

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF JANUARY 7, 2015

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

EX OFFICIO: Planning Director, Thomas Eddington; Anya Grahn, Planner; Christy Alexander, Planner; Francisco Astorga, Planner; Polly Samuels McLean

ROLL CALL

Chair Kenworthy called the meeting to order at 5:03 p.m. and noted that all Board Members were present.

APPROVAL OF MINUTES

November 5, 2014

MOTION: Board Member Holmgren moved to APPROVE the minutes of November 4, 2014 as written. Board Member Crosby seconded the motion.

December 3, 2014

Board Member Melville referred to page 27 of the Staff report, the first full paragraph, and corrected "...stabilizing the Silver King water tanks" to read, **Silver Queen** water tanks.

MOTION: Board Member Beatlebrox moved to APPROVE the minutes of December 3, 2014 as corrected. Board Member Melville seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Regarding the winter balcony enclosures discussion on the agenda this evening, Board Member Holmgren disclosed that she sits on the Historic Park City Alliance Board and the Board of Directors. That Board had a discussion about winter balconies and she had recused herself from any decision on that regard.

Board Member Crosby disclosed that she would be recusing herself when the River Horse makes their presentation regarding the winter balcony enclosures, due to a past business relationship with River Horse.

Chair Kenworthy disclosed that he has had relationships with and against the law firms involved with the appeal this evening. He did not believe his relationship would affect his ability to fairly participate in the appeal hearing.

Director Eddington believed the Planning Department would schedule a work session with the HPB next month to begin discussing the Design Guidelines. Planner Grahn stated that the Staff has talked about holding a public open house near Valentine's Day along the lines of "I Love the Historic District". The Board would be notified of the dates once the work session and the open house are scheduled.

Planner Grahn reported that the Rio Grande was schedule to be moved back to its location on Tuesday, but she was unsure of the time.

Director Eddington remarked that the Staff would come back to the HPB within the next couple of months to work on selecting the next artist for the Historic Preservation Award.

Board Member Melville asked if they were moving ahead with a compatible new construction award category. Director Eddington replied that they would be discussing that award at the same time.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action.

360 & 336 Daly Avenue – Determination of Significance of an Accessory Structure/Garage (Application PL-14-02481)

Planner Christy Alexander reported that the applicant, Sharon Stout, would like to build on her property at 360 Daly Avenue. She had submitted an HDDR pre-application to show a number of designs. The Staff determined that an accessory structure encroaches on to her property. If the structure is not determined to be Significant the applicant would have to demolish it in order to accommodate the footprint of the home she would like to build. Ms. Stout had submitted an application for a Determination of Significance, which was before the HPB this evening.

Planner Alexander stated that on the 2009 Historic Sites Inventory it was found that the cabin to the south of the accessory structure in question was listed as Significant on the HSI. It noted the accessory structure as an accessory structure but it did not specifically call it out as Significant. Planner Alexander remarked that the cabin itself was shown on the 1900 Sanborn maps. However, the accessory structure garage did not show up until the 1907 map, which would indicate that it was constructed sometime between 1900 and 1907. It was also

constructed using the same materials as the cabin. The garage is a wood construction, simple gable roof accessory structure indicative of the outbuildings that were typically constructed by untrained property owners rather than skilled craftsmen. The scrap lumber that was used is characteristic of the outbuildings that were built during the Mature Mining Era period, which is between 1894 to 1930. Planner Alexander commented on a minimal addition on the north side to add more room for storage. Other alterations have occurred which included adding scrap metal on the north side and on the rear. She remarked that these alterations are typical of other historic properties throughout the City. No scrap metal was added to the front, which is the view from the street.

The Staff conducted an analysis and found that the structure is at least 50 years old and it has retained its essential historical form with minor additions. The structure is important in local or regional history because it is associated with the Mature Mining Era. The Staff did not believe the accessory structure complies with the criteria listed for Landmark Structures, but it did meet the criteria for a Significant designation.

Planner Alexander stated that due to the fact that it is an accessory structure, it sits primarily on the City's property and the City would be the owner. However, because it encroaches on to the applicant's property the Staff thought it would be appropriate to entertain relocating the structure further on to the City's property. If the HPB finds the structure to be Significant, the applicant could request a relocation and the City would research whether money would be available to relocate it within the next few month. Planner Alexander clarified that the Planning Director and the Chief Building Official would have to determine whether or not there were unique circumstances to allow relocating the structure.

The Staff recommended that the HPB determine that the accessory structure be listed as Significant. The applicant had a different opinion and had prepared a short presentation for the Board. Planner Alexander noted that this item was scheduled for a public hearing.

Sharon Stout, the applicant, stated that the property is actually owned by her LLC. She recently sold her home in Park City and she was currently living in Salt Lake. Ms. Stout provided the Board members with a packet of the materials contained in her presentation.

Ms. Stout stated that at first blush the two structures, as noted by Planner Alexander, appear to be very similar. However, she looked deeper at the historic structures that were on the two lots. She looked at all the numbers that were associated with the properties in this little region of Daly Avenue. Ms. Stout pointed out that it used to be called Empire Canyon and it was later called Daly Avenue. She looked at 360, 344, 340, 332, 336 and 330 Daly Avenue, which encompasses four or five structures that were historically on this property.

Ms. Stout started her presentation with a description of the structures, as well as maps and surveys. The first segment was Lot 360, which is the current name of the lot that Park City now owns. She noted that historically that area was referred to as 340 and 344 Daly Avenue. Ms. Stout remarked that two cabins were constructed around 1900. She presented, Exhibit A, a site inventory from Park City that designates the small cabin structure on 360 Daly as a historic site. She also looked researched the historic nature of the properties on the six street addresses she previously mentioned. Ms. Stout also reviewed the Historic Sites Inventory Form from Utah. She noted that in looking at the site inventory and the 1907 Sanborn map, they would see several properties on that map. One of the properties was 332 Daly, which had a historic home that was demolished in 1984. Half of the foundation from that structure is still on her property. Ms. Stout stated that the home that was on two parcels at 330 and 336 Daly Avenue was constructed in 1896. It is shown on the Sanborn map of 1907. The Tax Records from 1949 through 1968 describes a garage in great detail. The dimensions were show as 13 x 18 in some records and 13'x19' in other records. Ms. Stout referred to her survey, which was also included in the packet, showing a historic foundation, the garage, an outbuilding and a stone retaining wall. She noted that the stone retaining wall on her property is inches from the garage.

Based on the fact that the garage is not referenced anywhere else on these properties, Ms. Stout thought there was strong evidence that the garage in question is definitely associated with 332 Daly Avenue. She noted that there was a spot in the tax records that states that the garage was constructed in 1926. She stated that the first time the garage actually shows up is in the Sanborn Fire Map of 1941. Ms. Stout believed the garage was built sometime between 1926 and 1940; and it was definitely part of the structure of the house that was demolished.

Ms. Stout agreed that a first look at the cabin and garage it would appear that they are both made of similar materials. However, she showed a photo of the cabin on 360 Daly Avenue, formerly known as 340 Daly. The cabin was built around 1900 per the Historic Site Inventory and the Sanborn maps. It was a single cell wood plank siding, no foundation, built on a dirt floor with one window and a door. Ms. Stout remarked that the demolished home on 332 Daly Avenue, where half the foundation sits on her lot, was built in 1886 and torn town down in 1984. The house on 332 Daly Avenue had brick and siding exterior, a tin roof, and a wraparound porch. It was built on a concrete foundation, concrete steps, retaining wall and interior amenities. The home was 32' deep by 40' wide. The garage was 13' x 19' and was constructed between 1926 and 1940.

Ms. Stout clarified that her reason for mentioning those structures is that the home that was demolished on 332 Daly Avenue was constructed later than the cabin and the materials and aesthetics were superior to the cabin.

Ms. Stout noted that the topographical map and the survey that she had done of her home in July of 2014 showed the close proximity to the home and the retaining wall as she had outlined in yellow. He indicated the historic steps and noted that the steps were still in place, as well as the foundation and the retaining wall. She pointed out that the garage is also still in place.

Ms. Stout reviewed photos of the garage and pointed out the areas where the structure is deteriorating and its instability. When the garage was first built it was wood plank and timber construction with wood plank siding. There was no foundation and it was built on a dirt floor. There was one set of hinged doors for a single car and one smaller entry door to shed. The structure was completely enclosed from the elements. She then outlined the structure as it currently exists. The sidewalls have timber construction. There are assorted attached metal on three side and the roof. The garage doors no longer open and close. The Shed is no longer a function shed. Two sides open to the elements. The entry is obstructed and a door is missing. The garage is filled with various unwanted items.

Ms. Stout spoke about the concept of historical significance based on information she received from the Park City Historic Building Code, and the criteria for determining whether a site is historic. Ms. Stout referred to the structures on her property and noted that the house was demolished in 1984. Permission was granted from Park City Mines to tear down the garage in 1984 and again in 1996 and 1997 because it was confirmed to be an insignificant piece of Park City history. The lot was then subdivided into a two-lot subdivision in 1997. At the same time, 10-feet off of what would have been her property was annexed into the City for a snow plow and garbage truck turn around at the end of the street. The lot she hoped to build on would be the last house at the end of the street. The property on the uphill is owned by Park City and there is a 35-foot setback between her and the cabin designated as permanent open space. Ms. Stout believed Park City would have never allowed a scenario to be created where a two-lot subdivision would take 10 feet off the buildable portion of Lot 336, and at the same time leave a structure that was not allowed to be demolished.

Ms. Stout had submitted letters to Planner Alexander from 1984 and 1997 showing that permission was given to demolish the garage. Ms. Stout stated that she was always under the impression that she had permission to demolish the garage as soon as she started building on her lot. She still had that impression when she began working with the Design Review Team. Ms. Stout reiterated her belief that the City would not have created a two-lot subdivision if there was any intention for keeping the garage structure on the property.

Ms. Stout referred that the Sanborn Fire Map of 1907 identifies the home on 332A Daly Avenue without a garage because the garage had not yet been built.

The map also illustrated two smaller structures labeled as 344 and 340. The house size for 332 Daly is 32' x 40'. Numbers on the map designated the size of each structure. The future garage was 13' x 19' which is half the size of the house. Ms. Stout pointed out from the map that 340 Daly was much smaller. She noted that the structure shown on the map at 344 Daly is not shown on later maps. Ms. Stout noted discrepancies on other maps which led her to believe that the garage was built between 1926 and 1940. She remarked that the Sanborn map of 1941 shows the house, the garage and the cabin on 340, which is now lot 360.

Ms. Stout stated that the garage on 336 Daly Avenue is over 50 years. It is not associated with events or lives of important people in the past. The home it was built for was demolished. The garage was a one-car garage used for personal use. Ms. Stout noted that she was directed by Staff to research all the owners who have ever owned this property. She had obtained a large title report and conveyances of many deeds, which indicates that not one single person has been associated with this property throughout its history. No tax records were available on the cabin on Lot 360. The only record is the Historic Sites Inventory and that it was on the Sanborn fire maps.

Ms. Stout stated that the garage does not embody distinctive characteristics of type, a period or construction method, nor is it the work of a notable architect or craftsman. It was a lower budget garage and deemed of no value on the tax records. Ms. Stout pointed out that the owner of the garage used the garage as income after the house was demolished by renting it to a neighbor for a 30 month period. The contract stated that the neighbor was to demolish the garage at the end of the term, but that obviously never occurred. In 1987 the City deemed the garage non-significant and permission was given to demolish it. Ms. Stout remarked that the quality of construction did not indicate age. She believed the garage looked as old and derelict as the cabin because of the time it was built in American history, as well as the materials that were used. The cabin and the house were built four years apart but have vastly different features and amenities. The older home was better built.

Ms. Stout stated that in most cases sites are designated historic in Park City because they provide an understanding of the culture and life style of the areas mining activity and early skiing industry. The garage does not provide an understanding of the culture or lifestyle of the areas mining activity or early ski industry. It was only a place to park the car for a family home. The home that it served this function for no longer exists. The garage is not an outbuilding to the cabin at 360.

Ms. Stout stated that originally there were two small structures at 340 and 344. Only one of those, a single cell uninhabitable log cabin built around 1900, is still standing. The outbuilding mentioned in the historic description for 360 may still

not be standing. A garage and an outbuilding were mentioned on tax records for 332. Ms. Stout understood that Park City can designate something of significance because it is in Park City and specific to the region. She would not argue that the cabin has historic significance; however, she found no evidence that this garage has any bearing or reference to the cabin on 360 Daly.

