I. CALL TO ORDER

PRESENT: Montoto
REMOTE: Richter, Brown, Koski, Moroney, Weaver, Valderrama-Echavarria
ABSENT: Rupp

II. MINUTES ACCEPTANCE


   RESULT: APPROVED [UNANIMOUS]
   MOVER: Noah Richter, Commissioner
   SECONDER: Danielle Weaver, Commissioner
   AYES: Montoto, Koski, Moroney, Weaver, Richter, Valderrama-Echavarria, Brown
   ABSENT: Ericka Rupp

III. CONSENT AGENDA

1. **DRH20-00278 / Merlin Stark**
   Location: 1109 E. Warm Springs Ave.
   Certificate of Appropriateness request to demolish an existing barn and garage, move the swimming pool, construct a new pool house, and construct a two-story garage with accessory dwelling unit, in a R-2H (Medium Density Residential with Historic overlay) zone. *(This item was deferred at the July 27, 2020 Hearing.)*

3. **DRH20-00285 / Tara Vreeland**
   Location: 1519 N. 8th Street
   Certificate of Appropriateness request to add a full second story to an existing 1½-story non-contributing single-family structure on a substandard corner lot located in a R-1CH (Single-family Residential with Historic overlay) zone.
7. **DRH20-00345 / David & Lisa Andrews**  
Location: 1609 N. 9th Street  
Certificate of Appropriateness request to demolish an existing one-car garage and to construct a 1 ½-story, two-car garage with accessory dwelling unit in a R-1CH (Single-family Residential with Historic overlay) zone.

8. **DRH20-00150 / Ken Litzinger**  
Location: 1521 N. 5th Street  
Discussion and ratification of Findings for denial to construct a partial two-story, single-family structure and associated site improvements, in an R-1CH (Single-family Residential with Historic overlay) zone. (This item was denied at the July 27, 2020 hearing.)

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Cindy Montoto, Chair  
SECONDER: Noah Richter, Commissioner  
AYES: Montoto, Koski, Moroney, Weaver, Richter, Valderrama-Echavarria, Brown  
ABSENT: Ericka Rupp

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IV. **NEW BUSINESS**

2. **DRH20-00282 / Todd Heist**  
Location: 714 E. McKinley  
Certificate of Appropriateness request to construct an addition to the rear of the house and to construct a two-story garage with accessory dwelling unit, in a R-2H (Medium Density Residential with Historic overlay) zone. (This item was deferred at the July 27, 2020 Hearing.)

**Ted Vanegas (City of Boise):** This is an aerial image of the property. As you’ll see the existing contributing home is toward the front of the lot to the south. The property takes access off McKinley via this long driveway back to an existing two-story, unfinished structure that was built years ago. It was intended originally to be a garage and ADU but was never completed.

These are site plans provided by the applicant. Existing on the left and proposed on the right. You’ll see the addition on the right-hand side site plan, the addition toward the back...where my cursor is the addition to the house. Then the new two-story garage with ADU will be located in roughly the same position as the existing. Access will now occur off the alley. The City is recommending that the curb-cut and access off McKinley Street be closed and
improved to match the existing detached sidewalk landscape strip with the same consistent landscaping.

Here are some renderings of the project. You’ll see on the top different angles of the garage. This is from the south and as you would look at it from the back of the house. The one where my cursor is, is from the north as you’re looking at it from the alley. This is another south elevation. Then here are some side elevations. As you can see from these renderings, the new garage is significantly taller than the house. I’ll go over that in a later slide. These are the renderings and elevations.

Here is a photo of the existing house. Again, the driveway coming off McKinley. In the rear you’ll see the existing unfinished two-story accessory structure. Here are some more photos. Again, the house at different angles. Then the unfinished two-story garage structure with views of the alley.

Areas of concern for staff on this application is largely with the height of the proposed ADU. The ADU is proposed to be 25 feet, 6 inches. The house is about 20 feet, 9 inches so it is close to 5 feet taller than the existing house. The existing garage and ADU...the unfinished structure is 22 feet, 6 inches. Staff has included a condition of approval that the new structure not exceed the height of the existing house by more than 2 feet. That would roughly place it at about the same size as the structure that’s been there for about 20 years.

Staff did address lot coverage in the application. Staff calculated the lot coverage incorrectly in the application. We had it at 38-percent, but it is actually 34-percent, so the lot coverage actually meets the condition of approval concerning lot coverage that it not exceed 35-percent. You’ll see at the bottom of that slide the condition concerning the height of the ADU.

With those recommended conditions of approval staff recommends approval of DRH20-00282.

**Commissioner Moroney:** I was curious about you said they need to remove the driveway and the curb cut. Can you explain that?

**Ted Vanegas:** When an alley is available City Code requires that access be taken from the alley. That is especially something we want to see in the historic districts. So, whenever there is rebuilding of a garage...for instance, there are a number of properties that do take access directly from the street in our historic districts. But when
there is a reconstruction of those properties, either a new house and/or new garage, that code section kicks in and access from the alley then needs to be taken. We typically require that curb cut to be closed and the sidewalk, landscaping and landscape strip extended as well.

**Commissioner Koski:** Ted, I believe it is in the report, but you didn’t mention it verbally in your presentation about the setbacks on the garage beyond I believe it needs to be 15 feet, but is drawn at 6 feet based on square footage. Can you comment or speak to that?

**Ted Vanegas:** Correct. I believe that was from the rear property and I apologize for not mentioning that. The structure is over 1,000 square feet so as such they’re required to meet the standard setbacks for the zone. That would be 15 feet. If it was under 1,000 square feet they would be able to take advantage of reduced setbacks and just meet the 22 feet of backup space, but because it is over 1,000 square feet the 15-foot setback is in effect and if this project is approved as is, it would require a variance for that setback.

**Commissioner Koski:** It’s drawn as 6-foot setback…correct?

**Ted Vanegas:** Yes, that’s true.

**Applicant Testimony**

**Todd Heist (Applicant / TWH Construction):** To start things off I wanted to acknowledge Sr. Planner, Ted Vanegas. He has been more than helpful answering our questions and guiding us through the process. I also wanted to thank each one of you, the members of the Boise City Historic Preservation Commission for making time in your schedule to consider our project this evening.

My friend, Jennifer Blair, the interior designer of this project introduced me to Marti and Hal, and I have to say it has been my privilege to work with these fine folks on the project. Getting to know Marti and Hal, it is clear they love the neighborhood and plan for this to be their forever house. There is zero intention of flipping the house and trying to make a quick buck. In fact, they picked this location because it is in a historic district and they see the value of living in an area where there is oversight and to protect the aesthetic and feel.
With its alleyway marking the north boundary of the East Historical District the existing house was built in 1900 and as with most homes of this period the design needs to be reworked to meet modern living standards. We were encouraged to see Boise City rollout the Grow our Housing Program. It has provided tools to maximize land use allowances and will go far to provide more density and affordable housing in already developed neighborhoods helping curb runaway rent and housing prices.

As Ted stated, we are requesting:

1. Construct an addition to the rear of the house.

2. Construct a two-story garage with an ADU above it. Replacing a similar sized unfinished non-conforming ADU.

The main house has one bedroom. Our hope is to add a master suite to the back of the house and reconfigure the loft from a one bedroom into a two. We'll match all exterior finishes with like-kind and quality. The visual impact from the street will be almost nonexistent as the addition will sit behind the existing structure. The only exception will be on the east side where we need to bump out 3 feet to the setback line allowing us to reconfigure the stairs and pop-out a fireplace. The current stairs do not meet the clearances as laid out by current building codes.

When Marti and Hal bought the property the ADU was a big selling point. They were hoping to make a couple modifications to the design and finish the build out. They were told by the previous owner that all they had to do was go down to the Building Department and get the permits switched into their name. The good news is there is a permit for the existing ADU. The bad news, it had been open for over 20 years and except for a partial footing inspection we could find no record of any inspections being done. The framing is subpar to say the least with significant over spans of rafters, load points missed and the incorrect nailing of hangers. The sheer is suffering from exposure to the elements and given the quality of the visible construction there is no way anyone would be willing to sign off with any conviction on the foundation which we can’t see. The decision has been made that it would be better to tear down the existing structure and to start over. I can’t fully wrap my head around the fact that the existing unfinished ADU was allowed to go so far in the process and sit in its unfinished state in a highly visible area with essentially no oversight. I have obtained a permit to tear down the existing ADU and I am working with a
company that wants to salvage as much as possible and is willing to take the time to deconstruct it.

Marti and Hal are open to suggestions from the Committee. We all viewed this as a collaboration, and we believe we are all working together towards a common goal.

Addressing the Site-Specific Conditions of Approval starting on Page 7 of the Planning Team’s project report.

Windows
There are some vinyl windows on the house. It is our intention to replace all non-conforming windows on the property to wood or metal clad wood.

Siding & Trim
We will match existing with like kind and quality.

Height
We do appreciate the Planning and Development Services recommendation to allow us to be within 2 feet of existing. The existing peak of the house is 20 feet, 9 inches. There is a permanently fixed weathervane which measures 24 feet, 10 inches to the ground. The peak of the existing ADU is 22 feet. The proposed ADU height is 25 feet, 6 inches. Now if you, the Committee, feel you cannot in good conscience allow the discrepancy in height between the main house and the proposed ADU we will modify the plan to conform. We found if we lower the garage plate height to 9 feet and then change the main pitch of the roof from a 6/12 to 4/12, we can get to 22 feet, 9 inches. 2 feet higher than the existing peak, but still 2 feet, 1 inch below the weathervane.

