

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF MAY 3, 2017

BOARD MEMBERS IN ATTENDANCE: Chair Douglas Stephens, Lola Beatlebrox, Cheryl Hewett, Puggy Holmgren, Jack Hodgkins

EX OFFICIO: Bruce Erickson, Hannah Tyler, Polly Samuels McLean, Louis Rodriguez

ROLL CALL

Chair Stephens called the meeting to order at 5:00 p.m. and noted that all Board Members were present except Randy Scott and David White, who were excused.

ADOPTION OF MINUTES

April 5, 2017

Board Member Holmgren moved to APPROVE the minutes of April 5, 2017 as written. Board Member Beatlebrox seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

Chair Stephens reported that at 4:30 this afternoon the Historic Preservation Board did a site visit to 336 Daly Avenue and 343 Daly Avenue. No business was conducted. Both items were scheduled on the agenda this evening, and anyone wishing to comment on either of these items would have the opportunity to do so during the public hearing when the specific item is being discussed.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that on May 23rd the winners of the Historic Preservation Awards will be given their awards. The presentation will take place in conjunction with the Coffee with the Council event.

Director Erickson announced that Planner Grahn was attending a conference in Pittsburgh regarding Historic Preservation and Economic Development on Main Streets.

Planner Hannah Tyler noted that May is Preservation Month and preservation posters from the Utah State History Office were available on the table next to the agenda for this evening.

Planner Tyler noted that the Planning Department had originally scheduled the Preservation Award for May 25th during a City Council meeting, and as mentioned, that was rescheduled to May 23rd.

Planner Tyler stated that the City had scheduled a grand opening of the McPolin Farm on June 24th. The time had not yet been determined, but it would be part of the Your Barn Door is Open event, which is a ticketed event. Planner Grahn will send the Board members links to the tickets once they become available. Attendance is not mandatory. It is a good opportunity to recognize a project that the HPB provided input on and something the City can be proud of.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 336 (360) Daly Avenue – Relocation – Significant Garage and Chicken Coop. The applicant is proposing to relocate the existing historic garage and chicken coop to the south side of the property.
(Application PL-16-03189)

Planner Tyler stated that the applicant and her representatives were still on their way and were not opposed to pushing this item to the second item on the agenda. Planner Tyler suggested that she could start with her presentation, and assumed that the applicant's representatives would be there by the time she was finished.

Chair Stephens was not opposed to starting; however, he wanted the applicant to have the opportunity to make their presentation or comments.

The applicants arrived.

Planner Tyler handed out comments from United Park Mines regarding the Staff report. They also requested that the Staff include the Affirmation of Sufficient Interest in the packet. She stated that it would be included in the record for review.

Planner Tyler handed out an item from the applicant's attorney. She believed it was the same material that was provided in the Staff report.

Planner Tyler reported that this item was continued on December 7, 2016 and again on February 1, 2017. Since then the property owner of 360 Daly had signed the Affirmation of Sufficient Interest as United Park Mines. They

previously had not signed that and their signature was required before proceeding. Planner Tyler reiterated that the Affirmation of Sufficient Interest would be included as an exhibit in the packet at the request of United Park Mines.

Planner Tyler provided a brief background on the property, as well as the developmental history. She presented photos the two buildings and noted that the building on the left was the cabin that was not proposed to be moved. The building on the right was the single car garage that the applicant was proposing to move. Planner Tyler pointed out that the structure below was the chicken coop that is located in the rear.

Planner Tyler reviewed a site plan to explain what would occur on the ground. She noted that the red square identifies the 1896 cross-wing cottage that has since been removed from the site. Only the foundation exists on the subject property where the applicant would like to build her house. The next photo was the single-car garage that straddles the lot line. The chicken coop is located behind it, and the single-cell house is located below it. Planner Tyler pointed to where the applicant was proposing to move the single car garage.

Planner Tyler stated that in looking at the Sanborn maps, the first time the 1896 cross-wing cottage appears on the Sanborn maps is 1900. The single-cell cabin first appears in 1907. The 1929 map was the same as 1907. The single car garage first appears on the 1941 map. Planner Tyler remarked that the garage is associated with the cross-wing, and they believe it was built for the automobile of the property owner of 332 Daly, which was the cross-wing cottage that has since been lost. Therefore, the garage no longer has the house that it was once associated with. It now sits next to the single-cell cabin.

Planner Tyler reviewed the Criteria for relocation beginning on page 42 of the Staff report. Criteria 1, the Staff found that the first criterion was not applicable because the structure is not currently threatened by demolition in its current site. The Staff found that the request did not comply with Criteria 2 because the structure is not threatened by demolition in its current site, and it is also not threatened by hazardous conditions. However, the City has since placed a Notice and Order on the property because of the structural instability of the structure. As a part of the relocation, the applicant was proposing to address the Notice and Order. Planner Tyler remarked that the Staff believes the Notice and Order could be fulfilled in its current location.

Sharon Melville, the applicant, stated that the notice to repair the structure was not the notice she had received. It was issued to the owner that the structure is primarily on, which is not her property. The structure only encroaches onto her property by 8 feet. Talisker is the company who actually received the notice to

repair the structure. Ms. Melville noted that both structures have been condemned by Park City as unsafe structures.

Chair Stephens asked if the structures were actually condemned or just declared unsafe structures.

Assistant City Attorney McLean believed that Sock Monkey was also sent a notice, but that was irrelevant for the purpose of this discussion. She pulled up the Notice and Order and clarified that it was a Notice to Repair, No Occupancy. It needs to be restored. It cannot be demolished. Chair Stephens wanted to make sure everyone was clear on the terms.

Ms. Melville stated that a note on the structures says that it is a misdemeanor to enter because it is unsafe and it has been condemned by the City. She was unsure if that was the correct language, but it was on the notice.

Planner Tyler read Criteria #3, do unique conditions warrant the relocation. The Staff found that the single car garage has largely lost its context, and the present setting does not appropriately convey its history because the original cross-wing cottage has been removed from the site. The Staff has determined that the garage was constructed in the 1930s due to the materials and the form. Planner Tyler noted that it was very common for historic garages in town, especially in the 1930s, to be constructed with materials that would have been used in the mines. Both the Staff and the consultant looked at the building and found that it was constructed using materials that were used for other buildings.

Planner Tyler stated that the Staff found that the history of the structure could be interpreted the same at its existing site and new site. The buildings are not far apart, and the relocation would still site it right next to the single-cell cabin. The Staff also found that the integrity of the structure would not be diminished by the relocation.

Planner Tyler read Criteria 4, have all other alternatives to relocation been reasonably considered. She noted that the Staff found that the applicant could restore the garage in its current setting. However, the historic garage has created an encroachment issue on the property of 336 Daly. Planner Tyler stated that the applicant finds that the garage needs to be relocated in order to redevelop her site. If the garage is not relocated, she would have to redesign the house and lose square footage due to International Building Code requirements for separation between structures. The Staff found that the building was being relocated on its current site and is consistent with previous decisions for relocation in Park City.

The Staff recommended that the HPB review, discuss and approve the relocation of the single car garage based on the findings of fact and conclusions of law.

Todd Jenson, legal counsel representing Sharon Melville and Sock Monkeys LLC, distributed a packet containing selected materials from their application, which he believed would have some bearing in the Board's decision. He thanked the Board for considering this application and for visiting the site.

Mr. Jenson explained that Talisker United Park City Mines owns the adjoining property, and they recently submitted a similar packet with additional information for the Board. He noted that the record title owner is United Park City Mines, which is owned by Talisker; and they preferred that it be referred to as United Park City Mines. Mr. Jenson believed there was some incentive to allow for this relocation. They recognize that the garage has been determined as a historic structure, and part of their application materials show how this garage was viewed in the past. He stated that 21 years ago the previous owner of 336 Daly had asked for permission to demolish the garage and went through the City process for demolition. United Park City Mines had no objections to demolishing the garage, and it was also approved by the HPB. Mr. Jenson pointed out that a lot has changed in 21 years. The garage is 21 years older and it has more historic significance.

