

SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 326, 451 South State Street
September 6, 2012

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on September 6, 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, September 6, 2012 in Room 326 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, at [5:35:54 PM](#). Commissioners present for the meeting were Vice Chair Polly Hart, Earle Bevins III, Arla Funk, Sheleigh Harding, Bill Davis, Stephen James, Charles Shepherd, Robert McClintic, Thomas Brennan and Heather Thuet.

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

FIELD TRIP [5:35:57 PM](#)

The Commissioners present on the field trip were Earle Bevins III, Arla Funk, Bill Davis, Charles Shepherd, Robert McClintic and Heather Thuet. The Staff present were Joel Paterson, Janice Lew and Ray Milliner. Vice Chair Polly Hart joined the field trip at the second location.

The Commission visited the Meck property at 505 Third Avenue. Staff explained the proposal to demolish the contributing structure. Staff explained the recent administrative interpretation regarding the standards to use for review of demolition requests for contributing structures.

The Commission also visited the property located at 729 South 500 East. Staff reviewed the proposed demolition and the recent history of the property. Staff identified the three options available to the Commission. The Commission asked questions about the review process and

the proposed reuse plan for the property.

DINNER [5:36:05 PM](#)

Dinner was served to the Commission and Staff at 5:00 p.m. Ana Valdemoros, Principal Planner, presented an update to the Downtown Midblock Alleyway Interactive Public Participation Plakat/Chalkboard Project. The Planning Division is working on a “Walkable Salt Lake” project in Downtown to encourage the development of midblock streets and walkways. Public input for one of these walkways will be gathered from mid September through October.

REPORT OF THE CHAIR OR VICE CHAIR [5:36:31 PM](#)

Vice Chair Hart stated she had nothing to report.

REPORT OF THE DIRECTOR [5:36:30 PM](#)

Mr. Joel Paterson, Planning Manager, made the following comments:

- The City Council has been briefed on proposed amendments to the Historic Designation Process, the Character Conservation District Process, fine tuning issues for the Historic Landmark Commission chapters of the Zoning Ordinance and the Preservation Plan.
- Briefings will continue on September 18th.
- The Council will soon be taking up consideration of the residential design guidelines the Commission has recommended as well as the new commercial design guidelines.
- The Council has scheduled public hearings on the Designation Process, fine tuning, Preservation Plan and the Character Conservation Districts.
- The Commission has a retreat scheduled for September 20th.

APPROVAL OF August 2, 2012 MINUTES [5:38:16 PM](#)

MOTION [5:38:35 PM](#)

Commissioner Brennan moved to approve the minutes of August 2, 2012. Commissioner Harding seconded the motion. The motion passed unanimously. Vice Chair Hart and Commissioner James abstained due to their absence at the previous meeting.

PUBLIC COMMENTS [5:39:04 PM](#)

Cindy Cromer, resident, made the following comments:

- There are serious inequities in the application of the boarding requirement.
- She owns a property next to a building that has been vacant for seven years. As long as the owner re-secures the building after each break-in, the City will not do anything.
- Fashioning a new ordinance around boarding as a way to avoid demolition is a waste of time.
- The fact that the boarding requirement is enforced in some cases but not in others is unfair and operates against historic preservation.

PUBLIC HEARINGS [5:40:52 PM](#)

PLNHLC2012-00384 – Meck Garage - A request by Kimble Shaw, architect, for major alterations to a property located at approximately 505 E. Third Avenue in the Avenues Historic District. The request is to demolish an existing "contributing" garage and construct a new detached garage. 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: Janice Lew, (801) 535-7625, janice.lew@slcgov.com)

Ms. Janice Lew, Senior Planner, reviewed the petition as presented in the Staff Report (located in the Case File). She stated Staff is recommending the Commission deny the petition as presented.

Commissioner Bevins asked if the demolition falls within the definition of alteration.

Ms. Lew stated Staff has reviewed this case based on an interpretation of the Planning Director.

Vice Chair Hart asked why the Planning Director was calling this an alteration rather than a demolition.