Lot Coverage
He (Ted) already covered that.

Curb Cut
The curb, basically from front of curb to face of the proposed ADU is 106 feet and 6 inches. To modify the curb cut, landscape and recreate the unique fence located on the property is would be an unanticipated cost of both time and money. The original carriage house as referenced in this picture…you can see it in the framing where they kind of framed around it, would date back to at least the 30’s by the construction methods and the posters on the wall. There was no door frame for an alley access, and we believe the curb cut to be quite old if not original to the property. Although not
entirely readable the stamps on the curb would date back to the early 1900’s. In addition to our property we found curb cuts at:

- 704, 803 and 818 E. McKinley
- 915 and 910 Washington Street
- 906, 912, 916 and 1011 E. State Street
- 703, 742, 815, 909 and 917 E. Jefferson Street

We would appreciate the Commission’s consideration in leaving the curb and driveway as is. There are no other items we wanted to address on this application. Thank you for your consideration. Now I would like to give the remaining time to the homeowner Marti Kintigh.

**Marti Kintigh (Owner):** Good evening Commission Members. Thank you so much for taking the time to consider our application to restore our existing home and add a historically appropriate garage ADU. Our home celebrates its 120th Birthday this year and deserves a bit of a facelift.

While our contractor, Todd Heist, has spoken on our behalf of our proposed project I wanted to take a few moments to introduce myself and my husband. Hal and I met at the Boise Airport in 1989. Married here and later both of our daughters were born at the downtown St. Luke’s.

Purchasing a home in either a North or East End neighborhood was always a dream. We’ve spent hours driving and walking around the streets talking about our favorite homes. In 2018, we purchased our historic cottage and started to plan a restoration that enlarges our home to allow us to live more comfortably while still retaining historical charm.

The unfinished ADU that came with our house was of great interest and value to us because we saw the potential in being able to finish and use it as an extra space for living as well as the possibility of renting it. The previous owner who had started building the ADU in 2000 told us we would just need to have the permit put in our names and go ahead and finish the project. Unfortunately, this was untrue, and we later learned that the building was not only out of code but had not had most inspections completed. We were told it would be more cost effective to remove the structure and start over. We looked upon this major setback with the hope that we could redesign the structure to be more functional as a garage with an ADU above as well as create something that fit more into the aesthetic of the neighborhood as well as the style of our home.
I would like the Commission to fully understand that we purchased and moved into a historical district because we appreciate and support what it takes to retain the beauty and authenticity of Boise’s historic neighborhoods. Each of us who owns a historic home has a responsibility to make sure that all restorations are conducted with respect to a home’s past as well as its future.

I believe this respect includes the interior of the home as well as the exterior. Todd included some current interior photos of our home so you can see how serious we are about this. We were so fortunate to purchase a home that had retained its beautiful Fir flooring, original windows and gorgeous moldings. All of which we will retain and reproduce where needed. The previous owner had installed a few vinyl windows and an enclosed sunroom, and our intent has always been to replace them with more historically accurate windows which will happen during this renovation. When we moved into the home both the kitchen and bath were uninhabitable, so we restored each room very carefully with products that were respectful to the age of the home while still giving us modern clean spaces to live in. We choose all materials with authenticity as well as function in mind. I was recently in a local antique store and came upon a gorgeous turn of the century fireplace mantle surround that was for sale. The shop owner said a contractor who was remodeling a home in the North End brought it to her after the homeowner had asked him to take it to the dump. I am happy to let you know that I’ve purchased the mantle and it will be living in our home when our new fireplace is added. Those things need to be kept with our homes.

I could go on and on about how much we love our home and how grateful we are for the opportunity to restore it for future generations. Thank you again for your time and consideration of our project. We look forward to working with you and creating a property that will make us all proud. We do hope that we can have a conversation this evening about things that are required and things you would like to see us do. We want to work with you. Thank you.

**Commissioner Koski:** The question I have for you, is did you consider at all designing the garage to not exceed the height of the house and could you achieve the ADU that is desired and still meet to be not as high as the house? I understand designing it may be tough to do…I guess that’s my question. Could you design it to meet the height of the house and not exceed it?
Hal Kintigh: We started with our dream of having a 10-foot garage height and dropping it down to 8 still wouldn’t get us there. We feel that just the function of the garage would be severely limited by going much lower than that. We also considered changing the roof to say more of a flat pitch to obtain that but felt aesthetically it would look better the way it is drawn versus just more of a flat roof without a personality.

Commissioner Richter: I have question as well concerning the same thing. Do you feel that if a redesign was done to the garage where it was not necessarily a true two-story or as a story and a half that matched more of the architecture of the home? Because right now the garage doesn’t necessarily match the architecture of the home. I do realize that you guys tried to put on like a faux dormer there on the side to bring out some of the architectural features of the home, but the home looks like it is a true story and a half where the garage is a true two-story. So, if you were to drop that to a true story and a half, I believe you could still have the height in the garage and still reduce the height in the ADU. Do you believe that could be an achievable alternative?

Hal Kintigh: It is something worth exploring. The one thing the house has that the garage doesn’t is all the living space down below where the bathrooms and a lot of the utility type spaces are all located on the first level...it would be much…I guess I don’t have a great answer for you on that. We can explore that, but then you’re starting to get into head room and the overall functionality of the space.

Commissioner Richter: I understand that. Thank you.

Commissioner Brown: The recommendations in the guidelines are for the roof of the accessory unit to match the roof of the historic unit. Can you do a full cross gable on the garage ADU?

Todd Heist: I would have to defer to my architect. I don’t know if she’s on the line, Mary Brown.

Commissioner Weaver: Ted, I guess I probably can’t see if someone is raising their hand to talk so I’m not sure if somebody is available to answer that question.

Ted Vanegas: It doesn’t appear that anybody is raising their hand to speak up on that.
Todd Heist: I suppose I can try to answer your question Commissioner Brown, I tell most of my clients the answer is always yes. It is just time and money. I feel we can come up with a design that would be acceptable. Once again, keeping it within 2 feet. The other structure set there for over 20 years at that height, is just honestly a monstrosity. If we were able to just even be there that would give us a lot to work with.

Commissioner Brown: If you did have the 2-foot allowance and you could bring up that faux dormer to a full true cross gable like the house I think it would look aesthetically better and match the house.

Todd Heist: Basically, raising the dormer so that it goes all the way across the front of it? Is that my understanding you correctly?

Commissioner Brown: That is correct.

Commissioner Weaver: Two questions for you. One is, are you planning on keeping the weathervane because I don’t see in the rendering, we have up on the screen right now? And the second question, you talked about it, but can you restate what the height was that you were proposing to move the garage roof down to from the height that is shown right here?

Todd Heist: The modified height that we lowered…?

Commissioner Weaver: Yes.

Todd Heist: I believe we can get to 22-foot, 9. To answer your first question, yes. The weathervane has been there as long as we’ve known and have no intention of taking it down.

Commissioner Weaver: You’re saying you can get it back down to the height of that garage that will be torn down is currently?

Todd Heist: Yes.

Ted Vanegas: Apparently the applicant’s architect is on the line now and is able to speak.

Mary Brown (Architect): Having that story and a half look...when you’re actually in the upper story of the existing building the wall height is quite low. I think we’re at 3 feet on the side wall so it would decrease the living area quite substantially. We can achieve the 2 feet above the existing by lowering the plate height of the garage
to 9 feet and the main roof line down to a 4/12 pitch which won’t change the design significantly.

**Commissioner Richter:** This is probably a question for either the contractor or the architect. What is the existing roof pitch? It looks like there are multiple roof pitches on the house, but on the main house what is the existing roof pitch?

**Mary Brown:** 12/12.

**Commissioner Richter:** And the proposed roof pitch on the addition?

**Mary Brown:** The proposed main roof pitch on the addition is a 6/12 with the dormer being a 12/12 to match the existing house.

**Commissioner Richter:** Then the roof pitch of the addition that was done prior to the owner’s occupancy of the home?

**Mary Brown:** I believe that is a 4/12.

**Commissioner Richter:** On that section of the home?

**Mary Brown:** Yes, the 4/12.

**Neighborhood Association Testimony**

**Sheri Grisham (President / East End Neighborhood Association):** I must say that I am thrilled that somebody has taken on this project. We have been driving by it for the last 20 years whilst looking at it being unfinished.

I think that the staff...what they have recommended as far as the curb cut and driveway, I think they should stick with that. I think the regular curb should be added back in and the driveway taken away. The house won’t look so massive and it will look more like it is within that 35-percent lot coverage.

Also, the roof dropping down a little bit so that it matches more with the house.

Those were the only things that I would say we would be concerned about.

**Commissioner Weaver:** Ms. Grisham, I have a question for you. Would you be okay with the roof dropping down to the 22-foot, 9
that the current unfinished garage is at or did you have some other height in mind?

Sheri Grisham: No. I think the 22 would be fine.

