



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Mayor Jackie Biskupski  
From: Mayara Lima, Principal Planner  
(801) 535-7118 or [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com)  
Date: February 8, 2019  
Re: PLNHLC2018-00517 - Minor Alteration  
PLNHLC2018-00676 - Special Exception

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## Appeal of Historic Landmark Commission Decision

**PROPERTY ADDRESS:** 1017 E 1st Avenue

**PARCEL ID:** 09-32-456-022

**ZONING DISTRICT:** SR-1A Special Development Pattern Residential District & H Historic Preservation Overlay District (Avenues Local Historic District)

**ORDINANCE SECTIONS:** Section 21A.34.020 (H Historic Preservation Overlay District)

**APPELLANT:** Property owner Dennis Webb

**APPEAL ISSUES:** Dennis Webb, property owner, is appealing the decision of the Historic Landmark Commission to deny a Minor Alteration and Special Exception requests for two already constructed attic additions at 1017 E 1st Avenue. The appeal is based on the following issues:

1. Appellant's justifications for allowing the attic additions not related to city standards.
2. Appellant's responses to Planning Staff analysis and findings.

Please see the City Attorney's brief, [Attachment B](#) of this document, for a response to the issues identified in this appeal.

**STANDARDS OF REVIEW:** As per the following City Code, the Appeal Hearing Officer's decision must be based on the record available to the Historic Landmark Commission at the time the original decision was made:

**21A.16.030.E. Standard of Review:**

2. An appeal from a decision of the historic landmark commission or planning commission shall be based on the record made below.
  - a. No new evidence shall be heard by the appeals hearing officer unless such evidence was improperly excluded from consideration below.
  - b. The appeals hearing officer shall review the decision based upon applicable standards and shall determine its correctness.

- c. The appeals hearing officer shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made.

Also, whereas this is an appeal of a Historic Landmark Commission decision, no public hearing will be held and no public testimony will be received. (Section 21A.16.030.D.2)

**BACKGROUND:** The attached Historic Landmark Commission Staff Report provides the background on this project (see [Attachment C](#)).

**HISTORIC LANDMARK COMMISSION'S DECISION:** On November 1, 2018, the Historic Landmark Commission made a decision consistent with the findings and conclusions listed in the Staff Report and denied the Minor Alteration and Special Exceptions requests for the already constructed attic additions at 1017 E 1st Avenue.

**NEXT STEPS:** If the Appeals Hearing Officer upholds the Historic Landmark Commission decision, the Commission's decision will stand and a Certificate of Appropriateness for the attic additions will not be issued.

If the Appeals Hearing Officer reverses the Historic Landmark Commission decision and finds that the additions meet the standards of review, a Certificate of Appropriateness for the attic additions will be issued.

A decision to uphold or reverse the Commission's decision may be appealed to 3rd District Court. An appeal to District Court must be filed within 30 days of the Appeal Hearing Officer's decision.

**ATTACHMENTS:**

- A. [Appeal Application](#)
- B. [Salt Lake City Attorney Response](#)
- C. [Historic Landmark Commission Staff Report](#)
- D. [Historic Landmark Commission Agenda](#)
- E. [Record of Decision Letter](#)
- F. [Standards for Minor Alterations](#)
- G. [Standards for Special Exceptions](#)

# **ATTACHMENT A: Appeal Application**

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# Appeal of a Decision

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Project # Being Appealed: <i>PLNHL2018-00517</i>	Received By: <i>CHRIS EARL</i>	Date Received: <i>11/27/2018</i>
Appealed decision made by:		
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Administrative Decision	<input checked="" type="checkbox"/> Historic Landmark Commission
Appeal will be forwarded to:		
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Appeal Hearing Officer <i>MAJOR REQUEST</i>	<input type="checkbox"/> Historic Landmark Commission
Project Name: <i>WEBB APPEAL</i>		

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed:

Address of Subject Property:  
*1017 1st AVE*

Name of Appellant:  
*Dennis Webb* Phone: [REDACTED]

Address of Appellant:  
*Same*

E-mail of Appellant: [REDACTED] Cell: [REDACTED]

Name of Property Owner (if different from appellant):  
*Same*

E-mail of Property Owner: Phone:

Appellant's Interest in Subject Property:

### AVAILABLE CONSULTATION

Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

### APPEAL PERIODS

An appeal shall be submitted within ten (10) days of the decision.

### REQUIRED FEE

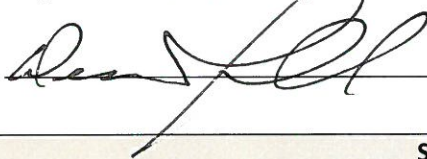
Filing fee of \$253  
Plus additional fee for required public notices. (Additional fees for multiple hearings.)

### SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.



Signature of Owner or Agent:



Date:

12/3/2018

**SUBMITTAL REQUIREMENT**



A written description of the alleged error and the reason for this appeal.

**WHERE TO FILE THE COMPLETE APPLICATION**

*Mailing Address:* Planning Counter  
PO Box 145471  
Salt Lake City, UT 84114

*In Person:* Planning Counter  
451 South State Street, Room 215  
Telephone: (801) 535-7700

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

\_\_\_\_\_ I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

**Additional Guidelines for Those Appealing a Planning Commission or Landmarks Commission Decision**

A person who challenges a decision by the Planning Commission or the Landmarks Commission bears the burden of showing that the decision made by the commission was in error.

The hearing officer, according to state statute, must assume that the decision is correct and only reverse it if it is illegal or not supported by substantial evidence in the record.

“Substantial evidence” means information that is relevant to the decision and credible. Substantial evidence does not include public clamor and emotion. It involves facts and not mere speculation. A witness with particular expertise can provide substantial evidence, but conjecture and public opinion alone are not substantial evidence.

The “record” includes information, including the application by the person seeking approval, the staff report, the minutes of the meeting, and any information submitted to the commission by members of the public, the applicant or others, before the decision was made. It does not include facts or opinion, even expert opinion, expressed after the decision is made or which was not available to the commission at the time the decision was made.

A decision is “illegal” if it is contrary to local ordinance, state statute or case law, or federal law. An applicant is entitled to approval if the application complies with the law, so a person challenging a denial should show that the application complied with the law; a person challenging an approval should show that the application did not conform to the relevant law. Issues of legality are not restricted to the record of the decision, but the facts supporting or opposing the decision are limited to those in the record.

With regard to the factual information and evidence that supports a decision, the person bringing the appeal, according to a long line of decisions handed down by the Utah State Supreme Court and the Court of Appeals, has a burden to “marshal the evidence” and then to demonstrate that the evidence which has been marshaled is not sufficient to support the decision.

The appellant is therefore to:

1. Identify the alleged facts which are the basis for the decision, and any information available to the commission when the decision is made that supports the decision. Spell it out. For example, your statement might begin with: “The following information and evidence may have been relied upon by the Commission to support their decision . . .”
2. Show why that basis, including facts and opinion expressed to the commission is either irrelevant or not credible. Your next statement might begin with: “The information and evidence which may have been relied upon cannot sustain the decision because . . .”

To: Salt Lake City Historic Landmark Commission

c/o: Mayor/Jackie Biskupski

Date: 12/03/2018

Property owner, Dennis Webb is requesting an appeal to the decision made by the Landmark Commission on November 12, 2018.

This appeal requested approval for already constructed renovations made to the property at 1017 1<sup>st</sup> Avenue. I am requesting this appeal be forwarded to Mayor Jackie Biskupski.

Based upon the City Comment Summary, I provide the following responses and justifications for maintaining and completing the renovations to this property. Foremost, these renovations were made to enhance the quality of life for my family and made with the intent to contribute to the historic preservation of this property, and other homes in the avenues.

There are many examples of diverse architectural designs and styles throughout the avenues; I based the current dormer in dispute on similar design styles currently existing in the avenues district. During discussion with Mayara Lima, I was informed I was limited to design with homes only within my block.

Additionally, the historical standards are based on a national standard, which should allow other examples of architectural design constructions throughout the historical district in the avenues.

Additionally, the superior quality of the materials used in this project protects and respects the eutectics and aesthetics of this historic structure as a part of the avenues.

In addition to the following responses to the specific comments below, the area of renovation was constructed to provide an independent space for my nearly adult special needs child who requires residing at his house throughout his adult life.

Maintaining these alterations to the property will greatly improve his quality of life, giving him dignity in independence while maintaining the structure, support, and necessary supervision without placing him in a community facility.

Please see the following responses to the provided comments:

Webb Addition-City Comment Summary

**The mass and scale of the alterations to the rooflines should be subordinate to and compatible with the existing building.**

The additions to this property are similar to other constructions types throughout the avenues and are thus arguably both subordinate and compatible with existing buildings.

**The roof shape and slope of the additions should be in character with the existing building.**

The New dormers are located on the east side of the home with limited visibility and has no unpleasant distraction to the home and adds character rather than distraction.

**Exterior materials and style of windows should be similar to those of the historic building or those used historical.**

The wood singles in questions are exactly the same that were on the existing dormer prior to constructions. The window on the east front dormer is necessary. And has no real visual impact from the street. The window in question is not square.

**The additions should have minimal visual impact on the historic structure.**

The chimney in question had limited visibility prior to the construction and still visible as it stands now.

**The additions should consider the effects it may have on the character of the building and historic district.**

While considering the dormers in question, we used character defining elements through architectural design sensitive to the character of the avenues. I used may examples already existing in the historical district.

**Special exceptions in historic districts should be considered for designs that further the purpose of historic preservation.**

The height in question is an essential design required to access the attic and has no negative visual impact. Adding this accessibility increases the value of the home, contributing to the historic preservation of not only the property, but of the historic preservation of the neighborhood.

Thank you for taking my case under consideration; this has been a heavy burden and a very difficult and challenging circumstance for me and my family.

Sincerely,



Dennis Webb

## **ATTACHMENT B: Salt Lake City Attorney Response**

ADMINISTRATIVE HEARING OF A LAND USE APPEAL  
(Case No. **PLNAPP2018-00970**)  
(Appealing Petition Nos. PLNHLC2018-00517 and PLNHLC2018-00676)  
February 8, 2019

Appellant:	Dennis Webb
Decision-making entity:	Salt Lake City Historic Landmark Commission
Address Related to Appeal:	1017 East 1 <sup>st</sup> Avenue
Request:	Appealing the historic landmark commission’s denial of a certificate of appropriateness for a minor addition and denial of special exceptions for additional wall and building height.
Brief Prepared by:	Paul C. Nielson, Senior City Attorney

Historic Preservation Appeal Authority’s Jurisdiction and Authority

When selected by a land use applicant appealing a decision of the Salt Lake City Historic Landmark Commission, the historic preservation appeal authority, established pursuant to Section 21A.06.080 of the *Salt Lake City Code*, is the city’s designated land use appeal authority on appeals of historic landmark commission decisions. In this case, the appellant has opted to have the historic preservation appeal authority serve as the appeal authority. Consistent with the Municipal Land Use Development and Management Act, Section 21A.06.080 establishes that the Salt Lake City Mayor shall serve as the historic preservation appeal authority.

Standard of Review for Appeals to the Historic Preservation Appeal Authority

In accordance with Section 21A.16.030.A of the *Salt Lake City Code*, an appeal made to the historic preservation appeal authority “shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the



decision to be in error, including every theory of relief that can be presented in district court.” It is the appellant’s burden to prove that the decision made by the land use authority was erroneous. (Sec. 21A.16.030.F). Moreover, it is the appellant’s responsibility to marshal the evidence in this appeal. Carlsen v. City of Smithfield, 287 P.3d 440 (2012), State v. Nielsen, 326 P.3d 645 (Utah, 2014), and Hodgson v. Farmington City, 334 P.3d 484 (Utah App., 2014).

“The Appeals Hearing Officer or Historic Preservation Appeal Authority shall review the decision based upon applicable standards and shall determine its correctness.” (Sec. 21A.16.030.E.2.b). “The Appeals Hearing Officer or Historic Preservation Appeal Authority shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made.” (Sec. 21A.16.030.E.2.c).

This case deals with application of Section 21A.34.020.G (Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure Including New Construction of an Accessory Structure) and Section 21A.52.060 (General Standards and Considerations for Special Exceptions) of the *Salt Lake City Code*. Video of the November 1, 2018 public meeting is part of the record of this matter and is found at <https://www.youtube.com/watch?v=Y4zmlwOlwXY> (from 2:34:50 to 3:04:45).

### **Background**

This matter was heard by the historic landmark commission on November 1, 2018 on a petition by Dennis Web (Appellant) for construction of attic additions to the single-family dwelling located at 1017 East 1<sup>st</sup> Avenue (the “Property”). The petitions sought approval for construction that had commenced without required building permits and without the required



certificate of appropriateness and special exceptions. (See Planning Division Staff Report Dated November 1, 2018, p. 2)

Planning division staff prepared a report for the historic landmark commission's November 1, 2018 meeting in which staff determined that the attic additions failed to meet four of the eleven standards for a certificate of appropriateness for minor alterations and failed to meet four of seven standards required for approval of special exceptions for additional wall and building height. (See "Attachment G" and "Attachment H" of the Planning Division Staff Report Dated November 1, 2018). Therefore, planning division staff recommended that the commission deny the petition. (See Planning Division Staff Report Dated November 1, 2018, p. 1).

At its November 1, 2018 public meeting, the historic landmark commission heard presentations from planning division staff and the Appellant and testimony from members of the public.