Cheri Coffey, Assistant Planning Director, made the following comments:

- If you are not able to demolish an accessory structure there is not currently a way to make a case for economic hardship.
- Surveys have identified accessory structures since the 1990's and there has never been a focus on the rating used to review accessory structures. The Planning Division would like to change that.
- Until changes are adopted, the Planning Director made an interpretation of the zoning ordinance standards similar to other site changes on parcels of land in historic districts.

[5:49:36 PM](#)

Kimble Shaw, Applicant, made the following comments:

- He questions if the garage is contributing.
- The original outbuilding might be significant. An angled wall was later added to accommodate a car.
- The construction on the west wall is poor and if the garage doors, which cannot be opened, were removed the structure would collapse.
- The goal of the Applicant is to have a two car garage.

- The addition would need to be torn down to accommodate a two car garage.
- It might be possible to repair the old cell building, but it would take a large investment to bring the structure up to current codes and it would exceed the value of the garage.
- It makes more sense to demolish the building and build a new two car garage.
- Another option would be to build another garage and keep the original buildings, but that approach would require a variance.

Commissioner James asked about the dimensional differences between the existing garage and the proposed garage in terms of garage door width and bay depth.

Mr. Shaw stated the south wall of the existing structure angles in and doesn't allow for two cars. He stated he is proposing a 22'x22' garage which meets the 480 square foot standard. He stated he would also like to build a storage shed that would be 120 square feet. He stated the proposed structure would be 2-3 feet wider than the existing structure which is approximately 20'x20'.

Commissioner Davis stated he noticed the brick used for the addition is the same as the original brick. He stated he guesses the west wall was utilized to build the new wall.

Mr. Shaw stated that is possible.

Commissioner Davis stated he didn't understand why removing the addition would make saving the original structure difficult. He stated three walls would remain and you would only need to replace the fourth wall.

Mr. Shaw stated there is no footing and the interior walls are deteriorating.

Commissioner Davis asked if there is any footing at all around the structure or if the footing is only missing from the west wall.

Mr. Shaw stated the original footing was stone rubble. He stated the brick is soft and can be scraped away.

Commissioner McClintic asked if only the original walls were deteriorating.

Mr. Shaw stated most of the deterioration he observed was on the cell building. He stated this building is on a stone foundation and the interior brick is soft.

Commissioner Shepherd asked if there has been any effort to address the drainage issue.

Mr. Shaw stated he was not sure.

Vice Chair Hart asked if the primary concern for trying to salvage the building was the cost.

Mr. Shaw stated the concern is the cost and that it is not possible to get a two car garage with the existing building.

Vice Chair Hart asked if the owner owned large cars. She stated historic garages were made for small cars. She asked if the Applicant has looked into tax credits to alleviate some of the cost.

Mr. Shaw stated the owner has done interior remodeling of the house.

Commissioner Brennan asked Staff to clarify what the Planning Director's statement was with regards to accessory structures. He stated he understands it would take a lot of work and though the client may not get a two car garage, the building appears to be salvageable.

Ms. Coffey made the following comments:

- Standards for demolition of contributing structures were not intended to include accessory structures because it is difficult to make the case for economic hardship for an accessory structure.
- The ratings from reconnaissance level surveys of historic resources have not been applied to the request for demolition of accessory structures.
- These ratings have been in place since the 1990's and have not been used to look at demolition requests because of the lack of accuracy. For example, new garages have been rated as contributing.
- Regulations need to be made that relate to accessory structures and principal structures.
- The Commission can still deny a project if it is found it does not meet the criteria.

Vice Chair Hart stated if demolition of an accessory structure is denied, the Applicant cannot claim economic hardship and therefore it is much more difficult to appeal a decision made on an accessory structure than a principal structure.

Ms. Coffey stated the alteration gives the Commission more flexibility on making decisions for accessory structures. She stated the Commission can still deny the project if it doesn't meet the criteria and the Applicant can go before the Appeals Hearing Officer.

Vice Chair Hart asked if the Appeal Authority can take economic hardship into account.