Mr. Jenson stated that United Park City Mines was not opposed to demolition 21 years ago, and they would prefer not to have the obligation to repair, preserve or maintain both the cabin and the garage. However, Ms. Melville and Sock Monkeys was willing to undertake those obligations to preserve and repair those structures. He thought there was a benefit for the City to allow Ms. Melville to undertake that responsibility. Talisker was comfortable with it because it relieves their obligation.

Mr. Jenson remarked that if the Board determines that this application should be approved, his client and United Park City Mines have been working on an agreement to transfer the responsibilities from Talisker to Ms. Melville to take on these buildings. Those responsibilities would run with the land; therefore, whoever owns the property would be responsible for taking care of the adjoining garage and cabin. He noted that this would eliminate the City's concern that the structures would not be maintained and preserved.

Board Member Holmgren thought this was a reasonable proposal if the intent is to restore the garage and move it over 6 to 8 feet.

Board Member Beatlebrox referred to the material from United Park City Mines/Talisker that was handed out this evening, and read "United Park has been willing to consider the request to move, but has not yet approved the request, and any future consent to the move is contingent upon the two conditions described". She wanted to know what that meant.

Mr. Jenson explained that United Park City Mines and Talisker agreed to allow the application to go forward before the HPB. If the application is approved, his client would need to enter into an agreement with United Park City Mines/Talisker in terms of the moving the garage to their property because it would become a permanent structure on Talisker property. United Park City Mines wanted compensation for that, and for his client to undertake all of the financial obligations associated with moving the structure and maintaining and preserving it. Mr. Jenson noted that currently there was a draft agreement, but it was still in negotiations and it had not been signed by either party. Under that agreement, his client would agree with Talisker to take on those responsibilities.

Board Member Beatlebrox understood that if the Board approved moving the structure, there would have to be a contingency in case the agreement is never executed. Mr. Jenson replied that she was correct; however, he did not foresee any reason for not executing the agreement. If his client and Talisker were not able to agree, the move of the garage would not occur.

Director Erickson informed the Board that the City would also have the Cease and Desist Order for the abatement if this did not take place.

Board Members Hodgkins and Hewett had no issues or comments.

Chair Stephens referred to Criteria 3. He stated that because the original house that the garage serviced is now gone, he did not believe that the context of the garage would be changed by moving it to a different location that is similar to where it was before. Regarding the comments about changing the square footage of the new house, Chair Stephens informed Ms. Melville that the HPB does not address square footage of the home. She was aware of the encroachment when she purchased her property and she needed to resolve that issue. Chair Stephens understood that United Park City Mines/Talisker signed the Affirmation of Significant Interest because they wanted this to go forward. It would be up to her and United Park City Mines to come up with an agreement; otherwise, the City would continue to hold on to the Notice.

Chair Stephens agreed with his fellow Board members that this was an acceptable proposal.

Chair Stephens opened the public hearing.

Doyle Damron, a resident at 345 Daly Avenue, stated that a lot of people drive by the two structures and take photos. He was not opposed to moving the garage, but his main concern was the trees that were marked and whether they were marked for removal. He works in the construction world and realizes that moving some of the obstructions would make it easier to move the structure, but he was concerned about the trees and the mitigation of the number of tree calipers that

would have to be replaced in and around that site. He noted that further south of that was actually a snow easement vacant land. Mr. Damron stated that his concern was more about the significant trees that were marked for removal. He would hate to see those trees removed just for the ease of moving the structure. Mr. Damron thought the entire site would benefit from the extra effort of working around the trees.

Ms. Melville stated that she had hired a landscape architect who drew up detailed plans on replacing every tree that needs to be removed. She had also contacted a historic building mover, and in order to keep the integrity of the building in place, there are certain ways that the building needs to be moved to keep from damaging the building and keeping it as safe as possible. Ms. Melville stated that the plan is to replace every trees that is removed with two trees per the City requirements. The landscape plan also includes adding 85 native species to the area that has been disturbed in order to replant it and make it aesthetically pleasing using all native species.

Sandra Morrison, Executive Director of the Park City Historical Society and Museum, stated that she had read through the Staff report, and she was very concerned by the letter from the attorney stating things such as, "due to the condition of the building we cannot warrant the structure will be maintained even during the move, and we request a release from the applicant". After further research, the house mover was charging just for the move and there was no mention of foundations to put it on, or any kind of repairs. There was also an invoice for cutting down six trees. Ms. Morrison thought it would have been helpful to know more of these details prior to this meeting.

Ms. Morrison referred to page 47 of the Staff report, and read from the Conclusions of Law, "The proposal does not meet the criteria for relocation pursuant to the Land Management Code". She questioned why the Staff was recommending approval if that was the Conclusion of Law.

Planner Tyler replied that it was a typo in the Conclusion of Law and that it did meet the criteria.

Ms. Morrison assumed they were moving forward under the unique conditions and she appreciated that this was an opportunity to restore and stabilize the structure. Ms. Morrison also questioned why there were no conditions of approval.

Director Erickson explained that the HPB would be voting on whether or not moving the structure meets the criteria. He and Assistant City Attorney McLean had been discussing revising the findings to include what the applicant plans to do with the garage.

Assistant City Attorney McLean stated that there could be conditions of approval on this type of request. Planner Tyler agreed that the Staff could add conditions of approval. She pointed out that the purpose of this meeting is to determine whether or not the criteria is met. The Historic District Design Review application typically has the conditions of approval for relocation because those issues are addressed in the HDDR.

Ms. Morrison had drafted eight conditions of approval to be considered. One would be that relocation is conditioned on the agreement with United Park City Mines that the structure would be restored.

Chair Stephens understood that the HPB was only dealing with the issue of whether or not this application meets the LMC with regards to moving the structure. Once that determination is made, it then goes through the entire process with the Planning Department. It will be subject to HDDR review, and the Building Department will add their criteria to abate the condition. Chair Stephens pointed out that there is another level of protection that the HPB does not address. He clarified that the Board would not get into design issues or any other issues because this meeting is about the criteria and whether it meets the criteria.

Ms. Morrison read through some of her criteria: 1) that a separate application should be submitted for HDDR review; 2) there needs to be additional engineering as determined in the Engineer's letter outlining the stabilization efforts that need to happen before it is lifted off the ground; 3) there needs to be a guarantee that it will be moved intact and not dismantled or disassembled; 4) that it will get restored and stabilized after moving, including repairing anything that happened during the move and that it will get a proper foundation; 5) that the building permit for 336 Daly is dependent on the completion of this restoration project.

Ms. Morrison urged the Board to put conditions in place right now so they could be assured that what they think is going to happen will actually be what the applicant strives to achieve.

Chair Stephens believed that by the end of the planning process there would be many sufficient conditions of approval. He did not think the Board had the expertise to know what needed to be done, and he preferred to leave it to the HDDR process. Chair Stephens clarified that if the HPB approves the relocation, they would only be giving approval for this to continue through the rest of the process. He thought a further complication is that the Notice from the City went to United Park City Mines and not the applicant. If the applicant decided not to deal with this issue because an agreement could not be reached with United Park City Mines, the applicant would still have the ability to redesign her home

with the building intact on site. For that reason, Chair Stephens was hesitant to place a condition on the building permit unless an agreement is reached.

Ms. Morrison clarified that she was not suggesting that the conditions be for moving the building. It was for restoring the building after it was moved. Ms. Morrison believed the HPB had the opportunity to place some conditions that would relate to their approval.

Chair Stephens remarked that the HPB approval was not to restore the building. Ms. Morrison understood, but suggested that they could make restoration a condition of the approval.

