



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Historic Landmark Commission

From: Amy Thompson, Senior Planner, amy.thompson@slcgov.com or 385-226-9001

Date: July 15, 2021

Re: PLNHLC2021-00457 – Special Exception Fence Height Brigham Young Cemetery
PLNHLC2021-00604– Minor Alteration for Fence Brigham Young Cemetery

Special Exception & Minor Alteration

PROPERTY ADDRESS: 140 E 1st Avenue
PARCEL ID: 09-31-380-035
LANDMARK SITE: Brigham Young Cemetery
HISTORIC DISTRICT: Avenues Local Historic District
ZONING DISTRICT: RMF-75– High Density Multi-Family Residential & H – Historic Preservation Overlay District
MASTER PLAN: Capitol Hill Community Master Plan



REQUEST: Emily Utt, representing the Church of Jesus Christ of Latter Day Saints who is the owner of the property, is requesting a Special Exception and associated Certificate of Appropriateness (CoA) from the City to increase the height of an existing historic fence surrounding the Brigham Young Cemetery. The Brigham Young Cemetery is a Landmark Site within the Avenues Local Historic District.

RECOMMENDATION: In Planning Staff's opinion, the requested Special Exception and associated Minor Alterations application fail to substantially comply with the standards of approval in 21A.34.020.G and 21A.52.030. Therefore, Staff recommends the Historic Landmark Commission deny the Special Exception and Minor Alteration request for additional fence height.

ATTACHMENTS:

- A. [Vicinity Map & Historic District Map](#)
- B. [Historic Survey Information](#)
- C. [Property and Vicinity Photos](#)
- D. [Information Submitted by Applicant](#)
- E. [Analysis of Minor Alteration Standards](#)
- F. [Historic Design Guidelines](#)
- G. [Analysis of Special Exception Standards](#)
- H. [Public Process & Comments](#)

REQUEST DESCRIPTION:



Emily Utt, representing the Church of Jesus Christ of Latter Day Saints who is the owner of the property, is requesting a special exception to increase the height of a decorative wrought iron fence that sits on top of a sandstone wall surrounding the Brigham Young Cemetery. The rock wall was built around the cemetery in September 1877. In the 1880's, iron fencing and gates were added to the rock wall and around Brigham Young's grave, which were fashioned and fabricated by William J. Silver, a successful iron works businessman who established his career in Salt Lake City.

The proposed fence has a height of 5 FT. The height of the existing retaining wall varies due to the slope of the site—no changes are proposed to the existing retaining wall height. The proposed overall combined fence and retaining wall height varies around the site from approximately 5 FT to 9.41 FT. To achieve this additional height, the applicant is proposing to add a new wrought iron bar stock at the bottom of the existing fence and the corner posts will be raised to correspond with the added fence height.

Maximum combined height of retaining wall and proposed fence at each elevation:

- Approximately 7 FT on the north elevation facing 1st Avenue
- Approximately 9.41 FT on the east elevation
- Approximately 7.86 FT on the west elevation
- Approximately 6 FT 2 IN on the south elevation

See the elevation drawings in [Attachment D](#) for more information.

This request requires a special exception because the maximum height for fences in the front yard area is 4 FT, and in the interior side and rear yards, the maximum height is 6 FT.

The narrative submitted by the applicant notes the cemetery has seen a significant increase in trespassing and vandalism in recent years and they believe that raising the height of the fence will significantly improve security at the site.

PROPERTY DESCRIPTION AND CONTEXT:

Brigham Young Cemetery is located in the South Temple National Historic District and the Avenues Local Historic District in Salt Lake City, Salt Lake County, Utah. It fronts on 1st Avenue and is located between State Street and A Street at 140 East 1st Avenue. The cemetery is significant because it is the interment site of Brigham Young and his close family members. Young served as

the second President of The Church of Jesus Christ of Latter-day Saints from December 27, 1847 until his death on August 29, 1877.

The 0.25-acre cemetery is nestled on the west side of 1st Avenue in the lower, western-most reaches of the steep Avenues neighborhood. The cemetery is surrounded by single-family homes and apartments, including several structures located immediately adjacent to the site on its south, west and east edges. Multi-family residential buildings are also located on the north side of 1st Avenue opposite the cemetery, providing views into the cemetery from those vantage points. Farther to the west is Temple Square, Brigham Young Historic Park, and City Creek Park. Access to the burial site is from 1st Avenue. The site is located in an area with significant south-to-north upward grade, as well as west-to-east upward grade, although the site itself is relatively flat and even, the result of terracing achieved through the use of retaining walls along the steep perimeter edges and within the cemetery. The internal retaining wall includes a set of stairs, which provide access between the two character-defining sections of the cemetery: the Upper Courtyard: Mormon Pioneer Memorial and the Lower Courtyard: Brigham Young Family Burials.



The site was originally landscaped with grass and several small trees. A pioneer memorial including sculpture, monuments, and a more formal circulation path in concrete was added to the cemetery in 1974. A renovation project in 1999 restored grave markers and monuments, added sandstone paving that is currently throughout the site, and upgraded the landscape plan.

OTHER CHANGES TO THE SITE:

Planning Staff has been working with the applicant on a separate Minor Alterations application addressing various features within the Landmark Site. These following items are not included in this application that is before you for a decision, but Staff is noting the proposed modifications to provide the commission with a better sense of the overall scope of work for the Brigham Young Cemetery.

- The sandstone wall surrounding the property is deteriorated with spalling stones and missing mortar. Damaged stone will be repaired to retain original material to the greatest extent possible. The wall will be repointed to match the original mortar in color, texture, hardness, and profile.
- New light poles and security poles will be installed in the cemetery to improve security at night.
- Sandstone flagging installed in 1999 is degrading. Spalled stones are a safety hazard throughout the site. These pavers are not historic. Concrete pavers are proposed for inside the cemetery to lower maintenance requirements and increase safety. The current hardscape paths will be retained but be in concrete pavers instead of sandstone flagging. The sandstone sidewalk in front of the property is not included in this project.
- Several trees, shrubs, and other plantings have reached end of life. These trees will be replaced with compatible species.

KEY CONSIDERATIONS:

The key considerations listed below were identified through planning staff's analysis of the project:

Consideration 1 – Alterations to a Historic Feature of the Landmark Site: As discussed in the analysis of the Standards for a Certificate of Appropriateness for a Landmark Site in [Attachment E](#), the proposal to modify the existing historic fence by adding height would have a negative impact on the historic integrity of one of the original character defining features of this site and setting. The proposed alterations do not have any historical basis and could be interpreted as creating a false sense of history or architecture.

Consideration 2 – Special Exception Standards and Compatibility:

Special exception approval for additional fence height may be granted if the proposal complies with 21A.52.030(A)(3) of the Zoning Ordinance and if the proposal complies with other applicable standards. The zoning ordinance allows for additional fence height for security purposes and when the increased height does not negatively impact the character of the neighborhood and maintenance of public and private views. The proposed height of the fence on top of the retaining wall is not compatible with the historic Avenues neighborhood character—where fences are generally lower in height to maintain the development pattern and open rhythm of yard areas along the streetscape.

The City does not typically permit taller fences in the front and side yards of residential zoning districts because they create a walled-in effect and contribute to a poor pedestrian experience. Each of the 8 specific special exception standards for additional fence height must be reviewed and considered equally before issuing approval. In addition, the general standards for special exceptions must be met. Staff has analyzed these standards in Attachment G of the Staff Report and has found the proposal does not comply with standards A, C, D, E, and G.

Consideration 3 – Proposed Fence Height Text Amendment (PLNPCM2020-00511)

The special exception petition is vested and the Historic Landmark Commission should make a decision based on the current zoning ordinance, but it should be noted that on January 13, 2021, the Planning Commission recommended approval to the City Council regarding a fence height text amendment (PLNPCM2020-00511) which if adopted would remove the Special Exception process for over height fences, walls, and hedges. The ordinance defines instances where a taller fence may be appropriate and approved by right. Except for a few instances, the proposed amendment would limit fence, wall, and hedge height to 4 feet in front yards and 6 feet in side or rear yards. The Planning Commission and Historic Landmark Commission would still have the authority to approve excess fence height for land use applications that are already required to go before them. The proposed amendment is intended to provide “uniformity and clear expectations to the public for when an over height fence, wall, or hedge is appropriate” and promote consistent development patterns.

