



Re: Case No. PLNAPP2018-00970 Appealing the Decisions of the Historic Landmark Commission dated November 2, 2018, which denied Petition Nos. PLNHLC2018-517 and PLNHLC2018-00676.

Appellant: Dennis Webb

This matter came before the undersigned on February 8, 2019, for hearing on appeal from decisions by the Historic Landmark Commission (the "Commission").

The Commission considered Appellant Dennis Webb's Petitions pursuant to City Code § 31A.34.020G for a Certificate of Appropriateness for Alteration of a Contributing Structure and City Code §21A.52.060 for a Special Exception, both of which concerned alterations made primarily to the roof of his contributing structure located at 1017 East 1<sup>st</sup> Avenue, Salt Lake City. After hearing at a public meeting on November 1, 2018, the Commission denied Mr. Webb's Petitions on November 2, 2018. Mr. Webb timely appealed.

I have considered the Staff Report dated February 8, 2019, and all attachments, including materials submitted by Mr. Webb, responses and analyses provided by City Planning Division and legal staff and the standards set forth by both ordinances. I have also considered and weighed the arguments and testimony presented to me during the hearing on February 8, 2019.

In this regard, I acknowledge and respect efforts made by Mr. Webb to restore and rehabilitate the contributing structure within time constraints imposed by changing seasons and the need to comply with legislatively adopted historic standards. Moreover, I commend Mr. Webb for his efforts to cope with the burdens imposed on him and his family by a nearly adult special needs child and for his military service, all as described by his testimony during the hearing. I am sympathetic to these circumstances and wish to expressly acknowledge them.

That said, as the Appeal Authority appointed consistent with the Municipal Land Use and Management Act, my decision is governed by the standards of review set forth by City Code § 21A.16.030.E. In particular, I'm obligated to review the record of proceedings before the Commission and "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."

Applying this standard of review, I find that the Commission's decisions on each of the standards set forth by City Code sections for a certificate of appropriateness and for a special exception are supported by substantial evidence.<sup>1</sup> In particular, the City Planning Division prepared and

---

<sup>1</sup>There has been no argument nor evidence presented that the Commission's decision was illegal in any way. On the contrary, there is substantial evidence that the Planning Division's staff reached out to Mr. Webb in May 2017 and provided Mr. Webb with guidance on how he might comply with the City's standards in constructing the dormer and attic additions he contemplated. However, Mr. Webb commenced the construction without required permits and without compliance with applicable standards as more fully discussed herein. To the extent illegality is a factor in my decision, it weighs against Mr. Webb.



submitted a Staff Report to the Commission in connection with the Commission's November 1, 2018, hearing. In that report, planning staff determined and communicated to the Commission that the attic additions failed to meet four of the nine applicable standards for a certificate of appropriateness and failed to meet four of seven standards required for approval of special exceptions for additional wall and building height. *See* Planning Division Staff Report, dated November 1, 2018 (Staff Report), attachments G and H.

In this regard, the Staff Report also identifies "key issues" relevant to those standards and the related guidelines. Issue 1 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." Staff Report, p. 6. By reference to drawings and analysis, the Staff Report supports the conclusion that:

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.

*Id.*

Issue 2 concerns the "roof form and slope of the additions" remaining "in character with the historic building." *Id.* pp. 6-7. The photographs and drawings provided support the Staff Report's conclusion that:

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).

*Id.*

Issue 3 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* Staff Report, p. 7. The photographs depicted in Figures 4-6, Figures 10-11, and attachments B and C support the Reports findings that:

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.

*Id.*

Issue 4 identified by staff indicates that Mr. Webb’s additions should have minimal visual impact on the historic structure. *Id.* The pictures included as Figures 11 and 12, as well as the reconnaissance surveys, support Staff’s conclusions that:

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.

Issue 5 provides that additions like those at issue should consider the effects they might have on the character of the building and the historic district itself. Again, the photographs and reconnaissance surveys referenced by the Report support staff’s conclusion that:

[T]he 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 1st Avenue in which the home is located, and the historic district at large.

*Id.* p. 8.

Finally, referencing the standards for special exceptions under Issue 6, the Staff Report notes that “special exceptions in historic districts should be considered for designs that further the purpose of historic preservation.” *See id.* The drawings and measurements provided support the Report’s conclusion that:



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.

*Id.* See also Staff Report, attachment H (noting that the construction at issue does not comply with 4 out of the 7 applicable standards for consideration of special exceptions).

At the same time, as outlined in the response prepared by City Attorney Paul Nielson, Mr. Webb has not submitted evidence or argument directly contradicting the Staff Report's findings and recommendations, and has not pointed to or marshalled evidence which would lead me to conclude that the Commission erred in adopting the Staff Report's recommendations. See Salt Lake City Attorney Response.

Therefore, for the reasons summarily described above and evidenced by the record in this matter, I deny the appeal and uphold the Commission's decision of November 2, 2018.

Dated this 12<sup>th</sup> day of February, 2019.

A handwritten signature in blue ink that reads "Jackie Biskupski".

Jackie Biskupski  
Salt Lake City Mayor