



**PARK CITY HISTORIC PRESERVATION BOARD MEETING
SUMMIT COUNTY, UTAH
September 7, 2022**

NOTICE OF HYBRID IN-PERSON AND ELECTRONIC MEETING: The Historic Preservation Board of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, September 7, 2022. Historic Preservation Board members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically. Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/public-meetings. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

SITE VISIT 4:00 PM

The Historic Preservation Board Will Visit 1002.5 Norfolk Avenue, a Disassembly and Reassembly Modification.

MEETING CALLED TO ORDER AT 5:00 PM.

1. ROLL CALL

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

2.A Swearing In New Historic Preservation Board Member

2.B Historic Preservation Board Chair Election

3. MINUTES APPROVAL

3.A Consideration to Approve the Historic Preservation Board Meeting Minutes from July 6, 2022.

[July 6, 2022 - Minutes Pending Approval](#)

4. PUBLIC COMMUNICATIONS

5. WORK SESSION

5.A **Temporary Winter Balcony Enclosure Pilot Program** – The Historic Preservation Board Will Review the Temporary Winter Balcony Enclosure Pilot Program that Allows for Non-Historic Balconies in the Historic Commercial Business District Facing Main Street to be Enclosed from November 15 through April 30. The Pilot Program Will Expire in 2023. GI-22-00487.

[Winter Balcony Enclosure Staff Report](#)

[Exhibit A: November 13, 2014 City Council Meeting Minutes](#)

[Exhibit B: January 7, 2015 HPB Staff Report](#)

[Exhibit C: January 7, 2015 HPB Meeting Minutes](#)

[Exhibit D: March 4, 2015 HPB Staff Report](#)

Exhibit E: March 4, 2015 HPB Meeting Minutes
Exhibit F: December 9, 2015 Planning Commission Staff Report
Exhibit G: December 9, 2015 Planning Commission Meeting Minutes
Exhibit H: Public Input

6. REGULAR AGENDA

6.A

1002.5 Norfolk Avenue – Historic District Design Review Modification – On October 6, 2021, the Historic Preservation Board Approved Temporary Relocation of the Landmark Historic Structure and Panelization of the West Elevation. The Applicant Proposes Deconstruction and Reconstruction or Disassembly and Reassembly (Panelization) of the Structure. PL-22-05352

(A) Public Hearing; (B) Action

1002.5 Norfolk Avenue Staff Report
Exhibit A: Draft Final Action Letter
Exhibit B: Applicant's Request
Exhibit C: July 28, 2021 Planning Director and Chief Building Official Determination
Exhibit D: September 28, 2021 Planning Director and Chief Building Official Determination

6.B

901 Woodside Avenue - Modification to Material Deconstruction Approval Dated February 3, 2021 - The Applicant Proposes Modifications to the Bay Windows on the Front Façade of the Landmark Historic Structure to Meet Egress Requirements. PL-22-05338

(A) Public Hearing; (B) Action

901 Woodside Avenue Staff Report
Exhibit A: Draft Final Action Letter
Exhibit B: 901 Woodside Avenue Project Review
Exhibit C: August 17, 2019 Final Action Letter

6.C

569 Park Avenue – Historic District Design Review – The Applicant Proposes Removing the Non-Historic Porch and Lifting the Significant Historic Structure to Accommodate a New Basement and Foundation, Shifting the Significant Historic Structure Four Feet to the North to Allow Construction of a New Garage and Driveway, Material Deconstruction to Accommodate an Addition, and Replacing the Truss Roof with Stick Framing. PL-22-05317

(A) Public Hearing; (B) Action

569 Park Avenue Staff Report
Exhibit A: Draft Final Action Letter
Exhibit B: 1986 Building Permit
Exhibit C: 1987 Building Permit
Exhibit D: February 4, 2009 HPB Meeting Minutes
Exhibit E: April 7, 2010 HPB Meeting Minutes
Exhibit F: 2015 Determination of Significance Application
Exhibit G: 2015 Demolition Permit Application
Exhibit H: March 2, 2016 HPB Staff Report
Exhibit I: March 2, 2016 HPB Meeting Minutes
Exhibit J: 2016 Determination of Significance Appeal
Exhibit K: Property Right Ombudsman Advisory Opinion

Exhibit L: 1985 Zoning Map
Exhibit M: 1987 HR - 1 Regulations
Exhibit N: Proposed Plans

7. ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Historic Preservation Board Agenda Item Report

Meeting Date: September 7, 2022

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Staff Report

Agenda Section: SITE VISIT 4:00 PM

Subject:

The Historic Preservation Board Will Visit 1002.5 Norfolk Avenue, a Disassembly and Reassembly Modification.

Suggested Action:

Attachments:



**PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF JULY 6, 2022**

BOARD MEMBERS IN ATTENDANCE: Randy Scott-Chair, Lola Beatlebrox, Puggy Holmgren, John Hutchings, Douglas Stephens

EX OFFICIO MEMBERS: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; John Robertson, City Engineer; Aiden Lillie, Planner; Spencer Cawley, Planner; Chief Building Official Dave Thacker

1. ROLL CALL

Chair Randy Scott called the meeting to order at 5:00 p.m. A roll call was held, and Chair Scott noted that a quorum was present.

2. MEETING MINUTES

A. Consideration to Approve the Historic Preservation Board Meeting Minutes from May 4, 2022.

Board Members Lola Beatlebrox and Douglas Stephens each stated that they were not present at the May 4 meeting and would abstain from the vote.

MOTION: Board Member Puggy Holmgren moved to APPROVE the Minutes of May 4, 2022, as written. Board Member John Hutchings seconded the motion.

VOTE: The motion passed unanimously with two abstentions.

3. PUBLIC COMMUNICATIONS

No comments were submitted and no hands were raised on Zoom.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Scott mentioned that the Daly West Headframe was raised and was amazing. He believed it would give some momentum for other items on the list to get higher priority. He added that there would be a full video created that would be circulated.

5. **WORK SESSION**

A. **Small Wireless Facility Design Standards - The Historic Preservation Board Will Conduct a Work Session on Small Wireless Facility Design Standards for Small Wireless Installations in the Historic Districts and near Historic Sites.**

Assistant Planning Director, Rebecca Ward, reported that there had been developments on this issue since it was last presented to the Board in April 2021. She introduced City Engineer, John Robertson, who was available on Zoom to answer any questions. In addition, Toro Blanco was the design firm that had been drafting the plans to show what a Small Wireless Facilities (“SWF”) might look like in the Historic District. Zack Hodgins was present on behalf of Toro Blanco and available to answer questions.

Assistant Director Ward thanked the wireless facility providers for their openness to meeting with Staff and the City Engineer. She reported that they conducted a tour on Main Street and representatives visited the Historic Districts to brainstorm how the SWF could be installed with minimal impacts. She added that the State Historic Preservation Office also weighed in and Staff reached out to the University of Utah, which has design guidelines to protect the Historic President Circle and Fort Douglas area. They also reached out to other communities that are also working through these issues, and Staff found that things were still developing and progressing. She stated that while they have not yet found the magic solution, they were headed in a good direction.

Assistant Director Ward reported that one of the outcomes of the April 2021 Work Session was the recommendation from the Historic Preservation Board (“HPB”) that there be proportionate Main Street replacement lights provided for when the Design Standards are scheduled to go before City Council for review. She stated that those were completed and based on those renderings, the City Council was not in favor of replacing the Main Street lights with the taller lights. The Council directed Staff to go back to the drawing board specifically to the Historic District.

Assistant Director Ward reported that on December 16, 2021, the City Council adopted the Design Standards Citywide, with the exception of the Historic Districts. She added that the wireless providers have continued to show good faith in working with the City to try and find creative solutions. Staff had been working with the City Engineer, who in turn was working with a third-party consultant that specializes in these designs. They found that some communities are implementing a Distributed Antenna System (“DAS”) that would be owned and operated by a third party; the City would allow wireless providers to install conduit along Main Street to connect to the DAS.

Assistant Director Ward explained that because this conduit would be underground, it would reduce the amount of equipment required for each SWF. She added that the system will have an antenna as an addition to the Main Street light, but it would not require the replacement of the Main Street light. Instead, a box would be added to the

top of the existing light pole. She noted that because the conduit would be underground, it would eliminate the need for the equipment boxes in the base. There would be a minor increase to the base dimensions but nothing like what they previously presented.

Assistant Director Ward referenced renderings prepared by Toro Blanco and noted that they were still working out the dimensions of the antennas. She presented renderings of an existing light and compared it to one that showed the proposed antenna. She remarked that the antenna would match the light pole in materials and color, and in the worst-case scenario, the antenna would be 15 inches high and 6 inches wide. She noted there might be an opportunity to reduce those dimensions.

She explained that the proposed Design Standards would require DAS for the Main Street Small Wireless Facilities. For SWF proposed in or near Historic Sites, they proposed a separate section for adoption as part of the Design Standards. This would require the small wireless provider demonstrate that adequate coverage could not be maintained, existing services or capacities could not be improved, or new services could not be added to the existing facilities unless they were allowed to install these facilities in the Historic District or near a Historic Site.

The second requirement would be to require a comprehensive plan for complete coverage of the Historic District to identify co-location opportunities and to reduce the number of facilities to be installed. Assistant Director Ward explained that the proposed Design Standards will establish an optional pre-submittal meeting and establish public notice for Section 106 review with the State Historic Preservation Office that would allow for the City and any interested member of the public to participate as consulting parties. She explained the prioritization for SWFs in Historic Districts and installed away from Main Street. The first would be On-Strand Attachments, where the SWF would hang below a power line. The second priority would be to attach an SWF to an existing utility pole.

With respect to the third priority, she noted that while there are no traffic signals in the Historic District, there are some historic sites that are near traffic signals to which SWFs could be attached fairly easily. The fourth preference would be streetlights, excluding those on Main Street, where replacements would be allowed of existing streetlights for a particular streetscape. The last preference would be unobtrusive co-location or the installation of a standalone pole.

Assistant Director Ward explained that the proposed Design Standards would prohibit the installation of Small Wireless Facilities on Historic Structures or Sites. They would also be prohibited along the primary façade or lot frontage and discouraged from canopies, awnings, overhangs, balconies, and rooftops. If an SWF were allowed to be installed near a Historic Site, historic material would require protection during installation. She added that the proposed Design Standards would require screening, concealment, camouflage, or other stealth techniques to blend it into the environment.

In addition, the Design Standards require that undergrounding of utility boxes should be accomplished whenever possible.

She asked the HPB for input and explained that this was scheduled to go before the City Council in September. She noted that the Design Standards were already adopted; this would add a chapter specific to the Historic Districts and near Historic Sites.

Board Member Stephens asked if conduit already existed along Main Street. Assistant Director Ward expressed her belief that conduit already exists. Mr. Robertson explained that the City installed conduit when the sidewalks were replaced along Main Street five to six years ago. He added that there would have to be some sort of agreement with providers to use that conduit since it was installed and is maintained by the City.

Board Member Stephens recalled discussions from last year where they felt that they would not need too many of these SWFs along Main Street. Mr. Robertson explained that current Utah State Law allows multiple providers to place their facilities in City rights-of-way. If they do not have DAS, it could be that providers could place facilities up and down Main Street. Mr. Robertson emphasized that the advantage of DAS is that there might be antennas placed on multiple poles, but they would be much less intrusive and multiple providers could use one antenna. He added that the City could, therefore, force placement in certain locations. He clarified that State law does not allow the City to force providers onto a DAS, although it would be an advantage for the providers. Providers could still propose other locations within the Historic District if they did not want to use the DAS; however, the City could promote and encourage the use of the DAS to the provider.

Board Member Stephens commented that even with the DAS, the antenna would be noticeable. He wondered if the antennas could be concentrated in locations at the top of Main Street and at the bottom of Main Street, as well as in some parks and public areas. He suggested design alternatives for those types of areas that might present a better option.

In response to an inquiry from Chair Scott, Mr. Robertson stated that these antennas could be installed on every pole along Main Street but would not necessarily have to depend on provider coverage. He suggested that they might be able to install three to four antennas along Main Street that could provide a significant amount of coverage for the different providers; however, they would need input from the providers regarding their coverage needs.

Chair Scott noted that in some areas a monopole could potentially be hidden, which could present an interesting solution. Board Member Holmgren questioned whether that would detract from the historic image if the poles were located on Main Street. Chair Scott expressed that it would be better to not alter the existing poles along Main Street but suggested that a monopole could be made to look similar to a historic pole

that would fit in with the aesthetic. He added that if they could install such a pole near the bottom of lower Main Street, or near the Brew Pub lot, they could potentially be more hidden. He also mentioned a location back into Miner's Park.

Assistant Director Ward added that following the last Work Session, Staff created a map of the different rights-of-way and park areas running through Main Street that was reviewed with the wireless providers. She reported that the wireless providers expressed concern that if the wireless facilities are placed behind or to the side of a structure, additional issues would arise. She stated that the DAS would have a 10' x 10' operating system that could be hidden on rooftops or in the rights-of-ways off of Main Street; however, to actually place the SWF in those areas would not be possible without additional height.

Board Member Beatlebrox expressed support for the new design and felt that the Board's concerns about the light poles were heard. She felt that a small protrusion at the top of the antenna would not detract from the light pole. She added her belief that people would likely not notice the addition and would be happy with the cell service.

Board Member Beatlebrox was particularly pleased that the new design had a smaller base. From a design standpoint, she reiterated that was happy with the proposed changes.

There was support from the Board for the new design and keeping the base similar to the existing size.

Board Member Hutchings asked if they require provisions regarding removal in the event that facilities are abandoned. Assistant Director Ward explained that when the City Council adopted the Design Standards, they also adopted a section of the Code that outlined the required agreements to operate these in the right-of-way, which addresses this issue.

Planning Director, Gretchen Milliken, mentioned that a message was received via the chat in Zoom. The comments of Mr. Hodgins of Toro Blanco were read as follows:

'Monopoles could be part of the DAS system. The real advantage of the DAS is to ensure multi-tenant collection of the carriers, instead of the carriers each having their own individual poles, which would lead to 3 – 4 times as many installations over time. The size installation and DAS calls for a total of 10 nodes along Main Street that will enable complete coverage for every carrier along that street.'

6. REGULAR AGENDA

A. Consideration of a Resolution Authorizing Electronic Meetings and Hybrid Meetings with an Anchor Location.

City Planner, Aiden Lillie, explained that the Board is required to adopt the Resolution in order to conduct hybrid meetings. This Resolution would allow participation both in-person and online.

Director Milliken read the Resolution into the record as follows:

“A RESOLUTION GOVERNING THE USE OF ELECTRONIC MEETINGS BY THE HISTORIC PRESERVATION BOARD.

WHEREAS Park City values transparency and conducting the public's business in public meetings where actions are taken, and deliberations are conducted openly;

WHEREAS, while the preference is for Park City public bodies to convene in person, it is understood that there may be circumstances where electronic meetings are necessary;

WHEREAS the Open and Public Meetings Act was amended during the 2021 General Session to grant additional flexibility in how public bodies conduct electronic meetings;

WHEREAS the COVID-19 virus continues to raise health or safety concerns for in-person public meetings and electronic meetings help facilitate social distancing;

BE IT ORDAINED BY THE HISTORIC PRESERVATION BOARD OF PARK CITY, UTAH, THAT:

The Historic Preservation Board may hold electronic meetings in accordance with section 52-4-207 of the Utah Code, as amended.

MOTION: Board Member Holmgren moved to APPROVE the Resolution Authorizing Electronic Meetings and Hybrid Meetings with an Anchor Location. Board Member Beatlebrox seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

B. 1304 Park Avenue -- Disassembly and Reassembly -- The Applicant Proposes Partial Disassembly and Reassembly to Construct Structural Upgrades to the Landmark Historic Site. PL-21-05028.

Planner Lillie acknowledged Board Member Holmgren's comment that this home came before the Board in the prior meeting where the applicant requested full panelization of the Historic Structure. She explained that the application was a revised proposal to only panelize four walls from the pre-1941 addition and lift the original structure. She reported that the original structure was constructed circa 1885 and is a Landmark Historic Structure on Park City's Historic Sites Inventory. She presented a 1941 photograph of the home.

The application before the Board proposed the disassembly and reassembly of four walls of the 1941 addition and to lift the original form of the Historic Structure. She referenced the drawings from the project architect, Jonathan DeGray, AIA that show the Panelization Plan. She stated that following the Board's prior review and denial of the proposal for full panelization, the applicant provided a letter included as Exhibit B to the Staff Report that states that lifting the structure would be difficult due to its size and the lack of a continuous floor or roof framing system that would allow for bracing.

Planner Lillie reported that the proposed disassembly and reassembly of the 1941 form would allow the applicant to construct a new foundation and perform other structural upgrades. She added that on April 26, 2022, Chief Building Official, Dave Thacker, and Director Milliken visited the site and determined that the conditions did not require panelization. As of this time, the Chief Building Official and Planning Director had not received any new information or observed any change in conditions that would alter their findings and determination.

Planner Lillie stated that Staff recommended the Board review the proposal, conduct a public hearing and deny the disassembly and reassembly of the Landmark Historic Structure, subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the staff report. Staff had not received any public input on this proposal.

Board Member Hutchings requested clarification of what panels were proposed to be panelized. Planner Lillie presented the panelization plan and identified the 1941 addition proposed to be panelized, and the original structure proposed to be lifted. One panel to be disassembled was located on the front façade and contains the gable. There would be two additional panels from the south elevation that would also be disassembled.

Planner Lillie explained that the north side of the home would also be panelized. She explained that the rear was non-contributing as it was a more recent addition and would be removed for the proposed addition.

Board Member Beatlebrox expressed confusion over the discussion about a 1907 addition and asked for clarification about the number of additions. Planner Lillie explained that there was one addition as depicted on the 1941 Sanborn Map.

Mr. DeGray explained that there have also been more recent additions. The original form was constructed circa 1885 and would be lifted and put back onto a new foundation. There was a 1941 addition, and all that remains of that addition are the three panels. They included the south side shed and roof form panel in the Panelization Plan because it has no rear wall. He offered that everything to the east was part of an addition done in the 1980s. He stressed that there is no back to the building that is contributory. This proposal would take the parts of the structure that are salvageable and put them aside to be reassembled. He added that this plan followed along with the discussions during the last meeting. Mr. DeGray stated that based on precedent, they could tear down the 1941 addition, but expressed that this addition was contributory because it created a gable form in the front, and saving those panels would have value. It also represented the building that the applicant would like to save.

Board Member Stephens asked how they knew the gable façade was constructed in 1941. Planner Lillie clarified that the 1907 date in the Staff Report was the earliest date that this structure appeared on the Sanborn Map. She referenced the north and east elevations of the home that appear on the 1941 Sanborn Map. She explained these are the portions of the home proposed to be panelized. It was clarified that the additions were done sometime between 1929 and 1941.

Board Member Stephens referenced the siding on the south side of the original building and questioned whether it was original. Mr. DeGray confirmed that none of this siding appeared to be original. He added that the home had been renovated over the years, particularly in the 1980s when the 1941 addition was extended even further back into the rear yard. He added that most recently, a prior owner had started to reframe portions of the building without a permit.

Board Member Beatlebrox understood that the rectangular form of the original structure could be lifted. She stated that during a recent visit, she noted the absence of a wall between the two forms on the north side. Mr. DeGray stated that the other three walls were in decent shape and the form was small enough to be braced and lifted as a unit.

In response to an inquiry regarding panelization of Panel D, Mr. DeGray confirmed that it was included in the Panelization Plan because it is the only other intact wall. He added that the siding was not original, and the interior is covered with sheetrock, so until they do a full demolition he could not state for sure whether it was intact.

Board Member Hutchings asked what would need to be done to lift the entire structure. Mr. DeGray explained that they would have to do extensive rebuilding on the interior. He added that this would be counter-intuitive because they want the structure as light as possible before lifting and adding framing that would in the end be thrown away would

not make sense. He noted that the roof and floor would be reframed after installation of the foundation.

Board Member Stephens noted that Mr. DeGray's comments would apply to every house in Old Town. Board Member Stephens observed that there was original siding on the front of the house, and he felt that the façade on the gable end facing Park Avenue was closer to 1929 than 1941. On the north side of the building, he felt there was the same siding. He was not sure how contributing Panel D was to this structure and would rather see the historic form from 1885 and the next historic form built prior to 1941 lifted intact. He would also like to see the shed addition on the back removed. Board Member Beatlebrox concurred with Board Member Stephens' suggestions.

Mr. DeGray confirmed that they included the rear wall because it was part of the non-contributory addition and was the only panel that represented the historic form that might be worth saving.

Board Member Stephens asked if any framing would be discarded if they lifted the original structure and 1941 addition. Mr. DeGray responded in the negative and noted that there was neither a back wall to the 1941 gable addition nor an interior wall. Board Member Stephens observed that the applicant would have to construct some type of structure to support the new gable roof and questioned why they don't just build a newly engineered structure, as it would be intended when it is finished.

Mr. DeGray stated he would hope to avoid that scenario because the increased weight would complicate the lift. He referenced the house that fell in the hole on Park Avenue a few years back. He added that because that house was fully reframed it survived the fall, but it created quite a mess to clean up. Based on his experience, he recommended making this as light as possible to accommodate the lift, and then they could reapply the 1941 addition to a proper structure. There was brief discussion regarding the windows that were part of the historic form.

Board Member Stephens stated that he would have difficulty agreeing to the panelization of the addition on the north side that took place between 1929 and 1941 and would rather see that lifted intact. Board Member Holmgren noted that historically, they have tried to avoid panelization and wondered if they could avoid it in this instance.

Board Member Beatlebrox understood that the applicant would have to build a wall or structure on the left-hand side of the original structure in order to lift it. She did not understand why a ghost wall could not be installed on the right-hand side of the gable.

Mr. DeGray responded that the issue was that there was no continuous floor on that side of the building, so they would have to frame a floor to stabilize it and connect it. It was noted that the joists that were part of the non-permitted framing were in good shape, but it was not connected to the 1885 form.

Board Member Beatlebrox noted that it seemed like a house of cards and asked how confident the applicant was that if the applicant panelized the three sides of the gable form that it could be reassembled exactly as it exists today. Mr. DeGray expressed confidence and added that there was plenty of evidence of that being done all over town. He added that the panels seemed to be in pretty good shape. Mr. DeGray stated that the owner would like to move forward with the Building Permit as soon as possible. Board Member Beatlebrox expressed her support for the proposal.

Chair Scott noted that this was tricky and commented that they have allowed applicants to go back to a prior period. He noted that here, the applicant wants to keep the gable, which is a non-historic form, and during the last meeting they explored ways to save that structure and meet somewhere in the middle. He stated that he was and continues to be agreeable with the concept discussed during the last meeting as long as they worked to preserve the 1941 piece and preserve the original Historic Structure. He added that the owner could go back to the 1929 Sanborn Map and recreate the structure as is, which would be a loss to the community.

Board Member Hutchings echoed these struggles and stated that if they were being 100% consistent, they would deny this application based on the Chief Building Official's determination. However, he felt that this might encourage the removal of historic material, which they do not want to do. He added that if the owner removed that historic material, they would have to live with it as well. Board Member Hutchings commented that the owner wanted to preserve that area of the home.

Board Member Stephens observed that the Board has often allowed the property owner to decide which historic period they want to go back to, but the property owner must live with that decision and must meet the current Code. Often, it is in the property owners' best interest to keep the later edition. He stressed that the Board historically opposed panelization and preferred lifting. There are instances where panelization would be better, as noted by Board Member Beatlebrox. He referenced a home on Ninth Street that could not be lifted. He stressed that the information they have now is that the entire structure could be lifted.

Chair Scott opened the public hearing. There was no public input, however, Chief Building Official Thacker offered to provide his input.

Director Milliken added that she viewed the property with Mr. Thacker and acknowledged that this was a difficult situation. This is a heavier structure that would require the recreation of some of the missing façades in order to lift it as a whole. She stated that the site, which is flat and contains space for staging, also played into the determination that the structure should not be panelized.

Mr. Thacker echoed Director Milliken's comments and stated that the site is flat and contains a substantial amount of room. He added that although the structure is a 'hodge-podge,' it seemed that it could be put together and secured to accommodate

lifting. He added that compared to some of the other structures that have been lifted, this one seemed easier in some respects.

Board Member Beatlebrox asked Mr. Thacker about the impact of the floor not being connected to the rest of the house. Mr. Thacker stated that even though the floor was not perfectly connected, there would be ways to secure it to allow the structure to be lifted and then secured to a foundation. He stated it would take some additional preparation prior to the lift, but it was still a reasonable and possible activity.

Chair Scott closed the public hearing.

Board Member Stephens noted that denial of this application would further delay the applicant, and asked Mr. DeGray if the applicant could live with lifting as discussed during this meeting. He suggested that as part of a motion, they could allow for the removal of Panel D and the non-historic material from the historic form.

Director Milliken stated that this could be added as part of the motion, and it would become part of the public record.

Board Member Stephens added that if the non-historic material was removed from the historic form, then some sheeting could be added to assist with the lift. Mr. DeGray indicated he would work with Staff to update the plan. It was suggested that the Board could move to deny panelization and add the modifications as discussed that would allow the entire structure to be lifted.

MOTION: Board Member Beatlebrox moved to DENY the Partial Disassembly and Reassembly of 1304 Park Avenue, and ALLOW the removal of Panel D and the non-historic siding material from the south façade in order to facilitate the lifting of the entire Historic Form at 1304 Park Avenue, including the 1885 Form and the 1929/1941 Form according to the Findings of Fact and Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

Background

1. 1304 Park Avenue is a one-story T/L cottage with a gabled roof that was constructed in c.1885 and is a Landmark Historic Site on Park City's Historic Sites Inventory.
2. The home was originally constructed as a hall and parlor-type house but received a wing addition in c. 1907.
3. This site was listed on the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District. It

was built within the historic period, defined as 1872 to 1929 in the district nomination, and retains its historic integrity.

4. On March 29, 2022, the Planning Department received a complete Historic District Design Review (HDDR) application for 1304 Park Avenue. The Applicant is proposing to panelize the structure to complete structural upgrades and a rear addition.
5. This application was reviewed by the Design Review Team on November 17, 2022, December 1, 2022, January 19, 2022, and April 6, 2022.
6. On May 4, 2022, the HPB reviewed the project, conducted a public hearing, and requested the Applicant modify their proposal.

Panelization

7. On March 30, 2022, a licensed structural engineer visited 1304 Park Avenue and completed a Physical Conditions Report.
8. The report determined the following:
 - i. The main roof existing joists are 2x4 at 24" on center spanning about 8'-0" to 12'-0". The 12'-0" roof joists are 12% capacity of the code. The 8'-0" roof joists are 16% capacity of the code. They need to be upgraded or replaced with new roof joists. We suggest reframing roof ridge and valley beams and installing new 9 1/2" min. TJI roof joists.
 - ii. The existing roof deck is 1x wood plank installed perpendicular to the existing joists. It doesn't have any capacity of shear diaphragm value. Suggest installing new 5/8" plywood or OSB with 10d @ 6" on center nailing.
 - iii. The existing crawl space floor joists are 2x4 @ 24" on center spanning 12'-0". Most of them were totally rotted out. They have to be replaced. On the north portion of the house, the crawl space floor joists are kind new 2x6 @ 16" o.c.
 - iv. All the existing headers need to be upgraded. We will review each one of them when the design is available.
 - v. The exterior and interior walls are actual 2x4 @ 16" o.c. with 1x12 planks horizontally. They have the capacity for gravity loads but no capacity for wind, or seismic. The exterior walls need to be

redesigned with new OSB/plywood sheathing and new hold-downs for lateral compliance with the new Building Code.

- vi. The whole existing building is supported by loose sandstone or no footing at all. We suggest removing the existing foundation sandstone and frame walls. New reinforced concrete footing and foundation walls need to be poured for supporting the existing building and forming the frost depth of 40" minimum.
 - vii. Considering the existing roof, floor, and wall condition plus the age, rotted condition of the building as well as the bad differential settlement and particularly the house is rested on dirt, we strongly suggest panelizing the existing building so we can re-build the entire house. If not to panelize the existing building, the big concern is that the safety is not guaranteed when the construction crews are working inside of the existing building with jacking or vibrating to the building. To panelize the existing building, the construction crews may only need to work from the outside of the building most of time.
9. On April 26, 2022, the Chief Building Official, Planning Director, and Building and Planning staff visited 1304 Park Avenue.
- a. The Chief Building Official and Planning Director determined that the Landmark Historic Structure is not in a state of disrepair that merits demolition.
 - b. The Chief Building Official and Planning Director visited the site and determined that the Landmark Historic Structure is not hazardous or dangerous pursuant to International Building Code Section 116.1.
 - c. The Chief Building Official and Planning Director visited the site and determined that the Landmark Historic Site and structural conditions will not preclude lifting or moving the Structure; the physical conditions of existing materials will not prevent temporarily lifting the Structure.

Conclusion of Law

- 1. The proposal does not meet the criteria outlined in Land Management Code Disassembly And Reassembly Of A Historic Building Or Historic Structure Land Management Code Section 15-11-14.

Board Member Stephens seconded the motion.

VOTE: The motion passed unanimously.

C. 517 Park Avenue -- Material Deconstruction -- The Applicant Proposes Material Deconstruction of a Portion of the Rear Façade of the Landmark Historic Structure to Accommodate a Rear Porch Addition. PL-21-05118.

Planner Lillie reported that 517 Park Avenue was constructed circa 1888 and was listed as a Landmark Site on Park City's Historic Sites Inventory. She presented a photograph of the structure taken in the 1970s. She explained that the applicant proposed to remove 32 square feet of historic material in order to accommodate a rear second-level deck addition. She referenced the diagram that depicted the sections of material to be removed.

Staff completed a site visit to determine existing historic material, and she reported that much of the historic siding was removed during an extensive 1993 addition. She explained that in 1993, the Episcopal Diocese of Utah wanted to demolish the structure, and with the help of the Historic District Commission, the City was able to persuade them to sell the property to a local contractor who renovated the structure and removed a significant portion of historic material.

Planner Lillie presented a graphic of the proposed rear addition. She noted that during the site visit, the contractor removed a portion of the interior wall, and they confirmed the absence of any historic material underneath the new siding that was installed in 1993. With input from the City's historic preservation consultant, they determined that the only material that would be destroyed by this proposal was the second-story deck addition. She stated that prior to issuance of a Building Permit for any material deconstruction work, the Planning Department would review the proposal for compliance with the Design Guidelines for Historic Residential Sites. The Design Review Team reviewed this proposal and found the deck to be consistent with the Design Guidelines.

Staff recommended approval of the material deconstruction of a portion of the rear façade of the Landmark Historic Structure located at 517 Park Avenue. Staff had not received any public input on this application.

General Contractor, Kyle Hedman, stated that the square footage of material removed would be used to repair other locations on the house. The applicant's representative, Caitlyn Barhorst, from AIA, confirmed this and added that the deck would be offset from the north elevation by approximately 2 feet to comply with the additional guidelines. She added that the owner was using the Utah Rehabilitation Tax Credits for this project.

The applicant, Jeff Love, stated the primary reason for the deck was to screen the condominium behind the house. The home is primarily two stories, with the living area and master bedroom on the primary level. The deck would help screen any rear

windows from the condominiums. Ms. Barhorst added that they are returning the structure from four separate apartments to a single-family home.

Chair Scott opened the public hearing. There was no public input. Chair Scott closed the public hearing.

Board Member Stephens referenced page 131 of the Packet that mentioned Senior City Attorney Mark Harrington.

MOTION: Board Member Hutchings moved to APPROVE the Partial Material Deconstruction of the Landmark Historic Structure at 517 Park Avenue, subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

1. 517 Park Avenue is a one-story T/L cottage was constructed in c.1888 and is a Landmark Historic Site on Park City's Historic Sites Inventory.
2. This site was listed on the National Register of Historic Places in 1994 as part of the Park City Mining Boom Era Residences Thematic District.
3. The structure underwent major rehabilitation work from 1993 to 1994.
4. On December 28, 2021, a Historic District Design Review Pre-Application was submitted to the Planning Department.
5. On March 24, 2022, the Planning Department received a complete Historic District Design Review (HDDR) application for 517 Park Avenue. The Applicant is proposing Material Deconstruction to the structure to construct a rear deck.
6. The HDDR Application was reviewed by the Design Review Team on April 13, 2022.
7. Per the Land Management Code Section 15-11-12.5, the HPB reviews the removal of Historic Material to Accommodate New additions, New Construction, or Structural Upgrades.
8. The Applicant proposes to remove 88 square feet of historic material to accommodate a rear second-level deck addition.
9. The staff report is incorporated herein.

Conclusions of Law

1. The proposal complies with Land Management Code § 15-11-12.5, Historic Preservation Board Review For Material Deconstruction; and § 15-13-2, Design Guidelines For Historic Residential Sites.

Conditions of Approval

1. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for Planning Director review and approval/denial in accordance with the applicable standards prior to construction.
2. In order to prevent damage to a historic structure, the deck shall be constructed to be self-supporting. If the deck cannot be constructed to be self-supporting, the deck shall be attached to a historic structure with care, so loss of historic fabric is minimized.
3. The addition shall be undertaken in such a manner that if removed in the future the essential form and integrity of the Landmark Historic Structure can be restored.
4. The deck shall be constructed in an inconspicuous area where visually minimized from the primary right-of-way. The deck shall be located such that the deck does not damage or conceal significant historic features or details of the historic structure.
5. The visual impact of the deck shall be minimized by limiting its size and scale. Significant site features, such as mature trees, shall be protected from damage during the construction of the deck by minimizing ground disturbance and by limiting the use of heavy construction equipment.

Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

7. ADJOURN

The Historic Preservation Board Meeting adjourned at 6:35 p.m.

Approved by _____
Randy Scott, Chair
Historic Preservation Board

Historic Preservation Board Staff Report



Subject: Winter Balcony Enclosure Pilot Program
Application: GI-22-00487
Author: Rebecca Ward, Assistant Planning Director
Date: September 7, 2022
Type of Item: Work Session

Recommendation

Evaluate and provide input on the Winter Balcony Enclosure pilot program that allows temporary enclosure of non-historic balconies facing Main Street in the Historic Commercial Business District. The pilot program is scheduled to end in 2023.

Summary

The City Council initiated a pilot program to allow balcony enclosures on non-historic buildings on Main Street from November 15 – April 30 through 2023.

On March 7, 1979, Park City's Main Street was listed on the [National Register of Historic Places](#), and was expanded in 2018. The Historic Character of Park City is one of the core values of the Park City General Plan ("General Plan"). Goal 15 of the General Plan is to "[p]reserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations." Goal 16 of the General Plan is to "[m]aintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors."

The General Plan acknowledges that historic preservation requires consideration of local business needs to retain vibrancy. The General Plan Community Planning Strategy 16.4 is to "[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners."

The pilot program was suggested by a local business to increase seating capacity during the winter months and to allow temporary balcony enclosure to replace tents. Only one property has requested the Winter Balcony Enclosure, with details provided in the Analysis Section below.

Since the Winter Balcony Enclosure pilot program was first introduced, staff has consistently voiced concerns, outlined in the Analysis Section below. Staff continues to find that the enclosure of Main Street balconies, even temporarily, has a detrimental impact on the historic character of Main Street.

Background

The table below outlines the Winter Balcony Enclosure pilot program background:

Sept. 18, 2014	A community member proposed the City consider a Winter Balcony Enclosure program on Main Street to promote expanded winter use. The City Council supported scheduling the proposal for future discussion. (Minutes, p. 4)
Nov. 13, 2014	The City Council conducted a work session on Winter Balcony Enclosures. Staff expressed concerns: • Impact to the historic integrity of Main Street • International Building Code requirements for fire safety and snow loads • Snow shed issues • Increased use of sewer and water • Increased parking demands • Increased strain on City resources and staff time for reviewing and monitoring the enclosures • Enclosures were prohibited in the Land Management Code and Design Guidelines for Historic Districts and Historic Sites and required amendments Some Councilmembers agreed there would be impacts, but most Councilmembers were in support of exploring a pilot program. (Minutes, Exhibit A)
Jan. 7, 2015	The Historic Preservation Board conducted a work session on Winter Balcony Enclosures. The staff report outlined concerns: • Even temporary enclosures of balconies change the historic character of Main Street • Enclosure substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape • Enclosure of balconies substantially alters the visual character of the original building in shape, roof design, projections, recesses, and solid-to-void ratio • The balcony enclosures obscure and detract from historic details • Balconies not designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction The Board continued the discussion to March. (Jan. 7, 2015 Staff Report, Exhibit B; Jan. 7, 2015 Minutes, Exhibit C)

Mar. 4, 2015	The Historic Preservation Board provided input on potential amendments to the Land Management Code and Design Guidelines for Historic Districts to allow temporary enclosures on non-historic balconies in the Historic Commercial Business Zoning District for buildings facing Main Street. (Mar. 4, 2015 Staff Report, Exhibit D; Mar. 4, 2015 Minutes, Exhibit E)
Jun. 25, 2015	The City Council conducted a work session on Winter Balcony Enclosures and provided direction to staff to move forward with a three-year pilot program for non-historic buildings on Main Street. Community members raised concerns about the energy required to heat temporary enclosures. (Staff Report, p. 22; Minutes, p. 3)
Dec. 9, 2015	The Planning Commission voted 5 – 2 to forward a negative recommendation to City Council regarding amendments to the Land Management Code to accommodate Winter Balcony Enclosures. The Planning Commission expressed concerns: • If the temporary enclosure was constructed as a semi-permanent structure, why not consider a year-round enclosure • Balcony enclosures severely detract from the historic character and integrity of the Main Street Historic District, blocks views of neighboring historic structures, and changes the mass and scale of the historic commercial district in opposition to the General Plan and historic preservation goals • Balcony enclosures do not add to street vibrancy like summer dining decks • Balcony enclosures do not comply with Utah's adopted State Energy Code and will increase carbon footprint in opposition to the General Plan and City goals (Dec. 9, 2015 Staff Report, Exhibit F; Dec. 9, 2015 Minutes, Exhibit G)
Jan. 7, 2016	City Council launched a three-year pilot program for the Winter Balcony Enclosure Program for non-historic buildings facing Main Street to enclose their balconies from November 15 – April 30. (Staff Report, p. 93; Minutes, p. 8)
Jan. 7, 2016	City Council enacted Ordinance No. 16-01, amending the Land Management Code to accommodate Winter Balcony Enclosures on non-historic buildings in the Historic Commercial Business Zoning District facing Main Street from November 15 through April 30. (Staff Report, p. 83; Minutes, p. 5)

Nov. 3, 2016	The City Council affirmed support of the three-year pilot program and approved a one-year agreement to allow the Riverhorse Balcony Enclosure over the public pedestrian right-of-way. (Staff Report , p. 98; Minutes , p. 13)
Oct. 11, 2018	City Council extended the pilot program for another five years and approved a one-year agreement to allow for the Riverhorse Balcony Enclosure over the public pedestrian right-of-way. (Staff Report ; Minutes , p. 10)
Nov. 7, 2019	As part of the consent agenda, the City Council approved an updated agreement for the Riverhorse Balcony Enclosure. The agreement terminated on April 30, 2020. The balcony enclosure was allowed to be installed from November 14, 2019 through May 4, 2020. (Staff Report , p. 459; Minutes , p. 12)

Analysis

The purposes of the Historic Preservation Board include:

- Preserving the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Historic Districts and Historic Sites
- To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses
- To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation ¹

Preserving the Historic Character of Park City is one of the core values in the 2014 Park City General Plan ("General Plan"). Goal 15 of the General Plan is:

Preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.

Objective 15A – maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.

Objective 15B – Maintain character, context, and scale of local historic districts with compatible infill development and additions.

¹ LMC [§ 15-11-5](#)

Community Planning Strategy 15.8 is to periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. “Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at street frontage. In addition, the influence of site design and architecture should be analyzed in the review.”

Goal 16 of the General Plan is:

Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.

Objective 16E is to “[e]ncourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant Buildings.”

Community Planning Strategy 16.4 is to “[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners.”

The LMC implements the goals and policies of the General Plan, including allowing development in a manner that encourages the preservation and integrity of the Historic Districts in the unique urban scale of original Park City.² The Winter Balcony Enclosure pilot program was initiated in the Historic Commercial Business District. The purposes of the Historic Commercial Business District include:

- Preserving the cultural heritage of the City’s original Business, governmental, and residential center,
- Facilitating the continuation of the visual character, scale, and streetscape of the original Park City Historical District,
- Encouraging pedestrian-oriented, pedestrian-scale development,
- Minimizing the impacts of new development on parking constraints of Old Town,
- Minimizing the impacts of commercial uses and business activities, including parking, access, deliveries, service, mechanical equipment, and traffic on residential neighborhoods,
- Maintaining and enhancing the long-term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public/resort-related attractions.³

² LMC [§ 15-1-2](#)

³ LMC [§ 15-2.6-1](#)

Land Management Code (LMC) [§ 15-2.6-3\(E\)](#) regulates balconies that project over the Main Street public pedestrian right-of-way in the Historic Commercial Business Zoning District. City Council must review any proposed balcony construction, enlargement, or modification that extends over the Main Street public pedestrian right-of-way. Prior to 2016, balcony enclosures were prohibited. However, on January 7, 2016, the City Council amended LMC [§ 15-2.6-3\(E\)](#) to initiate a pilot program to allow for Winter Balcony Enclosures on non-historic structures facing Main Street from November 15 – April 30. To date, only one property owner has installed a Winter Balcony Enclosure – Riverhorse on Main at 540 Main Street. The pilot program is set to expire in 2023 and staff requests Historic Preservation Board input regarding termination or continuation of the program.

The pilot program outlines the following:

1. There may be times when it is not appropriate to construct a Temporary Winter Balcony Enclosure on a non-historic building due to unique conditions, including but not limited to health and safety concerns, as found by the Planning Director or Chief Building Official.
2. The Temporary Winter Balcony Enclosures and the balcony should respect the architectural style of the building.
3. The Temporary Winter Balcony Enclosures should retain existing balcony railings to achieve a design consistent with open balconies and maintain the character of the original building.
4. The existing exterior wall of the building may not be removed seasonally to accommodate the balcony enclosure.
5. The Temporary Winter Balcony Enclosures must not block existing door and window openings on neighboring buildings.
6. Temporary Winter Balcony Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and materials of those used for the glazing frames of the building.
7. Screens are permitted and should only be used in times of extreme sun but should not be obtrusive.
8. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
9. The Temporary Winter Balcony Enclosures must have direct access to the restaurant's dining area.
10. Temporary Winter Balcony Enclosures designs must address snow shedding.
11. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council.

12. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
13. No signage is allowed on any Temporary Winter Balcony Enclosures.
14. Any new Temporary Winter Balcony Enclosures will require a building permit.
15. Temporary Winter Balcony Enclosures will only be permitted November 15th through April 15th.

When the pilot program was proposed, staff voiced concerns, outlined in the attached staff reports and summarized below:

- *Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole.*
- *The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape.*
- *The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio.*
- *The enclosure of the balconies detracts from the historic “western” appearance of our Mining Era Main Street.*
- *The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district; these enclosures change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way.*
- *By extending beyond the front plane of the façade, these seasonal balcony enclosures block the views of neighboring historic buildings when looking up or down Main Street.*
- *Park City's Main Street is characterized by in-line facades with limited breaks in their massing.*
- *Building over the balconies breaks the well-articulated street wall along the sidewalk and disrupts the continuity of the street wall.*

On July 8, 2022, the Planning, Building, Engineering, Public Works, and Sustainability Departments met to evaluate and discuss the pilot program. Staff continues to voice the same concerns raised previously. The enclosure impacts the historic character of Park City's Historic Main Street, presents snow shedding issues, and increases water, sewage, and parking demands. Additionally, while the pilot program allows for temporary enclosure of balconies on non-historic buildings, the enclosure impacts adjacent Historic Structures, requiring attachment to and removal from historic material. Staff requests the Historic Preservation Board please review the staff reports attached as exhibits to this report for the full background and analysis.

Since the LMC was amended to allow for the Winter Balcony Enclosure pilot program,

in 2019, the Design Guidelines for Historic Commercial Infill Construction were adopted. The current guidelines outlined in LMC [§ 15-13-9](#) include the following for non-historic commercial structures in the Historic Districts and do not support Winter Balcony Enclosures:

- New infill commercial buildings shall differentiate from historic structures but shall be compatible with historic structures in materials, features, size, scale, and proportion, and massing to protect the integrity of the Main Street Historic District as a whole. The massing of new infill commercial buildings shall be further broken up into volumes that reflect the original massing of historic buildings; larger masses shall be located at the rear of the site.
- Scale and height of new infill commercial structures shall follow the predominant pattern and respect the architecture of the Streetscape or character area with special consideration given to Historic Sites.
- Size and mass of a structure shall be compatible with the size of the site so that site coverage, and building bulk and mass are compatible with Historic Sites within the Streetscape or character area.
- New construction activity shall not physically damage nearby Historic Sites.
- New infill commercial buildings shall reinforce visual unity within the context of the Historic District but also within the context of the Streetscape or character area. The specific context of the Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites to reinforce existing rhythms and patterns.
- Structures shall be located on a site in a way that follows the predominant pattern of historic buildings along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the street.
- All Streetscape or character area elements should work together to create a coherent visual identity and public space. The visual cohesiveness and historic character of a site shall be maintained using complementary materials.
- Historic height, width, and depth proportions are important in creating compatible infill and new design shall reflect the historic mass and scale of commercial buildings in the Historic District.
- The size and mass of a new infill commercial building, in relation to open spaces, shall be visually compatible with adjacent historic buildings and historic structures in the surrounding Historic District.
- Building features such as storefronts, upper story windows, cornices, and balconies shall be aligned with similar historic building features in the Historic District.
- New balconies shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.
- A new balcony shall be simple in design and compatible with the character of the Historic Districts. Simple wood and metal designs are appropriate for commercial structures. Heavy timber and plastics are inappropriate materials.

- An addition shall be visually subordinate to the existing building and shall be compatible with the scale of the historic buildings in the Streetscape or character area.

Amendments to the Design Guidelines for Historic Commercial Infill Construction would be required to continue the pilot program.

Since the pilot program was initiated in 2016, only one property has installed a Winter Balcony Enclosure, the Riverhorse on Main. The entrance to the Riverhorse on Main is through 540 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). Riverhorse on Main then extends along the upper level of 530 Main Street to the south, which is not a Historic Structure. The Winter Balcony Enclosure extends from this portion of the restaurant. The adjacent property to the south is the Park City Museum at 528 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). As a result, although the balcony for Riverhorse on Main is not on a building designated a Historic Structure, the Winter Balcony Enclosure requires connection to two Landmark Historic Structures.

Below are photos illustrating the historic streetscape and the Balcony Enclosure.

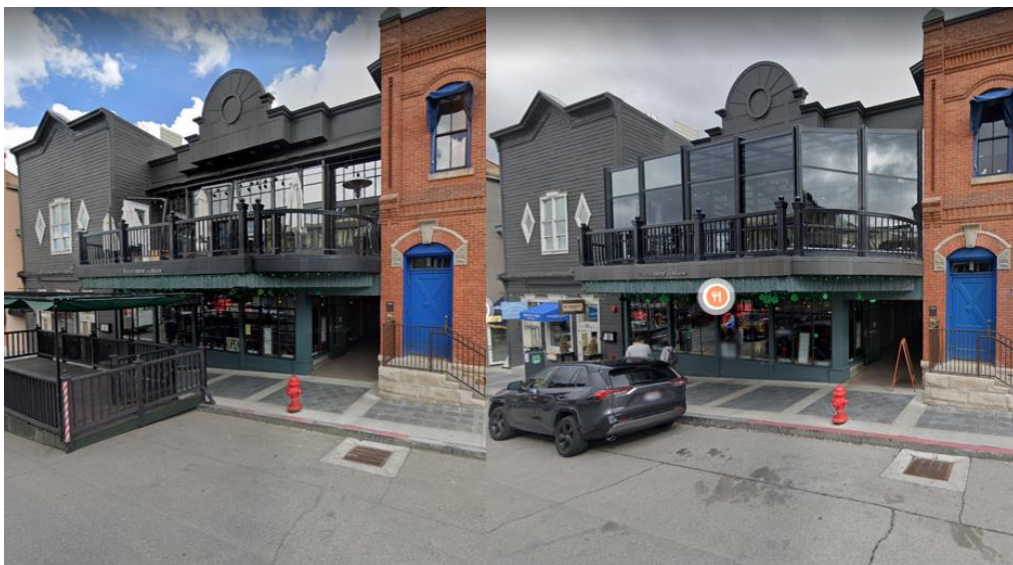
Image taken from Google Maps showing the open Balcony:



Image taken in 1995 showing the open balcony:



Images taken from Google Earth showing side-by-side comparisons:





Questions for HPB consideration:

- Does the HPB support continuation of the Winter Balcony Enclosure pilot program?
- If so, is the HPB supportive of amending the Design Guidelines for Historic Commercial Infill Construction to establish parameters for Winter Balcony Enclosures?

Department Review

The Planning Department, Public Works Department, Building Department, Sustainability Department, Streets Department, and City Attorney's Office reviewed the pilot program.

Public Input

Please see Exhibit H.

Exhibits

Exhibit A: November 13, 2014 City Council Meeting Minutes

Exhibit B: January 7, 2015 HPB Staff Report

Exhibit C: January 7, 2015 HPB Meeting Minutes

Exhibit D: March 4, 2015 HPB Staff Report

Exhibit E: March 4, 2015 HPB Meeting Minutes

Exhibit F: December 8, 2015 Planning Commission Staff Report

Exhibit G: December 9, 2015 Planning Commission Meeting Minutes

Exhibit H: Public Input

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Council member Beerman has attended many Mountain Accord meetings. Stated that the December 3rd Community Outreach meeting has been postponed until early January. Live PC Give PC killed it and he is very proud of the community for raising over a million dollars.

2015 Legislative Update

Matt Dias spoke to the Council gearing up to the upcoming Legislative session. Spoke to the platform he created in the staff report discussing transportation, land use. Mayor and Council feel that the framework is a great idea and feel comfortable with the outline presented to Council. Dias stated that he did not want to look into the crystal ball but feels that there will be a push for transportation as well as the usual hot topics of clean air, health care. Discussed a proposed resolution that he will be bringing back to Council next week. Council member Beerman stated that he got a preview of the proposed transportation tax stating that it will be a very broad definition of transportation with this bill. He inquired about what the tax would mean to Park City. Dias stated that he will have a better number next week following the kickoff meeting. Council member Simpson inquired if this money will stay within our City. Dias stated that a city-wide option is available and he will have more information next week as well. Simpson inquired if there is any LGBT movement this time as the door was closed on those bills last year awaiting the Supreme Court ruling. Dias stated that anything is possible. Dias will be bringing back updates at each Council meeting until the close of the session.

Temporary Winter Balcony enclosure discussion

Planner Grahn stated that in September 2013 the Riverhorse approached the City regarding winter balcony enclosures. Staff is not in favor of the temporary winter enclosures as they would interrupt the view along Main Street as well as cause possible damage to the historic structures. Grahn outlined the LMC and International Building Code that would be against permitting these temporary enclosures. John Allen, Building Department, stated that he can agree that there is not a desire for the tent structures, as well as being unsightly they have energy efficiency deficits. Mayor Thomas feels that this winter program would be redesigning Main Street for the winter season and he agrees with Staff.

Council member Matsumoto stated that she does not have a problem with the dining decks and stated that there are only 5 restaurants with decks and they may not all want to participate and would be inclined to a shorter period of time. She also thanked staff for the wonderful report but does not see this as a negative aspect. Council member Peek stated that he feels that it will change the architectural pattern of Main and feels with the snow load impacts would be too great. Council member Henney stated he agrees with Matsumoto and would like to think that staff could make certain adjustments to make this work. Council member Simpson agrees with the Mayor. Council member Beerman agrees with Matsumoto and Henney and feels that there is not an impact and feels that during the summer there are large umbrellas up that interrupt the vibe and flow and also remembers the hurdles we had with the summer decks. Allison Butz spoke for the HPCA stating that they do not have a problem with adding square footage to the restaurants during the winter season.

Mayor Thomas spoke to the structural design and snow load issues of the property. Allen stated that each deck would have to go through a design review. Mayor Thomas stated that even with

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a pilot program it would still impact the character of Main Street. Council member Simpson stated that she feels that this will be a lot of pain for not a lot of gain. Council member Matsumoto stated that she does not feel it should be allowed up year-round and looks at health and safety as a paramount issue and would suggest the HPCA take a look at this item but is still in favor. Sintz suggested a compromise that would allow the restaurants to keep the tents up for longer than the currently allowed 14 days to allow for more seating during the winter season. Council agreed that the proposed enclosures looked nicer than the tents. Mayor and Peek spoke again to the architectural load.

Seth Adams, Riverhorse, stated that he has worked with architects and have looked at the snow load and fire codes. They are looking at just adding time through the ski season and would like to give a different perspective to our visitors. Spoke to the impact to the adjacent buildings as well as the process of taking the structure up and down.

Kasey Crawford, business owner, spoke to the tent structure stating that it detracts from the appeal of Main Street.

Mike Sweeny took this from a perspective as a business owner and stated that he supports creative and innovative ideas to bring people into Main Street.

Mayor Thomas expressed his continued concern regarding this item. Foster spoke to the items staff will bring back a proposed lease agreement and a policy program as well as a read from the HPCA and the Historic Preservation Board as well as building guidelines.

Main Street Employee Parking Initiative

Blake Fannesbeck, Public Works Director; Brian Anderson, Transportation and Allison Butz, HPCA spoke to the parking initiative stating that this has been an evolving plan to better serve our parking issues. Fannesbeck stated that the Task Force that included HPCA members as well as staff looking at peak hour/peak day data to develop a final recommendation for Council. Fannesbeck recognized the parking problem apparent in Park City. Outlined the recommendations stating that they looked at China Bridge proposing 6 hours per vehicle instead of the current 6 hours per space where they have identified spot jumping in the garage.

Council member Henney thanked staff for looking at resolving actual parking issues. Fannesbeck outlined the changes for the China Bridge Pass with increased fee and restrictions on Friday and Saturday reserving the current restrictions during Sundance and Arts Fest. Council member Simpson stated her concerns with the transferrable pass and will exacerbate the problem. Council member Peek stated that in his mind the goal is to free up parking for visitors and feels that if there are problems then the task force should be able to change those restrictions. Council member Henney stated that he feels this is an appropriate step to help mitigate the issue. Fannesbeck outlined the transportation system that will help encourage people to use the bus routes and the shuttle service. Mayor Thomas thanked staff and looks forward to the item coming back in a future meeting.

Introduction of new Park City Mountain Resort Chief Operating Officer Bill Rock

Mike Gore introduced Bill Rock as the Chief Operating Officer of Park City Mountain Resort sharing that the Council and Community will find his involvement outstanding. Gore asked the record to reflect that Bill brought the snow storm this evening. Rock thanked Gore for the great introduction and is very excited to be in the Community. Stated that his family is so excited to



Historic Preservation Board Staff Report

Subject: Temporary Winter Balcony Enclosures
Author: Anya Grahn, Historic Preservation Planner
Department: Planning Department
Date: January 7, 2014
Type of Item: Work Session

Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1st through April 30th). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

Background:

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks. Staff met with City Council on November 13, 2014, to discuss this program and expressed their concern for these balcony enclosures; City Council directed staff to meet with the HPB for feedback on this program.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Should City Council decide to pursue a seasonal balcony enclosure program, the LMC will need to be amended to allow for temporary balcony enclosures. Property owners are required to provide insurance for their balconies.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs

for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

Business Name:	Address:	Use:	Historic Designation:	Admin CUP for Outdoor Dining
TMI	255 Main St	Multiple	Not Historic	No
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
Berkshire Hathaway Home Services	354 Main St	Real Estate	Significant	No
Burns Cowboy Shop	361 Main St	Retail	Landmark	No
Woodbury Jewelers	421 Main St	Retail	Not Historic	No
Flannagans	438 Main St	Restaurant	Landmark	No
Robert Kelly Home	449 Main St	Retail	Significant	No
501 on Main	501 Main St	Restaurant	Not Historic	<i>Under review</i>
The Expanding Heart	505 Main St	Retail	Not Historic	No
The Cunningham Building	537 Main St	Office	Not Historic	No
River Horse	530-540 Main St	Restaurant	Landmark (Balcony is on the addition)	Yes
Quicksilver	570 Main St	Retail	Not Historic	Yes
Wahso	577 Main St	Restaurant	Not Historic	Yes
Gaucha/Above Condo	591 Main St	Retail/Residential	Significant	No
Destiny	608 Main St	Retail	Not Historic	No
Montgomery Life Fine Art	608 Main St	Retail	Not Historic	No
Condos	613 Main St	Residential (2 nd level)	Not Historic	No
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Summit Sotherby's International Realty	625 Main St	Residential/Realty	Not Historic	No
Bahnhof Sport	639 Main St.	Retain	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

Analysis:

A balcony is a platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. It typically does not have a roof. Usually, balconies are incorporated into the design of a building for functional and aesthetic reasons. In some cases, the balcony offsets the massing of the commercial building while embellishing the façade of the structure with additional architectural detailing. The balcony is one of the most visible elements of the building and significantly contributes to the style, appearance, and relationship of the structure to the streetscape.

Balconies traditionally serve as open-air spaces. They are an extension of the interior yet provide a clear transitional space between the private interior spaces and public

exterior spaces of the building. Balconies are an outside room during warm weather and provide a covered entrance to the lower level during adverse weather conditions.

Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole. The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape. The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio. On historic structures, the balcony enclosure would obscure and detract from historic details of the balcony and the corresponding historic building. In other cases, balconies that were not originally designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction.

Design Guidelines for Historic Districts and Historic Sites

Staff does not believe that the seasonal enclosures of balconies over Main Street complies with the current *Design Guidelines for Historic Sites and Structures*.

Planning Staff's professional opinion is that the enclosure of the balconies detracts from the historic "western" appearance of our Mining Era Main Street. The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district. These enclosures would change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way. By extending beyond the front plane of the façade, these seasonal balcony enclosures would also be blocking the views of neighboring historic buildings when looking up or down Main Street. Park City's Main Street is characterized by in-line facades with limited breaks in their massing. Staff finds that building over the balconies would break the well-articulated street wall along the sidewalk and will greatly disrupt the continuity of the street wall.



Scenario 1. The balcony projects over Main Street adding interest to the street wall overall, but the balcony is also transparent and does not impede the view of the neighboring historic buildings.



Scenario 2. The seasonal enclosure extends over the city right-of-way. On the second level, the enclosure disrupts the continuity of the street wall and blocks the view of the Park City Museum.

The Design Guidelines specify that new additions on historic buildings be visually subordinate to the historic building from the primary public right-of-way, including incorporating rooftop additions that are not visible from the street. The guidelines also recommend that the new addition does not obscure or significantly contribute to the loss of historic materials. Staff finds that these balcony enclosures are a very visible addition to the existing structure, conceal historic building facades, and threaten historic materials.

Staff is concerned that the annual construction and removal of the balcony enclosures will be detrimental to historic building materials. Nails, screws, sealants, and other materials used at connections will leave behind holes, scratches, stains, and other signs of damage on the historic materials that will need to be patched and repaired annually when the enclosure is removed. Staff finds that this will intensify normal wear and tear on historic materials and cause the materials to deteriorate faster.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Most buildings would not be permitted to add a new door to access their non-historic balcony. As new doors and balconies would not be permitted to be constructed without a Historic District Design Review (HDDR) approval and permission from City Council to construct over the public right-of-way, staff finds that only a limited number of balcony enclosures would be permitted for those decks already existing.

Staff has met with the Legal, Building, Finance, and Engineering Department to identify other issues that will need to be addressed in order to establish this program. These include:

- The applicant must submit a full architectural and engineering plan to the Building Department that addresses energy efficiency, structural loads on the cantilevered deck, emergency egress plans, seating plan, weather proofing, electrical plans, etc. Additional electrical upgrades must be permanent and electrical outlets will need to be concealed from the view of the public right-of-way.
- The applicant will also need to provide a snow shed plan. Snow will need to be retained on the roof and the applicant shall show how the melted snow will be diverted to the public way without draining across the sidewalk.
- Building permits will be required for the assembly and disassembly of the seasonal balcony enclosures.
- Increased water and sewer impact fees will require Snyderville Basin Water Reclamation District sign-off.
- There will be increased fees for business licensing due to the additional square footage.
- Additional fire safety requirements will require approval by Park City Fire District.

- The applicant will assume all liability for the seasonal enclosures and need to provide insurance for the balcony and enclosure.

Is the HPB supportive of the seasonal enclosure of restaurant balconies during the winter months?

Developing a program similar to summer dining decks

In order to accommodate such a program, the Design Guidelines and the Land Management Code (LMC) will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies. LMC 15-2.6-3(D) Balconies should be amended to state:

(D) BALCONIES. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

If City Council supports temporary balcony enclosures, than Staff recommends altering the following guidelines to specify that these guidelines are not impacted by temporary structures:

Design Guidelines for Historic Sites in Park City:

MSHS1. The proposed project must not cause the building or district to be removed from the National Register of Historic Places. Temporary structures are not subject to review of the National Register of Historic Places.

MSHS8. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Design Guidelines for New Construction in Park City's Historic Districts

MSNC1. New construction in the Main Street National Register Historic should be approved only after it has been determined by the Planning Department that the proposed project will not jeopardize the integrity of the surrounding Historic Sites. Temporary structures are not subject to review of the National Register of Historic Places.

MSNC9. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Should the HPB believe such enclosures are appropriate along Historic Main Street, staff finds that there need to be some basic guidelines in order to protect the historic

integrity of the Main Street Historic District. Staff is recommending that the HPB review and provide feedback on the following proposed guidelines for balcony enclosures:

General Requirements for Balcony Enclosures

1. The enclosure must be constructed on a balcony on Main Street.
2. There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building.
3. The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.
4. The enclosure and balcony should respect the architectural style of the building.
5. The enclosure should retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
6. The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure.
7. The enclosure must not block existing door and window openings on neighboring buildings.
8. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and material as those used for the glazing frames of the building.
9. Draperies, blinds, and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds, and/or screens should not be used within the balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high-quality, colorfast, and sunfade resistant.
10. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
11. The enclosure must have direct access to the restaurant's dining area.
12. The design must address snow shedding.
13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require the approval of City Council.
14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
15. Any new signage will require a Sign Permit application.

Does the Historic Preservation Board approve of these proposed Design Guidelines for Balcony Enclosures? Are there any other Design Guidelines that should be incorporate?

Recommendation:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Exhibits:

Exhibit A – City Council Staff Report and Minutes

Exhibit B – HPCA input for balcony enclosures

Exhibit C – Additional renderings of proposed enclosure at Riverhorse

Temporary Winter Balcony Enclosures

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Kenworthy called for public input.

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

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

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

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

Chair Kenworthy closed public input.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Historic District Grant Program – Policy Review

Board Member Crosby returned to the meeting.

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

Planner Grahm reviewed each guideline.

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

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



Historic Preservation Board Staff Report

Subject: Temporary Winter Balcony Enclosures
Author: Anya Grahn, Historic Preservation Planner
Department: Planning Department
Date: March 4, 2015
Type of Item: Work Session

Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1st through April 30th). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

Background:

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks. Staff met with City Council on November 13, 2014, to discuss this program and expressed their concern for these balcony enclosures; City Council directed staff to meet with the HPB for feedback on this program.

The HPB briefly discussed their interest in seasonal balcony enclosures during the January 7, 2015 meeting, and expressed interest in discussing the topic further during their next meeting.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Should City Council decide to pursue a seasonal balcony enclosure program, the LMC will need to be amended to allow for temporary balcony enclosures. Property owners are required to provide insurance for their balconies.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

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A balcony is a platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. It typically does not have a roof. Usually, balconies are incorporated into the design of a building for functional and aesthetic reasons. In some cases, the balcony offsets the massing of the commercial building while embellishing the façade of the structure with additional architectural detailing. The balcony is one of the most visible elements of the building and significantly contributes to the style, appearance, and relationship of the structure to the streetscape.

Balconies traditionally serve as open-air spaces. They are an extension of the interior yet provide a clear transitional space between the private interior spaces and public exterior spaces of the building. Balconies are an outside room during warm weather and provide a covered entrance to the lower level during adverse weather conditions.

Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole. The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape. The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio. On historic structures, the balcony enclosure would obscure and detract from historic details of the balcony and the corresponding historic building. In other cases, balconies that were not originally designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction.

Design Guidelines for Historic Districts and Historic Sites

Staff does not believe that the seasonal enclosures of balconies over Main Street complies with the current *Design Guidelines for Historic Sites and Structures*.

The Design Guidelines specify that new additions on historic buildings be visually subordinate to the historic building from the primary public right-of-way, including incorporating rooftop additions that are not visible from the street. The guidelines also recommend that the new addition does not obscure or significantly contribute to the loss of historic materials. Staff finds that these balcony enclosures are a very visible addition to the existing structure, conceal historic building facades, and threaten historic materials.

Staff is concerned that the annual construction and removal of the balcony enclosures will be detrimental to historic building materials. Nails, screws, sealants, and other materials used at connections will leave behind holes, scratches, stains, and other signs of damage on the historic materials that will need to be patched and repaired annually when the enclosure is removed. Staff finds that this will intensify normal wear and tear on historic materials and cause the materials to deteriorate faster.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Most buildings would not be permitted to add a new door to access their non-historic balcony. As new doors and balconies would not be permitted to be constructed without a Historic District Design Review (HDDR) approval and permission from City Council to construct over the public right-of-way, staff finds that only a limited number of balcony enclosures would be permitted for those decks already existing.

Staff has met with the Legal, Building, Finance, and Engineering Department to identify other issues that will need to be addressed in order to establish this program. These include:

- The applicant must submit a full architectural and engineering plan to the Building Department that addresses energy efficiency, structural loads on the cantilevered deck, emergency egress plans, seating plan, weather proofing, electrical plans, etc. Additional electrical upgrades must be permanent and electrical outlets will need to be concealed from the view of the public right-of-way.
- The applicant will also need to provide a snow shed plan. Snow will need to be retained on the roof and the applicant shall show how the melted snow will be diverted to the public way without draining across the sidewalk.
- Building permits will be required for the assembly and disassembly of the seasonal balcony enclosures.
- Increased water and sewer impact fees will require Snyderville Basin Water Reclamation District sign-off.
- There will be increased fees for business licensing due to the additional square footage.
- Additional fire safety requirements will require approval by Park City Fire District.
- The applicant will assume all liability for the seasonal enclosures and need to provide insurance for the balcony and enclosure.

Does the HPB wish to see balcony enclosures on both historic and non-historic buildings? Or, would the HPB prefer that the new enclosures be limited to non-historic structures only so as not to increase annual wear and tear on historic materials?

Developing a program similar to summer dining decks

In order to accommodate such a program, the Design Guidelines and the Land Management Code (LMC) will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies. LMC 15-2.6-3(D) Balconies should be amended to state:

(D) BALCONIES. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

If City Council supports temporary balcony enclosures, than Staff recommends altering the following guidelines to specify that these guidelines are not impacted by temporary structures:

Design Guidelines for Historic Sites in Park City:

MSHS1. The proposed project must not cause the building or district to be removed from the National Register of Historic Places. Temporary structures are not subject to review of the National Register of Historic Places.

MSHS8. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Design Guidelines for New Construction in Park City's Historic Districts

MSNC1. New construction in the Main Street National Register Historic should be approved only after it has been determined by the Planning Department that the proposed project will not jeopardize the integrity of the surrounding Historic Sites. Temporary structures are not subject to review of the National Register of Historic Places.

MSNC9. Temporary winter balcony enclosures are reviewed by the program's criteria and are not addressed by these Specific Design Guidelines.

Should the HPB believe such enclosures are appropriate along Historic Main Street, staff finds that there need to be some basic guidelines in order to protect the historic integrity of the Main Street Historic District. Staff is recommending that the HPB review and provide feedback on the following proposed guidelines for balcony enclosures:

General Requirements for Balcony Enclosures

1. The enclosure must be constructed on a balcony on Main Street.
2. There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building.
3. The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.
4. The enclosure and balcony should respect the architectural style of the building.
5. The enclosure should retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
6. The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure.
7. The enclosure must not block existing door and window openings on neighboring buildings.
8. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and material as those used for the glazing frames of the building.
9. Draperies, blinds, and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds, and/or screens should not be used within the

balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high-quality, colorfast, and sunfade resistant.

10. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
11. The enclosure must have direct access to the restaurant's dining area.
12. The design must address snow shedding.
13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require the approval of City Council.
14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
15. Any new signage will require a Sign Permit application.

Does the Historic Preservation Board approve of these proposed Design Guidelines for Balcony Enclosures? Are there any other Design Guidelines that should be incorporated?

Recommendation:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

Exhibits:

Exhibit A – City Council Staff Report and Minutes

Exhibit B – HPCA input for balcony enclosures

Exhibit C – Additional renderings of proposed enclosure at Riverhorse

2. The existing house structure located at 316 Woodside Avenue does not comply with all of the criteria for a Landmark Site as set forth in Land Management Code (LMC) Section 15-11-10(A)(1). The structure does not meet the criteria for landmark designation as it is not eligible for the National Register of Historic Places due to post 1941 alterations that have damaged and obliterated significant character-defining features of the historic structure.

WORK SESSION

Temporary Winter Balcony Enclosures

Board Member Crosby recused herself and left the room.

Planner Grahm reported that the Riverhorse had approached the City Council about the possibility of creating a seasonal balcony enclosure program. In November the City Council requested feedback from the Historic Preservation Board. The HPB had a brief discussion but tabled further discussion due to the late hour.

Planner Grahm stated that currently there were a few conflicts with balcony enclosures in the Design Guidelines. The Guidelines are strict about new additions being visually subordinate to historic buildings when viewed from the public right-of-way. The Staff is concerned that annual construction and removal could be detrimental to historic building materials and intensify wear and tear. They also believe that the proposed balcony enclosures visualize and alter the original building design. Additional concerns include energy-efficiency, snow shedding of shed roofs on to Main Street, the seasonal assembly and disassembly, increased water and sewer impact fees to name a few.

Planner Grahm asked whether the Board was comfortable with having seasonal balcony enclosures on both historic and non-historic buildings, or whether it should be limited to non-historic buildings given the amount of wear and tear of attaching and removing temporary structures.

Chair Kenworth asked Planner Grahm to define the current tent situation that the City allows for these balconies. Planner Grahm stated that currently if someone wants to put up a tent on their balcony during the winter months it goes through Administrative Conditional Use Permit process. The applicant is allowed to up a tent for a two-week period. She recalled that one applicant can have five Administrative CUPs for a total of 70 days combined. The tent should be taken down between each CUP or the owner will be fined.

Board Member Holmgren recalled that the temporary structures have to be built as though they were permanent. Planner Grahm answered yes. Ms. Melville asked about the balcony itself. Planner Grahm remarked that in some cases the

balcony itself may need to be upgraded for structural supports. She believed it would have to be reviewed on a case by case basis because each building is unique and different.

Board Member Melville stated that in her personal opinion it putting up and taking down a permanent enclosure on a historic façade would be very detrimental. She was opposed to allowing enclosures on historic structures. Ms. Melville stated that she was also generally opposed to balcony enclosures on newer buildings because the enclosures visually modify and alter the original building design. She also thought the enclosures would have an impact on the historic district. Planner Grahn stated that it would not impact the historic district because the enclosures would be seasonal. If they were to permanently enclose balconies there would be an issue with the National Register. She noted that the State Historic Preservation Office was adamant that temporary structures do not get considered for the National Register. Ms. Melville stated that at least visually it would alter the Historic District. Planner Grahn agreed.

Chair Kenworthy pointed out that the tents that are currently allowed also alter the visual. He asked the representatives from Riverhorse to offer their opinion.

Seth Adams with Riverhorse thought the tents were much more of a detriment to the visual appearance. He did not put up a tent this year and he was lucky the weather was nice. However, they would like to have the ability to use the balcony all the time, which was why they were making this request. Mr. Adams did not believe the enclosure impacted the visual integrity of what people on the street see walking on Main Street. Mr. Adams remarked that one of the objectives for the enclosure is to get people out on the deck to look up and down Main Street.

Chair Kenworthy asked Mr. Adams if the building was historic. Mr. Adams stated that where the balcony is was not historic. The entrance of the Riverhorse on the Main Street level is historic. Chair Kenworthy asked what percentage the business would increase with the enclosure. Mr. Adams estimated 10%. He clarified that it allows them to take the waiting space in the restaurant and convert it into seats. The balcony would be used to corral people in order to create more dining space inside the restaurant, but there would not be tables on the balcony. Chair Kenworthy asked if the enclosure was needed for six months. Mr. Adams answered no. He thought December 15th through April 15th would be sufficient.

Board Member Melville referred to page 295 of the Staff report and noted that the balcony was currently curved and the building façade is further back. She understood that Mr. Adams was proposing to rebuild the balcony to square it up. He replied that this was correct. Squaring up the corners would add a few square feet to the size. The reason was to make the temporary structure fit

better. Ms. Melville understood that they were also proposing to bring the façade out further than where it currently sits. Mr. Adams replied that it would only be the corners beneath the archway.

Board Member Melville clarified that the building shown on page 296 with the enclosure would not be allowed to be constructed as a permanent structure. Planner Grahn answered yes. If the Riverhorse was to propose this permanently it would not be supported by the Guidelines. Planner Grahn pointed out that Mr. Adams is the only one who has proposed the enclosure, but they need to look at it holistically in terms of how it could be managed up and down Main Street.

Board Member White noted from the table on page 277 of the Staff report that only three properties wanted this type of structure. Planner Grahn explained that the Staff looked at who on Main Street has an Administrative CUP, which is required for outdoor dining in the summer. Of all the businesses on Main Street only three do, and one was under review last year. Mr. White asked if the businesses that said no could change their mind. Director Eddington answered yes. He pointed out that the three identified were the ones who have applied for an Administrative Conditional Use Permit. The rest would have that ability. Director Eddington stated that there were 15 non-historic structures out of 21 shown on the table.

Board Member Melville assumed other buildings could build a balcony as well. Director Eddington stated that they could but they would need permission from the City Engineer to encroach over the public right-of-way. Planner Grahn noted that balconies need City Council approval because they do extend over the City right-of-way. Director Eddington agreed that with City approval more balconies could be built on Main Street if they apply for an Administrative CUP for outdoor dining.

Board Member White how many properties would have to do structural work in order to enclose their balconies. Director Eddington stated that the Staff had not done that analysis, but he assumed that most would require some type of structural work for both historic and non-historic structures. Mr. White asked if the same applied for tents. Director Eddington believed the tents still needed to meet load capacity for the number of people. However, that situation was different than connecting a new structure to a building. The temporary structure would have more connections and structural challenges to the existing façade, but the requirements for load capacity would be about the same.

Chair Kenworthy asked how this would affect Grappa. They were not on the list but they put up tents all the time on their patio. Director Eddington replied that this was only for balconies. Chair Kenworthy noted that TMI was not listed but they have outdoor dining. He names others that were not listed.

Board Member White clarified that the only visual example they have is for Riverhorse. Director Eddington stated that Riverhorse was the only application they had received. Board Member Holmgren thought it needed to be determined on a case by case basis. Mr. White thought the temporary structure looked better than a white tent. However, he was apprehensive about putting glass and steel temporary structures on historic buildings. Planner Grahm stated that the Staff had drafted guidelines to address the issues and to be consistent when applicants come in with an application for a balcony enclosure. The guidelines would also ensure that they protect the look and feel of Main Street.

Board Member White thought it was obvious that whether it was a tent or an enclosure these structures would not go away. Planner Grahm explained that if someone has a balcony on Main Street and they wanted something more permanent than a tent for the winter months, they could apply for that type of enclosure. She stated that the Staff would treat the process similar to the dining deck program except that it would be a winter balcony enclosure program. Mr. White clarified that each structure would be reviewed on a case by case basis. Planner Grahm answered yes, but guidelines need to be in place for consistency.

Board Member Beatlebrox asked if the guidelines on page 280 of the Staff report were enforceable. Planner Grahm replied that it was an issue they needed to discuss.

Planner Grahm reiterated her earlier question about limiting enclosures to new buildings versus historic buildings, or whether it should be allowed on all structures.

Board Member Holmgren did not believe they should delineate between old and new. Board Member Melville disagreed. She thought it would be even worse if they were allowed on historic buildings. Board Member Beatlebrox agreed. Board Member White concurred with Ms. Melville and Ms. Beatlebrox. He was not comfortable putting that type of temporary structure on a historic building.

Planner Grahm summarized that the answer was No on historic structures but Yes on non-historic buildings. Board Member Melville stated that she was generally opposed to the structures on any building on Main Street at this point.

Planner Grahm read proposed language to the LMC to say that, "Balconies may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures." She thought that gave some leeway for structures where the Staff did not believe it would be appropriate. Chair Kenworthy understood that this would only pertain to the ones on public pedestrian right-of-ways. Planner Grahm answered yes. Board Member Holmgren asked how the language ensures that the enclosures would not be

allowed on historic buildings. Planner Grahn stated that additional language could be added to exclude historic structures. Ms. Melville suggested specifying non-historic buildings.

Chair Kenworthy stated that the Flanagan's Building is a Landmark historic building and he would never want to see a temporary structure on it for any reason. He noted that the balcony is probably 99% over a public right-of-way which would eliminate the opportunity. Since it was his building he was very comfortable not having the enclosure.

Planner Grahn reviewed the proposed revisions to the Design Guidelines for the Main Street District as outlined on page 180 of the Staff report. She noted that new construction is everything that was not designated as historic on the HSI.

The first guideline addressed historic sites in Park City. She added, "Temporary structures are not subject to review of the National Register of Historic Places" which is true by the national Park Service.

She added a new Guidelines, "Temporary winter balcony enclosures are reviewed by the programs criteria and are not addressed by these specific Design Guidelines."

Board Member Melville questioned why they would say it was not addressed by the Design Guideline. Planner Grahn stated that the Staff thought it was better to have a separate set of guidelines for review because it is less confusing than having them incorporated into the Design Guidelines. Director Eddington clarified that there were so many conflicting guidelines relative to a new temporary structure that it would not work well and could cause confusion. Planner Grahn noted that summer dining decks have a separate set of guidelines. This would fall under that category.

Chair Kenworthy stated that Flanagan's has a dining deck and they have to go through the requirements and permitting process. From his point of view and a business standpoint, they are providing a customer service. He understands that there is opposition to dining decks and he respects those opinions. However, in a situation like the Riverhorse it allows the owner to provide customer service in a resort town and people enjoy the dining decks on the street. Contrary to popular belief they do not make a lot of money from dining decks, but the reward is happy customers. Chair Kenworthy remarked that in granting his request, Mr. Adams would be able to provide an operational solution in a historic building to improve customer service. Chair Kenworthy thought six months was too long and would prefer a four-month time frame. He thought it was important to balance historic preservation with the ability to provide better customer service.

Board Member Holmgren understood from previous conversations that Mr. Adams was addressing the issues of snow shedding and removal and other safety factors. She thought this was positive for Main Street. It is a piece of magic and people who experience it will never forget it. Ms. Holmgren felt strongly that they should allow this to happen. However, she agreed that the time limit should be less than six months. She felt positive that this was brilliant, new and innovative for Historic Main Street and she would like to see it approved.

Mr. Adams favored a shorter time period as well. He would be comfortable if the winter was 180 days.

Planner Grahn reviewed the proposed guidelines for balcony enclosures and requested feedback from the Board on each one.

1) The enclosure must be constructed on a balcony on Main Street. There would be no balconies on Swede Alley or any side streets.

The Board pointed out balconies that already exist on Swede Alley. They noted that the Caledonia is on a side street and they have a balcony. Chair Kenworthy thought it would be difficult to limit it to Main Street. Planner Grahn suggested that they eliminate the guideline.

2) There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building. Planner Grahn noted that the guideline no longer applied based on their discussion and the decision not to allow it on historic buildings.

The Board discussed whether or not the guideline could apply to non-historic structures. Planner Grahn suggested changing the language to say, "...due to unique conditions or circumstances" to address an unforeseen situations where enclosing a balcony may cause life/safety issues. The Board concurred.

Planner Grahn read the language as revised, "There may be times when it is not appropriate to enclose a balcony on a non-historic building due to the unique conditions or circumstances".

Board Member Beatlebrox asked if they needed to define unique circumstances. Planner Grahn stated that currently the Planning Director and Chief Building Official are the ones who determine a unique circumstance and she thought they should make that determination for the enclosures as well. The Board agreed.

3) The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.

Planner Grahn stated that this guideline was no longer necessary based on their earlier decision.

4) The enclosure and balcony shall respect the architectural style of the building. Planner Grahn clarified that even on new buildings they would not want something that did not match what exists or keep with the theme. The Board agreed.

Chair Kenworthy suggested that they prohibit signage. Planner Grahn asked if they wanted to prohibits signs completely or whether they should include language stating that any new signage will required a sign permit application. The Board unanimously wanted signage prohibited for the temporary enclosures.

5) The enclosure shall retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building. She asked if the Board agreed that the railings should not be removed.

Director Eddington suggested that they keep the railings on the balconies to keep it looking like a balcony. The Board agreed.

6) The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure. The Board agreed.

7) The enclosure must not block existing door and window openings on neighboring buildings. The Board agreed.

8) Enclosures should consist of clear glazing set in window frames that generally match the mass, scale and material as those used for the glazing frames of the building itself. The Board agreed.

9) Draperies, blinds and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds and/or screens should not be used within the balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high quality, color-fast and sun fade resistant.

Planner Grahn stated that she had borrowed the guideline from Vancouver, where they have balcony enclosures on condo buildings. The concern is that when people drape the interior of the glass, it appears to be bulky and heavier, and less open. She was unsure whether that would occur on Main Street, but the language could protect it from occurring.

Board Member Beatlebrox suggested saying that draperies, blinds or screens are not required. Board Member Holmgren preferred not to allow them at all. They would still want people to be able to look in or look out.

Mr. Adams stated that the only reason he would consider a blind would be the hour or two as protection from the blinding sun. Other than that he could see no reason to have them.

Board Member Holmgren did not favor the concept at all. The Board discussed potential language to address the issue of blocking the sun like Mr. Adams had suggested, but not using them as a barrier.

Board Member Beatlebrox suggested language to say, "Sun screens permitted and should be used only during times of extreme sun and should not be obstructive." The Board was comfortable with that language.

10) The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk. The Board agreed.

11) The closure must have direct access to the restaurant's dining area. The Board agreed.

12) The design must address snow shedding.

Board Member Melville asked where in the language it says that a building permit is required and it must comply with Building Department requirements.

