

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF OCTOBER 15, 2014

BOARD MEMBERS IN ATTENDANCE: Chair John Kenworthy, Lola Beatlebrox, Marian Crosby, Cheryl Hewitt, Puggy Holmgren, Hope Melville, David White

EX OFFICIO: Thomas Eddington, Francisco Astorga, Polly Samuels McLean

ROLL CALL

Chair Kenworthy called the meeting to order at 5:05 p.m. and noted that all Board Members were present.

Board Member Kenworthy welcomed the new Board Members. He expressed appreciation for all the citizens who choose to serve and he commended them for their desire to be on the Board.

Chair Kenworthy asked Hope Melville to summarize the City Council meeting they both had attended and some of the changes that were discussed.

Board Member Melville reported that the City Council had discussed the Historic Preservation Grant Program. The HPB had requested that the City Council find additional funds for historic preservation grants. At the next HPB meeting the Board members would have the opportunity to discuss the features of the Grant program. Board Member Melville stated that it was clear from the City Council that there was a minimum of \$147,000 per year available for historic preservation grants. If additional money is needed above the \$147,000, the HPB would approve the preservation grant and the item would go to the City Council and they would approve additional funding. She noted that there would be a cap on the maximum amount that the HPB could approve before having to go to the City Council.

Chair Kenworthy remarked that the HPB has tremendous support from the City Council and the Mayor. They have their arms around historic preservation and their hearts are in it as well.

Board Member White had also attended the City Council meeting but he had to leave early. He asked about the idea that the Council would only review the preservation grants quarterly. Board Member Melville believed that would be part of the HPB discussion as to whether the Board wanted to do it quarterly. Board Members White and Melville preferred to handle the grant applications as they come in. Board Member Melville did not want to discourage anyone by making them wait. She understood that the City Council would leave it to the Board's discretion. Chair Kenworthy concurred.

Board Member Holmgren asked where the additional money was coming from. Board Member Melville replied that it was coming from various budgets. She understood that the Federal government was requiring the City to change the Grant Program in terms of accounting.

Assistant City Attorney McLean understood that the money in the RDA comes from RDA funds and those funds are very defined. The applications for areas outside of the RDA would come out of the General Fund. However the City would need to budget a certain amount for the audit prospectively, and then go back and fix it so it matches what was actually granted. Ms. McLean stated that when this comes back to the HPB the Planning Department could ask Planner Anya Grahn or Nate Rockwood from the Budget Department to come and explain the accounting procedure.

Chair Kenworthy noted that the Grant Program discussion would be on the next agenda and it was important for all the Board Members to attend if possible. The City Council is interested in their opinion and guidance.

Chair Kenworthy stated that a few weeks earlier he and Marian Crosby attended the City Council meeting where they awarded the annual HPB Preservation awards. Board Member Crosby stated that she enjoyed the process, and she assumed Hope Melville and David White did as well. It was interesting interviewing the various applicants and looking at their past artwork. She recalled that each one submitted a rough sketch of how they looked at the properties that were being identified for these awards. Seeing the final paintings was also very enjoyable and both paintings were beautiful. The paintings were renditions of Talisker on Main and the home at 929 Park Avenue.

Chair Kenworthy noted that it was a great event and the recipients were very pleased. The paintings would be displayed in City Hall but the location had not yet been determined. The Board Members discussed where to hang these and future paintings.

Chair Kenworthy reminded the Board that they are now City employees. He assumed that everyone had turned in their paperwork to the Human Resources Department. He stated that they would be able to use the ski passes that are available to City employees. Assistant City Attorney McLean explained that in the past the City has had five passes from Deer Valley and five passes from PCMR. However, with the current situation, they may only have Deer Valley passes this year. The policy for using the passes was posted on the employee portal or they could ask the HR Department.

APPROVAL OF MINUTES

MOTION: Puggy Holmgren moved to APPROVE the minutes of July 16, 2014. Marion Crosby seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Chair Kenworthy thanked Gary Bush for his service on the HPB. He noted that Mr. Bush recently left the Board and was before them this evening as an applicant. Chair Kenworthy commended Mr. Bush for his many years and all his service beyond the Historic Preservation Board. Chair Kenworthy did not believe that being a former fellow Board Member prevented any of the Board members from discussing his project and making a fair decision this evening.

