

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Held at 451 South State Street, Room 126
January 16, 2008**

The field trip was attended by Paula Carl, Dave Fitzsimmons, Creed Haymond, Jessica Norie, and Anne Oliver. A quorum was present, therefore, minutes were taken of the trip.

MINUTES OF THE FIELD TRIP

816 East Second Avenue

Staff provided a description of the proposal and relayed that the petition was generated as a result of an enforcement action. Staff provided information regarding the type of stone and how it was applied to the structure.

768 East Fifth Avenue

Staff described the new construction project, identified issues relating to height, noted the block face issue, identified issues relating to the attached garage, and noted the slope.

830 East Sixth Avenue

Staff noted that the application was in response to an enforcement case. Staff also noted that the structure is not 50 years or older. The Commission asked questions relating to the Commission's criteria for the modifications to a non-contributing structure (due to age) and it was suggested that the discussion be held during the hearing.

1187 East Third Avenue

Staff described the proposed additions to both the rear and side of the structure. The Commissioners asked questions regarding the elevation drawings for the proposed side addition. Staff explained that, due to a misunderstanding, the side addition was not noticed and would not be heard in today's meeting.

MINUTES OF THE MEETING

The Historic Landmark Commission and staff assembled for the meeting. Present from the Historic Landmark Commission were Chairperson Fitzsimmons, Commissioner Carl, Commissioner Haymond, Commissioner Lloyd, Commissioner Norie, and Commissioner Oliver.

Present from the Planning Staff were George Shaw, Planning Director; Cheri Coffey, Deputy Planning Director; Janice Lew, Principal Planner; Lex Traughber, Principal Planner, and Robin Zeigler, Senior Planner. Lynn Pace, Deputy District Attorney also attended.

Chairperson Fitzsimmons called the meeting to order at 4:01 p.m.

An agenda was mailed in accordance with zoning ordinance regulations for public hearing noticing and was posted in the appropriate locations within the building, in accordance with the open meeting law. Members of the public were asked to sign a roll, which is being kept with the minutes of the

Historic Landmark Commission meeting. An electronic recording of this proceeding will be retained in the Planning Division office for a period of no less than one year.

Chairperson Fitzsimmons inquired if all Commissioners had the opportunity to visit sites that would be the subject of discussion at this meeting. Commissioner Lloyd indicated that he had not visited the sites.

WORK SESSION

Ms. Coffey stated that the packet contains a matrix of the status of all ongoing surveys. She noted that the document also included suggestions from the consultants.

Seeing as the Commission did not have any questions or concerns, the Chair moved the meeting to the next item on the agenda.

As the Planning Director was not present and it was anticipated that the Planning Director would join the meeting later, the Report of the Planning Director would be given near the end of the meeting.

PRESERVATION PLAN

Ms. Oliver noted that the Citizen's Advisory Committee met on January 8, 2007 and discussed the vision statement document provided by the consultants. The Committee also discussed revising the questionnaire and introducing that document to various community groups through a road show. Finally she commented that one vacancy existed on the subcommittee and also on the Citizens Advisory Committee when Commissioner Hunter left the Commission to fulfill other duties in the Mayor's Office. She asked the Commission for a volunteer to fill that slot.

The Commission decided to postpone volunteering until anticipated additional members join the Commission.

COMMENTS TO THE COMMISSION

Chairperson Fitzsimmons stated comments would be taken from the public for issues impacting the Historic Districts and Historic Preservation in Salt Lake City.

Ms. Cindy Cromer, property owner in the Central City Historic District, addressed three items in her comments. She spoke to the Commission expressing concerns regarding the drafted Downtown Master Plan Update and expressed disapproval of what she considered an inappropriate boundary determination. She noted the Downtown Master Plan draft refers to portions of the Central City Historic District, currently zoned RMF-30 and RMF-35, as Downtown. Portions of Capitol Hill and the Avenues, with similar zoning designations, were physically closer to Downtown and were not labeled as Downtown. She stated classifying those parts of the Central City Historic District as Downtown would lead to conflicts when the properties were considered for development. She informed the Commission that the Central City Neighborhood Community Council would request a representative from the Planning Division to attend the next Community Council meeting to discuss the boundary, as well as other issues as they relate to the Central City neighborhood.

Noting that she submitted a document to be placed in the Commissioner's packets regarding the Downtown development pattern, Ms. Cromer stated that she did not wish to elaborate at this time on the contents of the item, but she asked the Commissioners to read it carefully and give it consideration. A copy of the document is filed with these minutes.

