

AGENDA
Historic Preservation Commission
Wednesday, July 8, 2020 6:30 P.M.
Caldwell Police Department – **Community Room**
110 S 5th Avenue, Caldwell, Idaho

- I. Call to order
- II. Roll Call
- III. Approval of Minutes
 - **Action Item:** February 12, 2020 and February 26, 2020
- IV. Certificate of Appropriateness Interviews
 - **Action Item:** CA-20-05 Applicant: William and Madeline Buckendorf, 1805 Everett Street, Caldwell, ID. A request to change the land use category of the existing Home Office/Study attached to the existing garage to an Accessory Dwelling Unit, and requesting the Commission's Recommendation of Approval for a Special Use Permit. This site is located at 1805 Everett Street, Caldwell, ID within the Steunenberg Residential Historic District.
 - **Action Item:** CA-20-07 Applicant: Stephen Marshall, 1824 Fillmore Street, Caldwell, ID. A request to replace a storm damaged beyond repair, original 1939, 3% asbestos slate tile roof with an artificial slate tile roof.
- V. Audience Participation
- VI. Actions Since Last Meeting:
 - **Discussion Item:** CA-20-01 Applicant: Russell McElveny, 1201 Blaine Street, Caldwell, ID. Staff Level approval to re-roof, removing shingles and replacing with architectural style shingles.
 - **Discussion Item:** CA-20-03 Applicant: Hogg Family Trust, 1918 Cleveland Blvd., Caldwell, ID. Staff Level approval to replace the front egress window to the basement.
 - **Discussion Item:** CA-20-04 Applicant: Dan Walters, 1807 Fillmore, Caldwell, ID. Staff Level approval for Fire Damage Repair: like for like as per the application to a portion of the roofing, siding and one window. Any changes to the submitted application should be submitted to the Planning & Zoning Department for Re-Review.
 - **Discussion Item:** CA-20-06 Applicant: John & Anna Westing, 1824 Everett Street, Caldwell, ID. Staff Level approval for Repair/replace poolroom roof: like for like as per the narrative, replacing roof windows visible from the street. Any changes to the submitted application should be submitted to the Planning & Zoning Department for Re-Review.
- VII. Old Business
 - **Action Item:** Steunenberg Facebook page and C of I student internship
 - **Action Item:** News Letter and C of I student internship
 - **Action Item:** Adding a new commission member
- VIII. New Business:
 - **Action Item:**
- IX. Commission & Staff Reports
 - **Discussion Item:**
- X. Adjournment

Next potential meeting to be held on Wednesday, July 22, 2020 to be held at the
Caldwell Police Department, Community Room, 110 S 5th Ave., Caldwell, Idaho

Next potential meeting to be held on Wednesday, August 12, 2020 to be held at to be determined

A person who is visually and/or hearing impaired, or needs an interpreter should contact the City prior to the meeting. Cualquier persona necesitando comodidades especiales para participar en la reunión debe contactar al Vendedor de Ciudad en 411 Blaine St. o llame a #455-4656 antes de la reunión.

CALDWELL HISTORIC PRESERVATION COMMISSION MINUTES

Meeting of July 8, 2020 @ 6:30 P.M.
Caldwell Police Department – Community Room
110 S 5th Avenue, Caldwell, Idaho

I. Call to order. Chairperson King called the meeting to order at approximately 6:35 p.m.

II. Roll Call

Members Present. Jacob King, Randy Lyons, Megan Dixon, Nicole Bradshaw and Steve Maughan.

Members Absent. None.

Others Present. Jerome Mapp, Planning & Zoning Director; and April Cabello, Planning Technician.

Others Absent. Rob Hopper, City Council Liaison.

III. Approval of Minutes.

MOTION TO APPROVE THE MINUTES OF February 12, 2020 and February 26, 2020.

MOTION Commissioner Dixon **SECOND:** Commissioner Bradshaw, **MOTION PASSED.**

IV. Certificate of Appropriateness Interviews.

Action Item: CA-20-05 Applicant: William and Madeline Buckendorf, 1805 Everett Street, Caldwell, ID. Public Hearing, Commission Level approval - approving the change to the land use category of the existing Home Office/Study attached to the existing garage to an Accessory Dwelling Unit, and recommending the Approval for a Special Use Permit.

