

# SALT LAKE CITY HISTORIC LANDMARK COMMISSION

## MINUTES OF THE MEETING

Room 315, 451 South State Street

October 1, 2008

*This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on October 1, 2008.*

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The regular meeting of the Historic Landmark Commission was held on October 1, 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 and Vice Chairperson Warren Lloyd. 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 first visited Trolley Square. Mr. Norris gave the Commission an overview of the project including what has happened to date. He pointed out the area which would be an enclosed service area. He noted that there were no changes to what was approved originally except for the west side ground level of the building having a 4' wide walkway with a metal railing and the request for change of building materials from metal siding to stucco. Mr. Norris noted that the applicants had managed to salvage ninety percent (90%) of the brick from the Wells Fargo building to cover almost the entirety of the reconstructed building. Mr. Norris also noted that the applicant did not propose to move the water tower as was originally planned.

The Commission did not revisit 623 East First Avenue, the Mensink house, as it was visited by the Commission during the September meeting field trip and there were no new issues regarding the proposal.

The Commission next visited 460 South 1200 East, the Tom Brooks home. Staff explained the project and the process. A Commissioner asked if the aluminum eaves met the design guidelines.

Staff explained that they did not know if the eaves were in existence prior to the alteration or not but that the Commission could discuss that item with the applicant during the meeting.

The Commission next visited 919 East First Avenue, the Jerry Erkelens home. Staff explained the project and noted that conflict between neighbors might be brought up during the meeting, but many of the issues were not relevant to the case. She stated that there was no active enforcement on the property and that at least one neighbor was concerned about the proposed additional height. A Commissioner asked if the pavers in the driveway had been approved. Staff noted that there was no record of that alteration in the file and staff did not know when that project might have taken place.

#### **DINNER AND STUDY SESSION [5:05:55 PM](#)**

To view a summary of data on the Avenues Reconnaissance Level Survey, click [here](#).

Korral Broschinsky, consultant, reviewed the Avenues Reconnaissance Level Survey results for the Commission. She noted that the purpose of the survey was to help the Planning Division and Historic Landmark Commission to make informed decisions regarding design review and provide a higher level of certainty regarding historic district status among property owners in the Avenues Historic District. Ms. Broschinsky noted that the only other reconnaissance level survey of the district had been in 1977.

Ms. Broschinsky noted that nearly half of the previously out-of-period resources in the district were now considered contributing structures and it would benefit the Commission to review their current listings and update them to reflect this change in status. She noted that the Historic Landmark Commission and Planning Division staff would need to be aware of the resources required in order to add so many more contributing buildings, however, there were obviously benefits for owners of contributing structures including federal and state tax credits.

Commissioner Hart inquired if it would benefit the City to include the City Cemetery as part of the district.

Ms. Broschinsky stated that this could be done, but was not certain how beneficial it would be to the Avenues District as a whole. She recommended that it instead be listed as its own historic site.

Ms. Broschinsky also reviewed historic periods of construction and housing styles contained within the Avenues Historic District.

Commissioner Oliver inquired what Ms. Broschinsky's thoughts were about including boxcar and large apartment complexes as contributing structures.

Ms. Broschinsky noted that it was up to the Commission and Planning Staff as to whether or not to include such structures, but as a historian she felt that they should be included as they were part of the history of the area. She noted that at the time in history those apartment complexes were constructed, the area had become more urban and developed at a higher density.

Vice Chairperson Lloyd inquired what these higher density developments could be attributed to in history.

Ms. Broschinsky noted that she felt they could be attributed to suburban flight during the 1950's when the small homes in the Avenues were not a part of the American dream, but rather, people desired ranch houses on larger lots in outlying suburbs.

#### **REPORT OF THE CHAIR AND VICE CHAIR [5:45:20 PM](#)**

Chairperson Fitzsimmons noted that the Commission had viewed a presentation regarding the Avenues Reconnaissance Level Survey during their work session prior to the meeting.

**APPROVAL OF THE MINUTES [5:46:43 PM](#)**

**Commissioner Hart made a motion to approve the minutes with the noted change. Vice Chairperson Lloyd seconded the motion. All voted “Aye”. The motion carried unanimously.**

**REPORT OF THE PLANNING DIRECTOR [5:47:27 PM](#)**

Mr. Sommerkorn noted that he had nothing to report.

