

SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Held at 451 South State Street
March 1, 2006

A field trip preceded the meeting and was attended by Pete Ashdown, Warren Lloyd, Scott Christensen, Dave Fitzsimmons, Paula Carl, Noreen Hammond Heid, Joel Paterson, Janice Lew and Elizabeth Giraud.

Present from the Historic Landmark Commission were: Vicki Mickelsen, Chair; Pete Ashdown, Vice Chair; Scott Christensen, Warren Lloyd, David Fitzsimmons, Paula Carl and Noreen Hammond Heid

Present from the Planning Staff were Joel Paterson, Planning Programs Supervisor; Elizabeth Giraud, Senior Planner; Janice Lew, Principal Planner; and Louise Harris, Senior Secretary.

The meeting was called to order by Pete Ashdown, Vice Chair, at 4:15 p.m. Mr. Ashdown announced that each item on the agenda would be followed in the order as written. At this time he asked the audience if anyone wanted to address the Commission on matters not on the agenda. Ms. Shirley McLaughlan of 160 West Clinton Avenue came forward and indicated that the home at 666 North Wall was having the windows removed. The home owner, Melanie Flaherty, was having these windows installed and when asked why they were removing them she replied that the SLC Planning Divison told them to do so. Ms. McLaughlan indicated that the new windows are very unpleasing and she is extremely unsatisfied that they have been told to remove them.

Ms. Lew indicated that staff had been working with Ms. Flaherty as well as the Utah Heritage Foundation and this is a project that is a part of the Flaherty's revolving loan fund. The State Historic Preservation Office is reviewing it for state tax credits. In working with the organizations listed above the owners failed to obtain a Certificate of Appropriateness prior to installing the windows. Staff was concerned that the new windows were inappropriate and would not be eligible to receive the tax credits. Ms. Lew showed the Commission a picture of the replacement windows that will be more appropriate and have a better proportion with the transom.

Ms. Giraud concluded that the applicants are also applying to the Federal Government for tax credit because this is a rental. When submitted to the National Park Service the windows would probably have been rejected. It was this interaction that prompted the replacement as well.

Mr. Christensen indicated that the tax credit would benefit the applicant over a long period of time because they would be getting a 40% tax credit.

Mr. Ashdown asked if there were any more public comments. Hearing none he closed that portion of the meeting and moved into the next item on the agenda.

The report of the Planning Director was postponed until later as he had not yet arrived for the meeting.

Approval of Minutes

Mr. Fitzsimmons moved to approve the minutes. Mr. Christensen seconded. Mr. Lloyd, Ms. Carl, Ms. Mickelsen, Mr. Christensen and Mr. Fitzsimmons voted "Aye". Ms. Heid abstained. The motion passed.

Public Hearings

Petition No. 410-705 by the Episcopal Diocese of Utah, represented by Tom Buese, Architect, requesting the Historic Landmark Commission send a favorable recommendation to the Planning Director regarding the design of the proposed Diocesan Center at approximately 47 South 200 East adjacent to the Cathedral Church of Saint Marks, a Landmark Site. The property is zoned D-1. (Staff, Cheri Coffey at 535-6188 or cheri.coffey@slcgov.com).

Ms. Giraud presented the case in the absence of Ms. Coffey. This case is a planned development and is proposed for construction on a separate parcel that does not fall within the purview of the Historic Landmark Commission. The church and the lot where the Parish Hall are located fall within the purview of the Historic Landmark Commission. In 2004, this case appeared before the Planning Commission because of the setback and height requirement on a corner lot in the D-1 Zone. The final approval of the Diocesan Center was referred to the Planning Director upon recommendation from the Historic Landmark Commission. Ms. Coffey's memo indicated the standards for new construction dealing primarily with scale and form, the composition of principal facades, relationship to street and the subdivision of lots. The staff determined that it was a good complement to the church because it respects the historic character and it compliments that in terms of the roof shape and scale, as does the fenestration pattern and the rhythm of solids to voids. The proposed development is a contemporary interpretation of the church. The area by the corner will have a small plaza and will not include parking as the applicant had earlier proposed. The church, as a historic site, will have its own presence and maintain that presence on the streetscape.

Mr. Ashdown asked if the Commission had any questions for Ms. Giraud. Seeing none he then asked the applicant to come forward and state their name and address.

