

# HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning Division  
Department of Community and  
Economic Development

## Phillips Residence Minor Alterations and Replacement Windows 565 E Sixth Avenue PLNHLC2010-00095 May 19, 2010

**Applicant:** Ray Phillips,  
property owner

**Staff:** Janice Lew, 535-7625  
janice.lew@sclgov.com

**Tax ID:** 09-31-429-005

**Current Zone:** SR-1A, Special  
Development Pattern Residential

**Master Plan Designation:**  
Low Density Residential

**Council District:**  
District 3 – Stan Penfold

**Community Council:**  
Greater Avenues – Jim Jenkin

**Lot Size:** 0.05 acres

**Current Use:**  
Residential

**Applicable Land Use**

**Regulations:**

- Section 21A.34.020
- Section 21A.24.080

**Notification:**

- Notice mailed on May 7, 2010
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites May 7, 2010

**Attachments:**

- A. Application
- B. Documentation

### ***Request***

The applicant requests the Historic Landmark Commission retroactively approve replacement windows and alterations to a rear addition at the property located at 565 E Sixth Avenue. The applicant would also like to replace windows on the lower level of the building.

### ***Staff Recommendation***

Based on the analysis and findings of this staff report, it is the Planning Staff's opinion that the project meets the majority of the Standards and Design Guidelines that pertain to the application, and recommends that the Historic Landmark Commission approve the Certificate of Appropriateness request with the exception of the proposed replacement windows on the lower level of the front façade.

## VICINITY MAP



### **Background**

#### **Project Description**

According to the historic site form prepared in 1979, this one and a half story Victorian eclectic house was built in c.1889. The building has been substantially altered over the years. It is clad in asbestos shingle siding and has a large cement porch. The front gable has side-by-side double hung windows and there is a fixed window with a transom window on both sides of the front door.

Prior to submitting applications for the appropriate approvals and permits, several upper level windows were replaced. The replacement windows are solid vinyl windows by Alside. The front and rear gables have new double hung windows. The west dormer has side-by-side sliders and the east dormer windows appear to be fixed. The rear addition also has recently been resided with a rough finished fiber cement board and new vinyl slidings window installed. The applicant also proposes replacement window for the lower level of the building.

## **Comments**

### **Public Comment**

No public comment regarding this application has been received.

### **Project Review**

### **Analysis and Findings**

#### **Options**

**Approval:** If the Commission finds that the project meets the standards of the ordinance the application should be approved.

**Denial:** If the Commission finds that the project does not meet the standards of the ordinance the application should be denied. The applicant may repair the existing wood windows and apply for storm windows that meet the standards and guidelines.

**Table:** If the Commission finds that additional information is needed, they may postpone the decision with specific direction as to the additional information required.

#### **Findings**

21A.34.020 H Historic Preservation Overlay District:

G. Standards for Certificate of Appropriateness for Alteration 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, or the planning, for administrative decisions, shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the city:

##### **Standard 1**

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment.

**Analysis for Standard 1:** No changes are proposed in the use of the building for residential purposes.

**Finding for Standard 1:** The project is consistent with this standard.

##### **Standards 2, 5, and 6**

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on

accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.

## **Applicable Design Guidelines for Standard 2, 5, and 6**

### **3.0 Windows**

**Repair of Historic Windows:** Whenever possible, repair historic windows, rather than replace them. In most cases it is in fact easier, and more economical, to repair an existing window rather than to replace it, because the original materials contribute to the historic character of the building. Even when replaced with an exact duplicate window, a portion of the historic building fabric is lost and therefore such treatment should be avoided. When considering whether to repair or replace a historic window, consider the following:

First, determine the window's architectural significance. Is it a key character-defining element of the building? Typically, windows on the front of the building and on sides designed to be visible from the street, are key character-defining elements. A window in an obscure location or on the rear of a structure may not be. Greater flexibility in the treatment or replacement of such secondary windows may be considered.

Second, inspect the window to determine its condition. Distinguish superficial signs of deterioration from actual failure of window components. Peeling paint and dried wood, for example, are serious problems, but often do not indicate that a window is beyond repair. What constitutes a deteriorated window? A rotted sill may dictate its replacement, but it does not indicate the need for an entire new window. Determining window condition must occur on a case-by-case basis, however, as a general rule, a window merits preservation, with perhaps selective replacement of components, when more than 50 percent of the window components can be repaired.

