

# HISTORIC LANDMARK COMMISSION STAFF REPORT

**Wright Major Alteration**  
PLNHLC2013-00744  
Avenues Historic District  
1204 First Avenue  
November 7, 2013



Planning Division  
Department of Community  
and Economic Development

**Applicant:** Merrick Wright

**Staff:** Katia Pace, 535-6354,  
[katia.pace@slcgov.com](mailto:katia.pace@slcgov.com)

**Tax ID:** 09-32-489-001

**Current Zone:** SR-1A  
Special Development Pattern  
Residential  
H-Historic Preservation  
Overlay Zone

**Master Plan Designation:**  
Avenues Master Plan, Low  
Density Residential

**Council District:**  
District 3, Stan Penfold

**Community Council:**  
Greater Avenues, Gwen  
Springmeyer

**Lot Size:** 6,612 Sq. Ft.

**Current Use:**  
▪ Single-Family Residence

## **Applicable Land Use**

**Regulations:**  
▪ 21A.34.020  
▪ 21A.52.030 Special Exception

## **Notification:**

▪ Notice mailed 10/24/13  
▪ Property posting 10/28/13  
▪ Agenda posted on the  
Planning Division and Utah  
Public Meeting Notice  
websites 10/24/13

## **Attachments:**

A. Drawings  
B. Proposed Windows, Door  
& Stairs  
C. Building Code Explanation  
D. Photos

## **Request**

This is a request by Merrick Wright for major alterations to the property located at approximately 1204 E. First Avenue, in the Avenues Historic District, and within the SR-1A (Special Development Pattern Residential) zoning district.

## **Staff Recommendation**

Staff recommends that the Historic Landmark Commission review the petition and deny the request pursuant to the findings and analysis in this report. The proposed project does not comply with the review standards.

## **Potential Motions**

### **Consistent with Staff Recommendation:**

From the evidence and testimony presented and pursuant to the plans submitted, I move that the Historic Landmark Commission deny the request to approve the following items at 1204 First Avenue:

- a new window on the west elevation,
- stairs and a new door on the west elevation,
- extension of the window on the south elevation, and
- a special exception for one foot of additional height on the gate at the north side of the property.

-or-

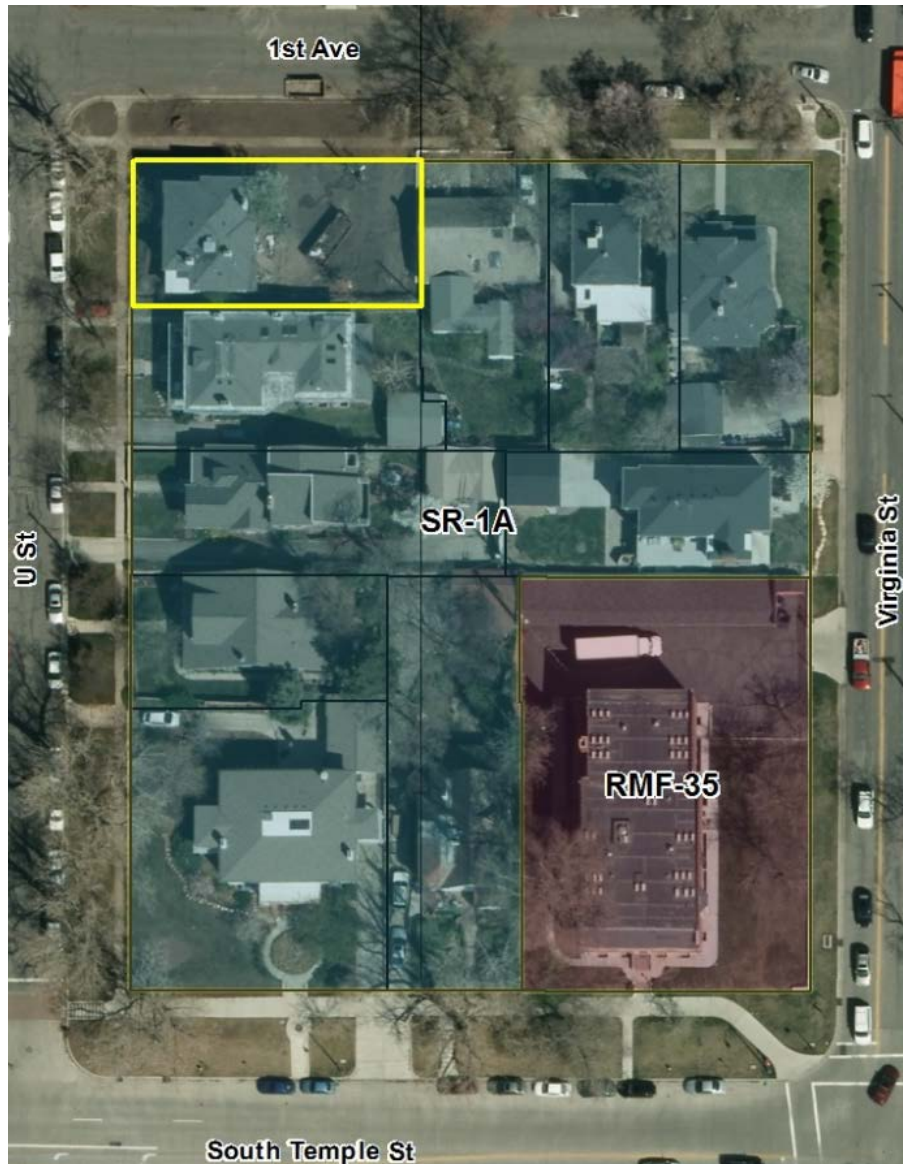
### **Not Consistent with Staff Recommendation:**

From the evidence and testimony presented and pursuant to the plans submitted, I move that the Historic Landmark Commission approve the request for the following items at 1204 First Avenue:

- a new window on the west elevation,
- stairs and a new door on the west elevation,
- extension of the window on the south elevation, and
- a special exception for one foot of additional height on the gate at the north side of the property.

Commissioners would then state findings based on the Zoning Ordinance standards 2, 5 and 6.

## VICINITY MAP



### **Background**

#### **Project Description**

The house is located on the southeast corner of First Avenue and “U” Street, the front entrance faces First Avenue. However, due to the shape of the lot, the west side of the lot is considered the front yard. There is an approximately 2.5 foot setback between the south wall of the home and the south property line.