Ms. Stout summarized the chain of properties. 340 Daly became 360, a lot owned by Park City Mines. The structure at 344 Daly was demolished over time. 332 Daly Avenue was subdivided into 330 and 336 Daly to become a viable and buildable two-lot subdivision, Lots A and B. The City annexed 10-feet off of the front of that property and then approved it as a viable and buildable subdivision with no building restrictions. A permit was issued to remove an inconsequential garage. The property has a steep slope and limited buildable area. The garage on the property would make it prohibitive and very expensive to build. Ms. Stout pointed out that she purchased a lot that she believed was 37 feet wide and later found out that it was 34 feet wide. If the structure continues to encroach on her property and she is required to build five feet away from it, it becomes a 20 foot wide lot. Ms. Stout stated that 336 is currently owned by Silver Queen Gunslinger LLC. She chose that name because she loves being part of a historic mining town and she cares about the history of Park City. Her intent is to build a beautiful home on this property.

Ms. Stout read a quote from the National Parks Service regarding historic integrity. She stated that the physical integrity of the quote is that generally the majority of the structure's materials, structural system, architectural details and ornamental features, as well as the overall mass and form must be intact in order for a building to retain its integrity. When she looks at the garage she only sees the skeleton of the original structure. The structures exterior is coated in various types of scrap metal used to repair the holes created by rotting wood. The roof is also patched. The front is the only portion of the garage that still has the original wood intact. The shed portion has fallen down on itself and the door is damaged and no longer works. The shed portion on her lot also has large holes on the side and there is just a hole where the door used to be. The garage also has added water pipes and electrical wiring on the exterior. Ms. Stout believed very little of the original structure was still intact.

Ms. Stout outlined the criteria for historical integrity. She stated that visiting the garage on Daly Avenue without the house it was connected to did not give an accurate portrayal of what life was like in the mining era. Even if the house were intact it would still not speak of the mining days because the garage was built after that era. It would only speak to the progression of the automobile and the need to house a car. In terms of being a ski town, while the garage was in existence during this time, nothing is known about the people who lived in this home beyond names on tax records. She noted that the Park City Museum pulled every document they had on all of the properties in question. Ms. Stout

could not see how a garage without a home attached to it would have any historical significance beyond recognizing it as a time when the technology of cars became part of everyday life in Park City. Ms. Stout remarked that it was a misrepresentation and distortion of historical fact to associate a cabin built in the early 1900s with a garage that was built many years later by different people with a different purpose and on a different property.

Board Member Melville asked when Ms. Stout acquired the property. Ms. Stout replied that it was either in 2008 or 2010. Ms. Melville asked if Ms. Stout had done a survey of the property at that time. Ms. Stout stated that she was given a survey of the property; however, she did not have a new survey done until July 2014 when she was ready to start building. Ms. Melville assumed Ms. Stout was aware that the building encroached. Ms. Stout answered yes, but she also had letters that were provided as part of the sale giving permission to demolish the garage when she started building.

Planner Alexander noted that the letters had a condition that the approval to demolish would expire if the garage was not demolished.

Board Member Holmgren asked when the public was noticed on this public hearing. Planner Alexander replied that it was noticed a week earlier. She clarified that notice was posted on the property but courtesy letters were not mailed out. It was also legally noticed in the Park Record.

Chair Kenworthy opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, referred to Exhibit B in the Staff report and noted that the language refers to a shed or a garage. At one point it states that it was used as a garage, so they could assume that it was initially built as a shed. Ms. Meintsma found in her research that a lot of these sheds were built during the mining era as part of the community.

Ms. Stout asked if Ms. Meintsma was saying that the garage in question may have been a building that was built on property that nobody owned. She would dispute that because the tax records clearly state that this property was owned by someone.

Chair Kenworthy asked Ms. Stout to hold her questions until after the public hearing.

Ms. Meintsma believed there was a possibility that the shed could have been part of the community. Reading back in history, Daly Avenue was a unique street in that it was cottage industries up and down the street. She commented on one situation where a chicken coop was taken out and created a controversy because that person grew raised and provided chickens for his community.

There were also a lot of blacksmiths or iron workers on Daly Avenue. Ms. Meintsma remarked that this shed may have been from the cottage industry because it is where the Daly Mine workers walked home every day. Daly Avenue was a viable street. Ms. Meintsma suggested that the shed may also have been a type of living structure because people want to live within walking distance from where they work. Ms. Meintsma pointed out significant features of the structure. She noted that the beams are 12 x 12 which indicates the possibility of another era and potential historic significance. Ms. Meintsma stated that Sanborn maps were not necessarily designed to only include significant structures. She had asked SHPO what was indicated on the maps. She was told that anything that was combustible and insured were included on the maps. Therefore, outbuildings would be included if they were combustible and insured. Ms. Meintsma remarked that even if the shed was built in 1926 it would still be within the significant mining era. 1940 would be the waning mining era and still within a historic time period. Ms. Meintsma pointed out that two lots should leave sufficient room to build. She believed the real issue is that the applicant did not want the structure on her property. In her opinion the structure needs to be wanted and it needs to be taken care of and re-addressed. Ms. Meintsma outlined the unique circumstances that would need to occur in order for the structure to be moved off of the applicant's property and on to the Park City property. She believed the use of the structure would be difficult because it sits on two different properties. Therefore, because the structure straddles two properties with two different owners, that would create a unique circumstance. Ms. Meintsma thought it should be moved to the Park City property where it could be taken care of and used.

Chair Kenworthy closed the public hearing.

Chair Kenworthy clarified that within the purview of the HPB the Board should focus on the designation of significance and not the issue of moving the structure.

Board Member Melville asked whether the applicant had standing to make this application for a designation of significance. She had read from LMC Chapter 15-11-10, which states that the people who can make an application are the property owner or the Planning Department. It does not specify an adjacent landowner.

Assistant City Attorney McLean understood that the Planning Staff wanted clarification as well. It is on the HSI with the cabin, and the Staff wanted to see whether the garage was significant by itself. Director Eddington stated that because the garage encroaches by 5+ feet and there is record that the previous property owner had permission to demolish the structure, the Staff wanted to make sure that full transparency was given to the applicant.

Board Member Melville stated that in her reading of the Historic Sites Inventory, the garage is already listed on the HSI. She cited language and photographs to support her opinion. Planner Alexander replied that it was still vague and the Planning Department wanted to call out the garage specifically.

Ms. Stout stated that when she spoke with the Park City Museum about 360 Daly and that the cabin was listed as a significant piece of Park City History, the only thing they were able to tell her was that there was an outbuilding but it did not specify the garage. Ms. Stout pointed out that nothing on the Park City Historic Sites Inventory specifies that the garage is the outbuilding. She believed when the photo was taken it was taken in that direction. Ms. Stout stated that in looking at the survey of her property there is an outbuilding in the same direction and directly behind the garage. She would argue that there is an outbuilding that is in ruins; but that the garage has no association with the cabin nor was it designated as a significant part of Park City history.

Board Member Melville did not believe the Park City Museum would agree with Ms. Stout's assessment. Ms. Stout clarified that she had obtained her information from Lucy at the Park City Museum. Ms. Melville was certain that Sandra Morrison with the Museum would not agree.

Board Member Crosby referred to page 66 of the Staff report, Exhibit C, and asked how much of the structure encroached on Ms. Stout's lot. Ms. Stout replied that the structure encroached within her building envelope. She is allowed to build within three feet of the property line; however she would have to build five feet away from the garage structure which would reduce her building space by 11 feet.

Board Member Beatlebrox noted that the criteria Ms. Stout reviewed in her presentation was the criteria for Landmark significance. However, she understood that the HPB was looking at the building for Significant designation. To be clear, Mr. Beatlebrox reviewed the criteria for a Significant site designation. The building is at least 50 years old, which applies in this situation because the building was constructed between 1900 and 1907. Ms. Stout was unsure why Ms. Beatlebrox believed the building was constructed during that time period when the information she presented this evening clearly indicates that the building was not built until 1926 at the earliest and possibly as late as 1940. Ms. Stout suggested that Ms. Beatlebrox was making an assumption that was not substantiated by the facts.

Board Member Beatlebrox referred to an exhibit in the packet. Planner Alexander confirmed that the garage was shown on the 1907 Sanborn map. Ms. Stout disagreed and explained why she believed that neither the 1907 nor the 1929 Sanborn maps showed the garage. The garage did not show up until the 1941 Sanborn map. Planner Alexander pointed out the structure on the 1907

map that the Staff believed was the accessory garage. Ms. Stout remarked that Lot 360 became Lot 340, and on the 1941 Sanborn map Lot 344 no longer exists, so it could not possibly be the cabin with the garage. Ms. Stout reviewed the survey she had done of her property and the 1941 Sanborn Fire Map, which showed that Lot 344 no longer exists. She stated that process of elimination would put the cabin on Lot 360. Ms. Stout reiterated that based on the information presented, the garage structure was not built between 1900 and 1907.

Director Eddington pointed out that either way, the garage would still be older than 50 years old. Mr. Stout agreed that the structure was over 50 years old, but her point was that it was not an outbuilding to the cabin on Lot 340. It was built as a garage and was shown as having no value for tax purposes.

Board Member Beatlebrox continued reviewing the remaining criteria for a Significant designation. It retains the essential historical form, meaning there were no major alterations. Ms. Stout believed there were major alterations to the structure. Ms. Beatlebrox did not believe that the right-hand side of the shed looked like a major alteration. Ms. Stout noted that the original material was gone. The outside shell was originally constructed of wood and it is now metal on three sides and attached metal on the roof. The doors do not work and one door is completely caved in. A large chunk is missing out of the shed on the right side. Ms. Stout did not believe the shed had the integrity of a historic structure. In her opinion, the only historic material were the stacked beams. Ms. Beatlebrox remarked that many historic buildings have siding and when the structure is restored the siding is removed. She asked if Ms. Stout was contending that the garage structure could not be restored to its original form. Ms. Stout stated that it is her contention that this building and the historic cabin have been on Park City property for a very long time. She understood that the cabin has been identified as a ruin and she believed the garage was very near a ruin. Ms. Stout stated that if Park City had any interest in restoring this cabin, she was unsure where the money would come from or when it would be done. Since the cabin has been designated as a historical Significant site, she assumed the City would want to restore that structure first. She predicted that the cabin would most likely fall down after a few more harsh winters.

Board Member Beatlebrox noted that another criteria is that the structure has an important local or regional history associated with the following: 1) an era of historic importance to the community; 2) the mature mining era of 1894-1930. Ms. Beatlebrox had gone by the property and she felt that both of the buildings look like they belong to the mining history. It is something that the HPB is tasked with preserving and an important reason why they were here this evening.

Board Member Melville asked about the age of the additions to the accessory garage. Planner Alexander replied that she was unable to find any information

on when the additions were done. Ms. Melville thought it looked older than 50 years. Planner Alexander agreed.

Board Member Crosby asked if it was the addition that encroached on Ms. Stout's property. Ms. Stout replied that it was the addition, but also the large timbers were on her property. Planner Alexander noted that Ms. Stout would still have to build five feet from the structure, which would impose more than the three foot setback from the property line.

Board Member Holmgren recalled a similar situation several years ago when there was a "save our sheds" campaign to save structures that were slipping through the cracks. Ms. Holmgren felt strongly about saving those structures at that time and she still feels the same way. She personally believes those buildings are significant.

Board Member White stated that in his opinion the garage was a significant structure and he would like to see it preserved. The fact that it straddles a property line and it is deemed Significant makes it an easier fix than if it were a Landmark structure. Board Member White understood that the HPB did not have the purview to resolve the property line issue.

Assistant City Attorney McLean agreed that the property line issue was outside of the purview of the HPB. She suggested that it might be helpful if the Board would comment on the structure as well as the addition to the structure to provide clarity in terms of whether or not the addition is Significant as well.

Board Member Holmgren stated that if there were no facts to support the age of the addition, she would not be able to comment on that portion. However, she considers the structure itself to be Significant. Planner Alexander stated that based on the type and look of the materials, she believed the addition was added within a few years of the original structure.

Board Member White stated that he has seen the garage many times and he believes the entire structure is worth preserving.

Board Member Crosby agreed with Board Member White. She had been driving by that structure since the late 1960's and it is part of the whole environment of why she wanted to move to Park City. In her opinion, when people drive by that structure and others on Daly Avenue, it represents remnants of the mature mining era. She believes the entire structure meets the criteria for being Significant. Ms. Crosby encouraged the City and the HPB to support preserving this structure.