Ms. Coffey stated the Appeal Authority looks at whether the decision was arbitrary, capricious, or legal.

Mr. Paul Nielson, Senior City Attorney, confirmed this.

Mr. Shaw stated that even though the petition doesn't meet the criteria the Commission can still decide the structure does not have significance, and that's why the case has been brought before the Commission.

Vice Chair Hart stated Mr. Shaw just admitted the petition does not meet the criteria.

Mr. Shaw stated he disagrees and that's why he had come before the Commission.

Commissioner Thuet asked if the summer kitchen would still be visible from the streetscape if a two car garage was constructed to the west of it.

Mr. Shaw stated it would not be visible.

Commissioner Thuet stated if that approach was taken an element that was not visible to the streetscape would be preserved. She asked if any efforts would be made to preserve the original materials if there was new construction.

Mr. Shaw stated salvaging material was not proposed. He stated it was proposed to use lap siding which is the same material that will be used on an addition to the back of the house.

Ms. Coffey stated criteria for the demolition of a contributing structure says that the Applicant can request the Commission look at economics. She stated the Commission can take economics into consideration in this case if they wish to.

Phil Meck, son of the property owners, made the following comments:

- The old criteria, which is being changed, was used to make the decision regarding this petition.
- The standards for a contributing structure are being applied to accessory structures.
- The preservation philosophy adopted by the City Council states that the City will take a reasonable approach to preservation.
- The structure would be costly to repair and is structurally unsound.

Commissioner Shepherd asked if the Applicant would be amenable to tabling the current proposal in order to allow a detailed study to be prepared showing what it would take to turn the garage into a usable structure.

Mr. Meck stated he is not sure how to answer that.

Vice Chair Hart asked if the Applicant had been in touch with Sandra Hatch who completed an analysis of the structures on the property ten or fifteen years ago.

Commissioner Davis asked when the Applicant had been before the Commission for the addition to the house.

Mr. Meck stated it was two or three months ago.

Commissioner Davis asked about the material that would be used on the addition and the proposed new garage.

Mr. Shaw stated it was cement board lap siding.

Mr. Meck stated it would be possible to use the original brick on the proposed new garage.

Commissioner Davis stated he thought that was an interesting idea. He stated he agreed with the point made by Commissioner Thuet about the summer kitchen not being visible from the street if a new garage was built.

Mr. Shaw discussed construction techniques he would use in the proposed new construction.

Commissioner McClintic stated there is significance to the exterior masonry and the fact that it appears to have been built at the same time as the original structure. He stated it would be unfortunate for the Commission to deny demolition and not provide a path forward. He stated the structure is an economic hardship.

Mr. Nielson stated the standard does not deal with a particular structure, it deals with whether or not you can use the property and if you can get a reasonable economic return on the property.

Mr. Paterson stated the Commission has routinely approved the use of fiber cement materials on new construction.

PUBLIC HEARING [6:24:57 PM](#)

Vice Chair Hart opened the Public Hearing. Seeing no one wished to speak on the matter, Vice Chair Hart closed the Public Hearing.

COMMISSION DISCUSSION [6:25:20 PM](#)

Commissioner James made the following comments:

- This home is an integral part of the historic atmosphere on Third Avenue and the decision the Commission makes is critical to the neighborhood.
- The ability to fit two cars in a garage is not relevant.
- The addition to the west has taken on significance in character.
- He is not opposed to demolishing a building that is not serviceable, but he is not sure that this is the case with this structure.
- It would be a shame to demolish this structure and replace it with something that is not as distinctive.
- This structure is an asset to the site, whether or not it is considered contributing.

Commissioner Funk stated she agrees with Commissioner James. She stated this structure is an important part of this property.

Commissioner Brennan stated the proposed new garage is not keeping with the architecture of the structure it's replacing or with the character of the rest of the property or district.

Commissioner Davis stated a two car garage would be out of scale. He discussed problems he has with the current structure's roof. He stated if the Commission approved demolition, the replacement would be critically important.