Planner Grahn stated that if they add language indicating that a building permit is required, the Building Department would make sure it complies with the International Building Code. The Board favored adding language regarding the building permit.

13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by Staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council. The Board agreed.

14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.

Planner Grahn clarified that tents would still be treated as tents and balcony enclosures would be a separate program.

15. Any new signage will require a Sign Permit application.

Planner Grahn noted that this guideline was no longer necessary because signage was addressed in a previous guideline where the Board agreed to prohibit signage.

In terms of the time frame for having the enclosure, The Board agreed on four months. Director Eddington preferred to have specific dates and suggested December 15th to April 15th.

Mr. Adams noted that the time frame for summer dining decks was 180 days. Board Member Beatlebrox thought 120 days was sufficient. Director Eddington pointed out that dining decks have specific dates so everyone knows when they are allowed to go up and when they have to come down.

Chair Kenworthy suggested a maximum four month window between December 1st through April 30th. Director Eddington asked if they wanted to limit it to four months. Mr. Adams stated that personally he would like to put it up right after Thanksgiving and take it down when PCMR closes.

Board Member White suggested November 15th to April 15th. Director Eddington recommended specifying dates and not talk about a four month limit. It would be consistent for everyone and it would make it easier for Building and Code Enforcement to monitor.

The Board was comfortable with a November 15th to April 15th time frame.

Chair Kenworthy thanked Mr. Adams for his input.

The meeting adjourned at 8:47 p.m.

Approved by _____
John Kenworthy, Chair
Historic Preservation Board

Planning Commission Staff Report

Subject: Main Street Balcony Enclosure Amendments
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-03021
Date: December 9, 2015
Type of Item: Legislative – LMC Changes

Summary Recommendations

Staff is requesting that the Planning Commission open a public hearing, review the possible Land Management Code amendments regarding balcony enclosures on Main Street, and consider forwarding a positive recommendation to City Council.

Description

Project Name: LMC Amendment to permit temporary enclosure of balconies, not to exceed 180 days (November 15th- April 30th)
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Proposal

City Council wishes to develop a pilot program to allow Main Street restaurateurs to construct temporary, seasonal enclosures on their balconies that would provide additional restaurant seating space during the winter months (November 15th through April 30th). The pilot program would be available only to those balconies directly attached to restaurant space on non-historic structures. Staff has collaborated with the Building, Planning, Engineering, Finance, Sustainability, and Legal Departments to develop a pilot program proposal for the 2015-2016 winter season. Balcony enclosures may be constructed starting on November 15th and must be removed no later than April 30th; the duration of the balcony enclosures shall not exceed 180 days.

In order to move forward with the pilot program, the Land Management Code (LMC) needs to be amended to permit the temporary enclosure of balconies. Staff requests that the Planning Commission review staff's proposed modifications to the LMC and forward a positive recommendation to City Council. Any design guideline amendments for the balcony enclosures will be adopted through a City Council resolution amending the Design Guidelines for Historic Districts and Historic Sites (June 19, 2009).

Purpose

The purpose of the Historic Commercial Business (HCB) District:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,

- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. Riverhorse hopes to imitate the success of their tent's use during special events by constructing a temporary (not to exceed 180-days) enclosure on the balcony from November 15th through April 30th that would promote winter-time use. The temporary enclosure would add approximately 350 square feet of restaurant space on their balcony and seat approximately twenty (20) patrons, or about five (5) tables of four (4).

Staff met with City Council on November 13, 2014, to discuss creating a Winter Balcony Enclosure program, similar to that of the Street Dining on Main's summer dining decks. City Council directed staff to meet with the Historic Preservation Board (HPB) for feedback on this program. Staff met with the HPB on January 7 and March 4, 2015, to discuss necessary changes to the Land Management Code (LMC) and Design Guidelines in order to accommodate the winter balcony enclosure program. The input provided by the HPB is reflected in the attached staff reports and exhibits.

Staff strongly recommended that the balcony enclosures not be permitted as staff found the enclosures would detract from the look and feel of Historic Main Street; however, the majority of City Council and the HPB found the enclosures to be an aesthetic improvement to the white tents currently used during the winter months. Further, City Council and the HPB found that the balcony enclosures would maintain the high quality of customer service and support for increased seasonal occupant loads of Main Street restaurants.

Staff has moved forward with developing a pilot program for the 2015-2016 Winter Season which would permit balcony enclosures only on those balconies facing Main Street that are on non-historic structures and directly attached to restaurant space. Thus far, staff has found that only Riverhorse on Main is interested in constructing a balcony enclosure. This year's pilot program will occur from January through April

following changes to the LMC. Following the removal of the balcony enclosures on April 30th, staff will assess the merits and challenges of the program and review these with City Council in May.

Analysis

Balconies are defined by the Land Management Code (LMC) as a platform that projects from the wall of a building and is enclosed by a railing, parapet, or balustrade. There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. This program would only allow enclosures to be constructed on those balconies directly attached to restaurant space on non-historic structures that are not designated on the Historic Sites Inventory (HSI). Currently, only three (3) restaurant balconies would be eligible for the pilot program.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals. For more information, please review the Analysis section of Exhibit 3--6.25.15 City Council Report.

Current Balcony Requirements

The Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Because City Council has directed staff to move forward with the pilot Winter Balcony Enclosure program, the LMC will need to be amended to allow for these temporary, seasonal balcony enclosures. Property owners are required to provide insurance for their balconies.

Current Temporary Structure Requirements

The LMC defines a temporary improvement as a structure built or installed, and maintained during the construction of a development, or during a special event or activity and then removed prior to release of the performance guarantee. Staff finds that the proposed balcony enclosures meet the definition of a temporary improvement, BUT extend beyond the duration of construction activity or a special event or activity as currently allowed by code. The winter season is not a special event.

LMC 15-4-16(A)(4) limits temporary structures, such as tents, to a duration no longer than 14 days and for more than five (5) times per year on the same property or site, unless a longer duration or greater frequency is approved by the Planning Commission consistent with the Conditional Use Criteria or as approved by City Council as part of a Master Festival. The intent of this provision in the code was to allow events to run together if necessary, but each 14 day period would count toward the total allowed amount of five (5) times per year, or 70 days total. This limits temporary structures, such as tents, from standing indefinitely by allowing them to stand for only 70 days per

year. The Planning Commission, however, may currently approve a longer duration or greater frequency through a Conditional Use Permit (CUP).

The Land Management Code (LMC) was revised to address the duration of temporary structures in 2009. At that time, there were several temporary structures located on hotel properties in town that had been approved as temporary structures, but were left standing in virtual perpetuity. To ensure this trend would not continue, new duration parameters were adopted in 2009.

There have been instances where a temporary structure has been approved to stay up for greater than 14 days, such as the 2013 Planning Commission approval of a CUP at the Montage allowing construction of temporary structures for up to 15 times per year of which 4 structures were allowed for a maximum of 60 days due to the high frequency of weddings and outdoor parties.

Required Changes to the Land Management Code (LMC)

During the November 2014 and June 2015 City Council work session and the January and March 2015 HPB work sessions, staff expressed concern that the proposal was in direct opposition to the current LMC, and the LMC does not make exception for temporary, seasonal structures. The LMC needs to be amended in order to accommodate an exception for temporary, seasonal structures. Staff proposes that LMC 15-2.6-3(D) Balconies be amended to state:

(D) BALCONIES AND TEMPORARY WINTER BALCONY ENCLOSURES.

(1) No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

(2) Temporary Winter Balcony Enclosures may only be permitted on existing balconies on structures which are not on the Historic Sites Inventory. Temporary Winter Balcony Enclosures are only permitted from November 15th through April 30th on balconies facing Main Street.

Note: Language was added to the existing LMC section. No language was eliminated.

Application Process for Pilot Program

Those restaurants intending to construct a temporary, seasonal balcony enclosure will be required to complete an Administrative Conditional Use Permit (Admin-CUP). This is a one-time application that runs with the land. Much like the summer Dining Deck program, applicants will only be required to re-apply for the Admin-CUP if substantial changes are made to their balcony enclosure. Temporary structures, per the

International Building Code (IBC), are limited to a 180-day duration, and, so, staff has limited the balcony enclosures to November 15th through April 30th to ensure that the enclosures are not considered permanent under the IBC.

The applicant will also be required to obtain a building permit for the balcony enclosure. This will allow the Building Department to ensure that the enclosure meets the International Building Code (IBC) and addresses such issues as:

- Lighting and ventilation
- Engineering for live loads, wind, roof capacity
- Fire safety
- Drainage and snow shedding on public right-of-way (Main Street)
- Energy efficiency
- Recalculations for increased occupancy loads will impact sanitation facility requirements, upgrading the design of existing occupancy loads,
- Adequate heating and ventilation

Staff has also discussed additional concerns with our internal Development Review Committee. Staff finds that the balcony enclosures should not further aggravate parking demands as the balconies are already in use during the summer for outdoor dining. The Building Department will also address increased water usage and requirements for the increased occupancy loads at the building permit stage. Further, no new signage may be installed on the balcony enclosure.

The balcony enclosure would have to be constructed as a semi-permanent structure in order to meet the International Building Code. Further, the Building Department will require annual building permits for installation and removal of the enclosures. Each property has its unique challenges and the enclosures will need to be reviewed on a case-by-case basis.

Any modifications to existing buildings or balconies to accommodate the balcony enclosure will be reviewed through a Historic District Design Review application subject to the Design Guidelines and Land Management Code.

Unlike the summer dining decks, City Council will not require a lease agreement with the property owner for the construction of the Temporary Winter Balcony Enclosure. The only fees associated with the Winter Balcony Enclosure will be the one-time Admin-CUP and annual Building Permits for installation and removal of the enclosures. Staff will work with the applicants at the time of the application to ensure that any existing balconies have a recorded encroachment agreement with the City Engineer's Office, if one does not already exist.

Good Cause

Planning Staff finds there is good cause for these LMC amendments as City Council has expressed interest in pursuing a pilot Winter Balcony Enclosure program. The pilot program will run from January through April 2016. Following removal of any balcony enclosures on April 30th, staff will evaluate the success of the program and return to City Council in May with a summary of the program, evaluating its merit and challenges at

that time. City Council may then decide whether or not to continue the program as a pilot program or make it full-time.

Department Review

This report has been reviewed by the Planning, Building, Engineering, and Legal Departments.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on November 25, 2015, and published in the Park Record on November 21, 2015 per requirements of the Land Management Code.

Public Input

Public input is outlined in the attached staff reports and minutes of previous Historic Preservation Board and City Council meetings. No new public input was submitted for the Planning Commission at the time of writing this report.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Recommendation

Staff is requesting that the Planning Commission open a public hearing, review the possible Land Management Code amendments, and consider forwarding a positive recommendation to City Council.

Exhibits

Exhibit 1—Ordinance (will include Exhibits redlining each LMC Section that is being amended)

Exhibit 2 – Winter Balcony Enclosure Informational Sheet

Exhibit 3 – 6.25.15 City Council Report

Exhibit 4 – 6.25.15 City Council Minutes

Exhibit 5- Riverhorse Proposed Balcony Enclosure Plans

Chair Strachan asked if the Commissioners had concerns with the language in the proposed changes to the LMC. There were no concerns or changes. Chair Strachan noted that the language needed to be changed to reflect the new boundary lines.

Chair Strachan opened the public hearing.

Mike Sweeney had read through the document and he complimented Planner Whetstone on a fabulous job. He thought the wordsmithing was clear and concise and he did not have any issues with it. Mr. Sweeney stated that he always thought his property on the west side of Main Street was commercial, and it was built that way for a reason. They did not put commercial on the top of the plaza. They essentially donated property to the City in the sense of protecting the view corridor by never building on the deck. Mr. Sweeney wants it to remain as it exists today and he was comfortable with the Code changes.

Chair Strachan asked if Mr. Sweeney had an issue with the boundary line change. Mr. Sweeney answered no.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a positive recommendation to the City Council regarding LMC Amendments to Zoning Chapters 2.5, 2.6 and Chapter 15, according to the Findings of Fact and Conclusions of Law in the draft ordinance, and as amended to include 820, 875 and the Main Street side of 804 in the vertical zoning per the discussion this evening. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendments in Chapter 15-2.6-3(D) – Main Street Balcony Enclosures to allow Main Street restaurant owners to construct winter enclosures on balconies of non-historic buildings from November 15th – April 15th which will allow winter dining on those enclosed decks.
(Application PL-15-02031)

Planner Grahn reported that over the past year the Staff has been working with the City Council and the Historic Preservation Board to determine whether or not it was appropriate to enclose Main Street balconies over the winter months. All parties found that it was appropriate. Planner Grahn noted that the history of their discussions was outlined and documented with Exhibit in the Staff report. The intent is to create a pilot program to enclose the balconies with temporary but semi-permanent structures to replace white tents from November 15th through April 30th, and not to exceed 30 days. However, to do so requires an amendment to the Land Management Code.

Planner Grahm noted that the proposed changes were outlined on page 372 of the Staff report. The Staff requested that the Planning Commission review the changes and forward a positive recommendation to the City Council.

Commissioner Campbell asked if others besides Riverhorse were requesting this. Planner Grahm replied that it was only Riverhorse at this time. The balcony enclosure would have to be directly accessible to the restaurant space and; therefore, other than Riverhorse only Waso and 501 Main Street could currently meet that requirement.

Chair Strachan asked Planner Grahm to summarize the input from the HPB and the City Council. Planner Grahm stated that the first concern was whether or not it was appropriate on historic buildings, because removing and constructing the temporary structures creates a lot of wear and tear. Therefore, it was decided to limit it only to balconies that were on non-historic buildings. Planner Grahm reported that the HPB had mixed reactions, but the majority of the Board felt it was an improvement from the white tents that remain up all winter. The HPB was not concerned that the balcony enclosures would appear permanent and misleading to people viewing Main Street in the winter months. They also thought it would help enhance the level of customer service and the restaurant experience.

Commissioner Joyce understood that this was being proposed as a trial program. He noted that currently a CUP can be applied for to leave up a temporary structure for 180 days. He asked why the Staff was proposing a zoning change instead of the current CUP process. Planner Grahm replied that under the CUP process a structure could not be left up for 180 consecutive days. The applicant would come to the Planning Commission to have a tent approved for up to 14 days five times a year, or 70 days. She noted that exceptions have been made for some of the resorts to leave tents up for a longer period during the summer time for weddings, etc. Planner Grahm pointed out that the a balcony enclosures is different because it is attached to the building and not a freestanding tent.

Commissioner Joyce thought it was unusual to be making a zoning change for a trial. He thought a better approach would be to allow the same exception under the CUP that is made for wedding tents during the summer.

Assistant City Attorney McLean replied that the Code does not allow for balcony enclosures; therefore, it would not be allowed under the current CUP process. The only way for this temporary program to move forward is through a Code change.

Chair Strachan wanted to know if they would have to amend the Code again if they determine that the trial period is not successful. Ms. McLean explained that the City

Council could decide not to allow balcony enclosures in the right-of-way; or they could implement another Code change to reverse it.

Commissioner Worel questioned how the City Council could make that decision if it was allowed by Code. Ms. McLean understood that if someone applied for a balcony enclosure they would need an encroachment agreement. Planner Grahm explained that most of the balconies already encroach over the right-of-way and require an encroachment agreement. Some have an agreement and others do not. However, when people come in to make changes to their balcony, they are required to get an encroachment agreement if they do not already have one. Planner Grahm remarked that the City Council also has to review any changes to balconies regardless of whether it is a new balcony or a modification to an existing balcony. It also requires an HDDR by the Planning Department.

Planner Grahm explained that for the purpose of the pilot program, the process will be to do an Administrative CUP, which is consistent with the summer dining deck program. The CUP would run with the land but they would be required to apply for a building permit to construct it and to demolish it every year. It would involve two building permits. She pointed out that if someone came in with a request to enclose their balcony, they would get an encroachment agreement with the City at the same time.

Commissioner Thimm understood that an applicant would have to obtain CUP approval for the enclosure, put up the enclosure and take it down. He asked if the applicant would be covered under the same CUP to put it up again the next year. Planner Grahm replied that they would not have to reapply for the CUP but they would have to apply for new building permits. Chair Strachan asked about the encroachment agreement. Planner Grahm believed that the encroachment agreement also runs with the land. Ms. McLean explained that encroachment agreements are generally licenses which can be revoked at any time.

Commissioner Phillips asked if the CUP would expire with the trial period. Ms. McLean stated that the Staff could phrase it to have a sunset for the conditional use. Planner Grahm favored a sunset because they would want the opportunity to revoke balcony enclosures if it does not work out.

Commissioner Joyce asked if the Planning Department and the Historic Preservation Board were comfortable with enclosed balconies. Planner Grahm stated that the Planning Department was not in support. However, the HPB liked the idea because it was an improvement over white tents. The HPB supports it from the standpoint of aesthetics. Commissioner Joyce remarked that if white tents are the problem, he did not believe it made sense to fix the problem by allowing balcony enclosures. The City Council has put historic preservation as one of the top six priorities. There is a view walking down Main Street and they have tried to preserve that view. One balcony enclosure breaks the view

and changes everything. Commissioner Joyce remarked that everything he read about enclosing balconies states that they are not part of the historic look, they block off other buildings, and they should not be done. He referred to documents on page 413 of the Staff report showing that the Planning Department was opposed when this idea was previously presented. He pointed out that what was being presented this evening was the same exact plan. The only difference is that the City Council has now decided to try it.

Commissioner Joyce stated that if these things are not good because it hurts their historic image, making them temporary does not change anything. He believed that a permanent enclosure could be made to look more historic and fit in better than a plastic temporary enclosure. He pointed out that as proposed the balcony enclosures are only temporary, but they are allowed to be up during the four most important months in Park City. Those are the peak months with all the tourists. Commissioner Joyce noted that this proposal was being driven by one restaurant who fundamentally wants to accommodate 20 additional people for dinner. He thought it was counter to not only his view, but how the Planning Department viewed it and initially thought it should not be allowed. Commissioner Joyce was unsure at what point the City decided to give in to one constituent, because it was counter to everything the City has done to try to preserve the Main Street corridor.

Commissioner Phillips agreed with Commissioner Joyce, and added that it would also be an “energy hog”.

Commissioner Joyce was surprised when he read the minutes that the HPB was concerned about patrons being turned away from the restaurant during the peak season, and that was their logic for approving balcony enclosures. As a Board that is supposed to be preserving the historic character and mining heritage of Park City, he could not understand why the HPB would find this acceptable.

Planner Grahn stated that the Staff raised many of the same issues when they met with the Building Department. They also had concerns that it would look like the plexiglass tent on the Blue Plate Diner in Salt Lake. Planner Grahn remarked that the Planning Department has been working with Riverhorse and the enclosure will be glass and steel to blend in with the design of the buildings. Commissioner Joyce asked where there were other glass and steel buildings along Main Street. He questioned whether a glass and steel building would be approved under the current design guidelines. Planner Grahn clarified that if a balcony enclosure is requested it would have to compliment and be consistent with the design of the building. Since Riverhorse is already a steel and glass building, an enclosure would fit in better than if it was attached to a wood frame building.

Director Erickson clarified that the opinion of the HPB was that a balcony enclosure was aesthetically better than a white tent. He noted that it was an ongoing discussion with the

HPB and the City Council. Mr. Erickson suggested that the Planning Commission forward their opinion to the City Council to be considered when the Council makes the final decision. He noted that this was a difficult issue for the Planning Department because their mission is to preserve the street. Mr. Erickson pointed out the Staff's previous recommendation and he stood by the former Planning Director's recommendation. He emphasized that the Staff was following direction from the City Council to come up with a compromise for allowing enclosures.

Chair Strachan stated that he agreed with Commissioner Joyce substantively. However, he has never viewed his role on the Planning Commission to be looking at what is historic and what is not. He does not have the skill set or the knowledge to say one way or another whether a temporary structure fits with the form and feel of historic Main Street. Chair Strachan stated that from a planning perspective he did not believe balcony enclosures should be allowed. He was concerned that allowing one would open the door for many more.

Commissioner Joyce wanted to know why permanent balcony enclosures would not be allowed if temporary enclosures are allowed. If balcony enclosures are acceptable, why would they have to be removed in April. In his opinion it would be better to allow the owners to build a nice enclosure that fits in better, is insulated, and has good snow shed.

Director Erickson explained that the planning argument for taking down the enclosures is that during the summer the balconies would obscure the view of the other buildings and disrupt the rhythm and pace of the second floor. Mr. Erickson acknowledged that it could also be a reason for not allowing enclosures during the winter.

Chair Strachan thought it was a policy decision that the City Council would make. He did not believe it was an issue for the Planning Commission or a Code issue. He was not opposed to sending a recommendation to the City Council, recognizing that the Council decides what could occur on Main Street.

Commissioner Campbell asked if the Planning Commission could forward a neutral recommendation. Chair Strachan replied that it the vote had to be aye or nay or a continuation.

Chair Strachan opened the public hearing.

Seth Adams, representing the Riverhorse, clarified that the Riverhorse originally approached the idea for a permanent balcony enclosure; however, that was rejected because it is over City property and the City did not want something permanent in the right-of-way. That created the situation for a temporary enclosure for 180 days. Mr. Adams

noted that they do not have the capability for deck dining during the summer because they do not have a Main Street spot on the street. For that reason, they approached it as a winter time enclosure because they need it more in the winter. Mr. Adams noted that the enclosure would be built by a very reputable company. It was designed to be built as a permanent enclosure, but it was be redesigned to allow it to be put up and taken down. Mr. Adams remarked that it would be well-built and would not look cheap. His preference would be to leave it up 365 days, but since that was not an option he was willing to accept a temporary time period so they could prosper as a restaurant and accommodate larger crowds during the peak season.

Ruth Meintsma, a resident at 305 Woodside, focused on the energy issue related to the enclosures. She commented on an interview with Matt Abbott earlier that day where he spoke about the City's current effort towards zero carbon footprint. The City was also moving forward with sensitive issues such as outdoor fire pits and wood fireplaces. Ms. Meintsma did not believe the proposed balcony enclosures accomplish what the City is trying to accomplish. She had researched solariums and greenhouses, which was the closest she could find similar to what was being proposed, and they are very energy inefficient. Ms. Meintsma referred to language on page 5 of the Staff report which states, "A building permit will insure that the enclosure addresses energy efficiency". She thought that was vague and asked if standards or specific criteria would be adhered to. Page 6 of the Staff report under significant impacts states that there are no significant environmental impacts; however Ms. Meintsma did not believe they know at this point whether there would be environmental impacts. Ms. Meintsma referred to Exhibit 1 of the ordinance, and noted that the fourth Whereas states, "The City's goals include sustainability". This structure does not necessarily accomplish sustainability. The ninth Whereas states, "This amendment is consistent with the General Plan." Ms. Meintsma questioned whether it was consistent with the General Plan. She believed there were still a lot of unanswered questions that they could not know at this point. Ms. Meintsma referred to Item 10 which states that the design must address snow shedding. She pointed out that if the enclosure on the Riverhorse sheds at all it would shed on to the sidewalk. She thought aggressive snow melt should be included in the energy efficiency evaluation of the structure. Ms. Meintsma referred to number 19, materials, and thought it needed to go further than just materials that complement the existing structure. She suggested that the criteria should be a material that actually accomplishes a certain level of energy efficiency.

Mike Sweeney, stated that as a person sitting in the audience who has done a lot of permitting in front of the Planning Commission, he was offended by the outrage that Mr. Adams with the Riverhorse would build a "crappy" building. Mr. Sweeney did not believe that was fair.

Commissioner Joyce agreed and he apologized to Mr. Adams and Mr. Sweeney. Commissioner Joyce clarified that his frustration was more with the City not allowing a nice permanent structure that would meet normal development guidelines; and instead allowing one that must meet difficult requirements of being temporary and having the ability to be pulled apart and packed up. Commissioner Joyce stated that if Mr. Adams was allowed to build a permanent structure he was confident that he would build something that was nicer, solve more engineering problems, be better insulated to address energy concerns, and look better on the historic street. He acknowledged that he had used a poor choice of words.

Mr. Sweeney stated that with all the concerns about energy and everything else is involved for this type of structure, the Riverhorse was doing their best and using the best technology available. He understood that the Riverhorse is not the most energy efficient, and there are other buildings in the community that are less energy efficient than what the Riverhorse was trying to accomplish. Mr. Sweeney referred to Commissioner Joyce's comment about the historic district and whether or not it was acceptable to have balconies on Main Street. He stated that Main Street has had balconies since for as long as he could remember.

Commissioner Joyce stated that he was aware that balconies are allowed on Main Street and clarified that his comment related to enclosed balconies.

Mr. Sweeney remarked that if the real issue is enclosed balconies, he believed that in the 1800s people put up something to enclose their balconies to protect themselves.

Brian Markenan stated that he was an architect in town who was helping Mr. Adams move this request through the process. Mr. Markenan understood that energy was an issue for everyone. Since Mr. Adams would be paying for that energy, he was motivated to build and complement that building. Mr. Markenan pointed out that this was a pilot program to determine what will and will not work for the City and the Riverhorse. He remarked that snow shedding would be remedied. The enclosure will have a low pitch to avoid fast slides into the street. It would be held a foot and a half to two feet from the edge of the balcony so a lot of the snow will dump on the side. A lot of snow will melt off and they will be dealing with the runoff of the roof in a much different way than snow just sliding off. Mr. Markenan stated that they anticipate using cleats and snow bars to hold back much of the snow. He pointed out that it was not a cheap structure. It is an engineered metal and glass building with a polycarbonate top that will withstand snow loads. It is also built to IBC standards. Mr. Markenan stated that they have been working with the Building and Planning Departments and he felt they had come to a good place for this trial.

Commissioner Thimm asked if this type of structure would comply with the State Energy Code. Mr. Markenan was hesitant to say that it complies with the State Energy Code. He

pointed out that it is a stand-alone structure. Commissioner Thimm noted that the Code was a measuring stick in terms of sustainability that is required by the State. Mr. Markenán replied that it was lacking in terms of having an R-49 roof. He suggested the possibility of sliding in different panels in the future.

Chair Strachan closed the public hearing.

Commissioner Campbell did not believe the balcony enclosures would sweep all the way up Main Street, and he did not see it as a gigantic stain on the visual character of Main Street. Chair Strachan noted that some of the Commissioners differed in that opinion. He did not think there would be an abundance of enclosures but he felt certain that the number would increase if the pilot program is passed. Commissioner Campbell suggested crafting the language to limit the number. Commissioner Joyce asked how they could justify allowing it for one non-historic building to serve food and deny it for another person with a non-historic building who wants to enclose their balcony for storage or other uses. Commissioner Campbell thought it would be easy to make that distinction because the vibrancy a restaurant brings to the area benefits everyone. Chair Strachan thought it would put the Staff in a difficult position of saying yes to some and no to others based on vibrancy.

Planner Grahn noted that the City Council was only proposing the pilot program for restaurants. The program would have to be adjusted to expand it to retail, office space, private residences, etc.; and that would require going back to the HPB and the Planning Commission.

Commissioner Joyce remarked that at some level the City was making a judgment of whether or not to allow enclosed decks. Under the current constraints there was a possibility for three and only one was currently interested in doing it. However, once it is approved and the next person wants to enclose their balcony for a different entertainment use, it keeps growing and growing. He thought the decision the City Council should be making is whether or not enclosed balconies are okay. If the answer is yes, they should be allowed to be permanent and done well.

Commissioner Campbell suggested that if the pilot program runs for three years, after that time they could determine whether or not to allow permanent enclosures. He asked if Commissioner Joyce would be more comfortable with that approach. Commissioner Joyce clarified that he personally did not think enclosed balconies belong because they are not part of the Historic Design Guidelines. He thought the decision needed to be consistent. He could not justify saying it was fine for the five prime months but not for the rest of the year. If the City Council thinks enclosed balconies are fine, then they should be allowed all year long or not allowed at all.

Commissioner Phillips wanted to make sure that the CUP would have a sunset date. Assistant City Attorney McLean stated that they could make that recommendation as part of the motion.

MOTION: Commissioner Joyce moved to forward a Negative Recommendation to the City Council on the Main Street balcony enclosure amendments. Commissioner Worel seconded the motion.

VOTE: The motion passed 3-2. Commissioners Joyce, Thimm and Worel voted in favor of the motion. Commissioners Phillips and Campbell voted against the motion.

WORK SESSION

The Planning Commission returned to work session for Annual Legal Training on the Public Meeting Act.

Assistant City Attorney McLean stated that the Open Meetings Act is primarily about the importance of transparency and openness in government so the constituents in the community understand that decisions are being made in the public and not behind closed doors.

Ms. McLean reminded the Commissioners to keep their disclosure forms updated with the City Recorder.

Ms. McLean clarified that "Open" means "in public". State Code requires the Planning Commission to follow the rules and requirements of the Open Public Meetings Act. She noted that the lesser Boards and Commissions follow the Act as well, including the Art Board.

Ms. McLean commented on what constitutes a meeting. For the Planning Commission, it is four members including the Chair. However, it was preferable to have more members than just a quorum making decisions. She thanked the Commissioners for their diligence in attending most meetings. Ms. McLean requested that they contact the Staff if they know they will not be attending to make sure they have a quorum. A meeting cannot be held without a quorum.

Chair Strachan asked the Commissioners to also let him know if they will not be attending; however, he preferred that they use his personal email because he does not check his



RIVERHORSE ON MAIN



RIVERHORSE ON MAIN STREET

Riverhorse on Main brings an elegant experience of the flagship Main Street for locals and visitors alike – guest who come from around the world get a view of Park City like never seen before. The current winter dining program has been a great success – we would like to collaborate with the city to find a way to keep the program year-round. We thrive on promoting historic main street, and since the pandemic we can do that every season with our deck enclosure.



GUESTS & VISITORS

GUESTS

The Riverhorse on Main family hosts visitors from around the world who often want to return – providing a tourism view of the city year round. We entertain locals, tourists, and corporate events – over 100,000 guests per year. This provides additional business for surrounding establishments bringing large events to Main Street year-round.

VISITORS

At Riverhorse on Main, after guests leave dinner with us we make a suggestion where they should go next! Whether it is a visit to the Fine Art Gallery of Park City or a drink after at No Name, our goal is promote businesses that promote us on Main Street.



A hand holding a glass of champagne with a city view in the background. The hand is wearing a watch and rings. The background shows a city street with buildings and a car.

Agreement

We understand that there would need to be changes to code in order for this to occur. I believe other business owners can and will succeed. Changing code or the program will create consistency for everyone on the street.

Our structure will certainly need to be upgraded in order to comply with permanent structure status as opposed to a temporary structure. Riverhorse will commit to providing an enhanced the aesthetic view of main street. This will make our restaurant closer to the our goal of being a green business with upgraded windows and insulation.

The deck is over 5 feet of city property, We propose in some fashion a long term lease over that property, that if at any time it was a problem for city hall Riverhorse would comply with city direction.

Thank you



Thank you for taking the time to review and discuss this proposal – our goal at Riverhorse on Main is to continue to provide an excellent experience to guests that represents Park City Main Street well with an outstanding view.

Thank you!

Planning Commission Staff Report



Subject: 1002.5 Norfolk Avenue
Application: PL-22-05352
Author: Rebecca Ward
Date: September 7, 2022
Type of Item: Modification to Temporary Relocation and Partial Panelization

Recommendation

(I) Review the Applicant's proposal to modify the Temporary Relocation and partial panelization of 1002.5 Norfolk Avenue, a Landmark Historic Site, (II) conduct a public hearing, and (III) consider denying the modification to Deconstruct and Reconstruct, and (IV) consider denying the modification for full panelization pursuant to the Findings of Fact, Conditions of Approval, and Conclusions of Law outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Terence Scheckter,
represented by Billy Smith with Big-D Construction

Location: 1002.5 Norfolk Avenue, a Landmark Historic Structure

Zoning District: Historic Residential – 1

Adjacent Land Uses: Single-Family Dwellings

Reason for Review: The Historic Preservation Board reviews Deconstruction and Reconstruction of an Existing Historic Building¹ and Disassembly and Reassembly (Panelization)²

HPB Historic Preservation Board

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

The HPB first reviewed panelization of 1002.5 Norfolk Avenue on August 4, 2021. The HPB discussed the challenges of the site but did not support panelization. The HPB approved Material Deconstruction of a portion of the rear façade to accommodate an addition, but continued the discussion of possible partial panelization and shifting the Landmark Historic Structure to accommodate construction ([Staff Report](#); [Minutes](#), p. 10).

¹ LMC [§ 15-11-15](#)

² LMC [§ 15-11-14](#)

On October 6, 2021, the HPB again reviewed and approved the proposal for Temporary Relocation and partial panelization ([Staff Report](#); [Minutes](#), p. 3).

On August 17, 2022, the Applicant submitted a modification application to request the Historic Preservation Board review possible Deconstruction and Reconstruction or full panelization of the Landmark Historic Structure at 1002.5 Norfolk Avenue (Exhibit B, Applicant's Proposal). The Historic Preservation Board (HPB) is scheduled to visit the site at 4:00 PM on September 7, 2022.

Analysis

The Applicant brings two proposals to the HPB: (I) Deconstruction and Reconstruction, or (II) Disassembly and Reassembly (full panelization).

(I) The proposal to Deconstruct and Reconstruct 1002.5 Norfolk Avenue does not meet the Land Management Code criteria outlined in Section 15-11-15.

The HPB reviews proposals to Deconstruct and Reconstruct Historic Structures pursuant to LMC [§ 15-11-15](#):

In approving an Application for Reconstruction of the [Historic Building] on a [Landmark Site] the [HPB] shall find the project complies with the following criteria:

- 1. The [Historic Building is] found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and*
- 2. The [Historic Building] cannot be made safe and/or serviceable through repair; and*
- 3. The form, features, detailing, placement, and orientation and location of the [Historic Building] will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.*

On February 19, 2021, the Applicant completed [a Structural Engineer Report](#). This same 2021 report is submitted by the Applicant for the modification request to Deconstruct and Reconstruct the Landmark Historic Structure (Exhibit B, p. 2).

On July 28, 2021, the Planning Director and Chief Building Official issued a [Notice of Official Determination](#), finding:

“the Landmark Historic Structure is not in a state of disrepair that merits demolition; the Landmark Historic Structure is not hazardous or dangerous pursuant to International Building Code Section 116.1 and the site and structural conditions will not preclude lifting or moving the Structure; the physical conditions of existing materials will not prevent temporarily lifting or moving the Structure; and the Applicant has alternatives to lift, preserve, and rehabilitate the Landmark Historic Structure while building the proposed addition. During the visit, the constraints of the lot were

discussed and although the structure could be raised and preserved the structure would need to be lifted substantially higher for a longer period to allow for the addition on the rear and basement underneath the historic building. As such a larger discussion about panelization of the structure may be warranted” (Exhibit C).

On September 28, 2021, the Planning Director and Chief Building Official issued a [second Notice of Official Determination](#), finding:

“the physical conditions of existing materials will not prevent temporarily moving the Structure; and the applicant has alternatives to lift, preserve, and rehabilitate the Landmark Historic Structure while building the proposed addition” (Exhibit D).

The Determination supports Temporary Relocation and partial panelization as recommended by the HPB on August 4, 2021.

On August 29, 2022, the Planning Director and Chief Building Official visited the site and found no change in circumstances that would alter their Notices of Official Determination. Therefore, staff recommends the HPB deny the Applicant’s request to Deconstruct and Reconstruct the Landmark Historic Structure.

(II) The proposal to fully panelize the Landmark Historic Structure does not meet the Land Management Code criteria outlined in Section 15-11-14.

The HPB reviews proposals to fully panelize (disassembly and reassembly) Historic Structures pursuant to LMC [§ 15-11-14](#):

In approving a [Historic Site] design review Application involving Disassembly and Reassembly of the [Historic Building] on a [Landmark Site], the [HPB] shall find the project complies with the following criteria:

1. *A licensed structural engineer has certified that the [Historic Building] cannot reasonably be moved intact; and*
2. *At least one of the following:*
 - a. *The proposed Disassembly and Reassembly will abate demolition of the [Historic Building]; or*
 - b. *The [Historic Building is] found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or*
 - c. *The [HPB] determines, with input from the Planning Director and the Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed Disassembly and Reassembly; unique conditions include but are not limited to:*
 - 1) *If problematic site or structural conditions preclude temporarily lifting or moving a building as a single unit; or*

- 2) *If the physical conditions of the existing materials prevent temporarily lifting or moving a building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or*
- 3) *All other alternatives have been shown to result in additional damage or loss of historic materials.*

Please see the information in Analysis Section I above outlining the Applicant's Structural Engineer Report and the Planning Director and Chief Building Official Determinations regarding the Historic Structure. On July 28, 2021, the Planning Director and Chief Building Official issued a [Notice of Official Determination](#), finding:

"the Landmark Historic Structure is not in a state of disrepair that merits demolition; the Landmark Historic Structure is not hazardous or dangerous pursuant to International Building Code Section 116.1 and the site and structural conditions will not preclude lifting or moving the Structure"

In addition to finding the Historic Structure does not meet the criteria for full panelization, the Planning Director and Chief Building Official find Temporary Relocation and partial panelization as approved by the HPB allows the Applicant to move forward with the addition and rehabilitation of the Landmark Historic Structure. Therefore, staff recommends the HPB deny the Applicant's request for full panelization.

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 24, 2022. Staff mailed courtesy notice to property owners within 300 feet on August 24, 2022. The *Park Record* published notice on August 24, 2022.³

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Historic Preservation Board may approve the Deconstruction and Reconstruction or full panelization;
- The Historic Preservation Board may deny the Deconstruction and Reconstruction and/or full panelization; or
- The Historic Preservation Board may request additional information and continue the discussion to a date certain.

³ LMC [§ 15-1-21](#).

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Applicant's Submittal

Exhibit C: July 28, 2021 Planning Director and Chief Building Official Determination

Exhibit D: September 28, 2021 Planning Director and Chief Building Official
Determination



Planning Department

September 7, 2022

Billy Smith, Big-D Construction
1002.5 Norfolk Avenue
Park City, Utah 84060

CC: Terence Scheckter

NOTICE OF HISTORIC PRESERVATION BOARD ACTION

Description

Address: 1002.5 Norfolk Avenue, a Landmark Historic Site

Zoning District: Historic Residential – 1

Application: Modification to Temporary Relocation and Partial Panelization

Project Number: PL-22-05352

Action: DENIED

Date of Final Action: September 7, 2022

Project Summary: On October 6, 2021, the Historic Preservation Board approved Temporary Relocation and partial panelization to accommodate an addition and rehabilitation of the Landmark Historic Structure. The Applicant requests a modification to the approval for Deconstruction and Reconstruction or full panelization.

Action Taken

On September 7, 2022, the Historic Preservation Board conducted a public hearing and denied Deconstruction and Reconstruction and full panelization of the Landmark Historic Structure at 1002.5 Norfolk Avenue according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

Background



Planning Department

1. 1002.5 Norfolk Avenue is a one-story cross-wing house built around 1893.
2. 1002.5 Norfolk Avenue is a Landmark Historic Structure on the Park City Historic Sites Inventory.
3. The HPB first reviewed panelization of 1002.5 Norfolk Avenue on August 4, 2021. The HPB discussed the challenges of the site but did not support panelization. The HPB approved Material Deconstruction of a portion of the rear façade to accommodate an addition but continued the discussion of possible partial panelization and shifting the Landmark Historic Structure to accommodate construction.
4. On October 6, 2021, the HPB reviewed and approved the proposal for Temporary Relocation and partial panelization.

Deconstruction and Reconstruction

5. On August 17, 2022, the Applicant submitted a modification application to request the Historic Preservation Board review possible Deconstruction and Reconstruction of the Landmark Historic Structure at 1002.5 Norfolk Avenue.
6. The Historic Preservation Board visited the site on September 7, 2022.
7. The HPB reviews proposals to Deconstruct and Reconstruct Historic Structures pursuant to LMC § 15-11-15: *In approving an Application for Reconstruction of the [Historic Building] on a [Landmark Site] the [HPB] shall find the project complies with the following criteria:*
 - *The [Historic Building is] found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and*
 - *The [Historic Building] cannot be made safe and/or serviceable through repair; and*
 - *The form, features, detailing, placement, and orientation and location of the [Historic Building] will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.*
8. On February 19, 2021, the Applicant completed a Structural Engineer Report. This same 2021 report is submitted by the Applicant for the modification request to Deconstruct and Reconstruct the Landmark Historic Structure.
9. On July 28, 2021, the Planning Director and Chief Building Official issued a Notice of Official Determination, finding: *“the Landmark Historic Structure is not in a state of disrepair that merits demolition; the Landmark Historic Structure is not hazardous or dangerous pursuant to International Building Code Section 116.1*



Planning Department

and the site and structural conditions will not preclude lifting or moving the Structure; the physical conditions of existing materials will not prevent temporarily lifting or moving the Structure; and the Applicant has alternatives to lift, preserve, and rehabilitate the Landmark Historic Structure while building the proposed addition. During the visit, the constraints of the lot were discussed and although the structure could be raised and preserved the structure would need to be lifted substantially higher for a longer period to allow for the addition on the rear and basement underneath the historic building. As such a larger discussion about panelization of the structure may be warranted.”

10. On September 28, 2021, the Planning Director and Chief Building Official issued a second Notice of Official Determination, finding: *“the physical conditions of existing materials will not prevent temporarily moving the Structure; and the applicant has alternatives to lift, preserve, and rehabilitate the Landmark Historic Structure while building the proposed addition.”*
11. The Determination supports Temporary Relocation and partial panelization as recommended by the HPB on August 4, 2021.
12. On August 29, 2022, the Planning Director and Chief Building Official visited the site and found no change in circumstances that would modify their Notices of Official Determination.

Disassembly and Reassembly (Full Panelization)

1. On August 17, 2022, the Applicant submitted a modification application to request the Historic Preservation Board review full panelization of the Landmark Historic Structure at 1002.5 Norfolk Avenue.
2. The HPB reviews proposals to panelize (disassembly and reassembly) Historic Structures pursuant to LMC § 15-11-14: *In approving a [Historic Site] design review Application involving Disassembly and Reassembly of the [Historic Building] on a [Landmark Site], the [HPB] shall find the project complies with the following criteria:*
 - i. *A licensed structural engineer has certified that the [Historic Building] cannot reasonably be moved intact; and*
 - ii. *At least one of the following:*
 1. *The proposed Disassembly and Reassembly will abate demolition of the [Historic Building]; or*
 2. *The [Historic Building is] found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or*



Planning Department

- iii. *The [HPB] determines, with input from the Planning Director and the Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant the proposed Disassembly and Reassembly; unique conditions include but are not limited to:*
 1. *If problematic site or structural conditions preclude temporarily lifting or moving a building as a single unit; or*
 2. *If the physical conditions of the existing materials prevent temporarily lifting or moving a building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or*
 3. *All other alternatives have been shown to result in additional damage or loss of historic materials.*
3. On February 19, 2021, the Applicant completed a Structural Engineer Report. This same 2021 report is submitted by the Applicant for the modification request to fully panelize the Landmark Historic Structure.
4. On July 28, 2021, the Planning Director and Chief Building Official issued a Notice of Official Determination, finding: *"the Landmark Historic Structure is not in a state of disrepair that merits demolition; the Landmark Historic Structure is not hazardous or dangerous pursuant to International Building Code Section 116.1 and the site and structural conditions will not preclude lifting or moving the Structure; the physical conditions of existing materials will not prevent temporarily lifting or moving the Structure; and the Applicant has alternatives to lift, preserve, and rehabilitate the Landmark Historic Structure while building the proposed addition. During the visit, the constraints of the lot were discussed and although the structure could be raised and preserved the structure would need to be lifted substantially higher for a longer period to allow for the addition on the rear and basement underneath the historic building. As such a larger discussion about panelization of the structure may be warranted."*
5. On September 28, 2021, the Planning Director and Chief Building Official issued a second Notice of Official Determination, finding: *"the physical conditions of existing materials will not prevent temporarily moving the Structure; and the applicant has alternatives to lift, preserve, and rehabilitate the Landmark Historic Structure while building the proposed addition."*
6. On August 29, 2022, the Planning Director and Chief Building Official visited the site and found no change in circumstances that would modify their Notices of Official Determination.



Planning Department

Conclusions of Law

1. The proposal to Deconstruct and Reconstruction 1002.5 Norfolk Avenue, a Landmark Historic Structure, does not meet the Land Management Code criteria outlined in Section 15-11-15.
2. The proposal to fully panelize 1002.5 Norfolk Avenue, a Landmark Historic Structure, does not meet the Land Management Code criteria outlined in Section 15-11-14.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5060 or email planning@parkcity.org.

Sincerely,

Historic Preservation Board Chair

CC: Rebecca Ward



Signature
RESORTS & RESIDENCES

Historic Remodel Modification of Approval Request

1002 ½ Norfolk Ave Remodel Project
Permit: 22-543

Cover Sheet



Big-D Signature, LLC

1389 Center Drive, Suite 360 | Park City, UT 84098 | P 435.658.2443 | www.bigdsignature.com

Table of Contents:

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Physical Conditions Report (Shen Engineering)2-3

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Lead Abatement (Beehive Environmental).....8

Original Approved Plans (Separate File) (Separate File)

Proposed Modification Plans.....9

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Current Title Report 12-18

Excel Sheet with Properties within 300 feet (Separate File)

Historic Remodel Modification of Approval Request

1002 ½ Norfolk Ave Remodel Project
Permit: 22-543

To Whom it may Concern –

We are requesting a modification to the Approval for the above listed property due to the safety concerns of the neighboring properties based on the excavation protection that will be required to construct the new foundations. Currently the project is approved utilizing a structure lift program with limited Panelization. Within this package we have included documentation highlighting limitations to complete the project as currently approved. The documentation is as follows:

1. Physical Conditions Report Provided by Shen Engineers
 - a. Report From the Structural Engineer Highlighting Structure conditions
2. "Safety Concerns with Scheckter Residence Project"
 - a. Highlighted Safety Concerns to adjacent Structures and Workers
3. "Scheckter – Logistics Limitations"
 - a. Highlighting Site limitations
4. "Scheckter – lead Abatement"
 - a. Referencing Lead based Paint Abatement procedure

We are seeking a modified approval that will allow us to remodel the project in one of two ways. Complete Disassembly of the home and reassembly or a full Panelization option allowing us to take the panels off-site and bring them back for reassembly. These options are better defined within the application.

We are happy to facilitate a project job walk with all required parties to help amend the approval. Thank you for your time and we look forward to finding a solution for this project.

Thanks,

Billy Smith
Project Manager

Shen Engineers, Inc. Structural/Seismic Consultants

2225 E. Murray Holladay Rd., Suite 208
Holladay, UT 84117
801.277.2625
801.277.2626fax

100 S. Alameda St., Suite 463
Los Angeles, CA 90012
858.699.2275
801.277.2626fax

Feb. 19, 2021

Mr. Jonathan DeGray, AIA
Jonathan DeGray - Architect
P.O. Box 1674
Park City, Utah 84060

Subject: Physical Condition Report of Park City House at
1002.5 Norfolk Ave.
Park City, Utah

To Whom It May Concern:

We have performed a site investigation of the building on Feb. 19, 2021 with the architect Jon DeGray. The conclusions on the house are as follows:

1. We are not able to figure out the existing roof joists since the roof is non-exposed. From the exposed eave joists, we assume the main roof existing joists are 2x4 at 24" on center on a sloped roof spanning 8'-0" to 12'-0". The 12'-0" roof joists are 12% capacity of the code. The 8'-0" roof joists are 16% capacity of the code. If so, they need to be upgraded or replaced with new roof joists. We suggest reframing roof ridge and valley beams and installing new roof joists.
2. The existing roof deck is 1x wood plank installed perpendicular to the existing joists. It doesn't have any capacity of shear diaphragm value. Suggest installing new 5/8" plywood or OSB with 10d @ 6" on center nailing.
3. The existing main and crawl space floor joists are 2x6 @ 24" on center spanning 12'-0. Most of them were totally rotted out. They have to be replaced.
4. All the existing headers need to be upgraded. We will review each one of them when design is available.
5. The whole exterior and interior walls are 1x12 installed vertically. They have no capacity for wind, seismic or gravity loads. Most of the 1x12 plank walls are rotted.
6. The north side of the existing building is supported by sand-stone foundation walls. The south side of the existing building doesn't have any footing. On the basement area, the footing is sand stone. On non-basement portion, the existing foundation walls were built with wood piles and sand stone. 90% of them were rotted out. We suggest tearing off the existing foundation walls. New reinforced concrete footing and foundation walls need to be poured for supporting the existing building and forming the frost depth of 40" minimum.

7. Due to the age and rotted condition of the building, the differential settlement of 6". To move the building and straighten it would cause the structure to fail and collapse. Based on these observations, we feel the building cannot be reasonably moved intact.
8. We suggest panelizing the existing building and re-build the house. If not to panelize the existing building, the big concern is the safety when the construction crews are working inside of the existing building with jacking or vibrating to the building. To panelize the building, the construction crews would only work at the outside of the building most of the time.

We hope that the information contained herein will assist you in your planning efforts. Should you have any further questions, please feel free to contact our office at your convenience.

Best Regards,

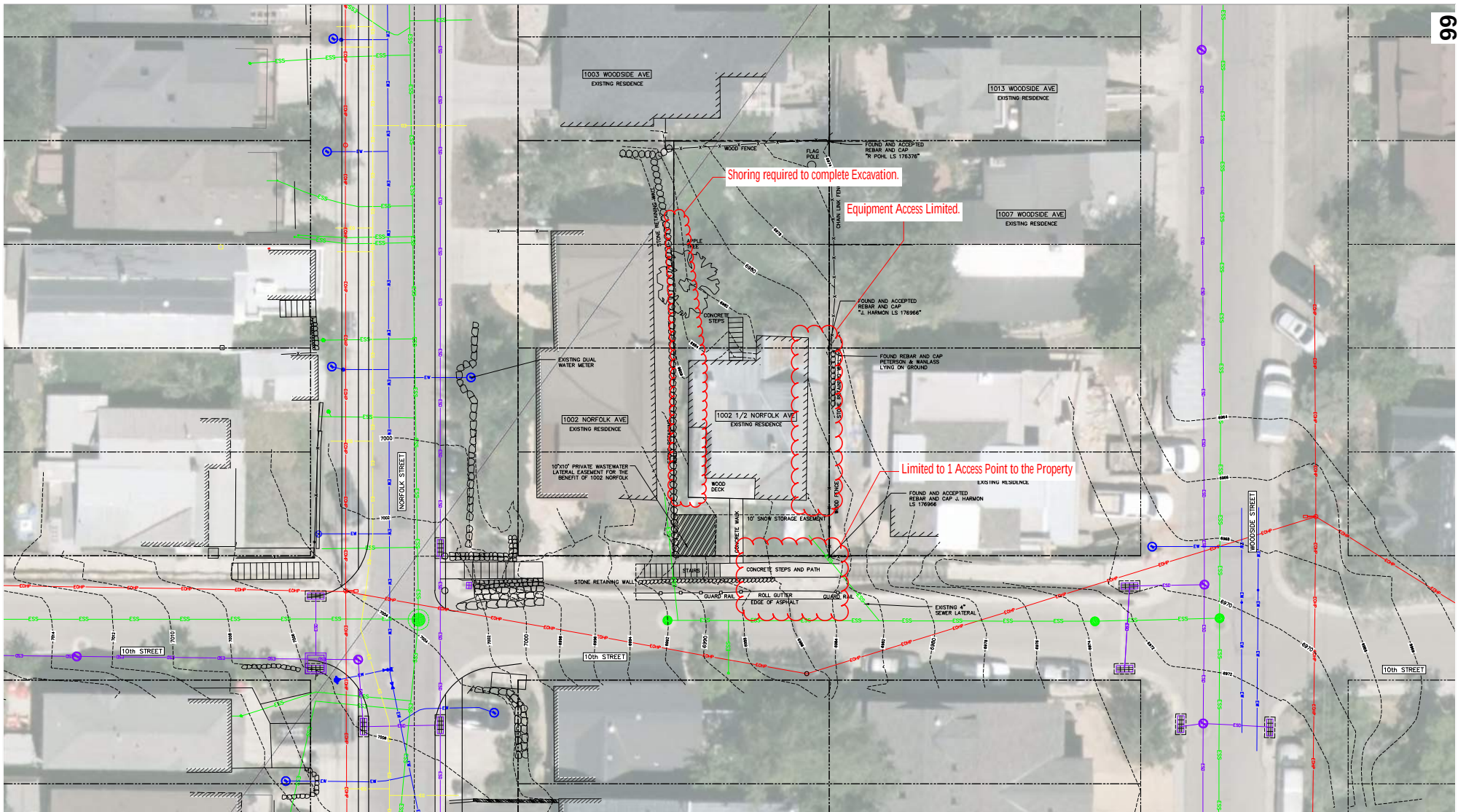
Henry Shen

Henry Shen, SE,
Shen Engineers, Inc.
2225 East Murray Holladay Road, Suite 208
Holladay, Utah 84117

Safety Concerns with Scheckter Residence Project

The following are safety concerns and elevated risk assessments involved with the lifting and bracing of **Scheckter Residence**:

1. The footprint of the residence allows very little room for lateral movement during lift. The adjacent structures proximity creates close clearance in which, should the structure fail in any way, it could lead to damage of these historic buildings.
2. Within the current plan, the inability of removing the structure from the excavation location creates overhead risk, minimizes equipment to be used and prevents shoring of the excavation. The depth of excavation varies on the structure from 12-18 feet of excavation. The site will not afford any plan to lay the cut of the excavation back, therefore shoring will need to be placed. With that, driving sheet piles or piles and timber will be unavailable with structure overhead.
3. We will also need the shoring to protect adjacent structure from undercutting impact. This would be virtually impossible with structure overhead.
4. Removing excavation material with limited access will either require larger equipment or the ability to conveyor out material with the structure overhead.
5. Logistically access is extremely limited for concrete, pump trucks, forklift, material moving equipment, etc. Much higher risk with overhead structure in place.
6. Spoils piles will only be able to be placed in either the front or the rear of the property. Along the sides of the property does not afford the ability to maintain a 2-foot setback from excavation.
7. Air Monitoring while equipment operated in the excavation with structure overhead there may not be adequate (cfa) of fresh air to movement to exchange excavation and or equipment exhaust.
8. Structure stability is a great concern, with the fragile nature of the framework it makes much more sense and reduces risk greatly to panelize and itemize. This way each piece is returned to its original placement on the rebuilt structure.



NOTES:

- 1) ALL EXISTING UTILITIES SHOWN ARE COMPILED FROM RECORD AND AS-BUILT DRAWINGS IN THE OLD TOWN NEIGHBORHOOD OF PARK CITY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ACCURACY OF THE SHOWN UTILITIES AND BLUE STAKE AS NECESSARY TO LOCATE UTILITIES PRIOR TO CONSTRUCTION.

LEGEND

- EXISTING WATER LINE
- EXISTING STORM DRAIN LINE
- EXISTING SANITARY SEWER LINE
- EXISTING GAS LINE
- EXISTING POWER LINE



Available Access Along West Side



Available Access Along East Side



Single Access Point to Site
(Off 10th Street)



Shoring Needed to
Protect Workers and
Neighboring Property

Scheckter - Logistics Limitations



Scheckter - Lead Abatement

3212 S. Kenwood St.
Salt Lake City, UT 84106

With the state of the house and the structural integrity being part of the siding. The siding doesn't have to be removed. However, removing the siding and abating it off site would be the preferred method. Another option would be to leave it on and control the lead chipping and peeling followed with encapsulation for safety of all future workers and residents of the site.

The EPA would prefer abatement:

RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992 (PUBLIC LAW 102-550), AS AMENDED THROUGH APRIL 21, 2005

The purposes of this Act are --

- (1) to develop a national strategy to build the infrastructure necessary to **eliminate** lead-based paint hazards in all housing as expeditiously as possible;
- (2) to reorient the national approach to the presence of lead-based paint in housing to as amended through April 21, 2005
implement, on a priority basis, a broad program to evaluate and **reduce** lead-based paint hazards in the Nation's housing stock;
- (3) to encourage effective action to prevent childhood lead poisoning by establishing a workable framework for lead-based paint hazard evaluation and reduction and by ending the current confusion over reasonable standards of care;
- (4) to ensure that the existence of lead-based paint hazards is taken into account in the development of Government housing policies and in the sale, rental, and renovation of homes and apartments.

Good reference is:

Epa.gov/lead....lead regulations....evaluating and eliminating lead paint hazards

Hud.gov/lead....guidelines for evaluation and control of lead based paint...see chapters 12 (abatement) chapter 13 (abatement by encapsulation)

The difference between abatement and encapsulation: abatement is the removal of lead safely while encapsulation is controlling the lead to a safe state and covering it. Abatement is always the EPA's preferred method.

Abatement complete removal of lead paint hazards (paint strippers). Which was the original plan if the historic society allows it to happen.

Proposed Modification Plans

1002 ½ Norfolk Ave Remodel Project

Permit: 22-543

We are seeking a modified approval that will allow us to remodel the project in one of two ways. These options are as follows:

Option 1:

1. 3D scan and Survey of the existing Structure to ensure accuracy when reconstructing.
2. Complete Deconstruction of the home preserving historical elements to be reinstalled on the structure at time of reconstruction. (Historical elements include but are not limited to, Siding & Chimney)
3. Preferred Abatement of the materials removed that contain lead-based paint.
4. Construction of the new Foundation & Structure utilizing 3D Scan and Survey taken in step 1 to ensure accuracy of the building location.
5. Reinstallation of historic materials that were protected during deconstruction.

Option 2:

1. 3D Scan and Survey of the existing Structure.
2. Panelization of every exterior wall.
3. Removal of wall panels from site.
 - This ensures adequate site access for shoring, excavation, and foundation activities.
 - This allows the material on each panel containing lead contamination to be abated properly.
4. Construction of new foundation and substructure utilizing 3D can and Survey taken in step 1.
5. Reinstallation of the panelized section that were removed from the site.

****Option 2 full Panelization plans included below. ****

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THE JOB NO. 2011-01

SCHECKTER RESIDENCE

1002.5 NORFOLK AVENUE, PARK CITY, UTAH 84060

CONSULTANTS

STRUCTURAL
SHEN ENGINEERING, INC.
HENRY SHEN
2225 EAST MURRAY HOLLADAY RD.
SUITE 308, HOLLADAY, UTAH 84117
TEL. (801) 466-2625
FAX. (801) 466-2656
EMAIL: sheneng@seinc.com

LEGEND

	BRICK & STONE	OFFICE	ROOM NAME
	EARTH	TRF	ROOM NUMBER
	CONCRETE		FLOOR, POINT ELEV.
	CONCRETE MASONRY UNIT		CENTER LINE
	STEEL (LARGE SCALE)		ROUND, DIA.
	RIGID INSULATION		CHANNEL
	ROUGH WOOD		ANGLE
	BLOCKING		DETAIL
	ALUMINUM (LARGE SCALE)		SECTION CUT, DETAIL
	GRAVEL		BUILDING SECTION
	FINISHED WOOD		KEYED NOTES
	BATT OR BLOWN INSULATION		WINDOW TYPE
	PLASTER, SAND, GROUT, MORTAR		DOOR NUMBER
	STEEL (SMALL SCALE)		REVISION
	BITUMINOUS PAVING		INTERIOR WALL ELEV.
	PLYWOOD		WALL TYPE
	GYPSUM BOARD		

CODE ANALYSIS

APPLICABLE CODES
2015 IRC 2018 IRC
2018 IPC 2018 IMC
2017 NEC 2018 IFGC
2018 IECC 2018 IPC

OCCUPANCY: R2

CONSTRUCTION TYPE: VB
BUILDING TO BE FIRE SPRINKLED: CONTRACTOR
TO PROVIDE APPROVALS PRIOR TO
INSTALLATION.

AREA CALCULATIONS (S/F)			
LIVING AREA	EXISTING	NEW	TOTAL
LOWER LEVEL		1519	1519
MAIN LEVEL	*656	863	1519
UPPER LEVEL		561	561
TOTAL	*656	2943	3599
PATIO/PORCH AREA		435	
LOD-DISTURBED AREA		1495	
LOT AREA		3739	
ALLOWABLE FOOTPRINT		1519	
PROPOSED FOOTPRINT		1519	

* Historic Footprint: 656 S/F
Removal of non-compliance portion of house: 246 S/F
Total Existing Footprint: 902 S/F

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4	AB.2	AS-BUILT ELEVATIONS
5	EX.1	PANELIZATION PLAN
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ABBREVIATIONS

A/C	AIR CONDITIONING	F.D.	FLOOR DRAIN	PR.	PAIR
ACoust.	ACOUSTICAL	FND	FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADDENDUM	FIN.	FINISH	REG.	REGULAR
ADJ.	ADJUSTABLE	FLR.	FLOOR	R.S.	ROUGH SAWN
ALLOW.	ALLOWANCE	FR.	FIRE RATED	RAD.	RADIUS
ALUM.	ALUMINUM	FTG.	FOOTING	REINFC.	REINFORCING
APPROX.	APPROXIMATE	G	GAS	REQD.	REQUIRED
BOARD	BOARD	GL	GALVANIZED IRON	REV.	REVISED
B.U.	BUILT-UP	GA	GALVE	R.O.	ROUGH OPENING
B.W.	BOTH WAYS	GALV.	GALVANIZED	S & R	SHELF AND ROD
BLDG.	BUILDING	GRD.	GRADE	S.C.	SOLID CORE
BLK.	BLOCK	G.W.B.	GYPSUM WALL BOARD	SCHED.	SCHEDULE
B.R.	BRICK	GL.B.	GL-LAM BEAM	SH.	SHED
C.I.	CAST IRON	HB	HOSE BIBB	SH.	SHEET
C.J.	CONTROL JOINT	HD	HEAD	SH.	SIMILAR
C.M.U.	CONCRETE MASONRY UNIT	H.M.	HOLLOW METAL	SH.	SPECIFICATION
CLG.	CEILING	HOR.	HORIZONTAL	STD.	STANDARD
COL.	COLUMN	ID.	INSIDE DIAMETER	ST.	STEEL
COMP.	COMPACTED/COMPOSITE	INT.	INTERIOR	STRUCT.	STRUCTURAL
CONC.	CONCRETE	IRRG.	IRRIGATION	SYS.	SYSTEM
CONST.	CONSTRUCTION	INSUL.	INSULATION	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	JAMB	JAMB	T & G	TONGUE AND GROOVE
CONT.	CONTINGUOUS	JOINT	JOINT	T.O.	TOP OF
D.F.	DRINKING FOUNTAIN/DOUGLAS FIR	JOINT	JOINT	T.O.F.	TOP OF FOOTING
DIA.	DIAMETER	M.R.	MOISTURE RESISTANT	T.O.W.	TOP OF WALL
DM.	DIMENSION	MANFR.	MANUFACTURER	TYP.	TYPICAL
DN.	DOWN	MAX.	MAXIMUM	TYP.	TYPICAL
DWG.	DRAWING	MECH.	MECHANICAL	UN.O.	UNLESS NOTED OTHERWISE
DTL.	DETAIL	MIN.	MINIMUM	VERT.	VERTICAL
EA.	EACH	N.C.	NOT IN CONTRACT	V.T.R.	VENT THRU ROOF
E.E.	EXHAUST	N.T.S.	NOT TO SCALE	W.	WATER
E.F.S.	EXT. INSUL. FINISH SYSTEM	NO.	NOT TO SCALE	WD.	WOOD
EJ.	EXPANSION JOINT	OC.	ON CENTER	W.	WITH
ELC.	ELECTRICAL	O.D.	OUTSIDE DIAMETER	WP.	WATERPROOF
ELEV.	ELEVATION	O.F.D.	OVERFLOW DRAIN	WR.	WATER RESISTANT
EQ.	EQUAL	OPNG.	OPENING	W.H.	WATER HEATER
PLT.	PLASTER	PL.WD.	PLYWOOD	W.S.	WATER SOFTNER
EXIST. (E)	EXISTING	PNT.	PAINT	W.W.F.	WELDED WIRE FABRIC
EXT.	EXTERIOR	PNTD.	PAINTED	W.W.M.	WOVEN WIRE MESH

GENERAL NOTES

- THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
- THESE SHEETS - LISTED BY DRAWING INDEX, ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
- ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
- ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
- BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2015 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.
- ALL 2.5 IN. GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.
- ALL FIELD WELDING OR TORCH WORK, WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IFC 105.6.11.
- TOWER CRANES REQUIRE A SEPARATE PERMIT. CONTACT BUILDING DEPARTMENT FOR REQUIREMENTS.
- EXCAVATION NOT TO EXCEED 2:1 SLOPE WITH OUT A SOILS REPORT.
- BUILDING SHALL COMPLY WITH THE PROVISIONS IN THE (WU) WILDLAND - URBAN INTERFACE CODE AS ADOPTED BY THE STATE OF UTAH AND AMENDED BY PARK CITY PER LMC 11-21.



Jonathan DeGray
Architect
P.O. Box 1074, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-448-7263, E-mail: deggrayarch@questoffice.net

SHECKTER RESIDENCE

COVER SHEET

SHEET NO. 001

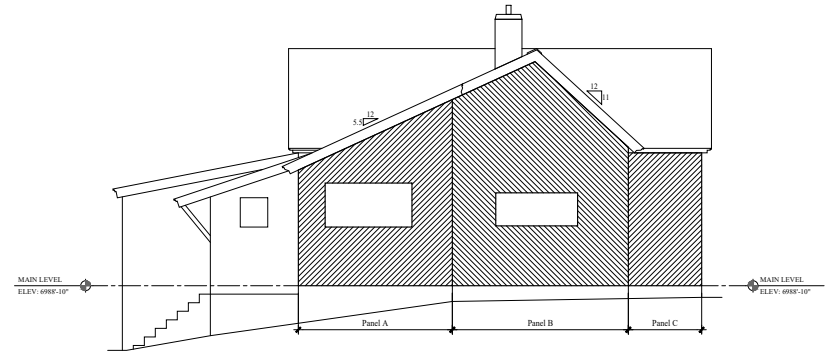
REVISED:
MARCH 02, 2022
MAY 05, 2022
AUGUST 16, 2022

DATE:
JANUARY 10, 2022

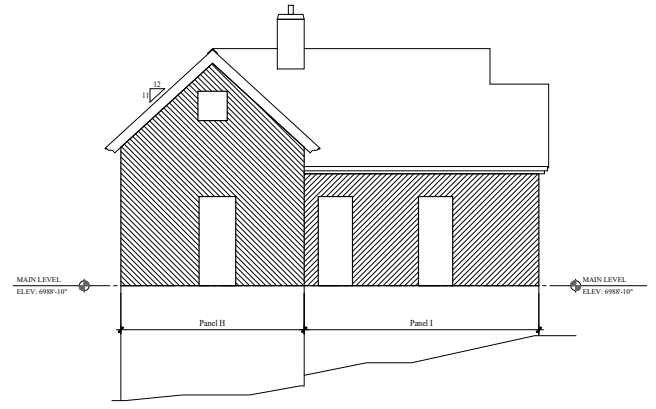
PROJECT NUMBER:
2011-01

SHEET NUMBER:
Aa

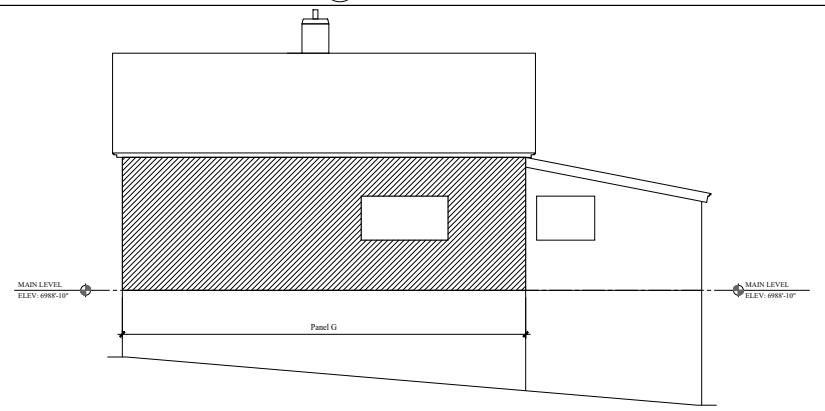
THESE DRAWINGS ARE THE PROPERTY OF JONATHAN DE GRAY ARCHITECT P.C. REPRODUCTION OR USE OF THE MATERIAL AND DESIGN CONTAINED HEREIN IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF JONATHAN DE GRAY ARCHITECT P.C. NO PART OF THESE DRAWINGS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JONATHAN DE GRAY ARCHITECT P.C.



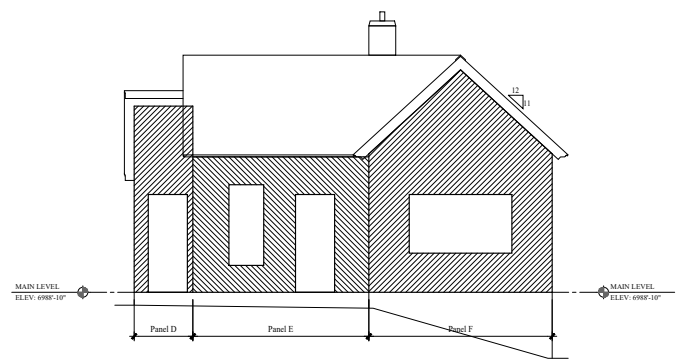
1 PANEL A @ WEST ELEVATION
EX.1 SCALE: 1/4" = 1'-0"



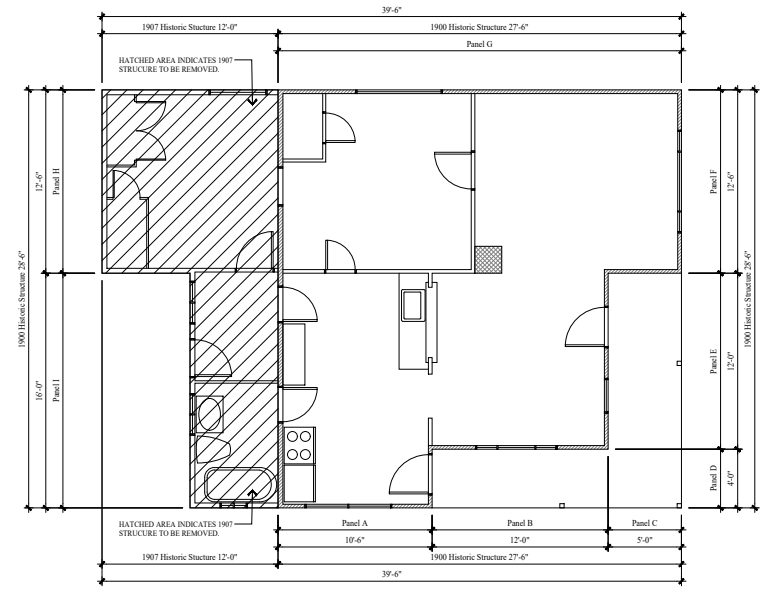
4 PANEL C @ NORTH ELEVATION
EX.1 SCALE: 1/4" = 1'-0"



2 NO PANELS @ EAST ELEVATION
EX.1 SCALE: 1/4" = 1'-0"



3 PANEL B @ SOUTH ELEVATION
EX.1 SCALE: 1/4" = 1'-0"



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



Jonathan DeGray
Architect

P.O. Box 1674, 614 Main Street, Suite 302, Park City, Utah 84060
Tel: 435-948-7263, E-mail: degrayarchitect@comcast.net

SHEET RESIDENCE

1002.5 NORFOLK AVENUE, PARK CITY, UTAH 84060

PANELIZATION PLAN

DATE: JANUARY 10, 2022

PROJECT NUMBER: 2011-01

SHEET NUMBER: EX.1

NOTICE OF OFFICIAL DETERMINATION

Project Address: 1002.5 Norfolk Avenue
Project Description: PL-21-04761
Date: July 28, 2021



ACTION TAKEN:

The Applicant submitted a Historic District Design Review application to rehabilitate and construct an addition to 1002.5 Norfolk Avenue. 1002.5 Norfolk Avenue is designated a Landmark Historic Site on the Park City Historic Sites Inventory. Due to site constraints, the Applicant proposes panelization of the Landmark Structure to accommodate construction of the addition in the rear of the property.

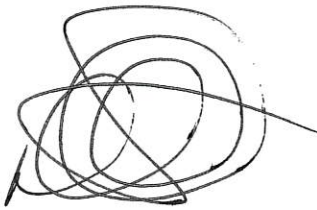
Land Management Code Section 15-11-14 establishes the criteria for panelization as follows:

- A licensed structural engineer must certify the Landmark Historic Structure cannot be reasonably moved intact and
- At least one of the following:
 - The panelization will abate demolition of the Landmark Historic Structure
 - The Landmark Historic Structure is determined to be hazardous or dangerous pursuant to International Building Code Section 116.1 or
 - The Historic Preservation Board determines with input from the Planning Director and Chief Building Official that unique conditions and the quality of Historic Preservation Plan warrant the proposed panelization. Unique conditions include
 - A problematic site or structural conditions that preclude temporarily lifting or moving the Structure as a single unit or
 - The physical conditions of existing materials prevent temporarily lifting or moving the Structure and the applicant demonstrates panelization will result in the preservation of a greater amount of historic material or
 - All other alternatives have been shown to result in additional damage or loss of historic materials.

On February 19, 2021, the Chief Building Official and Planning Director visited the site and determined that the Landmark Historic Structure is not in a state of disrepair that merits demolition; the Landmark Historic Structure is not hazardous or dangerous pursuant to International Building Code Section 116.1 and the site and structural conditions will not preclude lifting or moving the Structure; the physical conditions of existing materials will not prevent temporarily lifting or moving the Structure; and the applicant has alternatives to lift, preserve, and rehabilitate the Landmark Historic

Structure while building the proposed addition. During the visit, the constraints of the lot were discussed and although the structure could be raised and preserved the structure would need to be lifted substantially higher for a longer period to allow for the addition on the rear and basement underneath the historic building. As such a larger discussion about panelization of the structure may be warranted.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Dave Thacker
Chief Building Official

A handwritten signature in blue ink, featuring a stylized 'G' followed by a series of connected loops and a long horizontal stroke.

Gretchen Milliken
Planning Director

NOTICE OF OFFICIAL DETERMINATION

Project Address: 1002.5 Norfolk Avenue

Project Description: PL-21-04761

Date: September 28, 2021



PLANNING DEPARTMENT

ACTION TAKEN:

The Applicant submitted a Historic District Design Review application to rehabilitate and construct an addition to 1002.5 Norfolk Avenue. 1002.5 Norfolk Avenue is designated a Landmark Historic Site on the Park City Historic Sites Inventory. Due to site constraints, the Applicant proposes Temporary Relocation and Panelization of a portion of the West Elevation to accommodate construction of the addition in the rear of the property.

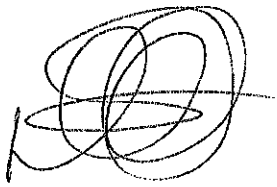
Land Management Code Section 15-11-13 establishes the criteria for Relocation And/Or Reorientation Of A Historic Building Or Historic Structure as follows:

1. For either a Landmark or Significant Site all the following shall be met:
 1. A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully be relocated and the applicant has demonstrated that a professional building mover will move the building and protect it while being stored; and
 2. The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;
2. Landmark structures shall only be permitted to be relocated on its existing site if:
 1. the relocation will abate demolition; or
 2. the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.

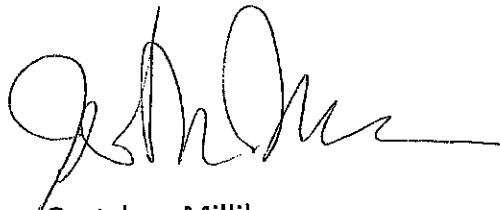
On February 19, 2021, the Chief Building Official and Planning Director visited the site of 1002.5 Norfolk Avenue and determined that the physical conditions of existing materials will not prevent temporarily moving the Structure; and the applicant has alternatives to lift, preserve, and rehabilitate the Landmark Historic Structure while building the proposed addition.

On August 4, 2021, the Historic Preservation Board determined that Temporary Relocation and Partial Panelization is a more appropriate course of action for the Landmark Structure. The Chief Building Official and Planning Director support this treatment of the historic structure. The Temporary Relocation and partial Panelization will abate a hazardous condition and enhance the preservation of the structure.

Sincerely

A handwritten signature consisting of several overlapping loops and a horizontal line extending to the right.

Dave Thacker
Chief Building Official

A handwritten signature with a large, stylized 'G' and 'M' followed by a horizontal line.

Gretchen Milliken
Planning Director

Historic Preservation Board Staff Report



Subject: 901 Woodside Avenue
Application: PL-22-05338
Author: Rebecca Ward, Assistant Planning Director
Date: September 7, 2022
Type of Item: Modification to Material Deconstruction

Recommendation

(I) Review the Modification to the Material Deconstruction approval dated February 3, 2021 for the Landmark Historic Structure at 901 Woodside Avenue to enlarge a south facade attic window and the front facade bay windows to meet egress requirements; (II) conduct a public hearing; and (III) consider approving the modification subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Jerry Fiat

Location: 910 Woodside Avenue

Historic Sites Inventory Designation: Landmark Historic Site

Zoning District: Historic Residential – 1

Adjacent Land Uses: Residential; platted but unbuilt 9th Street right-of-way

Reason for Review: The Historic Preservation Board reviews Material Deconstruction to accommodate new construction.¹

HDDR Historic District Design Review
IRC International Residential Code
LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

According to the [Historic Site Form](#), 901 Woodside Avenue, also known as the Frank Harding House, is a two-story cross-wing type house constructed circa 1905 and is a Landmark Historic Structure on the Park City Historic Sites Inventory:

¹ LMC [§ 15-11-12.5\(B\)\(a\)](#)



Historic Site Form Photo - 2013

The Historic District Design Review (HDDR) application for 901 Woodside Avenue has been under review since 2018 and was approved in 2021. The Applicant now requests a modification to the Historic Preservation Board's Material Deconstruction approval to enlarge an attic window on the south side facade and the front facade bay windows of the Landmark Historic Structure to meet egress standards outlined in the International Residential Code (IRC).

Please see Exhibit B: *Project Review* for the full background, staff reports, and meeting minutes for the project.

Analysis

Pursuant to LMC [§ 15-11-12.5\(B\)\(a\)](#), the Historic Preservation Board reviews Material Deconstruction of Landmark Historic Structures. LMC [§ 15-15-1](#) defines *Material Deconstruction* in part as “[t]he disassembly of structures for the purpose of salvaging and reusing as many of the construction materials or building components.”

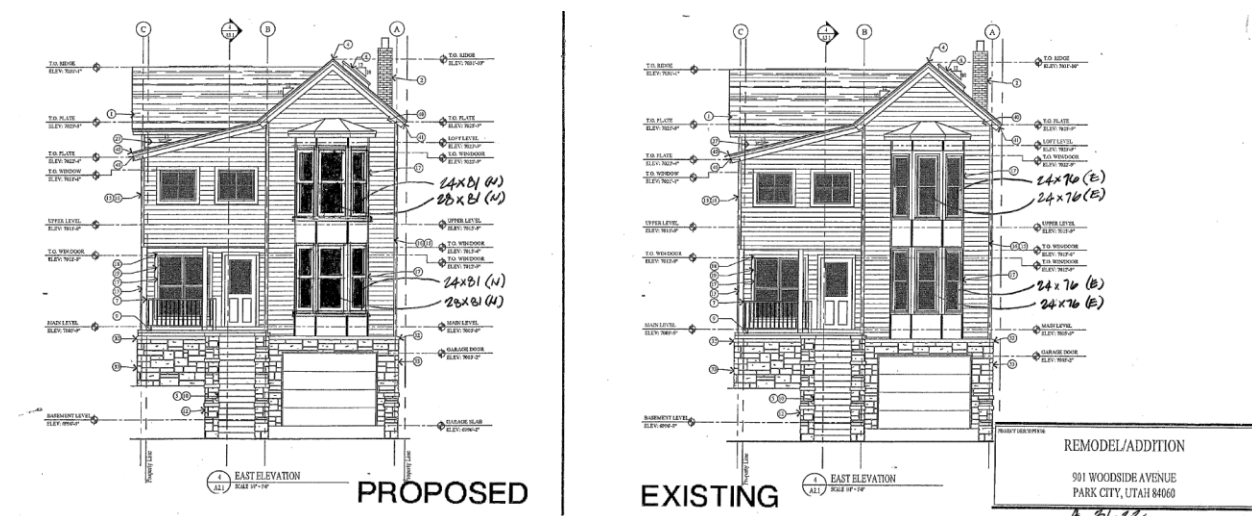
As indicated in Exhibit B: *Project Review*, on August 7, 2019, the Historic Preservation Board approved Material Deconstruction of the roof, chimney, exterior walls, foundation, porch, doors, and windows to accommodate rehabilitation of the Landmark Historic Structure, and panelization of the Structure ([Staff Report](#); [Minutes](#), p. 11). The Applicant revised the proposal and on February 3, 2021, the Historic Preservation Board reviewed and approved Material Deconstruction, in part, for the modified plans to construct a basement-level garage ([Staff Report](#); [Minutes](#), p. 26).

According to the Final Action Letter Finding of Fact 17 for the Historic Preservation Board's August 7, 2019 Material Deconstruction approval, "[t]here are a total of twenty-three (23) windows. All windows have been replaced at a time outside the Historic period. The Preservation Plan notes that all windows will be replaced" (Exhibit C). The attic window and front facade bay windows proposed to be enlarged are not historic, but the proposal will impact the historic dimensions and siding that surrounds the windows.

During the building permit phase, the Applicant learned the south side attic and front facade bay windows do not meet the requirements outlined in IRC Section 310, *Emergency Egress and Rescue Openings*. The minimum opening area must be 5.7 square feet and the minimum opening dimensions must be 24 inches in height and 20 inches in width.