Board Member Melville believed that it met all the criteria. She was unaware that it was owned by the City until this meeting. Knowing that information, Ms.

Melville thought the City has the same obligation under the Code to stabilize historic structures. She asked about process. Director Eddington stated that if the structure is deemed Significant by the HPB, the Staff would work with the City Council as the owners of that building to discuss a remedy for stabilizing the structure. Ms. Melville agreed that these old accessory structures represent the mature mining era and that preserving them is important.

Board Member Beatlebrox concurred that the structure is Significant and it should be preserved. Board Member Hewett believed the structure was Significant. Chair Kenworthy agreed.

Director Eddington clarified that the majority of the Board members felt that the addition was in period. Chair Kenworthy replied that this was correct. Assistant City Attorney McLean recommended that the Board include that as part of their motion.

Ms. Stout vehemently disagreed with the Board's opinion. She understood that everyone loves this building and wants to preserve it as part of Park City's history and she appreciated their sentiment. However, she questioned where the funds would come from to stabilize this building or the one next to it. If Park City does not act she could see the structures as two pillars within the next few years. If she is not able to build on her property, she would be unhappy if Park City allows the cabin and the shed to fall down. Ms. Stout thought the HPB should not arbitrarily rule the structure as Significant and then do nothing to preserve the building. She wanted a guarantee that the HPB would do something to back up their decision.

Chair Kenworthy informed Ms. Stout that the HPB was not in a position to make any type of guarantee. He pointed out that many of the Board members were surprised to hear that it was owned by the City; but the HPB was acting on their passion of preserving their history through this forum. He assured Ms. Stout that the Board would do whatever they could to follow through, but they could not make any guarantees beyond their purview.

Board Member Melville referred to Finding #6 and suggested that the last sentence needed to be removed. Director Eddington removed the last sentence from Finding #4, believing that the last sentence in Findings 6 and 4 were Staff editorial comments that were somehow incorporated into the text. Director Eddington also recommended removing the wording (size) in both places in Finding #2 since they were also editorial comments.

MOTION: Board Member Melville moved to find that the accessory structure garage at 360 Daly Avenue is Significant on the Park City Historic Sites Inventory as a stand-alone structure based on the Findings of Fact and Conclusions of Law found in the Staff report. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

Board Member Melville remarked that since the City has a prescriptive easement she believed this would be the appropriate time to take legal action to acquire title.

Board Member Holmgren stated that the City has become stricter about demolition by neglect and the people who allow their properties to deteriorate. She thought the City should be held to the same standard. Ms. Melville believed the City had funds to stabilize the structure. Director Eddington offered to pass on their comments to the City Council.

Findings of Fact – 360 & 336 Daly Avenue

1. The accessory structure/garage at 360 Daly Avenue is within the Historic Residential 1 (HR-1) zoning district.
2. There is a historic cabin and a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue.
3. The existing accessory structure/garage has been in existence at 360 Daly Avenue since between 1900 and 1907. The structure appears in the 1907 Sanborn Fire Insurance maps.
4. The accessory structure/garage was built between 1900 and 1907 during the Mature Mining Era (1894-1930).
5. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.
6. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material.
7. The site meets the following criteria as Significant on the City's Historic Sites Inventory.
8. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
9. The structure has retained its Essential Historical Form.

10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930).

Conclusions of Law – 360 & 336 Daly Avenue

1. The existing accessory structure/garage located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community (built between 1900-1907); and

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, (no changes to the roof have occurred) or

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance (no such change has occurred), or

(iii) Moving it from its original location to a Dissimilar Location (no such change has occurred), or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way (no such change has occurred).

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community (Mature Mining Era (1894-1930)), or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

491 Echo Spur – Appeal of a Historic District Design Review.
(Application PL-14-02481)

Planner Astorga stated that the Planning Department was recommending that the Historic Preservation Board review the submitted appeal of the Staff Determination approving the Historic District Design Review at 491 Echo Spur.

The Staff had prepared Findings of Fact and Conclusions of Law affirming the determination of compliance.

Planner Astorga reported that the appellants were Dan and Paul Riordan, being represented by Scott DuBois. The property owner was Leeto Tlou, being represented by Karen O'Brien. Planner Astorga stated that the property at 491 Echo Spur was formerly known as McHenry Avenue. However, prior to the plat amendment the City Council changed the name to Echo Spur. Planner Astorga noted that the site is currently vacant.

Planner Astorga remarked that the site originally consisted of three Old Town lots of record. The plat amendment was approved in October 2013. Planner Astorga clarified that the plat amendment was not part of the HPB discussion this evening.

Planner Astorga reported that the Planning Commission approved the Steep Slope Conditional Use Permit in April 2014. Later in the year the Staff began working on the final application submitted by the applicant prior to obtaining a building permit to build a single family dwelling.

Planner Astorga stated that on October 31st the Planning Department received an appeal of the Historic District Design Review, which was approved by the City on October 21, 2014. Planner Astorga explained that the Riordan's own a home behind the property at 491 Echo Spur. He commented on the exhibits that were provided and noted that the first exhibit was not part of the original appeal submittal, and he was seeing it for the first time this evening. It was an analysis of home comparisons. Assistant City Attorney noted that the Board should receive exhibits and other information in advance of the meeting so it can be reviewed. She stated that the Board could evaluate the new exhibit and give it whatever weight they felt was appropriate.

Planner Astorga commented on other exhibits that were included in the Staff report. He referred to the analysis on Page 79 of the Staff report. The language highlighted in blue was the exact wording written by the appellant that he had cut and pasted into the exhibit. The language focused on Guidelines 6 and 7 and how it relates to the plat amendment. Planner Astorga stated that the Staff finds that the proposed massing and architectural design components are compatible with the volume and massing of single family dwellings. Planner Astorga noted that when the City Council approved the plat amendment they made a finding that it provided an excellent opportunity to transition from the larger lots and buildings east of the property up to the Ontario neighborhood. Planner Astorga reported that the Planning Commission had originally forwarded a negative recommendation to the City Council. However, plat amendments are first reviewed by the Planning Commission and reviewed again by the City Council. Ultimately, the City Council has the final decision and in this case they made

findings for approving the plat amendment based on compliance with applicable Codes. Planner Astorga noted that the appellant failed to mention in their submittals that this was an approved plat.

Chair Kenworthy clarified that the plat amendment was outside of the purview of the HPB and he did not want to spend time talking about the plat amendment. Assistant City Attorney McLean explained that for this appeal the HPB only has jurisdiction over the Historic District Design Review. The Board should look at it de Novo, but the discussions and presentations should only focus on the HDDR.

Planner Astorga referred to page 84 of the Staff report and the specific guidelines. Guideline B.1.6 – Windows and balconies and decks should be located in order to respect the existing conditions of neighboring properties. The next page was a version of the site plan showing the exact area being reviewed this evening. Planner Astorga noted that the architect was able to place the approximate location of the existing structure of the Riordan house. The rear wall was approximately 16 feet from the property line. The property owner for 491 Echo Spur has requested to build a deck on the north side of the property, which meets the 10-foot setback. Per the LMC, the deck is allowed as long as it meets the 10-foot setback. Planner Astorga pointed out that the middle of the structure becomes an at-grade patio. The zoning ordinance in the HR-1 District indicates that a property owner can build an at-grade patio as long as it provides a one-foot setback. Planner Astorga noted that the at-grade patio proposed is clearly set back three feet from the property line. Therefore, the patio is 3 feet to the property line and approximately 16 feet to the house. Given the setbacks and the fact that both property owners have the ability to build up to a 6' fence between their properties, the Staff could find that the location of the patio or the deck would affect the neighboring structure and, therefore, met Guideline B.1.6.

Board Member Crosby asked if the patio was at ground level. Planner Astorga answered yes. He explained that “at ground level” as currently defined in the Code is no more than 30-inches above defined grade.

Board Member Melville asked Planner Astorga to identify the two properties being discussed as shown on pages 81 and 82. Planner Astorga noted that the red identified the three lots that were combined with the plat amendment.

Board Member Beatlebrox could not find steps going from the deck to the patio. Planner Astorga replied that the site is very challenged. Therefore, the architect followed the contours of the site. The site is not flat which is why they could accommodate a deck above and an at-grade patio on the other side. He explained that it is one horizontal plane going from the patio to the deck due to the topography of the site and the slope. Planner Astorga remarked that the City has a provision that construction on a slope of 30% or grader must be approved by the Planning Commission.

Planner Astorga commented on the next Guideline. Guideline B.1.8 Guideline B.1.8: Buildings constructed on lots greater than 25 feet wide should be designed so that the facades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, building depth, and patterns within the facade. He presented the Staff Exhibits that were provided to the Planning Commission during the plat amendment process. He reviewed the site plan on page 161 of the Staff report which showed the elevations and the roof line, as well as the existing retaining wall that was built to accommodate proper draining and other technical aspects for a road, while at the same time ensuring the safety of property owners. He noted that the retaining wall was designed and built without knowledge of this specific house. Planner Astorga pointed out that it is challenging to find an appropriate rhythm on a lot that doesn't have full frontage on what would be considered the front property line.

Board Member Beatlebrox asked if the retaining wall was at the end of the road. Planner Astorga answered yes. Director Eddington clarified that the retaining walls were part of the dead-end portion of Echo Spur. The walls were constructed with the overall development of the road.

Planner Astorga noted that the property is on the corner of Echo Spur and platted Fifth Street. When the plat amendment was approved the City allowed the property owner to combine the lots but requested that he not provide access to the lots from platted Fifth Street, which would otherwise be his right. Planner Astorga pointed out that the road was built in a way to barely access the third lot down from that specific corner. He noted that finding the rhythm or pattern of the lot is more challenging due to the fact that the applicant would probably not have a neighbor on the other side of Norfolk. On the other side of platted Fifth Street is the Roundabout Subdivision which has much larger lots and development plans to build.

Planner Astorga remarked that in the clarification provided by the appellant, they talk about the large concrete retaining wall. He believed there was some confusion because you cannot appeal something that has already been built, and the wall has nothing to do with Mr. Tlou proposal. Planner Astorga remarked that the infrastructure for the road, which also includes the retaining wall, has already been reviewed and inspected by the City Engineer. On his recommendation it was also accepted by the City.

Planner Astorga referred to page 88 of the Staff report and noted that the appellant had focused more on the General Plan in terms of goals and objectives. He pointed out that the General Plan does not have standards for development. It is simply a guiding document for the LMC and the Design Guidelines. However, if something does not reflect the value of the General Plan, the LMC or the Design Guidelines are the law. If it does not coincide, the

Planning Department has the responsibility to research and analyze the project through the proper channels of review to reflect the specific goal that should be reflected in the zoning ordinances. Planner Astorga stated that they could not apply a statement regarding the General Plan to specific development parameters such as the Design Guidelines. The purpose of the Design Guidelines is to be able to achieve the goal of compatibility in the General Plan.

The Staff had created Findings of Fact and Conclusions of Law that indicate that the Staff did not make an error in their determination of compliance with the Historic District Design Guidelines. If there had been an error, the appellant has the responsibility to show where the Staff specifically erred.

Scott DuBois, representing the appellants, Paula and Dan Riordan, stated that due to a death in their family Mr. and Mrs. Riordan were unable to attend the meeting this evening. Mr. DuBois had submitted a letter earlier that day explaining the circumstances. He remarked that the Riordan's had requested that Mr. Tlou and his attorney consider a two week extension, but their request was refused. In light of the circumstances Mr. DuBois asked the HPB to excuse their absence and not interpret their lack of presence as disinterest on their part. The Riordan's had filed this appeal because they believe this to be a very serious issue.

Mr. DuBois stated that before addressing the merits of the appeal and the arguments that were raised by Mr. Tlou and the City, he wanted to clarify that the appeal was filed on October 31st. Mr. Tlou and the City had more than 70 days to file a response to the appeal; however, he did not receive a response from the City until January 2nd. He did not receive Mr. Tlou's response until Monday of this week. For that reason he had not had the opportunity to review every new argument raised in both of those submissions. Mr. DuBois intended to do his best to respond, but in fairness, if there were new issues that required more time for a response he respectfully requested the opportunity to provide additional written materials that would be helpful in making their decision.

