

HISTORIC LANDMARK COMMISSION
STAFF REPORT

Carl Jones
Legalization, 470-08-14
104 F Street in the Avenues Historic District
June 4, 2008



Planning and Zoning Division
Department of Community &
Economic Development

Applicant: Carl Jones

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

Tax ID: 09-31-477-0075-0000

Current Zone: RMF-35,

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

Council District: District 3;
Council Member Jergenson

Acreage: .10

Current Use: Single-family
residential

Applicable Land Use

Regulations:

- 21A.34.020 (H)

Attachments:

- Photos of building prior to alteration
- Photos of building after alteration
- Photo from Tax Assessor
- Copy of Survey Form
- Copy of Planner of the Day Log
- Window Comparison Graphic
- Applicant's explanation for appeal

REQUEST

The applicant requests to appeal an administrative decision that denied the removal of historic wood windows to be replaced with vinyl windows. The Historic Landmark Commission has final approval authority.

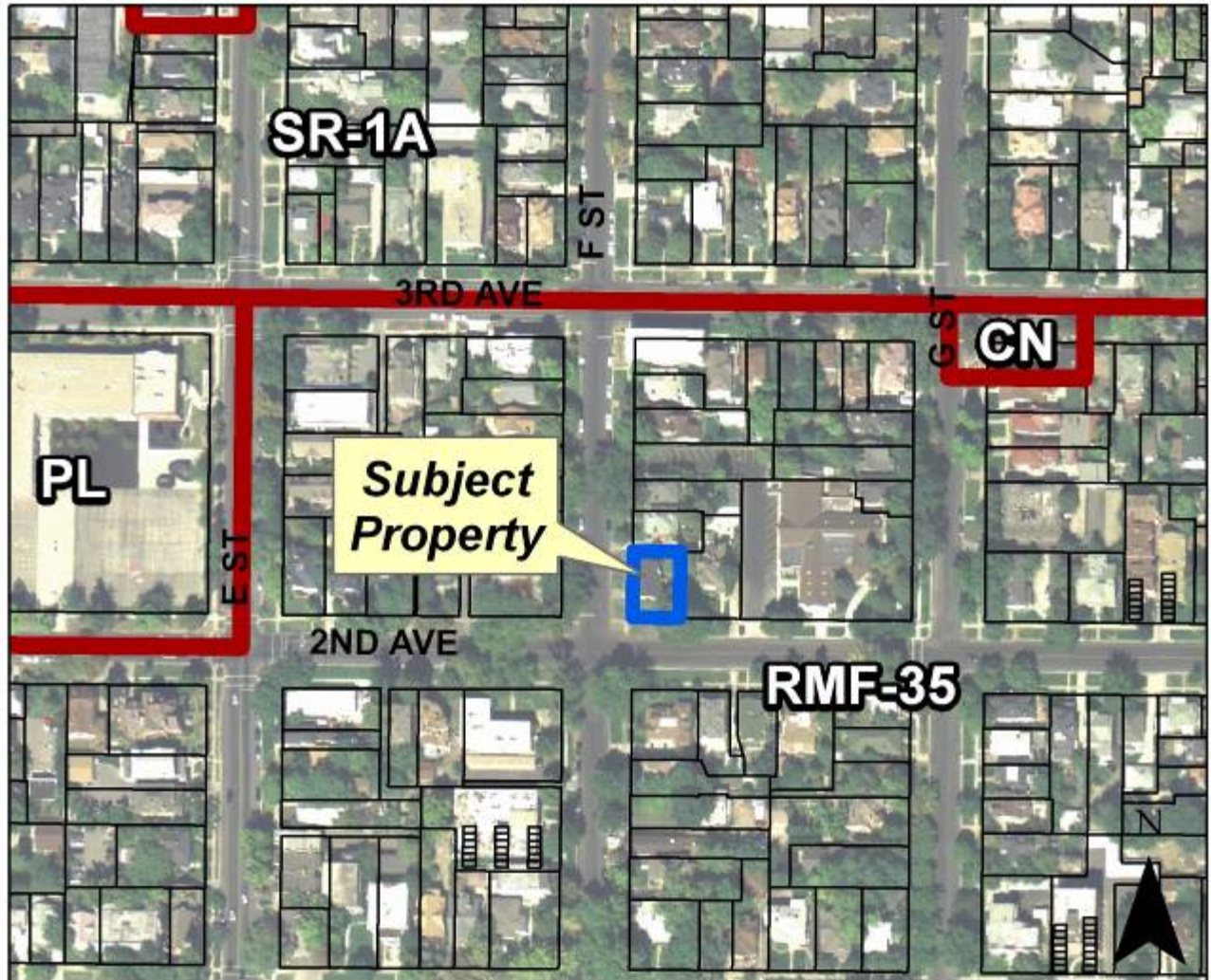
PUBLIC NOTICE

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

STAFF RECOMMENDATION:

Staff recommends that the Historic Landmark Commission approve the proposed replacement windows on the rear and secondary facades of the dwelling, since they are not readily seen from the street, but require appropriate windows for the main façade which match the originals in dimension and design. This recommendation is based on the Discussion and Findings of Fact in the staff report.

VICINITY MAP



COMMENTS

Public Comments

No public comment regarding this application has been received.

BACKGROUND, DISCUSSION AND FINDINGS:

BACKGROUND

The structure at 104 F Street is a one-and-one-half story brick Victorian dwelling constructed in 1900. Charles Madsen, a clerk at ZCMI and a native of Denmark was the first occupant of the home. In 1914 the house became rental property and remained so until 1935 at which time it was converted to a duplex. The dwelling is a contributing structure to the Avenues historic district and is significant for its architecture.

On February 1, 2008, the contractor for the applicant spoke with the Planner of the Day who informed him that window replacements would require a Certificate of Appropriateness.

On February 13th, housing/zoning code enforcement was informed that windows were in the process of being replaced. A formal notice of the violation was sent to the property owner on February 13th. The property owner submitted an application for the windows on March 13, 2008, which was administratively reviewed and denied on the basis that there was no evidence that the original windows were too deteriorated to be repaired and because of the between-the-glass muntins, which do not meet the design guidelines.

The applicant was advised to reinstall the original windows, submit an application for appropriate windows, or to request approval for the replacement windows from the Historic Landmark Commission. The applicant chose to request the Historic Landmark Commission's approval and submitted an application for the replacement windows on April 30, 2008.

