

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Held at 451 South State Street, Room 126
January 3, 2007**

A field trip preceded the meeting and was attended by Commission Members David Fitzsimmons, Paula Carl, Scott Christensen, Noreen Heid, Esther Hunter, and Warren Lloyd, as well as Planning Staff members Cheri Coffey, Deputy Director, Joel Paterson, Planning Program Supervisor, and Janice Lew, Principal Planner. A quorum was present: therefore minutes were taken of the meeting.

MINUTES OF FIELD TRIP (3:00 P.M.)

Petition 470-06-51, at approximately 184 North 'Q' Street. Staff gave a general overview of the project. Two sets of drawings for this project have been identified. Staff clarified which set of drawings and that the proposed height was to be considered. The tax photo shows that the roof is a Dutch gable of gerkinhead.

Petition 470-06-53, at approximately 667 North Wall Street. Staff gave a general overview of the project. Property was compared to other houses in proximity which have flat roofs. Staff noted that the proposed project was contemporary in design sandwiched between two Victorian homes.

Petition 470-06-54, at approximately 78 'Q' North Street. Staff gave a general overview of the project. Discussion regarding the possibility of retaining or removing the windows took place. The quorum questioned whether the petitioner has considered the option of repairing rather than the replacing the windows with wood or vinyl.

MINUTES OF THE MEETING (4:00 P.M.)

Present from the Historic Landmark Commission were Chairperson Fitzsimmons, Commissioner Ashdown, Commissioner Carl, Commissioner Christensen, Commissioner Heid, Commissioner Hunter, and Commissioner Lloyd. Commissioner Haymond joined the meeting at 4:30 P.M.

Present from the Planning Staff were Cheri Coffey, Deputy Planning Director; Joel Paterson, Planning Program Supervisor; Janice Lew, Principal Planner; and Kathryn Weiler, Senior Secretary. Chairperson Fitzsimmons called the meeting to order at 4:00 P.M.

Chairperson Fitzsimmons announced that each item would be reviewed in the same order as listed on the agenda. Chairperson Fitzsimmons asked that all cellular telephones and pagers be turned off so there will be no disruption during the meeting.

An agenda was mailed to pertinent people and was posted in the appropriate locations in the building, in accordance with the open meeting law. A roll is being kept with the minutes of all who attended the Historic Landmark Commission meeting. The minutes are presented in agenda order, not necessarily as items were presented at the Historic

Landmark Commission meeting. Electronic recordings of the meeting will be retained in the Commission office for a period of one year, after which they may be erased.

Chairperson Fitzsimmons inquired if all Commissioners had the opportunity to visit sites that would be the subject of discussion at this meeting. The Commissioners indicated that they had visited the site.

COMMENTS TO THE COMMISSION (4:06 P.M.)

Chairperson Fitzsimmons stated that the comments would be taken on any issues affecting the historic districts and historic preservation in Salt Lake City. As there were no remarks, he closed the meeting to public comments and the Commission proceeded with the agenda.

DISCUSSION OF THE MINUTES (4:07 P.M.)

Commissioner Heid stated that the December 2006 minutes should be changed to state her name as Commissioner Heid. Commissioner Christensen moved that the minutes for December 3, 2006 be approved. Commissioner Lloyd seconded the motion. The minutes were accepted unanimously with the exception of Commissioner Hunter, who abstained, not being present at the December meeting.

Commissioner Heid moved that the November 7, 2006 minutes be approved with the corrections that had been made. Commissioner Carl seconded the motion. The minutes were accepted unanimously.

PUBLIC HEARING

Case No. 470-06-51, at approximately 184 North 'Q' Street, a request by Barbara Burt to replace a front porch and reconstruct an upper level to the residence located on the subject property. The house is located in the Avenues Historic District, which was locally designated as a historic district in March of 1978. The base zoning of the property is SR-1A, Special Development Pattern Residential, the purpose of which is "to maintain the unique character of older, predominantly single-family neighborhoods that display a variety of yards, lot sizes and bulk characteristics." The zone allows single-family and twin homes as permitted uses. (Staff – Janice Lew at 535-7625 or janice.lew@slcgov.com)

(This item was heard at 4:10 P.M.)