Public Testimony

Austin Grill (718 E. McKinley): A few of you already know me, but for your reference this evening I am the homeowner one house to the east of the subject property. I’m here tonight on behalf of my family and my mother-in-law who occupies 716 E. McKinley Street. The property in between my home and the Kintigh’s home.

I’m here in full support of the Kintigh’s application. We have come to know Hal and Marti over the last two years, and we believe this project to not only be beneficial to the East End at large but will improve the overall scape of our special little strip of East McKinley Street. The street on which Cindy and I are raising our son on. McKinley has been one of the most special places in the world for our family. It is where Leo took his first steps and we have all really come together as a whole strip of neighbors to come and support and care for one another. It is really the place that you dream about raising a family.

We first purchased our 1895 Victorian in December of 2017 and we were blown away by the back structure of the subject property both when we moved in, but prior to that when we visited our house and were in the second story of our house we could see the, I believe Sheila called it a monstrosity across the way. In addition to being an eyesore it left us with a lot of unanswered questions which was how did it happen, what kind of precedent did it set being that we’re in a historic district and most importantly when is going to come down? Hal and Marti informed us that they had plans to demo with the intent of repurposing the materials and wanted to build something smaller and more appropriate to scale with the main house. We were absolutely thrilled. Hal and Marti, along with their architect and contractor, have worked tirelessly to restore their home and do it the right way. We stand with them and deeply appreciate their efforts to do so.

On-street parking is a nightmare on the 1.7 mile stretch of Jefferson, McKinley and Franklin area. The only parking option for most homeowners is on the street due to an influx of St. Luke’s employees who use our neighborhood as their parking lot. Several of our neighbors have existing curb cuts which helps alleviate on-street parking. We don’t have a garage and just between our family, my
mother-in-law and the Kintigh’s there are several cars. I think it’s seven or eight cars just to three properties. Keeping the Kintigh’s existing curb cut would continue to alleviate parking congestion.

We fully support the Kintigh’s application as it is and ask for your support for the application as we all just want to keep our little corner of the East End special. Thank you for your service to our City. We appreciate it and your time this evening. Thank you.

Applicant Rebuttal

Todd Heist: Honestly, I don’t think there’s anything that is a full-on deal breaker for us. We obviously are not happy about the curb cut and it is not our first choice. We would like to leave it as is. There is a gate that breaks it up, so it does not make it look so bad as it goes back. However, if that is a condition of approval and in speaking with the homeowners it isn’t a hard stop, but it is definitely not what we would like. Other than that, there’s nothing to rebut and I appreciate everybody’s consideration.

Public Portion Closed

Commissioner Koski: I would like to make some comments and a motion to get discussion started. I’m greatly concerned with the height and mass of the proposed ADU. The addition I’m okay with, but even with the staff’s recommendations of bringing that height down 22 feet, 9 inches, it is still a little over 2 feet higher than the existing home. I believe strongly that that is overwhelming, and I want it to be shorter than that. It needs to be subordinate to the house and having something taller than the house isn’t going to do that.

Also, the setback of the garage at 6 feet in order to move it 15 feet that is going to move it closer to the home and also amplify the height of that so it will overwhelm it again. By removing the curb cut there’s also a significant change. In order for these changes to be met I would like to see it redrawn as opposed to conditions being applied to it. Based on our guidelines 6.1.10, “An accessory dwelling unit or garage that will visually compete over a primary building on the lot” and 6.1.12, “An accessory dwelling unit or garage that is larger than the existing primary building”. Based on those I would like to move, and I look forward to more discussion after a second.

COMMISSIONER KOSKI MOVED TO DENY DRH20-00282.
COMMISSIONER RICHTER SECONDED.

Commissioner Richter: I agree mainly with what Commissioner Koski has set forth with his motion. Thus far, I think we all know now how I feel about garages and ADU’s being subordinate and either matching the height of the existing home or being shorter than the height of the existing home. Another concern I have of that is if they do drop the plate height down to 9 feet and then drop a 4/12 pitch on the house it is going to make it look that much flatter and that much taller. You put a 4/12 pitch against a 12/12 pitch and it’s going to look pretty overbearing back behind that house. If there is any way for them to redesign the home...if they were able to match some of the roof pitches like Commissioner Brown had mentioned earlier as far as cross gable, I think that would be considerably more acceptable. If there was a cross gable with some matching roof pitches at that 12/12 range, I might even consider having it 2 feet taller. But, to have it 2 feet taller at a 4/12 pitch that sits behind a 12/12 pitch house it is going to look pretty overbearing.

As far as the curb cut is concerned, I don’t necessarily feel that the curb cut needs to go away. There was some public testimony given by Mr. Grill that there are definitely some parking concerns along that street and if there’s a way to alleviate those parking concerns I think there should be an opportunity there in order to do so. I’m not sure about the curb cut that the staff has recommended. There’s a lot of things about this application that I don’t agree with so that is why I’d be in support of supporting denial of this application as it sits right now.

Commissioner Weaver: For clarification, are you talking about the pitch of the garage roof and not any other roofs on the house?

Commissioner Richter: That’s correct, yes. Because from the street that is the first predominant roof pitch that you see is the 12/12 of the main home. And, when your eye tracks back towards the back of the property and you see a structure back behind it, that’s what is going to catch your eye second. You’re not going to see the additions that are back behind the house. They are actually being shaded by the existing home with the 12/12 roof pitch.

Commissioner Koski: I’m wondering if we can have Ted pull up the Page 178 in our packet? It is the elevations of the proposed project. If you go down just a little bit Ted, the elevation in the upper right-hand corner of this page you’ll notice...that is the street view. That is the street view of the house with the garage in back.
That completely overpowers it and when you move that garage another 9 feet closer to the house, which I think it should be to meet the setback, it’s even going to be larger. Even if you do reduce it by 3 feet in height. I think that mass is significant and that is the main reason for my motion.

**Commissioner Brown:** I’m not concerned about the driveway and the curb cut. I think that should be allowed to stay. The East End’s period of significance goes to the 1940’s and that encapsulates the transition of carriages to cars and having a garage. I think leaving the curb cut, in my opinion, shows the transitions and changes of the neighborhood over time.

I think for the garage itself, the ADU. I would be open to them having the current existing garage height if they could achieve that cross gable to match the house.

**Commissioner Valderrama:** I agree with Commissioners Koski and Richter because that sets a precedent for all future homes. A lot of the stuff that we hear about is, “Well this house has done that, so why can’t we do it?” I believe that Commissioners Koski and Richter are kind of listening to that voice. Further down the road this might become an issue in that neighborhood. But I do understand that kind of grandfathered in perspective. It’s been there for 20 years and it has been a 22 whatever pitch, 2 feet above the actual home, but still it sits that precedent for those future homes that are coming in. I think that is where we’re kind of stuck at and given the historic climate of well...this is like the kind of conversation that I’ve seen that comes up. I agree with Commissioners Koski and Richter on that.

As far as the curb cut, I’m not really worried about that. There needs to be some flexibility for the curb and given that ACHD owns a lot of the roads in Ada County I think that empowers the owners to have that potentiality in 20 years let’s say, to do a driveway or a little carport or a little...I don’t know the technicality word for it, but a little driveway to park off the road because ACHD right now...so the City of Boise does not own any of the roads in Boise. So, to do a curb cut there is this prolonged process through ACHD. That is my thinking behind the acceptance of keeping the curb cut, but then also I understand Commissioners Koski and Richter’s precedent setting given, the history of this house has it, why can’t we have it? I think we’re starting a precedent with the house, but I do understand the grandfathered kind of mentality...like, hey, but this garage or soon to be ADU was here for a long time. I’m kind of on
the fence on that one, but I do accept for sure to let’s leave the curb cut for sure 100-percent.

As far as the house I’m kind of in the middle or the garage height I’m in the middle of that. I hope that helps. Or confuses?

**Commissioner Weaver:** Before we call the roll I would like to chime in and say I do appreciate the applicant bringing a design forward that does fit the house quite a bit better than the garage that was there before that sat there for 20 years. But I do feel we are looking at a completely different design and different garage than what was there before, and we have to not consider what was there. We have to consider this is a completely new application and with that I just don’t see how we can accept something that is higher than the existing house and do agree with Commissioner Koski that it should be no higher than the existing house. It is a very dominant structure in the back and because it is offset to the house by the amount that it is, the roof is quite large and very visible from the road. So, I would agree that should be lowered.

As far as the curb cut goes currently most of those houses are accessed off the alley and that house probably should be as well, but if that curb cut has been there for as long as the house has been there I guess...although it is a maybe City regulation that it be removed, it doesn’t bother me as much as the height of the garage. I’d probably be okay with the curb cut, but I definitely think the garage needs to be lowered.

As far as the rest of the house goes, I think it’s great what they’re doing adding on. It’s not very visible and it is lower than the house and I think it looks great. I appreciate the fact that they are removing all of the existing vinyl windows and replacing them with windows that are more historically sensitive. With that...I guess, Commissioner Koski, are you still wanting to stick with your initial motion and if so, we can go ahead and call roll.

