

SALT LAKE CITY HISTORIC LANDMARK COMMISSION
Meeting Minutes
451 South State Street, Room 326
May 14, 2015

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at [5:30:24 PM](#). Audio recordings of the Historic Landmark Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Historic Landmark Commission meeting were: Chairperson Thomas Brennan, Vice Chairperson Sheleigh Harding; Commissioners Kenton Peters, and Charles Shepherd. Commissioners David Richardson, Rachel Quist and Heather Thuet were excused.

Planning Staff members present at the meeting were: Nora Shepard, Planning Director; Michaela Oktay, Planning Manager; Tracy Tran, Principal Planner; Anthony Riederer, Principal Planner; Amy Thompson, Associate Planner; Michelle Moeller, Administrative Secretary and Paul Neilson, Senior City Attorney.

FIELD TRIP NOTES:

A field trip was held prior to the work session. Historic Landmark Commissioners present were Thomas Brennan and Kenton Peters. Staff members in attendance were Michaela Oktay, Amy Thompson, Anthony Riederer and Tracy Tran.

The following sites were visited:

- **534 N Wall** - Staff gave an overview of the proposal.
- **355 N Quince** - Staff gave an overview of the proposal.
- **974 E 300 South** - Staff gave an overview of the proposal.
- **31 E Hillside Ave** - Staff gave an overview of the proposal.

APPROVAL OF THE April 9, 2015, MINUTES [5:31:02 PM](#)

MOTION [5:31:13 PM](#)

Commissioner Peters moved to approve the minutes from April 9, 2015. Commissioner Harding seconded the motion. The motion passed unanimously.

REPORT OF THE CHAIR OR VICE CHAIR [5:30:55 PM](#)

Chairperson Brennan stated he had nothing to report.

Vice Chairperson Harding stated she had nothing to report.

DIRECTOR'S REPORT [5:30:47 PM](#)

Ms. Nora Shepard, Planning Director, stated she had nothing to report.

Ms. Michaela Oktay, Planning Manager, stated she had nothing to report.

PUBLIC COMMENT [5:31:29 PM](#)

Chairperson Brennan opened the Public Comment Period, seeing no one wished to speak; Chairperson Brennan closed the Public Comment Period.

PUBLIC HEARINGS

[5:33:01 PM](#)

Window Replacement at approximately 534 N Wall – The applicant is requesting approval from the City to replace street-facing historic windows with new replacement windows of contemporary manufacture. Currently the land is used as a single-family residence. The property is zoned SR-1A (Special Development Pattern single family residential) and falls within both the Capitol Hill Historic District and the Capitol Hill Protective Area Overlay. This type of project must be reviewed as a Minor Alteration. The subject property is within Council District 3, represented by Stan Penfold. (Staff contact: Anthony Riederer at (801)535-7625 or anthony.riederer@slcgov.com.) Case number PLNHLC2015-00168

Mr. Anthony Riederer, Principal Planner, gave an overview of the proposal as outlined in the Staff Report (located in the case file). He stated Staff was recommending that the Historic Landmark Commission deny the petition as presented.

The Commission and Staff discussed the following:

- The date of the photos in the Staff Report.
- Drawings of the proposed and existing windows.

The Applicant reviewed the history of the property, the petition and why they were asking for the proposal. She reviewed the new design and materials of the proposed windows. The applicant reviewed her response to Staff's proposal as outlined in the documents she submitted (located in the case file). She reviewed why it was not feasible to replace the windows and the issues with restoring them.

The Commission and Applicant discussed the following:

- Windows in the proposal would be painted wood not aluminum clad.
- The color selection and jam liner of the window is an important detail.
- If the replacement windows were true divided light windows.
 - New windows are not divided light but are as close as can be.
- If other windows in the home were going to be replaced.

PUBLIC HEARING [6:16:28 PM](#)

Chairperson Brennan opened the Public Hearing, seeing no one wished to speak to the petition; Chairperson Brennan closed the Public Hearing.

