

HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning Division
Department of Community and
Economic Development

O'Neil Fence Replacement PLNHLC2009-01316 715 E. 4th Avenue January 6, 2010

Applicant: CFC Fences &
Decks represented by Edmund
Rose

Staff: Lex Traugher,
(801) 535-6814,
lex.traugher@slcgov.com

Tax ID: 09-32-313-015

Current Zone: SR-1A
(Special Development Pattern
Residential District)

Master Plan Designation:
Avenues Master Plan

Council District:
District 3, Eric Jergensen

Lot Size:
Approximately 0.16 acres

Current Use:
▪ Residential

**Applicable Land Use
Regulations:**
▪ 21A.34.020 (G)

Notification:
▪ Notice mailed 9/9/09
▪ Sign posted 12/28/09
▪ Posted to Planning Dept and
Utah State Public Meeting
websites /09

Attachments:
A. Manufacturer's Brochure
B. Site Plan
C. Before Photos
D. After Photos
E. Applicant's Narrative

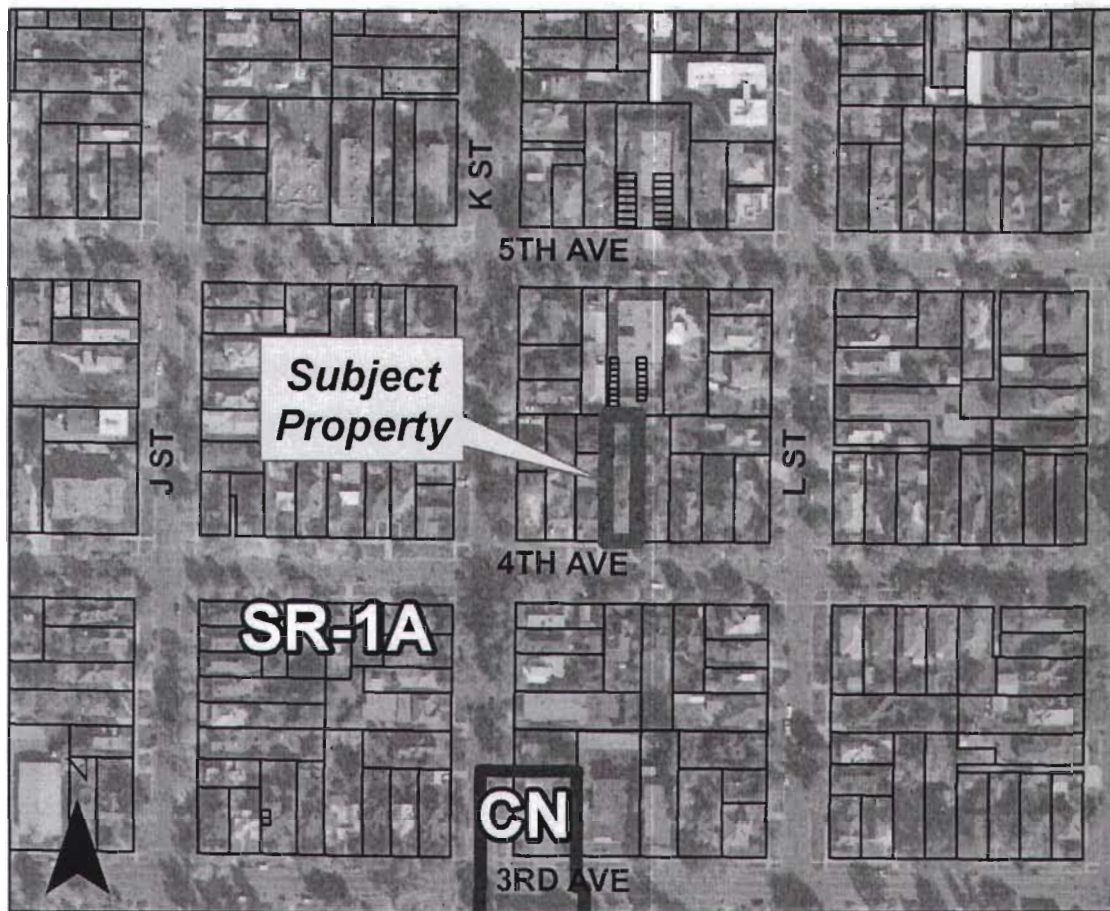
Request

The applicant is requesting to retroactively permit or "legalize" a fence that has been installed without the appropriate approval or permit located at the above referenced address in the Avenues Historic District.