Third, determine the appropriate treatment for the window. Surfaces may require cleaning and patching. Some components may be deteriorated beyond repair. Patching and splicing in new material for only those portions that are decayed should be considered in such a case, rather than replacing the entire window. If the entire window must be replaced, the new one should match the original in appearance.

**Analysis for Standards 2, 5, and 6:** The size, proportion and style of windows play a major role in a building's appearance. The design of surrounding window casings, the dimensions and profile of window sash elements and the materials of which they were constructed are also important features.

The historic character of this residential structure as noted above has been significantly altered over the years. Since the remaining double hung windows on the lower level appear to be metal, the historic character of this building was already compromised when the original wood windows were replaced. Therefore, the replacement windows in the gables, in general, are consistent with the character of the property and may be acceptable in this situation.

The new sliding windows on the rear addition and west roof top dormer are inconsistent with the typical types of window found in historic structures. Since they are on secondary elevations and not clearly visible from the street, they may be acceptable replacement windows in this case.

From the photographs submitted and a site inspection, the lower level wood windows on the north and primary façade appear repairable. If the Commission were to consider replacement windows in this area, Planning Staff asserts that using a wood window would be the best approach and that the replacement

components should match the original in dimension and profile and the original depth of the window opening be maintained.

**Findings for Standard 2, 5 and 6:** The vinyl windows that were installed on the rear and east roof top dormer may be acceptable because of their secondary and obscure location.

The sliding windows that were installed in the west roof top dormer are inconsistent with the typical window design that would be used for this type of installment. However, they may be acceptable in this case because they are not clearly visible from the street.

The proposal to replace the fixed windows on the front facade fails to meet Standards 2, 5, and 6. The applicant is proposing to remove character-defining features that do not appear to be seriously deteriorated, and replace them with new windows that do not convey the same visual appearance of the historic material. The proposed replacement windows will also require the destruction of original material including wood and glass. The proposal to replace the remaining lower level double hung windows should be allowed as the existing windows do not appear to be original.

**3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed.**

**Analysis:** Vinyl replacement windows will not create a false sense of history because the substitute material is clearly a modern construction material.

**Finding:** The proposed building material complies with this standard to the extent that its application would not create a false sense of history.

**4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved.**

**Analysis:** This project does not appear to involve any prior alterations or additions that have acquired historic significance in their own right.

**Finding:** This standard is not applicable.

**7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.**

**Analysis:** No chemical or physical treatments are proposed as part of this request.

**Finding:** This standard is not applicable.

**8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.**

## Applicable Design Guidelines for Standard 8:

### 3.0 Windows

**Background:** Windows are some of the most important character-defining features of most historic structures. They give scale to buildings and provide visual interest to the composition of individual facades. Distinct window designs in fact help define many historic building types.

**Window Features:** The size, shape and proportions of a historic window are among its essential features. Many early residential windows in Salt Lake City were vertically-proportioned, for example. Another important feature is the number of “lights,” or panes, into which a window is divided.

**Analysis for Standard 8:** Generally, the replacement windows meet this standard, as the original windows may have already been replaced with windows that appear to preserve the size and proportion of original openings. Replacing the existing fixed window with transoms on the front facade would destroy remaining character-defining features of the building.

Although the new siding material on the rear addition does not appear similar in scale, proportion, texture and finish to those used historically, it may be acceptable in this case, as the addition is not visible from the public way.

**Finding for Standard 8:** The project does not meet fully meet this standard as the proposed window replacements on the lower level of the front facade would destroy historic architectural material. Further, the alterations to the rear addition are less consistent with this standard as the alternative siding material is not similar in character to traditional materials

### **9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;**

**Analysis for Standard 9:** Since the request is to remove character-defining wood windows and replacing them with a modern construction material (vinyl), it would be a change that is easily differentiated from the original form of the building.

**Finding for Standard 9:** The proposed alterations are consistent with this standard to the extent that the new work is distinguishable from the old, but original material would be lost.