This house is considered to be contributing to the Avenues Historic District, it was built in 1901. The architectural style is a Foursquare Box with a Victorian Eclectic style, is a two-story brick home with a hipped roof. The house has a stone foundation. The west elevation originally had only two basement windows measuring approximately 24 by 33 inches with stone sills. In the summer of 2013, the applicant created an opening for a third basement window on the west elevation approximately 42 by 24 inches and stairs also on the west elevation, both without permits.

The south elevation has a basement window that mirrors a window directly above on the main level, six foot wide and with the same arched lintel and stone sill. The three original basement windows are awning casement windows.

### Request

Planning Staff determined that the scope of the requested work was beyond what could be approved administratively because the proposed changes would alter the character of the house and of the streetscape. Staff found that the proposal doesn't meet the standards of the ordinance. The reasons are listed on the analysis and findings portion of this report.

### The following items have been requested:

#### 1. Retroactively Approve New Basement Window – West Elevation

A new window opening on the basement of the west elevation, or the front façade, was created without approvals or permits. According to the property owner, the purpose for the new window is to create required egress to a new bedroom in the basement. As such, the window needs to be at least 5.7 square feet and it needs to be 44" from the floor to the opening. The opening for the new window is 24" wide and 42" tall. The opening that was created meets the requirements for building code with regard to egress. It exceeds the requirement by 1.3 square feet.



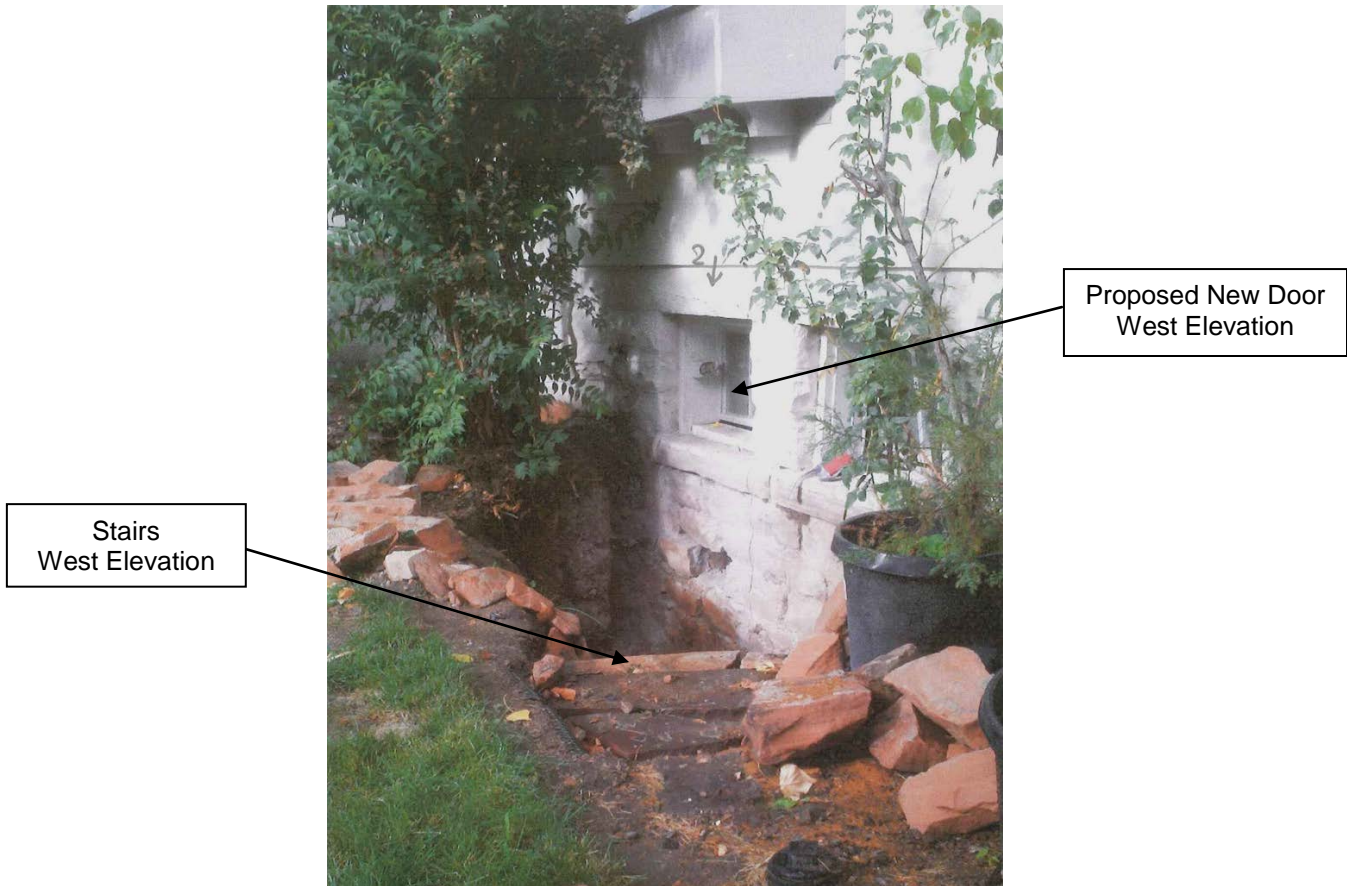
#### 2. Approve the Replacement of a Basement Window with a Door and Retroactively approve Stairs – West Elevation

The proposal is to replace one of the original basement windows on the west elevation, or front façade, with a 32" wide by 72" tall French style door. The purpose for the proposed new door is to create a

fourth entrance to the house and an exterior entrance to the basement. The door is not required by building code.

The stairs were built on the west elevation, or front yard, without approval or permit. The purpose for the stairs is to access to the proposed door. There are five stone slab steps rising from the landing. A railing/banister is being proposed. The stairs do not meet building code because the steps are uneven in height (they vary from 7 to 7.5 inches) and are not level.

The applicant has placed sandstone rocks as a border for the new window and stairs and is proposing a hedgerow of shrubs along the rock border.



### 3. Approve Changes to a Basement Window - South Elevation

The proposal is to extend an existing south basement window opening from 72” wide by 24” tall to 72” wide by 36” tall sliding vinyl window. The purpose of the request is to allow for larger window placement and more light into basement living area. The existing window opening was determined to be a non-bearing element, and the structural engineer for this project has determined that cutting the window deeper will not require any additional reinforcement. This window would not be considered as egress to the basement because the window well only projects 2.5 feet from the wall due to the side yard setback being 2.5 feet. The requirement for egress is at least a 3 foot distance projecting from the wall.

