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Historic Preservation Commission

Worksession / Hearing Minutes of August 25, 2008

Commission Members Christopher Pooser, Chairman, Scott Chandler, Cathy Sewell, Barbara Dawson, Betsy McFadden, Stephen Smith, Mara Truslow

Members Present Sarah Schafer, Matt Halitsky, Teresa Sobotka, Nicki Heckenlively

DRH08-00261 / Jim Valentine / 1001 Hays Street

Requests Historic Preservation approval to provide an off street parking space in front of the main structure on property located in an R-3HD/CD (Multi-Family Residential with Historic Design Review and Conservation District Overlay) zone.

Matt Halitsky: The applicant is proposing to provide a single on-site parking stall. Here we have a site plan of the house with the parking stall off of 10th Street. As proposed it would be un-mortared brick pavers to allow grass to grow up between the pavers. It's also, in Staff's opinion, located at the most unobtrusive spot. It's considered the rear although the front (inaudible). Staff recommends approval of the proposed parking pad based on the fact that the changes proposed are easily reversible and would not damage the interior of the home in any way. We did receive several e-mails and a fax in opposition.

1. A fax from C.J. Miller. He opposes it based on the Residential Design Guidelines as well as safety hazards for high school students in the area.
2. An e-mail from Sebastian Hargrove, Jennifer Stevens, Debra Ellers in opposition based on the Residential Design Guidelines and the City Comprehensive Plan.

COMMISSIONER POOSER: How many e-mails should I have?

MATT HALITSKY: Three e-mails and a fax.

COMMISSIONER CHANDLER: The application states that they are applying for one off-street parking space. On Page 11 of the application, off of 10th Street the

rectangle that has dimensions on it that I think is this parking space I read as 18 ft. by 49 ft. Is that the space in question?

MATT HALITSKY: That's correct.

COMMISSIONER CHANDLER: In that a typical car is about 7 ft. wide isn't 18 ft. awful wide for a single car parking space?

MATT HALITSKY: It is in excess of what a typical space would be. Depending on the future of the applicant if this were an office and they were to provide perhaps an accessible space this rectangle would meet that.

COMMISSIONER CHANDLER: In reading this diagram there are two lines that have 18 ft. forming a square that is next to what appears to be 10th Street. What is the line that is labeled 71.7. What does that represent?

MH: If I were to take a guess I would say the lot line and then access would be the right-of-way. We may want to ask the applicant.

COMMISSIONER CHANDLER: So the 18 ft. by 18 ft. square would actually be in the public right-of-way would be your interpretation.

MATT HALITSKY: That's a possibility.

COMMISSIONER CHANDLER: So the fact that the application says one off-street parking space the space that would be converted to hard surface, some of which may be sidewalk at this point would actually be 31ft. by 18 ft. is a more accurate representation as to the size is that correct?

MATT HALITSKY: That's correct.

COMMISSIONER CHANDLER: There's no indication that I can find in here, nor in what you've stated as to what the surface would be other than brick pavers laid such that grass could grow between them. We don't have any diagrams on that. I'm not sure exactly what I should be envisioning when we say brick pavers that would have grass growing between them in that if brick pavers that are commonly referred to as sand set pavers are not put tightly together they are certainly nothing that's going to stay stable when you have a car driving on them. Do you have any further information as to exactly what this surface is going to look like and what size of brick pavers and how would they be supported structurally?

MATT HALITSKY: Unfortunately not.

CHAIRMAN POOSER: So the actual dimensions of the parking area are going to be 18 ft. by 67 ft?

Chandler: 18 ft. by 31 ft. if that 71.7 line is the property line. The other 18 I would interpret as being out into the right-of-way and it apparently is contributed to turning space or something.

CHAIRMAN POOSER: I'm thinking that might be the fence line.

COMMISSIONER McFADDEN: If they put a curb cut in here will they be eliminating a parking space on the street?

MATT HALITSKY: To be honest I don't know.

COMMISSIONER CHANDLER: When I visited the site I didn't have ready access to the diagram here so I did not determine what vegetation would be removed. To what extent are there mature trees of any size that would be removed where the parking area would be?

MATT HALITSKY: Based on the application when we asked about vegetation or mature trees being removed they did not indicate any.

