

**SALT LAKE CITY**  
**HISTORIC LANDMARK COMMISSION**  
**Minutes of the Meeting**  
**Room 326, 451 South State Street**  
**August 2, 2012**

*This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on August 2, 2012.*

*Historic Landmark Commission Meetings are televised on SLCTV 17. Archived video of this meeting can be found at the following link under, "Historic Landmark Commission and RDA": <http://www.slcgov.com/slctv/slctv-videos-demand>.*

A regular meeting of the Historic Landmark Commission was called to order on Thursday, August 2, 2012 in Room 326 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, at [5:34:36 PM](#). Commissioners present for the meeting were Acting Chairperson Sheleigh Harding, Earle Bevins III, Arla Funk, Charles Shepherd, Robert McClintic, Thomas Brennan and Heather Thuet. Commissioners Polly Hart, Bill Davis and Stephen James were excused.

Planning Staff members present for the meeting were Cheri Coffey, Assistant Planning Director; Joel Paterson, Planning Manager; Elizabeth Buehler, Principal Planner and Courtney Benson, Senior Secretary. Senior City Attorney Paul Nielson was also present.

**FIELD TRIP [5:34:42 PM](#)**

The Commissioners present on the field trip were Earle Bevins III, Robert McClintic, Thomas Brennan and Heather Thuet. The Staff present were Joel Paterson, Cheri Coffey and Elizabeth Buehler.

The Commissioners visited the Rhinehart Property at 524 N. Main Street. Staff explained the proposed project and the demolition of a non-contributing accessory structure. The Commission asked questions about the lot status – legal non-complying. The Commission asked about the existing fence at the rear of the property and proposed parking. The Commission asked questions about the design of the proposed principal structure. The Commission asked about the proposed building height. The Commission asked about the front elevation and how it addresses the street.

The Commission also drove past several accessory garages rated as contributing in the professional historic resource surveys.

**DINNER [5:34:49 PM](#)**

Dinner was served to the Commission and Staff at 5:00 p.m. Two new Commission members, Thomas Brennan and Heather Thuet introduced themselves and discussed their backgrounds.

**REPORT OF THE CHAIR OR VICE CHAIR [5:34:56 PM](#)**

Acting Chairperson Harding stated that since the Chair and Vice Chair were not present at the meeting there was nothing to report.

**REPORT OF THE DIRECTOR [5:35:01 PM](#)**

Ms. Cheri Coffey, Assistant Planning Director, discussed a briefing with the City Council on July 31, 2012 regarding the preservation plan, designation criteria and conservation districts.

**APPROVAL OF July 19, 2012 MINUTES [5:35:33 PM](#)**

**MOTION [5:35:46 PM](#)**

Commissioner Funk moved to approve the minutes of July 19, 2012. Commissioner Bevins seconded the motion. The motion passed unanimously. Commissioners Brennan and Thuet abstained due to their absence at the previous meeting.

**PUBLIC COMMENTS [5:36:00 PM](#)**

No one wished to speak.

**PUBLIC HEARINGS [5:36:13 PM](#)**

**PLNHLC2012-00315 Rhinehart Residence New Construction - John Rhinehart, property owner, is requesting approval to construct a new single family home that exceeds the height limit of the district on a property located at approximately 524 N. Main Street in the Capitol Hill Historic District. The request also includes the demolition of an existing shed on the property. The property is zoned SR-1A, Special Development Pattern Residential District and is located in City Council District 3, represented by Stan Penfold (Staff contact: Elizabeth Buehler, 801-535-6313, [elizabeth.buehler@slcgov.com](mailto:elizabeth.buehler@slcgov.com)).**

Ms. Elizabeth Buehler, Principal Planner, reviewed the petition as presented in the Staff Report (located in the Case File). She stated Staff recommended approval of the petition pursuant to the conditions listed in the Staff Report.

[5:39:24 PM](#)

Commissioner Shepherd stated it is challenging to evaluate this structure without seeing a composite elevation. He asked if one was requested.

Ms. Buehler stated it was discussed and the Applicant chose to keep with the original application.