The proposed new vinyl window would have interior grid muntins. The window as it currently exists does not have a window well; however one will need to be added because of the proposed height of the window. According to drawings submitted the opening for the window is approximately 7 feet wide and

a window well wider than 6 feet is not allowed in the side yard (see Zoning Ordinance Section 21A.36.020 B)



Original Window South Elevation

#### 4. Approval for Additional Height for a Gate – North Elevation

On June 7, 2012 the applicant received approval from the Historic Landmark Commission for a 6 foot fence in the back yard the drawings for that approval included a 6 foot gate. This proposal is to install a gate to the driveway that exceeds the approved height by approximately one foot where the gate peaks. The existing gate, not installed, has an arched peak and once the gate is installed the peak will be approximately 7 feet high.

The additional height needs to be approved as a Special Exception, and the Historic Landmark Commission has the authority to approve the Special Exception if it finds that the additional height is appropriate.



Proposed Gate North Elevation

## **Comments**

### **Public Comments**

A neighboring property owner who owns the abutting properties to the east and south had the following concerns:

1. The proposed gate next to her property at 1216 First Avenue is too tall and it will overshadow her property which is an adobe structure built in 1866.
2. The proposed new door and stairs leading to the basement is not a feature found in the neighborhood and it does not fit in this historic structure.
3. The path from the top of the stairs leads to her property's driveway at 30 U Street and it might be the cause of conflict in the future.
4. Concerns that that the basement is being built as a second dwelling unit.

## **Analysis and Findings**

### **21A.34.020 H Historic Preservation Overlay District**

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

Of the standards outlined in this section of the Zoning Ordinance, standards number two (2), five (5) and six (6) are the standards most relevant to this request:

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.

**Analysis:** The distinct shape and decorative detailing of a historic building's windows and doors are important in defining the overall character of a property. The proposed windows do not match the material, composition or dimension of existing widows in the house. The stair entrance and the gate height are uncharacteristic elements not found in the surrounding neighborhood.

**Findings:** The proposal fails to meet these standards. The historic integrity of this house is being compromised by the changes made and changes being proposed.

### ***A Preservation Handbook for Historical Properties & Districts in Salt Lake City***

The Preservation Handbook provides guidance and advice on ways to meet the design standards in the Salt Lake City Zoning Ordinance mentioned above.

### *Chapter 3 – Windows*

Windows are character-defining features of most historic structures. They give scale to buildings and are an essential element in the architectural composition of individual facades. Distinct window designs and the pattern of windows (the fenestration) help to define many historic building styles.

Because windows so significantly affect the character of a historic structure, the treatment of a historic window and also the design of a new one, are consequently very important considerations.

The character-defining features of historic windows and their distinct arrangement should be preserved. In addition, new windows should be in character with the historic building. This is especially important on primary facades.

**Analysis:** The proposed window on the west elevation, (or front façade) and south elevation fail to match the original windows in design and other visual qualities.

The opening for the new window is 24” wide and 42” tall. There are two original basement windows on the west elevation; they are approximately 33” wide and 24” tall. The proposed window for the west elevation is a Jeld-Wen pre-fabricated casement window with two lights horizontally and 3 lights vertically. The original windows are awning windows with three lights horizontally with a much narrower stile and rail as the proposed window. Also, the reveal on the stone work of the new window opening should match the existing reveal details.

The opening of the south elevation basement window is approximately 7feet wide. The proposed window is 6 feet wide by 3 feet tall; it is a pre-fabricated double pane, horizontal sliding window with muntins in between the panels. The dimension of the window opening is wider than the proposed window and therefore the original opening will need to be filled on both ends.

**Findings:** In both cases the proposed windows do not match the original windows in dimension, in materials and in design. The proposed new windows detract from the character of the house.

Although Planning Staff finds that the proposed window on the west elevation does not comply with the standards of the ordinance and the guidelines in the Preservation Handbook, the new window is needed for egress. Staff finds that the window could be approved by changing the request with an opening that would be compatible with the original windows and with a custom window that would match the casing and lights of the original windows.

### *Chapter 4 – Doors*

Doors are usually an important character defining feature of a historic structure. They provide scale to a building and help to define the importance of the significant facades, as well as being central to the composition of the individual building facades.

Since an inappropriate door can severely affect the character of a historic house, one should be careful to avoid radical alteration to an old door and to choose a new door that is appropriate to the design of the house.

**Analysis:** The proposal is to replace one of the original windows in the basement with a 32” wide by 72” tall French style door. The top part of the door would be readily visible from the street. The design of the door does not match the original basement windows. The original windows are awning windows with three lights horizontally and with a much narrower stile and rail as the proposed door.

**Findings:** This door is inappropriate for the front façade of this contributing historic structure.

### *Chapter 8 – Additions*

All efforts should be made to build within the existing envelope, using basement and attic space whenever possible.

8.3 An addition should be sited to the rear of a building or set back from the front to minimize the visual impact on the historic structure and to allow the original proportions and character to remain prominent.

- Locating an addition at the front of a structure is usually inappropriate.

8.10 The style of windows in the addition should be similar in character to those of the historic building or structure where readily visible.

- If the historic windows are wood, double-hung, for example, new windows should appear to be similar to them.

**Analysis:** The work being done to the basement can be treated and evaluated similarly to that of an addition. The proposed entrance to the basement in the front yard is uncharacteristic for this neighborhood. The proposed rear yard window, the proposed door to replace an existing window, and the new stairs are elements that substantially alter the character of this historically contributing structure.

**Findings:** The proposed door and stairs are inappropriate elements for the front façade of the structure. The new window as proposed is also inappropriate.

### *Chapter 1 – Site Features*

1.3 Fence components should be similar in scale to those seen historically in the neighborhood.

**Analysis:** The over-height gate will add volume to an already very imposing fence. There are no examples in the surrounding blocks of gates that are higher than six feet

**Findings:** The proposed gate is not similar in scale to those seen historically in the neighborhood, and the proposed height of the gate is not compatible with the historic character of the neighborhood. If the Historic Landmark Commission decides to approve the over height gate, it would need to approve it as a Special Exception.

