



**AGENDA**

**SITE VISIT AT 5:00 PM**

*Please meet at 4:45 PM in the Planning Department at City Hall*

1101 Norfolk Avenue

PL-11-01195

**MEETING CALLED TO ORDER AT 5:30 PM**

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**ROLL CALL**

**ADOPTION OF MINUTES OF MARCH 2, 2011**

*5*

**PUBLIC COMMUNICATIONS** – *Items not on regular meeting schedule.*

**STAFF/BOARD COMMUNICATION & DISCLOSURES**

Informational update of Historic Preservation Approvals

*23*

**REGULAR AGENDA**

811 Norfolk Avenue – Ratification of Findings

PL-11-01198

*31*

*Possible action*

1101 Norfolk Avenue – Grant

PL-11-01195

*61*

*Possible action*

**ADJOURN**

**Times shown are approximate.** Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

A majority of Historic Preservation Board members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.



**MINUTES OF MARCH 2, 2011**



PARK CITY MUNICIPAL CORPORATION  
HISTORIC PRESERVATION BOARD  
CITY HALL – COUNCIL CHAMBERS  
MINUTES OF MARCH 2, 2011

BOARD MEMBERS IN ATTENDANCE: Roger Durst, Ken Martz, Dave McFawn, Brian Guyer, Sara Werbelow, David White,

EX OFFICIO: Tom Eddington, Katie Cattan, Kayla Sintz, Polly Samuels McLean, Brooks Robinson, Patricia Abdullah

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#### WORK SESSION – Review of Design Review Team and Pre-Application Process

Board Member Werbelow had attended three design review team meetings and provided the Board with an update based on her observations. She noted that in those three meetings a large variety of applications came before the DRT, which included an addition to a non-historic building in the Historic District; an addition to a very prominent Main Street Historic Building; a garage under a historic home; and a complete reconstruction.

Board Member Werbelow reported that the design guidelines and the LMC are the general mechanism for the DRT meetings. The meetings are very structured and with each application the team goes through the design guidelines and discusses any implications related to the guidelines. She found it very helpful to see the guidelines being utilized as the key analysis, and noted that the guidelines are applied differently to each specific application. She used the prominent Main Street historic structure as an example of a rigorous application of the guidelines. There was some discussion on materials regarding the addition and the importance of having a visually subordinate addition, and what the delineation could look like.

Board Member Werbelow reiterated that the key factor for her was to witness the design guidelines in play. She recalled that the guidelines were created as a fluid document with the ability to evolve. Board Member Werbelow did not have specific recommendations this evening regarding the design guidelines, and she looked forward to attending future DRT meetings.

Board Member McFawn asked how determination on the guidelines or the LMC is reported back to the applicant. Board Member Werbelow explained that the project planner sends the applicant a follow-up letter identifying the applicable guidelines. The information is clearly provided and the Design Review Team is available to assist the applicant.

Chair Durst closed the work session and opened the regular meeting.

#### REGULAR MEETING

##### ROLL CALL

Chair Roger Durst called the meeting to order at 5:02 p.m. and noted that all Board Members were present except for Brian Guyer who arrived late.

## ADOPTION OF MINUTES

### Minutes of November 3, 2010

MOTION: Board Member McFawn moved to ADOPT the minutes of November 3, 2010. Board Member White seconded the motion.

VOTE: The motion passed unanimously.

### Minutes of December 1, 2010

MOTION: Board Member McFawn moved to ADOPT the minutes of December 1, 2010. Board Member White seconded the motion.

VOTE: The motion passed unanimously.

## PUBLIC COMMUNICATIONS

There was no comment.

## STAFF/BOARD MEMBER COMMUNICATIONS AND DISCLOSURES

Planning Director Thomas Eddington, stated that the Staff had prepared a matrix of all the historic district design approvals and the status of each one. The matrix was included in the Staff report beginning on page 29. He noted that the Board had seen previous iterations of the list, but this was the first time the HPB had seen the list this comprehensive and formalized. Director Eddington asked if the list was helpful and whether the Board had ideas for what the Staff could do to update the matrix each time they see it. Director Eddington suggested that the Staff could identify approvals that take place each month in a certain color to easily recognize the current approvals.

Director Eddington clarified that everything on the current list that was highlighted in blue was a historic district design approval based on the old design guidelines. Everything not in blue was approved under the new guidelines.

Board Member McFawn liked the idea of grouping and suggested grouping minor and major projects. He thought color coding was helpful.

Director Eddington encouraged the Board to contact him or Patricia Abdullah with suggestions and comments prior to the next meeting. He thanked Patricia for putting the list together.

Chair Durst noted that 164 properties were listed, 41 of which were pending review. He wanted to know the difference between a review pending and a full review pending. Director Eddington stated that a review pending may indicate that the Staff is waiting for additional or revised information from the applicant. Chair Durst noted that three properties listed were owned by the City. He asked about the City's obligation with regards to those properties. Director Eddington replied that the City would be required to submit an application, the same as any project.

Ms. Abdullah clarified that pending full review means that the application was submitted and they are waiting on a full submittal package. The pending full review would occur first.

Planner Kayla Sintz reported that the City Council would be interviewing potential HPB members the next day from 4:00 p.m. to 5:50 p.m. Interviews would also be conducted the following Thursday. Planner Sintz noted that there were 13 applicants.

## PUBLIC HEARING/DISCUSSION ITEMS

### 1101 Norfolk Avenue - Grant (Application #PL-11-01195)

Planner Katie Cattan reported that the applicant for 1101 Norfolk had requested a continuation to the next meeting.

MOTION: Board Member Werbelow moved to CONTINUE 1101 Norfolk Avenue to April 6, 2011. Board member McFawn seconded the motion.

VOTE: The motion passed unanimously.

### 811 Norfolk Avenue – Appeal of Historic Design Review (Application #PL-11-01198)

Planner Cattan reviewed the appeal for 811 Norfolk Avenue regarding the Staff's determination of non-compliance with the design guidelines for historic districts and historic sites. She noted that the Staff report included a letter from Dina Blaes, as well as a copy of the streetscape. Planner Cattan referred to page 54, fourth paragraph, fifth line, and corrected south side yard to read, north side yard.

Planner Cattan stated that the home is located at 811 Norfolk Avenue and has landmark status. The only outstanding issue with the Planning Department is whether or not the home could be moved. The Planning Staff denied the movement of the home, and that decision was appealed by Jeff Love, the applicant. She noted that Mr. Love had attached other issues to the appeal that were outlined in the Staff report; however, she first wanted to focus on why moving the home was denied.

Planner Cattan read from the LMC section related to relocation and/or re-orientation of a historic structure. She noted that the intent was to preserve historic and architectural resources in the City and to place limitations on relocation and/or re-orientation of historic buildings or historic sites. Planner Cattan read from the Historic District Design Guidelines, "Re-location and/or re-orientation of historic buildings can be considered only after it has been determined by the Design Review Team that the integrity and significance of the historic building will not be diminished by such an action...." She noted that the application is a landmark structure and based on the current design, the DRT made findings that it would remain a landmark structure after recent changes were made. Planner Cattan further read, "...and the application meets all the criterion of the side bar to the left." The first criteria was only if a portion of the historic building encroaches on an adjacent property and an easement cannot be secured. The Staff

believed that criteria was not met because Mr. Love owned the entire property at one time and could have required an encroachment agreement.

Planner Cattan noted that in the letter from Dina Blaes dated May 25, 2010, Ms. Blaes notes that the applicant stated a preference for selling off part of the property, a legal lot to the north. In that case moving the house could be considered, but must still meet the requirements of the LMC so as to not result in the loss of designation and the requirements of the design guidelines. Planner Cattan pointed out that Ms. Blaes indicated that the third point was the only one that could be considered under the circumstances, which states that the Planning Director and Chief Building Official determine that the unique conditions warrant relocation on the existing site. Ms. Blaes did not believe the request met points 1 and 2 of the guideline.

Planner Cattan referred to a letter she had written, dated May 19, 2010, in which she stated that if the lots are not owned by the same person and an encroachment exist, and if the owner of the home at 811 Norfolk cannot secure an easement, then relocation of the existing home may be considered. She believed her letter was clear in saying, "if it is not owned by the same person..." Planner Cattan stated that it was never brought to her attention prior to the time of purchase that the lots would be owned by one person and then sold off separately without an encroachment agreement. Because the Staff did not have all the accurate information during the pre-application period, they found that the encroachment criteria was not met.

Planner Cattan read the second criteria, "If relocation of the building on to a different site is the only alternative to demolition." She pointed out that this was not the case because the home could remain on the site and not be demolished. Planner Cattan read the third criteria as previously stated in the letter from Ms. Blaes. The third criteria could apply, but Ms. Blaes did not believe the criteria appeared to be met. However, they still needed an official consensus from the required administrative officials. At that point a complete application package had not been submitted for a full design review. Once they received a full application, the Staff reviewed it against the three criteria for relocating a home. The Planning Director and the Chief Building Official particularly looked at the streetscape and found nothing more unique than other properties in the surrounding areas.

Planner Cattan reviewed the property and the characteristics of the lots. She noted that the historic home sits on Lots 2 and 3 and encroaches three feet on to Lot 4. Lot 4 and a three-foot portion of Lot 5 were sold. Therefore, the home now encroaches onto to Lot 4.

Planner Cattan showed the spacing that would occur without movement of the home. She noted that originally the Staff said that a 6 foot area would be required between the two homes. After clarification from the Building Department, if a home encroaches over a lot line and the homes are closer than 3 feet, firewall maintenance is required. If the homes are on their own property, the requirement is 3 feet from the property lines. Planner Cattan stated that based on current conditions, if the home at 811 Norfolk is not moved, the property at 817 Norfolk could be as close as 3 feet to the landmark structure. If the home is moved, the 3 foot side yard would be required for Mr. Love and another 3 foot side yard would be required for the property owner at 817 Norfolk.

The result would be 6 feet of space between the structures.

Planner Cattan pointed out one area where an exception could be made, but the Staff could not make a finding that it was unique, or that the Planning Director and Chief Building Official determined that meeting conditions warrant the relocation or re-orientation of the existing site. Planner Cattan explained that one reason it was not found to be unique was that the new construction would have to comply with the spacing and follow the guidelines. She reiterated that the information submitted by the applicant was no longer 100% correct because the design for 811 Norfolk has change. There is inadequate spacing between 811 and 817 Norfolk and it would not meet the guidelines for a historic design for 817 Norfolk. Planner Cattan emphasized that 817 Norfolk was not part of the appeal this evening.

Planner Cattan reviewed the streetscapes and again commented on the one area the Staff had determined not to be unique. She noted that the Board could dispute that determination in their discussion this evening.

Planner Cattan explained that the HPB was reviewing this appeal de Novo, which means they should conduct their review as a fresh look for the first time. The Staff was available to provide additional information and additional documents if necessary. Each Board Member had been provided with a copy of the design guidelines.

Mark Kozak, legal counsel representing the applicant, stated that no one had discussed disclosures per the City Ethics Code. He pointed out that if any Board Member has had communication regarding this application with anyone, they are required under the Ethics Code to make that disclosure part of the record. If it was written communication they are required to submit that writing into the record. Oral communication should be written down and submitted as part of the record. Mr. Kozak stated that Mr. Love is entitled to a disinterested set of eyes on this question. It is unfair to him as an applicant if prior discussion on this project had occurred with third parties, to which Mr. Love was not privy. Through disclosure, Mr. Love has the opportunity to address the content of those discussions. Mr. Kozak noted that failure to comply with the Ethics provision is a Class B misdemeanor.

Mr. Kozak explained that the substance of the appeal deals with the encroachment issue of moving the landmark site home. He understood that the Staff was satisfied with the rest of the application. Mr. Kozak noted that this was a quasi-judicial hearing, which means that the Board applies the law to the facts. The application specifies what the applicant would like to do with his property. Alongside that is the LMC that guides and governs the way property is treated in Old Town. Mr. Kozak stated that the HPB has the task of applying the Land Management Code to the facts. The City Council has the authority to make any law they want, and the applicants try to work under the Code as written. Everyone has the opportunity to come into town and purchase property with an expectation of what can be done with that property by reviewing the LMC. Mr. Kozak stated that Mr. Love was a contract purchaser and was still under a due diligence period when he first met with the City about what he could do with this property.

Mr. Kozak remarked that Park City is a small, active community. A lot of influence is exerted and there is interest in most decisions. He stated that the courts have spoken to this and they call it public clamor. The courts have said that the proper time for public clamor is when the City is legislating new rules and regulations. That is the appropriate time when the City should give the greatest consideration to public commentary. Mr. Kozak stated that the courts have also said that public clamor has the least role in

situations when the Code is being applied to specific facts. In this particularly case, the HPB is the appropriate body to look at that situation, and not the public.

Mr. Kozak stated that there was no presumption that the Staff was right in their decision. The applicant had omitted from the presentation a list of items they were unhappy about in terms of how the application was handled and prosecuted. They believed that on the merits of their application, they were in a position to strongly justify what they wanted to do. The first reason was that it complied with the LMC and the second is that it constitutes good design and a real sense of historic values.

Jeff Love, the applicant, referred to a comment Planner Cattan made that he believed was in error. Planner Cattan referred to Ms. Blaes' letter and the reference "not the case here" under criteria one. Mr. Love noted that the comments were written from the application that was submitted on May 13<sup>th</sup>, 2010. At the May 19<sup>th</sup> pre-HDDR, he disclosed that there had been a change in the packet. In his opinion, the statement was inaccurate because it was based on the submitted packet, but not the information disclosed on May 19<sup>th</sup>. Mr. Love stated that a number of things occurred in the review that he believed needed to be fixed, but they were not appropriate to be discussed this evening.

Mr. Love read from page 64, the Staff's analysis of one of the appeal items. "The Land Management Code requires that the HPB review whether the application meets the design guidelines and Land Management Code. The HPB determination is independent of Staff's decision. The HPB shall conduct an original independent proceeding on the Historic District Design Review. The HPB needs to determine independently what facts the evidence supports and whether the facts meet the criteria to allow for movement of the house." Mr. Love reiterated that the issue for discussion this evening was only movement of the house. Other issues would be addressed at a later date by either the HPB or the City Council.

Mr. Love provided a history of how the process occurred. He stated that at 811 Norfolk and 817 Norfolk are two buildable lots, regardless of whether or not the historic house is moved. That fact is not disputed by Staff. He believed this was very relevant towards creating a better design and better streetscape for the entire neighborhood. Mr. Love noted that the pre-application was submitted on May 13, 2010 and a pre-application meeting was held on May 19<sup>th</sup>. He was out of town and participated via a conference call. However, Jonathan DeGray, the project architect, was present at that meeting, as well as one Staff from the Building Department and four Staff from the Planning Department. At the beginning of that meeting he disclosed that there had been a change in the application and conveyed to the Staff that he was purchasing the entire property. He also conveyed that another person was purchasing Lot 4 and the south three feet of Lot 5. Mr. Love believes that information is supported by Dina Blaes' comments at the bottom of the Post Meetings Notes and Post Meeting Comments, which states, "Applicant stated a preference for selling off part of the property, legal lot to the north." Mr. Love noted that her comment further states, "In that case, a move of the house could be considered, but must still meet the requirements of the LMC." Ms. Blaes further states that she visited the site and in her opinion, if the house remained intact, it could still meet the guidelines. Mr. Love noted that the Staff has determined that if the HPB allows him to move the house, it would still meet the guidelines and still maintain landmark status. He believed that fact was very important. Mr. Love felt it was unfortunate that Planner Cattan had not heard his disclosure in the May 19<sup>th</sup> meeting.

Mr. Love stated that following the May 19<sup>th</sup> meeting, Planner Cattan provided him with Staff notes for his review. On May 25<sup>th</sup> he was given a copy of Dina Blaes' staff note for review. He noted that it has always been Planner Cattan's position that he did not correctly convey his intention for the property. Mr. Love believed the problem was simply a matter that Planner Cattan had not heard his comment or she did not understand it. He was absolutely certain that he conveyed it. Mr. Love pointed out that even if Planner Cattan had not heard his disclosure on May 19<sup>th</sup>, she had the opportunity to read Dina Blaes' comments on May 25<sup>th</sup>. Mr. Love stated that a second DRT meeting was held on May 26<sup>th</sup>. He and Mr. DeGray were both present with five Staff members. A total of seven City Staff attended one or both DRT meetings. Mr. Love stated that they walked the property, discussed the movement, and talked about putting a basement under the home. After the second DRT meeting, there was no follow up Staff reports or additional comments.

Mr. Love read language from the design guidelines regarding relocation and/or reorientation of intact buildings, as read earlier in the meeting by Planner Cattan. Mr. Love stated that because the house could be moved and still maintain landmark status, he believed his application met all three of the criteria. Jonathan DeGray would further demonstrate compliance with the criteria in his presentation, as well as problems that could arise if the building is not moved.

Mr. Love referred to page 59 of the Staff report and read the Staff comment, "There are many examples of encroachment throughout town. The Building Department has been consistent in its policy to clean up any encroachments prior to issuing a building permit, by requiring a provision and an encroachment agreement or the movement of the structure so an encroachment would no longer exist." Mr. Love pointed out that he is unable to obtain an encroachment agreement. This is why he believes the third criteria would apply in this case.

Mr. Love stated that with respect to an encroachment agreement, it was clearly conveyed to Staff that the buyer of Lot 4 and the south 3 feet of Lot 5 would not give an encroachment agreement, and position has not changed. He noted that the Staff report contains an affidavit from Mr. Ludlow stating that he will not give an encroachment.

With respect to the pre-application requirements, Mr. Love referred to the LMC regarding the pre-application conference. The language indicates that the purpose of the pre-application is to identify potential impacts that may require mitigation. He referred to page 21 of the Historic District Design Guidelines, which states that, "The design review team will discuss the proposed project with the applicant so all parties have an understanding of the general scope of the project. The DRT will discuss the potential impacts of the project and identify issues that will require special attention or mitigation on the part of the applicant". Mr. Love reiterated that prior to purchasing the property, two DRT meetings were conducted and seven City Staff members attended one or both meetings. At no time did any of the City Staff mention an easement or an encroachment issue. In addition, none of the Staff reports or the letter from Dina Blaes mentioned any special attention or mitigation requirements in his application.

Mr. Love stated that in the pre-application meeting on May 19<sup>th</sup> he clearly stated that he did not own the property but it was under contract. He also believed it was clearly stated that the heirs of Ruth Staker owned the entire property. It was also stated to Staff that

when any application was made by himself and Mr. Ludlow, the properties would be legally split. The Staff was aware that the property was owned by one owner and when the application was made there would be two separate owners. The Staff also knew from the May 19<sup>th</sup> meeting that Mr. Ludlow would not grant an easement.

Mr. Love referred to page 52 of the appeal packet, the first paragraph and last sentence. The sentence read, "The Staff Planner provided the applicant with feedback based on the understanding that he was only purchasing Lot 3 and the northern portion of Lot 2 under Tax ID 138". Mr. Love stated that this was not a true statement. He noted that in the Staff report Ms. Cattan raised issues of moving the house, the basement, and the garage. He clarified that the garage completely sits on Lot 4 and the south 23 feet of Lot 5. Therefore, the Staff provided him with information on the entire site.

Mr. Love noted that following the first pre-application meeting, Dina Blaes stated that the applicant had stated a preference for selling off part of the property, legal lot to the north. Mr. Love emphasized that he clearly expressed his intentions, and he believed that was supported by Ms. Blaes' statement. Ms. Blaes had further stated that the house could move as long as it was intact, it was not re-oriented, it was not raised and it was not moved forward.

Mr. Love noted that the Staff report contained a letter he received from Staff on June 17, 2010, after he purchased the property and sold Lot 4 and the south three feet of Lot 5 to Rod Ludlow. The letter said that he had not provided accurate and complete information at the pre-application. He disputed that because he had fully disclosed everything he intended to do. He believed the Staff did not like the fact that he purchased the entire property and sold a portion, and therefore, said he created the encroachment issue. Mr. Love reiterated that the Staff knew that one person owned the entire property and they also knew that when application was made, two different people would legally own portions of that property. He found it puzzling because it implies that the Staff would be comfortable if the heirs of Ruth Staker had sold Rod Ludlow the property, but it was an issue that he sold it to Mr. Ludlow. He could not understand the difference. Mr. Ludlow legally purchased the property and it should not matter who he purchased it from. Mr. Love pointed out that if there was a reason why it mattered, the Staff had ample time to raise their concerns.

Mr. Love read Finding of Fact #14 in the Staff report, "An easement could have been secured for the encroachment of the historic house when the applicant sold Lot 4. An encroachment permit could have been obtained at the time of the sale." Mr. Love questioned why he would obtain an encroachment agreement when he had been through two DRT meetings and the encroachment was never mentioned as an issue. Without reason, he would not voluntarily do an encroachment agreement because it negatively impacts the value of his property and the property owned by Mr. Ludlow. It would also negatively impact the design of both houses.

