

HISTORIC LANDMARK COMMISSION  
STAFF REPORT

Bonnie Athas  
Legalization, 470-08-15  
209 A Street in the Avenues Historic District  
August 6, 2008



Planning and Zoning Division  
Department of Community &  
Economic Development

**Applicant:** Bonnie Athas

**Staff:** Robin Zeigler, 535-7758,  
robin.zeigler@slc.gov

**Tax ID:** 09-31-333-014

**Current Zone:** SR-1A

**Master Plan Designation:**  
Avenues Community Master  
Plan, Medium High Density  
Residential District

**Council District:** District 3;  
Council Member Jergenson

**Acreage:** .05

**Current Use:** Single-family  
residential

**Applicable Land Use  
Regulations:**

- 21A.34.020 (H)

**Attachments:**

- Early Photographs
- Photographs after most recent alterations
- 2006 Staff Report
- 2006 Finding & Order letter with minutes

**REQUEST**

The applicant requests to legalize alterations to the building's siding and roof that were different than those administratively approved. The Historic Landmark Commission has final approval authority.

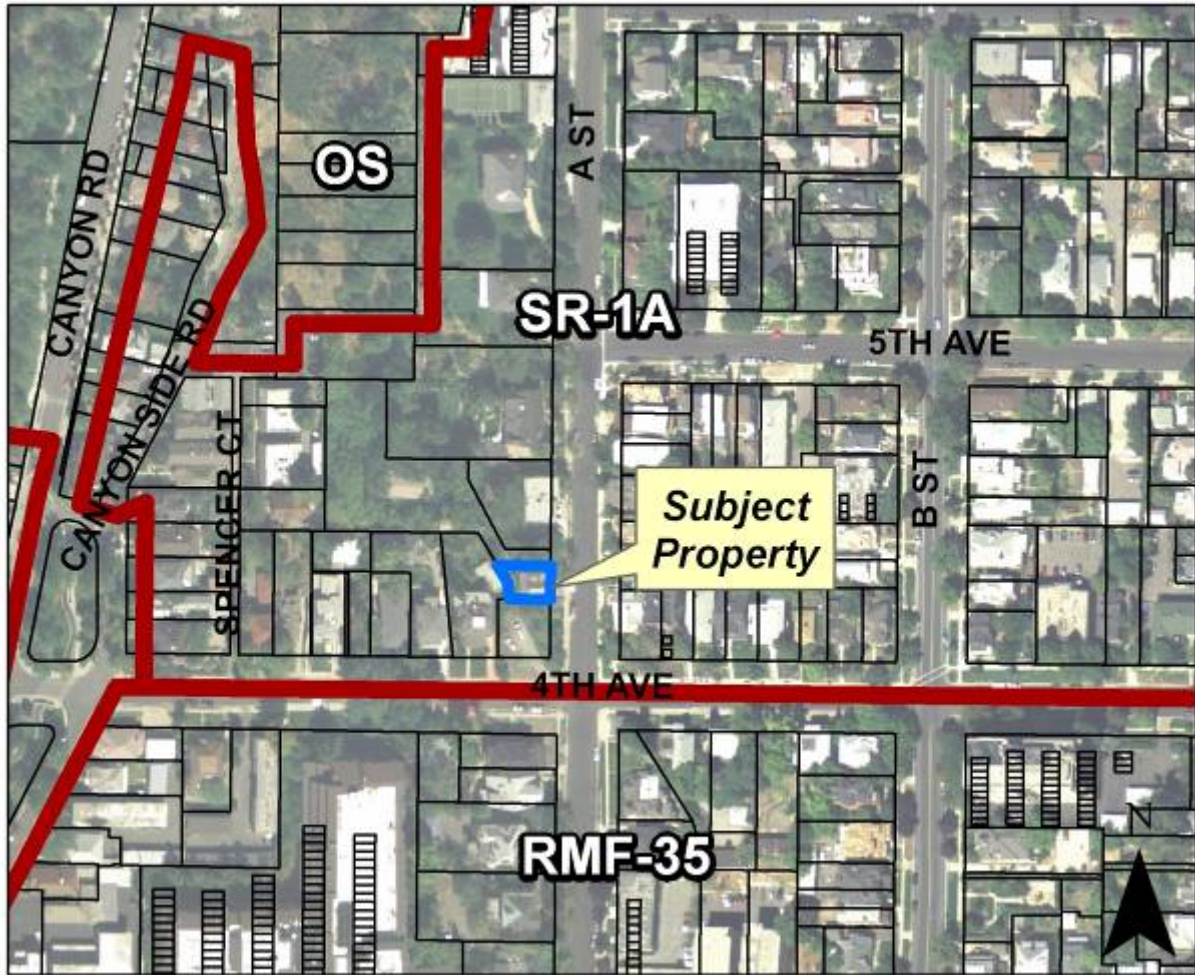
**PUBLIC NOTICE**

On August 20, 2008 notice was mailed to all property owners within 85 feet of the subject property, meeting the minimum 14 day notification requirement. Community Council Chairs, Business Groups and others interested parties were also notified through the Planning Commission's listserv. The notice was also posted on the Planning Division's website.

**STAFF RECOMMENDATION:**

Based on the findings of fact listed in this report, staff recommends that the Historic Landmark Commission deny the proposed siding and roofing materials on the historic building and the new addition and that the inappropriate materials be replaced with materials approved by the Historic Landmark Commission in 2006.

VICINITY MAP



## COMMENTS

### **Public Comments**

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

## **BACKGROUND, DISCUSSION AND FINDINGS:**

### **BACKGROUND**

William S. Hall, a clerk with the Oregon Shortline Railroad, constructed this house in 1909. At an early date it was converted into apartments and then back to a single-family home in 1993. Sanborn maps from 1911 indicate that a frame addition was located at the rear of the house. A tax photograph from the 1930s shows a house with a steeply pitched front gable, and a full-length porch with a pediment in the center. The house in this photograph is similar to countless Victorian Eclectic brick homes constructed in Salt Lake city at the beginning of the twentieth century. Over the years it has undergone numerous alterations. One of the alterations includes remodeling the porch with stucco and a southwestern motif. The porch was removed prior to 1992, leaving a concrete pad with wood railing. In 1992, staff approved a new wood fascia and the replacement of four non-original windows with double-hung wood windows. It may have been during the 1992 alterations that the rear addition was remodeled to a full, three-story, ell that had stucco siding. In 1994, the house received a new roof.

On June 7, 2006 the Historic Landmark Commission reviewed a project (470-06-29) that included:

- Removing the non-original railing
- Covering the porch with decking
- Supporting the new decking with three wood posts
- Constructing a new railing around the porch roof
- Replacing the rear addition with a wood-sided three-story addition
- Replacing the non-original second level doors in the gable field
- Constructing new railings on the side of the porch leading to a side door at the north end of the house and down stairs on the south side of the house, where the grade sharply drops

The Historic Landmark Commission passed a motion to approve the request with the following conditions:

- Allow a modification to the height of the underlying zoning, based on the findings that the increased height is compatible with the structure and the historic district and the previous addition which has been replaced
- That the architecture surrounding the French doors on the second level and the roofing above the doors, be preserved and the doors selected be as appropriate for this Victorian house
- Final approval is delegated to Staff if any minor revisions or additional details come into question

Since the 2006 approval, a faux-wood grained cement siding has been added to the addition as well as the existing house. Plans submitted with the application show that siding for the addition was to be cedar shingle. (See attachment C.) There was no mention in the application that the siding of the existing house would be altered. In addition, a new red roof with a faux shadow line was added to the existing structure. There was no mention of a new roof for the existing structure in the application; however, the plans do say “existing roofing or like replacement.” (See attachment C.) The roofing existing at the time of the application was a dark colored asphalt shingle roofing material without a faux shadow line.

On May 14, 2008 staff informed the property owner that the siding should be replaced with cedar wood shingle, as originally approved, and that the roofing should be replaced with an appropriate roofing material, as specified on submitted plans. The applicant was also informed that she may choose to submit an application for legalization. The applicant submitted an application for legalization on June 16, 2008.

## **ZONING ORDINANCE AND DESIGN GUIDELINES**

**G. Standards For Certificate Of Appropriateness For Alteration Of A Landmark Site Or Contributing Structure:** 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:

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 for Standard 1:** The use of the property will not change.

**Finding for Standard 1:** The project meets the 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;

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

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;

### **Applicable Design Guidelines for Standards 2, 5, and 6:**

**2.2 Covering original materials with new materials is now allowed.** Covering original building materials with new materials is not allowed. Vinyl or aluminum siding is prohibited on historic buildings, as well as any other imitation siding material that may be designed to look like wood siding but that is fabricated from other materials.

**2.8 Match the original material in composition, scale and finish when replacing materials on primary facades.** If the original material was wood clapboard, for example, then the replacement material should be wood. It should match the original in size, the amount of materials exposed, and in finish, traditionally a smooth finish, which was then painted. The amount of exposed lap should match. Replace only the amount required. If a few boards are damaged beyond repair, then only they should be replaced, not the entire wall

**2.9 Do no use synthetic materials, such as aluminum or vinyl siding or panelized brick, as a replacement for primary building materials.** In some instances, substitute materials may be used for replacing architectural details but doing so is not encouraged. If it is necessary to use a new

material, such as fiberglass for a replacement column, the style and detail should match that of the historic model. Primary building materials such as masonry, wood siding and asphalt shingles shall not be replaced with synthetic materials. Modular materials may not be used as replacement materials. Synthetic stucco, and panelized brick, for example, are inappropriate.

**7.0 Roof Materials.** Where replacement is necessary, such as when historic roofing material fails to properly drain or is deteriorated beyond use, one should use a material that is similar to the original in style and texture. The overall pattern of the roofing material also determines whether or not certain materials are appropriate. For instance, cedar and asphalt singles have a uniform texture, while standing seam metal roofs cause a vertical pattern.

**7.0 Roof Color:** The color of the repaired roof section should also be similar to the historic roof material.

**Discussion for Standards 2, 5, and 6:** The siding of the gable field on the main façade, the side dormers, as well as the new addition, were replaced with a multi-colored, variegated, hardiboard product with a faux wood grain. The asphalt roof shingle was replaced with a red asphalt shingle with a faux shadow design.

**Finding for Standards 2, 5 and 6:** The materials used on the addition are designed to look like another material and do not match the original materials of the home or the materials that were in place at the time of the alteration. New materials may be appropriate for the new addition but do not meet the design guidelines for the existing house. The alteration does not meet this standard.

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 for Standard 3:** The siding of the gable field on the main façade and the side dormers was replaced with a faux slate siding. The asphalt roof shingle was replaced with a red asphalt shingle with a faux shadow design.

**Finding for Standard 3:** The replacement of material, whether original or not, with materials designed to look like something they are not creates a false sense of history and does not meet this standard.

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

**Discussion for Standard 4:** The project involves new siding for a contemporary addition that was constructed in 2006.

**Finding for Standard 4:** This addition has not acquired historic significance because of its age. Substitute materials are appropriate for new construction as long as they do not attempt to recreate an historic material. The faux wood grain of the siding and the false shadow line of the roofing make these materials inappropriate for the addition.

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 for Standard 7:** This application does not involve chemical or physical treatments.

**Finding for Standard 7:** This standard is not applicable.

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;

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 for Standards 8 and 9:** This legalization does not involve an addition itself but inappropriate siding material for a previously approved addition.

**Finding for Standards 8 and 9:** This standard is not applicable to the legalization application.

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 for Standard 10:** The hardiboard shingle is designed to look like wood with a faux wood grain and the roofing shingle is designed to look like a more dimensional shingle with the use of a false shadow line.

**Finding for Standard 10.** The applicant has used imitation materials that do not meet this standard.

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 of this title;

**Discussion:** The project does not include signage.

**Finding.** This standard is not relevant.

12. Additional design standards adopted by the historic landmark commission and city council.

**Policy Document, Salt Lake City Historic Landmark Commission, Original document adopted on February 1, 1984.**

**4.0 Artificial Material.** The use of artificial material in a building which is listed on the Salt Lake City Register of Cultural Resources (either as a landmark site or as part of an historic district) shall not be approved unless it is proven necessary for the preservation of the building.

