

PARK CITY MUNICIPAL CORPORATION  
HISTORIC PRESERVATION BOARD  
MINUTES OF JULY 7, 2010

BOARD MEMBERS IN ATTENDANCE: Roger Durst – Chair; Dave McFawn, Ken Martz, Sara Werbelow, Brian Guyer,

EX OFFICIO: Thomas Eddington, Katie Cattan, Polly Samuels McLean

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ROLL CALL

Chair Durst called the meeting to order at 5:05 p.m. and noted that all Board Members were present except Adam Opalek and David White who were excused.

PUBLIC COMMUNICATIONS

Roger Durst recused himself as Chair to present a request to the Board. Vice-Chair Martz assumed the Chair.

Mr. Durst stated that he has concerns about this town, not the least of which is the deterioration of some of the structures in the Historic District. Because he frequently stops for coffee in Java Cow and his office is across the street, he is primarily concerned about the south exposure of the yellow wall that is deteriorating. In conversations with the owner of Java Cow about the wall, he indicated that if it were not quickly repaired it would be lost. Mr. Durst was unsure whether there was an opportunity for restoration, but he suggested that the owner take care of it.

The Java Cow owner asked Mr. Durst for his suggestions. Mr. Durst remarked that the existing plaster system on the wall needs to be replaced. There might be an opportunity for something artistic on that wall and he had suggested a mural that would reflect the historic presence in the community. Mr. Durst engaged someone he knew and they came up with an idea for the wall. He checked his idea with Sandra Morrison and she provided historic pictures of that building. He had also presented his suggestion to the Arts Advisory Board.

Mr. Durst reported that the owner has decided to move ahead with the mural at no cost to the City; however, doing so would deviate from the Land Management Code and the Historic District Guidelines. He felt strongly that this mural would be relevant for a historic presence in the town. They contacted a plasterer who believes he can replace the wall and create a canvas. Mr. Durst presented a sketch of the mural being proposed for the wall, as well as historic photographs of the wall showing what was there before. The owner had suggested that the mural take place during the arts festival when there is additional activity in town.

Mr. Durst acknowledged that it may set a precedent, but he believes there are other opportunities around town where this type of graphic could occur.

Mr. Durst stated that he was seeking endorsement from the HPB if they felt this was a feasible project that should move forward. He and the owner of the Java Cow are willing to take this idea before the Planning Department because it would show the

creative, imaginative and initiative side of Park City in preserving its historic preservation.

Vice-Chair Martz recalled that the HPB had given a historic grant to repair the stone and brick on that side of the Chimayo Building across the alleyway from the wall. Also, on the inside wall of the door is a partial historical mural on the outside doorway that was revealed when the Cows moved in. Vice-Chair Martz believed there was already precedent for murals.

Vice-Chair Martz stated that being involved in the approval process was outside of the HPB purview, but he was not opposed to considering if the photos show that something similar was there before.

Mr. Durst asked whether or not this was in keeping with the HPB commission to advertise and emphasize the historical nature of town. He did not believe anything in the LMC or the Historic Guidelines suggests that this type of mural could be done. It departs from the Code but it is an opportunity to step out of the box.

Board Member Werbelow thought it was a creative idea as long as the image has some connection to Park City's history. Mr. Durst clarified that Sandra Morrison had given him the picture directly from the historic museum. Board Member Werbelow believed it was worth pursuing.

Vice-Chair Martz agreed that it had some merit, particularly since it was there before.

Board Member McFawn stated that if the intent is to do something in conjunction with the Arts Fest, he believed Mr. Durst was looking for an up or down vote for endorsement. Mr. Durst remarked that the Engineering Department would need to be involved because a portion of that street would need to be blocked for a period of time. He believed the stuccoing would take approximately one week and the actual mural would be a longer process.

Planner Katie Cattan talked about process. She understood that the mural would probably come in as a sign application, but it would not fit within the Code. She pointed out that a mural is not a sign and may be considered as a piece of art. For things that are not considered within the Code, there is a special exception that the Board of Adjustment could approve. She clarified that the "sign" could not be approved this evening, but given the support stated by the HPB members, it could be sent to the Board of Adjustment. Planner Cattan stated that the Staff would need to look at the criteria and determine the appropriate avenue.