Mr. Kenton Peters and Tom Buese, of 232 South Dubei Court are the project architects from the firm of Buese and Peters, P.C. Architects. They presented a slide presentation of the architectural drawings. Mr. Buese began by giving a brief synopsis of the project. The planned project includes one quarter of a block on 200 East and 100 South. It is adjacent to the St. Marks Cathedral which is the oldest church continuously operated in Utah. St. Marks began operation in 1870 and is the third oldest Episcopal Cathedral in the United States. The proposed project is to create a campus with a new Parish Hall for the Cathedral as well as an Episcopal office headquarters and other support facilities. The plaza will be large in size and dedicated to the public for their use day or night. The current front parking will be removed and the public plaza will have trees and crushed stabilized granite and benches where the public

can sit or other public functions can occur. There will be a bookstore and coffee shop in the lower level with covered outdoor patio and stairs exiting onto the plaza. There will also be a courtyard open during the day with a meditative labyrinth and a garden area. The first floor will have corporate offices for the Episcopal Diocese of Utah and the upper level will have hospitality suites. The suites will consist of 14 dorm rooms for visiting members and guests that wish to stay. The suites will not be used as hotel rooms or be available to the public for rent, they are only hospitality suites. There will also be conference rooms and retreat breakout rooms on the upper level. Entrances to the suite will be located off of 200 East, off the plaza, and a staff entrance off the north side by the parking lots.

A copy of the Staff Report is filed with these minutes.

Mr. Ashdown asked if anyone in the public wanted to come forward and speak on this project. Seeing none he closed the public hearing and opened the Executive Session.

Motion:

Mr. Christensen moved that the Historic Landmark Commission transmit a favorable recommendation to the Planning Director for this project finding that the Diocesan Center, as presented, meets all the applicable criteria to make it an acceptable structure next to a historic structure. Mr. Fitzsimmons seconded. Ms. Mickelsen, Ms. Carl, Ms. Heid, Mr. Lloyd, Mr. Fitzsimmons and Mr. Christensen voted "Aye". There were none opposed. The motion passed.

Case No. 001-06, at 466 South 500 East Street by Marcus G. Theodore, representing Southridge Financial, Inc., requesting revocation of the Landmark Site designation of the Thorid Peck house from the Salt Lake City Register of Cultural Resources. (Staff, Janice Lew at 535-7625 or janice.lew@slcgov.com)

Ms. Lew presented the findings and facts and Staff recommendation as outlined in the Staff Report. Mr. Marcus Theodore, representing Southridge Financial, Inc., is requesting that the City revoke the Landmark Site designation of the Thorid Peck House from the Salt Lake City Register of Cultural Resources. The house was designated in 1982 along with three other properties, at the request of the property owner at the time, Robert Brooks.

The subject property is located on the west side of 500 East Street on a .12 acre parcel just outside of the Central City Historic District. The centerline of 500 East Street is the western boundary of the locally-designated historic district. The base zoning of the property is RO (Residential/Office). The process to remove the site from the Register of Cultural Resources is a zoning map amendment. This is under the review of City Council as a zoning ordinance requires a recommendation by the Landmark Commission which is then submitted to the Planning Commission for consideration with a recommendation to the City Council. The property was designated as a Landmark Site in July 1982. The house was considered historically significant for its association with the speculative housing boom of the late nineteenth-century, and architecturally significant for its Victorian Eclectic style. Although all structures in a locally-designated historic district have the status noted on their title, the same was not true for Landmark Sites. Prior to the 1995 Zoning Ordinance Rewrite, Landmark Sites were individually listed under Section 21.74.140 of the Zoning Ordinance. The subject property was included in this listing.

Section 21A.34 of the Zoning Ordinance list three Criteria for the Revocation of the Designation of a Landmark Site that must be considered in the Historic Landmark Commission:

A. The property has ceased to meet the criteria for designation as a Landmark Site because the qualities that caused it to be originally designated have been lost or destroyed or the structure has been demolished.

In the 1980s a photograph that was on the Historic Resource Survey Form shows that the front windows on the second story tower were changed prior to the survey being completed. It noted that there were minor alterations and it did classify the structure as significant.

The building permit records show that a number of alterations occurred prior to the designation and it included an interior remodel in 1981; the front porch was replaced in 1981 and there was indication that the property owner had worked with the preservation staff to make sure the modifications complied with the preservation ordinance at that time. In 1982 a rear porch was added prior to the listing of the property. Planning staff was not able to find Building Permit records or Historic Landmark Commission approvals for the alterations of additional window replacement or soffit and fascia replacement.

The property retains sufficient physical features to convey the historic character upon which the building was identified as significant in the 1980s Historic Resource Survey. No qualities causing it to be originally designated have been significantly altered, lost or destroyed that could not be restored. The essential form and integrity of the structure is unimpaired. The proposal to revoke Landmark Site designation does not meet this standard.

