

HISTORIC LANDMARK COMMISSION
STAFF REPORT



Planning and Zoning
Division
Department of Community
Development

Petition 470-07-41 Oettli Single-family Dwelling
New Construction
768 East Fifth Avenue in the Avenues Historic District
February 20, 2008

Applicant:

Jonathan Oettli

Staff:

Janice Lew
(801) 535-7625
janice.lew@slcgov.com

Tax ID:

09-32-330-006

Current Zone:

SR-1A (Special Development
Pattern Residential)

Council District:

District 3, Eric Jergensen

Acreage: .10 acres

Current Use:

Vacant

Applicable City Code Land

Use Regulations:

- Chapter 21A.24
- Section 21A.34.020
- Chapter 21A.36
- Chapter 21A.44

Attachments:

- A. Plans
- B. Public Comment
- C. January 16, 2008 Staff
Report
- D. Photographs

REQUEST

On January 16, 2008, the Historic Landmark Commission considered a proposal by Mr. Jonathan Oettli for the construct of a new single-family residence with an attached garage on a vacant lot at approximately 768 East Fifth Avenue. Discussion during the meeting centered on the compatibility of the scale of the house with respect to the development pattern on the block and the dominance of the proposed two-car attached garage. The Commission determined that the proposed design of the house would not be similar to the scale established on the block. The Commission voted to deny the applicant's request because the Commission found that the garage door elements do not have a precedent historically, nor do they have a precedent on the block face. Furthermore, the Commission recommended that the applicant reference the City's adopted *Design Guidelines for Residential Historic Districts*, minutes of the hearing, and submit an alternative design proposal. Subsequently, the applicant has submitted revised plans to the Planning Division for the Commission's consideration.

PUBLIC NOTICE

Public notice was mailed on February 5, 2007 to all property owners within four hundred fifty feet (450') of the subject property which satisfies the Zoning Ordinance requirement for fourteen (14) day notice. Notice was also sent to interested parties on the Historic Landmark Commission's e-mail listserve and posted on the Planning Division's Web site. Community Council review is not required by the City Code for permitted uses and new construction within a local historic district.

STAFF RECOMMENDATION:

Based upon the comments, analysis and findings of fact noted in the staff report, Planning Staff recommends the Historic Landmark Commission approve the request for new construction of a single-family home with an attached garage located at 768 East Fifth Avenue, 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.

OPTIONS

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

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

VICINITY MAP



BACKGROUND, ANALYSIS AND FINDINGS:

BACKGROUND/PROPOSAL

The applicant has submitted revised drawings in response to the discussion that occurred during the Historic Landmark Commission's January meeting and that includes the following:

- The height of the proposed home has been reduced to approximately twenty-three feet (23') from the ridge of the roof to grade on the front façade and varies with the topography of the site. The maximum height of a pitched roof building in the SR-1A zoning district is twenty-three feet (23') and is measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage or the average height of other principal buildings on the block face. Thus, the proposed new construction may exceed the twenty-three foot (23') requirement in some areas because of the slope of the property, but falls within the average height of other principal buildings on the block face as indicated in the January 16, 2008 staff report (See Attachment C). Because it meets the average height standard, the Historic Landmark Commission does not need to approve a modification of the building height requirement.
- The proposed house would be a one-and-a-half-story cross-gabled building and reflects the form and decorative detailing of traditional homes. The front porch is protected by a projecting gable roof and supported by four piers with slanted sides. The primary wall material for the new construction is fiber-cement cladding.

- The garage wall plane has been set back two feet (2') from the front of the building. A five foot (5') deep porch element extends across the front façade protecting the entrance to the house.
- The front facing gable has been relocated to cover the main porch element such that the porch and pedestrian entry become the dominant features. The garage is located under a roof line that runs parallel to the street with a wide eave overhang, boxed with brackets further minimizing the appearance of the attached garage.
- The applicant considered other locations for the garage and has noted the following issues which they believe make an alternative design infeasible:
 - The location of the primary structure on the property to the east relative to the shared property boundary would make it difficult to provide adequate separation between an accessory structure and this principal residential building.
 - The house is located on a legal complying lot with respect to lot area (4,292 sf) and shallow in depth. Lots subdivided under the current SR-1A zoning district regulations are required to have a minimum lot width of fifty feet (50') and 5,000 square feet of lot area for single-family detached dwellings.

PUBLIC COMMENT

Attachment B includes an e-mail submitted by Shane Carlson of the Greater Avenues Community Council regarding the potential for the applicant to purchase a portion of an adjacent lot to accommodate a detached garage. A discussion regarding this issue is included on page 4 of this staff report.

STAFF ANALYSIS AND FINDINGS

In the previous staff report attached to this report as Attachment B, staff made findings according to the provisions of Section 21A.34.020(H) *Standards for Certificate of Appropriateness Involving New Construction or Alteration of a Noncontributing Structure*, of the City Zoning Ordinance and the *Design Guidelines for Residential Historic Districts*, to determine if the proposal is visually compatible with surrounding structures and streetscape. On January 16, 2008, the Historic Landmark Commission determined the proposal inconsistent with Standard 11.5 of the *Design Guidelines for Residential Historic Districts* which states:

11.5 Construct a new building to appear similar in scale to the scale that is established in the block. Subdivide larger masses into smaller "modules" that are similar in size to buildings seen traditionally.

Staff is of the opinion that this issue has largely been addressed in the current proposal and finds that:

1. Scale and Form.

Finding: Given the eclectic architectural development of this neighborhood and the range of shapes found historically, the proposed house form fits into the overall character of the neighborhood. The proposed one-and-a-half-story building is similar in terms of height, width, proportion of principal façade and scale with other buildings on the block and within the Avenues Historic District.

2. Composition of Principal Facades.

Finding: The proposed house is visually compatible with the surrounding buildings and streetscape in terms of proportion of openings, rhythm of solids to voids in facades, rhythm of entrance porch and other projections and relationship of materials. The proposed garage is attached to the main portion of the house, but this may be acceptable given the following:

- The location of a front-facing two-car garage on the adjacent property to the west (See Attachment D),

- The location of other attached garage elements along the Fifth Avenue streetscape within this area of the Avenues Historic District and including 717 and 731 East Fifth Avenue (See Attachment D), and
- The substandard size of the lot.

The prominence of the attached garage will be reduced by setting the garage wall plane back from the front of the building, locating the garage under a roof line that runs parallel to the street with a wide eave overhang, and using single garage doors instead of a full width double door. The design of the proposed home meets the intent of this standard.

3. Relationship to Street.

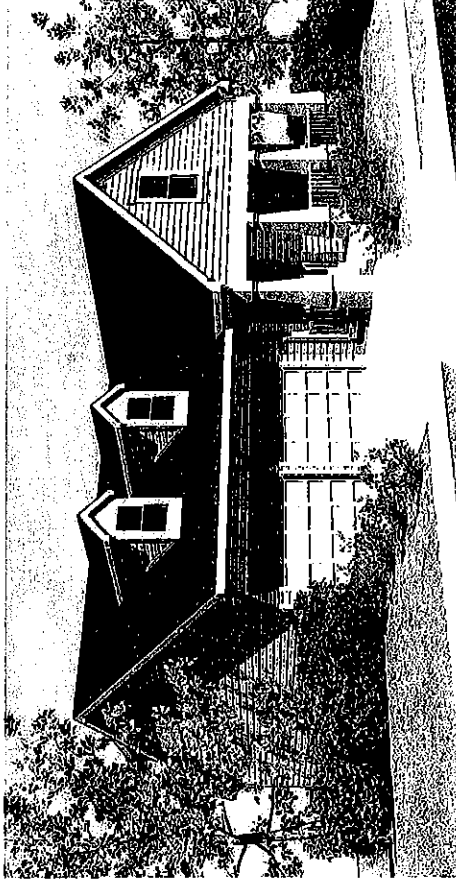
Finding: The main façade of the building is located toward Fifth Avenue and consistent with the typical alignment of the surrounding buildings on the block. The design of the new home respects the rhythm of spacing and structures on the street by maintaining typical setbacks between adjacent structures and the street. The directional expression, front setback of the principal façade and rhythm of spacing are consistent with other buildings with frontage on Fifth Avenue and the historic district. The proposed project meets the standards of the ordinance in terms of this standard.

4. Subdivision of Lots.

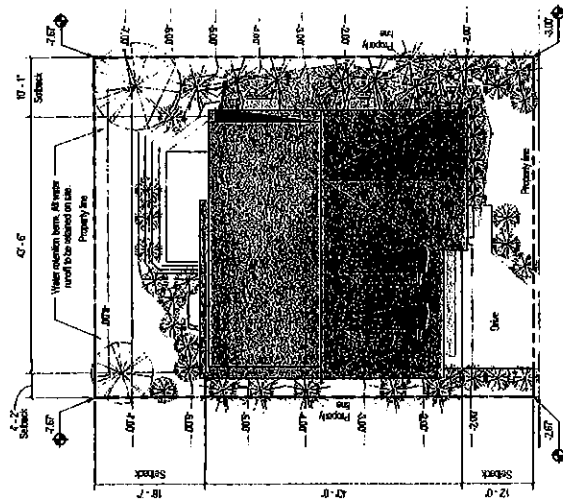
Finding: This application has no subdivision issues as the lot was determined to be a legal complying lot by the Planning Division on August 30, 2007. As such, the Historic Landmark Commission must consider the merits of the applicant's request based upon the Zoning Ordinance criteria (Section 21A.34.020H) and the *Design Guidelines for Residential Historic Districts*.

Attachment A Plans

Proposed Oettli Residence 766 East 5th Avenue, Salt Lake City, Utah

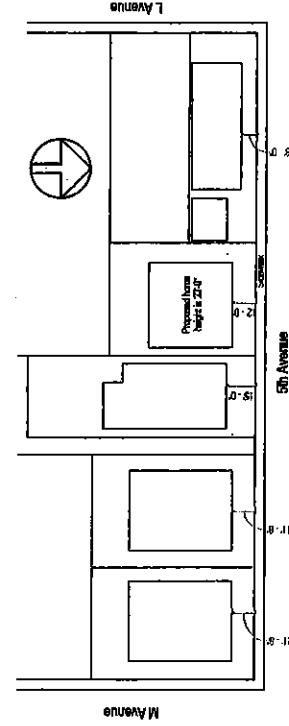


Front Left Rendering



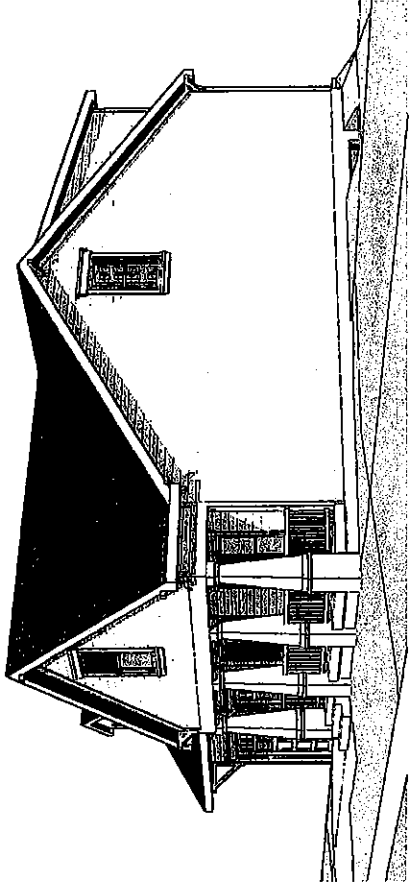
766 East 5th Avenue
1710 SF STRUCTURE FOOTPRINT
4288 SF LOT SIZE
FOOTPRINT IS 39.89% OF LOT AREA

2 SITE PLAN

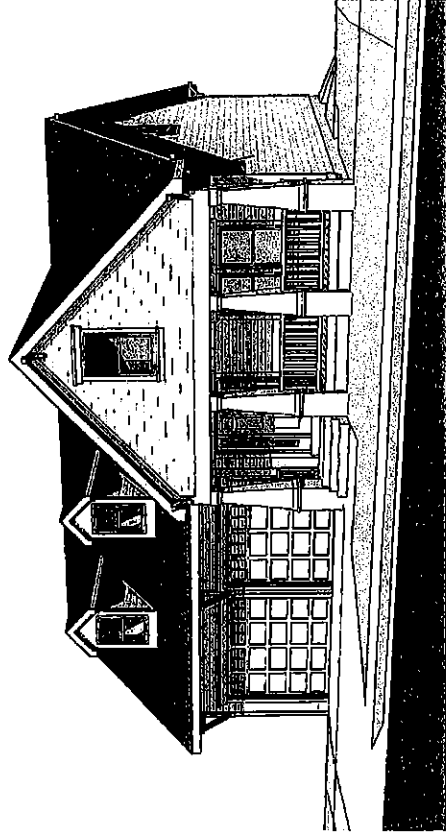


3 PLAT MAP

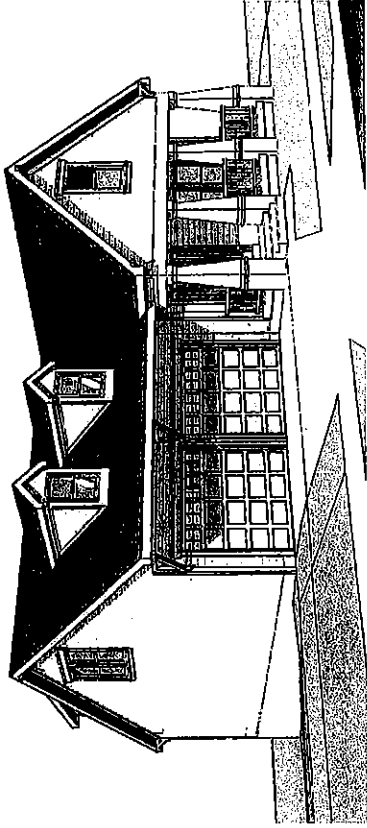
Proposed Oettli Residence
766 East 5th Avenue, Salt Lake City, Utah



