



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Historic Landmark Commission
From: Michael Maloy, AICP
(801) 535-7118 or michael.maloy@slcgov.com
Date: November 5, 2015
Re: PLNHLC2015-00583 – Chimney Removal

MINOR ALTERATION

PROPERTY ADDRESS: 1342 E 300 South

PARCEL ID: 16-04-152-004

HISTORIC DISTRICT: University Local Historic District

ZONING DISTRICT: R-2 Single- and Two-Family Residential District

MASTER PLAN: Low Density Residential (1-15 dwelling units per acre), Central Community Master Plan

REQUEST: Kathleen Kristensen is requesting a Certificate of Appropriateness from the City to remove two original brick chimneys at the above listed address. Currently the land is used for a single-family dwelling and the property is zoned R-2 Single- and Two-Family Residential District.

STAFF RECOMMENDATION: Staff recommends based on the analysis, that the request to remove two chimneys be denied.

RECOMMENDED MOTION: Based on the analysis and findings listed in this staff report, testimony received, and the proposal presented, I move that the Commission deny the request for Certificate of Appropriateness to remove two chimneys at 1342 E 300 South. Specifically, the Commission finds that the proposed project does not comply with the review standards.

BACKGROUND AND PROJECT DESCRIPTION:

On July 20, 2015, Kathleen Kristensen submitted Minor Alteration Petition No. PLNHLC2015-00583 to remove two original brick chimneys from a dwelling located at 1342 E 300 South; however an existing third chimney on the west side of the home would remain. According to the applicant, none of the chimneys have been properly maintained or are currently operable.

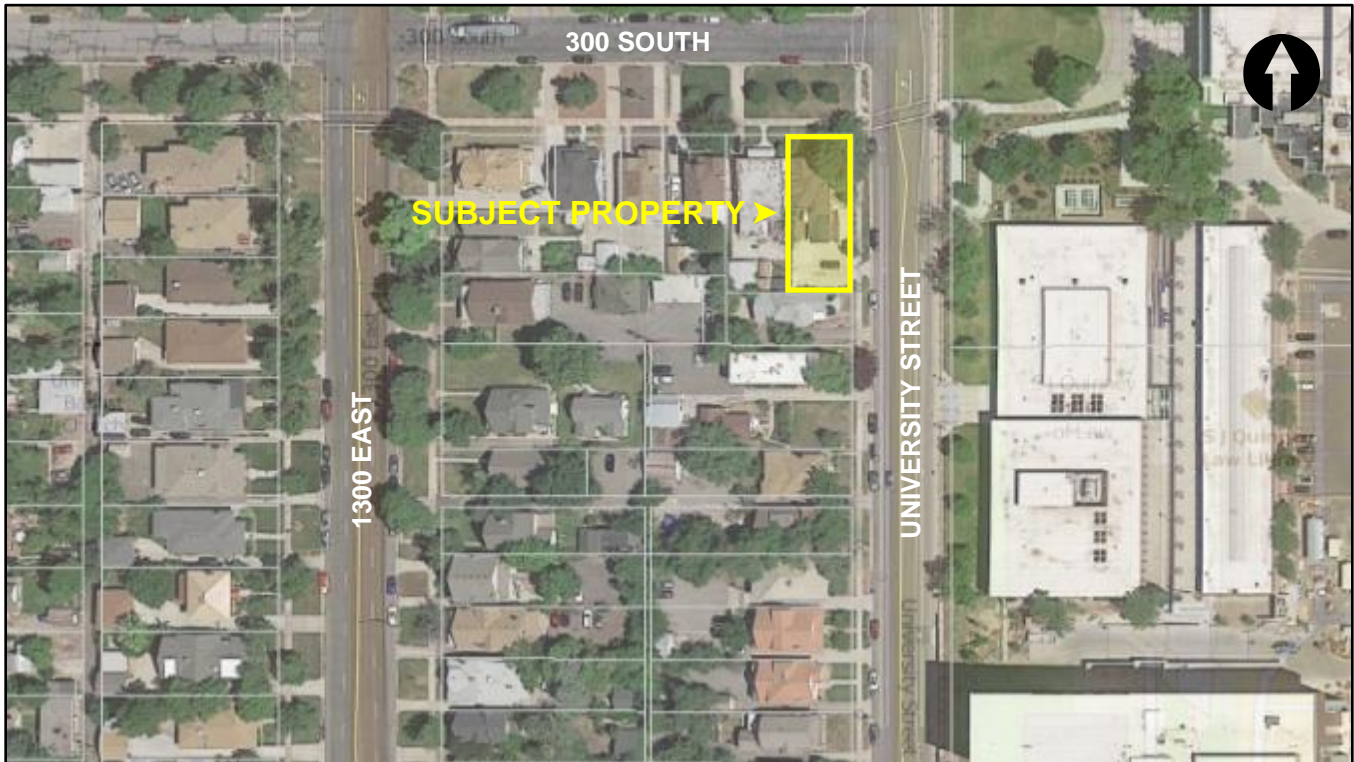
The dwelling is located on a 0.14 acre parcel, which is approximately 6,098 square feet, on the south west corner of 300 South and University Street. The parcel is zoned R-2 Single- and Two-Family Residential District. The parcel is also within the University Local Historic District.