In terms of the merits of the appeal, Mr. DuBois appreciated that Planner Astorga had spent a significant amount of time working with Mr. Tlou to move this project forward. However, the project being proposed by Mr. Tlou does not meet the Historic District guidelines and his application should be rejected. Mr. DuBois stated that the Riordan's filed this appeal as concerned property owners. They have owned a home on Ontario Avenue for over ten years. When they purchased their home there were a number of smaller homes on smaller lots.

Mr. DuBois stated that the Riordan's were bringing this appeal because the home proposed by Mr. Tlou represents a significant departure from the size of the homes that exist in this neighborhood. The appeal is about choices and precedent. He asked if the Board wanted to encourage the combination of

multiple lots in this neighborhood and homes over 5,000 square feet; or whether they wanted to send a message that the Historic District should be maintained and the homes should be consistent in size with the existing homes.

Mr. DuBois remarked that the City, the Riordan's and Mr. Tlou agreed on one thing, and that was the standard of review. The standard of review is de Novo which means they start fresh. They should not give deference to the conclusions of the Planning Department. The Board should look at all the information being presented and determine whether or not the application should be rejected or accepted.

Mr. DuBois stated that the approach taken by Planner Astorga in response to many of the points raised in the appeal could be reduced to one basic point. Planner Astorga argues that the City Council approved this three lot combination, but then they argue that Mr. Tlou is only required to adhere to the restrictions on the size of the house based on the lot size. Mr. DuBois stated that if that was the analysis there would be no reason for the HPB to exist and there would be no reason for a Historic Design Review. It would come down to a mathematical calculation of how large the house could be given the lot size, which is what Mr. Tlou did. He combined three lots and designed the largest house he was allowed to build on those three lots. Mr. DuBois suggested that the analytical framework advanced by the City was incorrect. He remarked that house size based on lot size is only the first step of the analysis. The second step is whether the proposed structure is compatible with the Historic District Guidelines, the General Plan and other provisions of the Land Management Code.

Mr. DuBois conceded that the City Council approved the three lot combination and it was not an issue for discussion. He stated that the primary issue before the HPB this evening was whether the home being proposed by Mr. Tlou is consistent with the Design Guidelines and the General Plan for the Historic District. He felt it was important for the Board to get a sense of the historic neighborhood they were talking about. He presented a map he had created describing the lot size and the amount of livable square footage. In looking at the neighborhood most of the lots range between 1800 square feet to 3900 square feet. The square footage for the homes on Echo Spur is approximately 2800 square feet. The average home in the neighborhood is approximately 1800 square feet.

Mr. DuBois commented on the analytical framework for the de Novo review. He noted that the Riordan's were challenging several specific findings of fact and conclusions of law. The first Finding being appealed is that the application meets the Universal Guidelines for new construction. He referred to Guideline #6 which states that the scale and height of new structures should follow the predominant pattern of the neighborhood with substantial consideration given to historic sites. Guideline #7 states that the size and mass of the structure should be compatible

with the size of the property so that lot coverage, building bulk and mass is compatible with historical sites in the neighborhood. Mr. DuBois stated that a typical lot on Block 58 and in this neighborhood is 75' x 25'. Given that lot size, a property owner would be limited to a footprint of 844 feet, which is representative of the predominant pattern of the neighborhood. Mr. DuBois remarked that in contrast the Tlou property is 75' x 75'. For that lot size, the maximum building footprint is 2,050 square feet. The footprint being proposed for this structure is 2,049 feet. He pointed out that Mr. Tlou used the maximum square footage and maximized the building footprint. As a result, Mr. Tlou was seeking approval for a structure that exceeds 5,100 square feet of living space, which doubles and triples the size of the homes on Block 58 and in the neighborhood. Mr. DuBois stated that the incompatibility of the proposed structure was also illustrated on the architectural design that was submitted. The homes on Ontario are small and narrow. The proposed house would tower and loom over the smaller homes. Mr. DuBois did not believe the proposed structure meets Universal Guidelines #6 and #7 because it is inconsistent with the historic nature of the neighborhood.

Mr. DuBois remarked that the structure proposed by Mr. Tlou has a building height that reaches 27 feet. While that technically complies with the LMC, the General Plan reads, "Building heights up to 27 feet in a residential area exceeds the height of the majority of historic mining homes, rendering it incompatible with other historic structures as contemplated by the General Plan". He stated that the sole response Planner Astorga gave to this point was that the City Council approved the plat and it meets the Historic Design Guidelines as long as the house is consistent with the maximum size allowed for the lot. Mr. DuBois disputed that reasoning because the structure should be looked at from the standpoint of whether it meets Universal Guidelines 6 and 7. That issue was raised in the appeal and the appellant did not hear a response.

Mr. DuBois also challenged Finding #24, "The application as conditioned meets the specific Guidelines for site plan, primary structures, off-street parking areas, exterior lighting and sustainability". The specific Guideline being challenged states that the character of the neighborhood and the district should not be diminished by significantly reducing a proportion of built or paved area to open space. Mr. DuBois pointed out that after the three lots were combined, Mr. Tlou could have proposed a structure that is compatible with the size of the surrounding homes, and left open space or created a larger yard. Instead he chose a structure that maximizes the building footprint and leaves very little space between the home and the setbacks.

Mr. DuBois stated that the next Guideline being contested is that the windows, balconies and decks should be located in order to respect the existing conditions of neighboring properties. He reviewed an exhibit showing a deck and a patio that goes 7 feet into the setback and three feet from the property line. Mr. DuBois indicated a 12 foot drop from the patio being proposed to the rear of the

property. Therefore, while standing on the patio you could look down on to the Riordan's deck, which would significantly impact the Riordan's privacy and enjoyment of their property. In addition, the Tlou deck as elevated would be right on the setback and would allow anyone to look straight into the second story of the Riordan's home. Even with a 6' fence it would be easy to peer down on to the Riordan's deck. For that reason the design does not respect the existing conditions of the neighboring properties.

Mr. DuBois also contested Guideline B.1.8., previously read by Planner Astorga when discussing the retaining wall. He remarked that the issue is more than just the retaining wall. The width of the structure is the primary issue because the lot is 75' wide instead of 25' wide and doubles or triples the width of any other lot on the street. For that reason the width is inconsistent with the rhythm of Echo Spur and Block 58. Mr. DuBois recognized that there was some confusion regarding the retaining wall mentioned in the appeal. In looking at the artistic rendering it appeared that the retaining wall would be new. He has since realized that the retaining wall already exists.

Mr. DuBois remarked that the appellants were also appealing several conclusions of law. The first Conclusion is that the proposed dwelling complies with the Park City Historic Design Guidelines as conditioned. He heard from Planner Astorga that the General Plan has no application and there was no reason for the HPB to consider it in their analysis. Mr. DuBois did not believe that was the right approach. He referred to a specific statement in the Design Guidelines that says the Design Guidelines are designed to carry out the policy directives in the Park City General Plan. Mr. DuBois further noted that the General Plan states that the Design Guidelines are an effective tool to maintain the character of the Historic District, and designed and adopted to ensure that the Historic District is not overwhelmed by new development and the historic character of the place is preserved. Mr. Dubois stated that the two Guidelines and the General Plan work hand in hand to ensure that the character of the historic neighborhood is preserved.

Mr. DuBois stated that the General Plan also says that given the current real estate demands, including the combination of Old Town lots to accommodate large residential structures threatens the current historic fabric of Park City and are causing increased adverse effects on the historic pattern and aesthetics of Old Town neighborhoods. It specifically attributes the adverse effects being experienced with lot combinations which accommodate uniquely large residential structures. Mr. DuBois clarified that the appeal was not attacking lot combinations, but it is important to look carefully at the size of the structure to ensure that it is consistent with the Design Guidelines to protect the historic nature of the neighborhood.

Mr. DuBois commented on discussions about the Planning Commission and whether they agreed that the Tlou structure complies with the General Plan. He noted that in 2013 the Planning Commission found that the requested lot combination was not consistent with the General Plan because the size of the structure that could be built on the combined three lots was not consistent with the General Plan. He referred to a discussion by the Planning Commission indicating that the purpose statements of the HR-1 zone were not met and that the size of the structure would not be consistent or compatible with preserving the historic neighborhood. Mr. DuBois indicated a comment by Commissioner Strachan where he had read directly from the General Plan and noted that this structure was not consistent with the General Plan due to its massive size.

Mr. DuBois disputed Conclusion of Law #2, the proposed dwelling complies with the Land Management Code requirements pursuant to the historical density in the District. He stated that the Guidelines are also designed to carry out the directives of the Land Management Code. Mr. DuBois noted that the purpose of the Historic Residential HR-1 District is to preserve present land uses and the character of the historic residential areas of Park City and to encourage construction of historically compatible structures that contribute to the character and scale of the historic district and maintains existing residential neighborhoods. He reiterated that the Tlou residence is double the size of the houses in the neighborhood and it is incompatible with the existing structures on Block 58. For that reason the application should be denied.

Mr. DuBois stated that Mr. Tlou's Counsel in their submission suggested that the Riordan's filed this appeal due to a boundary dispute between the parties. Mr. DuBois remarked that the representation by Mr. Tlou's Counsel indicating that the Riordan's offered an ultimatum to get a free easement is simply not true. For clarification, Mr. DuBois explained that a rock wall was built on the rear portion of the Riordan's property that abuts the Tlou property. The wall was built approximately 20 years ago and there was no issue with the rock wall. Mr. Tlou apparently learned that there may have been a small encroachment of a portion of the wall and he had approached the Riordan's.

Chair Kenworthy informed Mr. DuBois that the HPB was aware of that situation but it was not within their purview and would have no bearing on their consideration this evening. Mr. DuBois understood their position.

Mr. DuBois stated that in analyzing the potential boundary issue the Riordan's obtained copies of the plans for the Tlou property and they were shocked by its size and the fact that it had been approved by the City. They were surprised to see a patio three feet from their property line. That was their sole reason for filing this appeal. It is a policy issue and the Board should recognize the precedent they would be setting if they allow the Tlou home to be built as proposed.

Katie O'Brien, representing Mr. Tlou, stated that the burden of proof is on the appellant to prove that the Staff erred in approving this HDDR application; however, she had not heard where that has been proven. Her client has complied with the LMC and with the provisions of the HR-1 District, and he has worked diligently with the City for full compliance on everything.

Ms. O'Brien noted that the appellant was disturbed by the fact that the appeal was submitted on October 31st, which was the 10 day mark from the October 21st approval of the HDDR application. They also agreed with the Staff to hold this hearing on January 7th. Mr. DuBois' claim that he was shocked to learn that this hearing would be held on January 7th is a thin argument. Ms. O'Brien recognized that it has been 60 days, which is beyond the 45 day limit, but having this appeal hearing today was not out of order.

Ms. O'Brien stated that the Staff followed the typical protocol of distributing documentation the Friday before the hearing on Wednesday. Mr. DuBois understood the timeline and he had six days to review the documentation. The materials were posted to the website on Friday and Mr. DuBois received a copy on Monday. Ms. O'Brien did not believe there was anything out of the ordinary in terms of how the documentation was treated.

With respect to the merits of the case, Ms. O'Brien had little to respond because she did not believe Mr. DuBois had proven his case. However, she was prepared to present additional facts. Ms. O'Brien responded to each item in the appeal.

The first Finding of Fact in dispute was the application of the Universal Guidelines for new construction. Ms. O'Brien stated that the owners have worked very hard with the City for more than two years to ensure that the designed plan for this particular house meets the criteria of both the LMC and the HR-1 District. There have been several iterations of this plan. They worked tirelessly to create a beautiful structure, but one that complies with the Old Town feel and charm and does not tower over neighboring properties. Ms. O'Brien stated that the result shown on page 177 of the Staff report is with the lot combination and she could not see where it loomed over anything. She sees it working with the land to present an attractive house that serves as a transitional gateway between Ontario and McHenry and the larger estates on the other side of the property. Ms. O'Brien noted that page 169 showed the structure from another angle and she thought it looked conservative and miner-like. Page 172 showed how they worked with the topography to create something beautiful that works with the neighborhood and adds to its attractiveness.

Ms. O'Brien commented on the size of the home. She noted that the footprint is 2,049 square feet. The gross residential floor area is approximately 2,800 square

feet. She presented comparables of other lots in the area to show how the Tlou home is compatible with the other homes in size and lot width. Ms. O'Brien presented comparables of the entire Ontario/McHenry area to show that the house proposed by Mr. Tlou is compatible with the entire area. She pointed out that the Tlou house is not the largest house on the block. The difference is that the Tlou house goes into the side of the sloping hillside and becomes part of a pretty area that is sustainable; and serves as a gateway from McHenry/Ontario to the Gateway Estates re-plat subdivision which is also in the HR-1 District and has lots ranging from 9700 to 12,500 square feet. In comparison, the average size of the three lots combined by Mr. Tlou is 10,689 square feet.

