

PARK CITY MUNICIPAL CORPORATION  
HISTORIC PRESERVATION BOARD  
MINUTES OF JUNE 18, 2014

BOARD MEMBERS IN ATTENDANCE: Chair John Kenworthy, Puggy Holmgren, David White, Marion Crosby, Gary Bush, Hope Melville

EX OFFICIO: Thomas Eddington, Kirsten Whetstone Polly Samuels McLean, Makena Hawley

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ROLL CALL

Chair Kenworthy called the meeting to order at 5:17 p.m. and noted that all Board Members were present except Clayton Vance who was excused.

APPROVAL OF MINUTES

May 21, 2014

Chair Kenworthy referred to page 1 of the minutes under Roll Call and changed Chair McFawn to correctly read **Chair Kenworthy**.

Board Member Crosby referred to page 12, fourth paragraph, last sentence, "However, the Board is limited to basing their decision on the historic site and whether it retained its historical form in spite of the alterations made over the years..." She requested that "in spite of" be stricken and replaced with "**under**" since that was how it was stated. In the same sentence, after "the alterations made over the years", she inserted, "**if that is the purview of this Board...**" because that wording was left out of the minutes.

Director Eddington noted that Board Member Crosby had contacted the Planning Department and listened to the recording to confirm what was actually said.

MOTION: Board Member Holmgren moved to APPROVE the minutes of May 21, 2014 as corrected. Board Member Crosby seconded the motion.

VOTE: The motion passed unanimously.

Chair Kenworthy announced that Board Member Puggy Holmgren had been elected Vice-President of the Historic Park City Business Alliance.

PUBLIC INPUT

There were no comments.

STAFF/BOARD COMMUNICATIONS

Board Member Melville stated that she and Board Member Bush had attended the City Council budget meeting. She noted that based on the City Council discussion there is money available for matching grants well beyond the \$45,000 the HPB thought they were limited to.

Director Eddington had not attended the budget meeting, but he understood that the HPB would have \$46,000 available as a use or lose allocation, as well as additional money from the Main Street RDA and from the Lower Park Avenue RDA. He noted that the Main Street RDA was limited but there was a significant amount in the Lower Park Avenue RDA. He pointed out that most of the grant requests do not come from the Lower Park Avenue area. Director Eddington clarified that the HPB would have significantly more funds than the typical \$45,000, but it would be dependent on an as-needed basis. The City Council and the Budget Department had asked the Planning Department to revamp the grant process to outline more clearly what does and does not qualify. The Staff would provide the HPB with a grant update in the near future.

Councilman Peek stated that there was \$41,000 in one RDA fund and \$30,000 in the other RDA fund designated for grant use. With the increased funding the grant would go to the City Council for approval to spend taxpayer money.

## REGULAR AGENDA – Discussion, Public Hearing and Possible Action

### 920 Empire Avenue – Determination of Significance (Application PL-14-02356)

Planner Kirsten Whetstone reviewed the request for a determination of historical significance regarding 920 Empire Avenue. The structure is a historic home located right at the street. The applicant was seeking to remove the structure from the Historic Sites Inventory, and claims that the building is not significant based on the criteria outlined in the LMC for inclusion in the Historic Sites Inventory.

Planner Whetstone noted that pages 40 and 41 of the Staff report provided a brief history of the sites inventory and how the sites were evaluated. It was not an intensive level survey but the sites were evaluated according to specific criteria, as well as reports, photographs, sanborn maps and files of individual buildings and tax cards. If a structure was determined to be eligible for the Historic Sites Inventory, it was evaluated to be either Significant or Landmark. Planner Whetstone stated that the structure at 920 Empire Avenue was placed on the Historic Site Inventory in 2008 and designated as a Significant site.

Planner Whetstone stated that 15-11-10(A)(2) of the LMC talks about criteria for removing a site. A structure can be removed from a site if a) The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or c) Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

Planner Whetstone outlined the criteria for a Significant site: a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form c) It is important in local or regional history, architecture, engineering or culture associated with either an era of Historic importance to the community, lives of persons who were of Historic importance to the community, or noteworthy methods of construction, materials, or craftsmanship used during the Historic period. The Staff had conducted an analysis of the three criteria.

Planner Whetstone presented Sanborn maps from various years showing that the historic structure at 920 Empire did not exist in 1900, 1907 or 1929. In 1941 the Sanborn maps show a small structure that was used for an auto type of use. Research shows that it was constructed as a garage. Planner Whetstone remarked that the 1950 Sanborn Map did not show the structure at all. However, the Preservation Consultant, Dina Blaes had done an analysis and indicated that sometimes accessory structures are left off the maps. Therefore, it was not confirmation that the building did not exist in 1950.