Director Eddington stated that if the HPB supports this project and agrees with the direction proposed, they could give a favorable recommendation and the Staff could proceed under the appropriate process. He noted that it would go through a Historic District Design Review either as a sign or as art.

Mr. Durst clarified that the board siding would be replicated in paint. He felt it was also worth replicating the original corner in paint. The Coca-Cola sign and the Corner Saloon would also be replicated.

Board Member McFawn stated that initially he was hesitant to endorse something that involved advertising. However, the photos indicate that this is something that was there before. He commented on the many farm houses that have old advertisements, and he enjoys them from a historical standpoint. Trying to encourage the historic preservation was one reason why he joined the Historic Preservation Board. Board Member McFawn personally supported this type of proposal through the correct avenue of approval.

Board Member Werbelow and Guyer concurred and stated their support.

Vice-Chair Martz remarked that the four Board members present had made their comments and he concluded that it was a general endorsement of the mural project.

Chair Durst resumed the Chair.

Ruth Meintsma asked if the HPB would do a walking tour following this meeting. Director Eddington stated that the walking tour would depend on the length of the meeting. He noted that the item on the agenda could be more involved than what was originally anticipated.

Ms. Meintsma noted that 147 Ridge Avenue was on the list of places to visit. She recalled that the structure is highly visible and was a candidate for the National Historic Register as a landmark structure. The project is finished and the neighbors like it, and she was doing a study as to how the old guidelines applied. She started out with before, during and after pictures and as it turns out, her study is going to be deeper. When the HPB visits the project at 147 Ridge, she would like to show them some things from her study.

Ms. Meintsma clarified that she was not completely ready to show them everything this. Director Eddington suggested that they re-schedule the tour for the next meeting. Board Member Martz preferred to wait until the end of the meeting to see if there was time for the tour this evening.

Board Member McFawn asked for a time estimate as to how long the tour would take. Director Eddington estimated an hour and fifteen minutes.

#### STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Director Eddington announced that a General Plan open house was scheduled on July 20<sup>th</sup> and 27<sup>th</sup> between 6:00-8:00 p.m. at the High School. It is open to the public and the HPB was encouraged to attend.

Planner Cattan explained that the City will be divided into neighborhoods and people will be asked to provide feedback on what they want or do not want in their neighborhoods. It will be an interactive exercise and they are hoping for a good turnout. Director Eddington pointed out that both open houses will be the same so people can attend on the most convenient date.

Director Eddington reported that the Treasure Hill open house was also scheduled at the High School on Tuesday, July 13<sup>th</sup> between 6:00-8:00 p.m.

Regarding the agenda this evening, Board Member Martz disclosed that he has had previous discussions with Ms. Matsumoto-Gray, not pertaining to the 811 Norfolk Avenue item, and knows her and her mother as friends. He also disclosed that he is an acquaintance of the owner, Rod Ludlow, and has worked with him in the past. Board Member Martz did not believe these associations would present a conflict.

Chair Durst stated that he had received an invitation to attend the City Tour 2010 Montana. He assumed the other Board members had received the same notice and asked if anyone was interested in the Tour. Director Eddington remarked that it is a great Tour and will be held in Bozeman this year. The leadership group also joins this Tour and it is highly recommended.

## REGULAR MEETING – Discussion, Public Hearing and Possible Action

### 811 Norfolk Avenue – Determination of Significance (Application # PL-10-01021)

Planner Cattan reported that the Planning Department was the applicant on this item. Recently a pre-application was submitted for the home at 811 Norfolk Avenue, and a question was asked as to whether the accessory building was historic. In reviewing that question, Preservation Consultant, Dina Blaes, informed the Planning Department that under the methodology the City uses for its historic sites inventory, that accessory building was placed on the Historic Inventory in error. Based on the criteria, it is not a historic structure.

