



**PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF SEPTEMBER 7, 2022**

BOARD MEMBERS IN ATTENDANCE: Lola Beatlebrox, Puggy Holmgren, Jack Hodgkins, John Hutchings, Allen Long, Douglas Stephens

EX OFFICIO MEMBERS: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Mark Harrington, Senior City Attorney; Chief Building Official, Dave Thacker; Michelle Kellogg, City Recorder

1. ROLL CALL

Board Member Stephens called the meeting to order at 5:00 p.m. A roll call was held and he noted that a quorum was present. Board Member Stephens reported that a site visit to 1002.5 Norfolk Avenue had taken place prior to the meeting.

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

A. Swearing In New Historic Preservation Board Member.

City Recorder, Michelle Kellogg noted that all of the Board Members present had either been appointed or were re-appointed. This included Allen Long, who was participating remotely. She asked that everyone stand, raise their right hand, and repeat the Oath of Office aloud. The oath was repeated. Mr. Long would need to come to her office to sign the Oath of Office when he was back in town.

B. Historic Preservation Board Chair Election.

Board Member Stephens explained that Randy Scott has served as Chair of the Historic Preservation Board in the past but was not present at tonight's meeting. As a result, it was recommended that the Board Chair Election be tabled until the next meeting. Senior City Attorney, Mark Harrington explained that this was appropriate but suggested that the Board elect a Chair Pro Tempore. Board Member Stephens stated that he could handle the Chair Pro Tem responsibilities during the current meeting.

MOTION: Board Member Holmgren moved that Board Member Stephens ACT AS CHAIR PRO TEMPORE for tonight's meeting. Board Member Beatlebrox seconded the motion. The motion passed unanimously.

MOTION: Board Member Hodgkins moved to TABLE the Historic Preservation Board Chair Election until the next Historic Preservation Board Meeting. Board Member Beatlebrox seconded the motion. The motion passed unanimously.

3. MINUTES APPROVAL

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

MOTION: Board Member Holmgren moved to APPROVE the Minutes of the July 6, 2022, Historic Preservation Board Meeting, as written. Board Member Hutchings seconded the motion. The motion passed unanimously.

4. PUBLIC COMMUNICATIONS

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

Planning Director, Gretchen Milliken shared Staff Communications with the Board. She introduced Caitlyn Tubbs, who recently joined the Planning Department. Ms. Tubbs would take on a lot of the Historic Preservation Board's responsibilities and initiatives and likely be present at future meetings.

5. WORK SESSION

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.

Assistant Planning Director, Rebecca Ward presented the Staff Report and shared information related to the Temporary Winter Balcony Enclosure Pilot Program. She explained that it was initiated by the City Council and allowed non-historic balconies on Main Street to be enclosed from November 15 to April 30. The pilot program would end next year. The Historic Preservation Board reviewed the pilot program in January and March of 2015 and provided recommendations on regulations for the enclosures.

In 1979, Park City's Main Street was listed on the National Register of Historic Places and expanded in 2018. There are over 60 historic structures on Main Street, both significant and landmark, that were designated on the Historic Sites Inventory. Assistant Director Ward reported that Goal 15 of the General Plan was to "preserve the integrity, mass, scale, compatibility, and historic fabric," of the historic districts. Goal 16 of the General Plan was to "maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors." The General Plan Community Planning Strategy 16.4 was to "work with the Historic Park City Alliance

("HPCA") and the Park City Historical Society to address the needs and concerns of local business owners." Assistant Director Ward explained that only one applicant had applied to participate in the program, which was Riverhorse on Main.

The following requirements were established:

- The design must respect the architectural style of the building;
- The existing balcony railing must be preserved;
- The existing exterior wall must remain;
- The enclosure must be made of clear glazing set in window frames that match the mass, scale, and materials of the building's windows;
- Cannot interfere with pedestrian movement on the sidewalk below;
- Must have direct access to the restaurant's dining area;
- Must address snow shedding; and
- Must obtain a Building Permit.