The Commission and Staff discussed the following:

- The standards of review to determine the feasibility to repair the existing windows.

The Commission discussed the following:

- The inconsistency with issuing certificates of appropriateness
 - Each case was reviewed on a case by case basis.
- The profile comparison, layout of the multi light sash, jam color, should be able to be resolved with a little more research and worked out between the Applicant and Staff.
- Letter from the expert was compelling and should be taken into consideration.
- Improving the energy efficiency has become an item that the Commission has been asked to consider increasingly.

Ms. Oktay stated Planning held to the standard and philosophy of not replacing windows on the front façade of a contributing structure. She stated that the standards called for repair before replacement. She discussed the philosophy staff uses as part of the adopted Preservation Philosophy statement and that staff is consistently flexible on side and rear facades that were not readily visible from the street. However, this case would be a change in the current philosophy. She also stated that there are instances where deterioration beyond repair on the front façade makes replacement appropriate. She stated Staff had the historic preservation expertise on the planning staff to evaluate whether windows were beyond repair.

MOTION [6:23:26 PM](#)

Commissioner Peters stated, based on the testimony and plans presented and the findings as listed in the Applicants submittal to the Commission, he moved that the Historic Landmark Commission approve the request for a Certificate of Appropriateness for contemporary window replacement on the street-facing façade of the home located at 534 N Wall Street in the Capitol Hill Historic District. Commissioner Shepherd seconded the motion.

Commissioner Shepherd asked to amend the motion to state the replacement windows should match the layout of the existing windows, the multi light layout and sash, match muntin with as close as possible and to include, referred to sometimes as a shadow bar in the insulated glazing unit so that appearance is maximized.

Commissioner Peters accepted the amendment. Commissioner Shepherd seconded the amendment. The motion passed unanimously.

[6:28:04 PM](#)

[Baddley House Park Strip Structures at approximately 974 E 300 S](#) - David Schutt, property owner, is requesting approval from the City for various structures in the park strip at the above listed address. This is a continuation of the discussion of the proposal by the Historic Landmark Commission which occurred on March 5, 2015. The property is a historic landmark site and this work requires a Certificate of Appropriateness. Currently the land is used for a single-family home and the property is zoned R-2, (Single- and Two-Family Residential). This type of project must be reviewed as a Major Alterations Application. The subject property is within Council District 4, represented by Luke Garrott. Staff contact: Tracy Tran at

(801)535-7645 or tracy.tran@slcgov.com.) Case Number PLNHLC2014-00789

Ms. Tracy Tran, Principal Planner, gave an overview of the proposal as outlined in the Staff Report (located in the case file). She stated Staff was recommending that the Historic Landmark Commission deny the petition as presented.

The Commission and Staff discussed the following:

- How a revocable permit applied to the petition.
- Other petitions for structures in park strips and the height restrictions placed on those petitions.
 - Those height restrictions are exceeded on this property by many of the plants and structures.
- The criteria for plants and other elements in park strips.
- The Transportation Division's requirements for the proposal.

Mr. David Schutt, applicant, reviewed the proposal, the height of the plants and the site layout and changes that had been made from the previous proposal. He asked the Commission to approve the petition as presented.

The Commission and Staff discussed the following:

- The standards regarding movable furniture.
 - Structures are generally not allowed without a revocable permit.
- Outdoor dining is allowed in the public way in some commercial zones with a special exception. Those outdoor dining areas had specific performance criteria associated with that accessory use. This application did not have that associated criteria.

PUBLIC HEARING [6:54:43 PM](#)

Chairperson Brennan reopened the Public Hearing with the stipulation that only new comments would be taken, no repetition and to keep comments to two minutes.

Mr. Zackari Montoya asked what was the historic nature of park strips and the philosophy of their use. He asked if there was an original intent for park strips and what the new intent was. Mr. Montoya stated the garden brought people together and enhanced the area.