As stated above, the special exception petition is vested under the current zoning ordinance and should be reviewed accordingly. If the City Council adopts new fencing regulations any future application would be subject to the updated standards of approval.

NEXT STEPS:

Denial of the Special Exception and CoA Request (Staff's Recommendation)

If the HLC does not find that the Special Exception request and associated CoA for additional fence height complies with the standards in section 21A.52.030 and 21A.34.020.G of the zoning ordinance, then the HLC shall deny the requests. These standards and Planning Staff's analysis are included in Attachment E, F and G.

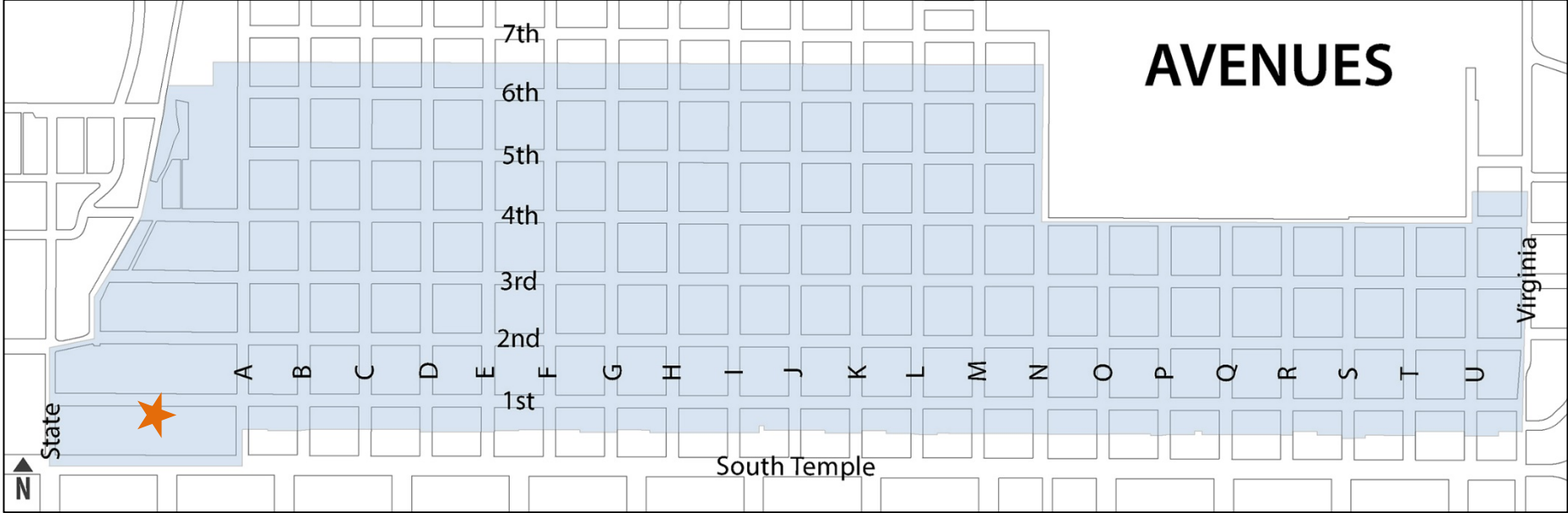
If the request is denied, the owner and/or owner's representative will still be able to make appropriate repairs to the existing fence, but the fence would not be able to be modified and increased in height as proposed.

Approval of the Special Exception and CoA Request

If the HLC finds that the Special Exception request and associated CoA for additional fence height complies with the standards in section 21A.52.030 and 21A.34.020.G of the zoning ordinance, then the HLC can approve the requests and the applicant would be granted the additional fence height as proposed in the submitted plans. The applicant would need to apply for a building permit for the fence construction.

ATTACHMENT A – VICINITY MAP & HISTORIC DISTRICT MAP





ATTACHMENT B – HISTORIC SURVEY INFORMATION

Property Type: 399

Historic Preservation Research Office

Site No. _____

BATCH KEY
1805E03301

Structure/Site Information Form

IDENTIFICATION 1

Street Address: 00140 FIRST AV

UTM: 14596 14596

Name of Structure: Brigham Young's Grave

T. 01.0 S R. 01.0 E S. 31

Present Owner: CORP OF PRES OF LDS CH*

50 E NORTH TEMPLE

Owner Address: SLC, UT

84150

Year Built (Tax Record):

Effective Age:

Tax #: 05 2449001

Legal Description

01 Kind of Building: OTHER

COM AT NE COR LOT 12 BLK 1 PLAT I SLC SUR W 82.26 F S 10 RDSE 82.26 FT N 10 RDS TO BEG

JAN 14 1984

STATUS/USE 2

Original Owner:

Construction Date:

Demolition Date:

Original Use:

Present Use:

Building Condition:

Integrity:

Preliminary Evaluation:

Final Register Status:

Excellent

Site

Unaltered

Significant

Not of the

National Landmark

District

Good

Ruins

Minor Alterations

Contributory

Historic Period

National Register

Multi-Resou

Deteriorated

Major Alterations

Not Contributory

State Register

Thematic

DOCUMENTATION 3

Photography:

Date of Slides:

Slide No.:

Date of Photographs:

Photo No.:

Views: Front Side Rear Other

Views: Front Side Rear Other

Research Sources:

Abstract of Title

Sanborn Maps

Newspapers

U of U Library

Plat Records/Map

City Directories

Utah State Historical Society

BYU Library

Tax Card & Photo

Biographical Encyclopedias

Personal Interviews

USU Library

Building Permit

Obituary Index

LDS Church Archives

SLC Library

Sewer Permit

County & City Histories

LDS Genealogical Society

Other

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Deseret News, June 1, 1974, p. A3.

Salt Lake Tribune, May 24, 1974, P. B4.

Salt Lake Tribune, June 2, 1974, P. B9.

The Pioneer, Vol. 21, No. 4 (July-August, 1974), p. 4.

Utah. A Guide to the State. New York: Hastings House, 1941.

Street Address:

Site No:

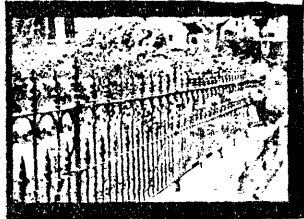
4
ARCHITECTURE

Architect/Builder:

Building Materials:

Building Type/Style:

Description of physical appearance & significant architectural features:
(Include additions, alterations, ancillary structures, and landscaping if applicable)



HISTORY

Statement of Historical Significance:

Construction Date:

Brigham Young's grave is a significant site in the Avenues Historic District. A green-lawned area, surrounded by an iron fence, the site marks the spot of Young's burial. Brigham Young (1801-1877) served as L.D. S. Church President from 1847 until his death.

In May, 1974 the Sons of the UTAH Pioneers "beautified" the grounds. They commissioned sculptor Edward J. Fraughton to fashion an eight-foot bronze statue which now marks the grave.

The site remains significant both because of Brigham Young's importance as a Mormon and political leader and pioneer, as well as the general feeling of the grave as an integral part of the Avenues. In addition, this is the only "family plot" cemetery in the Avenues, and this portion of the area was owned by Young, close to his residence on South Temple.

ATTACHMENT C – PROPERTY AND VICINITY PHOTOS



Streetscape of subject property. Proposed fence/retaining wall height is 7 FT along 1st Avenue



Existing fence from 1st Ave looking west from sidewalk



Existing fence from 1st Ave looking east from sidewalk



Existing fence along east property line



Existing fence along west property line



Inside the cemetery looking north



Inside the lower portion of the cemetery facing south. Existing fence along south property line can be seen in this photo.



