

SALT LAKE CITY HISTORIC LANDMARK COMMISSION

MINUTES OF THE MEETING

Room 315, 451 South State Street

November 5, 2008, 5:45 p.m.

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on November 5, 2008.

If this is a hard copy of the minutes; to view the attached materials and listen to audio excerpts of the record go to:

www.slcgov.com/boards/HLC/hlc-agen.htm

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The regular meeting of the Historic Landmark Commission was held on November 5, 2008, at 5:45 p.m. in Room 315 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included: Earle Bevins, III, Paula Carl, David Fitzsimmons, Chairperson; Arla Funk, Sheleigh Harding, Polly Hart, Creed Haymond, Warren Lloyd, Vice Chairperson; and Anne Oliver. Commissioner Jessica Norie was excused from the meeting.

Planning staff present for the meeting were: Janice Lew, Principal Planner; Paul Nielson, Senior City Attorney; Nick Norris, Senior Planner; Joel Paterson, Planning Programs Manager; Wilf Sommerkorn, Planning Director; Robin Zeigler, Senior Preservation Planner and Cecily Zuck, Historic Landmark Commission Secretary.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by Commissioners Earle Bevins, III, Chairperson David Fitzsimmons, Arla Funk, Polly Hart, Vice Chairperson Warren Lloyd and Anne Oliver. A quorum was present and notes were taken as follows.

FIELD TRIP NOTES

(This item occurred at 4:00 p.m., prior to the regular meeting.)

The Commission did not visit Trolley Square, 602 East 500 South, the site for petition 470-07-21, as they had been to the site previously and the proposed alterations affected a building which had not yet been constructed.

The Commissioners first visited 144 Apricot Avenue, the site for petition PLNHLC2008-00620:

- The application to construct a detached garage was before the Commission due to the requested excess height.
- Plans for the detached garage included storage space above the parking area.
- The proposed materials were consistent with the design guidelines.
- Staff noted that there were only two other detached garages on the street.
- Staff noted that a wood privacy fence was also proposed.
- Commissioner Oliver inquired if there would be any perceived impacts on neighboring views and Mr. Stewart noted that there might potentially be some impacts.

- Mr. Stewart noted that the garage did meet the 10' separation requirements between accessory structures and primary dwellings on other lots.

The Commission next visited 330 South 1200 East, the site for petition PLNHLC2008-00578:

- Staff noted that the request before the Commission was to legalize changes to the roofline.
- Staff stated that the Commission's approval of plans for the second story addition in 2000 differed from the current construction.
- The Commission discussed the past history of the case and previously requested approvals.

DINNER AND STUDY SESSION [5:09:27 PM](#)

Mr. Paterson noted that he had a few announcements for the Commission.

Mr. Paterson first introduced Michael Ferro, new Commissioner for the HLC.

He noted that there would be a special meeting on November 20, 2008 to review a petition for new construction at the Tracy Aviary in Liberty Park. Mr. Paterson stated that there would be no field trip or dinner and work session.

Mr. Paterson stated that the HAAB board would be holding a meeting on November 12, 2008 during which they would consider granting an emergency demolition permit for a structure within a historic district. Mr. Paterson introduced Frank Gray, Community and Economic Development Director, to provide more detail on this issue.

Mr. Gray presented the Commission with a handout containing information about the request and pictures of the property. He noted that the property was located at 136 South 700 East in the Central City Historic District. Mr. Gray stated that there was a provision that when properties were a hazard to surrounding neighbors, an emergency demolition permit could be issued by the City. He noted that it was a house which had had a fire a little over a year ago, and the Community and Economic Development Department had received requests from legal counsel and insurance carriers for the adjoining property owners about the fear that this winter's snow loads would bring the house down. He noted that if the Housing Advisory and Appeals Board agreed with the City's analysis, an emergency demolition permit would be issued.

Commissioner Hart inquired who was requesting the emergency demolition.

Mr. Gray noted that it was the City; however, the owner was in agreement. He noted that it was a cooperative effort between the owner and the City; the building had been boarded a number of times, but the initial fire damage was so great that its structural integrity had been compromised.

Vice Chairperson Lloyd inquired if the current owner had also owned the home before the fire.

Mr. Gray noted that Mark Maxfield was the property representative, acting on behalf of his mother who owned the home. He stated that he did not want the Commission to be surprised when the emergency demolition permit was issued.

Commissioner Hart noted she understood that at the time of the fire the home had been written off as a complete loss.

Paul Nielson conducted Utah Open Meetings Act Training with the Commission. [5:14:49 PM](#)

Mr. Nielson provided handouts for the Commission.

Mr. Nielson noted that the Open Meetings Act required recording of all open meetings and minutes to be kept. He stated that this law included work sessions and therefore the dinner was being recorded. He defined "meeting":

A meeting is the convening of at least a quorum of a public body for the purpose of (a) discussing, (b) receiving comments from the public about, or (c) acting upon a matter over which the body has jurisdiction or advisory power.