Assistant Director Ward reported that Staff had consistently voiced concerns about the impact on the historic character of Main Street. Several concerns were presented in the early Staff Reports related to the pilot program. On July 28, the Planning, Building, Engineering, Public Works, and Sustainability Departments met to review the pilot program and the same list of concerns was shared:

- Even temporarily during the winter months, allowing the enclosure 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 the overall shape, roof design, projections, recesses, and solid-to-void ratio;
- The enclosure of the balconies detracts from the historic "western" appearance of the 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. The 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, the seasonal balcony enclosures block the views of the neighboring historic building when looking up or down Main Street;
- Main Street is characterized by in-line facades with limited breaks in massing; and
- Building over the balconies breaks the well-articulated street wall along the sidewalk and disrupts the continuity of the street wall.

Assistant Director Ward noted that there were additional concerns related to snow shedding as well as increases in water, sewage, and parking demand. Even though the enclosures were limited to non-historic buildings, they required attachment to Landmark Historic Structures, which impacted historic material. She shared several images of the Riverhorse balcony prior to the enclosure and side-by-side images of the open balcony and glass enclosure. She posed several questions to the Historic Preservation Board:

- Does the Historic Preservation Board support continuation of the Temporary Winter Balcony Enclosure Pilot Program?
- If so, is there support to amend the Design Guidelines for Historic Commercial Infill Construction to establish parameters for Winter Balcony Enclosures?

The Design Guidelines were amended and updated in 2019. They did not address the enclosure of balconies. In order to continue the program, those guidelines would need to be amended. Assistant Director Ward reported that Seth Adams from Riverhorse on Main was available to share input. Mr. Adams apologized that he was not at the meeting in person. As far as capacity, the enclosure did not increase its capacity any more than during the summer months. In fact, the capacity was actually less during the winter months due to the footprint. In his opinion, the enclosure fits in with the aesthetic of the area. It was designed based on City and Historic Preservation Board guidance. He was willing to make adjustments if desired by the City but noted that the winter enclosure was an important part of his business. It brought people to Main Street.

Board Member Stephens wondered if the HPCA had discussed the matter further. Assistant Director Ward reported that Staff reached out to the HPCA and they were aware of the Work Session discussion. However, no formal input had been provided. Board Member Hodgkins asked how long the winter enclosure could remain in place. Based on the pilot program, the installation was permitted on November 15, and the enclosure needed to be removed by April 30. Board Member Stephens believed the intention of a pilot program was to determine how successful a program would be. He wondered if Riverhorse on Main was the only property that had actually participated in the project. Assistant Director Ward explained that there had been inquiries from other restaurants on Main Street who wanted to enclose their balconies. One applicant wanted a permanent enclosure rather than a limited winter enclosure. As a result, that request had been withdrawn.

Board Member Beatlebrox mentioned the concerns expressed by Staff. She wanted to know if any of those initial concerns remained. Assistant Director Ward explained that the concerns from Staff had to do with impacts on the historic character of Main Street. Throughout the discussions, Staff remained consistent in their point of view. Prior to the pilot program, there were more temporary structures, like tents, being implemented. During the COVID-19 pandemic, there were other types of temporary structures permitted to allow for social distancing. Some of those creative temporary installations allowed for the use of outdoor space during the winter months. Prior to the pilot program, there had been concerns about the tents and the impact on the historic

character. However, those were temporary in nature. The pilot program allowed for enclosures that were more impactful and longer-term.

The City Council amended the Land Management Code. Currently, the enclosures were allowed on non-historic buildings from November 15 through April 30. There was no sunset clause added with that Code Amendment, but each year, the City Council needed to approve an Encroachment Agreement due to the balcony extension over the public sidewalk. As part of that review, it was made clear that this was a temporary pilot program that would be reevaluated in 2023. The Code Amendments allowed for the winter enclosures, but Design Guideline amendments would be needed in order to codify some of the requirements that were established with the pilot program.

