

PARK CITY MUNICIPAL CORPORATION  
HISTORIC PRESERVATION BOARD  
MINUTES OF MAY 6, 2009

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

EX OFFICIO: Thomas Eddington, Brooks Robinson, Kirsten Whetstone, Polly Samuels McLean, Patricia Abdullah

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Vice-Chair Holmgren opened the work session.

#### WORK SESSION

1. 1110 Woodside Avenue – Advice and Guidance

Planner Kirsten Whetstone reviewed the request for an addition to an existing historic structure located at 1110 Woodside Avenue. The structure is listed as a landmark structure on the new Historic Sites Inventory. The HPB previously reviewed this application in January, at which time the applicant presented plans and the Staff expressed concerns regarding the addition.

Planner Whetstone stated that the home is a one-story bungalow and the original plan was to put an addition on top and above the roof of the historic home. The Staff had requested input from the HPB in January and minutes from that meeting were attached to the Staff report.

Planner Whetstone noted that based on input the applicant had revised the plan; however, the Staff still had concerns about the extent of the addition and that it was located too close to the front of the home. Planner Whetstone reviewed a site plan showing the existing historic structure and the proposed addition. The Staff requested input from the HPB on design guidelines 49, 51, 62, and 73 and whether the proposal meets the intent of the guidelines. No action was requested this evening. Planner Whetstone commented on the complexity of the roof and noted that the project architect was present to explain the roof form.

The Staff had reviewed the application against the remaining guidelines and found compliance. Planner Whetstone pointed out that the front window wells shown on the site plan had been removed. The grade at the front of the house would be brought up to keep the same appearance that currently exists.

Planner Whetstone noted that the proposed elevations were included in the Staff report. The applicant had submitted a photo rendering of the existing house and the revised proposed addition. The applicant passed around a streetscape that was submitted too late to include in the packet.

Board Member Martz disclosed that he received a call from the owner, Todd Debonis, after the January meeting. He and Mr. Debonis spoke about the HPB but did not discuss the project itself.

Board Member Martz asked if the proposal to move the house forward was part of this application. Bill Mammen, the project architect, answered yes and explained that moving the house 5 feet forward allows for the addition on the back. The house would also be raised approximately one foot. Mr. Mammen stated that the grade of the grass will be changed so the dirt line would meet the front of the house in the exact spot as it does now.

Board Member Durst pointed out that the lap siding appears to drop down approximately 18 inches below the porch level, but the drawing shows that there are still five risers. Given the seven inch riser, he assumed that the porch would still be above grade. Mr. Mammen replied that this was correct.

Board Member Durst referred to the elevation and noted that originally the windows in the entry at the front of the house were not present. In looking at the photograph, he believed the siding had been lifted six to eight inches below the level of the porch. Mr. Mammen stated that the intention is to match the exact height between the bottom of the lap siding and the ground. The new foundation is the only thing that will be covered with stone. Currently, the visible foundation is concrete. He was willing to keep the foundation concrete if the HPB preferred that instead of stone. The siding would not be changed at all.

Planning Director, Thomas Eddington, asked if the house needed to be raised a foot. Mr. Mammen replied that if the house is not raised they would need to dig a foot deeper to accommodate an 8 foot ceiling in the basement. He believed that raising the house would create less impact to the neighborhood. Mr. Mammen pointed out that the house to the south is higher out of the ground.

Board Member Durst recognized that the HPB should focus on the four elements that deal with roofs and orientation; however, in looking at the site plan, there are indications of areaways in the front. Mr. Mammen replied that those were inadvertently not erased when the plan was revised, but they no longer exist. Board Member Durst asked about the depth of the stone veneer foundation. Mr. Mammen stated that it varies around the building but it is 3 feet in the front. He believed it would end up exactly as it is now and the porch would have the same relationship to the ground. Mr. Mammen reviewed the streetscape to support his comments.

Board Member Durst referred to two areaways on the south side that would provide light, ventilation and egress from the multi-purpose room, the bath and two bedrooms. He asked if those areaways would remain. Mr. Mammen replied that the areaways on the north, south and west sides would remain. Mr. Durst clarified that there would be two on the north wall, one on the west wall, one on the east wall and one on the south wall. Mr. Mammen replied that this was correct.

Planner Whetstone noted that the two cars shown parallel parked on the site plan were within the City right-of-way and were not part of this plan.

Vice- Chair Holmgren stated that the same thing she objected to in January is still present. The roof of the addition alters the historical landmark roofline. She wanted to see the roof straight on and not flat. Mr. Mammen argued that the flat roof was allowed by the guidelines.

Board Member Werbelow suggested that the HPB review each individual guideline per the Staff report. She felt it would be helpful for the Staff to give an explanation of their concerns.

Mr. Mammen noted that the HPB reviewed these same guidelines during the January meeting. The Staff had wanted him to move the addition further back; however, if he did that he would lose a room. He pointed out that if he could move it five feet forward to the south, he would have more flexibility. Mr. Mammen recalled that in January the HPB thought that was an appropriate approach.

Board Member Holmgren stated that this historic structure qualified as a landmark house and it bothers her when she sees a different roof poking out behind it. Mr. Mammen remarked that the guideline allows him to do what he designed. Board Member Werbelow recalled the same discussion in January. She referred to a statement from the Staff under Guideline 51 that the applicant had made some modifications to the design by moving the addition further off the roof on the north but closer to the rear peak. She noted that the Staff still had concerns and suggested that the HPB discuss the guideline.

Planner Whetstone commented on the difference between the proposed plan on Page 11 and the originally submitted plan on Page 12. She noted that the HPB provided feedback and suggested that Mr. Mammen revise the addition for further review. Planner Whetstone stated that in looking at the revised plan the Staff is still uncomfortable with having the addition sit on the existing roof and how much of the addition should be visible from the street and still maintain its historic character. In terms of whether an addition to the rear impacts the front façade, the Staff took a conservative approach and determined that it did. Planner Whetstone remarked that ideally, it is best to have the addition in the rear and not on top of the roof. Consistently over the last three or four years, additions have not been allowed over an existing roof. She pointed out that in this situation a rear addition is difficult because the historic house takes up the entire footprint.

