



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Brooke Olson, brooke.olson@slcgov.com or 801-535-7118

Date: September 22, 2022

Re: PLNAPP2022-00796 – Appeal of a Historic Landmark Commission Decision to deny a Minor Alteration application (Petition No. PLNHLC2021-01283) at approximately 665 S 600 E.

Appeal of a Historic Landmark Commission Decision

PROPERTY ADDRESS: 665 South 600 East
PARCEL ID: 16-07-228-012-0000
HISTORIC DISTRICT: Central City
ZONING DISTRICT: RMF-30, Low Density Multi-Family Residential & H – Historic Preservation Overlay District

APPELLANT: Kari Gardner

Attached is the documentation submitted for an appeal (PLNAPP2022-00796) regarding the decision of the Historic Landmark Commission to deny a Minor Alteration application for a 4' tall vinyl fence and 8', 8" tall vinyl trellis in the front yard of the property at 665 S 600 E (PLNHLC2021-01283).

BACKGROUND AND PROJECT DESCRIPTION:

Kari Gardner, the property owner, requested approval to construct a 4' tall vinyl fence and 8', 8" tall vinyl trellis in the front yard of the property, visible from the public way. The subject property is located within the Central City Local Historic District and subject to the H - Historic Preservation Overlay Regulations in City Code section 21A.34.020. The subject property contains one historically contributing single-family building. The 2013 Reconnaissance Level Survey (RLS) for the Central City Local Historic District indicates the building was constructed in 1899 and is identified as "EC", eligible contributing.

This request requires Historic Preservation Minor Alteration approval as any exterior changes to properties located within an H- Historic Preservation Overlay require a Certificate of Appropriateness. The property is in noncompliance with Salt Lake City regulations as a portion of the proposed vinyl fence was installed without a fence permit and Certificate of Appropriateness required for the work.

July 14, 2022 HLC Meeting – This request was heard by the Historic Landmark Commission at the July 14, 2022 meeting. The Historic Landmark Commission denied the Minor Alteration request based on the analysis and findings listed in the staff report, information presented, and the input received during the public hearing. Specifically, the commission's decision was based on staff's analysis, findings and discussion in the Staff Report and the Staff Memo that the proposal does not comply with the standards of approval in 21A.34.020.G, the Standards for a Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure.

A video recording of the July 14, 2022 Historic Landmark Commission meeting can be viewed here - <https://www.youtube.com/watch?v=eJlI1BoLa50> (1:22:40 to 1:49:22). The minutes from the July 14, 2022 meeting can be found in [Attachment F](#).

The Staff Memo for the July 14, 2022 meeting, can be accessed in [Attachment G](#).

BASIS FOR APPEAL:

The appellant's application and brief are included as [Attachment B](#) and the City Attorney's response to the appeal is included as [Attachment C](#).

This is an appeal of a Historic Landmark Commission decision. Therefore, the Appeal Hearing Officer's decision must be made based on the record. This is not a public hearing; therefore, no public testimony shall be taken.

ATTACHMENTS:

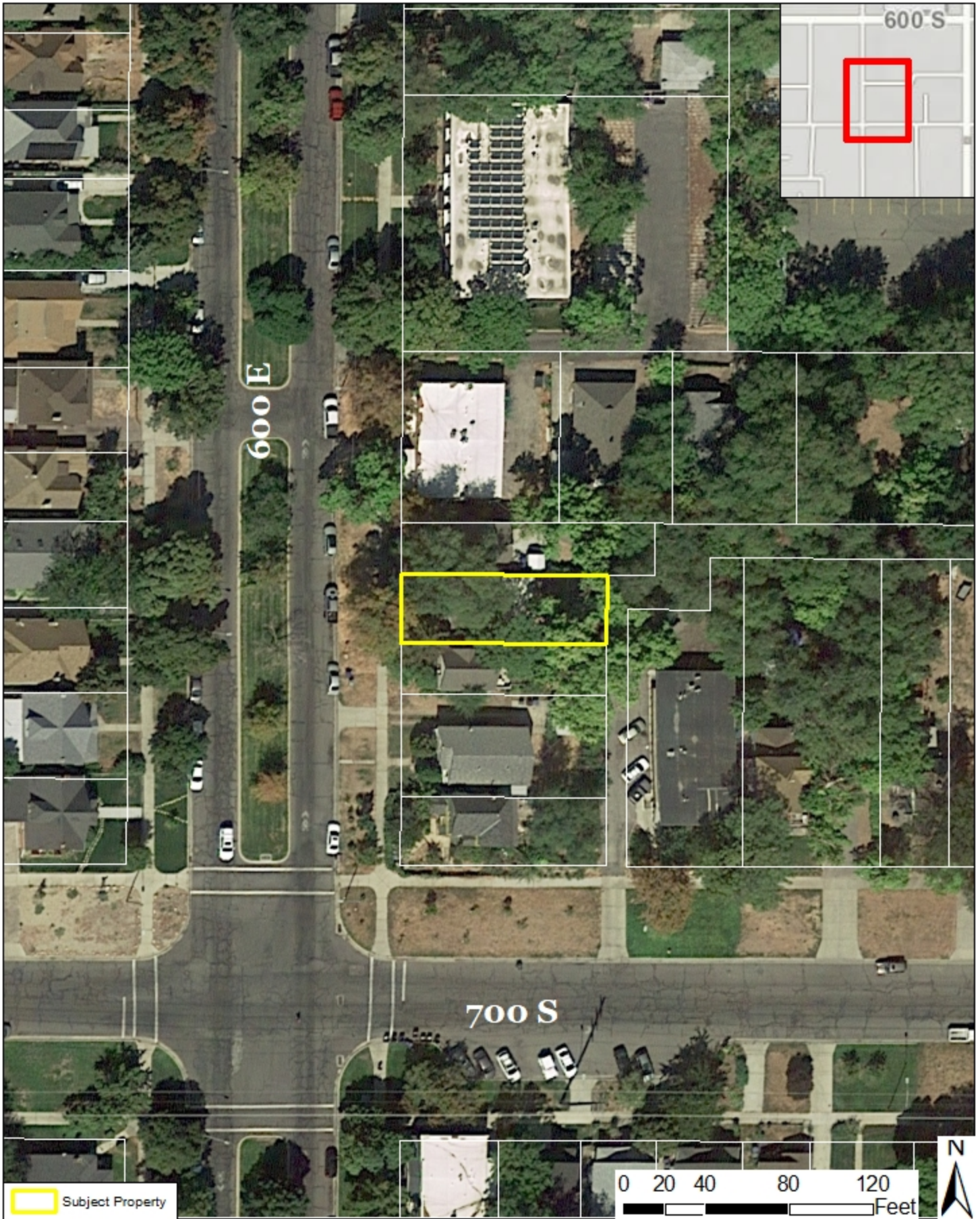
- A. [Vicinity Map](#)
- B. [Appeal Application and Documentation](#)
- C. [City Attorney's Brief](#)
- D. [Record of Decision](#)
- E. [Motion Sheet](#)
- F. [Minutes from July 14, 2022 Meeting](#)
- G. [Staff Memo from July 14, 2022 Meeting](#)

NEXT STEPS:

If the decision is upheld by the Appeals Hearing Officer, the decision of the Historic Landmark Commission stands. If the Historic Landmark Commission's decision is not upheld, the matter could be remanded back to the Historic Landmark Commission. The decision made by the Appeals Hearing Officer can be appealed to Third District Court within 30 days.

ATTACHMENT A: VICINITY MAP

665 S 600 E Vicinity Map



**ATTACHMENT B: APPEAL APPLICATION &
DOCUMENTATION**



Appeal of a Decision

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Petition #:	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
Petition Name and # Being Appealed:		

PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed:
Application for vinyl picket fence, gate and trellis PLNCHLC2021-01283 July 15, 2022

Address of Subject Property:
665 S 600 E

Name of Appellant: Kari Gardner	Phone: 801-706-9920
Address of Appellant: Same	
E-mail of Appellant: karigardner@outlook.com	Cell/Fax: 801-706-9920
Name of Property Owner (if different from appellant):	
E-mail of Property Owner: Same	Phone: same
Appellant's Interest in Subject Property: Owner	

AVAILABLE CONSULTATION

Please email _____ 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.
- The Applicant of an HLC decision being appealed can submit within thirty (30) days of the decision.

REQUIRED FEE

- Filing fee of \$285, plus additional fees for required public notices and multiple hearings.
- Filing fees must be submitted within the required appeal period. Noticing fees will be assessed after application is submitted

SIGNATURE

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

Signature of Owner or Agent: 	Date: 8/8/2022
----------------------------------	-------------------


SUBMITTAL REQUIREMENT

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

WHERE TO FILE THE COMPLETE APPLICATION

Apply online through the _____ . There is a _____ to learn how to submit online.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

 **KLG** 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 _____ of the City Ordinance

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.

ACKNOWLEDGMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application will be processed under the name provided below. By signing the application, I am acknowledging that I have read and understood the instructions provided by Salt Lake City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided are considered public records and may be made available to the public. I understand that my application will not be processed until the application is deemed complete by the assigned planner from the Planning Division. I acknowledge that a complete application includes all of the required submittal requirements and provided documents comply with all applicable requirements for the specific applications. I understand that the Planning Division will provide, in writing, a list of deficiencies that must be satisfied for this application to be complete and it is the responsibility of the applicant to provide the missing or corrected information. I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Planning Division and posted on the Division website when it has been finalized.

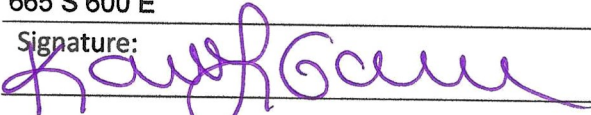
APPLICANT SIGNATURE

Name of Applicant: Kari Gardner		Application Type: Appeal Commission Decision - Planning	
Mailing Address: 665 S 600 E			
Email: karigardner@outlook.com		Phone: 801-706-9920	Fax:
Signature: 		Date: 8/8/2022	

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

FEE TITLE OWNER SIGNATURE

Name of Owner: Kari Gardner	
Mailing Address: 665 S 600 E	Street Address: 665 S 600 E
Signature: 	Date: 8/8/2022

Legal Description of Subject Property:

The following shall be provided if the name of the applicant is different than the name of the property owner:

1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership
4. If a Home Owner's Association is the applicant than the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

Be advised that knowingly making a false, written statement to a government entity is a crime under Utah Code Chapter 76-8, Part 5. Salt Lake City will refer for prosecution any knowingly false representations made pertaining to the applicant's interest in the property that is the subject of this application.

August 3, 2022

Kari Gardner
665 S 600 E
SLC, Utah 84102

Re: PLNHLC2021-01283

Attention Hearing Officer,

I am respectfully appealing the denial of my fence permit application which was submitted originally on April 23, 2022.

On May 17, 2022 my permit was denied based on not meeting Historic Preservation Residential Design **guidelines** for fencing.

On July 14, 2022, the Historic Landmark Commission denied my appeal of that decision based on “not meeting the code” for fencing in an historic area.

Both of these denials were based on guidelines and opinions, and not the actual zoning ordinance or the Historic Guidelines.

