it has absolutely no parking. There’s no place for parking other than what’s been proposed. The general area is fine. If you own a house you ought to have a parking spot and a private parking spot and if while we’re taking one away from the street we’re gaining a private spot which is important for any person with a piece of property and residence in this area. This is a transitional area and a curb cut is not going to be detrimental to the area if it is tailored to a single spot and is less intrusive than what is proposed. I will be voting to deny the application for the reasons we don’t have enough information before us and that a smaller parking spot is more appropriate than what has been proposed.

COMMISSIONER CHANDLER: One comment that you made that I disagree with is that while I agree with you as far as denial on it this being a property that historically has never had off street parking at least that we can tell. It may have at some point in the past before this lot was obviously split we look at the Sanborn Maps and it obviously at some point was longer but from what we see now it has been split. Regardless of that one of the speakers indicated he would not be buying it if this did not have it. That is his prerogative. There is another person who indicated they would be interested in it without off-street parking. I don’t think just because a home exists without it one is entitled to do something which may be contradictory to the Historic Preservation Guidelines to have a parking space because it’s to each their own. I don’t think I would buy a house that didn’t have some sort of off-street parking but I always have the choice to go elsewhere also. This is something where the fact that it doesn’t have it, it was designed by a significant architectural firm and it doesn’t have it at this point it doesn’t necessarily entitle it to have one just because it’s there. I’m still against the application primarily because I consider it incomplete.

COMMISSIONER SMITH: Just responding to Commissioner Chandler. I thought I heard several people say here tonight that this house couldn’t be occupied without a parking space. Did I miss here?

CHAIRMAN POOSER: I believe some of the comments were that if it was going to be owner occupied with a business that it would require at least one spot or a variance to have none.

COMMISSIONER SMITH: But right now without a variance an owner occupier with any sort of business could not occupy this house? Do I understand that correctly?

CHAIRMAN POOSER: That’s my understanding.
COMMISSIONER SMITH: An owner occupier as a residence with a home office or home business could not be used in that fashion without its own parking spot...that's on the variance?

TERESA SOBOTKA (Legal): That’s right.

CHAIRMAN POOSER: I’ll throw in that these guidelines were meant to be flexible and that we have to take these properties as they stand. This is a very unique property that occupies a large part of the site and considering the area there is a lot of street traffic. There is a lot of parking need in the area. That just dictates a limited exception in this particular case.

COMMISSIONER CHANDLER MOVED TO DENY DRH08-00261 FOR ALL THE VARIOUS REASONS CITED BY THE VARIOUS COMMISSIONERS TO THIS POINT WITH FINDINGS TO BE BROUGHT BACK BY STAFF FOR APPROVAL AT A LATER MEETING.

COMMISSIONER SEWELL SECONDED THE MOTION.

CHAIRMAN POOSER: I’m going to vote in favor of the denial for the reasons stated as far as the application being incomplete. That is the sole reason. I’m not voting against it because I’m against a small curb cut and a small parking space in this particular situation.

ROLL CALL VOTE 5:1. MOTION CARRIES WITH COMMISSIONER SMITH VOTING AGAINST.

DRH08-00203 / T-Mobile / 1408 N. 14th Street
Requests Historic Preservation approval to increase the height of a power pole, place a cellular antenna on the top, construct a small structure to house the associated equipment and fence the area on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. (This item was deferred at the July 14, 2008 hearing.)

SARAH SCHAFER: This application has been withdrawn by applicant with a possible re-submittal in September, 2008.

____________________________________________
Christopher Pooser
Chair, Boise City Historic Preservation Commission

__________________
Date
Historic Preservation Commission

Worksession / Hearing Minutes of September 8, 2008

Commission Members Present
Christopher Pooser, Chairman, Cathy Sewell, Barbara Dawson, Betsy McFadden, Mara Truslow

Members Present
Sarah Schafer, Matt Halitsky, Amanda Horton, Nicki Heckenlively

Consent Agenda

DRH08-00230 / Pat Bronken / 1601 N. 21st Street
Discussion and ratification of Findings for approval. (This item was approved at the August 25, 2008 worksession.)

NO COMMISSION DISCLOSURES OR DISCUSSION.

APPLICANT NOT PRESENT

NO PUBLIC TESTIMONY.

DRH08-00261 / Jim Valentine / 1001 Hays Street
Discussion and ratification of Findings for denial. (This item was denied at the August 25, 2008 hearing.)

COMMISSIONER DAWSON: For the record I recused myself on this particular application and will not be voting on it.

CHAIRMAN POOSER: On Page 2, #4 of these Findings it reads “The application is in compliance with the goals, objectives and policies of the Boise City Comprehensive Plan”. That is a typographical error and it should read, “The application is not in compliance with the goals, objectives and policies of the Boise City Comprehensive Plan”.

APPLICANT NOT PRESENT.

NO PUBLIC TESTIMONY.
DRH08-00281 / Henry Woodley / 1319 N. 16th Street
Requests Historic Preservation approval to remove the rear deck on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

COMMISSION DISCLOSURES: Chairman Pooser disclosed that his daughter attends preschool with the Woodley’s son, Joe. I have not spoken with Henry or his wife, Sarah about the application and I don’t feel like this will cause me any problems in ruling on this application.

APPLICANT’S REPRESENTATIVE PRESENT AND IN AGREEMENT WITH TERMS AND CONDITION CONTAINED IN THE STAFF REPORT.

NO ADVERSE PUBLIC TESTIMONY.

COMMISSIONER SEWELL MOVED TO APPROVE DRH08-00230, DRH08-00261 AND DRH08-00281 ON THE CONSENT AGENDA.

COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 5:0. MOTION CARRIES WITH COMMISSIONER DAWSON RECUSED FROM ITEM DRH08-00261.

MINTUES OF AUGUST 11, 2008

COMMISSIONER MCFADDEN: I was not in attendance and therefore will not vote on the minutes of August 11, 2008.

COMMISSIONER TRUSLOW: I was not on the Commission as of August 11, 2008 and will not vote on the minutes of August 11, 2008.

MOTION TO APPROVE CARRIES.

_____________________________________________
Christopher Pooser
Chair, Boise City Historic Preservation Commission

Date
Historic Preservation Commission

Worksession / Hearing Minutes of September 22, 2008

Commission Members
Present
Christopher Pooser, Chairman, Scott Chandler, Barbara Dawson, Steve Smith, Mara Truslow

Members Present
Sarah Schafer, Matt Halitsky, Mary Elizabeth Watson, Nicki Heckenlively

Worksession Agenda

• COMPOSITE WINDOWS

COMMISSIONER CHANDLER MOVED TO ALLOW THE USE OF COMPOSITE WINDOWS IN CIRCUMSTANCES TO BE DETERMINED BY STAFF.

COMMISSIONER SMITH SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.

Consent Agenda

00098 / Eric and Jennifer Swartz / 824 E. State Street
Time extension for the Certificate of Appropriateness issued by the Historic Preservation Commission on March 27, 2007. No modification to the originally submitted plans.

NO COMMISSION DISCLOSURES.

APPLICANT NOT PRESENT.

NO PUBLIC TESTIMONY.
DRH08-00291 / KAREN AND ROBERT MOORE / 1807 N. 19th Street
Request Historic Preservation approval to construct an addition to the garage and convert a portion of the garage to an accessory dwelling unit on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO PUBLIC TESTIMONY.

DRH08-00296 / ST. JOSEPH’S SCHOOL – ROMAN CATHOLIC DIOCESE OF BOISE / 825 W. Fort Street
Requests Historic Preservation approval to demolish the single-story classroom addition on the south side of the gym and construct a two-story classroom addition on property located in an L-OHD/CD (Limited Office with Historic Design Review and Conservation District) zone.

NO COMMISSION DISCLOSURES

APPLICANT PRESENT AND IN AGREEMENT WITH TERMS AND CONDITIONS CONTAINED IN THE STAFF REPORT.

NO PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE THE CONSENT AGENDA TO INCLUDE DRH08-00098, DRH08-00291 AND DRH08-00296.

COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 5:0. MOTION CARRIES.

Regular Agenda

DRH08-00295 / Matt Hanrahan / 1815 N. 10th Street
Requests Historic Preservation approval to demolish the structure and construct a three story multi-family dwelling on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

MATT HALITSKY: Here we see pictures of the existing home. It was considered noncontributing in a survey conducted in 1993. In an attempt to list it on the National Register in 1985 it was denied and in the spring of this year this Commission voted to maintain its status as noncontributing based on in appropriate changes made. Here we see a sketch of the proposed site design. The hatched area here represents the original home. As you can see the proposal is
for a larger building. However, it maintains the general shape as well as the large setbacks from the corner. The building itself is proposed at three stories with underground parking and a large gable roof. The third story is set back from the other wall planes so that there is a wrap around porch on all four sides. These are some color rendering. There are some additional rooflines and on either side for added architectural interest staff has recommended additional design detail as conditions of approval that the applicant is amendable to just to provide that addition architectural interest. The proposal will require a setback variance from the rear property line as well as a rezone to R-3 which the commission supported by a motion at the prior hearing. Regarding the demolition and the design which is being considered tonight Staff recommends approval as conditioned.

CHAIRMAN POOSER: It looks like we had an e-mail in support of the proposal.

MATT HALITSKY: We did have an e-mail from John and Genie Swyers. They are in support of the application. They live across the alley.

CHAIRMAN POOSER: We will mark this as Exhibit 1.

COMMISSIONER CHANDLER: One of the site specific conditions of approval that you suggested is a more pronounced front entry. Can you shed a little light on what you’d be looking for?

MATT HALITSKY: We would be looking for a more pronounced either front porch or perhaps some steps leading up to a front entry. More defined that would say that area is the front entrance as opposed to one of several entrances around the building.

COMMISSIONER CHANDLER: To interpret that a larger…I can see what you’re saying that it’s a little larger, but not much than some of the side porches that are there. So you’re not looking for anything specific just something that you’d ask the applicant to come up with to propose to you?

MATT HALITSKY: That’s correct and they are open to working with us on the different conditions as far as the gable end.

COMMISSIONER DAWSON: I had a similar question in the site specific condition e. The third floor railing shall be more transparent. It appears that it is a stucco of some sort.

MATT HALITSKY: A stucco wall. That’s correct.

COMMISSIONER DAWSON: What could you envision that being instead?

MATT HALITSKY: We were something along the lines of perhaps wrought iron. Something that would be more transparent. I wasn’t necessarily thinking around the entire home, but just something to open it up so it doesn’t look like a stucco wall around all four sides.

CHAIRMAN POOSER: I also have a question about the condition of approval d. The contrasting treatment shall be provided on the gables ends to provide additional architectural
interest. Can you elaborate on that?

MATT HALITSKY: Yes. We were thinking something along the lines of often times with gable ends you see a different shingle or (inaudible) or some scalloped shingles or something like that, that would provide some decorative interest. They were amendable to that as well. We’re open to ideas.

SITE VISITS

Commissioner Dawson revisited the site prior to the hearing. Commissioners Chandler Pooser, Smith, Truslow did not re-visit the site.

APPLICANT TESTIMONY

CHAIRMAN POOSER: To let you know we went through the staff report in your absence and the Commissioners had several questions specifically with respect to the site specific conditions of approval that Staff has recommended. That’s essentially what we’ve done. If there’s anything you’d like to hear from Staff again. We can do that. Specifically, there are three site specific conditions of approval. The first is for a more pronounced front entry. There’s was a question asked if he could elaborate on that particular condition. Same with respect to the contrasting treatment will be provided on the gable ends and also with the third floor railing. He explained his concerns there and what he was suggesting.

CORRIN OLSON (Applicant’s representative): So you just had questions on the conditions as far as…basically we’re all pretty familiar with the case. We submitted a design but it was not congruous. We’re resubmitting a new design. We’ve altered it quite drastically. We put bays on…we’re still keeping into consideration square footage issues for economic feasibility and for the eight loft units. We’re very willing to work with Staff and the Commission on altering and implementing more architectural detail in that gabled end or whatever it might be working in cooperation with you guys. Also on the front entry porch making it larger so it’s more like the Bungalow type porches that we and maybe enhancing that façade by putting the Twin Oaks and the address in a large type plaque above that entry to really focus you in on 10th Street being the entry. My main point that I was going to talk about is we’ve looked at this property, we’ve looked at using it in this new concept...these eight loft units in the North End creating dwelling space here, walking distance to our downtown core, Hyde Park core…a very livable environment. That is seen as part of the urban plan for Boise.

CHAIRMAN POOSER: I’m wondering about the thought process that went into this new design. I thought we were pretty close on the last design. The three elements that the Commission had identified was the fenestration…the windows primarily. Some of those were incongruous with what is in the District. The roof form and then the materials… specifically with the steel. That to me just seemed like there were just some tweaks here and there.

CORRIN OLSON: Where I went with that…because at the end of the meeting it was said the design didn’t have minor tweaks that could be handled in a worksession so I took that as this needed to be a full redesign. I think that this balances quite well and I believe that the bays give it a nice kind of edge on the sides that don’t make it as boxy. I’ve looked at putting in more
transparent railings on the corners…stepping it up so that you can see through…that would be a thing that would be part of the conditions that I would like to work with anyone on in a worksession.

CHAIRMAN POOSER: Is that the second floor balcony?

CORRIN OLSON: Second floor would be about 5 ft. in on all of the corners. They would be open railing and then on the top floor it would be 10 ft. on each corner…open railing…it gives it kind of a visual…I played around with it on my plans…you can see through it so it gives it a little more visual interest.

CHAIRMAN POOSER: On the 3rd floor there’s going to be some sort of patio?

CORRIN OLSON: Yeah…it’s a wrap around patio. When I did that, I did it mainly to try and get a roof that is more pronounced. If I kept those walls all the way to the edge it creates that boxy form that we had before. Two, you can’t really get the roof pitch or a predominant roof that you could see because it would be too tall. I shrunk that in, did a wrap around porch, which I think is a great feature for living as well…a garden patio up stairs.

CHAIRMAN POOSER: How wide is that and how much space is going to be offered…between the railing and the actual structure?

CORRIN OLSON: It’s 6 ft. approximately…as far as the depth?

CHAIRMAN POOSER: Yes. The application also indicates that there were two proposals that were submitted to Staff.

CORRIN OLSON: There were. We had two proposals that we submitted initially because it was based on the design. We did that to throw out two different designs. I did one that was more Frank Lloyd Wright Prairie style…large…I did a really modern one too that I’d love to show you. It had a couple different styles of roof pitch. We ended up going with this one after talking with Staff. This is a blend between our old design that we presented at the first hearing and the implementation of the concerns of the fenestration…the window type placement, the varying roof structures…so with this you get hip roofs, 45 degree angles…you’ve got a little bit more variety…not in materials…that’s where we’re going with the last one. That’s were we had the steel. This one has the stucco, wood timber and siding as its primary elements.

DAN EVERHART (NENA): As you’ll recall in the last application I represented the North End Neighborhood Association. I am again representing the NENA in this particular application and as a brief rehash as to what has transpired since the last application when the application was denied apparently the designers went back as she stated to do a redesign and requested to meet with myself and any other interested members of the neighborhood association, which we did on the 10th of September. At the meeting on the 10th we discussed several details, but as I informed the applicant I thought that for the most part they had addressed the concerns that the neighborhood association had. They had addressed the concerns of roof, windows and walls basically. In presenting that revised design…they presented a design that had a hip roof instead of the gable roof that you see on the third floor. It was a much different perspective from the
street in presenting that hipped roof design. I suggested to them that perhaps they treat the front porch a little bit, but present their application as proposed with that hipped roof design. When I saw the application I was surprised because I didn’t think they’d changed the roof structure. The neighborhood association in consultation with myself have come to the conclusion that this particular roof structure design is not cohesive, compatible or even attractive in the neighborhood. Rather the hipped roof design was something that the neighborhood association was willing to support. The only other detail on this particular building and we’re concerned with detail. As we mentioned in the last hearing we’re not concerned with the size or the setback of the application, but rather the detailing of the application. This particular front porch, I believe, and again this is hard to...arm chair quarter back the design, but if it were me I would say that a building of this size and proportion needs a monumental entryway in order to give it some sort of depth and sense of proportion. I believe that this fall a little bit short of that and having this small entryway...which I see the argument that it could be confused with entries on other elevations. I’m not sure it would be that confusing, but for proportion sake and design sake this particular front porch detail could be rethought....the roof structure and the porch configuration are the two primary concerns of the neighborhood association. I will throw out there as I have on every other occasion that it is my opinion that this particular building does not need to be constructed. The building that sits presently there on the site is a perfectly workable building. It doesn’t need to be altered. It doesn’t need to be demolished. It is being used as it stands right now and I don’t believe that the demolition is a necessity. That being said if this is the will of the Commission that a new building be constructed on this site then the present design with a few of the modifications as suggested by Staff and echoed by the neighborhood association would be the most appropriate design for the site.

COMMISSIONER SMITH: You like the hip roof on the basic structure we’ve been shown? Or is it something else that we haven’t seen that you have seen?

DAN EVERHART: Actually that’s it right there (referring to slide). This particular elevation or perspective illustrates the building as I saw it on the 10th with the hipped roof structure and a different porch structure. This porch structure I still believe to be inappropriate. It’s too small in scale for one thing, but also it’s enclosed. What you may not be able to see in this perspective is that the front doors of the building are on the front exterior of the porch. There’s no recess...there’s no actual porch structure, but rather the doors are accessed immediately from the outside of that small porch.

COMMISSIONER SMITH: Is it the association or you own opinion that the building ought to be preserved because...

DAN EVERHART: I will fess up and say that it is my personal opinion that the building should be preserved. I don’t believe there’s consensus on the board of the North End Neighborhood Association. In fact I think there are a variety of opinions about that matter. Without perjuring myself I will say that I personally believe the building that exists currently does not need to be removed while NENA has not taken a particular stand on that topic.

CHAIRMAN POOSER: Do you remember the earlier design?
DAN EVERHART: Yes.

CHAIRMAN POOSER: In your mind this is a better design than the earlier design?

DAN EVERHART: In short yes. If pressed I would say that what we were concerned with in the first application again were roof, windows and walls. In the first application it was almost impossible to distinguish that the building had a roof structure. It looked to be a flat roof in perspective and probably from the street you wouldn’t see the roof structure at all because of the pitch and configuration of the roof structure. Actually having a roof visible adds quite a bit to the building and not a gable roof as I would reiterate. The second question was the question of the windows. The windows on the first application were varied in the extreme. There were differences in styles and configurations as well as in function and placement on all sides of the building. There was no symmetry to the building. Not that symmetry is necessarily a historic attribute, but it can lend an air of traditionalism I guess. Lastly the materials on the walls the rusted steel siding that was originally proposed was something that you don’t see typically in the neighborhood so to get back to your question we have stucco and lap siding. This to me in the basic conforms more to the design guidelines in the window style and configuration, the wall material and the roof form. I believe it does conform and is more in keeping with the code as outlined in the design guidelines and while there are significant portions of it that I would redesign that’s not really my job. To say whether it conforms with the guidelines is more appropriate and in this case I think that this structure comes much closer to conforming to the guidelines than it did before.

CHRIS GUIGON: I had a comment on a conversation with Corrin and Dan on the 10\textsuperscript{th}. Going back to the roof structure and why it was changed from the gable to the hip there was a reoccurring notion that the building needs to stay as is and be remodeled. We made the changes that were required of us at the time and added the different roof structure so that when you’re looking at the building it maintains the old building so you’re looking at a morphing of what was there and the relationship to the history of what was there more so with that new roof structure. Also we did add a more pronounced entry and are very open to working with Staff on any of the changes that we can make working off the structure we have on here now. As a side note we look at this large lot, its importance to the North End. We look at this more as a transitional piece. There’s modern parts in it and it has a lot of references to what was there and long term you can see this piece and relate it to what might be coming, what was there and it would fall really nicely into play with markers that we’re thinking of putting in the sidewalk to tell the history of the actual corner and the lot.