**COMMENTS TO THE COMMISSION [5:47:35 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 [5:48:09 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 addition to a contributing building located at approximately 602 East 500 South in the Central City Historic District. The applicants are proposing a change in building materials for the exterior of the approved addition on Building A. The approved material is a seamed metal siding. The proposed siding is stucco. The property is located in City Council District 4 represented by Luke Garrott (Staff: Nick Norris at 535-6173 or [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com)) **To view the staff report for this item, click [here](#).**

Chairperson Fitzsimmons recognized Nick Norris as staff representative. [5:48:33 PM](#)

Mr. Norris noted that the applicant was requesting minor alteration approval for an already approved addition, proposing a change in building materials on the exterior of Buildings A and P.

Mr. Norris reviewed other changes which had occurred in the proposal since it had been last reviewed by the Commission. He noted that those changes had been approved administratively or had been necessitated due to building code issues.

Mr. Norris noted that staff recommended that the proposed stucco material be denied as it would introduce a new building material to the site that didn't already exist and had not been used historically.

**QUESTIONS FROM THE COMMISSION [5:51:42 PM](#)**

Commissioner Lloyd noted that the areas of stucco being proposed would be on Building A on the west, south and some on the north elevation and on Building P, on the interior or east elevation.

Mr. Norris noted that this was correct, but also on Building P, stucco would be present on the connector between the rebuilt Sand House and what was called Building P South.

Chairperson Fitzsimmons noted that metal siding had been approved as an appropriate material in the original proposal.

Mr. Norris noted that metal had been used on the site as part of the original construction and had been adapted to a commercial shopping center, and therefore a variation on the material had been approved by the Historic Landmark Commission.

Commissioner Hart noted that Building P would replace brick with stucco and Building A would replace metal with stucco.

Mr. Norris noted that this was correct. He indicated on the original approved drawings the areas that would have been brick or metal instead of the proposed stucco.

Chairperson Fitzsimmons inquired if there had been any stucco on the original construction at all.

Mr. Norris noted that there had not been and what was present was a concrete material used to outline the mission arches and cap some of the columns.

**APPLICANT PRESENTATION [5:55:16 PM](#)**

Tom Bard, the applicant's representative, noted that he would have the project architect, Dan Fuller explain the proposal for the Commission.

Dan Fuller from Mulvanny 2 Architects spoke at [5:56:05 PM](#).

Mr. Fuller gave a couple of handouts to the Commission to review. (To view those handouts, click [here](#)). Mr. Fuller noted that the applicant felt the choice of stucco to be a better compliment to the brick, glass and concrete of the structures than the originally proposed metal siding. Mr. Fuller reviewed the type of stucco they intended to use as well as the applicable design guidelines outlined in the staff report.

**QUESTIONS FROM THE COMMISSION [6:07:43 PM](#)**

Commissioner Haymond inquired what the metal material had looked like.

Mr. Fuller noted that while he did not have a photo of the material, it had been a silver-like metal in a satin finish. He noted that they were moving away from the material as they could not afford it.

Commissioner Oliver inquired if they were also altering windows at the corner of Building A which were previously shown to meet at the top corner.

Mr. Fuller noted that they were changing the design in that respect and the building would be dropped a foot due to the removal of a double roof system.

Vice Chairperson Lloyd inquired if the eave overhang on Building A had also been removed from the design.

Mr. Fuller noted that the detail had never been an overhang, however, it had never been fully realized and was therefore removed.

Vice Chairperson Lloyd noted that there would be an architectural benefit to creating a shadow line at that corner, so an overhang might be useful.

Vice Chairperson Lloyd stated that the concrete finishes on the west elevation of Building A were labeled as both board formed and formed concrete and wondered what the intent for those surfaces was.

Mr. Fuller noted that the concrete would be conventional and not board formed.

**PUBLIC COMMENT [6:13:26 PM](#)**

There was no one present to speak to the hearing item; therefore, Chairperson Fitzsimmons closed the public hearing.

Mr. Norris noted that there had been a comment in an email from Cindy Cromer, 816 East 100 South, regarding the proposal, and that comment had requested the proposal be denied as well.