Bay Windows

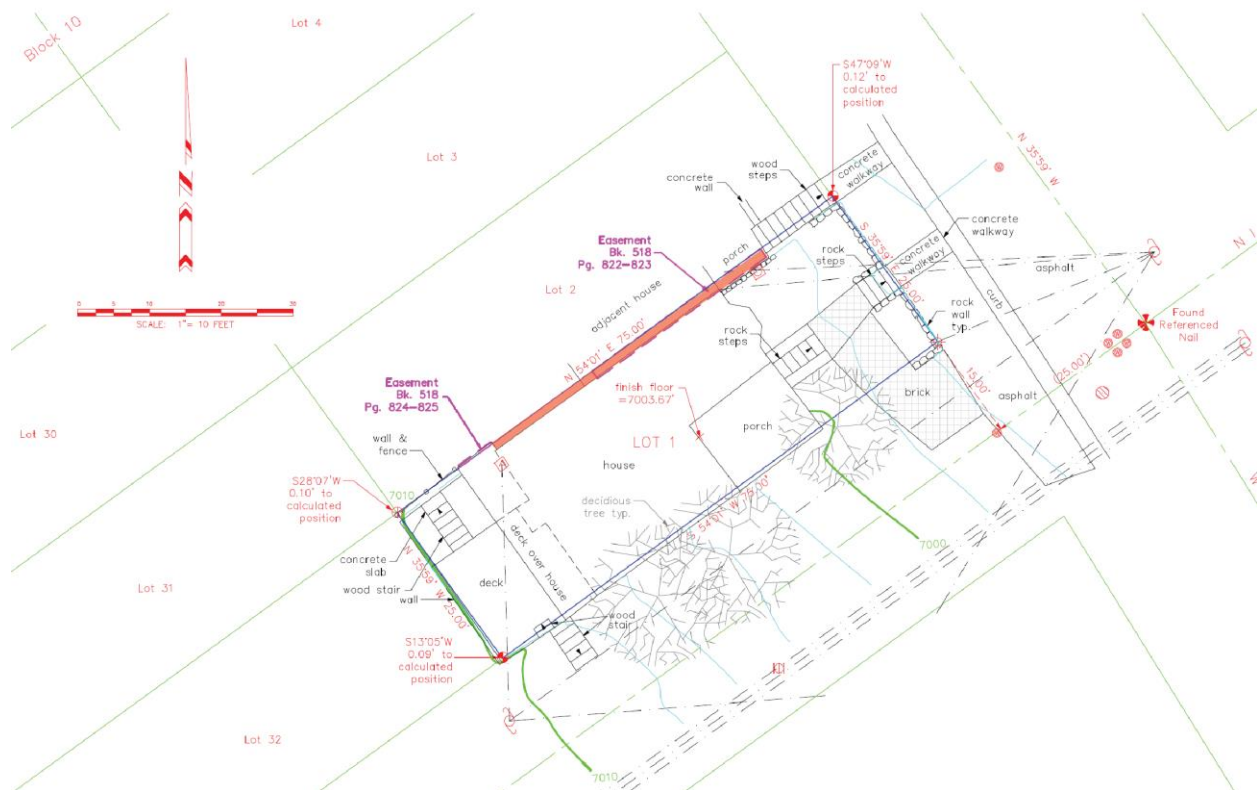
The image below is taken from the Applicant's front elevation showing the existing and proposed front facade bay window dimensions:



LMC [§ 15-13-2\(B\)\(2\)\(d\)\(1\)](#) *Design Guidelines For Historic Residential Sites – Windows* requires preservation of window opening dimensions. LMC [§ 15-13.2\(B\)\(2\)\(d\)\(11\)](#) states "[i]t is generally inappropriate to modify windows on the primary facade to accommodate

interior changes”

While modifications to the primary facade are generally discouraged, 901 Woodside Avenue is a unique property. The Applicant has worked with the Building and Planning Departments to evaluate options to satisfy the IRC egress requirements. 901 Woodside Avenue is in the Historic Residential – 1 Zoning District. LMC [§ 15-2.2-4](#) establishes setback exceptions for Historic Structures in this Zoning District. 901 Woodside Avenue does not comply with the required three-foot side setback for this Zoning District on the north side and the Landmark Historic Structure is less than one foot from the property line (highlighted in red in the Applicant’s existing conditions survey below):



Additionally, the adjacent property to the north, 905 Woodside Avenue, is a Significant Historic Structure on the Park City Historic Sites Inventory² and does not meet the three-foot south side setback requirement. The 2013 image below taken from the 905 Woodside Avenue [Historic Site Form](#) shows the proximity of 905 Woodside Avenue (red structure) and 901 Woodside Avenue (blue structure):

² LMC [§ 15-11-10\(D\)\(2\)\(gr\)](#)



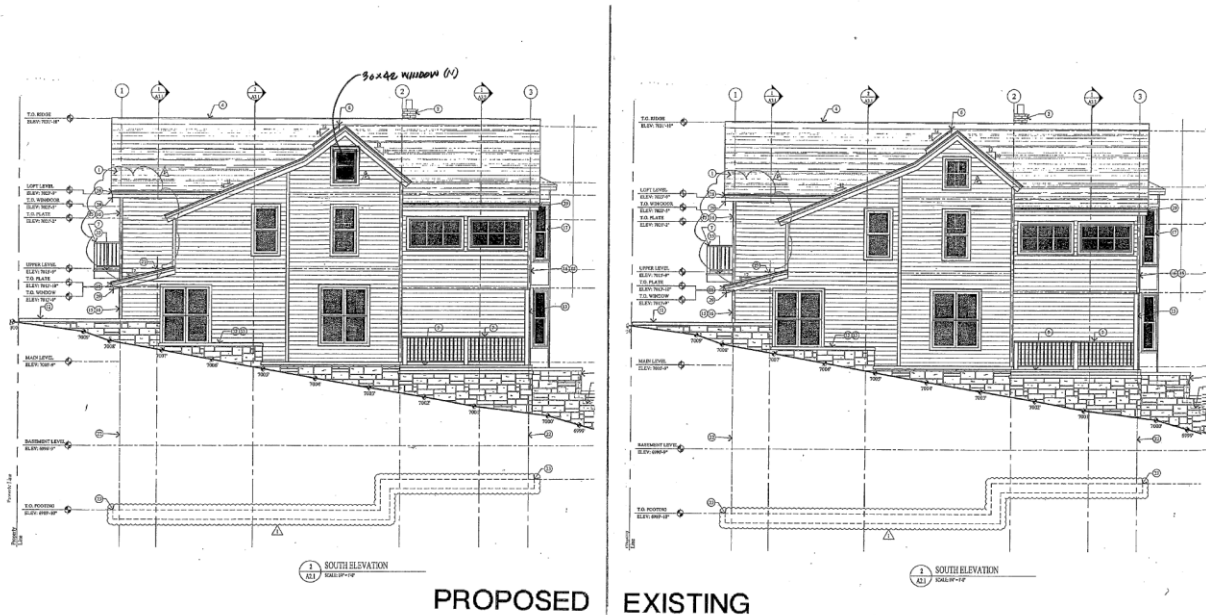
To preserve the historic window dimensions on the front facade, in some circumstances, staff may recommend an additional egress window on a side facade. However, the Chief Building Official visited the site on July 6, 2022, and determined that there is approximately two feet between the Historic Structures, which does not meet the requirements for occupants to escape in the case of emergency, or for rescue personnel to enter. In this case, due to the proximity of the Historic Structures, egress cannot be satisfied on the north side facade of 901 Woodside Avenue.

As a result, the Applicant proposes to enlarge the bay windows to accommodate egress. Staff finds the minor expansion to the bay windows will not impact the Historic Integrity of the Landmark Historic Structure because the form, style, and pattern of fenestration will be preserved, and the modifications will be applied consistently to the main-level and upper-level bay windows. Staff recommends Condition of Approval 2 limiting the modifications to the bay windows to the dimensions required to comply with IRC egress standards, and requiring that the changes be applied equally to both the upper-level and lower-level bay windows.

South Side Facade Attic Window

Additionally, the Applicant requests enlarging the attic window on the south side facade to meet IRC egress requirements. The window is an addition to the historic facade

approved by the Historic Preservation Board in 2019. The image below taken from the Applicant's south facade elevation shows the existing and proposed window and dimensions:



Staff finds the minor expansion to the attic window will not impact the Historic Integrity of the Landmark Historic Structure because the form, style, and pattern of fenestration will be preserved.

If the Historic Preservation Board approves the enlarged attic and bay windows to meet the requirements of the IRC, staff recommends that the Conditions of Approval outlined in the 2019 and 2021 Historic District Design Review and 2021 Conditional Use Permit approvals continue to apply, as outlined in the Draft Final Action Letter Condition of Approval 1.

On August 31, 2021, the Applicant recorded a financial guarantee to ensure protection and preservation of historic materials as the structure is panelized and rehabilitated, satisfying the requirements of LMC [§ 15-11-9\(C\)](#). Approval of the additional attic window and minor modification to the bay windows will not require amendments to the financial guarantee.

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 17, 2022. Staff mailed courtesy notice to property owners within 300 feet on August 17, 2022. The *Park Record* published notice on August 17, 2022.³

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Historic Preservation Board may approve the Modification to Material Deconstruction to enlarge the attic and bay windows;
- The Historic Preservation Board may deny the Modification to Material Deconstruction to enlarge the attic and bay windows and direct staff to make Findings for the denial; or
- The Historic Preservation Board may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter, Attachment 1 – Existing and Proposed Windows

Exhibit B: Project Review

Exhibit C: August 7, 2019 Final Action Letter

³ LMC [§ 15-1-21](#).



Planning Department

September 7, 2022

Jerry Fiat
PO Box 4581
Park City, Utah 84060

NOTICE OF HISTORIC PRESERVATION BOARD ACTION

Description

Address: 901 Woodside Avenue, a Landmark Historic Site

Zoning District: Historic Residential – 1

Application: Modification to Material Deconstruction as Approved on February 3, 2021

Project Number: PL-22-05338

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: September 7, 2022

Project Summary: The Applicant proposes modifications to Material Deconstruction to enlarge the south facade attic window and the front facade the bay windows of the Landmark Historic Structure to meet IRC egress requirements.

Action Taken

On September 7, 2022, the Historic Preservation Board conducted a public hearing and approved the Modification to Material Deconstruction as Approved on February 3, 2021, according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. 901 Woodside Avenue, also known as the Frank Harding House, is a two-story cross-wing type house constructed circa 1905 and is a Landmark Historic Structure on the Park City Historic Sites Inventory.
2. The Historic District Design Review (HDDR) application for 901 Woodside Avenue has been under review since 2018 and was approved in 2021.



Planning Department

3. On November 11, 2018, the Applicant submitted a Historic District Design Review (HDDR) Pre-Application to renovate the Landmark Historic Structure at 901 Woodside Avenue. The proposal included a garage under the Structure with access on the southern façade across a private driveway proposed to be constructed within the 9th Street platted but un-built right-of-way. On December 5, 2018, the Design Review Team provided input on the HDDR Pre-Application.
4. On February 15, 2019, the Applicant submitted a full HDDR application. On April 19, 2019, staff deemed the application complete.
5. On August 7, 2019, the Historic Preservation Board approved (I) Material Deconstruction of the roof, chimney, exterior walls, foundation, porch, doors, and windows to accommodate rehabilitation of the Landmark Historic Structure; and (II) disassembly and reassembly (panelization) of the Structure.
6. On March 11, 2019, the Applicant submitted a Conditional Use Permit for (I) a private driveway in the platted, un-built right-of-way; and (II) a side setback exception for a basement addition to the Landmark Historic Structure.
7. On August 14, 2019, the Planning Commission approved the Conditional Use Permit to construct the basement within the footprint of the Landmark Historic Structure. The Planning Commission continued the Conditional Use Permit to construct a private driveway in the platted but un-built 9th Street right-of-way and continued the discussion to September 11, 2019.
8. On September 11, 2019, and September 25, 2019, the Planning Commission again continued the Conditional Use Permit discussion.
9. On November 13, 2019, the Planning Commission voted three for and three against the Conditional Use Permit to construct a private driveway in the platted but un-built 9th Street right-of-way and the motion failed.
10. On December 19, 2019, the City Council called up the Conditional Use Permit and unanimously voted to deny the proposal.
11. The Applicant revised the proposal and on February 3, 2021, the Historic Preservation Board reviewed and approved Material Deconstruction, in part, for the modified plans to construct a basement-level garage.
12. The Applicant continued to meet with staff and revise the proposed plans to mitigate use of the 9th Street right-of-way and eventually eliminated use of the 9th Street right-of-way for garage access, shifting the garage under the bay window along the front façade with access from Woodside Avenue. On July 15, 2021, the City Council approved the revised Conditional Use Permit.
13. On July 30, 2021, the Planning Director issued final approval for the HDDR.



Planning Department

14. During the construction phase, the Applicant learned the south-side facade attic and front facade bay windows do not meet the requirements outlined in IRC Section 310, *Emergency Egress and Rescue Openings*. The minimum opening area must be 5.7 square feet and the minimum opening dimensions must be 24 inches in height and 20 inches in width.
15. The Applicant seeks Historic Preservation Board approval to enlarge the attic and historic bay window dimensions to meet the IRC requirements, impacting historic siding.
16. Pursuant to LMC § 15-11-12.5(B)(a), the Historic Preservation Board reviews Material Deconstruction of Landmark Historic Structures.
17. LMC § 15-13-2(B)(2)(d)(1) *Design Guidelines For Historic Residential Sites – Windows* requires preservation of window opening dimensions. LMC § 15-13.2(B)(2)(d)(11) states “[i]t is generally inappropriate to modify windows on the primary façade to accommodate interior changes”
18. 901 Woodside Avenue does not comply with the required three-foot side setback for this Zoning District on the north façade.
19. Additionally, the adjacent property to the north, 905 Woodside Avenue, is a Significant Historic Structure on the Park City Historic Sites Inventory and does not meet the side setback requirements.
20. The Chief Building Official visited the site on July 6, 2022 and determined that there is approximately two feet between the Historic Structures, which does not meet the requirements for occupants to escape in the case of emergency, or for rescue personnel to enter. In this case, due to the proximity of the Historic Structures, egress for the bay windows cannot be satisfied on the north side facade of 901 Woodside Avenue.
21. To preserve the historic window dimensions on the front facade, in some circumstances, staff may recommend an additional egress window on a side facade. However, in this case, due to the proximity of the Historic Structures, egress cannot be satisfied on the northern façade of 901 Woodside Avenue.
22. As a result, the Applicant proposes to enlarge the bay windows to accommodate egress, as indicated in the existing and proposed window dimensions illustrated on Attachment 1.
23. The Applicant also proposes enlarging the south facade attic window on a non-primary facade to meet egress requirements.
24. To provide notice of the Applicant’s request and the Historic Preservation Board public hearing, staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on August 17, 2022. Staff



Planning Department

mailed courtesy notice to property owners within 300 feet on August 17, 2022.
The *Park Record* published notice on August 17, 2022.

Conclusions of Law

1. The Historic Preservation Board approved the Material Deconstruction and expansion of the attic window on the south facade and the bay windows on the front facade pursuant to LMC § 15-11-12.5(B)(a).
2. The minor expansion to the dimensions of the south facade and front facade bay windows will not impact the Historic Integrity because the form, style, and pattern of fenestration will be preserved, and the modifications will be applied consistently to the main-level and upper-level bay window.

Conditions of Approval

1. All Project Conditions of Approval for the Historic District Design Review, Conditional Use Permit, and Financial Guarantee continue to apply.
2. The modifications to the bay windows shall not exceed the dimensions required pursuant to the IRC for egress and shall be applied to all bay windows to ensure uniformity.

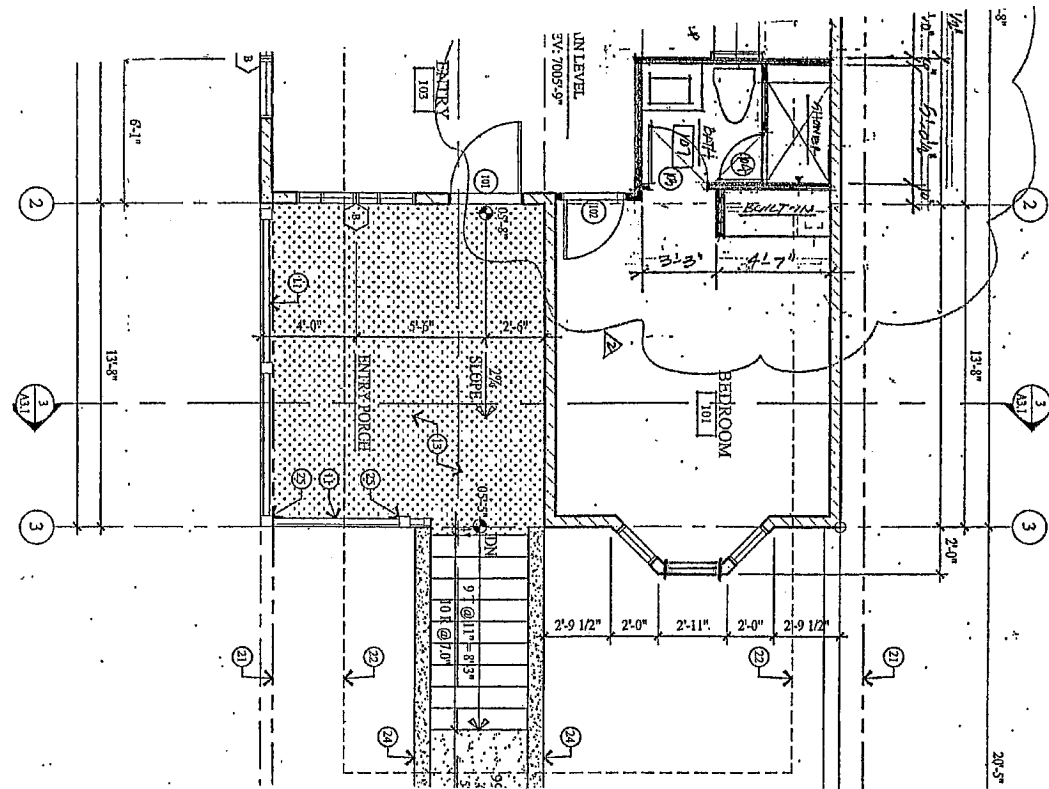
If you have questions or concerns regarding this Final Action Letter, please call 385-290-0789 or email rebecca.ward@parkcity.org.

Sincerely,

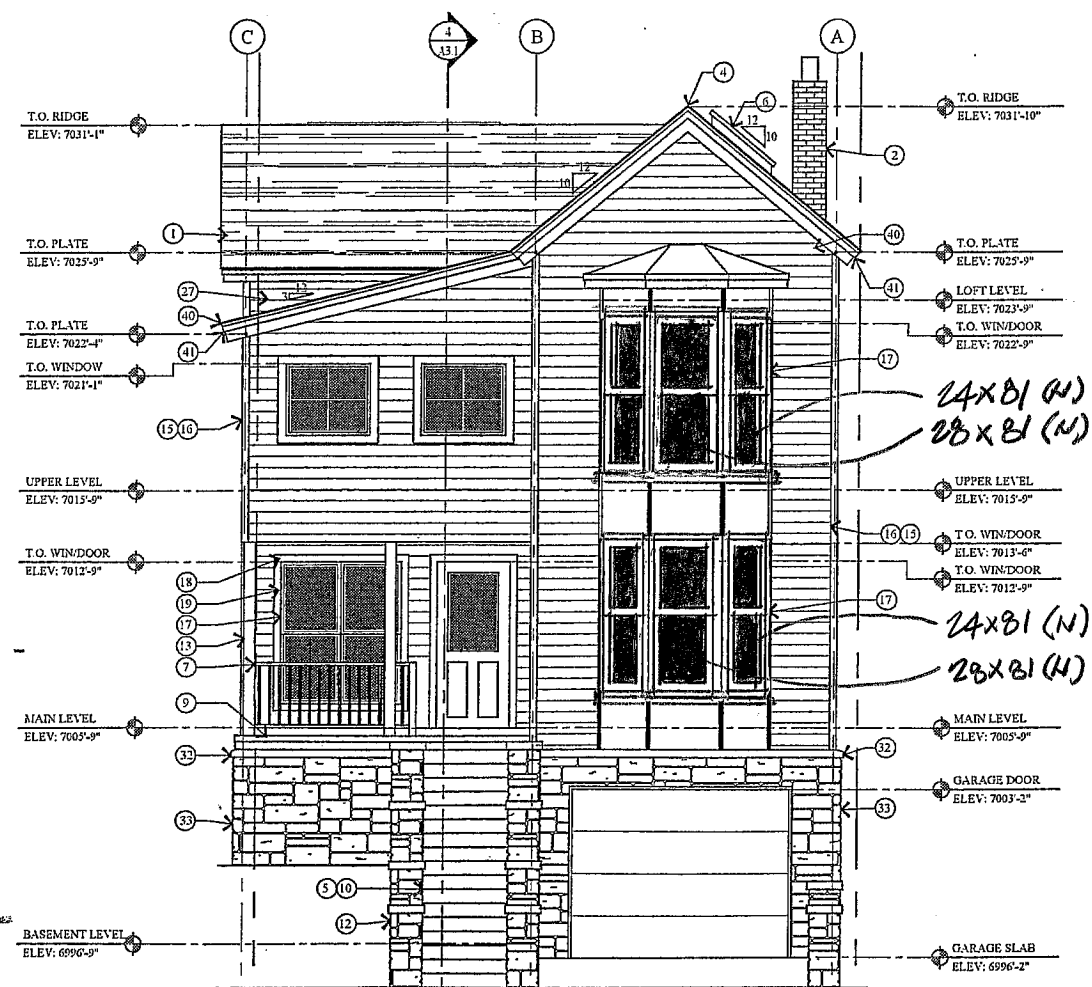
Historic Preservation Board Chair

CC: Rebecca Ward

ATTACHMENT 1 – Existing and Proposed Window Dimensions

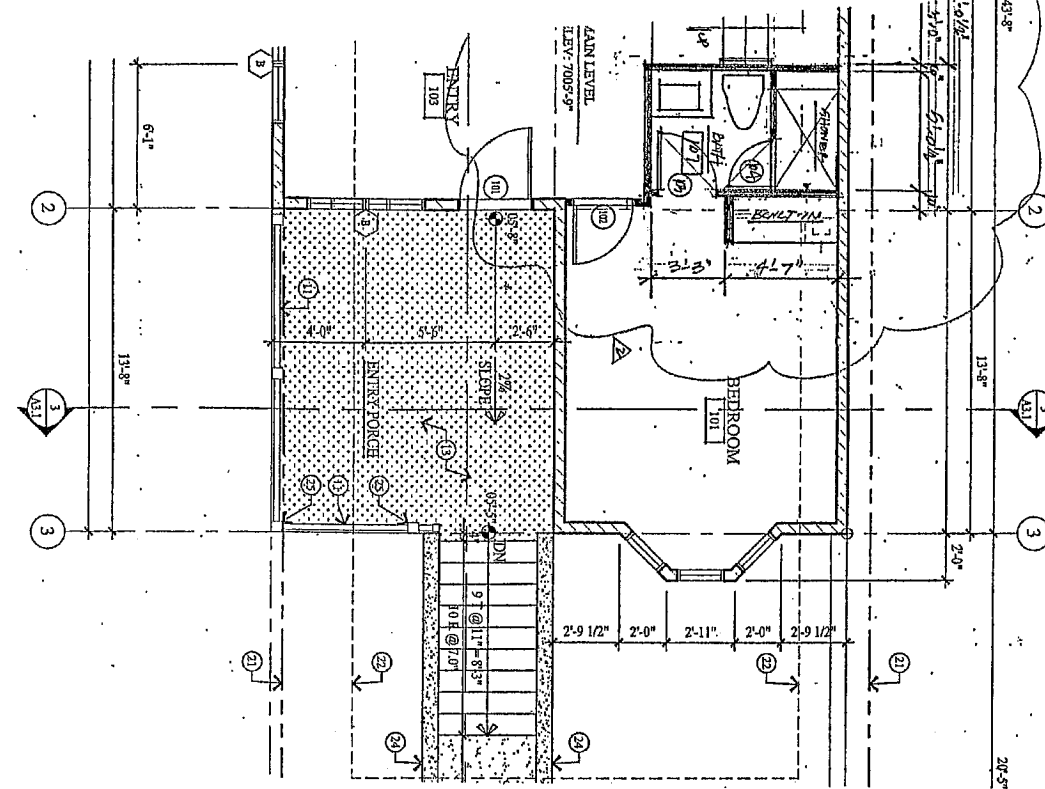


MAIN LEVEL PLAN
SCALE 1/4" = 1'-0"

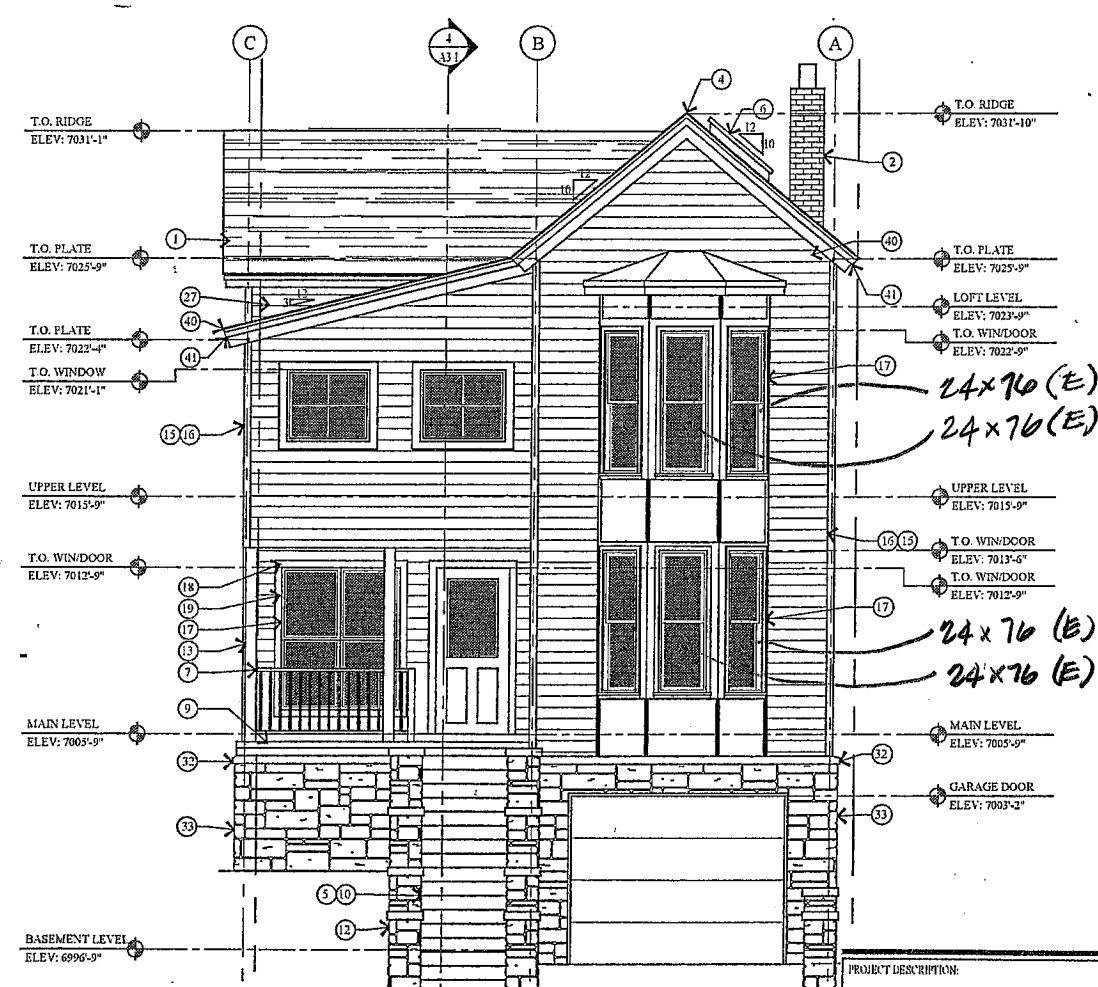


4 EAST ELEVATION
A2.1 SCALE 1/4" = 1'-0"

PROPOSED



MAIN LEVEL PLAN
SCALE 1/4" = 1'-0"



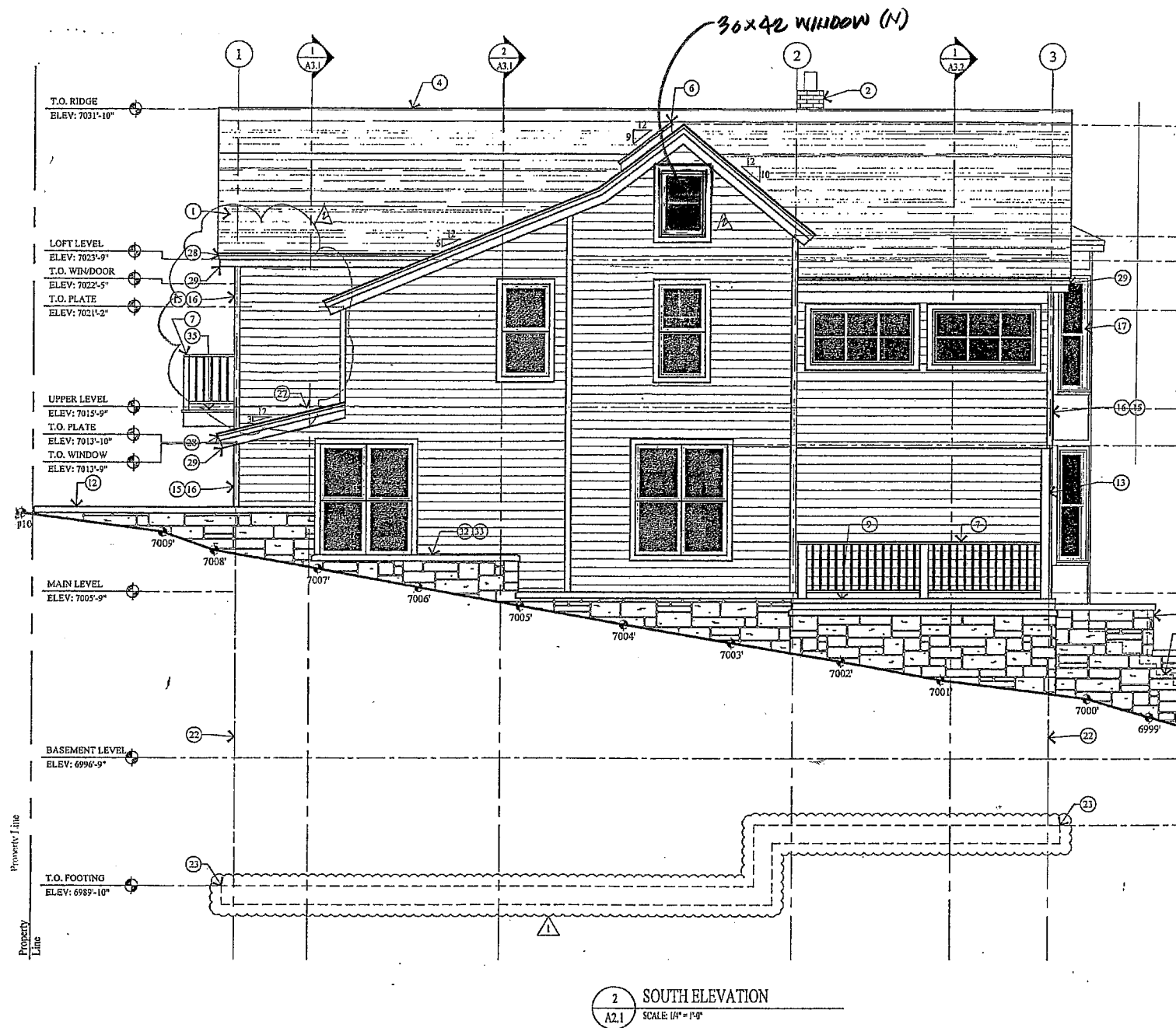
4 EAST ELEVATION
A2.1 SCALE 1/4" = 1'-0"

EXISTING

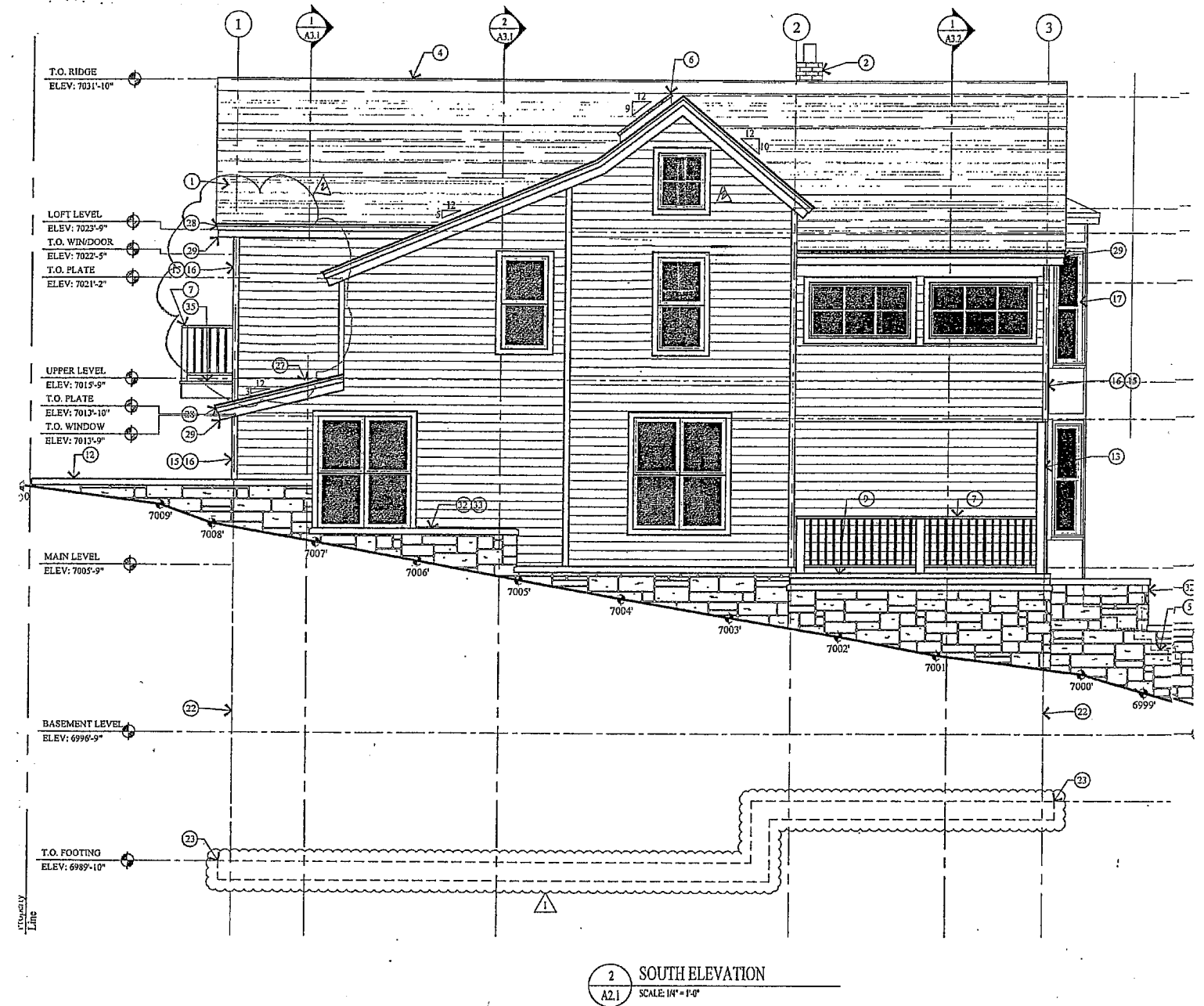
REMODEL/ADDITION

901 WOODSIDE AVENUE
PARK CITY, UTAH 84060

B.31.22



PROPOSED



EXISTING

Exhibit B

The information below outlines the 901 Woodside Avenue Landmark Historic Site project review to date:

On November 11, 2018, the Applicant submitted a Historic District Design Review (HDDR) Pre-Application to renovate the Landmark Historic Structure at 901 Woodside Avenue. The proposal included a garage under the Structure with access on the southern façade across a private driveway proposed to be constructed within the 9th Street platted but un-built right-of-way. On December 5, 2018, the Design Review Team provided input on the HDDR Pre-Application.

On February 15, 2019, the Applicant submitted a full HDDR application. On April 19, 2019, staff deemed the application complete.

On August 7, 2019, the Historic Preservation Board approved (I) Material Deconstruction of the roof, chimney, exterior walls, foundation, porch, doors, and windows to accommodate rehabilitation of the Landmark Historic Structure; and (II) disassembly and reassembly (panelization) of the Structure ([Staff Report](#); [Minutes](#), p. 11).

On March 11, 2019, the Applicant submitted a Conditional Use Permit for (I) a private driveway in the platted, un-built right-of-way; and (II) a side setback exception for a basement addition to the Landmark Historic Structure.

On August 14, 2019, the Planning Commission approved the Conditional Use Permit to construct the basement within the footprint of the Landmark Historic Structure ([Staff Report](#); [Minutes](#), p. 46). The Planning Commission continued the Conditional Use Permit to construct a private driveway in the platted but un-built 9th Street right-of-way and continued the discussion to September 11, 2019 ([Staff Report](#); [Minutes](#), p. 51).

On September 11, 2019 ([Staff Report](#); [Minutes](#), p. 45), and September 25, 2019 ([Staff Report](#); [Minutes](#), p. 2), the Planning Commission again continued the Conditional Use Permit discussion.

On November 13, 2019, the Planning Commission voted three for and three against the Conditional Use Permit to construct a private driveway in the platted but un-built 9th Street right-of-way and the motion failed ([Staff Report](#); [Minutes](#), p. 8).

On December 19, 2019, the City Council called up the Conditional Use Permit and unanimously voted to deny the proposal ([Staff Report](#); [Minutes](#), p. 17).

The Applicant revised the proposal and on February 3, 2021, the Historic Preservation Board reviewed and approved Material Deconstruction, in part, for the modified plans to construct a basement-level garage ([Staff Report](#); [Minutes](#), p. 26).

The Applicant continued to meet with staff and revise the proposed plans to mitigate use of the 9th Street right-of-way and eventually eliminated use of the 9th Street right-of-

Exhibit B

way for garage access, shifting the garage under the bay window along the front façade with access from Woodside Avenue. On July 15, 2021, the City Council approved the revised Conditional Use Permit ([Staff Report](#); [Minutes](#), p. 17).

On July 30, 2021, the Planning Director issued final approval for the HDDR.



**HISTORIC PRESERVATION BOARD
PARK CITY, SUMMIT COUNTY, UTAH**

RE: MATERIAL DECONSTRUCTION DETERMINATION

The Historic Preservation Board of Park City, Utah met on August 7, 2019 for a regularly scheduled and duly noticed meeting. After determining that a quorum was present, the Board conducted its scheduled business.

NOTICE OF HISTORIC PRESERVATION BOARD ACTION:

Project Address: 901 Woodside Avenue
Project Number: PL-18-04030
Type of Item: Administrative – Material Deconstruction
Hearing Date: August 7, 2019

Board Action: **APPROVED** – The Historic Preservation Board conducted a public hearing and found that the proposed Material Deconstruction of the Landmark Historic Site at 901 Woodside Avenue would have no negative impact on the historic character of the Historic Site, surrounding neighborhood or the Historic District. The proposed Material Deconstruction complies with the criteria set forth in the Land Management Code. The Historic Preservation Board made the determination based on the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact:

1. The property is located at 901 Woodside Avenue in the Historic Residential (HR-1) zoning District.
2. The Site is designated as Landmark on the Historic Sites Inventory.
3. On February 15, 2019, Planning Department received a Historic District Design Review (HDDR) application for the property at 901 Woodside Avenue. It was deemed complete on April 18, 2019 as the applicant was working with the Planning Department to update the Panelization plan.
4. The Conditional Use Permit Application (PL-19-04152) was deemed complete on April 19, 2019. The applicant is requesting 1.) a setback exception for construction of a basement using the footprint of the Historic Structure per [LMC § 15-2.2-4](#) and 2.) construction of a private driveway within Platted, Unbuilt City Streets per [LMC § 15-3-5](#). The application has not been approved at the time of this report as it is pending review by the Planning Commission.

5. Development on this property has spanned across three (3) of Park City's designated Historic eras, including the Settlement and Mining Boom Era (1868-1893), the Mature Mining Era (1894-1930), and the Mining Decline and Emergence of Recreation Industry Era (1931-1962).
6. The house first appears on the 1889 Sanborn Fire Insurance Map as a simple, one-story T/L Crosswing cottage style house with a single-story L-shaped front porch and bay window on the east (front) elevation.
7. The 1900 Sanborn Fire Insurance map shows that the house as a two-story wood frame structure with a one-story L-shaped porch and a large addition in the rear, which means the house was most likely lifted and a new first level was constructed beneath the original form. The L-shaped front porch was recorded as two-story in the 1907 Sanborn map. The house remained unchanged through 1929, with where the front porch used to be recorded as two-story in the 1941 Sanborn Map and a section of the back circ. 1900 L-shaped addition removed.
8. The first photograph of this house appeared as part of the circ. 1941 tax assessment. At this time of the 1949, and 1958 tax assessments it was clad in Bricktex asphalt siding and shows the second-floor porch was enclosed with a shed roof sometime after circ. 1900 and pre-circ. 1907. The original pitch of the L-shaped roof can be seen in Figure 2, and was changed before circ. 1982 when windows were added to the second-floor and enclosed the porch as livable space. The first floor porch was also opened up and wood columns were added prior to circ. 1982.
9. The owner of the property received a Historic District Grant in 1987 for \$4,850 and in 1990 for \$1,000. There are no records of any building permits documenting the work done using the Grant money.
10. The applicant is proposing to remove all non-historic site additions and construct new retaining walls, steps, and foundation with a basement level garage addition. The proposed scope of work mitigates any impact that will occur to the Historic significance of the Site.
11. The applicant proposes to Reconstruct the roof using salvageable Historic material. Staff has determined there is existing Historic material in the roof structure. The applicant is not proposing to alter the Historic roof form.
12. The applicant is proposing to reconstruct the chimney as a non-functional feature using the salvageable bricks on the exterior of the roof.
13. Portions of the original horizontal drop-siding remain. The applicant is proposing to install siding that matches the original in profile, detailing, and sizing.
14. The applicant is proposing to construct a new concrete foundation with a basement and basement-level garage. The salvageable Historic stone shall be used to face the new foundation.
15. The Historic porch has been altered within the Historic period. The applicant is not proposing to reconstruct the original form of the house or the structure as the changes made to the Structure have acquired Historic importance in their own right as the major alterations were done prior to circ. 1900.
16. The applicant is proposing to replicate the Historic front door and replace the other non-historic doors.
17. There are a total of twenty-three (23) windows. All windows have been replacement at a time outside the Historic period. The Preservation Plan notes that all windows

will be replaced. The three (3) rear window openings will be altered to install double-hung windows to match the rest of the house.

18. The HPB found compliance with the following applicable Design Guidelines:

A. Universal Guidelines:

1. A site should be used as it was historically or be given a new use that requires minimal change to the distinctive materials and features. The applicant is proposing to remove the non-historic site additions and use it as it was historically.
2. Changes to a site or building that have acquired historic significance in their own right should be retained and preserved. The applicant is proposing to remove all non-historic changes.
3. The historic exterior features of a building should be retained and preserved. The applicant is not proposing to alter any Historic features.
4. Distinctive materials, components, finishes, and examples of craftsmanship should be retained and preserved. The applicant is proposing to restore the porch to the Historic form.
5. Deteriorated or damaged historic features and elements should be repaired rather than replaced. The applicant is proposing to re-use the salvageable Historic materials. Conditions of Approval were added to ensure the protection of the Historic roof form.
6. Features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines.
7. Each site should be recognized as a physical record of its time, place and use. The proposed work does not change the appearance of the site.
8. Chemical or physical treatments, if appropriate, should be undertaken using recognized preservation methods. No chemical or physical treatments are proposed.
9. New additions, exterior alterations, or related new construction should not destroy historic materials, features, and spatial relationships that characterize the size or building. The proposed work complies.
10. New additions and related new construction should be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored. The proposed work mitigated any impacts on the historic site.

B. Specific Guidelines:

A. Site Design

A.1.1 Maintain existing front and side yard setbacks of Historic Sites. The applicant is not proposing to alter the existing location.

A.1.2 Preserve the original location of the main entry, if extant. The applicant is not proposing to alter the location of the entry.

A.1.3 Maintain the original path or steps leading to the main entry, if extant. The applicant is proposing to construct new steps as the existing are non-historic and unsafe.

A.5.3 The historic character of the site should not be significantly altered by substantially changing the proportion of built or unpaved space. The proposed scope of work of the driveway will not substantially change these proportions.

B. Primary Structures

B.1.1 Maintain the original roof form, as well as any functional and decorative elements. The applicant is not proposing to alter the Historic roof form.

B.2.1 Primary and secondary façade components should be maintained in their original location on the façade. The applicant is not proposing to alter the façade.

B.3.1 A new foundation should not raise or lower the historic structure generally more than two (2) feet from its original floor elevation. The applicant is not proposing to lift the structure more than two (2) feet from its original floor elevation.

B.3.2 The original placement, orientation, and grade of the historic building should be retained. The applicant is not proposing to change any of these features.

B.4.1 Maintain historic door openings, doors, and door surrounds. The applicant is not proposing to alter these elements.

B.4.2 New doors should be allowed only if the historic door cannot be repaired. Replacement doors should exactly match the historic door in size, material, profile, and style. The applicant is proposing to replace the non-historic door with one that will match what is seen Historically in the District.

B.5.1 Maintain historic window openings, windows, and window surrounds. There are no existing Historic windows. The applicant is not proposing to alter the window openings. Staff has added the Condition of Approval to determine the Historic window openings, sizing, and detailing.

19. The HPB made the following findings with respect to Material Deconstruction Review Checklist Criterion:

- a. Criterion 1: The proposed work is not Routine Maintenance.
- b. Criterion 2: The proposed Material Deconstruction is required.
- c. Criterion 3: The proposed work does not damage or destroy the exterior architectural features.
- d. Criterion 4: The proposed work mitigates any impacts that will occur to the visual character of the neighborhood; Historical significance of the Structure; architectural integrity of the Structure; and structural stability. All proposed Material Deconstruction complies with applicable Design Guidelines.
- e. Criterion 5: The proposed work will not compromise the historical importance of other structures on the property and on adjacent properties. The applicant is proposing to remove all non-historic features.
- f. Criterion 6: All non-historic additions and site features are proposed to be removed and are non-contributory.

Conclusions of Law:

1. The proposal complies with the Land Management Code requirements pursuant to 15-2.2 Historic Residential (HR-1) District.
2. The proposal meets the criteria for Material Deconstruction pursuant to LMC 15-11-12.5 Historic Preservation Board Review for Material Deconstruction.

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal submitted on April 16, 2019. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. The applicant is responsible for notifying the Building Department if changes are made.
3. The applicant shall maintain the original T/L cottage style roof form and Historic roof form additions.
4. The reconstructed roof form shall re-use all salvageable Historic material in their original location, if possible.
5. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or his/her designee prior to construction.
6. The applicant shall salvage the existing chimney bricks. Any bricks that can be made safe and/or serviceable shall be reused to reconstruct the chimney after review under the Historic District Guidelines. The applicant shall provide construction details documenting the Historic chimney at the time of the building permit. The reconstructed chimney shall be on the exterior of the Structure and shall not be required to be functional.
7. Written plans detailing the disassembly and reassembly steps and procedures shall be submitted and approved by the Planning and Building Departments as part of the building permit.
8. The applicant shall document through photographic means the disassembly of the building. As each component is disassembled, its physical condition shall be noted, particularly if it differs from the condition stated in the pre-disassembly documentation.
9. The wall panels shall be protected with rigid materials, such as sheets of plywood. The wall panels shall be securely stored on-site until needed for reassembly. The City may hold a portion of the financial guarantee should further damage or destruction occurs to the panels while they are stored on site.
10. When reassembling the structure, its original orientation and siting shall be approximated as close as possible.
11. Should the historic chimney not be able to be removed in one piece, the applicant shall disassemble the chimney in the largest workable pieces possible. All the elements of the chimney shall be systematically separated from the chimney. The markings shall be removable or made on surfaces that will be hidden from view when the chimney is reassembled. The process of the disassembly shall be recorded through photographic means.

12. Where the historic exterior materials cannot be repaired, they will be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to replacement, the applicant shall demonstrate to the Planning Director that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Director shall approve the removal of the historic materials in writing prior to any removal of the materials. The Historic Preservation Plan shall be updated, as necessary, to reflect the conditions of the original wood siding.
13. The salvageable Historic stone foundation shall be reused to face the new foundation. Where the Historic material cannot be reused, the foundation veneer shall match the original in shape, dimension, profile, and color.
14. The new foundation shall not raise or lower the Historic Structure more than two feet (2') from its original floor elevation.
15. The applicant shall submit for written approval from the Historic Preservation Planner prior to installation of the selected replacement door.
16. The replacement windows on the Historic Structure shall be wood windows.
17. No alterations of the Historic window openings shall be made.

If you have any questions, concerns, or comments regarding this final action letter, please do not hesitate to contact the Caitlyn Barhorst at (435) 615-5067 or caitlyn.barhorst@parkcity.org.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas Stephens", followed by a long horizontal line.

Douglas Stephens
Historic Preservation Board Chair

CC: Caitlyn Barhorst
Historic Preservation Planner

Historic Preservation Board Staff Report



Subject: 569 Park Avenue
Application: PL-22-05317
Author: Rebecca Ward
Date: September 7, 2022
Type of Item: Material Deconstruction and Relocation

Recommendation

(I) Review the application for Relocation and Material Deconstruction for the proposal to:

- lift the Single-Family Dwelling to accommodate a basement addition and foundation upgrade
- relocate the Single-Family Dwelling four feet to the north to accommodate a driveway and garage addition
- deconstruct material from the rear and south facade of the Single-Family Dwelling to accommodate an addition

(II) conduct a public hearing, and

(III) consider approving the Historic District Design Review according to the Draft Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in Exhibit A.

Description

Applicant: Bill and Janet Kershaw, represented by Jonathan DeGray

Location: 569 Park Avenue, a Significant Historic Site pending appeal

Zoning District: Historic Residential – 1

Adjacent Land Uses: Residential

Reason for Review: The Historic Preservation Board reviews Material Deconstruction¹ of historic materials and relocation of Historic Structures²

HPB Historic Preservation Board

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

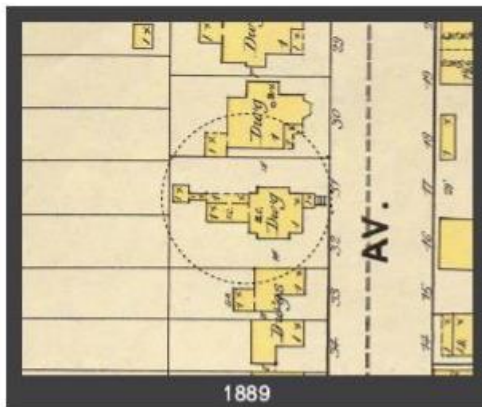
¹ LMC [§ 15-11-12.5](#)

² LMC [§ 15-11-13](#)

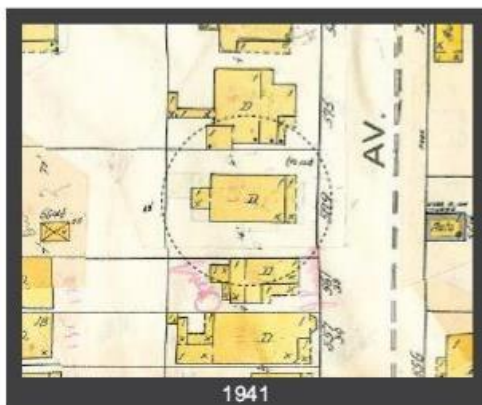
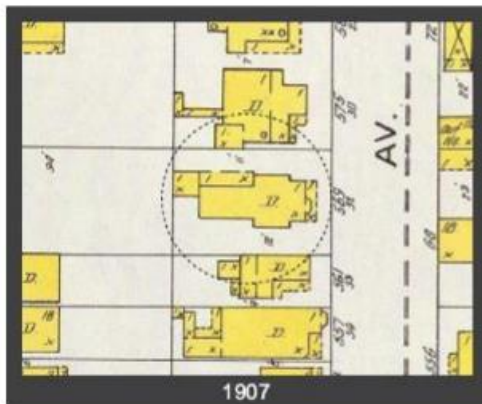
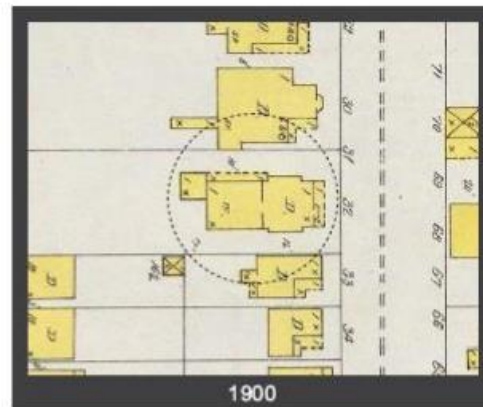
Background

According to the [Historic Site Form](#), 569 Park Avenue is a bungalow-type Single-Family Dwelling constructed circa 1917 in the Victorian Eclectic style. 569 Park Avenue is a Significant Historic Site pending appeal on the Park City Historic Sites Inventory.³ The Sanborn Maps show a cross-wing house built on the site prior to 1889. The current bungalow form was constructed circa 1917:

569 Park Avenue

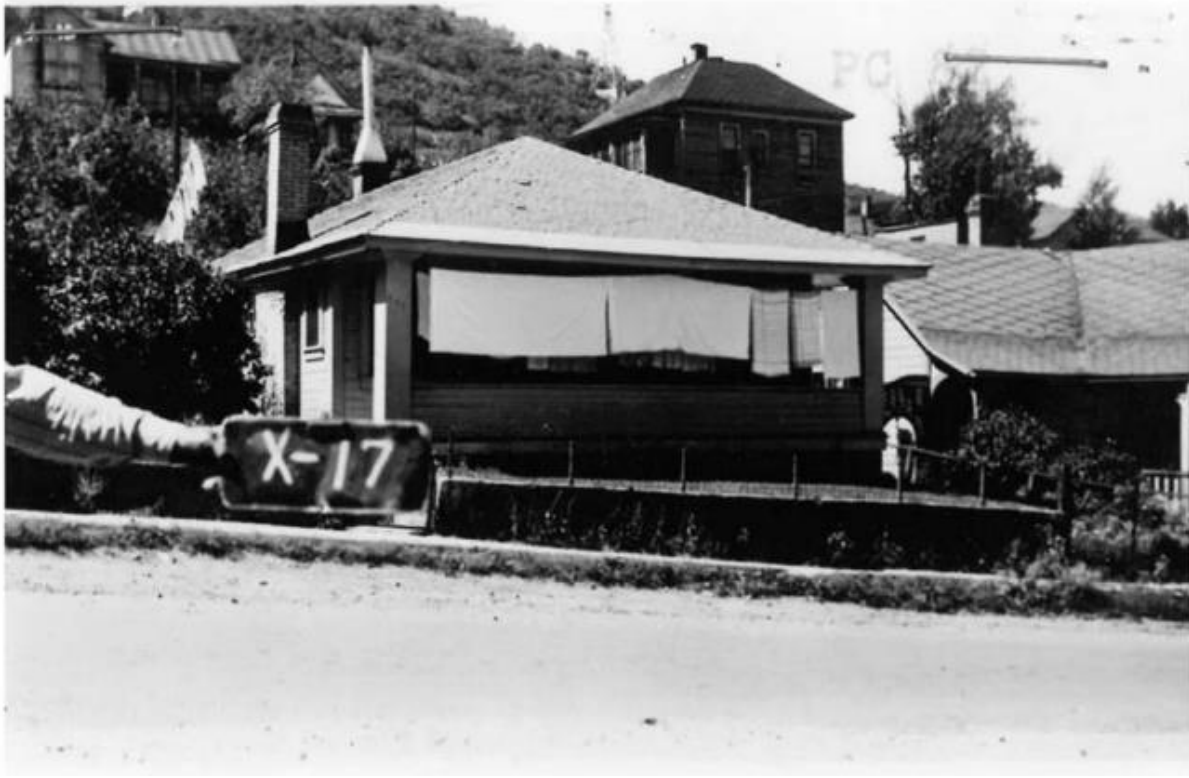


Sanborn Map History

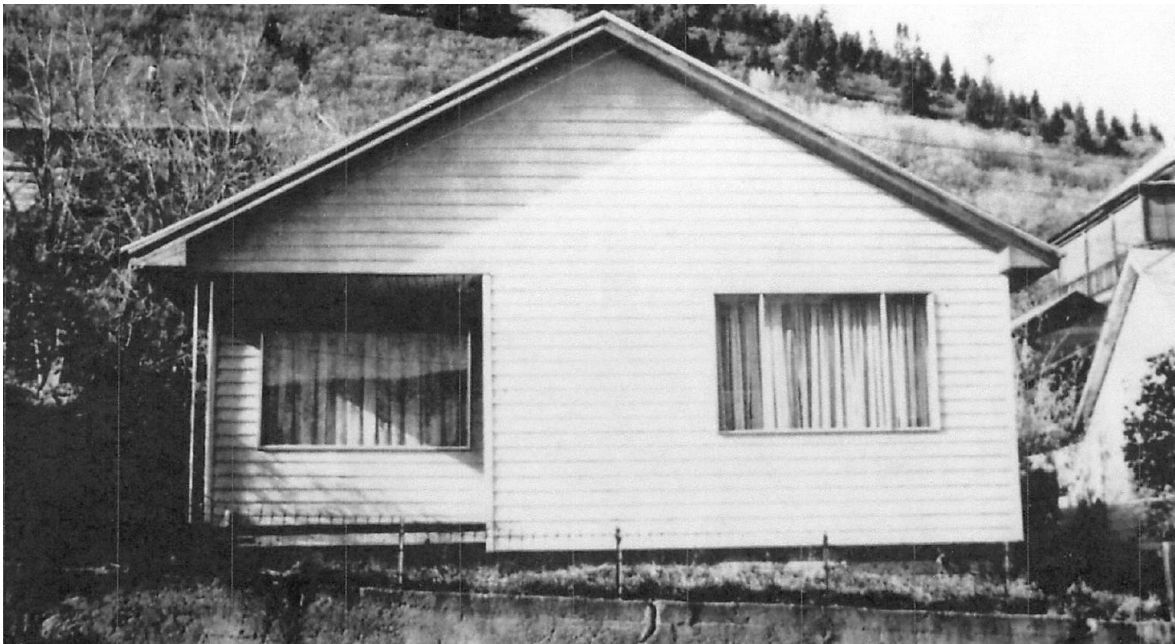


³ LMC [§ 15-11-10\(D\)\(2\)\(dk\)](#)

Below is the circa 1941 tax photo showing the original bungalow and hip roof:



Sometime between 1957 and 1968, the Single-Family Dwelling was modified to a gable roof with a partial-width recessed porch:



In 1986, the City issued Building Permit No. 2924-86 to re-roof and remodel the Single-Family Dwelling (Exhibit B). In 1987, the City issued Building Permit No. 3334-87 for a porch addition (Exhibit C). The City provided a \$5,000 Historic District grant in 1988 for the re-roof, replacement of trim, and installation of a stone walkway.

On February 4, 2009, the Historic Preservation Board designated 569 Park Avenue a Significant Historic Site on the Park City Historic Sites Inventory based on the results of a reconnaissance level survey (Exhibit D, p. 30). On April 7, 2010, the Historic Preservation Board reviewed the designation and removed 569 Park Avenue from the Historic Sites Inventory determining that due to changes to the Single-Family Dwelling from circa 1923 to 1995, 569 Park Avenue did not meet the criteria of a Significant Historic Structure (Exhibit E).

The 2014 photograph taken from the [Historic Site Form](#) illustrates the current structure:



On August 6, 2015, the Historic Preservation Planner prepared a Manager's Report regarding 569 Park Avenue for the City Council ([Staff Report](#), p. 71; [Minutes](#), p. 3). The City Council directed staff to begin Land Management Code amendments to address demolition of structures that are of historic significance. On August 7, 2015, the Planning Director submitted a Determination of Significance Application for 569 Park Avenue to nominate 569 Park Avenue for re-listing as a Significant Historic Site on the

Park City Historic Sites Inventory (Exhibit F). On September 2, 2015, the property owner applied for Building Permit BD-15-21810 to demolish the Single-Family Dwelling (Exhibit G). The City denied Building Permit BD-15-21810.

On March 2, 2016, Planning staff brought the Determination of Significance application before the Historic Preservation Board, recommending 569 Park Avenue be listed as a Significant Site on the Park City Historic Site Inventory (Exhibit H, Staff Report). The Historic Preservation Board unanimously voted to designate 569 Park Avenue a Significant Site (Exhibit I, Meeting Minutes, p. 27).

On March 15, 2016, the property owner appealed the Determination of Significance (Exhibit J). The appeal was scheduled for Board of Adjustment review on May 24, 2016. However, on May 23, 2016, the property owner submitted a request for an Advisory Opinion to the Utah Property Rights Ombudsman. The City and property owner agreed to postpone the Board of Adjustment public hearing and review of the appeal until the Ombudsman completed the Advisory Opinion. On March 7, 2017, the Property Rights Ombudsman issued the Advisory Opinion, finding the demolition permit for 569 Park Avenue was entitled to approval (Exhibit K).

Since that time, the City and property owner have been working through options for the property. Alternatively, the property owner may still proceed with their stayed appeal and ultimately judicial review. However, the property owner and City have tentatively agreed to terms of City acquisition of a preservation easement/dismissal of their appeal, provided the owner can obtain the Historic Preservation Board review and approval of a Historic District Design Review for the property. Accordingly, the property owner makes the following proposal:

- remove a non-historic porch,
- lift the Single-Family Dwelling to accommodate a basement addition and foundation upgrade,
- relocate the Single-Family Dwelling four feet to the north to accommodate a driveway and garage addition,
- deconstruct material from the rear and south facade of the Single-Family Dwelling to accommodate an addition,
- and rebuild the non-historic porch (Exhibit L)

Additionally, 569 Park Avenue is located on Lots 17 and 18 of Block 5, Amended Plat, Park City Survey, and the Applicant submitted a plat amendment application to create one lot for the property, pending Planning Commission and City Council review (PL-22-05320).

Analysis

(I) Staff recommends the Historic Preservation Board consider approving the relocation of 569 Park Avenue four feet to the north.

The Applicant proposes shifting the existing structure four feet to the north to accommodate a side and rear addition. Pursuant to LMC [§ 15-11-13\(A\)\(3\)](#), the Historic Preservation Board reviews the following criteria when considering relocation of a Historic Structure:

In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board shall find the project complies with the following criteria.

- A. *For either a Landmark or Significant Site all the following shall be met:*
 - 1. *A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully be relocated and the applicant has demonstrated that a professional building mover will move the building and protect it while being stored; and*
 - 2. *The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;*
- B. *Landmark structures shall only be permitted to be relocated on its existing site if:*
 - 1. *the relocation will abate demolition; or*
 - 2. *the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.*
- C. *For Significant sites, at least one of the following shall be met:*
 - 1. *The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or*
 - 2. *The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or*
 - 3. *The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation on the existing Site. Unique conditions shall include all of the following:*
 - 1. *The historic context of the Historic Building(s) and/or Structure(s) has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the Historic Building(s) and/or Structure(s) and the Historic District or its present setting; and*
 - 2. *The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district; and*
 - 3. *The historical integrity and significance of the Historic Building(s) and/or Structure(s) will not be diminished by relocation and/or reorientation; and*
 - 4. *The potential to preserve the Historic Building(s) and/or Structure(s) will be enhanced by its relocation.*

Staff recommends Conditions of Approval to ensure a licensed structural engineer certifies the building can be relocated, that a professional building mover will move the building and protect it, and that the relocation will not have a detrimental effect on the structural soundness of the building. Additionally, relocating the structure four feet to the north allows the Applicant to construct a side and rear addition and garage on the property and will abate demolition of the Significant Historic Structure that is pending appeal.

LMC [§ 15-13-4](#) requires the following for relocation, recommended as Conditions of Approval:

Condition of Approval 10 – Prior to Building Permit submittal, a professional structural analysis shall be conducted and submitted to the Planning Department that minimizes damage that may occur during the relocation.

Condition of Approval 11 – The Property Owner shall hire a licensed professional building mover to shift the structure four feet to the north.

Condition of Approval 12 – The structure shall be secured and protected from adverse weather conditions, water infiltration, and vandalism before, during, and after the reorientation process.

Condition of Approval 13 – A written plan detailing the steps and procedures for reorientation of the structure shall be completed and approved by the Planning and Building Departments prior to building permit submittal. This plan shall outline, step by step, the proposed work to relocate the building to ensure that the least destructive method of moving the building will be employed.

Condition of Approval 14 – The structure shall be moved in one piece.

Condition of Approval 15 – The structure shall be protected from damage during the moving process by adding bracing, strapping, and by temporarily infilling door and window openings for structural rigidity.

Additionally, 569 Park Avenue is in the Historic Residential – 1 (HR – 1) Zoning District and the proposed relocation complies with the lot and site requirements for HR – 1 Zoning District and Land Management Code regulations including Setbacks, Significant Vegetation, and Maximum Building Footprint, outlined below.

Setbacks

569 Park Avenue is 49.98 feet in width. For properties in the HR – 1 Zoning District, LMC [§ 15-2.2-3\(l\)](#) requires a five-foot Side Setback for lots up to 50 feet in width. Shifting the structure four feet to the north will retain the five-foot Side Setback, highlighted in green in the Applicant's Architectural Site Plan:



No changes are proposed to the walkway or stairs.

According to available Planning Department records, the non-historic front porch addition to 569 Park Avenue was constructed in 1987 (Exhibit C). 569 Park Avenue was in the HR – 1 Zoning District at that time (Exhibit L). The 1987 LMC § 7.1.3(d) established the following requirements for HR – 1 Front Setbacks:

The minimum depth of the front yard for all main buildings and accessory buildings, including garages, shall be 10 feet (Exhibit M, p. 2).

The 1987 LMC § 7.1.4(b) required Single-Family Dwellings to provide a volume of open space within the building envelope in the front and rear of the structure, which could be satisfied with porches “which are open on at least two sides, one of which must be the front or back façade of the structure.” Additionally, the porches under a roof could count as open space volume and could project into the open space volume (Exhibit M, p. 2-3).

The City issued a 1987 building permit to construct the front porch with a Front Setback just shy of three feet (approximately two feet ten inches), which may have been considered open space at the time it was constructed.

Structures built in compliance with the LMC at the time of construction are Non-Complying Structures. LMC [§ 15-9-6\(A\)](#) states that a Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

Staff recommends the non-historic porch be removed to facilitate relocating the Single-Family Dwelling four feet to the north, with approval to reconstruct the porch once the home is relocated. Staff recommends Condition of Approval 8, requiring the porch reconstruction to be the same dimensions and of the same materials indicated in the Applicant's As-Built Elevations.

Maximum Building Footprint

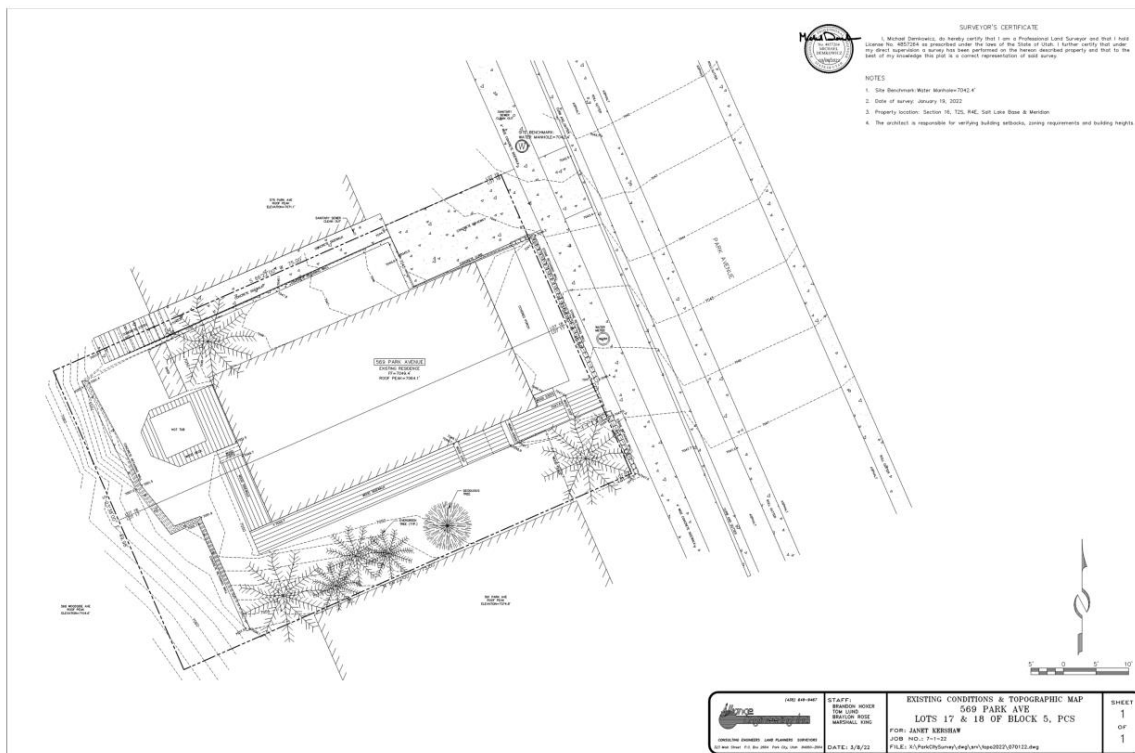
In the HR – 1 Zoning District, the Maximum Building Footprint is determined as follows:

MAXIMUM FP = $(A/2) \times 0.9^{A/1857}$ where FP = Maximum Building Footprint and A = Lot Area.

569 Park Avenue is 3,750 square feet and the Maximum Building Footprint is 1,519 square feet. The existing structure is 1,075 square feet and the proposed addition will increase the Maximum Building Footprint to 1,515 square feet.

Significant Vegetation

The relocation of the structure will impact Significant Vegetation. Significant Vegetation includes large trees 6" in diameter or greater measured four and one-half feet above ground. The evergreen tree shown in the image above and in the northwest corner of the Existing Conditions and Topographic Map below will be removed. Additionally, the Existing Conditions and Topographic Map includes two more evergreens and one deciduous tree:



LMC [§ 15-5-5\(N\)](#) states that “[t]o the extent possible, existing Significant Vegetation shall be maintained on site and protected during construction. When approved to be removed, based on a . . . Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. . . .” The Applicant’s Landscape Plan (Exhibit N, p. 5) proposes five Rocky Mountain Maple and nine Aspen trees. As a result, staff recommends Condition of Approval 9: *The Applicant’s Landscape Plan shall be revised to replace the six evergreen trees and one deciduous tree identified on the Existing Conditions and Topographic Map with equivalent landscaping in type and size prior to submitting for a building permit. The revised Landscape Plan shall be reviewed and approved by the Planning Director.*

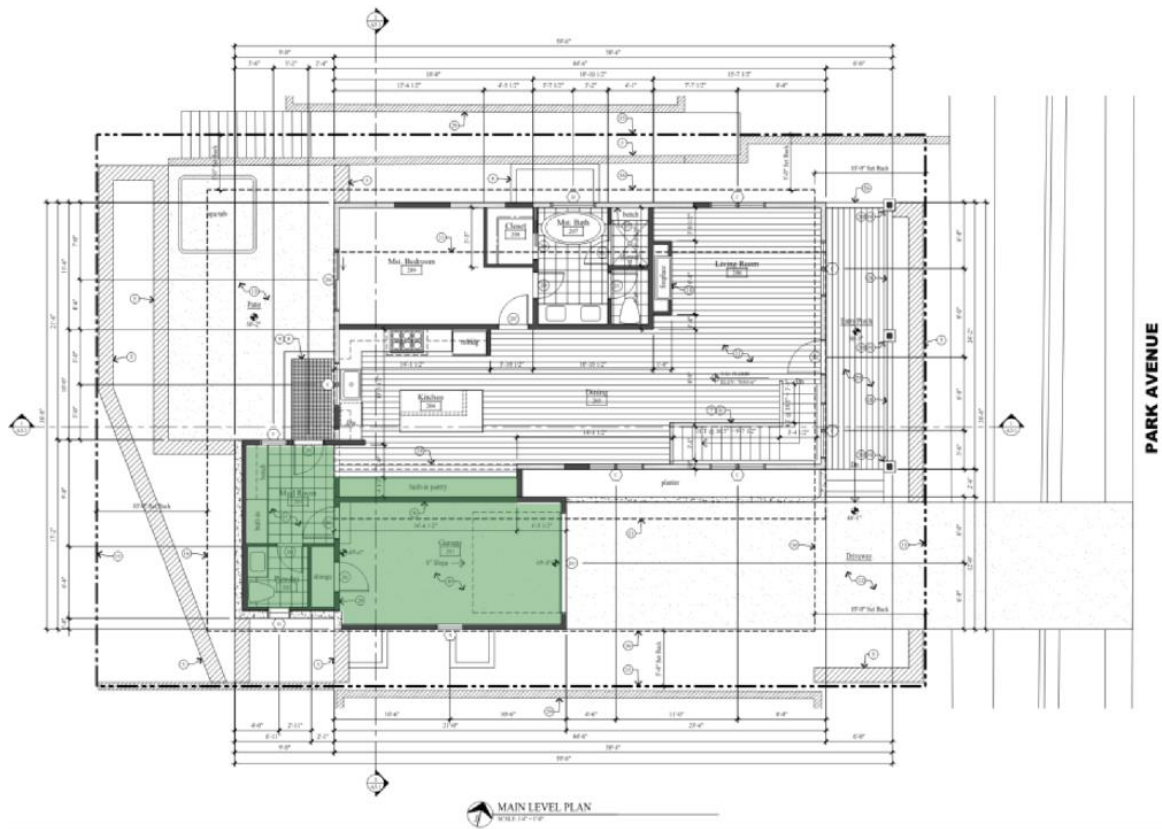
(II) Staff recommends the Historic Preservation Board consider approving Material Deconstruction to lift the structure and to remove material from the south side facade and west rear facade material to accommodate an addition.

The Applicant proposes lifting the Single-Family Dwelling to accommodate a basement addition and new foundation. According to the Applicant’s Existing Conditions Report, the existing foundation is unreinforced concrete (Exhibit N, p. 2).

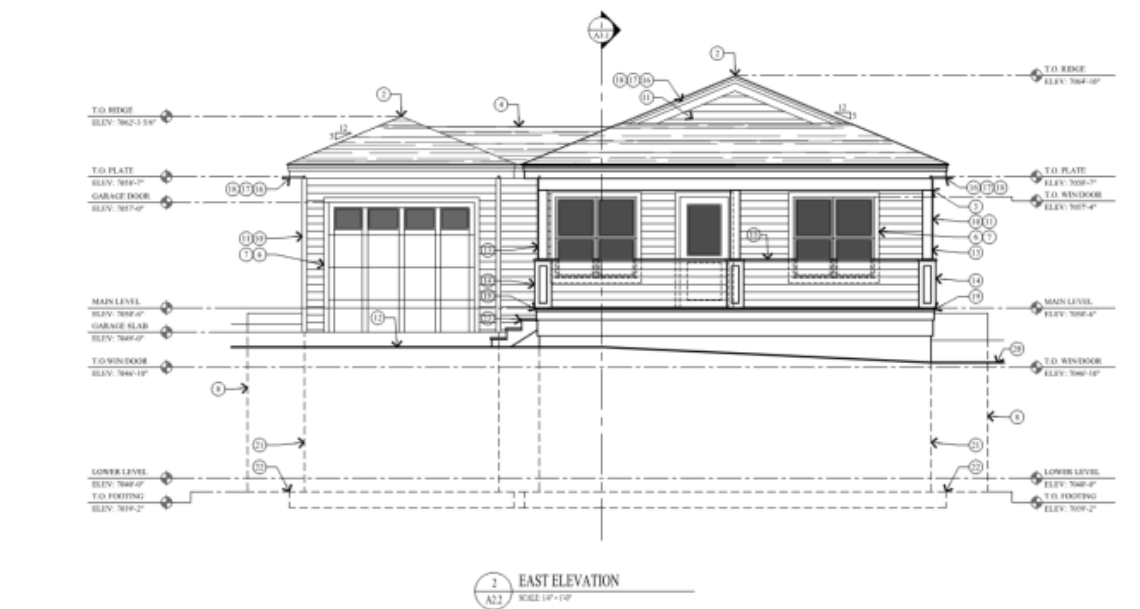
The Applicant also proposes removing materials to accommodate an addition to the south side and rear facades. The Historic Preservation Board reviews Material Deconstruction to accommodate additions, new construction, and structural upgrades.⁴

The proposed addition includes a 1,515-square-foot basement and a 188-square-foot main-level garage, powder room, and bathroom, highlighted in green below:

⁴ LMC [§ 15-11-12.5\(B\)](#)



Approximately 17 feet of material will be removed from the south side facade and three feet of material will be removed from the west rear facade. The resulting addition is illustrated below on the Applicant's east elevation:



Staff recommends the following Conditions of Approval for compliance with LMC [§ 15-13-2](#) *Design Guidelines for Historic Residential Sites*:

Condition of Approval 16 – Distinctive materials, components, finishes, and examples of craftsmanship shall be retained and preserved.

Condition of Approval 17 – Deteriorated or damaged historic features and elements shall be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element shall match the original in design, dimension, texture, material, and finish. The applicant must demonstrate the severity of deterioration or existence of defects by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. If deteriorated or damaged beyond repair and significant operational energy savings can be demonstrated through a professionally calculated energy model, historic features may be replaced with energy efficient features that are similar in design, dimension, texture, material, and finish.

Condition of Approval 18 – New additions and related new construction should be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.

Department Review

The Planning Department and City Attorney's Office reviewed this application.

Notice

Staff posted notice to the property on August 17, 2022. Staff mailed courtesy notice to property owners within 300 feet on August 17, 2022. Staff published notice on the City's website and the Utah Public Notice website on August 22, 2022. The *Park Record* published notice on August 24, 2022.⁵

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Historic Preservation Board may approve the Relocation and Material Deconstruction for 569 Park Avenue to accommodate an addition;
- The Historic Preservation Board may deny the Relocation and Material Deconstruction for 569 Park Avenue and direct staff to make Findings for the denial; or
- The Historic Preservation Board may request additional information and continue the discussion to a date certain.

⁵ LMC [§ 15-1-21](#)

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: 1986 Building Permit
Exhibit C: 1987 Building Permit
Exhibit D: February 4, 2009 HPB Meeting Minutes
Exhibit E: April 7, 2010 HPB Meeting Minutes
Exhibit F: August 7, 2015 Determination of Significance Application
Exhibit G: 2015 Demolition Permit Application
Exhibit H: March 2, 2016 HPB Staff Report
Exhibit I: March 2, 2016 HPB Meeting Minutes
Exhibit J: 2016 Determination of Significance Appeal
Exhibit K: 2017 Property Rights Ombudsman Advisory Opinion
Exhibit L: 1985 Zoning Map
Exhibit M: 1987 HR – 1 Regulations
Exhibit N: Proposed Plans



Planning Department

September 7, 2022

Bill and Janet Kershaw
569 Park Avenue
Park City, Utah

CC: Jonathan DeGray

NOTICE OF HISTORIC PRESERVATION BOARD ACTION

Description

Address: 569 Park Avenue, a Significant Historic Structure pending appeal

Zoning District: Historic Residential – 1

Application: Relocation and Material Deconstruction

Project Number: PL-22-05317

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: September 7, 2022

Project Summary: The Applicant proposes removing a non-historic porch, lifting the Single-Family Dwelling to accommodate a basement addition and foundation upgrade, relocating the Single-Family Dwelling four feet to the north to accommodate a driveway and garage addition, deconstruct material from the rear and south facade of the Single-Family Dwelling to accommodate an addition, and rebuilding the non-historic porch.

Action Taken

On September 7, 2022, the Historic Preservation Board conducted a public hearing and approved the Relocation and Material Deconstruction of 569 Park Avenue according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

Background

1. 569 Park Avenue is a bungalow-type Single-Family Dwelling constructed circa 1917 in the Victorian Eclectic style.



Planning Department

2. 569 Park Avenue is a Significant Historic Site pending appeal on the Park City Historic Sites Inventory.
3. The Sanborn Maps show a cross-wing house built on the site prior to 1889. The current bungalow form was constructed circa 1917.
4. A circa 1941 tax photo shows the original bungalow and hip roof.
5. Sometime between 1957 and 1968, the Single-Family Dwelling was modified to a gable roof with a partial-width recessed porch.
6. In 1986, the City issued Building Permit No. 2924-86 to re-roof and remodel the Single-Family Dwelling.
7. In 1987, the City issued Building Permit No. 3334-87 for a porch addition.
8. The City provided a \$5,000 Historic District grant in 1988 for the re-roof, replacement of trim, and installation of a stone walkway.
9. On February 4, 2009, the Historic Preservation Board designated 569 Park Avenue a Significant Historic Site on the Park City Historic Sites Inventory based on the results of a reconnaissance level survey.
10. On April 7, 2010, the Historic Preservation Board reviewed the designation and removed 569 Park Avenue from the Historic Sites Inventory determining that due to changes to the Single-Family Dwelling from circa 1923 to 1995, 569 Park Avenue did not meet the criteria of a Significant Historic Structure.
11. On August 6, 2015, the Historic Preservation Planner prepared a Manager's Report regarding 569 Park Avenue for the City Council.
12. The City Council directed staff to begin Land Management Code amendments to address demolition of structures that are of historic significance.
13. On August 7, 2015, the Planning Director submitted a Determination of Significance Application for 569 Park Avenue to nominate 569 Park Avenue for re-listing as a Significant Historic Site on the Park City Historic Sites Inventory.
14. On September 2, 2015, the property owner applied for Building Permit BD-15-21810 to demolish the Single-Family Dwelling.
15. The City denied Building Permit BD-15-21810.
16. On March 2, 2016, Planning staff brought the Determination of Significance application before the Historic Preservation Board, recommending 569 Park Avenue be listed as a Significant Site on the Park City Historic Site Inventory.
17. The Historic Preservation Board unanimously voted to designate 569 Park Avenue a Significant Site.
18. On March 15, 2016, the property owner appealed the Determination of Significance.



