



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

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Planning Division Staff Report

File Number	DRH08-00229
Applicant	Pat Shalz
Property Address	1004 North 10 th Street
Public Hearing Date	August 11, 2008
Heard by	Historic Preservation Commission
Analyst	Julie Archambeault
Checked By	Sarah Schafer

Public Notification

Radius notices mailed to adjacent properties: **July 10, 2008**
Staff posted notice on site on: **July 14, 2008**

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1. Project Data and Facts

Applicant/Status	Pat Shalz / Owner
Architect/Representative	Mike Carroll
Location of Property	1004 North 10 th Street
Size of Property	9,200 sq. ft.
Present Zoning and Land Use	R-1CH (Single Family Dwelling)
Historic District	North End
Date of Construction	1909
Style	Tudor
Status	Contributing
Square Footage of Existing House	4,049 sq. ft.

Description of Applicant's Request
The applicant is seeking a Certificate of Appropriateness to demolish the garage and construct a new two-story, two-car garage with the second floor as a studio.

2. Land Use

Description and Character of Surrounding Area
The surrounding area is a mix of styles and sizes of homes. Landscaping includes grass, trees and smaller plantings.

Site Characteristics
The site is a large corner lot with a large, two-story house and a 400 sq. ft. garage. The garage sits on the alley line and uses a curb cut.
Special Considerations
None
History of Previous Actions
1909-Construction of house

3. Project Proposal

Site Design

Land Use	Existing	Proposed
Percentage of the site devoted to building coverage:	25%	29%
Percentage of the site devoted to paving:	5%	5%
Percentage of the site devoted to landscaping:	70%	66%
TOTAL	100%	100%

Setbacks

Yard	Required	Proposed for Building	Proposed for Garage
Front (southwest)	15' (bldg.) 20' (garage)	No change	91'
Side Street (southeast)	15' (bldg.) 20' (garage)	No change	22'
Side (northwest)	5' (bldg.) 25' (garage)	No change	26'
Rear (northeast)	15' (bldg.) 15' (garage)	No change	0'

Fencing

None

Structure(s) Design

Number and Proposed Use of Buildings	Two buildings exist-a single family home and a garage.
Maximum Building Height	22'
Number of Stories	2

4. Ordinance / Standards

Section	
11-04-04.01	General Standards
2-18-09	Historic Preservation Ordinance
4.1	Guidelines for Residential Historic Districts
	Secretary of the Interior's Standards for the Treatment of Historic Structures

5. Analysis/Findings

Section 2-18-9 C Demolition or Relocation

After the designation by ordinance of an historical district, or historical district - residential, no building or structure which is a part of such district shall be demolished or moved until after an application for Certificate of Appropriateness relating to the demolition or moving of such building or structure has been submitted to and approved by the Commission. A Certificate of Appropriateness must be issued prior to the issuance of any building or other permit required by the City for the demolition or moving of any building or structure which is part of an historical district or historical district - residential. A Certificate of Appropriateness shall be required regardless of whether other licenses or permits are required for the moving or demolition of such building or structure.

1. *Findings. In order for the Commission to approve a demolition or relocation request at least three (3) out of the five (5) following Findings must be met:*

- a. *That the building, project, site or structure is not classified as contributory to the District.*

The site is classified as contributory to the District. It is listed on the National Register of Historic Places. The applicant has not met this Finding.

- b. *That the building, object, site or structure cannot reasonably meet National, State or Local criteria for designation as an historical or architectural landmark.*

The site was designed by Tourtellotte and Hummel for an early Boise pioneer and is an interesting example of its style. It has the architectural and historical significance to reasonably meet National, State or Local criteria for designation as an historical or architectural landmark. The applicant has not met this Finding.

- c. *That demolition of the building, object, site or structure would not adversely affect the character of the District and/or the adjacent properties.*

The existing garage was built after the construction of the house. Also, its architecture and materials do not match those of the main house. Its demolition

will not adversely affect the character of the District or the adjacent properties. The applicant has not met this Finding.

- d. *That the owner has reasonably demonstrated that rehabilitation of the building, object, site or structure would not be economically feasible.*

This alternative has not been explored. The applicant has not met this Finding.