Ms. Janice Lew, Staff Planner, presented the Staff Report by outlining the major issues of the case, the findings of fact, and the staff's recommendation, a copy of which was filed with the minutes.

The porch on the existing home has deteriorated beyond repair. The tax photo shows that the porch was originally enclosed by a pony wall similar to the one on the neighboring house. The petitioner would like to rebuild the porch to match the original. The petitioner also desires to restore an existing roof to the original Victorian design by discarding the existing hip groove.

By making these improvements, the property will not meet the front yard setback requirements of the SR-1A Special Residential Development Pattern District. The petitioner has submitted a Routine and Uncontested Special Exception Request application to allow a reduced front yard setback.

PETITIONER CALLED TO ADDRESS QUESTIONS FROM THE COMMISSION

Barbara Burt, the petitioner was available to answer questions by the Commission. The Commission asked clarifying questions and seeing no further questions from the Staff or the Commission, the Chair opened the hearing to the public and asked if anyone wished to address the commission.

PUBLIC COMMENT (4:31 P.M.)

Chairperson Fitzsimmons opened the public hearing portion of the meeting.

EXECUTIVE SESSION (4:32 P.M.)

Seeing that no members of the public addressed the Commission regarding this case, Chairperson Fitzsimmons opened the Executive session of the meeting.

The Commission was generally in favor of the project and members stated that an exception was appropriate because the project is compatible with the neighborhood and is consistent with Compatible Residential Infill Development Standards and the design guidelines for the Avenues Historical district while reflecting historical sensitivity.

Commissioners further stated that discarding the clipped gable and constructing a new porch are appropriate because the improvements will restore the house to the original design.

MOTION (4:39 P.M.)

Regarding case No. 470-06-51, Commissioner Ashdown moved to approve the design as presented with the following conditions:

- 1. Approval of the final details of the design shall be delegated to the Planning Staff based upon direction given during the hearing from the Historical Landmark Commission. Details of the other drawings specifying materials including those for the lower gables;**
- 2. The project must meet all other applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission;**
- 3. The building height at the front of the building is not to exceed thirty-six feet; and**
- 4. The maximum exterior wall height is not to exceed twenty-two feet at the top of the widest portion of the gabled wall at the existing building line.**

Motion was seconded by Commissioner Christensen.

Commissioner Ashdown requested an amendment to the motion to include the Historical Landmark Commissioner forward a positive recommendation to the Zoning Administrator to approve an in-line addition and a front porch replacement for the subject property because it will bring the design of the building closer to its original form.

Commissioner Hunter seconded the motion. The amendment was accepted, all voted aye; the motion passed.

Case No. 470-06-53, at approximately 667 North Wall Street, a request by Liza Hart, architect, to construct a single family dwelling with a detached carport. The property is located in the Capitol Hill Historic District, which was locally designated as a historic district in May of 1984. The base zoning of the property is SR-1A, Special Development Pattern Residential, the purpose of which is "to maintain the unique character of older, predominantly single-family neighborhoods that display a variety of yards, lot sizes and bulk characteristics." The zone allows single-family and twin homes as permitted uses. (Staff – Janice Lew at 535-7625 or janice.lew@slcgov.com)

(This item was heard at 4:41P.M.)

Janice Lew, Staff Planner, presented the Staff Report by outlining the major issues of the case, the findings of fact, and the staff's recommendation, a copy of which was filed with the minutes. The petitioner is seeking variances with the Board of Adjustment to modify the setback requirements. The Board of Adjustment heard this request on November 20, 2006, and tabled the item pending review of the proposed design by the Historic Landmark Commission.

The following is an overview of the project:

The petitioner proposes to build a new single-family home with a detached carport on a vacant legal complying lot that is approximately 3, 003 square feet in lot area. On August 15, 2005, the Board of Adjustment recognized the parcel as a legal developable lot. The subject property is irregular in shape with a lot width of 74 ft. to 9 ft. along the street frontage and varies in depth from 37 ft. to 1 ft. to 57 ft. 11 in. The plans are for a flat roofed residence that is contemporary in style. The proposed house has a building footprint of 894 square feet.

