



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer  
From: Kelsey Lindquist, [kelsey.lindquist@slcgov.com](mailto:kelsey.lindquist@slcgov.com) or 801-535-7930  
Date: August 6, 2020  
Re: PLNAPP2020-00440 – Appeal of a Historic Landmark Commission Decision Related to Demolition of a Contributing Building – *PLNHLC2020-00068*

## Appeal of Historic Landmark Commission Decision

PROPERTY ADDRESS: 58 E Hillside Avenue  
PARCEL ID: 09-31-308-006  
PARCEL DISTRICT: RMF-35– Moderate Density Multi-Family Residential & H – Historic Preservation Overlay District  
ZONING ORDINANCE SECTIONS: Section 21A.34.020 (H Historic Preservation Overlay District)

APPELLANT: Jeff Garbett, represented by Bruce Baird

### APPEAL:

The appellant makes the following claim regarding **the Historic Landmark Commission's May 7, 2020 decision**

1. The proposed project fits within the Standards for Approval of a Certificate of Appropriateness for Demolition.
  - o The Appeal provides information regarding each Standard of Approval of a Certificate of Appropriateness for Demolition.
2. The Staff report fails to give site specific, and structure specific evidence of Historical integrity.

### 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:

On January 4, 2020, Jeff Garbett submitted an application to demolish a contributing building in the Capitol Hill local historic district. The original historic landmark commission staff report and submitted application materials are included in Attachment C.

On May 7, 2020, the Salt Lake City Historic Landmark Commission denied the request for demolition of the contributing principal building on the subject property. The commission found the request for demolition failed to substantially comply with the standards of approval in 21A.34.020.K. The decision of the Historic Landmark Commission was based on the findings and information contained in the staff report, information provided by the applicant, testimony and plans presented during the meeting, and discussion of the Historic Landmark Commission. On June 5, 2020, the appellant filed an appeal of the May 7, 2020 Historic Landmark Commission decision.

#### 21A.34.020.K

*Standards for Certificate of Appropriateness for Demolition of a Contributing Principal Building in an H Historic Preservation Overlay District: When considering a request for approval of a certificate of appropriateness for demolition of a contributing principal building, the Historic Landmark Commission shall determine whether the request substantially complies with the following standards:*

1. *Standards for Approval of a Certificate of Appropriateness for Demolition:*
  - a. *The physical integrity of the site as defined in subsection C15b of this section is no **longer evident.** Subsection C15b reads, “Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places.”*
  - b. *The streetscape within the context of the H historic preservation overlay district would not be negatively affected if the contributing principal building were to be demolished;*
  - c. *The demolition would not create a material adverse effect on the concentration of historic resources used to define the boundaries or maintain the integrity of the district;*
  - d. *The base zoning of the site does not permit land uses that would allow the adaptive reuse of the contributing principal building;*
  - e. *The contributing principal building has not suffered from willful neglect, as evidenced by the following:*
    - (1) *Willful or negligent acts that have caused significant deterioration of the structural integrity of the contributing principal building to the point that the building fails to substantially conform to applicable standards of the State Construction Code;*
    - (2) *Failure to perform routine and appropriate maintenance and repairs to maintain the structural integrity of the contributing principal building, or;*
    - (3) *Failure to secure and board the contributing principal building, if vacant, per section [18.64.045](#) of this Code.*
2. *Historic Landmark Commission Determination Of Compliance With Standards Of Approval: If the Historic Landmark Commission finds that the request for a certificate of appropriateness for demolition substantially complies with the standards in 21A.34.020.K.1, the Historic Landmark Commission shall approve the request for a*

*certificate of appropriateness for demolition. If the Historic Landmark Commission does not find that the request for a certificate of appropriateness for demolition substantially complies with the standards in 21A.34.020.K.1, then the Historic Landmark Commission shall deny the request for a certificate of appropriateness for demolition.*

NEXT STEPS:

**If the HLC's Decision is Upheld**

**If the appeals hearing officer upholds the Historic Landmark Commission's decision to deny the request for a CoA for demolition of a contributing structure, then the commission's decision will stand.**

The owner and/or owner's representative will have one year from the end of the appeal period as described in chapter 21A.16 of the Salt Lake City zoning ordinance, to submit an application for determination of economic hardship if they choose to do so. A request for a determination of economic hardship will be processed in accordance with section 21A.34.020.L.

The applicant could also apply for a CoA to make alterations to the contributing structure in accordance with the standards of review in 21A.34.020.G. Requests for a CoA could include things like needed exterior repairs or even an addition to the structure.

**If the HLC's Decision is Reversed**

If the Appeals Hearing Officer reverses the Historic Landmark Commission decision, the requirements listed in 21A.34.020.H or 21A.34.020.O and 21A.34.020.P of the Salt Lake City zoning ordinance must be met prior to the issuance of a Certificate of Appropriateness for demolition.

Appeal

The decision of the appeals hearing officer can be appealed to Third District Court within 30 days of the decision.

ATTACHMENTS:

- A. [Appeal Application](#)
- B. [Salt Lake City Attorney Response](#)
- C. [HLC Staff Report](#)
- D. [Record of Decision Letter](#)
- E. [HLC Meeting Minutes – May 7, 2020](#)

# ATTACHMENT A: Appeal Application

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# Appeal of a Decision

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Project # Being Appealed:	Received By:	Date Received:
Appealed decision made by:		
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Administrative Decision	<input type="checkbox"/> Historic Landmark Commission
Appeal will be forwarded to:		
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Appeal Hearing Officer	<input type="checkbox"/> Historic Landmark Commission
Project Name:		

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed:  
denial of application for demolition of a contributing structure

Address of Subject Property:  
58 E Hillside Ave. SLC, UT 84103

Name of Appellant:  
Jeff Garbett

Address of Appellant:  
273 E. Capitol St, SLC UT 84103

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

Name of Property Owner (if different from appellant):

E-mail of Property Owner: Phone:

Appellant's Interest in Subject Property:  
Owner

### 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.
- Applicant of an HLC decision being appealed can submit within thirty (30) days of a decision.

### REQUIRED FEE

- Filing fees must be submitted within the required appeal period.
- Filing fee of \$259, plus additional fees for required public notices and 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: Jeff Garbett	Date: 6/5/20
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## 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

jvg 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 . . .”

If the evidence supporting the decision is not marshaled and responded to, the hearing officer cannot grant your appeal. It may be wise to seek the advice of an attorney experienced in local land use regulation to assist you.

## 58 East Hillside Appeal:

I'm proposing to demolish the existing structure to build a single family rambler style home with a detached garage.

The new home at 58 E. Hillside Ave. will follow city code and zoning ordinances. It will showcase modern contemporary design with an emphasis on energy efficiency.

Historic photo taken in 1977\_



**K1.** The proposed project fits within the Standards for Approval of a Certificate of Appropriateness for Demolition.

- A. The physical integrity of the site as defined in subsection C15b of this section is no longer evident.

C15b: Physical Integrity in terms of location, design, setting, materials, workmanship, feeling, and association as defined by the national park service for the national register of historic places.

The Staff report fails to give site specific, and structure specific evidence of Historical integrity. In order to have or keep historical integrity, the criteria demands many if not most of the following 7 guidelines be met. It is not sufficient for an individual structure to have or keep historical integrity merely by its location within a historical overlay district.

Integrity is the ability of a property to convey its significance. To retain historic integrity a property will always possess several, and usually most, of these 7 aspects as defined in the National Register of Historic Places, the

**Location:** While the home hasn't been moved, "there is no substantive historic event associated with the land that it sits on" The criteria is taken directly from "National Register Bulletin: How to Apply the National Register Criteria for Evaluation.

**Design:** Results from the conscious decisions made during the original conception and planning of a property (or its significant alteration. The home shows no deliberate or conscious purpose to achieve The design elements that this home fits within the foursquare style guide, are essentially the same qualifications that qualify it as a house. It has a roof, windows, and walls, and a foundation. But there was no deliberate effort showcase a design. As demonstrated by the haphazard design elements along all sides of the home.



Characteristics

- looks like a box
- low-pitched hipped roof
- one-over-one, double-hung windows, or
- ~~X~~ one-light, fixed window; with fixed transom
- ~~X~~ prominent lintels and sills
- ~~X~~ full, open porch
- ~~X~~ wide eaves
- ~~X~~ brackets in some instances
- ~~X~~ dormers: shed roof, hipped (with a low pitch), gabled (sometimes with a pediment)
  - outside siding: wood clapboard, stucco, brick. Dormer walls shingled in Craftsman examples.
- ~~X~~ rare examples have quoins
- concrete or brick foundation
- rear, frame shed roof addition (or secondary space) at rear
- ~~X~~ if Classical or Colonial Revival: vertical rail balustrade on porch, round porch columns with Doric capitals that are sometimes doubled and a broad fascia that is an entablature
- ~~X~~ if Craftsman, porch has square posts, tapered arched openings, brick pony walls



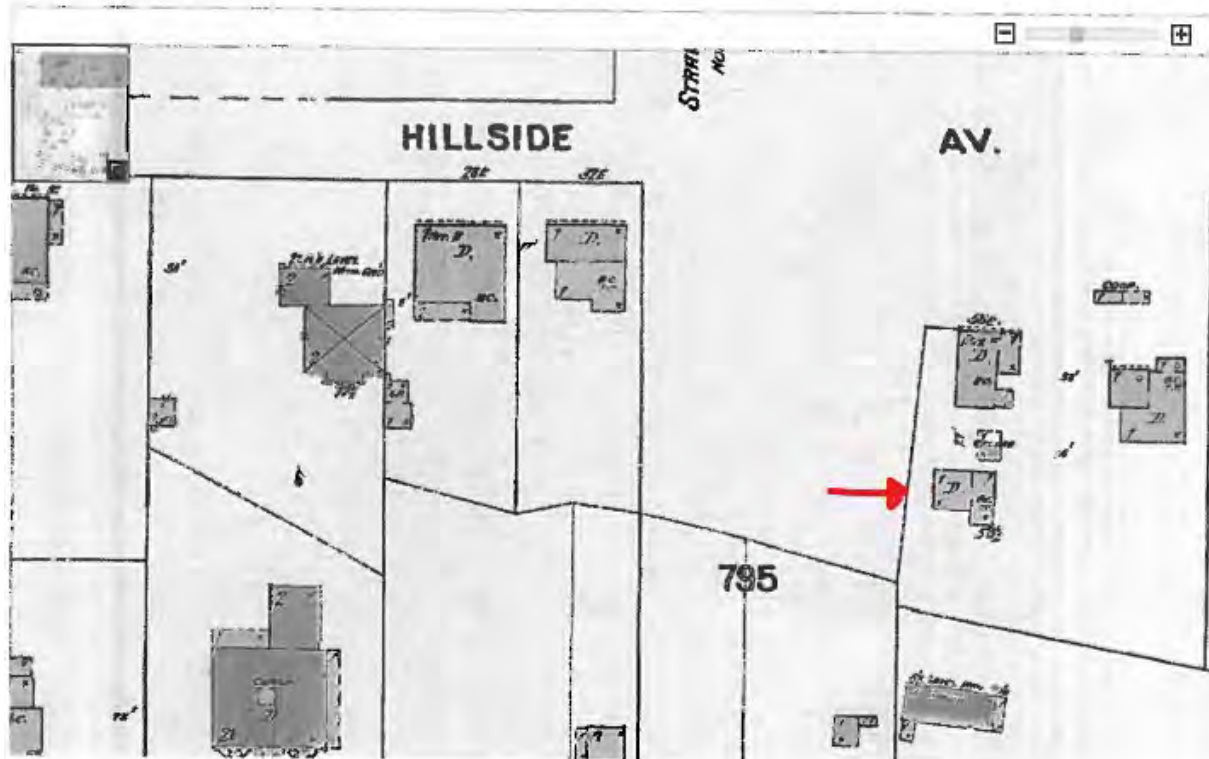
*Because of its simplicity, the Foursquare lends itself to many styles. With thick square posts and exposed rafters it take on a Craftsman tone. With rounded porch columns and a pediment on the porch roof it becomes classical.*

Some

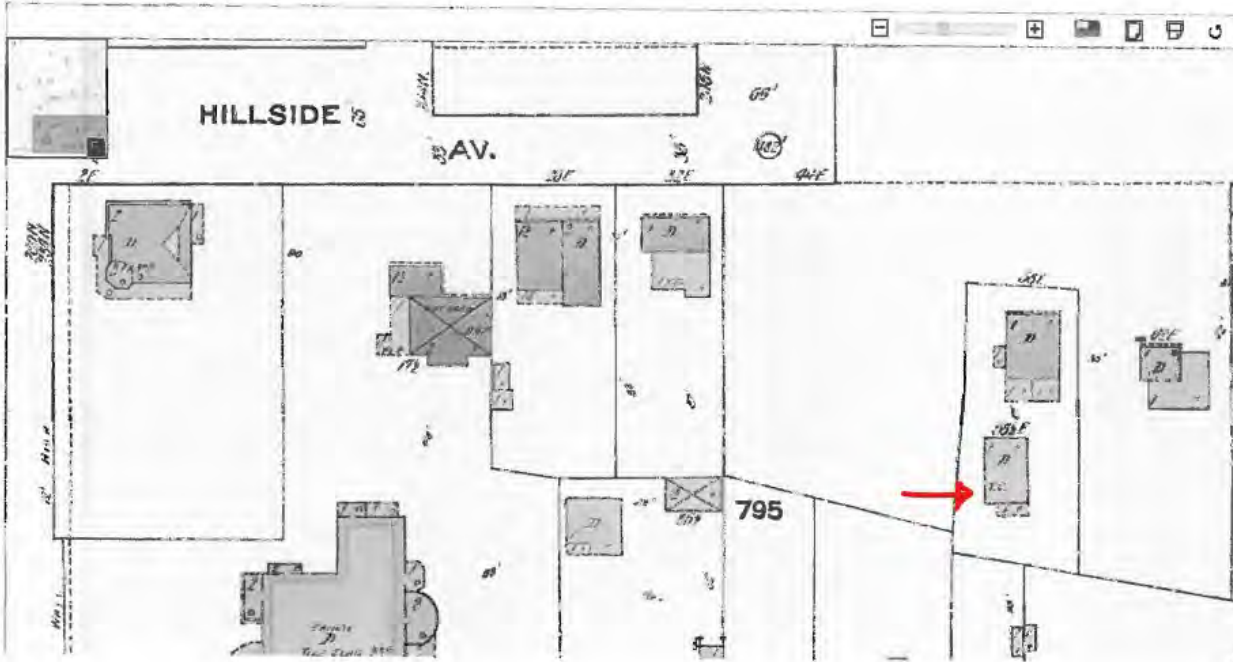
Here are survey sheets that show changes and additions to the structure demonstrating the progression of the homes was due to stages of building rather than deliberate design decisions.

**Salt Lake City, 1898: Sheet 125**

View Description



This survey shows the earliest record of the building dimensions. Between the two surveys the building more than doubled in size, and was significantly altered.



The design elements that this home fits within the foursquare style guide, are essentially the same qualifications that qualify it as a house. It has a roof, windows, and walls, and a foundation. But there was no deliberate effort showcase a design. As demonstrated by the haphazard design elements along all sides of the home.

**Setting:** Refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space. The home to the North was purchased by its owner as an investment, who then decided to maximize his investment by building another home behind it. This after thought on a rear parcel not visible from the street scape is how 58 1/2 East hillside came to be built. It played no significant role by its placement or influence on historic events or historic area.

**Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. There is nothing remarkable about the materials of the building, and it has already been demonstrated how the materials of the building have changed over the years. During each remodel or addition of the building the home has changed to lose all integrity of the material side of the building, this is amply demonstrated in the plastic sheet of roofing, to the metal storm doors on the home. In addition: toxic, and dangerous materials

have been added to the home such as Asbestos and Lead paint that make the home a health hazard and will need to be mitigated in any iteration of the home's future.

**Workmanship:** Is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. This home shows no integrity of original workmanship to make this a great illustration of a period piece of workmanship. It is a hodgepodge of materials and styles from its redesigns and additions over the years.

**Feeling:** Is the property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features the, taken together, convey the property's historic character. Likely due to the location of the home, not being visible from the street, no real thought or effort has gone into the design or workmanship of the home during any of its iterations, and therefore does not convey integrity of historic feeling, anymore than an outhouse would.

**Association:** The direct link between an important historic event, person. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship with an observer. Since there has never been an historic event, historic personage tied to this home, it has no Association integrity.

The National Register for historic places guidelines require more than a home being old, or even being able to identify who lived, or owned them to qualify as an historic property, and qualify for Historical Integrity. There must be direct ties to a person of significant historical context, or an event of significant historical context. Then the home, must maintain enough of the above qualifiers in its original form or thru purposeful additions to qualify. The property at 58 ½ East fails to qualify in any of the 7 categories.

**B.** The Streetscape within the context of the Historic preservation overlay district would not be negatively affected. **The staff report concurs.** This is easily demonstrated by the position of the home as a rear lot, and the intent to build a new home on the parcel abutting the street scape that will block the home from view of the street scape. The land also slopes downward from the street to the south of the property. So there is also a natural obscuring that occurs from the street as well. The intended project on the front parcel, which I own, will be a two story and will blend in nicely with the size and blocking of the street scape both of its neighbors being 2 story homes.



69 E Hillside Ave



72 E Hillside Ave



77 E Hillside Ave



79 E Hillside Ave



59 E Hillside Ave



57 E Hillside Ave



48 E Hillside Ave



30 E Hillside Ave



44 E Hillside Ave



28 E Hillside Ave



25 E Hillside Ave



35 E Hillside Ave

C. The demolition would not create a material adverse effect on the concentration of historic resources used to define the boundaries or maintain the integrity of the district. **Because the structure has no historical integrity it cannot adversely affect the historical overlay district that it is in.** The Front parcel will be a new construction noncontributing building and the demolition of the existing structure and building a another new single family building on the rear parcel will make for more visual continuity if any, because most of the structure from any street view will be blocked by the front parcel structure.

The removal of a property that has lost or never had historical integrity will only elevate the remaining contributing historical homes.

D. The base zoning of the site is compatible with the use of a single family home, but to get this home to a certificate of occupancy would require so much work to the structure the Roof will need to be replaced, the inside walls and ceiling will need to be removed with mitigation for asbestos, and lead. This will require all the walls to be replaced. Because it will take a completely new structure the foundation will need to be altered to stand up to earthquake and standard building codes. So if the roof, walls, and foundation are replaced, the home can no longer qualify as a reuse, but is in actuality a new build.