Please note the following:

1. From the Salt Lake City Planning / Zoning website, Zoning Ordinance 21A, Chapter 21A.24,
 - a. **Allowed Materials:** Fences and walls shall be made of **high quality, durable materials that require low maintenance.** **Acceptable materials for a fence include** chainlink, wood, brick, masonry block, stone, tubular steel, wrought iron, **vinyl**, composite/recycled materials (hardy board) or other manufactured material or combination of materials commonly used for fencing.

I submitted my plans and request for a permit based on using materials that are high quality, durable, clean, long lasting, and aesthetically pleasing.

2. The Historic Guidelines, Central City, found on the Salt Lake City Planning / Zoning site states:
The Central City Historic Guidelines
Landscape Features - Fences
Many of Central City’s yards are bounded by fences. Historically, materials were wood and metal.
15.3 The use of wood, iron and wire fences is **preferred**, since they are more in character with the neighborhood patter.

The guidelines do not exclude or specifically ban materials other than wood, iron or wire, they are **preferences**. And the document is a **guideline, not a code** as stated by the commission.

3. From the Salt Lake City Planning / Zoning website, Zoning Ordinance 21A, Chapter 21A.34
Landscape Structures: Landscape structures, such as arbors, walls, **fences**, address the public way in a manner that reflects the **character** of the historic context and the block **face**.

My house has a white picket-style porch railing and the picket fence for which I have requested approval in my permit, not only matches and compliments the house perfectly, it is a more durable and long-lasting replica of the fence and trellis that was previously installed and in significant disrepair.

I have gone to great lengths and considerable cost to replace a rotted and dilapidated fence with the same style that matches the character and charm of the original fence, compliments the house, and will be clean and long-lasting.



During the Central City Historic Home Tour, I received multiple compliments on the style of fence I have chosen and how well it goes with the house.

Lastly, there is an existing vinyl fence at 633 S. 600 E., just 4 residences north of my house.

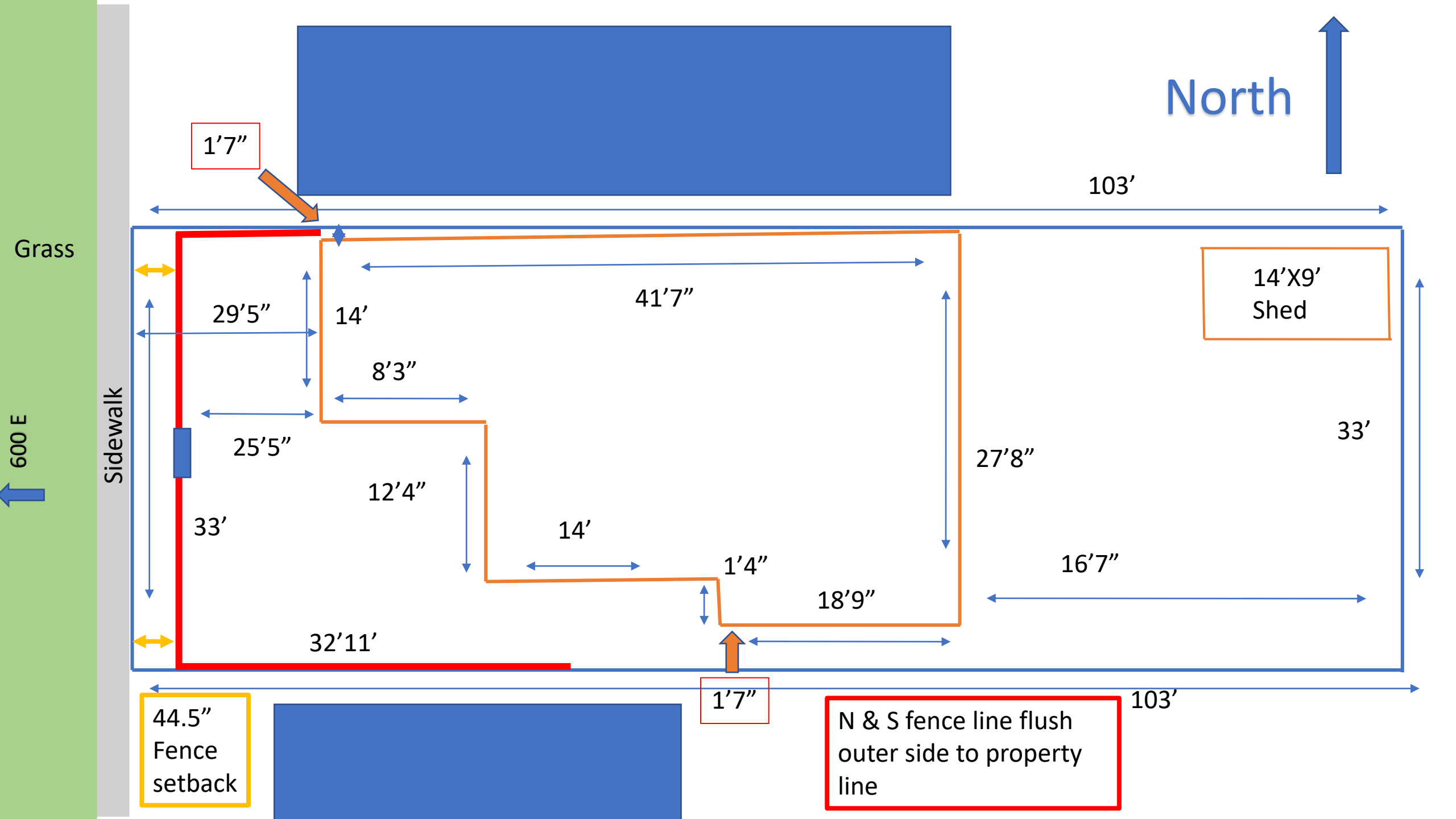


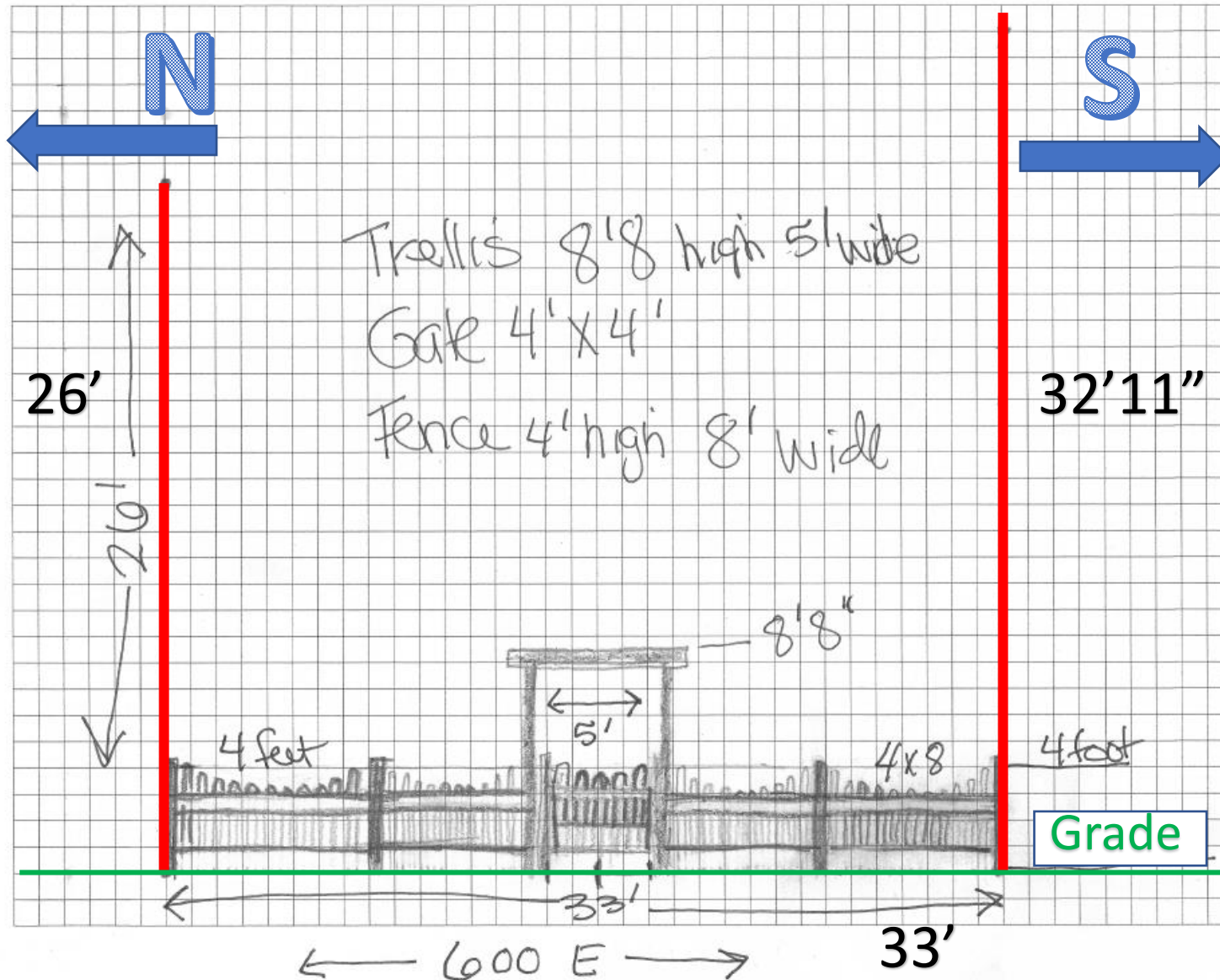
For all of the reasons above, I am asking that you correct the denial of my fence permit which was based not on the SLC zoning code, which encourages vinyl fence, and that was based on a misrepresentation of a guideline with a preference as being a code and not just a guideline with a preference for materials.

I appreciate your time and consideration in this matter,

Kari Gardner

Kari Gardner





Fence panels are 4' high 8' wide

Gate is 4' X 4'

Four fence panels on south side

32'11" in total length

4 fence panels in front 33' total length

3 full and 1 partial panels north side total 26' length

Trellis 8'8" high by 5' wide inside of gate

Old fence was over the property line on the **north** side. New fence to be flush inside property line.

Old fence was 4' wide X 8' long

Gate was 4' X 4"

Trellis was 5' wide by 8'8" high

Everything was purchased to replicate the old fence to preserve the look of the home.

ATTACHMENT C: CITY ATTORNEY'S BRIEF

ADMINISTRATIVE HEARING OF A LAND USE APPEAL

(Case No. **PLNAPP2022-00796**)

(Appealing Petition No. PLNHL2021-01283)

September 22, 2022

Appellant:	Kari Gardner
Decision-making entity:	Salt Lake City Historic Landmark Commission
Address Related to Appeal:	665 South 600 East Street
Request:	Appealing the historic landmark commission’s denial of a certificate of appropriateness for a minor alteration to install a vinyl fence and trellis.
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.G (Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure Including New Construction of an Accessory Structure) of the *Salt Lake City Code*. Video of the commission’s July 14, 2022 public meeting is part of the record of this matter and is found at <https://www.youtube.com/watch?v=eJH1B0La50> (1:22:40 to 1:49:22).