Board Member Hodgkins thought Ms. Morrison had a valid concern because they were dealing with two different properties. He understood that Ms. Morrison was saying that if something happens during the moving process and the building is damaged or destroyed, it would resolve the problem for the applicant who wants to build the new house and she would never have to deal with continued maintenance and the other things she was agreeing to do in order to move the structure. Ms. Hodgkins thought it was a reasonable request to tie the issuance of a building permit to a successful move. He agreed with Ms. Morrison that they should provide an incentive to make sure what they think will happen really happens. Without that he was not sure the incentive was 100% there because the building would not be moved on to the property of the person who is willing to move it.

Chair Stephens pointed out that similar circumstances in the past were handled through bonding. Assistant City Attorney McLean replied that there would be a financial guarantee as part of the preservation plan for the square footage. She explained that the restoration goes through the HDDR; and the building did not have to be brought to the level of habitation. However, the exterior shell needs to be stabilized and moved in an appropriate manner. Ms. McLean understood that the applicant was willing to do that.

Ms. Melville stated that Ms. McLean, the attorney for Talisker, and her attorney, Todd Jenson, met recently and she did not believe that United Park City Mines has an interest or any motivation to keep either of these structures intact. Ms. Melville remarked that in the negotiations with Talisker, she was hoping to own the 34' x 64' space that encompasses the new landing spot for the garage and for the cabin. She checked with Salt Lake County and found that it was a 12-1/2 acre parcel that is owned by United Park City Mines. This is where she wants to build her home and she does not want a pile of sticks laying on the ground like the chicken coop. Ms. Melville stated that the cabin is unsafe, the garage is unsafe. Over time, demolition by neglect has been taking place. She also understood there was discussion about a bond and that United Park City Mines might have to take care of this. However, she felt that the corporation has no

vested interest in Park City. Ms. Melville clarified that currently she does not live in Park City, but she has owned property in Park City and lived in Park City from 1998 to 2013 when she sold her home thinking that she could commence construction on a new home in the Old Town neighborhood. She also wants it to be a positive experience for the neighbors.

Chair Stephens stated that they needed more certainties. He thought it was a catch-22 because Ms. Melville could not make contractual arrangements with United Park City Mines until she has approval from the HPB to move forward, but the HPB is considering asking for approvals that Ms. Melville does not have. He explained that they were trying to deal with issues from the past where people made promises but never kept them. He thought they also needed to look at the downside. Chair Stephens wanted to know what would happen to those two structures as it relates to United Park City Mines if an agreement is not made.

Director Erickson stated that if nothing happened the City would enforce the Notice and Order. The City would abate and send the bill to the property owner.

Director Erickson remarked that based on comments from the Board and the public, he was having difficulty trying to relate conditions of approval to the findings of fact to make sure they would align correctly and would not convey to future applicants that they could buy a relocation if they promise something. Director Erickson referred to page 43 of the Staff report, Item 3, iii, and noted that the Staff was recommending a finding that the integrity and significance of the historic structure will not be diminished by relocation and orientation. They could make that a Finding of Fact. Director Erickson found nothing irregular in the conditions of approval proposed by Sandra Morrison, and the Board could consider adding those conditions of approval to this action. The only concern was that the applicant had not had the opportunity to review it.

Mr. Jenson addressed some of the concerns Ms. Morrison had expressed. He stated that initially, the historic building movers looked at the project and as he expected, they said it was an old garage and it would be difficult to move. As a building mover they were not willing to insure it or promise that it would be moved without being damaged. The mover would not agree to accept any liability associated with moving the garage. Mr. Jenson understood why the mover would not want to make any promises. He explained that they also sought an opinion from a structural engineer, JR Richards, who has experience in moving historic structures. His opinion was that it is feasible and the building could be moved. Mr. Jenson stated that the applicant has confidence in JR Richards and his assessment of the move, and she was confident that it could be done. The attorney understood Ms. Morrison's comments and he believed her concerns were valid.

Ms. Morrison clarified that her point was the disconnect between what the applicant was saying and the letter from Mr. Jenson indicating that they were not guaranteeing anything. It appeared from the letter that the extent of their intent was to move the garage and cut down trees in the process. However, Ms. Melville was saying something different, and Ms. Morrison thought it would be wonderful if that was her intent because it was a good opportunity to preserve the structure. Ms. Morrison stated that because the two scenarios were so different, and as a Board representing a community that loves its historic district, she would prefer more assurances.

Chair Stephens understood that the issues raised are addressed in the HDDR process. Planner Tyler explained that this project already has an active HDDR application, which is how it came to the HPB. An HDDR application was also submitted for Ms. Melville's single family dwelling. She pointed out that these were two separate applications. Planner Tyler remarked that the Historic District Design Review needs to be approved before the garage can be moved, which then requires the Building Department to look at the engineering documents and the preservation plan. She explained that the interior work has not yet been done to look at the engineering of these buildings because that is done on-site. Therefore, the Staff conditions the HDDR to address those items. If the HPB finds compliance with the criteria to move the structure, the Chief Building Official and the Planning Director together address some of the structural issues and the concerns raised with moving the structure itself. Planner Tyler stated that conditions could be added to the HPB approval, but in the past they were always added with the HDDR to avoid the applicant having to spend additional money on the building analysis prematurely.

Chair Stephens pointed out that in this case, the applicant might not be moving the building if they are unable negotiate an agreement with United Park City Mines.

Ms. Melville noted that she had already spent a lot of money on this project. She had architectural blueprints drawn up of the garage, she had engineers look at it, she paid the historic building movers to come and look at it. In addition, every time something is submitted to the Planning Department a new survey is done and a new title report. Ms. Melville reiterated that originally permission was obtained to demolish the building. She believed she has shown good faith in wanting to work with Park City to relocate a building that does not belong to her at this point, although she was hoping it would become her building through negotiations with Talisker, and that the land underneath it would become hers as well. Ms. Melville stated that she has tried to comply with all of the rules set forth through the Planning Commission. She pointed out that at one point, Park City believed that the City owned the adjacent property and they volunteered to move the structure onto their property. However, it was later discovered that the property line was unclear and the building was not moved. Ms. Melville

remarked that this has been a long process and she has borne the expense; not United Park City Mines.

Chair Stephens closed the public hearing.

Board Member Holmgren stated that she came to this meeting with the understanding that all the arrangements had been made and the agreement to move the building was already in place.

Assistant City Attorney McLean stated that it was difficult to get United Park City Mines to meet with the applicant. She understood that the applicant attempted to talk with United Park City Mines several times, and the minimum they could get was the Affirmation of Sufficient Interest. Ms. McLean believed the applicant was between “a rock and hard place” because an agreement cannot be made with Talisker without knowing whether it was even possible to move the home. She pointed out that this was the first step, and if an agreement cannot be reached, the approval would expire. Ms. McLean suggested that if the Board chooses to approve, they should add a sunset clause stating that if the building is not moved within a certain amount of time, the approval will expire. She stated that until they know whether it is allowed to be moved, there is no reason to negotiate an agreement.

Board Member Holmgren reiterated her earlier comment that moving the structure and keeping it intact was a benefit for everyone.

Board Member Beatlebrox believed this was a good opportunity. The applicant has their heart and their money in the right place. If all of the conditions Ms. Morrison proposed are addressed in the HDDR process, she thought the move meets the criteria of a unique situation. Ms. Beatlebrox favored trying to resolve the issues by allowing the structure to be moved so negotiations can move forward.

Board Member Hodgkins understood that the HDDR was on the United Park City Mines property. He asked for clarification between that and building the new house on 336 Daly. Planner Tyler stated that 336 Daly Avenue was Ms. Melville’s property and 360 Daly was the adjacent United Park City Mines property. The building is located on 336 and 360, with the majority of it sitting on 360 Daly. This application was for 360 Daly, which is why they needed Talisker to sign the Affirmation of Sufficient Interest, because technically it is not their property. Planner Tyler stated that Talisker owns the land, but they did not want to be listed as the owner of the garage. She clarified that the application before the HPB was for the Talisker property.

