

**.HISTORIC LANDMARK COMMISSION
STAFF REPORT**



Planning and Zoning Division
Department of Community and
Economic Development

Roof Alteration,
Ellerback House Minor Alteration &
PLNHLC2008-00528
210 North State Street
December 3, 2008

Applicant: SV DUO Utah-1
LLC
Represented by Jeff Davis,
contractor

Staff: Robin Zeigler, 535-7758,
robin.zeigler@slcgov.com

Tax ID: 09-31-312-008

Current Zone: RMF-35

Master Plan Designation: Low
Density Residential 1-5 du/acre

Council District: 3

Lot Size:
.06 acres

Current Use: Single Family
Residence

Applicable Land Use
Regulations:
21A.34.020.G

Notification

- Notice mailed on November 26, 2008
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on November 18, 2008

Attachments:

- A. Site Plan & Elevation Drawings.
- B. Photographs
- C. Citizen Input
- D. Survey Form
- E. Applicant's Letter

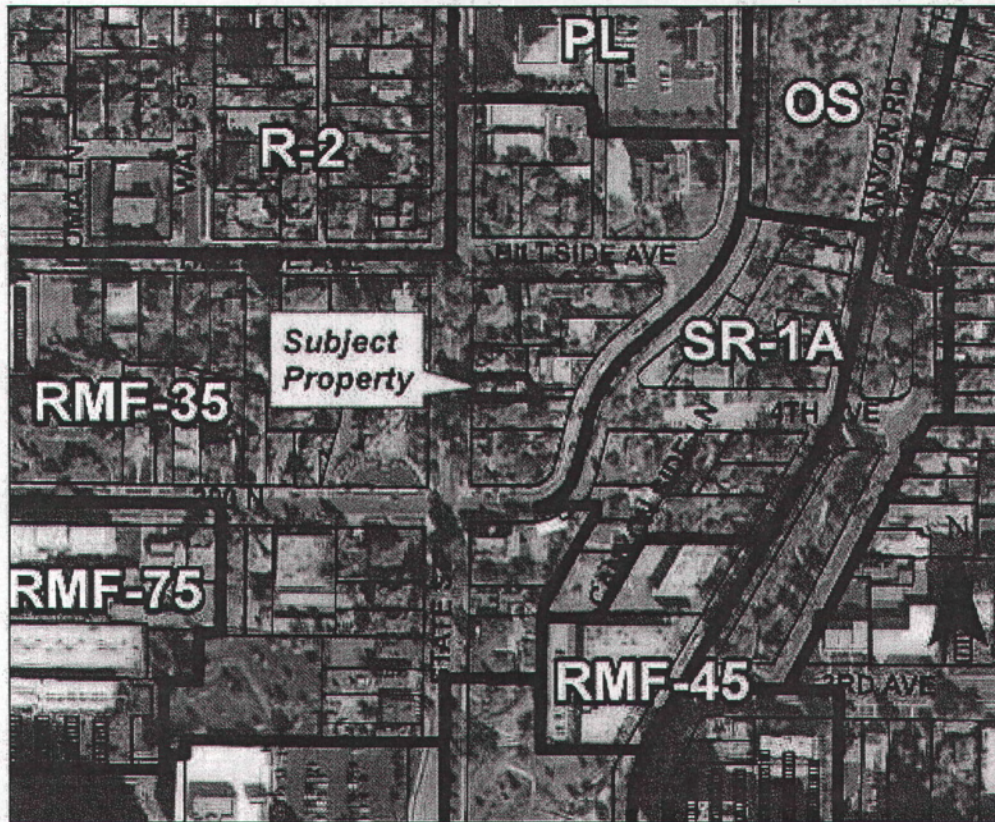
Request

The request is for a change to the roofline and the installation of new gutters. In addition, the project includes the repair of brick and stucco and the replacement of the roofing membrane of the upper deck of the porch. Although the proposed project is a minor alteration, staff chose to bring the project to the Commission since it does not meet the ordinance and the applicant is concerned that to repair the structure following the ordinance will not insure the longevity of the building.

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion parts of the project generally do not meet the applicable standards and parts do. Therefore, staff recommends the Historic Landmark Commission:

1. Approve the repair of brick and stucco;
2. Approve the replacement of the roofing material for the porch;
3. Deny the change to the roofline; and
4. Require the repair of the existing hidden gutters with the addition of external downspouts.



VICINITY MAP

Background

Project Description

Because of problems with a leaky hidden gutter, the applicant proposes to alter the roofline in order to cover existing hidden gutters and attach half-round gutters and exterior downspouts. In addition the project includes the repair of brick and stucco and the replacement of the roofing membrane of the upper deck of the front porch.

Public Comments

A neighbor has submitted numerous emails regarding this project, which are attached.

City Department Comments

This project has not been routed because the Historic Landmark Commission is only reviewing the architectural design of the project. Relevant city departments will provide comments during the building permit review process.

Project Review

Leaking gutters that were never repaired or properly maintained have caused serious damage to the walls of the 210 North State Street and water runoff issues for the neighbors. The wall damage was first reported to code enforcement on April 2, 2008. The enforcement officer contacted the property owners who stated that they were aware of the damage and would get it repaired. They were informed at that time of the need of a permit. The property owners were contacted again on April 10, 2008 and provided a deficiency list outlining repairs required and the need for a structural engineer and certificate of appropriateness.

On May 5, 2008, the structural engineer from Timberline informed the enforcement officer that there was deterioration of brick and stucco, however the house was not considered either an imminent danger or hazardous. On May 28, the enforcement officer sent a "last warning" to the property's owners and manager. On that same day, the owner's contractor met with the enforcement officer and Planning Staff to determine the best scenario for repair that would meet the ordinance and design guidelines. The contractor submitted an application on June 4, 2008. Staff administratively approved:

1. Removing stucco where indicated on plans and repairing with salvaged brick as close as possible to the original in design, dimension, and color.
2. Remove the membrane over gutter and replace with metal flashing. Where roofing needs to be removed it will be replaced with like shingles. Where wood needs to be replaced it will be replaced with wood of the same dimension
3. Add exterior downspouts to the locations shown on plans.

The contractor researched the repair and determined that the work could not be completed as originally proposed. Please see attachment D. Another application was submitted on September 18, 2008. On September 29, 2008 staff informed the applicant that the proposed alterations to the roofline did not meet the ordinance and provided information on repairing the hidden (box) gutters. The applicant and staff spoke several times to clarify how the proposed project did not meet the ordinance and discuss alternative solutions. In late October, the applicant informed staff that it was not feasible to make the repairs in a manner that met the ordinance. Staff explained that the project could not be administratively approved since the action did not meet the ordinance and design guidelines and recommended taking the issue before the Commission. Staff requested additional information to prove the infeasibility of repair, and once received, scheduled the project for the December 3, 2009 HLC agenda.

Analysis and Findings

Options

1. An option discussed with the contractor was to repair the existing hidden gutters rather than to change the roofline. This action would meet the Ordinance and Design Guidelines. "Hidden" or "box gutter" systems can be complicated to repair as the decayed wood on the gutter must be repaired, the interior gutter relined with soldered metal, and the interior downspouts relined. Installing PVC pipe or using a specialized product that expands on the interior, creating a water tight lining, are two ways of repairing an interior downspout; however, staff administratively approved the addition of exterior downspouts.

2. Another option would be to roof over the existing gutters without changing the roofline, seal the existing internal downspouts and add external downspouts; however, this is not recommended as the new flat roofing will eventually sag into the open space causing water to puddle on the flat portion of the roof. The roofing material will deteriorate and allow water into the faulty gutters and eventually the wall.

The project also proposes to repair the brick and stucco and replace the porch roof. These actions meet the ordinance and guidelines so no options are provided.

Findings

Section 21A.34.020. 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;

Finding: The project substantially meets this standard as the use of the property will not change.

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;

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;

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

2.1 Preserve the historic appearance of original materials. Preservation includes proper maintenance of the materials to prevent deterioration.

2.3 Consider removing later covering materials that have not achieved historical significance. Once the siding is removed, repair the original materials. Removal of other materials, such as stucco, must be tested to assure that the original material will not be damaged. If masonry has a stucco finish, removing the covering may be difficult, since original brick finishes were sometimes chipped to provide a connection for the stucco application. If removing stucco is to be considered, first remove the material from a test patch to determine the condition of the underlying masonry.

7.0 Roofs, Roof form: In repairing or altering a historic roof it is important to preserve its historic character. For instance, one should not alter the pitch of the historic roof, the perceived line of the roof from the street, or the orientation of the roof to the street. The historic depth of overhang of the eaves, which is often based on the style of the house should also be preserved.

7.0 Roofs, Policy: The character of a historical roof should be preserved, including its form and materials whenever feasible.

7.1 Preserve the original roof form. Avoid altering the angle of a historic roof. Instead, maintain the perceived line and orientation of the roof as seen from the street. Also retain and repair roof detailing.