COMMISSIONER SMITH: Can you live with the hip roof like this?

CHRIS GUIGON: We could. Having the gable ends would add more to the square footage. The actual upstairs unit and making them more salable.

COMMISSIONER SMITH: How much more square footage?

CHRIS GUIGON: About 300 sq. ft.

CHAIRMAN POOSER: Why's that?
CHRIS GUIGON: Lofts. In this particular layout it’s more open so you have the ability to do longer lofts up in those areas.

MATT HANRAHAN (Property Owner): I’m not really comfortable presenting what I’m about to present here, but I think I need to get this on the record. I feel that Dan Everhart should be presenting his case as a representative of Preservation Idaho. He is the President of that organization. I don’t think it’s appropriate for him to come before the Commission representing the North End Neighborhood Association. He’s not a member of NENA. He cannot be a member of NENA. He doesn’t reside of work in the North End and according to the bylaws of NENA you have to either live or work in the North End to be a member. The president, according to the bylaws the President of NENA is the spokesperson for the neighborhood association. The President shall be the spokesperson or appoint someone who he deems appropriate, another member of the board to be the spokesperson. I want to get this on the record that I feel that Dan should not be provided so much weight as he has been in the past with his testimony. I think it would be entirely appropriate for him to appear before this Commission as the President of Preservation Idaho but I don’t feel he is representing the neighbors of the North End. We have a lot of positive input throughout this whole process from various neighbors in the North End and much of it you’ve seen in e-mails, testimony and whatnot. I feel that Dan is more or so presenting his opinion and his position with Preservation Idaho rather than representing the thousands of people in the North End. If it’s appropriate I’d like to for the record produce the bylaws of NENA and I also noticed on the website that there is no historic committee listed on the website and he is representing himself as the NENA Historic Committee. I don’t see that anywhere on the website and I don’t see his name anywhere on the website. Maybe he should be given as much weight as I am and maybe with my 3 minutes he could have his 3 minutes through Preservation Idaho. He has been given entirely too much weight throughout this process in his own personal opinions. It is in his intent to (inaudible) throughout the process because he wants the building to stay there as it is. As long as he can throw up these roadblocks he will continue to do so. I’m not going to stand here and fault him for doing that, that’s his opinion and he likes the building and he wants it to stay there, but I don’t think he represents the majority in this case.

CHAIRMAN POOSER: We’ll mark this packet of the Bylaws and Members of NENA as Exhibit 2.

DON PLUM: I am a member of the North End Neighborhood Association Board and I have been for six years and have been involved with the association for about 12 years. It is true that Dan no longer lives in the North End and it was a sad day when he moved out of the neighborhood. Many times we have used people to present information to the Historic Preservation Commission, Planning and Zoning Commission or the Boise City Council that do not live in the neighborhood. Typically they are financially compensated because they have been attorneys representing us. Up to this point and probably from this point further, Dan’s probably not going to be financially compensated. He probably wished he was though because of the time and energy he puts into preservation issues. The neighborhood association made a motion and approved Dan’s representation tonight.

COMMISSIONER CHANDLER: One of these has a gable end on the proposal here and you’ve
made as one of the conditions some modifications to the gable end. Just asking, in your opinion, in the modifications do you think It would be appropriate whether or not they provide any light or anything that possibly either some small windows or whether they be real or just decorative type of things be up in that gable and the reason I bring that up is after one of applicants who was speaking mentioned the attempt to replicate some of the existing features of the existing home and looking on Page 4 and Page 5, the photos that are in there I see what is apparently in the attic that there are windows up there. I’m wondering if you think that would be appropriate to have something up there whether they be true windows or something else in that gable.

MATT HALITSKY: That’s a possibility. I would want to see it first. I will add that in Staff’s opinion we liked the hipped design better, but it was our understanding that the neighborhood preferred the gable roof and that’s why we evaluated the gable, but if that’s not the case…I’m not quite sure at this point that the hipped roof is the better design.

APPLICANT REBUTTAL

CORRIN OLSON: It’s not really rebuttal…I just want to express that we’re completely willing to work with minor alterations to the current proposed design be that if we need to put the hip roof back on and be done. If we need to make the wrap around porch more transparent…we really want to, in this and in this project, show the history of this property and what it went through and where it is now and where it’s going to be in the future. We believe in change and this building is at its point and time life that it’s ready to change. We’re willing to increase the porch and we’d like to come to an agreement with Staff, the Commission and the community on a building that we can have at this lot into future for the next 100 years.

PUBLIC CLOSED

COMMISSIONER CHANDLER: That’s been an excellent discussion through the many hearings we’ve had on this project. It’s gone through a variety of iterations. All of them one way or another improving on what we previously have been brought before us. The discussion regarding hip versus gable has merit. Myself, I don’t find that one is necessarily preferable over the other. I do think that given if there is the potential for more living space with the gable than the hip that should be given some weight in our deliberations. In looking at the photographs at the existing structure on there you can look at part of it and say its gable and part of it and say it’s a hip. It’s a conglomeration of things as is typical of something that has been remodeled as many times as that has. What has been put in front of the Commission as far as the proposals and also the various conditions put on it by Staff have merit while what we see in front of us is not the final design it is close enough that we can render a decision on it and leave the rest of the decision making that needs to be done on this up to the applicant and to Staff. Given that the first part of this requires a demolition of the existing I would like to make a motion.

CHANDLER MOVED TO APPROVE THE DEMOLITION ASSOCIATED WITH DRH08-00295 GIVEN THAT THE APPLICANT HAS MET FOUR OF THE FIVE FINDINGS. THEY HAVE MET FINDINGS A., B., C. AND E.

COMMISSION DAWSON SECONDED THE MOTION.
COMMISSIONER SMITH: Last time I was very opposed to taking the building down at all. However it’s pretty clear to me that position is not practical reality and I can live with this design. I will be supporting the motion.

COMMISSIONER DAWSON: At the previous meeting we had something of a rezone motion before us. Do we need to reconsider that rezone or is that a later part.

CHAIRMAN POOSER: That was approved at the last hearing. I wish we would have fought a little bit harder for the initial design. I didn’t think there needed to be a lot to be tweaked to get that through. In comparison to the original to this design this lacks, but if this is what is before us it is congruous. The issues with the windows have been resolved. They are more congruous with the District. The roof form whether it’s a gable or a hip roof is more congruous. I wish the applicant would consider some more of the transparent railings on the balconies. I thought that was one of the better aspects of the earlier design and might bring some of that back. The entryway I’m not concerned about considering the site and the streetscape. It’s going to be quite evident from that property the way it’s configured at this point particularly because it’s raised with that sandstone blocking. The entrance is going to be quite clear. I noticed on the original design the entrance was more modern in nature. I thought it worked quite well and I don’t see an issue with having a more predominant entrance. I’ll be in support of the application given that’s what’s in front of us.

ROLL CALL VOTE 5:0. MOTION CARRIES.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00295 WITH THE SITE SPECIFIC CONDITIONS AND STANDARD CONDITIONS OF APPROVAL ADDING TO THE END OF SITE SPECIFIC CONDITION 1.B., “THE DESIGN AND CONTENT WHICH SHALL BE REVIEWED AND APPROVED BY STAFF”.

CHAIRMAN POOSER: Do we want to give Staff flexibility on the roof whether it be hip or gable?

COMMISSIONER CHANDLER: The applicant has indicated their preference for the gable and with the condition that staff has put on it that some additional design be put to it. I’m very comfortable with it remaining a gable roof if that’s their desire.

COMMISSIONER DAWSON SECONDED THE MOTION.

COMMISSIONER DAWSON: I’m fine with the gable roof. I look at the existing structure. I see the proposed gable roof as a reflection of its existence now and I can live with the gable roof.

ROLL CALL VOTE 5:0. MOTION CARRIES.
DRH08-00301 / JIM VALENTINE / 1001 W. Hays Street
Requests Historic Preservation approval to construct one on site parking stall on property located in an R-3HD/CD (Multi-Family Residential with Historic Design Review and Conservation District Overlay) zone.

MATT HALITSKY: Here we see a photo of the existing home. That would be the front and this is the side along Hays Street. Here we see the proposed site design. The proposed parking space is located toward the extreme corner of the lot. It is comprised of two concrete wheel strips about 2 to 2 ½ ft. in width with grass in the middle. Per ACHD requirements a full concrete approach is required. This will require a relocation of a small tree located at approximately this location (referring to slide). Staff recommends approval of the proposed parking pad as conditioned. Since the alterations are easily reversible and do not affect the actual architecture of the home. In addition there is no alley access to provide parking.

CHAIRMAN POOSER: I have a question about the variances. Is the applicant willing to request variances?

MATT HALITSKY: A variance is required to be able to park within the setback…the front 20 ft.

CHAIRMAN POOSER: So it’s the front 20 ft. It’s not the 3 ft. setback on the side.

MATT HALITSKY: No. It’s to be able to park within the front setback.

COMMISSIONER CHANDLER: What appears in our packet on Page 37 and 38…these are apparently approvals on applications from Planning and Development Services Traffic Services so it appears to be ACHD in both instances. They appear to be the same request, but what appears different is the lower part of it where on the left…Page 37, “Driveway will need to be paved its full width at least 30 ft. into the site beyond edge of pavement”. Then on Page 38 there appears to be the same application, but there are no amendments written in there? Is ACHD requiring that this driveway be paved its full width? That would mean that parking strips would not be allowable.

MATT HALITSKY: It’s my understanding that the driveway approach located in this area here would have to be…once you past the sidewalk this would be acceptable. The applicant might be able to distinguish between the two approvals and verify that. That’s my understanding.

COMMISSIONER CHANDLER: It certainly says, “Paved at least 30 ft. into the site beyond the edge of pavement”. I’m very confused on that.

SITE VISITS

COMMISSIONER DAWSON: I shall be recusing myself from this particular matter since I work in same office as applicant’s representative.

Commissioners Chandler, Pooser and Smith re-visited the site. Commissioner Smith received a number of e-mails at his private e-mail address regarding the application. Commissioner
Truslow did not visit the site.

MARY ELIZABETH WATSON (Legal): Can the Commissioner elaborate on the content and substance of the e-mails? Were the e-mails sent to the entire Commission?

CHAIRMAN SMITH: It looks to me like they were sent to the entire Commission.

MARY ELIZABETH WATSON (Legal): If they’re not yet part of the record we do need to put onto the record who they are from and what the general content is of each.

CHAIRMAN POOSER: We’ve got a pack of them.

STACY BAHRENFUSS (APPLICANT’S REPRESENTATIVE / GROUP ONE): No opposition to Commissioners visiting the site. I wanted to start by clarifying the wheel strips. It is my understanding through what ACHD has explained to me that it is approved as long as we provide them the necessary site plans and approvals from Historic Preservation and the Planning and Zoning Commission. There are two separate approvals as you saw on Pages 38 and 39. One specifying that it needs to be paved its full width and at least 30 ft. into the site. This was not clarified to me as being required. It was just told to me that it was approved under the conditions that were approved through you. I know that’s not clarifying much. I want to go back to my original speech and revisit the fact that this house has been listed since early 2006. It’s been vacant for the last two years. The biggest challenge that we have run into in listing this property for sale was the lack of parking. I’ve received two other offers prior to this potential purchaser. One on April 1st that did not come to fruition because of the lack of parking. Another on June 11th that did not come to fruition partly because of parking and partly because of the buyer’s personal reasons. In today’s market for residential property of this size it is only practical to request and have one off street parking space. We do realize the common goal that everyone has…the Committee and the neighbors in this area to restore the historic appeal. That’s part what the North End has to offer and why so many people enjoy that area. Taking the common goal into consideration the seller and potential buyer have researched several different options as you know of our previous application and now going into further detail with wheel strips of concrete and doing the new site plan and the research that we have completely feel that this is a compromise for the buyer and the neighborhood. I would like to invite the buyer up to the stand to speak. On behalf of the current owner I ask that you carefully consider this application.

COMMISSIONER CHANDLER: These two forms from ACHD which appear to be essentially the same form, but signed off by two different people with different amendments. You have no explanation as to why they’re different?

STACY BAHRENFUSS: I believe that they’re paths have just been crossed. They’re both approved for what we’re proposing. It’s just a matter of going through the approvals that we need to with the Historic Preservation Commission and Planning and Zoning. I did meet with the permit inspector and he did verbally approve that and then sent me these two faxes.

COMMISSIONER CHANDLER: At this point it’s approved, but we can’t necessarily be sure given what we’re seeing if it has to be full width or parking strips…given what we have in front of us from ACHD.
STACY BAHRENFUSS: Correct.

COMMISSIONER SMITH: Can ACHD tell us or the buyer how far into the property it has to be full width pavement?

MARY ELIZABETH WATSON (Legal): They have control over the streets and parking requirements. I’ve only got one document in my packet from ACHD. I’m not exactly sure what they are approving in two separate things here, but they would approve the curb cut and street access. I don’t know what you’re looking at with regard to the actual…

COMMISSIONER SMITH: Page 37 of the packet where it says driveway will need to be paved its full width at least 30 ft. into the site beyond the edge of the pavement. Mine is a jurisdictional question. Can ACHD tell anyone how far beyond the edge of the pavement that something has to be paved?

MARY ELIZABETH WATSON (Legal): In certain developments they can do that…in certain commercial projects and such. In this particular circumstance in a historic district I’m confused by their recommendation. I would think their authority would rest merely in the curb cut and the access to the property as it goes to the street.

JIM VALENTINE (APPLICANT): Last time we were a little unprepared and didn’t quite know what we were getting into. Hopefully today we can answer your concerns that were brought up last month that we didn’t have. As Stacy eluded this home has been on the market for a couple years now. One of the goals of yours and anybody that is buying a historical house is to preserve it. This house was originally built in 1911. It is on the historical registry. Unfortunately over the years things have changed around there. It used to have a carriage house, which was across the street, which is now a dental office. It had a property split to the rear of it, which is now a photo studio. Unfortunately with those splits they’ve left this house without any off street parking so although it’s a large and grand house some ill thoughts before this left us in the circumstances we’re in. Unfortunately or not…it’s 2008 instead of 1911. We do have a modern society. We all have cars and traffic is a problem in the North End along with parking. This area is more of a concern than others because it’s within a block of Boise High School. Boise High students can actually get permits to park in front of this home. That adds increased parking during school time activities. Traffic on Hays Street is not excessive, but Hays Street is more of the thoroughfare versus 10th as in north and south. There are limited curb cuts on Hays Street but it seems in the neighborhood if you drive around most of the curb cuts are off the major arterials. Because this house has sat open and vacant for two years it’s in disrepair. If you look at some of the photographs from the outside a lot of the landscape is overgrown. Although it’s been maintained it’s not been kept up to the neighborhood. There’s an excellent example across the street. The old Governor’s Mansion that they’re refurbishing is beautiful. Along with the property to west…is very well maintained. In these two years it sat vacant the plumbing has broken. The heating system…as in the old steam boiler is in disrepair. It needs to be replaced as in some of the problems that happened with the exterior. If the goal is to preserve the neighborhood and preserve these homes they need to be occupied. If you talk to the neighbors, which we have that is the goal. They want somebody in there because they know it will help keep it up and preserve it. I’m a physician. I currently have practices in Nampa and St. Luke’s downtown. My plan is to do a home occupancy and do a partial office or a satellite office here.
In the process of doing that I’m going to do some interior remodeling…i.e. a new kitchen, a few closets and eventually sell our home in Nampa and move here full time. The office space close to downtown St. Luke’s is limited from a medical point of view and they have a future office building on line here, but it hasn’t been built yet. The last person who purchased this was actually a psychologist’s home/occupancy for about 25 years. We’re actually kind of continuing what’s been in existence before. As for some of the major concerns from last time the big one was a curb cut and unfortunately a lot of this is the chicken and the egg…what comes first. We did go to ACHD and I understand there is some confusion here, but they did approve a curb cut and that was one of the major concerns last time. Last time another major concern was the composition of the pavement strips. Is it concrete, is it grass block, is it cobblestones and we’ve addressed that with the concrete drive strips primarily as a result of ACHD because they will not allow anything besides concrete. We feel wheel strips will have the least impact on the area. We have provided a more elaborate architectural design. I think with our last plan there were questions on distances from the fence as in variances. I know Mr. Chandler had some concerns there. We have addressed those and I believe if your copy is large enough you can see those distances. Those were also outlined in an attempt to fit with the Planning and Zoning variances and with ACHD. We have applied for our variance from Planning and Zoning. One of things as part of the planning for that is a neighborhood meeting. We had that last Wednesday. We had that last Wednesday and there were two people that showed up. The residents to the east and the west. The resident to the west is here tonight. I believe he has e-mailed you a neutral response. The resident to the east…I have spoken to her on several occasions now and she is excited that someone is actually buying it. She is very supportive. I don’t believe we have anything from her. For what we’re going to do there an old fence that goes across there. There is actually a locked gate. You can’t see it very well because it’s covered by the bushes that are overgrown. I plan to expand that gate into a full size gate that could be open and closed to preserve the content there and thus basically from the removal the hedge will be trimmed…there’s a large lilac bush that would be sitting right in the middle here and there’s a small about a 4 inch in diameter tree that may need to be moved. Safety has always been brought up as a concern here. If we trim the hedges that is going to increase the visibility there. I’m an experienced driver. It’s not kids…obviously everyone is trying to be safe as in every part of the neighborhood. Two bits on off street parking. I’ve been by there during the day time hours…most of the time I go by in the evening because unfortunately I do work, but there is limited parking depending on how many students have showed up and what time of day it is. Buying a house this size and dollar value…it is reasonable to expect to be able to park whether it be night or day. This does allow me that opportunity. In that area there are multiple other businesses that do require parking and you have multiple residents that live there. Most all of you live in the North End and you know that parking is a concern and this is one block from Boise High School.

COMMISSIONER SMITH: Is this design any different from what you earlier presented or just more detailed on what was presented?

JIM VALENTINE: I believe it is in more detail. At the sidewalk level it shows full pavement from the curb to the sidewalk and it gives the exact dimensions of what it needs to be in relationship to ACHD’s recommendations. The 9 ft. driveway with 3 ft. on each side. One of the other questions was how far was it going to be off the south fence. Its 6 ft. offset there. There’s actually already a little sidewalk that runs the length along that fence because it’s hard to see because of the bushes and overgrowth there. This is an accurate description or diagram and
last time there was some question as to the property lines, etc. This was done by an architect and hopefully this is very accurate.

NO PUBLIC TESTIMONY

MATT HALITSKY: We received e-mails from Geri Stukle, Amy O'Brien, Tyler Moran, John McCarthy, Sarah Park, Nicole LeFavour, Nancy Spittle, Smith Kennedy, Syrena Hargrove and Jennifer Stevens. Lauren McLean did submit a letter. All of these e-mails are in opposition to the application citing safety concerns, incongruousness with the street scape and historic site.

CHAIRMAN POOSER: I will mark the e-mails as Exhibit 1. Remind me from the last hearing. The applicant wants to occupy this as a residence, but have an office. What are the zoning requirements for that?

MATT HALITSKY: What he is describing is a home occupation so I don’t think he’s required to provide any parking for a home occupation above and beyond single family residential. Additional parking requirements come in if it’s classified as an office not a home occupation.

CHAIRMAN POOSER: So if it was classified as an office then they would have to…

MATT HALITSKY: There would be additional parking requirements and he would have to seek a variance from that onsite parking or else find it offsite, but since it’s a home occupation he would not have to provide that.