E. The reuse plan is consistent with the standards outlined in subsection H of this sections.

The height and width will fall into city guidelines the proposed structure will be a rambler plan, so only one story with a low pitched roof. The width following the standard setbacks of 10 ' and 4' on the sides.

The roof shape will not try and copy the surrounding shapes but will blend in as a new example of construction with a nod to the past.

The structures on either side are large, and two story, neither has an attached garage on the front so the proposed projects have taken notice and will maintain the similar size and mass with no front garages on the structures.

This isn't an application for new construction, but having a preliminary idea of thoughts, spacing, design, will help in understanding how the proposed new structures will affect the street scape, and argument that the demolition will not have any negative affects on the streetscape and historic overlay district.

There is already a signed document by a city planner stating that both parcels are legal parcels that can be built on seperalty.

darv.andersen@hsc.utah.edu

PLNSub2011-00758

SALT LAKE CITY PLANNING DIVISION  
SUBDIVISION REVIEW SCREENING CHECKLIST

*D. Anglin*  
12/20/11

333 E Stanton Ave, SLCC 84111

Property Owner: LOIS JENSEN (TRUST) Phone # \_\_\_\_\_  
Contact Person: DARV ANDERSEN Phone/Fax # 801-554-8526  
Address: 56 & 58 E Hillside Ave, SLCC 84103  
Property Parcel# 0931308005 & 0006 Address: 56 & 58 E Hillside Ave SLCC 84103  
City Permits Staff Contact: \_\_\_\_\_ Phone # \_\_\_\_\_

REVIEW MATERIALS

Required Attached

- Property Parcel Sidwell Tax I.D. Number. ✓
- Site Plan of development proposal.
- Current Sidwell (Plat page & aerial photo base).
- Salt Lake County, property parcel history screen print out.
- Title Report.
- "ALTA" Survey of the property. Recorder? None
- Other \_\_\_\_\_

Separately

Recorder office

TYPE OF ACTION REQUIRED (for Planning Division Staff only)

- No action necessary.
- Minor Subdivision approval required.
- Preliminary approval by the Planning Commission.
- Routine Lot Line Adjustment approval required.
- Subdivision Amendment approval required.
- Parcel Consolidation by Deed (Parcels: \_\_\_\_\_)

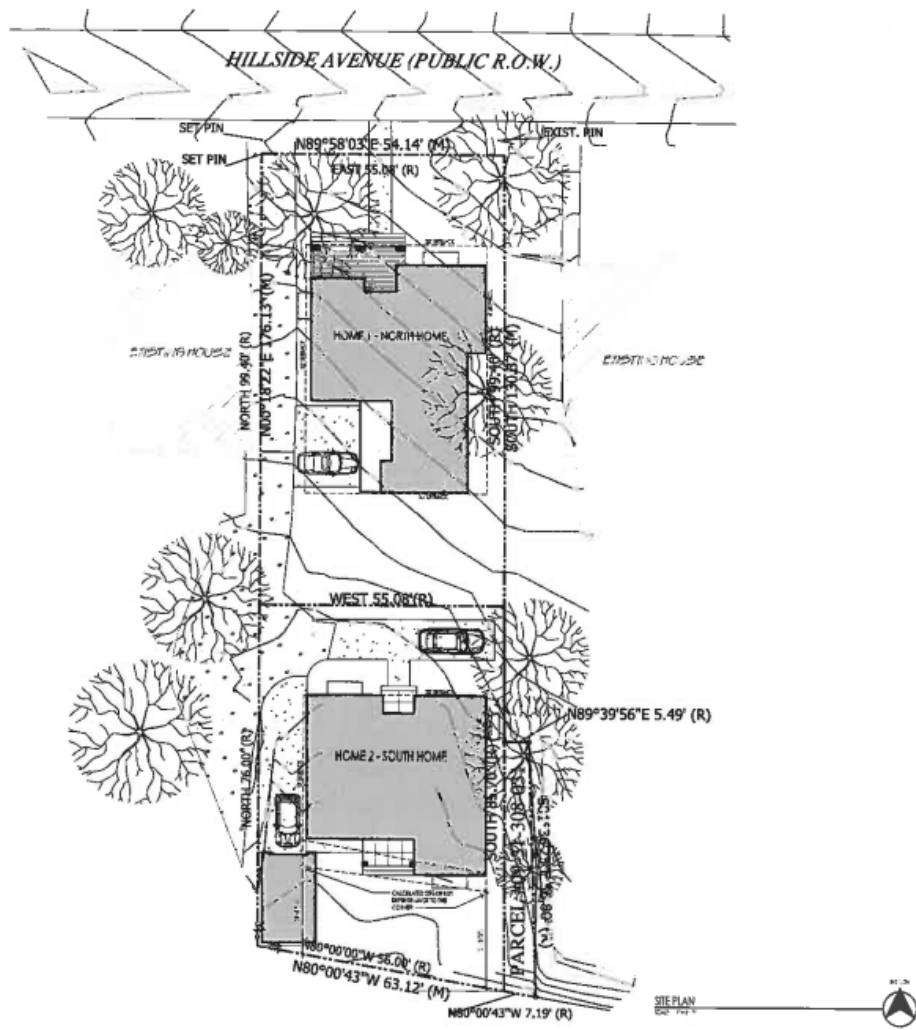
JUSTIFICATION FOR ACTION REQUIRED: (FOR PLANNING DIVISION STAFF ONLY)

Parcel # 09-31-308-005-0000 (56 E Hillside) is recognized as buildable for a single family dwelling. The parcel meets both width and square footage requirements for constructing a single family home in the RMF-35 zone. Additionally, Salt Lake County and City records show the lots in existence as they are currently configured since as early as 1980. The zoning ordinance states that lots that were in legal existence at the time of the title are considered legal complying and shall be approved for single family homes (21A.38.100)

CHECKED BY: *Thomas Irvin*  
Thomas Irvin

DATE: 1/19/12

Form Revised 11-2002







F. The site has not suffered from any willful neglect by the current owner. A tornado in 1999 blew a tree onto the roof damaging and destroying its structural integrity. The roof no longer stops the elements from entering the home. This has caused increased damage through the years and prevented the home from being habitable when the owner dies. The home passed into the owner's estate, and the executors had neither the time, money or capacity to improve the property to a habitable state. Part of the issue is that the ceiling is filled with Asbestos. In order to repair the roof, the entire ceiling and walls would need to be mitigated. These issues and others prevented the home from being rented, sold or occupied. I purchased the damaged structure in 2015. In order to purchase the front parcel I was required to purchase the rear parcel as well. I understood it was a damaged structure and was on the contributing list. I was willing to take the risk because during due diligence I did not believe the home qualified for historical integrity, I believed there was a chance that I could follow the process and remove the current structure to allow for a feasible new build. The Historical Landmark commission questioned why I would take this risk. My answer is that at some point derelict, damaged, or unsafe structures need to be replaced. If it makes no economic sense to renovate or rehabilitate, then the homes just deteriorate until a city decides that they can be replaced. This home clearly does not qualify for historical integrity. The staff report gives no site specific examples of historical significance for the home, it's lot, or even a feasible defense for its structure as architecturally purposefully designed or a significant example of an architectural movement. I have the capability of replacing a blighted structure for an innovative all electric home with design that will increase the diversity of the quality and diversity of the homes in the

neighborhood. For personal and professional reasons I have not had the time and opportunity to pursue the process of applications to demolish the home until now. Some but not all inclusive list being: I got divorced. I spent a year in Mexico building of 63 schools for the indigenous people in Chiapas. I returned to school and obtained an undergraduate degree. This also explains why in the last year, I received a notice to clear weeds, and board the structure. I wasn't in a place to respond quickly enough, but I have attached a signed document that the current neighbors who own the properties to the east and west of the structure, who also considered purchasing the property, and have had intimate knowledge of the homes conditions years before my purchase up to the current date, stating that the poor condition is not due to my neglect, but was present prior to my purchase. The home can not be repaired or reconditioned for occupancy without major alterations to the effect of making it economically unviable to rent without losing money each month. Estimates from experienced professionals in renovation in the capitol hill area have estimated that to renovate the structure would be around \$400 a sq.ft.. Mitigation and site prep another \$50k This would put the cost of the home close to \$600-\$650k after all expenses. To just recover the cost, I would be competing with homes 3-4 times the size. In the same location. Nor does it under these circumstances make sense to rehabilitate in order to sell.

The information and evidence which may have been relied upon cannot sustain the decision because it is irrelevant and not credible. The home cannot qualify for historical integrity under the National Parks register guidelines. Therefore the structure does not qualify to be protected or encouraged for renovation. It makes no financial sense to rehabilitate the home for rent or for sale. If the current building is not removed it will continue to deteriorate, and remain an eyesore, and a blight to the neighborhood. Having been involved in the renovation and rehabilitation of several properties in the capitol hill area (The Kensington Apartments on 180 N Main, the building on 204 and 208 North State st as well as 273 N. East Capitol St.) I believe it represents my desire and intention to preserve, improve when the properties and character of the buildings merit it. 58 E Hillside does not. If It's not demolished the structure will continue to deteriorate as it has done since 1999 when a tornado damaged the structure of the roof allowing the elements in for 16 years until I purchased it. Understand and willing to take the risk in hopes that I might be able to improve the area by replacing it with a current and elegant example of contemporary building styles. If demolition is not approved the building will continue to sit uninhabitable, and blight the area because there is no economic path viable without it, as it has for the almost six years since I have owned it, until the time when the city decides it can be removed. It has been uninhabitable for 21 years. With many individuals and families looking for good housing options in the area, and established neighbors who would like to see the home improved, why wait another 20 years for the building to fall to pieces. For these reasons I make an appeal that the structure be allowed to follow city demolition guidelines and allow for a new single family structure to take its place improving and allowing for additional families to live in the Capitol Hill neighborhood.

June 3, 2020

To whom it may concern

My Name is Duran Lucas. I live at 48 East Hillside Ave. Salt Lake City. I have lived at this address since the summer of 2015 and lived at 68 East Hillside from the summer of 2008 until my move to 48 Hillside. I have lived adjacent to 58 Hillside for approximately 12 years and can attest that the property is generally in no worse condition than when I first moved to the neighborhood in 2008.

When I first moved in, the roof on the subject property had remained partially collapsed from a tree that had fallen on it during the tornado of 1999. The window trim, stucco, and eaves had not been painted or repaired in what I observed to be years and were in an obvious state of severe neglect and disrepair. Trees and vegetation had over-grown the property and the rear addition of the structure was in a condition I considered to be a health hazard. The subject property was occupied by an elderly widow that did not have the physical or financial means to maintain the property and definatly did not have the ability to restore the property to current preservation standards. A year or so before Mr. Garbett purchased the property the resident of the subject property was place in a care facility and never returned to the property.

Since the time Mr. Garbett purchased the property, I have observed him do more to maintain the property than at any time prior to his ownership. Mr. Garbett regularly mows the grass and trims back the vegetation and, in my opinion, has not neglected the property. The disrepair of 58 Hillside that is observed today is not the doing of Mr. Garbett, but predates his ownership, and is more the result of the financial and physical limitations of a previous owner.

This, unfortunately, is the plight of many structures throughout our community, including those managed by our own city government —the Wasatch Spring Plunge building, the historic chapel at 1102 West 400 North, the Fisher Mansion, etc. The City has not painted, restored, or maintained many of its historic properties over the past 12 years. In fact, they have been largely ignored, boarded-up, and forgotten. The neglect is due to a lack of desire to restore but is based on the real fact that sometimes it is just not feasible to keep a property in pristine condition, especially when it has previously been neglected.

One example is the City's magnificent plunge building...a building with clear historic and community significance...no one is happy with the current condition, and yet the condition exists and it will likely continue to slowly deteriorate because the current authorized use of the structure does not justify the extreme cost of making it usable.

In my opinion, the City should not arbitrarily deny a private landowner from making changes that would take a distressed property to a viable home. To reiterate, the disrepair observed at 58 Hillside predates Mr. Garbett's ownership and Mr. Garbett has not allowed the property to fall into a state of greater disrepair.

Sincerely,









PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4

**R & R Environmental, Inc.**  
47 West 9000 South, Suite #2, Sandy, Utah 84070  
(801) 352-2380 • Fax: (801) 352-2381

PROJECT NO:

**SITE PHOTOGRAPHS**  
**AN ASBESTOS SURVEY AND ASSESSMENT**  
**FORMER RESIDENCE**

# ATTACHMENT B: SLC Attorney Response to Appeal

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ADMINISTRATIVE HEARING OF A LAND USE APPEAL

(Case No. **PLNAPP2020-00440**)

(Appealing Petition No. PLNHLC2020-00068)

August 13, 2020

Appellant:	Jeff Garbett
Decision-making entity:	Salt Lake City Historic Landmark Commission
Address Related to Appeal:	58 East Hillside Avenue
Request:	Appealing the historic landmark commission's denial of a certificate of appropriateness to demolish a single-family structure.
Brief Prepared by:	Paul C. Nielson, Senior City Attorney

Land Use Appeals Hearing Officer's Jurisdiction and Authority

The appeals hearing officer, established pursuant to Section 21A.06.040 of the *Salt Lake City Code*, is the city's designated land use appeal authority on appeals of historic landmark commission decisions.

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 of the historic landmark commission "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.K (Standards for Certificate of Appropriateness for Demolition of a Contributing Principal Building in an H Historic Preservation Overlay District) of the *Salt Lake City Code*. Video of the commission’s May 7, 2020 public meeting is part of the record of this matter and is found at <https://www.youtube.com/watch?v=FJx2T3r68Xg> (3:10:25 to 4:10:27).

### **Background**

This matter was heard by the historic landmark commission on May 7, 2020 on a petition by Jeff Garbett (“Appellant” or “Applicant”) for a certificate of appropriateness to demolish a single-family dwelling located at 58 East Hillside Avenue (the “Property”).

Planning division staff prepared a report dated April 30, 2020 for the historic landmark commission’s consideration of the subject petition in which staff determined that the proposal to demolish the contributing structure on the Property did not meet the standards for approving a certificate of appropriateness for demolition of a contributing principal building in the H Historic Preservation Overlay District. (See Planning Division Staff Report Dated April 30, 2020).

Appellant submitted materials that were provided in the staff report.

At its May 7, 2020 meeting (held electronically via Cisco Webex due to the COVID-19 pandemic as authorized by law), the historic landmark commission heard presentations from planning division staff, Applicant, and received testimony from members of the public. Following these presentations and testimony, the commission voted to deny the application based on the findings and analysis presented by planning division staff, as those findings were presented in the April 30, 2020 staff report and all other information and testimony provided to the commission. (See Video of May 7, 2020 Historic Landmark Commission Meeting at 4:08:36 to 4:10:08).

On June 5, 2020, Appellant filed an appeal application form along with a document that appears to include arguments in favor of demolition but does not specifically identify any error made by the historic landmark commission.

### **Discussion**

Appellant's appeal document appears to include much of the information he provided in a document he submitted to the historic landmark commission along with highlighted text that seems to be the arguments presented in this appeal or responses to the applicable standards. For purposes of this appeal, the city will assume that the highlighted text constitutes Appellant's arguments insofar as they address some of the standards that the historic landmark commission determined were not met.

Appellant's appeal appears to center on the argument that the single-family dwelling on the Property has not retained its "historic integrity". In fact, that argument pops up a few times in the appeal document. Appellant initially asserts that argument where he states:

The Staff report fails to give site specific, and structure specific evidence of Historical integrity. In order to have or keep historical integrity, the criteria demands many if not most of the following 7 guidelines be met. It is not sufficient for an individual structure to have or keep historical integrity merely by its location within a historical overlay district.

(Appellant's Appeal Document, p. 2). That assertion ignores planning staff's discussion of Key Issues on page 4 of the staff report--specifically, Issue 2--as well as the analysis and findings in Attachment G to the staff report. Both the discussion in the text identified as "Issue 2" and the analysis of the standard set forth in Subsection 21A.34.020.K.1.a of the *Salt Lake City Code* specifically address the physical integrity of the subject single-family dwelling, identifying its physical properties and noting that, while the structure does need repairs, its physical integrity is retained. It should also be noted that the standard concerns "physical integrity" not "historical integrity" as described by Appellant, but the city assumes that Appellant is referring to essentially the same principle.

Appellant claims a few times that the structure has lost its "historical integrity", but fails to provide any factual support for that claim. Additionally, Appellant's appeal document includes a significant amount of personal narrative. What Appellant's submission does not include is any specific assertion of an error committed by the Salt Lake City Historic Landmark Commission or any discussion of how the commission's decision to deny Appellant's petition was arbitrary, capricious, or illegal. As mentioned above, it is Appellant's burden to prove that the historic landmark commission erred in its application of the applicable standards in light of the facts presented in this matter. Appellant has not met that burden nor has he provided the appeals hearing officer any basis under the law to undo the commission's decision. Instead of pointing to any error made by the commission, Appellant seems to have instead offered his own opinions and conclusions, along with a handful of explanations regarding the Property's condition. Simply

put, Appellant has provided no basis for the hearing officer to grant the appeal, and the law does not allow the hearing officer to do so if Appellant has not met his burden.

### **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: HLC Staff Report

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# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Historic Landmark Commission  
From: Amy Thompson, Senior Planner, [amy.thompson@slcgov.com](mailto:amy.thompson@slcgov.com) or 801-535-7281  
Date: April 30, 2020 (Publishing Date)  
Re: PLNHLC2020-00068, Demolition of a Contributing Structure - 58 E Hillside Avenue

## Demolition of a Contributing Structure

**PROPERTY ADDRESS:** 58 E Hillside Avenue  
**PARCEL ID:** 09-31-308-006  
**HISTORIC DISTRICT:** Capitol Hill Local Historic District  
**ZONING DISTRICT:** RMF-35– Moderate Density Multi-Family Residential & H – Historic Preservation Overlay District  
**MASTER PLAN:** Capitol Hill Community Master Plan



**REQUEST:** Jeff Garbett, the owner of the property, is requesting a Certificate of Appropriateness (CoA) from the City to demolish the residential structure on the subject parcel. The building is a contributing structure in the Capitol Hill Local Historic District.