Mr. Kozak restated their position and noted that it has never been disputed that there are two lots of record and one home, with the entitlement to have two homes. How well the homes can be designed and whether the application complies with the LMC is up to the HPB. Mr. Kozak stated that to the extent that the applicant has endured death by administrative paper cuts on this application, he asked the HPB to look at the substance of what is being proposed this evening.

Jonathan DeGray spoke about design issues and explained the benefits of moving the house. In addition to the streetscapes included in the Staff report, he provided three additional streetscapes based on the information they had on hand. Mr. DeGray stated that the variables in the streetscapes become an important aspect of the designs of the two homes. The first streetscape showed the existing home at 811 Norfolk being moved over 6-1/2 feet and the proposed home at 817 Norfolk. Mr. DeGray noted that the design application for 817 Norfolk is currently on hold pending review and determination of whether the home at 811 Norfolk can be moved. The design presented is preliminary and the Staff had already generated a preliminary report. Mr. DeGray stated that distance between the homes was 6-1/2 feet in the first scheme shown. The second example showed 3 feet of separation and a house jogging behind it. It creates a very tight appearance between the two homes and light would not be visible between the two buildings. In the final example, the homes were 6 feet apart, including the encroachment of 3-1/2 feet of the existing home at 811 Norfolk on to the property to the north. Mr. DeGray noted that this example would generate a home that is 15-1/2 feet wide. Based on language in the Staff report this evening, the third example may not be applicable.

Mr. DeGray pointed out that the widths of the homes on the top example followed a pattern of between 25, 24, 22, 32 and 35 feet, which is a pattern that appears to be desirable under Section B.1.7 of the design guidelines. He read, "regardless of lot frontage, the primary façade should be compatible with the width of surrounding historic buildings. The greater width of the structure should be set back significantly from the plane of the primary façade". Mr. DeGray explained that moving the house at 811 Norfolk back on to its own property and removing the encroachment, would set up the rhythm on the street that is desirable under guideline B.1.7. It is also reflected under B.1.8, referencing buildings constructed on lots greater than 25 feet wide. He noted that the Lot at 817 Norfolk is 28 feet wide. Mr. DeGray remarked that by moving 811 Norfolk on to its own lot and removing the encroachment allows the building on 817 to be a width that is in keeping with the other homes on the street. Showing an example where the house at 811 Norfolk was not moved, the width of the building on 817 Norfolk is 18 feet at best. Subsequently, if they are held to a 6 foot side yard setback, the building would only be 15 feet wide and totally out of character with the street.

Mr. DeGray requested that the HPB consider criteria B.1.7 in regards to the rhythm of the street and buildings along the street, and how that might apply to exception 3 in the guidelines, which allows the Planning Director and Building Official to make a special exception in this case.

Board Member Martz asked if the top rendering was part of the application before the last DRT meeting. He recalled a meeting where some of the issues were mitigated. Mr. DeGray replied that the example showing the home being moved was the plan that was accepted by Staff. He stated that the plan shows that the building would retain landmark status.

Chair Durst asked if both houses were designed by Mr. DeGray. Mr. DeGray answered yes.

Mr. DeGray and Mr. Love presented photos showing examples of existing homes where the homes are approximately 3 feet apart or less. Mr. Love believed the photos demonstrated that a better design is having more space between the structures.

Board Member White had a question on the different designs regarding movement of the house and retaining the landmark status. Mr. DeGray stated that the question was whether or not they could retain landmark status if the house was moved. They went through a design review that determined it would maintain landmark status. Planner Cattan clarified that the only part of the application that had not been approved was the movement of the home. Mr. DeGray clarified that the Staff denied the movement based on the technicalities outlined in the Staff report.

Mr. Love stated that Sandra Hatch did the conditions report for the house, and she is also a contract employee for the City. When the first denial came on December 1<sup>st</sup> and it was appealed, he hired her to review the Staff analysis. It was Ms. Hatch's professional opinion that if the house moves it would retain its landmark status. In turn, the Staff determined that with the modifications that were made, the house would maintain landmark status if it is moved.

Planner Cattan clarified that the current plan reviewed by Staff would retain its landmark status. If the HPB upholds the decision that the house cannot be moved, the Staff would need to re-evaluate the design looking at view of the house in its current location because more of the addition would be exposed. She noted that the applicant is aware that the design would need to be re-evaluated.

Board Member Martz asked if there had been any follow-up or re-evaluation from Dina Blaes since her letter dated May 25, 2010, with regards to the process that has taken place since that time. Planner Cattan replied that Dina Blaes had participated in meetings and helped with the process, but she had not provided further written comments.

Board Member Werbelow wanted to know the Staff's recommendation regarding the encroachment if there had only been one owner. Assistant City Attorney, Polly Samuels McLean, stated that from a legal standpoint, there was no encroachment issue when the property was owned by the Staker's because the entire property was owned by one owner. The encroachment issue came up when Lot 4 and a small portion of Lot 5 were sold. The encroachment issue relates to Lot 4, which is owned by a different person. Ms. McLean pointed out that the HPB was looking at this de Novo and their evaluation is the same scope as the Staff. If the Board sees other design issues relevant to a historic district design review, it is within their purview to raise those issues. Ms. McLean reiterated that the HPB was looking at this application anew. The history can give it context, but they need to look at it as though they were seeing it for the first time. The Staff's opinion is irrelevant because the HPB needs to determine whether or not movement of the house meets the criteria.

Assistant City Attorney McLean emphasized that movement of the house was the sole issue for the HPB to consider. Aside from that issue, the Staff believed that all other criteria of the guidelines had been met. The Staff did not believe the house could be moved under the requirements of the Land Management Code. Ms. Mclean stated that Mr. Kozak was correct in saying that public clamor should not affect the decision. The HPB should evaluate public comment for any evidence based on facts.

Mr. Love stated that in doing a title history they determined that Lot 3 was sold to a gentleman named Jones on April 23, 1889. He stated that the Sanborn Fire Maps shows a house on Lot 3 in December of 1889. It appears that the lot was purchased

and a home was built, but Mr. Jones did not own Lot 4. The house that was built encroached on to Lot 4 from its origination. Mr. Love stated that the encroachment existed until 1905, when Elizabeth Jones purchased Lot 4. He was uncertain of the relationship between Mr. Jones and Elizabeth Jones. Mr. Love stated that in his opinion, the current situation with the property is very similar to when it was originated in 1989.

Assistant City Attorney McLean clarified that from a legal standpoint, someone cannot give themselves an encroachment agreement. Encroachment only becomes an issue when the properties are occupied by separate parties.

Board Member White stated that from past experience, when a piece of property is sold and there is more than one lot, the standard City procedure was to first do a plat amendment to erase any property lines that exist within the property. He understood that Mr. Love purchased the property with the intent of selling off a portion, but he questioned whether Mr. Love should have gone through a plat amendment to erase the property line, which would have eliminated the encroachment.

Assistant City Attorney McLean replied that if the Staker's had tried to put an addition on the home when they owned it, the City would have required them to do a plat amendment to cure the encroachment by removing the lot line. Ms. McLean clarified that Lot 4 is a legal lot of record and the owner has the right to build a dwelling on that lot. The City addresses encroachment issues when there this a property line by either requiring an encroachment agreement, a plat amendment, or allowing the home to be moved.

Mr. Love stated that doing a plat amendment to remove the encroachment was not an option because it would create an unbuildable lot for Mr. Ludlow. The house encroaches 3-1/2 feet. If the lot line is moved 3-1/2 feet, Mr. Ludlow's lot becomes 24-1/2 feet, which is unbuildable.

Chair Durst opened the public hearing.

Jim Steinman, a resident on Norfolk Avenue, stated that if Mr. Love was allowed to move the house, he would be able to build two very nice livable structures. He noted that the Staker is no longer livable by a contemporary American Family. Mr. Steinman is a resident at 1100 Norfolk and the property line is off by a foot or more. Everyone on the block has that same situation. Mr. Steinman stated that property lines have nothing to do with where they built houses and placed fences many years ago. He supported moving the structure.

Sandra Morrison, Park City Historical Society Museum, felt the issue came down to the fact that the house would still retain its landmark status if it is moved. She noted that the City spent two years working on an inventory and deciding which structures were landmark and which ones were significant. This home was given landmark status because it retains its significance and its historic presence beyond most other structures. Ms. Morrison thought it was important to understand that the home at 811 Norfolk was put on the inventory at landmark status because it covered more than one lot and was built by someone with enough money to own more than one lot. Being owned by the Staker family provided additional history. Ms. Morrison encouraged the City to think about historic preservation as more than just retaining facades or portions of facades,

and think back to the initial discussion. Park City is a unique place and because of its uniqueness, historic homes are listed on the National Register of Historic Places as a mining town. It is the sum of all that makes Park City unique. In addition to facades, it also encompasses yards, fences, garages, and the entire history of the property. Ms. Morrison commented on the provision in the Code that made the home a landmark, and a separate provision that prohibits moving landmark structures. Moving it even slightly changes its sense of place and how they see history. It is important not to lose the full feeling of what life was like in Park City as you walk down the street. Ms. Morrison was surprised to hear Mr. Love say that the Staff did not tell him that he needed an encroachment agreement. She felt that information should have come from the real estate agent or others involved with the purchase. Ms. Morrison urged the HPB and the Staff to make sure the landmark status would not be affected if the house was moved.

Jim Steinman stated that he has lived in Park City 40 years and one of the many discussions over the years was that Main Street in reality was historic. However, when the old shacks in Park City were talked about, he recalled a statement that "none of the buildings were exactly what you would call historic, but maybe as a whole". At that time the whole was 150 or 160 whole buildings that had not yet been modified into what they are now. He stated that the historic neighborhood he lives in is not even a bad caricature of a historic district and he was unsure what they are even maintaining.

Katherine Matsumoto-Gray, a resident at 823 Norfolk, addressed the issue of retaining landmark status if the house is moved. She pointed out that the criteria for considering relocation of a historic house is that the significance would not be diminished and that it meets the items in the sidebar. Ms. Matsumoto-Gray agreed with the Staff evaluation that the application does not meet the criteria in the sidebar and that an encroachment agreement could have been secured at any point as a condition of the sale. She thought it was obvious that Mr. Love was aware that the encroachment existed because he brought that issue to the meeting when they discussed whether or not the house would be allowed to move. Regardless of who ultimately purchased the property, she believed there were ample opportunities to resolve the encroachment issue.

Katherine Matsumoto-Gray focused on the determination of significance if the house is moved. She read from page 4 of the guidelines regarding historical significance. Landmark sites have structures with the highest level of importance and not only convey the history of Park City, but are also physical representations of Park City's past influence in shaping a region and a nation. Park City's significant sites have structures primarily of local importance and define the fabric of historic Park City and reflect the communities past development patterns. Mr. Matsumoto-Gray argued that the location of 811 Norfolk is significant in conveying Park City history and the community's fabric and past development patterns. She believed that relocation of the house would diminish the significance of the site. Where it currently sits tells a uniquely Park City story. Ms. Matsumoto-Gray provided a brief history of the land and previous owners. She pointed out that the significance of 811 Norfolk lies not only in its structure but also in its story. Because of its history, she believes the home will lose its landmark status if it is moved, whether or not it meets the sidebar criteria. Based on the historic district guidelines, landmark sites and their associated buildings and structures must retain their historic integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Parks Service for the National Register of Historic Places. Ms. Matsumoto-Gray stated that 811 Norfolk cannot maintain its landmark status if the location, setting and feeling are changed.

Chair Durst left the public hearing open for rebuttal following the applicant response to public comment.

Mr. Kozak referred to the comment that movement of the house in and of itself would remove it from landmark status. He noted that the landmark inventory was adopted February 4<sup>th</sup>, 2009. Those criteria are the same criteria currently in affect. If movement of the house in and of itself is grounds for losing landmark status, the Miner's Hospital would not be on landmark status. Mr. Love named other important sites such as the Whiskey Distillery and 802 Park Avenue. He stated that there were multiple examples of structures that were moved and still retained their landmark status. Mr. Kozak noted that those structures were moved under the current LMC and Mr. Love was entitled to that same consideration under Equal Protection of the Law.

Mr. Kozak thought this movement was unique because he was one of the first to have an objective criteria for wanting to move the house a specific distance. The objective is to cure the encroachment and there is objective sense for making this request.

Mr. Love was surprised by Ms. Morrison's comments since, the museum is a landmark structure and a considerable addition to the back changed that structure substantially.

There was no further public comment.

Chair Durst closed the public hearing.

Board Member McFawn thanked Mr. Love for his application and the public for taking time to express their comments. Board Member McFawn referred to page 57 of the Staff report, second paragraph, and the discussion of things such as arms length transactions, and why Mr. Ludlow was using an email address that matched Mr. Love's. He noted that no one had mentioned those issues this evening. His interpretation of the Staff report was that there was no arms length transaction when the northern lot was sold. Board Member Werbelow stated that it was a legal transaction and she did not believe it was relevant to this appeal. Board Member McFawn replied that if there was no arms length transaction, then it was not an actual equivalent of the sale. Board Member Werbelow explained that the property was transacted for \$200,000 and it was a legitimate real estate transaction.

Board Member White asked if it would still be possible to build a home on Lot 4 if the house at 811 Norfolk is not moved. Planner Cattan replied that Lot 4 is a legal lot of record and is still a buildable lot. However, any design would have to comply with the design guidelines. If the applicant were to include the 3 foot portion within their design, it would require a plat amendment.

Board Member White pointed out that the spaciousness of the existing streetscape would be lost if another structure was built next door to the existing historic house, because the site plan shows only three feet between the existing house and the proposed new house. If that could happen, he preferred to see the house moved, as long as it retained its landmark status. Board Member White thought a wider space between the two houses would be much more appealing.

Board Member Martz stated that the reality is that the house and the site will be impacted by the new addition, whether or not the home is moved. His preference would be to restore the house as is and keep it as a museum, but that is not reality. The applicant has gone through the process for the home at 811 Norfolk and regardless of a move, it will still maintain its landmark status. He understood the issues and how this came about, but the events happened as they did and the HPB now needs to make a decision. Board Member Martz agreed with Board Member White that if they cannot keep things as they are, it is better to move the house and establish a better streetscape, and still maintain landmark status.

Planner Cattan wanted to make sure their comments were within the framework of the criteria. If they support movement of the house, she asked that they also explain which criteria it meets.

Board Member Martz stated that he did not want to violate any of the criteria, but the HPB was asked to look at it anew and those were his comments.

Board Member Werbelow felt the HPB was charged to look at the facts, and the fact is that an encroachment exists today. In her opinion, why the applicant did not obtain an encroachment agreement was not relevant. The question is whether there is a mechanism to address that issue. She believed the mechanism was criteria one of the LMC, "A portion of the historic building or structure encroaches on a adjacent property." That criteria helps in her decision. She then needs to get comfortable with how it affects the landmark status. The definition of landmark has a list that includes, "retains its historic integrity in terms of location, design, setting, materials, workmanship, feeling and association." Board Member Werbelow stated that location is one of the criteria in that list. She appreciated the design feedback and history, however, the HPB was asked to look specifically at the encroachment issue and not the design per se. In looking at the aesthetics of the lot, it looks to be a more balanced presentation with the home being relocated. Board Member Werbelow had concerns about precedent setting, but she did not believe precedence would be an issue because this particular ability to relocate a home is already in the Code. They were not establishing new criteria that did not already exist in the LMC. Board Member Werbelow advocated the relocation under the criteria mentioned, however, her concern was how to make sure the home is not damaged if and when the home is moved.

Brian Guyer agreed that the encroachment exists as a matter of fact, and that is the issue to be considered. Whether or not the structure contributes to the feel of the neighborhood is not part of the decision. He found it difficult to separate the two issues, but he had to follow the facts.

Chair Durst stated that assurances that the integrity of the existing structure would be protected if it is moved, is the purview of the Planning and Building Departments. There would be continual inspections and both departments would make sure the integrity was not been compromised in any way.

Chair Durst noted that they were talking about two criteria under the guidelines. One is landmark significance, which they established would not be compromised. The second is historic integrity and whether it can be sustained with this proposal to rebuild on the site. He did not believe that could be measured prescriptively and it is the judgment the

HPB was called upon to make. In his personal opinion, Chair Durst believed the integrity had been sustained.

Chair Durst pointed out that the HPB had four options. They could deny the appeal, approve the appeal with conditions, continue the hearing, or approve the application as presented.

Assistant City Attorney McLean summarized that the HPB was focusing on the first and the third criteria. She understood from their comments that two Board members felt there were unique conditions due to the rhythm of the street and the streetscape. Ms. McLean noted that the Staff would need to make findings to support that decision and the decision needs to be based on the criteria. Ms. McLean understood that two people agreed that there was an encroachment and they considered the fact that an easement could not be secured. Regarding Board Member McFawn's comment regarding an arms length transaction, Ms. McLean stated that the HPB could evaluate that fact in terms of whether the information meant an easement could or could not be secured.

Assistant City Attorney McLean requested that the Board members frame their motion to relate to the criteria and be specific in terms of whether they believe one or both of the criteria apply.

Planner Cattan stated that if the HPB makes a motion to approve, she wanted to know how the conditions of the design review would play into the approval. Ms. McLean replied that part of the motion would be that if the HPB determines that the movement of the house can occur, the conditions of the design that was submitted in January and approved by the HPB under the historic district guidelines would apply. Any other conditions relevant to preserving the historic fabric should be deferred to Staff.

Board Member Werbelow clarified that the motion should refer to the specific date the application was approved to make sure all of the changes made in the application would carry. Ms. McLean stated that they should refer to the plans dated January 13, 2011 as the specific date. Board Member Durst understood that the HPB would only be approving movement for 811 Norfolk, and that their decision would not have any relation to 817 Norfolk. Ms. McLean replied that 817 Norfolk was a separate issue and would require its own process.

Ms. McLean emphasized that the HPB should refer to Staff for additional conditions. The issue for the motion is the movement of the house. Mr. Kozak assumed the applicant would be subject to conditions that are normally found in every approval by stipulation. Board Member Werbelow favored the idea of incorporating the third condition regarding the streetscape and visual impact as articulated by Board Member White.

Chair Durst called for a ten minute recess to draft language for a motion.

The meeting was resumed.

**MOTION:** Board Member Werbelow made a motion acknowledging that an encroachment exists at 811 Norfolk Avenue and that an easement cannot be achieved. Because the relocation as proposed does not otherwise compromise the landmark

status or the historic integrity, and that innate conditions exist, the January 13<sup>th</sup>, 2011 proposal is approved. Board Member White seconded the motion.

Board Member McFawn cautioned the Board to consider what could occur in the future. As more properties are sold, he believed they would see more applications resulting from people who do not check their property lines because lots can be sold without easements.

VOTE: The motion was approved 5-1. Board Member McFawn voted against the motion

Meeting adjourned at 7:20 p.m.