CHAIRMAN POOSER: If there was ever a need or a desire to convert the home from residential to commercial would that come before the Historic Preservation Commission as a change in use?

MATT HALITSKY: Yes.

COMMISSIONER CHANDLER: I have a question for the applicant...I’m not sure how relevant this is...in looking at the site plan....I appreciate the drawing it’s easier to understand what’s going on. I found this a little unusual because it almost appears as though there are two front entrances...one on 10th Street and one on Hays. Are they both essentially the front entrance or neither?

JIM VALENTINE: The most grandiose one is on Hays. If you come in off of Hays there’s actually to your left there’s large wood pillars and a staircase that goes up. That to me is the more grandiose one. The one that comes off 10th Street goes into what would be the dining room, but it also has a veranda on it. Technically Hays Street is the front entrance because that is how it is addressed.

COMMISSIONER CHANDLER: As far as a home office would you be using one entrance as a residential entrance and the other as business entrance?

JIM VALENTINE: Correct. For home occupation I need to keep the office at less than 500 sq. ft. That gives me one room on the first floor, which will be an office and a waiting room. Basically it would be using the Hays Street entrance.
COMMISIONER CHANDLER: This is one very interesting application. We’ve received a substantial number of e-mails from people in the area who are opposed to the curb cut. I can see the reasons for the curb cut. It’s an interesting site because the way it has been divided up over the years. You don’t have any options for alley access or anything else. This is about the only way to create any off-street parking. 10th Street is as much of an entrance as Hays Street is. Parking in one’s front yard...I don’t have a lot of enthusiasm for that concept. However it can be pulled off in many different ways. At this point I’m really interested in the other Commissioner’s opinions and thoughts on this subject.

COMMISIONER SMITH: As I recall I was the sole descending vote in the denial. Nothing has changed my opinion. One thing I am struck however is the rather significant number of e-mails that go on and on about safety seem to completely leave out the fact that at almost all times of day in this neighborhood and within a block there are very young, very inexperienced drivers driving very fast and very recklessly. I know this from personal experience because my children are two of them. No where in all the material we’ve been provided by the opponents is there any mention these types of safety issues. What we have here, it seems to me, is a very simple application by someone who wants to primarily live in this house and wants a parking place that otherwise, at many times of day, is not going to exist. I find the opposition odd that there’s such vehement opposition to a curb cut with all sorts of strident language about how it’s going to change the neighborhood. When you get language of this type, so often, it makes you start wondering if there’s another agenda here that is not clear and not in the record. I don’t know what it is, but I find the opposition totally unconvincing that a single curb cut under the circumstances that exists here is change the neighborhood and that it’s going to cause a safety problem that is more dire than the safety problem that seems to be acceptable which is all the high school students. I, once again, and let me add another point, when I was appointed to the Commission and when I was interviewing with the Mayor he made it very clear to me that he wanted to see places like this occupied by families and for people to live in them. I told him that would be my goal. I may be the only Commissioner who does not live in the North End and while I am sympathetic somewhat to the feelings of the residents of the neighborhood, all of us in the city, those of us who live in the North End and those who don’t have to be cognoscente of allowing people to actually have homes. We have a very careful balance to strike and it seems to me that we would be striking it by allowing this family to move in, have a parking place and go forward. I will be, as I did last time, supporting the application.

CHAIRMAN POOSER: I will be supporting the application. It’s a little more complex decision that Commissioner Smith. The issue is whether or not this curb cut and parking spot are congruous with the neighborhood and I believe that off street is congruous with the neighborhood. When you look at the site plan on Page 2 of the application every structure in this area has some sort of off street parking except for this one. This is an extremely unique property. Not only in its history and its architectural design, but in its configuration and that it doesn’t have any access to an alley or off street parking. I believe I stated on the record at the last hearing that
parking in this area is extremely difficult considering the high school. I have personal experience with that. To me if we were to say that parking is not allowed and this is the only conceivable place it could be allowed on this particular piece of property we’d be saying that off street parking is not congruous with the Hays Street District when in fact it is. I will be voting in favor of the application. I don’t think we want to set any precedent that a curb cut is appropriate for every piece of property, but when you look at this piece of property it is land locked on two sides and locked on by the street on two sides and this is the only space where a parking space would be appropriate. I think it has been narrowly tailored as it may with the concrete strips and because it has been the application is appropriate. I understand some of the concerns about the commercial possibilities here and would be extremely leery of converting this property to commercial. With that said, that is not before us and that’s not in the record. We’re dealing with a resident with a home occupation and I will vote in favor of the application.

COMMISSIONER TRUSLOW: I had previously denied the application because I felt there wasn’t enough information presented for me to make an informed decision, but currently I feel the plans are very adequate and understandable. I also agree with the wrought iron fence and maintaining that and allowing it to be open and close to establish the historical quality of the house. I also feel that there are two distinct façades of the building one of which will still be completely maintained. I will be in support of the application for these reasons.

COMMISSIONER CHANDLER: One point that Staff makes that is significant in this is this is easily reversible situation. While it’s probably not likely but it’s always a possibility that sometime in the future that an adjoining property could possibly be acquired and…this house belongs on a larger lot. It’s unfortunate that the lots been split down to such small lot and it would be nice to see it on a larger lot. Probably won’t happen, but would be nice if it could. If it could this is easily reversible without doing significant damage. With regard to the comments that Staff has made and the comments of other Commissioners I can support this application as presented.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00301 AS PRESENTED WITH THE SITE SPECIFIC CONDITIONS OF APPROVAL AND STANDARDS CONDITIONS OF APPROVAL WITH THE ADDITIONAL CONDITION THAT THE DRIVE SHALL BE PARKING STRIPS AS DESCRIBED IN THE STAFF REPORT AND NOT A FULL WIDTH DRIVEWAY IS INDICATED AS A CONDITION ON PAGE 37 BY ACHD, BUT NOT ON PAGE 38.

COMMISSIONER SMITH SECONDED THE MOTION.

ROLL CALL VOTE 4:0. MOTION CARRIES.

MINUTES

COMMISSIONER CHANDLER: I was not at the September 8th hearing so I will not vote on the September 8, 2008 minutes.

COMMISSIONER TRUSLOW: I was not on the Commission as of July 28th so my vote will not count on those minutes.
COMMISSIONER SMITH: I was not in attendance at the September 8, 2008 hearing.


COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 5:0. MOTION CARRIES.
Historic Preservation Commission

Worksession / Hearing Minutes of October 13, 2008

Commission Members Present
Christopher Pooser, Chairman, Scott Chandler, Cathy Sewell, Betsy McFadden, Barbara Dawson and Mara Truslow

Members Present
Sarah Schafer, Matt Halitsky, Amanda Horton, Nicki Heckenlively

Consent Agenda

DRH08-00306 / PHIL GERHARDSON / 1511 N. 11th Street
Requests Historic Preservation approval to construct a one and a half story single family dwelling with detached garage on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES.

APPLICANT PRESENT AND IN AGREEMENT WITH THE TERMS AND CONDITION CONTAINED IN THE STAFF REPORT.

NO PUBLIC TESTIMONY.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00306 ON THE CONSENT AGENDA.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

Regular Agenda

DRH08-00310 / SANDRA BEEBE / 1300 E. Lewis Street
Requests Historic Preservation approval to remodel the garage to house an accessory dwelling unit and remodel the main dwelling including but not limited to a rear addition, west facing dormers, and a new door on the east porch on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

MATT HALITSKY: Presented staff report with a recommendation of denial.
COMMISSIONER CHANDLER: All the references I see, maybe I’m missing something, indicate that the new siding which would be essentially of a vertical nature is wood, but is there any indication as to the finish? Is it rough, is it smooth? It would be painted I understand, similar to the other, but I’m curious…do you have any more detail as to what type of wood siding it is?

MATT HALITSKY: We do not.

COMMISSIONER DAWSON: I noticed on the application there was a request for the removal of a large Cottonwood tree. Was there any information about the health status of that particular tree in the application?

MATT HALITSKY: I’m reviewing the narrative letter right now and I don’t see any. I can add that Cottonwood trees are rather a scrub tree.

COMMISSIONER SEWELL: I noticed in going through the report on Page 24 that you reference a Section in the guidelines when you’re addressing the incongruous nature of the vertical siding and the contemporary design and you referenced Section 2.2.1, which I believe is out of the East End Historic District which addresses the new additions to be similar in scale through the use of similar materials, roof forms, and solid to void relationships…I’m wondering if there is another section that addresses these that you…

MATT HALITSKY: That is an error. 2.2.1 is from the East End. However, there are similar guidelines in the section, Additions to Historic Homes. 4.1.3 deals with rooflines and in this case as you can see the eave of the addition is quite a bit higher than the other rooflines in the existing home. 4.1.6 deals with the use of similar materials. In this case I would take that to mean perhaps using horizontal lap siding as opposed to the vertical siding.

CHAIRMAN POOSER: I have a question about the determination that the structure is noncontributing. When was the Warm Springs Historic District designated? Do you know the time? If the house was moved to the property in the 1970’s would it have been before or after?

MATT HALITSKY: Evidently we didn’t have any historic districts prior to 1979. So it would have been prior to it being a historic district.

CHAIRMAN POOSER: When you look in the Design Guidelines for Historic Districts in Section 2.1, it’s got the map of the Warm Springs Historic District. It’s got obviously Warm Springs but it’s also got some jogs to the south towards the river. Would you have any idea why some of those lots on the backside of Warm Springs would have been included in the District?

SARAH SCHAFER: Typically what they did with the Warm Springs District, in my understanding, is they took what use to be all of one lot…so it looks like that back portion has been split off since the District has been in place and those are new property lines. All of those lots use to be much, much deeper lots along Warm Springs. My guess is the piece were talking about now that has the home on the rear obviously used to be part of the front part of that which was along Warm Springs. That home was sectioned off at some point since the District was put into place.
COMMISSIONER CHANDLER: I’m very familiar with the situation there. If you look at the map and you look at the parcel in question by the difference as to when the house was moved there that parcel was created well before the District was created. If you go toward the west you’ll see five lots. One of them a flag lot with another one in there. Thos were all split off prior to the formation of the District. All of those use to be a 600 ft. deep lot which would be similar to what was probably an original parcel where this was put on. There really isn’t any consistency as to why this particular one on the south side abutting Lewis Street is in the District when all of those that are directly to the west of it are not. They were all lots that were in existence prior to the Historic District being created. It’s somewhat unusual with this one on the south side being the only separate structure on it that is not associated with an adjoining parcel is in the District when none of the others that abut on Lewis Street that are not full lot at 600 ft. all the way up to Warm Springs. It’s somewhat inconsistent with the rest of the District.

CHAIRMAN POOSER: I would agree with that too. It is a little bit inconsistent.

SARAH SCHAFER: However, it’s in the District and we have not other choice but to review it against the guidelines that we have.

CHAIRMAN POOSER: That’s where my question comes from with respect to the finding that the property or the structure is a noncontributing property when we look at location and setting and feeling. There was some determination made that this house was there when this district was created. There’s a reason it’s there. It was part of the District so the fact that the house was there when the District was created and it is obviously part of the District if that changes how you view the setting and the feeling and the general location of the property with respect to the contributing or non-contributing analysis.

SARAH SCHAFER: I understand what you’re saying. I’m not sure it would make a difference as to whether the structure was contributing or non-contributing. Because the structure was moved to the property at some point and this is not its original location that does have an affect on its location and its setting when reviewing the seven points of integrity.

SITE VISITS

Commissioners Dawson, Sewell, Chandler and McFadden visited the site prior to the hearing. Commissioners Pooser and Truslow did not visit the site.

HEIDI BEEBE (Applicant’s Representative): I’m all prepared to argue that the design moves in the house are consistent either with the house or the Queen Anne style. If that’s not necessary because the house is unusual in the fact that it’s the only house in the Warm Springs District on Lewis Street…I guess if that’s an option to not consider it then maybe I wouldn’t go through the whole Queen Anne stylistic…

CHAIRMAN POOSER: I can’t speak to the process of trying to get the property kind of cut off from the District, but it is in the District and so we’re confined to that today.

HEIDI BEEBE: As you’ve all noticed the addition we want is not visible from the street nor is it
visible from Warm Springs Avenue and it’s not visible from Lewis Street. The goal of the addition is to create a better relationship between the house and the backyard. There was a previous addition in the back that has a very poor foundation, the top plates are exposed and it’s not completely finished. There’s a stair inside that’s not built to code. The addition that is there which is a partially filled in back porch needs to be repaired and our solution to that was to take it off and start over. You can’t see it in that elevation but the addition actually does wrap around the side so the strategy was to be very consistent with the style on the east and west elevations. We’ve mirrored the hip that faces the front of the house…the south side and left in that elevation on the lower elevation on the lower left is mirrored in the back. We have literally copied the hip roof from the front to the back. We’ve also kept the eave line of the front porch and wrapped it around the corners on either side. The idea was to create a glassed in porch effect which is why there’s a lot of glass that opens and looks towards the back yard. That middle section which does look a bit different than the other elevations where it’s seamless…the 8 ft. eave you have in the front is carried around the corners and then it breaks where you have that gabled cross dormer that goes all the way to the ground. That element has the same roof pitch as the dormers on the east side of the house. It has the same width as the dormer on the east side of the house. The width of glass on the lower portion of it is the same as the glass in the existing dining room bay. It’s not more glass. It’s not a different roof element. There is precedent in the Queen Anne for vertical siding and I can show you some pictures of that. I’m also totally open to switching to a shingle that would be more consistent with a Queen Anne shingle like a diamond shape or a scallop or something. What we wanted to do with the siding was to use the Queen Anne idea of a mix or patchwork of shingles in the back to do something kind of fun back there that’s not necessarily in the front but mimicking the spirit of a mix of shingles that is consistent with a Queen Anne. Some of the vertical lines that you see that run from the first floor windows up to the top are trim that’s bounding areas of shingle. I have a picture of a Queen Anne house that has vertical bands of trim that are then bound in areas of patterns created by the shingles. Having the cross gable that runs to the ground is a massing element that is part of the Queen Anne hip roof and then a gable that comes out perpendicular to the hip. This is that form. The staff report says that the eave is out of alignment and that it is much higher than the existing eave. We have wrapped around the 8ft. eave of the front porch that comes around the sides. It does break but the eave height of the tall element is the same…it’s actually 4 inches different than the eave height of other dormers on the house. It’s an eave height that matches those other dormers. It’s not like totally new. There’s also trim between the windows. The windows on the first floor that were referred to as bank of windows…there is 6 inches of trim between each of those for structure. They are narrower than the windows in the front of the house, but they’re the same width as the windows in the kitchen. The way the proportion was determined is that they have the same relationship from the floor inside to the seal and the same relationship from the ceiling to the top so it’s true they are taller than the other windows in the house, but they draw on other elements of windows in the house. They’re also deep set so they wouldn’t create shadow lines and depth which is from my understanding of the Queen Anne is there was fear of a flat wall and there was every effort to make bays and pop-outs and trim to create a undulating surface so the windows are set back the same as it is on some of the front dormers. If you want I could...its actually just not visible from over there. In the side elevation the upper story is set back the same as it is on we’d be more than happy to make some changes if necessary but, I guess I would like to understand just broadly what…like if the footprint is approvable or the massing is approvable as a starting point. There are a lot of components to this project. There’s also the garage. The strategy for the garage addition is…it’s basically just an entryway and a
dormer above and if that was to make it similar to the addition we’re making to the house…the reason for the shed as opposed to another gable was just to make it a garage like addition as opposed to a house…making the garage secondary to the house. If that’s considered to modern then we’d be fine to switch it to a gable. We could make that look perfectly nice.

COMMISSIONER MCFADDEN: You said you had some photographs of the siding that you’re proposing. I guess that’s one of my main questions is for example with the garage where the shed dormers come up what is the siding that you’re proposing for that versus the lap siding?

HEIDI BEEBE: Presented Commission with samples.

CHAIRMAN POOSER: Same color, but just vertical?

HEIDI BEEBE: The idea would be to go with a smooth finish, which is what’s on the house and then painted to blend with the house. The house is currently beige with white trim so we would continue that through the addition. A smooth finish painted siding.

CHAIRMAN POOSER: That would include the same width of the panels just vertically. On the lap siding…6 or 8 inches.

HEIDI BEEBE: Would the vertical be the same as the horizontal?

CHAIRMAN POOSER: Yes.

HEIDI BEEBE: No. The vertical would be a narrower more thin proportion…like that…has a thin batten.

CHAIRMAN POOSER: What is the rationale for doing the vertical?

HEIDE BEEBE: The rationale was to do something that is in the spirit of the Queen Anne. The Queen Anne’s had lots of different sidings. Every dormer had a diagonal, scallop or a vertical or a different kind of trim so the idea was to continue to use that spirit and to use a siding that isn’t already on the house, but it doesn’t have to be vertical siding. It could be shingles or there are an infinite number of choices for what that element could be.

COMMISSIONER CHANDLER: One other item which Staff noted as far as an objection were the fenestrations. As far as the windows on the north side where you have seven tall windows which do contrast significantly with those on the rest of the house…are you open to changing that fenestration pattern?

HEIDI BEEBE: Yes. The intent is to create a room that feels like a glassed in porch. I’m up to changing it. I wouldn’t want to change it to a solid and void like the front of the house. I would like to keep it a glassed in porch. That would be appropriate for a backyard structure and also for an addition to a Queen Anne.

CHAIRMAN POOSER: You had mentioned that there were some examples in the Queen Anne style of having an addition like the north addition with a very high window height. Do you have
an example of that?
HEIDI BEEBE:  *Presented examples from the Field Guide to American houses.*

CHAIRMAN POOSER:  Exhibit 1 is Page 98 from Victorian West by Lambert and Florin published in 1978.

COMMISSIONER SEWELL:  On Page 16 of the staff report which shows the north elevation one question would be is that it appears on the main addition that there aren’t any roof overhangs on that portion.  Can you clarify that and then the also the different hatch I take it represent different siding types and I’m wondering what that upper gable area which isn’t hatched what material that would be?  The first one was on the overhangs…if there are overhangs at that addition.

HEIDI BEEBE:  It’s true it doesn’t have any overhangs on the sides.  The upper area with the shingles would be a different pattern than the upper portion, but also a shingle between the vertical.

COMMISSIONER SEWELL:  And no overhang? Correct?
HEIDI BEEBE:  Yeah.

CHAIRMAN POOSER:  Talking about the eaves?
HEIDI BEEBE:  Yeah.

CHAIRMAN POOSER:  Because on the plan it looks like there’s an overhang…Page 12 of our packet.  Okay.  I’m sorry I didn’t understand.

HEIDI BEEBE:  It overhangs towards the north, but there is an overhang showing on the east and west.

CHAIRMAN POOSER:  On page 16 of the staff report which is the west elevation I wanted to understand…on this side where the new addition is going to be…and it looks like how I figured it the dormer has three windows…it looks like it’s going to come straight down on the window to the left is where the line is going to be dividing between old and new.  There is a vertical strip that is indicative of where that line is.  Is that correct?

HEIDI BEEBE:  Yes.  One of those shed dormers is there…two of those shed dormers is there.

**NO PUBLIC TESTIMONY**

**NO STAFF REBUTTAL**

HEIDI BEEBE:  If there’s an option to not vote and go to a worksession to make any modifications if it’s going towards a no I would rather do that than start all over.