**RECOMMENDATION:** In Planning Staff's opinion, the requested demolition fails to substantially comply with the standards of approval in 21A.34.020.K as only one of the five standards for demolition have been met. Therefore, Staff recommends the Historic Landmark Commission (HLC) deny the request for demolition.

### ATTACHMENTS:

- A. [Vicinity Map & Historic District Map](#)
- B. [Historic Survey Information](#)
- C. [Historic Tax Assessor Information](#)
- D. [Property and Vicinity Photos](#)
- E. [Information Submitted by Applicant](#)
- F. [Related Information – Civil Enforcement Case](#)
- G. [Analysis of Demolition Standards](#)
- H. [Master Plan Discussion](#)
- I. [Public Process & Comments](#)

## REQUEST DESCRIPTION:



*VIEW FROM HILLSIDE AVENUE FACING SOUTH*

Jeff Garbett, the owner of the property, is proposing to demolish the residential structure on the subject lot in order to build a new single-family house on the property. No specific development plan has been submitted in conjunction with this demolition request. If the request for demolition is granted, the applicant would be required to submit an application for New Construction that would be reviewed and decided on by the HLC at a future public hearing date.

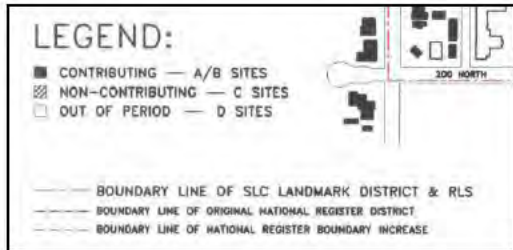
The applicant has submitted documentation as part of their application with the intent to substantiate their demolition request and to show why they believe demolition is warranted in this case. The narrative portion of the application is included as [Attachment E](#).

## PROPERTY DESCRIPTION AND CONTEXT:

According to tax cards obtained from the Salt Lake County Assessor archives, and historic survey information, the subject structure was built in approximately 1896 and is one of the older homes located in the Arsenal Hill Neighborhood. The subject building is one story hipped roof house with two-over-two sash windows with a four-square (box) plan. The building is constructed in what is generally considered a Victorian/Other style. The Report prepared in conjunction with the most recent Reconnaissance Level Survey for Capitol Hill indicates that styles linked with the term "other" tend to be watered-down or unclassifiable versions of a particular style, however, the Capitol Hill Historic District has very few buildings that are pure examples of a single style.

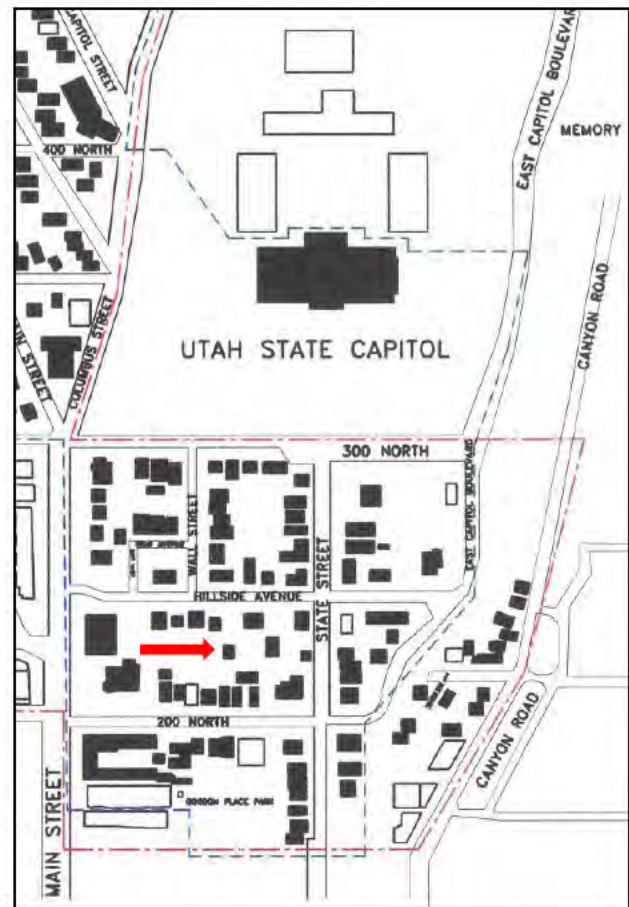


According to the most recent historic survey of the Capitol Hill Historic District, completed in 2006, the subject structure on the property is rated “B” or “Eligible, Contributing”. This survey was conducted by an independent third-party consultant meeting the qualifications set by the National Park Service using evaluation criteria guidelines established by the Utah State Historic Preservation Office (SHPO). The HLC reviewed



the survey information, took public comment, and adopted the survey. Though its architectural context is mixed, the area surrounding the subject structure retains significant integrity

The subject structure is setback from Hillside Avenue on a parcel located behind a separate vacant parcel that fronts on Hillside Avenue. Hillside Avenue is located just south of the Capitol Building between Main Street and State Street in the eastern area of the Capitol Hill Historic District known as the Arsenal Hill Neighborhood.



The Arsenal Hill Neighborhood includes the State Capitol complex and the residential neighborhood to the south. The boundaries of the residential neighborhood are 300 North to approximately 150 North, and Main Street to East Capitol Street. Arsenal Hill was named for the pioneer arsenal located on the upper hill. There were a few pioneer-era houses in the area, but most were destroyed when a forty-ton explosion of powder left the hill bare in 1876. With its fine views and proximity to the city center, Arsenal Hill became a fashionable neighborhood in the 1890s, and a number of large, high-style, architect-designed residences were built there for Salt Lake’s more prosperous residents. The completion of the imposing neo-classic State Capitol Building in 1916 added to the neighborhood’s desirability. Between the 1920s and 1950s, the neighborhood continued to develop with attractive, though more modest, infill homes and small apartment blocks.

The 2006 Reconnaissance Level Survey and Report breaks down the Capitol Hill Historic District into contextual periods of significance. The subject structure was built during the Victorian Urbanization Period, 1890-1911. The report reads, in part:

*The Victorian era was Capitol Hill’s period of greatest growth. Seventy-five percent of the contributing historic resources were built between 1889 and 1912. Most were individual single-family dwellings built by family members on subdivided land, occasionally building new residences behind established homes with street frontage. In general, the types and styles of Victorian cottages were identical to the homes built throughout the city, but with slope-derived adaptations where necessary. During this period, many of the older homes were converted to cross wings or “dressed up” with Victorian ornamentation in the 1890s.*



## KEY ISSUES:

The key issues listed below were identified through planning staff's analysis of the project:

**Issue 1 – Further Loss of Historic Resources:** The subject building is set back from the street. A vacant parcel that could potentially be developed fronts Hillside Avenue; its development would block the subject building from having any visibility from Hillside Avenue. However, the proposed demolition would diminish the number of historic resources that make up the district as a whole. The structure does help tell the story of the district and contributes to the historic integrity and composition of the Capitol Hill neighborhood.

**Issue 2 – Integrity of the Structure:** While it is evident that the subject building is in poor condition, the integrity of the building remains. The subject structure has been rated “B” – Eligible Contributing” in the Capitol Hill Reconnaissance Level Survey (2006). According to the Utah State Historic Preservation Office, a rating of “B” means that the structure was built within the historic period (at least 50 years old) and retains integrity. It is a good example of an architectural style or building type but may not be well preserved or as well executed as “A” rated buildings or may have more substantial alterations or additions, but they are generally reversible. The overall integrity has been retained and is eligible as part of a historic district primarily for historic, rather than architectural, reasons.

The integrity of the subject building is the standard by which the proposed demolition is evaluated, as opposed to the fact that the building is in poor condition and uninhabited. The National Park Service defines “integrity” as “the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.” The structure retains its historic physical characteristics including a hipped roof, original windows, and building materials. The physical integrity of the subject site and structure is still evident in terms of location, design, setting, and materials.

## NEXT STEPS:

### **Denial of the Demolition Request (Staff's Recommendation)**

If the HLC does not find that the request for a CoA for demolition of a contributing structure substantially complies with the standards in section 21A.34.020.K1 of the zoning ordinance, then the HLC shall deny the request for a certificate of appropriateness for demolition. These standards and Planning Staff's analysis are included in [Attachment G](#).

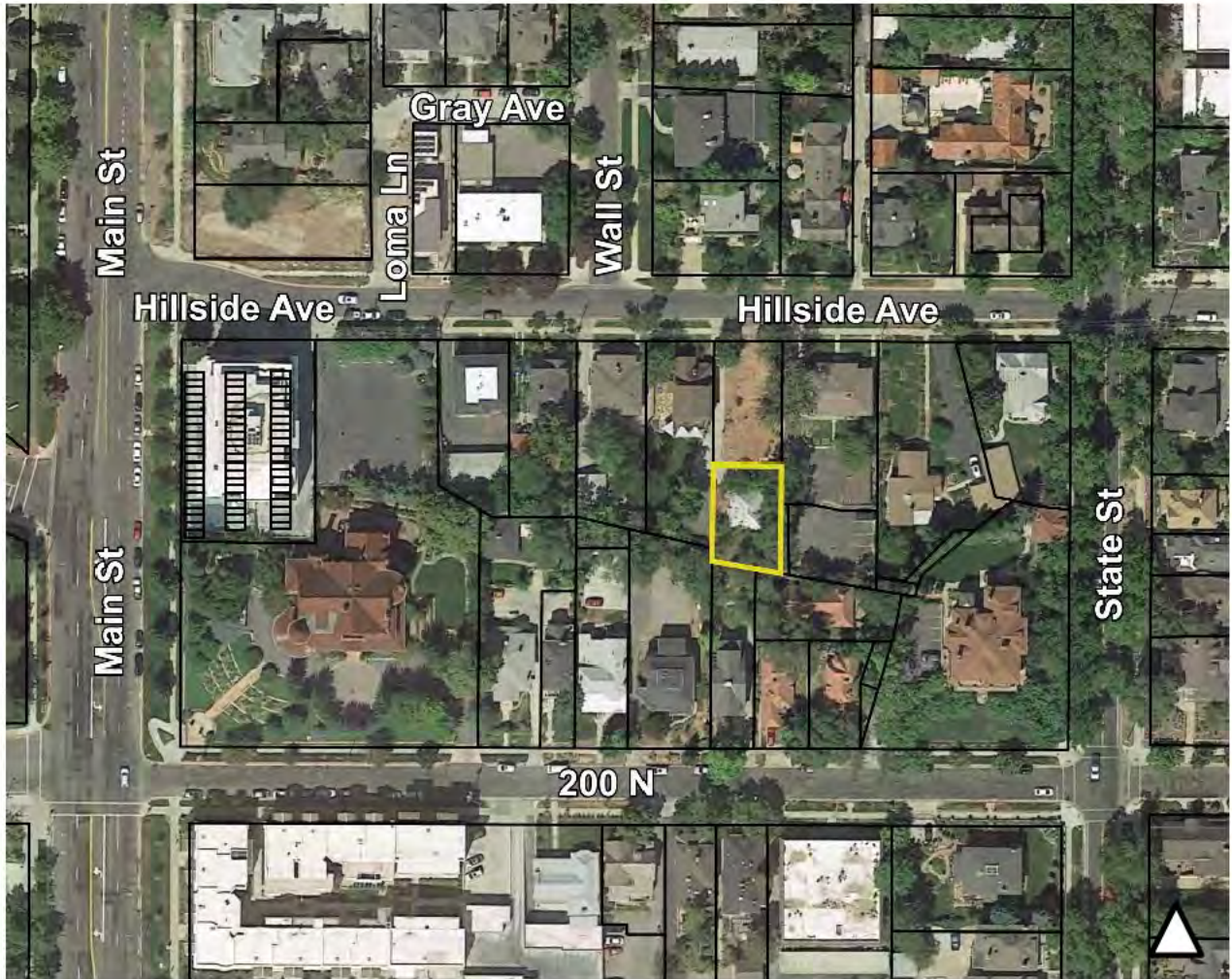
If the demolition request is denied, the owner and/or owner's representative will have one year from the end of the appeal period as described in chapter 21A.16 of the Salt Lake City zoning ordinance, to submit an application for determination of economic hardship if they choose to do so. A request for a determination of economic hardship will be processed in accordance with section 21A.34.020.L.

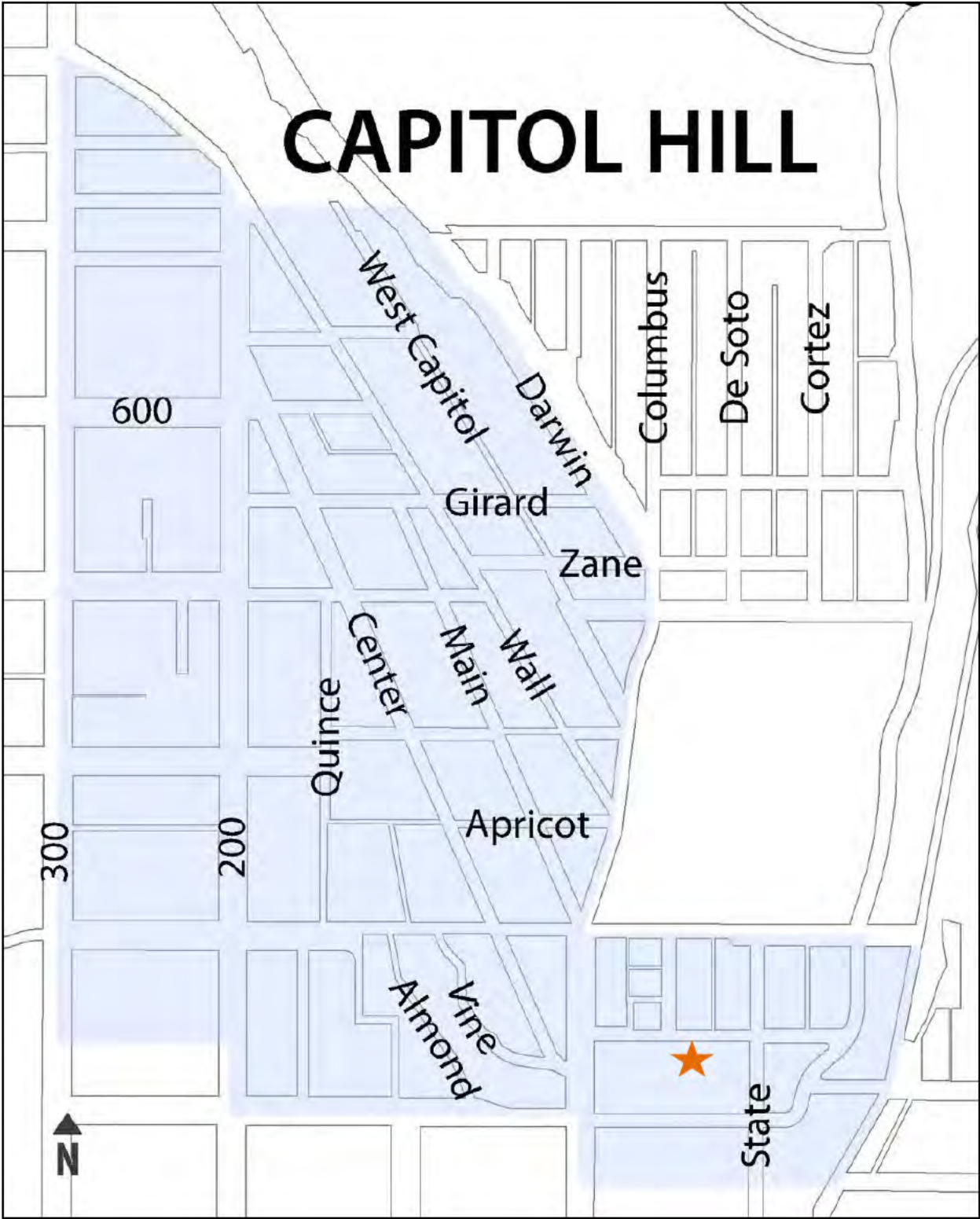
The applicant could also apply for a CoA to make alterations to the contributing structure in accordance with the standards of review in 21A.34.020.G, this request could include needed exterior repairs, or even an addition to the structure.


### **Approval of the Demolition Request**

If the HLC finds that the request for a CoA for demolition substantially complies with the standards in 21A.34.020.K1 of the zoning ordinance, then the HLC shall approve the request for a CoA for demolition. A CoA for demolition will not be issued until the contributing building to be demolished is replaced with a new building that meets the criteria in 21A.34.020.M which includes meeting all applicable RMF-35 zoning standards and H Historic Preservation Overlay District standards for New Construction. All new construction in a local historic district requires review and approval from the HLC.