Mr. Nielson noted that there were a number of reasons for which an open meeting could be closed, however, he did not feel that the HLC would need to close any meetings for any reason except to discuss a matter which might be subject to litigation or likely to lead to litigation. He stated that the Commission would need a 2/3 majority vote to close a meeting.

Mr. Nielson reviewed what the Open Meetings Act stated about site visits. He noted that site visits constituted a public meeting, and therefore a recording or minutes would be necessary. Mr. Nielson noted that minutes must include:

- Dates, time and place of the meeting
- Names of the members of the Commission present and absent
- Substance of all matters proposed, discussed or decided by the Commission
- A record of the votes taken by each member.

Mr. Nielson noted that the audio recording should be a complete, unedited record of what transpired during the meeting, and requested that Commissioners be mindful that the audio record could not be edited.

Mr. Nielson briefly touched upon electronic meetings, noting that a member could participate by speakerphone if necessary.

He noted that disruptions could be dealt with by the Commission, meaning the Commission could excuse an uncooperative member of the public from the meeting.

Chairperson Fitzsimmons inquired if the Commission would need to take a vote on the matter.

Mr. Nielson stated that the law was unclear on that point, however, if someone was being disruptive it might be difficult to take a vote.

Mr. Nielson noted that a willful violation of the Open Meetings Act could result in that individual being charged with a Class B misdemeanor.

Mr. Paterson inquired if the Commission would need to agenda a closed meeting item.

Mr. Nielson stated that his understanding was that it did not need to be on the agenda ahead of time, but he would research it.

Mr. Paterson noted that he had never encountered a time when the Historic Landmark Commission had needed to close a meeting although both the Planning Commission and City Council had.

Mr. Nielson noted that the City Council had closed sessions quite often, and if an item was intended to go into closed session before being added to an agenda, it would be appropriate to put that on the agenda. He noted that he did not see a requirement for the agenda to include notice of a closed session, unless the public body was making a decision on that matter.

Mr. Nielson stated that the materials he had passed out earlier included a pamphlet entitled, "The Open Book", from the Attorney General's Office, and encouraged the Commission to read it.

Wilf Sommerkorn noted that he wished to address field trips with the Commission. He stated that a number of jurisdictions had looked at field trips and decided to discontinue them due to the requirements of the Open Meetings Act to record all meetings. He noted that often times, the public was not allowed on field trips and this could potentially lead to mistrust. [5:29:03 PM](#)

Mr. Sommerkorn stated that the Planning Commission had decided to forgo the field trip in lieu of a work session before their meeting which the public could attend. He noted that they were making available staff to meet on site with any interested Commissioners to review the subject property with them. He noted that it was up to the Historic Landmark Commission to consider what they wished to do regarding their field trips.

Commissioner Harding stated her concern that individuals visiting sites on their own might be privy to information the remainder of the Commission would be unaware of.

Mr. Sommerkorn noted that he felt this was often the case, as a Commissioner might have a conversation with a neighbor or be approached by someone, but as long as the information was disclosed for the entire Commission at the time of the hearing, it should not be an issue.

Mr. Nielson stated that the land use regulations which regulate site visits note that the Commissioners may gather some facts which might not be available to individuals visiting the property, including discussions with neighbors.

Several Commissioners noted that they felt the field trips to be of great value and the van provided ease of parking, accommodating several members at once.

Robin Zeigler noted that there had recently been an issue where a member of the public was intending to appeal and one of that person's comments had revolved around conversations which may or may not have taken place in the van on the field trip.

Chairperson Fitzsimmons inquired if comments could be recorded in the van.

Mr. Sommerkorn noted that the technology available to do so was not particularly good.

Vice Chairperson Lloyd noted that it might be better to have a portable tape recorder on hand and have that record for the public so even if the copy were bad, it still existed.

Commissioner Harding noted that she understood the benefit of field trips, however, with her legal background, she was aware that the public was sometimes distrustful of public bodies.

Commissioner Carl noted that if minutes could be taken, she would prefer to continue field trips.

Vice Chairperson Lloyd noted that he was in agreement that field trips were essential, particularly to their Commission.

Chairperson Fitzsimmons asked for an informal vote of all Commissioners who were in favor of continuing field trips.

Commissioners Bevins, III, Carl, Funk, Hart, Haymond, Oliver and Vice Chairperson Lloyd were all in favor of continuing field trips. Commissioner Harding was not.

Chairperson Fitzsimmons stated that they would continue field trips for the time being then.

REPORT OF THE CHAIR AND VICE CHAIR [5:51:16 PM](#)

Chairperson Fitzsimmons called the meeting to order. He noted that the Commission had participated in Open Meetings Law training during their work session.

APPROVAL OF THE MINUTES FROM OCTOBER 1, 2008 [5:52:44 PM](#)

Commissioner Hart made a motion to approve the minutes with the noted changes. Commissioner Carl seconded the motion. All voted “Aye”. The motion carried unanimously.