**EXECUTIVE SESSION [6:14:02 PM](#)**

Commissioner Carl inquired if they were only considering the change in materials.

Mr. Norris noted that this was correct; however, if there was a change in the fenestration or elevation related to the choice of material they could also consider those items.

Commissioner Carl noted that she did not find the hard coat stucco to be objectionable but was more concerned about the fenestration pattern.

Vice Chairperson Lloyd noted that he felt limiting the materials to those found on the site to be part of a fairly narrow palette.

Commissioner Oliver stated that her concern was with how the product would be used, as a modern panelized product and not as a continuous finish, and in the lowering of the corners of Building A.

Mr. Norris noted that any change related to the materials could be considered by the Commission. He stated that the corners on Building A were directly related to the change of materials.

Vice Chairperson Lloyd and Commissioner Hart noted Guidelines 8.4 and 8.8.

Vice Chairperson Lloyd stated that these Guidelines might have led the applicant to look at a more modern treatment for the alterations.

Chairperson Fitzsimmons stated that there were two items to consider, the materials and the change in the windows on Building A.

Commissioner Hart noted that the current guidelines stated that they should recommend materials which were historically found in Trolley Square, and if they found this guideline inappropriate, perhaps they should work on altering it in the future.

Vice Chairperson Lloyd noted that he did not see where Standard 8 stated that proposals should be limited to materials found on site; however, he felt that it said materials should not be discouraged if they are compatible and didn't see another standard which indicated that an applicant could not use materials that were not found on site.

Commissioner Hart stated that a great deal of stucco would be added, not as a detail material, but as a broad use, and she took issue with that proposal.

Ms. Zeigler noted that the guidelines did encourage contemporary design, but not necessarily contemporary materials and although concrete was found on the site, and stucco might be made to

mimic concrete, the concrete was usually found as an architectural detail and not as a cladding material.

Vice Chairperson Lloyd noted that Building A had seemed more interesting with the modern addition particularly due to the proposed overhang detail.

Mr. Norris noted that Building P was an 'L' shaped building.

Commissioner Oliver and Vice Chairperson Lloyd noted that they felt the stucco treatment on Building P to therefore be appropriate.

Vice Chairperson Lloyd inquired if they might make a decision on Building P and table consideration of Building A.

Mr. Nielson noted that if the Commission were to split the decision in such a way, it would need to be clear that the part of the proposal the Commission was not deciding on would be part of a future hearing.

Commissioner Funk inquired if the applicant could be invited back to respond to the Commission's comments.

Chairperson Fitzsimmons invited the applicant forward to respond.

**APPLICANT RESPONSE [6:41:20 PM](#)**

Mr. Bard noted that the material had been intended to serve as a trim to the structures.

Mr. Fuller noted that the modulation of the windows and cornice treatment would be fairly easy fixes for them if requested by the Commission. He noted that the transition buildings could also possibly be all glass instead of stucco.

**MOTION [6:46:02 PM](#)**

**Vice Chairperson Lloyd made a motion, in the case of petition 470-07-21, to approve the proposed changes in material as seen in the current proposal for Building P, based upon the justification that the use of stucco in this case would not alter the character of the property, but is an appropriate use of material for new construction within a historic district; and relating to Building A, table the changes as proposed and request the applicant to make corrections based upon the Commission's recommendations; that the building character retain the overhead shading device similar to the previous approved set and that the applicant return with a redesign for Building A, tabling the alteration as proposed and asking the applicant to resubmit proposal and return to the Commission at their earliest convenience.**

**Commissioner Carl seconded the motion.**

**DISCUSSION OF THE MOTION**

Commissioner Oliver inquired if Vice Chairperson Lloyd felt the Commission could not provide sufficient direction to staff regarding Building A.

**Commissioner Funk proposed an amendment to the motion to approve stucco on Building A as a trim material rather than a primary façade material, delegating approval of final design**

**details to staff on the basis that the design would be changed to use stucco as a trim material rather than a main component.**

Commissioner Hart inquired if this meant that the stucco would be used as a main material on Building P.

Mr. Norris noted that the only place stucco would be used as a main material on Building P was on the transition between the Sand Building and Building P South.