She brought to the Commission's attention the Fisher Historic Building, which is currently owned by the City and noted that there had been some discussion within the City regarding the possible future of the property, she reported to the Commission that the Mayor had determined to keep it in Salt Lake City's possession.

Seeing as no further members of the public expressed the desire to speak, he turned to the next item on the agenda.

CONSIDERATION OF THE MINUTES

The October 3, 2007 minutes, contingent upon one correction, were approved on November 7, 2007. As no recording exists of the correction and no Commissioner remembered the correction to be made, the Commission agreed that the minutes were ratified as is. No further vote was taken on this issue.

Commissioner Carl moved to approve the January 2, 2008 minutes with one minor correction. Commissioner Haymond seconded the motion. Commissioner Norie abstained.

PUBLIC HEARINGS

Petition 470-07-42 Celestino Legalization of stone siding on a contributing structure. A request by Christine Celestino for approval of a stone façade that was added to the front of the contributing structure located at 816 East Second Avenue in the Avenues Historic District. The stone façade was installed without either a Certificate of Appropriateness or a building permit. The subject property is zoned SR-1A (Special Development Pattern Residential District.

Mr. Traughber presented the case, proving the background of the request for the Historic Landmark Commission to legalize a stone façade that was added to the front of the contributing structure. The stone façade was installed without either a Certificate of Appropriateness or a building permit.

Mr. Traughber stated that staff recommended that the Historic Landmark Commission should deny the request to legalize the stone façade because stone is not a material consistent with the architectural style of the subject home. Staff recommends that the Historic Landmark Commission approve the installation of aluminum siding to match the existing siding on the home subject to the following:

1. The stone façade should be entirely removed.
2. A building permit should be obtained and all necessary inspections performed.

He noted that the approval would be based on the specifics of this particular case and should not be construed as a precedent for the use of artificial siding (aluminum siding) on exterior facades of structures in a designated Historic District.

The Chair invited the applicants, Christine and James Celestino to approach the Commission. Ms. Celestino stated that they had owned the property for three years. Ms. Celestino stated that it was not her intention to violate the Zoning Ordinance by installation of stone to the front façade without a Certificate of Appropriateness. She stated that during a telephone conversation with the City, she was told that the home was not historic and would not require permission to update the front façade.

Prior to installation of the stone, the front façade was in disrepair; the structure was wrapped in aluminum siding, which damaged the underlying material. The stone upgrade was an attempt to rectify the problem and update the home. The new facade was selected in an attempt to restore the structure using the original surface material.

Ms. Celestino disagreed with staff findings that the mass and scale of the home was the same as it was historically. Prior to the Celestino's ownership, the house had been altered to add large additions to either side of the house, a dining room addition on the back, and both back and front porches were enclosed. The original home was constructed of stone, with most of the subsequent additions constructed of brick and covered with stucco. In subsequent years, the entire home was covered in aluminum siding.

Many of the original features of the home have been lost. Along with enclosure of the two porches and installation of the aluminum siding, the stone window sills were removed from the house and placed in the garden to use as planters, and the chimney was removed.

Mr. Celestino gave a packet to each Commissioner containing photos of the original limestone, which illustrated damage done to the stone from the installation of the aluminum siding. He explained that he had attempted to cover the nail-hole damage with a trial use of paint and stucco. He said the paint gave dissatisfying results because each nail hole was emphasized after receiving the treatment and they found stucco did not obliterate the visual damage.

Ms. Celestino stated that the installation of the aluminum siding had been done in an inferior manner, resulting in nail penetration deep into the original stone and that the underlying wood was of poor quality.

The Chair clarified with the applicant that the original house was constructed of stone and the additions were of brick, and the enclosed porches are finished in stucco. There are two pitches on the roof; the lower pitch was on the original structure.

Commissioner Oliver noted that the additions might have aged enough to be protected under the ordinance.

In response to a question by Commissioner Carl, the applicant responded that the new stone was applied by using lathe and mortar. The stone is cultured stone individually stacked very carefully to avoid the appearance of a pattern. The material was selected because the applicant observed the stone on other houses in the neighborhood and found it pleasing. The stone could be found on eleven houses within a three to four block radius of their structure. Addresses and photos of these houses are found within the staff report along with letters from neighbors stating approval of the new stone façade.