Board Member Stephens wondered how Staff felt about temporary structures if the pilot program did not move forward. He noted that tents would need to be approved through a Conditional Use Permit process. Assistant Director Ward reported that the temporary structures were allowed under the code. There would still be an opportunity to have a tent or something temporary in place. Board Member Beatlebrox pointed out that there were only three balconies that were eligible and only one was being used in this way, with a glass structure during the ski season. She was not terribly interested in the Riverhorse on Main structure becoming permanent. It changed the façade and the overall look of the historic buildings on the street. Mr. Adams clarified that he was supportive of the enclosure remaining seasonal. This was a better solution than a temporary white tent, which would not look aesthetically pleasing.

Board Member Long asked about the approval process for the current design of the enclosure. Mr. Adams explained that there had been multiple rounds of discussions to make sure it was see-through enough and matched the façade. There were also regulations to ensure that structural integrity was maintained. The enclosure was designed by a company out of Connecticut. It was a reputable company and there had been a lot of discussions with the City Council and Planning Commission. Board Member Long thought the design was very contemporary. He did not believe that it suited the style of Main Street. Mr. Adams stated that it was in the style of the building it was attached to, which was an infill building that was constructed many years ago.

Board Member Holmgren agreed with Board Member Beatlebrox and did not believe the enclosure should become permanent. She wondered if there were any complaints related to the enclosure or traffic in the area. Assistant Director Ward did not believe there were any formal complaints. The Meeting Minutes related to the Encroachment Agreement stated that some mitigations had been put in place to address some of the outstanding issues. For instance, there had been ice buildup. Mr. Adams explained that the ice buildup was a drainage issue, which had been fixed.

Board Member Stephens asked what would happen if the Historic Preservation Board shared a positive recommendation. He believed the Land Management Code and Design Guidelines would need to be amended to address the issue of enclosed balconies. Senior Attorney Harrington explained that amendments may or may not be

needed. Board Member Hodgkins noted that if there was a sunset clause, the Land Management Code would not need to be amended. He believed the enclosures should remain temporary and should not become permanent.

Assistant Director Ward believed the Board was comfortable recommending that the program continue on a temporary basis. This would allow installations from November 15 through April 30 on non-historic buildings. Due to the temporary nature, addressing the design could be done through the Encroachment Agreement. If another proposal came forward, she wondered if the Historic Preservation Board would be interested in reviewing the design or if it should be a Staff level review. Board Member Stephens noted that another application could raise separate issues about the Riverhorse on Main property. It would be appropriate to discuss certain design questions at a Board level. Board Member Hodgkins stated that Main Street was listed on the National Register of Historic Places. It was important to review applications for compatibility.

6. REGULAR AGENDA

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

Assistant Director Ward presented the Staff Report and stated that the applicant's representatives from Big-D Construction, Billy Smith, Steve Bennett, and Scott McKinnon, were present. The Board Members visited the site prior to the meeting. The lot is located between Woodside and Norfolk Avenues along 1000 Street. The Historic Preservation Board first reviewed the panelization of 1002.5 Norfolk Avenue on August 4, 2021. The Board discussed the challenges associated with the site but did not support panelization. Instead, the Board approved Material Deconstruction of a portion of the rear façade to accommodate an addition. On October 6, 2021, the Board approved Temporary Relocation and partial panelization to accommodate construction on the lot.

The applicant was proposing to modify the approval and asked that the Board consider two possibilities, deconstructing and reconstructing the structure or full panelization. To approve an application for reconstruction of a Historic Building on a Landmark Site, the Board needed to find that the project complies with the following:

- 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;
- The Historic Building cannot be made safe and/or serviceable through repair; and
- The form, features, detailing, placement, 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 (LMC Section 15-11-15).