The plans also show an approximately 217 square foot detached single bay carport at the northwest corner of the property. The flat roof structure rises approximately nine feet to the cornice.

The primary structure will be of brick, IPE wood siding, wood screen detailing, metal clad wood windows, glass front door with skylight, with a membrane or ballasted roof with a parapet. The roof will be of "green" roofing materials. The parking bay will be enclosed by wood screen panels supported by wood columns.

The project does exceed the SR-1A District Standards for building height and does not meet front and side yard setback requirements.

Staff recommends approval based on the analysis contained in the staff report. A copy of the staff report is filed with these minutes.

PETITIONER CALLED TO ADDRESS QUESTIONS FROM THE COMMISSION

Ms. Hart provided original drawings for the commission to use for reference. Illustrations were reduced in size as the originals were impractical for inclusion with the minutes.

Ms. Hart stated that the flat roof on the structure was compatible with the neighborhood when including the two homes across the street and apartment building behind the lot, which all have flat roofs. She further stated that scale, color, and materials all compliment or fit into guideline specifications. A discussion with the Commission ensued regarding the guidelines for new construction of structures in a historical district when the roof was flat verses the guidelines that are used when roofs are peaked.

The petitioner conducted a survey of building heights in the vicinity and calculated the average height, including the Cooper Roberts building. Based on the survey results, the average structure height in the neighborhood was sixteen feet. The petitioner was requesting an exception that would allow nineteen feet.

A green roof composed of sod is proposed by the petitioner, but as the possibility exists that this will be too costly, she is also seeking approval to install an EPDM or ballasted as an alternate.

PUBLIC COMMENT (5:09 P.M.)

Seeing no further questions from the Staff, the Chair opened the hearing to the public and asked if anyone wished to address the commission.

Christine Contestdele and Stacy Waddoups, abutting property owners directly north and slightly west of the proposed project, state that their property sits substantially lower than the proposed building with a grade of approximately five feet below the proposed construction. The apartment building to the west is approximately ten and one half feet below the level of the petitioner's lot. The proposed project would require a six foot retaining wall which would need to be built against the property. There is currently a three foot retaining wall.

They asked the Commission to require the builders stay at the height limit imposed by the Zoning Ordinance.

EXECUTIVE SESSION (5:16 P.M.)

In general, the Commission expressed differing opinions regarding the proposed structure.

Commissioner Haymond and Commissioner Carl agreed that the structure meets the guidelines. The modernistic design and the use of wood for the structure was compatible with other modern homes within the Capitol Hill Historic district and met the Zoning Ordinance. The structure fits with the eclectic style of the homes in the area and the materials used were a more honest approach than some existing historic homes in the district.

Commissioner Lloyd stated that the subject property was clearly an infill lot, and is almost invisible given the dimensions of the lot. He argued that by default the block face is defined by the second story multi-family apartment or condo behind it. Describing it as a challenging site, he stated that he could not think of any traditional type house that would fit on the site.

The use of EPAY as a material is more closely linked to the rust on cedar siding on the 1960 or 1970's building behind the structure, making it compatible. He further stated that the architect has taken a rigorous approach to describing an authentic modern style house. The proportion and placement of the window are obviously not traditional in size. Wall materials were not relying on conventional header materials. When viewed as a house of its time, the treatment is one of the most authentic he has seen.

Commissioner Ashdown, Commissioner Christensen, Commissioner Heid, and Commissioner Hunter, generally stated that the design did not meet the Compatible Residential Infill Development requirements in regards to design. These Commissioners argued that other streets in the community did have structures that were compatible with the modernistic design of the proposed project, but the street or neighborhood, on which this project would exist, did not have any of those intrusions.

The property does share a back wall with an apartment building, which is modern in design, but the facing street does not have these intrusions. Commissioner Christensen stated that the proposed structure did not reflect a specific architectural style prominently, rather borrowing from several different ones.