Board Member Melville stated that she was absent from the last meeting but she read in the minutes that there used to be tours of mine sites. She wanted everyone to know that the mine site tours were still occurring. The Museum has one every month during the summer and during the winter they have four ski tours historic mine sites. Deer Valley also has several hikes to historic mine sites during the summer. PCMR has a historic mine site ski tour at 1:30 in the afternoon every day during the winter. However, she was unsure whether that would continue with the resort's new owner.

REGULAR AGENDA – Discussion, public hearing, and possible action

811 Norfolk Avenue – Appeal of Staff's Denial of a Historic District Design Review (Application PL-14-02481)

On behalf of the Staff, Planner Francisco Astorga welcomed Cheryl Hewitt and Lola Beatlebrox to the Board. He also thanked Gary Bush for his service on the HPB. He noted that Mr. Bush is a contractor who lives in Park City and he suggested that the HPB could use him as a resource in the future for general building questions.

Planner Astorga stated that this item was a quasi-judicial appeal of the Staff's determination of compliance with the Design Guidelines for Historic Districts and Historic sites. Gary Bush owns the site at 811 Norfolk. The site is currently listed on the Historic Sites Inventory as a landmark structure.

Planner Astorga reported that in September 2008 the Planning Department received an appeal from a Historic District Design Review. Mr. Bush submitted the appeal because the Staff denied the application in part on August 29th, 2014.

Planner Astorga noted that the application has three separate components and they were identified on page 14 of the Staff report as Proposals A, B and C. The Staff denied Proposal A, approved Proposal B, and approved with conditions Proposal C. Planner Astorga clarified that the appeal submitted was for Proposal A.

Planner Astorga stated that the history of this project was outlined in the Staff report. However, the concerns and issues had already been addressed and resolved through several other appeals and the building permit had been issued. Planner Astorga remarked that the application Mr. Bush submitted was a modification to an approved Historic District Design Review. Mr. Bush has an active building permit and he is in the final stage of completion.

Planner Astorga reviewed page 17 of the Staff report which showed the screen porch area that was in question. He thanked Board Member Beatlebrox for pointing out a mistake throughout the Staff report, and noted that "family room" should be corrected to say the "living room". Planner Astorga clarified that the family room is on the lower level and the living room is on the main level. He apologized if his mistake had caused confusion. Planner Astorga noted that page 18 of the Staff report showed the same area in color coding. He explained that as approved, this area was originally built as an exterior type area per specific Building Codes. He stated that as you walk through the porch entry, you would be standing on the area shown in red. The blue line represented a railing, and the green color indicated the area that goes directly to the area below. Planner Astorga commented on a modified window well shown on page 19 of the Staff report. He referred to it as modified because it appears to be larger than standard. Planner Astorga stated that he had discussions with the former owner as well as the architect on record, and he was told that it was designed in an effort to maximize sunlight penetrating into the lower area.

Planner Astorga stated that the Staff believed that the area was originally built as an exterior area and not as an interior area; and for that reason, the Staff denied the application. Planner Astorga reviewed an elevation on page 21 of the Staff report, which were copies from the approved building permit. He pointed out that the area of the screen porch did not have any windows. When it was originally reviewed and approved, there were only screens over the openings. Planner Astorga explained that the Staff denied Mr. Bush's request because if the original exterior wall was removed the area would become habitable.

The Staff had done a building footprint analysis that was yielded from the lot area, and they found that it met the footprint calculation. For that reason, the Staff approved the other two portions of the application which enclosed the bottom portion because there was sufficient footprint. However, the screens would have to be removed or replaced with windows. Planner Astorga presented

a photograph submitted by a neighbor which showed that the double hung windows were installed without City approval. Planner Astorga stated that the historic photograph shows that the openings were not typical windows. In comparing the windows in the screen porch area versus all the other windows, it was evident that they were different. Planner Astorga remarked that in looking at all the Sanborn maps, that area was always identified as a secondary porch.

Board Member Melville understood that the original approvals were in 2011. Planner Astorga verified that it was 2011 when the Court order reinstated the HPB action and decided to strike away the decisions that were made by the Board of Adjustment. Board Member Holmgren clarified that the drawings that were approved were the drawings from 2011. Planner Astorga replied that this was correct. Ms. Melville asked if Proposals A, B or C were considered at that time and rejected. Planner Astorga answered no. It was a completely different issue. Ms. Melville stated that in the back and forth with the drawings with the applicant during the process, she asked if any of this was ever suggested. Planner Astorga replied that there was no specific record, but it may have been. The former property owner indicated that it was considered, but it was not the main issue at the time and there was nothing in the file to prove it. Ms. Melville clarified that it may or may not have been considered, but the net result was that a screen porch was approved. Planner Astorga answered yes.