Planning Department

19. The appeal was scheduled for Board of Adjustment review on May 24, 2016.
20. On May 23, 2016, the property owner submitted a request for an Advisory Opinion to the Utah Property Rights Ombudsman. The City and property owner agreed to postpone the Board of Adjustment public hearing and review of the appeal until the Ombudsman completed the Advisory Opinion.
21. On March 7, 2017, the Property Rights Ombudsman issued the Advisory Opinion, finding the demolition permit for 569 Park Avenue was entitled to approval.
22. Since that time, the City and property owner have been working through options for the property. Alternatively, the property owner may still proceed with their stayed appeal and ultimately judicial review. However, the property owner and City have tentatively agreed to terms of City acquisition of a preservation easement/dismissal of their appeal, provided the owner can obtain the Historic Preservation Board review and approval of a Historic District Design Review for the property.
23. The Applicant now requests the Historic Preservation Board review the following proposal:
 - a. lift the Single-Family Dwelling to accommodate a basement addition and foundation upgrade,
 - b. relocate the Single-Family Dwelling four feet to the north to accommodate a driveway and garage addition, and
 - c. deconstruct material from the rear and south facade of the Single-Family Dwelling to accommodate an addition

Relocation

24. The Applicant proposes shifting the existing structure four feet to the north to accommodate a side and rear addition.
25. Pursuant to LMC § 15-11-13(A)(3), the Historic Preservation Board reviews the following criteria when considering relocation of a Historic Structure:

In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board shall find the project complies with the following criteria.

- A. *For either a Landmark or Significant Site all the following shall be met:*

1. *A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully*



Planning Department

- be relocated and the applicant has demonstrated that a professional building mover will move the building and protect it while being stored; and*
- 2. The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;*
- B. Landmark structures shall only be permitted to be relocated on its existing site if:*
- 1. the relocation will abate demolition; or*
 - 2. the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.*
- C. For Significant sites, at least one of the following shall be met:*
- 1. The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or*
 - 2. The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or*
 - 3. The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation on the existing Site. Unique conditions shall include all of the following:*
 - 1. The historic context of the Historic Building(s) and/or Structure(s) has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the Historic Building(s) and/or Structure(s) and the Historic District or its present setting; and*
 - 2. The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district; and*
 - 3. The historical integrity and significance of the Historic Building(s) and/or Structure(s) will not be diminished by relocation and/or reorientation; and*
 - 4. The potential to preserve the Historic Building(s) and/or Structure(s) will be enhanced by its relocation.*



Planning Department

26. Staff recommends Conditions of Approval to ensure a licensed structural engineer certifies the building can be relocated, that a professional building mover will move the building and protect it, and that the relocation will not have a detrimental effect on the structural soundness of the building.
27. Relocating the structure four feet to the north allows the Applicant to construct a side and rear addition and garage on the property and will abate demolition of the Significant Historic Structure that is pending appeal.
28. 569 Park Avenue is 49.98 feet in width. For properties in the HR – 1 Zoning District, LMC § 15-2.2-3(I) requires a five-foot Side Setback for lots up to 50 feet in width. Shifting the structure four feet to the north will retain the five-foot Side Setback.
29. LMC § 15-2.2-3(J) allows for window wells not exceeding the International Residential Code requirements for egress to extend not more than four feet into the five-foot Side Setback. One three-foot long and eight-foot wide window well is proposed in the Side Setback pursuant to this exception to provide egress for two proposed basement bedrooms.
30. LMC § 15-2.2-3(J)(6) allows for pathways and steps in the Side Setback if they are no more than 30 inches above Final Grade, not including any required handrails. There is an existing walkway and stairs in the Side Setback between 569 Park Avenue and the property to the north, 575 Park Avenue. No changes are proposed to the walkway.
31. According to available Planning Department records, the non-historic front porch addition to 569 Park Avenue was constructed in 1987. 569 Park Avenue was in the HR – 1 Zoning District at that time. The 1987 LMC § 7.1.3(d) established the following requirements for HR – 1 Front Setbacks: *The minimum depth of the front yard for all main buildings and accessory buildings, including garages, shall be 10 feet.*
32. The 1987 LMC § 7.1.4(b) required Single-Family Dwellings to provide a volume of open space within the building envelope in the front and rear of the structure, which could be satisfied with porches “which are open on at least two sides, one of which must be the front or back façade of the structure.” Additionally, the porches under a roof could count as open space volume and could project into the open space volume. The City issued a 1987 building permit to construct the front porch with a Front Setback just shy of three feet (approximately two feet ten inches).
33. Structures built in compliance with the LMC at the time of construction are Non-Complying Structures. LMC § 15-9-6(A) states that a Non-Complying Structure



Planning Department

may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

34. The relocation of the structure will impact Significant Vegetation. Significant Vegetation includes large trees 6" in diameter or greater measured four and one-half feet above ground. The evergreen tree shown in the image above and in the northwest corner of the Existing Conditions and Topographic Map below will be removed. Additionally, the Existing Conditions and Topographic Map includes two more evergreens and one deciduous tree.

Material Deconstruction

35. The Applicant proposes lifting the Single-Family Dwelling to accommodate a basement addition and new foundation.
36. According to the Applicant's Existing Conditions Report, the existing foundation is unreinforced concrete.
37. The Applicant also proposes removing materials to accommodate an addition to the south side and rear facades.
38. The proposed addition includes a 1,515-square-foot basement and 188-square-foot a main-level garage, powder room, and bathroom.
39. Approximately 17 feet of material will be removed from the south side facade and three feet of material will be removed from the western rear facade.

Conclusions of Law

1. Pursuant to LMC § 15-11-13(A)(3) relocating the structure four feet to the north allows the Applicant to construct a modest side and rear addition to accommodate a garage on the property and will abate demolition of the Significant Historic Structure that is pending appeal, as conditioned.
2. The Material Deconstruction, as conditioned, complies with LMC § 15-11-12.5(B).

Conditions of Approval

1. The Applicant is responsible for notifying the Building and Planning Departments prior to proposing any changes to this approval.
2. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for Planning Director review and approval/denial in accordance with the applicable standards prior to construction.



Planning Department

3. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building official.
4. The Applicant shall maintain the natural topography and original grading of the site when and where feasible.
5. The new foundation shall not raise the structure more than two feet from its original floor elevation.
6. The form, material, and detailing of the new foundation shall be similar to the historic foundation.
7. The historic site shall be returned to original grade following construction of a foundation. If the original grade cannot be achieved, generally no more than six inches of the new foundation shall be visible above the final grade on primary and secondary facades.
8. The porch reconstruction shall be in the same dimensions and of the same materials indicated on the Applicant's As-Built Elevations.
9. The Applicant's Landscape Plan shall be revised to replace the six evergreen trees and one deciduous tree identified on the Existing Conditions and Topographic Map with equivalent landscaping in type and size prior to submitting for a building permit. The revised Landscape Plan shall be reviewed and approved by the Planning Director.
10. Prior to Building Permit issuance, a professional structural analysis shall be conducted and submitted to the Planning Department that minimizes damage that may occur during the relocation.
11. The Property Owner shall hire a licensed professional building mover to shift the structure four feet to the north.
12. The structure shall be secured and protected from adverse weather conditions, water infiltration, and vandalism before, during, and after the reorientation process.
13. A written plan detailing the steps and procedures for reorientation of the structure shall be completed and approved by the Planning and Building Departments. This plan shall outline, step by step, the proposed work to relocate and/or reorient the building to ensure that the least destructive method of moving the building will be employed.
14. The structure shall be moved in one piece.
15. The structure shall be protected from damage during the moving process by adding bracing, strapping, and by temporarily infilling door and window openings for structural rigidity.



Planning Department

16. Distinctive materials, components, finishes, and examples of craftsmanship shall be retained and preserved.
17. Deteriorated or damaged historic features and elements shall be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element shall match the original in design, dimension, texture, material, and finish. The applicant must demonstrate the severity of deterioration or existence of defects by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. If deteriorated or damaged beyond repair and significant operational energy savings can be demonstrated through a professionally calculated energy model, historic features may be replaced with energy efficient features that are similar in design, dimension, texture, material, and finish.
18. New additions and related new construction should be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5060 or email planning@parkcity.org.

Sincerely,

Historic Preservation Board Chair

CC: Rebecca Ward

569 PARK AVE

TIM AEE

REAR 3' MIN. INSULATION TO EOOD
#1 SHINGLE ROOF UNDERLAD WITH 30 lb FELT
b.t. vthane goes from roof over edge back to 36' inside

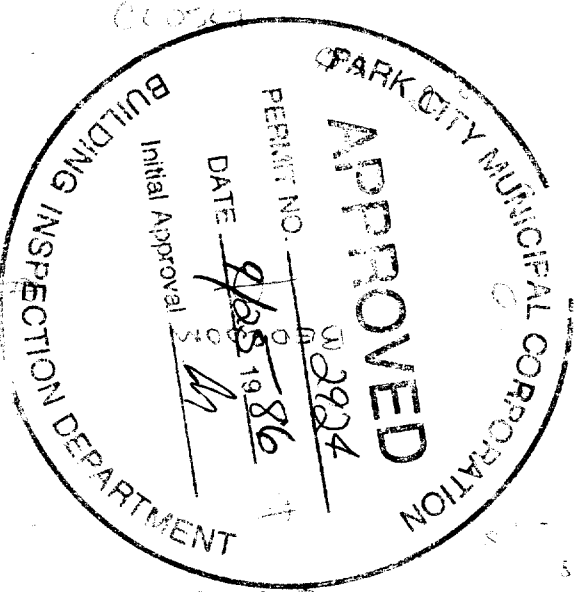
no structural changes are to take place
warm wall with 4mil min vapor barrier inside of cold walls
insulate walls R11 min &

Plaster wall is to come all inside then re
area is to be raised & re drywalled

1/2" ply to go on roof nailed with 8d
nails at 6' oc to on edges &

12" oc in field does not break 1st
layer of ~~plaster~~ with head of nails

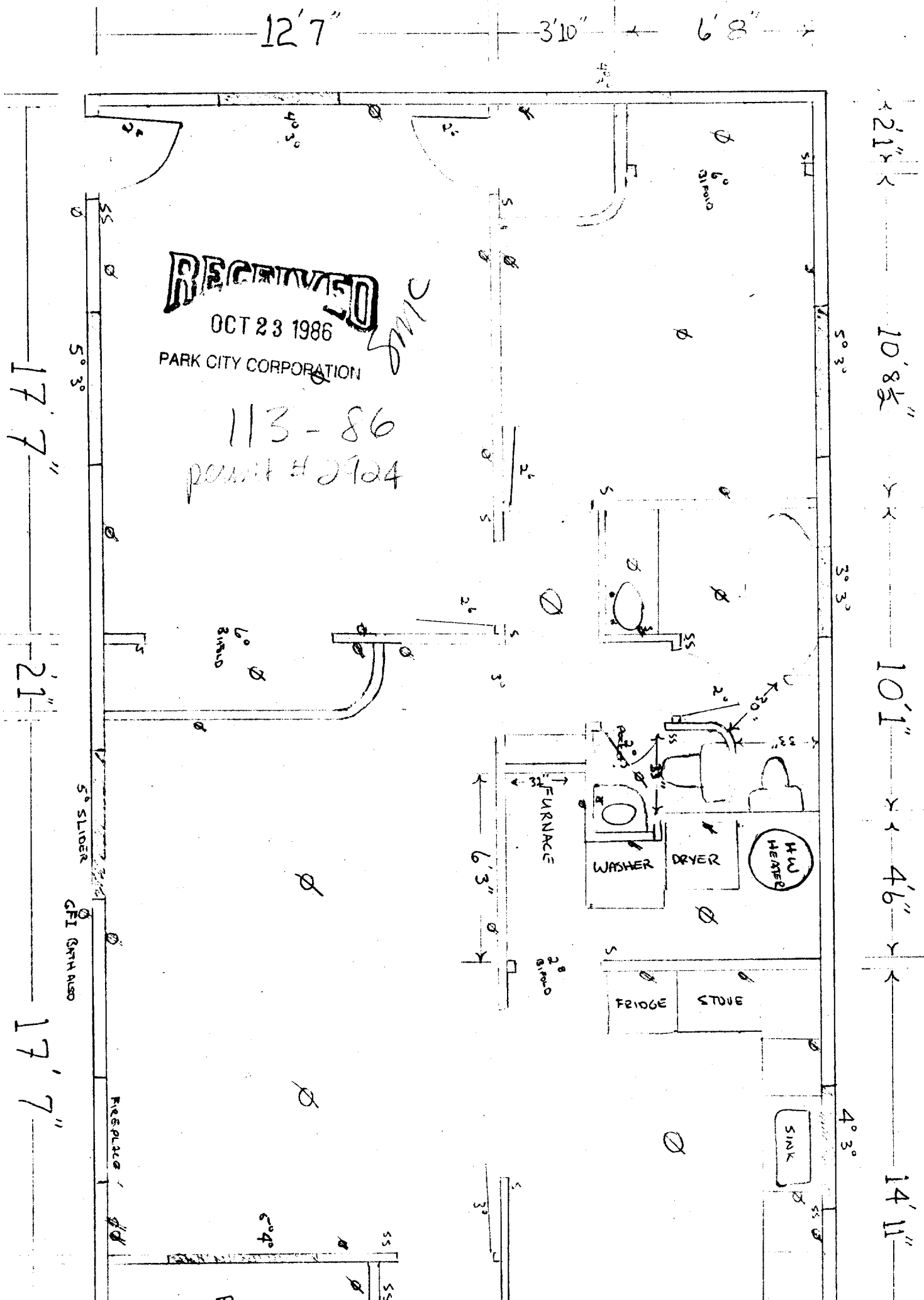
KITCHEN

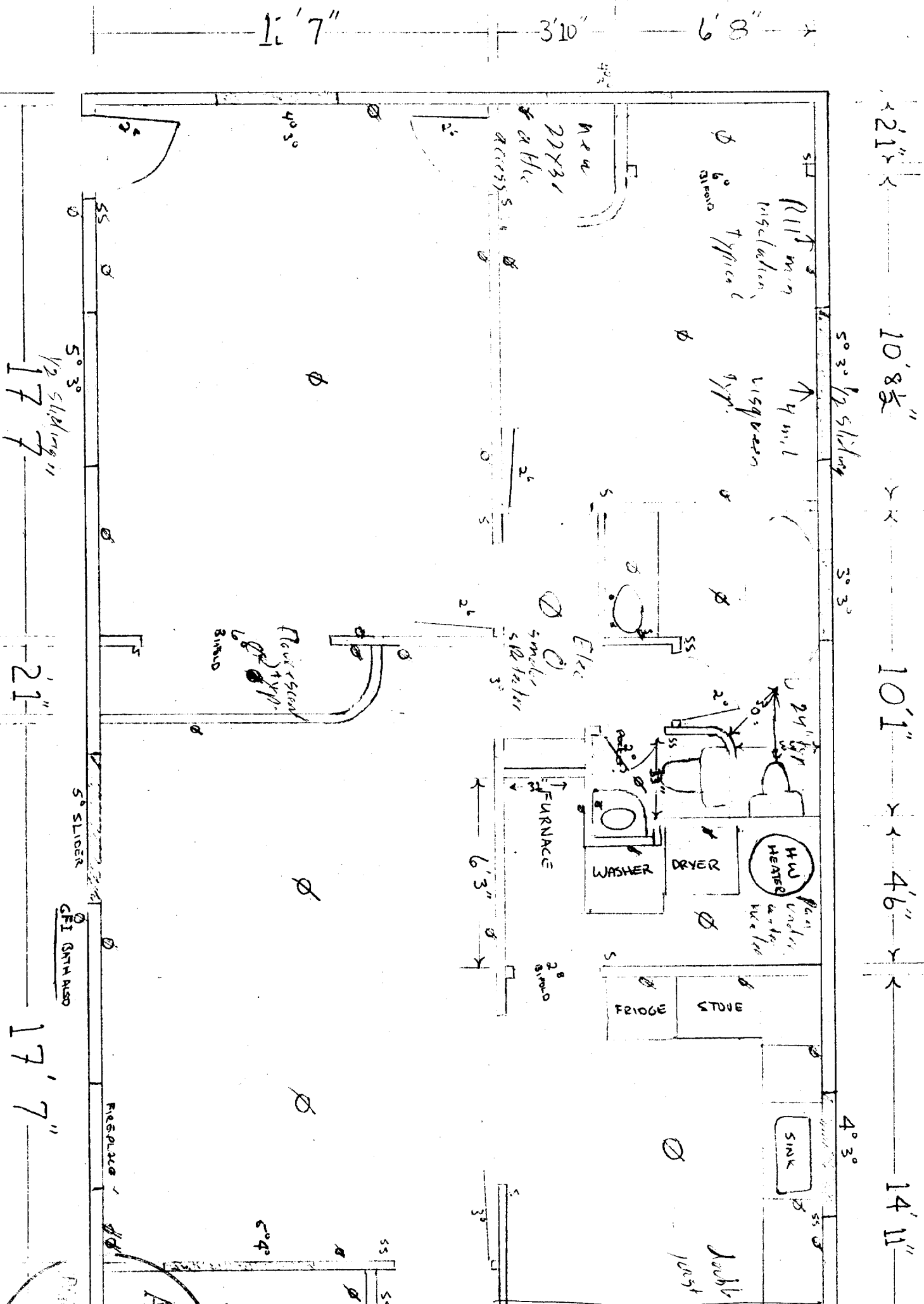


MASTER BEDROOM

BATH

9' FCI
PARK CITY





0.8-1.2

603 1/2 slides

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HW
HEATER

23

WASHER

T FURNACE

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5 miles
512 12.1 mi

26

Nov 1907

Porcell

APPROVED

OCT 23 1986

GFI BATH ALSO

5° SLIDER

PORT CITY BUILDING
ASPERDEN

17.7-

-21-

5° 3' 1/2 slides

BECOMES PERMIT WHEN SIGNED

158

NOTE: 24 hours notice is required for all inspections.

PARK CITY COMPLIANCE INSPECTION REPORT
445 MARS AVE., P. O. BOX 1480, PARK CITY, UTAH 84060
PHONE (801) 649-9321

Property Address 569 Park Ave Lot No. _____ Date Feb 2, 88
Contractor Lee Time 8:50

Permit No. 3334 Reason for Inspection ☒ CALLED ☐ ROUTINE ☐ COMPLAINT ☐ PICK UP

Inspection Kind ☐ COMM. ☒ RES.	☒ BLDG. ☐ MECH. ☐ SPECIAL	☒ ELEC. ☐ ZONING ☐ FIRE SPRINKLER	☐ PLBG. ☐ PREINSPECTION ☐ HOUSING	☐ grading ☐ 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	☐ make necessary corrections ☐ reinspection required ☐ reinspection fee required prior to reinspection			
	☐ WORK INCOMPLETE			☐ prior violations not corrected ☐ prior violations corrected ☐ items listed below will be inspected at next regular inspection			
	☐ UNABLE TO MAKE INSPECTION			☐ Cannot locate structure or unit. ☐ Building inaccessible/locked.			
				☐ Need Revised Plans Approved ☐ Approved plans not available.			
☐ Issued Stop Work Order, Do Not Proceed With Work							
☐ Obtain Building, Elect., Plumbing, Mechanical Or Applicable Permits							

COMMENTS

For porch

14991

Signed [Signature]
Park City Building Inspector

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF FEBRUARY 4, 2009

BOARD MEMBERS IN ATTENDANCE: Todd Ford, Roger Durst, Ken Martz, Puggy Holmgren, Gary Kimball, Adam Opalek, Sara Werbelow

EX OFFICIO: Thomas Eddington, Dina Blaes, Jeff Davis, Francisco Astorga, Polly Samuels McLean, Patricia Abdullah

ROLL CALL

Chair Ford called the meeting to order at 6:00 p.m. and noted that all Board Members were present.

MINUTES – JANUARY 14, 2009

Planning Director, Thomas Eddington, referred to page 11 of the Staff report, the first full paragraph and the sentence, “Mr. Mammen agreed and stated that this was one problem with the old guidelines.” Director Eddington stated that Mr. Mammen had reviewed the minutes and felt that statement was not reflective of what he had said. Mr. Mammen had recommended that the sentence be revised to read, “Mr. Mammen agreed that the perhaps the de-listing of historic structures may be a concern, which the Board should address in the creation of new guidelines. This is not an issue, nor was it a concern in the current guidelines.” Mr. Mammen felt this better reflected his intent.

Chair Ford asked if the Staff had reviewed the suggested amendment to the minutes. Director Eddington answered yes. Dina Blaes stated that she was not present at the January 14th meeting and asked for clarification of de-listing as it pertained to that particular discussion. When they say that modifications would de-list a property, were they talking about de-listing from the Park City Inventory or the National Register. Chair Ford believed the discussion referenced the Park City Inventory. Ms. Blaes replied that the issue of modifications was resolved when the City Council adopted the modifications to the Land Management Code on January 22nd.

Board Member Martz recalled that one particular property was under discussion as a possible issue. Now that the inventory has been completed, the house in question is proposed to be included on the inventory. Board Member Martz pointed out that it was the yellow house that was being discussed at the time.

Chair Ford remarked that the discussion related to the proposal before them that evening and the conversation was mostly about the examples that were presented in the slide presentation by the applicant.

MOTION: Board Member Holmgren move to APPROVE the minutes of January 14, 2009 as amended by Staff. Board Member Martz seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBER COMMUNICATIONS AND DISCLOSURES

Planner Jeff Davis noted that on January 14th the HPB found the structure located at 1323 Woodside Avenue to be historically significant. To update the HPB, Planner Davis reported that the Chief Building Official, Ron Ivie, had given an order to demolish the structure at 1323 Woodside due to unsafe conditions. The applicant would be required to submit a preservation plan so reconstruction can be incorporated within the project.

Chair Ford wanted to know who would review the preservation plan. Planner Davis replied that the Staff would review the preservation plan. Once they determine the plan is complete, they will notify Ron Ivie.

Dina Blaes announced that the training camp on the Historic District Guidelines. is scheduled for February 26th and 27th. The Staff, City Council, Building Department, Legal Department, Planning Commission and Historic Preservation Board have all been invited to attend. This camp is a mentoring program from the National Alliance of Preservation Commissions. The training session workshops are scheduled from 1:00-5:00 on February 26th and 8:00-5:00 on February 27th.

Council member, Liza Simpson, pointed out that the City Council generally begins their meetings in the afternoon and she was unsure how they would handle attendance on February 26th.

Ms. Blaes stated that the session would involve in-depth discussions about the legal framework that gives the authority to do preservation in communities. They will talk about the importance of identifying and designating historic sites and why that is important foundation work for a preservation program. They will also talk about design review and pick apart the draft design guidelines. Ms. Blaes noted that the design guidelines and the associated proposed LMC changes have been sent to the trainers. The goal is to have design review exercises during the latter part of the second day, to test the guidelines. Ms. Blaes remarked that the intent was to schedule this workshop before the design guidelines are adopted in case adjustments need to be made. Ms. Blaes felt this was critical training and encouraged all the Board members to attend if possible.

Board Member Durst asked about the trainers. Ms. Blaes replied that she would send all the Board members a bio on each of the trainers. Chair Ford suggested that the invitations/RSVP's include a schedule breakdown for the two days.

Board Member Holmgren asked if the HPB still planned to have a visioning session. Director Eddington stated that their visioning meeting was scheduled for February 10, 2009, 6:00 pm. at the Sidecar.

Ms. Blaes stated that the NACP training camp is part of a series of trainings that the Staff will be doing over the next two months. She also would include the schedule for the Staff trainings if any Board members wish to attend.

Ms. Blaes asked the Board Members to especially consider attending the training on March 3rd with the State Historic Preservation Office. She noted that the HPB previously supported having a requirement within the Land Management Code that any proposed projects related to Landmark sites result in the building retaining its designation as a Landmark site. This means that any project would have to meet the Department of Interior Standards. On March 3rd the State Historic Preservation staff will walk through these sites with the Staff and approach the methodology for making sure an application complies with the Department of Interior Guidelines.

REGULAR AGENDA/ACTION ITEMS/PUBLIC HEARINGS

Historic Sites Inventory – The adoption of landmark and significant sites revised inventory

The Staff recommended that the HPB conduct a public hearing and approve the attached resolution as Exhibit A in the Staff report, adopting the Park City Historic Sites Inventory. The Staff report contained background on how they have reached this point.

Ms. Blaes clarified some points in the Analysis and Discussion section of the Staff report. On January 22nd the City Council adopted amendments to the Land Management Code that changed the way historic sites are designated in Park City. She noted that the Staff report contained the LMC language under the analysis and discussion section. Ms. Blaes pointed out the criteria for designating sites to the inventory for both landmark sites and significant sites. She noted that one of the requirements for designation of a significant site is to retain essential historical form. This is defined in the LMC as the “physical characteristics of a structure that make it identifiable as existing in or relating to an important era in the past”.

Ms. Blaes referred to the Process section and noted that in the previous LMC it was not clear who could apply for a building to be designated. That has now been clarified and it can be either the owner/applicant or the Planning Department. Following this action, an owner or the Planning Department can bring additional applications to the HPB for consideration and designation as significant or landmark sites. Ms. Blaes remarked that another point that was clarified in the LMC changes was to clearly state criteria for removal of a site. She felt it was important to understand that adoption of the Historic Sites Inventory would not preclude any applicant or owner in the future to come before the HPB with additional information as to why their building should not be on the inventory list. The owner has the right to be heard and to have a public hearing to determine whether or not it should be removed from the inventory.

Board Member Durst clarified that the request could come from the owner or the Planning Department. Ms. Blaes answered yes.

Ms. Blaes noted that the City does not have intensive level surveys on all these buildings and they have done their best to increase the amount of information to help justify designation. However, it is possible that an owner could come forward with a fully researched intensive level survey that would show that the site does not meet the criteria for designation. The intent is to have a clear process in the LMC for allowing that to occur. Ms. Blaes believed this would be discussed further as they look at the LMC changes being proposed for the design review process, as they affect landmark sites versus significant sites.

Ms. Blaes stated that the Staff report contained information regarding significant impacts and the consequences of not taking action this evening.

Ms. Blaes distributed copies of corrections to Exhibit B. She also passed out documents for individual properties with information that was representative of the type of information that is electronically available to the Staff. Each document contained a three or four page written description providing a legal description, architectural description, cites sources used, tax records, photos, and sandborn maps.

Ms. Blaes stated that the corrections made for the inventory being approved this evening were for: 74 King Road, 143 Norfolk Avenue, 668 Norfolk Avenue, 713 Norfolk Avenue, 929 Park Avenue, 14 Prospect, and 130 Sandridge. She had prepared a power point presentation showing past and current photographs of these properties to show the modifications made to each structure. After reviewing each property, corrections were made and the above stated structures were re-designated.

Ms. Blaes reviewed each site and explained why, after further assessment, 74 King Road was re-designated as a landmark site; 143 was re-designated from significant to landmark; 668 Norfolk was re-designated from landmark to significant site because the roof top rear addition renders it ineligible for National Register listing.

Board Member Kimball noted that 668 is actually 662 Norfolk, however Norfolk no longer exists in that location and suggested that they use Crescent Tram as the street address. Ms. Blaes clarified that the legal description is listed under 668 Norfolk and she preferred to keep that address. She stated that for many properties, the City's address does not match the County's address.

Ms. Blaes continued with the designation corrections. She noted that 713 Norfolk was re-designated from landmark to significant site because of significant alternations to the side and rear. 929 Park Avenue was re-designated from landmark to significant because of alterations. She noted that some of the alterations are reversible and the structure could return to its landmark status. Until then it should be designated as a significant site. Ms. Blaes remarked that 14 Prospect was originally listed as a significant site, but based on photographic information they discovered that it should be listed as a landmark site. She noted that the alterations to the front entry portico are easily reversible.

Chair Ford wanted to know if alterations are reversible on both 929 Park Avenue and 14 Prospect, why one can be a landmark structure and the other is not. Ms. Blaes replied that 929 could not be landmark primarily because of changes to the window openings. The difference is what was added but can be taken away versus something that must be completely reconstructed.

Ms. Blaes noted that 120 Sandridge was originally listed as a landmark site; however the tax card indicates that changes were made outside the historic period and the property was re-designated to a significant site.

Mr. Blaes reviewed the list of mining related sites and structures as outlined in the packet. She noted that these structures were originally assessed in 1991 by Sandra Morrison in the reconnaissance level survey. They all meet the criteria for designation of

significant sites as shown in the photographs, however, further verification needs to be done to make sure each structure still exists. Due to the snow, they were not able to do any verification. Ms. Blaes requested that the Board approve the mining related structures listed in the packet this evening as significant sites on the inventory, with the stipulation that additional research and verification for any designation of landmark sites would be done and that any of these designations could come back to the HPB at a later date.

Chair Ford asked if the mining structures are all inclusive and asked about a structure at the end of Daly. Ms. Blaes stated that if there are additional structures, she recommended that the HPB make a motion to instruct the Planning Staff to do a full reconnaissance level survey of all mining related structures to be part of a comprehensive package. She was not comfortable submitting any other structures for designation without further information.

Board Member Holmgren referred to page 37 of the Staff report, the current Boulevard Buildings, and recalled that the HPB had previously determined that those buildings were in bad shape. Ms. Blaes replied that they are in bad shape, but she was directed by former Planning Director, Patrick Putt, to conduct an intensive level survey, and those came in as being eligible for National Register listing.

Board Member Martz commented on 1062 Woodside Avenue and understood that prior to his time on the Board, the HPB had found that building to be insignificant. Ms. Blaes replied that the determination was made under old criteria. She pointed out that new criteria was established by City Council action on January 22nd. Board Member Martz noted that in the 1990's, 632 Deer Valley Loop was found to be insignificant. Ms. Blaes reiterated that those previous determinations are irrelevant due to the new criteria.

Assistant City Attorney, Polly Samuels McLean, asked if there was a list of sites that the HPB previously deemed as significant that were not on the list. Ms. Blaes stated that she did not know every determination of significance that was made in the last five years. However, she could say that the structures on the list meet the criteria in the current Land Management Code, which was adopted on January 22nd. She believed there were more buildings on the list than the HPB had deemed significant in previous decisions, since the City Council had broadened the criteria to include more buildings.

Board Member Kimball asked Ms. Blaes to comment on the house on Doc Holiday Drive that was moved in from Coalville. He noted that Doc Holiday Drive did not exist during the mining era and the house from Coalville appears out of place. Ms. Blaes explained that the criteria in the Land Management Code talks about moving structures into a location that is dissimilar from its original location. From what they know about the original location in Coalville, they did not feel it met the definition of dissimilar location as approved by the City Council. Ms. Blaes pointed out that the structure would not meet landmark status because of the distance it was moved, but it does meet the criteria for significant sites.

Ms. Blaes stated that as the Board Members go through the PDF file, the address may be different from the address of the structure seen in the photograph. She wanted it clear that it is the structure in the photograph and not the address that is important. As an example, she indicated photographs of structures that no longer exist or exist in some other form or place, or plans were approved for partial reconstruction. She specifically

mentioned 118 and 124 Daly Avenue as examples. For those types of structures, the Historic Site form indicates which of those should be re-evaluated if the owners follow the plan that was approved by the Planning Department. Ms. Blaes strongly recommended that when those projects are completed or nearing completion, that they make sure these structures are considered to be significant sites on the inventory and that they comply with the plans approved by Staff.

Chair Ford thought this detail might need to be addressed in a resolution to indicate that when the address and the photo do not correspond, the photo rules. Ms. Blaes believed the HPB could state this as part of their motion.

Chair Ford asked if the properties that might have different addresses should be included as aka addresses. Ms. Blaes pointed out that in cases where there are several known addresses for one structure, those are identified on the forms that were passed out this evening as an aka.

Chair Ford opened the public hearing.

Ron Whaley, a resident at 819 Park Avenue, noted that earlier the Board addressed mine sites that were quite a ways out of the City limits. He wanted to know how wide a net the Board was casting in their evaluations.

Chair Ford did not believe any of the mine sites were outside of the City limits. Mr. Whaley argued that 90% of the sites are outside the City limits. Chair Ford clarified that those sites were brought into the City as part of the annexation of Park City Mountain Resort.

Mr. Whaley objected to the incorrect listing of his property at 819 Park Avenue to the inventory list. He was aware of the stated procedure that the City followed, however, he sees no other governmental activity where a citizen needs to defend himself against an allegation with such abusive conduct by the City. He stated that the HPB through the auspice of the City, compiled an inventory list based on the compilation of second and third hand information. That information is being deemed by the Board as being accurate without checking it themselves or asking the property owners to verify that information. Mr. Whaley pointed out that when this inventory is passed, this information would become law and have the effect of law. The only way a property owner can defend himself is by paying \$200 for the privilege of appearing before the HPB to correct something that violates the sensibility of transparent government. Mr. Whaley assumed that none of the Board members had gone through the inventory to check viability and correctness, which he believes violates the matter of fair government.

Susan Coring, a resident at 1141 Park Avenue, believed there was an error in the Inventory and she was unsure if this was the forum to present that correction.

Chair Ford encouraged Ms. Coring to continue.

Ms. Coring noted that the Inventory shows her property correctly at 1141 Park Avenue and the next segment picture shows an accessory building identified as being the back of their property. She noted that this was incorrect and the accessory building should be listed at 1129 Park Avenue.

John Stafsholt, a resident at 633 Woodside, stated that his house was recently included as a significant site and he applauded that action as the right thing to do. He indicated that others in attendance this evening had the same situation where their structures were not protected and not on the original inventory list. Those properties have since been included and the property owners believe the City is doing the right thing by trying to protect these historic houses. Mr. Stafsholt reminded the Board that the temporary zoning ordinance would expire in three days. If the HPB does not take positive action on this Inventory, they will start seeing demolition permits on Monday. He urged the HPB to follow through with the process.

Chair Ford closed the public hearing.

Chair Ford asked for an update on the demolition moratorium. He asked if there was pending action from the City Council if this inventory list is not approved within the next three days. Director Eddington was unaware of pending action and noted that the TZO would expire on February 7th.

Assistant Attorney McLean clarified that State law requires that the moratorium only last for six months. If no action is taken after six months, the moratorium would expire. Ms. McLean pointed out that the existing moratorium would expire in three days, however, if this inventory is adopted, the protections as part of the resolution would apply.

The next City Council meeting was scheduled for the following evening. Ms. Blaes pointed out that nothing related to the Historic Sites Inventory was noticed for that agenda. The inventory could be discussed but no action could be taken.

Chair Ford asked if it was necessary for the City Council to vote the inventory into law. Director Eddington answered no. The HPB has that full authorization. Ms. Blaes remarked that this item could be heard again at the next HPB meeting on February 18th.

Board Member Holmgren pointed out that some of the pictures in the packet had nothing written underneath them. Ms. Blaes stated that those were probably accessory buildings.

Ms. Blaes stated that two pieces of information had been prepared. The designation came as a result of the historic site forms that were prepared on each of the properties photographed in the packet. The forms contain substantially more information than what was included in the photograph. She used a structure at 543 Woodside as an example. Accessory structures behind the building were identified on the form but they were not shown on the photograph. Ms. Blaes felt it was important to understand that there is a group of documentation on file with the Planning Department that supports the designation. The resolution states that anyone can request copies of that documentation during regular business hours and it would be provided.

Board member Durst asked if it had to be an all or nothing resolution or if the HPB could hold certain properties in abeyance. Ms. Blaes replied that the language in the resolution talks about the list in its entirety. Assistant Attorney McLean believed the HPB could consider removing questionable structures from the inventory; however, she suggested that it be done in a manner where all the criteria is reviewed. If structures are taken off the inventory they would be exposed to demolition without a CAD or any other restrictions.

Board Member Werbelow clarified that the existing inventory list has 359 sites and the proposed list has 400 sites; therefore, 46 new sites were added. She asked if there was any type of designation to identify the newly added sites. Ms. Blaes stated that the information was available but she had not broken it out on the inventory. Board Member Werbelow felt it was difficult to approve this resolution without knowing the new sites and what had changed to make them eligible for this new list. Board Member Werbelow was sensitive to the fact that there was a TZO deadline, but she felt it was important to discuss this fact.

Director Eddington stated that if the Board members had concerns about a property being on the inventory, the HPB could adopt the inventory this evening and direct the Staff to re-review specific sites. Those sites would be protected from demolition if the list was adopted in its entirety, but the sites should be identified at the time of adoption. Director Eddington point out that if the HPB adopted the list this evening and found other sites that they wanted to consider, that could be discussed at the next HPB and the Staff could be directed to do further analysis. Chair Ford clarified that the HPB has the authority to add or remove structures at any time. There is no timeline for the Staff or property owner to bring forth new information or to request that the Staff conduct a more thorough examination of a property. Director Eddington agreed and noted that that language was added to the LMC. Chair Ford remarked that their authority also extends to adding potential mining structures following more intense analysis.

Board Member Werbelow asked if there needed to be language in the resolution that addresses additional review between now and the next meeting. Assistant Attorney McLean stated that the resolution would not change if the HPB wanted to adopt the inventory in its entirety and protect all the listed sites, based on Dina Blaes' review and supporting documentation. If they would like to have more analysis on specific structures, they would still be adopting the resolution in its entirety; however, they would be directing Staff to look into certain sites more intensively. Ms. McLean remarked that the Land Management Code was recently amended in order to enable the HPB to adopt the inventory based on the listed criteria. Part of those amendments added the appeal process that a property owner or the City could request at any time. Therefore, the City can review a site at any time to re-designate its status.

Board Member Martz commended the excellent job that was done on this entire project and he was ready to make a motion to adopt the resolution. There is an additional appeal process built into the system and if there is an appeal, either by an individual or by the City, he suggested that the fee could be waived and a more in-depth assessment of the particular property could be done. Board Member Martz felt that any appealable properties could be handled on an individual basis once the listed is adopted.

Board Member Holmgren agreed with Board Member Martz. This was a job well done and everyone involved should be commended. She was ready to vote on a motion.

Board Member Durst asked if the fee could be waived. Ms. McLean believed it would be left to the determination of the City Manager. She was unprepared to give a definite answer this evening and offered to look into it. Ms. McLean asked if the HPB was suggesting that the fee be waived indefinitely or within a specific time period. Board Member Martz commented on a number of situations where the City has waived fees.

Chair Ford felt the fee should be waived if the property owner proposes to add a property to the list or upgrade a property from significant to landmark. In his opinion, the fee should not be waived for removing a property, de-listing a property, or moving it from landmark to significant status.

Ms. Blaes pointed out that 15-11-7 in the LMC provides limitations to the power of the HPB and currently states that the HPB has no authority to waive or increase any requirement of any ordinance of the City. Chair Ford noted that Section 2 of the resolution states, "Historic Sites Inventory shall be kept on file and available to the public in the City Recorder's Office. The support documentation may be kept in the Planning Department so long as it is referenced by the inventory on file." Chair Ford requested that "may" be changed to "shall".

Board Member Durst stated that he had recently joined the Board again. He remembered early on when Ms. Blaes first conducted her survey and went through the analysis and the process on some of these properties. Board Member Durst stated that he received his packet at the 11th hour and had very little time to review the list in its final form. Board Member Durst stated that he could support this resolution only if the HPB took it upon themselves to review this inventory of properties collectively and come back with some comments. He understood the imperative of getting this done based on the TZO, but he was not entirely comfortable adopting this resolution.

Chair Ford was under the opinion that even if the HPB voted to adopt the resolution this evening, they were by no means done with the list and that the HPB, the Staff, Ms. Blaes and property owners would be examining some of the shadow properties that are on the cusp. He suggested organizing field trips in March after they have an opportunity to look through the lists and redline the properties in question. This would give the HPB the opportunity to determine whether or not those properties should be further examined more officially to see if they need to be upgraded, downgraded or removed.

Board Member Werbelow was inclined to adopt the list this evening based on the amount of work that went into the analysis, and her concern with the expiration of the TZO. She agreed with Chair Ford in terms of further analysis. Board Member Werbelow noted that the resolution states that the Preservation Board has determined that these buildings or sites meet the criteria. If the list is adopted this evening, more analysis would be required in they are faced with an appeal. Her main concern is their ability to have a more fluid analysis.

Assistant Attorney McLean explained that the appeal process requires the HPB to review all the criteria listed in the Code to determine whether or not a site should be on the list. The HPB cannot determine that a site should remain on the inventory based only on the fact that it is already on the list.

Board Member Werbelow understood that the HPB would be required to review the criteria. However, she worried about the inclination to err on the side of the original analysis and felt it would lessen the opportunity to review a site from an objective standpoint.

Ms. McLean stated that the process does not give deference to the list when reviewing an appeal against the criteria.

Board Member Durst clarified that the properties at 2780 Kearns Blvd. are owned by the City. He recalled previously negotiating engineering support for the accessory buildings off of Marsac or Sandridge, which are privately owned. Board Member Durst stated that if these buildings are designated as landmarks, the City has the responsibility to sustain the buildings to avoid hazards. He wanted to know what would be responsible for maintaining the integrity of the privately owned structures. Ms. Blaes replied that the owner would be responsible and that would be enforced by the City through the Building Department. Ms. Blaes pointed out that this would occur regardless of whether or not the building is listed on the historic sites inventory. The enforcement is the same for any structure in Park City. The only separate protection these historic buildings receive is the CAD process.

Chair Ford noted that the new guidelines that were adopted attempt to add a level of enforcement by prohibiting demolition by neglect. Ms. Blaes stated that the language is reinforced in the design guidelines, but the legal authority is addressed in the proposed LMC changes.

Board Member Martz recalled that the City had assisted in funding a project to reinforce and refurbish four out of five of those structures on Sandridge.

Chair Ford noted that cemetery gates and mining structures were included in the definition of a structure. He wanted to know where the line was drawn in terms of walls or other structures. Ms. Blaes stated that structure is a defined term in the LMC and they followed that definition. She noted that building is included under the umbrella of a structure; but building is more clearly defined in the LMC and includes main buildings, attached, detached and public and accessory as separate definitions of building. Chair Ford questioned the legality of adding cemetery gates but not landscape elements.

Board Member Kimball stated that the gates on the cemetery were relatively new. Ms. Blaes replied that the gates and the fencing at the Glenwood Cemetery are new but they are considered reconstruction. They are part of the National Register nomination and they are listed on the National Register. Therefore, they qualify as being a locally designated landmark.

Chair Ford noted that the criteria for designated sites on the Park City Historic Sites Inventory does not mention landscapes. It only mentions buildings, accessory building and/or structures. He wanted to know why the cemetery would be on the list. Ms. Blaes replied that the cemetery is made up of structures and buildings and it is considered a site under the defined term in the LMC. Chair Ford was concerned about opening up the issue to appeals on some of these sites that are not defined in the LMC as a structure. Ms. Blaes read the definition of a Site in the LMC that was adopted by the City Council, "An area, lot or piece of land where a building, main, attached, detached, public, accessory buildings and/or structures were, are, or will be located." Chair Ford asked if the definition Ms. Blaes had read was included in the criteria for designated sites. Ms. Blaes replied that it was.

Board Member Werbelow asked if any of the 46 new sites came on as landmark sites. Ms. Blaes answered no.

Chair Ford reminded the Board about the two amendments that were discussed this evening and should be included in the motion. The first was in Section 2, changing

“may” to “shall” and the other was to add language indicating that the photo or image in the inventory would rule if there is a discrepancy between the address given and the picture. Director Eddington suggested that the motion include the annexed area of Park City that includes the new mining sites.

MOTION: Board Member Martz made a motion to accept the resolution to adopt the Park City Historic Sites Inventory pursuant to the Land Management Code Section 15-11-12 with the amendments 1) to change the wording in Section 2 related to support documentation from “may” to “shall”, 2) that the annexed portion of the mining era sites be added to the Site Inventory, and 3) that in the case of discrepancies between addresses and pictures of the site, that the picture would be the site designation and not the address. Board Member Holmgren seconded the motion.

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

MOTION: Board Member Holmgren made a motion to direct the Staff to do a full survey and inventory of all Park City mining sites/structures as soon as the weather permits. Board Member Martz seconded the motion.

VOTE: The motion passed unanimously.

Ms. Blaes asked if there were specific sites the HPB wanted to identify this evening for discussion at the next meeting. It would be helpful to have specific addresses. This would allow the Staff time to compile additional information before the next meeting.

Board Member Durst asked if those sites could be conveyed to Ms. Blaes outside of this meeting. Board Member Martz was interested in discussing the property at the top of Daly, the change shop and the mine entrance to the Daly Mine. He was also interested in the entrance to the Ontario Mine at the top of Marsac. He also suggested the tram towers that go up to the Ontario Mine and come down to the Marsac Mill.

Based on the comment from Susan Coring, Chair Ford suggested that the Staff look into 1141 Park Avenue to see if the rear accessory structure is on a different property. Chair Ford asked Ms. Blaes to set a timeline for the Board members to submit their red flag sites to her for the next meeting. Ms. Blaes stated that these could come back for discussion as a work session item on February 18th. If necessary, specific sites could be scheduled on the regular agenda in March. Ms. Blaes requested that the Board Members submit their concerns to her by Wednesday, February 11th. They could either email her or communicate with Director Eddington.

The meeting adjourned at 7:50 p.m.

Approved by _____

Todd Ford, Chair
Historic Preservation Board

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

BOARD MEMBERS IN ATTENDANCE: Dave McFawn, Puggy Holmgren, David White, Alex Natt, Judy McKie

EX OFFICIO: Thomas Eddington, Kayla Sintz, Polly Samuels McLean, Patricia Abdullah

MOTION: Board Member Natt made a motion for Dave McFawn to be the Ad Hoc Chair for this meeting since Sara Werbelow was absent. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

ROLL CALL

Chair McFawn called the meeting to order at 5:11 p.m. and noted that all Board Members were present except for Sara Werbelow and Kathryn Matsumoto-Gray, who were excused.

APPROVAL OF MINUTES – March 7, 2012

MOTION: Board Member Natt moved to APPROVE the minutes of March 7, 2012. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

WORK SESSION

Discussion of May Preservation Month

Director Eddington reported that May was Historic Preservation Month and he asked if the HPB wanted to do something related to historic preservation. The Staff had discussed the idea combining forces with the Historic Society and bring in a speaker and sponsor some type of event. Another suggestion was to present the award during May. He asked if the Board had other suggestions for Historic Preservation Month that would promote public involvement with regard to Historic Preservation.

Board Member Holmgren stated that she has been listening to people comments about plants and other things going on in Park City. There was a Community Garden meeting and she was going to see if the HPB was interested in supporting a small community garden, starting with the six ugly planters on Park Avenue. Another location for historical site planting is the City property behind the former Cattleman Brand X along the Poison Creek Trail. Board Member Holmgren pointed out that many of the fruit and nut trees and the roses in Park City have gone by the wayside.

Director Eddington stated that the Staff was open to any ideas. He believes there have been missed opportunities in the past for the HPB to be involved with community relations.

Board Member McKie agreed that the planters on Park Avenue look dead. In terms of a community garden, she did not think it was a good idea to grow food close to the road. For planting flowers, she asked if Park City had a gardening association that they could partner with and combine their efforts. Board Member Holmgren was unsure if there was an actual gardening association. She clarified that she was not suggesting that they plant food in the planters on Park Avenue. She was thinking of lavender, thyme, and other perennial plants. She thought vegetables would be a good choice along the poison creek trail because there is water.

Board Member Natt stated that he was in a leadership class that started a community garden situation. The growing season is short and they had to keep moving fruits and vegetables out of garages and into the yard. He liked the idea of repopulating some portion of Park City with historical plants. Board Member Natt curious to know if the climate has changed over time that would cause impacts to plants that grew in Park City in the past. He asked if Park City has an Urban Forester or someone with that expertise to offer their opinion. Board Member Natt favored the idea of sprucing up Park Avenue.

Director Eddington stated that the Staff could work with the Maria Brandt who does Park City Plant Maintenance and primarily works on Main Street. He also suggested that they contact Alison with Summit Community Gardens for her opinion on the best plants. Board Member McKie thought Summit Community Gardens would be excited to participate in a combined effort for a community garden in Old Town.

Board Member Holmgren had counted more than 18 City properties in Old Town that would be good locations. Board Member McKie commented on a property on Upper Park. The lot is overgrown and she would be willing to contact the owner to see if they would rent it or allow it to be used for a community garden. The lot is flat enough to use growing containers.

Board Member McKie stated that she had spoken with Director Eddington about doing a luncheon in May. The preservation conference that is held by the Utah Heritage Foundation is scheduled for May 3-5. She had called the Heritage Foundation to see if they had ideas for speakers that the HPB could use if they host a luncheon. They provided her with a few names. Board Member McKie remarked that one person from Washington, DC was head of Historic Sites for the National Trust for Historic Preservation. He is speaking at the Heritage Foundation Conference and he may be available to speak at an HPB sponsored luncheon. She spoke with his assistant and Board Member McKie expected to hear back from her the next day.

Board Member McKie suggested that the HPB could hold a luncheon at the High West Distillery, since they were the award recipient last year, and the public could purchase tickets to attend. She had contacted High West Distillery and they can accommodate approximately 80 people. If they could get a minimum of 50 people the cost would be \$30 per person. A cash bar would also be available. Board Member McKie believed this was a good way to get the community excited about preservation. Director Eddington or the Board could provide the speaker with information specific to Park City that could be tied into his experience and expertise in historic preservation. Board Member Holmgren thought it was a great idea.

Director Eddington reported that he had spoken with Denise at the McPolin Farm. If the luncheon was not held at High West Distillery, another option would be to combine their efforts with Friends of the Farm and the Historical Society and hold an event at the McPolin Farm. It would be more casual event and not a fund raiser. Director Eddington pointed out that it would be a good way to reinforce the HPB relations with the Historical Society and Friends of the Farm. Board Member McKie liked the idea of using the Farm.

Chair McFawn was concerned about weather in terms of planning an outdoor event in May. He suggested that they invite the Friends of the Farm and the Historical Society to attend the event at High West Distillery to help increase the likelihood of getting 50 people. Board Member McKie was not concerned about bringing in 50 people. It would be highly publicized. She noted that it was not a fundraiser. The \$30 charge was only covering costs. Board Member McKie remarked that the Museum could also help draw people if they coordinate with them.

Director Eddington noted that they would have use of the building at the McPolin Farm so weather should not be a concern. It believed the capacity was 50-60 people.

Board Member Holmgren preferred to pay \$30 to be waited on versus a potluck at the farm. Director Eddington stated that another option would be a catered event at the Farm. Board Member McKie pointed out that it is Preservation

Month and they could do more than one event. Board Member White favored the idea of having a speaker.

Board Member McKie stated that the speaker she was trying to get was Estephan Galvez, and she provided a brief background of his qualifications. He does not charge a speaker fee, but it is customary to give the speakers \$200-\$300 for their time. If Mr. Galvez was unavailable during the time of their luncheon, she had other names to contact. Susan Cooke was another speaker who specializes in barns. Board Member McKie suggested that Ms. Cooke could speak at another event at the McPolin Barn.

Board Member McKie recalled a previous discussion about a behind the scenes tour of renovation work. They also mentioned doing a behind-the-scenes tour at Claim Jumper and making it public. She also suggested that Director Eddington could dress up in his miner costume and walk the streets of Main Street.

Director Eddington pointed out that events do not need to be limited to Historic Preservation Month. He would like the HPB to get in the habit of combining efforts with other entities throughout the year. Friends of the Farm, the Historic Society and the HPB are the three primary historic groups in Park City, and they should be doing more together.

Board Member Natt asked if the HPB had a budget independent of the City. Director Eddington replied that there was not a separate budget; however, budget money is available that could be utilized for the HPB.

Board Member Holmgren asked about a joint visioning with the Friends of the Farm and the Historic Society. Director Eddington and Board Member McKie liked that idea.

Board Member Natt stated that he would like to sponsor a barn dance in the McPolin Barn, but he understood that it was deed restricted and could not be used. Planner Sintz replied that the Barn is structurally unsafe. Director Eddington remarked that the Barn could not be used, but the Friends of the Farm are allowed 12 events per year in the area behind the barn. It cannot be rented out for personal events and; therefore, the 12 events are not used every year.

Director Eddington stated that if the HPB has other ideas on how to publicize and communicate events, they should email him or Planner Sintz with their ideas.

On the issue of planting, Board Member Natt suggested a way to educate the homeowners on which plants they should buy to make their historic structures look more historic, and which plants grow at this altitude and native plants that require low water. Planner Sintz thought it would be applicable to have a separate historic section when they rewrite the City Landscape Ordinance.

Board Member McFawn was interested in having Board Member McKie follow up with Mr. Galvez. He asked if it needed to be the first week in May. Board Member McKie replied that Mr. Galvez would only be in Utah for the Historic Foundation Conference. She understood that May 4th was the only day he would be available to speak at their luncheon. High West Distillery could accommodate the May 4th date and she was waiting to hear back from Mr. Galvez's assistant. If Mr. Galvez was not able to attend, she would contact other potential speakers. Board Member McKie asked if she could email the Board with updates or if they needed to meet to plan the luncheon.

Assistant City Attorney McLean commented on a recent case in Texas where they prosecuted an open meetings violation because someone on the City Council emailed other members of the City Council to ask to put an item on the agenda. She preferred that the HPB stay away from individual emails. Ms. McLean suggested that they use the Staff as a conduit for coordinating their event to be on the safe side.

Board Member McKie pointed out that if May 4th ends up not being a good date, they would have the rest of the month to plan something.

City Council Member Dick Peek suggested that Board Member McKie contact Sandra Morrison at the Museum. Mr. Galvez sounds familiar and he was unsure if it was the same person who did an exhibit at the Museum.

Board Member White did not believe that getting 50 people to attend would be as daunting as it sounds. Chair Pro Tem McFawn still had concerns and he hoped the rest were right about it not being a problem.

Director Eddington stated that he could work with Board Member McKie on coordinating the event. He asked if the Board wanted to form a subcommittee to plan it. He indicated the short time frame. The Board discussed the logistics and where tickets could be sold. Assistant City Attorney McLean noted that the subcommittee should be two people to do the behind the scenes work to move things along. Chair Pro Tem McFawn would be gone the week of the luncheon, but he was willing to help as much as possible. He and Judy would be the subcommittee of two, and if they find they need more help, they could use the Staff to reach out to see if anyone else was available.

Board Member McKie suggested another event at the end of the month, such as a potluck and the McPolin Farm. Chair Pro Tem McFawn favored holding an event at the Farm, and he also liked the idea of a barn dance. Director Eddington noted that a barn dance could be a summer event.

Director Eddington stated that he would work with Board Members McKie and McFawn and keep the other members updated as things progress.

The Board moved into the regular meeting.

STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

REGULAR MEETING

Chair Durst established that there was a quorum present.

MINUTES

March 16, 2010

Chair Durst referred to the second to the last paragraph on page 173 and added the word **years** to reflect that his comment was, “five or ten **years** into the future”.

Patricia Abdullah pointed out that because Dave McFawn was not present for both the March 16th and the March 17th meetings, the Board lacked a quorum to approve the minutes.

March 17, 2010

Chair Durst referred to the bottom of page 192, and corrected the word **upsizing** to read **publicizing**.

Approval of the minutes was tabled.

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Chair Durst addressed his letter to the Board and noted that a word was left out of the middle paragraph on the back page. It should have stated that he would be happy to work with anyone.

Chair Durst stated that he had prepared his letter based on his recollection of the discussion during the last meeting, prior to receiving the minutes from that meeting. He had picked out key elements from the Land Management Code that he believed the HPB was commissioned by the City to address. He came up with a number of items that should be action items for the Board to consider.

Chair Durst thanked Assistant Attorney Polly Samuels McLean for clarifying that the Historic Preservation Board is an appeal Board. However, it did not demean

his concern for design review. He believed that the best approach was not to advocate for a position on the design review team, but he wanted a discussion within the HPB regarding the design review process in an effort to possibly make a recommendation to the Planning Commission and/or the City Council.

Chair Durst stated that he had communicated with both Ken Martz and Sandra Morrison about improving the HPB liaison with the Park City Historic Society. He noted that Board Member Sara Werbelow had indicated that she would like to work on publicizing the information on historic preservation to get it out in front of the community and to work on an awards program. Chair Durst indicated that he would be happy to work with both Ken Martz and Sara Werbelow to accomplish those goals.

Chair Durst noted that the Staff report contained a notice that Planner Sintz had prepared regarding current historic preservation projects in the City. He suggested that on a Saturday, the HPB might schedule a tour with the Staff to look at those projects, especially the ones that have some merit or projects that are pending with the Planning Department or might be appealed.

Chair Durst asked Director Eddington if a tour of that nature would be possible on either a Saturday or during lunchtime on a Friday. Director Eddington replied that a tour could be scheduled at the discretion of the HPB; however, noticing would be required since they would have a quorum participating. Director Eddington assumed Chair Durst was referring to the projects outlined in the Staff report and clarified that Patricia Abdullah had pulled most of the information and prepared the document. He thanked Patricia for her work on compiling the information.

Regarding awards and presentations, Director Eddington suggested that the HPB have a Staff liaison who is committed to working with the HPB as a group or with individual Board members. He noted that Planner Sintz had expressed an interest in serving as a project planner on that item. Director Eddington stated that once a relationship is established with a planner, the Staff could look at what was being done in the Planning Department and begin to establish review criteria for who might qualify for an award.

Chair Durst suggested scheduling a tour early in May. The Board members present were not opposed to a Saturday. Director Eddington stated that the Staff would look at a number of dates for the HPB to consider. He believed that Planner Kirsten Whetstone was working with Sandra Morrison and Ken Martz to set up an on-site tour of the Historic Museum. He believed that tour was scheduled for either May 5th or May 15th. He suggested that the HPB do the tour of the Museum and schedule a tour of the projects later in May. Director Eddington pointed out that May 5th is their regular meeting, but they do not have any applications scheduled on that agenda. Therefore, the HPB would tour the Museum in lieu of their regular meeting format. Chair Durst requested that the

HPB have time to gather after the tour for an informal discussion. Director Eddington stated that once a date has been finalized he would inform the Board members and submit proper noticing for the public.

Chair Durst commented on the idea of awards and acknowledgements and articles for publicity, and asked if any of the Board members were interested in any of the five items listed in his letter.

Board Member Opalek stated that he was interested in Item 5, to identify and solicit resources with regards to incentives. He would like to help bridge a gap with the City in trying to come up with affordable housing solutions. If they can encourage people in a different financial bracket with incentives, it would get them in the door and help resolve a few of the issues.

Chair Durst stated that once they set up the various activities and initiative, he would like to have brief reports at each meeting from individuals in charge of a specific item.

Mayor Dana Williams expressed his disagreement with the idea that the HPB was politically being denied a position on the design review. He believed that some things were missed with the HPB and during the Visioning in January, the City Council committed to a visioning work session with the HPB. Mayor Williams stated that he spoke with the City Manager last week and suggested that they carrying out that commitment.

Mayor Williams remarked that several of the five points outlined by Chair Durst were interesting and he believed they could benefit by having Council support. He commented on things that were accomplished over the past few years. One was to rewrite the guidelines so the Planning Staff would have the ability to review design that supports the historic and significant inventories. It allows any planner to understand the status of each building and provides guidelines they can follow.

Mayor William stated that he did not share the idea of the HPB participating in Design Review, but he felt that the City Council owed them that discussion. He expressed a commitment to follow through and schedule that discussion. Mayor Williams stated that while he did not agree with all the points, there were some that he could support. For the purposes of clarity and establishing a relationship between the City Council and the Historic Preservation Board, Mayor Williams favored meeting sooner rather than later, and suggested finding a mutually convenient date in late May. He preferred that it be a separate meeting and not part of a work session.

Chair Durst appreciated Mayor Williams' comments. He noted that he had spoken with Council Member Liza Simpson regarding this matter. Chair Durst

clarified that he had drafted his letter prior to hearing clarification from the Assistant City Attorney regarding the appeal process.

Chair Durst stated that he previously served on the HPB. He left for a period of time and recently come back on the Board. He recalled the process of establishing the design guidelines and he has a strong, but very different feeling about the Design Review Team. He works with planners every day and has a high respect for what they do. However, he believes the guidelines that the HPB might be called upon if they are appealed, are prescriptive. The majority of planners are not designers. Chair Durst commented on the problems in Salt Lake and the McMansions that were built because designers were not involved in making the decisions. Chair Durst stated that he works with the Greater Avenues Community Council and they are having this same problem. He has suggested that they implement a design review group of designers and ask the City to allow the group to review these projects. The City could refuse, however, Chair Durst believed that the process would help alleviate or mitigate the problem of design disasters. He was concerned that without a similar process in Park City, they would continue to have the situation of a mediocre designer who meets the prescriptive standards and is allowed to build structures that continue to be replicated. Chair Durst believed that Park City deserves better.

Chair Durst welcomed the opportunity to bring his arguments to a meeting with the City Council. Mayor Williams made it clear that disagreements on some of the issues would not be a lack of respect for Chair Durst's background and efforts.

Historic Projects Update

Director Eddington noted that the project updates were outlined on page 199 of the Staff report. The Staff would continue to keep this list updated as new projects come in.

Chair Durst understood that the HPB tour that was discussed would put the projects in context. Director Eddington replied that this was correct.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

1825 Three Kings Drive, Spiro Tunnel Site – Determination of Significance. (Application #PL-09-00900)

Dina Blaes stated that the Staff was recommending that the HPB designate the Silver King Consolidated Mine, specifically the Spiro Tunnel Site, to the Historic Sites Inventory as a significant site. Background information on the site was provided in the Staff report, as well as specific information about the buildings

and the structures that the HPB was being asked to consider for designation. The Staff report also contained a Staff analysis.

Ms. Blaes explained that this site was not previously considered in 2006 because the site was under significant construction at that time. In addition, the owner was considering an application to the National Trust for a Federal Rehab Tax Credit. She pointed out that the designation was denied for the tax credit application. The Staff believed the structure would not meet the qualifications, but they wanted to give the applicant the chance to make their case before the National Park Service.

Ms. Blaes stated that the structures the HPB was being asked to designate as a significant site are the saw mill building, two compressor houses, and another building that currently houses the Sundance Institute. The four structures that should also be considered are the Spiro Tunnel entrance, the water tank behind the compressor houses, the Ivers tunnel structure, and the boiler plant and coal hopper. Ms. Blaes presented slides of the site showing the buildings and structures being considered.

Ms. Blaes stated that the Staff analysis determined that the site does not meet the criteria for landmark status, but it definitely meets the criteria as a significant site. In her personal opinion, having seen mining sites in the Country, in terms of an adaptive reuse, she felt it was unfortunate that the Park Service did not look at this site. In most cases, the mining sites on the National Park Service list of National Registered sites are abandoned and mothballed. She noted that there is a lack of real attempt in the Country to rework mine sites to meet a current contemporary need. She believed the Spiro Tunnel was a successful project despite the fairly extensive encroachment of new development.

The Staff recommended that the HPB designate the Spiro Tunnel as a significant site based on the findings of fact and conclusions of law provided in the Staff report.

Chair Durst opened the public hearing.

There was no comment.

Chair Durst closed the public hearing.

MOTION: Board Member Opalek made a motion to designate the Silver King Consolidated Mine Spiro Tunnel Site at 1825 Three Kings Drive as a significant site, based on the Findings of Fact and the Conclusions of Law outlined in the Staff report. Board Member White seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1825 Three Kings Drive - Spiro Tunnel Site

1. The remaining buildings and structures that make up the Silver King Consolidated Mine Spiro Tunnel Site are located in the Residential Development (RD) District and in a Master Planned Development (MPD) area.
2. The Silver King Consolidated Mine Spiro Tunnel is located at 1825 Three Kings Drive.
3. The Sawmill building was constructed between 1916 and 1929 during the active mining era in Park City (1869-1929) as evidenced by newspaper reports of the property being purchased by the mine company in 1915 and by the subsequent appearance of the building on the 1929 Sanborn Insurance Map.
4. The Sawmill building reflects one of the typical construction methods and forms used for industrial buildings constructed in the early twentieth century and it contributes to the importance of the site.
5. The Compressor House A was constructed in 1929 at the end of the active mining era in Park City (1869-1929) as evidenced by the description of the building from the Park Record (October 23, 1931), noting that construction occurred in November 1929. The building appears on the 1929 Sanborn Insurance map.
6. The Compressor House A reflects one of the typical construction methods and forms used for industrial buildings constructed in the early twentieth century and it contributes to the importance of the site.
7. The Compressor House B was constructed in 1929 at the end of the active mining era in Park City (1869-1929) that dates the building to that year. The building appears on the 1929 Sanborn Insurance map.
8. The Compressor House B reflects one of the typical construction methods and forms used for industrial buildings constructed in the early twentieth century and it contributes to the importance of the site.
9. The Spiro Tunnel Portal structure was started in 1916 and was modified as the tunnel and site were developed. The 1929 Sanborn map reflects an extensive covered tramway that projected from the tunnel entrance to the Sawmill building. This structure is not extant.
10. The Spiro Tunnel Portal structure reflects the typical construction method used in the early twentieth century for this type of industrial structure. The structure was modified with adjacent retaining walls in 2006, but the alterations serve to stabilize the surrounding hill and physically broaden access to the tunnel and are not incompatible with the older elements of the structure. The structure contributes to the importance of the site.
11. The Ivers Tunnel Portal structure was constructed between 1929 and 1940 as evidenced by the 1929 and 1940 Sanborn Insurance maps.
12. The Ivers Tunnel Portal structure reflects the typical construction method used in the early twentieth century for this type of simple industrial structure. The structure contributes to the importance of the site.

13. The Heating Plant was constructed prior to 1929 as evidenced by the appearance of the structure on the 1929 Sanborn Insurance map.
14. The Heating Plant structure reflects the typical construction method used in the early twentieth century for this type of industrial structure. The structure contributes to the importance of the site.
15. The Water Tank was constructed prior to 1929 as evidenced by the appearance of the structure on the 1929 Sanborn Insurance map.
16. The Water Tank reflects the typical construction method used in the early twentieth century for this type of industrial structure. Mining and engineering handbooks from the mining era include illustrations of similar structures and water tanks of this type are extant at other mining-related historic sites in Park City. The Structure contributes to the importance of the site.
17. All findings from the Analysis section are incorporated herein.

Conclusions of Law – 1825 Three Kings Drive – Spiro Tunnel Site

1. The remaining three buildings and four structures that make up the Silver King Consolidated Mine Spiro Tunnel Site are at least fifty (50) years old.
2. The remaining three buildings and four structures that make up the Silver King Consolidated Mine Spiro Tunnel Site retain the physical characteristics that identify them as existing in or relating to the mining era.
3. The remaining three buildings and four structures that make up the Silver King Consolidated Mine Spiro Tunnel Site are important in local or regional history, architecture, engineering or culture associated with an era of Historic importance to the community (the active mining era) and the lives of Persons who were of Historic importance to the community.
4. The remaining three buildings and four structures that make up the Silver King Consolidated Mine Spiro Tunnel Site meet the criteria set forth in Title 15-11-10(A)(2) and therefore the site is a significant site pursuant to Title 15-11-10.

1406 Park Avenue – Determination of Insignificance (Application #PL-09-00843)

Ms. Blaes noted that the Staff recommendation was to remove this from the historic sites inventory based on additional information that was not available when the site was originally designated. The Staff report contained background information highlighting that additional information.

Ms. Blaes stated that the site has undergone extensive changes and modifications and does not meet the LMC definition of a central historical form or the criteria. Based on the Staff analysis and the findings of fact and conclusions

of law, the Staff recommended that the HPB remove this site from the Historic Sites Inventory.

Chair Durst opened the public hearing.

There was no comment.

Chair Durst closed the public hearing.

MOTION: Board Member White made a motion to remove the building at 1406 Park Avenue from the Historic Site Inventory in accordance with the Findings of Fact and Conclusions of Law outlined in the Staff report. Board Member McFawn seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact -1406 Park Avenue

1. The property at 1406 Park Avenue is located in the Historic Residential-Medium Density (HRM) district.
2. The site was designated as a Significant Site by the HPB in February 2009 following analysis and a recommendation made by Staff based on information from field visits and several secondary sources.
3. Additional information pertaining to the site's compliance with the criteria for designation as a Significant Site was found after February 2009.
4. The additional information consists of the original building cards dated 1949 through 1968, which indicate a change to the pitch of the main roof of the primary façade was made after the Period of Historic Significance (1869-1929). The roof was originally built as a simple cross wing form with front gable bay and cross-gable stem wing, but was altered between 1949 and 1958 to the modified saltbox and stylized gambrel that is extant today.
5. Because of the change to the pitch of the main roof of the primary façade, the site does not retain the physical characteristics that make it identifiable as existing in or relating to an important era in the past (the active mining era).
6. All findings from the Analysis section are incorporated herein.

Conclusions of Law – 1406 Park Avenue

1. Information not previously know or considered in the designation of 1406 Park Avenue as a Significant Site was found after February 2009 when the HPB took formal action to designate the property to the Historic Sites Inventory.
2. The site at 1406 Park Avenue does not retain the physical characteristics that identify it as existing in or relating to the mining era in Park City.

3. The site at 1406 park Avenue does not comply with the criteria set forth in Title 15-11-10(A)(2) and therefore the Site is not a Significant Site pursuant to Title 15-11-10.

569 Park Avenue – Determination of Insignificance
(Application #PL-09-00846)

Dina Blaes noted that the Staff recommendation was to remove 569 Park Avenue from the Historic Sites Inventory. Background information was contained in the Staff report. Ms. Blaes clarified that this request was prompted by a comment from Sandra Morrison at the Park City Historical Society and Museum. Ms. Morrison raised the concern that the site did not meet the criteria because of extensive changes to the roof that had taken place outside of the historic period. Ms. Blaes remarked that Ms. Morrison was correct and clarified that it was an oversight on the part of the Staff. The site was not appropriately assessed based on the available information and should not have been adopted on the original HSI.

Ms. Blaes noted that the Staff had not appropriately take into consideration the tax card information, as well as earlier photographs and the progression of photographs. That information was provided in the Staff report and was used in the Staff Analysis, as well as the findings of fact and conclusions of law.

The Staff recommended that the HPB remove 569 Park Avenue from the Historic Sites Inventory based on the findings of fact and conclusions of law.

Ms. Blaes stated that although the site does not meet the framework and criteria in the Land Management Code, it was still a successful rehabilitation. Many of the bungalow elements were returned and it was unfortunate that the hip roof was not brought back.

Chair Durst opened the public hearing.

There was no comment.

Chair Durst closed the public hearing.

MOTION: Board Member McFawn made a motion to remove the structure at 569 Park Avenue from the Historic Inventory Site, in accordance with the Findings of Fact and Conclusions of Law outlined in the Staff report. Board Member Opalek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 569 Park Avenue

1. The property at 569 Park Avenue is located in the Historic Residential (HR-1) District.
2. The site was designated as a Significant Site by the HPB in February 2009 following analysis and a recommendation made by Staff based on information from field visits and several secondary sources.
3. A concern about the site's compliance with the criteria for designation as a Significant Site was raised by the Park City Historical Society and Museum to Staff after February 2009.
4. The additional information considered in making the evaluation consists of the original building cards dated 1949 through 1968, which indicate a change to the pitch of the main roof of the primary façade was made after the Period of Historic Significance (1869-1929). The roof was originally built as a hipped structure, but was altered between 1958 and 1968 to the low-pitched gable and was further modified in the 1990s to the gable-on-hip that is extant today.
5. Because of the change to the pitch of the main roof of the primary façade, the site does not retain the physical characteristics that make it identifiable as existing in or relating to an important era in the past (the active mining era).
6. All findings from the Analysis section are incorporated herein.

Conclusions of Law – 569 Park Avenue

1. Information not previously considered in the designation of 569 Park Avenue as a Significant Site was appropriately considered after February 2009 when the HPB took formal action to designate the property to the Historic Sites Inventory.
2. The site at 569 Park Avenue does not retain the physical characteristics that identify it as existing in or relating to the mining era in Park City.
3. The site at 569 Park Avenue does not comply with the criteria set forth in Title 15-11-10(A)(2) and therefore the site is not a Significant Site pursuant to Title 15-11-10.

The meeting adjourned at 5:56 p.m.

Approved by _____
Roger Durst, Chair
Historic Preservation Board

PARK CITY MUNICIPAL CORPORATION
PLANNING DEPARTMENT
445 MARSAC AVE ° PO BOX 1480
PARK CITY, UT 84060
(435) 615-5060



DETERMINATION OF SIGNIFICANCE

For Office Use Only

HISTORIC PRESERVATION BOARD

PROJECT PLANNER

APPLICATION # PL-14-02554

APPROVED _____

Anya Grahn

DATE RECEIVED 11/20/14

DENIED _____

EXPIRATION _____

PROJECT INFORMATION

NAME: 569 Park Avenue (House)

ADDRESS: 569 Park Avenue
Park City, UT 84060

TAX ID: PC-82 OR

SUBDIVISION: _____ OR

SURVEY: _____ LOT #: _____ BLOCK #: _____

APPLICANT INFORMATION

NAME: Park City Municipal Corporation—Thomas Eddington

MAILING ADDRESS: PO Box 1480
Park City, UT 84060

PHONE #: (435) 615-5008 FAX #: () -

EMAIL: thomas.eddington@parkcity.org

APPLICANT REPRESENTATIVE INFORMATION

NAME: Thomas Eddington

PHONE #: (435) 615-5008

EMAIL: thomas.edddington@parkcity.org

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

SUBMITTAL REQUIREMENTS – All of the following items must be included in order for the Planning Department to take the application.

1. Completed and signed application form.
 2. Application and review fees - \$350 per structure
 3. Four (4) photographs of the property; one of each building face
 4. Written history of the project (detailed description of the building). Including a list of previous property owners and their dates of occupancy, the date of original construction, the dates of any major renovations or remodels, and any other relevant information.
 5. A written summary, and any supporting documents, outlining the details of why the structure is or is not significant.
 6. Current title report (not older than 30 days).
-

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has reviewed the application and has notified me that it has been deemed complete.

I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review three days prior to any public hearings or public meetings. This report will be on file and available at the Planning Department in the Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization with the study.

Signature of Applicant: _____

Name of Applicant: _____

Mailing Address: _____

Phone: _____

Email: _____

Type of Application: _____

[Handwritten Signature]

THOMAS EDDINGTON JR.

PRINTED

PO Box 1480
Park City UT 84060

435-615-5008

Fax: _____

thomas.eddington@parkcity.org

DOS

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action. I further affirm that I am aware of the City policy that no application will be accepted nor work performed for properties that are tax delinquent.

Name of Owner: _____

PRINTED

Mailing Address: _____

Street Address/ Legal Description of Subject Property: _____

Signature: _____

Date: _____

1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership
4. If a Home Owner's Association is the applicant than the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CCRs.

Please note that this affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to Final Action.

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

HISTORIC SITE FORM – HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property: **House at 569 Park Avenue**

Address: 569 Park Avenue

A.K.A.:

City, County: Park City, Summit County, Utah

Tax Number: PC-82

Current Owner Name: William A. and Janet Kershaw, et. al.

Parent Parcel(s): N/A

Current Owner Address: 620 Mystic Lane, Sacramento, CA 95864

Legal Description (include acreage): LOTS 17 & 18 BLK 5 PARK CITY SURVEY [...] (see record for complete legal description)

2 STATUS/USE

Property Category

- ☒ building(s), main
- ☐ building(s), attached
- ☐ building(s), detached
- ☐ building(s), public
- ☐ building(s), accessory
- ☐ structure(s)

Evaluation*

- ☐ Landmark Site
- ☒ Significant Site
- ☐ Not Historic

Reconstruction

- Date:
- Permit #:
- ☐ Full ☐ Partial

Use

- Original Use: single dwelling
- Current Use: single dwelling

*National Register of Historic Places: ☐ eligible ☒ ineligible

☐ listed (date:)

3 DOCUMENTATION

Photos: Dates

- ☒ tax photo: c. 1941
- ☒ prints: Nov. 2014 (3)
- ☐ historic:

Drawings and Plans

- ☐ measured floor plans
- ☐ site sketch map
- ☐ Historic American Bldg. Survey
- ☐ original plans:
- ☐ other:

Research Sources (check all sources consulted, whether useful or not)

- | | |
|---|---|
| ☒ abstract of title | ☒ city/county histories |
| ☐ tax card | ☐ personal interviews |
| ☐ original building permit | ☐ Utah Hist. Research Center |
| ☐ sewer permit | ☐ USHS preservation files |
| ☒ Sanborn maps | ☐ USHS architects file |
| ☐ obituary index | ☐ LDS Family History Library |
| ☐ city directory/gazetteers | ☒ Park City Hist. Soc./Museum |
| ☒ census records | ☐ university library(ies): |
| ☐ biographical encyclopedias | ☐ other: |
| ☒ newspapers | |

Bibliographical References (books, articles, interviews, etc.). Attach copies of all research notes and materials

Carter, Thomas and Peter Goss. *Utah's Historic Architecture, 1847-1940*. Salt Lake City: Center for Architectural Studies, Graduate School of Architecture, University of Utah and Utah State Historical Society, 1988.

Hampshire, David, Martha Sonntag Bradley and Allen Roberts. *A History of Summit County*. Coalville, UT: Summit County Commission, 1998.

National Register of Historic Places. *Park City Main Street Historic District*. Park City, Utah, National Register #79002511.

Peterson, Marie Ross and Mary M. Pearson. *Echoes of Yesterday: Summit County Centennial History*. Salt Lake City: Daughters of Utah Pioneers, 1947.

Randall, Deborah Lyn. *Park City, Utah: An Architectural History of Mining Town Housing, 1869 to 1907*. Master of Arts thesis, University of Utah, 1985.

Thompson, George A., and Fraser Buck. *Treasure Mountain Home: Park City Revisited*. Salt Lake City: Dream Garden Press, 1993.

Researcher/Organization: John Ewanowski, CRSA Architecture Date: Nov. 2014

4 ARCHITECTURAL DESCRIPTION AND INTEGRITY*Building Type and/or Style:* bungalow type, Victorian Eclectic style*No. Stories:* 1*Additions:* ☒ none ☐ minor ☐ major (describe below) *Alterations:* ☐ none ☐ minor ☒ major (describe below)*Number of associated outbuilding and/or structures:* ☐ accessory building(s), # 0; ☐ structure(s), # 0.*General Condition of Exterior Materials:*☒ Good: Well-maintained with no serious problems apparent☐ Fair: Some problems are apparent. *Describe the problems:*☐ Poor: Major problems are apparent and constitute and imminent threat. *Describe the problems:*☐ Uninhabitable/Ruin*Materials:*

Foundation: concrete

Walls: clapboard siding

Roof: wood shingles

Windows/Doors: slider windows (typical) and glazed wood front door with wooden trim.

Essential Historical Form: ☒ retains ☐ does not retain*Location:* ☒ original location ☐ moved (date: , original location:)

Design: This bungalow is rectangular in plan, with a full width front porch and central entrance. The roof structure has been modified from a hipped type to include a gable on the front (east) elevation, a renovation that occurred after a tax photograph taken in the early 1940s. The front porch is made of wood and contains some Victorian-inspired details. Slider windows have been installed to replace the original windows, which were presumably double-hung type.

Setting: Set in Old Town Park City, one block west of historic Main Street. With narrow lots and streets, the neighborhood is relatively dense for single-family zoning. The house is set on a double-wide lot, which is approximately 50'x75'. Many of the surrounding houses are historic.

Workmanship: Was constructed of less common materials than surrounding Victorian residences, including clapboard siding, wood roof shingles, and slider windows, although these materials were also used to a small degree in Park City. Drop wood siding, asphalt shingles, and double-hung windows were more common. Some of the wood trim accents on the front façade suggest the Victorian style, but these were added after the 1940s tax photo and are not original.

Feeling: Retains historic feel through material usage and details, although the original appearance has been altered somewhat. Bungalows were not as common in Park City as rectangular cabins, T-cabins, and pyramid houses, but that has the feel of a historic sample of that type.

Association: The "Mature Mining Era" in Park City, during which the local mines were still producing a large share of the country's silver supply. A decline in silver prices through the 1920s was caused by increased production amidst decreased demand. This drop in prices caught up to Park City mines in the 1930s, which caused a local decline in the industry and an economic downturn, along with the Great Depression. Samuel B. and Alice

Deighton Dunn purchased the property in 1917, immediately taking out an \$800.00 mortgage, suggesting a possible date of construction.¹

5 SIGNIFICANCE

Architect: ☒ not known ☐ known: (source:)

Date of Construction: c. 1917

Builder: ☒ not known ☐ known: (source:)

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- ☐ Settlement and Mining Boom Era (1868-1893)
- ☒ Mature Mining Era (1894-1930)
- ☐ Mining Decline and Emergence of Recreation Industry (1931-1962)

Description of historic era: By the 1890s, Park City was a *bona fide* mining town, with a railroad station, post office, fire department, and growing school system. While individuals lost and gained jobs based on fluctuating silver prices, the mining industry was relatively stable in Park City through the 1920s. The Great Fire of 1898 proved the strength of the town: while Main Street was almost completely levelled and sustained over \$1,000,000 in damages, most of the buildings were rebuilt by 1900. Unlike other fire ravaged western mining towns, which often went permanently bust over similar blazes, the demand for Park City silver caused a rapid rebuilding of the business district. Park City survived the Spanish Flu Epidemic, World War I, and Prohibition mostly unscathed, boasting over 4,000 residents in the 1930 United States Census.

- ### 2. Persons: Thomas and Matilda Stringer (purchased 1899) and Samuel B. and Alice Deighton Dunn (purchased 1917)

- ### 3. Architecture: N/A

6 PHOTOS

Photographs on the following pages (taken by the researcher, unless noted otherwise):

Photo No. 1: Northeast oblique. Camera facing southwest. November 2014.

Photo No. 2: East elevation. Camera facing west. November 2014.

Photo No. 3: Southeast oblique. Camera facing northwest. November 2014.

Photo No. 4: Southeast oblique. Camera facing northwest. Tax photo, c. 1941. (Summit County)

¹ From title abstracts in the Summit County Recorder's Office, Coalville, UT.

Photo No. 1: Northeast oblique. Camera facing southwest. November 2014.



Photo No. 2: East elevation. Camera facing west. November 2014.