Jerome Mapp, Planning & Zoning Director, 621 Cleveland Blvd., Caldwell, ID presented the staff report. Mr. Mapp shared with the commission that there are two parts to this application and the first motion would be for the approval or denial of the Accessory Dwelling unit and issuance of the Certificate of Appropriateness and the second motion would be for the recommendation of approval for the special use.

Mr. Mapp gave background on the application. The home was built in 1931 and consisted of a dwelling and a detached garage. In 1982 the property owner received a building permit to add a 336 square foot study area to the existing garage, and the current setback of the garage is 4 feet from the alley way and 3 feet from the property line. The study was added to the garage with the same setback and under planning rules as long, they kept the same setback there is no issue with the side yard setback so the use is conforming to the code. The study included a roughed-in plumbing for a restroom. In February 2020 the current property owner submitted a building permit to complete the bathroom and the previous Planning and Zoning Director approved in 2019 approved the bathroom based upon the 1982 addition was plumbed. The Planning & Zoning staff informed the current owner that study would not be used as a living space as an accessory dwelling unit in the R-1 zone would require a special use permit. The current property owner

contacted Planning & Zoning in May 2020 to inquire about the process to apply for a special use permit and was informed that a Certificate of Appropriateness would need to be obtained before submitting for a special use permit to allow the accessory dwelling unit to be utilized legally.

Mr. Mapp shared that the property is surrounded by R-1 Low Density Residential land use and that a single-family dwelling unit requires 2 parking spaces off street and the accessory dwelling unit requires 1 parking space. The setbacks have been met and as far as this process, the code reads that any change in use within the historic district shall first require approval and issuance of a Certificate of Appropriateness before the applicant can apply for or obtain any other permit or license that may be required.

Commissioner Maughan asked if there were any staff recommendations.

Commissioner Dixon stated that normally the reports include staff recommendations and application of the principles to the case and the commission is wondering where those are contained in the staff report.

Mr. Mapp responded that the commission needs to ask from the applicant is how this use is going to transpire. If they plan on moving in someone full time that could be an issue or if a family member was visiting town and were to use the space for a temporary purpose that is a different scenario. The commission needs to determine how the use will be used and what impact it will have.

Commissioner Dixon asked to clarify about the use, because presumably if a person in their own home invited a relative to stay for a period of time, no special use permit is required for that and wondered if this special use permit is required at a further stage for the installation of the oven and the sink.

Commissioner Maughan stated that to his understanding all the construction is complete.

Mr. Mapp responded that everything is done.

Commissioner Dixon confirmed that installation of an appliance does not come before the commission.

Mr. Mapp stated that the applicant will explain next but, he will bring out some thoughts. The unit as far as he knows does not have a kitchen, in his years of planning that was the key issue but things have changed and now all you have to have is a microwave or a nutra-wave oven, or ninja cooker and it serves the same purpose.

Mr. Mapp shared that this use has been there since 1982 and has not affected the neighborhood at this time. Questions to ask are if it is a full time residence, what impact will it have? If it is an accessory use for family, members in short periods of time, what kind of impact will that have.

Commissioner Dixon shared they will have discussion later and her sense of the application at this point is that it is the use alone that comes before the commission because no visible changes will occur to the building.

Commissioner Maughan shared that the commission should consider if the use is compatible with the historic uses in the neighborhood, will this change the neighborhood. Given that this use is prevalent in the neighborhood, his first sense is it does not affect the neighborhood.

Mr. Mapp stated that the applicant needs to give their presentation, and the commission may add conditions to the approval. The commission can approve, deny or approve with conditions.

Commissioner Dixon shared that the commission talks a lot about precedent, the one thing she wondered about in terms of the character of the neighborhood and the kinds of actions that take place in the buildings, is whether a Special Use Permit is a prerequisite to collecting rent from a separate space.

Mr. Mapp responded no, we have no control one way or the other.