Board Member Durst asked to specifically address Guideline 49, Locate additions to the original house so they do not alter the front façade. He was unsure if the alteration, which is essentially the construction at the back of the house, impacts the front facade. However, in reading the architectural elevations he believes there is substantial proportional change and a calling of attention to the stone foundation. Board Member Durst thought it appeared that the siding does not come down and there is not a minimal foundation, which is apparent in the adjacent homes. If the front façade was not altered by adding the stone and there was not an apparent difference in the elevation at the bottom of the siding, he believed they could find compliance with the guideline.

Board Member Werbelow asked if his vision would be to retain the concrete. Board Member Durst replied that the appearance in the photograph should be preserved. The photo showed concrete. Mr. Mammen believed his elevations were correct in showing the wood siding where it is. He remarked that any change is the change of medium, such as a photograph. Mr. Mammen stated that he had no intention of changing the façade in any way, shape or form; with the exception of the stone. He reiterated his willingness to eliminate the stone if necessary. Board Member Durst stated that in his

opinion, the stone alters the character of this building and the adjacent buildings. He did not think it was appropriate to add the stone.

Board Member Kimball asked if the streetscape of the house would be changed if they were to dig the basement an extra foot deep. Mr. Mammen stated that digging the basement deeper would result in deeper window wells on the north and south sides. He felt that raising the grade a foot was a good compromise because it has been done elsewhere on this street and other streets and no one has noticed.

Director Eddington questioned drainage and asked if they were preserving the trees in the front yard, with the exception of the two right in front of the house. Mr. Mammen answered yes. Director Eddington was not comfortable changing the soil line by removing the trees. He preferred to see the house lowered but was not opposed to raising the house a foot if the HPB was comfortable exposing an extra foot of foundation.

Board Member Durst noted that the open stair and porch on the north and south elevation indicates an infill of stone underneath the porch and steps. He asked if that was intended. Mr. Mammen replied that it was intended. The existing porch is not the original porch and Mr. Mammen believed that filling it in was more historic. After looking at the photo in the Staff report, Board Member Durst conceded that filling it in was more historic.

In terms of Guideline 49, Board Member Durst suggested that the alterations to the front façade were minimal.

Planner Whetstone requested discussion on Guideline 51, preserving the original shape of the roof. She noted that the revised plan allows for more of the original roofline to be visible on the north side. However, in their review, the Staff found the roof to be unusual and the shape of the roof is lost on one side with the addition so far to the front. Mr. Mammen remarked that the front part of the roof is already lost because a shed roof comes off the existing roof in the back where the addition would be. Planner Whetstone stated that the language in Guideline 51 talks about typical roof shapes of gables, sheds, and hips. Flat roofs were not typical. The guideline talks about using dormers to create headroom and Planner Whetstone thought that would be an acceptable solution to achieve additional space in the back of the house. Planner Whetstone stated that the proposed addition is located approximately 25 feet back from the front façade and covers 20 feet of the historic roof in the rear.

Mr. Mammen disagreed with the Staff and noted that only approximately 13 feet of the historic roof is covered in the back. It is 17 feet from the back of the house to the front of the addition and five feet of that is the addition. Mr. Mammen remarked that the pyramidal roof is historic. The roof was interrupted, but there is no way to know how long ago. The tax photo only shows the front of the house and there is nothing to identify what happened on the south side. Mr. Mammen stated that he looked at adding a dormer but it did not allow enough headroom.

Planner Whetstone remarked that the shed roof comes in below the pyramidal roof. She noted that the primary concern related to Guideline 51 was that the addition is designed too far forward and should be moved further back.

Vice-Chair Holmgren asked about making the addition smaller. Mr. Mammen replied that the addition is already small. They are only adding 450-500 square feet to the top floor. The added space will accommodate two bedrooms and a bathroom. Vice-Chair Holmgren suggested a reduction to one bedroom. Mr. Mammen stated that the same suggestion was made by Staff, but it is an unacceptable request. The issue is the guidelines and either they meet the guidelines or they do not. He totally disagrees with the opinion that the plan does not comply with the guidelines. Mr. Mammen remarked that the problem is that the Staff and the HPB are changing the guidelines and imposing a guideline to preserve a designated structure. He stated that you could read the written guidelines several times and not find anything that would indicate that intent.

Mr. Mammen stated that the original Park City Historic Guidelines were designed as façade preservation guidelines and the intent was to save the look from the street. Vice-Chair Holmgren agreed and pointed out that changing the roofline alters the look from the street.

Board Member Werbelow asked if the Staff had a recommendation for the applicant on how to comply with Guideline 51. Planner Whetstone stated that their recommendation is to push back the addition. Board Member Werbelow asked Mr. Mammen if that recommendation has been considered.

Mr. Mammen stated that his reason for coming to the HPB in January was to request some flexibility to come forward. Without voting, the HPB at that time indicated that it was a reasonable approach. He stated that there is no room in the back to put the addition. The house needs to be moved five feet forward before they can do anything.

Board Member Martz felt the addition should be similar in width to the house. If the addition is too small, it would look like a pop-up. He thought that moving laterally with the addition made the structure look better. Board Member Martz agreed with Mr. Mammen on Guideline 51.

Vice-Chair Holmgren stated that this house was not approved by the HPB or the HDC. Mr. Mammen pointed out that it is driven by the historic district guidelines. He stated that the Board's personal feelings or values as to whether or not it is acceptable should not be an issue. The issue is whether or not the plan as proposed meets the guidelines as they were written and intended.

Vice-Chair Holmgren understood that this was an addition to the historic house; however, the visual appearance looks like a separate house. Mr. Mammen pointed out that the addition is smaller in scale but larger than the original house. Planner Whetstone noted that in the case of 1110 Woodside, the house takes up most of the lot. The Staff originally suggested putting in a basement and adding dormers on the rear for extra headroom in the roof. It is hard to do an addition when the original house already takes up most of the lot. She agreed that the visual impact of the proposed addition would be less, but the issue is building on top of the historic house.

Board Member Durst stated that the HPB is called upon to judge improvements to buildings within the historic district, predicated on the guidelines. He thought the HPB should focus their discussion on the constraints of the guidelines. Board Member Durst felt the proposed improvements fall within the guidelines and within the constraints that were established. He could see no cause to vote against them. However, he did not

think the materials proposed contribute to the historic character of the neighborhood and the original building, which the HPB is also charged with preserving. Board Member Durst stated that he could vote in favor of following the guidelines, but he could not vote in favor of this as a piece of architecture that would contribute to the historic nature of the neighborhood.