Staff Recommendation

Based on the findings listed in the staff report, it is Planning Staff's opinion that the request does not meet the applicable standards and therefore, recommends that the Historic Landmark Commission deny the petition. Denial of this request shall require that the applicant or property owner remove the fence structure in its entirety and complete the work in a timeframe as stipulated by Zoning Enforcement, and understand that any replacement fence shall require administrative Historic Landmark Commission approval prior to the issuance of a building permit.

VICINITY MAP



Background

Project Description

This is a request to retroactively permit or “legalize” a fence that has been installed without the appropriate approval or the required permit located at 715 E. 4th Avenue in the Avenues Historic District. The home on the subject property is a structure that is contributing to the historic district (due to age and structural integrity). Any exterior modifications on the subject home or property are subject to Historic Landmark Commission review.

The subject fence is a “Trex” brand fence, which according to the manufacturer’s brochure (Exhibit A), is made of 50% reclaimed wood fiber and 50% polyethylene, and has “The Look of Wood, the Ease of Plastic.” Trex brand material has been routinely approved in the City’s historic districts as decking or flooring, but to Planning Staff’s knowledge has never been an approved fencing material. The new “Trex” fence replaced a “shadow box” style wood fence that enclosed the back yard, and a chain link fence covered with vines leading out of the driveway toward the street. Attached is a site plan showing the location of the new fence (Exhibit B). Photographs of the property prior to the fence replacement project are attached for review (Exhibit C). In addition, photos after the completion of the fence replacement project are attached (Exhibit D). The applicant provided a detailed narrative describing the fence and landscape improvements (Exhibit E).

Comments

Public Comments

No public comment regarding this application was received as of the date of the preparation and distribution of this staff report.

Analysis and Findings

Options

- Approval: If the Commission finds that the proposed project meets the standards of the ordinance, the application should be approved provided the structure conforms to the requirements of the Uniform Building Code and all other applicable City ordinances. This option would require the Commission to state alternative findings to support the motion to approve the fence.
- Denial: If the Commission finds that the proposed project does not meet the standards of the ordinance the application should be denied.
- Continuation: If the Commission finds that additional information is needed to make a decision, then a final decision may be postponed with specific direction to the applicant or Planning Staff regarding the additional information required for the Commission to take future action.

Findings

21A.34.020 H Historic Preservation Overlay District

G. Standards for Certificate of Appropriateness for Altering of a Landmark Site or Contributing Structure: In considering an application for a Certificate of Appropriateness for alteration of a landmark site or contributing structure, the Historic Landmark Commission shall find that the project substantially complies with all of the general standards that pertain to the application and that the decision is in the best interest of the City.

Of the standards outlined in this section of the Zoning Ordinance, it is standard number twelve (12) that pertains specifically to the subject request for the fence. Standard twelve (12) refers to additional design standards adopted by the Historic Landmark Commission and City Council. Planning Staff, therefore, has reviewed this request based on pertinent materials in two documents adopted by the Historic Landmark Commission and the City Council; the *Design Guidelines for Residential Historic Districts in Salt Lake City*, and the *Policy Document – Salt Lake City Historic Landmark Commission*.

Design Guidelines for Residential Historic Districts in Salt Lake City

Chapter 1.0 of the Design Guidelines addresses design standards for site features and specifically addresses fences. The following guidelines are of particular note in light of the subject fence:

1.1 Preserve historically significant site features.

These may include historic retaining walls, irrigation ditches, gardens, driveways and walkways.

