

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF APRIL 15, 2009

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

EX OFFICIO: Thomas Eddington, Francisco Astorga, Polly Samuels McLean

REGULAR MEETING/PUBLIC HEARING

ROLL CALL

Vice-Chair Puggy Holmgren called the regular meeting to order and noted that all Board Members were present except Todd Ford and Gary Kimball.

APPROVAL OF WORK SESSION NOTES – March 18, 2009

MOTION: Board Member Martz moved to APPROVE the work session notes of March 18, 2009. Board Member Opalek seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATION

There was no comment.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Assistant City Attorney, Polly Samuels McLean, stated that disclosure forms were provided to the two newest HPB members; however, it appears that the City is missing disclosure forms from other Board members, as well. Board Member Werbelow could not recall if she had filled out a disclosure statement. Board Member Martz stated that he had submitted several disclosure forms over the years. Ms. McLean would send a disclosure form to Board Member Werbelow and continue to look for the forms from existing Board Members. If they cannot be found, she would have those Board Members fill out another form. Ms. McLean reminded the Board that their disclosure form needed to be updated if circumstances changed. State Code requires a disclosure statement initially from each Board member.

Board Member Martz disclosed that several years ago he had business dealings with the applicant for 637 Woodside Avenue when the applicant was interested in purchasing Board Member Martz's property. The transaction did not take place and he did not believe it would present a conflict on the 637 Woodside Avenue matter.

Planning Director, Thomas Eddington, commented on a discussion at the last meeting regarding solar panels and other environmental technologies that they were looking at incorporating into the design guidelines. He had intended to continue that discussion this evening; however, based on the weather, he preferred to wait until the next meeting. Director Eddington stated that that he would be forwarding detailed information to the Board members with regards to solar panel angles and new technologies.

Director Eddington noted that the HPB was scheduled to meet on May 6, 2009. He asked if the Board would consider canceling the meeting on May 20th, to allow the Planning Commission the ability to hold a special meeting to begin the General Plan discussion.

REGULAR MEETING – DISCUSSION/ACTION ITEMS/PUBLIC HEARINGS

637 Woodside Avenue – Appeal of Planning Director’s Determination

Planner Francisco Astorga reported that on February 18, 2009 the HPB reviewed this appeal of the Planning Director’s Determination of Compliance with the Historic District Design Guidelines. At that meeting, the Planning Commission continued the item and requested additional information regarding the height of the front façade to aid in a complete assessment of Guideline 71, which is to maintain the typical size and shape of historic facades. In addition, the HPB wanted to know the roof pitches on the houses on the 1600 block of Woodside to complete their assessment of Guideline 74, use roof shapes similar to those found historically in the neighborhood. The HPB also requested an analysis in regards to the front yard setback to finish the assessment of Guideline 77, maintaining the typical setback of front facades.

Planner Astorga noted that pages 47, 48 and 49 of the Staff report contained a copy of the actual guidelines for reference. The Staff requested that the HPB review the appeal with the additional information submitted by the applicant and project architect. The Staff verified that the information was taken from the Building Department records and it was accurate.

Planner Astorga reviewed an exhibit showing the requested information. He pointed out that the roof pitches were not shown on the exhibit, however, a separate table in the Staff report identified the different roof pitches on each structure.

The Staff requested that the HPB allow the applicant and the appellant the opportunity to address the HPB.

Vice-Chair Holmgren referred to page 35 and asked if the second floor was larger than the bottom floor. Planner Eddington replied that in Staff review there was a concern with regard to the definition of side yard setbacks and the cantilevers. There are exceptions for cantilevers, but he was unsure if the cantilevers on this project qualify for that exception. Planner Astorga compared a previous exhibit from the February 18th meeting and indicated a straight line from the porch area. He noted that the eave overhangs into the setback area, which is permitted if it does not exceed 3 feet.

Vice-Chair Holmgren recalled that the Board had this same concern at the last meeting. The project architect, Jonathan DeGray, understood that the Board was talking about the bay in the fireplace that extends into the setback on the south side. Board Member Durst thought it appeared to be on the north and south sides. Vice-Chair Holmgren agreed that it hangs over the bottom on both sides. She believed the overhang was quite significant.