According to a Salt Lake City Architectural Survey completed on August 8, 1980, the one-and-one-half-story masonry dwelling was constructed circa 1904¹. The survey classified the design of the “pattern book” home as “Victorian Eclectic.” The chimneys are a character defining feature of the Victorian Eclectic architectural style, thus their complete removal and loss would have a detrimental effect on the architectural integrity of this home as they are readily visible from the public right-of-way. The dwelling was also evaluated as an “A”, which means that it is “architecturally significant” and is a contributing structure within the University Historic District.

Although the original structure appears to have had multiple additions, primarily within the rear yard, the brick chimneys in question are part of the original structure. The applicant seeks permission to remove the chimneys because “there is no mortar” and the bricks are liable to fall and cause property damage or personal injury.

¹ The applicant stated the home was constructed in 1908.

Following a site visit staff determined that the petition does not comply with applicable regulations and cannot be administratively approved. Staff cannot deny a certificate of appropriateness; it must be forwarded on to the Historic Landmark Commission for a denial. On September 16, 2015, the applicant met with staff to discuss; (1) amending, (2) withdrawing, or (3) maintaining the petition. The applicant informed staff that she would maintain the petition and pursue the matter with the Historic Landmark Commission.



KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor input and department review comments.

Issue 1 – Loss of Character Defining Feature: As stated within this report, the chimneys are a character defining feature of the subject property (see Background on page 1 and Issue 2 listed below). If a chimney is not a character defining feature, or readily visible, staff may administratively approve a request for modification or removal. Or if the request had been to replace bricks or shorten the chimney, staff may also have considered administrative approval as the structure would still read as a chimney and could be reinstated in the future. However, based on information contained within this report, the request to completely remove a character defining feature is not in keeping with applicable standards.

Issue 2 – Conflict with the Design Guidelines: As stated previously, the subject property is located within the University Local Historic District, which was established in 1991. The neighborhood became a National Register District in 1995. As such, the property is subject to regulations contained within Salt Lake City Code 21A.34.020, entitled H Historic Preservation Overlay District, which include the following design guidelines adopted by the Salt Lake City Council:

- **Character Defining Feature.** “Chimneys and dormers can be major character defining features of the roofscape, and are often designed to great effect to crown and embellish the architectural composition. In many instances they combine functionality with great decorative impact.” (Part II, 7:1)
- **Maintenance.** “Chimneys are by nature very exposed, cope with greater temperature extremes and are consequently susceptible to more rapid weathering than other masonry features. Additional maintenance here may be required to avoid premature deterioration.” (Part II, 7:2)

- **Design Objective.** The character of historical roof should be preserved, including its form, features and materials whenever feasible. Historic chimneys and their details should be retained.” Part II, 7.2)

Whereas chimneys are a character defining feature, and are specific feature of the Victorian Eclectic architectural style of the subject property—which inherently require additional maintenance—that should be retained and repaired, staff finds the request is conflict with applicable design guidelines.