Mr. Bush stated that the former owner had never submitted a formal application for a modification. Planner Astorga agreed, which is why there was no record of it in the file. Planner Astorga explained that throughout the HDDR process it is typical to go through five or six different renditions before one is approved. The Staff recognizes that it is typical for modifications to be made after the fact, such as in this case. Mr. Bush came in after the approval and proposed to do something different.

Board Member Melville asked if Proposals A, B and C were already done on the building. Planner Astorga believed that Proposal B was already done.

Chair Kenworthy clarified that Proposal A was the only item being considered in the de Novo hearing this evening. Planner Astorga replied that he was correct. It was the only item from the Staff's decision that was appealed. Chair Kenworthy requested that the Board members focus on the issues related to Proposal A.

Planner Astorga emphasized that the fear of losing the screens was the reason for denying the application. The Staff also found that the structure had prior historical significance, as indicated on the historic photograph shown on page 21 of the Staff report.

Planner Astorga noted that the Staff report contained two recommendations for the HPB to consider. The first was to affirm the determination of denying the HDDR in terms of Proposal A. However, as the Staff reviewed the application, they believed there was a way for Mr. Bush to unite the exterior area of the screen porch to the living room to make the area look like the historic photograph, as opposed to what had already been done without the proper permits. Planner Astorga stated that Mr. Bush could make that area habitable by installing specific windows where heavy type of mesh is attached on the exterior and covered by trim. He believed that would make it look similar to the historic photograph. If the HPB was willing to accept the alternate solution as indicated on page 23 of the Staff report, it would still look and function as a screen porch but allow the ability to expand the living room area into the screen porch area.

Planner Astorga noted that the guidelines do not control what can occur on the interior of a historic structure. In this case that presents a challenge because this was not a traditional porch. It has half-built walls and the only thing that makes it a porch as seen from the public right-of-way is the fenestration and openings.

Planner Astorga stated that the Staff report contained alternate findings of fact, conclusions of law and conditions of approval for the Alternate recommendation. Planner Astorga remarked that the Alternate solution was preferred by Staff.

Planner Astorga noted that Mr. Bush had submitted a thorough appeal, which included the August 29, 2014 Action Letter, the Historic Site Form, the as-built drawings and other components. Planner Astorga had included the site plan, floor plan and the elevations that were approved in 2011-2012 from the specific Court order.

Gary Bush, representing the appellant, thought the issue was simple and should not be confusing. He noted that the Staff report contained a lot of information that did not pertain to the subject of his appeal. Mr. Bush stated that Proposals A, B and C were formally submitted to the Planning Department and they were all approved in February 2014. In March the approval was withdrawn, which caused enormous hardship on the project. Mr. Bush commented on the screen porch as exterior space; and noted that in his research he could find nothing in the documents that talk about a screen porch. The Historic Sites Inventory for 811 Norfolk talks about a back porch that was enclosed going back to the 1930's, but it never mentions it as a screen porch. Mr. Bush stated that the as-built drawings showed a floor drain in the floor of the porch. In his research he found that a man named Kay Wilson was born at the Miners hospital and his father owned the house at 811 Norfolk. Mr. Wilson talks about being a fortunate family in Park City because they had interior plumbing. In his comments, Mr. Wilson talks about having a laundry room in what was now being called a screen porch. His family referred to it as an empty room, but they had a washing machine and water

heater in it. Mr. Bush pointed out that it would not have been considered exterior space.

Mr. Bush stated that in his conversations with the architect, Jon DeGray, he asked Mr. DeGray why he called it a screen porch on the elevation drawing. Mr. DeGray told him that he thought they were over the footprint and the only way to include the space would be to call it exterior space. Mr. Bush remarked that at least since the 1930s the space was used as a side entry mud room or laundry room. He believed the space would have been heated during the winter and the windows were covered with whatever material they had to keep the cold out.

Board Member White understood that the Planning Department was saying that it would be acceptable to put in windows as long as the exterior was covered with screens. Planner Astorga replied that this was correct. He noted that the top of page 21 of the Staff report showed what was originally approved through the HDDR process. The bottom of page 21 was a photo of what was there historically. The Staff would be comfortable with a specific type of window as long as it matched the look of what was there historically. However, the window should not detract from the screen. Planner Astorga clarified that in the specific conditions of approval, the Staff decided not to retain the double-hung windows that were installed without a permit. The concern was that the bar that separates the two windows would detract from what is supposed to be a screen. The Staff recommended a fixed window without any divisions. He clarified that it would be a heavier component than the screens that come on a standard window.

