

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On July 19, 2010 the Hailey Planning and Zoning Commission considered a recommendation by the Administrator to approve an alteration of the exterior of an existing building, located at Lots 3, 4, and 5, Block 37, Hailey Townsite (117 North 4<sup>th</sup> Avenue) within the Limited Residential -1 and Townsite Overlay zoning districts. Applications determined by the Administrator to have no substantial impact on adjacent properties or on the community at large may be placed on the consent agenda for approval or denial by the Commission based on the Administrator's recommendations. The Administrator recommends approval of the alteration. The Commission, having been presented with all information regarding the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

### FINDINGS OF FACT

#### Notice

Section 6A.3 of the Zoning Ordinance allows for applications, which the Administrator determines to have no substantial impact on adjacent properties or on the community at large, to be placed on the consent agenda for approval or denial by the Commission based on the Administrator's recommendations. Items placed on the consent agenda do not require public notice or publication unless the Commission determines otherwise.

#### Application

A request submitted by Craig Johnson for the addition of a garage, located at Lots 3, 4, and 5, Block 37, Hailey Townsite (117 North 4<sup>th</sup> Avenue) within the Limited Residential – 1 and Townsite Overaly zoning districts. The proposal consists of constructing a garage and exercise room at the rear of the property to be access off the alley.

#### Standards of Evaluation

Articles IV and VIA of the Hailey Zoning Ordinance establish the criteria for applications for Zoning and Design Review. For each applicable standard (in bold print), the Commission makes the following Findings of Fact:

**6A.3.a. The Administrator has the authority to recommend for approval or denial certain applications for Design Review that the Administrator determines to have no substantial impact on adjacent properties or on the community at large, subject to final approval or denial by the Commission on its consent agenda. Such recommendation for approval or denial shall specify the ordinance and standards used in evaluating the application; the reasons for the approval or denial; and recommended conditions, if any. Any Commissioner may cause any application on the consent agenda to be moved to the regular agenda in order to have a full public hearing of potential impacts of the application. Applications placed on the consent agenda may include, but are not limited to: additions under five-hundred (500) square feet or not prominently visible from a public street, façade changes and alterations to parking or other site elements. Such applications may instead by heard by the Hearing Examiner.**

The Administrator determined the addition to have no substantial impact on adjacent properties or on the community at large the structure is a total of 616 square feet and is will not be prominently visible from 4<sup>th</sup> Avenue. The home will screen the most if not all of the house from public streets. The Administrator recommends approval of garage.

**4.13.6 Bulk Requirements (For other supplementary location and bulk regulations, see Article VII.)**

**a. Minimum Lot Size –**

**Limited Residential-1 district: 6,000 square feet.**

**Original Townsite Lots that are slightly less than 3,000 square feet (in blocks where lots are 25 feet wide) or 3,600 square feet (in blocks where lots are 30 feet wide) may be rounded up to 3,000 square feet or 3,600 square feet, as the case may be, provided that the original Townsite Lot meets the definition of a Lot of Record.**

The subject property is 8,992 square feet.

**b. Minimum Lot Width –**

**Limited Residential-1 district: 50 feet.**

The lot width is 74.92 feet.

**c. Maximum Building Height –**

**Transitional, General Residential, Limited Residential-1 districts: 30 feet**

The height of the garage is 19 feet from record grade.

**d. Minimum Setbacks in LR, GR, TN, and LB Districts:**

1. **Setback from any street right-of-way – twelve (12) feet. The following exceptions apply:**

- a. **Unenclosed features of a residence (e.g. front porches, stoops, and decks without walls) shall be no closer than five (5) feet to the lot line. Such features do not include carports.**
- b. **No garage door shall be within twenty (20) feet of any street right-of-way, as measured from the garage door to the street providing access to the garage.**

This setback is met. The setback is in excess of 12 feet. The structure is located behind a single family residence, which is adjacent to 4<sup>th</sup> Avenue right-of-way.

2. **Setback from any alley right-of-way – six (6) feet. There shall be a six (6) feet horizontal separation between any building and a water meter vault. (Water meter vault and water service line locations may be moved at the property owner's expense, subject to notification and approval by the City.)**

The alley setback is six (6) feet.

3. **Setback from any Idaho Transportation Department/Wood River Trail right-of-way – five (5) feet. The following exception applies:**
  - a. **No garage door shall be within twenty (20) feet of the right-of-way, as measured from the garage door to the right-of-way, where this right-of-way provides access to the garage.**

Not applicable.

