

# HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning Division  
Department of Community and  
Economic Development

## 169 E. 4<sup>th</sup> Avenue Deck Replacement Special Exception & Minor Alteration PLNHLC2015-00014 & 00015 Meeting Date: March 5, 2015

**Applicant:** Chris Ashcraft, CFC  
Fence & Decks

**Staff:** Lex Traughber at  
[lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com) or  
(801) 535-6184

**Tax ID:** 09-31-333-021

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

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

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

**Lot Size:** Approximately 0.11  
acres

**Current Use:** Single Family  
Residential

### **Applicable Land Use**

#### **Regulations:**

- 21A.34.020(G)
- 21A.06.050(C)(6)(g)
- 21A.52.030(A)(19)

#### **Notification:**

- Notice mailed 2/19/15
- Sign posted 2/23/15
- Posted to the Planning  
Division and Utah Public  
Meeting Notice websites  
2/19/15

#### **Attachments:**

- A. Site Plan
- B. Photographs

### **Request**

This is a request by Chris Ashcraft, on behalf of the property owner, Mark Barone, to replace the decks located in the west side yard of the home located at approximately 169 E. 4<sup>th</sup> Avenue in the Avenues Historic District. The replacement of the decks requires a Certificate of Appropriateness and a Special Exception for the encroachment into a required side yard.

The request is currently under enforcement as the two subject decks in disrepair have been removed and new construction has begun.

### **Staff Recommendation**

Based on the analysis and findings of the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Historic Landmark Commission approve the requested Certificate of Appropriateness.

### **Potential Motions**

**Consistent with Staff Recommendation:** Based on the findings listed in the staff report, testimony and plans presented, I move that the Historic Landmark Commission approve the request for a Certificate of Appropriateness for the replacement of the two decks in the west side yard located at approximately 169 E. 4<sup>th</sup> Avenue in the Avenues Historic District.