Mr. Mammen was not opposed to discussing the materials for possible changes. He noted that the Staff and other historic preservation boards in Park City prefer different siding for the addition that what is on the historic house to create a distinction between the old and the new. Board Member Durst understood that preference, which is why that complies with the guidelines. Mr. Mammen stated that many historic homes in town have stone foundations. At some point in the past, this house originally had a stone foundation that was mortared. Mr. Mammen reiterated his willingness to use a concrete foundation. His intent with the stone was to make the house look historic. He pointed out that he also tried to make a distinction between the addition and the historic house to preserve the integrity of the historic house.

Planner Whetstone remarked that the Staff has approved additions with vertical siding, board and batt, many times, as long as the character of the historic house was not altered. Board Member Durst stated that in looking at alternative patterns and textures on the addition, he did not think it had the same quality. Mr. Mammen believed that historically the roof was probably wood shingles, but that was not an option now.

Mr. Mammen presented slides of historic homes with additions and compared them to their proposal at 1110 Woodside. Mr. Mammen pointed out that the additions were done under the old guidelines and those are the guidelines they should live by. Board Member Werbelow felt it was a question of interpretation. Vice-Chair Holmgren remarked that it was also a question of being a good neighbor. Changing the roofline on one house changes the look of the street. She pointed out that this is a landmark house and not a significant house and changing the roofline is a mistake. The HPB has spent the last year updating the guidelines and they need to follow those standards. Mr. Mammen did not think it was right to apply the new standard to a house that was submitted under the old standard. Vice-Chair Holmgren disagreed.

Planner Whetstone did not believe the HPB was applying a different standard. She felt they were applying the current guidelines. Mr. Mammen understood that Vice-Chair Holmgren wanted to apply a new standard. Vice-Chair Holmgren explained that if the houses Mr. Mammen presented on his slide show had come before the HPB they would have been heavily questioned. The point was that none of those houses came before the HPB and were approved by Staff.

Planner Whetstone noted that Guideline 51 calls for preserving the original shape of the roof. Board Member Martz read a comment the Assistant City Attorney had made during a previous meeting, that if the application came in under the existing guidelines, those guidelines apply. However, if the guidelines were wrongly applied, the HPB does not need to continue this mistake. Assistant City Attorney, Polly Samuels McLean had stated that there is a purpose statement in the LMC that talks about trying to maintain the historic value of houses and that is the overriding concern.

In an effort to compromise, Board Member Werbelow asked if anything could be done to further differentiate the addition. Mr. Mammen stated that nothing could be done from a

footprint standpoint. This is the sixth plan that has been proposed and if the Staff does not approve this plan, the owner will ask that it be denied and he will take it to court. Mr. Mammen stated that he desperately tried for a compromise. He believes that the current proposal is an excellent design and it preserves the integrity of the existing house better than anything else proposed. It does not adversely affect the neighbors and it gives his client what he needs.

Planner Whetstone noted that the four guidelines and the purpose statements are the same guidelines used today and the standards were not changed for this project. Mr. Mammen felt that Guideline 51 was not applied to other historic homes and additions in the same way that it was being applied to his project. He noted that Guideline 62 addresses skylights and he was unsure why that was even an issue. He felt there was no question that this plan preserves the essential character of the rooflines. Mr. Mammen thought that adding dormers would be a gross disruption of the historic nature of the house.

Board Member Durst felt that the character of the rooflines and the original shape were altered. A building cannot be considered preserved by just one shot looking from the front because people drive by it, walk by it and pass by it.

Board Member Martz liked the idea of the addition having similar siding to the original house. He agreed with comments about the stone and he thought the stone should be removed. It is a plain craftsman house and he believed that should continue. Board Member Martz thought the metal backside should be eliminated. He was not as opposed to the roofline because it is hard to make an addition without popping up above it. Board Member Martz wanted to see more compromise between Mr. Mammen and the Staff. He felt that all the comments were valid.

Planner Whetstone remarked that the original direction from Staff was for one additional bedroom and a bath. Board Member Martz reiterated his previous comment that the addition should be the same size as the house. He felt that Mr. Mammen had already made the addition more palatable.

Director Eddington stated that the Staff would work through some options with Mr. Mammen.

## REGULAR MEETING/AGENDA ITEMS/PUBLIC HEARINGS

### ROLL CALL

Vice-Chair Holmgren called the meeting to order and noted that all Board Members were present except Todd Ford and Adam Opalek who were excused.

### PUBLIC COMMUNICATIONS

There was no comment.

### STAFF/BOARD MEMBER COMMUNICATIONS

Board Member Martz disclosed that he did the historical survey with Sandra Morrison on the house at 16 Sampson Avenue prior to serving on the Historic Preservation Board.

His name appears on the documents and he was unsure if that presented a conflict. Assistant City Attorney, McLean stated that his disclosure was sufficient.

Board Member Kimball disclosed that he was quoted in an article on China Town.

Vice-Chair Holmgren disclosed that she would recuse herself from the 16 Sampson Avenue matter because she is familiar with the owner, Susan Fredston-Hermann.

1. 16 Sampson Avenue – Determination of Historical Significance

Vice-Chair Holmgren recused herself and left the room. Chair Pro Tem Martz assumed the chair.

Planner Brooks Robinson reviewed the request for a determination of historical insignificance for 16 Sampson. The structure is listed on the Historic Site Inventory that was recently adopted. The Staff report provided information on the sites inventory and the criteria for designating sites on the inventory, as well as the criteria for removal of sites.

Planner Robinson referred to the Staff analysis on page 41 of the Staff report. He noted that the Staff found that there had been no change in the building since its listing and it did not meet the criteria for removal. The Staff had provided findings of fact and conclusions of law for keeping 16 Sampson on the Historic Sites Inventory.

Planner Robinson stated that Ken Pollard, the architect representing the applicant, had prepared a presentation. The matter was scheduled for public hearing and action this evening.

Mr. Pollard stated that the project started out as an addition to 201 Norfolk. A developer was involved who had sold property to the current owners, Eric and Susan Fredston-Hermann, to add a garage to 201 Norfolk. He noted that the developer ended up stating that the house could be moved and placed into a project that he planned for an addition.

Mr. Pollard provided a brief background of his qualifications in historical buildings. When Mr. Fredston-Hermann told him the building would be moved, he spoke with the former Planning Director, Patrick Putt, who told him that the building was not on the inventory list. However, it was in a historic district and the developer would have to abide by the historic design guidelines.