Ms. Celestino brought the Commission's attention back to the staff report, where it mentions that the stone façade is more noticeable because the porch cover had been removed. She stated that their intention was to replace the structurally unsound porch awning with a porch covering that fits into the neighborhood after seeking the appropriate approval.

The aluminum siding was in very poor shape and did not respond to efforts to clean it. The applicant had the unusable siding removed and painted the remainder. The porch cover would follow the top of the stone. There exists a framing or wood area above the stone which will be used to anchor the new porch covering.

Seeing as the Commission had no further questions for the applicant, the Chair invited the public to address the Commission.

Public Comment

Cindy Cromer stated that she found the stone façade jarring and out of character with the neighborhood. She further stated that the house framing is not in line with the shed roof and should be horizontal rather than sloped. She stated that the applicant should resurface around the door.

Seeing that there were no further members of the public who wished to speak regarding the project, the Chair closed the public hearing and moved on to Executive Session.

Executive Session

Commissioner Hammond made a motion.

Motion

Commissioner Hammond moved regarding Petition No. 470-07-42 to accept Staff recommendation to deny the request to legalized the previously installed stone façade and to approve the installation of aluminum siding to match the existing siding on the home subject to the following conditions:

- 1) The stone façade shall be entirely removed.**
- 2) A building permit shall be obtained and all necessary inspections performed.**

It was noted by the Commission that this approval is based upon the particular case and should not be construed as precedent setting for the use of artificial siding (aluminum siding) on exterior facades of structures in City designated Historic Districts.

Seconded by Commissioner Oliver.

Commissioner Oliver put forward a motion to amend the motion to state that if the applicant objected to the use of aluminum, they had the option of using stucco instead.

**Commissioner Hammond so amended the motion.
Commissioner Oliver accepted the amendment.**

All voted, "Aye." The motion carried unanimously.

Discussion

Commissioner Lloyd stated that he did not wish for the applicant to leave the Commission without direction to move forward and obtain a solution for the structure. He stated that the staff report was thorough, but felt the applicant should be provided more direction as to how to proceed. The City has resources and has a commitment to come up with a solution for the design issues the petitioner faces.

Commissioner Carl suggested an Architectural Review Committee, but the Chair noted that as the petition was denied, the Committee would not be appropriate.

Ms. Coffey stated that if some members wanted to meet with the petitioner to give more direction, it would be appropriate, but staff has already given some direction and there are other resources available.

Commissioner Oliver suggested that the State Historic Preservation Office and State History are resources available to the applicant to obtain the structural history of the house to better understand what and what would and would not be appropriate for the structure.

Petition No. 470-07-41 Oettli Single-family Dwelling (new construction). A request to construct a single-family residence with an attached garage located at approximately 768 East Fifth Avenue in the Avenues Historic District.

As the property was directly across the street from her home, Commissioner Oliver stated that she had a conflict of interest and recused herself from the hearing.

A PowerPoint presentation of the proposal was presented by Ms. Lew. She stated that the applicant, Jonathan Oettli, requested approval to construct a single-family residence with an attached garage. The site is approximately .10 acres and is zoned Special Development Pattern Residential (SR-1A), the purpose of which is *"to maintain the unique character of older, predominantly single-family neighborhoods that display a variety of yards, lot sizes and bulk characteristics."* The Historic Landmark Commission has final design approval authority to ensure that any new construction, redevelopment and the subdivision of lots is compatible with the character of existing development within the historic district. The zoning district allows single-family and twin homes as permitted uses.

Based upon the comments, analysis and findings of fact noted in this staff report, Planning Staff recommends the Historic Landmark Commission approve the application requesting approval to construct the proposed single-family dwelling with subject to the following conditions:

1. Approval of the final details of the design shall be delegated to Planning Staff based upon direction given during the hearing from the Historic Landmark Commission and including:
 - windows recessed mounted into the wall, and
 - a smooth finished fiber cement siding material.
2. The project must meet all applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission, Administrative Hearing Officer, or Board of Adjustment.

The Historic Landmark Commission has the following options regarding this proposal:

1. The Historic Landmark Commission can approve the proposal by finding that the proposal substantially complies with all applicable ordinances and design guidelines;
2. The Historic Landmark Commission can deny the proposal by finding that the proposal does not substantially comply with applicable ordinances and design guidelines;
3. The Historic Landmark Commission can table the request for further review of the design of the proposal.