Examples of artificial materials addressed by the Historic Landmark Commission:

- Vinyl siding;
- Aluminum siding;
- Asbestos siding;
- Non-historic metal roofing material;
- Masonite particle board roofing; and
- Others as may be specified by the Historic Landmark Commission.

**Discussion:** The project includes faux wood grain shingle siding and an asphalt shingle roof with a faux shadow line.

**Finding.** The project does not meet this standard since the siding and roofing material are designed to look like other materials.

# **Attachment A**

## **Early photographs**

Published Date: July 31, 2008





1930s Property Value Assessor photo



1990s? Property Value Assessor Photo



1980s? Photo

**Attachment B**  
**Photos of building after most recent alteration**

Published Date: July 31, 2008



Main Facade



South Elevation



South elevation



Rear addition

**Attachment D**  
**Copy 2006 Staff Report**

Published Date: July 31, 2008

SALT LAKE CITY HISTORIC LANDMARK COMMISSION

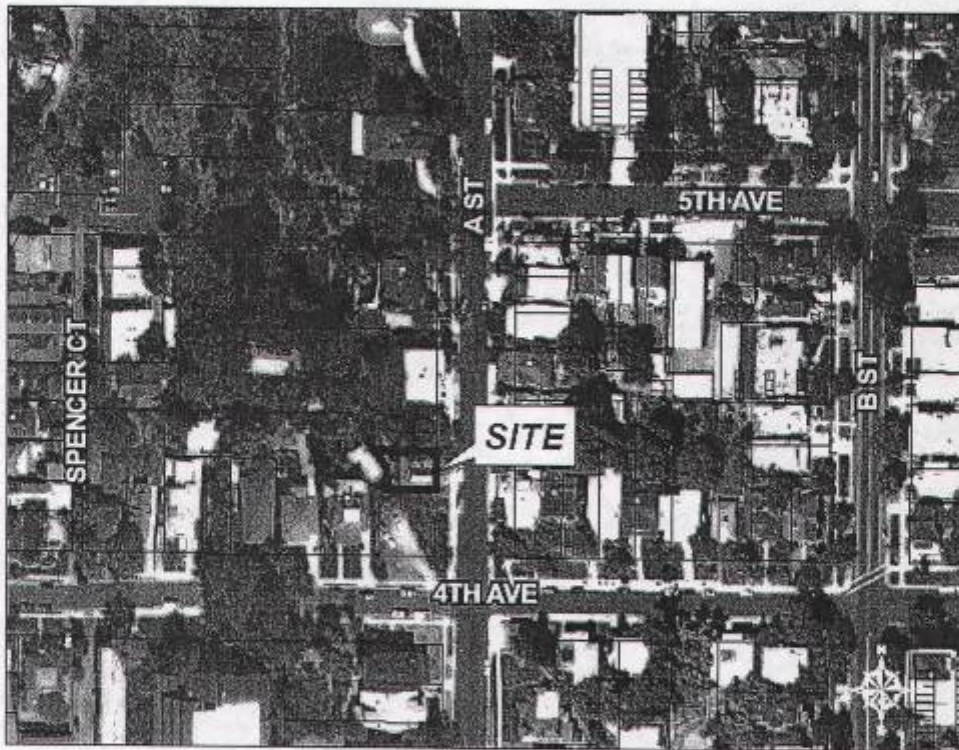
REQUEST BY BONNIE ATHAS TO CONSTRUCT A NEW FRONT PORCH  
AND REPLACE AN EXISTING ADDITION

CASE NO. 470-06-29

WEDNESDAY, JUNE 7, 2006

**OVERVIEW**

Ms. Bonnie Athas is requesting approval to construct a front porch and replace an existing rear ell with a new addition on her house at 209 N. "A" Street. The house is zoned SR-1 *Special Pattern Residential District* and is located in the Avenues Historic District.



**BACKGROUND**

The Structure/Site Information Form indicates that the house was constructed in 1909 for William S. Hall, a clerk with the Oregon Shortline Railroad. From an early date, it was converted into apartments. A tax photograph from the 1930's shows a house with a steeply pitched front gable, and a full-length porch with a pediment in the center. The

house, in this photograph, is similar to countless Victorian Eclectic brick homes constructed in Salt Lake City at the beginning of the twentieth century. Over the years it has undergone numerous alterations. The photograph in the Structure/Site Information Form indicates that the porch was remodeled into a stucco porch with a Southwestern motif. Since that time, the stucco porch has been removed, and only a concrete pad remains where the porch once was, with a wood railing around it.

## PROPOSAL

The applicant is proposing to remove the existing rail, cover the porch with decking, support the new decking with three wood posts, and construct a new railing around the porch roof.

Sanborn maps from 1911 indicate that a frame addition was located at the rear of the house. This has been altered to a full, three-story ell that is stuccoed. The applicant would like to remove this ell, and replace it with a three-story addition, clad with wood shingles, that would be in line with the original masonry structure of the house.

Additional proposed alterations include the replacement of the existing doors in the upper elevation on the east (street) façade, which are not original to the house. The applicant also proposes to construct new railings on the sides of the proposed porch, leading to a side door at the north end of the house and down stairs on the south side of the house, where the grade sharply drops.

## ANALYSIS

### REQUIREMENTS OF THE ZONING ORDINANCE

#### ZONING REQUIREMENTS

**DISCUSSION:** All work must comply with height, yard and bulk requirements of the SR-1 Zoning District and the Temporary Zoning Regulations for Compatible Residential Infill Development for Certain Geographic Areas and which includes:

- Maximum building height in an SR-1 zoning district is 23 feet measured to the ridge of the roof. *The proposed addition measures 31 feet to the ridge of roof, when measured from the rear elevation.*
- The maximum exterior wall height is 16 feet for exterior walls placed at the building setback established by the minimum required yard. *The proposed exterior wall height at the north setback line measures 27'-1". The setback, which represents a non-complying situation, is 1 foot.*
- The surface coverage of all principal and accessory buildings shall not exceed 40 percent of the lot area. *The drawings indicate a surface coverage of 48 percent of the lot area, not including the proposed rear deck.*
- Setback requirements in an SR-1 zoning district are 4' and 10' in the side yards. The rear yard setback requirement is 25 percent of the lot depth, and must be at least 15.' *The rear yard setback from the subject property varies from 10' (again,*



a non-complying situation) to 16' at the northern most point of the proposed rear deck. The zoning ordinance allows porches to encroach 5', from the point of support, into the rear yard setback. In some places, the proposed rear deck exceeds this dimension. The interior sideyard adjacent to the addition will be 1' but this is a non-complying situation.

- The front yard setback requirement is the minimum depth of the average of the front yards of existing buildings within the block face, the minimum depth to be 20.' In the case of the subject property, the existing pad of the porch and the proposed revised front porch extend beyond the property line. The Zoning Administrator has determined that the applicant does not need to apply for a variance from the Board of Adjustment because the footprint of the porch pad is not changing and the house originally had a covered front porch.

The applicant will be required to obtain a revocable permit from the City because of the encroachment of the porch onto public property.

**FINDING:** The proposed porch and addition do not meet any of the requirements of the Compatible Residential Infill Development Ordinances; however, the footprint of the house pre-dates all zoning regulations. The applicant is not proposing to exceed the footprint of the existing house, and thus the setbacks are allowed through the provisions of Section 21A.38.120 Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings and Twin Homes. The Commission can allow the increased height if it finds that the proposed addition meets the provisions of chapter 21A.34.020.

In considering the proposal, the Historic Landmark Commission must make findings based on the following sections of the zoning ordinance and related design guidelines standards.

#### **REQUIREMENTS OF THE ZONING ORDINANCE**

##### *21A.34.020 H Historic Preservation Overlay District:*

- G. *Standards for Certificate of Appropriateness for Alteration of a Landmark Site or Contributing Structure. 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.*

Staff has determined that the following standards of Section 21A.34.020(G) are pertinent to this application:

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:** The Commission's Design Guidelines also recommend such an approach:

*8.1 Design an addition to a historic structure such that it will not destroy or obscure historically important architectural features. For example, loss or alteration of architectural details, cornices and eave lines should be avoided.*

**DISCUSSION:** Although the rear ell appears to date from the historic period, it is not the original ell, as the Sanborn map does not indicate the stucco cladding that is now evident, and extended only part way across the rear of the house. It is in poor repair. Removing it and replacing it with a compatible addition would not diminish the historic character of this late-Victorian home. Historically important architectural features that currently exist on the main body of the house would be unaffected by the proposed addition.

Regarding the front porch, the existing rail is incompatible with the architecture of the house. Removing the rail on both the existing porch and the balcony above would bring the porch closer into compliance with the porch seen in the tax photograph and would reinforce the architectural character of the house.

**FINDING:** The proposed addition allows the house to retain its character as a Victorian Eclectic residence, and removes a dilapidated, if historic addition. The removal of the existing rails on the front of the house would remove features that are incompatible with the house. The applicant meets this standard.

*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;*

#### **Design Standards for Porches**

**5.3 If the porch replacement is necessary, reconstruct it to match the original in form and detail when feasible.** Use materials similar to the original whenever feasible. On contributing buildings, where no evidence of the historic porch exists, a new porch may be considered that is similar in character to those found on comparable buildings. Speculative construction of a porch on a contributing building is discouraged. Avoid applying decorative elements that are not known to have been used on your house or others like it. While matching original materials is preferred, when detailed correctly and painted appropriately, fiberglass columns may be acceptable. The height of the railing and the spacing of balusters should appear similar to those used historically.

**5.4 Do not permanently enclose a historic porch.** Enclosing a porch with opaque materials that destroys the openness and transparency of the porch is not allowed.

**DISCUSSION:** The 1911 Sanborn map and the Salt Lake County Archive photograph indicate that the porch historically extended across the full-width of the building, and that it was also delineated with a broad pediment. These features have all been lost. Although the roof of the porch historically did not have a rail, at some point a set of doors was installed in the upper story. The Historic Landmark Commission has tried to accommodate existing features on properties, and thus the Staff has determined that the proposed porch is as much in keeping with the original appearance as can be constructed while allowing the owner to retain the upper-story exit. The proposed porch is thus a compromise between what existed originally and the features of the house the homeowner inherited but would like to keep.

**FINDING:** The applicant is not seeking to create a false sense of history, but is attempting to reinforce the historic character of the house while accommodating a non-original feature (the upstairs doors). Although not an exact replica of the original porch, the proposed porch is compatible with the style of the building. The applicant meets this standard.

*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 applicant is proposing to clad the addition with shingles to match the shingles on the dormers and front gable of the house. The addition would have a low-pitched roof-line and large windows to take advantage of the views from the rear of the house, across City Creek Canyon. The addition will clearly read as a contemporary addition, but will not overwhelm, destroy or alter the main body of the historic house. The addition will have a minimum impact on the streetscape, as it is located on the rear of the house. The height is consistent with the house, and is in keeping with the character of the historic district. Because of the drop in grade of this lot, an addition with substantial height is reasonable at this location.

The construction of the proposed porch would necessitate the removal of features that detract from the historic character of the streetscape. The new porch would be consistent with porches of homes from the early twentieth century, and would not remove historically significant features.

**FINDING:** The proposed addition is compatible with the house in terms of size, scale, material and character of the property, and streetscape. It is evocative of the rear appendages that could be found on houses constructed at the end of the

nineteenth century in the Avenues. Although the roofline differs from the existing ell, the overall character of the house will not be impaired.

Regarding the porch, the new porch is compatible with the architectural features of the streetscape. The applicant meets this standard, for both the addition and the porch.

*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:** Although unlikely, the proposed work would be reversible, and the building could be returned to its historic size and appearance without destroying the essential form and integrity of the building.

