

HISTORIC LANDMARK COMMISSION  
STAFF REPORT

**Petition 470-07-34 Legalization of Vinyl Fence**  
Located at 626 East Fifth Avenue in the Avenues  
Historic District.  
November 7, 2007



Planning and Zoning  
Division  
Department of Community  
Development

**Applicant:** Adrian Alexander

**Staff:** Nick Norris at 535-6173  
or nick.norris@slcgov.com

**Tax ID:** 09-32-310-011

**Current Zone:** SR1-A Special  
Development Pattern Residential  
District

**Master Plan Designation:**  
Low Density Residential

**Council District:** Council  
District 3; Eric Jergensen

**Acreage:** 0.1 acres

**Current Use:**  
Single Family Residential

**Applicable Land Use  
Regulations:**

- 21A.34.020 (G)

**Attachments:**

- A. Application
- B. Building Permit Card
- C. Photos of Fence

**REQUEST**

The applicant is requesting that the Historic Landmark Commission legalize a fence located in the front yard of a single family dwelling located at 626 East Fifth Avenue. The fence was installed without first receiving a certificate of appropriateness.

**PUBLIC NOTICE**

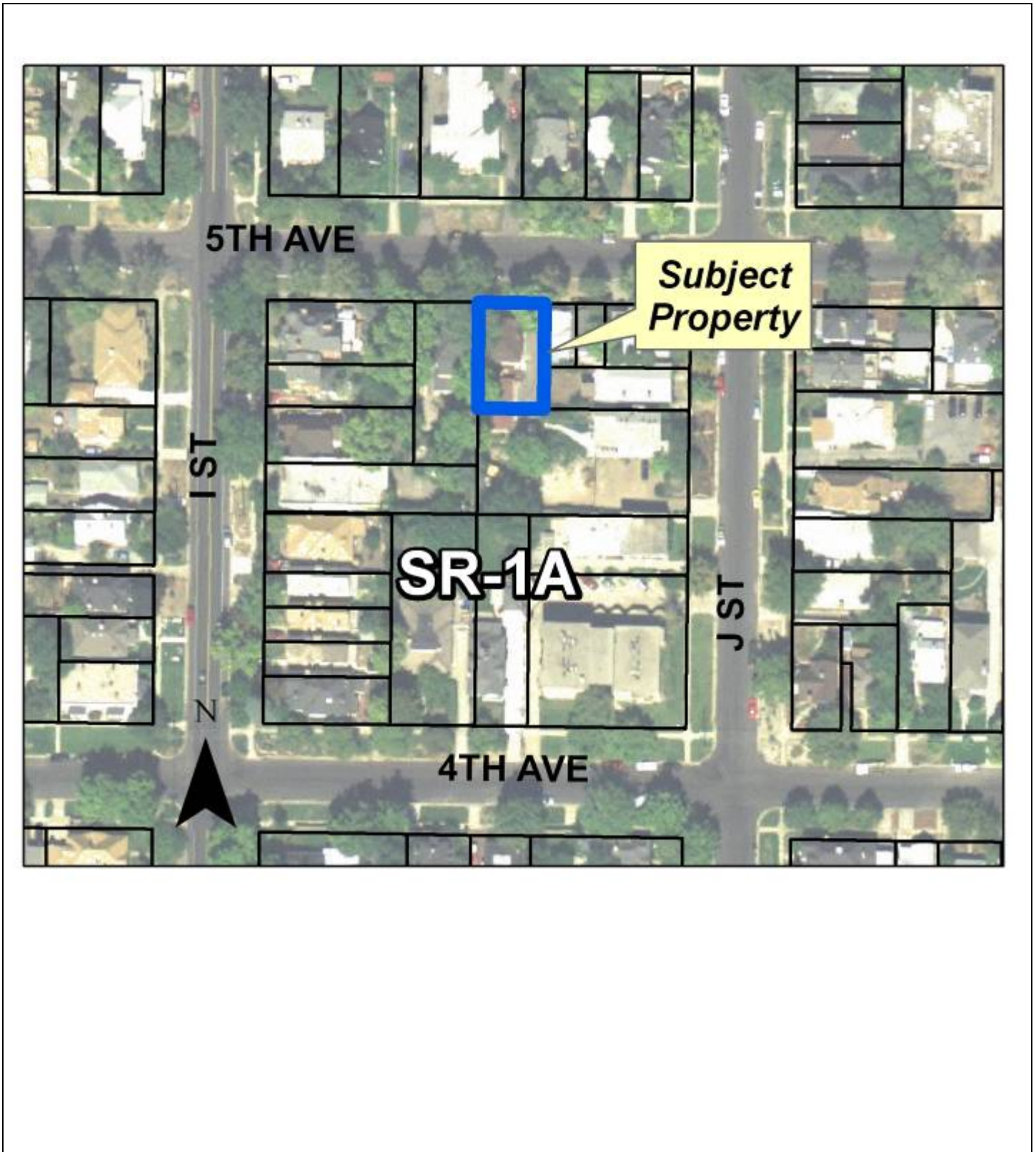
A notice was mailed on October 22 to all property owners within 85 feet of the subject property.