Ms. Cromer stated she took issue with the comment from one of the Commissioners stating the proposal was acceptable because the subject property was a stand alone site. She stated the property was part of a larger neighborhood and the consistency of the street scape was important to the neighboring property owners. She stated the property was in a National Historic District and in the proposed expansion of the local district. Ms. Cromer stated such eccentricity was not workable on a citywide basis or the city register districts. She stated she respected the tenacity and persistence of the property owner but his attention to engineering and artistry were not normal. Ms. Cromer stated she admired the craftsmanship of the landscaping and the remarkable creativity it reflected but it

should be on private property.

Mr. Christopher David, AFLA, the intent of the garden was to grow food and bring people together. He stated artistic opinions are just that, there was an importance of the garden and they were trying to comply with the standards and grow food.

Chairperson Brennan read the following comments:

- Ms. Stacy Sorrel – I have been a Lyft driver for approximately six months and while delivering passengers and passing by the Baddley House repeatedly I always pointed out his unique park strip/community gathering place and responses and feedback were unanimously in favor of the concept/design.
- Mr. Beau Rayer – amazing environment supported by great people with loving and caring personalities.
- Mr. David Spicer – I am Dave's next door neighbor. I think the garden is beautiful and brings a lot to the community.
- Mr. Evan Schutt – love the sense of community and gardening awareness this property presents.

Chairperson Brennan closed the Public Hearing.

Mr. David Schutt stated in regards to Ms. Cromer's comments that the garden did not fit in, other zeroscaped park strips have much less curb appeal than theirs and are neglected. He stated the restaurant down the street was on historic property and was allowed to have a concrete patio for outdoor dining.

Ms. Oktay explained outdoor dining for legal nonconforming businesses and that it was permitted in commercially zoned areas and the performance based criteria that outdoor dining areas have to comply to.

The Commission discussed the following.

- The opinion and discussion of the subcommittee stating the proposal/structures were not permanent fixtures and the request for items to be removed including the picnic table.
- The subcommittee was looking for a compromise.
- Furniture in park strips such as benches could be a benefit.
- Height of the plants and structures should not be taller than what was allowed in the ordinance.
- There was no documentation on the historic intent of park strips and all the Commission could go on was what typically had been done in park strips.
- The garden was removable and did not visually affect the home.

- The proposal did not change the nature of the home.
- There was compatibility with the construction and the general appearance of the home.
- The existing fence set off the house from the park strip.
- If the garden was behind the fence there would not be an issue.
- This was an enforcement case and the public needed to know how to properly use park strip spaces.
- Other properties in the city that have unique structures in the park strips.

MOTION [7:16:29 PM](#)

Commissioner Harding stated regarding PLNHLC2014-00789 Baddley House Park Strip Structures, she moved that the Historic Landmark Commission approve the request for structures in the park strip and specifically she moved that the Historic Landmark Commission find that the proposed project does substantially comply with standards 1,2,3,5,8 and 9 as follows:

- 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;**
 - a. She stated the proposal fit because it required minimal change. The defining characteristics were the house and fence and this had minimal impact.**
- 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;**
 - a. The historic character of the property is not impacted by something transient such as this and she agreed with the comments that the fence divides and circles the historic part.**
- 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;**
 - a. The proposal is a product of its own time and was not an alteration that had no historical basis as there was not false sense of history or architecture. Not a permanent alteration.**
- 5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;**
 - a. The house and the fence are preserved so this is not an issue.**
- 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;

- a. Nothing was being destroyed; the proposal was most likely temporary and was in an eclectic area.
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;
- a. This was not an issue as the garden could be completely removed without and impact to the architectural features of the site.

Commissioner Peters seconded the motion.

Commissioner Shepherd stated he was concerned with the compatibility of the proposal as it was not necessarily so. He stated the temporary status was challenging as one never knew the length of time the proposal would be in place.