Planner Cattan presented different historic eras. The historic landmark structure, which is the main home, was built in 1911 and is associated with the Mature Era. Planner Cattan stated that by 1930 there is evidence of the garage being built. She noted that Dian Blaes had not utilized the 1929 Sanborn Map during the first overhaul of the Sites Inventory. Another look indicated that it was not on the Sanborn map. Planner Cattan stated that during the Mining Decline Era and the emergence of the Recreation Era from 1931-1968, the garage is not shown on tax records in 1949. In 1950, it was on the tax record stating that it was built in 1943. However it is not shown on the 1958 Sanborn Map.

Planner Cattan stated that this matter has been a challenge, and Ms. Blaes has advised that the Sanborn Maps are typically more accurate than the actual tax files. The Staff found that the structure does not meet Criteria (c) for a landmark site. She pointed out that all the Criteria in (a) and (b) and at least one of the three criteria in (c) must be met. The criteria that was applied in error was (1) under (c), “an era of historic importance to the community”.

Planner Cattan explained that the sites inventory methodology process, identifies one era for each site. Because the garage is not in the same era as the home, it does not have a relationship to the home during that historic period. Therefore, it would be found to not be historic in the methodology used. Planner Cattan remarked that Ms. Blaes uses Preservation Methodology per the National Parks Service.

Planner Cattan noted that Ms. Blaes was unable to attend this evening, however, she had provided comments. Ms. Blaes indicated that even though that is the methodology

used, the LMC does not specify that they are only allowed to assign a significant building to one era. Ms. Blaes agreed with the findings in the Staff report that the structure is not historic.

Planner Cattan reported that there is a type of methodology that is more heritage conservation, which looks the neighborhood street and how it has changed over time. This process is more of a whole overview rather than a site by site inventory. Under the heritage conservation process, they could make a finding that the garage is significant based on how the streetscape changed over time and the history of Park City once cars were introduced.

The Staff recommended that the HPB consider removing the garage from the inventory based on the methodology utilized by the City for the Historic Sites Inventory.

Planner Cattan had received numerous emails that were provided to the Board Members. It is a definite concern of the neighborhood. Planner Cattan remarked that the application before the HPB was strictly a review to determine historic significance. She informed the Board that the pending plat amendment was not part of the review this evening.

Planner Cattan presented additional exhibits for the Board to consider in their review and determination.

Board Member Werbelow referred to point (c) under the landmark criteria and understood that only one of those items needed to be applicable. It was clarified that the three were, 1) an era of historic importance to the community; 2) lives of persons who were of historic importance to the community; or 3) noteworthy methods of construction, materials or craftsmanship used during the historic period.

Board Member Werbelow thanked the public for their input. She thought Kathryn's analysis was very helpful and Gary Kimball's sentiment and story was very interesting. Additional emails and submittals expressed the care and concern that the neighborhood has for this structure. Board Member Werbelow personally wanted the structure to stay on the HSI and she believed it follows each of the criteria required for landmark status. Board Member Werbelow felt the report Dina Blaes had submitted was vague and did not clearly state that she agreed with the Staff report. She would have preferred a more definitive statement from Ms. Blaes.

Board Member Werbelow stated that her confusion was with the plat amendment and how that affects the structures and the implications for this particular site. However, she understood that it was not relevant to this discussion.

Board Member Martz stated that after receiving the Staff report he drove by the site to look at the structure, acknowledging that he had already heard Ms. Matsumoto-Gray's analysis at that point. Board Member Martz remarked that the building is in very poor condition and he could see both sides of the argument. However, after reading the public letters, specifically the letter from Gary Kimball, it put the building into the context of the residence itself. Based on those comments and the history of the structure, Board Member Martz could see more significance to the building than just an old garage. He believed that Ms. Blaes' assessment of the initial property was correct and the accessory building is part of that landmark significance.

Chair Durst wanted to know what would happen on the site if that building was removed. He asked if the off-street parking requirement would remain.

Planner Cattan explained that currently there are two owners. One owns 811 Norfolk and a separate owner owns the garage, which is unofficially called 817 Norfolk. If the garage is demolished, the owner of 817 Norfolk would have the right to build a home because it is a lot of record. In that circumstance there would be a requirement for two off-street parking spaces.

