

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF SEPTEMBER 18, 2013

BOARD MEMBERS IN ATTENDANCE: David White, Gary Bush, John Kenworthy,
Marian Crosby, Puggy Holmgren

EX OFFICIO: Kayla Sintz, Anya Grahn, Christy Alexander, Polly Samuels-Mclean,
Patricia Abdullah

ROLL CALL

Chair Pro-Tem White called the meeting to order at 5:15 p.m. and noted that all Board Members were present.

REGULAR MEETING

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBER COMMUNICATIONS AND DISCLOSURES

Planning Manager Kayla Sintz reported that Director Eddington and other Staff members were on City Tour this week. The City Tour was originally scheduled for Boulder, Colorado; however, with the recent flooding, the trip was rescheduled to the Ketchum, Idaho area.

Planning Manager Sintz introduced Ryan Wassum, the new Planner I in the Planning Department. She believed the Board Members had already met Christy Alexander, also a new planner.

Planning Manager Sintz reported that the Staff had taken a possible moratorium for A-frame structures, which would include the ski era architecture as a possible item for the City Council to consider expanding the Historic Sites Inventory. A presentation was given to the City Council the previous Thursday.

Planner Anya Grahn updated the HPB on the City Council discussion. She stated that during some of the visioning lunches the HPB expressed an interest in preserving Park City Ski Era structures as a way to recognize Park City's transformation from the Mining Era into the Ski Resort community of today. Planner Grahn remarked that A-frames are the most iconic of those structures. They are easy to identify and they dot the skyline. However, there was also interest in looking at some of the ski chalets and the hotels and inns that were developed to support the ski industry. The City Council directed the Staff to do a reconnaissance level survey of the early ski era structures from the early 1960's to 1970's. At this time no moratorium has been passed; therefore, these structures are currently not protected. Per City Council direction, the Staff was working on ways for these structures to be preserved. Planner Grahn stated that Ashland, Colorado has a unique program in which owners can voluntarily designate their building to be

considered a historic structure or landmark on the HSI, with some incentives. The Staff was considering that taking that idea to the City Council.

The Board members were interested in seeing the presentation that was given to the City Council showing the different A-frames and ski era architecture. The presentation would be scheduled for their next meeting.

Planner Grahn stated that there has been a lot of interest in the maintenance of different mining era structures, remnants and ruins around some of the resorts, which represent the mechanics of the mining era, and whether those might be listed on the National Register as ruins or archeological relics. She reported that the Staff was trying to schedule a lunch with the State Historic Preservation Officers, as well as the State archeologist. She asked if possibly two of the HPB members were interested in attending. Planning Manager Sintz stated that if three or more members wanted to attend, they could notice it as a meeting. Board Member Holmgren stated that she was definitely interested but it would depend on which day it was scheduled. Planner Grahn would inform the Board when the meeting was confirmed. She also offered to do a short presentation at a Board meeting for those who could not attend.

Planning Manager Sintz reported that the City Council had completed the Historic Preservation Board application interviews and they would be appointing two new Board members at the City Council meeting on Thursday, September 26th.

Board Member Crosby wanted to know why they were only able to pull up the August 7th Staff report online. She had received the hard copy packet, but the current one was not available to be downloaded. Patricia Abdullah offered to find out if there was an issue with the website. Board Member Crosby stated that she encountered the same problem last month.

Board Member Crosby asked if it was possible to get noticed on Friday when the HPB packet is ready, rather than waiting until Monday. She recalled that in the past they were noticed on Friday and those who wanted it sooner could pick it up. Patricia Abdullah believed the issue was with printing and getting the Staff report back prior to 5:00 on Friday. She noted that the Staff report should be available online around 4:00 Friday afternoon.

REGULAR AGENDA – Discussion Public Hearing and Action

1063 Norfolk Avenue – Grant Application PL-13-02051

Planner Christy Alexander reported that the applicants, Letitia and Michael Lawson, were in the process of purchasing the property at 1063 Norfolk Avenue and were requesting a Historic District grant. The applicants would be full-time residents in this home. Planner Alexander stated that the existing historic home, which is listed on the Historic Sites Inventory as a Significant structure, was constructed in the late 1890's typical of other miner cottages in the neighborhood. The house sits on 1-1/2 City lots and borders the 11th Street steps.

Planner Alexander reviewed the list of items the applicant would like to do to the home, as outlined in the Staff report. The existing home has no foundation and they would like to raise the home and put in a foundation. She referred to a historic photo of the home on page 68 of the Staff report that was taken in the 1930's. The photo showed that the historic home had a porch along the front that has been enclosed and the roof extended. There is no longer a porch and the front door was moved to the side. The box bay window was removed, along with the double-hung windows.