The applicant's reason for appeal was based on the energy efficiency of vinyl windows. However, the majority of energy loss in a home is through the roof and not the windows. Studies show that the payback period to begin to see a return on investment is beyond the life of the window. The graphic in Attachment G illustrates this point. Wood windows can last almost forever if properly repaired, maintained and painted. Storm windows are an additional action that meets the standards of the ordinance and design guidelines.

ZONING ORDINANCE AND DESIGN GUIDELINES

G. Standards For Certificate Of Appropriateness For Alteration Of A Landmark Site Or Contributing Structure: In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the historic landmark commission, or the planning director, for administrative decisions, shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the city:

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;

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

Finding for Standard 1: The action meets the standard.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;
6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;

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

3.0 Repair of Historic Windows: Whenever possible, repair historic windows, rather than replace them. In most cases it is in fact easier, and more economical, to repair an existing window rather than to replace it, because the original materials contribute to the historic character of the building. Even when replaced with an exact duplicate window, a portion of the historic building fabric is lost and therefore such treatment should be avoided. When considering whether to repair or replace a historic window, consider the following:

First, determine the window's architectural significance. Is it a key character-defining element of the building? Typically, windows on the front of the building and on sides designed to be visible from the street, are key character-defining elements. A window in an obscure location, or on the rear of a structure may not be. Greater flexibility in the treatment or replacement of such secondary windows may be considered.

Second, inspect the window to determine its condition. Distinguish superficial signs of deterioration from actual failure of window components. Peeling paint and dried wood, for example, are serious problems, but often do not indicate that a window is beyond repair. What constitutes a deteriorated window? A rotted sill may dictate its replacement, but it does not indicate the need for an entire new window. Determining window condition must occur on a case-by-case basis, however, as a general rule, a window merits preservation, with perhaps selective replacement of components, when more than 50 percent of the window components can be repaired.