### **10. Certain building materials are prohibited including the following:**

- a. Vinyl or aluminum cladding when applied directly to an original or historic material, and**
- b. Any other imitation siding material designed to look like wood siding but fabricated from an imitation material or materials;**

**Analysis for Standard 10:** The use of prohibited building materials is not a component of this project.

**Finding for Standard 10:** This standard does not apply to the proposed project.

**11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in Part IV, Chapter 21A.46, Signs;**

**Analysis for Standard 11:** Signage is not a component of this project.

**Finding for Standard 11:** This standard does not apply to the proposed project.

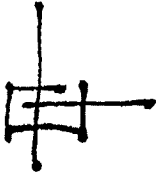
**12. Additional design standards adopted by the historic landmark commission and city council.**

**Analysis for Standard 12:** The Historic Landmark Commission's *Design Guidelines for Residential Historic Districts in Salt Lake City* is applicable in this case.

**Finding for Standard 12:** The project is inconsistent with Standards 2, 5, 6, and 8 as noted above and not supported by the Design Guidelines mentioned in this staff report. Standards 4, 7, 10 and 11 do not pertain to the project.







ajc architects

memo

**Janice Lew**  
Salt Lake City Corporation  
Planning Division, Historic Landmark Commission  
451 S. State Street Room 406  
Salt Lake City, UT 84114-5480

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project: **Ray Phillips, Key Properties**

565 East 6<sup>th</sup> Avenue  
Salt Lake City, Utah

date: Friday, April 23, 2010

time: 10:32 AM

topic: **HLC Minor Alterations**

remarks: We have been retained by Mr. Ray Phillips of Key Properties to provide documentation for a HLC Minor Alterations application for his property at 565 E. 6<sup>th</sup> Avenue.

Mr. Phillips received a NOTICE AND ORDER – CIVIL citing violation of Title 21A of the Salt Lake City Code, Ordinance reference 21A.34.020E, regarding the installation of replacement windows within a Historic District without a Certificate of Appropriateness.

The single family residence was constructed in 1912 and the original single pane windows were in disrepair and inefficient. When his long term tenant move out recently, Mr. Phillips took the opportunity to replace the upper level windows. Clear Choice Windows furnished and installed the windows and advised Mr. Phillips that a permit was not necessary for window replacement.

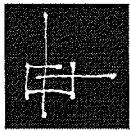
We are submitting photographs of Mr. Phillips residence and two neighboring residences, CAD drawings, window manufacturer cut sheets and the HLC Minor Alterations application for your consideration. We request a Certificate of Appropriateness be issued to Mr. Phillips for the window replacement.

Please contact me at ajc architects if you have any questions/comments/ concerns.

Thank you,

from: Kent Rigby, AIA





ajc architects

703 east 1700 south  
salt lake city, utah 84105  
ph: 801.466.8818  
fx: 801.466.4411  
ajc@ajcarchitects.com

ajc Project No.  
1019

04.22.2010

OWNER

# RAY PHILLIPS 6TH AVE RESIDENCE

565 East 6th Ave., Salt lake City, Utah 84103

ARCHITECTURAL PROJECT #1019



ajc architects

703 east 1700 south  
salt lake city, utah 84105  
ph: 801.466.8818  
fx: 801.466.4411  
ajc@ajcarchitects.com

OWNER INFORMATION  
RAY PHILLIPS

PROJECT DESCRIPTION  
EAST 6TH AVE  
RESIDENCE

### DRAWING INDEX:

G1001 COVER SHEET & DRAWING INDEX

A1E101 SITE PLAN, FLOOR PLAN & WALL SECTION  
A1E102 EXTERIOR ELEVATIONS

SHEET NAME:  
COVER  
SHEET  
& DRAWING  
INDEX

REVISIONS  
MARK DATE DESCRIPTION

ISSUE DATA  
ISSUE DATE: 04/20/2010  
ISSUE TYPE: PRELIMINARY  
DRAWN BY: A.J.L.  
CHECKED BY: KR  
CAD FILE NAME: 0908G1001

SHEET NUMBER:

G1001





#### STANDARD WINDOW FEATURES

Sturdy 2-5/8" frame depth and integral nailing fin with 1-3/8" or 7/8" fin set-back provides compatibility with wood, vinyl siding and stucco applications.

3/4" insulated double strength glass with "Warm Edge" technology and exterior glazing.