The Design Guidelines offer the following guidance on the siting, massing, size, and scale of an addition:

*8.2 Design an addition to be compatible in size and scale with the main building. Set back an addition from historically important primary facades in order to allow the original proportions and character to remain prominent. Keep the addition visually subordinate to the historic building. If it is necessary to design an addition that is taller than the historic building, set it back substantially from significant facades and use a "connector" to link it. For example, loss or alteration of architectural details, cornices and eave lines should be avoided.*

*8.3 Place an addition at the rear of a building or set it back from the front to minimize the visual impact on the historic structure and to allow the original proportions and character to remain prominent. Locating an addition at the front of a structure is inappropriate.*

*8.4 Design a new addition to be recognized as a product of its own time. An addition shall be made distinguishable from the historic building, while also remaining visually compatible with these earlier features. A change in setbacks of the addition from the historic building, a subtle change in material, or a differentiation between historic and more current styles are all techniques that may be considered to help define a change from old to new construction. Creating a jog in the foundation between the original building and the addition also may establish a more sound structural design to resist earthquake damage, while helping to define it as a later addition.*

*8.5 Design a new addition to preserve the established massing and orientation of the historic building. For example, if the building*

*historically had a horizontal emphasis, this orientation shall be continued in the addition.*

**8.6 Do not construct a new addition or alteration that will hinder one's ability to interpret the historic character of the building or structure.** *A new addition that creates an appearance inconsistent with the historic character of the building is inappropriate. An alteration that seeks to imply an earlier period than that of the building is inappropriate. In addition, an alteration that seeks to imply an inaccurate variation on the historic style is inappropriate. An alteration that covers historically significant features is inappropriate as well.*

**8.7 When planning an addition to a building, preserve historic alignments that may exist on the street.** *Some roof lines and porch eaves on historic buildings in the area may align at approximately the same height. An addition shall not be placed in a location where these relationships would be altered or obscured.*

**8.8 Use exterior materials that are similar to the historic materials of the primary building on a new addition.** *Painted wood clapboard and brick are typical of many traditional additions. See also the discussion of specific building types and styles.*

**8.9 Minimize negative technical effects to original features when designing an addition.** *Avoid construction methods, for example that would cause vibration that may damage historic foundations. New alterations also should be designed in such a way that they can be removed without destroying original materials or features.*

**8.10 Use windows in the addition that are similar in character to those of the historic building or structure.** *If the historic windows are wood, double-hung, for example, new windows should appear to be similar to them. Depending on the detailing, clad wood or synthetic materials may be considered.*

**DISCUSSION:** The proposed addition is compatible in size and scale to the house. It is subordinate to the house, in that it is not larger or taller. It will be located at the rear of the house, and thus the house will continue to appear much as it always has when viewed from "A" Street. The new addition will clearly read as such, in that the roofline differing slightly from traditional ells, will be used. The roof form and slope differ from the house, but are compatible. The orientation of the house would remain unaffected.

**FINDING:** The design of the addition takes steps recommended by the city's design guidelines to ensure that the essential form and integrity of the building would not be impaired. The addition and alterations are compatible in massing, size, scale and architectural features, and differentiate the new work from the old. The addition would be reversible. The proposed work meets this standard.

12. *Additional design standards adopted by the historic landmark commission and city council.*

**DISCUSSION:** The Design Guidelines for Residential Historic Districts in Salt Lake City includes an extensive discussion on additions to historic structures, and contains several standards that apply to porches. Specific guidelines that are applicable in this case are noted in the discussion of each standard. It is staff's opinion that the proposed project is in keeping with all of the standards in the design guidelines.

**FINDING:** The proposed work meets the applicable standards in the Design Guidelines for Residential Historic Districts in Salt Lake City.

## RECOMMENDATION

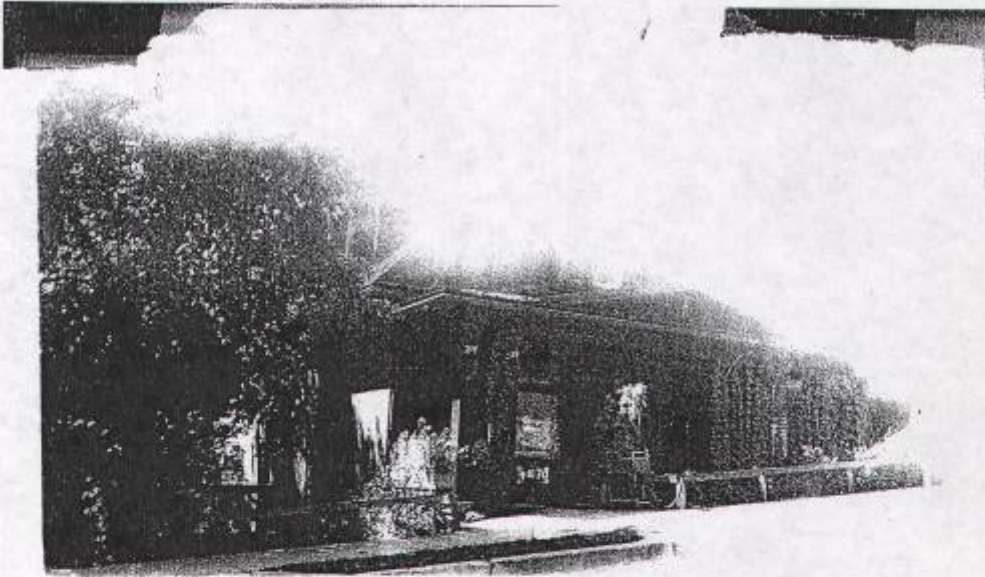
Staff recommends the Commission approve the project as proposed with the following conditions:

1. Allow a modification to the height of the underlying zoning, based on findings that the increased height is compatible with the structure and the historic district.
2. Final approval is delegated to staff if any minor revisions or additional details are required by the Commission.

Elizabeth Giraud, AICP  
Senior Planner  
June 7, 2006

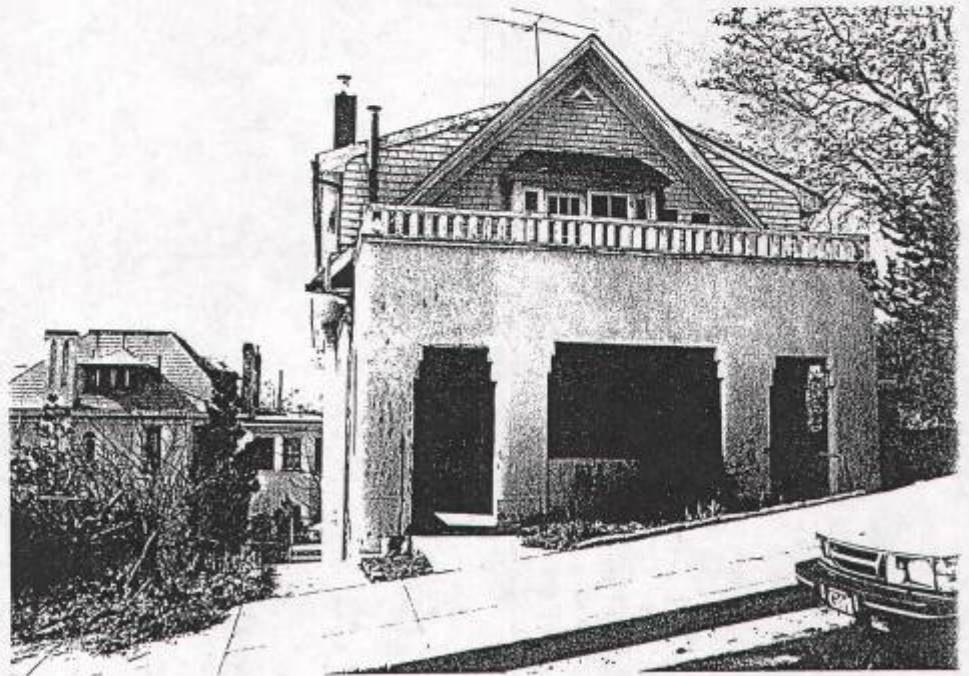
Exhibits      A: Photographs  
                  B: Elevations and site plans  
                  C: Site/Survey Form  
                  D: 1911 Sanborn Map

