

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On September 5, 2008 the Hailey Hearing Examiner considered an application submitted by Wood River Land Trust for Design Review approval for a remodel of a historic building, located at 119 N. Second Avenue North within the General Residential and Townsite Overlay zoning districts. The Hearing Examiner, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet on August 20, 2008.

Application

The Wood River Land Trust, represented by Eddy Svidgal, has submitted a Design Review application for an exterior remodel to the Wood River Land Trust Employee Housing building, located at 119 Second Avenue North. The applicant proposes the elimination of the cold entry and a change in exterior siding and color.

Background

The applicant received design review approval by the Hearing Examiner for a 704 square foot addition to the existing residence on June 18, 2008. The applicant chose not to construct the addition and submitted revised plans to remodel the existing residence. The administrator determined this change to be more than a minor modification to the original design review approval and the revised application was reviewed by the Hearing Examiner who requested that another public meeting be scheduled with the applicant to review and discuss the changes.

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 Hearing Examiner makes the following Findings of Fact:

4.13.6 Bulk requirements:

Maximum height in the General Residential and Townsite Overlay District is 30 feet.

Height of Building is defined as: The greatest vertical distance measured from the lowest point of record grade within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples, and spires.

The applicant is hereby advised that height of building is from record (natural) grade, not from finished grade or finished floor.

The height of the building will not increase with the proposed remodel.

Minimum Setbacks in LR, GR, TN, and LB Districts:

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.**

Proposed setback from the front porch is approximately 26.5 feet from Second Avenue. The garage is located at the alley.

Setback from any alley right-of-way – six (6) feet.

Proposed setback is 48.57 feet, measured at the principle building (residence). There is an existing structure located at the alley that has a zero (0) feet setback to the alley. The proposed remodel will not increase the degree of nonconformity in regards to the garage/shed located at the alley; therefore, compliance with the setback requirement is not mandatory.

Setback from any Idaho Transportation Department/Wood River Trail right-of-way – five (5) feet.

The subject property is not within the vicinity of these right-of-ways.

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.**

Proposed setbacks are: South elevation – 10.07 feet; North Elevation – 0 feet. The proposed remodel will not increase the degree of nonconformity in regards to the north and south setbacks; therefore, compliance with the setback requirements is not mandatory.

Maximum Lot Coverage:

General Residential, Limited Residential-1 districts:

Building Height	Maximum Lot Coverage
Less than 2 stories above grade, with garage	40%

Lot Size: 6,000 square feet
Building footprint: 1,997 square feet
Proposed lot coverage: 33% (40% is allowed)

4.13.7 Non-Conforming Buildings

Where an existing building is non-conforming with respect to setbacks, expansion of said building within the plane of the furthest intrusion shall be permitted, provided that the non-conformity with respect to the distance of the setback is not further increased. Such expansion shall not be considered

to be increasing the degree of non-conformity pursuant to Section 13.6 of this Ordinance. The following exceptions apply:

- a. In no case may expansion occur that results in a setback of less than six (6) feet from property lines abutting other private property.**
- 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 six feet from property lines abutting other private property, regardless of underlying zoning.**
- c. No roof overhangs, fire escapes, chimneys, bay windows or other features, which are subject to Section 7 of this Ordinance (Supplementary Yard Regulations), shall have a setback less than five (5) feet from property lines abutting other private property.**

The setbacks along the north side and the west side (alley) of the lot are non-conforming. The proposed exterior remodel of the building does not increase the degree of non-conformity. The remodel is proposed for a portion of the building that is conforming and the remodel does not add additional square footage, which would change the setback measurement.

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), the internal Original Townsite lot lines underneath or located within a required setback of proposed and existing buildings shall be vacated prior to the issuance of a Building Permit for any new building.

The current building straddles the lot line of Lot 5 and Lot 6. The roof line on both the existing principle building and the shed, encroach into Lot 4, which has different ownership than Lots 5 and 6. The building's footprint will not be increased by new construction; therefore, a lot line adjustment is not required.

6A.7.1 Improvements Required.

6A.7.1.1 Sidewalk, Curb, and Gutter.