COMMISSIONER SEWELL: This is in an R-3D zone. Is a commercial use a straight allowed use in this zone?

MATT HALITSKY: It is not a straight allowed use. I believe an office would require a conditional use permit.

COMMISSIONER SEWELL: So if down the road they were going to convert this to commercial use they would have to satisfy commercial parking requirements or request a parking reduction?

MATT HALITSKY: That's correct...or request a variance for that.

COMMISSIONER CHANDLER: What is the use of the structure currently?

MATT HALITSKY: I believe it is residential use.

COMMISSIONER CHANDLER: Single-family residence?

MATT HALITSKY: I believe so. Yes.

COMMISSIONER CHANDLER: It appears to have what could be construed as a primary entrance both on 10th Street and Hays Street. They both lead into the same

interior space.

MATT HALITSKY: That was my impression, but we may be able to ask the applicant.

CHAIRMAN POOSER: So there's no existing parking, correct?

MATT HALITSKY: There is no existing parking on site.

CHAIRMAN POOSER: As a residence if this was going to be a new building they would be required to have two spaces.

MATT HALITSKY: Two spaces. That's correct.

COMMISSIONER CHANDLER: For this type of installation to get a building permit and this is not under the purview of the Historic Preservation Commission, but I'm feeling a little lost with out a lot of information being put forth here and usually we see some sort of architect's designer plans and all we have at this point is something that indicates Group One on it. There would need to be some engineering or something done with regard to that before a permit could be issued. I understand that's not our issue, but...

SARAH: The building department does not require permits on flat work. Depending on how much space is disturbed they might need an erosion and sediment permit but that would be the only permit we would require.

CHAIRMAN POOSER: Is Staff's recommendation based on approval of one off-street parking spot or is it just off-street parking in general.

MATT HALITSKY: Julie's recommendation was for a parking pad with the dimensions given.

CHAIRMAN POOSER: Do you have any observations about whether it can accommodate one car or four cars?

MATT HALITSKY: It is large enough to accommodate two cars.

COMMISSIONER McFADDEN: Is it 49 ft. deep?

MATT HALITSKY: That's correct.

COMMISSIONER McFADDEN: So theoretically you could put 4 cars on there...tandem parking?

MATT HALITSKY: Per the code you're not suppose to park within the setbacks so I would think no.

CHAIRMAN POOSER: What's the setback?

MATT HALITSKY: 15 ft.

CHAIRMAN POOSER: Is that 15 ft. from the sidewalk?

MATT HALITSKY: From the lot line.

CHAIRMAN POOSER: Which would be the street?

MATT HALITSKY: It would be internal to the sidewalk.

CHAIRMAN POOSER: Internal to the sidewalk.

MATT HALITSKY: Yes...give or take.

SITE VISITS

Commissioners Sewell, Chandler, Pooser, McFadden and Smith visited the site prior to the hearing. Commissioner Truslow did not visit the site.

COMMISSIONER DAWSON: I will be recusing myself from deliberation on this as I work in the same office as the applicant's representative.

COMMISSIONER CHANDLER MOVED TO ALLOW COMMISSIONER DAWSON TO RECUSE HERSELF FROM THIS AGENDA ITEM.

COMMISSIONER SMITH SECONDED THE MOTION.

ALL IN FAVOR. MOTION CARRIES.

STACY BAHRENFUSS (Seller / Applicant's Representative): Distributed packets to Commissioners. I wanted to clarify the driveway and the grass/brick that was explained in the application. Here are a couple of pictures along the lines of what we were thinking...cobblestone or grass brick to match the historic look of the property. I've also included a diagram which is highlighted in red of other off-street parking in the area. Again, just to clarify the small request that we're making compared to the other large parking lots around the area. We want you to consider the necessary parking space for this unique property. It's been a large challenge in selling this because there is no parking. With the house being vacant many maintenance issues have occurred. The boiler with pressure built up and all of the radiators have split and

things of that nature that with the parking space we would be able to get the house occupied. With other proposals that we've had we've had other people wanting to turn it into a commercial site or office space and this applicant wants to use it as his primary residence and have his office space in there as well. That's all I have.