Mr. Pollard stated that after looking at the project he saw that it was overly built up. He expressed his concerns to the Fredston-Hermann's that it would block their view and they should do something about it, even though it was a manipulation of the land for the garage addition. Mr. Pollard remarked that the Fredston-Hermann's purchased the property and asked him to do something with the house. Having done a number of historical restorations and remodels, he took on the project and made sure the form, scale, proportion and silhouette were maintained. Even though it was not on the inventory, Mr. Pollard felt the house was significant enough to push the addition into the hill. The result was a sustainable building, which is a semi-intensive and intensive greenhouse with a roof on top. The upper house would have a deck to walk out on and the majority of the house would be underground into the hill.



Mr. Pollard stated that when he later met with Planners Brooks Robinson and Jeff Davis, they also said that 16 Sampson was not on the inventory and he proceeded based on that assumption. Mr. Pollard remarked that 80% of the working drawings were complete when the moratorium was placed on steep slope development. In discussions on steep slopes and the profiles they were trying to abide by, he found out that 16 Sampson was put back on the list.

Mr. Pollard gave a presentation on past projects he had done. He explained how he worked in some of the innovative and new ideas in design and architecture and still maintained the historical aspect of the structure.

Mr. Pollard stated that more than 60% of the structure and materials on 16 Sampson have been altered. In working with the Planning Staff and talking with Patrick Putt, they were told that the structure had been altered so much it was not considered significant and that was why it was not on the inventory list. Mr. Pollard noted that they liked the silhouette, the profile, and the mass and scale of the building and tried to find the best way to utilize those elements and bring back its history.

He explained that they started to lift the garage on 201 Norfolk and step it back. There is a semi-intensive roof over the garage at 201 Norfolk. They used the stones that were coming up along the hill and brought them around to form a stone base that is similar to what exists at 16 Sampson. The profile of the house was set on that stone base, which is the garage. The rest of the house sits back behind and inside the hill where there are four bedrooms and a family room with semi-intensive and intensive landscape behind it. Mr. Pollard remarked that the profile of the house is sitting against the hill, which is what they believe is the original profile of the house.

Mr. Pollard stated that they did an analysis of the entire hillside to understand the materials and the position of all the forms, as well as the landscape, to present the best solution for several of the problems. Mr. Pollard presented the interior floor plan of the house. The footprint of the area is approximately 2100 square feet. Approximately one-third is hardscape and two-thirds is greenscape. They are basically putting back the hillside on top of the house and in to the garden and along the stairways. Mr. Pollard stated that they are looking at simplifying the profile of the house and bringing it from a shed and a gablet to a simple gable form straight across. They intend to keep the clapboard, use materials of the time, and break down the windows to scale. Mr. Pollard stated that they have submitted for a design review with the City.

Mr. Pollard stated that the main question is whether or not 16 Sampson Avenue is on the inventory list and if it is significant to save something that is deteriorating.

Board Member Martz clarified that the objective for the HPB this evening was to re-determine the significance of the house at 16 Sampson.

Board Member Durst asked Board Member Kimball if he knew the history of the house. Board Member Kimball stated that he knew Jim Christensen and his wife quite well. He asked Mr. Pollard how much of the house would be saved. Mr. Pollard replied that the current plan would only save two walls and the windows on those walls would be manipulated and reduced to a more historic scale.

Chair Pro Tem Martz had taken a tour prior to the original significance hearing four years ago. He had worked on the house in the 1970's and knew one of the owners. Chair Pro Tem Martz was aware of the condition of the house, but noted that determining a house as significant does not preclude options such as duplication and panelization. He believed the house at 16 Sampson would be a candidate for duplication. Chair Pro Tem Martz agreed that the house has history and it has been lived in for a long time, even in its current condition. He personally thought it was a significant structure and reiterated that options are available.

Board Member Werbelow deferred to Board Members Martz and Kimball regarding the history and the contribution the house makes to the surrounding neighborhood. She thanked Mr. Pollard for the background. She appreciated their care and sensitivity to the nature of the concept and intent of the guidelines. However, the house is currently on the list that was adopted and approved, and the HPB has a set of criteria to determine significance. In looking at those criteria, she believes the house is significant.

Board Member Durst wanted to know which walls Mr. Pollard thought were candidates for panelization or reuse. Mr. Pollard replied that it would be the east wall and the south wall. Board Member Durst clarified that the east wall was the front with the large glass window. Mr. Pollard replied that this was correct. He explained that they would try to retain as much of that wall as possible and mimic it in a way that still retains its character on the hillside.

Planner Robinson explained that the house is on the historic sites inventory and in its current condition it is considered significant. Recognizing that the structure has been significantly altered does not take away its essential historic form. It could maintain its current form as far as windows and door penetrations, or as a re-creation of the original form.

Board Member commented on a similar house across the street from the Catholic Church that was in worse condition but was nicely duplicated. He believed the roofline on the house at 16 Sampson is the most important element because it appears to be the original.

Board Member Durst asked if they would retain the identity of the same footprint. Mr. Pollard replied that they would stay within the 2100 square foot footprint. Board Member Durst asked if there was any intent to add vertical to the height of the walls. Mr. Pollard answered no. Board Member Durst felt that replication was the appropriate solution.

Planner Robinson stated that the Staff was impressed with the design and the additions proposed. He noted that 16 Sampson is scheduled for a Steep Slope CUP before the Planning Commission to discuss a few minor items relative to the new LMC changes. Based on the outcome this evening, the Staff will continue with the Historic Design Review relative to the older design guidelines based on when the application was submitted and the design guidelines were adopted.

Chair Pro Tem Martz opened the public hearing.

There was no comment.

Chair Pro Tem Martz closed the public hearing.

Chair Pro Tem Martz clarified that the HPB was being asked to determine if the home at 16 Sampson Avenue is either significant or insignificant. He recommended that the home retain its significant status and remain on the Historic Sites Inventory list.

MOTION: Board Member Durst made a motion to sustain the historic significance of 16 Sampson Avenue and to endorse the design and plans presented this evening and encourage the applicant to proceed. Board Member Werbelow seconded the motion.

VOTE: The motion passed unanimously.

Assistant City Attorney, McLean, clarified that the historic district design review had not yet taken place. The Staff would take the direction that the HPB supports what the applicant is proposing; however, under the existing guidelines the Staff would need to do an analysis of the plans presented. She wanted the applicant to understand that the motion was a determination of significance and not a guaranteed approval for their design.