**Vice Chairperson Lloyd accepted the amendment and Commissioner Carl seconded the amended motion.**

**Commissioner Oliver proposed an amendment to deny the use of stucco on the transition panel portions of Building A and P other than at the top as a trim material.**

**Vice Chairperson Lloyd accepted the amendment and Commissioner Carl seconded the amended motion.**

Mr. Nielson requested that the Commission recap the motion as it stood.

**Vice Chairperson Lloyd reiterated; Relating to Building A, that the Commission would table the proposed changes and request that the applicant work with staff so that the stucco be used as a trim material and not as a panel, not in the links between buildings other than trim and request the applicant to reincorporate the overhang on Building A as indicated in previous drawings and delegate final details to staff.**

Chairperson Fitzsimmons inquired if they wanted to table the motion or direct staff to approve final design details according to the direction of the Commission.

Commissioner Funk noted that they could approve it based upon staff's discretion.

Mr. Nielson noted that they could delegate to staff approval of the final details consistent with the direction given by the Commission.

**Vice Chairperson Lloyd made an amendment to the motion to approve the changes to Buildings A and P with stucco being used as a trim material only, delegating approval of final design details to staff, consistent with the direction given by the Commission.**

Mr. Norris noted that he wanted to be clear on some of the requests of the Commission. He noted:

- Reincorporate the overhang on the cornice of Building A
- Stucco, instead of extending to corners and wrapping around cornice on Building A, be limited in height to be a band instead of a panel.

**Commissioner Oliver proposed an amendment to the motion to regulate the stucco color to match the historic concrete.**

**Vice Chairperson amended the motion to approve the stucco as submitted. Commissioner Carl seconded the amended motion.**

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

Vice Chairperson Lloyd was excused from the meeting at this time. [6:57:47 PM](#)

**PETITION PLNHLC2008-227931, Pieter Mensink Legalization** – A request by Pieter Mensink, owner, for legalization of minor alterations located at approximately 623 East First Avenue in the Avenues Historic District. The work includes modifications to the front porch of the historic home. 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. (*This item was tabled at the September 3, 2008 Historic Landmark Commission meeting.*) (Staff contact: Janice Lew, 535-7625, [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com)) **To view the staff report, click [here](#).**

**STAFF PRESENTATION [6:58:29 PM](#)**

Ms. Lew reviewed the tabled item for the Commission. She noted that there were basically two options for the Commission; the first being to approve straight run stairs and second, to allow winder stairs, noting that existing stairs did not meet code requirements in either the rise or the run, but it would be possible to put in a winder stair which would meet code requirements and which would not require significant changes to the walkway.

**QUESTIONS FROM THE COMMISSION [7:02:00 PM](#)**

Commissioner Carl inquired if the current concrete stairs met code.

Ms. Lew noted that they did not.

Commissioner Oliver inquired if the new concrete stairs would look the same except for width and height, etc.

Ms. Lew noted that it depended upon whether or not the side walls could be salvaged, and if not, staff could provide direction from the Commission to the applicant.

Commissioner Harding inquired if the existing winders would need to be removed and redone.

Ms. Lew noted that they did not meet code in terms of the height and width of the stairs and would need to be redone.

Chairperson Fitzsimmons inquired if this was an item which could be appealed.

Mr. Paterson noted that the City did have a board which considered requests to modify elements of the building code under the direction of the Building Official.

Chairperson Fitzsimmons stated that they needed to focus on the historic issues.

Commissioner Bevins inquired if the walkway was original to the home.

Ms. Lew noted that the walkway appeared to be original.

Commissioner Hart noted that it was her understanding that while the building code issues were not under the purview of the Historic Landmark Commission, the applicant would have to deal with that issue regardless of what the Commission decided.

**APPLICANT PRESENTATION [7:06:50 PM](#)**



Pieter Mensink, the applicant, noted that the current steps were designed to be surfaced with brick, but noted that this item had been denied by the Commission at their previous hearing on September 3, 2008. He stated that he felt a simple fix would be to place a veneer of 3" of concrete on top of the stairs in order for them to meet code requirements. He noted that if they were required to remove the stairs and the walls, part of the walkway would probably be destroyed.

There were no questions from the Commission.

**PUBLIC COMMENTS** [7:09:52 PM](#)

There were no public comments.

**EXECUTIVE SESSION** [7:10:08 PM](#)

The Commission did not discuss the item further.