COMMISSIONER CHANDLER: In looking at the photos this one is definitely cobblestone and is definitely mortared. I would have a hard time seeing grass growing in that. The one looks like a vertical application of some kind of concrete imitation, it's mortared. You're labeling a driveway grass brick. I would need to see some specifications on this before I would be convinced that this is something that's going to work and have anything growing between it because my experience shows me that's not going to work here. Do you know the brand? Can you tell me anything more about this?

STACY BAHRENFUSS: In getting this approval I would definitely be able to provide you with more information if it's doing the test on the soil and the (inaudible) they had specified if that needs to happen. Whatever needs to happen to get the driveway historic we would definitely do the research and provide you with that. This was more just wanting to provide you with the idea of what we're trying to pursue whether its grass brick or cobblestone.

CHANDLER: Can you help me understand the page that's labeled parking site plan. We have 10th Street and Hays identified. The lines that are closest to the word Hays and the number 10th does that represent the curb line, does that represent the property line...there's no identification as to what it represents.

STACY BAHRENFUSS: That is the curb line and the 71.7 that you see is the lot line of the actual property.

COMMISSIONER CHANDLER: So the 18 ft. that's noted on here is the distance from the lot line to the curb line on 10th and Hays Street?

STACY BAHRENFUSS: Correct.

COMMISSIONER CHANDLER: Can you lend some sort of information to us or understanding as to why this needs to be 18 ft. wide for a single-car parking area.

STACY BAHRENFUSS: It does not. It was more along the lines of explaining the space that's available if we wanted to utilize that or if we were able to utilize that. We would be able to make that smaller obviously to fit one car.

COMMISSIONER SEWELL: So the 18 ft. that is between 10th Street and the property line is in the public right-of-way and I think that you'd need to get approval from ACHD for the curb cut.

STACY BAHRENFUSS: Correct.

COMMISSIONER SEWELL: I don't know if you've talked to them yet, but do they allow this type of grass pavers within that right of way and for their curb cut or do they require concrete?

STACY BAHRENFUSS: I don't have that information available at this point.

CHAIRMAN POOSER: I'd like to make sure I understand the dimension and the 49 ft. which is at the bottom of the schematic that goes from the lot line to the edge of the parking closest to the building. That's 49 ft. is that correct?

STACY BAHRENFUSS: The 49 ft. on the length of where the drive would be?

CHAIRMAN POOSER: Is that the total length of the drive?

STACY BAHRENFUSS: That's the total length if you park the car all the way up to what would be the porch. What we were trying to do is give you an idea of the space available and then keep our parking within that space.

CHAIRMAN POOSER: So the 49 ft. is from the curb all the way to the end of the parking space?

STACY BAHRENFUSS: Correct.

COMMISSIONER SMITH: Due west is Cathedral of the Rockies parking?

STACY BAHRENFUSS: Correct.

COMMISSIONER SMITH: Next door is what?

STACY BAHRENFUSS: To the east of that parking?

COMMISSIONER SMITH: Right.

STACY BAHRENFUSS: Is the North End Professional Center.

COMMISSIONER SMITH: Okay.

COMMISSIONER CHANDLER: To review the question that Commissioner Smith just had did you ask what was due directly west of the...

COMMISSIONER SMITH: If I have my directions correct I understand this to be the Cathedral of the Rockies parking.

COMMISSIONER CHANDLER: I can't really see what you're looking at. There's a building that's on Hays Street directly...

COMMISSIONER SMITH: Right. Then she said there was the North End Professional Center.

COMMISSIONER CHANDLER: I understand.

COMMISSIONER SEWELL: This might also be a question for Staff, but based on the 49 ft. dimension that you indicated from the curb line to edge of the parking area...18 ft. and then the required 15 ft. parking setback that's 33 so that leaves only 18 ft. by 16 ft. parking area if that's in compliance?

STACY BAHRENFUSS: Can you repeat that?

COMMISSIONER SEWELL: The question is whether or not you'd require a variance to the proposed parking based on this 49 ft. dimension.

STACY BAHRENFUSS: That's my understanding that this would be the next step in the process.

COMMISSIONER CHANDLER: There's no dimension on here showing how close this would be to the property line that it is parallel to for the house that's next door. What's the dimension there?

STACY BAHRENFUSS: The property itself?

COMMISSIONER CHANDLER: The driveway is very near the property line which I think must be south or southwest on this. What's the dimension?