Approved by \_\_\_\_\_  
Roger Durst, Chair  
Historic Preservation Board

DRAFT

## **STAFF COMMUNICATION**



## Historic Preservation Approvals since June, 2006

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
71 DALY AVE	PL-06-00102	Approved	BD-07-12889		Historic	Significant	Major	Demolition of non-historic additions and movement of house 25'
81 DALY AVE	2004?		BD-04-10066		Historic	Significant	Major	Major panelization; panels located on property; additional research necessary
118 DALY AVE	PL-06-00213	Approved	BD-07-12506	Issued	Historic	Significant	Major	Addition to existing historic structure
166 DALY AVE	PL-07-00192	Approved	BD-07-13137	Issued	Historic	Landmark	Major	Restoration of existing historic structure
209/207 DALY AVE	PL-10-01044	Approved			Non-Historic	N/A	Minor	Shed Maintenance
209/207 DALY AVE	PL-10-01007	Approved	BD-10-15510	Issued	Non-Historic	N/A	Minor	Replacement of window in non-historic structure
220 DALY AVE	PL-10-01087	Approved			Non-Historic	N/A	Minor	Rebuild existing exterior staircase and landing to entrances of 220 & 222 Daly Ave
269 DALY AVE	PL-10-01003	Pending full HDDR			Historic	Landmark	Minor	Clean, repair, or replace fences, concrete flatwork and landscaping
313 DALY AVE	PL-07-00234	Approved	BD-09-15118	Issued	Historic		Major	Reconstruction of historic home w/ addition
412 DEER VALLEY LOOP	PL-08-00520	Approved	BD-09-14757	Issued	New Construction	N/A	Major	New Single Family Dwelling
1003 EMPIRE AVE	PL-10-00966	Approved	BD-10-15506	Issued	Non-Historic	N/A	Minor	Replacement of 2nd story decks at 1003 & 1007 Empire Avenue.
1110 EMPIRE AVE	PL-07-00015	Approved	BD-08-13456	Issued	New Construction	N/A	Major	Demo of non-historic home and construction of a duplex
1159 EMPIRE AVE	PL-10-01055	Approved			Non-Historic	N/A	Minor	Proposed addition of a railing on an existing deck.
1177 EMPIRE AVE	PL-09-00643	Approved	BD-09-14801	Issued	New Construction	N/A	Major	New Single Family Dwelling
1195 EMPIRE AVE	PL-08-00538	Approved	BD-10-15191	Pending	New Construction	N/A	Major	New Single Family Dwelling
136 HEBER AVE	PL-09-00757	Approved			Non-Historic	N/A	Minor	Awning addition to a non historic building
3000 N HWY 224	PL-09-00793	Approved			Historic	Landmark	Minor	ADA access at McPolin Farm Driveway
1310 LOWELL AVE	PL-10-01011	Approved	BD-10-15777	Issued	Historic	Significant	Minor	Silver King Coalition Mine Site - Boarding House PCA-S-98-PCMR
115 MAIN ST	PL-10-00963	Pending full HDDR			Historic	Significant	Minor	Replacement of Siding & Windows on a historic structure
129 MAIN ST	PL-08-00387	Pending full HDDR					Major	New Single Family Dwelling
176 MAIN ST	PL-10-00893	Pending full HDDR			Historic	Landmark		Discussion of development potential
205 MAIN ST	PL-07-00049	Approved			New Construction	N/A	Major	Construction of a 7 unit condominium project
260 MAIN ST	PL-06-00180	Approved	BD-06-12149	Issued	New Construction	N/A	Major	Construction of new commercial building
333 MAIN ST	PL-09-00637	Approved			Non-Historic	N/A	Major	Revision of approval of PL-07-00051
333 MAIN ST	PL-07-00051	Approved			Non-Historic	N/A	Major	Renovation of Main Street Mall
333 MAIN ST	PL-10-01130	Pending review			Non-Historic	N/A	Major	Renovation of Main Street Mall
352 MAIN ST	PL-10-00948	Pending review					Major	Retail Shell infill space
402 MAIN ST	PL-10-00953	Approved			Historic	Landmark	Minor	cut out section of wall to preserve "Bansky" graffiti

## Historic Preservation Approvals since June, 2006

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
412 MAIN ST	PL-10-00944	Pending review			Historic	Significant	Minor	Review of awning
442-444 MAIN ST	PL-10-01091	Pending full HDDR			Historic	Significant	Minor	Proposed a small storage unit behind the building. The unit will be separate from the building.
508 MAIN ST	PL-10-00934	Pending full HDDR			Historic	Landmark	Major	Proposed rear addition to existig Historic Commercial building
508 MAIN ST	PL-10-01065	Approved			Historic	Landmark	Minor	3 modifications proposed to the exterior of the building to convert to a restaurant
515 MAIN ST	PL-08-00434	Approved	BD-09-14937	Issued	Historic	Significant	Minor	Renovation of a Historic Commercial Building
550 MAIN ST	PL-10-01101	Pending review			Historic	Landmark	Minor	Stucco repair of existing Historic Building
562 MAIN ST	PL-06-00132	Approved	BD-07-12870	Issued	Historic	Landmark	Major	Rear addition to a Historic Commercial Building
562 MAIN ST	PL-11-01193	Pending full HDDR			Historic	Landmark	Major	Proposed 876 square foot addition on the rear of existing structure of Landmark Structure
573 MAIN ST	PL-07-00019	Approved			Historic	Landmark	Major	Renovation and addition to existing Historic Commercial Building
573 MAIN ST	PL-11-01199	Pending review			Historic	Landmark	Minor	Improvements to exterior windows and repair of masonry. Replaces the earlier approval of PL-07-00019
577 MAIN ST	PL-10-00921	Approved	BD-10-15489	Issued	Non-Historic	N/A	Minor	Addition of second story balcony to a non-historic structure
692 MAIN ST	PL-10-00916	Pending review			Non-Historic	N/A	Major	Addition to a non-historic commercial building
100 MARSAC AVE	PL-08-00504 to PL-08-00495	Pending review			New Construction	N/A	Major	10 units for Affordable Housing projects
154 MARSAC AVE	PL-08-00435	Pending review			New Construction	N/A	Major	Two new single family dwellings
320 MARSAC AVE	PL-10-00939	Approved	BD-10-15729	Issued	Non-Historic	N/A	Minor	Railing repair and siding maintenance
338 MARSAC AVE	PL-11-01200	Approved	BD-11-16064	Issued	Historic	Significant	Minor	Replacement of all exterior windows/doors and addition of pre-existing deck
235 MCHENRY AVE	PL-09-00693	Approved	BD-10-15548	Issued	Non-Historic	N/A	Major	New garage addition to non-historic structure
321 MCHENRY	PL-10-01008	Approved	BD-10-15864	Issued	Non-Historic	N/A	Major	New garage addition to non-historic structure
351 MCHENRY	PL-10-01036	Pending review			Non-Historic	N/A	Minor	Deck expansion off rear and deck addition over garage of existing duplex
201 NORFOLK AVE	PL-08-00582	Approved			Non-Historic	N/A	Major	Addition to an existing structure
259 NORFOLK AVE	PL-10-01027	Pending review			New Construction	N/A	Major	New Single Family Dwelling
811 NORFOLK AVE	PL-10-01080	Pending review			Historic	Landmark	Major	Possible movement of Landmark Structure. Within appeal period of Denial by Staff.
812 NORFOLK AVE	PL-10-00992	Approved	N/A		Non-Historic	N/A	Minor	Fence repair at a non-historic site
817 NORFOLK AVE	PL-10-01045	Pending review			Historic	Landmark	Minor	Fence at 817 Norfolk along the north side property line
817 NORFOLK AVE	PL-10-01081	Pending review			New Construction	N/A	Major	New Single Family Dwelling on site of Landmark accessory structure (garage) - <b>possible reconstruction proposal, pending review</b>
920 NORFOLK AVE	PL-11-01223	Pending full HDDR			New Construction	N/A	Major	New Single Family Dwelling on a vacant lot

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927 NORFOLK AVE	PL-10-01088	Pending full HDDR	BD-10-15873	Pending	Non-Historic	N/A	Minor	partial conversion of an existing 2-car garage into a mudroom, bedroom and bathroom.
950 NORFOLK AVE	PL-10-00949	Approved			Non-Historic	N/A	Minor	Maintenance of trim on non-historic structure
1030 NORFOLK AVE	PL-07-00092	Approved	BD-07-13238	Issued	New Construction	N/A	Major	New single family dwelling
1102 NORFOLK AVE	PL-08-00353	Approved			Historic	Landmark	Major	Rear addition to an existing historic structure
210 ONTARIO AVE	PL-10-01073	Pending full HDDR			Non-Historic	N/A	Minor	propose to build a 500 sq ft deck on rear of property with covered roof.
275 ONTARIO AVE	PL-07-00011	Approved	BD-07-12851	Issued	New Construction	N/A	Major	New single family dwelling
308 ONTARIO AVE	PL-08-00346	Approved	BD-09-14746	Issued	Historic	Significant	Major	Addition to an existing historic structure
317 ONTARIO AVE	PL-10-00905	Pending full HDDR			Historic	Significant	Major	Addition to an existing historic structure
327 ONTARIO AVE	PL-10-01037	Approved			Non-historic	N/A	Minor	Addition of solar panels to roof a structure
421 ONTARIO AVE	PL-07-00143	Approved	BD-07-13012	Issued	Non-historic	N/A	Minor	Addition of mudroom at front door of non-historic structure
430 ONTARIO AVE	PL-07-00056	Approved	BD-10-15541	Issued	New Construction	N/A	Minor	New single family dwelling
432 ONTARIO AVE	PL-07-00057	Approved	BD-07-12849	Issued	New Construction	N/A	Minor	New single family dwelling
108 PARK AVE	PL-08-00389	Approved	BD-10-15242	Issued	New Construction	N/A	Minor	New single family dwelling
160 PARK AVE	PL-10-01075	Approved	N/A		Non-Historic	N/A	Minor	Landscaping issues
416 PARK AVE	PL-10-01016	Approved			Historic	Landmark	Minor	Soffit repair and venting work on historic structure
455 PARK AVE	PL-10-00971	Approved	N/A		Historic	Landmark	minor	Repair to fence
505 PARK AVE	PL-10-00935	Pending review			Non-Historic	N/A	Major	Addition to non-historic structure
528/526 PARK AVE	PL-09-00745	Approved	N/A		Historic	Landmark	Minor	Modification of front patio of a historic building
543 PARK AVE	PL-10-00993	Approved	BD-11-16066	Issued	Historic	Landmark	Minor	Addition of pool on a historic site
553 PARK AVE	PL-07-00033	Approved	BD-10-15905	Pending	Historic	Landmark	Major	Remodel and addition of an existing historic structure
575 PARK AVE	PL-09-00685	Approved	BD-10-15189	Issued	Historic	Landmark	Major	Rear addition to an existing historic structure
584 PARK AVE	PL-09-00646	Approved			New Construction	N/A	Major	New single family dwelling
657 PARK AVE	PL-08-00329	Approved	BD-10-15451	Pending	Historic	Significant	Major	Reconstruction and relocation of historic building
929 PARK AVE	PL-09-00842	Approved	N/A		Historic	Significant		Preservation Plan for moth balling
929 PARK AVE	PL-11-01219	Pending full HDDR			Historic	Significant	Major	Renovation and addition to an existing Significant structure
1059 PARK AVE	PL-09-00774	Approved			Historic	Significant	Major	Addition to existing historic structure - Significant changes proposed created new application PL-10-01059
1059 PARK AVE	PL-10-01059	Pending review	BD-10-15608	Issued	Historic	Significant	Major	Addition to existing historic structure. Structure moved whole - penalty to owners for removing siding.
1135 PARK AVE	PL-06-00100	Approved	BD-06-11916	Issued	Historic	Significant	Major	Addition/Remodel of existing historic structure
1149 PARK AVE	PL-10-01005	Approved	N/A		Historic	Significant	Minor	Create a parking pad and fence
1328 PARK AVE	PL-10-01006	Approved	N/A		Historic	Landmark	Minor	Fence along front yard

## Historic Preservation Approvals since June, 2006

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1420 PARK AVE	PL-10-00904	Approved			Historic	Significant	Major	Remove non-historic garage and build new garage and addition to rear and north elevations of existing historic structure
1450 PARK AVE	No HDDR					Significant	Major	City owned housing - no submittal for HDDR at present
1460 PARK AVE	No HDDR					Significant	Major	City owned housing - no submittal for HDDR at present
44 PROSPECT ST	PL-10-01048	Pending full HDDR			Non-Historic	N/A	Minor	Replacement of shingles and siding on a non-historic structure
68 PROSPECT ST	PL-08-00507	Approved			Historic	Landmark	Major	Reconstruction of historic structure with basement and main level addition
147 RIDGE AVE	PL-09-00853	Approved			Historic	Landmark	Minor	Reconstruction of the wall on the upper part of Ridge Avenue.
158 RIDGE AVE	PL-08-00316	Approved	BD-09-14905	Pending	New Construction	N/A	Major	New single family dwelling
162 RIDGE AVE	PL-08-00317	Approved	BD-09-14907	Pending	New Construction	N/A	Major	New single family dwelling
166 RIDGE AVE	PL-08-00315	Approved	BD-09-14909	Pending	New Construction	N/A	Major	New single family dwelling
525 ROSSIE HILL DR	PL-10-01051	Approved	PB-10-00348	Issued	Non-Historic	N/A	Minor	Addition of solar collectors on roof
16 SAMPSON AVE	PL-08-00571	Pending review			Historic	Significant	Major	Addition to an existing historic structure
40 SAMPSON AVE	PL-10-01015	Pending full HDDR	N/A		Historic	Significant	Minor	Proposed parking pad
41 SAMPSON AVE	PL-06-00222	Approved	BD-07-12751	Issued	Historic	Landmark	Major	Addition/Remodel of an existing historic structure
60 SAMPSON AVE	PL-07-00135	Approved	BD-08-13659	Issued	Historic	Significant	Major	Addition/Remodel of an existing historic structure
115 SAMPSON AVE	PL-10-01069	Pending review	N/A		Historic	Significant		Preservation Plan
130 SANDRIDGE AVE	PL-08-00297	Approved	BD-09-14554	Issued	Historic	Significant	Major	Addition/Remodel of an existing historic structure - panelization
601 SUNNYSIDE DR	PL-08-00293	Approved	BD-10-15824	Issued	Historic	Landmark	Major	Reconstruction of historic shed/cabin. Applicant chose to panelize and retain some historic materials on front façade
601 SUNNYSIDE DR	PL-10-01119	Approved			Historic	Landmark	Minor	Addition of skylights to historic structure
109 WOODSIDE AVE	PL-10-01092	Pending full HDDR			Historic	Landmark	Minor	Applicant is proposing improvements on a free standing garage - <b>reconstruction proposal</b> - pending review
119 WOODSIDE AVE	PL-06-00171	Approved	BD-09-14976	Pending	New Construction	N/A	Major	New single family dwelling
123 WOODSIDE AVE	PL-06-00172	Approved	BD-09-14977	Pending	New Construction	N/A	Major	New single family dwelling
239/241 WOODSIDE AVE	PL-07-00061	Approved			New Construction	N/A	Major	New single family dwelling
245 WOODSIDE AVE	PL-09-00849	Approved	BD-10-15565	Issued	Non-Historic	N/A	Minor	Repair of stairs
265 WOODSIDE AVE	PL-08-00441	Approved			New Construction	N/A	Major	New single family dwelling
311 WOODSIDE AVE	PL-09-00822	Approved	BD-09-15081	Issued	Historic	Significant	Minor	Repair to stairs of an existing historic structure
335 WOODSIDE AVE	PL-10-00936	Pending review			Historic	Landmark	Major	Renovation of an existing historic structure - proposed rear addition and new foundation

## Historic Preservation Approvals since June, 2006

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
340 WOODSIDE AVE	PL-11-01187	Pending full HDDR			Non-Historic	N/A	Minor	Deck extension on a non-historic structure
402 WOODSIDE AVE	PL-10-01052	Approved	BD-10-15665	Issued	Non-Historic	N/A	Minor	Replacement of two exterior doors and material change of front door
424 WOODSIDE AVE	PL-11-01215	Pending review			Historic	Significant	Major	Addition to an existing Significant structure
426 WOODSIDE AVE	PL-08-00362	Approved	BD-09-14437	Issued	New Construction	N/A	Major	New single family dwelling
429 WOODSIDE AVE	PL-07-00117	Approved	BD-08-14250	Issued	Historic	Significant	Major	Reconstruction of an existing historic structure
505 WOODSIDE AVE	PL-09-00655	Pending review			Historic	Significant	Major	Renovation and addition to an existing historic structure
515 WOODSIDE AVE	PL-10-01047	Approved	N/A		Non-Historic	N/A	Minor	Proposed new fence
572 WOODSIDE AVE	PL-07-00134	Approved			Non-Historic	N/A	Major	Remodel of existing non-historic structure
576 WOODSIDE AVE	PL-07-00133	Approved			Non-Historic	N/A	Major	Remodel of existing non-historic structure
633 WOODSIDE AVE	PL-10-01097	Pending full HDDR			Historic	Significant	Minor	Restoration of existing garage
637 WOODSIDE AVE	PL-08-00327	Approved			New Construction	N/A	Major	New single family dwelling. Owners changed hands and submitted PL-10-01046.
637 WOODSIDE AVE	PL-10-01046	Approved			New Construction	N/A	Major	New single family dwelling
654 WOODSIDE AVE	PL-08-00574	Approved	BD-09-14541	Issued	New Construction	N/A	Major	New single family dwelling
901 WOODSIDE AVE	PL-09-00795	Pending full HDDR			Historic	Landmark	Minor	Reconstruct rear deck and construct new carport under deck
905 WOODSIDE AVE	PL-11-01194	Pending full HDDR			Historic	Significant	Major	Addition of a single car garage to a Significant Site
919 WOODSIDE AVE	PL-09-00734	Approved	N/A		Historic	Significant		Reconstruction of structure noted for demolition by Building Official; review by City Council; Preservation Plan completed
919 WOODSIDE AVE	PL-11-01202	Pending full HDDR			Historic	Significant	Major	Reconstruction of original historic house w/ two story addition at the rear and full basement with one single car garage
951 WOODSIDE AVE	PL-07-00040	Approved	BD-10-15174	Issued	Historic	Landmark	Major	Addition to an existing historic structure
1013 WOODSIDE AVE	PL-07-00028	Approved	BD-07-12944	Issued	Historic	Significant	Major	Restoration and Addition to an existing historic structure
1323 WOODSIDE	No HDDR				Historic	Significant	Major	Reconstruction of single family dwelling
1110 WOODSIDE AVE	PL-08-00418	Approved	BD-10-15865	Pending	Historic	Landmark	Major	Addition to existing historic structure
1144 WOODSIDE AVE	PL-10-01004	Pending review			New Construction	N/A	Major	New single family dwelling

Applications submitted under previous Historic District Design Guidelines.



## **REGULAR AGENDA**



## Historic Preservation Board Staff Report



PLANNING DEPARTMENT

**Subject:** 811 Norfolk Avenue  
**Author:** Katie Cattan  
**Date:** April 6, 2011  
**Type of Item:** Ratification of Findings of Quasi-Judicial Appeal  
**Project Number:** PL-11-01198

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### **Summary Recommendation**

Staff requests that the Historic Preservation Board ratify the findings of fact, conclusions of law, conditions of approval, and order for the Appeal of 811 Norfolk Avenue Historic District Design Guidelines.

### **Topic**

**Applicant:** Jeff Love, Owner  
**Location:** 811 Norfolk Avenue  
**Zoning:** HR-1  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Appeals regarding Historic District Design Guidelines are reviewed by the Historic Preservation Board

### **Background**

The home at 811 Norfolk Avenue is a Landmark Site listed on the Park City Historic Sites Inventory (HSI). Through June 2, 2010, the Site was owned by Ruth Staker and consisted of the North half of Lot 2, all of Lots 3 and 4, and the South three (3') feet of Lot 5. The tax IDs associated with this property are SA-138 and SA-139-A. The Landmark Structure on the property sits on Lots 2 and 3 and encroaches three (3.5') feet onto Lot 4.

The applicant was interested in buying the property and approached the Planning Department to discuss the Design Guidelines and their applicability to the site. The applicant attended a pre-application Design Review Team (DRT) meeting on May 19, 2010. During the May 19, 2010 meeting, the applicant explained that circumstances had changed. He explained that Lot 4 and the three (3') foot portion of Lot 5 would be sold separately, and that he was only interested in Lot 3 and all of Lot 2. He made it clear that the person purchasing the other area (Lot 4 and the three [3'] foot portion of Lot 5) would not grant him an easement for the Landmark Structure.

Following the pre-application meeting, a complete application for a Historic District/Site Design Review (HDDR) was received on October 28, 2010. The current 2009 Design Guidelines apply to this application.

On October 28, 2010, the property was posted for fourteen (14) days per Land Management Code (LMC) Section 15-1-21. After the fourteen (14) day posting period, staff reviewed the application for compliance with the Design Guidelines. On November 17, 2010, staff provided the applicant with a list of guidelines which the proposal did not comply with. After receiving the letter and then meeting with staff, the applicant informed staff that no revisions would be made; subsequently, an Action Letter of denial was issued on December 1, 2010. Staff denied the HDDR because the proposed project would result in the Landmark Site no longer meeting the criteria set forth for Landmark Sites and the proposed project did not comply with several of the Design Guidelines. On December 10, 2010, the applicant submitted a written appeal. The appeal date was set for January 19, 2011. Staff made the error of misdating the hearing date on courtesy notice that was mailed to property owners within 100 feet. The applicant withdrew the appeal due to the staff's error.

On January 13, 2011, the applicant submitted revisions to the application. The applicant attended a Design Review Team (DRT) meeting on January 19, 2011. Staff found that the changes in the design complied with all of the historic district guidelines except for Guideline E.1.1 regarding relocation of the Landmark Structure. Staff also found that relocating the Landmark Structure did not comply with LMC 15-11-13(A), the criteria for the relocation of the historic building on a Landmark Site. On January 26, 2011, Staff denied the revised plans and sent the applicant an Action Letter denying the HDDR application. The property was again noticed on January 26, 2011 in compliance with LMC Section 15-1-21.

On February 7, 2011, the applicant submitted a written appeal (Exhibit B - Appeal) pursuant to Chapter 15-1-18(A) of the Land Management Code. Appeals made within ten (10) days of the staff's determination of compliance with the Design Guidelines are heard by the Historic Preservation Board (HPB) (because ten (10) calendar days from the Final Action letter fell on the weekend, the City calculates the next business date as the tenth day).