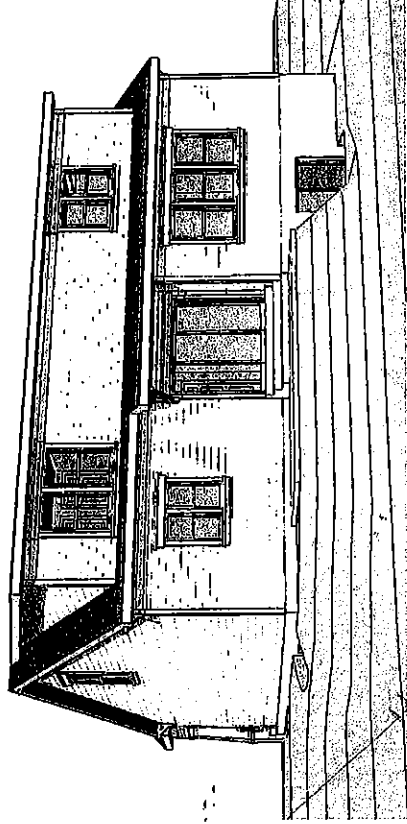
① FRONT FAR RIGHT PERSPECTIVE



② FRONT RIGHT PERSPECTIVE



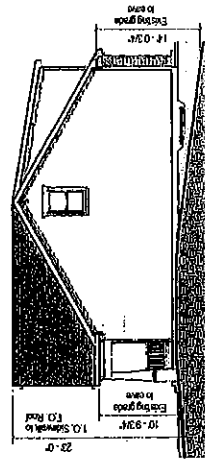
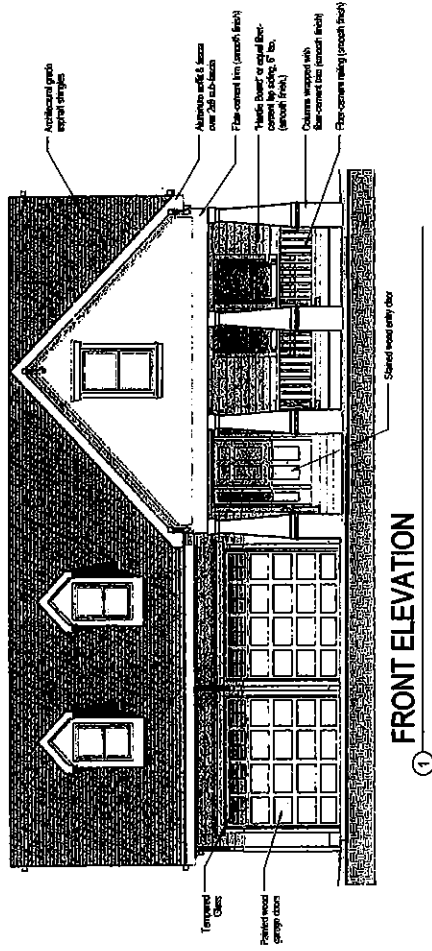
③ FRONT LEFT PERSPECTIVE



④ REAR LEFT PERSPECTIVE

Proposed Oettli Residence

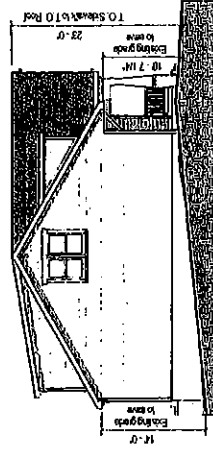
766 East 5th Avenue, Salt Lake City, Utah



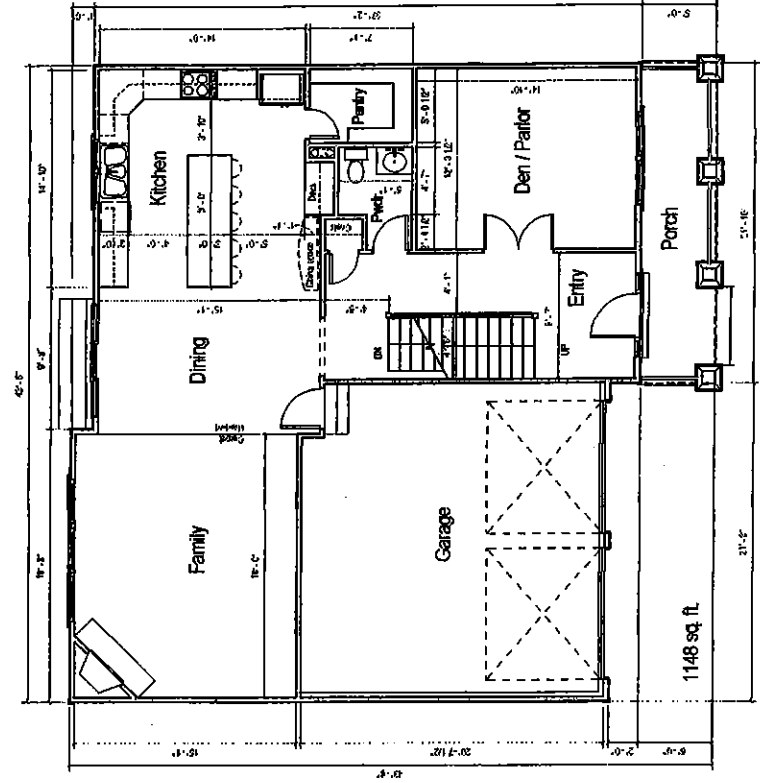
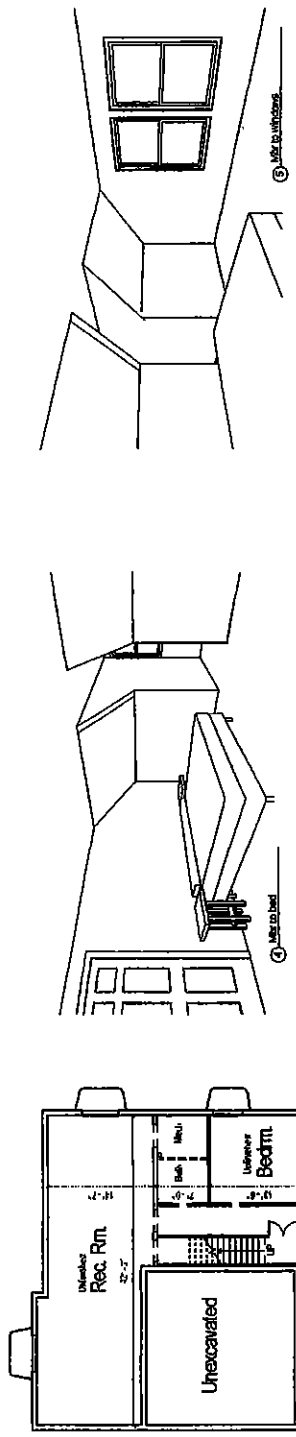
④ 1/8" = 1'-0" (scale is half if printed on 11x17 sheet)



③ 1/8" = 1'-0" (scale is half if printed on 11x17 sheet)

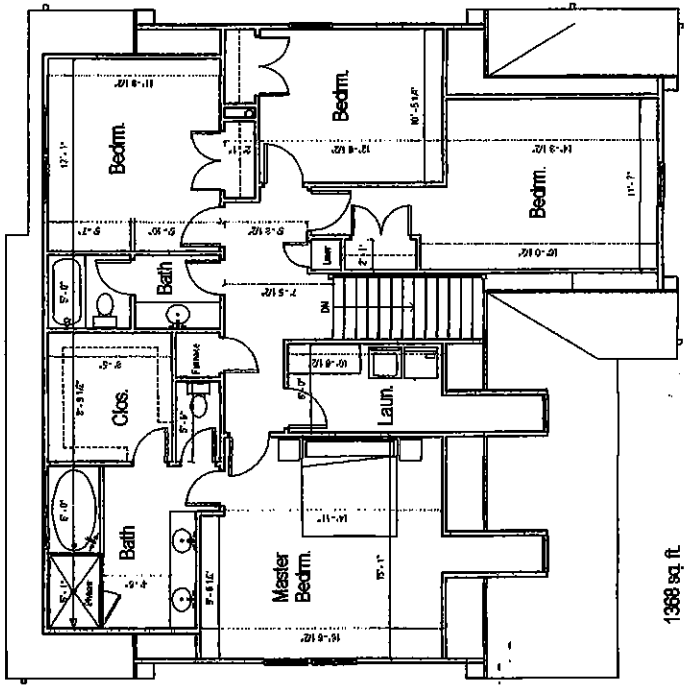


② 1/8" = 1'-0" (scale is half if printed on 11x17 sheet)



MAIN FLOOR

1/4" = 1'-0" (scale is half if printed on 11x17 sheet)



SECOND FLOOR

1/4" = 1'-0" (scale is half if printed on 11x17 sheet)

Attachment B
Public Comment



Lew, Janice

From: Paterson, Joel
Sent: Tuesday, February 05, 2008 12:16 PM
To: 'jonathan.oettli@washingtonfederal.com'
Cc: Lew, Janice; Shaw, George
Subject: FW: 768 East 5th Avenue
Categories: Program/Policy
Attachments: LotLineShift.jpg; Joel Paterson.vcf

Jonathan,

Please see the following e-mail that we discussed earlier today. The e-mail is from Shane Carlson and proposes the possibility of adding property to your lot to allow the construction of a detached garage.

Your revised proposal is scheduled to be heard at the February 20, 2008 Historic Landmark Commission meeting. The agenda will be mailed out today.

If you have any questions, please contact me using the information below or contact Janice Lew at 535-7625 or by sending e-mail to janice.lew@slcgov.com.

Thank you,

Joel Paterson, AICP
 Planning Programs Supervisor
 Salt Lake City Planning Division
 Telephone: (801) 535-6141
 E-mail: joel.paterson@slcgov.com

From: ComeBackShane [mailto:ComeBackShane@Comcast.net]
Sent: Monday, February 04, 2008 3:58 PM
To: Shaw, George
Cc: Eric Jergensen Forwarder; Wayne Green
Subject: 768 East 5th Avenue

Hi George,

A property owner has recently approached me hoping to find a way to sensitively develop a challenging lot in the Avenues. The lot in question was before the HLC on January 16th (Petition No. 470-07-41 - 768 East 5th Avenue). The owner of that lot (Jerry Killgreen) also owns the lot immediately to the south (230 North L Street). He is asking if he might be able to execute a lot line adjustment transferring land from the larger lot (230 L Street) to the lot that was in question at the HLC hearing in order to accommodate detached parking at the rear of the lot (in lieu of the attached garage that was part of the proposed project's front facade). The lot at 230 L Street is presently 8276 feet (approx. 50 by 165 - SR-1A ordinance specifies minimum lot width of 50'; minimum lot size 5000 square feet, maximum lot size of 7500 square feet). The lot at 768 5th Avenue is 4356 square feet (approximately 58' by 75').

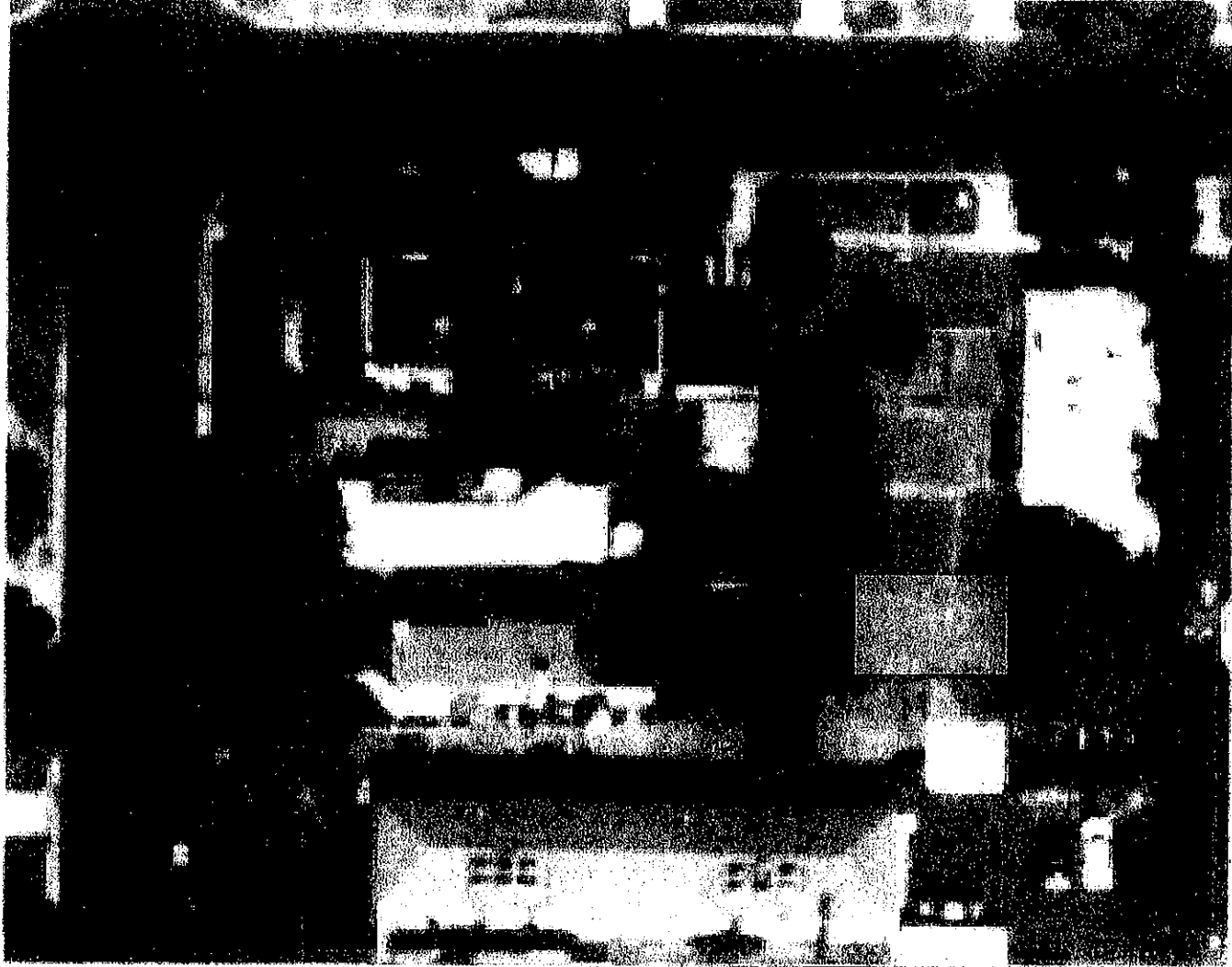
One scenario involving a lot line shift might include transferring a 25' deep by 30' wide portion (the north east corner) of 230 L Street (750 square feet - depicted in green on the attached graphic) to 768 5th. The proposed transfer of a portion only one half the width of the lot at 230 L Street would leave the existing accessory structure on that property in tact. The two resulting lots would have the following

2/12/2008

sizes: 768 5th Avenue = 5106 square feet; 230 L Street = 7526 square feet. This proposal does raise the question of irregular lot lines. An issue that may come into play with proposals that involve the entire width of 230 L Street is whether or not the accessory structure at 230 L Street is a contributing structure. There are probably a number of other ways to address Mr. Killgreen's concerns that might be viable. My hope is to initiate a discussion that could lead to identifying and addressing any concerns and eventually adopting a solution that works for everyone. See aerial photograph and lot lines provided by the State Surveyors Office.

