



**PARK CITY HISTORIC PRESERVATION BOARD MEETING
SUMMIT COUNTY, UTAH
March 13, 2023**

The Historic Preservation Board of Park City, Utah, will hold its meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

MEETING CALLED TO ORDER AT 5:00 PM.

- 1. ROLL CALL**
- 2. PUBLIC COMMUNICATIONS**
- 3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**
- 4. REGULAR AGENDA**

- 4.A **336/360 Daly Avenue - Relocation of Significant Structure** - Park City Municipal Corporation Proposes to Relocate a Significant Historic Structure, a Single-Car Garage, From Its Current Site at 336/360 Daly Avenue. PL-23-05537
- (A) Public Hearing; (B) Action
- [336 360 Daly Relocation Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: 2016 Engineer's Report](#)
[Exhibit C: Historic Preservation Board Nov 2, 2022 Work Session Staff Report](#)
[Exhibit D: Historic Preservation Board Nov 2, 2022 Minutes](#)
[Exhibit E: Notice of Historic Preservation Board Action, May 3, 2017](#)
[Exhibit F: Notice of Planning Department Action May 23, 2017](#)
[Exhibit G: Historic Preservation Board Staff Report May 3, 2017](#)
[Exhibit H: Historic Preservation Board May 3, 2017 Minutes](#)
[Exhibit I: HDDR Waiver Letter November 19, 2018](#)
[Exhibit J: DOS Appeal Feb 17, 2015 Action Letter](#)
[Exhibit K: Board of Adjustment Feb 2, 2015 Staff Report](#)
[Exhibit L: Board of Adjustments Feb 2, 2015 Minutes](#)
[Exhibit M: Determination of Significance Final Action Letter](#)
[Exhibit N: Historic Preservation Board Jan 7, 2015 Staff Report](#)
[Exhibit O: Historic Preservation Board Jan 7, 2015 Minutes](#)
[Exhibit P: LMC 15-13-4 Guidelines for Relocation](#)
[Exhibit Q: The Canyon Subdivision Plat](#)
[Exhibit R: Record of Survey and Topographic Map](#)

5. 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 Staff Report



Subject: Relocation of Historic Garage at
336/360 Daly Avenue
Application: PL-23-05537
Author: Caitlyn Tubbs,
Sr. Historic Preservation Planner
Date: March 13, 2023
Type of Item: Historic District Design Review - Relocation

Recommendation

(I) Review the proposed relocation of the single-car garage located at approximately 336/360 Daly Avenue, (II) hold a public hearing, and (III) consider approving the relocation subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the draft Final Action Letter (Exhibit A).

Description

Applicant: Park City Municipal Corporation (PCMC)

Location: 336/360 Daly Avenue

Zoning District: Historic Residential (HR-1), Estate (E)

Adjacent Land Uses: Open space, residential

Reason for Review: Requests for relocation of historic structures must be reviewed and decided by the Historic Preservation Board per section [§15-13-4](#)¹ of the Land Management Code.

HDDR	Historic District Design Review
HPB	Historic Preservation Board
HSI	Historic Sites Inventory
LMC	Land Management Code
PCMC	Park City Municipal Corporation

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

Summary

The properties located at approximately 336 and 360 Daly Avenue are home to three Accessory Structures, two of which are listed as Significant Historic Structures on the City's Historic Sites Inventory (HSI). A chicken coop, single-car detached garage, and single-cell cabin were all Accessory Structures for the original 1896 cross-wing cottage (332 Daly) and survived the home's demolition in 1984.

One of the structures, the single-car garage, straddles the property line between the City-owned 360 Daly Avenue and 336 Daly Avenue, owned by Sock Monkeys, LLC. The owner of 336 Daly seeks to develop the otherwise vacant property with a Single-

¹ LMC [§15-13-4](#)

Family Dwelling and has requested the garage be relocated to an alternative site to facilitate the design and construction of the new Single-Family Dwelling.



Figure 1: October 18, 2022 photograph of site including single-cell cabin (left) and single-car garage (right).

Background

On November 2, 2022, the HPB held a work session to discuss the potential relocation of the accessory structures to an alternative site. The Board was supportive of relocating only the single-car garage and suggested it be moved to the southern side of the single-cell cabin. This would require a minimal relocation distance and would allow the garage to remain within its historical context and location. ([Staff Report](#), [Minutes](#))

The subject structures are listed as Significant Historic Structures due to the presence of original materials and the architectural styles representing the Mature Mining and Mining Decline periods during which they were constructed. The Accessory Buildings include repurposed timbers as exterior siding and the garage and cabin include gabled roof forms typical of the Mature Mining Period. With the demolition of the primary home in 1984 the overall context of the Historic Site has already been lost; the garage was an Accessory Structure for the use of the occupants of the primary home and the single-cell cabin had been repurposed as a storage shed. As a result, relocating the Accessory Structures will not detract from their historic significance or that of the Historic District and neighborhood because the primary focal point of the property has been lost.

An Engineer's Report (see Exhibit B) from 2016 stated the garage could be feasibly relocated without dismantling or demolishing the building with a recommendation to provide additional supports at potential lift points.

The table below outlines the background of the subject property and associated Historic Accessory Structures:



Figure 2: October 18, 2022 close-up photograph of single-car garage, front oblique looking southwest.

c. 1896	Cross-wing style cottage constructed on the subject properties (formerly 332 Daly Avenue)
c. 1900-1907	Single-cell cabin was built on the property after 1900 and before 1907. This building is listed as a Significant Historic Structure on the Park City Historic Sites Inventory (HSI).
c. 1941	Single-car detached garage is first seen on Sanborn Fire Insurance Maps. This building is listed as a Significant Historic Structure on the Park City Historic Sites Inventory (HSI).
c. 1984	Cross-wing style cottage was demolished. Ancillary structures (including chicken coop, single-car garage, and single-cell cabin) remain.
May 20, 1996	The Historic District Commission approved a request to demolish the deteriorated single-car garage associated with the prior home and other Accessory Structures on the subject property. The garage was never demolished, and the approval expired in 1997.
January 7, 2015	The Historic Preservation Board reviewed a Determination of Significance application for the garage and single-cell cabin and upheld the "Significant" designation on the Park City HSI (Staff Report , Minutes , Final Action Letter)
January 20, 2015	Owner of 336 Daly Avenue appealed the Determination of Significance.
February 17, 2015	The Board of Adjustment upheld the decision of the Historic Preservation Board. The Board of Adjustment's decision was appealed to Third District Court. The litigation was stayed to allow the City to arrive at a solution with the parties or try to obtain ownership of the 360 Daly Avenue property. (Staff Report , Minutes , Final Action Letter)
August 29, 2016	The Park City Building Department issued a Notice and Order

	to repair the garage and cabin.
December 20, 2016	The Park City Building Department issued another Notice and Order classifying the garage and cabin as Dangerous Buildings and required the property owner to repair, not demolish, the Historic Structures.
May 3, 2017	The Historic Preservation Board held a public hearing and approved the request to relocate the remaining Accessory Structures (garage and chicken coop) to the property directly to the south of the current location (now owned by PCMC). The cabin is already sited entirely on this property. The structures were never moved and this approval expired on May 23, 2018. (Final Action Letter)
November 30, 2017	The Park City Building Department recorded a Notice of Abatement with Summit County Recorder's Office (Entry No. 01082676) to facilitate: • Cleaning out the buildings to do repair work and remove public nuisance hazards. • Conducting an engineering study to determine structural integrity of the buildings and complete any necessary repairs. • Providing weather-resistant repairs to the roof. • Securing the structures.
November 19, 2018	The Park City Planning Department issued an HDDR Waiver Letter for minor construction and routine maintenance to the garage and cabin. This approval included: • Construction of new support columns, cross-bracing and floor structure to structurally stabilize the buildings. • Apply wire mesh to cover all window and door openings from the interior and secure the structures. • Install metal sheeting as roofing on the two buildings.
July 2022	PCMC finalized cooperation between Wells Fargo and United Park City Mines (UPCM) to acquire deed to 360 Daly Avenue property from UPCM.
November 2, 2022	The HPB held a work session to discuss the potential relocation of the accessory structures to an alternative site. The Board was supportive of relocating only the single-car garage and suggested it be moved to the southern side of the single-cell cabin. This would require a minimal relocation distance and would allow the garage to remain within its historical context and location. (Staff Report , Minutes)
January 25, 2023	PCMC filed an HDDR application for the relocation of the single-car garage.

Analysis

Preserving the Historic Character of Park City is one of the core values in Park City's 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.



Figure 3: Tax card photograph of 1896 cross-wing cottage. Demolished 1984.

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.

The single-cell cabin and single-car garage on the subject properties are recognized as Significant Historic Structures ([Historic Site Form](#)) and have been present on the property since 1907 and 1941, respectively, as indicated on the Sanborn Fire Insurance Maps. The chicken coop is not individually listed on the HSI and is severely dilapidated. The relocation of the chicken coop is not currently under consideration.

The Land Management Code (LMC) implements the goals and policies of the General Plan, including allowing for the relocation or reorientation of historic structures under certain circumstances.²

LMC [§15-13-4](#) governs the standards the Historic Preservation Board evaluates when considering the relocation of a Historic Structure. These standards are outlined and analyzed in the table below:

Requirement	Analysis
1. Relocation and/or reorientation of a historic building shall be considered only after it has been determined by the Historic Preservation Board that the integrity	Complies; during a work session on November 2, 2022 (Staff Report , Minutes) the Historic Preservation Board discussed the possibility of relocating the Historic Structure and supported the relocation of the garage after finding its relocation would preserve the historical context of it and the single-cell cabin on the same property.

² LMC §15-13-4

and significance of the historic building will not be diminished by such action.	
2. Relocation and/or reorientation of a historic building shall be considered only after it has been determined that the structural soundness of the building will not be negatively impacted. A professional structural analysis shall be conducted in order to minimize any damage that may occur during the relocation/reorientation of a historic structure.	Complies with Condition of Approval; In 2016 an engineer's report (see Exhibit B) indicated the Historic Structure was sound enough to be relocated in one piece. PCMC will verify this through obtaining an updated report as required in Condition of Approval #1.
3. Hire licensed professional building movers to relocate a historic building.	Complies with Condition of Approval #10; PCMC will obtain the services of a licensed professional building mover to relocate the Structure.
4. A historic structure shall be secured and protected from adverse weather conditions, water infiltration, and vandalism before, during, and after the relocation/reorientation process.	Complies; both Historic Structures have been secured with coverings over the door and window openings and the roofs have been repaired to minimize any water infiltration into the interior. PCMC Staff will observe the Structure's stabilization and relocation and facilitate any necessary repairs during the process.
5. When rehabilitation of the historic structure is delayed, temporary improvements, such as roof repairs, secured and/or covered windows and doors, and adequate ventilation shall be made to the structure to protect the historic	Complies; both Historic Structures have been secured with coverings over the door and window openings and the roofs have been repaired to minimize any water infiltration into the interior.

fabric until rehabilitation can be accomplished.	
6. A written plan detailing the steps and procedures for relocation or reorientation of a historic building 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.	Complies with Condition of Approval #7; PCMC will provide a written plan as required for approval by the Planning and Building Departments.
7. Relocating and/or reorienting a historic building of which the location contributes to the character of the Historic District shall be avoided.	Complies; the Structure will be located on the same parcel it already is partially located on. It will be oriented to face the street as it currently does. The character of the Structure and of the Historic District will not be affected. The Structure is currently set back approximately eight feet (8') from the Front Lot Line and once relocated will maintain the same or closely similar setback. It will be positioned to the south of the single-cell cabin and will exceed the required five foot (5') side setback in the Estate Zoning District.
8. A historic building shall be moved in one piece whenever possible. When problematic structural or relocation route conditions preclude moving a building as a single unit, then partial disassembly into large sections may be acceptable. Total disassembly of building components	Complies; a 2016 Engineer's report (see Exhibit B) indicated the Structure is sound enough to be relocated in one piece. PCMC will verify this through obtaining an updated report.

shall be avoided except under extreme situations.	
9. Buildings and their components shall be protected from damage during the moving process by adding bracing, strapping, and by temporarily infilling door and window openings for structural rigidity.	Complies; the Structures were stabilized in 2018 (see Exhibit I) and PCMC will obtain an updated structural report to determine whether any additional reinforcement is required prior to relocating the Structure.
10. The setting for a relocated historic building shall be selected for compatibility with the character of the structure and with the character of the original site.	Complies; the Structure will be located on the same parcel it already is partially located on. It will be oriented to face the street as it currently does. The Structure is currently set back approximately eight feet (8') from the Front Lot Line and once relocated will maintain the same or closely similar setback. It will be positioned to the south of the single-cell cabin and will exceed the required five foot (5') side setback in the Estate Zoning District.
11. A relocated/reoriented historic building shall be sited in a position similar to its historic orientation. The relocated/reoriented historic building shall maintain its relationship with the street and have a relatively similar setback. Relocating a historic structure to the rear of a parcel to accommodate a new building in front of it is not appropriate.	Complies; the Structure will be located on the same parcel it already is partially located on. It will be oriented to face the street as it currently does with a similar setback from Daly Avenue.
12. When a historic building is relocated to a new site, the building shall be placed on the new lot with the same orientation and (if	Complies; the Structure will be located on the same parcel it already is partially located on. It will be oriented to face the street as it currently does with a similar setback from Daly Avenue.

consistent to the District) with the same setbacks to the street as the placement on the original site.	
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Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website, mailed courtesy notice to property owners within 300 feet, and posted notice to the property on February 27, 2023.

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 of the Significant Historic garage with modifications to the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Final Action Letter;
- The Historic Preservation Board may deny the relocation of the Significant Historic garage structure 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/uncertain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: 2016 Engineer's Report

Exhibit C: November 2, 2022 Work Session Staff Report

Exhibit D: Historic Preservation Board Minutes, November 2, 2022

Exhibit E: Notice of Historic Preservation Board Action, May 3, 2017

Exhibit F: Notice of Planning Department Action, May 23, 2017

Exhibit G: Historic Preservation Board Staff Report, May 3, 2017

Exhibit H: Historic Preservation Board Minutes, May 3, 2017

Exhibit I: Historic District Design Review Waiver Letter, November 19, 2018

Exhibit J: Determination of Significance Appeal Final Action Letter, February 17, 2015

Exhibit K: Board of Adjustment Staff Report, February 2, 2015

Exhibit L: Board of Adjustment Minutes, February 2, 2015

Exhibit M: Determination of Significance Final Action Letter, January 7, 2015

Exhibit N: Historic Preservation Board Staff Report, January 7, 2015

Exhibit O: Historic Preservation Board Minutes, January 7, 2015

Exhibit P: LMC §15-13-47 Guidelines for Relocation and/or Reorientation of Intact Buildings or Structures

Exhibit Q: The Canyon Subdivision Plat, recorded March 29, 2006
Exhibit R: Record of Survey & Topographic Map Lot A 336 Daly



Planning Department

March 13, 2023

Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060
435-615-5000

CC: Project File

NOTICE OF HISTORIC PRESERVATION BOARD ACTION

Description

Address: 336/360 Daly Avenue

Zoning District: Historic Residential (HR-1) and Estate (E)

Application: Historic District Design Review - Relocation

Project Number: PL-23-05537

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: March 13, 2023

Project Summary: Applicant seeks to relocate a Significant Historic garage at approximately 336/360 Daly Avenue.

Action Taken

On March 1, 2023, the Historic Preservation Board conducted a public hearing and approved the relocation of a Significant garage at 336/360 Daly Avenue according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The subject properties are located at 336 Daly Avenue and 360 Daly Avenue.
2. The historic site is listed as Significant on the Historic Sites Inventory.
3. The applicant is proposing to relocate the historic single-car garage on the Significant Site.
4. The single-car garage straddles the property line between 336 Daly Avenue and 360 Daly Avenue.
5. Both subject properties are under different ownership.



Planning Department

6. Development on these properties occurred during the Mature Mining Era (1894-1930) and the Mining Decline and Emergence of Recreation Industry Era (1931-1962).
7. According to Summit County Tax Records, a historic cross-wing cottage located at 332 Daly Avenue was built c. 1896. The cross-wing cottage first appears on the 1900 Sanborn Fire Insurance Map. This historic cross-wing cottage was later demolished in 1984.
8. The single-car garage accessory structure does not appear on the Sanborn Fire Insurance Maps until 1941.
9. The owner of 336 Daly Avenue seeks to develop their property without the impediment of the single-car garage and has asked that the City relocate the garage.
10. The Engineer's Report by J.R. Richards of Calder Richards Consulting Engineers was drafted in 2016 and states the single-car garage can be relocated in whole. The engineer recommends replacing deteriorated elements where lifting joints are anticipated, provide additional supports for stabilizing the roof and walls prior to lifting the structure, and incorporating additional engineering to ensure no further damage occurs during the move.
11. The Park City Building Department issued a Notice and Order to Repair the garage and a single-cell cabin on August 29, 2016. The Notice and Order outlines issues such as stress in materials due to dead and live loads; members or appurtenances that are likely to fail, become detached, or collapse; building not meeting window pressure; racking, warping and buckling of walls; potential collapse of entire structure; as well as its poor condition as to constitute a public nuisance.
12. The proposed site to the south of the single-cell cabin conveys a character as similar to that of the building's original site as possible. The garage will remain surrounded by a wooded aspen grove facing east toward Daly Avenue.
13. The integrity and significance of the historic building will not be diminished by its relocation.
14. The building is being relocated on its existing site. The building currently sits largely on City-owned property and will remain on City-owned property following its relocation.
15. The proposed project complies with the *Design Guidelines for Historic Districts and Historic Sites*, specifically the Universal Design Guidelines:



Planning Department

- a. 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.
 - b. The historic exterior features of a building should be retained and preserved.
 - c. Distinctive materials, components, finishes, and examples of craftsmanship should be retained or preserved.
 - d. Deteriorated or damaged historic features and elements should be repaired rather than replaced.
 - e. Each site should be recognized as a physical record of its time, place and use.
16. The proposed project complies with the *Design Guidelines for Historic Districts and Historic Sites*, specifically Guidelines for Relocation and/or Reorientation of Intact Buildings or Structures:
 - a. When a structure is permitted to be relocated and/or reoriented, every effort shall be made to reestablish its historic orientation, setting, and relationship to the environment.
 - b. Relocation and/or reorientation shall be considered only after it has been determined by the Historic Preservation Board that the integrity and significance of the historic building will not be diminished by such action.
 - c. A historic building shall be moved in one piece wherever possible. When problematic structural or relocation route conditions preclude moving a building as a single unit, then partial disassembly into large sections may be acceptable.
 - d. The setting for a relocated historic building shall be selected for compatibility with the character of the structure and with the character of the original site.
 - e. A relocated/reoriented historic building shall be sited in a position similar to its historic orientation. The relocated/reoriented historic building shall maintain its relationship with the street and shall have a relatively similar setback.
17. The HDDR application was submitted on January 25, 2023 and deemed complete that same day. A public hearing was held by the Historic Preservation Board on March 13, 2023.
18. The 30-day appeal period expires on Thursday, April 13, 2023

Conclusions of Law



Planning Department

1. The proposal complies with the Historic District Design Guidelines outlined in Chapter 15-13 of the Land Management Code as conditioned.
2. The proposed work is consistent with the Park City General Plan.

Conditions of Approval

1. PCMC will obtain an updated engineer's report to determine the Structure's ability to be relocated in one piece prior to the issuance of a Building Permit. If the report finds the Structure is in need of repairs or stabilization to facilitate the relocation PCMC will coordinate with industry professionals to make necessary improvements.
2. If a complete building permit has not been obtained by March 13, 2024, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
3. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
4. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
5. Deteriorated or damaged historic features and elements shall be repaired rather than replaced. Where the severity of the 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 shall demonstrate the severity of deterioration or existence of defects is to the extent that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. This demonstration shall be made to the Planning Director and Historic Preservation Planner. The Planning Department shall approve the replacement of the Historic Materials in writing prior to removal.
6. Chemical or physical treatments, if appropriate, shall be undertaken using recognized preservation methods and the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
7. The structure shall be protected from adverse weather conditions, water infiltration, and vandalism before, during, and after the relocation process.
8. A written plan detailing the steps and procedures shall be completed and approved by the Planning and Building Departments prior to issuance of a building permit.



Planning Department

9. Final location shall be approved by the Planning and Building Departments.
10. A professional structural analysis shall be conducted prior to the relocation of the Historic Structure to ensure the garage is structurally sound and can be moved in one piece.
11. The Structure shall be moved by a licensed professional building mover.

If you have questions or concerns regarding this Final Action Letter, please call Caitlyn Tubbs at (435)-615-5063 or email caitlyn.tubbs@parkcity.org.

Sincerely,

Randy Scott, Historic Preservation Board Chair
Signature

CC: Caitlyn Tubbs, Senior Historic Preservation Planner



CALDER RICHARDS
CONSULTING ENGINEERS

May 20, 2016

Todd Jenson
Hirschi Steele & Baer, PLLC
136 E South Temple, Suite 1650
Salt Lake City, UT 84111
Sent Via Email: toddb@hsblegal.com

Reference: **Stout Property – Historic Garage**
Daly Avenue Salt Lake City, UT

Mr. Jenson,

Pursuant to your request, I performed a brief investigation to determine the feasibility of relocating the above referenced historic structure to a new location farther up Daly Avenue. It is my understanding that the structure partially sits on the adjacent private property and the structure requires moving. Furthermore the structure is on the historic registry and cannot be demolished.