Background

This matter was heard by the historic landmark commission on July 14, 2022 on a petition by Kari Gardner (“Appellant” or “Applicant”) for a certificate of appropriateness for a minor alteration to construct a vinyl fence and vinyl trellis at property located at 665 South 600 East Street (the “Property”).

Planning division staff prepared a report dated July 14, 2022 for the historic landmark commission’s consideration of the subject petition in which staff determined that the proposal to install a vinyl fence and vinyl trellis on the Property did not meet the standards for approving a certificate of appropriateness for a minor alteration in the H Historic Preservation Overlay District. (See Planning Division Staff Report Dated July 14, 2022). Appellant submitted

materials that were provided in the staff report. (See Attachment D to the July 14, 2022 Staff Report).

At its July 14, 2022 meeting, the historic landmark commission heard presentations from planning division staff, Applicant, and received testimony from two members of the public. Following these presentations and testimony, the commission voted unanimously to deny the application “based on the findings listed in the staff report, the information presented [at the July 14, 2022 meeting], and input received during the public hearing”. (See Video of July 14, 2022 Historic Landmark Commission Meeting at 1:47:54 to 1:49:22).

On July 15, 2022, the Salt Lake City Planning Division sent the written record of the historic landmark commission’s decision to the Applicant. Appellant filed a timely appeal on August 8, 2022 by submitting the appropriate form along with an appeal letter dated August 3, 2022.

Discussion

Appellant’s appeal letter asserts three errors in the historic landmark commission’s decision to deny Appellant’s application for a certificate of appropriateness for the vinyl fencing, though Appellant doesn’t argue that the decision to deny a certificate of appropriateness for the trellis was erroneous. Thus, the hearing officer should only consider arguments pertaining to the proposed fencing. Nothing in Appellant’s appeal letter contends that the commission’s decision was arbitrary and capricious or illegal.

Appellant’s initial argument appears to be that the proposed vinyl fence should be allowed because *Salt Lake City Code* Subsection 21A.40.120.D.1 (erroneously cited by

Appellant as Chapter 21A.24) identifies vinyl as a durable fencing material that is permitted. (See Appellant’s Appeal Letter, p. 1).

While it is true that vinyl is a permitted fencing material in residential zoning districts, the stricter design and construction regulations applicable to the H Historic Preservation Overlay District are applicable as noted in Subsection 21A.40.120.C.5.b and those stricter requirements of the overlay district take precedence when there is a conflict as noted in Subsection 21A.34.010.A. Accordingly, Appellant’s argument regarding the allowance of vinyl fencing on her Property is misplaced and should be rejected by the appeals hearing officer.

Appellant’s second argument is that the city’s document, A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City (“Residential Design Guidelines”) applicable to development activity in the H Historic Preservation Overlay District are merely recommendations and not required. While Appellant’s argument may seem to have merit on the surface, that argument ignores the fact that the guidelines are specifically adopted to aid in the application and interpretation of the adopted standards as explained in both the definition of “design guidelines” in Subsection 21A.34.020.B of the *Salt Lake City Code* and Part I, Section 3 of the Residential Design Guidelines. Thus, the adopted guidelines inform the standards found in Section 21A.34.020 of the *Salt Lake City Code*.

Planning division staff specifically concluded that the proposed vinyl fencing did not meet the standard provided in Subsection 21A.34.020.G.2 because the proposed vinyl fence would compromise the historic character of the Property since vinyl fencing “does not utilize materials that are similar in texture and form to those historically used during the property’s period of significance.” (July 14, 2022 Staff Report, Attachment E). Additionally, planning division staff concluded that the proposed vinyl fencing did not meet the standard set forth in

Subsection 21A.34.020.G.3 since the proposed vinyl fence would not be a product of its own time and would create a false sense of history. (See July 14, 2022 Staff Report, Attachment E). These findings were informed by the Residential Design Guidelines, particularly guidelines 1.2 through 1.5. Note that guideline 1.4 states that “[c]hain link and vinyl are inappropriate as fence materials where they would be visible from the street.” That is a declaration rather than a mere recommendation.

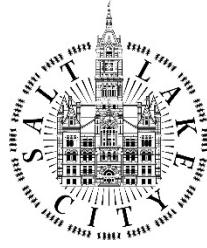
Since the historic landmark commission’s decision was based on its adoption of planning division staff’s findings and conclusions and those findings and conclusions addressed the relevant standards of Subsection 21A.34.020.G, and since those findings are supported by substantial evidence in the record, the historic landmark commission’s decision should be upheld. Appellant’s contention that the Residential Design Guidelines are suggestions and “not a code” completely ignores the fact that the commission’s decision was, in fact, code based as the standards were addressed. Utilizing the guidelines to inform the standards--as authorized by the city’s code--does not negate the fact that the standards were appropriately addressed. For these reasons, Appellant’s arguments should be rejected and the commission’s decision should be left undisturbed.

Appellant’s final argument is Appellant’s opinion that the proposed vinyl fencing meets the standards set forth in *Salt Lake City Code* Subsection 21A.34.020.H.3.b. That was not a standard that the historic landmark commission considered because it applies to new construction or alterations to a noncontributing structure. Appellant’s single-family dwelling is a contributing structure and the proposed fencing does not meet the definition of new construction in Section 21A.34.020. Accordingly, Appellant’s third argument should be rejected because it is irrelevant to the action taken by the commission on the petition submitted.

CONCLUSION

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

ATTACHMENT D: RECORD OF DECISION



DEPARTMENT of COMMUNITY AND NEIGHBORHOODS

Erin Mendenhall
MAYOR

Blake Thomas
DIRECTOR

July 15, 2022

Kari Gardner
665 S 600 E
Salt Lake City, UT 84102

RE: RECORD OF DECISION FOR PETITION: PLNHLC2021-01283

Dear Kari:

On July 14, 2022, the Salt Lake City Historic Landmark Commission denied a Certificate of Appropriateness for the property located at approximately 665 South 600 E.

This Record of Decision is provided to you indicating the date action was taken, the decision of the Historic Landmark Commission including the 10-day appeal period.

Project Description

The Historic Landmark Commission reviewed and denied the following project:

Kari Gardner, the property owner, is requesting approval from the City to construct a 4' tall vinyl fence and 8', 8" tall vinyl trellis in the front yard and side yards of the property, visible from the public way. The property is located in the RMF-30, Low Density Multi-Family Residential Zoning District and the Central City Local Historic District. This type of request must be reviewed as a Historic Preservation Minor Alteration. The property is in noncompliance with Salt Lake City regulations as a portion of the proposed vinyl fence was installed without a fence permit and Certificate of Appropriateness required for the work.

Review Process Standards and Findings of Fact

The Historic Landmark Commission made specific findings related to the standards of review for a Certificate of Appropriateness as stated in Chapter 21A.34, of the Zoning Ordinance. The decision was also based on the purpose of the zoning ordinance, the purpose of the Historic Preservation Overlay zoning district where the project is located, the adopted City Historic Preservation Design Guidelines, the information contained in the staff report, the project details provided by you, testimony from the public, and the discussion of the Historic Landmark Commission. Copies of this information will be made available online here: <https://www.slc.gov/boards/historic-landmark-commission-agendas-minutes/>

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 the close of business on **August 15, 2022**.

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 the close of business on **July 26, 2022**.

The minutes of the July 15, 2022 Historic Landmark Commission meeting have not yet been adopted. Copies of the adopted minutes for the meeting will be posted to the Planning Division's website the day after they are completed at <https://www.sl.gov/boards/historic-landmark-commission-agendas-minutes/>

If you have any questions, please contact me at (801)-535-7118 or brooke.olson@slcgov.com.

Sincerely,



Brooke Olson
Principal Planner

Cc: project file

ATTACHMENT E: MOTION SHEET

MOTION SHEET FOR A VINYL FENCE AND TRELLIS APPROXIMATELY 665 S 600 E:

PLNHLC2021-01283– Minor Alteration at approximately 665 S 600 E

Motion to deny (Consistent with Staff Recommendation):

Based on the findings listed in the Staff Report, the information presented, and input received during the public hearing, I move that the Historic Landmark Commission **deny** the Minor Alteration petition (PLNHLC2021-01283) as proposed, because evidence has **not** been presented that demonstrates the proposal complies with the following standards:

1. *List what standards, factors, etc. were considered to recommend denial.*

Motion to approve (Not Consistent with Staff Recommendation):

Based on the findings listed in the staff report, the information presented, and input received during the public hearing, I move that the Historic Landmark Commission **approve** the Minor Alteration petition (PLNHLC2021-01283) as proposed, subject to complying with the following findings:

1. *List what standards, factors, etc. were considered to recommend approval.*

**ATTACHMENT F: MINUTES FROM JULY 14, 2022
MEETING**

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION MEETING
City & County Building
451 South State Street, Room 326
Salt Lake City, Utah 84111
Thursday, July 14, 2022**

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at approximately 5:30 PM. Audio recordings of the Historic Landmark Commission meetings are retained for a period of time. These minutes are a summary of the meeting. For complete commentary and presentation of the meeting, please visit <https://www.youtube.com/c/SLCLiveMeetings>.

Present for the Historic Landmark Commission meeting were: Chairperson Michael Vela and Vice-Chair Babs De Lay; Commissioners Kenton Peters, Amanda De Lucia, John Ewanowski, and Aiden Lillie. Commissioners Robert Hyde, Michael Abrahamson, and Carlton Getz were absent from the meeting.

Staff members present at the meeting were: Planning Manager Kelsey Lindquist, Planning Manager Wayne Mills, Senior City Attorney Paul Neilson, Senior Planner Lex Traugher, Principal Planner Brooke Olson, and Administrative Assistant Aubrey Clark.

APPROVAL OF JUNE 1, 2022 MEETING MINUTES

Commissioner Kenton Peters moved to approve the June 1, 2022 meeting minutes. Vice Chair Babs De Lay seconded the motion. Char Vela, Vice-Chair Babs De Lay, Commissioners Kenton Peters, Amanda De Lucia, and Aiden Lillie voted “aye”. Commissioner John Ewanowski abstained due to absence. The motion passed.

REPORT OF THE CHAIR AND VICE-CHAIR

Chair Vela stated that he had nothing to report.
Vice-chair De Lay stated that she had nothing to report.

REPORT OF THE DIRECTOR

Planning Manager Kelsey Lindquist reported that the consultants conducting the “Thriving in Place” study recently briefed the City Council about phase one of the study. Kelsey Lindquist encouraged the Commission and audience to review the very detailed report—which focuses on the displacement effects of gentrification—using the website ThrivinginPlaceSLC.org.

PUBLIC COMMENTS

The Chair then opened the meeting to public comments not pertaining to agenda items. Hearing none, he closed the meeting.