REPORT OF THE PLANNING DIRECTOR [5:53:46 PM](#)

Mr. Sommerkorn noted that there was a meeting scheduled for November 20, 2008 to review an item. He also noted recent changes to the Planning Management team. He stated that this group consisted of himself as Planning Director, Pat Comarell, Assistant Planning Director and Cheri Coffey and Joel Paterson, Planning Program Managers. He noted that Joel was assigned as the primary management member for the Historic Landmark Commission. Mr. Sommerkorn noted that one of the four members of the management team would always be in attendance.

COMMENTS TO THE COMMISSION [5:55:24 PM](#)

Chairperson Fitzsimmons noted that there was no one present to speak to the Commission and therefore moved on to the next item on the agenda.

UNFINISHED BUSINESS [5:55:46 PM](#)

PETITION 470-07-21 — Trolley Square Major Alteration—A request by Trolley Square Associates, represented by Mulvanny G2 Architects, for an alteration to a previously approved proposal for new construction of a building located at 602 East 500 South in the Central City Historic District. The applicants are proposing exterior changes to Building C (Whole Foods building). The property is located in City Council District 4, represented by Luke Garrott (Staff: Nick Norris at 535-6173 or nick.norris@slcgov.com) **To view the staff report for this item, click [here](#).**

STAFF PRESENTATION [5:55:56 PM](#)

Nick Norris noted that the application was a request for modifications to a previous approval for the Whole Foods Building (Building C). He noted that the alteration to the proposal was larger than the original proposal and indicated on a site plan how the overall footprint of the building had been enlarged. He noted that the previous calculation of square footage had not included the parking garage, access ramps and a patio. He noted that the remainder of the difference would be made up in an addition to the structure.

Mr. Norris noted that all elevations included an increased number of cutouts on the parking garage level and then he reviewed the proposed individual alterations to each side elevation:

East: a couple of store fronts had been removed; a shear wall and access stairwell with storefront glazing had been added; the other issue being a change in height, varying with the slope of the property, primarily between 16” to 18” in additional height.

West: changes in glazing and storefront orientation, wall which was the terminus of Trolley Lane had been given more architectural detail. He noted that the tallest portion of the building resided on this elevation due to the grade of the property.

South: overhead doors which would roll up to reveal a seating area, stair tower on southwest end of the elevation.

North: essentially back of house for the use fronting on 500 South, walls broken into sections, a reduced wall section to allow for loading dock issues.

QUESTIONS FROM THE COMMISSION [6:02:16 PM](#)

Commissioner Oliver inquired if Mr. Norris could indicate the two recommendations in staff report on the elevation slides.

Mr. Norris stated that the staff recommendation for the east elevation suggested adding cutouts to blank wall section to add continuity and tie banding in with all sections of building. He noted that the second recommendation was for the west elevation, add a storefront on corner similar to what was present in the original proposal.

APPLICANT PRESENTATION [6:04:29 PM](#)

Tom Bard, project manager, noted that the proposed changes had evolved from the practicalities of constructing the building.

Gary Larson, principal architect of Mulvanny G2 architecture, reviewed the proposed site plan for the Commission. He noted that the overall difference in footprint size between the original and amended proposals was 1258 square feet. He stated that this was primarily due to the fact that the tenant had requested escalators be installed for customers, a parcel tote be created and they had needed to create walls to resist lateral seismic forces.

Mr. Larson gave the Commission an overview of elevation and perspective drawings for the proposal.

He noted that they had decided to leave the water tower in place, which would open up the access way into the center of the project.

Mr. Larson noted that they had taken staff's suggestions, incorporating a storefront entrance on the southern portion of the west elevation and second level cutouts of the east elevation.

He stated that in reference to height, the accumulation of vertical heights could be averaged to 16" above the previous approval.

Mr. Larson noted that the applicant required storage space on the south end of the west elevation, and while they were creating an entrance, they also requested that the Commission allow for spandrel glass in front of that space to create the appearance of a window on the exterior but allow space for the tenant on the interior.

QUESTIONS FROM THE COMMISSION [6:25:37 PM](#)

Commissioner Haymond noted that on the south elevation the pillars were no longer all brick and inquired why this was so.

Mr. Larson noted that the terrace did have brick columns which continued on the interior of the main wall, but in creating the glass bumped-out terrace, the columns became enclosed on the lower level of the building and became part of a visually lighter structure. He noted that the glass walls would be retractable when the dining area was in use and then the brick columns would be completely visible.

Chairperson Fitzsimmons inquired if the proposed curved terrace would be used space.

Mr. Larson noted that as part of a deli it would include exterior dining space.

Vice Chairperson Lloyd inquired how much of the parking would be screened from the sight of pedestrians.

