

**SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 315, 451 South State Street
September 3, 2008**

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on September 3, 2008.

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The regular meeting of the Historic Landmark Commission was held on September 3, 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; Sheleigh Harding, Polly Hart, Jessica Norie and Anne Oliver. Commissioners Arla Funk, Creed Haymond and Warren Lloyd, Vice Chairperson were excused from the meeting.

Planning staff present for the meeting were: Janice Lew, Principal Planner and ex officio for the Historic Landmark Commission; Paul Nielson, Senior City Attorney; Lynn Pace, Deputy City Attorney; Joel Paterson, Acting Assistant Planning Director; 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 David Fitzsimmons, Chairperson; Polly Hart, Jessica Norie and Anne Oliver. A quorum was not present, therefore notes were not taken.

DINNER AND STUDY SESSION

(This item occurred at 5:00 p.m., prior to the regular meeting.)

Nole Walkingshaw gave the Commission an overview of the new Accela software implementation, reviewing how it would benefit staff, commissioners and the public alike as the software brought all development from several City departments into one central database. [5:08:39 PM](#)

Korral Broschinsky then reviewed results of the Gilmer Park Historic District Intensive Level Survey for the Commission. Ms. Broschinsky noted that she and her associates had updated the State Historic Preservation Office (SHPO) database for the area, and also noted that the intensive level survey results still indicated that the Commission should explore the possible initiation of a local historic district in the near future and an update of the National Historic Register Nomination to include justification for buildings which would soon be considered contributing. Ms. Broschinsky noted that she and her associates had prepared sample design guidelines for the Gilmer Park Historic District to match the existing Residential Design Guidelines. [5:34:07 PM](#).

REPORT OF THE CHAIR AND VICE CHAIR [5:58:12 PM](#)

Chairperson Fitzsimmons noted that the Commission had reviewed the Accela software program and viewed a presentation regarding the Gilmer Park Historic District.

APPROVAL OF THE MINUTES [5:59:46 PM](#)

Commissioner Hart made a motion to approve the minutes of the August meeting. Commissioner Harding seconded the motion, All voted "Aye". The motion carried unanimously.

REPORT OF THE PLANNING DIRECTOR [6:00:31 PM](#)

Joel Paterson introduced Wilf Sommerkorn, the new Planning Director to the Commission.

COMMENTS TO THE COMMISSION [6:01:05 PM](#)

Kirk Huffaker from the Utah Heritage Foundation noted that he encouraged the Historic Landmark Commission to move forward in making strong recommendations to City Council regarding the Gilmer Park National Historic District and encourage strong leadership towards making the Gilmer Park Historic District a local historic district as well.

UNFINISHED BUSINESS [6:03:08 PM](#)

Petition PLNHLC2008-00283 (470-07-47) Liberty Park Tennis Bubble New Construction – A request by the Land Use Appeals Board for the Historic Landmark Commission to clarify their February 20, 2008 decision to approve a tennis bubble at Liberty Park, located at approximately 1051 South Constitution West Drive. Liberty Park is a Landmark Site located in the OS Open Space District. *(This item was remanded at the June 30, 2008 Land Use Appeals Board meeting.)* (Staff – Robin Zeigler at 535-7758 or robin.zeigler@slcgov.com) **To view the staff memo, click [here](#).**

Chairperson Fitzsimmons recognized Paul Nielson, Senior City Attorney to present the item to the Commission.

Mr. Nielson noted that there was an appeal regarding the Tennis Bubble. [6:03:57 PM](#)

Mr. Nielson noted that the matter was back due to a remand by the Land Use Appeals Board (LUAB) which had determined that the Historic Landmark Commission must make specific findings regarding the subsection and analysis of the application. Mr. Nielson noted that the matter before the Commission did not require that they hold a public hearing, although it was up to the Commission to decide if a hearing was appropriate. He noted that LUAB had not reversed the decision or remanded the entire matter, but had asked the Commission to clarify their findings and he felt it would be appropriate for the Commission to go through the standards for review mentioned before and note which standards would be applicable and which ones would not.