PUBLIC HEARINGS

New Construction for Station 424 Multifamily Residential Development-Kaleb Larsen of Envision Architectural Group, representing the property owner, WDG Seventh East, LLC, is proposing a 249-unit multi-family residential development at approximately 424, 436, & 438 S 700 East, and 445 S Green Street. The property is zoned TSA-UN-C (Transit Station Area -Urban Neighborhood – Core). The proposed development will include multiple unit types (consisting of studio, 1-, 2- and 3-bedroom units) within a single building on the site. The building is proposed to be approximately 80 feet tall at its highest point. The subject property is located within City Council District 4, represented by Ana Valdemoros. (Staff Contact: Lex Traugher at 801-535-6184 or lex.traugher@slcgov.com) **Case number PLNHLC2022-00233**

Senior Planner Lex Traugher reviewed the request as outlined in the Staff Report. He stated that staff recommends approval of the request. He stated that the first of three key considerations, character of surrounding development, is satisfied because the block has only three remaining contributing structures and this development is a considerable distance from any of them. Demolition of non-contributing structures to accommodate new construction has already been approved. The second key consideration, implementation of city goals and policies found in the masterplan, is met, particularly because the developer demonstrated that this project meets an extremely high standard on the Transit Station Score Sheet, and the third key consideration, compliance with zoning policies, is met because the plans comply with all 86 design standards related to multi-family structures. Lex Traugher reported having received a total of three written comments from the public, each of which has been communicated to the Commission, either in the main report, or using the drop box.

Commissioner Ewanowski asked what the proposed height of the building would be, given that a high TSA score allows for additional height beyond the zoned 75 feet. Lex Traugher said the highest point on the building is 80 feet but added that the project received a TSA score of 183 points. An increase of 10 feet, or one story, is allowed for a score exceeding 125. Commissioner Ewanowski also asked for confirmation that no variance is sought. Lex Traugher confirmed that no variance is sought by the developer.

Chair Vela asked if there were any consideration for access from 7th east into the parking garage. He later clarified that it appeared that the two access points are segregated for visitors and residents. Lex Traugher stated that the two access points are Green Street

and Fuller Avenue, side street of 700 East, but he would defer to the applicant for clarification of how they could be used.

Vice Chair De Lay asked for further clarification: questioning the location, and future use of the streets in question. Lex Traugher disclosed that one existing private street with limited access is actually owned by the developer and will become part of the project.

Kaleb Larsen of Envision Architecture, stated on behalf of the applicant, that the project meets the design standards, “supports the masterplan,” and is “respectful to the character of the surrounding developments.” He stated that the vehicular access points were carefully considered because 700 East is a major thoroughfare, and the project is located at a major intersection. It is anticipated that the volume of traffic through each entrance would be almost equal. Kaleb Larsen clarified that each access point leads a vehicle through visitor parking and, to the secured gate of the parking facility. He then described elements of the design that reflect elements of a historic district including a lower (three story) height and wider set back on the elevation facing the contributing structures. Also, the structure has a brick façade, The project reaches its highest point at its center.

Commissioner De Lucia asked for clarification about the height along the Green Street access elevation relative to existing residences. Kaleb Larsen responded that he was aware of the public comment that generated the question. He said that the project is at its maximum allowed height as it faces the townhomes, which are not contributing structures, but he explained that the entire project is built with variation in massing to balance its impact. Kaleb Larsen stated that the building would be roughly 70 feet wide along then Green Street side, and that it “only overlaps the townhomes in question by twelve feet or so.” Variation in height and massing of the building at the intersection of 700 East and 400 South to avoid a “giant wall effect.”

Commissioner Lillie asked for review of an elevation of the southeastern portion of the 700 East intersection and asked for a description of the scaling. Kaleb Larsen stated that the height is one story lower then scaled up "as we get farther away.”

Chair Vela opened the public hearing.

PUBLIC HEARING

- Cindy Cromer – Requested the project be tabled until more information could be gathered. She stated that his project abuts two historic structures and is close to a third on the same block face, each of which she named. She cited three examples of similar nearby development projects that received work session reviews. She said that a work session was also appropriate for this project and stated that the

renderings did not adequately reflect historic structures.

- Tom Segura – Spoke in support and in opposition of the project. He is the owner of the McCarthy Building. He stated that he was unaware, until Wright Development did their due diligence on the property, that his building was designated as historically significant. He quoted from the 2013 RLS to challenge the designation of the historic district. He advised the Commission that he is currently suing the developer because an increase in traffic combined with his loss of access to Fuller Avenue will prove to be a burden to his business.

Commissioner De Lay asked Mr. Segura if he knew why his building holds the designation of “historically significant.” Mr. Segura said that he did not know the answer but added that his next-door neighbor was built in the 1800’s and that MacArthur house was built in 1961 from cinderblock and steel and he thought that it is one of many such buildings. Attorney Paul Neilson said that Planning staff would answer questions after public comment period is concluded.

- Steve Murdock – Manor House Property Owner at 444 S. 700 E. - Stated Opposition. Mr. Murdock stated that his property was built in approximately 1880 or 1890 and that he is actively making efforts to maintain the property. He stated that the traffic at the Green Street access point will be a burden to his business and that demolition of the Modern Display property and subsequent construction work would be a threat to the structure of his building.
- Danelle Murdock – Manor House Property Owner at 444 S. 700 E. - In opposition of the petition. Ms. Murdock cited loss of mountain views that were once a key feature of the house, and the significant investment in the property that is both a home, and a business. She also stated that existing traffic conditions are dangerous and that she expects that adding 4,000 residents to the block will increase that problem. She also said that construction of the nearby apartment complex Liberty Square caused the Manor House to shake badly, and she wondered whether the foundation for this project would be at a similar depth.
- Chris Zarek –Representing the 79 residents of Liberty Square - said that concerns could be solved by retaining public access to Fuller Avenue, adding that Green Street is too narrow to handle a significant increase in traffic, and that many Liberty Square apartments face Green Street with negligible setback.

Chair Vela then closed the public hearing and asked the Commission whether they had questions for staff based upon issues raised by the public hearing.

Commissioner Babs DeLay asked why the McCarthy Building had been designated an historic structure. Lex Traugber stated that the City contracts with qualified people to determine the appropriate designation for buildings in each district. He said that the

McCarthy Building designation is drawn from the 2013 area survey conducted by Sherri Ellis of Certis who also conducted the most recent University District survey. Planning Manager Kelsey Lindquist added that mid-century modern structures were eligible for historic structure designation in the 2012-2013 round of contracted surveys. In response to Commissioner DeLay's follow-up question regarding removing the designation from a structure, Kelsey Lindquist stated that there is a process which may take up to a year to complete, because a review of the district, and multiple notifications are involved. A direct challenge to the right to demolish based upon an argument that the structure does not contribute to the district is also possible.

Chair Vela then asked for a rebuttal on the part of the applicant.

Kaleb Larsen stated that there were efforts made to respect the styling of neighboring structures including the coloring, and some midcentury features of the MacArthur House, which is the closest neighboring historic structure. He also noted that the remaining structures will have greater distance from the new structure than they had had from the original structures.

Various Commissioners expressed concerns related to traffic including the pending lawsuit regarding Fuller Avenue and the loss of a direct link from the Trader Joe's Parking area to 700 East. Commissioner Lillie asked which entrance would be defined as the primary entrance. Kaleb Larsen stated that the leasing office is located next to Fuller Avenue. In response to a question from Chair Vela, Kaleb Larsen stated that City Traffic and Engineering had reviewed the plans and that changes had been made to address their concerns.

EXECUTIVE SESSION

Chair Vela asked Senior City Attorney Paul Neilson to explain public access rights. Attorney Neilson explained that the City makes a presumption that County records are accurate, however "claims of prescriptive rights and public use dedication" made in the meeting must be settled in court. The matter is "complicated" by the fact that three different sections of Fuller Avenue have different owners. He stated that even though litigation has been initiated, there has not been an attempt "to halt *these* proceedings."

Chair Vela asked whether all requirements for which the Commission has oversight had been met. Senior Attorney Neilson responded that he would defer to staff on those issues. Chair Vela asked whether lighting and landscaping plans had been completed and Lex Traugher stated that they had.

Commissioner Lillie asked if conditions were met to prominently identify the entrance and also asked how the mechanical equipment would be screened. Lex Traugher stated that

the 700 East entrance meets design guidelines and that the mechanical equipment would be on the roof.

Commissioner De Lucia asked what the parameters are for scheduling a work session. Lex Traugher said that work sessions are not based on the size of the project but, rather, whether the applicant and staff can work through disagreements. He said that staff request a work session to ask the Commission to address specific unresolved issues. Planning manager Kelsey Lindquist added that applicants can also request a work session.

Commissioner Kenton Peters stated that, in his opinion, the only outstanding issue was the traffic based on a right of access beyond the purview of the Commission. He stated that judging on design merit “they’ve done a fine job.” Commissioner DeLay said “I abhor this traffic issue” but stated that she agreed with Commissioner Peters.

Commissioner John Ewonowski stated that traffic issues could be used to make decisions and he cited design guidelines in code referring to “historic street patterns” and “public and private rights-of-way” that “should be maintained and reinforced.” Commissioner Peters stated that while an excellent point had been made, he did not think that the design guidelines should be applied to the block in question because the character of the block has not reflected the character of the existing historic structures “for 50 years or more.” Commissioner DeLay asked, “What protection do we offer an historic mansion in the midst of a commercialized few blocks in an historic district? We just blocked their views north, south, east, and west, but it’s still historic.”

Chair Vela stated that he had discussed the issue of Commission purview of public with the director in anticipation of the meeting. With the exception of Commissioner Ewonowski’s information, which pertained to the character of side streets and alley ways, Chair Vela stated that it was his understanding that the Commission did not have oversight.

The chair then called for a motion.

MOTION

Commissioner Kenton Peters stated, “Based on the analysis and findings in the staff report that the standards for approval of a Certificate of Appropriateness involving new construction in a local historic district have been substantially met, testimony and the proposal presented, I move that the Historic Landmark

Commission approve the request for new construction located at approximately 424, 436, & 438 S. 700 East, and 445 S. Green Street.”

Seeing no second, the chair called for discussion.

Commissioner Amanda De Lucia stated that she is “torn” because she recognizes that staff has reviewed the project carefully, but Commissioner Ewanowski has raised that point that the interior character of the block should be considered. She said that she did not feel comfortable ignoring the traffic problems.

Commissioner Babs De Lay stated that she seconded the motion in order to force a vote and move on.

Commissioner Aiden Lillie voted “yes.”

Commissioners John Ewanowski, Kenton Peters, Amanda De Lucia, voted no.

Vice-chair DeLay abstained from the vote without giving a reason.

Chair Vela stated that the motion failed.

Commissioner Peters then explained his vote by stating that the solution appeared to be a recommendation that the applicant return with a solution to the traffic problem. He voted “no” in order to allow for more discussion time.

Commissioner Ewanowski commented that the staff report was excellent, but he respected the positions taken by property owners. Commissioners Peters and Lillie stated that Fuller Avenue does not currently allow public access. Chair Vela pointed out that there is a pending Court case to determine the status of the street. However, what is within the purview of the Commission is the petition. Additional appeals are possible.

Senior City Attorney Neilson then added that “as of this moment” the street is private property. Rights are presumed unless the Court states otherwise, however, a recent case has affirmed private ownership of part of the street.

Chair Vela then called for a motion

Commissioner Kenton Peters stated, “With respect to PLNHLC2022-00233 Station 424 Multifamily Residential Development, based on the analysis and findings in the staff report that the standards for approval of a Certificate of Appropriateness involving new construction in a local historic district have been substantially met, testimony and the proposal presented, I move that the Historic Landmark

Commission approve the request for new construction located at approximately 424, 436, & 438 S. 700 East, and 445 S. Green Street.”