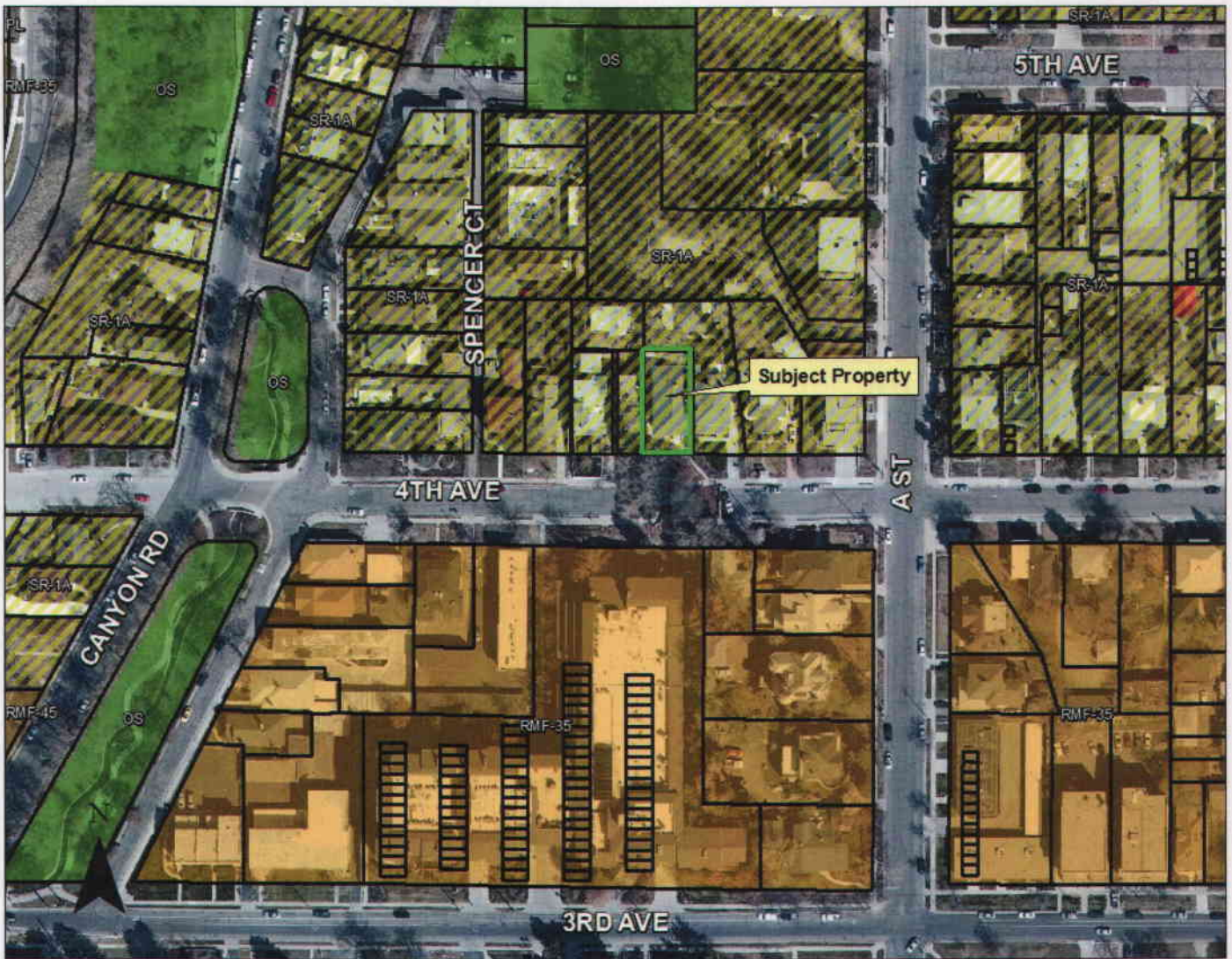
-or-

**Not Consistent with Staff Recommendation:** Based on the testimony, plans presented and the following findings, I move that the Historic Landmark Commission deny the request for a Certificate of Appropriateness for the replacement of the two decks in the west side yard located at approximately 169 E. 4<sup>th</sup> Avenue in the Avenues Historic District (Commissioner then states findings based on the Standards 1-11, as listed on the following page, to support the motion).

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

3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;
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;
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;
9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;
10. Certain building materials are prohibited including the following:
  - a. Aluminum, asbestos, or vinyl cladding when applied directly to an original or historic material.
11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in chapter 21A.46 of this title.

# Vicinity Map



## ***Background and Project Description***

The subject property located at 169 E. 4th Avenue is a bungalow built in 1921 and is considered a contributing property in the Avenues Historic District. It is rated a "B" according to the City's latest survey records. The home does not have any street frontage, yet does front on a steep public stairway that leads down to Canyon Road in City Creek Canyon to the west.

The applicant is requesting a Certificate of Appropriateness for the replacement of two decks located in the west side yard of the subject home. The replacement is essentially like-for-like in terms of the design, size/area of the decks (same footprint), and the materials. Please see the attached site plan – Attachment A. Both of the decks to be replaced have been removed, and the deck on the south side of the property has in part already been constructed. The supporting structural portion of the south deck has been replaced with wood supports and new Trex decking has been partially installed. The flooring of both decks is not readily visible from the public stairway, however the railing structure of the replacement deck closest to the stairway will be somewhat visible once complete. The property itself is very steep and the home on the property takes up the majority of the area on the lot; in other words there is very little yard. Due to the steepness of the lot sloping to the west, decks have been constructed in order to take advantage of what little outdoor space exists on the property. The subject decks are non-complying in terms of construction in a required side yard.

The applicant is seeking to complete the construction of the new decks using Trex decking material, with 6x6 cedar posts, iron rails and balusters, with an added 2x4 cedar top rail. A photo of the proposed rail construction is included in Attachment B. A Special Exception for the construction of the decks is also required. The Historic Landmark Commission has decision making authority for both the Certificate of Appropriateness and the Special Exception.

### **Current Status**

A code compliance case was opened on December 29, 2014. The case number is BCE2014-09411. The case is still open pending the outcome of this Historic Landmark Commission decision.

### ***Public Comments***

An initial complaint regarding modifications to the decks was submitted to the City by an anonymous source, resulting in the existing code compliance case.

## ***Analysis and Findings***

### **Certificate of Appropriateness – Standards of Review**

**21A.34.020.G Historic Preservation Overlay District: 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.

**Standard 1:** A property shall be used for its historic purpose or be used for a purpose that

requires minimal change to the defining characteristics of the building and its site and environment;

**Analysis:** The use of the structure will remain single-family residential. No change is proposed for the use of the structure. The subject decks are being replaced primarily for safety purposes. The replacement decks do not change the defining characteristics of the building, site, or environment. The decks are not physically attached to the historic home, so do not change any of the physical characteristics of the building. The decks are updated replacements for decks that have been existing for a number of years.

