



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

Historic Preservation Commission

Worksession / Hearing Minutes of August 11, 2008

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

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

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: I will need to recuse myself as I know the applicant's family.

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's 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 as 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 go 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 Shalz's 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 Shalz's 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.

COMMISSIONER DAWSON MOVED TO APPROVE THE DEMOLITION OF DRH08-00229 WITH FINDINGS OF FACT 1.A. THAT THE BUILDING, THE GARAGE, IS NOT CLASSIFIED AS CONTRIBUTORY AND IT WOULD BE EXCLUDED FROM THE CONTRIBUTORY STATUS OF THE PROPERTY AS A WHOLE. THAT THE APPLICANT HAS MET CONDITION C. THAT THE GARAGE WAS BUILT AFTER THE CONSTRUCTION OF THE HOUSE AND IT DOES NOT MATCH THE EXISTING HOME AND ITS DEMOLITION WILL NOT ADVERSELY AFFECT THE DISTRICT OR THE ADJACENT PROPERTIES AND THAT THE APPLICANT HAS MET CONDITION E. PLANS WILL HAVE A POSITIVE AFFECT ON THE DISTRICT.

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.