Mr. Larson noted that while the height of the walls varied, there would be about 5'6" of screening for maximum coverage of cars. He noted that it would probably be best to allow the additional height as proposed to screen cars from pedestrian view as much as possible.

Chairperson Fitzsimmons asked the applicant to describe the proposed screening for the second level parking cutouts.

Mr. Larson noted that the cutouts for the first parking level would include a screen which would be a light metal screen, square with four inch spacing of mesh, supported by a secondary frame. He stated that the guardrail would be painted, galvanized steel.

Vice Chairperson Lloyd noted that on the southwest side of the elevation, the applicant would be replacing a portion of the originally proposed clear glass with opaque glass.

Mr. Larson stated that this was correct. He noted that if the tenant agreed, they could open that space and create a larger entrance, however, Mr. Larson asked that the Commission approve it this way so that they could move forward in obtaining permits.

Chairperson Fitzsimmons inquired if the Commission was required to approve the additional height request specifically, in addition to the requested alterations.

Mr. Paterson stated that it was his understanding that the underlying zone supported the additional height; the structure still met the maximum height requirement.

PUBLIC COMMENTS [6:33:04 PM](#)

Kirk Huffaker, with the Utah Heritage Foundation, noted that he felt that the entrance pavilion to be an unnecessary protrusion, and should be minimized if at all possible. He stated that the proposed detail on the cornice would attract attention to the higher parts of the building where plainness might be in order. He noted that in regards to the second story openings or cutouts, the previous version with fewer cutouts was more characteristic of the historic site and would like to see either fewer cutouts or more transparency so the cutouts did not resemble windows.

EXECUTIVE SESSION [6:36:01 PM](#)

Commissioner Haymond noted that he did remember the Commission requesting more openings.

Mr. Norris stated that initially there were no openings on the second level and the Commission had requested that the applicant install openings on that level and that they be tied to some other detail on the historic buildings. He noted that the multiple openings were part of the new proposal.

Commissioner Haymond stated that he would prefer to see one opening instead of several.

Commissioner Oliver noted that she felt the new proposal, in attempting to mimic the appearance of windows on the second level, lost the intent of the original openings to mimic a feature on the historic structures. She appreciated the applicant's intent to create a natural ventilation system, however, she wondered if it would be possible to treat the openings differently, with a medallion style opening.

Vice Chairperson Lloyd noted that he agreed with Commissioners Haymond and Oliver that a single opening presented a more elegant rhythm, however, he assumed that the number of openings were augmented to meet requirements to passively ventilate the parking structure. He stated that the Commission might require that the applicant only install the minimum number of openings required for passive ventilation of the structure. He stated that there were several changes he was pleased with including; the opening of the alleyway on the south side of the project to another view corridor and pedestrian traffic, treatment of the southwest corner, particularly the curve of the patio which seemed to mimic details on the other historic structures, and opening the stairway to light and to reveal the function. Vice Chairperson Lloyd noted his concern over the main entrance on the east elevation on 700 East, that the lower front canopy was problematic.

Commissioner Oliver noted that a possible solution would be to have one flat canopy instead of the arched entranceway, as there were several other areas where the arch elements of the historic structures were incorporated into Building C.

Mr. Norris noted that the originally proposed canopy was flat.

Commissioner Oliver inquired if the applicant could be brought back to discuss the second story openings, ventilation, and their concerns.

APPLICANT RESPONSE [6:44:45 PM](#)

Mr. Larson noted that there was a situation relevant to building code that there must be openings on $\frac{3}{4}$ of the sides of the buildings to allow for natural ventilation and a certain size of floor area. He noted that there was now a lot at stake to allow for those openings. He stated that they could investigate treating the screening somewhat differently as Commissioner Oliver had suggested.

Commissioner Oliver inquired if it would be possible to reduce the number of openings on the more visible façades of the building.

Mr. Larson noted he did not know the answer but could research the issue and find an answer. Tom Bard made a comment from the audience which Mr. Larson interpreted as meaning that the current number of openings was required to meet the minimum air requirement for ventilation.

Vice Chairperson Lloyd inquired if they could consider reducing the number of actual windows on the north side of the entryway to one.

Mr. Larson noted that they could reduce that bank to one or two windows.

Chairperson Fitzsimmons inquired if there were any further questions for the applicant.

Mr. Larson noted that there had been another inquiry about the secondary canopy.

Vice Chairperson Lloyd noted that the revision created an arch on the secondary canopy.

Mr. Larson noted that the original proposal was a much smaller canopy. He noted that the new proposal was at the request of the tenant and their idea was to provide an outdoor space for merchandising such as flowers and produce to help activate the entry sequence. He stated that it was proposed to be a metal canopy.

Vice Chairperson Lloyd inquired if the canopy could be fabric.

Mr. Larson noted that it could.

Commissioner Haymond inquired if the canopy could be flat.

Mr. Larson noted that it might be possible, but might also be too much area to be a continuous flat surface.

Chairperson Fitzsimmons noted that there were no further questions for the applicant.