#### Findings of Fact – 16 Sampson

1. The property at 16 Sampson Avenue is located in the Historic Residential Low Density (HRL) zone.
2. The initial construction of the principal building was built in 1907.
3. The Historic Preservation Board found the building historically significant on February 27, 2006.
4. The HPB adopted the Park City Historic Building Inventory on October 1, 2007. The structure at 16 Sampson was not found to be significant and was not listed.
5. On January 22, 2009, the City Council, at a public hearing, discussed the proposed amendments and approved a resolution adopting LMC amendment to Land Mance Code, Section 15-11-12 to establish the Park City Historic Sites Inventory.
6. The Historic Preservation Board adopted the Historic Sites Inventory on February 4, 2008. The structure at 16 Sampson is listed as Significant.
7. The building is greater than 50 years old having been built in 1907.
8. It retains its essential historical form even though there have been additions and alterations to the building. No major alterations have altered the essential historical form:
  - No change in pitch of the main roof of the primary façade.
  - No upper story additions or removal of an upper story addition have occurred.
  - Still in its original location
  - No addition(s) that significantly obscures the essential historical form when viewed from the primary public right-of-way. The additions and

9. The building is associated with the mining era of Park City.
10. On April 9, 2009, the applicant submitted an application for a Determination of Historical Insignificance for the single family home located at 16 Sampson Avenue.
11. No changes in the qualities that caused it to be originally designed have been lost or destroyed.
12. The building on the site has not been demolished.
13. No additional information indicates that the building on the site does not comply with the criteria set forth in Section 15-11-12(A)(1).
14. All findings from the Analysis section are incorporated herein.

#### Conclusions of Law – 16 Sampson Avenue

1. The home substantially complies with the standards of review found in LMC Section 15-11-12(A) and therefore is historically significant pursuant to Section 15-11-12.

#### Order

1. The Historic Preservation Board finds the house at 16 Sampson to be Historically Significant and the building remains on the Historic Sites Inventory.
2. 100 Marsac Avenue - Appeal of Staff's Determination

Board Member Holmgren resumed the Chair.

Planner Robinson stated that the HPB was being asked to consider an appeal of a Staff determination of compliance with the Historic District Design Guidelines. Under the burden of proof and standards of review, the HPB acts as the quasi-judicial body and the appellant has the burden of proof that the land use authority, in this case being the Planning Staff, erred in applying the historic district design guidelines.

The Staff report contained the appeal letters from Jeff Edison and Jamie Thomas, property owners on Ontario Court. Planner Robinson stated that within the Historic District Design review process, the Staff goes through each of the criteria listed in the design guidelines. In this case, the ruling guidelines are the previous design guidelines. After reviewing each guideline, the Staff makes a finding of compliance or non-compliance. Planner Robinson stated that the application was submitted in August 2008, along with a Steep Slope CUP and a subdivision. In the process of the other two applications, changes were made to the layout and the design of the houses. He commented on the number of documents and material that was duplicate to each application but not duplicated in each file. However, all the material was available for the Staff to review against the design guidelines.

Planner Robinson stated that once the Staff finds compliance the property is posted. In this case, a notice was placed on the property saying that ten individual homes were reviewed and found to be compliant with the design guidelines. In addition, courtesy notices are mailed to the adjacent property owner per the Land Management Code. That list is provided by a title company from the original applicant. Planner Robinson explained that the mailed notice is a courtesy notice and if there is a deficiency in the noticing, it does not invalidate any action by the HPB, the Planning commission, the Staff, the City Council or any other land use authority.

Planner Robinson remarked that the original noticing and posting was done in February of 2009, which began a ten-day appeal period. Since the tenth day fell on a Sunday, the period was extended to 5:00 p.m. on Monday. Planner Robinson noted that two property owners had raised concerns related to a number of elements of the project and Planning Director Eddington personally called each one to inform them that the appeal period would expire on that Monday. On Monday morning Mr. Edison came into the Planning Department to obtain information. Planner Robinson also sent him an email, which was included in the Staff report, telling him that only specifically numbered historic guidelines were at issue, and it did not affect the subdivision, the master plan or the steep slope CUP.

Planner Robinson noted that the Staff report contained the information the Planning Department received on the last day of the appeal period relating to the Edison appeal and the Thomas appeal. He stated that neither appeal addressed the specific numbered design guideline criteria in the design guidelines.

Planner Robinson stated that the Staff worked with the appellants to set a date for the appeal hearing with the HPB. Mr. Thomas was not available during the two hearing dates in April and it was pushed into May. Both appellants complained about adequate notice and the Planning Department gave them an extraordinary ability to amend their appeal last week. What the Staff received at that point did not address the individual and numbered design criteria. Planner Robinson noted that the Staff received a large packet of information yesterday, which was forwarded to the HPB.

Planner Robinson stated that outside the scope of the original appeal date and the added supplemental date of last Wednesday, the Staff finds that this is outside the scope of the appeal; however, the HPB can choose to consider it. He noted that typically the acting judicial body does not have evidence that comes in after the date of the appeal has been posted. Planner Robinson expressed a willingness walk through the numbered criteria the Staff received yesterday at the request of the HPB.

The Staff recommended that the HPB deny the appeal because the appellants did not appeal any of the specific criteria in the historic district design guidelines.

Board Member Martz clarified that the response the Board received via email was material that came in after the fact. Planner Robinson replied that this was correct.

Leslie Edison, the appellant, stated that she and her husband live at 128 Ontario Court. Their home directly abuts the 100 Marsac project. Her husband was away on business and asked her to read a short comment that addresses their concerns as neighbors. Ms. Edison stated that her neighbor, Jamie Thomas, was also present this evening and would address in detail Planner Robinson's comments.

Ms. Edison stated that this project has been handled in a very hurried and rushed way and they were not provided the opportunity to address some of their concerns. When they made an attempt to do so, they were denied a fair and open conversation. As neighbors who would be impacted, they feel the project needs to be respectful of the neighborhood it would be developed in. As residents who live there, she believes they have the right to be heard.

Ms. Edison stated that when they started investigating the project and the approval process and how it was approved by the Planning Commission, her husband requested copies of the files of the project. He was concerned that the approval was given with very little documentation and the format was incomplete. Since the file lacked documentation and applications were not filled out completely, it was hard to understand how the Planning Commission could make a fair recommendation. Ms. Edison clarified that she and her husband did not want to stop development of the project. They understand the need for affordable housing within Park City and they support it. However, they object to the way the project is situated on the site and they are only asking for a compromise that would spread the project out over the site instead of wedging it into the most visible corner from Old Town and from their neighborhood.