Planner Cattan stated that another portion of the Code states that within the building footprint calculation for a home, which is usually 844 square feet for a typical 25' x 75' lot, a historic accessory building does not count towards the building footprint. Therefore, if the garage remains on the HSI, that would satisfy one parking space because the home would be included with a historic structure. She pointed out that the garage would not count towards the overall footprint for the lot. Planner Cattan noted that this amendment was put into the Code in an effort to keep more of the historic accessory structures in town.

Board Member Durst opened the public hearing.

Kathryn Matsumoto-Gray, a resident at 823 Norfolk, distributed copies of information to the Board members. She presented a photo taken in the 1930's that Dina Blaes referenced in her letter. Ms. Blaes had said she could see an outline of a structure in the corner, but which structure was not clear. Ms. Matsumoto-Gray felt the photo showed evidence that there was a structure in that location. She feared that was clearly contradictory evidence of the date of construction from the Sanborn maps, tax records and pictures, and that a narrow definition of eras and paying attention to those eras was a dangerous precedent for determining significance.

Ms. Matsumoto-Gray had prepared a slide show and started her presentation by saying that she had nothing personal against the owners of the property. She appreciated their efforts to communicate with her as a neighbor, but they disagree on some of the aspects of the project. Ms. Matsumoto-Gray stated that she worked with the Staff and appreciated their help; however, she strongly disagreed with the proposal to remove this building from the historic sites inventory. The structure is over 50 years old, no significant changes have been made to this structure and it was built during a significant era of Park City history.

Ms. Matsumoto-Gray addressed the conditions for removal of the site from the HSI. She referred to Section 15-11-10(c), which states that the criteria for removal includes three situations. The Staff report refers to criteria (c) in bringing this application before the Board, based on their finding that additional information indicates that the accessory building and/or structure on this site does not comply with the criteria set forth in 15-11-10(a) 1 and 2. The Staff report cites that the additional information considered in the current evaluation of significance was the 1929 Sanborn map, which indicates that the garage in question was built after 1929. Ms. Matsumoto-Gray stated that this same information was known and was contained in the historic sites form, both in the picture and in the 1943 date on the tax form. She argued that this was not new information and that it was known from the beginning. The date of construction was clear in the evaluation of the site during the adoption of the Historic Sites Inventory.

Ms. Matsumoto-Gray stated that the building has already been designated significant as part of the landmark site, and she believed that removing it would set a dangerous precedent. Referring to the LMC language that the historic site must be representative of an era that has made significant contributions to the broad bands of the town's history, she pointed out that it does not say one historic era or one consistent time period of significance. Ms. Matsumoto-Gray stated that the building in question was built during the significant era of mining decline and emergence of the recreation industry. By itself, the structure meets that landmark criteria, it just happens to be from a different era. For that reason she disagreed with the assessment that the structure does not meet criteria (c), item 1 of the LMC.

Ms. Matsumoto-Gray remarked that the Mining Decline era is significant because it shaped their history as Parkites. The people who stayed are the true Parkites who were convinced that Park City would return to prominence. Each site in the historic district has a story to tell and this particular site tells the story of the Staker family who lived in that house from the Mature Mining Era through the Mining Decline, to last year, when Ruth Staker passed away. She believed they should not narrowly define the town's history and separate the relative areas of their past, when real Parkites lived and worked in these historic structures throughout their entire lives. Furthermore, the LMC does not say it should be done that way.