As always, thank you for your time,

Shane Carlson
Greater Avenues Community Council
housing Compatibility Committee, Chairperson



Approx. 58' X 75' 5TH

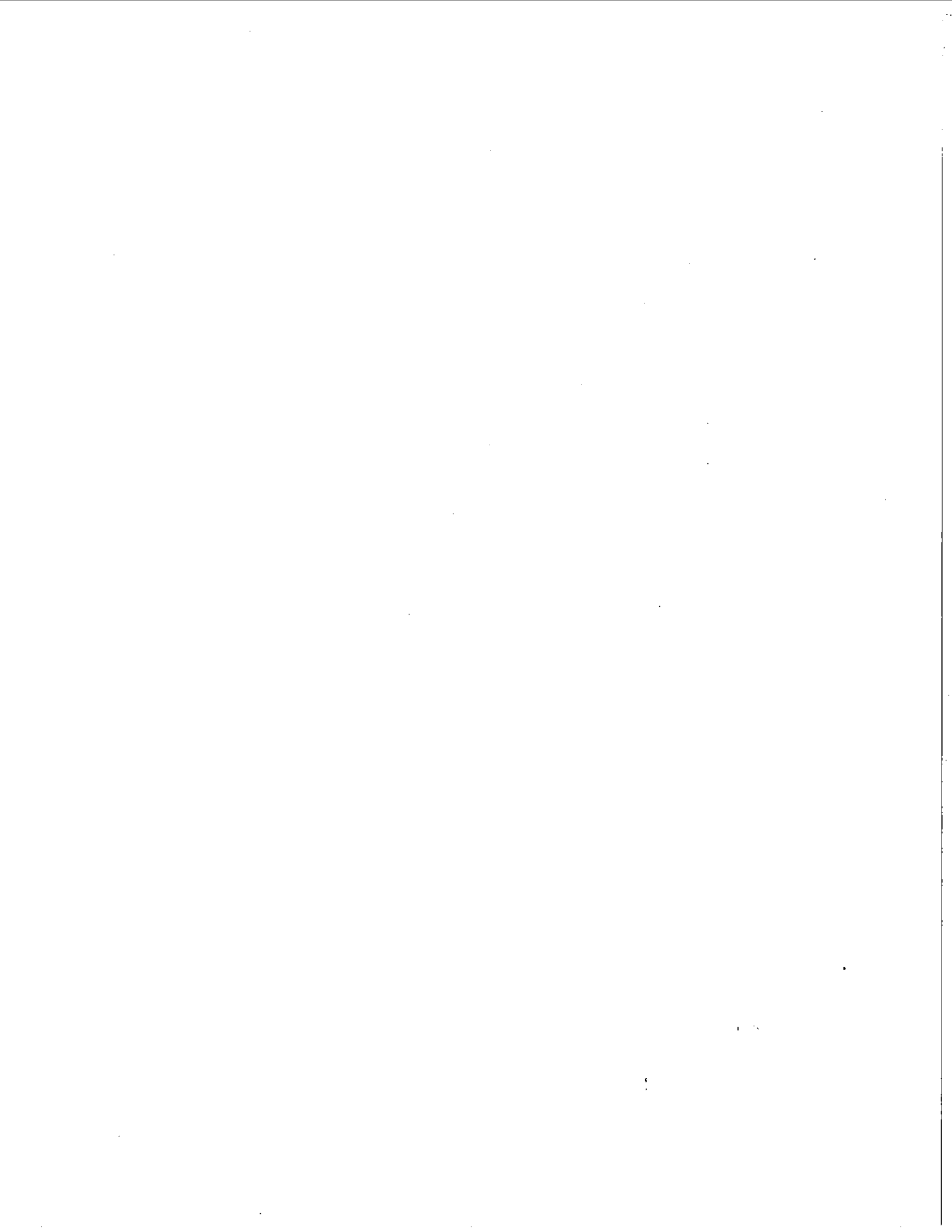
Approx. 50' X 165'

L Street

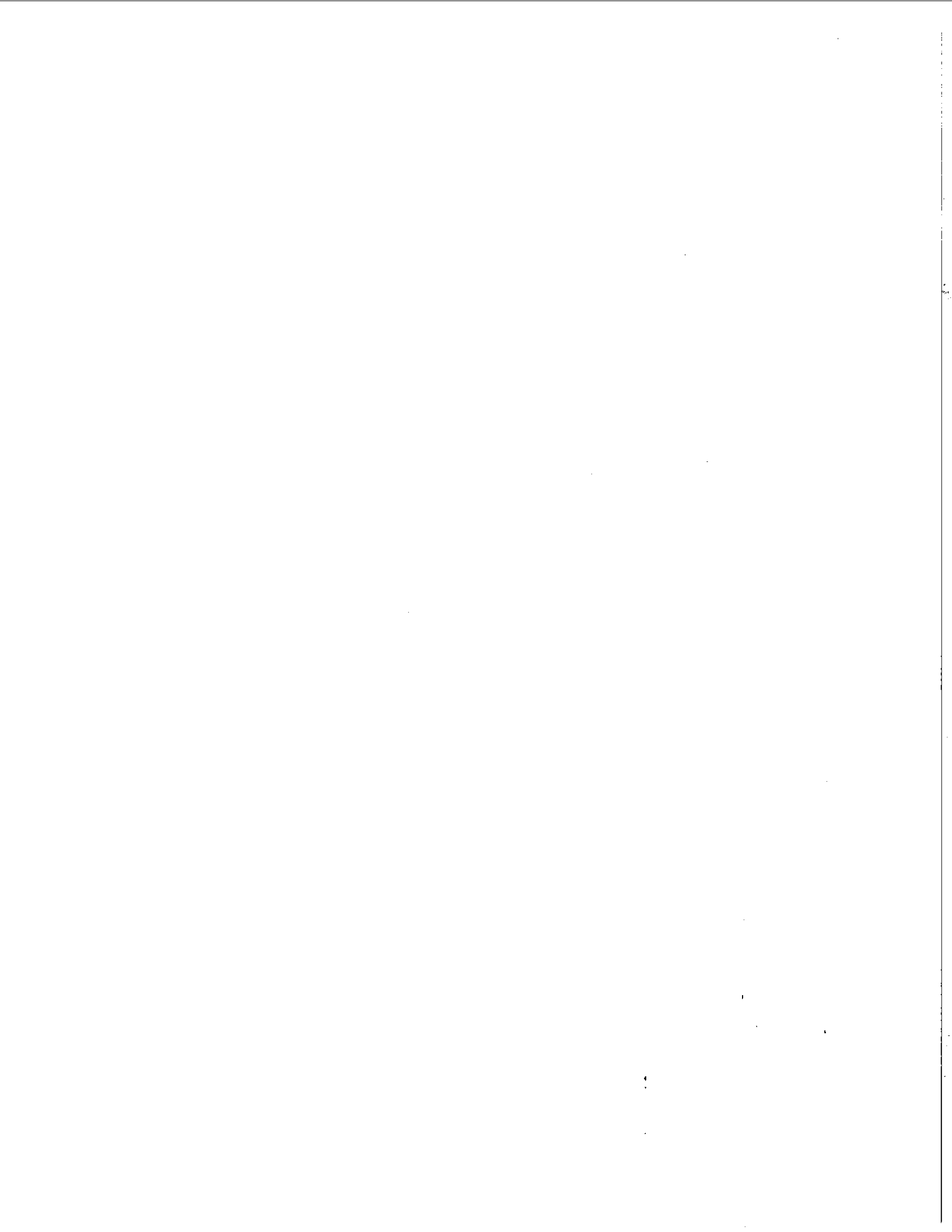
M Street

3484.8						
756	4356	768	791.6	6162.8	6162.8	887
234			774	780	4791.6	788
3278.4					4791.6	
230					229	
10454.4					4791.6	
222					221	
920.4					4356	
216					217	
4791.6	4791.6					
755						
4791.8	4791.6	227.2	6227.2	4791.8	4791.6	
206	783	765	775	777	779	
		4791.6				
		773				

4TH



Attachment C
January 16, 2008 Staff Report and Minutes



HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning and Zoning
Division
Department of Community
Development

Oettli Single-family Dwelling
New Construction Petition 470-07-41
768 East Fifth Avenue in the Avenues Historic District
January 16, 2008

Applicant:

Jonathan Oettli

Staff:

Janice Lew
(801) 535-7625
janice.lew@slc.gov.com

Tax ID:

09-32-330-006

Current Zone:

SR-1A (Special Development
Pattern Residential)

Council District:

Tree, Council Member
Jorgensen

Acreage: .10 acres

Current Use:

Vacant

Applicable City Code Land

Use Regulations:

- Chapter 21A.24
- Section 21A.34.020
- Chapter 21A.36
- Chapter 21A.44

Attachments:

- A. Photographs
- B. Submittal
- C. Public Comment

REQUEST

The applicant, Jonathan Oettli, requests approval to construct a single-family residence with an attached garage located at approximately 768 East Fifth Avenue. The subject property is located in the Avenues Historic District, which was locally designated as a historic district in March of 1978. The site is approximately .10 acres and is zoned SR-1A Special Development Pattern Residential, 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.

PUBLIC NOTICE

Public notice was mailed on December 18, 2007 to all property owners within four hundred fifty feet (450') of the subject property which satisfies the Zoning Ordinance requirement for fourteen (14) day notice. It was also sent to interested parties on the Historic Landmark Commission's e-mail listserve and posted on the Planning Division's Web site. The applicant met with several neighboring property owners as suggested by Planning Staff. Community Council review is not required by the City Code for permitted uses and new construction within a local historic district.

STAFF RECOMMENDATION:

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 a single-family dwelling with an attached garage located at 768 East Fifth Avenue, subject to the following conditions:

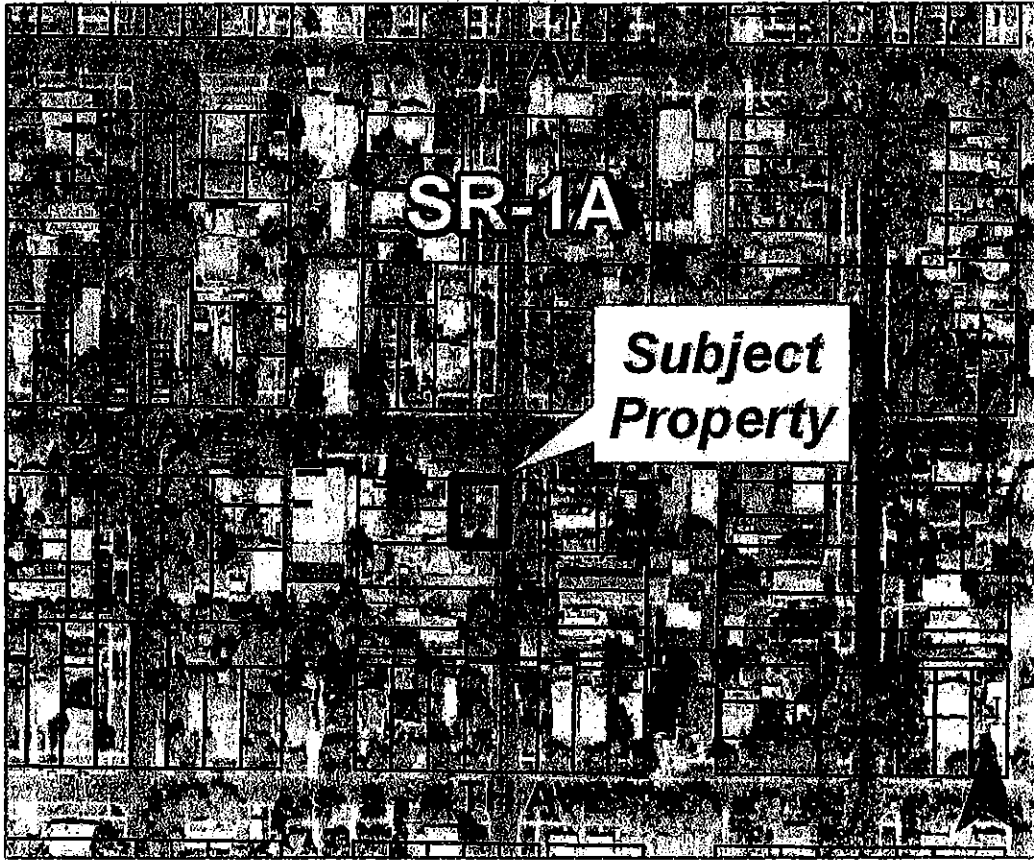
1. Approval of the final details of the design shall be delegated to Planning Staff based upon direction given during the hearing from the Historic Landmark Commission and including:
 - windows recessed mounted into the wall, and
 - a smooth finished fiber cement siding material.
2. The project must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

OPTIONS

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.

VICINITY MAP



BACKGROUND, ANALYSIS AND FINDINGS:

BACKGROUND/PROPOSAL

The 1911 Sanborn Map shows that this vacant lot was once the site of a one-story brick home. The applicant proposes to build a new one-and-a-half-story single-family dwelling with an attached garage on a legal complying lot that is approximately fifty-eight feet (58') wide and seventy-four feet (74') deep for a total of 4,292 square feet in lot area. The plans are for a house with 2,329 square feet of living area (not including a 1,190 sf unfinished basement level). The house contains four bedrooms and two full baths. The building footprint is almost square (37' x 42') in form, with a cross-gabled roof that gives the house a traditional appearance.

The front elevation is shown with a brick veneer and fiber cement cladding. The other elevations are sided with the fiber cement material alone. Aluminum soffit and fascia are also shown on the drawings. Mostly vinyl double-hung windows are proposed with fiber cement trim. The proposed design of the doors would be wood panel. The roof material proposed is an architectural grade asphalt shingle. The drawings also show an attached two-car garage with two single-width wood doors that face Fifth Avenue to the north. The remainder of the lot would be landscaped.

When reviewing this proposal, the Historic Landmark Commission will consider the standards for new construction in Section 21A.34.020 of the Zoning Ordinance and the *Design Guidelines for Residential Historic Districts* as it relates to new construction. It should be noted that a non-complying lot as to lot area or lot frontage that was in legal existence prior to April 12, 1995, shall be considered a legal complying lot. Pursuant to Section 21A.36.020 of the Zoning Ordinance, legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all

yard area requirements of the R-1/5,000 Zoning District (Section 21A.36.020). The subject lot is a legal complying lot.

PUBLIC COMMENT:

Attachment B includes the written comments received regarding this project. Generally, the comments received express the following issues:

- Building height, the intent of the SR-1A zoning district with respect to determining allowable height and limiting the building height to twenty-three feet (23'). *The building height had been reduced to 26'3".*
- Concerns about locating an attached garage on the front of a building. *A single car width door design is proposed for the two-car garage which is set back from the front plane of the building wall.*
- Minimizing the impact of the proposed building on adjacent property by modifying the side yard setbacks to allow for a greater separation from the home to the east. *The applicant has shifted the building location closer to the western property boundary.*
- Design and compatibility with the character of the neighborhood in terms of height, massing and lot coverage.
- Planning Staff received a letter from Shane Carlson of the Greater Avenues Community Council regarding the inclusion of nonconforming buildings in the determination of building height. *This issue will be discussed with the City Council's Infill Subcommittee to get direction on future amendments to the compatible infill standards.*

ZONING DISTRICT CONSIDERATIONS:

All proposed work must comply with height, yard and bulk requirements of the SR-1A Zoning District which includes:

SR-1A Zoning District

- **Minimum lot area:** 5,000 square feet. This lot is a legal complying lot with approximately 4,292 square feet in lot area.
- **Maximum height of a pitched roof building:** Twenty-three feet (23') measured to the ridge of the roof, or the average height of other principal buildings on the block face. *It should be noted that building height for initial construction of a building shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage.* The proposed height of the building varies with the topography of the site and measures approximately twenty-six feet (26') from the ridge of the roof to grade on the front facade. The applicant has provided graphic documentation establishing the existing development pattern of the surrounding area included as Attachment B of this staff report. The average height of other principal buildings on the block face is approximately twenty-seven feet (27'). Thus, the proposed new construction is compatible with the height of other buildings in the immediate neighborhood. A discussion regarding scale and form is included on page 4 of this staff report.
- **Maximum exterior wall height adjacent to interior side yards:** Sixteen feet (16') for exterior walls placed at the building setback established by the minimum required yard. For lots with cross slopes where the topography slopes, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building. The proposed exterior wall height at the setback lines varies in height from eleven feet (11') on the uphill (north side) face of the building to approximately fourteen feet (14') from grade on the downhill side (south side) and complies with this requirement.
- **Front yard setback:** The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are four (4) or more SR-1 principal buildings with front yards on a block face, the average shall be calculated

excluding one property with the smallest front yard setback and excluding the one property with the largest front yard setback. The plans included as Attachment B of this staff report indicate that the average of the front yards as measured from the sidewalk to the front façade of existing buildings within the block face is approximate twelve feet (12'). The site plan shows a front yard setback of twelve feet (12') which is consistent with the average setback on the block face.