Board Member Hodgkins understood that the applicant had two options. One would be to successfully relocate the garage based on the HDDR to build a

larger home. The second would be to build a smaller structure with a setback and leaving the garage in its current location. If the garage is not moved, the City could enforce the Notice and Order and stabilize the garage in its current location. The City would not relocate the garage. Planner Tyler replied that he was correct. Mr. Hodgkins thought the applicant had incentive to actually negotiate appropriately with Talisker to successfully relocate the garage. He wanted to know what would happen if the garage is demolished during the move, and whether it would revert to a required panelization. Planner Tyler stated that there were questions over whether or not the applicant would be required to have a financial guarantee, and she clarified that the City has no intentions of relinquishing that requirement. Mr. Hodgkins asked how they could require a financial guarantee from the owner of 336 Day, when it is actually subject to 360 Daly. Planner Tyler stated that for the purposes of the HDDR, the City does not care which party signs the financial guarantee, but a building permit will not be issued to move the garage until the City has secured a signed financial guarantee. Mr. Hodgkins clarified that Ms. Melville would not be able to get a building permit for the larger house on her site without a building permit for relocating the garage. He believed there were financial backups in place to make sure the garage is successfully moved. Otherwise, Ms. Melville would have to go with the second option and build a smaller structure on her property. Planner Tyler replied that this was correct.

Director Erickson reviewed the proposed conditions.

Chair Stephens stated that historically these types of conditions have been left to the HDDR process. He has faith in the HDDR process, and without being able to study the proposed conditions more closely and consider the ramifications of what might happen, he preferred to leave the conditions totally to the HDDR process and not add them to this approval.

Director Erickson agreed, however, he was erring on the side of additional rigor because of the visibility. He believed that some of the conditions were HDDR issues. He only intended to reiterate the ones that would be addressed in the process, and to identify which ones were actually findings of fact. He wanted to make sure the HPB was getting what they wanted without adding additional conditions to their approval.

Director Erickson stated that Board Member Hodgkins was correct in saying that the building has to be relocated before construction can start on the new home. The condition of approval was structured such that the City would not issue a building permit until the permit on 360 Daly is completed. Director Erickson thought the discussion about requiring an agreement with United Park City Mines was appropriate. He also favored the recommendation by Assistant City Attorney McLean to place an expiration on the approval. He questioned whether

one-year was adequate or whether the Board should discuss a different timeframe.

Assistant City Attorney McLean stated that the Notice and Order was issued a while ago, but the Staff was waiting on a decision by the HPB. However, once this moves forward, she assumed that the Building Department would require the building to be stabilized at a minimum if it is not moved within a certain amount of time. The minimum might be just enough to make sure it does not fall down, but the Building Department would have to make that determination.

Planner Tyler commented on the sunset clause and noted that the HDDR is only good for one year. Since nothing can be done until the HDDR is approved, she believed a timeline was already set. She did not believe it was necessary to place a deadline on this approval. Chair Stephens thought a deadline could complicate the negotiations with United Park City Mines. Assistant City Attorney McLean reiterated her recommendation for an expiration to keep things from being in perpetuity. She pointed out that if the approval is close to expiring, the applicant could come back prior to the expiration and request an extension.

Board Member Hewett thought they should be concerned that the building itself was eroding daily. For that reason, she did not think they should allow too much time to pass. Ms. McLean believed a year was adequate. She recalled from discussions with the Building Department that the building made it through the winter and it would probably be fine. She thought the Notice and Order would be valid again in September, and if the building is not moved, it would have to be stabilized before winter.

Chair Stephens asked if the year timeframe would be for the successful completion. He pointed out that a Certificate of Occupancy would not be issued which is usually the gauge. Ms. McLean stated that normally it starts when the building permit is pulled and the applicant has six months to move it. She suggested that within one year the applicant has to pull the building permit and begin active work on the relocation process.

Mr. Jenson addressed some of the tactical aspects of the move. It is difficult to schedule time with the building movers because they are limited to mostly the summer months. If it cannot not take place this summer and the approval only last a year, it puts them back to May 2018 after the winter. He thought 18 months was a reasonable timeframe for the move. Chair Stephens disagreed. He was not sure what would preclude moving the building during the winter. Mr. Jenson stated that it was not his expertise and he was only repeating what he was told by the building movers.

Ms. Melville understood that because Daly is up from Main Street, there are certain times when heavy equipment or builders may not traverse that area, and

certain conditions apply in snowy conditions. Chair Stephens questioned whether that would apply in this case because they were not moving large structures. He was more comfortable with a one-year frame.

Based on the discussion, Director Erickson stated that a motion would be to approve the relocation of the existing historic garage at 360 Daly Avenue in accordance with the Findings of Fact and Conclusions of Law as found in the Staff report, and as amended to add a Condition of Approval stating that the Building Permit shall be issued within one year of the action letter for this approval and a successful agreement with United Park City Mines.

Assistant City Attorney McLean suggested adding a Finding of Fact stating that, "Restoration of the structure shall be in compliance with the HDDR".

MOTION: Board Member Holmgren made a motion to APPROVE the relocation of the existing historic garage at 360 Daly Avenue as stated above by Director Erickson and with the additional Finding of Fact suggested by Assistant City Attorney McLean. Board Member Hodgkins seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 336 (360) Daly Avenue

1. The property is located at 360 Daly Avenue.
2. The historic site is listed as Significant on the Historic Sites Inventory.
3. The applicant is proposing to relocate the Historic single-car garage and chicken coop on the Significant Site.
4. Development on this property occurred during the Mature Mining Era (1894-1930) and the Mining Decline and Emergence of Recreation Industry Era (1931-1962).
5. According to Summit County Tax Records, a historic cross-wing cottage located at 332 Daly Avenue was built c. 1896. The cross-wing cottage first appears on the 1900 Sanborn Fire Insurance Map. This historic cross-wing cottage was later demolished in 1984.
6. The single-cell cabin first appears on the Sanborn Fire Insurance Maps in 1907. The single-cell cabin was constructed between 1900 and 1907.
7. This single-car garage accessory structure does not appear on the Sanborn Fire Insurance Maps until 1941.
8. Although the HSI report and previous staff concluded that the garage was built between 1900 and 1907. Current staff's additional research and analysis of construction techniques include evidence which supports that the single-car garage was constructed sometime in the 1930s as part of the overall development of the site at 332 Daly Avenue. The single-car garage and chicken coop embody the characteristics of accessory buildings built between 1900 and 1907. There is the presence of reused timbers and the form is typical of the era.

9. It was associated with a historic cross-wing cottage constructed in ca. 1896 and was likely built to accommodate the new need to store the family's private automobile. The history of the building can be interpreted the same at the existing site or the proposed site.

10. The single-car garage and chicken coop are originally associated with the demolished ca. 1896 cross-wing cottage which had an address of 332 Daly Avenue. The site has now been re-addressed to 360 Daly Avenue which is used for the HIS Form.

11. The chicken coop structure located behind the existing single-car garage is not designated as historic on the City's Historic Sites Inventory, and does not require any additional review for relocation by the Historic Preservation Board.

12. The single-cell cabin to the south is also designated as "Significant" on the City's Historic Sites Inventory and is not proposed to be relocated at this time.

13. The single-car garage straddles the property line between 360 Daly Avenue (owned by Talisker) and 336 Daly Avenue (owned by Sharon Stout Melville, Manager of Sock Monkeys LLC, Silver Queen Gunslinger, LLC). The Talisker-owned single-car garage encroaches 5 to 6 feet across the shared property line and into the property of Sharon Stout Melville.

14. Sharon Stout Melville is proposing to relocate the single-car garage to the south side of the single-cell cabin. This will allow her to develop her property without the impediment of the single-car garage.

15. If the historic single-car garage were to remain on the property, Ms. Melville would need to provide a minimum of three foot (3') separation between the exterior wall of the historic single-car garage and the exterior wall of her new house in order to avoid having to eliminate windows and install additional fire-resistant rated construction as required by the International Building Code (IBC).