**STAFF RECOMMENDATION:**

Staff recommends that the Historic Landmark Commission deny the request to legalize the vinyl fence that was installed without a Certificate of Appropriateness located at approximately 626 East Fifth Avenue for the following reason:

1. The fencing material is not consistent with fence materials as stated in "Design Guidelines for Residential Historic Districts in Salt Lake City.
2. Staff recommends that the applicant work with staff to determine fencing materials for a front yard fence that would be appropriate as discussed in this report. Because this is an enforcement issue staff from the Planning and Zoning Enforcement Division will coordinate efforts based on the decision of the Historic Landmark Commission.

VICINITY MAP



## COMMENTS

### **Public Comments**

*No public comment regarding this application has been received.*

## **BACKGROUND, ANALYSIS AND FINDINGS:**

### **BACKGROUND**

The subject property was originally built in 1937 as a single family residence. The property is in good condition and maintains a majority of the original integrity. The property is considered a contributing structure. The structure is a bungalow style building.

The photo survey and the tax ID photo indicates that prior to the vinyl fence being installed, there was a chain link fence in the front yard. A search of the City's building permit database does not show any building permits issued since the original construction date. No prior land use files were found associated with this property.

Earlier this year, the petitioner installed a vinyl picket fence approximately three feet in height along the sidewalk in front of the home. The City received a complaint regarding the installation of the vinyl fence. A search of City records indicated that no permit was obtained which led to an enforcement action.

### **STAFF ANALYSIS AND FINDINGS**

The Historic Landmark Commission should make findings in this case based upon Section 21A.34.020(G): *Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure*, of the City Zoning Ordinance.

#### **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;**

**Discussion:** No changes are proposed to the use of the property.

**Finding:** The project is consistent with this standard.

#### **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;**

**Discussion:** Site features such as fences contribute to the historic character of a property. According to the *Design Guidelines for Residential Historic Districts in Salt Lake City*, fences were commonly used to enclose front yards. Typically the fences were wood picket fences with vertical slats that were set apart from each other. The fences were typically less than three feet in height. Other common fence materials found in front yards of historic properties were made of wrought iron or wire.

The fence that was installed is similar to design of that of a historic fence in that it is of a historic height and utilizes a picket design. The use of vinyl is not appropriate in the front yards of properties located in an H Historic Overlay Zoning District. Vinyl fences have been approved administratively for rear and side yards in historic districts in Salt Lake City, but not when located in front yards. Although the design of the fence is appropriate, the materials of the fence are not appropriate. The same fence constructed out of wood or iron would be consistent with the applicable design guidelines.

## Applicable Design Guidelines

**1.3 For a replacement fence, use materials that appear similar to that of the original.** A painted wood picket fence is an appropriate replacement in most locations. A simple metal fence, similar to traditional “wrought iron” or wire, also may be considered. In all cases, the fence components should be similar in scale to those seen historically in the neighborhood.

**1.4 A replacement fence should have a "transparent" quality, allowing views into the yard from the street.** Using a solid fence, with no spacing between the boards, is inappropriate in a front yard. Chain link is not allowed as a fence material where it would be visible from the street. Vinyl fencing is reviewed on a case by case basis. In some instances, it is allowed if it is not seen from the street, if the style of the fence is compatible with the house and if the vinyl fence is not replacing a historic fence or landscape feature.

**Finding:** Legalizing the vinyl fence would take away from the historic character of the property because the fence is located in the front yard, is highly visible, and is constructed of materials that are not consistent with historic fences.

### **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;**

**Discussion:** The vinyl fence does not create a false sense of history because vinyl is a modern construction material.

**Finding:** The vinyl fence complies with this standard to the extent that the material would not create a false sense of history.

### **4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;**

**Discussion:** The vinyl fence is common, modern material and has been installed within the last year. Therefore, the vinyl fence has not achieved historic significance.

**Finding:** The vinyl fence has not achieved historic significance.

### **5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;**

**Discussion:** The vinyl fence degrades the overall integrity of the historic property because it is a material that is not consistent with fences typically found on historic properties and it is highly visible from the public street. In order to preserve the historic character of the property, the fence should be removed or be replaced with a fence that is compatible with the applicable design guidelines.

## Applicable Design Guidelines

**1.3 For a replacement fence, use materials that appear similar to that of the original.** A painted wood picket fence is an appropriate replacement in most locations. A simple metal fence, similar to traditional “wrought iron” or wire, also may be considered. In all cases, the fence components should be similar in scale to those seen historically in the neighborhood.