7.3 Preserve the original historic eave depth. The shadows created by traditional overhangs contribute to one's perception of the building's historic scale and therefore, these overhangs should be preserved. Cutting back roof rafters and soffits or in other ways altering the traditional roof overhang is therefore inappropriate.

Finding for Standards 2, 3, and 5: The repair of brick and stucco meets the standard since the original fabric will be retained, as much as possible. Although the stucco is not original, removal of the undamaged stucco would likely cause damage to the underlying brick, as noted in guideline 2.3. In addition, a large portion of the brick was severely damaged by the leaking gutters and may require repair with brick and mortar that is not a perfect match to the original. In this case, a stucco covering is appropriate and substantially meets these standards.

The alteration of the porch roof meets the standard as the existing roofing material is not original and the replacement will not be seen.

The roof angle alteration proposed does not substantially meet this standard since it will change a distinctive feature of the building, the roofline. The design guidelines further clarify that altering the angle of a roofline should be avoided.

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

Finding: This standard is not relevant since the project does not involve alterations or additions but the original fabric of the building.

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;

7.0 Roofs, Gutters and Downspouts: Gutters and downspouts are mechanisms for diverting water away from a structure. Without this drainage system, water would splash off the roof onto exterior walls and run along the foundation of the building. It gutters and downspouts are to perform sufficiently, certain requirements must be met:

- They must be large enough to handle the discharge.
- They must have sufficient pitch to carry the water off quickly.
- They must not leak.
- They must not be clogged with debris.

Finding for Standard 6: The repair of brick and stucco meets the standard since original fabric will be retained, as much as possible.

The standard is not applicable for the porch roof since the new roofing material will not require the removal or repair of historic features.

The hidden gutters are a feature of the house that should be repaired rather than replaced. However, if the Historic Landmark Commission finds that repair of these gutters is not feasible, than the proposed new gutters appear to meet the requirements outlined in the design guidelines. They do not match the gutters they are replacing in anyway but a half-round gutter is an appropriate external style gutter for a house of this age and style.

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;

Finding for Standard 7: This standard is not relevant since the project does not involve chemical or physical treatments.

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;

Finding for Standard 8: This standard is not relevant since the project does not involve contemporary design.

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;

Finding for Standard 9: This standard is not relevant to the proposed repairs of the brick and stucco or the proposed new roof for the porch.

The addition to the roofline does not meet this standard since it cannot be easily removed and further damage to the existing gutters may take place with the installation of the new roofline.

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;

Finding for Standard 10: This standard is not relevant to the proposed repairs of the brick or new porch roof since these projects do not entail vinyl, aluminum or faux materials.

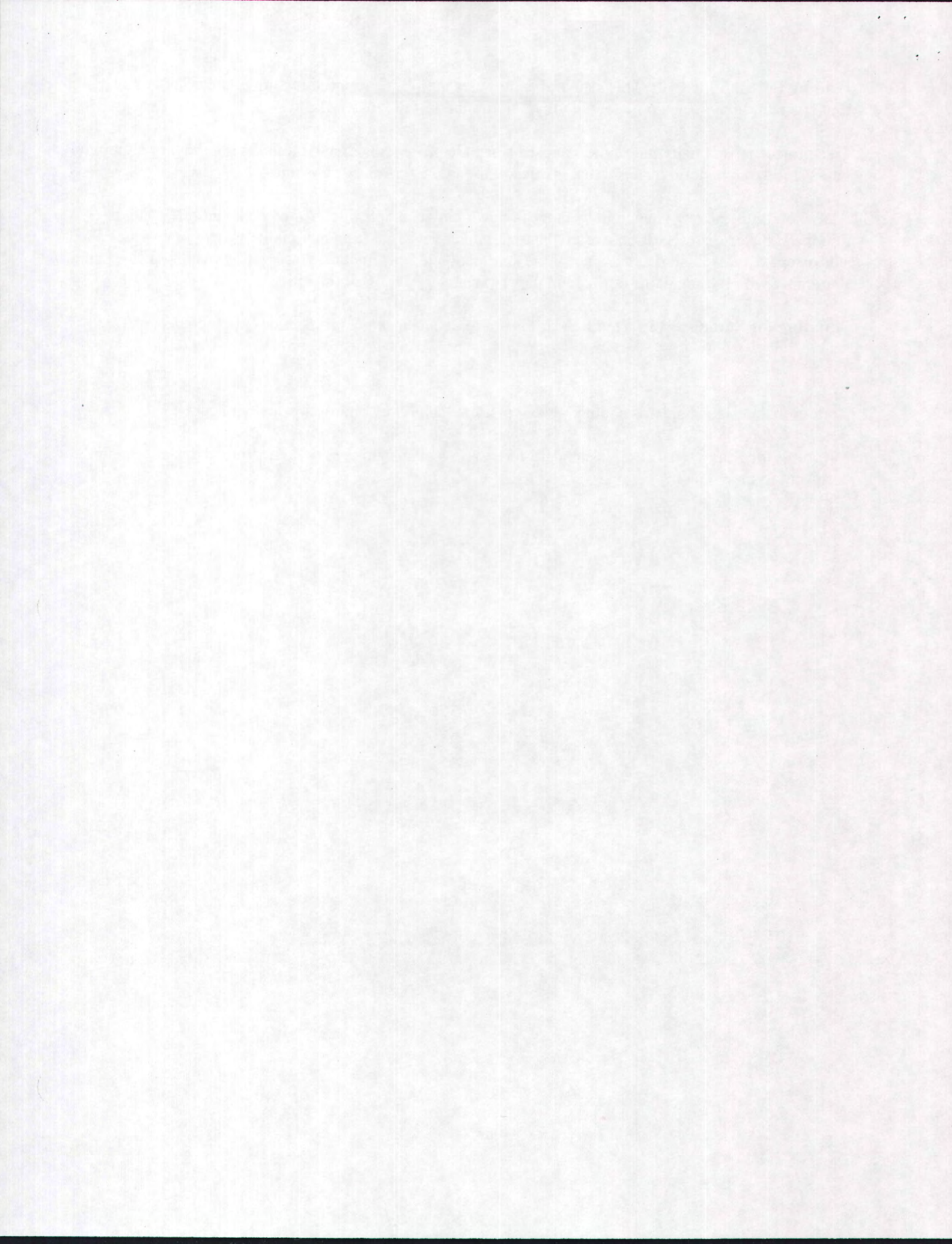
This project substantially meets the standard since the proposed siding material is not vinyl or aluminum but is stucco, an historic material that is already found on portions of the house.

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;

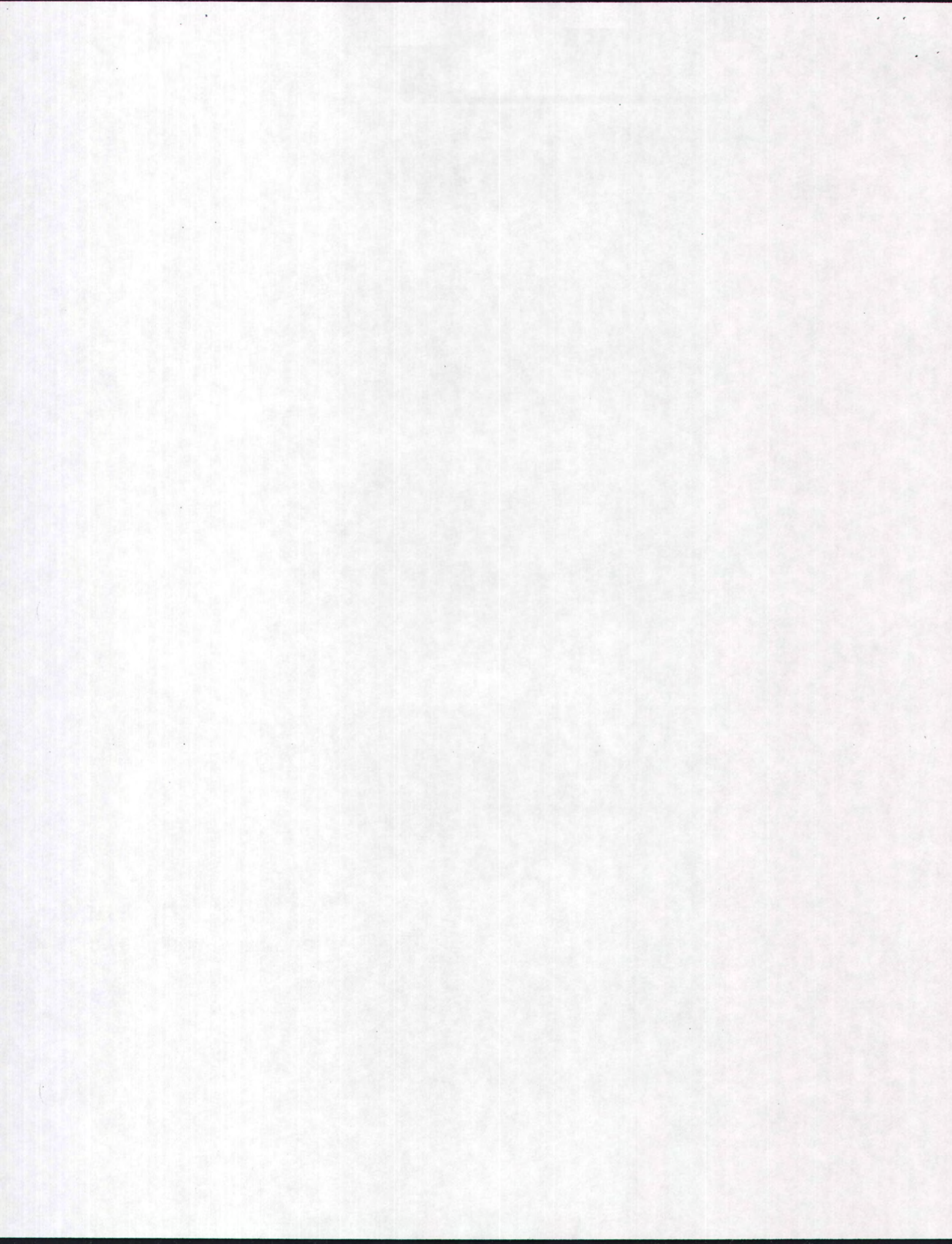
Finding for Standard 11: This standard is not relevant since the project does not include signage.

