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Historic Preservation Commission

Hearing Minutes of May 12, 2008

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

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

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 coal 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 SCHAFER: 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 appreciate 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.