



Planning & Development Services

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Historic Preservation Commission

Worksession / Hearing Minutes of July 14, 2008

Commission Members Christopher Pooser, Chairman, Scott Chandler, Cathy Sewell, Barbara Dawson, Stephen Smith, Bonnie Burry
Present

Members Present Sarah Schafer, Julie Archambeault, Matthew Halitsky, 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. (*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 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 bathroom bathtub and reduces the size of the bathroom upstairs. Reducing and trimming the purpose of the house does not blend in with the neighborhood's 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 it 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 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 it 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.