4. **Setback from property lines abutting other private property --**
  - a. **Base setback – fifteen percent (15%) of lot width, or 10 feet, whichever is less. However, no such setback shall be less than six (6) feet. (See Table 1)**

15% of the lot width is 11.23 feet. 10 feet is less; therefore, 10 feet is the base setback.

- b. **Any wall, as measured from the highest point including any gable or peak in a direct vertical line to record grade, shall have a setback of one (1) foot for every two and a half (2.5) feet of wall height (see Diagram 1 and Table 2), but not less than the base setback noted in subsection (a) above, regardless of underlying zoning.**

The building height is 19 feet, which establishes a setback of 7.6 feet; however, this number cannot be less than the base setback; therefore, the base setback of 10 feet shall control.

- c. **Roof overhangs, fire escapes, standard chimneys, bay windows and other features, which are subject to Section 7.2 of this Ordinance (Supplementary Yard Regulations), shall not have a setback less than five (5) feet from property lines abutting other private property.**
- d. **Wainscot detail not higher than three (3) feet as measured from record grade may intrude not more than six (6) inches into the required setback.**
- e. **The Townhouse sub-lot side yard setback along the common wall boundary line shall be zero feet.**

The applicant proposes an 11 foot setback, measured from the north side of the building to the north property line.

- g. **Maximum lot coverage:  
General Residential, Limited Residential-1 districts:**

<b>Building Height</b>	<b>Maximum Lot Coverage</b>
<b>2 or more stories above grade, no garage</b>	<b>25%</b>
<b>2 or more stories above grade, with garage</b>	<b>30%</b>
<b>Less than 2 stories above grade, no garage</b>	<b>35%</b>
<b>Less than 2 stories above grade, with garage</b>	<b>40%</b>

The required lot coverage is 40%. The proposed lot coverage is 30%.

#### 4.13.8 Lot Line Vacations

**If a parcel in single ownership consists of two (2) or more Original Townsite lots, or a combination of lot(s) and portions of lot(s), each internal Original Townsite lot line(s) shall be vacated prior to the issuance of a certificate of occupancy if either of the following criteria applies: 1) a proposed new building or addition increases the degree of nonconformity or creates a new nonconformity with regard to setbacks, measured from the nearest adjacent Original Townsite lot line, not from the parcel boundary of multiple Original Townsite lots held in single ownership or 2) lot lines, which a building is not currently built on, are located underneath a proposed new building or addition.**

The applicant submitted a preliminary lot line adjustment on June 10, 2010, to remove all internal lot lines. It is a recommended condition of approval that the plat be recorded prior to a Certificate of Occupancy for the proposed garage.

### 6A.7.1.1 Sidewalk, Curb, and Gutter

A sidewalk exists in the right-of-way, adjacent to the subject property.

### 6A.7.2.4. DESIGN REVIEW GUIDELINES FOR RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS IN THE TOWNSITE OVERLAY DISTRICT (TO).

#### C. Specific Guidelines

##### 1. Site Planning

**Guideline: The pattern created by the Old Hailey town grid should be respected in all site planning decisions.**

- A rectangular lot shape is preferred to a square one, as the rectangular lot pattern is more in keeping with Old Hailey, and most often results in more useable and visible open spaces.

The lot shape is not proposed to change.

**Guideline: Site planning for new development and redevelopment shall address the following:**

- **scale and massing of new buildings consistent with the surrounding neighborhood;**
- **building orientation that respects the established grid pattern of Old Hailey;**
- **clearly visible front entrances;**
- **use of alleys as the preferred access for secondary uses and automobile access;**
- **adequate storage for recreational vehicles;**
- **yards and open spaces;**
- **solar access on the site and on adjacent properties where feasible, and where such decisions do not conflict with other Design Guidelines;**
- **snow storage appropriate for the property;**
- **underground utilities for new dwelling units.**

**Guideline: The use of energy-conserving designs that are compatible with the character of Old Hailey are encouraged. The visual impacts of passive and active solar designs should be balanced with other visual concerns outlined in these Design Guidelines.**

- Glass areas should reflect the composition, layout and window-to-wall ratio of windows seen traditionally in Old Hailey versus large continuous surfaces of glass.
- Solar energy collection devices should be integrated into the overall building design.
- Designers should be aware of the solar exposures of neighboring properties, and should, where possible, avoid blocking these exposures with buildings or solar collectors.
- Roof-mounted solar collection panels shall not extend above the ridge line of the roof. They should be integrated into the structure, and as close to the roof angle as feasible.
- Free-standing solar collection panels should be subordinate in size and placement to the structure they serve, and should generally not be located in areas visible from the street.