Ms. O'Brien explained various elements of the house that were specifically designed to blend in with both the historic and contemporary surroundings. The stepping volumes for the home allow it to follow the contours of the site. It maintains the 27' height restriction as it cascades down the property. Ms. O'Brien stated that everything has been built to Code. The LMC is specific when it says that a certain amount of house is allowed on a certain amount of property. The fact that the three lots are combined echoes one of the precepts of the HR-1 District that the appellant actually stated in the appeal. The LMC 15-2.2.1, states that the fourth purpose of the HR-1 District is to encourage single-family development in combinations of 25' x 75' historic lots. She pointed out that Mr. Tlou had done exactly that when he combined the lots.

Ms. O'Brien summarized that her clients followed every guideline and they worked with the City to make it beautiful. The character of the neighborhood has been followed and it serves as a transition. The house is not larger than other homes in the area and it is much smaller than the homes in the adjoining area.

Regarding the appearance of the house, Ms. O'Brien noted that the architect went to great lengths to ensure compatibility with the Riordan's house. The rendering showed similarities in terms of the façade.

Ms. O'Brien referred to Finding of Fact #24 as referenced by Mr. DuBois. She pointed out that Lots 17, 18 and 19 were always designated for development. To say that building on those lots would decrease the open space is a difficult argument for the appellant to make. Ms. O'Brien remarked that the recorded plat documents were available to the appellant when they purchased their house and they know those lots would be built upon. Therefore, combining the three lots into one avoids having three paved driveways, three different houses, additional traffic and more density. It enhances the area beautifully in a conscious manner that blends into the natural scope. It echoes the mining style, as well as the elegant motif of the adjoining neighborhoods. Ms. O'Brien clarified that building the house would not diminish the open space.

Ms. O'Brien believed the Staff had already sufficiently addressed the issue regarding B.1.6, windows, balconies, and decks should be located in order to respect the existing conditions in neighboring properties. She explained how the house was designed to respect the privacy of the neighboring property.

Ms. O'Brien addressed the appellant's concerns about constructing on lots greater than 25 feet wide and that the facades should be visible from the primary public right-of-way. She stated that the street is a limited access street, and the Tlou house is right in line with the other houses that were already built or were currently being built along the road in terms of size, façade and design.

Ms. O'Brien referred to Conclusion of Law #1 and noted that the first few paragraphs of the section speaks to the plat amendment, which was not a topic for discussion this evening. Regarding the regulation that new construction in the Historic District should be compatible, Ms. O'Brien noted that the General Plan, which was an issue raised by the appellant, sets forth that design reviews are necessary to preserve the neighborhood's overall historic integrity, character and composition. She remarked that her client has been doing exactly that over the past 2-1/2 years by working diligently with the architects and the City to make sure the architectural plans create a home that is compatible with this neighborhood and the surrounding neighborhoods.

Ms. O'Brien stated that the proposed design complies with the Land Management Code requirements pursuant to historical density and the HR-1 District. Ms. O'Brien read the purpose statements of the HR-1 District. She was surprised that the appellants have disputed this in their appeal because the purpose statements speak exactly to what the applicants have done with the help of their architects. The present land use of that area is residential and the character of the neighborhood surrounding the residential area are preserved as well as beautified by the addition of this home; building this home threatens no existing structures; the residential neighborhood is maintained; and the proposed structure is in line with the character and scale of the transition area of this neighborhood. Ms. O'Brien noted that the applicant had received a conditional use permit for development on steep slopes and, therefore, they were in compliance with that criteria as well.

Ms. O'Brien summarized the points she had made as to why the proposed structure was compliant with all of the City Codes and Guidelines. She believed her comments supported the Staff's determination and she could find nothing to indicate that the Staff had erred in their decision. For that reason she urged the HPB to uphold the Staff approval and to deny the appeal.

Mr. Tlou, the owner of 491 Echo Spur, stated that over two years ago they asked their architect to design a family home. It was intended to be their primary residence and that is still their intention. Mr. Tlou remarked that the architects

worked hard to achieve a design to fit the general landscape, the culture and the general feel of the neighborhood. They worked even harder with the Planning Department to make the design fit within the LMC. He noted that with a three lot combination he was allowed to build a 6,000 square foot structure. Per the calculations presented this evening, he believed the livable space would be 4517 square feet. Mr. Tlou remarked that the design fits within all the requirements and criteria, which is why he received all of the necessary approvals. Compared to the surrounding properties, he could not see a significant difference between those houses and the house he would like to build. The intention was to fit into the neighborhood and to make his home a transition into the larger homes in the community. He believed they had accomplished that intent.

Chair Kenworthy opened the public hearing.

Shawn Kelleher, a resident at 2472 Sunny Knoll Court, stated that he owns the seven undeveloped lots on Echo Spur Court and he has three HDDR approvals. Mr. Kelleher noted that the chart which showed his properties was inaccurate because it was missing three homes. Mr. Kelleher stated that in looking at the chart, it was clear that there not many 25'x 75' lots. On an overall average scale, Mr. Tlou's lot is the largest but it is still within the contact of what was occurring on the street. Mr. Kelleher pointed out that he had gone through three HDDRs without issue. The Riordan's had never expressed concern with what he was building. He remarked that the homes that have been approved range from 3,100 to 4,000 square feet. He believed Mr. Tlou's proposed is in the context of the street. Mr. Kelleher stated that if you do a 360 in Mr. Tlou's driveway and gauge the neighborhood, the homes immediately to the east are much larger than anything on Echo Spur and the homes immediately to the south are very large and very high. He believed that fact was missing from the chart. Mr. Kelleher stated that he considers his neighborhood is whatever is visible from Echo Spur Court. Mr. Kelleher remarked that the HDDR process is very intense. A lot of work is done and there is a lot of give and take throughout the process. There are many discussions about compatibility, materials, and structure size and scale. If people have issues with what is allowed by the LMC then consideration should be given to changing the LMC. However, given the current standing, Mr. Kelleher could not find anything with this project that goes against the LMC.

Chair Kenworthy closed the public hearing.

Board Member Hewett was curious about the correct square footage because she had heard three different square footage numbers. She wanted to know what square footage would be listed on an MLS. Ms. O'Brien explained the reason for the different numbers. She stated that one number is the gross square footage, which is the lower number, because it is calculated by taking the livable space minus the basement, minus decks, minus a garage. That number

calculates to 2,822 square feet. Ms. O'Brien stated that the footprint is 2,049 square feet.

Mr. Tlou believed they were talking about two different things. He stated that the footprint is the area that the house can be built on. In talking about square footage in terms of the LMC, that is the 2,800 square feet number, minus the garage, the decks and the basement. Ms. O'Brien remarked that the livable square footage per Code would be approximately 4,000 square feet. Mr. Tlou explained that the bottom portion is under grade, and that was intentional so the structure would not have a high profile.

Mr. DuBois stated that in listing the square footage on the MLS, he had comps showing that the square footage was nowhere near the square footage of the Tlou lot. The square footage on the MLS is listed as the approximate total finished square footage.

Planner Astorga clarified that he was not prepared to go in-depth on MLS numbers. However, the plat restricted the gross floor area to 3600 square feet. As reviewed by Staff, the proposal met that limitation. Planner Astorga stated that the reason for the requirement was to maintain compatibility with structures in the neighborhood. He pointed out that the gross floor area does not count below grade square footage.

Board Member Melville asked what was planned for the below grade basement. Mr. Tlou replied that it would be bedrooms and mechanical.

Assistant City Attorney McLean stated that the LMC defines gross floor area as above grade. Board Member Melville understood that the basement bedrooms would not be included in the gross square foot calculation of 2800 square feet.

Chair Kenworthy asked Board Member White to provide some clarification from the standpoint of an architect. Mr. White stated that the most important aspects are the total footprint, including the garage; and, the height of the structure above grade, which is a maximum of 27'. There is also a measurement taken from the lowest floor to the plate height of the roof, which is 35 feet. If all of those aspects are met, the project meets Code. Mr. White stated that in his opinion the square footage is irrelevant.

Board Member Holmgren noted that square footage was important during the plat amendment process. She read, "During the plat amendment the review Staff recommended that limiting the gross residential floor area to the homes lot to a maximum of 3603 square feet. The approximate maximum floor area is 1-1/2 Old Town lots, the predominant lot size within the vicinity of the subject site". She pointed out that the project complies if the lowest level is not counted.

Board Member Crosby explained that if a property is listed for sale and all of the lower level basement is finished, the MLS can list the total square footage that is finished. However, that was not within the purview of the HPB this evening.

Mr. DuBois clarified that the appellant was not contending that Mr. Tlou exceeded the Code on the square footage. He only included the square footage for comparison with other surrounding properties to reference incompatibility with the pattern of the neighborhood in terms of scale and type of structure.

Chair Kenworthy clarified that Planner Astorga found compatibility as long as the project met the 3,603 square feet restriction. Planner Astorga replied that the plat note limits 3,603 to the gross floor area. Board Member Melville asked if Mr. DuBois agreed with that position. Mr. DuBois remarked that their position is that meeting the Code is only the first step. The second step is looking at the specific design pattern. Board Member Melville understood that the appellant was not contesting the plat amendment requirement of a 3,603 maximum square footage. Mr. DuBois agreed. However, in looking at the gross square footage, excluding the basement, the gross numbers for all of the surrounding properties would be a fraction of what was listed; based on the assumption that the basements of the other properties would also be excluded.

Board Member Hewett asked if the HPB had the purview to be involved with any type of compromise. Chair Kenworthy answered no. Assistant City Attorney clarified that their purview is to determine whether or not the proposal meets the Guidelines.

Board Member Beatlebrox read from Guideline B.1.4, "Taller portions of buildings should be constructed so as to minimize obstruction of sunlight to adjacent yards and rooms". She noted that the structure would present a large mass on the side that faces the Riordan's and she wanted to know if the impacts regarding sunlight had been considered.

Planner Astorga thought the picture shown was slightly inaccurate. He explained the inaccuracies and showed how the impacts were addressed through specific setbacks. He noted that the front of the house is on the east side of the lot with a 10' setback on the front and another 10' setback on the rear. Therefore, the Staff did not find that impacts for sunlight or air needed to be impacted. Planner Astorga pointed out that the setback on the north property line exceeded the LMC requirement. Planner Astorga and the Board discussed setbacks. Ms. Beatlebrox understood that the eastern sun would be blocked but not the southern sun. Planner Astorga reviewed a drawing to show that the eastern sun would not be affected. He pointed out that the advantage of combining the lots is that a larger lot requires larger setbacks. Therefore, the houses are further apart and create lesser impacts for sunlight.

Board Member Melville was still confused on the square footage. She asked where the LMC talks about not including the basement level. Assistant City Attorney McLean read from the LMC definition section. "The area of a building including all unenclosed areas, unenclosed porches, balconies, patios and decks, and courts are not counted toward the residential floor area. Garages up to a maximum area of 600 square feet, or 400 for the historic district, are not considered floor area. Basement and crawl space areas below final grade are not considered floor area". Ms. McLean stated that from a legal perspective the HPB should consider the overall view of whether the structure is compatible. She cautioned the Board not to get too involved with the square footage because even on an MLS, it is not always clear what square footage is being listed. When the Staff does comparisons they refer to the tax records. She explained that it is more of a ballpark number in conjunction with what area they consider as the neighborhood.

Planner Astorga pointed out that only the portion of the lower level that is below grade is not counted. The portion that is exposed would be counted in the gross square footage.

Board Member Melville read the definition of a basement level in the LMC as written in the Staff report. Planner Astorga stated that he had received his measurement from the architect, which slices the basement into below and above grade areas.

Board Member Hewett explained her reason for asking the question about square footage. If the house is built on a steep hill it would look larger, even if the square footage is not extreme.

Board Member Melville clarified that the proposal meets the plat amendment requirement of 3,603 square feet and that the appellant did not dispute that fact. Planner Astorga answered yes.

Board Member Crosby used the Park Meadow, West Ridge, and Fairway Hills Estates as examples to help put the issue into perspective. Those subdivisions were approved with a maximum square footage on the plat. However, the rule was to burying 80% of the lower level into the hill and 20% could be exposed, but the entire lower level was not counted in the square footage. Listing one of the homes on the MLS could result in a home that was approved on the plat for 3600 square feet, and that home could have 5500 square feet of finished square footage. Ms. Crosby noted that this type of situation occurs consistently and it was not an exception to Mr. Tlou's property.