#### **21A.52.030 Special Exceptions Authorized**

The Historic Landmark Commission has the authority to approve a Special Exception for additional fence height if it finds the proposed height is appropriate. The following are the standards for the Special Exception:

Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in Chapter 21A.40 of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape,



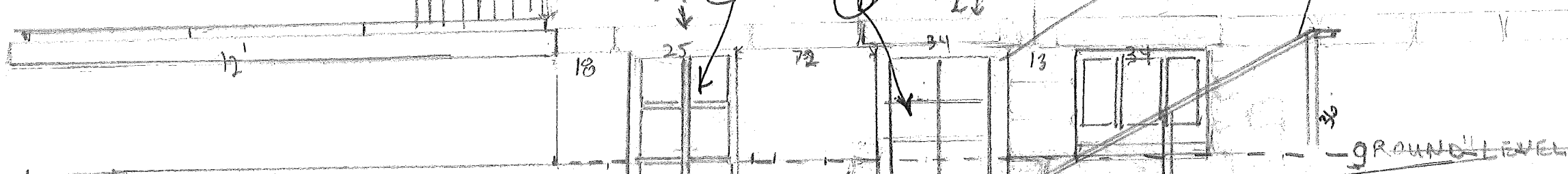
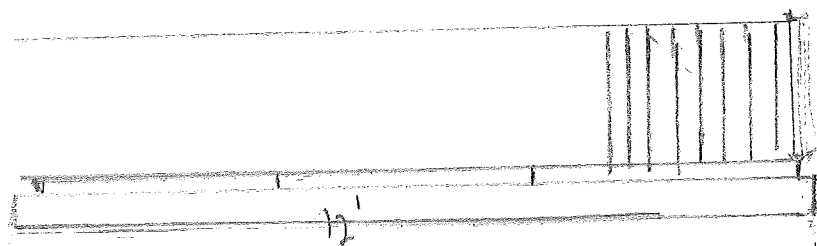
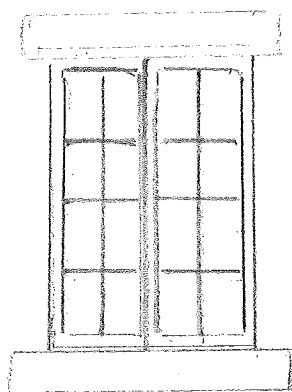
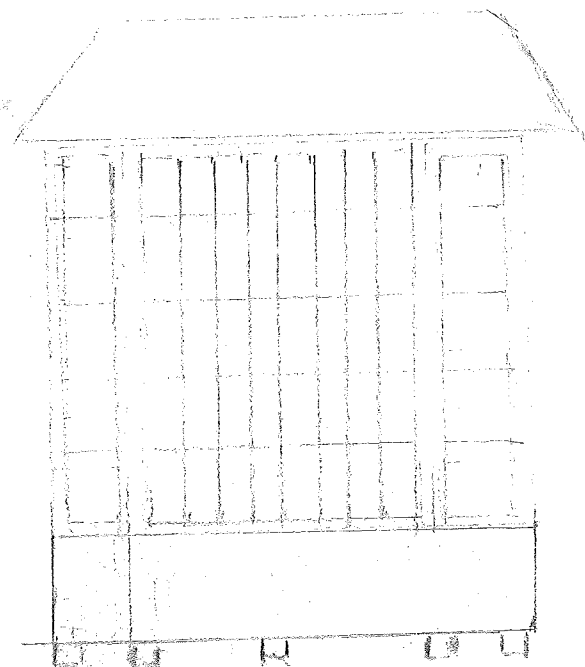
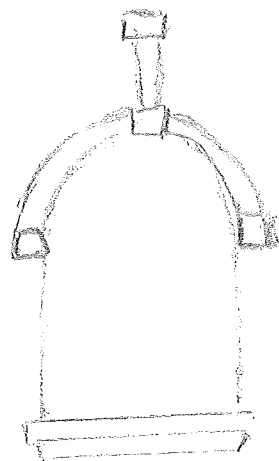
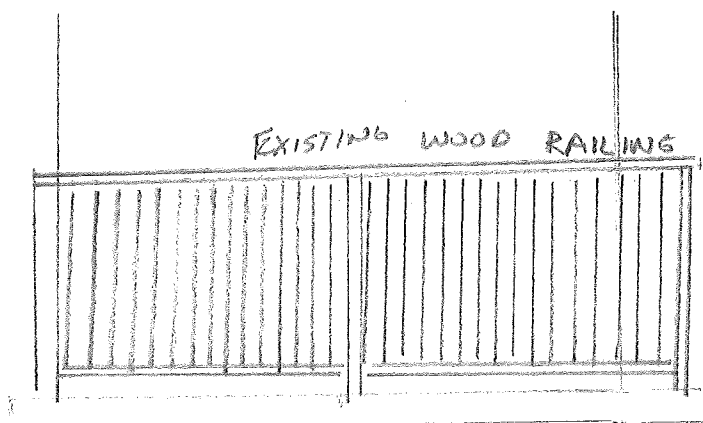
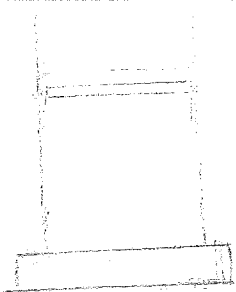
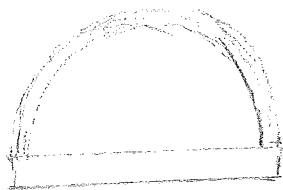
maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:

- a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;
- b. Exceeding the allowable height limits within thirty feet (30') of the intersection of front property lines on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;
- c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;
- d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;
- e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;
- f. Keeping within the character of the neighborhood and urban design of the city;
- g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; or
- h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.

**Analysis:** There are no examples of gates that are higher than six feet on the surrounding blocks. The proposed gate is not similar in scale to those seen historically in the neighborhood.

**Findings:** The proposed height of the gate is not compatible with the historic character of the neighborhood. Staff finds that the request is not in keeping within the character of the neighborhood and urban design of the city (standard F.).