Jonathan Oettli and Janice Oettli, the applicants were invited to approach the Commission. He stated that he has an interest in maintaining the architectural appearance of the Avenues and stated that the Avenues was a wonderful part of the City. He had worked with staff and considered neighbor comments when creating the proposal design. His proposal was his eighth design. He acknowledged his lot is small and very difficult to work with; however, despite these challenges, the proposal meets the Design Guidelines. A detached garage was not an option. The conservative attached garage was designed to meet the requirement for two off-street parking stalls and to meet the standards for new construction for attached garages in the Design Guidelines. He has tapered the driveway at the street to accommodate a single car driveway width. The garage doors have been set back and two doors were used to decrease the visual impact that one large door would have. There is a front facing garage on the abutting property and there is a large two story garage on the block. He accommodated the abutting neighbor to the east, who requested that Mr. Oettli increase the side setback to ten feet, which would require the sacrifice of one tree.

Public Comment

Shane Carlson, Greater Avenues Community Council, acknowledged the efforts of Mr. Oettli to cooperate with the neighborhood and present his proposal to the Community Council. He displayed a large map which represented the lots and boundaries of the Greater Avenues Community Council area and stated opposition to the proposed development. Noting a letter he wrote to the Council regarding the issue of the height of the proposed structure, which was included in the staff report, further he stated that he specifically objected to the height, size, mass, and scale of the structure on what he called a substandard sized lot (less than 5000 square feet). Noting that the structures across the street from the proposed project were smaller than the proposed structure, he stated that the proposal should not be allowed as drawn.

Mr. Carlson informed the Commission that members of the Community Council formed a group called the Salt Lake Community Coalition for Orderly Development which addressed questions of the intent of specific ordinances with City Council. He also is involved with the District Three Infill Work Group. The work group had conducted a study of the infill ordinance to determine the intent of the ordinance in regards to the definition of block face. In response to the finding of this group, the Greater Avenues Community Council asserts that the intent of the ordinance when determining the block face was to leave non-conforming multi-family structures out of the equation. He provided a copy of the Council's infill workgroup report to the Commission. A copy of this report is filed with the minutes.

Mr. Shaw commented that the Planning Division was aware of the position of the Community Council and had reviewed the zoning ordinance with the City Attorney's Office. The position of the Attorney's Office and Planning Division was one that the Ordinance does not allow the interpretation of the block

face to be determined in any other fashion than how it is done already. However, the Planning Division has determined to go back to the Council and ask them what their intent was in regards to determination of the block face. The Historic Landmark Commission should base their decision during this meeting on the ordinance as written.

Mr. Pace stated that it is clear, according to State law, that where the statutory language is clear, we do not look beyond the language for meaning to define legislative intent. Therefore, only when we find ambiguity in the statute's plain language, need we seek guidance from the legislative history and the relevant policy considerations. The applicant is entitled to a decision based under the ordinance which requires the averaging of the principle buildings on the block face. If the Commission does not find the language ambiguous, then the ordinance is applied. If the Commission finds the ordinance language ambiguous, staff would go back and look at the legislative history. Generally statute language is not subject to a lengthy examination for intent unless the language is significantly ambiguous.

Blakely Summerfield also known as Carol Wicks, a licensed real estate agent, stated that in 1990, she represented an owner of a lot in the Capitol Hill Historic District with a pioneer cottage house adjacent to it. At that time, underground garages were prohibited. The house now has an underground two car garage. The house is less than 5000 square feet.

Commissioner Lloyd commented that the Commission had addressed underground garages in the Capitol Hill Historic District.

Cheryl Gillet, neighbor across the street from the proposed house stated opposition to the proposal, specifically that she prefers a vacant lot to house on the subject property. The proposed garage should not dominate the street as is proposed. The applicant should revise his plans to allow a one car garage or to reduce the size of the house. She disagreed with the ordinance in regards to including multi-family homes on the block face when considering the height average. She also stated that the proposed structure was too big for the lot.

Doug Oliver, neighbor, lives directly across the street from the property. He stated opposition to the proposal. He noted that the development pattern of the surrounding area within the Historic District does not have garages. He noted two exceptions where the garages sit behind the houses. The proposed garage on the street is out of character with the neighborhood.

Marianna Hoad, stated opposition to the proposal. She is an abutting property owner, but does not live on the block face. She objected to the house configuration which would cause a 30 foot high blank elevation without windows to face her yard. One exception is a window at the top. Her house is on the same size lot, although it is a different shape with a footprint which is 40 percent of the footprint of the house which is being proposed.