Planner Alexander stated that in addition to adding the foundation, the applicants would also like to remove the existing non-historic addition and add a visually separated stairway to transition from the historic home to a new two-story addition in the rear of the home. The applicant proposes to recreate the original front porch into the new design, and to move the front door to its original location. There are no existing historic windows in the home and they are proposing to recreate the historic windows as shown in the 1930's photo. The existing attic window would be replaced with a box bay window. The applicants also plan to replace and restore the historic siding along the front, using materials from the side and the rear of the home. The existing roof would be replaced with metal roofing. Planner Alexander noted that roofs are typically not included in historic grants, but it can be considered on an individual basis. Therefore, the applicants may bring that back at a later date once they have a bid.

Planner Alexander reviewed the breakdown of rehabilitation expenses outlined in the table on page 8 of the Staff report. She noted that typically the City considers a grant up to one-half of the eligible expenses. In this request, the City's portion would total \$28,621. There is currently \$143,585.50 remaining in the Park Avenue RDA Fund.

The Staff recommended that the Historic Preservation Board consider granting \$28,621 to restore the historic house at 1063 Norfolk Avenue.

Chair Pro Tem White stated that he has previously seen pictures of this house and he recalled a bay window on the front cable. Mrs. Lawson stated that they have scoured the museum looking for pictures but they have not found one with the bay window. However, the Sanborn map shows the footprint of the box bay. On the top of the gable where the attic window is located, the scar is visible. They pulled an exploratory permit and pulled out the inside wall. They have the dimensions of the bay window but they do not have a photo. Dina Blaes, the historic consultant, tried to help them recreate what it should look like as far as a hip roof, etc. Mrs. Lawson stated that she would like to see a photo if someone could tell her where to find one. She pointed out that the bay window was already destroyed in the 1930 tax photo.

Chair Pro Tem White believed the picture he saw was shown to him by the previous owner. Board Member Bush stated that Jim Wilson was the original owner. Chair Pro Tem recalled that Ken Weaver was the owner who showed him the photo. Mrs. Lawson noted that Ken Weaver had given them all the titles. The City records show that the house was built in 1913, but it was actually built before 1900. Chair Pro Tem White suggested that the Lawson's ask Mr. Weaver about the photograph. Mrs. Lawson remarked that their intention is to restore the house to what it was originally as much as possible.

Chair Pro Tem White asked if the purpose of the foundation was to put a basement under the house. Mrs. Lawson replied that this was correct. She and her husband and their two children would be living in the house. They are proposing to add less than 1,000 square feet to the house. Putting as much square footage as possible in a basement stops the scale from becoming overbearing. The two story addition on the main floor was recessed into the hill so it is actually less than two stories above grade.

Chair Pro Tem White asked if they were planning to raise the elevation of the main level when the basement is constructed. Mrs. Lawson replied that it has to be raised two feet in order for the basement to work. Chair Pro Tem White pointed out that raising the elevation two feet was allowed.

Board Member Holmgren suggested that Mrs. Lawson speak with Gary Kimball to see if he remembers what the house looked like.

Board Member Kenworthy was pleased to see more projects coming from the Lower Park area.

Board Member Crosby recalled a similar grant request for 335 Woodside; however, the Board did not award the funds because the applicant proposed a full basement. She asked if the Staff was proposing that the City fund for a full basement with this request. Planner Alexander remarked that the excavation and house lifting was removed from the City's portion. Mrs. Lawson noted that the actual concrete bid was \$65,000. What was listed on the breakdown was the cost of a crawl space foundation, not a full basement. She was willing to take whatever help the HPB could give.

Board Member Kenworthy asked when Mrs. Lawson planned to start the project. Mrs. Lawson stated that she was ready to start a couple of weeks ago, until she was informed that the grant application process had to be done first. She would like to start as soon as possible. Ms. Lawson reported that they had a soils test done. They are on the uphill side of Norfolk and apparently the soil is too wet in the Spring to dig, so it needed to be done this Fall.

Board Member Holmgren asked if they have bigger signs stating that grant money is being awarded on these houses. Planner Grahm noted that the Board had recommended putting up notification signs. Currently, they Staff was using the standard notification signs; however, if the Board wanted larger signs they would look into it. Planning Manager Sintz clarified that currently they were using an 11 x 17 sign that says a portion of this project is funded by the Historic Grant. Board Member Holmgren preferred larger signs and lights to identify the projects that were being funded. Planner Grahm agreed that it was something to look into.