B. Additional information indicated that the landmark site does not comply with the criteria for selection of a landmark site as outlined in subsection C2 of this section.

The Ordinance cites three criteria to determine whether or not a property is worthy of being listed. These include historic or architectural significance, physical integrity and the age of the site. Ms. Lew defined a landmark site as any site included on the Salt Lake City Register of Cultural Resources that meets the criteria outlined in subsection C2 of this section. Such sites are exceptional importance to the city, state, region or nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site.

The subject property represents a historic trend that made a significant contribution to the development of the Central City neighborhood and Salt Lake City as a whole. The house is associated with Salt Lake City's transformation from an agrarian landscape to an urbanized American city. For this reason, the Peck house can be considered as contributing to broad patterns of local history.

OVERALL FINDING: There is no evidence that the Landmark Site meets the criteria to revoke a designation, as required by Section 21A.34.020(D)(3). The Peck house not only meets the requirements of Section 21A.34.020(C)(2) of the Zoning Ordinance, but it is consistent with the definition of **Landmark Site** in that it continues "to convey a sense of time and place and enables the public to interpret the historic character of the site".

C. Additional information indicates that the landmark site is not of exceptional importance to the city, state, region or nation.

Planning staff has not uncovered additional information that indicates that the Landmark Site is not of importance to the city, state, region or nation. The request does not meet this standard. Furthermore, the site maintains its physical integrity as established in Section 21A.34 of the Zoning Ordinance.

Planning staff has made the following findings:

1. The property has not ceased to meet the criteria for designation as a Landmark Site. The qualities that caused it to be originally designated have not been significantly altered; lost or destroyed.
2. Additional information has not been found indicating that the property does not comply with the criteria for selection of a Landmark Site outlined in Section 21A.34.020(C)(2) of the Zoning Ordinance.
3. The site continues to be significant for its association with Salt Lake City's transformation from an agrarian landscape to an urbanized American city. The property also represents the historic trend that took place at the time for building speculative housing.
4. The site continues to display physical integrity in terms of location, design, settings, materials, workmanship, feeling and association, as defined by the National Park Service for the National Register of Historic Places.
5. The house is over fifty years old.
6. Additional information has not been found indicating that the Landmark Site is not of exceptional importance to the city, state, region or nation.

Based upon the comments, analysis and findings of fact outlined in the staff report, staff concludes that the Peck House retains sufficient historic and architectural significance, and physical integrity to merit listing on the Salt Lake City Register of Cultural Resources. Therefore, Planning Division staff recommends that the Historic Landmark Commission forward a negative recommendation to the Planning Commission regarding this request to revoke the designation of this property.

A copy of the Staff Report is filed with these minutes.

Mr. Ashdown asked if there were any questions for Ms. Lew.

Mr. Lloyd asked if the applicant was asking for a rezoning of the property.

Ms. Lew indicated that the request is for a zoning map amendment.

Mr. Lloyd replied that delisting it now allows the possibility of future rezoning of the property.

Mr. Ashdown thanked Ms. Lew and asked the applicant to come forward and to state his name and address.

Mr. Marcus Theodore and Gerald Conder both of 466 South 500 East came forward. Mr. Theodore indicated that they both are attorneys and bought this property fifteen years ago. He

indicated that last September they were notified that the property was placed on the Historical Registry of 1995. He presented charts that showed the architectural rendering of the building, illustrating the changes made from the 1930s to the 1980s. He stated that only 3-5 percent of the original building remains. The State Historical Society records show that the house was under the ownership of Helena Nickelson never Thorid Peck. Mr. Theodore further stated that records should state that the present building is remodeled and not of original quality. He then stated that if the Historic Landmark Commission decides to keep it on the registry, then to accept the structure as its present condition and allow the existing standards to be maintained.

Mr. Ashdown asked if there were any questions for Mr. Theodore.

Mr. Ashdown asked about maintaining it for tax credits and if they had received any.

Mr. Theodore replied that they have not as there would be no real property value increase. The owners want something recorded on their deed stating that it does not have to be restored to a pioneer house style.

Ms. Lew indicated that any repairs will be taken into account and that the building was no different than any other historic building. The building was listed not in mint condition and was listed on its own by its address. The listing was requested by the property owner at the time of listing. This is a standard operating procedure and is in the ordinance and Design Guidelines.

A very lengthy discussion continued as to what would and would not be approved when any type of work will be done.