Commissioner Harding inquired why the project was considered new construction as it was a temporary structure.

Mr. Nielson noted it was his understanding that the Third District Court had previously determined that it should be analyzed as new construction under section 21A.34.020 subsection H.

Chairperson Fitzsimmons discussed the matter of the original motion for approval at [6:08:56 PM](#) noting that the purpose of the current hearing was not to re-open the entire item but to clarify their findings.

Commissioner Carl noted that she did not feel she needed to have a public hearing but inquired if the new Commissioners would benefit from a public hearing on the matter.

Commissioners Hart and Harding noted that they felt they had enough information without a public hearing on the matter.

Chairperson Fitzsimmons noted that the Commission would not to open the item to a public hearing.

EXECUTIVE SESSION [6:12:55 PM](#)

Chairperson Fitzsimmons stated that he would walk with the Commission through the applicable standards one at a time. [6:13:00 PM](#)

The standards for review according to 21A.34.020 subsection H:

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.

2. 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.

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.

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).

Commissioner Carl noted that she felt the proposal to be compatible in scale and form when considered in the context of Liberty Park.

Ms. Zeigler noted that Third District Court had determined that the temporary nature of the bubble should not be used in determining whether or not the project was a minor or major alteration.

[6:15:09 PM](#)

Commissioner Oliver noted that she felt the applicable language should also include consideration of the Landmark Site designation language. [6:16:28 PM](#)

Chairperson Fitzsimmons noted that he felt the tennis bubble was in scale with its surroundings, which included the Aviary and its structures as well as surrounding trees. [6:18:44 PM](#)

Commissioner Oliver noted that the Commission was not only comparing the tennis bubble to the immediate tennis structures but with the scale of the Landmark Site as a whole [6:20:14 PM](#).

Commissioner Harding noted her concern regarding the applicable guidelines. [6:23:46 PM](#)

Chairperson Fitzsimmons noted that there were no design guidelines for Liberty Park and the task that they had been given by LUAB was to apply the existing standards to the proposal. [6:24:13 PM](#)

Commissioners Carl and Oliver stated that they felt the proposal clearly complied with standards one and three, however, standard two was not as applicable; they both noted that the project didn't really have a principal façade as all façades were the same and standard four didn't apply.

[6:29:10 PM](#)

Commissioner Bevins noted that the original court ruling in November 2007 seemed to indicate the Commission should consider both the size of the structure in and of itself as well as in regards to the impact upon the overall environment of the Landmark Site. [6:31:18 PM](#)

Commissioner Oliver stated that she would like to see guidelines created for historic parks, however, in the meantime the Commission might consider Liberty Park as a self-contained historic district composed primarily of Open Space. [6:33:43 PM](#)

Motion on Section 21A.34.020H.1, Scale and Form [6:34:35 PM](#)

Commissioner Oliver made a motion in the case of petition number 470-07-47, that zoning standards and design guidelines under 21A.34.020.H, Standards for a Certificate of Appropriateness involving new construction, number 1, Scale and Form, part A, Height and Width, the proposed height and width of the Tennis Bubble is visually compatible with the surrounding structures and streetscape when incorporating the idea of the entire landscape of the park, height of the trees and other landscape features, including those under the term structures; part B, Proportion of Principal Façades, the relationship of the widths to the height of the principal elevation shall be in scale with the surrounding structures including trees as well as the adjacent buildings and the streetscape which includes a vast amount of open space, the tennis bubble complies; part C, Roof Shape, the structure is not visually compatible, but is reminiscent of other types of shapes within other historic parks and is therefore relevant; part D, Scale of Structures shall be visually compatible, the proposal is compatible with the landmark site as a whole.

Discussion of the Motion [6:37:40 PM](#)

Mr. Nielson stated that Commissioner Oliver implied that she did not feel one portion of the standard to be compatible with the proposal. He asked that she identify where her findings deviated from the findings in the staff report and clarify.

Chairperson Fitzsimmons noted that Commissioner Oliver stated that the roof shape was not visually compatible with structures within the area; however, it was relevant to similar structures in similar settings.