EXECUTIVE SESSION [6:51:16 PM](#)

Commissioner Funk inquired if there were any alternative to the configuration for ventilation space on the second level. She wondered if there were a possibility that air space could be provided at the tops of the proposed columns.

Vice Chairperson Lloyd noted that he thought the code requirements stated that windows must be distributed evenly on all sides of the structure to conduct air current.

Commissioner Haymond noted now that he understood the function for the openings. he did not take issue with the proposed number of them.

Commissioner Harding stated that she felt it to be acceptable also as a modern interpretation of a historic design element.

Commissioner Hart noted her concern regarding the canopy over the main entrance, feeling that it would visually block the tri-partite entrance and would be a significant protrusion only for the sake of more retail space.

Vice Chairperson Lloyd stated that he felt that if the retailer could achieve an outdoor space to enliven the east façade, it would be very positive for the appearance of the project to onlookers. He noted that in keeping the tower in place, this limited the amount of sales space to the south of the entrance which may have been a more logical place for an outdoor market space to occur. He noted that the applicant might install a smaller permanent portion for weather cover and then a secondary seasonal structure, maybe retractable fabric, possibly supported by cables which a canopy could be placed over and removed when necessary.

MOTION [6:59:30 PM](#)

Commissioner Oliver made a motion in the case of Petition 470-07-21, to concur with staff's recommendations to approve the proposed alterations to the petition, based upon the analysis and findings of the staff report, with the conditions as noted by staff and additional recommendations noted by the Commission;

- 1. That the blank wall section of the east elevation includes second level cutouts and that the banding above the storefronts is connected to the storefront on**

- the north side of the stair well, both as shown in the presentation to the Commission.
2. That the southern wall section on the west elevation include a store front that matches the adjacent store front to the north, and that the applicant work to make that entrance either translucent glass or opaque glass, both as discussed in their presentation.
 3. Some additional design consideration be given to the grid and mesh system used for the openings in the lower level of the garage structure above the store to reduce the appearance of window openings and increase the appearance of either a medallion or open area with final approval to be delegated to staff.
 4. The canopy as drawn in the November 5, 2008 drawings be denied, but the smaller canopy as drawn in the September 5, 2007 drawings be approved with the possibility left to staff approval to incorporate some type of seasonal structure which may be part of the building but could be retracted, such as a canvas awning with supports.

Commissioner Carl inquired if possible changes to the openings would be delegated to staff.

Commissioner Oliver noted that she had included that provision.

Commissioner Carl seconded the motion.

DISCUSSION OF THE MOTION [7:01:58 PM](#)

Vice Chairperson Lloyd stated that item one of the staff recommendation seemed to state that an additional opening be placed in a blank wall section.

Commissioner Oliver noted that she had felt that the blank wall section was okay.

Mr. Norris noted that the applicant's presentation was reflective of that condition as indicated.

Chairperson Fitzsimmons noted that there was no further discussion of the motion.

All voted "Aye". The motion passed unanimously.

NEW BUSINESS [7:03:08 PM](#)

PETITION PLNHLC2008-00620 — Caitlin Ritchey, New Construction (garage) – A request by Caitlin and James Ritchey, owners, for construction of a new detached garage at approximately 144 Apricot Avenue in the Capitol Hill Historic District. As part of the request, the applicant is requesting the Historic Landmark Commission modify the maximum height regulation of 14 feet for gable roof structures to allow the garage to be approximately 17 feet 6 inches at its highest point. The property is zoned SR-1A, Special Development Pattern Residential District and is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff contact: Casey Stewart, 535-6260, casey.stewart@slcgov.com) **To view the staff report for this item, click [here](#).**

STAFF PRESENTATION [7:03:31 PM](#)

Mr. Stewart noted that the request was to construct a new detached garage and that the applicant had presented a letter to the Commission prior to the public hearing.

Commissioner Hart noted that she wished to disclose that she lived two homes away from the applicant's subject property. She stated that she had only met them once and had not discussed the case at all.

Chairperson Fitzsimmons inquired if Commissioner Hart felt she had any issues with being fair and objective.

Vice Chairperson Lloyd inquired if there had been any discussion with her Community Council.

Commissioner Hart noted that she had not discussed the matter with the Capitol Hill Community Council or her neighbors.

No one on the Commission voiced opposition to Commissioner Hart remaining to hear and vote on the matter.