Precision, computer welded frame and sash provide strength and increase energy efficiency.

Milling fin welded at all corners for easier, more weathertight installation.

Integral J-channel to provide easy, clean applications for all types of siding.

Inside or outside removable fiberglass screen for easy cleaning.

Available in white only.

#### PLUS THESE OPTIONS...

Internal grid selection to match any style.

Obscure glass for added privacy.

Tinted glass to reduce glare and solar heat gain.

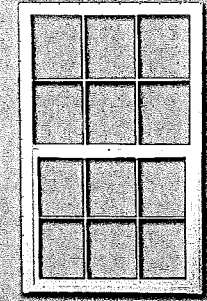
Continuous head and sill for multiple unit option.

Factory milling for easier job site installation.

Fresh air ventilators.

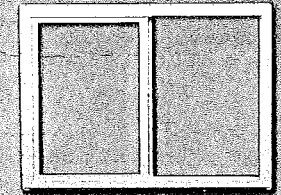
### Model 7010 Single Hung

- **Integral J-channel** to provide easy, clean applications for all types of siding.
- **Integral full length interlock with silicone treated, high-pile weather stripping** adds strength and security while reducing air infiltration for greater thermal performance.
- **Side load sash** operates on two concealed pre-calibrated sash balances.
- **Integral lift handle** makes opening smooth, sure and easy.
- **Sashes are fully weather-stripped** on the perimeter edge for added energy efficiency.
- **Cam lock and keeper** provide a virtually weather-proof seal.



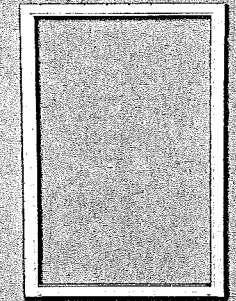
### Model 7030 Horizontal Sliding

- **Integral J-channel** to provide easy, clean applications for all types of siding.
- **Removable sill track** moves water and dirt away from sash for easy operation and cleaning.
- **Integral pull handle** makes window opening smooth, sure and easy.
- **Integral full length interlock with silicone treated, high-pile weather stripping** adds strength and security while reducing air infiltration for greater thermal performance.
- **Brass tandem roller system** offers trouble-free operation.
- **Cam lock and keeper** provide a virtually weather-proof seal.



### Model 7000 Picture

- **Integral J-channel** to provide easy, clean applications for all types of siding.
- **Narrow sight-lines** for a clear attractive design.
- **1" insulated glass unit** only on picture windows.
- **Special shapes** available. See back cover of this brochure for further information.



#### STANDARD PATIO DOOR FEATURES

Fusion welded construction for added strength.

1" insulated double strength glass with "Warm Edge" technology for superior energy efficiency.

#### PLUS THESE OPTIONS...

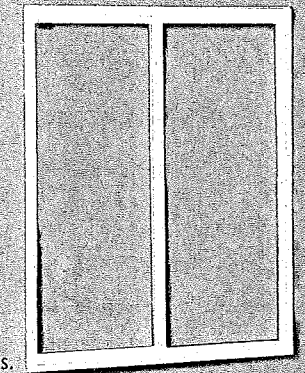
Internal grid selection to match any style.

Heavy-duty extruded screen frame.

Tinted glass to reduce glare and solar heat gain.

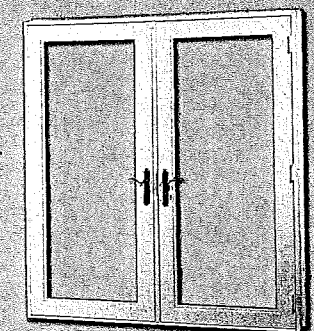
### Model 170 Sliding Patio Door

- **Sturdy 4-1/2" frame depth.**
- **1" wide integral nailing fin** with 1-3/8" fin set-back.
- **Adjustable dual tandem rollers** on a stainless steel track for years of trouble free operation.
- **Integral full length interlock** enhances strength and security while reducing air infiltration.
- **Steel reinforced meeting rail and sash** for strength and durability.
- Available in **White, Almond, or White interior with Bronze exterior.**
- Available with **keyed handle lock and/or foot lock** options.
- **Three panel configurations** also available on 9' and 12' units.