Lynn Pace, Deputy City Attorney, noted that LUAB had requested clarification regarding the standards in the Ordinance and whether or not they were pertinent and substantially complied, not whether or not they complied with the findings in the staff report.

Mr. Nielson thanked Mr. Pace for his clarification as he had not had firsthand information regarding the LUAB decision.

Commissioner Oliver made an amendment to the motion to note that the Tennis Bubble substantially complied with a majority of the requirements and substantially meets the requirements of the Ordinance under Section 21A.34.020H.1, relating to Scale and Form.

Commissioner Harding seconded the amended motion.

Commissioner Carl noted that she disagreed with Commissioner Oliver's finding on the roof shape noting that she felt there were some shapes within the Aviary which were similar.

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

Motion on Section 21A.34.020.H.2, Composition of Principal Façades [6:42:15 PM](#)

Commissioner Hart made a motion on petition 470-07-47, regarding composition of principal facades, she noted that the standard was applicable; proportion of openings, as structures within the historic landmark site varied in construction dates from 1860 to 2006, they were very diverse and there was no consistent pattern; with regard to the rhythm of solids to voids in façades throughout the structures within the park shall be visually compatible with surrounding streetscapes, as there were over 150 years of design, there was no apparent pattern of solids to voids throughout the facades of structures within the park; with regard to

rhythm of entrance, porch and other projections, the relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding streetscapes, because this is a park, many structures within the park do not have porches or projections. Therefore there is no consistent rhythm; with regard to relationship to materials, the relationship of the color and texture of materials of the façade shall be visually compatible with the predominant materials used in surrounding structures of streetscapes, there is no predominant material used within the park.

Discussion of the Motion [6:45:21 PM](#)

Commissioner Hart noted that it could be considered compatible or incompatible, but stated that any existing structure would be as incompatible as the proposal when compared to the rest of structures.

Mr. Pace noted that the standard discussed whether or not it was compatible and while Commissioner Hart discussed its lack of a pattern, she did not discuss whether this was compatible or not. He noted that the Commission should decide if the standard applies and if it is compatible or not.

Commissioner Hart made an amendment to the motion; with regard to the composition of principal façades, this is an applicable standard, and with regards to the proportion of openings, the rhythm of solids to voids in façades, the rhythm of entrance porch and other projections and the relationship of materials, with regard to those four items, there is no prevailing theme of solids to voids, materials, et cetera and because there is such a variety of building eras, styles, materials, solids and voids, that each building is unique, this building fits in as there is no theme to fit into, and therefore it is compatible.

Commissioner Carl seconded the amended motion.

Discussion of the Amended Motion [6:50:26 PM](#)

Commissioner Harding inquired if it would be possible to include the staff findings in the motion as well.

Commissioner Hart noted she could amend the motion.

Commissioner Carl noted that they should probably not refer to the structure as a temporary structure.

Ms. Zeigler noted that her understanding of the Court's decision was that the temporary nature of the structure should not be the sole determining factor as to whether or not it was appropriate, but the temporary nature was one aspect which the Commission might not be able to help but consider.

Commissioner Bevins inquired if the approval was a done deal.

Chairperson Fitzsimmons stated that they could revisit it if they wished to.

Commissioner Harding amended the motion to include that there was also substantial compliance with standard two due to staff findings; and the conclusion that the tennis bubble meets the standard because of its modern design, use of historic material, appropriate color and because it is an appropriate design for a temporary park structure.

Commissioner Hart accepted the amendment.

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

Motion on 21A.34.020H.3 and 4, Relationship to Street and Subdivision of Lots

[6:53:40 PM](#)

Commissioner Carl made a motion on petition 470-07-47, in regards to 21A.34.020H standard Three, Relationship to Street, the Commission refer to staff findings, that the nature of the Tennis Bubble is such that it precludes evaluating it in terms of a residential historical district, and in the case of subsection A, walls of continuity, the Tennis Bubble maintains the lack of rhythm and there is no street façade to relate to and the standard is not pertinent, however, it is compatible with other structures in the park as far as the rhythm of the placement of other structures, subsection b, compatible with other structures in the park, subsection c, it does not have a principal elevation and is subordinate to the permanent tennis structure, subsection d, streetscape pedestrian improvements, as it is interior and does not front the streetscape it is not applicable.