A proposal prepared by P.E. Valgardson & Sons to move the building was reviewed and a site plan showing the proposed relocation was also provided. We also performed a site visit to observe the construction and condition of the garage structure.

The subject building structure is comprised of old timber framing that bears on timber foundations. Some significant deterioration of the wood structure and swaying of the structure was observed which has been caused by years of exposure to snow loading and direct contact to the soil. These types of problems are not uncommon for a structure of this age and type of construction. Past experience has shown that these problems can be easily retrofitted to insure structural integrity for future years. Considering the structure has supported snow loading for many years and the present observed condition, there should not a concern of imminent failure at this time.

Based on the above observations it is my professional opinion that relocating the historic garage is quite feasible and this can be accomplished without dismantling or demolishing the existing structure. Moving old historic buildings such as this has been performed on numerous projects throughout the area. Considering the lightweight nature of construction, the lifting requirements should be relatively easy.

It is important to note that special care must be taken to replace deteriorated lumber where lifting points are anticipated and provide additional supports for stabilizing the roof and walls prior to lifting the structure. Adding these necessary supports will insure that the structure remains relatively square and no further damage occurs during the move. Additional engineering will be required to determine the specific parameters once the owner wishes to proceed. My firm would be happy to provide this engineering service.



May 20, 2016
Stout Property – Historic Garage
Page 2

If necessary the structure can be placed on temporary support rails or gravel. However, a new foundation system with positive anchorage between superstructure and foundation will be required per code, for permanent support of the garage at the final site location. A continuous concrete foundation is recommended.

Conclusion

This concludes what information I have at this time. The above opinion and recommendations are based solely on visual observation of what structure was accessible at the time of observation. The above findings do not express nor imply any warranty of the existing structure but address specific issues documented above.

We appreciate this opportunity to provide you with this report and trust that it meets with your needs. Please call if you have any questions or require further clarification.

Respectfully Submitted,

Jonathan (JR) Richards, P.E., S.E.
Principal Structural Engineer

Historic Preservation Board Staff Report



Subject: Relocation of Significant Structures at approximately 336/360 Daly Avenue
Author: Caitlyn Tubbs, Senior Historic Preservation Planner
Date: November 2, 2022
Type of Item: Work Session

Recommendation

Staff recommends the Historic Preservation Board review the background of the historically significant accessory structures located at approximately 360 Daly Avenue and discuss the possibility of relocating the structures to the adjacent or an alternative property.

Summary

The properties located at approximately 336 and 360 Daly Avenue are home to three accessory buildings, two of which are considered significant historic structures. A chicken coop, single-car detached garage, and single-cell cabin were all ancillary structures for the original 1896 cross-wing cottage (332 Daly) and survived the home's demolition in 1984. One of the structures, the single-car garage, straddles the property line between the City-owned 360 Daly and 336 Daly which is owned by Sharon Melville (Sock Monkeys, LLC). The owner of 336 Daly Avenue seeks to develop the otherwise vacant property with a detached single-family home and has requested the encroaching garage be removed from her property and relocated to an alternative site. If the garage remains in its current location Ms. Melville will need to provide a separation between the exterior walls of the garage and the new home per adopted building codes.

Background

The subject properties once accommodated a cross-wing single family home which was built in 1896. The single-cell cabin first appeared on the local Sanborn Fire Insurance Maps in 1907 and the single-car garage appeared on the Maps in 1941. Behind the garage are the remains of a chicken coop which is not considered a historic structure. The historic single-car garage straddles the property line between Ms. Melville's (Sock Monkeys, LLC) property and the previously UPMC-owned property to the south and encroaches onto Ms. Melville's lot between 5.6 feet and 6.4 feet. Ms. Melville is looking to construct a detached single-family home on her property and has requested the City relocate the single-car garage.

The table below outlines the background of the subject property and associated historic accessory structures:

c. 1896	Cross-wing style cottage constructed on the subject properties (formerly 332 Daly Avenue).
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c. 1900-1907	Single-cell cabin was built on the property after 1900 and before 1907. This building is listed as a Significant Historic Structure on the Park City Historic Sites Inventory.
c. 1941	Single-car detached garage is first seen on Sanborn Fire Insurance Maps.
c. 1984	Cross-wing style cottage was demolished. Ancillary structures (including chicken coop, single-car garage, and single-cell cabin remain).
May 20, 1996	The Historic District Commission approved a request to demolish the deteriorated single-car garage associated with the prior home and other accessory buildings on the subject property. The garage was never demolished, and the approval expired in 1997 .
January 7, 2015	The Historic Preservation Board reviewed a Determination of Significance application for the garage and single-cell cabin and upheld the "Significant" designation on the Park City Historic Sites Inventory.
January 20, 2015	336 property owner filed an appeal of the Determination of Significance.
February 17, 2015	The Board of Adjustment upheld the decision of the Historic Preservation Board. The Board of Adjustment's decision was appealed to Third District Court. The litigation was stayed to allow the City to arrive at a solution with the two parties or try and obtain ownership of 360 Daly which would
August 29, 2016	The Park City Building Department issued a Notice and Order to repair the garage and single-cell cabin.
December 20, 2016	The Park City Building Department issued another Notice and Order classifying the garage and cabin as Dangerous Buildings and required the property owner to repair, not demolish, the historic structures.
May 3, 2017	The Historic Preservation Board held a public hearing and approved the request to relocate the remaining accessory structures (a single car garage and chicken coop) to the property directly to the south of the current location. The structures were never moved, and this approval expired on May 23, 2018 .
November 30, 2017	The Park City Building Department recorded a Notice of Abatement with Summit County Recorder's Office (Entry No. 01082676) to facilitate: • Cleaning out the buildings to do repair work and remove public nuisance hazards. • Conducting an engineering study to determine structural integrity of the buildings and complete any necessary repairs. • Providing weather-resistant repairs to the roof. • Securing the structures.
November 19, 2018	The Park City Planning Department issued an HDDR Waiver Letter for minor construction and routine maintenance to the garage and cabin. This approval included: • Constructing new support columns, cross-bracing and floor structure to structurally stabilize the buildings. • Apply wire mesh to cover all window and door openings from the interior and secure the structures. • Install metal sheeting as roofing on the two buildings.

July 2022	City finalized cooperation between Wells Fargo and UPCM to acquire deed to 360 Daly Avenue property from UPCM.
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Figure 1: Tax card photograph of 1896 cross-wing cottage. Demolished 1984.

Preserving the Historic Character of Park City is one of the core values in Park City's 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.



Figure 2: October 18, 2022 Photograph of Cabin and Garage, looking west across Daly Avenue.

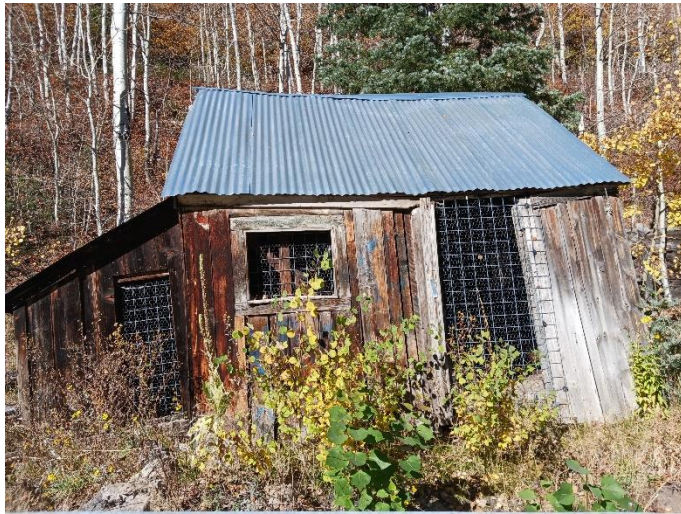


Figure 3: October 18, 2022 Photograph of Cabin, front.

The single-cell cabin and single-car garage on the subject property are recognized as Significant Historic Structures ([Historic Site Form](#)) and have been present on the property since 1907 and 1941, respectively, as indicated on the Sanborn Fire Insurance Maps. The chicken coop is not individually listed on the Historic Sites Inventory and is severely dilapidated. The relocation of the chicken coop is not currently under consideration. City Staff are seeking input from the Historic Preservation Board as to the potential method(s) of relocation and potential location(s) for the historic accessory buildings.

Analysis

The Land Management Code (LMC) implements the goals and policies of the General Plan, including allowing for the relocation or reorientation of historic structures under certain circumstances.¹ The LMC discourages the relocation and/or reorientation of historic structures due to the risk of altering the historic integrity of the structure, site, streetscape, or character area. Due to the potential risk to the historic designation of a structure through the relocation or reorientation process all such applications must be reviewed and decided by the Historic Preservation Board.

Staff is bringing this item before the Historic Preservation Board to discuss the circumstances in which the LMC allows for the relocation or reorientation of historic structures and how the accessory structures at 336/360 Daly Avenue adhere to those standards. LMC § [15-13-4](#) states historic buildings should only be relocated if the HPB has determined “that the integrity and significance of the historic building will not be diminished by such action.” “Historic Integrity” is defined within § [15-15-1](#) of the



Figure 4: October 18, 2022 Photograph of Garage, front oblique.

LMC as “[t]he ability of a Site to retain its identity and, therefore, convey its Significance in the history of Park City.”² The code continues that location, design, setting, materials, workmanship, feeling and association are qualities utilized to determine a site’s historic integrity. A historic structure’s Significance is defined as “[t]he quality of having Historical consequence or being regarded as having great architectural value.”

¹ LMC § [15-13-4](#)

² LMC § [15-15-1](#)

The subject structures are listed as Significant Historic Structures due to the presence of original materials and the architectural styles representing the Mature Mining and Mining Decline periods during which they were constructed. The accessory structures include repurposed timbers as exterior siding and the garage and cabin include gabled roof forms typical of the mature mining period. With the demolition of the primary home in 1984 the overall context of the historic site has already been lost; the garage was an ancillary structure for the use of the occupants of the primary home and the single-cell cabin had been repurposed as a storage shed. As a result, it is staff's professional opinion that relocating the accessory buildings now will not detract from their historic significance or that of the historic district and neighborhood.

The LMC also states a "historic building shall be moved in one piece whenever possible" and only when the structural soundness of the building will not be negatively affected. The garage and cabin structures were both stabilized and secured in 2019 with new interior support columns and cross-bracing. Additionally, new metal roofing was installed, and the door and window openings were covered with metal mesh. An Engineer's Report (see Exhibit C) from 2016 stated the single-car garage could be feasibly relocated without dismantling or demolishing the building with a recommendation to provide additional supports at potential lift points. A survey of the cabin would need to be conducted to determine whether it could be relocated while fully intact or if panelization and reconstruction would be necessary.

At this point, the owner of 336 Daly is only concerned about the relocation of the single-car garage since that is the only structure that encroaches on her property and could potentially affect the design of a new home. During the 2017 review of this request the proposal was to relocate the garage to the southern side of the cabin onto the same property. Keeping these two structures together would be more appropriate than relocating the garage to a separate property and leaving the cabin behind because they were both ancillary structures utilized by the same historic property owner and provide historical context to one another. Staff is requesting input from the Board to determine if relocating the garage to the southern side of the cabin would be the preferred course of action or if both structures should be relocated to an alternative site. Additionally, if an alternative site is preferred but the structures could not be relocated prior to Ms. Melville developing her property Staff is seeking comment on whether it would be appropriate to panelize the historic structures and store them until they can be relocated to a new permanent location. Panelizing the structures and storing them would require a determination from the Board that a special exception is necessary for the preservation of the structures because the Historic District Design Guidelines require a building to be moved in one piece whenever possible. Both structures have been stabilized and secured but only the garage has been surveyed and determined to be structurally sound enough to relocate without panelization. A survey of the single-cell cabin would need to be conducted to determine whether panelization is necessary for its relocation.

Department Review

The Planning Department and City Attorney's Office have reviewed this staff report.

Exhibits

Exhibit A: Notice of Historic Preservation Board Action, May 3, 2017
Exhibit B: Notice of Planning Department Action, May 23, 2017
Exhibit C: Historic Preservation Board Staff Report, May 3, 2017
Exhibit D: Historic Preservation Board Minutes, May 3, 2017
Exhibit E: LMC §15-13-4 Guidelines for Relocation and/or Reorientation of Intact
Buildings or Structures
Exhibit F: The Canyon Subdivision Plat, recorded March 29, 2006
Exhibit G: Record of Survey & Topographic Map Lot A 336 Daly



**PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF NOVEMBER 2, 2022**

BOARD MEMBERS IN ATTENDANCE: Randy Scott-Chair, Lola Beatlebrox, Puggy Holmgren, Jack Hodgkins, Douglas Stephens, Alan Long

EX OFFICIO MEMBERS: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Caitlyn Tubbs, Senior Historic Preservation Planner; Mark Harrington, City Attorney; Julie Schultz, Executive Office Administrator

1. ROLL CALL

Chair Randy Scott called the meeting to order at 5:02 p.m. He conducted a roll call of the Board Members present.

2. MINUTES APPROVAL

A. Consideration to Approve the Historic Preservation Board Meeting Minutes from September 7, 2022.

MOTION: Board Member Beatlebrox moved to APPROVE the Minutes of September 7, 2022, as written. Board Member Holmgren seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board. Chair Scott abstained from the vote as he was not present at the September 7 meeting.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reported that the old Historic District Design Guidelines included illustrations and photographs to assist with navigation of the Guidelines. She reported that they did not add illustrations as part of the 2019 update to the Guidelines. Staff would be releasing a Request for Proposals ("RFP") for someone to review the Historic District Design Guidelines and create illustrations or other types of graphics to help users navigate the Guidelines more easily.

5. WORK SESSION

A. Relocation of Significant Structures at 336/360 Daly Avenue.

Senior Historic Preservation Planner, Caitlyn Tubbs reported that the structures at 336 and 360 Daly Avenue include a single-cell cabin and single-car garage on the west side of Daly Avenue. She referenced the full background timeline in the packet that illustrated the histories of the properties.

Planner Tubbs stated that in 1896, a cross-wing home was constructed on the site, formerly known as 332 Daly Avenue. According to the Sanborn Fire Insurance Maps, the single-cell cabin was constructed between 1900 and 1907. In 1941, the single-car garage appeared on the Sanborn Maps. She noted that in 1984, the cross-wing home was unfortunately demolished, and in 1996, the Historic District Commission approved a request to demolish the chicken coop, the garage, and the single-cell cabin on the site.

She presented a photograph showing that the demolition never took place and reported that the approval expired in 1997. The property sat dormant for approximately one or two decades and in 2015 the Historic Preservation Board ("HPB") reviewed a Determination of Significance and found that the single-cell cabin and the single-car garage are Significant Structures.

Planner Tubbs reported that in May 2017, the HPB held a public hearing and approved a request to relocate the garage, however, that relocation never occurred and the approval expired in 2018.

Planner Tubbs stated that the current owner of 336 Daly Avenue is looking to develop the property and build a Single-Family home; however, the single-car garage encroaches into the property by five to six feet. For the owner to develop the property and remove the encumbrance of the building, the owner asked that the City consider relocating the structure. She reported that the Historic District Design Guidelines list the required standards to relocate or reorient a Historic Structure. She listed the standards as follows:

- The integrity and significance of the structure cannot be diminished through the course of the relocation;
- The structural soundness cannot be impacted;
- The relocation process cannot start until the building has been secured and protected from vandalism, weather, or any other sources of outside damage;
- The new setting shall be compatible with the original setting and the building should be oriented on the site in the same way; and
- The resources should be moved in one piece whenever possible.

Planner Tubbs noted that as part of the 2017 stabilization of the structures, a study was conducted of the garage that found that it was stable enough to be relocated in one piece. A survey was not done on the single-cell cabin, so it was unknown whether it could be

relocated in one piece or if panelization would be necessary. She explained that no decision was requested tonight; rather, Staff was seeking Board feedback to determine which type of application the City would need to make to relocate either the garage alone or the garage and the single-cell cabin together. She asked for feedback from the Board on relocation of one or both of these structures. Planner Tubbs noted that as of July 2022, the City owns the land to the south. If the Board found it appropriate to relocate one or both structures she asked if they should be relocated to the City-owned property.

If the Board did not feel that the City-owned property is an appropriate site to relocate the structures, Planner Tubbs also requested feedback on whether the Board would support panelizing the structures to store them until a more appropriate site is identified. This would allow the property owner to continue with development of the property.

Board Member Long referenced the Engineer's Report from 2016 that concluded that the garage could be relocated without being dismantled. He asked if the conclusions in the report were current. Planner Tubbs believed it was still current and noted that additional reinforcement had been done on the structure since that time. They would want to confirm that the conclusions from the report are still valid.

Board Member Hodgkins recalled that the Board previously approved moving the garage only and asked why they would deviate from that approval. He questioned why they would consider completely relocating the structures. He noted that the prior discussion found that the simplest solution would be to move the garage as little as possible given that it encroaches on the adjoining property by approximately 18 inches. He questioned why they should consider a completely different location for the structures.

Planner Tubbs explained that when Staff looks at the possibility of relocating a Historic Structure, they look at the full context of the site. Since both accessory structures were built together and located and utilized by the same property for so long, they lend context to one another. In the past, Staff considered relocating the garage only; however, she commented that if the property owned by the City was found to be not appropriate for these structures, Staff felt it made sense to relocate both structures together. Staff's recommendation was to relocate the garage only to limit disturbance on the site. However, if the site was determined to not be appropriate for that relocation, they would want to maintain as much of the historical context as possible for both structures.

Board Member Stephens noted that the auxiliary building is already on the City-owned property to the south. He agreed with Board Member Hodgkins' comments; however, while he felt that moving the garage would satisfy the needs of the owner who wants to develop her property, it would not satisfy the City's needs for preservation. If the garage were moved, the City would be responsible for maintaining these structures. Board Member Stephens referenced the Sand Ridge garage where the City took the responsibility for restoration at a notable cost.

Senior City Attorney, Mark Harrington, stressed that the question is whether the Board has a preference for preserving the structures in the context of the site, notwithstanding that the context is fractured by the fact that the underlying structure that these buildings are related to no longer exists. The other option for the Board was to prioritize functional use of them as a trailhead or a more historic location rather than simply existing as stand-alone accessory buildings.

Board Member Beatlebrox recalled that the Board wanted both structures to be preserved and liked the fact that they were on the original street. If a structure is moved slightly, it should remain on its original street because it shows buildings from that era where miners actually lived. She was in favor of this many years ago and was delighted that some of the building had been reinforced since the Board felt it was very important to preserve. Her preference was to move the garage onto the City property, where the City could maintain it. Board Member Holmgren agreed and felt that the two structures should be kept together because it shows how they lived.

Board Member Hodgkins asked why they would have two structures in a non-original location when the solution provides for them in the original location as best as possible. Board Member Stephens added that they could also keep the structures in the same orientation and location as one another.

Chair Scott agreed with Board Member Beatlebrox and preferred to move only the garage. He understood that the garage was for the house that was demolished, yet the context with the two remaining structures is important to maintain. He supported moving only one of the structures, if possible, and allowing the City to preserve and maintain them. He stressed that the structures belong on Daly Avenue and should remain together.

Planning Director Milliken raised the issue of looking at the structures in the long term and asked the Board if adaptive reuse was something that would be considered. She noted that these structures have been stabilized and will be good for a while but she did not feel they would last forever in the current situation. Staff generally raised the idea of adaptive reuse, and one idea was whether the structures could be turned into tiny homes for use as affordable housing.

Board Member Holmgren observed that when HPB first began, they discovered that many of the sheds and outbuildings in Park City are falling down. She referenced the committee called Save Our Sheds. They have given historic awards to several owners who saved their sheds and garages and this should be kept in mind. These structures are part of the City's history.

Board Member Stephens felt that if they could come up with an adaptive reuse the buildings would last longer. It would also make more sense to maintain them if they were being used.

With regard to panelization, he stated that neither building will need to be panelized to be moved a short distance.

Board Members Hodgkins commented that adaptive reuse would be the preferred solution in terms of preservation because it would give the structures a new life and a reason for maintaining upkeep. He noted that the key to adaptive reuse would be that the buildings maintain their historic essence.

Chair Scott agreed with the stated comments and preferred that adaptive reuse be considered because it would provide an opportunity for education and awareness in the community.

Planner Tubbs recapped the comments and understood that the Board's preference was to relocate only the garage and keep it with the single-cell cabin on Daly Avenue. She also noted that there was support for continued rehabilitation of the structures and a further discussion for adaptive reuse in the future.

Board Member Hodgkins emphasized that relocation of the garage should be as minimal as possible to satisfy the needs of removing it from the adjacent property while keeping it in largely the same location.

6. REGULAR AGENDA

A. 1304 Park Avenue - Material Deconstruction- The Board Will Review a Final Action Letter for Material Deconstruction to Accommodate an Addition. PL-21- 05028.

Assistant Planning Director, Rebecca Ward, reported that the above matter had been before the Board several times previously. The applicant made revisions from full panelization to proposed partial panelization. On July 6, the Final Action Letter outlined the denial of partial panelization. Staff drafted a Final Action Letter that incorporated the Board's input from July 6 that would approve material deconstruction for removal of Panel D and non-historic siding material so that the structure could be lifted for the construction of a basement addition and rear addition. Staff was seeking ratification of the Final Action Letter to ensure that it incorporated the Board's determination. She noted that Staff added a section on approval of material deconstruction. In addition, because the previous letters were denials, there were no Conditions of Approval. As a result, the standard Conditions of Approval were added to the Final Action Letter that included the financial guarantee and the standards for lifting the structure.