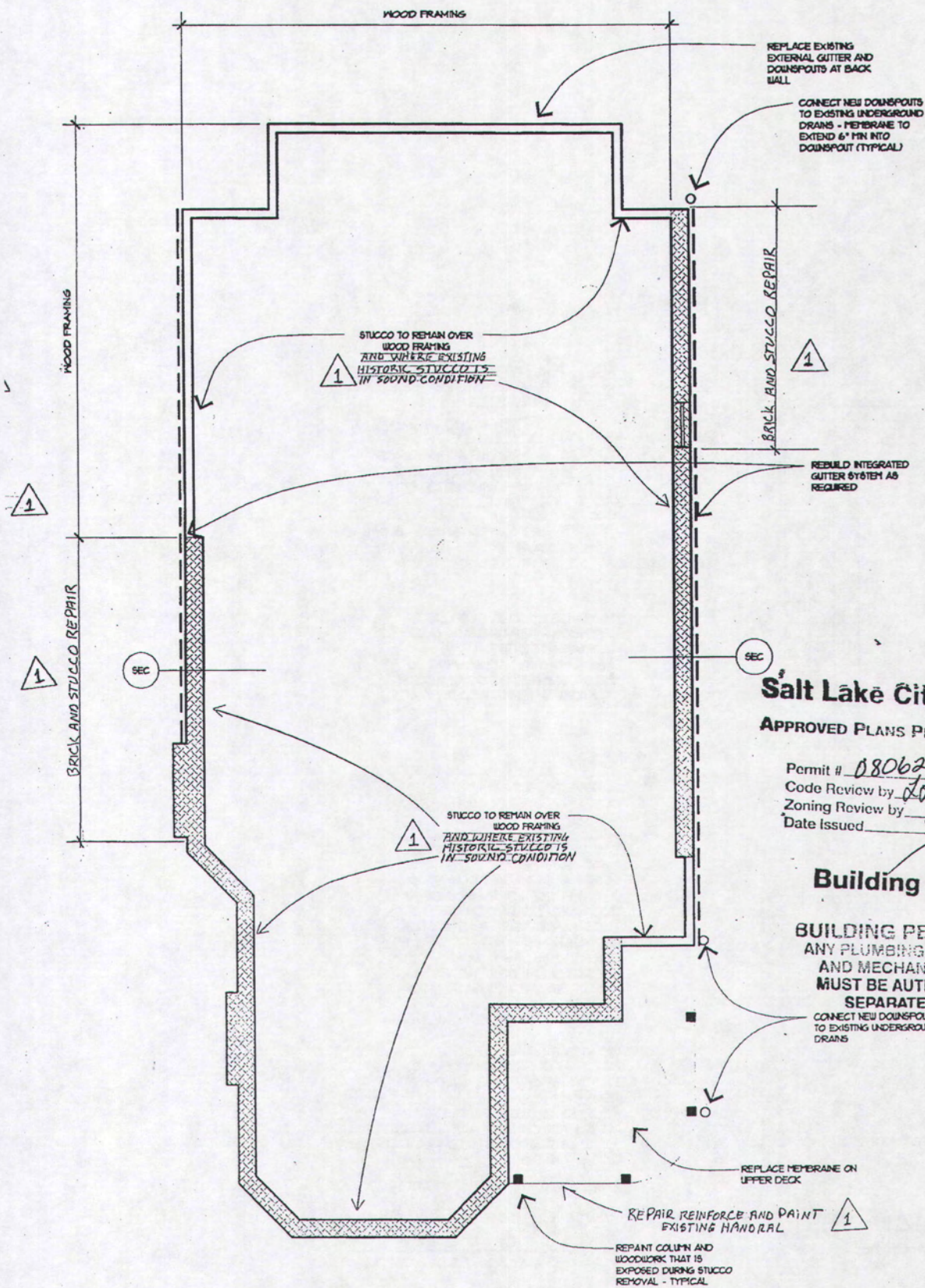
12. Additional design standards adopted by the historic landmark commission and city council.

Finding for Standard 12: This standard is not relevant since there are no additional design standards relevant to the project.



Attachment A
Site Plan and Elevation Drawings





Salt Lake City Corporation
 APPROVED PLANS PER IRC SEC 106.3.1

Permit # 080620020
 Code Review by dt gregor
 Zoning Review by FR
 Date Issued _____

Building Services

BUILDING PERMIT ONLY
 ANY PLUMBING, ELECTRICAL
 AND MECHANICAL WORK
 MUST BE AUTHORIZED BY
SEPARATE PERMIT

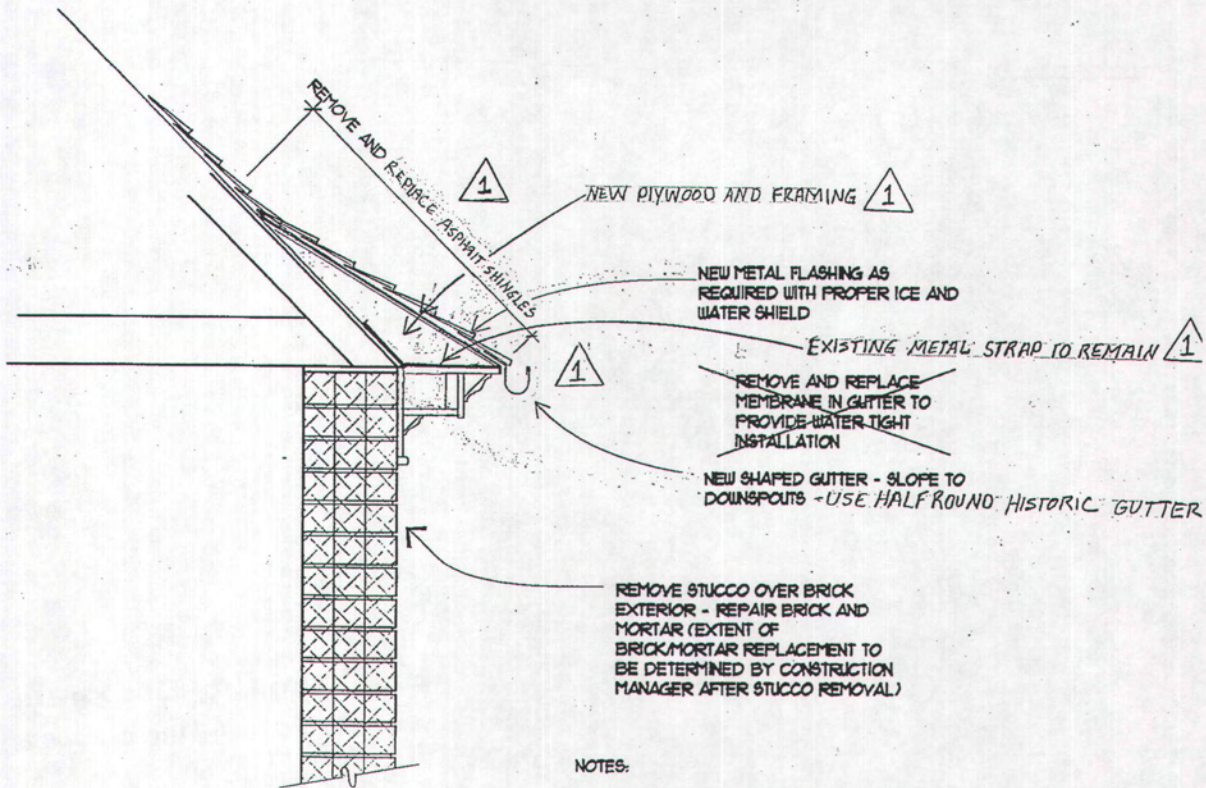
CONNECT NEW DOWNSPOUTS
 TO EXISTING UNDERGROUND
 DRAINS

REPLACE MEMBRANE ON
 UPPER DECK

REPAIR REINFORCE AND PAINT
 EXISTING HANDRAIL

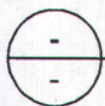
REPAINT COLUMN AND
 WOODWORK THAT IS
 EXPOSED DURING STUCCO
 REMOVAL - TYPICAL

3/16" = 1'-0"