Planner Astorga clarified that the required setback on that particular lot was five feet. Mr. DeGray explained that there needs to be five feet from the property line to the face

of the house. He stated that in a five foot side yard you are allowed two-foot bay windows or protrusions into the side yard. Mr. DeGray reviewed the exhibit and noted that the setback met the five-foot requirement. Planner Astorga stated for the record that the plan must meet the five foot setbacks, as well as all other development standards outlined in the Land Management Code. Mr. DeGray agreed, noting that when they went through the initial review for both Staff review and the appeal, it was determined that the plan met all the setback requirements.

Mr. DeGray pointed out that the structure was closer to 633 and 655 Woodside because both structures are non-conforming buildings that sit on the property line or over the property line in some places. Mr. DeGray stated that the original building on 637 Woodside was also built from property line to property line. Setting back five feet on each side actually improves the situation.

Planner Astorga could not recall the specific width exception on the chimney as identified in the LMC. Mr. DeGray stated that it is ten feet in width. Mr. DeGray reviewed the model with the HPB.

Planner Astorga stated that the front yard setback for Lot 615 Woodside is 14 feet, 617 Woodside is 10 feet, 627 Woodside is 18 feet, 633 Woodside is approximately 16 feet, the proposed structure at 637 Woodside is 15 feet and 655 Woodside is 14 feet. The question for the HPB is whether the proposed structure meets Guideline 77, "Most buildings are setback from the street to provide a front yard. Although this dimension varies, the typical range is from 10 to 20 feet. Usually each block will have a fairly uniform range of setbacks, which should be respected. In new construction, set buildings back from the street in conformance with the typical alignment of facades in the block. Remember that minimum setback requirements in the Land Management Code must be met." Planner Astorga noted that the actual LMC minimum requirement is 15 feet, which is what the applicant has proposed. The HPB was being asked to determine whether the setback conforms with the typical alignments of facades on the block.

Board Members Durst and Holmgren believed it appears to conform. Board Member Martz felt it was in conformance based on the information they were provided. Given the length and volume of the proposed house, as well as the surrounding historic houses, particularly on the downhill side, Board Member Martz thought the front yard setback should be increased by five to ten feet to minimize the crowded appearance. Board Member Martz agreed that the plan meets the basic guidelines, but he encouraged the applicant to increase the setback and allow for more landscape opportunities to minimize the size. The HPB was comfortable that the plan generally complied with Guideline 77.

Planner Astorga referred to Guideline 71, which addressed the height of the front façade. He noted that the houses on 615 and 655 are slightly different than the three homes in the middle and the one proposed. He pointed out that a staircase runs up to the main level, while the other ones provide a lower level that is accessed off the street. Therefore, the height of the front façade was increased on those two structures. For example, the height of the front façade for 615 Woodside is 26 feet plus an additional 13 feet.

Planner Astorga read Guideline 71, "Maintain the typical size and shape of historic facades. Traditionally the fronts of houses facing the street were fifteen to 20 feet wide,

depending upon the width of the lot, the orientation on the slope and the floor plan of the house. Building fronts had a vertical emphasis. The similarity and size and the reputation of these similar sizes and shapes is an important element in establishing the pedestrian scale of the residential district. New construction should include facades that have similar widths and heights to those found elsewhere on the street. In cases where a new building is wider than the typical historic building, consider breaking up the façade in smaller components that resemble the scale of typical buildings in the neighborhood. Where the height of new buildings will exceed the norm on the street, consider ways to minimize the visual impact on the street. One method might be to step the height down as it nears the street.”

Board Member Martz asked for clarification on the discussion point. Planner Astorga stated that they were talking about the height of the front of the front façade, which is 36.8 feet. The exhibit on page 35 of the Staff report showed the height of the entire façade from the garage level to the peak of the main roof form. The LMC looks at height in two ways. The maximum height is 27 feet, measured from existing grade, and that is done by measuring roof over topo. A second method is to measure the perimeter height, which becomes the wall height, when final grade is below existing grade. In that scenario, height on the front facade would be measured from the garage to the first balcony.

Given the mass of the front façade, Board Member Martz had a hard time allowing the additional 9 feet on the front façade. He felt it should start at 27 feet and not 36 feet.