## **Attachment A Drawings**



Divided wood door french windows  
New wood Railing BRICK

New Jeld-wen window  
Clad-wood casement

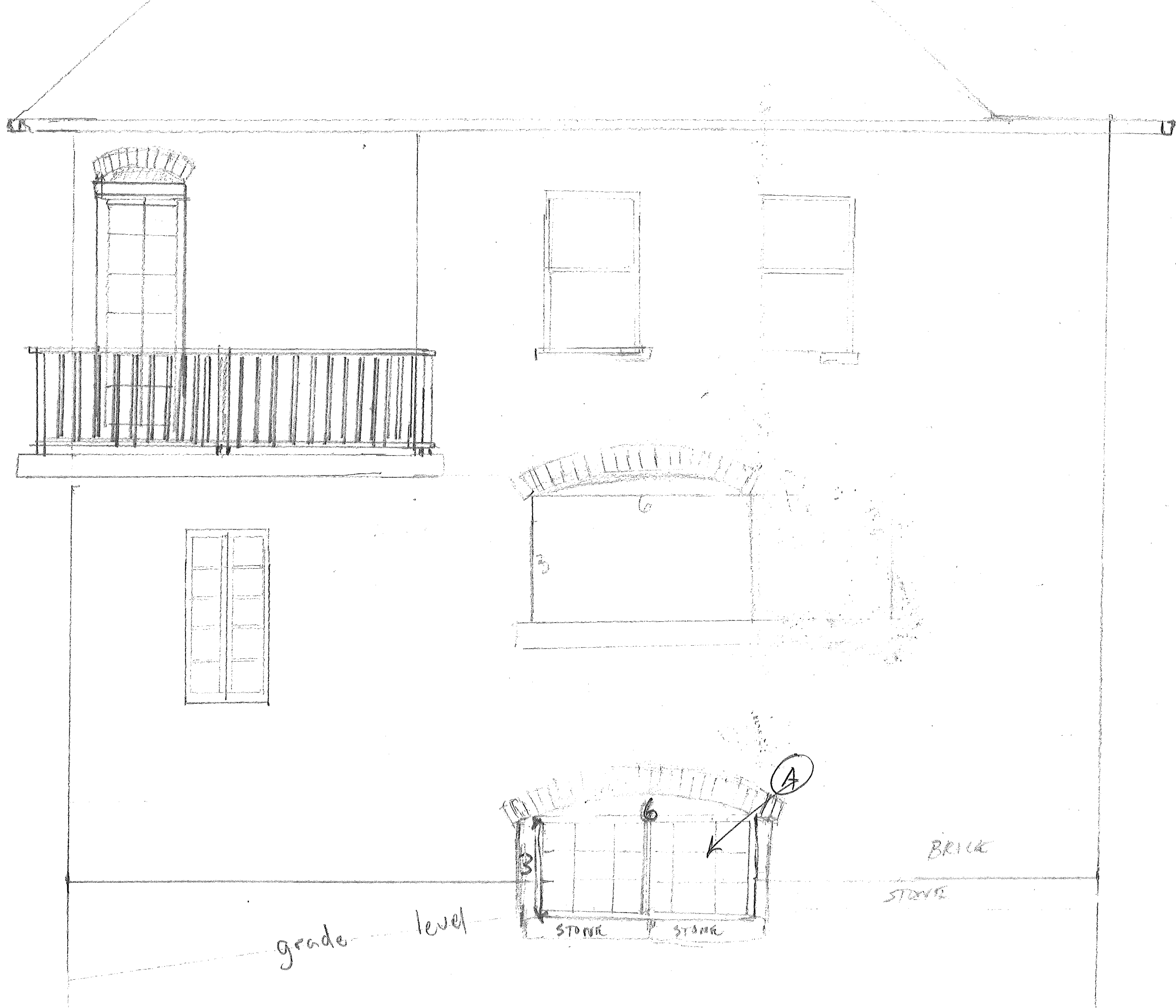
36 3/4 RISE  
CROSS SECTION

52" run  