**Commissioner Koski:** Yes, I stick with that motion Commissioner Weaver.

**Commissioner Weaver:** To be clear, that was to have the garage no higher than the current house and remove the curb cut and also redesign the garage so that it fits the setbacks of the current code.
RESULT: DENIED [UNANIMOUS]

MOVER: Devin Koski, Commissioner
SECONDER: Noah Richter, Commissioner
AYES: Koski, Moroney, Weaver, Richter, Valderrama-Echavarria, Brown
ABSENT: Ericka Rupp
RECUSED: Cindy Montoto

4. **DRH20-00294 / Bob Stefanakos**

Location: 1316 N. 6th Street

Certificate of Appropriateness request to reclassify the contributing single-family structure to non-contributing in a R-1CH (Single-family Residential with Historic overlay) zone.

**Ted Vanegas (City of Boise):** As you can see from the aerial the house exists on an interior standard sized lot.

This is the front image of the house. It is styled according to the survey as Vernacular, constructed in 1900 and classified as contributing in a survey done in 1998.

The applicant’s contention for reclassification are largely that the original porch on the left side of the façade was removed sometime after 1949 which would be after the period of significance for the district. The new porch and entry were established on the right side of the façade sometime after 1956. The rear porch was enclosed and there are issues with the condition of the structure including the foundation and altered materials including aluminum windows, which were at some point, installed on the structure.

The applicant also provided, and you’ll see more of these in your packet, but this red sort of outlines when things were done to this house. Alterations made after the period of significance, which is around 1949. You’ll see around that time that the front porch…the bottom is the front. This would be where the front porch originally was removed at some point. Then the entry to the house was moved at some point over to the right side and a cover was added to the front of the building there as well.

I’ll show you a series of Sanborn Maps as well.

1903 The outline of the house is with the porch here on the righthand side with an entry there.
You'll see that more expansion was added back here.

The Sanborn Map does not show the front porch on this side. At that point the front porch was removed. At some point after that the entry moved over to the side and a new porch added onto that side.

The seven aspects of integrity. The applicant, in the packet, brings those up. The seven aspects of integrity...we've shown you those before in the past on some of these projects. They are used by architectural historians to help determine the historic integrity of a structure. For the City's survey material consultants are hired by the City and they use this criteria to help determine the classification of a structure or property in the historic district. Ideally, all seven aspects of integrity would be in place for a contributing or historic structure, but that is not necessarily required. Sometimes only a couple of the aspects might be enough to establish historic integrity. Ideally those seven aspects are determined to be there or not by a professional architectural historian.

The applicant has claimed that the integrity of location remains. The integrity...and these are the seven aspects. You've seen these in your reports at times and also on the surveys.

- The integrity of setting remains. The house is maintained in its original setting and location.

- However, the applicant claims the integrity of design has not been maintained due to the changes that we talked about with the front porch being moved. I'll further expand on that by saying the conditions of the home don't necessarily make a house non-historic. So, just because a house hasn't been maintained well or the condition of the house is not that good or has been neglected over time that doesn't make it non-historic it just makes it a historic house that hasn't been kept up. The integrity of design, the integrity of materials...the applicant claims this has not been maintained due to the windows and some changes in foundation.

- Integrity of workmanship, integrity of feeling and associations so the applicant claims that all these have not been maintained over time.
Again, as I said here these aspects are typically determined by a professional architectural historian who puts together the surveys and determines how a house meets or does not meet these different aspects.

Reclassification of a house to contributing or non-contributing, “A building, site, structure, or object may be reclassified if there is found to be error in the original inventory”. Or, “There has been an alteration, addition, restoration or something has occurred to the house since the classification was put into place”.

Then there are findings that have to be made as well.

Whether or not the building, site, structure or object is eligible for the National Register of Historic Places is one finding.

Whether or not the building, site, structure or object contributes to the district, which is again, is determined in those surveys by a professional architectural historian.

We have received public comment on the application. Four comments and then some came in with late testimony supporting the reclassification to non-contributing based on the arguments put forth in the applicant’s packet.

Staff’s conclusion is that the staff finds no error in the original inventory. It is true that obviously the porch was removed after the period of significance. However, the Sanborn Maps were attached to that survey so there’s an indication there that the classification of the property as contributing was done with the knowledge that those changes had occurred on the front of the home. So, the architectural historian making that conclusion...when they’re making these determinations there might be some changes that have occurred on the home, but maybe the architectural historian concludes that the house still holds significant elements of its original historic character and that some of those changes are reversible...could be reversed if somebody chose to. For instance, take the porch down where it is and reestablish the porch and entry on the other side of the house. Although the alterations did occur after the period of significance, those alterations appear to have occurred prior to the survey being completed. Therefore, the contributing (status) was established with those alterations. That it is
what we would have to assume since they were done prior to the survey and the Sanborn Maps we’re included on the survey.

The site is not eligible for the National Register. However, the structure was determined to be contributing by an architectural historian in that survey in 1999 (1998?). And a note, National Register eligibility is not necessarily a requirement for contributing status in the historic districts. Many houses are not eligible for National Register, but they still contribute to the historic district.

Due to those concerns staff does recommend denial of DRH20-00294.

**Commissioner Brown:** I had a question. You said it is not eligible for listing in National Register. Just to clarify, it’s not eligible for listing individually, but it would be eligible as a contributor to the potential historic district. Is that correct?

**Ted Vanegas:** Thank you, that would be correct. There is no indication that it is individually eligible, but it could be a contributing member of the district for sure.

**Applicant Testimony**

**Joshua Leonard (Applicant’s Representative):** Thank you for the opportunity to present tonight and thank you also for your time in reviewing the materials and considering the application submitted by Bob and Jen Stefanakos. Also, thanks to staff for the time and effort that has been spent on this application.

Tonight, we’re asking the Historic Preservation Commission to take another look. Again, as I’m going through this, is it okay to share my screen?

**Chairman Montoto:** Yes.

**Joshua Leonard:** We believe the classification given the 1998/1999 reconnaissance survey was incorrect so we’re asking for a second opinion.

As covered by staff the standards for classification change are from contributing to non-contributing...if either of the following two circumstances is present.
That an error was made on the original survey.

-or-

Any alterations, additions or restorations have been made so the classification prior to the change no longer reflects (inaudible) or after the change.

In our narrative letter we stated that the Stefanakos’ home met the second of these circumstances because we interpreted this to mean changes have been made since the end of the period of significance. Not changes that have been made since the recommendation made in the 1999 Survey. We’re not claiming that changes have been made since the 1999 Survey and if that is the interpretation, we don’t to discuss that element any further. We’re going to move on and talk about the error in the original survey.

On this point we need to clarify our arguments a little bit. The staff report actually rebutted an argument we didn’t intend to make. The staff report claims that staff didn’t find err in the 1999 Survey because it had the Sanborn Maps included with it. It also had the historic building permits as attachments. Based on inclusion of those documents it was staff’s contention that it appears the architectural historian who conducted the survey was aware of those alterations and still concluded the property was contributing. We’ve not yet argued that the 1999 Survey was in error because it omitted Sanborn Maps for the historic building permits. We know for a fact that at least one of the maps was considered by the person who performed that 1999 Survey. This is a detail of the first page of that survey. This is the Idaho Historic Sites Inventory. The detail at the bottom where it says field notes and sketches indicates that the 1903 Sanborn Map was considered by the person or the group that performed that survey. So, we know for a fact that they at least considered the 1903 one (map).

However, even though the maps were attached to this one when it was retrieved from the City, we don’t know whether those later maps accompanied the survey when it was first performed or whether they were added after the fact. Again, we just don’t know. This uncertainty could result in a finding that the 1999 Survey incorrectly classified this property as contributing because it is only possible to determine the dates of the significant changes to the home by reviewing those later maps. That’s not even our primary argument. Our primary argument is that it was in error because the person who performed that survey did have that information and despite that information, all of which weighed in favor of finding it
non-contributing, still erroneously determined that the home somehow was contributing. The determination in the 1999 Survey is not set in stone. It was a recommendation made by a human bean who was performing reconnaissance surveys on 15-20 homes each day. It is possible the person conducting that survey made a mistake. It is also possible that the person truly believed the home to be contributing. We’re just asking the Commission to take a second look and provide a second opinion.

I have to be honest we were a little disappointed with the staff report. Instead of giving a second opinion the staff report was a second doctor who said your first doctor had all this information. I don’t need to do my own test or examinations or even look at the first doctor’s tests and examination. I’ll just assume that the first doctor got it right. In other words, it just wasn’t the second opinion. With that said, we agree with some of the observations made in the staff report. The top one, this 1999 historic survey does not address the additions of the structure or removal of the historic front porch. The staff report also acknowledges the relocation of the front door. It’s not just relocation of the front door. It’s reorientation of the front door. The door as it was original on the home faced forward towards 6th Street. It now faces to the right to the adjacent property and then acknowledges construction of a new porch.

Determining whether or not this home is contributing or non-contributing requires the Commission to examine the home against the standard for contributing as stated in Boise City Code. There are two of these standards. It is either because it was present during the period of significance and possesses historic integrity or because it individually meets the National Register eligibility criteria. It doesn’t meet the individual National Register eligibility criteria, so it leaves us with A. Within A there are two sub-elements and this home was present during the period of significance. So, what all we’re left to examine is whether the home possesses historic integrity. Our argument is that it does not possess that historic integrity. Important in determining whether it does or does not is the definition of integrity. In this case integrity is the ability, and this is according to Boise City Code, the ability of a property to convey its significance. It includes the concepts of location, design, setting, materials, workmanship, feeling, and association. Within that there are again,

Location - Yes, this location has not changed since 1949.
Setting - The neighborhood layout and the use of the property and the surrounding uses have not changed since 1949.