Commissioner Bevins stated the architecture report states the building will fall down if the garage doors are removed. He stated he was not sure what to believe.

Commissioner Harding stated she wondered if that report was accurate and why the Applicant didn't remove the doors and let the structure collapse.

Commissioner McClintic stated he agrees with the architect that the doors are holding the structure up. He stated this structure is a beautiful contributing structure to the neighborhood and the Commission does not have enough information to make an approval.

Commissioner James asked if the Commission needed to separate the issues of demolition and design approval. He asked if the Commission could make demolition conditional to design approval.

Vice Chair Hart stated she did not believe that was possible.

Mr. Paterson stated the Commission needs to make a recommendation on the demolition. He stated if the demolition is approved the Commission can then consider the proposed new construction. He stated the demolition is not contingent on the proposed design.

Commissioner Davis asked if the Commission could make the demolition contingent upon the proposed design.

Ms. Coffey stated if the Commission approved the demolition but did not approve of the new design, that decision could be tabled.

Commissioner Shepherd stated he has been inside the structure and it is damaged and has deficiencies. He stated the structure meets age and integrity criteria for a contributing building in a historic district.

Commissioner James stated it would be a shame to demolish the structure without a sense of what is replacing it. He stated if the building is not serviceable it makes sense to demolish, but he is not sure if the building is serviceable or not.

Commissioner Thuet stated it is important for the Commission to keep in mind that one of its main objectives is to take a reasonable approach with historic preservation. She stated she is having a difficult time understanding how a building that is structurally unsound is a contributing structure. She stated the second motion suggested by Staff addresses some of her concerns.

Commissioner Shepherd stated a building's contributory status is not determined by its utility. He stated if a building was nailed shut and not used by its owners but still maintained its architectural and historical integrity, it would be considered contributing. He stated this structure is a contributing building.

Vice Chair Hart suggested the Commission review Standards Two, Four, Five and Eight.

Commissioner Davis stated he does not believe substandard construction fits into the criteria of a distinctive feature.

Vice Chair Hart asked if it is substandard construction or just old.

Commissioner Davis stated it is old but he doesn't feel the addition to the summer kitchen is contributing to the structure. He stated he does not believe it was designed by someone who knew what they were doing and was substandard from the beginning.

Commissioner Shepherd stated he agrees that there was probably no structural engineer involved, but demolishing the structure would still constitute removal of historic materials and features.

Commissioner Davis stated a new garage using salvaged materials from the original structure is similar to how the current structure was built.

Commissioner James discussed the distinctive characteristics of the structure.

Vice Chair Hart stated she has questions about what is a reasonable approach.

Commissioner Funk stated it is hard to know what is reasonable because the Commission does not know what it would take to rehabilitate the building. She stated she feels the Commission needs that information in order to make a determination.

Vice Chair Hart stated there will be engineers who recommend demolishing the structure, while others will find that the structure is salvageable.

Commissioner Funk stated she is looking for information on the cost and if it is feasible to rehabilitate the structure.

Commissioner Davis stated it is clear the structure has many issues and he does not need an engineer to confirm that. He stated the structure can be rehabilitated but it would not make economic sense and would not result in a structure that would be useful.

Vice Chair Hart stated the Commission's job is to preserve historic buildings and the financial aspect is not the Commission's main focus.

Commissioner Davis stated that is why the Commission should not ask the Applicant to come back with estimates on rehabilitation costs.

Commissioner Brennan stated the rehabilitation cost does not impact the contributing status of the structure. He stated the Applicant will not get what they want (a two car garage) out of this structure.

Commissioner Shepherd stated the Commission needs to use the Standards to make a decision, and responding to a need of utility is not included in the Standards. He stated the Commission must look at the building's features and status within the historic district.

Commissioner Funk stated you do not buy a home in the Avenues and expect to build a two car garage. She stated that is not part of the character of the Avenues.

Vice Chair Hart stated she believes the building is historic and significant. She stated there are not many examples of garages of this scale in the Avenues.