DISCUSSION:

Staff advised the applicant that approval of the petition is unlikely, and recommended the applicant pursue repair rather than removal of the chimneys. Staff further advised the applicant that the Utah Heritage Foundation has a Preservation Consultant list that includes contractors who specialize in masonry and chimney repair. Staff also made the applicant aware of the Federal Investment Tax Credit Program, which is available for maintenance of buildings that are listed in the National Register of Historic Places, as this property is on the register.

NEXT STEPS:

If approved, the applicant may proceed with the project and will be required to obtain all necessary permits. If denied, the applicant would not be allowed to remove the chimneys from the historic residence. Any decision of the Historic Landmark Commission may be appealed to the Appeals Hearing Officer within 10 days of the notice of decision.

ATTACHMENTS:

- A.** Historic District Map
- B.** Historic Photographs
- C.** Applicant Information
- D.** Existing Conditions
- E.** Analysis of Standards
- F.** Applicable Design Guidelines
- G.** Public Process & Comments
- H.** Motions

ATTACHMENT A: HISTORIC DISTRICT MAP



★ Approximate location of subject property

ATTACHMENT B: HISTORIC PHOTOGRAPHS



Front Elevation – Chimney to be Maintained



Rear Elevation – Chimneys to be Removed

ATTACHMENT C: APPLICANT INFORMATION



HP: Minor Alterations

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Project #: <i>RNHLL 2015-00583</i>	Received By: <i>A Anglin</i>	Date Received: <i>7/20/15</i>	Zoning: <i>R-2 DISTRICT</i>
---------------------------------------	---------------------------------	----------------------------------	--------------------------------

Project Name: *Chimney Removal*

PLEASE PROVIDE THE FOLLOWING INFORMATION

Request: *I am desiring of removing a non-functional chimney which is falling down*

Address of Subject Property:
1342 East 300 So., Salt Lake City, Utah 84102

Name of Applicant: *KATHLEEN KRISTENSEN* Phone: *home cell*

Address of Applicant: [REDACTED]

E-mail of Applicant: [REDACTED] Cell/Fax:

Applicant's Interest in Subject Property:
 Owner Contractor Architect Other:

Name of Property Owner (if different from applicant):

E-mail of Property Owner: Phone:

→ Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

→ Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person: Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
--	--

SIGNATURE

→ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: <i>Kathleen N. Kristensen</i>	Date: <i>7/3/2015</i>
---	--------------------------



Northward View of Rear and Corner Side Yard Elevation



Chimneys to be Removed



Southern Chimney to be Removed



Northern Chimney to be Removed

ATTACHMENT D: ZONING ORDINANCE STANDARDS

Existing Conditions:

The corner parcel is currently developed with a single-family residence. On the south side of the residence is a single-family dwelling, while on the west side is a duplex. All three residential properties are zoned R-2 Single- and Two-Family Residential District.

Across the street to the north is the Fine Arts West building, a former church currently owned and operated by the University of Utah for educational purposes, is zoned RMF-30 Low Density Multi-Family Residential District. Across the street to the east is the Main Campus of the University of Utah, which is zoned I Institutional District.