**MOTION** [7:10:27 PM](#)

**Commissioner Funk made a motion, in the case of the legalization appeal PLNHLC2008-227931, to approve winder stairs to address the change in direction of the historic walkway which was unique to the site.**

**Commissioner Haymond seconded the motion.**

**Discussion of the motion:** [7:10:58 PM](#)

Commissioner Hart inquired if Commissioner Funk was approving a straight stair.

Commissioner Funk noted that she was approving a winder stair, and it was not under their purview to decide how they were built, only to approve the winder design.

**Commissioner Oliver suggested an amendment to delegate final approval of design details to staff.**

**Commissioner Funk accepted the proposed amendment.**

**Commissioner Haymond seconded the amendment.**

Commissioner Bevins noted his concern that the steps were concrete leading to a wooden porch, and therefore felt the material used in the stairs to be incompatible with the porch.

Commissioner Funk noted that they could ask staff about the appropriateness of concrete vs. wood.

Ms. Lew noted that staff felt the design would be compatible and concrete had been used for steps in the past and the proposal for the stairs was consistent with the walkway, which was historic. She noted that it was also a material that had been used historically as well.

**Commissioners Funk, Hart, Harding, Oliver, Carl and Haymond voted "Aye". Commissioner Bevins, III voted "Nay". The motion carried 6-1.**

**NEW BUSINESS [7:14:25 PM](#)**

**PETITION PLNHLC2008-00208 Jerry Erkelens, Major Alteration** – A request by Jerry Erkelens, owner, for a major alteration located at approximately 919 First Avenue in the Avenues Historic District. The proposed project involves construction of a new garage. As part of the request, the applicant is requesting the Historic Landmark Commission modify the maximum height regulation of 14 feet for gable roof accessory structures to allow the garage to be approximately 17 feet at its highest point and modify the maximum wall height regulation of 9 feet to 10 feet. 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: Robin Zeigler, 535-7758, [robin.zeigler@slcgov.com](mailto:robin.zeigler@slcgov.com)) **To view the staff report, click [here](#).**

**STAFF PRESENTATION [7:14:36 PM](#)**

Ms. Zeigler reviewed the proposal for the Commission. She noted that the proposed garage met all zoning standards except for the request for additional height. She stated that there were two different heights on the plans for the garage; one being 17' with an 8' wall height and the other being 19' tall with a 10' tall height. She noted that the 17' with an 8' wall height plan was what the applicant stated he was proposing. She noted that the drawing supplied by the applicant showing the height of two neighboring garages as being 17' tall each was also incorrect. One garage is 17' tall and the other is 15'.

Ms. Zeigler noted that the proposal was over-height and if the Commission approved the design, they would also need to consider the request for additional height. She stated that the garage otherwise met all ordinance requirements. She noted that while the proposal was over-height it was compatible with the neighborhood and subservient to the main structure. Ms. Zeigler noted that the proposed garage would be 1 and one-half stories tall, 473 square feet, would have cedar shingles stained to match the primary structure, aluminum fascia and soffits, a 12' x 7' wood double auto door with multi-paned upper lights and an aluminum clad entry door with a window. Ms. Zeigler discussed the side elevations as well, noting that the proposed windows matched windows in the main structure.

Ms. Zeigler noted that the proposed garage would be in the same location as a previous garage and met standards 1, 2, 3, 4, 5, 8, 9, 10 and 12 and part 16 of the policy document. She stated that standards 6, 7 and 11 were not applicable.

**QUESTIONS FROM THE COMMISSION [7:18:05 PM](#)**

There were no questions from the Commission.

**APPLICANT PRESENTATION [7:18:16 PM](#)**

Jerry Erkelens, 919 East First Avenue, noted that the property at 925 East First Avenue was slightly higher than their property and therefore he had thought that both of his neighbors garages were the same height. Mr. Erkelens stated that he was very concerned with historic preservation in the Avenues and wanted to create a compatible project.

**QUESTIONS FROM THE COMMISSION [7:19:44 PM](#)**

Commissioner Oliver inquired why the garage needed to be 17' in height.

Mr. Erkelens noted that they were in dire need of storage and therefore wanted the additional height.