The Historic Preservation Board reviewed the appeal de novo on March 2, 2011. The HPB granted the appeal and determined that the Landmark Structure could move 6.5 feet to the north pursuant to LMC 15-11-13(A) and Guideline E.1.1. The HPB found that the Landmark Structure at 811 Norfolk Avenue encroaches 3.5 feet onto Lot 4 and an encroachment easement could not be secured. They also stated support for moving the house to create greater spacing between homes as long as the Landmark Structure is not jeopardized and continues to be a Landmark Structure on the Park City Historic Sites Inventory.

The HPB reviewed plans dated January 13, 2011 (Exhibit A). The plans date stamped on March 30, 2011 (Exhibit B) are in substantial compliance with the plans date stamped January 13, 2011, with the following changes: expanded living area under the front porch that is not visible from the exterior of the building, a new window and window well on the south elevation, and a change in

the roofline on the North elevation between the Landmark Structure and the new addition.

**Findings of Fact, Conclusions of Law and Conditions of Approval re: 811 Norfolk Avenue Historic District Design Review Approval.**

On April 6, 2011, the Historic Preservation Board hereby ratifies the Findings of Fact, Conclusions of Law, and Order as well as adds Conditions of Approval as follows:

**Findings of Fact**

1. The site is 811 Norfolk Avenue.
2. 811 Norfolk Avenue is listed as a Landmark Site on the Park City Historic Sites Inventory.
3. The tax ID associated with 811 Norfolk Avenue is SA-138 and is made up of the north half of Lot 2 and all of Lot 3. The tax id associated with all of Lot 4 and the South 3 feet of Lot 5 is SA-139-A.
4. The Landmark Structure on the property sits on Lots 2 and 3 and encroaches 3 feet onto Lot 4.
5. Lot 4 is a lot of record and may be developed.
6. The Historic District Design Review application was originally submitted to the Planning Department on October 6, 2010. Staff requested additional information from the applicant in order to deem the application complete. The application was deemed complete by the Planning Department on October 28, 2010.
7. The Planning Staff noticed the application pursuant to LMC Section 15-1-12 and 15-1-21. The initial fourteen (14) day noticing period was completed on November 11, 2010 at 5pm.
8. The Planning Staff provided the applicant with comments regarding the proposed design on November 22, 2010.
9. Revisions to the design were received by the Planning Department on January 13, 2011.
10. The application proposes to relocate the existing Landmark Structure from the original location. The application proposes to move the home 6.5 feet to the south and keep the orientation to the street as it has historically been oriented.
11. A Landmark Site must retain the Landmark Designation. Within the LMC Section 15-11-10(A)(1) the criteria for designating Landmark Sites is stated. The January 13, 2011 revised design would result in the Landmark Site meeting the criteria set forth in the LMC for Landmark Sites.
12. LMC section 15-11-12(D)(1) requires that an application shall be denied if the Planning Department determines that the application does not comply with the Design Guidelines.
13. On March 2, 2011, the Historic Preservation Board determined that the

January 13, 2011 revised design brought the previous design issues into compliance with the Design Guidelines.

14. The application complies with the Historic District Design Guideline (HDDG) E.I.I, as follows
  - “Relocation and/or reorientation of historic buildings should be considered only after it has been determined by the design review team that the integrity and significance of the historic building will not be diminished by such action and the application meets one of the criterion listed in the side bar to the left (as follows). In the HRL, HR1, HRM and HRC zones, existing historic sites that do not comply with building setbacks are considered valid complying structures. Therefore, proposals to relocate and/or reorient homes may be consider only
    1. If a portion of the historic building encroaches on an adjacent property and an easement cannot be secured; or
    2. If relocating the building onto a different site is the only alternative to demolition; or
    3. If the Planning Director and Chief Building Official determine that unique conditions warrant the relocation or reorientation on the existing site.”
15. LMC 15-11-13(A) states the criteria for the relocation of historic buildings on a Landmark Site. It states: “It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or reorientation of Historic Buildings, Structures, and Sites,” and lists the same criteria for consideration of movement of homes as listed in HDDG E.I.I with one (1) additional criterion which states, “The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.”
16. The Landmark Structure at 811 Norfolk Avenue encroaches 3.5 feet onto Lot 4 and an encroachment easement can not be secured.
17. Lot 4 was sold for \$200,000.00 and it was a legitimate real estate transaction.
18. The Landmark Structure may remain on site and abate demolition.
19. The Chief Building Official did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique building code conditions on the site. There are numerous homes in Park City which encroach over property lines which can be mitigated through spacing, fire sprinkler systems, and building materials.
20. The Planning Director did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique planning conditions on the site. There are examples of historic structures throughout Old Town that encroach onto neighboring properties which can be mitigated through site planning and design solutions.

21. The Planning Director and the Chief Building Official did not determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.
22. The HPB stated support for the movement of the Landmark Structure to create greater spacing between homes as long as the Landmark Structure is not jeopardized and continues to be a Landmark Structure on the Park City Historic Sites Inventory.
23. Spaciousness of the existing streetscape on that portion of the Norfolk Avenue would be lost if another building was built within the permitted three feet of the existing historic house.
24. The HPB reviewed plans dated January 13, 2011. The plans date stamped on March 30, 2011 are in substantial compliance with the plans date stamped January 13, 2011, with the following changes: expanded living area under the front porch that is not visible from the exterior of the building, a larger window in the window well, and a change in the roofline on the North elevation between the Landmark Structure and the new addition.
25. The findings within the analysis section are incorporated within.

#### Conclusions of Law

1. Pursuant to LMC section 15-11-12(D)(1) the application is approved because the proposed project complies with the Design Guidelines and the LMC 15-11-13(A) criteria for the relocation of Historic building and structures on a Landmark Site.

#### Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped with approval by the Planning Department on March 30, 2011.
3. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.
4. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire

project by the Chief Building Official until such time that the matter has been resolved.

5. The Landmark Structure shall not be disassembled or reconstructed. The home must be preserved. Any deviation from the approved set of historic district design guideline plans dated March 30, 2011, the preservation plan, and the construction plans must be documented and approved by the Planning Department in writing prior to changes being made during construction.
6. A Financial Guarantee for the Landmark Structure must be collected by the City prior to issuance of a building permit.
7. If a building permit has not been issued within one year of this approval, this HDDR approval will expire.
8. The preservation plan must be followed in the field. Any existing historic materials to be replaced must be documented and approved in writing by the Planning Department. Deteriorated or damaged façade shall be repaired using recognized preservation methods. If disassembly of a historic element is necessary for its restoration, recognized preservation procedures and methods for removal, documentation, repair, and reassembly should be used. If historic exterior materials cannot be repaired, they should be replaced with materials that match the original in all respects; scale, dimension, texture, profile, material, and finish. The replacement of existing historic material should be allowed only after the applicant can show that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition.
9. It is of paramount importance that the integrity of the Landmark Structure be maintained. The preservation plan shall be strictly adhered to.
10. Replacement windows will only be allowed only if the historic windows cannot be made safe and serviceable through repair. Replacement windows should exactly match the historic window in size, dimensions, glazing pattern, depth, profile, and material.
11. There is evidence that historically window/doors existed and were later enclosed. During construction, the Architect will better document the historic window openings and bring in details to reintroduce the historic openings if found.
12. Exterior lighting has not been included with the application. All exterior lighting must be reviewed and approved by the Planning Department prior to installation. Exterior light fixtures should be compatible with the building's style, period and materials, but should also be down-directed and shielded.
13. Prior to a building permit being issued, the applicant must attend a final meeting with the Design Review Team to verify that the final building plans comply with all the necessary provisions, conditions, and requirements of the Planning and Building Department. The applicant's Construction Contractor and Architect are required to attend this meeting.
14. The Design Review Team will conduct a final inspection to verify the project was executed in accordance with the approved plans. The applicant must

contact the Project Planner to set up the final inspection prior to Certificate of Occupancy.

15. A survey by a licensed surveyor must be submitted to provide evidence that the final grade has been returned within two feet of the original grade as outlined in the submitted preservation plan.
16. All standard conditions of approval shall apply.

Order:

1. Appeal from Applicant is affirmed. The Historic District Design Review is approved as provided in the Findings of Fact, Conclusions of Law and Conditions of Approval as stated above.

Dated this 6th day of April, 2011.

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Roger Durst, HPB Chair

**EXHIBITS**

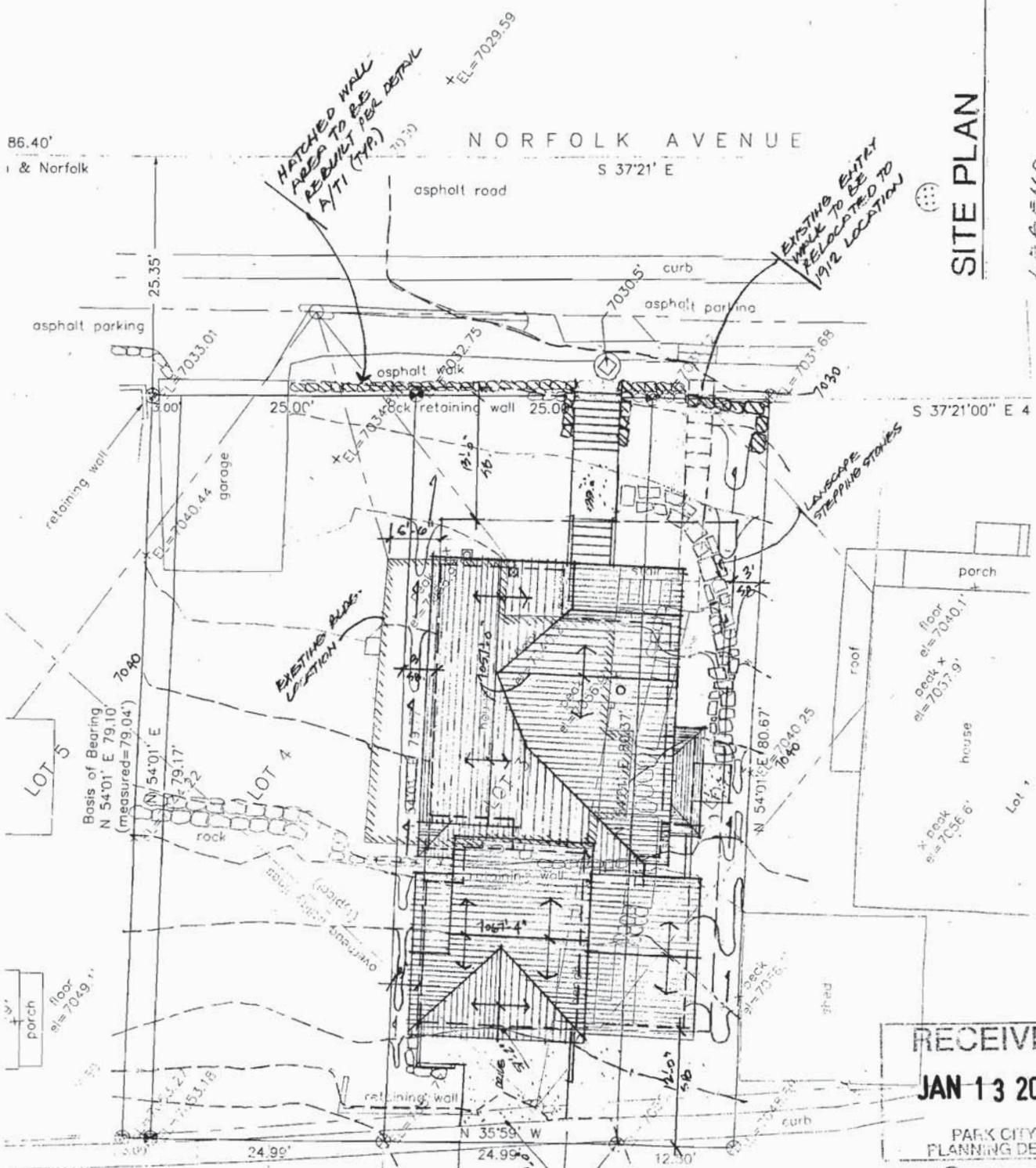
- Exhibit A – January 13, 2011 Plans
- Exhibit B – March 30, 2011 Plans
- Exhibit C – Preservation Plan
- Exhibit D – Standard Conditions



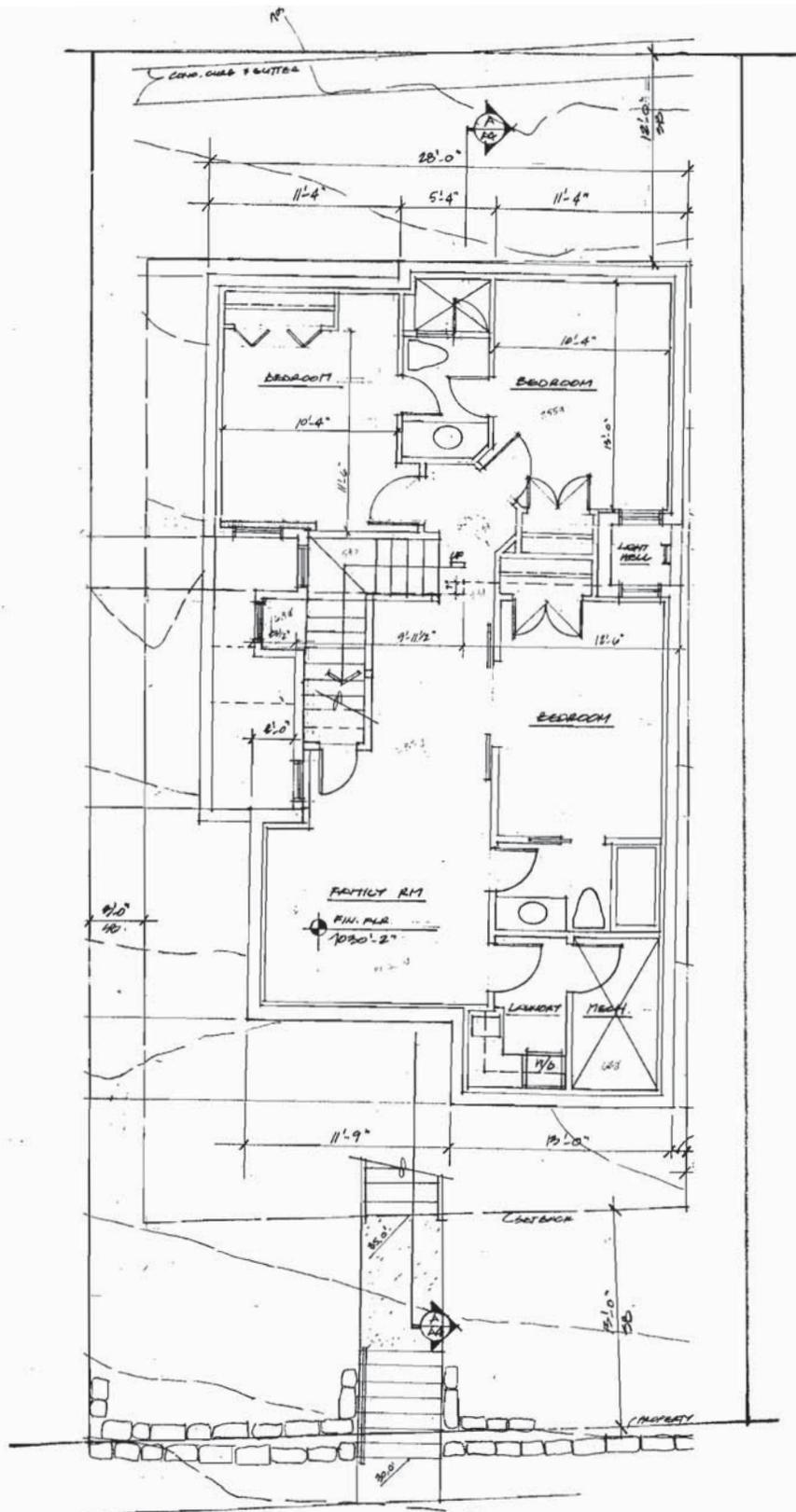
SCALE: 1" = 10.00'

**SITE PLAN**

L & END  
 EXISTING CONTOURS --- 1000 ---  
 PROPOSED CONTOURS --- 1000 ---  
 SURFACE DRAINAGE ---



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 PLANNING DEPT.



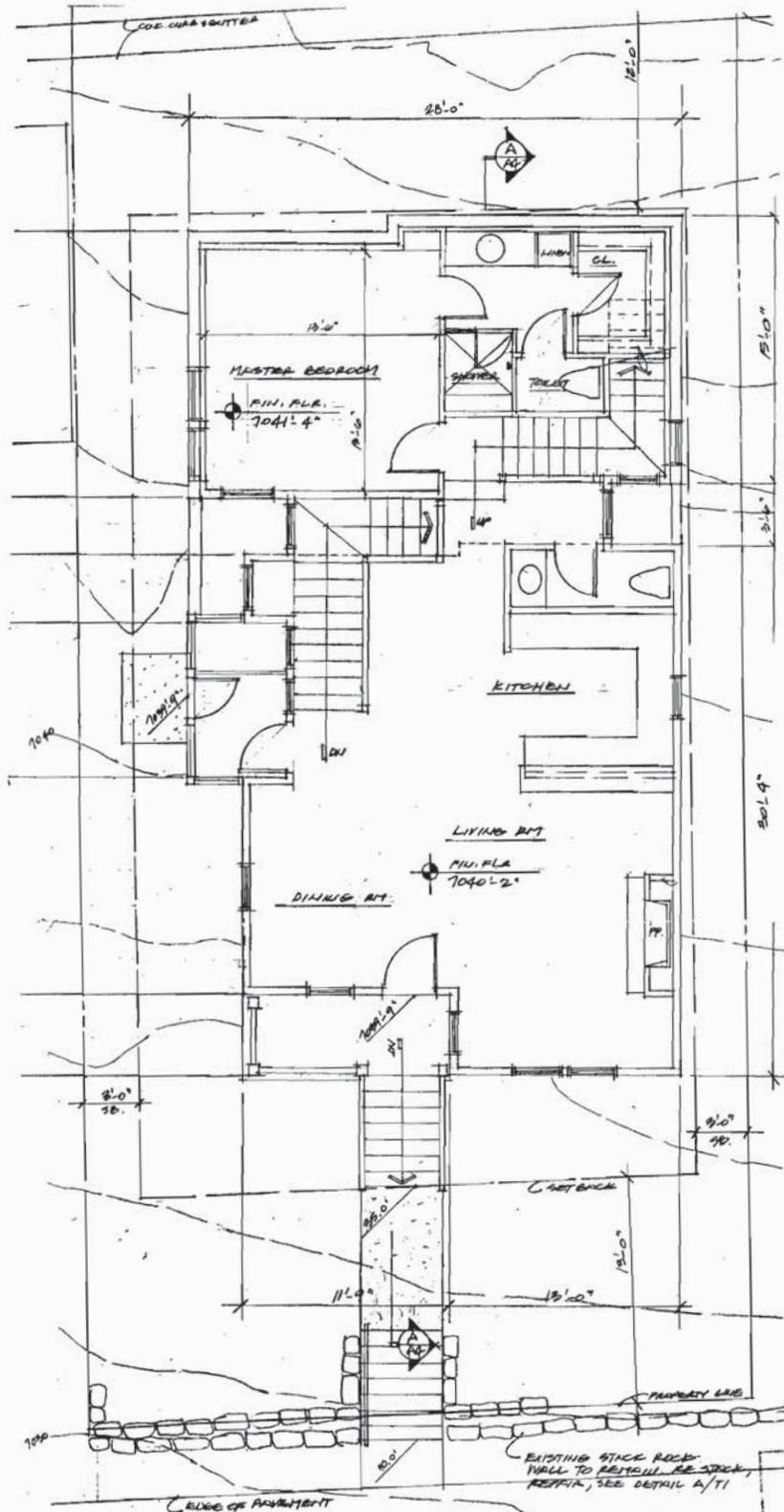
**LOWER LEVEL PLAN**

NETO LIVING 1153.35 sq  
 FOOT PRINT 1153.35 sq  
 MAX. ALLOWABLE FOOT PRINT 1270 sq

SCALE: 1/4" = 1'-0"

