



Planning & Development Services

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Historic Preservation Commission

Worksession / Hearing Minutes of September 22, 2008

Commission Members Present Christopher Pooser, Chairman, Scott Chandler, Barbara Dawson, Steve Smith, Mara Truslow

Members Present Sarah Schafer, Matt Halitsky, Mary Elizabeth Watson, Nicki Heckenlively

DRH08-00301 / JIM VALENTINE / 1001 W. Hays Street

Requests Historic Preservation approval to construct one on site parking stall on property located in an R-3HD/CD (Multi-Family Residential with Historic Design Review and Conservation District Overlay) zone.

MATT HALITSKY: Here we see a photo of the existing home. That would be the front and this is the side along Hays Street. Here we see the proposed site design. The proposed parking space is located toward the extreme corner of the lot. It is comprised of two concrete wheel strips about 2 to 2 ½ ft. in width with grass in the middle. Per ACHD requirements a full concrete approach is required. This will require a relocation of a small tree located at approximately this location (referring to slide). Staff recommends approval of the proposed parking pad as conditioned. Since the alterations are easily reversible and do not affect the actual architecture of the home. In addition there is no alley access to provide parking.

CHAIRMAN POOSER: I have a question about the variances. Is the applicant willing to request variances?

MATT HALITSKY: A variance is required to be able to park within the setback...the front 20 ft.

CHAIRMAN POOSER: So it's the front 20 ft. It's not the 3 ft. setback on the side.

MATT HALITSKY: No. It's to be able to park within the front setback.

COMMISSIONER CHANDLER: What appears in our packet on Page 37 and 38...these are apparently approvals on applications from Planning and Development Services

Traffic Services so it appears to be ACHD in both instances. They appear to be the same request, but what appears different is the lower part of it where on the left...Page 37, "Driveway will need to be paved its full width at least 30 ft. into the site beyond edge of pavement". Then on Page 38 there appears to be the same application, but there are no amendments written in there? Is ACHD requiring that this driveway be paved its full width? That would mean that parking strips would not be allowable.

MATT HALITSKY: It's my understanding that the driveway approach located in this area here would have to be...once you past the sidewalk this would be acceptable. The applicant might be able to distinguish between the two approvals and verify that. That's my understanding.

COMMISSIONER CHANDLER: It certainly says, "Paved at least 30 ft. into the site beyond the edge of pavement". I'm very confused on that.

SITE VISITS

COMMISSIONER DAWSON: I shall be recusing myself from this particular matter since I work in same office as applicant's representative.

Commissioners Chandler, Pooser and Smith re-visited the site. Commissioner Smith received a number of e-mails at his private e-mail address regarding the application. Commissioner Truslow did not visit the site.

MARY ELIZABETH WATSON (Legal): Can the Commissioner elaborate on the content and substance of the e-mails? Were the e-mails sent to the entire Commission?

CHAIRMAN SMITH: It looks to me like they were sent to the entire Commission.

MARY ELIZABETH WATSON (Legal): If they're not yet part of the record we do need to put onto the record who they are from and what the general content is of each.

CHAIRMAN POOSER: We've got a pack of them.

STACY BAHRENFUSS (APPLICANT'S REPRESENTATIVE / GROUP ONE): No opposition to Commissioners visiting the site. I wanted to start by clarifying the wheel strips. It is my understanding through what ACHD has explained to me that it is approved as long as we provide them the necessary site plans and approvals from Historic Preservation and the Planning and Zoning Commission. There are two separate approvals as you saw on Pages 38 and 39. One specifying that it needs to be paved its full width and at least 30 ft. into the site. This was not clarified to me as being required. It was just told to me that it was approved under the conditions that were approved through you. I know that's not clarifying much. I want to go back to my original speech and revisit the fact that this house has been listed since early 2006. It's been vacant for the last two years. The biggest challenge that we have run into in listing this property for sale was the lack of parking. I've received two other offers prior to this potential

purchaser. One on April 1st that did not come to fruition because of the lack of parking. Another on June 11th that did not come to fruition partly because of parking and partly because of the buyer's personal reasons. In today's market for residential property of this size it is only practical to request and have one off street parking space. We do realize the common goal that everyone has...the Committee and the neighbors in this area to restore the historic appeal. That's part what the North End has to offer and why so many people enjoy that area. Taking the common goal into consideration the seller and potential buyer have researched several different options as you know of our previous application and now going into further detail with wheel strips of concrete and doing the new site plan and the research that we have completely feel that this is a compromise for the buyer and the neighborhood. I would like to invite the buyer up to the stand to speak. On behalf of the current owner I ask that you carefully consider this application.