Third, determine the appropriate treatment for the window. Surfaces may require cleaning and patching. Some components may be deteriorated beyond repair. Patching and splicing in new material for only those portions that are decayed should be considered in such a case, rather than replacing the entire window. If the entire window must be replaced, the new one should match the original in appearance.

- 3.5 **Match a replacement window to the original in its design.** If the original is double-hung, then the replacement window should also be double-hung, or at a minimum appear to be so. Match the replacement also in the number and position of glass panes. Matching the original design is particularly important on key character-defining facades.

3.6 **In a replacement window, use materials that appear similar to the original.** Using the same material as the original is preferred, especially on key character-defining facades. However, a substitute material may be considered in secondary locations if the appearance of the window components will match those of the original in dimension, profile and finish.

Discussion for Standards 2, 5, and 6: There is no evidence as to the condition of the original windows. The original windows on the main façade were tri-part windows with a one-light fixed center window flanked by multi-light windows. The replacement windows use grids between the glass for all three sections of the tri-part windows, including the center section which originally had no divisions. The overall size of the original and the new windows appears to be the same or similar.

Finding for Standards 2, 5 and 6: The current replacement windows do not meet standards 2, 5, and 6 nor the design guidelines since character defining windows were removed and there is no evidence of their condition to warrant replacement. Assuming that window replacement was an appropriate action, the replacement windows also do not meet these standards since they do not match the original design or material. Adding divisions in the center section of the tri-part windows which were originally single lights and using between-the-glass muntins as opposed to true divided lights or simulated divided lights, are the main reasons the replacement windows do not meet the standards.

3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;

Discussion for Standard 3: The vinyl replacement windows use a between-the-glass muntin that does not have the dimension and reveal of the original windows. In addition, grids have been added to a section of the window that did not historically have grids.

Finding for Standard 3: The replacement windows do not meet this standard since they are of a different design and material than the original. As the design guidelines state, windows are often a character defining feature of an architectural style, adding details where there were none before creates a false sense of the design and architecture of the building.

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

Discussion for Standard 4: This application does not involve any prior alterations or additions to the property.

Finding for Standard 4: This criterion is not applicable.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;

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

Finding for Standard 7: This criterion is not applicable.

8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological

material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;

Applicable Design Guidelines for standard 8:

3.0 Background: Windows are some of the most important character-defining features of most historic structures. They give scale to buildings and provide visual interest to the composition of individual facades. Distinct window designs in fact help define many historic building types.

3.0 Window Features: The size, shape and proportions of a historic window are among its essential features. Many early residential windows in Salt Lake City were vertically-proportioned, for example. Another important feature is the number of “lights,” or panes, into which a window is divided.

Discussion for Standard 8: The replacement windows required the removal and destruction of the original windows.

Finding for Standard 8: The project does not meet this standard since a significant design feature of the home was removed and replaced with windows of a different 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;

Discussion for Standard 9: The replacement windows required the destruction of the original windows and do not match the original in material or design.

Finding for Standard 9: This criterion is not met. The replacement for the original windows destroyed a significant architectural feature and the new windows are not compatible with the historic structure in terms of design and material.

10. Certain building materials are prohibited including the following:

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

Discussion for Standard 10: This project does not include altering the cladding of the dwelling.

Finding for Standard 10. This criterion is not applicable.

11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in part IV, [chapter 21A.46](#) of this title;

Discussion: The project does not include signage.

Finding. This criterion is not relevant.