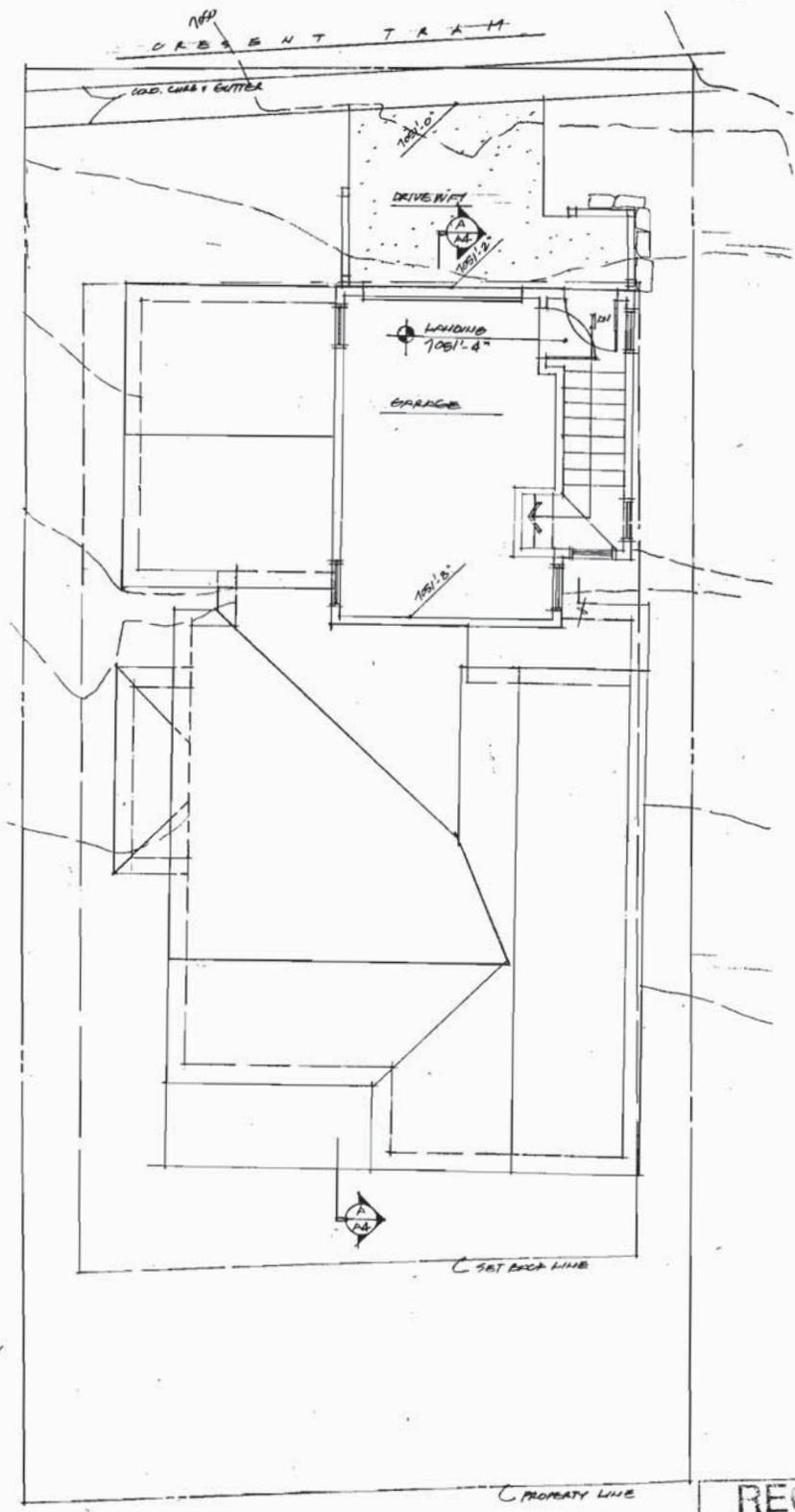


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 PLANNING DEPT.



**MAIN LEVEL PLAN**  
 EXISTING LIVING 660'S NEW LIVING 490'S SCALE: 1/4" = 1'-0"  
 NORTH

RECEIVED  
 JAN 13 2011  
 PARK CITY  
 PLANNING DEPT.



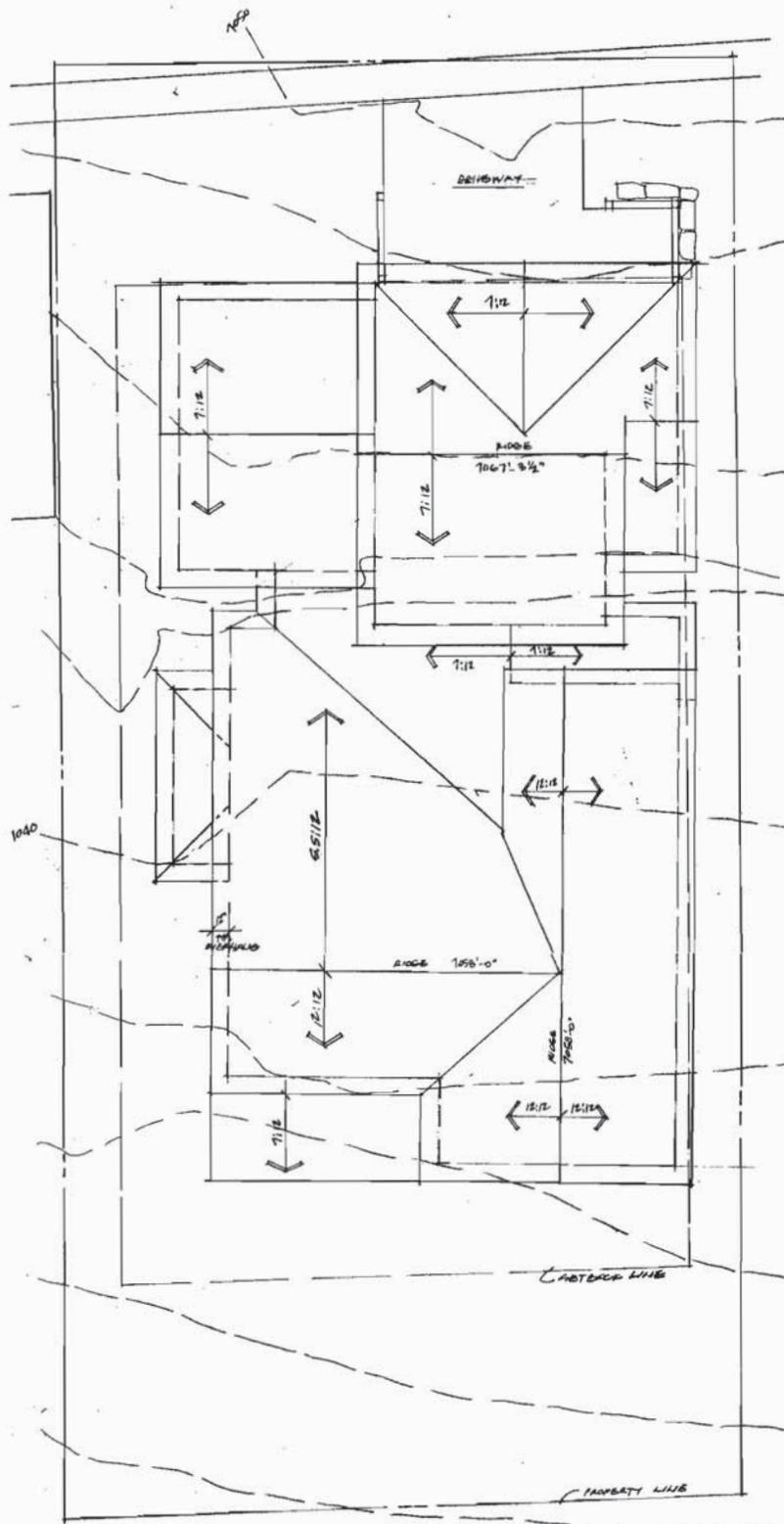
**UPPER LEVEL PLAN**

LIVING AREA 711.5 sq  
GARAGE AREA 236.5 sq

SCALE: 1/4" = 1'-0"



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ROOF PLAN

SCALE: 1/4" = 1'-0"



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STANDING SEAM  
MET. ROOFING.

ARCHITECTURAL CORP.  
ROOFING SHINGLES.

EXISTING 7" DROP SIDING  
AT EXISTING.

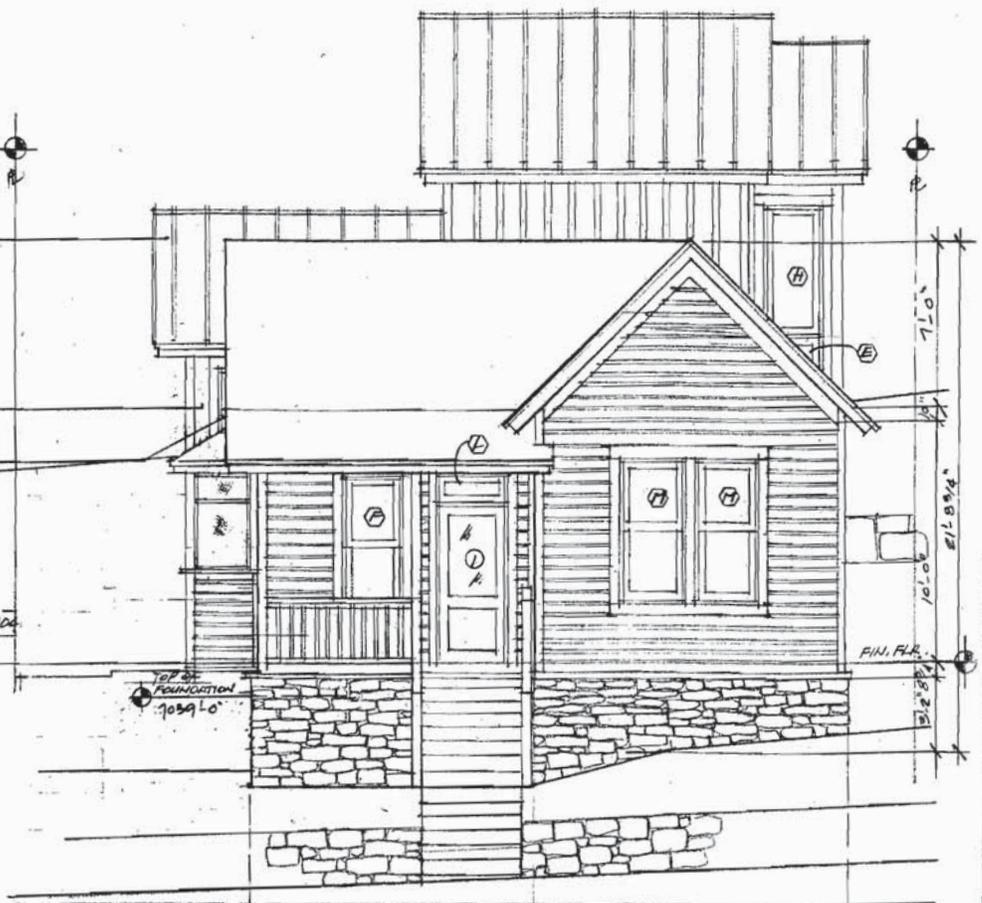
BOARD AND BATTEN  
SIDING AT ADDITION.

ALUMINUM CLAD  
WOOD WINDOWS  
AT NEW ADDITION.

FINISH LVL. 104  
 FINISH LVL. 1040'-2"

TOP OF  
FOUNDATION  
1039'-0"

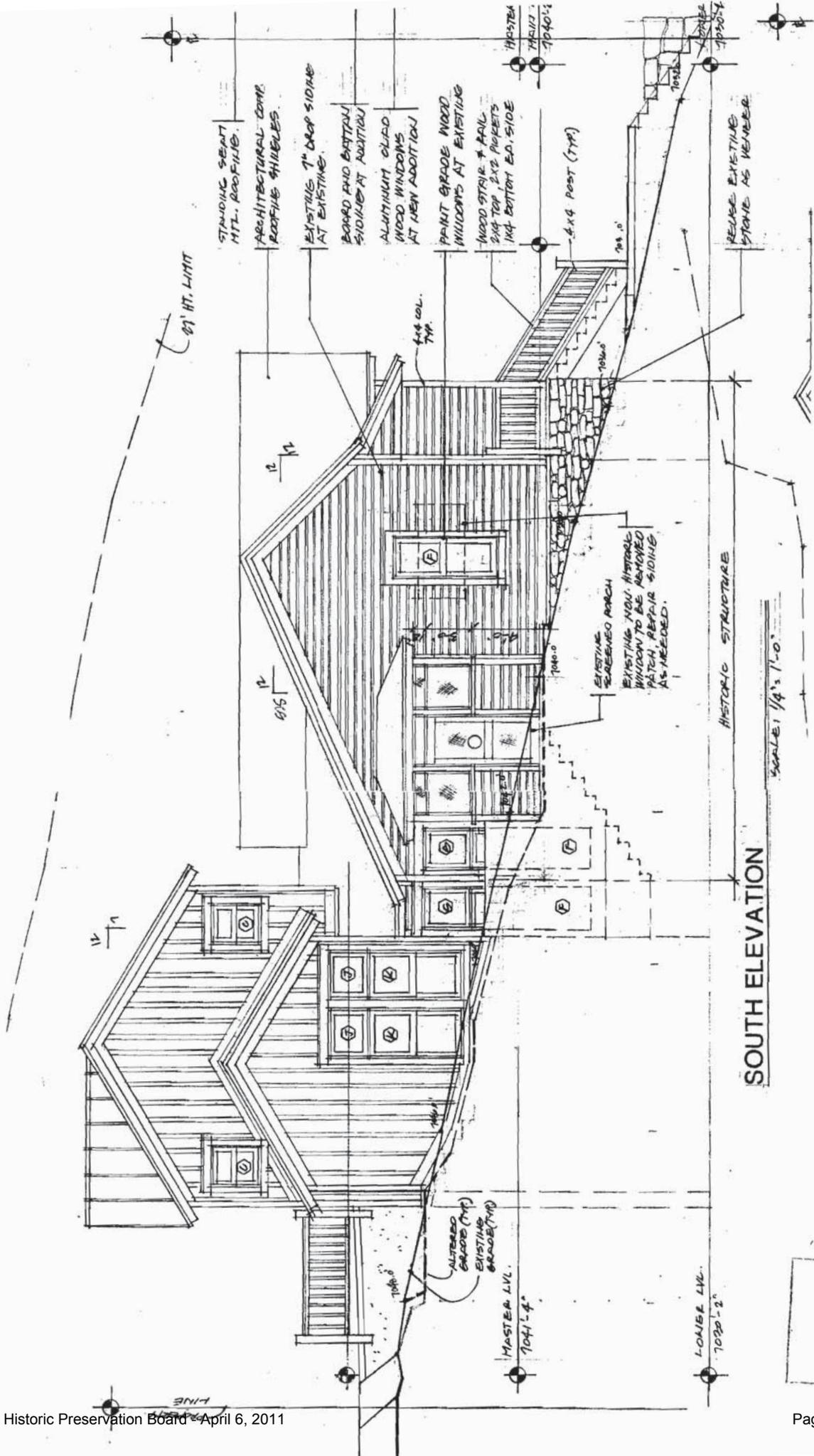
FIN. F.L.



EAST ELEVATION

SCALE: 1/4" = 1'-0"

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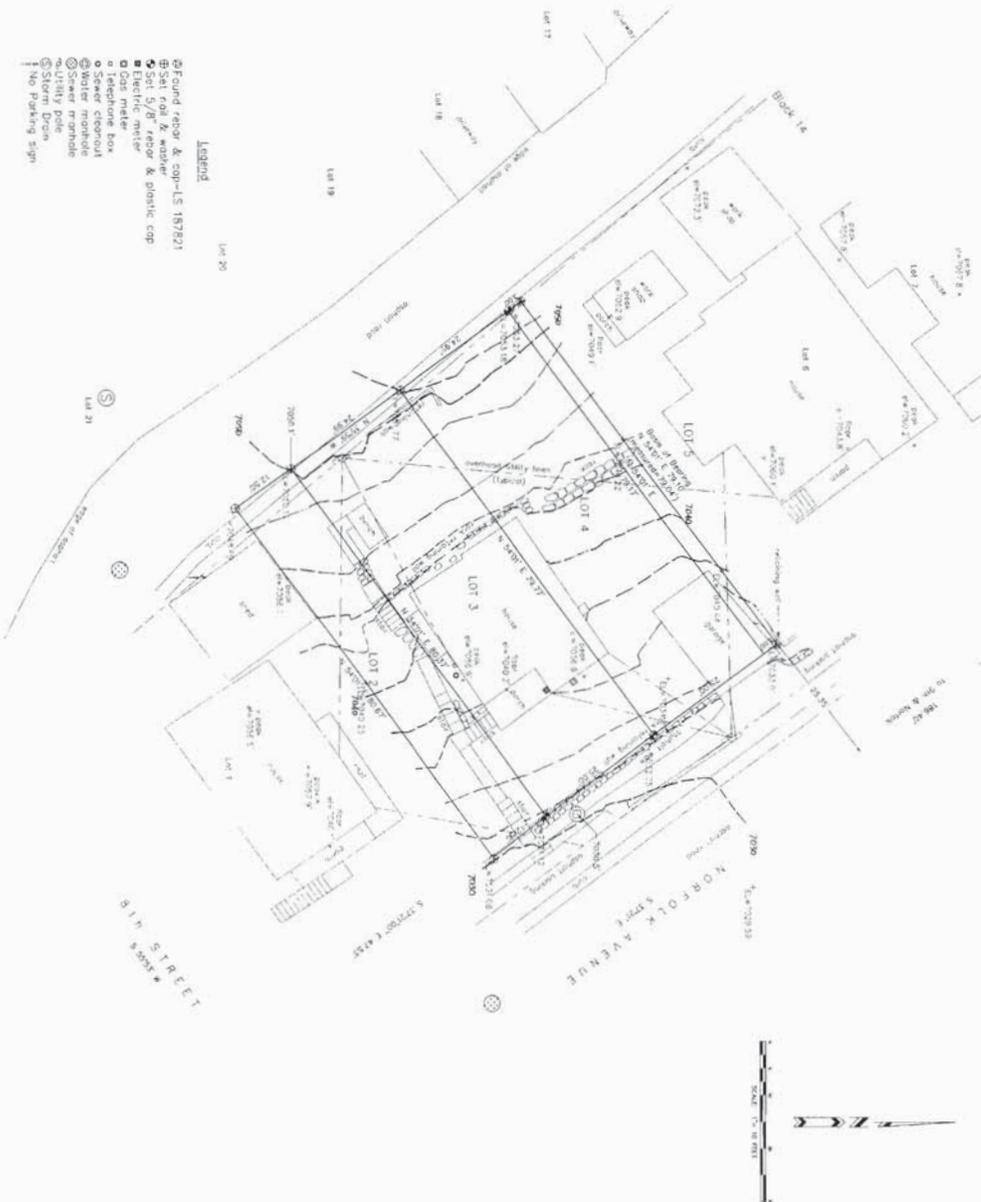
**SOUTH ELEVATION**

SCALE: 1/4" = 1'-0"

RECEIVED  
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*Snyder's Addition to the Park City Survey, Block 14,  
the North Half of Lot 2, all of Lots 3 & 4  
and the South 3 feet of Lot 5*



NARRATIVE

1. Survey requested by Jeff Love.
2. Purpose of survey, locate the deed description, improvements and monuments.
3. Bases of survey, found property monuments as shown, Block dimensions from the Amended Park City Monument Control Map by Blush & Giddell, Inc. Recorded as Entry No. 197755 in the office of the Summit County Recorder, Subdivision of Block 14 from the Map of Park City by Colman & Richards 1977.
4. Date of survey, May 5, 2010 and June 2, 2010.
5. Property monuments set or found as shown.
6. Located in the Northwest Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian Park City Survey.
7. See official plat for monuments and restrictions. Survey monuments and restrictions.
8. The owner of the property should be aware of any liens affecting the property that may appear in a title insurance report.
9. See the previous surveys of the North line of the property described in survey Entry No. 2225 and S-487 in the office of the Summit County Recorder.
10. Elevations are based on an elevation of 7026.37 feet of the Street Monument at the intersection of 9th & Norfolk, from the Park City Monument Control Map, Sheet 2.

LEGAL DESCRIPTION

811 Norfolk Avenue (SA-138) The North 1/2 of Lot 2 and all of Lot 3, Block 14, Snyder's Addition to Park City. Together with: Beginning at the northeast corner of Lot 4, Block 14, Snyder's Addition to Park City and running thence South 24°31' West, 731.7 feet to the northwest corner of said Lot 4 and thence North 14°28' East, 489.1 feet to the northeast corner of said Lot 4 and thence South 37°21' East, 300 feet to the point of beginning, all Lots containing a total of 5222.6 square feet, more or less.