Jeff Coursey, neighbor, stated opposition to the project. He referenced a letter in the packet which delineated the concerns of neighbors, including: 1) building height, and definition of a principle building, which they found ambiguous. 2) The proposal, which according to the Design Guidelines, does not fit in the neighborhood.

Mary Johnson Coursey, neighbor, stated that her property did not have a garage. She supported Cheryl Gillet's comments and agrees that the house does not fit on the lot.

Fred Beck, neighbor, stated that the original home, which is now demolished, did not accommodate a family. He is in favor of the proposed house, stating that a small house would not work for anyone and should be approved.

Jerry Kellgreen, neighbor, stated he was in favor of the construction.

Blakely Summerfield readdressed the Commission. She stated that she had looked at all elevations in the neighborhood and that there is a corner art deco structure with massing much larger than the proposal. She further stated that our tax dollars had gone to hire professional staff in the Planning Division and some respect is due to the rule of law and professionalism.

Mr. Oettli responded to the public comments by stating that he needs to live with his neighbors, and they obviously do not like the proposed house, so he did not know how the project would work. He further stated that the process to get a project approved in the Historic District was difficult.

He had considered placing the garage farther back to keep a front setback, but the garage would not fit as the lot is 4300 square feet and the setbacks are small. He expressed frustration with the response of his neighbors, and felt he was making enemies within the neighborhood. The lot was vacant for 40 years and the neighbors do not want to see development on it.

Seeing that there were no further members of the public who wished to speak regarding the project, the Chair closed the public hearing and moved on to Executive Session.

Executive Session

Mr. Pace read the ordinance definition of principal building in consideration to height and then reminded the Commission that they had two defined terms (block face and principal use) clarified within the ordinance.

In response to a comment by the Chair that the Commission had the authority to provide the applicant with a variance, Mr. Pace stated that the applicant was not asking the Commission for a variance. Mr. Pace also stated that the applicant had a right to a decision during this meeting.

A discussion ensued during which the Commission agreed that the language of the ordinance was not ambiguous; the issues that were facing the Commission were specifically the proposed height and garage, which were both addressed in the Avenues Residential District Design Guidelines which the applicant has met. However, the Historic District settlement development pattern did not support garages on the street as described in Residential Design Guidelines 11.1, historic settlement patterns, and 9.3, regarding attached garages. Even though in some circumstances attached garages could be considered on a case by case basis, in this instance, historically none of the attached garages reviewed in the past by the Commission had such a prominent elevation facing the street. All of these structures had garages which were located on secondary facades or were oriented to the interior of the lot. Compliance with Residential Design Guideline 11.5, which recommends new construction that is similar in scale to the scale established on the block, depends on whether the existing multi-family structures at the east end of the block must be considered.

They further agreed that it was necessary to acknowledge that on average, there were two apartment buildings on the block face in regards to massing.

Mr. Pace reminded the Commission that the Commission might need to determine two findings:

1. A finding regarding the attached garage. The Design guidelines state that detached garages are favored when possible. The Commission might need to determine if it is possible for the structure to have a detached garage.
2. A finding regarding the scale of the building itself with or without an attached garage.

Ms. Lew brought the Commission's attention to the Design Guidelines and referenced pg. 127 which shows two examples of new construction with attached garages on the front face of the structure.

Commissioner Haymond noted that all of the houses in the area are large and this structure is not overly large. The applicant has reduced the size of the garage and the driveway to meet the Design Guidelines.

Commissioner Lloyd argued that the examples cited by Ms. Lew do not use the garage as a prominent feature. The proposed structure shows the garage as a prominent element on the house and stated that the plane of the garage should be setback. He stated that the planes and shadows as architectural features should be changed by further recessing the garage.

The applicant spoke from the audience and stated that he could not move the garage back to meet the garage setback.

Commissioner Norie responded that it was not the Commission's role to design the project.

Commissioner Carl stated that she did not approve of the materials because they differed on one façade. She suggested the Commission encourage the applicant to use a consistent siding material on all four faces.

Commissioner Norie stated that the scale and massing were out of proportion as the guidelines are not specific to block face, but to the block.

The Commission entered into a discussion regarding the different options allowed by moving the garage and why those alternatives would or would not work.

The Commission discussed the definition of block face and development pattern.

Mr. Pace read the definitions from the ordinance.

Ms. Lew read from the Design Standards in reference to visually compatible surroundings and a certificate of appropriateness for new construction. She also noted the standards for design and scale.

The Commission agreed that the garage did not meet Residential Design Guideline 11.5 in regards to scale and massing consistent with the developmental pattern; specifically in regards to the scale on this street of the block.