Surrounding development – South side of 1st Avenue



Surrounding development – North side of 1st Avenue



Surrounding development – North side of 1st Avenue



Gate at entrance to Brigham Young Cemetery – Proposal is to increase height by about 2.5 FT



Existing fence along 1st Avenue. The retaining wall and proposed fence will have a height of approximately 7 FT at the front property line along 1st Avenue.

ATTACHMENT D – INFORMATION SUBMITTED BY APPLICANT

Special exception notice of application project description

Brigham Young Cemetery fence

140 1st Avenue

A special exception permit for the Brigham Young cemetery is requested in conjunction with a minor alterations certificate of appropriateness. The petition number is PLNHLC2021-00334.

The wrought iron fence surrounding the Brigham Young cemetery at 140 1st Avenue was installed circa 1880s on top of a sandstone wall. The cemetery has seen a significant increase in trespassing and vandalism in recent years. Most intruders are entering the property by jumping low portions of the fence on the sides of the property. This special exception permit is being requested to raise the fence height at the property. A taller fence will offer better security at the property. A taller fence is needed because of the negative impact of safety and security at the property in keeping with city code 21A.52.030.

The cemetery is monitored daily by church landscaping staff. In the last two years, graffiti has been painted on Brigham Young's grave, a statue of Brigham Young was pushed off its pedestal, at least twenty known after hours trespass involving damage to the grounds, and a stolen headstone. Security cameras and other measures will be installed to monitor the cemetery and help document damage. Raising the fence will greatly reduce the amount of trespassing after visiting hours.

The lowest point of the north elevation of the fence is 30 inches on top of a 19 inch sandstone wall for a total height of 49 inches. The lowest fence height on the east side of the property is about 38 inches. This occurs where the sandstone wall is about at grade. The lowest fence height on the west side of the property is about 32 inches. This occurs where the sandstone wall is about at grade. The property abuts a parking garage entrance to the east, a residential backyard to the west, and a retaining wall and parking garage access to the south.

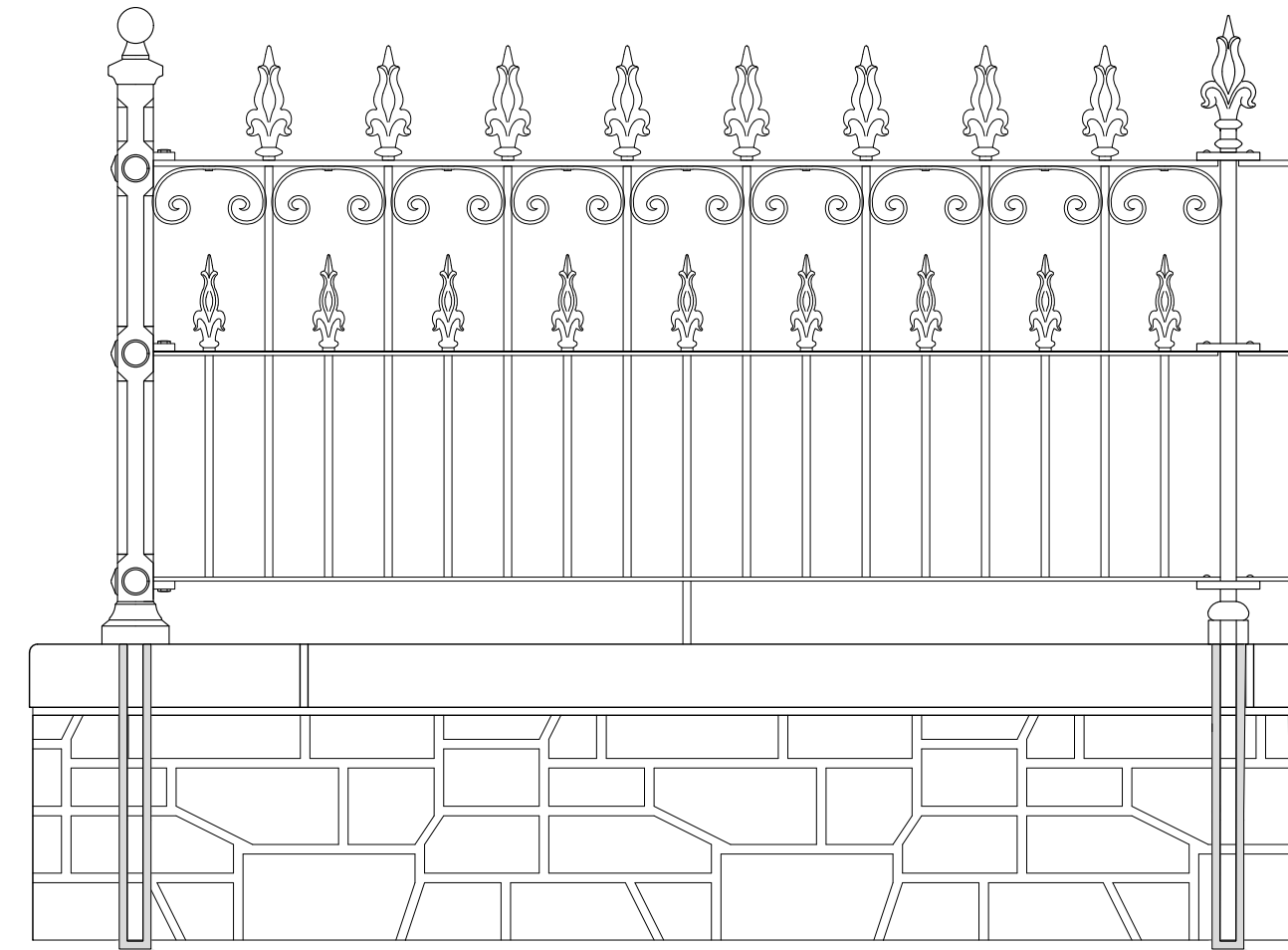
This proposal raises the fence height by adding new wrought iron bar stock at the bottom of the existing fence and replicating the corner posts at the new height. The sandstone wall will be modified only to support the wrought iron fence. All new work would replicate the historic and be reversible. These designs are consistent with the standards for certificate of appropriateness as outlined in standards five, six and nine. The historic character of the fence and wall will be preserved. Historic features will be retained. Any replacement parts will match the historic visual qualities of the original fence. While the fence will be taller, it will be consistent with the design of the original fence. Added height will be reversible. In addition, the modifications will be carefully documented as an aid to future preservation efforts. Details of the proposed design are available in the attached architectural plans.

This proposal makes the historic fence 5 feet tall on top of the variable height sandstone wall. Overall height of the wall and fence will be five feet at the shortest point along the east and west walls and over 9 feet at the southwest corner. Average overall height on the north side of the property will be approximately 7 ½ feet. A taller fence around the entire property will greatly improve security. The new fence will continue to be wrought iron and "the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area" following the specifications of city code 21A.52.030. Tall fences and retaining walls at varying heights are already a

feature of the historic district along First Avenue. A taller fence around this property will have a negligible impact to the visual quality from the street; especially on the east, west and south sides.