Staff offered to sit down with Mr. Theodore to review the Ordinance and explain to him what can be approved by the administrative procedure with a Certificate of Appropriateness and what cannot.

Mr. Ashdown asked if anyone else in the public had anything to add. Hearing none he closed the public hearing and opened the Executive Session.

Motion:

Mr. Fitzsimmons moved that Case No. 001-06 be tabled until the applicant can meet with Staff and make a decision whether to proceed with this application and also to clarify his responsibilities. Mr. Christensen seconded. Mr. Lloyd, Ms. Carl, Ms. Heid, Ms. Mickelsen, Mr. Fitzsimmons and Mr. Christensen all voted "Aye". There were none opposed. The motion passed.

At this time, Mr. Ashdown indicated he had to leave shortly and asked who could finish chairing the meeting. Ms. Giraud indicated that the chair would be turned over to the next senior Commissioner Mr. Christensen. Mr. Christensen agreed to be chair but he too had to leave by 6:45.

Case No. 004-06, at 176 "H" Street by Ann Carter requesting to construct a one-and-a-half story detached garage. This property is located in the Avenues Historic District. (Staff, Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com).

Ms. Giraud presented the facts and findings of the Staff's recommendation as outlined in the Staff Report. The single-family house built in 1891 and the Site/Survey Form shows it to be brick although it looks like stucco. A one-story addition in the rear was constructed in 1985.

The proposed building would be 20'-0" x 28'-3", with a one-story appendage measuring 7'-5" x 14'-8". The 8/12 cross-gabled, asphalt shingle roof would rise to 20'-7" at the peak of the ridge. The wall material to be used on the main part of the garage would be a drop siding to match the one-story rear portion of the house. This addition will replace the one-car garage and the footprint will remain almost the same with an appendage extending toward the property owners home on the west. The garage isn't visible from any street-scape but could be seen from Fourth Avenue. The proposed building meets the location standard; it is located on the interior of the block and set back from the street. The reason it is coming before the Commission is that the addition is more than one story and taller than the new overlay policy requires. The addition is 20 feet high and the new requirement is that it not be taller than 17 feet unless reviewed by the Historic Landmark Commission. The garage door is a double door and does not affect the streetscape from Fourth Avenue. The proposed building meets applicable design guidelines. Staff recommends that the Historic Landmark Commission approve this application, based upon the Staff's findings that the project substantially complies with the applicable standards of the ordinance and adopted design guidelines, and subject to the following conditions:

This approval is for design only. All other City requirements must be met prior to obtaining a building permit.

A copy of the Staff Report is filed with these minutes

Mr. Ashdown asked if there were any questions for Ms. Giraud. Hearing none he invited the applicant to come forward and give their name and address.

Ann Carter, owner, and Russ Nichols both of 176 "H" Street came forward. Ms. Carter indicated that because the garage was very old and they wanted to replace it. With the proposed addition, more room would be available for storage.

Mr. Christensen asked what type of windows they would be putting in.

Ms. Carter indicated they would be wood.

Mr. Lloyd asked about the double doors above the garage door with no railing.

Mr. Nichols indicated that that would be handled when they do the construction.

Mr. Fitzsimmons asked if it was a mother-in-law apartment.

Ms. Carter said no, as it is just for storage or a desk.

Mr. Christensen asked about lights and whether there would be sash lights in the upper panel.

Ms. Carter indicated that there would be some, whether two panel or one she wasn't sure.

Mr. Ashdown asked if there were any other questions for the applicant. Hearing none, he closed the public hearing and opened the Executive Session.

Motion:

Mr. Christensen moved that Case 004-06 the Historic Landmark Commission approve the proposed garage at 176 "H" Street, finding that design and staff information meets ordinance criteria and design guidelines and the Planning Division staff give the final decision of features including style and garage door. Mr. Fitzsimmons seconded. Ms. Carl, Ms. Heid, Ms. Mickelsen, Mr. Christensen, Mr. Lloyd, and Mr. Fitzsimmons voted "Aye". There were none opposed. Motion Passed.

Case No. 005-06, at 321 North Main Street by Emily Smith and Matthew Hoffman to legalize aluminum soffits that were installed without a Certificate of Appropriateness. This property is located in the Capitol Hill Historic District. (Staff, Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com)

Ms. Giraud presented the findings and facts and Staffs recommendations. The aluminum components are located on the upper story and replaced aluminum siding that was installed prior to the applicants' purchase of the home, covering the wood soffits, brackets and frieze that were historically associated with the home.