Mr. DeGray tried to clarify some confusion and explained that the building fits within the height requirements. He noted that the comparison they were asked to provide is a comparison of the main gables of all the houses along the street to give the HPB an idea of how it relates in form in response to Guideline 71 in the Design Guidelines. Mr. DeGray pointed out that the matrix prepared by Staff was a comparison of those numbers. He stated that 36 feet has no bearing on the allowable height or whether the structure meets or exceeds the height. He personally felt the comparison was confusing and inappropriate.

Board Member Martz pointed out that the height was one issue raised by the appellant. Planner Astorga concurred that the proposed structure meets the 27 foot height limit as measured to the perimeter. Board Member Martz asked if the Chief Planner had given an additional amount of height. Planner Astorga replied that the LMC states that the Planning Director may allow additional height, as long the height is no more than 20% of the main ridges. That is where the 14% in question came from. Mr. DeGray pointed out that the extra height is on the upper roof and not on the front gable. Therefore, it is not part of the 36 feet being discussed. The exception takes place 33 feet back from the front of the building.

Board Member Werbelow asked why that exception was given. Director Eddington explained that one reason for granting the exception was to maintain a more steeply pitched roof for compatibility with the historic district. Planner Astorga reviewed the model and indicated the two places where the height exception was granted. One was 7 feet of horizontal distance on the back ridge and 3 feet on the front gable. Planner Astorga clarified that the main ridges are the ones perpendicular to the street.

Board Member Durst asked about the porch on the front. He noted that the illustration indicates a shadow line and that the garage door is recessed. This was not shown on the model. He wanted to know which one was correct. Mr. DeGray replied that the drawing was correct because the model had not been updated. Board Member Durst noted that the model did not show the sheltering roof over that porch that was shown on the elevations. Mr. DeGray replied that the elevations were correct. Board Member Durst asked for the depth of the narrow porch over the garage door. Mr. DeGray stated that it was just a terrace that projects out one or two feet. The canopy roof that covers it is two or three feet. Board Member Durst thought the shadow lines reflected a much deeper terrace.

Planner Astorga asked if the HPB was satisfied that the visual impact on the street had been minimized to comply with Guideline 71.

Vice-Chair Holmgren was uncomfortable with the band across the back that keeps getting higher. She felt the band made the house proportionately larger than what was appropriate for that particular location. She recalled expressing this same concern at the last meeting. Mr. DeGray clarified that Vice-Chair Holmgren was talking about the upper horizontal of the roof. He pointed out that it is 33 feet back from the front elevation. Mr. DeGray remarked that taking an eye view from the street was important. In his opinion it steps back far enough to meet the height limits and it breaks up the mass and scale of the building. He pointed out that 633, 617 and 615 Woodside all have similar elements. Vice-Chair Holmgren remarked that the difference was that the other houses have more space between them. She appreciated that they brought the setback in five feet, but she lives in Old Town and believes the proportion of the house is distorted.

Planner Astorga noted that the next issue for discussion was the roof pitches as outlined in the matrix. He noted that roof pitches throughout the neighborhood range from 5:12 to 3:12 pitch. He stated that 633 Woodside had a higher secondary roof pitch at 12:12. Planner Astorga pointed out that on 637 Woodside, 9:12 roof pitches were designed on the perpendicular elements towards the front. The remaining roof was a 5:12 roof pitch.

Planner Astorga read Guideline 74, "The majority of roofs are hip or gable and have a steep roof pitch. The repetition of these forms is an important one, especially because the steep slopes expose the roofs to view from above and from across the canyon. Shed roofs usually have a gentler slope when used on attachments to the main part of the building. Note that a new roof may be similar to the older roof without exactly mimicking it. Given the basic concept of the typical roof pitch and the range of shapes found historically, a wide variety of designs is possible."

Planner Astorga reiterated that the issue is whether the HPB finds that the proposed design meets Guidelines 71, 74 and 77.

Mr. DeGray commented on the high points in Guidelines 71, 74 and 77 as it relates to the project. As discussed with Guideline 71, maintaining a typical size and shape of the historic façade, he noted that the lot is exceptionally long at 50 feet wide. Four of the six lots shown on the exhibit are oversized lots at 50 feet, which makes this lot typical on the street. Mr. DeGray pointed out that the guideline states that, "new construction should include facades that have similar widths and heights to those found elsewhere on the street. In cases where a new building is wider than a typical historic building, consider breaking up the façade into smaller components that resemble the scale of typical

buildings in the neighborhood“. He felt this was accomplished by breaking down the forms into 20 feet or less widths. Without prior knowledge of 637 Woodside, he felt it would be difficult to identify the new building in looking at the streetscape. Mr. DeGray believed the proposed building fits well with the streetscape in comparison to the existing buildings.