Commissioners Harding and Peters, Brennan voted “aye”. Commissioner Shepherd voted “nay”. The motion passed 3-1

[7:23:19 PM](#)

[Quayle House Addition at approximately 355 N Quince](#) - Dave Richards, as project architect for property owners Polly Hart and Eric Hobday, is requesting approval from the City to construct a significant addition to the rear of the existing primary building and a new detached garage at the above listed address. Currently the land is used as a single-family residence. The property is zoned SR-1A (Special Development Pattern single family residential) and falls within the Capitol Hill Historic District. This project requires Major Alteration & New Construction and Special Exception approvals. The subject property is within Council District 3, represented by Stan Penfold. (Staff contact: Anthony Riederer at (801)535-7625 or anthony.riederer@slcgov.com.)

- a. Major Alteration or Minor Construction - In order to build the project noted above, a Major Alteration or Minor Construction is required to allow the significant addition and new accessory building, in the form of a detached garage. The vast majority the addition is in line with the existing building and the total lot coverage, post project, will remain below the maximum allowed. (Case number PLNHLC2015-00186)
- b. Special Exception - In order to build the project noted above, a Special Exception is required to allow additional height for the proposed rear addition. The maximum height allowed in the SR-1A district is 23 feet. The ridgeline of the existing house is approximately 28 feet high, exceeding the

district maximum. The proposed height for the addition is approximately 29.5 feet. (Case number PLNHLC2015-00212).

Mr. Anthony Riederer, Principal Planner, gave an overview of the proposal as outlined in the Staff Report (located in the case file). He stated Staff was recommending that the Historic Landmark Commission approve the petition as presented.

The Commission and Staff discussed the following:

- The setback from the original structure and the height.
- The existing structure was currently over height for the district.
- The items Staff and the Applicant would work with the Heritage Foundation on such items as the garage doors, window in the gable and pitch of the roof.
- The role of the Heritage Foundation in the proposal, they held an easement on the site.

Mr. Dave Richards, applicant, reviewed the pitch of the roof, the design, size and height of the proposal. He reviewed the concerns of the Heritage Foundation and that they were willing to work with Staff and the Foundation to address these concerns.

Ms. Polly Hart, property owner, reviewed the concern with having the Commission approve all of the aspects and not conditioning the approval with final details to be delegated to Staff. She stated it would extend the timeline for the proposal and they would like to move ahead with construction. She asked that the condition allow flexibility to work out details with Staff.

The Commission and Applicant discussed the following:

- The original additions to this building.
 - There was a one story addition with a connector similar to what was proposed.
- When the home was moved from the original location.
- That the final details could be delegated to Staff, who could approve them administratively as they were somewhat minor.

PUBLIC HEARING [7:43:38 PM](#)

Chairperson Brennan opened the Public Hearing, seeing no one wished to speak to the petition; Chairperson Brennan closed the Public Hearing.

MOTION

Commissioner Harding stated regarding PLNHLC2015-00186 an Over Height Addition PLNHLC2015-00212, based on the findings listed in the Staff Report, testimony and plans presented, she moved that the Historic Landmark Commission approve the request for a Certificate of Appropriateness, to construct a two story addition to the rear of the existing house including the request for a Special Exception allowing the addition to exceed height allowed by base zoning by approximately 5.5 feet., to construct a new garage, and for miscellaneous site

improvements on property located at approximately 355 N Quince Street, in the Capitol Hill Historic District. Review and approval of design details modified as a result of negotiations between the Utah Heritage Foundation and property owners are delegated to staff. Commissioner Peters seconded the motion. The motion passed unanimously.