**1.4 A replacement fence should have a "transparent" quality, allowing views into the yard from the street.** Using a solid fence, with no spacing between the boards, is inappropriate in a front yard. Chain link is not allowed as a fence material where it would be visible from the street.

Vinyl fencing is reviewed on a case by case basis. In some instances, it is allowed if it is not seen from the street, if the style of the fence is compatible with the house and if the vinyl fence is not replacing a historic fence or landscape feature.

**Finding:** The application does not comply with this standard because the vinyl fence degrades the integrity of the historic property.

**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 rather than on conjectural designs or the availability of different architectural elements from other structures or objects;**

**Discussion:** The available photos of the property indicate that prior to the vinyl fence, a chain link fence was installed in the front yard of the property. There is not any available evidence of a fence existing in the front yard prior to the chain link fence. Although not shown in historic photographs, a front yard fence is appropriate provided it is consistent with the applicable design guidelines. An appropriate fence would be one made of wood or metal, be approximately three feet in height and have a transparent quality that allows views into the front yard. The vinyl fence is appropriate in design (picket style fence) and height (approximately three feet), but not in materials.

#### **Applicable Design Guidelines**

**1.3 For a replacement fence, use materials that appear similar to that of the original.** A painted wood picket fence is an appropriate replacement in most locations. A simple metal fence, similar to traditional “wrought iron” or wire, also may be considered. In all cases, the fence components should be similar in scale to those seen historically in the neighborhood.

**1.4 A replacement fence should have a "transparent" quality, allowing views into the yard from the street.** Using a solid fence, with no spacing between the boards, is inappropriate in a front yard. Chain link is not allowed as a fence material where it would be visible from the street. Vinyl fencing is reviewed on a case by case basis. In some instances, it is allowed if it is not seen from the street, if the style of the fence is compatible with the house and if the vinyl fence is not replacing a historic fence or landscape feature.

**Finding:** Photographic evidence of a historic fence on this property is not available. The vinyl fence replaced a chain link fence. The vinyl fence is not compatible with the applicable design guidelines because of the use of vinyl and therefore not appropriate for the location.

**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;**

**Discussion:** No chemical or physical treatments are proposed as part of this request.

**Finding:** This standard does not apply to this project.

**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;**

**Discussion:** The use of inappropriate materials for site features such as fences degrades the overall integrity of a historic property. The vinyl fence is not compatible with the property because the property has retained most of its historic character. Vinyl fences in the front yards are not typically found in the Avenues Historic District. Therefore, the vinyl fence is not an appropriate addition to the property.

#### **Applicable Design Guidelines**

**1.3 For a replacement fence, use materials that appear similar to that of the original.** A painted wood picket fence is an appropriate replacement in most locations. A simple metal fence, similar to traditional “wrought iron” or wire, also may be considered. In all cases, the fence components should be similar in scale to those seen historically in the neighborhood.

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**Finding:** The application to legalize the vinyl fence diminishes the historic character of the property and the Avenues Historic District.

**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;**

**Discussion:** The vinyl fence is not attached to the main structure could be removed without jeopardizing the historic character or integrity of the property.

**Finding:** The vinyl fence could be removed without degrading the historic character or integrity of the property.

**10. Certain building materials are prohibited including the following:**

- a. Vinyl or aluminum cladding when applied directly to an original or historic material, and**
- b. Any other imitation siding material designed to look like wood siding but fabricated from an imitation material or materials;**

**Discussion:** No new siding materials are proposed as part of this request. No historic materials have been covered or had inappropriate materials applied directly to them.

**Finding:** This standard does not apply to this project

**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 Part IV, Chapter 21A.46, Signs;**

**Discussion:** Signage is not a component of this project.

**Finding:** This standard does not apply to the project.

## **12. Additional design standards adopted by the Historic Landmark Commission and City Council.**

**Discussion:** The design standards that are specific to this petition focus on fences and have been addressed above. The vinyl fence is not consistent with standards 2, 5, 6 and 8. In addition, the Policy Document adopted by the Salt Lake City Historic Landmark Commission specifically discusses fencing materials. It states that wood, wrought iron and masonry are appropriate fencing materials in historic districts. It does not list vinyl.

**Finding:** The request is inconsistent with standards 2, 5, 6 and 8 as noted above and not supported by the design guidelines mentioned in this staff report or found in the *Design Guidelines for Residential Historic Districts in Salt Lake City*. The Policy Document adopted by the Historic Landmark Commission does not support the use of vinyl for fences.

# **Attachment A Application**



# **Attachment B Building Permit Card**

## **Attachment C**

### **Photo of Fence**

Published Date: November 1, 2007