A Structural Engineering Report was prepared in February 2021 and included with the current application. There were no changes in the findings from the Structural Engineer. The Planning Director and Chief Building Official visited the site multiple times and issued two official determinations. The first was on July 28, 2021, which stated that the Landmark Historic Structure was not in a state of disrepair that merited demolition. It was not hazardous or dangerous, pursuant to International Building Code Section 116.1, and the structural conditions did not preclude lifting or moving the structure. Additionally, the physical conditions of the existing materials would not prevent temporarily lifting or moving the structure. The applicant had alternatives to lift, preserve, and rehabilitate the building while constructing the addition. Due to the unusual lot configuration, evaluating panelization may be warranted. On September 28, 2021, the Planning Director and Chief Building Official issued a second Notice of Official Determination, which was as follows:

- 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.

Assistant Director Ward explained that the Planning Director and Chief Building Official visited the site again on August 29, 2022. The findings remained the same. For panelization, the Board needed to find that the project complied with the following:

- A licensed Structural Engineer has certified that the Historic Building cannot reasonably be moved intact; and at least one of the following:
- The proposed disassembly and reassembly will abate the demolition of the Historic Building;
- 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
- The Historic Preservation Board determines, with input from the Planning Director and the Chief Building Official, that unique conditions and the quality of the Historic Preservation Plan warrant panelization.

Unique conditions included, but were not limited to, the following:

- If a problematic site or structural conditions preclude panelization of the structure;
- 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
- All other alternatives had been shown to result in additional damage or loss of historic materials (LMC Section 15-11-14).

Staff recommended that the Board conduct a public hearing and consider denying the request to deconstruct and reconstruct or fully panelize a Landmark Historic Structure, as outlined in the Draft Final Action Letter. Assistant Director Ward reported that the applicant's representatives were present. Messrs. Smith and McKinnon introduced themselves to the Board. Mr. Smith reported that D-Smith Construction has been in Park City for more than 15 years. Preserving the community was very important to them. He shared an example of another project that had been done outside of Park City. It was called the Creamery and it was a dilapidated and largely abandoned creamery from the 1890s located in Montana. D-Smith Construction came in, documented, and categorized every piece of the structure. It was then relocated. D-Smith Construction was familiar with these types of projects.

Mr. Smith discussed the constraints on the site and shared images of the home. Mr. McKinnon explained that one of the issues related to access. D-Smith Construction wanted to make sure the home looked just like it did but it needed to be done in a way that makes sense. It was important to keep employees and subcontractors safe. Mr. Smith pointed out that within seven feet of the neighboring structure, there was an 11.5-foot excavation for the majority of the historical portion. Then there was a 14-foot excavation for the new addition that had been approved behind that. There was a desire to protect the neighboring properties and workers.

As far as deconstruction and reconstruction, construction technology had come a long way. D-Smith Construction had the capacity to do a 3D laser scan, which involved a 3D scan of the exterior of the home. This created a model. The home could then be deconstructed and the model used to ensure that the building was reconstructed in the exact same way. In addition, with the deconstruction option, D-Smith Construction was able to encapsulate and protect the siding, which contained lead-based paint. This was not uncommon in historic homes. If the Historic Preservation Board determined that the site was too problematic, deconstruction and reconstruction could be possible.

Board Member Stephens opened the public hearing. There were no comments. Board Member Stephens closed the public hearing.

Board Member Bealebrox noted that the subject property is unique and there are access issues to consider. She asked to review the three unique conditions mentioned previously. The conditions were read aloud. It was important to determine whether the subject property was a problematic site. She believed it would be considered problematic but wondered if it would preclude the temporary lifting. Mr. Smith pointed out that the Structural Engineer's Report stated that the structure could not reasonably be moved intact. He noted that a lot of projects use panelization or lifting. In the majority of those cases, there is access from at least two sides of the site or there is no adjacent structure within 15 feet. Since this property has a 7.5-foot gap between the houses, a 12-foot section to access the site, and a 10+% grade road, getting what was needed onto the site to move the home was impossible.