Fences and street trees are also examples of original site features that should be preserved. Sidewalks,

parkways, planting strips, street trees and street lighting are examples of historic streetscape elements that should be considered in all civic projects.

1.2 Preserve original fences.

Replace only those portions that are deteriorated beyond repair

1.3 For a replacement fence, use materials that appear similar to that of the original

A painted wood picket fence is an appropriate replacement in most locations. A simple metal fence, similar to traditional “wrought iron” or wire, also may be considered. In all cases, the fence components should be similar in scale to those seen historically in the neighborhood.

1.4 A replacement fence should have a “transparent” quality, allowing views into the yard from the street.

Using a solid fence, with no spacing between the boards, is inappropriate in a front yard. Chain link is not allowed as a fence material where it would be visible from the street. Vinyl fencing is reviewed on a case by case basis. In some instances, it is allowed if it is not seen from the street, if the style of the fence is compatible with the house and if the vinyl fence is not replacing an historic fence or landscape feature.

Chapter 12.0 of the Design Guidelines addresses general design standards and specifically addresses fences. The following guideline is of note in light of the subject fence:

12.9 The use of traditional site structures is encouraged.

Constructing retaining walls and fences that are similar in scale, texture, and finish to those used historically is appropriate.

Analysis: The subject fence appears to be a high quality, well constructed fence, and may be an appropriate solution in other areas of Salt Lake City that are not designated historic districts, or perhaps in newer suburbs surrounding the City proper. In light of the above referenced design standards that have been adopted by the City, the subject fence is problematic for several reasons. First, Guideline 1.2 indicates that only those portions of a fence that are deteriorated beyond repair should be replaced. The original wood fence that was replaced by the new “Trex” fence may have been in disrepair, however it was not beyond repair. Areas of the original wood fence could have been repaired and the wood fence could have been maintained. Second, and probably most significant, while the new “Trex” fence is in part manufactured with recycled wood particle, it is not, and does not resemble the wood fence that it replaced, nor any of the wooden fences in the immediate neighborhood or historic district area. Trex material is significantly different than wood and does not have the same perceived texture or finish. Additionally, wood fences that are historically appropriate have a much narrower slat and include an element of transparency. The subject “Trex” fence has a wide slat and there is no element of transparency as the subject fence is essentially a solid wall. The scale of the Trex fence is much more substantial than traditional wooden fences as is readily apparent by comparison with other fences in the vicinity. Planning Staff asserts that a fence constructed of a Trex material could potentially be an appropriate solution in a given situation, if the fence slats were narrower and light and air were allowed to pass between the slats providing an element of transparency. Further, if not for the fact that the color of the subject fence is brown, the fence would resemble a vinyl fence in its style, composition, and structure; a fence that is typically, though not always, inappropriate.

Findings: The subject fence does not meet Guidelines 1.2, 1.3, 1.4, nor 12.9 as noted in the adopted *Design Guidelines for Residential Historic Districts in Salt Lake City*.

Policy Document – Salt Lake City Historic Landmark Commission

This policy document was originally approved by the Historic Landmark Committee, now the Historic Landmark Commission, on February 1, 1984. This document specifically addresses fences in section 14.0, and was updated and revised on February 3, 1993. This section reads as follows:

The relationship between an historic building and landscape features help to define the historic character of the site. Among the various visual aspects relating to the setting of an historic property are such site features as fences, including their design and materials. Appropriate fencing materials in historic districts or around historic properties include the following: wood, wrought iron, and masonry. As a rule, chain link fences are prohibited in historic districts or around landmark sites.

Analysis: In terms of this policy statement, as noted previously, the subject fence is not constructed of an appropriate listed material (wood, wrought iron, masonry), nor is the design typical of historic fences in the neighborhood.

Finding: The subject fence does not meet the policies related to fencing as outlined in the *Salt Lake City Historic Landmark Commission Policy Document*.

Exhibit A –
Manufacturer's Brochure – Trex Seclusions



TREX SECLUSIONS®
PRIVACY FENCING SYSTEMS

Trex®



WELCOME TO THE BACKYARD REVOLUTION.