MOTION [6:54:38 PM](#)

Commissioner Harding stated in the case of PLNHLC2012-00384 the Commission denies the request to demolish the existing contributing accessory structure based on the analysis and findings listed in the Staff Report. Commissioner Funk seconded the motion.

Commissioner McClintic asked where the Applicant can go from here.

Vice Chair Hart stated the motion allows for a path forward. She stated the Applicant needs to make the structure stable and usable.

Commissioner Bevins asked if the Applicant could let the structure fall down.

The Commission agreed that the Applicant could let the structure fall down, but they could not knock it down.

Vice Chair Hart stated she does not believe the City has an ordinance that requires people to maintain their buildings.

Commissioner Shepherd stated there is a lot of value and utility left in the building.

Commissioner Davis stated he believes the way forward is to deny the application and then have the Applicant appeal it. He stated he does not see the Appeal Board requiring them to keep a structurally unsound building.

Vice Chair Hart stated the Appeals Hearing Officer will only examine if the Commission followed the process properly.

Mr. Nielson stated it would be difficult for the Appeals Officer to reverse the decision when the Applicant is on record stating the petition does not meet the standards.

Vice Chair Hart stated the motion is clear that the Commission accepted Staff's recommendations.

Commissioners James, Shepherd, Funk, Brennan and Harding voted *aye*. Commissioners Bevins, Thuet, Davis and McClintic voted *nay*. The motion passed 5-4.

Vice Chair Hart reviewed the appeals process.

[7:00:00 PM](#)

PLNHLC2012-00046 Demolition of a Contributing Structure in the Central City Historic District

- A request by Susan Brown, represented by Sandra Beck, for approval to demolish a contributing single family residence at approximately 729 South 500 East. The subject property is in the RMF-30 (low density multi-family residential) zoning district, and is located in Council District 4 Represented by Luke Garrott. (staff contact Ray Milliner at (801) 535-7645 or ray.milliner@slcgov.com)

Mr. Ray Milliner, Principal Planner, reviewed the petition as presented in the Staff Report (located in the Case File). He stated Staff recommends deferment of the petition for up to one year while the Applicant makes a bona fide effort to preserve the structure.

Commissioner James stated when considering if a building contributes to a historical district, you need to compare it to homes that are in the district, not only homes in the neighborhood. He stated this home is on the exterior boundary of this historical district and there is not a sense of historic cohesiveness in this neighborhood. He asked how the interpretation should be made.

Mr. Milliner stated Standard Two applies to the streetscape and Standard Three applies to the overlay district.

Commissioner James asked if only the side of the street located in the historic district should be considered when looking at the streetscape.

Mr. Milliner stated that is correct. He stated Staff found the demolition of the house would be a loss for the streetscape, but the impact would not be as significant for the overall historic district.

Commissioner Davis asked if the structure can be considered contributing because so little of the original house would remain after a renovation.

Commissioner Funk asked if the house is considered contributing in its current state or if it would be considered contributing once it is renovated.

Mr. Milliner stated he believes the structure would become contributing when it is renovated and that it is not currently a contributing structure.

Commissioner Hart stated contributing status is not about structural integrity, but about the integrity and visual impact of the original materials.

Mr. Milliner stated in this case the original materials are not in good condition.

Commissioner Funk asked how the decision for demolition is impacted if the structure is not currently considered contributing.

Ms. Coffey stated Staff has determined this house is contributing based on the definition of what a contributing structure is.

Commissioner Shepherd stated the definition of a contributing structure is determined by the building's age and the historic or architectural integrity of its materials. He stated that although this building has been damaged, it is still recognizable as a historic building. He stated contributing status must be separated from utility and current usability.

Commissioner Davis stated he would agree that technically this structure is a contributory building. He stated if the home is renovated it will no longer qualify as contributing.

Commissioner James asked if the owner would continue to be assessed fees if the petition was deferred. He stated these costs would make it difficult to renovate the home.

Mr. Milliner stated Staff would need to work out a plan with other departments to prevent the owner from being charged fees during deferment.