Motion

Regarding Petition No. 470-07-41, Commissioner Lloyd moved to deny the applicant's request to construct a single family residence. The Commission finds that they do not agree with the staff recommendation for Standard 11.5 that the house is constructed in a manner that is similar to the scale that is established on the block. Specifically that the garage door elements do not have a precedent historically, nor do they have a precedent on the block face or development pattern. The Commission counsels the applicant to refer to Residential Design Guidelines, minutes of hearing, and to bring an alternative proposal back to staff.

Commissioner Norie seconded the motion.

Discussion:

Commissioner Haymond asked that if the double garage faced the street, but set further back, would that make a difference?

Commissioner Lloyd responded that the design of the house is traditional without the garage. If the garage were set back, then his proposed motion would have been different.

The applicant spoke from the audience and asked for a variance on the setback. The Commission responded that the Board of Adjustment would be the decision making body who could consider a variance.

Ms. Coffey clarified that the Commission could send a positive recommendation to the Board of Adjustment, but the Board of Adjustment would be required to find hardship in order to grant a variance.

All voted, "Aye." The motion carried unanimously.

The Chair called at break at 6:40 p.m.

The Chair called the meeting to order at 6:51 p.m.

Commissioner Oliver rejoined the Commission.

Case No. 470-07-44 Morrison Legalization of major alterations. A request by Ray Morrison to legalize alterations to the front façade of a noncontributing apartment building located at 830 East Sixth Avenue in the Avenues Historic District. The property is located in the SR1-A Special Development Pattern Zoning District. The work was initiated without a Certificate of Appropriateness.

Ms. Lew explained that the applicant was requesting that the Historic Landmark Commission legalize alterations to the front façade of the non-contributing apartment building located at 830 East Sixth Avenue in the Avenues Historic District. The work was initiated without either a Certificate of Appropriateness or building permit. The Planning Staff elected to refer the administrative approval request to the Historic Landmark Commission because of the extent of the modifications to a principal façade as viewed from the street.

Staff finds that the alterations to the building located at 830 East Sixth Avenue significantly change important character-defining architectural features of the building and fails to substantially comply with all of the standards as stated in this staff report. Therefore, staff recommends that the Historic Landmark Commission deny the request to legalize the work initiated without a Certificate of Appropriateness. Staff recommends the following:

1. That the applicant obtains the appropriate City permits to re-establish the missing architectural features on the principal façade of this building including the decorative concrete block screen and panel.
2. The project must meet all other applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission, Administrative Hearing Officer, or Board of Adjustment.

Ray Morrison, the applicant, was invited to approach the Commission. He distributed copies of letters in support of the project. While stating that the decorative block was loose and not structurally sound, he acknowledged that he should not have removed the decorative block without the required permission. He thought obtaining that permission would not be an issue because he was told that was the case by his real estate agent. He put off obtaining the necessary permission because other projects within the interior of the apartments were a higher priority, for example the electrical and plumbing permits.

He stated that he spoke with Nole Walkingshaw, Principal Planner, who confirmed that the structure was non-contributing and less than 50 years. He asked the applicant to bring in photos and plans. Ms. Lew met with him when he returned with the requested documents.

Stating that every neighbor who faced the building supported approval of the remodel, the applicant gave a letter to each Commissioner present describing his proposal. The letter is filed with these minutes. He briefly described the project as follows:

- 1) Open the front entrance to promote safety as the view of the front entrance is obscured by the block wall. A neighbor discovered a transient sleeping behind the wall.
- 2) Addition of a French door upstairs to add light to a dark hall which allows egress and cross ventilation
- 3) Replace windows with a permit
- 4) Remove the swamp coolers
- 5) A new front porch roof with rain scuppers incorporated into the roof.

The applicant described the original porch roof as a severely cracked, slightly pitched awing with rain gutters running across the top, two lights under the roof and the royal crest. It was keyed into the building with the support coming from the wall. It was constructed of U-shaped angle iron, barely sitting on the cracked steps. Unstable cinderblock was placed within the angle iron structure and a deteriorated grape stake fence ran from the porch to the street. The cinderblock was also cracked and easily removable by pushing against the blocks.

He stated that the final design will incorporate a material which will not allow children to climb the wall. The scale of the drawing is incorrect as it shows a larger toe space. The upper deck sits in front of a hallway while interior stairs take up the space below.