The home was built in 1910 by William Calderwood. The architectural description on the survey form notes the decorative details as being "exceptional", including a full-length, two-story porch (the upper story railing has since been removed). The house is considered a contributing structure within the context of the Salt Lake City Zoning Ordinance. The house is Foursquare in type.

The applicants have been renovating the subject property since their purchase in May of 2005. They applied for state historic preservation tax credits and have had correspondence with Nelson Knight, Tax Credit Coordinator with the Utah State Historic Preservation Office (SHPO). Among the applicants' scope of work, they proposed to SHPO that they remove the existing metal soffits on the upper story and replace them with new aluminum soffits. Mr. Knight stated that the applicant would not have to remove the existing metal soffits, but if the applicants removed them to repair the wood underneath, the City would not allow their replacement with new aluminum soffits. If the wood soffits needed to be replaced, Mr. Knight continued, the SHPO would expect the applicants to replace the wood soffits with wood similar to the original or historic wood beadboard soffit.

The applicants obtained a Certificate of Appropriateness and a building permit on May 5, 2005, to repair the front porch on the home. In an email to Mr. Knight, dated September 14, 2005, the applicants stated in part:

Most of the exterior wood molding on the house was covered in brown aluminum including the soffits and roof beams on the second floor. I would like to take them down and redo the underlying wood but financially that is not feasible at this time. As of now there are some areas under the aluminum that are OK to be scraped and painted and returned to original wood. Other areas like the soffits, are rotted and will be exceedingly expensive to replace with tongue and groove. Therefore we are just tearing out the existing aluminum (brown) and replacing it with new coverings (white) that will match our new exterior trim colors (white).

In correspondence of September 19, 2005, Mr. Knight explained:

"I can understand your concern about the economics of replacing all of the section rotted wood, and preserving the portions that were covered but are still in good shape is a great course of action. I am concerned, however, that putting new aluminum on will run into roadblocks, both from my bosses who review the final projects, and from the city. They all may have issues with the fact that you removed the existing aluminum and put up new aluminum. They would see this as a new work that doesn't meet the standards, not something that unfortunately happened with a previous owner".

Mr. Knight conferred with the State Historic Preservation Officer, Wilson Martin, who agreed to the replacement of the upper story brown soffits with new white aluminum soffit. Mr. Knight communicated to the applicant that SHPO approved the aluminum replacement because it replaced existing aluminum soffit with the same material and configuration.

Mr. Knight then spoke with the Planning Division Staff about the installation of the aluminum soffits, brackets and frieze. Staff instructed a zoning enforcement officer to check on the status of this work. A stop-work order was issued and Staff was assured by Ms. Smith that she wanted to repair the wood soffit and replace what had been there but it was too much of a financial burden at this time and it would be done within the next year or two. Staff then approved that the work could remain with the understanding it would be replaced in the time frame stated and with material that would conform to what was original. It was confirmed that the applicant would not appeal the approval of the aluminum to the Historic Landmark Commission since it was going to be replaced at a later date. In order to guarantee this, Staff would place a Certificate of Non-Compliance on the title. Ms. Smith requested a letter explaining the approval. Before the letter was prepared a letter was received from Ms. Smith indicating that she wanted to appeal to the Historic Landmark Commission.

A letter was then sent to Mrs. Smith stating that the Planning Division Staff would not administratively approve the metal soffit and thus Mrs. Smith could appeal the staff's decision to the Historical Landmark Commission. The staff continued to state in the letter that if staff did not receive a reply by December 1, 2006, a Certificate of Non-Compliance would be placed on the property.

November 30, 2006, Staff received a letter from Ms. Smith's attorney stating that in his interpretation, the Zoning Ordinance was "*directed at preventing unauthorized work that, inter alia, alters the 'architectural detailing' of the home*" and his clients' actions did not fall within the categories of work identified in the ordinance and did not alter the architecture of the home, that the Planning Division was unclear in what it is his clients could appeal, and that further enforcement action to record a Certificate of Non-Compliance against the property could result in a lawsuit from his clients. Staff then conferred with Deputy City Attorney, Lynn Pace, who indicated that they proceed with the enforcement proceedings and the assessing of daily fines. On December 29, 2006, Housing and Zoning Enforcement sent a letter and fines began. It is normal policy procedure that if the situation is corrected within 30 days the fines would be stayed but because the applicant submitted an application to Historic Landmark Commission to appeal the fines have been stayed and when this is resolved and if the Historic Landmark Commission upholds the Staff decision, enforcement procedures will be discussed further. In considering the proposal, the Historic Landmark Commission must make findings based on the following section of the Zoning Ordinance and related Design Guidelines Standards:

Section 21A.34020(G) Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure.