16. The Engineer's Report by J.R. Richards of Calder Richards Consulting Engineers states that the single-car garage can be relocated in whole. The engineer recommends replacing deteriorated elements where lifting points are anticipated, provide additional supports for stabilizing the roof and walls prior to lifting the structure, and incorporating additional engineering to ensure no further damage occurs during the move.

17. The single-car garage is not threatened by demolition.

18. The Park City Building Department issued a Notice and Order to Repair the garage and single-cell cabin on August 29, 2016. The Notice and Order outlines issues such as stress in materials due to dead and live loads; members or appurtenances that are likely to fail, become detached, or collapse; building not meeting window pressure; wracking, warping and buckling of walls; potential collapse of entire structure; as well as its poor condition as to constitute a public nuisance.

19. Staff finds that the single-car garage has largely lost its historic context and the present setting does not appropriately convey its history. The history of the building can be interpreted the same at the existing site or the proposed site.

20. The proposed site to the south of the single-cell cabin conveys a character similar to that of the building's existing site. The neighborhood buildings,

materials, geography, and age are all similar. The single-car garage will remain surrounded by a wooded aspen grove, facing east toward Daly Avenue.

21. The existing distance between the single-cell cabin and the single-car garage will be equal (approximately 8 feet) in the proposed relocation site.

22. The integrity and significance of the historic building will not be diminished by its relocation and/or reorientation.

23. On August 8, 2016, the Planning Department received a Historic District Design Review (HDDR) application for the property located at 360 Daly Avenue. After working with the applicant on the materials required for their submittal, the application was deemed complete on September 19, 2016.

24. This application was continued by the Historic Preservation Board (HPB) continued on December 7, 2016 and February 1, 2017 because the applicant was seeking the property owner's consent to pursue the application. The applicant has since received the property owner's consent.

25. On January 7, 2015, the Historic Preservation Board reviewed a Determination of Significance application for the garage and single-cell house and upheld the "Significant" designation on the Park City Historic Sites Inventory.

26. Staff sent a mailing notice to property owners within 100 feet on April 19, 2017 and posted the property on April 19, 2017.

27. The Historic District Design Review (HDDR) application has not yet been approved, as it is dependent on HPB's review of the relocation of the Historic single-car garage and chicken-coop on the Significant Site.

28. The applicant could restore and/or stabilize the building at its present setting.

29. The building is being relocated on its existing site. The building currently sits largely on Talisker-owned property and will remain on Talisker-owned property following its relocation.

30. Restoration of the structure shall be in compliance with the HDDR.

Conclusions of Law – 336 (360) Daly Avenue

1. The proposal does not meet the criteria for relocation pursuant to LMC 15-11-13 and/or Reorientation of a Historic Building or Historic Structure.

Conditions of Approval – 336 (360) Daly Avenue

1. The building permit shall be issued within one year of the action letter for this approval, and with a successful agreement with United Park City Mines.

Board Member Beatlebrox left the meeting.

2. 243 Daly Avenue – Historic District Design Review – Material Deconstruction on Landmark Site. The applicant is proposing to impact the following: c.1998 front yard landscaping consisting of gathered rocks and backyard retaining walls; shed-roof addition across the east (rear)

elevation of the historic hall-parlor form and a poured concrete root cellar/mechanical room; post-1941 shed roof structure constructed on top of the original gable roof; original soffit and fascia; c.1996 porch railings, posts, and roofs; historic door opening on the west façade; historic and non-historic windows. (Application PL-16-03172)

Planner Tyler reported that Anya Grahn was the project planner; however, she would be presenting this application in her absence.

Planner Tyler provide a brief background and the developmental history of the property. She noted that 243 Daly Avenue was one of the few structures that were located right across the street from where the Union Concentrator Mill was located, but has since been demolished. This property first appears on the 1889 Sanborn map as a one-story wood frame hall-parlor structure. By 1900 the rear had been removed and the rear half of the building was extended north. There was also an addition of an outbuilding near the edge of the road. It was common for that street and evidence of that can still be seen today. The Staff finds it to be character defining of the streetscape in general.

Planner Tyler stated that by 1907 the house had been expanded once again and remained unchanged in the 1941 Sanborn map. The Staff finds that the 1941 Sanborn Map did not exactly match the 1941 photo. By the time the photo was taken a gable had been added to create the cross-wing. There was also the possibility that the drawing on the Sanborn was simply not updated because by 1941 the Sanborn maps were a dated, and they were not used as much as in the earlier years.

Planner Tyler presented a graphic that Planner Grahn had created explaining the development of the property. She noted that the line green identified the original form of the basic hall-parlor shown in the 1989 Sanborn map. The dark green/teal identified the cross-wing addition that was added between 1927 and 1941. The orange color identified the shed addition, which has construction materials representative of a contemporary period. She pointed out that the overall form is consistent with what was seen in the historic photograph, and that would be discussed later in the presentation. The red color identified improvements that were made after 1941, which included the new sloped roof form over the original roof form, the exterior staircase addition seen on the site visit, the porch extension on the north side of the projecting element, and the rear addition and concrete basement.

Planner Tyler presented a diagram that Planner Grahn had included. She showed the 1998 building permit plans and a photograph of the house taken from 2009 HSI form. Number one on the building plans show where the side addition should appear. Number two on the building plan was the non-historic rear addition that exists today. Planner Tyler stated that the 2009 identifies the rear

addition. It was a similar photograph to the one found from 1941. The applicant's engineer concluded that this was a reconstructed addition because there are contemporary materials on the inside and they have not been able to find historic materials from their interior demolition.

Planner Tyler reviewed the specific material deconstruction that the HPB would be reviewing. For the site design, the Staff found that the removal of the items related to the 1998 remodel are routine and do not require HPB review.

She reviewed the shaded drawings to explain the proposed removal of the rear additions. Addition #1 was the red shaded area, which was the shed roof addition across the width of the rear or the east elevation. It was unclear whether the addition is historic; however, it uses the exact footprint of the original addition. Based on photographs provided by the applicant and evidence found inside by the structural engineer, the Staff found that it was most likely a later addition constructed after 1941.

Planner Tyler indicated Addition #2 shown in blue. It is a roughly poured concrete box with a wood floor that sits directly on the dirt. Historically, it may have been a house box or mechanical space. The Staff found that this addition was probably constructed before 1930 when root cellars were popular. Planner Tyler stated that in the past the HPB has determined that root cellars are not contributory to sites, particularly this one considering it is in the back and not visible from the front.

Planner Tyler noted that Planner Grahn had provided photos depicting the specific additions. It was a photo analysis compared to the 1941 photograph. The Staff requested discussion by the HPB. The HPB may find that these additions are not contributory to the historic significance of the structure or the site and that they may be removed. The HPB may also find that the additions contribute and may not be removed. If that is the case, the HPB should condition this material deconstruction to require that the applicant maintain and reconstruct the shed roof addition and/or concrete root cellar.

Planner Tyler presented a diagram to help the Board visually understand the roof. There is an overbuild on the roof beginning at the ridge and continuing down the edge of the porch. The overbuild is non-historic. The applicant believes the original roof form is below; however, based on the engineer's report the roof is not structurally sound. The Staff found that the roof may be able to be reinforced from the interior once the strain of that overbuild is removed.

The Staff recognized that additional work may be required because of the poor condition. For that reason, the Staff provided conditions of approval to address maintaining the original roof form. In addition, if restructuring it from the interior is not possible, the Building Department and the Planning Director would have to

make that determination. They would have to look inside and make that determination on site.

Planner Tyler commented on the exterior walls. The applicant was proposing to make minor repairs to the exterior walls due to damaged wood siding and trim. The Staff found that the proposed work was necessary to complete the restoration. Planner Tyler noted that a condition of approval was added stating that if materials need to be removed from the site, that any replacements match exactly the historic. The Staff will be on site to make sure that happens.

Planner Tyler reiterated that the foundation was added in the 1996 remodel. The applicant intends to make minor repairs to the foundation because of water issues. The Staff found this to be routine and it should not require HPB review because it does not affect the historic structure as it relates to the improvements.