**Exhibit A  
Photographs**

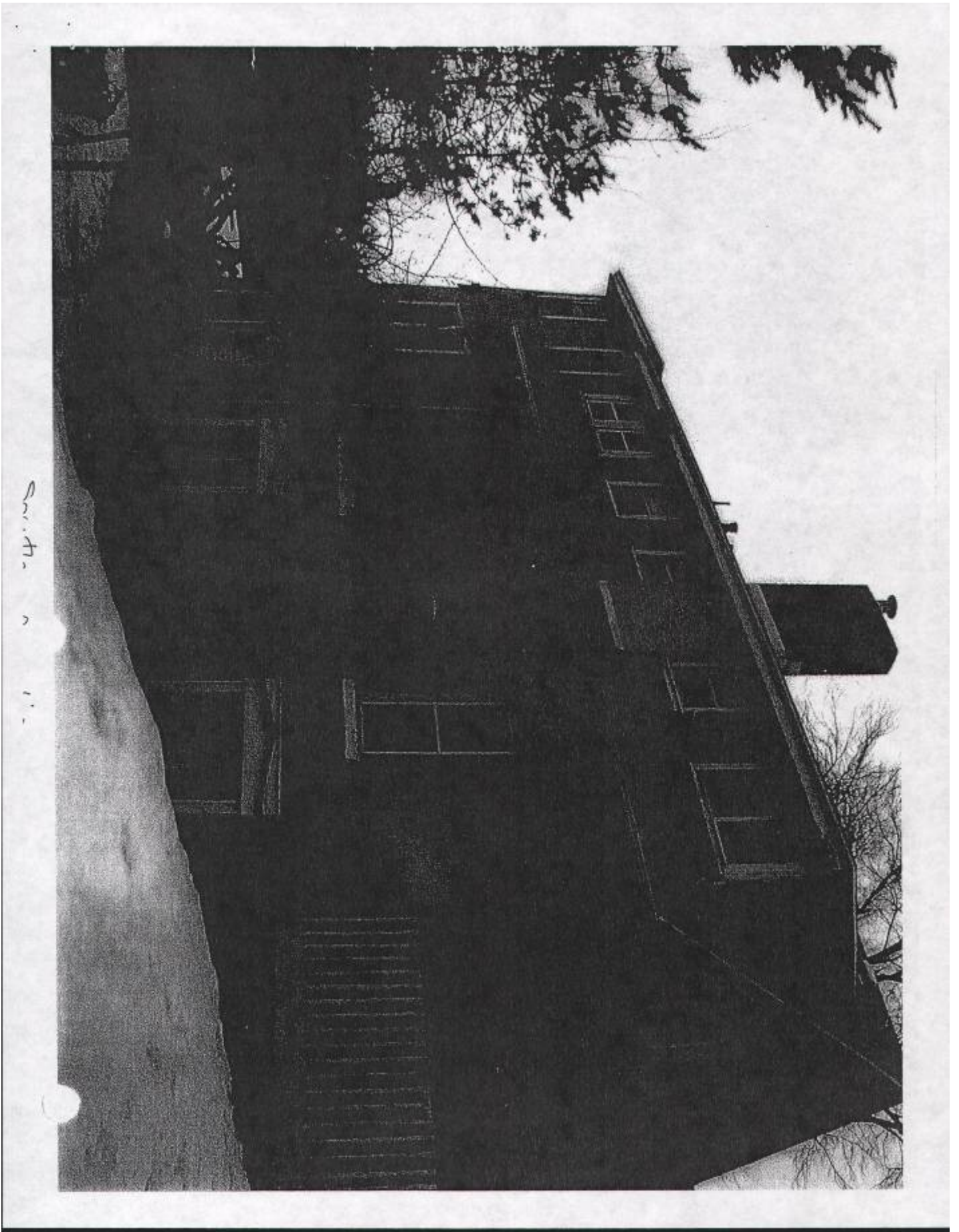


Earliest photo of house



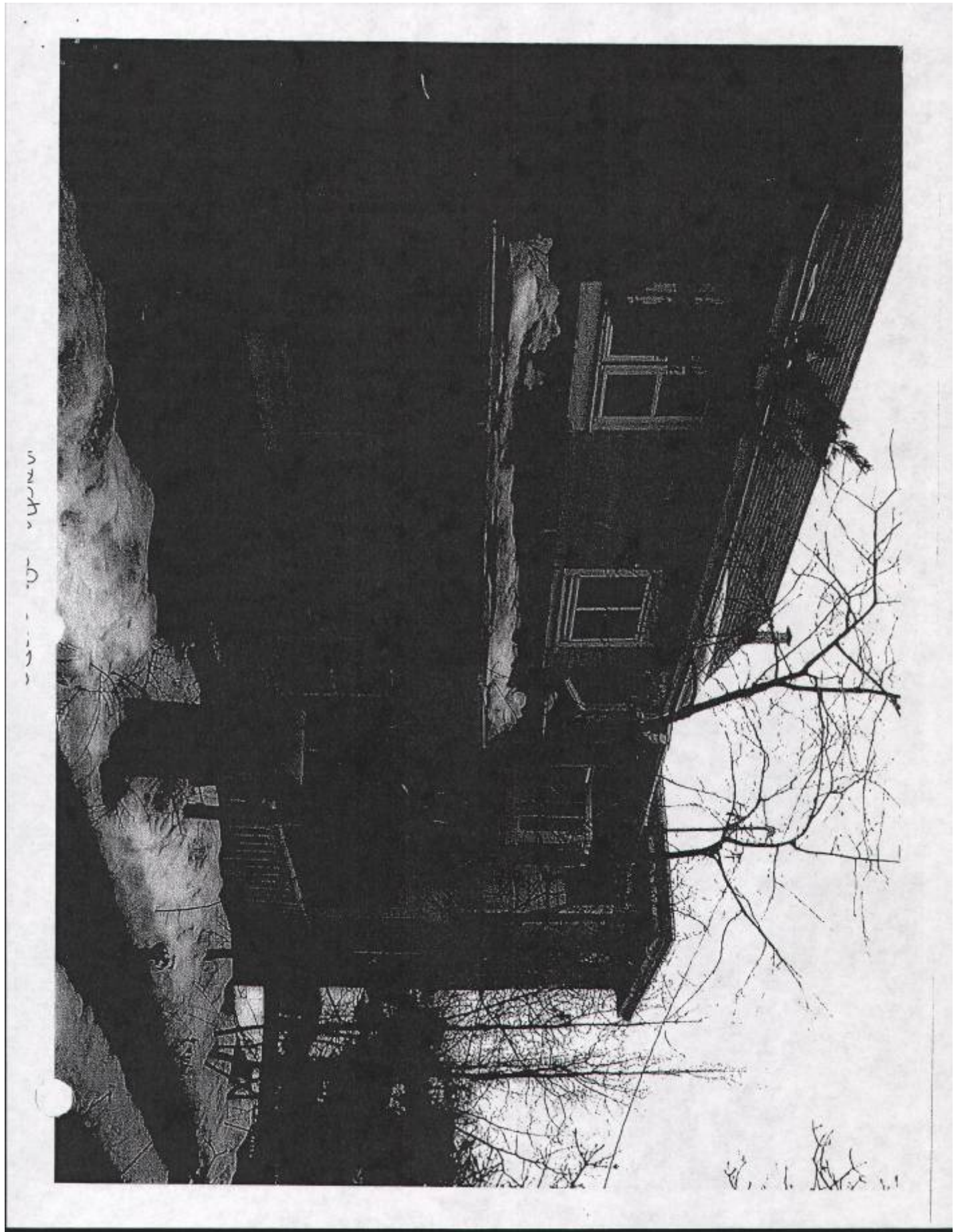


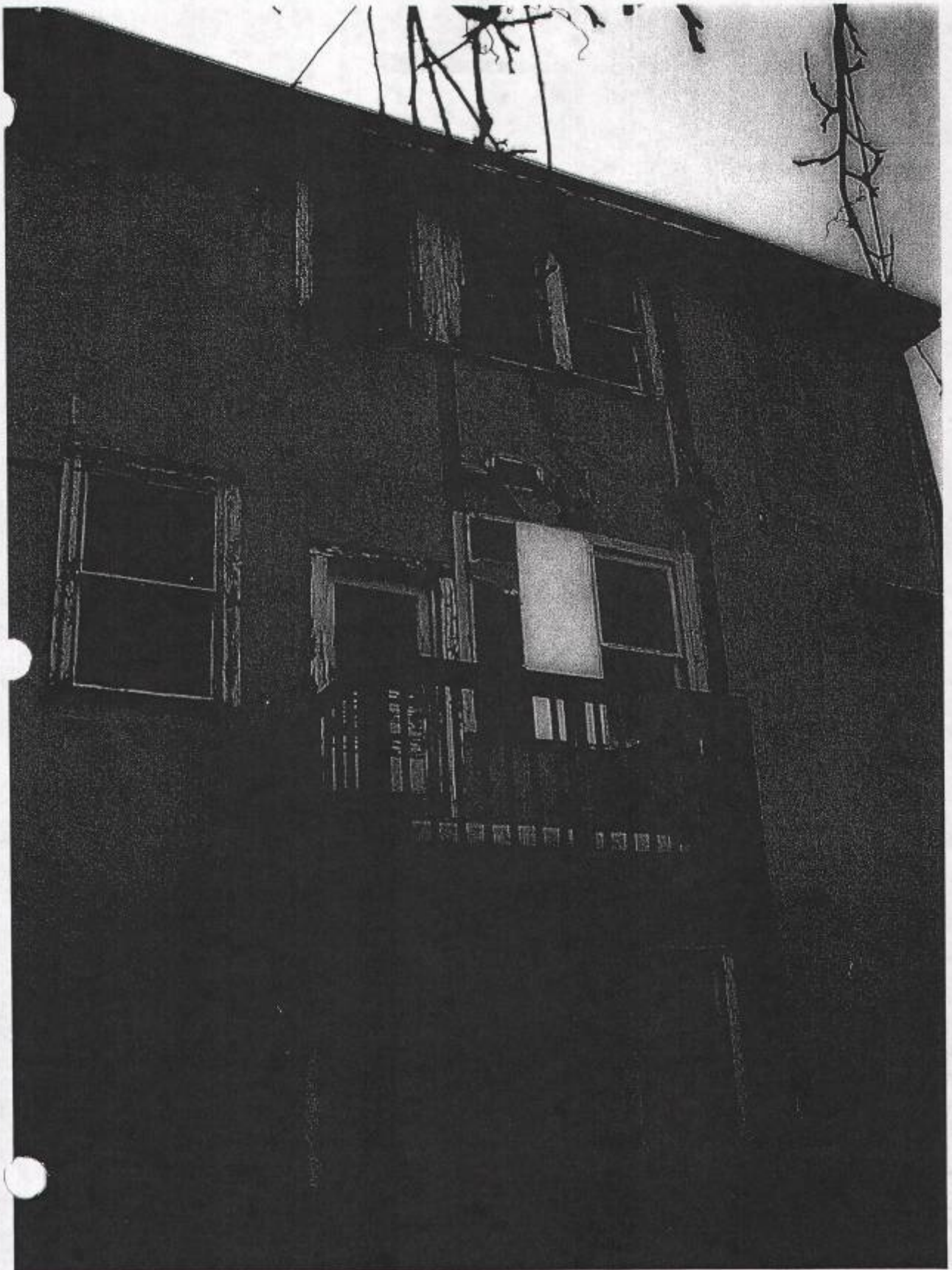
Alterations to house from  
the 1970's.



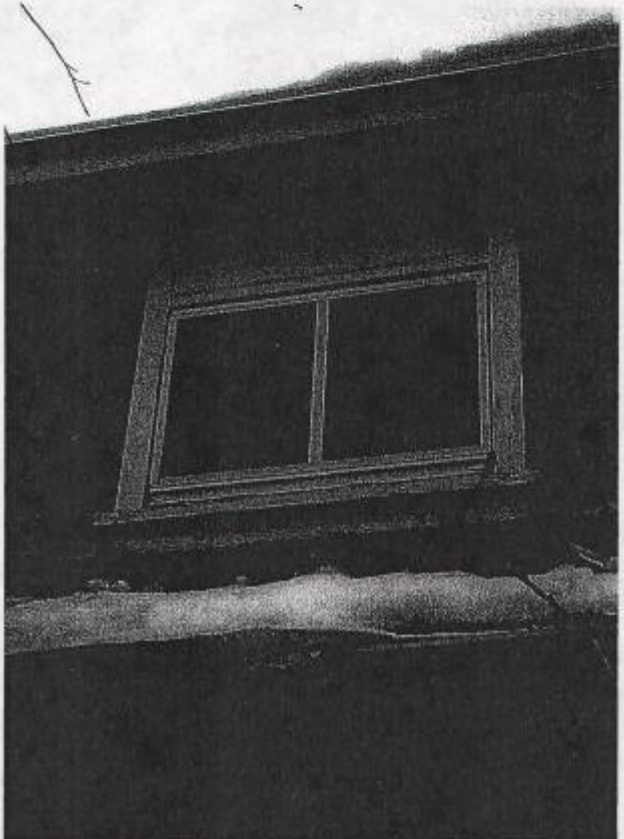
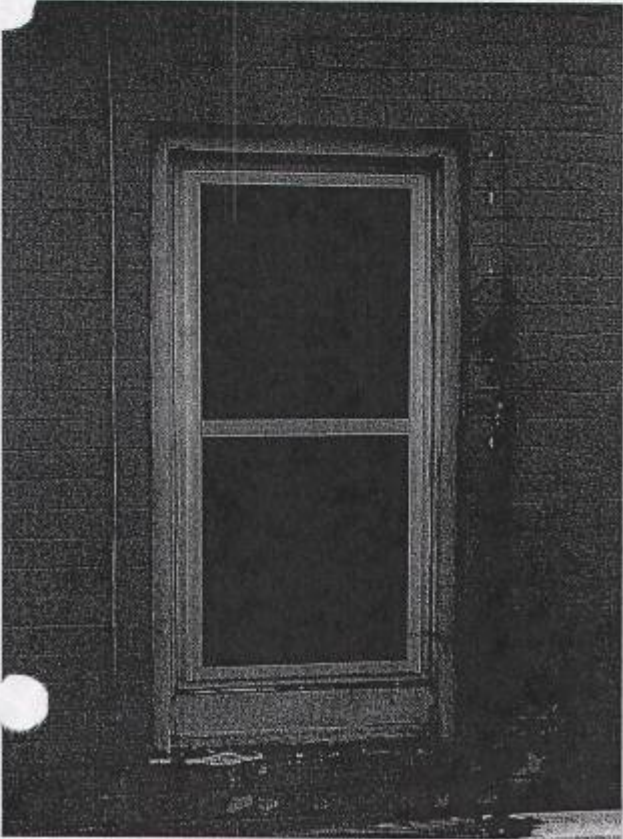
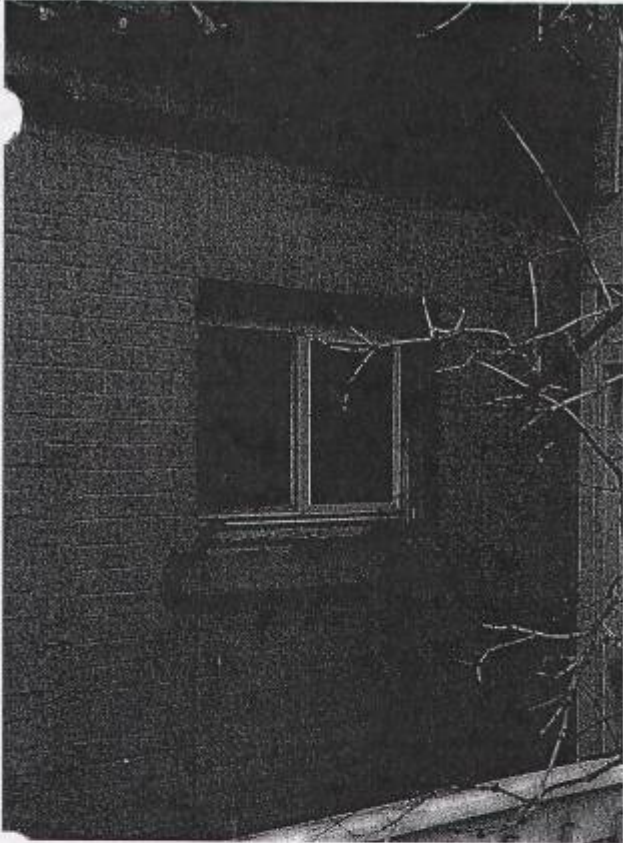