Commissioner Aiden Lillie seconded the motion.

Commissioners John Ewanowski, Aiden Lillie, Kenton Peters, Amanda De Lucia voted “yes.”

Vice-chair Babs DeLay abstained without giving a reason.

The motion passed.

Senior City Attorney Neilson made a concluding comment that the applicant is aware that litigation poses a risk to proceeding with the project.

Minor Alteration for a Vinyl Fence and Trellis at approximately 665 S 600 E- Kari Gardner, the property owner, is requesting approval from the City to construct a 4’ tall vinyl fence and 8’, 8” tall vinyl trellis in the front yard of the property, visible from the public way. The property is located in the RMF-30, Low Density Multi-Family Residential Zoning District and the Central City Local Historic District. This type of request must be reviewed as a Historic Preservation Minor Alteration. The property is in noncompliance with Salt Lake City regulations as a portion of the proposed vinyl fence was installed without a fence permit and Certificate of Appropriateness required for the work. The subject property is within Council District 4, represented by Ana Valdemoros. (Staff Contact: Brooke Olson at 801-535-7118 or brooke.olson@slcgov.com) **Case number PLNHLC2021-01283**

Principal Planner Brooke Olson reviewed the petition as outlined in the staff report, noting that the project is currently “under enforcement” because work was started without a permit or Certificate of Appropriateness. She stated that Staff recommends denial of the request because it is in front of a house that is a contributing structure and the proposed fence visible from the public way and is out of the character of the street and area. A pre-existing painted, wood picket fence with trellis were removed to accommodate the vinyl fence. That pre-existing fencing was not consistent with the earliest available pictures of the dwelling; however, it was historically consistent with other fencing of the period. Simple metal such as wrought iron, or wire, would also be appropriate. Vinyl fencing visible from the street is specifically mentioned in design guidelines as inappropriate.

In answer to Chair Vela’s question, Brooke Olson confirmed that the acceptable fencing materials would be wrought iron, wood picket and wire.

Commissioner Peters asked for a history of the project. Principal Planner Brooke Olson stated that the work was started without a permit, or certificate of appropriateness, and

so a stop-work order was placed on the property. The applicant has been working with planning staff, however, since the proposal does not meet design standards, staff cannot approve it administratively and so it is referred to the Historic Landmark Commission for a determination.

The applicant Kari Gardner stated that she is very fond of her 600 East neighborhood and has lived in the area previously. She shared slides of her present home in disrepair at the time that she purchased it and described the extensive foundation work required to restore the house after damage from tree roots. Ms. Gardner described the personal trials of owning the home including the 2020 earthquake, and a burglary. She stated that she did not understand the need for a fence permit, but that she had done her best to replicate the style of the fencing that she was replacing, adding that her street has another vinyl fence. Ms. Gardner outlined the expense she had gone to in order to have an attractive, durable fence. She also stated that the fence is a security measure, given multiple issues with the homeless population in the area. Ms. Gardner read a portion of Utah Code pertaining to the character of the block face and stated that she felt her fence met the purpose of the code.

Chair Vela asked Ms. Gardner whether she hired a contractor to install the fence. The applicant stated she hired a disabled man who does fences and because she has put in fences on other properties, she is well aware of standards for structural soundness.

Vice Chair De Lay asked what the person installing the fence knew about the process. Ms. Gardiner said that she had hired the installer through Craig's List and did some labor herself.

Chair Vela opened the public hearing.

PUBLIC HEARING

- Cindy Cromer – stated opposition. She called attention to a durable man-made material approved by the Commission “quite some time ago,” that would have been very appropriate. She urged support of the staff report.
- Robert Torres – in favor of the applicant. Neighbor from across the street. He stated that Ms. Gardiner has contributed to the neighborhood by improving her property. He urged the Commission to focus on the code language “character of the neighborhood.”

Commissioner Peters asked how long vinyl has been prohibited in the ordinance pertaining to historic districts. Kelsey Lindquist stated while she could not say precisely, it has been “decades.”

Seeing that no one else wished to speak. Chair Vela closed the public hearing.

EXECUTIVE SESSION

Chair Vela said the question to be considered is, “regardless of how we feel,” whether or not the application meets the standards.

Vice Chair De Lay said, “There’s really not much of a discussion.” Commissioner Lillie stated her agreement that “vinyl is inappropriate.”

Commissioner De Lucia said that she was curious about the “alternate material” mentioned in the public comments. She described a previous meeting in which roofing material functioning as solar panels was approved based on the fact that it lost its sheen with age and so was considered compatible with the neighborhood. She said that she would like more information about the synthetic wood mentioned. Commissioner Lillie agreed saying that it was approved as a trial and the Commission could ask staff to review a code change.

Commissioner Peters commented that cement products might be considered. Commissioner De Lay agreed that “Hardy Board” or fax wood should be considered. She then asked whether it would be allowed. Kelsey Lindquist stated that it would not be typically appropriate for a front yard. She said that there would be more flexibility with metal fencing.

Commissioner Peters commented that a building permit would be required in any district to build a fence. Had that step been taken other problems would have been avoided.

Chair Vela called for a motion.

MOTION

Commissioner Amanda De Lucia stated, “I’m making a motion for the vinyl fence and trellis at approximately 665 South 600 East PLNHLC2021-01283 based on the findings in the staff report, the information presented and input received during the public hearing, I move that the Historic Landmark Commission deny the minor alteration petition PLNHLC2021-01283 as proposed, because evidence has not

been presented that demonstrates that the petition complies with the following standards listed.”

Commissioner Aiden Lillie seconded the motion.

Commissioners John Ewanowski, Aiden Lillie, Kenton Peters, Amanda De Lucia, and Vice Chair Babs De Lay all voted “yes.”

The motion passed. The application was denied.

The meeting adjourned by the chair at approximately 7:15 PM.

**ATTACHMENT G: STAFF MEMO FROM JULY 14TH
MEETING**



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Historic Landmark Commission
From: Brooke Olson, Principal Planner
(801) 535-7118 or brooke.olson@slcgov.com
Date: July 14, 2022
Re: PLNHLC2021-01283 – Vinyl Fence at 665 S 600 E

Minor Alteration

PROPERTY ADDRESS: 665 S 600 E
PARCEL ID: 16-07-228-012-0000
HISTORIC DISTRICT: Central City
ZONING DISTRICT: RMF-30, Low Density Multi-Family Residential

DESIGN GUIDELINES: Residential Design Guidelines

REQUEST: Kari Gardner, the property owner, is requesting approval from the City to construct a 4' tall vinyl fence and 8', 8" tall vinyl trellis in the front yard of the property, visible from the public way. The property is located in the RMF-30, Low Density Multi-Family Residential Zoning District and the Central City Local Historic District. This type of request must be reviewed as a Historic Preservation Minor Alteration. The property is in noncompliance with Salt Lake City regulations as a portion of the proposed vinyl fence was installed without a fence permit and Certificate of Appropriateness required for the work.

RECOMMENDATION: Based on the analysis and findings outlined in this staff report, it is Planning Staff's opinion that the vinyl fence and trellis do not meet the applicable standards of approval. Staff recommends that the Historic Landmark Commission deny the request.

ATTACHMENTS:

- A. [Site & Context Map](#)
- B. [Current & Historic Photographs](#)
- C. [Historic Survey Information](#)
- D. [Application Materials](#)
- E. [Analysis of Standards for Minor Alterations in a Historic District](#)
- F. [Applicable Design Guidelines](#)
- G. [Public Process and Comments](#)

PROJECT DESCRIPTION:

The property is currently in noncompliance with Salt Lake City regulations because a portion of the proposed vinyl fence was installed without a fence permit and Certificate of Appropriateness required for the work. Salt Lake City Civil Enforcement sent a notice of violation to the property owner in March 2022, which referenced section 21A.34.020.E of the Zoning Ordinance. This section indicates that alterations to the exterior of structures within a Historic Preservation District must obtain approval. Since then, the property owner has been working with the Planning Division to resolve the issue. The fence footings and posts were installed in November 2021.



665 S 600 E Vicinity Map



Front yard of 665 S 600 E, June 2022 - Vinyl Fence

SITE CONTEXT:

The subject property contains one historically contributing single-family building. The 2013 Reconnaissance Level Survey (RLS) for the Central City Local Historic District indicates that the building was constructed in 1899 and is Victorian Eclectic style with a cross-wing form and a brick exterior. The 2013 RLS form notes it as “EC”, eligible contributing.

The surrounding properties include structures from a variety of building periods and architectural styles which were primarily constructed in the late 1800s through the early 1900s. The majority are considered contributing to the historic district.

Several of the surrounding properties along 600 East contain fencing in the front yard. The front yard fencing materials in the area predominantly consist of wood and decorative metal with the exception of several chain link and vinyl fences.

KEY CONSIDERATION:

Historic Fences

The City's *Residential Design Guidelines* indicate that painted wood picket, wrought iron, and wire fences were historically used to enclose many residential front yards. The fences were commonly designed low in height and with a semi-transparent appearance to identify individual sites and retain the visual relationship between yards and the streetscape.

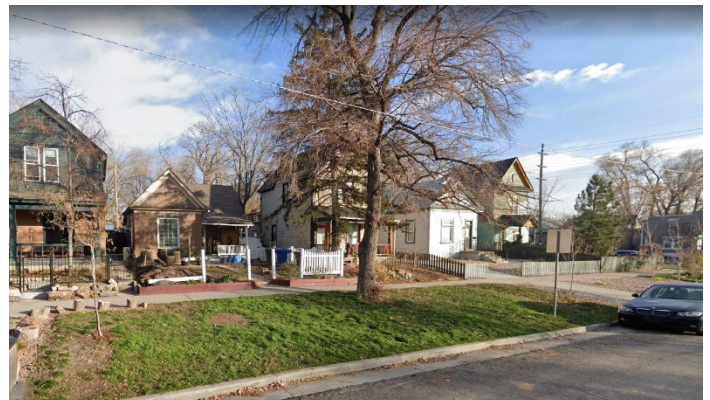
The Guidelines state that original fences should be replaced with a fence similar in character to that used historically. Guideline 1.3: "Use materials that appear similar to that of the original for a replacement fence" specifically listing painted wood picket, simple metal such as traditional wrought iron or wire. Additionally, guideline 1.4 specifically states that vinyl fencing is inappropriate where it would be visible from the street.

As mentioned, the applicant is proposing to replace a 4' tall painted white wood picket fence and 8' 8" tall white wood trellis with a 4' tall vinyl fence and 8' 8" tall vinyl trellis. The previous wooden fence and trellis have been removed and a portion of the vinyl fence, has been installed. A photo from Salt Lake County Archives taken around the early to mid-1900s indicates the previous wood fence and trellis were not originally constructed with the dwelling. However, google street view photos indicate the previous wood fence a has been in place since at least 2007.

In this case, the proposed vinyl fence is located in the front yard of the property, highly visible from 600 East. Attachment F shows that the Residential Design Guidelines discourage vinyl fencing while providing specific guidelines for appropriate fencing materials.