# ATTACHMENT A – VICINITY MAP & HISTORIC DISTRICT MAP





 *Approximate Property Location Within the Historic District*

# **ATTACHMENT B – HISTORIC SURVEY INFORMATION**



30 E Hillside Avenue  
A



35 E Hillside Avenue  
D



42-44 E Hillside Avenue  
B



48 E Hillside Avenue  
B



57 E Hillside Avenue  
B



58 E Hillside Avenue  
B



59 E Hillside Avenue  
B



64-70 E Hillside Avenue  
B



69 E Hillside Avenue  
B



72 E Hillside Avenue  
B



77-79 E Hillside Avenue  
A



88 E Hillside Avenue  
B (aka 233 N State Street)

Architectural Survey Data for SALT LAKE CITY

Utah State Historic Preservation Office

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
30 E HILLSIDE AVENUE	A	1/1	1925	REGULAR BRICK	ENGLISH COTTAGE	PERIOD COTTAGE SINGLE DWELLING	06 80	ROLLED ROOF N05
35 E HILLSIDE AVENUE	B	1/0 2	1961	REGULAR BRICK	LATE 20TH C.: OTHER	OTHER APT./HOTEL MULTIPLE DWELLING	06 05	N05
42 E HILLSIDE AVENUE	B	0/1 1	1928	REGULAR BRICK	PERIOD REVIVAL: OTHER	DOUBLE HOUSE / SINGLE DWELLING	06 80	DOUBLE HOUSE TYPE A; 42-44 E N05
48 E HILLSIDE AVENUE	B	1/0	1925	REGULAR BRICK	ENGLISH TUDOR	CENTRAL BLK W/ PROJ	06	NEWER PIGGY-BACK; NOT ELIGIBLE?
CAROL LIBDSAY ASHTON HOUSE		1		STONE:OTHER/UNDEF.	LATE 20TH C.: OTHER	SINGLE DWELLING		N05
57 E HILLSIDE AVENUE	B	0/0 2	1958	REGULAR BRICK ALUM./VINYL SIDING FLAGSTONE	MODERN: OTHER LATE 20TH C.: OTHER	OTHER RESIDENTIAL	06	
58 E HILLSIDE AVENUE JOHNSON, JOHN, HOUSE	B	0/1 1	c. 1880	STUCCO/PLASTER	VICTORIAN: OTHER	FOURSQUARE (BOX) SINGLE DWELLING	06 05	SET BACK FROM STREET N05
59 E HILLSIDE AVENUE MENDENHALL, BAYARD W., HOUSE	B	0/0 1.5	1927	REGULAR BRICK	COLONIAL REVIVAL PERIOD REVIVAL: OTHER	OTHER RESIDENTIAL SINGLE DWELLING	06 05	LARGE REAR ADDITION N05
64 E HILLSIDE AVENUE	B	0/1 1.5	1951	STRIATED BRICK FLAGSTONE	EARLY RANCH (GEN.)	OTHER APT./HOTEL MULTIPLE DWELLING	06 05	FOUPLEX 64-70 E N05
69 E HILLSIDE AVENUE WOOD, GEORGE H., HOUSE	B	0/1 2.5	1928	SHINGLE SIDING	COLONIAL REVIVAL PERIOD REVIVAL: OTHER	OTHER RESIDENTIAL SINGLE DWELLING	06 05	N05
72 E HILLSIDE AVENUE GUDMINDSEN, CHRISTIAN R.,	B	1/0 1	1961	REGULAR BRICK	POST-WWII: OTHER	OTHER LATE 20TH C. SINGLE DWELLING	06 05	SET BACK FROM STREET N05
79 E HILLSIDE AVENUE WOOD, HEYMAN	A	0/1 2	1939	STRIATED BRICK HALF-TIMBERING	ENGLISH TUDOR	DOUBLE HOUSE / MULTIPLE DWELLING	06 05	77-79 E N05

**Structure/Site Information Form**

IDENTIFICATION 1

Street Address: 58 Hillside Ave UTM: 11269 11270  
 Name of Structure: T.01.0 N R.01.0 E S. 31  
 Present Owner: Jensen, Lois G.  
 48 Hillside Ave.  
 Owner Address: SLC, UT 84103  
 Year Built (Tax Record): 1896 Effective Age: 1920 Tax #: 04 2358  
 Legal Description 01 Kind of Building: residence  
 com S 80- E 56 ft fr SW cor lot 8 blk 2 plat E SLC sur N 80-W 56 ft N 76 F  
 T E 55 1/12 ft S to beg

STATUS/USE 2

Original Owner: John Johnson Construction Date: c. 1830 Demolition Date:  
 Original Use: single family Present Use: single family  
 Building Condition: Integrity: Preliminary Evaluation: Final Register Status:  
 Excellent  Site  Unaltered  Significant  Not of the  National Landmark  District  
 Good  Ruins  Minor Alterations  Contributory  Historic Period  National Register  Multi-Resource  
 Deteriorated  Major Alterations  Not Contributory  State Register  Thematic

DOCUMENTATION 3

Photography: Date of Slides: Slide No.: Date of Photographs: 1980 Photo No.:  
 Views:  Front  Side  Rear  Other Views:  Front  Side  Rear  Other

Research Sources:  
 Abstract of Title  Sanborn Maps  Newspapers  U of U Library  
 Plat Records/ Map  City Directories  Utah State Historical Society  BYU Library  
 Tax Card & Photo  Biographical Encyclopedias  Personal Interviews  USU Library  
 Building Permit  Obituary Index  LDS Church Archives  SLC Library  
 Sewer Permit  County & City Histories  LDS Genealogical Society  Other

**Bibliographical References** (books, articles, records, interviews, old photographs and maps, etc.):

SLC Building Permit, #581/2  
 Salt Lake County Plat Records, 1860-1940  
 Sanborn Maps, SLC, 1898, 1911, 1930, 1969  
 Sloan, SLC Directory, 1869, 74  
 Hannahs, " " , 1873  
 Culmer, " " , 1879-80  
 U.S. Directory, 1885  
 Stenhouse, 1888  
 Kelly, 1889  
 Polk, 1892-1940

4  
ARCHITECTURE

Architect/Builder:

Building Materials: stucco

Building Type/Style:

Description of physical appearance & significant architectural features:  
(Include additions, alterations, ancillary structures, and landscaping if applicable)

This is a hipped roof structure of one story. Windows are the two-over-two sash type.

5  
HISTORY

Statement of Historical Significance:

Construction Date:

This structure maybe one of the older homes located on Arsenal Hill. It was built by John Johnson sometime around 1880. Johnson was a shoemaker whose wife, Elma Johnson, continued to live in the home until (her death?) in 1898. In that year the court decreed the property to Mary E. Osborne who in turn resold it to Thomas & Anna Marmane that same year.

Marmane was a dealer in wholesale and retail selling of hay, grain, flour and coal. He bought the property as an investment. In c.1909 he had another home built behind the original structure. Michael F. Boyle purchased the older home as an investment, while the second was sold to Gustav and Marie Venz in 1909. Boyle sold his home in 1916 to Frederick Mugleston and they to Rose Mugleston in 1935.



# **ATTACHMENT C – HISTORIC TAX ASSESSOR INFORMATION**

Owner's Name Mary Venz Desc. 11  
 Owner's Address Rear 58 Hillside Ave., City  
 Location Lot 8, Block 2, Plat E, SLC Survey  
 Kind of Building Rec Street No. Rear 58 Hillside Ave  
 Schedule 1 Class 4 Base Factor 1.97 x 1.03

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
1	x x		932	\$ 203	\$ 1689
	x x			\$	
	x x			\$	
	x x			\$	

No. of Rooms 4 Condition Good

Description of Building	Add	Deduct
Foundation—Stone..... Conc..... None.....		
Ext. Walls.....		
Roof—Type..... Mat.....		
Dormers—Small..... Med..... Lg.....		
Bays—Small..... Med..... Lg.....		
Porches—Front..... x..... @.....		
Rear..... x..... @.....	175	10070
Basement..... x..... Floor.....		
Attic—Rooms..... Fin..... Unfin.....		
Plumbing—{ Class..... Tub..... Trays.....		
{ Basin..... Sink..... Toilet.....		
{ Urinals..... Fountains.....		
Heat—Stove..... H.A..... Steam..... S.....		
Finish—{ Hd. Wd..... Floors—{ Hd. Wd.....		
{ Fir.....                  { Fir.....		
Cabinets..... Mantels.....		90
Tile—{ Walls.....		
{ Floors.....		
Lighting—Lamp..... Drops..... Fix.....		
Total Additions and Deductions.....	174	90
Net Addition or Deductions.....		

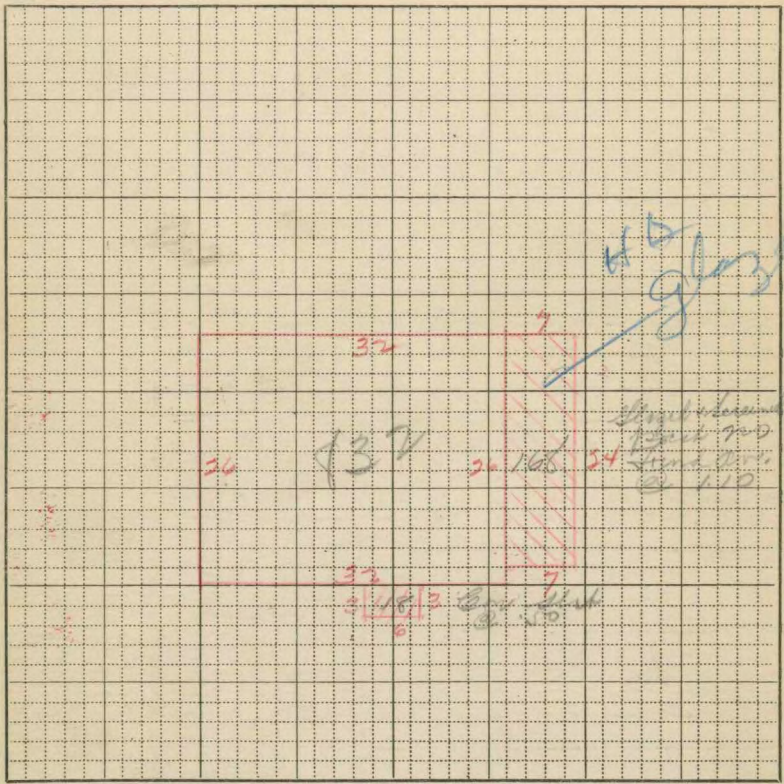
Age 40 Yrs. by { Est. Owner  Tenants  Neighbors  Records

REPRODUCTION VALUE \$ 1793  
 Depreciation 53/47 % \$ 843  
 Reproduction Val. Minus Dep. \$ 843

Remodeled..... Est. Cost..... Remodeling Inc..... % \$  
 Garage—S 8—C 2 \$  
 Cars 1 Walls Siding OB \$ 24  
 Roof P. Shg Size 12 x 20 Age 1951 \$  
 Floor ? Cost 222 Depreciated Value Garage \$ 222

Remarks..... Total \$ 867  
 Obsolescence % \$  
 Total Building Value \$

Sub



OUT BUILDINGS	Age	Size	Area	Factor	Cost	Depr. Value
<del>Opal &amp; Wood Shop</del>		x				
<del>L.P. Post Shop</del>		x				
Wood Shop	10	12 x 8	96	35	34	24
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				

#09-31-308-006

1984, March 1

58 E. Hillside

Serial:  
4-2358

09-31-308-006



PLNAPP2020-00440 45

August 5, 2020

58 E. HILLSIDE

3-1-84

311

09-31-308-006



# RECORD OF ASSESSMENT OF IMPROVEMENTS

Salt Lake COUNTY

SERIAL NO. 4-2358

OWNER'S NAME Mary Venz

OWNER'S ADDRESS Rear 58 Hillside Ave., City

LOCATION Lot 8, Block 2, Plat E, SLC Survey

FORM TC-74B  
STATE OF UTAH  
STATE TAX COMMISSION

GOTTSCHALL PTG. 5-16-38









RECORD OF ASSESSMENT OF IMPROVEMENT

AVTUE  
VEBEBEHO  
BRTD G AVTUE  
LOAF  
AVTUE  
RESIDENCE  
GARAGE

S. L. COUNTY SERIAL NO. 4-2358

NAME OF OWNER \_\_\_\_\_

ADDRESS OF OWNER \_\_\_\_\_

LOCATION \_\_\_\_\_

ONB  
TJW

PLN  
APP

Owners Name \_\_\_\_\_

Location \_\_\_\_\_

Kind of Bldg. Res. St. No. 58 Hillside Ave

Class. 3 Type 1 2 3 4. Cost \$ 4091. X 100 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
	x x	1000		\$ 4091	\$
	x x				
	x x				

Att. Gar.—C.P. x Flr. \_\_\_\_\_ Walls \_\_\_\_\_ Cl. \_\_\_\_\_

Description of Buildings Additions Additions

Foundation—Stone \_\_\_\_\_ Conc. ✓ Sills \_\_\_\_\_

Ext. Walls STUCCO-ON-FRAME

Roof Type HIP Mtl. PAT

Dormers—Small \_\_\_\_\_ Med. \_\_\_\_\_ Large \_\_\_\_\_

Bays—Small \_\_\_\_\_ Med \_\_\_\_\_ Large \_\_\_\_\_

Porches—Front \_\_\_\_\_ 18' @ .60 11

Rear \_\_\_\_\_ @ \_\_\_\_\_

Porch \_\_\_\_\_ @ \_\_\_\_\_

Planters \_\_\_\_\_ @ \_\_\_\_\_

Ext. Base. Entry \_\_\_\_\_ @ \_\_\_\_\_

Cellar-Bsmt. —  $\frac{1}{4}$   $\frac{1}{8}$   $\frac{1}{2}$   $\frac{3}{8}$   $\frac{3}{4}$  Full \_\_\_\_\_ Floor DIRT 50 FLD

Bsmt. Gar. \_\_\_\_\_

Basement-Apt. \_\_\_\_\_ Rms. \_\_\_\_\_ Fin. Rms. \_\_\_\_\_

Attic Rooms Fin. \_\_\_\_\_ Unfin. \_\_\_\_\_

Plumbing { Class 1 Tub. 1 Trays \_\_\_\_\_  
Basin 1 Sink 1 Toilet 1  
Wtr. Sfr. \_\_\_\_\_ Shr. St. \_\_\_\_\_ O.T. \_\_\_\_\_  
Dishwasher \_\_\_\_\_ Garbage Disp. \_\_\_\_\_

Heat—Stove \_\_\_\_\_ H.A. \_\_\_\_\_ FA ✓ HW \_\_\_\_\_ Stkr \_\_\_\_\_ Elec. \_\_\_\_\_

Oil \_\_\_\_\_ Gas ✓ Coal \_\_\_\_\_ Pipeless \_\_\_\_\_ Radiant \_\_\_\_\_

Air Cond. — Full \_\_\_\_\_ Zone \_\_\_\_\_

Finish—Fir. \_\_\_\_\_ Hd. Wd. \_\_\_\_\_ Panel \_\_\_\_\_

Floor—Fir. \_\_\_\_\_ Hd. Wd \_\_\_\_\_ Other \_\_\_\_\_

Cabinets \_\_\_\_\_ Mantels \_\_\_\_\_

Tile—Walls \_\_\_\_\_ Wainscot \_\_\_\_\_ Floors \_\_\_\_\_

Storm Sash—Wood D. \_\_\_\_\_ S. \_\_\_\_\_; Metal D. 1 S. \_\_\_\_\_ 30

Awnings — Metal \_\_\_\_\_ Fiberglass \_\_\_\_\_

Total Additions 1025

Year Built 1896 Avg. 1.68 Replacement Cost 5116

Age 2. Obsolescence \_\_\_\_\_

Inf. by { Owner - Tenant - Adj. Bld. Value \_\_\_\_\_  
Neighbor - Record - Est. Conv. Factor x.47

Replacement Cost—1940 Base \_\_\_\_\_

Depreciation Column 1 2 3 4 5 6 \_\_\_\_\_

1940 Base Cost, Less Depreciation \_\_\_\_\_

Total Value from reverse side GARAGE 146

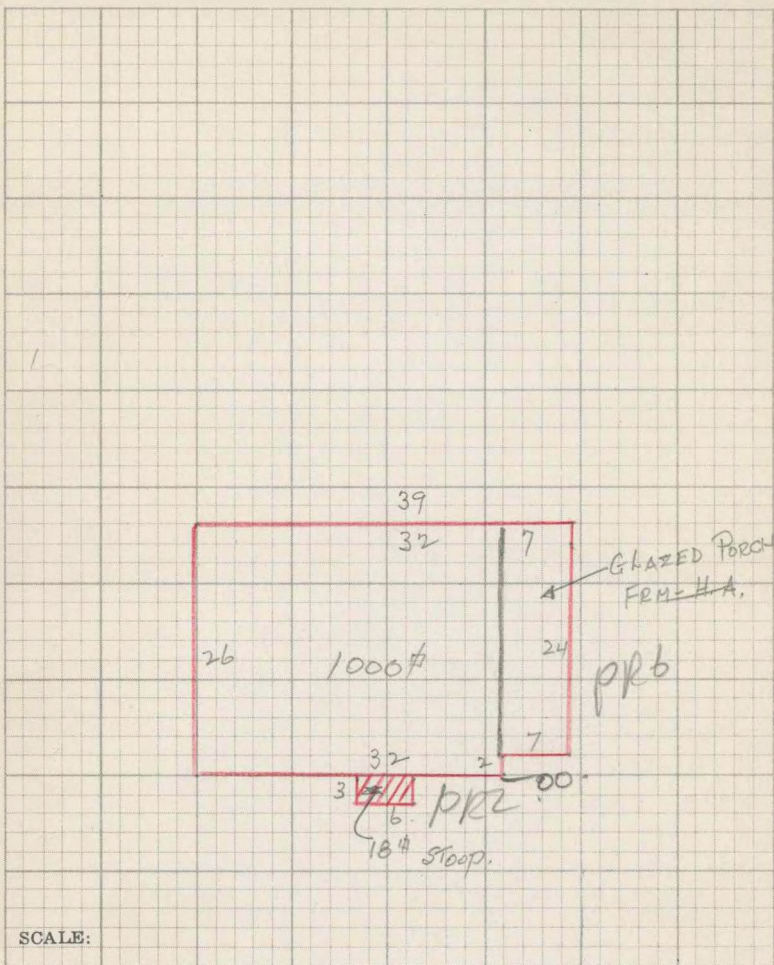
Total Building Value \$ \_\_\_\_\_

Appraised 1 7/29 64 By 1324-1609

Appraised 2 \_\_\_\_\_ By \_\_\_\_\_

PLNAPP2020-00440 53 August 5, 2020

Deep 3/24/19  
215



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
<i>BLDGS - N.T.V.</i>		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class 1 Depr. 2% 3%

Cars 1 Floor DIRT Walls SID. Roof PAT Doors ✓

Size 12 x 20 Age 13 Cost 239 x 47%

1940 Base Cost \_\_\_\_\_ x 41 % Depr. 146

Total

REMARKS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SERIAL NO. 4-2358

BUILDINGS	1965	1967	1968	1969						
		(3)								
GARAGE	146	131	117	110						
RESIDENCE	1944	2123	2353	2584						
TOTAL	2090	2254	2470	2694						
EQUALIZATION										
FACTOR	X 20%	X	X 20%	X	X	X	X	X	X	X
NET TOTAL										
ASSESSED										
VALUE	420	450	495	540						

PLNAPP2020-00440

Benjamin B. & Ella S. Bowen  
 58 Hillside Ave. (Rear) 4-2358  
 City 16

Com S 80° E 56 ft fr SW cor Lot 8, Blk  
 2, Plat "E", SLC Sur, N 80° W 56 ft; N  
 76 ft; E 55 1/12 ft; S to beg.