Ms. Matsumoto-Gray stated that if the HPB determines that the structure should be removed from the HSI, it would set a precedent that any structure, any addition, or any accessory building regardless of age, is not significant and can be demolished. She presented slides of many accessory structures on her block, including the accessory building in question this evening. She noted that all these structures are character and connection to past Parkites and preserves the feeling of living in Park City during the mining era. Ms. Matsumoto-Gray stated that her own accessory building was built during the modern mining era and her house was built during the mining boom era. If a decision is made to remove the building at 811 Norfolk from the HSI and the LMC does not protect these types of structures, she questioned what it would protect. Ms. Matsumoto-Gray was concerned that this decision could lead to the loss of many historic accessory structures, most of which were built at a later time than the main building. The reality of boom and bust is that people would build a small house and then later add accessory buildings. She pointed out that due to the arrival of cars in Park City, the Mining Decline Era was the only time they would expect to see garages. In doing a quick overview of the Historic Sites Inventory at the Museum, she only found four accessory buildings listed. In looking over the historic site forms, she was able to establish dates for 21 of these buildings. Of those, 18 are from the Mining Decline Era where the house is from an earlier era. Even though Planner Cattan had said this was the process used to evaluate the structures, Ms. Matsumoto-Gray did not believe that was the case in looking at the dates of these structures. She presented a number of historic structures that would not be protected under that interpretation of the Code. She also presented photos of structures that would be in danger if a precedent was set by this decision. She noted these structures add an indescribable charm and funk to the historic district and they must be protected.

Ms. Matsumoto-Gray remarked that the emphasis of the importance of retaining these small accessory buildings was no small part of the recent update of the Historic District Guidelines. That process identified accessory buildings as an important historic asset,

and this decision is contrary to those values. She stated that landmark structures deserve the strictest interpretation of the Historic District Guidelines and these accessory buildings are landmark. They meet the LMC criteria, regardless of whether they were built during the same historic era as their associated main buildings. Ms. Matsumoto-Gray was unsure how much recent history was known about the site. She explained that the entire site was purchased and then one lot was sold off. Two owners now own separate properties and their plan is to construct two buildings on their properties. They intend to use the delisting of this garage as a means to demolish that structure to increase the allotted investment. The development plan includes subdividing the historic site, moving the house, demolishing the garage and building a new structure. It is a re-development of the property intended to increase density at the expense of a historic asset. She could not understand why they would change an existing classification of a structure only to accommodate development different from the historic pattern of development on this property.

Ms. Matsumoto-Gray reiterated her opinion that the garage at 811 Norfolk meets the requirement for landmark status and meets the criteria for that classification under the LMC. She believes that removing the garage from the historic inventory would begin a deterioration of the block's pristine record of historic preservation, particularly the accessory buildings from different eras than their associated main buildings. She thanked the HPB for considering her comments.

Linda McReynolds, a resident at 843 Norfolk, found it perplexing that the Board members would encourage a non-historic mural, but consider the destruction of a historic garage. She stated that six houses on her street on Upper Norfolk all pre-date 1895, including the house at 811 Norfolk. Her house was the last home built on that street in 1895 and that fact is supported by a newspaper article. Ms. McReynolds stated that it was impossible for this accessory structure to be in the mining boom era because cars had not been invented yet. Therefore, they have a collection of wonderful historic outbuildings that date from this 1930 period, when people were able to purchase cars and streets were plowed. If they start losing these historic accessory structures, it is important to broaden the scope of a site to include two different eras. Mr. Reynolds pointed out that the City owns some, if not all, of the accessory buildings on Sandridge, because the City renovated those structures. For that reason, the City has already set the preservation precedent.

Board Member Werbelow clarified that the HPB was not encouraging destruction of the garage structure. The HPB is charged with considering all applications that come before them and that is the purpose of the review this evening.

Christopher Gray, a resident at 823 Norfolk, stated that he loves barns and it would be disappointing to see them disappear in Park City. He would truly be disappointed to see the garage in question disappear from the property at 811 Norfolk.

Janet Shaney, a resident at 820 Empire, noted that her property sits on Crescent Tram and looks at the barn. It used to look at a wonderful little shack up the other side, which is gone. Ms. Shaney stated that a house is being built on that lot and it will look old, but it is not old. She pointed out that it's the funky buildings that make this town unique. Ms. Shaney thought it was wonderful to have a site that encompasses two historic eras. She asked the HPB and the City to consider keeping some of these cute little buildings because they are charming and differentiate from a new building that looks old.