[7:46:23 PM](#)

New Construction and Special Exceptions at approximately 31 East Hillside Avenue - Steve Simmons, the architect representing the property owner, is requesting approval for new construction of a single-family residence at the above address in the Capitol Hill Historic District. The subject property is currently a vacant lot. The property is in the CHPA (Capitol Hill Protective Area Overlay District) and the R-2 (Single and Two-Family Residential) zoning district, located in City Council District 3, represented by Stan Penfold. This application must be reviewed by the Historic Landmark Commission because it is for new construction in a local historic district and requires special exception approvals. (Staff contact: Amy Thompson, (801)535-7281, or amy.thompson@slcgov.com)

- a. **New Construction-** The proposed new single-family dwelling requires a Certificate of Appropriateness (COA). (Case number PLNHLC2015-00224)
- b. **Special Exceptions-** In order to construct the project mentioned above, a special exception is required for a reduced corner side yard setback by approximately 6 feet (6'), window wells that exceed the permitted projection from the proposed structure by approximately 6 inches (6"), balconies that project 5 feet (5') into the front yard setback, roof eaves that exceed the permitted projection for a 20' required yard area by 1 foot (1'), grade changes in excess of 4 feet (4') in the front and corner side yard, retaining wall height in excess of 4 feet (4') in the front yard, and an accessory structure in the front yard of the double frontage lot. (Case number PLNHLC2015-00281)

Ms. Amy Thompson, Associate Planner, gave an overview of the proposal as outlined in the Staff Report (located in the case file). She stated Staff was recommending that the Historic Landmark Commission approve the petition as presented.

The Commission and Staff discussed the following:

- Allowing the alley to be narrower and if Transportation had reviewed the proposal.
- Narrow streets are a character defining feature of the Capitol Hill Historic District.
- Abandoning the section of Loma Lane, if there were plans to do so. Likely not.
- Widening of Loma Lane to existing curb cut would result in loss of green space. Impact on the existing neighborhood
- Loma lane continues through the entire block and is unimproved through the north end as well. Street functions more like an alley.

Mr. Steve Simmons, Architect, reviewed the proposal and the intent to minimize the height impact.

The Commission and Applicant discussed the following:

- The distance from the window well, on the west, to the property line.
- The location of the curb in relation to the property line.
- The window wells in the basement, purpose and size.

PUBLIC HEARING [8:00:14 PM](#)

Chairperson Brennan opened the Public Hearing.

Ms. Victoria Collard gave the history of the property, stated the lot was too small to build on and should be a park as it was better for the area. She stated the proposed home would fill the lot and no other home in the area fills the lot as proposed. Ms. Collard stated Loma Lane was not an alley but an official street and it should be developed as such. She stated she opposed the proposal.

Chairperson Brennan closed the Public Hearing.

The Commissioners discussed the following:

- The precedent set by the neighboring building.
- Had minimal historic nature surrounding the lot.
- The role of the Commission in the street issue.
 - Transportation and engineering would like the Commission to give direction on the width of the street and the updates to Loma Lane within the historic context.
- If it was appropriate for the Commission to make recommendations for the street and what the statements would be. That they had requested comment and would utilize that comment in evaluating the street widening.
- Would encourage Transportation to keep Loma Lane narrower as it existed as it was more compatible with the historic area and historic context of Capitol Hill.
- Just because there is an existing curb cut doesn't mean that is where it should be and a further discussion is warranted
- Proposal was not in conflict with any neighboring structures.
- Issues with the significant grades coming off the roadway, widening the road exacerbated the grade and caused issues with maintenance of the area. Keeping it narrow greater respected the historic grading and landscaping.

MOTION [8:09:20 PM](#)

Commissioner Peters stated regarding New Construction PLNHLC2015-00224 and Special Exceptions PLNHLC2015-00281, based on the analysis and findings listed in the Staff Report, testimony and the proposal presented, he moved that the Commission approve the request for a Certificate of Appropriateness for new construction located at approximately 31 E Hillside Avenue to include special exceptions for a reduced corner side yard setback, obstructions in required yards, an

accessory structure in the front yard of a double frontage lot, and grade changes and retaining wall height greater than 4 feet subject to the following condition:

- 1. Approval of final design details, consistent with the proposed development as approved by the Historic Landmark Commission be delegated to Planning staff.**

Commissioner Shepherd seconded the motion. The motion passed unanimously.

The meeting adjourned at [8:10:28 PM](#)