Board Member Crosby asked Mr. Kelleher's if his eleven Echo Spur lots 21 through 32 were combined into seven lots. Mr. Kelleher replied that 12 lots were combined into seven lots. Ms. Crosby understood that the average square

footage for the homes would be approximately 3400 to 3600 square feet. Mr. Kelleher recalled that the total square footage including the garage for five lots range from 2700 to 3100 square feet and the other two lots are 4,000 square feet plus the garage. He pointed out that none of the square footage is below grade like Mr. Tlou was proposing with his design. Ms. Crosby was familiar with Mr. Kelleher's subdivision and she could not see any difference in terms of compatibility between what Mr. Tlou was proposing and what is planned to be developed on Echo Street. Both projects are contiguous with the historic nature of the neighborhood as it transitions from smaller homes to larger homes. She remarked that all the homes on Echo Spur will look similar when viewed from the back. They will be larger homes built on lot combinations and stepping up a hill. She pointed out that every lot on the street except for Lot 20 is a combined lot. Ms. Crosby definitely sided with the Staff's findings.

Board Member White noted that the diagram presented only showed a portion of the neighborhood. From Echo Spur to the left is downhill and he thought most of the smaller homes would be looking primarily at roofs. However, on the right side of Echo Spur are large structures. Echo Spur eventually stops but continuing up in the same direction are some very large lots and very large homes. Mr. White believed the Tlou home is on the border line of seeing larger homes and larger lots. He did not have a problem with the proposal.

Board Member Holmgren was curious as to why the HPB was not provided with a perspective built model, since this was obviously a controversial issue. Planner Astorga stated that the industry has changed from physical models to computer models. Ms. Holmgren remarked that computer models do not provide a good enough perspective. The computer model does not show the houses in the surrounding properties or other important details. Ms. Holmgren thought a situation as contentious as this one should require a physical model.

Board Member Beatlebrox asked if she was correct in assuming that Mr. Kelleher's lots were smaller than Mr. Tlou's lot. Planner Astorga replied that she was correct. Ms. Beatlebrox clarified that the homes developed along Echo Spur would be smaller and more in concert with what exists in the neighborhood. Planner Astorga stated that in terms of lot size she was correct. Ms. Beatlebrox understood that none of the existing homes on Echo Spur were on the HSI, but eight homes on Ontario were listed on the HSI. Planner Astorga did not believe there were eight homes and he offered to find the exact number. Board Member Beatlebrox stated that her point is that historic homes on the HSI were not near the proposed structure, but they were still talking about historic homes of the same size and basic lot mass being near the structure. She could understand why the appellants were concerned because it would be the first very large house to be built, comparatively speaking.

Ms. O'Brien disagreed with Board Member Beatlebrox. She referred to the comparable structures on Ontario Avenue that are neighbors to the Riordan's, and noted that some of the structures are very large homes. In contrast, the Tlou home would not loom over any of the smaller homes. Ms. DuBois had the comparables Ms. O'Brien referenced and he had responded to each one. He noted that none of the comparables were on this block. One was much further south, another comp was on the top of Rossi Hill, and another comp was a four-plex at the bottom of Ontario at the roundabout.

Ms. O'Brien clarified that those were the comparable she had to use because she could only deal with square footage of homes on the MLS. She was not able to visit the houses on Ontario and ask the owners for their square footage. Ms. O'Brien emphasized that there are very large homes on the same street as the Riordan's. Mr. DuBois clarified that he had used the tax records to determine the square footage of the homes on the street in order to do a comparative analysis of the pattern of the block and the neighborhood. Mr. DuBois submitted the comparables and his comparative analysis into the record and he provided copies to each of the Board members.

Planner Astorga commented on the question regarding the historic structures. He stated that the green house at 422 Ontario was the only historic structure on that side of Ontario. It is listed on the HSI as a Significant structure. He believed there were more historic homes on the other side. Planner Astorga used the computer to "drive" down Ontario to show the relationship of the Riordan's property and the location of Mr. Tlou house.

Chair Kenworthy called for closing arguments.

Ms. O'Brien stated that the HPB was charged with deciding whether or not the Staff erred. She would submit that the appellant has not provided sufficient proof that the Staff has erred. Ms. O'Brien "drove" from the top of Ontario down. She pointed out that there had been a picking and choosing of houses in the chart. She also believed there had been a picking and choosing of statements by the Planning Commission that were not applicable to these proceedings. With respect to the Tlou residence, it complies with the LMC and the HR-1 District regulations. She did not believe the opposing Counsel had put forth any evidence to support non-compliance. It transitions between smaller homes and larger homes on Ontario and McHenry, it is compatible with what is being built on the street, and the design is a nice addition to the neighborhood. Ms. O'Brien noted that the setbacks were put in place are larger than if three homes on three separate lots were built; and it results in less traffic and less pavement. Ms. O'Brien indicated the Riordan's house and noted that the neighbor directly down the street at 502 Ontario was left off of the chart. It is listed by the Park City Board of Realtors as a single-family home. She estimated the lot square footage to be approximately 5,663 square feet and the finished area to be 3,348 square

feet. Ms. O'Brien stated that this neighboring house to the Riordan's is a very large home; and it is not nearly as attractive or compatible with Old Town as the one proposed by Mr. Tlou. Ms. O'Brien reiterated her position that the appellant has not demonstrated that the Staff erred in their determination. However, she did hear Mr. DuBois agree that the Tlou residence has complied with all of the requirements in the Code. Ms. O'Brien stated that she and Mr. Tlou have been upfront and above board in showing the facts; and she asked the HPB to take that into consideration.

Mr. DuBois explained that he had not included 502 Ontario in his comparative analysis because he understood that the Historic District cuts off before that home. He apologized if he made that assumption in error. Mr. DuBois stated that the fact remains that the total square footage is 3400 square feet; whereas the Tlou home would be an additional 1500 square feet larger. Mr. DuBois remarked that Ms. O'Brien indicated that he had not demonstrated that the Planning Staff was in error. He pointed out that proving error was not his burden. The purpose of the appeal is for the Board to review the record de Novo and to decide whether the home meets the Historic Design Guidelines. He has heard over and over that the structure complies with Code; however, that is only the first part of the analysis. The second part is to look at the design review guidelines in the General Plan. Mr. DuBois believed they had talked about most of those specifically. He contends that in looking at the Guidelines and the General Plan, the scale and height of the new structure should follow the predominant pattern of the neighborhood with special consideration. His handout showed the neighborhood and the predominant pattern, which are smaller houses. The houses are all consistent with the other side of Ontario and with Block 58, except for one, which is twice as large as the rest of the homes and the pattern of this historic neighborhood. Ms. DuBois remarked that the decision comes down to what the Board thinks this neighborhood should look like. If they want lot combinations and 5,000 square foot homes in this area, then they should approve the application. If they desire smaller homes, then the application should be denied.

Chair Kenworthy agreed with Mr. DuBois regarding this de Novo hearing and he assured him that the HPB would judge it on its own merits.

Assistant City Attorney McLean clarified that according to the Code, the HPB was acting in a quasi-judicial manner. The appellant has the burden of proving that the Land Use Authority, being the Planning Staff, erred. She stated that the Board's scope of review is the same as the scope of review by Staff. The HPB shall review the factual matters de Novo, which is new, and the correctness of the decision and the Staff's interpretation of the application.

Board Member Holmgren had mixed feelings about the size and the mass. She believed the Staff did what they were supposed to do. She recalled when the

City tried to reduce the population in Old Town by allowing larger houses, which skewed the proportion. Ms. Holmgren felt the Planning Department is the best they have ever been and she has been here long enough to know that.

Board Member White had no problems with the application.

Board Member Crosby understood Ms. Holmgren's mixed feelings; however, since the 1990s she has seen where they have maxed out lots and where the intent has been to create smaller lots that would generate smaller homes. Guidelines were put in place to prevent maximum square footage a street level. In the case of subdivisions she has been involved with over the past 25 years, people have found ways around that with the underground basements that are not counted in the square footage. Ms. Crosby believed it was something that would continue to occur as part of hillside development. She could not find any problems with this application as approved.

Board Member Melville thought the problem was created earlier by combining three lots into one, which allowed the larger house. She would have preferred that the parties could have worked out the deck issue to keep the Tlou's from having a deck that looms over the downhill neighbor. Ms. Melville believed the square footage was more like 1-1/2 Old Town lots as opposed to three lots.

Board Member Beatlebrox stated that this is in the HR-1 District, which is a historic residential area, and she thought they should be following the Guidelines. Ms. Beatlebrox felt the scale and height of the new structure did not follow the predominant pattern of the neighborhood. She had concerns with the mass and scale. Ms. Beatlebrox also had concerns regarding privacy because the setbacks are not as much as they should be to be neighborly. For that reason she did not support the application.

Board Member Hewett stated that she favored the application and had no problems with it.

Chair Kenworthy also favored the application.

Board Member Holmgren clarified that the HPB would be voting on whether or not the Staff did their job and made the right decision based on the Guidelines. Chair Kenworthy answered yes.

MOTION: Board Member Hewett moved to UPHOLD the HDDR as approved by Staff and to Deny the Appeal, according to the Findings of Fact, Conclusions of Law and the Order. Board Member White seconded the motion.

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

Findings of Fact – 491 Echo Spur

1. The property is located at 491 Echo Spur.
2. The property is located in the HR-1 District.
3. The property is Lot A of Lot 17, 18, & 19 Echo Spur Development Re-Plat.
4. The site is currently vacant.
5. The site consists of three (3) Old Town lots that were combined by the City in October 2013.
6. In April 2014 the Planning Commission approved a Steep Slope Conditional Use Permit for the construction of a single-family dwelling on this lot of record.
7. In June 4, 2014 the Planning Department received complete plans for a HDDR application.
8. On October 31, 2014, the City received an appeal of a Historic District Design Review (HDDR) application approved by the Planning Department on October 21, 2014 at 491 Echo Spur.
9. This appeal was submitted by Scott Dubois with Wrona Gordon DuBois, a Park City law firm, representing Dan and Paula Riordan.
10. The Riordan's own the site directly west of the subject site, behind 491 Echo Spur, located at 490 Ontario Avenue.
11. Pursuant to LMC § 15-1-18 (D) Standing to Appeal, the Riordans have standing to appeal the HDDR final action because they are the owners of property within three hundred feet (300') of the boundary of the subject site.
12. Prior to the Historic District Design Review, this site had extensive Plat Amendment review by the Planning Commission and City Council.
13. The Plat Amendment request was reviewed by the Planning Commission in December 2012, July 2013, September 2013, and June 2013.
14. In June 2013, the Planning Commission made a motion to forward a negative recommendation to the City Council for the Plat Amendment.

15. In October 2013, the City Council reviewed the Plat Amendment and approved it, as conditioned.

16. The approved Plat Amendment is not being appealed as that appeal period has passed and no appeals were submitted during that time frame

17. In April 2014 the Planning Commission approved the submitted Steep Slope Conditional Use Permit (SSCUP).

18. The approved SSCUP is not being appealed as that appeal period has passed and no appeals were submitted during that time frame.

19. Staff does not find that the proposed Tlou Residence fails to meet Universal Guidelines 6 and 7. Staff does not find it to be inconsistent with the historic nature of the neighborhood in which it is located.

20. The proposed single-family dwelling meets all setbacks and has increased setbacks from the minimum towards the north side yard area.

21. The driveway is placed on southeast corner, the only logical place due to the retaining walls for the Echo Spur road. The driveway leads vehicles to the west directly to the garage. The proposed driveway is placed over gentler slopes found on site which reduces the grading of the existing topography.

22. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted model.

23. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure.

24. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings and mitigates differences in scale between proposed structure and existing structures in the neighborhood.

25. The appellant brings forward the Plat Amendment Planning Commission negative recommendation and fails to reiterate the fact that the City Council indeed did approve the requested Plat Amendment.

26. The City Council approved the requested Plat Amendment as it found that it met applicable codes.

27. During the Plat Amendment review staff recommended adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of

3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).

28. Staff, and ultimately the City Council, found that the compatibility would be better maintained and consistency is achieved by this gross floor area limitation.

29. The proposed Tlou residence does not contain any roof forms or features above the maximum height of twenty-seven feet (27') as indicated in the LMC.