No solar panels are proposed at this time and no known energy-conserving designs were used.

##### 2. Bulk Requirements (Mass and Scale, Height, Setbacks)

**Guideline: The perceived mass of larger buildings shall be diminished by the design.**

- The height of taller buildings should be stepped down on the streetside elevation.
- Buildings with greater mass should be broken into smaller modules.
- Changes in wall planes and building materials should be used to reduce the visual impacts of taller buildings.

The building footprint is 616 square feet. The longest wall plane is 30 feet. The building's shape is conformed by two rectangular forms and is single story, with a taller building height above the garage.

### 3. Architectural Character

#### a. General

**Guideline: New buildings should be respectful of the past, but may offer new interpretations of old styles, such that they are seen as reflecting the era in which they are built.**

- The Design Guidelines are not intended to dictate a particular style or era for new buildings.
- Exact replication of old buildings is not the intent of these Design Guidelines, so that historic buildings can be appreciated for their own uniqueness. Designers may draw on the past, without necessarily replicating the design of old buildings. The use of traditional building forms, scale and broad design elements is encouraged.

The building resembles other homes and detached structures found in Old Hailey.

#### b. Building Orientation

This section pertains to primary structures and residential entries and the orientation of dwellings; therefore, it is not applicable to a detached garage.

#### c. Building Form

**Guideline: The use of building forms traditionally found in Old Hailey is encouraged. Forms that help to reduce the perceived scale of buildings shall be incorporated into the design.**

- Simple rectangles or a combination of rectangles is encouraged.
- Examples of forms that help to reduce the perceived scale include the use of smaller forms combined together and the use of a smaller building form along the street.
- Less traditional forms should be very carefully planned to respond to the scale and character of the neighborhood.

The building footprint is 616 square feet. The longest wall plane is 30 feet. The building's shape is conformed by two rectangular forms and is single story, with a taller building height above the garage space.

#### d. Roof Form

**Guideline: Roof forms shall define the entry to the building, breaking up the perceived mass of larger buildings, and to diminish garages where applicable.**

- Garages are preferred to be located off of alleys, as outlined in Sections B.5 and B.6. Where the alley option does not exist or is not feasible, garages on the front of buildings should be diminished by integrating them into the primary roof form, by off-setting them back from the primary structure, or by detaching them.
- Offsets in eave and ridge lines may be helpful in breaking up building mass.

The garage is located off the alley and is detached. The garage uses a gabled end and shed roofs to create interest and detail.

**Guideline: Roof pitch and style shall be designed to meet snow storage needs for the site.**

- **Roof pitch materials and style shall retain snow on the roof, or allow snow to shed safely onto the property, and away from pedestrian travel areas.**
- **Designs should avoid locating drip lines over key pedestrian routes.**
- **Where setbacks are less than ten feet, special attention shall be given to the roof form to ensure that snow does not shed onto adjacent properties.**

No setbacks are less than ten feet to adjacent properties. A shed roof covers a man doors. The garage door has a gabled end above it, so snow will not shed in front of the driveway.

**Guideline: The use of roof forms, roof pitch, ridge length and roof materials that are similar to those traditionally found in the neighborhood are encouraged.**

- Sloping roof forms, including gable and hip roofs, are encouraged.
- Dormers and other roof details that do not detract from the primary roof form are encouraged, but should be used in moderation.
- Dormers should stay below the roof line and shall not extend above the roof line of the building.
- Shed roofs, flat roofs and roof pitches under 5:12 may be appropriate in certain locations.
- Ridge lengths should appear similar in scale to those seen in the neighborhood. A break in the roof line can be used to diminish the impact of longer ridge lengths.

The shed roof pitch is 5:12.

**Guideline: The roof pitch of a new building should be compatible with those found traditionally in the surrounding neighborhood.**

- Gable roof pitches in the 8:12 to 12:12 range are encouraged.

The gabled roof pitch is 5:12.

#### **e. Wall Planes**

This section is not applicable. Wall planes primarily pertain to primary structures. The structure is small in size and not predominately visible from 4<sup>th</sup> Avenue.

#### **f. Windows**

**Guideline: Windows facing streets are encouraged to be of a traditional size, scale and proportion.**

- Consider the position, area and arrangement of windows when designing street side facades.
- Consider the ratio of window opening area to solid wall area when designing building elevations such that neither dominates.
- Multi-paned windows of a vertical orientation are encouraged. As a general guideline, windows facing streets are encouraged to have a height that is twice the dimension of the width.

This structure is located behind a single family residence; therefore, there are no windows facing 4<sup>th</sup> Avenue. All windows are multi-paned, but are either square or horizontal. There are no windows facing the street because the structure is screened by a single family residence.