Front Yard of 665 S 600 E, 2021- Previous Wood Picket Fence and Trellis



Google Street View Image, November 2021

DISCUSSION:

In summary, the Residential Design Guidelines discourage the use of vinyl fencing material where it would be visible from the street. In this case, the proposed vinyl fence and trellis are located in the front yard of the property, visible from 600 E. It is Planning Staff's opinion that the vinyl fence and trellis do not meet the applicable standards of approval therefore, staff recommends that the Historic Landmark Commission deny the request.

NEXT STEPS:

Minor Alteration Denial

If the request is denied by the HLC (as recommended by staff) the applicant will not be issued a Certificate of Appropriateness and the property will continue to be in noncompliance with Salt Lake City. To bring the property into compliance, the applicant will have to remove the vinyl fence and trellis.

Minor Alteration Approval

If the Commission disagrees with Staff's recommendation and the project is approved, the applicant would receive a Certificate of Appropriateness to proceed with the project as represented in this Staff Report.

ATTACHMENT A: Site & Context Map

665 S 600 E Vicinity Map

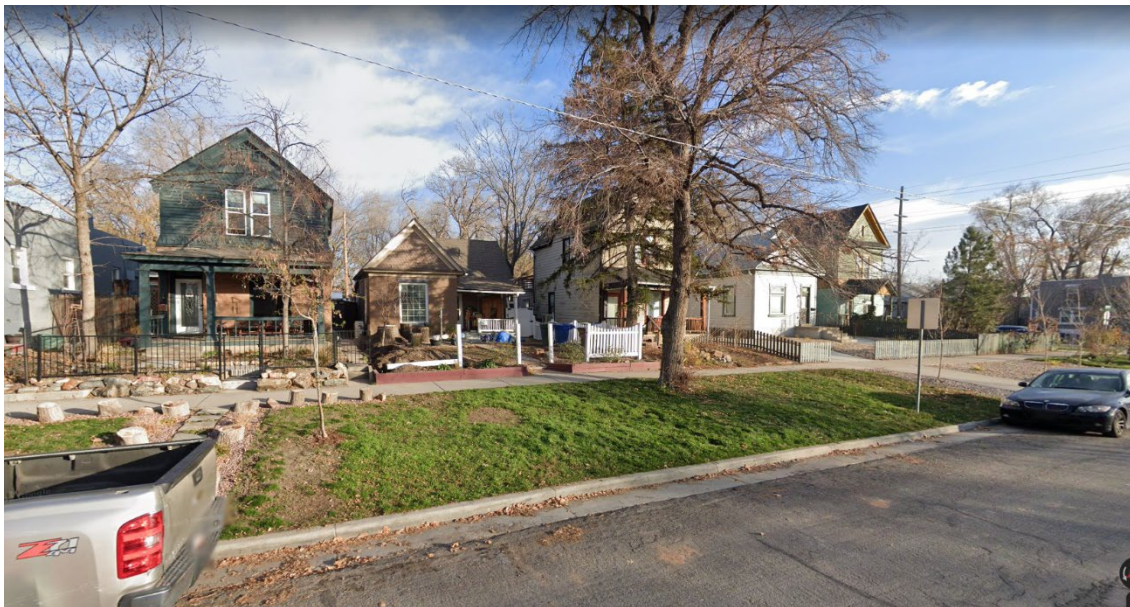


Salt Lake City Planning Division 6/15/2022

ATTACHMENT B: Current & Historic Photographs



Front Yard of 665 S 600 E, June 2022



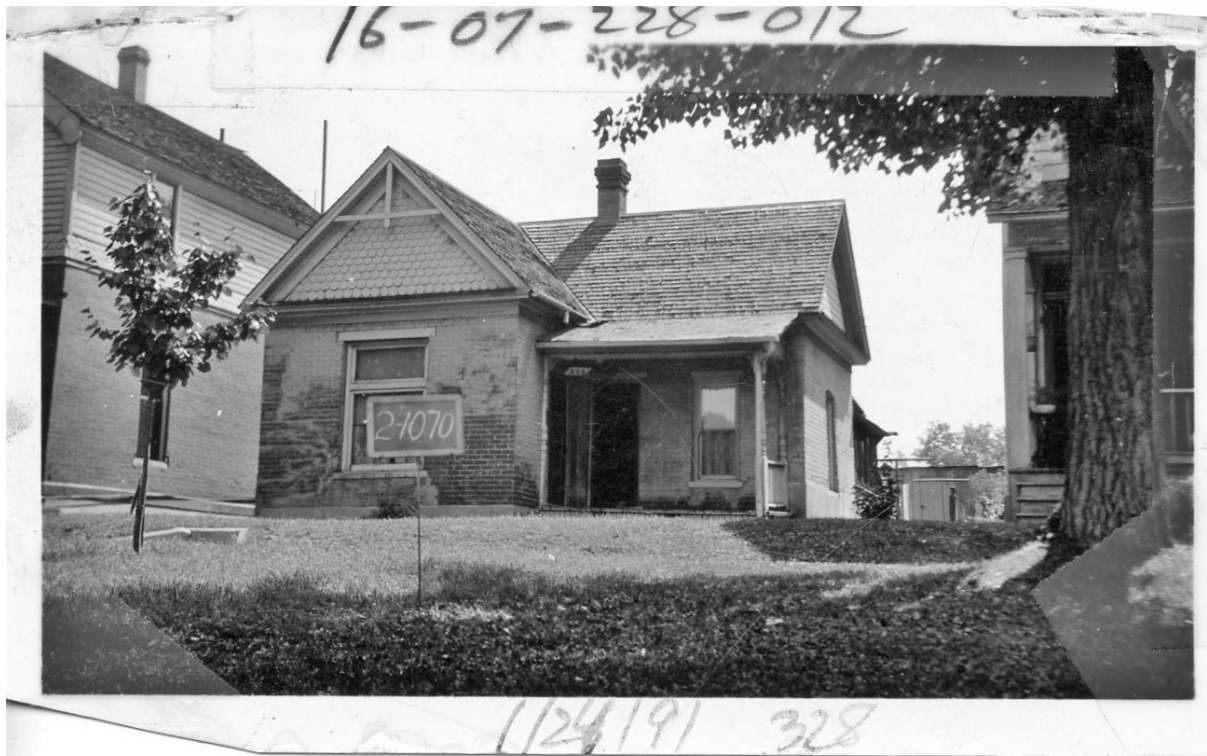
Google Street View Image, November 2021



Google Street View Image, July 2007 Showing Previous Wood Picket Fence



Central City RLS 1996



Salt Lake County Archives, Historic Photo taken around the 1930s-1940s

ATTACHMENT C: Historic Survey Information

ADDRESS	RATING	DATE	HGHT	TYPE	STYLE	MATERIALS	USE	OBS	NOTES
660 S 600 EAST	EC	1895	1	CENTRAL BLK W/ PROJ BAYS	VICTORIAN ECLECTIC	REGULAR BRICK SHINGLE SIDING	SINGLE DWELLING	0	
665 S 600 EAST	EC	1899	1	CROSSWING	VICTORIAN ECLECTIC	REGULAR BRICK SHINGLE SIDING	SINGLE DWELLING	0	
668 S 600 EAST	EC	1906	1	CENTRAL BLK W/ PROJ BAYS	VICTORIAN ECLECTIC	SHINGLE SIDING REGULAR BRICK SANDSTONE	SINGLE DWELLING	1 NON	
671 S 600 EAST	EC	1893	2	SIDE PASSAGE/ENTRY	STICK STYLE VICTORIAN ECLECTIC	SHINGLE SIDING DROP/NOVELTY SIDING	SINGLE DWELLING	1 NON	
672 S 600 EAST	EC	1901	1.5	CENTRAL PASSAGE	VICTORIAN GOTHIC	ALUM./VINYL SIDING STRIATED BRICK REGULAR BRICK	SINGLE DWELLING	0	
675 S 600 EAST	EC	1907	1	CENTRAL BLK W/ PROJ BAYS	VICTORIAN ECLECTIC	SHINGLE SIDING DROP/NOVELTY SIDING	SINGLE DWELLING	1 NON	
677 S 600 EAST	EC	1895	2	SIDE PASSAGE/ENTRY	VICTORIAN ECLECTIC	CLAPBOARD SIDING REGULAR BRICK SHINGLE SIDING	SINGLE DWELLING	0	
680 S 600 EAST	EC	1901	1.5	CENTRAL PASSAGE	VICTORIAN GOTHIC	REGULAR BRICK ASBESTOS SIDING SHINGLE SIDING	SINGLE DWELLING	0	
702 S 600 EAST	EC	1915	1	DOUBLE HOUSE / DUPLEX	PRAIRIE SCHOOL	REGULAR BRICK	MULTIPLE DWELLING	0	ALSO 572 E. 700 S.
703-709 S 600 EAST	EC	1912	2	WALK-UP APT.	FEDERAL	REGULAR BRICK	MULTIPLE DWELLING	0	
710 S 600 EAST	EC	1917	1	BUNGALOW	PRAIRIE SCHOOL	REGULAR BRICK	SINGLE DWELLING	1 NON 1 CON	
714 S 600 EAST	EC	1916	1	BUNGALOW	ARTS & CRAFTS	ALUM./VINYL SIDING REGULAR BRICK	SINGLE DWELLING	1 NON 1 CON	



ATTACHMENT D: Application Materials



HP: Minor Alterations

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Project #:	Received By:	Date Received:	Zoning:
------------	--------------	----------------	---------

Project Name:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Request:

Address of Subject Property:

Name of Applicant:	Phone:
--------------------	--------

Address of Applicant:

E-mail of Applicant:	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:
---------------------------	--------

➔ **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.

AVAILABLE CONSULTATION

➔ Planners are available for consultation prior to submitting this application. Please email if historicpreservation@slcgov.com if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

Apply online through the Citizen Access Portal. There is a step-by-step guide to learn how to submit online.