Introducing Trex Seclusions® privacy fencing. Stunning looks, low maintenance, lasting durability, and it comes in more colors than wood or vinyl. You simply can't find a better fencing alternative. When you build with Trex Seclusions fencing, each and every post goes in with pride.

OUTSTANDING LOOKS. YEAR AFTER YEAR.

The rich browns, deep tans, and soft grey hues of Trex Seclusions® fencing add beauty, elegance and value to a home. No glaring vinyl/plastic product can compare.



Creates a separation from the street without detracting from the house.



Whether it's at a park, a school or at home, Trex® keeps kids safely secured in their play area.



Backyards are more beautiful when Trex® is in the picture.



Perfect for poolside privacy.

A CHOICE OF COLOR. YOU SHOULD NEVER FEEL FENCED IN.

Unlike vinyl, Trex Seclusions fencing offers a palette of rich color choices.

SADDLE



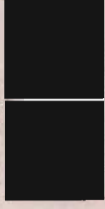
Subtle Weathering

WINCHESTER GREY



Dark Weathering

WOODLAND BROWN

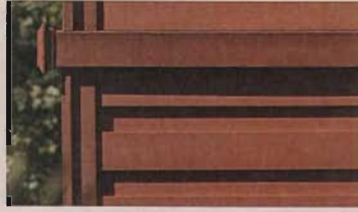


Rich Weathering

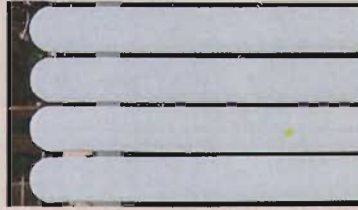
hexfencing.com

THE LOOK OF WOOD. THE EASE OF PLASTIC.

Trex Seclusions® is made of 50% reclaimed wood fiber and 50% polyethylene. That means you get the best of both worlds. This revolutionary product offers the rich beauty of wood, but requires no staining or painting.



Trex Seclusions® is a revolutionary material that provides years of worry-free ownership.



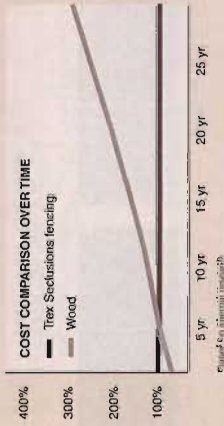
Vinyl is treated with a white UV inhibitor, which limits color change.



Wood rails and can require a great deal of maintenance.

WITHSTANDS THE ELEMENTS. AND THEN SOME.

Wind, rain, sleet and snow. No problem. Trex® won't buckle, leave, freeze or thaw. Trex is also resistant to insects, including termites. And while the upfront cost may be higher than wood, over time, the gap closes and Trex proves its value through years of worry-free ownership.



The robust 6x6 hollow post requires no additional reinforcement. The life of the fence is the life of the post.

1-800-301-TREX



A FENCE THAT STANDS ABOVE THE REST.

	Trex Seclusions	Wood	Vinyl
Stunning Looks	X		
Low Maintenance	X		X
Lasting Durability	X		
Easy to Install	X	X	X
Miami/Dade Wind Load Certification**	X		
Rich Color Choices	X		
True Privacy (No gaps between pickets)	X		
Good Neighbor Fence (No one gets ball side of fence)	X		X
Non-Reflective Surface	X	X	
Standard 6" Nominal Posts	X		
Limited Residential Warranty (years)	25	0-12	20+
Top Building Products Brand	X		

WIND LOAD CERTIFICATION**

Trex Seclusions fencing is proven to withstand some of weather's harshest conditions. It passes Miami/Dade wind load certification tests of 110 mph steady winds and 130 mph wind gusts.

trexfencing.com

IT'S EASY TO INSTALL THE FENCE OF YOUR DREAMS.

- As easy as installing an ordinary fence.
- Much easier and more convenient to work with—doesn't splinter like wood.
- More detailed instructions are available at trexfencing.com.
- Find your local Trex® installer at trexfencing.com.