SURVEYOR'S CERTIFICATE

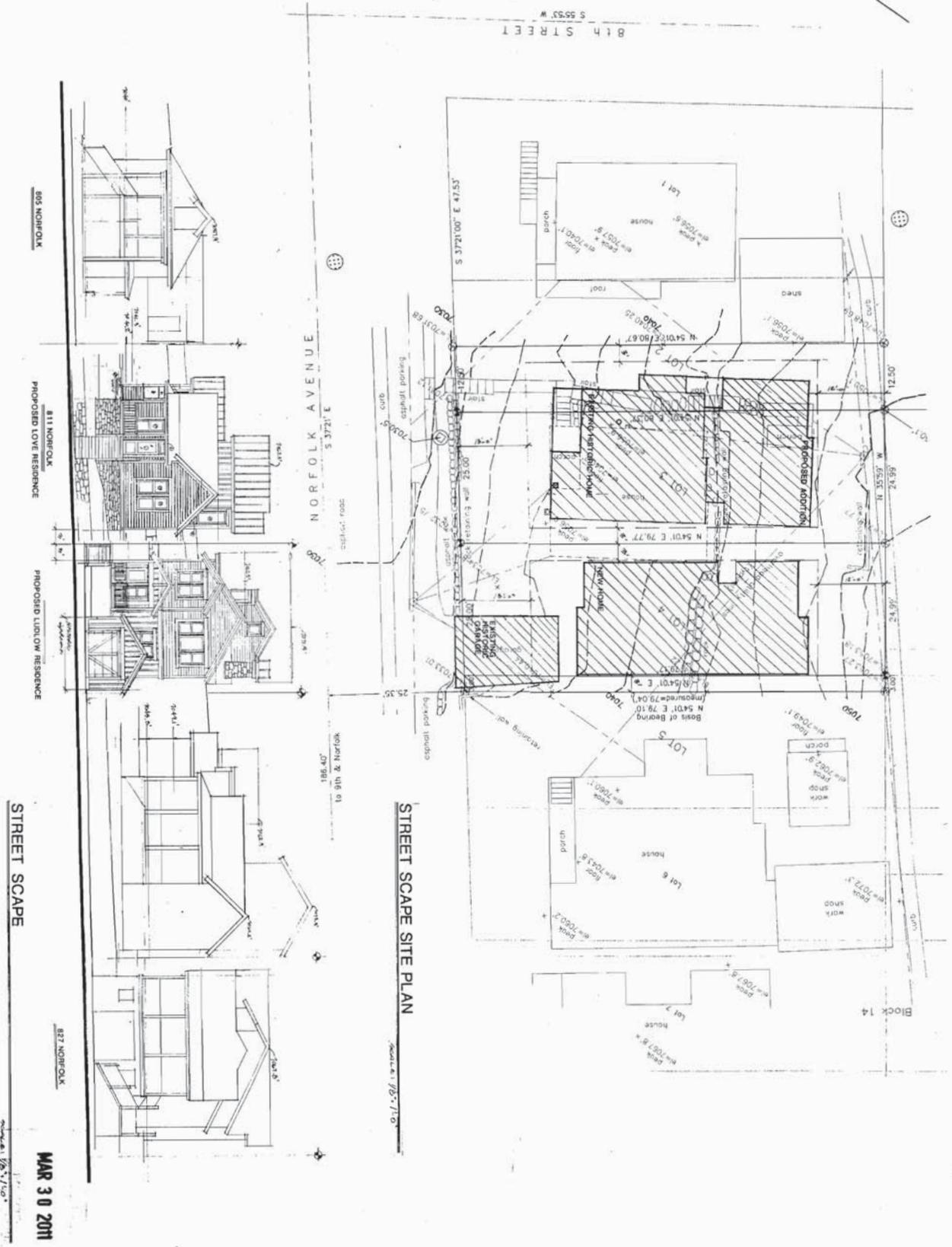
I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 158005, do hereby certify that I have supervised a survey of the property described herein and that this plat is a true representation of said survey.

SW 1/4  
Date: \_\_\_\_\_ J.D. Galey, License #158005



Alpine Survey, Inc.  
1000 West 1000 South  
Salt Lake City, Utah 84119  
Phone: 313-222-2222

MAR 30 2011



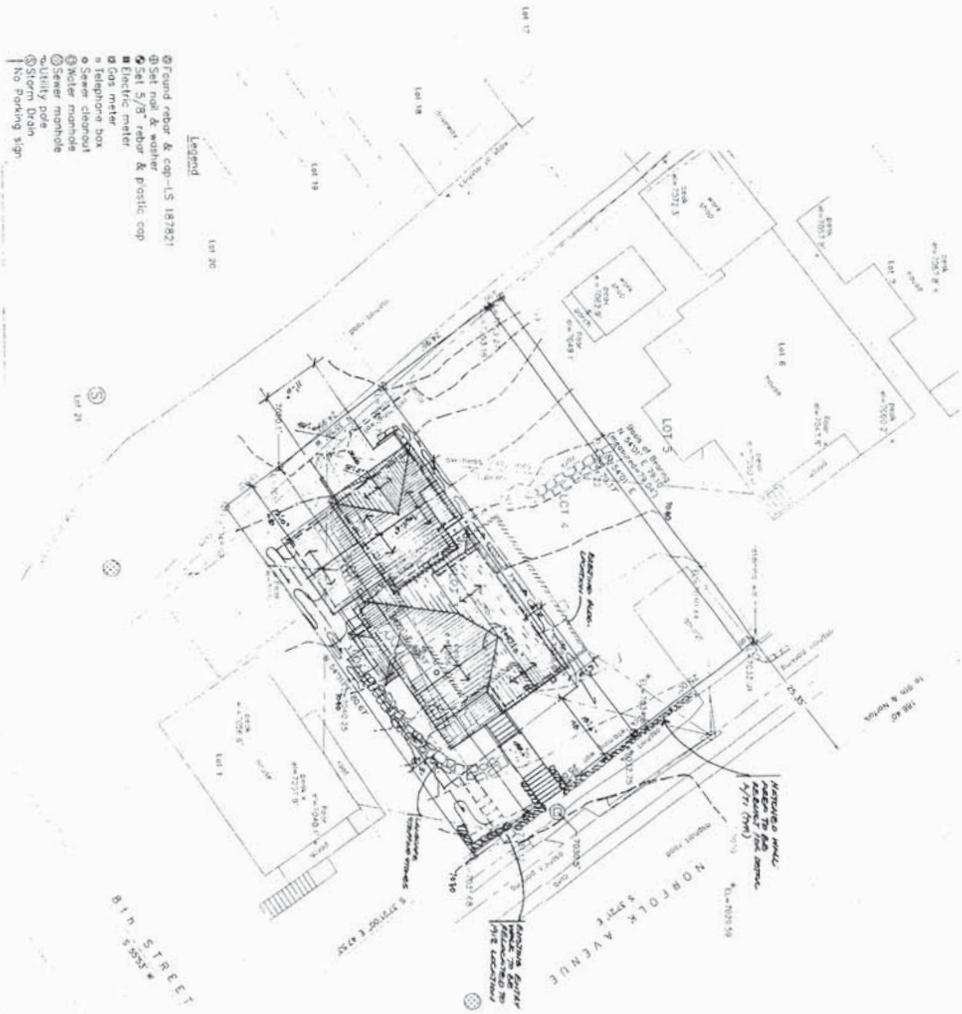
**STREET SCAPE**

MAR 30 2011

**STREET SCAPE SITE PLAN**

<p>DATE: 10/10/10          DRAWN BY: JLD          CHECKED BY: JLD          T-3</p>	<p>PROJECT DESCRIPTION  <b>STREET SCAPE</b></p>	<p>PROJECT DESCRIPTION          HISTORIC RENOVATION &amp; ADDITION  <b>LOVE RESIDENCE</b>          811 NORFOLK AVENUE, PARK CITY, UTAH</p>	<p><b>Jonathan DeGray</b>          Architect          P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060          Tel. 435-868-7253, E-mail: dgrayarch@comcast.net</p>
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- Legend**
- ⊙ Found rebar & cap - LS 187821
  - ⊙ Set nail & washer
  - ⊙ Set 2" rebar & portic cap
  - ⊙ Foundation
  - ⊙ Gas meter
  - ⊙ Telephone box
  - ⊙ Sewer cleanout
  - ⊙ Water manhole
  - ⊙ Sewer manhole
  - ⊙ Utility door
  - ⊙ No Parking sign

**SITE PLAN**

SCALE: 1" = 10'-0"

DATE: 1/18/11

PROJECT: LOVE RESIDENCE

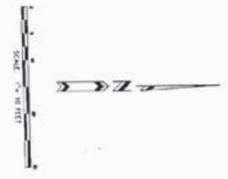
ARCHITECT: JONATHAN DEGRAY ARCHITECT

NOTE: ALL NEW UTILITIES TO BE PLACED UNDER EXISTING

**VI** STAGE ROCK HALL

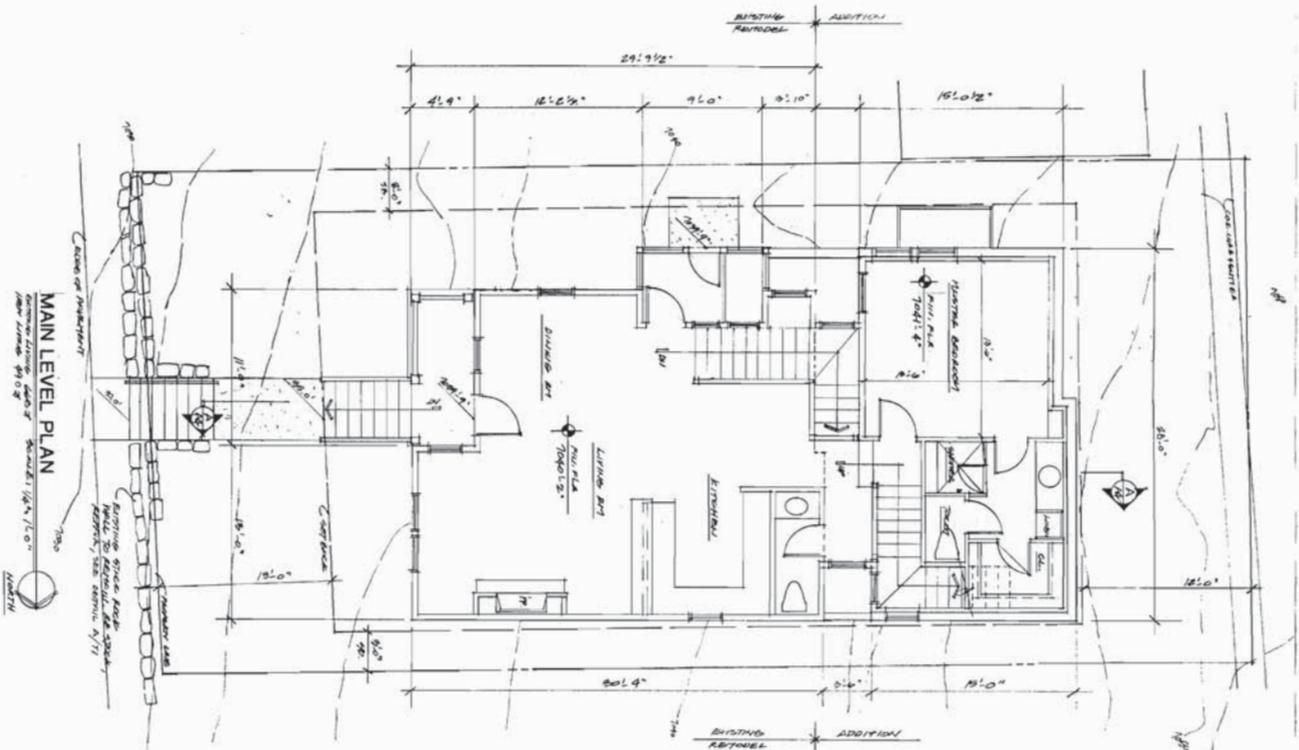
STONE: RUBBLE

**Squared Rubble**  
A rubble wall built of squared stones of varying sizes and coursed at every third or fourth stone.



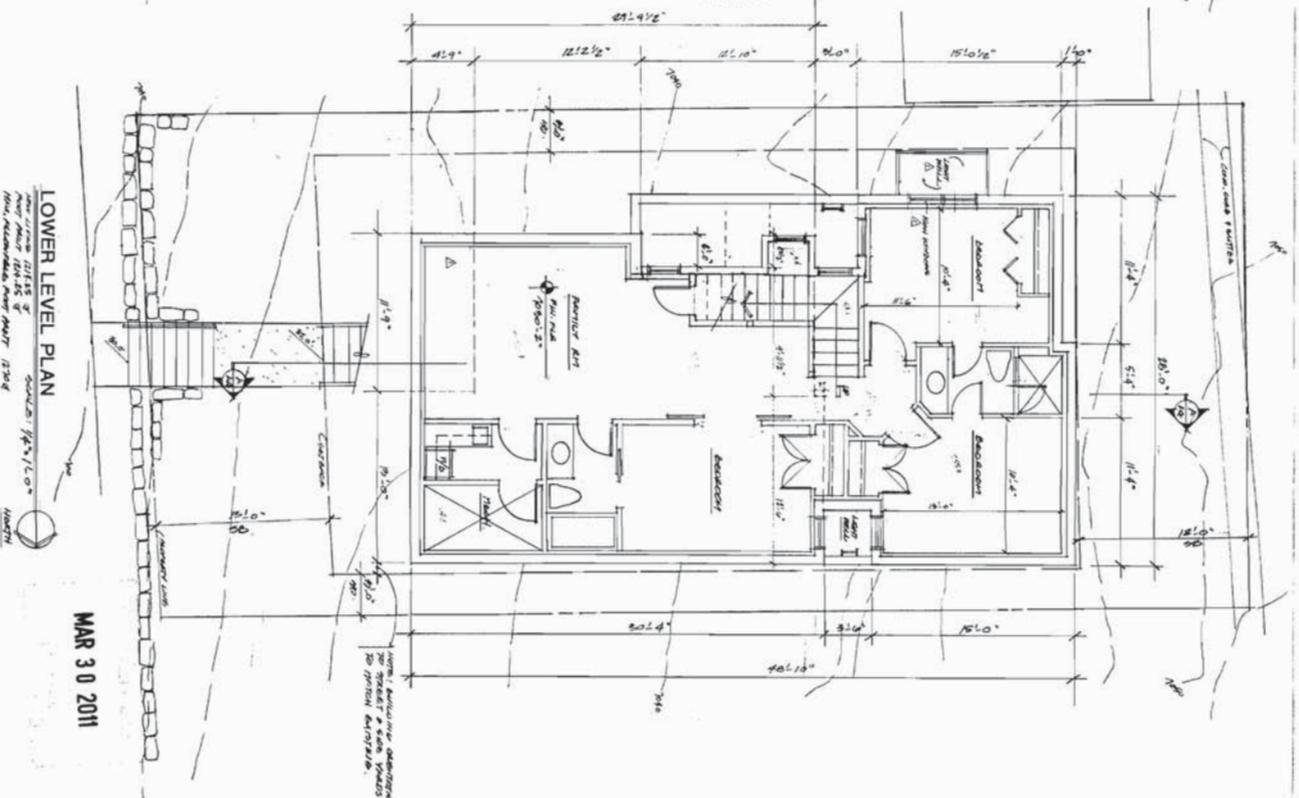
MAR 30 2011

SHEET NO. T-1	DATE 1/18/11	PROJECT LOVE RESIDENCE	ARCHITECT JONATHAN DEGRAY ARCHITECT	HISTORIC RENOVATION & ADDITION <b>LOVE RESIDENCE</b> 811 NORFOLK AVENUE, PARK CITY, UTAH	<b>Jonathan DeGray</b> Architect P.O. Box 1674, 514 Main Street, Suite 302, Park City, Utah 84060 Tel. 435-649-7253, E-mail: <a href="mailto:degrayjw@jonasrca.net">degrayjw@jonasrca.net</a>
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**MAIN LEVEL PLAN**

DATE: 12/15/09  
 SCALE: 1/8" = 1'-0"  
 DRAWN BY: J.D.G.



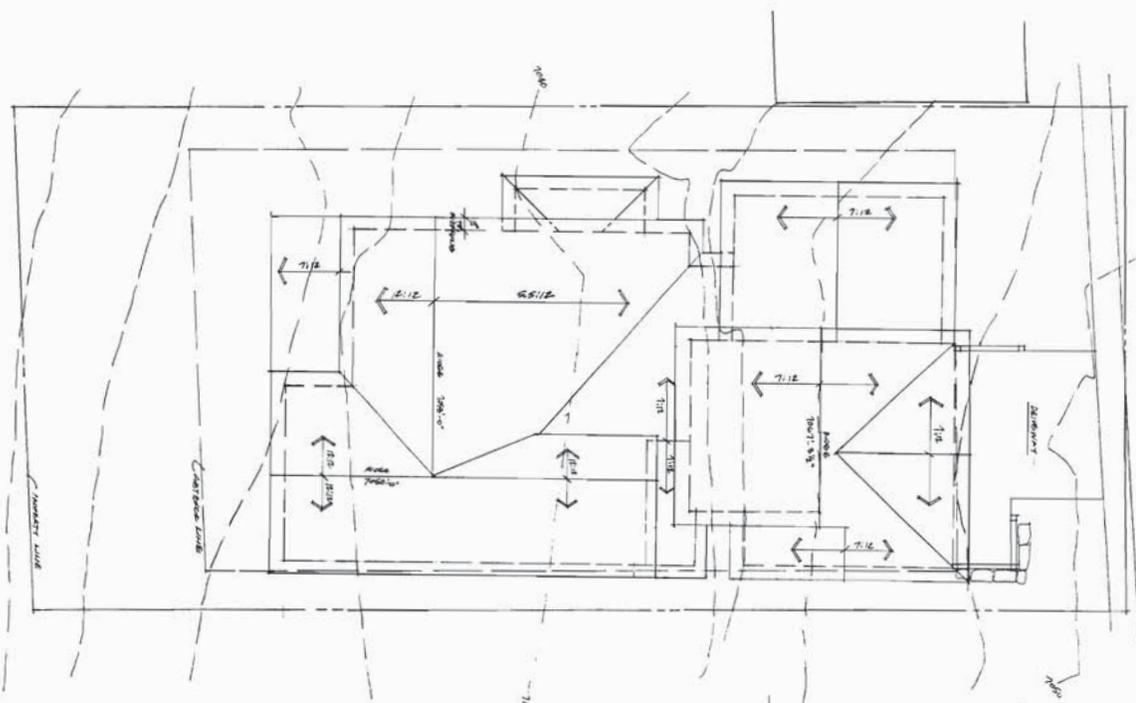
**LOWER LEVEL PLAN**

DATE: 12/15/09  
 SCALE: 1/8" = 1'-0"  
 DRAWN BY: J.D.G.