rear elevation

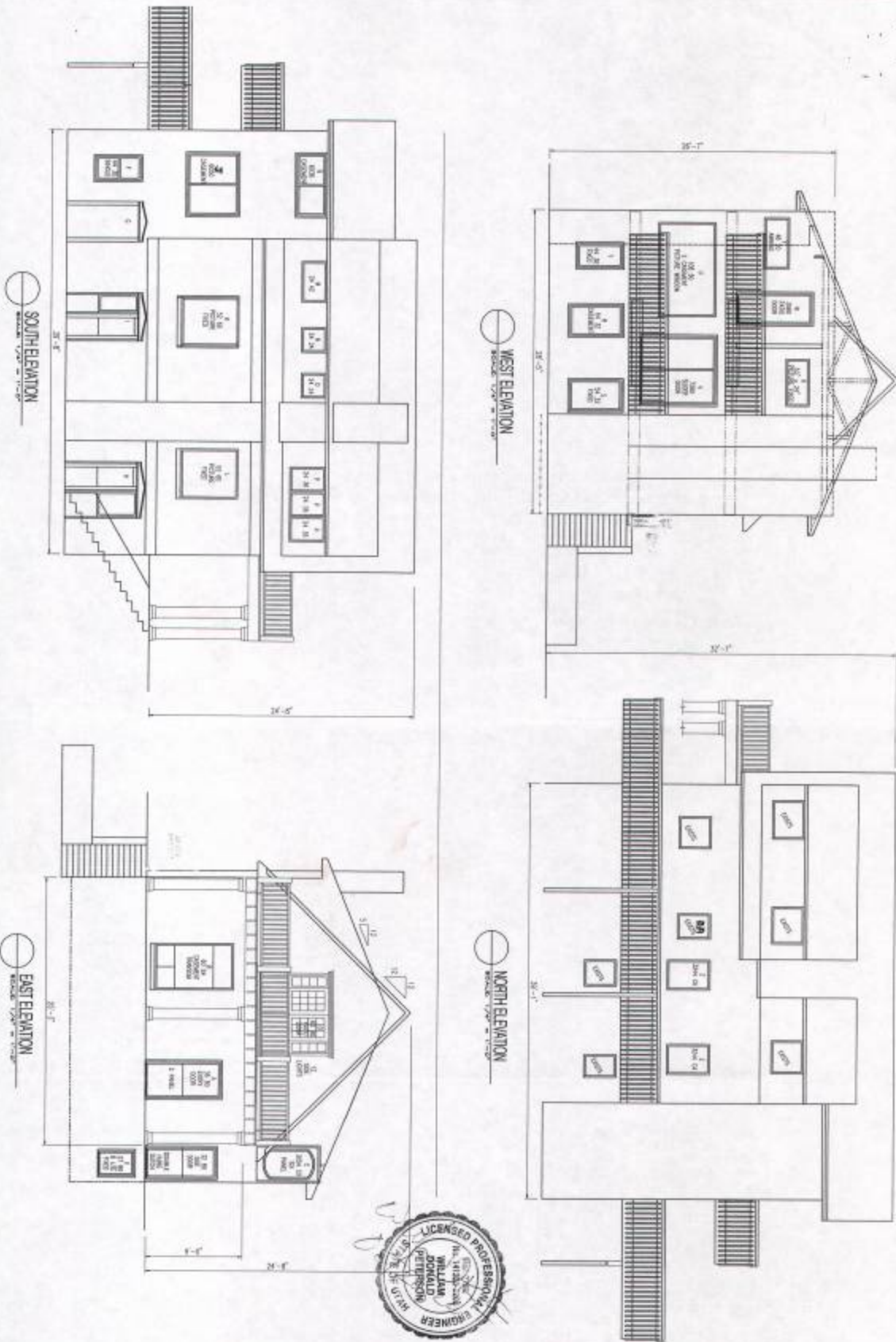




rear elevation



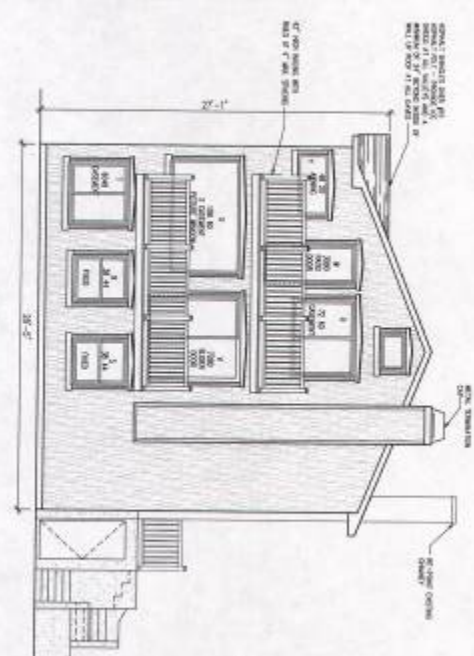
**Exhibit B**  
**Elevations and Site Plan**



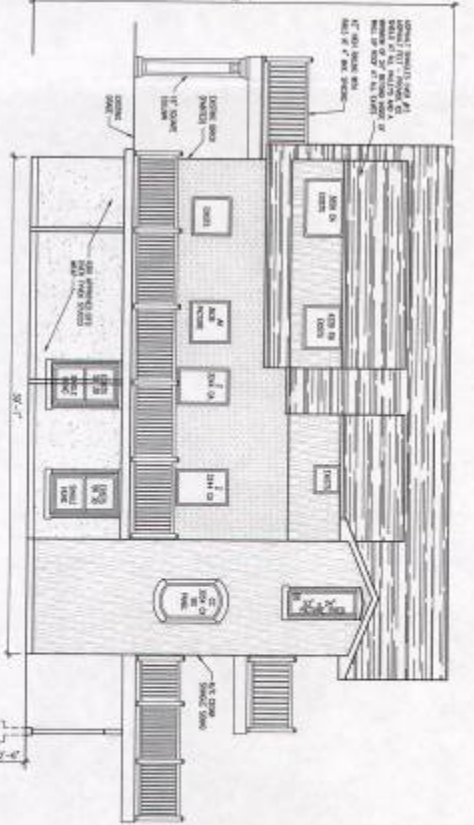
<b>A-3</b>	Project No.	200806
	Date	10/11/07
House Remodel ELEVATIONS	Client	200 North A Street Salt Lake City, Utah 84114 384-3072 / Mob. 999-6045
	Designer	Cad Engineering Service 4675 Union Ave. Salt Lake City, Utah Tel: (801) 959-9466



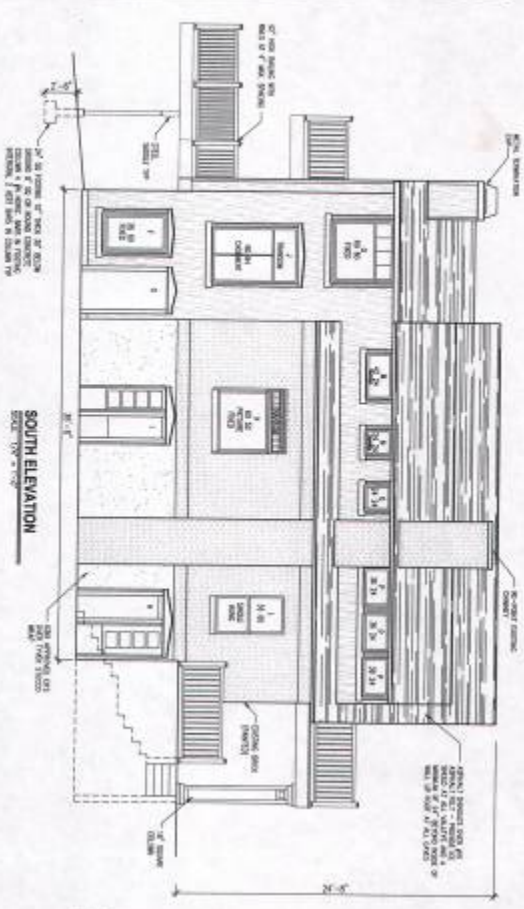




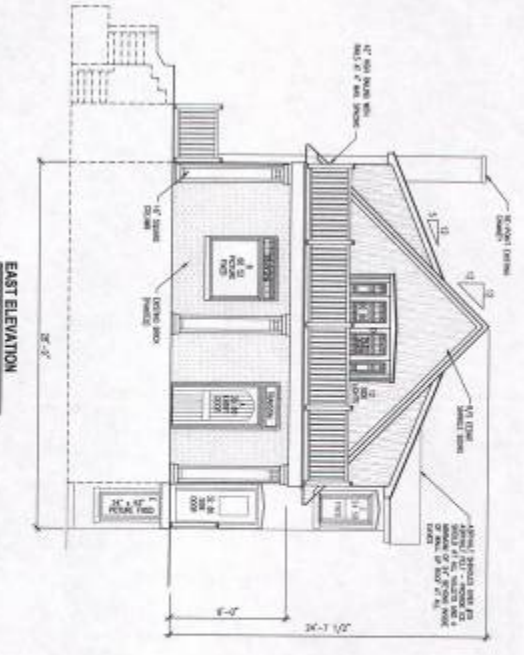
WEST ELEVATION  
SCALE: 1/4" = 1'-0"



NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

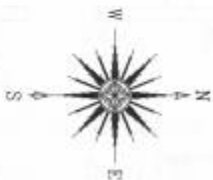
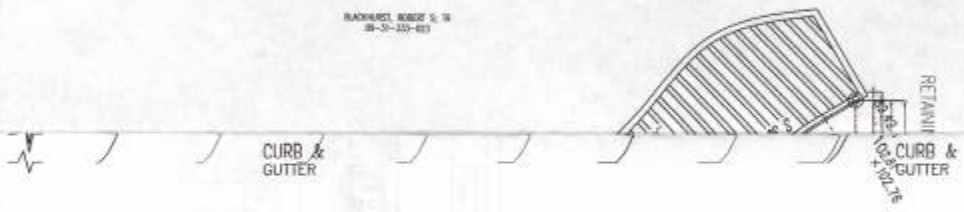


EAST ELEVATION  
SCALE: 1/4" = 1'-0"

<p>DATE: JUNE, 2008</p> <p>CDL/DWG FILE: 421709</p> <p>EXAMINED BY: JLB</p> <p>DESIGNED BY: S. LANDRISSE</p> <p>PROJECT TITLE: BOMME MAE ATHAS</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION													<p>PROJECT: BOMME MAE RESIDENCE</p> <p>ARCHITECT: KKL ARCHITECT &amp; ASSOCIATES</p>	<p>PROJECT NO.:</p> <p>SHEET NO.:</p> <p><b>A2.1</b></p>
		NO.	DATE	DESCRIPTION														
<p>EXTERIOR ELEVATIONS</p>																		



