

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 315, 451 South State Street
August 6, 2008**

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on August 6, 2008.

To download the FTR player and listen to audio excerpts from the record, click [here](#).

The regular meeting of the Historic Landmark Commission was held on August 6, 2008, at 5:50 p.m. in Room 315 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included: David Fitzsimmons, Chairperson; Arla Funk, Sheleigh Harding, Polly Hart, Creed Haymond, Warren Lloyd, Vice Chairperson; and Anne Oliver. Commissioners Earle Bevins, III, Paula Carl and Jessica Norie were excused from the meeting.

Planning staff present for the meeting were: Janice Lew, Principal Planner and ex officio for the Historic Landmark Commission; Paul Nielson, Senior City Attorney; Joel Paterson, Acting Assistant Planning Director; Robin Zeigler, Senior Preservation Planner and Cecily Zuck, Historic Landmark Commission Secretary.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by Commissioners Arla Funk, Polly Hart, Creed Haymond and Warren Lloyd. A quorum was not present, therefore notes were not taken.

DINNER AND WORK SESSION

(This item occurred at 5:15 p.m., prior to the regular meeting.)

The Commission discussed the proposed Design Guideline Briefs prepared by Robin Zeigler.

Ms. Zeigler noted that the intent of the Guideline Briefs was to provide a summation of information on common design guideline issues to the public.

Ms. Zeigler noted that an update of the Historic Landmark Commission Website was also in progress.

Vice Chairperson Lloyd addressed the petition initiated by the Mayor regarding LEED standards, which had recently been reviewed by the Planning Commission. He noted that the Historic Landmark Commission might be particularly affected by this change, and should try to educate the public about sustainable choices in preservation as much as possible in the future.

Ms. Zeigler noted that this was part of the intent of brochures staff was creating; to help inform the public that historic preservation and green building were not exclusive terms. She noted that staff would be distributing these brochures from now on at meetings and at public events such as neighborhood street fairs.

Commissioner Fitzsimmons stated his concern that there had lately been an influx of legalization cases and wondered how the Commission might alleviate this problem.

Ms. Zeigler stated that legalization cases would always exist; however, the best inroad was public education for those living in local historic districts.

Commissioner Harding stated that there was some confusing language in the sustainability brochure which might warrant clarification.

Commissioner Oliver noted that while she appreciated the brochures and design guideline briefs, she felt the publications should note that they were not comprehensive and should include a disclaimer referring people to the complete residential design guidelines.

Mr. Nielson noted that the documents might also become obsolete as the Ordinances changed, so staff should be wary and attempt to provide the most current information available.

APPROVAL OF THE MINUTES 5:50:50 PM

Commissioner Hart made a motion to approve the minutes with noted changes. Commissioner Oliver seconded. All of the Commissioners voted "Aye". The motion carried unanimously.

REPORT OF THE DIRECTOR 5:52:18 PM

Mr. Paterson noted that he had nothing to report.

COMMENTS TO THE COMMISSION 5:52:23 PM

Cindy Cromer, 816 East 100 South, noted her concern that the term 'conceptual approval' was not defined in the Ordinance. She stated that in granting conceptual approval, the City put into motion certain aspects of a development which the community might not be comfortable with. Ms. Cromer stated that she would like to see the City examine this term.

UNFINISHED BUSINESS 5:54:54 PM

Petition 470-06-56 Everest Builders LLC. New Construction – A request by Everest Builders LLC, represented by Eric Saxey, for New Construction located at approximately 256, 262 and 268 South 700 East and 673 and 695 East 300 South Street in the Central City Historic District. The proposed project involves construction of 13 condominiums. The property is zoned RMF-45, Moderate/High Density Multi Family Residential in the Central City Historic District. The property is located in City Council District 4, represented by Council Member Luke Garrott. (*This item was tabled at the July 2, 2008 meeting.*) (Staff contact: Robin Zeigler, 535-7758, robin.zeigler@slcgov.com.)

Commissioner Funk noted that she had testified at the Economic Hardship Hearing and therefore recused herself from the hearing item.