**Guideline: Windows on side lot lines adjacent to other buildings should be carefully planned to respect the privacy of neighbors.**

- In general, new windows on side lot lines should be located such that they are not directly opposite windows on neighboring properties.

There is one window on the north and south side of the building. Both windows are small in size.

#### **g. Decks and Balconies**

There are pavers and a covered porch on the east side of the garage, but there are no balconies or decks proposed.

#### **h. Building Materials and Finishes**

**Guideline: Materials and colors shall be selected to avoid the look of large, flat walls. The use of texture and detailing to reduce the perceived scale of large walls is encouraged.**

- A change of materials should be used appropriately on the building to help “ground” the building and to

provide a distinction between foundations and walls. For example, a heavier material such as stone would be appropriate around the base of a building.

**Guideline: Large wall planes shall incorporate more than one material or color to break up the mass of the wall plane.**

- Building materials that contribute to a human sense of scale are encouraged. Examples of materials that convey a human sense of scale include wood siding, shake siding, brick and stone.
- Scoring joints, changes in surface, and the use of trim are other ways to break up the perceived scale of large walls.
- A change of building materials may not be necessary if other design elements such as bay windows or pop-outs are used to break up wall planes.

The trim will be wood with a red stain. The siding is cedar. The roof is red metal.

#### **i. Ornamentation and Architectural Detailing**

**Guideline: Architectural detailing shall be incorporated into the front wall plane of buildings.**

- While ornamentation is encouraged, the use of highly ornamental details not traditionally found in Old Hailey is not.

The architectural detailing is simple and compatible with other buildings in Old Hailey.

**Guideline: The use of porches, windows, stoops, shutters, trim detailing and other ornamentation that is reminiscent of the historic nature of Old Hailey is encouraged.**

- Front porches are particularly encouraged. In general, they should be substantial in size, such that they function as more than just a landing, and should be covered by a roof.
- If front porches must be enclosed to provide a cold entry, the use of windows and a higher ratio of window-to-wall surface is encouraged to retain the image of the old front porch.

This standard pertains to primary structures, not garages.

**Guideline: Architectural details and ornamentation on buildings should be compatible with the scale and pattern of the neighborhood.**

- Buildings that draw on historic details without exact copying are preferred.

The architectural detailing is simple and compatible with other buildings in Old Hailey.

#### **4. Circulation and Parking**

**Guideline: Safety for pedestrians shall be given high priority in site planning, particularly with respect to parking, vehicular circulation and snow storage issues.**

- Parking areas should be planned with adequate sight distances from sidewalks.

The garage is access off of the alleyway. There are no conflicts or safety issues anticipated with the proposed project.

**Guideline: The visual impacts of on-site parking visible from the street shall be minimized.**

- Parking is encouraged to be screened from view with landscaping, fences or low walls.

The garage is access off of the alleyway; therefore, the visibility of vehicles will be minimized by either parking them in the garage or at the rear of the lot, behind the single family residence.

**Guideline: As a general rule, garages and parking should be accessed from the alley side of the property and not the street side.**

The garage is access off of the alleyway.

**Guideline: Detached garages accessed from alleys are strongly encouraged.**

The detached garage is accessed from the alley.

**Guideline: When garages must be planned on the street side, garage doors shall be set back and remain subordinate to the front wall plane.**

- See also Roof Form in these guidelines for discussion on the use of roofs to diminish the impact of garages.

The detached garage is accessed from the alley.

**Guideline: When garages and/or parking must be planned on the street side, parking areas are preferred to be one car in width. When curb cuts must be planned, they should be shared or minimized.**

The detached garage is accessed from the alley.

## 5. Alleys

**Guideline: Alleys shall be retained in site planning. Lot lines generally shall not be modified in ways that eliminate alley access to properties.**

Alley access will be maintained.

**Guideline: Alleys are the preferred location for utilities, vehicular access to garages, storage areas (including recreational vehicles) and accessory buildings. Design and placement of accessory buildings that access off of alleys is encouraged.**

- Buildings located off of alleys can be quirkier and more unique, reflecting the eclectic nature of alley buildings in Old Hailey.

The garage is accessed off of the alley.

**Guideline: Generally, the driving surface of alleys within Limited Residential and General Residential may remain a dust-free gravel surface, but should be paved within Business, Limited Business, and Transitional. The remainder of the City alley should be managed for noxious weed control, particularly after construction activity.**

- State law requires that noxious weeds be controlled.

Meeting this requirement is a condition of approval.