Mr. DeGray referred to the language, “where the height of a new building will exceed the norm, consider ways to minimize it by visually stepping it back” and pointed out that the building does step back and meets the requirements of the 27’ maximum height limit set by the LMC. The front elevation over the garage to the porch measures less than 25 feet. It steps back again and is measured up from that portion of the grade. That small portion of the gable requires an exception under the guidelines.

Mr. DeGray referred to the height matrix and pointed out that at 26.8’ feet the structure is relatively within the same range as the surrounding structures. He felt it was reasonable to find compliance with that portion of the guidelines.

Regarding Guideline 74, use of roof shapes similar to those found historically in the neighborhood, Mr. DeGray read, “Typical roof forms and the majority of roof forms are hips and gables”. He noted that the roof on the proposed home is predominantly gables with a small hip form at the top of the building. The pitch was initially proposed at 7:12 until the Staff requested that it be increased to a 9:12 pitch. Mr. DeGray remarked that the guideline also states that, “A new roof may be similar to the old roof without exactly mimicking it, given the basic concept of a typical roof pitch and the range of shapes found historically. A wide variety of designs is possible.” He emphasized, “typical roof pitches and the range of shapes.” Mr. DeGray stated that this is a guideline, which is why a specific pitch was not specified. He noted that the surrounding structures have pitches from 3:12 all the way up to 12:12. The proposed structures falls at 9:12 and 5:12 and Mr. DeGray believes that meets the guideline.

Regarding Guideline 77, maintain typical setbacks and front facades, Mr. DeGray took exception to the comment made by Board Member Martz about increasing the setback, because it would be out of the realm of the context of the street. He believed the proposed 15 foot front yard setback falls within the 14’ to 18’ comparable range of the neighborhood. He felt the building proposed at 637 Woodside fits well within the streetscape in terms of the building setback and it has as much yard as the surrounding buildings. Mr. DeGray thought it was unfair to require an additional setback for this structure.

Mr. DeGray recalled a discussion at the last meeting regarding the relationship of Main Street to the structure. To address the concerns, he had visited several locations to see how visible the site would be from anywhere off of Woodside. The only thing visible were the roofs of this structure, the Kimball home, and the Stafsholt property as viewed just above the triplex that was built across the street from the Kimball Art Museum. Mr. DeGray reviewed the photographs included in the previous Staff report and the current Staff report.

Planner Astorga referred to Finding of Fact #2 in the Staff report that talks about the façade being 21 feet or less. However, the height of the façade would not exceed 14 feet. He noted that the highest component would be 14 feet and that would be mainly on the third floor balcony. The rest of the broken façade would be less than 14 feet.

Vice-Chair Holmgren noted that the agenda indicated a public hearing. Assistant City Attorney, Polly Samuels McLean explained that this was a quasi-judicial hearing and the appellant should be allowed to speak. The HPB could decide whether or not to allow public comment.

Vice-Chair Holmgren opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, commented on the width of the house from the streetscape and the side yard exception on the south side. She noted that language for side yard exceptions in the LMC allows encroaching two feet in to the side yard if you have five feet of setback, which occurs in this situation. However, the exceptions are bay windows, chimneys and other elements. Ms. Meintsma remarked that the encroachment on the south side is a fireplace, not a chimney. In addition, the chimney could only be five feet wide and the fireplace is seven feet wide. On the other side is a stairwell. Therefore, she could not understand how either the fireplace or the stairwell fit into the exceptions. Ms. Meintsma pointed out that the stairwell on the north side also has an eave. The language in the LMC also says that eaves can encroach two feet into the side yard, but the stairwell plus the eave encroaches four feet into the side yard. Ms. Meintsma was concerned because this was a large structure next to smaller structures, and every bit of movement into that side space adds to the bulk. Ms. Meintsma commented on the roof lines that are visible looking up from the bus stop at the Town Bridge on Park Avenue. In her opinion the roof pitches were not consistent with the historic roof pitches and they would be visible from public right-of-way.