Discussion of the Motion [6:58:20 PM](#)

Mr. Pace noted that as he heard the motion, Commissioner Carl felt that the proposal, as to 21A.34.020H, subsection 3, A and D were not pertinent.

Commissioner Carl amended her motion to note that the standard did substantially comply with Standard Three, sections B and C, and standards A and D were not applicable standards in the case; complying with section B as there was no real rhythm along the street and the tennis bubble did not intrude or offend current structures in landscaping and along the street; and subsection C complies because it is an interior structure subordinate to the tennis center fronting the street, not visually incompatible, a subordinate expression.

Commissioner Hart seconded the amended motion.

Commissioner Harding amended the motion to include that standard Four, the subdivision of lots was not applicable to the case.

Commissioner Carl accepted the amendment to the motion. Commissioner Hart seconded the amended motion.

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

Mr. Neilson noted that the Commission should make a final motion regarding the application based upon the findings set forth in the three previous motions.

Motion of Summation [7:02:22 PM](#)

Commissioner Harding made a motion regarding petition 470-07-47, based upon the previous three motions and findings within, that the Commission determine that the project substantially complies with all three standards which are applicable, that it is visually compatible with surrounding structures and streetscape as illustrated in the design standards adopted by the Historic Landmark Commission and the City Council and is in the best interest of the City.

Commissioner Carl seconded the motion.

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

NEW BUSINESS [7:03:34 PM](#)

Petition PLNHLC2008-00305 Oquirrh School National Register Nomination – A request by the Children’s Center, property owner, soliciting comments from the Historic Landmark Commission to list the building located at 350 South 400 East on the National Register of Historic Places. The property is zoned R-MU; Residential/Mixed Use District, and is located in City Council District 4 represented by Council Member Luke Garrott. (Staff contact: Janice Lew, 535-7625 or janice.lew@slcgov.com.) **To view the staff memo and historic nomination, click [here](#).**

Commissioner Oliver recused herself from the hearing item noting that she prepared the nomination for the applicant.

Commissioner Norie disclosed to the Commission that she had previously had a discussion with the Children’s Center regarding financing.

No one had an issue with Commissioner Norie’s disclosure.

Mehrdad Samiie, architect for the applicant, presented the nomination to the Commission at [7:04:33 PM](#).

Mr. Samiie noted the structure was built in 1894 by architect Richard Kletting. He stated it would become a LEED certified silver building. He noted that the majority of spaces would be preserved as originally intended and used as classroom spaces.

Questions from the Commission [7:13:50 PM](#)

Chairperson Fitzsimmons commended the applicant for pursuing LEED Silver Certification.

The applicant noted that the most invasive restoration regarding certification would include an elevator removal and installation.

Public Hearing [7:16:14 PM](#)

Chairperson Fitzsimmons noted that there were no comments from the public regarding the item.

Executive Session and Motion [7:16:57 PM](#)

There was no discussion.

Commissioner Carl made a motion to forward a positive recommendation regarding the historic nomination to the Board of State History.

Commissioner Bevins seconded the motion.

All voted “Aye”. The motion carried unanimously.

Petition PLNHLC2008-00199 Jason E. Rees, New Construction - A request by Jason Rees, for New Construction at 34 West Zane Avenue in the Capitol Hill Historic District. The proposed project is a new single-family home with an attached garage. Additionally, the applicant is requesting that the Commission grant an additional 2 feet of building height from the allowed 23 feet to 25 feet. The property is zoned SR-1A Single Family Residential in the Capitol Hill Historic District. The property is located in City Council District 3, represented by Council Member Eric Jergensen. (Staff contact: Ray Milliner, 535-7645, ray.milliner@slcgov.com). **To view the staff report, click [here](#).**
[7:17:32 PM](#)

Staff Presentation [7:18:03 PM](#)

Mr. Milliner noted that the applicant was requesting a two foot (2') height exception for the structure. He noted that a detached garage would not work and therefore, staff recommended approval of the proposal with the modified height exception and attached garage.