Based upon the analysis and findings noted, the Planning Division Staff does not support the retention of the aluminum soffits, brackets and freize boards to the home at 321 North Main Street. If the commission denies the applicants' request for legalization, it should adopt findings supported by substantial evidence.

A copy of the Staff Report is filed with these minutes

At this point in time, Mr. Ashdown excused himself and turned the gavel over to Mr. Christensen as he had to leave.

Mr. Christensen asked if the Commission had questions for Staff.

Ms. Mickelsen asked if the applicant ever came to Ms. Giraud for a Certificate of Appropriateness for the soffits.

Ms. Giraud replied that they obtained a Certificate of Appropriateness for the removal of the aluminum soffits on a bay window and for porch and repair and replacement of materials that conforms to the ordinance and design guidelines but did not receive one for the upper story.

Mr. Fitzsimmons asked if that was on permitted work.

Ms. Giraud replied that it was.

Ms. Carl asked if the certificate that was placed on the title was part of the decision they need to make.

Ms. Giraud replied that was an enforcement item and the Commission's purview is with Section 21A.34.020(G) part of the ordinance and design guidelines.

Mr. Lloyd asked if the state credits were given.

Ms. Giraud indicated they had. She also mentioned she met with SHPO employees, Nelson Knight, Barbara Murphy and Wilson Martin to discuss how to rectify this so in the future there would not be this type of situation happening again and she felt they resolved it.

Mr. Christensen then invited the owners to come forward, give their name and address.

Matthew Hoffman and Emily Smith of 321 North Main Street came forward. Mr. Hoffman stated that they loved the home and neighborhood and even though the home was in very bad disrepair, they chose to live there. They entered the rehab process with intentions of doing everything they could to try and make the home as close as possible to its original style. Since they are first time home owners they feel they had complied with city and state regulations and this is a learning process for them. They originally were going to fix the soffits as noted on the Certificate of Appropriateness, but as the projects progressed, there were different areas of the house they could see needed attention like the bay window, front porch and dormers. They talked with their contractor and he felt that Mr. Hoffman was covered with the Certificate of Appropriateness and had all the permits needed. Reading the code they felt that a Certificate was not needed when just making a repair and not changing the historical significance of the look or use of the home. The repair of the aluminum which was on more than just the soffits, it was on the fascia and over the external wood that was lining the house. The aluminum that was removed was in poor condition and the line between repair and replacement became a very

shady one. Pieces of aluminum that were old and in very bad of shape could not be repaired, and needed replacement. A decision based on the applicants' financial ability had to be made as to whether or not to put aluminum back on. Soffits on the dormer and bay window will not have to be replaced they will be scraped, filled and painted. When the applicants' contractor told him they received the stop work order they immediately approached the City and asked what could be done and what was done wrong. This started the process of a lack of communication. When they were told a Certificate of Non-Compliance was being put on the title they were very intimidated because no one fully explained what that meant. They sent letters and made phone calls but a response wasn't received for two months. At this time, the applicants went to an attorney to see if that would get attention and a response. After meeting with Ms. Giraud and still not feeling comfortable about the process the applicants decided to appeal to the Historic Landmark Commission.

The soffits were in place before the 1995 Ordinance, which is the basis, in Mr. Hoffman's opinion, of the City's complaint. Mr. Hoffman did not change the use or nature of the look or did not cover any architectural elements. In fact many of the architectural elements were restored during this process. Mr. Hoffman further indicated he received Certificates of Appropriateness for the pieces of restoration when it was necessary.

The home does not look nice now because it needs painted but all the trim and the windows will be white and the house will be a solid color. It will look great when it is painted. The home owner felt the program of going to the Historic Landmark Commission or getting prior approval is a great help to homeowners and betterment for the community. The house will become an asset for the neighborhood and enhance the surrounding landmarks. However, the complexity of the code and the difficulty experienced in communicating with the City has served as a discouragement and is a disincentive. Mr. Hoffman still is very excited about the conclusion of this project and intends to comply with the city and state.

Mr. Christensen invited the Commission to make comments at this time.

Mr. Lloyd asked if the soffit repair/replacement qualifies for the tax credit.

Mr. Hoffman indicated that they were in the process of applying. They have completed an application but have not heard back from the state. The scale of the project was \$110,000.00 and that specific piece of it was \$5,000.00; a very small percentage of the overall project.