By a 5-0 vote, the commission denied the petitions, agreeing with planning division staff's conclusions that Appellant's application failed to meet the required standards. (See Video of November 1, 2018 Historic Landmark Commission Meeting at 3:02:57 to 3:04:07 (showing that the commission's decision was based on the findings in the staff report as well as the information presented at the November 1, 2018 meeting)). The Record of Decision was sent to Appellant on November 2, 2018.

On December 3, 2018, Appellant filed an appeal of the commission's decision denying Appellant's petitions for a certificate of appropriateness for minor alterations and for special exceptions for additional wall and building height.

## DISCUSSION

Appellant's appeal document can be broken into two parts: 1) justifications for allowing the attic additions not related to city standards, and 2) disagreement with planning division staff analysis and findings as contained in the staff report. (See Appellant's Appeal Letter Dated December 3, 2018 at p. 1). These arguments are addressed below.

### **A. Appellant's Justifications for Allowing the Attic Additions not Related to City Standards.**

Appellant offers several justifications for approval of the completed attic additions that are not based in or related to city standards. Initially, Appellant argues that "these renovations were made to enhance the quality of life for my family and made with the intent to contribute to the historic preservation of this property, and other homes in the avenues." (Appellant's Appeal Letter Dated December 3, 2018 at p. 1). Appellant follows that with the contention that, "[t]here are many examples of diverse architectural designs and styles throughout the avenues; I based the current dormer in dispute on similar design styles currently existing in the avenues district." (Id.) Next, Appellant justifies the construction by claiming that "the historical standards are based on a national standard, which should allow other examples of architectural design constructions throughout the historical district in the avenues." (Id.) That argument is followed by Appellant's contention that "the superior quality of the materials used in this project protects and respects the eutectics and aesthetics of this historic structure..." (Id.) Finally, Appellant states that, "the area of renovation was constructed to provide an independent space" for his special needs child. (Id.)

While there may be good intentions that motivated Appellant's actions, those are entirely irrelevant since the historic landmark commission's decision is required to be based on criteria

established in applicable ordinances and adopted guidelines, and because Appellant is required to prove that the commission erred in its application of those criteria in order for his appeal to be granted. None of the adopted standards and associated guidelines that inform those standards have been cited, discussed or even mentioned in Appellant's appeal letter. Accordingly, those assertions must be disregarded and summarily dismissed.

## **B. Appellant's Responses to Planning Division Staff Analysis and Findings.**

The second part of Appellant's appeal letter attempts to respond to issues identified in the planning division staff report. First, it must be noted that the complete analysis of Appellant's petitions vis-à-vis the relevant standards are provided in Attachments G and H of the planning division staff report. Analysis of the standards for a certificate of appropriateness for minor alterations is informed by the design guidelines provided in the city council-adopted policy document, *A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City*.<sup>1</sup> The planning division staff report identifies "key issues" relevant to those standards and related guidelines. Appellant's arguments related to planning staff's analysis and findings is limited to the "key issues" identified in the staff report.

Issue 1 provided in the staff report pertains to "mass and scale of the alterations to the rooflines [which] should be subordinate to and compatible with the scale of the historic building." (Planning Division Staff Report Dated November 1, 2018, p. 6 (citing Design Guideline 8.14)). Appellant contends that "[t]he additions to the property are similar to other

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<sup>1</sup> Salt Lake City Code Section 21A.34.020.B and the Handbook itself establish that the design guidelines supplement the general standards of the relevant ordinance provisions to interpret those general standards related to specific development activities.

constructions [*sic*] types throughout the avenues and are thus arguably both subordinate and compatible with existing buildings.” (Appellant’s Appeal Letter Dated December 3, 2018, p. 2).

This argument fails for two very clear reasons. First, the language of the guideline concerns subordination and compatibility of the “scale of *the* historic building” (emphasis added) to which the alteration is being made, not other structures in the district. Second, Appellant has not asserted or identified an error that the historic landmark commission made in its decision to adopt the related findings set forth in the staff report. These flaws are fatal to this argument as they misconstrue the guideline and because Appellant has failed to meet its statutorily required burden of proving that the land use authority erred in its application of the law.

Issue 2 provided in the staff report concerns the “roof form and slope of the additions” remaining “in character with the historic building.” (Planning Division Staff Report Dated November 1, 2018, p. 6-7 (citing Design Guideline 8.16)). Appellant’s response to this issue is that, “[t]he New [*sic*] dormers are located on the east side of the home with limited visibility and has no unpleasant distraction to the home and adds character rather than distraction.” (Appellant’s Appeal Letter Dated December 3, 2018, p. 2).

Just like Appellant’s arguments about Issue 1, Appellant has failed to address the actual standard, and, more importantly, has failed to assert an error made by the historic landmark commission in its application of the relevant standards and guidelines. Appellant may have a different opinion of whether the applicable criteria have been met, but that is not a permissible basis for the preservation appeal authority to disturb the decision of the historic landmark commission. Thus, Appellant’s arguments pertaining to Issue 2 must be rejected.

Issue 3 discussed in the staff report addresses the requirement that exterior materials and window styles be similar to materials and window styles found on the historic building or

historically used. (See Planning Division Staff Report Dated November 1, 2018, p. 7 (citing Design Guidelines 8.8 and 8.10)). Appellant contends that the wood shingles affixed to the attic additions “are exactly the same that were on the existing dormer prior to constructions [*sic*].” (Appellant’s Appeal Letter Dated December 3, 2018, p. 2). Appellant also contends that planning staff’s finding that the square window (atypical on historic buildings) is not actually square. (Id.)

As to the wood shingles, planning division staff notes that the installed shingles are rectangular, unlike the fishscale-patterned shingles on the front gables of the dwelling. (See Planning Division Staff Report Dated November 1, 2018, p. 7). Planning staff’s findings are clearly supported by the photographs in the staff report depicted in Figures 4-6, Figures 10-11, and Attachments B and C. As to the window shape that Appellant contends is not square, Figure 4 and Figure 10 (Appellant’s submitted elevation drawing) in the staff report tell a different story.

Appellant’s arguments regarding Issue 3 are clearly contradicted by the facts as included in the staff report. Moreover, Appellant has, again, failed to identify an error made by the historic landmark commission regarding its application of the relevant standards and guidelines, which failure requires the preservation appeal authority to reject the argument.

Issue 4 in the staff report addresses minimizing visual impacts of structural additions to historic structures. (See Planning Division Staff Report Dated November 1, 2018, p. 7 (discussing Design Guideline 8.2)). The staff report finds that “[t]he constructed attic additions, due to its [*sic*] mass, height and roof forms, have changed how the home is perceived from the street.” (Id.) The report also notes that the addition obscures a portion of the dwelling’s chimney, which is one of the dwelling’s significant features. (Id.)

Appellant's only response to planning staff's Issue 4 is that "[t]he chimney in question had limited visibility prior to the construction and still [*sic*] visible as it stands now." (Appellant's Appeal Letter Dated December 3, 2018, p. 2). Not only does Appellant ignore the main point of Issue 4--that the attic addition dramatically alters the perception of the structure--but it also attempts to marginalize the issue of obscuring the chimney as minimally impactful when the photographs in Attachments B and C of the staff report tell a different story. More importantly, Appellant has not asserted or identified any error the commission made with respect to the relevant standards and guidelines. For these reasons, Appellant's argument regarding Issue 4--whatever they may be--must be rejected.

Issue 5 pertains to the negative impacts that an addition to an historic building may have on the character of that building and the historic district in general. (See Planning Division Staff Report Dated November 1, 2018, p. 8 (discussing Design Guideline 8.2)). This issue identified by planning division staff points to the significant concern that the attic addition, if allowed, is such a significant alteration that it could cause the dwelling to lose its status as an historically contributory structure. Appellant responded to this issue as follows:

While considering the dormers in question, we used character defining elements through architectural design sensitive to the character of the avenues. I used may [*sic*] examples already existing in the historical district.

(Appellant's Appeal Letter Dated December 3, 2018, p. 2). This response is not only confusing, but is not responsive to the concern expressed by planning division staff. Moreover, there is nothing in this statement that can be construed as an assertion of error by the historic landmark commission. To repeat the city's position, the Appellant has failed to meet its required burden of showing that the historic landmark commission erred in the application of the applicable standards and guidelines. For that simple reason alone, this argument must be rejected.



Finally, Issue 6 briefly discusses the general standards for special exceptions. (See Planning Division Staff Report Dated November 1, 2018, p. 8). Planning division staff's complete analysis of the special exception standards is found in Attachment H of the staff report. As mentioned above, the special exceptions at issue are for additional wall and building height.

Appellant's response to Issue 6, is that,

The height in question is an essential design required to access the attic and has no negative visual impact. Adding this accessibility increases the value of the home, contributing to the historic preservation of not only the property, but of the historic preservation of the neighborhood.

(Appellant's Appeal Letter Dated December 3, 2018, p. 2). First, the notion that there is no visual impact is clearly contradicted by the record, the opinion of a professional municipal planner, the testimony of an adjacent neighbor<sup>2</sup>, and what is clearly observable by human eyes. Second, the height of the addition being an essential design to access the attic has absolutely no relevance to any applicable standard in this matter (never mind the fact that the statement is unqualified by a design professional or licensed contractor). Third, whether the value of the subject dwelling may be increased is also irrelevant. The special exception standard at issue (SLC Code Sec. 21A.52.060.C) concerns the potential impact on property values of *other* property within the neighborhood. Fourth, Appellant's opinion that the attic addition will somehow contribute to the historic preservation of the property and the neighborhood is nothing more than Appellant's own, unsupported opinion. The city's planning professional prepared a robust and well-reasoned report detailing how this addition will harm the historic dwelling, the neighborhood and the historic district in general. Appellant's conclusory opinions do not amount to contrary evidence. Most importantly, Appellant's arguments regarding Issue 6 in the staff

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<sup>2</sup> Some neighbors testified that the addition is an improvement to the structure and neighborhood. Regardless of the personal opinions offered regarding their positive perception of the addition, those opinions highlight the fact that there is an actual visual impact.

report do not identify, point out, describe, allege, or even hint at any possible error made by the historic landmark commission in its review of the petition and its application of the pertinent standards and guidelines to the facts presented in this matter. For that reason, Appellant's arguments regarding Issue 6 in the planning division staff report must be rejected.

### **CONCLUSION**

For all of the reasons stated above, Appellant's arguments must be rejected and the historic landmark commission's decision be upheld.

**ATTACHMENT C: Historic Landmark Commission Staff  
Report**

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# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Historic Landmark Commission  
From: Mayara Lima  
(801) 535-7118 or [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com)  
Date: November 1, 2018  
Re: PLNHLC2018-00517 - Minor Alteration  
PLNHLC2018-00676 - Special Exception

## Minor Alteration & Special Exception

**PROPERTY ADDRESS:** 1017 E 1<sup>st</sup> Avenue  
**PARCEL ID:** 09-32-456-022  
**HISTORIC DISTRICT:** Avenues  
**ZONING DISTRICT:** SR-1A Special Development Pattern Residential District & H Historic Preservation Overlay District  
**DESIGN GUIDELINES:** Residential Design Guidelines (Additions)

**REQUEST:** Dennis Webb, property owner, is requesting design approval for already constructed attic additions to an existing single-family home at 1017 E 1<sup>st</sup> Avenue. The home is considered contributing to the character and integrity of the Avenues Local Historic District.

The project, as currently proposed, requires review and approval of the following petitions:

- **PLNHLC2018-00517** – A Certificate of Appropriateness (COA) for a Minor Alteration is required prior to obtaining permit to legalize the construction of the attic additions.
- **PLNHLC2018-00676** – The applicant has requested two Special Exceptions because the attic additions do not comply with wall and building height.

**RECOMMENDATION:** Based on the analysis and findings outlined in this staff report, it is Planning Staff's opinion that the proposed attic additions do not meet the applicable standards of approval. Consequently, Staff recommends that the Commission deny the requests.

### ATTACHMENTS:

- [Site & Context Maps](#)
- [Historic Photographs](#)
- [Current Photographs](#)
- [Avenues Historic Survey Information](#)
- [Application Materials \(Site Plan and Elevations\)](#)
- [Chronology & Previous Correspondence](#)
- [Analysis of Standards for Minor Alterations in a Historic District](#)
- [Analysis of Standards for Special Exception Requests](#)
- [Applicable Design Guidelines](#)
- [Public Process and Comments](#)

**BACKGROUND:**

This property is currently in noncompliance with Salt Lake City regulations. A Stop Work Order from Salt Lake City Code Enforcement was issued for this property in August 2017 due to a re-roof and attic additions being done without permits. The re-roof was resolved with a permit that indicated owner’s own risk in continuing work without the appropriate Certificate of Appropriateness for the attic additions. The owner contacted the Planning Division at the time but did not work to pursue historic approval.

Because no permit was issued for the attic additions, a Certificate of Noncompliance was recorded against the property on May 2018, which prevents the sale or refinance of the home until the issue is resolved. Attachment F includes a chronology and previous correspondence between the homeowner and the Planning Staff, which shows that the homeowner had prior knowledge of the permitting and minor alteration processes.

**PROJECT DESCRIPTION:**

The applicant wishes to maintain as is the already constructed attic additions. The additions consist of a dormer on the east (side) façade, and a rooftop addition on the north (rear) façade of the historic home. The purpose of the additions was to provide sufficient headroom in the attic to create usable space.