Mr. Stewart reviewed the proposal for the Commission. He noted that the size of the proposed garage was 480 square feet. He noted that the SR-1A zoning requirements limited the height for a peaked roof at 14'. He stated that the applicant was requesting a height of 17'6" to the peak and the location for the garage met the requirements of the Zoning Ordinance. He stated that it would be a two car garage with above storage space, thus the increased height. Mr. Stewart stated that the height of garages in the area was difficult to determine as there were not many detached garages in the neighboring area. He noted that there was a detached garage directly to the west which was close to the street and according to staff calculations met the height limit of 14'. He stated that there were no other detached garages on that block face, however there was another detached garage directly across the street from the proposal which was about 17' in height. He noted that there was therefore no discernable development pattern, but that staff felt that this made the proposal an anomaly which did not fit the mass and height of other area detached garages. Mr. Stewart indicated that the garage would be about the height of the house which might make the garage compete visually with the home as well. He noted that staff found that the materials met the design guidelines and the design itself was adequate, however, since the garage did not satisfy all criteria for new garages, staff felt it should not be approved.

QUESTIONS FROM THE COMMISSION [7:09:43 PM](#)

Commissioner Hart inquired what the height of the home was.

Mr. Stewart noted that he did not have those exact figures but that the architect might be able to answer that.

Commissioner Haymond inquired if the project met yard setback requirements.

Mr. Stewart noted that the setback requirements were all met.

Chairperson Fitzsimmons inquired if there had ever been a garage there.

He noted that there were no records of a garage previously in that location according to available aerial photos and permit records.

APPLICANT PRESENTATION [7:12:42 PM](#)

James Ritchey, 144 Apricot Avenue, noted that he would read the letter his wife authored for the Commission. To read that letter, click [here](#). Mr. Ritchey noted that in response to a previous inquiry, the deck space was 22'x8' wide. He noted that he was not certain how tall the home was but felt that it probably was around 17 1/2 -18' tall.

Commissioner Hart inquired if the site plan was correct in regards to lot depth.

Mr. Ritchey noted that it was.

Chairperson Fitzsimmons inquired if the home east of the proposed garage sat above their property.

Mr. Ritchey noted that the property to the east was probably 6-7' higher than their property.

Commissioner Harding inquired if they had attempted to meet the height requirements for the garage using other options.

Mr. Ritchey noted that they had, but unfortunately could not come up with a viable solution which provided adequate storage space.

Virginia Ulibarri, project designer from ASWN+, provided the Commission with a project board of potential materials for the garage. She stated that according to a previous drawing from a former resident of the Ritchey home, the main floor of the home was 10' tall and the second level was 7'8".

QUESTIONS FROM THE COMMISSION [7:21:44 PM](#)

Commissioner Haymond noted that he didn't have a question, but felt that the garage was set far enough back on the lot that the Commission should consider the request for additional height.

Commissioner Carl inquired if the pitch of the proposed garage would match that of the home.

Ms. Ulibarri noted that it would.

Mr. Ritchey noted that a Commissioner had wondered earlier if there had been a garage on the property previously. He stated that from the account of their neighbor, the property had first been used for outhouses and then a junkyard/landfill, and since sewer access had been brought to the street it had been a garden.

PUBLIC COMMENTS [7:22:51 PM](#)

Kirk Huffaker, Utah Heritage Foundation, noted that he felt the owners had made a good compromise to reduce the original footprint and height and had made their best effort to comply with the spirit of the ordinance in regards to the proposed location for the garage, more than 50' from the house.

Wally Cooper, 364 Quince Street, stated that he felt there was some incorrect information included in the staff report which he wished to correct. First, he noted, he thought that the height restriction within the Ordinance of 14' really needed to be reevaluated in that it only really allowed on a standard garage of 20' x 20', a 14' tall garage would have a roof with a 3:12 pitch, ending up much too flat for a garage in a historic district. The applicant presented photos to the Commission of garages in the area. (To view those photos, [click here](#).) Mr. Cooper noted that his garage was 16' from the ridge to the floor of the garage. Mr. Cooper noted that historically in the area, residents would have had carriage houses with storage for the carriage below and storage space above traditionally. He noted that when he moved into the neighborhood in 1975 there had been one carriage house which had been torn down in 1985. He stated that that carriage house had been significantly taller than 14'. Mr. Cooper stated that directly across the street from his home there was a garage with a ridge line that was 19' plus in his estimation at its highest point.

EXECUTIVE SESSION [7:28:45 PM](#)

Commissioner Carl noted that she felt the height requirement of 14' to be difficult as an architect.

Vice Chairperson Lloyd noted that in other historic districts there were garage heights that were higher than in the SR-1A zoning district, and 20' x 20' is as small as a two-car garage can be according to code, and he found the fact that the applicant was able to incorporate a staircase as well to be quite astounding.

Commissioner Bevins inquired if there were any guidelines regarding relationship in size of the primary building footprint to any accessory structures.

Chairperson Fitzsimmons noted that accessory structures shouldn't overwhelm the primary structure.

Mr. Paterson noted that in some of the other single and two-family residential districts, the footprint of the garage would be limited to 50% of the footprint of the home, however in all cases the Zoning Ordinance allows up to 480 square feet without a special exception. He stated that requirement did not exist in the SR-1A Zoning District.

Commissioner Carl inquired if they were allowed to override the height requirement.