165

PARCEL NO.	FRONTAGE	DEPTH		CORNER		
	OR AREA	FACTOR	RATE	INFLU- ENCE	RATE	VALUE
	55	1307	60.			1013

TOTAL

ASSESSED VALUE

203



Claire M. Gouley  
 1216 West Carlton Ave.  
 West Covina, California

4-2358

Com S 80° E 56 ft fr SW cor Lot 8, Blk  
 2, Plat "E", SLC Sur, N 80° W 56 ft; N  
 76 ft; E 55 1/12 ft; S to beg

PARCEL NO.	FRONTAGE	DEPTH		CORNER		
	OR AREA	FACTOR	RATE	INFLU- ENCE	RATE	VALUE
	55'					2252
	X 81.1'	.273	<del>150</del> 90			1351

TOTAL  
 +25%  
 ASSESSED VALUE  
 1-23-63

340  
~~270~~  
 150  
 NB

BLOTTER NO.

PLAT

SEC.

TOWNSHIP

RANGE

DESCRIPTION NO.

36

8

2

E

11

4-2358

~~Maxwell Benjamin B. & Ella S. Bowen~~~~- Mary Venz, Rear 58 Hillside Ave.~~~~- Claire M. Gouley~~

Lois G. Jensen

NO. ACRES

VALUE R. E.

VALUE IMPS.

~~2358~~

Com S 80° E 56 ft frm S.W. Cor lot 8, N 80° W 56 ft; N 76 ft;  
E 55 1/12 ft; S to beg.

PLNAPP2020-00440

58

August 5, 2020 (Deed)

(Venz)

CLASS	BASEMENT	ROOMS	STORIES
Single Dwlg.	Full	Living	1
Double "	Half	Dining	2
Apartment	Quarter	Bed	3
Store Bldg.		Bath	4
Office "	ROOF	Halls	5 to
Hotel "	Shingle	Kitchen	
Warehouse	Gravel	Sleeping Porch	
Garage	Tile		
		REPAIRS	
CONSTRUCTION	HEATING	Good	
Frame	Stove	Fair	
Brick	Hot Air	Bad	
Cement	Steam		
Steel Frame	Hot Water	Dimensions of Bldg.	
FOUNDATION	FINISH		
Stone	Hardwood	House No.	
Concrete	Pine	Inspected	
Brick	Fir		

## **ATTACHMENT D – PROPERTY AND VICINITY PHOTOS**



*View of subject property from Hillside Avenue looking south*



*Streetscape – South side of from Hillside Avenue looking south*



*East side of subject property*



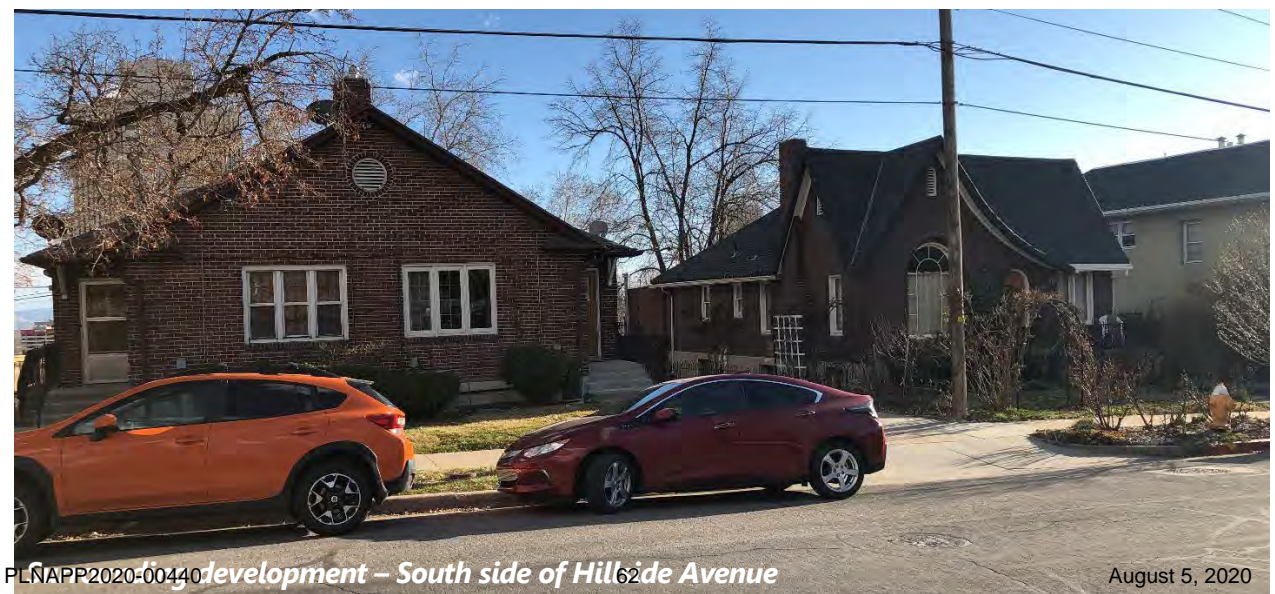
*West side of subject property*



*Surrounding development – North side of Hillside Avenue*



*Surrounding development – North side of Hillside Avenue*



*Surrounding development – South side of Hillside Avenue*

August 5, 2020

# **ATTACHMENT E – INFORMATION SUBMITTED BY APPLICANT**

# HP: Demolition Contributing Building

SALT LAKE CITY PLANNING

**OFFICE USE ONLY**

Project #:	Received By:	Date Received:	Zoning:
PLNHLC 2020-00068	A. Gray	1-24-2020	RMF-35
Project Name: 58 E. Hillside			

**PLEASE PROVIDE THE FOLLOWING INFORMATION**

Request: Demolition of existing structure (Capitol Hill)

Address of Subject Property: 58 E. Hillside Ave.

Name of Applicant: Jeff Garbett  
Phone: [REDACTED]

Address of Applicant: 273 E. Capitol St.

E-mail of Applicant: jeff@garbetthomes.com  
Cell/Fax: /

Applicant's Interest in Subject Property:

Owner     Contractor     Architect     Other:

Name of Property Owner (if different from applicant):

E-mail of Property Owner:    Phone:

**AVAILABLE CONSULTATION**

Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

**WHERE TO FILE THE COMPLETE APPLICATION**

<i>Mailing Address:</i>	Planning Counter PO Box 145471 Salt Lake City, UT 84114	<i>In Person:</i>	Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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**REQUIRED FEE**

Filing fee of \$517, plus additional cost of postage for mailing notice.

**SIGNATURE**

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

Signature of Owner or Agent:	Date:
[Signature]	1/23/2020



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**SUBMITTAL REQUIREMENTS**

---

Staff Review

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b>1. Pre-submittal meeting</b><br>A pre-submittal meeting for all demolition requests involving historic landmarks and properties located within locally designated historic districts should be scheduled prior to submitting this application. To request a pre-submittal meeting please contact the Planning Counter either by email, <a href="mailto:zoning@slcgov.com">zoning@slcgov.com</a> , or by calling (801) 535-7700 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b>2. Project description</b> (please attach additional sheet)<br>Written description of your proposal with explanation of why the demolition is necessary  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b>3. Show integrity of the structure</b><br>Historic photographs of existing building(s)<br>(contact the Salt Lake County Archives at (385) 468-0820 for historic photographs)   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Current photographs of each side of the building. Interior photographs which help indicate the structural condition should be submitted as well   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b>4. Show streetscape condition</b><br>Photographs showing the streetscape and surrounding contributing and noncontributing structures   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <b>5. Show no willful neglect, as evidenced by:</b><br>Willful or negligent acts that have caused significant deterioration of the structural integrity of the contributing principal building to the point that the building fails to substantially conform to applicable standards of the state construction code,  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Failure to perform routine and appropriate maintenance and repairs to maintain the structural integrity of the contributing principal building, or  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Failure to secure and board the contributing principal building, if vacant, per Section 18.64.045 of this title.  |

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**Please note** that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

---

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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\_\_\_\_\_ 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.

---

**58 East Hillside Ave**  
**Demolition Application**

Jeff Garbett

Project Description:

I'm proposing to demolish the existing structure to build a single family rambler style home with a detached garage. The new home at 58 E. Hillside Ave. will follow city code and zoning ordinances. It will showcase modern contemporary design with an emphasis on energy efficiency.



Historic Photo 1977



Photo 2020

K. The Application for the Demolition of the Structure at 58 E. Hillside Ave complies with the demolition standards in the following ways:

1. Standards for Approval of a Certificate of Appropriateness for demolition
  - a. The physical integrity of the site as defined in subsection C15b of this section is not evident. The National Register of Historic Places says that "Integrity is the ability of a property to convey its significance". According to the National Register of Historic places a historic property will always possess several, and usually most, of the following characteristics:

**Location:** While the home hasn't been moved, there is no substantive historic event associated with the land that it sits on.

**Design:** "Results from the conscious decisions made during the original conception and planning of a property (or its significant alteration)". The home shows no deliberate or conscious purpose to achieve a particular style, or defining characteristics. The design elements that this home fits within the foursquare style guide, are essentially the same qualifications that would qualify any home as a foursquare style home. It has a roof, windows, and walls, and a foundation. But there was no deliberate effort to showcase the design features that make foursquare buildings purposefully unique. As demonstrated by the haphazard design elements along all sides of the home.

According to the HLC style guide a foursquare building exhibits the following characteristics.

## Foursquare

## 4 Historic Context and Architectural Styles

### Characteristics

- looks like a box
- low-pitched hipped roof
- one-over-one, double-hung windows, or
- X one-light, fixed window; with fixed transom
- X prominent lintels and sills
- X full, open porch
- X wide eaves
- X brackets in some instances
- dormers: shed roof, hipped (with a low pitch), gabled (sometimes with a pediment)
- outside siding: wood clapboard, stucco, brick. Dormer walls shingled in Craftsman examples.
- X rare examples have quoins
- concrete or brick foundation
- rear, frame shed roof addition or secondary space) at rear
- X if Classical or Colonial Revival: vertical rail balustrade on porch, round porch columns with Doric capitals that are sometimes doubled and a broad fascia that is an entablature
- X if Craftsman, porch has square posts, tapered arched openings, brick pony walls



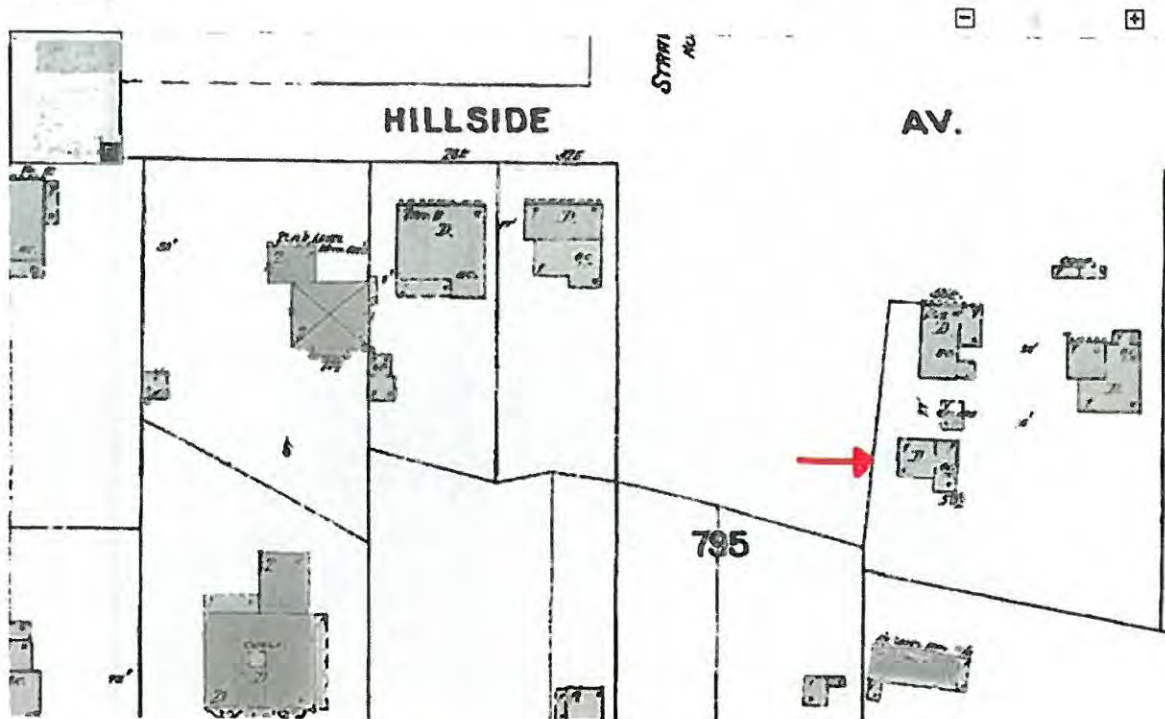
*Because of its simplicity, the Foursquare lends itself to many styles. With thick square posts and exposed rafters it take on a Craftsman tone. With rounded porch columns and a pediment on the porch roof it becomes classical.*

Some

Below are two survey sheets that show significant changes and additions to the structure over the span of just 13 demonstrating the progression of the homes was due to stages of building rather than deliberate design decisions. This survey shows the earliest record of the buildings dimensions. Between the two surveys the building more than doubled in size, and was significantly altered with an emphasis on size over design.

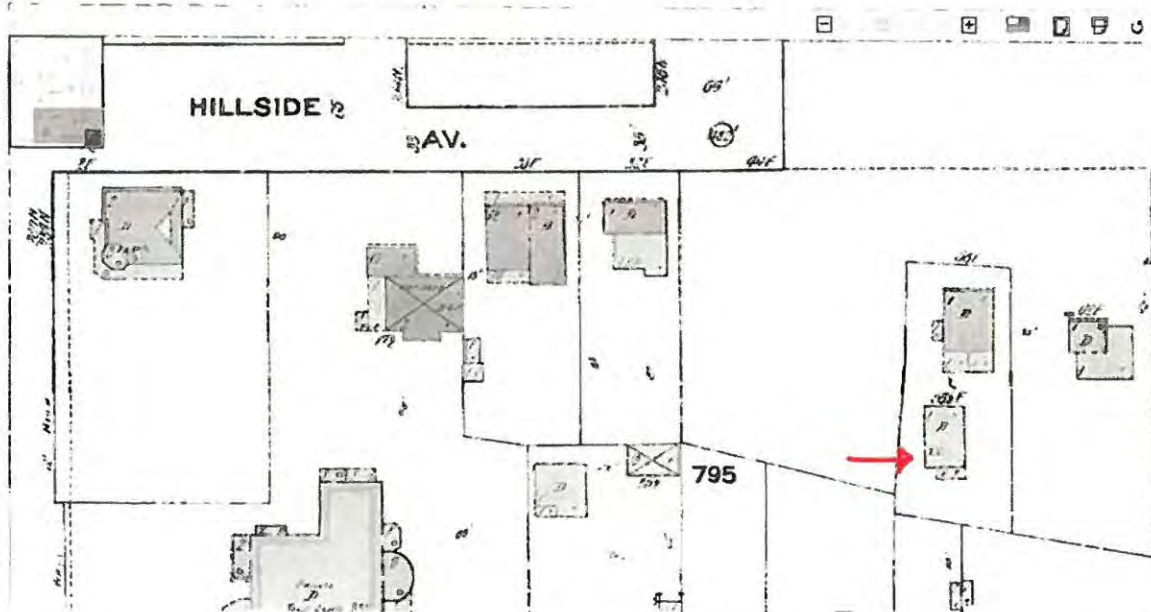
Salt Lake City, 1898: Sheet 125

View Description



Salt Lake City, 1911: Sheet 039

View Description



**Setting:** “Refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space.” The home to the North was purchased by its owner as an investment, who then decided to maximize his investment by building another home behind it. This afterthought on a rear parcel not visible from the street scape is how 58 East hillside came to be built. It played no significant role by its placement or influence on historic events or historic area.

**Materials:** “The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.” There is nothing remarkable about the materials of the building, and it has already been demonstrated how the materials of the building have changed over the years. During each remodel or addition of the building the home has changed to lose all integrity of the material side of the building, this is amply demonstrated in the plastic sheet of roofing, to the metal storm doors on the home. In addition toxic, and dangerous materials have been added to the home such as Asbestos and Lead paint that make the home a health hazard and will need to be mitigated in any iteration of the homes future.

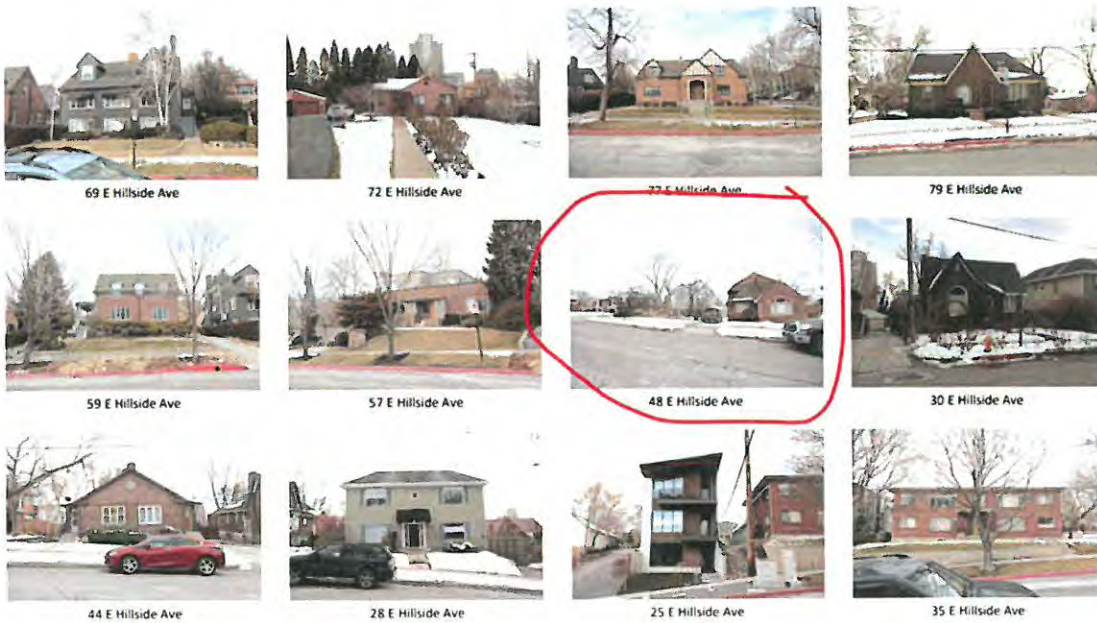
**Workmanship:** “Is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.” This home shows no integrity of original workmanship to make this a great illustration of a period piece of workmanship. It is a hodgepodge of materials and styles from its redesigns and additions over the years.