As staff mentioned it does meet those two. We also agreed with staff that as few as two aspects of integrity could result in a finding of contributing. But it matters which of the elements those two are. I would argue that it couldn’t be these two because 95-percent of the homes in the North End would meet these two elements of integrity. It’s really the other ones that determine whether or not the home has maintained its historic integrity.

Moving down to number three, the design integrity of this home has not been maintained. Most significantly that the street façade of this home, which is viewable from 6th Street, is completely different from what it was during the period of significance. Originally, as we said, the front porch was on the left of the home and it was removed sometime after 1949. It had no front porch from the time it was removed until a porch was re-added sometime after 1956. This time on the right side of the front of the home. The front door also was moved and reoriented as I mentioned. Even if the person conducting the 1999 Survey viewed all the Sanborn Maps that now are attached to the survey, she or he would not have known that the location of the front door had changed. The Sanborn Maps don’t identify the location of the front door meaning that it would have taken a much more intensive survey of this particular home for the person to realize that the front door had been moved.

Really quickly I want to hit on this design that staff showed. As you can see the areas that were removed and added in red and then added or altered in red to the back. You can also see approximate location to the door and the orientation of the door and now where it sits facing on the back porch. We believe if this level of detail had been considered during that 1999 Survey this home would not have qualified as contributing.

We’d also like to mention that the integrity of materials with this home just isn’t there. Staff mentioned windows. We’d also mention foundation. There are three different foundation materials. With the additions to the home particularly in front it’s gone from original sandstone to cinderblock and then concrete in both the front and rear of the home.

Also, prior to the Stefanakos’ purchasing the home in 2001 the siding was haphazardly repaired and replaced with non-lap siding. The soffit as well, Exhibit I.5 and Exhibit I of our narrative...really quickly if
you’ll indulge me, I got a little excited about Sanborn Maps. I graduated with a degree in History and went down a rabbit hole of Sanborn Maps and Sanborn Map interpretation and learned quite a bit. This is how it appeared in the 1949 Sanborn Maps...this property. I turned it so that it is orientated exactly the way it was in the book, 1316 6th Street. The notation “D” here indicates that it is a private residential dwelling occupied by not more than two families. It also depicts the two porches. The front and back porches (inaudible). The small italic “1’s” in the corners indicates that each part of the home is a single-story. Then these small crosses in the corners indicate that the main house and each of the porches and also the two garages all have roofs of wood covered with wood shingles. In going through the Sanborn Maps, I learned that wood roofs are almost never noted unless they are the only exception to an otherwise fire-resistant building which made us question whether the home originally was covered in wood siding as it is now. Also, we’d like to show, as mentioned, it initially had a wood roof with wood shingles and now as you can see, has asphalt shingles and painted siding.

The integrity of workmanship, repairs made after the period of significance were performed somewhat haphazardly and with unmatched materials. All of the pretty posts and scrolling that you see...railing, brackets and other decorative elements were lost. These all were added after that period of significance ended. Second rate decorative elements that now adorn the front of the home appear okay from a distance, but if you get up close you can see that they were installed much later and are poor substitutes for what may have been there during the period of significance.

The newer construction at the back of the home, although less impactful on a determination of contributing understandably, was done very poorly and the floors in the home slope significantly enough that you have to step down to enter some of the rooms of the home.

Again, the integrity of feeling. The scale, mass, design, materials, and workmanship of the home all have changed and although the home appears quaint it has an out-of-character feel with the homes in its immediate area.

The last one, integrity of association. You’ll find there is a direct link between the home on the subject property and historically important person or event. To our knowledge no historically significant person or event has been associated with this property.
In going through and preparing this application we had the thought that if an application was submitted to the City for a Certificate of Appropriateness to make any one of these changes that were made to the home between 1949 and 1999, that application would be and should be denied. Because any one of these changes would have made this home non-contributing. In this case all of these changes have been made after the period of significance. We’d argue that the home doesn’t have those elements of integrity necessary to make it contributing to this district.

We’re going to leave this up for just a minute as I talk through this. As I said earlier, at first glance this home is darling. From a distance it appears to be worthy of protection. However, as we mentioned none of the front elevation that existed during the period of significance remains intact and none of the historic elements that are worth protecting remain on this home. Only having retained the integrity of its location and setting this home achieves, again, only two of those points of integrity.

Really quickly I would like to close by noting there were four e-mails received from neighbors all of whom asked that the Commission approve this application. In fact, one of the neighbors actually owns four homes, I believe it is, on this block. None of them believe that this home is historically significant and don’t believe that it contributes to the historical nature of the neighborhood. We’d ask you to consider those seven elements of integrity and to return a finding that this home is non-contributing.

If I may for just a moment, or he can testify during the public testimony, we have Bob Stefanakos here, who is one of the owners of the home, who would like to say a few words.

**Chairman Montoto:** Of course. You can yield the remainder of your time.

**Bob Stefanakos (Owner):** Good evening Madame Chair and Commission members. My wife and I appreciate you taking our application into consideration. I’ve owned the home since 2001 so I’ve lived here for 19 years somewhat to the previous applicant. I met my wife at a barbeque at my home. She later moved in after we got married. Had our two kids there, our 10-year old Theo then our 8-year old Daphne. We love our neighborhood, we love all the people that are around us, our neighbors. We want to stay where we are. We both are contributing members to the City. I’m a Special Ed teacher in the Boise School District. My wife is an Art teacher in the Boise District as well.
What I’m looking at when I looked at this I totally understand from just a first glance the house is adorable and it looks like it should be contributing, but when you dig deeper and look at the ordinance that was put in place during the historic survey those ordinances were not followed by the professional historian that did it. I guess when I see it as a teacher that would be…if I did a rubric for a lesson and then I decided after I gave the lesson to just grade it however I wanted to grade it. They have to follow the same ordinances that you’re asking us, the citizens, to follow. I don’t believe and my wife does not believe that that’s been done.

We appreciate the time of the City staff. They actually admitted that there were major changes done to the house after the period of significance, but then giving this professional historian the opportunity just to ignore that.

What we’re asking, as Mr. Leonard has said, is that we would like a second opinion. We would like an objective second opinion that looks at the facts and takes away the emotion of how cute the house appears from the street. Again, I appreciate your time and look forward to hearing your results. Thank you.

**Chairman Montoto:** I do have a question really quickly for you. I appreciate the extensive work you’ve done to bring forward your application, but I’m curious what is the reason for you wanting a reclassification?

**Bob Stefanakos:** Really it comes down to we’d like to go up. The two houses to the south and to the north of us are incredibly taller than our current elevation. The houses to the west are also two-story homes. In talking with our contractor, we will save a considerable amount of money by going up instead going down. That will help us stay in the location that we’ve been in for the last 19 years. Again, as the previous applicants, this is the only home I’ve ever owned. It’s the only home that my wife and I have ever been in and my kids. We’re teachers. We’re not going anywhere, and we want to stay in this home. We’ve got our design. We would design the first floor as a single living so when we’re older we don’t have to go up and down stairs, but then still give us space to have the kids just like the previous applicant. My 10-year old son and my 8-year old daughter share a room. We’re looking to expand and make the home livable for the foreseeable future.

**Chairman Montoto:** Thank you so much. I appreciate your thoughtful answer.
**Commissioner Koski:** It looks like you had, last May, your architect come in front of the Commission for a Certificate of Appropriateness for a remodeling project. Why did you not go forward with that?

**Bob Stefanakos:** After we got our drawings...I appreciate the question and that’s a great question, but when we went to the level of going to our contractor he looked at the placing and looked at what the cost was going to be to follow those guidelines. With the guidelines that were given us, we are able to take the roof off, we’re able to take the siding off, we’re just saving some studs that will never be seen again. So, in talking with him and given the estimates that he gave us...he gave us two estimates of if you could go up it would be this amount and if you go down it’s going to be this and it was about a $60,000 difference which is substantial.

**Commissioner Koski:** During that approval process and working with your architect was the contributing status of the home ever questioned or challenged?

**Bob Stefanakos:** We never challenged it. We questioned it, but then they saw certain rulings by the Commission. We started the process with our architect back in 2018 and we’ve gone back and forth with her on that. From the very beginning we questioned it. However, based on decisions that had been made prior to us submitting it officially, she recommended going with that route because it was contributing and trying to challenge it even though she’s in full support she said, “You cannot see what the original structure looked like prior to 1949”. It’s all been built around the front, the sides, the back...so we’re looking just to again, like I said, follow the ordinance. The changes were made after the period of significance and if we’re saying that it’s okay for a professional architect to disregard the ordinance why are we following as citizens? That’s our argument.

**Commissioner Richter:** You had mentioned you would like to get a second opinion on the validity of the standing as far as the structure historically contributing. Would you be open to engaging with the architectural historian to determine whether or not your home is truly contributing or non-contributing?

**Bob Stefanakos:** If that’s what it takes. I mean I would think as the board or as a Commission...I don’t know why you guys aren’t able to give us that second opinion. Were there major changes to the front of the house since the period of significance to the time the
inventory was done? We’ve shown it, we’ve shown that proof and the City staff has admitted that those changes were made. So, again, I’m not sure why we would have to go anywhere else, but get your second opinion of was the house...was there an error made when it was classified?