**PUBLIC PORTION CLOSED**
COMMISSIONER CHANDLER: I do have some significant misgivings in regard to the vertical nature of the windows on the north of the addition and what I would say is the complementary design on the garage of the same vertical type of design. I don’t have a problem with the massing. There is question to why this is in the Warm Springs District, but that’s not what we’re discussing here today. I would like to comment on that I would guess they probably put it in because it was such a great looking old house, but other than that there’s probably not a good reason for it given its location. I do think that the design needs some significant work with regard to how that north side of the house is just portrayed…the massing, the shapes and that type of thing. I don’t see a problem with the overall…I would encourage the Commission to embrace a worksession with the applicant simply because I think they’re part way there, but there needs to be some significant redesign on that front area before I would be comfortable with approving the application.

COMMISSIONER SEWELL: I don’t have quite the issues as Commissioner Chandler does. I think the use of the various siding is more of a modern interpretation of the characteristics of a Queen Anne. The verticality that Commissioner Chandler is talking about does exist, but I think it’s probably not exaggerated through the use of the rendering and the lines on the paper may not be so…once all is said and done it is on the rear side so I don’t have too much issue with that. It’s a great house as far as the integrity and the appearance from the street. The idea that they’re trying to work in with the vertical windows on that enclosed porch may not necessarily be a characteristic of the Queen Anne although I think the Queen Anne has different shapes, forms and is basically all over the map. I do think that the use they’re intending here sort of follows function here. I don’t tend to have any real big issues with that. Same as the garage. I think it’s a modern contemporary addition and certainly makes a real clean break from what’s there. Also the use of the existing rooflines, orientation and the pitch exist here so I tend to disagree with Staff’s report. Maybe a little question on the lack of overhang there on those east and west eaves on the addition. Other than that I’m inclined to support the application.

COMMISSIONER McFADDEN: I’m torn on this one. I see where Commissioner Chandlers coming from as far as the verticality of the elements that are proposed and at the same time we encourage our applicants to show the old from the new. This would be a good example of obviously being able to see what was new, but still not being totally incongruous. I do think there’s enough confusion on what the siding would be that it would be good to give the applicant one more shot at being a little clearer as far as what’s vertical siding and what’s shingles. I wouldn’t mind seeing another option on those vertical windows down below. I think they look kind of commercial or something. I can’t really put my finger on it. I guess modern would be the best term for it.

CHAIRMAN POOSER: My comments are in line with Commissioner McFadden and Commissioner Chandler. Initially I did have a problem with just the massing of the north addition. I do believe there could be some changes that could make it a little more compatible with the existing house. Perhaps an overhang that could match some of the existing gables and how they flare out towards the ends. The fenestration I’m not comfortable with and I do believe that would need to be changed. It’s not, in my mind, compatible with the house or the Queen Anne style the way that is existing. As far as the massing goes I’m okay with that. I would like to have a little more information on what is proposed for the siding. I don’t have a good idea
based on the renderings exactly what is proposed there. As far as the garage goes the massing is okay. I wouldn’t mind maybe seeing a gable instead of a shed there and maybe having the windows a little more traditional than what’s proposed.

COMMISSIONER CHANDLER: Regarding the garage, I agree with your comments that a gable might be a little more appropriate than the shed roof that’s there.

COMMISSIONER SEWELL: I want to identify one section in our guidelines under Design Guidelines for additions to existing buildings, Section 4.1.5, which reads, ‘Consider use of windows that are slightly different in design or detailing to create a distinction from windows on the existing building’. I want to note this is something that supports what the applicant is proposing on the addition.

COMMISSIONER CHANDLER: Rather than putting a motion forward since we don’t have a clear direction as to how the Commission is feeling on this, but I’m not comfortable that it would be approved and the applicant has indicated they would be open to a worksession to address some of these items or at least a redesign of some sort that would support entertaining that with the applicant as far as putting a worksession together, which would necessitate reopening the public portion of the meeting. I’m curious to know the Commission’s support for a worksession.

CHAIRMAN POOSER: I would be in favor of a worksession. The applicant has indicated a willingness to do it. As far as the massing were pretty close and it’s just some of the details on the fenestration and perhaps even the paneling. Maybe the type of dormer on the garage.

COMMISSIONER McFADDEN: I’m in favor of a worksession as well. I also just wanted to chime in that I do like the concept of on the back of the house of doing the glassed in porch look. That could be very nice back there. We’re so close that if we just had a little more definition and maybe an option that might style it down a little bit and bring it back to the Queen Anne style a little...I see where Commissioner Sewell was talking about the slightly different windows which I think is a good way to go on this but we kind of overlook and we’re going a little bit more than slightly here.

COMMISSIONER DAWSON: I too would support a worksession. What bothers me about the fenestration on the back is the ratio of the height to the width on these windows. They just seem odd on this home. Perhaps that gives the applicant some additional guidance.

COMMISSIONER SEWELL: I’m fine with a worksession.

COMMISSIONER TRUSLOW: I’m also in favor of a worksession.

SARAH SCHAFER: You need to open the hearing back up to find out when the applicant can come back for a worksession. At this time we don’t have an October night hearing scheduled or a November noon hearing scheduled. You could ask the applicant if they could come back for a lunch meeting and we can set it two to three weeks out if you’d like. It’s up to you and the applicant.
REOPEN PUBLIC PORTION

CHAIRMAN POOSER: Based on the discussion you’ve heard are you willing to enter into a worksession?

HEIDI BEEBE: That sounds fine.

CHAIRMAN POOSER: What would be a good time?

HEIDI BEEBE: Two to three weeks at lunch time is fine.

CHAIRMAN POOSER: November 3rd at noon?

HEIDI BEEBE: That sound alright.

COMMISSIONER CHANDLER: Even though it would be a worksession to work these things out…any suggestions or thoughts that you might have between now and then based on what you’ve heard here on a redesign could potentially get us through that worksession quicker picking up the thoughts of the Commission.

HEIDI BEEBE: All take your comments and come back with a couple of options.

COMMISSIONER CHANDLER MOVED TO DEFER DRH08-00310 TO A WORKSESSION ON NOVEMBER 3, 2008.

COMMISSION McFADDEN SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

DRH08-00331 / KELLY & RICHARD FELDMAN / 1714 N. 11th Street
Request Historic Preservation approval to construct a cantilevered rear dormer, remove an aluminum garden window and replace it with a casement window and remove and replace all of the roofing on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

MATT HALITSKY: Presented staff report with a recommendation of approval with conditions.

a. The proposed casement windows shall be single or double hung with a mullion pattern to match that existing on the home.

b. The proposed dormer shall rise no higher than the existing roofline and not cantilever out as proposed. The dormer shall be set back from the existing wall plane.

SITE VISITS
Commissioners Dawson, Sewell, Chandler and McFadden visited the site prior to the hearing. Commissioners Pooser and Truslow did not visit the site.
TAD JONES (Architect / Jones & Jones Design Studio): Let’s start with the addition of the dormer on the back. If you go to Page 19 where the elevations are the ridgeline of the proposed dormer does match the existing ridgeline of the house. If you look at Page 20 the south elevation is the one that he was concerned about. That may be some kind of optical illusion with the existing chimney there. If you draw a line from that ridge of the dormer over to the existing ridge it does line up. Just to clarify that the dormer is not any higher than the existing ridge of the house. To give you a little bit of history on the design process of this house, the dormer in the original design came out from the back wall line 8 ft. and then we had columns back there. Because the scale of this house is very small it didn’t really fit with the scale of the house so we started pulling it back. Then we got to the point where the client was actually wondering how far out could we cantilever it out if we didn’t have to do columns. They really didn’t like the look of the columns. Just to give you a little history of how this developed. Now we are cantilevering out only two feet which gives us space upstairs for a small closet and a small bathroom up there. After reviewing the staff report I did take a look at the upstairs floor plan. I think we can actually get it to work if we pull the line back to the existing wall line that’s down below on the first floor. If we could now go back to Page 32 in the first paragraph towards the bottom it says that staff recommends as a condition of approval that the dormer be set back from the existing wall plane…we would go to the point that we would align it with the wall plan and I have looked at the upstairs floor plan and I think we can get it to work, but if we bring it back from that wall plane even further it defeats the purpose of what we’re doing as far as how the floor plan lays out. I see where Staff is going with this from what it’s going to look like from the back and one thing I would suggest that we could possibly do and we’ve done this on a couple other projects is do a structural fascia that goes in front of that dormer so even though those wall lines are aligned you still get that break with the roof coming down.

CHAIRMAN POOSER: Can you explain that?

TAD JONES: That fascia line you can see down at the bottom of the roof…that would extend all the way across and then the wall line of the dormer up above would be flush with the wall line down below. You’d have just a little piece of roof that runs across. That’s the effect that Staff was looking for when they asked us to move the wall line back further into the house, but again that’s really not feasible when you look at the layout of the floor plan. The next thing I’d like to talk about is the windows. When you look at this house almost all the windows on this house have been replaced. It’s kind of a little bit of a hodgepodge of different designs. When we went into the house and did our architectural survey of the home some of the only original windows in the house are the ones that are upstairs. They’re wood windows. The rest of the windows have been replaced with vinyl windows and then wood trim on the interior. You can also see there’s a little window box which is made out of aluminum on this elevation here just to the left of that door which really doesn’t go with the style of the home at all so what we’re proposing and also those windows upstairs are the old style French casement windows which are also called shutter style windows where the hinges are on either side and then there’s no astragal in the center so you can swing them open. In my opinion those windows have some of the original character of the home so we were trying to use that same window in more places throughout the home. One suggestion was in the kitchen where that window box is was to replace that window with the same type of window that’s in the upstairs gable and then there’s a window that’s in question on the front of the house and we would also like to switch that out so it’s similar to those windows up above. When we presented that idea to the client we were upstairs in the gable looking
out...you can actually look out and see the hills of Camel’s Back Park. One of their concerns was the grid pattern in those existing windows and they asked if we could take the grids out. Basically what we end up with is a French casement or shutter style window up in the two end gables of the house and since we want to match those in the kitchen we end up with those same types of windows in the kitchen. On the interior of the kitchen I think it’s worth noting that the proximity of that window box and the window that we’re suggesting to replace on the front are really close to each other so I think that it’s important to have those windows be of the same style. I know Staff is recommending single or double hung windows, but really the only single or double hung windows in this house are vinyl windows that have been replaced. There’s also on the very front of the house a bow window that has obviously been added at some time. It’s an Anderson window. What we’re trying to do is bring it all back to somewhat original. That gives you a little bit of the design process and what we’ve gone through on the windows.

CHAIRMAN POOSER: The casement windows that are up in the gable and the attic now. Are those original to the house?

TAD JONES: They look like they’re original to me. They’ve got the old brass hardware on it. They’re wood windows and they are pretty much the only wood windows...that one window that we’re talking about replacing in the kitchen looks to me like it’s an original window also. It’s single pane. It’s not in really very good shape. Pretty much it’s the only one left so having the other ones...there’s more of them. I think they have a little bit more character than that one does. My feeling is to lean more towards the French casement shutter style windows that are in the upstairs gable. That window is typical of the windows in the North End.

COMMISSIONER CHANDLER: On the photographs I’m looking at the one that says, ‘north elevation’. It’s showing one of the upper windows there looking at both the front and side elevation on that it appears as those measuring the ridgeline height in that...that window as I’m to understand it is a casement style. No astragal in the center and the sash swing in on these?

TAD JONES: That’s correct.

COMMISSIONER CHANDLER: The ones that you are proposing to put in would they also then be without astragal and in-swing style window?

TAD JONES: They would be.

COMMISSIONER McFADDEN: If you were given a choice on the dormer would your preference be to cantilever out that 2 ft.?

TAD JONES: Working with the client...we give them a lot more space. Because it is such a small space the percentage that the 2 ft. gives us is a pretty big percentage in the size of that dormer. That cantilever gives you a lot more usable floor space. In that respect looking at it from usability, floor plan and space planning then I think it is probably preferable. In my opinion that if it aligns with the wall from an exterior standpoint it probably matches the surrounding homes and the nature of a North End home better.

NO PUBLIC TESTIMONY
NO STAFF REBUTTAL

PUBLIC PORTION CLOSED

COMMISSIONER DAWSON:  In looking particularly at that south elevation where that gable roof appears to creep up over the existing roofline that overhang is exaggerated perhaps in this drawing I could certainly support the application with bringing the dormer into align with the existing rear wall plane and to have that fascia trim match up as the applicant has indicated would be possible.

COMMISSIONER McFADDEN:  I have the thought that the cantilever doesn’t really bother me that much.  I think it’s exaggerated on an elevation like this where it looks like it’s coming right at you, but really it’s set back from the corner.  I don’t think it would look as top heavy as it does in the flat elevation so I just wanted to put that out there.  Overall I support this application and I think what they want to do with the windows is congruous and I would support that too.

COMMISSIONER SEWELL:  I agree with Commissioner McFadden.  In looking at the dormer and going through the guidelines I couldn’t really find anything in there that necessarily indicates that it’s not appropriate to have a dormer sort of extend out much like a bay window even though we’re on a sort of story and a half here.  In that sense it’s only 2 ft., it’s to the back and out of the way and it does look like it would gain some valuable space up there.  I really don’t have any issue with that.  In regard to the windows I think our guidelines do indicate or recommend that it is appropriate to do single and double hung just because that’s the primary window type in these districts, but with the casements here and the fact that it looks like they’re going in the existing opening and they’re not really any kind of radical modification much like some of the imagines that we show in the guidelines for what not to do I tend to support the windows as proposed.

CHAIRMAN POOSER:  I would not be in favor of the cantilever on the dormer on the back side of the house.  As far as this massing I think it’s incompatible with what’s in the North End.  I live near a house that has a dormer that cantilevers off the back of a house and when you look at it you can’t help but look at it because it is an oddity in the neighborhood.  I would be in favor of bringing back the dormer to the wall plane as the applicant had proposed.  The height question of the dormer has been addressed.  I’m also in agreement with the other Commissioners as far as the windows.  I would be in favor of the changes to the windows as proposed.

COMMISSIONER CHANDLER:  I agree with everybody on the cantilever.  I think it works really well and then I don’t like it…I’m not sure which direction to go on that.  From an exterior standpoint having the flush wall with the fascia coming across would definitely look better, but at the same time this is centered on the back of the house.  This is not a corner lot and it would be impossible to see it unless you are around to the side of the house or in the backyard.  I don’t think it would be offensive if one were in the back of the house because of the nature of it.  At the same time the house would look much better if it did not have the cantilever.  On the windows the applicant has made a good case for going to what appears to be the style of the original windows as opposed to the vinyl double or single hung whichever they may be that are currently in there.  On the drawings they look like they’ve got an evenly divided into four lights, but the photos show that impression is not correct given how the horizontal…however they’re divided.  It’s hard to say if that’s an application or exactly what that is on that.  I’m torn between
the cantilever and I can see it both ways and consequently I’ll defer to someone else as far as making a motion on this.

COMMISSION McFADDEN MOVED TO APPROVE DRH08-00331 AS PROPOSED BY THE APPLICANT INCLUDING LEAVING THE FRENCH CASEMENT WINDOWS AND ALLOWING THE CANTILEVER DORMER IN THE BACK.

COMMISSIONER SEWELL SECONDED THE MOTION.

CHAIRMAN POOSER: I’m going to vote against the motion because I don’t like the cantilever. I don’t think it’s congruous with the North End and some of the roof forms and dormer forms that are existing.

COMMISSIONER DAWSON: I too will be voting against the motion allowing the cantilever. You can see the dormer from Ridenbaugh Street when you’re driving down before you make the turn when you heading west. I just don’t feel that cantilevers going to look right.

COMMISSIONER SEWELL: As a comment…in going through the guidelines perhaps realizing that this is a little different situation here where it is actually a dormer I think the gable roof is certainly a form that we see in the District. In my mind I look at it as if they were to take this 2 ft. cantilever and drop it down to the foundation what does that do overall? What you can see from public right-of-way would probably just be that dormer section there. In my mind the cantilever is not a critical issue and I can’t really find anything that necessarily would support not allowing that.

CHAIRMAN POOSER: I would just add that it’s not the gable in an of itself it’s just the fact that there is an overhang and the massing of it…that it comes off the roof…you just don’t see a dormer come off the roof such as this as it is cantilevered here. That’s the reason I’d be voting against the application.

ROLL CALL VOTE 4:2. MOTION CARRIES WITH COMMISSIONERS POOSER AND DAWSON VOTING AGAINST.

MINUTES

September 22, 2008

COMMISSIONER CHANDLER MOVED TO APPROVE THE MINUTES OF SEPTEMBER 22, 2008.

COMMISSIONER McFADDEN: I was not in attendance so I will not be voting.

COMMISSIONER DAWSON SECONDED THE MOTION.

COMMISSIONER SEWELL: I was not present either.
ROLL CALL VOTE 4:0. MOTION CARRIES.

Christopher Pooser
Chair, Boise City Historic Preservation Commission

Date
Historic Preservation Commission

Worksession / Hearing Minutes of November 3, 2008

Commission Members Present
Christopher Pooser, Chairman, Cathy Sewell, Betsy McFadden, Barbara Dawson, Steve Smith and Mara Truslow

Staff Members Present
Sarah Schafer, Matt Halitsky, Mary Elizabeth Watson and Nicki Heckenlively

Consent Agenda

DRH08-00357 / LEAH MITCHELL / 800 E. State Street
Requests Historic Preservation approval to modify the front entry on property located in an R-2H (Combined Residential with Historic Overlay) zone.

NO COMMISSION DISCLOSURES.

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

NO PUBLIC TESTIMONY.

COMMISSIONER SEWELL MOVED TO APPROVE DRH08-00357.

COMMISSIONER SMITH SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

Worksession Agenda

DRH08-00310 / SANDRA BEEBE / 1300 E. Lewis Street
Requests Historic Preservation approval to remodel the garage to house an accessory dwelling unit and remodel the main dwelling including but not limited to a rear addition, west facing dormers, and a new door on the east porch on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.
CHAIRMAN POOSER: We received by e-mail and staff also handed out a packet today of some new drawings so if you’d like to walk through what you’ve changed.

HEIDI BEEBE (Applicant’s Representative): I have the same drawings…a little larger. With the hearing on the 13th there were questions about the eave overhang on the north facing…I’m going to focus on the right on sheet 8.4.2, the north elevation which is the area most contested at the last meeting. There were questions about the lack of an overhanging eave and questions on the ground floor about the proportions of the windows and also the ration of the glass to the wall. There were questions about what type of siding was shown on the last round which was vertical and lots of questions about what specifically we were referring to and also questions about the garage. I deal with that and the roof form on the garage second. The things that have changed are we added an eave on the roof of this element on the north and changed the proportions of the windows on the ground floor. They’re actually a foot shorter. I left the number of windows because the intent is to create a glassed in porch effect in that back element and also to make it similar to the existing dormers on the house shown on sheet 8.4.1 that face south and there is one facing east. They really are exceptions to the kind of regularity of the rest of the façade. They are sort of a symmetrical element with fancy shingles a bigger window and more decorative so the attempt is that the new element in the north is similar in spirit to those so I wasn’t trying to match the ratio of windows that you have on the rest of the first floor in the house intentionally. So the first floor windows are shorter, but they’re still the seven narrow windows. The width of those windows is the same as the existing width of the windows in the kitchen. The windows towards the back of the house actually are narrower so that the width is actually taken from something that’s in the house. Those kitchen windows are on the east elevation and then we copied that width for the new windows as they go around.

CHAIRMAN POOSER: On the east elevation?