RICHARD BOBER S. E.  
 88-50-100-603



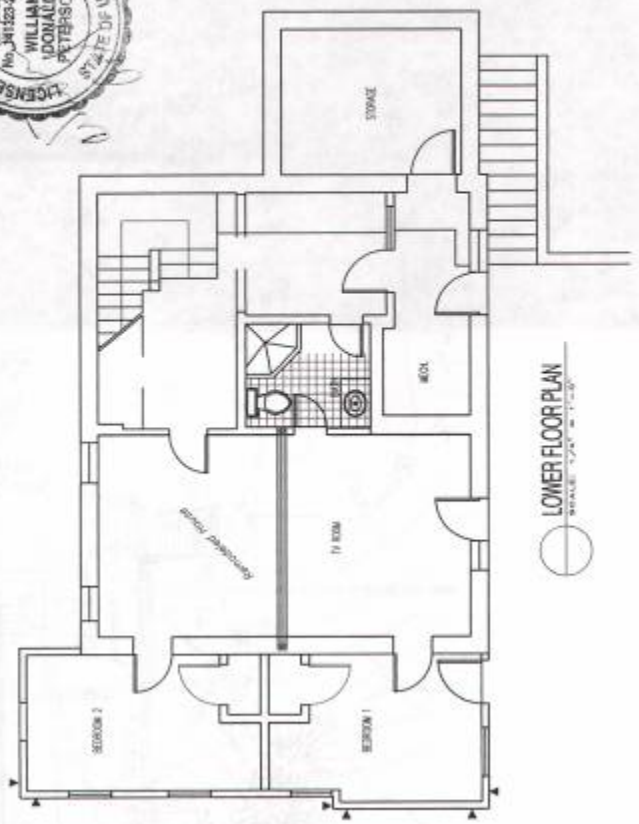
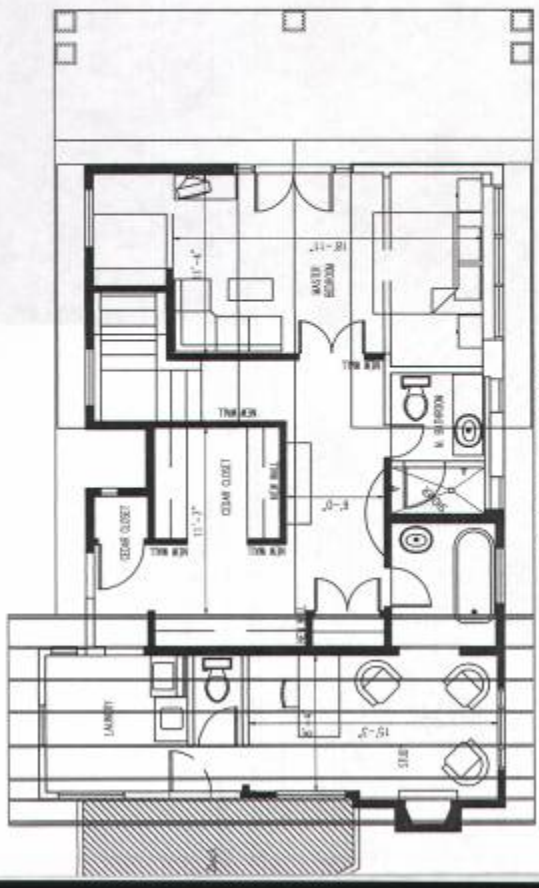
<b>A-1</b>	Scale	1/8" = 1'-0"	<b>House Remodel - SITE PLAN</b>	<b>Cad Engineering Service</b> 649 Midway Ave. Salt Lake City, Utah Cell: (801) 95-9455	<b>Bonnie Mae Residence</b> 209 North A Street Salt Lake City, Utah 84114 364-3012 / Mob. 556-5045
	Drawn By	MDP			

Bonnie Mae Residence  
 229 North A Street  
 Salt Lake City, Utah 84114  
 304-3012 / Mch. 556-5045

Cad Engineering Service  
 68 70th Ave  
 Salt Lake City, Utah  
 Call: 1203-55-4555

House Remodel  
 FLOOR PLANS

Drawn by:	WSP
Date:	10/20/08
Scale (1st fl):	1/8" = 1'-0"
Scale (2nd fl):	1/8" = 1'-0"
Sheet No.:	A-2



\* EMPLOY 3/8"X1/4"X1/2" HOLLOW STUDS  
 INSTALL ACCORDING TO MFG. SPECIFICATIONS

**Exhibit C**  
**Site/Survey Form**

Researcher: Jessie Embry  
Date: March 15, 1978

Site No. 30

Utah State Historical Society  
Historic Preservation Research Office  
**Structure/Site Information Form**

**1 IDENTIFICATION**

Street Address: 209 A Street Plat D Bl. 70 Lot 1  
Name of Structure: T. R. S.  
Present Owner: Noall, Harold F. & Sandra H. UTM:  
Owner Address: 2284 Roosevelt Way SLC, Utah 84108 Tax #:

**2 AGE/CONDITION/USE**

Original Owner: William S. Hall Construction Date: 1909 Demolition Date:  
Original Use: single-family residential  
Present Use: Occupants:  
 Single-Family  Park  Vacant  
 Multi-Family  Industrial  Religious  
 Public  Agricultural  Other  
 Commercial  
Building Condition: Integrity:  
 Excellent  Site  Unaltered  
 Good  Ruins  Minor Alterations  
 Deteriorated  Major Alterations

**3 STA.**

Preliminary Evaluation: Final Register Status:  
 Significant  National Landmark  District  
 Contributory  National Register  Multi-Resource  
 Not Contributory  State Register  Thematic  
 Intrusion

**4 DOCUMENTATION**

Photography: 5 / 77 Date of Photographs:  
Date of Slides: Views: Front  Side  Rear  Other   
Views: Front  Side  Rear  Other   
Research Sources:  
 Abstract of Title  City Directories  LDS Church Archives  
 Plat Records  Biographical Encyclopedias  LDS Genealogical Society  
 Plat Map  Obituary Index  U of U Library  
 Tax Card & Photo  County & City Histories  BYU Library  
 Building Permit  Personal Interviews  USU Library  
 Sewer Permit  Newspapers  SLC Library  
 Sanborn Maps  Utah State Historical Society Library  Other

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

Polk, SLC Directory, 1909-1926.  
Salt Lake City building permit #1913, August 19, 1909

5  
ARCHITECTURE

Architect/Builder: Asper, Noall

Building Materials: brick Building Type/Style:

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

This one-and-a-half story house has had many additions. It was probably originally a gable-roofed Victorian home. Long, shed-roofed side dormers have been added along with a rear addition and a heavy, stuccoed front porch that shows influence of the Mission Style.



3  
HISTORY

Statement of Historical Significance:

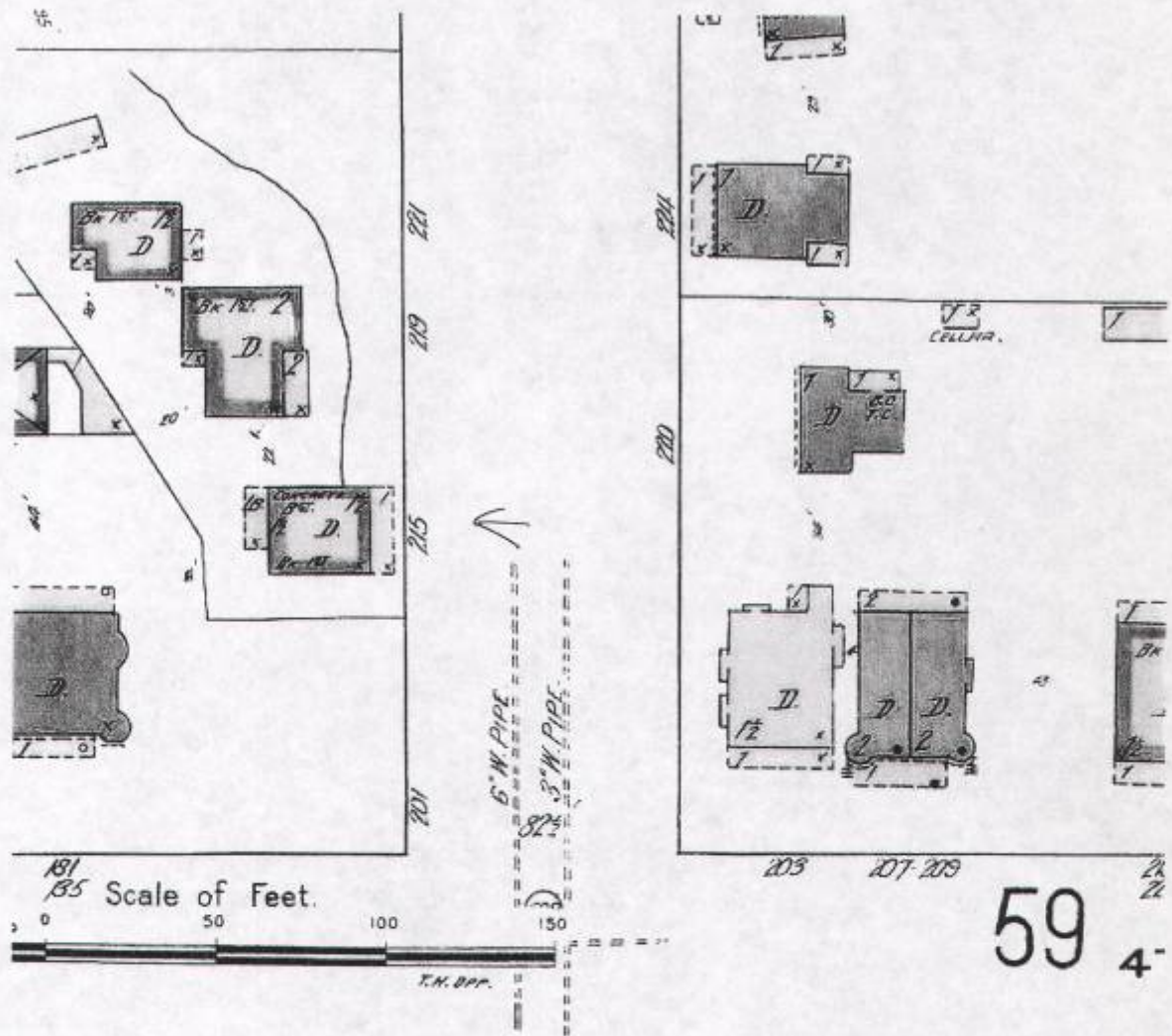
- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Aboriginal Americans    | <input type="checkbox"/> Communication          | <input type="checkbox"/> Military        | <input type="checkbox"/> Religion                  |
| <input type="checkbox"/> Agriculture             | <input type="checkbox"/> Conservation           | <input type="checkbox"/> Mining          | <input type="checkbox"/> Science                   |
| <input checked="" type="checkbox"/> Architecture | <input type="checkbox"/> Education              | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio-Humanitarian        |
| <input type="checkbox"/> The Arts                | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political       | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Commerce                | <input type="checkbox"/> Industry               | <input type="checkbox"/> Recreation      |  |

This house is contributory because the massing, building material and style add to the historic architectural character of the Avenues.

William S. Hall, a clerk with the Oregon Shortline Railroad, took out the building permit for this house in 1909. A LP Hall built a house the same year at 221 A (demolished). The house was built by Asper, Noall, a large construction and lumber company. Mathew Moall, president of the company, lived at 181 4th and actually retained control of this property. Hall lived here until he moved to NY in 1920. The building was then converted into apartments.



**Exhibit D**  
**1911 Sanborn Map**



Sanborn Map 1911  
Note change in address from  
215 "A" to 209 A!

**Attachment E**  
**Copy of 2006 Finding & Order Letter with Minutes**

Published Date: July 31, 2008

ALEXANDER C. IKEFUNA  
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP  
DEPUTY PLANNING DIRECTOR

CHERI COFFEY, AICP  
DEPUTY PLANNING DIRECTOR

## SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON  
MAYOR

A. LOUIS ZUNGUZE  
COMMUNITY DEVELOPMENT DIRECTOR

June 19, 2006

Ms. Bonnie Athas  
209 N. "A" Street  
Salt Lake City, Utah 84103

**RE: Case No. 470-06-29, 209 N. "A" Street, requesting approval to construct a new front porch, and replace an existing rear addition with a new addition, in the Avenues Historic District.**

Dear Ms. Athas:

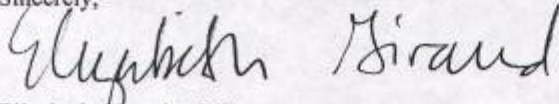
Enclosed please find your copy of the Findings and Orders relative to Case No. 470-06-29 reviewed by the Salt Lake City Historic Landmark Commission on June 7, 2006. The Findings and Order incorporates the minutes and motion from that meeting.

The Historic Landmark Commission passed a motion to approve the request, with the following conditions:

1. Allow a modification to the height of the underlying zoning, based on the findings that the increased height is compatible with the structure and the historic district and the previous addition which has been replaced.
2. On the second story elevation, that the architecture surrounding the French doors including the piece of roof be preserved and that the doors selected be more as appropriate to the Victorian house as possible.
3. Final approval is delegated to Staff if any minor revisions or additional details come into questions.