Mr. DeGray remarked that the bay window/fireplace questions were LMC issues and were not germane to this discussion. The project has been through several reviews by Staff and the Planning Director, and no one had raised an issue about being in violation of the LMC exceptions into the side yard. Mr. DeGray was willing to address any of those issues in order to make the building comply.

In terms of the visibility of the building, Mr. DeGray reiterated that he had taken several photographs from various points in town and the building was not visible except from the locations he had identified earlier this evening.

Paul Kimball, a resident at 655 Woodside, stated that his back windows sit below grade and he was concerned about the impact the construction would have on his old house. He invited the Board members to walk through his house and look at the grade out of his windows. He suggested that people may need to do what was done during the depression and make due with what they have.

Vice-Chair Holmgren asked if any of these issues were taken into consideration during the Staff review. She pointed out that Mr. Kimball's house is highly historical. Director Eddington stated that the initial review was prior to his employment with the City; however, he presumed it was taken into consideration. Director Eddington agreed that Mr. Kimball raised valid issues with regard to his windows being below grade. One issue is snow shedding, which definitely needs to be addressed. He understood that the details had not yet been finalized.

Mr. DeGray remarked that the snow shedding was reviewed and approved by the Building Department. Director Eddington asked if easements had been granted. Mr.

DeGray replied that easements were not requested because the roof was designed in a way that did not require easements. Planner Astorga stated that in a recent discussion with Roger Evans, Mr. Evans indicated that there were snow shedding problems that needed to be resolved.

Vice-Chair Holmgren stated that this issue was completely aside from anything else they have discussed. She believed Mr. Kimball's house was a landmark house and that needs to be taken into consideration when considering the impacts caused by new construction. Mr. DeGray noted that these were Building Department questions that were separate from the appeal. Vice-Chair Holmgren felt the issues needed to be addressed before the HPB could make a decision. Planner Astorga remarked that these issues are addressed through the construction mitigation plan, which is part of the building permit. He noted that the only snow shedding problems are with 633 Woodside. Mr. Evans did not find snow shedding issues for 655 Woodside.

Director Eddington understood that the Building Official had indicated that there were no easements in place and that changes were necessary. Planner Astorga replied that it was noted with the original design, but the architect revised the design and during that discussion and review, Mr. DeGray had indicated that the problem was resolved. Through recent conversations with the Building Department, it was determined that the problem was not resolved. Director Eddington pointed out that resolving a snow shed issue could theoretically change the design.

Assistant City Attorney McLean understood that the snow shed issue was on 633 Woodside and not 655 Woodside. Planner Astorga replied that this was correct. There was never an issue with 655 Woodside. He explained that the LMC requires that it would be to the satisfaction of the Chief Building Official. After many discussions with Ron Ivie, the applicant is required to have 7 feet within the property from the roof eave, or obtain a snow shedding easement from the neighbor. In looking at the model and the plans, Planner Astorga pointed out that there is a 7 foot clearance on the 655 Woodside Avenue side.

Board Member Opalek was confused because Planner Astorga previously stated that there was a five foot easement with a two foot encroachment. He wanted to know where Planner Astorga was finding seven feet. Planner Astorga replied that five feet is the actual setback. On that setback you are allowed to encroach up to two feet with the roof eave. The seven feet comes with the snow shed standards by the Chief Building Official. Board Member Opalek interpreted that to mean seven feet from the end of the eave over to the next building structure. Planner Astorga pointed out that the gable ends would not drop snow on that side. He used the model to demonstrate that there are no roof forms sloping down to 655 Woodside, which is why snow shedding is not an issue. That is not the case with 633 Woodside.

Board Member Opalek stated that 655 Woodside is much smaller structure and it is below 637. Therefore, the issue is the snow shed coming off of 637 on to 655. Planner Astorga reiterated that snow shedding on to 655 Woodside from 637 Woodside has been eliminated because of the gable ends on that side.

Mr. Kimball pointed out times when icicles from new construction have broken off and damaged windows on historic homes next door. He identified the locations of his windows and reiterated that they are all below grade.

Planner Astorga offered to double check with the Chief Building Official to make sure there were no snow shedding problems on either side. Mr. DeGray clarified that the snow shedding issue was not within the purview of the HPB and was not related to the appeal. Vice-Chair Holmgren agreed that the issue belongs to the Building Department and the HPB needed to hear their response.