- **Interior side yard setback:** Four feet (4') on one side and ten feet (10') on the other. The proposed side yard setbacks are consistent with these requirements.
- **Rear yard setback:** The rear yard setback is 25% of the lot depth, or twenty feet (20'), whichever is less. The lot is approximately seventy-four feet (74') deep which would require a minimum rear yard setback of 18.5 feet. The proposed site plan shows approximately twenty-one feet (21') to the rear lot line and meets this standard.
- **Building coverage:** Forty percent (40%) of the lot area. The proposed primary structure has a building footprint of approximately 1,554 square feet which equals 36% and meets the lot coverage maximum requirement.
- **Off-street parking:** Two (2) parking spaces for each dwelling unit. The proposed project has two (2) stalls and meets this standard.
- **Standard for attached garages:** The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front façade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. The proposed width of the garage doors is approximately 18.5 feet which is less than fifty percent (50%) of the forty-two foot (42') wide front façade of the house and meets this standard.

Finding: The final site and building designs comply with the code requirements of the Zoning Ordinance which will be verified prior to building permit issuance.

OVERLAY DISTRICT AND DESIGN GUIDELINE CONSIDERATIONS

For determinations regarding certificates of appropriateness for new construction, the Historic Landmark Commission must consider the Zoning Ordinance criteria (Section 21A.34.020H) and the *Design Guidelines for Residential Historic Districts*.

H. Standards for Certificate of Appropriateness Involving New Construction or Alteration of a Noncontributing Structure. In considering an application for a certificate of appropriateness involving new construction, or alterations of noncontributing structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape as illustrated in any design standards adopted by the historic landmark commission and city council and is in the best interest of the city.

1. Scale and Form.

a. Height and Width. The proposed height and width shall be visually compatible with surrounding structures and streetscape;

b. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;

c. Roof Shape. The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and

d. Scale of a Structure. The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

Analysis: The development pattern of the Avenues Historic District reflects a varying topography with smaller blocks in a regular grid pattern, dense residential character and yards that have natural slopes which are sometimes quite steep. The surrounding buildings on the north and south sides of Fifth Avenue are shown on the panoramic photograph which will be presented at the meeting. Overall, one- to two-story buildings, built during the late 1800's to the early 1900's, with similar setbacks and side yards form the streetscape. An analysis of the composition of the block relating to building height that includes both sides of Fifth Avenue follows:

Building Height (26)			
Percent 1-story	Percent 1.5-stories	Percent 2-stories	Percent 2.5
46% (12)	30% (8)	20% (5)	.03% (1)

Most of the buildings on Fifth Avenue are single-family residential structures and present a typical range of styles, types and materials. To the east of the subject property is a one-and-a-half-story hip roofed bungalow that measures approximately 23.5 feet in height. To the west, the closest structure is a two car garage. The building associated with the garage is a one-story brick bungalow duplex with a hip roof that measures approximately fifteen feet (15') in height. Two two-story apartment buildings (ca.1950) are also located on the block. These hip roofed buildings measure approximately thirty-four feet (34') to the ridge of the roof. The yards of the buildings on the block face have natural slopes and their height may be higher on sides of the building that do not face the street. The average height for the block face is calculated from the building height of all principal buildings on the block face and includes the two apartment buildings. The residential buildings on the north side of Fifth Avenue are similar in size and character ranging in height from one- to two-stories including; two (2) one-story buildings, three (3) one-and-a-half-story buildings, and two (2) two-story buildings. These buildings, however, may appear taller due in part to the slope of the area.

A 6:12 roof pitch is the minimum roof pitch suggested in the City's design guidelines. At staff's recommendation and meeting input from neighbors, the applicant has redesigned the roof form which now has a 10:12 pitch. To mitigate potential impacts to neighboring properties, the height of the main ridge, the tallest portion of the building, will be reduced to 26'3" which is consistent with the 27' average height of other principal buildings on the block face. A height of thirty-four feet (34') was originally presented.

The lots of this block vary in width from 41 feet to 107 feet. The subject property has a lot width of approximately fifty-eight feet (58'). As mentioned above, the proposed building footprint would be approximately forty-two feet (42') wide and thirty-seven feet (37') deep. These dimensions are similar to other residential structures found on this block and in the neighborhood. The adopted design guidelines offer the following guidance on the scale and form of compatible new construction:

Standards for New Construction

Mass and Scale

11.4 Construct a new building to reinforce a sense of human scale. A new building may convey a sense of human scale by employing techniques such as these:

- Using building materials that are of traditional dimensions.
- Providing a one-story porch that is similar to that seen traditionally.
- Using a building mass that is similar in size to those seen traditionally.

- Using a solid-to-void that is similar to that seen traditionally, and using window openings that are similar in size to those seen traditionally.

11.5 Construct a new building to appear similar in scale to the scale that is established in the block. Subdivide larger masses into smaller “modules” that are similar in size to buildings seen traditionally.

11.6 Design a front elevation to be similar in scale to those seen traditionally in the block. The front shall include a one-story element, such as a porch. The primary plane of the front should not appear taller than those of typical historic structures in the block. A single wall plane should not exceed the typical maximum facade width in the district.

Height

11.7 Build to heights that appear similar to those found historically in the district. This is an important standard which should be met in all projects.

11.8 The back side of a building may be taller than the established norm if the change in scale will not be perceived from public ways.

Width

11.9 Design a new building to appear similar in width to that of nearby historic buildings. If a building would be wider overall than structures seen historically, the facade should be divided into subordinate planes that are similar in width to those of the context.

Building form standards

11.11 Use building forms that are similar to those seen traditionally on the block. Simple rectangular solids are typically appropriate.

11.12 Use roof forms that are similar to those seen traditionally in the block. Visually, the roof is the single most important element in an overall building form. Gable and hip roofs are appropriate for primary roof forms in most residential areas. Shed roofs are appropriate for some additions. Roof pitches should be 6:12 or greater. Flat roofs should be used only in areas where it is appropriate to the context. They are appropriate for multiple apartment buildings, duplexes, and fourplexes. In commercial areas, a wider variety of roof forms may occur.

Proportion of building façade elements

11.13 Design overall facade proportions to be similar to those of historic buildings in the neighborhood. The “overall proportion” is the ratio of the width to height of the building, especially the front facade. See the discussions of individual districts and of typical historic building styles for more details about facade proportions.

Design Standards for the Avenues Historic District

13.8 Design new buildings to be similar in scale to the scale that was seen traditionally on the block. Historically, most houses in the Avenues appeared to have a height of one, one-and-one-half or two stories. Front facades should appear similar in height to those seen historically in the block. Taller portions should be set back farther on the lot. Story heights should appear similar to those seen historically. Use architectural details to convey a sense of the traditional scale of the block.

Finding: The proposed one-and-a-half-story building is similar in terms of height, width, proportion of principal façade and scale with other buildings on the block and within the Avenues Historic District.

Given the eclectic architectural development of this neighborhood and the range of shapes found historically, the proposed house form fits into the overall character of the neighborhood.

Composition of Principal Facades.

- a. Proportion of Openings. The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape;*
- b. Rhythm of Solids to Voids in Facades. The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape;*
- c. Rhythm of Entrance Porch and Other Projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape; and*
- d. Relationship of Materials. The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape.*

Analysis: Traditionally, windows and doors in residential neighborhoods were similar in scale and proportion. Most house styles have a similar proportion of solid-to-void. These characteristics contribute to the visual continuity of the area when repeated down the street. The fenestration pattern shown on the drawings is more conventional, with a regular placement of windows and uniformity of window sizes and openings. The majority of the windows are vertical one over one vinyl sash units which should be set into the wall in order to provide a greater sense of wall depth. The front entry is characterized by a traditional porch element that faces the street and protects the entrance of the house. The amount of glass in relation to wall material on the primary façade is similar to that seen on historic buildings in the Avenues Historic District.

The use of materials that will reinforce established material patterns in the neighborhood is preferred. Historically, masonry, stucco and wood materials characterized the Avenues District. Alternative materials such as fiber cement products and vinyl windows have been approved for new construction by the Commission in the past, when the siding has a smooth finish to match the appearance of historic wood siding and the size, proportion and profile of the windows are similar to those seen historically. The design guidelines recommend the following with respect to the composition of principal facades.

Standards for New Construction

Solid-to-void-ratio

11.10 Use a ratio of wall-to-window (solid to void) that is similar to that found on historic structures in the district. Large surfaces of glass are inappropriate in residential structures. Divide large glass surfaces into smaller windows.

Rhythm and spacing

11.14 Keep the proportions of window and door openings similar to those of historic buildings in the area. This is an important design standard because these details strongly influence the compatibility of a building within its context. Large expanses of glass, either vertical or horizontal, are generally inappropriate on new buildings in the historic districts.

Materials

11.15 Use building materials that contribute to the traditional sense of scale of the block. This will reinforce the sense of visual continuity in the district.

11.16 New materials that are similar in character to traditional materials may be acceptable with appropriate detailing. Alternative materials should appear similar in scale,

proportion, texture and finish to those used historically. They also must have a proven durability in similar locations in this climate. Metal products are allowed for soffits and eaves only.

Architectural Character

11.17 Use building components that are similar in size and shape to those found historically along the street. These include windows, doors, and porches.

11.18 If they are to be used, design ornamental elements, such as brackets and porches to be in scale with similar historic features. Thin, fake brackets and strap work applied to the surface of a building are inappropriate uses of these traditional details.

11.19 Contemporary interpretations of traditional details are encouraged. New designs for window moldings and door surrounds, for example, can provide visual interest while helping to convey the fact that the building is new. Contemporary details for porch railings and columns are other examples. New soffit details and dormer designs also could be used to create interest while expressing a new, compatible style.

11.20 The imitation of older historic styles is discouraged. One should not replicate historic styles, because this blurs the distinction between old and new buildings, as well as making it more difficult to visually interpret the architectural evolution of the district. Interpretations of historic styles may be considered if they are subtly distinguishable as new.

Windows

11.21 Windows with vertical emphasis are encouraged. A general rule is that the height of the window should be twice the dimension of the width in most residential contexts. See also the discussions of the character of the relevant historic district and architectural styles.

11.22 Frame windows and doors in materials that appear similar in scale, proportion and character to those used traditionally in the neighborhood. Double-hung windows with traditional depth and trim are preferred in most districts. (See also the rehabilitation section on windows as well as the discussions of specific historic districts and relevant architectural styles.)

11.23 Windows shall be simple in shape. Odd window shapes such as octagons, circles, diamonds, etc. are discouraged.

Design Standards for the Avenues Historic District

Materials

13.9 Use primary materials on a building that are similar to those use historically. Appropriate building materials include: brick, stucco, and wood. Building in brick, in sizes and colors similar to those used historically, is preferred. Jumbo, or oversized brick is inappropriate. Using stone, or veneers applied with the bedding plane in a vertical position, is inappropriate. Stucco should appear similar to that used historically. Using panelized products in a manner that reveals large panel modules is inappropriate. In general, panelized and synthetic materials are inappropriate for primary structures. They may be considered on secondary buildings.

Finding: The design of the proposed project meets the standards of the ordinance in terms of this standard. The proposed house is visually compatible with the surrounding buildings and streetscape in

terms of proportion of openings, rhythm of solids to voids in facades, rhythm of entrance porch and other projections and relationship of materials.

3. Relationship to Street.

a. Walls of Continuity. Facades and site structures, such as walls, fences and landscape masses shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;

b. Rhythm of Spacing and Structures on Streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;

c. Directional Expression of Principal Elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street; and

d. Streetscape-Pedestrian Improvements. Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

Analysis: The proposed house is sited on the lot in a similar fashion as other homes in the vicinity and would contribute to the established wall of continuity of the street. In the Avenues, side yards are generally small and nonexistent in some cases. The design of the new home respects the rhythm of spacing and structures on the street by maintaining typical setbacks between adjacent structures and the street. Although the house is located on a noncomplying lot with respect to lot area (4,292 sf), the established wall of continuity and orientation of the building will be consistent with the streetscape. To accommodate adjacent property owner concerns, the applicant shifted the building location closer to the western property boundary. However, a mature tree will be lost as a result of this modification.

The contemporary nature of this project is most apparent in the design of the proposed attached two-car garage. The garage would be within the main mass of the house, and the doors are slightly set back from the front plane of the building wall. Generally, the Commission has not allowed attached garages for new construction unless there is some reason relating to the size or topography of a property that would not make a detached and set back garage feasible. The Historic Landmark Commission has also allowed attached garages in other cases in which access was located on a secondary elevation. In this case, if a detached garage were located toward the rear of the property, the change in grade may require retaining and much less space would be available for a back yard. Between 2002 and 2007, the Historic Landmark Commission approved the following new single-family dwellings with an attached garage (photographs will be provided at the meetings):

Single-family Dwellings with an Attached Garage				
Address	Year Approved	Lot configuration	Location of doors	Door design
98 W. Apricot Avenue	2002	Corner lot	Secondary elevation	Double width door
466 N. Wall Street	2004	Interior lot	Secondary elevation	Two single doors
1159 E. Second Avenue	2006	Corner lot	Primary and secondary elevations	Two single doors
715 N. West Capitol Street	2006	Interior lot	Secondary elevation	Two single doors
183 E. Fourth Avenue	2007	Corner lot	Secondary elevation	Double width door

An attached garage with doors on the primary facade in this case may be appropriate given the topography, single-car width door design, the lot is not accessible from an alley to the rear of the property and the substandard size of the lot. The proposed double width driveway, however, is wider than has typically been approved in this neighborhood. Most garages in the Avenues Historic District are accessed from single-car width driveways from the street. In this case, the prominence of the proposed driveway has been reduced by tapering it.

The design guidelines offer the following guidelines for siting new construction:

Standards for New Construction

District Street Patterns

11.1 Respect historic settlement patterns. Site new buildings such that they are arranged on their sites in ways similar to historic buildings in the area. This includes consideration of building setbacks, orientation and open space, all of which are addressed in more detail in the individual district standards.