Board Member Kenworthy thought this was a perfect example of how the HPB wants to help. Board Member Holmgren agreed, which was her reason for asking for bigger signs. She believed this was a good project. Mrs. Lawson stated that she would be happy to have a sign in front of her house because she would like to set an example for modest additions rather than large mansions in Old Town.

MOTION: Board Member Kenworthy moved to APPROVE the grant request for 1063 Norfolk Avenue in the amount of \$28,621. Board Member Crosby seconded the motion.

VOTE: The motion passed unanimously.

269 Daly Avenue – Determination of Significance
(Application PL-13-02024)

Planner Grahn reviewed the application for the property located at 269 Daly Avenue. She noted that the property was listed on the Historic Sites Inventory in 2009 as a Landmark Structure. Park City Landmarks sites are pristine and in their most original form. Planner Grahn stated that in 2009 there was very little historical documentation about the building and in doing the recon survey, the Preservation Consultant thought it was a Landmark structure because the house is historically a common form in Park City. However, in 2011 the applicant submitted an HDDR to add a rear addition; and in June 2012 the Building and Planning Departments visited the home. At that time the Preservation Consultant realized that there was not much historic material on the front gable portion and determined that it was added outside of the historic period.

Planner Grahn presented a 1968 tax card and the 1927 Sanborn map to show that the house was built as a hall and parlor, which is one-story, a hallway and two rooms. The Staff believes that between 1960 and 1970 an addition was made to the front of the house to create an L-shape. Planner Grahn presented a photograph showing the difference in siding materials and she pointed out the wider lapped wood siding at the front of the house that was added in the 1970's. A porch along the front was infill to add the gable addition to the front of the house.

Planner Grahn reviewed the LMC criteria for recognizing Landmark sites. Based on the criteria, the Staff found that the building at 259 Daly Avenue no longer complies with the Landmark description because it has lost a lot of its historic integrity with the out-of-period gable roof addition to the front of the house. However, the Staff believes the structure should remain on the Historic Sites Inventory as a Significant site. Planner Grahn read the criteria for a Significant site, one of which is to maintain its essential historic form. She outlined the types of alterations that are acceptable and still classify a structure as Significant.

Planner Grahn stated that in this case the more rectangular hall and parlor plan is obstructed by the front gable addition that was completed in the late 1960's or early 1970's.

Planner Grahn noted that a former planner, Matt Evans, had reviewed this property and worked closely with the Preservation Consultant Dina Blaes. Ms. Blaes felt that reconstruction of the home at 269 Daly Avenue was necessary due to the severe deterioration of the structure. Planner Grahn stated that after learning that the portion at the front of the house was not historically significant, the owner plans to reconstruct the hall and parlor layout. Therefore, the home would be more rectangular with side gables rather than the L-shape.

Planner Grahn reported that the applicant was also proposing to move the house forward slightly. Currently, the hillside comes into the back rear area and water runoff

has caused structural deterioration. Ms. Blaes thought that moving it forward a few feet would prevent that from happening to the reconstructed building.

Planner Grahn stated that the HPB had three alternatives; 1) conduct a public hearing to consider the determination of significance as described in the Staff report and change the existing designation from Landmark to Significant; 2) Conduct a public hearing and reject the change from Landmark to significant providing specific findings for this action; 3) Continue to a date uncertain.

Rick Otto, the project architect, stated that the applicant had anticipated remodeling. However, as they got into it they realized that the structure was really bad. The east side of the house was some crumbling and there were mold problems. In the end they decided to recreate the original shape of the house. Mr. Otto believed the original house was 720 square feet. Once this project is finished the size of the house would be 1200 square feet. He explained that the owners were not interested in building two stories and the house would remain a single story with an addition on the rear.

Planner Grahn stated that the Planning Director and the Chief Building Official have both agreed to the reconstruction based on the evidence they found on the site visit and the poor condition of the structure.

Board Member Holmgren thought this was a good example of when replication should trump renovation.

Board member White assumed the original house had been documented. Mr. Otto replied that they have as much information as they could find. The house would be reconstructed to meet the same height, etc. There are significant trees behind it and moving the house forward would help to respect the trees. Mr. Otto pointed out that the applicant also plans to reconstruct the garage/carriage house.

Planning Manager Sintz stated that the applicant would have to get a financial guarantee before obtaining a building permit to take down the structure. A preservation plan is a pre-requisite to the financial guarantee.

Chair Pro Tem White opened the public hearing. There were no comments. Chair Pro Tem White closed the public hearing.

Board Member Crosby wanted to know how far forward they anticipated moving the house. Mr. Otto replied that from the original front addition, it would be moved 4-feet towards the street to the west.

Board Member Bush pointed out that moving the house forward was consistent with the rest of the streetscape.