Paul Burkovich, a resident at 946 Norfolk stated that he has lived on the street nearly as long as anyone and he takes care of the house at 1003 Norfolk. The owner who lived in that house was a 103 year old man that passed away. The Stakers were also part of that history. He encouraged the HPB to really think about this and not take it as such a one-sided affair. This is their community. They have two accessory buildings in three blocks and they are classic. He suggested that they research the Stakers' and put an appropriate monument in front.

Maureen McNulty, a resident at 1002 Norfolk, stated that her sister who lives at 902 Norfolk had to leave the meeting. They both feel blessed to live on Norfolk and feel strongly about historic preservation. They have taken great measures to preserve their homes. She and her sister like these accessory structures and believe they are very important to the character of the street. If these buildings are demolished it would be very sad and a great loss to the community.

Sandra Morrison, the director of the Park City Historical Society and Museum, referred to the comment by Dina Blaes about using the methodology of just one era and how the National Park addresses that issue. She noted that the National Park struggles with this issue the same as Park City. She recently read an article about historic homes from presidential eras and how huge additions were built on to these homes. Because of this, the Park Service is left with the dilemma of tearing down the addition in order to preserve the home to this presidential era, or do they keep both because it is important in two different eras. Ms. Morrison believed this was the same dilemma they were discussing this evening. She thought they should broaden the historic content when looking at these structures. She noted that up until the 1940s there was no snow removal in Park City. Therefore, even if you owned a car, you would not park at your house on Woodside or Norfolk in the winter, because you could not drive it up there. In those days everyone parked their car at the Kimball garage. Ms. Morrison agreed with the previous speakers that they would not find garages that pre-date the car and snow removal and the Mining Decline Era.

Ms. Morrison had researched the City website but was unable to find a definition of the eras. She was told that the eras are defined in the Historic District Guidelines. Director Eddington informed Ms. Morrison that there is a link to the Guidelines on the website.

Ms. Morrison presented a slide and told a story of how the 1929 Sanborn map was created. She pointed out that there are several things wrong with the 1929 Sanborn map. She offered to do more research if the HPB was interested. Ms. Morrison stated that the LMC language talks about removal of the entire site, but it does not talk about removing bits and pieces from the site.

Assistant Attorney McLean used the example of a 1985 addition to demonstrate the City's practice. The City would allow that addition to be removed, even if it was attached to a historic building. Ms. McLean explained that the purpose of the determination of significance is to determine whether or not parts of the site are non-historic.

Ms. Morrison pointed out that the exact language states, "The Historic Preservation Board may remove a site from the inventory." She was unsure if this application was to remove the whole site, including the house.

Ruth Meintsma, a resident on Upper Woodside, noted that the structure in question is not singular and whatever decision the HPB makes for this structure will be a decision for at least 20 other garages. She stressed the importance of this decision because it will be widespread. Ms. Meintsma felt this garage was unique in both its type and use. She had collected a series of photos of these garages a couple of months ago because the subject of garages was raised when the Planning Staff and Planning Commission were working on changing the status of HDHR-2, which is the back side of Main Street or the east side of Park Avenue. The discussion was to allow residential to be built more easily to encourage more residential on that side of the street. Ms. Meintsma remarked that one of the new allowances they decided to have would be to allow these single, detached car garages. At that time it was experimental and because the garages are detached and within the setback, the square footage does not count for the entire footprint.

Ms. Meintsma was concerned that someone would build a giant garage with lights and automatic doors, and she started research to get a better feeling of these garages. She noted that the garages are typically a 5/12 pitch, whereas the new historic pitch is a greater pitch. Therefore, the pitch is different than what is identified in the LMC. Ms. Meintsma presented photos of the garages she had collected. Most were from the historic sites inventory and others were from pictures she had taken from the street. She pointed out the similarities between the garages. Since most of the garages had swing out doors, she felt that a new garage with an overhead garage door would not be appropriate. She stated that these photos were examples to work with when new garages are introduced to the east side of Park Avenue. Ms. Meintsma reiterated that the decision is far-reaching and would include a number of important structures.

Ms. Meintsma recalled that one reason for considering garages on the east side of Park City is that they are close to the street and add to the streetscape. She questioned why the City would consider an experiment to bring back a building form if they do not consider that building form to be a good thing in this application. Ms. Meintsma thought it was a win/win situation to keep the garages. It is advantageous to the property owners because it is free square footage. She understood that an accessory structure could be many things, including livable space.