Board Member Stephens believed there was a basement underneath the home. He wondered if it went into the front area of the house. Chief Building Official, Dave Thacker reported that there is a six-foot tall basement underneath one portion of the existing home. The rest was a crawl space. Board Member Stephens asked if it was possible to lift the home in two stages. Chief Building Official explained that there had been other structures that were supported by cribbing while excavation took place. There were still logistical problems whether the basement excavation took place or not. Mr. Smith explained that new foundations needed to be provided, so there would still need to be some sort of excavation, which required the equipment on site.

During the site visit, there were discussions about how to bring enough equipment onto the site in order to do a 12-foot-high excavation underneath the house. Mr. Thacker stated that there had been a previous discussion about over-excavating to a degree that it would be possible to get some of the smaller equipment in to remove the soil for the addition. At the time, the discussion was about whether to excavate a little bit more than would be necessary, get the equipment in, and bring the equipment out. This would result in a taller basement ceiling height or engineered fill to raise the level.

Board Member Stephens wondered if it would be over-excavated underneath the historic house so it would be possible to drive some smaller equipment underneath rather than around the side of the home. Mr. Thacker explained that this was an option that was discussed during a previous meeting. Mr. Smith confirmed this but noted that another constraint pertained to the neighboring property. There were limitations as it relates to the amount of space that the excavation could be set back. Even in an over-excavation scenario, there were limitations in the ability to shore. This had been discussed on site. Discussions were had about the limit of disturbance. Board Member Stephens wanted to understand whether it was from the property line. Mr. Smith explained that it was three feet from the property line to the structure.

Board Member Hodgkins did not see how either of the proposals could be approved based on the provisions in the Land Management Code. He understood that it was a problematic site but wondered if there was input from the Planning Director and Chief Building Official to support the application. Mr. Thacker explained that both he and Director Milliken saw challenges on the site but many sites in Park City have challenges. He did not necessarily believe it had greater challenges than other historical lots in the City. There was a larger rear yard on the property and some possibilities could be explored there in terms of the construction and building practices.

Board Member Beatlebrox pointed out that this was the first time since she had been on the Historic Preservation Board that the Board was concerned about potential damage to a nearby historic home. She expressed concerns about the neighboring property. Board Member Stephens pointed out that the safety concerns often go through the Building Department. Mr. Thacker stated that safety concerns were considered through the planning process as well as the building process. There are several sites throughout Park City where the setbacks are three to five feet from the property line. Several of those sites have structures on them that need to be protected. In those

cases, temporary shoring walls were required or some sort of access agreement. For this application, there were some constraints but there were always considerations that could be taken to protect nearby properties.

Board Member Hutchings asked if the City would decide whether shoring was required for the neighboring property. Mr. Thacker explained that there would be requirements regardless of the Historic Preservation Board decision since the home is so close to the property line. There would need to be a Geotechnical Report that would provide the necessary information, such as the soils specific to the site, the proposed cut, the depth of the cut, and how deep the neighboring foundation was. All of that information would be included in the report. It would create the criteria needed to ensure that the work is either stabilized at the property line or an Access Agreement with the neighboring property is created. That would happen in the future, regardless of the Historic Preservation Board's decision.

Mr. McKinnon reported that there were fatalities every year due to cave-ins. He saw a lot of challenges with the site but believed there was an opportunity to produce a fantastic product. If it was possible to panelize and remove, then everything could be categorized and put back in place. He felt this would be safer and create a more successful project. It was not necessary to create additional risk. The site logistics were challenging as were the grade and access. Board Member Stephens noted that the Building and Planning Departments would consider all safety aspects of the project. It is always easiest to panelize but it was the responsibility of the Historic Preservation Board to determine whether there was another option. The disassembly and reassembly process could impact the siding material.