Board Member Durst believed that mitigating the snow shed would affect the design of the house.

Deb Stafsholt, a resident at 633 Woodside Avenue, stated that the facades can be seen from the Town Lift.

Vice-Chair Holmgren closed the public hearing.

The Appellant, John Stafsholt, a resident at 633 Woodside, stated that some of the issues raised were a result of incomplete information and the information has been incomplete from the beginning. There have been discrepancies in the elevation drawings versus the site plans, discrepancies with setbacks on the site plans versus the floor plan, the floor plans and elevations do not match, many things are not accurately reflected in the model and the model is not accurate in terms of height. He believed the Planning Commission was grappling with the issues because there were presented with a bunch of inconsistencies. He remarked that these discrepancies have been noted since his first appeal but nothing has been done.

Regarding snow shed issues, Mr. Stafsholt stated that he has never been contacted for a snow shed agreement so one cannot exist. The Chief Building Official has not given approval on the snow shedding, but on separate occasions the findings of fact have reflected that snow shed was approved. This evening the HPB is hearing that there is not and never has been snow shed approvals.

Mr. Stafsholt remarked that survey is a huge issue that has been overlooked. The survey on this entire property is 60 feet in discrepancy for the elevation, compared to the neighboring buildings. He recognized that this was outside of the HPB purview, however, if they follow the drawing presented by Jonathan DeGray and use actual surveyed elevations, the building at 637 Woodside would be 60 feet taller than neighboring structures. By not requiring actual elevations, the City is allowing Mr. DeGray to make whatever assumption he wants for the streetscape.

Mr. Stafsholt pointed out that the streetscape is on the right-of-way and everyone from the Town Lift will view the structure. The property line itself is bounded by a ski run; therefore, thousands of people in the winter and summer will see it from the back. He understood that one requirement was to look at compatible roof pitches.

Mr. Stafsholt referred to page 36 of the Staff report and page 20 of the exhibits, which showed actual photos of Mr. Kimball's house, as well as the original house built in the 1880's at 637 Woodside. He noted that the peak on the original house was taller than Mr. Kimball's house, and it was only a one story house. Mr. Stafsholt stated that page 19 of the exhibits showed his house with a 27 foot height line. If the proposed house was superimposed with a 37 foot height, he felt they would be able to understand the scale issue. Mr. Stafsholt remarked that the survey used for the basis of all the heights

is off by 60 feet and it should not have been accepted eight months ago. He was frustrated that a new survey was never required and nothing was done to make the heights more accurate. Mr. Stafsholt compared the setbacks of the surrounding properties and explained why he did not believe the proposed setbacks on 637 Woodside were accurate.

Mr. Stafsholt pointed out that the diagrams presented showed that 615 Woodside was 20 feet high and 13 feet of ground. The drawings prepared by Mr. DeGray showed 30 feet high but the ground was not included because it was excavated out. Mr. Stafsholt noted that the building was excavated front to back and the heights properly measured were 30 feet. Mr. Stafsholt reviewed the model and the diagrams to explain why he believed the heights were inaccurately measured to demonstrate compatibility.

Board Member Durst referred to Mr. Stafsholt's comment that the survey was 60 feet off and asked if the error was only in the vertical or if there was a discrepancy on the horizontal as well. Mr. Stafsholt felt the question was why they were using a survey that was 60 feet off in elevation and why that was acceptable. He believed that allows for interpolation rather than using accurate numbers. Mr. Stafsholt stated that there are three caps and one stake between his property and 637 that could be used for an accurate survey.

Assistant City Attorney, Ms. McLean, advised the HPB to stop taking evidence and comment from the two parties and discuss the appeal among the Board.

Mr. DeGray requested the opportunity to respond to some of the issues raised by Mr. Stafsholt. Mr. DeGray stated that he had prepared the diagrams and the Staff had reviewed the back up information that was provided by the City Building Department's records, as well as the survey information that he had provided. The Staff had accepted the information presented this evening and he believed it was substantially correct.