Commissioner Shepherd stated it has some bearing on the comparison to the adjacent historic structure which has a low-slope roof and gabled parapets over the entries.

Commissioner Brennan stated he is concerned that the height of the flat roof over the master bath is not accurate in the proposed plans.

Commissioner Shepherd asked about the location of the eighteen foot roof height exception.

Ms. Buehler stated the eighteen foot exception is located at the front elevation.

Commissioner Shepherd asked if that was at the end of the projecting triangular fin roof.

Ms. Buehler stated the eighteen feet was taken from the roof line of the front elevation going into the main level.

Commissioner Shepherd asked if the projecting fin roof exceeded the height requirement.

Ms. Buehler stated it did not.

[5:43:48 PM](#)

Mr. Michael Upwall, architect and representative of the Applicant, stated he would like to infill the property in a new, creative, way rather than try to mimic an older style. He presented a computer representation of the proposed streetscape to the Commission and went over the proposed site plans.

Commissioner Brennan asked about the proposed roof height over the master bathroom.

Mr. Upwall stated the roofline is still being refined. He stated his focus was the front elevation roofline since that is the element that will go above the height limit.

Mr. Upwall and Commissioner Brennan discussed architectural changes that could be made to the proposed plan.

Mr. Brennan asked the Applicant to discuss what he was envisioning for the front porch.

Mr. Upwall discussed his architectural plans for the front porch.

Commissioner McClintic asked how the cantilever roof would be structured. He stated he has concern with the windows being so close to the roof plane. Commissioner McClintic stated the survey shown in the drawings looks suspicious and asked if the survey was done recently.

Mr. Upwall stated the survey was provided by the Applicant. He stated he would be glad to submit a second survey for comparison.

Commissioner McClintic stated that many of the decisions the Commission is being asked to make are relevant to survey information.

Mr. Upwall stated he did not see any conflict when he studied the survey.

Commissioner McClintic stated it is a steep site and he is not sure how the porch meets the slope of the drive. He stated he is concerned with other logistical issues. Commissioner McClintic asked if permeable parking surfaces had been considered.

Mr. Upwall stated he could install permeable pavers. He stated much of the roof plane is flat and water will be directed into storm drains.

Commissioner McClintic stated there will not be a cistern and is still concerned with the water directed to the storm drains.

Ms. Cheri Coffey stated that the issue of drainage is not a concern for the Commission. She stated the material of the driveway can be a concern for the Commission, but not how it drains.

Commissioner McClintic stated the lots in the neighborhood tend to have a certain amount of green area. He stated he did not see an effort to match that pattern.

Mr. Upwall stated the parking element is designed to meet code and he would be open to exploring the idea of a grass parking area. He discussed architectural changes he could make to the structure.

Commissioner Brennan asked about the development of the front hardscape. He asked how schematic the presentation is.

Mr. Upwall stated it is schematic. He stated he was mainly concerned with how the design fit into the context of the street. Mr. Upwall stated he is flexible and open to input.

**PUBLIC HEARING [6:02:20 PM](#)**

Acting Chairperson Harding opened the Public Hearing.

Doug Dansie, neighbor, submitted a comment card but was not present for the meeting. Acting Chair Harding read the comments that Mr. Dansie stated he likes the design and finds it to be an improvement over previous proposals. He stated he is fine with the height and the buildings to the south are tall.

Mr. Upwall stated he agreed with the comment.

Acting Chairperson Harding closed the Public Hearing.

**COMMISSION DISCUSSION [6:02:58 PM](#)**

Commissioner Shepherd made the following comments:

- There are three determinations the Commission needs to make:
  - 1) The project complies with all standards laid out in the Staff Report.
  - 2) The project is visually compatible with surrounding structures and the streetscape.
  - 3) The project is in the best interest of the City.
- There is no question that the project is in the best interest of the City.
- The Commission needs to focus on compliance with the four standards and compatibility.
- Aspects of the design such as the large projecting roof fin are not represented anywhere else in the district and the building has compatibility issues.