NOTES:

1. REMOVE TEMPORARY MEMBRANE COVERING LOWER PORTION OF ROOF AND GUTTER
2. REPLACE / REBUILD SOFIT AND FASCIA GUTTER SYSTEM AS NEEDED - MATCH EXISTING
3. VERIFY ROOF TO WALL CONNECTION. IF CONNECTION APPEARS TO BE DEGRADED CONTACT ENGINEER OF RECORD FOR FURTHER INSTRUCTION (CONNECTION WAS NOT ACCESSIBLE DURING INITIAL INSPECTION)
4. REPAINT ENTIRE SOFIT AND FACIA - APPLY SEALANT AS REQUIRED FOR TIGHT JOINTS.
5. USE TYPE "O" HIGH LIME CONTENT MORTAR.
6. USE HISTORIC SALVAGED BRICK TO MATCH AS CLOSE AS POSSIBLE TO EXISTING BRICK IN SIZE, COLOR AND TEXTURE.
7. PROVIDE ALL NEW DOWNSPOUTS
8. INSTALL NEW CAULKING & SEALANTS AT JOINTS OF DISSIMILAR MATERIALS & AT DOORS & WINDOWS.
9. INSTALL NEW PORTLAND CEMENT BASED STUCCO OVER REPAIRED BRICK TO MATCH EXISTING HISTORIC FINISH IN SAME LOCATION AS STUCCO BEING REMOVED

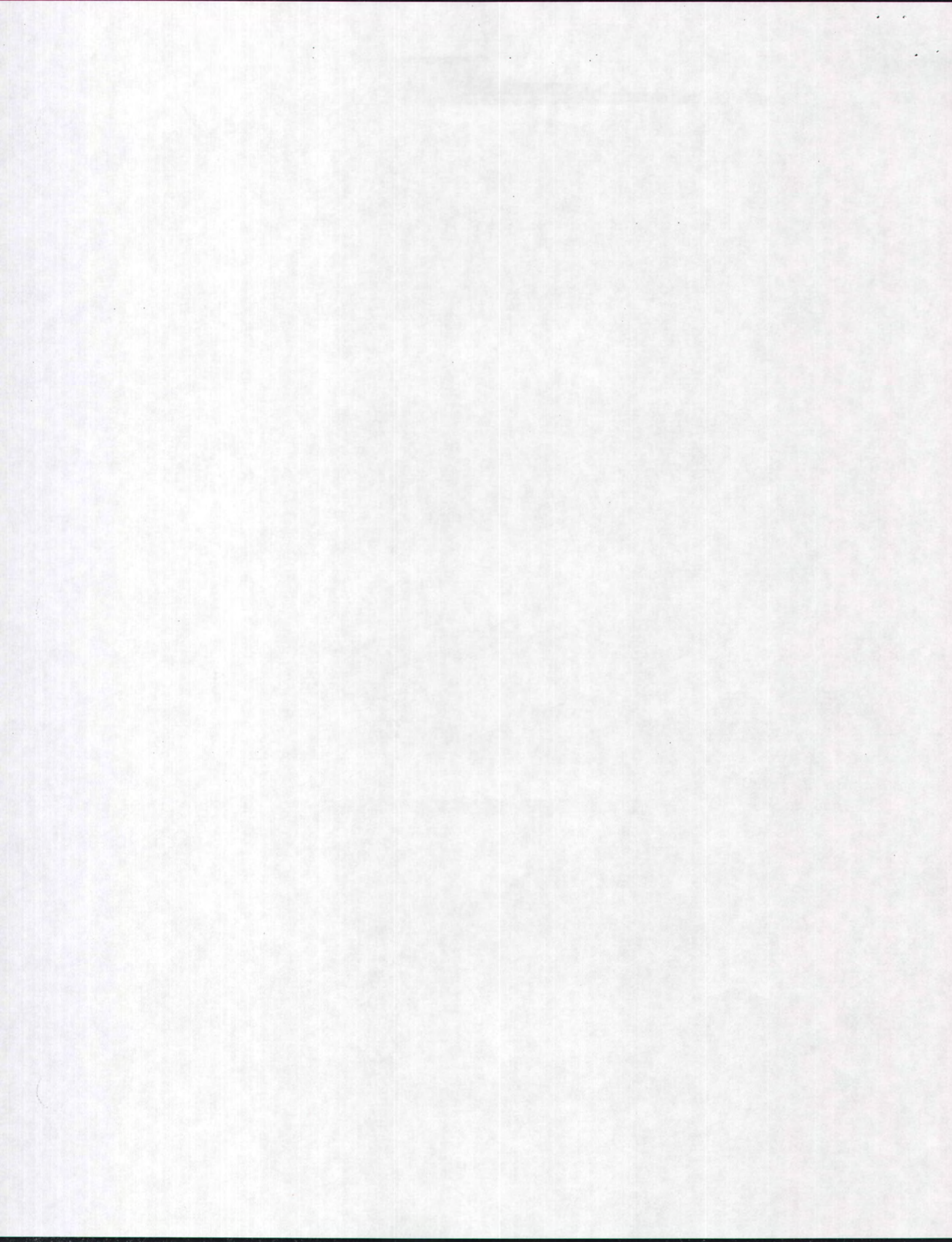


WALL SECTION



SCALE: 3/4" = 1'-0"

Attachment B
Citizen Input



From: EARL CHARLENE BOOTH

Sent: Wednesday, November 12, 2008 10:06 AM

To: Calfa, Luann

Cc: Jergensen, Eric; Card, Quin

Subject: 210 North State St. SLC

Please verify that the owner at 210 North State St. is planning to install rain gutters immediately. Our property cannot accept the runoff water from their roof, and it goes with out saying it is illegal. We have been very patient. This whole thing came to a head early last spring/summer and even to this day there is scaffolding on our property. The contractor has generally kept the construction site in a satisfactory condition. Please help to see they install rain gutters as soon as possible.

Sincerely Earl H. Booth

P.S. If Luann Calfa is no longer in Planning and Zoning please assist to get this E-mail to the proper party. I have been unable to get Luann Calfa by phone.

Subject: RE: 210 North State St. SLC

Date: Wed, 12 Nov 2008 11:32:40 -0700

From: Luann Calfa

To: Earl and Charlene Booth

CC: Eric Jergensen0; Quin Card; Craig Spangenberg; Robin Zeigler

Good Morning,

In regard to water runoff potentially draining onto your property, this concern is valid however, it is not listed within the Existing Residential Housing Code as a requirement to install rain gutters. The building inspector for 210 North State Street, Joe Schmidtke visited the property today, November 12, 2008 and said that it appears excess water could possibly be drained into a pipe installed on the property but that work is not yet complete.

I have spoken with the property owner who indicates that this issue will be discussed at an HLC meeting which will be held on December 3, 2008. Pending the outcome of that meeting, the property owner will proceed forward with recommendations. If you would like to discuss this further, you can reach me at 535-6201 from 7:00 a.m. to 10:00 a.m. and 4:00 p.m. to 5:30 p.m. Tuesday through Friday.

Thanks,
Lu Calfa

From: EARL CHARLENE BOOTH

Sent: Wednesday, November 12, 2008 12:40 PM

To: Calfa, Luann

Cc: Jergensen, Eric; Card, Quin

Subject: RE: 210 North State St. SLC

The code may not say anything about rain gutters, but the law says you cannot drain your surface water onto another persons private property. Joe Schmidtke is correct, the surface water could be drained into an existing drainage system, previously installed by us, and in use today for our 208 property. The 210 roof down spouts could be connected into the risers of the drainage system located on our property (with our permission). Because the next door (210) property causes water damage to our property, we accommodated the 210 property by designing a drainage system that would work for both properties, and installed separate risers for 210 on our north boundary. We expect the water drainage problem to be corrected immediately, and believe the current owners would want to do this. The city seems to be a hold up, and certainly there is no H.L.C degree that can over rule the law, (in this case about water drainage). Do we need to hire a lawyer? Please e-mail to me the current owners name and e-mail address. Please let me know the time for the HLC Dec. 3, 2008 meeting.

On Nov 12, 2008, at 1:01 PM,

From: EARL CHARLENE BOOTH

To: Eric J.

Please find out what is going on? We have been having our property disturbed for months while 210 has been under construction for repairs--No problem!! 210 North State St. has about 1 foot of side yard, so all equipment and personnel needed to be on our property--no problem!! Now, ASAP, we want the surface water run off, to not drain ,like a waterfall off the 210 roof, onto our property! This is a reasonable request! We are told that the H.L.C needs to be involved--is that for permission for rain gutters? I am sensing the H.L.C to be the problem!! Since when does the H.L.C get involved in rain gutters? Do we need water in our basement while we wait for the H.L.C to make a decision--and what is that decision about?