Board Member White clarified that the Staff could see this as an interior space. Planner Astorga replied that the Staff believed it was a compromise solution to what was being proposed as long as it looks like the historic photograph. Board Member White referred to page 57 of the Staff report. He thought the existing floor plan described the space as a laundry/mud room, which would indicate that it was an interior space at one time. Mr. White thought the issue was confusing. Planner Astorga agreed that it was confusing and the Staff is tasked with finding the best type of evidence. From reviewing the Sanborn insurance maps, it was identified as a porch. Planner Astorga clarified that the Staff did not disagree with Mr. Bush because there is clear indication that there was a water heater and other components. However, the Staff was going from the last approval, which determined that it was an exterior space. He was unsure how the porch was built. The existing conditions report was not a historic floor plan. It was simply the floor plan that was there when Sandra Hatch, a licensed architect, documented the existing conditions in 2010. Planner Astorga pointed out that many things could have occurred from 1930 through 2010.

Board Member Crosby asked if the Staff was proposing that Mr. Bush consider wrapping the mesh screening in the same manner as it was shown in the historic photograph, where it appears to wrap over the existing windows and around the

corner. Planner Astorga stated that if it would be ideal if they could get the wrapping; however, the intent was to be consistent with the previous 2011-2012 approval. Ms. Crosby wanted to be clear on what was actually being proposed. Planner Astorga noted that the approval in front of them did not wrap and he would be satisfied if it simply met the top portion. It would be ideal to do a full wrap around but he was unwilling to commit to requiring it as a condition of approval because his finding was that the existing approval stands.

Board Member Hewitt asked if the Board was being asked to decide whether or not to approve what the Staff was recommending before they knew whether Mr. Bush would accept or reject the alternative. Chair Kenworthy explained that the Board would decide the issue and they had four alternatives to consider as outlined on page 24 of the Staff report. They would address the four options as a Board and make their decision.

Assistant City Attorney stated that the Board could ask the applicant if he stipulates to a particular solution. However, the ultimate decision was up to the Board. Chair Kenworthy noted that the HPB could also put stipulations on their motion that includes the issues.

Planner Astorga reported that he had an information discussion with Mr. Bush where he stipulated the alternate solution with the exception of the fixed windows. Mr. Bush believes he could create the same look with the installed double-hung windows.

Mr. Bush stated that the screen would obscure the window. He noted that the screens are on the outside of the double-hung windows. With a casing the screens are typically on the inside. Therefore, he believed the double-hung windows would work better in combination with the screen. Mr. Bush noted that in their conversations, Planner Astorga had indicated that he could be flexible with the options because he was primarily trying to achieve the look of the tax photo. Planner Astorga replied that he was correct. Mr. Bush clarified that his intent was to make it look as good as possible.

Board Member Beatlebrox thought it was difficult to tell whether or not the black material in the photo was actually a screen. As indicated in Mr. Wilson's oral history, they would use any type of material to keep out the cold in the winter or bring in the breeze during the summer. Ms. Beatlebrox thought different types of material might be considered. Planner Astorga did not disagree, as long as it mimics the historic photograph. She believed the simple solution in 2011 was that it looked like a screen. He had no other evidence other than what he had presented this evening.

Board Member Melville stated that with the alternate solution the screens would have to be non-removable. Screens come on and off for summer and winter,

and if the screen would be removed a lot of the time it would not achieve what the Staff was trying to accomplish. Planner Astorga agreed. The idea was to have a custom made material covered by a trim to hide how it was attached, and the screen should not be able to be removed.

Board Member Holmgren noted that the Sanborn Map was not included in the Staff report. She had looked up a lot of the older houses, including her house, and screen porch was not a phrase that was used historically. It was referred to as a sleeping porch. Ms. Holmgren was unsure whether or not that made a difference in the description. Planner Astorga stated that one piece of evidence was the historic tax card for 811 Norfolk shown on page 52 of the Staff report. He noted that the tax card classifies it as a porch, but it does not provide any further details. He believed the Sanborn map was exactly the same.