Mr. Edison pointed out that they have been to the Planning Commission and they attempted to submit appeals to do whatever they could to be heard. Unfortunately, they do not feel that they have been heard and they are before the HPB this evening hoping to have their issues addressed.

Ms. Edison stated that they are submitting their appeal based on three separate issues. The first issue is noticing. Even though Mr. Robinson said they were noticed, they did not receive adequate notice at any time during the Planning Commission process. Since they are directly adjacent to the property, she felt that was inappropriate. The second issue is that the application submitted by Talisker to the Planning Commission was woefully incomplete. The third issue is that the new steep slope guidelines should be used to review this particular project.

Jamie Thomas stated that he and his family live at 134 Ontario Court, which is two houses away from being adjacent to 100 Marsac Avenue. Mr. Thomas responded to Planner Robinson's comments regarding the appeal process thus far. He apologized for any confusion and noted that they are unfamiliar with the process. Mr. Thomas stated that the LMC says that the appeal first goes to the Planning Director, which they were prepared to do months ago. He pointed out that the delay was not their doing and a date was mutually agreed upon by the parties to the appeal.

Mr. Thomas stated that last week he received an email from the Assistant City Attorney asking that they submit all their arguments to Planner Robinson within 48 hours. No information had flowed in the other direction and he considered the depth of the request to be unreasonable. Mr. Thomas remarked that he did reply and reiterated their points of concern with a promise to elaborate at this meeting, as required. Mr. Thomas stated that the request to provide a brief report for inclusion in the HPB packet should have been made clear and his report and Planner Robinson's report should have gone to a third party. Without understanding the legal ramifications of ex parte communication, they were leery of lobbying the HPB, which Planner Robinson's report appears to do. He noted that Planner Robinson also went so far as to instruct the HPB on what action

to take. Mr. Thomas stated that since both Planner Robinson and he and the Edison's are parties to the appeal, equal rights should be given and equal opportunity to communicate with the quasi-judicial party needs to be guaranteed.

Mr. Thomas reiterated his apology for not being familiar with the process, but felt the Staff had a distinct advantage. He suggested that the legal department be more even handed in their method. Mr. Thomas noted that he gave the specifics of their appeal to the Planning Director yesterday and he assumed that was passed on to the HPB. With regard to the project, Mr. Thomas was surprised that given its significance, it had never come before the HPB. This project migrated north along the parcel to avoid disturbing historic retaining walls, and therefore has historic significance. He remarked that part of their appeal is that the consistency with retaining walls is not being maintained and has not been demonstrated in the application. Mr. Thomas reiterated that fundamentally the application was not complete and, therefore, should not have been approved.

Mr. Thomas identified discrepancies in the Staff report prepared for the meeting this evening. The Report indicates that the project is located at 100 Marsac Avenue and includes ten development lots. Mr. Thomas stated that no such address exists. As an example of the addresses, he noted that units 1 and 2 are on Silver Hills Court. He pointed out that the application is for ten units, not one at 100 Marsac. He stated that the ten properties were not approved until October 22, 2008, but the application could not have been complete prior to that date. Mr. Thomas remarked that there should be ten surveys describing each of the ten lots, however, no certified topographic survey has been submitted.

Assistant City Attorney, Polly Samuels McLean, stated that per Mr. Thomas' request, his information was distributed to the Board members yesterday afternoon and they all had a copy in front of them this evening.

Mr. Thomas noted that the Staff report states that the property is located within the HR-1 zoning district. He noted that he has made previous comments and objections regarding the MPD process that have been discussed elsewhere. Mr. Thomas referred to item 3 in the Staff report, which stated that legal notice of the Staff's determination of compliance with the historic district guidelines was posted on the property on January 28, 2009. A courtesy notice was sent to adjoining property owners on January 28, 2009. The appeal period expired on 5:00 p.m. on February 9, 2009. Mr. Thomas stated that each application requires a posted property and one notice is not sufficient. There are ten lots and ten applications and each of them should have been individually noticed. He argued that the mailed notice is a requirement of the LMC and not a courtesy notice. He noted that the Edison's are adjacent to Lot 7 and behind Lot 6 did not receive a mailed notice. He pointed out that one notice was posted in the general vicinity of the former 100 Marsac Avenue. Per the LMC, a notice should have been placed on each of the ten properties.

Mr. Thomas continued to read the bullet items listed in the Staff report and presented his argument for each one.

Mr. Thomas noted that the Staff report indicates that the Staff reviewed the application and deemed it complete on August 29, 2008. The day of the completed application is the date that the application is vested in the Code, unless a pending ordinance would apply to the application. As of August 29, 2008, there was no pending ordinance and

the existing Land Management Code and guidelines were applied to the application. If the application was made on August 29, 2008, Mr. Thomas questioned how the Staff had found the time to review the materials that day.

Mr. Thomas believed that nine of the fourteen required items were incomplete or missing from the August 29<sup>th</sup> application. The ten required application could not have contained certified topographic boundary surveys until after October 22<sup>nd</sup>, 2008. Mr. Thomas noted that the required site information was the third item in a list of fourteen, but it has never been included. Mr. Thomas pointed out that a conclusion of law states that the design review application is consistent with the Park City Land Management Code and the historic district guidelines addressing new residential construction.

Mr. Thomas read through the conclusions of law to deny the appeal and explained why he disputed each one. He stated that the appeal has yet to be heard. If the Staff represents one party to the appeal, then the Staff report was lobbying the appeal body in advance of this hearing. He wondered if that was a breach of Park City's Municipal Code.

Mr. Thomas referred to the document he had submitted the day before that detailed where the project did not conform with the LMC or the Historic District Guidelines. He also read the submittal requirements and explained why the 10 submitted applications did not meet the requirements.

Board Member Durst stated that he had no way of determining whether or not the appeal was valid without seeing the graphic representations that were submitted for the project. Until the HPB is made privy to exactly what the application entails and what was being appealed, he was unsure how they could make a judgment.

Mr. Thomas suggested that a good course of action would be for the Board to review the plans and the Staff's approval to determine if it does comply as stated in the Staff report. Mr. Thomas was prepared to show a few examples that were part of the application. He noted that one of the plans approved by Staff shows that the entire project, including the garage doors, would be clad in hardy board siding, which is not permitted in the historic district guidelines.