Planning Manager Sintz clarified that the application before the HPB this evening was whether or not to move the structure from Landmark status to Significant status, which was separate from the HDDR application. She asked if the HDDR had been completed. Mr. Otto stated that the applicant had gone through the HDDR process and he would

check to see if there were other issues that needed to be addressed. Planning Manager Sintz offered to update the Board on the progress of the HDDR at the next meeting.

Board Member Kenworthy asked if all the neighbors had been noticed. Planner Grahn answered yes. Board Member Kenworthy asked if another notification would be required if the addition is approved. Planner Grahn explained that the neighbors were noticed for the Determination of Significance. Once the HDDR has been completed it would be re-noticed.

Board Member Bush understood that the plans were not the focus of their decision this evening; however, he asked if it would be appropriate to look at the elevations since the applicant had already submitted for an HDDR. Mr. Otto briefly reviewed the plans with the Board.

Planning Manager Sintz noted that there was a question regarding the requirement to move from Landmark to Significant, because when reconstruction is involved, the Code reads that a structure cannot remain Landmark. She thought the other criteria was that the previous survey was a reconnaissance level windshield survey. Now that the intensive level survey has begun, they may uncover similar situations. However, this was one that was found as a result of the owner moving forward with a project that strengthens the preservation program by being more authentic to the original structure. Part of that was moving it from Landmark to Significant.

MOTION: Board Member Holmgren made a motion to change the structure at 269 Daly Avenue from Landmark status to Significant status. Board Member Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact – 269 Daly Avenue

1. 269 Daly Avenue is within the HR-1 zoning district.
2. The structure at 269 Daly Avenue is currently listed on the Park City Historic Sites Inventory as a “Landmark” Structure.
3. There is an existing cross-wing “L-Cottage” structure at 269 Daly Avenue.
4. The existing structure has been in existence at 269 Daly Avenue since 1901 according to the Sanborn Insurance Maps.
5. Intensive level investigation work has determined that the original hall-parlor was altered to its existing shape sometime between the late 1960’s to the early 1970’s with a room and front porch addition to the front of the building.
6. The existing structure is over 50 years old, however the addition is less than 50 years old and is thus, and not in period.
7. The existing structure is in serious disrepair and is not habitable in its current dangerous condition.

8. There is very little original exterior materials remaining on the home. There was no evidence that the original siding was used for the late 1960's early 1970's addition to the home.

9. The original structure was a T shaped cottage and typical of the mature mining industry era.

10. In 1997, the stem wing section of the main roof was modified to create a new front facing gable and additional space in the top story. The "pitch" of the original gable end of the cross-wing has not been altered. Also, the shed roof above the porch has not been altered. Although the roof form has been modified, it is evident that the structure was originally a cross-wing T shaped cottage when viewed from the public right-of-way. The existing structure retains its essential historical form.

11. The structure no longer meets the criteria for Landmark designation, but should be designated as Significant. Built in 1901, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years. Though the structure has lost its historic integrity due to the out-of-period addition and alterations to its historic materials, it has retained its historical form. The out-of-period addition to the facade of the structure significantly obscured the Essential Historical Form when viewed from the primary public Right-of Way, disqualifying it from Landmark status. The structure is important in local or regional history because it is associated with an era of historic importance to the community, Mature Mining Era (1894-190).

Conclusion of Law – 269 Daly Avenue

1. The existing structure located at 269 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2).

1119 Park Avenue – Appeal (Application PL-132036)

Planner Grahn stated that she and Planner Astorga, who were the planners on this project, would present their reasons for denying the application. The applicant and his architect would then have an opportunity to explain why they disagree.

Planner Grahn reported that the structure was initially built as a hall and parlor in 1907. A second story was added within the mining period. Around 1949 a garage, which is partially wood and partially concrete, was built. The garage is not historic since it was built outside of the mature mining period. Two rear additions were built in the 1970s and 1980s.

Planner Grahn stated that on May 16, 2012 the Building Department issued a Notice and Order to repair and vacate the building. When they entered the structure they found that there was no foundation because the materials had been removed. The structure was held up by four or five pipe jacks located on the dirt floor. The floor joist and sheeting

had also been removed, as well as some of the studs within the stud walls. The building was structurally unsound.

The Notice and Order issued on May 16, 2012 was recorded the following month.

Planner Grahn reported that on July 17, 2012 the applicant came in to discuss restoring and stabilizing the structure through an HDDR application. On July 30th the Building Department received the application to demolish the non-historic components, which were structurally deficient and did nothing to help stabilize the building. In March 2013 the Planning Department received a full HDDR application for the proposed addition and restoration. A building permit was issued on March 20th to begin stabilizing the structure. On May 1st construction began on the stabilization work and the Planning Department continued to work with the applicant to bring the design into compliance with the Design Guidelines per the Staff interpretation.