Chair Kenworthy opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, stated that this project has been at the forefront for quite a while and there is always something going on when you walk by. In talking with both the Staff and Mr. Bush about different things, there was a discussion about the porch. When she realized that the Staff and Mr. Bush were not on the same page, she agreed more with Mr. Bush without knowing the details. When Mr. Bush told her that the Staff wanted him to keep it as an outdoor porch, she told Mr. Bush that if it was a sleeping porch in the yard, he should give in to the Staff in exchange for other things he wanted. Ms. Meintsma clarified that at that point she was in favor of the exterior porch. However, after taking a closer look, she referred to the Sanborn map of 1889 and identified 811 Woodside Avenue. She presented the map showing the house compared to how it currently exits. Ms. Meintsma compared the house in Sanborn maps from various years to show how it has changed over the years. Ms. Meintsma stated that she had outlined the initial footprint and moved the footprint over to 1900. It was the same footprint but a porch was added in the front. She indicated a bump out in the back. In looking at the as-built drawing on page 57 of the Staff report, Ms. Meintsma pointed out the original back wall of the house. She believed the reason for the bump out in the back was to create a large enough space for a bathroom. Ms. Meintsma referred to the front porch on the 1900 Sanborn map and pointed out where the side porch was added on the left. She noted that the dotted line on the front porch indicates that it is an exterior area. Ms. Meintsma reviewed the colored as-built drawing from 2010 and noted that the yellow was the porch, the pink was the wall of the house, and the green was stepped in. The green was not continuous. Compared to the Sanborn maps, it appeared to her that there was no stepback in the original house wall. Ms. Meintsma stated that this was the first house with a washing machine and she thought that might have been the best place in the house to put a washing machine. She questioned whether the interior wall in the as-built drawing was the original house wall. When she thinks of a screen porch she

thinks of a porch where you can see the siding through the screen if the light is on, giving the ambience of a sleeping porch. Ms. Meintsma noted that three feet was added on. In her opinion she was unsure whether it was ever a sleeping porch because it was three feet.

Ms. Meintsma referred to page 50 of the Staff report and the 1958 tax sheet. She noted that the front porch was 5' x 12'. The rear porch was 5' x 6' or 30 square feet. The tax sheet on page 51 from 1968 showed the porch as 5' x 9' or 45 square feet. Ms. Meintsma reviewed the 1968 footprint. She pointed out that the south wall of the house goes straight back and the porch steps in, but the back corner was missing. She noted that the corner was not missing in the as-built drawing.

Mr. Meintsma stated that based on the Sanborn maps, the tax sheets and the as-built drawings, it appears that the porch served different purposes at different points in time. Ms. Meintsma explained why she believed that both the Staff and Mr. Bush were correct in their thinking. She stated that Planner Astorga was doing his best to save the historic details. Mr. Bush was interested in the historic as well, and he was trying to do the best for his project and the best from the standpoint of historic.

Ms. Meintsma referred to page 21 of the Staff report and the hip roof on the porch on the left side of the house. She did not believe at the turn of the century that they would make a hip roof on a 3-foot roof. She assumed it was a shed roof. Ms. Meintsma referred to the photo of the current house on page 22 and noted how much larger the roof compared to the original roof. The roof was still 3-feet deep but the eaves, beams and posts are larger. Ms. Meintsma stated that this has happened a lot throughout history. The structure is the same but it loses its understanding of minimalistic historic, and those are the details that are hard to catch. Ms. Meintsma believed that was where the historic of this little shed roof was lost. In terms of whether or not the porch was interior space, Ms. Meintsma suggested that it changed back and forth several times. She believed the compromise alternative was a good solution. With Mr. Bush and Planner Astorga working together she was confident it could all be made good.

Chair Kenworthy closed the public hearing.

Board Member White was thankful for Ms. Meintsma's assessments and he found them to be very enlightening. Going through the drawings, he had noticed that the roof over the porch was different than one of the photos. In one photo there was no overhang at all. However, in the drawing on page 68 of the Staff report, he personally believed that the roof shown very much enhances the building. Mr. White was leaning towards the alternative solution if they could get an agreement on conditions beyond those stated in the alternate solution. He

believed they could come up with a screen detail on the outside that would mitigate the look of the existing windows.

Chair Kenworthy asked if Board Member White was talking about a heavier material that would hide the dividers in the window. Mr. White replied that it could either be a heavier material or a screen color that would hide the dividers. If it was not possible to hide the dividers, he would favor a casement window with a screen detail attached to the outside that could be opened in the summer.