Subject: RE: 210 North State St. SLC

Date: Wed, 12 Nov 2008 13:38:19 -0700

From: Robin.Zeigler@slcgov.com

To: Luann.Calfa; Craig Spangenberg; Randy Isbell; Jeff Davis

Hello everyone:

In answer to your question about gutters at 210 North State Street, the Historic Landmark Commission (HLC) does not usually regulate the installation of gutters and never deals with the issues of surface water. In this particular case however, the applicant proposes to change the roofline so that the existing hidden covers are covered and to install new half-round gutters. The change of the roofline does not meet the standards of the ordinance or the design guidelines which require that the existing hidden gutter system be repaired rather than replaced and that the roofline should not be altered. Since the project could not be administratively approved, staff chose to send the project to the Historic Landmark Commission, that will meet at 5pm on December 3rd, which was the earliest meeting available after we received all the information needed from the applicant. The progress of the project can be tracked online at the "citizen portal" at www.slcgov.com by the address or the application number which is plnhlc2008-00528. Once the staff report has been reviewed by management, it will be located on this site too. All of our meetings are open to the public and the public is allowed two minutes per person to respond to each case. If a person is unable to attend, their comments may also be sent to me in writing. If received in time, they are included in the staff report, if not, they are forwarded directly to the Commissioners.

I do not have contact information for the owners, just the applicant Jeff Davis, who I have copied on this email. I hope this helps clear up the confusion. Please let me know if you have any questions.

Robin

From: EARL CHARLENE BOOTH

Sent: Wednesday, November 12, 2008 3:13 PM

To: Zeigler, Robin

Cc: Jergensen, Eric; Card, Quin

Subject: RE: 210 North State St. SLC

Certainly the applicants needed a building permit to allow them to rebuild the destroyed and failed exterior wall. The wall failed because of water damage. That water came from the existing hidden interior gutters. The water from these failed interior rain gutter poured down inside the wall saturating all wall materials, causing failure. The interior rain gutter are obsolete, have no visual , aesthetic value or detail. The roof will not be changed in any manner by covering the old roof gutters/channels.

Why would this work not be covered in the existing building permit (it was the cause of the failure). Our property is now getting all of the roof water dumped onto it. This problem needs to be corrected A.S.A.P. In my professional Architectural opinion, I can see absolutely no justification for the HLC to be involved, and slow down the correction of the problem. We will be at the meeting with pictures and we will question why, in view of the fact that the roof line will not be changed, the owners are made to jump through unnecessary hoops, and while we experience more property damage.

From: Zeigler, Robin

Sent: Wednesday, November 12, 2008 3:29 PM

To: 'EARL CHARLENE BOOTH'

Cc: Jergensen, Eric; Card, Quin

Subject: RE: 210 North State St. SLC

The building permit process and Certificate of Appropriateness (COA) process are different. An owner of property with local historic designation must, according to city ordinance, receive a COA before moving forward with the building permit. If the applicant was repairing the existing hidden gutters we could provide an immediate administrative approval; however, their proposal is to change the roofline to cover the existing gutters. You stated that the roof will not be changed but their proposal does indeed change the slope of the roof. Since this action does not meet the design guidelines, I am referring it to the Commission.

As soon as the staff report has completed management review it will be online and you can see the drawings that change the roof. This may also help you to prepare for the meeting.

Please let me know if you have any other questions.

Robin

From: Eric Jergensen

Date: November 12, 2008 3:55:48 PM MST

To: EARL CHARLENE BOOTH

Cc: Eric Jergensen , Quin Card, Luann Calfa , Jan Aramaki

Subject: Re: HLC to require interior drain pipes to drain roof water?

Charlene,

Let me respond to two issues as you have expressed them and as I understand them:

1. The water draining off the roof of 210 is coming onto your property. That is not allowed. Surface runoff is to be managed on site by the property owner and not allowed to flow onto an adjoining property - unless there is some arrangement with the adjoining property owner. But, Luann is also correct that surface runoff does not - of itself - require that the property owner install rain gutters. There are a variety of options that are available depending on the particular situation. These options include rain gutters which are probably the best solution in this case.

However, the changing of an exterior treatment requires HLC approval. It appears that the HLC will meet on December 3rd to address that issue. I do not know, at this time, what the staff recommendation is going to be. I'll ask Jan Aramaki, who is replacing Quin for a few weeks, to look into it.

If you have broader concerns about how the surface runoff is affecting your property, you may want to contact Public Utilities. They generally manage property to property surface runoff issues. Contact our office to get their number and the correct person with whom you should speak.

2. Is the HLC the problem? No, it is not. The HLC is the body enabled to review appropriateness when changes are recommended to building exteriors in the historic districts. 208 and 210 are both in the Capitol Hill Historic District and are, as a result, subject to the approval process of the HLC. It has been that way for over 35 years. Whenever a building permit is taken out that affects the exterior of a home, the HLC must review it. Sometimes, it can be done administratively. Other times, it requires a hearing and approval of the Commission. It sounds as if, in this case, the Commission needed to review it. Again, Jan will look into Planning staff recommendations and we'll get back to you.

The City is following its processes in an orderly, if not expedited, manner in an effort to help you resolve your multiple concerns regarding 210. It is too bad this problem couldn't have been addressed when we were dealing with the sloughing of the plaster wall. But, let's press on!

Thanks,

Eric J.

From: Eric Jergensen

Sent: Wednesday, November 12, 2008 3:59 PM

To: Zeigler, Robin

Cc: Jergensen, Eric; Card, Quin; Aramaki, Jan

Subject: Re: 210 North State St. SLC

Robin,

Thank you for clarifying this for Ms. Booth. You will see my response to her e-mail soon if you haven't received it already.

What is staff's recommendation going to be?

Eric J.

From: Zeigler, Robin

Sent: Wednesday, November 12, 2008 3:56 PM

To: 'Eric Jergensen'

Subject: RE: 210 North State St. SLC

Dear Eric:

Since it does not meet the guidelines, my recommendation will be to not approve what is submitted and to require the repair of the existing box gutters

From: EARL CHARLENE BOOTH

Sent: Wednesday, November 12, 2008 3:52 PM

To: Zeigler, Robin

Cc: Jergensen, Eric; Card, Quin

Subject: RE: 210 North State St. SLC

I understand the COA process is different. Since the property owner needs to receive a COA prior to building permit why did not the first COA ,and the !st building permit not cover both the wall and the roof, since they are part of the same problem? The roof line will not be changed just to cover up the existing hidden gutters. The roof slope will not be changed just to cover up the existing hidden gutters. It seems the City/HLC is being "Thin on the Thick and Thick and the Thin". Mean while we experience property damage.

Earl and Charlene Booth

From: EARL CHARLENE BOOTH

Sent: Thursday, November 13, 2008 9:22 AM

To: Zeigler, Robin

Cc: Jergensen, Eric; Card, Quin

Subject:

Please allow us to express our opinion on why immediate roof repairs and installation of rain gutters/downspouts are necessary, on any home located on the east side of State Street between the 200 North intersection up to 250 North.

This stretch of road on State Street has some historically significant sandstone retaining walls, probably built in conjunction with the improvement on State Street to make way for the Utah State Capitol. We have a Historical Society picture which shows the houses located at 204, 210 and 214 North State, prior to State Street

being built. There are no high retaining walls in the picture to retain the properties. The picture shows a vacant lot at 208 N. State Street, so we know the photo is prior to 1901 when 208 was built. These beautiful and historic wall contribute very significantly to the character of Capitol Hill and the picturesque approach to the Utah State Capitol.

The main enemy of these walls is water. During rain and snow storms this small section receives enough water to be a hazard to all the properties. As owners of 208 North State, we have had a wall failure in approximately 1994. The sandstone wall in 1994 cost \$14,000 to repair. What would the same wall repair cost today? The property at 214 North State Street, today, has signs of eminent wall failure, with a significant bulge protruding out. When our 208 wall failed, the rock mason told us that rain and snow melt must be properly handled because "the wall act as a dam". When to much water builds up it causes the wall to bulge out and eventually fail. The moisture sinks in to the ground saturating the ground and the walls retain that moisture like a dam. The walls are not built to be dams. The mason told us we needed to divert, channel, take care of all surface water from the roof and ground to prevent build up behind the walls which causes failure. This is why we installed the underground (the North Patio) drainage system. It is not good enough to just take care of our own water, because the neighbors water (210) can still cause us property damage. Hence a drainage system which accommodates both buildings, (keep in mind that 210 has only about a 12 to 14 inch side yard covered by a retaining wall).

The mason also pointed out the stupidity of a former owner of 210 piling soil on top the rock retaining wall (in one of the highest elevation of those State Street walls). He stated it was "a failure waiting to happen" because the wall now needed to retain the extra unnecessary weight of the added 4 feet of soil. With added moisture, especially, in a wet year, failure will follow. When any wall fails that is connected to a neighbors it causes both walls to fail.