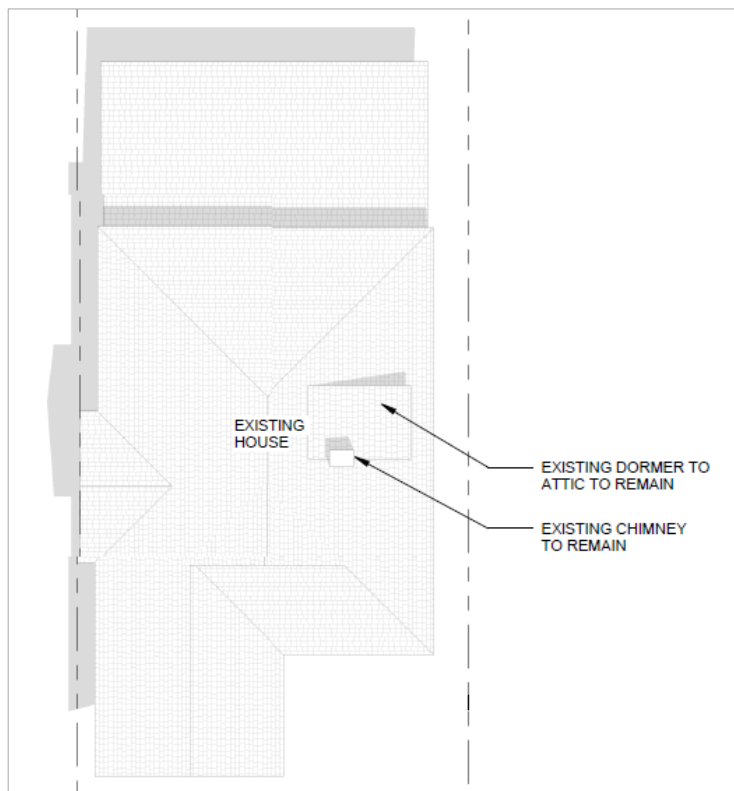


Figure 1 - Roof plan of the historic home before the attic additions

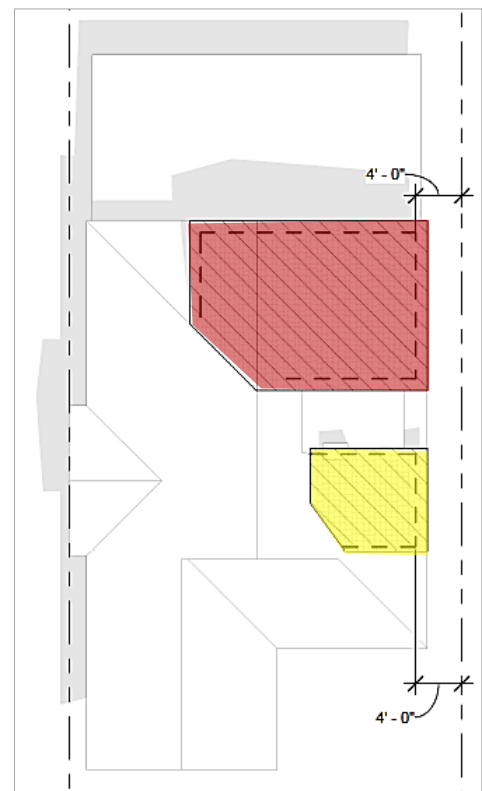


Figure 2 – New dormer is shown in yellow and rooftop addition in red.

The two attic additions are rectangular in massing and located adjacent to an existing shed dormer, which was also re-cladded without permits, and an existing chimney. The new dormer has a shed roof form situated below the ridge of the roof of the existing home with a pitch similar to the slope of the roof of the existing east dormer. The rooftop addition follows the ridge of the roof of the existing home and adds height to the east side of the home.

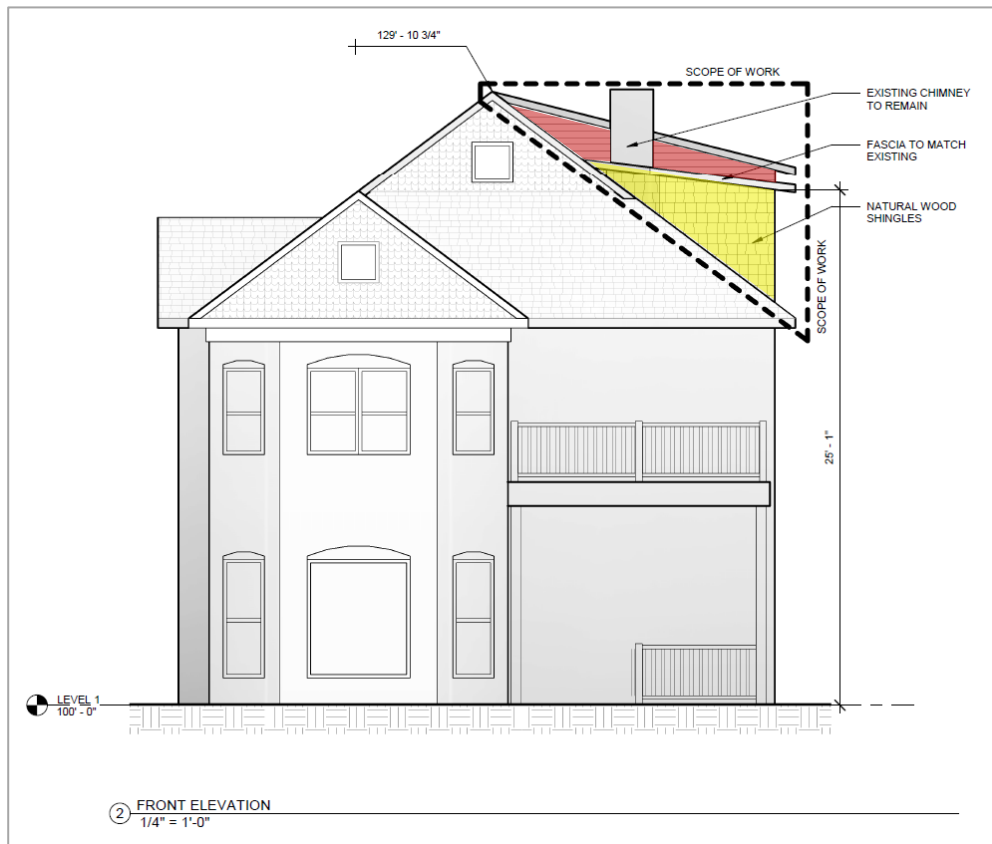


Figure 3 – Front elevation with additions. New dormer is shown in yellow and rooftop addition in red.

The applicant is requesting a Special Exception for additional overall building height and exterior wall height beyond what is permitted in the SR-1A zone because the attic additions do not comply with wall and building height. The height exceptions is outlined further below.

The new dormer and the existing dormer were cladded with natural wood shingles on all sides. The rooftop addition was cladded with a combination of painted white pine siding, natural wood shingles and rough sawn shiplap panels. The material choice of natural wood shingles was an attempt to relate to the existing wood shingles on the front gables of the historic home.



Figure 4 – Dormers were cladded with wood shingles



Figure 5 – Cladding of rooftop addition includes wood shingles, pine siding and rough sawn shiplap panels.



This project includes the installation of two new windows on the attic additions and one window replacement on the existing dormer. Composite picture windows were added to the new and existing dormer on the east façade, and a gliding composite window was added to the rooftop addition on the north façade.

**SITE CONDITIONS & CONTEXT:**

The subject property consists of one parcel located at 1017 E 1st Avenue, which contains one historically contributing single-family home. The RLS survey for the Avenues Local Historic District indicates that the home was constructed in 1892.

The single-family home on site is a two-story Victorian Eclectic Queen Anne of pattern book design. Its massing can be characterized as a central block and projecting wing on the front with a hipped with lower cross gables roof form. The front façade of this historic home is composed by a gabled cutaway two-story bay window on one side and a partial porch with balcony above on the other.

On the rear of the home, there is a one-story addition clad with wood shingles, which was approved and constructed in 1994. Two shed dormers located on the east and west plane of the hipped roof were likely a later addition to the original home; however, the year of construction could not be determined.

The original portion of the home is primarily made of brick, with sandstone foundation, and patterned wood shingle accents on the front gables. A brick chimney sits on the side of the gable on hip. The front porch/balcony, rebuilt in 1997, is made of wood and the front gable is supported at the corners by scroll-sawn wooden brackets. All windows have arched brick openings and stone sills, and the large, single paned front window has an art-glass transom. There are also small square windows placed on each of the two front gables.



*Figure 6 – Front façade of the historic home in 2007.*

Submitted plans show that the central block of the home measures approximately 29 feet, 10 <sup>3</sup>/<sub>4</sub> inches from the existing grade to the peak of the hipped roof. The secondary roof form is the front gable, which measures approximately 25 feet above existing grade.

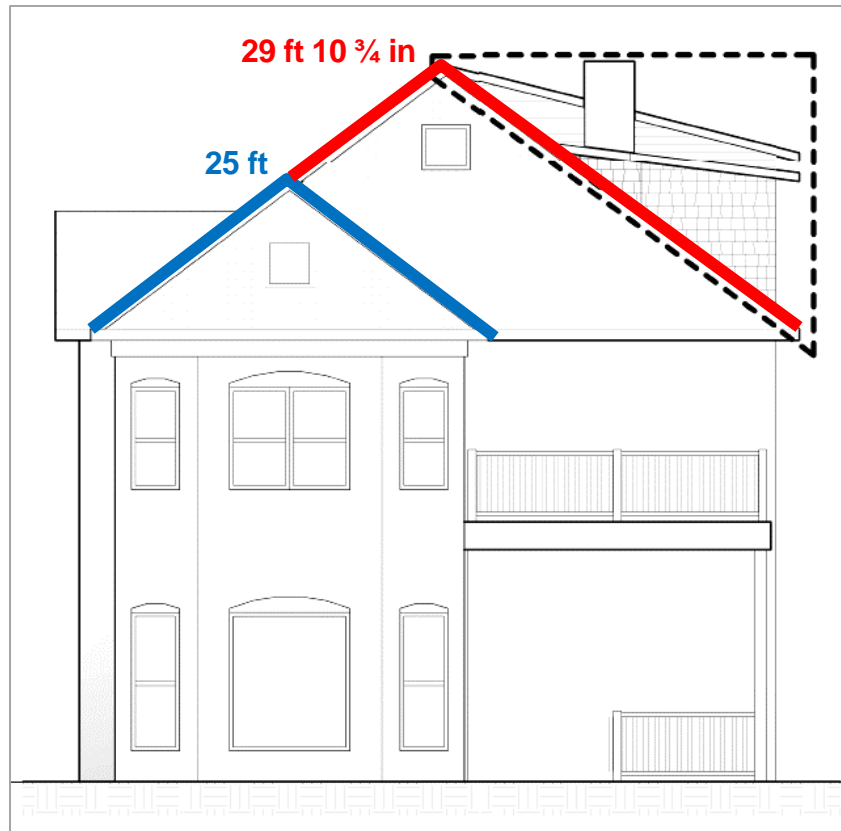


Figure 7– Schematics of primary and secondary heights of the historic home.

The historic home sits on a 36-foot wide and 128-foot long lot. The east wall of the historic home is approximately 4 feet away from the east property line and the west wall is approximately 2 feet away from the west property line. Because of the small side yards, the adjacent homes are in close distance to the historic home. There are no structures directly behind (north) of the historic home.

As can be seen in Attachment D, all structures along 1<sup>st</sup> Avenue between Q and R Streets are considered to be contributing to the Local Historic District. All the principal structures on the block face are 1890s Victorian Eclectic two-story to two and a half-story single-family homes. Four out of the six homes are Queen Anne style structures with all or some shingle siding on the front facade.



Figure 8 – Single-family homes located on the same block face. Subject home is marked in red.

The properties immediately across the block face include four 1890s Victorian Eclectic homes, two 1900s Victorian Eclectic Fourquare homes and one 1920 Victorian Eclectic Bungalow. With the exception of the Bungalow, all the principal structures on that block face are two-story homes.



Figure 9 – Single-family home located on the block face directly across from the subject property.

The majority of the homes on the north and south block faces of 1<sup>st</sup> Avenue between Q and R Streets have similar roof structures, which consists of hip roof forms and front gables. Two homes on each side of 1<sup>st</sup> Avenue have front dormers and two of the homes on the same block face have small side dormers. No rooftop additions were found on the homes.

**KEY ISSUES:**

The key issues listed below have been identified through the analysis of the project, surrounding context, and the Salt Lake City Historic Design Guidelines.

**Issue 1:** The mass and scale of the alterations to the rooflines should be subordinate to and compatible with the scale of the historic building (*design guideline 8.14*).

The constructed attic additions alter the roofline of the existing historic home in a substantial manner. The rectangular massing of both attic additions is incompatible with the triangular shape of the front gables and hipped roof of the historic home. The new dormer is bigger and more imposing than the existing dormer, and it is readily visible from the public way. The rear rooftop addition is taller and bulkier than the two dormers, affecting the perceived height and scale of the historic building.