Please call me and we will schedule time to review further details pertaining to the addition, porch, upper-story doors, and additional items you are undertaking as part of this process. Once I have approved the plans, I will issue a Certificate of Appropriateness. You will need this document to obtain your building permit. If you have further questions regarding this case, please contact me at 535-7128 or [Elizabeth.giraud@slcgov.com](mailto:Elizabeth.giraud@slcgov.com)

Sincerely,



Elizabeth Giraud, AICP  
Senior Planner

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111  
TELEPHONE: 801-535-7902 FAX: 801-535-6174 TDD: 801-535-6021

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)



BEFORE THE SALT LAKE CITY HISTORIC LANDMARK COMMISSION FINDINGS AND ORDER, CASE NO. 470-06-29

On Wednesday, June 7, 2006, the Salt Lake City Historic Landmark Commission held a public hearing to receive comments on Case No. 470-06-29, which was an application requesting to construct a new front porch and replace an existing rear addition with a new addition.

The property is in the Salt Lake City Avenues Historic District.

Salt Lake City Historic Landmark Commission Minutes of June 7, 2006:

**Case 470-06-29, at 209 "A" Street, a request by Bonnie Athas to construct a new front porch, and replace an existing rear addition with a new addition. This property is located in the Avenues Historic District.**

Chairperson Christensen recognized Elizabeth Giraud as Staff representative. Ms. Giraud gave a brief background of the request. She included that the home was constructed in 1909, with an early conversion into apartments. Ms. Giraud stated that a tax photo from the 1930s illustrates a house with a steeply pitched front gable, with a full-length porch with a pediment in the center of it. She stated that Ms. Athas is requesting somewhat of a compromise due to property line conflicts, as her existing porch extends into the public right of way. Ms. Athas will be required to obtain a revocable permit upon approval of the proposed porch in order to expand the structure by adding the proposed roof and the railing. Ms. Giraud raised concern regarding the allowance of the railing on the second story. She noted that the home had completed numerous alterations throughout the years, and the applicant is requesting a railing on the second story in order to allow the covered porch and French doors from the second story and to abide with City regulations. Ms. Giraud reinforced her positive recommendation because the proposed alteration will re-create the historical design of the home. Ms. Giraud noted that although the addition is higher than the allowed infill height, it is compatible with the home and would still be compatible with the surrounding area.

Ms. Giraud stated that the fenestration of the rear part of the house, with the new "L" shape does differ slightly but is not visible from the street. She addressed a question from the field trip regarding the proposed replacement of the doors and stated that the prairie style doors that are being proposed are out of character with the Victorian ambiance and style of the house, but the Applicant has been willing to work with Staff to accommodate the style of the house. Ms. Giraud distributed a color board with the intended paint colors of the home, although the Commission does not regulate color. Staff's recommendation is for approval of the proposed design changes.

Chairperson Christensen recognized the Applicant, Bonnie Athas. Ms. Athas, 209 "A" Street, stated that the application for a permit to complete the house was submitted in June of 2005, and has been a project reviewed and proposed by many different individuals in their respective fields. She stated that her goal in requesting the change is to make the home safe, structurally sound, and seismically safe. She invited any questions from the Commissioners.

Chairperson Christensen extended appreciation for the efforts of Ms. Athas to creating the new design. He requested additional information relating to the second story existing French doors

and sidelight windows and the proposed changes, as the existing window is not reflected in the drawings. He also noted that the early photographs illustrated a triangular vent on the front gable, and the drawings do not.

Ms. Athas stated that the French doors and sidelight windows have been changed to enhance the historic vitality of the home, and to also place a pediment in the center. She stated that the triangular vent is going to remain on the home.

Staff and Commission Members noted that the existing building in the rear does not meet the current setback requirements, but has been grandfathered in, allowing Ms. Athas to replace the structure completely. An exception to the height will be allowed upon approval.

Ms. Giraud confirmed with the Applicant that the south elevation on the bottom floor was going to use EIFS (External Insulated Finish System) per the architect's direction. Ms. Athas stated that the bottom part should be stucco per the original photo of the home. Ms. Giraud clarified that the new addition would be shingled to provide distinction.

Commissioner Hunter commended the Applicant for the manner in which she has pursued the re-design of the home.

Commissioner Hunter noted concern regarding the windows to be used in the rear of the building and their difference from those in the front.

Ms. Athas stated that the windows on the main floor of the home will remain while the new windows on the rear may reflect individual taste. She also stated that all of the windows are wood-clad.

Chairperson Christensen noted that in the new addition, the three windows on the basement floor differ by the way in which they open and requested if it was due to the fact that one is an egress window.

Ms. Athas confirmed that one of the windows is an egress window and is a bedroom window. She also stated that she could turn the windows the other direction if the Commission advised.

Chairperson Christensen requested information from Ms. Giraud regarding the requirements of egress and the historical configuration of windows.

Ms. Giraud stated that meeting egress is essential, but hardwiring with smoke detectors is also a consideration to provide more latitude in egress requirements. She also stated that the windows will not be highly visible to the public.

Chairperson Christensen requested comments from the Community Council and public.

Christian Fønnesbeck, 215 "A" Street, approached the Commission and expressed appreciation for their efforts. He stated that the proposed project has been of interest to him and appreciates the efforts of Ms. Athas. He also noted that a retaining wall was required for his home, near the driveway, and that consideration was being made to make the walk way which has to be re-built on the north side of the subject property more accessible and placing a fence on top of the wall

and extending the wall to the walk way; although this is not shown in the drawings. Mr. Fannesback requested that the fence not in-close the driveway space and to use a rod iron configuration.

Chairperson Christensen requested additional information from Planning Staff regarding the fencing questions.

Ms. Giraud clarified the information presented by Mr. Fannesbeck by stating that the potential fence on the north side could replace the railing that extends to the small door. She stated that she had discussed the issue with Ms. Athas, but determined that the fence might be hard to maintain and perhaps a metal railing relating to the historic character of the home would be acceptable.

Ms. Athas stated that a structural engineer is currently addressing the concern.

Mr. Fannesbeck stated that he would work with Ms. Athas regarding the gap and the potential railing.

Chairperson Christensen noted that Staff would work with Ms. Athas regarding the request. Seeing no other public to speak, he then closed the public hearing.

Chairperson Christensen stated that he was pleased with the Applicant's changes and that the improvements will increase the visual appeal of the home for the neighborhood. He stated that he has concern with the east street elevation on the second story, and although the art glass is well-designed, historically the French doors and sidelight windows better relate more to the 1920s design. He also complimented the front porch design, the fenestration, and the door treatment for the east elevation on the main floor. Chairperson Christensen stated that if the French doors are removed, the design of the historical period would be altered.

Commissioner Fitzsimmons agreed with the comments of the Chair and stated that since the doors are still there, they should be preserved.

Ms. Giraud requested clarification regarding the French doors, as Ms. Athas may request the replacement of them due to functionality.

**Regarding Case 470-06-29, Commissioner Fitzsimmons made a motion to approve the project as proposed with the following conditions:**

- 1. Allow a modification to height of the underlying zoning, based on the findings that the increased height is compatible with the structure and the historic district and the previous addition which has been replaced.**
- 2. On the second story elevation, that the architecture surrounding the French doors including the piece of roof be preserved and that the doors selected be as appropriate to the Victorian house as possible.**
- 3. Final approval is delegated to Staff if any minor revisions or additional details come to question.**

**Commissioner Carl seconded the motion. All voted "Aye". The motion passed.**

Findings and Order  
Case No. 470-06-29

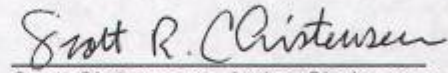
June 7, 2006

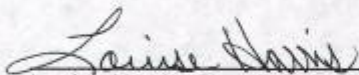
IT IS THEREFORE ORDERED that the request by Bonnie Athas, is granted as set forth in the motion.

This approval will expire by June 1, 2007, if applicable permits are not issued within this twelve (12) month period.

THE FAILURE OF THE APPLICANT TO ABIDE BY THE CONDITION OF THIS APPROVAL SHALL CAUSE IT TO BECOME NULL AND VOID, WHICH IN EFFECT IS THE SAME AS THE REQUEST HAVING BEEN DENIED.

Dated in Salt Lake City, Utah, this 7<sup>th</sup> day of June, 2006

  
Scott Christensen, Acting Chairperson

  
Louise Harris, Secretary



## Brief History of Remodeling 209 A Street

Prepared for the Utah Historic Landmark Commission

Petition 470-08-15 Bonnie Athas Legalization

Hearing Wednesday, August 6, 2008

June 20, 2005 our home sold and I was able to begin remodeling a house at 209 A Street that I purchased August 6, 2003. This house was built in 1906, and had been nine apartments from the 1930's until the late 1980's. It has never been maintained as an historical home. Many, but especially my husband, and my two brothers (mechanical engineer and licensed contractor) questioned the wisdom of fixing up "this old house", thinking it would be better to bulldoze it. "This house is an embarrassment considering our family background of geologists and engineers." But I saw potential and charm and assured them I would undertake the project, and my husband would be pleased when it was done and want us to live here for the rest of our lives.

Structural engineering, planning and gutting was required to make this into a safe single family home. It was determined by one of the \*last architect I consulted with and agreed upon by Elizabeth Giraud, Senior Planner with the Department of Community Development, Planning and Zoning Division, that the rear of the house (a 1930's addition) would be shingled instead of stucco, to provide a distinct and distinguished addition emulating the original house. In spring of 2005 I attended the yearly Home and Garden Show at the South Towne Mall where I stopped at a booth representing fiber-cement material as shingle siding. After telling the salesman, Zach Jennings, that my house was in the Historic District of downtown Salt Lake and I would have to meet certain requirements to meet their code of compliances, that "yes, we have worked very closely with the Historic Planning Committee and our products meet their discreet demands of acceptability and we continue to work closely with them." I decided after Mr. Jennings called me to follow-up from our visit, to meet with him and talk more about the product and look at what was available that I liked for my house. I chose the soffit, fascia products in cream color and the siding in a cedar stain. The materials were in keeping with the compatible character of this late Victorian Eclectic house – the style Ms. Giraud stated it was (even though two of the \*architects disagreed). I signed their contract and gave A Wholesale Siding and Window Company a check for \$11,493.00 which was one-half of the total payment. I was comforted knowing this phase of the remodeling would be taken care of, that even if it took me a longer time to finish the inside of the house, the outside would come together nicely and look the best it ever has.

I continued my quest for plans to remodel the house and sought approval from the Historic Planning Commission so I could obtain my building permit. In the review of my submitted blueprints, with description of layout, type of windows, coverings on the outside, and materials I wanted to use, I was told by Elizabeth Giraud, that my selection of a cedar stain for the fiber cement staggered shingles was not acceptable. I was not aware that The Historic Planning Committee has a rule that "no structure in the Avenues Historic District shall have a product that imitates wood", and being very concerned, almost immediately I contacted by phone Mr. Jennings (my salesman from A Wholesale Siding and Window Company, LLC) of Ms. Giraud's statement. He said this was a mistake, their product was all over the avenues, and he would meet with Ms. Giraud. I relayed to him that I was given a copy of the code and it clearly states that the use of a product that is finished to imitate wood is not permitted. With further checking, Mr. Jennings realized the product they had sold me was not acceptable to the Historic Planning Commission. He said A Wholesale Siding and Window Company, LLC would have to sell the material they had purchased for my house before they could provide another product. I said fine, because I had not yet received the final approval of everything required for my building permit. It took me 12 months to obtain my Certificate of Appropriateness from the Salt Lake City Historic Landmark Commission and another 2 months to obtain a revocable permit and a variance request for the front porch addition, before getting my building permit.

During this time I kept Mr. Jennings apprised of my progress, and when I was able to tell him that I received my Building Permit he said they had not sold the cedar siding. My urgency in wanting this material sold was so that I could select another product in the color I wanted, therefore, I would not have to paint it. I found out later that they don't recommend selling this product pre-painted now because in shipping and installing there are too many scratches and nail holes that require touch up which becomes an overall new paint job in order to make the product look nice. This was never told to me in my many conversations with Mr. Jennings until after they (A Wholesale Siding and Window Company, LLC) had sold the original material I ordered; this was now going to increase my price.