**Feeling:** “Is the property’s expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features the, taken together, convey the property’s historic character.” Likely due to the location of the home, not being visible from the street, no real thought or effort has gone into the design or workmanship of the home during any of it’s iterations, and therefore does not convey integrity of historic feeling.

**Association:** “The direct link between an important historic event, person. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship with an observer.” Since there has never been an historic event, or historic personage tied to this home, it has no integrity by association.

The National Register for historic places guidelines demand more than a home being old, or even being able to identify who lived or owned them to qualify as an historic property, and qualify for Historical Integrity. There must be direct ties to a person of significant historical context, or an event of significant historical context. Then the home, must maintain enough of the above qualifiers in its original form or thru purposeful additions to qualify. The property at 58 East fails to qualify in any of the 7 categories.

b. The Streetscape within the context of the Historic preservation overlay district would not be negatively affected. This is easily demonstrated by the position of the home as a rear lot, and the intent to build a new home on the parcel abutting the streetscape that will block the home from view of the street. The land also slopes downward from the street to the south of the property. So there is also a natural obscuring that occurs from the street as well. The intended project on the front parcel, which I own, will be a two story and will blend in nicely with the size and blocking of the streetscape both of its neighbors being 2 story homes.



C. The demolition would not create a material adverse effect on the concentration of historic resources used to define the boundaries or maintain the integrity of the district. The Front parcel will be a new construction noncontributing building and the demolition of the existing structure and building of another new single family home on the rear parcel will make for more visual continuity if any, because most of the structure from any street view will be blocked by the front parcel structure. Due to the excellent concentration of historic homes on this street and within the greater neighborhood, the impact of its removal on the concentration of historic homes will be minimal. In fact the removal of a property that has lost or never had historical integrity will only elevate the remaining contributing historical homes.



d. The base zoning of the site is compatible with the use of a single family home, but to get this home to a certificate of occupancy would require so much work to the structure the Roof will need to be replaced, the inside walls and ceiling will need to be removed with mitigation for asbestos, and lead. This will require all the walls to be replaced. Because it will take a completely new structure the foundation will need to be altered to stand up to earthquake and standard building codes. So if the roof, walls, and foundation are replaced, the home can no longer qualify as a reuse, but is in actuality a new build.



E. The site has not suffered from any willful neglect by the current owner. The property was purchased a number of years ago when the children of the owner sold it after the owner's passing. The property had suffered major structural damage from a tree blown over by the tornado. From this natural accident the home has sustained significant water damage, and was in an uninhabitable state upon purchase. Because of the state of the roof, and normal maintenance and repair would be useless without addressing the major alterations necessary. The presence of Asbestos in the ceiling would need to be mitigated, because of the need for a major or complete roofing replacement. These issues made the home unsuitable for any tenants. During its vacancy the home has been locked, and more recently boarded.

Photos taken 2014 at time of purchase.

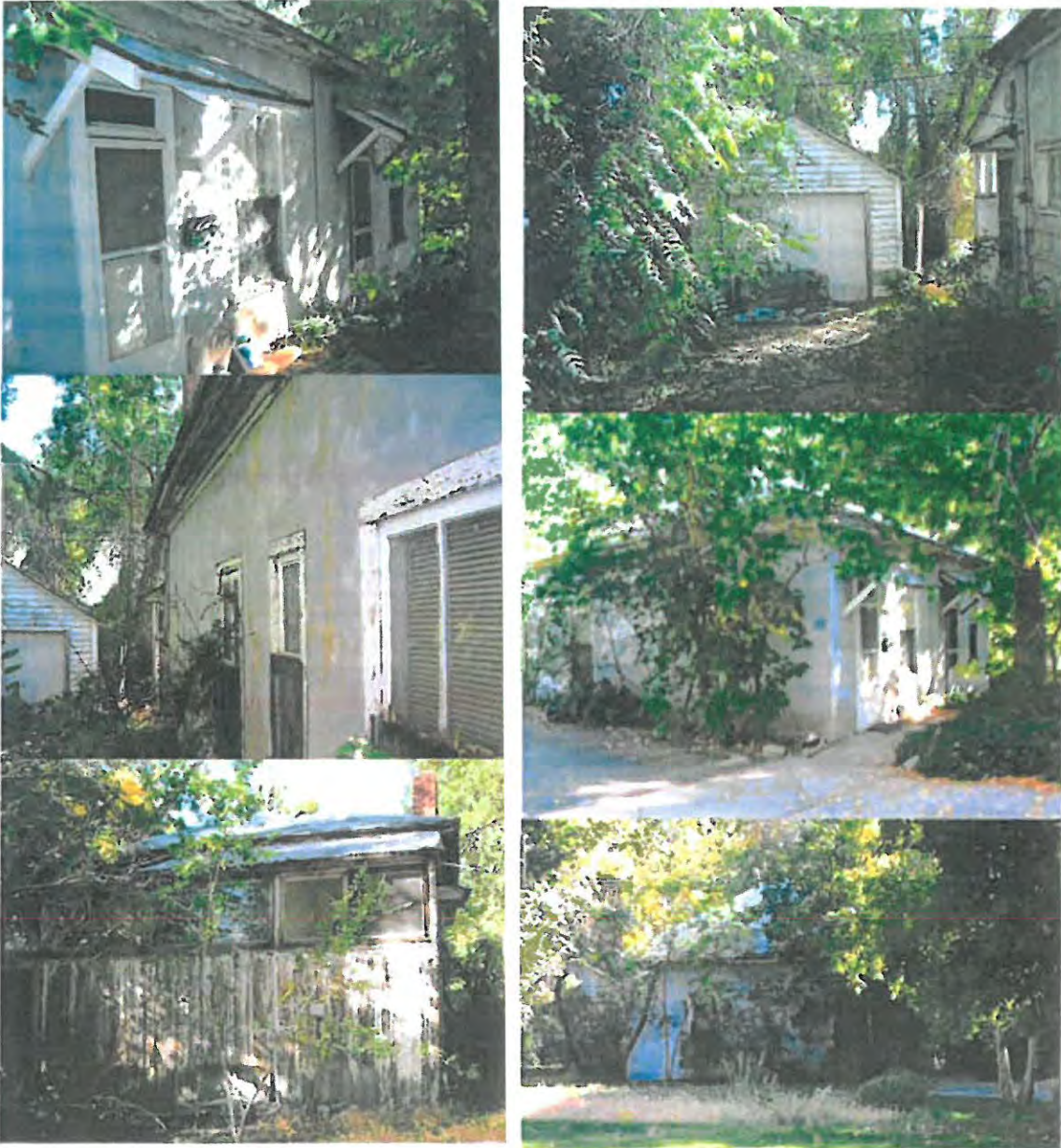




PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4

**R & R Environmental, Inc.**  
47 West 9000 South, Suite #2, Sandy, Utah 84070  
(801) 352-2380 • Fax: (801) 352-2381

PROJECT NO:

**SITE PHOTOGRAPHS**  
**AN ASBESTOS SURVEY AND ASSESSMENT**  
**FORMER RESIDENCE**



69 E Hillside Ave



72 E Hillside Ave



77 E Hillside Ave



79 E Hillside Ave



59 E Hillside Ave



57 E Hillside Ave



48 E Hillside Ave



30 E Hillside Ave



44 E Hillside Ave



28 E Hillside Ave



25 E Hillside Ave



35 E Hillside Ave





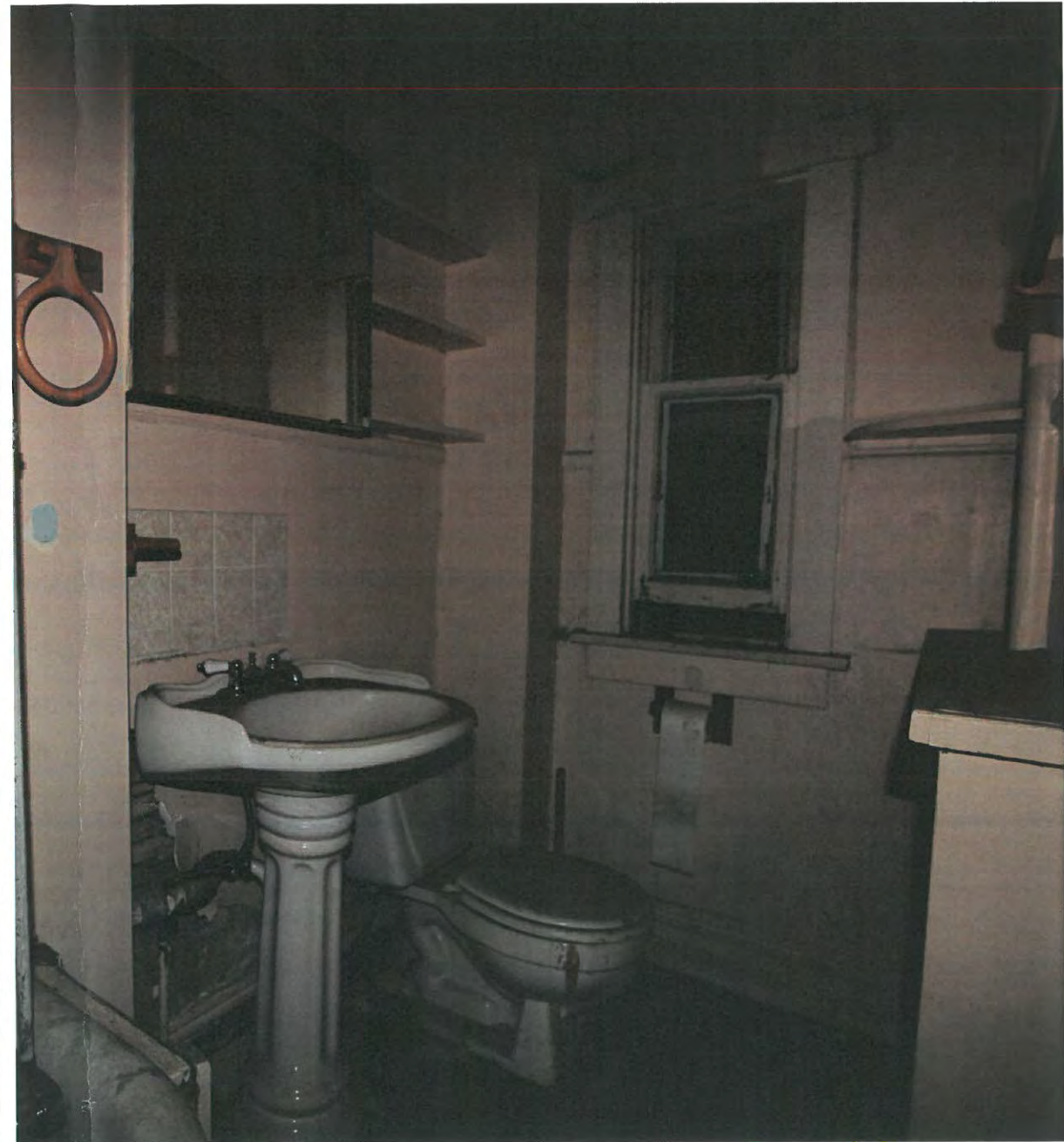
















# **ATTACHMENT F – RELATED INFORMATION**



May 10, 2019

Jeffrey V Garbett & Elandra Gleave  
273 North East Capitol Street  
Salt Lake City, UT 84103

Property located at 58 East Hillside Avenue, Salt Lake City, Utah  
Parcel No.: 01-31-308-006 Case No.: HAZ2019-00770  
Certified Mail: 7015 0640 0006 6044 7606

Dear Property Owner,

As a result of your failure to comply with the Notice and Order dated April 17, 2019, informing you that your property did not comply with Salt Lake City Ordinance Title 18.48, the above referenced address was boarded and/or fenced on May 1, 2019.

In accordance with the law, you are being sent this itemized statement of all costs.

Building and Housing administrative expenses	\$ 114.00
Costs of boarding/fencing	\$1823.52
Total Due	\$1937.52

You are to reimburse Salt Lake City Corporation for these costs by submitting payment as set forth below within thirty (30) days of the date this statement is postmarked:

Check made out to:  
Salt Lake City Treasurer  
c/o Community and Neighborhoods, Civil Enforcement  
P.O. Box 145481  
349 South 200 East, Suite 400  
Salt Lake City UT 84114-5481

Failure to make timely payment may result in a lien on the property as provided for in Chapter 18.48 of the Salt Lake City Code and Utah Code § 10-11-4.

You may object to all or part of this statement by filing a written objection within twenty (20) days of the date this statement is postmarked. If you file a timely objection, Salt Lake City will hold a hearing as provided for in Chapter 18.48 of the Salt Lake City Code and Utah Code § 10-11-3. You will receive notice of the hearing date and time prior to the hearing. Objections should be mailed to:

Craig Weinheimer  
Community & Neighborhoods, Civil Enforcement  
P.O. Box 145481  
349 South 200 East, Suite 400  
Salt Lake City UT 84114-5481

Respectfully,

A handwritten signature in blue ink that reads "Dan Maughan".

Dan Maughan  
Civil Enforcement Building Inspector, 801-535-7935  
Enclosure



## NOTICE AND ORDER -REVISED-

April 17, 2019

Jeffery V Garbett  
273 North East Capitol Street  
Salt Lake City UT 84103

Property located at 58 East Hillside Avenue, Salt Lake City, Utah  
Parcel No.: 09-31-308-006 Case No.: HAZ2019-00770  
Cert. Mail No.: 7015 0640 0006 6037 4445

Dear Property Owner,

### NOTICE

Notice is hereby given that the above referenced property is vacant, unsecured or improperly boarded. If the structure is left unsecured, it is likely to become a haven for vagrants and a dangerous eyesore for the entire neighborhood. Sections 9.16.030 and 18.48.090 of the Salt Lake City Ordinance require that all unsecured structures be legally boarded, to prevent entry by unauthorized persons. In addition, the property is to be cleared of all weeds, solid waste or other unsightly or deleterious objects. Boarding must be completed as per Salt Lake City Ordinance 18.48.120 and 18.48.130. Landscaping shall be maintained as per section 21A.48.240 and the exterior of the building shall be maintained as per section 18.48.250. Whenever a property owner, manager or tenant intends to clean, repair, renovate, reopen or reoccupy a building that has been boarded, the building is to be inspected and any required permits must be obtained prior to the building owner, manager or tenant initiating any of the above actions. Any person conducting any work on a building that has been boarded or closed to occupancy must have a copy of the permit on site.

### ORDER

You are hereby ordered to complete all boarding and yard clean-up work within ten (10) days of the date of this Notice. Failure to board and/or secure the structures and clean the property pursuant to the ordinance will cause this office to hire a contractor to secure and clean the property of any weeds, solid waste or other unsightly or deleterious objects and maintain landscaping pursuant to Section 21.80.200. The charges and all unpaid permits and fees will then be levied against the property in the form of a property tax lien.

Section 18.48.110 and 18.48.140 specifies fees as follows:

1. The actual costs of the boarding, securing, cleaning as billed to the City by the contractor.
2. A One Hundred Fourteen Dollars (\$114.00) fee to partially recover the City's cost to administer the boarding, and
3. The fees and charges for a boarding permit. (120 days after initial boarding)  
1<sup>st</sup> year: \$800, 2<sup>nd</sup> year and each additional year: \$1,371

We appreciate your cooperation. If you have any questions, **please contact me** Monday thru Thursday, between 7:00 a.m. to 9:30 a.m. or 4:00 p.m. to 5:00 p.m. at **801-535-7935** or by email at **Dan.Maughan@slcgov.com**.

IN COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA) THE FOLLOWING INFORMATION IS PROVIDED; FAX NUMBER (801) 535-6174, TDD NUMBER 711.

Respectfully,



Dan Maughan  
Civil Enforcement Building Inspector, 801-535-7935



## NOTICE OF DEFICIENCIES

Property Inspected: 58 East Hillside Avenue

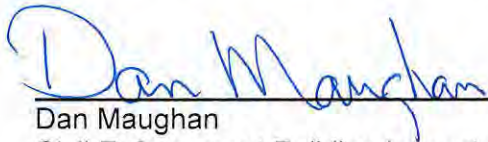
Date of Inspection: April 15, 2019

Name of Inspector: Dan Maughan

This Notice of Deficiencies must be submitted when application for the construction and repair permits is made. A licensed contractor may be required to do the repairs. For additional permit and contractor information, please call 801-535-7983.

1. Secure door to the basement to help in preventing unauthorized entry.
2. Remove all trash, yard clippings, tree limbs, unlicensed vehicle, and any outside storage from the property.

Note: This is to make property look lived in to help keep transients away.



---

Dan Maughan  
Civil Enforcement Building Inspector, 801-535-7935

Building Services / Civil Enforcement  
349 S 200 E Suite 400  
PO Box 145481  
Salt Lake City, UT 84114

**AFFIDAVIT**

Address of Subject: 58 East Hillside Avenue, Salt Lake City, UT

Citation No.: HAZ2019-00770

**NOTICE AND ORDER POSTED**

I HEREBY CERTIFY that I executed the posting of the Notice and Order in the following manner on April 16, 2019.

Affixed to: Front Door

**NOTICE AND ORDER SENT**

I HEREBY CERTIFY that on April 17, 2019, the attached Notice and Order was sent by certified mail with return receipt requested to:

Building Services / Civil Enforcement  
349 South 200 E Suite 400  
PO Box 145481  
Salt Lake City, Utah 84114

Dan Maughan  
Dan Maughan, Civil Enforcement Building Inspector

STATE OF UTAH )  
                  )§  
COUNTY OF SALT LAKE )

On this 16 day of April, 2019, personally appeared before me, Dan Maughan, Civil Enforcement Building Inspector, of Salt Lake City, Utah, who acknowledged that he signed the above certificate and that the statements contained therein are true.

Katherine L. Johnson  
Notary Public, Salt Lake City, UT



# **ATTACHMENT G – ANALYSIS OF DEMOLITION STANDARDS**

## **21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:**

**A. Purpose Statement:** In order to contribute to the welfare, prosperity and education of the people of Salt Lake City, the purpose of the H - 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.