COMMISSIONER CHANDLER: These two forms from ACHD which appear to be essentially the same form, but signed off by two different people with different amendments. You have no explanation as to why they're different?

STACY BAHRENFUSS: I believe that they're paths have just been crossed. They're both approved for what we're proposing. It's just a matter of going through the approvals that we need to with the Historic Preservation Commission and Planning and Zoning. I did meet with the permit inspector and he did verbally approve that and then sent me these two faxes.

COMMISSIONER CHANDLER: At this point it's approved, but we can't necessarily be sure given what we're seeing if it has to be full width or parking strips...given what we have in front of us from ACHD.

STACY BAHRENFUSS: Correct.

COMMISSIONER SMITH: Can ACHD tell us or the buyer how far into the property it has to be full width pavement?

MARY ELIZABETH WATSON (Legal): They have control over the streets and parking requirements. I've only got one document in my packet from ACHD. I'm not exactly sure what they are approving in two separate things here, but they would approve the curb cut and street access. I don't know what you're looking at with regard to the actual...

COMMISSIONER SMITH: Page 37 of the packet where it says driveway will need to be paved its full width at least 30 ft. into the site beyond the edge of the pavement. Mine is a jurisdictional question. Can ACHD tell anyone how far beyond the edge of the pavement that something has to be paved?

MARY ELIZABETH WATSON (Legal): In certain developments they can do that...in certain commercial projects and such. In this particular circumstance in a historic district I'm confused by their recommendation. I would think their authority would rest merely in the curb cut and the access to the property as it goes to the street.

JIM VALENTINE (APPLICANT): Last time we were a little unprepared and didn't quite know what we were getting into. Hopefully today we can answer your concerns that were brought up last month that we didn't have. As Stacy eluded this home has been on the market for a couple years now. One of the goals of yours and anybody that is buying a historical house is to preserve it. This house was originally built in 1911. It is on the historical registry. Unfortunately over the years things have changed around there. It used to have a carriage house, which was across the street, which is now a dental office. It had a property split to the rear of it, which is now a photo studio. Unfortunately with those splits they've left this house without any off street parking so although it's a large and grand house some ill thoughts before this left us in the circumstances we're in. Unfortunately or not...it's 2008 instead of 1911. We do have a modern society. We all have cars and traffic is a problem in the North End along with parking. This area is more of a concern than others because it's within a block of Boise High School. Boise High students can actually get permits to park in front of this home. That adds increased parking during school time activities. Traffic on Hays Street is not excessive, but Hays Street is more of the thoroughfare versus 10th as in north and south. There are limited curb cuts on Hays Street but it seems in the neighborhood if you drive around most of the curb cuts are off the major arterials. Because this house has set open and vacant for two years it's in disrepair. If you look at some of the photographs from the outside a lot of the landscape is overgrown. Although it's been maintained it's not been kept up to the neighborhood. There's an excellent example across the street. The old Governor's Mansion that they're refurbishing is beautiful. Along with the property to west...is very well maintained. In these two years it sat vacant the plumbing has broken. The heating system...as in the old steam boiler is in disrepair. It needs to be replaced as in some of the problems that happened with the exterior. If the goal is to preserve the neighborhood and preserve these homes they need to be occupied. If you talk to the neighbors, which we have that is the goal. They want somebody in there because they know it will help keep it up and preserve it. I'm a physician. I currently have practices in Nampa and St. Luke's downtown. My plan is to do a home occupancy and do a partial office or a satellite office here. In the process of doing that I'm going to do some interior remodeling...i.e. a new kitchen, a few closets and eventually sell our home in Nampa and move here full time. The office space close to downtown St. Luke's is limited from a medical point of view and they have a future office building on line here, but it hasn't been built yet. The last person who purchased this was actually a psychologist's home/occupancy for about 25 years. We're actually kind of continuing what's been in existence before. As for some of the major concerns from last time the big one was a curb cut and unfortunately a lot of this is the chicken and the egg...what comes first. We did go to ACHD and I understand there is some confusion here, but they did approve a curb cut and that was one of the major concerns last time. Last time another major concern was the composition of the pavement strips. Is it concrete, is it grass block, is it cobblestones and we've addressed that with the concrete drive strips primarily as a result of ACHD because they will not allow anything besides concrete. We feel wheel strips will have the least impact on the area. We have provided a more elaborate architectural design. I think with our last plan there were questions on distances from the fence as in variances. I know Mr. Chandler had some concerns there. We have addressed those and