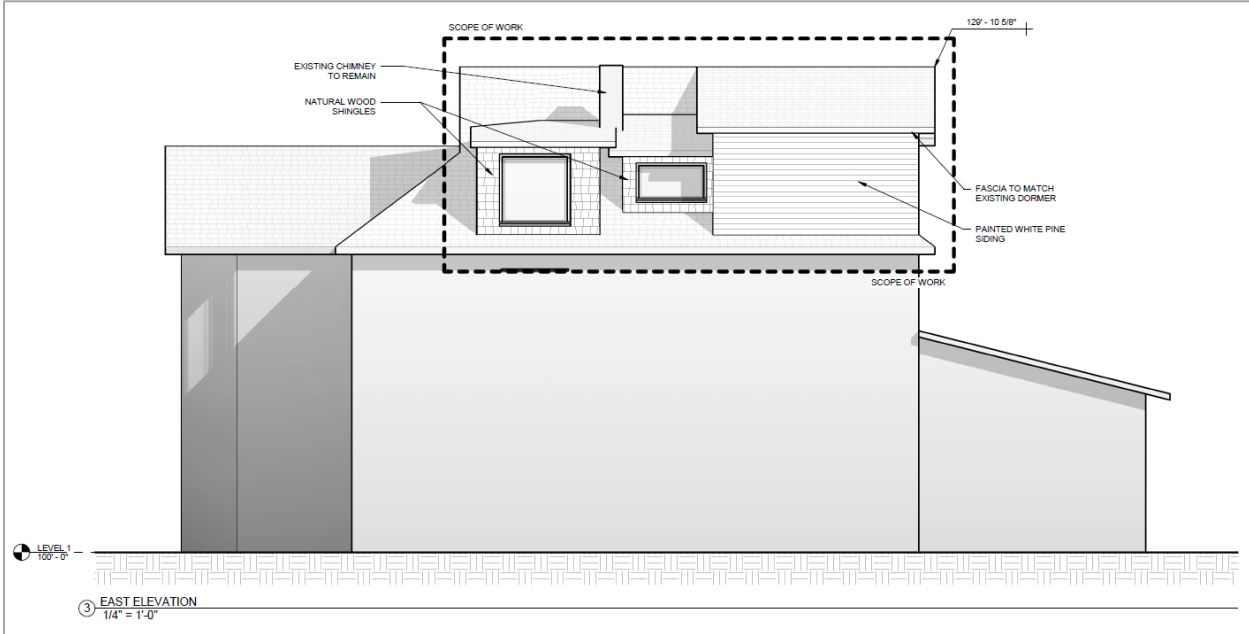


Figure 10 – East elevation of the home with attic additions.

**Issue 2:** The roof form and slope of the additions should be in character with the historic building (*design guideline 8.16*).

The new attic additions have roof forms uncharacteristic of the style of this historic home. The new dormer has a shed roof form with a pitch similar to the existing east dormer. Due to the location of the



existing dormer on the hipped roof, its visibility and impact to the historic integrity of the home was limited. The new dormer is located closer to the front façade and in line with the east wall of the existing historic home, making it readily visible from the street. The rear rooftop addition has a low pitch roof (slope is approximately 2 foot rise over a 8.6 foot run), which is very distinct from the original steeply pitched roof of the historic home (slope is approximately 2 foot rise over a 2.6 foot run).

**Issue 3:** Exterior materials and style of windows should be similar to those of the historic building or those used historically (*design guidelines 8.8 and 8.10*).

The wood shingles installed on the new attic additions are different from those present on the front gables of the existing historic home. The former is rectangular-shaped while the latter is fishscale-patterned. The variation of materials can be found in some examples of the same period and architectural style, but are typically used in combination on the same building façade to create wall texture variations. The different shingles used separately draws attention to the dormers, which is strongly discouraged in attic additions.

The dormer windows also present issues related to its size and proportions. Square windows, like the picture window installed on the new dormer, are not commonly found in historic buildings and it is also large in comparison to the wall surface of the dormer. The new window installed on the existing dormer has two long panes, which differs from the vertical pattern of the windows located on the front facade of the historic home and from the replaced three-panel window of the existing dormer.

**Issue 4:** The additions should have minimal visual impact on the historic structure (*basic principles of new additions*).

The roof form and height of this historically-contributing home is a primary character-defining element of the structure. The constructed attic additions, due to its mass, height and roof forms, have changed how the home is perceived from the street. The new shed dormer is readily visible from the front façade, and the rooftop addition, although situated back from the front of the building, is also visible from the street. Moreover, the new dormer hides a portion of the chimney, which is a significant feature of the building. Both additions are not visually compatible with the original building, interfering with how one reads the roofline of the home and compromising the home's historical significance.



Figure 11 – New dormer is readily visible from the front façade of the home.

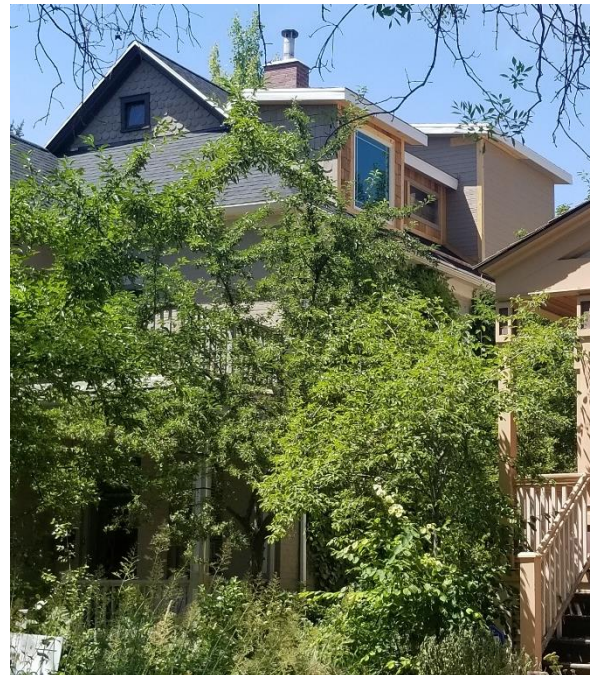


Figure 12 – Rooftop addition, although situated back from the front of the building, is also visible from the street.

**Issue 5:** The additions should consider the effects it may have on the character of the building and the historic district (*basic principles of new additions*).

As discussed above, the design of the attic additions is not sensitive to the character of the historic home. Because a historic structure could lose its contributory status if character-defining elements are destroyed or altered too much, additions, especially rooftop additions, require special care to locate, compose, scale, and detail appropriately. The changes to the roofline of this historic home represents an irreparable loss of historical significance. This affects the subject property, the section of 1<sup>st</sup> Avenue in which the home is located, and the historic district at large.

**Issue 6:** Special exceptions in historic districts should be considered for designs that further the purpose of historic preservation (*general standards for special exceptions*).

The applicant is requesting Special Exceptions for both additional building and wall height. The SR-1A zoning district limits overall building height to 23 feet for pitched roof forms, and to 16 feet for flat roof forms. The rooftop addition has a pitched roof form that matches the ridge of the existing roof at approximately 29 feet, 10 <sup>3</sup>/<sub>4</sub> inches. The new dormer has a flat roof form that measures approximately 26 feet, 6 inches in height. In this case, the applicant is not requesting to exceed the established overall height of the historic home.

The maximum permitted exterior wall height is 16 feet for walls placed at the building setback established by the minimum interior required yard. The wall of the rooftop addition that is adjacent to the interior side yard measures approximately 26 feet, 1 inch and the wall of the new dormer measures approximately 25 feet, 1 inch. Based on the plans submitted, the walls of the existing home do not exceed 18 feet, 5 inches in height. In this case, the applicant is requesting to exceed the established height of the existing home by more than 6 feet.

Because of the issues discussed above, Staff finds that the height exceptions for the current design of the attic additions do not further the purpose of historic preservation and therefore, are not appropriate.

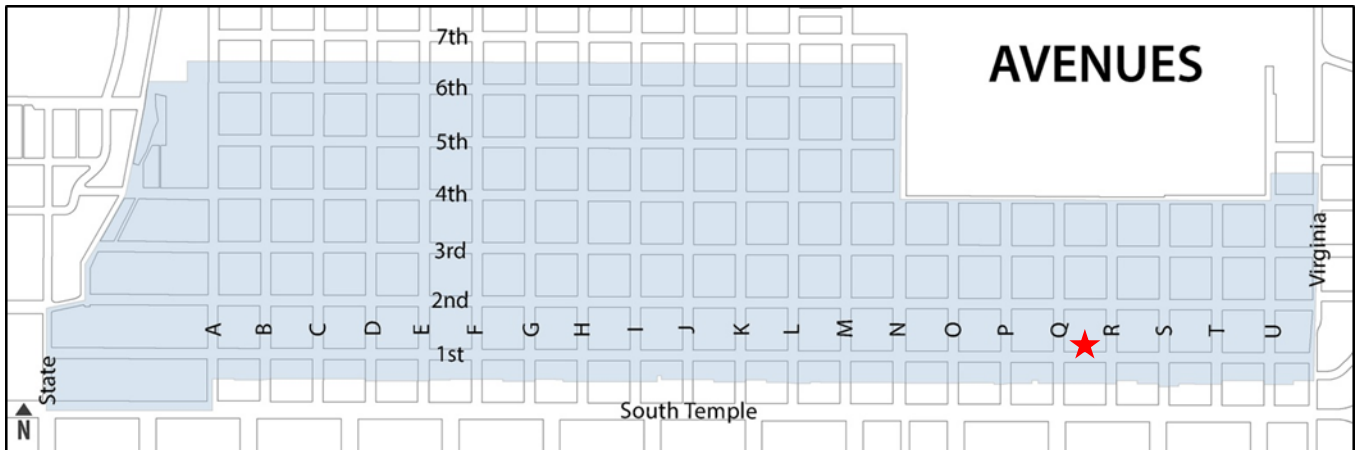
**NEXT STEPS:**

If the requests for Minor Alterations and associated Special Exceptions are denied by the HLC, the applicant will not be issued a COA and the property will continue to be in noncompliance with Salt Lake City. To bring the property into compliance, the applicant will have to remove the additions or submit a new application with a different design for the attic additions.

If the Commission disagrees with Staff's recommendation and the project is approved, the applicant would receive a COA to proceed with the project as represented in this Staff Report and would be required to obtain all necessary permits for the attic additions.



# ATTACHMENT A: SITE & CONTEXT MAPS





## **ATTACHMENT B: HISTORIC PHOTOGRAPHS**

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2007 - RLS



2007 – Google Street View









2017 – Enforcement Case



2017 – Enforcement Case





**ATTACHMENT C: CURRENT PHOTOGRAPHS**

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**ATTACHMENT D: AVENUES HISTORIC SURVEY INFO.**



**Architectural Survey Data for SALT LAKE CITY**

*Utah State Historic Preservation Office*

**1<sup>st</sup> Avenue — Avenues Historic District (SLC Landmark District)**

**RLS 2007, PAGE 15**

Address/ Property Name	Eval/ Ht	OutB N/C	Yr.(s) Built	Materials	Styles	Plan (Type)/ Orig. Use	Survey Year RLS/ILS/Gen	Comments/ NR Status
986 E 1ST AVENUE	D	1/0 2	c. 2000	REGULAR BRICK	NEO-VICTORIAN	OTHER LATE 20TH C. SINGLE DWELLING	07	
1002 E 1ST AVENUE	B	0/0  1	1920	REGULAR BRICK	BUNGALOW  PRAIRIE SCHOOL	BUNGALOW  SINGLE DWELLING	07	SMALL ADDITION ABOVE ATTACHED GARAGE  N04
1007 E 1ST AVENUE NEWELL BEEMAN/HOYT	A	0/2  2.5	1893	SHINGLE SIDING  STONE:OTHER/UNDEF.	SHINGLE STYLE  QUEEN ANNE	CENTRAL BLK W/ PROJ  SINGLE DWELLING	07	ARCH-FREDRICK ALBERT HALE SLC REGISTER  N04
1012 E 1ST AVENUE	B	0/0  2	1901	REGULAR BRICK SHINGLE SIDING	VICTORIAN ECLECTIC	FOURSQUARE (BOX)  SINGLE DWELLING	07	  N04
1015 E 1ST AVENUE JOHN T. DONNELLAN HOUSE	B	0/0  2.5	1893	REGULAR BRICK	VICTORIAN ECLECTIC QUEEN ANNE	CENTRAL BLK W/ PROJ  SINGLE DWELLING	07	  N04
1017 E 1ST AVENUE DAVID S. SYKES HOUSE	B	0/0  2	1892	REGULAR BRICK SHINGLE SIDING	VICTORIAN ECLECTIC QUEEN ANNE	CENTRAL BLK W/ PROJ  SINGLE DWELLING	07	A.G. SNAKE/H.E. REDFIELD BLDRS  N04
1022 E 1ST AVENUE JAMES J. BURKE HOME	B	0/1  2	1905	REGULAR BRICK  ROCK-FACED CONC BLK	VICTORIAN ECLECTIC  BUNGALOW	FOURSQUARE (BOX)  SINGLE DWELLING	07	TJ STRNGER ARCH/OSCAR ENGDAHL-  N04
1024 E 1ST AVENUE RUSSEL L. TRACY/EUGENE W.	A	0/1  2.5	1892	SHINGLE SIDING  CLAPBOARD SIDING	VICTORIAN ECLECTIC  SHINGLE STYLE	CROSSWING  SINGLE DWELLING	07	CARROLL/E. DARLING; RECENT REHAB  N04
1026 E 1ST AVENUE JOSEPH A. GRAHAM HOUSE	B	0/1  2	1897	REGULAR BRICK SHINGLE SIDING	VICTORIAN ECLECTIC	SIDE PASSAGE/ENTRY  SINGLE DWELLING	07	JG ANDERSON CONTRACTOR  N04

?=approximate address

Evaluation Codes: A=eligible/architecturally significant B=eligible C=ineligible/alterd D=ineligible/out of period U=undetermined/lack of info X=demolished