April Cabello, Planning Technician, 621 Cleveland Blvd. shared that for accessory dwelling units to be part of a property, it is required that the property owner has to live in the main house or the accessory dwelling unit.

Mr. Mapp shared that this is the question to ask the applicant: will they allow someone to live in the accessory dwelling unit on a permanent basis or part time.

Commissioner Maughan shared that anyone can buy a house in the district and turn the home into an Air-BNB or a rental, people can rent out rooms in their house and we have no say over that. The commission should approve or not approve the special use, and speculation about what people will do in the future is beside the point. The commission needs to decide if this is a compatible use with in the Steunenberg Residential Historic District.

Ms. Cabello shared that the decision would be for the Certificate of Appropriateness for the accessory dwelling unit and then the recommendation would be special use.

Commissioner Lyons stated to clarify, to be approved with conditions, those conditions go on forward regardless of the ownership of the house.

Discussion was held between the commission and staff regarding the issuing of a separate address for an accessory dwelling unit. Staff reported that there are regulations from the fire department that bear on this issue.

Madeline Buckendorf, applicant, 1805 Everett Street gave supporting testimony stating she had a point of order that was submitted to staff on Tuesday after receiving the staff report adding some additional facts that she felt was important.

The Commission acknowledged receiving those additional comments from the applicant.

Ms. Buckendorf shared that the building in question includes the one car garage built in 1931 and the addition constructed in 1982. The addition received a building permit from the City of Caldwell for the 1982 addition; at that time it had a kitchen area with cupboards, counters, sink and electric outlets for a stove and a refrigerator. The previous owner had a stove and refrigerator, the unit had a wall separating the kitchen from the bathroom area with existing roughed-in plumbing for a toilet and sink already hooked up to the sewer and water. The only change since made to the addition was replacement of composition shingles with architectural style shingles

approved by the Commission around 2014; no other changes have been made. There are no plans to alter it in the future. The previous owner used the office as a study, and the applicant and current owner, Madeline Buckendorf obtained a Home Occupation Permit to use the space as a home office.

Ms. Buckendorf shared that it is their opinion that changing the use of the 1982 addition from a study / home office to an accessory dwelling unit will not adversely affect the Steunenberg Residential Historic District. There will be no change the original setting or footprint of the addition. Only one or maybe two people could temporarily stay in the addition at a time.

Ms. Buckendorf shared that the additions west elevation is located on S 18th Street directly across from rental home and Air BNB home. The east elevation faces the backyard; the addition is attached to the garage, which faces north into the alleyway. The Buckendorf's own one car, which they keep in the garage. Only one street parking space would be used on part-time basis. Foot traffic would not be increased and the addition does not have a separate address and the property owners live on the same property.

Ms. Buckendorf stated that even though the setbacks may not be in the purview of the Caldwell Historic Preservation Commission, the setbacks for the garage were established back in 1931 and we do not know what they were. The addition has had the same setbacks on its elevation facing south 18th. The original setbacks on the existing building should be considered as part of the historic character of the Steunenberg Historic District. She does not know how to answer the question about a separate address.

Ms. Cabello responded to the question about the address, for a home office stating that a home office would not have a separate address; the only time a separate address is issued is when the accessory dwelling unit is rented. When someone other than the homeowner is living in the accessory dwelling unit, it is required for emergency services to have a separate address.

Ms. Buckendorf further expressed that she did not know why this structure was not grandfathered in at the time of the historic district.

Commissioner Bradshaw confirmed that the garage/home office does not have access off 18th Avenue.

Ms. Buckendorf responded that there is a sidewalk that goes from the house backdoor to the home office front door.

Commissioner Maughan stated that it is in the backyard and is not visible from the right-of-way.

Ms. Buckendorf shared that the only wall in the interior is the wall between the bathroom and kitchen area, the rest of the area is open.

Commissioner Dixon asked for clarification that currently there is no oven, sink or refrigerator but previously there had been.

Ms. Buckendorf responded that there is a refrigerator and oven now that they started to do the bathroom. The previous owner had a refrigerator and stove in the unit but took them with him when he sold the property. The unit was wired for a refrigerator and stove, originally.