Staff Presentation 5:55:33 PM

Ms. Zeigler reviewed the motion made at the previous hearing for the item on July 2, 2008 as well as changes the applicant made to the design proposal in order to satisfy the requests of the Commission set forth in that motion.

Changes included:

- Garage originally on 300 South was moved to the interior of the project
- Entrance stairs were widened, a landing was incorporated and the entrance door, originally recessed, was now flush with the front façade
- More symmetrical fenestration pattern of windows

- Earthen Berm had been removed and replaced with a low wall (24")

There were no questions from the Commission.

Applicant's Presentation [5:59:16 PM](#)

Eric Saxey, the applicant, thanked the Commission for hearing the item again so soon and noted that his architect, Prescott Muir, had a Powerpoint presentation for the Commission. To view a copy of that presentation, click [here](#).

Prescott Muir, the project architect, reviewed the proposal at [5:59:59 PM](#)

Mr. Muir noted that he appreciated Ms. Cromer's comments from earlier and stated that from a developer's perspective, conceptual approval was very helpful and having a definition in the ordinance would benefit everyone.

Mr. Muir pointed out that the Central City Master Plan called for promoting mixed-use higher density housing.

Proposed changes included:

- Elimination of sunken plazas
- Creation of a low screen wall along 700 East
- Creation of patios consisting of pavers rather than poured concrete
- Adjusted profile of entry stoops
- Garage on 300 South moved to interior of project
- Extension of façade on 300 South to create more formal entryway
- Date stone to be added to rear corner of Building B
- Powder-coated aluminum in windows to create a less commercial look
- Inclusion of more windows on the north elevation of Building A, and east/west elevations of Building B
- Creation of singular entries with porch carve-outs

Mr. Muir noted that a survey his firm had conducted regarding stairs in the area revealed that several addresses had wider and more numerous stairs than the applicant's proposal.

The Commission thanked Mr. Muir for the presentation.

Questions from the Commission [6:17:37 PM](#)

- Commissioner Oliver noted her interest in the type of exterior glass to be used
- Vice Chairperson Lloyd requested clarification regarding the use of the outer entry door
- Vice Chairperson Lloyd noted it was not clear from the appearance of the front stair elevation what level the pavers would be in relationship to the sidewalk

Public Comment [6:20:40 PM](#)

Cindy Cromer, 816 East 100 South, noted her concerns regarding landscaping and other design elements of the proposal.

Executive Session [6:23:14 PM](#)

Chairperson Fitzsimmons noted that the staff memorandum did not give a recommendation.

Ms. Zeigler stated that staff did not make a recommendation regarding the proposal as staff felt that the Commission had given a very specific directive for the project at the last meeting and if the Commission felt as though the applicant had met their suggested requirements, the Commission could approve the proposal.

Commissioner Harding stated that they could approve the project with final details to be delegated to staff.

Commissioner Oliver discussed exterior pop-outs with staff at [6:25:23 PM](#).

Vice Chairperson Lloyd discussed the lack of change in width of the 300 South elevation at [6:27:12 PM](#).

Mr. Paterson noted that when the Commission made a motion they would want to propose findings. [6:31:52 PM](#)

MOTION [6:34:58 PM](#)

Commissioner Oliver made a motion to approve petition 470-06-56 in concept, based upon the materials and drawings in the staff memorandum dated July 21, 2008, as well as a copy of the Power Point presentation presented to the Commission by Prescott Muir Architects, and the Commission finds that the project substantially meets the requirements for scale and form, as discussed in the Ordinance, that it substantially meets the requirements for composition of principal façades; in it's current design meets requirements for relationship to the street as defined in the Ordinance; and meets requirements for subdivision of the lots, under the purview of the Planning Commission.

Commissioner Harding seconded the motion.

Discussion of the Motion [6:36:41 PM](#)

Commissioner Oliver amended the motion to grant final approval of the design, delegating to staff final design details regarding the landscaping on the north and south elevations on Markea Street and 300 South, the design and location of mechanical and service areas and final details regarding dimensions, design and materials of railings, windows, doors, garage doors and any ornamental elements.

Commissioner Harding seconded the amended motion. All voted "Aye". The motion passed unanimously.

Commissioner Funk returned to the meeting's proceedings at 6:38 p.m.