As my construction was continuing, many surprises popped up that had to be dealt with. It was decided that the wood trim just below the roof line would have to be replaced, and the rotted, broken soffit and fascia could not be saved. "Therefore let's review the contract and see what we are looking at now, with the changes, etc." I said. The cost came back much more than I wanted and I was to provide a painter after they were finished, to paint the entire fiber cement products. In the meantime, I found out that I needed to replace the roof. The product I was looking at was CertainTeed, the same company that made the fiber cement shingles I was getting from A Wholesale Siding and Window Company, LLC. Why not have A Wholesale Siding and Window Company, LLC install the roof, too, since they were doing all the rest of the outside work on the house, and the coordination of everything under their direction would be better. I called them, and soon received a quote that was acceptable with my contractor. "Okay, let's get going, I am ready anytime." This was in June of 2007.

July 26, 2007 I called Fred, one of the employees at A Wholesale Siding and Window Company LLC, and told him I could not wait any longer for them to start my roof. I was going to have it done through my Contractor, so take the money I had given them, \$3800.00 as the 50% down for the roofing job, and credit it to the siding contract. An altered contract was drawn and signed on July 11, 2007, and I continued to wait for the siding work to begin. In selecting a new roof, I discovered the Victorian design made by CertainTeed Carriage House Shingle™ Luxury Shingles, and thought that would be terrific after being told my house was Victorian Eclectic and this would really make the house look more Victorian and fitting to the neighborhood. (Previous roof was flesh pink gravel.)

By September, 2007, I am really upset that A Wholesale Siding and Window Company, LLC. Is not getting my work started on the siding. I decide to get some other bids. My Contractor Company, Mountain View Construction and Remodeling, Inc., gave me a bid as well as Ralph Salazar, owner of a competitive company. Their bids were lower and they could start. I called Zach Jennings and said I could not wait any longer, that I wanted my money returned! He stated that he would have to check with his boss, Shem Hendricks to see how to return my money, but he was sure they would get on my project, soon. A few more weeks went by, no work and no contact by Shem. I called Zach Jennings, and this time he told me that they could not handle my job right away because it had been a very busy summer and they were behind with all the work they had lined up. I told him that I was sorry this had to happen, but I just don't feel this is going to work out, it just does not seem I am a priority even though this company has had \$11, 493 dollars of my money tied up for over two years, and another \$3,800.00 in their coffers since June of this year. He said he would have to take the matter up again with Shem Hendricks, and he would have him call me. No call came, so I finally called the office and told them I was coming down on October 19, 2007 and I wanted a check ready for me. I went down that afternoon, and found a locked office that was later opened by the secretary just before 5 p.m., to pay their employees. I told her I was there for my check. She said she did not have a check for me, that they were not able to get it ready. I then had her sign a note that stated they would have a cashier check for me on October 22, 2007 and I would be down to get it.

When I went down the second time on October 22, 2007 to A Wholesale Siding and Window Company, LLC, waiting at the front door for me was Shem Hendricks. "Look, you have this note written up that won't hold up in any court. I have spent your money", he stated "and I don't have the money to pay you back. So what are you going to do, sue me?" "I am not here to threaten a suit. What are you saying, you don't have the money at all?" "Not right now, but I am not sure we can even please you, give you the product you want, and your contractor said we cannot work off the neighbor's yard to do your work." "That's absurd; my neighbors just don't want their vegetation trampled. Look, I am willing to have you do the job, even though I have better bids, if you'll just do it. You have dragged this out, too long, and the weather is not going to hold much longer. We have been very fortunate to have had the good weather we have had up now." "Well we will need to do some other jobs first before we can have some money to do

your job” continued Shem. “How long is that going to take?” “Not sure, few weeks, one or two months at the most depending on what we get done” Shem states back to me. “I appreciate the bind you are in, and it looks like I have no other choice but to wait” I stated.

A few more weeks go by and I have heard nothing from Shem Hendricks. I did finally have my call returned from my salesman, Zach Jennings, who lets me know that he no longer works for the A Wholesale Siding and Window Company, LLC. “It was a mutual understanding; Shem says he does not want me selling any more contracts right now because they can’t keep up with what they have obligated.” However Zach tells me in this same conversation that he has known and worked with Shem for a long time and he does not think that Shem will cheat me out of my contract. Now I am in a panic.

I have an idea! If Shem can supply the materials, I’ll have Ralph Salazar, owner of the competitive company do the work. Ralph says he will do that. So I call Shem and he agrees. (Shem told me that it is a hard business to be in because he does not speak Spanish and therefore cannot supervise the workman like Ralph can.) However, Ralph could never acquire the materials from Shem’s suppliers. I contacted Shem and he stated that Ralph did not contact him nor send him the material list he needed to supply. “I’ll have Ralph get back to you with the list right away. “

Now Ralph can’t get a hold of Shem. “Look Shem, to protect the integrity of the plywood that is exposed with the new construction, how about just getting the weather protection (TyVec) Home Wrap) on the wood before winter sets in, and we’ll worry about the other after that gets done” I begin to leave in a daily phone message. I finally have a voice contact with his secretary telling her that I am trying to reach Shem on the phone and she tells me that she has given him my message and that he is working long hours but he’ll get back to me. “Let him know that I have workers who can put the TyVec up if he just gets it to us.” Okay she assures, me that she will get the message to him. Days go by and after begging his secretary, Kelly (who later I find out is his wife) to have him call me back I go by the office and it is almost completely cleared out.

”Okay, is he getting smart and not paying overhead now so he can get out of debt, or is he closing down?” I am thinking, trying to give him the benefit of the doubt. I continue to leave messages, but no one returns my calls. Shem’s cell phone can no longer take messages, and the office phone calls have never been returned. Have I lost \$15,293.00? Yes!

1. I call Jellene Perks with Wells Fargo Ogden Business Banking Group and Residential Construction and she informs me that I will not even be able to close my loan until this outside work is done!!!! (I retired in March of 2007. I have a limited income and was able to set a rate that I can handle for this remodeling. I can’t go over even an additional \$5.00 on monthly payments!!)

2. I go to Key Bank on 4th South and 4<sup>th</sup> East and pick up copies of my two checks to A Wholesale Siding and Window Company, LLC - dated July 12, 2005 for \$11,493.00 and dated June 8, 2007 for \$3800 for a total of \$15,293.00.
3. On Monday, December 17, 2007, I go to the Department of Commerce, Division of Occupational and Professional Licensing. I meet with Wayne Holman, Supervisor, and he lets me know that there is no license; contractor license 561 3305-5501 expired 11/30/07 "They were working on a house on 11<sup>th</sup> Avenue and F Street" just finishing about last week "I told him. Mr. Holman also tells me there have been several owners in this company including Shem Hendricks, Kris Moser, Spectrum Home Services located in Murray, Spectrum Home Loans USA, INC located in Woodland Hills, CA, and Spectrum Home Improvements located at 318 Quail Tax PL, Salt Lake City, UT 84107, the same address as A Wholesale Siding and Window Company, LLC.
4. Monday, December 17, 2007 at the suggestion of Wayne Holman, I meet with Department of Commerce, Division of Consumer Protection. I was told there was not much that could be done except to investigate whether proper procedures were followed to allow them to receive 50% down, and if that was the case, they could find them up to a couple of thousand dollars.

My Contractor has not worked for me since October 1, 2007. I emptied all monies in my 401K to try to finish enough work so the bank could give me some money on my draw. But then, my Contractor would not sign the dotted line that he no longer worked for me anymore, when they called him, and that froze my money. A month earlier we had argued again over the placement of some cabinets, and close to tears I stated to him "I wish you did not have to be here anymore, I said I could hold out with this remodeling as long as it could be fun, it is no longer fun, and your verbal abuse I cannot handle any more." I left the house, and when I came back he had taken his tools, all equipment he had on the job, and was gone. I have problems with some of his work, none of my permits are closed, and he states he has been released of any responsibility or liability.

My husband has announced he wants nothing to do with this house and is remaining in his duplex, and my grown children have stated that I should have bought another house that was all done and let this house go to some other "dreamer". However, my sister in Canada as well as my two brothers are remarkably still providing moral and wisdom support to me, and, stating that the house is now sound, structurally safe and as seismically as good as possible, and looks more attractive than they had ever imagined. But, now I have spent all my money. I had to close my building loan early because of my contractor's refusal to sign that he was no longer my contractor, so I could not access the monies in my escrow, and therefore my conventional loan closed sooner and I did not have the advantage of the lowest interest rate, which came later. With the loss of \$15,293.00 for the original purchase of the shingles, I have no way of making this up.

Now the weather is getting rough. I go to Stringham Lumber to see about purchasing some TyVec to try to get on the house as soon as possible. I find out that Stringham Lumber Company was also stung by A Wholesale Siding and Window Company. Co-owner Tom Stringham said he would help me out with some siding he had on hand that he could sell me at a price I could afford to pay over a period of time, so I could get through the rest of Winter and not lose the plywood covering that would not hold up in the severe weather we were having. I was so excited to see the lovely siding, it was Hardi wood which was an approved covering and frankly I didn't think color was an issue. This material is historically asthetic and would have probably been used if it were available at the time the house was originally built. Wood is not environmentally favored now. My two helpers took great pride in working a pattern that was pleasing and giving the house, I think, wonderful antiquity. I was so happy that 209 A Street could finally stand proud and secure, and hold its own with the neighboring structures with pride; - the hideous pink paint and pink roof were gone at last. (I have been told that at one time this house was painted purple!) The compliments by my neighbors, passer by'ers and Nelson Knight, Tax Credit Coordinator, Utah State History, were assuring. Nelson was the first Planner that helped me get started, and he was wonderful to work with.

My 2007 taxes are out of site because I spent the rest of my 401K monies to try to finish the rest of the house that I could, but at least I had the Historical Tax Credit to help me out, or at least I thought. On May 9, 2008, I receive a note attached to my front door instructing me to call Joseph Schmidtke with Building Services and Licensing. Mr. Schmidtke instructed me to call Robin Zeigler, Senior Planner with the Department of Community Development, Planning and Zoning, (I have never met her) who told me that I had violated the approved plans for my building permit. "I needed to remove the faux slate siding and replace it with cedar wood shingle siding and remove the faux slate asphalt shingle roofing and submit an application for an appropriate roofing material" and I could hardly believe what she was suggesting. I told her that I had been working with Elizabeth Guiard and that I never had planned to have wood cedar siding. It was Hardi wood stained cedar and was not approved because it imitated wood, but that Hardi wood was approved for the shingles. Robin stated back "not in all cases is that true". (It would have been timely and appropriate to have the Department of Community Development, Planning and Zoning to assign me a new planner. I had e-mailed Elizabeth several times with no answers. I had decided she had other priorities, and then later on I found out that she no longer worked there. Robin told me that it was my role to call and get a new planner assigned. I think this is very poor public relations.) Unfortunately for me, the plans in the Building and Services Office did not get changed on the finish when I was turned down for the Cedar Siding.

Robin stated to me emphatically on the second call that "Cedar is wood" and I am obligated to have wood shingles. My choice is to remove the siding and also take off the roof because it is not like the pink gravel asphalt, or make application to the Historic Landmark Commission for a new Certificate of Appropriateness to legalize what I have done.

I have tried my very best to make this house located at 209 A Street a very nice home. Given the detrimental consequences of influence by Robin Zeigler, I have been afraid I have no choice but to turn the house back over to Wells Fargo Bank.

I am so sorry all of this has happened. The lack of sensitivity and enforcement of rules that have never been given to me until I unknowingly broke them is not fair play. I suggest that a booklet of Historical Rules and Guidelines be developed in order to ameliorate these adverse outcomes for future players who choose to go through this hell to remodel an historical home in the Salt Lake City Avenues .

I respectfully remain totally worn out and at a loss,

A handwritten signature in cursive script that reads "Bonnie M. Athas".

Bonnie M. Athas

\*Architects: John Pace, Abe Gillis, Kim Lamborne, Frank Romano, Stuart Loosli, Nate Ferguson, Mechanical Engineer W.D. Peterson, Structural Engineer H.P. Christensen, Reaveley Engineering

Mountain View Construction and Remodeling, Inc., Al May