Commissioner Maughan stated that issue before the commission is whether this is a compatible use in the neighborhood and they cannot control what is inside. The applicants use seems to him in keeping with the neighborhood and does not change the appearance. It is a straightforward approval from their perspective as a Historic Preservation Commission and that is his opinion but the commission can talk a lot more about it but if the commission feels that way then he would be happy to move forward.

Chairman King confirmed the one car garage parking, and street parking.

Ms. Buckendorf responded yes, they have only one car and there is parking on Everett Street. South 18th is a dangerous street to park on.

Commissioner Dixon shared as a resident of the district that adding one car from a person staying temporarily or visiting would be minimal.

Commissioner Bradshaw wondered why this was coming before the commission is this was already an approved use.

Commissioner Dixon stated it is formalizing this use.

Ms. Cabello stated when this was originally approved as a study it was not approved as a dwelling unit and the applicant is coming into compliance so the use can be appropriate and be approved through the proper special use process.

Chairman King closed the public hearing.

The commission discussed the reasons of why this would be appropriate.

Commissioner Maughan stated that he had stated his opinion in the previous section of the meeting and would like it to be known that he would like to say it again but take it from the record.

Chairman King stated that structure has been used in this manner since 1982 and makes sense in that end of the district is the college area and to have a study or secondary unit seems natural and feels comfortable with the use.

Chairman Lyons stated that is an established dwelling and is not in conflict as it was established prior to the district being established. There are no changes being done to the dwelling and agrees with Chairman King.

Commissioner Dixon shared that the use of someone living in the structure does not change the character of the district and does not think the concern for a parking space is material given existing practices and would be minimal compared to other dwellings on Dearborn. The current occupant's stated intention is to have close friends and family stay in the dwelling not persistently but temporarily and seems well within their rights. Given the configuration of the house and the accessory dwelling, it is unlikely to be established as a fully separate address or dwelling. If someone in the future wanted to do that they would need to create, an entrance onto 18th and that would come before the commission.

Commissioner Bradshaw stated that she understands the concern and the commission has to think about what this could like for the district in the future. Could this be turned into a rental that does

not fit with the what the Historic Commission and district is trying to do but agrees with Commissioner Dixon that if this was a rental, there would need to be a front entrance off of 18th and that would have to come before the commission. Commissioner Bradshaw further stated that she did not feel it impacts the look of the district.

Commissioner Dixon would like to state on record that the applicant pointed out that the existing footprints of the building are part of the historic character and would support that statement.

Chairman King asked the commission if there were any other conditions regarding the use beyond as stated in the application for friends and family and extended stay.

Commissioner Dixon stated that no condition they could establish along those lines is in their purview. If the applicants do not plan to change the structure then that is the extent of the commission's responsibility.

Chairman King confirmed the conditions in the application as stated.

FINDINGS OF FACT

5.1 The Historic Preservation Commission accepts the staff report and the evidence list (consisting of the written and verbal staff report, public testimony, the case file, and the sign-up sheets) and facts brought forward during public testimony.

The Historic Preservation Commission further finds the following:

02-17-11-03: CHANGE IN ZONING CLASSIFICATION OR CHANGE IN USE; FINDINGS:

(1) The commission's decision in regard to certificates of appropriateness for a change in zoning classification, change in use, home occupation permit, special use permit, and/or temporary use permit shall be based on the following findings:

A. That the request supports the city of Caldwell's comprehensive plan goals, policies, and recommendations contained within section 11, special sites/historic areas, of said plan is True.

MOTION: Commissioner Maughan SECOND: Commissioner Bradshaw. Passed: Unanimous voice vote.

B. That the request will be congruous with the historical, architectural, archeological, educational, or cultural significance of the local district is True.

MOTION: Commissioner Maughan SECOND: Commissioner Dixon. Passed: Unanimous voice vote.

C. There will be no significant effect on the exterior of the site is True.

MOTION: Commissioner Maughan SECOND: Commissioner Dixon. Passed: Unanimous voice vote.

CONCLUSIONS OF LAW

The Historic Preservation Commission has the authority to hear this case and order that it be approved.