- e. *That plans have been submitted to redevelop the property if the demolition proceeds and such plans will have a positive effect on the District and/or adjacent properties.*

Plans have been submitted to replace the existing garage with a large garage that will match the old garage in style and materials. However, it will not meet the setbacks required by the zoning code. For a structure of this size to sit on the alley line would crowd the alley and would not have a positive effect on the District or the adjacent properties. The applicant has not met this Finding.

The applicant has met one out of five Findings.

Section 2-18-9 (A) (1) (c) Confirmation of Classification

As part of the application process for a Certificate of Appropriateness, the Planning Staff shall confirm the contributing or non-contributing classification of the property based on the criteria set forth in the definitions of Section 2-18-02.

A. A property is contributing if

1. it was present during the period of significance, AND
2. it possesses historic integrity reflecting its character at that time
 - i. Location
 - ii. Design
 - iii. Setting
 - iv. Materials
 - v. Workmanship
 - vi. Feeling-The property expresses of the aesthetic or historic sense of its time.
 - vii. Association-The property retains its direct link with
3. it is capable of yielding important information about the period OR
4. it individually meets the National Register eligibility criteria

B. A property is noncontributing if

1. it was not present during the period of significance,
2. due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time OR
3. it is incapable of yielding important information about the period OR
4. it does not individually meet the National Register eligibility criteria

The property is listed on the National Register of Historic Places.

Discussion

The proposed garage is congruous in its design features and its materials, using features and materials that are similar to those on the existing building. However, its placement on the zero lot line is not according to the zoning code and is not congruous. The alley in this location is very narrow, and the adjacent structures on the alley line are much smaller than the proposed garage. A garage this large will crowd the alley and overwhelm the smaller structures. Also, in order to be built, it would need a variance. A structure over 1000 sq. ft. must sit 15' from the alley line, and although the application proposes lowering the second floor ceiling to just under 7', this will not alleviate this requirement. The garage, as proposed, must be 15' from the alley line in order to meet the zoning code.

6. Conclusion and Recommended Conditions

Pursuant to Boise City Code 2-18-9 A and B of Boise Municipal Code, the request to demolish the garage and construct a new two-story, two-car garage with the second floor as a studio is congruous with the historical, architectural, archeological, educational or cultural aspects of the historic district because:

The Secretary of the Interior's Standards for the Treatment of Historic Properties (1995 Edition), the Boise City Design Guidelines for Residential Districts, the North End Plan and the Boise City Comprehensive Plan are references often utilized by the Historic Preservation Commission to determine whether a change is congruous with the historic and architectural qualities of the historic district.

1. In order for the Commission to approve a demolition or relocation request at least three out of the five Findings must be met. (2-18-9C) One of the five Findings have been met. The demolition of the garage will not adversely affect the District or the adjacent properties.
2. The Commission's decision in regard to Certificates of Appropriateness for alterations, as described in 2-18-09 (A), shall be based on six findings as applicable to that property. (2-18-11 01)
 1. BCC Section 2-18-11.01 A states that the request shall be consistent with the Design Guidelines for Boise City's Historic Districts. This application is not in a commercial district. This finding is not applicable.
 2. BCC Section 2-18-11.01 B states the request shall be consistent with the Boise City Design Guidelines for Residential Historic Districts. This application does not comply with the following guidelines.

"It is generally not appropriate to add an accessory dwelling unit to a site which does not maintain or blend with the heights of buildings on adjacent sites." (6.1.11) The other garages on the alley line are smaller than the proposed garage.

3. BCC Section 2-18-11.01 C states the request shall be consistent with The Secretary of the Interior's Standards for Rehabilitation, or other standards as applicable (preservation, restoration or reconstruction.) This application is consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties. This application complies with the following guidelines.
 "Designing required new parking so that it is as unobtrusive as possible, thus minimizing the effect on the historic character of the setting. (pg. 108) The new garage will crowd the narrow alley, and will not be unobtrusive.
4. BCC Section 2-18-11.01 D states the request shall support the goals, objectives and policies of the Boise City Comprehensive Plan and the plans referenced therein. The application is not in compliance with the following goals and objectives of the Comprehensive Plan and the North End Plan.
 - i. The proposed use or design of the property should reflect the character of the adjacent neighborhood and be compatible with it. (p. 17) The design of the project will not reflect the character of the adjacent neighborhood through the placement of a large structure on the alley line.
 - ii. The unique character of the neighborhood should be maintained, including architectural style, sitting on the lots, orientation of the units and landscaping characteristics. (p. 18) The unique character of the neighborhood will not be maintained because of the placement of the large structure on the alley line.
5. BCC Section 2-18-11.01 E states that based on the adopted design guidelines the request will not be incongruous with the historical, architectural, archaeological, educational or cultural aspects of the district. The project is not congruous with the historical, architectural, archaeological, education or cultural aspects of the district because it does not meet the demolition criteria and does not comply with the zoning code in a way that is not appropriate to the Historic District.
6. BCC Section 2-18-11.01 F states that the request must comply with the dimensional standards and other applicable requirements of Title XI (Zoning Ordinance) including, but not limited to setbacks, height restricts and parking requirements unless the Commission finds that modifying the standards is necessary to protect the overall characteristics of the district and to comply with the adopted design guidelines. **This application does not comply with all of the dimensional requirements of the underlying zone as laid out in Title XI without the request for any variances.**
3. A contributing building, site, structure or object adds to the historic architectural qualities, historic associations, or archeological values for which a property is significant because (a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or (b)