Mr. Bush stated that there were a number of different weight screens and different fabrics. He was sure he could find something that would work. Mr. Bush asked the Board to keep in mind that it is uncertain whether or not there were ever windows in there. Board Member White agreed. As they were going through the Sanborn, it looked like the space had changed from time to time. He noted that in one photo the east wall of the porch or the pop-out had no windows at all. Planner Astorga clarified that the photo Mr. White was talking about was taken in the 1990s and it was not a historic photo.

Mr. Bush stated that his approach was in the Guidelines. Historically in the Historic District they like to use double-hung windows and he thought his proposal was appropriate. It also allows the screen to be on the exterior, which is a key element. Mr. White stated that after listening to the Sanborn map discussion, it appeared that the use of that space changed over the years. Mr. Bush agreed with that opinion.

Mr. Bush reminded the Board that this was a secondary façade and it was more than 50% back from the front.

Board Member Hewitt thought the compromise alternative was a good and fair offer.

Board Member Melville was concerned about the process. She would have been much happier reviewing this as a requested modification to the approved HDDR before changes were made to the approved plans and the windows went in. The HDDR is a thorough process and the Staff goes through a lot of review with the applicant before a decision is made. If people make changes without coming in for an approved modification, she questioned how well the system could work. If that is allowed to occur, people will agree to anything and just change it later.

Mr. Bush stated that this was approved by the City in February of 2014. Board Member Melville asked if the February approval was before he installed the windows and changed the interior wall. Mr. Bush answered yes. However, one month later the City withdrew the approval.

Planner Astorga explained that a lot of additional work was proposed at the time, which included work on the opposite elevation where window and door openings were performed without City approval. The Staff recalled meeting with Planner Grahn and Gary Bush and they determined that it was not a substantial change and that it could be a building permit modification. Before the building permit was approved and issued, the Staff went back and reviewed everything. At that time the Staff determined that the changes to the north side of the elevation did not comply with the Guidelines, and the proper channel would be for Mr. Bush to submit an HDDR modification. The Staff withdrew the Planning Department approval; however, final action never took place because the building permit was never finalized through the proper review channels. Planner Astorga clarified that Mr. Bush was correct in saying that the approval was withdrawn; however, there was no actual action other than the Planning Department denying the building permit.

Board Member Melville understood that there was no final building permit modification that allowed for the revised windows. Planner Astorga replied that she was correct. Ms. Melville reiterated her concern. She clarified that it was not just this project because many other projects have undermined the integrity of the process by making changes after the plan was approved without coming back with a modification request.

Mr. Bush stated that the situation has caused significant hardship for him on this project. He wanted the Board to understand that he was not being reckless and making changes to already approved plans. There were several deliberations with Planning and several re-designs by the architect before it was formally submitted, and it was all done prior to the February approval. Mr. Bush asked the Board Members not to view this as just another contractor doing what he pleases.

Planner Astorga thought it was unfortunate that the openings on the opposite side were done without City approval. He has been on-site many times and the Staff apologized to Mr. Bush for giving him the misconception that he had the green light to move forward. Planner Astorga emphasized that the Planning Department did stamp the plan as approved; however, final action was not taken other than the denial of the building permit. In his opinion from visiting the site, it was always built. The lower building expansion, which was approved through the HDDR, was completed before the Planning Department was asked about it. He noted that several stop work orders were issued by the Building Department for this site.

Chair Kenworthy understood that the time lapse was between the stamped plans and the final action. Planner Astorga stated that if a modification is a very minor issue, the Staff can determine that it be a building permit modification rather than the HDDR modification which would require notifying property owners within 100

feet. The first item was entertained as a building permit modification, since the items on the opposite side were already done without permission. Planner Astorga explained the building permit process. The plans are reviewed by the Planning Department and stamped approved, and then it goes to the Building Department. Once the Building Department completes their review the building permit is issued. Building permit issuance is the final action. The Planning Department stamp of approval is not a final action. Planner Astorga acknowledged that the Planning Department made a mistake when they stamped the plan approved before the building permit was issued. They contacted Mr. Bush, apologized for their actions, and asked that he meet with them and follow the proper process. At that point the Staff determined that it was more appropriate to go through the HDDR modification process rather than the building permit process for a modification.