ORDER OF DECISION

Based on the Findings of Fact and Conclusions of Law, the Caldwell Historic Preservation Commission hereby orders that Case No. CA-20-05, a request by William and Madeline Buckendorf to receive a Certificate of Appropriateness from the Historic Preservation Commission for an accessory dwelling unit, is **APPROVED** and recommends **APPROVAL** of the Special Use Request with the following conditions:

ORDER FOR CA-20-05 (Certificate of Appropriateness) MOTION: Commissioner Maughan that Case Number CA-20-05 be approved **SECOND:** Commissioner Lyons. Passed: Unanimous roll call vote.

ORDER FOR CA-20-05 (Recommendation for Special Use) MOTION: Commissioner Bradshaw that Case Number CA-20-05 Recommendation for Special Use be approved with the following condition **SECOND:** Commissioner Maughan. Passed: Unanimous roll call vote.

- Setbacks – as is, the current footprint of the structure is part of the historic character and trying to shoehorn old historic properties into new plat standards is inappropriate.

Action Item: CA-20-07 Applicant: Stephen Marshall, 1824 Fillmore Street, Caldwell, ID. Public Meeting, Commission Level approval – approving a re-roof to replace 3% asbestos Slate Tile roofing material with like artificial slate tile roofing material named DaVinci Bellaforte Slate.

Jerome Mapp, Planning & Zoning Director, 621 Cleveland Blvd., Caldwell, ID presented the staff report.

Mr. Mapp shared with the commission that the request is to replace a storm damaged slate roof with a new product, artificial slate tile called DaVinci Bellaforte in the Steunenberg Historic District.

Stephen Marshall, applicant, 1824 Fillmore Street gave supporting testimony and presented a PowerPoint presentation.

Mr. Marshall shared with the commission that the slate roof was the 81-year-old original roof and shared pictures of the roofing surrounding the chimney taken by the State Farm adjuster, which showed the boards that would carry true slate. Slate was shown on the house blueprints but was crossed through and tile was written in. Mr. Marshall stated that he contacted Quality Tile roofing in Boise to see if they could save the slate tile roof.

The commission shared with Mr. Marshall that they had read the submitted application and seen all the pictures.

Commissioner Maughan stated that he felt the commission had a clear idea of what is being proposed and that the minimum requirement would be architectural style roofing but what is being proposed is something substantially better and that he is supportive of the proposal.

Mr. Marshal continued to explain the proposed roofing material.

Commissioner Dixon stated that this is a material that has not come before the commission.

Commissioner Dixon asked Mr. Marshall if the material is a more expensive version of something to use because the engineered material is resilient and to resemble slate material.

Mr. Marshall stated it is more expensive because it is the only artificial slate with a 50-year full warranty.

Commissioner Dixon stated that there seemed to be a concern with the Boise Historic Preservation Commission. This material was approved for 1127 Warm Springs Blvd. by the Boise Historic Preservation Commission but that commission has since denied this material due to it being a synthetic material and not a common roof type in our region.

Commissioner Dixon stated that technically according to the Department of the Interior, commissions are not to accept artificial materials when natural ones are available. However, under the current circumstances clearly there is no like to replace the like with, of the immediate predecessor because it was 3% asbestos, which is illegal and no longer used. The homeowner is trying to find a visually appropriate material that would be used on the roof and there is no exact replacement for the prior roof.

Commissioner Dixon stated that there was a slate appearance to the previous roof so in our case contrary to the final message from Boise, there is a historic precedent for using slate and it is not a different replacing.

Commissioner Maughan acknowledged and agreed with Commissioner Dixon stating that the roofing material is a superior product with a 50-year warranty that looks like slate and placed on a low pitch roof, which can barely be seen from the frontage. Given those things he is in favor.

Commissioner Dixon stated for the record 1824 Fillmore is a shallow pitched roof, it is less visible than the home at 1127 Warm Springs Blvd. As a commission, they are talking about the precedent and the default is to seek a "natural" material, but under these circumstances, the commission is establishing for future discussions and the record that synthetic DaVinci Bellaforte Slate Tile seems to be a very appropriate choice in the case of this house, 1824 Fillmore, and in light of the long-term quality of the material.