Commissioner Brennan made the following comments:

- The district is characterized by lots that are not perpendicular to the street.
- There are several similar examples in the area where the bulk of the structure is parallel with the side property lines and the front of the building is parallel with the street.
- The porch roof is a strong and noticeable form.
- There are non-rectilinear examples in the area.

- Although he initially was concerned, he does not now feel that the porch roof is setting a unique precedent.

Acting Chairperson Harding referred to design standard 11.19 which states “contemporary interpretations of traditional details are encouraged.” She stated that this falls into that guideline.

Commissioner Brennan stated he has questions relating to the height of the roof and is concerned with the accuracy of the grading in the proposed plans. He asked if the Commission can ask the Applicant to make additional verifications.

Commissioner Harding stated she is not sure if the Commission is able to do that. She stated she believes the Commission must rely on the information they are given and if it turns out to be incorrect the Applicant would have to come back for approval.

Ms. Coffey stated that is correct. She stated the Applicant said the proposal was a schematic, conceptual drawing. She stated the information on the height must be very specific since the Applicant is asking the Commission to approve additional height. She stated if there isn’t enough information, the Commission can table the discussion and ask the Applicant to bring in more information. She stated if the Commission believes there is enough detail and they approve the project, some of the additional details can be delegated to Staff.

Commissioner McClintic stated the overall description of the building is reasonably accurate. He stated if the Applicant is willing to follow guidelines such as height restrictions, then working through additional details with Staff will be adequate to the needs of the Commission. He stated the Commission is looking to protect the overall character of the neighborhood and individual opinions on design elements are not relevant. Commissioner McClintic stated infill provides a benefit to the fabric of the neighborhood and he doesn’t see anything that would prevent the Commission from making a positive recommendation.

Commissioner Bevins stated in the past the Commission has left certain design details to the discretion of Staff rather than delay the project.

Commissioner Funk stated it needs to be determined if issues such as ceiling height are appropriate.

Acting Chairperson Harding stated that was a separate issue and that is the Applicant’s responsibility.

Commissioner Funk stated that a height exception needs to be specific.

Acting Chairperson Harding stated the height exception is specific.

Commissioner Funk stated the question is whether the interior will actually work with those specifications.

Commissioner McClintic stated that is not the Commission's responsibility.

Commissioner Thuet stated the Commission's concern is with the proposed roof height of eighteen feet. She stated the Commission does not seem to have concerns with the additional height.

**MOTION** [6:13:16 PM](#)

**Commissioner Thuet stated in the case of PLNHLC2012-00315 the Commission approves the proposal with the condition that the Applicant work with Staff to keep the structure within the eighteen foot limit. Commissioner Brennan seconded the motion.**

Mr. Paterson stated the motion should reference findings made in the Staff report.

**Commissioner Thuet amended the motion to state that it is pursuant to the findings made in the Staff report.**

Ms. Buehler asked if the motion included the demolition of the existing shed.

Commissioner Thuet stated it does.

**Commissioner Brennan seconded the motion.**

**Commissioners Bevins, Funk, Thuet, Brennan and McClintic voted *aye*. Commissioner Shepherd voted *nay*. The motion passed 5-1**

Acting Chairperson Harding reviewed the appeal process regulations.

**WORK SESSION** [6:15:04 PM](#)

Mr. Joel Paterson, Planning Manager, reviewed the memo prepared for the Commissioners regarding a policy discussion relating to demolition of contributing accessory structures. He stated that in order to move along the Meck petition that was brought before the Commission at the previous meeting, the Planning Director is considering the possibility of looking at an

administrative interpretation of the zoning ordinance. Mr. Paterson also presented photographs of examples of accessory structures rated as contributing to show the range of style, age, craftsmanship and condition of what was classified as such.

[6:33:51 PM](#)

Acting Chairperson Harding stated from a legal perspective the economic hardship process doesn't work and is meaningless in the case of an accessory structure. She stated it is not fair to give someone no recourse.

Commissioner Funk asked if the National Parks Service has any policies relating to this matter.