60" run

Hedge row, Red rock  
Border outside of hedge row  
surrounding excavation

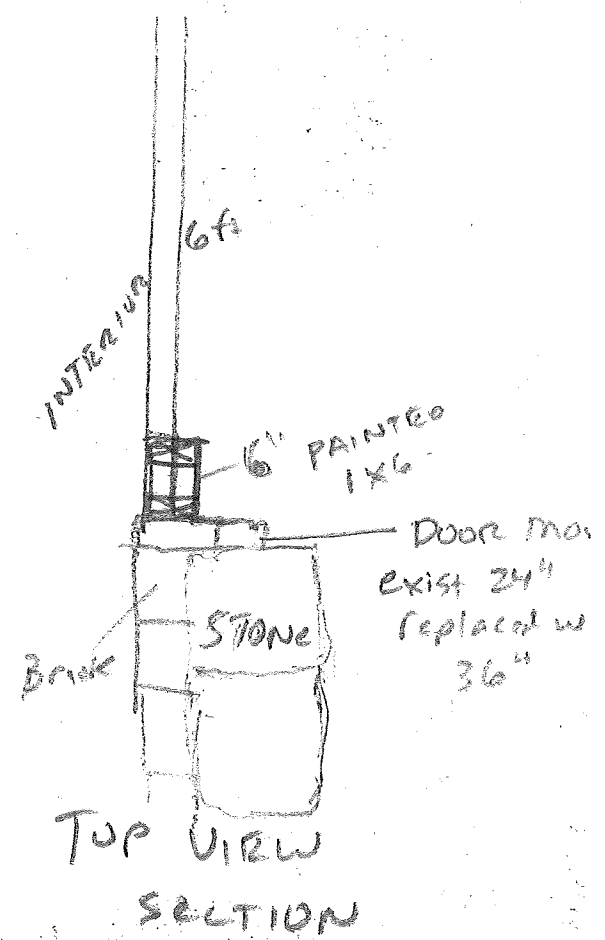
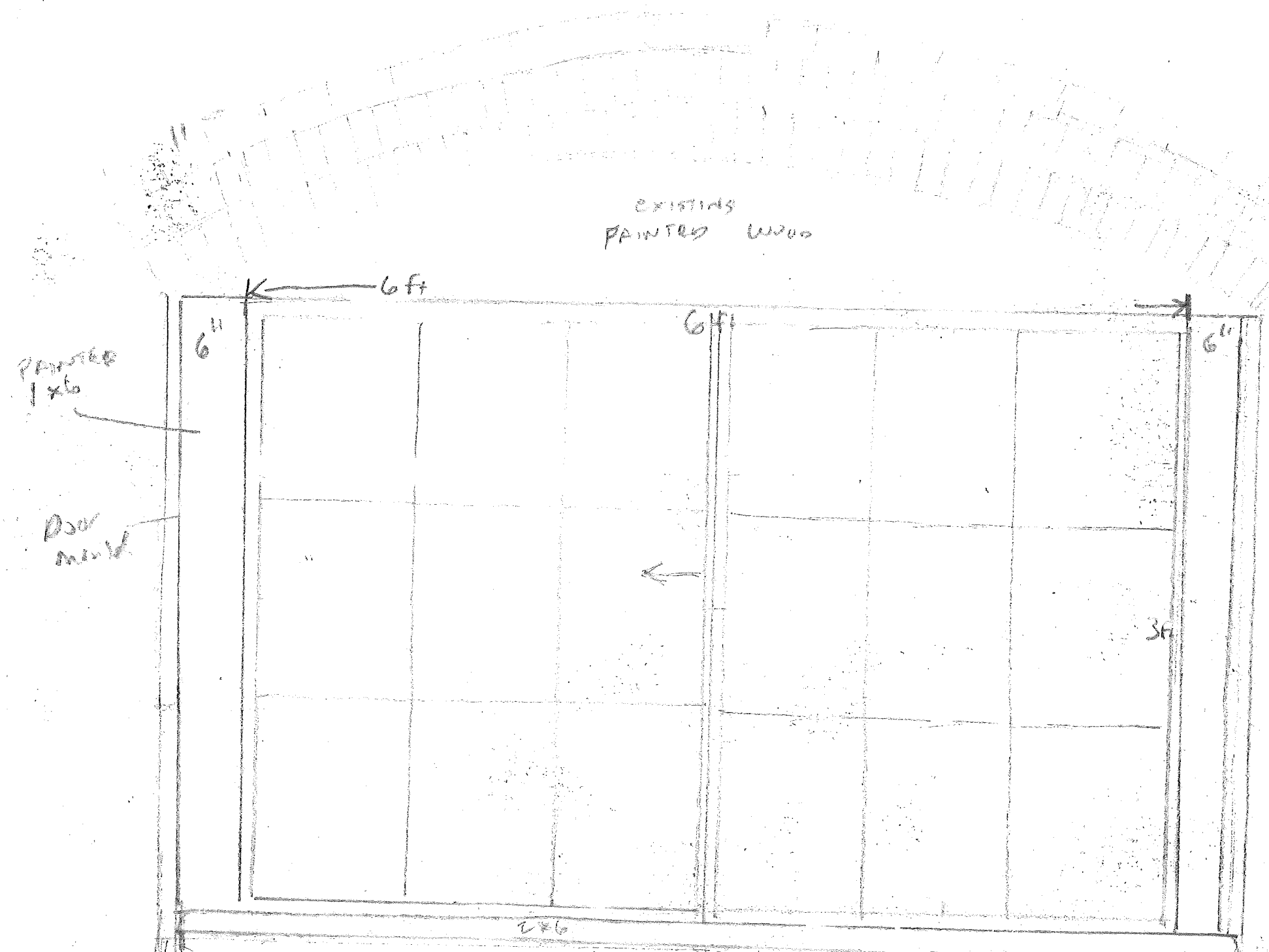
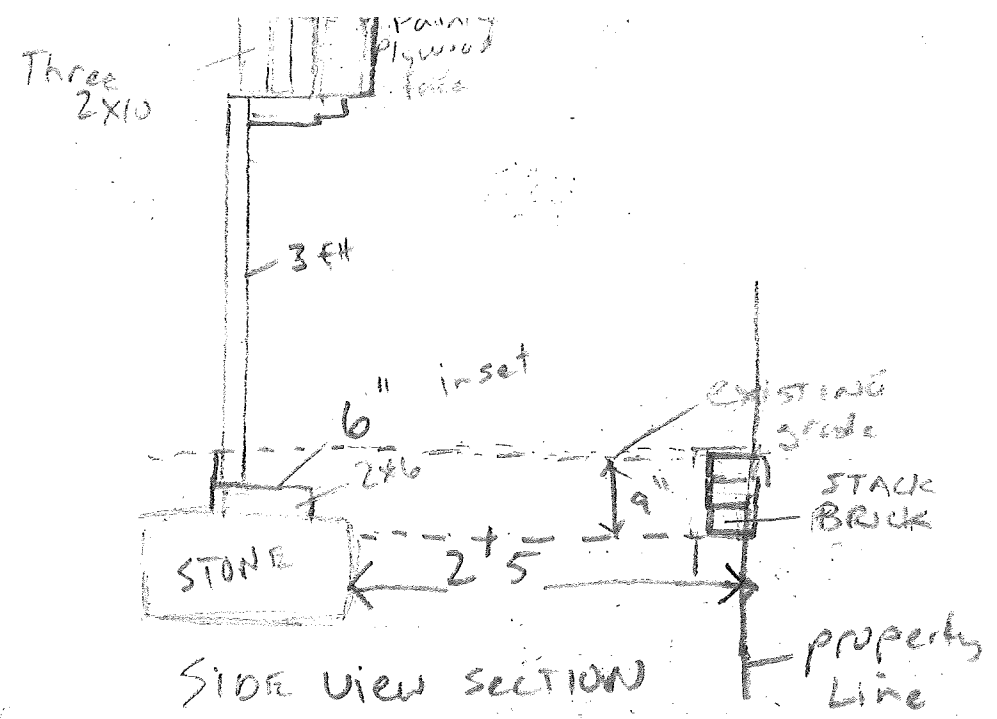
North  
West