STACY BAHRENFUSS: I don't have that dimension to the property directly south of the Hays house.

COMMISSIONER CHANDLER: I think your response earlier is you've done nothing so far as far checking into what ACHD requirements are as far as what apron would be needed on either side of this 18 ft. curb cut if they were to allow it.

STACY BAHRENFUSS: I've only talked with them briefly. I haven't been able to talk to them further about what the material they would use would be.

COMMISSIONER MCFADDEN: It appears that we're sacrificing a parking space on the street to get one close to the house. My question would be why?

STACY BAHRENFUSS: We were informed that to have a home occupation permit approved with one employee that we had to have one off-street parking space if we were going to use 500 sq. ft. of the property for the business occupation so that is why we are pursuing the one parking space.

COMMISSIONER CHANDLER: Are seeking a variance for that requirement?

STACY BAHRENFUSS: Yes.

COMMISSIONER CHANDLER: At this point you haven't. You're pursuing this before you pursue that.

STACY BAHRENFUSS: Yes. That's how we were recommended to handle the process.

CHAIRMAN POOSER: We need to get a few items into the record. The packet that the applicant gave us is marked as Exhibit 1. The comments that were submitted to Staff, the comment from C.J. Miller as Exhibit 2, Debra Ebers as Exhibit 3, comment from Sebastian Hargrove is Exhibit 4 and the comment from Jennifer Stevens is Exhibit 5.

PUBLIC TESTIMONY

JIM WALKER: I'm in opposition to this application. The primary reason is sidewalks that are real important to the neighborhood. My family and I live up the street about two blocks. The main place we have to keep our senses keen is at streets and alleyways. You add more and more driveways and curb cuts and there are more and more places we have to keep our senses keen. It reduces the pedestrian friendliness of the sidewalks. Looking at that drawing up there at 49 ft. it doesn't quite meet the setback requirements, but it allows for tandem parking. I foresee tandem parking down the road where you have one car pulled in all the way and another car that blocks the sidewalk. I just know that's the way things happen because there have been some curb cuts throughout the North End where that does occur. You walk down the sidewalk and the person parks in tandem and one car is blocking the sidewalk. I also will let you know I have a curb cut in my side yard and as soon as I can I'm going to get rid of it because it's a place where the high school kids use as a turnaround. If they've missed their turn or see a parking spot somewhere behind them they'll use my curb cut for a turnaround. It becomes a danger to bike traffic and to vehicle traffic. I believe this is a Tourtellotte and Hummel home. I've been through it a few times. I was in it with the owner previous to the owner that the agent represents. Art was a psychologist and ran a business out of there. I've seen a

lot of blueprints from Tourtellotte and Hummel homes. I've never seen an elevation that included a driveway and a side yard. I don't want to live in a neighborhood where parking is allowed in the yards. If I wanted that I'd move to Meridian. I stand in opposition to this.

JIM VALENTINE (APPLICANT): My wife and I are the proposed buyers of this property. Basically our goals both short and long term...I'm a physician, I have an office in Nampa and I'm currently starting to practice more at St. Luke's. I need to have a residence close to the hospital and also office space. My short term goals are to remodel the inside of the home and update the heating system, plumbing that's broken...it's gone to disrepair the two years that this has set idle. Ultimately put in a master suite. So our short term goals are to do a part time office there while we remodel. Hopefully the housing market in Nampa and around will improve and we can sell our home in Nampa and move here. The next little bit, 2010, St. Luke's has got a new office building that's going to be constructed and then to move my office into that full time and then live in this residence full time. That's why we're using the home occupied 500 sq. ft. I'm a surgeon and I don't see a lot of patients during the week and I really only need one office space. The reason I would like an off-street parking space is I'd like to be able to park if I roll in at 1:00 in the afternoon and the streets are filled with high school kids I want to be able to park at my house. Granted we're taking one off-street parking to allow for this but again I think none of you would like to drive up to your home and couldn't pull into your house. As for curb cuts if you look at all the adjacent properties, directly across the street which actually used to be the carriage house for this house back in 1911 when they built it is actually a dental office now and has parking on the front, which the address is on Hays street which would be the front yard. This is actually on the side street or not the addressed street of 1001 Hays. If you look at the house across the street which is the old Governor's Mansion, it has a curb cut and a garage in the side yard which is the opposite this on 10th Street. If you look at the house cattycorner to it has a curb cut in the side street. Again on Hays Street they don't have any curb cuts, but on all the side streets all the adjacent homes do have curb cuts. They either have it for direct parking for an office or for access to their garage. You asked if there are any trees that need to be removed. There is about a four inch diameter tree that is sitting between the sidewalk and the curb and the little green space there that would need to be removed. The side wise as in geometry we picked that. When I think through it I realistically think you could put to small minis in there. You could probably put two of those in there, but one full size. The other opportunity would be to put a handicap space in there if you need it so that you have access to get out of a handicap van. As for the grass pavers that was actually a suggestion from Julie. I'm not real aware of them either, but she said that's a better way to look at less obstructive versus concrete paving strips or I have seen blocks that have basically big spaces between them that you can lay down. I think that's what she's saying but we were using that as Julie recommended that as an option. We're open to anything you find less obtrusive and still hold up to a car driving on it. Our long term goals are to live there. My wife has