The Board discussed previous projects that involved deconstruction. Board Member Stephens reported that there are two homes on Deer Valley Drive that were deconstructed, partially due to a mold issue and partially because that decision was made 20 years ago. He was not certain that those projects would be approved today. When the siding was removed, a lot of the material was damaged. Panelization is not often approved by the Board. Mr. Smith explained that there was a portion of the back that was an addition after the original structure. When that was removed a lot of the siding was preserved. That had come off well and almost all of the material on the back portion was saved. This had been done as a precaution in the event that the application was approved so that there were extra pieces of material.

Board Member Hutchings did not doubt that the D-Smith Construction team could panelize the home, put it back together, and do a wonderful job. He also did not doubt that the site has a lot of problems. However, he did not see enough evidence to approve the application. It is a unique site but additional evidence was needed. For instance, some sort of evidence that the site could not be shored without panelization. As a result, he felt it was appropriate to deny the application. Board Member Stephens noted that something more supportive from the Building and Planning Departments could provide the evidentiary materials needed. He was not certain that the Board had enough information on some of the alternatives.

Board Member Beatlebrox noted that the porch was allowed to be removed so that when the home is lifted, it could be moved toward Norfolk Avenue and there would be more room for heavy equipment on the righthand side of the house. Lifting and preserving the historic material was important. It was preferable to keep the house intact and lift it rather than take it apart and reconstruct the home.

MOTION: Board Member Hutchings moved to DENY the Deconstruction and Reconstruction and Full Panelization of the Landmark Historic Structure at 1002.5 Norfolk Avenue, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

Background

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 Historic Preservation Board first reviewed panelization of 1002.5 Norfolk Avenue on August 4, 2021. The Historic Preservation Board discussed the challenges of the site but did not support panelization. The Historic Preservation Board 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 Historic Preservation Board 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 Historic Preservation Board 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:*

- a. 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;
 - b. The [Historic Building] cannot be made safe and/or serviceable through repair; and
 - c. The form, features, detailing, placement, 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 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 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."
11. The Determination supports Temporary Relocation and partial panelization as recommended by the Historic Preservation Board 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 the full panelization of the Landmark Historic Structure at 1002.5 Norfolk Avenue.
2. The Historic Preservation Board 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;*
 - 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*
 - iii. *The [Historic Preservation Board] 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 a 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 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.”*
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.

Conclusions of Law

1. The proposal to Deconstruct and Reconstruct 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.

Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

A. 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.

Assistant Director Ward presented the Staff Report and explained that the application was for a minor modification to the Material Deconstruction approval. On August 7, 2019, the Board approved the Material Deconstruction and Panelization for a Landmark Historic Structure located at 901 Woodside Avenue. As part of that evaluation, the windows were looked into. There were 23 windows on the site. All of the windows had been replaced at a time outside of the historic period. The windows were determined to not be historic and would be replaced as part of the rehabilitation.

The applicant was seeking approval to modify the Material Deconstruction to enlarge the bay windows on the front façade and the attic window on the south side façade to meet International Residential Code Section 310 – Emergency Egress and Rescue Openings. While modifications to the primary façade were generally discouraged, the property is unique because the Landmark Historic Structure was exempt from the setback requirements. It was close to the property line. To the south of the property, there was a platted, but unbuilt, right-of-way. To the north was another historic structure that also did not meet setbacks. The distance between the two structures was approximately two feet or less. The Chief Building Official visited the site with the applicant to look into possible solutions that would meet the egress standards.

The architect created elevations for Board review. It showed the existing windows and dimensions. The proposal was a minor enlargement that would change the bay windows to 24" x 81". That would be applied equally to the lower and upper levels. The second request was related to the attic window, which was approved as part of the 2019 Material Deconstruction approval. The request was to slightly increase the dimensions to 30x42 inches. Staff recommended that the Board conduct a public hearing and consider approving the modifications to Material Deconstruction.

Board Member Stephens opened the public hearing. There were no comments. Board Member Stephens closed the public hearing.