986 E 1<sup>st</sup> Avenue  
D



1002 E 1<sup>st</sup> Avenue  
B



1007 E 1<sup>st</sup> Avenue  
A



1007 E 1<sup>st</sup> Avenue  
(garage)



1007 E 1<sup>st</sup> Avenue  
(fence)



1012 E 1<sup>st</sup> Avenue  
B



1015 E 1<sup>st</sup> Avenue  
B



1017 E 1<sup>st</sup> Avenue  
B



1022 E 1<sup>st</sup> Avenue  
B



1024 E 1<sup>st</sup> Avenue  
A



1026 E 1<sup>st</sup> Avenue  
B

**Architectural Survey Data for SALT LAKE CITY**

*Utah State Historic Preservation Office*

**1<sup>st</sup> Avenue — Avenues Historic District (SLC Landmark District)**

**RLS 2007, PAGE 16**

Address/ Property Name	Eval/ Ht	OutB N/C	Yr.(s) Built	Materials	Styles	Plan (Type)/ Orig. Use	Survey Year RLS/ILS/Gen	Comments/ NR Status
1029 E 1ST AVENUE	B	0/1 2	1891	SHINGLE SIDING CLAPBOARD SIDING	VICTORIAN ECLECTIC SHINGLE STYLE	CENTRAL BLK W/ PROJ SINGLE DWELLING	07	RECENT REHAB N04
1031 E 1ST AVENUE ELMER E. DARLING	B	0/1 2	1892 c. 1930	SHINGLE SIDING ASBESTOS SIDING	VICTORIAN ECLECTIC PERIOD REVIVAL: OTHER	FOURSQUARE (BOX) SINGLE DWELLING	07	PORCH ENCLOSURE N04
1032 E 1ST AVENUE ROBERT GORLINSKI HOUSE	B	0/0 2	1897	REGULAR BRICK	VICTORIAN ECLECTIC	SIDE PASSAGE/ENTRY SINGLE DWELLING	07	J.M. ANDERSON CONTRACTOR N04
1037 E 1ST AVENUE	A	0/0 2.5	1896	SHINGLE SIDING REGULAR BRICK	QUEEN ANNE VICTORIAN ECLECTIC NEOCLASSICAL	CENTRAL BLK W/ PROJ SINGLE DWELLING	07	N04
1040 E 1ST AVENUE	B	0/1 2	1897	REGULAR BRICK	VICTORIAN ECLECTIC	SIDE PASSAGE/ENTRY SINGLE DWELLING	07	N04
1055 E 1ST AVENUE ELMER DARLING/JOHN J. HALL	B	0/1 2	1890 c. 1940	ASBESTOS SIDING	VICTORIAN ECLECTIC QUEEN ANNE	CENTRAL BLK W/ PROJ SINGLE DWELLING	07	N04
1059 E 1ST AVENUE FRANK D. HOBBS HOUSE	B	1/0 2	1891	SHINGLE SIDING CLAPBOARD SIDING	VICTORIAN ECLECTIC SHINGLE STYLE	CENTRAL BLK W/ PROJ SINGLE DWELLING	07	N04
1063 E 1ST AVENUE	B	0/0 2	1891	SHINGLE SIDING DROP/NOVELTY SIDING	VICTORIAN ECLECTIC QUEEN ANNE	CENTRAL BLK W/ PROJ SINGLE DWELLING	07	N04
1067 E 1ST AVENUE JOHN J. STEWART HOUSE	B	0/1 2	1891	SHINGLE SIDING CLAPBOARD SIDING	QUEEN ANNE VICTORIAN ECLECTIC STICK STYLE	CENTRAL BLK W/ PROJ SINGLE DWELLING	07	ALTERED GRANARY IN REAR? N04

?=approximate address

Evaluation Codes: A=eligible/architecturally significant B=eligible C=ineligible/alterd D=ineligible/out of period U=undetermined/lack of info X=demolished





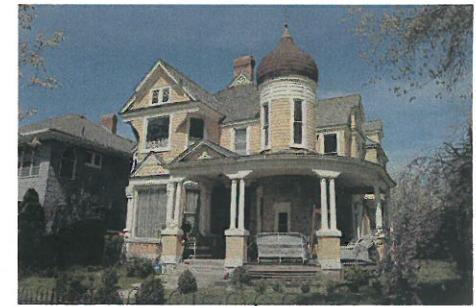
1029 E 1<sup>st</sup> Avenue  
B



1031 E 1<sup>st</sup> Avenue  
B



1032 E 1<sup>st</sup> Avenue  
B



1037 E 1<sup>st</sup> Avenue  
A



1037 E 1<sup>st</sup> Avenue  
(side view)



1040 E 1<sup>st</sup> Avenue  
B



1055 E 1<sup>st</sup> Avenue  
B



1055 E 1<sup>st</sup> Avenue  
(side view)



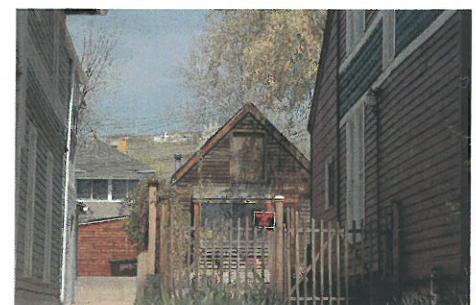
1059 E 1<sup>st</sup> Avenue  
B



1063 E 1<sup>st</sup> Avenue  
B



1067 E 1<sup>st</sup> Avenue  
B



1067 E 1<sup>st</sup> Avenue  
(outbuilding)

## **ATTACHMENT E: APPLICATION MATERIALS**

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d i ' v e l e p t

454 N 600 W, SLC, UT 84116  
e: howdy@divelept.com  
p: 801-680-4485  
www.divelept.com

# WEBB ADDITION

REVISIONS:

PROFESSIONAL SEAL:

OWNER: DENNIS WEBB  
 PROJECT ADDRESS: 1017 E 1ST AVE, SALT LAKE CITY, UT  
 ARCH PROJECT #: 17-10  
 A.S.R.: Checker  
 PHASE: MINOR ALTERATION  
 PUBLISH DATE: 08/08/2018  
 SHEET SCALE: 1" = 10'-0"  
 SHEET NAME:

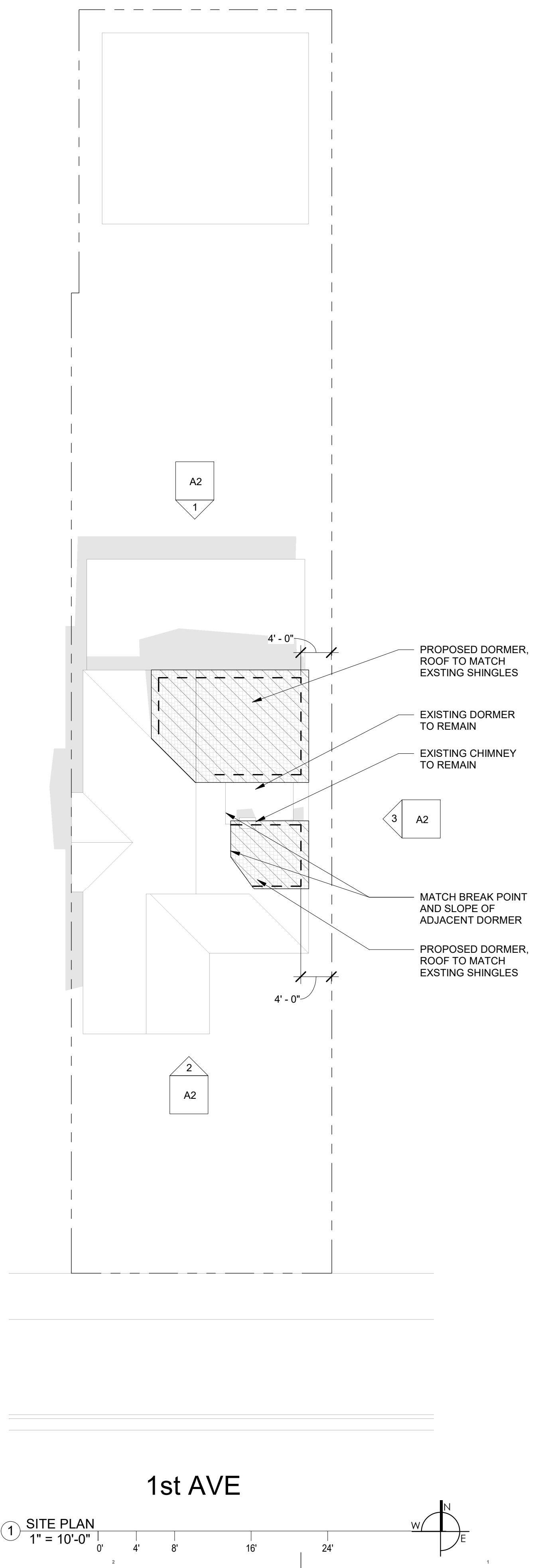
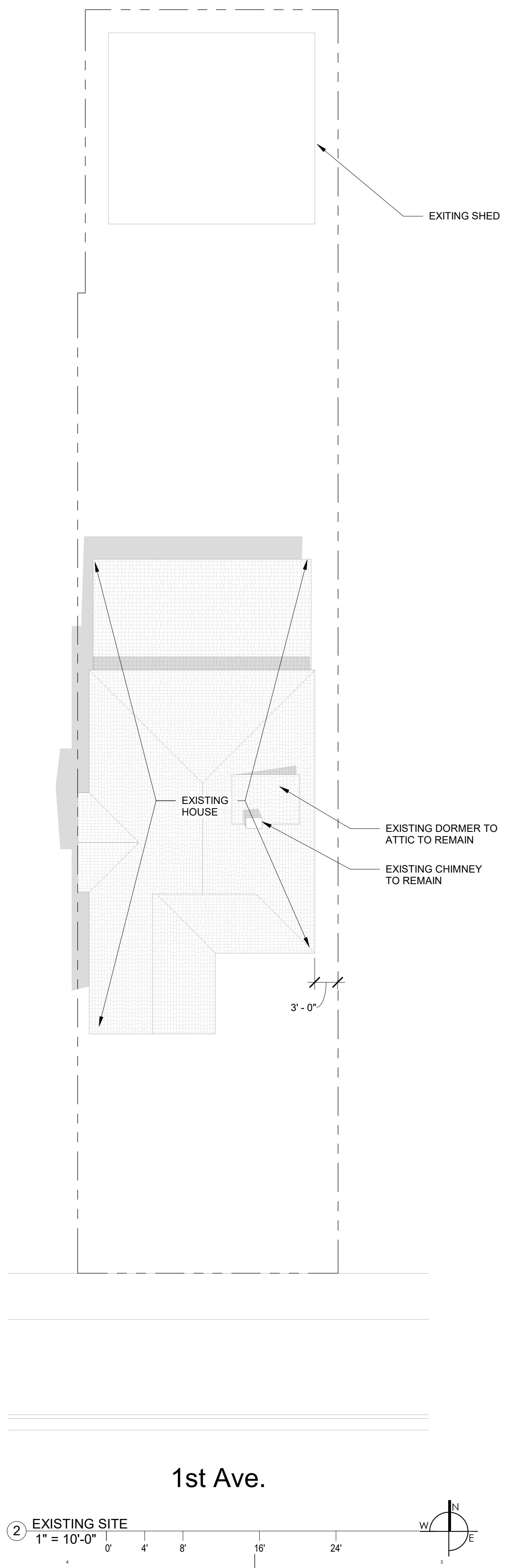
## PLANS

SHEET NUMBER:

# A1

DIVELEPT DESIGN LLC © 2017

10/12/2018 10:49:41 AM





di'velept  
 454 N 600 W, SLC, UT 84116  
 e: howdy@divelept.com  
 p: 801-680-4485  
 www.divelept.com

**WEBB ADDITION**

REVISIONS:

PROFESSIONAL SEAL:

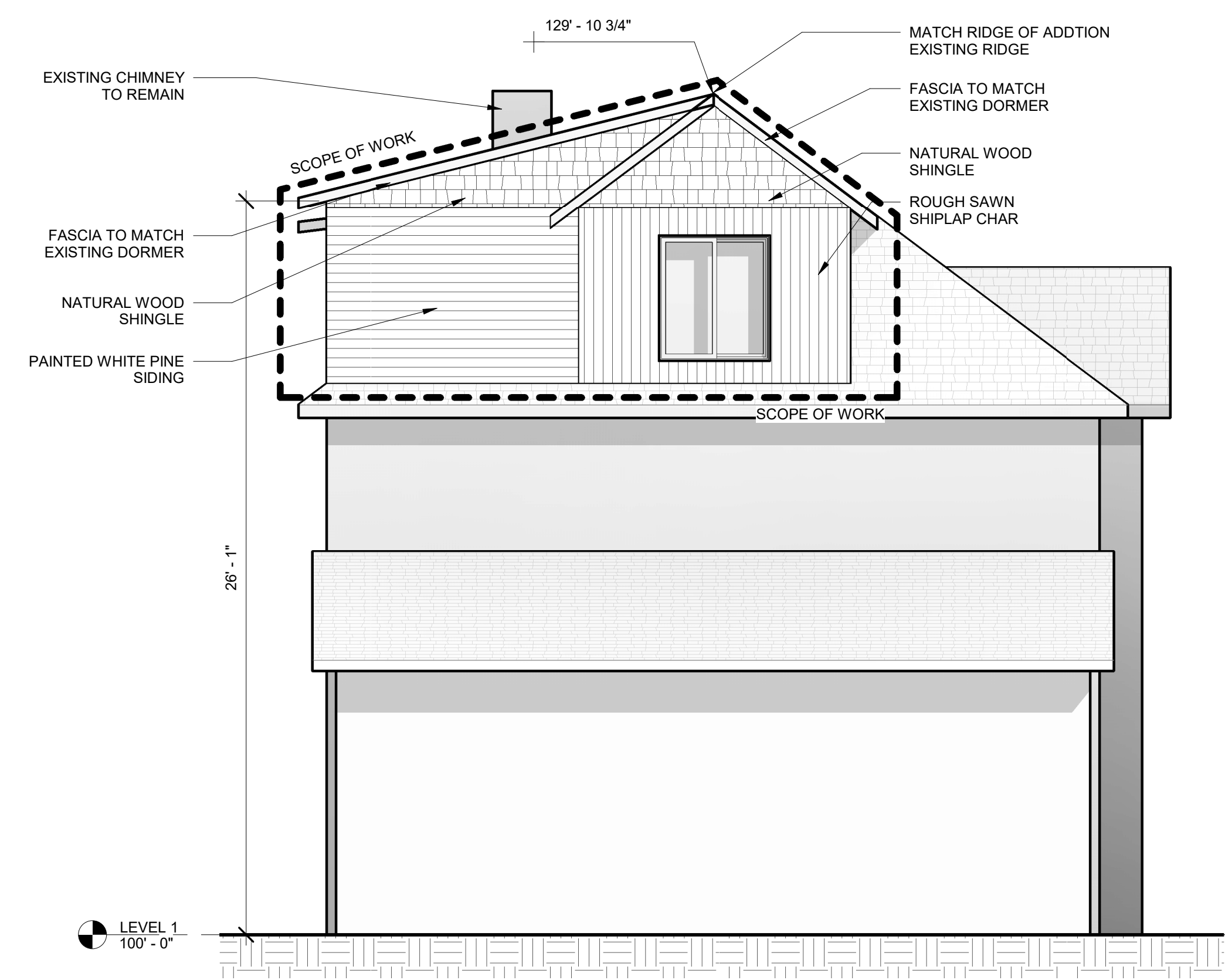
OWNER: DENNIS WEBB  
 PROJECT ADDRESS: 1017 E 1ST AVE. SALT LAKE CITY, UT  
 ARCH PROJECT #: 17-10  
 A.S.R.: Checker  
 PHASE: MINOR ALTERATION  
 PUBLISH DATE: 08/08/2018  
 SHEET SCALE: 1/4" = 1'-0"  
 SHEET NAME:

**ELEVATIONS**

SHEET NUMBER:

**A2**

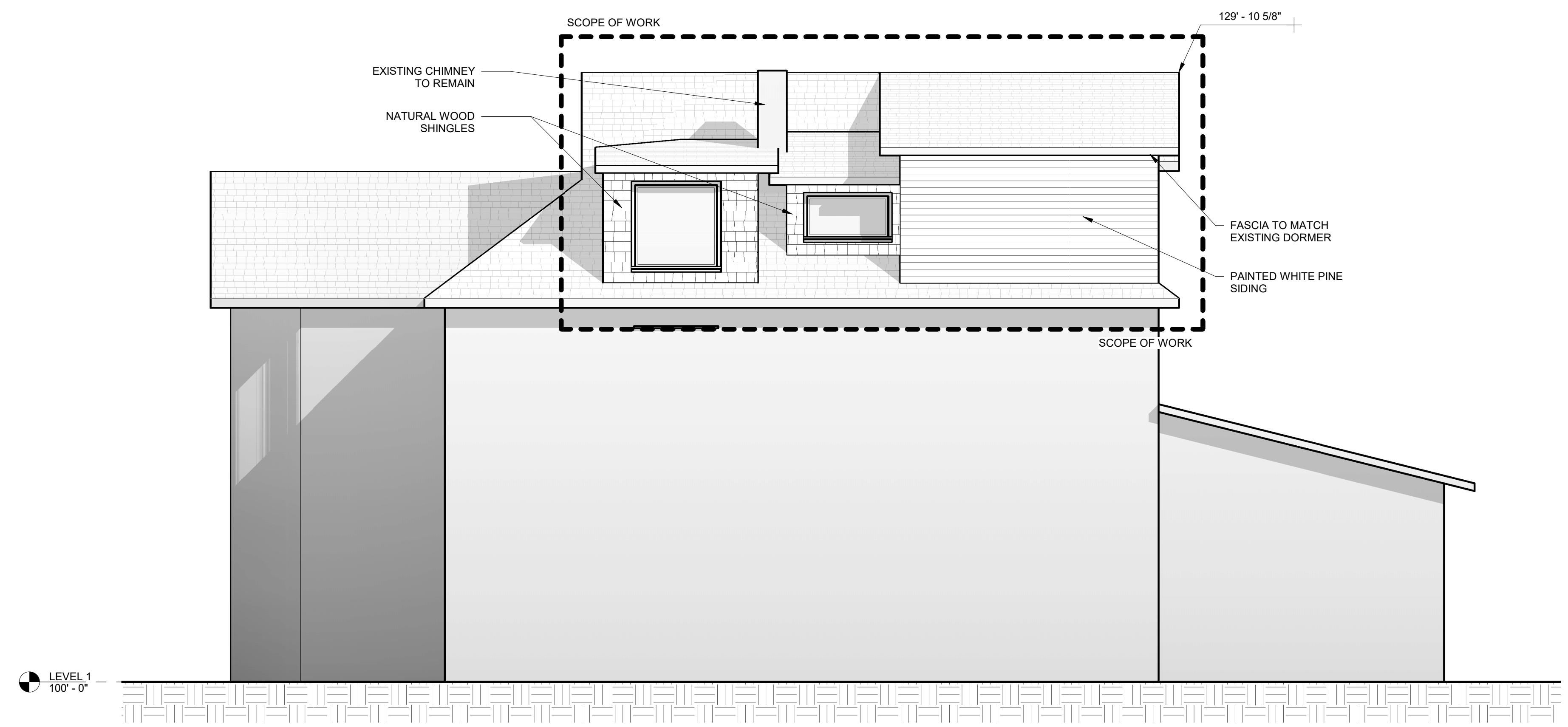
DIVELEPT DESIGN LLC ©2017



① BACK ELEVATION  
1/4" = 1'-0"



② FRONT ELEVATION  
1/4" = 1'-0"



③ EAST ELEVATION  
1/4" = 1'-0"

10/12/2018 10:49:49 AM





**WEBB ADDITION**

REVISIONS:

PROFESSIONAL SEAL:

OWNER: **DENNIS WEBB**  
 PROJECT ADDRESS: **1017 E 1ST AVE.  
SALT LAKE CITY, UT**  
 ARCH PROJECT #: **17-10**  
 A.S.R.: **Checker**  
 PHASE: **MINOR ALTERATION**  
 PUBLISH DATE: **08/08/2018**  
 SHEET SCALE:  
 SHEET NAME:

**PHOTOS**

SHEET NUMBER:

**A3**



## ATTACHMENT F: CHRONOLOGY & PREVIOUS CORRESPONDENCE

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May 8, 2017 Homeowner Dennis Webb visited with city planner Lauren Parisi about replacing and rebuilding attic and roof. The planner's walk-in comments read:

*"Would like to redo roof - completely tear of frame - and expand the attic space. Explained that guidelines encourage keeping the design of the home as original as possible, especially on the front façade. Dormers are a possibility, but it may be hard to change rooflines and bring front façade out in terms of the historic design guidelines. He would like the space to be more functional and right now the roof is caving in. Sent historic design guidelines. Suggested talking to Carl about his ideas before he gets any plans drawn".*

May 26, 2017 Homeowner visited with city planner Carl Leith about the attic remodel.

May 30, 2017 City planner Carl Leith replied to an email from the homeowner with additional resources, including links to the Salt Lake City Historic Preservation website and the Residential Design Guidelines.

August 31, 2017 Due to a complaint, Salt Lake City Code Enforcement visited the property and found that work was being done without permits. Enforcement officer Antonio Padilla noted that the roofline had been modified. A Stop Work Order is issued under Enforcement Case # BCE2017-07680.

COA # PLNHLC2017-00724 and Building Permit # BLD2017-07696 are issued for re-roof. Description of work reads:

*"Tear off asphalt shingles. DO NOT INCLUDE DORMER ADDITIONS THIS CAN BE TARPED FOR NOW- NEEDS SEPARATE PERMIT - OWNER'S RISK- SR-1A SFD (Not for dormers addition needs separate permit)"*

City code reviewer William Warlick added the following walk-in comments:

*"Approved building permit for re-roof only, partly resolving BCE2017-07680. The Stop Work Order also covers dormer/additions modifying the roofline in what appear to be two locations. The re-roof permit does NOT cover these. Work on the re-roof at owner's risk because he may need to tear off the illegal dormer/additions. Discussed with owner the potential for unnecessary costs in added work if roofing around the dormers and flashing them, then later tearing them off and infilling the roofing".*

- September 8-11, 2017 Homeowner exchanged emails with city planner Carl Leith, who indicated that based on what he was *“able to view from the street, and from a couple of photos on the enforcement file, we would not be able to recommend favorably what has been constructed”*.
- October 17, 2017 City inspector Troy Anderson met with homeowner to determine required permits. His notes read:  
  
*“I spoke with the homeowner. He said that he is still working through the historical review process and will schedule a consultation to discuss necessary permits after. According to the owner, he is not doing any work and will not start until he finds out what permits are required”*.
- December 19, 2017 City inspector Troy Anderson noted that homeowner was still working through zoning and follow up was rescheduled for end of January.
- May 10, 2018 Enforcement Case # BCE2017-07680 was closed after a Notice and Order and Certificate of Noncompliance were issued. Notes from inspector read:  
  
*“sending Notice and Order and Certificate of Non Compliance for recently constructed dormers (2) on east side of home without permits or inspections. This house is located in a historical area of the city and needs Historical approval, double permit fees and possible fine of up to 1,000 dollars if work continues without inspections. SWO was issued on August 31 2017 and homeowner has not applied for permit or approval as of this time”*.
- July 3, 2018 Homeowner initiates petition for Minor Alteration (PLNHLC2018-00517).
- August 28, 2018 After two site visits and comments from assigned city planner Mayara Lima, the homeowner decided to pursue the request with the attic additions as is. Petition for Special Exception (PLNHLC2018-00676) is initiated.

## Leith, Carl

---

**From:** Leith, Carl  
**Sent:** Tuesday, May 30, 2017 11:30 AM  
**To:** 'Dennis Webb'  
**Subject:** RE: 1017 1St. Avenue Project.

Dear Dennis,

Thank you for finding the time to meet last Friday and for the follow-up contact email. The office here was closed yesterday so just coming back to you now.

### **Preservation Directory – Preservation Utah**

The link to the Preservation Directory follows – this is still being populated at present but has several names which might be useful.

<http://utahheritagefoundation.com/ut-preservation-directory>

### **Low Interest Loan Program**

The following is a link to the Preservation Utah/Utah Heritage Foundation Low Interest Loan scheme. The person to speak to there is Elizabeth Bradley-Wilson.

<http://www.utahheritagefoundation.org/preservation-resources/low-interest-loans#.WS2IWU2GNMZ>

### **Tax Credit Information**

The tax incentive program is administered by the State Historic Preservation Office – links follow. The person to speak to there is Nelson Knight.

<https://heritage.utah.gov/history/historic-buildings>

<https://heritage.utah.gov/history/tax-credits>

<https://heritage.utah.gov/history/state-tax-credit>

### **Salt Lake City Preservation Website**

I also attach a couple of links to our Historic Preservation website so that you are in touch with some of the resources we have to hand here. In particular, the Preservation Handbook/Residential Design Guidelines contains a series of live links to a variety of additional information resources. In particular the National Park Service has a variety of interesting information and a series of Preservation Briefs on a variety of topics.

<http://www.slcgov.com/historicpreservation>

<http://www.slcgov.com/historic-preservation/historic-preservation-residential-design-guidelines>

I have just picked up your voice mail from your call this morning. I am sorry I missed your call. Please let me know if there is anything I have overlooked in terms of information we discussed. Also happy to follow up on any questions as they arise if you think we can help as you explore the project work and stages involved.

I hope the above provides a starting point in terms of your researches and next stages.

Thank you.

Carl

CARL O. LEITH MRTPI IHBC  
Senior Historic Preservation Planner

PLANNING DIVISION

COMMUNITY *and* NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

Email: [Carl.Leith@slcgov.com](mailto:Carl.Leith@slcgov.com)  
TEL 801-535-7758  
FAX 801-535-6174

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)

---

**From:** Dennis Webb [mailto: [REDACTED]]  
**Sent:** Friday, May 26, 2017 5:30 PM  
**To:** Leith, Carl <Carl.Leith@slcgov.com>  
**Subject:** 1017 1St. Avenue Project.

Dear Carl:

It was a pleasure meeting with you today, and getting your insight on the remodel of the attic, I am looking forward in perusing this project.  
Please provide me the information we discussed this morning.

Thanks again for your time in this matter.

Sincerely,

Dennis Webb

**Lima, Mayara**

---

**To:** Leith, Carl  
**Subject:** RE: 1017 1st Avenue - Dormer Construction

**From:** Leith, Carl  
**Sent:** Friday, September 8, 2017 11:33 AM  
**To:** 'Dennis Webb' [REDACTED]  
**Subject:** 1017 1st Avenue - Dormer Construction

Dennis,

I noticed you called yesterday – sorry I missed your call. Rather than phone back immediately, I thought it would be valuable to forward a little background to build upon the information I emailed through on May 30 this year.