Mr. Paterson noted that this was true based upon the Ordinance standards in Chapter 21A.34.020.

MOTION [7:31:52 PM](#)

Commissioner Carl made a motion, regarding petition PLNHLC2008-00620, to approve the request as presented, noting that standard one, Scale and Form, had been met as the project set far enough back on the property that the proposed height would not interfere with or overwhelm the existing structure; standard two, Composition of Principal Façades, was met as noted in the staff report; standard three, Relationship to Street, the project sits far enough back that it won't be a significant presence on the street and that it meets the standard; design guideline 9.2, the proposed garage is compatible with the existing house and proposed materials; 9.3, the project does comply; 11.16 materials are similar in character to those on the existing house; 13.9, the proposed materials are similar to historically used materials.

Commissioner Haymond seconded the motion.

DISCUSSION OF THE MOTION [7:34:31 PM](#)

There was no discussion of the motion.

Commissioners Funk, Haymond, Harding, Oliver, Hart, Carl and Vice Chairperson Lloyd voted "Aye". Commissioner Bevins voted "Nay". The motion carried 7-1.

PETITION PLNHLC2008-00578 — Mike Whittier, Legalization/Appeal – A request by Mike Whittier, contractor, to legalize an alteration to the roofline of a second-story addition that is different from the one approved by the Historic Landmark Commission at approximately 330 South 1200 East Street in the University Historic District. The property is zoned SR-1A, Special Development Pattern Residential District and is located in City Council District 4, represented by Council Member Luke Garrott. (Staff contact: Janice Lew, 535-7625, janice.lew@slcgov.com.) **To view the staff report for this item, click [here](#). [7:34:52 PM](#)**

Commissioner Haymond recused himself from the item and for the remainder of the meeting, noting that he was a close neighbor and had particular opinions about the issue and therefore could not remain impartial.

Commissioner Hart disclosed that the applicant had approached her about three years ago to do drawings for the alterations to go before the Commission for the last legalization case regarding the property, however, she declined the offer at the time and noted that she had no current ties to the applicant and felt she could act impartially.

No one on the Commission noted that they had any issue with Commissioner Hart remaining for the hearing.

Mr. Nielson inquired if the alternate Commission member should sit in.

Chairperson Fitzsimmons stated that they could, however, the alternate was not present at that time and the Commission still had a quorum so decided to proceed.

STAFF PRESENTATION [7:36:55 PM](#)

Janice Lew noted that the property had a long history, and had undergone several unapproved alterations according to the following timeline:

2001	Commission approved original second-story addition plans behind the front portion of the home.
2002	Construction began on the property; however, construction drawings for the new roof addition had been altered between the Commission's review and prior to Building Permit issuance. The roofline at the east end of the second story addition had been modified. Windows which did not conform to the Commission's original approval were installed and sizes of openings modified.
2004	A Certificate of Non-Compliance was placed on the property. The bank became the next owner of the property.
2005	Michael Ayres purchased the property with the intent of finishing construction work on the property.
April 6, 2005	Michael Ayres approached the Commission to consider approving changes to the roofline which did not conform to the 2001 approval. He also asked for approval for enlargement of the dormers and to replace the windows installed which had been inconsistent with the original plans. The Commission legalized the departure from the original massing in the form of the roof with the exception that the cross dormer be restored as proposed in the 2001 plans. The Commission also accepted the departure from the dormers as is and accepted staff recommendations regarding the windows.
2006	Work began on the project; however, it was never completed. The permit for that work had since been voided and the property again changed hands.

Ms. Lew noted that the applicant was requesting legalization of the roof changes, however, would comply with the Commission's 2005 decision regarding the window replacements, exterior stucco and restoration of the front porch element. Ms. Lew noted that staff found that alterations to the rear of the addition were minor and could be reviewed administratively. She noted that based upon the analysis included in the staff report, staff found that the request failed to substantially comply with the standards pertinent to the application, particularly standards 2,3,5,8.9 and 12. She noted that the proposal was inconsistent with the design guidelines as well and therefore recommended that the Commission deny the legalization request.

QUESTIONS FROM THE COMMISSION [7:42:35 PM](#)

Commissioner Funk inquired if the Commission was considering only the front roof change.

Ms. Lew noted that this was correct.

APPLICANT PRESENTATION [7:42:59 PM](#)

Mike Whittier, representative for the applicant, noted that there were issues he would like the Commission to consider. He noted that with regard to the appearance of the home, he understood that the Commission would like the house to incorporate a definitive difference between the addition and the portion of the home which was considered historic. Mr. Whittier presented a couple of architectural drawings to the Commission regarding this issue. (To see those drawings, click [here](#).) Mr. Whittier noted that the applicant's concerns were that the roof, as it was currently constructed, provided additional room for a front bedroom, and if the Commission required the roofline be changed back to the original approval, that space would probably be lost and affect the resale value of the home.

QUESTIONS FROM THE COMMISSION [7:51:15 PM](#)

There were no questions from the Commission.