1. Stake out the fence line.



2. Dig holes.



3. Set posts in concrete.



4. Install brackets using the TrexExpress™ installation tool.



5. Slide bottom rail over the metal insert.



6. Insert bottom rails.



7. Insert pickets.



8. Insert top rails.



9. Affix post caps.

RACKING

Trex Seclusions® has the ability to rack down slopes and around property lines for that beautiful seamless look.



*Available in both vinyl and galvanized steel.

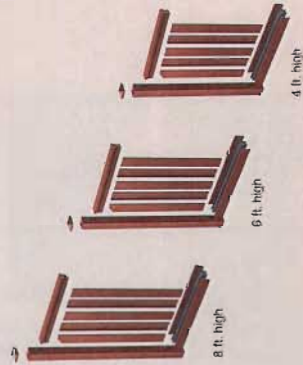
1-800-BUY-TREX

THE BEST FENCING, WITH AN ORDERING PROCESS TO MATCH.

Trex Seclusions® fencing is sold a-la-carte, making it convenient and easy to order. This fence was designed to create any fencing up to 8 ft. per section.

Each fence section includes the following:

1 Fence Post	2 Bottom Rails
1 Fence Post Cap	4 Brackets
1 Top Rail	19 Pickets
1 Bottom Rail Insert	



To help you achieve a custom look in your backyard, Trex Seclusions® fencing is available with three styles of fence caps: pyramidal, flat or gabled.

GATE OPTIONS

There's no need to stop at just the fence. Your installer can transform Trex Seclusions into a functional gate that provides an attractive entrance to your property.



4ft. entrance gate

trexfencing.com



Low Maintenance
 -Revolutionary, made from wood and plastic
 -No painting or staining required

Stunning Looks
 -Rich colors and finish
Easy Installation
 -Interconnecting pickets provide fast assembly

Wind Load Certification
 -Tested up to 110mph
Durability
 -Stands up to extreme weather and termites
 -Stand-alone posts



Still on the fence? Visit us at trexfencing.com or call 1-800-BUY-TREX, ext. 925.

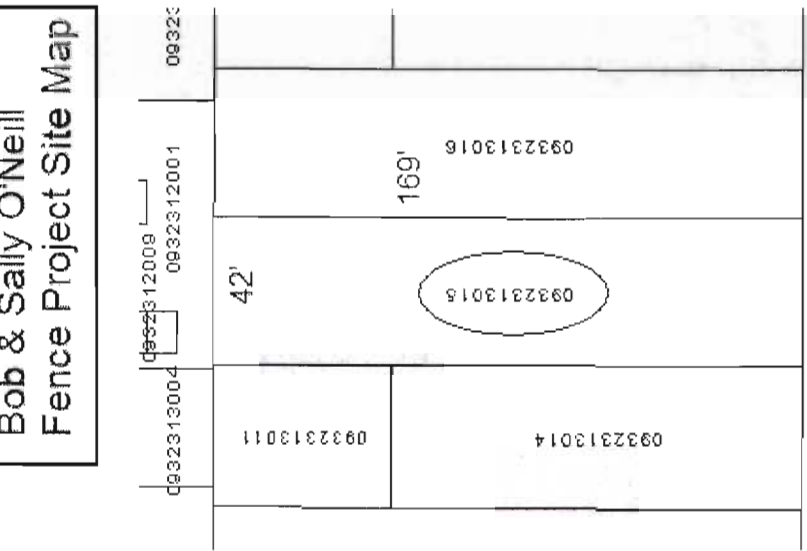
All colors shown are "like weathering." Actual colors may vary from photos. Product is subject to regional availability. Check for availability in your area.

©2009 Trex Company, Inc. All rights reserved. TREX®, the TREX logo, TrexSignature™, and Trex Seclusions® are either federally registered trademarks, trademarks or trade dress of Trex Company, Inc., Winchester, Virginia.

Printed on Recycled Paper.