Sidewalks, curb and gutter shall be required improvements for projects requiring Design Review approval in the B, LB, TI, A and SCI zoning districts. At a minimum, sidewalks and curb and gutter, where required, shall comply with the City Standards. Sidewalks shall be at least six feet (6') wide or as wide as adjacent sidewalks on the same block, whichever is greater. Sidewalks shall be constructed along the entire length of a property adjacent to any public or private street in all zones, as well as in locations that provide safe pedestrian access to and around a building. New sidewalks shall be planned to provide pedestrian connections to any existing sidewalks adjacent to the site. Sites located adjacent to public or private streets that

are not currently thru-streets, regardless of whether the street may provide a connection to future streets, shall provide sidewalks to facilitate future pedestrian connections. Sidewalks and drainage improvements shall also be required in other districts, except as otherwise provided herein. The requirement for sidewalk may be waived if the cost of the proposed project construction is less than twenty thousand dollars (\$20,000). For Single Family Dwelling and Duplex projects in the Townsite Overlay District, the requirement for sidewalk shall be waived for any remodel or addition; sidewalks shall be required for new primary dwellings.

A sidewalk currently exists along Second Avenue. Additions and remodels of a single family dwelling in the Townsite Overlay do not require sidewalks or improvements; therefore, the project is exempt from the sidewalk improvement standards.

6A.7.1.2 Water Line Improvements.

In the Townsite Overlay District, any proposal for new construction or addition of a garage accessing from the alley, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer.

Meeting this requirement is a condition of approval.

6A.7.2 Area Development Plan. When the owner of Contiguous Parcels is required to obtain Design Review approval for any portion of the Contiguous Parcels, an Area Development Plan shall be submitted and approved. The Commission shall evaluate the following basic site criteria and make appropriate findings of fact:

- a) Streets, whether public or private, provide an interconnected system and shall be adequate to accommodate anticipated vehicular and pedestrian traffic.**
- b) Non-vehicular circulation routes provide safe pedestrian and bicycle ways and provide an interconnected system to streets, parks and green space, public lands, or other destinations.**
- c) Water main lines and sewer main lines are designed in the most effective layout feasible.**
- d) Other utilities including power, telephone, cable, and gas are designed in the most effective layout feasible.**
- e) Park land is most appropriately located on the Contiguous Parcels.**
- f) Grading and drainage are appropriate to the Contiguous Parcels.**
- g) Development avoids easements and hazardous or sensitive natural resource areas.**

This standard is not applicable. The east half of Lots 7-12, Block 39 are contiguous to the subject property; however, they are already developed.

Parking:

Section 9.4 of the Zoning Ordinance sets forth minimum parking space requirements, as follows:

9.4.1 Residential: No parking space, or portion thereof, shall be located in any right-of-way or public thoroughfare, unless otherwise provided herein. Parking spaces within any garage, carport or similar structure shall be credited at 1 space per nine (9) feet of floor width and 21 feet of floor length.

- a. Single family residences: 2 per residence minimum, 6 per residence maximum. The City will allow the use of 100' right-of-ways within the Hailey Original Townsite for licensed passenger vehicle parking for single family dwellings. Parking for accessory dwelling units must be provided on site.**
- b. All residences less than 1,000 square feet, including accessory dwelling units: a minimum of 1 space per unit.**
- c. Multiple family dwellings: A minimum of 1.5 spaces per unit.**

The proposed project is a single family dwelling, requiring two (2) parking spaces. Three parking spaces are proposed, all of which are located off the alley. There are two (2) parking stalls and one (1), one (1) car garage.

Lighting:

All new and existing lighting shall comply with Section 8B of the Zoning Ordinance. All exterior lighting shall be designed, located and lamped in order to prevent over lighting, energy waste, glare, light trespass and sky glow.

All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

Area lights. All area lights are encouraged to be eighty-five (85) degree full cut-off type luminaries.

All current and proposed lighting shall be in compliance with Section 8B.

6A.7.2.4. Design Review Guidelines for Residential and Non-Residential Buildings in the Townsite Overlay District:

11. Historic Structures

General Guidelines: Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following guidelines:

- The alteration should be congruous with the historical, architectural, archeological, educational or cultural aspects of other Historic Structures within the Townsite Overlay District, especially those originally constructed in the same Period of Significance.**
- The alteration shall be contributing to the Townsite Overlay District. Adaptive re-use of Historic Structures is supported while maintaining the architectural integrity of the original structure.**

The original structure was built in the 1890's. Later an addition was built and the original structure's siding was covered with stucco to match the addition. The project proposes to

expose and refinish the original siding on a portion of the front (east elevation) and north elevation. The stucco on the front of the original portion of the house would be removed and the original ship-lap siding underneath would be restored. The original ship-lap siding would continue on the north elevation and only be displayed on the original portion of the house. The stucco siding would remain on the existing addition. The proposed project will also eliminate the cold entry and an open porch, without affecting the setbacks.