always wanted to live in a historic home and one that's 100 years old. Unfortunately this is a deal breaker for me. We don't get it I'm not buying it. It may sit for longer.

LAUREN MCLEAN: I'm here to ask that you deny this application. I come from a funny position. If this isn't approved or if the first buyer walks away I'm in contract to buy this house and move my family and I into it. Either way even if you do approve it and at some point he walks away and we're in contract to buy this house as a backup offer. My husband and I are really concerned about having a precedence set where another curb cut would be added to this historic neighborhood. I've given you a document and I know it's long and I'm sorry but I wanted to put together some findings for you and I only have three minutes so I can't say it all that would support denial for this. First I looked at the historic guidelines. The Hays Street Policy is pretty clear that the intent is to preserve the character of it's streetscape and integrity of it's historic structures and also it states that there should be a net decrease in surface parking areas in time as redevelopment encourages redevelopment encourages new building throughout the District. You asked some questions today about the loss of a parking space on the street. It's a great point. One spot would go away and by creating this surface parking that could eventually become more. Also 6-1-16 is really clear that "*It's generally inappropriate to create new curb cuts to accommodate to accommodate new driveways onto the street*". This is the crux of the issue that several people have spoken to. It also lends itself to some comp plan issues. The historic district design overlay findings that says the layout of the site with respect to separation or integration of vehicular, pedestrian and bicycle traffic patterns should be regarded. The design of off-street parking facilities as they relate to access points, building location and total site development should prevent traffic conflict or congestion. This is a house, alleyway and office building away from the high school and a main thoroughfare for people from the North End that are biking and walking to Boise High...where my children would be walking as well. Also 2-2-13 says that "*Paved asphalt or other comparable material shouldn't be used if visible from rights-of-ways*". This is a unique structure in that both sides are beautiful and they face the streets and they look like the front. Whatever is put here will be visible from Hays Street as well as from 10th Street. The Secretary of Interior Guidelines on Page 105 addresses historic relationships, "*New construction on the site and historic relationships of the site*". This has been expansive yard and of course landscaping will be removed...some shrubs and trees. The Comp Plan is pretty clear in this area. It's a transition district yet indifference has typically been given in preserving single-family homes. This was a physiologist office with no parking for 17 years. He lived in it. There is the intent that this will remain a single-family home, but regardless of what happens tonight if my husband and I become bound to buy this house we're concerned that the ability to have a curb cut here regardless of whether or not we installed it...because we wouldn't...but the approval to have a curb cut here could then be looked at later on with another one of the few remaining historic homes to have another curb cut in the area. I did want to point out that the house at 10th and Fort Street sold just this spring with no garage, no parking to a

single-family and so I think this is an urban area where parking is definitely an issue but there are people willing to live without the convenience of a driveway.

CHAIRMAN POOSER: I'm wondering about Commissioner Sewell's question about if this total on the site plan, Page 11, if we're looking at 49 ft. and we take 18 ft. to the lot line that means we've got 31 ft. If you take the setback and you've only got 15 ft. then you've got to consider the side setback as well?

MATT HALITSKY: It would be required to have a 3 ft. side setback.

CHAIRMAN POOSER: So we're really talking about as proposed a 16 ft. by 16 ft. parking space. Does that sound about right?