Planner Cattan clarified that an accessory structure cannot be a dorming unit so it cannot have both a kitchen and a bath. For example, it could be an office with a bathroom. Ms. Meintsma reiterated that the square footage would not count because it is a detached structure. She noted that the square footage that would be allowed for the new MPD for the east side of Park Avenue is 220 square feet, which is a nice size room. Another advantage is that a garage hides the vehicle and takes it off the street. To keep it is advantageous to the City and the neighbors and also to the owners of the property itself.

Gary Bush, a resident at 721 Norfolk, agreed with all previous comments. He pointed out that these are historic sites and in the first paragraph the word "sites" is mentioned seven times. He was interested to know how many of those historic sites have interior lot lines. Mr. Bush suggested that they go through the inventory to see what kind of interior lots lines they have and how many are susceptible to subdivision. He stated that these sites hold more than just historic buildings and there are other issues on the site.

Rod Ludlow, the owner of 811 Norfolk, stated that he understood all the comments and he did not disagree with Mr. Bush's suggestion. However, he was in a position of having to go with what exists on the site to avoid getting into a gray area. Mr. Ludlow noted that the Staff recommendation relates to tearing down the structure. His biggest concern is one of liability. If the building remains historically significant, he would be left with something that no one would insure. If he is not allowed to remove the structure, it becomes a health and safety issue. Mr. Ludlow stated that he has already removed diesel fuel, stored fertilizer, and he cut off the power to the structure. He has also secured it. If children or transits access that structure and he cannot insure it, and the City will not allow it to be removed, he wanted to know if someone besides him was willing to accept the responsibility. Mr. Ludlow pointed out that Roger Evans in the Building Department has determined that the structure needs to be demolished. He hoped that common sense would prevail and that the HPB would make a decision this evening.

Chair Durst understood the concern for liability and responsibility, and asked Mr. Ludlow for his plan if this building is removed. Mr. Ludlow replied that there is no definite plan.

Assistant City Attorney McLean informed the Board that the discussion should focus on the criteria and significance of this building. Their decision should be tied to the Code criteria and not on what could or could not be built with or without the structure.

Chair Durst clarified that he had asked the question because in the context of site, there is a creation of mass, form and proportion that becomes part of the historic fabric. If you take that out, it alters the negative space that makes up the site, and he believes that is significant. Chair Durst thought it was significant for the Board to understand what happens when the building is gone because it alters the character of the neighborhood.

Board Member McFawn remarked that the question before the Board is whether or not this site should remain on the significant list; and not issues related to Code and property owner rights. The HPB was being asked to determine if the structure was appropriately listed as significant on the HSI.

Board Member Guyer understood that it was a passionate issue and he referenced words that were used such as cute and funky. However, the Board needs to work within the statute. It was a confusing process because there are issues that need to be decided and it is difficult to go back and redo the inventory.

Janet Shaney remarked that the comment from Mr. Ludlow about letting common sense prevail applies to both sides of the story. She asked the Board to keep in mind that common sense also prevails when thinking about the definition of a historic site and whether two eras can exist on one site.

Chair Durst closed the public hearing.

Planner Cattan stated that Roger Evans, the Chief Building Official, contacted her prior to this meeting to inform her that the Building Department would find this structure as an unsafe structure. She clarified that this is not something unique in Park City because they have many unsafe structures in town. However, the Building Department would want the structure to be replaced or stabilized. The Staff would have the owner go through an existing conditions report and provide all the details of the building. If the

existing materials cannot be salvaged and are not structurally sound, the Staff would request that the owner reconstruct the building exactly as it was. Prior to a demolition, the Staff would understand the composition of the structure and make sure it was re-built as it was originally built.

Board Member Martz re-emphasized that their purview is to determine whether the building is significant or insignificant based on the information provided. He echoed Planner Cattan on the number of unsafe buildings in Park City. Some have been taken down and others were duplicated, so there is precedent.