The repair on our wall at 208 included forcing "Dead Men" (big steel shaft) into the ground at certain angles. Next a steel mesh was put over the entire area, and a concrete curtain poured over the mesh. This was all done so the strength of the wall is in the concrete/metal shaft/mesh construction. Next the rock mason laid up the sandstone so that it looks like it use to when first built. The portion of the 208 wall that was repaired is no longer structural. The rest of the retaining walls up State Street, the sandstone is still structural and therefore very fragile. Water is our enemy. Proper control or the water is not optional. We wish to avoid the inevitable failure of improper management of the water.

The problem is not interior or exterior rain gutters, or downspouts. The problem is not the slight difference the roof line might be changed to allow for the covering of the interior roof gutters. To quote Frank Loyd Wright "FORM FOLLOWS FUNCTION"!! The function is what is important here. If this problems is not corrected it will be evident to everyone who lives on or drives State Street going to and from the capitol, as wall failure will follow, and it could fail on more that one property.

Please allow for immediate repair to the roof and gutter system at 210 North State. If an immediate "administrative decision" is not granted to allow these repairs to go forward, then please put us on the HLC Agenda on Dec. 3, 2008 so we may express our views to the committee, and give a short history of why these repairs are necessary. In my opinion the change from an interior gutter system to a exterior gutter system has no effect on the historical value or character of the 210 building. Therefore a TIMELY "Administrative Decision" seems proper in this situation.

Earl H. Booth Architect
Charlene Booth

In the future we would like to suggest to the HLC a review of these significant, historical walls, to see if the city could assist in making all the sandstone walls not structural, and starting with the bulged out wall at 214 owned by Verlee Storms.

Attachment C
Photographs

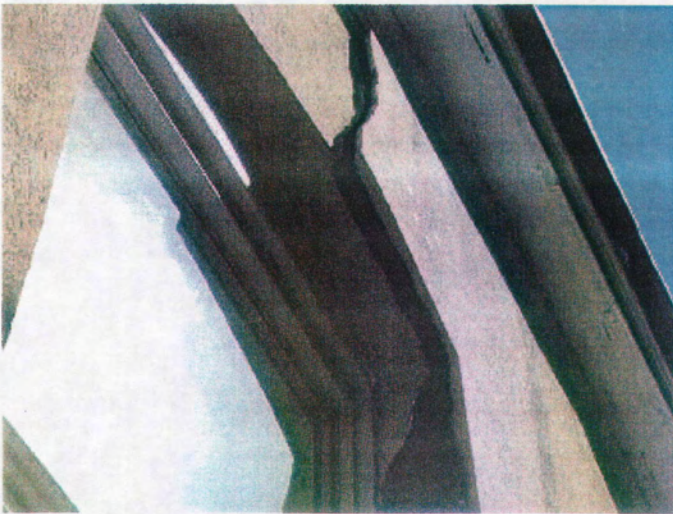
Property Assessor Photographs



1995 Photo

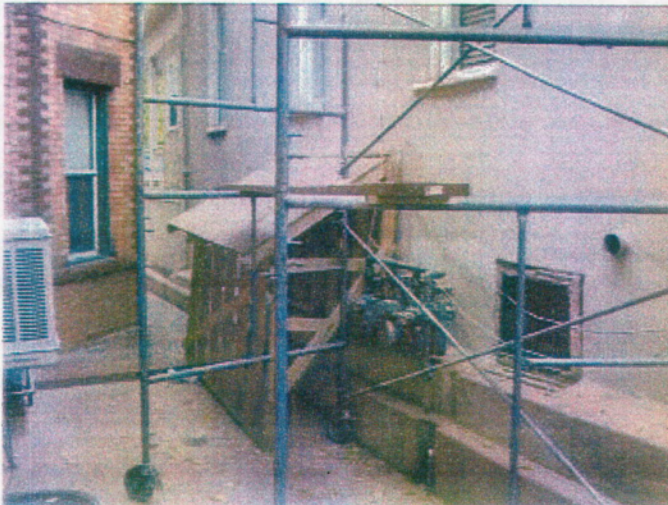
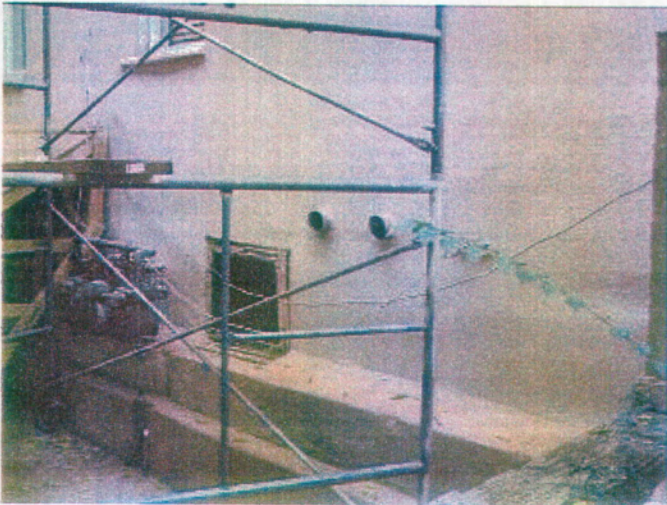


Code Enforcement Photos

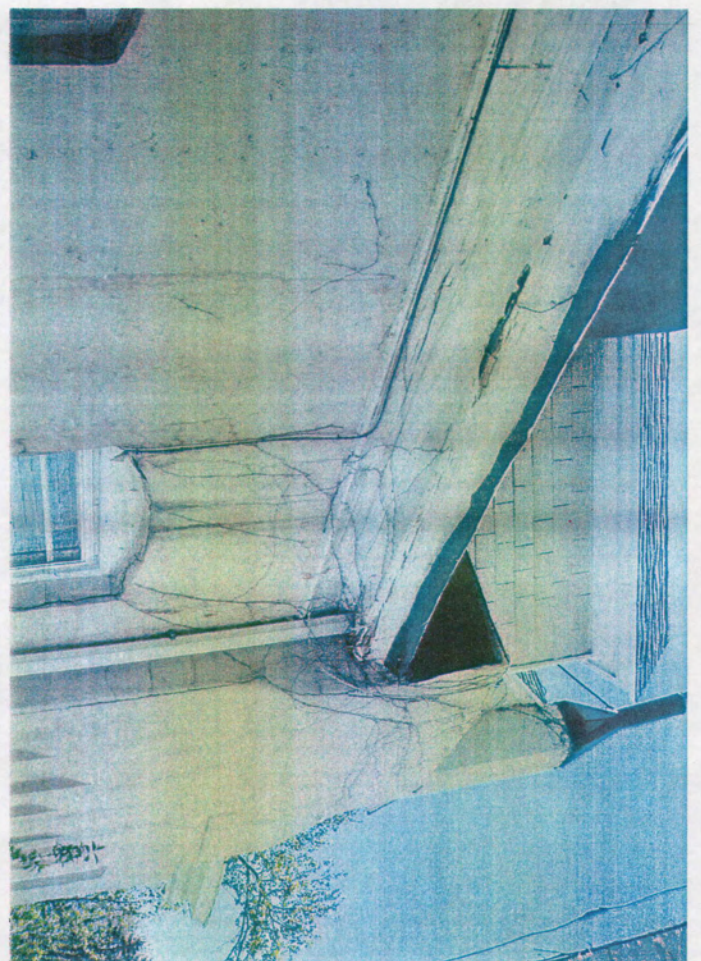
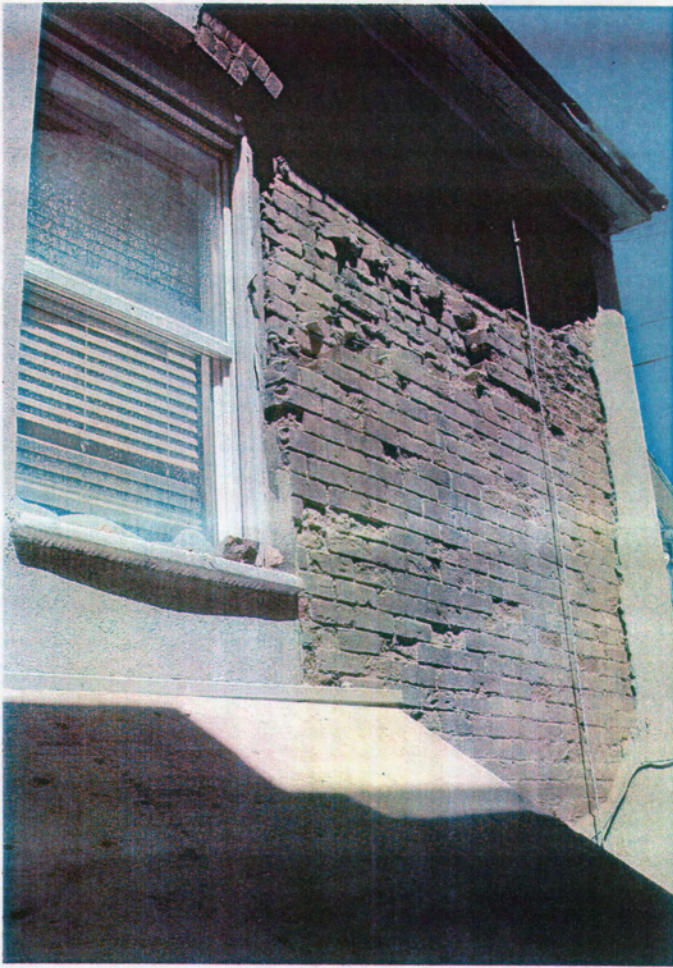