Specific Guidelines: Any alteration to the exterior of a Historic Structure requiring design review approval shall meet the following specific guidelines:

- **The design features of repairs and remodels including the general streetscape, materials, windows, doors, porches, and roofs shall not diminish the integrity of the original structure.**
- **New additions should be designed to be recognizable as a product of their own Period of Significance with the following guidelines related to the historical nature of the original structure:**
 - ~ **The addition should not destroy or obscure important architectural features of the original building and/or the primary façade;**
 - ~ **Exterior materials that are compatible with the original building materials should be selected;**
 - ~ **The size and scale of the addition should be compatible with the original building, with the addition appearing subordinate to the primary building;**
 - ~ **The visual impact of the addition should be minimized from the street;**
 - ~ **The mass and scale of the rooftop on the addition should appear subordinate to the rooftop on the original building, and should avoid breaking the roof line of the original building;**
 - ~ **The roof form and slope of the roof on the addition should be in character with the original building;**
 - ~ **The relationship of wall planes to the street and to interior lots should be preserved with new additions.**

Architecturally, a siding change would occur on the inside corner of a building jog or setback; however, the proposal depicts the front elevation changing from the stucco siding to the original siding on a flat wall plane. Over time remodels, additions, and restorations of original historic structures should not compromise the character of the existing structure, the aesthetics of the building's exterior, or the principles of architectural design.

The restoration of a portion of this building would be consistent with the historical feel of "Old Hailey". The Hearing Examiner found that the proposed remodel was considered minor enough that it was felt to be too imposing to require the remaining stucco siding on the building's front elevation to be removed and replaced with ship-lap siding to match the original siding.

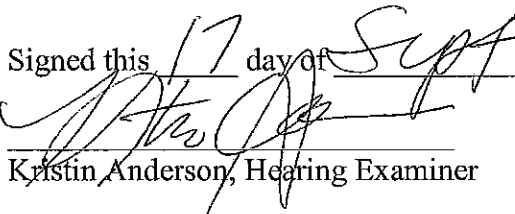
CONCLUSIONS OF LAW AND DECISION

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

1. Adequate notice, pursuant to Zoning Ordinance No. 532, Section 6A.5, was given.
2. The project is in general conformance with the Hailey Comprehensive Plan.
3. The project does not jeopardize the health, safety, or welfare of the public.
4. Upon compliance with the conditions set forth, the project conforms to the applicable specifications outlined in the Design Review Guidelines, as set forth herein, applicable requirements of the Zoning Ordinance and City Standards.
5. This Design Review approval is for plans dated July 11, 2008
6. This Design Review approval shall expire one (1) year from the approval of these Findings of Fact, unless a building permit application has been submitted to the Building Department.
7. The project shall receive Design Review approval subject to the following conditions:
 - a) All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
 - Details of the fireplace located in the basement shall be provided as no chimney is shown on the main level.
 - 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.
 - c) All City 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. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
 - The applicant shall provide insulating material for all individual water service lines on both sides of the alley including and between the subject property and Second Avenue if the main line is less than six (6) feet in depth. The main line shall be insulated only if recommended by the City Engineer.
 - All utilities shall be installed underground.
 - 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) 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.
- h) This Design Review approval is for plans dated July 11, 2008 with modifications as noted in the conditions of approval. 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. Revised plans showing the desired modifications are required to be submitted to the Planning Department for review and approval prior to any changes being constructed.
- i) This project is subject to Development Impact Fees pursuant to Municipal Code Chapter 15.16. Check with Building Department staff for estimated fee amount.

Signed this 17 day of Sept, 2008.


Kristin Anderson, Hearing Examiner

Attest:

Becky Mead
Becky Mead, Administrative Assistant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of Sept., 2008, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

<input checked="" type="checkbox"/>	U.S. Mail	Wood River Land Trust
<input type="checkbox"/>	Via Facsimile	119 East Bullion St.
<input type="checkbox"/>	Hand Delivered	Hailey, ID 83333
<input checked="" type="checkbox"/>	U.S. Mail	Eddy Svidgal
<input type="checkbox"/>	Via Facsimile	PO Box 4750
<input type="checkbox"/>	Hand Delivered	Ketchum, ID 83340

CITY OF HAILEY

By Becky Mead
Becky Mead, Administrative Assistant