**Finding:** The standard has been met.

**Standard 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;

**Analysis:** The historic character of the property will be retained and preserved. No removal of historic materials or alteration of features and spaces that characterize the property will occur.

**Finding:** This standard has been met.

**Standard 3:** All sites, structure and objects shall be recognized as products of their own time. Alterations that have not a historical basis and which seek to create a false sense of history or architecture are not allowed;

**Analysis:** The decks removed and the any subsequent replacement decks have no historic value, and therefore do not seek to create a false sense of history or architecture with regard to their reconstruction.

**Finding:** This standard has been met.

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

**Analysis:** Planning Staff asserts that the decks removed had no historic significance in their own right. It is unlikely that the wooden decks removed were greater than 50 years old. The design of the replacement decks are rather simple as noted previously.

**Finding:** This standard has been met.

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

**Analysis:** The decks do not represent any distinctive features, finishes, construction

techniques, or examples of craftsmanship that characterize the subject property. No features which characterize the property are being eliminated.

**Finding:** This standard has been met.

**Standard 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 decks themselves are not historic in their own right. They are not, nor will they be, a significant architectural feature on the property. The materials chosen, wood, iron railings, and Trex decking are all appropriate.

**Finding:** This standard has been met.

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

**Analysis:** The proposal does not include treatments of existing historic materials. This standard does not relate to this proposal.

**Finding:** The standard does not apply.

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

**Analysis:** The two proposed replacement decks do not destroy significant cultural, historical, architectural or archaeological materials on the site. Because the original decks have been there for a number of years, Planning Staff asserts that the replacements decks are compatible with the size, scale, color, and character of the property, neighborhood, and environment. The only difference between the decks replaced and the new decks is a matter of materials. As noted previously, the wood, metal, and Trex materials are all appropriate.

**Finding:** This standard has been met.

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

**Analysis:** The two proposed replacement decks have no impact on the essential form and integrity of the historic structure as they are not physically attached to, nor do they physically alter, the original structure.

**Finding:** This standard has been met.

**Standard 10:** Certain building materials are prohibited including the following: vinyl or aluminum cladding when applied directly to an original or historic material;

**Analysis:** The proposal does include the use of Trex decking, however it is not applied to original or historic material. Trex decking has been approved and allowed on structures in historic districts where it is not highly visible.

**Finding:** This standard has been met.

**Standard 11:** Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H Historic Preservation Overlay District, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H Historic Preservation Overlay District and shall comply with the standards outlined in part IV, Chapter 21A.46 of this title;

**Analysis:** Signage is not part of this proposal.

**Finding:** The standard does not apply.

### **Special Exception – Standards of Review**

Section 21A.06.050(C)(6)(g) of the Salt Lake City Code give the Historic Landmark Commission the authority to review and approve or deny certain special exceptions for properties located within an H historic preservation overlay district, including any modification to bulk and lot regulations of the underlying zoning district where it is found that the underlying zoning would not be compatible with the historic district and/or landmark site.

Section 21A.52.030(A)(19) of the Code authorizes certain Special Exceptions including replacement or reconstruction of any existing noncomplying segment of a residential or commercial structure or full replacement of a noncomplying accessory structure provided:

- a. The owner documents that the new construction does not encroach farther into any required rear yard than the structure being replaced.
- b. The addition or replacement is compatible in design, size and architectural style with the remaining or previous structure.

These sections of Code give the Historic Landmark Commission the authority to entertain the replacement of the decks on the subject property subject to the standard of review for Special Exceptions as follows:

**STANDARDS OF REVIEW:**

- Compliance with Zoning Ordinance and District purposes;
- No substantial impairment of property value;
- No undue adverse impact;
- Compatible with surrounding development;
- No destruction of significant features;
- No material pollution of environment;
- Compliance with all other standards.