Planner Grahn stated that on July 31, 2013 the applicant informed the Planning Department that they were submitting a final set of drawings. The HDDR application was denied on August 5, 2013 because the Staff found that the plans did not meet the Design Guidelines. An appeal was received on August 16th. Planner Grahn noted that the appeal period is ten days and the Staff erred in noting that the appeal period expired on August 16th, when the correct expiration was August 15th.

Planner Grahn noted that the Staff found that the design and restoration as proposed would cause a destruction of historic materials, historic features, and the spatial relationships that characterize the site and the building. They also found that the proposed addition did not complement the visual and physical qualities of the historic hall and parlor house. At some point in the future, it would not be possible to remove the addition due to the manner, design and construction of the addition.

Planner Grahn responded to the appellant's points for the appeal and explained the Staff's reasoning and analysis that led to the HDDR denial. On the issue of destruction of historic materials, she presented slides showing the historic hall and parlor house and the non-historic additions. Planner Grahn pointed out that most of the west wall on the first floor was lost because of the later additions. However, on the second floor most of the west wall is intact. She reviewed a rear elevation showing the 1970 and 1980's addition and how the second floor is exposed. Planner Grahn stated that the new addition did not comply with University Design Guideline #9, "New additions, exterior alterations or related new construction should not destroy historic materials, features and spatial relationships that characterize the size and building." Planner Grahn stated that in looking at the proposed plans, much of the historic material has been lost, but the applicant was proposing to restore it. Typically, they ask that a transitional element or connector is in place because it helps retain more of the historic material and differentiates the old from the new. In this case the rectangular additional is tacked on to the rear of the building. On the second level most of the wall would be enclosed by the addition.

Planner Grahn noted that the Planning Department does not regulate interiors and it is possible that the wall could be torn down in the future and all historic material would be lost. She indicated the area where two feet of historic material was proposed to be retained.

Planner Grahn remarked that the next appeal point was the destruction of historic features. The applicant believes that the new addition would only impact the siding, eave and structure of the rear west wall, that the addition is hidden behind street view and creates no impact, and the historic materials are present and larger in a more prominent location on the other walls of the historic structure. The applicant believes that since the rear wall is non-prominent and can only be seen from the backyard or while standing on the shed roof, it is less significant than other portions of the house. Planner Grahn explained that the Staff would argue that it would destroy the features. The Planning Department looks at the applications holistic and not just from the streetscape. They find that the addition as proposed is just tacked on and the spatial relationship would be lost.

Planner Grahn remarked that the Staff also had an issue with the destruction of spatial relationships. The applicant believes that Universal Design Guideline #9 does not apply in terms of the spatial relationship because they were not proposing to move the house. Replacing non-historic additions with another non-historic addition should not change its spatial relationship with the site. Planner Grahn stated that the 1970s and 1980s additions do not complement the house. The proposed addition would consume both levels, rather than just one level like the earlier additions. Planner Grahn remarked that currently it was easy to identify the historic portion of the house; however, with the proposed addition, most of the historic house would be obscured and lost.

Planner Grahn remarked that the Staff also found that the proposed addition did not complement the visual and physical qualities of the historic parlor house. The applicant believes that the scope of the proposed addition replaces a previously constructed and reconstructed single story addition with a two-story addition. He felt that the location of the proposed addition behind the historic structure makes the new addition subordinate, and that while larger than the historic hall and parlor house, that the addition is hidden behind the historic structure from the street with over 90% of the addition being unobservable. The applicant also believes that the proposed materials are compatible and complement the historic structure and the concrete wall garage.

Planner Grahn stated that Design Guideline D1.2, talks about how the addition should be subordinate to the historic building when viewed from the primary public right-of-way. In this case there was some discrepancy as to the height of the overall historic structure. The Staff had concerns that because the new addition is only three feet back from the historic rear elevation, that the area above that exceeds the height of the historic structure may be visible from Park Avenue. The Staff also found that much of the addition behind the garage would be visible from the street.

Planner Grahn noted that the Staff also found that Design Guideline D1.3 was not met because additions should not obscure or contribute significantly to the loss of historic materials. She reiterated that as proposed, the addition would consume the west wall of the rear elevation, resulting in the destruction and loss of historic material.