Chair Scott mentioned that based on his review of the bullet points, he did not disagree with the Letter. Board Member Hodgkins agreed that it was a good summary of the discussions but was curious about the City's involvement going forward. He asked if inspections would be required throughout the deconstruction process to ensure that it is consistent with the requirements set forth in the Final Action Letter.

Assistant Director Ward explained that the applicant is currently going through the full Historic District Design Review process. Part of that involved finalizing the Historic Preservation Plan. The financial guarantee will be recorded prior to the applicant's submittal of the Building Permit so that the process can be tracked in compliance with the requirements of the Code.

Board Member Beatlebrox expressed no concerns with the document. Board Member Stephens agreed and added that it was a good resolution to a long process for the applicant.

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

MOTION: Board Member Hodgkins moved to APPROVE the Final Action Letter, attached as Exhibit A to the Staff Report, as written. Board Member Holmgren seconded the motion.

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

7. ADJOURN

The Historic Preservation Board Meeting adjourned at approximately 5:45 p.m.

Approved by _____
Chair
Historic Preservation Board



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

RE: RELOCATION DETERMINATION

The Historic Preservation Board of Park City, Utah met on Wednesday, May 3, 2017 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: 336/360 Daly Avenue
Project Number: PL-16-03189
Type of Item: Proposal: Administrative – Relocation Determination
Hearing Date: May 3, 2017

Administrative – Relocation of the single-car garage and chicken coop.

Board Action: **APPROVED** – The Historic Preservation Board conducted a public hearing and found that the proposed relocation would have no negative impact on the historic character of the Historic Site, surrounding neighborhood or the Historic District. The proposed relocation 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.

Finding of Fact:

1. The property is located at 360 Daly Avenue.
2. The historic site is listed as Significant on the Historic Sites Inventory.
3. The applicant is proposing to relocate the Historic single-car garage and chicken coop on the Significant Site.
4. Development on this property occurred during the Mature Mining Era (1894-1930) and the Mining Decline and Emergence of Recreation Industry Era (1931-1962).
5. According to Summit County Tax Records, a historic cross-wing cottage located at 332 Daly Avenue was built c. 1896. The cross-wing cottage first appears on the 1900 Sanborn Fire Insurance Map. This historic cross-wing cottage was later demolished in 1984.
6. The single-cell cabin first appears on the Sanborn Fire Insurance Maps in 1907. The single-cell cabin was constructed between 1900 and 1907.

7. This single-car garage accessory structure does not appear on the Sanborn Fire Insurance Maps until 1941.
8. Although the HSI report and previous staff concluded that the garage was built between 1900 and 1907. Current staff's additional research and analysis of construction techniques includes evidence which supports that the single-car garage was constructed sometime in the 1930s as part of the overall development of the site at 332 Daly Avenue. The single-car garage and chicken coop embody the characteristics of accessory buildings built between 1900 and 1907. There is the presence of reused timbers and the form is typical of the era.
9. It was associated with a historic cross-wing cottage constructed in ca. 1896 and was likely built to accommodate the new need to store the family's private automobile. The history of the building can be interpreted the same at the existing site or the proposed site.
10. The single-car garage and chicken coop are originally associated with the demolished ca. 1896 cross-wing cottage which had an address of 332 Daly Avenue. The site has now been re-addressed to 360 Daly Avenue which is used for the HSI Form.
11. The chicken coop structure located behind the existing single-car garage is not designated as historic on the City's Historic Sites Inventory, and does not require any additional review for relocation by the Historic Preservation Board.
12. The single-cell cabin to the south is also designated as "Significant" on the City's Historic Sites Inventory and is not proposed to be relocated at this time.
13. The single-car garage straddles the property line between 360 Daly Avenue (owned by Talisker) and 336 Daly Avenue (owned by Sharon Stout Melville, Manager of Sock Monkeys LLC, Silver Queen Gunslinger, LLC). The Talisker-owned single-car garage encroaches 5 to 6 feet across the shared property line and into the property of Sharon Stout Melville.
14. Sharon Stout Melville is proposing to relocate the single-car garage to the south side of the single-cell cabin. This will allow her to develop her property without the impediment of the single-car garage.
15. If the historic single-car garage were to remain on the property, Ms. Melville would need to provide a minimum of three foot (3') separation between the exterior wall of the historic single-car garage and the exterior wall of her new house in order to avoid having to eliminate windows and install additional fire-resistant rated construction as required by the International Building Code (IBC).
16. The Engineer's Report by J.R. Richards of Calder Richards Consulting Engineers states that the single-car garage can be relocated in whole. The engineer recommends replacing deteriorated elements where lifting points are anticipated, provide additional supports for stabilizing the roof and walls prior to lifting the structure, and incorporating additional engineering to ensure no further damage occurs during the move.
17. The single-car garage is not threatened by demolition.
18. The Park City Building Department issued a Notice and Order to Repair the garage and single-cell cabin on August 29, 2016. The Notice and Order outlines issues such as stress in materials due to dead and live loads; members or appurtenances that are likely to fail, become detached, or collapse; building not meeting window

- pressure; wracking, warping and buckling of walls; potential collapse of entire structure; as well as its poor condition as to constitute a public nuisance.
19. Staff finds that the single-car garage has largely lost its historic context and the present setting does not appropriately convey its history. The history of the building can be interpreted the same at the existing site or the proposed site.
 20. The proposed site to the south of the single-cell cabin conveys a character similar to that of the building's existing site. The neighborhood buildings, materials, geography, and age are all similar. The single-car garage will remain surrounded by a wooded aspen grove, facing east toward Daly Avenue.
 21. The existing distance between the single-cell cabin and the single-car garage will be equal (approximately 8 feet) in the proposed relocation site.
 22. The integrity and significance of the historic building will not be diminished by its relocation and/or reorientation.
 23. On August 8, 2016, the Planning Department received a Historic District Design Review (HDDR) application for the property located at 360 Daly Avenue. After working with the applicant on the materials required for their submittal, the application was deemed complete on September 19, 2016.
 24. This application was continued by the Historic Preservation Board (HPB) continued on December 7, 2016 and February 1, 2017 because the applicant was seeking the property owner's consent to pursue the application. The applicant has since received the property owner's consent.
 25. On January 7, 2015, the Historic Preservation Board reviewed a Determination of Significance application for the garage and single-cell house and upheld the "Significant" designation on the Park City Historic Sites Inventory.
 26. Staff sent a mailing notice to property owners within 100 feet on April 19, 2017 and posted the property on April 19, 2017.
 27. The Historic District Design Review (HDDR) application has not yet been approved, as it is dependent on HPB's review of the relocation of the Historic single-car garage and chicken-coop on the Significant Site.
 28. The applicant could restore and/or stabilize the building at its present setting.
 29. The building is being relocated on its existing site. The building currently sits largely on Talisker-owned property and will remain on Talisker-owned property following its relocation.
 30. Restoration of the structure shall be in compliance with the Historic District Design Review application.

Conclusions of Law:

1. The proposal does meet the criteria for relocation pursuant to LMC 15-11-13 and/or Reorientation of a Historic Building or Historic Structure.

Conditions of Approval:

1. The Building Permit shall be issued within 1 year of the Action taken by Historic Preservation Board and the applicant shall reach a successful agreement with the property owner, United Park City Mines.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at (435) 615-5059 or contact me by email at hannah.tyler@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hannah M. Tyler', written in a cursive style.

Hannah M. Tyler
Planner



May 23, 2017

Sharon Melville
3002 Windsor Lane
Bountiful, UT 84010

CC: Todd Jenson, Attorney

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Project Address</u>	336 Daly Avenue
<u>Description</u>	Relocation and Stabilization of a garage and chicken coop, designated as Significant on the City's Historic Sites Inventory
<u>Date of Action</u>	May 23, 2017
<u>Project #</u>	PL-16-03189
<u>Project Owner</u>	Sharon Melville

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the 2009 Historic District Design Guidelines, specifically with 1) Universal Guidelines for Historic Sites (#1 through #10) and 2) Specific Guidelines: A. Site Design; B. Primary Structures; and E. Relocation and/or Reorientation of Intact Buildings. Staff found that as conditioned the proposed addition and relocation of the historic structure will comply with applicable Guidelines. This letter serves as the final action letter and approval for the proposed design for the addition and relocation of the historic structures at 336 Daly Avenue. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 336 Daly Avenue.
2. The historic site is listed as Significant on the Historic Sites Inventory.
3. The applicant is proposing to relocate the historic single-car garage and chicken coop on the Significant Site.
4. Development on this property occurred during the Mature Mining Era (1894-1930) and the Mining Decline and Emergence of Recreation Industry Era (1931-1962).
5. According to Summit County Tax Records, a historic cross-wing cottage located at 332 Daly Avenue was built c. 1896. The cross-wing cottage first appears on the 1900 Sanborn Fire Insurance Map. This historic cross-wing cottage was later demolished in 1984.

6. The single-cell cabin first appears on the Sanborn Fire Insurance Maps in 1907. The single-cell cabin was constructed between 1900 and 1907.
7. This single-car garage accessory structure does not appear on the Sanborn Fire Insurance Maps until 1941.
8. Although the HSI report and previous staff concluded that the garage was built between 1900 and 1907. Current staff's additional research and analysis of construction techniques includes evidence which supports that the single-car garage was constructed sometime in the 1930s as part of the overall development of the site at 332 Daly Avenue. The single-car garage and chicken coop embody the characteristics of accessory buildings built between 1900 and 1907. There is the presence of reused timbers and the form is typical of the era.
9. It was associated with a historic cross-wing cottage constructed in ca. 1896 and was likely built to accommodate the new need to store the family's private automobile. The history of the building can be interpreted the same at the existing site or the proposed site.
10. The single-car garage and chicken coop are originally associated with the demolished ca. 1896 cross-wing cottage which had an address of 332 Daly Avenue. The site has now been re-addressed to 360 Daly Avenue which is used for the HSI Form.
11. The chicken coop structure located behind the existing single-car garage is not designated as historic on the City's Historic Sites Inventory, and does not require any additional review for relocation by the Historic Preservation Board.
12. The single-cell cabin to the south is also designated as "Significant" on the City's Historic Sites Inventory and is not proposed to be relocated at this time.
13. The single-car garage straddles the property line between 360 Daly Avenue (owned by Talisker) and 336 Daly Avenue (owned by Sharon Stout Melville, Manager of Sock Monkeys LLC, Silver Queen Gunslinger, LLC). The Talisker-owned single-car garage encroaches 5 to 6 feet across the shared property line and into the property of Sharon Stout Melville.
14. Sharon Stout Melville, the applicant, is proposing to relocate the single-car garage to the south side of the single-cell cabin. This will allow her to develop her property without the impediment of the single-car garage.
15. The Engineer's Report by J.R. Richards of Calder Richards Consulting Engineers states that the single-car garage can be relocated in whole. The engineer recommends replacing deteriorated elements where lifting points are anticipated, provide additional supports for stabilizing the roof and walls prior to lifting the structure, and incorporating additional engineering to ensure no further damage occurs during the move.
16. The single-car garage is not threatened by demolition.
17. The Park City Building Department issued a Notice and Order to Repair the garage and single-cell cabin on August 29, 2016. The Notice and Order outlines issues such as stress in materials due to dead and live loads; members or appurtenances that are likely to fail, become detached, or collapse; building not meeting window pressure; wracking, warping and buckling of walls; potential collapse of entire structure; as well as its poor condition as to constitute a public nuisance.
18. Staff finds that the single-car garage has largely lost its historic context and the present setting does not appropriately convey its history. The history of the building can be interpreted the same at the existing site or the proposed site.
19. The proposed site to the south of the single-cell cabin conveys a character similar to that of the building's existing site. The neighborhood buildings, materials, geography, and age are all similar. The single-car garage will remain surrounded by a wooded aspen grove, facing east toward Daly Avenue.

20. The existing distance between the single-cell cabin and the single-car garage will be equal (approximately 8 feet) in the proposed relocation site.
21. The integrity and significance of the historic building will not be diminished by its relocation and/or reorientation.
22. The building is being relocated on its existing site. The building currently sits largely on Talisker-owned property and will remain on Talisker-owned property following its relocation.
23. On August 8, 2016, the Planning Department received a Historic District Design Review (HDDR) application for the property located at 360 Daly Avenue. After working with the applicant on the materials required for their submittal, the application was deemed complete on September 19, 2016.
24. The Historic Preservation Board (HPB) approved the proposed relocation of the single-car garage and chicken coop on May 3, 2017.
25. The garage and chicken coop are currently located in the Historic Residential (HR-1) Zoning District; however, they are proposed to be relocated to the Estate (E) Zoning District.
26. Accessory Buildings and Uses are an allowed use in the Estate Zone.
27. The minimum lot size of the E-zone is 3 acres; the parcel that the garage and chicken coop will be relocated to is a collection of mining claims that consists of some 13,000 acres owned by Talisker.
28. The minimum lot width in the E-zone is 100 ft. The parcel for the relocation has an estimated lot width of 350 ft. along Daly Avenue.
29. The minimum required Front, Rear, and Side yard setbacks in the E-zone are 30 ft. The applicant is proposing a 39 ft. front yard setback from the edge of Talisker's property on the east side of Daly Avenue. The side yard setback is proposed to be about 42 ft. from the south edge of the Canyon Subdivision. The rear yard setback exceeds 30 ft.
30. Building Height is limited to 28 ft. in the E-zone. The applicant is proposing to relocate the existing historic garage and chicken coop. The garage measures 10'1" in height.
31. The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. The applicant has proposed to remove five overgrown aspen trees in order to relocate the garage and chicken coop. They will be replaced with six new trees.
32. The proposed project complies with the *Design Guidelines for Historic Sites in Park City*, specifically the Universal Design Guidelines:
 - a. The proposal complies with Universal Guideline #1 as the site will be used as it was historically—an accessory garage and chicken coop building—and requires minimal change to the distinctive materials and features.
 - b. The proposal complies with Universal Guideline #2 as changes to the site or building that have acquired historic significance in their own right will be retained and preserved. The applicant is not proposing to modify the existing site, except to remove the existing historic structures. The site of the relocation is adjacent to the existing site and replicates the setting of the original site.
 - c. The proposal complies with Universal Guideline #3 as the historic exterior features of the buildings will be retained and preserved. The applicant is proposing to maintain the exterior features of the buildings by maintaining and repairing damaged features. No changes are proposed to the exterior of the buildings.

- d. The proposal complies with Universal Guideline #4 in that the applicant plans to retain and preserve distinctive materials, components, finishes, and examples of craftsmanship. No missing historic elements will need to be recreated as part of this renovation. The applicant intends only to stabilize the existing structures.
 - e. The proposal complies with Universal Guideline #5 as conditioned.
 - f. The proposal complies with Universal Guideline #6 in that 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 guideline. The applicant is not proposing to maintain any non-historic alterations to the historic garage and chicken coop; rather, they are interested in stabilizing these two structures by relocating them on to the adjacent Talisker-owned lot.
 - g. The proposal complies with Universal Guideline #7 in that the owner is not proposing to introduce architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exists. The scope of work is limited to stabilization.
 - h. The proposal complies with Universal Guideline #8 as conditioned.
 - i. The proposal complies with Universal Guideline #9 as the new addition, exterior alterations, and related new construction will not destroy historic materials, features, and spatial relationships that characterize the site or building. The applicant is not proposing to construct a new addition. The stabilization work will be limited to the interior and is will not permanently impact the exterior of the building. The spatial relationships characterized by the current site will be replicated in the new site.
 - j. The proposal complies with Universal Guideline #10 as the new addition and related new construction will 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 applicant proposes only to stabilize the historic garage and shed structure by making changes to the interior of the building.
33. The proposed project complies with the *Design Guidelines for Historic Sites in Park City*, specifically the Specific Design Guidelines:
- a. The proposal complies with Specific Design Guidelines A.1 Building Setbacks & Orientation. The applicant proposes to replicate the existing setting on the new site. The new site will mimic the front and side yard setbacks of the original site and the orientation of the building toward Daly Avenue will not change.
 - b. Specific Design Guidelines A.2 Stone Retaining Walls do not apply as there are no historic stone retaining walls on this site.
 - c. Specific Design Guidelines A.3 Fences & Handrails do not apply as there are no historic fences or handrails on this site.
 - d. Specific Design Guidelines A.4 Steps do not apply as there are no historic hillside steps on this site.
 - e. The proposal complies with Specific Design Guidelines A.5 Landscaping & Site Grading. There are no character-defining landscape features of this site. No new pathways or driveways are proposed as part of this relocation project. The applicant will maintain the wooded, natural appearance of the lot by planting new trees for those that will be removed in order to relocate the historic garage and chicken coop.
 - f. The proposal complies with Specific Design Guidelines B.1 Roofs. The original roof form will be maintained, as well as any functional or decorative elements.

- g. The proposal complies with Specific Design Guidelines B.2 Exterior Walls. The applicant is not proposing to modify the window-door configuration, wall planes, recesses, balconies, porches or entryways on the primary and secondary facades. No substitute materials are proposed at this time. No interior changes are proposed that will affect the exterior appearance of the façade, such as changing original floor levels, changing window-door configurations, or changing porch roofs to balconies or decks.
- h. The proposal complies with Specific Design Guidelines B.3. Foundations. The applicant is not proposing to raise or lower the historic structure from its original floor elevation. The applicant will pour new footings covered by a gravel foundation beneath the historic garage when it is relocated.
- i. The proposal complies with Specific Design Guidelines B.4. Doors. The applicant proposes to reconstruct doors consistent with the original double garage door and reinstall them on the historic garage and chicken coop. No storm and/or screen doors are proposed.
- j. Specific Design Guidelines B.5 Windows is not applicable as there are no existing windows or window openings on these structures.
- k. Specific Design Guidelines B.6 Mechanical Systems, Utility Systems, and Service Equipment are not applicable. These are not habitable buildings and the applicant is not proposing to make them habitable as part of this stabilization project.
- l. Specific Design Guidelines B.7 Paint & Color are not applicable. The garage and chicken coop were never painted historically and the applicant does not propose to modify their aged patina.
- m. Specific Design Guidelines C.1 Off-Street are not applicable as no off-street parking areas are proposed.
- n. Specific Design Guidelines C.2 Driveways are not applicable as no driveway is proposed as part of this project.
- o. Specific Design Guidelines C.3 Detached Garages is not applicable as no new detached garage is proposed.
- p. Specific Design Guidelines D. Additions to Historic Structures is not applicable. No new square footage is proposed to be added to either the historic garage or chicken coop.
- q. The proposal complies with Specific Design Guidelines E. Relocation and/or Reorientation of Intact Buildings. The Design Review Team has determined that the integrity and significance of the historic buildings would not be diminished by the relocation, and the HPB found the same on May 3, 2017. A structural engineer's report has found that the structural soundness of the buildings will not be negatively impacted and the buildings will survive the relocation.
- r. Specific Design Guidelines F. Disassembly/Reassembly of All or Part of a Historic Structure are not applicable as this is not a panelization project.
- s. Specific Design Guidelines G. Reconstruction of Existing Historic Structures is not applicable as this is not a reconstruction project.
- t. The proposal complies with Specific Design Guidelines H. Accessory Structures. The applicant intends to retain and preserve the historic garage and chicken coop. No new accessory structures are proposed and the proposed stabilization of the historic garage and chicken coop follow the guidelines for protecting primary structures.
- u. Specific Design Guidelines I. Signs are not applicable.
- v. The proposal complies with Specific Design Guidelines J. Exterior Lighting as conditioned.

- w. Specific Design Guidelines K. Awnings are not applicable.
 - x. Specific Design Guidelines L. Sustainability are not applicable. The applicant will retain the inherent energy-conserving features of the historic building such as porches, operable windows, and transoms. The scope of work is limited to stabilizing the historic structures—no rehabilitation to create habitable space is proposed.
 - y. The proposal complies with Specific Design Guidelines M. Seismic Systems as the visual impacts of exterior treatments associated with seismic upgrades will be minimized.
 - z. Specific Guidelines N. ADA Compliance are not applicable.
34. The HDDR application was submitted on August 8, 2016. It was deemed complete on September 19, 2016. A public hearing was held on October 3, 2016.
35. The HDDR application was approved by staff on May 23, 2017. The 10-day appeal period expires on June 2, 2017.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites, as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Residential-Low Density (HR-L) District (lot size, setbacks, etc.).
3. The proposed work is consistent with Park City General Plan.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on August 8, 2016 and approved on May 23, 2017 as redlined. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved work that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by May 23, 2018, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
6. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
7. Deteriorated or damaged historic features and elements shall be repaired rather than

replaced. Where the severity of the 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 shall demonstrate the severity of deterioration or existence of defects is to the extent that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. This demonstration shall be made to the Planning Director and Historic Preservation Planner. The Planning Department shall approve the replacement of the Historic Materials in writing prior to removal.