Commissioner Ashdown suggested that the proposed structure doesn't meet the standards of rhythm and spacing as stated in the Design Guidelines for Residential Historic Districts in Salt Lake City, Standards for New Construction in Historic Districts:

- 11.10 Use a ratio of wall-to-window (solid or void) that is similar to that found on historic structures in the district.
- 11.14 Keep the proportions of window and door openings similar to those of historic buildings in the area. The materials do not meet the standard unless finished naturally and was different in size and scale.
- 11.15 Use building materials that contribute to the traditional sense of scale of the block.
- 11.21 Windows with vertical emphasis are encouraged.
- 11.22 Frame windows and doors in materials that appear similar in scale, proportion, and character to those used traditionally in the neighborhood.
- 11.23 Windows shall be simple in shape.

The Commissioners further expressed concern regarding the height and grade of the proposed structure in relation to the adjoining properties.

MOTION (5:47 P.M.)

In regards to petition number 470-06-53, Commissioner Carl moved that the Historic Landmark Commission approve the preliminary design as presented, noting that the proposed building site exceeds the maximum building height standard of the SR-1A District, relegating final details to Planning staff.

Commissioner Haymond seconded the motion.

Commissioner Haymond, Commissioner Lloyd, and Commissioner Carl voted aye. Commissioner Ashdown, Commissioner Christensen, Commissioner Heid, and Commissioner Hunter voted nay. The motion was defeated.

PUBLIC COMMENT (5:47 P.M.)

Commissioner Fitzsimmons reopened the public comment portion of the hearing seeing that a member of the public desired an opportunity to speak and that the Commission needed additional information in regards to the existing elevation of the property. Specifically they were interested in the possibility of changing the grade of the property to reduce the degree of difference in elevation between the subject property and its neighbors.

The petitioner answered questions and a discussion of new construction vs existing structure guidelines ensued. Ms. Hart explained that she understood the allowable height to be 23 feet to the ridge or the average height of the houses on the block face, and there is a provision to allow one additional foot of wall height for every additional foot of set back. After consulting with Planning staff, she understood that she could use the Cooper Roberts building as part of the average height because that building has a primary entrance facing Wall Street. The petitioner was concerned by the Commission's expression of personal preference with some degree of vagueness.

Mr. Paterson explained that in a SR-1A zone, there are two standards for building height: the pitched roof height would be twenty-three feet to the ridge, or the average height of other structures along that block face. But as the proposed structure has a flat roof, the height is sixteen feet without the averaging provision.

When asked by the Commission if she would be willing to consider changing the grade of the property to the approximate elevation as the surrounding properties, Ms. Hart responded, if required, she would be willing to lower the building height rather than make a change in grade.

Commissioner Lloyd asked if a topographic survey had been done for the site. Photograph shows that the house to the north does step down from the street to the entry.

Ms. Hart indicated that the lot to the north does, but that is not the typical pattern. The building height that is adjacent to the neighbors is only eleven feet tall, and there is a twelve foot wide center portion that is set back a good distance from the side property line that extends up the two stories. (19 feet)

Sidney Draper, who resides in the neighborhood, stated that the prior owners of the lot to the north moved approximately eighteen inches of fill from his back yard onto the petitioners lot, which raised the elevation of the lot.

EXECUTIVE SESSION (5:49 P.M.)

Seeing that no additional members of the public addressed the Commission regarding this case, Chairperson Fitzsimmons opened the executive session of the meeting.

The Commissioners were concerned about statements regarding the alleged grade change and were reluctant to base decisions on statements that were not substantiated with supporting documentation. Commissioner Christensen wondered if there was a precedence set for adjusting the building height based on grade.

Commissioner Ashdown stated that the Design Guidelines are not providing a clear understanding and adequate information to make a decision in this case.

Mr. Paterson stated that the SR-1A district units are the height of flat roof structures to 16'. It allows for a one for one increase in the height of the exterior walls adjacent to the interior side yards for larger side yard setbacks impacting the north and south walls of the proposed structure. For every foot the wall is set back farther than the minimum required by the SR-1A Zone, an additional foot of height is allowed in that exterior wall. The portion of the home that is taller than sixteen feet is in the center of the house, and not along those exterior walls. The exterior wall heights on the east and west of the proposed structure are not subject to this provision. The zoning standards also allow additional wall height for sloping lots. For every foot drop in height from one side of the lot to the other, an additional half foot can be added to the wall height along the interior side yard.