Planner Tyler presented a diagram prepared by Planner Grahm that identified the original porch in red, the overbuilt roof in orange, the 1996 remodel identified in blue, which included the roof extension and covered stairs leading to the basement. The applicant intends to reconstruct the porch roof in a shed configuration to appropriately maintain the look and feel of the original porch structure, and to also solve some of the problem related to the ice buildup that was discussed on site.

Planner Tyler stated that the applicant was proposing to remove the historic door on the front façade. The door is not standard height and the frame is warped. Planner Tyler noted that the applicant was proposing to install an IBC compliant door; however, in the past the HPB has been consistent in enforcing Guideline B4.1, which basically says that historic doors should not be removed. If historic doors are removed, the replacement must maintain the original scale and dimensions of the historic door. The Staff had added Condition of Approval #5 to address this issue.

Chimso Onwuegbu, the project architect, did not believe the applicants were completely opposed to keeping the historic door. The door is 6'2" and that is not a major issue. However, the goal was to have a 6'8" door, but after speaking with Planner Grahm he understood that the Staff has consistently required maintaining the historic proportions. Mr. Onwuegbu pointed out that the door would still have to be repaired so it would close properly and swing correctly, regardless of the dimensions.

Chair Stephens noted that a concrete porch had been added, and he thought they might find that the original door dimension was different. He asked Planner Tyler if that could be addressed through the HDDR if that were the case. Planner Tyler suggested adding a condition of approval stating that if they find that the original door opening was different than 6'2", the Planning Director and the

Historic Preservation Planner could go on site and confirm the dimensions. If it is different, the drawings could be amended for the HDDR. She believed the added condition would benefit all parties.

Planner Tyler stated that the existing conditions were in poor condition and not all of them were the original windows. The applicant was proposing to replace the existing windows with historically accurate windows. The applicant was also proposing to restore the original window openings that were previously removed. The Staff found that this work was necessary for the restoration, and a condition of approval was added to ensure that the new windows contribute to the restoration and historic integrity.

Board Member asked if the windows would be restored to the 1890s. Planner Tyler believed that the 1890s was the period of restoration for this particular property.

Chair Stephens opened the public hearing.

There were no comments.

Chair Stephens closed the public hearing.

Board Member Hodgkins asked if this property would still be subject to the transitional element if a new addition was added to the back. Planner Tyler answered yes. Mr. Onwuegbu stated that it was already addressed in the HDDR submittal where they step back to create the transition piece.

MOTION: Board Member Hodgkins moved to Approve the material deconstruction of non-historic and non-contributory materials at 243 Daly Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report, and as amended to add a condition of approval regarding the historic door.

Director Erickson clarified that the condition of approval would read, "The Planning Director and Historic Preservation Planner will make a determination on the historic size of the door, and the door would be restored to that historic size".

Board member Hewett seconded the motion.

VOTE: The motion passed unanimously.

Board Member Hodgkins asked a general question about shadow studies to protect Landmark structures. Planner Tyler thought it was an appropriate question, and she would raise the issue with the Consultant to see whether it should be addressed further. Director Erickson thought it might be possible to

tie it to the context of protection of Landmark structures. In keeping with the National Register standards, the goal is to protect the context of the building relative to the other structures. If the Landmark structure is put in a dark shadow, the context would be lost.

Findings of Fact – 243 Daly Avenue

1. The property is located at 243 Daly Avenue.
2. The site is designated as Landmark on the Historic Sites Inventory.
3. Based on Sanborn Fire Insurance maps and historic research analysis, the house was constructed prior to 1889 on land owned by the Ontario Mining Company. It was initially constructed as a one-story wood frame hall-parlor with a full-width front porch and rear additions, including a square addition off the back. By 1900, a rear addition was expanded north to create a bump out on the northeast corner of the house. This addition appears to have been extended to the east again by 1907.
4. By the time of the c.1941 tax photograph, a gabled stem-wing had been added to the front of the hall-parlor to create a T-shaped cross-wing house. The T-shaped cottages became a popular house form in the 1880s and 1890s and many hall parlors were expanded by creating the cross-wing form.
5. The first recorded resident of this house was a Yugoslavian immigrant and widow named Katie Rubbick who lived in the house for much of her life alone. The ownership of the property first transferred from the Royal Street Land Co. To John E. Fritch in 1980; John was Katie Rubbick's son. Many of the improvements to the property occurred under the Rubbicks' ownership.
6. Between 1995 and 1998, Michael G. Malouf demolished the historic garage along Daly Avenue, constructed a foundation, and renovated the house for the first time.
7. On January 12, 2017, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of the historic house and construction of a new addition at 243 Daly Avenue; the application was deemed complete on February 6, 2017. The HDDR application is still under review by the Planning Department.
8. The applicant proposes to remove existing front yard landscaping, likely constructed c.1998, and a non-historic railroad tie retaining wall. The applicant will also construct an LMC-compliant driveway in the front yard. The proposed work is routine maintenance and does not require HPB review.
9. The applicant proposes to remove a shed-roof addition that extends along the east (rear) wall of the original hall-parlor structure as well as a poured concrete root cellar/mechanical room on the east (rear) elevation of the house. These additions are clad in horizontal, corrugated metal panels and partially retain the hillside. The HPB finds that these additions do not contribute to the historic integrity or historical significance of the structure or site and may be removed.

10. The roof structure consists of 2x4 trusses with 1x8 collar ties at 24" on center. Sometime after 1941, the original gable of the house and hip roof of the porch were covered with a new shed roof that created an overbuild and changed the appearance of the original roof form. Additionally, the porch roof was extended on the north elevation of the stem-wing in order to cover exterior basement stairs that were constructed as part of the c.1996 renovation. The applicant is proposing to reinforce the roof structure from the interior and remove the non-historic overbuild that is causing structural deficiencies of the original roof form. The material deconstruction is necessary in order to restore the original roof form.

11. The historic walls were largely stabilized from the interior of the house during the c.1996 renovation. The new foundation has left the exterior walls unlevelled in some locations. The soffits and fascia are in poor condition. The applicant is proposing to make minor repairs. The proposed material deconstruction is necessary for the restoration of the historic house. The proposed scope of work mitigates any impact that will occur to the historical significance of the building as its intent is to restore the original woodwork.

12. The foundation was constructed c.1996. The proposed scope of work to address any leaks at the joints of the concrete foundation is routine maintenance and does not require HPB review.

13. The original porch has largely been rebuilt over time. The existing porch floor is the new c.1996 concrete floor over the basement. The porch posts are consistent with what existed historically; however, overloading on the roof has caused them to be structurally unsound. The porch railing consists of 2x2 picket railing, but only exists on the non-historic c.1996 exterior basement stairs, a window well on the east façade and the north elevation of the wrap-around porch. The ceiling of the porch has been covered with new material that is settling at different rates. The roof structure will be reinforced and returned to its original form by removing the overbuilt which exists over its original slope. The applicant will also reconstruct the non-historic c.1996 porch roof on the north side of the stem-wing in order to correct structural deficiencies that have created an ice dam. The material deconstruction is necessary for the restoration of the original porch.

14. The applicant is proposing to remove the existing front door and replace it with a new historically compatible door. The proposed exterior changes will not damage or destroy the exterior architectural features of the subject property that are compatible with the character of the historic site.

15. The windows on the historic house are in poor condition. The majority are original but two windows have been covered and one replaced with a sliding window. The applicant is proposing to restore lost window openings and replace the existing windows with new wood windows. The proposed material deconstruction is necessary in order to restore the original window configuration and the proposed exterior change will not damage or destroy the exterior architectural features of the subject property that are compatible with the character of the historic site.

Conclusions of Law – 243 Daly Avenue

1. The proposal complies with the Land Management Code requirements pursuant to the HR-1 District and regarding historic structure deconstruction and reconstruction.