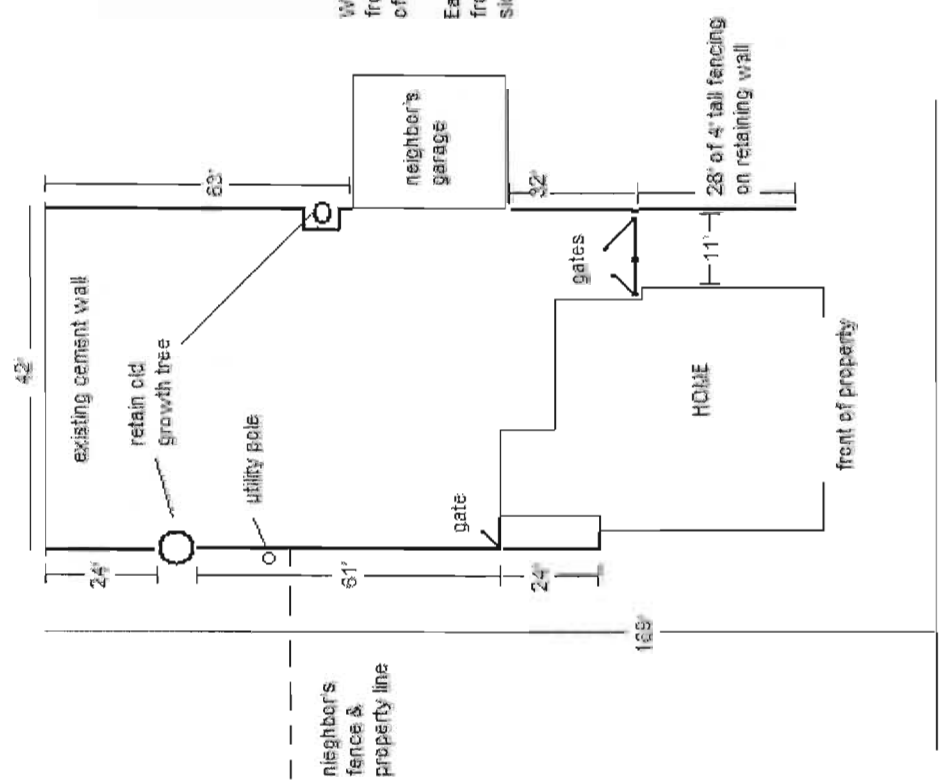
**Exhibit B –
Site Plan**

Bob & Sally O'Neill Fence Project Site Map



West side: fence is set back 77' from curb and 54' back from back of sidewalk.