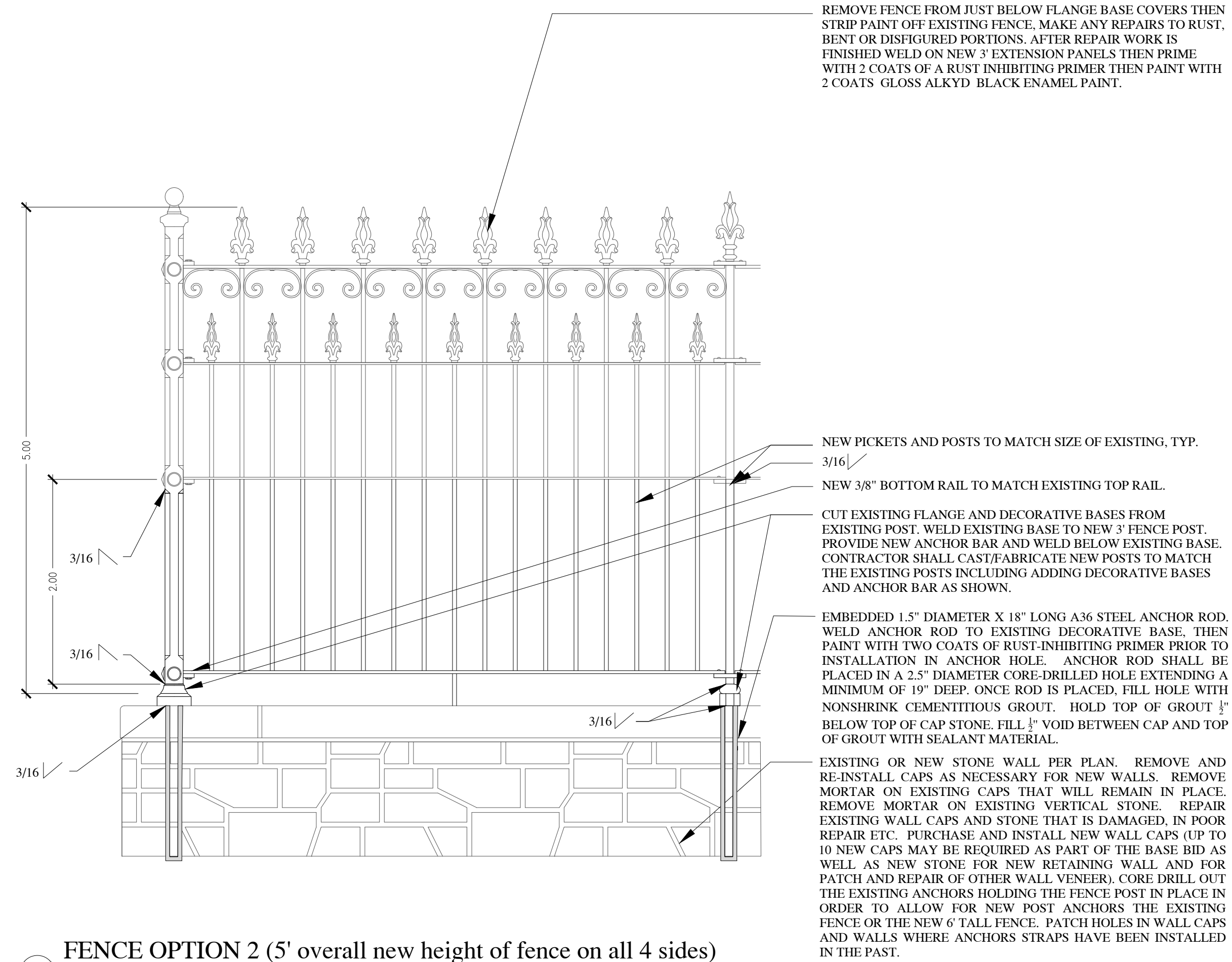
GENERAL FENCING NOTES:

1. THESE NOTES APPLY TO ALL FENCING AND GATE DETAILS ON THIS SHEET.
2. ALL FENCING AND GATES (INCLUDING THE FENCE AROUND BRIGHAM YOUNG'S GRAVE SHALL BE REMOVED FROM THE SITE, BE SANDBLASTED TO REMOVE ALL PAINT, RUST, ETC. THE FENCING AND GATE WILL THEN BE REPAIRED AS NECESSARY INCLUDING REPAIRING/REPLACING ANY BENT OR DISFIGURED PORTIONS OF THE FENCE. AFTER REPAIR WORK IS COMPLETED, PRIME WITH 2 COATS OF RUST INHIBITING PRIMER AND THEN PAINT THE FENCE AND GATE WITH 2 COATS OF GLOSS ALKYD BLACK ENAMEL PAINT.
3. DAMAGE RAILS, POSTS, FINIALS OR OTHER PARTS OF THE EXISTING FENCE THAT CANNOT BE SALVAGED OR REPAIRED SHALL THEN BE CAST AS NEW PIECES. ALL NEW FABRICATIONS MUST MATCH THE EXISTING FENCE COMPONENTS IN SIZE, SHAPE, METAL MATERIAL, FINISH, ETC.
4. IF AN ADDITIONAL 3' OF FENCING IS ADDED TO MAKE THE FENCE 6' TALL, STRUCTURAL ENGINEERING PLANS/SPECS MUST BE FOLLOWED. THE FENCE AROUND BRIGHAM YOUNG'S GRAVE SHALL REMAIN THE SAME HEIGHT (IT SHALL JUST BE REPAIRED, BE SAND BLASTED AND BE PRIMED AND BE REPAINTED AS NOTED).
5. ANCHOR STRAPS SHALL BE REMOVED FROM THE EXISTING FENCE AND THE HOLES SHALL BE PATCHED/REPAIRED.
6. SHOP DRAWINGS FOR THE NEW 6' TALL SECTION OF FENCE AND GATE SHALL BE PROVIDED BY THE CONTRACTOR FOR OWNER/ARCHITECT APPROVAL.