Board Member Werbelow agreed that the Board needed to focus their discussion on page 6 of the Staff report, Section 15-11-10(a)

Board Member McFawn noted that tax record clearly states that the structure has been in existence since 1943. The fact that someone would have been able to build that type of structure during World War II, with the shortage of construction materials, showed real determination. He pointed out that one photograph may or may not show that it exists in one year and the Sanborn map may or may not be reliable. However, the tax record clear states that the structure was there and the government recognized that the site existed at that point in time. Board Member McFawn questioned why one era would be more significant than another era. This is the reason for guidelines and the Board had the duty to help interpret those guidelines. Key things that are important to looking at this issue is whether or not it was historic and important to the community. Given all the facts that have been provided, he believes this building is significant and should remain on the inventory. He has not seen new, significant evidence contrary to its original listing on the HSI.

Board Member Werbelow concurred. She pointed out that the Staff found that the site meets the Criteria under Section (a), the time frame of the building, and under (b) that it retains the historic integrity. Only one criteria is required to be met under (c), and based on the evidence heard this evening, she felt that it met (1) they would see an era of historic importance to the community and (2) lives of persons who are of historic importance. Board Member Werbelow believed the structure met the criteria for significance as outlined in the Land Management Code.

Board Member Guyer was concerned about setting a precedent, but he realized that the decision was based solely on whether or not this particular site is significant. At this point he had not heard any new evidence to prove that the original determination was inaccurate.

Chair Durst felt this was indicative of the approach. He found it interesting that the matter had been referred to the HPB. The application of what he considered to be the prescriptive remedies that are in the Code have been adhered to and the Staff had done a conscientious job of reviewing the application. Chair Durst believed this was referred to the HPB so they could make a more subjective judgment. He felt the building was significant and that it should remain.

Board Member McFawn thanked the public for attending the meeting and for the input they provided. He appreciated all the research that was done by concerned citizens and the owner himself.

Planner Cattan noted that the decision by the HPB to keep the building on the HSI breaks from the methodology that is typically used throughout Park City. She requested that this fact be clarified in a motion. She suggested that the motion acknowledge that the Board realizes that the methodology used in the past was to utilize one era; however, with this application the Board is allowing two eras for this historic site.

Assistant City Attorney McLean felt the decision to keep the structure on the HSI was appropriate, as long as the Board made their decision based on the criteria. From their comments, she understood that the Board members felt there was enough evidence for broadening the context for the site to include the Mining Decline era. In looking at Criteria (c) the Board finds that this garage is significant in local and regional and national history, architecture, engineering or culture associated with an era of historic importance to the community. The Board concurred that Ms. McLean correctly understood the basis for their decision.

MOTION: Board Member Werbelow made a motion to keep the accessory structure at 811 Norfolk Avenue on the Historic Sites Inventory, as the HPB found that it meets the criteria of a landmark structure under LMC Section 15-11-10. Board Member McFawn seconded the motion.

VOTE: The motion passed unanimously.

Board Member Werbelow asked how the HPB could track the plat amendment for this site. Planner Cattan stated that the plat amendment would go before the Planning Commission and would be noticed in the newspaper. A date to hear the application had not been set. Assistant Attorney McLean suggested that the Planning Department could keep the HPB apprised of the process.

Regarding process for their action this evening, Ms. McLean stated that the Planning Department would draft findings based on the discussion this evening and the Board would ratify those findings at the next HPB meeting.

Chair Durst asked Ms. McLean to send a brief memo to the Board with clarification on combining eras of significance as she had described to make their finding of significance. Ms. McLean explained that the methodology that has been used and discussed in the Staff report was to find an era for the main structure, but that other structures on that site do not contribute to that era because it was built at a different time. Ms. McLean clarified that they were not melding the eras. The Board finding was that they disagreed with the methodology and found historical significance in both eras for both the main building and the subsequent accessory building.

In the interest of time, the walking tour was postponed to the next meeting.

The meeting adjourned at 7:35 p.m.

Approved by \_\_\_\_\_

Roger Durst, Chair  
Historic Preservation Board