30. The LMC is the City's zoning ordinance, which is part of the City's Municipal Code.

31. While the General Plan consists of comprehensive goals, objectives, etc., the restricting standard regarding development, specifically regarding building height, is the LMC.

32. Staff does not find that the proposed plan will substantially diminish the character of the neighborhood and will significantly reduce the proportion of built/paved area to open space.

33. Due to the lot combination allowed by the LMC, the side yard setback areas are increased to further separate the possible structure with adjacent buildings.

34. The approved plat amendment increased the north side yard setback area to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.

35. The approved plans propose a deck extending from north to south along the west, rear, portion of the house, at approximately half the width of the house.

36. The deck meets the minimum setback of ten feet (10'), as indicated on the copied floor plan below.

37. The deck turns into an at-grade patio about the middle of the house which then encroaches onto this rear yard setback area.

38. The LMC indicates under section 15-2.2-3(G)(10) that patios, decks, pathways, steps, or similar structures not more than thirty inches (30") above final grade, located at least one foot (1') from the rear lot line, may encroach onto the rear setback area.

39. The proposed patio encroaches approximately seven feet (7') onto the rear setback area, leaving approximately three feet (3') patio setback.

40.The location of the Riordan's house is approximately sixteen feet (16') towards the west, towards the front of their lot.

41.Due to the location of the house, as well as the regulation that would also apply to Riordan's, staff does not find that the location of the patio needs to be mitigated by the property owner,

42.Both property owners may enjoy their back yards by also building an at-grade patio one foot (1') from the shared property line.

43.Both property owners have the right to build a six foot (6') fence should they find that they need privacy.

44.This retaining wall feature is currently built. It was built in 2007/2008 when the road was built.

45.This retaining wall feature is part of the public improvement of the road which has been accepted by the City Council and it was reviewed by the City Engineer for compliance with technical infrastructure improvements.

46.Due to the topography of the site and the placement of the built road, Staff did not find any issues with the width of the lot and the width of the proposed house.

47.The road was built to barely make it to the south end of the lot of record as the most of the mass of the house is placed past the built retaining wall towards the north.

48.The appellant focuses on the General Plan, specifically regarding Old Town lot combinations.

49.The LMC contains subdivision/lot combination regulations.

50.A HDDR does not deal with subdivision/lot combination (Plat Amendment) regulations.

51.The approved Plat Amendment is not being appealed as that appeal period already took place and no appeals were submitted during that time frame.

52.The appellant outlines the General Plan regarding new construction compatibility and claims that the Tlou residence is simply not compatible with the historic nature and characteristics of the neighborhood similar to the General Plan subdivision/lot combination regulation objections.

53.Pursuant to LMC 15-1-18(G), the HPB shall act in a quasi-judicial manner and the appellant has the burden of proving that the land use authority (Planning

Staff) erred.

54.The appellant fails to specifically indicate how staff erred.

55.Staff found that both LMC standards and Historic District Design Guidelines for Historic Districts were met.

56.The appellant outlines the purpose statement of the HR-1 District.

57.The purpose statement serves as a preamble of the following LMC regulations as they do not mention any specific standards.

58.Staff does not find that the proposed use does not preserve present land uses or the character of the historic residential areas.

59.The proposed structure is not near any historic structures and does not discourage the preservation of historic structures.

60.Given the location of the site, the size of the structures provides a transition from the area east of echo spur towards Ontario Avenue.

61.The Plat Amendment combined single family development on combination of 25' x 75' historic lots.

62.The Planning Commission found that the proposed structure was properly mitigated for new development on steep slopes which mitigate impacts to mass and scale and the environment.

Conclusions of Law – 491 Echo Spur

1. The HDDR application complies with the Park City Design Guidelines for Historic Districts and Historic Sites.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Residential (HR-1).

Order

1. The appeal is denied and Staff's determination is upheld.

WORK SESSION

The Board revised the agenda and moved Temporary Winter Balcony Enclosures as the first item on the Work Session.

Temporary Winter Balcony Enclosures

Board Member Crosby recused herself from this discussion and left the room.

The Staff recommended that the Historic Preservation Board review the Staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months, November through April, as well as proposed Design Guidelines. The HPB was being asked to make recommendations to City Council.

Planner Anya Grahn reported that the Staff's professional opinion is that the balcony enclosures are a threat to the look and feel of the historic character. Per the definition, a balcony provides coverage when entering from the ground level; and it is also a transitional space between exterior and interior and outdoors and indoors.

Planner Grahn understood that balcony enclosures were only temporary and the plan is to only keep them up for six months during the winter months. However, she was concerned that enclosing the balconies would alter the look and feel of Main Street and take away from the western appearance that exists. It alters the architectural design, the light and shade created by the design of the building, and the rhythm and pattern on the streetscape. Planner Grahn stated that a balcony overall contributes to the visual qualities of the building design. Enclosing the balcony changes the overall form and shape of the building. She was very concerned about enclosing balconies on historic structures because the seasonal removal and construction of the balcony enclosure could damage historic building materials.

Planner Grahn pointed out that the Riverhorse was proposing to enclose the balcony on the new portion of the building; however, their request would result in a program that would encompass all the restaurants on Main Street.

Another issue is that any new balconies would have to go before the City Council for approval. In some instances, if a building were to put on a new balcony, Planner Grahn was unsure whether the Staff would support changing the door and window configurations on the second level so the balcony could be enclosed during the winter season.

Planner Grahn reported that for historic structures the Guidelines are very specific about keeping new additions being subordinate and not being visible in the public right-of-way. Enclosing the balcony changes the form of the building and adds an addition to the front, which is something that would normally not be approved. Planner Grahn remarked that even a roof top addition on a historic building needs to be shielded and not visible. She noted that the Staff report contained a chart showing which balconies were historic and which were not.

Most of the balconies on Main Street are not historic and were added to the historic structure at a later time.

Planner Grahn asked if the HPB was interested in pursuing this program.

Seth Adams from Riverhorse on Main stated that the balcony enclosure they were suggesting would not be on a historic building and it would not connect to any historic buildings. He noted that they have looked at drainage, snow removal and other aspects associated with adding the balcony enclosure. Mr. Adams remarked that it was simply a matter of trying to make the most out of the winter season. The surrounding restaurants have that capability in the summer and he was looking to do that in the winter time. Mr. Adams thought 180 days was a generous time frame because winter is not that long and he specifically wants the balcony for the winter season. He would like the balcony to add to the historical integrity of people being out there in the summer, but adding the balcony for winter use allows people to perceive the historic nature in a way they have never experienced before. Mr. Adams remarked that they waited a long time for this to come before the HPB, and they were looking forward to a favorable opinion in order to compete in a seasonal town. Mr. Adams believed the process would address wind load, fire and other safety aspects and any issues could be worked through with the Fire Marshall and the Building Department.

Mr. Adams presented drawings and photos. He referred to comments about the balcony blocking the view of the Museum. Mr. Adams stated that he works closely with the Museum and he had asked Sandra Morrison to attend this meeting because she was in favor of their proposal. Mr. Adams expressed a willingness to work with any recommendations from the HPB that would allow them to move forward.

Chair Kenworthy pointed out that the Riverhorse has done this in the past. Mr. Adams replied that they are allowed to put up a tent for a two week period up to five times per year, but the tent does not hold up to the weather elements. A semi-permanent structure would give them the ability to ensure that their guests are warm and comfortable on the patio year-round.

Chair Kenworthy understood that the Staff was not looking for a final answer. The question was whether or not the Board thought it was something that should be pursued as policy. Planner Grahn answered yes. If the HPB is interested in pursuing it, it would be looked at as a possible change to the LMC and the Design Guidelines so if this program moves forward the Staff would have a mechanism to evaluate the structures.

Chair Kenworthy asked if the businesses who construct the temporary tents need to obtain approval each time. Director Eddington replied that approval for any tents must be obtained from the Planning and Building Departments.

Chair Kenworthy called for public input.

John Lundell stated that he has been an owner in Park City since 1997 and he has lived in Park City full-time for 12 years. Mr. Lundell was in favor of this proposal for several reasons. According to the Mountain Accord data, Summit County is the second fastest growing county in the Country and like it or not they can expect a lot of growth. Main Street is a particular problem because the businesses on Main Street cannot go up beyond 27' and they cannot go wide because there is no space. Mr. Lundell thought this proposal was a minimally invasive way to allow existing businesses some growth opportunities. A second reason is that outdoor dining has already been approved during the summer months, which is more disruptive to the historic look and feel. An enclosed balcony would be less intrusive. Mr. Lundell stated that by not allowing people to use their decks in the winter penalizes those without a ground floor. From the drawings he saw, it would not be intrusive to the historic atmosphere they were trying to maintain.

Ruth Meintsma, a resident at 305 Woodside, referred to the comments that a balcony tent would be something similar to the summer dining decks. She disagreed with that comment because the summer dining decks engage people with the historic character of the street. An enclosed tent would do the opposite and actually shut off humanity from the street. Ms. Meintsma remarked that summer dining also engages the people on the street with the humanity dining. During the discussions about summer dining, she recalled comments from the City Council about intrusive umbrellas on the street that could compare with the tent. Ms. Meintsma also disagreed with that comment because umbrellas are over people's head while the people are sitting in the open air; whereas the tents would be enclosed. Ms. Meintsma thought the images shown did not give any indication of the feel of what the enclosed balcony would do. She agreed with an earlier comment by Board Member Holmgren that computer images do not show what you need to see. Ms. Meintsma stated that the reasons for enclosing the deck when it is cold outside could be the same argument for summer. Park City has cold nights and there are times when it rains or even snows in July. She was also concerned about setting a precedent for a proliferation of balconies. Ms. Meintsma found it interesting that the historic buildings on each side of the Riverhorse building are slightly proud. She wondered if when that structure was approved some of the Planners had the forethought of setting the building slightly back to show off those historic buildings. She noted that a tent would eliminate that effect where the historic buildings are proud and show themselves off.

Planner Grahn clarified that even though the Riverhorse was the first to bring this forward, the program would be for balcony enclosures up and down Main Street.

Casey Adams stated that Ms. Meintsma was right in saying that the balconies would not be the same as in the summer because it is a winter program. It is also a short timeframe. Ms. Adams thought it would benefit more people than just the Riverhorse because although they all agree that historic Main Street needs to be preserved, people who come to Park City to spend money would be benefitted as well. The Riverhorse was looking out for the people who come to support this town. Ms. Adams remarked that the architects have worked very hard on snow removal and other issues and concerns that have been presented.

Chair Kenworthy closed public input.

Planner Grahn reiterated that the question for the Board was whether or not they supported pursuing this program.

Board Member Melville understood that the City Council was asking the HPB for their recommendation. She wanted to know what criteria the Board should use to base their recommendation.

Assistant City Attorney McLean stated that it was actually a policy issue that would require amendments to the LMC and the Guidelines. These discussions were a kick-off from a policy standpoint of whether or not the program was something to consider. Ms. McLean recommended that they look for consistency with the General Plan and their thoughts of the Historic District. Currently, the proposal would not meet the Guidelines or the Code, so they could not use those to aid in their decision.

Mr. Adams stated that he is allowed to have temporary structures on the patio for 70 days a year. However, he could not remove it for one day and put it back up the next day to make it comfortable for his guests. He clarified that he was requesting an amendment to the Land Management Code, and he would follow whatever number of days the City would allow it to stay up if he could create a better atmosphere for his guests than a vinyl tent.

Board Member Melville asked Planner Grahn to show the renderings on Exhibit C. Ms. Melville referred to the picture of the open deck which has a western look. She pointed out that the picture of the enclosed deck eliminates the western look of the street. Ms. Melville remarked that the deck shown is not what the deck currently looks like. She asked Mr. Adams why he would not just build out to the property line to gain more square footage. Mr. Adams explained that it would affect the entrance to the Riverhorse and impact what they do at the top of the stairs. Obtaining this requested approval would change the master plan and the flow of the interior of the restaurant. They would still make the improvements shown, but it would make the cost worthwhile for making those improvements. Ms. Melville asked if the photo with the enclosure was showing exactly what the enclosure would look like. She was concerned about snow loading on the top.

Mr. Adams replied that they have talked about heat trays and guttering the water underneath the sidewalk. Ms. Melville clarified that Mr. Adams would have to do a lot more to create the permanent structure that was shown. She asked if there would need to be pillars on the sidewalk to support the extra weight. Mr. Adams answered no. Board Member Melville understood that in order to make this a permanent structure, they would have to build out more than what was being shown. Mr. Adams reiterated that they would have to have heating and air and gutters, but no additional support would be required.