8. Chemical or physical treatments, if appropriate, shall be undertaken using recognized preservation methods. Treatments that cause damage to historic materials shall not be used. Treatments that sustain and protect, but do not alter appearance, are encouraged.
9. The structure shall be protected from adverse weather conditions, water infiltration, and vandalism before, during, and after the relocation/reorientation process.
10. If rehabilitation will be delayed, temporary improvements shall be made—roof repairs, doors secured and/or covered, adequate ventilation—to the structure to protect the historic fabric until rehabilitation can commence.
11. A written plan detailing the steps and procedures shall be completed and approved by the Planning and Building Departments prior to issuance of a building permit.
12. All the previous Conditions of Approval of the May 3, 2017, Historic Preservation Board's Relocation approval apply.
13. The applicant shall provide the City with a financial guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.
14. Approval of this HDDR was noticed on May 23, 2017, and any approval is subject to a 10 day appeal period.
15. All standard conditions of approval shall apply (see attached).

If you have any questions, please do not hesitate to contact me.

Sincerely,



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Hannah Tyler
Planner II
435.615.5059
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PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

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

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.



Historic Preservation Board Staff Report

Planning Department

Author: Hannah M. Tyler, Planner
Anyah Grahn, Historic Preservation Planner
Subject: Relocation (Single-Car Garage and Shed) Review
Address: 360 Daly Avenue
Project Number: PL-16-03189
Date: May 2, 2017
Type of Item: Administrative – Relocation of a Historic Structure

Summary Recommendation:

Staff recommends the Historic Preservation Board review and discuss the relocation of the Historic single-car garage and chicken coop on the Significant site, conduct a public hearing, and approve the relocation of the Historic single-car garage and shed on the Significant site in accordance with the attached findings of fact and conclusions of law.

Topic:

Address: 360 Daly Avenue
Designation: Significant
Applicant: Sharon (Stout) Melville, Manager of Sock Monkeys LLC, Silver Queen Gunslinger, LLC
Proposal: Relocation of the Historic single-car garage and chicken coop on the Significant Site.

Background:

On August 8, 2016, the Planning Department received a Historic District Design Review (HDDR) application for the property located at 360 Daly Avenue. After working with the applicant on the materials required for their submittal, the application was deemed complete on September 19, 2016. The Historic District Design Review (HDDR) application has not yet been approved, as it is dependent on HPB's review of the relocation of the Historic single-car garage and chicken-coop on the Significant Site. This application was continued by the Historic Preservation Board (HPB) continued on December 7, 2016 and February 1, 2017.

Site Information:

A complete certified topographic survey can be found in Exhibit B. The site currently consists of three (3) structures and the foundation ruins of a demolished ca. 1896 cross-wing cottage. The following photographs and site plan depict the locations and existing conditions of the three (3) structures and foundation ruins of the demolished ca. 1896 cross-wing cottage.

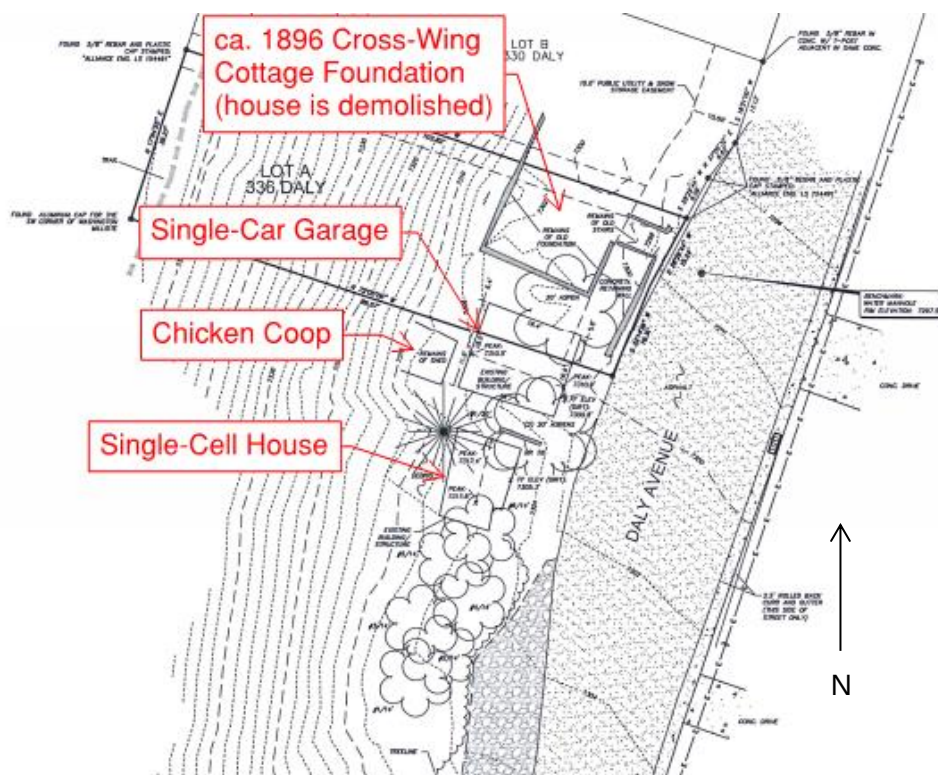
Single-Cell Cabin (left) and Single-Car Garage (right)



Chicken Coop (located behind Single-Car Garage)



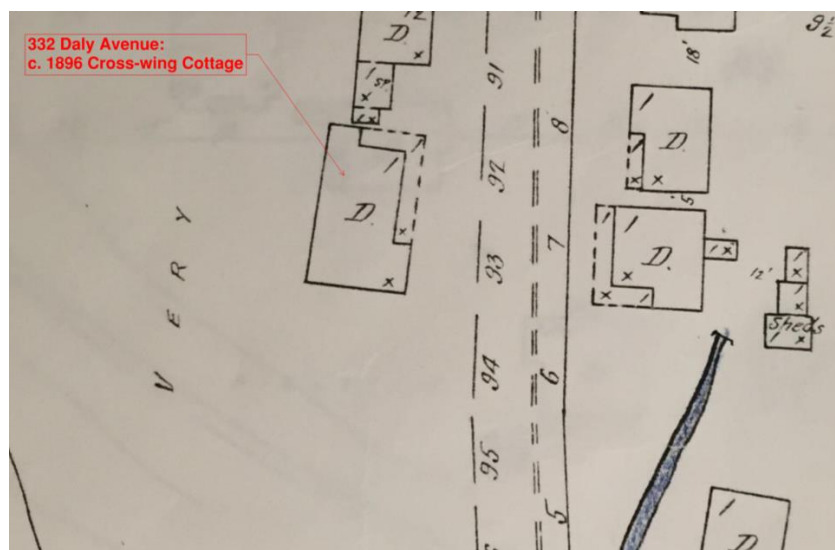
Site Plan



360 Daly Avenue Developmental History:

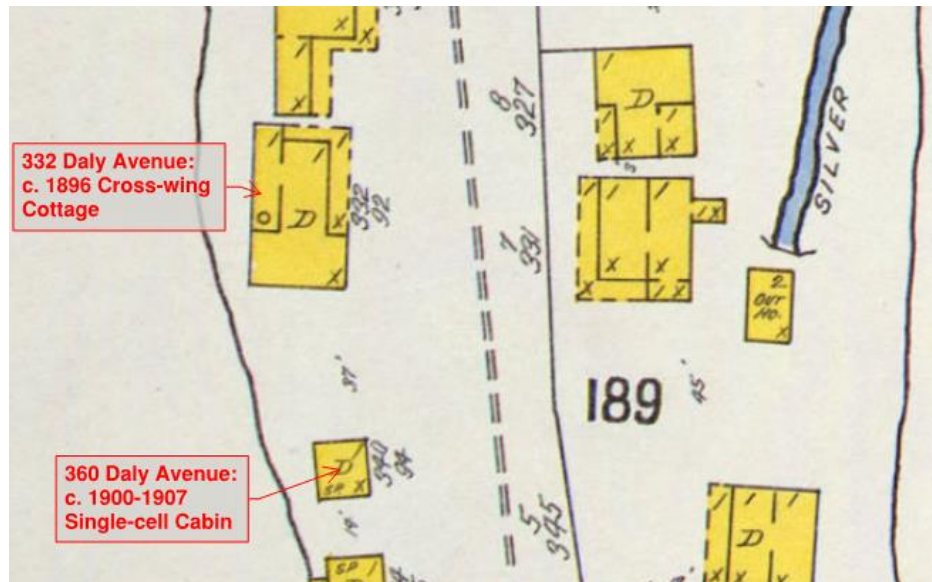
The 360 Daly Avenue property is designated as a Significant Site on the Park City Historic Sites Inventory (HSI). Development on this property occurred during the Mature Mining Era (1894-1930) and the Mining Decline and Emergence of Recreation Industry Era (1931-1962).

1900 Sanborn Fire Insurance Map



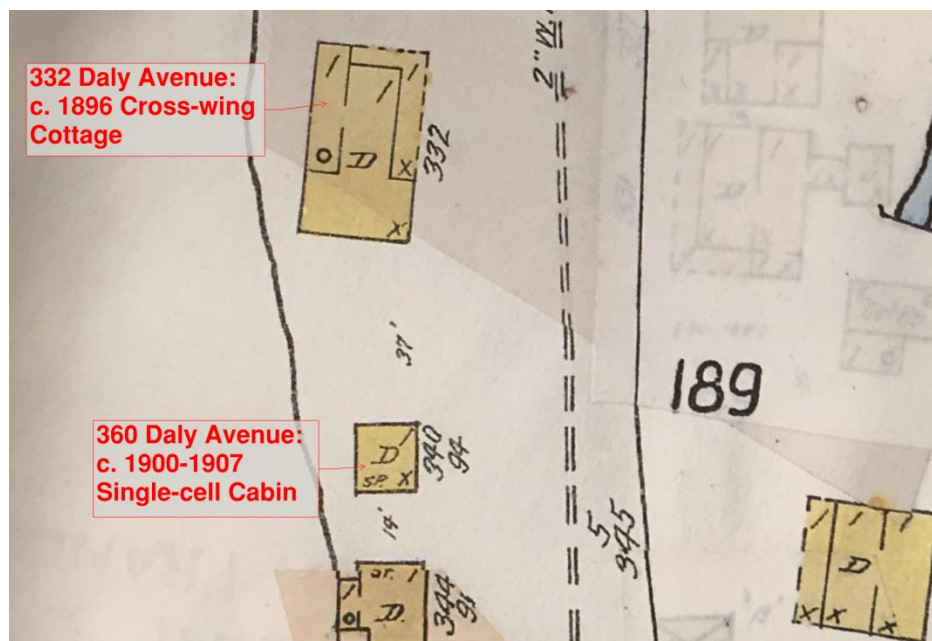
According to Summit County Tax Records (Exhibit E) a historic cross-wing cottage at 332 Daly Avenue was built c. 1896. The cross-wing cottage first appears on the 1900 Sanborn Fire Insurance Map. This historic cross-wing cottage was later demolished in 1984 (see Certificate of Appropriateness for Demolition – Exhibit G).

1907 Sanborn Fire Insurance Map

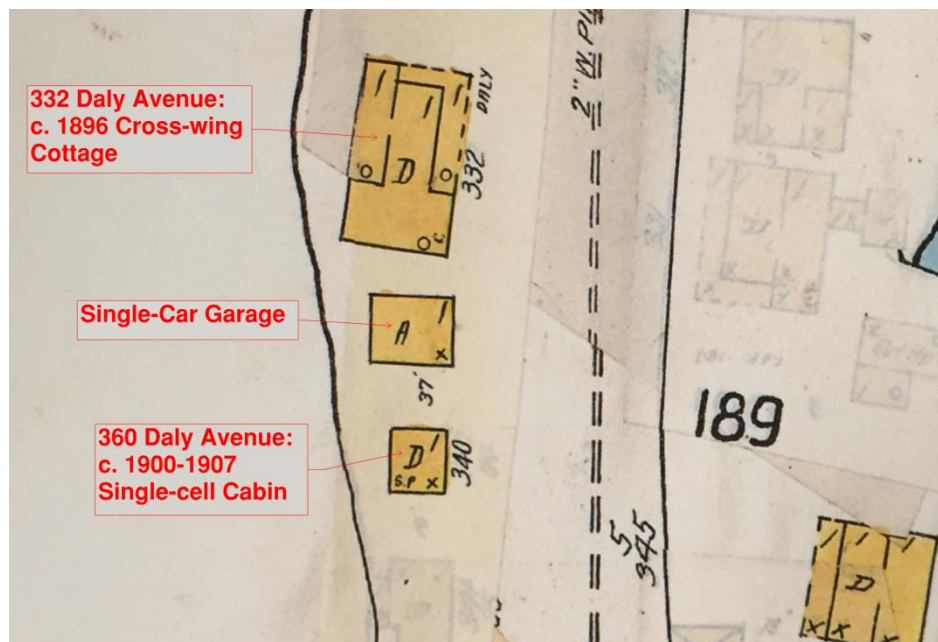


The single-cell cabin first appears on the Sanborn Fire Insurance Maps in 1907. According to the Park City Historic Sites (HSI) Form and the recent Determination of Significance (DOS) designation by the Historic Preservation Board in 2015, the single-cell cabin was constructed between 1900 and 1907.

1929 Sanborn Fire Insurance Map



1941 Sanborn Fire Insurance Map



This single-car garage accessory structure does not appear on the Sanborn Fire Insurance Maps until 1941. Accessory structures, like garages or sheds, were often left off of the maps. Staff and our preservation consultant find that this may explain why the single-car garage and chicken-coop were not included in the early Sanborn Fire Insurance Maps.

The single-car garage embodies the characteristics of accessory buildings built between 1900 and 1907. There is the presence of reused timbers and the front-gable form is typical of the era. In addition, the chicken coop embodies many of the similar characteristics because of its reused timbers and simple unadorned form.

Development on Daly Avenue was very distinctive compared to the rest of Park City as there was a wide mix of uses (single-family dwellings, boarding houses, accessory structures serving as small merchant uses, etc.). The location in a steep canyon with Silver Creek running through it proved unique for the setback and orientation of all buildings along the streetscape. The single-car garage and chicken coop are very typical of the development on Daly Avenue.

The single-car garage and chicken coop are originally associated with the demolished ca. 1896 cross-wing cottage which had an address of 332 Daly Avenue. The site of the single-car garage has now been re-addressed to 360 Daly Avenue which is used for the HSI Form. The 360 Daly Avenue parcel is owned by Talisker. 332 Daly Avenue was subdivided after the demolition of the ca. 1896 cross-wing house to create a two-lot subdivision. The applicant (Sharon Stout Melville, Manager of Sock Monkeys LLC, Silver Queen Gunslinger, LLC) owns 336 Daly Avenue which is the southern lot

(Lot A) of the two-lot subdivision. The applicant's lot is the lot closest to the single-car garage and single-cell cabin. The foundation ruins of the ca. 1896 cross-wing cottage are located on the applicant's property and will be removed as a part of the future development.

Analysis 1 : Relocation of the Historic Garage on the Significant Site

As previously mentioned, the chicken coop structure located behind the existing single-car garage is not designated as historic on the City's Historic Sites Inventory, and does not require any additional review for relocation by the Historic Preservation Board. The single-cell cabin to the south is also designated as "Significant" on the City's Historic Sites Inventory and is not proposed to be relocated at this time.

The single-car garage, however, is historic and has been designated as "Significant" on the City's Historic Sites Inventory (HSI). As existing, the single-car garage straddles the property line between the Talisker-owned property to the south and 360 Daly Avenue, owned by Ms. Melville, to the north. The Talisker-owned single-car garage encroaches 5 to 6 feet across the shared property line and into Ms. Melville's property. Ms. Melville wishes to relocate the single-car garage to the south side of the single-cell cabin. This will allow Ms. Melville to develop her property without the impediment of the single-car garage. If the historic single-car garage were to remain on the property, Ms. Melville would need to provide a minimum of three foot (3') separation between the exterior wall of the historic single-car garage and the exterior wall of her new house in order to avoid having to eliminate windows and install additional fire-resistant rated construction as required by the International Building Code (IBC).

As previously noted, the single-car garage was associated with the ca. 1896 cross-wing cottage at 332 Daly Avenue. This cross-wing cottage was demolished in 1984; however, the garage remains and was designated to Park City's HSI in 2009.

As outlined in the Engineer's Report by J.R. Richards of Calder Richards Consulting Engineers (Exhibit C), the single-car garage can be relocated in whole. Richards' report notes the deteriorated condition of the wood structure as the timber foundation sits directly on the ground exposing it to moisture and subsequently wood rot. Further, the wood structure has also been impacted by settling and years of snow loading which have weakened its stability. The engineer believes that the historic single-car garage can be feasibly relocated without dismantling or demolishing the building. The engineer recommends replacing deteriorated elements where lifting points are anticipated, provide additional supports for stabilizing the roof and walls prior to lifting the structure, and incorporating additional engineering to ensure no further damage occurs during the move.

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

(A) **CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** 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:

- (1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or **Not Applicable.**

This is not applicable as the structure is not threatened by demolition.

- (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 **Does Not Comply.**

The structure is not threatened in its present setting by hazardous conditions. The Park City Building Department issued a Notice and Order to Repair the garage and single-cell cabin on August 29, 2016. The Notice (Exhibit H) outlines issues such as stress in materials due to dead and live loads; members or appurtenances that are likely to fail, become detached, or collapse; building not meeting window pressure; wracking, warping and buckling of walls; potential collapse of entire structure; as well as its poor condition as to constitute a public nuisance. The building can be preserved in its current location or by its proposed new location.

- (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, which include but are not limited to:

- (i) The historic context of the building has been so radically altered that the present setting does not appropriately convey its history and the proposed relocation may be considered to enhance the ability to interpret the historic character of the building and the district; or
- (ii) The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or
- (iii) The integrity and significance of the historic building will not be diminished by relocation and/or reorientation; or **Complies.**

Staff finds that the single-car garage has largely lost its historic context and the present setting does not appropriately convey its history. This single-car garage was constructed sometime in the 1930s as part of the overall development of the site at 332 Daly Avenue. It was associated with a historic cross-wing cottage constructed in ca. 1896 and was likely built to accommodate the new need to store the family's private automobile. The history of the building can be interpreted the same at the existing site or the proposed site.

The proposed site to the south of the single-cell cabin conveys a character similar to that of the building's existing site. The neighborhood buildings, materials, geography, and age are all similar. The single-car garage will remain surrounded by a wooded aspen grove, facing east toward Daly Avenue. The existing distance between the single-cell cabin and the single-car garage will be equal (approximately 8 feet) in the proposed relocation site. Overall, staff finds that the setting will remain largely the same due to the similar proximity between the structures.

Finally, the integrity and significance of the historic building will not be diminished by its relocation and/or reorientation. As previously mentioned, the integrity and significance of the building is in its age, construction materials, etc. The significance of its location has been lost as the single-car garage is no longer associated with its original house, the ca. 1896 cross-wing cottage that was demolished in 1984.

- (4) All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:
- (i) Restoring the building at its present site; or
 - (ii) Relocating the building within its original site; or
 - (iii) Stabilizing the building from deterioration and retaining it at its present site for future use; or
 - (iv) Incorporating the building into a new development on the existing site
- Does Not Comply.**

Staff finds that the applicant could restore and/or stabilize the building at its present setting; however, as existing, the historic single-car garage is encroaching 5 to 6 feet across its property line and into the applicant's property. The applicant finds that the building must be relocated in order to allow for her to develop her site and construct her new house as designed. If the garage was not relocated, she would need to provide an increased setback on the south side yard to provide sufficient fire separation between the historic single-car garage and the new house.

Staff finds that the building is being relocated on its existing site. The building currently sits largely on Talisker-owned property and will remain on Talisker-owned property following its relocation. The building is owned by Talisker and is being relocated to the south side of the single-cell cabin.

There are examples of historic garages that are located on different lots than the historic houses they are associated with. The garage at 817 Norfolk was originally associated with the historic house at 811 Norfolk Avenue; however, the lot containing the garage was sold separately from the house and a new house was developed behind the historic garage. The shed at 135 Sampson Avenue was initially associated with a historic house,

however, this house was demolished and a new house now occupies the site.

Process:

The HPB will hear testimony from the applicant and the public and will review the Application for compliance with the “Criteria for Relocation of the Historic Structure on Its Existing Site.” 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 November 26, 2016, Legal Notice of this public hearing was published in the Park Record and posted in the required public spaces. Staff sent a mailing notice to property owners within 100 feet on April 19, 2017 and posted the property on April 19, 2017.

Recommendation:

Staff recommends the Historic Preservation Board review and discuss the relocation of the Historic single-car garage and shed on the Significant site, conduct a public hearing, and approve the relocation of the Historic single-car garage and shed on the Significant site in accordance with the attached findings of fact and conclusions of law.

Finding of Fact:

1. The property is located at 360 Daly Avenue.
2. The historic site is listed as Significant on the Historic Sites Inventory.
3. The applicant is proposing to relocate the Historic single-car garage and chicken coop on the Significant Site.
4. Development on this property occurred during the Mature Mining Era (1894-1930) and the Mining Decline and Emergence of Recreation Industry Era (1931-1962).
5. According to Summit County Tax Records, a historic cross-wing cottage located at 332 Daly Avenue was built c. 1896. The cross-wing cottage first appears on the 1900 Sanborn Fire Insurance Map. This historic cross-wing cottage was later demolished in 1984.
6. The single-cell cabin first appears on the Sanborn Fire Insurance Maps in 1907. The single-cell cabin was constructed between 1900 and 1907.
7. This single-car garage accessory structure does not appear on the Sanborn Fire Insurance Maps until 1941.
8. The single-car garage and chicken coop embody the characteristics of accessory buildings built between 1900 and 1907. There is the presence of reused timbers and the form is typical of the era.
9. The single-car garage and chicken coop are originally associated with the demolished ca. 1896 cross-wing cottage which had an address of 332 Daly Avenue.