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

Attachment A
Photos of building prior to alteration

Published Date: May 28, 2008



Attachment B
Photos of building after alteration

Published Date: May 28, 2008





Attachment C
Photos from Tax Assessor

Published Date: May 28, 2008



Attachment D
Copy of Survey Form

Published Date: May 28, 2008

Researcher: Jessie Embry
Date:

Site No. _____

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

1
IDENTIFICATION

Street Address: 475 3rd Avenue Plat ^D Bl.⁴⁹ Lot ¹
Name of Structure: T. R. S.
Present Owner: Wacker, Gregory D & Janet K UTM:
Owner Address: Tax #:

2
AGE/CONDITION/USE

Original Owner: Charles E. Madsen Construction Date: 1900 ca. Demolition Date:
Original Use: single-family
Present Use: Occupants:
 Single-Family Park Vacant
 Multi-Family Industrial Religious
 Public Agricultural Other
 Commercial
Building Condition: Integrity:
 Excellent Site Unaltered
 Good Ruins Minor Alterations
 Deteriorated Major Alterations

3
STATUS

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

4
DOCUMENTATION

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

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

Polk, SLC Directories, 1900-1903.
"Nellie Armstrong Jones," Deseret News, July 23, 1934, p.13.

4838

Property Type: 111

Utah State Historical Society
Historic Preservation Research Office

Site No. _____

BATCH KEY
1804044736

Structure/Site Information Form

1
IDENTIFICATION

Street Address: 00475 THIRD AV

UTM: 13366 13367

Name of Structure:

T. 01.0 N R. 01.0 E S. 31

Present Owner: WACKER*GREGORY*D* & JANET K
475 3RD AVE

Owner Address: SLC,
UT 84103

Year Built (Tax Record): 1900 Effective Age: 1930 Tax #: 04 0688

Legal Description 01 Kind of Building: RESIDENCE

COM AT SW COR LOT 1, BLK 49, PLAT D, SLC SUR; N 10 RDS; E 2 1/2 RDS; S 10 RDS; W 2 1/2 RDS TO BEG.

2
STATUS/USE

Original Owner:

Construction Date:

Demolition Date:

Original Use:

Present Use:

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 type="checkbox"/> Good | <input type="checkbox"/> Ruins | <input 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 |

3
DOCUMENTATION

Photography:

Date of Slides:

Slide No.:

Date of Photographs:

Photo No.:

Views: Front Side Rear Other

Views: Front Side Rear Other

Research Sources:

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

Researcher:

Date:

Attachment E
Copy of Planner of the Day Log

Published Date: May 28, 2008

305

PLANNER OF THE DAY (POD) Michael

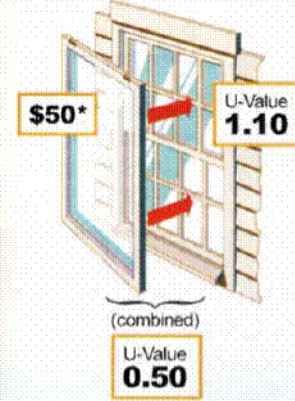
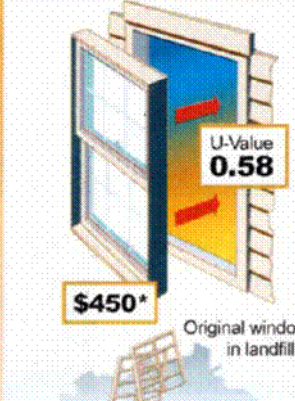
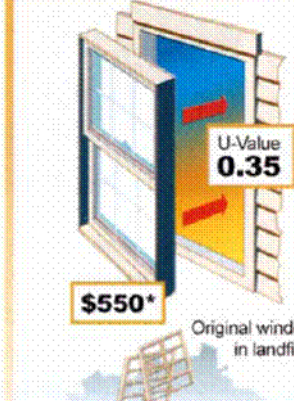
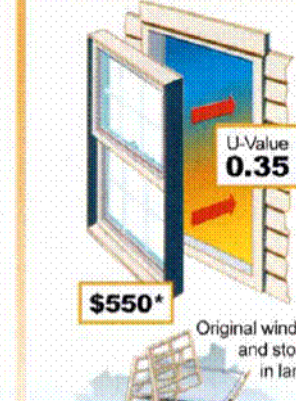
Date	Time In	Time Out	Name	Property address (address of inquiry)	Phone #	Planner	Reason For visit	POD Comments
1 2/1	08:35		JOHN REZNIK	168 SOUTH 9TH EAST #11		SCOTT MEIKELSEN	REQUEST FOR 10-7 MICRO LINC	
2 2/1	10:00 AM	10:15	DAVE MURDOCK	18-5998				
3 2/1	11:54	12:15	JAMES	104 FJS	806 201-2354			8-110 SAME - POSSIBLE MIXED USE 5+8
4 2/1	12:20	12:50	JOHN NEWELL	619 E 7TH AVE	801-842-7375			VINYL WINDOWS - MUST GO TO LAYMAN'S
5 2/1	12:30		Les Storch	1500 East Atkin Avenue	801-840-4844			will call back re ACCESS FOR HEIGHT EXCEPTION
6 2/1	1:00	2:00	WARREN LUND	342 W 200 S	801-320-2245			ARENA CONDO PLAT - NOT COMPLETE
7 2/1	1:15	1:45	Martha	1632 Northwood DU #1	801-638-8374			DAYCARE - NOT COMPLETE
8 2-1	1:32	2:10	micah Vorwallter	715 3rd Ave	435 850 2094			NAME OK
9 2-1	1:55	2:15	Burke Winkler	215 Alpinia St	415-273-2187			RE-BUILD CTR
10 2-1	2:36	3:15	ERIC SHINSATO	1255 E 200 S	972-5503			
11 2/1	2:40	3:15	DAVE MURDOCK	444-468 S 900 W	381 0146			