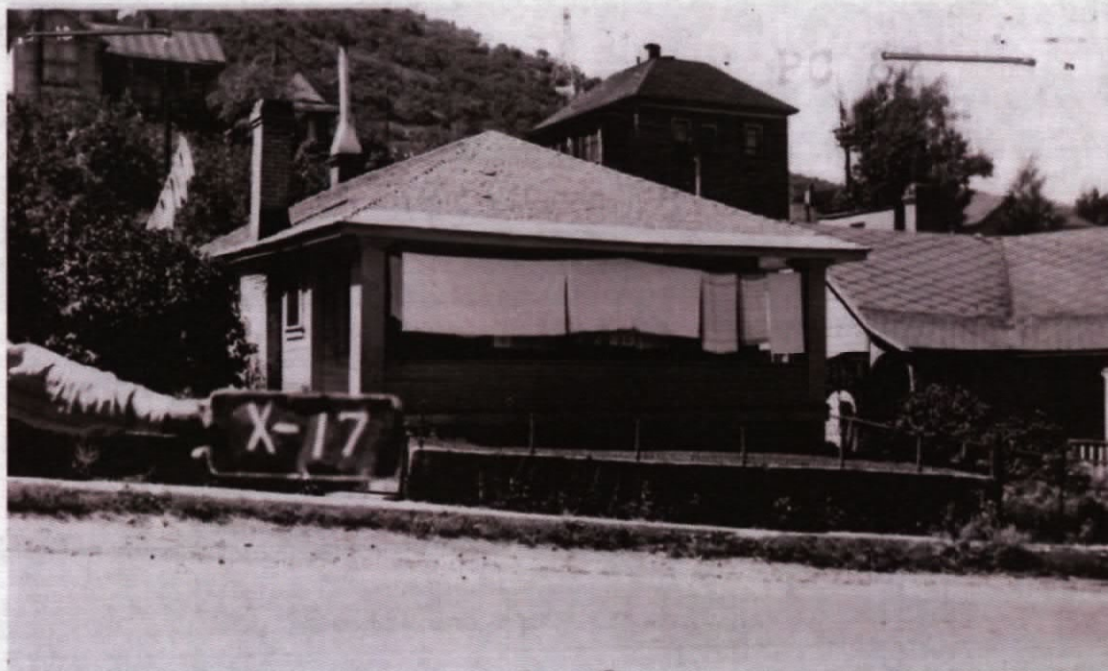


569 Park Avenue, Park City, Utah (5/5)

Photo No. 3: Southeast oblique. Camera facing northwest. November 2014.

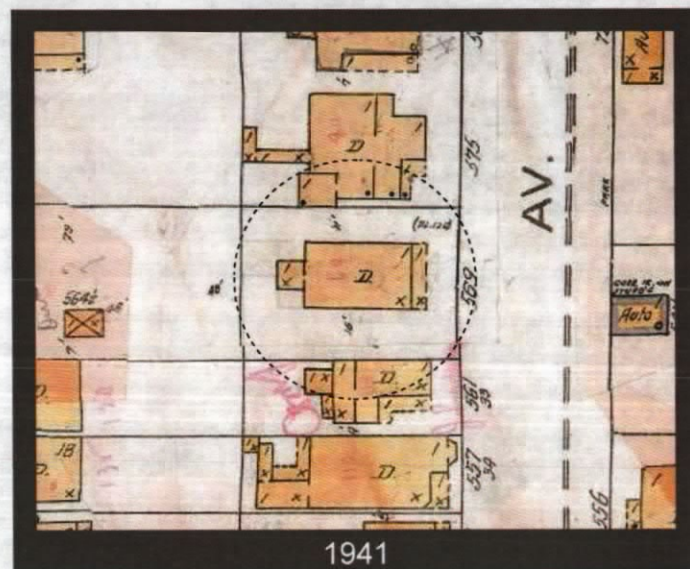
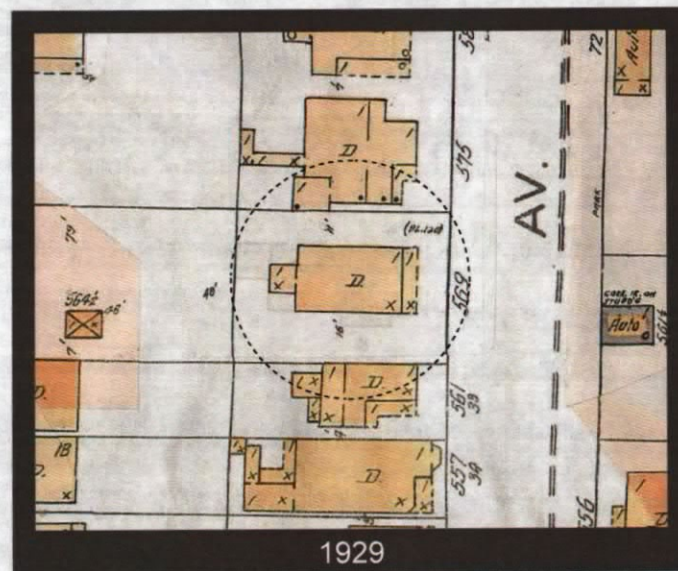
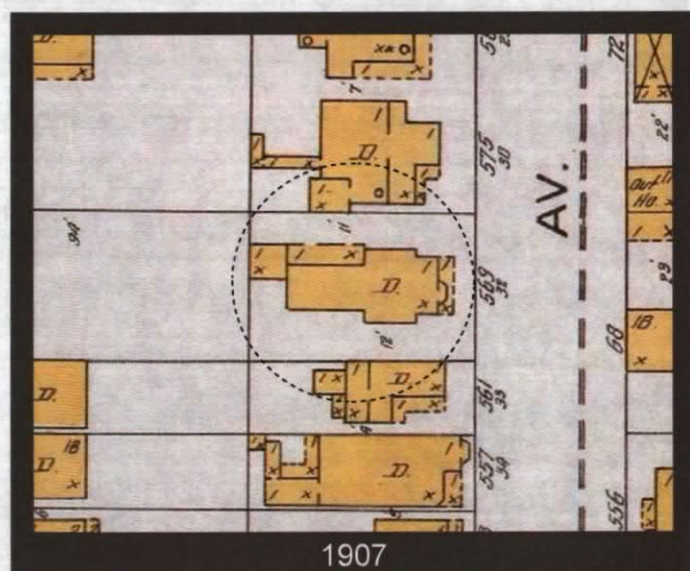
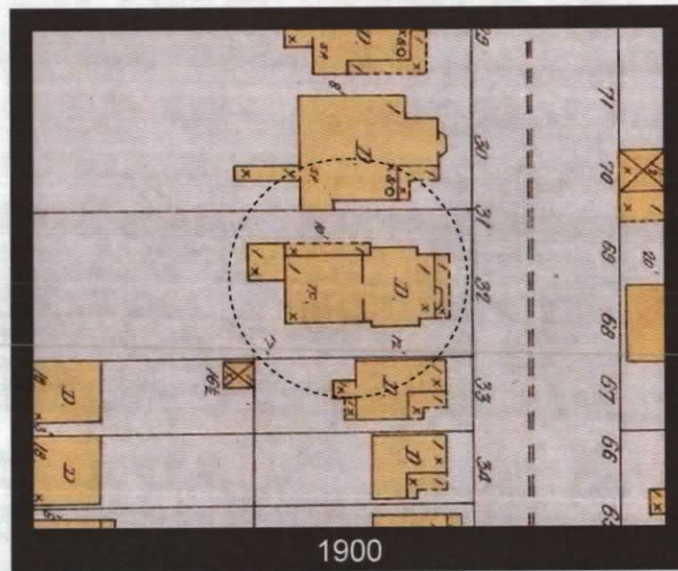
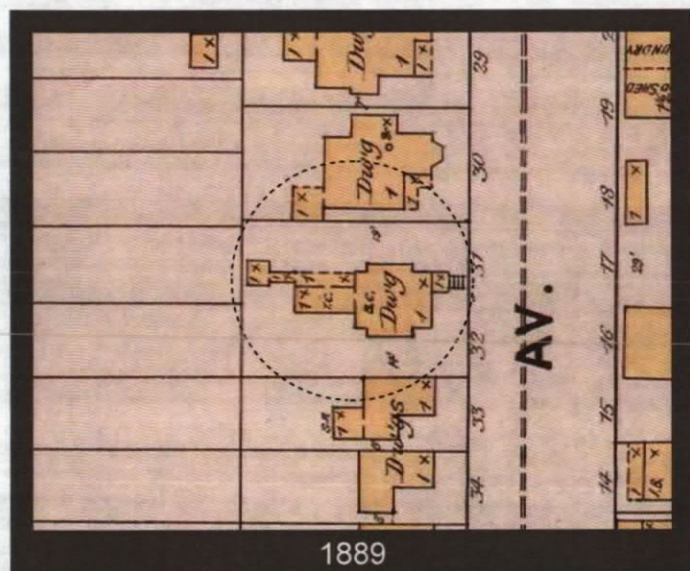


Photo No. 4: Southeast oblique. Camera facing northwest. Tax photo, c. 1941. (Summit County)



569 Park Avenue

Sanborn Map History



EVALUATION FOR HISTORIC POTENTIAL FILES

(enter date in blanks)

_____ Preliminary evaluation made

_____ Encoded

2/27/86 Added to county list

_____ Added to yearly record

SIGNIFICANCE TYPE:

- ☐ Associated Historic Person
- ☐ Associated Historic Event
- ☐ Associated Historic Theme
- ☐ Sig. Builder/Architect
- ☐ Other Reason for Significance

- ☐ Significant Style
- ☐ Significant Plan/Type
- ☐ Significant Construction Type
- ☐ Significant Material Type
- ☐ Archeology

ALTERED:

- ☐ None
- ☐ Major
- ☐ Reconstructed
- ☐ Unknown
- ☐ Minor
- ☐ Demolished
- ☐ Excavated

CONDITION:

- ☐ Excellent
- ☐ Fair
- ☐ Deteriorated
- ☐ Site
- ☐ Good
- ☐ Demolished
- ☐ Ruins
- ☐ Unknown

EVALUATION:

- (A) - Significant
- (B) - Contributory
- ☐ Out of Period
- ☐ Non-contributory
- ☐ No Evaluation

COMMENTS

(include any relevant information to explain evaluation)

Evaluator: _____

Date: _____

Researcher: Philip F. Notarianni
Date: August, 1978

Site No. SU-10-144

Utah State Historical Society
Historic Preservation Research Office
Structure/Site Information Form

1
IDENTIFICATION

Street Address: 569 Park Ave.

Plat PC Bl. 5 Lot 17-18

Name of Structure:

T. R. S.

Present Owner: Donald R. Neil et. al.

UTM:

Owner Address: P.O. Box Park City Utah 84060

Tax #: PC-82

2
AGE/CONDITION/USE

Original Owner:

Construction Date: @1923 Demolition Date:

Original Use: residential

Present Use:

Occupants:

- ☒ Single-Family
☐ Multi-Family
☐ Public
☐ Commercial

- ☐ Park
☐ Industrial
☐ Agricultural

- ☐ Vacant
☐ Religious
☐ Other

Building Condition:

- ☐ Excellent
☒ Good
☐ Deteriorated

- ☐ Site
☐ Ruins

Integrity:

- ☐ Unaltered
☐ Minor Alterations
☒ Major Alterations

3
STATUS

Preliminary Evaluation:

- ☐ Significant
☐ Contributory
☒ Not Contributory
☐ Intrusion

Final Register Status:

- ☐ National Landmark ☐ District
☐ National Register ☐ Multi-Resource
☐ State Register ☐ Thematic

4
DOCUMENTATION

Photography:

Date of Slides: 11/77

Date of Photographs:

Views: Front ☒ Side ☐ Rear ☐ Other ☐

Views: Front ☐ Side ☐ Rear ☐ Other ☐

Research Sources:

- ☐ Abstract of Title
☒ Plat Records
☒ Plat Map
☒ Tax Card & Photo
☐ Building Permit
☐ Sewer Permit
☒ Sanborn Maps

- ☐ City Directories
☐ Biographical Encyclopedias
☐ Obituary Index
☐ County & City Histories
☐ Personal Interviews
☐ Newspapers
☐ Utah State Historical Society Library

- ☐ LDS Church Archives
☐ LDS Genealogical Society
☐ U of U Library
☐ BYU Library
☐ USU Library
☐ SLC Library
☐ Other

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Summit County Recorder and Assessor Records, Summit County Courthouse, Coalville, Utah.
Sanborn Map, Park City, Utah, 1907.

Architect/Builder: unknown

originally a residential

Building Materials: wood

Building Type/Style:

bungalow.

Description of physical appearance & significant architectural features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

Presently, a one-story frame with a gable roof, and aluminum siding. Tax photos indicate a "major" alteration, ~~since~~ the structure originally appeared as a frame bungalow with hip roof.

Statement of Historical Significance:

- ☐ Aboriginal Americans
- ☐ Agriculture
- ☐ Architecture
- ☐ The Arts
- ☐ Commerce

- ☐ Communication
- ☐ Conservation
- ☐ Education
- ☐ Exploration/Settlement
- ☐ Industry

- ☐ Military
- ☐ Mining
- ☐ Minority Groups
- ☐ Political
- ☐ Recreation

- ☐ Religion
- ☐ Science
- ☐ Socio-Humanitarian
- ☐ Transportation

Names associated with the structure:

1. Thomas M. Stringer.
2. Issac L. Osborne.
3. 1919- mortgaged from Alice E. Deighton to Samuel B. Dunn.
4. 1924, Herman Hethke.

Researcher: Philip F. Notarianni
Date: August, 1978

Site No. SU-10-144

Utah State Historical Society
Historic Preservation Research Office
Structure/Site Information Form

1
IDENTIFICATION

Street Address: 569 Park Ave.

Plat PC Bl. 5 Lot 17-18

Name of Structure:

T. R. S.

Present Owner: Donald R. Neil, et.al.

UTM:

Owner Address: P.O. Box, Park City, Utah 84060

Tax #: PC-82

2
AGE/CONDITION/USE

Original Owner:

Construction Date: @1923

Demolition Date:

Original Use: residential

Present Use:

Occupants:

- ☒ Single-Family
☐ Multi-Family
☐ Public
☐ Commercial

- ☐ Park
☐ Industrial
☐ Agricultural

- ☐ Vacant
☐ Religious
☐ Other

Building Condition:

- ☐ Excellent
☒ Good
☐ Deteriorated

- ☐ Site
☐ Ruins

Integrity:

- ☐ Unaltered
☐ Minor Alterations
☒ Major Alterations

completely changed

3
STATUS

Preliminary Evaluation:

- ☐ Significant
☐ Contributory
☒ Not Contributory (see description)
☐ Intrusion

Final Register Status:

- ☐ National Landmark ☐ District
☐ National Register ☐ Multi-Resource
☐ State Register ☐ Thematic

4
DOCUMENTATION

Photography: 11/77

Date of Slides:

Views: Front ☒ Side ☐ Rear ☐ Other ☐

Date of Photographs:

Views: Front ☐ Side ☐ Rear ☐ Other ☐

Research Sources:

- ☐ Abstract of Title
☒ Plat Records
☒ Plat Map
☒ Tax Card & Photo
☐ Building Permit
☐ Sewer Permit
☒ Sanborn Maps

- ☐ City Directories
☐ Biographical Encyclopedias
☐ Obituary Index
☐ County & City Histories
☐ Personal Interviews
☐ Newspapers
☐ Utah State Historical Society Library

- ☐ LDS Church Archives
☐ LDS Genealogical Society
☐ U of U Library
☐ BYU Library
☐ USU Library
☐ SLC Library
☐ Other

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Summit County Recorder and Assessor Records, Summit County Courthouse, Coalville, Utah.
Sanborn Map, Park City, Utah 1907.

Architect/Builder: unknown

Building Materials: wood

Building Type/Style: originally a residential

Description of physical appearance & significant architectural features: bungalow.
(Include additions, alterations, ancillary structures, and landscaping if applicable)

Presently, a one story frame with a gable roof, and aluminum siding. Tax photographs indicate a "major" alteration, since the structure originally appeared as a frame bungalow with a hip roof.

Statement of Historical Significance:

- | | | | |
|---|---|--|---|
| ☐ Aboriginal Americans | ☐ Communication | ☐ Military | ☐ Religion |
| ☐ Agriculture | ☐ Conservation | ☐ Mining | ☐ Science |
| ☐ Architecture | ☐ Education | ☐ Minority Groups | ☐ Socio-Humanitarian |
| ☐ The Arts | ☐ Exploration/Settlement | ☐ Political | ☐ Transportation |
| ☐ Commerce | ☐ Industry | ☐ Recreation | |

Names associated with the structure:

1. Thomas M. Stringer.
2. Issac L. Osborne.
3. 1919-mortgaged from Alice E. Deighton to Samuel B. Dunn.
4. 1924, Herman Hethke.

Memo to the File

Application #: PL-14-02554
Subject: 569 Park Avenue
Author: Anya Grahn, Planner
Date: January 28, 2015
Type of Item: Determination of Significance



As part of CRSA's Intensive Level Survey, staff collaborated with the Park City Museum to identify those structures that had not been included in the 2009 reconnaissance level survey. 569 Park Avenue was included in this list of structures. CRSA completed a draft Historic Site Form with their recommendation that the structure be designated as "Significant" on Park City's Historic Sites Inventory.

Upon further investigation, staff discovered that the property had been removed from the Historic Sites Inventory in 2010. As the Historic Preservation Board cannot reverse prior decisions, staff found that it was not appropriate to complete a Determination of Significance on this particular property.

DEPARTMENT OF BUILDING SAFETY

Park City Municipal

445 Marsac Ave.

Park City UTAH 84060

Office: 435- 615-5100

Inspection Line: 435- 615-5103

Received:

9/2/15

Building Permit Number:

BD-15- 21710

BUILDING PERMIT APPLICATION

Property Address: 569 PARK AVE
Property Owner: BILL KERSHAW Phone: 916-803-4500

Mailing Address: (If different than property address)

Address: _____

City: _____ State: _____ Zip: _____

Contractor: PJ BUILDERS INC.Phone: 435-649-7345 State License #: 339197-5501

Business Lic. # (handyman): _____

Architect: JON DEGRAYPhone: 649-7263 State License #: _____

Email address (for corrections): _____

Description or purpose of work:

DEMO HOUSEValuation of Work \$ 10,000Exclude mech/elec/plumb value
separate permits required

Sq. feet _____ BTU'S _____ AMPS _____

SIGNATURE OF UNDERSTANDING AND

I hereby certify that the setback distances proposed by this permit application conform to the setback distances, rules or regulations of Park City Municipal Corporation or covenants, conditions and restrictions shown, and allegations made are accurate; that I have read and understand the application and that I assume full responsibility for compliance with the State of Utah Building Code and Land Use Ordinance and all other applicable Ordinances, for work under this permit. Plans Subject to Field Inspection

SIGNED _____

PRINTED PEPE OLSON

DEPARTMENT USE ONLY

PLANNING COMMENTS:

Reviewer and Date: A.G. DENIED

ENGINEERING COMMENTS:

Reviewer and Date: _____

ENVIRONMENTAL COMMENTS:

Reviewer and Date: n/a

BUILDING COMMENTS:

Reviewer and Date: 9/15 - routed w/o approval 9/2

OTC INFORMATION

CE's ☐ N/A ☐ 2X Fee: _____
SOILS ☐ NO ☐ YES
HOA ☐ N/A ☐ RECEIVED
CONDO/SUBDIVISION: _____
GIVEN HANDOUT ☐

Manager's Report

Subject: 569 Park Avenue
Author: Anya Grahn, Historic Preservation Planner
Date: August 6, 2015
Type of Item: Administrative – Historic Status

Staff recently received communication regarding the property located at 569 Park Avenue, from both members of the public, representatives of the Park City Historic Society & Museum, and the property owner regarding its future and potential development. As a result, staff put together the following summary and is prepared to answer any questions Council may have.

Acronyms

Historic Preservation Board	HPB
Land Management Code	LMC
Historic Sites Inventory	HSI
Historic Residential District	HR-1
Historic District Design Review	HDDR

Executive Summary

The buildings and structures that contribute to our historic neighborhoods are of high importance to the City. The Interim Planning Director has carefully reviewed the Staff Report (following), the comments of the 2010 historic preservation planning team, and input from other departments. In addition, Planning Department staff visited the site for further review on July 28, 2015. After this review, we conclude the following:

- In 2010, the Historic Preservation Board made a determination, in accordance with the Land Management Code, that due to the changes of the building from c. 1923 to 1995, the home at 569 Park Avenue did not meet code requirements for a Significant designation due to change in roof form.
 - Staff is reviewing a challenge that the 2010 meeting was noticed incorrectly.
- 569 Park is located in the HR-1 district and plays an important role in achieving the stated goals of the zone. The house size, orientation on the lot, and location between two Significant homes adds to the need for careful review of any potential future changes at this location.
- The integrity of the National Register of Historic Places designation and the equal integrity of our Landmark and Significant Historic sites are also important in meeting the goals of the HR-1 zone. Structures that compromise the formal designations for Historic reduce the integrity of the determination process.
- Initially, a cross-wing house was built on this site prior to 1889; however, a bungalow replaced this house c. 1923. Porch and wall extensions, as well as

changes in the roof from hip to gable-form, occurred several times between 1907 and 1995. In total, the records indicate at least three modifications to the front of the home since its construction in c. 1923, including the change from a hip roof to gable between 1957 and 1968, which was outside of the period of historical significance.

- The Historic District grant funds issued in 1988 were for a reroof, replacing trim, and a stone walkway. While we are still searching for records from this time period, grant eligibility was likely determined by different criteria- either by zone or extended to properties listed as "contributory" on the original 1978 Utah State Historical Society Historic Preservation Research Office Structure/Site Information Forms, which served as the initial survey for the Mining Boom Era Residences Thematic National Register District nomination in 1984. The City did not restrict demolition of residential structures until the early 1990s, and without an HSI, both design regulations and grant eligibility were typically applications of the zoning district, 1978 Survey, and/or the over 50 years old rule unless the property owner went through a Determination of Significance hearing.
- The home was listed in the 2009 Historic Sites Inventory as "Significant". In 2010, the integrity of the list was reviewed and was one of several buildings removed from the list by the Historic Preservation Board in accordance with the Land Management Code, recommendations from the Planning Department, and the City's preservation consultant. As part of the on-going Intensive Level Survey, the home was preliminarily recommended for "Significant" listing, but the Consultant subsequently changed her recommendation after a review of the property history and HPB decision with staff. The consultant has acknowledged the errors and concurs that the building is not eligible for listing as Significant.
- Under the Land Management Code, the 10 day appeal period to the 2010 action by the Historic Preservation Board has expired. While information has been presented that there may be portions of the previous roof structure(s) remaining, these are inside the roof area and do not contribute to the possibility for listing the building as Significant, as they are not visible from the primary public right-of-way.
- Alternatives may exist to the potential demolition of the home. As private property, purchase of the home by a willing buyer with protections from demolition may be possible. Facade protection could be considered in the form of an easement to the City for compensation to the home owner.

At the current time, no applications have been filed with the City for demolition or new building permits other than a [voluntary] pre-application for design review of new construction.

Background

As early as 1978, the Utah State Historical Society noted on its Structural/Site Information form that this structure had suffered "major alterations" that "completely

changed" the appearance of the historic building. Built c. 1923, the bungalow-styled house replaced an early cross wing house according to Sanborn Map analysis. The 1937 tax photograph (Exhibit A) shows this typical bungalow design. Between 1957 and 1968, changes occurred to the roof form that altered it from a shallow hip-roof to a gable and partial width front porch. In 1987, then-owner Tim Lee received a \$5,000 grant from the City for re-roofing, replacing trim, and improving a stone walkway. The c.1995 renovation again altered, but did not restore, the original historic pitch and roof form. Rather, the renovation incorporated bungalow-type elements and a gable-on-hip roof form.

Because so many bungalow-type elements had been incorporated into this latest renovation of the house, Preservation Solutions mistakenly believed it was historic at the time of their reconnaissance level, or "windshield," survey in 2009. (Unlike a reconnaissance level survey, the 2013-2015 intensive level survey is much more detailed in its description of the site and its history.) The 2009 survey led to the creation of our Historic Sites Inventory (HSI), adopted in 2009, which included some 405 sites, of which, 192 met the criteria for designation as Landmark; 213 met the criteria for Significant. In 2009, the property at 569 Park Avenue was designated as "Significant."

During the following year, our notes reflect that Sandra Morrison of the Park City Historic Society & Museum, in the course of advocating for the listing of another property with an altered roof form, pointed out that changes to the roof form at 569 Park Avenue did not prevent it from being listed in 2009. This was surprising information to staff. Upon confirmation of the alteration(s), then Planning Director Thomas Eddington and our preservation consultant at the time, Dina Blaes of Preservation Solutions, requested the Historic Preservation Board (HPB) review 569 Park Avenue for a determination of significance. The HPB voted to remove the property from the inventory in April 2010 because the site no longer met criterion B, Essential Historical Form due to the roof modifications. Attached is the staff report that staff submitted to inform and support the recommended delisting (Exhibit B).

Please note current Planning staff believes the staff report in Exhibit B contains a mischaracterization of the process by which staff was made aware of the altered roof form. Staff now believes that Sandra Morrison of the Park City Historic Society & Museum did not "raise[d] the concern that the site did not meet the criteria for designation as a Significant Site because of changes that had been made to the original roof form on the primary façade", rather staff believes that Ms. Morrison was advocating for a list of another property with an altered roof form, as stated earlier in this paragraph.

Essential Historical Form, as defined by our Land Management Code (LMC), is the physical characteristics of a Structure that make it identifiable as existing in, or relating to, an important era in the past. The Essential Historical Form must be viewed from the primary public right-of-way.

The LMC also outlines in 15-11-10(A)(2)(b) those changes to physical characteristics that can result in the property being delisted from our Historic Site Inventory. They include:

- (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or
- (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or
- (iii) Moving it from its original location to a Dissimilar Location, or
- (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

Designation of Sites to the Historic Sites inventory (HSI) does not require a courtesy mailing notice, only a property posting and published notice seven (7) days prior to the Historic Preservation Board (HPB) meeting per the Land Management Code (LMC).

In our on-going efforts to update the Historic Sites Inventory (HSI), the City engaged a new Preservation consultant, CRSA, to perform an intensive level survey. CRSA reviewed this property as part of a review of the block.

Initially, CRSA found that the house contributed to the look and feel of the historic district and found that it met the criteria for "Significant," however, further analysis confirmed the 2010 findings that the house had been substantially altered. (Exhibit C).

Because the determination of this site was reviewed specifically by the HPB, pursuant to 15-1-18 APPEALS AND RECONSIDERATION PROCESS subsection (N), reconsideration may only happen prior to Final Action. Final Action is defined as "The later of the final vote or written decision on a matter." (LMC 15-15-1.101) Here, that final action occurred in 2010.

Absent of historic preservation, the site continues to contribute to the look and feel of the Historic Residential (HR-1) zoning district. The purposes of this district include preserving present land Uses and the character of the Historic residential Areas of Park City; encouraging construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods; as well as encouraging single family Development on combinations of 25' x 75' Historic Lots. Our review of any new development will include analysis of size, height, and architectural compatibility within the neighborhood to ensure that the rhythm and pattern of the streetscape is maintained. Further, any new development will go through the Historic District Design Review (HDDR) process to ensure that new construction complies with our *Design Guidelines for Historic Districts and Historic Sites*.

Exhibits

Exhibit A – Photo analysis of 569 Park Avenue

Exhibit B – HPB Staff Report dated 04.07.2010

Historic Preservation Board Staff Memo



Subject: Pending H-District Ordinance
Author: Anya Grahn
Department: Planning Department
Date: September 16, 2015
Type of Item: HPB Update

Background:

On August 6, 2015, the City Council directed the Planning Department to move forward with a pending ordinance. The purpose of the pending ordinance is to expand the Historic Sites Inventory criteria to include the following terms:

- Any structure that has received a historic grant from the City;
- Has previously been on the Historic Site Inventory or listed as significant or contributory on any recognizant or other historic survey;
- Or despite non-historic additions retain its historic scale, context, materials in a manner and degree which can reasonably be restored to historic form.

In addition, the pending ordinance is also to amend Land Management Code to include demolition permits for all structures in a Historic District to be reviewed by the Historic Preservation Board.

Ordinance No. _____

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE
HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC
PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated property (currently Historic);

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings;

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, the demolition of potentially historic buildings would permanently alter the character of a neighborhood, community and City;

WHEREAS, individual members of the Historic Preservation Board, ("HPB") the official body to review matters concerning the historical designation and design of buildings within the City, and several members of the public have requested that the Council reconsider the sufficiency of the Historic Building Inventory;

WHEREAS, the pending amendments to the Land Management Code ("LMC") and the Historic District Guidelines and any revisions to the Historic Building Inventory are expected to be completed within the next six months;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, that:

SECTION 1. AMENDMENTS. The recitals above are incorporated herein as findings of fact. The Land Management Code, Title 15 of the Municipal Code of Park City, is hereby amended as follows:

- A. Amendment to Section 15-11-10(A) (2): **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures

may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

- (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
- (b) It retains its ~~Essential~~-Historical Form, ~~meaning there are no major alterations that have destroyed the Essential Historical Form as demonstrated by any of the following: it previously received a historic grant from the City; or it has previously been listed on the Historic Site Inventory; or it was listed as Significant or Contributory on any reconnaissance or other historic survey; or despite non-historic additions it retains its historic scale, context, materials in a manner and degree which can reasonably be restored to Essential Historical Form. Major alterations that destroy the Essential Historical Form include:~~
 - (i) ~~Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or~~
 - (ii) ~~Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or~~
 - (iii) ~~Moving it from its original location to a Dissimilar Location, or~~
 - (iv) ~~Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right of Way.~~
- (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 - (i) An era of Historic importance to the community, or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
- (3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

B. New Section. The following section shall be added to Land Management

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Code Title 15, all Historic Zoning Districts Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and Chapter 11:

Final Review by Historic Preservation Board. Any application for any demolition permit as defined by the IBC, which includes reconstruction, disassembly, and panelization for demolition of any Building (main, attached, detached, or public), Accessory Building, and/or Structure in which any part of the structure was constructed before 1975 in a Historic District zone must be reviewed by the Historic Preservation Board. Nothing in this section adds any additional criteria or standards to existing Land Management Code or International Building Code sections governing the issuance of such permit. Review by the Board is limited to determination that demolition of such Building (main, attached, detached, or public), Accessory Building, and/or Structure is in conformance with applicable code. If non-compliance is determined, the application shall be remanded to the applicable authority. Planning staff shall review demolition applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.



Historic Preservation Board Staff Report

Planning Department

Author: Hannah Turpen, Planner
Anya Grahn, Historic Preservation Planner
Subject: Historic Sites Inventory
Address: 569 Park Avenue
Project Number: PL-15-02879
Date: March 2, 2016
Type of Item: Administrative – Determination of Significance

Summary Recommendation:

Staff recommends the Historic Preservation Board review the application, conduct a public hearing and approve the status of 569 Park Avenue as a Significant Site on the Park City Historic Sites Inventory.

Topic:

Project Name: 569 Park Avenue
Applicant: Park City Municipal Corporation
Owners: William A. Kershaw
Proposal: Determination of Significance

Background:

City Council adopted amendments to the Land Management Code (LMC) on December 17, 2015, to modify the criteria regarding the designation of “Significant” structures which would expand the Historic Sites Inventory (HSI) criteria to include or consider the following terms:

- Any structure that has received a historic grant from the City;
- Has previously been on the Historic Site Inventory or listed as significant or contributory on any reconnaissance or other historic survey;
- Or despite non-historic additions retain its historic scale, context, materials in a manner and degree, which can reasonably be restored to historic form.

The Planning Department identified and submitted applications for determination of significance for several properties, including 569 Park Avenue, which may qualify for local designation on the inventory under the new LMC changes.

The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, currently includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites. Since 2009, staff has reviewed Determination of Significance (DOS) applications with the HPB on a case-by-case basis in order to keep the Historic Sites Inventory (HSI) current.

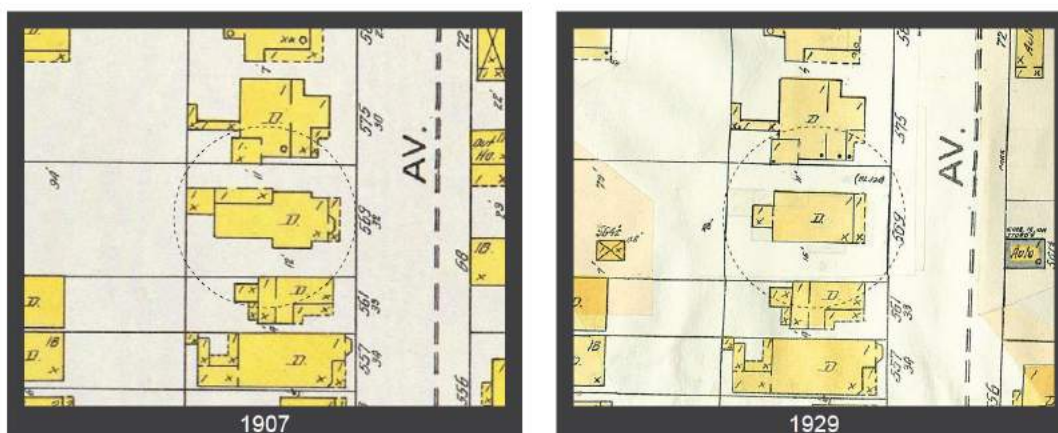
There is currently a Historic District Design Review Pre-Application (Pre-app) on file for this property, and the owner is interested in demolishing the house in order to build two (2) new houses on the site. A demolition permit is currently on file in the Building Department.

The home was listed in the 2009 Historic Sites Inventory as “Significant”; however, the Historic Preservation Board made a determination, in accordance with the Land Management Code in effect at the time, that due to the changes of the building from c. 1923 to 1995, the home at 569 Park Avenue did not meet Land Management Code (LMC) requirements for a Significant designation due to the change in roof form. The site was removed from the HSI in 2010.

In 1988, Historic District grant funds were issued for a reroof, replacing trim, and a stone walkway. While we are still searching for records from this time period, grant eligibility was likely determined by different criteria- either by zone or extended to properties listed as “contributory” on the original 1978 Utah State Historical Society Historic Preservation Research Office Structure/Site Information Forms, which served as the initial survey for the Mining Boom Era Residences Thematic National Register District nomination in 1984. The City did not restrict demolition of residential structures until the early 1990s, and without an HSI, both design regulations and grant eligibility were typically applications of the zoning district, 1978 Survey, and/or the over 50 years old rule unless the property owner went through a Determination of Significance (DOS) hearing.

History of the Structure:

Initially, a cross-wing house was built on this site prior to 1889 (and existing in 1907 according to the Sanborn Fire Insurance Map); however, a bungalow replaced this house c. 1923, according to Sanborn Fire Insurance Map analysis and the Summit County Recorder’s Office:

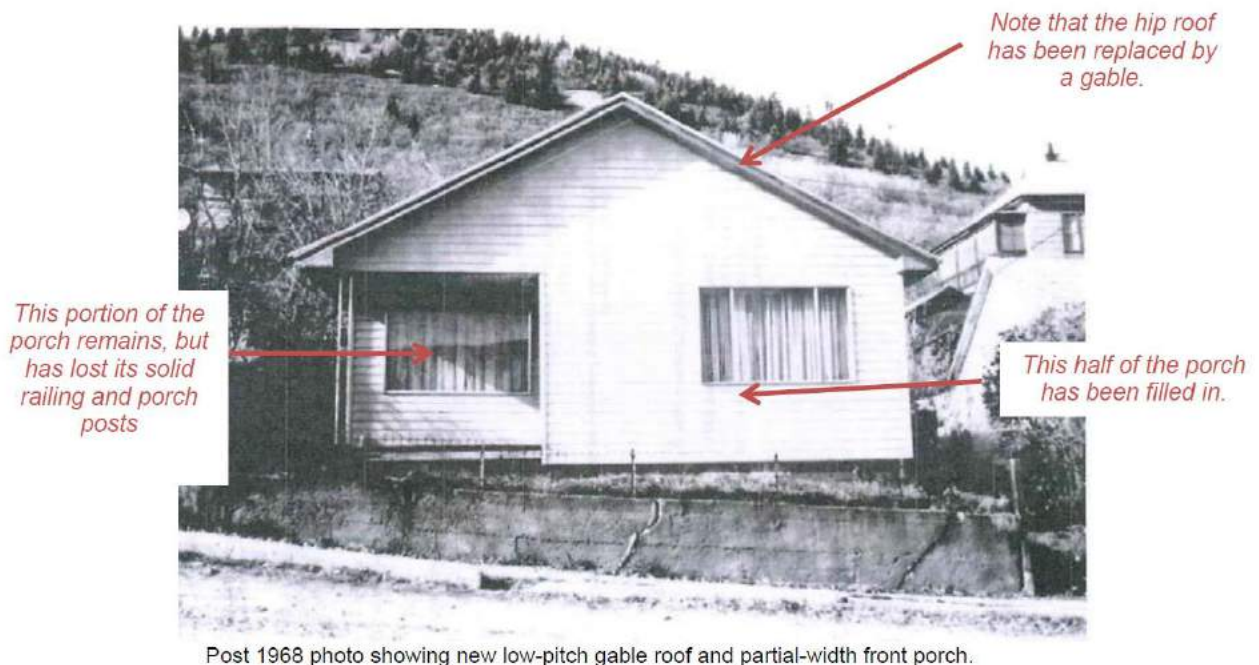


The c.1923 bungalow remains the same through the end of the Mature Mining Era (1894-1930). The c.1938 tax photo and 1941 Sanborn Fire Insurance Map depict a bungalow with a low-pitched hip roof and deep full-width front porch.



After 1941 and outside of the period of historical significance, three significant modifications occurred to the front of the home.

- Between 1957 and 1968, the roof form was modified from a hip roof to a gable. As part of this renovation, a portion of the front porch was filled in to create a partial-width recessed front porch, as seen in the photograph below:



- Between 1990 and 1995, the low-pitched gable was modified again to create the gable-on-hip form that exists today.

- Further, the pre-1968 recessed porch was filled in and a new deep, full-width porch was constructed across the front of the house. Square porch posts and a solid rail were constructed, reminiscent to the original bungalow, but not based on historic documentation.
- Though the windows are not visible in the c.1938 tax photo, it is likely that these windows were a three-part window with large center single-light fixed pane flanked by narrow casement windows, consistent with the window style seen on other bungalows. These window openings were modified to create a square window opening in the post-1968 photo and were replaced in the 1990s by vinyl slider windows.



Analysis and Discussion:

The Historic Preservation Board is authorized by Title 15-11-5(I) to review and take action on the designation of sites within the Historic Sites Inventory (HSI). The Historic Preservation Board may designate sites to the Historic Sites Inventory as a means of

providing recognition to and encouraging the preservation of historic sites in the community (LMC 15-11-10). Land Management Code Section 15-11-10(A) sets forth the criteria for designating sites to the Park City Historic Sites Inventory (HSI). The site is currently not listed on the HSI.

Staff finds that the site would not meet the criteria for Landmark designation, based on the following:

LANDMARK SITE. Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and

Complies. It is at least 50 years old. The Summit County Assessor tax file indicates a construction date of 1923 and the main building appears on the 1929 Sanborn Insurance map.

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

Does not comply. Major alterations, made outside of the period of significance (1869-1929), have destroyed the original hip-roof bungalow form. As previously noted, the records indicate at least three modifications to the front of the home since its construction in c. 1923, including the change from a hip roof to gable between 1957 and 1968, which was outside of the period of historical significance.

The house is not eligible for the National Register of Historic Places due to the cumulative changes to its design, materials, and workmanship that have severely diminished its historic integrity.

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

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

Complies. The site is associated with the Mature Mining Era (1894-1930) of Park City primarily because of its original date of construction.

In order to be included on the HSI, the Historic Preservation Board will need to determine that the building meets the criteria for Significant, as outlined below:

SIGNIFICANT SITE. Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

Complies. It is at least 50 years old. The Summit County Assessor tax file indicates a construction date of 1923 and the main building appears on the 1929 Sanborn Insurance map.

(b) It retains its Historical Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

Complies. In 1988, Historic District grant funds were issued for a reroof, replacing trim, and a stone walkway. The site was initially listed on the Historic Sites Inventory in 2009 as “Significant”, but removed in 2010 based on HPB review where they found that the alterations to the historic form had occurred between 1958 and 1995, outside of the period of historical significance.

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

Complies. The current building does not reflect the architectural style or design of the original house; however, the house is compatible with the scale, context, and materials used historically in the district. The gable-on-hip style reflects the Historical and Architectural character of the district through its design characteristics, including mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District, despite the alterations made to its façade from 1990-1995.

As noted in the analysis above, the original hip-roof bungalow form has been transformed into a front-gable-on-hip form. Staff finds that this structure could be

restored to its Historical Form if the non-historic additions to the façade and rear elevations were removed. The wall planes on the north and south elevations remain in their original location, though the length of the walls have been extended towards the east and west due to out-of-period in-line additions.

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

- (i) An era of Historic Importance to the community, or
- (ii) Lives of Persons who were of Historic importance to the community, or
- (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

Complies. The site is associated with the Mature Mining Era (1894-1930) of Park City primarily because of its original date of construction; however, changes to the primary façade that are visible from the public street were added between 1958 and 1995.

Process:

The HPB will hear testimony from the applicant and the public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment. Appeal requests shall be submitted to the Planning Department ten (10) days of the Historic Preservation Board decision. Appeals shall be considered only on the record made before the HPB and will be reviewed for correctness.

Notice:

On February 20, 2016, Legal Notice of this public hearing was published in the Park Record, according to the requirements of the Land Management Code. Staff also sent a mailing notice to the property owner and property owners within 100 feet on February 17, 2016 and posted the property on February 17, 2016.

Public Input:

A public hearing, conducted by the Historic Preservation Board, is required prior to adding sites to or removing sites from the Historic Sites Inventory. The public hearing for the recommended action was properly and legally noticed as required by the Land Management Code. No public input was received at the time of writing this report.

Prior to this DOS application, staff had heard feedback from the public regarding the significance of this house to the Historic District as a whole and its Park Avenue neighborhood in particular. These, along with public comment received by the City Council in July, are included as Exhibit C.

Alternatives:

- Conduct a public hearing to consider the DOS for **569 Park Avenue** described herein and determine whether the structure at **569 Park Avenue** meets the criteria for the designation of “Significant” to the Historic Sites Inventory according the draft findings of fact and conclusions of law, in whole or in part.
- Conduct a public hearing and find the structure at **569 Park Avenue** does not meet the criteria for the designation of “Significant” to the Historic Sites Inventory, and providing specific findings for this action.
- Continue the action to a date uncertain.

Significant Impacts:

The structure at 569 Park Avenue is not currently listed on the Historic Sites Inventory (HSI). If designated as “Significant” on the HSI, any alterations must comply with the Design Guidelines for Historic Sites; the site will be eligible for the Historic District Grant Program. Should the structure not be included, then the property will be eligible for demolition.

Consequences of *not* taking the Recommended Action:

If no action is taken, no change will occur to the designation of 569 Park Avenue because the house is not currently on the Historic Sites Inventory (HSI). The structure will be eligible for demolition.

If the Historic Preservation Board chooses to include this site on the HSI, the structure will be designated a Significant Historic site and not eligible for demolition. It will be eligible for the Historic District Grant Program.

Recommendation:

Staff recommends the Historic Preservation Board review the application, conduct a public hearing, and designate the house at 569 Park Avenue as a Significant Site on the Park City Historic Sites Inventory.

Finding of Fact:

1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
2. The house at 569 Park Avenue is within the Historic Residential (HR-1) zoning district.
3. The residential structure at 569 Park Avenue was included in the 2009 HSI; however, it was removed in April 2010 due to the modifications made to the original roof form outside of the historic period based on earlier criteria.
4. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be significant sites.
5. The house was built c. 1923 during the Mature Mining Era (1894-1930). The structure appears in the 1929 and 1941 Sanborn Fire Insurance maps. A c. 1938 tax photo of Park City also demonstrates that the original low-pitch hipped-roof bungalow form.

6. Between 1958 and 1968, the hip roof was modified to a low-pitch gable. A portion of the bungalow's full-width front porch was infilled to create a recessed, partial-width front porch.
7. Between 1990 and 1995, the roof pitch was modified once again to create a gable-on-hip roof. The partial width front porch was filled in and a new full-width porch was constructed on the façade. During this renovation, bungalow-style elements such as the square porch posts and solid rail were returned; however, these were not based on physical or photographic evidence.
8. The site meets the criteria as Significant on the City's Historic Sites Inventory.
9. Built c.1923, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
10. While the current building does not reflect the architectural style or design of the original c.1923 bungalow, the gable-on-hip form reflects the Historical and Architectural character of the district through its design characteristics, including its mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District, despite alterations made to its façade between 1990-1995.
11. The original hip-roof bungalow form could be restored to its Historical Form if the non-historic additions to the façade and rear were removed. The wall planes on the north and south elevations remain in their original location, through the length of the wall plane has been extended toward the east and west due to out-of-period in-line additions.
12. The house is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era.
13. Staff finds that the structure at 569 Park Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. In order for the site to be designated as "landmark," the structure would have to be eligible for the National Register of Historic Places and retain a high level of integrity.

Conclusions of Law:

1. The existing structure located at 569 Park Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
 - (a) *It is at least fifty (50) years old or the Site is of exceptional importance to the community; and*
Complies.
 - (b) *It retains its Historical Form as may be demonstrated but not limited by any of the following:*
 - (i) *It previously received a historic grant from the City; or*
 - (ii) *It was previously listed on the Historic Sites Inventory; or*
 - (iii) *It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or***Complies.**
 - (c) *It has one (1) or more of the following:*

- (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and*
- (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or*

Complies.

2. The existing structure located at 569 Park Avenue does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:
 - a. It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and **Complies.***
 - b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and **Does Not Comply.***
 - c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:*
 - i. An era that has made a significant contribution to the broad patterns of our history;*
 - ii. The lives of Persons significant in the history of the community, state, region, or nation; or*
 - iii. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Complies.***

Exhibits:

Exhibit A – Historic Sites Inventory Form, 2014

Exhibit B – 4.7.10 HPB Report (Minutes not available)

Exhibit C – Public Comment regarding historic significance of 569 Park

VOTE: The motion passed unanimously.

Assistant City Attorney McLean stated that the item would be re-noticed since it was not continued to a date certain.

4. 569 Park Avenue – Determination of Significance
(Application PL-15-02879)

Planner Grahm referred to the Sanborn map on page 128 of the Staff report which showed that the house was clearly a cross-wing form. However, by 1929 it was replaced by a rectangular bungalow with a full-width front porch. The Sanborn map on page 129 shows the same bungalow form still in existence. A historic tax photo shows a full-width front porch, a pyramid roof and definitely a cross-wing bungalow. Planner Grahm stated that outside of the historic period and after 1941 three significant alterations occurred to these homes. She presented a photo showing how the hip roof form was changed to a gable. Half of the full-width front porch was filled in. A portion of the porch was left but the windows were altered. Between 1990 and 1995 the roof form was changed again to a gable on a hip roof form. The recessed porch was completely filled in and they tried to re-create the look of the bungalow by adding back the full-width front porch. At that time square porch posts and a solid rail were added, which were reminiscent of the original bungalow but not based on photographic or physical evidence. Because of the way the tax photo was taken it is difficult to determine what kind of windows would have originally been on this site. Planner Grahm assumed they were either the Chicago style windows or possibly double-hung windows. However, they have been more recently placed by vinyl windows and sliders.

Planner Grahm reported that this structure was on the 2009 Historic Site Inventory. It was removed in 2010 because they found that the alterations to the roof form had occurred outside of the historic period. This house also received grant funds in 1988 for a re-roof, replacing trim and a stone walkway. Planner Grahm stated that because the City Council adopted the Land Management Code amendments that expanded the criteria for Significant, the Staff re-reviewed this property to see if it meets the designation for Significance.

Planner Turpen reported that the Staff has determined that this site does not qualify for a Landmark site because it would not be eligible for the National Register. However, the Staff finds that it meets the qualifications for a significant site because it is at least 50 years and it received a grant in 1988. Planner Turpen stated that the current building does not reflect the architectural style or design of the original house; however, the house is compatible with the scale, context and materials use historically. The gable and hip style roof reflects the historic and architectural character of the District through its design

characteristics. The original hip roof bungalow form has been transformed to a front gable on hip form, but the Staff finds that these alterations could be removed, in which case the historical form could be restored. Planner Turpen noted that the wall plans on the north and south are still in their original location despite out-of-period additions occurring to the east and west. The Staff finds that if these were removed the historic structure could be found beneath.

Planner Grahn stated that the structure meets the criteria for contributing to regional history in that it is associated with the Mature Mining Era based on its original date of construction.

Chair White opened the public hearing.

Bill Kershaw stated that he was one of the owners of 569 Park Avenue and Todd Simpson is the other owner. He and Mr. Simpson have been coming to Park City for 30 years and they started with a timeshare. As time progressed they eventually purchased the home at 569 Park Avenue in 2009 and the primary attraction was the double-wide lot. The double-wide lot was a selling point because they each have families and at the appropriate time they could split the lot and build two homes. The idea was to give their kids the opportunity to continue in this vein because they love to ski. Mr. Kershaw pointed out that when they were looking to purchase the property no one mentioned historic significance or that there was an HSI Inventory. Until recently, they were not even aware that the site has been listed in 2009 and de-listed in 2010. They have been good neighbors and the property is well-maintained. Mr. Kershaw stated that they intended to build on the lot and consulted with Jonathan DeGray in terms of what could be built. In April 2015 a house down the street was listed for sale and unbeknownst to them it triggered a flow of letters, which he only discovered today. He has been traveling and when he pulled the agenda electronically he saw the letters. Mr. Kershaw stated that neither he nor Mr. Simpson were copied on the letters nor informed that it was occurring. The neighbors were writing letters, the Staff was responding and Staff reports were being prepared. He was completely unaware until he received an email from Assistant City Attorney McLean telling him that the issue of Significance would be addressed by the City Council. At that point he discovered that their house had been listed as Significant and then de-listed as Significant. It was a major issue because it was a critical point in their long-held plans in terms of how to manage the property to accommodate their families.

Mr. Kershaw stated that they have always been concerned about the historical nature of Park City and he was frustrated that no one approached them to see if something could be worked out. Instead, there was a City Council meeting and an outpouring from the neighbors regarding 569 Park Avenue; and the Staff was directed to relook at the LMC in light of this issue to see what could be done. Mr. Kershaw noted that as the revamping started to occur the idea of a Contributor

category was raised as a catch-all for buildings that were not Significant. The Contributory category was explored and it was discussed at length by the Planning Commission. Mr. Kershaw believed that some of the comments were very telling with respect not only to Contributory, but it could be applied to the category of Significance as well. Mr. Kershaw read from the minutes of the October 14, 2015 Planning Commission meeting, "Commissioner Phillips noted that Staff reported that Contributory sites would be identified through a survey that was not yet completed." "Commissioner Joyce understood that someone interested in purchasing a historic house would know that the house was considered Contributory before buying it rather than finding out when they went to remodel or do an addition." "The 40 year issue was kind of a moving target." Mr. Kershaw stated that Contributory was not in existence when they purchased their property, but they also did not know about the Significance issue when they purchased. Mr. Kershaw continued to read from the minutes. "Commissioner Joyce thought the term Contributory was vague." Mr. Kershaw agreed that a lot of the language that has to do with Significant and Contributory is vague and ambiguous, and it is in the eyes of the beholder. "Commissioner Joyce noted that A-frames are part of the ski culture of Park City and pre-1975, but there is no interest in preserving those structure." "Director Erickson explained that ski-era buildings are Contributory in terms of mass and scale but not particularly for the design." "Commissioner Joyce was concerned about going down the path of preserving structures that were previously determined not worth saving." "Commissioner Phillips was concerned that the process left the door open for opinionate discretion." Mr. Kershaw reiterated that it is in the eyes of the beholder.

Assistant City Attorney McLean clarified that the issue for discussion this evening was not the history but rather the criteria and the historic fabric of the house. She recommended that the owner's comments pertain to what is being discussed as opposed to the intent of the use of the house or the history of the Code change.

Mr. Kershaw argued that many of his points were apropos to what the Board would determine this evening. Specifically, "Commissioner Worel concurred about the vagueness of the Contributory concept. She was bothered by the vagueness when she read the Staff report." "Commissioner Joyce thought the language rhythm and pattern of the streetscape was vague". Mr. Kershaw believed this was an issue with respect to Significant sites. "Commissioner Band was not in favor of leaving anything vague or arbitrary. The HPB review should not be a subjective process."

Mr. Kershaw reviewed the items on the agenda regarding Significant sites that he believed it was a "road map" to their concerns. He stated that the full real issues was 15-11-10(B) – It retains its historical form as may be demonstrated but not limited by any of the following: 1) It previously received a historic grant from the

City. He stated that the third paragraph on page 128 of the Staff report directly addresses the issue of the historic grant. He read, "In 1988 historic district grant funds were issued for a re-roof, replacing trim, and a stone walkway, but we are still searching for records from this time period. Grant eligibility was likely determined by a different criteria; either by zone or extended to properties listed as Contributory. On the original Utah State Historical Society Historic Preservation Research Office Structure/Site Information Forms". Mr. Kershaw stated that in looking at the referenced form, under building conditions it says major alterations completely changed. The next line says preliminary evaluation, not Contributory. Mr. Kershaw pointed out that the form finds that this particular house was not Contributory. He thought those statements were contrary to the idea that this was the justification for the historic grant that entitles it to be placed on a historic list that prohibits improvements or demolition.

Mr. Kershaw read the second point under (B): 2) it was previously listed on the Historic Sites Inventory or it was listed as Significant or on any reconnaissance or intensive level survey of historic resources. He agreed that it was listed, but it was found to be a mistake and that it should not have been listed.

Mr. Kershaw believed 15-11-10C, was the core of this issue. He read, "It has one or more of the following: It retains its historic scale, context, materials in a manner and degree which can be restored to historical form even if it has non-historic additions". Mr. Kershaw noted that the Staff conclusion is that it complies with that language because "the gable on hip style reflects the historical and architectural character of the District". Mr. Kershaw referred to the February 2010 Historic Site Form and the analysis of the Historic Site Inventory with respect to 569 Park Avenue. Under the discussion of workmanship and feeling of the property, the specific statement reads, "The gable on hip roof form was not used in Park City during the Mining Era, but rather seen in French colonial style buildings rarely from the late 19th Century, and Queen Anne style buildings, also rarely, from the early 20th Century. He believed that was directly contrary to the conclusion which states the gable on hip style reflects the historical and architectural character of the Mining Era District. Mr. Kershaw remarked that the contradictions were an issue and if he was a Board member it would bother him.

Mr. Kershaw stated that the way this has evolved, he and Mr. Simpson felt like they were being targeted by this new ordinance. He commented on the discussion resulting from an expert report commissioned by a neighbor about returning the site to its original form. Mr. Kershaw noted that if they did that they would lose a lot of space within the house. In summary, he stated that in 1978 the house was not Contributory. In 2009 it was found to be Significant. In 2010 it was found to be a mistake. Now in 2016, because of public uproar, the City wants to reverse the 2010 determination and make the structure Significant again. Mr. Kershaw wanted to know why no one had bothered to talk to him or Mr. Simpson before moving forward on this.

Chair White stated that it was one of his questions as well. He clarified that Mr. Kershaw was saying that while this activity was occurring neither he nor Mr. Simpson were ever notified. Mr. Kershaw replied that until he received an email from Ms. McLean he had no idea. He believed he received the email sometime in July. All he knew was that people were coming from everywhere to talk to him about his property. He became aware once it went to the City Council. Mr. Kershaw wanted it clear that he was not trying to be adversarial. He was only asking for the chance to work something out before they make their decision.

Board Member Stephens asked when Mr. Kershaw purchased the home. Mr. Kershaw replied that they closed on the house in May 2009; however, they started looking at the house and talking with the owners in January and February 2009.

Graham Gilbert, representing Todd Simpson and his wife Lila, co-owners of 569 Park Avenue. Mr. Gilbert passed out a packet and CD that contained various documents related to 569 Park Avenue. Mr. Gilbert raised a few points that he thought were very important to the decision the HPB would be making, particularly since it would be a significant decision for his clients, the property owners. Mr. Gilbert referred to page 130 of the Staff report and called out a few things that had changed. There has been a lot of talk about the roof and he believed Mr. Kershaw had made a good point that it was hip on gable, which is not typical of the Mature Mining Era. Mr. Gilbert commented on the porch and noted that it was not the original porch. The existing porch is several feet in front of the original porch. It is styled to look like a bungalow but it does not look like the original porch on the home. He stated that a chimney has been removed, a window on the south façade has been covered over, and there are vinyl windows on the front of the home and some vinyl siding. Mr. Gilbert remarked that the existing home is not the historic home and it was not restored to look like the historic home. The home has gone through several changes over time that make it less and less historic. Mr. Gilbert referred to the expert report in the Staff report that was prepared by Mr. Winter. He believed the report makes the inaccurate conclusion that the existing porch is the original porch. It is not the original porch and as Mr. Kershaw pointed out, to restore the original porch would mean taking away half the kitchen, eliminating the roof. It would require substantial work. Mr. Gilbert remarked that there were four criteria that the HPB needed to consider in making their decision; and they have to find that each of those criteria has been satisfied with respect to this property. Mr. Gilbert spoke specifically about the historic grant from 1988 that Mr. Lee received. He stated that the historic grant program has evolved over time and in 1988 the criteria applied to this grant were unclear. They do not know what was required to qualify for the grant, what conditions were placed on the grant, and there was no restrictive covenant associated with the grant or future restrictions on development. Mr. Gilbert pointed out that the grant was for a re-roof. It was not to restore the historical

character of the home. He also pointed out that after the grant was received, the home was modified again to create the hip on gable roof which is not historic. Mr. Gilbert noted that Mr. Kershaw had already talked about historical form, as well as the previous listing and how it was deemed inaccurate. The important point is that the house did not retain its historical form with respect to the roof, the porch, the chimney, the windows, the siding and other alterations. Mr. Gilbert thought Mr. Kershaw had done a good job of addressing the compatibility issue. He referred to Subpart D with respect to whether or not this qualifies as a significant site. The questions to be considered in making their decision are: 1) the association of the home within an era of historic importance; 2) The materials construction or craftsmanship of the home. Mr. Gilbert stated that the relevant historic period would be the Mature Mining Era, and this home is not reflective of the Mature Mining Era due to the significant changes. Similarly, the vinyl siding and vinyl windows are not reflective of the materials and craftsmanship during that period. Mr. Gilbert stated that to list this home as Significant would be taking a home that is clearly not significant in its architecture, and going through contortions to try and make it significant. He stated that if they care about Park Avenue and how it looks, the way to preserve it is not to list 569 Park Avenue and to allow the owners to apply for the Historic District Design Review Process and comply with the Historic District Design Guidelines. The owners care a lot about Park City and how it looks and they want to build a home that will be consistent with that look.

Wade Budge, legal counsel for Bill Kershaw, stated that he would not repeat the points that have already been argued. However, he wanted to highlight other points that he thought were important as the HPB considers this application. Mr. Budge thought the ordinance needed to be applied in a practical context as well as a legal context. One of the important aims and purposes of the City is to make sure that the historic feel of this area in Old Town is preserved. Mr. Budge stated that Park City was able to prepare the ordinance because the State has delegated authority to the City because that power has been used in a thoughtful way. Mr. Budge remarked that the delegation from the State of Utah is very narrow. It is found in two sections: Title 10-8-85.9 and also in LUDMA. Both of those sections talk about representing property rights at every step of the way. Mr. Budge agreed that it was very important that historic preservation continue in Park City because it is an important feature of this community. However, it needs to be applied in a way that stays true to the principles and the delegation of the power and authority. Mr. Budge stated that if this application that was submitted by the City is approved, they would be running afoul of the legal standards that exist in the delegation primarily due to the fact that they were dealing with a home that is not historic. Mr. Budge reiterated all the reasons why they believe it is not historic. He remarked that another component is that when they look at the criteria in the new ordinance they have to make sure it is applied in a legal way. If the Staff recommendation is that because this home received a grant in 1988 it is eligible to be declared Significant and if that interpretation is

applied in this case, it would result in a legal effect on the owners because there was no restriction on demolition in 1988. A recipient of the grant money would not be able to expect that if they received that money they would be surrendering a significant property right to later make sure of the two lots on which this home is located. Mr. Budge commented on retroactive effect. He thought the ordinance as amended could be applied to anyone who accepts a grant moving forward, and the person receiving the grant would understand that they may be deemed eligible. In case, the grant that was received was not to restore historic features. It was for the installation of non-historic trim and stonework. Mr. Budge stated that if this application is approved it will work an unlawful exaction on his clients. He noted that the US Supreme Court in a case decided last year stated that cities need to apply their ordinances in a way that does not unjustifiably burden the property owners. There is a recorded subdivision plat with two lots and everyone is aware of that subdivision plat. It would be an unjustifiable action to require his clients to always keep their property in that same place so the adjacent owners can enjoy the airflow between those two properties. Instead, it would be consistent to allow the form of this neighborhood to continue and to allow new homes to be built that are consistent with the Historic Design Guidelines. Mr. Budge stated that preventing people from making use of their lots would result in a taking of significant property rights. Actions taken by bodies to address a particular property can create Class of One situation.

Mr. Budge had prepared proposed Findings of Fact for denial since there were none for denial in the Staff report. He read the Findings as proposed: 1) Incorporate Findings one through seven in the Staff report with the modification that the date on Finding 5 be changed to circa 1941 as to that referenced photos. 2) The current building does not reflect the architectural style or design of the original circa 1923 bungalow in that it has been modified in a way that is inconsistent with the period of historic significance. 3) Nothing has changed on the building since the decision was made to delist the building due to an error in 2009, as discussed in the letter dated July 27, 2015 from CRSA Architects. 4) The new amendments do not change the fact that the home has not received a historic grant to establish or maintain a historic feature on the building. Instead, the building has been dramatically changed by its additions, including the out of period roof, porch and window elements. Further, the owners have not received notice a historic grant, no recorded notice or no restrictive covenant, and no new historic grant has been provided since the amendment of this Code was enacted in December. 5) The house has never been properly listed as a Significant historic site and that the only prior attempt to designate was done so in error and was corrected by the City in 2010. 6) To find the building a Significant historic site would work a burden on the applicants that is not necessary to address impacts associated with the owner's use of the property. 7) To make or restore the property to its historic condition would require significant re-construction, the loss of a significant portion of the kitchen, and the loss of living space. 8) Any

new structures on the two lots would have to comply with Historic Design Guidelines that are designed to protect the historic feel and appearance of the neighborhood. And these ordinance would protect the fabric and the historic components of this neighborhood.

Mr. Budge had also prepared two Conclusions of Law: 1) The existing structure located at 569 Park Avenue does not meet the required criteria in LMC Section 15-11-10(a)(2). 2) A denial of this application prevents an unconstitutional taking or exaction or burdening of owners' property rights and is consistent with the delegation of authority to this Board and to the City by the State of Utah.

Justin Keys, an attorney with Jones Waldo stated that he was representing two homeowners on Park Avenue, Linda Cox and John Browning, who own homes in close proximity to 569 Park Avenue. Mr. Keys noted that when Mr. Kershaw purchased this home it was listed as a Significant home at that time. It was delisted after that due to a misunderstanding based on comments made by Sandra Morrison. However, Ms. Morrison corrected the misunderstanding when it was brought to her attention in April of last year, and that spawned the communication Mr. Kershaw had mentioned. Mr. Keys disputed some of the legal points that were made this evening; however, he would not take time this evening to argue those points because the HPB was represented by the Assistant City Attorney and she could advise them on the legal points that were raised. He noted that many of the same legal points were raised to the City Council and the Council went ahead and adopted these amendments to the LMC. Mr. Keys stated that the question before the HPB is whether or not 569 Park Avenue meets the criteria necessary for determination that it is a Significant site under the LMC as amended. Mr. Keys reviewed the criteria on page 132 of the Staff report that the HPB would consider in making their decision. There was no dispute with criteria A because everyone recognizes that it is at least 50 years. Criteria B - Does it retain its historic form as may be demonstrated but not limited by any of the following: It previously received a historic grant from the City; or it was previously listed on the Historic Sites Inventory; or it was listed as Significant or on reconnaissance or intensive level survey of the historic resources. Mr. Keys thought it was undisputed that 569 Park Avenue meets all of the above categories. He reiterated that it was de-listed in 2010 as a result of a miscommunication from Sandra Morrison.

Mr. Keys referred to a letter from Tim Lee on page 168 of the Staff report. Mr. Lee was the prior owner who received the grant from the City and did the work with the grant money to bring it back to a closer resemblance of what it was originally. Mr. Keys urged the Board to carefully read the letter because many of Mr. Lee's statement are helpful. According to the letter a grant was awarded in the maximum amount of \$5,000. The Planning Department and HPB encouraged him to work from the historic photos to replicate the appearance of the original front porch that had been framed in. Mr. Lee worked to replicate the

original home and it received a historic preservation award. The home was included on a number of tours up to and through 2012.

Mr. Keys continued with the next criteria and noted the structure has to meet one or more of the following: It retains its historic scale, context and materials in a manner and degree which can be restored to the historical form even if it has non-historic additions. He believed Mr. Lee's letter was very important because he performed the work on the roof and addressed it in his letter. Based on the letter, Mr. Keys stated that the original roof is under the gable hip roof and could be brought back to its original form. Mr. Keys pointed out that the letter from Mr. Lee was not included and the information and evidence was not considered in the decision to de-list the home. In addition, LMC amendments in place today also changed the factors. Mr. Keys read the next criteria. It is important in local or regional history, architecture, engineering or culture associated with at least one of the following: An era of historic importance to the community; or lives or persons noteworthy; or methods of construction. He believed 569 Park Avenue meets an era of historic importance to the community because it is of the Mature Mining Era. Mr. Keys referred to the photo on page 141 which showed the home in the context of the neighborhood. He believed the importance is where the home is located and its context of the neighborhood generally. When the City Council was considering this ordinance they worried about the loss of homes that contribute to the fabric and structure of the Historic District, and they wanted to avoid piecemeal removal. Mr. Keys stated that the issue with this home is exactly what the amendments to the provision were meant to do. He noted that what started this process was a submission by Mr. Kershaw to demolish this house and it was very concerning to the residents in the area. If it were to be demolished it would impact the home values for all of the homes in the area because they would lose part of the fabric of this historical community. For that reason and because it meets the criteria, Mr. Keys thought the HPB should vote to relist the home as Significant.

Referring to a comment Mr. Keys made about previously crossing paths with Mr. Keys on another litigation matter, Mr. Budge wanted it clear the Mr. Kershaw has never met Mr. Keys. He did not want the Board to think that Mr. Kershaw was litigious or constantly crossing swords with lawyers.

John Plunkett a resident on Park Avenue, commended the HPB for volunteering for this citizen board and for listening to the insane amount of detail at each public hearing. Mr. Plunkett stated that he and his wife have redone three houses in a row on Park Avenue, including the one at 561 Park Avenue which they sold to John Browning, and which is next door to Mr. Kershaw's house. Mr. Plunkett stated that if you step back from the mountain of details and legally debate, the question is whether it is worth keeping a 93 year old house that sits in the middle of two lots, or is it better to tear it down and build two new houses. Which one is more in line with the City's goals of preservation of the historic

district. Mr. Plunkett noted that rhythm and pattern were mentioned. In looking at the Sanborn maps for 93 years a house more or less in that shape has been in that location. He believed that was a rhythm and pattern worth maintaining. Mr. Plunkett acknowledged that this house has been modified, but the question is whether any historic house in Park City has not been modified. To his knowledge, every house in the Historic District that is listed has either had major or minor modification, which is a natural part of houses over time. However, when Tim Lee redid the house in 1988, it was attempt to bring it back to something more like the tax photo. Mr. Plunket noted that Mr. Lee followed the process and went through the Planning Department, which he has done himself on four historic homes. None of the homes looked like the historic photos because they had all been modified, and he put them back as accurately as possible to match the historic photos. Mr. Plunkett believed the modification issue was intrinsic to maintaining and preserving the historic district.

Mr. Plunkett commented on significant discussion this evening regarding the rights of individual homeowners, and he agreed that all homeowners like to have their rights respected. The role of the HPB is to balance the rights of the individual homeowner against the rights of all the homeowners in the Historic District. Mr. Plunkett stated that the City has a duty to preserve and protect the investments of all historic district homeowners. The community relies on the City to fulfill that obligation and protect the value if their investments.

Chair White closed the public hearing.

Board Member Stephens asked about the process that the homeowner may have expected when he purchased the home. He wanted to know when the City began the Historic Survey Inventory. Planner Grahn believed the survey was conducted between 2007 and 2008, and it was officially adopted in 2009. Mr. Stephens asked if the City relied solely on the LMC prior to the HSI. He recalled that certain criteria within the LMC. If the structure was at least 50 years old it was expected to go through a Design Review process.

Assistant City Attorney McLean could not recall the exact process. She thought there were different renditions of the inventory prior to 2009; and that the HSI adopted in 2009 was a revamp of what already existed.

John Plunkett explained that when he moved to Park City in 1991 he obtained a copy of the LMC and the Design Guidelines from the Planning Department, as well as a written list of houses that were included in the Historic District. At that time most of the houses were listed as Contributing with the exception of a few houses that were Federal Landmarks. Mr. Stephens believed it was contributing to the thematic nomination for the Historic District. Mr. Plunkett stated that it was listed by address, and all of Park Avenue and all the residential streets were listed as Contributing. Mr. Stephens pointed out that it was not the same list that

SHPO prepared because Contributory within the City was on SHPO's list. Mr. Plunkett remarked that Derek Satchel, the historic planner in the 1990s worked on making a more official version. Chair White also recalled that Mr. Satchel was very instrumental in preparing a list. Mr. Stephens could not recall a specific list. His recollection was if a structure was 50 years or older and within an HR zone it was listed as Contributory. He believed some homes outside of the HR District were also Contributory and had to go through the historic process.

Assistant City Attorney McLean clarified that the Board needed to look at the criteria. The first criteria that talks about the grant are only indicators of retaining its historic form. Determining that the structure retained its historic home is demonstrated but not limited by the points listed. They are intended to be examples of how the HPB could find whether or not the historic form was retained.

Board Member Beatlebrox stated that she is concerned about preserving the line of historic homes and the whole neighborhood, and making sure that everyone's preservation is the same as an individual's preservation. Ms. Beatlebrox stated that there were questions regarding the impact of the new ordinance on property rights, and that this issue was raised with the City Council. She asked if Mr. Kershaw or his representative gave their opinion to the City Council when that discussion was occurring in terms of the denial of property rights and what could be done with the property.

Assistant City Attorney McLean stated that City Attorney Mark Harrington is the attorney who advises the City Council. She believed that legally the City was on firm ground because they were not taking away all use of these properties from the owners, which is the criteria for determining a taking. Furthermore, zoning is changed all the time and that changes property rights. Ms. McLean remarked that just because property rights have been altered it does not make it illegal.

Board Member Stephens understood that within the Significant Site designation the owner still has the opportunity to go through a demolition process. Planner Grahn clarified that a Significant Site cannot go through the demolition process. If the owner wanted to scrape the site completely they would have to keep the building off of the HSI because any site on the HSI is protected from demolition. If the City finds that the building was in such poor condition that it needed to be reconstructed, that would be a material deconstruction. The reconstruction would be approved by the HPB. Planner Grahn stated that a reconstruction can still be listed as Significant.

Board Member Holmgren understood that when a grant is awarded a lien is placed against the property. When the work is completed the lien is released. She believed that information would show up in a Title Search. Ms. McLean replied that liens were not placed when this home received a grant in the 1980s.

The process of placing liens when grants are awarded came later in the Grant Program. Ms. McLean explained that the purpose of the lien was to keep people from taking the grant money and then flipping the house.

Board Member Holmgren questioned why Mr. Budge was suggesting that they change the date of the tax photo from 1938 to 1941. Ms. Holmgren noted that the owners purchased the house in 2009. In 2009 the home was still on the HSI as Significant and the broker or realtor had the responsibility to inform the buyer before the house was purchased.

Board Member Hewett stated that she was not considering the grant because in her opinion it has no bearing. She thought the 93 years has a lot of bearing with regards to the streetscape. Everyone who purchases within a historic area knows that if the property is 93 years old they are buying historic property.

Board Member Melville stated that in looking at the criteria on pages 132-133, the home is at least 50 years old, it retains its historic home, previously received a historic grant, was previously listed on the Historic Sites Inventory, it was listed as Significant on any reconnaissance or intensive level historic resources, and it is important to local and regional history. Per the Code as written, Ms. Melville believed there was compliance with each of those criteria.

Assistant City Attorney McLean referred to Sub (b) and noted that Historical Form is capitalized. The definition of essential historical form in the Definition Section of the Code states, "The physical characteristics of a structure that make it identifiable as existing in or relating to an important era in the past".

Chair White stated that he was interested to hear from Mr. Keys that the original roof forms, the pyramid roof and the structure was still there and remains intact. He believed that was an important fact.

Board Member Stephens agreed with Ms. Melville because their decision is based on the criteria in the LMC as written. In 1988 there was some indication by the Historic District Commission at that time that this building was worth preserving and saving. The home was listed on the Historic Sites Inventory, and based on his own restoration experience during that time period, he would have been surprised if this home was not on some type of list as historic. Based on how the LMC was written, Mr. Stephens understood that it only needed to comply with Sub (a) and (b). It then says or (c) or (d). Mr. Stephen believed this home should be listed as Significant on the Historic Sites Inventory.

MOTION: Board Member Holmgren made a motion to list 569 Park Avenue on the Historic Sites Inventory as a Significant site in accordance with the Findings of Fact and Conclusions of Law found in the Staff report. Board Member Hodgkins seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 569 Park Avenue

1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
2. The house at 569 Park Avenue is within the Historic Residential (HR-1) zoning district.
3. The residential structure at 569 Park Avenue was included in the 2009 HSI; however, it was removed in April 2010 due to the modifications made to the original roof form outside of the historic period based on earlier criteria.
4. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be significant sites.
5. The house was built c. 1923 during the Mature Mining Era (1894-1930). The structure appears in the 1929 and 1941 Sanborn Fire Insurance maps. A c. 1938 tax photo of Park City also demonstrates that the original low-pitch hipped-roof bungalow form.
6. Between 1958 and 1968, the hip roof was modified to a low-pitch gable. A portion of the bungalow's full-width front porch was infilled to create a recessed, partial-width front porch.
7. Between 1990 and 1995, the roof pitch was modified once again to create a gable-on-hip roof. The partial width front porch was filled in and a new full-width porch was constructed on the façade. During this renovation, bungalow-style elements such as the square porch posts and solid rail were returned; however, these were not based on physical or photographic evidence.
8. The site meets the criteria as Significant on the City's Historic Sites Inventory.
9. Built c.1923, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
10. While the current building does not reflect the architectural style or design of the original c.1923 bungalow, the gable-on-hip form reflects the Historical and Architectural character of the district through its design characteristics, including its mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National

Register District, despite alterations made to its façade between 1990-1995.

11. The original hip-roof bungalow form could be restored to its Historical Form if the non-historic additions to the façade and rear were removed. The wall planes on the north and south elevations remain in their original location, through the length of the wall plane has been extended toward the east and west due to out-of period in-line additions.

12. The house is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era.

13. Staff finds that the structure at 569 Park Avenue meets the standards for local “significant” designation, but does not meet the criteria for “landmark” designation. In order for the site to be designated as “landmark,” the structure would have to be eligible for the National Register of Historic Places and retain a high level of integrity.

Conclusions of Law – 569 Park Avenue

1. The existing structure located at 569 Park Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

Complies.

(b) It retains its Historical Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

Complies.

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

Complies.

2. The existing structure located at 569 Park Avenue does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:

a. It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and Complies.
b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and **Does Not Comply**.

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

i. An era that has made a significant contribution to the broad patterns of our history;

ii. The lives of Persons significant in the history of the community, state, region, or nation; or

iii. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Complies**.

5. 1406 Park Avenue – Determination of Significance
(Application PL-15-02883)

Planner Grahm reported that the Staff was forwarding a neutral recommendation because they were unable to make a specific recommendation and needed the HPB to make the determination.

Planner Grahm noted that this site was being reviewed based on the Land Management Code changes. She referred to the 1929 Sanborn map analysis on page 190 of the Staff report, which showed that the house originated as a cross-wing house. The 1941 Sanborn map on page 191 shows that the house remained the same. She explained that the house did not show up until the 1929 Sanborn map was because prior to that it was outside of the City limits in a rural area of Park City.

Planner Grahm stated that between 1949 and 1968 several major changes occurred to the house, which was outside of the historic period of significance. Based on the tax code analysis the first one notes that an addition was added to the northeast corner of the cross-wing in 1943. In 1958 the home was clad in aluminum siding and the form was modified further by adding a new porch on the northwest side of the house, consuming the cross-wing. By 1968 the front porch was relocated to the northwest side of the house, which is consistent with what exists today. The sun porch and roof were further altered in the 1980s. The roof was extended over the existing porch and sun porch to create the new roof.

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March 14, 2016

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Park City Municipal Corporation
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City Recorder
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Re: Appeal of Determination of Significance for 569 Park Avenue

Dear Mr. Erikson:

We represent the two families ("Families") who own the two lots of record and associated improvements on the properties commonly referred to as 569 Park Avenue. This letter is the Families' appeal of the Historic Preservation Board's ("HPB") March 2, 2016 decision to list 569 Park Avenue as a significant site on the Park City Historic Sites Inventory ("HSI"). The appeal is filed pursuant to sections 15-11-10(B)(4), 15-10-7, and 15-1-18 of the Land Management Code. This letter also serves as the Families' takings appeal pursuant to section 15-1-19(C) of the Land Management Code.

Background

1. The History of 569 Park Avenue

569 Park Avenue is located on Lots 17 and 18 of Block 5, Amended Plat, Park City Survey. The home at 569 Park Avenue ("Home") has undergone significant modifications over the course of its history. Sometime prior to 1889 a cross-wing structure was built. This original structure was replaced by a bungalow in approximately 1923, during Park City's Mature Mining

Bruce Erickson
Michelle Kellogg
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Era. The bungalow's roof was changed from a hipped roof to a low-pitched gable roof sometime between 1958 and 1968. The Utah State Historical Society ("Historical Society") evaluated the Home in August 1978. The resulting Site Information Form lists the Home's status as "Not Contributory" because the change from a hip roof to a gable roof constitutes a major alteration. Exhibit A.

In 1987, Tim Lee, the then-owner of 569 Park Avenue, received a \$5,000 grant from Park City to re-roof, replace trim, and improve a stone walkway. While Mr. Lee used the grant money to improve the Home, he did not use it to restore the roof, or other elements of the Home, to their historic form.

Sometime between 1990 and 1995 the roof at 569 Park Avenue was modified again, this time to a gable-on-hip form. At the time of this modification, many bungalow-type elements were added to the Home, including a deep full-width porch, square porch posts, and a solid rail. The bungalow elements appear historic. But the modifications did not restore the Home to its original, historical form. For instance, the gable-on-hip roof form was not used in Park City during the mining era. Rather, it was used in French Colonial styled buildings from the late nineteenth century and Queen Anne styled buildings from the early twentieth century. Exhibit B.

In 2009, Preservation Solutions completed a reconnaissance level survey of historic district homes that was used to create the HSI. The survey designated 569 Park Avenue as a significant site. Preservation Solutions later revisited 569 Park Avenue and concluded that it had erroneously listed the Home as significant. Based on information regarding 569 Park Avenue's altered roof form, Thomas Eddington, the Planning Director at the time, and Preservation Solutions asked the HPB to reevaluate the Home's significance. In April 2010, the HPB reviewed the Home and found that changes to the pitch of the main roof of the primary façade destroyed the Home's historical form and caused it to not qualify for designation as significant.¹ As a result, the HPB voted to delist 569 Park Avenue from the HSI.

Recently, Park City engaged Cooper Roberts Simonsen Architects ("CRSA") to investigate the historical integrity of 569 Park Avenue. In a July 22, 2015 letter, CRSA agreed with the HPB's 2010 decision and found that 569 Park Avenue did not meet the criteria for designation as a significant site due to the change in its roof form. CRSA noted other modifications of the Home's historic form, including "the complete removal of the brick chimney on the south façade, adding a center post to the front porch, raising the front porch guard rail height, and covering a small window on the south façade."

¹ At the time, Section 15-11-10(A)(2)(b)(i) of the LMC stated that changes to the pitch of the main roof of the primary façade after the period of historic significance destroyed a building's Essential Historical Form. This criteria has since been amended, as described below.

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On September 2, 2015, the Families filed an application to demolish the Home (“Demolition Application”). Exhibit C. The application was filed during the pendency of a proposed amendment to the Land Management Code. The proposed amendment is discussed in detail below.

2. Amendment to the Land Management Code

In the summer of 2015 the Families met with Planning Staff to discuss their plans to build two homes, one on each lot at 569 Park Avenue. Unbeknownst to the Families, their neighbors had begun a campaign to prevent construction of two homes at 569 Park Avenue. The neighbors sent a series of letters and emails to the Park City Attorney’s Office, Planning Staff, members of the HPB, and others between April 2, 2015 and August 10, 2015.

Planning Staff and the City Council eventually responded to the neighbors’ pressure and scheduled a “Determination of Significance” for 569 Park Avenue to be heard by the City Council on August 6, 2015. At the time, the Land Management Code required that notice be issued 7 days prior to a Determination of Significance and that the HPB consider the Determination of Significance. On August 4th, two days before the hearing, Park City provided notice to the Families through an email. This notice did not comply with the Land Management Code. The Families responded, explained that they could not attend the Determination of Significance on such short notice, and requested a continuance. Park City denied the Families’ request and went forward with the August 6th hearing. The lack of notice and refusal to grant a continuance are noteworthy because several neighbors who oppose construction of two homes at 569 Park Avenue received notice and attended the hearing. Indeed, John Browning testified that he flew from London to attend the hearing.

On August 6, 2015, the City Council adopted a pending ordinance titled “An Ordinance Amending the Land Management Code Section 15, Chapter 11 and all Historic Zones to Expand the Historic Sites Inventory and Require Review by the Historic Preservation Board of Any Demolition Permit in a Historic District” (“Amended Ordinance”). Notably, Park City neither provided notice of a proposed amendment to the Land Management Code nor listed the Amended Ordinance in the meeting agenda. The Amended Ordinance was drafted very broadly and with specific intent to apply to 569 Park Avenue, even though the Home had been previously removed from the HSI. This intent is illustrated by Planning Staff’s submission of a Determination of Significance application for 569 Park Avenue on August 7, 2015 (“Determination of Significance Application”). Exhibit D.

Over the next several months, the HPB, Planning Commission, and City Council discussed the Amended Ordinance at a series of public meetings. During these meetings it was

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frequently acknowledged that the Amended Ordinance had been prompted by plans to construct two homes at 569 Park Avenue. The HPB, Planning Commission, and City Council made significant amendments to the Amended Ordinance and on December 17, 2015, the City Council adopted the Amended Ordinance, as amended. The provisions of the Amended Ordinance relevant to this appeal are discussed in detail below.

On March 2, 2016 the HPB held a Determination of Significance hearing for 569 Park Avenue. The HPB incorrectly applied the Amended Ordinance and voted to list 569 Park Avenue as a significant site on the HSI. Exhibit E. The Families file this appeal to challenge the HPB's erroneous decision.