Mr. Paterson stated the City can stay fees once the owner is fixing the problems with the property.

Ms. Coffey stated the property owner would be required to ensure the building was secure, but Staff could look into placing the annual fee to board a building on hold.

Commissioner Davis asked about fees the property has already accumulated.

Mr. Paterson stated the Enforcement Division has a process through a hearing officer that can consider the fees that have already been assessed.

Commissioner Davis asked if there is any guarantee the fees will be removed.

Mr. Paterson stated there is no guarantee the fees will be removed.

Vice Chair Hart stated the Commission should not be looking at past fees.

Commissioner Thuet asked if half the streetscape is composed of a vacant lot and a non-contributing apartment structure.

Mr. Milliner stated that is correct.

Commissioner Thuet asked for the dimensions of the front streetscape of the property.

Mr. Milliner stated it is 33 feet.

Commissioner Shepherd asked if there is any vehicular access to the rear of the property.

Mr. Milliner stated there is no vehicular access to the rear of the property. He stated the back yard is approximately 15 feet deep.

[7:20:13 PM](#)

Sandra Beck, representative of the Applicant, made the following comments:

- Susan Brown, the owner of the house, had just taken out a loan to begin renovations, including electrical repairs, when the property caught on fire. Ms. Brown is currently in default on the loan.
- The house was listed for sale 18 months ago and many potential buyers have been lost.
- Ben Scribner is the current potential buyer and has submitted architectural plans for a new home that will be built when the current home is demolished.
- The property is currently being used by the homeless population and is dangerous and unsanitary.

- Ms. Brown has already made a bona fide effort to preserve the property and a deferment is not the best option.
- The standards in question do not apply because the building is no longer a contributing structure and is a detriment to the streetscape.

Ben Scribner, potential buyer of the property, stated renovating the property would create a false sense of history because it would not be possible to use the original materials. He stated renovating would be impossible from a financial standpoint. Mr. Scribner stated the new construction he has proposed would fit in nicely with the neighborhood.

Commissioner Brennan asked if the original door or windows were still intact.

Ms. Beck stated the original door and windows were no longer intact. She presented a picture of the stucco that is currently covering the original brick.

Mr. Scribner asked if someone could explain the zoning requirement to him.

Ms. Coffey stated the property is zoned RMF-30 and several different types of residential land uses are allowed in that zone. She stated the lot size of this property would only allow for a single-family home.

Mr. Scribner stated he would like to build a single-family home and doesn't understand why he is in non-compliance with the standard.

Mr. Paterson stated in order to meet this standard the reuse plan must not be consistent with existing zoning requirements. Because the Applicant's reuse plan is consistent with existing zoning requirements, it does not meet the standard. Mr. Paterson stated this is a positive finding in the Applicant's favor.

Commissioner James stated he was also confused because the language uses the word 'structure' and the Applicant is not proposing the reuse of the structure.

Vice Chair Hart asked if the confusion was coming from the difference between zoning and overlay zoning.

Mr. Paterson stated they were talking about compatibility with the base zone. He stated the zoning that is in place would allow for the proposed reuse of this structure as a single family home.

Ms. Beck asked why that was considered non-compliance.

Commissioner Harding stated if the plan for reuse was impossible then that would be a good reason to demolish.

Commissioner Thuet stated given the size of the lot the only possible use is a single family home, which is permitted. She stated it would be impossible for the Applicant to meet this standard.

Commissioner Harding stated she agrees with Commissioner James that this is not reuse of the structure. She stated that is significant.

PUBLIC HEARING [7:37:51 PM](#)

Vice Chair Hart opened the Public Hearing.