In terms of the survey issue, Mr. DeGray stated that the surveyor used a different benchmark for 637 Woodside and the vertical elevation is different. The contours and horizontal control are correct. The relative elevations for the buildings based on those contours are correct and falls within the height limits. It blends perfectly with the topo that was shot for all the other properties. Mr. DeGray stated that the information available for 637 Woodside and the adjacent lots was provided to Staff. The Staff reviewed that information and found it to be true.

Regarding building sizes and setbacks, Mr. DeGray noted that 617 Woodside is a shallow lot at 75 feet deep. He remarked that new construction on a 75 foot deep lot only requires a ten foot setback and that lot did not require a steep slope review. When that project was presented with a Code required setback, it was accepted by Staff. In terms of building sizes, Mr. DeGray clarified that the structure at 615 Woodside is upwards of 7,000 square feet in size and completely above grade. Therefore, Mr. Stafsholt's comment that 637 Woodside is the largest structure on the street is untrue.

Regarding the different roof pitches, Mr. DeGray stated that the street context is what it is and you do not get to pick and choose. That was the reason why he provided photographic information on this portion of the street as well as houses up and down Woodside Avenue. Mr. DeGray did not agree with the comment about the roof pitch at

627 Woodside and the flat pitch at 3-1/2:12 being historic. The building was extensively renovated in the mid-1990's and that portion of the building was added.

Mr. DeGray requested that the HPB review the information presented and focus their discussion on the historic district guidelines without getting bogged down with superfluous information and comments that were made.

The applicant's legal counsel, Shawn Potter from Tesch Law, remarked that the Staff had done an excellent job putting the information together in response to the Board's request at the last meeting. While the Board does not need to grant deference to the City on the facts, he believed the facts had been presented properly and in good context, and the HPB could defer to the Staff on whether it meets the LMC and other building code requirements.

Mr. Stafsholt reiterated that the surveys are important because the survey is the basis for all the heights and the streetscape. He also believed that above ground square footage was irrelevant.

Board Member Durst remarked that the criteria as written in both the design guidelines and the Land Management Code had been met. The problem is that it suggests that you can sustain the quality of the historic neighborhoods by following prescriptive requirements. He felt it was impossible to make a subjective judgment about the way in which this works. A classic example is the standardized setback. He thought it was interesting to see what happened along the streetscape between the first two houses to the south. He believes the variation enriches the fabric of the community. However, a uniform and flat front has been created with five side yards between each lot. Board Member Durst felt the negative space of the community was severely compromised in that particular case because you no longer have the texture that exists.

Given that the HPB was charged with voting on the objective requirements of the guidelines and the LMC, he believed the criteria had been met. If the question was whether it contributed to the historic fabric, he would have to say no. He personally would have set the building back further, which would have mitigated the height. Setting it back further would have given the precious landmark structure on the corner a prominence that would not be conditioned by its massing. Board Member Durst could not vote against this appeal based on any of the objective criteria because it was designed within the envelope defined by the City.

Vice-Chair Holmgren agreed with Board Member Durst. Technically, all the requirements have been met. She was concerned about the comment from Ruth Meintsma regarding the bay window and the fireplace. Even though it was not within their purview, she was still concerned about the survey. Vice-Chair Holmgren was also concerned about diminishing the status of a very important landmark house. The Kimball family is a landmark family and their home should not have to sit in the shadow. Vice-Chair Holmgren reiterated her previous comments about disliking the horizontal bar across the back because it makes the structure look too big for the street. She agreed that the applicant had met all the criteria but she did not think that was the total picture.

Board Member Martz agreed with Board Members Durst and Holmgren. He stated that in some ways it comes down to being a good neighbor. He believed the house was appropriately designed to meet the basic criteria, but it detracts from the historic houses

on each side, particularly the Kimball residence. Board Member Martz felt the Planning Director was correct in his determination; however, he requested that the applicant do more to mitigate some of the concerns raised by the appellant and to design a home that was more appropriate for that location.

Vice-Chair Holmgren asked for direction from Ms. McLean. The Board concurred that the applicant had met the criteria, but she was concerned about the survey and asked if it was appropriate to send this back to the Planning Director again. Ms. McLean stated that if the Board could address the issues in terms of the guidelines and felt comfortable with the evidence presented, they should vote this evening. Regarding the issues of the survey and bay windows, the HPB could direct the Planning Director to look into those matters and report back with his findings. Ms. McLean pointed out that those issues were beyond the design guidelines. If the HPB could not make a decision because of those issues, they should continue it.