**Neighborhood Association Testimony**

**Sherri Battazzo (North End Neighborhood Association / NENA):** We do want to go on record supporting staff’s findings for denial for the application of reclassifying the structure from contributing to non-contributing. One of the reasons for that, as of late, the Neighborhood Association has taken a stronger stand in terms of both illegal demolition and demolition of structures inside the North End and the Historic District. We take a firm stand around preservation in the district and believe that it really supports the neighborhood’s values.

While we’re totally sympathetic to this applicant and the applicant before as far as growing families and wanting to keep people in the North End, it is important to find that balance of what maintains the historical integrity which is cited in the “Twenty-Four Reasons Historic Preservation is Good for Your Community”. So, just having that be of record we are in support of staff’s findings and are not in support of the application.

**Commissioner Brown:** I have a question for Sherri. Their argument really hinges on the period of significance for the North End which ends, I believe, in the 1940’s. So, is the neighborhood interested in resurveying this property if that were built after that? So, for listing in the National Register and be considered a contributing property, anything built 1970 and prior can be a contributing property now which would take into account these changes that have been made to this property. So, is that something that the North End is thinking about doing in the future to expand the period of significance and enlarge the historic district?

**Sherri Battazzo:** I think it is something that can come before the North End Neighborhood Association and hasn’t up until this point. But I think of greater concern is the request to reclassify a structure from contributing to non-contributing which tends to lend itself toward demolition all together which we’re not in support of.

**Commissioner Brown:** Thank you.

**No Public Testimony**
Applicant Rebuttal

Joshua Leonard: I would like to respond a little bit to a couple of the questions that were asked and then I would like to finish up by discussing the neighborhood association’s comments.

First, as to the why not proceed with the existing approval? In talking to Bob and Jen over the course of this project and also with their architect it’s not so much a cost matter because if there was a benefit to be gleamed from spending that extra money Bob and Jen would spend it even though as he mentioned, they are teachers. They are not made of money so to speak, but they would spend that if it would have a benefit. In this case, it doesn’t have a benefit because they already have an existing approval to tear this house to its interior studs. That goes also to the neighborhood association’s concern. There’s going to be significant demolition to this site regardless of the outcome of tonight’s hearing because they already have an approval to take that house down to its interior and then to rebuild it. It really is just for the extra $60,000 that they would spend and all they would be preserving are unseen interior studs. It was only when they spoke with their builder that they recognized that. Since that point their architect has been fully in support of reaching out and getting a second opinion from the Commission.

I’d also like to mention that in talking with Bob and Jen...we’ve talked about hiring an architectural historian and doing a professional resurvey. My advice to them was that’s not what the code says. The code says the second opinion comes from the Historic Preservation Commission. If I were to guess and it hasn’t been said outright, but if I could guess, their concern with doing that isn’t the result. It’s the extra cost that they would bear without knowing for certain what that result would be. That’s just a guess on my part, but it’s from five or six months of knowing Bob and Jen and working with them on this project.

I’d also lastly like to mention that even if there was a new period of significance adopted for this area and this neighborhood, this application is entitled under the due process clause to consideration under the period of significance that exists on the date of their application. Their application was filed while that period of significance ended in 1949 and there tells about it having considered as such.
We don’t take a lot of these types of historic preservation applications and we never take them if we think that there’s...if we, in reviewing them against the code and against the historical documents, think that there’s a good case that they are contributing. In this case having reviewed it, we’d ask that the Commission find that this is a non-contributing structure understanding that they’ll have to come back to get approval for whatever they decide to build on this site. And, get approval from the Commission.

We’d ask the Commission to support this application and to find this as non-contributing.

Public Portion Closed

COMMISSIONER RICHTER MOVED TO DENY DRH20-00294 BASED ON STAFF’S FINDINGS WITHIN THE STAFF REPORT.

COMMISSIONER KOSKI SECONDED.

Chairman Montoto: Commissioner Richter, if want to go ahead and give some clarity on your motion.

Commissioner Richter: I believe the staff report can speak to anything I can repeat here verbally. So, if we just refer back to the staff report I will stick with that.

Chairman Montoto: Commissioner Koski did you have any comments?

Commissioner Koski: I do not.

Chairman Montoto: Any further discussion?

Commissioner Weaver: I have just a couple comments on that. I agree there have been some changes of course to the house. But a couple of the points that have been discussed that would change it potentially from contributing to non-contributing one of which is the design. I guess technically if you just think about the floor plan potentially you could say that the design has changed, but I don’t think that the Vernacular design of the house has changed. I think that the general design of the house has stayed the same. Then with that respect that adds to the feeling of the house and the feeling has also remained the same. It still feels like the same house that it was even if there have been some additions to it.
Then when we talk about the additions, those additions like the porch and the addition in the back. Those could both be removed, and I believe the house could actually go back to what it originally looked like. You can clearly see where the foundation has been changed from the sandstone to potentially a concrete foundation and if you were to remove the new portions of the house it would most likely go back to its original configuration minus potentially that…which I think was a porch that was removed and then kind of relocated over to the side. So, in that respect I don’t actually feel the historic integrity of the house has been changed and that it would still be a contributing house.

**Commissioner Valderrama:** I just want to point out that I think it’s like arguing that it is historic, but it’s not historic due to a faulty review of the 1990’s. It’s kind of a weak argument. I understand and empathize the need for flexibility to remodel this. However, going back to that it’s somewhat a weak argument. Just think about when we look at it as historic professionals. According to the Secretary of the Interior Standards for the treatment of historic properties and with the Guidelines for preserving, rehabilitating, restoring or constructing historic buildings we’re looking back at like about 1906 (inaudible) right? So, in the 1990’s they were looking at that decade of 1940’s so whatever was there it was considered contributing, right? Whoever it was that was there doing the detailed historic preservation detail at the moment, I think they had some intuition as to why it was contributing and if you were to do that right now we’d have to look at the decade of the 1960’s. The 1970’s is creeping up on us, so you’re looking at anything that was there in the 1960’s and that total decade. So, you’re looking at a ton of buildings that are non-contributing right now that would definitely be contributing at the present moment.

So, to go back to the applicant’s argument that this is not historic due to a faulty review is...I totally do not agree with that. I am happy that they are interested in being in the neighborhood and contributing to the historic neighborhood and North End. I empathize with them being teachers. I’m also a teacher myself, but you also have to think that you bought a historic home in a historic district and you also need to think about that this is an investment and it is also contributing to what Boise is as a whole. I think the City of Boise, as a whole, has a vested interest in these historic homes. I think we have to all kind of come together and figure out a way to resolve these solutions, but I don’t think getting the home from a contributing status to a non-contributing status is
the right way to do it. There has to be a different way to resolve this. I think there is a way.

We’re all neighbors and we’re all happy to help each other contribute. I just wanted to say welcome to the hood. The neighborhood is a great place to be and we all want to retain quality. That’s all I want to add to that.

RESULT: DENIED [6 TO 1]
MOVER: Noah Richter, Commissioner
SECONDER: Devin Koski, Commissioner
AYES: Montoto, Koski, Moroney, Weaver, Richter, Valderrama-Echavarría
NAYS: Ashley L. Brown
ABSENT: Ericka Rupp

5. **DRH20-00313 / Thomas Whitworth**
Location: 1314 14th Street
Certificate of Appropriateness request to demolish a contributing single-family structure located in a R-1CH (Single-family Residential with Historic overlay) zone.

**Ted Vanegas (City of Boise):** Here is the aerial of the property. An internal standard lot in the North End Historic District. There is the façade of the home. It is a National Pyramid Style constructed in 1910 and considered contributing and a survey completed in 1998.

The applicant provided structural reports that are required for such a request. The two reports were pretty well detailed in the structural inadequacies of the house. The roof was poorly constructed and on the verge of collapse. The floor system was poorly constructed and failing. The foundation needs to be completely replaced. These are just some of the key items discussed in the report and additionally lifting the house to replace the foundation according to the reports would not be possible.

Here are some photos from those reports. These are the foundation area photos, and these are all in your packet. The roof chimney area. Chimney bracing and then this photo shows some of lap and plaster cracking at the ceiling. Then the floor. Again, these are in your packet.

When a demolition of a contributing structure comes before us, we do require those structural reports and then staff has to go through and make findings. In this case and though the reports very well detailed some of the structural inadequacies of the house staff
simply couldn’t make the required three out of five findings for
demolition which is why the recommendation of denial was placed.

- That the building or site is not classified as contributing.
  This structure is classified as contributing.

- That the building cannot be reasonably a National Register or
  local criteria for designation of a historic property.
  The structure does meet local criteria as a historic property as a
  contributing structure.

- Demolition of the building, site or structure would not adversely
  affect the character of the district or adjacent properties.
  Anytime we lose a contributing historic structure in the historic
  districts it is an adverse impact on the district. Over time, as we
  lose these structures, it degrades the integrity of the district.