Board Member White explained that the plans have to be stamped by both the Planning Department and the Building Department before work can properly commence. Board Member Beatlebrox wanted to know how much time typically lapses between the two processes. Mr. Bush stated that on this type of a project it can take several weeks. The plans that have been approved by the Planning Department go through a plan check because the Building Department looks at it from the standpoint of engineering and Building Codes. After he had Planning Department approval he made an appointment for a plan check which was a few weeks later. The Building Department made a list of items he needed to satisfy. He satisfied those items and made another appointment a few weeks later. Mr. Bush pointed out that he had all the items satisfied for the Building Department and all he had left to do was pay the building fees. That was when the issues were raised with the Planning Department. Mr. Bush stated that he had been very responsive in complying with all of the requests from both the Building Department and the Planning Department. He has paid all the fees and he has tried his best to respect the process and work within the system.

Board Member Holmgren pointed out that the HPB is an arbitration board and not a design review board. If they get involved with design review it takes away their meaning. Assistant City Attorney McLean stated that under this appeal the HPB is put in the position of the Planning Department as to the issues on appeal. She agreed with Ms. Holmgren in general; however, in this limited circumstance they have a little more flexibility

Board Member Holmgren stated that with the extensive information Ms. Meintsma had provided she would support keeping the double-hung windows. Ms. Holmgren thought the plan was fabulous and she did not think screens were necessary. Ms. Holmgren remarked that the use has changed many times and she was shocked when Ms. Meintsma pointed out the roofline. She supported moving the project forward as proposed.

Board Member Beatlebrox stated that based on the evidence of changed uses and the assumptions they were making about the uses, she thought the screen alternative was a great compromise. She did not believe the screen needed to be black and she thought it could go over the existing window. Ms. Beatlebrox thought the windows enhance the building and makes it look like the rest of the building. In her opinion it has a more finished look than the so-called screen porch.

Board Member Crosby thanked Ms. Meintsma for her great presentation. She agreed with Board Member White in reviewing the Sanborn maps, and with the evidence that there were many uses of this area over time. She believed it all supported changing interior space. Ms. Crosby thought Ms. Meintsma's presentation was excellent in showing the wall line and how the wall was pushed back. Ms. Crosby agreed with Board Member Melville regarding the process. She thought it was disturbing that because of a possible mistake Mr. Bush was forced to stop work for a number of weeks because the Planning Department approval was withdrawn. Ms. Crosby was interested in understanding that process better and how it can be avoided in the future. She pointed out that they had not discussed the compromise and what the applicant was willing to do. Ms. Crosby stated that like Board Member Holmgren she would be fine without screens. She thought the plan was wonderful. She has visited the site and watched it as construction progressed.

Chair Kenworthy remarked that the emphasis in Planner Astorga's presentation was that the Planning Department did not want to lose the screens. In hearing that, the first thing that came to his mind was how often he replaces the screens on the cabins he owns. He also uses burlap, plastic and other materials to cover his windows. Chair Kenworthy could not tell from one photo whether there was a screen and he was uncomfortable saying that the screens needed to be kept. He was more in line with Board Member Holmgren and suggested that they give Mr. Bush more flexibility and not require the screens. Chair Kenworthy stated that the Alternative option suggested by Staff was an option he would consider. He agreed that the space had many uses over the years and the size and shape has changed. Based on Ms. Meintsma's presentation he thought there was no argument that the wall does not exist as it did on the original maps. Chair Kenworthy believed they were dealing with a compromised interior space, and from a historical view, there was no evidence to show exactly what the material was.

Board Member White thought the one thing they could say for certain was that the scale and massing of the historic building has not and will not change.

Board Member Melville liked the design. However, her main concern was the process. Board Member White agreed with her comments regarding the process. Chair Kenworthy believed the entire Board shared that sentiment.

Board Member Melville wanted to make sure the Board was not setting a precedent or sending the message that circumventing the process was acceptable.

MOTION: Board Member Holmgren moved to approve the plans as proposed with the double-hung windows, and whether or not to add the screens should be an option for the builder. Board Member Crosby seconded the motion.

VOTE: The motion passed 6-1. Board Member Holmgren voted against the motion.

Board Member Melville thought the Findings needed to be changed to support the motion. Assistant City Attorney McLean suggested that they amend the motion to say that the appeal is granted according to the Findings of Fact of the Alternate Solution Approval as amended by removing the Condition of Approval on page 28 of the Staff report. Board Member Holmgren noted that the correction Planner Astorga had noted changing "family room" to "living room" needed to be made.