SIGNATURE

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

Signature of Owner or Agent: 	Date:
---	-------

SUBMITTAL REQUIREMENTS

Staff Review

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Project Description (please attach additional sheet electronically) Written description of your proposal (Re-roofs only require current picture and description, no google images please) |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Drawings to Scale |
| <input type="checkbox"/> | <input type="checkbox"/> | A digital (PDF) copy |
| <input type="checkbox"/> | <input type="checkbox"/> | a. Site Plan |
| <input type="checkbox"/> | <input type="checkbox"/> | Site plan with dimensions, property lines, north arrow, existing and proposed building locations on the property. (see <i>Site Plan Requirements</i> flyer for further details) |
| <input type="checkbox"/> | <input type="checkbox"/> | b. Elevation Drawing |
| <input type="checkbox"/> | <input type="checkbox"/> | Detailed elevation, sections and profile drawings with dimensions drawn to scale of the area of change. |
| <input type="checkbox"/> | <input type="checkbox"/> | Show section drawings of windows, doors, railings, posts, porches, etc. if proposed also show type of construction where applicable. |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Photographs |
| <input type="checkbox"/> | <input type="checkbox"/> | Historic photographs of existing building/s (if available) |
| <input type="checkbox"/> | <input type="checkbox"/> | Current photographs of each side of the building |
| <input type="checkbox"/> | <input type="checkbox"/> | Close up images of details that are proposed to be altered |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Materials |
| <input type="checkbox"/> | <input type="checkbox"/> | List of proposed materials |
| <input type="checkbox"/> | <input type="checkbox"/> | Provide samples and/or manufactures brochures were applicable |

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Gardner Property

665 S 600 E SLC UT 84102

Fence replacement

Scallop/picket 4' X 8' panels

5.5" X 7' posts placing with 30" for frost depth



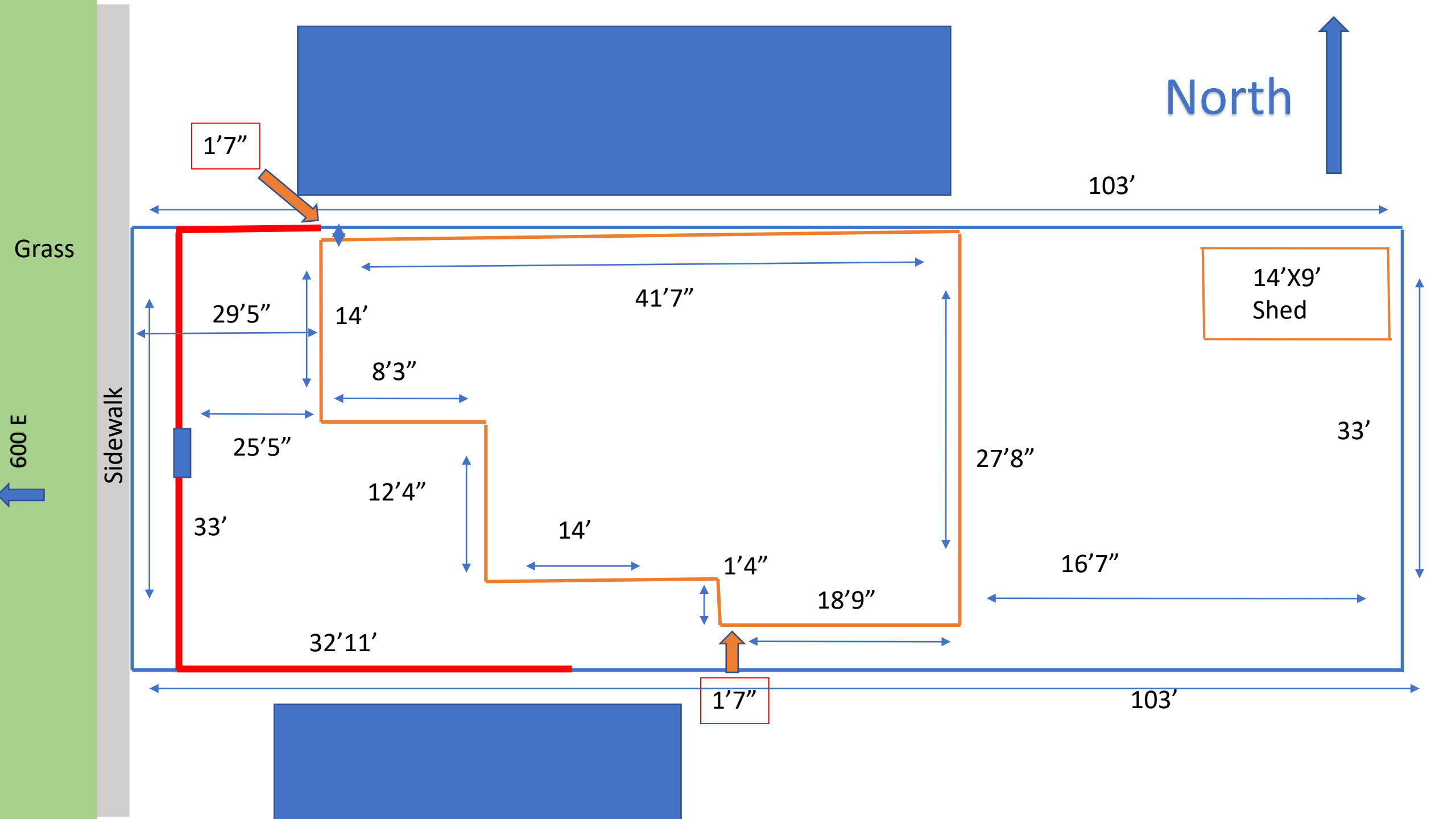
OLD: Trellis in disrepair, broken and missing pieces. Gate sagging, water damaged, hinges not holding. Fence leaning, panels breaking off, wooden posts rotted in the ground and leaning, not sturdy. Corners had to be screwed together with additional wooden pieces to prevent collapse

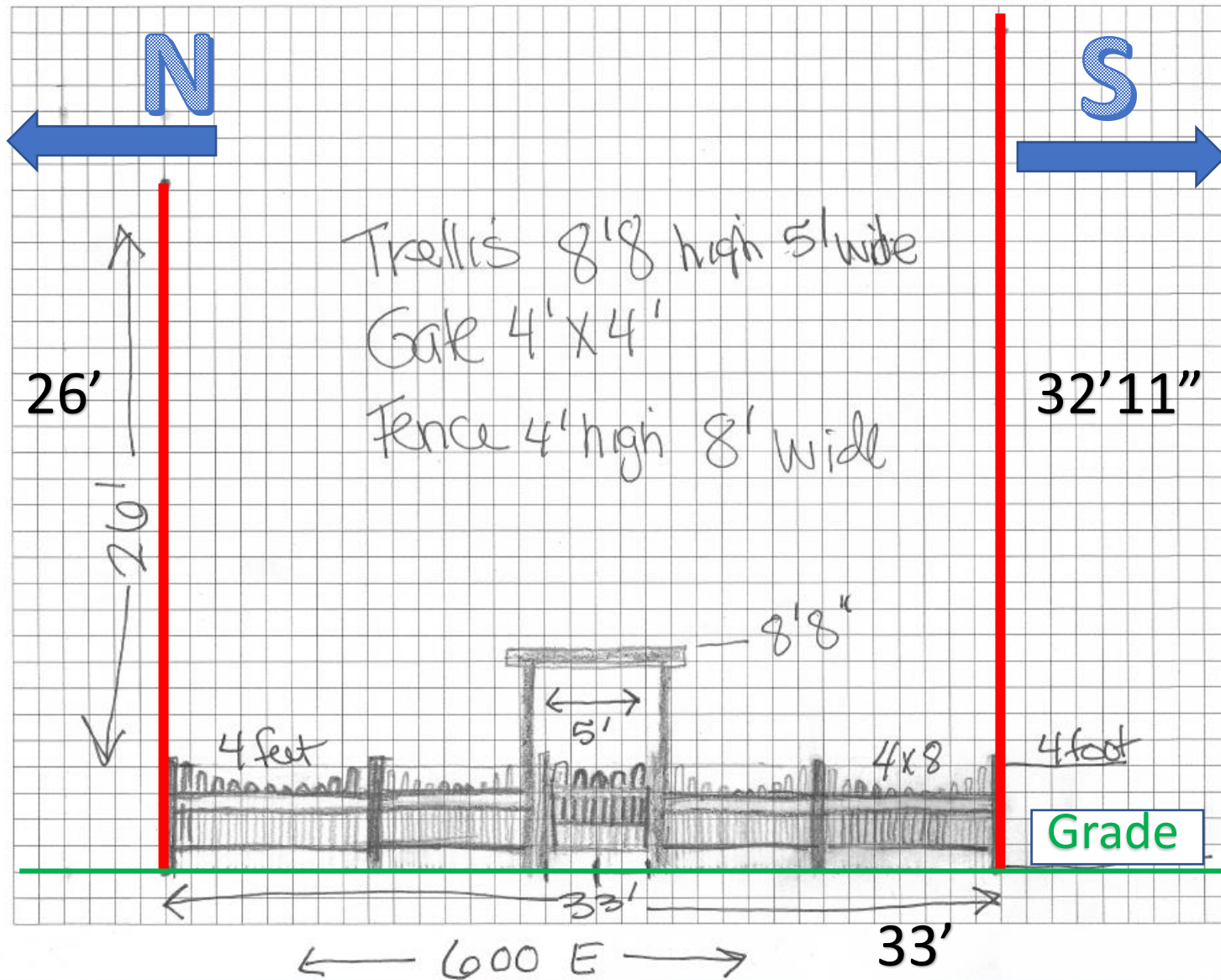






NEW: Replacement, white picket style, lighter gate, and replacement white trellis. Preserving the original look of the fence, gate and trellis with durable, safer, properly installed components to prevent leaning fence and damage from freezing. Also to secure my property which has already been burglarized (house) and had items stolen from the yard.

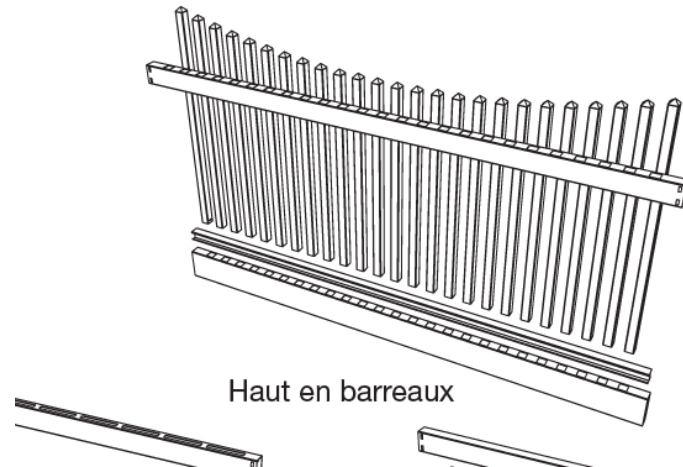
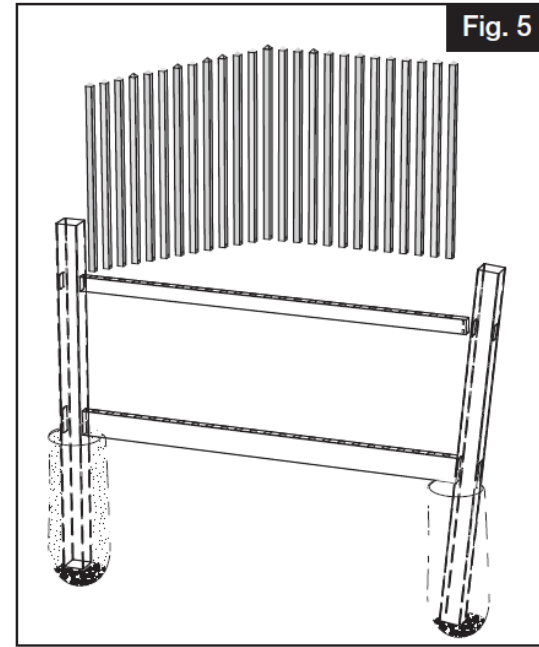
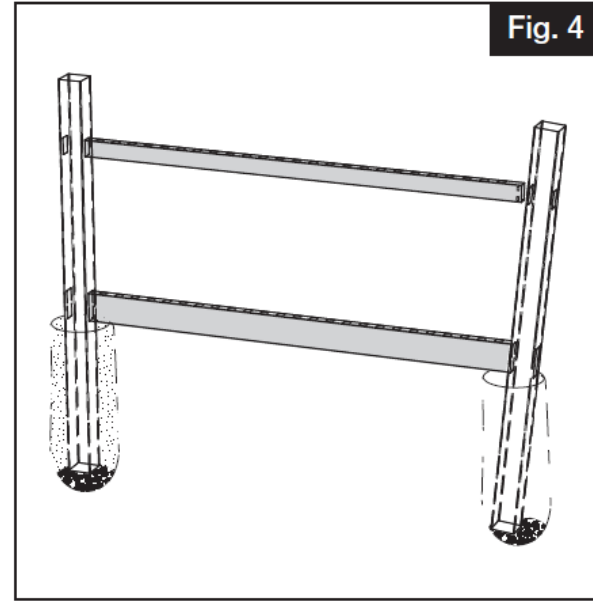
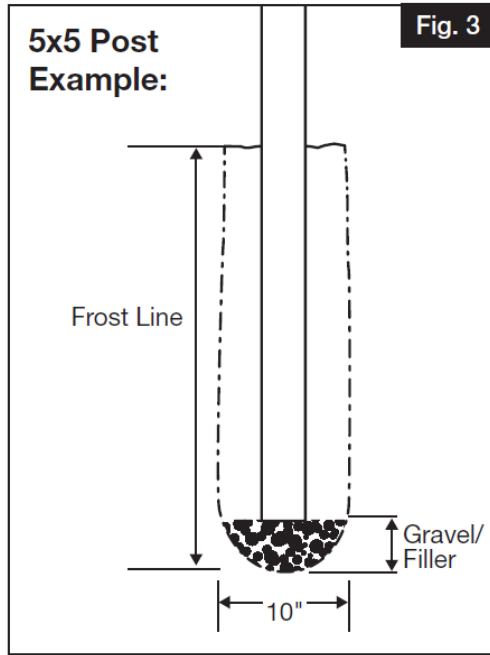