He further stated that the original block had been discarded, but the rusting crest had been retained. He expressed the desire to not restore the crest to the building.

The Commission agreed that the crest would not be considered by the Commission.

Public Comment

Cindy Cromer acknowledged that she did not have authority to enforce, only to complain about perceived violations. She stated that the building was 47 years old and should be considered contributory because it has rake finished brick, a type of decorative masonry finish work that is not made anymore, which is characteristic of the era; and a clay tile on the parapet walls, which are not made anymore.

She informed the Commission that she had attended the Administrative Hearing on the building and believed it was classified incorrectly. Stating that it should be contributory rather than non-contributory, she found the changes that took place to the structure out of character with the building. She stated that the windows could not have window boxes, as it is a minimalist structure. The handmade look for the rail is inappropriate as the building needs fixtures which sport a minimalist look rather than hand crafted. While acknowledging that there were curves within the concrete block, she stated her preference for a rectilinear look across the front such as a rectangular porch. The French doors should be replaced with sliding doors.

She suggested that the structure was a candidate for an Architectural Committee. She agreed that the original was a safety hazard in terms of surveillance and the original façade did need to be addressed to make the property marketable.

She also expressed the opinion that there was a need for protecting the mid-century homes in the City and 47.5 years was close enough to 50 years.

Seeing that there were no further members of the public who wished to speak regarding the project, the Chair closed the public hearing and moved on to Executive Session.

Executive Session

The applicant asked for permission to clarify a statement made by Ms. Cromer. He noted that the building was actually 46 years old.

Commissioner Haymond stated he agreed with staff findings in regards to the front façade. He also supported the suggestion that an Architectural Committee would be appropriate for this building.

Commissioner Lloyd supported deferring the legalization issue until the design was approved.

Commissioner Norie worried about setting precedence.

Commissioner Oliver reminded the Commission that the structure was not yet a historic structure and was classified as non-contributing. As this was the case, she wondered if it was appropriate to require him to restore the character defining features. The proposed changes would humanize the structure. She asked if the Commission was required by the ordinance to force the restoration of the original to retain the character defining features.

The Chair wondered if the case would be treated differently had the applicant come before the Commission prior to remodel. The applicant noted structure and seismic issues, in regards to the compromised canopy. He expressed sympathy for the desire to improve the property, but felt frustration that the character defining materials (the decorative concrete block) had been destroyed. He commented that it was necessary that a better preservation effort be undertaken in regards to these types of structures.

Ms. Zeigler stated that the proposed porch was a traditional design that created a false sense of history on the building, which was of a more modern design. It created confusion by mixing styles.

Commissioner Lloyd agreed that creating the porch did create style.

Ms. Coffey asked the Commission to remember if they chose to send the applicant to the Architectural Committee, the Commission needed to provide specific instruction.

Ms. Lew suggested that the Commission could give enough direction in redesign to allow staff the final approval.

Motion

In regards to 470-07-41, Commissioner Lloyd moved to legalize the alteration to the front façade with the following condition:

- 1) The applicant is to meet with staff to determine the configuration of the second story door and roof structure and that the commission finds that the building does not currently meet the protection of a contributing structure in the Avenues Historic District.**

Seconded by Commissioner Carl.

Commissioner Oliver moved to amend Commissioner Lloyd's motion to add that the second story is to be restored as much as possible to its original configuration. The first story porch entry would be designed to be compatible as much as is possible, to the original without requiring the applicant to restore the concrete block.

Commissioner Lloyd accepted the amendment to his motion so long as it allows front access to the building and did not require a screen wall.

Commissioner Oliver confirmed that this was her intent.

Commissioner Carl accepted the amendment.

Clarification of the motion

Commissioner Lloyd noted that the motion did not legalize the changes to the second floor, but to put it back as closely as possible to the original. It did legalize the first floor, with staff to work out the details such as the porch roof.

Restated

Commissioner Lloyd moved in regards to 470-07-41, to legalize the alterations to the front façade, main floor of the structure. The second story is not legalized. The Commission recommends that the applicant remove the second story door and work with staff to find an appropriate, detailed entryway and other portions of the building. The decision is based on the findings that the structure is non-contributing and does not meet the age requirements for protection under the guidelines.

Commissioner Carl seconded the motion.

All voted, "Aye." The motion passed unanimously.

Petition No. 470-07-43 Curry and Lark Addition to a contributing structure. A request by Four Seasons, Inc, representing Antje Curry and Gordan Lark, to construct a glass, brick, and aluminum clad wood addition to the rear of the house located at approximately 1187 East Third Avenue in the Avenues Historic District. The property is located in the SR1-A Special Development Pattern Zoning District.