Zoning Ordinance Standards for R-2 Single- and Two-Family Residential District (21A.24.110)

Zoning Standard	Finding	Rationale
Minimum lot area for single-family detached dwelling is 5,000 square feet	Complies	Subject property contains approximately 6,098 square feet
Maximum lot size is 7,500 square feet	Complies	Subject property is approximately 1,402 square feet less than the maximum lot size permitted in the zoning district
Maximum building height for building with pitched roof is 28 feet measured to the ridge of the roof, or the average height of the block face	Complies	The one and one-half story structure has a hipped roof with a gabled front bay. According to the geographic information system (GIS) data published by Salt Lake City, building height is approximately 23'-4"
Minimum front yard requirement is equal to the average of the front yards of existing buildings within the block face, which is approximately 10'-4"	Complies	According to the geographic information system (GIS) data published by Salt Lake City, the front yard setback is approximately 15'-6"
Minimum interior side yard requirement is 4'-0"	Complies	According to the geographic information system (GIS) data published by Salt Lake City, the interior side yard setback is approximately 6'-6"
Minimum corner side yard requirement is 10'-0"	Complies	According to the geographic information system (GIS) data published by Salt Lake City, the corner side yard setback is approximately 12'-0"
Minimum rear yard requirement is twenty-five percent (25%) of the lot depth, but need not exceed thirty feet 30'-0"	Complies	According to the geographic information system (GIS) data published by Salt Lake City, the rear yard setback is approximately 35'-0"
Maximum Building Coverage. The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot for two-family dwellings and forty percent (40%) for single-family dwellings. For lots with buildings legally existing on April 12, 1995, the coverage of existing buildings shall be considered legal conforming.	Complies	Regardless of existing building coverage, the subject property legally existed on April 12, 1995.

ATTACHMENT E: HISTORIC PRESERVATION STANDARDS

H Historic Preservation Overlay District – Standards for Certificate of Appropriateness for Altering of a Landmark Site or Contributing Structure (21A.34.020.G)

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	Finding	Rationale
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;	Not compliant	Petition will remove a character defining feature, which is contrary to adopted regulations
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;	Not compliant	Petition will remove a character defining feature, which is contrary to adopted regulations
Standard 3: All sites, structure 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.	Compliant	Petition does not include new construction except repair of roof following removal of chimney
Standard 4: Alterations or additions that have acquired historic significance in their own right shall be retained and preserved.	Compliant	Petition will not alter the exiting building addition
Standard 5: Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.	Not compliant	Petition will remove a character defining feature, which is contrary to adopted regulations
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.	Not compliant	Petition will remove a character defining feature, which is contrary to adopted regulations. The chimney should be repaired. Total loss of the chimneys, which are visible from the public way, is detrimental.
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.	Compliant	Petition does not include chemical or physical treatments of existing surfaces
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.	Not applicable	Other than removal of the two chimneys, the petition does not include alteration or additions to the existing property
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 differentiate 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.	Not compliant	The essential form of the building would be intact however the architectural integrity would be compromised as these chimneys are character defining.
Standard 10: Certain building materials are prohibited including the following: vinyl, asbestos, or aluminum cladding when applied directly to an original or historic material.	Compliant	If the petition is approved, the applicant will repair the roof with materials that are compatible with or similar to existing materials
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.	Not applicable	Petition does not include signage

ATTACHMENT F: APPLICABLE DESIGN GUIDELINES

The following are applicable historic design guidelines related to this request. On the left are the applicable design guidelines and on the right, a list of the corresponding Zoning Ordinance standards for which the design guidelines are applicable. The following applicable design guidelines can be found in *A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City*.