NEW BUSINESS

Petition 470-08-62 Joe Marty Major Alteration - A request by Joe Marty, property owner, for a major alteration located at approximately 501 North Main Street in the Capitol Hill Historic District. The proposed project involves an addition and alterations to the site. The property is zoned SR-1A, Special Development Pattern Residential District and is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff contact: Robin Zeigler, 535-7758, robin.zeigler@slcgov.com.)

[6:38:47 PM](#)

Staff Presentation [6:39:08 PM](#)

Ms. Zeigler reviewed the proposal, noting that the applicant proposed the demolition of two accessory structures which were not original to the lot, and the construction of a framed one-story, two hundred and thirty (230) square foot addition that would be visible from North Main Street.

Ms. Zeigler noted staff had determined that the project substantially met standards 1, 2, 3, 4, 5, 8, 9 and 10.

Questions from the Commission [6:43:19 PM](#)

- Vice Chairperson Lloyd inquired if the original structure would be re-roofed as well.

Applicant Presentation [6:43:46 PM](#)

Justin Marty, the applicant's representative, reviewed the proposal, noting that the accessory structures to be torn down were sheds. He noted that they also planned on repairing brick damage.

Questions from the Commission [6:45:26 PM](#)

- Vice Chairperson Lloyd inquired how many units of housing there were.
- Commissioner Oliver inquired if Mr. Marty would consult with staff regarding masonry repair.
- Commissioner Hart stated that she understood staff had indicated the project should stay at four units.

Mr. Paterson explained the zoning requirements for the parcel at [6:46:54 PM](#).

Public Hearing [6:47:46 PM](#)

There was no one present to speak to the item.

Executive Session [6:47:56 PM](#)

There were no comments during executive session.

MOTION [6:48:17 PM](#)

Commissioner Harding made a motion to approve petition 470-08-12, allowing a Certificate of Appropriateness based upon the analysis provided by staff with the following two conditions:

1. **Windows of the addition be one-over-one; and**
2. **A date stone needs to be added to the addition**

Vice Chairperson Lloyd seconded the motion.

There was no discussion of the motion.

All voted "Aye", the motion passed unanimously.

Petition 470-08-20 Lynn Morgan, Major Alteration – A request by Lynn Morgan, architect for the owner, for a major alteration located at approximately 253 North 'L' Street in the Avenues Historic District. The proposed project involves an addition, a shed, and carport. As part of the request, the applicant is requesting the Historic Landmark Commission modify the maximum height regulation of 16 feet for flat roof structures to allow the addition to be approximately 27 feet at its highest point, modify the maximum wall height regulation of 16 feet to allow for a flat roof accessory structure addition, as well as approve modifications to the maximum height and wall height regulations of 9 feet to approximately 12 feet on the shed. The property is zoned SR-1A, Special Development Pattern Residential District and is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff contact: Robin Zeigler, 535-7758, robin.zeigler@slcgov.com)
[6:48:56 PM](#)

Staff Presentation [6:49:10 PM](#)

Ms. Zeigler reviewed the proposal noting that the addition would be to the right with a carport below and living space above. She noted that if the Commission approved the design, they would need to address the additional height.

Ms. Zeigler noted that staff determined the proposal met standards 1, 2, 3, 4, 5, 8, 9, 10 and 12. She also noted that staff did not consider a carport to be out of character with the International Style of the home.

Questions from the Commission [6:52:41 PM](#)

- Commissioner Oliver expressed concerns regarding the SR-1A zoning district regulations and the proposed height of the addition with its proximity to an adjacent home.

Mr. Paterson clarified what the Zoning Ordinance noted in response to Commissioner Oliver's concern at [6:53:46 PM](#)

Ms. Zeigler noted that the Commission had the ability to approve the additional height if they considered the request to be compatible.

Applicant Presentation [6:55:40 PM](#)

Lynn Morgan, the applicant, reviewed details of the proposal. He noted that they solved the issue of screening parking by creating a cantilevered carport. He stated that the proposal included the incorporation of mechanical elements into the addition.

Questions from the Commission [7:00:04 PM](#)

- Vice Chairperson Lloyd inquired about the size of the eave on the carport.
- Vice Chairperson Lloyd noted that the addition would be part of a bedroom as well.