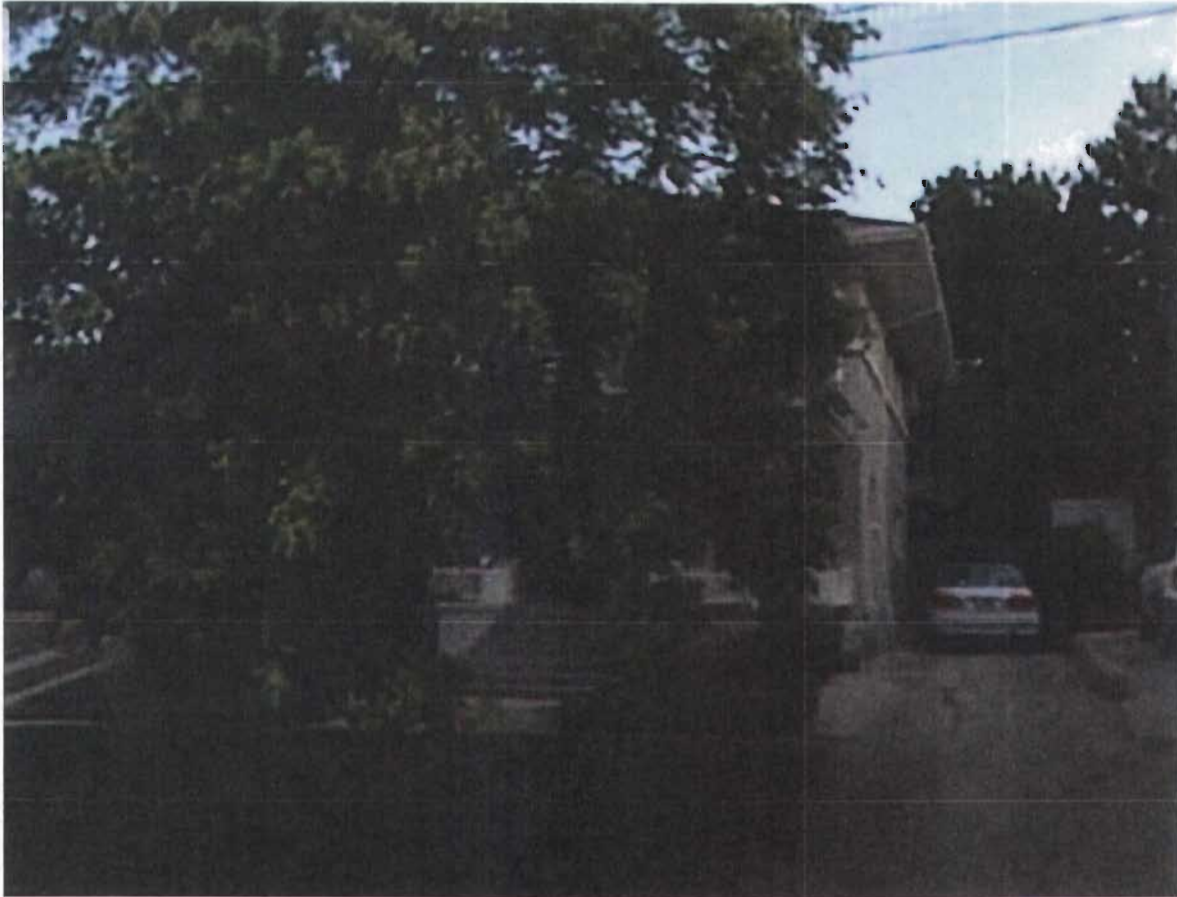
East side: fence is set back 50' from curb and 27' from back of sidewalk.