Attachment F

Window Comparison Graphic

Published Date: May 28, 2008

Let the Numbers Convince You: Do the Math

TUNE-UP STRATEGIES	Double-pane thermal replacement of single-pane window	Low-e glass double-pane thermal replacement of single-pane window	Low-e glass double-pane thermal replacement of single-pane window with storm window
 <p>\$50* (combined) U-Value 1.10 U-Value 0.50</p>	 <p>\$450* U-Value 0.58 Original window in landfill</p>	 <p>\$550* U-Value 0.35 Original window in landfill</p>	 <p>\$550* U-Value 0.35 Original window and storm in landfill</p>
ANNUAL ENERGY SAVINGS	625,922 Btu	902,772 Btu	132,407 Btu
ANNUAL SAVINGS PER WINDOW**	\$11.07	\$16.10	\$2.29
SIMPLE PAYBACK	40.5 Years	34 Years	240 Years
$\$50 / \$13.20 =$ 4.5 Years	$\$450 / \$11.07 =$	$\$550 / \$16.10 =$	$\$550 / \$2.29 =$

*Cost of 3' x 5' window, installed
 **Assuming gas heat at \$1.09/therm

Source: Keith Haberern P.E., R.A.
 Collingswood Historic District Commission

Attachment G
Applicant's explanation for appeal

Published Date: May 28, 2008

To Whom It May Concern:

I believe the Salt Lake City Planning Division made a flawed mistake when they chose to deny my request for a Certificate of Appropriation regarding my recent window replacement.

I recently replaced the existing wood windows with vinyl windows. When making this decision, one of my primary reasons for doing so was to increase energy efficiency of my home, which not only increases its value, but also conserves energy, which our city government has asked its citizens to do.

In fact, my new windows will save almost a third of the energy needed to heat and cool my home. I believe these facts and my actions are in line with the "green," environment-friendly message the city has adopted over the last decade.

In addition, there are numerous other homes in the same district that have identical or similar windows. (images included)

88 F Street
409 3rd Avenue
407 4th Avenue
425 4th Avenue
437 4th Avenue
482 4th Avenue
511 4th Avenue
587 5th Avenue
528 5th Avenue
453 6th Avenue

312 G Street
276 I Street
218 J Street
637 3rd Avenue
582 3rd Avenue
574 3rd Avenue
553 3rd Avenue
133 F Street
487 5th Avenue

I believe it is unfair that the Planning Division denied my request, yet approved the request of others who sought similar approval for replacement windows.

I have spoken with my neighbors about my replacement windows and they have offered to write letters or even appear on my behalf if necessary.

In closing, I ask the Planning Division to reconsider its decision and approve my request for the installation of my replacement windows.

Carl Jones Jr.
104 F Street
Salt Lake City, UT 84103