Public Hearing [7:05:30 PM](#)

There was no one present to speak to the item.

Executive Session [7:05:41 PM](#)

- Chairperson Fitzsimmons stated that the Commission should mention the appropriateness of the carport and address the additional height when making a motion.
- Commissioner Funk noted her concern regarding the height and it's proximity to the adjacent property. She stated that the style of the house and lack of windows might offset this issue.
- Commissioner Hart noted that she would request the applicant place a date stone on the new addition and 1998 addition.
- Commissioner Oliver inquired if a date stone wouldn't upset the aesthetics of the International style of the home.
- Commissioner Oliver stated that they could require the addition be lowered by (1') one foot.
- Vice Chairperson Lloyd noted that lowering the addition height might help to define the addition and he did not feel it would be detrimental to the addition either.

Applicant Response [7:10:25 PM](#)

Mr. Morgan noted that he did not feel there would be an issue with lowering the height of the addition.

- Commissioner Haymond stated that if the Commission had the option to state the addition be lowered a foot or more, they ought to.
- Commissioner Oliver noted that the large driveway on the west side was uncharacteristic of homes built in the International Style and she therefore had no issue with the proposed carport.

MOTION [7:13:06 PM](#)

Commissioner Funk made a motion to approve petition 470-08-20, allowing a Certificate of Appropriateness for the proposed alterations with the addition of lowering the addition by one foot (1') or more with the approval of staff and allowing the increased height as would be necessary.

Commissioner Haymond seconded the motion

Discussion of the Motion [7:13:38 PM](#)

Chairperson Fitzsimmons noted that the motion should address the carport.

Commissioner Funk amended the motion to note that the carport was appropriate.

Commissioner Haymond seconded the amended motion.

Commissioner Hart suggested an amendment to add date markers to both the 1998 and new addition.

Commissioner Funk accepted the amendment.

Commissioner Oliver inquired where the date stones would be placed, as not to interfere with the line of the architecture.

Commissioner Hart noted that they could be at ground level of the interior of the second floor deck addition.

Commissioner Haymond seconded the amended motion. All voted "Aye". The motion carried unanimously.

Petition 470-08-15 Bonnie Athas Legalization – A request by Bonnie Athas, owner, for legalization of minor alterations located at approximately 209 North 'A' Street in the Avenues Historic District. The proposed project involves siding and roofing materials. The property is zoned SR-1A, Special Development Pattern Residential District and is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff contact: Robin Zeigler, 535-7758, robin.zeigler@slcgov.com) [7:14:50 PM](#)

Commissioner Haymond recused himself from the issue and the remainder of the evening's proceedings, noting that he was a close friend of the applicant.

Staff Presentation [7:15:21 PM](#)

Ms. Zeigler noted that work had been done which was not part of the original approval granted by the Historic Landmark Commission in 2006. She stated that these issues had been noted on the original plans but had never been addressed by the Commission. Ms. Zeigler reviewed the alterations, which included siding on the addition and main part of the historic structure and the roofing materials.

Ms. Zeigler noted that the project met standard 1, as the use had not changed, but did not meet standards 2, 3, 5, 6, 8 and 12. She noted that staff determined that the materials used in place of historic materials created a false sense of history.

Questions for Staff from the Commission [7:17:55 PM](#)

- Commissioner Lloyd noted that the profile of the roofing shingles had a faux shadow line, and voiced his concern that this might not be appropriate.
- Commissioner Oliver stated that in the correspondence between the applicant and Ms. Giraud (staff planner for the original approval in 2006), replacement of the siding/shingles was never mentioned in the staff report, but in the Findings and Order letter the last paragraph identified that the applicant should approach staff with final details regarding the addition.

Ms. Zeigler noted that she did not know what those final details included as it was not in the original record, however, the original submitted site plan did indicate that cedar shingles would be used for siding. She noted that it was her understanding from the staff report that there was never a request to change the siding of the existing structure, there was only a request to install cedar shingles on the new addition.