Planner Grahn stated that Design Guideline D1.4 talks about when the new addition abuts the historic building, a clear transition element must be made between the old and the new, and the new should be designed and constructed. She pointed out that the

transition element is not required for bay windows, dormers or other smaller additions. She presented an image to show how a connection piece would allow people to read the historic structure separately from the new construction. Planner Grahn explained that the purpose of the connector piece is to separate the old from the new, but it also helps protect the historic materials. It sets the addition back from wall planes of the historic building, and it allows the historic building to stand on its own rather than being consumed.

Planner Grahn noted that the applicant proposes to identify the transitional element by lowering the roof and proposing new material. She pointed out that while this was an acceptable method in previous design guidelines, it does not comply with the 2009 Design Guidelines.

Planner Grahn stated that additions should also complement the visual and physical qualities of the historic building per Design Guideline 2.1. In this case, the applicant was proposing stacked stone veneer, which is typically not allowed above finished grade. She remarked that the applicant had done a nice job of bringing in windows and doors that were similar to the historic structure. However, the use of stone to create the transition did not comply with the design guideline. The wood and batten siding as proposed was compatible. The Staff also found that building components and materials used on the addition should be similar in scale and size to what is found on the original building.

Planner Grahn noted that Design Guideline D.2.4 states that large additions shall also be separated from the historic building when viewed from the public right-of-way. She reiterated that the Staff believes the addition from the right-of-way overwhelms the historic building and the addition is not compatible.

Planner Grahn remarked that another issue is that it would not be possible to remove the addition at some point in the future due to the design and construction of the addition. The applicant claims that this lacks merit and was incorrect. The applicant believes that the future removal of the proposed addition is possible because it would leave the historic hall and parlor house nearly intact and whole with only a three foot doorway to replace on the second level. In looking at the design, the Staff believes it would be difficult for a future generation to identify which part is historic and which part is new construction. Therefore, since much of the second level would have been created as interior space in the proposed design, in removing the addition it becomes very difficult to identify the break and distinguish between old and new.

Gregg Davison, the applicant and owner, requested the opportunity to present his proposal to the HPB and to make an earnest argument as to why he believes the design is compliant with the Design Guidelines.

Board Member Holmgren stated that the Board would have two new members at the next meeting. She suggested that the Staff provide the new members with the Staff report and to wait until they have a full Board to discuss this appeal. Board Member Holmgren believed this was an important matter and she suggested that the new members should be involved.

Assistant City Attorney McLean remarked that the appellant has the right to due process and under the Code appeals should be heard within 45 days. The applicant would have to agree to a Continuance. Board Member Holmgren understood the process and asked Mr. Davison to continue with his presentation.

Mr. Davison stated that he wishes for a home to raise his children. He has owned this house for over ten years. It is a great neighborhood with great neighbors and he wants to be able to build a three-bedroom home to raise his family. Mr. Davison introduced his architect, Kurt Von Puttkammer, and commented on his professional background. He noted that Mr. Von Puttkammer formerly worked for the Park City Planning Department, which included working significantly with the Main Street business re-design of 1997.

Mr. Von Puttkammer stated that the Staff report did a great job of putting together a timeline and reporting what happened in terms of permits and construction, but it did not reflect what happened between July and March when he and Mr. Davison met with the Staff and Assistant City Attorney McLean on a regular basis. He noted that the meetings were very interactive and the folder was very thick. Mr. Von Puttkammer stated that he had done three different designs and all three designs comply with Code. He was sure the Board was aware that the matter was highly complex and very difficult, particularly with the existing home in a failure situation. He felt it was amazing that the applicant and the Staff were in agreement on 98% of every challenge they faced. He pointed out that there were no LMC issues with the proposal. All the issues presented were discretionary planning issues that would be decided on by the HPB. He also noted that the design guidelines say "should do this." It does not say "shall". "Should" means if every possible measure is made and it cannot be done, then it isn't.

Mr. Von Puttkammer stated that there was a lot of back and forth between the City and the applicant and there was a lot of frustration on both sides. He felt strongly that he had done everything possible for his client and he eventually told the applicant that he was not going to do what the Staff was asking because it was an absurd request that no architect would do. Mr. Von Puttkammer noted that he submitted the applicant's plan and it was denied. He realized that even though the applicant had compromised on the plan he originally wanted, he was still not going to get it. Furthermore, the Staff was not getting what they wanted either. Mr. Von Puttkammer stated that he and Mr. Davison went through the plans and proposed something that was in substantial compliance with the Staff report. They wanted to remove the stone and eliminate the 7/12 roof pitch. He interpreted that as what they were being asked to give.

Mr. Von Puttkammer had plans that he intended to pass out to the Board Members and ask them to approve.