Board Member Hewett clarified that the enclosure would only be temporary. Mr. Adams answered yes. He explained that it would be a tongue and groove type with aluminum poles and plexiglass windows.

Board Member Melville remarked that it could come off, but the visitors on Main Street during the winter would see it as a permanent structure rather than a temporary structure. If someone came in requesting a new building, she questioned whether the City would allow them to build a permanent structure out over the sidewalk because it would change the view of Main Street significantly. Planner Grahn stated that if the structure was proposed to be permanent it would not be approved because it is built over the City right-of-way and because of the form of the building.

Board Member Melville Ms. Melville stated that her concern is that an open deck has a western mining town look. Enclose the deck and that look is lost. Having that up and down Main Street would create a different look. She asked if the Board was willing to go with a different look for Main Street. Ms. Melville was concerned about setting a precedent. She named the buildings that already have decks and the ones that could build decks. Ms. Melville believed these were different from dining decks. Dining decks are clearly temporary because you can see through them and around them. Ms. Melville stated that because the Building Department would require a dining deck that is enclosed for six months to be built to permanent standards, it will look like the permanent way the building was designed.

Board Member Holmgren stated that she is a strong proponent of the dining decks during the summer, but there was controversy to allow those. She still hears people complain as she walks up and down the street. Ms. Holmgren believed this was another step in the right direction. She thought it was fabulous, particularly the fact that it is all tongue and groove and they have addressed snow removal and other issues. It would only be up for 180 days. She would not care if a visitor thought it was permanent because she knows that by Spring she would be sitting on an outdoor deck.

Board Member Hewett concurred with Board Member Holmgren. She thought it was a good idea and she believed people would look at it as a way to make

something historic current. Ms. Hewett thought people would be able to interpret the difference.

Board Member Holmgren stated that if someone wants to do something that is safe and good looking they should be allowed do it. She pointed out that all decks go through a design review and they have to be approved. She was not opposed to having more decks. Ms. Holmgren remarked that this was one of the best innovations she has seen in a long time that was good for Main Street.

Chair Kenworthy expressed his appreciation for the independence and the diversity of this Board. It opens his eyes and he hoped it benefits the Staff.

Board Member Beatlebrox did not have a definite opinion either way, but she could see no harm in looking into it further.

Chair Kenworthy disclosed that he is a restaurant owner with a dining deck and for that reason he would decline to make comment.

Board Member White asked if the roof of the temporary structure was glass or plexiglass. Mr. Adams stated that it was designed to be see-through plexiglass or some type of polyurethane. Mr. White stated that if it is see-through glass or plexiglass it would have very little or no snowload. It would have moisture but gutters and downspouts would take care of it. Mr. White stated that if it is metal and glass and they would no longer have to look at the vinyl tents, he favored pursuing it.

Assistant City Attorney McLean stated that because this matter is legislative, Chair Kenworthy could participate. Chair Kenworthy preferred to abstain. Ms. McLean encouraged his comments.

Chair Kenworthy thought it would open up a can of worms that could be looked into down the road. He did not want to be a hypocrite because this type of policy could work to his benefit. Chair Kenworthy understood that during the winter months the establishments are full to capacity and many people are turned away. As long as it is temporary and it looks better than what they are currently allowed to do, he thought it was worth pursuing. Chair Kenworthy thought it would be a slippery slope through the process, but he admires people who come in with different ideas.

Planner Grahn stated that since the majority of the Board were in favor of pursuing it further, they needed to review the changes that should be made and create guidelines for balcony enclosure throughout Main Street.

Board Member Melville understood that the majority rules, but she wanted it clear that she was adamantly against moving forward because it would change the

look of the architecture. She asked if they had consulted with the Historical Consultant to see if it would affect their designation as a Historic District. Planner Grahm stated that she spoke with Corey Jensen and the State Historic Preservation Office and he told her that if it is temporary it would not impact the National Register. Ms. Melville stated that temporary was one thing in terms of the Building Code definition of less than six months. However, temporary in terms of built upon standards and the majority of the visitors who come in the winter seeing a permanent structure attached to the outside of buildings changing the look of the architecture is a different issue. She pointed out that if the structures were permanent it would jeopardize the National Register; therefore it is an architectural change.

Chair Kenworthy personally preferred something closer to 120 days rather than 180 days.

Board Member Holmgren stated that when the City discussed outdoor dining decks guidelines were written on how they should be built. Ms. Holmgren was excited about the decks and she was excited about this next step. She remarked that Park City is historic but they also needed to be realistic.

Board Member Hewett liked the fact that the ceilings would be clear. She thought the timing was good and she had no concerns.

Given the late hour, Planner Grahm suggested that the discussion regarding changes to the LMC and the Design Guidelines for temporary winter balconies enclosures be continued to another meeting. The Board concurred.

Historic District Grant Program – Policy Review

Board Member Crosby returned to the meeting.

Planner Grahm stated that the goal for establishing guidelines is to give the HPB some criteria as a basis for deciding whether a project qualifies for going from Significant to a Landmark status. She reminded the Board that Landmark means the site is National Register eligible and it must be pristine.

Planner Grahm reviewed each guideline.

1. The building shall not have been reconstructed, panelized, relocated, or re-oriented.

In speaking with Ms. Meintsma this evening, Planner Grahm believed there were unique circumstances such as High West where this works and it can remain National Register eligible. However, in the majority of cases it is very rare for a structure to remain on the National Register if it is reconstructed or relocated.

Board Member Melville asked Ms. Meintsma and Board Member White for their suggestions based on their research and experience. She was unsure if the proposed guidelines would work when put into practice.

Ms. Meintsma noted that there was a footnote in the packet that explained the high West situation. It was unique because it was panelized, but they went to great lengths to keep the historic material and the interior, which the National Register is particularly interested in.

Board Member Melville understood that a site would not have to meet the National Register in order to go back to Landmark status. Planner Grahn replied that Landmark is a local designation. However, one of the criteria for being Landmark is eligibility for the National Register. It is a current criteria and that would not change.

Board Member White pointed out that restoration does not necessarily mean that the interior floor plan has to be historic. Planner Grahn stated that from the standpoint of the Planning Department they could not monitor interiors. However, a site that they believe is Landmark Status could be reviewed by Utah State History and they could say that because the interior was changed the site would not be eligible. She could not be able to make that determination but the State could. Mr. White stated that in all of the historic homes he worked on, they never worried about the interior.

Board Member Melville pointed out that there are Landmark structures on the HSI that she assumed had altered interiors. Planner Grahn stated that there are situations where a site could be eligible for the National Register because the exterior contributes to a district as a whole; or it could be eligible because individually the site is in pristine condition. She noted that the surveyors do not look at the interiors but they do look at the form of the building and how the interior has been altered. For example, if a structure was historically a hall-parlor and the walls were removed to make one room, it is no longer a hall-parlor design and it would not be eligible for the National Register.

Director Eddington clarified that the local criteria for a Landmark designation are looser than the National criteria. He believed they were equal to the National criteria for exteriors, but the criteria differs for interiors and that is where a structure designated Landmark by Park City could lose its National Register eligibility when reviewed by the State.

Board Member Melville recalled that the Board has looked at giving incentives for those who take their buildings from Significant to Landmark. Ms. Meintsma commented on two specific applicants to help put the criteria into perspective. She believed the limitations for reconstruction were clear because there is no

historic material. Panelization does not seem to work because too much material is lost. However, High West went to such extremes to save the materials and the interior in the process of panelization that they remained on the list. Ms. Meintsma did not believe an owner should be given the 10% for panelization, but it could be considered on a case by case basis for situations where extreme measures are taken. She liked the notation on the panelization and suggested that it should also apply to relocation.

The Board was comfortable with reviewing unique circumstances on a case by case basis.

2. If a new basement addition is constructed, no more than six inches (6") of the new foundation should be visible from the public right-of-way. If a historic foundation previously existed, then any new foundation shall match the historic in material, texture, composition, and color. The height of the original foundation above Existing Grade shall be retained—the new foundation shall not be shorter or taller above Finished Grade than what previously existed. No new underground garages are permitted.

Planner Grahn noted that currently basement additions are allowed to be raised two feet. The problem is when too much of the foundation is visible. She presented two scenarios. One showed a basement addition that was low to the ground and less visible. The second had added a basement but it was easy to see how much it was significantly raised and how much of the foundation was visible.

The Board was comfortable with Criteria 2 as proposed.

3. The transitional element used to connect the historic house to the new addition shall not consume more than twenty-five percent (25%) of the length of the historic wall. The length of the transitional element shall be fifty percent (50%) of the length of the two (2) sides of the historic building.

Planner Grahn stated that the Preservation Brief that talks about what additions to National Register listed buildings are, talks about making a clear transition and keeping the new addition subordinate. Planner Grahn remarked that the Staff suggests that instead of losing the entire rear wall, the transitional element should be limited to 25% of the length of the historic wall. That would allow more of the historic material to remain intact. Planner Grahn referred to the length of the transitional elements and provided an example to support the Staff suggestion for the criteria.

Board Member White stated that the transitional element needs to be visible and separate. He concurred with the Staff.

Ms. Meintsma liked the concept of the guidelines but she suggested removing the wording “of the length” and just say, “...25% of the historic wall.” If it is a two-story building they could make it a half-story and the entire connecting feature would be 25% total and not just the length. She also changed the wording from “historic wall” to “connecting wall”, because if the sidewalls and the façade are all historic but the back wall is new, the language “historic wall” would not work.

Planner Grahn stated that her concern is that sometimes the materials of the historic wall has changed and she would not want there to be any confusion as to when the rule should be followed.

Board Member Crosby used the Kimball Arts Center as an example and the plans of the previous drawings. She noted that the connector was relative small. However, now there is an empty lot with a new developer. If they propose to develop the plaza and lot adjacent to the historic portion on the corner, she asked if 75% of that wall would be undevelopable due to the connector. Planner Grahn replied that it would only be applied to grant applications. Ms. Crosby clarified that the criteria would not be part of the HDDR. Planner Grahn stated that it is only if an applicant wants the extra 10% boost. The reason for being so strict is to make sure the 10% is only given to those who make the extra effort to preserve the historic material.

The Board was comfortable with the language as written by Staff. For clarification, Planner Grahn suggested changing the language to read, “...the historic connecting wall”.

4. The footprint of the addition should not exceed fifty percent (50%) of the historic footprint.

Planner Grahn clarified that only the grant applicants who want the 10% boost would have to meet this criteria. It only addressed footprint and not height. It is an effort to keep the addition smaller and more subordinate. It would only apply to the footprint of the addition. Ms. Meintsma pointed out that the structure could be three or four stories and it could also have a basement

Board Member White thought 75% was more reasonable. Planner Grahn pointed out that if someone came in with a grant application, they could deny giving the extra 10% if they thought the mass and scale had been maximized.

The Board was comfortable increasing the percentage to 75%.

5. The addition should not be visible from the primary right-of-way unless the property is a corner lot.

Planner Grahn suggested changing the language to read, "The visibility of the addition should be minimized from the primary public right-of-way." Side additions could be reviewed on a case by case basis. The Board concurred.

6. Any later additions to the roof form such as dormers, sky lights, or changes to roof pitch must be removed and the historic roof form restored.

The Board concurred with the criteria as written.

7. Porch posts, railings, and materials shall be restored based on sufficient documentation.

The Board concurred with the criteria as written.

8. Window and door openings and configurations on primary and secondary facades shall be restored based on sufficient documentation.

The Board concurred with the criteria as written.

9. The existing grade shall be substantially unchanged following the project.

The Board concurred with the criteria as written.

10. Following completion of the project and issuance of a Certificate of Occupancy, but prior to grant payout, staff will return to the Historic Preservation Board with a Determination of Significance to ensure that the project meets the criteria in which to be designated a Landmark Structure

The Board concurred with the criteria as written.

Board Member Melville noted that 1063 Norfolk was one of the last houses that received a grant. She walked by the house the other day and notice a very modern front door and a very modern garage door. The retaining wall is metal rather than stone. She believed the owners had done the house correctly, but these visibly modern elements distract from the historic and they should not have been approved under the grant application. Ms. Melville asked Planner Grahn to look at the structure. If those elements are acceptable, she suggested that the Board should review what they were allowing with historic grants.

The meeting adjourned at 9:55 p.m.

Approved by _____

Historic Preservation Board Meeting
January 7, 2014

John Kenworthy Chair
Historic Preservation Board