Analysis

1. When Reviewing This Appeal, the Board of Adjustment Owes No Deference to the HPB's Factual Findings or Conclusions of Law

The Land Management Code specifies the standard of review for the Board of Adjustment to apply when it reviews an HPB decision. It states that "[t]he Board of Adjustment shall review factual matters de novo and it shall determine the correctness of the decision of the land use authority." Land Management Code §§ 15-1-17(G); 15-10-7. De novo factual review means that the Board of Adjustment shall grant no deference to the HPB's factual determinations. See Irving Place Associates v. 628 Park Ave., LLC, 2015 UT 91, ¶ 11, 362 P.3d 1241. Similarly, review of the correctness of the HPB's decision means that the Board of Adjustment shall grant no deference to the HPB's legal determinations. See Mallory v. Brigham Young University, 2014 UT 27, ¶ 7-8, 332 P.3d 922. In other words, the Board of Adjustment should review the facts and law anew and make its own factual findings and conclusions of law as though the original HPB hearing did not take place.

2. The HPB Should Not Have Considered the Expired Determination of Significance Application for 569 Park Avenue

Planning Staff's Determination of Significance Application for 569 Park Avenue expired and the HPB should not have considered it. The Land Management Code created the HSI. The purpose of the HSI is to "provid[e] recognition to and encourag[e] the Preservation of Historic Sites in the community." Land Management Code § 15-11-10. The Land Management Code sets forth a procedure to list structures on the HSI. Either the structure's owner, or Planning Staff, must file an application to nominate a structure to the HSI. Land Management Code § 15-11-10(B)(1). Planning Staff must schedule a hearing before the HPB within 30 days of receipt of a complete application. Land Management Code § 15-11-10(B)(1). Planning Staff must also post, mail, and publish notice of the upcoming hearing. Land Management Code § 15-11-

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10(B)(2). The HPB then holds a public hearing to determine whether the application complies with the criteria for designation to the HSI. Land Management Code § 15-11-10(B)(3).

Planning Staff's Determination of Significance Application was not authorized by the Land Management Code and it expired because it was not timely processed. Planning Staff filed the Determination of Significance Application on August 7, 2015, based on a request from the neighbors of 569 Park Avenue. The Land Management Code does not allow neighbors to nominate a site to the HSI. More importantly, Planning Staff did not follow the Land Management Code's mandatory procedures for review of the application. Planning Staff did not schedule an HPB hearing within 30 days of receipt of the application and they did not publish the required notice. Because the Determination of Significance Application was improperly filed and it had expired, the HPB should not have considered the application at its March 2, 2016 hearing.

3. The Families Had Vested Rights to Demolish the Home Prior to the HPB's Determination of Significance

Planning Staff should have approved the Families' Demolition Application prior to the HPB's determination of significance. According to the Land Use, Development and Management Act ("LUDMA"), "[a]n applicant is entitled to approval of a land use application if the application conforms to the requirements of the . . . applicable land use ordinance in effect when a complete application is submitted and all application fees have been paid." Utah Code § 10-9a-509(1)(a)(ii); Land Management Code § 15-1-17(A).

The Families filed a complete application to demolish the Home on September 2, 2015, after the City Council adopted the Amended Ordinance. As a result, the Demolition Application was subject to the Amended Ordinance, so long as the Amended Ordinance was adopted in accordance with LUDMA. But the Amended Ordinance does not automatically designate a site to the HSI. Rather, as described above, the site must go through a nomination, review, and approval process. As a result, even though the Amended Ordinance was in effect, 569 Park Avenue was not listed as a significant site at the time the Families filed the Demolition Application. Additionally, at the time of filing, Planning Staff's Determination of Significance Application had expired. Because 569 Park Avenue was not listed as significant, the Families have a vested right to have their application reviewed under the regulations applicable to properties not listed on the HSI.

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4. The HPB's Decision to List 569 Park Avenue as a Significant Site is Inconsistent with the Land Management Code and the Purpose of the HSI

The Home does not qualify as significant under the Amended Ordinance and it should not be listed on the HSI. The Amended Ordinance made significant changes to broaden the criteria for designating significant sites to the HSI.² In particular, the Amended Ordinance set forth four criteria that all must be satisfied before a site may be designated as significant. The new criteria are identified and discussed below.

- a. "[The Site] is at least fifty (50) years old or the Site is of exceptional importance to the community; and" Land Management Code § 15-11-10(A)(2)(a).

The existing Home is greater than 50 years old.

- b. "[The Site] retains its Historical Form as may be demonstrated but not limited by any of the following: (i) It previously received a historic grant from the City; or (ii) It was previously listed on the Historic Sites Inventory; or (iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or" Land Management Code § 15-11-10(A)(2)(b).

569 Park Avenue does not retain its historical form. According to the Land Management Code, "Essential Historical Form" means "[t]he physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past." Land Management Code § 15-15-1.96. 569 Park Avenue has changed significantly over time. The Home's roof was modified sometime between 1958-1968 and again in the early 1990s. The current gable-on-hip form was not used in the Park City during the Mature Mining Era. Exhibit B. The Home's porch has also changed significantly. The original porch was enclosed to expand the Home's living space. A new porch was constructed using square porch posts and a solid rail reminiscent of the original bungalow. While the porch may appear historic, it is not. The porch is not in the same location and it does not use the same design elements as the original porch.³ Other alterations to the historical form of 569 Park Avenue include removal of the brick chimney on the south façade, covering a small window on the south façade, installation of vinyl windows, and vinyl siding on the side elevations.

The significant changes to 569 Park Avenue prompted the HPB to remove the site from the HSI in 2010. In a July 22, 2015 letter, Park City's consultant, CRSA confirmed that 569

² The version of Title 15, Chapter 11 Historic Preservation in effect immediately prior to the Proposed Ordinance is attached as Exhibit F. The version in effect after adoption of the Amended Ordinance is attached as Exhibit G.

³ In particular, the new porch includes a center post and a higher guard rail height.

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Park Avenue had been substantially changed and that the HPB correctly removed the Home from the HSI.

This criterion evaluates whether a home retains its historic form. It provides examples that the HPB has the option to consider as evidence of historic form. It also allows the HPB to consider other factors. The HPB incorrectly treated the examples listed in this criterion as mandatory. For instance, the HPB determined that the Home retained its historic form because it had previously been listed on the HSI and had previously been described as significant on a reconnaissance level survey. As described above, the Home was incorrectly listed on the HSI and incorrectly identified as significant. These erroneous listings do not demonstrate that the Home retains its historical form.

The HPB also determined that the Home retains its historical form because it previously received a historic grant. But the criteria for the 1988 grant to Tim Lee are unknown, the grant did not include a deed restriction to prevent future alterations to the Home, and the Land Management Code in effect at the time did not regulate demolition of the Home. Moreover, Mr. Lee used the \$5,000 grant to re-roof the Home, replace trim, improve the porch, and improve a stone walkway. He did not use it to restore historic elements of the Home. Even if he had restored historic elements, the Home was modified again in the early 1990s, after receipt of the grant. The receipt of a grant should only be treated as evidence that a site retains its historical form when the grant is used to restore historical features of the site and the restored features are still present. Because the Home was erroneously designated as significant and the grant was not used for restoration, the HPB lacked a factual basis for its determination that the Home retains its historical form.

- c. “[The Site] has one (1) or more of the following: (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or” Land Management Code § 15-11-10(A)(2)(c).

Because of significant changes, the Home cannot be restored to its historical form and it does not reflect the character of nearby Mining Era Residences. The Home’s original porch has been enclosed. The new porch and roof sit several feet east of the original porch. Restoration of the Home to its original form would require the entire front of the house to be removed, relocated, and reconstructed. This process would remove valuable indoor living space from the Home.

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The Home is not compatible with other Mining Era Residences. The gable-on-hip roof form currently in place was not used during the Mature Mining Era. Rather it was used in French Colonial styled buildings from the late nineteenth century and Queen Anne styled buildings from the early twentieth century. Exhibit B. Because of the altered roof form, and other significant changes, the Home does not reflect the historical or architectural character of the district.

- d. “[The Site] is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following: (i) An era of Historic Importance to the community, or (ii) Lives of Persons who were of Historic importance to the community, or (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.” Land Management Code § 15-11-10(A)(2)(d).

Because of significant changes over time, the Home is not important to local or regional history, architecture, engineering, or culture. The Home is not associated with Park City’s Mature Mining Era because the gable-on-hip form was not used during that time period. Exhibit B. Similarly, the Home has undergone other substantial changes. The changes did not restore historic elements of the Home or involve the use of noteworthy methods of construction, materials, or craftsmanship from the Mature Mining Era. Because the Home has undergone significant changes, 569 Park does not qualify as important to local history or architecture.

The Home does not meet three of the four criteria required for a site to be listed as significant. More importantly, listing does not serve the purpose of the HSI, which is to encourage preservation of historic sites in Park City. The Home is not a historic site because it has undergone substantial changes since the Mature Mining Era. For these reasons, the HPB erred when it listed the Home as significant.

5. Listing 569 Park Avenue on the HSI Causes an Illegal Taking

Designation of 569 Park Avenue as a significant site amounts to a taking of private property without just compensation. According to the United States Constitution, the Utah Constitution, and subsequent case law, private property may not be taken for public use without just compensation. U.S. Const. amend. V, Utah Const. art. I, §22. 569 Park Avenue is located on Lots 17 and 18 of Block 5, Amended Plat, Park City Survey. The Families acquired 569 Park Avenue based on the reasonable expectation that they could construct two homes at the

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property.⁴ Indeed, the long standing intent, as illustrated by the Park City Survey, was to allow two homes on the two lots of record. The determination of significance upsets the Families' economic expectations and unjustly burdens 569 Park Avenue because it prevents construction of two homes. Moreover, the HPB's decision eliminates all economically viable use from one lot because no home may be constructed on that lot. Because Planning Staff have indicated that no demolition permit will be issued if the Home is deemed significant and because the HPB determined that the Home is significant notwithstanding the applicable law and standards, the determination of significance results in a taking of private property and the Families are entitled to just compensation from Park City.

Further, there is evidence in the record that Park City has singled out 569 Park Avenue for special treatment with the purpose of denying them the right to build two new structures on the two lots of record. This kind of treatment violates the state and federal uniform operation of laws and equal protection, constitutional protections, as well as denies them due process under both constitutions.

Should you have any questions regarding the Families' appeal, please feel free to contact me using the information on the first page of this letter.

Sincerely,

SNELL & WILMER



Wade R. Budge
Graham J. Gilbert

WRB:al

Enclosures

cc: Client

⁴ 569 Park Avenue was erroneously listed on the HSI around the time that the Families purchased the property. The HSI was not recorded and a reasonably diligent purchaser would not know that 569 Park Avenue had been identified as a significant site.



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah
Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

FRANCINE A. GIANI
Executive Director

BRENT N. BATEMAN
Lead Attorney, Office of the Property Rights Ombudsman

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MAR 13 2017

JONES WALDO
HOLBROOK & MCDONOUGH, PC

ADVISORY OPINION

Advisory Opinion Requested By: William A. Kershaw, Janet F. Kershaw, Liliana Ines Pienzi-Joseau, & Thomas L. Simpson

Local Government Entity: Park City

Type of Property: Residential

Date of this Advisory Opinion: March 7, 2017

Opinion Authored By: Jordan S. Cullimore
Office of the Property Rights Ombudsman

ISSUES

1. Whether the Park City Planning Department's August 7, 2015 Determination of Significance application was properly submitted and whether it expired before the Historic Preservation Board considered it;
2. Whether the property owners possess a vested right to demolish the residence at 569 Park Avenue;
3. Whether the Historic Preservation Board erroneously listed the 569 Park Avenue residence as a significant site on the Park City Historic Sites Inventory;
4. Whether Park City has effected a taking of private property without just compensation by denying the owners' demolition permit application and preventing the construction of two residences on the two lots at 569 Park Avenue.

SUMMARY OF ADVISORY OPINION

The Park City Planning Department's Determination of Significance application was properly submitted and did not expire prior to the Historic Preservation Board meeting in which it was considered.

Nevertheless, the property owners' demolition permit application is entitled to approval. The amended ordinance that went into effect on December 26, 2015, modifying historic site designation criteria, did not automatically designate the 569 Park Avenue residence to the Historic Sites Inventory. Since there was no longer a pending ordinance in place after the amended ordinance went into effect, the pending ordinance rule no longer prevented consideration of the property owners' demolition permit application. Therefore, on that date, the

demolition application vested and was entitled to approval. That fact that the City's Planning Department submitted a Determination of Significance application nominating the residence to the Historic Sites Inventory prior to the property owners' submittal of a demolition permit application does not act as an exception to the vesting rule.

REVIEW

A Request for an Advisory Opinion may be filed at any time prior to the rendering of a final decision by a local land use appeal authority under the provisions of UTAH CODE § 13-43-205. An advisory opinion is meant to provide an early review, before any duty to exhaust administrative remedies, of significant land use questions so that those involved in a land use application or other specific land use disputes can have an independent review of an issue. It is hoped that such a review can help the parties avoid litigation, resolve differences in a fair and neutral forum, and understand the relevant law. The decision is not binding, but, as explained at the end of this opinion, may have some effect on the long-term cost of resolving such issues in the courts.

A Request for an Advisory Opinion was received from William A. Kershaw, *et. al.*, on May 23, 2016. A copy of that request was sent via certified mail to Diane Foster, City Manager for Park City, at 445 Marsac Avenue, Park City, Utah. The City received the request on May 26, 2016.

EVIDENCE

The Ombudsman's Office reviewed the following relevant documents and information prior to completing this Advisory Opinion:

1. Request for an Advisory Opinion, with attachments, submitted by Wade Budge & Graham J. Gilbert, Attorneys for William A. Kershaw, *et. al.*, on May 23, 2016.
2. Supplemental Submission Letter submitted by Jordan Lee, Attorney for William A. Kershaw, *et. al.*, on August 16, 2016.
3. Response from Justin J. Keys, Attorney for Neighbors to the Property, received August 18, 2016.
4. Response from Polly Samuels McLean, Assistant City Attorney for Park City, received September 6, 2016.
5. Supplemental Response Email from Polly Samuels McLean, Assistant City Attorney for Park City, received Friday, October 7, 2016.

BACKGROUND

This dispute involves a residence located at 569 Park Avenue in Park City, Utah. The residence straddles lots 17 and 18 of Block 5, Amended Plat, Park City Survey. The original cross-wing structure was constructed sometime prior to 1889. That residence was either significantly remodeled or replaced in 1923 with a bungalow-style residence that now sits on roughly the same footprint as the original home. From 1923 until 1987, components of the residence, such as exterior materials, the porch, and the roof, were periodically updated and modified in ways that

materially altered the original look and form of the structure as a bungalow.¹ In 1978, the Utah State Historical Society evaluated the home as a historic structure and deemed it “Not Contributory” because, at that time, it was “a one-story frame with a gable roof, and aluminum siding.” The Society concluded that these “major” alterations disqualified the residence from historic status according to the Society’s evaluation criteria, “since the structure originally appeared as a framed bungalow with hip roof.”

Park City subsequently registered a National Historic District that included the home, and began a Historic Preservation Grant program. In 1987, the then-owner of the residence, Tim Lee, obtained a \$5,000 Historic Preservation Grant to perform renovations. According to Mr. Lee, the purpose of the grant was to restore some of the historic features of the home by “remov[ing] the 50’s aluminum siding and rebuild[ing] a sun porch and sloping front roof to match the old tax photos.” Letter from Justin J. Keys, dated August 18, 2016, Exhibit B. In restoring the roof to a hipped design², Mr. Lee requested that he be able to “keep a small part of the gable to allow for attic ventilation.” The Park City Planning Department accommodated the proposal on the condition that the original roof framing be left in place, which it was.

In 2008 or 2009, the residence was placed on the City’s Historic Site Inventory (the “HSI”) based on a reconnaissance level survey conducted by Preservation Solutions that concluded the home was a “significant site.” Subsequent to this listing the current owners (the “Families”) purchased the home. In 2010, the City’s Historic Preservation Board (the “HPB”), the administrative body tasked with designating sites to the HSI, reevaluated the structure under the City’s criteria for HSI designation and delisted the property.

In the spring of 2015, several Park City Historical Community stakeholders and neighbors (the “Neighbors”) learned that the residence, along with several other properties, had been delisted from the HSI. The Neighbors approached the Park City Planning Department about the delisting with concerns that the 2010 delisting hearing was not properly noticed. In addition, the Neighbors argued that the reasons for the delisting may have been based on inaccurate information and municipal code interpretations. The Neighbors subsequently raised these concerns with the City Council at a July 30, 2015 City Council meeting.

In response to the Neighbors’ concerns, the City Council scheduled an August 6, 2015 City Council meeting in which the HSI and standards and interpretations used to list and delist structures to the inventory were discussed. The Neighbors used this forum to express their concerns about the 569 Park Avenue residence and the circumstances under which it was delisted from the HSI. As a result of this meeting, the City Council expressed a desire to revisit standards in the City Code for listing and delisting properties on the HSI, and directed staff to initiate a pending ordinance. On the following day, August 7, 2015, the Planning Department published notice for an ordinance amendment entitled, “Ordinance Amending the Land Management Code Section 15, Chapter 11 and all Historic Zones to Expand the Historic Sites Inventory and Require Review by the Historic Preservation Board of Any Demolition Permit in a Historic District.”

¹ Specifically, the roof was modified from a hipped roof to a gabled roof, aluminum siding was added, and the porch was enclosed.

² The submitted documents present inconsistent accounts regarding when each of the improvements to the roof and porch were made. Regardless, the changes were completed by 1995, and the discrepancies do not affect our analysis.

Also on August 7, 2015, the Park City Planning Director submitted an application for a Determination of Significance (“DOS”) involving the 569 Park Avenue property. The intent of this application was to nominate the residence to the HSI. Between August 13 and December 17, 2015, the Historic Preservation Board and the Planning Commission each met several times to discuss and draft the pending ordinance. In the midst of these meetings, the property owner of 569 Park Avenue filed an application for a demolition permit to tear down the 569 Park Avenue residence on September 2, 2015. The City did not approve the permit at that time, citing the pending ordinance and the pending DOS application as reasons for delaying consideration.

On December 17, 2015, the City Council adopted Ordinance 15-53, amending the criteria the HPB must consider when determining whether to designate a site to the HSI. The effective date of the Ordinance was December 26, 2015. With the new criteria now in place, the Planning Department scheduled a DOS hearing for February 3, 2016 to consider the Planning Director’s DOS application involving the 569 Park Avenue property. This hearing was rescheduled to March 2, 2016 at the request of the attorney representing the Families.

On March 2, 2016, the HPB held a public hearing to consider the DOS application. During the hearing, the HPB issued findings that the 569 Park Avenue property met the new criteria for a “significant site” and designated the property to the HSI. The Families appealed this determination to the Board of Adjustment (the “BOA”) on March 14, 2016, and a hearing was scheduled for May 24, 2016. Prior to the BOA hearing, the Families submitted a Request for Advisory Opinion to this office on May 23, 2016 and the City and Families mutually agreed to postpone the BOA hearing until after our consideration.

The property owners, in their request for an advisory opinion, have asked us to examine the following questions:

1. Whether the Planning Department’s August 7, 2015 Determination of Significance application was properly filed and whether it expired 30 days after it was submitted;
2. Whether the property owners possess a vested right to demolish the residence at 569 Park Avenue;
3. Whether the HPB erroneously listed 569 Park Avenue as a significant site on the Park City Historic Site Inventory
4. Whether the City has effected a taking of private property without just compensation by denying the owners’ demolition permit and preventing the construction of two homes at 569 Park Avenue.

ANALYSIS

I. The Determination of Significance Application was Properly Submitted and Did Not Expire Prior to the March 2, 2016 Historic Preservation Board Hearing

The Families contend that the Planning Department’s DOS application was improperly filed and also expired prior to the March 2, 2016 Historic Preservation Board meeting in which it was considered. The Families assert that the application was improperly filed because Park City

Municipal Code only allows property owners or the City's Planning Department, and not third-parties, to nominate sites to the HSI. They conclude that because the Planning Department filed the application based on a request from neighbors of the 569 Park Avenue property, the application came from a third-party, and the City shouldn't have accepted the application.

Additionally, the Families assert that the application expired prior to the March 2, 2016 Historic Preservation Board meeting because the hearing was not held within 30 days of receipt of the application, as required by Park City Municipal Code § 15-11-10(B)(1).³ They assert that because the application expired, the Historic Preservation Board lacked authority to consider the application, and the Planning Department should have been required to submit a new application after 30 days from the original application date lapsed.

A. Rules of Ordinance Interpretation

This question concerns the proper interpretation of a City's ordinance. Courts apply established rules to determine the correct interpretation of a municipal ordinance. This begins with an analysis of the ordinance's plain language. *Carrier v. Salt Lake County*, 2004 UT 98, ¶ 30, 104 P.3d 1208. The primary goal of interpretation is "to give effect to the legislative intent, *as evidenced by the plain language*, in light of the purpose the statute was meant to achieve." *Foutz v. City of South Jordan*, 2004 UT 75, ¶ 11, 100 P.3d 1171 (emphasis added). "When the plain meaning of the statute can be discerned from its language, no other interpretive tools are needed." *Selman v. Box Elder County*, 2011 UT 18, ¶ 18, 251 P.3d 804.

Moreover, ordinances should be construed in a manner that renders all parts of the ordinance "relevant and meaningful," *Foutz*, 2004 UT 75, ¶ 11, 100 P.3d 1171, and a correct reading should not "impose an unreasonable and unworkable construction," *Miller v. Weaver*, 2003 UT 12, ¶19, 66 P.3d 592, or "render some part of a provision nonsensical or absurd." *Perrine v. Kennecott Mining Corp.*, 911 P.2d 1290, 1292 (Utah 1996).

Applying these interpretive rules, we conclude that the Planning Department's DOS application was properly submitted, and that it did not expire prior to the March 2, 2016 Historic Preservation Board meeting.

B. The Planning Department Properly Filed the Determination of Significance Application

First, the ordinance governing which parties may nominate a site to be listed on the HSI states that a property owner or "[t]he Planning Department may nominate a...Structure for listing in the Park City Historic Sites Inventory." PARK CITY MUNICIPAL CODE § 15-11-10(B). This provision gives the Planning Department express authority to nominate a structure to the Historic Sites Inventory. Since the Planning Director, who is the head of the Planning Department, submitted the DOS application, the application was legally and properly submitted pursuant to Park City Municipal Code requirements. It is immaterial that neighbors asked the Planning Department to

³ "Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days." PARK CITY MUNICIPAL CODE § 15-11-10(B)(1).

designate the residence to the HSI. The Planning Department possessed independent authority to submit an application, and appropriately exercised its discretion to do so.

C. The Determination of Significance Application Did Not Expire Prior to the March 2, 2015 Historic Preservation Board Meeting

Second, the ordinance supporting the Families' proposition that the Planning Department's DOS application expired 30 days after it was submitted on August 7, 2015, states that "[u]pon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days." PARK CITY MUNICIPAL CODE § 15-11-10(B)(1). The plain language of this provision does not express an expiration date for an application. It simply states that City staff has an affirmative duty to schedule the application for a hearing within 30 days of submission, presumably to avoid delays.

The fact that the Planning Department failed to schedule a hearing within 30 days, presumably for reasons related to the pending ordinance under consideration, does not mean the application expired. Such an interpretation would be unfair to applicants, and would result in an unreasonable and nonsensical construction and result. A local government should not possess the ability to cause a development application to expire due to its own inaction. In this case, the rule is designed to protect applicants from delays. As long as the applicant acquiesces to postponing a hearing beyond the 30 day limit, such an extension is appropriate. Under the current ordinance, it makes no difference whether the applicant is a private property owner or a government entity. Accordingly, we conclude that because the plain language of the ordinance does not expressly establish an expiration date for a Determination of Significance application, there isn't one.⁴

II. The Families Obtained a Vested Right to Demolish the Existing Home at 569 Park Avenue When the Amended Ordinance Went Into Effect on December 26, 2015

A. The Families' Demolition Permit Application was Entitled to Approval

The Families next argue that the demolition permit application they submitted on September 2, 2015 was entitled to approval when the amended ordinance went into effect on December 26, 2015. They contend that because the amended ordinance did not automatically designate the residence to the HSI, nothing should have prevented their application from receiving approval. The Utah Land Use, Development, and Management Act ("LUDMA") provides that "[a]n applicant is entitled to approval of a land use application if the application conforms to the requirements of the municipality's...applicable land use ordinance in effect when a complete application is submitted and all application fees have been paid...." UTAH CODE § 10-9a-509(1)(a)(ii). This is known in Utah as the "vesting rule."

⁴ This interpretation is further supported by PARK CITY MUNICIPAL CODE § 14-1-14, which contains the only provision cited by the parties addressing when an application may be terminated. This provision gives the Planning Director discretion to terminate *inactive* applications. There is no evidence that the Planning Director terminated the application in this case. To the contrary, the Planning Director kept the application active through March 2, 2016, evidenced by the fact that the application was considered at the HPB meeting.

Accordingly, if the existing local ordinances allow the activity proposed by the application when a permit application is submitted, the applicant is entitled to have his or her permit reviewed and approved under that ordinance.

State law articulates two exceptions to the vesting rule. The first exception states that an application is not entitled to approval under the provisions of a current ordinance if “the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application.” UTAH CODE § 10-9a-509(1)(a)(ii)(A).⁵ The second exception states that an application is not entitled to approval if “in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.” UTAH CODE § 10-9a-509(1)(a)(ii)(B).

The City and the Neighbors argue that while the property was not listed on the HSI when the Families submitted their demolition application on September 2, 2015, the City had nonetheless “formally initiated proceedings to amend its ordinance in a manner that would prohibit approval of the application as submitted.” *Id.* Specifically, the City and Neighbors argue that the City initiated proceedings to amend its ordinance in the applicable manner no later than August 8, 2015⁶, nearly a month before the Families submitted their demolition permit application.

The Families, in response to this claim, concede that consideration of their demolition permit application was postponed by the pending ordinance, and that their application was subject to the resulting amended ordinance passed on December 17, 2015. However, they contend that even after the amended ordinance went into effect on December 26, 2015, their permit was entitled to approval because the amended ordinance, at the time of passage, did not designate their residence to the HSI.

We conclude that, as long as the demolition permit application was complete and complied with all other local requirements related to non-HSI residences, the Families’ demolition permit application became entitled to approval after enactment of the amended ordinance. The amended ordinance did not designate the 569 Park Avenue residence to the HSI, it simply broadened the criteria for inclusion of a site on the HSI. The 569 Park Avenue residence had previously been delisted from the HSI by the HPB. The HPB had not considered the DOS application under the new ordinance to designate the residence to the HSI. Thus, as of December 26, 2015, the 569 Park Avenue residence was not listed on the HSI. Since the pending ordinance rule no longer

⁵ The Neighbors argue that the first listed exception involving a compelling, countervailing public interest applies to this case because “the record and Park City [Land Management Code] make clear that preservation of Park City’s historic homes is a compelling public interest.” They support this argument by citing Goal 15 of the Land Management Code addressing preservation of historic resources for future generations. However, this “public interest” exception only applies when, in this case, the land use authority reviewing the demolition permit finds, *on the record*, that approving the application would jeopardize a compelling, countervailing public interest. *See* UTAH CODE § 10-9a-509(1)(a)(ii)(A). None of the parties have presented evidence that the land use authority in this case has made such a finding on the record. As will be made evident below, it appears that the correct land use authority has yet to review the demolition permit application since the Historic Preservation Board does not have authority to review demolition permit applications for structures not listed on the HSI. Consequently, we decline to further address the argument at this time.

⁶ The Families do not dispute this date as the initiation date of the pending ordinance.

allowed the City to postpone consideration of the demolition permit application, the demolition application vested, obligating the City to approve it.

B. The City's DOS Application Did Not Prevent Consideration of the Families' Demolition Permit Application Once the Pending Ordinance Rule No Longer Applied

The City and the Neighbors maintain that because the Planning Department submitted its DOS application before the Families submitted their demolition permit application, the DOS application became a “vested pending application” entitled to review *prior to* consideration of the Families’ demolition permit application. They assert that the demolition permit application wasn’t entitled to review until after the HPB considered the DOS application and designated it to the HSI. In other words, they argue that the demolition permit application was not entitled to approval because the DOS application, having vested first, eliminates the vesting of the second.

This argument misapplies the pending ordinance rule. A Determination of Significance application seeks an administrative determination, as opposed to a legislative enactment such as a municipal ordinance. This type of administrative application does not create rights or obligations relative to other pending administrative applications, such as demolition permit applications. In other words, a pending application is not a pending ordinance, and thus the pending ordinance rule does not apply. We are unaware of any authority that would establish this “first in time, first in right” principle the City and Neighbors assert regarding administrative applications. Moreover, neither the City nor the Neighbors have directed us to any statute, local ordinance, or case law entitling the DOS application to review prior to consideration of the demolition permit application.

Moreover, assuming that the City’s DOS application is eligible for vesting, it can vest only in the same sense that any other administrative application vests—it is entitled review under the ordinance in effect at the time of application. At the time of the DOS application, the 569 Park Avenue residence was not listed on the HSI, nor does it appear it was eligible for listing on the HSI.

The City asserts that “[i]t would be absurd to require the City to ignore a vested DOS application and allow the demolition permit to be processed and the destruction of the house while the status of the house was still pending.” To the contrary, the status of the residence was clear following the effective date⁷ of the amended ordinance: it was not listed on the HSI because the HPB had not yet designated it to the HSI. The fact that there was an in-process application requesting a determination of the structure’s historic significance does not affect the Families’ vested right to approval of their demolition application under UTAH CODE § 10-9a-509(1)(a).

III. The Remaining Issues the Families Have Raised are Moot

Because we conclude that the Families are entitled to approval of their demolition permit application, there is no need to address the additional questions of whether the 569 Park Avenue residence was properly designated to the HSI, or whether designation of the residence to the HSI

⁷ The effective date of the amended ordinance was December 26, 2015.

would constitute a taking of private property without just compensation under the US and Utah Constitutions. The Families may certainly choose to forego demolition of the residence and voluntarily comply with the regulations imposed by the HSI and associated provisions, but because they are entitled to approval of their demolition permit application, they are not obligated to do so.

CONCLUSION

The Park City Planning Department's Determination of Significance application was properly submitted and did not expire prior to the Historic Preservation Board meeting in which it was considered.

Nevertheless, the property owners' demolition permit application is entitled to approval because the amended ordinance that went into effect on December 26, 2015, modifying historic site designation criteria, did not automatically designate the 569 Park Avenue residence to the HSI. Since there was no longer a pending ordinance in place after the amended ordinance went into effect, the pending ordinance rule no longer prevented consideration of the Families' demolition permit application and the application was entitled to approval. That fact that the City's Planning Department submitted a Determination of Significance application nominating the residence to the Historic Sites Inventory prior to the Families' submittal of a demolition permit application does not legally postpone consideration of the demolition permit application.

The City's Determination of Significance application vested only in the sense that it, like the demolition permit application, was entitled to be reviewed under the standards articulated in the amended ordinance. The City's Determination of Significance application had no binding effect or priority status relative to the Families' demolition permit application.

A handwritten signature in black ink, appearing to read "B.N. Bateman".

Brent N. Bateman, Lead Attorney
Office of the Property Rights Ombudsman

NOTE:

This is an advisory opinion as defined in § 13-43-205 of the Utah Code. It does not constitute legal advice, and is not to be construed as reflecting the opinions or policy of the State of Utah or the Department of Commerce. The opinions expressed are arrived at based on a summary review of the factual situation involved in this specific matter, and may or may not reflect the opinion that might be expressed in another matter where the facts and circumstances are different or where the relevant law may have changed.

While the author is an attorney and has prepared this opinion in light of his understanding of the relevant law, he does not represent anyone involved in this matter. Anyone with an interest in these issues who must protect that interest should seek the advice of his or her own legal counsel and not rely on this document as a definitive statement of how to protect or advance his interest.

An advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to a dispute involving land use law. If the same issue that is the subject of an advisory opinion is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion, the substantially prevailing party on that cause of action may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution.

Evidence of a review by the Office of the Property Rights Ombudsman and the opinions, writings, findings, and determinations of the Office of the Property Rights Ombudsman are not admissible as evidence in a judicial action, except in small claims court, a judicial review of arbitration, or in determining costs and legal fees as explained above.

The Advisory Opinion process is an alternative dispute resolution process. Advisory Opinions are intended to assist parties to resolve disputes and avoid litigation. All of the statutory procedures in place for Advisory Opinions, as well as the internal policies of the Office of the Property Rights Ombudsman, are designed to maximize the opportunity to resolve disputes in a friendly and mutually beneficial manner. The Advisory Opinion attorney fees provisions, found in Utah Code § 13-43-206, are also designed to encourage dispute resolution. By statute they are awarded in very narrow circumstances, and even if those circumstances are met, the judge maintains discretion regarding whether to award them.

MAILING CERTIFICATE

Section 13-43-206(10)(b) of the Utah Code requires delivery of the attached advisory opinion to the government entity involved in this matter in a manner that complies with Utah Code Ann. § 63-30d-401 (Notices Filed Under the Governmental Immunity Act).

These provisions of state code require that the advisory opinion be delivered to the agent designated by the governmental entity to receive notices on behalf of the governmental entity in the Governmental Immunity Act database maintained by the Utah State Department of Commerce, Division of Corporations and Commercial Code, and to the address shown is as designated in that database.

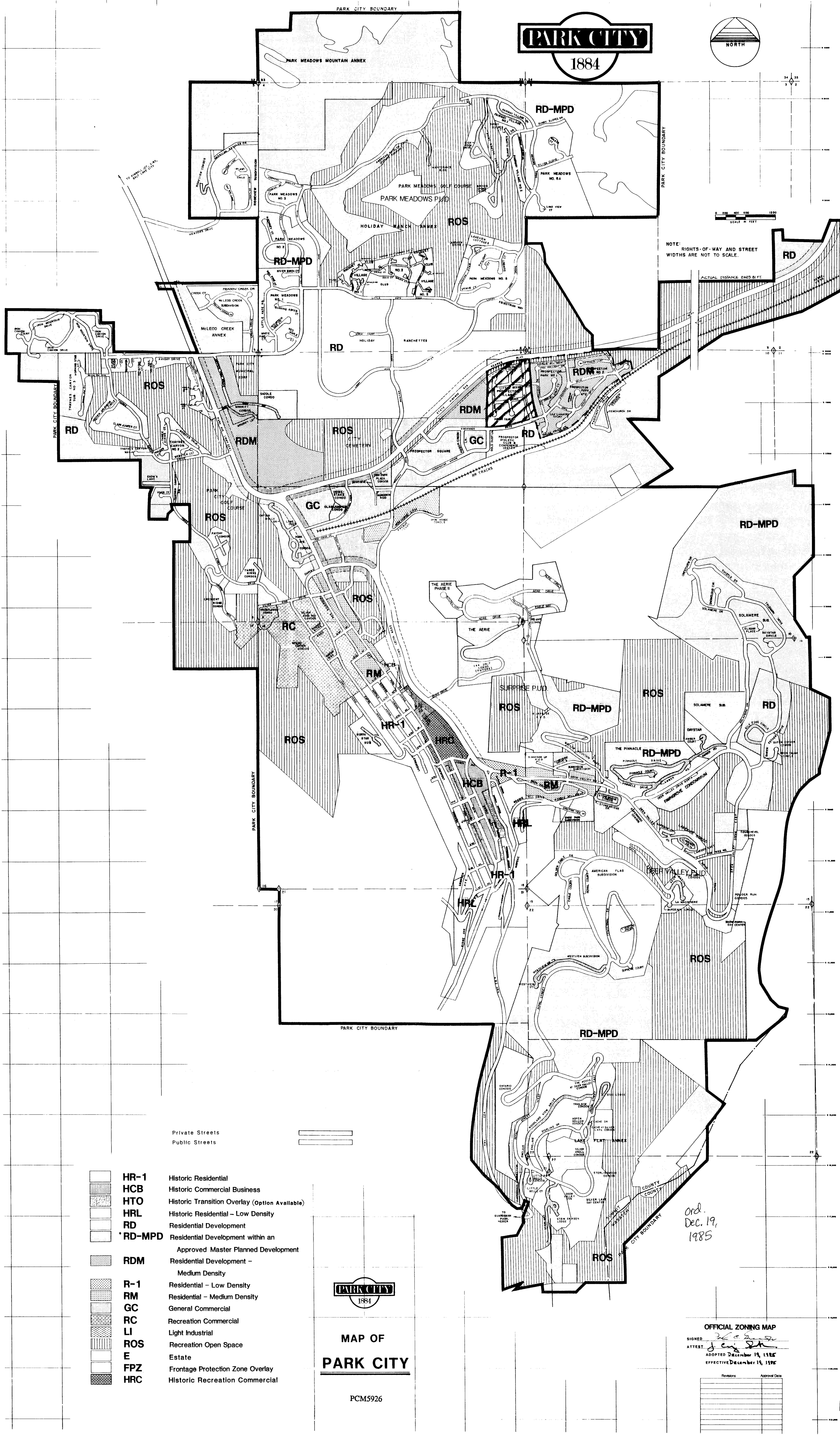
The person and address designated in the Governmental Immunity Act database is as follows:

Diane Foster
City Manager, Park City
445 Marsac Avenue
Park City, UT 84060

On this 8th Day of March, 2017, I caused the attached Advisory Opinion to be delivered to the governmental office by delivering the same to the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the person shown above.



Office of the Property Rights Ombudsman



- | | | |
|--|---------------|---|
| | HR-1 | Historic Residential |
| | HCB | Historic Commercial Business |
| | HTO | Historic Transition Overlay (Option Available) |
| | HRL | Historic Residential - Low Density |
| | RD | Residential Development |
| | RD-MPD | Residential Development within an Approved Master Planned Development |
| | RDM | Residential Development - Medium Density |
| | R-1 | Residential - Low Density |
| | RM | Residential - Medium Density |
| | GC | General Commercial |
| | RC | Recreation Commercial |
| | LI | Light Industrial |
| | ROS | Recreation Open Space |
| | E | Estate |
| | FPZ | Frontage Protection Zone Overlay |
| | HRC | Historic Recreation Commercial |

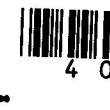
PARK CITY
1884
**MAP OF
PARK CITY**

PCM5926

Ord.
Dec. 19,
1985

OFFICIAL ZONING MAP
SIGNED *[Signature]*
ATTEST *[Signature]*
ADOPTED December 19, 1985
EFFECTIVE December 19, 1985

Revisions	Approval Date



SECTION 7. DISTRICTS AND REGULATIONS

7.1. HISTORIC RESIDENTIAL (HR-1) DISTRICT

7.1.1. PURPOSE. The purpose of the Historic Residential HR-1 District is to allow the preservation of the present land uses and the character of the historic residential areas of Park City, and to encourage the preservation of historic structures and the construction of new structures that preserve and contribute to the character of the district, and to encourage densities of development that will preserve the desirable residential environment, and also densities which are consistent with the inherent constraints on development within the narrow canyon areas and on areas that may have steep or substandard street systems.

7.1.2. PERMITTED USES. In the HR-1 district, no building or structure shall be erected which is arranged, designed, or intended to be used, or which is used for any purpose other than those purposes designated on the Use Table as being permitted uses (designated by the letter "A") or conditional uses (designated by the letter "C"). All other land uses are prohibited.

7.1.3. LOT SIZE AND COVERAGE REGULATIONS.

(a) Lot Size. The minimum lot area shall be 1,875 square feet for a single family residence; 3,750 square feet for a duplex, and 5,625 square feet for a triplex. The minimum width of a lot shall be 25 feet, measured 15 feet back from the front lot line.

(b) Side Yard. The minimum side yard for any structure of two units or more shall be 5 feet, except that a side yard shall not be required between structures designed with a common wall on a lot line. The longest dimension of buildings thus joined shall not exceed 50 feet. The minimum side yard for a single family structure shall be 3 feet. For side yards of less than 5 feet, the special side yard exceptions as provided in Section 8.14. shall not apply, except for projections of less than 4 inches as specified in Section 8.14.(a) and for allowance for a driveway as specified in Section 8.14.(h). On corner lots, any yard which faces on a street for both main and accessory buildings shall not be less than 10 feet. For structures on lots exceeding 25 feet in total width, the sum of the side yard set backs must total 10 feet.

(c) Rear Yard. The minimum depth of the rear yard for all main buildings shall be 10 feet and for accessory buildings shall be one foot from the rear property line. On corner lots which rear upon the side yard of an adjacent lot, accessory

buildings shall be located no closer than 5 feet to the rear property line.

- (d) Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings, including garages, shall be 10 feet. Open parking spaces may be permitted in the front yard area, but not within the minimum side yard area. "Open parking spaces" does not include carports.

7.1.4. FACADE VARIATIONS. In order to assure variety of facade alignments and preserve architectural variety within the HR-1 Zone, the following requirements for facade variation shall apply to both the front and rear facades of buildings in the zone:

- (a) Facade Width. The front and rear facade of any building shall not exceed 24 feet horizontally measured distance without breaking the vertical plane of the facade. Such breaks in the facade plane shall be a step back (or forward, but not into minimum lot set back areas) of at least 5 feet in depth, and at least 12 feet in horizontal width before the facade returns to the original plane. Such breaks in the facade plane shall occur at such intervals that no portion of the facade exceeds 24 feet of continuous horizontal measure without a break in the facade plane. The volume of these step back areas shall be credited to the open space volumes required by subsection (b) of this section.
- (b) Facade Variation. In addition to minimum front and rear yard set backs, buildings in the HR-1 Zone are required to provide a volume of open space within the maximum allowable building envelope on both the front and rear of the structure. The volume of this additional open space shall be measured and computed according to the appropriate following formula:

Single family structures: Maximum allowable building width, multiplied by 25, multiplied by 5 equals open space volume requirement.

Duplexes: Maximum allowable building width multiplied by 25 multiplied by 7.

Triplexes: Maximum allowable building width multiplied by 25 multiplied by 9.

The open space volume requirement can be satisfied with deck areas, porches, balconies, or similar unenclosed areas which are open on at least two sides, one of which must be the front or back facade of the structure. Step back areas under the provisions of subsection (a) are included as open space volume. Porches, decks, balconies, etc., counted as open space volume may be under roof, but not under enclosed

living areas, provided the area is open on at least two sides.

1. On interior lots, the required volume of open space shall be provided within the 12 feet immediately behind the front set back line, and in the 12 feet immediately in front of the rear set back line, so that the open volume areas appear on the front and rear facades of the building, rather than on the side yards.
2. On corner lots, the front facade variation open space volume may be provided on either of the street facing facades, or a combination of both, in addition to the rear facades. No additional open space volume is required by virtue of being a corner lot.
3. On lots with unusual configurations, or through lots having frontage on two streets, or where the location of the open space volume is not determinable from the foregoing provisions, the Community Development Department shall make the determination based on the relationship to other adjoining structures and orientation of the structure to the streets and adjoining structures.
4. Roofs, balconies, decks, cornices, architectural details, porches, and stairways may project into the open space volume. This volume of open space may be provided on one or more levels of the structure, or may be provided by using a greater set back than the minimum set back. No space above the maximum allowable building height may be counted as facade variation open space.
5. Open space volume for facade variation must be provided on both the front and rear facades of the structures, but is not required on side facades.
6. Dormers, bay windows, fireplace pop-outs and similar architectural details that do not exceed five feet in any horizontal or vertical dimension may extend into space counted as facade variation open space volume without being deducted from that volume.

7.1.5. SPECIAL PARKING REGULATIONS.

- (a) Tandem parking is permitted for single family and duplex dwellings in the Historic District.
- (b) To encourage the location of parking in the rear, common driveways may be permitted along shared side yard property lines where those drives provide access to parking in the rear of the main building. Restrictions on the deeds to

both properties must provide for the preservation of such a shared drive.

- (c) Common parking facilities may be permitted, upon approval of the Planning Department, where such a grouping may facilitate the development of individual buildings that more closely conform to the scale of historic structures in the district as defined in the design guidelines. Parking structures may be permitted, provided that the structure maintains all yard set backs above grade, but may occupy below grade side yard areas between participating developments.
- (d) In order to minimize the amount of hardsurfaced paving in front yards and to encourage the development of more grass and textured paving visible to the street, the following limits on the widths of paved areas for driveways and exposed parking that are visible from the street shall apply:
 - 1. For a single family dwelling on a 25 foot wide lot, the total area of hard surface for drive and parking shall not exceed 12 feet in width. The balance of any parking area or drive area shall be made of porous paving material. Drives shared with adjoining properties shall not exceed 20 feet in total width, regardless of placement on the lots involved.
 - 2. For all other buildings, the total drive area shall not exceed 20 feet in width for hard surfaced drive and parking area, with additional parking and drive area provided with porous paving material. This hard surfaced width may be divided into separate drives, or in a single drive.
 - 3. Garage door openings on single family structures on 25 foot lots shall not exceed 10 feet in width. On single lots that are more than 25 feet, but less than 37.5 feet in frontage width, the garage door openings shall not exceed 16 feet in width. Duplex structures on 50 foot or wider lots may have one garage door opening (or combination of openings) totaling 18 feet in width for each unit of the duplex, or a total of 36 feet in width for the structure. Triplex structures, which are required to have a common underground parking area, shall have only one garage door opening, which shall not exceed 18 feet. Where garage door openings appear on a facade that does not face a street, so the garage is accessed from a common drive between adjoining properties, the Community Development Department may waive the maximum door width if necessary to make the common drive arrangement function.

7.1.6. BUILDING HEIGHT. Structures shall be erected to a height no greater than 28 feet, as defined in Section 8.17. No volume or area above this 28 foot height may be used for facade variation open space.

7.1.7. SPECIAL REQUIREMENTS FOR CONDITIONAL USES. The following impacts shall be considered in reviewing conditional uses:

- (a) Scale of the building in relation to historic structures in the district.
- (b) The need for increased yard areas and the resulting impact on the established set backs in the block.
- (c) The impact of noise or nearby residences.
- (d) The impact of traffic and on-street parking in the block.

7.1.8. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the City Council as a supplement to this Ordinance. Appeals of departmental actions on architectural compliance are heard by the Historic District Commission, and then may be appealed to the Council as set forth in Chapter 1 of this Code. Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supercede more restrictive provisions in private covenants.

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY - ARCHITECT P.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN CONTAINED HEREIN IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF JONATHAN DEGRAY - ARCHITECT P.C. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
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KERSHAW RESIDENCE

HISTORIC DISTRICT DESIGN REVIEW

569 PARK AVENUE, PARK CITY, UTAH 84060

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FAX. (801) 466-2656
EMAIL: sheneng@msn.com

LEGEND

	BRICK & STONE	OFFICE 103	ROOM NAME ROOM NUMBER
	EARTH		FLOOR, POINT ELEV.
	CONCRETE		CENTER LINE
	CONCRETE MASONRY UNIT		ROUND, DIA.
	STEEL (LARGE SCALE)		CHANNEL
	RIGID INSULATION		ANGLE
	ROUGH WOOD		DETAIL
	BLOCKING		SECTION CUT, DETAIL
	ALUMINUM (LARGE SCALE)		BUILDING SECTION
	GRAVEL		KEYED NOTES
	FINISHED WOOD		WINDOW TYPE
	BATT OR BLOWN INSULATION		DOOR NUMBER
	PLASTER, SAND, GROUT, MORTAR		REVISION
	STEEL (SMALL SCALE)		INTERIOR WALL ELEV.
	BITUMINOUS PAVING		WALL TYPE
	PLYWOOD		
	GYPSUM BOARD		

CODE ANALYSIS

APPLICABLE CODES

2015 IRC 2018 IBC
2018 IPC 2018 IMC
2017 NEC 2018 IFGC
2018 IECC 2018 IFC

OCCUPANCY: R2

CONSTRUCTION TYPE: VB
BUILDING TO BE FIRE SPRINKLED: CONTRACTOR
TO PROVIDE APPROVALS PRIOR TO
INSTALLATION.

AREA CALCULATIONS (S/F)

LIVING AREA	EXISTING	NEW	TOTAL
LOWER LEVEL		1515	1515
MAIN LEVEL	1075	188	1263
TOTAL	1075	1703	2778
GARAGE		252	
CRAWL SPACE		145	
ENTRY PORCH		145	
PATIO		373	
LOD/DISTURBED AREA		858	
LOT AREA		3749	
PROPOSED FOOTPRINT		1515	
ALLOWABLE FOOTPRINT		1519	

INDEX TO DRAWINGS

#	SHEET #	SHEET DESCRIPTION
1	Aa	COVER SHEET
		SURVEY
2	Iof 1	EXISTING CONDITIONS SURVEY
		ARCHITECTURAL
3	AB.1	AS-BUILTS MAIN LEVEL PLAN & ROOF PLAN
4	A0.1	ARCHITECTURAL SITE PLAN
5	A0.2	LANDSCAPE PLAN
6	A1.1	LOWER LEVEL PLAN
7	A1.2	MAIN LEVEL PLAN
8	A1.3	ROOF PLAN
9	A2.1	SOUTH & WEST ELEVATIONS
10	A2.2	NORTH & EAST ELEVATIONS
11	A3.1	BUILDING SECTIONS
12	A5.1	ARCHITECTURAL NOTES AND DETAILS
13	A5.2	ROOF FLASHING DETAILS
14	A6.1	DOOR, WINDOW AND ROOM SCHEDULES

ABBREVIATIONS

A/C	AIR CONDITIONING	F.D.	FLOOR DRAIN	PR.	PAIR
ACOUST.	ACOUSTICAL	FND	FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADDENDUM	FIN.	FINISH	REG.	REGULAR
ADJ.	ADJUSTABLE	FLR.	FLOOR	R.S.	ROUGH-SAWN
ALLOW.	ALLOWANCE	F.R.	FIRE RATED	RAD.	RADIUS
ALUM.	ALUMINUM	FTG.	FOOTING	REINF.	REINFORCING
APPROX.	APPROXIMATE	G	GAS	REVD.	REQUIRED
B.D.	BOARD	G.I.	GALVANIZED IRON	REV.	REVISED
B.U.	BUILT-UP	GALV.	GALVANIZED	RM.	ROOM
B.W.	BOTH WAYS	GRD.	GRADE	R.O.	ROUGH OPENING
BLDG.	BUILDING	G.W.B.	GYPSUM WALL BOARD	S & R	SHELF AND ROD
BLK.	BLOCK	G.L.B.	GLU-LAM BEAM	S.C.	SOLID CORE
BRK.	BRICK	H.B.	HOSE BIBB	SCHED.	SCHEDULE
C.I.	CAST IRON	HD.	HEAD	SHT.	SHEET
C.J.	CONTROL JOINT	H.M.	HOLLOW METAL	SIM.	SIMILAR
C.M.U.	CONCRETE MASONRY UNIT	HOR.	HORIZONTAL	SPEC.	SPECIFICATION
CLG.	CEILING	ID.	INSIDE DIAMETER	STD.	STANDARD
COL.	COLUMN	INT.	INTERIOR	STL.	STEEL
COMP.	CONTACTED/COMPOSITE	IRRIG.	IRRIGATION	STRUC.	STRUCTURAL
CONC.	CONCRETE	INSUL.	INSULATION	SYS.	SYSTEM
CONST.	CONSTRUCTION	JB.	JAMB	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	JNT.	JOINT	T & G	TONGUE AND GROOVE
CONT.	CONTINUOUS	M.R.	MOISTURE RESISTANT	T.O.	TOP OF
D.F.	DRINKING FOUNTAIN/DOUGLAS FIR	MANFR	MANUFACTURER	T.O.F.	TOP OF FOOTING
DIA.	DIAMETER	MAX.	MAXIMUM	T.O.W.	TOP OF WALL
DIM.	DIMENSION	MECH.	MECHANICAL	TYP.	TYPICAL
DN.	DOWN	MIN.	MINIMUM	T.S.	STEEL TUBE COLUMN
DWG.	DRAWING	(N)	NEW	U.N.O.	UNLESS NOTED OTHERWISE
DTL.	DETAIL	N.I.C.	NOT IN CONTRACT	VERT.	VERTICAL
EA.	EACH	N.T.S.	NOT TO SCALE	V.T.R.	VENT THRU ROOF
E.F.	EXHAUST FAN	NO.	NUMBER	W.	WATER
E.I.F.S.	EXT. INSUL. FINISH SYSTEM	O.C.	ON CENTER	WD.	WOOD
E.J.	EXPANSION JOINT	O.D.	OUTSIDE DIAMETER	W/	WITH
ELEC.	ELECTRIC/ELECTRICAL	OF.D.	OVERFLOW DRAIN	WP.	WATERPROOF
ELEV.	ELEVATION	OPNG.	OPENING	W.R.	WATER RESISTANT
EQ.	EQUAL	PLYWD.	PLYWOOD	W.H.	WATER HEATER
E.T.	EXPANSION TANK	PNT.	PAINT	W.S.	WATER SOFTNER
EXIST. (E)	EXISTING	PNTD.	PAINTED	W.W.F.	WELDED WIRE FABRIC
EXT.	EXTERIOR			W.W.M.	WOVEN WIRE MESH

GENERAL NOTES

- THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
- THESE SHEETS - LISTED BY DRAWING INDEX, ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
- ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
- ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
- BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2015 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.
- ALL 2/5 lb. GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.
- ALL FIELD WELDING OR TORCH WORK, WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IFC 105.6.11.
- TOWER CRANES REQUIRE A SEPARATE PERMIT. CONTACT BUILDING DEPARTMENT FOR REQUIREMENTS.
- EXCAVATION NOT TO EXCEED 2:1 SLOPE WITH OUT A SOILS REPORT.
- BUILDING SHALL COMPLY WITH THE PROVISIONS IN THE (WUI) WILDLAND - URBAN INTERFACE CODE AS ADOPTED BY THE STATE OF UTAH AND AMENDED BY PARK CITY PER LMC 11-21.

Jonathan DeGray
A r c h i t e c t

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KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW

569 PARK AVENUE, PARK CITY, UTAH 84060

COVER SHEET

SHEET DESCRIPTION:

REVISIONS:

DATE:

JULY 12, 2022

PROJECT NUMBER:

2206-01

SHEET NUMBER:

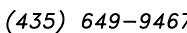
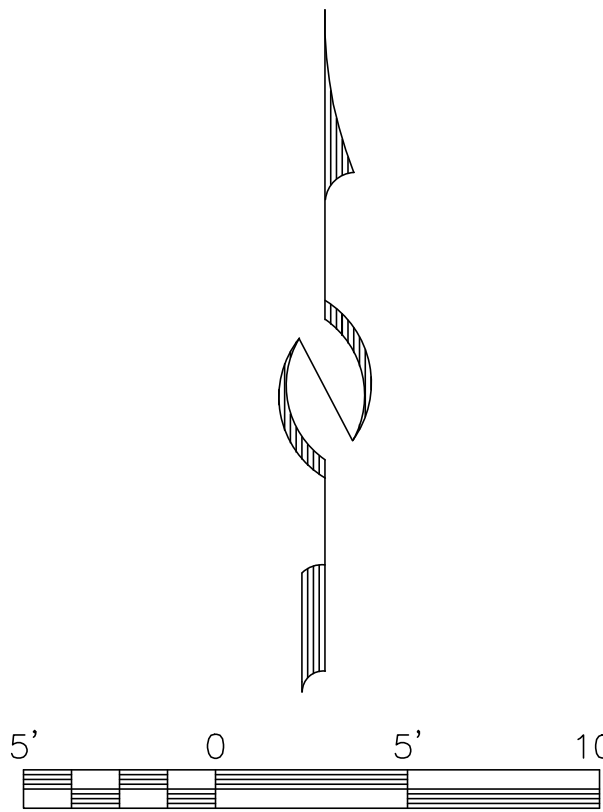
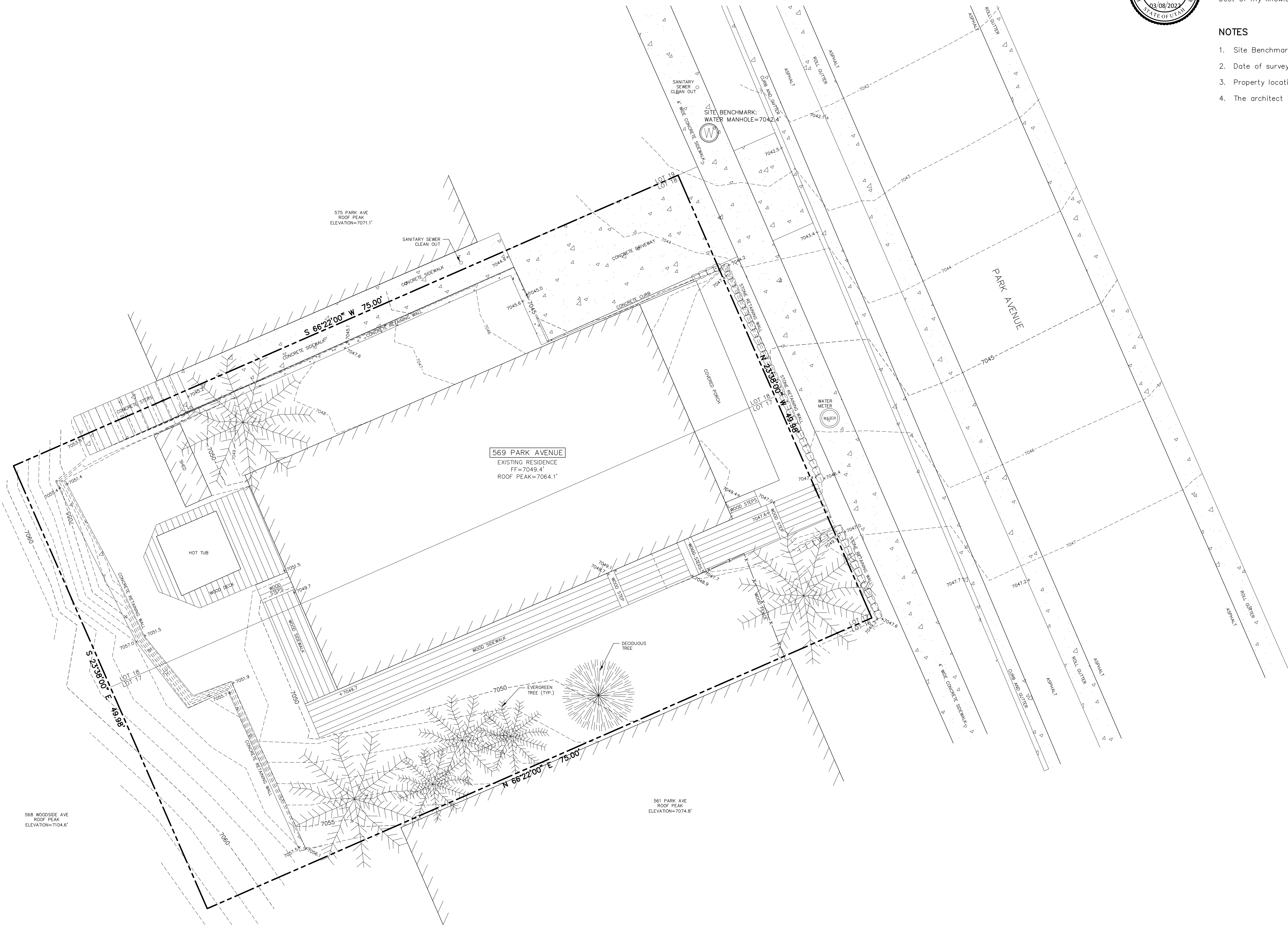
Aa



I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

NOTES

1. Site Benchmark: Water Manhole=7042.4'
2. Date of survey: January 19, 2022
3. Property location: Section 16, T2S, R4E, Salt Lake Base & Meridian
4. The architect is responsible for verifying building setbacks, zoning requirements and building heights.



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
23 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
BRANDON HOXER
TOM LUND
BRAYLON ROSE
MARSHALL KING

DATE: 3/8/22

EXISTING CONDITIONS & TOPOGRAPHIC MAP
569 PARK AVE
LOTS 17 & 18 OF BLOCK 5, PCS

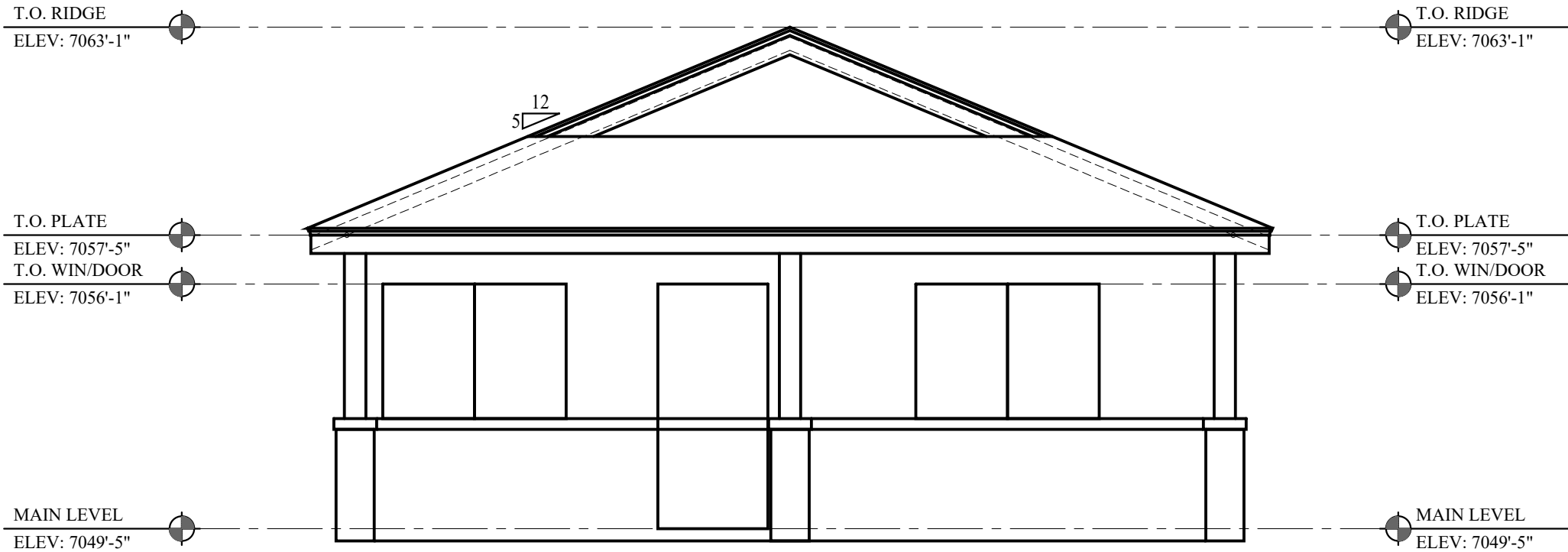
FOR: JANET KERSHAW

JOB NO.: 7-1-22

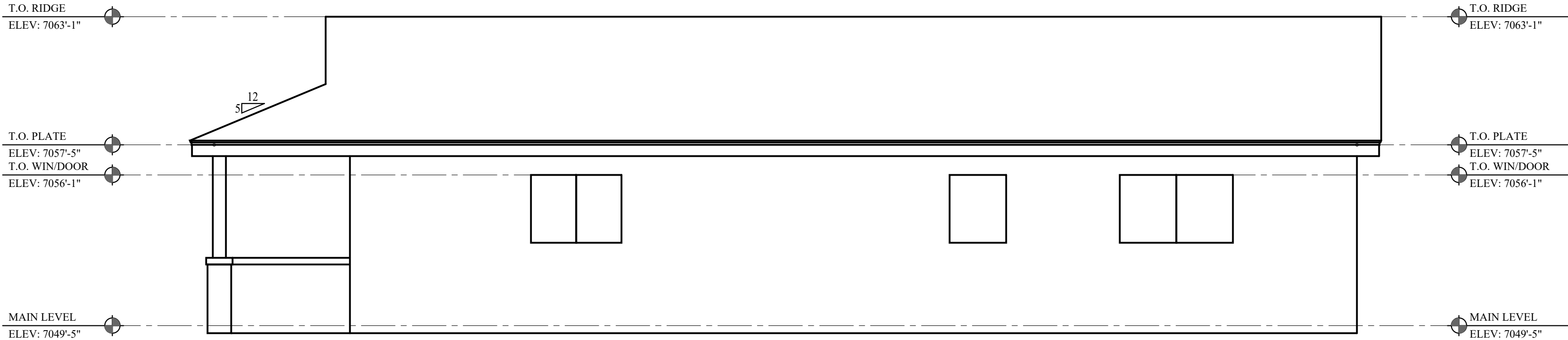
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SHEET
1
OF
1

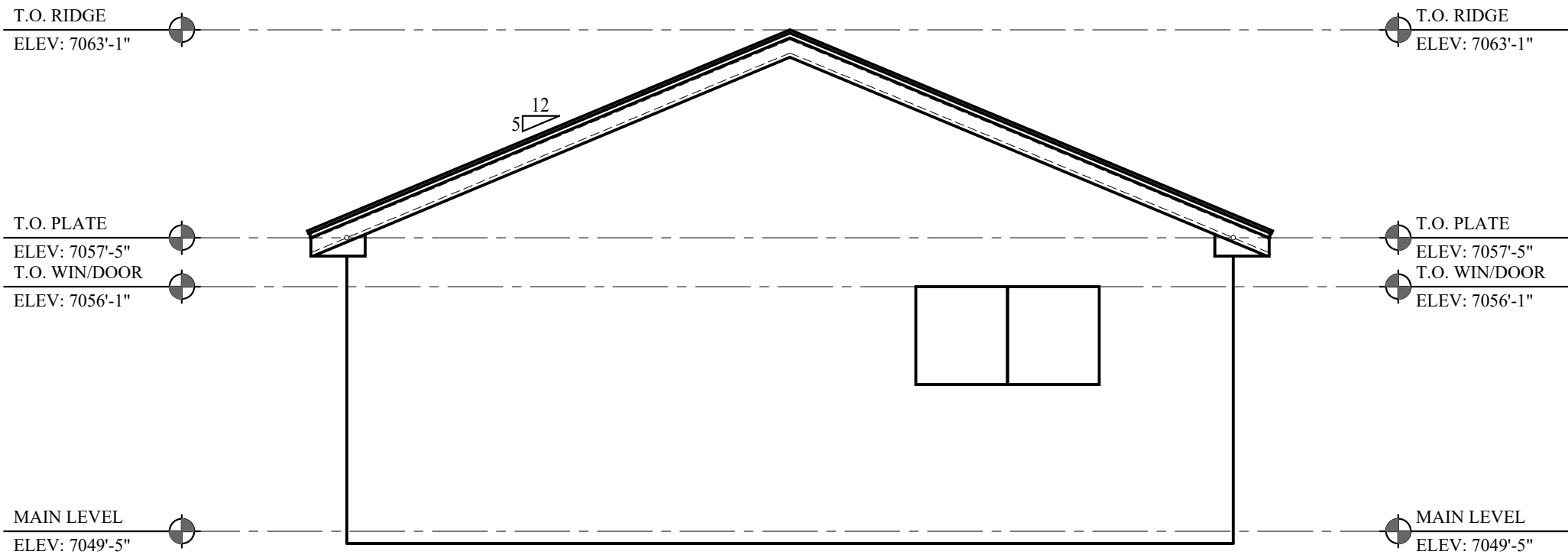
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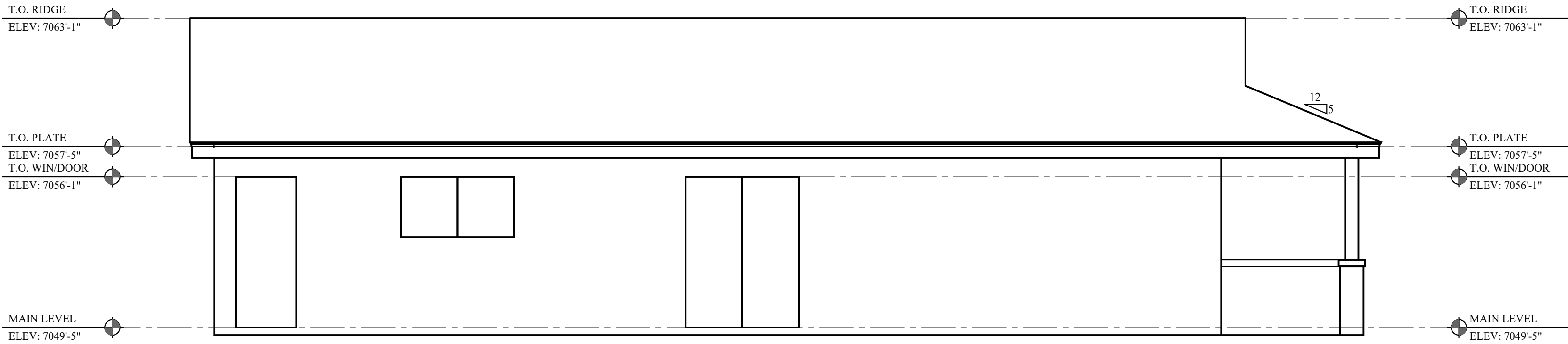
1 EAST ELEVATION
SCALE: 1/4" = 1'-0"



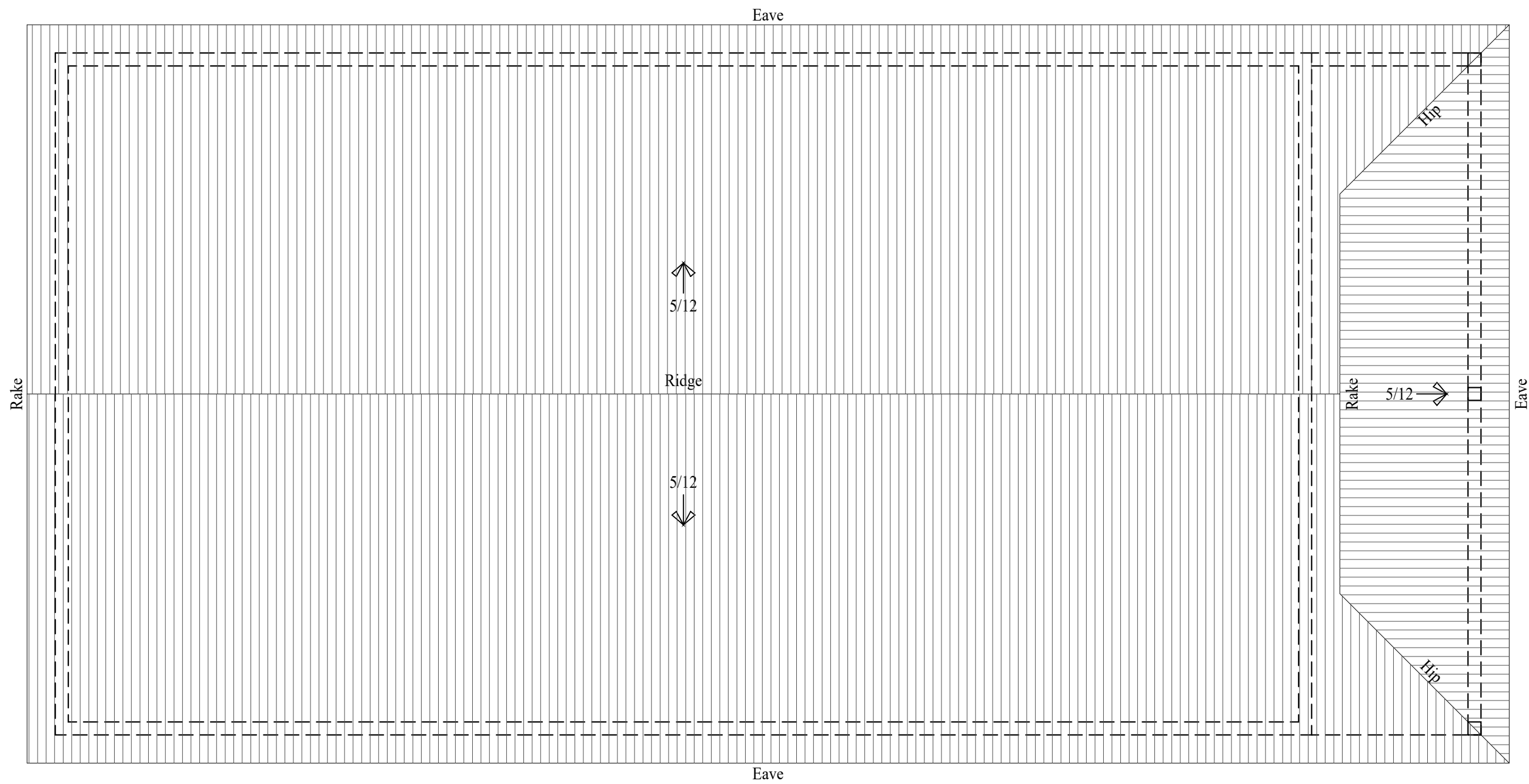
2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



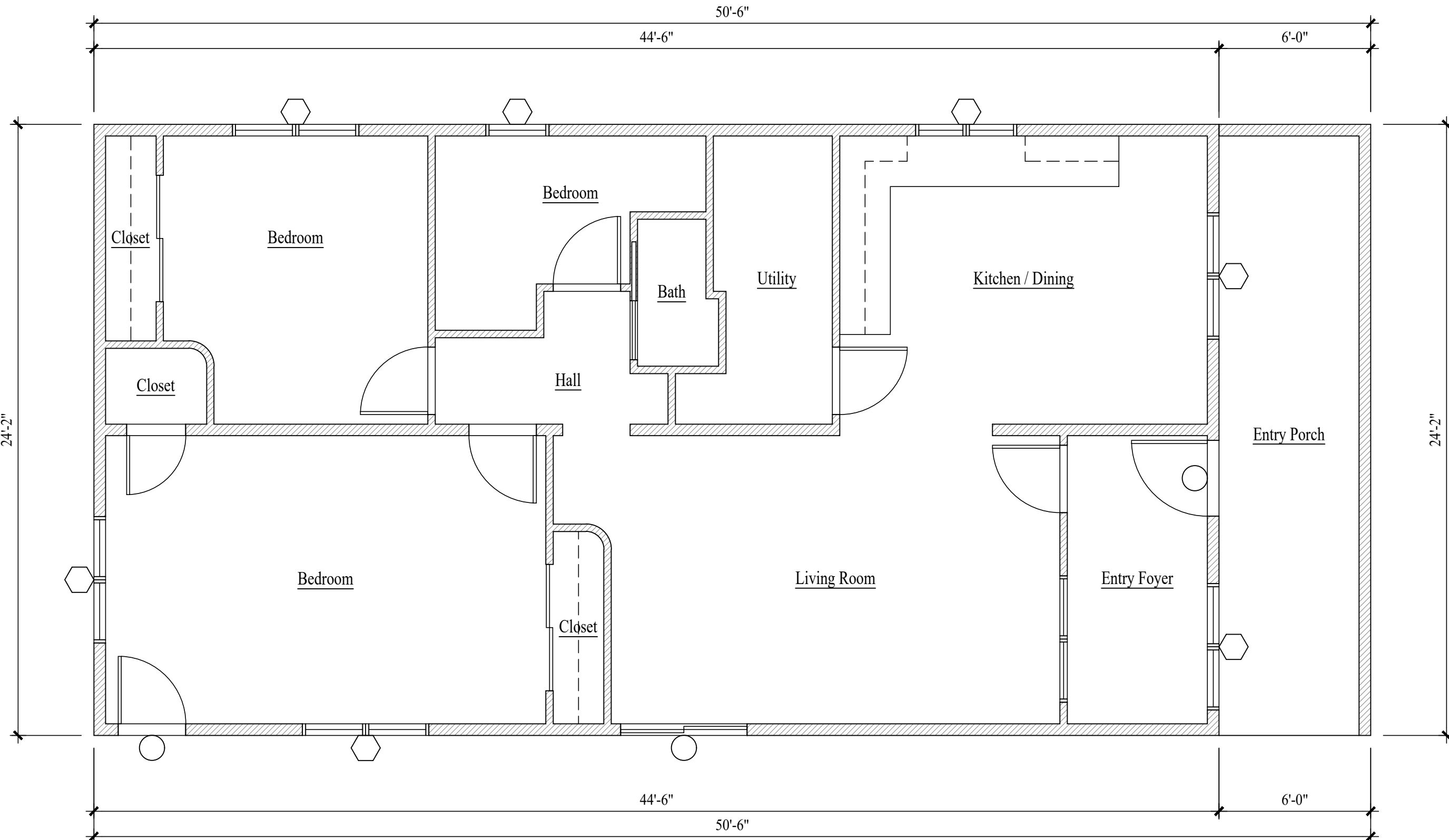
3 WEST ELEVATION
SCALE: 1/4" = 1'-0"



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



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



MAIN LEVEL PLAN
SCALE: 1/4" = 1'-0"
MAIN LEVEL LIVING AREA = 1075 S/F

WALL LEGEND

- EXISTING WALL
- EXISTING MASONRY / STONE / CONC.

ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION

KEY NOTES

1 NOTE

Jonathan DeGray
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KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW
569 PARK AVENUE, PARK CITY, UTAH 84060

AS-BUILTS
FLOOR PLAN, ROOF PLAN
ELEVATIONS

REVISIONS:

DATE:

JULY 12, 2022

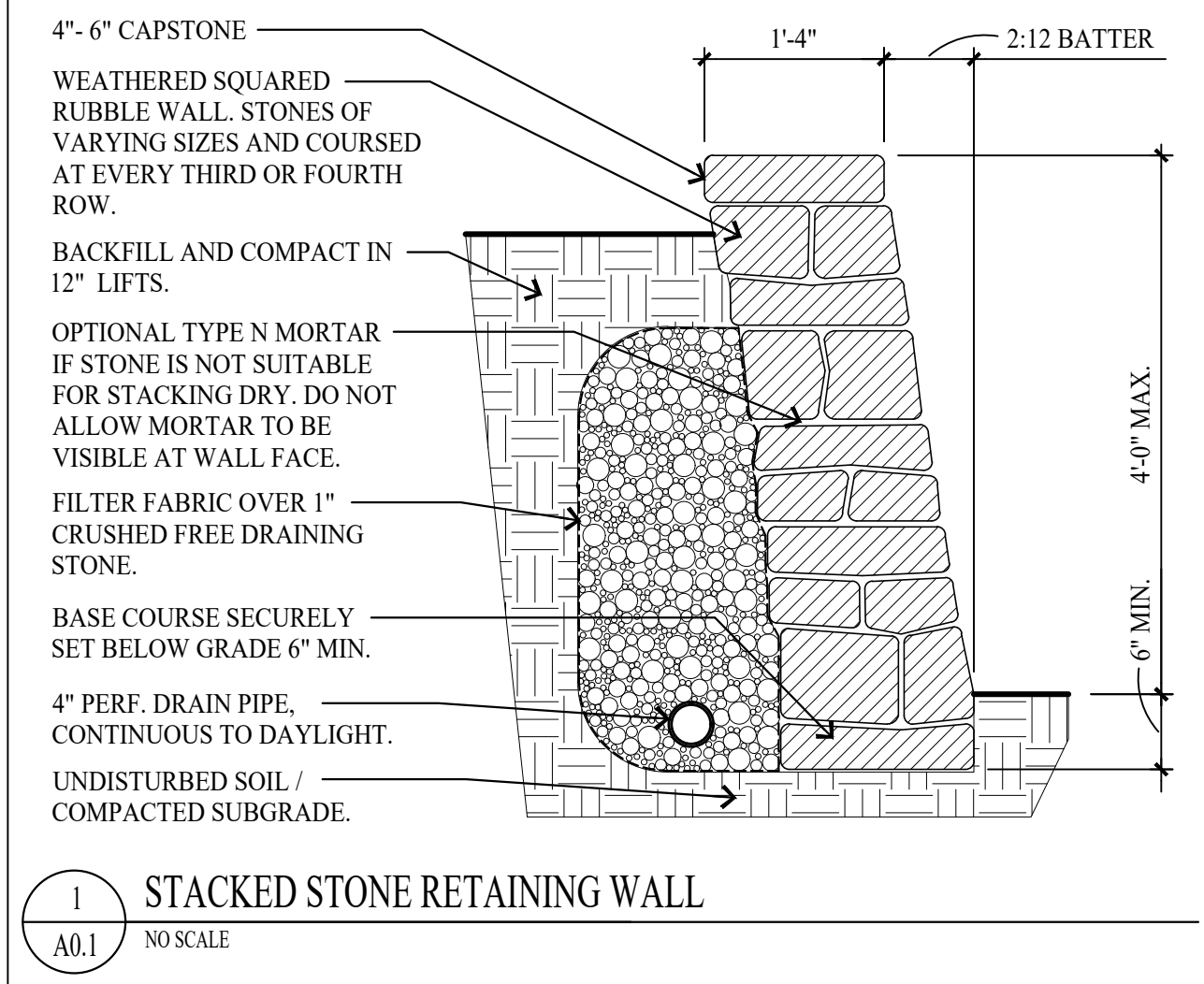
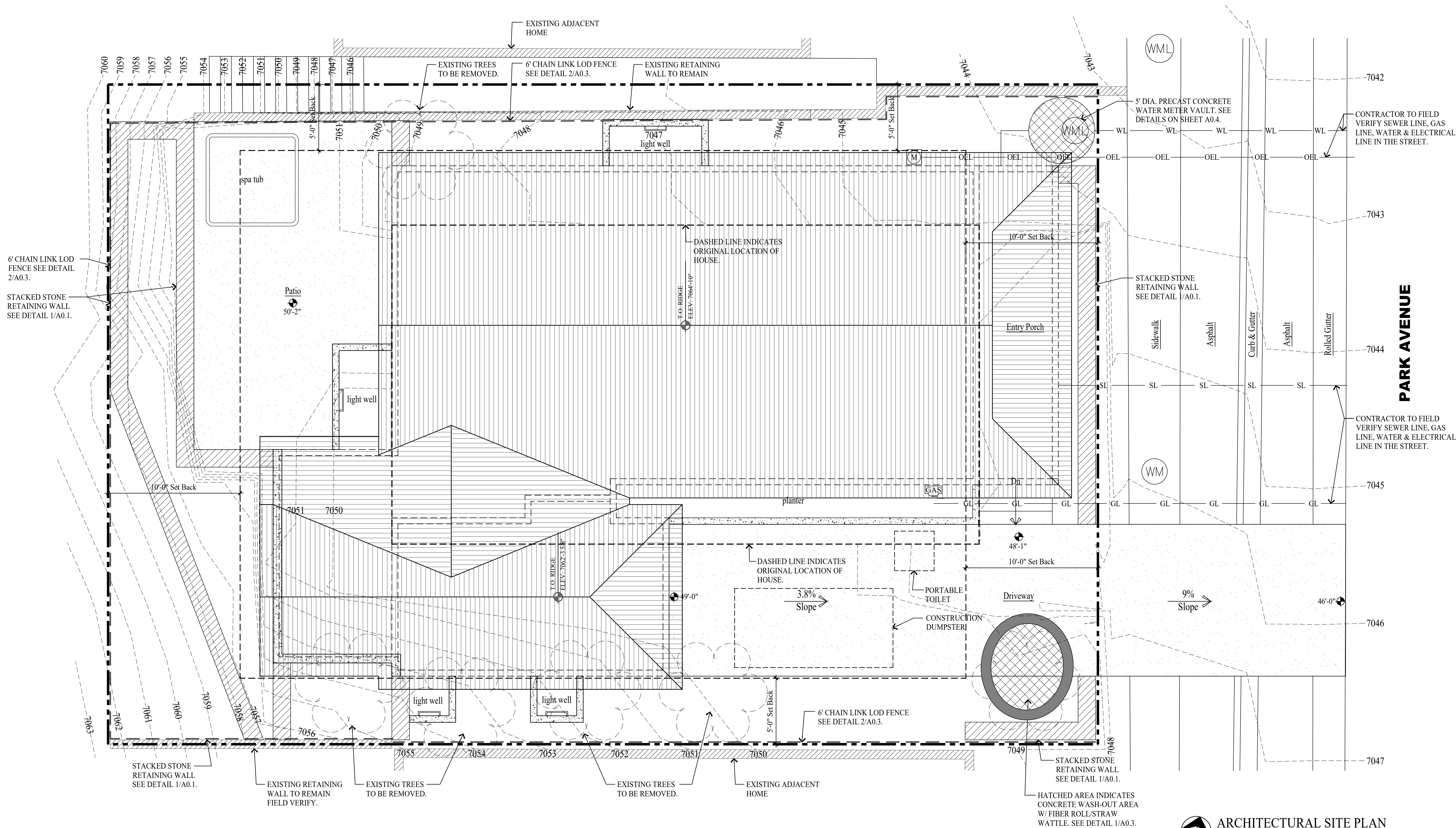
PROJECT NUMBER:

2206-01

SHEET NUMBER:

AB.1

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY - ARCHITECT P.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN CONTAINED HEREIN IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF JONATHAN DEGRAY - ARCHITECT P.C. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
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GENERAL NOTES

SITE PLAN NOTES:

1. ALL SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR AN APPROVED DRAINAGE COURSE BUT NOT ONTO THE NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10 FEET. -IRC R401.3

STABILIZATION CONSTRUCTION ENTRANCE

FOR A MINIMUM OF 50' FROM ROADWAY. A FILTER FABRIC SHALL BE INSTALLED OVER A COMPACTED SUBGRADE. A 6" LAYER OF 1", 2" AGGREGATE SHALL BE PLACED OVER THIS MEMBRANE. DAILY INSPECTION FOR SEDIMENT BUILD UP AND/OR LOSS OF GRAVEL WILL BE ENFORCED, AND REMEDIED AT ONCE.