- That the owner has responsibly demonstrated that rehabilitation
  of the building, object, site or structure would not be
  economically feasible.
  That has not been demonstrated. There hasn’t really been a
  feasibility study done that rehabilitation...what the cost of that
  would be or whether that would be feasible. Many times, we get
  these reports and I would say most of the time applicants do not
  submit these feasibility studies because the claim is that the
  structure cannot be rehabilitated. That’s what we hear a lot of
  times that those reports are not submitted because the structure
  simply cannot be rehabilitated because it is so far gone.

- Plans have been submitted to redevelop the property.
  Plans have not been submitted. Again, this is a finding that is
  often not met because they are coming to ask for demolition of
  a contributing structure. That is a risking venture to the
  Commission so drafting up a full set of plans by an architect or a
  drafter is an investment. So, typically they want to see if they are
  going to get their approval of demolition of the structure before
  they commit to paying for all the plans. One thing about that
  condition is that if they were to get approval to demo the house
  of course they would be required to come back to the
  Commission with plans to be approved by the Commission.

Due to the fact that staff could not find the three out of five findings
that are required for demolition staff recommends denial of DRH20-
00313.
Applicant Testimony

Thomas Whitworth (Applicant): There is a letter in the report from a neighbor. The owners have addressed that. I just have hard copies of it.

As far as the five criteria, the first one we agree with because it is classified as a contributing home.

The next one, the existing building is not structurally sound for renovation. It’s fine to keep a building that is historically relevant, but because of the way the building is constructed it is eventually going to fall down.

The applicants would like to reconstruct the façade of the house and relocate the house to the center. But reconstruct the front of the house using the Pyramid roof. There is a photo of the original house…you have that in your...

Ted Vanegas: Are you talking about of the original house?

Thomas Whitworth: Yes. The original house with the carriage in front. I’ll let you have this one.

Chairman Montoto: Thank you. Wow.

Thomas Whitworth: Of when it was constructed. We’re going by the fact that the previous owner said this was the house even though you can see originally it wasn’t a Pyramid house and there was a cut-off on it.

- Part of the problem with the structure is now the chimney is leaning. If you look at the photographs of the home, you can see how it is warping. Right there. So, the applicants are asking to reconstruct the house, the façade and add in the corbels that were removed.

- As you can see, there are only aluminum windows all through the house so they would be adding new windows.

- Reconstruct a new porch because at some point there was a porch. You can see from the original photographs there was a tiny little porch so we would like to create a porch similar but extending to the right so there is a little more porch covered area.
- Once again, keeping it at a low profile like the original.

- Many of the details of the house have also been removed like the band around the base.

- If you look at the photos the house is actually sinking because it is just on a rubble foundation.

- There have been a couple of additions on the back but that is not really relevant to what we’re talking about.

- Right there you can see kind of how the shingles are warping.

Our feeling is by reconstructing the house we would keep it a one-story and have it taper up so that it isn’t an overwhelming giant house and create some kind of a story and a half on the back.

The homes on either side are…I think one is a one-story...a one and a half and one of them is a two-story. It’s hard to see there, but one of them is completely in trees so I’m not quite sure if it shows up.

Basically, the other two items...the applicant has met Item d. Down to Item e., once again, just reconstructing the house. It’s kind of like a movie set, but it will reflect the house that was there. Just leaving it there it is just going to fall.

Reconstructing on the site and centering on the site...if we can see the site plan the house is really tight to the next one. The home on the left is actually right up to the property line so moving it to the center and trying to keep the house as it is and removing all the old elements that were never original. The whole back of the house is not original. It is a screen porch. The bay window although it looks like it was original was added at some time. So, basically it was a box. Kind of like a four-square, but one-story.

We’re requesting to demolish the house and reconstruct it. We would work with Ted and the historic aspects of the house to make sure that it meets the character that the house should look like now. So that it looks like an old house, but it’s completely new.

**Neighborhood Association Testimony**

**Sherri Battazzo (North End Neighborhood Association / NENA):**

NENA would like to go on record supporting staff’s findings for
denial for the demolition of this structure. We want to point out everything that the applicant stated. We strongly believe that preservation is not the same as replication. With this particular house we received several e-mails from neighbors on the surrounding street on 14th who just said they couldn’t understand why this contributing structure was being requested to be demolished. We responded that they needed to meet three of the five criteria and three of the five were not met. Including plans for replacement.

NENA would like to go on record in support of staff’s findings in denial of the application.

Commissioner Koski: I don’t have a question for Sherri, but I actually have a question for the applicant. I didn’t get my mute button pushed in time. Is that okay to do that?

Chairman Montoto: I don’t know. Can we do that? It seems we can do that so if the applicant can come forward.

Commissioner Koski: My first question for the applicant is you’re representing the homeowners? Are the homeowners here for us to ask a couple of questions?

Thomas Whitworth: The homeowner is online. Her husband is in Alaska and possibly online.

Commissioner Koski: I guess my question is this then, when did they buy the house? Is that February of this year? So, six months ago? Does that sound correct?

Thomas Whitworth: That’s correct.

Commissioner Koski: I’m assuming when they bought the house, they got a home inspection.

Thomas Whitworth: When the bought the house, they were assuming they could remodel it and when they brought in the structural engineer that is when these problems occurred, or they discovered them. You can’t lift the house up or it will fall over. So, the windows have to be replaced, the siding has to be replaced. The roof is structurally unsound so that has to be replaced. Basically, you end up with a stud wall. Everything else has to be replaced. It has to be completely disassembled to put a new
foundation under it. So, their idea of just reconstructing it in a new location you still have the same appearance, so it does fit into the neighborhood, but it is a structurally sound building.

They already own a home on 10th Street. After living in that home, they decided it was too small for their family and that’s when they purchased this home only to find out later that there were these structural problems pretty much everywhere through the house. There is possibly signs of mold as well on the inside of the house, so all the plaster has to be removed and inspected. Once again, we’re going back to what are you actually saving when you try to reconstruct the house?

**Commissioner Richter:** To the applicant, let me go ahead and re-ask the question. The homeowners have been in there since February of this year? Is that correct?

**Thomas Whitworth:** They are, yes.

**Commissioner Richter:** They had a home inspection done so any of these structural deficiencies would have been made apparent during the time that their inspection was done during the purchase of the home. Also, during the purchase of the home it was most likely made apparent that the home was a contributing structure within the historic district. These are two pretty good assumptions I would think on my end as far as the professional real estate world goes. Do you agree or disagree with that?

**Thomas Whitworth:** I disagree. I don’t think the inspection was as thorough as the engineers coming in and going through it.

**Commissioner Richter:** But they did understand that they were buying a historically contributing home within the historic district?

**Thomas Whitworth:** Right...inaudible...Restore the house, but as I said earlier you can restore the house, but every element has to be replaced.

**Commissioner Richter:** It doesn’t necessarily have to be replaced. I would tend to disagree with that.

**Thomas Whitworth:** I couldn’t understand your question.
Commissioner Richter: I don’t think it would have to be replaced per say. I think it could be added onto in order to make it structurally sufficient. It would not have to be removed and replaced.

Thomas Whitworth: Removed and replaced...yes, to lift the house up it is probably going to fall apart because the Pyramid roof is constructed improperly. You can see how it is bowing out. The chimney has to be taken out because it is ready to fall over. The foundation will need to be completely redone. We’d like to add back the elements of the house so you’re adding the baseboard, the upper trim, the brackets. So, you have replaced the house, but you’ve replaced it more to what it looked like originally.

Commissioner Richter: Sure.

Thomas Whitworth: There are the two photos. You can see all of the elements that are missing. The porch is not there. Aluminum windows. It’s just a hard question to say do you want them to just leave part of the house there even though it’s going to fall down? Can the City enforce someone to keep a building that is unsafe? If you deny it then they have to have a house that is structurally unsound. I don’t know where the responsibility lies then.

Commissioner Koski: I would like to reiterate my questions and I guess we don’t have answers since the homeowners aren’t here. But the question would be, did you get a home inspection six months ago? I would assume yes. I would assume they can’t buy it without an okayed inspection. I would also assume the title company would not give them a clear title if the house was unsafe. I would also like to know if they have it insured because if it was unsafe the insurance company wouldn’t be able to insure it. So, these are questions I have for the homeowner and unfortunately, they are not here so we have to rely on assumption. Those are my thoughts. Unless the gentleman in front of us could testify and give us correct answers to those I think my questions are done.

Commissioner Brown: Do you know if after they bought the house in February if the house sustained earthquake damage from the earthquake in March or April?

Thomas Whitworth: I can’t hear what she is saying?
Chairman Montoto: She is asking if the home sustained any damage from the earthquakes that we had earlier this year?

Thomas Whitworth: We don’t know. The other option that we’d be willing to work with is to go through and find out what happened with the inspection and resubmit with plans for a new house. Originally, we didn’t want to go to the expense of designing a house knowing that it was going to go away.

Chairman Montoto: Sure.

Thomas Whitworth: I’m talking too much.

Chairman Montoto: Commissioner Brown, did that answer your question?

Commissioner Brown: Yes. I was just wondering if new things had arisen after the inspection.

Chairman Montoto: Are there any final questions before we move forward with any public testimony? (Hearing and seeing none).

No Public Testimony

Chairman Montoto: Are there any final questions for the staff or for the applicant? Also seeing and hearing none. Applicant, if you would like to come forward you do have five minutes for rebuttal. The applicant is going to yield their time. So, with that I will close the public portion of the hearing and will consider a motion.