Conditions of Approval- 243 Daly Avenue

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on October 14, 2016. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. The applicant shall maintain the original gabled roof form including its original dimension, pitch, and height. Structural stabilization shall occur by adding new structural members to the interior of the roof.
3. Should restructuring the roof from the interior not be possible due to the condition of the existing roof structure, the applicant shall schedule a site visit with the Chief Building Official and Planning Director to evaluate the condition of the roof structure.
4. Where the historic exterior materials cannot be repaired, they will be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to replacement, the applicant shall demonstrate to the Planning Director that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Director shall approve the replacement in writing.
5. The applicant shall maintain the dimensions of the extant historic door openings. The new door shall be consistent with historic door styles.
6. Historic window openings shall be maintained where existing and restored where they have been lost. The applicant shall replace the historic windows with new wood windows that match originals in all respects: size, dimensions, glazing pattern, depth, profile, and wood material. Special consideration shall be taken to ensure historic trim that has deteriorated beyond repair is accurately reconstructed around the new window units.
7. The Planning Director and Historic Preservation Planner will make a determination on the historic size of the door, and the door would be restored to that historic size.

3. 911 Empire Avenue – Historic District Design Review – Material Deconstruction on Landmark Site. The applicant is proposing to impact the following: post-1983 railroad tie retaining wall, contemporary concrete block retaining wall, non-historic fence; demolition of post-1941 rear additions; non-historic porch railings on the front porch and post-1941

enclosed porch on the southwest corner; two (2) original front doors on the east and north facades and one (1) post-1941 door on enclosed porch; removal of 9'x9' section of lower level façade wall to construct an invisible garage door; thirteen (13) historic wood windows; non-historic asphalt shingle roofing; brick chimney. (Application GI-17-03411)

Planner Grahn was the project Planner. Planner Tyler was presenting the application in her absence.

Planner Tyler reported that the house was listed on the National Register of Historic Places as part of the 1984 Thematic Mining Boom Era Residence District nomination. According to the HSI form this building was built in 1895, and it first appears on the 1900 Sanborn Map. It remains largely unchanged with the exception of a small addition on the southwest corner that enclosed the porch prior to 1941. Planner Tyler noted that according to the National Register Listing, all the openings are original, and the only modification of the house was an unobtrusive enclosure of the southwest porch which occurred during the Historic Period. She pointed out that this building has largely remained intact, especially when viewed from the street.

Planner Tyler reviewed the request for material deconstruction. The Staff had identified the fence and retaining walls in red on the site plan. The applicant was proposing to remove these non-historic improvements. The property would be regraded following the removal of these items. The Staff found that these improvements would not have an impact on the historic property.

Planner Tyler stated that the house currently did not have a foundation, which is standard in Old Town. Many of the structural members of the building were resting on dirt. The applicant was proposing to temporarily lift the structure to pour a new foundation. The areas shaded in red on the drawing would be impacted.

Planner Tyler remarked that the applicant had not complete exploratory demolition, and at this time they were not proposing to remove the walls of the basement in order to lift the structure. However, the applicant thought it might be required due to the poor condition of the structure. The Staff found that the proposed work to pour the foundation was necessary in order to rehabilitate. A condition of approval was added to ensure the preservation of the walls should they have to impact them when it is lifted after doing the exploratory demolition. The condition of approval states that the Chief Building Official and the Planning Director need to evaluate the condition after the exploratory demo to make sure the walls have to be impacted.

Regarding the exterior walls, Planner Tyler stated that the applicant was proposing to remove all contemporary materials from the interior of the house in

order to determine the historic materials that remain. The applicant was proposing to rebuild the structure from the interior to meet IBC standards. She noted that it was a standard method in Park City and it would not impact the exterior of the structure as it relates to the general wall planes.

Planner Tyler presented a diagram prepared by Planner Grahn which identified an addition that was added after 1941. The applicant was proposing to remove the addition, and the Staff found that addition did not contribute to the historic significance of the site because it was constructed after the period of historic significance.

Planner Tyler presented photos showing how little the structure has changed, which is rare in Old Town. There were three porches on the house. The porch identified as #1 was on the northeast corner of the house and has retained its original location and materials. The porch identified as #2 was on the southeast corner and it has also retained its original and materials. The porch identified as #3 first appears in the 1923 map and was enclosed prior to 1941. Planner Tyler stated that the walls of the porch enclosure were built on the interior of the porch leaving many of the materials still intact. The applicant believed that porch #1 and porch #2 could be lifted with the house. The Staff found that the removal of contemporary additions to these porches, such as non-historic wood railings, would be appropriate. The applicant believed that porch #3 would need to be demolished and rebuilt in order to lift the structure. They would try to salvage as much material as possible. The Staff found that it was appropriate in order to facilitate the larger porch restoration and larger restoration efforts on the entire structure.

Planner Tyler stated that there were three historic doors on the house, which the applicants found to be in fair condition. Two doors are on the front and the third door is on the enclosed porch. The applicant would try to restore the two on the front of the house if possible, but intends to remove the enclosed porch door. The Staff added Condition of Approval 34, which would require the applicant to coordinate with Staff on whether or not the two front doors could be removed. In-kind doors would be required if the Planning Director visits the site and determines that the doors could be removed if necessary.

Planner Tyler commented on the request for temporary removal of siding to accommodate the garage door. The applicant was proposing to remove a portion of the front wall plane siding to install an invisible garage door. The siding would then be placed in its original location with the intent of creating a very small seam, making the door blend with the existing wall plane. Planner Grahn had researched this approach and provided examples. HPB discussion was being requested. It was unclear whether it had been attempted anywhere in Old Town.

Chair Stephens asked if it was just a slab. Mr. Peek answered yes. He noted that a contemporary home on Lowell had used a similar method. Mr. Peek stated that his would eventually look like two vertical saw cuts when finished. The panels would be custom designed so the cut would be right under the overhang. Mr. Peek pointed out that currently there is no parking and the home sits on the front property line.

Planner Tyler stated that the applicant was proposing to remove the historic windows, shaded in red, and replace them with wood windows. American Heritage Windows found that the windows were beyond repair. For that reason, the Staff supported removing those windows. The non-historic windows were shaded in blue, and those windows would be removed when the addition goes in. The windows shaded in green indicated the windows that would be altered. The window on the west elevation would be covered with the addition, and the north window on the bottom right-hand corner would be covered with siding. The Staff found that the lower level window on the north elevation was not a character defining feature and, therefore, it could be covered. The Staff supported the proposed work on the windows of the structure.

Planner Tyler remarked that the asphalt shingles and flashing on the roof were in need of repair. The roof did not meet the Code requirements for snow load, and the applicant was proposing to reconstruct the roof. However, because no exploratory demolition has been completed, the Staff added a condition of approval stating that the original roof form shall be maintained, and structural stabilization shall occur from the interior. If that is not possible, conditions of approval were added to address that issue, which would require a site visit by the Building and Planning Departments, as well as a structural engineer's report stating that they have to be reconstructed in whole. Planner Tyler explained that because none of the interior demolition had been done, it should be treated like every other application until they obtain the proper documentation.

Planner Tyler noted that the chimney was not operable and was in need of repair. Similar to other structures, the applicant would be allowed to deconstruct it, rebuild the interior, and reface it with the historic brick. The chimney would look like it did historically, but it would not be operable.

Board Member Hodgkins noted that this house was on the National Register, and he asked if it was subject to National Park Review. Planner Tyler replied that individual projects do not have to go through the National Park Review. If something occurs that takes it off the National Register, it could be reviewed at the State level. However, this type of project would not trigger an individual review.