it individually meets the National Register eligibility criteria. The site is listed on the National Register of Historic Places.

Site Specific Conditions of Approval

1. Compliance with plans and specifications submitted to and on file in the Planning and Development Services Department dated received June 30, 2008.

Standard Conditions of Approval

2. The applicant shall comply with the Boise City Fire Code.
3. Prior to a Building Permit and prior to any construction on the site, an Erosion and Sediment Control Permit must be obtained from the Building Division of the Planning and Development Services Department.
4. No change in the planned use of the property by the applicant shall be valid unless in writing and signed by the applicant or his authorized representative and an authorized representative of the City of Boise. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon the City of Boise.
5. Any change in the planned use of the property by the applicant shall require the applicant to comply with all rules, regulations, ordinances, plans or other regulatory and legal restrictions in force at the time the applicant or successors in interest advise the City of intent to change the planned use of the property described herein unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.
6. If the applicant does not act on the Certificate of Appropriateness through the commencement of construction, or extended pursuant to the Boise City Code, within eighteen months, it will become null and void without further notification from this department.
7. The applicant shall be required to obtain a Building Permit prior to the start of construction.

Construction Site Requirements

8. The practices required below are intended to mitigate the impact and disturbance of residential property owners during the construction of adjacent buildings or structures. The following conditions apply to all construction-related activities ranging from grading and demolition activities to final occupancy on any land or parcel falling under the proprietary ownership of the permit applicant.
 - a) Prior to the issuance of a building permit and prior to the commencement of any construction on-site, an Erosion and Sediment Control (ESC) permit must be obtained

- from the Planning and Development Services Department. No grading, demolition or earth disturbing activities may start until an approved ESC permit and the associated site work or grading permits have been issued.
- b) Measures shall be taken to manage construction debris and trash on the construction site and efforts shall also be made to provide reasonable controls to minimize fugitive dust on the construction site. Such measures shall include, but are not limited to:
 - Provide suitable containers for solid waste generated by construction activity;
 - Wet demolition of existing buildings;
 - Watering of driving surfaces and earth moving activities;
 - Installation of wind screening around property and each open floor above grade; and
 - Daily broom cleaning of above grade floors, adjacent streets and sidewalks.
 - c) To reduce the noise impact of construction on nearby residential properties, all exterior construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Low noise impact activities such as surveying, layout and weather protection may be performed at any time. After each floor of the structure or building is enclosed with exterior walls and windows, interior construction of the enclosed floors can be performed at any time.
 - d) A minimum height of six foot (6') rigid security fencing, either wood or metal, shall be installed around the construction site within 30 days of the date when the first city permit is issued on projects where construction activity shall exceed 90 days.
 - e) Exterior lighting and other illuminating equipment or materials shall be positioned, shielded, directed and located to not reflect or impact adjacent residential property and streets.
 - f) Applicant shall comply with Boise City Fire Department requirements for water, access, and/or other requirements as determined by the Fire Marshal.
 - g) Any conditions to be enforced during construction shall remain posted at each street abutting the construction site for the duration of the project. In addition to the posted conditions the permit holder shall also post an 11"x 17" laminated sign containing a project contact phone number, name of project contact and the Boise City contact number, 384-3845, to address issues as they arise. Failure to abide by any conditions set forth shall be grounds for revocation of Conditional Use Permit and/or Building Permits and may be subject the owner or owner's agents to fines and criminal citations.