Code Enforcement Photographs

October 31 2008

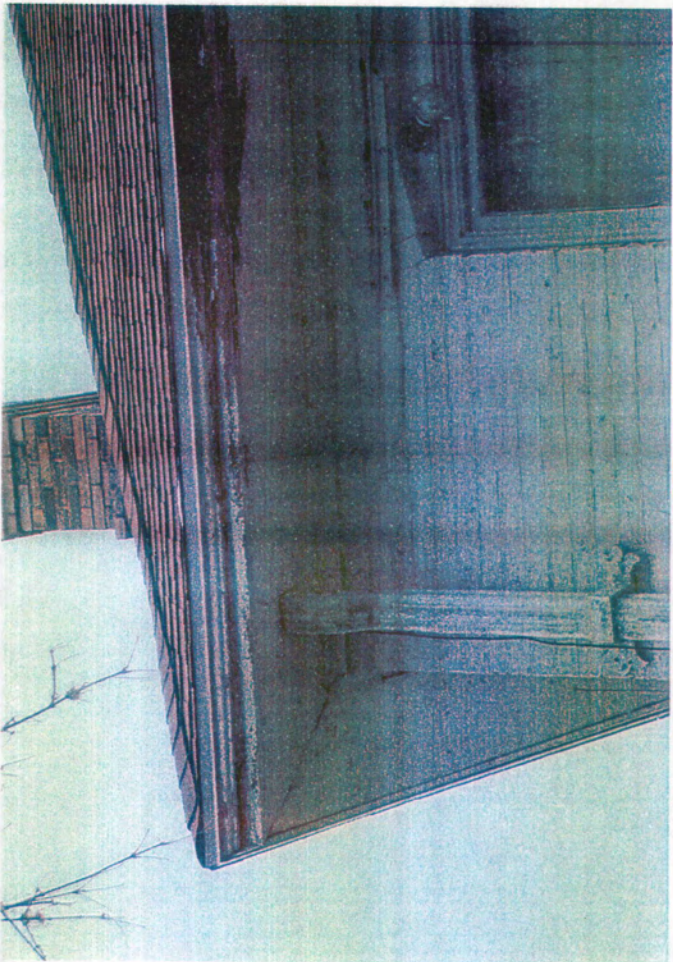
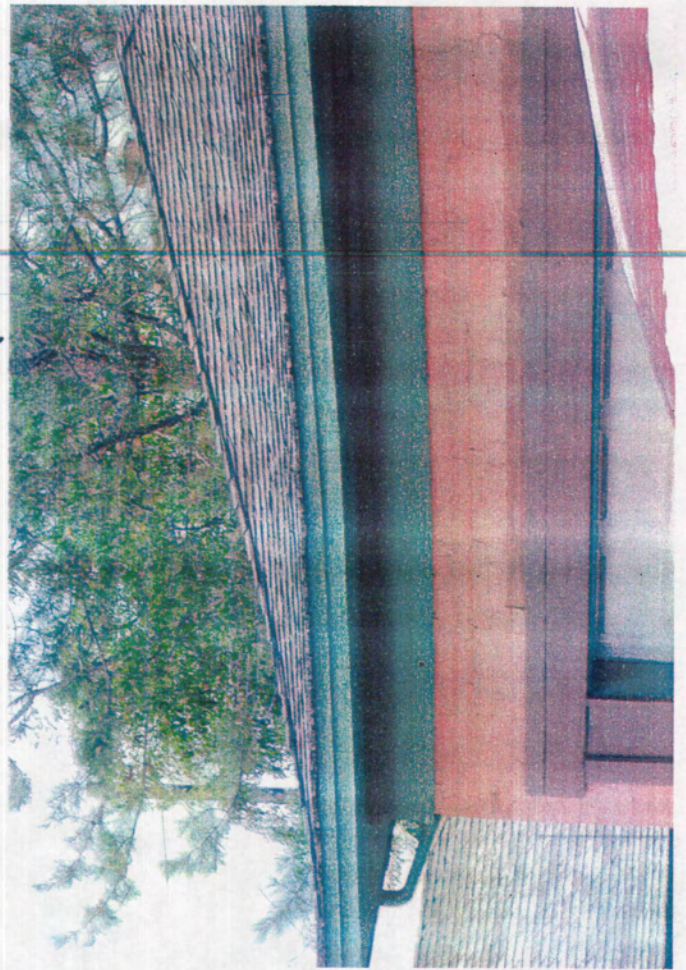


210 N STATB- EVIDENCE OF DAMAGE- INTERNAL GUT





HOME TO THE SOUTH



HOME TO THE NORTH



Attachment D
Historic Resource Survey Form

Property Type: 113

Utah State Historical Society
Historic Preservation Research Office

Site No. _____

PATCH KEY
1805115004

Structure/Site Information Form

IDENTIFICATION 1

Street Address: 00210 N STATE ST

UTM: 425918 513827

Name of Structure:

T. 01.0 N R. 01.0 E S. 31

Present Owner: MC COY*JOHN*L* & LAURI H
210 N STATE
Owner Address: SLC, UTAH

84103

Year Built (Tax Record): 1933 Effective Age: 1930 Tax #: 05 2707

Legal Description 01 Kind of Building: RESIDENCE

BEG 99 FT E & 202 FT N FR NE COR BLK 93 PLAT A, SLC SUR: N 33 FT E 83 FT S 32 1/3-
E 39 FT; W 103.08 FT TO BEG

STATUS/USE 2

Original Owner: Dr. George E. Ellerbeck

Construction Date: 1890

Demolition Date:

Original Use: residence

Present Use: multi family

Building Condition:

Integrity:

Preliminary Evaluation:

Final Register Status:

- | | | | | | | |
|--|--------------------------------|---|---|-------------------------------------|--|---|
| <input type="checkbox"/> Excellent | <input type="checkbox"/> Site | <input type="checkbox"/> Unaltered | <input type="checkbox"/> Significant | <input type="checkbox"/> Not of the | <input type="checkbox"/> National Landmark | <input type="checkbox"/> District |
| <input checked="" type="checkbox"/> Good | <input type="checkbox"/> Ruins | <input checked="" type="checkbox"/> Minor Alterations | <input type="checkbox"/> Contributory | Historic Period | <input type="checkbox"/> National Register | <input type="checkbox"/> Multi-Resource |
| <input type="checkbox"/> Deteriorated | | <input type="checkbox"/> Major Alterations | <input type="checkbox"/> Not Contributory | | <input type="checkbox"/> State Register | <input type="checkbox"/> Thematic |

DOCUMENTATION 3

Photography:

Date of Slides:

Slide No.:

Date of Photographs: 1980

Photo No.:

Views: Front Side Rear Other

Views: Front Side Rear Other

Research Sources:

- | | | | |
|---|--|---|---|
| <input checked="" type="checkbox"/> Abstract of Title | <input checked="" type="checkbox"/> Sanborn Maps | <input type="checkbox"/> Newspapers | <input type="checkbox"/> U of U Library |
| <input checked="" type="checkbox"/> Plat Records/ Map | <input checked="" type="checkbox"/> City Directories | <input checked="" type="checkbox"/> Utah State Historical Society | <input type="checkbox"/> BYU Library |
| <input type="checkbox"/> Tax Card & Photo | <input checked="" type="checkbox"/> Biographical Encyclopedias | <input type="checkbox"/> Personal Interviews | <input type="checkbox"/> USU Library |
| <input type="checkbox"/> Building Permit | <input checked="" type="checkbox"/> Obituary Index | <input type="checkbox"/> LDS Church Archives | <input type="checkbox"/> SLC Library |
| <input checked="" type="checkbox"/> Sewer Permit | <input type="checkbox"/> County & City Histories | <input type="checkbox"/> LDS Genealogical Society | <input type="checkbox"/> Other |

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

SLC Building Permit, #15, 10/10/90, USHS
Salt Lake County Plat Records, 1860-1940
Sanborn Maps, SLC, 1898, 1911, 1930, 1969
Stenhouse, SLC Directory, 1888
Kelly, " " , 1889
Polk, " " , 1892-1940
"Dr. George E. Ellerbeck", Utah, Her Cities, Towns and Residents, 1891-2 p.18

Researcher: Robert Higie

Date: 6/80

Street Address: 210 N State 1890

Site No:

ARCHITECTURE 4

Architect/Builder:

Building Materials:

Building Type/Style: Victorian Eclectic

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

This is a one and one half story Victorian eclectic house with an asymmetrical plan. The main gable returns facing State has clipped corners with brackets under the eaves. There is a Palladian window arrangement in the gable. A large round arched window is located in the bay on the first story. There are gabled dormers and the entrance porch is on the southwest corner of the building.