11.2 Preserve the historic district's street plan. Most historic parts of the city developed in traditional grid patterns, with the exception of Capitol Hill. In this neighborhood the street system initially followed the steep topography and later a grid system was overlaid with little regard for the slope. Historic street patterns should be maintained. See specific district standards for more detail. The overall shape of a building can influence one's ability to interpret the town grid. Oddly shaped structures, as opposed to linear forms, would diminish one's perception of the grid, for example. In a similar manner, buildings that are sited at eccentric angles could also weaken the perception of the grid, even if the building itself is rectilinear in shape. Closing streets or alleys and aggregating lots into larger properties would also diminish the perception of the grid.

Building Orientation

11.3 Orient the front of a primary structure to the street. The building should be oriented parallel to the lot lines, maintaining the traditional grid pattern of the block. An exception is where early developments have introduced curvilinear streets, like Capitol Hill.

Design Standards for the Avenues Historic District

Streetscape Standards

13.3 Minimize the use of curb cuts in the Avenues District. In an effort to preserve the character of the sidewalk and adjoining streetscape, avoid installing new curb cuts, whenever feasible. Historically, the use of curb cuts was quite limited. New curb cuts will interrupt the continuity of the sidewalks, and will potentially destroy historic paving material where it exists.

Setback

13.4 Keep the front setback of a new structure in line with the range of setbacks seen historically on the block. In general, larger, taller masses should be set back farther from the front than smaller structures.

13.5 Maintain similar side yard setbacks of a new structure or an addition to those seen traditionally in the block. Follow the traditional building pattern in order to continue the historic character of the street. Consider the visual impact that the new construction and additions will have on neighbors along side yards. Consider varying the setback and height of the structure along the side yard to minimize impacts of abrupt changes in scale in these areas.

additions will have on neighbors along side yards. Consider varying the setback and height of the structure along the side yard to minimize impacts of abrupt changes in scale in these areas.

13.7 Construct and locate secondary structures in a manner similar to those seen historically in the district. Most secondary structures were built along the rear of the lot, accessed by the alley, if one existed. This should be continued. Garages, as well as driveways, should not dominate the streetscape; therefore, they should be detached from the main house and located to the rear of the house, if possible. Historically, garages and carriage houses in the Avenues were simple wood structures covered with a gabled or hipped roof. A new secondary structure should follow historic precedent, in terms of materials and form.

Standards for Accessory Structures

9.2 Construct accessory buildings that are compatible with the primary structure. In general, garages should be unobtrusive and not compete visually with the house. While the roofline does not have to match the house, it is best if it does not vary significantly. Allowable materials include horizontal siding, brick, and in some case stucco. Vinyl and aluminum siding are not allowed for the wall but are acceptable for the soffits. In the case of a two-car garage single doors are preferable and present a less blank look to the street; however, double doors are allowed.

9.3 Do not attach garages and carport to the primary structure. Traditionally, garages were sited as a separate structure at the rear of a lot; this pattern should be maintained. The allowance of attached accessory structures is reviewed on a case-by-case basis.

Finding: The directional expression, front setback of the principal façade and rhythm of spacing are consistent with other buildings with frontage on Fifth Avenue and the historic district. The main façade of the building is located toward Fifth Avenue and consistent with the typical alignment of the surrounding buildings on the block. The proposed garage is attached to the main portion of the house, but this may be acceptable given the substandard size of the lot and that the doors are slightly set back from the front plane of the wall. The prominence of the attached garage will be reduced by using single garage doors instead of a full width double door. The proposed project meets the intent of this standard.

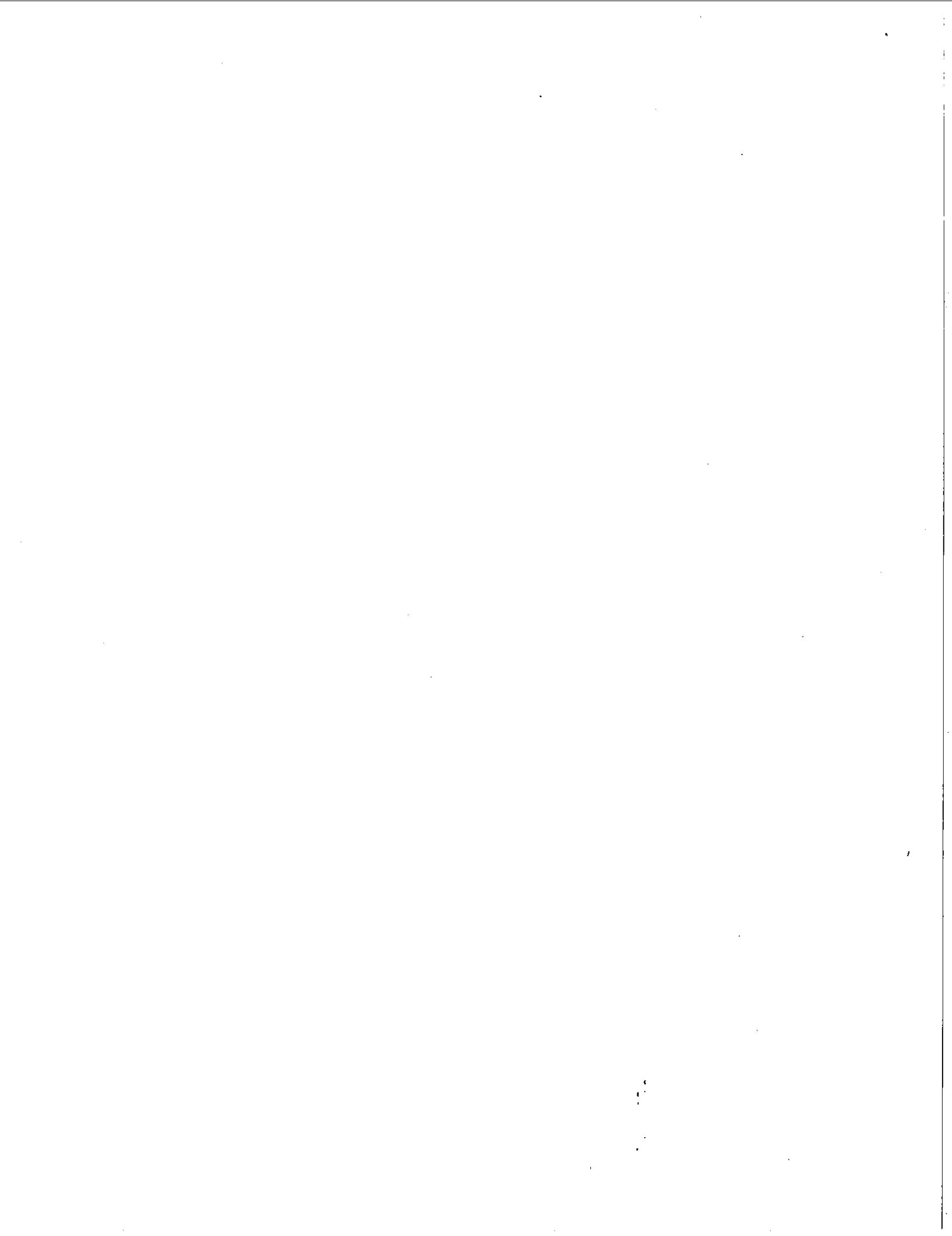
4. Subdivision of Lots.

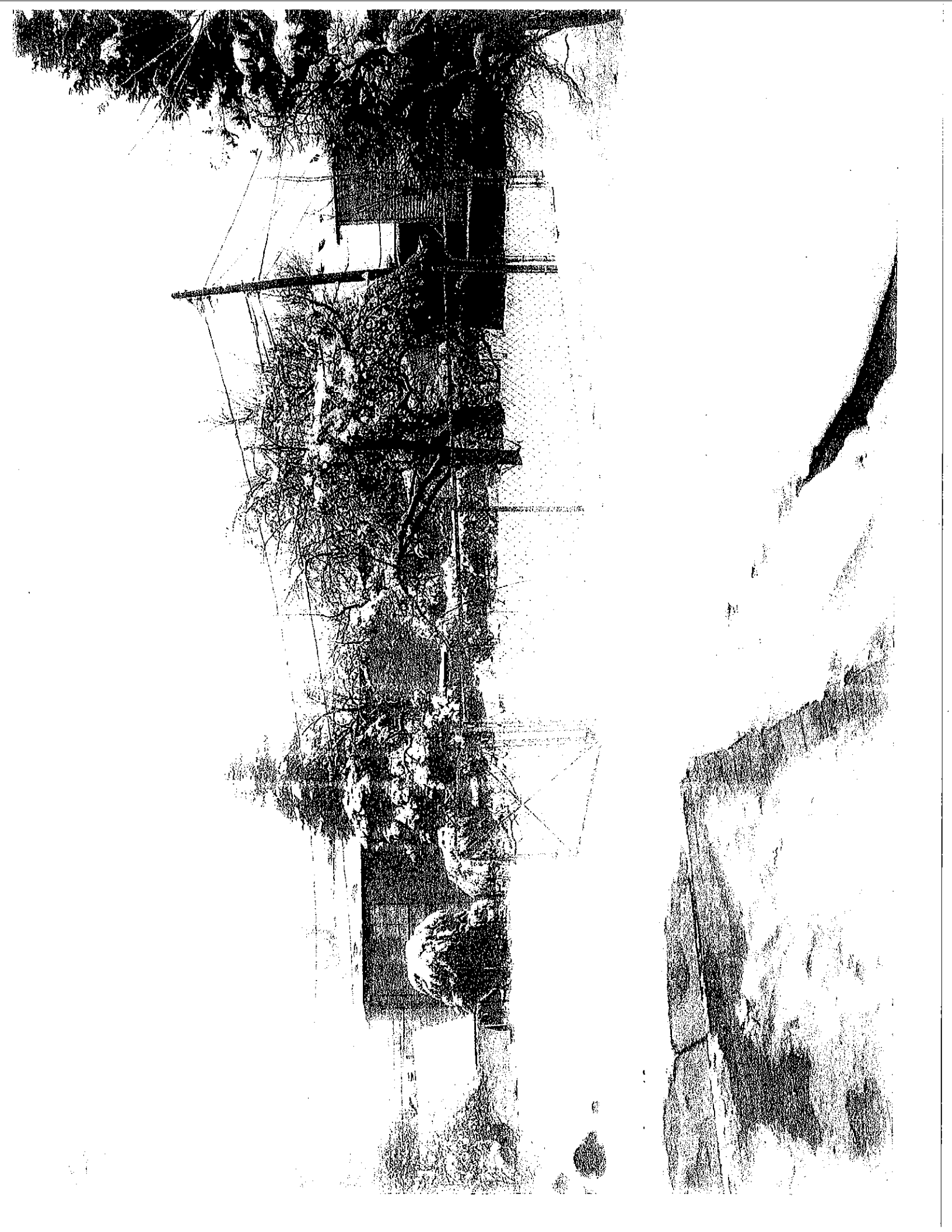
The planning director shall review subdivision plats proposed for property within an H historic preservation overlay district or of a landmark site and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s).

Finding: This application has no subdivision issues as the lot was determined to be a legal complying lot by the Planning Division on August 30, 2007.

Exhibit A
Photographs

Published Date: January 10, 2008





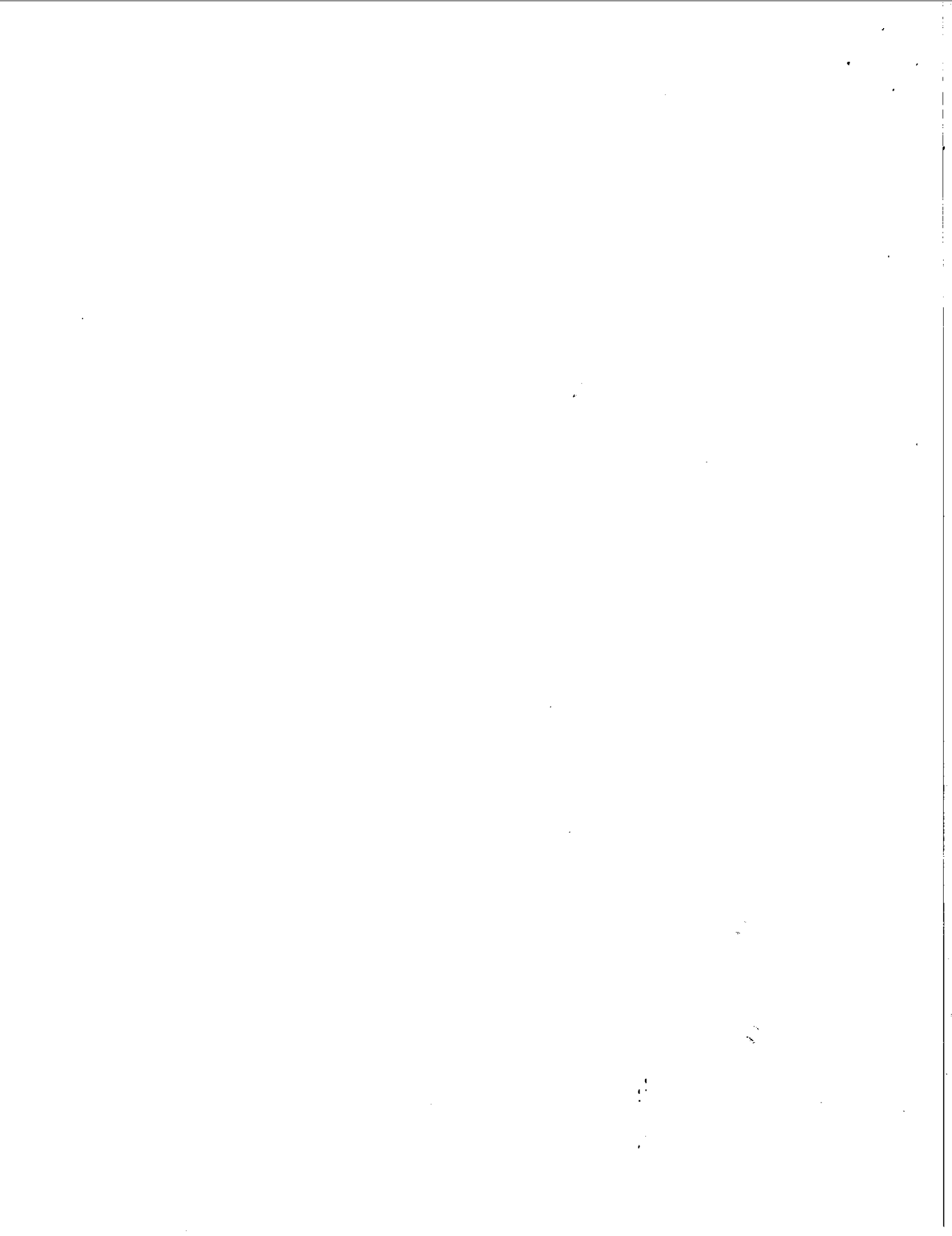
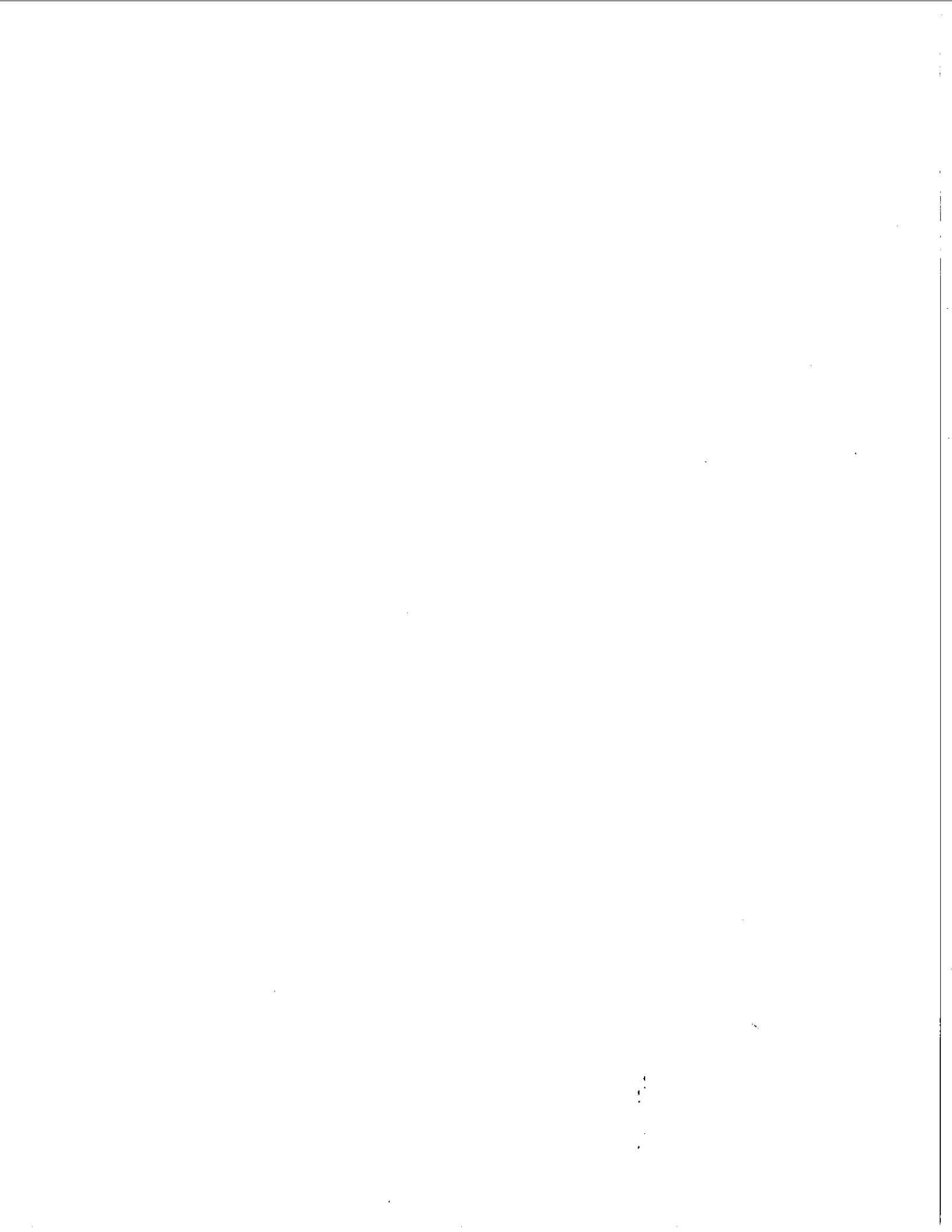