The site has now been re-addressed to 360 Daly Avenue which is used for the HSI Form.

10. The chicken coop structure located behind the existing single-car garage is not designated as historic on the City's Historic Sites Inventory, and does not require any additional review for relocation by the Historic Preservation Board.
11. The single-cell cabin to the south is also designated as "Significant" on the City's Historic Sites Inventory and is not proposed to be relocated at this time.
12. The single-car garage straddles the property line between 360 Daly Avenue (owned by Talisker) and 336 Daly Avenue (owned by Sharon Stout Melville, Manager of Sock Monkeys LLC, Silver Queen Gunslinger, LLC). The Talisker-owned single-car garage encroaches 5 to 6 feet across the shared property line and into the property of Sharon Stout Melville.
13. Sharon Stout Melville is proposing to relocate the single-car garage to the south side of the single-cell cabin. This will allow her to develop her property without the impediment of the single-car garage.
14. If the historic single-car garage were to remain on the property, Ms. Melville would need to provide a minimum of three foot (3') separation between the exterior wall of the historic single-car garage and the exterior wall of her new house in order to avoid having to eliminate windows and install additional fire-resistant rated construction as required by the International Building Code (IBC).
15. The Engineer's Report by J.R. Richards of Calder Richards Consulting Engineers states that the single-car garage can be relocated in whole. The engineer recommends replacing deteriorated elements where lifting points are anticipated, provide additional supports for stabilizing the roof and walls prior to lifting the structure, and incorporating additional engineering to ensure no further damage occurs during the move.
16. The single-car garage is not threatened by demolition.
17. The Park City Building Department issued a Notice and Order to Repair the garage and single-cell cabin on August 29, 2016. The Notice and Order outlines issues such as stress in materials due to dead and live loads; members or appurtenances that are likely to fail, become detached, or collapse; building not meeting window pressure; wracking, warping and buckling of walls; potential collapse of entire structure; as well as its poor condition as to constitute a public nuisance.
18. Staff finds that the single-car garage has largely lost its historic context and the present setting does not appropriately convey its history. The history of the building can be interpreted the same at the existing site or the proposed site.
19. The proposed site to the south of the single-cell cabin conveys a character similar to that of the building's existing site. The neighborhood buildings, materials, geography, and age are all similar. The single-car garage will remain surrounded by a wooded aspen grove, facing east toward Daly Avenue.
20. The existing distance between the single-cell cabin and the single-car garage will be equal (approximately 8 feet) in the proposed relocation site.
21. The integrity and significance of the historic building will not be diminished by its relocation and/or reorientation.
22. On August 8, 2016, the Planning Department received a Historic District Design Review (HDDR) application for the property located at 360 Daly Avenue. After

working with the applicant on the materials required for their submittal, the application was deemed complete on September 19, 2016.

23. This application was continued by the Historic Preservation Board (HPB) continued on December 7, 2016 and February 1, 2017.
24. Staff sent a mailing notice to property owners within 100 feet on April 19, 2017 and posted the property on April 19, 2017.
25. The Historic District Design Review (HDDR) application has not yet been approved, as it is dependent on HPB's review of the relocation of the Historic single-car garage and chicken-coop on the Significant Site.
26. The applicant could restore and/or stabilize the building at its present setting.
27. The building is being relocated on its existing site. The building currently sits largely on Talisker-owned property and will remain on Talisker-owned property following its relocation.

Conclusions of Law:

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

Exhibits:

- Exhibit A – HPB Criteria for Relocation of Historic Structures
- Exhibit B – Existing Conditions and Proposed Plans
- Exhibit C – Applicant's Written Submittal
- Exhibit D – Physical Conditions Report
- Exhibit E – Historic Preservation Plan
- Exhibit F – Summit County Tax Cards – 332 Daly Avenue
- Exhibit G – Certificate of Appropriateness for Demolition - 1996
- Exhibit H – Supplemental Information (Photographs, Newspaper Articles, etc.)
- Exhibit I – 2016 Notice and Order
- Exhibit J – Public Comment
- Exhibit K – [Park City Historic Site's Inventory Form](#)

Exhibit A: HPB Criteria for Relocation of Historic Structures

The Historic Preservation Board shall find the project complies with the following criteria (Exhibit A):

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 which include but are not limited to:
 - a. The historic context of the building has been so radically altered that the present setting does not appropriately convey its history and the proposed relocation may be considered to enhance the ability to interpret the historic character of the building and the district; or
 - b. The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or
 - c. The integrity and significance of the historic building will not be diminished by relocation and/or reorientation; or
4. All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:
 - a. Restoring the building at its present site; or
 - b. Relocating the building within its original site; or
 - c. Stabilizing the building from deterioration and retaining it at its present site for future use; or
 - d. Incorporating the building into a new development on the existing site.

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

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

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

ROLL CALL

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

ADOPTION OF MINUTES

April 5, 2017

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

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

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

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

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

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

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

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

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

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

The applicants arrived.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Board Members Hodgkins and Hewett had no issues or comments.

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

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

Chair Stephens opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Stephens closed the public hearing.

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

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

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

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

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

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

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

Director Erickson reviewed the proposed conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VOTE: The motion passed unanimously.

Findings of Fact – 336 (360) Daly Avenue

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

9. It was associated with a historic cross-wing cottage constructed in ca. 1896 and was likely built to accommodate the new need to store the family's private automobile. The history of the building can be interpreted the same at the existing site or the proposed site.
10. The single-car garage and chicken coop are originally associated with the demolished ca. 1896 cross-wing cottage which had an address of 332 Daly Avenue. The site has now been re-addressed to 360 Daly Avenue which is used for the HIS Form.
11. The chicken coop structure located behind the existing single-car garage is not designated as historic on the City's Historic Sites Inventory, and does not require any additional review for relocation by the Historic Preservation Board.
12. The single-cell cabin to the south is also designated as "Significant" on the City's Historic Sites Inventory and is not proposed to be relocated at this time.
13. The single-car garage straddles the property line between 360 Daly Avenue (owned by Talisker) and 336 Daly Avenue (owned by Sharon Stout Melville, Manager of Sock Monkeys LLC, Silver Queen Gunslinger, LLC). The Talisker-owned single-car garage encroaches 5 to 6 feet across the shared property line and into the property of Sharon Stout Melville.
14. Sharon Stout Melville is proposing to relocate the single-car garage to the south side of the single-cell cabin. This will allow her to develop her property without the impediment of the single-car garage.
15. If the historic single-car garage were to remain on the property, Ms. Melville would need to provide a minimum of three foot (3') separation between the exterior wall of the historic single-car garage and the exterior wall of her new house in order to avoid having to eliminate windows and install additional fire-resistant rated construction as required by the International Building Code (IBC).
16. The Engineer's Report by J.R. Richards of Calder Richards Consulting Engineers states that the single-car garage can be relocated in whole. The engineer recommends replacing deteriorated elements where lifting points are anticipated, provide additional supports for stabilizing the roof and walls prior to lifting the structure, and incorporating additional engineering to ensure no further damage occurs during the move.
17. The single-car garage is not threatened by demolition.
18. The Park City Building Department issued a Notice and Order to Repair the garage and single-cell cabin on August 29, 2016. The Notice and Order outlines issues such as stress in materials due to dead and live loads; members or appurtenances that are likely to fail, become detached, or collapse; building not meeting window pressure; wracking, warping and buckling of walls; potential collapse of entire structure; as well as its poor condition as to constitute a public nuisance.
19. Staff finds that the single-car garage has largely lost its historic context and the present setting does not appropriately convey its history. The history of the building can be interpreted the same at the existing site or the proposed site.
20. The proposed site to the south of the single-cell cabin conveys a character similar to that of the building's existing site. The neighborhood buildings,

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

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

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

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

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

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

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

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

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

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

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

Conclusions of Law – 336 (360) Daly Avenue

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

Conditions of Approval – 336 (360) Daly Avenue

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

Board Member Beatlebrox left the meeting.

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



November 19, 2018

Dave Gustafson
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Re: Complete Historic District Design Review Determination
Property Address: 360 Daly Avenue, Park City, UT
PL-18-04036

Dear Dave Gustafson,

Per your recent Historic District Design Review (HDDR) inquiry submitted on November 15, 2018, regarding the historic garage and cabin located just south of 360 Daly Avenue, it was determined your proposed work is minor construction and routine maintenance (e.g. structurally stabilizing the buildings and replacing roofing materials) having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District.

Therefore, per §15-11-12(A)(3) of the Land Management Code, your proposal would not be required to complete the full Historic District Design Review (HDDR) process; however adherence to the guidelines is still required. The following Historic District Design Guidelines and Conditions apply:

- The applicant proposes temporarily secure the historic garage and cabin on the property directly south of 360 Daly Avenue by:
 - Constructing new support columns and cross-bracing from dimensional lumber in order to structurally stabilize the two structures. A new floor structure will be built inside the cabin, consisting of new wood framing and sheathing. The dirt floor will remain in the garage.
 - Wire mesh will be used to cover all window and door openings from the interior and secure the structures.
 - Dark corrugated or galvanized metal sheets will be used to roof the two buildings. The Solar Reflective Index (SRI) value of the roofing material shall be 35 or less.

- No changes to the historic exteriors of the structures are proposed. All existing historic exterior features will be retained and preserved.
- Where the historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to removing and replacing historic materials, the applicant shall demonstrate to the Planning Director and Project Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No historic materials may be disposed of prior to advance approval by the Planning Director and Project Planner.
- The new construction shall not destroy historic materials, features, and spatial relationships that characterize the site or buildings.
- A Building Permit may be required for the proposed work. Please contact the Building Department at (435) 615-5100 for more information.

Should you have any questions, please do not hesitate to contact your project planner, Anya Grahn, at anya.grahn@parkcity.org or 435.615.5067.

Sincerely,

A handwritten signature in dark ink, appearing to read 'B. Erickson'.

Bruce Erickson, AICP
Planning Director

CC: Anya Grahn, Historic Preservation Planner



March 4, 2015

Joseph Wrona
Wrona Gordon DuBois Law Firm
1745 Sidewinder Drive
Park City, UT 84060

NOTICE OF BOARD OF ADJUSTMENT ACTION

<u>Application:</u>	Appeal of Historic Preservation Board's Determination of Significance
<u>Project Location:</u>	360 Daly Ave
<u>Project Number:</u>	PL-15-02662
<u>Appellant:</u>	Sharon Stout, adjacent property owner/represented by Joseph Wrona, attorney
<u>Action:</u>	Appeal is denied and Historic Preservation Board's determination is upheld
<u>Date of Action</u>	February 17, 2015

On February 17, 2015, the Park City Board of Adjustment denied your submitted appeal, and the Historic Preservation Board's determination was upheld. This decision was based on the following findings of fact, conclusions of law, and order:

Findings of Fact

1. 360 Daly Avenue is within the Estate (E) District. The accessory structure/garage currently straddles the property line between 360 Daly Avenue and 336 Daly Avenue which is within the Historic Residential (HR-1) District. The zone line sits at the property line between the two properties.
2. There is a historic cabin at 360 Daly Avenue currently listed on the Park City Historic Sites Inventory as a "Significant" Structure. There is a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue that straddles the property line with 336 Daly Avenue.
3. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.
4. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material, which historically in Park City additions were made based on a need however no record as to the date the addition was made can be found.

5. There have been slight modifications to the side and rear siding materials consisting of scrap metal sheeting; however, this change has not significantly altered the overall form of the structure, nor does it detract or negatively impact the essential historic form. The overall form of the wood-frame gable-roof accessory structure is intact. Changes made to the exterior siding materials do not detract from the Essential Historical Form.
6. The site meets the criteria as Significant on the City's Historic Sites Inventory.
7. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
8. The structure shows up more clearly on the 1941 Sanborn map and not knowing the specific year it was built it is clear that the structure was built before 1941, which would still be over fifty (50) years old and would still be historic in that it has achieved Significance in the past fifty (50) years.
9. The structure has retained its Essential Historical Form.
10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930) or the Mining Decline Era (1931-1963).
11. The Historic Preservation Board found that the structure met the criteria of LMC 15-11-10(A)(2) and thus should be designated as a "Significant" Structure on the Historic Sites Inventory (HSI) on January 7, 2015.
12. The accessory structure/garage at 360 Daly Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation due to its deterioration and minor addition on the northern side, the date of the addition is unknown but has been constructed of similar materials which would lead staff to believe it was added not long after initial construction. The accessory structure/garage is associated with the cabin located at 360 Daly Avenue which meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. Because the accessory structure/garage is an accessory structure for a significant site, designating the accessory structure/garage as significant is the most appropriate determination.
13. The applicants submitted an appeal to this determination on January 20, 2015, within ten (10) days of the HPB's determination.
14. The structure is in its original location.
15. No additions obscure the Essential Historic Form when viewed from the primary public right-of-way. There are no changes in pitch of the main roof of the primary façade and no additions of upper stories or removal of upper stories.
16. The analysis of the report is included herein with the new evidence.

Conclusions of Law

1. The existing accessory structure/garage located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
 - (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
 - (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
 - (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, 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.

Order

1. The appeal of the Historic Preservation Board's determination of significance for the accessory structure/garage at 360 Daly Avenue is denied.

As the appellant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Board of Adjustment are available in the Planning Department office. If you have questions regarding your application or the action taken please don't hesitate to contact me at (435) 615-5068 or via email at christy.alexander@parkcity.org.

Respectfully,



Christy J. Alexander, AICP
Planner II

Board of Adjustment Staff Report



Subject: 360 Daly Avenue
Author: Christy Alexander, AICP, Planner II
Project #: PL-15-02662
Date: February 17, 2015
Type of Item: Quasi-Judicial – Appeal of Historic Preservation Board’s Determination of Significance

Summary Recommendations

Staff recommends the Board of Adjustment hear the appeal of the Historic Preservation Board's (HPB) determination of significance of the accessory structure/garage at 360 Daly Avenue. The HPB determined that the accessory structure/garage meets the criteria for designation as a "Significant" site.

Topic

Applicant: Joseph Wrona, Attorney on behalf of Sharon Stout, owner of 336 Daly Avenue
Location: 360 Daly Avenue
Zoning: Estate (E) District
Adjacent Land Uses: Historic Residential-1 (HR1), Estate (E), and Recreational Open Space (ROS) Districts
Reason for Review: Appeal of the Historic Preservation Board’s determination of significance of the historic site at 360 Daly Avenue.

Background

Much of the background of this site is outlined in the Historic Preservation Board (HPB) staff report dated January 7, 2015 (Exhibit B). The site and historic cabin (owned by the City) at 360 Daly Avenue had been listed as part of the City's Historic Sites Inventory (HSI) in 2009 as "Significant." The accessory structure/garage was mentioned on the 2009 HSI as an accessory structure to the historic cabin but was not called out specifically as historic itself. The property owner at 336 Daly Avenue (Ms. Stout) had submitted a pre-application for Historic District Design Review for her property and has interests to demolish the accessory structure/garage (owned by the City) which straddles her property line in order to proceed with construction of a single-family home on her property.

Because of the limited information available in the HSI, the Planning Director directed staff to conduct additional research to determine the historic significance of the accessory structure/garage at 360 Daly Avenue site before MS. Stout moves forward with the design review of her property at 336 Daly Avenue and make an application to the HPB to determine whether the accessory structure/garage should be determined as "Significant". The Historic Preservation Board (HPB) determined that the accessory structure/garage be designated on the inventory as a "Significant" site on January 7, 2015 (Exhibit D).

The accessory structure/garage is deteriorating and appears to be instable. There is no foundation and it was built on a dirt floor. There is one set of hinged doors for access and one smaller entry door to the northern addition. The structure appears to have been completely enclosed from the elements when it was built. Currently the entry is obstructed and a door is missing. The structure is

filled with various items from neighbors down the street. A neighbor down the street was previously parking her car in the structure without permission of the City or Ms. Stout. The Planning Director and Building Official believe there are unique conditions related to this site and structure and are currently in the process of seeking approval from the City Council to relocate and stabilize the historic structure entirely on the City's property by means of the City's Historic Abatement Fund.

Appeal and Burden of Proof

The specific appeal is to the Historic Preservation Board's (HPB) Determination of Significance. LMC 15-11-10(B)(4) states that the Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board's final action.

The applicant, who had standing based upon having participated in the HPB hearing and being the adjacent neighbor appealed this determination within ten (10) days, on January 20, 2015. Ten (10) days would have been January 17th, but due to this being a Saturday and the 19th being a holiday; the appeal was permitted to be submitted on the 20th.

Appeals shall be considered by the Board of Adjustment (BOA) on the record made before the Historic Preservation Board. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of the decision of the land use authority in its interpretation and application of the land Use ordinance.

The BOA, in conformity with the provisions of the Code, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made. The Owner bears the burden of demonstrating that the HPB erred in their findings.

The applicant's appeal is attached hereto as Exhibit A. The applicant's basis for appeal is that the findings of fact set forth in the HPB's Determination of Significance Notice are not factually correct and that the HPB was not correct in its interpretation and application of the LMC (see Exhibit A, page 4, Basis for Appeal).

Analysis

The applicant contests that the findings set forth in the Historic Preservation Board's (HPB) Determination of Significance are not correct and the Board of Adjustment should review the factual correctness as well as correctness of the decision of the HPB in its interpretation and application of the LMC. The applicant argues that the HPB's conclusion that the structure is located entirely at 360 Daly Avenue is in error and that the structure in question is not a northern addition to the historic cabin at 360 Daly Avenue. The applicant also argues that the HPB's determination was made based on Staff's analysis that the accessory structure/garage first appeared on the 1907 Sanborn Fire Insurance Map thus dating the structure between 1900 and 1907 and associating the structure with the Mature Mining Era (1894-1930). The applicant argues that the accessory structure/garage first appears on the 1941 Sanborn Fire Insurance Map and thus was built between 1929 and 1941.

The applicant also argues that the scrap metal siding added to the exterior side and rear elevations along with the northern expansion of the structure are not minor and do not entirely use the same material as found on the original structure thus the structure does not retain its Essential Historical Form.

The historic cabin and accessory structure/garage in question were assigned the address of 360 Daly on the City's current HSI, but in earlier surveys it had been referenced as "south of 332 Daly". No one has denied that the structure is located on two lots.

Staff finds that the HPB did review and consider the evidence supplied by Ms. Stout at the January 7, 2015 meeting. The new evidence was discussed (Exhibit C) and reviewed by the Historic Preservation Board during the January 7, 2015 meeting. Land Management Code (LMC) 15-11-10(2) outlines the criteria for Significant Sites, stating:

(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. 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.

The structure was constructed in a possibility of two historic eras according to staff and the applicant. The applicant argues that the accessory structure/garage was built between 1921 and 1941, making the structure roughly 94 to 74 years old. Staff's analysis in the January 7, 2015 staff report finds that the accessory structure/garage was built between 1900 and 1907. Thus, the HPB found that the accessory structure/garage that exists today is roughly 115 to 108 years old. In researching the Sanborn maps further, it is clear that the garage appears on the Sanborn Fire Insurance maps in the 1940s; however, staff has found many instances recently where accessory buildings were not identified on the Sanborn Maps, but were clearly in existence in historic photos of the same period. This was the case with the garage at 1057 Woodside—it was visible in historic photos, but never documented on the Sanborn Map. One reason it might have been left out was because of the haphazard construction methods in Park City. If it wasn't directly adjacent to the house in order to provide a potential fire hazard, the

surveyor may not have thought to document it. The 1982 Beasely Survey of Old Town indicates that the garage in question is contributory to the site and was constructed pre-1930; it also notes alterations to the structure are reversible. Even if the HPB found that the accessory structure/garage was built between 1921 and 1941, it would still meet Criteria A in that it is at least 50 years old.

The Land Management Code defines Essential Historical Form as the physical characteristics of a structure that make it identifiable as existing in or relating to an important era in the past. As outlined in the HPB staff report (Exhibit B), there have been slight modifications to the side and rear siding materials; however, this change has not significantly altered the overall form of the structure, nor does it detract or negatively impact the essential historic form. The overall form of the wood-frame gable-roof accessory structure is intact. Changes made to the exterior siding materials and the northern addition does not detract from the Essential Historical Form.

LMC 15-11-10 (A)(2)(b) outlines alterations that may destroy the Essential Historical Form. These include:

- 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; 3) the change is not due to collapse as a result of inadequate maintenance on part of the Applicant or a previous owner, or
- Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or
- Moving it from its original location to a Dissimilar Location, or
- Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

In staff's analysis of the structure, we find that there have been no changes to the roof pitch of the primary façade; there have been no addition or removal of upper stories; the structure has not been relocated; and there are no additions that obscure the Essential Historical Form.

The HPB also found that this structure contributes to our understanding of Park City's Mature Mining Era (1894-1930). This accessory structure is one of many in Old Town that makes up the state's largest and best preserved collection of accessory buildings in a metal mining town in Utah. Structures such as the one at 360 Daly Avenue provide insight into the character of mining towns of that period, including settlement patterns, building materials, construction techniques, and socio-economic make-up. The fact that this accessory structure/garage was constructed and expanded in this location tells a story about the development of Park City regarding the need for homes and properties to accommodate growing families, and the methods in which these structures were expanded with the availability of financial resources to fund construction. The development of garages represents improved transportation, increased wealth allowing residents to purchase private vehicles, and the need to store these new vehicles.