--D. Diana Johnson

HISTORY 5

Statement of Historical Significance:

Construction Date:

Dr. George E. and Minnie Ellerbeck had a one-story brick home built by McImgor for \$2400 in 1890 at this address. Dr. Ellerbeck was a dentist who on returning from the Philadelphia Dental College entered into a partnership with his father, William L. Ellerbeck. In addition to his practice, George was also involved in real estate and mining claims speculation.

Walter G. Tuttle bought and then sold the home in 1902 to Ina Johnson. Three years later the house was sold to M. Celestine Beamer and Sophia Nichols McGready. Celestine and her husband James D., who were operators for the Oregon Short Line R.R. lived in the home. In 1917 Abridgal Van Noy bought and then rented out the home. She maintained ownership through 1940.

Attachment E
Applicant's Letter



November 13, 2008

Robin Zeigler
Sr. Historic Preservation Planner
Salt Lake City Corporation
451 South State Street #406
Salt Lake City, UT 84111

Project: 210 North State Street
Re: Internal vs. external gutter system – Petition to Historic Landmarks Commission

Dear Robin,

Thank you for your assistance in helping us through the process of obtaining the approval and permits in order for us to complete the exterior repair work on the stucco, brick, soffit, fascia, and rain gutters on the project located at 210 N. State Street. As we started the repair work on the gutter system and we fully considered the long term ramifications, it was determined that the method which would provide for a permanent solution and ensure the problems caused by water penetration were stopped, required a modification to the detail that was submitted on the original application for the certificate of appropriateness which was granted in June of this year. The purpose of this letter is to outline our position with respect to the Historic Landmarks Commission granting our petition and allowing the homeowner to change the slope at the bottom 3 feet of the roof in order to accommodate the installation of an external gutter system.

I. Problem Synopsis and Recommendation:

1. The problem is water penetration into the brick and stucco. The source of the water is the internal gutter system. The result of the problem is destroyed brick and stucco around a significant portion of the exterior of the home.
2. The recommendation is to cover the top of the internal gutter with a new roof as an extension of the bottom 3 feet of the existing roof and install a historically appropriate half round external gutter.

II. Problems with Internal Gutter Systems:

1. Because the underside of the gutter is not accessible, leaks cannot be detected even with regular and detailed inspections. Minor leaks can go undetected for years. By the time a leak is found, the problem has likely escalated to the point that a costly repair will again be needed. The damage can be catastrophic to the extent that entire structure or as it was in our case, significant portions of the exterior walls are compromised.
2. Fabricating a water tight gutter out of a metal product with multiple seams has inherent problems that the industry has not yet fully resolved. Even if the best possible materials were installed by highly skilled workers and proven connection details were used, there is no way to guarantee or even worse verify that a leak does not immediately develop.
3. Here a few common and likely situations that could cause a leak to develop:
 - a. The upward pressure caused by even minor wind can raise the gutter and crack the soldered seams.
 - b. The weight of snow and ice sitting on top of the 12" shelf and inside the gutter can cause the metal to flex and break apart the seams.

- c. During the process of cleaning out gutters of leaves and debris, the metal can flex causing the seams to crack or break apart.
 - d. When installing Christmas lights with nails or screws to the wood fascia, the bottom or side of the internal gutter could unknowingly be punctured.
 - e. Any hairline crack or standing water in the gutter when subject to freezing conditions can open the seams and flex the metal causing the joints to break apart further.
 - f. Hitting or pulling on the downspout below can cause the joint around the gutter to flex and crack.
 - g. Even a small and otherwise unnoticed branch falling from a nearby tree could penetrate the metal gutter or strike the gutter with sufficient force to flex the joint and break the seam.
4. Once a leak develops even if it's just a pin hole, the water works slowly to penetrate the soft and sponge like brick and stucco. Not only does the water destroy the brick and wood framing but being subject to the freeze-thaw cycles of our Utah winters, the problems are exacerbated with the regular expansion and contraction of the water that has penetrated the soft historic brick. As it proved to be in our case, large sections of the brick were saturated and destroyed before the problem was discovered.
 5. On going maintenance is expensive and not fully effective because as noted, leaks and hairline cracks in the joints are not easily discovered. If a leak is discovered from underneath then trying to pin point the location of the leak is difficult because the water can easily travel 10 -20 feet before the evidence is apparent. Often the only solution is wholesale replacement of the gutter or re-soldering every seam.
 6. If a significant leak were to develop and even it were detected within the first few weeks, the damage caused in the interim could also be catastrophic.

III. Advantages of External Gutters

1. With external gutters, failures are immediately apparent because water can be seen dripping from the bottom of the gutter and repairs are easily performed and verified due to the fact that the entire gutter is accessible.
2. If there is a failure or leak in the gutter, or if the downspout gets clogged, the water drips outside the structure and onto the ground and does not get behind the walls or penetrate the brick and stucco. Leaks in external gutters may go undetected for entire seasons without causing damage.
3. Failures or neglect of the gutter system do not jeopardize the structural integrity of the entire home.
4. The new slope at the bottom of the roof will allow the snow and ice to more easily slide off of the roof which will limit ice dams and excessive build up of snow which is the situation with the current design.

IV. Historic and Aesthetic Concerns:

1. With regards to the importance of the historic concerns that are shared by both the property owners and members of the Historic Landmarks Commission, the hope is that the commission will consider the realities of what is needed for long term preservation versus another short term fix or "band-aid" approach. What we have learned is that due to the ongoing failures inherent to the faulty design, any fix to the internal gutter system is not a permanent solution.
2. As far as the appropriateness for this application in the historic district, we point to the home to the immediate north. It's apparent that they experienced such extensive problems with the internal gutters that the entire soffit, fascia and internal gutter system was removed. Currently there are no gutters on the home. Evidence of the previous internal gutter system is an original downspout that was not removed and which no longer serves a purpose.
3. We can also point to the home immediately to the south, where the solution to the same problem was solved using the system that we propose. The change in the slope is negligible and is only apparent upon close examination.
4. There are several other homes in the historic district that used the same solution that we have proposed. Because the change in slope is minor and limited to the bottom few feet of the roof line, it does not appear to detract from the historic features or detailing.
5. The historic building just 2 blocks to the north from our project and across the street from the Capitol has a roof that was originally installed with 2 separate slopes. The change in

- slope on our project will not be near as dramatic a change. This example illustrates that this design feature appears to be in line with other buildings in the historic district.
6. Because the roof on our project is 30 to 40 feet above State Street and 20 feet off the ground, the change in the slope of the roof would not be conspicuous.
 7. It seems evident given that this type of design is no longer used that the consensus in the design industry indicates that the use of internal gutters on a home has proven to be problematic and inferior to current designs which predominantly utilize exterior gutters.

V. History of the Problems:

We are not in possession of a full history of the home and the various problems that have been caused by water penetration over the years but here is a brief synopsis of our understanding of the details pertinent to the problems caused by the failed internal gutter system:

1. The home was built around 1915. There is no evidence whether the original lining of the internal gutter was copper, tin, lead or some other material. It appears that three separate water proofing systems have been installed after the original— all of which have failed. The latest which was likely installed in the past 5-7 years was a thick rubber membrane.
2. It would be difficult to determine at what point the internal gutter system began to fail which resulted in the deterioration of the brick due to water penetration and freeze-thaw cycles; however, since portions of the wood soffit and fascia system have been replaced on what appears to be several separate projects, we assume that the home was not too old before failures to the internal gutter began to destroy the brick and rot the framing.
3. At some time between about 1945 and 1960 the brick on the exterior of the home had so badly deteriorated that the homeowner elected to cover the deteriorated brick with a traditional hard-coat stucco system. This time period is supported by evidence which indicates that a portion of the front porch was enclosed and a large addition was built on the back of the home during this time period. It appears that stucco was used as the original exterior finish on the additions and that it is the same age as the stucco which was applied over the deteriorated brick.
4. Between the 1960's and about the year 2000, the stucco was patched and painted numerous times. There is evidence that the brick and framing continued to deteriorate due to water penetration caused by ongoing failures to the internal gutter system.
5. Around the year 2000 a synthetic stucco system was applied over the top of the original hard-coat stucco system to again hide and cover the problems caused by the failing internal gutter.
6. The current owner's purchased the home during the spring of 2007. The home was inspected and signs of the failing internal gutters were not evident. It was during the following winter of 2007-2008 that the owners became aware of the extent of the problems caused by the water penetration due to the failed internal gutter system. The cost for these repairs has now exceeded \$50,000.

The majority of the repair work to the brick and stucco has been completed. Once approval is received from the Historic Landmarks Commission, our contractor will finish up the remainder of the work and as long as the weather cooperates, we anticipate completion within a few weeks. Please let me know if there is additional information required prior to our meeting with the Historic Landmarks Commission on December 3rd.

Sincerely,


Jeff Davis

Owners Representative / Construction Manager

Copy: Bob Tmur
Michele Finch
Earl Booth
Luann Calfa

