

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On January 18, 2011 the Hailey Planning and Zoning Commission considered a recommendation by the Administrator to approve an application by Theresa Comber and Shaun Speer for a single story, 310 square foot addition to the rear of the residence located at Lot 7 & N15' Lot 8, Block 52, Hailey Townsite (309 1st Ave N) within the General Residential (GR) zoning district and the Townsite Overlay. 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 this application. 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

An application submitted by Theresa Comber and Shaun Speer for a single story, 310 square foot addition to the rear of the residence located at Lot 7 & N15' Lot 8, Block 52, Hailey Townsite (309 1st Ave N) within the General Residential (GR) zoning district and the Townsite Overlay and built circa 1932. The residence is a Historic Structure according to the definition in Article 2.

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 be heard by the Hearing Examiner.

The Administrator determined the addition to the residence located at Lot 7 & N15' Lot 8, Block 52, Hailey Townsite (309 1st Ave N) to have no substantial impact on adjacent properties or on the community at large because the addition is under 500 square feet and is located at the rear of the property. The Administrator reviewed the Commission's Findings of Fact and Conditions of Approval

regarding the most recent design review approval of a front porch addition to this residence (Hailey Hearing Examiner approval of May 1, 2008). The proposed rear addition does not conflict with any prior approvals or requirements. The Administrator recommends approval of the addition.

4.13 Townsite Overlay District

4.13.6 Bulk Requirements

a. Minimum Lot Size – 4,500 square feet

Existing Property - 5,396 square feet

b. Minimum Lot Width – General Residential district: 37.5 feet

Existing Property - 44.98 feet

c. Maximum Building Height – General Residential district: 30 feet

The proposed addition is 21.19 feet

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.

The addition is at the rear of the property; the front setback will not change.

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 addition is setback 24 feet from the property line adjacent to the alley.

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.

NA

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)

The required setback based on the lot width is 6.7 feet.

The setback from the north property line is 7 feet; from the south property line 7 feet.

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 south and north elevations may have a maximum wall height of 17.5 feet. The wall height of the rear addition is 12 feet, 10 inches from record grade.

- 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.**

The roof overhangs meet this requirement.

- 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.**

NA

- e. **The Townhouse sub-lot side yard setback along the common wall boundary line shall be zero feet.**

NA

- e. **Minimum Setbacks in the B District**

NA

- f. **Accessory dwelling units shall have a minimum gross floor area of 300 square feet and a maximum gross floor area of 900 square feet.**

NA

- g. **Maximum lot coverage:**

General Residential, Limited Residential-1 districts:

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

The maximum lot coverage for this residence is 35%. The total proposed lot coverage is 27.65%.

- h. **Maximum Multi-family Residential Density – see underlying zoning requirements.**

NA

- i. **Maximum Lot Size—**

Business, Limited Business, Limited Residential-1 districts: no maximum.

Transitional, General Residential: 18,000 square feet

NA

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 existing residence is built over the lot line between Lot 7 and 8; Section 4.13.7 allows the same lot line to be built upon.

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 internal Original Townsite lot line is not required to be vacated; the proposed addition does not increase the degree of non-conformity or create a new non-conformity and the addition will be built over the same lot line the existing residence is built over.

6A.7 Improvements Required.

A. Streets.

1. Sidewalks and drainage improvements are required in all zoning districts, except as otherwise provided herein.

a. The requirement for Sidewalk and drainage improvements may be waived if the proposed project construction is less than five hundred (500) square feet.

b. The requirement for Sidewalk and drainage improvements may be waived for any remodel or addition to Single Family Dwelling and Duplex projects within the Townsite Overlay District; Sidewalk and drainage improvements shall be required for new Principle Building.

The requirement for Sidewalk and drainage improvements is waived for this addition to an exiting Single Family Dwelling within the Townsite Overlay District.

2. Sidewalk and drainage improvements shall be located and constructed according to applicable City Standards, except as otherwise provided herein.

NA

3. The length of Sidewalk and drainage improvements constructed shall be equal to the length of the subject property line(s) adjacent to any Public Street or Private Street.

NA

4. New Sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.

NA

5. Sites located adjacent to Public Streets or Private Streets that are not currently thru-streets, regardless of whether the street may provide a vehicular connection to future streets, shall provide sidewalks to facilitate future pedestrian connections.

NA

6. The Developer or City may propose alternatives to either the standard Sidewalk location or configuration required.

a. The Hearing Examiner or Commission and Council shall ensure that the alternative configuration or location shall not reduce the level of service or convenience to either residents of the development or the public at large.

b. If an alternative location is approved, the cost of construction of the required square footage of sidewalk and lineal feet of drainage improvements shall be paid by the applicant to the City. The City shall ensure construction of sidewalk and drainage improvements occurs within two years of the date the Design Review findings of fact, conclusions of law and decision is signed.

NA

7. The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the provision of these improvements. The contribution amount shall be 110% of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy. In-lieu contributions for sidewalks shall not be accepted in B, LB, TI and SCI districts.

NA

B. Water Line Improvements.

1. 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.

NA; the City Engineer has not required this in prior approvals affecting this property.

9.2.2 Loading Space Requirements and Dimensions

Two parking spaces are required on site; two spaces are provided.

6A.9 Design Review Guidelines for Residential and Non-Residential Buildings in the Townsite Overlay District (TO)

Pursuant to section 6A.1, no person shall build, develop, or substantially remodel or alter the exterior of the following Buildings without receiving design review approval pursuant to this Article. The guidelines set forth in Section 6A.9 apply to an application for design review of a new Single Family Dwellings, Accessory Dwelling Units, Accessory Structures and Duplexes in the Townsite Overlay (TO) zoning district. Section 6A.9(III)(C)(11) is the only section that applies to a substantial remodel or alteration to the exterior of a Historic Structure.

6A.9III.C.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 architectural design of the rear addition is similar in style to that found in older bungalow style home in the Hailey Townsite including; a gable roof, a smaller shed roof accentuating the back door and small porch, and the size, style and configuration of windows on the north and south elevations.

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.

The existing residence is of simple form and architecture with minimal detailing. The exterior materials are compatible with the original building materials. The size and scale of the addition is compatible with the original building. The existing house has a gable roof form in front with a hipped roof at the rear. The rear addition has a gabled roof form with an overframed roof to transition to the existing hipped roof. These roof forms are typical of older homes in the Hailey Townsite. The wall plane on the north and south elevations will be extended 3 feet, 4 inches.

CONCLUSIONS OF LAW

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

1. The project does not jeopardize the health, safety or welfare of the public.
2. 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.
3. The project has no substantial impact on adjacent properties or on the community at large.

DECISION

The proposed 310 square foot addition to the rear of the residence located at Lot 7 & N15' Lot 8, Block 52, Hailey Townsite (309 1st Ave N) 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 applicable 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.
- 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 December 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.

Signed this _____ day of _____, 2011.

Owen Scanlon, Commission Chair
Hailey Planning & Zoning Commission

Attest:

Beth Robrahn, Planning Director