Finally, LMC 15-11-10(2) outlines the criteria for a site or structure to be designated as "Significant," and Criteria C states that the site or structure shall be found to be important in local or regional history, architecture, engineering, or culture associated with an era of historic importance to the community; the lives of persons who were of historic importance to the community; or are of noteworthy methods of construction, materials, or craftsmanship used during the Historic period. Even if the HPB found that the accessory structure/garage was built between 1921 and 1941, it would still meet Criteria C in that it is important in local or regional history associated with an era of Historic importance to the community- the Mining Decline & Emergence of Recreation Industry era.

During the January 7, 2015 public hearing (Exhibit C), Ruth Meintsma, an old town resident and member of the public, referred to Exhibit B in the Staff report and noted that the language refers to a shed or a garage. At one point it states that it was used as a garage, so they could assume that it was initially built as a shed. Ms. Meintsma found in her research that a lot of these sheds were built during the mining era as part of the community. Ms. Meintsma believed there was a possibility that the shed could have been part of the community. Reading back in history, Daly Avenue was a unique street in that it was cottage industries up and down the street. She commented on one situation where a chicken coop was taken out and created a controversy because that person grew raised and provided chickens for his community.

There were also a lot of blacksmiths or iron workers on Daly Avenue. Ms. Meintsma remarked that this shed may have been from the cottage industry because it is where the Daly Mine workers walked home every day. Daly Avenue was a viable street. Ms. Meintsma suggested that the shed may also have been a type of living structure because people want to live within walking distance from where they work. Ms. Meintsma pointed out significant features of the structure. She noted that the beams are 12 x 12 which indicates the possibility of another era and potential historic significance. Ms. Meintsma stated that Sanborn maps were not necessarily designed to only include significant structures. She had asked SHPO what was indicated on the maps. She was told that anything that was combustible and insured were included on the maps. Therefore, outbuildings would be included if they were combustible and insured.

Ms. Meintsma remarked that even if the shed was built in 1926 it would still be within the significant mining era (Mining Decline & Emergence of Recreation Industry era). 1940 would be the waning mining era and still within a historic time period. Ms. Meintsma pointed out that two lots should leave sufficient room to build. She believed the real issue is that the applicant did not want the structure on her property. In her opinion the structure needs to be wanted and it needs to be taken care of and re-addressed. Ms. Meintsma outlined the unique circumstances that would need to occur in order for the structure to be moved off of the applicant's property and on to the Park City property. She believed the use of the structure would be difficult because it sits on two different properties. Therefore, because the structure straddles two properties with two different owners, that would create a unique circumstance. Ms. Meintsma thought it should be moved to the Park City property where it could be taken care of and used.

Please see the January 7, 2015, HPB staff report (Exhibit B) for further analysis.

Future Process

Final Actions by the Board of Adjustment on Appeals may be appealed to Third District Court within thirty (30) calendar days.

Staff Recommendation

Staff requests the Board of Adjustment review the following findings of fact and conclusions of law and order and consider adopting them and denying the appeal.

Alternatives

1. The Board of Adjustment may uphold the Historic Preservation Board's determination of significance.
2. The Board of Adjustment may reverse the Historic Preservation Board's determination of significance.

3. The Board of Adjustment may direct staff to provide additional analysis and continue the appeal to a future date.

Findings of Fact

1. 360 Daly Avenue is within the Estate (E) District. The accessory structure/garage currently straddles the property line between 360 Daly Avenue and 336 Daly Avenue which is within the Historic Residential (HR-1) District. The zone line sits at the property line between the two properties.
2. There is a historic cabin at 360 Daly Avenue currently listed on the Park City Historic Sites Inventory as a "Significant" Structure. There is a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue that straddles the property line with 336 Daly Avenue.
3. The existing accessory structure/garage at 360 Daly Avenue has been in existence since between 1900 and 1907. The structure appears in the 1907 Sanborn Fire Insurance maps.
4. The accessory structure/garage was built between 1900 and 1907 during the Mature Mining Era (1894-1930).
5. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.
6. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material, which historically in Park City additions were made based on a need however no record as to the date the addition was made can be found.
7. There have been slight modifications to the side and rear siding materials consisting of scrap metal sheeting; however, this change has not significantly altered the overall form of the structure, nor does it detract or negatively impact the essential historic form. The overall form of the wood-frame gable-roof accessory structure is intact. Changes made to the exterior siding materials do not detract from the Essential Historical Form.
8. The site meets the criteria as Significant on the City's Historic Sites Inventory.
9. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
10. The structure shows up more clearly on the 1941 Sanborn map and not knowing the specific year it was built it is clear that the structure was built before 1941, which would still be over fifty (50) years old and would still be historic in that it has achieved Significance in the past fifty (50) years.
11. The structure has retained its Essential Historical Form.
12. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930).
13. The Historic Preservation Board found that the structure met the criteria of LMC 15-11-10(A)(2) and thus should be designated as a "Significant" Structure on the Historic Sites Inventory (HSI) on January 7, 2015.
14. The accessory structure/garage at 360 Daly Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation due to its deterioration and minor addition on the northern side, the date of the addition is unknown but has been constructed of similar materials which would lead staff to believe it was added not long after initial construction. The accessory structure/garage is associated with the cabin located at 360 Daly Avenue which meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. Because the accessory structure/garage is an accessory structure for a significant site, designating the accessory structure/garage as significant is the most appropriate determination.

15. The applicants submitted an appeal to this determination on January 20, 2015, within ten (10) days of the HPB's determination.
16. The structure is in its original location.
17. No additions obscure the Essential Historic Form when viewed from the primary public right-of-way. There are no changes in pitch of the main roof of the primary façade and no additions of upper stories or removal of upper stories.
18. The analysis of the report is included herein with the new evidence.

Conclusions of Law

1. The existing accessory structure/garage located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
 - (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
 - (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
 - (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, 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.

Order

1. The appeal of the Historic Preservation Board's determination of significance for the accessory structure/garage at 360 Daly Avenue is denied.

Exhibits

- Exhibit A – Applicant's Appeal (January 20, 2015)
Exhibit B – Historic Preservation Board Staff Report 1.7.15
Exhibit C – Historic Preservation Board Minutes 1.7.15
Exhibit D – Final Action Letter

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF FEBRUARY 17, 2015

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi,
Travis McGhee, Mary Wintzer

EX OFFICIO: Thomas Eddington, Anya Grahm, Planner; Polly Samuels McLean,
Makena Hawley

ROLL CALL

Chair Gezelius called the meeting to order at 5:06 p.m. and noted that all Board Members were present.

ADOPTION OF MINUTES OF NOVEMBER 18, 2014

MOTION: Board Member Fuegi moved to Approve the minutes of November 18, 2014 as written. Board Member Wintzer seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Planner Francisco Astorga invited the Board and the public to attend the “We Love Our Historic District” open house the following day from 4:00 to 7:00 in the Council Chambers. The open house would encourage comments regarding the Historic District Design Guidelines and historic preservation in general. It would also be an opportunity to meet the Historic Preservation Board and ask questions.

Chair Gezelius asked Assistant City Attorney McLean to explain the voting situation with the number of Board of Adjustment members present this evening.

Assistant City Attorney McLean stated that a full BOA board is five members. Under the LMC, any action requires three members as a quorum to vote. However, when only three members are voting, the vote would have to be unanimous in order to pass. In that circumstance, the applicant is given the opportunity to request a continuance. She noted that four Board members were present this evening and the Board would be able to take action.

Joseph Wrona, legal counsel representing the applicant, remarked that because the BOA had a quorum present this was a valid meeting. With regards to his client's issues and the possibility that his client may be forced to move to the Courts for resolution, he was not interested in a continuation. Mr. Wrona preferred to have the members in attendance hear their presentation, consider the evidence and provide a decision.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

**360 Daly Avenue – Appeal of Historic Preservation Board
determination that the “Significant” structure should remain designated
as “Significant” on the City’s Historic Sites Inventory (HSI)
(Application PL-15-02662)**

Planner Christy Alexander reported that the applicant for the appeal, Sharon Stout, owns the property at 336 Daly Avenue, which is adjacent to city-owned property at 360 Daly. Joseph Wrona was representing Ms. Stout this evening.

Planner Alexander noted that the site and the historic cabin were listed on the 2009 Historic Sites Inventory. The accessory garage structure in question was listed as an accessory structure to the historic cabin, but it was not specifically called out as being deemed significant. Planner Alexander stated that Sharon Stout had submitted an application for a Design Review because she is interested in developing her property. The accessory structure encroaches on to her property and Ms. Stout would like to build on her property and have the ability to build within the setback lines. The only way to accomplish that would be to either demolish the accessory structure or move it off her property. Before the Staff moved forward with her design review, the Planning Department took the matter to the HPB to determine whether or not the accessory structure is significant and to call it out specifically.

Planner Alexander stated that the Staff did the research and it was taken to the HPB on January 7, 2015. Planner Alexander noted that the structure is deteriorating and unstable, but it has withstood the elements. Currently a door is missing and the structure is open to the elements. A neighbor had been storing items within the garage and parking a car without permission from the owner.

Planner Alexander reported that the Planning Director and the Chief Building Official had visited the structure. She noted that there are certain instances when historic structures can be relocated. Since the HPB determined this to be a significant structure, the Staff has been working with other departments and it would need to go before the City Council as the owner for approval to relocate the structure entirely on to the City's property.

Assistant City Attorney McLean clarified that if the structure were to be moved, it would have to go through two processes. The City Council, as the owner, would

have to approve moving the structure; and secondly, it would have to go through a regulatory process in order to be moved. Ms. McLean noted that moving the structure was within the realm of possibility, but it had not yet been analyzed.

Chair Gezelius asked if moving the accessory structure was outside of the purview of the BOA discussion this evening. Ms. McLean answered yes. Director Eddington stated that he and the Building Official had begun an analysis for unique circumstances, which is one requirement for moving the structure.

Chair Gezelius emphasized that the Board's discussion was confined to the determination of significance only. Planner Alexander stated after the HPB made the determination of significance, Ms. Stout, the property owner, filed an appeal of the HPB determination. In the appeal they expressed concerns related to the correctness of the Findings of Fact, and the interpretation and application of the Land Use Ordinance.

Planner Alexander stated that the Board of Adjustment could reverse or affirm the determination wholly or partly. Planner Alexander remarked that the owner bears the burden of demonstrating that the HPB erred in their findings.

Planner Alexander stated that many of the Sanborn maps are difficult to read and historic structures are not always placed in their exact locations on the map. For that reason, it is sometimes difficult to determine whether the structure in question was shown the 1900 or the 1921 Sanborn map. She explained that even though the HPB unanimously voted to determine this as a significant structured based on the 1907 Sanborn Map, in looking at the research, the Staff found that it could have been constructed any time between 1907 and 1941. There is no way to know the exact date, but they were certain it was within the Historic Era. The structure is at least 50 years old and it pertains to the Significant Mining Era.

The Staff believed that the Historic Preservation Board's determination of Significance should be upheld and that the appeal should be denied.

Mr. Wrona, representing Sharon Stout, stated that Ms. Stout has lived in Park City for a long time and raised her family in Park City. Ms. Stout became interested in a piece of property located on Daly Avenue. The property is a thin rectangular shape. Even if one were to build on that property with unfettered access to the full setbacks on either side, the building corridor is approximately 25 feet wide. The encroachment of the shed affects the setbacks, reducing the building space to 17' wide. Mr. Wrona remarked that the parcel is rendered unbuildable.

Mr. Wrona referred to page 52 of the Staff report. He indicated the shed in question, noting that it was primarily on City-owned property. However, a piece of the shed encroaches on to 336 Daly Avenue, which is Ms. Stout's property.

Mr. Wrona highlighted in yellow the portion of the structure that was constructed prior to 1941. He clarified that they only know that it was constructed prior to 1941, but there is no evidence that it was constructed as early as the HPB found that it was constructed. For that reason, Mr. Wrona believed the HPB was in error on that point. Mr. Wrona stated that he and Ms. Stout recognize that the portion he had highlighted in pink was an old building. He remarked that the portion highlighted in yellow encroaches on to Ms. Stout's property and that portion was added much later. Even though they do not know the exact date that it was added, they know that it was added after 1949 and before 1968.

Mr. Wrona stated that they were dealing with a structure that was created successively and in two different time periods. He submitted that the time periods of 1949 and post-1949 did not fall within the protection period. Mr. Wrona stated that he was trying to show the difference between the pre-1941 structure and the post-1949 structure. He used a photograph to identify the original building and the rectangular addition that was added after 1949.

Mr. Wrona noted that in 1984 and again in 1996, the City approved the demolition of the entire structure. The structure was never demolished but the circumstances had not changed between 1996 and when Ms. Stout purchased the property in 2009. He pointed out that Ms. Stout purchased the property with a matter of record that the City had approved demolition of this particular structure. In addition, in 2009 this particular structure was not on the HSI Inventory of protected sites. In the course of the past year when Ms. Stout was putting together her development plans, she was informed by Staff that the shed should be protected. That was when the HPB made the finding that the entire structure has been in existence since 1907 and has historic value.

Mr. Wrona referred to page 61 of the Staff report and noted that it showed the exterior of the extension, which was post-1949 corrugated metal. He stated that the extension has no basis for being protected and the HPB was in error. Mr. Wrona believed that the entire structure does not satisfy the criteria for protection. He had outlined in his brief a series of findings that were in error and had documented the basis for those errors.

Mr. Wrona reviewed the findings. Finding #1 identifies the date of the structure, which he had already addressed. He pointed to the location of the structure and believed that the HPB was glossing over the factual details. He stated that the address was not even correct on the property. Mr. Wrona noted that the HPB made the finding that the entire structure had been in existence at 360 Daly Avenue since between 1900 and 1907. Mr. Wrona submitted that the picture they were looking at demonstrated that this was not the case, because the corrugated metal wall has not been in existence since 1907.

Mr. Wrona believed Findings of Fact #4 and #5 were in error for the reasons discussed. Finding of Fact #6 was in error because it indicates that the

accessory structure garage was a single cell plan that was typical of accessory structures that were built during the Mature Mining Era. Mr. Wrona stated that it was not built during the mature mining error and it was not a single cell structure. He pointed out a dividing wall between the main portion and the extension. The extension was a lean-to that was tacked on to the original structure. The extension is entered through a separate entry. Mr. Wrona stated that the extension adds 42% of the square footage of the complete building.

Mr. Wrona remarked that his brief also outlined errors in Findings #7, #8, #9, and #10. He referred to the Conclusions of Law stating that the structure retains its historical form. Mr. Wrona requested that the Board look at the photos he had provided and asked whether the original form of the original structure was retained once the extension was added.

Mr. Wrona understood that the Board of Adjustment did not have the purview to discuss whether or not the structure is moved; but he agreed with the Assistant City Attorney that the process for removing the structure is complicated and slow. In the meantime, he has a client who purchased the property when the structure was not considered historic with the understanding that the City had approved the demolition. She was not informed otherwise until last year when she decided to build on her property. Mr. Wrona stated that Ms. Stout would allow the City to come on to her property to move the structure. He pointed out that it only needed to be moved 10-feet on to the City property if the City wanted to keep the structure.

Mr. Wrona believed that the Findings made by the HPB were unfairly prejudicial to his client. He stated that if the BOA recognized that the HPB was in error and there was no basis for this finding, his client would agree to give the City 90 or 120 days to go through the proper process to move the structure. However, if this Board "rubber stamps" the decision made by the HPB, there would be no incentive for the City to act promptly, and it would delay Ms. Stout's ability to build on her property.

Mr. Wrona submitted that the information set forth in his brief and the materials provided was the body of evidence they should be considering as the Board of Adjustment. He reiterated that the visual evidence provided demonstrates that the HPB acted in error in this instance. Certain standards apply and he believed the evidence supports the position he and his client have taken in the brief, and not the position taken by the Historic Preservation Board.

Board Member Wintzer stated that when she read the materials she did not see anything about the pre-1968 period. She understood that Mr. Wrona was contending that the addition was built around 1941 and the Staff was saying it was earlier. Mr. Wrona read from page 2 of the brief under (B), the garage at issue, the second paragraph, "When built, the original construction of the dilapidated garage was 12 feet by 19 feet." He noted that it was the portion

highlighted in yellow on the map. "Sometime after 1949 but before 1968 the addition was made to the dilapidated garage and that expanded the north side to include the shed." He cited the evidence for that.

Mr. Wrona noted that one of the Findings made by the HPB was that the materials used in the construction of the shed were similar to the same kind of material used to construct the original structure. However, the entire running face of the shed visible from Daly Avenue is made of corrugated metal.

Planner Alexander stated that many additions, such as siding, has been added on to historic homes throughout the years and it does not take away from the essential historical form of the structure.

Board Member Fuegi asked if anyone had looked at what was under the corrugated metal. Planner Alexander replied that the original wood is under the metal. Mr. Fuegi asked Planner Alexander if it was her opinion that the addition was not originally built with corrugated metal. Planner Alexander answered yes. Director Eddington remarked that many old buildings in town have been covered by external materials. There is wood under the metal siding on this structure and it appears to be the same type of wood as the main structure.

Assistant City Attorney McLean noted that the Board of Adjustment was reviewing the HPB determination, which was based on what was presented at the HPB meeting. She asked Mr. Wrona if that evidence was presented to the HPB because she was not able to find it in the discussion. Mr. Wrona stated that he was not present at the HPB meeting because he had not been retained at the point. It was Ms. Stout who made the presentation. However, he understood that Ms. Stout definitely made the point that the shed was added on later with dissimilar materials. Mr. Wrona was unsure whether Ms. Stout had articulated the 1968 date.

Planner Alexander recalled that Ms. Stout tried to show that the addition was added at a later date, but she had not given a specific date. Planner Alexander stated that the Staff was unable to find a specific date when the addition was made; however, due to the materials used they believe it was within a few years of when the original structure was built.

Chair Gezelius clarified that it was an assumption but not a documented fact. Planner Alexander replied that the Staff had found no documentation of exactly when it was built. Director Eddington noted that the 1941 Sanborn map on page 80 of the Staff report indicates the garage in existence. There has been some discussion as to whether the cabin is the garage or vice-versa on some of the earlier Sanborn maps, but by 1941 a cabin and a garage were clearly identified on the Sanborn map. Based on that information and no further evidence that the rectangle was expanded, the Staff determined that it was before 1941.

Board Member Wintzer understood that the Staff was contending that based on the Sanborn Maps the structure is over 50 years old. However, Mr. Wrona contends that the addition was later than 1941.

Director Eddington explained that the Staff position was that it could be earlier than 1941. He noted that page 78 of the Staff report shows the red building. It was difficult to know whether that building was the cabin or the garage, but the Staff believes that the garage was built somewhere between 1907 and 1941. Director Eddington stated that even following a more conservative ideology as presented by Ms. Stout, it would still have been built prior to 1941, which was the Mining Decline Era, and still historic. Regarding the addition, Director Eddington did not believe Ms. Stout or the Staff had provided evidence for or against the addition. The Staff noted that the wood looked to be about the same age and they had done a site analysis; however, no additional information was provided because none was found in the research.

Director Eddington stated that the HPB looked at the evidence provided. They believed that the addition was built in period and made subsequent findings for that determination.

Mr. Wrona stated that he had walked through all the evidence in his brief. He believed that the City was essentially conceding their point that the original structure did not exist prior to 1929. Director Eddington clarified that the Staff was not conceding the point. He was simply saying that based on the evidence submitted, they were not able to tell exactly when the structure was built.

Mr. Wrona remarked that the structure did not exist prior to 1929 based on the Sanborn maps. The original structure shows up on the maps in 1941. Therefore, the 12' x 19' structure was erected sometime between 1929 and 1941. They recognize that the original structure is an old structure. However, the addition was added on after 1949 based on evidence. What they do not know is when between 1949 and 1968 the addition was added. Mr. Wrona stated that he was careful not to make any assumptions in his presentation to the Board. He pointed out that they relied on tax records to get the dimensions of the original structure, as well as records that give the size with the addition.

Chair Gezeliuss opened the public hearing.

Ruth Meintsma, 305 Woodside Avenue, believed the applicant could be correct in that the garage was mistakenly identified on the 1907 Sanborn Map, and correctly identified on the 1941 Sanborn map, where it's position in that location matches more closely on the 336 Daly lot on the current site plan. Ms. Meintsma presented an illustration she had prepared to support her comment. She had outlined the shed in question and the related foundation and superimposed them on to the 1941 Sanborn map. Ms. Meintsma pointed out that they were slightly off but it primarily matched. She stated that based on 1900 technology and

measuring methods the difference was understandable. Ms. Meintsma believed the 1941 assessment of the shed was more likely correct. She agreed with the statement in the Staff report that there have been accessory buildings and miner shacks that existed from the turn of the century to recent days that never appeared on Sanborn maps. Ms. Meintsma remarked that if the garage in question was not insured, it may not have been shown on the Sanborn maps. She noted that the 1949 tax card shown on page 46 of the Staff report states that at the time the structure was 23 years old, which would indicate that the garage was built in 1926. However, it was not shown on the 1929 map. Ms. Meintsma noted that the Staff report also states that the 1982 survey of Old Town indicates that the garage in question was constructed pre-1930, which again places it significantly earlier than 1941.