Applicant Presentation [7:22:12 PM](#)

Bonnie Athas, 209 'A' Street, noted that she had spoken with both Nelson Knight from the Utah State Historical Society and her architect, both of whom she felt had indicated that the hardiwood material presently on the home would be suitable. She noted that she had understood that the material chosen should not imitate real wood and therefore, she obtained a replacement product dissimilar from cedar shingles. Mrs. Athas also noted that the previous roofing product was comprised of pink asphalt shingles, which she doubted were historically accurate.

Questions for the Applicant from the Commission [7:28:47 PM](#)

- Chairperson Fitzsimmons inquired if the applicant submitted a sample of the siding shingles she intended to use at the time of the original application.

Mrs. Athas noted that she had submitted a hardiwood shingle which imitated cedar wood grain and that product was denied, but she did not submit a sample of the current siding material.

- Commissioner Hart noted that the applicant was aware of the necessity of the Historic Landmark Commission process and inquired why she had not come to the Commission before replacing the roof.

Mrs. Athas noted that the roof had been leaking and as she thought the material was acceptable for the addition, she didn't feel it would be an issue to replace the entire roof with that material.

Public Hearing [7:32:47 PM](#)

The following individuals were present to speak in support of the proposed legalization:

- Christian Fannesbeck, 215 'A' Street
- Sydney Fannesbeck, 215 'A' Street
- Theodore Gurney, 203 4th Avenue
- Larry Livingston, 175 'A' Street
- Elizabeth Gurney, 203 4th Avenue
- Fred Gurney, 203 4th Avenue
- David Richardson, 270 'A' Street

Applicant Response [7:52:29 PM](#)

Mrs. Athas noted that she had used real wood on the front deck and she had worked with the Commission for a year and two months to try and satisfy requirements.

Re-open Public Hearing [7:53:54 PM](#)

The applicant's husband was invited forward to voice his support:

- Bill Athas, 209 'A' Street, noted that he felt they had made green building choices and he hoped the Commission would examine these types of materials in the future as he felt they were necessary.

Executive Session [7:56:14 PM](#)

- Commissioner Hart stated her concern that the applicant was aware of the HLC process and went ahead with changes which had not been approved beforehand.
- Commissioner Oliver noted that there was not a strong argument against the roof that the applicant had chosen, as no real historic documentation existed as to what type of roof originally existed and the applicant had replaced asphalt shingles with asphalt shingles.
- Vice Chairperson Lloyd stated that part of the issue was perhaps that the siding shingles were not painted a uniform color, and possibly accentuated the fact that the shingles contained a grain pattern.
- Commissioner Oliver noted that the shingle color was not an issue to her, but the size, shape and massing of the siding shingles were of concern, particularly on the historic portion of the home as they did not match the original material in that respect.

- Vice Chairperson Lloyd noted that a photo included in the staff report from the 1970's seemed to indicate that the roof originally included a rake board trim, and adding rake board trim again might mitigate some of the impact of the replacement shingles.

Ms. Zeigler was invited forward to clarify concerns regarding siding at [8:05:50 PM](#).

Ms. Zeigler stated that in her interpretation of the design guidelines, she believed that imitation materials were not allowed on historic buildings. She stated that hardiboard was a new material, and therefore not appropriate as a replacement material on a historic home. She noted that there was never a request in the original application to replace the historic materials, which might have been able to have been repaired, as was preferable by the design guidelines.

Ms. Lew noted that there had been a case on Clinton Avenue where a home had been re-sided in aluminum. She stated that when the original material had been found to not be existing or able to be verified, a smooth hardiplank was allowed to replace the aluminum siding.

- Commissioner Hart noted her agreement with Commissioner Oliver that the scale of the replacement shingles was completely different, the coursings were taller and wider.

The Commission discussed the treatment of the shingles at greater length at [8:10:07 PM](#).

Mr. Neilson discussed the issue of enforcement of legalization issues at [8:17:37 PM](#).