Exhibit B
Submittal

Published Date: January 10, 2008



Dear Janice,

I am submitting my revised plans for a home located on 766 East Sun Avenue. I am excited to be moving forward and to start the building process.

This summer in our meeting, I showed you the plan I wanted to build. We determined the lot was too small for an alley-way garage. You suggested I change the garage doors to be set back into the home. In the revised plan, I implemented that change. I also kept the two separate single garage doors, which you admired. The garage is located on the far east side of the lot to facilitate the existing curb, gutter and approach.

The covered front porch will replicate the neighboring home to the east. The front set back will match all the set backs on the block front. The maximum height of my home will not exceed the existing block front homes. My architect matched the rooflines of several homes on this block.

The landscaping plan also reflects the look of the neighborhood. On the 10 foot parking strip, I will plant two oak trees to match the other oak trees on the block front. I have plotted my home on the lot to preserve a 50 year old evergreen tree on the northwest corner. The side, front and back yards will consist of lawn and flowerbeds. I will plant a few small boxwood bushes by the front porch.

Thank you for your commitment to keeping the Avenues a charming and historical part of our city. We look forward to being part of the neighborhood.

Sincerely,

Jonathan and Jennifer Oettli

647-5837, 272-2809

Dear Historic Landmark Commission,

We are writing a letter regarding our proposed home on 766 East 5th Avenue. When we first submitted our project, our adviser Janice Lew was concerned about the height of our home. She requested we lower the height, among other changes. In the second submission, our architect made all the changes, including lowering the height of our home. There are 2 two story homes on the block face. These homes are taller than our home. We have met all setback requirements and met the requirement for square footage per total lot size (40%). This was very difficult to accomplish because of the small size of the lot. We are not trying to construct a large home that would look out of place in the Historical District of the Avenues, but a modest sized home for our family.

We have always wanted our home to feel as if it had been in the neighborhood forever, and not a newly constructed structure. We want our home to have the same character and quaintness of the neighborhood. We matched the front setback of the home to the east, also matching their front porch in size and design. We utilized the existing curb, gutter and approach for our driveway. The design of our home compliments the lot and neighborhood. We placed our home on the lot to keep a large and very old evergreen tree. Our desire is to construct a home that will honor the nature and uniqueness of the area, and be a home that is comfortable and functional for our family.

Sincerely,
Jonathan and Jennifer Oettli and family

Dear Janice,

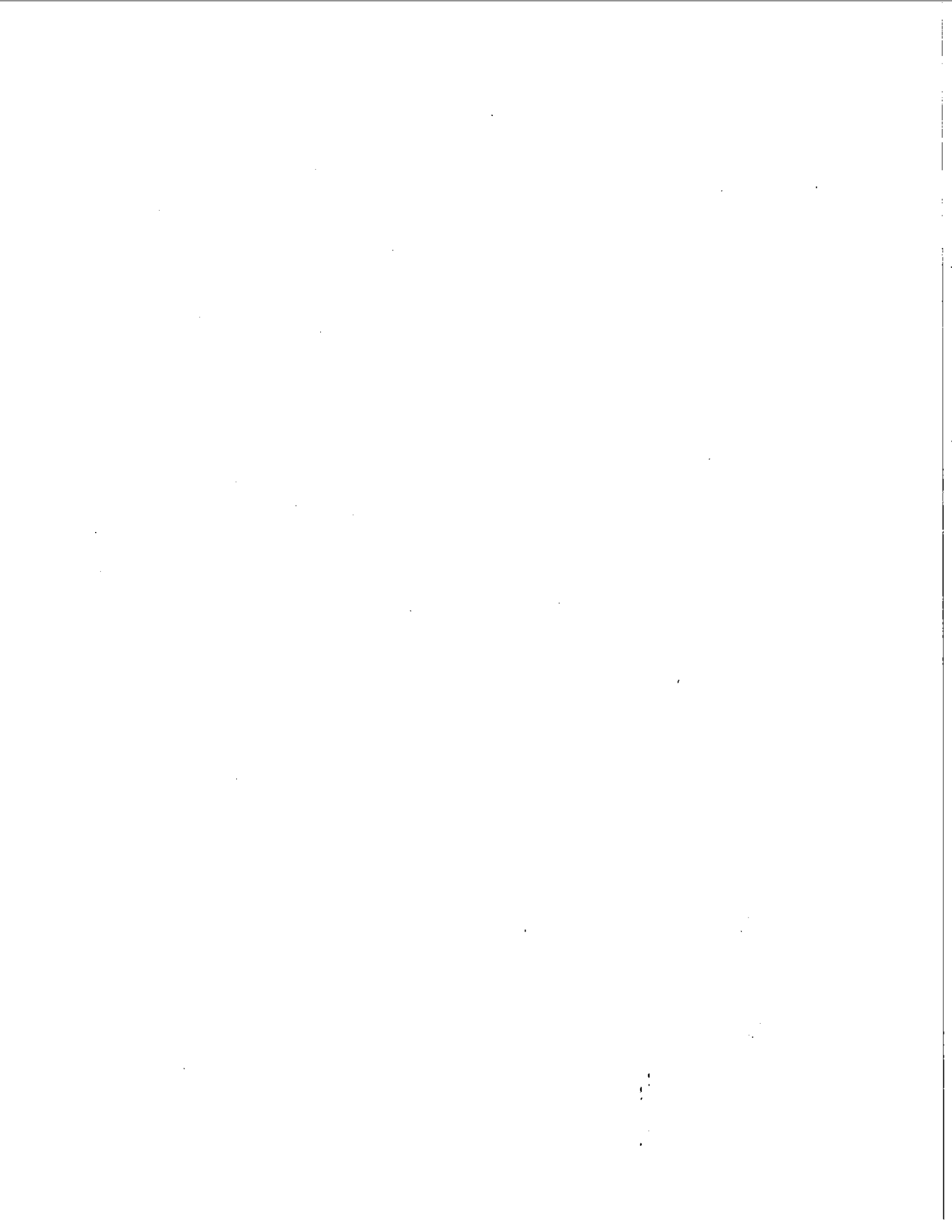
I am writing a letter explaining the front loading attached garage. When I started the planning of my house in the spring, we came upon a unique problem in the fact that the lot did not meet the minimum required square footage for a buildable lot. Thus, it was required for me to do a deed history report dating back to the late 1800's. This history report concluded that the lot was "in configuration since 1888". Because of the size of the lot, a rear alley way garage was not feasible.

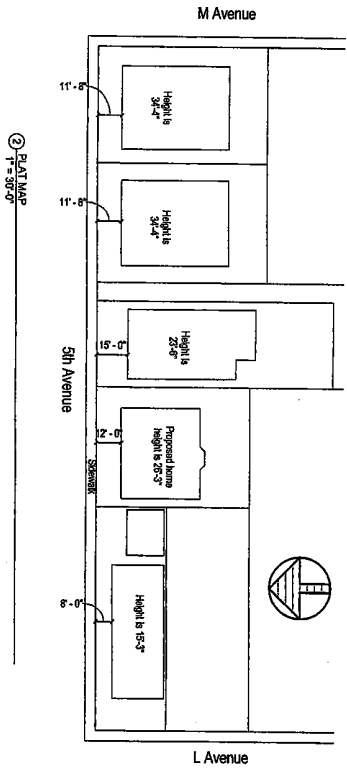
I have made every effort to make the garage very tasteful and "Avenues-friendly" looking. The plans include two individual wooden garage doors with windows at the top. Also, the garage doors are set back into the home. The garage is designed to use the existing curb, gutter and approach, per page 154.

I hope this explains the reasoning for the garage placement. I, too, want to keep the Avenues a historic and special part of our city. I feel this home accomplishes this and will be an asset to the block. If you have any questions, please call me.

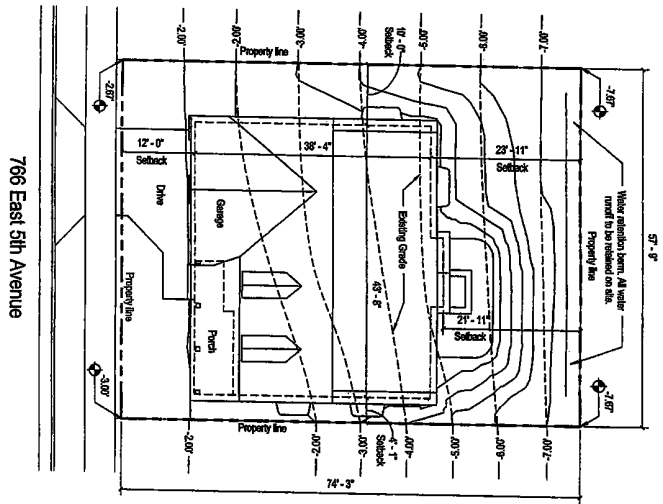
Sincerely,

Jonathan Oettli
647-5837





① SITE PLAN
1" = 10'-0"



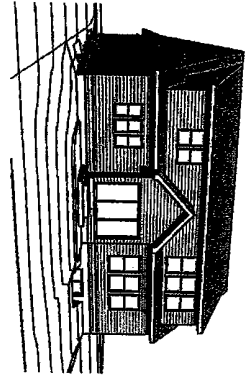
766 East 5th Avenue



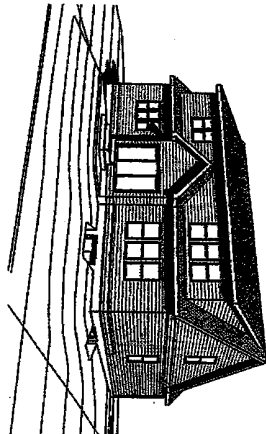
Area Schedule	
Name	Area
MAIN FLOOR	1081 SF
GARAGE	490 SF
2ND FLOOR	1248 SF
PORCH	124 SF
UNFIN.	1190 SF
BASEMENT	4134 SF