Received  
01/30/13



SOUTH SIDE WINDOW

WINDOW DIRECTLY ABOVE IS Already 3ft x 6ft

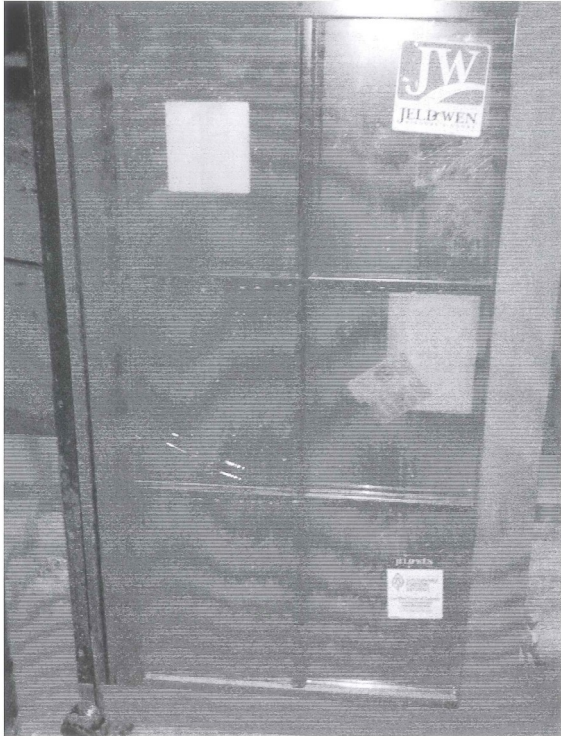


EXISTING STONE ↓ Lowered 1 foot STONE

1204 E 1st Ave WRIGHT



**Attachment B**  
**Proposed Windows, Door & Stairs**



**Proposed New Window for West Elevation**



**Proposed New Window for West Elevation**

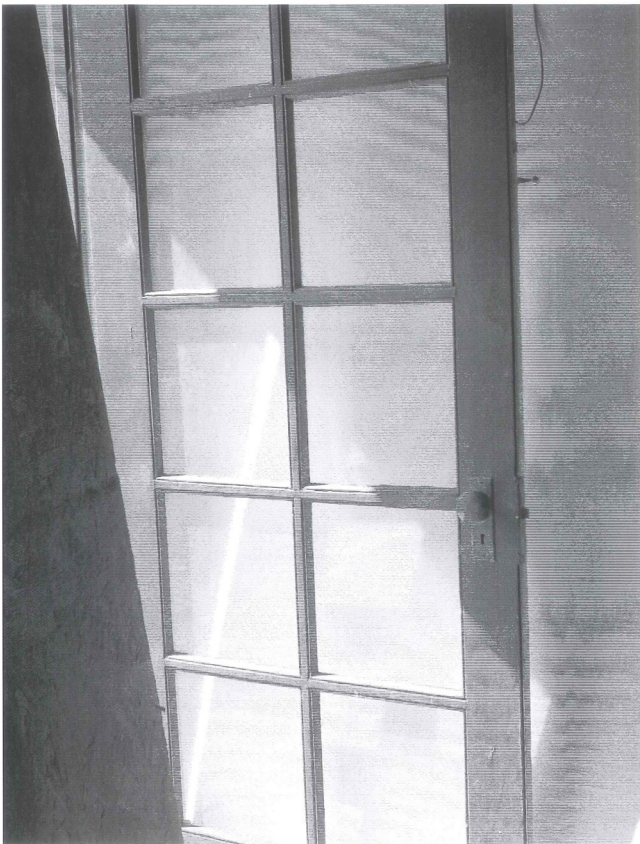
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Height	42
Assm	
ExtTrim	NLF
Handing	HL,
Jamb	4 9/16(2 1/1
KerfXjb	
Grid	7/8 BD SDL
Generic	WCMT
GridCol	SLVR SHDV
SDLCColor	DCH SDL,
GridPat	EVN
LitesW	2
LitesH	3
PrairieLt	
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THE HOME DEPOT	

**Specifications for New Window - West Elevation**





**Proposed New Window for South Elevation**



**Proposed New Door for West Elevation**



Stack  
stone wall  
filled  
with concrete

STAIRWAY OUT OF BASEMENT

**Stairs - West Elevation**

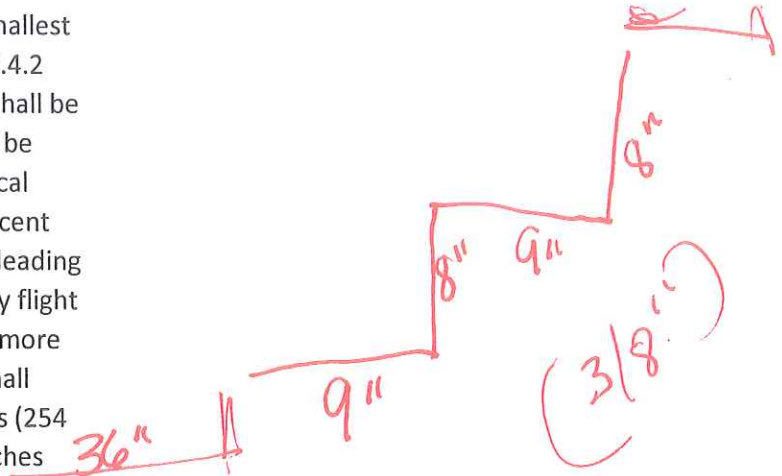
**Attachment C**  
**Building Code Explanation**

(15) IRC, Sections R311.7.4 through R311.7.4.3, are deleted and replaced with the following:

"R311.7.4 Stair treads and risers. R311.7.4.1 Riser height. The maximum riser height shall be 8 inches (203 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than  $\frac{3}{8}$  inch (9.5 mm). R311.7.4.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than  $\frac{3}{8}$  inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12-44inch (305 mm) walk line shall not exceed the smallest by more than  $\frac{3}{8}$  inch (9.5 mm). R311.7.4.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater than  $\frac{9}{16}$  inch (14.3 mm). A nosing not less than  $\frac{3}{4}$  inch (19 mm) but not more than  $1\frac{1}{4}$  inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than  $\frac{3}{8}$  inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed  $\frac{1}{2}$  inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions.

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less."



GROUND LEVEL  
IN THE WINDOW  
WELL IS TO BE  
9 SQ FT MIN.