Questions from the Commission [7:19:46 PM](#)

Commissioner Hart inquired if the front elevation was facing east, on Darwin.

Mr. Milliner noted that this was correct.

Mr. Nielson inquired if staff could clarify finding number one which indicated the approval of final details and design.

Mr. Milliner noted that these items would relate to any specific details from the Commission regarding windows, doors, treatments, these could be related by the Commission to staff, and staff would carry out those requests.

Applicant Presentation [7:20:54 PM](#)

Jason Rees, the applicant, noted that he did not have any comments for the Commission and agreed with the staff report and recommendations.

Questions from the Commission [7:21:24 PM](#)

Commissioner Carl inquired if it faced Darwin and garage access would be from the south façade.

Commissioner Hart inquired if there was on-street parking on Darwin.

Mr. Rees noted that there was legal parking on the west side but not the east side of Darwin.

Public Hearing [7:24:18 PM](#)

There were no comments from the public.

Executive Session and Motion [7:24:26 PM](#)

Commissioner Hart made a motion to approve petition PLNHLC2008-019 with the approval of final details to be relegated to staff, that the hardiplank siding will have a smooth finish and no faux wood-grain imprints, the primary ridge of the structure will not exceed 25' in height above the established grade, and the project will meet all other applicable zoning

requirements including setbacks, maximum footprint and lot coverage, and any request for an exception to these rules will require additional review and approvals as dictated by the Zoning Ordinance.

Discussion of the Motion [7:25:51 PM](#)

Ms. Lew inquired if the motion included acceptance or denial of staff findings.

Commissioner Hart amended her motion to accept staff findings.

Commissioner Carl seconded the amended motion.

Commissioner Oliver suggested an amendment to the motion, to request staff to pay attention to details regarding depth of windows, window trim, depth of the eave, which would be addressed under guideline 11.17: Use building components that are similar in size and shape to those found historically on the street, these include windows, doors and porches and adding eaves. Windows being addressed in guideline 11.22: Double-hung windows with traditional depth and trim are preferred in most districts with the emphasis on traditional depth and trim.

Commissioner Hart noted that she accepted the suggested amendment.

Commissioner Carl seconded the amended motion.

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

Petition PLNHLC2008-227249 Todd Gardiner New Construction – A request by Todd Gardiner for New Construction located at approximately 539 East 900 South in the Central City Historic District. The proposed project involves construction of a single-family home. The property is zoned RMF-30. 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.) **To view the staff report, click [here](#).**

[7:27:50 PM](#)

Staff Presentation [7:28:08 PM](#)

Ms. Zeigler noted that staff felt there were a few details regarding the proposal that the Commission should review. She noted that the existing one car garage would remain and would be re-sided, roof re-shingled and a metal panel door added. She noted that in terms of Standard 1 for new construction, the application was compatible with surrounding structures, but stated the two-story porch might be considered unconventional in regards to the district. Ms. Zeigler stated that staff recommended the gable extend over the second story porch, or there be no roof over the second story porch, that two upper story windows of the east elevation be enlarged to be twice as large as they are wide, and additional windows be added to the west elevation. She noted that the proposal used historic details found throughout the neighborhood in a new way and that the orientation matched the original home on the lot. Ms. Zeigler stated that standard 4 for new construction was not applicable. She noted that there was a recommendation in the policy document for driveways to have a grassy strip or median down the center and staff recommended that that strip be installed in the new driveway to mitigate impacts to the street. She noted that staff recommended approval with the conditions noted in the staff report and she listed those seven conditions.

Questions from the Commission [7:36:51 PM](#)

Commissioner Hart inquired if the garage would be sided to match the proposed house and inquired if the hardboard siding would be an appropriate material.