1 FENCE OPTION 1 (Existing 3' tall fence on top of wall)

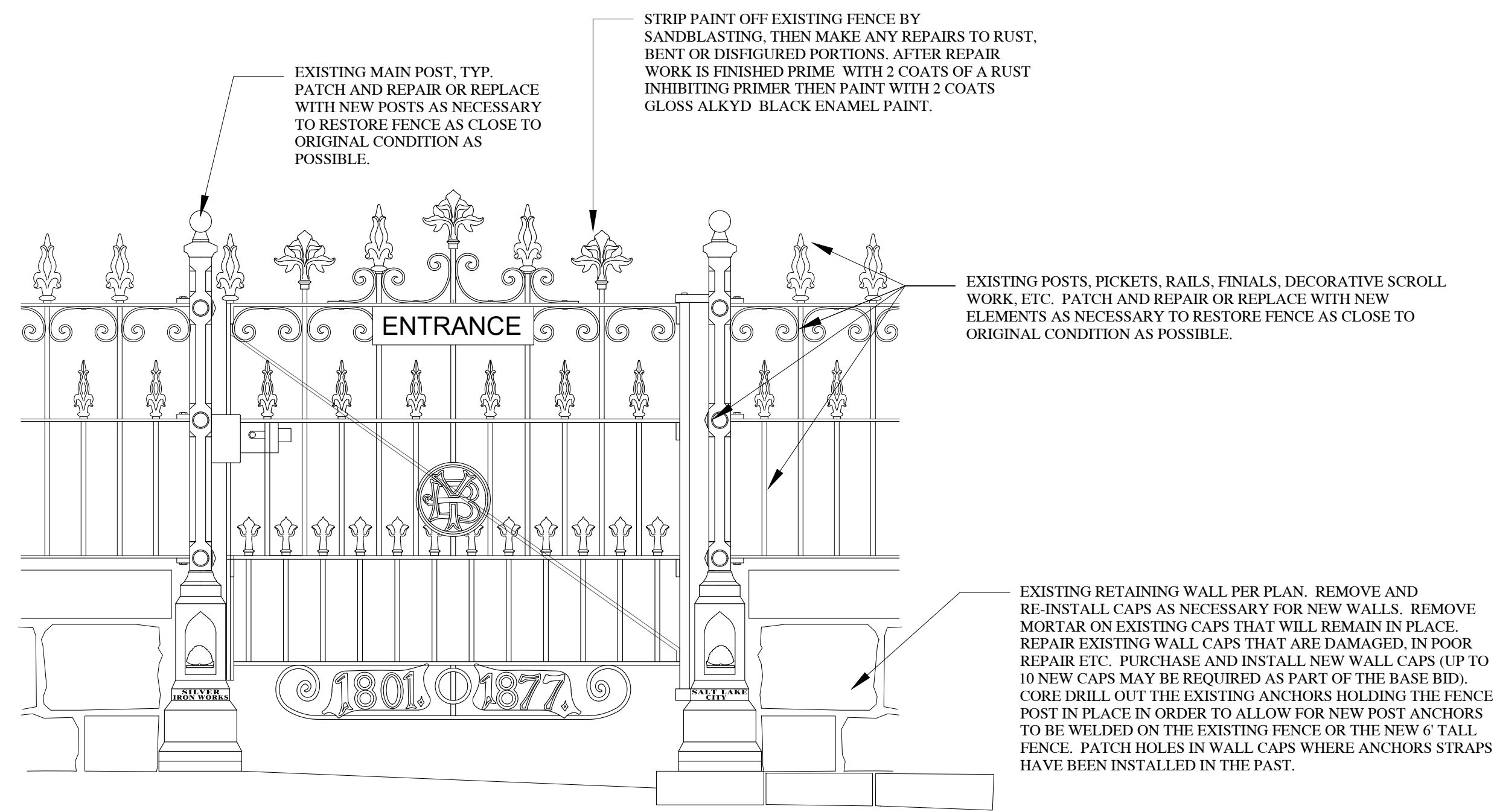
SCALE: NTS



2 FENCE OPTION 2 (5' overall new height of fence on all 4 sides)

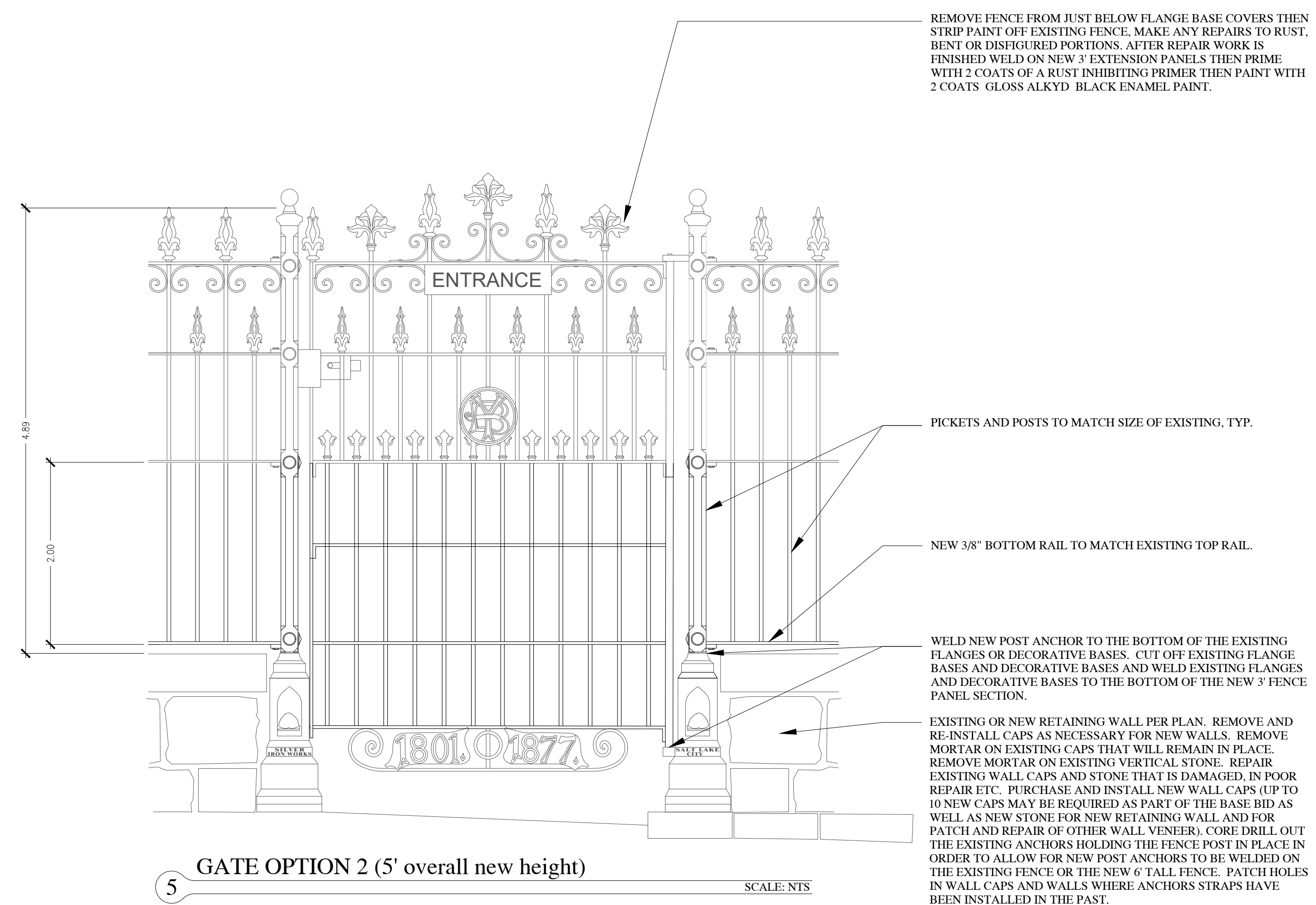
SCALE: NTS

NOTE: THE EXISTING AND NEW WALL CAPS WILL NEED TO BE CORE DRILLED TO REMOVE THE EXISTING ANCHORS AND ALLOW SPACE TO INSERT NEW 18" LONG ANCHORS THRU THE WALL CAPS AND INTO THE NEW (AND EXISTING) STONE WALLS AS SHOWN.



4 GATE OPTION 1 (Existing Gate to remain as-is)

SCALE: NTS



5 GATE OPTION 2 (5' overall new height)

SCALE: NTS

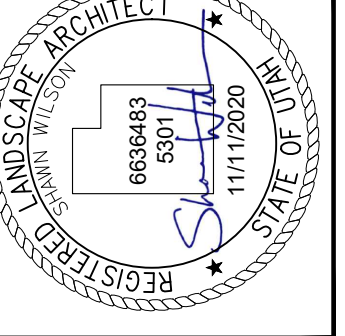
WELD NEW POST ANCHOR TO THE BOTTOM OF THE EXISTING FLANGES OR DECORATIVE BASES. CUT OFF EXISTING FLANGE BASES AND DECORATIVE BASES AND WELD EXISTING FLANGES AND DECORATIVE BASES TO THE BOTTOM OF THE NEW 3' FENCE PANEL SECTION.

EXISTING OR NEW RETAINING WALL PER PLAN. REMOVE AND RE-INSTALL CAPS AS NECESSARY FOR NEW WALLS. REMOVE MORTAR ON EXISTING CAPS THAT WILL REMAIN IN PLACE. REMOVE MORTAR ON EXISTING VERTICAL STONE. REPAIR EXISTING WALL CAPS AND STONE THAT IS DAMAGED, IN POOR REPAIR ETC. PURCHASE AND INSTALL NEW WALL CAPS (UP TO 10 NEW CAPS MAY BE REQUIRED AS PART OF THE BASE BID AS WELL AS NEW STONE FOR NEW RETAINING WALL AND FOR PATCH AND REPAIR OF OTHER WALL VENEER). CORE DRILL OUT THE EXISTING ANCHORS HOLDING THE FENCE POST IN PLACE IN ORDER TO ALLOW FOR NEW POST ANCHORS TO BE WELDED ON THE EXISTING FENCE OR THE NEW 6' TALL FENCE. PATCH HOLES IN WALL CAPS AND WALLS WHERE ANCHORS STRAPS HAVE BEEN INSTALLED IN THE PAST.