Assistant City Attorney McLean stated that the issue for this appeal was the plan that was submitted to the Staff and the Staff's analysis and decision on that plan. If the applicant wanted to submit a new design, it would need to be submitted to the Planning Department for review. Mr. Von Puttkammer stated that this was not a new design; it is in substantial compliance. Ms. McLean remarked that if it was in substantial compliance, then the current design should be sufficient. If there were minor changes to that plan, it would need to be reviewed by Staff. Ms. McLean thought it sounded like Mr. Von Puttkammer was prepared to submit new plans. She advised that the only jurisdiction

the HPB had was to hear what the Staff had reviewed. Ms. McLean clarified that she was not trying to extend the process, but they needed to follow the proper process.

Mr. Von Puttkammer stated that his interpretation as an architect was that the Board has the right to approve anything with conditions of approval. Ms. McLean stated that this was no longer the case. The Board review is considered a de Novo review, which means that they look at the plans anew or fresh. However, based on the administrative process, what the Board was reviewing is whether or not Staff reviewed the plans correctly. If the applicant has new plans, it needed to be submitted to Staff. The Staff could grant it; but if they deny it again and it is appealed, it would come back to the HPB for review. Ms. McLean remarked that the Staff looks at the plan initially. She clarified that looking at the plans "anew" means that the HPB does not give deference to the Staff's decision. It does not mean that the applicant can submit new plans.

Mr. Davison stated that the plans they intend to submit were not new. They had been denied by Staff. He thought there was tremendous confusion in the Staff report and he wanted the HPB to look through them plans to see that they were not congruous. The date stamps were incorrect and the materials were incorrect. They were different floor plans. Mr. Davison clarified that the floor plan he wanted to work off of this evening had been seen by Staff and rejected by Staff.

Assistant City Attorney McLean clarified that the plans for discussion this evening should be stamped with the date of July 31, 2013, which is the date the Staff made their determination. Mr. Davison stated that the Staff was very familiar with the floor plan he intended to submit to the HPB. There were no changes to what they had seen and rejected.

Chair Pro Tem White informed Mr. Davison that if he was asking the HPB to look at something different than what was in the Staff report, they would not be able to do it. Mr. Davison replied that the Board Members had a fractured packet. Chair Pro Tem White stated that the applicant needed to work with the Staff on that issue. Mr. Von Puttkammer noted that the site plan did not match. It was a different date from a different submittal.

Planning Manager Sintz asked if Mr. Davison and his architect were aware of the denial and the findings made on the denial, and the dates that were referenced. Mr. Von Puttkammer stated that he received the information on Friday at 5:00. Planning Manager Sintz pointed out that Mr. Davison had submitted an appeal based on the denial of a design. She understood that it was on the July 31st drawings. Mr. Von Puttkammer was not prepared to speak to the submittal date.

Planner Grahn noted from the exhibits that the plans were stamped July 31st. She asked Mr. Davison if it was possible that his final submission were not the most updated plans. Mr. Davison replied that when he had a conversation with Planner Grahn, he told her he would be sending the July 7th submission. Planner Grahn did not recall a request to look at the July 7th submission. She recalled a July 31st submission, and that Mr. Davison had said that it was his final submission because he could not make it work any other way. She apologized if she was at fault in an error of communication. Mr. Davison asked if the July 7th plans had been rejected. Planner Grahn replied that they were

rejected because new plans were submitted on July 31st that were reviewed and denied. The July 7th plans were rejected because it was a previous rendition.

Mr. Davison remarked that he had standing to be here. Planning Manager Sintz replied that the Staff had not made findings on the July 7th drawings. Mr. Davison disagreed and stated that every page was included in the Staff report. Planning Manager Sintz suggested that the Staff could go back and look at what was done with the July 7th drawings. Mr. Davison stated that the review was done and it was denied. Planning Manager Sintz noted that it was not officially denied because the findings and denial were based on the July 31st drawings. Mr. Davison stated that it was in the Staff report. The second story deck was missing but the first floor and other examples in the packet were of the July 7th drawings. It was a fractured submission.

Planner Astorga referred to page 154 of the Staff report, which was stamped July 31st. He noted that it was the latest copy the Staff received from the applicant, which is what the Staff reviewed. Mr. Von Puttkammer stated that page 154 did not match the exterior elevations on page 153 because that was for a different plan.

Assistant City Attorney McLean clarified that numerous iterations of plans were submitted to Staff. A set of plans was submitted on July 31st and the Staff believed that was the final set of plans. However, Mr. Davison had wanted the Staff to review an earlier iteration. Mr. Davison stated that it was an error on his part because the second floor was never intended to be submitted. It was an electronic submission and it was an error included with multiple other fractured aspects of the packet. Ms. McLean stated that if there was a miscommunication between the applicant and the Staff on which set of plans should be reviewed, the HPB would not have jurisdiction.