MATT HALITSKY: That would be substandard for a regular parking space. It sounds like they had talked to Julie and that a variance was required. That wasn't in the staff report, but that easily applied to (inaudible) a parking space on site. If they're going to pursue a variance you could go either way with it.

CHAIRMAN POOSER: Then the home occupation typically requires one parking off site?

MATT HALITSKY: That's correct.

COMMISSIONER SEWELL: In regard to the permitted parking in that area what exactly is that? Every building owner given a permit to park along there...it looks like there's a red area and an orange area. Any information on that?

MATT HALITSKY: To be quite honest I don't have any idea.

COMMISSIONER SEWELL: So there's no permitting in there that guarantees a building owner a parking stall in front of there property?

MATT HALITSKY: I don't think so. Not that I'm aware.

CHAIRMAN POOSER: The packet that Ms. McLean provided is going to be marked as Exhibit 6.

APPLICANT REBUTTAL

None.

PUBLIC CLOSED

COMMISSIONER CHANDLER: There's a variety of considerations on this particular item, but first and foremost I don't consider this a complete application because we been spending so much time just talking about the site plan and trying to figure out what is what. What the setbacks are, what ACHD would require, I don't believe we've been given enough information even to make a decision regardless of whether or not we feel that this is an appropriate use to let the applicant put a curb cut in and we don't know whether ACHD would allow or not and convert some of the vegetation to hard surface for parking. At the very least I would think that we are entitled to see a site plan showing exactly what is proposed and how it relates to the structures, how it relates to the property lines, the various things that just need to be done. What is shown in the handout that was given to us as far as the servicing I understand the applicant is open to whatever, but again, at this point it like whatever...it's not our place here to decide what and recommend what can be used. We can help an applicant by guiding them in directions, but it's not our position to say, "This is what you use under this particular circumstance with regard to hard surfacing or anything else". I cannot support this application simply because there's not enough information here for us to make a decision on. We'd be approving a Certificate of Appropriateness to do something that we really don't know what the end product is going to be given what the application states.

COMMISSIONER SMITH: I appreciate Commission Chandler's comments and would agree to some extent that the application certainly doesn't have all the information, but I would think that based on the conversation that we've had with the applicant and working through the site plan and proposed materials for me the question comes in regard to allowing a curb cut that would essentially create one park stall based on the application, but that would also eliminate one existing parking stall on the street which to me doesn't make a whole lot of sense. In addition to the information that was provided by Ms. McLean referencing some of the specific sections in the guidelines, ordinance and comp plan certainly that the curb cut isn't something that we see within in the area incongruous. Based on Staff's analysis and the conversation we've had here...and with the applicant and other testimony I would not be in support of this application.

COMMISSIONER SMITH: Not very long ago we had a similar discussion about a parking lot about a block and a half away and as I vaguely recall I was the lone descending vote where this Commission decided that the YMCA couldn't have a parking lot. I believe at 12th and Hays. That decision was reversed in record time by City Council. It seems to me that we have to be practical that this to be a single-family residence this house needs a parking pad. I think enough information has been presented and I'd be willing to bet that if we reject it today the reversal of this Commission by the City Council will be just as swift. I have seen all the comments about how allowing certain places to park in the near North End is not congruous and is against a variety of historical regulations that we follow once in awhile. It seems to me that if we take the charge that at least some of us have had when we were

appointed to this Commission to make the near North End friendlier for residents we have to allow people a place to park. With all due respect to the Boise High students that might have to walk another block that's too bad because parking in the near North End for those who live there is a problem particularly around Boise High School. I will vote in favor of this application.

COMMISSIONER SEWELL: Some additional comments in regard to Commissioner Smith's comments. One, introducing a curb cut is more of a traffic hazard than requiring a potential owner of this property to have to park elsewhere. Any car backing up with people traveling to and fro to school around this area are certainly more at risk with a car backing up than someone pulling into a spot on the street. I don't have a concern with the potential of this Commission denying this application and that moving to perhaps an appeal to City Council. The information that we have before us certainly is not in compliance and is incongruous with the neighborhood. The potential for a commercial use will have to go through another Commission to get approval. Planning and Zoning will need to approve that. Home occupation will require another approval. There are processes in place within the City that variances can be made for parking reductions and other types of uses like that so I just don't see where allowing this for a potential use down the road is a good thing for the area.