**K. Standards for Certificate of Appropriateness for Demolition of a Contributing Principal Building in an H Historic Preservation Overlay District:** When considering a request for approval of a certificate of appropriateness for demolition of a contributing principal building, the Historic Landmark Commission shall determine whether the request substantially complies with the following standards:

### **1. Standards for Approval of a Certificate of Appropriateness for Demolition:**

Standard	Finding	Rationale
<p><b>a. The physical integrity of the site as defined in subsection C15b of this section is no longer evident. Subsection C15b reads, “Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places.”</b></p>	<p><b>Does not comply</b></p>	<p>Although the subject structure is in need of repairs, the physical integrity of the subject site and structure is still evident in terms of location, design, setting, and materials which include the original roof form, two over two sash wood windows, and stucco/plaster over frame walls.</p> <p>The 2006 Capitol Hill survey rates the subject building as “B”, which indicates an eligible and contributing structure. This is further indication that the physical integrity of the site and structure is still intact and contributes to the historic fabric that makes up the Capitol Hill Historic District. This survey was conducted by an independent third-party consultant meeting the qualifications set by the National Park Service using evaluation criteria guidelines established by the Utah State Historic Preservation Office (SHPO). The HLC reviewed the survey information, took public comment, and adopted the survey.</p>

<p><b>b. The streetscape within the context of the H historic preservation overlay district would not be negatively affected if the contributing principal building were to be demolished;</b></p>	<p><b>Complies</b></p>	<p>Because the subject building is setback from the streetscape, behind a vacant parcel that could potentially be developed in the future blocking streetscape views of the subject structure, the demolition of the subject building would not have a negative impact on the streetscape from Hillside Avenue.</p> <p>It should be noted that during the period of significance this structure was built in (Victorian Urbanization Period, 1890-1911), building new residences behind established homes with street frontage was not uncommon, and part of the historic development pattern in this area. This information is included in more detail on page 3 of the staff report.</p>
<p><b>c. The demolition would not create a material adverse effect on the concentration of historic resources used to define the boundaries or maintain the integrity of the district;</b></p>	<p><b>Does not comply</b></p>	<p>The majority of the surrounding structures are contributing to the historic district.</p> <p>Any further reduction of contributing structures would negatively impact the overall character of the district and the integrity of the Capitol Hill Historic District as a whole.</p>
<p><b>d. The base zoning of the site does not permit land uses that would allow the adaptive reuse of the contributing principal building;</b></p>	<p><b>Does not comply</b></p>	<p>The base zoning for the site is RMF-35, which would allow for the existing single-family dwelling to be rehabilitated for the same use.</p> <p>The applicant has not submitted a reuse plan for the site beyond stating the intent is to develop the property with a new detached single-family dwelling. Any new development would be required to meet the zoning regulations for the RMF-35 zoning district, including lot area requirements for the proposed land use, and would need to obtain a CoA from the HLC for New Construction meeting the standards outlined in 21A.34.020(H).</p>

<p><b>e. The contributing principal building has not suffered from willful neglect, as evidenced by the following:</b></p> <p><b>(1) Willful or negligent acts that have caused significant deterioration of the structural integrity of the contributing principal building to the point that the building fails to substantially conform to applicable standards of the State Construction Code;</b></p> <p><b>(2) Failure to perform routine and appropriate maintenance and repairs to maintain the structural integrity of the contributing principal building, or;</b></p> <p><b>(3) Failure to secure and board the contributing principal building, if vacant, per section <a href="#">18.64.045</a> of this Code.</b></p>	<p><b>Does not comply with factors 1 and 2. Complies with factor 3, since 2019.</b></p>	<p>The applicant's narrative indicates that the building was vacant and in disrepair upon acquisition in 2014. The applicant has not provided any evidence of any repairs or maintenance to the property. Furthermore, there was a period of time the property was not properly secured. This suggests that between now and acquisition in 2014, the structure was allowed to deteriorate without intervention by the owner. The narrative submitted by the applicant can be found in <a href="#">Attachment E</a>.</p> <p>(1) The applicant submitted information acknowledging that improvements and updates to the building would be needed in order to obtain a certificate of occupancy. The applicant's narrative states, <i>"to get this home to a certificate of occupancy would require so much work to the structure the roof will need to be replaced, the inside walls and ceiling will need to be removed with mitigation for asbestos, and lead."</i></p> <p>(2) The current owner has not provided evidence of any routine maintenance or repairs that have been performed since the time of purchase. City records also do not show any building permits for repairs or related inquiries on the property. The applicant purchased the property in 2014. Information submitted by the applicant states, <i>"the property had suffered major structural damage from a tree blown over by a tornado. From this natural accident the home has sustained significant water damage and was in an uninhabitable state upon purchase. Because of the state of the roof, normal maintenance and repair would be useless without addressing the major alterations necessary."</i></p> <p>(3) The applicant's narrative indicates that during the vacancy of the structure, it has been locked, and more recently boarded. In 2019, a case was initiated with Salt Lake City Civil Enforcement for failure to secure and board the vacant building. Several notices were sent to the applicant, and a lien was placed on the property by the City for boarding fees. City records indicate the building is now vacant and secured/boarded with an upcoming inspection scheduled for 4/30/2020. Documentation related to the enforcement case can be found in <a href="#">Attachment F</a>.</p>
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**2. Historic Landmark Commission Determination Of Compliance With Standards Of Approval:** If the Historic Landmark Commission finds that the request for a certificate of appropriateness for demolition substantially complies with the standards in 21A.34.020.K.1, the Historic Landmark Commission shall approve the request for a certificate of appropriateness for demolition. If the Historic Landmark Commission does not find that the request for a certificate of appropriateness for demolition substantially complies with the standards in 21A.34.020.K.1, then the Historic Landmark Commission shall deny the request for a certificate of appropriateness for demolition.

## **ATTACHMENT H – MASTER PLAN DISCUSSION**

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While a discussion of adopted master plan policies is relevant to the demolition request by providing background and contextual information, it is important to note that master plans are not relevant to the demolition standards, and the HLC cannot use the master plans as a finding of whether a demolition standard is satisfied or not.

That said, the following are policies in various adopted master plans that provide policy information related to the subject demolition request:

### **Plan Salt Lake (2015)**

- **Preservation Initiatives**– Preserve and enhance neighborhood and district character. Balance preservation with flexibility for change and growth (page 33, *Plan Salt Lake*).

### **Capitol Hill Community Master Plan Policy (2001)**

The Capitol Hill Community Master Plan specifically identifies policies and action items designed to further the following goal:

“Provide for the preservation and protection of the historically and architecturally important districts as well as the quality of life inherent in historic areas. Ensure new construction is compatible with the historic district within which it is located.”

### **Planning Issues**

Although the Capitol Hill Historic District has become a well-identified historic area of Salt Lake City, there are still many people, including property owners, who do not understand or know of the regulations and opportunities associated with this area being designated historic.

In addition, continued pressures from land speculators threaten the area. Because of its proximity to Downtown, the land is seen as more valuable than the historic structures by many speculators and developers. The adoption of design standards for the historic district to ensure compatible redevelopment and alteration which are sympathetic to historic resources, and measures to discourage the demolition of historic resources are paramount.

### **Policies**

Promote fullest and broadest application of historic preservation standards and design guidelines, especially relative to new construction, so that historic neighborhood fabric, character and livability are not compromised.

**Planning Staff Comment:** While the master plan policy does indicate that sensitive redevelopment is welcome in the district, it strongly encourages the adaptive reuse of contributing structures and explicitly supports measures to discourage demolition of historic resources.

### **Salt Lake City Community Preservation Plan (2012)**

Policy 3.3j: Support the modification of existing historic residential structures to accommodate modern conveniences in their homes when it does not otherwise negatively detract from the historic property.

Policy 3.3k: Support modification of existing historic resources to allow for changes in use that will encourage the use of the structure for housing or other appropriate uses in historic districts in an effort to ensure preservation of the structure.

Policy 3.3l: Demolition of locally designated Landmark Sites should only be allowed where it is found that there is an economic hardship if the demolition is not allowed or where the structure is declared by the Building Official to be a dangerous building.

**Planning Staff Comment:** These policies are designed to allow for the sympathetic restoration and renewal of contributing historic properties. This allows historic resources to evolve in amenity and function so that they may continue to serve the city into the future, significantly reducing the need for demolition.

Policy 3.3m: Ensure criteria for demolition of contributing structures are adequate to preserve historic structures that contribute to the overall historic district while allowing for consideration of other important adopted City policies.

Action 1: As part of the revisions to the demolition of contributing structure criteria, evaluate the appropriateness of including criteria that allows the consideration of whether the demolition would allow the advancement of other important adopted City policies to be part of the analysis.

Consideration of other adopted policies should not be weighted more heavily than the adopted preservation policies. The level of importance of the other adopted policies in the demolition analysis should be based on how relevant the contributing structure is to the overall historic district and the significance of the location of the contributing structure to the implementation of the other applicable adopted City policies.

**Planning Staff Comment:** This policy indicates that other City policies, including but not limited to housing and economic development, should not be more heavily weighted than adopted preservation policies.

# **ATTACHMENT I – PUBLIC PROCESS & COMMENTS**

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## **Public Notice, Meetings, Comments**

The following is a list of public input opportunities related to the proposed demolition:

- February 6, 2020 –The 45-day required notice for recognized community organizations was sent to the Capitol Hill Community Council Chair.
- February 7, 2020 - Property owners and residents within 300 FT of the proposed demolition were provided early notification of the proposal. The purpose of this notice is to inform surrounding property owners and residents that an application has been submitted, provide details regarding the request, outline steps in the planning review and decision making process, and to let them know how to obtain more information and submit comments early on in the review process.

### **Notice of the public hearing for the proposal included:**

- Public hearing notice mailed on April 23, 2020
- Public notice posted on City and State websites and Planning Division list serve on April 24, 2020
- Public hearing notice sign posted on the property April 23, 2020

### **Public Input:**

As of the publication of this Staff Report, Staff has received one public comment from an adjacent property owner in opposition to the proposal, citing concerns with the loss of historic structure and losing the appeal and charm of Capitol Hill. The public comment received is included on the next page of this Staff Report. If Staff receives any future comments on the proposal, they will be included in the public record.



**From:** [Chad Murdock](#)  
**To:** [Thompson, Amy](#)  
**Subject:** Re: (EXTERNAL) PLNHLC2020-00068  
**Date:** Monday, February 10, 2020 4:49:57 PM

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Amy,

Thank you for your quick response to my request for additional information. In terms of the petition, I have grave concerns with Mr. Garbett's objective to eliminate the structure. From the documentation that you provided, the home is the oldest remaining historic homes on Arsenal Hill built in the 1880s. I have lived in the Capitol Hill area for over 10 years, and live across the street from the proposed home to be demolished. As long as I have lived in the area the structure has been stable and could be revitalized in-place of being demolished. I would assume that Mr. Garbett and Garbett Homes as the applicator would have sufficient resources available to him/them to improve the current structure as is and repurpose the home for his or another families residential use. My final thoughts on this are that once we begin to eliminate these historic structures, we lose the look and appeal of the historic charm of Capitol Hill. The area is one of the most visited tourist sites with a number of people walking the area taking photographs of the area and the homes within the area. I hope that the planning commission will take my thoughts and desires for the preservation into considerations and you review and make a decision of Mr. Garbett's proposal.

Kindest regards,

Chad Murdock  


> On Feb 10, 2020, at 4:31 PM, Thompson, Amy <Amy.Thompson@slcgov.com> wrote:  
>  
> Chad,  
>  
> I've attached information submitted by the applicant for the proposed demolition request at 58 E Hillside. The property is listed as a contributing structure in the Capitol Hill Local Historic District so the demolition request will be reviewed and decided on by the Historic Landmark Commission at a future public hearing (tentatively set for April 2nd). A structures that is identified as "contributing" has its major character defining features intact and although minor alterations may have occurred they are generally reversible. The application indicates the purpose of the request is to build a new single family dwelling on the subject parcel.  
>  
> If you received my notification letter about the project, the standards that are used to make a decision on requests for demolition of contributing buildings are located on the back of that letter (I've attached them again for reference too). I've also attached the survey sheets related to the contributing status on file with Salt Lake City  
>  
> I can accept public comments right up until the day of the public hearing, but if you would like your comments to be included in the Staff Report and taken into consideration as Staff reviews the project for compliance with the standards of approval, I would need your comments ahead of the hearing date (2 weeks before would be sufficient time to include them in the report). You can submit comments to me via email, or regular mail -- whatever is easiest for you.  
>  
> After you've had a chance to review the information that was submitted by the applicant, please feel free to contact me if you have any additional questions or to submit comments. Thank you.  
>  
> AMY THOMPSON  
> Senior Planner  
>  
> PLANNING DIVISION  
> DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
> SALT LAKE CITY CORPORATION  
>

> TEL 801-535-7281  
> FAX 801-535-6174  
>  
> WWW.SLC.GOV/PLANNING  
>  
>  
>  
>  
> -----Original Message-----  
> From: Chad Murdock [REDACTED] >  
> Sent: Monday, February 10, 2020 3:17 PM  
> To: Thompson, Amy <Amy.Thompson@slcgov.com>  
> Subject: (EXTERNAL) PLNHLC2020-00068  
>  
> Hello Ms. Thompson,  
>  
> I am writing regarding more information on the Proposed Demolition Petition PLNHLC2020-00068. I am a  
concerned neighbor that would like to provide input on this request. Any information that you could provide to me  
would be greatly appreciated.  
>  
> Thanks,  
>  
> Chad Murdock  
> 59 E Hillside Ave  
> SLC, UT 84103  
> <Application and Narrative.pdf><Early Notification to property owners\_Demolition 58 E Hillside.pdf><Survey  
Sheets.pdf>

# ATTACHMENT D: Record of Decision Letter

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DEPARTMENT of COMMUNITY AND NEIGHBORHOODS

Erin Mendenhall  
MAYOR

Marcia White  
DIRECTOR

May 8, 2020

Jeff Garbett  
273 E Capitol Street  
Salt Lake City, Utah 84103

Re: RECORD OF DECISION PLNHLC2020-00068: DEMOLITION OF A CONTRIBUTING PRINCIPAL BUILDING IN AN HISTORIC PRESERVATION OVERLAY DISTRICT AT APROXIMATELY 58 E HILLSIDE AVENUE

Dear Mr. Garbett,

This letter is the Record of Decision relative to petition PLNHLC2020-00068 regarding a request for a Certificate of Appropriateness to demolish the residential structure on the subject parcel located at approximately 58 E Hillside Avenue. The building is a contributing structure in the Capitol Hill Local Historic District.

On May 7, 2020, the Salt Lake City Historic Landmark Commission denied the request for demolition of the contributing principal building on the subject property. The commission found the request for demolition failed to substantially comply with the standards of approval in 21A.34.020.K. The decision of the Historic Landmark Commission was based on the findings and information contained in the staff report, information provided by you, testimony and plans presented during the meeting, and discussion of the Historic Landmark Commission.

The decision considers the general purpose of the zoning ordinance as well as the purpose of and intent of Chapter 21A.34.020, Historic Preservation Overlay District.

The intent of the Historic Preservation Overlay is to:

*Provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to "base" or underlying zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations shall control.*

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;*

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
P.O. BOX 145480  
451 SOUTH STATE STREET, ROOM 406  
SALT LAKE CITY, UT 84114-5480

WWW.SLCGOV.COM/CED  
TEL: 801-535-7757 FAX: 801-535-6174

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.*

This Record of Decision is provided to you indicating the date, the action taken (to deny 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 to the city's Appeals Hearing Officer. Any appeal by the applicant, including the filing fee, must be filed by **June 6, 2020**.

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 decision, if they so choose. Any appeal, including the filing fee, must be filed by **May 17, 2020**.

The minutes of the Historic Landmark Commission meeting are tentatively scheduled to be adopted on June 4, 2020. Copies of the adopted minutes will be posted on the Planning Division's website the day after they are adopted at <https://www.slc.gov/boards/historic-landmark-commission-agendas-minutes/>

If you have any further questions about the Planning Division's processes, please contact me at (801)535-7281 or by e-mail at [amy.thompson@slc.gov](mailto:amy.thompson@slc.gov).

Sincerely,



Amy Thompson  
Senior Planner

cc: Case file PLNHLC2020-00068

# ATTACHMENT E: HLC Meeting Minutes – May 7, 2020

## **SALT LAKE CITY HISTORIC LANDMARK COMMISSION MEETING**

**This meeting was held electronically pursuant to Salt Lake City Emergency Proclamation  
No. 2 of 2020 (2)(b)  
Thursday, May 7, 2020**

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at [5:34:43 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 Rocio Torres Mora, Victoria Petro- Eschler, Michael Vela, Jessica Maw, Esther Stowell, David Richardson, and Paul Svendsen. Commissioner Stanley Adams was excused.

Planning Staff members present at the meeting were: Nick Norris, Planning Division Director; Michaela Oktay, Planning Deputy Director; John Anderson, Planning Manager; Wayne Mills, Planning Manager, Paul Nielson, Attorney; Kelsey Lindquist, Senior Planner; Lex Traughber; Amy Thompson, Senior Planner; Mayara Lima, Principal Planner; and Rosie Jimenez, Administrative Secretary.

Chairperson Peters provided participation options and instructions to the public.

**APPROVAL OF THE MARCH 5, 2020, MEETING MINUTES. [5:38:09 PM](#)**

**MOTION [5:38:22 PM](#)**

**Commissioner Stowell moved to approve the March 5, 2020, meeting minutes.**

**Commissioner Eschler-Petro seconded the motion. Commissioners Stowell, Eschler-Petro, Hyde, Maw, Richardson, Svendsen, Torres Mora. "Aye". The motion passed unanimously.**

**REPORT OF THE CHAIR AND VICE CHAIR [5:39:31 PM](#)**

Chairperson Peters stated he had nothing to report.

Vice Chairperson Hyde stated he had nothing to report.

**REPORT OF THE DIRECTOR [5:39:44 PM](#)**

Michaela Oktay, Planning Deputy Director, reported on April 30, 2020 there was an appeal heard before the Hearing Officer, the appeal was of the Historic Landmark Commission decision to approve the Masonic Temple Apartments at about 33 South 600 East. The property was rezoned from institutional to RO Residential Office on Sept 30, 2019. The Historic Landmark Commission Approved new construction for 125-unit multi-family residential development. Phillip McCarthy represented by Gary Sackett appealed that decision. The basis of the appellant was The Historic Landmark Commission, failed to consider several design objectives. The matter is under advisement. When we do have a decision from the Hearing officer, we will send the decision to The Landmark Commission. Another item to address is the Salt Lake Regional Hospital signs. Several signs in Building Services, last year were approved and were issued erroneously without The Historic Landmark Commissions sign off and review. Signs are in installed and in operation. The City has been investigating and will be taking enforcement action on those signs. We will keep the Historic Landmark Commission updated. Salt Lake City is currently discussing with Verizon where they can relocate a small cell antenna. Salt Lake City has discussed 600 East medians. Salt Lake City is working on updating fact sheets and working with Verizon on updating them of our Historic areas.