I believe if your copy is large enough you can see those distances. Those were also outlined in an attempt to fit with the Planning and Zoning variances and with ACHD. We have applied for our variance from Planning and Zoning. One of things as part of the planning for that is a neighborhood meeting. We had that last Wednesday. We had that last Wednesday and there were two people that showed up. The residents to the east and the west. The resident to the west is here tonight. I believe he has e-mailed you a neutral response. The resident to the east...I have spoken to her on several occasions now and she is excited that someone is actually buying it. She is very supportive. I don't believe we have anything from her. For what we're going to do there an old fence that goes across there. There is actually a locked gate. You can't see it very well because it's covered by the bushes that are overgrown. I plan to expand that gate into a full size gate that could be open and closed to preserve the content there and thus basically from the removal the hedge will be trimmed...there's a large lilac bush that would be sitting right in the middle here and there's a small about a 4 inch in diameter tree that may need to be moved. Safety has always been brought up as a concern here. If we trim the hedges that is going to increase the visibility there. I'm an experienced driver. It's not kids...obviously everyone is trying to be safe as in every part of the neighborhood. Two bits on off street parking. I've been by there during the day time hours...most of the time I go by in the evening because unfortunately I do work, but there is limited parking depending on how many students have showed up and what time of day it is. Buying a house this size and dollar value...it is reasonable to expect to be able to park whether it be night or day. This does allow me that opportunity. In that area there are multiple other businesses that do require parking and you have multiple residents that live there. Most all of you live in the North End and you know that parking is a concern and this is one block from Boise High School.

COMMISSIONER SMITH: Is this design any different from what you earlier presented or just more detailed on what was presented?

JIM VALENTINE: I believe it is in more detail. At the sidewalk level it shows full pavement from the curb to the sidewalk and it gives the exact dimensions of what it needs to be in relationship to ACHD's recommendations. The 9 ft. driveway with 3 ft. on each side. One of the other questions was how far was it going to be off the south fence. Its 6 ft. offset there. There's actually already a little sidewalk that runs the length along that fence because it's hard to see because of the bushes and overgrowth there. This is an accurate description or diagram and last time there was some question as to the property lines, etc. This was done by an architect and hopefully this is very accurate.

NO PUBLIC TESTIMONY

MATT HALITSKY: We received e-mails from Geri Stukle, Amy O'Brien, Tyler Moran, John McCarthy, Sarah Park, Nicole LeFavour, Nancy Spittle, Smith Kennedy, Syrena Hargrove and Jennifer Stevens. Lauren McLean did submit a letter. All of these e-mails are in opposition to the application citing safety concerns, incongruousness with the street scape and historic site.

CHAIRMAN POOSER: I will mark the e-mails as Exhibit 1. Remind me from the last

hearing. The applicant wants to occupy this as a residence, but have an office. What are the zoning requirements for that?

MATT HALITSKY: What he is describing is a home occupation so I don't think he's required to provide any parking for a home occupation above and beyond single family residential. Additional parking requirements come in if it's classified as an office not a home occupation.

CHAIRMAN POOSER: So if it was classified as an office then they would have to...

MATT HALITSKY: There would be additional parking requirements and he would have to seek a variance from that onsite parking or else find it offsite, but since it's a home occupation he would not have to provide that.

CHAIRMAN POOSER: If there was ever a need or a desire to convert the home from residential to commercial would that come before the Historic Preservation Commission as a change in use?

MATT HALITSKY: Yes.

COMMISSIONER CHANDLER: I have a question for the applicant...I'm not sure how relevant this is...in looking at the site plan....I appreciate the drawing it's easier to understand what's going on. I found this a little unusual because it almost appears as though there are two front entrances...one on 10th Street and one on Hays. Are they both essentially the front entrance or neither?

JIM VALENTINE: The most grandiose one is on Hays. If you come in off of Hays there's actually to your left there's large wood pillars and a staircase that goes up. That to me is the more grandiose one. The one that comes off 10th Street goes into what would be the dining room, but it also has a veranda on it. Technically Hays Street is the front entrance because that is how it is addressed.

COMMISSIONER CHANDLER: As far as a home office would you be using one entrance as a residential entrance and the other as business entrance?

JIM VALENTINE: Correct. For home occupation I need to keep the office at less than 500 sq. ft. That gives me one room on the first floor, which will be an office and a waiting room. Basically it would be using the Hays Street entrance.

NO STAFF REBUTTAL

NO APPLICANT REBUTTAL

PUBLIC PORTION CLOSED.

COMMISSIONER CHANDLER: This is one very interesting application. We've received a substantial number of e-mails from people in the area who are opposed to the curb cut. I can see the reasons for the curb cut. It's an interesting site because the way it

has been divided up over the years. You don't have any options for alley access or anything else. This is about the only way to create any off-street parking. 10th Street is as much of an entrance as Hays Street is. Parking in one's front yard...I don't have a lot of enthusiasm for that concept. However it can be pulled off in many different ways. At this point I'm really interested in the other Commissioner's opinions and thoughts on this subject.