Vice-Chair Holmgren remarked that one problem was that Mr. Thomas was reading from a document that the Board had not received until that morning, which was a week after the cut-off time for receiving information. That document should have been included in the Staff report so the Board had time to read it. Outside of the application being incomplete, she asked if Mr. Thomas and Ms. Edison were distressed about the project design.

Ms. Edison understood that originally this project was designed to sit at the south end of the site, which is the farthest positioning from their homes and the least visible from downtown Park City. Board Member Durst asked Ms. Edison where she received that initial indication. Ms. Edison replied that her husband understood that through talks with the Planning Department. They were led to believe that there was an issue with the neighbors directly across Marsac Avenue who did not want the project directly facing their homes. After some discussion, those neighbors pointed to the fact that the historic walls would be disturbed at that end of the property. At that point, the project was redesigned and the units were positioned and clustered at the extreme north end



abutting their property. Ms. Edison clarified that she was sensitive to historic preservation in Park City and was not asking that the walls be disturbed. However, the developer has access to a large site of land and she did not think it was necessary to smash all ten units up against one end of the property.

Vice-Chair Holmgren stated that without a site plan or project design, the HPB was caught in an awkward position. In addition, many of the issues raised was outside of their jurisdiction. Ms. Edison felt that because the argument to move the units was based on preserving a historic structure on that site, it was within the jurisdiction of the HPB.

Vice-Chair Holmgren pointed out that the original density was much higher than the ten single-family lots being proposed for this attainable housing project. Ms. Edison remarked that the site itself was not designated to have that quantity of units. She understood that it was a two-lot site.

Mr. Thomas felt it was incorrect to say that the site was permitted to have more than ten units. It was a two-lot subdivision that was allowed to have two houses. Because it went through an MPD process it was reduced from many more units to the proposed ten units. The fact is, the density was increased from two houses to ten houses. Mr. Thomas acknowledged that density was an issue outside of the appeal process this evening. The intent this evening was to appeal the approval of the design review and he and Ms. Edison were attempting to detail their dispute.

Vice-Chair Holmgren reiterated that the Board members received a large packet of papers this morning and they needed time to review the information.

Board Member Martz understood the reason for the appeal was that the February 9, 2009 appeal did not include anything except the notification process. The issues Mr. Thomas mentioned this evening could have been part of that February appeal; but they were not and are now being presented after the fact.

Assistant Attorney McLean stated that what was being appealed was the historic district design review and compliance with the guidelines and that is within the HPB purview. The other issues raised are tangential. The HPB is tasked with determining whether the designs comply with the guidelines. Ms. McLean noted that one page addressed the guidelines and she suggested that they look at that page as the focus of the appeal. In terms of noticing, there are noticing requirements that the Staff believes were met. In any case, the intent of notice is to let people know that a hearing will take place or a design was approved. She pointed out that the parties who were appealing were present because they had notice. Ms. McLean stated that the noticing issue was moot because the parties had the opportunity to appeal the guidelines.

In terms of an incomplete application, Ms. McLean believed that Planner Robinson had a copy of the application available if the HPB was interested in seeing it. She remarked that the issue for consideration was whether the buildings comply with the guidelines. Issues related to the number of houses were decided in the subdivision process under the Planning Commission's purview and jurisdiction and that is currently in District Court.

Board Member Werbelow referred to the packet of information the HPB received that day and asked if Ms. McLean would advise the HPB to consider that package as part of

the appeal. Ms. McLean replied that there were some guidelines that could be addressed this evening under their jurisdiction as an effort to give Mr. Thomas and Ms. Edison their input on the design guidelines. Beyond that, the issues were tangential.

Board Member Werbelow pointed out that there was three pages of guidelines in the package. She was interested in reading and understanding the material and felt it was difficult to analyze the comments without graphics or the application itself so they would have something to compare. Ms. McLean stated that the HPB could also find that the comments came untimely and based on that the Board would not review the material. She emphasized that the applicant has a due process right to move forward and start construction as the summer season approaches.

Board Member Werbelow felt the HPB should take the time to look through the criteria. Board Member Kimball agreed. He felt the City should be held to the same requirements as other builders and provide the HPB with complete documents and drawings. Planner Robinson stated that if the Planning Department had received the three pages of design guideline appeal in February or even last Wednesday, it would have been included in the Staff report, along with the designs and a Staff response. He felt that receiving the material at the last minutes was a way to get the HPB to continue based on review of the documents. He noted that the HPB had the option to continue the matter and ask the Staff to provide the designs and a response or they can move forward and inform the appellants that the material should have been provided sooner. He noted that a continuance could infringe on the applicant's right for due process.

Vice-Chair Holmgren asked if the HPB could request a copy of the drawings for the next meeting. Board Member Durst asked if the Staff intended to refer the designs to the Historic Preservation Board for evaluation as to whether the designs complied with the design guidelines. He noted that the project is within the Historic District and the HPB should have the opportunity for review.

Planner Robinson replied that the HPB would not generally review the design. He noted that the Planning Commission has the opportunity to refer a design to the HPB during the Steep Slope CUP process, but they chose not to take that action. The Planning Commission did not think they needed input from the HPB in terms of mass and scale and the appropriateness of the buildings based on the Steep Slope CUP criteria.

Board Member Durst did not understand why the HPB was being called on to react to this appeal when they were left out of the loop for design approval. Planner Robinson explained that if the appeal and the numbered criteria had been received in a timely manner, the HPB would have had the plans and the Staff response. Board Member Durst stated that the HPB was being asked to make as a quasi-judicial judgment and he did not have any notion as to whether or not the appeals were timely. He was unsure how the HPB could be called upon to make a judgment.

Assistant City Attorney McLean, explained that the LMC requires appeals to be submitted within ten days of the decision. That date was Monday, February 9<sup>th</sup>. There was an initial appeal and three months later, because the appellants raised the noticing issue, the Staff gave the appellants the opportunity to submit items prior to 5:00 p.m. the previous Wednesday. She noted that Mr. Thomas and the Edison's submitted additional emails, none of which specified any guidelines. The Staff then received the additional packet yesterday that was sent to the HPB this morning.

Vice-Chair Holmgren could not see how the HPB could get involved. She felt it was insulting to the Board and the Staff for the appellants to submit something at the last minute when they were clearly given a deadline. The Staff had gone beyond the requirements to help the appellants and she could not understand what the appellants were asking. Board Member Werbelow pointed out that the appellants had provided three pages of design guidelines that they wanted the HPB to review. She commented on the number of issues that the appellants raised as it pertains to the current guidelines.

