

CALDWELL HISTORIC PRESERVATION COMMISSION MINUTES

Meeting of August 24, 2016 @ 6:30 P.M.
Caldwell Public Library – Idaho Room
1010 Dearborn, Caldwell, Idaho

- I. **Call to order.** Acting Vice Chairperson Lyons called the meeting to order at approximately 6:36 p.m.

II. **Roll Call**

Members Present. Randy Lyons, Megan Dixon, Nicole Bradshaw, Jacob King and Don Burwell.

Members Absent. Steve Maughan.

Others Present. Brian Billingsley, Planning & Zoning Director; April Cabello, Planning Technician; and Rob Hopper, City Council Liaison.

Others Absent. Jarom Wagoner, Senior Planner.

III. **Approval of Minutes.**

MOTION TO APPROVE THE MINUTES OF MAY 11, 2016 AND JUNE 22, 2016.

MOTION: Megan D. **SECOND:** Don B., **MOTION PASSED.**

IV. **Certificate of Appropriateness Interviews.**

Case Number CA-16-06. Applicant: Josh & Sarah Andrade made a request for Certificate of Appropriateness to move a street side 6 foot fence to allow for 28 more feet of use of the property. The fence would be moved 28 feet out, leaving it 2 feet from the street side sidewalk. The fence would be 51 feet back from the front property line allowing for complete view of the front of the house, both sides and sunroom. The subject property is located at 1722 Dearborn Street.

Testimony:

Sarah Andrade, 1722 Dearborn Street, Caldwell, ID applicant signed in favor of the application and gave supporting testimony. Ms. Andrade stated that she submitted a letter outlining the reasons requesting a street side 6' fence along the sidewalk, she explained that they were advised by the property inspector as well as their real-estate agent that it would be a really smart move as property owners to install the fence. At the time they were really into securing the home in preparation for their baby that was due and now that their children are older and are utilizing the backyard more, they have developed the yard and found there was a lot of unusable space that they could not plant landscaping. Ms. Andrade further explained that all the neighbors around them are renters and they have nothing against renters but there are two transitional homes nearby and with their two young children there are some safety concerns. The fence allows them to monitor their children in a safe way by inserting some boundaries without limiting their children's ability to go outside and enjoy their yard.

Ms. Andrade further explained why they went with the 2 feet back from the sidewalk after having the City come out and show them where they could put the fence. This is very frustrating, they sunk all the posts and had them come out and spray where everything was telling where all the lines were and they were told they were good to go.

Brian Billingsley, Planning Director responded that would have been a utility company and not the City.

Ms. Andrade stated that they were told they were good to go so they did and placed the fencing 2 feet back from the sidewalk to miss all the utilities and also to avoid damaging a beautiful blue spruce tree.

Mr. Andrade further explained that they looked around the neighborhood and saw other 6 foot fences right up along the sidewalk and they wanted the same manicured look.

Ms. Andrade stated that the reason they really need this 6 foot fence is that is what they have now and will use that lumber to allow them to have some privacy and it does not compromise the view of the house.

Mr. Billingsley asked how much room is between the blue spruce and the sidewalk.

Ms. Andrade responded maybe 3 feet.

Mr. Billingsley stated that he recommends that they go with the 6 foot fence through the backyard and when you come to the spruce drop it down to a 4 foot fence because the spruce acts as a blocker. So a 6 foot fence through the backyard and then put a diagonal piece going down to 4 feet out to the alley.

Rob Hopper, City Council Commissioner Liaison, re explained the 6 foot fence would be 5 feet from the side walk and then angle the 4 foot fence out along the sidewalk to get around the tree.

April Cabello, Planning Technician stated that is assuming City Council approves the amended Steunenbergs fencing regulations.

Ms. Andrade stated that they would like to have the approval to place the fence as requested, 2 feet from the sidewalk.