HEIDI BEEBE: These windows here are the actual width of the kitchen windows on the east elevation so we’ve copied that width from one piece of glass there, there and also for these tall north facing windows. The siding…we got rid of the vertical siding. It seemed like an uphill battle. These sorts of fish scalloped shingles that exist on the south elevation and the east elevation of the house…we put those in the middle band which is at the same elevation as they are on the south and east elevations. Then on the top part of that element under the roof we did the diagonal diamond shaped shingles which there are also some on the south elevation over the window. The windows on the second floor…we actually added glass which might seem counterintuitive, but in looking closer at the way the original dormers were created they have a hierarchy of a tall element in the middle and they have a kind of horizontal band. In the case of these two existing dormers they do it with these little columns. The wall plane is actually set back so you have this element here and then that part of the wall plane of the window is in the setback. You have a tall window in the middle under the peak of the ridge and then this piece here sticks out a little bit. We mimicked…this top part is out of plane a little bit forward of the windows and then the windows are setback a little bit then this comes out again. I think that you can see that if you look at the west elevation shown on sheet 4.2. On the far left you can see that the roof comes out at the top and sets back a little and the plane of the upstairs windows and then it comes out again all the way to the ground. We also added in the front of the house…although it’s enclosing the porch…so it’s actually aerating lattice work. We thought maybe having that base at the bottom of the house…a horizontal line around the bottom of the house actually makes
the proportions of the windows and things in the back look more in keeping with the rest of the house. We can’t have it open because it’s not a porch in the back, but keeping a pattern that’s diagonal like that so you have that horizontal line running around the whole house. Also in meeting on the west elevation on sheet 8.4.2 there’s a new dormer that at the last meeting there were some questions about this shed dormer…the wider shed dormer and the new dormer on that left hand side of the paper kind of hitting each other. There were some questions about that. We separated them so they don’t touch anymore and lowered the ridge of the west facing dormer. That makes it a little less bulky and keeps the elements from not merging into each other. This is a drawing I did in attempt to explain the depth of the wall. Like which parts are setting back and which parts are setting forward. I’m not sure it’s conveying what I intended it to exactly but so the roof which is sloping away from you in the back is colored black…shadows are colored black so this little piece of wall where the scalloped shingles are is set in a little bit…this wall is set back a little. This wall is set back quite a bit. The glass is also colored black so there’s…some people found this shadow confusing and some people liked the plan. The intent of the drawing is to show that the design is not flat which I think is in the spirit of the Queen Anne that the wall is…some elements are pushed back and some are pushed forward…there is trim…another way of looking at this is that the white is all the stuff that would be painted on this elevation. Should I move on to the garage or do you have questions?

CHAIRMAN POOSER: Go ahead and keep going.

HEIDI BEEBE: There are actually two versions of the garage. Two different roof versions. They both have the same sheet number. One shows a shed roof and one shows a gable and they are both sheet 8.4.3. We had a shed roof last time. They both show the same window patterns, the same siding patterns and the same footprint. The footprint is actually a little bit smaller. We made it both narrower in the north/south direction and a little bit narrower in the east/west direction because I think it looked a little bit too bulky last time. We took out a window. There used to be five windows on the second floor across so there is one less window. The windows on the first floor match the windows on the first floor of the house, but there are two of them and they are in the middle…before they were asymmetrical. The symmetry simplifies it and calms it down a little bit. The siding all mimics exactly the house so you have the scalloped shingles in the middle and the diagonal boards at the bottom to create a base. On the first floor sidewalls there is horizontal siding that matches the siding of the garage and then the gable end version there is the diagonal diamond shaped shingles above the windows. My preference is actually the gable but I’m open to either.

CHAIRMAN POOSER: I think everybody was at the last hearing when we discussed this?

COMMISSIONER SMITH: I was not at initial hearing and did not have opportunity to review minutes so I will recuse myself.

COMMISSIONER DAWSON: I would like to remark that I’m very impressed with the redesign. I too prefer the shed of the gabled garage.

HEIDI BEEBE: You prefer the gable?

CHAIRMAN POOSER: Chalk my vote up for that.
COMMISSIONER McFADDEN: The shed looks good until you look at it from the north elevation and then it looks like it's going so far up the wall.

HEIDI BEEBE: It seems like shed dormers would be actual real dormers that didn’t go to the ground.

COMMISSIONER McFADDEN: I would like to reiterate what Barb said and I agree that the dormer is really nice and I appreciate all your hard work and your willingness to work with us. I found the shadow drawing helpful myself. The way that you described the Queen Anne style with the different planes and different materials and stuff complicated and you did a great job.

CHAIRMAN POOSER: It looks like on the addition to the house you did strengthen the footprint of that addition…it doesn't look like it comes out as far as it did on the previous plan.

HEIDI BEEBE: No. It doesn’t come out any further in the north direction, but we did make a change in there.

CHAIRMAN POOSER: Okay. You changed the porch?

HEIDI BEEBE: We filled in that porch actually.

CHAIRMAN POOSER: That’s what it is.

HEIDI BEEBE: Yes. I forgot to mention…the total square footage being covered by indoor space has increased by a little bit, but the roof has not changed in that area.

CHAIRMAN POOSER: I like your updated proposal better than the first one. The massing and the forms of it are appropriate. I’m a little uncomfortable with the fenestration, but I think I defer to my fellow Commissioners on that so I would vote in approval of it.

COMMISSIONER McFADDEN: My comments go back to what I felt on the first go around. I wasn’t as uncomfortable with that as a lot of people were with the really tall windows. I think it’s a whole different element that’s on the back of the house. I don’t like that we have this thing that we’re always saying don’t be to literal in matching the house and so for that reason I’m supporting it, but I know where you’re coming from and I didn’t have the old drawings in front of me. To me the thing that really changed on this is just getting rid of the horizontal siding and bringing in some of the materials from the house onto the addition. That was my main concern. I wasn’t sure what the siding was doing. I wasn’t even quite sure where the decorative shingles would be versus the horizontal versus the vertical siding anyway. She completely clarified that on this go around. I know what you mean about that, but I kind of like it. It’s different.

CHAIRMAN POOSER: The shadow drawing helped me out a lot.

COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 5:0. MOTION CARRIES.

Regular Agenda

DRH08-00355 / HAROLD AND SARAH WRIGHT / 902 N. 20th Street
Request Historic Preservation approval to modify the existing roofline for a previously approved front porch (DRH08-00260) on property located in an R-1CH (Single Family Residential with Historic Overlay) zone.

MATT HALITSKY: This is an item that you saw earlier this year I believe on August 25th. There was a redesign of the front porch that was approved. However, those drawings were evidently drawn by the owners and it’s going to be difficult to construct the porch as proposed given the slope of the front roof I should say. The applicant has proposed...towards the back of your packet a small gable to jet out from the front of the home and then the porch design that was approved would start from that front gable...this drawing here that is not numbered towards the end of your packet. It’s a little awkward. Something has to be done and we recognize that so it doesn’t look like a large turret at the front of the home. We’re a little hesitant in recommending approval of the gable because it does change the roofline of the home and it is a contributing structure that was built in 1905. In the memo we did recommend denial, but we do recognize that something has to be done from what was originally approved.

CHAIRMAN POOSER: The house does have gables does it not? Isn’t that the south view of the home on Page 12?

MATT HALITSKY: There is that small bay midway at the mid point of the house and it’s that roofline that was mimicked for the front porch that was approved back in August. Like I say you are changing the front of the home as it appears from the street and it is contributing so that’s why we were a little hesitate. I do think that given the slope of the roof if you were to construct it as it were originally proposed it would end up like the applicant said, it would look more like a turret at the front of the house and I don’t think that’s what you want either.

CHAIRMAN POOSER: We don’t seem to have a copy of the photograph of the front of the house.

MATT HALITSKY: Page 11.

COMMISSIONER McFADDEN: Is it a problem with the shape of the porch? I’m just trying to come up with…it seems like if it went out square…it seems like those diagonals and trying to mimic that is what is making this turret affect. Those diagonals are not there right? We’re basically going to take this stoop off and put a porch on the front of this is that correct?

MATT HALITSKY: That’s correct, but the porch will have sort of a hip design.

COMMISSIONER McFADDEN: That’s my point is if…I guess this is a question for the
applicant. This is the part that’s giving the problem to the roof is the diagonal?

MATT HALITSKY: If it were a more rectangular form they may avoid having to do this gable. We would want to talk to the applicant, but it’s a possibility.

COMMISSIONER McFADDEN: Would you feel that would be more historically appropriate?

MATT HALITSKY: I would.

CHAIRMAN POOSER: It looks like a shed almost coming off…is that what you’re…?

COMMISSIONER McFADDEN: No. I’m saying the shape of the footprint of this porch now is like this, but if they did it like this they could clean all this up.

CHAIRMAN POOSER: Then it could just be a gable coming straight off.

COMMISSIONER DAWSON: This is probably a question for the applicant too. They poured concrete and I don’t even recall when I drove by what shape is already there.

SITE VISITS

Commissioner Dawson visited the site prior to the hearing. Commissioners Truslow, Smith, McFadden, Pooser and Sewell did not visit the site.

COCO COOLEY (Applicant’s Representative): No objections to site visit. They were trying to mimic this bay window on the side of their home so when she originally drew the five sided porch she had drawn it flat on the top, but when architecturally drawn of course it turned out to be more of a turret style. Because this was an 8/12 pitch in order to get back to that point this had to come out to a point so the best solution that we’ve been able to come up to get…this is how it turns out architecturally drawn so basically in order to keep the flat portion I’ve been trying to achieve on this existing side wall we need to have a flat surface behind it. That’s were the gable idea came in. We did several drawings from side views…front view and underneath to get a variety. This gable…it will be a very small area, but it is a gable added to the front of the home. We’re basically trying to come up with a good solution to it. We’ve poured the concrete in the basement and it’s beneath it. If we need to go that route we can do that, but they really would prefer to have it flat. This is the drawing that shows it the best I think.

CHAIRMAN POOSER: So exactly what have they poured then? They’ve got the stoop poured?

COCO COOLEY: Yeah. There’s a full basement beneath this and this is poured concrete already. I made a note that this doesn’t actually come down to a point. They had modified this and added the 2 ft. to the front of the porch awhile back so this is actually going to be 2 ft. wider in that area so it comes down to not such a pointed design there.

CHAIRMAN POOSER: I’m going to include those as exhibits. We’ll mark the whole set as Exhibit A. Does the applicant want to extend the roof out further than what was already approved as well?
COCO COOLEY: No. We already have that approved.

MATT HALITSKY: They went through a staff level modification to extend the front porch 2 ft. and that was approved.

COCO COOLEY: I have the book and was looking through that…what was the name of that book? It’s a shingle style and it does show combinations and I brought along examples of gables with kind of the five sided roof idea in there. We can’t come up with a better remedy actually.

CHAIRMAN POOSER: Do you have anything further to add?

COCO COOLEY: I do feel it’s still in keeping with the style of home where we’ve got the five sided porch constructed we need to stay with that style and come up with a workable solution…bringing the roof down we tried to flatten out the roof as much as possible to get back to that 8/12 pitch. It was too flat and hideous really and then it really took away from the five sided porch. We need to somehow come up with a flat or flatter surface. We’d make sure that gable did not extend beyond the front of the home so that the porch would just come off of that.

COMMISSIONER McFADDEN: What you have built right now is the basement and the porch floor basically and there’s nothing above that?

COCO COOLEY: No.

COMMISSIONER McFADDEN: There’s no columns…there’s no…

COCO COOLEY: No. We had removed that little…

COMMISSIONER McFADDEN: So the little shed porch thing?

COCO COOLEY: Yeah. It wasn’t really a structure on a foundation. We removed that and then we poured the porch.

COMMISSIONER DAWSON: My question would be…I guess anything can be done at a cost. How difficult would it be to repour and add additional concrete and take away that five sided shape and just make it a spec-angular shape?

COCO COOLEY: It would be very difficult at this point. The basement has been poured so it follows that wall. We would have to make…

COMMISSIONER DAWSON: So the basement comes out under the porch?

COCO COOLEY: Yes. So what we’d have to do is put those corners on foundations where the rest of it is on a full basement and square that off. That kind of messes up the concrete that’s been drying on the top of it as it is a fairly thick portion and it has to set for quite a long time before we can do anything with it. Now if we try to add something…we could drill and pin it but we wouldn’t have a good surface on the top for your front porch. You’d have those lines and those corners where the concrete comes together. It would force them into putting another surface on top of that and then getting away from where we’re at now.

COMMISSIONER SEWELL: I know that in the North End there are a lot of examples…on
the cover there where it’s a bay and then a straight gable that comes out there on the left side where they’re enclosing that bay portion I don’t know if on the top that might be a way to…

COCO COOLEY: Oh…enclosing it on the top.

COMMISSIONER SEWELL: Yeah. So you still come out with your gable and you just forget about trying to follow the line of the…

COCO COOLEY: Just doing the roof straight.

CHAIRMAN POOSER: Would you have to cantilever over the edges though?

COMMISSIONER SEWELL: Probably a little bit…depending on if you’re just going to truss everything.

COCO COOLEY: We could do this maybe and then still use the columns and just have it filled in above it rather than having the two roofs.

COMMISSIONER SEWELL: Then you’ve got some eave out there…it’s something to think about.

COCO COOLEY: We’d hate to lose the five sided porch which is what they’re really after. That would it be workable to me. It’s kind of funny because they initially wanted a gable and when we were working with Julie she said there’s no way you’ll ever get a gable there. Actually we started this after we came up with a few attempts…we came up with the five sided porch that seemed to work. I think that they may be…

COMMISSIONER McFADDEN: I don’t remember the original application but going from these photos I would do a simple shed dormer across where you want to build and not do a turret. That’s again kind of a design thing. I was wondering if there was a way to simplify the roof and make it a simple shed and not try to follow the facets of the five sided porch like Commissioner Sewell is getting at, but also one step further and eliminating the gable which seems to be what Staff has a problem with. Again, that’s just looking at the house and saying what looks the simplest and most logical to me would be a simple shed roof or porch. It would spring up farther because it’s going out farther.

COCO COOLEY: Very far actually.

COMMISSIONER McFADDEN: Again, that’s a whole another design that might be worth while doing…either one of those things that we talk about in a worksession that might be appropriate.

COCO COOLEY: Because it’s extending out 8 ft. from the face of the house now. The reason for getting rid of that porch…there’s a photo in there somewhere that shows the door and the stained glass windows and stuff so to expose those makes the house looks much better without that already…getting rid of that porch that someone had built on. I’m thinking though that a shed roof to get out 8 ft. against that is between an 8/12 and 9/12 pitch it’s going to go clear to
the top and it comes out looking worse. We’ve experimented trying to get that back to that point. It becomes very flat which takes away from it. We’d have to start very high on the roof and it still ends up very flat.

CHAIRMAN POOSER: Is this a contributing structure?

MATT HALITSKY: It is.

NO STAFF REBUTTAL

NO PUBLIC TESTIMONY

PUBLIC PORTION CLOSED

COMMISSIONER McFADDEN: My feeling is I completely agree with getting away from the Turret look especially based on the sketches that the applicant showed us. That would be in appropriate. We’re going off what this design is and I don’t find it that bad. I think it could be better. Like I said simplifying the porch would have been my preference in the first place, but we can’t go there because it’s already like we’re trying to work with the structure that’s there. I’m not totally opposed to this. I want to hear what the other Commissioners have to say.

COMMISSIONER SEWELL: Based on the approved plans back in August it seemed like what was proposed was going to change the front of house from the existing regardless. Based on what’s submitted currently and Staff’s comments about not trying to create a false historical appearance it does seem like trying to create that hipped form does lend itself more to that false appearance rather than trying to simplify that with a either shed or a straight gable or something. It does seem though that trying to follow the lines of that five sided porch is complicating the roof there and it doesn’t seem like it needs to be. I’m not sure what my feelings are at this point.

COMMISSIONER DAWSON: I tend to agree with Staff on this particular design. This little gable thing is sort of like a witches hat sitting on top of the turret. It doesn’t seem to follow the flow of the balance of the home. I would add in concurrence with what Commissioner McFadden said that the shed roof porch would look infinitely better. It seems possible at a cost.

CHAIRMAN POOSER: It sounds like there could still be some options from what Commissioners Sewell and McFadden said as far as redoing the roof to the porch and it could still be kept in line with what has already been poured. Am I right? Would you have to do anything else to what’s already been poured on the front porch?

COMMISSIONER McFADDEN: You could cantilever that out too.

COMMISSIONER SEWELL: Sure…yeah.

COMMISSIONER McFADDEN: To do the gable and I guess what we’re trying to get away from is the gable on the front according to Staff. I don’t know. It’s a different design that both Commissioner Sewell and I are talking about. We take a sketch to see which idea would look good or better than the other idea, but I think we’re trying to down play the gable and I’m afraid
that if we…I see what Commissioner Sewell is suggesting and I think it would be a good one to try. I guess the clipped corners looks kind of big, but maybe that’s just because of the sketch and not having gone out there. This is pretty…do you see what we’re talking about here? This is not a very big 45 and the porch looks like a pretty big 45 and I don’t know if you would be able to accomplish that.

COMMISSIONER SEWELL: It’s all in trying to find a form that looks consistent with what’s in and around the area that can work with what they have. You’re right. That gable…it’s all in trying to grow it up and maybe it’s too flat and the portions aren’t going to be right, but I think it just perhaps coming up with a solution that might work, but either way any room cover is going to change the character of the front and maybe the applicant and Staff can work to come up with something that works.

COMMISSIONER McFADDEN: Just even talking about it makes me realize how there are a lot of options here and yet now of them are very workable because we’re working with a porch form that’s already there. Some of this is almost simpler than what the applicant is suggesting and less expensive I would guess. With that said we want to get it to what the applicant wants it to look like and at the same time keep it a historic looking home. I guess because of that I’m not that opposed to what is being proposed. I don’t think it’s that terrible I guess. I’m still sort of struggling with do I support this application or not. Part of the reason why it is hard to support is because you know there are other options you could look at.

CHAIRMAN POOSER: My feelings are identical to Commissioner McFadden’s. I am curious if there are other options that could be addressed in line with some of the comments that have already been made. The roof form here with the gable and the hip is unusual to some degree and will look unusual on this house and would give a false historical appearance. I’m kind of split. I don’t know if this is the solution or not. Any suggestions on other alternatives?

COMMISSIONER McFADDEN: I wonder if we could ask the applicant if they’d be willing to at least do a worksession and explore a shed roof and even explore this idea…the cantilever on those corners and still work with the shape and maybe that would prove to us this is the best solution.

CHAIRMAN POOSER: That might very well be.

COMMISSIONER DAWSON: I look at what we started out with a couple of weeks ago on the property on Lewis Street and what we came up with today and it was an amazing difference in design and feeling and I’d like to think the same thing could be done with this property.

COMMISSIONER McFADDEN: It this weren’t a contribution structure I would be supporting this application. That’s the only reason that we need to take a closer look. I wonder, if wouldn’t put Matt on the spot, to ask him if this would take it out of contributing stating. That’s usually a question we like to ask, but my guess is that it probably would. That’s my only reluctance to it. Again, I don’t think it’s that bad I just think it’s a contributing structure that needs to have a little extra scrutiny because of that.

CHAIRMAN POOSER: I agree with those comments. It might be that if he has some
alternative designs in mind with what’s been suggested here today that this might be the solution...if we had those others to look at. I would be in favor of having a worksession and I think we could have it relatively quickly perhaps.

SARAH SCHAFER: We could have it as soon as they’re able to produce the drawings and come back in. We could have it next week or two or three weeks from now. As long as we set it to a date specific we don’t have to re-advertise.