Ms. Zeigler noted that it would not be appropriate on an historic home but that the garage was not, on its own, a significant structure.

Commissioner Carl inquired if the proposal was within the ordinance regarding the height.

Ms. Zeigler noted that it met the ordinance in terms of setbacks and height and therefore no exception would be necessary.

Ms. Lew noted that the property was zoned RMF-30 and therefore there was a different height requirement than for the SR-1A zoning district.

Mr. Nielson requested clarification on the proposed condition regarding the second story siding.

Ms. Zeigler stated that the proposed siding was currently board-and-batten, which was seen more on accessory structures rather than primary structures.

Applicant Presentation 7:39:53 PM

Todd Gardiner, the applicant, noted that he had proposed stucco for the second story to his draftsman, but didn't feel it would be approved by the Commission. He noted he was willing to change that aspect of the project. Mr. Gardiner noted that he agreed with all staff recommendations except for removal of the second story porch roof, which he felt was essential to receive the Energy Star rating they desired. He noted that they were willing to extend the roof and add more windows as requested by staff.

Questions from the Commission 7:45:15 PM

Commissioner Oliver inquired about the placement of windows on the east façade, first floor. She noted that windows which were not sliders would add to the character of that principal façade.

Commissioner Carl inquired if the applicant had considered dormers in the upper level rather than the small proposed openings.

Mr. Gardiner noted that he wanted to install clear glass windows, and those windows on the upper level were in bathrooms. He noted however, it would be easy to install double-hung windows and install more windows.

Commissioner Oliver noted that she felt the applicant should also place a cap at the top of every porch column to provide a sense of separation between the two porches.

Public Hearing 7:52:46 PM

There were no public comments.

Executive Session 7:52:55 PM

Commissioner Carl stated she felt the project's massing was troubling and it needed more texture, more of a public feel.

Commissioner Hart noted that the proposal was situated on a really long and narrow lot, and stated that the siding choice and openings, windows and doors, could be a good way to mitigate the simplicity of the form.

Commissioner Oliver noted that a pop-out or a bay might help the massing and a shed roof over the first story entrance in the rear might help to break the long line as well.

Mr. Gardiner noted that he was willing to make cosmetic changes such as enlarging existing windows, creating new openings and creating a shed roof over the rear porch.

Ms. Zeigler passed out a rendering showing stucco on the second story. She also stated that the applicant requested to make an additional comment.

To see that handout, click [here](#).

Chairperson Fitzsimmons invited Mr. Gardiner back to speak. [7:58:56 PM](#)

Mr. Gardiner noted that most of the proposed changes were fairly cosmetic, and he agreed with the Commission about adding a shed roof to the rear, possibly mirroring enlarged master bedroom windows on the first floor east elevation, placing a larger bay window over the kitchen sink and making the remaining slider windows double-hung or casement windows.

Commissioner Oliver suggested that casement or double-hung windows might also be added to the north façade.

Chairperson Fitzsimmons noted that staff made a variety of recommendations in the staff report regarding the project and repeated these for the Commission.

Commissioner Oliver noted that in addition to these suggestions, she would like to see deeper eaves on the home.

Commissioner Hart stated that she also felt that the separation of the front porch columns as suggested by Commissioner Oliver earlier was also a very important element to include.

Ms. Zeigler noted that she felt these directions were sufficient for staff, but asked that the Commission be specific in their motion.

Motion [8:03:26 PM](#)

Commissioner Oliver made a motion regarding Petition PLNHLC2008-00174, to approve the request based upon staff findings and subject to the following conditions;

- 1. Two of the second story windows on the east elevation be altered so that they are twice as tall as they are wide to comply with the ordinance and guidelines and consider lengthening or adding a window to the north bedroom and much greater attention be paid to the fenestration pattern on the first floor, adding windows to the living room area at the south end of the wall and lengthening the windows at the north end of the wall, the windows on the north elevation be of a more traditional type, not sliding, but one over one or casement;**
- 2. Additional windows be added to the west elevations at the discretion of staff;**
- 3. Depth of windows from the wall face be increased;**
- 4. The drive way include a drive strip;**
- 5. The second story siding material be changed to another more appropriate material such as stucco or material subordinate to the hardiplank;**