Mr. Thomas stated that the appeal is supposed to deal with breaches in the LMC and the historic district guidelines. When they were asked to provide information, they thought that providing the HPB with their argument would be considered lobbying. Mr. Thomas stated that when they were asked for the information, they alluded to the areas they thought were breached. Mr. Thomas pointed out that the LMC and the design guidelines went through changes that were only formalized a week ago. Therefore, it was unfair to say that they have had since February to respond when the guidelines were still changing.

Vice-Chair Holmgren pointed out that there was either the old guidelines or the new guidelines, but there was never a blending of the two. It was always one or the other and they could have responded based on the old guidelines. Mr. Thomas stated that the issues they raised do not comply under the old Code or the new Code. Vice-Chair Holmgren informed Mr. Thomas that the project is subject to the old Code.

Mr. Thomas argued that the Staff report should have included the project files, regardless and separate from any information he submitted. That would have substantiated the appeal. Planner Robinson clarified that the Staff was unaware of what was being appealed. Mr. Thomas stated that the findings of fact and conclusions of law, based on what the Staff has on file, is incorrect. He believed the review process was also incorrect. This appeal was an attempt to involve the HPB in looking at the design.

After further discussion regarding the process, Board Member Durst remarked that the HPB was excluded and left out of the loop by the Planning Commission or the City Council and therefore, has no obligation or responsibility. Whether the appeal was timely or not, he thought this appeal should be made to the Planning Commission, since they made the initial judgment.

Ms. McLean explained that in terms of historic district design review, per the Code, the Staff makes a determination of compliance and that determination can be appealed. In the past it would go directly to the Planning Director and that decision could be appealed to the HPB. The Planning Director was recently eliminated as a step because it slowed down the process. Therefore, the Staff makes their determination during the design review process and that can be appealed. Ms. McLean stated that the HPB has the authority to review design reviews when they are appealed. Board Member Durst remarked that he had no way of determining whether the Staff judgment was good, bad or indifferent because he has not seen the design. He was still unsure what the HPB was being asked to do.

Planner Robinson requested that the HPB follow the recommendation in the Staff report, which was to deny the appeal because the appellants did not appeal any particular

elements of the design guidelines. In February he specifically told Mr. Edison that the MPD, the location and the subdivision were not at issue. At issue was the numbered criteria of the historic district design guidelines, none of which they submitted until yesterday.

Based on the explanations given by Ms. McLean, Board Member Werbelow understood that the HPB could either deny the appeal as recommended by Staff, or continue the discussion if they wanted to incorporate the design review guidelines they received this morning.

Ms. McLean stated that if there was evidence before them, they could also grant the appeal. However, she submitted that there was not any evidence.

Board Member Martz stated that in reading the original packet, the February 9<sup>th</sup> appeal should be denied, based on the information provided by Planner Robinson because there was not enough criteria given. He felt the Planning Department was correct in their decision regarding the February 9<sup>th</sup> appeal. However, since receiving the Staff report they received another packet of information on a new appeal that was turned in late and everyone is learning as they go. Board Member Martz felt that if they were only talking about the February 9<sup>th</sup> appeal, it should be denied. If they intend to include the new information and open up a review of the guidelines, that is another matter.

Board Member Werbelow asked if the Board members had an interest in looking at the criteria that was submitted, regardless of when they were received. Board Member Martz felt there were some interesting factors that should be reviewed, but he felt the basics of the February 9<sup>th</sup> appeal should be addressed and that there was not a sufficient amount of information provided. When the appellant came in this evening he presented a completely different scenario, which created some confusion.

Board Member Werbelow asked if the HPB would see this project again if they moved forward without reviewing the guidelines. Vice-Chair Holmgren remarked that the project had already gone through Staff and the Planning Commission and she did not understand why the HPB needed to review it. Vice-Chair Holmgren commented on the importance of adhering to deadlines and reiterated that receiving the information this morning was annoying and insulting. She could see no reason why the HPB should not deny this appeal.

MOTION: Board Member Durst moved to deny the appeal. Board Member Martz seconded the motion.

VOTE: The motion passed 4-1. Board Member Werbelow voted against the motion.

#### Findings of Fact - 100 Marsac Avenue

1. The property is located at 100 Marsac Avenue and includes ten development lots.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. Legal Notice of Staff's determination of compliance with the Historic District Guidelines was posted on the property on January 28, 2009. Courtesy notice

4. Two appeals of Staff's determination with Historic District Guidelines were received on February 9, 2009.
5. The Land Management Code requires Staff to post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.
6. The Thomas property is not immediately adjacent to the property.
7. The Edison property is across the platted Marsac Avenue right-of-way.
8. Planning Director Eddington phoned Mr. Edison on Thursday, February 5<sup>th</sup> to personally inform him of the Design Review and appeal period.
9. Courtesy notice to property owners within 300 feet, as alleged by Mr. Thomas, is not required under LMC 15-1-12. The applicable section of 15-1-12 (Historic District Design Review) states that courtesy notice shall be given to adjacent property owners. Further, as stated in LMC 15-1-12 C "courtesy notice is not a legal requirement and any defect in courtesy notice shall not affect or invalidate any hearing or action..."
10. Staff gave both appellants the ability to supplement their appeals with any additional items. In his supplement, Mr. Edison raised the issue that new guidelines have been implemented and that this project does not comply with the new guidelines.
11. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the guidelines.
12. No specific design criterion is appealed by either party. No Design Guideline or LMC section prohibits replicative design or addresses alignment of uphill and downhill lots.
13. Staff reviewed the application and deemed it complete on August 29, 2008. The date of the complete application is the date that the application is vested in the Code unless there is a pending ordinance that would apply to the application. As of August 29, 2008, there was no pending ordinance and the existing Land Management Code and Guidelines were applied to the application.
14. The discussion in the Analysis section above is incorporated herein.

#### Conclusions of Law - 100 Marsac Avenue

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. No specific Historic District Design Guideline Criteria are appealed.
4. Legal Notice was property given.

Order

1. The appeal is denied in whole for failure to address specific Historic District Design Guideline criteria and the determination of compliance with the Historic District Design Guidelines is upheld.

The meeting adjourned at 8:50 p.m.

Approved by \_\_\_\_\_  
Todd Ford, Chair  
Historic Preservation Board