Ms. Zeigler explained that the plans show a proposed side addition but, due to a high wall next to it, she was under the impression that the drawings actually illustrated an existing bay window with a change to the door. As a result of the misunderstanding, the item was not noticed sufficiently to hear the side addition during this meeting and the applicant has changed their proposal in regards to the addition.

Ms. Zeigler explained that the applicant requested approval to alter a structure which sits on a corner lot property by constructing a wood and brick glass addition to the rear of the single-family residence.

She noted that the Historic Landmark Commission had final approval authority.

She further stated that staff recommended that the Historic Landmark Commission approve the Certificate of Appropriateness for the exterior alterations. She stated that single-hung windows were appropriate, but the applicant wanted casement windows.

The project must meet all other applicable City requirements, unless otherwise modified within the authority of the Historic Landmark Commission, Administrative Hearing Officer, or Board of Adjustment.

The Chair invited the applicant, Carl Gordon Lark, to address the Commission. Mr. Lark stated he and his wife were elderly and expected to remain in the house throughout their lives. They desired the addition as it provided needed space in the home and retained a view of the garden. As U-Street rises continually to meet the grade on the street, the floor will start significantly below the deck, which keeps most of the view of the roofline below the fence.

He acknowledged that the original proposal showed single-hung windows; however, the applicants preferred casement windows because they are easier to open. Ms. Curry had health issues which interfered with her ability to open single hung windows. The window opening size would remain the same size as single-hung windows and could be changed if a future owner wanted to do so. He further stated that the house alterations would have minimal impact on the character of the street.

In response to a question posed by Commissioner Oliver, the applicant responded that the addition was offset to keep all of the existing lines in the garden and on the house. The offset allowed them to gain a little room as it was set exactly where the existing deck is and the bathroom window would not be obstructed.

The Chair opened the meeting to public comment.

Public Comment

Shane Carlson complimented the staff report, which was available on the website with legible color pictures. He asked if the plans for the side addition were independent or inter-dependant.

Ms. Zeigler responded that they were independent as the applicant had decided to not do the side addition.

Executive Session

Commissioner Carl immediately made a motion.

Motion

Commissioner Carl moved in case 470-07-43 to accept the staff recommendation to approve the sun room rear addition as presented in the staff report with the exception of the side addition, which is not approved.

Commissioner Hammond seconded the motion.

Amendment

Commissioner Carl amended her motion to approve casement rather than single-hung windows.

Discussion

Commissioner Lloyd understood the intent of the motion included the understanding that the windows would remain the same proportion as drawn in the plans. A divider window could be placed with a horizontal muntin bar so long as the window size remained the same.

Commissioner Carl confirmed that this was her intent.

All voted, "Aye." The motion passed unanimously.

REPORT OF THE PLANNING DIRECTOR

Mr. Shaw stated that he would discuss the newly drafted Downtown Master Plan during the Other Business portion of the meeting.

OTHER BUSINESS

Mr. Shaw gave a briefing regarding the second draft of the Downtown Master Plan which was sent to the Commissioners in their packets. This draft was an effort to paint a vision of what downtown could be. It incorporates many of the recommendations in the Downtown Rising Plan, and the Downtown in

Motion plan (Salt Lake City's transportation plan for the Central Business District) which recommends additional TRAX lines downtown. The final copy will be updated with more graphics.

Mr. Shaw noted a letter from Cindy Cromer, a copy of which was provided to each Commissioner. He stated that the plan had good suggestions regarding the east boundary in the plan. In response to her statement regarding the east boundary in the plan, Mr. Shaw stated that the updated plan did not plan to expand the east boundary, which was designated in 1995. He asked the Commissioners to review the document and provide comments within the next couple of weeks, before he meets with the Downtown Alliance.

Once the document is finalized, the Plan will be presented before the Planning Commission and the City Council. He explained that the Master Plan provides the guidance, and amendments to the Zoning Ordinance would be crafted to support the plan.

Shane Carlson spoke to the Commission and stated that that term development pattern needed to be redefined.

Ms. Zeigler reported that the Community at Large grant applications were complete, but had not been submitted yet.

There being no further business, Commissioner Oliver moved to adjourn the meeting at 8:17p.m.

David Fitzsimmons, Chairperson

Kathryn Weiler, Historic Landmark Commission Secretary