PUBLIC PORTION REOPENED

COCO COOLEY: I’m looking at the photographs that I left. That might help us to have this page opened. I’m wondering minus this gable in the middle...it would be much smaller than this, but not a lot different. I do have several photos that I should bring up of other homes. We could still have hipped this roof and there are a lot of homes that have the gable above this. This is just square so as I’m sitting here thinking about it, it’s not a lot different from a lot of homes you’ll see with a hipped roof with a gable above them. This isn’t the best example, but I think the drawings and trying to get every angle and them being black and white drawings versus maybe a camera view it may not look as bad as those drawings. Possibly I could redraw it with a shed roof and see exactly how far we’re going to come up on the roof and how flat it would be. I’ll also try and do more of a gable. Our thinking in doing the small gable is we tried to minimize that and make it as small as possible because we started with a gable and our intent was to minimize it. We’re building a roof like on the front of that hook. It maximizes it and makes a very large gable. This is approximately 18 ft. wide so it’s a large area. I am a little concerned about doing...the gable would like nice, but it’s not historically correct to put it on there. A shed roof may look like a ski slope, but we’re willing to come up with some drawings if that helps.

CHAIRMAN POOSER: What is your availability and when could you get some of those drawings in?

COCO COOLEY: I could have them by next Monday. Does that work?

SARAH SCHAFER: If you’re willing to look at them at the worksession we could hold the worksession next Monday at noon.

COMMISSIONER DAWSON: I will not be in town next Monday.

CHAIRMAN POOSER: It won’t take that long. It’s a lunch hour thing.

SARAH SCHAFER: Next Monday was our regularly scheduled meeting. We weren’t going to have because we were having today’s worksession.

CHAIRMAN POOSER: If that works for everybody except for Commissioner Dawson maybe we should try to work it out then. See if we can get a quorum.

SARAH SCHAFER: If the other five that are here can make it next Monday then we’re set.

COMMISSIONER McFADDEN: I can make it, but I’ll barely be back in town. We don’t really
need to review anything before hand, do we?

SARAH SCHAFER: No. If you’re alright with her bringing the drawings to the worksession that’ll be fine.

COCO COOLEY: So if I brought just two or three other alternatives and then we could sit down and look them over and figure out how to go about it.

CHAIRMAN POOSER: As far as some of the discussion and with Commissioner Sewell’s suggestion with perhaps the gable and Commissioner McFadden’s with the shed…and it might be that this is it, but it would be helpful to see some more designs.

COCO COOLEY: No problem.

PUBLIC PORTION CLOSED

COMMISSIONER DAWSON MOVED THAT THE REVIEW OF DRH08-00355 BE DEFERRED TO THE NOVEMBER 10, 2008 WORKSESSION.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

SARAH SCHAFER: We’ll do that at noon.

MINUTES

October 13, 2008

COMMISSIONER DAWSON MOVED TO APPROVE THE MINUTES OF OCTOBER 13, 2008.

COMMISSIONER SEWELL SECONDED THE MOTION.

ROLL CALL VOTE 6:0. MOTION CARRIES.

____________________________________________
Christopher Pooser
Chair, Boise City Historic Preservation Commission

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Date
DRH08-00355 / Harold and Sarah Wright / 902 N. 20th Street
Request Historic Preservation approval to modify the existing roofline for a previously approved front porch (DRH08-00260) on property located in an R-1CH (Single Family Residential with Historic Overlay) zone. *(This item was deferred at the November 3, 2008 hearing.)*

CHAIRMAN POOSER: We had a hearing last Monday and agreed to have this go to worksession for review of modifications to the roofline for the previously approved front porch. We left it last time with some question about the design of the front porch and we talked about looking at some different alternatives to see if those were feasible.

COCO COOLEY (Applicant’s Representative): This is where we are right now which is the Turret style. These are some better pictures of what we would like. These are some of the ideas given by the Commissioners so we through them out to see how they would work. This one mentioned maybe doing a shed style that modified into the five sided design. That one didn’t work really well because of the 25’s.

CHAIRMAN POOSER: I’ll go ahead and pass around the different options. Also you were talking about a gable.

COCO COOLEY: Yes. This is a gable and a couple of views of it where these will overhang over those 45’s. We’re still following that design beneath it.

COMMISSIONER CHANDLER: These are all the front porch right?

CHAIRMAN POOSER: Yeah.
COCO COOLEY: This is another idea we tried by doing a gable, but following the 45 with soffits and eaves. That one became sort of a barn style and not our favorite.

CHAD VINCENT: With the shape of the exterior footprint that we were okayed to build there’s really two rooflines that look okay with it. Because of the 45 angles on there it has to start out with a hipped type look. Whether that goes out to a complete hip which is the Turret look they all meet at this one point which is this one or we modify that point regardless of that with the shape of this roof to look anywhere near what it is suppose to look like and to have drainage. The drainage is the biggest thing for us. And for drainage issues the best thing to do is continue to a peak. Anything short of getting to a peak at any point leaves drainage issues massively around these angles.

CHAIRMAN POOSER: Let me get some of these in the record. I think what I’ll do is the shed…

COMMISSIONER CHANDLER: This is just a worksession so we don’t need to do…

SARAH WRIGHT: The original intention and I don’t know how far you went because I wasn’t here at the meeting that spurred this one, but it was to accent and sort of mimic the roofline on this little side feature here. This was working toward that end and this five sided peak would come out and bringing out a gable or a shed or whatever is kind of taking away from that. We really like this feature and we think it adds to the home and we thought that we would bring that out with the whole front porch and that’s why it has those 45 corners.

CHAIRMAN POOSER: Legal counsel is telling me we do need to mark these as exhibits.

AMANDA HORTON: Because you’re going to rely upon it to make a decision so you need to…

CHAIRMAN POOSER: I’ll do them as groups. I’ll do the original proposal as Exhibit 1, this group, so this is all the same right…just different renderings?

SARAH WRIGHT: No. These are what was approved.

CHAIRMAN POOSER: These right here?

COCO COOLEY: The modifications.

CHAIRMAN POOSER: So this is what we looked at last time?

COCO COOLEY: Yes.

CHAIRMAN POOSER: These are our new renderings?
COCO COOLEY: It’s the same thing it’s just shown in more of a photographic style. I think it’s easier to see that way than the line drawings that I brought last time.

CHAIRMAN POOSER: Let’s go ahead and do the modified original proposal as Exhibit 1. The shed roof will be Exhibit 2. The straight gable will be Exhibit 3. The modified gables with the 45’s will be Exhibit 4. Matt, did you get a chance to look at all of these?

MATT HALITSKY: Yes. While I still have my original concern from last time that any of the options will change the look of the front and it is a contributing structure. I think the original…the one you saw last time seems to be the least obtrusive of all of them. With the small gable above the roof that was already approved. That was my initial thought. However, it is changing the look of the front.

COMMISSIONER SEWELL: The original proposal which was approved still changed the look of the house from the shed enclosed. What’s the concern with this modified one potentially making it noncontributing from what was initially proposed if they both change it?

MATT HALITSKY: It would be up to the Commission to decide at a future date whether it’s still contributing or not. My thought is because they did mimic an architectural detail that already existed on the home and they just followed that through to the front of the home. Perhaps that is a little better than introducing a gable that you don’t see on the front of the home now. I see your point that the previous approval did change the look of the front.

CHAD VINCENT: The original shed roof that was on there was added a long time after the home was built. Whoever did it did it for the sole purpose of keeping rain from dripping on someone when standing on the front porch. What we’ve looked at is really we’re trying to follow the two main looks of this house. There are gables here and there on the house. On the back there are two gables and on the side there is a gable on each one. Then there’s this small turret that comes out at a 45 degree angle, but it doesn’t go up to a hip. It ends on the siding. What we were concerned about when we realized what this was going to look like was that it was going to introduce a hip to the front of this house. Although it functioned as a good roof for the shape of this porch it didn’t really match the rest of the house to us because of everything else that’s there. So when we looked at this and how we could change it to make it better not just to look better, but to match the style of the house. It was to introduce that small gable to the front and give the whole thing the hipped look that a 45 degree structure takes to get a roof on it, but to introduce the siding above it because there’s so many other things on this house that have that element to it. It didn’t make any sense to introduce the big hip to the front of this house even though when we originally drew it, it looked fine to us. There were concerns with is that really going to look great.

COMMISSIONER McFADDEN: They’ve done a great job and shown good faith in coming up with some other schemes here. I hate to do this to them, but I feel like we’ve
gone full circle and the one that they brought originally, which is the modified proposal not the full turret, but the modified one…

CHAIRMAN POOSER: The one that we reviewed at the last hearing?

COMMISSIONER McFADDEN: Yeah…the last hearing. Is that the same exact one that is Exhibit 1?

CHAIRMAN POOSER: Yes.

COMMISSIONER McFADDEN: From looking at these that one looks the best. Now whether it’s historically appropriate that’s the question, but in my opinion subjectively that one is the best solution. Maybe this is one of those situations where you draw something in two dimensions and you think it’s going to look good and then when you get out there in the field it doesn’t look that good and I appreciate that you guys wanted to come back and make it right.

COMMISSIONER SEWELL: The typical porch configuration in the District is rectangular so by first introducing the five sided porch with these 45 degree cuts is it not typically seen there so now trying to reconcile how to put a roof on there is somewhat consistent and congruous with the porches and roofs in the area which is where the problem is. What’s submitted here with the shed is not quite what we were talking about. Getting back to all the options here it certainly seems like their modified one at least looks like it might, as far as all that is submitted here it probably looks better and does tie into the existing house. It is a new element so as far as it being a new element it should be and I recognize it’s not part of the house. Just following that porch line is creating an issue here. From our conversation last week my thoughts were more in line with trying to put on more of a typical porch roof, a straight shed and let the five sided 45 degree porch footprint underneath just be its own and so you try not to follow that so at least in that regard it does look like a typical porch roof although the footprint below is a little bit different. That’s where the shed example that you submitted isn’t quite what I was envisioning, but I think it’s just reconciling the overall execution of the footprint and the roof and understanding that it is new and that there isn’t a historical example out there that I could find anyway that we can really try and tie it to.

CHAD VINCENT: Part of the reason that we did this is it is hard to look at from this view, but there are several 45 degree angles on this house so that’s kind of where that came from. It was following some nearby angles and that’s were that came about. It is new to the front, but there are several examples on the footprint of the house.

COCO COOLEY: This is a 45 degree existing on the front of their home already.

CHAD VINCENT: Then on the other side where the little turret goes out is a 45. I just wanted to let you guys know that we just didn’t make it up to be funky. We were kind of following the whole process of how the house felt to us.
COMMISSIONER SEWELL: I think you know in our guidelines we just look at certain elements of the house as far as porches and entries and that and so there is certain things that we look for in that regard so in my review anyway it’s the porch...I understand how you want to follow the bays, but it’s not something typically seen down there were you see that porch sort of mimicking other bays in and around the house.

SARAH WRIGHT: I did a lot of research about what would work with it and appreciate the concern about the shed roof. First of all I pulled all the old building permits and Sanborns and originally there was nothing there. Then in the 50’s and 60’s that shed roof was put on. In driving around the North End it is incredibly difficult to find an example of a shed roof that comes off another roof that’s not onto the end of a gable. Does that make sense? When they come off of a shed roof it’s…I think I found two examples in the North End and I looked a lot to try to find that. So having that shed roof coming off of the sloping side of the roof didn’t seem to be a workable option that was attractive as well.

COMMISSIONER CHANDLER: I wasn’t here when this was originally discussed, but one thing that strikes me through all of the proposals is that added those 45…essentially chopping those little corners or whatever you want to call it almost seems a bit forced. As Commissioner Sewell indicated that is generally not a condition you find as far as front porches to mimic the other parts of the structure and especially because it’s not equal dimensions. The 45’s are much shorter than across the front and therefore it seems a little forced to me as opposed to something that appears to belong with the structure. I follow what you’re doing as far as how you’re coming to that, but it’s not something that seems typical of a home, I don’t know the original construction date of the home, that you’d find on something as far as finding the bumps outs on the side with the 45’s and such is not uncommon at all, but it seems like it’s not quite in place with the home itself with pushing that on the front and then ending up with the challenge of how do you deal with the roofline as a result of that. I see why you’re doing it and I don’t have any real problem with the thought process, but I’m having a bit of difficulty in integrating it all and making it appear as though it’s not an added feature that it distinctly appears to be given the fact that the dimensions are not equal as far as the 45’s and the front that’s parallel. It wouldn’t bother me at all if they weren’t there.

CHAIRMAN POOSER: The porch has already been poured and there’s a basement underneath it so that’s one of the reasons why we’re here. The original objection and I understand this has gone through...there was a different Staff person here and they said a gable is not going to work at all for the front porch. Why is that and what was the rationale?

MATT HALITSKY: If I had to guess I would think that Julie was thinking that introducing a gable to the front of the home would significantly change the front and her concern was that it would render it noncontributing at that point. She recommended either a shed roof much like Commissioner Sewell is recommending or else mimicking this element here that evidently is what was finally approved, but like you see in the photo here I don’t think a turret is the best bet.
COMMISSIONER McFADDEN: The problem is on that side it’s basically covering a little bay window and then out here it’s like a whole different scale so I see where that thought process might have happened, but based on the sketches this is the mark. I can see where you can try that as an option but…it looks like a turret and on the other side it’s a bay window. This scale is entirely different. It’s a whole different situation so I guess my thoughts are to go back to Exhibit 1 where it’s modified based on the fact…we’re kind of backing up here based on the fact that the basement is poured and we’ve got that five sided porch now. I understand where Commissioner Sewell was coming from and I was kind of hoping to see that come off where the roof would kind of float over the footprint and not necessarily have to tie together. I’m looking at it now and I’m thinking maybe that would look weird too. It’s hard to say. I’m back to the same and I’m being supportive of Exhibit 1 as an option.

CHAD VINCENT: As an answer to your question whenever we come into the historical district and Julie was here up to the point of this process, but we usually come in with a couple different options and just because we don’t want to have our clients charged for our time and until we know where we’re going so we usually bring in a few options and there were a few options brought in and it was adamantly told to us that there would be absolutely no big gable on the front of that house. That’s were we started. There was a certain thing they said no to and then it was where do we go from here?

CHAIRMAN POOSER: I’m not really following that logic. If we’re going to put something big on the house whether it’s this or that it’s going to be a change so you want something that’s going to fit within the design elements of the house. This is acceptable given where we are, but I almost think that maybe this gable approach, at least aesthetically, it looks better and it seems to fit more of the character of the house even with this 45 degrees there which is…even though you’ve got the gable coming out over this 45 degree that happens over here as well. What is your favorite?

SARAH WRIGHT: Exhibit 1.

COMMISSIONER CHANDLER: What is the difference between Exhibit 1 and what appears as though it was part of the original proposal?

CHAIRMAN POOSER: It’s just a different rendering.

COMMISSIONER CHANDLER: Okay. So it’s actually not a modification it’s just what was originally approved.

SARAH WRIGHT: Yes.

CHAIRMAN POOSER: Yes. But as far as what came last Monday…

CHAD VINCENT: We wanted to show it in color so it would be better looking.
SARAH WRIGHT: To your question of my preferences if that one is really not going to work I prefer the gable over the shed. I don’t see anything attractive about the shed.

CHAIRMAN POOSER: Yeah…I would agree with that.

COMMISSIONER CHANDLER: If I were choosing I would feel more comfortable with that.

CHAIRMAN POOSER: I think we have some consensus here.

COMMISSIONER SMITH: I like Exhibit 1.

COMMISSIONER TRUSLOW: I like Exhibit 1 aesthetically. It fits with the house well.

COMMISSIONER McFADDEN: Exhibit 1.

COMMISSIONER SEWELL: Exhibit 4.

SARAH WRIGHT: Can I ask a question about our contributing status? Does this affect our status as a contributing structure?

CHAIRMAN POOSER: Yeah. It will. I will affect it, but whether it will knock you out of contributing I don’t know.

SARAH WRIGHT: It will just become a part of the equation and it may…

CHAIRMAN POOSER: Yeah. As far as looking at it right now it could very well knock you out of contributing. Technically that’s not a question for us. In 50 years will it be contributing? I don’t know. We’ll have to wait and see.

COMMISSIONER CHANDLER: By doing this does this mean that this is going to be brought back at a regular hearing or we in a position that we can actually approve this at this point?

AMANDA HORTON: You are in a position that you can approve it at this point. There was no public testimony at the previous meeting and it was set over to this worksession for an approval or denial. You may want to bring it back for Staff to draft up findings, but you can make the motion.

COMMISSIONER CHANDLER: And there was nothing else from the previous hearing that was on the table as far as modifications? Just this?

CHAIRMAN POOSER: No. Just this.
COMMISSIONER MCFADDEN MOVED TO APPROVED DRH08-00355 BASED ON THE DESIGN SUBMITTED TODAY IN WHICH HAS BEEN MARKED EXHIBIT 1.

COMMISSIONER SMITH SECONDED THE MOTION.

ROLL CALL VOTE 4:1. MOTION CARRIES WITH COMMISSION SEWELL VOTING AGAINST AND COMMISSIONER CHANDLER RECUSED.

DRH08-00310 / Sandra Beebe / 1300 E. Lewis Street
Discussion and ratification of Findings for approval. (This item was approved at the November 3, 2008 worksession.)

CHAIRMAN POOSER: Does anyone have any questions or comments on the findings.

COMMISSIONER CHANDLER: Just a comment that the minutes that were sent out. I unfortunately I had a real problem printing the PDF and getting everything to print so I will again abstain from any vote on this because I wasn’t able to read the minutes of the meeting.

CHAIRMAN POOSER: I did too as a matter of fact. It was cut off, but I got the general…it was accurate as far as what I reviewed and you could pretty much tell what was there. It was more or less complete.

COMMISSIONER McFADDEN: Problem was on Page 7…it was all there.

CHAIRMAN POOSER: Was it?

COMMISSIONER McFADDEN: Yeah.

COMMISSIONER CHANDLER: I couldn’t get it there. I kept trying, but nevertheless.

NICKI HECKENLIVELY: Didn’t it come through as a Word document?

COMMISSIONER McFADDEN: It did, but it came as landscape instead of…

NICKI HECKENLIVELY: It did?

COMMISSIONER CHANDLER: It was like a PDF because you couldn’t go in and mess with it. It was like a PDF transmitted as document file.

NICKI HECKENLIVELY: I’ll check into that. Has that ever happened before?

CHAIRMAN POOSER: No.
COMMISSIONER CHANDLER: No. It was the only one like that too.

COMMISSIONER McFADDEN: It was set up as a landscape…at least on my machine. Once I fixed that it went fine.

NICKI HECKENLIVELY: I may have had the page setup set wrong on that one for some reason. Sorry about that.

ALL IN FAVOR OF APPROVING THE FINDINGS FOR DRH08-00310 WITH COMMISSION CHANDLER ABSTAINING. MOTION PASSES.

Scott Chandler  
Vice-Chairman, Boise City Historic Preservation Commission  

Date
Historic Preservation Commission

Worksession Minutes of November 24, 2008

Commission Members Present
Scott Chandler, Vice-Chairman, Cathy Sewell, Betsy McFadden, Barbara Dawson and Steve Smith

Staff Members Present
Sarah Schafer, Matt Halitsky, Amanda Horton and Nicki Heckenlively

CONSENT AGENDA

DRH08-00355 / Harold and Sarah Wright
Location: 902 N. 20th Street
Discussion and ratification of Findings for approval. (This item was approved at the November 10, 2008 worksession.)

NO COMMISSION DISCUSSION.

Commissioner Dawson: I will not be voting on this item. I was not at the hearing.

ROLL CALL VOTE 4:0. MOTION CARRIES WITH COMMISSIONER DAWSON ABSTAINING.

REGULAR AGENDA

DRH08-00358 / Rudy Cedillo
Location: 1218 E. State Street
Requests Historic Preservation approval to construct a carport located in an R-2H (Combined Residential with Historic Overlay) zone.