**Analysis:** The replacement of the decks in the prior location, with essentially the same design, appears to meet all of the Standards of Review for Special Exceptions, Sections 21A.52.030(A)(19) and 21A52.060(A-G)) as listed above. The decks comply with the Zoning Ordinance and the District purposes with the approval of the requested Special Exception. As there have been decks in the same location on the property in the past, there would be no substantial impairment of property value or no undue adverse impact associated with deck replacement. As previously noted, the replacement decks are compatible with surrounding development, there is no destruction of significant features, and the decks comply with all other standards. Finally, there is little to no impact from the replacement decks in term of pollution of the environment.

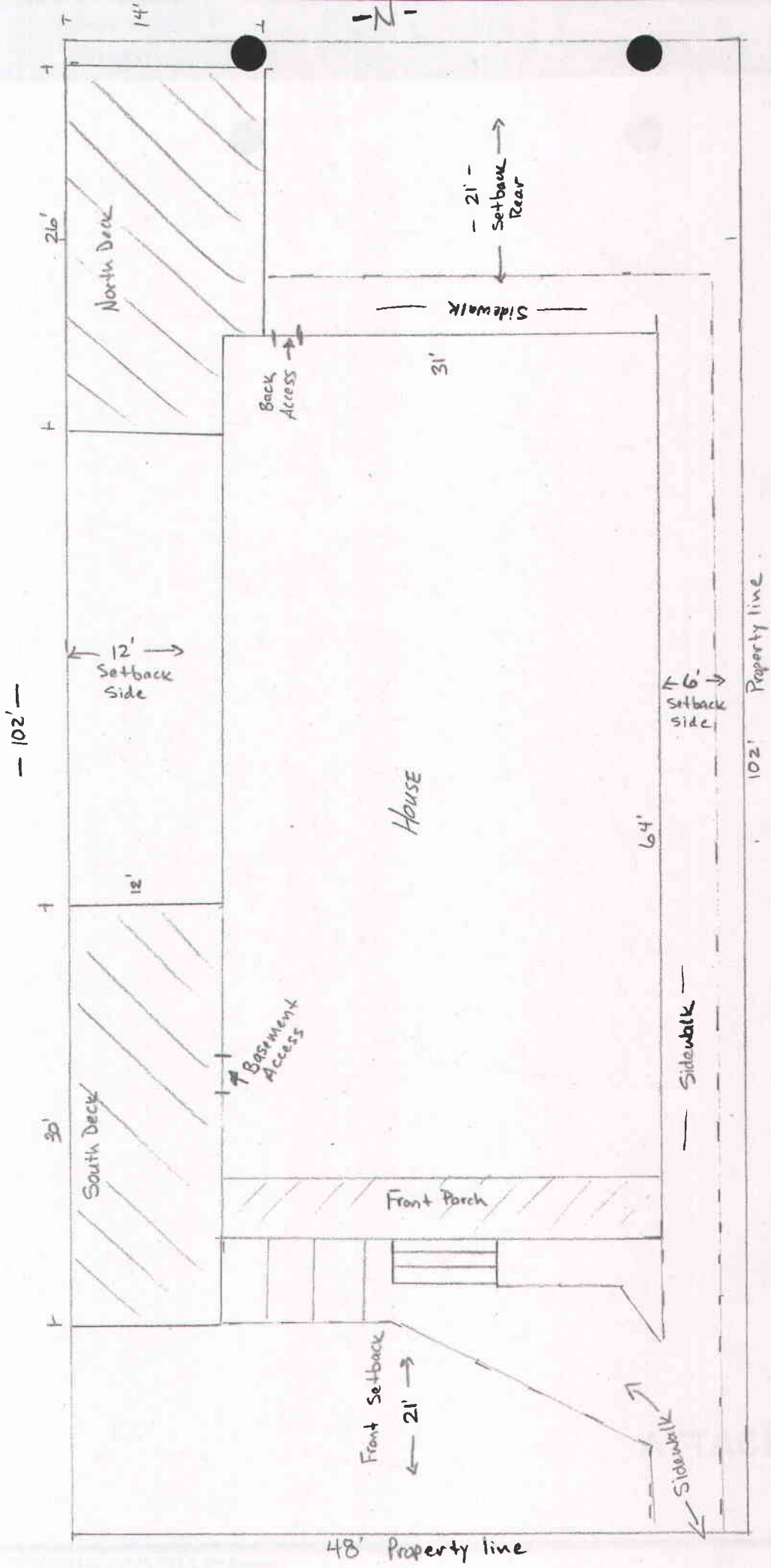
**Finding:** This standard has been met.