Planner Astorga noted that Findings 16, 17 and 18 needed to be changed because it talks about screen porches as an acquired historic significance. He suggested removing the word "screen" from the language.

Assistant City Attorney summarized the amended Findings as follows:

- 1) Amend all references to the family room and change it to living room.
- 2) Remove any reference to screen porch and just call it porch.
- 3) Remove "as conditioned" from the Order.
- 4) Delete the Conditions of Approval.

Chair Kenworthy suggested replaced screen porch with "side porch" for clarification.

- 5) Remove Findings of Fact 18, 20 and 21.

Assistant City Attorney McLean clarified that the previous Motion should be amended to include the Findings of Fact, Conclusions of Law and the Order of the Alternate Solution Approval on pages 27 through 28 of the Staff report as amended as follows: All reference to family room shall be living room and living room to family room as appropriate; all references to the screen porch shall be revised to say side porch; Finding of Fact #18, #20 and #21 shall be deleted; the wording "as conditioned" shall be removed from Finding of Fact #22; the wording "as conditioned" shall be removed from the Order; and all Conditions of Approval shall be removed.

MOTION: Chair Kenworthy moved to Amend the previous Motion as stated by Assistant City Attorney McLean. Board Member Holmgren seconded the motion.

VOTE: The motion passed 6-1. Board Member Holmgren voted against the motion.

Findings of Fact (Alternate Solution Approval)

1. The property is located at 811 Norfolk Avenue.
2. The property is located in the HR-1 District.
3. The property is Lot 3 of the 811 Norfolk Avenue Subdivision.
4. The site is listed on the Park City Historic Site Inventory (HSI) and noted as a Landmark structure, the City's highest historic designation.
5. According to the Summit County Recorder's office the structure was built circa 1911.
6. On September 8, 2014, the City received an appeal of a Historic District Design Review (HDDR) Modification application denied in part on August 29, 2014 for 811 Norfolk Avenue (PL-14-02413).
7. The appeal is specific to Staff's determination that part of the 811 Norfolk Avenue modification application does not comply with the Design Guidelines for Historic Districts and Historic Sites (Design Guidelines).
8. The Applicant requested the following items to be modified from the approved HDDR:
 - a. Removing the interior wall which separates the side porch and the family area, making the side porch part of the living area, denied.
 - b. Finishing the area underneath the side porch, approved as part of the south elevation window well, into part of the family room located in the lower level, approved.
 - c. Adding a window and window well on the south elevation, also on the lower level on the historic structure, approved with conditions, approved with conditions.
9. Staff approved requests B and C (with conditions of approval), however, staff denied request A.
10. The applicant appealed the Staff denial of request A.

11. Staff did not approve the modification request identified as proposal A, consisting of removing the wall which separates the side porch (exterior space) and the family area (interior space), making the side porch part of the living area, or habitable area. Making the porch area habitable (interior space) as proposed by the applicant would replace the screens in the openings of the porch with windows.

12. Proposal A consists of removing the wall which separates the side porch (exterior space) and the living area (interior space), making the side porch part of the living area.

13. Universal Guideline 2 indicates that changes to a building that have acquired historic significance in their own right should be retained and preserved.

14. Universal Guideline 9 indicates that new additions, exterior alterations, or related new construction should not destroy historic materials, features, and spatial relationships that characterize the building.

15. Eliminating the separation of the side porch and the living area would have a substantial impact of the side porch as it would no longer be a porch but a living room pop-out.

16. The historic spatial relationship of the side porch (exterior space) and the house (interior space) would be harmed if the wall which separates the side porch and the living area is removed, making the side porch part of the living area, interior space.

17. The side porch is clearly identified in the 1940 appraisal card and the historic tax photograph.

18. The side porch has acquired historic significance as indicated by Universal Guideline 2.

19. Staff finds that a solution can be accomplished in a way that the side porch can be built to be a habitable area, interior space, while at the same time screens can be retained.

20. Proposal A complies with the Design guidelines, specifically Universal Guidelines 2 and 9.

Conclusion of Law (Alternate Solution Approval)

1. The proposal does comply with the Park City Design Guidelines for Historic Districts and Historic Sites.

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2. The proposal complies with the Land Management Code requirements pursuant to the Historic Residential (HR-1).

Order (Alternate Solution Approval)

1. The HDDR modification application is approved.

The meeting adjourned at 6:45 p.m.

Approved by _____
John Kenworthy Chair
Historic Preservation Board