MATT HALITSKY: The applicant has constructed a 342 sq. ft. carport. There’s a photo of which on Page 5 with a site plan on the next page, Page 6. This construction was done without a Certificate of Appropriateness. It’s a little awkward because the carport has already been constructed, but if it were a new application for a proposed carport Staff would have recommended denial based on the T-111 siding. The 3 ft. side setback that’s
indicated as well as the fact that the carport would result in a 37% lot coverage. If the Commission does approve the carport Staff recommends two conditions. That a variance be obtained for the 3 ft. setback as well as the T-111 siding being replaced with something more appropriate.

COMMISSIONER McFADDEN: What would you suggest would be a more appropriate material?

MATT HALITSKY: Either a wood or composite siding.

COMMISSIONER CHANDLER: What is the siding on the existing garage?

MATT HALITSKY: I believe its lap siding.

RUDY CEDILLO (Applicant): It’s a combination. Lap on three sides and T-111 on the front side.

COMMISSIONER DAWSON: You indicated the project was complete…the photograph that we have before us does not appear to be a complete project.

MATT HALITSKY: For the most part it is complete. I believe they stopped work once Code Enforcement got involved so the photo should be accurate. I believe the roofing still needs to be completed as well as part of the front.

COMMISSIONER SMITH: I have a question for Legal counsel. What affect is there if any to the fact that it’s already complete and what is our role or jurisdiction in this as to whether or not grant permission and if we don’t what happens?

AMANDA HORTON: Your job as a Commission is to review this in line with the criteria that is contained in the Ordinance. The Ordinance does not contain a provision that says if it’s already built that this is a consideration. That would be something you take into consideration. This item also has to go before the Planning and Zoning Commission for a variance request. There are some other issues with that. I can tell you that in the past there have been situations where the City has requested and gotten removal of items that were built in violation of the Ordinance. My recommendation to you is to go ahead and make your finding based on the Ordinance and allow this to go through the other processes and eventually we’ll figure out how to enforce this...allow the City Legal Department with input from PDS and the City Council to determine what will happen with this. The applicant will also have a chance to appeal any adverse decision that this Commission and any adverse decision at the variance level and both of those would ultimately come to the City Council. That’s a stop gap measure really. I would recommend that you apply the Ordinance as you believe that the evidence supports.

COMMISSIONER SMITH: This is the East End Historic District?
MATT HALITSKY: You stand correct.

COMMISSIONER SMITH: Do we still essentially enforce the 33% lot coverage size there like you do in the North End?

MATT HALITSKY: We have in the past.

COMMISSIONER CHANDLER: That’s in the guidelines isn’t it?

MATT HALITSKY: I think so.

RUDY CEDILLO: Thanks a lot for letting me come and present my case or present my situation. I, 100% understand what you are about and what you are trying to preserve and I’m on board with that. I had e-mailed Matt and I read the findings. I attempted to print them out, but my printer didn’t cooperate. I want to start off with it’s really not complete. It may appear from the pictures that it is, but I would say it’s 75% complete. The drawings that I submitted show more of the finished plan. I just want to clarify that because if you’re to look at it and think that it’s complete it looks like something out of Sanford and Son. It’s not done. As far as the space…the coverage, my lot has a tremendous amount of concrete. It’s one of the very different houses in that neighborhood…in fact the whole East End. There are only three or four houses similar because it has a long driveway into my garage so I have a lot of concrete. As soon as it passes the house there’s even more concrete and it widens out. I have a tremendous amount of concrete. I don’t like that. When I put the carport up…this whole thing kind of changes. It’s suppose to be temporary and then it wasn’t suppose to be attached and I ended up getting a lot of free material and it kind of grew. Consequently I attached it. I’m not totally clear why this Commission would rather see more concrete than roof structure where you come up with the 30%. That’s really neither here nor there. I have to follow your guidelines and so forth. What I would say in regards to the 30% is that, as I had e-mailed Matt, there is a house just around the corner and they did a remodel and added on and that house clearly to me was up in the 40%’s. It turns out it’s just under that. They submitted and somehow and they got it. I believe you said that the finding was that there were other houses in that area which is true that are definitely over 30%. It turns out my neighbors both have houses that encompass more than 30% of their lots. I would ask you to visit my house and look at both of these houses and you will see there is a strong effort on my part to make sure that my house is totally up to snuff, clean and consistent with what this board is about. I would ask you to do that before you just deny it. If you do deny it I totally understand. I would just ask another thing that if you deny it and I have to bring it down that I’d be given a valid amount of time. The reason I say that is because I’m currently going through an issue where I’ve got to get some back and neck surgery and I won’t know until next week. At this point my doctor has told not to do anything. All I’m asking is to give me some time if it has to come down. If you buy off on the square footage as far as the percentage and so forth then that’s great because that brings me to the next part which is the distance I have to be from the property line. According to the report…I was told initially that it was 3 ft. and then I found out if you attach it to an existing garage it’s 5 ft. from the property line. The exiting garage on one
part is probably very close…5 ft. would not even work because then it would screw up
my whole garage door to even enter it. It’s not functioning that way. If it was detached I
understand it is 3 ft. from the property line. That’s fine, but according to what you said in
the report then I have to be 6 ft. from the detached garage and 6 ft. from the home so that
puts it out and it ends up not being functional. It will function, but it will look like crap
because there’s no symmetry to it. One of the questions that I asked Matt was…I went
through the documentation for the code and everything about a temporary. If worse came
to worse then I’d like to look at possibly a temporary solution. Obviously my goal was
that it fall in and be attractive with my house and when I go to sell it I’m going to get that
much more out of it obviously. That was the goal at the very end. If I can’t achieve that
then possibly a temporary solution with a temporary structure that I could end up taking
down when I go to sell, which is what I’d probably end up doing. So if I’m not capable
of meeting those guidelines at all then I totally understand what you guys decide to do.
That’s about all I have to offer.

COMMISSIONER McFADDEN: These dimensions here…what is this line and this
line?

RUDY CEDILLO: Those are two fences that the previous owner put in. One is a 6 ft.
cedar fence and the other is a chain link fence. First she put in the chain link first and
then she decided she didn’t like looking into the neighbor’s yard so she put the 6 ft. fence
up.

COMMISSIONER CHANDLER: Are both of those fences are on your property?

RUDY CEDILLO: Yes.

COMMISSIONER SEWELL: Were you the owner back in ’06 when this application
was submitted for the porch and carport?

RUDY CEDILLO: Yes.

COMMISSIONER SEWELL: So you knew about the Certificate of Appropriateness
process and that you had to submit?

RUDY CEDILLO: I did.

COMMISSIONER SEWELL: Okay.

COMMISSIONER CHANDLER: One thing I’m a bit confused on is you’re putting a
carport in front of the garage so is the garage to remain a true garage from a standpoint of
parking cars in it or is it going to become something that’s used for another purpose and
then the cars would be in front because you’d have to drive through the carport to get to
the garage? I’m I correct on that?
RUDY CEDILLO: Correct. I have a boat so right now I’m storing my boat and working on my motorcycles. What you can’t really see here was to actually submit…while on the back I have alley access. I would not be able to submit a plan to get alley access based on the direction the car goes now, but I could submit coming in from the side, which is how some of the other alley accesses are. That is where I would eventually want to submit to put a garage door so I can use it from two angles. It’s going to remain a garage.

COMMISSIONER CHANDLER: On Page 8 where it shows the carport front and shows the width there as 16 ft. 8 inches in height at 7 ft. 7 inches that looks remarkable similar to what the front of a garage would be if one were to put that wide of a garage door. Is the structure being put together so a garage door could fit on that and potentially become a garage as opposed to a carport?

RUDY CEDILLO: No. It’s not in my budget. If you’ll notice too there’s no electrical in this and I have no plans to do anything electrical.

COMMISSIONER CHANDLER: A few things that I really can’t tell from the photos the wall of the carport that is near the fence, which would be on the east side…that seems to be in line with the wall in the garage. Is that correct?

RUDY CEDILLO: The wall?

COMMISSIONER CHANDLER: Right next to the fence…it doesn’t jog?

RUDY CEDILLO: No, that’s not accurate. It actually jogs. It actually sets off the corner of the existing garage. I think that’s what you’re asking. How much it sets back. If you look at this corner this is the fascia it sits…I believe there’s about 16 – 18 inches, but the garage actually…there’s a wall this far.

COMMISSIONER CHANDLER: So the distance that the proposed carport is from the property line is 3 ft. and the existing garage is closer than 3 ft. to the property line? Is that my understanding?

RUDY CEDILLO: Yes. That was there when I bought it.

COMMISSIONER CHANDLER: If you go to the west side of the garage there appears to be a more significant jog there which is apparent in the photos?

RUDY CEDILLO: Yes. That’s accurate. If you’re to drop a plum from the peak…the way that garage was built initially they actually built a two-car garage, but what they did is they put in a 9 ft. door and they didn’t center it. I’m not sure exactly what they had going on there when they put it in, but the door doesn’t line up and it’s not plum and so forth so it looks kind of skewed.

COMMISSIONER CHANDLER: It appears as though with what is currently constructed…the peak of the carport is not in line with the ridge of the garage?
RUDY CEDILLO: That’s accurate. Had I done that I would have had to change the peak and shorten it up. I wouldn’t have been able to make a two-car garage because like I say the way they built the original…

COMMISSIONER CHANDLER: Do you have any thoughts with regard to what Staff stated on the siding?

RUDY CEDILLO: Do you want me to put lap on is that what you’re saying?

COMMISSIONER CHANDLER: Staff has indicated that the T-111 is not appropriate and I’m curious to your reaction of that.

RUDY CEDILLO: I would change it to be consistent. I’m not opposed to that.

COMMISSIONER McFADDEN: My question is it appears to me that this more of a garage without a door. My understanding of a carport is all the sidewalls are open and it is basically a roof unless I don’t know what the definition of a carport is. I guess I’m asking you what would make this different from a garage without a door versus a carport?

RUDY CEDILLO: The way it was explained to me I think you’re accurate. When I talked to the City Inspector he said a carport by definition is that you are limited to one side. I could actually take one side off. The side that would go up against the fence and still fall within the carport.

COMMISSIONER McFADDEN: Wouldn’t you then have two sides? The garage wall plus the wall that’s facing the yard?

RUDY CEDILLO: Yeah. The yard and then the front. I could take the other one off too and then the T-111 issue doesn’t exist.

COMMISSIONER DAWSON: I’m confused there. The T-111…

RUDY CEDILLO: It would have no sides.

COMMISSIONER DAWSON: In the front?

RUDY CEDILLO: On any. You’d have the front that actually…from the facing…the gable side would be covered to make it look aesthetically pleasing…that’s the only side that would be covered.

COMMISSIONER CHANDLER: Are the drawings done by an architect, a draftsman or engineer?

RUDY CEDILLO: Me. I did all that.
COMMISSIONER CHANDLER: From a structural standpoint who has done these?

RUDY CEDILLO: I did.

COMMISSIONER CHANDLER: Are you an engineer?

RUDY CEDILLO: No, I’m not. I’m a network engineer, but not a structural engineer. I built over 80 houses when I was younger and it was mostly all this kind of construction. I know about roof loads, beams and trusses.

AMANDA HORTON: I can give you the carport definition from the Zoning Ordinance. “A carport is a structure open on at least two sides used to house or protect motor vehicles which are owned or operated by the occupants of the principal building”.

RUDY CEDILLO: So it’s two sides not one side. I was thinking it was one side.

COMMISSIONER McFADDEN: This is really opened on one side. Correct?

RUDY CEDILLO: Yes.

COMMISSIONER McFADDEN: Because it backs up against the wall and then there are two side walls and then there’s the front that’s open?

RUDY CEDILLO: Yes.

COMMISSIONER McFADDEN: Technically this is a garage without a door.

COMMISSIONER DAWSON: Today.

RUDY CEDILLO: Doesn’t a garage have other descriptions to it? There’s more to it isn’t there? Want to look that one up to?

AMANDA HORTON: You bet I am.

RUDY CEDILLO: Okay.

COMMISSIONER SEWELL: I would like to ask a question while Legal looks that up. This goes to Staff. If this is by definition not a carport and is attached to the garage does that essentially make it one building and how does that affected any zoning issues as far as the accessory building size, square footage, setbacks, and does that…

MATT HALITSKY: At this point were just looking at this as a structure. I don’t think whether it’s a garage without a door or a carport makes a difference as far as setbacks. There both structures that would require a 5 ft. setback. If it is attached to the garage. If you detach it by 6 ft. and it’s also detached by 6 ft. from the house it is considered free
standing at that point because it’s between a 120 sq. ft. and 500 sq. ft. you can have a reduced setback on the side of 3 ft. That’s another direction we shouldn’t go in. As far as the total square footage of the entire building once you get over 1,000 sq. ft. a Zoning Certificate is then required because the structure is quite large. That’s only above 1,000 sq. ft.

COMMISSIONER CHANDLER: What’s the combined sq. footage with the proposed carport and the existing garage?

COMMISSIONER SEWELL: I have 812.

RUDY CEDILLO: The addition is 342 and it’s not bigger than the existing one so it wouldn’t be over 1,000.

MATT HALITSKY: The existing is 470 sq. ft.

AMANDA HORTON: “A garage private is an enclosed accessory building or an accessory portion of a whole building designed for shelter or storage of vehicles owned or operated by the occupants of the principal building.” So basically an enclosed…

COMMISSIONER CHANDLER: For our purposes here it really doesn’t make a difference if we’re talking carport or a garage. Before we close the hearing I’m curious if you would want to discuss this in a worksession type of environment as far as what would potentially be workable or if your preference would be to proceed with a decision on what currently exists? I can’t predict what the sediment of the Commission is going to be nor can I say there is room to move or there isn’t. It’s just one of those things that we really can’t tell until we actually take a vote on something. I guess if you wanted to present some alternatives before we take a vote that would be an approach we could potentially take if you and the other Commissioners were in favor of that. However, if you would prefer that we proceed with a vote on what we’re presented with here we can go that direction so that we can provide you with all the potential opportunities to get where you want to be, but I can’t guarantee that we’re going to get anywhere where you want to be until we try that.

RUDY CEDILLO I welcome any alternatives…absolutely. I would be more than willing to look and see what I could do to make it easier to pass. I live over there and I know what the houses look like. I know what you guys are all about so absolutely. I would definitely be more than willing to take down one wall and put up the lap siding…whatever to try to get to that point where the current investment doesn’t have to go away….

COMMISSIONER CHANDLER: To move this direction what we essentially need to do at this point would be to have each Commissioner, who cared to, give you opinions, reactions and that type of thing as far as what may or may not be workable and it may not be anything. That would be an approach and then from that point by testing the waters
there see if you wanted to go that direction. I’d like other Commissioners input on that and if they have a preference.

COMMISSIONER DAWSON: I would have a question for legal and that is if we don’t make a decision here tonight what are time frames as far as the other governmental entities making their decisions.

AMANDA HORTON: I’m not sure what the timeline is when the application is going for a variance. Staff may have a better idea.

MATT HALITSKY: To my knowledge a variance hasn’t been applied for yet. They usually take about two months. I’m sure Code Enforcement would hold off.

AMANDA HORTON: Tomorrow is the cut-off for January so it wouldn’t be until February if that wasn’t applied for by tomorrow.

COMMISSIONER CHANDLER: A variance?

AMANDA HORTON: Yes.

COMMISSIONER CHANDLER: At this point we can discuss it a little further and then we can come to a conclusion as to whether a worksession is possible, whether you’d like to present other designs or we can just proceed with this. I think what you currently propose is not very compatible with the neighborhood from the standpoint of essentially scabbing on a carport onto a garage. Architecturally it leaves a lot to be desired. Regardless of the T-111 siding, which I think would definitely need to be upgraded in the fact that it truly does appear to be a building that’s been put where it would fit as opposed to any real design work put into it to make it a positive contribution to the neighborhood. My thoughts are you’ve got the variance thing could potentially be dealt with without a significant problem given the existing garage and where it is. The lot coverage is a problem. You’re getting up to a point that it’s beyond what is considered appropriate in our guidelines. I’m not sure I really concur with the justification that there is a need for a carport that goes beyond that 33% up to 37% in this particular neighborhood. Yes, I’m sure there are others that are there, but at the same time I’m not seeing a compelling reason to say that this needs to be there. If the design or something that really contributed to the neighborhood that could potentially out weigh some of that lot coverage issue. But, at this point what I’m seeing is what appears to be a fairly, and excuse the terminology, low budget construction that goes beyond the lot coverage that is not particularly attractive and is just kind of being put there because there is existing concrete and it is being fit where it can fit. I would think there would need to be some significant upgrades as far as the appearance of the overall design before I would be comfortable really addressing the fact that you could justify going beyond the lot coverage issues. Those are the issues that need to be dealt with to get an effective carport you’re not going to be able to do it with much less square footage so you’ve got a big challenge in order to put something before us that would justify going beyond the lot coverage that is recommended for the neighborhood.
RUDY CEDILLO: You bring up the lot coverage and make that statement yet I have a house to each side of me that’s...this board is set as the guidelines...there are other houses that have recently added on that are over so I don’t think I agree with your comment because obviously I’m between two properties that have gone over the limits and one that’s just around the corner. There are many other houses in those areas that exceed that so to single me out and say that this alone and that you shouldn’t go forward with it...I’m not sure if that’s fair.

COMMISSIONER CHANDLER: Let me tell you again...the reason I say it’s significant in this case is because what you’re proposing that would put you over that I do not at this point look at as a positive contribution to the neighborhood. Typically when we’re approving something that goes beyond that there’s a fairly compelling reason as far as the design, the placement and a variety of things that in this case I’m not seeing something that’s proposed to me that says “Wow”. It is not an impressive structure that you’re proposing.

RUDY CEDILLO: Are you saying that’s the only kind of structure you’re going to allow is one that says “Wow”?

COMMISSIONER CHANDLER: No. I’m just telling you that here is something...I need something to compel me to feel as though it is justified to go beyond that and the structure that I’m seeing needs improvement from a design standpoint. If it is improved from a design standpoint that possibly could mitigate some of the other factors.

RUDY CEDILLO: Okay.

COMMISSIONER SMITH: First of all your statement that you’re surrounded by people with larger lot isn’t true according to what I’m looking at here. I believe your lot is at 37 ½ ...

RUDY CEDILLO: I didn’t make that statement sir. The statement I made was in reference to the percentage of roof structure that is allowed. That is what I was talking about. Not lot size.

COMMISSIONER SMITH: Okay...because 1222 which is next door to you is at 28% and 1216 has a 38% and there’s a substantial number of houses in the neighborhood...most of them across the street from you that are significantly less than 38% or 37%. It seems to me and we often hear the argument here that “Well everybody else is doing it”. That would be fine except you constructed a structure without getting a permit and without going through the process and that isn’t how we do things. It is something from my perspective that if we’re going to make this work it’s going to take a lot more work so I agree with the Chairman that we’re in a position where you’re asking us to, after the fact, approve something that you didn’t go through the process which makes it very difficult and it’s not a very strong argument from my perspective to say, “Well everybody else does it”. A., it doesn’t appear to me to be true and B., that doesn’t
really give us much to work on…I’ve heard that argument substantially that everybody else in the neighborhood does it. Well that doesn’t make it fall within the guidelines that we’re required by law to follow. I’d like to make this work too, but right now what we have in front of us doesn’t work very well for me for two reasons. A., you didn’t follow the law and B., I don’t like the way it looks. It doesn’t seem to me to fall within the neighborhood looks. If I had to vote right now I would vote to deny the petition as it is presented to us.

RUDY CEDILLO: Let me just say something that you said…that was not correct about the square footage. 1216 and 1217 Washington are quite high. There are some other ones…the house right next to me…did you quote a number? I’m not sure which side it was because it actually dwarfs its lot. It has a very large garage.