Architect / Engineer:



Stamp:



BRIGHAM YOUNG FAMILY
CEMETERY RENOVATION
EXTERIOR R/I PROJECT
140 E 1st Ave
Salt Lake City, UT 84111

Project for:
THE CHURCH OF
JESUS CHRIST OF
LATTER-DAY SAINTS

BID/CONSTRUCTION DDCS	
X	20 NOV/20

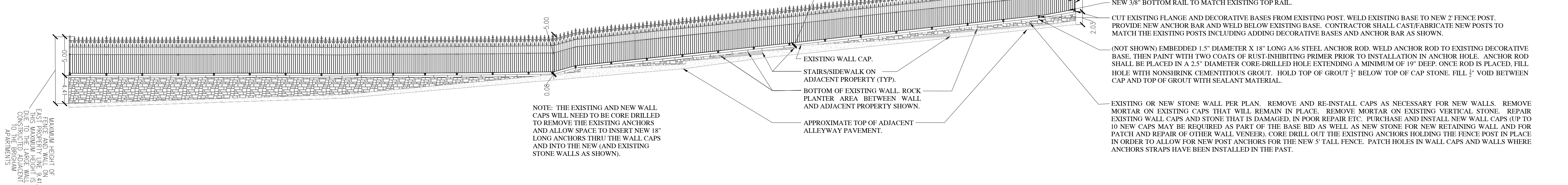
Project Number:
535106517
Plan Series:
Property Number:

Sheet Title:
HARDSCAPE
DETAILS &
NOTES

Sheet:
LS402A

NOTE:

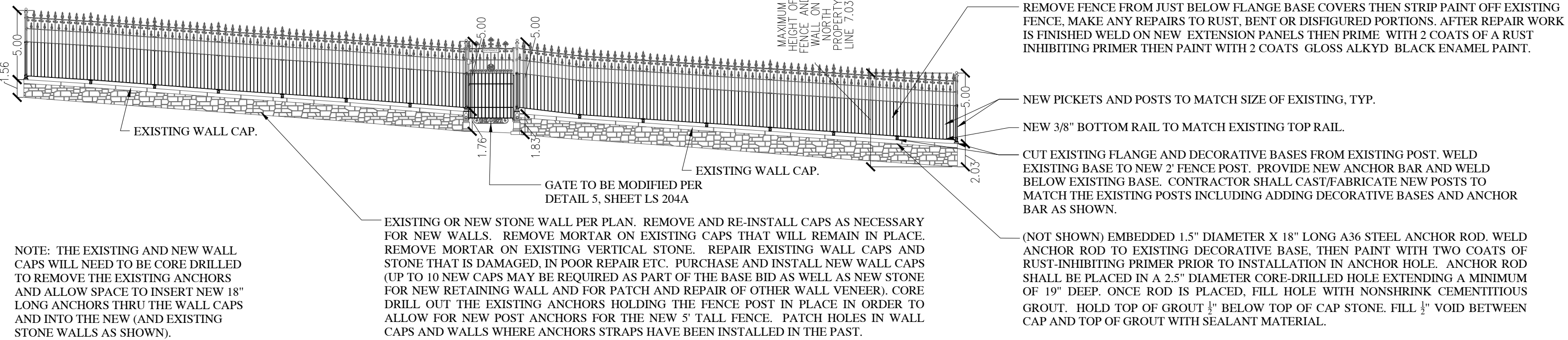
- THE EXISTING WALL ON THE EAST OF THE PROPERTY HIGH POINT IS 53' AS MEASURED FROM THE OUTSIDE THE FENCE.
- THE EXISTING WALL ON THE EAST OF THE PROPERTY LOW POINT IS 1' AS MEASURED FROM THE OUTSIDE THE FENCE.
- THE EXISTING WALL ON THE EAST OF THE PROPERTY HIGH POINT IS 35' AS MEASURED FROM THE INSIDE THE FENCE.
- THE EXISTING WALL ON THE EAST OF THE PROPERTY LOW POINT IS NEGATIVE 6' AS MEASURED FROM THE INSIDE THE FENCE.
- THE LOW POINTS ON THE INSIDE AND OUTSIDE OF THE FENCE ON THIS SIDE ARE APPROXIMATELY IN THE SAME LOCATION, CREATING A PATH OF LEAST RESISTANCE FOR ANYONE WANTING TO ENTER THE PROPERTY BY SCALING THE FENCE ON THIS SIDE. THIS WOULD BE THE SECOND EASIEST SPOT TO ENTER THE SITE. THE ELEVATION DRAWING DOES NOT SHOW THE NEGATIVE MEASUREMENT NOTED ABOVE BECAUSE THE ELEVATION BELOW IS DRAWN FROM THE OUTSIDE OF THE PROPERTY.



1 PROPOSED FENCE MODIFICATION. EAST ELEVATION (VIEW FROM PRIVATE ALLEY OF BRIGHAM APARTMENTS TOWARDS CEMETERY)

SCALE: 1/8"=1'-0"

NOTE: THIS SHEET HAS BEEN ADDED TO THE CONSTRUCTION BID SET FOR AIDING IN THE CITY APPROVAL PROCESS. CONTRACTOR SHALL REFER TO ALL CONSTRUCTION DOCUMENTATION, IF DISCREPANCIES EXIST BETWEEN THE ELEVATIONS SHOWN ON THIS SHEET, AND OTHER CONSTRUCTION DOCUMENTS, THE OTHER CONSTRUCTION DOCUMENTS SHALL SUPERCEDE. ALL DISCREPANCIES SHALL BE MADE KNOWN TO LANDSCAPE ARCHITECT IN WRITING, AND COURSE OF ACTION SHALL BE VERIFIED.

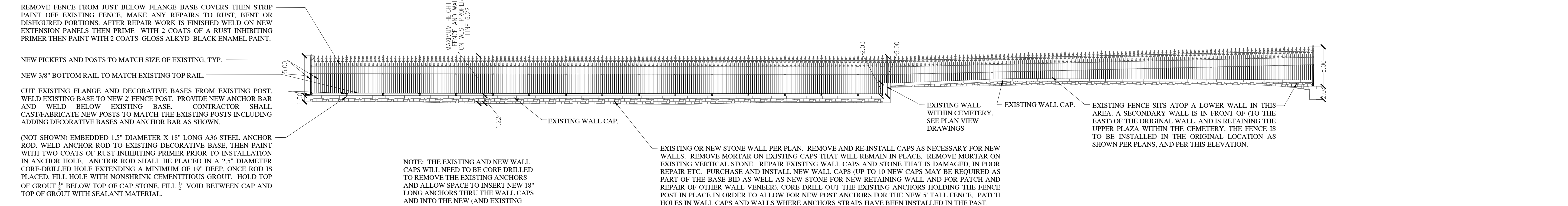


2 PROPOSED FENCE MODIFICATION. NORTH ELEVATION (VIEW FROM 1ST AVE TOWARDS CEMETERY)

SCALE: 1/8"=1'-0"

NOTE:

- THE EXISTING WALL ON THE WEST OF THE PROPERTY HIGH POINT IS 28' AS MEASURED FROM THE OUTSIDE THE FENCE.
- THE EXISTING WALL ON THE WEST OF THE PROPERTY LOW POINT IS 0' AS MEASURED FROM THE OUTSIDE THE FENCE.
- THE EXISTING WALL ON THE WEST OF THE PROPERTY HIGH POINT IS 15' AS MEASURED FROM THE INSIDE THE FENCE.
- THE EXISTING WALL ON THE WEST OF THE PROPERTY LOW POINT IS NEGATIVE 24' AS MEASURED FROM THE INSIDE THE FENCE. SEE THE ELEVATION DRAWING FOR ADDITIONAL INFORMATION SHOWING THE NEGATIVE MEASUREMENT PROVIDED.
- A PATH OF LEAST RESISTANCE FOR ANYONE WANTING TO ENTER THE PROPERTY BY SCALING THE FENCE ON THIS SIDE. THIS WOULD BE THE EASIEST LOCATION TO ENTER THE SITE.