**Guideline: Landscaping and other design elements adjacent to alleys should be kept simple, and respect the functional nature of the area and the pedestrian activity that occurs.**

- Leave enough space between new landscaping and the alley property line to allow trees to grow to maturity without encroaching into the public alley right-of-way.

(Ord 1001 §9, 2008)

No new landscaping is proposed.

## 6. Accessory Structures

**Guideline: Accessory buildings shall appear subordinate to the main building on the property in terms of size, location and function.**

- There may be specific instances where accessory structures may have a larger floor area than the primary structure, such as in the case of an existing small primary structure that has historic significance, and which is proposed to be preserved.

The structure is behind the single family residence and is located at the rear of the property. The floor area is less than the residence.

**Guideline: In general, accessory structures shall be located to the rear of the lot and off of the alley unless found to be impractical.**

The structure is behind the single family residence and is located at the rear of the property, off of the alley.

## **7. Snow Storage**

**Guideline: All projects shall be required to provide 25% snow storage on the site.**

- For new construction and additions, snow is not permitted to slide onto the property of others.
- Snow storage areas shall be 25% of on-site parking and circulation areas.

There is ample space for snow storage (more than 25%) to the south of the proposed driveway.

**Guideline: A snow storage plan shall be developed for every project showing:**

- Where snow is stored, key pedestrian routes and clear vision triangles.
- Consideration given to the impacts on adjacent properties when planning snow storage areas.

There is ample space for snow storage (more than 25%) to the south of the proposed driveway. No key pedestrian routes are within this area.

## **8. Existing Mature Trees and Landscaping**

**Guideline: Existing mature trees shall be shown on the site plan, with notations regarding retention, removal or relocation. Unless shown to be infeasible, a site shall be carefully planned to incorporate existing mature trees on private property into the final design plan.**

There are existing trees in or near the building footprint. The applicant has not indicated removal, relocation or retention on the site plan. It is a condition of approval that a revised site plan be submitted showing this information or it shall be shown on the plans submitted for building permit review.

## **9. Fences and Walls**

No fences or walls are proposed.

## **10. Non-residential and Multi-family Uses**

Not applicable. The application is for a garage on a single family residential lot and does not involve any non-residential or multi-family uses.

## **11. Historic Structures**

Not applicable. The application is for new construction and does not involve any historic structures.

## CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law and Decision:

1. The detached garage and exercise room located on Lots 3-5, Block 37, Hailey Townsite (117 North 4<sup>th</sup> Avenue) conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance and City Standards.
2. The proposed garage has no substantial impact on adjacent properties or on the community at large.
3. The proposed garage shall receive Design Review approval subject to the following conditions:
  - a) All Fire Department and Building Department requirements shall be met.
  - b) Any change in use or occupancy type from that approved at time of issuance of Building Permit may require additional improvements and/or approvals. Additional parking may also be required upon subsequent change in use, in conformance with Hailey's Zoning Ordinance at the time of the new use.
  - c) All City applicable infrastructure requirements shall be met. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required.
  - d) No auxiliary apparatus (e.g. utility meters, fire suppression equipment) may extend into any public right-of-way.
  - e) The project shall be constructed in accordance with the application or as modified by these Findings of Fact, Conclusions of Law and Decision.
  - f) All exterior lighting shall comply with the Outdoor Lighting Ordinance.
  - g) All noxious weeds shall be controlled in accordance with Idaho State Law.
  - h) A revised site plan shall be submitted prior to the issuance of a building permit showing all existing mature trees, with notations regarding retention, removal or relocation or it shall be shown on the plans submitted for building permit review.
  - i) Except as otherwise provided, all the required improvements shall be constructed and completed, or sufficient security provided as approved by the City Attorney, before a Certificate of Occupancy can be issued.
  - j) This Design Review approval is for plans dated July 14, 2010. The Planning & Zoning Administrator has the authority to approve minor modifications to this project prior to, and for the duration of a valid Building Permit.
  - k) The final plat for a lot line adjustment, removing the interior lot lines, shall be recorded

prior to a Certificate of Occupancy.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Owen Scanlon, Commission Chair  
Hailey Planning & Zoning Commission

Attest:

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Becky Mead, Deputy Clerk

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- U.S. Mail
- Via Electronic Mail
- Via Facsimile
- Hand Delivered

Applicant:  
Craig Johnson  
PO Box 579  
Hailey, ID 83333  
[cwj2@mindspring.com](mailto:cwj2@mindspring.com)

CITY OF HAILEY

By \_\_\_\_\_  
Becky Mead, Deputy Clerk