6. The second story porch roof be altered to extend the gable over the entire porch resulting in a traditional triangular gable end;
7. The porch columns address a single floor only, a capital of some type should be added to the intersection of the first and second story levels to humanize the scale of the porch on the south façade;
8. A date stone be added to any location where it does not interfere with the design of the building or appear to be an address;
9. Attention be paid to the depth of the eave to create a deeper, similar shadow line to other historic buildings in the area; and
10. Give consideration to adding a first floor shed roof or other type of covering to the entrance on the north side of the house.

Commissioner Hart seconded the motion.

There was no discussion of the motion.

All voted “Aye”. The motion carried unanimously.

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. (Staff contact: Janice Lew, 535-7625, janice.lew@slcgov.com) **To view the staff report, click [here](#).**

[8:06:55 PM](#)

Staff Presentation [8:07:06 PM](#)

Ms. Lew noted that the request was to legalize changes made to the home, and no Certificate or Building Permit had been issued for the changes to the porch and stairs. She noted that a historic porch had been removed and rebuilt in 1986. Ms. Lew stated that staff found that the legalization request failed to substantially meet standards 2,5,6,8,9 and 12. She noted that it was also not compliant with design guidelines 1.1, 2.8 and 2.9. She noted that staff recommended that the Commission deny the legalization request and allow the applicant to submit a design which would comply with the design guidelines and standards.

Questions from the Commission [8:14:31 PM](#)

Commissioner Carl inquired what the original skirting on the porch had been.

Ms. Lew noted that this was very difficult to discern from existing photographs. She noted that the original porch had been changed. She stated that the previously approved stairs did go through the permitting process.

Commissioner Hart inquired if the stairs had previously been straight and the walkway curved.

Ms. Lew noted that this was correct.

Applicant Presentation [8:19:18 PM](#)

Peter Mensink, 623 East First Avenue, stated that there had been extensive rot to the bottom of the porch, including the steps. Mr. Mensink stated that the skirting on the previous porch had been plywood. He noted he did not believe the original steps were up to code, as they had been very

steep and people had fallen on them more than once. Mr. Mensink noted that there had been alterations to the porch before they had purchased the property which made the porch higher and larger than what older photos seemed to indicate was originally there.

Questions from the Commission [8:25:39 PM](#)

Commissioner Oliver inquired if the applicant had based their observations that the porch was now expanded from the original on photographic observation.

Mr. Mensink noted that this was correct and in looking at the structure from underneath, it was difficult to tell what had previously been there.

Chairperson Fitzsimmons noted that the reason for the additional step was to meet the existing sidewalk.

Mr. Mensink noted that they had not altered the size of the porch or the walkway to the home, but had added the additional stair to meet the existing walkway. He noted that they were willing to forgo the sandstone veneer and use another material the Commission found appropriate.

Chairperson Fitzsimmons inquired if the walkway had ever been covered in brick as was proposed.

Mr. Mensink noted that there was no evidence it had ever been covered, but the stairs would only be to code if covered in brick.

Commissioner Norie inquired how the applicant knew the new stairs were to code if he did not obtain a building permit.

Mr. Mensink noted that he had talked to an architect to find the proper height of the risers for the new stairs.

Public Hearing [8:32:02 PM](#)

Barbara Motsley, 621 East First Avenue, stated that his home had been worse for the wear for some time. She noted that the Mensinks had preserved the home in many ways structurally and noted that she agreed the old stairs had been very dangerous.

Kelly Motsley, 621 East First Avenue, noted that the old porch had been added in 1989 and wondered why there had been no attention paid to the porch then, as it had been constructed incorrectly.

Executive Session [8:38:54 PM](#)

Commissioner Harding inquired what other options would have been available, could the stairs be legalized if changed in a certain way.