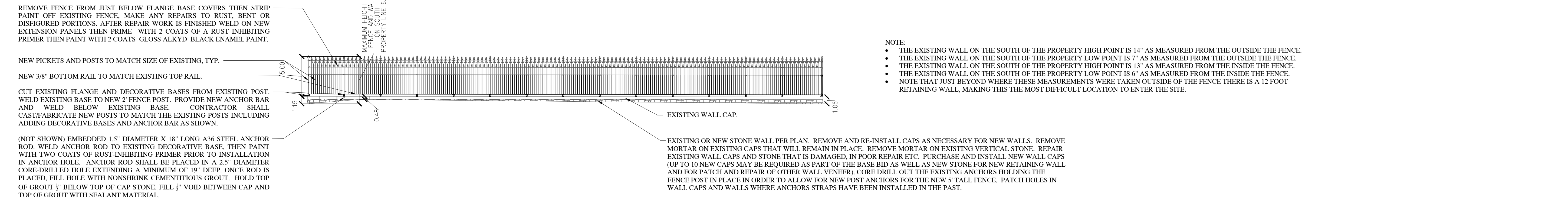


3 PROPOSED FENCE MODIFICATION. WEST ELEVATION (VIEW FROM INSIDE CEMETERY TOWARDS 136 1ST AVE)

SCALE: 1/8"=1'-0"

NOTE:

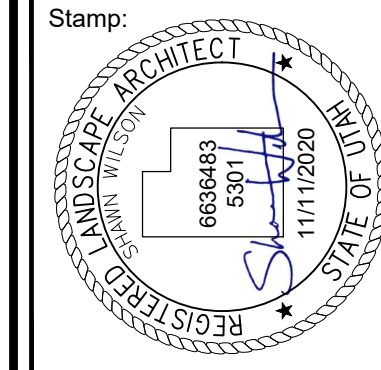
- THE EXISTING WALL ON THE SOUTH OF THE PROPERTY HIGH POINT IS 14' AS MEASURED FROM THE OUTSIDE THE FENCE.
- THE EXISTING WALL ON THE SOUTH OF THE PROPERTY LOW POINT IS 7' AS MEASURED FROM THE OUTSIDE THE FENCE.
- THE EXISTING WALL ON THE SOUTH OF THE PROPERTY HIGH POINT IS 13' AS MEASURED FROM THE INSIDE THE FENCE.
- THE EXISTING WALL ON THE SOUTH OF THE PROPERTY LOW POINT IS 6' AS MEASURED FROM THE INSIDE THE FENCE.
- NOTE THAT JUST BEYOND WHERE THESE MEASUREMENTS WERE TAKEN OUTSIDE OF THE FENCE THERE IS A 12 FOOT RETAINING WALL, MAKING THIS THE MOST DIFFICULT LOCATION TO ENTER THE SITE.



4 PROPOSED FENCE MODIFICATION. SOUTH ELEVATION (VIEW FROM INSIDE CEMETERY TOWARDS BRIGHAM APARTMENTS)

SCALE: 1/8"=1'-0"

Architect / Engineer:



BRIGHAM YOUNG FAMILY
CEMETERY RENOVATION
EXTERIOR R/I PROJECT
140 E 1st Ave
Salt Lake City, UT 84111

Project for:
THE CHURCH OF
JESUS CHRIST OF
LATTER-DAY SAINTS

BID/CONSTRUCTION DOCS	
X 20 NOV/20	

Project Number:
535106517
Plan Series:

Property Number:
Sheet Title:
HARDSCAPE
DETAILS &
NOTES

Sheet:
LS404

ATTACHMENT E – ANALYSIS OF STANDARDS FOR MINOR ALTERATIONS

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

In considering an application for a Certificate of Appropriateness for alteration of a Landmark Site, 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. The proposal is reviewed in relation to those that pertain in the following table.

A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City, Chapter 1 Site Features, are the relevant historic design guidelines for this design review. The Design Objectives and related design guidelines are referenced in the following review where they relate to the corresponding Historic Design Standards for Alteration of a Contributing Structure (21A.34.020.G), and can be accessed via the links below. Design Guidelines as they relate to the Design Standards are identified in Attachment F to this report.

<http://www.slcgov.com/historic-preservation/historic-preservation-residential-design-guidelines>

<http://www.slcdocs.com/historicpreservation/GuideRes/Ch1.pdf>

Standard	Analysis	Finding
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;	The use of the property will not change with the proposal. This standard is met.	Complies
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;	The proposed alterations to the existing fence would negatively impact a historic feature that characterizes the property.	Does Not Comply
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;	The proposal is to modify an existing historic fence by raising the height approximately 2 ½ FT. The proposed alterations have no historical basis and the proposed design could be interpreted as creating a false sense of history. The proposed modifications could hinder the ability to interpret the age of the fence and differentiate the historic features from the new features.	Does Not Comply
4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;	The proposed alterations are to an original historic feature of the Landmark Site, not an alteration or an addition to the site.	Does Not Apply
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;	The historic fencing and gates were erected by sometime in the 1880's. The fencing was fashioned and fabricated by William J. Silver, a successful iron works businessman who established his career in Salt Lake City. The existing fence is one of the original character defining features of this site. The proposal to modify the fence by adding additional height would adversely affect the historic integrity of this feature and its setting.	Does Not Comply

<p>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;</p>	<p>There are some deteriorated portions of the fence the applicant is proposing to repair, however, in addition to those repairs the applicant is also proposing to modify the existing fence by increasing the height of the fence. The proposed fence modification is not consistent with visual qualities of the historic fence including the design and scale. The proposed modification to the fence is not based on accurate duplications of features. This standard is not met.</p>	<p>Does Not Comply</p>
<p>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;</p>	<p>There are no chemical or physical treatments associated with this proposal. This standard does not apply.</p>	<p>Does Not Apply</p>
<p>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;</p>	<p>As perceived from 1st Avenue, the proposed fence is out of scale with the sequence of relatively open front yard areas on this street. The overall fence and wall height of 7 FT along 1st Avenue would be visually obtrusive and create a walled in effect in an area that is characterized by lower fence heights, especially in the front yard area. Historic retaining walls are not uncommon in the avenues, especially along this sloped section of 1st Avenue, however the fencing on top of the retaining wall is generally much lower in height. The height proposed for the fence is out of character in regard to existing fences on the block as well as the larger historic district.</p> <p>The proposed fence height may have less of an impact on the south, east, and west elevations, however, altering a historic feature of the property by raising the height of the fence would have a negative impact on that character defining feature of the site.</p> <p>Staff is of the opinion, the proposed design of the structure is not compatible with the size, scale, and character of the property and historic neighborhood. The proposed design does not meet objectives of this standard.</p>	<p>Does Not Comply</p>

<p>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;</p>	<p>In Staff's opinion, it would be difficult to remove the new fence segment from the historic portion without impairing the integrity of the historic fence.</p> <p>The new fence segment is not differentiated from the old and the proposed additional height is not compatible in terms of size and scale. As proposed, this standard is not met.</p>	<p>Does Not Comply</p>
<p>10. Certain building materials are prohibited including the following: Aluminum, asbestos, or vinyl cladding when applied directly to an original or historic material.</p>	<p>This proposal does not include any of the listed materials being applied directly to a historic material. This standard does not apply.</p>	<p>Does Not Apply</p>
<p>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.</p>	<p>There is not a sign associated with this proposal. This standard does not apply.</p>	<p>Does Not Apply</p>

ATTACHMENT F – APPLICABLE HISTORIC DESIGN GUIDELINES

A Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City, Chapter 1 – Site Features and Chapter 13 - The Avenues, are the relevant historic design guidelines for this review, and are identified here as they relate to the corresponding Historic Design Standards for alteration to a contributing structure including new construction of an accessory structure in the Avenues Historic District (21A.34.020.G).