The SR-1A Zone does allow the Historic Landmark Commission to approve additional building height based on the standards used for new building construction in the historic district if the Commission finds justification to support additional building height based upon compatibility in this neighborhood. With specific findings, the Historic Landmark Commission could grant additional building height.

In response to a question posed by Commissioner Heid, Ms. Coffey explained that the Historic Landmark Commission can't recommend restoring the original grade of the parcel before Staff had an opportunity to research the lot to determine if the grade change was allowed by the City and to verify that the grade change actually took place. She reminded the Commission that the applicant and public comments had been conflicting in regards to the level of all adjoining properties.

Based on Commissioner Lloyd's question, Ms. Coffey stated that if a petition was tabled, the Historic Landmark Commission must specify what the applicant is to do prior to submitting the petition before the body again.

MOTION (6:06 P.M.)

In regards to case 470-06-53, Commissioner Carl moved that the motion be tabled and requested the petitioner to provide additional information on the site grading and topography, including a possible grade change on the lot. Petitioner is to review and respond to design standards for new construction in historic districts in “Design Guidelines for Residential Historic Districts in Salt Lake City”. The petitioner is to specifically address subsections 11.10,11.14,11.21, and 11.23 and to respond to guidelines in relation to a grade change. Further, the petitioner is to consider an alternative that would meet the zoning height limits in the Capitol Hill Historic District.

Commissioner Ashdown seconded the motion.

Commissioner Ashdown, Commissioner Carl, Commissioner Christensen, Commissioner Heid, and Commissioner Hunter voted aye; Commissioner Haymond voted nay; the motion passed.

Case No. 470-06-54, at approximately 78 ‘Q’ Street, a request by Michael Conn to replace existing windows in the single family-structure. The property is located in the Avenues Historic District, which was locally designated as a historic district in March of 1978. The base zoning of the property is SR-1A, Special Development Pattern Residential, the purpose of which is “to maintain the unique character of older, predominantly single-family neighborhoods that display a variety of yards, lot sizes and bulk characteristics.” The zone allows single-family and twin homes as permitted uses. (Staff – Joel Paterson at 535-6141 or joel.paterson@slcgov.com)

(This item was heard at 6:07 P.M.)

Joel Paterson, Senior Program Supervisor, presented the Staff Report by outlining the major issues of the case, the findings of fact, and the staff’s recommendation, a copy of which was filed with the minutes.

The following is the background of the property and an overview of the project:

The house has been significantly altered throughout its history. The Historic Survey form indicates that the original brick structure had been covered with aluminum siding. The aluminum siding has been removed and replaced by wood shingles. The 1979 Historic Survey form for the property and photographs illustrate that many of the original windows have been previously replaced. The existing vinyl windows were approved for installation in 1997 and 2004. The petitioner’s submittal indicates that these replacement windows were a combination of metal and vinyl. The petitioner is proposing to retain the existing window casings.

In approximately 1996, a fire caused damage to the home. At that time, some of the windows on the home were replaced. Vinyl windows were allowed to be installed on both the front (west) and rear (east) elevations. The current proposal is to replace some windows on each elevation of the house. Detailed description of the proposal is included in the staff report, which is filed with these minutes.

PETITIONER CALLED TO ADDRESS QUESTIONS FROM THE COMMISSION

Mr. Conn is seeking permission to make the styles of windows uniform. Some of existing windows are not functioning and do not meet safety standards in that they do not lock or open and do not seal properly, allowing heat and cold penetrate the interior of the home.

In answer to Commission questions, the petitioner stated that finding manufacturers willing to restore the windows has been problematic.

PUBLIC COMMENT (6:38 P.M.)

Seeing no further questions from the Staff, the Chair opened the hearing to the public and asked if anyone wished to address the commission. No member of the public expressed a desire to address the commission, so the Chair turned the meeting over to the executive session.