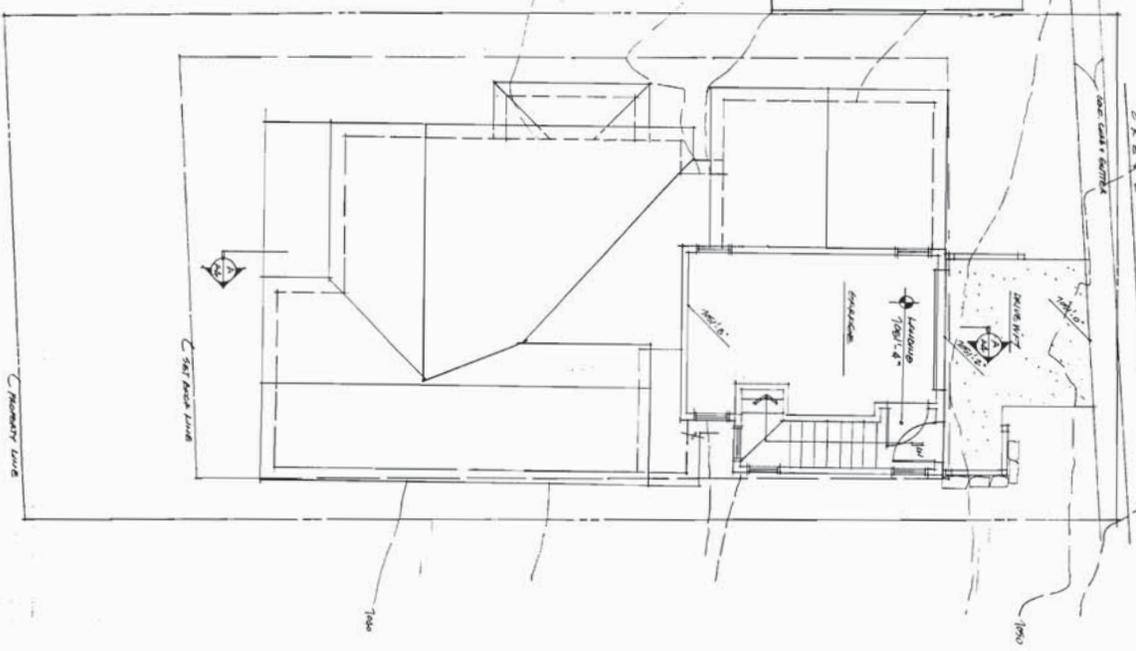
MAR 30 2011

SHEET NUMBER <b>FLOOR PLANS</b> DATE: 12/15/09 DRAWN BY: J.D.G.	PROJECT NUMBER <b>HISTORIC RENOVATION &amp; ADDITION</b> <b>LOVE RESIDENCE</b> 811 NORFOLK AVENUE, PARK CITY, UTAH	ARCHITECT <b>Jonathan DeGray</b> Architect
		P.O. Box 1874, 814 Main Street, Suite 302, Park City, Utah 84090 Tel: 435-644-7200, E-mail: jongray@jongrayarchitect.com

**ROOF PLAN**  
 SCALE: 1/8" = 1'-0"  
 NORTH

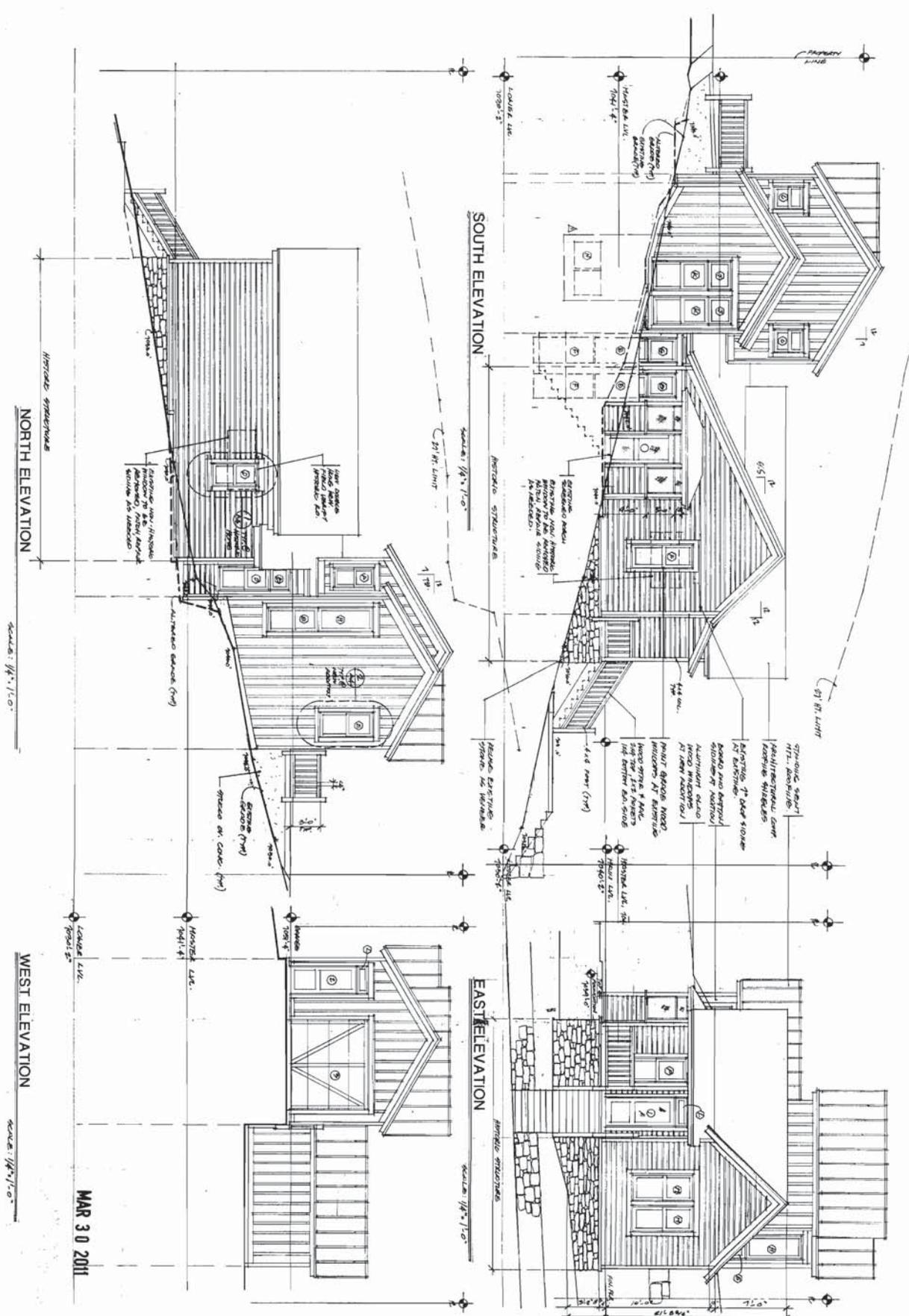


**UPPER LEVEL PLAN**  
 SCALE: 1/8" = 1'-0"  
 NORTH

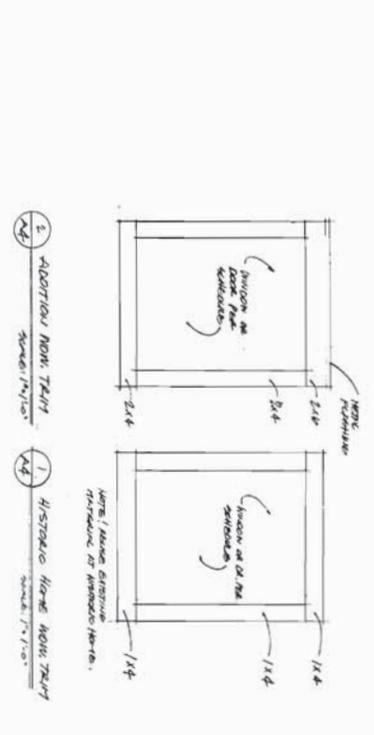
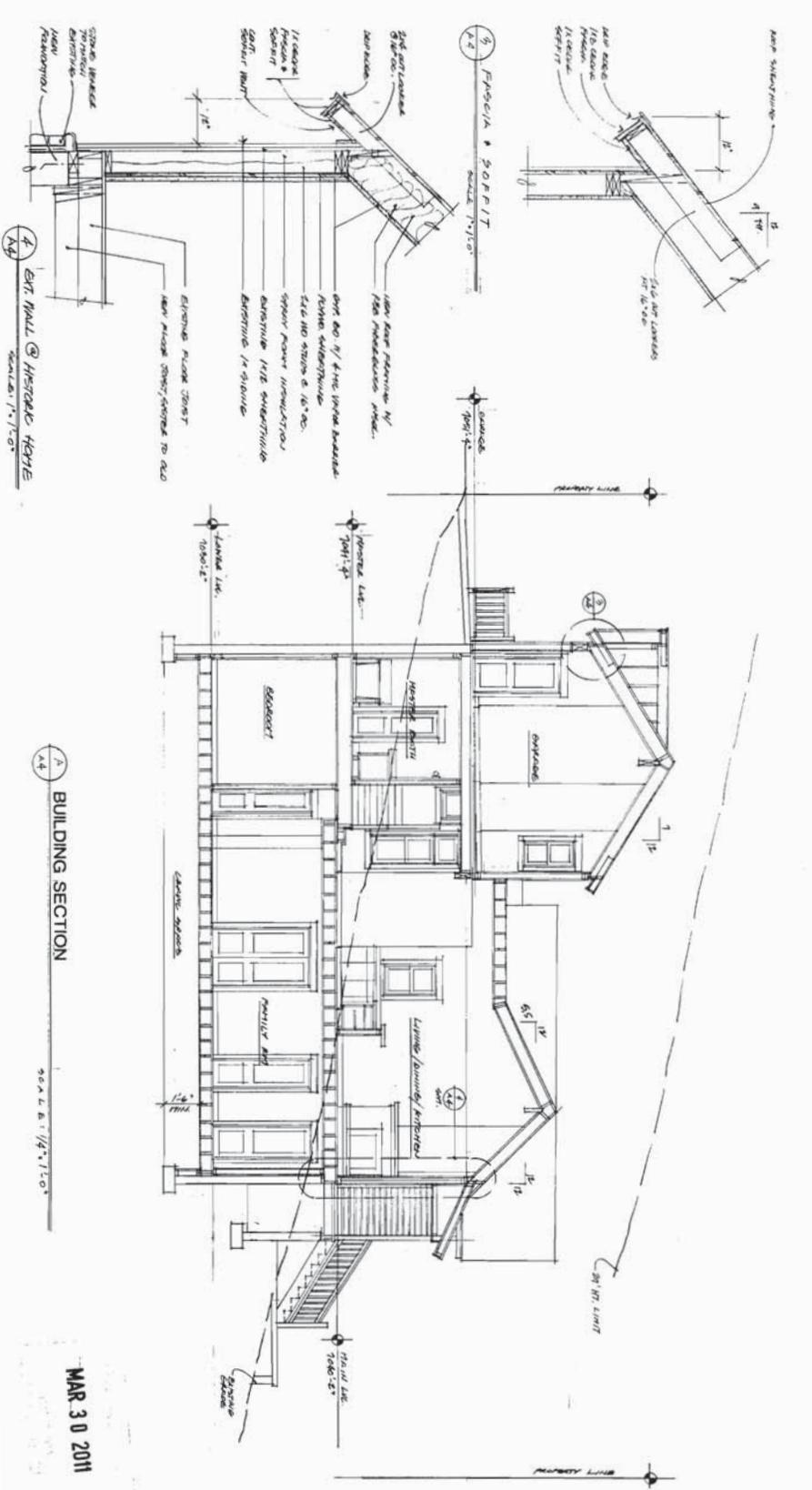


MAR 30 2011

SHEET NO. A-2	DATE 10/16/10	PROJECT DESCRIPTION <b>FLOOR PLANS</b>	PROJECT LOCATION HISTORIC RENOVATION & ADDITION <b>LOVE RESIDENCE</b> 811 NORFOLK AVENUE, PARK CITY, UTAH	ARCHITECT <b>Jonathan DeGray</b> Architect P.O. Box 1574, 414 Main Street, Suite 202, Park City, Utah 84302 Tel. 435-648-7282, E-mail: jdegray@jonathandegray.com



A-3 DATE: 1/6/10 DRAWN BY: J.D.G.	SHEET NO. 11 5/20/11	PROJECT NO. 10-010	PROJECT NAME: LOVE RESIDENCE	ARCHITECT: Jonathan DeGray Architect 811 NORFOLK AVENUE, PARK CITY, UTAH P.O. BOX 1674, 614 MAIN STREET, SUITE 302, PARK CITY, UTAH 84002 TEL: 435-649-7252, E-MAIL: CDGRAY@JDAARCHITECT.COM
	HISTORIC RENOVATION & ADDITION			PROJECT NO. 10-010



MARK	SIZE	TYPE	GLASS	SCREENS
1	2'-4" x 1'-4"	Double Glazed	Double	
2	2'-4" x 1'-4"	Double Glazed	Double	
3	2'-4" x 1'-4"	Double Glazed	Double	
4	2'-4" x 1'-4"	Double Glazed	Double	
5	2'-4" x 1'-4"	Double Glazed	Double	
6	2'-4" x 1'-4"	Double Glazed	Double	
7	2'-4" x 1'-4"	Double Glazed	Double	
8	2'-4" x 1'-4"	Double Glazed	Double	
9	2'-4" x 1'-4"	Double Glazed	Double	
10	2'-4" x 1'-4"	Double Glazed	Double	
11	2'-4" x 1'-4"	Double Glazed	Double	
12	2'-4" x 1'-4"	Double Glazed	Double	
13	2'-4" x 1'-4"	Double Glazed	Double	
14	2'-4" x 1'-4"	Double Glazed	Double	
15	2'-4" x 1'-4"	Double Glazed	Double	
16	2'-4" x 1'-4"	Double Glazed	Double	
17	2'-4" x 1'-4"	Double Glazed	Double	
18	2'-4" x 1'-4"	Double Glazed	Double	
19	2'-4" x 1'-4"	Double Glazed	Double	
20	2'-4" x 1'-4"	Double Glazed	Double	

ROOM	SIZE	TYPE	SCREENS	REMARKS
1	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
2	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
3	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
4	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
5	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
6	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
7	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
8	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
9	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
10	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
11	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
12	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
13	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
14	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
15	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
16	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
17	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
18	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
19	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed
20	6'-0" x 2'-0"	Double Glazed	Double	Double Glazed

<p><b>BUILDING SECTION</b></p> <p>DATE: 1/26/11</p> <p>SCALE: 1/4" = 1'-0"</p> <p>PROJECT: A-4</p>	<p><b>HISTORIC RENOVATION &amp; ADDITION</b></p> <p><b>LOVE RESIDENCE</b></p> <p>811 NORFOLK AVENUE, PARK CITY, UTAH</p>	<p><b>Jonathan DeGray</b></p> <p>Architect</p> <p>P.O. Box 1874, 814 Main Street, Suite 302, Park City, Utah 84093</p> <p>Tel: 435-649-7263, E-mail: jon@jdgay.com, jdgay@comcast.net</p>
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October 5, 2010

**Revised March 30, 2011**

## **Historic Preservation Plan**

Project Location:  
811 Norfolk Avenue  
Park City, Utah

### **1. Project Description:**

The existing historic home at 811 Norfolk straddles the property line between lots 3 and 4 block 14. It is 2.5' over on to lot 4 on the north/east corner and 3.5' on to lot 4 on the south/west corner. Per the recommendations of the structural engineer we would propose brace the existing structure and to then lift the home intact, construct a new foundation, set the intact home down on the new foundation, construct new framed walls from within and construct the proposed addition to the rear. Additionally as part of this process we would propose to move the building 6.5' to the south in order to clean up the existing encroachments on to the adjacent lot to the north. We discussed this at length with Dina Blaes during our pre application meeting on site. Per her comments dated May 25, 2010 (see attached) we would propose to move the house directly south with no alteration to its distance from the street or change in its orientation, which is not parallel to the property line.

### **2. Design Issues:**

The site setting as viewed from Norfolk Avenue will remain very similar to the existing. The distance from the street to the home will be the same and the orientation of the building to the street will also be the same. The lot width at 37.5' is sufficient to allow the building to be moved south to conform to the minimum side yard setbacks on the north and to also allow room to remain on the south side yard for outdoor spaces to occur between the home and the southerly property line. Additionally, the existing walkway from the street to the site will be relocated to center on the front porch. This will bring the stair location back to the orientation shown in the historic photos. The existing stack rock wall which is in disrepair will be rebuilt to match detail A/T1 on the drawings. There is no garage element proposed for the Norfolk elevation.

An addition is being proposed to the rear of the existing home. The forms of the addition are designed to mimic the out buildings that appear in some of the historic photos of the site. We are proposing to use board and batten siding on the addition to help differentiate it from the main homes horizontal lap siding. The way the addition is shaped and set back from the home is not only reminiscent of the historic photos but is in context with other home and out building configurations found on neighboring properties. A small garage is proposed at the rear addition which will access off 8<sup>th</sup> Street.

**MAR 30 2011**

### **3. Construction Issues:**

#### ***Site Features:***

A.1 Topography – The proposed alteration to the existing building will not require any new retaining walls along Norfolk. It is the intent to orient the building to the street in a manner that matches the existing orientation.

A.2 Landscape – The historic photos show a number of large trees on the site that have been lost over time. We have included a landscape plan as part of the submittal that proposes a number of new trees to be planted on the site.

#### **A.3 Retaining Walls:**

The historic photos show what appears to be a 2'-4' concrete wall along the Norfolk street frontage. This wall has been removed and in its place is a small, 1.5' – 2' non historic stack rubble wall. We propose to rebuild this wall as a stack rock wall which appears more like other historic stack rock walls in the area. See detail A/T1

#### **A.4 Exterior steps:**

The existing steps leading from the street were wood and have failed. We propose to rebuild these steps in the location shown on the historic photos, centered on the porch. The initial steps from the street through the reconstructed wall will be stone and will transition to wood as they attach to the porch.

#### **A.5 Fences:**

There are no fences currently on the site. The historic photos do not indicate any fencing was used on the site.

#### ***Main Building***

##### **B.1 Roof:**

Per the engineers report the roof does not meet code. We propose to lift the house as a unit, place it on a new foundation, reframe the exterior walls from the inside and reframe the roof to meet code and to maintain the same fascia, soffit and appearance as existing. The roofing material will be an architectural shingle similar to the existing roof.

##### **B.2-B.5 Exterior Walls:**

North Wall – Remove non historic openings. Install correct window type in historic openings. Patch repair existing siding as needed

South Wall - Remove non historic openings. Install correct window type in historic openings. Patch repair existing siding as needed.

East Wall – Remove existing non historic entry door and side lights. Install period correct door and window. Remove incorrect south facing stair to entry porch and install new stair entry stair on east side of porch per historic photos. Repair or rebuild existing living roof pair of double hung windows. Patch and repair existing siding as needed.

West Wall- The west wall will be removed to facilitate the connection of the addition.

B.6 Foundation – The existing foundation is comprised of stacked rock and timbers. The east elevation between the main floor and grade has been filled in with a stacked rubble stone that appears to have no structural value. As part of the improvements we propose to lift the home as a unit, construct a new foundation and set the home down on the new foundation. We also propose to reuse the existing stack rubble as a non structural facing on the east foundation wall to match the historic photos.

B.7Porch – the historic porch is to remain. The access stairs will be rebuilt in the historic location.

B.8 Dormers – There are no dormers on the house at present and there are none proposed

B.9 Additions – The only addition is to the rear. It connects to the existing house along the west elevation. We have reduced the point of connection as much as possible and altered the siding materials to create distinction between the old and new home.

B.10 Mechanical System – The existing system will be removed and a completely new gas fired radiant heating and gas fired hot water systems installed. These new systems will be high efficiency and the flue requirements will be minimal.

B.11 Electrical System – A completely new code compliant electrical system will be installed.

B.12 Structural System – As stated earlier the existing home will be lifted and a new foundation constructed, the home will be placed back on the new foundation and the home will be reframed from the inside which will include a new roof.

B.13 Hazardous Materials – The home was constructed prior to 1978, the presence of lead base paints according to the EPA can be assumed. The regulations for working in the presence of lead based paints is covered in the April 22, 2010 RRP rule  
The home is dry and free of mold. There is wood in contact with the soil and some of those areas appear to have rotted.

### ***Main Building Details***

C.1 Windows – Most of the existing windows in the historic home have been changed to non historic shapes. The living room window pair is the only two that appear original to the home. The plan calls for the existing non conforming windows to be replaced with historically correct windows. The openings have been identified on the Physical Conditions Report and the new windows are shown on the plans.

C.2 Doors – Front door and side lights to be removed and replaced with a more historically accurate single ½ light door, see drawings

C.3 Trim – Since the home will be moved as a unit the siding trim and front window trim will remain intact. The non historic windows will be removed and the openings changed

back per the Physical Conditions Report. Trim detail will match the existing as shown on the report.

C.4 Architectural Ornamentation – The homes detail is very simple and austere. There has been some decorative siding added over the years but this material is not historic and will be removed.

#### **4. Project Team**

Project Architect – Jonathan DeGray – Architect  
P.O. Box 1674  
614 Main Street, Suite 302  
Park City, Utah 84060  
435-649-7263, office/fax  
435-640-6914, cell  
Email [degrayarch@qwestoffice.net](mailto:degrayarch@qwestoffice.net)  
Web [www.degrayarchitect.com](http://www.degrayarchitect.com)

Contractor – Project is being bid and as soon as a contractor is selected the city will be notified and a pre-construction meeting scheduled.

#### **5. Site History**

See attached

EXHIBIT D

PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction,

including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.



# Historic Preservation Board Staff Report



**Application #:** PL-11-01195  
**Subject:** 1101 Norfolk Avenue  
**Author:** Francisco Astorga  
**Date:** April 6, 2011  
**Type of Item:** Historic District Grant Reinstatement

## **Summary Recommendations**

Staffs recommends the Historic Preservation Board (HPB) review the reinstatement request for a historic district grant and award the applicant a portion of the costs associated with the remodel of the historic home located at 1101 Norfolk Avenue.

## **Description**

**Applicant:** Laura & Steven Atkins  
**Location:** 1101 Norfolk Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**RDA:** Lower Park RDA

## **Proposal**

On February 01, 2011 Laura and Steve Atkins submitted a Historic District Grant application requesting that the City reinstate the grant awarded to their structure on August 4, 2009 and revoked on March 12, 2010 due to non-compliance with the approved plans.

## **Background**

On August 14, 2009 the Historic Preservation Board (HPB) awarded a grant of \$18,046 for the rehabilitation of 1101 Norfolk Avenue. The applicant is the owner of a historic structure located at 1101 Norfolk Avenue. The site is currently listed on the Park City Historic Site Inventory (HSI) as a Landmark Site. The approved rehabilitation work included:

- Lifting the existing front portion of the house to build crawl space foundation.
- Replacing the existing contemporary front door with a design similar to those that were found in Old Town.
- Replacing inoperable windows to match original size and style.
- Restoring and replace siding to match original wood siding around north shed extension and also to rebuild the floor and walls to ensure adequate stability of the roof and the floor.
- Replacing square post with matching turned posts and railings to match the historic photograph.