No Applicant Rebuttal

Public Portion Closed

COMMISSIONER KOSKI MOVED TO DENY DRH20-00313 BASED ON STAFF’S RECOMMENDATIONS OF NOT MEETING THREE OF THE FIVE FINDINGS.

Commissioner Koski: I would also like to state that this was a house worthy of buying six months ago and at that time is wasn’t falling down and now it is falling down apparently. So, I will leave it at that for more discussion after a second.

COMMISSIONER MORONEY SECONDED.
Commissioner Moroney: I seconded for kind of the same reasons that they haven’t met three of the five. I would encourage them to, if they really can't rehab this house, go through the process and figure out how to meet three of the five criteria.

Commissioner Koski: I would like to make a comment for the applicant. I'm sure you could probably hire a structural engineer that...a preservationist who specializes in preserving homes and get one answer. You can hire a structural engineer who is going to look at a house that was built in 1900 and say it doesn’t meet code. Of course, it's not going to meet current code. It’s an old house and it is still standing. You can also hire a home inspector that will give you an answer that says your home is in great shape, you can buy it, you can get a title and you can get it insured. So, you can hire people to get the answers you want, but really this is about demolishing a house that I don’t think should be demolished.

Chairman Montoto: I will add...I’m sorry the public portion of the hearing is closed. I will add that we only have a handful of contributing structures left and this does not meet findings so that, in and of itself, is enough for me to be voting to deny this application.

RESULT: DENIED [UNANIMOUS]
MOVER: Devin Koski, Commissioner
SECONDER: Jillian Moroney, Commissioner
AYES: Montoto, Koski, Moroney, Weaver, Richter, Valderrama-Echavarria, Brown
ABSENT: Ericka Rupp

6. DRH20-00341 / Mark Alldredge
Location: 1421 E. State Street
Certificate of Appropriateness request to demolish a non-contributing single-family structure and construct a 1½-story single-family structure and two-car garage in a R-2H (Medium Density Residential with Historic overlay) zone.

Ted Vanegas (City of Boise): The image before you is the aerial of the property on East State Street in the East End Historic District. As you can see the existing house is located toward the rear of the lot. Just off the alley and in front of the lot is open green space. The status is non-contributing in the East End Historic District. The survey lists the style as having no style and the construction date is sometime between 1949 and 1956.
This is the site plan provided by the applicant. As you can see there is an outline of the original house in the rear. A modest two-car garage will be located off the alley and then a new one and a half-story home will be located toward the front of the property.

These are the elevations provided by the applicant. These are the garage elevations. These are adjacent properties in the neighborhood.

With this, staff recommends approval with the recommended conditions of approval in the staff report.

**Applicant Testimony**

**Ken Reed (Applicant's Architect):** I'll have Nicole and Mark speak in a little bit. They have moved from West Boise to this part of town in the historic district. They bought this small house. It’s only, I think, 788 square feet currently and they are living in that with two adorable little children. They’d like to design and build a new home and then remove the non-contributing structure and create the garage.

This design basically tries to create some open space. It tries to not exceed even the 30-percent lot coverage. I’ve been doing this for 25 years now and I remember years ago the lot coverage was 30-percent and I know they bumped it up to 35-percent. I wanted to create a building that felt like it belonged in the neighborhood, create the open space and the breathing room, and not just the 5-foot side setbacks so that their kids can grow up in the backyard and have some play space. You’ll see in the picture that Ted had of the front there are lots of kid’s toys.

I wanted to create something that feels like a family home, has a vernacular that feels like it belongs in the neighborhood. There is a rhythm to these neighborhoods. They don’t all have to be one-story exclusively. I feel that this particular application has a nice feel to it. There are plenty of two-stories across the street, around the corner and there is a fairly large two and a half-story that’s behind on the alley that was built just last year. So, it’s a growing neighborhood as we’ve seen from previous applications tonight. There’s a lot of pressure to grow things sensitively. I hope you find that this design is a sensitive one for the neighborhood so these people can have their family home here. Put their kids through the school district here. That’s the reason they moved. They want to have their kids go through the Boise School District and make a family home.
I think that is the design I created. I’m happy to have Nicole and/or Mark speak to their home design here if they would like.

Nicole Alldredge (Applicant): Thank you very much Ken and thank you very much to the Commission. I think Ken covered it beautifully and we really appreciated working with him. Like Ken said, we want to be respectful to the historic neighborhood while breathing life into this property. We really appreciate the work you do. The neighbors have been really open and really welcoming and seem to support the idea in just our day-to-day conversations across the fence. I’m here to answer any questions if you have any. Thank you.

Chairman Montoto: Was Mr. Alldredge going to speak as well?

Mark Alldredge: I don’t have much to add other than what my wife and Ken said. We’re just asking to create a house that will blend in nicely once the construction was gone. It wouldn’t really stand out. It would just blend in and be a nice addition.

Chairman Montoto: Thank you. I just wanted to make sure I didn’t leave you out. Are there any questions for the applicant or the homeowners?

Commissioner Brown: Can you describe what you were thinking for the front elevation and the window arrangement that you have proposed?

Ken Reed: Ted qualified this as a bit of a Farmhouse. I was not sure I wanted to put that label on it. I just tried to create a vernacular. As I walked through the neighborhood and I’ve drawn on lots and lots of houses here, I just wanted to make something that looked like it was fun and welcoming. There is basically a slightly offset front door and I tried to have a little fun with the windows. I always try to do this as an architect and make things interesting. There’s a triple window in the front for the front room that really looks like an American Bungalow sort of motif. Upstairs is a bedroom and I wanted to have a couple of fun little elements. Those are small square windows on either side in the room, so the front window has to meet the egress requirements for a bedroom and then there are a couple of fun little windows. I’m just trying to have a playful edifice that adds maybe to the architecture in the neighborhood.

Commissioner Brown: I was just wondering why. The first level looks kind of awkward for a lack of words because there is the door.
Historically, if you had a house, you’d also have a window in that area too. So, there’s this large section of that front elevation that is just kind of void and where the triple window is, you’d almost normally have like a paired window. Thank you for explaining.

Ken Reed: You’re welcome. I just tried to create something that was a little fun and quirky. I wasn’t trying to follow some of the strict norms of window patterns and boxes of architecture. I was just actually trying to have some fun.

Commissioner Brown: Thank you.

Commissioner Koski: Ken, the garage…it looks like the side setback is at 3-foot. I believe the setback requirement is 5. Maybe Ted can confirm that if we need to. But, is there a reason why you want 3 feet right up to the side setback instead of 5?

Ken Reed: If a garage is less than 500 square feet then we’re allowed reduced side setbacks. So, I encouraged my clients to have a minimum garage so they can keep more open space for their family.

Commissioner Koski: Okay. Maybe Ted you could chime in on that because on your report it states that the setbacks should be 5.

Ted Vanegas: Typically garages need to be 5, but the applicant is correct. It’s kind of scaled by size. On the application we saw earlier it was over 1,000 square feet so it needed to meet all of the setbacks for the zone. This one is below 500 square feet, so it scales down, so the side setback is in fact reduced to 3 feet instead of 5.

Commissioner Koski: Thank you for that clarification both Ted and Ken.

Neighborhood Association Testimony

Sheila Grisham (East End Neighborhood Association / EENA): I wanted to go on record and agree with the staff report of approving this project. I’m sad to see the house being demolished because it is a cute little house and I love having all the green space and walking by all of that every day. But, at the same time understanding that a family cannot live in 800 square feet. I appreciate the fact that they are not trying to overbuild on this lot and that there will still be some green space. They’re not trying to tower over the houses that are within that block because they are all fairly small and I think most of them or all of them are single-story.
I appreciate their consideration to the neighborhood and trying to do something that fits in.

**Public Testimony**

**Sherri Battazzo:** I was previously here on behalf of NENA and I’m not here in any official capacity, but as a member of the public. I’m just always so pleased to see architectural designs come before this commission that actually fit the neighborhood, that use the open space, that don’t overwhelm what’s possible, that don’t request exceptions to tearing down contributing structures, and that really work with the neighborhood inside of maintaining the historic characteristics of it. I think when we look at the applications from this evening you just see a distinct difference in what Ken Reed presents on behalf of his clients. I stayed late and extra just to say on behalf of Ken Reed I think the design is great and I love what he has done here and I love what he has done with the open space and what he is creating on this lot. I’m slightly envious because I wanted to buy this lot at one point myself and this is what I would have done...the same thing. I support the project as a member of the public.

**Applicant Rebuttal**

**Chairman Montoto:** The applicant will yield their time.

**Public Portion Closed**

**Commissioner Weaver moved to approve DRH20-00341 with staff’s recommendations.**

**Commissioner Richter seconded the motion.**

**Commissioner Richter:** I would like to commend the Alldredges with the support and creativity of Ken Reed on the design of this project. It is a breath of fresh air after a long evening of some stuff that was fairly difficult to get through. It fits the neighborhood really well. The design is where it should be, and it checks all the boxes. Personally, I want to say thank you for making our job a little easier at the end of the night.

**Commissioner Koski:** Commissioner Richter beat me to the punch on that one. It was a delight to see a project come in front of us that goes by the guidelines. Thank you.
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<td>Ericka Rupp</td>
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V. **ADJOURNMENT**