Initially, I would like to reiterate that from what I have been able to view from the street, and from a couple of photos on the enforcement file, we would not be able to recommend favorably what has been constructed. If you were to apply for a Certificate of Appropriateness (CoA) for what is there we would refer it through to the Historic Landmark Commission (HLC) for a decision with a Staff recommendation for denial. I would be surprised if the Commission were to reach any other conclusion. It might be possible to design dormer windows which work with the style and character of the house, but it would need careful consideration and a design eye with an understanding of historic buildings of this age to identify appropriate option/s. Anything, I would assume at this stage, would need to be notably smaller than what has been constructed and should be recognized as sympathetic to and compatible with the historic building. It may also take that sort of trained eye to identify whether any of the existing construction could be re-used.

Can I point you again (my previous email in May) to our Residential Design Guidelines, in particular Ch.7 on Roofs, which has a few pointers on matters to consider in terms of roofscape and appropriate dormer design.

<http://www.slcdocs.com/historicpreservation/GuideRes/Ch7.pdf>

<http://www.slcgov.com/historic-preservation/historic-preservation-residential-design-guidelines>

I attach a link to our CoA Application Form for Minor Alterations which you will need when you apply for a revised proposal.

<http://www.slcdocs.com/Planning/Applications/Minor.pdf>

I am very happy to talk further and advise on the approach. Obviously, we would not be in a position to design anything for you, but can certainly provide pointers in the direction/s of what might work.

Hope all goes well in the NE. Speak to you further at some point.

Thanks,

Carl

CARL O. LEITH MRTPI IHBC  
Senior Historic Preservation Planner

PLANNING DIVISION  
COMMUNITY *and* NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

Email: [Carl.Leith@slcgov.com](mailto:Carl.Leith@slcgov.com)  
TEL 801-535-7758

## Leith, Carl

---

**From:** Leith, Carl  
**Sent:** Monday, September 11, 2017 10:57 AM  
**To:** 'Dennis Webb'  
**Subject:** RE: 1017 1st Avenue - BCE2017-07680 Construction of Dormers without Permit or CoA

Thanks Dennis. I look forward to hearing from you.

Carl

---

**From:** Dennis Webb [mailto: [REDACTED]]  
**Sent:** Monday, September 11, 2017 10:47 AM  
**To:** Leith, Carl <Carl.Leith@slcgov.com>  
**Subject:** Re: 1017 1st Avenue - BCE2017-07680 Construction of Dormers without Permit or CoA

Dear Carl:

Thank you for communicating with Salt Lake City Planning in regards to my case, the roofing company completed the job last Wednesday the 6th two days earlier than original stated, I will be contacting you in the near future so we can go over in some of our options to get this project completed, Thanks again.

Sincerely,

Dennis

On Monday, September 11, 2017 10:24 AM, "Leith, Carl" <[Carl.Leith@slcgov.com](mailto:Carl.Leith@slcgov.com)> wrote:

Dennis,

I wanted to copy you into the correspondence below to keep you in touch with review status here.

I look forward to hearing from you when you have had an opportunity to reach a conclusion on your next steps.

Thanks,

Carl

---

**From:** Leith, Carl  
**Sent:** Monday, September 11, 2017 10:21 AM  
**To:** Padilla, Antonio <[Antonio.Padilla@slcgov.com](mailto:Antonio.Padilla@slcgov.com)>  
**Cc:** Warlick, William <[William.Warlick@slcgov.com](mailto:William.Warlick@slcgov.com)>; Oktay, Michaela



<[Michaela.Oktay@slcgov.com](mailto:Michaela.Oktay@slcgov.com)>

**Subject:** 1017 1st Avenue - BCE2017-07680 Construction of Dormers without Permit or CoA

Hi Tony,

I notice the above Stop Work Order has been issued for this case, as well as a CoA & permit for replacement of the roofing material. I just wanted to let you know I am in correspondence with the owner, Mr. Dennis Webb, on alternative options & directions for any roof alterations in the context of a proposal which could be favorably recommended as appropriate to the character of this contributing building in The Avenues Historic District.

Thanks,

Carl

CARL O. LEITH MRTPI IHBC  
Senior Historic Preservation Planner

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## Leith, Carl

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**From:** Anderson, Troy  
**Sent:** Wednesday, September 13, 2017 12:55 PM  
**To:** Warlick, William  
**Cc:** Padilla, Antonio; Leith, Carl; Oktay, Michaela  
**Subject:** Re: 1017 1st Avenue - BCE2017-07680 Construction of Dormers without Permit or CoA

Will,

Thanks for the "heads up." I will look for evidence of previously habitable space during my inspection and consult accordingly.

Troy

Sent from my iPhone

On Sep 13, 2017, at 12:13 PM, Warlick, William <[William.Warlick@slcgov.com](mailto:William.Warlick@slcgov.com)> wrote:

Antonio, Carl and Troy,

Keep in mind there may be a critical issue other than Historic: structural issues in the Building Code. If this is not a legally existing habitable attic, the work would require engineering.

Thanks.

Will Warlick  
Plans Examiner

BUILDING SERVICES DIVISION  
DEPARTMENT OF COMMUNITY AND NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

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FAX 801-535-7750

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**From:** Padilla, Antonio  
**Sent:** Wednesday, September 13, 2017 7:58 AM  
**To:** Leith, Carl <[Carl.Leith@slcgov.com](mailto:Carl.Leith@slcgov.com)>; Anderson, Troy <[Troy.Anderson2@slcgov.com](mailto:Troy.Anderson2@slcgov.com)>  
**Cc:** Warlick, William <[William.Warlick@slcgov.com](mailto:William.Warlick@slcgov.com)>; Oktay, Michaela <[Michaela.Oktay@slcgov.com](mailto:Michaela.Oktay@slcgov.com)>  
**Subject:** RE: 1017 1st Avenue - BCE2017-07680 Construction of Dormers without Permit or CoA

Hi Carl,

Troy Anderson, the inspector in the area will be following up with the owner to ensure that he obtains all required building permits. I spoke to him this morning and he mentioned he is out of town until October 15<sup>th</sup>. I have scheduled a consultation on the BCE for October 17<sup>th</sup> so we can determine what additional permits he will need ( electrical, plumbing, etc)

Thanks,



Antonio Padilla  
Civil Enforcement, Senior Housing/Zoning Inspector

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SALT LAKE CITY CORPORATION

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FAX 801-535-6131

[WWW.SLCGOV.COM/CED](http://WWW.SLCGOV.COM/CED)

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**From:** Leith, Carl  
**Sent:** Monday, September 11, 2017 10:21 AM  
**To:** Padilla, Antonio <[Antonio.Padilla@slcgov.com](mailto:Antonio.Padilla@slcgov.com)>  
**Cc:** Warlick, William <[William.Warlick@slcgov.com](mailto:William.Warlick@slcgov.com)>; Oktay, Michaela <[Michaela.Oktay@slcgov.com](mailto:Michaela.Oktay@slcgov.com)>  
**Subject:** 1017 1st Avenue - BCE2017-07680 Construction of Dormers without Permit or CoA

Hi Tony,

I notice the above Stop Work Order has been issued for this case, as well as a CoA & permit for replacement of the roofing material. I just wanted to let you know I am in correspondence with the owner, Mr. Dennis Webb, on alternative options & directions for any roof alterations in the context of a proposal which could be favorably recommended as appropriate to the character of this contributing building in The Avenues Historic District.

Thanks,

Carl

CARL O. LEITH MRTPI IHBC  
Senior Historic Preservation Planner

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# ATTACHMENT G: ANALYSIS OF STANDARDS FOR MINOR ALTERATIONS

## H Historic Preservation Overlay District – Standards for Certificate of Appropriateness for Alteration of a Contributing Structure (21A.34.020.G)

In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the Historic Landmark Commission, or the Planning Director, for administrative decisions, shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the City.

Standard	Analysis	Finding
<p><b>1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;</b></p>	<p>The existing structure on site was constructed in 1892 as a single family home. The applicant is proposing to continue using it as a single family home.</p>	<p>Complies</p>
<p><b>2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;</b></p>	<p>The attic additions alter the roofline, which is a primary character-defining element of the historic home.</p>	<p><b>Does not comply</b></p>
<p><b>3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;</b></p>	<p>The additions can be recognized as products of its own time. The building materials of the additions are different from those primarily used on the historic home, but are still complementary.</p>	<p>Complies</p>
<p><b>4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;</b></p>	<p>The historic home has a rear addition and shed dormers on the east and west plane of the hipped roof. The applicant is not proposing any changes to the rear addition. The changes to the existing east dormer do not impact the historical significance of the building.</p>	<p>Complies</p>

<p><b>5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;</b></p>	<p>The attic additions alter the roofline and creates an appearance inconsistent with the historic character of the home. The new dormer also hides partially the chimney, which is a significant feature of the building.</p>	<p><b>Does not comply</b></p>
<p><b>6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;</b></p>	<p>The scope of work does not include the repair of any deteriorated architectural features. The re-cladding and window replacement of the existing east dormer do not directly affect how the historic home is perceived.</p>	<p>Complies</p>
<p><b>7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;</b></p>	<p>The applicant is not proposing any chemical or physical cleaning treatments to the historic home as part of this project.</p>	<p>Not applicable</p>
<p><b>8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;</b></p>	<p>Roof form and height are primary character-defining elements of the historic home. The additions alter both and jeopardize the contributory status of the historic home.</p> <p>Many of the homes on and across the block face have similar architectural styles. These homes are fairly intact in terms of form. The attic additions, if allowed to remain, will impact the significance of the property and the cohesiveness of the neighborhood and historic district.</p>	<p><b>Does not comply</b></p>

<p><b>9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;</b></p>	<p>Although differentiated, the rectangular massing, flat and low pitched roofs, and overall height of the additions are incompatible with the original historic home. Because the additions have negative effects to the roofline, the historic home could lose its contributory status, which affects the subject property and the immediate area where it is located.</p>	<p><b>Does not comply</b></p>
<p><b>10. Certain building materials are prohibited including the following:</b></p> <p><b>a. Aluminum, asbestos, or vinyl cladding when applied directly to an original or historic material.</b></p>	<p>The project does not involve the direct application of aluminum, asbestos, or vinyl cladding.</p>	<p>Complies</p>
<p><b>11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H Historic Preservation Overlay District, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H Historic Preservation Overlay District and shall comply with the standards outlined in chapter 21A.46 of this title.</b></p>	<p>The project does not involve any signage.</p>	<p>Not applicable</p>

# ATTACHMENT H: ANALYSIS OF STANDARDS FOR SPECIAL EXCEPTION REQUESTS

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**21A.06.050(C)** of the Zoning Ordinance authorizes the Historic Landmark Commission to review and approve or deny certain Special Exceptions for properties located within an H Historic Preservation Overlay District, including modifications to building wall height and bulk and lot regulations of the underlying zoning district, where it is found that the underlying zoning would not be compatible with the historic district and/or landmark site. **For this proposal, Special Exception approval is being sought to permit additional building and wall height for the attic additions.**

**21A.52.020: Definition:** A "special exception" is an activity or use incidental to or in addition to the principal use(s) permitted in a zoning district or an adjustment to a fixed dimension standard permitted as exceptions to the requirements of this title of less potential impact than a conditional use but which requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site.

**21A.52.060: General Standards and Considerations for Special Exceptions:**

Standard	Analysis	Finding
<p><b>A. Compliance With Zoning Ordinance And District Purposes:</b> The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.</p>	<p>The Zoning Ordinance indicates that the Historic Landmark Commission may grant additional building height for properties within the H Historic Preservation Overlay. However, Staff finds that the project does not meet the standards of approval for a Minor Alteration to a contributing structure, which have the main purpose of ensuring the compatibility of new development within the Local Historic Districts.</p>	<p><b>Does not comply</b></p>
<p><b>B. No Substantial Impairment Of Property Value:</b> The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.</p>	<p>Although the attic additions have negative impacts to the historic character of the area and the district, there is not enough evidence indicating that the development will substantially diminish or impair property values.</p>	<p>May not comply</p>
<p><b>C. No Undue Adverse Impact:</b> The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.</p>	<p>The height of the additions have negative impacts to the roofline, which affects the character of the subject property and the immediate area where it is located.</p>	<p><b>Does not comply</b></p>

<p><b>D. Compatible With Surrounding Development:</b> The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.</p>	<p>The proposed building height of the additions do not exceed the established height of the existing home. The block face also contains multiple tall two-story structures that have the same or greater height as the historic home.</p>	<p>Complies</p>
<p><b>E. No Destruction Of Significant Features:</b> The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.</p>	<p>The height of the additions have negative impacts to the roofline, a primary character-defining element of the historic home. If allowed to remain, the historic home will lose historical significance and most likely its contributory status.</p>	<p><b>Does not comply</b></p>
<p><b>F. No Material Pollution Of Environment:</b> The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.</p>	<p>There is no evidence that the proposal would cause material pollution of the environment.</p>	<p>Complies</p>
<p><b>G. Compliance With Standards:</b> The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.</p>	<p>The project, as proposed, does not comply with the standards of the H Historic Preservation Overlay District.</p>	<p><b>Does not comply</b></p>



# **ATTACHMENT I: APPLICABLE DESIGN GUIDELINES**

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Design Guidelines for Historic Residential Properties & Districts in Salt Lake City, Chapter 8: Additions are the relevant historic guidelines for this design review, and are identified below for the Commission's reference.

## **Historic Residential Properties & Districts in Salt Lake City, Chapter 8: Additions**

### **Design Objective:**

The design of a new addition to a historic building should ensure that the building's early character is maintained. Older additions that have taken on significance should also be preserved.