Mr. Paterson stated Salt Lake City standards are based on the Secretary of the Interior standards and Staff is looking at other options. He stated other communities handle accessory structures differently and there is a wide variety of approaches that are taken.

Ms. Coffey made the following comments:

- The Meck case, presented at the last Commission meeting, is a different issue and the Planning Director will make an interpretation as to what standards will be used to review that project.
- The Mayor has initiated this petition.
- It is not clear in the ordinance if accessory and principal structures should be treated the same.
- The economic hardship factor in the demolition ordinance and how it may relate to contributing accessory structures raised a flag for Staff.
- This will be the first discussion of the issue. The Commission can take as long as it needs to make a recommendation.
- Once there has been some input from the Commission, a staff report will be completed and a public hearing will be held.

Commissioner Shepherd made the following comments regarding the items listed under the Proposed Criteria for Determination of Significance:

- Some of the items are rarely known, if ever, and seem to be high standards, while other items are low standards.
- The high and low items should be removed.
- Items one and two may not have any application since it is rarely known who the architect of an accessory structure was.
- Item five seems to be a requirement used to determine if a structure is contributing, not to determine its significance.

Acting Chairperson Harding also questioned the importance of item five.



Commissioner McClintic made the following comments:

- There is a great variance between the proposed criteria.
- If the accessory structure is found to be designed by the architect of the principal structure, he would not want to tear it down regardless of its utilitarian usefulness.
- If there is an accessory structure that does not match the principal structure, but has its own architectural merits, it should still be considered contributory.
- He has trouble with accessory structures classified as contributing that are clearly of lesser construction quality and were never intended to be an architectural element.
- He was struck by the range of accessory structures that are classified as contributing.
- The discussion of economic hardship is relevant.
- Demolishing a well-built accessory structure with ongoing utility is a conscious decision to lower the value of the property.
- The importance of a structure such as a shed should be based purely on architectural character.
- The current utilization should be considered when evaluating the importance of a structure.

Ms. Coffey stated that she spoke with the State Office of Preservation about the issue. They stated that although accessory structures are identified as part of the survey, they are not what determine a boundary for the historical district. She stated they look at the number of contributing principal structures. Ms. Coffey stated that the SHPO staff also told her that if an accessory structure, contributing or non-contributing, were demolished, that would not have any impact on whether the principal structure was eligible for tax credits.

Commissioner Shepherd stated the criteria used to determine if a structure is contributing are age and integrity, and there is no historical research done. He stated that it remains a challenge to evaluate significance. He stated utility is an interesting quality to take into account when evaluating significance.

Commissioner McClintic discussed the flat-roof garage examples and their contributory status.

Commissioner Shepherd stated demolition due to neglect or deferred maintenance should be discouraged, however if the neglect was caused by a previous owner, that should be taken into consideration. He asked if contributing accessory structure information is available to a potential homebuyer.

Commissioner Bevins also asked if that information would be disclosed to a homebuyer.

Mr. Paterson stated the buyer or realtor would have to do research, but in general property owners do not get that information. Mr. Paterson stated the title report will show the property

is located within a historic district, but it will not have information on the property's status as a contributing structure. He stated it is even more difficult to get information on the status of an accessory structure.

Commissioner Bevins asked if there is a process in place where a homeowner can contest the status of a contributing structure.

Mr. Paterson stated the ordinance has provisions to allow for determination of contributing status. He stated if a property owner disagrees with the contributory status of his building, he can come before the Commission and contest the status.

Commissioner Funk discussed a previous case before the Commission where the home owners contested the fact that their house was contributing.

Mr. Paterson stated it is rare for those cases to be brought before the Commission. He stated if a structure is found to be non-contributing, a different set of standards are used for the review of alterations or demolition.

Commissioner Bevins stated the first step an applicant would take when looking to demolish an accessory structure would be to find out if it is contributing or not.

Mr. Paterson stated Staff does that review upfront. He stated there have not been many requests for the demolition of contributing accessory structures.