GRADING NOTES

1. DRAINAGE TO COMPLY WITH IRC CHAPTER 4
2. MAXIMUM ALTERED SLOPES AT 2:1.
3. MINIMUM SLOPE FOR DRAINAGE = 2%.
4. DRAIN AWAY FROM BUILDING.
5. CONTAIN DRAINAGE ON PROPERTY.
6. BOULDER RETAINING WALLS NOT TO EXCEED 4'-0" EXPOSED HEIGHT.
7. EXCAVATION NOT TO EXCEED 2:1 SLOPE WITH OUT A SOILS REPORT.

UTILITY NOTES

1. ALL UTILITY LINES TO BE UNDERGROUND.
2. ABOVE GRADE UTILITY BOX TO BE IN SCREENED LOCATION.

SNOW REMOVAL

SNOW PLOWED FROM DRIVE SHALL NOT BE PUSHED ONTO THE STREET.

LEGEND

(WML)	WATER MANHOLE LID
(SML)	SEWER MANHOLE LID
(M)	ELECTRIC METER BOX
(GAS)	GAS METER
(W)	WATER VALVE
(WM)	WATER METER
(SDM)	STORM DRAIN MANHOLE
(P)	POWER POLE
(S)	STREET LIGHT
(D)	DATUM ELEVATION
(F)	FIRE HYDRANT
(T)	TELECOM BOX
(E)	ELECTRICAL BOX
(S)	SEWER CLEAN OUT
(-)	LOD FENCE
(→)	SURFACE DRAINAGE FLOW
(---	EXISTING CONTOUR LINE
(---	NEW CONTOUR LINE
(---	PROPERTY LINE
(---	SET BACK LINE
(X)	FENCE LINE
(WL)	WATER LINE
(SL)	SEWER LINE
(GL)	GAS LINE
(OEL)	OVERHEAD ELECTRICAL LINE

LOD DISTURBED AREA: 858 S/F

NOTE:
1. SWPPP SIGN AND SWPPP DOCUMENT MUST BE ON SITE DURING CONSTRUCTION.
2. DOWNSIDE SEDIMENT TRAPS NEED TO EXTEND UP BOTH SIDES FAR ENOUGH TO PREVENT OFFSITE DEPOSITION. FIELD VERIFY.



Jonathan DeGray
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KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW

569 PARK AVENUE, PARK CITY, UTAH 84060

ARCHITECTURAL SITE PLAN

REVISIONS:

DATE:

JULY 12, 2022

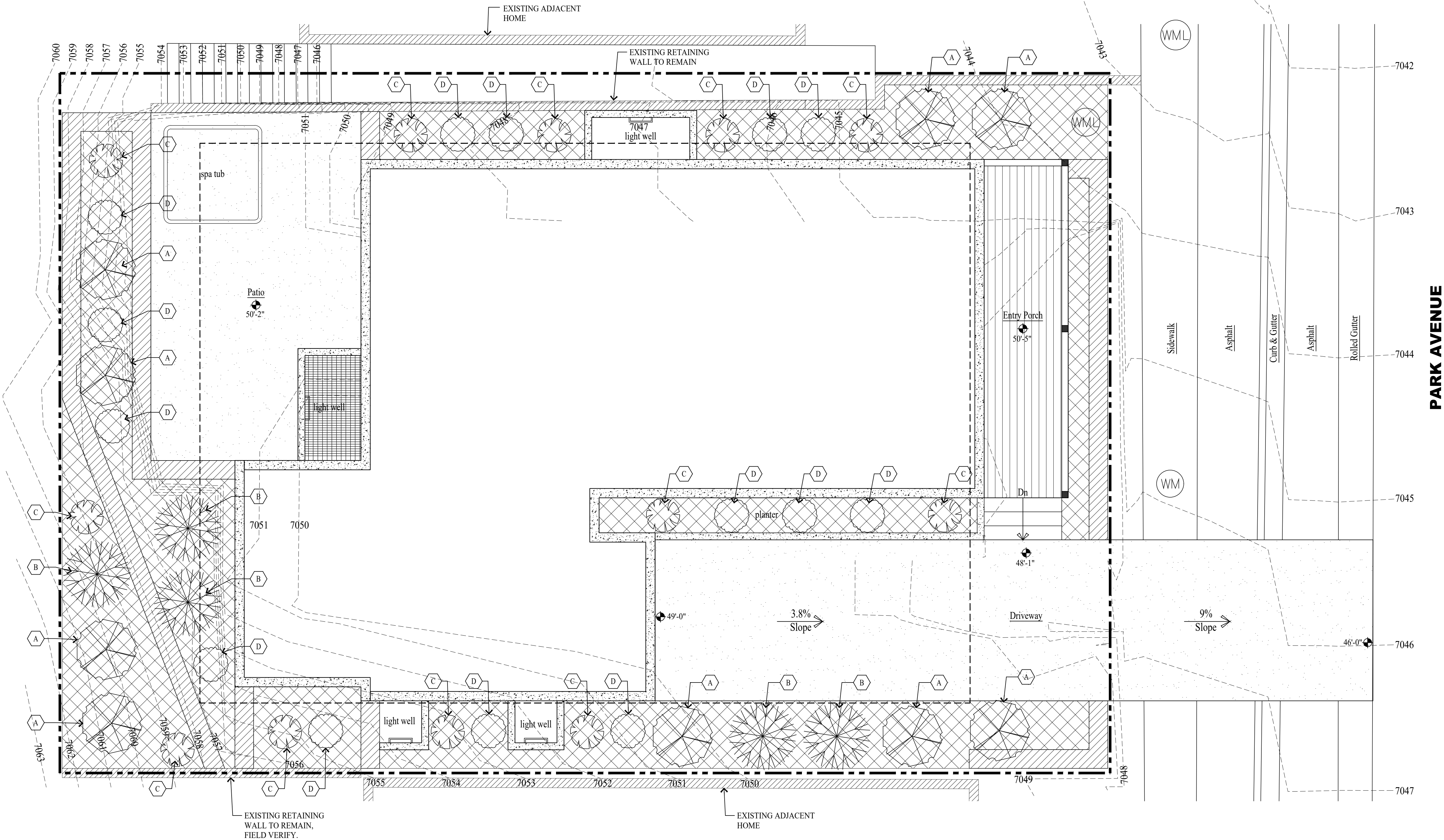
PROJECT NUMBER:

2206-01

SHEET NUMBER:

A0.1

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PLANT SCHEDULE							
SYMBOL	KEY	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	COMMENTS
 	A	9	Rocky Mtn. Maple	Acer Glabrum	3" Dia.	3'-8'	
	B	5	Aspen	Populus tremuloides	3" Dia.	6'-10'	
SHRUBS							
 	C	12	Red twig dogwood	Cornus sericea "baileyi"	5 Gal.		Spacing as noted
	D	14	Red Chokeberry	Aronia arbutifolia	5 Gal.		Spacing as noted
GROUND COVER and HYDROSEEDING							
  	E	20	Mountain Lover	Pachistima Myrsinites	4" Pots	12"-18"	Distribute Equally
	F	20	Creeping Mahonia	Mahonia Repens	1 Gal.	12"-18"	Distribute Equally
	G	287 S/F	Wood Chips		Small		3" Thick Layer

- ### GENERAL NOTES
- PLANTING NOTES:
- CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.
 - ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMANS STANDARD SPECIFICATIONS.
 - ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
 - CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.
 - CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
 - IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
 - NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
 - SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.
 - ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.
 - SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGING. IT SHALL SEPARATE ALL SHRUB BEDS/ NATIVE GRASS LOCATIONS.
 - ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.
 - ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF OF PLANTING AND PROPERLY DISCARDED.
 - NO BARE ROOT STOCK SHALL BE USED.

- ### LEGEND
-  WATER MANHOLE LID
 -  SEWER MANHOLE LID
 -  ELECTRIC METER BOX
 -  GAS METER
 -  WATER VALVE
 -  WATER METER
 -  STORM DRAIN MANHOLE
 -  POWER POLE
 -  STREET LIGHT
 -  DATUM ELEVATION
 -  FIRE HYDRANT
 -  TELECOM BOX
 -  ELECTRICAL BOX
 -  SEWER CLEAN OUT
 -  LOD FENCE
 -  SURFACE DRAINAGE FLOW
 -  EXISTING CONTOUR LINE
 -  NEW CONTOUR LINE
 -  PROPERTY LINE
 -  SET BACK LINE
 -  FENCE LINE
 -  WATER LINE
 -  SEWER LINE
 -  GAS LINE
 -  OVERHEAD ELECTRICAL LINE

LOD DISTURBED AREA: 858 S/F

NOTE:
1. SWPPP SIGN AND SWPPP DOCUMENT MUST BE ON SITE DURING CONSTRUCTION.
2. DOWNSTREAM SEDIMENT TRAPS NEED TO EXTEND UP BOTH SIDES FAR ENOUGH TO PREVENT OFFSITE DESPOSITION. FIELD VERIFY.

0' 5' 10'
GRAPHIC SCALE

PRODUCT DESCRIPTION:
KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW

LANDSCAPE PLAN

SHEET DESCRIPTION:

REVISIONS:

DATE:

JULY 12, 2022

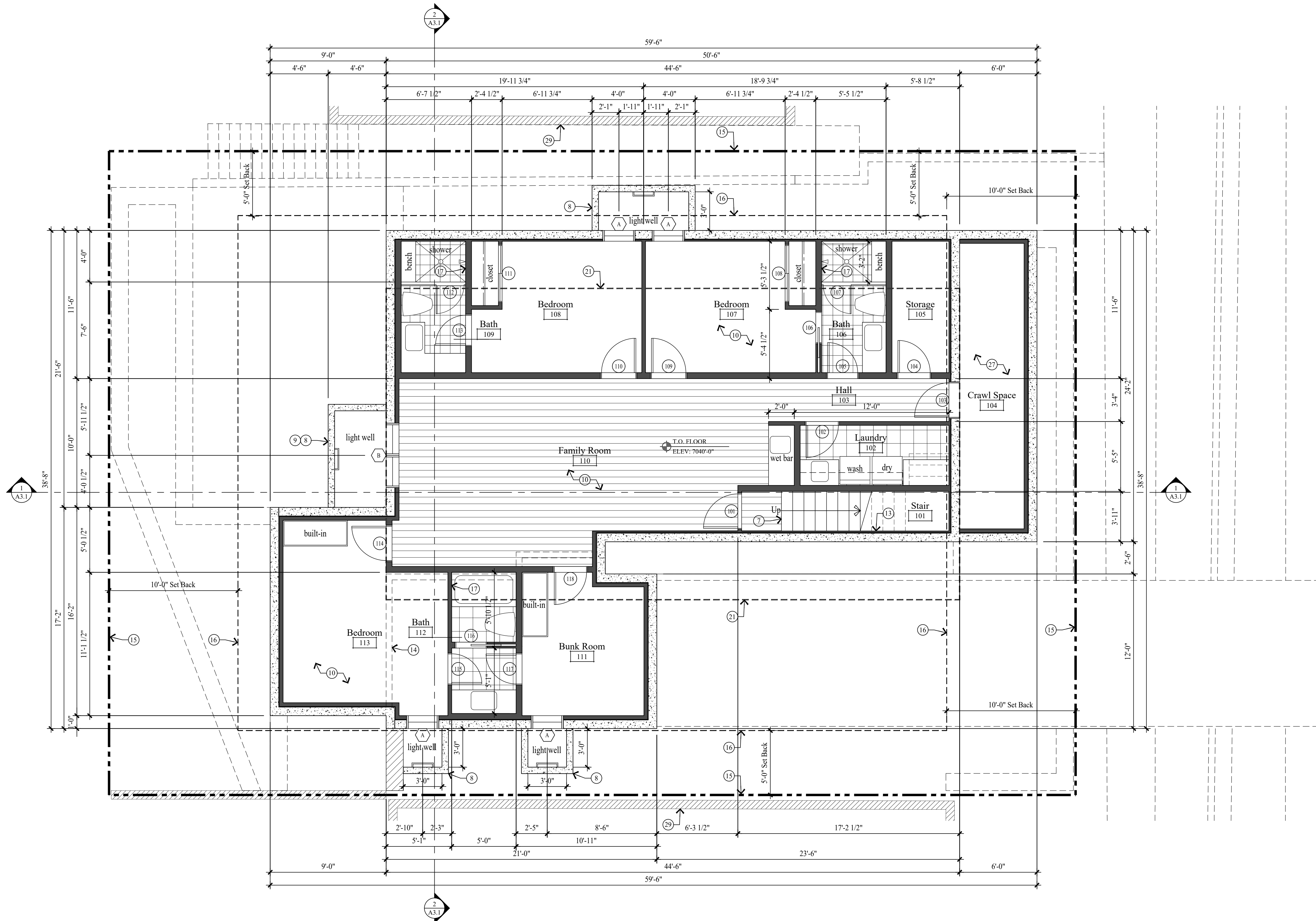
PROJECT NUMBER:

2206-01

SHEET NUMBER:

A0.2

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LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"

GENERAL NOTES

- EXISTING 2x FRAMED WALL
- NEW CONCRETE WALL
- NEW 2x FRAMED WALL
- (E) INDICATES EXISTING
- (N) INDICATES NEW
- 1. ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.
- 2. EXTERIOR WALLS TO BE 2x6 FRAMING W/ BIB INSULATION R-23 - TYP. ALL INTERIOR WALLS TO BE 2x4 FRAMING, U.N.O. W/ BIB INSULATION R-15 - TYP. ALL INTERIOR PLUMBING AND BEARING WALLS TO BE 2x6 FRAMING, U.N.O. W/ BIB INSULATION R-23 - TYP. ALL FLOOR JOIST TO BE 11 7/8" TJI FRAMING U.N.O. W/ BIB INSULATION R-39 - TYP. ALL ROOF JOIST TO BE 11 7/8" TJI FRAMING U.N.O. W/ BIB INSULATION R-39 - TYP.
- 3. FIRE SPRINKLERS TO BE ON THE WARM SIDE OF THE BUILDING ENVELOPE. ANTIFREEZE WILL NO LONGER BE ALLOWED IN FIRE SPRINKLER SYSTEMS.
- 4. AIR LEAKAGE: THE BUILDING THERMAL ENVELOPE SHALL BE CONSTRUCTED TO LIMIT AIR LEAKAGE IN ACCORDANCE WITH SECTIONS N1102.4.1 - N1102.4.4.
- 5. HOME HARDENING SHALL COMPLY WITH THE WILDLAND - URBAN INTERFACE CODE AS ADOPTED BY THE STATE OF UTAH AND AMENDED BY PARK CITY PER LMC 11-21, H 603.4

KEY NOTES

- 1 ARCHITECTURAL GRADE 40 YEAR ASPHALT SHINGLE ON ICE AND WATER MEMBRANE ON 5/8" EXTERIOR SHEATHING ON ROOF JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.
- 2 COMPOSITE RIDGE VENT; COBRA OR EQUAL.
- 3 GUTTERS AND DOWNSPOUTS TO TIE INTO EXISTING FRENCH DRAIN.
- 4 ROOF CRICKET/OVER-BUILD, CONTRACTOR TO FIELD VERIFY HEIGHT AND LOCATION.
- 5 STACKED STONE RETAINING WALL, NOT TO EXCEED 4'-0" HIGH.
- 6 36" HIGH RAILING: 2"x4 1/2" SHAPED HARDWOOD CONTINUOUS TOP CAP, TOP AND BOTTOM RAIL TO BE 1 1/2" x 2 1/2" TUBE STEEL. BOTTOM RAIL TO BE TURNED FLAT, W/ 1/2" STEEL BALLAST, VERTICAL, SPACED LESS THAN 4", 4"x4" WOOD END / MID POSTS.
- 7 FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS ON SEE SHEET A5.1.
- 8 CONCRETE WINDOW WELL W/ EGRESS LADDER.
- 9 ALUMINUM GRATE OVER CONCRETE WINDOW WELL TO BE HINGED FOR EGRESS ACCESS.
- 10 4" REINFORCED CONCRETE SLAB W/ HYDRAUNIC HEATING ON 2" RIGID INSULATION (CONTINUOUS) ON 6 MIL POLYETHYLENE VAPOR RETARDER (JOINTS TO LAP 6" MIN.) ON 4" GRAVEL BASE CLEANED/GRADED.
- 11 1 1/2" GYPCRETE W/ HYDRAUNIC HEATING ON 3/4" PLYWOOD ON FLOOR JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.
- 12 4" REINFORCED CONCRETE PATIO / DRIVEWAY ON 4" GRAVEL BASE.
- 13 ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE WALLS, UNDER-STAIR SURFACE AND ANY SOFFITS PROTECTED ON THE ENCLOSED SIDE WITH 1/2" GYPSUM BOARD.
- 14 DASHED LINES INDICATE WALL / BEAM ABOVE.
- 15 PROPERTY LINE.
- 16 SET BACK LINE.
- 17 TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYP. BACKER.
- 18 HEATILATOR "CRAVE 6048-C" DIRECT VENT FIREPLACE, FRAME ON 10" PLATFORM, SEALED GAS APPLIANCE APPROVED FOR SLEEPING AREAS. ANSI Z21.88-2019.
- 19 4x4 COLUMN TO BE WRAPPED IN 1x CEDAR - PAINT/STAIN. MATCH ORIGINAL.
- 20 36"x12"x12" PIER TO BE WRAPPED IN 1x CEDAR - PAINT/STAIN. MATCH ORIGINAL.
- 21 DASHED LINE INDICATES ORIGINAL LOCATION OF HOUSE.
- 22 1 1/2" x 3 1/2" CONTINUOUS METAL DRIP EDGE.
- 23 1x CEDAR SOFFIT, VENTED - PAINT/STAIN.
- 24 1x4 ON 1x10 BUILT-UP FASCIA - PAINT/STAIN.
- 25 WATERPROOF ENTRY PORCH: 2x6 TREX DECKING ON 2x TAPERED SLEEPERS SLOPED @ 2.0% ON REINFORCED EPDM ON 3/4" EXTERIOR PLYWOOD ON 2x12 TAPERED/RIPPED JOIST @ 12" O.C. ALL DECK FRAMING TO BE PPT AS WELL AS FIRE-RATED PER 2006 UWUIC.
- 26 36" HIGH GUARD WALL - PAINT/STAIN. MATCH EXISTING.
- 27 CRAWL SPACE: 6 MIL POLYETHYLENE VAPOR RETARDER ON 4" GRAVEL BASE - CLEANED AND GRADED. SEE MECHANICAL NOTE 21 & 25 ON SHEET MEP.0.
- 28 5/8" TYPE "X" ON GARAGE CEILING AND WALL SEPARATING THE GARAGE AND LIVING SPACE.
- 29 EXISTING ADJACENT HOME.
- 30 GARAGE SLAB: 5" CONCRETE ON 16 GAUGE B-36 FORMLOCK METAL DECKING, SLOPED. SEE STRUCTURAL FOR REINFORCING AND DETAILS.
- 31 SNOW RETENTION BARS: S-5 X-GARD 2.0 OR EQUAL. - SEE SHEET A5.2.

Jonathan DeGray
A r c h i t e c t

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KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW

569 PARK AVENUE, PARK CITY, UTAH 84060

LOWER LEVEL PLAN

REVISIONS:

DATE:

JULY 12, 2022

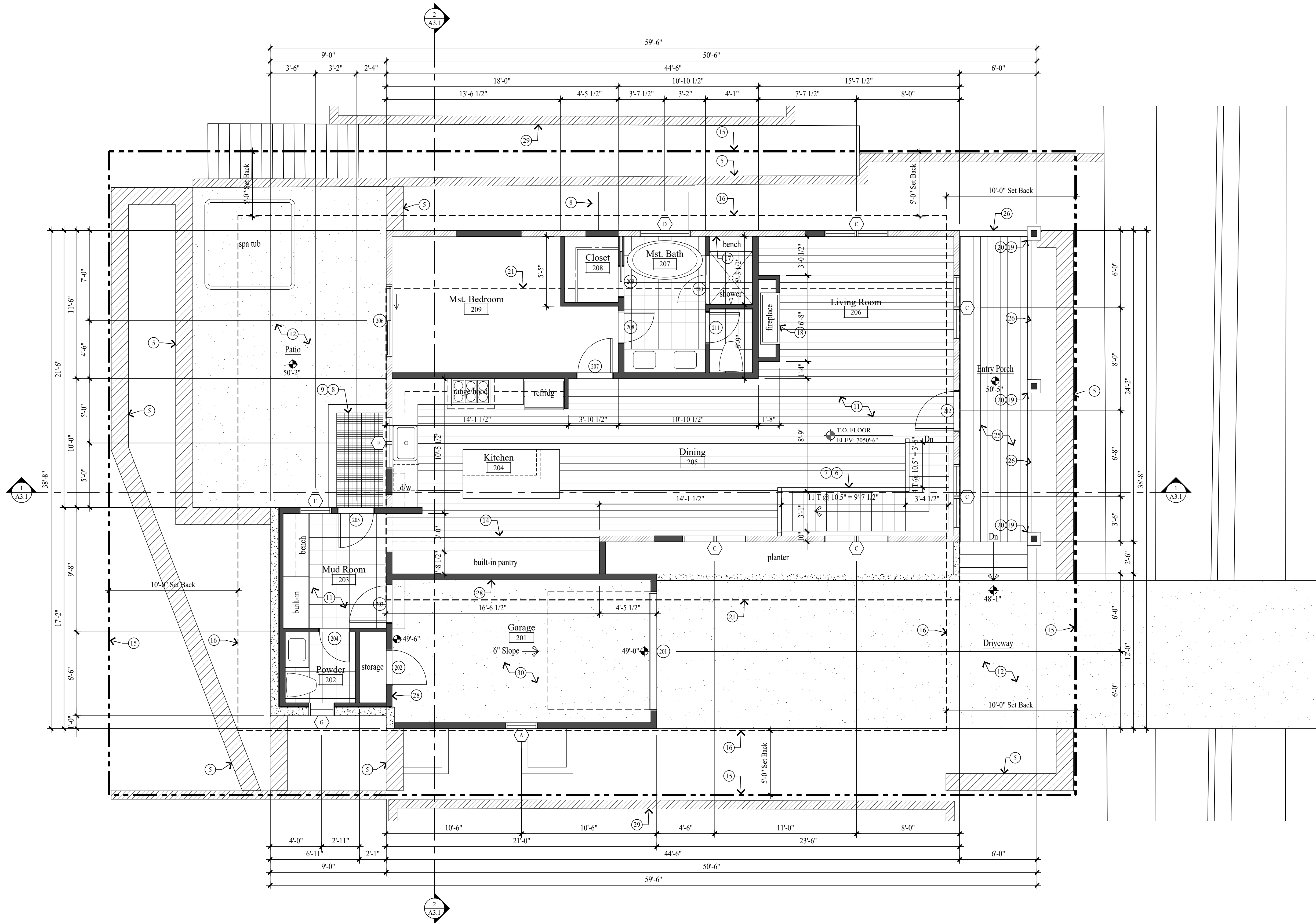
PROJECT NUMBER:

2206-01

SHEET NUMBER:

A1.1

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MAIN LEVEL PLAN
SCALE: 1/4" = 1'-0"

GENERAL NOTES

- EXISTING 2x FRAMED WALL
NEW CONCRETE WALL
NEW 2x FRAMED WALL
(E) INDICATES EXISTING
(N) INDICATES NEW

1. ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.
2. EXTERIOR WALLS TO BE 2x6 FRAMING W/ BIB INSULATION R-23 - TYP. ALL INTERIOR WALLS TO BE 2x4 FRAMING, U.N.O. W/ BIB INSULATION R-15 - TYP. ALL INTERIOR PLUMBING AND BEARING WALLS TO BE 2x6 FRAMING, U.N.O. W/ BIB INSULATION R-23 - TYP. ALL FLOOR JOIST TO BE 11 7/8" TJI FRAMING U.N.O. W/ BIB INSULATION R-39 - TYP. ALL ROOF JOIST TO BE 11 7/8" TJI FRAMING U.N.O. W/ BIB INSULATION R-39 - TYP.
3. FIRE SPRINKLERS TO BE ON THE WARM SIDE OF THE BUILDING ENVELOPE. ANTIFREEZE WILL NO LONGER BE ALLOWED IN FIRE SPRINKLER SYSTEMS.
4. AIR LEAKAGE: THE BUILDING THERMAL ENVELOPE SHALL BE CONSTRUCTED TO LIMIT AIR LEAKAGE IN ACCORDANCE WITH SECTIONS N1102.4.1 - N1102.4.4.
5. HOME HARDENING SHALL COMPLY WITH THE WILDLAND - URBAN INTERFACE CODE AS ADOPTED BY THE STATE OF UTAH AND AMENDED BY PARK CITY PER LMC 11-21, H 603.4.

KEY NOTES

- 1 ARCHITECTURAL GRADE 40 YEAR ASPHALT SHINGLE ON ICE AND WATER MEMBRANE ON 5/8" EXTERIOR SHEATHING ON ROOF JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.
- 2 COMPOSITE RIDGE VENT; COBRA OR EQUAL.
- 3 GUTTERS AND DOWNSPOUTS TO TIE INTO EXISTING FRENCH DRAIN.
- 4 ROOF CRICKET/OVER-BUILD, CONTRACTOR TO FIELD VERIFY HEIGHT AND LOCATION.
- 5 STACKED STONE RETAINING WALL, NOT TO EXCEED 4'-0" HIGH.
- 6 36" HIGH RAILING: 2"x4 1/2" SHAPED HARDWOOD CONTINUOUS TOP CAP, TOP AND BOTTOM RAIL TO BE 1 1/2" x 2 1/2" TUBE STEEL. BOTTOM RAIL TO BE TURNED FLAT, W/ 1/2" STEEL BALLAST, VERTICAL, SPACED LESS THAN 4", 4"x4" WOOD END / MID POSTS.
- 7 FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS ON SEE SHEET A5.1.
- 8 CONCRETE WINDOW WELL W/ EGRESS LADDER.
- 9 ALUMINUM GRATE OVER CONCRETE WINDOW WELL TO BE HINGED FOR EGRESS ACCESS.
- 10 4" REINFORCED CONCRETE SLAB W/ HYDRAUNIC HEATING ON 2" RIGID INSULATION (CONTINUOUS) ON 6 MIL POLYETHYLENE VAPOR RETARDER (JOINTS TO LAP 6" MIN.) ON 4" GRAVEL BASE CLEANED/GRADED.
- 11 1 1/2" GYPCRETE W/ HYDRAUNIC HEATING ON 3/4" PLYWOOD ON FLOOR JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.
- 12 4" REINFORCED CONCRETE PATIO / DRIVEWAY ON 4" GRAVEL BASE.
- 13 ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE WALLS, UNDER-STAIR SURFACE AND ANY SOFFITS PROTECTED ON THE ENCLOSED SIDE WITH 1/2" GYPSUM BOARD.
- 14 DASHED LINES INDICATE WALL / BEAM ABOVE.
- 15 PROPERTY LINE.
- 16 SET BACK LINE.
- 17 TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYP. BACKER.
- 18 HEATILATOR "CRAVE 6048-C" DIRECT VENT FIREPLACE. FRAME ON 10" PLATFORM. SEALED GAS APPLIANCE APPROVED FOR SLEEPING AREAS. ANSI Z21.88-2019.
- 19 4x4 COLUMN TO BE WRAPPED IN 1x CEDAR - PAINT/STAIN. MATCH ORIGINAL.
- 20 36"x12"x12" PIER TO BE WRAPPED IN 1x CEDAR - PAINT/STAIN. MATCH ORIGINAL.
- 21 DASHED LINE INDICATES ORIGINAL LOCATION OF HOUSE.
- 22 1 1/2" x 3 1/2" CONTINUOUS METAL DRIP EDGE.
- 23 1x CEDAR SOFFIT, VENTED - PAINT/STAIN.
- 24 1x4 ON 1x10 BUILT-UP FASCIA - PAINT/STAIN.
- 25 WATERPROOF ENTRY PORCH: 2x6 TREX DECKING ON 2x TAPERED SLEEPERS SLOPED @ 2.0% ON REINFORCED EPDM ON 3/4" EXTERIOR PLYWOOD ON 2x12 TAPERED/RIPPED JOIST @ 12" O.C. ALL DECK FRAMING TO BE PPT AS WELL AS FIRE-RATED PER 2006 UWIIC.
- 26 36" HIGH GUARD WALL - PAINT/STAIN. MATCH EXISTING.
- 27 CRAWL SPACE: 6 MIL POLYETHYLENE VAPOR RETARDER ON 4" GRAVEL BASE - CLEANED AND GRADED. SEE MECHANICAL NOTE 21 & 25 ON SHEET MEP.0.
- 28 5/8" TYPE "X" ON GARAGE CEILING AND WALL SEPARATING THE GARAGE AND LIVING SPACE.
- 29 EXISTING ADJACENT HOME.
- 30 GARAGE SLAB: 5" CONCRETE ON 16 GAUGE B-36 FORMLOCK METAL DECKING. SLOPED. SEE STRUCTURAL FOR REINFORCING AND DETAILS.
- 31 SNOW RETENTION BARS: S-5 X-GARD 2.0 OR EQUAL. - SEE SHEET A5.2.

Jonathan DeGray
A r c h i t e c t

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Tel. 435-646-7263, E-mail: degrayarch@westoffice.net

KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW
569 PARK AVENUE, PARK CITY, UTAH 84060

MAIN LEVEL PLAN

SHEET DESCRIPTION:

REVISIONS:

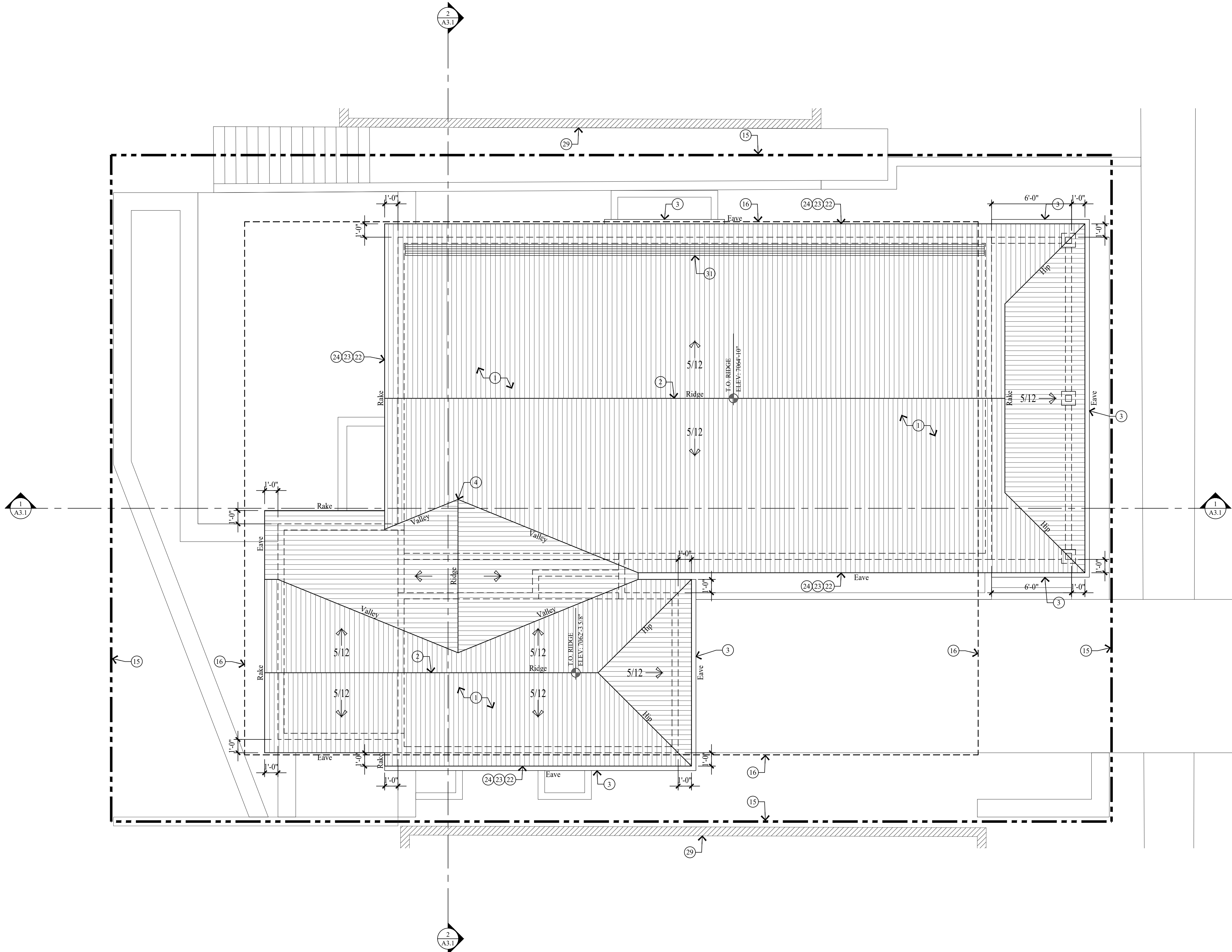
DATE:
JULY 12, 2022

PROJECT NUMBER:
2206-01

SHEET NUMBER:

A1.2

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY - ARCHITECT P.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN CONTAINED HEREIN IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF JONATHAN DEGRAY - ARCHITECT P.C. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
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ROOF PLAN
SCALE: 1/4" = 1'-0"

GENERAL NOTES

- EXISTING 2x FRAMED WALL
- NEW CONCRETE WALL
- NEW 2x FRAMED WALL
- (E) INDICATES EXISTING
- (N) INDICATES NEW

- ALL DIMENSIONS ARE APPROXIMATE AND ARE TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.
- EXTERIOR WALLS TO BE 2x6 FRAMING W/ BIB INSULATION R-23 - TYP. ALL INTERIOR WALLS TO BE 2x4 FRAMING, U.N.O. W/ BIB INSULATION R-15 - TYP. ALL INTERIOR PLUMBING AND BEARING WALLS TO BE 2x6 FRAMING, U.N.O. W/ BIB INSULATION R-23 - TYP. ALL FLOOR JOIST TO BE 11 7/8" TJI FRAMING U.N.O. W/ BIB INSULATION R-39 - TYP. ALL ROOF JOIST TO BE 11 7/8" TJI FRAMING U.N.O. W/ BIB INSULATION R-39 - TYP.
- FIRE SPRINKLERS TO BE ON THE WARM SIDE OF THE BUILDING ENVELOPE. ANTIFREEZE WILL NO LONGER BE ALLOWED IN FIRE SPRINKLER SYSTEMS.
- AIR LEAKAGE: THE BUILDING THERMAL ENVELOPE SHALL BE CONSTRUCTED TO LIMIT AIR LEAKAGE IN ACCORDANCE WITH SECTIONS N1102.4.1 - N1102.4.4.
- HOME HARDENING SHALL COMPLY WITH THE WILDLAND - URBAN INTERFACE CODE AS ADOPTED BY THE STATE OF UTAH AND AMENDED BY PARK CITY PER LMC 11-21, H 603.4

KEY NOTES

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- COMPOSITE RIDGE VENT; COBRA OR EQUAL.
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Jonathan DeGray
A r c h i t e c t

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KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW

569 PARK AVENUE, PARK CITY, UTAH 84060

ROOF PLAN

SHEET DESCRIPTION:

REVISIONS:

DATE:

JULY 12, 2022

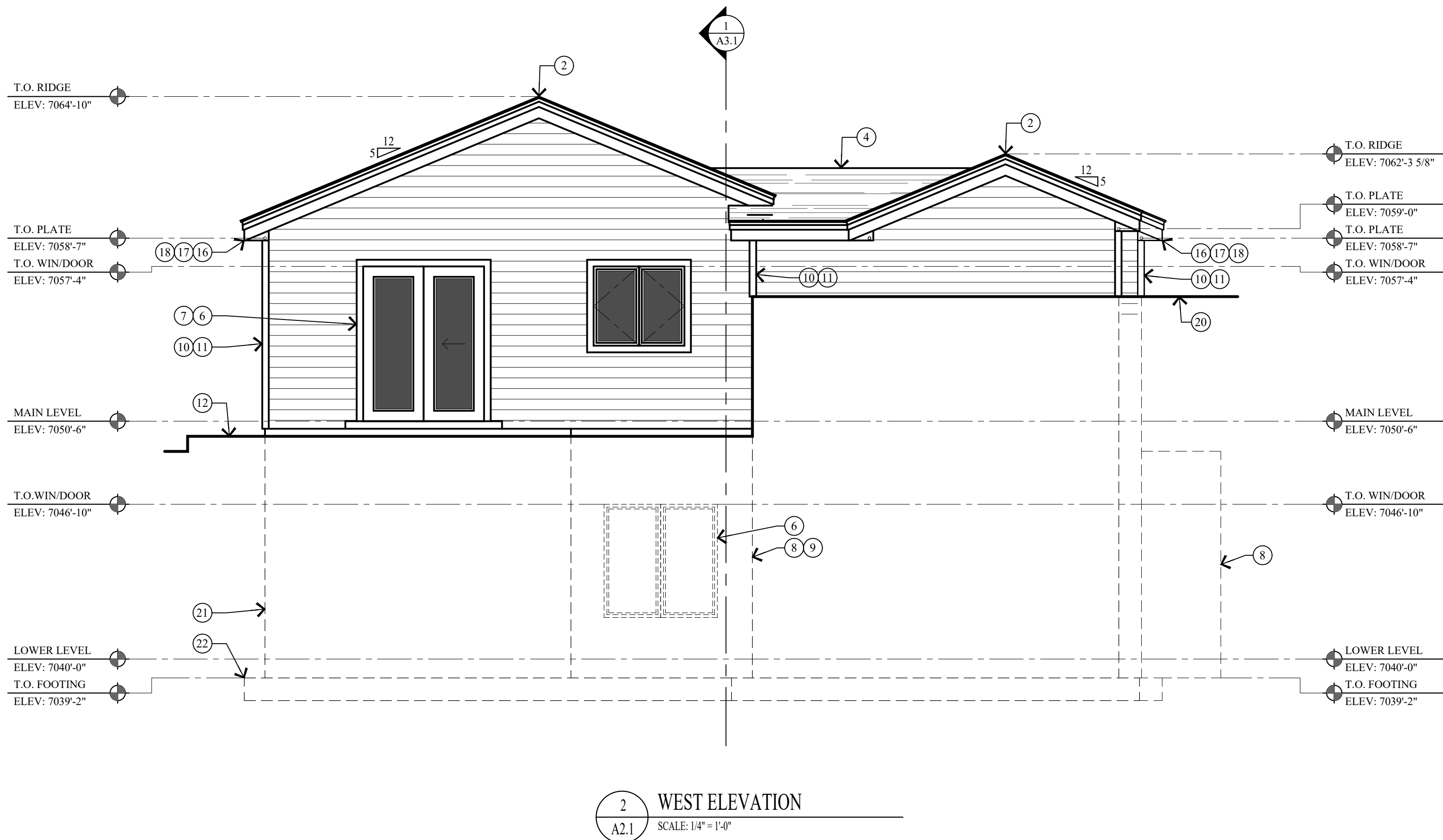
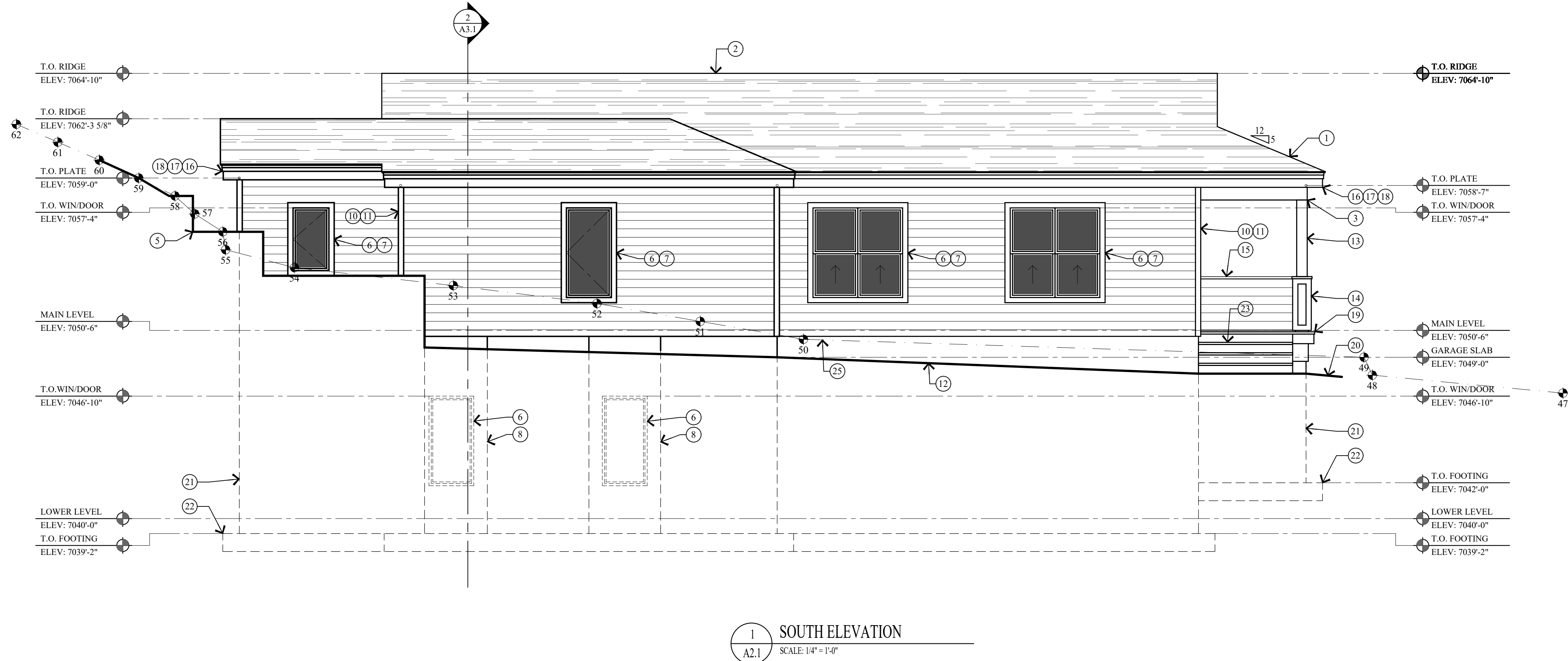
PROJECT NUMBER:

2206-01

SHEET NUMBER:

A1.3

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN AT ALL TIMES THE PROPERTY OF JONATHAN DEGRAY - ARCHITECT P.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN CONTAINED HEREIN IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF JONATHAN DEGRAY - ARCHITECT P.C. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.
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KEY NOTES

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- 2 COMPOSITE RIDGE VENT; COBRA OR EQUAL. DRAWINGS FOR SIZE AND DETAILS.
- 3 STRUCTURAL BEAM - SEE STRUCTURAL DRAWINGS FOR SIZE AND DETAILS.
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- 8 CONCRETE WINDOW WELL W/ EGRESS LADDER.
- 9 ALUMINUM GRATE OVER CONCRETE WINDOW WELL TO BE HINGED FOR EGRESS ACCESS.
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- 11 1x6 CEDAR HORIZONTAL LAP SIDING ON TYVEK HOMEWRAP ON 1/2" EXTERIOR SHEATHING ON 2x6 STUD WALL @ 16" O.C.
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- 21 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 22 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 23 FOR TYPICAL STAIRWAY, HANDRAILING AND GUARDRAILING NOTES & DETAILS ON SEE SHEET A5.1.
- 24 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE.
- 25 EXISTING GRADE LINE.

PRODUCT DESCRIPTION:

KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW

569 PARK AVENUE, PARK CITY, UTAH 84060

SHEET DESCRIPTION:

SOUTH & WEST ELEVATIONS

REVISIONS:

DATE:

JULY 12, 2022

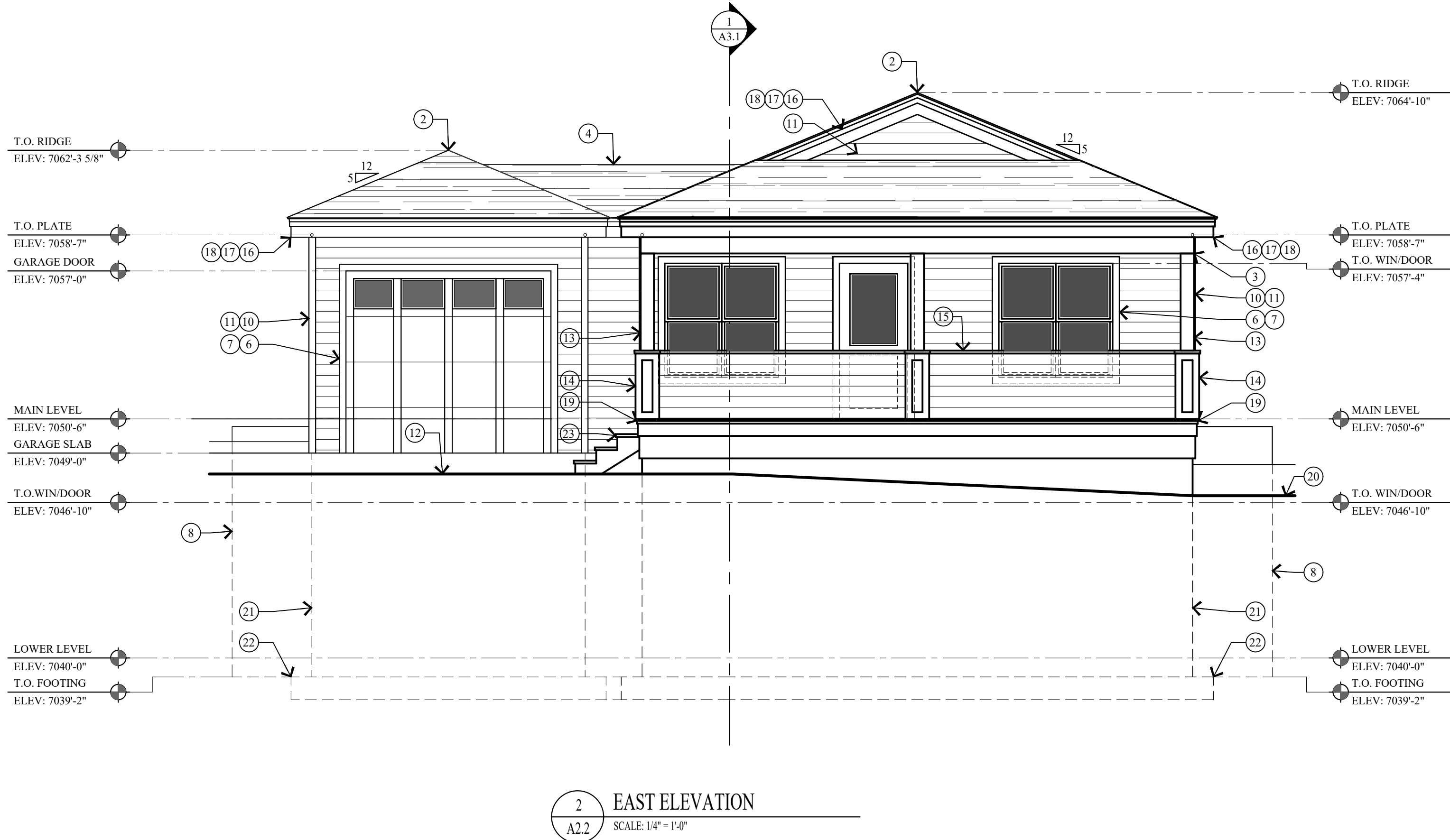
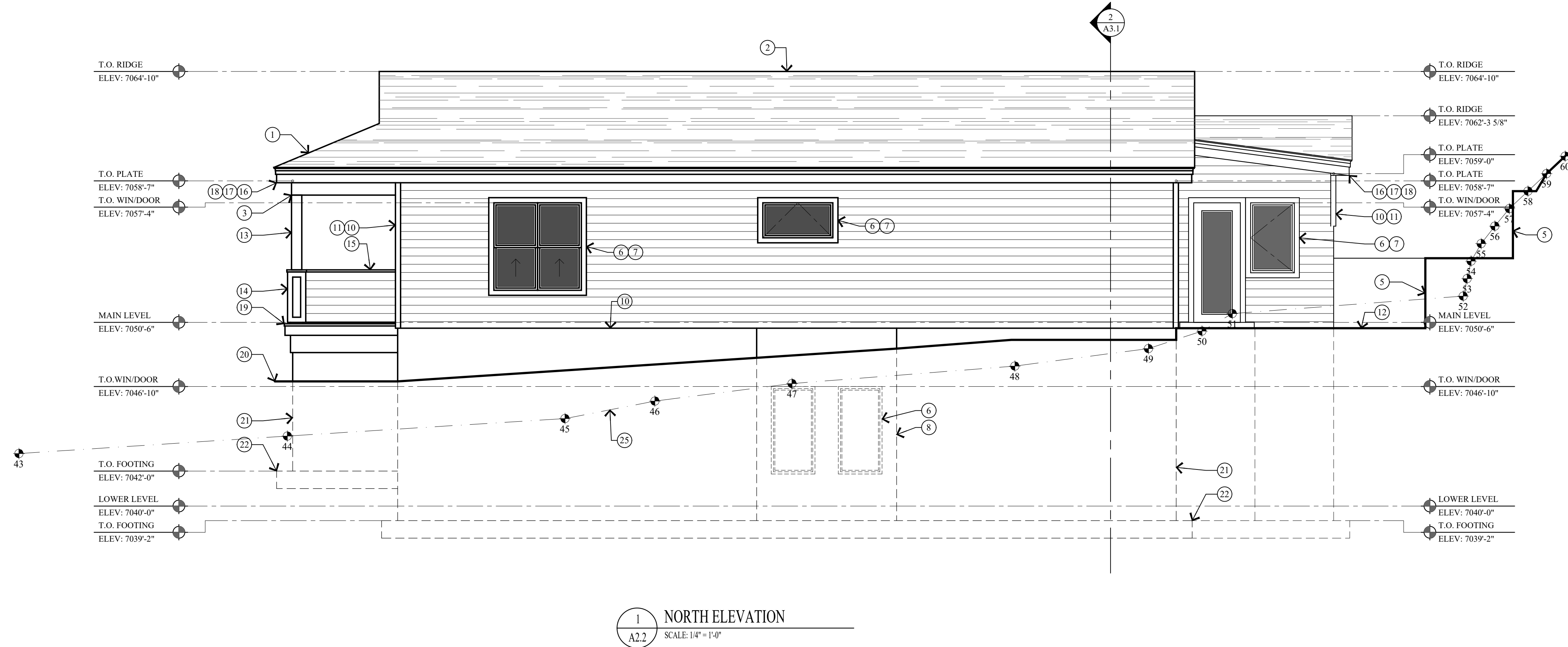
PROJECT NUMBER:

2206-01

SHEET NUMBER:

A2.1

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- 22 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
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- 24 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE.
- 25 EXISTING GRADE LINE.

PROJECT DESCRIPTION:

KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW
569 PARK AVENUE, PARK CITY, UTAH 84060

SHEET DESCRIPTION:

NORTH & EAST ELEVATIONS

REVISIONS:

DATE:

JULY 12, 2022

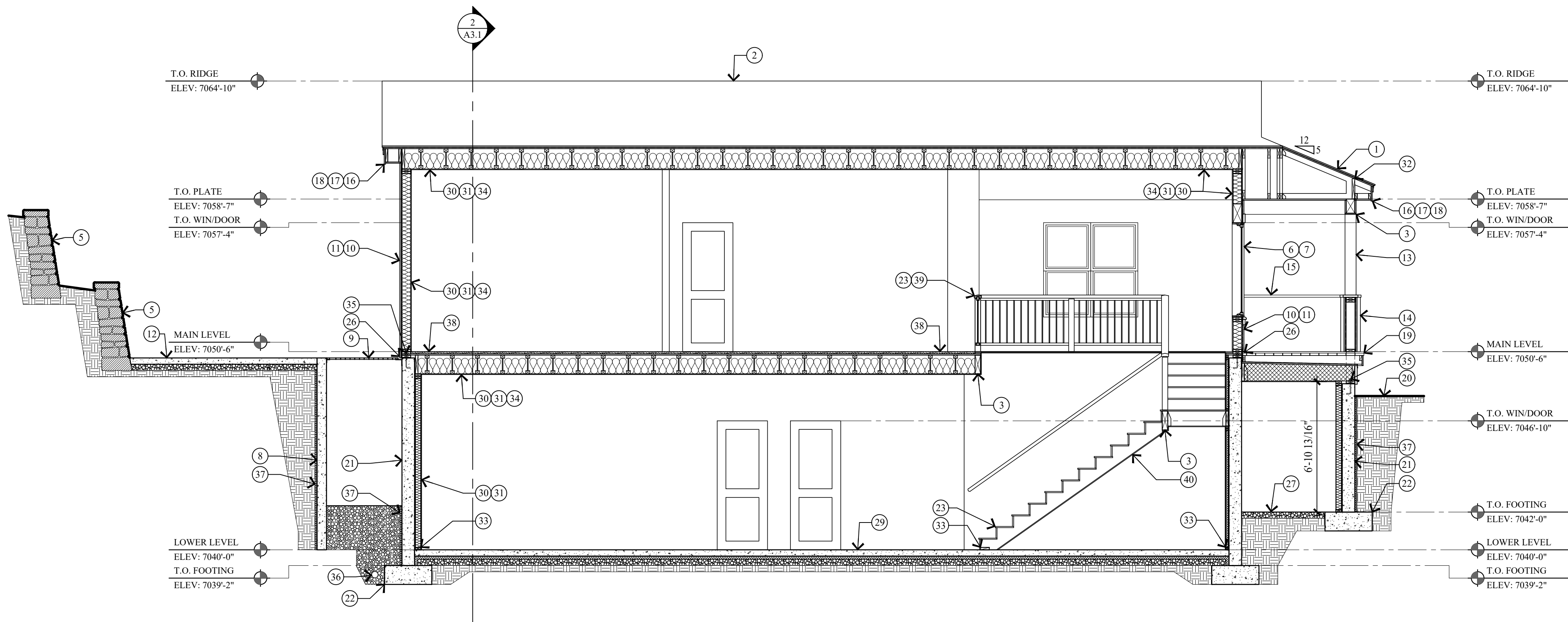
PROJECT NUMBER:

2206-01

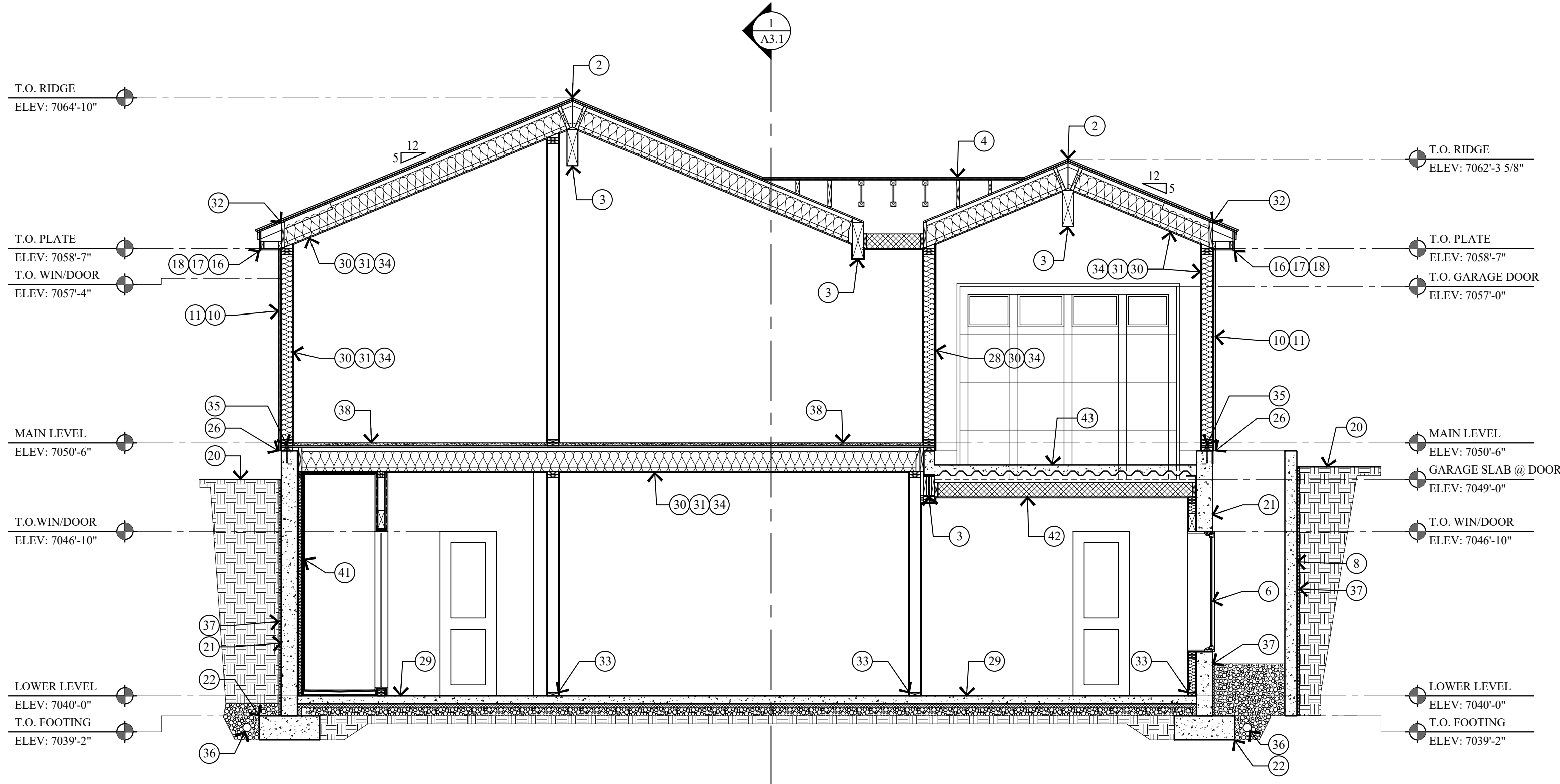
SHEET NUMBER:

A2.2

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1 BUILDING SECTION
A3.1 SCALE: 1/4" = 1'-0"



2 BUILDING SECTION
A3.1 SCALE: 1/4" = 1'-0"

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- 26 FLASHING AND COUNTER FLASHING - TYPICAL.
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- 30 INSULATION - SEE GENERAL NOTES #2 ON THE FLOOR PLANS SHEETS.
- 31 1/2" GYP. BD. ON 4 MIL POLYETHYLENE VAPOR RETARDER AT FLOOR JOIST, ROOF JOIST AND EXTERIOR WALLS.
- 32 SOLID BLOCKING AND HURRICANE HOLD DOWN AT EACH RAFTER OR SIMPSON VPA.
- 33 ALL LUMBER IN CONTACT WITH CONCRETE OR MASONRY INCLUDING LEDGERS AND FURRING WALLS MUST BE PRESERVATIVELY TREATED OR FOUNDATION GRADE REDWOOD.
- 34 FIRE BLOCK STUD SPACES AT SOFFIT, FLOOR AND CEILING JOIST LINES, AT 10 FT. VERTICALLY AND HORIZONTALLY, AND AT ANY OTHER LOCATIONS NOT SPECIFICALLY MENTIONED WHICH COULD AFFORD PASSAGE FOR FLAMES. - IRC R302.11
- 35 TREATED WOOD SILL PLATE W/ 1/2" ANCHOR BOLTS EMBEDDED 7" INTO CONCRETE. SPACED 32" O.C. U.N.O. ON PLANS. PLATE WASHERS SHALL 3"x3"x1/4" AND USED ON EACH BOLT. SEE STRUCTURAL SHEAR WALL SCHEDULE.
- 36 6" PERF. DRAIN PIPE WRAPPED IN FILTER FABRIC IN 18" OF FREE DRAINING GRAVEL TIED INTO GRAVEL SUMP. SEE SITE PLAN FOR SUMP LOCATION.
- 37 DRAINAGE MATT ON WATERPROOF MEMBRANE
- 38 1 1/2" GYPCRETE W/ HYDRAUNIC HEATING ON 3/4" PLYWOOD ON FLOOR JOIST - SEE STRUCTURAL FOR SIZE AND SPACING.
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- 43 GARAGE SLAB: 5" CONCRETE ON 16 GAUGE B-36 FORMLOCK METAL DECKING. SLOPED. SEE STRUCTURAL FOR REINFORCING AND DETAILS.

PROJECT DESCRIPTION:

SHEET DESCRIPTION:

REVISIONS:

DATE:

JULY 12, 2022

PROJECT NUMBER:

2206-01

SHEET NUMBER:

A3.1

Jonathan DeGray
A r c h i t e c t

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KERSHAW RESIDENCE
HISTORIC DISTRICT DESIGN REVIEW

569 PARK AVENUE, PARK CITY, UTAH 84060

BUILDING SECTIONS

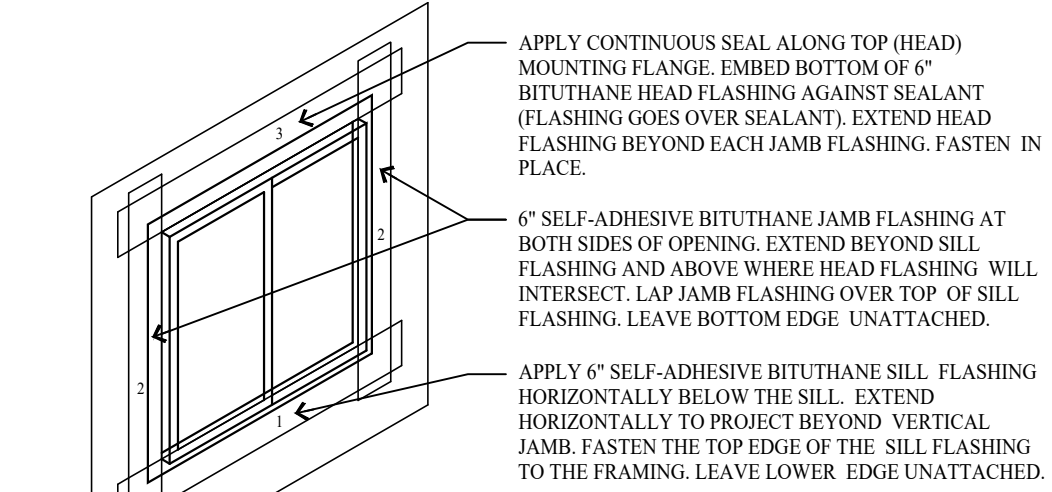
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STAIRWAY HANDRAILING/GUARDRAILING NOTES:

1. STAIRWAYS SHALL NOT BE LESS THAN 36 INCHES IN CLEAR WIDTH AT ALL POINTS ABOVE THE PERMITTED HANDRAIL HEIGHT AND BELOW THE REQUIRED HEADROOM HEIGHT. HANDRAILS SHALL NOT PROJECT MORE THAN 4.5 INCHES ON EITHER SIDE OF STAIRWAY AND THE MINIMUM CLEAR WIDTH OF THE STAIRWAY AT AND BELOW THE HANDRAIL HEIGHT, INCLUDING TREADS AND LANDINGS, SHALL NOT BE LESS THAN 31 ½ INCHES WHERE A HANDRAIL IS INSTALLED ON ONE SIDE AND 27 INCHES WHERE HANDRAILS ARE PROVIDED ON BOTH SIDES. -IRC R311.7.1
2. THE MINIMUM HEADROOM IN ALL PARTS OF THE STAIRWAY SHALL NOT BE LESS THAN 6 FEET 8 INCHES MEASURED VERTICALLY FROM THE SLOPED LINE ADJOINING THE TREAD NOSING OR FROM THE FLOOR SURFACE OF THE LANDING OR PLATFORM ON THAT PORTION OF THE STAIRWAY. -IRC R311.7.2
3. THE MAXIMUM RISER HEIGHT SHALL BE 7 ¼ INCHES. THE RISER SHALL BE MEASURED VERTICALLY BETWEEN LEADING EDGES OF THE ADJACENT TREADS. THE GREATEST RISER HEIGHT WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN ¼ INCH. -IRC R311.7.4.1
4. THE MINIMUM TREAD DEPTH SHALL BE 10 INCHES. THE TREAD DEPTH SHALL BE MEASURED HORIZONTALLY BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREADS LEADING EDGE. THE GREATEST TREAD DEPTH WITHIN ANY FLIGHT OF STAIRS SHALL NOT EXCEED THE SMALLEST BY MORE THAN ½ INCH. CONSISTENTLY SHAPED WINDERS AT THE WALKLINE SHALL BE ALLOWED WITHIN THE SAME FLIGHT OF STAIRS AS RECTANGULAR TREADS AND DO NOT HAVE TO BE WITHIN ½ INCH OF THE RECTANGULAR TREAD DEPTH. WINDER TREADS SHALL HAVE MINIMUM TREAD DEPTH OF 10 INCHES MEASURED BETWEEN THE VERTICAL PLANES OF THE FOREMOST PROJECTION OF ADJACENT TREADS AT THE INTERSECTIONS WITH THE WALKLINE. WINDER TREADS SHALL HAVE MINIMUM TREAD DEPTH OF 6 INCHES AT ANY POINT WITHIN THE CLEAR WIDTH OF STAIR. WITHIN ANY FLIGHT OF STAIRS, THE LARGEST WINDER TREAD DEPTH AT THE WALKLINE SHALL NOT EXCEED THE SMALLEST WINDER TREAD BY MORE THAN ½ INCH. -IRC R311.7.4.2
5. THE WIDTH OF EACH LANDING SHALL NOT BE LESS THAN THE WIDTH OF THE STAIRWAY SERVED. LANDINGS SHALL HAVE A MINIMUM DIMENSION OF 36 INCHES MEASURED IN THE DIRECTION OF TRAVEL. -IRC R311.7.5
6. HANDRAIL HEIGHT, MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING, OR FINISH SURFACE OF THE RAMP SLOPE, SHALL BE NOT LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES. -IRC R311.7.7.1
7. HANDRAILS FOR STAIRWAYS SHALL BE CONTINUOUS FOR THE FULL LENGTH OF THE FLIGHT, FROM A POINT DIRECTLY ABOVE THE TOP RISER OF THE FLIGHT TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE FLIGHT. HANDRAIL ENDS SHALL BE RETURNED OR SHALL TERMINATE IN NEWL POSTS OR SAFETY TERMINALS. HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE OF NOT LESS THAN 1 ½ INCH BETWEEN THE WALL AND THE HANDRAILS.
EXCEPTIONS:
1. HANDRAILS SHALL BE PERMITTED TO BE INTERRUPTED BY A NEWL POST AT THE TURN.
2. THE USE OF A VOLUTE, TURNOUT, STARTING EASING OR STARTING NEWL SHALL BE ALLOWED OVER THE LOWEST TREAD. -IRC R311.7.7.2
8. ALL REQUIRED HANDRAILS SHALL BE OF ONE OF THE FOLLOWING TYPES OR PROVIDE EQUIVALENT GRASPABILITY.
TYPE I: HANDRAILS WITH CIRCULAR CROSS SECTION SHALL HAVE AN OUTSIDE DIAMETER OF 1 ½ INCHES AND NOT GREATER THAN 2 INCHES. IF THE HANDRAIL IS NOT CIRCULAR, IT SHALL HAVE A PERIMETER DIMENSION OF AT LEAST 4 INCHES AND NOT GREATER THAN 6 ½ INCHES WITH A MAXIMUM CROSS SECTION OF DIMENSION OF 2 ¼ INCHES. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.01 INCH.
TYPE II: HANDRAILS WITH A PERIMETER GREATER THAN 6 ½ INCHES SHALL HAVE A GRASPABLE FINGER RECESS AREA ON BOTH SIDES OF THE PROFILE. THE FINGER RECESS SHALL BEGIN WITHIN A DISTANCE OF ½ INCH MEASURED VERTICALLY FROM THE TALLEST PORTION OF THE PROFILE AND ACHIEVE A DEPTH OF AT LEAST ¾ INCH WITHIN ½ INCH BELOW THE WIDEST PORTION OF THE PROFILE. THE REQUIRED DEPTH SHALL CONTINUE FOR AT LEAST ½ INCH TO A LEVEL THAT IS NOT LESS THAN 1 ½ INCHES BELOW THE TALLEST PORTION OF THE PROFILE. THE MINIMUM WIDTH OF THE HANDRAIL ABOVE THE RECESS SHALL BE 1 ½ INCHES TO MAXIMUM OF 2 ¼ INCHES. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.10 INCH. -IRC R311.7.7.3
9. GUARDS SHALL BE LOCATED ALONG OPEN-SIDED WALKING SURFACES, INCLUDING STAIRS, RAMPS AND LANDINGS, THAT ARE LOCATED MORE THAN 30 INCHES MEASURED VERTICALLY TO THE FLOOR OR GRADE BELOW AT ANY POINT WITHIN 36 INCHES HORIZONTALLY TO THE EDGE OF THE OPEN SIDE. -IRC R312.1
10. GUARDS SHALL NOT BE LESS THAN 36 INCHES HIGH MEASURED VERTICALLY ABOVE THE ADJACENT WALKING SURFACE, ADJACENT FIXED SEATING OR THE LINE CONNECTING THE LEADING EDGES OF THE TREADS. -IRC R312.2
11. GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT WHICH ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAMETER. -IRC R312.3
12. STAIR TREAD NOSING: THE RADIUS OF CURVATURE AT THE LEADING EDGE OF THE TREAD SHALL BE NO GREATER THAN 9/16 INCH. A NOSING NOT LESS THAN ¾ INCH BUT NOT MORE THAN 1 ¼ INCHES SHALL BE PROVIDED ON STAIRWAYS WITH SOLID RISERS. THE GREATEST NOSING PROJECTION SHALL NOT EXCEED THE SMALLEST NOSING PROJECTION BY MORE THAN 3/8 INCH BETWEEN TWO STORIES, INCLUDING THE NOSING AT THE LEVEL OF FLOORS AND LANDINGS. BEVELING OF NOSING SHALL NOT EXCEED ¼ INCH. RISERS SHALL BE VERTICAL OR SLOPED FROM THE UNDERSIDE OF THE LEADING EDGE OF THE TREAD ABOVE AT AN ANGLE NOT MORE THAN 30 DEGREES (0.51 RAD) FROM THE VERTICAL. OPEN RISERS ARE PERMITTED, PROVIDED THAT THE OPENING BETWEEN TREADS DOES NOT PERMIT THE PASSAGE OF A 4 INCH DIAMETER SPHERE. (UTAH STATE AMENDMENT) EXCEPTIONS:
A. A NOSING IS NOT REQUIRED WHERE THE TREAD DEPTH IS A MINIMUM OF 10 INCHES.
B. THE OPENING BETWEEN ADJACENT TREADS IS NOT LIMITED ON STAIRS WITH A TOTAL RISE OF 30 INCHES OR LESS. NOTE: THIS MEANS THAT CONCRETE STAIRS, WITHOUT NOSINGS, MUST HAVE A TREAD DEPTH OF 10 INCHES

TYVEK VAPOR/AIR BARRIER INSTALLATION:

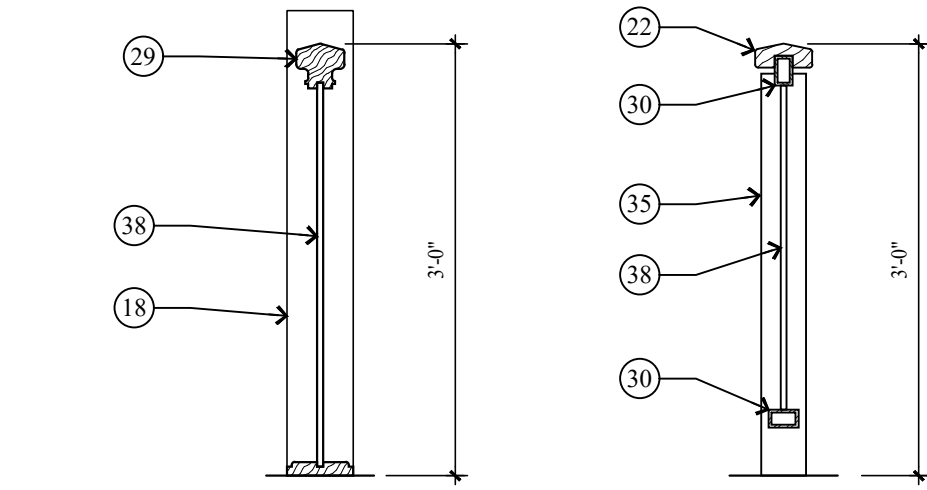
1. INSTALL AIR BARRIER AFTER SHEATHING IS INSTALLED AND BEFORE WINDOWS AND DOORS ARE INSTALLED. INSTALL LOWER LEVEL BARRIER PRIOR TO UPPER LAYERS TO ENSURE PROPER SHINGLING OF LAYERS.
2. OVERLAP AIR BARRIER AT CORNERS OF BUILDING BY A MINIMUM OF 12 INCHES.
3. OVERLAP AIR BARRIER VERTICAL SEAMS BY A MINIMUM OF 6 INCHES.
4. ENSURE BARRIER IS PLUM AND LEVEL WITH FOUNDATION, AND UNROLL EXTENDING AIR BARRIER OVER WINDOW AND DOOR OPENINGS.
5. ATTACH AIR BARRIER TO WOOD, INSULATED SHEATHING BOARD OR EXTERIOR GYPSUM WITH PLASTIC CAP NAILS EVERY 12" TO 18" ON VERTICAL STUD LINE WITH WOOD STUD FRAMING, AND SCREWS WITH WASHERS TO METAL STUD FRAMING. WHEN ATTACHING TO WOOD SHEATHING, A MINIMUM 1.0 INCH CROWN STAPLE MAY BE USED WHEN ATTACHING TO MASONRY, USE ADHESIVE RECOMMENDED BY MANUFACTURER.
6. PREPARE WINDOW AND DOOR ROUGH OPENINGS AS FOLLOWS:
A. PREPARE EACH WINDOW ROUGH OPENING BY CUTTING A MODIFIED "I" PATTERN IN THE AIR BARRIER.
1. HORIZONTALLY CUT AIR BARRIER ALONG BOTTOM OF HEADER.
2. VERTICALLY CUT AIR BARRIER DOWN THE CENTER OF WINDOW OPENINGS FROM THE TOP OF THE WINDOW OPENING DOWN TO 2/3 OF THE WAY TO THE BOTTOM OF THE WINDOW OPENINGS.
3. DIAGONALLY CUT AIR BARRIER FROM THE BOTTOM OF THE VERTICAL CUT TO THE LEFT AND RIGHT CORNERS OF OPENING.
4. FOLD SIDE AND BOTTOM FLAPS INTO WINDOW OPENING AND FASTEN EVERY 6 INCHES. TRIM OFF EXCESS.
8. PREPARE EACH ROUGH DOOR OPENING BY CUTTING A STANDARD "I" PATTERN IN THE AIR BARRIER.
1. HORIZONTALLY CUT AIR BARRIER ALONG BOTTOM OF DOOR FRAME HEADER AND ALONG TOP OF SILL.
2. VERTICALLY CUT AIR BARRIER DOWN THE CENTER OF DOOR OPENINGS FROM THE TOP OF THE DOOR OPENING (HEADER) DOWN TO THE BOTTOM OF THE DOOR OPENING (SILL).
3. FOLD SIDE FLAPS INSIDE AROUND DOOR OPENINGS AND FASTEN EVERY 6 INCHES. TRIM OFF EXCESS.
7. TAPE ALL HORIZONTAL AND VERTICAL SEAM OF AIR BARRIER WITH DUPONT TYVEK TAPE.
8. SEAL ALL TEARS AND CUTS IN AIR BARRIER WITH DUPONT TYVEK TAPE.