COMMISSIONER McFADDEN: I tend to concur with Commissioner Sewell. I feel that where this is a transitional area that we do make some exceptions sometimes and I do understand that we do want it to be more friendly for residences but that also means more friendly for their neighbors too and that adding this curb cut would be a detriment to that street so I will not be supporting this application. I would also like to say I agree with Commissioner Chandler that we don't have the proper information that we need to make our decision because we are missing some pretty significant dimensions on the site plan. Also some detail on the product that is proposed. We have some ideas of what it might look like, but not specifically what it is. We would need more information to approve it anyway.

CHAIRMAN POOSER: I'm not going to be supporting the application either, but I've got some different comments from my fellow Commissioners in large part. I completely agree with Commissioner Chandler. I don't think there's enough information here for us to make a good decision based on the application. I'm in favor of this property having a parking spot. I used to live in this area and I know how difficult it is to park around there particularly with respect to Boise High and how frustrating it is to find a parking spot. I believe that if there's going to be a curb cut here the parking space needs to be minimal and it needs to accommodate just one car. I would be in support of an application that came forward that would accommodate just one car that would meet the setbacks that would be friendly to the property that would not have a concrete or permanent spot for the space. The idea of having some kind of blocks with grass is an appropriate idea, but we have to look at

this property specifically and it has absolutely no parking. There's no place for parking other than what's been proposed. The general area is fine. If you own a house you ought to have a parking spot and a private parking spot and if while we're taking one away from the street we're gaining a private spot which is important for any person with a piece of property and residence in this area. This is a transitional area and a curb cut is not going to be detrimental to the area if it is tailored to a single spot and is less intrusive than what is proposed. I will be voting to deny the application for the reasons we don't have enough information before us and that a smaller parking spot is more appropriate than what has been proposed.

COMMISSIONER CHANDLER: One comment that you made that I disagree with is that while I agree with you as far as denial on it this being a property that historically has never had off street parking at least that we can tell. It may have at some point in the past before this lot was obviously split we look at the Sanborn Maps and it obviously at some point was longer but from what we see now it has been split. Regardless of that one of the speakers indicated he would not be buying it if this did not have it. That is his prerogative. There is another person who indicated they would be interested in it without off-street parking. I don't think just because a home exists without it one is entitled to do something which may be contradictory to the Historic Preservation Guidelines to have a parking space because it's to each their own. I don't think I would buy a house that didn't have some sort of off-street parking but I always have the choice to go elsewhere also. This is something where the fact that it doesn't have it, it was designed by a significant architectural firm and it doesn't have it at this point it doesn't necessarily entitle it to have one just because it's there. I'm still against the application primarily because I consider it incomplete.

COMMISSIONER SMITH: Just responding to Commissioner Chandler. I thought I heard several people say here tonight that this house couldn't be occupied without a parking space. Did I miss here?

CHAIRMAN POOSER: I believe some of the comments were that if it was going to be owner occupied with a business that it would require at least one spot or a variance to have none.

COMMISSIONER SMITH: But right now without a variance an owner occupier with any sort of business could not occupy this house? Do I understand that correctly?

CHAIRMAN POOSER: That's my understanding.

COMMISSIONER SMITH: An owner occupier as a residence with a home office or home business could not be used in that fashion without its own parking spot...that's on the variance?

TERESA SOBOTKA (Legal): That's right.

CHAIRMAN POOSER: I'll throw in that these guidelines were meant to be flexible and that we have to take these properties as they stand. This is a very unique property that occupies a large part of the site and considering the area there is a lot of street traffic. There is a lot of parking need in the area. That just dictates a limited exception in this particular case.

COMMISSIONER CHANDLER MOVED TO DENY DRH08-00261 FOR ALL THE VARIOUS REASONS CITED BY THE VARIOUS COMMISSIONERS TO THIS POINT WITH FINDINGS TO BE BROUGHT BACK BY STAFF FOR APPROVAL AT A LATER MEETING.

COMMISSIONER SEWELL SECONDED THE MOTION.

CHAIRMAN POOSER: I'm going to vote in favor of the denial for the reasons stated as far as the application being incomplete. That is the sole reason. I'm not voting against it because I'm against a small curb cut and a small parking space in this particular situation.

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