PUBLIC COMMENT [7:51:26 PM](#)

There was no one present from the public to speak to the issue.

EXECUTIVE SESSION [7:51:36 PM](#)

Commissioner Oliver inquired if the original proposal was to include a clipped gable on the east end of the second-story addition roof.

Ms. Lew noted that this was correct.

Commissioner Funk noted that the continuous roof was not acceptable; it did not preserve the lines of the original roof at all.

Vice Chairperson Lloyd inquired if it would be possible for the clipped gable to be rebuilt over the existing hip roof.

Commissioner Funk noted that she had great sympathy for the costs involved in historic renovation and it was sad that the new owners had to incur the costs of another's mistakes; however, to her eye the continuous roof was not acceptable as it did not preserve the lines of the original home.

Chairperson Fitzsimmons noted that the cost of the changes was not part of what the Commission was allowed to consider, as such a provision would make every case a financial issue.

Vice Chairperson Lloyd stated that there would be the cost of reframing the roof but he didn't feel there would be much loss of space according to the existing submitted drawings.

APPLICANT RESPONSE [7:55:49 PM](#)

Mr. Whittier noted that in reframing the roof, all of the existing headroom would be eliminated.

EXECUTIVE SESSION [7:59:35 PM](#)

Commissioner Funk stated that the Commission might not require them to cover bolts as noted in a previous approval, which might be a way for the applicant to reduce their costs.

Commissioner Oliver noted that she thought it was a lot of bolts, instead of just a few as was typical historically and that the stucco was in such poor condition that something needed to be done to it in any case.

Chairperson Fitzsimmons noted that the Commission could table the item and ask that the applicant come back with more detailed drawings so the Commission might better understand the issue.

Commissioner Hart stated that the issue with that idea was that the applicant was asking the Commission to legalize what had been done, and there was either the choice of legalizing the change or not.

MOTION [8:03:09 PM](#)

Commissioner Hart made a motion in the case of petition PLNHLC2008-00578, to deny the request with the following findings: the request fails to substantially comply with all of the standards of section 21A.34.020G of the Zoning Ordinance that pertain to the application in agreement with staff's recommendation; finding that with regards to standard 2, the changes to the roof form which are important to defining the overall historic character of a building result in alterations that detract from the historic integrity of the property and its context, the roof is inconsistent with the standard since the original design of the roof has not been preserved and the east facing slope of the upper level roof rises continually with the ridge of the side gable and there is no differentiation between the historic portion and the new addition of the home; the massing of the non-historic second story addition fails to provide a clear differentiation from the historic portion of the building and creates a false sense of historic appearance – the new roofline is inconsistent with this standard; alterations that fail to preserve the principal features of a building such as the ridgeline of the primary roof form negatively affect the character of the historic site as seen from the street – the design of the project is inconsistent with this standard; the design of the roof alterations are not based upon existing documentation of the historical appearance of the original features of the home nor do they take into account their form; when constructing a rooftop addition, the mass should be in scale subordinate to the scale of the historic addition.

Commissioner Carl seconded the motion.

DISCUSSION OF THE MOTION [8:07:39 PM](#)

Commissioner Bevins inquired if the motion should include the option for the applicant to come back to staff and resubmit the plan to restore the roof to what was approved two years ago in 2005 at which point a Certificate of Appropriateness might be issued.

Commissioner Hart noted that she would accept that amendment.

Commissioner Carl seconded the amendment.

Commissioner Lloyd inquired if this would mean that the application might be reviewed by the Architectural Committee or return to the full Commission.

Chairperson Fitzsimmons inquired if it was Commissioner Bevins intention to allow staff approval if the applicant returned with the submittal originally approved by the Commission in 2005.

Commissioner Bevins noted that this was correct and that then staff could issue a Certificate of Appropriateness.

Commissioner Oliver noted that the last half of the staff recommendation from the staff report discussed that possibility.

Commissioner Bevins amended the motion to include the second half of the staff recommendation as follows: Should the applicant present a roof design that respects the original roofline of the side gable and restores the connection as in the approved August 2001 plans (Case No. 017-01) attached to the staff report as Attachment C, staff requests that the Commission direct staff to issue a Certificate of Appropriateness for the work.

Commissioner Hart accepted the amendment, noting that they were following staff's full recommendation.

Commissioner Carl seconded the amendment.

All voted "Aye". The motion passed unanimously.

OTHER BUSINESS [8:11:19 PM](#)

Ms. Lew asked that the Chair review the appeal process for the audience.

Chairperson Fitzsimmons reviewed that process. He noted that the next meeting of the Commission would be November 20th and the next regular meeting would be on December 3, 2008. He asked for a motion to adjourn.

Commissioner Carl made a motion to adjourn.

Commissioner Harding seconded the motion.

All voted "Aye". The meeting was adjourned.

Cecily Zuck, Historic Landmark Commission Secretary