11 VAPOR BARRIER SILL, JAMB AND HEAD FLASHING

A5.1

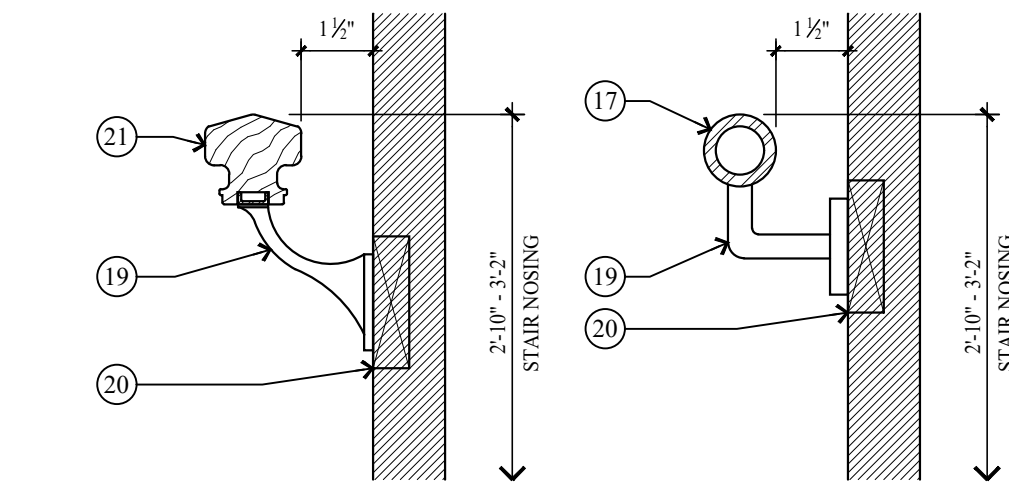
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6 TYPICAL HANDRAIL/GUARDRAIL DETAILS

A5.1

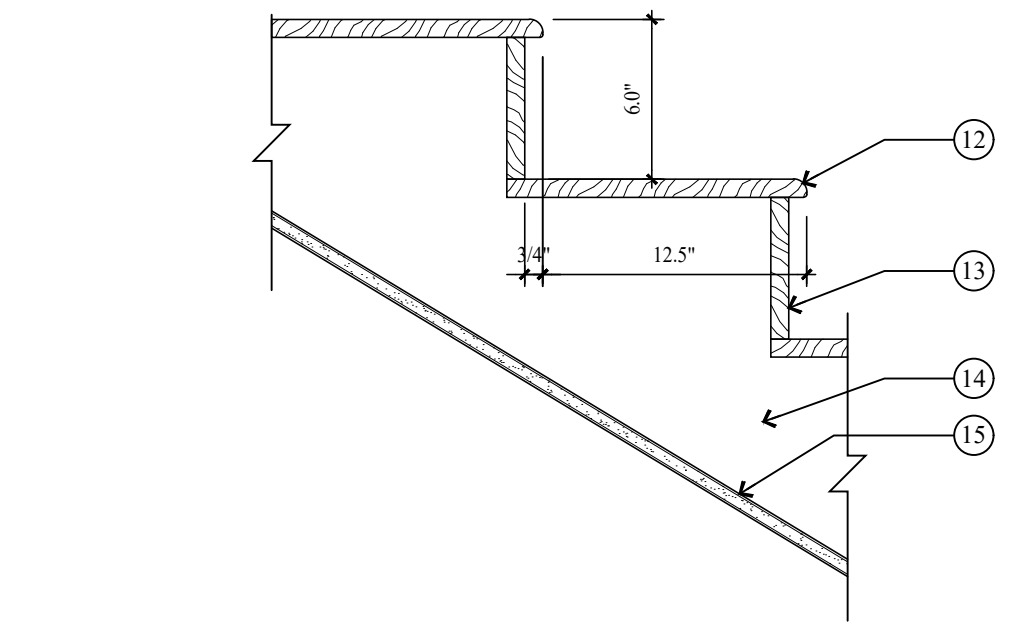
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7 TYPICAL HANDRAIL DETAIL

A5.1

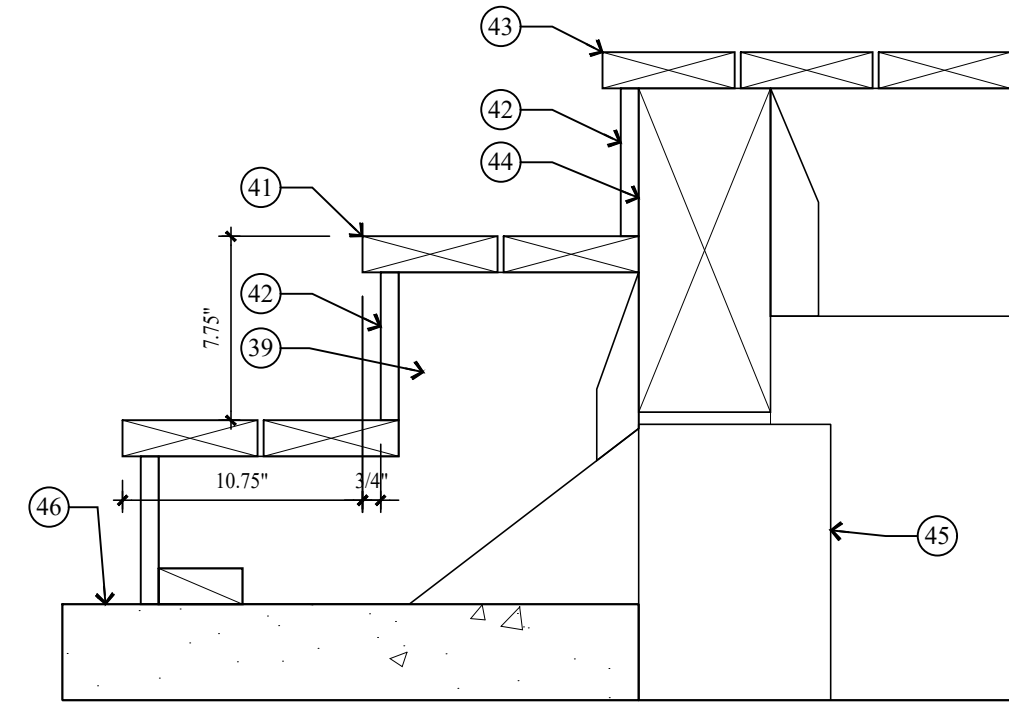
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8 TYP. STAIR TREAD/RISER DETAIL

A5.1

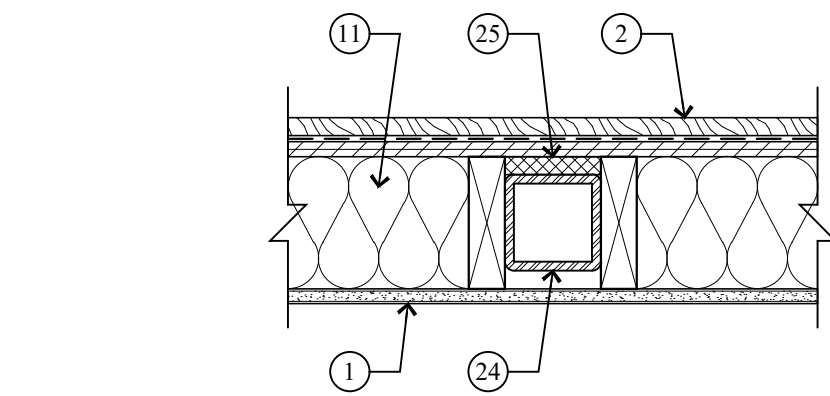
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9 TYP. STAIR TREAD/RISER DETAIL

A5.1

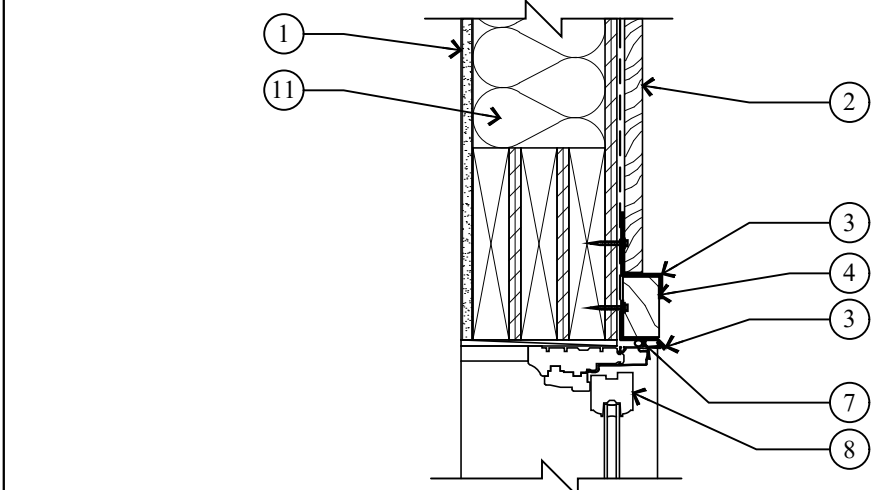
SCALE: 1 1/2" = 1'-0"



10 THERMAL BREAK DETAIL @ TUBE STEEL COLUMN

A5.1

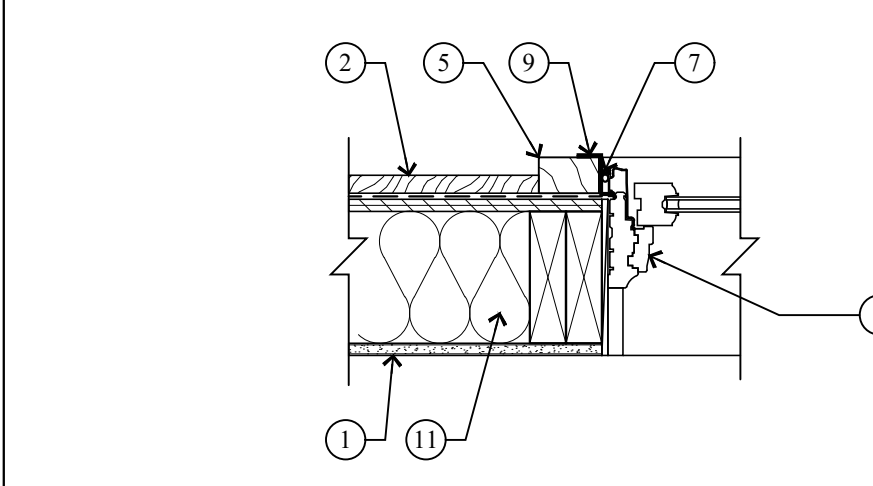
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1 HEAD DETAIL

A5.1

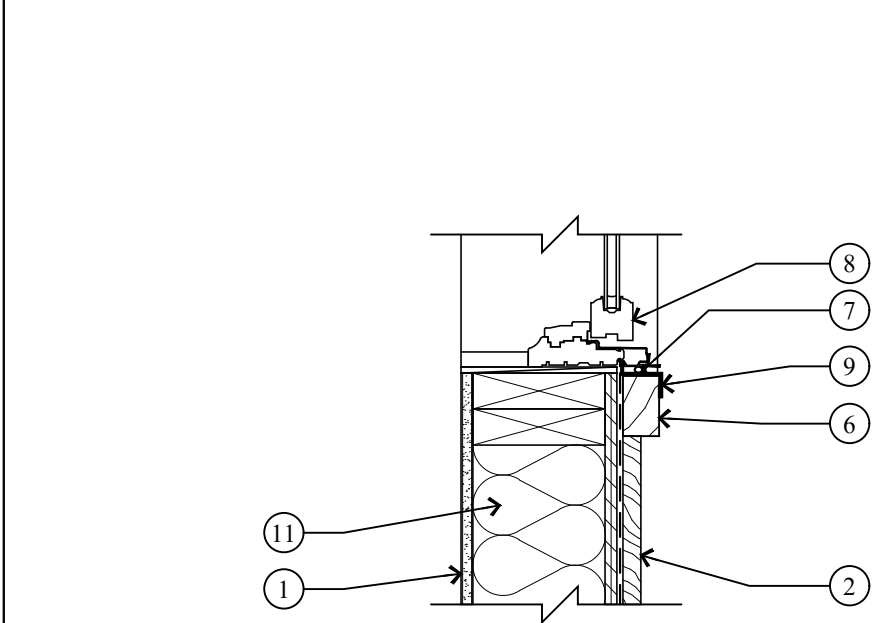
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2 JAMB DETAIL

A5.1

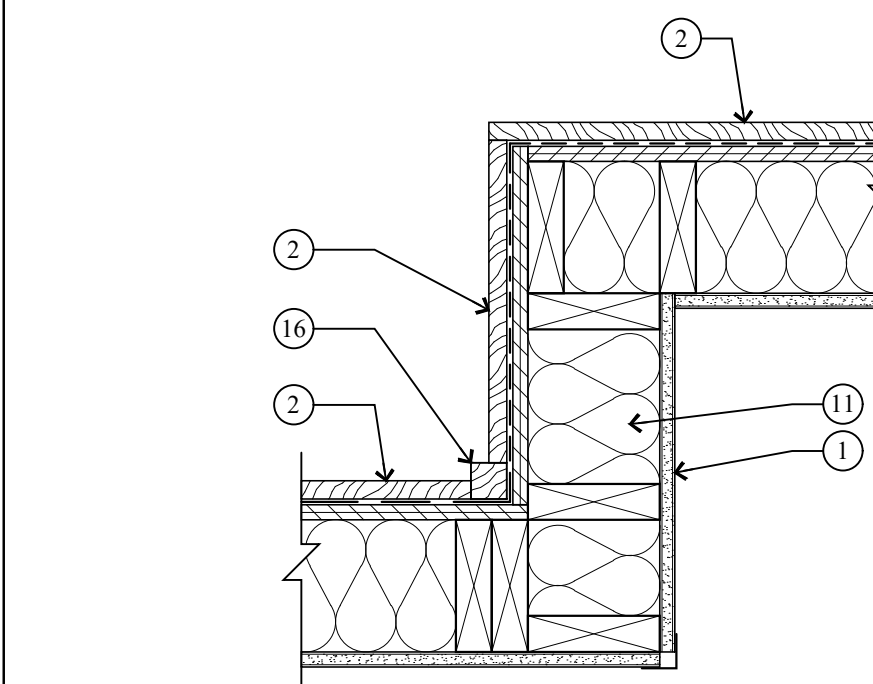
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3 SILL DETAIL

A5.1

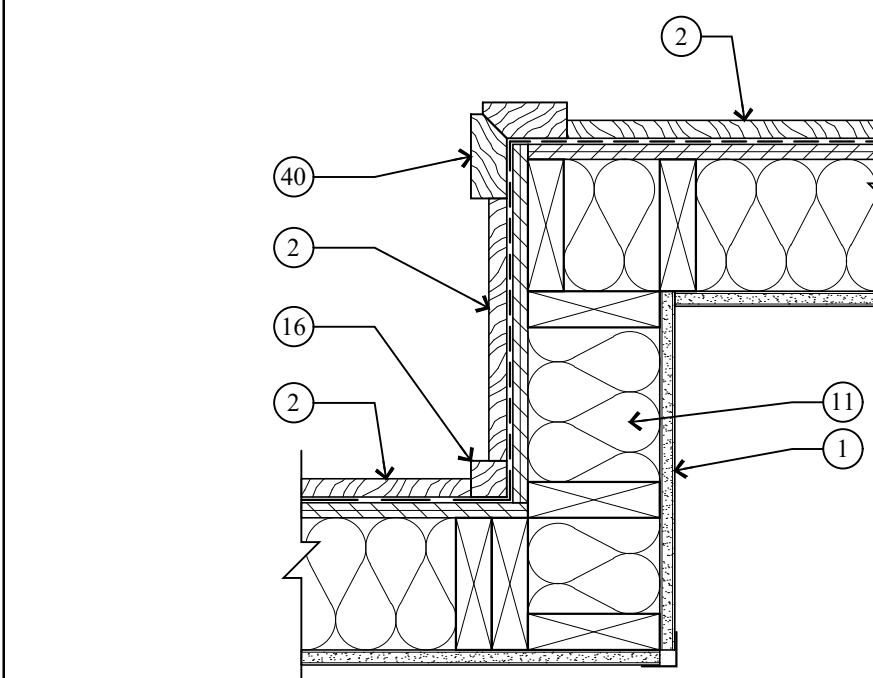
SCALE: 1 1/2" = 1'-0"



4 INSIDE / OUSIDE CORNER TRIM @ VERTICAL SIDING

A5.1

SCALE: 1 1/2" = 1'-0"



5 INSIDE / OUSIDE CORNER TRIM @ HORIZONTAL SIDING

A5.1

SCALE: 1 1/2" = 1'-0"

KEY NOTES

- 1 1/2" GYPSUM BOARD ON 2x6 STUDS @ 16" O.C.
- 2 EXTERIOR SIDING ON AIR/VAPOR BARRIER ON 1/2" EXT. SHEATHING. SEE ELEVATIONS FOR SIDING TYPE.
- 3 HEAD FLASHING/TRIM.
- 4 2x3 WINDOW/DOOR HEAD - STAINED
- 5 2x3 WINDOW/DOOR JAMB - STAINED
- 6 2x3 WINDOW SILL - STAINED
- 7 BACKER ROD AND CAULK.
- 8 WOOD ALUMINUM CLAD WINDOW W/ INSULATED GLASS - SEE SCHEDULE.
- 9 METAL FLASHING.
- 10 BEVELED 2x3 ON 2x12 CEDAR TRIM BOARD W/ METAL FLASHING.
- 11 EXTERIOR WALLS TO BE 2x6 FRAMING W/ BIB INSULATION R-23 - TYP.
- 12 3/4" HARDWOOD TREAD. SEE STAIR NOTES.
- 13 3/4" HARDWOOD CLOSED RISER. SEE STAIR NOTES.
- 14 2x12 STRINGERS.
- 15 1/2" GYPSUM BOARD.
- 16 2x2 CEDAR INSIDE CORNER BOARD - STAINED
- 17 1 1/2" DIA. STEEL PIPE - PAINTED.
- 18 6x6 HARDWOOD END POST.
- 19 HANDRAIL BRACKET.
- 20 SOLID BACKING - TYP..
- 21 HARDWOOD STANDARD MILL SHAPE HANDRAIL - STAINED.
- 22 36" HIGH HAND RAIL TO BE 2"x4 ½" SHAPE HARDWOOD, CONTINUOUS.
- 23 5/32" DIA. STAINLESS STEEL CABLE, 316 STAINLESS STEEL, W/ HIGH CORRSION RESISTANCE PROPERTIES, HORIZONTAL, SPACED LESS THAN 4".
- 24 TUBE STEEL COLUMN - SEE STRUCTURAL.
- 25 3/4" RIGID INSULATION.
- 26 12" STEEL CHANNEL STRINGER.
- 27 3 1/8 x12 GLB TREAD.
- 28 2"x2"x2" STEEL ANGLE W/ 2- ¼ DIA. x3" LAG BOLTS.
- 29 36" HIGH HAND RAIL TO BE 2" x 5" SHAPE HARDWOOD, CONTINUOUS.
- 30 TOP AND BOTTOM RAIL TO BE 1 ½" x 2 ½" TUBE STEEL. BOTTOM RAIL TO BE TURNED FLAT.
- 31 REINFORCED CONCRETE STAIRS.
- 32 B-DECK WELDED TO BOTTOM OF 2" x12" TUBE STEEL STRINGERS.
- 33 2"x12" TUBE STEEL STRINGERS.
- 34 (3) TOP AND BOTTOM RAIL TO BE 1 ½" x 3" TUBE STEEL.
- 35 4"x4" HARDWOOD END POST AND MID POST.
- 36 TOP RAIL ON 2x3 W/ 2x2 BALLAST SPACED LESS THAN 4" W/ 2x6 BOTTOM RAIL.
- 37 3/8" DIA. STEEL HORIZONTAL CABLE, SPACED LESS THAN 4".
- 38 1/2" DIA. STEEL BALLAST, VERTICAL, SPACED LESS THAN 4".
- 39 2x12 PRESSURE TREATED STRINGERS.
- 40 2x4 CEDAR OUTSIDE CORNER BOARD - STAINED.
- 41 TREAD TO BE 2x6 TREX OR EQUAL.
- 42 RISERS TO BE 1x6 TREX OR EQUAL.
- 43 DECKING TO BE 2x6 TREX OR EQUAL ON 2x10 P.T. JOIST @ 16" O.C. - SEE STRUCTURAL FOR DETAILS.
- 44 DECK BEAM - SEE STRUCTURAL FOR DETAILS.
- 45 8" CONCRETE PIER - SEE STRUCTURAL FOR DETAILS.
- 46 4" REINFORCED CONCRETE WALKWAY / DRIVEWAY / CAR PORT / GARAGE ON 4" GRAVEL BASE.

PRODUCT DESCRIPTION:

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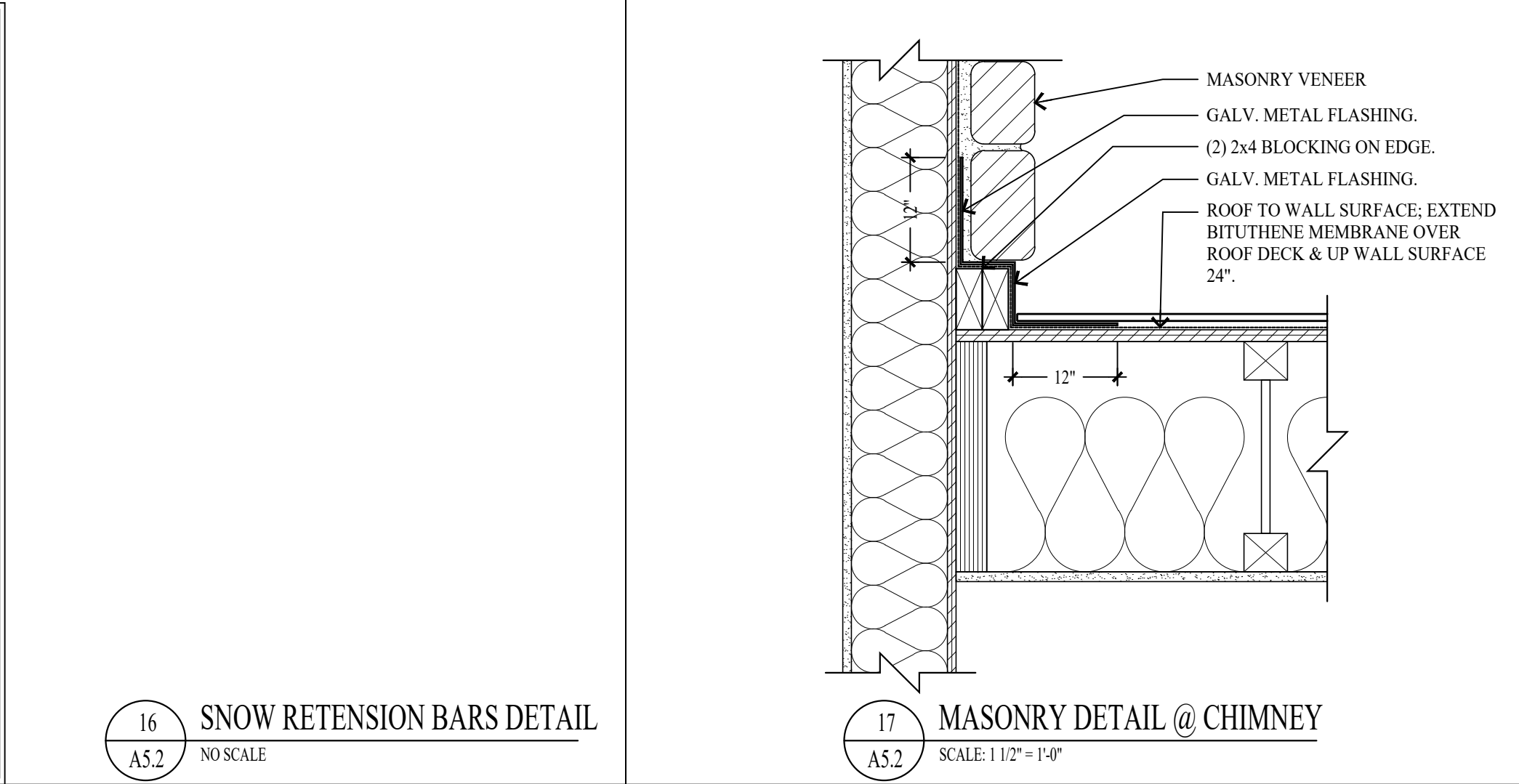
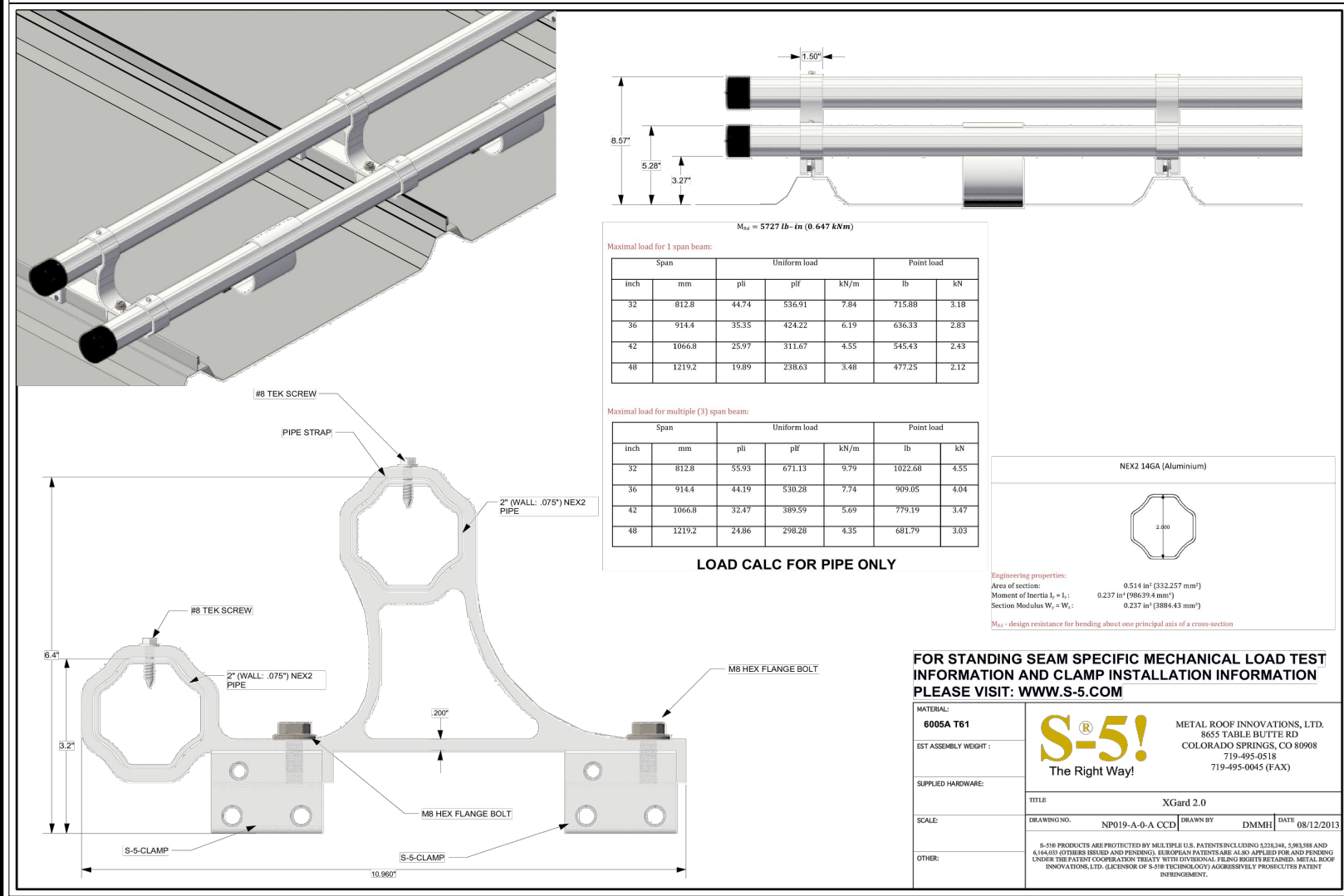
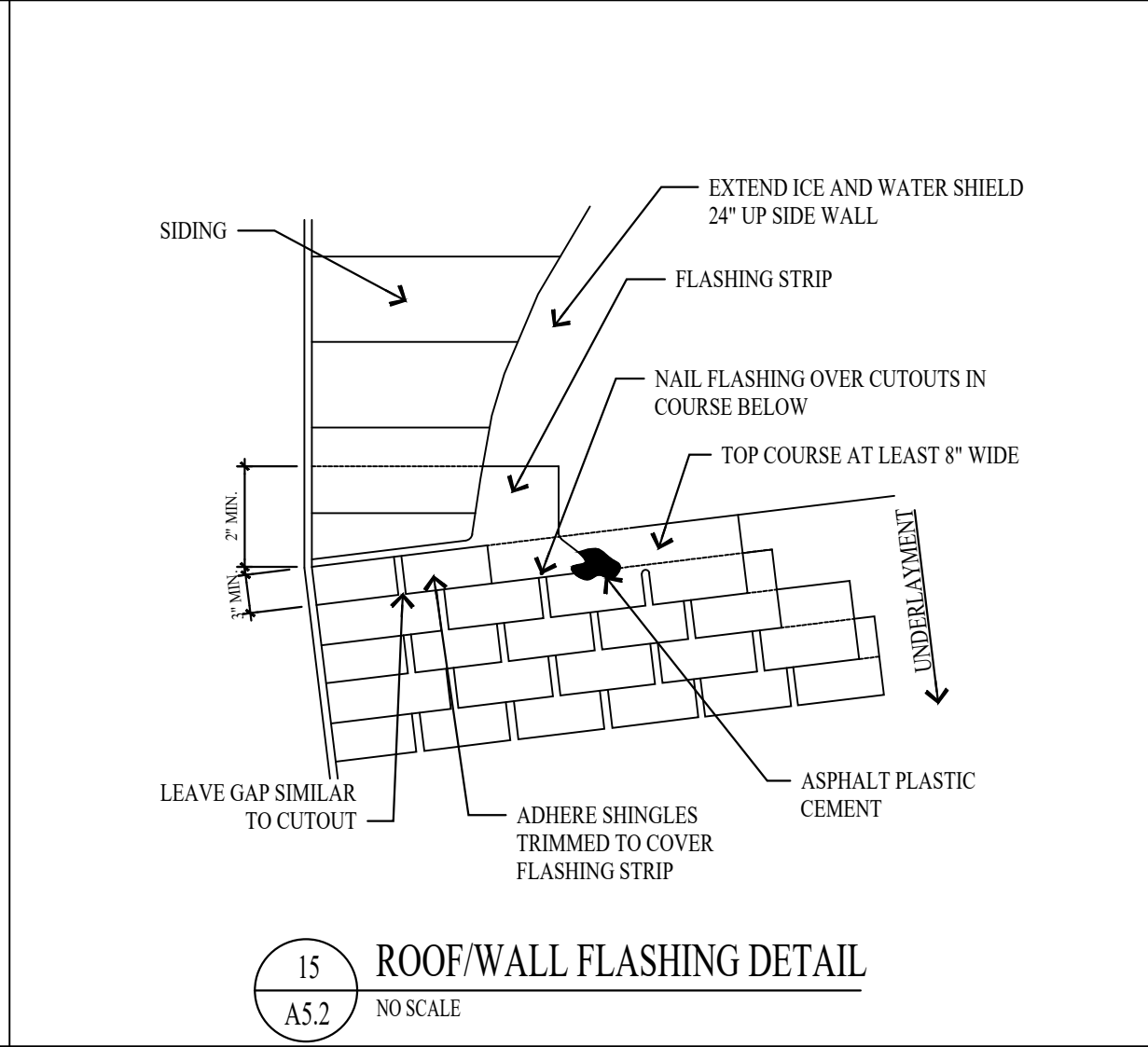
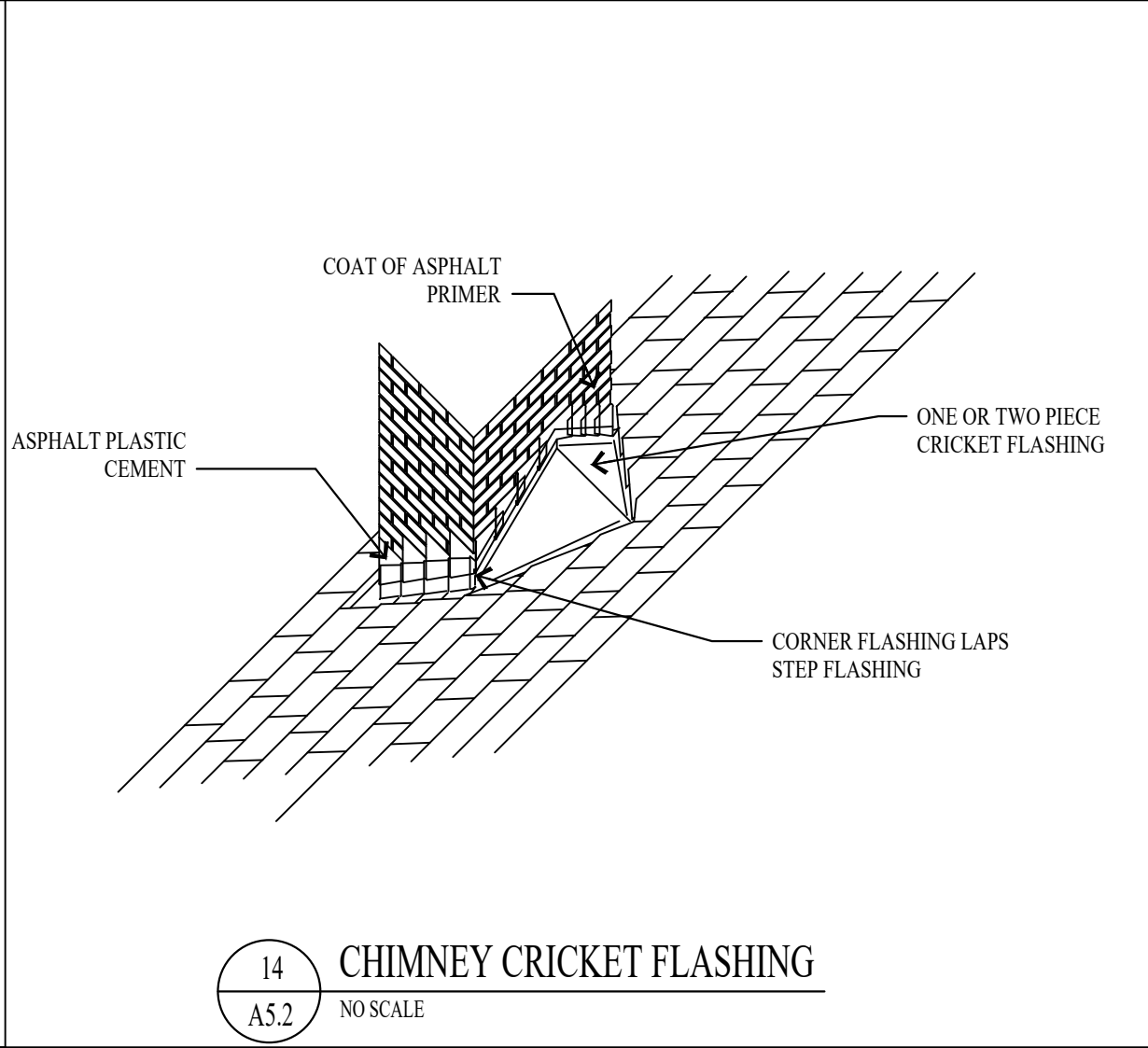
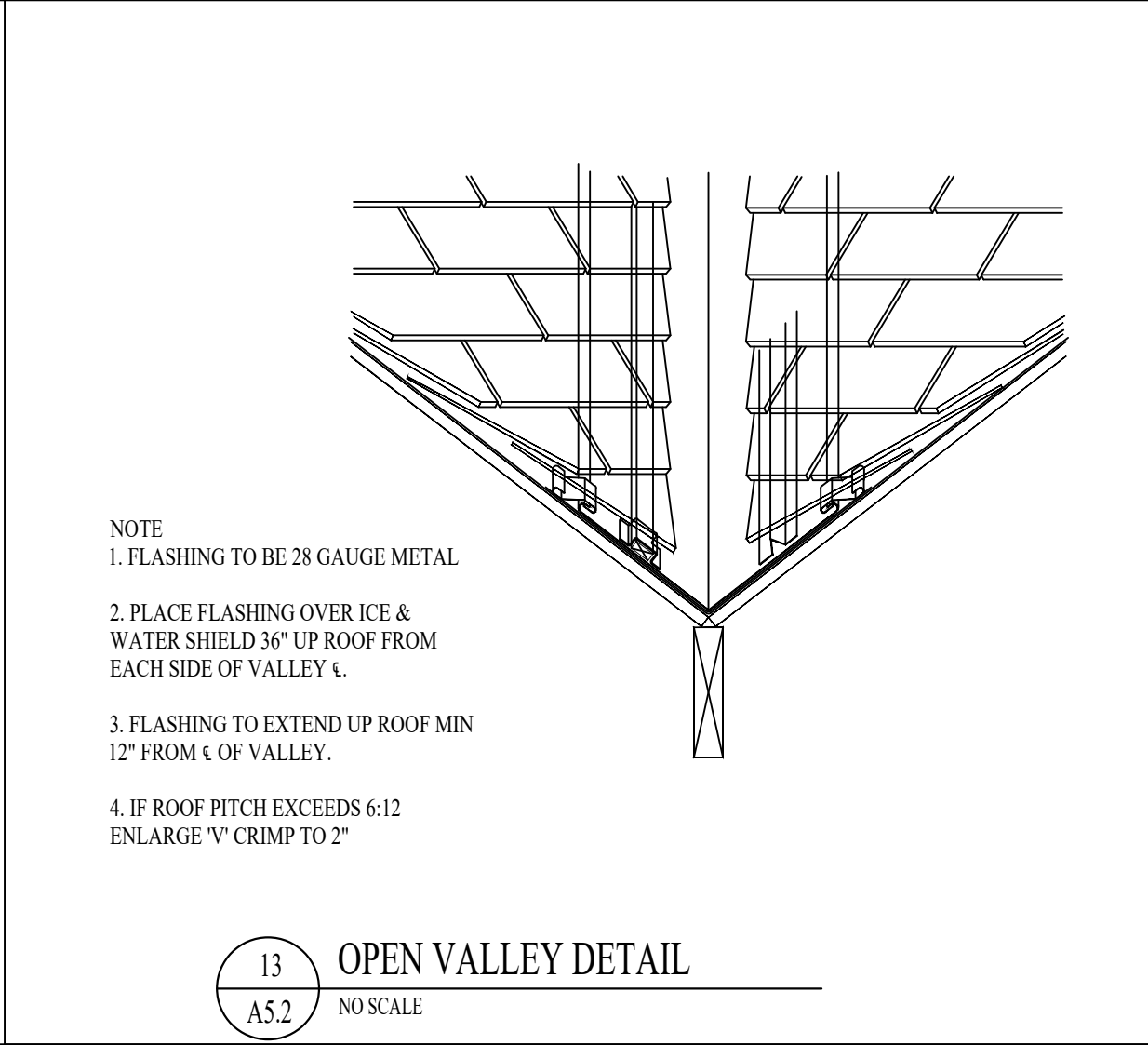
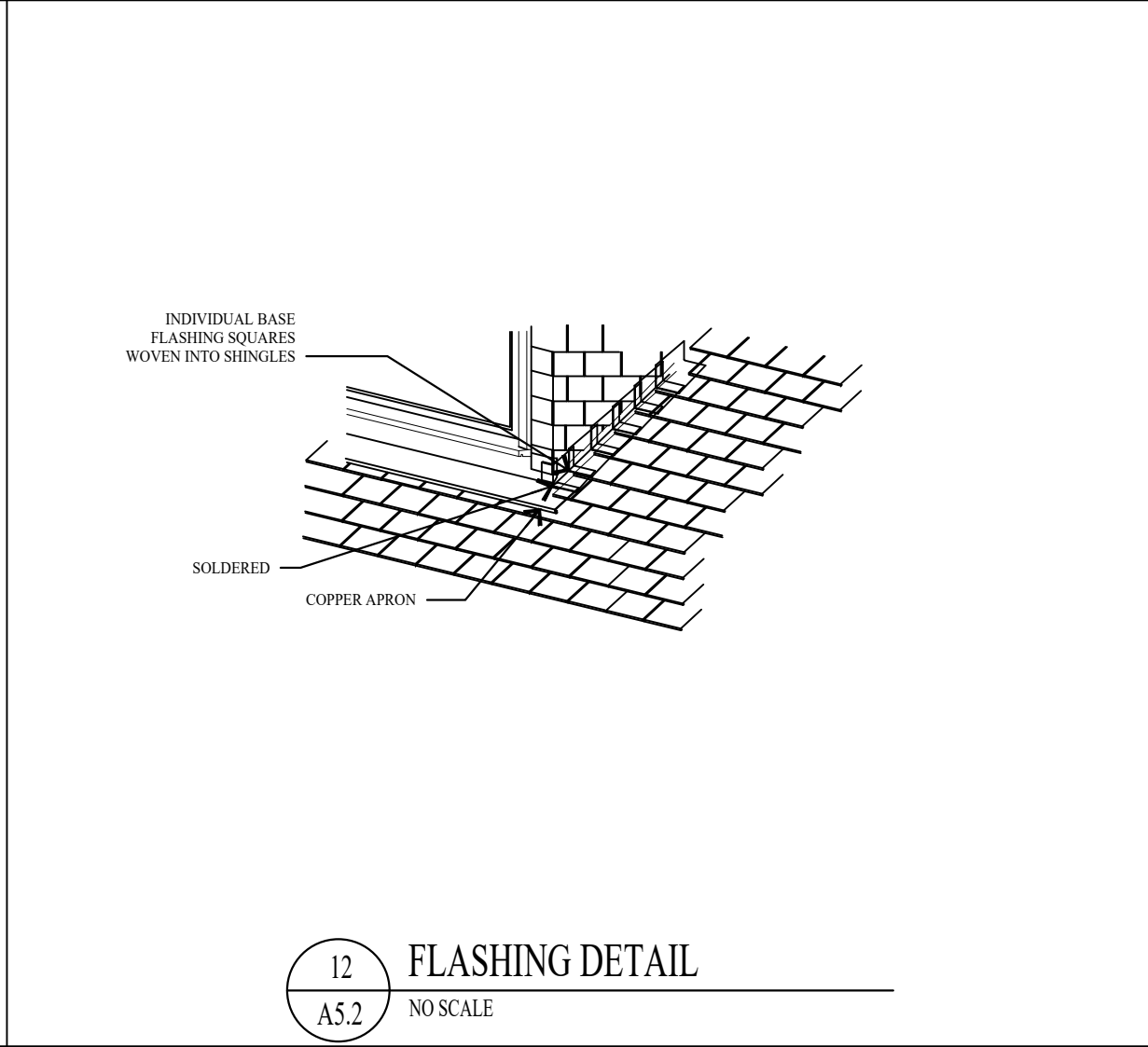
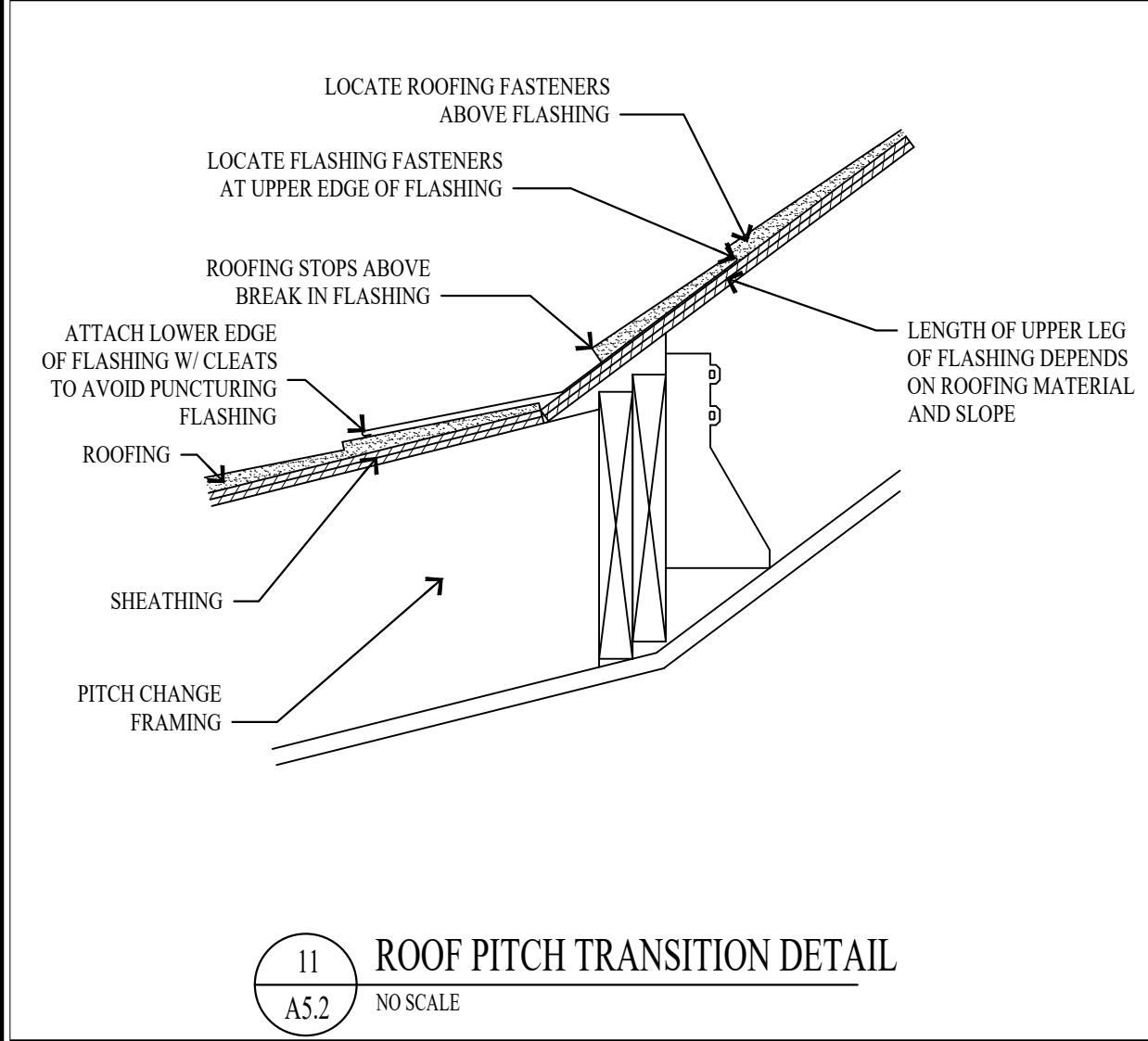
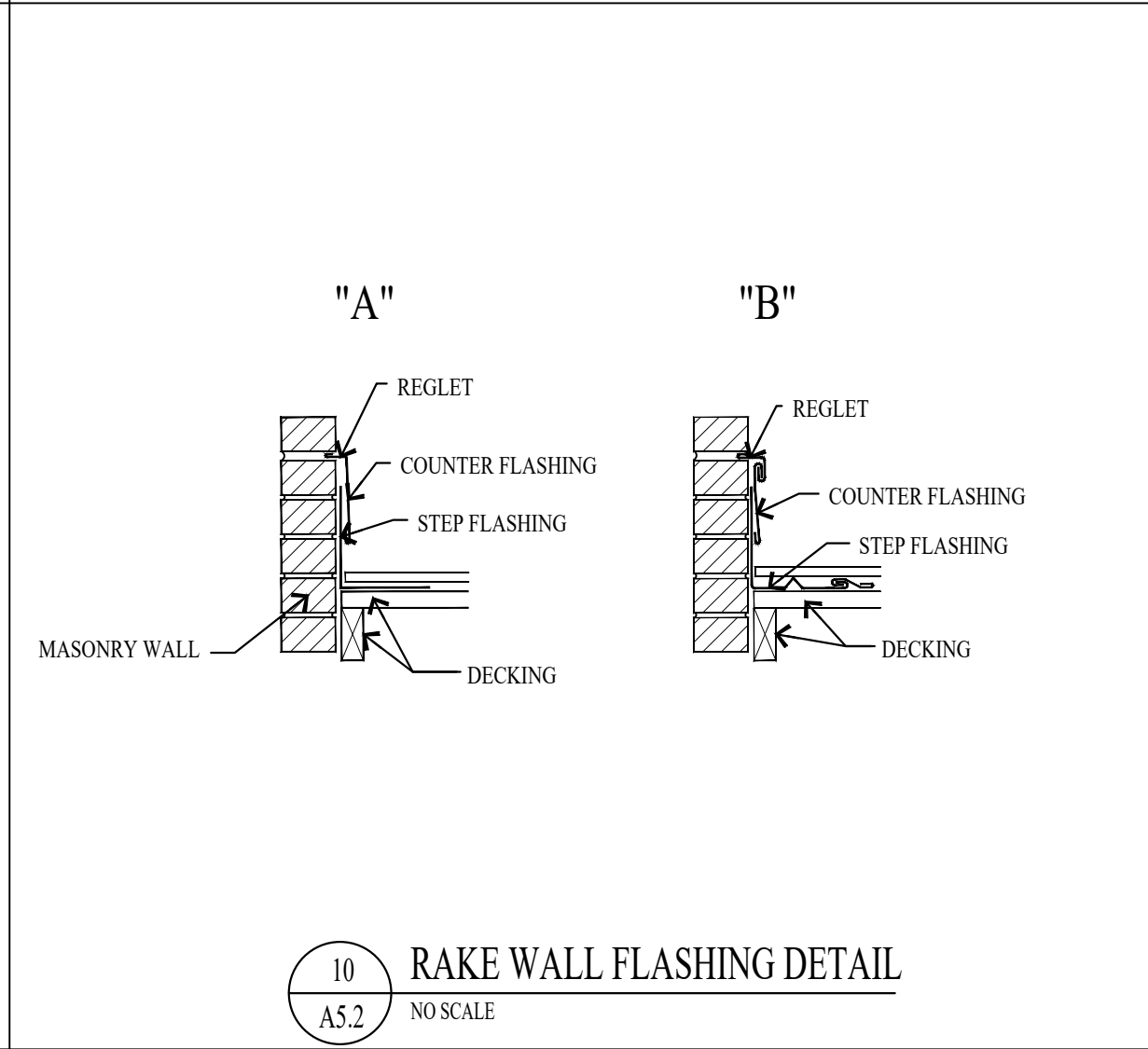
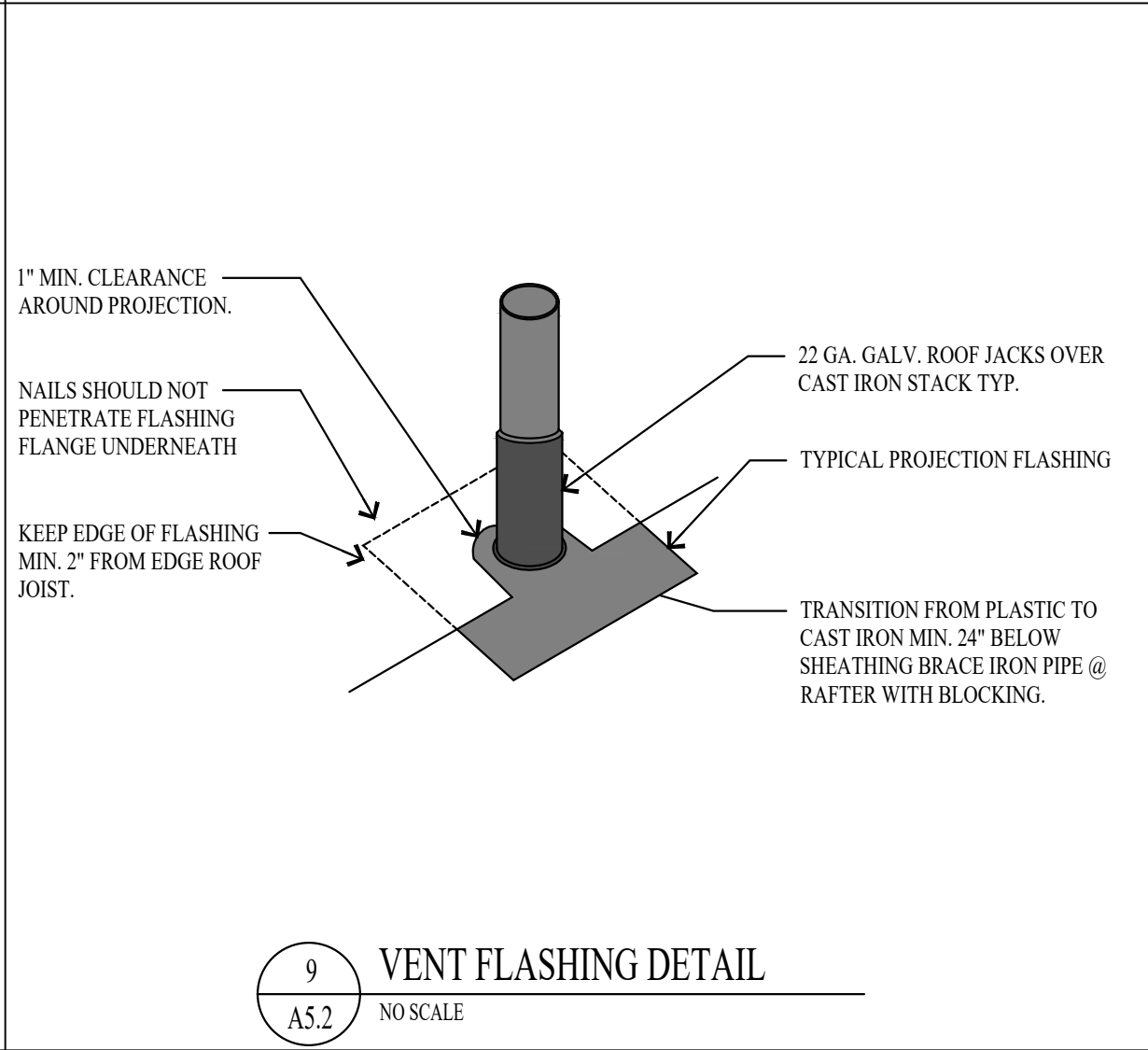
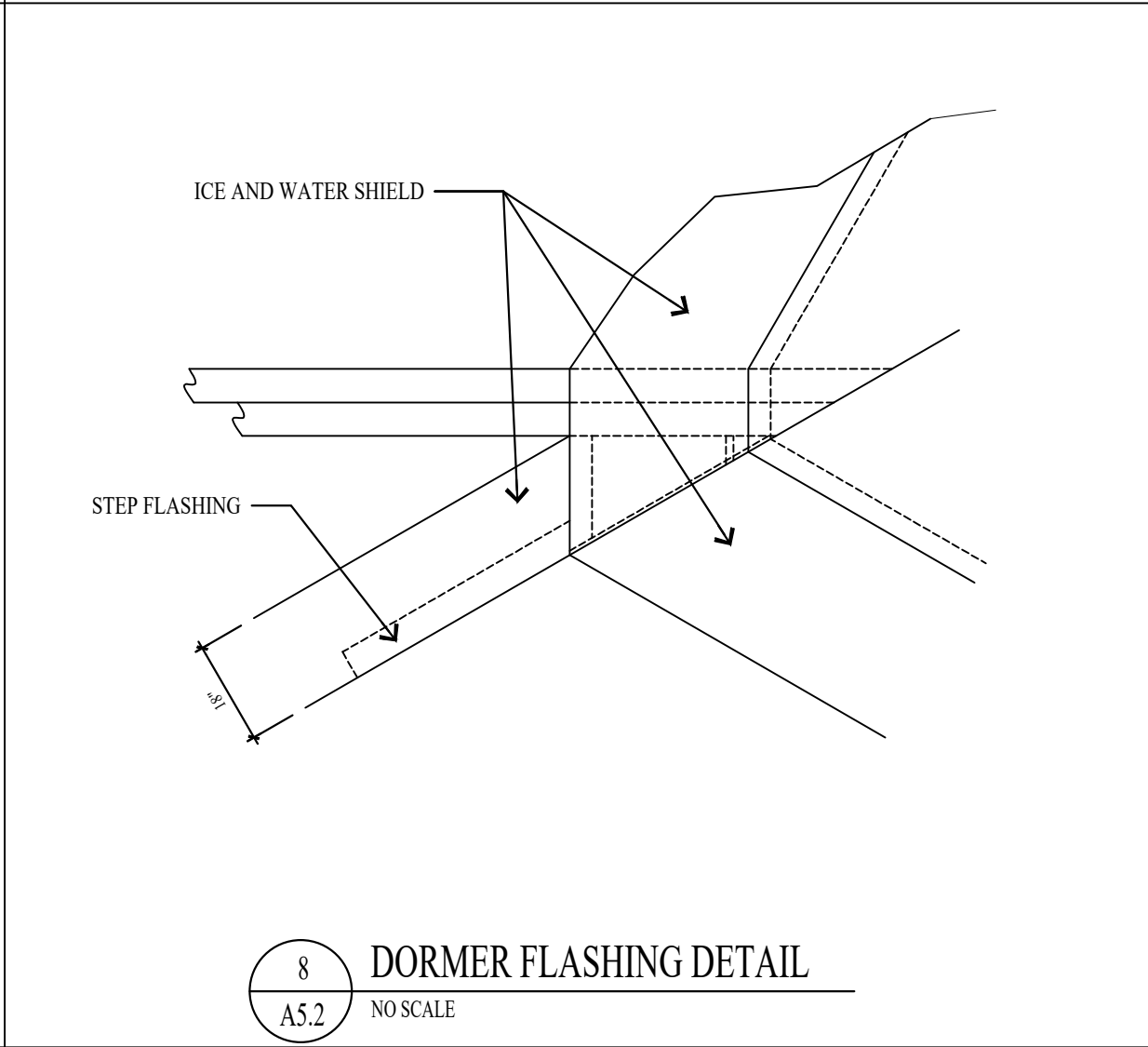
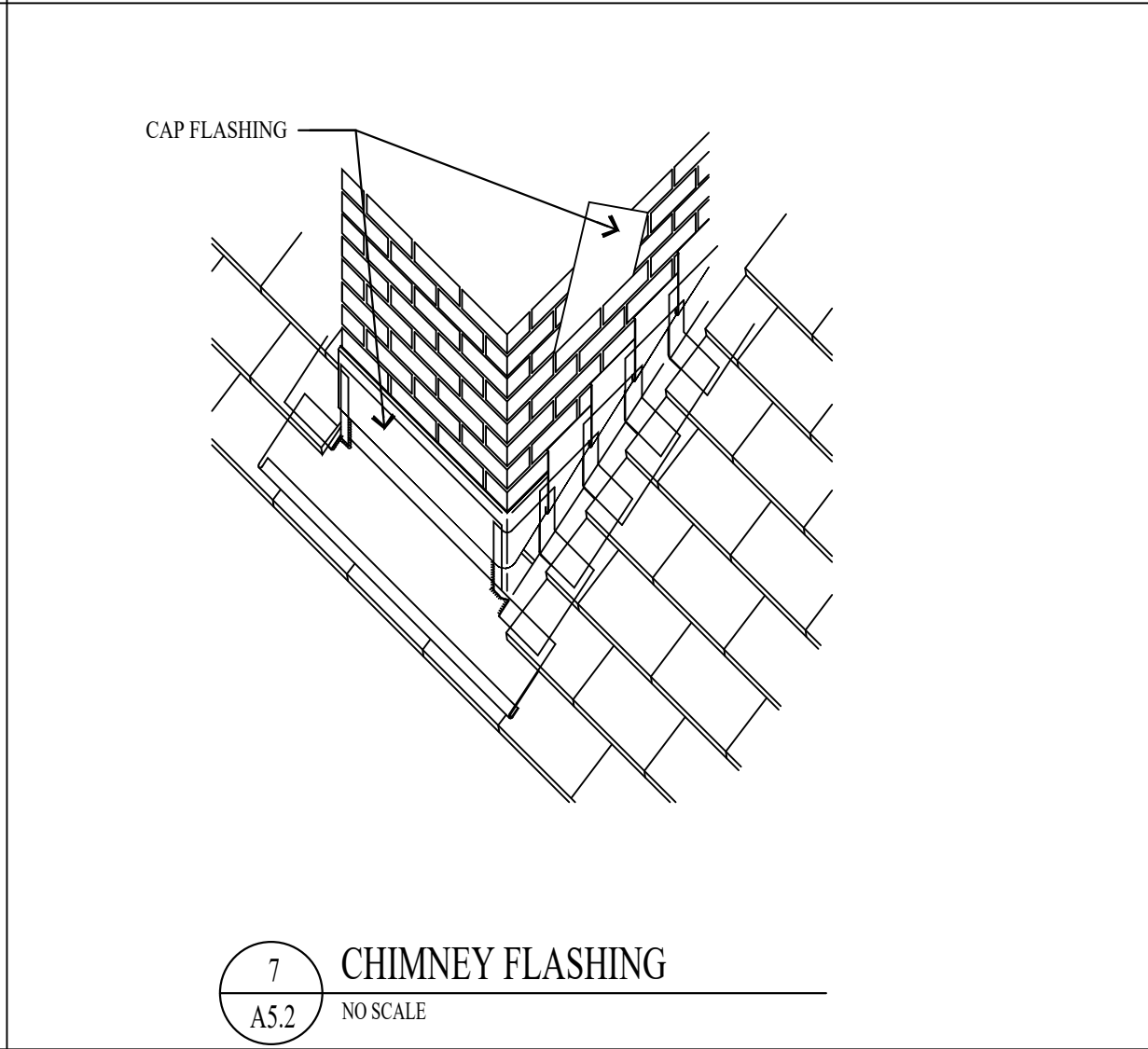
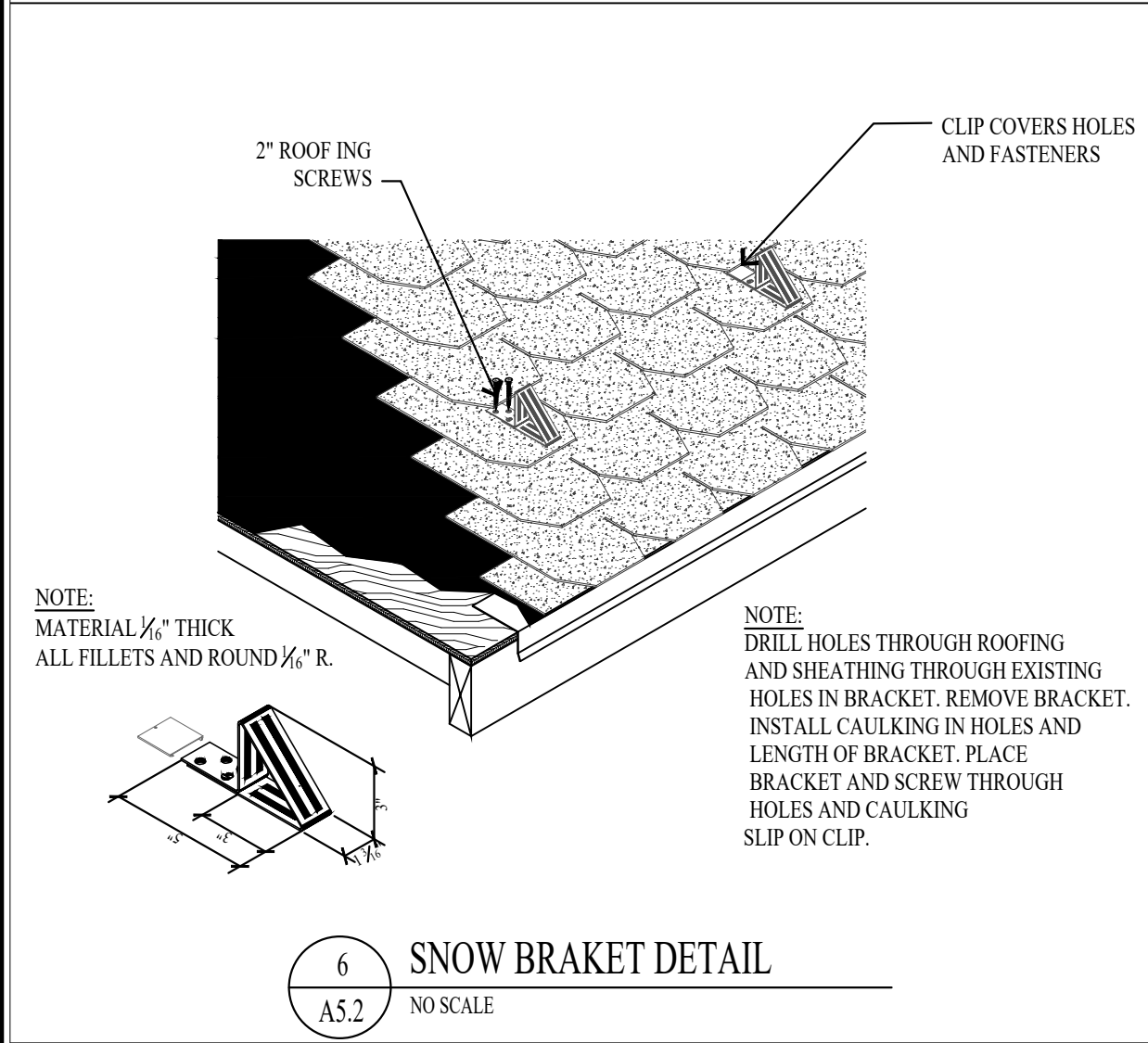
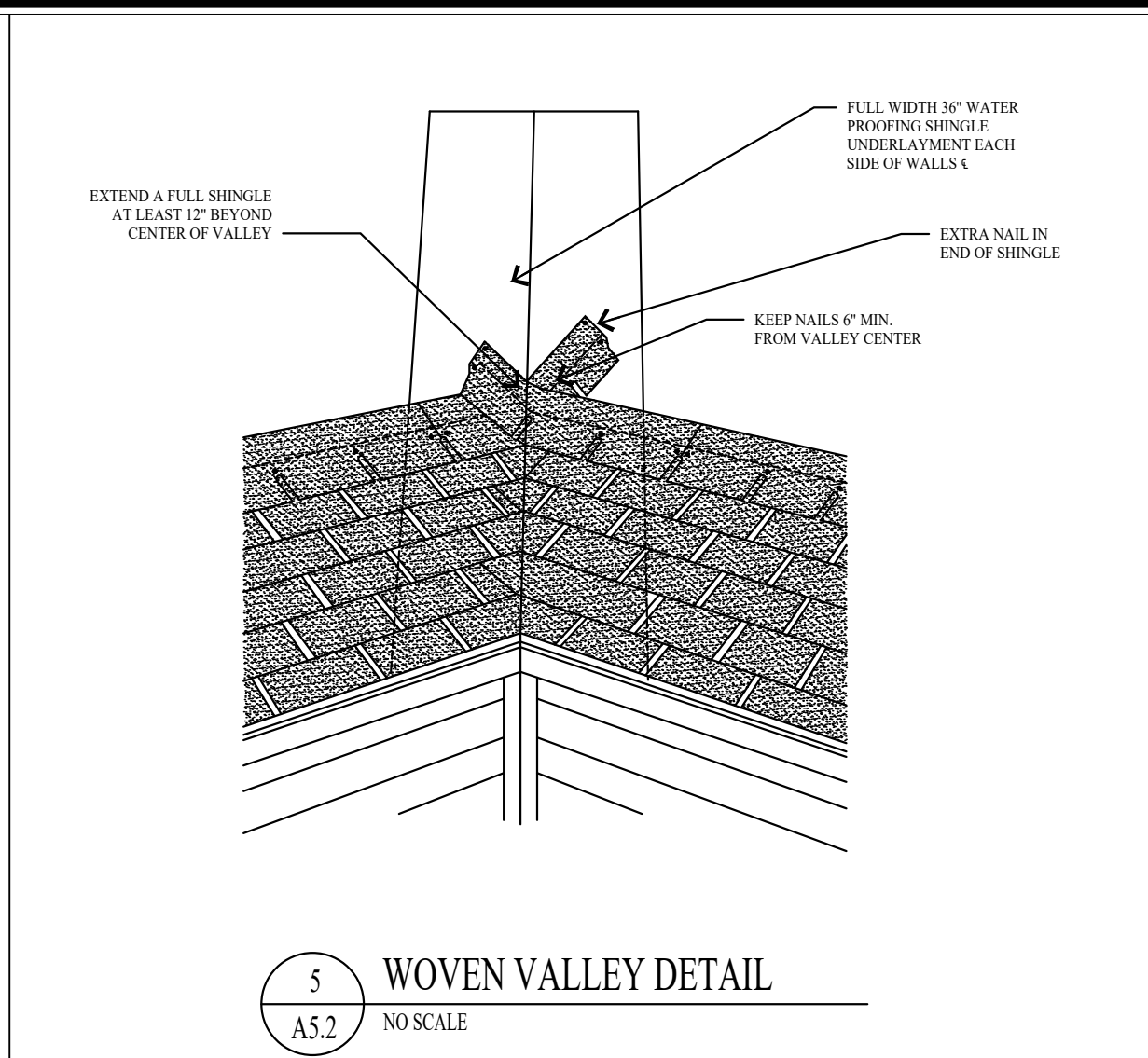
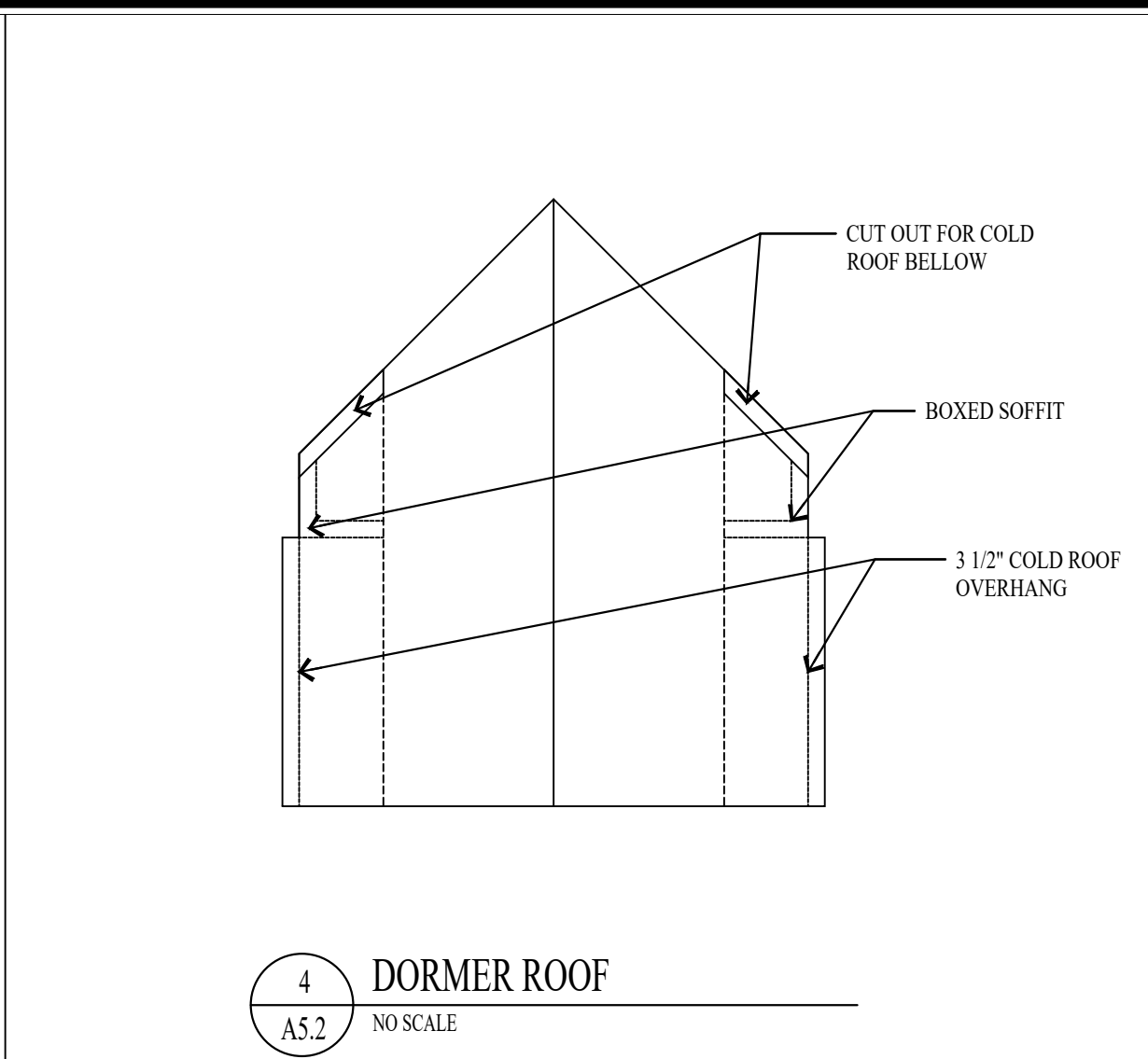
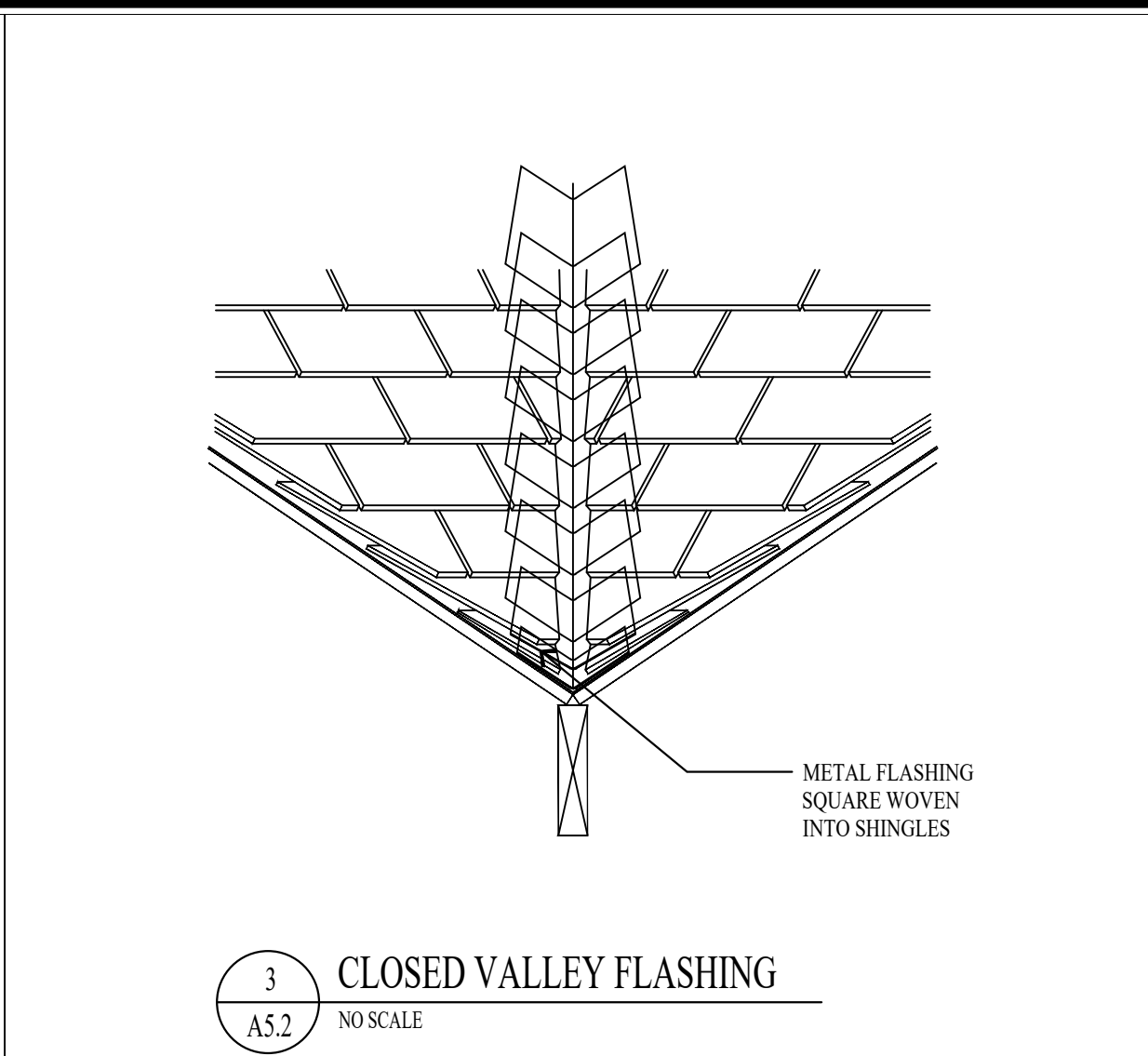
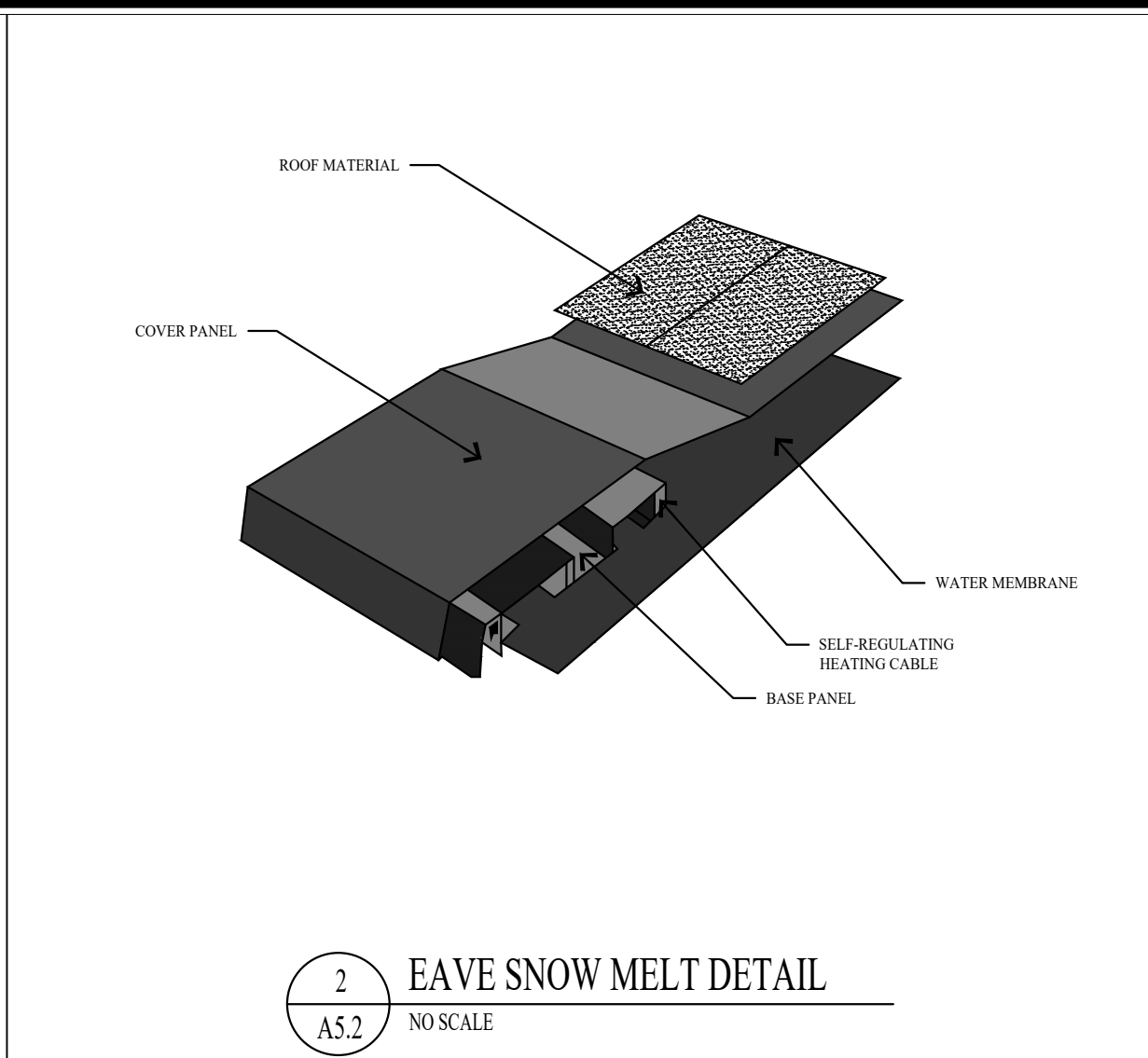
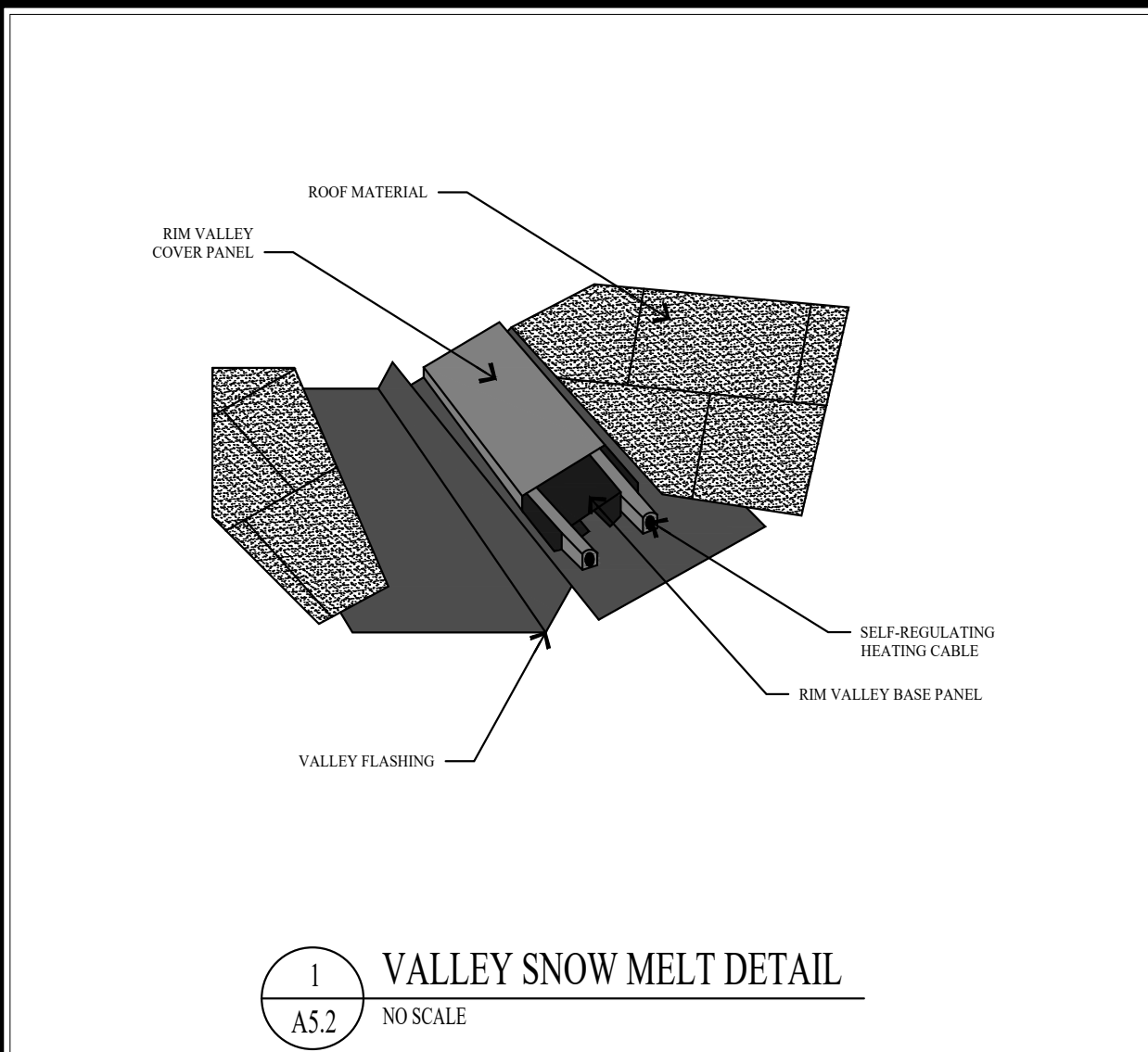
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ARCHITECTURAL NOTES
DETAILS

Jonathan DeGray
A r c h i t e c t

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KERSHAW RESIDENCE
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ROOF FLASHING DETAILS

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WINDOW NOTES

1. ALL WINDOWS OPENINGS TO BE FIELD VERIFIED BY CONTRACTOR BEFORE INSTALLATION.
2. GLAZING IN HAZARDOUS LOCATION IS REQUIRED TO BE GLAZED WITH SAFETY MATERIAL. IRC SECTION R308.3 AND R308.4.
3. ALL WINDOWS IN BATHROOMS MUST BE TEMPERED GLASS
4. TEMPERED GLASS SHALL BE PROVIDED IN: FRAMELESS GLASS DOORS, GLASS IN DOORS, GLASS WITHIN A 24" ARC OF DOORS, GLAZING LESS THAN 60" ABOVE A WALKING SURFACE THAT IS WITHIN 5 FEET STAIRS, OR GLAZING WITHIN 5 FEET OF SPAS OR POOLS, CERTAIN FIXED PANELS, AND SIMILAR GLAZED OPENINGS SUBJECT TO HUMAN IMPACT. IRC R308
5. EGRESS WINDOWS: FINISH SILL HT. MIN 44" FROM FLOOR MIN. CLEAR OPENING OF 5.7 S/F MIN NET CLEAR OPENING 20" WIDTH AND 24" HT.
6. ALL WINDOWS TO HAVE A MIN. U-VALUE OF .31

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DOOR NOTES	
1.	ALL DOOR OPENINGS TO BE FIELD VERIFIED BY CONTRACTOR BEFORE INSTALLATION.
2.	ALL DOORS TO BE 1 3/4" SOLID CORE UNLESS NOTED OTHERWISE.
3.	ALL SHOWER DOORS AND GLASS SHOWER ENCLOSURES SHALL BE TEMPERED GLASS. IRC SECTION R308.3 AND R308.4
4.	FRENCH/PATIO/TERRACE/NANNA DOORS TO BE SUPPLIED BY WINDOW MANUFACTURE TO HAVE A U-VALUE OF .31 MINIMUM.
5.	AUTOMATIC GARAGE DOOR OPENERS SHALL BE TESTED IN ACCORDANCE WITH UL325. - IRC 309.4.