Mr. Lloyd asked if the letter from the applicant stated that the repair did not require City approval.

Mr. Hoffman indicated that the City code, as he understood it, stated that when making minor repair a Certificate of Appropriateness wasn't needed unless alteration of an architectural element or use or overall look of the building was part of the project.

Mr. Lloyd asked if that meant obtaining building permits.

Mr. Hoffman said no, they had building permits for everything they needed.

Mr. Fitzsimmons ask what the Permits and Licensing Division said when they applied for the permit.

Mr. Hoffman said they just had them list what they intended to do on the exterior of the house.

Ms. Giraud indicated that copies of the Certificate of Appropriateness were in the Staff Report and one reads "the replacement of bay window trim with similar material as original wood replacing wood". She also mentioned the building permits of May 5, 2006, and October 6, 2006, correspond to the Certificate of Appropriateness. But the other building permit comment states interior work. These are the three permits. The other permits electric, plumbing etc. aren't tied to Certificates of Appropriateness.

Mr. Christensen invited the public to come forward and speak to the Commission.

Ms. Elizabeth Gould, representing her mother, Olive Jones, of 10 West 300 North, adjacent to the property in question came forward. They have watched this property deteriorate over the past 30 years and there has been no hope of repair. It was owned by a doctor and when she retired she did not have the funds to take care of it. The next owners had many unrelated people living there and a family living in the basement apartment. It deteriorated even more. Ms. Gould and her mother are very thrilled to have someone living there that will bring the home back into good condition. The soffits are such a minor item to the integrity that has been given back to the home. The front porch has never looked so good.

Ms. Lee White, 1309 East South Temple, was the real estate agent for the home. The home was so bad inside it would make you sick with the smell. The home is beautiful now. She has worked with SHPO for many years and appreciates everything they do.

Mr. Christensen asked if anyone else in the audience would like to speak. Hearing none, he closed the public hearing and opened the Executive Session.

Ms. Mickelsen said that as a Commission, we are caught between our personal admiration and our own rules.

Mr. Lloyd asked what precedence the approval of this case will set if we override some of the standards of appropriateness that have been outlined.

Ms. Mickelsen indicated that if there had not been aluminum there already and they had just covered up the wood with aluminum it would be easy. She indicated that there was another case that was approved.

Ms. Giraud stated that the previous approval was on a feature that was built before the district was established and was built with steel siding and did not cover something that was an original feature of the house. It was a different situation. The front porch originally has the steel siding where originally the house in question was wood. SHPO approved the aluminum in this case because it was replacing aluminum.

Mr. Fitzsimmons moved that in Case No. 005-06 at 321 North Main based on the Staffs findings that the Historic Landmark Commission not support the retention of aluminum soffits, brackets and frieze boards. Ms. Carl seconded. Ms. Carl and Mr. Fritzsimmmons voted "Aye" and Mr. Lloyd, Ms. Mickelsen and Ms. Heid voted "No". Motion died. Mr. Christensen then asked for additional discussion or a new motion.

Discussion followed in reference to SHPO approving the aluminum.

Ms. Giraud indicated that Mr. Nelson Knight was very clear in his email's that the reason for approval was that it matched the aluminum soffit that was there originally. She felt that the Commission had to be prepared for any future request.

Mr. Christensen indicated that he had to leave and he turned the gavel over to Ms. Mickelsen.

Ms. Giraud indicated there was no way of knowing what was under the aluminum as there was not a building permit to show when the earlier aluminum soffit was put on.

Ms. Mickelsen re-opened the public hearing to allow the applicant to speak.

Mr. Hoffman came forward and he was not aware when the aluminum soffits were installed. He did know that the aluminum soffits were clearly in a picture submitted by the Planning Division in 1994.

Ms. Giraud indicated the Capitol Hill Historic District was designated in 1984, and the current ordinance was passed in 1995.

Mr. Lloyd asked for clarification on the listing and the ordinance being passed.

Ms. Giraud said that there was a historic district in place prior to the rewrite of 1995, and all the prior cases that were denied for soffit and facia were either applied for or installed illegally from 1992 to 1994. These were upheld by City Council for under old ordinance.

Mr. Hoffman asked what relation this is to his home as it is not his responsibility whether it was installed prior or post of the historical district.

Ms. Gould came forth and indicated it was before 1983 because Dr. Bean, the owner, retired before that date and she is the one that installed the aluminum.

The public hearing was closed and the Executive Session was re-opened.