Ms. Meintsma referred to the comment by Mr. Wrona in Finding of Fact #5 in his brief that the HPB based its determination on the idea that the construction materials referenced were readily available during the Mature Mining Era, but since there is absolutely no evidence whatsoever, it renders their conclusion completely arbitrary. Ms. Meintsma read an excerpt from the recently created McPolin Farm Historic Preservation Plan that was presented to the City Council on January 29th. "The dairy farm was completed in 1922. It was not uncommon for mines to sell their assets as technology advanced. Mines consolidated or mine claims were abandoned altogether, and the McPolin Farm was constructed from salvaged mine timbers, as well as lumber from the Briggs Mill and the old Lumber Yard." Ms. Meintsma believed that was evidence that mining materials were around to build with.

Ms. Meintsma referred to Finding of Fact #6 in the brief, and the assessment that the shed portion of the garage called the expansion portion of the structure is not a minor alteration because of the size in relation to the single cell. She believed that the descriptive "minor" in historic structures is meant to describe that the shed section of the structure is not imposed on the single cell form, nor would it alter its use or function of the structure. Therefore, the expansion portion would be minor when considering the structure as a whole. Ms. Meintsma referred to Mr. Wrona's comment that the expansion contains other means of material including scrap metal sheeting. Therefore, the conclusion that the expansion utilizes only the same material is erroneous. Ms. Meintsma remarked that the term "same material" refers to those construction materials that were "readily available" during the Mature Mining Era, including scrap metal sheeting.

Ms. Meintsma referred to Finding of Fact #10 and Mr. Wrona's comment that the garage being constructed during the Mature Mining Era was erroneous. She noted that 1930 still fits into the built time frame of sometime between 1921 and 1941. She commented on three documents as evidence that the structure was built within the Mature Mining Era, even though it was probably not built in 1900 or 1907. Ms. Meintsma referred to Item L in the brief, Conclusion of Law, that the structure maintains its original historic form. She noted that in the brief Mr.

Wrona argues that the expansion constitutes a major alteration. Ms. Meintsma stated that just because it was added on to a single cell structure does not mean it was added at a time other than the original construction. The materials are similar and the size is the same as it exists today. There is nothing obvious to show that an addition was added after 1941. Ms. Meintsma stated that she had visited the site again earlier that day and she explained why she believed there is physical evidence that the structure as it stands today was originally built as one.

Ms. Meintsma stated that she learned from Sandra Morrison that Planner Grahn and a structural engineer recently visited the site to see if the structure could be moved. The structural engineer from a Salt Lake firm noted for their work on historic structures made the comment that there were no major alterations to the structure.

Ms. Meintsma commented on the discrepancy between the 1949 and 1968 tax cards. She stated that the 1949 tax shows the garage as measuring 13' x 18'. The 1968 tax card shows it as 17' x 19'. She noted that the discrepancy in measurements did not account for the shed because the shed is wider. However, the 1941 Sanborn map shows that the garage is close to the accurate size. In questioning why the measurements between 1949 and 1968 be difference, they needed to consider the state of Park City in 1949. In 1951 1,000 people were living in town. Nothing was going on and people were walking away from their homes and business to avoid paying the taxes. She suggested the possibility that assessing a small insignificant garage was done either by a drive by or a walk by, or they were being careful not to overtax the people. Ms. Meintsma stated that there was no clear explanation for the discrepancy. In her opinion, the structure today looks like it did in 1941. She believed that the structure also met every criteria for a significant structure.

Chair Gezelius closed the public hearing.

Board Member Fuegi remarked that there was a lot of information to consider; however, he believed the structure had historic significance. Regardless of when it was built, as long as it is 50 years or older it is historically significant. He sympathized with Ms. Stout because she understood that two demolition permits were issued when she purchased her property. Recognizing that it was not an issue for the BOA to consider, Mr. Fuegi encouraged the City to do whatever possible to allow the applicant to build a reasonably sized building, since they own the encroaching structure. Whatever the City does should be done expeditiously to allow the owner to move forward. Based on the information provided, Mr. Fuegi was not comfortable overturning the HPB's decision.

Board Member Wintzer concurred with Mr. Fuegi. She stated that Ms. Meintsma's presentation answered a number of her questions. She agreed that there does not appear to be an addition when you first look at the structure. She appreciated Ms. Meintsma's analysis because it substantiated the fact that she

needed to uphold the decision of the Historic Preservation Board. Ms. Wintzer also concurred with Mr. Fuegi regarding the responsibility the City has as the owner of the structure.

Board Member McGhee concurred with his fellow Board members. Without having all the facts of when the structure was exactly built; and based on the other evidence provided, he was not in a position to say that the Historic Preservation Board was wrong in their decision. He pointed out that the Rio Grande building was temporarily moved during new construction and it was brought back. He believed moving the garage structure should be possible, but that could not factor into their decision this evening. Mr. McGhee supported upholding the HPB determination.

Chair Gezeliuss concurred. She stated that it is very difficult when historical records of fact do not exist. Time has passed and the Board could only look at the evidence before them as documented from inconsistent historical record. Chair Gezeliuss remarked that there might be slight discrepancies in the interpretation that the HPB made regarding the information, as well as on the part of the applicant; however, she concurred with the conclusions drawn by her fellow Board members. Chair Gezeliuss believed this was an example of another structure that the City could be involved in preserving instead of being punitive to the applicant. She encouraged the City to facilitate the community benefit of resolving the issue expeditiously.

Assistant City Attorney McLean stated that based on their comments to uphold the HPB determination, she recommended that they amend or remove Findings of Fact #3 and #4 which addresses specific dates. She noted that Finding of Fact #10 addresses that it was built before 1941. Finding of Fact #12 should add, "...or the Mining Decline Era", which is the era that comes immediately after the Mature Mining Era.

MOTION: Board Member Fuegi moved to UPHOLD the Historic Preservation Board's Determination of Significance for the structure/garage at 360 Daly Avenue and to deny the appeal in accordance with the Findings of Fact, Conclusions of Law and the Order as revised to remove Findings of Fact #3 and #4, to add "...the Mining Decline Era (1931-1963) to Finding #12, and to renumber the Findings. Board Member McGhee seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 360 Daly Avenue

1. 360 Daly Avenue is within the Estate (E) District. The accessory structure/garage currently straddles the property line between 360 Daly Avenue

and 336 Daly Avenue which is within the Historic Residential (HR-1) District. The zone line sits at the property line between the two properties.

2. There is a historic cabin at 360 Daly Avenue currently listed on the Park City Historic Sites Inventory as a Significant Structure. There is a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue that straddles the property line with 336 Daly Avenue.

3. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east facade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.

4. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material, which historically in Park City additions were made based on a need however no record as to the date the addition was made can be found.

5. There have been slight modifications to the side and rear siding materials consisting of scrap metal sheeting; however, this change has not significantly altered the overall form of the structure, nor does it detract or negatively impact the essential historic form. The overall form of the wood-frame gable-roof accessory structure is intact. Changes made to the exterior siding materials do not detract from the Essential Historical Form.

6. The site meets the criteria as Significant on the City's Historic Sites Inventory.

7. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.

8. The structure shows up more clearly on the 1941 Sanborn map and not knowing the specific year it was built it is clear that the structure was built before 1941, which would still be over fifty (50) years old and would still be historic in that it has achieved Significance in the past fifty (50) years.

9. The structure has retained its Essential Historical Form.

10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930) or the Mining Decline Era (1931-1963).

11. The Historic Preservation Board found that the structure met the criteria of LMC 15-11-10(A)(2) and thus should be designated as a Significant Structure on the Historic Sites Inventory (HSI) on January 7, 2015.

12. The accessory structure/garage at 360 Daly Avenue meets the standards for local significant designation, but does not meet the criteria for landmark designation due to its deterioration and minor addition on the northern side, the date of the addition is unknown but has been constructed of similar materials which would lead staff to believe it was added not long after initial construction. The accessory structure/garage is associated with the cabin located at 360 Daly Avenue which meets the standards for local significant designation, but does not meet the criteria for landmark designation. Because the accessory structure/garage is an accessory structure for a significant site, designating the accessory structure/garage as significant is the most appropriate determination.

13. The applicants submitted an appeal to this determination on January 20, 2015, within ten (10) days of the HPB's determination.

14. The structure is in its original location.

15. No additions obscure the Essential Historic Form when viewed from the primary public right-of-way. There are no changes in pitch of the main roof of the primary facade and no additions of upper stories or removal of upper stories.

16. The analysis of the report is included herein with the new evidence.

Conclusions of Law – 360 Daly Avenue

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

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

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

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, 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.

Order:

1. The appeal of the Historic Preservation Board's determination of significance for the accessory structure/garage at 360 Daly Avenue is denied.

WORK SESSION

The Board moved into Work Session for Legal Training on the Open and Public Meeting Act.

Chair Gezelius adjourned the meeting at 6:35 p.m.

Approved by _____
Ruth Gezelius, Chair
Board of Adjustment



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

RE: DETERMINATION OF SIGNIFICANCE

The Historic Preservation Board of Park City, Utah met on Wednesday, January 7, 2015 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: 360 Daly Avenue
Project Number: PL-14-02249
Type of Hearing: Determination of Significance of Accessory Structure/Garage
Hearing Date: January 7, 2015

Board Action: **APPROVED** - the Historic Preservation Board conducted a public hearing and found that the accessory structure/garage and its northern addition located at 360 Daly Avenue does comply with criteria set forth in Title 15-11-10(A)(2) for a Significant Site and therefore the structure is a Significant Site pursuant to Title 15-11-10. The Historic Preservation Board made the determination based on the following findings of fact and conclusions of law.

Finding of Fact:

1. The accessory structure/garage and its northern addition at 360 Daly Avenue is within the Historic Residential 1 (HR-1) zoning district.
2. There is a historic cabin and a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue.
3. The existing accessory structure/garage has been in existence at 360 Daly Avenue since between 1900 and 1907. The structure appears in the 1907 Sanborn Fire Insurance maps.
4. The accessory structure/garage was built between 1900 and 1907 during the Mature Mining Era (1894-1930).
5. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.
6. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material.

7. The site meets the following criteria as Significant on the City's Historic Sites Inventory.
8. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
9. The structure has retained its Essential Historical Form.
10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930).

Conclusions of Law

1. The existing accessory structure/garage and its northern addition located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
 - (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community (*built between 1900-1907*); and
 - (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
 - (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, (*no changes to the roof have occurred*) or
 - (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance (*no such change has occurred*), or
 - (iii) Moving it from its original location to a Dissimilar Location (*no such change has occurred*), or
 - (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way (*no such change has occurred*).
 - (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 - (i) An era of Historic importance to the community (*Mature Mining Era (1894-1930)*), or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5068 or contact me by email at christy.alexander@parkcity.org.

Best Regards,

A handwritten signature in black ink, reading "Christy J. Alexander". The signature is fluid and cursive, with the first name "Christy" being more prominent than the last name "Alexander".

Christy J. Alexander, AICP
Planner II



Historic Preservation Board Staff Report

Planning Department

Author: Christy J. Alexander, AICP, Planner II
Subject: Historic Sites Inventory
Address: 360 Daly Avenue (Accessory Structure/Garage)
Project Number: PL-14-02578
Date: January 7, 2015
Type of Item: Administrative – Determination of Significance

Summary Recommendation:

Staff recommends the Historic Preservation Board review the application, conduct a public hearing and find that the accessory structure/garage at 360 Daly Avenue is “Significant” on the Park City Historic Sites Inventory as a standalone structure.

Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.

Topic:

Project Name: 360 Daly Avenue
Applicant: Sharon Stout, owner of adjacent property at 336 Daly Avenue - requesting a DOS for a structure that she doesn't own but that encroaches on her property
Owners: Park City Municipal Corp. (PCMC), owner of 360 Daly Ave property & structure in question/ Sharon Stout, owner of 336 Daly Ave property.
Proposal: Determination of Significance

Background:

The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes four hundred five (405) sites of which one hundred ninety-two (192) sites meet the criteria for designation as Landmark Sites and two hundred thirteen (213) sites meet the criteria for designation as Significant Sites. As part of CRSA's Intensive Level Survey (ILS) of the Mining Boom Era Residences Thematic National Register Historic District, staff worked with the Park City Historical Society and Museum to identify those properties that were considered to be historic by the Museum, but had not been adopted to the HSI in 2009. The accessory structure/garage (owned by PCMC) at 360 Daly Avenue was included with the cabin (owned by PCMC) that was found to be a Significant Structure and listed in the HSI at 360 Daly Ave, but the accessory structure/garage was not specifically called out as a significant structure in the 2009 HSI.

Sharon Stout, the owner of 336 Daly Ave, has submitted a Historic District Design Review Pre-Application with the intent of building a single-family home on her 7,383 sf vacant lot. The 323 square foot accessory structure/garage (approximately 17 feet wide by 19 feet deep) at 360 Daly Ave encroaches onto her lot by approximately 5.5 feet (Exhibit E). The applicant wishes to demolish the accessory structure/garage in order to

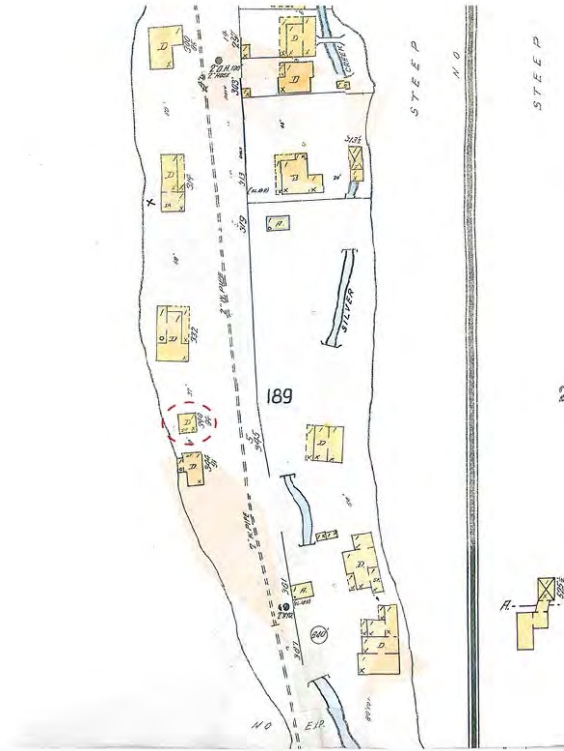
build her home out to the required setbacks. Ms. Stout would need to obtain permission from PCMC (as owner) to demolish the accessory structure/garage encroaching onto her property. If the accessory structure/garage is determined significant and listed on the HSI then demolition would not be permitted without a CAD. Ms. Stout believes she has a right to demolish the accessory structure/garage as the previous property owner in 1996 received permission to demolish the accessory structure/garage but then never did follow through. The Staff Report from May 20, 1996 asking for permission to demolish clearly states in Condition of Approval #1: According to Section 4.17(d) of the Land Management Code, the CAD shall expire on May 20, 1997. Clearly the structure was never demolished and the approval has since expired.

Since that time the City has adopted the 2009 Design Guidelines for Historic Districts and Historic Sites and placed the historic cabin at 360 Daly Ave on the HSI, which mentioned the accessory structure/garage but did not specifically denote it as being “significant” on the HSI.

The applicant states (see attached email in Exhibit F) that the accessory structure/garage has “been altered with additions of metal of various types, electrical wiring added to the outside, water pipes inside, and patches of inferior craftsmanship added to even the limited garage esthetic from the original building function and design.” She also believes that “it is not of historic importance today-that it is a garage with a shed attached, it was not built by a master craftsman, it was not lived in by anyone ever. The house it belonged with has been torn down. The structure itself is derelict, dangerous, a liability to the people who own it.”

History of the Structure:

The accessory structure/garage constructed at 360 Daly Avenue was initially constructed sometime between 1900 and 1907. It first appears on the 1907 Sanborn Fire Insurance map (see map below). According to the Sanborn map, the structure was associated with the historic cabin which was built c. 1892—360 Daly Avenue (on the HSI) (On the 1907 Sanborn map the cabin is listed as 344 Daly Ave and the accessory structure/garage is listed as 340 Daly Ave. The accessory structure/garage is a one-story simple gabled-roof garage constructed of wood framing. The 2009 HSI photograph (see photo below) of the cabin located at 360 Daly Avenue shows the accessory structure located on the northeast corner of the property directly to the side of the historic cabin.



The red dashed circle shows the accessory structure/garage at 360 Daly Avenue (shown here as 340 Daly Ave) on the 1907 Sanborn Fire Insurance map.



The 2009 HSI photograph shows the simple gabled-roof accessory structure/garage (on the right of the historic 1892 cabin).

The simple gabled-roof accessory structure/garage is indicative of vernacular Park City outbuildings which were typically not constructed by skilled craftsman, but rather untrained property owners. Its simple construction and use of scrap lumber is characteristic of outbuildings built during this period because such materials would have been readily available in a mining town. The doors are typical of the Mature Mining Era (1894-1930). There has been a minimal addition and minimal alterations to the structure since its construction. The addition to the north side of the accessory structure/garage added additional storage space but does not deter from the original design. The alterations that have occurred have mainly been due to necessary repairs. The structure has not been condemned at this point but looks rather unsafe to occupy. A determination from the building department would need to occur before this structure is deemed safe to occupy.

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. 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).

Because staff finds that the accessory structure/garage does retain its historic form, the evidence supports the conclusion that the accessory structure/garage is "Significant".

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 (...) **Complies**

The structure was originally constructed between 1900 and 1907, making the structure approximately 107-114 years old.

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

- (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, 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. **Complies.**

The accessory structure/garage retains its Essential Historic Form. Staff finds that no alterations have occurred that detract from the historic significance of the building. There have been no additions or removal of upper stories, relocation, or new additions that obscure the Essential Historic Form when viewed from the primary public Right-of-Way. How about roof pitch? Primary façade? Major characteristics and any changes.

(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. **Complies.**

This structure contributes to our understanding of Park City's Mature Mining Era (1894-1930). The accessory structure/garage is constructed of dimensional (plank) wood that would have been readily available during this era of Park City's History. The haphazard design is reminiscent of the type of construction occurring within this period, as many homeowners (rather than trained craftsman) were constructing accessory buildings and additions. The accessory structure/garage conveys a sense of Park City history through its material use and simplicity.

The criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site include:

- (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 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
- (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. **Does not comply.**

Staff finds that the accessory structure/garage at 360 Daly Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation due to its deterioration and minor addition on the northern side, the date of the addition is unknown but has been constructed of similar materials which would lead us to believe it was added not long after initial construction. The accessory structure/garage is associated with the cabin located at 360 Daly Avenue which meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. Because the accessory structure/garage is an accessory

structure for a significant site, staff finds that designating the accessory structure/garage as significant is the most appropriate determination.

Due to the fact that the accessory structure/garage encroaches onto the applicant's property by approximately 5.5 feet at 17.5 feet back from the property line, on the southerly side of the applicant's property, Staff recommends that the City and the property owner of 332 Daly Ave enter into an encroachment permit for the portion of the accessory structure/garage that encroaches onto her property. Planning Staff is willing to compromise the addition to the accessory structure/garage and allow the applicant to remove that portion of the accessory structure/garage as long as the original structure is maintained and stays in place. This would need to be taken to City Council, as owner, for final approval. If City Council approved the removal of the addition, doing so would allow the applicant a few more feet to build out to her side setback line.

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's decision on whether the application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2) will be forwarded 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 within 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:

Legal Notice of this public hearing was published in the Park Record on ? and posted in the required public spaces on ?.

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.

Alternatives:

- Conduct a public hearing to consider the DOS for **360 Daly Avenue (Accessory Structure/Garage)** described herein and find the structure at **360 Daly Avenue (Accessory Structure/Garage)** 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 **360 Daly Avenue (Accessory Structure/Garage)** 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:

There are no significant impacts on the City as a result of designating the existing building described in this report to the Historic Sites Inventory as a “Significant” Structure.

Consequences of *not* taking the Recommended Action:

If no action is taken, no change will occur to the designation of **360 Daly Avenue (Accessory Structure/Garage)** because the accessory structure/garage is not currently called out as “significant” on the Historic Sites Inventory. The structure will remain in limbo until a designation is made calling out the accessory structure/garage as significant or not.

If the Historic Preservation Board chooses to include this site on the HSI, the structure will be a designated historic site and not eligible for demolition. There may be an option of moving the structure as opposed to demolishing it. That would be an HPB action subject to specific criteria and findings to be made by the Planning Director and Chief Building official should the owner decide to take that route.

Recommendation:

Staff recommends the Historic Preservation Board conduct a public hearing and find that the accessory structure/garage at 360 Daly Avenue is “Significant” on the Park City Historic Sites Inventory as a standalone structure.

Finding of Fact:

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

8. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
9. The structure has retained its Essential Historical Form.
10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930).

Conclusions of Law

1. The existing accessory structure/garage located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
 - (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community (*built between 1900-1907*); and
 - (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
 - (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, (*no changes to the roof have occurred*) or
 - (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance (*no such change has occurred*), or
 - (iii) Moving it from its original location to a Dissimilar Location (*no such change has occurred*), or
 - (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way (*no such change has occurred*).
 - (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 - (i) An era of Historic importance to the community (*Mature Mining Era (1894-1930)*), or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

Exhibits:

Exhibit A – Historic Sites Inventory Form, 2014

Exhibit B – Photographs

Exhibit C – Vicinity Map

Exhibit D – 1907 Sanborn Map

Exhibit E – Current Topographic Map showing the encroachment onto the applicant's property

Exhibit F – May 1996 Staff Report and supporting documentation provided by the applicant

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

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

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

ROLL CALL

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

APPROVAL OF MINUTES

November 5, 2014

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

December 3, 2014

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

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

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

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

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

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

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

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

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

REGULAR AGENDA – Discussion, Public Hearing and Possible Action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Kenworthy opened the public hearing.