Board Member Hodgkins believed the windows needed to allow for access because the interior spaces were bedrooms. This was confirmed. Board Member Hodgkins wondered if the rooms in the front needed to be bedrooms. It seemed that the owner wanted to change existing use. The applicant, Jerry Fiat explained that those rooms were historically used as bedrooms on both levels. No change in use was proposed. There were certain size requirements for emergency escape and rescue openings. Mr. Fiat reported that there was a minimum width of 20 inches and a minimum height of 24 inches required. However, there was an additional component, where a 5.7-square-foot opening was required as well. The challenge was not necessarily with the

minimum required width or height, but with the overall area. The only way to meet all requirements was with a slight modification.

Board Member Beatlebrox wondered if historic siding would be disturbed by the change. It was clarified that the entire bay window, the structure, and the façade were non-historic. There was a bay window there historically, but the structure was non-historic because it was rebuilt. Assistant Director Ward shared additional images of the home. Board Member Hutchings asked what would happen if the request was denied. Mr. Fiat noted that it was a bedroom and would remain a bedroom. The question was whether it was the right decision to build something that compromised safety.

Board Member Stephens pointed out that the rooms were historically used as bedrooms. He did not feel the minor modifications would detract too much and it was important to consider the health and safety of the occupants. Discussions were had about a previous site visit that took place at 901 Woodside Avenue.

MOTION: Board Member Holmgren moved to APPROVE the Modification to Material Deconstruction, as Approved on February 3, 2021, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

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.
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 unbuilt 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, unbuilt 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 unbuilt 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 unbuilt 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.
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 façade. 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 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.

Board Member Beatlebrox seconded the motion.

VOTE: The motion passed unanimously.

- B. 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**

Assistant Director Ward presented the Staff Report and explained that there was a request for Relocation and Material Deconstruction. The architect and applicant's representative, Jonathan DeGray, was present as well as the owner of the property, Bill Kershaw. Assistant Director Ward reported that 569 Park Avenue was a property that had been before the Board several times. It was designated a Significant Historic Site on the Park City Historic Sites Inventory but was pending appeal. Several images of the site were shared.

In 1941, the tax photo showed 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. On February 4, 2009, the Historic Preservation Board designated the property a Significant Historic Site on the Historic Sites Inventory, which was a result of a reconnaissance level survey. However, 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 the changes that were made to the

structure between 1923 and 1995, it no longer met the criteria of a Significant Historic Structure. On August 6, 2015, the Planning Director submitted a Determination of Significance Application and nominated the structure for re-listing as a Significant Historic Site on the Historic Sites Inventory. Later that year, the property owner applied to demolish the home. That Building Permit was denied.

On March 2, 2016, Staff brought the Determination of Significance application before the Historic Preservation Board and recommended that 569 Park Avenue be listed on the Historic Sites Inventory. The Board unanimously voted to designate the property as a Significant Site but that decision was appealed. The appeal was scheduled to move to the Board of Adjustment, but prior to that public hearing, the applicant submitted a request for an Advisory Opinion to the Utah Property Rights Ombudsman. That was issued in 2017 and the Ombudsman found that the demolition permit for 569 Park Avenue was entitled to approval. Since that time, the City and property owner had been working through different options for the property.

The applicant proposed the following for consideration:

- Remove a non-historic porch;
- Lift the single-family dwelling to accommodate a basement addition and foundation upgrade;
- Relocate the single-family dwelling 4-feet to the north to accommodate a driveway and garage addition;
- Deconstruct material from the rear and south façade of the single-family dwelling to accommodate an addition; and
- Rebuilt the non-historic porch.

The criteria that the Board needed to consider for relocation was included in the Staff Report. One of the criteria was that a Licensed Structural Engineer must certify that the building could be relocated. A professional building mover was required to move and protect the building through that process. Additionally, the relocation could not have a detrimental effect on the structural soundness of the building. Since this was a preliminary review, Staff recommended that those be listed as Conditions of Approval.