Ms. Zeigler noted that the design guidelines also recommended that the roofline or pitch of the roof of an accessory structure meet or mimic the pitch of the roof of the primary structure. She stated that it was difficult to achieve the pitch of homes of this era with 14'

**PUBLIC COMMENTS [7:21:11 PM](#)**

Tess Leiker, 925 East First Avenue, noted that she believed the staff report was not accurate. She noted that she felt the surrounding garages to all be at, or lower, than her garage, which is 15' tall. She stated that the most recent garage constructed in the area was on the corner of Second Avenue and 'P' Street and believed it was only 12' tall. Ms. Leiker noted that there had never been a garage on the site. Ms. Leiker stated that she felt the proposed garage would be too high and would block sunlight to her garden.

Sarah Leiker, 925 East First Avenue, noted that she felt the staff report was inaccurate in terms of the measurement of their garage. She also stated that she felt the proximity of the proposed garage would be a fire hazard for both properties.

**APPLICANT RESPONSE [7:28:02 PM](#)**

Mr. Erkelens noted that there had been a garage present on the site until last winter when that garage had been destroyed in a strong snowstorm. He also stated that the garage was at the far north end of the property and did not believe that the proposed garage would cast any shade onto the adjacent property at 925 East First Avenue.

Ms. Zeigler passed around a photo of the preexisting garage at 919 East First Avenue for the Commission to review.

Jan Erkelens, 919 East First Avenue, noted that the neighboring garage was 15' tall, but felt that the neighbor's property was at least a few feet taller than where the proposed garage would be replaced. She stated that she felt that the garage would only shade the neighbor's driveway and an apricot tree, if that.

**EXECUTIVE SESSION [7:31:38 PM](#)**

Commissioner Funk noted that it was appropriate to explain that the garage was being built within the bounds of the City Ordinances, and whether it was close to their property or not was not the determination of the Commission to make, it was allowed under the Zoning Ordinance.

**MOTION [7:32:32 PM](#)**

**Commissioner Funk made a motion to approve Petition PLNHLC2008-00208, and grant the Certificate of Appropriateness for Major Alterations as proposed with the additional height, with the condition that the project meet the requirements of other City Departments. Commissioner Harding seconded the motion.**

**DISCUSSION OF THE MOTION**

Commissioner Oliver noted that the Commission might be setting a precedent by continually approving garages that were over-height.

Commissioner Hart noted that she agreed with Commissioner Oliver. She stated that it was frustrating to set height limits and then continually allow exceptions.

Commissioner Carl noted that as an architect trying to design a garage that was 14' tall or less was difficult, particularly when regarding roof pitch.

Commissioner Funk stated that she also had concerns about over-height garages, but did not feel that this proposal was particularly over-height when regarding the slope of the surrounding terrain.

Commissioner Hart noted that the request for additional height might be more justified in this case as the homes were larger and there was a slope to the properties.

**Commissioners Bevins, Carl, Funk, Harding and Haymond voted "Aye". Commissioners Hart and Oliver voted, "Nay". The motion carried 5-2.**

**PETITION PLNHLC2008-00317, Tom Brooks Legalization-** A request by Tom Brooks, owner, to legalize an alteration to the roofline that is different from the one administratively approved, replace the vinyl siding of the created gable end with brick and to legalize an architectural feature that was constructed without a Certificate of Appropriateness, at approximately 460 South 1200 East in the University Historic District. The property is zoned R-2, Single- and Two Family Residential District. The property is located in City Council District 4, represented by Council Member Luke Garrott. (Staff contact: Robin Zeigler, 535-7758, [robin.zeigler@slcgov.com](mailto:robin.zeigler@slcgov.com)) To view the staff report, click [here](#).

**STAFF PRESENTATION [7:37:52 PM](#)**

Ms. Zeigler reviewed the proposal for the Commission. Ms. Zeigler noted that the applicant had applied to fix fire damage to a roof in October of 2007. She noted that the original roof had been a clipped gable, and changes had been approved to repair the roof, however, not to change the clipped gable or make other alterations. She noted that the clipped gable had since been changed to a full gable with vinyl inside of the gable and an archway added in front of the main entrance. She noted that the completed alterations did not meet the ordinance or design guidelines. Ms. Zeigler stated that the applicant proposed removing the vinyl in the full gable and filling it in with brick. She noted that the Commission would first need to approve the legalization of the other changes to allow this request. She noted that the completed alterations did not meet the standards, particularly 2, 3, 5, 6, 8, 9 and 10. She noted that standards 4, 7, 11 and 12 were not applicable.