Chairperson Fitzsimmons noted that the Commission needed to speak to the specifics of design where appropriate, it would not be appropriate for the Commission to discuss or review code issues.

Commissioner Oliver noted that the historic element was the walk and not the stairs, and if reinstalling wooden stairs would damage the walkway in its historic context, they should try and figure out a reasonable alternative to save the walkway. She also noted it was likely that the original porch had wood lattice siding and sandstone piers. Commissioner Oliver stated that she felt the brick as a surfacing treatment to not be appropriate either.

Commissioner Carl noted that she concurred with Commissioner Oliver and it was unlikely that the porch was ever covered by sandstone.

Ms. Zeigler noted that site features were part of the design guidelines and ordinance.

Ms. Lew noted that she agreed with Ms. Zeigler and staff had tried to look at the historic progression of the site and surrounding area. She noted that if staff was aware of a historic material, the best practice is to replace that material in kind.

Commissioner Oliver noted that the alignment of the walkway was the only historical element left to the entry.

Commissioner Norie inquired if it were possible to bring the issue back before the Commission at a later date and allow the applicant to work with staff to look at possibilities for the stair to preserve the significance of the walkway.

Ms. Lew noted that they had not yet explored such options as the applicant had requested a legalization of what was present, and that is what staff had focused upon.

Commissioner Hart noted that the previous porch configuration seemed to show straight stairs which met the walkway.

Commissioner Oliver inquired if the applicant could come forward to clarify if the porch had come forward.

Ms. Lew noted that the previous porch had gone through the permitting process and that the applicant stated that the porch depth had not changed.

Mr. Mensink noted that they had not extended the size of the porch during their alterations, but the size of the current porch seemed closer to the street than the porch in photographs from 1912 [8:52:51 PM](#).

Chairperson Fitzsimmons invited the applicant forward again to comment at [8:59:56 PM](#).

Mr. Mensink stated that if the basic concept of the stairs could be approved, he would work with whomever necessary in order to bring them up to code.

Motion [9:01:05 PM](#)

Commissioner Carl regarding petition PLNHLC2008-227931, made a motion to accept staff recommendations 2 and 3 as noted in the staff report, and that the applicant work with staff to find a more appropriate skirting material, and in the case of item number 1, the applicant work with the staff to determine whether a compliant straight stair could be built to meet the front walkway, and if this is not the case, the applicant revisit the Commission to review the stairs again.

Commissioner Harding seconded the motion.

Commissioner Hart suggested an amendment to the motion to accept the addition of masonry on the porch piers if desired.

Commissioner Carl accepted the amended motion. Commissioner Harding seconded the amended motion.

Discussion of the Motion [9:03:17 PM](#)

Mr. Nielson noted his concern that the Commission requesting that the stairway coming back before them could leave the applicant in limbo and delay the appeal process. He noted that the legalization needed to be moved on or tabled.

Commissioner Carl noted that she was moving to deny items two and three and work on item 1.

Commissioner Hart noted that she felt Commissioner Carl had been agreeing with staff, with the exception that on item one, the applicant work with staff to find a solution involving a straight stair and come back to the Commission if this was not possible.

Commissioner Carl withdrew her motion.

New Motion [9:08:24 PM](#)

Commissioner Oliver, regarding petition PLNHLC2008-227931, made a motion to concur with staff recommendation and deny the legalization request to replace the front porch skirting with the pre-cast stone veneer; to deny the request to cover the front stairs with brick and or stone veneer; and table issue one in order to provide the applicant and staff time to consider the implications of straight stairs, code issues and meeting the alignment of the historic walkway, requesting that the applicant come back before the Commission at their earliest convenience to revisit the issue.

Commissioner Norie seconded the motion.

There was no further discussion of the motion.

All voted "Aye". The motion carried unanimously.

Mr. Nielson noted that the applicant's appeal rights on the two denied items began as soon as the decision was issued.

OTHER BUSINESS [9:10:01 PM](#)

Chairperson Fitzsimmons adjourned the meeting at 9:10 p.m.

Cecily Zuck, Historic Landmark Commission Secretary