Applicable Design Guidelines	Corresponding Standards for a Certificate of Appropriateness
<p>Design Objective 2.3 The traditional scale and character of masonry surfaces and architectural features should be retained.</p> <ul style="list-style-type: none"> This includes original mortar joint characteristics such as profile, tooling, color, and dimensions. Retain bond or course patterns as an important character-defining aspects of traditional masonry. 	<p>City Code 21A.34.020.E. Certificate of Appropriateness Required. Certificates of appropriateness shall be required for:</p> <ol style="list-style-type: none"> Any construction needing a building permit; Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding; 8. Masonry work including, but not limited to, tuckpointing, sandblasting and chemical cleaning;
<p>Design Objective 2.4 Match the size, proportions, finish, and color of the original masonry unit, if replacement is necessary.</p>	<p>City Code 21A.34.020.E. Certificate of Appropriateness Required. Certificates of appropriateness shall be required for:</p> <ol style="list-style-type: none"> Any construction needing a building permit; Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding; 8. Masonry work including, but not limited to, tuckpointing, sandblasting and chemical cleaning;
<p>Design Objective 2.3 The traditional scale and character of masonry surfaces and architectural features should be retained.</p> <ul style="list-style-type: none"> This includes original mortar joint characteristics such as profile, tooling, color, and dimensions. Retain bond or course patterns as an important character-defining aspects of traditional masonry. 	<p>City Code 21A.34.020.E. Certificate of Appropriateness Required. Certificates of appropriateness shall be required for:</p> <ol style="list-style-type: none"> Any construction needing a building permit; Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding; 8. Masonry work including, but not limited to, tuckpointing, sandblasting and chemical cleaning;
<p>Design Objective 2.5 The existing mortar mix should be retained if it was designed for the physical qualities of the masonry.</p> <ul style="list-style-type: none"> Retain original mortar in good condition. Match the mix of the existing mortar as closely as possible when re-pointing mortar. Ensure that the strength of the mortar mix is weaker than the material it bonds, since it will damage the existing brick or stone otherwise. Mortar is intended to be the sacrificial (see Glossary) component of a masonry system. When the mortar mix is harder than the strength of the masonry units, the brick or block will be damaged and deterioration accelerated as the new system ages. If previous re-pointing mix is comprised of hard cement mortar (e.g. "Portland cement"), this should be removed and the masonry re-pointed with an appropriate mortar mix. Mortar mix for re-pointing original masonry should be compatible with the qualities of the masonry, local climate characteristics and exposure to extremes of weather. 	<p>City Code 21A.34.020.E. Certificate of Appropriateness Required. Certificates of appropriateness shall be required for:</p> <ol style="list-style-type: none"> Any construction needing a building permit; Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding; 8. Masonry work including, but not limited to, tuckpointing, sandblasting and chemical cleaning;
<p>Design Objective 7.1 The original roof form and features should be preserved.</p> <ul style="list-style-type: none"> Altering the angle of a historic roof should be avoided. Maintain the perceived line and orientation of the roof as seen from the street wherever possible. Historic chimneys and their details should be retained. Historic dormers and their details should be retained. 	<p>City Code 21A.34.020.E. Certificate of Appropriateness Required. Certificates of appropriateness shall be required for:</p> <ol style="list-style-type: none"> Any construction needing a building permit; Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding; 8. Masonry work including, but not limited to, tuckpointing, sandblasting and chemical cleaning;

ATTACHMENT G: PUBLIC PROCESS & COMMENTS

Public Notice, Meetings and Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project.

Notice of the public hearing for the proposal include:

- Notice mailed on October 22, 2015
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on October 22, 2015

Staff has not received any public comment prior to publication of this staff report. Any correspondence received after publication of this staff report will be forwarded to the Planning Commission.

ATTACHMENT H: MOTIONS

Staff Recommendation:

Based on the analysis and findings listed in this staff report, testimony and the proposal presented, I move that the Commission deny the request for Minor Alteration to remove two chimneys at 1342 E 300 South. Specifically, the Commission finds that the proposed project does not comply with the review standards.

Not Consistent with Staff Recommendation:

Based on the analysis and findings listed in this staff report, testimony and the proposal presented, I move that the Commission approve the request for Minor Alteration to remove two chimneys at 1342 E 300 South. Specifically, the Commission finds that the proposed project complies with the review standards based on the following findings (Commissioner then states findings based on the Standards 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.

The Historic Landmark Commission shall make findings on the H Historic Preservation Overlay zone standards and specifically state which standard or standards are not being complied with.