[5:46:25 PM](#)

**4th Avenue Pump House at approximately 300 North Canyon Road** - Salt Lake City Department of Public Utilities is proposing the new construction of a pump house located at 300 N. Canyon Road (South West Corner of Canyon Road and 4th Avenue). The pump house is proposed in order to continue to provide drinking water to the community and to ensure the well, located on the site, is safe and secure. The pump house will contain equipment to operate the well, and to disinfect the water. The petitions associated with the proposal:

- a. **New construction** of a pump house located at 300 N. Canyon Road, petition number: **PLNHLC2018-00557**
- b. **Associated special exception** for the proposed new construction in the Open Space Zoning District, Petition number: **PLNHLC2018-00558**
  - i. Building setbacks: A reduction of approximately 4'7" - 7'9" for the southern front yard setback.
  - ii. Landscaped yards: A reduction of approximately 4'7" – 7'9" for the southern landscaped yard.

The subject property is located within the OS (Open Space) zoning district and Council District 3, represented by Chris Wharton. (Staff Contact: Kelsey Lindquist at (801)535-7930 or [kelsey.lindquist@slcgov.com](mailto:kelsey.lindquist@slcgov.com)). **Case number PLNHLC2018-00557 & PLNHLC2018-00558**

Kelsey Lindquist, Senior Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Historic Landmark Commission approve the Proposal with the conditions listed in the Staff Report and the Motion Sheet.

The Commission and Staff discussed the following:

- Special Exceptions Staff has decided there is a front and corner side yard but no rear yard

Laura Briefer, Director Salt Lake City Public Utilities, John Ewanowski, CRSA Architect were available for questions.

The Commission and Applicant discussed the following:

- Architectural components and iteration Presentation
- Concerned about the separate slab under the equipment is it going to be isolated with an acoustic barrier. Is there something that is going to help with the vibration
- In other installations is there ever cause a lot of vibration and cause a lot of noise
- What is the proximity to the building and the set back
- Is the design due to public outreach sessions that was the push in your direction
- What are other color options

## **PUBLIC HEARING [6:23:11 PM](#)**

Chairperson Peters opened the Public Hearing;

Mercedes Smith - Due to Covid 19 and budget constrictions the city will be facing what assurances can you give property owners who might be concerned about possible changes or compromises that might have to be made to the aesthetics of the property plan due to budget constraints?



Shane Franz – Concerned about the acoustic design and what is to be considered noise pollution. Feels this is going to ruin the atmosphere in the park.

Cindy Cromer – Sent written comments about historic stucco or concrete, worried about what information was not shared in the process.

Linya Noyes – Has been appreciative of the collaborative process with Public Utilities. However, after the process of the design phase there was only one color of brick and no other consideration of other possible design material. She is onboard with Cindy Cromer on the idea that materials should be similar as the ones used in the park. There should be more consideration to the color of the brick and colors chosen. Very disappointed in the choices made.

Evan Smith - Provided an email comment stating his opposition of the request

Craig Ogan - Provided an email comment stating his opposition of the request

Jordan Umberg - Provided an email comment stating his support of the request

Dave Johnson - Provided an email comment stating his opposition of the request

Seeing no one else wished to speak; Chairperson Peters closed the Public Hearing.

The Commission and Staff further discussed the following:

- Budget of the well
- Disruption of the site and process for Public Utilities
- Landscaping of the site
- Clarification of Special Exceptions
- Roles of being bias
- Building Permit Reviews
- Pump Location

**MOTION [7:23:28 PM](#)**

**Commissioner Vela stated, I want to have a motion to approve with the conditions listed in the staff report in other words be consistent with the staff recommendations. And based on the information in the staff report and information presented, and the information received in the public hearing. I move the commission approve PLNHLC2018-00557 4th Avenue Pump House at approximately 300 North Canyon Road.**

**Commissioner Richardson seconded the motion Chairperson Peters went down the list of commissioner names to respond yes or no. Commissioners Richardson, Stowell, Maw, Vela, Svendsen, Torres-Mora, and Petro- Eschler voted “Aye”. The motion passed unanimously.**

**MOTION [7:25:42 PM](#)**

**Commissioner Vela stated, motion to approve with the conditions listed in the staff report and based on the information in the staff report and the information presented and the input received during the public hearing, I move to have the commission approve PLNHLC2018-00558 4th Avenue Pump House at approximately 300 North Canyon Road.**

**Commissioner Torres-Mora seconded the motion. Commissioners Petro-Eschler, Torres-Mora, Hyde, voted “Aye”. Svendsen voted “No”, Vela, Maw, Richardson voted “Aye”. The motion passes 7 to 1**

[7:28:19 PM](#) The commission took a small break.

[7:31:15 PM](#)

**33rd Ward Minor Alterations at approximately 453 South 1100 East** - Brad Gygi, Bradley Gygi Architect & Associates, PLLC, representing the property owner, the Church of Jesus Christ of Latter Day Saints, is requesting a Certificate of Appropriateness (COA) for various site improvements including an expansion of parking on site, an outdoor pavilion, a new ADA access, and a new dumpster enclosure on the property located at 453 S. 1100 East in the University Historic District. All proposed site improvement are located at the rear of the property and are not readily visible from the street. The subject property is zoned I - Institutional and is located in Council District 4 represented by Ana Valdemoros. (Staff Contact: Lex Traughber at (801)535-6184 or [lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com)). **Case number PLNHLC2020-00103**

Lex Traughber, Senior Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Historic Landmark Commission approve the Proposal with the conditions listed in the Staff Report and the Motion Sheet.

Brad Gygi, from Bradley Gygi Architect & Associates, PLLC and Jason K. Killian, from the Church of Jesus Christ of Latter-Day Saints were available for questions.

The Commission and Applicant discussed the following:

- Architectural components Presentation

**PUBLIC HEARING [7:52:50 PM](#)**

Chairperson Peters opened the Public Hearing;

Christy P – Stated her concern of the loss of green space.

Esther Hunter - Chair of the East Central Community Council – Concerned about the loss and history of the garden. Is grateful for the Church of Jesus Christ of Latter-Day Saints for listening and working on keeping a large portion of the garden preserved.

Kristen Park - Provided an email comment stating her opposition

Jerry Faust - Provided an email comment stating his opposition

Tina Jensen Augustine - Provided an email comment stating her opposition

Seeing no one else wished to speak; Chairperson Peters closed the Public Hearing.

The Commission and Staff further discussed the following:

- What are the guidelines that address open area or is it just building related in the HLC mandate?
- What does the space represent in the historical area?
- Property rights and Ordinance
- Historic versus non-historic
- Elevator shaft through the existing rooftop

**MOTION [8:30:21 PM](#)**

Commissioner Stowell stated, based on the analysis and findings in the staff report, that the standards for approval of a Certificate of Appropriateness have been substantially met to include the elevator shaft and fence around the garden area. In the proposal presented I move the commission approve the minor alterations at approximately 453 South 1100 East

Commissioner Torres-Mora seconded the motion. Commissioners Hyde requeued himself, Vela voted “Yes”, Svendsen “Yes”, Torres-Mora “Yes”, Richardson” Abstain”, Stowell “Yes”, Maw “No”, Petro-Eschler “Yes”. Commissioner Peters reported we Five “Yes”, one “No” and two “abstentions”. We have a quorum motion passes. The application is approved.

**[8:33:01 PM](#)**

**Demolition of a Contributing Building at approximately 58 E Hillside Avenue** - Jeff Garbett, the owner of the property, is proposing to demolish a residential structure on the subject lot that is identified as a contributing building to the Capitol Hill local historic district and subject to the standards of the H Historic Preservation Overlay. The applicant has indicated the purpose of the request is so a new single-family house could be constructed on the property. No specific development plan has been submitted in conjunction with this demolition request. The subject parcel is zoned RMF-35 (Moderate Density Multi-Family Residential). A request for demolition of a contributing structure in a local historic district must be reviewed by the Historic Landmark Commission. The subject property is within Council District #3 represented by Chris Wharton (Staff Contact: Amy Thompson at (801)535-7281 or amy.thompson@slcgov.com). **Case number PLNHLC2020-00068**

**[8:33:11 PM](#)** The commission took a small break.

Amy Thompson, Senior Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Historic Landmark Commission deny the Proposal.

Jeff Garbett was available for questions and provided a presentation.

The Commission and Applicant discussed the following:

- Went over the standards for a demolition
- Familiar with Historical District when buying the home
- Historical integrity
- Looked into zoning that might help with preserving the structure
- Budgeting aspect to other resolutions instead of the demolition
- Offered other designs to the structure to comply with Historic District
- Economic Hardship Process

The Commission, Staff and Applicant discussed the following:

- Clarification on physical integrity versus the condition of the building

**PUBLIC HEARING [9:10:56 PM](#)**

Chairperson Peters opened the Public Hearing;

Cindy Cromer – Stated her opposition of the request and sent in emails to staff about her opposition and provided history of the structure and community.

Jan Garbett- Stated her history and work within the Historic Landmark District, she provided her support on the demolition.

Allyssa Barns - Provided an email comment stating her support of the request.

Elizabeth and Duran Lucas - Provided an email comment stating their support of the request.

Wanda Pillow - Provided an email comment stating her opposition of the request.

Seeing no one else wished to speak; Chairperson Peters closed the Public Hearing.

**MOTION [9:34:22 PM](#)**

**Commissioner Maw Commissioner stated, based on the analysis and findings listed in the staff report and the information presented, and the input received during the public hearing, I move that the Historic Landmark Commission deny the request for the Certificate of Appropriateness for demolition for a contributing principle building in a Historic Preservation District. The demolition substantially fails to comply with the standards of approval in 21(a).34.02O.K.1 as only one standard for demolition has been met.**

**Commissioner Petro-Eschler seconded the motion. Commissioners Richardson, Stowell, Maw, Svendsen voted “Aye” Hyde “No”, Torres-Mora and Petro-Eschler, Peters voted “Aye”. The motion passed 7 to 1. The application is denied.**

[9:36:16 PM](#) The commission took a small break.

**[9:37:49 PM](#)**

**Wasatch Community Gardens at approximately 625, 629 and 633 E 800 S** - Ashley Patterson, representing Wasatch Community Gardens, the property owner, is requesting design approval to construct a new multi-family dwelling, install a wood deck and replace two front doors at the above listed properties. The properties are located in the Central City Local Historic District and are zoned RMF-30 Low Density Multi-Family Residential District, with two of the properties pending a zone change to R-MU-35 Residential/Mixed Use District. The applicant is requesting the following approvals:

- a. New Construction – Request for a Certificate of Appropriateness (COA) to construct an 8-unit apartment building and associated parking lot to the rear of the properties located at approximately 629 E 633 E 800 S. Case number PLNHLC2020-00111.
- b. Major Alteration – Request for a Certificate of Appropriateness (COA) to install a wood deck between the existing buildings on the properties and to replace the original front doors of the existing buildings on 625 and 629 E 800 S. Case number PLNHLC2020-00062.
- c. Special Exceptions – Request to reduce the rear setback of the existing building at 629 E 800 S and allow a deck over 2 feet in height to encroach in the required yard setbacks. Case number PLNHLC2020-00105.

The subject properties are within Council District 4, represented by Ana Valdemoros. (Staff contact: Mayara Lima at (801)535-7118 or mayara.lima@slcgov.com).

Mayara Lima, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Historic Landmark Commission approve the request with the conditions listed in the staff report and the new deck in the Special Exception. Staff also recommends the HLC deny the Certificate of Appropriateness to replace the front doors.

The Commission, Staff and Applicant discussed the following:

- Clarification on building design

Ashley Patterson, Jesse Allen and Kirk Huffaker from Wasatch Community Gardens and Kristen Clifford, Planning Consultant provided a presentation with further detailed information.

The Commission, Applicant and Staff discussed the following:

- If doors are replaced what is the design
- Clarification of the doors being ADA

### **PUBLIC HEARING [10:05:14 PM](#)**

Chairperson Peters opened the Public Hearing;

Cindy Cromer – Stated her support of the request.

Bart Urlichec – Stated his support of the request.

Ryan Barber – Stated he is concerned about the parking on Green St

Maren Robins – Provided an email of her opposition due to the parking

Seeing no one else wished to speak; Chairperson Peters closed the Public Hearing.

### **MOTION [10:27:41 PM](#)**

**Commissioner Richardson stated his motion to approve, based on the information listed in the staff report, and information presented, and the input received during public hearing, I move that the Historic Landmark Commission approve the Certificate of Appropriateness for New Construction for the Multi-Family Building located at 629 E 633 E 800 S and Special Exceptions at 629 E 800 S and present PLNHLC2020-00111 and PLNHLC2020-00105 with conditions listed in the Staff Report. Additionally, I move that the commission approve the Certificate of Appropriateness of the new deck at 625, 629, and 633 East 800 South and Special Exception that allow the deck encroachment at 625, 629 E 800 S PLNHLC2020-00062 and PLNHLC2020-00105 also with conditions listed in the Staff Report.**

**Commissioner Vela seconded the motion. Commissioners Petro-Eschler, Torres-Mora, Hyde, Svendsen, Vela, Maw, Stowell, Peters Voted “In Favor” Richardson voted “Aye” Motion passes Unanimously.**

Q&A Session for Historic Landmark Commission Meeting 5/7

Session number: 969552761

Date: Thursday, May 7, 2020

Starting time: 5:10 PM

-Jeffrey Garbett (jeff@garbetthomes.com) - 5:20 PM

Q: How do I show my powerpoint during my presentation-Jeff. Thanks

Priority: N/A-

-John Anderson - 5:29 PM

A: Jeff, when your item is being discussed, you will be able to share your screen. You can click on Share in the top of the screen and then click on Share Screen.-

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-Jesse Stewart (jesse.stewart@slcgov.com) - 5:27 PM

Q: I have called in

Priority: N/A-

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-Jeffrey Garbett (jeff@garbetthomes.com) - 5:31 PM

Q: Does the "Share" only show when it is my turn? Currently I don't see the option.

Priority: N/A-

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-Jeffrey Garbett (jeff@garbetthomes.com) - 5:33 PM

Q: I think I found the Share, it currently has the option to share greyed out. I'm assuming that will be the option when it is my turn.

Priority: N/A-

-John Anderson - 5:35 PM

A: That is correct. -

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-Esther Hunter (eastcentralcommunity@gmail.com) - 5:46 PM

Q: Hi. How do I let you know that I would like to make a comment. I can't see a place to raise my hand. Thanks. e

Priority: N/A-

-Michaela Oktay - 5:49 PM

A: Esther, in your right lower corner, there is a tiny little hand. Click it.-

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-Esther Hunter (eastcentralcommunity@gmail.com) - 5:51 PM

Q: Thank you but not seeing a hand. I have a bar of options that include mute on the bottom of the screen and this q and a section to the right. ?

Priority: N/A-

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-John Ewanowski (jewanowski@crsa-us.com) - 5:57 PM

Q: am I going to have to be a panelist to present? I'm up next

Priority: N/A-

-Wayne Mills - 5:58 PM

A: Yes, we will make you a presenter.-

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-Esther Hunter (eastcentralcommunity@gmail.com) - 5:58 PM

Q: Sorry...no hand on my screen. Lower portion I have the bar with features including the mute but in the bottom right I have only this q and a section. ??

Priority: N/A-

-Wayne Mills - 6:02 PM

A: Hi Esther. What item would you like to speak on?-

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-Esther Hunter (eastcentralcommunity@gmail.com) - 6:01 PM

Q: Never mind..just found it. On my screen it's mid screen after attendees. Awesome..Thanks.

Priority: N/A-

-Michaela Oktay - 6:12 PM

A: sorry, it is such a tiny little button. glad you found it.:)-

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-Christy Porucznik (christy.porucznik@gmail.com) - 6:03 PM

Q: Esther, if you click on the > to the left of Participants it will bring up the list of people. Scroll down to find yourself, and you will find your hand there.

Priority: N/A-

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-Vickey Walker (vwalker693@gmail.com) - 7:18 PM

Q: This is Vickey Walker, a Canyon Road resident. We have worked with the utility department to keep as many trees as possible. By keeping the front set back to a minimum, that allows most trees to remain.

Priority: N/A-

-Wayne Mills - 7:21 PM

A: Thank you Ms. Walker, but the public hearing is over so we are not allowed to provide your comments to the Commissioners. We do appreciate your participation.-

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-John Ewanowski (jewanowski@crsa-us.com) - 7:28 PM

Q: Thanks, all

Priority: N/A-

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-Christy Porucznik (christy.porucznik@gmail.com) - 8:04 PM

Q: It has been a garden since the 1970's

Priority: N/A-

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-Jesse Allen (jallen@gsubsarchitects.com) - 8:46 PM

Q: I am going to be the presenter for the next agenda item. Can you confirm that I am in the meeting correctly so that when it is time, I will be able to share my screen?

Priority: N/A-

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-Rick Dahmer (rdahmer@comcast.net) - 9:24 PM

Q: Living across from this home for over 15 years, it is clear that it was purposely neglected so it could be torn down. I have never seen anyone do anything to take care of it.

Priority: N/A-

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-Rick Dahmer (rdahmer@comcast.net) - 9:27 PM

Q: Garbett clearly had the resources to take care and restore it, but he never did.  
Priority: N/A-

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-Rick Dahmer (rdahmer@comcast.net) - 9:30 PM

Q: Also others who have tried to buy it to restore it but Garbet would only sell ifor twice the current market value.

Priority: N/A-

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-Rick Dahmer (rdahmer@comcast.net) - 9:32 PM

Q: The developer definatly contributed to the disrepair. Those who live around it all witnessed it.

Priority: N/A-

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-Michael Hughes (hesmichael@hotmail.com) - 10:09 PM

Q: I am very much in favor of this plan for the Wasatch Community Garden plan. Michael Hughes

Priority: N/A-

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-Michael Hughes (hesmichael@hotmail.com) - 10:37 PM

Q: thank you all

Priority: N/A-

**The meeting adjourned at [10:32:40 PM](#)**