**ATTACHMENT A**  
Site Plan

Site Plan  
169 E. 4<sup>th</sup> Avenue

W



**ATTACHMENT B**  
Photographs



PROPOSED DECK

DESIGN

6x6 CEDAR POSTS

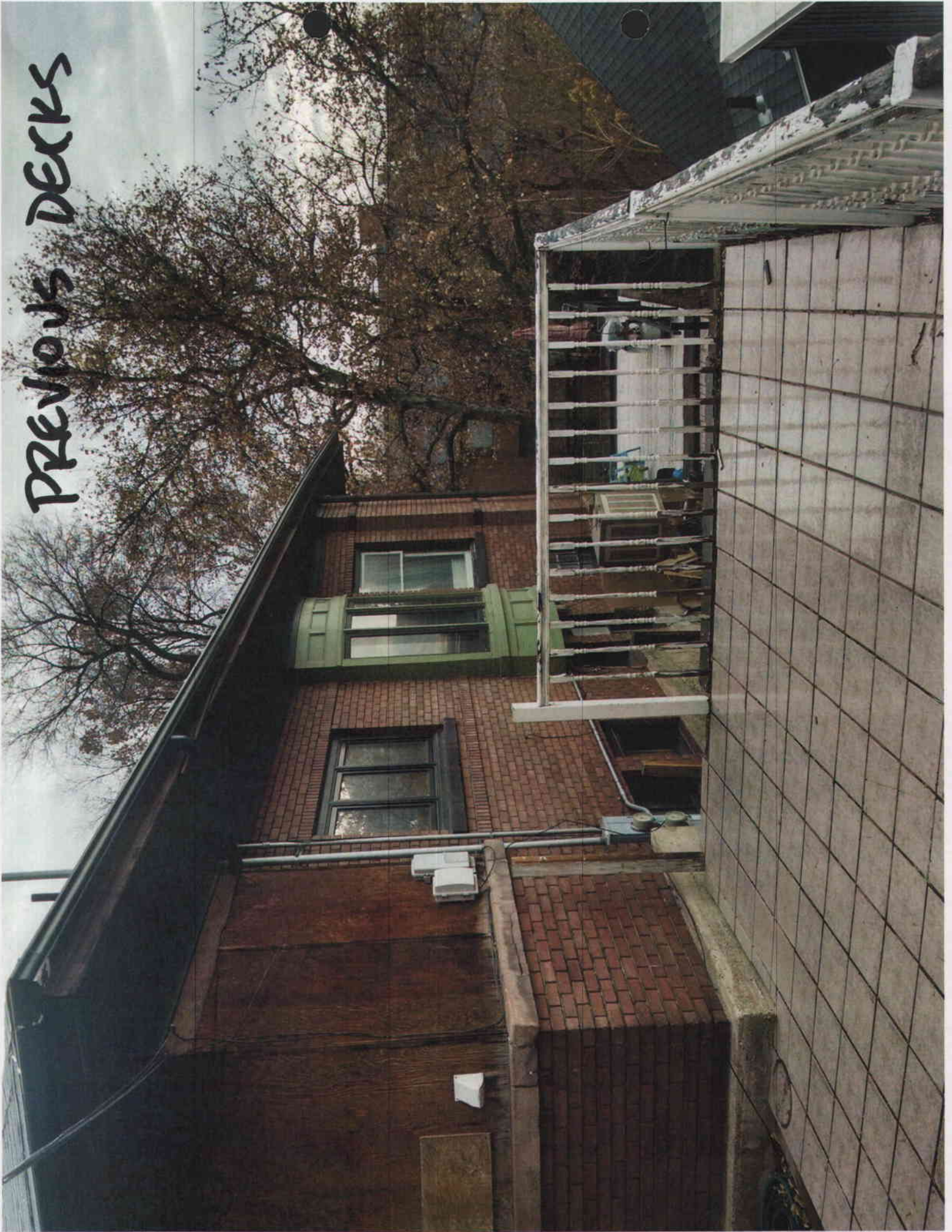
CROWN TOP RAIL

CORNER IRON RAILS

# PREVIOUS DECK



# PREVIOUS DECKS



PREVIOUS  
NORTH  
DECK



EXTENT OF  
WORK PRIOR  
TO "STOP WORK  
ORDER"