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

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

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

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

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

Chair Kenworthy closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VOTE: The motion passed unanimously.

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

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

Findings of Fact – 360 & 336 Daly Avenue

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

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

Conclusions of Law – 360 & 336 Daly Avenue

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

- (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community (built between 1900-1907); and
- (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
 - (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, (no changes to the roof have occurred) or
 - (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance (no such change has occurred), or
 - (iii) Moving it from its original location to a Dissimilar Location (no such change has occurred), or
 - (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way (no such change has occurred).
- (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
 - (i) An era of Historic importance to the community (Mature Mining Era (1894-1930)), or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Kenworthy opened the public hearing.

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

Chair Kenworthy closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Kenworthy called for closing arguments.

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

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

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

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

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

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

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

Board Member White had no problems with the application.

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

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

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

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

Chair Kenworthy also favored the application.

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

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

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

Findings of Fact – 491 Echo Spur

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49.The LMC contains subdivision/lot combination regulations.

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

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

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

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

Staff) erred.

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

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

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

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

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

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

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

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

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

Conclusions of Law – 491 Echo Spur

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

Order

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

WORK SESSION

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

Temporary Winter Balcony Enclosures

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

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

Planner Anya 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 to 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 Grahn 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 Grahn 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 Grahn 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 Grahn reviewed each guideline.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Board was comfortable with Criteria 2 as proposed.

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

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

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

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

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

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

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

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

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

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

The Board was comfortable increasing the percentage to 75%.

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

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

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

The Board concurred with the criteria as written.

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

The Board concurred with the criteria as written.

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

The Board concurred with the criteria as written.

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

The Board concurred with the criteria as written.

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

The Board concurred with the criteria as written.

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

The meeting adjourned at 9:55 p.m.

Approved by _____

Historic Preservation Board Meeting
January 7, 2014

John Kenworthy Chair
Historic Preservation Board

15-13-4 Guidelines For Relocation And/or Reorientation Of Intact Buildings Or Structures

Whenever possible, a historic structure should be rehabilitated in its original location for the following reasons:

- The historic integrity of the site, or Streetscape, or character area will be altered by the relocation and/or reorientation of the structure.
- The relocation and/or reorientation may threaten the historical significance of the structure or site.
- The structure may be damaged or weakened in the process of relocation and/or reorientation.
- Relocation and/or reorientation adds costs not associated with on-site rehabilitation; such as utility line removal, moving expenses, additional International Building Code requirements, tree removal/trimming, and possibly traffic control.

Relocation of any structure designated as historic on the City's Historic Sites Inventory may endanger its historic designation as defined by LMC 15-11-10(A), therefore, all applications for the relocation and/or reorientation of historic structures must be reviewed and approved by the Historic Preservation Board. No historic structure shall be relocated and/or reoriented when its preservation will be adversely affected.

When a structure is permitted to be relocated and/or reoriented, every effort shall be made to reestablish its historic orientation, setting, and relationship to the environment.

A. Protection for the Historic Building and Site

1. Relocation and/or reorientation of a historic building shall be considered only after it has been determined by the Historic Preservation Board that the integrity and significance of the historic building will not be diminished by such action.
2. Relocation and/or reorientation of a historic building shall be considered only after it has been determined that the structural soundness of the building will not be negatively impacted. A professional structural analysis shall be conducted in order to minimize any damage that may occur during the relocation/reorientation of a historic structure.
3. Hire licensed professional building movers to relocate a historic building.
4. A historic structure shall be secured and protected from adverse weather conditions, water infiltration, and vandalism before, during, and after the relocation/ reorientation process.
5. When rehabilitation of the historic structure is delayed, temporary improvements, such as roof repairs, secured and/or covered windows and doors, and adequate ventilation shall be made to the structure to protect the historic fabric until rehabilitation can be accomplished.
6. A written plan detailing the steps and procedures for relocation or reorientation of a historic building 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.
7. Relocating and/or reorienting a historic building of which the location contributes to the character of the Historic District shall be avoided.

8. A historic building shall be moved in one piece whenever possible. When problematic structural or relocation route conditions preclude moving a building as a single unit, then partial disassembly into large sections may be acceptable. Total disassembly of building components shall be avoided except under extreme situations.
9. Buildings and their components shall be protected from damage during the moving process by adding bracing, strapping, and by temporarily infilling door and window openings for structural rigidity.
10. The setting for a relocated historic building shall be selected for compatibility with the character of the structure and with the character of the original site.
11. A relocated/reoriented historic building shall be sited in a position similar to its historic orientation. The relocated/reoriented historic building shall maintain its relationship with the street and shall have a relatively similar setback. Relocating a historic structure to the rear of a parcel to accommodate a new building in front of it is not appropriate.
12. When a historic building is relocated to a new site, the building shall be placed on the new lot with the same orientation and (if consistent to the District) with the same setbacks to the street as the placement on the original site.

B. Panelization

1. Disassembly & Reassembly of All or Part of a Historic Structure

- a. Disassembly of a historic building shall be considered only after it has been determined by the Historic Preservation Board that the panelization is necessary as outlined by Land Management Code 15-11-14.
- b. Disassembly/reassembly of a historic building is not a common practice in the preservation field. When disassembly/reassembly must be undertaken, it shall be done using recognized preservation methods.
- c. Measured drawings of the structure or element to be disassembled/reassembled shall be completed.
- d. A thorough photographic survey of the interior and exterior elevations as well as architectural details of the structure shall be completed, including site and location views from all compass points, exterior elevations, interior elevations of each room, and elevations of each basement and attic wall. Standards for photographic documentation are provided in the Design Review Process section of these Design Guidelines.
- e. Written plans detailing the disassembly and reassembly steps and procedures shall be completed and approved by the Planning and Building Departments.
- f. In order to minimize loss of historic fabric, structures shall be disassembled in the largest workable pieces possible.
- g. To ensure accurate reassembly, all parts of the building, structure, or element shall be marked as they are systematically separated from the structure. Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings shall be removable or shall be made on surfaces that will be hidden from view when the structure is reassembled.
- h. Important architectural features of a historic building or structure shall be removed, marked, and stored before the structure or element of the structure is disassembled.

- i. The process of disassembly of a historic building or structure shall be recorded through photographic, still or video, means.
- j. As each component of a historic building is disassembled, the physical condition shall be noted, particularly if it differs from the condition stated in pre-disassembly documentation. When a component is too deteriorated to remove, it shall be carefully documented— with photographs and written notes on its dimensions, finish, texture, color, etc.---to facilitate accurate reproduction.
- k. Wall panels and roof surfaces shall be protected with rigid materials, such as sheets of plywood, when there is risk of damage during the disassembly/storage/reassembly process.
- l. Disassembled components—trim, windows, doors, wall panels, roof elements, etc.-- shall be securely stored on-site in a storage trailer or off-site in a garage/warehouse/trailer until needed for reassembly.

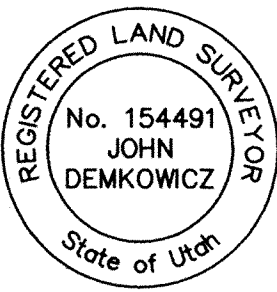
2. Reassembly

- a. When reassembling a historic structure, the original orientation and siting shall be replicated as closely as possible.
- b. New foundations and additions shall follow the Design Guidelines established in earlier sections of these Design Guidelines.

3. Reconstruction

- a. Reconstruction of a historic building or structure is allowed when the Chief Building Official determines the structure to be hazardous or dangerous, pursuant to Section 116.5 of the International Building Code, and when the building cannot be made safe and/serviceable through repair.
- b. Reconstruction shall be guided by documentation and physical evidence in order to facilitate accurate re-creation.
- c. Reconstruction should shall not be based on conjectural designs or on a combinations of different features from other historic buildings.
- d. Reconstruction shall include recreating the documented design of exterior features such as roof shape, architectural detailing, windows, entrances and porches, steps and doors, and the historic spatial relationships.
- e. Reconstruction shall include measures to preserve and reuse any remaining historic materials found to be safe and/or serviceable.
- f. A reconstructed building shall accurately duplicate the appearance of the historic building in materials, design, color, and texture.
- g. A reconstructed building shall duplicate the historic building, and shall reconstruct the setting, placement, and orientation of the original structure.
- h. A reconstruction shall re-establish the historic relationship between the building or buildings and historic site features.
- i. A building may not be reconstructed on a location other than the original site, unless approved by the Historic Preservation Board pursuant to LMC 15-11-13.

SURVEYOR'S CERTIFICATE



I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and have subdivided said tract of land to be hereafter known as THE FIRST AMENDED PLAT OF THE CANYON SUBDIVISION and that this subdivision plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify that the information shown on this plat is correct.

John Demkowicz
John Demkowicz

3/9/06
Date

DESCRIPTION

PARCEL 1

LOT A, THE CANYON SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder. Recorded April 3, 1997 as Entry No. 475974.

PARCEL 2

LOT B, THE CANYON SUBDIVISION, according to the official plat thereof on file and of record in the office of the Summit County Recorder. Recorded April 3, 1997 as Entry No. 475974.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Dennis Hanlon, the undersigned owner of the herein described tract of land, to be known hereafter as the FIRST AMENDED PLAT OF THE CANYON SUBDIVISION, does hereby certify that he has caused this survey to be made, and this Plat to be prepared, and does hereby consent to the recordation of this Plat. Also, the owner or his/her representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this 9th day of

March, 2006.

Dennis Hanlon
Dennis Hanlon

ACKNOWLEDGMENT

State of Utah ss:

County of Summit

On this 9th day of March, 2006, Dennis Hanlon personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Dennis Hanlon acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owners's Dedication and Consent to Record freely and voluntarily.

Mary J. Carney
A Notary Public commissioned in Utah

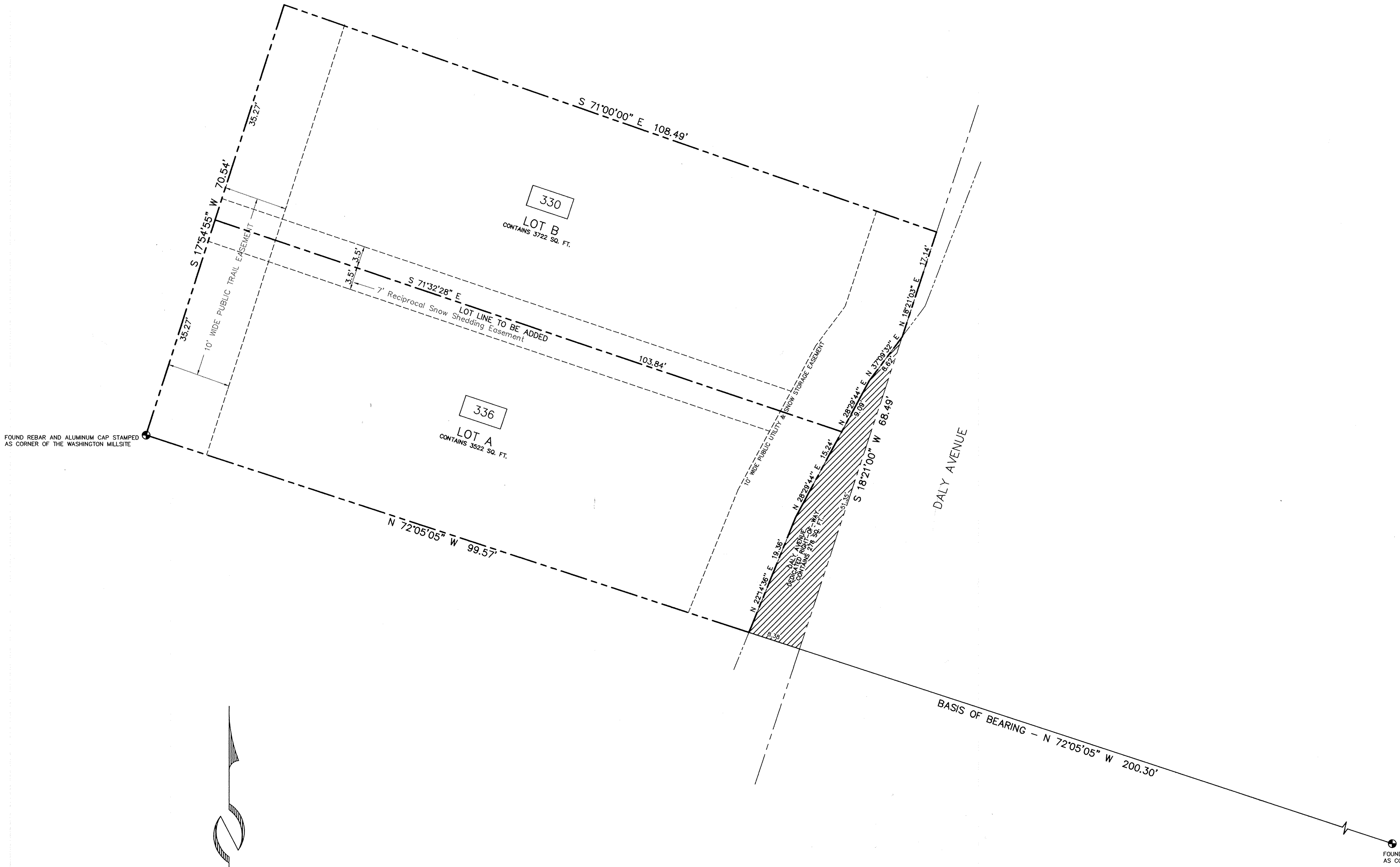
Mary J. Carney
Printed Name

Residing in: Park City

My commission expires: June 13, 2008

NOTES

1. The street address of Lot A is 336 Daly Avenue.
2. The street address of Lot B is 330 Daly Avenue.
3. See record of survey #S-1855, recorded Summit County Utah, for record of survey plat.
4. Only single family structures shall be permitted to be constructed on each lot. The floor area ratio shall not include the dedicated portion of Daly Avenue.
5. Fire sprinklers are required in each home in accordance with UBC Section 13d as modified for Park City.
6. No duplexes, accessory apartments, or lockout uses are allowed on the property.
7. All conditions of approval of the Canyon Subdivision shall continue to apply.



FIRST AMENDED PLAT

THE CANYON SUBDIVISION

LOCATED IN SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 5-6-05 FILE: X:\ParkCitySurvey\dwg\sr\plat05\050605.dwg

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 14th
DAY OF March, 2006 A.D.
BY [Signature]
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS 21st DAY OF March, 2006 A.D.
BY [Signature]
CITY MANAGER

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 17th DAY OF MARCH, 2006 A.D.
BY [Signature]
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 23rd DAY OF March, 2006 A.D.
BY [Signature]
PARK CITY ATTORNEY

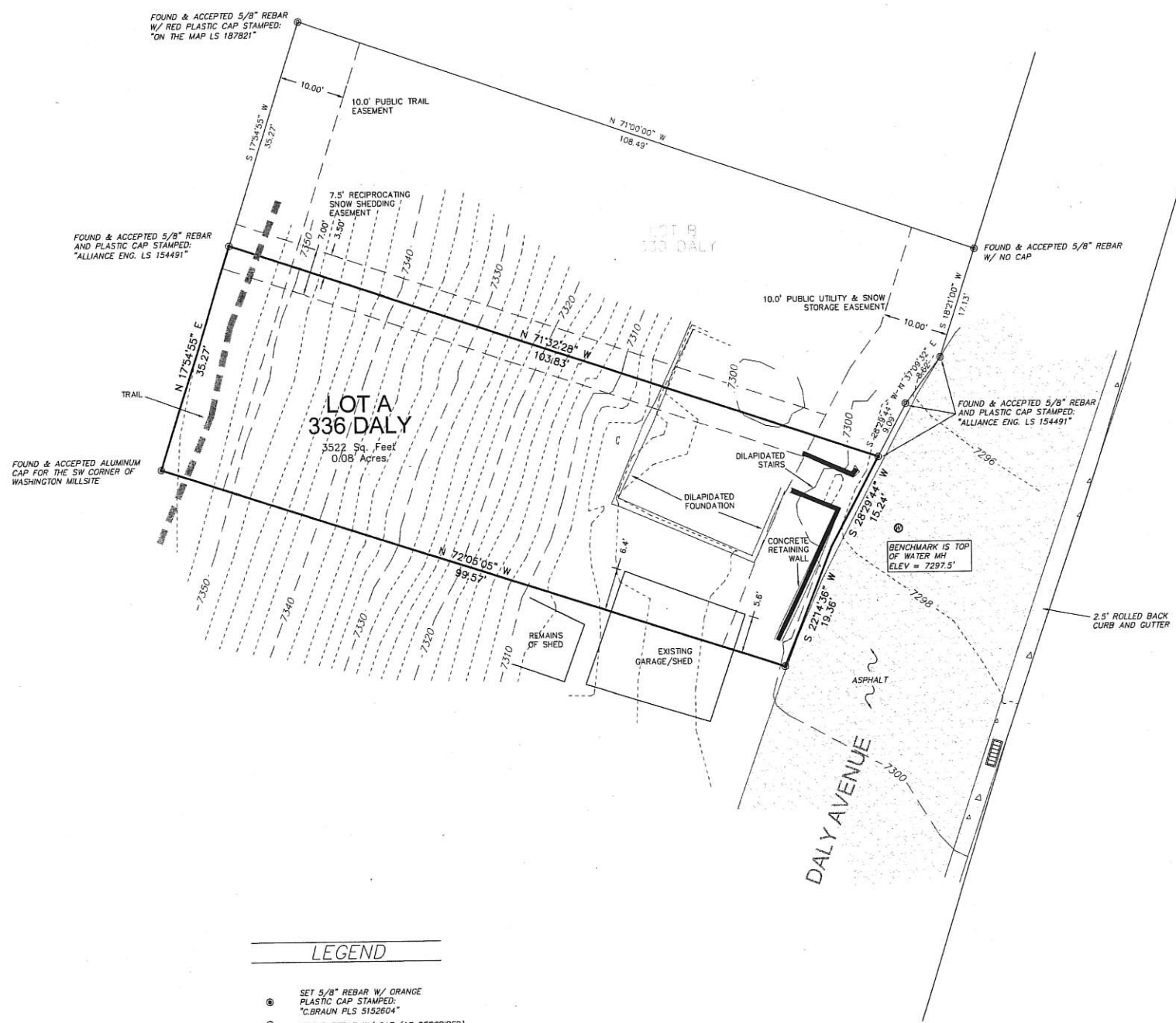
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 18th DAY OF August, 2006 A.D.
BY [Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 18th DAY OF August, 2006 A.D.
BY [Signature]
MAYOR

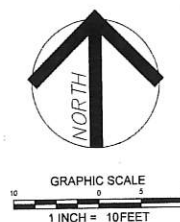
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Equity Title
DATE 3-29-06 TIME 16:29pm BOOK --- PAGE ---
FEE \$32.00
RECORDER [Signature]

RECORD OF SURVEY & TOPOGRAPHIC MAP
 LOT A OF THE FIRST AMENDED CANYON SUBDIVISION
 LYING WITHIN THE NORTHEAST QUARTER OF
 SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

Park City Surveying
 P.O. Box 682993
 Park City, UT 84068
 (435) 649-2918
 (435) 649-4637 fax



NARRATIVE:
 THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP PRIOR TO DEVELOPMENT BY THE OWNER.
 EXISTING SURVEY MONUMENTS IN ADJACENT ROADWAYS AND LOTS WERE USED TO REESTABLISH THE PROPERTY CORNERS.
 THE BASIS OF BEARING IS SHOWN HEREON. ALL BEARING AND DISTANCES SHOWN HEREON ARE THE EQUIVALENT OF RECORD, UNLESS NOTED.
 SURVEY COMPLETED: 07/18/2014
 SEE SAID OFFICIAL FIRST AMENDED CANYON SUBDIVISION PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS.
 NOTE: OTHERS MAY APPLY.
 THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.
 EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL FOUND EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.
LEGAL DESCRIPTION:
 ALL OF LOT A OF THE FIRST AMENDED CANYON SUBDIVISION, ENTRY NUMBER 773114, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.



- LEGEND**
- SET 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED: "C.BRAUN PLS 5152604"
 - FOUND REBAR W/ CAP (AS DESCRIBED)
 - WATER MANHOLE
 - CATCH BASIN

SURVEYOR'S CERTIFICATE
 I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.



FILE NO. S0008284
 01/09/2015 01:32:05 PM
 SURVEY 1 OF 1
 NERRY DIN TRUSSELL, SUMMIT COUNTY RECORDER
 FEE \$ 18.00 BY PARK CITY SURVEYING

DATE	BY	REVISIONS
07/18/2014	CB	COMMENTS

SURVEYED BY: CB/DJ
 DRAWN BY: CB
 DATE: JULY 2014

RECORD OF SURVEY & TOPOGRAPHIC MAP
 LOT A OF THE FIRST AMENDED
 CANYON SUBDIVISION
 FOR SILVER QUEEN GUNSLINGER LLC
 DMC: 336 DALY ROS TOPO

58284