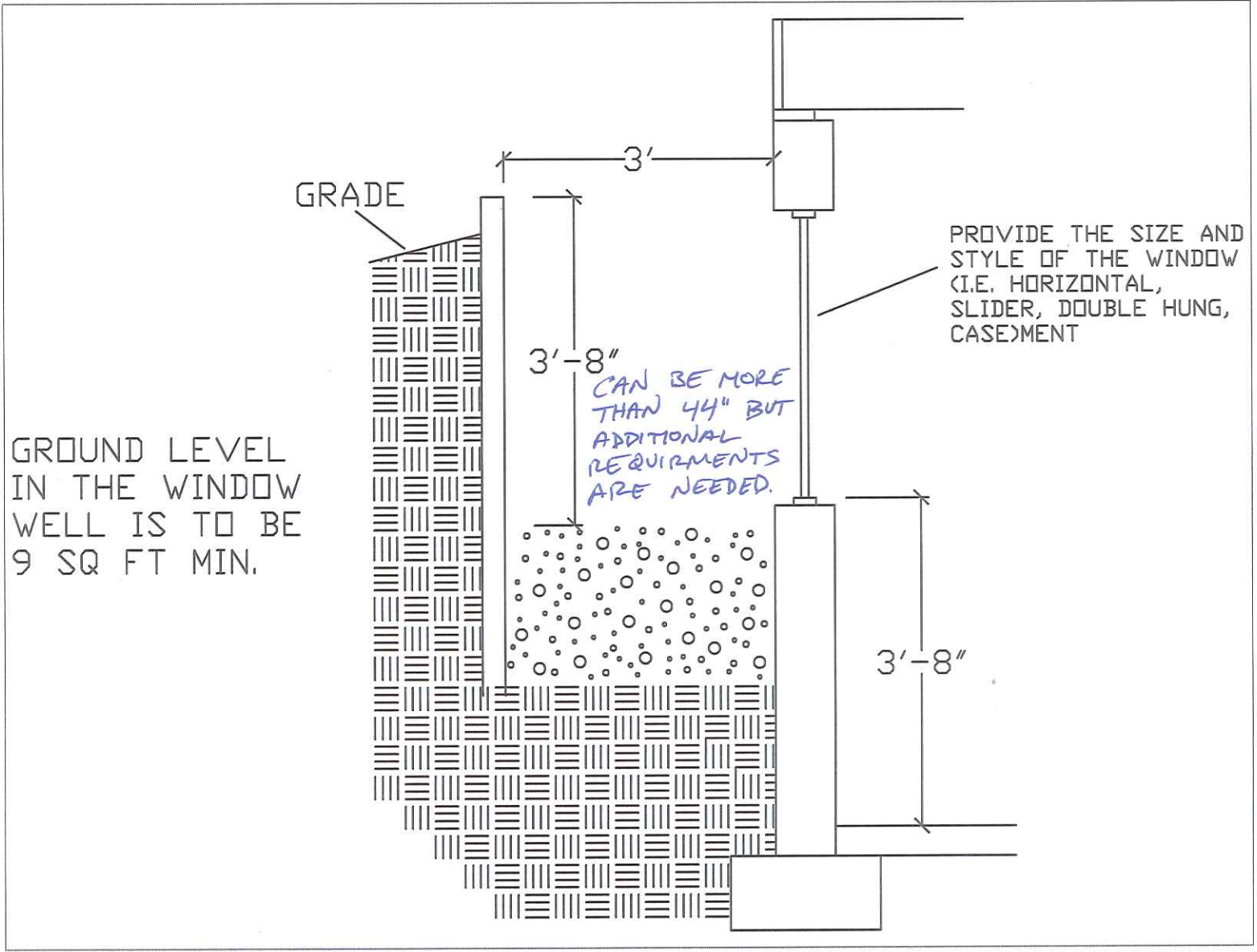
GRADE

3'

3'-8"  
CAN BE MORE  
THAN 44" BUT  
ADDITIONAL  
REQUIRMENTS  
ARE NEEDED.

PROVIDE THE SIZE AND  
STYLE OF THE WINDOW  
(I.E. HORIZONTAL,  
SLIDER, DOUBLE HUNG,  
CASEMENT)

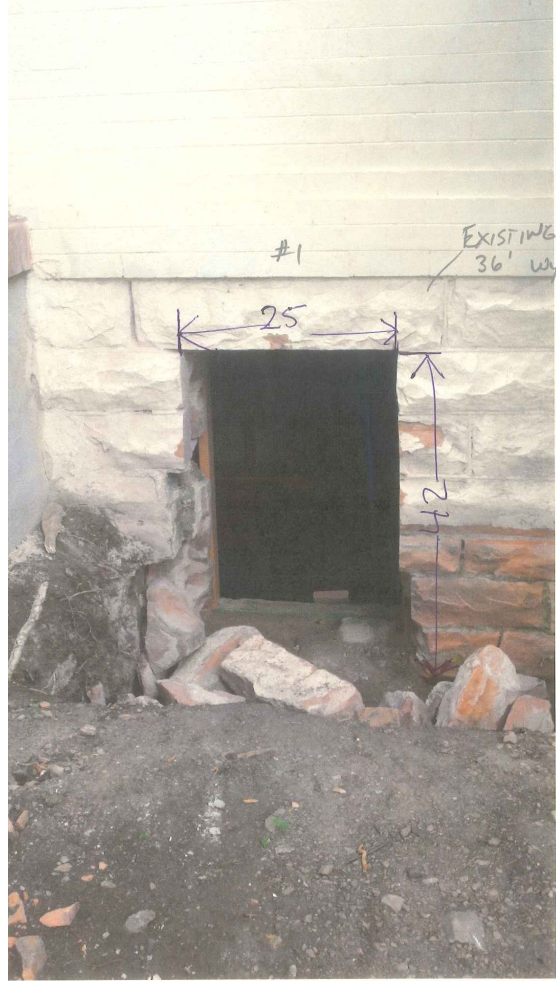
3'-8"



**Attachment D  
Photos**



VIEW FROM PARKING STRIP



Bedroom window cut 42 height





**West Elevation**

**South Elevation**



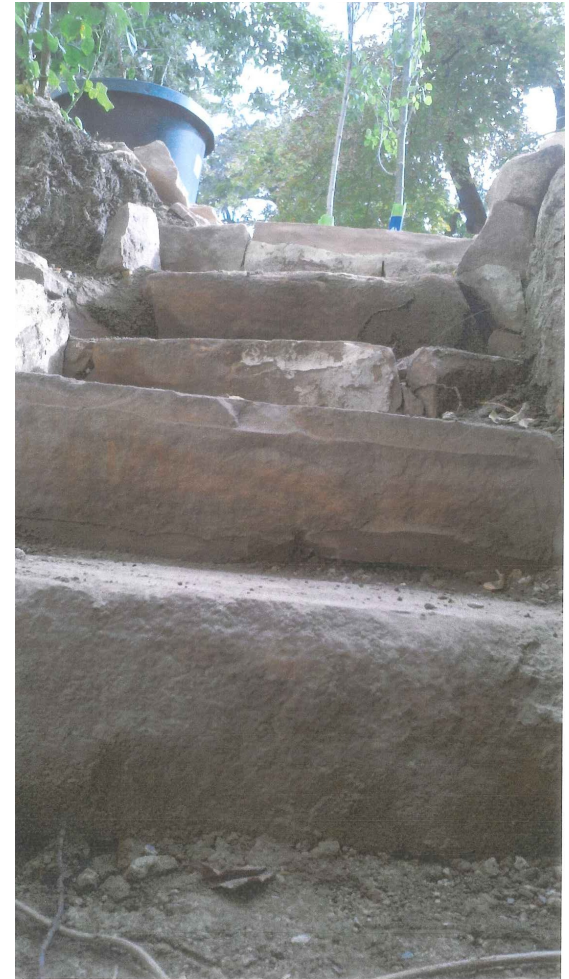
**Original Window  
South Elevation**



**Proposed Gate  
North Elevation**



TOP OF STAIRWAY TO BASEMENT



STAIRWAY OUT OF BASEMENT