Board Member Hodgkins asked if the applicant was permanently raising the elevation or whether it would come back to the current elevation. Mr. Peek did

not believe it would be raised. He understood that it would be supported in its current position, do the excavation underneath, and then build up to it. Mr. Hodgkins asked if there was enough space for the garage or whether they would have to excavate further from the street level. He wanted to know if there would be more façade at the garage location than is visible now. Mr. Peek believed there would be more visible siding at that point because the siding would come further down. Mr. Peek indicated a set of stairs on the east elevation and noted that those stairs encroach on the adjoining property. The design would require bringing those steps across the front of the building to access the home. Mr. Hodgkins clarified that the stairs would not remain in their current location. Mr. Peek answered yes. Mr. Peek stated that the encroachment was one of the conditions when the replat was done. When he purchased the property from Mary Lou, he agreed to realign the stairs so it would no longer come down on to her property. Mr. Hodgkins asked if that should be included as part of the deconstruction. Planner Tyler answered yes. She could look at that as part of the porch deconstruction and add an additional finding stating that the stairs are to be removed. Planner Tyler remarked that if it was a condition of approval of the plat, anything that is done would change the orientation of those stairs. She thought it was important to include in the record that the Board approved the material deconstruction of the stairs.

She asked if the Board was comfortable with the removal of those items primarily because it was a plat requirement. The Board had no comments or concerns.

Chair Stephens opened the public hearing.

There were no comments.

Chair Stephens closed the public hearing.

Director Erickson stated that the motion would be to approve the material deconstruction of non-historic and non-contributory materials at 911 Empire Avenue, pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report, with the additional Finding of Fact that the stairway on Porch #2 is historic and will be relocated in accordance with the HDDR, and there will be new materials in place.

MOTION: Board Member Hewett moved to Approve the Material Deconstruction at 911 Empire Avenue as stated by Director Erickson. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 911 Empire Avenue

1. The property is located at 911 Empire Avenue.
2. The site is designated as Landmark on the Historic Sites Inventory. It was listed on the National Register of Historic Places on July 12, 1984 as part of the Mining Boom Era Residences Thematic District.
3. Based on Sanborn Fire Insurance maps and historic research analysis, the house was likely constructed c.1895 by Ernest Lynn Kimball. The house has remained largely unchanged throughout its history, with the exception of the rear porch on the southwest corner of the house that was constructed by 1929 and enclosed by 1941 and the construction of a rear addition after 1941.
4. On January 17, 2017, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of the historic house and construction of a new addition at 911 Empire Avenue; the application was deemed complete on January 19, 2017. The HDDR application is still under review by the Planning Department.
5. The applicant proposes to remove a two-foot (2') tall railroad tie retaining wall that was constructed after 1983, a four-foot (4') tall, contemporary concrete block retaining wall along the rear property line, and a non-historic, contemporary wood fence along the west and north property lines. These improvements do not contribute to the historic integrity or historical significance of the site. The proposed exterior changes will not damage or destroy the architectural features of the subject property that are compatible with the character of the historic site. The majority of the proposed work is located in the rear yard and will not impact the visual character of the neighborhood.
6. There currently is not a foundation beneath the historic house. All the posts and bearing walls sit directly on the soil which has caused the exterior walls to deteriorate. The proposed work to construct a new foundation is necessary in order to rehabilitate the historic house.
7. The exterior walls of the house consist of single-wall construction. The applicant will be removing non-historic materials from the interior of the house in order to construct a new framed wall system from the interior.
8. The applicant does not propose to modify the historic siding on the exterior of the house. The proposed scope of work and any material deconstruction is necessary for the rehabilitation of the historic house.
9. There are two existing additions on the back of the house. The first rear addition was likely constructed sometime after 1941 and has a 4.5:12 roof pitch. A second addition was constructed off the west (rear) after the original and has a 3:12 roof pitch. The addition is not historic and does not contribute to the historic integrity or historical significance of the structure.
10. There are three porches on the historic house: one on the northeast (front) corner, one on the southeast corner (front), and an enclosed porch on the southwest (rear) corner of the house. Only the decorative turned posts, ornamental brackets, and decorative cornice have survived on the front porch. The third porch was enclosed by 1941. The applicant proposes to remove the

non-historic railings and replace them with new wood railings on the front porches. The porch on the southwest corner of the house will need to be reconstructed as an open porch.

11. There are three (3) historic doors on the exterior of the historic house. Two of the doors are historic and may be able to be restored. The third door is on the enclosed porch and will be removed when it is restored. The material deconstruction of the two (2) historic front doors is required for the restoration of the house.

12. The applicant is proposing to remove a section of the wall on the lower level of the façade to accommodate a new garage door. The proposed scope of work mitigates any impacts that would occur to the architectural integrity of the building. The proposed exterior change would not damage or destroy the exterior architectural features of the subject property that are compatible with the character of the historic site and are not included in the proposed scope of work.

13. There are thirteen (13) original window openings on the house. Eleven (11) of these openings are located on the original pyramid-roof cottage and two (2) are located on the post-1941 rear addition. The applicant will be replacing the windows in-kind. The non-historic windows will be removed on the post-1941 addition. One window on the west (rear) elevation will be covered by the new addition and a second window on the north (side) elevation will be removed and covered. The proposed material deconstruction is required for the restoration of the windows and renovation of the structure. By replacing the wood windows in-kind, the proposed scope of work mitigates any impacts that will occur to the historic significance of the building and the architectural integrity of the building. The removal of the other windows will not impact the historical significance or architectural integrity of the building.

14. The historic wood shake roof is covered with new asphalt shingles. The applicant is proposing to structurally upgrade the roof from the interior. The proposed material deconstruction is necessary for the renovation of the historic house.

15. There is one (1) existing historic chimney on the front porch of the house that is original to the c.1895 structure. The chimney is in need of repair and will be reconstructed with salvaged bricks. The proposed material deconstruction is required for the restoration and reconstruction of the historic chimney. The proposed exterior changes will not damage or destroy the exterior architectural features of the subject property which are compatible with the character of the historic site and are not included in the proposed scope of work.

16. the stairway on Porch #2 is historic and will be relocated in accordance with the HDDR, and there will be new materials in place.

Conclusions of Law – 911 Empire Avenue

1. The proposal complies with the Land Management Code requirements pursuant to the HR-M District and regarding historic structure deconstruction and reconstruction.

2. The proposal meets the criteria for relocation pursuant to LMC 15-11-14 Disassembly and Reassembly of the Historic Building(s) and/or Structure(s) on a Landmark or Significant Site.

Conditions of Approval – 911 Empire Avenue

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal submitted March 2, 2017. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. Following interior demolition, the applicant shall schedule a site visit with the Chief Building Official and Planning Director to evaluate the condition of the foundation level walls. Should these walls need to be removed due to their deteriorated state, they shall either be removed in the largest panels possible or reconstructed with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The Physical Conditions Report and Preservation Plan shall be amended to document the condition of these walls and provide an updated scope of work to the satisfaction of the Planning Department.
3. Any changes, modifications, or deviations from the approved scope of work shall be reviewed and approved by the Planning Director in writing prior to construction. Where the historic exterior materials cannot be repaired, they will be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to removal, the applicant shall demonstrate to the Planning Director that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Director shall approve the replacement in writing. This incorporates all elements, including, but not limited to, original trim, overhangs and eaves, etc.
4. The applicant shall coordinate with staff to determine if the two (2) historic doors on the front of the house can be restored or will require replacement. Should the doors need to be reconstructed due to their deteriorated state, they shall be replaced in-kind with new doors that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of the doors shall be approved by the Planning Director in writing prior to removal.
5. The applicant shall maintain the original pyramid variant roof form. Structural stabilization shall occur by adding new structural members to the interior of the roof.
6. Should restructuring the roof from the interior not be possible due to the condition of the existing roof structure, the applicant shall schedule a site visit with the Chief Building Official and Planning Director to evaluate the condition of the roof structure. The applicant shall also submit a structural engineer's report to the Planning Director outlining the defects in the roof that prevent the new structure from being added alongside the existing roof members. The Physical Conditions Report and Preservation Plan shall be amended to document the

Historic Preservation Board Meeting
May 3, 2017

condition of these walls and provide an updated scope of work to the satisfaction of the Planning Department. Any changes, modifications, or deviations from the approved scope of work shall be reviewed and approved by the Planning Director in writing prior to construction.

The meeting adjourned at 6:48 p.m.

Approved by _____
Douglas Stephens, Chair
Historic Preservation Board