Cindy Cromer, resident, made the following comments:

- There is a technical definition of contributory as it applies to historical preservation and it is not dependent on the present condition of the property. She urged the Commission to rely on the technical meaning.
- She owns a historic building on the same block as this property.
- She has rehabilitated a historic property following a fire. It was not easy and took five years.
- She owns a building next to a derelict structure.
- She is frustrated that City ordinances are not more helpful to property owners.
- She presented a list to the Commission of properties in the area that have been rehabilitated.
- The issue is not only the loss of a contributing structure, but also the loss of a housing unit. The size of the lot does not matter when making a decision to rehabilitate or demolish.
- She has an issue with Standard Three that states the demolition would not adversely affect the historic preservation overlay district. Every demolition damages this district.
- She has issue with Standard Six. She believes the electrical system and lack of insurance demonstrate willful neglect.
- The City's ordinances have not been helpful to the Applicant.

Amanda Mendenhall, Real Estate Broker, stated historic materials are no longer intact, and therefore the property is no longer contributory. She stated demolishing this property and replacing it with a modern, structurally sound home would benefit the neighborhood.

Ms. Beck stated it is more economically viable to demolish than to rebuild. She stated that even if a rebuild was possible, the City would not let the owner proceed. Ms. Beck stated she does not want a deferment and if no solution is found the property will continue to disintegrate.

Commissioner Thuet asked how long the property has been on the market.

Ms. Beck stated the property has been on the market for 18 months.

Vice Chair Hart closed the Public Hearing.

COMMISSION DISCUSSION [7:47:00 PM](#)

Ms. Coffey made the following comments:

- If six of the standards are met the Commission must approve the demolition.
- If two or less of the standards are met the Commission must deny the demolition.
- If between three and five standards are met the Commission may defer the petition to go through the bona fide effort process.
- If the Commission denies demolition then they can consider the economic hardship process.

Commissioner Funk asked if the information provided was enough to make an economic hardship determination.

Mr. Paterson stated the economic hardship process is something the Commission can consider after the demolition process is considered. He stated if the Commission voted to deny or defer the demolition the Applicant could then enter into the economic hardship process.

Commissioner Hart asked if the economic hardship process takes more or less than one year.

Mr. Paterson stated it takes less than one year.

Commissioner Bevins asked if the Commission would need to agree with Staff's findings on the Standards.

Vice Chair Hart stated the Commission never needs to agree with Staff findings.

Ms. Coffey stated the bona fide effort does not need to take one year.

Commissioner James stated he disagrees with Staff findings on Standard Two because he does not believe this street should be in the historic district. He stated he does not believe this building is a contributing structure and demolishing it would not be detrimental to the street. Commissioner James stated he is unclear on how to interpret Standard Four.

Ms. Coffey stated an example of base zoning would be a single family home in a commercial zone that no longer allowed single family homes. She stated in this example rebuilding or keeping a single family home would be inconsistent with the zoning.

The Commission and Staff discussed the number of Standards that would need to be met for demolition to be allowed.

Commissioner James stated it does not make sense to maintain this structure. He stated there is an opportunity for a new neighborhood that is transforming. He stated this house is not a critical structure and demolishing it would not negatively impact the streetscape.

Commissioner Shepherd stated he does not disagree with the diminished integrity of this street, but he struggles with the question of how to redefine a boundary of a historic district.

Ms. Coffey stated there is a consultant working on a new survey of the Central City Historic District, and those findings will come before the Historic Landmark Commission.

Vice Chair Hart asked if the survey has started and who is conducting it.

Ms. Coffey stated the survey has started and is being conducted by Sheri Ellis.

MOTION [7:58:52 PM](#)

Commissioner Thuet stated in the case of PLNHLC2012-0004 the Commission approves the proposal for demolition with the condition that the Applicant receives approval from the Historic Landmark Commission for the proposed new home on the site. The Commission finds that the standards required for demolition have been met with the exception of Standard Four.

Mr. Nielson stated the motion needs to be more specific and include the basis for the decision.

Commissioner Thuet amended her motion to state that the Commission agrees with Staff's findings on Standards One, Three, Four, Five and Six. The Commission does not agree with Staff's findings on Standard Two.

The Commission discussed whether or not the motion needs to state why the Commission disagrees with Standard Two.

Commissioner Thuet amended her motion to state the Commission agrees with Staff and approves the petition based on the reasons set forth in the Staff Report.

The motion was seconded by Commissioner Davis.