Mr. Billingsley responded that there is another option and that they could apply for a variance as they have a topographical hardship with the tree and that the City does not want to see them chop down a tree just to comply with City Code. That is another expense and time and so if time is of the essence he suggests they go with Plan A or they can go with Plan B going with the Variance which will go before the Planning and Zoning Commission for approval. If it fails at that point they could appeal to City Council.

Commissioner Dixon confirmed that the applicant could have the expense and time of a variance or if they keep to code then the Commission can give approval for a 6 foot fence but cannot approve a 2 foot setback; so the applicant would have to reset the posts even if the Commission accepts the 6 foot fence. Then it would come back to the applicant on how they would like to proceed.

Ms. Andrade restated her options being the Commission can approve a 6 foot fence and that they would still not be okay to install the 6 foot fence until the City Council meeting on September 6th; then they can put up the 6 foot fence but 5 feet back from the sidewalk unless they apply for a variance.

Councilman Hopper confirmed but wondered if they applied for the variance and it is approved would the applicant need another Certificate of Appropriateness.

Ms. Cabello responded that tonight the applicant would need to let the commission know which plan they wanted to go with and the Commission would need to vote tonight.

Commission Dixon stated that would work if the Commission could conditionally approve with the variance.

Ms. Andrade wondered how they would know on the 6th if it is approved.

Ms. Cabello responded that Ms. Andrade could attend the hearing on the 6th or call Planning & Zoning the next day to see if it was approved and that the Commission tonight conditionally approves the 6 foot fence then she could have the Certificate of Appropriateness ready for Ms. Andrade to place a 6 foot fence 5 feet from the sidewalk.

Ms. Andrade stated that there are so many houses with 6 foot fences along the sidewalk.

Ms. Cabello responded that those fences are non-conforming.

Mr. Billingsley stated that the 5 foot setback is standard nationwide and the reason for that is a 6 foot fence can obstruct the vision of pedestrians or people riding a bike.

Mr. Andrade stated that is why he placed the fence 2 feet back is to keep kids from dragging sticks on the fence, plus he wanted to plant little bushes along the fence. Mr. Andrade further stated that he knew he could not put the fence in the front of the house but thought he could put it up in the rear and side of the house.

Mr. Billingsley shared that in the next few weeks they should receive a news letter from the City of Caldwell that explains all the rules for the district.

Mr. Andrade stated they never received one when they moved in.

Councilman Hopper stated that he thought that was supposed to be part of closing.

Mr. Billingsley stated that a news letter was sent out to all residents of the district, 3 years ago.

Commissioner Dixon expressed the need for some additional processes.

Ms. Cabello stated that the City has been trying to work with the Real Estate Agents to provide this information to the buyers.

Randy Lyons, Acting Vice-Chair thanked the applicant for the detailed application and stated that it is important for the Commission to make this decision correctly and to keep a standard in the district.

Acting Vice-Chair Lyons asked staff to review the options again so that the applicant can make their decision on how they would like to proceed.

Mr. Billingsley stated that option A is to build the 6 foot fence with the 5 foot setback with the exception of lowering the fence to 4 feet when it reaches the blue spruce and would stay 4 feet until it reaches the rear property line. Option B is to petition the Planning and Zoning Commission for a variance using the blue spruce as the hardship to move the fence to 2 feet from the sidewalk. Both options are contingent on City Council approving the code change; then if the variance is chosen then the case would go before the Planning and Zoning Commission.

Ms. Andrade asked what the cost was associated with the variance.

Mr. Billingsley reviewed the variance cost and process and also stated that he has the authority to grant a 20% variance if they wanted to move it to 4 feet otherwise it would have to go before the Planning and Zoning Commission.