COMMISSIONER SMITH: I’m going off lot percentage sizes in the application so that’s were I get my numbers. That’s Page 2; it looks to me like 1216 is a 38% lot coverage size while 1222 is 28%.

RUDY CEDILLO: So the 1216 would be larger…it is at 38% right now so the other one is at 28%. If you go down a little further there’s one at 34%, a little further is 32%.

COMMISSIONER SMITH: There’s one across the street that’s 38%, but it looks like there are two houses on there from what I can tell.

COMMISSIONER CHANDLER: Let me interject something here…we can talk about percentage all day long, but keep in mind here what we’re looking at is we’re looking at an application as though this has not been built. We are to essentially say whether we would permit this to be built if this application were in front of us to do that. I would have to say that it needs some serious design improvements before I could feel as though this were an appropriate structure regardless of the lot coverage and I think in so many words that’s pretty much what Commissioner Smith has said as far as the design.

COMMISSIONER SMITH: Right, but I do have a problem with the lot coverage size too.

COMMISSIONER CHANDLER: Right. I understand that. We have to keep in mind that we are to look at this as though the structure does not exist now and would we in fact be willing to grant a Certificate of Appropriateness for a building to be constructed to look like what is essentially in front of us. I reiterate that I would need to see some significant design improvements on that. What we’re trying to do at this point is to give you some suggestions that may potentially lead you to do something that might get us to say, “Yes, this design is adequate”. Maybe nothing will work. Maybe other Commissioners would feel that what’s there works. That’s their opinion and I would invite them to express their opinion on this. We’re not here to essentially argue the things…we can always go to a vote if that’s what you care for us to do. I’m trying to present a situation so if you care to you can propose some changes that might stand a better chance of being approved. I can’t guarantee that anything will and I can’t tell you
right now that it wouldn’t be approved depending on the people that are here now that will vote. I’m trying to solicit any comments from the Commissioners so we can potentially bring this to a conclusion.

COMMISSIONER McFADDEN: I sympathize with the applicant because it is partially built even though we’re not suppose to take that into consideration…it’s hard not to. I think part of the reason that the applicant gave to putting the carport there that they felt it made sense was the fact that they have a street loaded driveway and that there’s a lot of concrete there and this would sort of mitigate that. In the opposite way it sort of exasperates the problem a little bit. I wish that this were…and I’m going to read a little bit from our guidelines and I don’t know if you’ve read through those, but in Chapter 6 we address accessory buildings and accessory dwelling units and garages, which I guess this is what this would fall under whether it’s a carport or garage…6.1.5. it says, “It is generally”…I could read all of these and most of these are going against the argument of keeping this particular structure the way it’s built, but 6.1.5 says, “To use similar materials used on the primary existing building”, so that might be something to consider if we do go forward. Maybe look at what the siding is on your house and match some of the architectural detail of your house and garage. You can’t see the garage very well from the street because I did drive by the house so I’m not quite sure what your existing garage is. The other thing that we do encourage from a historic perspective is to alley load the garages and that I think would be a little palatable to this Commission…if we were talking about something coming in off the alley. A couple of others that I wanted to read are 6.1.7 reads, “To design garages so that they are alley loaded”. 6.1.13 says, “It is generally not appropriate to mimic primary structures in terms of historic character or residential appearance”. 6.1.14 says, “It is not appropriate to use materials traditionally not used in the district”, which is T-111 siding. We discourage using that. Part of what I would encourage you to do or encourage the Commission to do is to turn to our guidelines and try to help the applicant along with some of the design issues based on the guidelines. I feel I couldn’t support this application whether it’s built or not. If it was a line drawing and there was nothing built, but this particular design was being proposed I wouldn’t be able to support it at this point.

RUDY CEDILLO: What do you do in the case where the house has aluminum siding and the garage has lap siding and your statement was to match the house? Now that would not look right if you’re putting aluminum siding attached to a lap siding.

COMMISSIONER CHANDLER: I think the reference was more in the appearance where the T-111 is a radical departure from either of those and whether you thought that we advocate aluminum siding put aluminum siding at least gives more of the appearance of the lap siding that you have on the garage. The T-111 is a significant departure.

AMANDA HORTON: Just a point of order…is the public hearing still open?

COMMISSIONER CHANDLER: Yes, the public hearing is still open. I’ve not closed it yet.
COMMISSIONER SEWELL: I would tend to agree with most of the comments made by the Commissioners here tonight as well as Staff’s comments. Since there is no public opposition…as far as we know from tonight with the setback and the building being constructed I have a tendency to support the setback that is proposed knowing that has to move forward to go through a variance. I agree with the lot coverage. If this was something that was coming before us there is certainly enough data here that would support a reduction in the lot coverage. Granted this is something a little bit different and in that it does have a street loaded garage and maybe I was cautioned a little bit by what the applicant indicated that potentially in the future preferring to take a side entry garage access off the alley which would involve more concrete than the already heavily paved site. Although that’s not before us it does provide a unique situation. As far as the siding something more congruous with the rest of the neighborhood…the horizontal lap would be more appropriate. I’m inclined not to approve this application as submitted.

COMMISSIONER DAWSON: If this application were to come to us as a series of line drawings I would concur with the other Commissioners, but the one thing that bothers me more than anything else if this were a line drawing is the fact that the two roof lines don’t match up. It looks like one is higgledy-piggledy on to another one. I personally would prefer more of a continuum of rooflines or something that looked like it was there even on an ancillary building. I concur with the findings and the comments that the other Commissioners have made concerning the 37% lot coverage and the T-111 siding.

RUDY CEDILLO: In order to make the rooflines match and look right I would have to pour more concrete. I’ve drawn it out many different ways and that was definitely something that was on my mind because I wanted the rooflines to match, but the reality is that as you shift that and you try to center it where the existing concrete ends I would end up having to be out another foot. Basically you’d have to go down and put in a footing and so forth and I didn’t want to put more concrete.

COMMISSIONER CHANDLER: Let me ask you a question along that line. Something I can’t tell by the pictures here…does the east side of both the existing garage and what you built so far and the roof…are they in line with each other? I realize the ridge isn’t, but I can’t tell from the photos here what is the situation on the east side? You said there is a jog…

RUDY CEDILLO: They do not because of the setback that is required. Those rooflines actually…the east end of the ridgeline still needs to be trimmed to fall into line with the 3 ft. setback.

COMMISSIONER CHANDLER: I understand what you’re saying and I believe that contributes in my opinion and I may be interpreting Commissioner Dawson correctly, but maybe not in that this is part of what makes this appear as though you’ve scabbed on something onto another building without…
RUDY CEDILLO: I assure you it was just scabbed on. I put a lot of thought into it and it’s unfortunate that because of how the existing building is there and all of the setbacks and everything…it’s like a happy median. I totally understand what you’re saying and I’m not arguing with you there.

COMMISSIONER CHANDLER: The other question is that you’re building this on an existing concrete pad, is that correct? So there are no footings or foundation poured under that?

RUDY CEDILLO: Correct. It’s a six inch pad.

COMMISSIONER SEWELL: I would assume that a permit will have to be pulled for this and go through the residential permit process so I think any violations of the code would be caught at that time and the applicant would be required to provide information that it does comply or find some way to make it comply. I certainly don’t see carports or garages without appropriate footings, posts, headers, etc. The applicant knew the process a couple years ago and submitted information and the applicant is saying that he spent a lot of time thinking about this and putting this together, but yet did not come before us to get approval. I know that Commissioner McFadden offered some sympathy in regard to that, but this was something that was blatantly done by the applicant and I can’t support this.

COMMISSIONER CHANDLER: Given everything that has been said it is up to you if you would care to come back and propose something else whether it be a modification or something completely different, whichever you’d care to do on that or if you prefer we can go ahead and take a vote on what you’ve presented.

RUDY CEDILLO: Let me take it back and propose something different.

COMMISSIONER CHANDLER: Okay. Now at this point we can set a specific date and Staff can indicate when you would have to have the proposed changes into them. What is, at this point, workable from a Staff standpoint?

MATT HALITSKY: December 8th is the next hearing. There are two different ways. You could show up at the worksession with drawings but we wouldn’t have a chance to review them at that point. We would all be reviewing them at the same time.

COMMISSIONER CHANDLER: This is one I would and I’m not sure other Commissioners would, but I would prefer that Staff be able to review anything that was in front of us prior to a meeting, which would be beneficial at this point. So with that what do you need as far as when would they need to be to you to get to what hearing?

MATT HALITSKY: I believe next Tuesday the reports go out for the 8th? Don’t they?
SARAH SCHAFER: Yes. The next hearing that you’d be able to meet with Staff’s comments would be December 22nd. If we’re looking at a whole new redesign it should be as a new application versus a modification to the existing.

COMMISSIONER CHANDLER: If it’s done that way does he have through the entire…as far as a new fee and everything else at that point?

SARAH SCHAFER: That is correct. In Historic Preservation we don’t have a waiting period. In Planning and Zoning there’s the waiting period to where it has to be substantially different otherwise you can’t submit within the year. In Historic Preservation we don’t have that. If you deny the application tonight they can come in and submit something new tomorrow.

COMMISSIONER CHANDLER: So what you’re stating at this point is he doesn’t gain anything by us not making a decision tonight?

SARAH SCHAFER: That’s correct.

COMMISSIONER CHANDLER: So you’re seeing it as it has to be such a radical redesign that it has to be dealt with as a new application.

SARAH SCHAFER: Just listening to what you’ve stated tonight that’s what I’m reading out of it. However, you haven’t closed the public hearing and haven’t deliberated, but from what you’ve said it sounds like you want a big redesign out of the project and I would say that would need to come to you as a new application versus as a modification as a worksession type item. Worksession type items should be pretty minor.

COMMISSIONER CHANDLER: From Staff’s indication we should proceed to go ahead and take a vote on this because I’m hearing as though the modifications that we’d be looking for would not fit into what Staff feels is appropriate. Any discussion on that?

SARAH SCHAFER: You may want to go ahead and close the public portion and do your deliberations.

RUDY CEDILLO: I would ask to be given ample time to take it down and then I didn’t see anything about a temporary carport or anything like that in any of the documents so I would ask who I would go to ask about that? In regards to they have all these temporary carpotts that you can pop up…

SARAH SCHAFER: We can help you with that at the front desk on the 2nd floor of Planning and Zoning.

RUDY CEDILLO: Because I can guarantee that’s not going to be as attractive either, but it is something that’s functional.

NO PUBLIC TESTIMONY
PUBLIC PORTION CLOSED

COMMISSIONER DAWSON:  I’m always concerned about temporary things because they have a way of becoming permanent in the long term, but that’s not what we’re discussing.

RUDY CEDILLO:  I’ll make sure I check with her on what is and isn’t allowed.

COMMISSIONER CHANDLER:  I’ve expressed a lot of my opinions up to this point and one thing I think is significant is at this point we have not seen any structural analysis of this and we have valid reasons to question the lack of footings, foundations and things of that nature which in a typical design that would come before us to get a permit are pretty much a requirement before the City would put forth a building permit and this does present a lot of problems over and above just what is put directly in front of us.  I can’t support this application.

COMMISSIONER SMITH MOVED TO DENY APPLICATION DRH08-00358 FOR THE REASONS SET FORTH IN THE STAFF REPORT AND DISCUSSED HERE TONIGHT.

COMMISSIONER DAWSON SECONDED THE MOTION.

ROLL CALL VOTE 5:0.  MOTION CARRIES.

MINUTES

November 3, 2008
November 10, 2008


COMMISSIONER McFADDEN SECONDED THE MOTION.

MOTION CARRIES WITH COMMISSIONER CHANDLER ABSTAINING FROM THE NOVEMBER 3, 2008 MINUTES AND COMMISSIONER DAWSON ABSTAINING FROM THE NOVEMBER 10, 2008 MINUTES AND.

Scott Chandler
Vice-Chairman, Boise City Historic Preservation Commission

Date
Historic Preservation Commission

Worksession Minutes of December 8, 2008

Commission Members Present
Christopher Pooser, Chairman, Scott Chandler, Cathy Sewell, Betsy McFadden, Barbara Dawson, Liz Erich and Mara Truslow

Staff Members Present
Sarah Schafer, Matt Halitsky, Amanda Horton and Nicki Heckenlively

REGULAR AGENDA

DRH08-00372 / Jennifer Bridges
Location: 2023 N. 9th Street
Requests Historic Preservation approval to replace wood windows with vinyl windows on property located in an R-1CH (Single Family with Historic Overlay) zone.

MATT HALITSKY: Presented staff report with a recommendation of approval with Conditions:

a. The small window on the north elevation shall either be replaced, or modified with a similar screen as the other windows on the home to match the other replacement windows.

COMMISSIONER CHANDLER: Have you had any discussion with the applicant regarding their suggestion on the one window with replacing it with something else or covering it with a screen similar to the other ones?

MATT HALITSKY: No, I haven’t. I e-mailed the report early last week and there was no response.

COMMISSIONER DAWSON: In our packet on Pages 3 and 4 the photographs that we have here are labeled original. What does that mean?

MATT HALITSKY: These were the photos submitted by the applicant of what it looked like previous to the window changes.
SITE VISITS

Commissioners Dawson, Chandler and McFadden visited the site prior to the hearing. Commissioners Sewell, Pooser, Edrich and Truslow did not visit the site.

JENNIFER BRIDGES (Applicant/Owner): No objection to the site visits. We were completely unaware that we needed a permit to install vinyl windows. I’m still unclear as to what we do and do not need a permit for residing within the Hyde Park District. I would love to have some more information regarding that as well as some of the other neighbors that we discussed our situation with. We went ahead and installed the vinyl windows for cost reasons. The wood windows, particularly in the front room, were gushing in cold air and had become rather inefficient. The same as in the bathroom. In the back section it was just screened area which we needed to seal up and there was just an aluminum door back there with just a latch lock so security wise it was not feasible for us. This is why those were replaced.

CHAIRMAN POOSER: Do you have a packet with you.

JENNIFER BRIDGES: I don’t. Those were just screens before.

CHAIRMAN POOSER: The window…that’s what you replaced the aluminum window with?

JENNIFER BRIDGES: Yes. That was an aluminum screen door.

CHAIRMAN POOSER: That’s on Page 7.

JENNIFER BRIDGES: We had no intention to be unabiding to the Hyde Park Historic District and wished we would have known prior to the installation that we needed to apply for a permit for the process. It would have made everything a lot easier for everybody.

CHAIRMAN POOSER: When did you purchase the property?

JENNIFER BRIDGES: February 28th is when we moved in.

CHAIRMAN POOSER: So recently.

JENNIFER BRIDGES: Yeah. We haven’t even been there a year.

COMMISSIONER DAWSON: On the application you indicated that some of the windows were plastic?

JENNIFER BRIDGES: The parts that were screened in the very back. The prior owner had put a piece of plastic in there to try to account for some sort of insulation. It was cracked and hardened. When we moved in we kind of fixed that problem by putting some sheeting plastic on the inside as a temporary solution until we could afford to replace the windows.

COMMISSIONER DAWSON: You also indicated some of the windows were aluminum.
JENNIFER BRIDGES: Yeah. The bathroom had an aluminum window.

CHAIRMAN POOSER: That’s this one in the back here?

JENNIFER BRIDGES: Yes.

COMMISSIONER CHANDLER: Do you have any objections to staff’s recommendation that a screen similar to what you’ve done elsewhere be put over that window in there?

JENNIFER BRIDGES: No. That’s fine. That’s very feasible.

COMMISSIONER CHANDLER: Under normal circumstances on a contributing structure we tend to be very hesitant to approve vinyl windows. It’s not the product itself it’s just the appearance depending on what kind of shadow line and things of that nature that they have so it’s not as if it’s never done, but it’s also something we tend to look at fairly closely. The fact that the screens have been put over it does mitigate it a good bit. Would there be any reason that you would be removing those screens?

JENNIFER BRIDGES: No. We enjoy having them up…in the summer particularly and in the winter they’re just fine in there and they don’t affect the window structure at all or its efficiency so we wouldn’t be taking them down at all.

COMMISSIONER CHANDLER: I have a question for legal. Would it be appropriate in an approval with something of this nature to make it a condition that the screens are to remain as opposed to being something that a future owner or if this owner decides at some point in the winter they want to take the screens off?

AMANDA HORTON: It certainly is implied that you want them to remain. I believe you can state that the screens are to be affixed to the windows on a permanent basis.

CHAIRMAN POOSER: Would that be enforceable to a future or subsequent owner?

AMANDA HORTON: It’s a permit that runs with the land.

CHAIRMAN POOSER: Okay.

NO PUBLIC TESTIMONY

NO STAFF REBUTTAL

JENNIFER BRIDGES: I would like to have an update of what we do and don’t need a permit for in this neighborhood. Maybe if we could coincide with the North End News or something to get a leaflet inserted in there or an e-mail of some sort because I don’t want to have any further problems with the Historic District and we’d like an updated of what is required of us as homeowners in the Historic District.
CHAIRMAN POOSER: Occasionally staff sends out brochures.

SARAH SCHAFER: Yes. Just last year we sent out a letter with a copy of our decision matrix in it. That actually caused more problems than it helped. A lot of people thought we were coming after them for things when in the letter we said it’s just information for you so you know what you can and can’t do with the property and people thought we were very upset with them for having done something. I think there were a couple guilty consciences out there. I can talk to the North End Neighborhood Association and see if they can put out a reminder in there news letter. I can see what they’re willing to do.

CHAIRMAN POOSER: That would be a good idea especially with the new matrix. Maybe we could coincide that.

SARAH SCHAFER: Let me see what I can do.

COMMISSIONER CHANDLER: Another good source for that is to go on Boise City’s website and under the Historic Preservation Commission there’s guidelines and all sorts of things on the there, which is probably more than what you’re looking for at this point, but it’s pretty much all there. That would be a good place to start. Staff can always supply you with information, but they’d basically be supplying what’s on the website.

CHAIRMAN POOSER: Generally it’s just exterior changes to the dwelling. We don’t care about paint color…it’s not quite…but like with your windows if you had wood windows and you were going replace them with wood windows there would be no requirement for review…right?

SARAH SCHAFER: Just a staff level.

CHAIRMAN POOSER: It’s really just the fact that you were changing materials.

PUBLIC PORTION CLOSED

COMMISSIONER CHANDLER: We have primarily covered things that need to be covered with this in our discussion and the applicant has proceeded to do the work without the permit, however has mitigated most of the potential difficulties that Staff and the Commission may have with the screens that have been put over the windows that were replaced.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00372 WITH THE STANDARD CONDITIONS OF APPROVAL AND SITE SPECIFIC CONDITIONS OF APPROVAL ADDING SITE SPECIFIC CONDITION OF APPROVAL 1B. THAT THE SCREENS THAT ARE CURRENTLY ON THE WINDOWS PLUS THE SCREEN TO BE ADDED OVER THE ONE BATHROOM WINDOW SHALL BE CONSIDERED A PERMANENT PART OF THE THIS CERTIFICATE OF APPROVAL AND SHALL NOT BE REMOVED ON A SEASONAL BASIS.

COMMISSIONER SEWELL SECONDED THE MOTION.
ROLL CALL VOTE 7:0. MOTION CARRIES.

MINUTES

- November 24, 2008

COMMISSIONER CHANDLER MOVED TO APPROVE THE MINUTES OF NOVEMBER 24, 2008.

COMMISSIONER SEWELL SECONDED THE MOTION.

MOTION CARRIES WITH COMMISSIONERS POOSER, TRUSLOW AND EDRICH ABSTAINING.

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Christopher Pooser
Chair, Boise City Historic Preservation Commission