EXECUTIVE SESSION (6:39 P.M.)

Generally, the Commissioners expressed reluctance to authorize action which would eliminate unique historical features and style of the existing windows, particularly the sash to the right of the door at the approach of the house, citing the following Zoning Ordinance provision.

- 21A.34.020 Section G item 6: Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure: Deteriorated architectural features shall be repaired rather than replaced whenever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other accurate duplications of features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures.

Members of the Commission stated that the project as proposed did not meet the Design Guidelines for Residential Historic Districts in Salt Lake City in regard to windows, specifically subsection 3.6.

- 3.6 Match the profile of the sash and its components, as closely as possible to that of the original window.

Members of the commission noted that most of the existing windows are not original. It would not be possible to recreate what is not there. The windows on the north and south elevations as well as the attic window are not the originals and could be replaced, but care should be taken to match the design and dimensions of the existing windows.

MOTION (6:50 P.M.)

Commissioner Christensen moved that case number 470-06-54 be approved to replace the windows on the structure at 78 'Q' Street with the exception of the single hung sash on the front elevation of the structure to the right or south of the

front door which must be retained or replaced with a functioning wooden replica that has a truly divided window.

The profile and details of the other replacement windows must match and be consistent with the existing windows with the exception of windows on the north and south elevations that may be replaced without replicating the detail of the original windows. The Historic Landmark Commission delegates final approval of details to the Planning Staff to determine if selected windows are in compliance with this mandate.

Seconded the motion by Commissioner Lloyd.

All said aye; the motion passed.

REPORT FROM THE PLANNING DIRECTOR (6:54)

Economic Hardship application by Eric Saxey to demolish the three structures at approximately 256 South 700 East, 262-264 South 700 East, and 268 South 700 East to be replaced with a twenty three unit multi-family (condominium) residential structure. The property is located in the Central City Historic District. Discussion will relate to the Commission's choice for their representative on the Economic Hardship Panel and whether the application materials are sufficient to the panel to decide the request. (Staff-Cheri Coffey at 535-6188 or cheri.coffey@slcgov.com)

Chairperson Fitzsimmons recused himself from this case as he works for the architectural firm which represents the petitioner. The Vice Chair Commissioner Heid took control of the meeting.

Commissioner Christensen proposed the following:

- The historic structures should not be jeopardized just because the properties were bought, at possibly an inflated price, with anticipation that the structures could be demolished and a new building which meets the underlying zoning could be built.
- Ensure that the calculation for a return on the investment does not take into consideration the vacant property on the corner. The historic structures should not have to carry the burden of paying for the vacant property.
- Provide specific costs on the maintenance of the structures.

Ms. Coffey noted that supporting documentation from the petitioner and asked the Commission if they wished for the petitioner to submit any further information to document his claim.

She also asked the Commission to suggest names of candidates to sit as panel members at the Economic Hardship hearing.

MOTION (7:24 P.M.)

Commissioner Lloyd moved in regards to case number 471-06-57 that staff are to consult with the property management in terms of requiring a current appraisal and that the petitioner will be required to submit a report from a licensed engineer or architect in regards to the structural soundness of the two structures. The petitioner must provide a more detailed description of maintenance costs as reported in the cost breakdown and that the carrying cost of the vacant property on 700 East and 300 South be considered independently of the parcel with the structures.

Commissioner Christensen seconded the motion.

No further discussion.

All voted aye; the motion passed.

OTHER BUSINESS (7:27 P.M.)

Ms. Coffey reminded the Commissioners of the upcoming retreat. An agenda will be created, and if the Commission would like additional items added, they need to state so today. The agenda will be finalized by Chairperson Fitzsimmons and Vice Chair Heid.

Commissioner Hunter distributed an article from the Salt Lake Tribune regarding the Main Street Historic District in Park City, which is in danger of losing its listing in the National Register of Historic Places as a result of aggressive construction and remodeling.

There being no further business, a motion was made by Commissioner Lloyd to adjourn the meeting at 7:29 P.M.

Dave Fitzsimmons, Chairperson

Kathryn Weiler, Historic Landmark Commission Secretary