Fence panels are 4' high 8' wide
Gate is 4' X 4'
Four fence panels on south side
32'11" in total length
4 fence panels in front 33' total length
3 full and 1 partial panels north side total 26' length
Trellis 8'8" high by 5' wide inside of gate

Old fence was 4' wide X 8' long
Gate was 4' X 4"
Trellis was 5' wide by 8'8" high

Everything was purchased to replicate the old fence to preserve the look of the home.



10 4' X 8' vinyl panels
 12 5.5" X 7' vinyl posts placing with 30" holes
 for frost depth
 Concrete
 hardware

ATTACHMENT E: Analysis of Standards for a Minor Alteration in a Historic District

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

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

Standard	Analysis	Finding
<p>1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;</p>	<p>The existing structure on site was constructed in 1899 as a dwelling. A change in use is not proposed.</p>	<p>Complies</p>
<p>2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;</p>	<p>The applicant is proposing to install a white vinyl fence with a scalloped, picket design and a white vinyl trellis similar in appearance to the previous wooden picket fence and trellis. The proposed vinyl fence is located in the front yard of the property along the western front property line, a portion of the northern side property line, and a portion of the southern side property line. The proposed vinyl fence is highly visible from the 600 E public right of way.</p> <p>The previous wood picket fence and trellis were not originally constructed with the dwelling. However, the previous structures were reflective of the materials and design historically used for front yard fencing through the City, specifically the Central City Local Historic District and contributed to the historic character of the property.</p> <p>The vinyl fence proposal does not utilize materials that are similar in texture and form to those historically used during the property’s period of significance.</p>	<p>Does Not Comply</p>

<p>3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;</p>	<p>The City's <i>Residential Design Guidelines</i> indicate that painted wood picket, wrought iron, and wire fences were historically used to enclose many residential front yards within the Central City neighborhood. Vinyl is not identified as a material historically used for fencing within the City during the property's period of significance. While the proposed vinyl fence and trellis may appear similar in color and design to the previous wooden picket fence and trellis, the proposed vinyl material lacks historical basis and creates a false sense of history by mimicking another material.</p>	<p>Does Not Comply</p>
<p>4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;</p>	<p>While the previous wood picket fence and trellis contributed to the historic character of the property, historic photos of the property indicate the previous structures were not originally constructed with the dwelling. Therefore, the proposed work will not remove any historic features which have gained significance in their own right.</p>	<p>Not applicable</p>
<p>5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;</p>	<p>The scope of work will not remove any historically significant features that characterize the property.</p>	<p>Not applicable</p>
<p>6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence</p>	<p>The scope of work does not include the repair of any deteriorated architectural features.</p>	<p>Not applicable</p>

<p>rather than on conjectural designs or the availability of different architectural elements from other structures or objects;</p>		
<p>7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;</p>	<p>The applicant has not proposed any chemical or physical treatments to clean the surface of any primary structures.</p>	<p>Not applicable</p>
<p>8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;</p>	<p>This proposal does not involve an addition itself but inappropriate fence material. The proposed work does not involve such alterations.</p>	<p>Not applicable</p>
<p>9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;</p>	<p>The project does not involve additions or alterations to existing historic structures and objects.</p>	<p>Not applicable</p>

<p>10. Certain building materials are prohibited including the following:</p> <p>a. Aluminum, asbestos, or vinyl cladding when applied directly to an original or historic material.</p>	<p>The project does not involve the direct application of aluminum, asbestos, or vinyl cladding to the primary structure.</p>	<p>Not applicable</p>
<p>11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H Historic Preservation Overlay District, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H Historic Preservation Overlay District and shall comply with the standards outlined in chapter 21A.46 of this title.</p>	<p>The project does not involve changes to or any new signage.</p>	<p>Not applicable</p>

ATTACHMENT F: Applicable Design Guidelines

A Preservation Handbook for Historic Residential Properties and Districts in Salt Lake City provides guidance and advice on ways to meet the design standards in the zoning ordinance. Part II Chapter 1: Site Features includes the relevant historic guidelines for this application and are identified below for the Commissions' reference

Historic Residential Properties & Districts in Salt Lake City, Chapter 1: Site Features

Design Objective

Historic site features that survive should be retained, preserved, or repaired when feasible. New site features should be compatible with the historic context and the character of the neighborhood.

Historic Fences

Originally, painted wood picket fences were used to enclose many front yards. The vertical slats were set apart, with spaces between, and the overall height of the fence was generally less than three feet. This combination of low height and semi-transparency helped to both identify individual sites and property, while retaining the visual relationship between gardens and the streetscape. Wrought iron and wire fences were also used in early domestic landscapes. Early cast iron and wrought iron frequently add decorative detail and a sense of maturity to the design character of a neighborhood. Where such fences survive, they should be retained. Often, however, original fences are missing. Replacement with a fence similar in character to that used historically is appropriate in such conditions.

Historic photographs portray fence heights at a much lower level than we are used to seeing today. Consider using a lower fence height to enclose a front yard, in keeping with historic patterns and to retain a sense of continuity along the street frontage.

1.2 An original fence should be retained

- Replace only those portions that are deteriorated beyond repair.

1.3 Use materials that appear similar to that of the original for a replacement fence.

- A painted wood picket fence is an appropriate replacement in many locations.
- A simple metal fence, similar to traditional “wrought iron” or wire, may also be considered. Review early examples nearby to identify appropriate design options.
- Fence components should be similar in scale to those seen historically in the neighborhood.

1.4 Design a replacement fence with a “transparent” quality, allowing views into the yard from the street.

- Avoid using a solid fence, with no spacing between the boards.

- Chain link and vinyl fencing are inappropriate as fence materials where they would be visible from the street.

1.5 Consider “transparency” in the design of higher privacy fencing for the side yard of a corner property.

- This helps to maintain a sense of visual continuity.
- Locate a higher street-facing side fence behind the front facade.

ATTACHMENT G: Public Process and Comments

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

Public Hearing Notice:

Notice of the public hearing for this project includes:

- Public hearing notice mailed on June 30, 2022.
- Public hearing notice posted on City and State websites on June 30, 2022.
- Sign posted on the property on June 29, 2022.

Public Comments:

As of publication of the staff report, five public comments have been received and attached below. Any comments received after the publication of this staff report will be forwarded to the Commission.

From: [REDACTED]
To: [Olson, Brooke](#)
Subject: (EXTERNAL) FW: Fence
Date: Tuesday, January 11, 2022 5:21:42 PM

Here is a second one. Thanx

Take care,

Kari Gardner, SPHR / SCP

[REDACTED]

From: Rob Torres [REDACTED]
Sent: Tuesday, January 11, 2022 5:16 PM
To: [REDACTED]
Subject: Fence

My name is Robert Torres, I live at 648 South 600 East Salt Lake City Utah 84102. I wanted to confirm that the proposed fence by Kari Gardner would be helpful and in keeping with the architecture of the surrounding area. Due to extreme problems from transients it is much more important to us that our properties be secured then historically accurate.

Best regards Robert Torres

From: [REDACTED]
To: [Olson, Brooke](#)
Subject: (EXTERNAL) FW: Neighbors Fence
Date: Tuesday, January 11, 2022 5:12:19 PM

Hi Brooke,

I have several of my neighbors writing letters on my behalf as they have been very pleased with me fixing up the yard. Here is the first one. More soon. Thank!

This is the family in the house 657 S 600 E.

Take care,

Kari Gardner, SPHR / SCP

[REDACTED]

From: Lisa Buys [REDACTED]
Sent: Sunday, January 9, 2022 10:20 PM
To: [REDACTED]
Subject: Neighbors Fence

Hello!

We bought our house a little over a year ago and met our neighbors very shortly after. Our neighbor Kari, has done a great deal of work on the interior and exterior of the house. When we looked at buying our house, nextdoor was in pretty rough shape on the outside. She's done a great job with it. Kari took down her old fence and started putting up a new fence which looks almost identical as the previous one. We like that the fence has a clean durable look to it much like the other white picket fence houses on our street. We would like for her to finish the fence that's she's started installing. Please feel free to contact us with any questions.

Thank you,

Lisa & J Bryce Buys

From: [REDACTED]
To: [Olson, Brooke](#)
Subject: (EXTERNAL) Letters from neighbors
Date: Thursday, January 13, 2022 1:41:17 PM

Brooke,

Here are more – all together in one document:

Chloe Young [REDACTED]

The work Kari has been doing outside her home, primarily the fencing she has been putting in, has greatly improved the look of the property. We are very happy with all the changes she has been making to her home and are excited for her to continue to making improvements on the property in the future.

Chloe Young
Resident at 653 S 600 E

Courtney Peterson [REDACTED]

Hey Kari,

House has been looking so nice! I have loved seeing it come together since you moved in. The fence is looking awesome and will look so much better once fully replaced. Can't wait to see what else you do!

653 S 600 E
Courtney Peterson
Sent from my iPhone

John Rhinehart
[REDACTED]

To Whom It May Concern:

I have seen Kari Gardner, at 648 S 600 E doing a lot to make her yard look nice. She removed the old, rotted fence and purchased the same style of fence and trellis to match what was previously there to preserve the look of the home. I think the fence she is installing looks very nice and will not only preserve the value of the home, but the aesthetic as well. It will also help significantly with the problem of trespassing and theft that is prevalent in the area.

Take care,

John Rhinehart
675 S 600 E

Take care,
665 S 600 E
Kari Gardner, SPHR / SCP