1892 SF STRUCTURE FOOTPRINT
4288 SF LOT SIZE
FOOTPRINT IS 39.5% OF LOT AREA

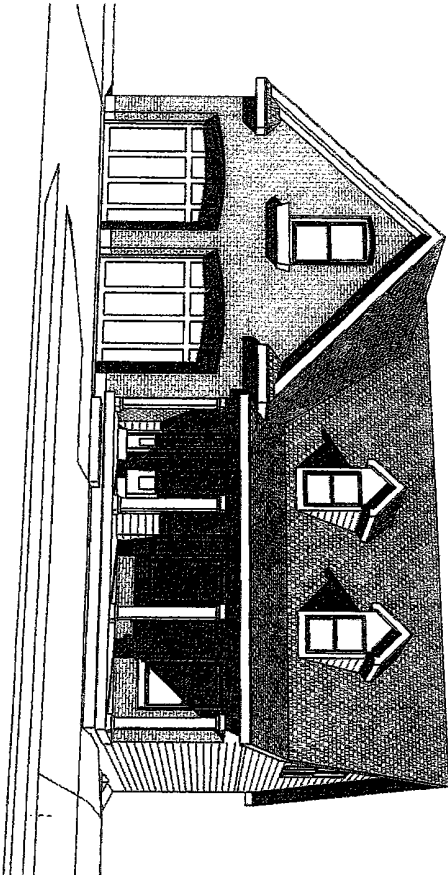
② REAR LEFT PERSPECTIVE



③ REAR RIGHT PERSPECTIVE



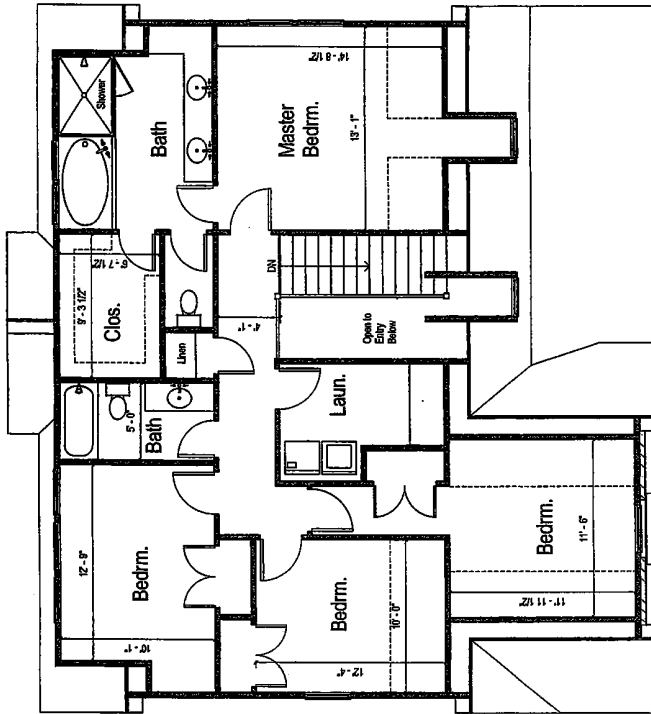
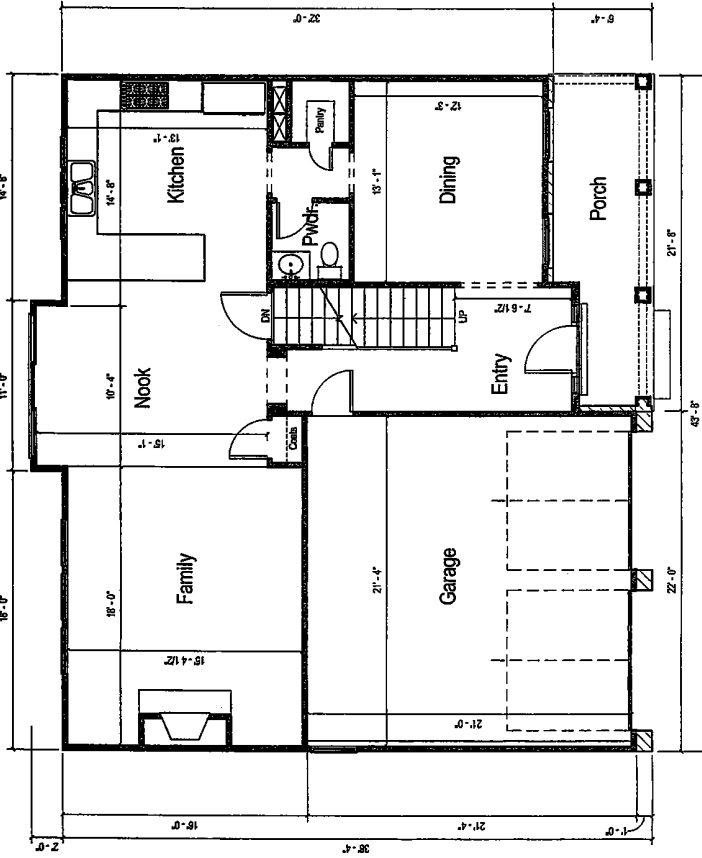
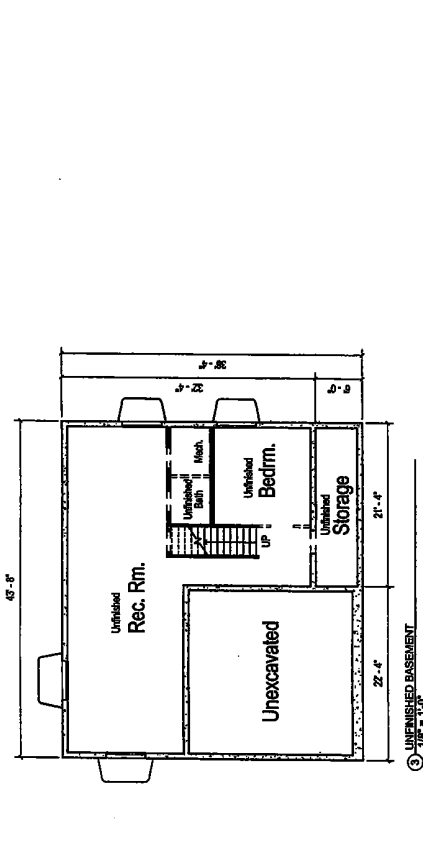
① FRONT RIGHT PERSPECTIVE



COVER SHEET
5th Avenue Residence

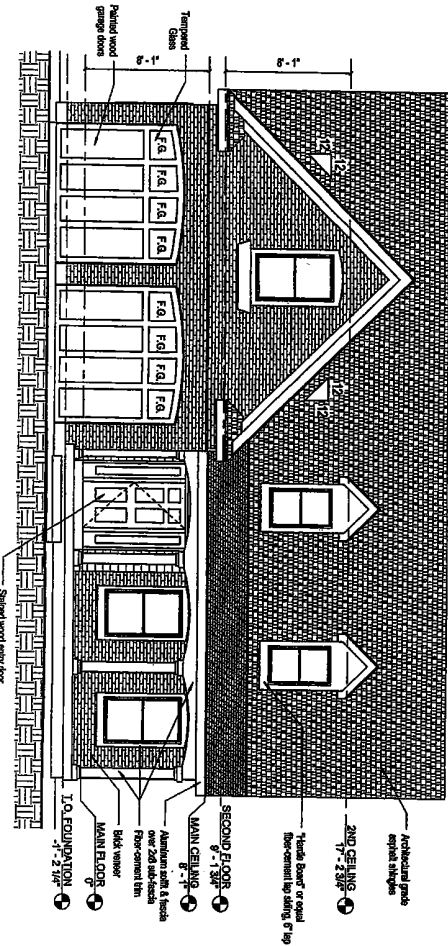
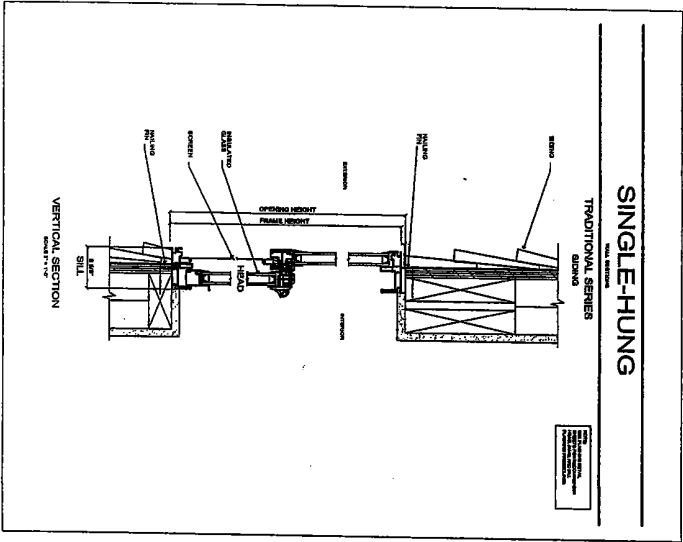
s. d. Gardner
residential design
American Fork, Utah 801-482-6051
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Salt Lake City, Utah 801-567-1600

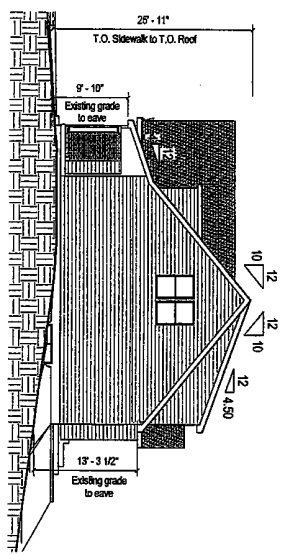


SINGLE-HUNG

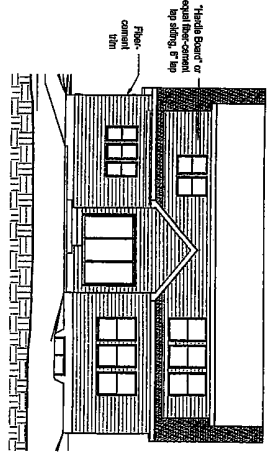
TRADITIONAL SERIES
SINGLE-HUNG



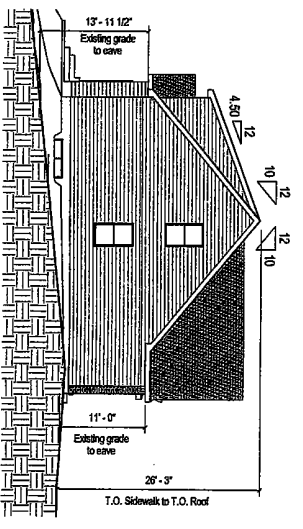
1 FRONT ELEVATION
1/4" = 1'-0" (scale is half if printed on 11x17 sheet)



4 RIGHT ELEVATION
1/8" = 1'-0" (scale is half if printed on 11x17 sheet)



3 REAR ELEVATION
1/8" = 1'-0" (scale is half if printed on 11x17 sheet)



2 LEFT ELEVATION
1/8" = 1'-0" (scale is half if printed on 11x17 sheet)

ELEVATIONS

5th Avenue Residence

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residential design
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Development, Inc.
Salt Lake City, Utah 801-567-1600





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.

Exhibit C
Public Comment

4/0-07-41 Oettli Single-family Dwelling

Published Date: January 10, 2008



Salt Lake City Historic Landmark Commission
451 South Sate Street, Room 406
PO Box 145480
Salt Lake City UT 84111

January 7, 2008

Dear Historic Landmark Commissioners,

We are a group of property owners and residents living on 5th Avenue between L and M Streets, and we are writing in regard to the proposed construction of a new residence at 768 5th Avenue. The property is currently an empty lot measuring approximately 58 feet wide by 75 feet deep, with an area of approximately 4350 feet. New construction, while welcomed, will have a great impact on the adjacent properties due to the substandard size of the lot (less than 5000 feet) and the proximity of established homes. Our group would therefore like to ensure that the process of approving and permitting any designs for new construction is fair and predictable for both the applicant and the neighborhood. We sincerely hope that the end result is a thoughtful design developed within the prescribed AND clearly-interpreted zoning ordinances and Avenues Historic District design guidelines.

Many of us have met with the city planner overseeing the case to review the plans proposed by the applicant and to seek clarification on the underlying zoning and other ordinances impacting the design of the new residence. On Saturday, January 5, many of us also met directly with the applicant, who was kind enough to present his original design and provide a rationale for the design decisions he has made, as well as to present other designs he is considering in order to address some of the neighbors' concerns.

Despite the much-appreciated efforts of the applicant, we remain concerned about four major issues:

1. Building height and the intent of the SR-1A overlay

In the SR-1A district, "the maximum height of buildings with pitched roofs shall be... twenty three feet (23') measured to the ridge of the roof, or the average height of other principal buildings on the block face." The lot in question sits between two residences on the block face with heights of about 18 feet and 23 feet, which would limit the height of new construction to 23 feet. There are no other conforming residences on the block face; however, there are two non-conforming, two-story apartment buildings of approximately 34 feet, located at the east end of the block. The planning staff has included the apartment buildings in the height calculation and has informed the applicant that the new home can be as tall as about 28 feet.

The inclusion of non-conforming apartment buildings in determining the average height of the block face is problematic for several reasons:

- The term "principal building" is not defined in the ordinance and it is unclear whether commercial and/or non-conforming multi-family apartments should be taken into account when calculating height limits for new single-family residential construction.
- If precedent is set for including unlike structures in height calculations, what are the implications when even taller apartment buildings and commercial structures (such as exist in the Avenues and other historic districts) are included in determining the allowable height for single family residences?

While the applicant has presented designs with ridge lines ranging from 25' to 28', we would request that the Commission interpret the language of the ordinance as conservatively as possible and limit building height to 23'. This would prevent setting an undue precedent and minimize the impacts on the adjacent conforming residences until such time as the intent of the city council in adopting the ordinance can be determined and the language clarified so that the process becomes more fair and predictable for both applicants and neighbors.

2. Parking requirements

The city requires two off-street parking spaces for new residential construction and the applicant's design proposes a two-car attached garage on the front of the house. This is contrary to historic district design guidelines in general and for the Avenues in particular. A 2005 survey of the Avenues Historic District conducted by the Avenues Housing Compatibility Committee concluded that of over 2000 single-family residences in the district, only 30 had attached two-car garages. An informal survey of the immediate area around 768 5th Avenue (including 5th Avenue from K to N Streets, and L and M Streets between 4th and 6th Avenue) concluded that 29 of 54 (54%) of single-family homes, duplexes and triplexes had garages. Of the 54% with garages, 93% were detached garages at the rear of the lot. There were no attached garages, let alone attached garages on the front façade.

Because of this very strong precedent for detached one- to two-car garages at the backs of lots, we would request that the Commission require the applicant to consider alternatives to a two-car attached garage on the primary façade, including the following:

- A narrow driveway and a detached two-car garage at the back of the lot. This would diminish the size of the rear yard, but the house footprint would be correspondingly reduced by the removal of the attached garage.
- A narrow driveway leading to a detached single-car garage and a paved pad, which would provide a second parking space. This might help to maintain a more spacious feel to the rear yard.
- A variance for alternative parking, pursuant to Section 21A.44.030 of the city zoning ordinance, which could permit the use of on-site tandem parking for two vehicles (one vehicle parked behind the other), limit on-site parking to one vehicle, and/or permit street parking for a second vehicle. Of the immediately-adjacent single-family homes on the north and south sides of the street, three have no off-street parking and four have single-car detached garages at the rear of the lot, which are approached by long, narrow driveways. Tandem parking is common, as is the parking of one or both cars on the street. Despite the reliance on street parking, spaces are always available, particularly in front of the proposed building site. While we understand the rationale behind the city's requirements for two off-street parking spaces to reduce congestion, we feel that the development pattern on the block requires a more creative solution than that proposed by the applicant. We also feel that a two-car attached garage on the front façade of the dwelling will have a greater impact on the character of the neighborhood than the addition of a single car parked on the street.

The applicant has also stated that he has considered purchasing a portion of the lot abutting the rear of the property, which is for sale by the same property owner. This would increase the lot size to the legal requirements (greater than 5,000 square feet) and provide more room for parking at the rear of the lot. We cannot ask the applicant to incur the expense of purchasing additional property when the city has permitted him to build a home on a sub-standard lot. However, we would hope that he considers this as an alternative if he truly desires to build a home that maximizes the 40% lot coverage (the 2005 survey referenced above concluded that the average lot coverage in the Avenues was approximately 20%) yet also has a two-car garage and a reasonable rear yard, a situation almost unprecedented in the Avenues Historic District.

3. Side yard setbacks

Side yard setbacks of four feet and ten feet are required. All of the proposed designs we have seen to date have placed the four foot setback on the east side of the lot, where the adjacent house also sits just four feet from the property line. This maximizes the impact of the new construction on the light, view, and privacy of that residence.