<http://www.slcdocs.com/historicpreservation/GuideRes/Ch1.pdf>

<http://www.slcdocs.com/historicpreservation/GuideRes/Ch13.pdf>

Applicable Design Guidelines	Corresponding Standards for a Certificate of Appropriateness
<p>Site Features: Historic Fences There is often a demarcation of the front yard with a low fence, often in wood picket form or decorative wrought and/or cast iron, which helps to maintain the visual continuity between the house and the street. Where a fence is higher and/or less “transparent” it will disrupt this relationship.</p> <p>Originally, painted wood picket fences were used to enclose many front yards. The vertical slats were set apart, with spaces between, and the overall height of the fence was generally less than three feet. This combination of low height and semi-transparency helped to both identify individual sites and property, while retaining the visual relationship between gardens and the streetscape. Wrought iron and wire fences were also used in early domestic landscapes. Early cast iron and wrought iron frequently add decorative detail and a sense of maturity to the design character of a neighborhood.</p> <p>Historic photographs portray fence heights at a much lower level than we are used to seeing today. Consider using a lower fence height to enclose a front yard, in keeping with historic patterns and to retain a sense of continuity along the street frontage.</p> <p>Avenues: Fences & Retaining Walls In many sections of the Avenues, yards are bounded by retaining walls, commonly of natural stone or plain cement facing. Because many yards have natural slopes, retaining walls have always been features of the district. Walls or terraced yards are often used to create level building sites. Historically, these walls were often topped with cast iron fences. The repetition of masonry retaining walls and fences throughout the district lends a sense of continuity and character to the streetscape that should be continued. See Chapter 1 of PART II of these design guidelines on Site Features for specific guidelines on Fences and Retaining Walls.</p>	<p>Standards, 2, 3, 5, 8 & 9</p>
<p>1.1 Historically significant site features should be preserved.</p> <ul style="list-style-type: none"> • These may include historic retaining walls, irrigation ditches, gardens, driveways and walkways. • Fences and street trees are also examples of original site features that should be retained whenever feasible. • Civic maintenance and improvements should identify, recognize and retain important streetscape features such as sidewalks, parkways, planting strips, street trees and street lighting. 	<p>Standards, 2, 3, 5 & 9</p>
<p>1.2 An original fence should be retained</p> <ul style="list-style-type: none"> • Replace only those portions that are deteriorated beyond repair. 	<p>Standards, 2, 3, 5 & 9</p>

<p>1.3 Use materials that appear similar to that of the original for a replacement fence.</p> <ul style="list-style-type: none">• A painted wood picket fence is an appropriate replacement in many locations.• A simple metal fence, similar to traditional “wrought iron” or wire, may also be considered.• Review early examples nearby to identify appropriate design options.• Fence components should be similar in scale to those seen historically in the neighborhood.	Standards 8 & 9
<p>1.5 Consider “transparency” in the design of higher privacy fencing for the side yard of a corner property.</p> <ul style="list-style-type: none">• This helps to maintain a sense of visual continuity.• Locate a higher street-facing side fence behind the front facade.	Standards 8 & 9

ATTACHMENT G – ANALYSIS OF SPECIAL EXCEPTION STANDARDS

Section 21A.06.050(C) of the zoning ordinance authorizes the Historic Landmark Commission to review and approve certain special exceptions for properties located within an H Historic Preservation Overlay District.

21A.52.020 Definition

A "special exception" is an activity or use incidental to or in addition to the principal use(s) permitted in a zoning district or an adjustment to a fixed dimension standard permitted as exceptions to the requirements of this title of less potential impact than a conditional use but which requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site.

21a.52.060: General Standards and Considerations for Special Exceptions:

Standard	Finding	Rationale
<p>A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.</p>	<p>Does Not Comply</p>	<p>The purpose of the H historic preservation overlay district is to:</p> <ol style="list-style-type: none"> 1. Provide the means to protect and preserve areas of the city and individual structures and sites having historic, architectural or cultural significance; 2. Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks; 3. Abate the destruction and demolition of historic structures; 4. Implement adopted plans of the city related to historic preservation; 5. Foster civic pride in the history of Salt Lake City; 6. Protect and enhance the attraction of the city's historic landmarks and districts for tourists and visitors; 7. Foster economic development consistent with historic preservation; and 8. Encourage social, economic and environmental sustainability. <p>The purpose of the RMF-75 High Density Multi-Family Residential District is to provide an environment suitable for high density multi-family dwellings. This district is appropriate in areas where the applicable Master Plan policies recommend a maximum density less than eighty five (85) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Such uses are designed to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.</p> <p>Special exception approval is sought for modifications to fence requirements – 4 FT in front yard and 6 FT in the side and rear yard. The applicant is proposing a fence on top of a retaining wall that ranges in height from 7 FT to 9.5 FT. It is difficult to argue the proposed height as compatible with the existing scale and character of the immediate neighborhood, when reviewed in the context of the sequence of fencing and retaining walls along this section of 1st Avenue. The proposal is also not compatible with the historic character of the Landmark Site. The proposal may not be in harmony with the</p>

<p><i>Continued from previous page</i></p> <p>A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.</p>	<p>Does Not Comply</p>	<p>general and specific purposes of the H Preservation Overlay or the RMF-75 zoning district. Staff finds this special exception standard is not met.</p>
<p>B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.</p>	<p>Complies</p>	<p>Staff has not received any information or evidence indicating that the proposal would substantially diminish or impair the value of the property within the neighborhood. This standard is met.</p>
<p>C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.</p>	<p>Does Not Comply</p>	<p>The proposed fence height is not consistent with the historic development patterns in the Avenues. Staff is of the opinion that the proposed fence and wall height of 7 FT along 1st Avenue would create a walled in effect when the pattern along the streetscape is that of open areas and low fencing. The proposed height is further intensified by the west/east grade change along the public sidewalk at the frontage of the property. This standard is not met.</p>
<p>D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.</p>	<p>Does Not Comply</p>	<p>The proposal is not compatible with surrounding uses and development on neighboring properties. Taller front and side yard fences are not typically found in the neighborhood. This standard is not met.</p>
<p>E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.</p>	<p>Does Not Comply</p>	<p>The proposal is to add height to a historically significant wrought iron fence. Staff is of the opinion the proposed alterations to the fence negatively impact the integrity of a historically significant feature of this Landmark Site.</p>
<p>F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.</p>	<p>Complies</p>	<p>There is no foreseen material pollution of the environment. This standard is met.</p>
<p>G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.</p> <p>Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in</p>	<p>Does Not Comply</p>	<p>As noted throughout the report, the proposed fence height would have a negative impact on the established character of the landmark site and the streetscape as well as the public and private views of the cemetery.</p> <ol style="list-style-type: none"> a. The proposed addition to the existing fence is constructed of wrought iron and the open, spatial area of the fence meets the 80% requirement. b. The subject property is not a corner lot. c. The entire fence is ornamental in nature and the proposed additional height maintains that design.

<p>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:</p> <ul style="list-style-type: none"> 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 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. 		<ul style="list-style-type: none"> d. The Brigham Young Cemetery is somewhat of a unique use, however similar uses (such as the city cemetery) do not have higher fencing and staff does not believe a cemetery use would typically be associated with special height considerations for fencing such as a school or other recreational use. e. The applicants have indicated the reason for their request for additional fence height is for safety and security of the site. Staff is of the opinion that some other measures they are taking to secure the site (such as security cameras) will address these security concerns without negatively impacting the fence or requiring additional fence height that is not compatible with the neighborhood and streetscape. Other measures that have been discussed with the applicant include lighting and better signage. f. The proposed height of the fence is not consistent with the historic neighborhood character where fences are generally lower in height to maintain the development pattern and rhythm along the streetscape. g. The proposed overall fence and wall height of 7 FT in the front yard area does create a walled in effect where the clear character of the neighborhood in front yard areas is one of open spaces from property to property. Where fences and retaining walls are seen, they are generally lower in height – similar to the existing historic fence height and retaining wall on the property. h. There is a driveway on the neighboring property to the east that abuts the proposed fence. The height of the fence/retaining wall in this area ranges from approximately 5 FT to 9 FT. Where the fence nears the public sidewalk the height is approximately (7 FT – 5 FT fence and 2 FT retaining wall). The transparency of the fence appears to meet the sight distance triangle requirements and does not appear to be a safety hazard.
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ATTACHMENT H – PUBLIC PROCESS & COMMENTS

Public Notice, Meetings, Comments

The following is a list of public input opportunities related to the proposal:

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on July 1, 2021
- Public notice posted on City and State websites and Planning Division list serve on July 1, 2021
- Public hearing notice sign posted on the property July 2, 2021

Public Input:

As of the publication of this Staff Report, Staff has not received any public comments or questions regarding the requests. If Staff receives any future comments on the proposal, they will be included in the public record and forwarded to the commission.