Commissioner Lyons asked the applicant for the color of the proposed slate tile.

Mr. Marshall responded it would be the lightest color they have, Castle Gray.

Commissioner Bradshaw shared that the Steunenberg Historic District Guidelines does not indicate that artificial materials are not appropriate, it talks about that the commission is to select replacement-roofing materials to retain the historic character of the property using materials similar in texture, finish and color to the original and that the use of composition shingles is encouraged.

Commissioner Dixon stated that she wanted it clear for the discussion and the record that the synthetic material was grounds for denial in Boise but that the commission is expressing they are NOT concerned with the adjective 'synthetic material' and the commission is very pleased with the quality of the proposed tile.

Commissioner Maughan stated that this is a straightforward approval.

Chairman King agreed and stated that he was very impressed with the applicant's approach and thoroughness to put the slate roofing back even if it is a slightly different material.

Commissioner Maughan made the motion to move to approve the application CA-20-07.

Motion to Approve Case Number CA-20-07

MOTION: Commissioner Maughan **SECOND:** Commissioner Bradshaw. Passed: Unanimous voice vote.

V. Audience Participation. None.

VI. Actions Since Last Meeting.

Discussion Item: Chairman King reviewed case number CA-20-01 Applicant: Russell McElveny, 1201 Blaine Street, Caldwell, ID. Staff Level approval to re-roof, removing shingles and replacing with architectural style shingles.

Discussion Item: Chairman King reviewed case number CA-20-03 Applicant: Hogg Family Trust, 1918 Cleveland Blvd., Caldwell, ID. Staff Level approval to replace the front egress window to the basement.

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Discussion Item: Chairman King reviewed case number CA-20-06 Applicant: John & Anna Westing, 1824 Everett Street, Caldwell, ID. Staff Level approval for Repair/replace poolroom roof: like for like as per the narrative, replacing roof windows visible from the street. Any changes to the submitted application should be submitted to the Planning & Zoning Department for Re-Review.

VII. Old Business.

- **Action Item:** Steunenber Facebook page and C of I Student Internship: Commissioner Maughan and Commissioner Dixon shared when the new US Historian arrives at The College of Idaho they will have a full conversation with them and build a collaboration. The Facebook Page, the commission had discussed having a College Internship and will talk with the College of Idaho staff, but at the current moment as it is unclear what will be recommended for person-to-person contact or occupying the same spaces, we should be patient. The normal approach to this kind of task will have to be different for the near future.

- **Action Item:** Newsletter and C of I student internship: Chairman King stated that the C of I Internship had been covered in the previous discussion and asked staff if they were still waiting something from the commission. April Cabello responded that the newsletter had been sent out and would like in the future to have a C of I student internship handle that task.
- **Action Item:** Adding a new commission member: Commissioner Maughan stated that he had considered inviting the three potential members who are interested, but due to the current circumstances, he did not feel it was appropriate. Commissioner Maughan stated that he hopes after the crest of the first wave of the virus and better understanding of what is and is not safe, then we can invite them to a meeting.

VIII. New Business. None.

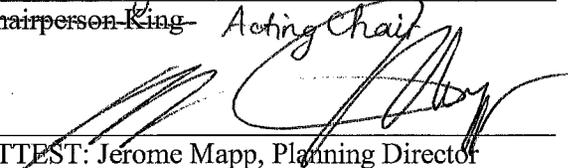
IX. Commission & Staff Reports.

- April Cabello shared that the July 22, 2020 meeting is canceled but the commission will meet August 12, 2020 or August 26, 2020.

X. Meeting adjourned at approximately 8:19 p.m.

Respectfully submitted by April Cabello,

MINUTES APPROVED AND SIGNED BELOW BY CHAIRPERSON KING ON THE DATE NOTED BELOW.

<i>Megan L Dixon</i>	8/26/20
Chairperson King Acting Chair	Date
	8/26/20
ATTEST: Jerome Mapp, Planning Director	Date

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