Ms. Andrade stated that she appreciated the offer for the 20% variance but the problem is they have already placed the fence posts 2 feet from the sidewalk. When they called the City to get information for what they would need to have happen they were told to call and have the utility people come out and approve it; they did so they went forward and now they are out the money for the fence posts which are concreted in and to move the posts they would have to rent something to take them out or chop them off and dig way down to have something grow there. At this point she feels they will have to go with the petition requesting the variance using the blue spruce as the hardship because she cannot see how they can move the posts without a cost. Ms. Andrade stated that she does not know when this will happen which means the fence posts will just sit there until they get this approved and does not know what other options they have. They would love to move them back 5 feet but where they are already invested thinking they made a good game plan based on calling the City and being told what to do.

Mr. Andrade stated that they called the City asking what they needed to do and they were told only to call the 888 number before you dig and that is all that they told us.

Ms. Andrade stated that they should have researched more but that they also talked to their neighbors about whether or not if they would be upset about them putting up a fence and the neighbors said they wouldn't and at this point financially they are stuck. The only option is to do the variance and see what happens.

Mr. Billingsley responded that would be option B; the approval of the 6 foot fence with the variance.

Acting Vice-Chairperson Lyons asked for a motion to approve or deny the request.

Commissioner Burwell made the motion to approve the 6 foot fence contingent upon the ordinance changes and the variance.

MOTION: Commissioner Burwell **SECOND:** Commissioner King **MOTION PASSED.** Commissioner Dixon stated for the record that she official abstained from the vote.

Mr. Billingsley asked Ms. Andrade to call him to set up a meeting to go over the variance application and process.

V. Audience Participation.

VI. Actions Since Last Meeting.

VII. Old Business.

Walking Tour and Newsletter.

Brian Billingsley discussed and reviewed page by page the news letter. Councilman Hopper suggested restructuring the layout of the flyer moving the matrix and items that must have a Certificate of Appropriateness before the items that do not need a Certificate of Appropriateness. Mr. Billingsley continued to discuss the upcoming College of Idaho Campus walking tour which is scheduled for the day of the homecoming on October 8, 2016 at 10am and that Chuck Randolph and Steve Maughan will be leading the tour. Commissioner Bradshaw shared that it is good to have these walking tours asked if there is an opportunity to have Chuck Randolph maybe train the trainers or record the information for all the districts so the commission could offer more tours.

VIII. New Business. None.

IX. Commission & Staff Reports.

The Commission discussed the need to preserve the district and how to go about doing that. April C. suggested having a commissioner workshop during one of the regular scheduled meetings to brainstorm and to discuss the best plan of action. Commissioner Dixon suggested doing a Steunenberg District survey to record where there are grandfathered things or variances like fencing and she would be willing to take time little by little to mark where there are 6 foot fences along the sidewalk. Councilman Hopper explained that a lot of the codes we have in place were not in place before and there is a good reason for that and you cannot undo what's been done but can try to prevent it from happening down the road. Acting Vice-Chair Lyons suggested having the flyer of information on the city website for people to access at any time and Councilman Hopper also suggested placing wording on the back of the Historic District Signs of the district requirements, something small but direct. Commissioner Bradshaw stated that the information needs to be kept in front of the people in the district as a constant reminder, in all different ways. Commissioner Dixon suggested having a college class do the observational foot work like where are the fences, what do they look like, they can handle the survey; she will look into this further.

Commissioner King shared that he is a map guy who does GIS and that the old Stunenberg map doesn't even have the N arrow in the correct spot and took it upon himself to redo the map to clear it up so it can be uploaded to the web or added to the news letter.

The commission discussed having the docket delivered by mail or by email. The commission agreed to have the docket emailed.

MOTION TO EMAIL THE CHPC DOCKET.

MOTION: Nicole B. **SECOND:** Megan D., MOTION PASSED.

X. Meeting adjourned at approximately 8:14 p.m.

Respectfully submitted by April Cabello,
MINUTES APPROVED AND SIGNED BELOW BY ACTING VICE CHAIRPERSON RANDY
LYONS ON THE DATE NOTED BELOW.

Acting Vice Chairperson Lyons

Date

ATTEST: Brian Billingsley, Planning Director

Date

For detailed minutes, please request a copy of the digital recording.