Ms. Zeigler noted that the applicant had made these changes to the roofline due to issues with ice buildup, but stated that there were other ways to deal with this problem including the addition of insulation to the attic and making sure the attic area is well sealed. She noted that staff recommended that the clipped gable be reconstructed to the original design, that the archway be removed and that the proposal to brick in the gable end be denied.

**APPLICANT PRESENTATION [7:40:44 PM](#)**

Tom Brooks, 460 South 1200 East, noted that they had tried to fix up the property and not completely remodel it. He stated that they had tried to make the home look more compatible with the neighborhood by removing the jerkin roof and installing the archway. He noted that the jerkin roof had been a problem from the time they purchased the home. He stated that the neighbor's property had experienced a fire and subsequently had burned half of their roof, but they worked to replace the entire roof. Mr. Brooks stated that the research he had obtained on jerkin roofs stated that it was a poor design from England, quickly abandoned in America. Mr. Brooks noted that the new arbor was not attached to the home. Mr. Brooks noted that the City inspectors had not had any issue with the changes to the roof and felt it could be approved administratively.

**QUESTIONS FROM THE COMMISSION [7:48:04 PM](#)**

Commissioner Haymond inquired if they had a permit for the changes.

Mr. Brooks noted that they had acquired a permit to tear down and re-sheathe the roof.

Chairperson Fitzsimmons inquired if the permit addressed the change in the roof line or the arbor.

Mr. Brooks noted that it did not.

**PUBLIC COMMENT [7:49:46 PM](#)**

There were no public comments.

**EXECUTIVE SESSION [7:49:56 PM](#)**

Commissioner Haymond stated that this issue seemed to be a question of educating the public, not only homeowners, but contractors and inspectors as well. He noted that Mr. Brooks had not obtained the proper permission to make these changes and if the Commission allowed one change such as this, they'd have to allow many more in the future.

**MOTION [7:51:49 PM](#)**

**Commissioner Hart made a motion, in the case of Petition PLNHLC2008-00317, to deny the request for legalization based upon the findings of fact in the staff report and because the project does not substantially meet the ordinance, specifically standards 2,3,4,5,8,9 and 10; noting that the project meets standard 1 and standards 6,7,11 and 12 were not applicable, the applicant must remove the archway that extends from the front wall of the home to the side fence, the applicant must reconstruct the clipped gable roof to the same dimension, design and materials as were originally in place and as administratively approved in 2007, the applicant may install de-icing cables and gutters to respond to the problem of ice build-up. Since the reconstruction of the clipped gable is necessary the Commission further moves to deny the request to brick in the gable field that must be removed, and the fascia board must be included to repeat what previously existed.**

**Commissioner Haymond seconded the motion.**

**DISCUSSION OF THE MOTION [7:53:33 PM](#)**

Commissioner Hart noted that she wanted to clarify her request to replace the fascia, and if the fascia had been pre-existing, it was comprised of several small sections of vinyl or aluminum.

Commissioner Carl noted that the 1980 photo seemed to indicate that this fascia was already there.

Mr. Nielson noted that it appeared the 1980 photo on page 8 of the staff report did indicate that style of fascia was already present.

**Commissioner Hart made an amendment to the motion and withdrew the request to replace the fascia board from the motion. She also clarified the archway to be the detached brick archway.**

**Commissioner Haymond seconded the amended motion.**

Commissioner Harding inquired if the Commission had jurisdiction over the archway as it was not attached to the home.

Ms. Zeigler noted that all exterior changes were reviewed by the Commission, whether they were attached or not, including fences, arbors and walkways.

Chairperson Fitzsimmons noted that this was particularly important on the principal façade.

**All voted “Aye”. The amended motion carried unanimously.**

**OTHER BUSINESS** [7:57:28 PM](#)

There was no further business. Chairperson Fitzsimmons noted that the next meeting of the Commission would be Wednesday, November 5, 2008.

**Chairperson Fitzsimmons adjourned the meeting at 7:57 p.m.**

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Cecily Zuck, Historic Landmark Commission Secretary