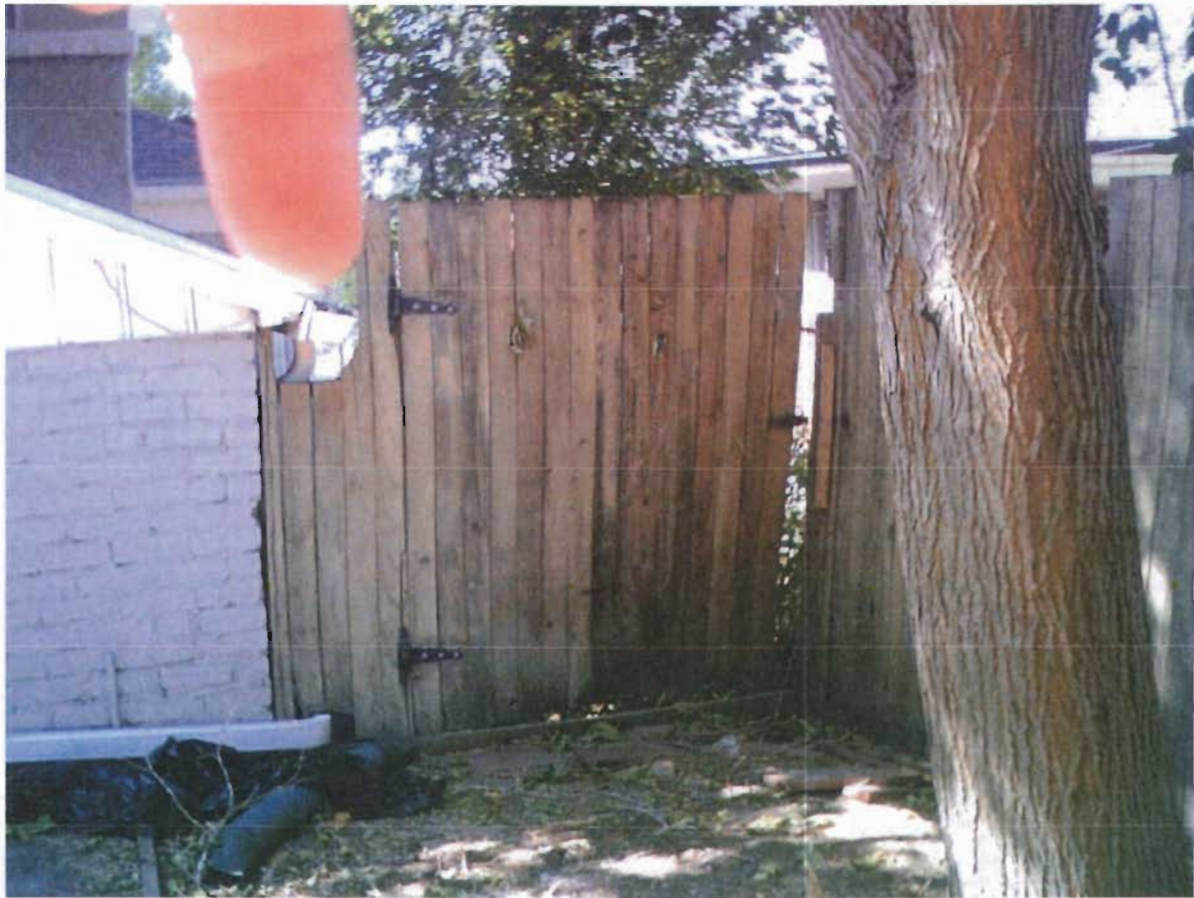


Lot Diagram

Exhibit C –
Before Photos

Pre-Installation Pictures at O'Neill Property









**Exhibit D –
After Photos**

Post-Installation Pictures at O'Neill Property









Exhibit E –
Applicant's Narrative



O'Neill Fence Replacement Project

On behalf of: Bob & Sally O'Neill of 715 E 4th Avenue, Salt Lake City, UT 84103

Submitted by: CFC Fences & Decks

November 10, 2009

In conjunction with a property renovation plan, the O'Neills contracted with our firm to replace fencing that had fallen into disrepair. The previous fencing was a combination of wire mesh with T-stakes and a simple "shadow box" style wood fence. Their intent was to install a fence design and product that would provide for low maintenance but still maintain a more natural, aesthetically upscale look that would fit into their overall landscaping plan. The O'Neills are sensitive to the fact that they occupy a property in an historical district and all of their plans, including the fencing, trended towards maintaining the integrity of the intended aesthetics of their area.

The Trex Surroundings® fence line was selected as opposed to vinyl, simulated rock wall, or chain link because it is a wood-based material. Stylistically, it has a shadow-box design with the traditional post and rail look of a wood fence. The fence affords the O'Neills the privacy they desire but meets the standard 6' max height requirement. Their plan was to use a style of fence and color that would accurately compliment their property as well as promote a higher-scale appeal that would not be afforded by a traditional dog-ear or similar style fence.

Trex fencing has several unique attributes that compliment the characteristics of The Avenues historical district.

As a wood-based product, the density and construction of the materials are immensely strong – the post strength is comparable to a 6x6 cedar post. Trex has passed the 110-mph engineered wind rating test required by Miami-Dade County in Florida.

Like wood, it is porous and can therefore be painted or stained. However, it is also manufactured to "silver" out just as a traditional, unstained wood fence will, but it will not degrade like wood (it won't rot or splinter).

There is precedence for the appropriation of Trex fencing for certain communities. In the Traverse Mountain (Lehi), and Cobblestone (Heber City) home owners associations, for example, Trex was specifically added to the covenants requiring wood fencing, at the exclusion of less natural looking products such as vinyl, simulated concrete, or vinyl.

Additional details regarding the fence product and company can be found on the Trex website:
www.trex.com.

CFC Fences & Decks

(801) 374-6428

543 E 600 S

Provo, UT 84606

www.fenceutah.com