Director Eddington asked if the issues would impact the design of the building, whether the HPB would see the final design. He also asked if the Staff should explore the horizontal banding that the Board felt was incompatible with the design guidelines and whether that would come back to the HPB.

Ms. McLean stated that if the Board voted favorably this evening and the design changes significantly, the project would be right for another appeal because the project would look different. If the horizontal band is changed, it may not comply with the guidelines, which is the basis for this appeal.

Director Eddington asked if these matters would come back to the HPB for re-consideration. He was not comfortable making another internal decision with respect to the HPB. Board Member Durst understood that the HPB had the option to approve or deny the appeal or they could continue the matter to see if there were ways to mitigate the concerns expressed this evening. Ms. McLean replied that this was correct.

Mr. DeGray asked if there was a distinction between the HPB becoming a design review Board and remaining an Appeal Board. Ms. McLean stated that the HPB has the purview of design review and they delegate the review to the Planning Department. They are looking at this appeal de novo, which is the standard in the Land Management Code. Mr. DeGray understood that if there were design changes, the HPB would either approve or deny based on the criteria as it pertains to the design guidelines. He felt it was appropriate for the HPB to make a decision on the appeal and direct the Planning Director to address the other issues. If the issues result in substantial design changes, that would become a new appeal or a design review. Mr. DeGray was confident that addressing the issues would not require a substantial design change.

Board Member Werbelow was unsure how the HPB could continue this appeal, since they were being asked to find compliance on three specific guidelines.

MOTION: Board Member Werbelow made a motion to uphold the Planning Director's determination. Board Member Opalek seconded the motion.

VOTE: The motion failed. Board Members Werbelow and Opalek voted in favor of the motion. Board Members Holmgren, Martz and Durst abstained from the vote.

Ms. McLean remarked that clear direction needed to be given and abstention was not an option.

Based on that advice Board member Durst voted in favor of the motion. Believing that the applicant had complied with the guidelines, Board Member Holmgren voted in favor. Board Member Martz also voted in favor.

The motion passed unanimously to uphold the Planning Director's determination.

Vice-Chair Holmgren directed the Planning Department to look into the chimney size, the bay windows, visibility from Park Avenue and other issues raised by the public. She acknowledged that Mr. DeGray had done a terrific job. Vice-Chair Holmgren was interested in hearing an opinion from Ron Ivie regarding snow shedding.

Findings of Fact – 637 Woodside Appeal

1. The height of the front face is 36.8 feet high.
2. The front façade has been broken up into smaller components both horizontally and vertically, all less than twenty one feet (21') wide and fourteen feet (14') tall.
3. The main gable roof form vertical to the street has a 9:12 roof pitch and other roof forms have a 5:12 roof pitch.
4. There is a wide variety of roof combinations found on the block. The roof pitches range from 3-12/12 to 12:12.
5. The combination of roof pitches is consistent with other structures found on the same block.
6. The front yard setback is fifteen feet (15') from the property line.
7. The front yard setback is consistent with other front yard setbacks found on the same block.
8. The discussion in the Analysis section above is incorporated herein.

Conclusions of Law – 637 Woodside Appeal

1. The Design Review Application is consistent with the Park City Land Management Code (LMC) and the Historic District Design Guidelines addressing new residential construction.
2. Approval of the Design Review Application does not adversely affect the health, safety and welfare of the citizens of Park City.
3. The front facades meet Historic District Guideline #71 - Maintain the Typical Size and Shape of Historic Facades. The front has been broken up horizontally and vertically into smaller components that resembles the scale of typical buildings in the neighborhood.

4. The roof form meets Historic District Guideline #74 - Use Roof Shapes Similar to those Found Historically in the Neighborhood. The design proposes both perpendicular main ridges as well as perpendicular parallel ridges through the structure.
5. The front setback meets Historic Guideline #77 – Maintain the Typical Setback of Front Facades. The front yard setback is consistent with the other front yard setbacks found on the same block ranging from ten to twenty feet (10-20 feet).

Order:

1. The appeal is denied in whole and the Planning Director's determination is upheld.

The meeting adjourned at 7:45 p.m.

Approved by _____
Todd Ford, Chair
Historic Preservation Board