During construction a problem was identified with the improvements. The contractor did not follow what was specified on the approved building permit plans and the approved Historic District Design Review plans (including the preservation plan). The property owner had difficulties keeping track of the project due to their out-of-state primary residence. The unauthorized work included the addition of a mechanical story underneath the front of the main floor and front porch. This unauthorized story was carried out by expanding the proposed crawl space past the front wall plane of the main floor towards the front of the porch. The proposed five foot (5') crawl space was enlarged to approximately eight feet (8'), which created a building footprint that exceeded that permitted by the Land Management Code (LMC). Also, a full sized door opening was created without any City Approvals on the front façade adding access to the unauthorized area. **Due to the violation of the approved plans and the historic preservation plan, the site was given a stop work order and the grant was revoked.**

Once notified, the property owners worked diligently for several months with the Planning and Building Departments as well as their newly selected contractor to re-design the plan. On June 4, 2010 a new plan was submitted to the City. The re-design included:

- Building the foundation wall at the original location, below the front wall plane of the structure.
- Filling in the area created by the excess footprint with gravel. This area below the porch became a true crawl space and therefore eliminating the footprint non-compliance.
- Removing the existing full size door from the front façade and replacing it with a smaller 36"x36" door for access to crawl space/mechanical area.
- Fabricating and installing a removable hatch covering the new door with siding to hide the access door.
- Restoring the front and side of the structure to original grade (grade before work began).

The plans were redlined, conditioned, and approved. Staff followed the standard process of Historic District Design Reviews which includes posting the site and notifying adjacent property owners. Preliminary compliance was found June 16, 2010 and final determination of compliance was found on June 28, 2010. The applicant moved forward by re-submitting a building permit. The City accepted their new re-design and has issued a new building permit. The work has been completed as the structure has received sub-sequent inspections by the City's Building Inspectors to move forward with the newly authorized work.

### **Analysis**

Grants are available for historic residential or commercial structures in Park City. The purpose of the grant is to assist in offsetting the costs of rehab work. Grants are to be used toward specific rehabilitation projects. The HPB reviews applications and awards grant funds. Funds are awarded to projects that provide a community benefit of

preserving and enhancing the historic architecture of Park City. Eligible Improvements include, but are not limited to siding, windows, foundation work, masonry repair, structural stabilization, retaining wall/steps/stairs of historic significance, exterior trim, exterior doors, cornice repair, and porch repair. Maintenance items, such as exterior painting and new roofing, are the responsibility of the homeowner, but may be considered under specific circumstances.

Staff finds that the completed work is in compliance of their submitted and approved plans. The most recent Historic District Design Review and building permit application were revised to meet the end product of the original preservation plan which was to match the 1930's photograph. The non-compliances have also been fixed. The Planning Department has analyzed the performed work and finds that the site will remain a Landmark Site on the Historic Site Inventory (HSI).

In August 2009 the total cost of the proposed renovations was identified as \$36,092. As the program is a matching grant, half of the total cost (\$18,046) was originally granted by the HPB. Staff recommends that the HPB reinstate half of the amount to the property owner due to the initial discrepancies and deviation from the original approved preservation plan.

Staff finds that by reinstating half the awarded grant, the HPB would be contributing to the ongoing preservation of a historically significant building, landmark site, in Park City. Therefore, staff recommends that the Board grant the applicant one half of the originally awarded grant of the preservation work in the amount of \$9,023. The source of funding is the Lower Park Avenue RDA. That fund currently has \$208,983 available.

### **Alternatives**

- The Historic Preservation Board may reinstate half of the awarded grant; or
- The Historic Preservation Board may reinstate the full amount of the awarded grant; or
- The Historic Preservation Board may not reinstate any of the awarded grant.
- The Historic Preservation Board may continue the item to another date and ask for more information to be presented.

### **Recommendation**

Staff recommends the Historic Preservation Board review the proposed grant reinstatement request and consider awarding the applicant half of the original grant.

### **Exhibits**

Exhibit A – HPB Staff Report dated August 4, 2009

Exhibit B – Re-design

Exhibit C – Photographs of completed work

Exhibit D – Letter from applicant dated March 27, 2011

## Historic Preservation Board Staff Report



**Subject:** 1101 Norfolk Avenue  
**Author:** Francisco Astorga  
**Date:** August 5, 2009  
**Type of Item:** Historic District Grant Application

### Summary Recommendations

Staffs recommends the Historic Preservation Board (HPB) review the request for a historic district grant and award the applicant a portion of the costs associated with the remodel of the historic home located at 1101 Norfolk Avenue.

### Description

**Applicant:** Laura & Steven Atkins  
**Location:** 1101 Norfolk Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential  
**RDA:** Lower Park RDA

### Background

The applicant is the owner of the historic house, located at 1101 Norfolk Avenue. The structure was most likely constructed around 1900 by Henry Shields. This house is a one and one half (1½) story frame building with a gable roof. The arrangements of openings on the façade is asymmetrical with a door and a pair of double hung sash windows on the first floor and a single window on the top story. The original windows are all double hung sash type.

A letter was submitted to the City by Stewart Evans to provide his recollection of the north shed addition. Mr. Evan's family moved into this house in 1926 when he was two years old. Mr. Evans explains that as long as he can remember that shed addition was there.

The only alteration of the house, other than the rear extension, is the addition of a large multi-pane window on the south side of the building. It is an unobtrusive change which does not affect the character of the building. The house, therefore, maintains its original integrity. The site has recently been designated as a Landmark Site under the Park City Historic Site Inventory adopted by the Board in February 2009. The site was listed on the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District. The applicant is seeking a grant from the Historic Preservation Board to restore the house closer to its original state.

The applicant plans to lift the existing front portion of the house six (6) to eight inches (8") to allow enough room to pour a new crawl space foundation. While working on the foundation, the structure will be temporarily supported with steel beams. The work also

includes renovating three (3) front windows on the front elevation, the back window on the rear, and the single window on the south elevation which will be replaced with new double hung wood windows at the same location. The existing large window on the south elevation will be replaced with two double hung wood windows to match the other windows just mentioned.

The elevation of the shed addition will not change, with the exception of raising the roof line to be level with the two exterior corners. Three (3) wood windows will be added to the north shed area façade. The siding around the shed will be replaced to match existing historic siding on the house and also the floor and walls will be rebuilt to ensure adequate stability of this built addition. Work includes the square post to be replaced with matching turned posts and railings as shown in the historic photograph. Insulation will be blown into the walls from the bottom and top of the walls by safely removing a strip of siding using a flex hose to blow the insulation into the wall cavities.

### **Analysis**

Eligible improvements for historic district grants include, but are not limited to, siding, windows, foundation work, masonry repair, structural stabilization, retaining walls/steps/stairs of historic significance, exterior trim, exterior doors, cornice repair, and porch repair. The applicant is requesting that the HPB grant money for the following preservation work:

- Lift the existing front portion of the house to build crawl space foundation.
- Replace the existing contemporary front door with a design similar to those that were found in Old Town.
- Replace inoperable windows to match original size and style.
- Restore and replace siding to match original wood siding around north shed extension and also to rebuild the floor and walls to ensure adequate stability of the roof and the floor.
- Replace square post with matching turned posts and railings to match the historic photograph.

Staff finds the proposed work as outlined in the scope of work (Exhibit B) submitted by the applicant is eligible for the historic grant with the exception of the crawl space floor concrete flatwork, crawl space access door, and the removal and partial reconstruction of the rock wall towards the front of the structure. These requested improvements have been redlined on Exhibit B. Staff would like to receive the Board's input as staff finds that the crawl space improvements are not considered preservation and the work on the rock wall should have been considered when the City built the rock retaining wall a year ago.

The total cost of the proposed renovations identified is \$36,092. As the program is a matching grant, half of the total cost (\$18,046) is eligible to be granted.

Staff finds that the proposed work on the building is eligible for grant money and that by awarding the grant, the HPB would be contributing to the ongoing preservation of a

historically significant building in Park City. The Board is only allowed to contribute grants up to one half of the total cost of the preservation. Therefore, staff recommends that the Board grant the applicant one half of the proposed cost of the preservation work in the amount of \$18,046.

The source of funding is the Lower Park Avenue RDA. That fund currently has \$231,822 available. No additional funds were granted during the recent budget approval by the City Council.

**Recommendation**

Staff recommends the Board review the proposed grant application and consider awarding the applicant a grant of \$18,046, as itemized in Exhibit B.

**Exhibits**

Exhibit A – Historic Site Form – Historic Site Inventory

Exhibit B – Breakdown of estimated costs of the scope of work

# 1101 Norfolk Proposed Re-Design

- First, we will reduce the expanded footprint which exceeds the maximum footprint allowed on the lot by building another foundation wall to be located at the original location, below the front wall plane of the structure. Then fill the area created by the excess footprint with gravel. As indicated by Roger Evans the height of the maximum height of a crawl space in the foundation is not to exceed five feet (5'). I understand this as the top of the crawl-wall should be 5' to the bottom of the ceiling or floor joists. This new area (below the porch) will become a true crawl space and therefore will not count towards footprint of the structure. This action will amend the Land Management Code violation.
- Second, we will place a small access opening to the crawl space on the front facade underneath the stairs. The opening would be a hatch door that would be sided to match the surrounding siding so it blends in. This hatch door will be approximately 3'x4'; which will allow access to the mechanicals during all seasons. In support of this, we obtained the opinion of the Scott Adams of Park City Fire Department. Scott agreed the access panel should be located under the stairs and not the north wall of the structure, due to the snow pack between the houses making access nearly impossible during the winter months.
- Third, we will also build the remaining portion of the foundation wall on the front opening which will allow the front yard to be back-filled as it was historically, thus eliminating the full door access to the crawl space. In addition, we will re-construct the removed rock retaining wall as originally planned.
- We have provided photos of to help you visualize the proposed work of the re-design and an elementary drawing that illustrates these changes. Please note that our home currently and will continue to look almost identical as it did in the 1930's.
- We are confident our proposed re-design provides a solution for the LMC/footprint situation and provides safe, year round access to the mechanicals for maintenance and emergency while protecting the historical integrity of our home. We hope you agree as we are eager to submit the full re-design drawings to the Planning Department, DRT & HPB and complete this renovation.

# 1930's – 1101 Norfolk SE Corner



# 2006 – 1101 Norfolk SE Corner



# 2009 - 1101 Norfolk SE Corner



# 2010 - 1101 Norfolk SE Corner





Exhibit D - Applicant's letter and Exhibits

Application #: PL-11-01195  
Subject: 1101 Norfolk Avenue  
Author: Laura & Steve Atkins  
Date: March 27, 2011  
Type of Item: Historic District Grant Reinstatement

Dear Historic Preservation Board members,

This letter is in regards to our revised grant application. We were granted \$18,046.00 on August 14, 2009 for the rehabilitation of 1101 Norfolk Ave. Shortly after the foundation work had been completed and passed four (4) city inspections (10/6/09, 10/13/09, 12/14/09 & 12/23/09), we received a stop work order in 1/10. A city planner identified a problem with the foundation size and design. The footprint of the house was too large per the Land Management Code and the access door to the crawl space was not in the approved design. Unbeknownst to us, our contractor decided to ignore the plans that had been approved and build what he thought was best. We thought because it had passed inspection, that everything was ok. To make a very long story short, our grant money was revoked and we had to stop work for 6 months to re-design.

We worked diligently with the planning and building departments to re-design the plan; finding a solution that satisfied all parties. The new plan was approved by all departments involved and we began construction with a new contractor (MR Brugge Builders) in late summer 2010. The work was completed late fall of 2010. We are very happy with the work that the new contractor completed. The house looks almost identical to the photo from the 1930's and it's even the same color.

Although unconventional, we are re-applying for our previously awarded grant money. We feel that we have truly maintained the historic integrity of the home and have preserved a piece of Park City's history. The home began as a designated Historic Landmark Site in Park City and that designation still remains after the remodel. 1101 Norfolk has come a long way from the "charming fixer-upper" that we purchased over 7 years ago! We are very proud of how it has turned out and look forward to enjoying it for many years to come.

Please take into consideration the re-application for our grant money. We have done everything in our power to abide by the building codes and design guidelines to return 1101 Norfolk to its original stature. In addition, we were counting on the grant money that had been previously awarded and not an additional \$12,000 to fix what the original contractor had irresponsibly built. According to the HPB Staff Report, "*funds are awarded to projects that provide a community benefit of preserving and enhancing the historic architecture of Park City.*" We feel our rehabilitation of 1101 Norfolk achieves the above goal and that we deserve the full grant of \$18,046. We are looking forward to having you visit our home and see the improvements in person.

Thank you for your time and consideration,

Steve and Laura Atkins

COMPLIANCE INSPECTION REPORT  
445 MAIN AC AVE., P.O. BOX 1480, PARK CITY, UT 84060  
PHONE (435) 615-5100

Property Address 1181 North 5th Ave

Lot No.

Date 10-06-09

Contractor Margis

Time

Permit No. BD-09-14475

Inspection Kind

- COMM.
- RES.
- BLDG.
- MECH.
- SPECIAL
- ELEC.
- ZONING
- FIRE SPRINKLER
- PLEG.
- PREINSPECTION
- HOUSING

Reason for Inspection  CALLED  ROUTINE  COMPLAINT  PICK UP

- grad'ng
- footings
- foundation
- retain wall
- slab
- rebar
- struct. steel
- masonry
- columns
- frame
- rough
- nailing
- underground
- insulation
- drywall
- susp. ceiling
- trusses
- power
- flush test
- pressure test
- water meter
- laterals
- final
- other

RESULTS OF INSPECTION

see comments for explanation

- WORK APPROVED
- WORK IN VIOLATION
- WORK INCOMPLETE

- make necessary corrections
- reinspection required
- reinspection fee required prior to reinspection
- prior violations not corrected
- prior violations corrected
- items listed below will be inspected at next regular inspection

- UNABLE TO MAKE INSPECTION
- Issued Stop Work Order. Do Not Proceed With Work
- Obtain Building, Elect., Plumbing, Mechanical or Applicable Permits
- Cannot locate structure or unit.
- Building inaccessible/locked.
- Need Revised Plans Approved.
- Approved plans not available.

COMMENTS

Footings

1) Clean dirt off of wood.

Rebar as per plan

OK to continue

Need wood column painted + flagged when pouring concrete.

025283

Signed

*[Signature]*

Park City Building Inspector

Property Address: 1101 Norfolk Ave Lot No. \_\_\_\_\_ Date: 10-13-09  
 Contractor: Morgan Time: \_\_\_\_\_  
 Permit No. 130-02-14425

Reason for inspection <input checked="" type="checkbox"/> CALLED <input type="checkbox"/> ROUTINE <input type="checkbox"/> COMPLAINT <input type="checkbox"/> PICK UP			
inspection Kind <input type="checkbox"/> COMM. <input checked="" type="checkbox"/> BLDG. <input type="checkbox"/> RES. <input type="checkbox"/> MECH. <input type="checkbox"/> RES. <input type="checkbox"/> SPECIAL	<input type="checkbox"/> ELEG. <input type="checkbox"/> ZONING <input type="checkbox"/> FIRE-SPRINKLER	<input type="checkbox"/> PLBG. <input type="checkbox"/> PREINSPECTION <input type="checkbox"/> HOUSING	<input type="checkbox"/> grading <input type="checkbox"/> footings <input checked="" type="checkbox"/> foundation <input type="checkbox"/> rebar wall <input type="checkbox"/> slab <input type="checkbox"/> rebar <input type="checkbox"/> struct. steel <input type="checkbox"/> masonry <input type="checkbox"/> columns <input type="checkbox"/> frame <input type="checkbox"/> rough <input type="checkbox"/> nailing <input type="checkbox"/> underground <input type="checkbox"/> insulation <input type="checkbox"/> drywall <input type="checkbox"/> susp. ceiling <input type="checkbox"/> trusses <input type="checkbox"/> power <input type="checkbox"/> flush test <input type="checkbox"/> pressure test <input type="checkbox"/> water meter <input type="checkbox"/> laterals <input type="checkbox"/> final <input type="checkbox"/> other
RESULTS OF INSPECTION see comments for explanation		<input checked="" type="checkbox"/> WORK APPROVED <input type="checkbox"/> WORK INCOMPLETE	<input type="checkbox"/> WORK IN VIOLATION
<input type="checkbox"/> UNABLE TO MAKE INSPECTION <input type="checkbox"/> Issued Stop Work Order, Do Not Proceed With Work <input type="checkbox"/> Obtain Building, Elect., Plumbing, Mechanical or Applicable Permits		<input type="checkbox"/> Cannot locate structure or unit. <input type="checkbox"/> Building inaccessible/locked	<input type="checkbox"/> make necessary corrections <input type="checkbox"/> reinspection required <input type="checkbox"/> reinspection fee required prior to reinspection <input type="checkbox"/> prior violations not corrected <input type="checkbox"/> prior violations corrected <input type="checkbox"/> items listed below will be inspected at next regular inspection <input type="checkbox"/> Need Revised Plans Approved <input type="checkbox"/> Approved plans not available.

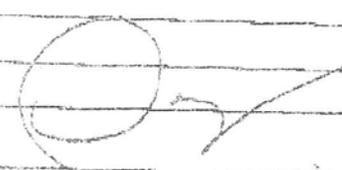
COMMENTS

Foundation

18" #4 rebar every

as per plan

025072

Signed:  Park City Building Inspector

Property Address 1101 NORFOLK Lot No. \_\_\_\_\_ Date 12/14/09  
 Contractor \_\_\_\_\_ Time 12:00

Permit No. 14475

Inspection Kind  
 COMM.  BLDG.  ELEC.  PLBG.  
 RES.  MECH.  ZONING  FIRE  HOUSING  
 SPECIAL  FIRE SPRINKLER  PREINSPECTION

Reason for Inspection  
 CALLED  ROUTINE  COMPLAINT  PICK UP

grading  struct. steel  underground  flush test  
 footings  masonry  insulation  pressure test  
 foundation  columns  drywall  water meter  
 retain wall  frame  subp. ceiling  laterals  
 slab  rough  trusses  final  
 rebar  nailing  power  other

make necessary corrections  prior violations not corrected  
 reinspection required  prior violations corrected  
 reinspection fee required  items listed below will be inspected at next regular inspection  
 prior to reinspection

UNABLE TO MAKE INSPECTION  Cannot locate structure or unit.  Need Revised Plans Approved.  
 Building inaccessible/locked.  Approved plans not available.

issued Stop Work Order; Do Not Proceed With Work  
 Obtain Building, Elect., Plumbing, Mechanical or Applicable Permits

RESULTS OF INSPECTION  
 see comments for explanation

WORK APPROVED  
PTB P

WORK INCOMPLETE  
AWAY

WORK IN VIOLATION

COMMENTS

1 STAIR NOT MEETING RFR AND RUN-HARBOR  
 2 SMOKE NOT INSTALLED  
 3 NEARD OUTLETS EACH 12' OF WALL  
 4 PPTER UNIT  
 5 STRAP BROKEN PLATES  
 6 NEARD DOUBLE PLATE  
 7 POSITIVE CONNECTION POST TO BEAM  
 8 TEST SUPPLY AND DWU  
 9 INSTALL EARD PROTECTION AT ELECTRICAL AND GAS METER

POWER TO PANEL

125 AMP 120/240V

026799

\_\_\_\_\_  
 Park City Building Inspector

**PARK CITY COMPLIANCE INSPECTION REPORT**  
 445 MARSAC AVE., P.O. BOX 1480, PARK CITY, UTAH 84060  
 PHONE (435) 615-5100

Property Address 1101 A61616 Lot No. \_\_\_\_\_ Date 12/23/09

Inspector MARQUIS Time 12:15

Permit No. PD-09-4475 Reason for Inspection  CALLED  ROUTINE  COMPLAINT  PICK UP

Inspection Kind  BLDG.  ELEC.  PLBG.  COMM.  MECH.  ZONING  PREINSPECTION  RES.  SPECIAL  FIRE  HOUSING  SPRINKLER

grading  struct. steel  underground  flush test  
 footings  masonry  insulation  pressure test  
 foundation  columns  drywall  water meter  
 retain wall  frame  susp. ceiling  laterals  
 slab  rough  trusses  final  
 rebar  nailing  power  other

**RESULTS OF INSPECTION**  
 WORK APPROVED  WORK IN VIOLATION  
 WORK INCOMPLETE

make necessary corrections  prior violations not corrected  
 reinspection required  prior violations corrected  
 reinspection fee required  items listed below will be inspected at next regular inspection

see comments for explanation  
 UNABLE TO MAKE INSPECTION  Cannot locate structure or unit.  Need Revised Plans Approved.  
 Building inaccessible/locked.  Approved plans not available.  
 Issued Stop Work Order, Do Not Proceed With Work  
 Obtain Building, Elect., Plumbing, Mechanical or Applicable Permits

COMMENTS Drywall/ Tyvek  
ok to continue