- Commissioner Hart stated that the staff report included the original conditions of approval from 2006, and that there was a second condition noting that the architecture surrounding the French doors on the second level and the roofing above the door be preserved.
- Commissioners Harding and Oliver noted that they believed this was the hip roof above the doors and not the surrounding shingles and total roof.
- Commissioner Funk noted that there had been no application for repair or replacement of the siding shingles and therefore, it was completed without a permit or Certificate of Appropriateness.
- Vice Chairperson Lloyd noted that two options would be to either require the applicant to remove the shingles and replace them with an approved product; or allow the applicant to work with staff, apply a rake board fascia and paint the shingles. He noted that what troubled him was the variegation of the shingles, none of which looked like a painted surface, not the material itself.
- Commissioner Oliver inquired if the Commission would require all of the shingles to be removed, or allow the shingles on the rear addition to remain and have only the shingles on the rest of the home be removed and replaced.

Motion [8:27:59 PM](#)

Vice Chairperson Lloyd made a motion to approve petition 470-08-15, a request to legalize alterations with the following conditions; the applicant will provide a raked fascia on the two shed dormers and the applicant will work with staff to create a design which would show a trimmed fascia being added to the eaves to more closely represent historical documentation, particularly the 1970s photograph on page nine of the staff report, and work with staff to provide a painted surface on the dormers, and legalize the roof as constructed, as well as the gable front on the primary façade. These recommendations do not apply to the addition.

Ms. Lew asked the Commission to make findings.

Commissioner Lloyd noted that approval is based upon the findings in Section 7.0 and 7.1; Roof materials, finding that the roof is similar to the original in style and texture, although the coloration differs from what was present previously.

\Commissioner Funk seconded the finding.

Discussion of the Motion [8:30:51 PM](#)

- Chairperson Fitzsimmons noted his concern that the Commission might set a precedent in approving the shingles, as the Commission had agreed that they were inappropriate and the original shingles were gone.

Mr. Paterson noted that Vice Chairperson Lloyd should also provide findings for approval of the shingles.

Vice Chairperson Lloyd found that the proposed material was not a synthetic material such as aluminum, vinyl or panelized brick as a replacement for the primary building materials, as the material could be painted as a traditional material would have been, and Standard 2.9 did allow for new material as replacement and the detail and style should match the Historic model.

Commissioner Harding seconded the finding.

- Commissioner Funk inquired about standard 7.0, and stated her concern that the replacement color did not match the original roofing material.
- Commissioner Oliver noted that this was an unsupportable guideline as there was no evidence as to what that original material was.

Chairperson Fitzsimmons called for a vote on Vice Chairperson Lloyd's motion at [8:35:02 PM](#).

Vice Chairperson Lloyd and Commissioner Harding voted "Aye". Commissioners Funk, Hart and Oliver voted "Nay". The motion failed 3-2.

- Commissioner Oliver stated her concern regarding the fact that the side windows were different than in the original photos, even though that was not under their purview at the moment.
- Commissioner Funk inquired if the Commission might table the item and have staff clarify the condition of the original materials.

Mrs. Zeigler noted that the applicant had stated that Building Services had approved a different set of plans, which was not what HLC saw or ruled on. Mrs. Zeigler noted that it was unclear if the change in the windows was or was not part of the original request. She noted that staff had decided to pursue the two issues which were very clearly not a part of the original approval in 2006; the roof and the siding shingles.

The Commission debated whether or not to table the item at [8:41:05 PM](#).

- Commissioner Harding noted that they could split the case between legalization of the roof and denial of the siding shingles.

Second Motion [8:44:43 PM](#)

Commissioner Funk began a motion but subsequently withdrew it.

Commissioner Oliver, in the instance of petition 470-08-15, made a motion to deny the proposed siding on the historic portion of the home only and allow it to remain on the addition, approve legalization of the roof, according to guideline 7.0 relating to roof materials, it is an asphalt shingle roof replacing an asphalt shingle roof and therefore met the guideline, and the historic color cannot be determined from existing historic documentation.

There was no discussion of the motion.

Vice Chairperson Lloyd seconded the motion. Commissioners Lloyd, Hart, Harding and Oliver voted "Aye". Commissioner Funk voted "Nay". The motion passed 4-1.

OTHER BUSINESS [8:48:10 PM](#)

There was no further business.

Commissioner Hart made a motion to adjourn. Commissioner Funk seconded the motion. All voted "Aye". The meeting adjourned at 8:48 p.m.

Cecily Zuck, Historic Landmark Commission Secretary

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