COMMISSIONER SMITH: As I recall I was the sole descending vote in the denial. Nothing has changed my opinion. One thing I am struck however is the rather significant number of e-mails that go on and on about safety seem to completely leave out the fact that at almost all times of day in this neighborhood and within a block there are very young, very inexperienced drivers driving very fast and very recklessly. I know this from personal experience because my children are two of them. No where in all the material we've been provided by the opponents is there any mention these types of safety issues. What we have here, it seems to me, is a very simple application by someone who wants to primarily live in this house and wants a parking place that otherwise, at many times of day, is not going to exist. I find the opposition odd that there's such vehement opposition to a curb cut with all sorts of strident language about how it's going to change the neighborhood. When you get language of this type, so often, it makes you start wondering if there's another agenda here that is not clear and not in the record. I don't know what it is, but I find the opposition totally unconvincing that a single curb cut under the circumstances that exists here is change the neighborhood and that it's going to cause a safety problem that is more dire than the safety problem that seems to be acceptable which is all the high school students. I, once again, and let me add another point, when I was appointed to the Commission and when I was interviewing with the Mayor he made it very clear to me that he wanted to see places like this occupied by families and for people to live in them. I told him that would be my goal. I may be the only Commissioner who does not live in the North End and while I am sympathetic somewhat to the feelings of the residents of the neighborhood, all of us in the city, those of us who live in the North End and those who don't have to be cognoscente of allowing people to actually have homes. We have a very careful balance to strike and it seems to me that we would be striking it by allowing this family to move in, have a parking place and go forward. I will be, as I did last time, supporting the application.

CHAIRMAN POOSER: I will be supporting the application. It's a little more complex decision than Commissioner Smith. The issue is whether or not this curb cut and parking spot are congruous with the neighborhood and I believe that off street is congruous with the neighborhood. When you look at the site plan on Page 2 of the application every structure in this area has some sort of off street parking except for this one. This is an extremely unique property. Not only in its history and its architectural design, but in its configuration and that it doesn't have any access to an alley or off street parking. I believe I stated on the record at the last hearing that parking in this area is extremely difficult considering the high school. I have personal experience with that. To me if we were to say that parking is not allowed and this is the only conceivable place it could be allowed on this particular piece of property we'd be saying that off street parking is not congruous with the Hays Street District when in fact it is. I will be voting in favor of the

application. I don't think we want to set any precedent that a curb cut is appropriate for every piece of property, but when you look at this piece of property it is land locked on two sides and locked on by the street on two sides and this is the only space where a parking space would be appropriate. I think it has been narrowly tailored as it may with the concrete strips and because it has been the application is appropriate. I understand some of the concerns about the commercial possibilities here and would be extremely leery of converting this property to commercial. With that said, that is not before us and that's not in the record. We're dealing with a resident with a home occupation and I will vote in favor of the application.

COMMISSIONER TRUSLOW: I had previously denied the application because I felt there wasn't enough information presented for me to make an informed decision, but currently I feel the plans are very adequate and understandable. I also agree with the wrought iron fence and maintaining that and allowing it to be open and close to establish the historical quality of the house. I also feel that there are two distinct façades of the building one of which will still be completely maintained. I will be in support of the application for these reasons.

COMMISSIONER CHANDLER: One point that Staff makes that is significant in this is this is easily reversible situation. While it's probably not likely but it's always a possibility that sometime in the future that an adjoining property could possibly be acquired and...this house belongs on a larger lot. It's unfortunate that the lots been split down to such small lot and it would be nice to see it on a larger lot. Probably won't happen, but would be nice if it could. If it could this is easily reversible without doing significant damage. With regard to the comments that Staff has made and the comments of other Commissioners I can support this application as presented.

COMMISSIONER CHANDLER MOVED TO APPROVE DRH08-00301 AS PRESENTED WITH THE SITE SPECIFIC CONDITIONS OF APPROVAL AND STANDARDS CONDITIONS OF APPROVAL WITH THE ADDITIONAL CONDITION THAT THE DRIVE SHALL BE PARKING STRIPS AS DESCRIBED IN THE STAFF REPORT AND NOT A FULL WIDTH DRIVEWAY IS INDICATED AS A CONDITION ON PAGE 37 BY ACHD, BUT NOT ON PAGE 38.

COMMISSIONER SMITH SECONDED THE MOTION.

ROLL CALL VOTE 4:0. MOTION CARRIES.