Mr. Davison argues that there would be no change in the Staff analysis. He pointed out that the design that preserves the second story wall is unbuildable for his needs. Yet, even the Staff believed the analysis was on a connection to the historic parlor house and second wall.

Mr. Von Puttkammer thought the HPB could hear this appeal this evening, and they could overturn the denial and direct Staff to move forward with what the applicant was asking. Assistant City Attorney McLean stated that if the applicant believes there is a discrepancy between the plans because they do not match, he needs to provide the Staff with a fresh set of plans without any discrepancies that the HPB could review prior to the meeting. She pointed out that if the Staff report is incorrect or fractured as Mr. Davison believes, then the Board would not have accurate information to conduct their review. Mr. Von Puttkammer replied that there were no conflicts in the drawings that related to the denial. He believed that all the points in the denial were irrelevant to any plan and that the HPB had the authority to make the necessary changes.

Planning Manager Sintz informed Mr. Von Puttkammer that the HPB is a Public Board. She suggested that he may be confusing the HPB with the former Historic District Commission. Mr. Von Puttkammer requested that he be allowed to present their case and have the HPB overturn the denial. At that point, he would be happy to work with the Staff. He was also interested in hearing the Board's interpretation because he strongly believed the Staff interpretation was not accurate. He pointed out that the HPB was an

appellant Board who looks at the plans completely new. Assistant City Attorney McLean clarified that de Novo means that the Board does not give deference to Staff. They look at the plans anew, but they have to look at the same things as the Staff. She stated that if the elevations are wrong in the packet, they accurate information needs to be re-submitted to the HPB.

Mr. Davison stated that the elevations in the packet were correct. The error is the second story floor plan and the site plan. Planner Astorga stated that it was the submission that the Staff received on July 31st. Unfortunately, the applicant submitted incorrect information and the Staff denial was based on the information that was provided. Mr. Davison argued that it was not incorrect. Planner Astorga clarified that Mr. Davison was no longer seeking what he submitted on July 31st.

Assistant City Attorney McLean stated that regardless of what was submitted when, if the floor plan on page 147 was correct, the HPB could review the plans and hear the appeal. However, if the information is not what they were proposing, it would need to come back to the HPB. Mr. Von Puttkammer stated that the Staff report was correct and the applicant wanted to continue with what was in the Staff report this evening. Ms. McLean was unsure why they were changing their mind, but she was willing to have the HPB move forward if that was what the applicant wanted. Mr. Von Puttkammer stated that there must be a process for getting this denied, at which time they would either return to the HPB or work with the Staff. He felt there were many opportunities for the applicant to work with the Staff to modify the plans to do what he really wanted.

Assistant City Attorney McLean stated that is was problematic if the floor plans did not match the elevations. Mr. Von Puttkammer did not think it was a problem because all the issues were aesthetic and had nothing to do with the floor plans or elevations.

Board Member Bush asked if there were any ramifications if the Board were to go through the packet and provide feedback and then deny or approve the appeal. Mr. Von Puttkammer informed Board Member Bush that the applicant had requested a work session with the HPB and they were told it was not possible. Board Member Holmgren told Mr. Von Puttkammer that the work session should be with the Design Review team.

Board Member Crosby explained that the HPB is set up as an appeal board based on what was approved or denied. She understood that the denial was based on the July 31st plans. However, now the applicant was saying that part of that was incorrect. Mr. Von Puttkammer stated that he was requesting that the HPB pursue the Staff report as it exists.

Board Member Kenworthy stated that the HPB could not meet with the applicant in work session because they are an appellant board. They cannot give advice or feedback on a project in case there is an appeal. He thought it would be better for the applicant to work out the plan discrepancies with the Staff and come back with a consistent packet for the HPB to review.

After further discussion, the Board members were not comfortable hearing this appeal based on a questionable Staff report.

Historic Preservation Board Meeting
September 18, 2013

MOTION: Board Member Holmgren moved to CONTINUE this item to the next available meeting. Board Member Crosby seconded the motion.

VOTE: The motion passed unanimously.

Mr. Von Puttkammer asked if it was possible to use this time to have a discussion with Staff in front of the Board. Board Member Holmgren reiterated that as an Appeals Board the HPB could not be part of the discussion.

Assistant City Attorney McLean directed the Staff to get clarity on what the applicant intended for the Staff to review, as well as any revisions. The Staff should reanalyze the plans in a timely manner and make sure the HPB has ample time to review the material for a de Novo review, provide feedback and make a ruling.

The meeting adjourned at 6:41 p.m.

Approved by _____
David White, Chair Pro Tem
Historic Preservation Board