

# CALDWELL HISTORIC PRESERVATION COMMISSION MINUTES

## Meeting of October 26, 2016 @ 6:30 P.M. Caldwell Public Library – Idaho Room 1010 Dearborn, Caldwell, Idaho

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

II. **Roll Call**

**Members Present.** Steve Maughan, Randy Lyons, Megan Dixon, Jacob King and Don Burwell.

**Members Absent.** Nicole Bradshaw.

**Others Present.** Jarom Wagoner, Senior Planner; April Cabello, Planning Technician; and Rob Hopper, City Council Liaison.

**Others Absent.** Brian Billingsley, Planning & Zoning Director.

III. **Approval of Minutes.**

MOTION TO APPROVE THE MINUTES OF AUGUST 24, 2016.

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

IV. **Certificate of Appropriateness Interviews.**

**Case Number CA-16-06.** Applicant: Leo Shishmanian made a request for Certificate of Appropriateness to add a 6 foot solid wood fence across rear property line, street side property line setback approximately 1 to 2 feet from the sidewalk and across front breeze way. The subject property is located at 424 S 20<sup>th</sup> Avenue.

Testimony:

Leo Shishmanian, 424 S 20<sup>th</sup> Avenue, Caldwell, ID applicant signed in favor of the application and gave supporting testimony. Mr. Shishmanian stated that he wanted to express his apology to the district because when they originally contacted the fencing companies the company they decided to go with represented to them that they had done many jobs in the district and that they were fully aware of any zoning requirements. The fencing company worked with them on the design and placement of the fence. Mr. Shishmanian stated that he questioned the fencing company asking them to make sure that there was nothing more that they needed to do about the location of the fence and that the fencing company responded “yes, there is no problem and that they could start right away”. They started the job and then had to stop. Mr. Shishmanian stated that they did not intend to do anything without proper approval and now they know and apologized for starting before everything was in place. Mr. Shishmanian further explained that he had met with April and Jarom submitting the application for a 6 foot wood solid privacy fence and felt that the primary area of concern is the street side sidewalk along Dearborn Avenue. The fence that was started was set back approximately 1 to 2 feet from the sidewalk and was placed where it was because in order to have the fence installed further into the

property the fence company stated that they would have to take out some mature landscaping and that would not only add to the expense but would also remove some lovely character viewed from the street. Mr. Shishmanian further explained that their preference was not to remove the landscaping and decided on a location that seemed to make sense, not realizing that there was a 5 foot setback in the city code.

Mr. Shishmanian stated that he had submitted a narrative with the application explaining all the reasons why they are asking for the type of fence and setback and would be happy to answer any questions. Mr. Shishmanian further shared that he brought a wood stain sample in the color they intended to use.

Commissioner King asked by the lilacs and shrubs, what the distance was from the edge of the sidewalk to the other side of the sidewalk in relation to the setback requirements.

Mr. Shishmanian responded that the five foot setback would bisect one of the shrubs and the lilacs are a little bit further back than 5 feet but they would have to remove 2/3rds of the shrubs and lilacs leaving a couple of branches going into the backyard.

Commissioner King stated that he wanted to know if they had looked at going beyond the five feet, completely bypassing the lilacs and the shrubbery because not only would the fencing meet the setback but it would also allow the landscaping to stay.

Mr. Shishmanian responded that the issue is the size of the lilac and that they will have the same issue on the other side for several feet. The other issue is that they would be left with a pretty restrictive space and will also leave that area open to some problems that they are experiencing with trash and debris.

Chairman Maughan confirmed that the space between the house and the sidewalk is 21 feet.

Mr. Shishmanian confirmed, give or take a foot or two.

Jarom Wagoner, Senior Planner stated that for the record Commissioner Lyons has joined the meeting.

Commissioner Dixon discussed that the area under the bushes is ground cover and is not space that is absolutely lost in terms of other activities, it is not actively used.

Mr. Shishmanian responded that is absolutely correct.

Chairman Maughan stated that his question has to do with sight lines and it is a concern of the commissions and having two frontages does add an additional burden to corner home owners. The commission works by a core principle that they minimize the impact of changes as viewed from the curb and one of his concerns looking at this application is the sight line and the preservation of the original streetscape design with the parking and sidewalk strip. A 6 foot dark fence pushed out to the sidewalk strikes him as very noticeable and problematic from that point of view. It really is a statement not a question from him and a concern that he feels some reservations about the application because the dark fence that close to the sidewalk impinges on that sight line.

Mr. Shishmanian wondered if Chairman Maughan was concern with the location or color of the fence.

Chairman Maughan responded that it was the location of the fence and stated that if you take the centerline of Dearborn, walk back across 20<sup>th</sup>, and stand on the curb looking down Dearborn you will see that Mr. Shishmanian property is a keystone property in the view down Dearborn. The importance and concern of the commission is of maintaining a set of well maintained and beautiful residential frontages as you look down Dearborn.