Motion:

Mr. Lloyd then moved that Case No. 005-06 to legalize the aluminum soffit that was installed without a Certificate of Appropriateness based on the findings and evidence that the aluminum existed at the time of the historic district designation, that the intent of repairing the existing material was not feasible and the condition of the underling wood soffit was not adequate to duplicate the wood soffit at this point. Ms. Noreen Hammond Heid seconded. Ms. Heid, Mr. Lloyd voted "Aye". Mr. Fitzsimmons and Ms. Carl voted "No." A tie resulted. Ms. Mickelsen voted "Aye" breaking the tie. The motion passed.

Other Business

New Hope Center – Landmark Site -1102 West 400 North by Maria Garcia, Executive Director of Neighborhood Housing Services. This property was an LDS Church House, the 29th Ward House, constructed of brick and begun in 1904. The basement was completed and occupied first, with an entrance to the east, a small stage at the north end, and a narrow hall broken into two classrooms at the south end. Four pillars squared off the basement. An amusement hall was in the basement and by 1915, when the building was dedicated, a hardwood floor had been installed.

In 1905, the second floor chapel was completed with a mural and chandelier on the ceiling. A large, stained-glass window and two smaller ones on each side were above the front entrance to the building. On November 29, 1925, a new heating system was installed to replace pot-bellied stoves. In 1954, the pulpit was moved to the center of rostrum; floors re-sanded; aisles, stairs, and stand were re-carpeted.

The Twenty-ninth Ward served as a center for entertainment and social activities for the northwest community, which was undeveloped and scattered until the early 1950s. The families in that area were restricted by poorly developed mass transit and limited financing. Until subdivisions began developing in the early 1950s many families were farmers with low to moderate incomes. The members of the area might easily have been deprived of cultural and entertainment opportunities without the convenience provided by plays, current films and socials presented at this property.

This property is vacant and has become a community problem. The property was offered to the Neighborhood Housing Services (NHS) through the Community Action Team (CAT). They have been asked to consider demolishing the building for affordable housing. NHS has taken a neighborhood survey with 150 homes in the area and only 43 responded. Many of the responses were to leave it as a church, and to renovate it, but the LDS Church leaders feel it incompatible for their membership needs. Offices, community center, senior housing or single family housing are some of the other responses they received.

NHS is seeking some ideas from the Commission to see if maybe there are other ideas or suggestions that would be helpful.

Mr. Fitzsimmons mentioned that he had walked around the building and did not see any evidence of bad settlement problems or deterioration and noted it would be nice to see it preserved.

Ms. Garcia indicated it has 13,000 square feet and she has had the Utah Heritage Foundation walk through the building. She spoke with Rob White and he is amazed how strong the structure is. She also said that she has had a contractor go through the building and they implied that a renovation of the existing structure would be about 2.9 million dollars. The systemic upgrading, retrofit would be costly. The last use was a New Hope Refugee Center and worked with the literacy program. So it has had a change of use already.

Mr. Lloyd was interested in seeing the inside of the cultural hall. He wanted to know if it had been partitioned off.

Ms. Garciaz indicated that the Reversion Clause in the Deed states that it does have return to a non-profit organization. There were other small churches that used the building, but the issue was the utilities, which can amount to two to three thousand dollars a month.

Ms. Giruad asked what does the Reversion Clause mean and who is the other party.

Ms. Garciaz said that if NHS does not accept the building the LDS Church will just leave it boarded and vacant. The LDS Church donated the building and there is a clause in the Deed that states if NHS doesn't comply with the mission statement that it would go back to the church and then the church could donate it to another organization. She also mentioned that NHS is going to speak with Cooper Roberts Simonsen, Architects, to see if they can do an assessment. The purpose of the assessment would be to identify options for reuse of the building and to estimate the cost of renovation. NHS is considering all the options for the property to determine if this would be feasible to do a "for profit" project. This is probably not an option, but if NHS could convince the LDS Church to donate the building to them perhaps a performing arts school or a charter school could be placed in the building.

Ms. Giraud indicated the building was on the National Register. Staff can obtain more information about the neighborhood but not much information is available about the structure other than the building represents a nice example of an early 20th Century LDS structure.

Ms. Mickelsen mentioned there is a book called "The 29th Ward the First Sixty Years".

Ms. Garciaz said that she saw that and would purchase it. It would have wonderful information to perhaps help them. She then thanked the Commission for their support.

Ms. Mickelsen then asked for a motion to adjourn. Mr. Fitzsimmons moved to adjourn at 7:35.

Pete Ashdown, Vice Chairman

Louise Harris, Secretary