### Model 190 Hinged Patio Door

- **Available 4-9/16" or 6-9/16" frame depth.**
- **1" wide integral nailing fin.**
- **Brass hardware with adjustable white hinges.**
- **Three point locking system** for high security and a tighter seal.
- **Self-weeping sloped sill** for smooth water drainage.
- **Heavy-duty stiffener in all frame and panel members** for added strength.
- Available in **White.**
- **Single, Double or French** style doors available.

















**Attachment B**  
Documentation

Researcher: Lois Harris  
Date: April 23, 1979

Site No. \_\_\_\_\_

Utah State Historical Society  
Historic Preservation Research Office  
**Structure/Site Information Form**

1  
IDENTIFICATION

Street Address: 565 6th Avenue Plat Bl. Lot  
Name of Structure: T. R. S.  
Present Owner: Phillips, Ray A UTM:  
Owner Address: Tax #:

2  
AGE/CONDITION/USE

Original Owner: Robert M. Porcher Construction Date: ca 1889 Demolition Date:  
Original Use: single-family  
Present Use: Occupants:  
 Single-Family  Park  Vacant  
 Multi-Family  Industrial  Religious  
 Public  Agricultural  Other  
 Commercial  
Building Condition: Integrity:  
 Excellent  Site  Unaltered  
 Good  Ruins  Minor Alterations  
 Deteriorated  Major Alterations

3  
STAT

Preliminary Evaluation: Final Register Status:  
 Significant  National Landmark  District  
 Contributory  National Register  Multi-Resource  
 Not Contributory  State Register  Thematic  
 Intrusion

4  
DOCUMENTATION

Photography: Date of Slides: 5/77 Date of Photographs:  
Views: Front  Side  Rear  Other  Views: Front  Side  Rear  Other   
Research Sources:  
 Abstract of Title  City Directories  LDS Church Archives  
 Plat Records  Biographical Encyclopedias  LDS Genealogical Society  
 Plat Map  Obituary Index  U of U Library  
 Tax Card & Photo  County & City Histories  BYU Library  
 Building Permit  Personal Interviews  USU Library  
 Sewer Permit  Newspapers  SLC Library  
 Sanborn Maps  Utah State Historical Society Library  Other

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Salt Lake County Plat Abstract Records.  
Polk, SLC Directories, 1893-1940.  
"Porcher, Robert M.," Deseret News, September 8, 1913, p.2; September 10, p.14.  
SL Tribune, 1st, January 1, 1891, p.13  
SLC Building Permit #542, July 6, 1908.

5

ARCHITECTURE

Architect/Builder:

Building Materials: asbestos shingles : Building Type/Style: Victorian eclectic

Description of physical appearance &amp; significant architectural features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

This is a one and one hslf story structure with gable end toward the street. In the gable there is a bay of two double hung windows. There is a large picture window on either wide of the front door. The building is clad in Asbestos Shingle Siding and has a concrete front porch.

---Phillip Neuberg

Building permit:

1890 R.M. Porcher- owner one stry, two rm. frame addition \$400.

7-6-1908 #542 R.M. Porcher - owner Alt. 1 stry frm dwell \$1,000.



6

HISTORY

Statement of Historical Significance:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication          | <input type="checkbox"/> Military        | <input type="checkbox"/> Religion           |
| <input type="checkbox"/> Agriculture          | <input type="checkbox"/> Conservation           | <input type="checkbox"/> Mining          | <input type="checkbox"/> Science            |
| <input type="checkbox"/> Architecture         | <input type="checkbox"/> Education              | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio-Humanitarian |
| <input type="checkbox"/> The Arts             | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political       | <input type="checkbox"/> Transportation     |
| <input type="checkbox"/> Commerce             | <input type="checkbox"/> Industry               | <input type="checkbox"/> Recreation      |   |

This house has been substantially altered.

Robert M. Porcher was the original owner and resident of this house. Born in England in 1857, he came to Utah with his parents in 1873. He was a painter and worked for the Utah Paint and Oil Company. He lived in this house from the time it was built until his death in 1913. His wife, Louisa Porcher, lived here until 1929. Mrs. Porcher owned this house until 1940. She died in Los Angeles in 1946.

07-21-707-005