Commissioner Shepherd stated he would like to see detailed cost estimates of renovation. He stated if this building was in another location, he would wish to see it preserved.

Commissioner Davis stated if there was not a fire, this case would not be before the Commission. He stated it is clearly not economically feasible to renovate this house. He stated not approving demolition is condemning Ms. Brown to a bureaucratic nightmare and the house will never be renovated.

Commissioner James stated he is worried about setting a precedent that would encourage homeowners to burn down derelict homes. He stated he believes the boundaries of the Central City Historic District need to be reexamined because some areas would be better served by not being in the district.

Commissioner Davis stated he does not believe this motion will set a precedent for allowing people to set fire to their homes because that is already a felony.

Commissioner Brennan stated this area is a neighborhood and any decision the Commission makes is for the long term health of the neighborhood, regardless of whether or not it should be in a historic district. He stated he agrees renovating this building is not economically feasible.

The motion passed unanimously.

Vice Chair Hart went over the appeals process.

The Commission requested a five minute break.

[8:18:30 PM](#)

PLNHLC2012-00473 Tracy Aviary - A request by Tracy Aviary to construct a new Andean Condor exhibit within Tracy Aviary, located at approximately 589 East 1300 South, in Liberty Park, a Landmark Site. The site is in the OS (Open Space) zoning district, and in City Council District 5, represented by Jill Remington-Love. (Staff contact: Ray Milliner at (801)535-7645 or ray.milliner@slcgov.com)

Mr. Ray Milliner, Principal Planner, reviewed the petition as presented in the Staff Report (located in the Case File). He stated Staff recommended approval of the petition pursuant to the conditions listed in the Staff Report.

Commissioner Shepherd asked if the condition regarding the city arborist is applicable.

Mr. Milliner stated that it is applicable.

8:21:15 PM

Matthew Utley, Horticulture and Facilities Director at Tracy Aviary, discussed the proposed plans for the northwest corner of the Aviary. He stated the condor exhibit would be an asset to the Aviary and Liberty Park. Mr. Utley stated the two trees that will be removed have structural problems and he has received approval from the City arborist to remove them.

Tim Brown, Executive Director of Tracy Aviary, stated there is a policy to replace a removed tree with at least three new trees.

The Commission and the Applicants discussed the lifespan of condors and the location and features of the new exhibit.

PUBLIC HEARING 8:26:20 PM

Vice Chair Hart opened the Public Hearing.

Cindy Cromer, resident, stated she approves of the work Tracy Aviary is doing, but has an issue with the section of the Staff Report that discusses relationship to the street. She stated the standard needs to be modified for historic sites that are not in a residential neighborhood and not located on a street.

Vice Chair Hart closed the Public Hearing.

COMMISSION DISCUSSION 8:28:40 PM

MOTION 8:28:43 PM

Commissioner Funk stated in the case of PLNHLC2012-00473 the Commission approves the proposal with the conditions listed in the Staff Report. Commissioner Shepherd seconded the motion.

Commissioner McClintic stated he would like to commend the work done by the Aviary.

The motion passed unanimously.

OTHER BUSINESS [8:29:31 PM](#)

Vice Chair Hart stated the last piece of business was the election of a new Chair and Vice Chair and asked what the process was.

Mr. Paterson stated it is up to the Commission. He stated nominations could be taken for each position and votes could be counted by either a secret ballot or a role call.

Commissioner James nominated Polly Hart for the position of Chair.

Commissioner Funk nominated Commissioner Harding for the position of Chair. She suggested the Commission vote by secret ballot and the winner of the election become Chair and the runner-up become Vice Chair.

Commissioner Hart stated she was fine with this and asked if that worked for everyone else.

Ms. Coffey stated there is money available from the State Preservation Office for training and she would like to have an expert to come in to train the Commission, Staff and the public. She asked the Commission for topic ideas.

Mr. Paterson announced that Commissioner Harding will be the new Chair and Commissioner Hart will be the Vice Chair.

The meeting stood adjourned at [8:33:53 PM](#)