The removal of material to accommodate the addition would be approximately 17feet from the south side façade and approximately three feet from the west rear façade. This would be done to accommodate the garage addition. Assistant Director Ward explained that the Analysis in the Staff Report overviewed the zoning regulations, setbacks, significant vegetation, and the maximum building footprint. Staff found that the proposal met all of the zoning regulation requirements. She noted that after the Meeting Materials Packet was published for the Board, three emails had been received. Those emails were supportive of the proposal and had been forwarded to the Board. Staff recommended that the Board conduct a public hearing and consider approval.

Board Member Hodgkins noted that the rendering for the garage did not address colors or materials. He wondered if the idea was to make it clear that it was not part of the

historic structure. Mr. DeGray explained that some separation had been created between the historic building and garage. The design was intentional and it would clearly be a separate and non-historic building. Board Member Hutchings wanted to know if the Staff recommendation for approval had to do with the Utah Property Rights Ombudsman determination. Senior Attorney Harrington denied this. Background information had been shared with the Board for context. Director Milliken added that the full Analysis in the Staff Report supported the Staff recommendation.

Board Member Stephens opened the public hearing.

Angela Moschetta, a Park Avenue resident, believed it was important to use the tools available to protect small businesses in Park City as well as the quality of life and the character of the City. Ms. Moschetta read information from the City website related to the Historic Preservation Board. The Board was created to preserve and encourage design preferences that reflected the mining heritage in Park City. The Board also encouraged compatible design and construction through periodic updates and communicated the benefits of historic preservation. Ms. Moschetta noted that in Old Town, a lot of non-historic structures have been knocked down and turned into more contemporary structures that maximize the footprint. Some historic structures had also been permitted to add on significant square footage. She struggled with this because historic preservation is not just about aesthetics, but also lifestyle.

Ms. Moschetta felt there was a sense of entitlement for someone to feel it was appropriate to purchase a property in a historic district, appeal the historic designation, and pursue changes to the property that supported a different lifestyle. She asked the Historic Preservation Board and Planning Commission to defend the character and quality of life in the community. She believed the Board should deny the application.

There were no further comments. Board Member Stephens closed the public hearing.

There was discussion regarding the comments made by Ms. Moschetta and the Land Management Code. Board Member Hodgkins stated that based on the Code and the jurisdiction of the Board, it was difficult to deny the application. Board Member Hutchings did not believe the application met the code. He felt that shifting the structure four feet to the north would change the character of the property. As a result, he would deny the application. Board Member Stephens understood the concerns but in his mind, shifting the structure would not significantly change the streetscape. He pointed out that the garage addition would not look like it was part of the historic house. Board Member Hodgkins was supportive of moving the historic structure in order to have the garage on the side rather than lifting the home and having the garage underneath. Board Member Beatlebrox asked to see the new design. She liked that the height was not being raised and that the look of the historic home would be preserved.

MOTION: Board Member Beatlebrox moved to APPROVE the Relocation and Material Deconstruction of 569 Park Avenue, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

Background

1. 569 Park Avenue is a bungalow-type Single-Family Dwelling constructed circa 1917 in the Victorian Eclectic style.
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 that 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 as a Significant Site.
18. On March 15, 2016, the property owner appealed the Determination of Significance.
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 the 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:
 - a. 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;
 - b. 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;
 - c. The historical integrity and significance of the Historic Building(s) and/or Structure(s) will not be diminished by relocation and/or reorientation;
 - d. The potential to preserve the Historic Building(s) and/or Structure(s) will be enhanced by its relocation.
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(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.

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 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 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.
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 its original grade following the 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 the 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.
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.

Board Member Holmgren seconded the motion.

VOTE: The motion passed, with all Board Members voting in favor of the application, with the exception of Board Member Hutchings, who voted against the application.

7. **ADJOURN**

MOTION: Board Member Hutchings moved to ADJOURN. Board Member Hodgkins seconded the motion. The motion passed unanimously.

The Historic Preservation Board Meeting adjourned at 6:54 p.m.

Approved by _____
Randy Scott, Chair
Historic Preservation Board