Acting Chairperson Harding stated that some of the items listed under the Proposed Criteria for Demolition of a Significant Accessory Structure are general and would be easy to apply to a structure, but other items would be difficult. She stated it might make sense to break them up.

Commissioner Shepherd asked about the definition of a structure being unsound. He stated off-street parking should not be a consideration because it is not known what type of vehicles will be used in 50 or 100 years.

Mr. Paterson stated many homes in historical districts have no access to off-street parking because they were built before the automobile was a major form of transportation. He stated zoning ordinance requires off-street parking for new construction, but there is no requirement that parking be inside a garage or accessory structure. He stated he understood Commissioner Shepherd's point and perhaps the availability of off-street parking should not be a factor.

Commissioner Brennan asked if a property owner is allowed to demolish a non-contributing garage and eliminate the property's off-street parking.

Mr. Paterson stated that is a zoning issue. He stated if a property currently has off-street parking, the property owner must still provide off-street parking after a garage is demolished.

Commissioner Brennan stated demolishing a non-contributing garage may still have a negative impact on the neighborhood if it is replaced with a parking pad.

Commissioner McClintic stated there can be instances where a parking pad is preferable to a garage.

Commissioner Brennan stated he would not prefer an asphalt parking area to a garage. He stated he would like to know the reuse proposal.

Mr. McClintic stated an accessory structure needs to be considered on the basis of its historical significance. He asked if the Commission can tell a property owner what to replace a demolished structure with.

Mr. Paterson stated that when a principal structure is demolished a reuse plan is required. He stated there is not a policy like that for accessory structures other than if it is an area that needs to be landscaped.

Ms. Coffey made the following comments:

- What neighbors can see in your yard is not a standard to be considered by the Historic Landmark Commission.
- Historic preservation is done in the public interest and what is visible is the big factor to consider.
- If an accessory structure is deemed non-contributing and it is not visible from the street, what replaces it is not as relevant to the historic district.
- A contributing structure that is not readily visible but helps to tell the development history of the district is important.
- If someone wanted to demolish a non-contributing garage and put a garden in, that is not something the Commission would review.

Commissioner Shepherd asked Mr. Paterson what the next steps are.

Mr. Paterson made the following comments:

- Mayor Becker has initiated a petition to consider making text amendments to the portion of the zoning ordinance that contains the standards for historic preservation.
- Staff will continue to do research, put together a detailed proposal and bring it back to the Commission for consideration.
- There may be an additional work session or two before there is a public hearing.
- Once an amendment has been made, the Commission would hold a public hearing and forward a recommendation to the City Council.
- When changing the zoning ordinance, state law requires the Planning Commission also hold a public hearing and make a recommendation to the City Council.

- The City Council would be the final decision maker.

Commissioner Funk asked if the Community Council have been notified.

Mr. Paterson stated the agenda is sent out to all the Community Councils but there would be additional public outreach.

Commissioner Funk stated she is in favor of giving them sufficient time to give input.

Ms. Coffey stated the Mayor just initiated the petition today. The work session was placed on the agenda because of the Meck case from the last Commission meeting. She stated the Planning Director will determine how that specific application will be dealt with. She stated this does not need to be a rushed project and that word will get out.

Commissioner Thuet stated possible loss of property value due to contributory accessory structures should be considered. She stated residents should be encouraged to buy property in historic districts and rehabilitate properties in order to increase property value.

Commissioner Bevins asked if there is a timeline for the Meck case that was brought up during the last meeting of the Commission.

Ms. Coffey stated the Planning Director will make an administrative interpretation of what standards will be used to review that case sometime next week. She stated that specific issue will most likely be brought back to the Commission in September.

Commissioner Shepherd asked if that decision would apply only to that case.

Ms. Coffey stated the Planning Director's determination will be applicable to any case that comes up before there are new standards adopted by the City Council.

Mr. Paterson stated there will be elections for Chair and Vice Chair at the September meeting.

Mr. Paterson and the Commission discussed an appropriate time to schedule a retreat.

**The meeting stood adjourned at [7:13:27 PM](#)**