Commissioner Dixon shared that she was struck by the concern of fencing being placed along the sidewalk by neighbors up and down Dearborn. Commissioner Dixon stated that she understands the concern for privacy and appreciates the letter submitted by the applicant but everybody deals with trash and dogs and also stated that it is concerning that people are crossing through their space and she hopes that they pursue putting in a fence along the back of their property. For the side that faces Dearborn, Commission Dixon expressed her hopes that they can talk about something short of a 6 foot fence that could help address the situation without obstructing the view down from the heights.

Commissioner King asked Mr. Shishmanian if he had been in contact with the College about his concerns about the college student's trespassing and had he expressed that this is not okay and if not maybe he can generate a further discussion.

Jarom Wagoner, Senior Planner shared that from a staff's perspective, trespassing calls would be forwarded to the Police Department.

Chairman Maughan asked staff to confirm what is before the commission tonight.

April Cabello, Planning Technician explained that the commission would vote on the 6 foot wood fence setback 5 feet from the sidewalk and only give a recommendation on the request for a setback reduction

Chairman Maughan restated that they have a request before them for a 6 foot wooden fence, not to go beyond the front of the façade of the house and understood to be conforming to the City's zoning requirements with a 5 foot setback from the walkway.

Commissioner Dixon asked Mr. Shishmanian if it was difficult to find a fencing company to work with and if they had explored different options.

Mr. Shishmanian responded that it is hard to get contractors of all sorts to actually follow through and has not been the easiest thing to do. The fence company that they did work with did discuss other options but after exploring and expressing their concerns with privacy, they steered themselves in the direction of the 6 foot fence and are not sure what other options they really have.

Commissioner King expressed his concern that if the request is approved for a 6 foot fence with the reduced setback then more will come in for the same approval.

Mr. Shishmanian responded that his property is a bit unique in the neighborhood because of the proximity to the college and it has two frontages with absolutely no fencing at all. Mr. Shishmanian continued to share that the properties in the district on corner lots that he has seen have privacy fences or vegetation that has grown to a point where you cannot see the house.

Commissioner Dixon responded that all the 6 foot fences along Dearborn that come to mind are all set back at house level and several corner lots on Dearborn do not

have fencing. Commissioner Dixon continued to give examples and locations that do not have fencing or only has fencing on the sides or back. Commissioner Dixon expressed her concern that this application if approved would set the precedence for fencing along the sidewalk.

Commissioner Dixon stated that she would like to think there would be a way to meet the applicant's need for feeling sheltered and not have a tall fence all around the perimeter. Commission Dixon expressed her support for the openness in the Steunenburg District.

Chairman Maughan stated that what they do have is precedence and that's with the zoning, and that the privacy fence is flush with the frontage of the house and setback 5 feet from the sidewalk and is appropriate for a certificate of appropriateness from this commission. Chairman Maughan further stated that personally as a suggestion that the dark mahogany colored fence would contrast significantly with a white colonial style house and it might create a kind of block style impression looking down 20<sup>th</sup> but on the other hand they have no control written into the regulations to control color but would advise a lighter color fence because it would be less intrusive given the color scheme of the street.

Chairman Maughan asked for a motion by the Commission on a 6 foot privacy fence that conforms to the zoning requirements set back 5 feet from the sidewalk and parallel to the house.

**MOTION:** Commissioner Burwell **SECOND:** Commissioner King **MOTION PASSED.**

**V. Audience Participation.** None.

**VI. Actions Since Last Meeting.**

Chairperson Maughan reviewed the items under actions since the last meeting.

**Case Number CA-16-08.** Applicant: Rick Wells a request for Certificate of Appropriateness approval to replace two windows, modify the studio roof for structural, safety, and code compliance, and fill in the patio. The subject property is located at 1909 Cleveland Blvd., Caldwell, ID 83605. **Staff Level Approval approved by the Commission.**

**Case Number CA-16-09.** Applicant: Daniel Angell a request for Certificate of Appropriateness approval to install a free standing wheel chair ramp, to be removed when no longer needed. The subject property is located at 1623 Dearborn Street, Caldwell, ID 83605. **Staff Level Approval approved by the Commission.**

**Case Number CA-16-10.** Applicant: Ming Ma a request for Certificate of Appropriateness approval for a re-roof. The subject property is located at 1520 E. Cleveland Blvd., Caldwell, ID 83605. **Staff Level Approval approved by the Commission.**

**VII. Old Business.**

**Update on the Walking Tour and Newsletter.**

Chairperson Maughan gave a report about the walking tour held on Saturday, October 8<sup>th</sup> at the College of Idaho and stated that they will not hold another walking tour on a Saturday morning before a Yotes football game, nor on Homecoming weekend.

**VIII. New Business.**

**2017 Historic Preservation Calendar.**

April C. presented the proposed 2017 Historic Preservation Calendar.

Commissioner King made the motion to approve the 2017 Historic Preservation Calendar.

**MOTION:** Commissioner King. **SECOND:** Commissioner Burwell.

**IX. Commission & Staff Reports.** None.

**X. Meeting adjourned at approximately 8:00 p.m.**

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

\_\_\_\_\_  
Chairperson Maughan

\_\_\_\_\_  
Date

\_\_\_\_\_  
ATTEST: Jarom Wagoner, Senior Planner

\_\_\_\_\_  
Date

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