Placing the four foot setback on the west side of the property would impact only the garage of one neighbor and the back yards of two others, thus minimizing the potential adverse impacts. Placing the ten foot setback on the east side would also allow for a driveway leading to a detached garage at the back of the lot; a curb cut already exists here, indicating that the previous home (since demolished) was configured with a larger setback on the east side and with parking on the east side or at the rear of the house.

The applicant has indicated his willingness to shift the 10-foot setback to the east side of the property despite the additional expense of relocating a power pole and creating a new curb cut on the west side of the lot (should an attached garage be constructed on the west side of the front façade), which we greatly appreciate. We would ask that the Commission request the applicant to orient any design similar to those currently proposed so that the larger setback is on the east side of the property. Substantively different designs might make it more appropriate and desirable to have the smaller setback on the east side, and we would be open to further discussion should new designs be proposed.

4. Building design and compatibility with the Avenues Historic District


We appreciate the applicant's efforts to make the proposed design compatible with the Avenues Historic District design guidelines in terms of front setback and front porch design. However, we feel that the design is not compatible with historic district guidelines in terms of height, massing, and lot coverage. The design is particularly hampered by the presence of the two-car attached garage on the primary façade, which prevents the use of a full-width front porch or a large window on the projecting bay (treatments that are characteristic of Avenues bungalows and Victorian-era cross-wing houses, respectively).


The design is also not compatible in terms of more subtle design elements, including the combination of brick and Hardieplank siding and the proportions in which they are used; window size, placement, and configuration on all sides of the building; gable size and design on the front of the building; and of course the placement of the attached garage on the primary façade. In the design guidelines, the general discussion on the design character states that, "Garages in the Avenues District are simple wood or iron structures generally detached and located behind the house. Most are accessed from single-car width driveways from the street, while a few are accessed through a rear alley. New garages in the district should follow these development patterns in terms of location, size, and character." This is further reinforced in design guideline 13.7.

We feel that on a lot of this small size and sensitivity, a very careful design is necessary to preserve the character of the neighborhood. We would ask the Commission to work closely with the applicant to develop a design that adheres more closely to the design guidelines and is thus more in keeping with the character of the Avenues.

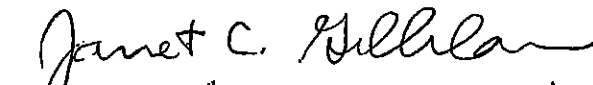
Thank you for your attention to this letter and your thoughtful consideration of these complicated issues. We look forward to your deliberation of this case and your efforts to bring about an equitable solution.

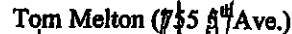
Sincerely,

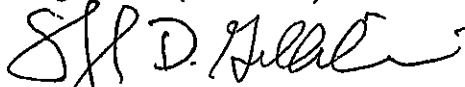

Jeff Coursey (774 5th Ave.)



Mary Johnston-Coursey (774 5th Ave.)


Hugh Gillilan (755 5th Ave.)


Jan Gillilan (755 5th Ave.)


Tom Melton (755 5th Ave.)


Sheryl Gillilan (767 5th Ave.)


Doug Oliver (771 5th Ave.)


Michael Novak (777 5th Avenue)


Clara McClane (777 5th Avenue)

cc: Chairman, Greater Avenues Community Council Housing Compatibility Committee



January 9, 2008

**Greater Avenues Community Council
Shane Carlson
Housing Compatibility Committee, Chairperson
375 L Street
Salt Lake City, UT 84103**

**Salt Lake City Corporation
George Shaw, Director
Planning and Zoning Enforcement
421 S. State Street, Room 406
Salt lake City, Utah 84112**

RE: Interpretation of the maximum primary building height limits in the SR1-A zoning district and the maximum allowable building height for a single family primary structure proposed at 768 East Fifth Avenue (Petition No. 470-07-41).

Dear George,

I am writing to you with concerns regarding the City Planning Office's interpretation of the maximum primary building height limits in the SR1-A zoning district (21A.24.080; D. Maximum Building Height). I also have concerns regarding the potential impact of similar interpretations city-wide.

My concerns have arisen out the interpretation used to determine the maximum allowable building height for a single family primary structure proposed at 768 East Fifth Avenue (Petition No. 470-07-41; Oettli Single-family Dwelling - Staff - Janice Lew).

In a conversation with Janice Lew this morning, I learned that the applicant has been instructed that the allowable height for the lot at 768 East 5th Avenue is twenty seven feet (27') based upon an average of the four principle buildings on the block face.

House Number	Height	Use	Status
756	15 feet	Two family	Conforming Structure
774	23.5 feet	Single family	Conforming Structure
780	34.3 feet	Multi-family (six unit)	Legal Non-Conforming Structure
788	34.3 feet	Multi-family (six unit)	Legal Non-Conforming Structure
Average Height	26.75* feet	* in a conversation with Janice on 1/9/07, I was told that the allowable height had been calculated at 27 feet	

The multi family-units (780 and 788) at 34.3 feet in height are 46.0% taller than the tallest conforming one or two family primary structure on the block face (774 at 23.5 feet). The inclusion of multi-family units in the calculation of maximum allowable building height for 1768 East 5th Avenue would allow an additional three feet (an allowance of roughly an additional thirteen percent) in building height making the new structure the tallest conforming primary structure on this block face. It is important to note that the lot at 768 East 5th Avenue is itself non-conforming at 4356 square feet (Utah State Surveyors Office map), roughly 13% smaller than the minimum 5000 square foot lot size required for new lots in the SR1-A zoning district.

Specifically, the inclusion of non-conforming (both in term of use and design) multi-family residential structures in the calculation of either a 'block face' average or a 'development pattern' in single family zone will lead to the permitting of new construction and additions that significantly exceed the height limits that were anticipated when the Residential Infill Standards and the SR1-A ordinance were originally adopted, a situation exacerbated when permitted on lots that are also smaller than the minimum lot size anticipated by the ordinance:

In January, 2006, as the Avenues and Capitol Hill Community Councils were preparing the application that eventually resulted in the SR1-A zoning district, our housing committees inventoried the heights (actually the number of stories based on the attached coding sheet – surveys of a sample of representative buildings were requested but never completed) of primary structures in the SR1 district within the council boundaries. I have attached a copy of that inventory (note the specific instructions at the bottom of the page to exclude multi-family units with three or more housekeeping units).

As you can see on the inventory, multi-family units were clearly excluded from the representation of building heights used when the SR-1A zoning standards were being developed. Further, not once in dozens of meetings and hundreds of conversations with members of the with the City Planning Office, the Mayor's Office (including a meeting with Mayor Anderson on April 14th, 2006), the Planning Commission, or the City

Council was any statement ever made in opposition to the exclusion of the multifamily units in the materials generated by and included in the SR-1A zoning change application.

There are hundreds of non-conforming multi-family structures similar to 780 and 788 East 5th Avenue in residential districts across the City (dozens in the Avenues Historic District, three of which are on the subject property's block). Many of these multi-family structures are over 40 feet in height with some as tall as 60 feet or taller.

Including a 60 or 70 foot tall multi-family unit in the calculation of either a 'block face' average or the establishment of a development pattern would wildly skew the permitted height for new construction on that block face.

However, I am not asking that the Planning Office make a determination on the appropriate interpretation of a section of the Salt Lake City ordinance that raises legitimate questions of intent if applied consistently to all similar circumstances across the City. Rather, I am asking for the following:

1. Clarification of intent on the inclusion or exclusion of multi-family structures in the calculation of 'block face' average dimensions and the determination of 'development pattern' dimensions be sought in a timely manner directly from the City Council;
2. That until such clarification is received, the Historic Landmarks Commission hearing for Petition No. 470-07-41 be postponed; and
3. That a mechanism be developed by the City that would provided for timely clarification from the City Council of any ambiguous language or questions of intent that arise from the wide spread application of a particular ordinance interpretation.

I am very concerned that without a mechanism for clarification of the City Council's intent regarding any section of the Salt Lake City ordinance (especially those that were recently adopted or may soon be adopted) the result is often the unnecessary and unhealthy pitting of permit applicants and adjacent property owners against each other, arguing about something easily answered by going directly to the body responsible for the drafting and adoption of Salt Lake City's ordinances, the City Council. Additionally, without a mechanism for timely clarification when ordinance interpretation is unclear, we condemn ourselves to unnecessarily repeating the same contentious dynamic, a situation unfair to everyone involved including City employees, applicants, adjacent property owners and the Community Councils.

In the 1970's, Salt Lake City deliberately ceased permitting multifamily structures in what is now the SR1-A zoning district because of the significant negative impact these buildings (many of which were wildly out of character) had on what is a one and two family residential district. Allowing multi-family structures to be used in the calculation

dimensional limits for one and two family homes today resurrects and perpetuates the negative impact that the residents of this community worked for decades to contain.

We have been discussing the corrosive dynamic of processes that pit applicants against adjacent property owners since June. The creation of some mechanism for the timely resolution of at least a portion of these conflicts via clarification from the body with the responsibility and authority adopt, modify and clarify City ordinances would be a significant step towards a more harmonious and healthy community for everyone.

Thank you for your consideration of these important issues.

Sincerely,

A handwritten signature in black ink that reads "Shane Carlson". The signature is fluid and cursive, with a long horizontal stroke at the end.

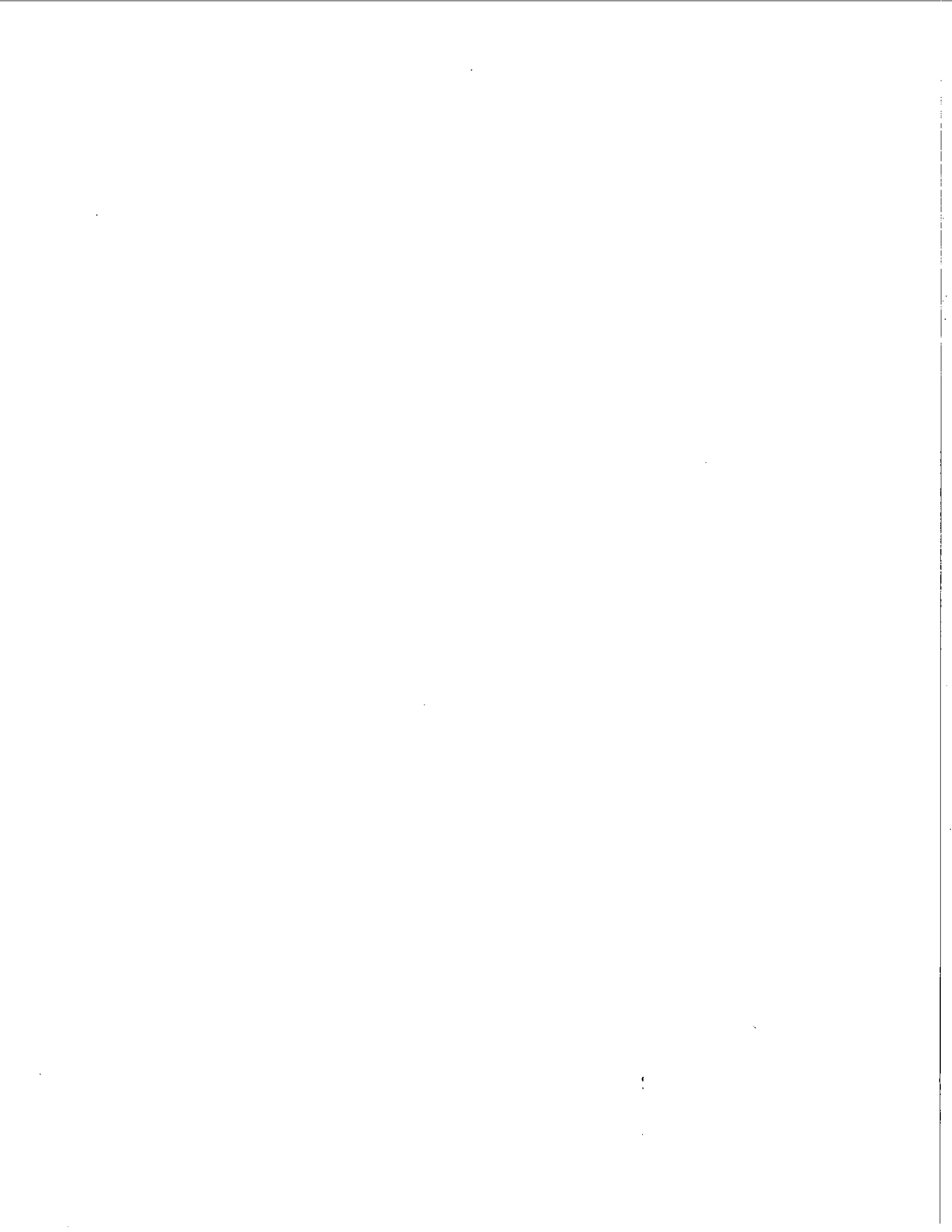
Shane Carlson
Greater Avenues Community Council
Housing Compatibility Committee, Chairperson

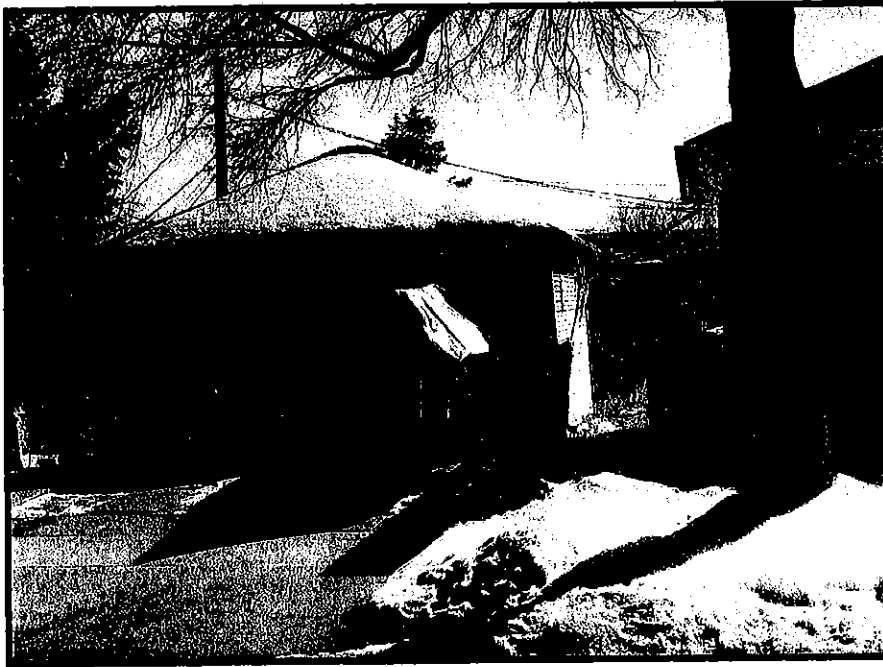
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Exhibit D Photographs





756-760 E. Fifth Avenue



717 E. Fifth Avenue



731 E. Fifth Avenue