#### **8.1 An addition to a historic structure should be designed in a way that will not destroy or obscure historically important architectural features.**

Loss or alteration of architectural details, cornices and eave lines, for example, should be avoided.

#### **8.2 An addition should be designed to be compatible in size and scale with the main building.**

An addition should be set back from the primary facades in order to allow the original proportions and character of the building to remain prominent.

The addition should be kept visually subordinate to the historic portion of the building.

If it is necessary to design an addition that is taller than the historic building, it should be set back substantially from significant facades, with a "connector" link to the original building.

#### **8.3 An addition should be sited to the rear of a building or set back from the front to minimize the visual impact on the historic structure and to allow the original proportions and character to remain prominent.**

Locating an addition at the front of a structure is usually inappropriate.

#### **8.4 A new addition should be designed to be recognized as a product of its own time.**

An addition should be made distinguishable from the historic building, while also remaining visually compatible with historic features.

A change in setbacks of the addition from the historic building, a subtle change in material, or the use of modified historic or more current styles are all techniques that may be considered to help define a change from old to new construction.

Creating a jog in the foundation between the original building and the addition may help to establish a more sound structural design to resist earthquake damage, while helping to define it as a later addition.

#### **8.5 A new addition should be designed to preserve the established massing and orientation of the historic building.**

For example, if the building historically has a horizontal emphasis, this should be reflected in the addition.

**8.6 A new addition or alteration should not hinder one's ability to interpret the historic character of the building or structure.**

A new addition that creates an appearance inconsistent with the historic character of the building is inappropriate.

An alteration that seeks to imply an earlier period than that of the building should be avoided.

An alteration that covers historically significant features should be avoided.

**8.7 When planning an addition to a building, the historic alignments and rhythms that may exist on the street should be defined and preserved.**

Some roof lines and porch eaves on historic buildings in the area may align at approximately the same height. An addition should not alter these relationships.

Maintain the side yard spacing, as perceived from the street, if this is a characteristic of the setting.

**8.8 Exterior materials that are similar to the historic materials of the primary building or those used historically should be considered for a new addition.**

Painted wood clapboard, wood shingle and brick are typical of many historic residential additions.

Brick, CMU, stucco or panelized products may be appropriate for some modern buildings.

**8.9 Original features should be maintained wherever possible when designing an addition.**

Construction methods that would cause vibration which might damage historic foundations should be avoided.

New drainage patterns should be designed to avoid adverse impacts to historic walls and foundations.

New alterations also should be designed in such a way that they can be removed without destroying original materials or features wherever possible.

**8.10 The style of windows in the addition should be similar in character to those of the historic building or structure where readily visible.**

If the historic windows are wood, double-hung, for example, new windows should appear to be similar to them, or a modern interpretation.

**Attic Additions**

**8.14 When designing an attic addition, the mass and scale of alterations to the rooflines should be subordinate to and compatible with the scale of the historic building.**

An addition should not overhang the lower floors of the historic building in the front or on the sides.

Dormers should be subordinate to the overall roof mass and should be in scale with those used originally on the building (or on similar styles of building if none are present originally).

Greater flexibility may be considered in the setback of a dormer addition on a hipped or pyramidal roof.

## **Rooftop Additions**

### **8.15 A rooftop addition should be situated well back from the front of the building.**

This will help preserve the original profile of the historically significant building as initially perceived from the street.

### **8.16 The roof form and slope of the addition should be in character with the historic building.**

If the roof of the historic building is symmetrically proportioned, the roof of the addition should be similar.

Eave lines on the addition should be similar to those of the historic building or structure.

## **ATTACHMENT J: PUBLIC PROCESS AND COMMENTS**

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The following is a list of public meetings that have been held, and other public input opportunities, related to this project:

### **Public Hearing Notice:**

Notice of the public hearing for this project includes:

- Public hearing notice mailed on October 19, 2018.
- Public hearing notice posted on City and State websites on October 19, 2018.

### **Public Comments:**

One public comment was received by a community member who wishes to remain anonymous. The community member provided comments related to the design, impacts and construction of the attic additions. They presented concerned comments regarding the appearance of the additions, which they called “ugly and atrocious”. They also argued that the additions were out of line with the historic district, damaged the character of the neighborhood and would likely have negative impacts on property values. The community member stated that the additions created issues of privacy and blocked the view of the home on the adjacent lot. The community member believes the construction was not properly done by an unlicensed contractor who worked on the weekends to avoid enforcement. They also stated that construction continued after the Stop Work Order was issued and that it is still ongoing.

At the time of the publication of this staff report, no other public comments have been received. Any comments received will be forwarded to the Planning Commission.



**ATTACHMENT D: Historic Landmark Commission**  
**Minutes**

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**SALT LAKE CITY HISTORIC LANDMARK COMMISSION MEETING**  
**City & County Building**  
**451 South State Street, Room 326, Salt Lake City, Utah**  
**November 1, 2018**

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at [5:32:40 PM](#). Audio recordings of the Historic Landmark Commission meetings are retained for a period of time.

Present for the Historic Landmark Commission meeting were: Chairperson Kenton Peters, Vice Chairperson Robert Hyde; Commissioners Thomas Brennan, Sheleigh Harding, Victoria Petro – Eschler, David Richardson, Charles Shepherd, Esther Stowell and Paul Svendsen. Commissioner Stanley Adams was excused.

Planning Staff members present at the meeting were Michaela Oktay, Planning Deputy Director; Carl Leith, Senior Planner; Lex Traughber, Senior Planner; Ashley Scarff, Principal Planner, and Deborah Severson, Administrative Secretary.

**Field Trip**

A field trip was held prior to the work session. Historic Landmark Commissioners present were: Robert Hyde, Kenton Peters, Charles Shepherd, Esther Stowell, and Paul Svendsen. Staff members in attendance were Michaela Oktay, Lex Traughber, Carl Leith, Mayara Lima, Ashley Scarff and Molly Robinson.

- **2 South 400 West** - Staff gave an overview of the proposal.
- **1017 E 1<sup>st</sup> Ave** – Staff gave an overview of the proposal.

**8:02:13 PM**

**Attic Additions at approximately 1017 E 1st Ave** - Dennis Webb, property owner, is requesting approval for a new dormer and rooftop addition constructed on an existing single-family home at 1017 E 1st Avenue. The home is considered contributing to the character and integrity of the Avenues Local Historic District. This case is being forwarded to the Commission because the work was completed without prior approvals and does not meet the standards of review to be approved administratively. The subject property is zoned SR-1A (Special Development Pattern Residential District).

The project requires review and approval of the following petitions:

- a. Certificate of Appropriateness (COA) for a Minor Alteration to a contributing structure is required prior to obtaining permit to legalize the construction of the attic additions. **Case number PLNHLC2018-00517;**
- b. The applicant has requested two Special Exceptions because the attic additions do not comply with wall and building height. **Case number PLNHLC2018-00676**

The subject property is located in Council District 3 represented by Chris Wharton. (Staff contact: Mayara Lima (801) 535-7118 or [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com))

Mayara Lima, reviewed the petition as outlined in the Staff Report (located in the case file). She stated the Staff recommend the Historic Landmark Commission deny the proposed project.

Dennis Webb, Applicant, further reviewed the proposed project.

The Commission, Staff and Applicant discussed the following:

**PUBLIC HEARING [8:16:37 PM](#)**

Kim Bell – Provided a comment card but did not wish to speak

Joseph Bell – Stated he is in support of the project and design.

Amanda Orm – Stated she is in support of the project and believes it adds to the neighborhood.

Charles Stormont – Stated he is opposed of the project.

Richard Goers – Stated he is in favor of the project.

The applicant addressed the public comments.

Seeing no one else wished to speak, Chairperson Peters closed the public hearing.

The Commission made the following comments:

- The entire thing was imminently avoidable, and I support the staff's conclusion
- There's laws that need to be followed in the Historic District and they weren't followed
- I concur with the other commissioners, I think this is largely well precedence
- I concur with the other commissioners

**MOTION [8:30:37 PM](#)**

**Commissioner Stowell stated, based on the information listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission deny the request for a Certificate of Appropriateness for the attic additions at 1017 E 1st Avenue, as presented in petition PLNHLC2018- 00517, and deny the request for additional building and wall height Special Exceptions, as presented in petition PLNHLC2018-00676.**

**Commissioner Hyde second. Commissioners Shepherd, Richardson, Stowell, Hyde and Svendsen voted "Aye". The motion passed unanimously.**

## **ATTACHMENT E: Record of Decision Letter**

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November 2, 2018

Dennis Webb  
1017 E 1<sup>st</sup> Avenue  
Salt Lake City, UT 84103

Re: RECORD OF DECISION PLNHLC2018-00517 & PLNHLC2018-00676: MINOR ALTERATION AND SPECIAL EXCEPTION FOR ATTIC ADDITIONS AT 1017 E 1<sup>ST</sup> AVENUE

Dear Mr. Webb,

This letter serves as the Record of Decision relative to the following petitions:

- **PLNHLC2018-00517** – Request for a Certificate of Appropriateness (COA) for a Minor Alteration for two already constructed attic additions.
- **PLNHLC2018-00676** – Request for two Special Exceptions for additional building and wall height.

On **November 1, 2018**, the Salt Lake City Historic Landmark Commission denied the Minor Alteration and Special Exception requests.

The decision of the Historic Landmark Commission was based on the analysis and findings listed in the staff report, as well as the testimony and plans presented during the meeting.

The decision considers the general purpose of the zoning ordinance as well as the purpose of the zoning districts where the proposal is located. The purpose of the Historic Preservation Overlay district is to:

1. *Provide the means to protect and preserve areas of the city and individual structures and sites having historic, architectural or cultural significance;*
2. *Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks;*
3. *Abate the destruction and demolition of historic structures;*
4. *Implement adopted plans of the city related to historic preservation;*
5. *Foster civic pride in the history of Salt Lake City;*
6. *Protect and enhance the attraction of the city's historic landmarks and districts for tourists and visitors;*
7. *Foster economic development consistent with historic preservation; and*



8. *Encourage social, economic and environmental sustainability.*

The purpose of the SR-1A (Special Development Pattern Residential) Zoning District is as follows:

*To maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.*

A special exception is an activity or use incidental to or in addition to the principal use(s) permitted in a zoning district or an adjustment to a fixed dimension standard permitted as exceptions to the requirements of this title of less potential impact than a conditional use but which requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site.

The purpose of the zoning ordinance related to special exceptions is as follows:

*The planning commission or historic landmark commission may delegate its authority as necessary to the planning director to make a determination regarding special exceptions. The planning director may approve the special exceptions authorized by this title in accordance with the procedures and standards set out in this chapter and other regulations applicable to the district in which the subject property is located.*

The minutes of the Historic Landmark Commission meeting are tentatively scheduled to be adopted on December 6, 2018. Copies of the adopted minutes will be posted on the Planning Division's website the day after they are adopted at:

<https://www.slcc.gov/boards/historic-landmark-commission-agendas-minutes/>

This Record of Decision is provided to you indicating the date, the action taken, to approve the request, the pertinent appeal periods; and, to what body an appeal can be made.

Appeal by the Applicant

There is a 30-day period in which the applicant may appeal the Historic Landmark Commission's decision. The applicant has the option of appealing to either the Appeals Hearing Officer **or** to the Mayor, who serves as Salt Lake City's Historic Preservation Appeal Authority. Any appeal by the applicant, including the filing fee, must be filed by the close of business on **December 3, 2018**.

Appeal by an Affected Party

There is a 10-day appeal period in which any party entitled to appeal can appeal the Historic Landmark Commission's decisions to the city's Appeals Hearing Officer. This appeal period is required in the City's Zoning Ordinance and allows time for any affected party to protest the approval, if they so choose. Any appeal, including the filing fee, must be filed by the close of business on **November 13, 2018**.

JACQUELINE M. BISKUPSKI  
*Mayor*



**DEPARTMENT of COMMUNITY  
and NEIGHBORHOODS**  
PLANNING DIVISION

If you have any further questions about the Planning Division's processes, please contact me at (801) 535-7118 or by e-mail at [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com). It was a pleasure working with you.

Sincerely,

A handwritten signature in blue ink that reads "Mayara Lima".

Mayara Lima  
Associate Planner

cc: Case file PLNHLC2018-00517 & PLNHLC2018-00676



## **ATTACHMENT F: Standards for Minor Alterations**

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### **21A.34.020G**

#### **Standards For Certificate Of Appropriateness For Alteration Of A Landmark Site Or Contributing Structure Including New Construction Of An Accessory Structure:**

In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the Historic Landmark Commission, or the Planning Director, for administrative decisions, shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the City:

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;
6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;
9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;
10. Certain building materials are prohibited including the following:



- a. Aluminum, asbestos, or vinyl cladding when applied directly to an original or historic material.
- 11.** Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H Historic Preservation Overlay District, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H Historic Preservation Overlay District and shall comply with the standards outlined in chapter 21A.46 of this title.

## **ATTACHMENT G: Standards for Special Exceptions**

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### **21A.52.060**

**GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS:** No application for a special exception shall be approved unless the planning commission, historic landmark commission, or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

**A. Compliance With Zoning Ordinance And District Purposes:** The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.

**B. No Substantial Impairment Of Property Value:** The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

**C. No Undue Adverse Impact:** The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

**D. Compatible With Surrounding Development:** The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

**E. No Destruction Of Significant Features:** The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

**F. No Material Pollution Of Environment:** The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

**G. Compliance With Standards:** The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.