Planner Whetstone presented an undated tax card that identifies two buildings on the site. The tax card documents that the subject building was built in 1960. However, the 1958 tax card identifies the structure and says it was approximately 25 years old, which would tie back to the construction between 1929 and 1941 for the structure shown on the 1941 Sanborn map.

Board Member Melville understood that the 1958 tax card indicates that it was a two-car garage. Planner Whetstone replied that this was correct. She explained that because there were no surrounding historic structures it was difficult to find photographs of the site at 920 Empire Avenue from the depression era to know whether the garage structure was the structure constructed in the 1960s or if it was constructed in 1938.

Planner Whetstone stated that the applicant obtained an exploratory demolition permit. She and Planner Grahn had met with the applicant and inspected the existing construction. Planner Grahn was of the opinion that the existing

structure did not appear to be the building that was constructed in the 1930s. The material was new and there were bracings, unless the roof was completely reconstructed in its original form, which can be done and still retain its Significant status on the HSI. Planner Whetstone noted that the photos on pages 70, 71 and 72 of the Staff report showed the plywood construction and the bracing. The construction analysis indicates that the existing structure was not the building shown in 1938.

The Staff believes the structure at 920 Empire is 50 years or older, but that could mean it was constructed as late as the 1960s. Therefore, it meets the first criteria of being at least 50 years old.

Planner Whetstone commented on the second criteria of whether or not it retains its essential historic form. Planner Whetstone presented examples of historic garages that were built during the historic mining era and compared them to the existing structure. She pointed out that the roof pitch was more of a 1970s look. She remarked that the structure is currently unoccupied but the most recent use was a duplex with a dwelling unit upstairs and one in the basement. Planner Whetstone noted that the page from the old Park City Survey Worksheet indicates that most post-1930 structures are categorized as non-contributory. The old Park City Survey shows the structure at 920 Empire as non-contributory.

The Staff agreed with the applicant that the structure does not meet the second criteria because the essential form of the roof has been modified and it appears to have been constructed outside of the historic era.

Regarding the third criteria of importance to local and regional history, architecture, engineering or culture, Planner Whetstone stated that the Staff believes that the methods of construction, materials and craftsman used during the historic period are not evident. There is evidence that Horace Spearen, a Park City Councilman, was on record as an owner in 1967. It was not during the historic period but he was a noteworthy person. However, there is no indication that Mr. Spearen actually lived in the structure. A family lived in the yellow structure, but that structure was not included in the inventory because it had been significantly altered.

Planner Whetstone stated that upon close examination and analysis of the site, the Staff believed that the site no longer complies with the criteria set forth in the LMC for designation as a Significant site. The Staff suggested that the HPB review the Findings of Fact and Conclusions of Law contained in the staff report, as well as the materials presented, conduct a public hearing and consider removing the structure at 920 Empire Avenue from the Historic Sites Inventory.

Board member Holmgren thought the history of the people who lived on the site was very interesting.

Board Member Melville believed there were two issues. One was the date of construction of the existing structure. John Whitely, a contractor and neighbor, referred to several letters and testimony he had obtained from various people who had either lived in the structure or recalled specific details, and he believed there was no doubt that the structure was built in 1958 or 1959.

Board Member Melville referred to Exhibit B, the Historic Site Inventory and Exhibit G, the Intensive Level Survey, the 1958 tax card, Exhibit H, the Sanborn map from 1941 and noted that they all indicate that the garage structure was built in the 1930's. However, Exhibit E, a letter from the daughter of Horace Spearen indicates that the structure was built in 1958. Exhibit D, the Summit County property records show that it was built in 1960. Ms. Melville stated that the three eras of historical importance was the mining boom era until 1893, the mature mining era until 1930 and from 1931 to 1962 the mining decline and emergence of the ski era. She noted that if the structure was constructed in 1960 it would still be in the mining decline era. Ms. Melville stated that if the structure is 50 years or older and it was constructed in the mining decline era, the only question was whether or not it maintains its essential historic form. She wanted to know what evidence shows that the essential historic form changed after 1960 other than removing the garage doors.

Planner Whetstone believed it was built with a cinder block basement and converted into a duplex in the 1970s. She thought there was some question in terms of whether the structure shown in 1941 and discussed as being built in 1938 was the existing structure. Board Member Melville questioned how the structure would not retain its essential historic form if it was built in 1960 during one of the historic era. Planner Whetstone replied that the form is retained but the front façade was completely changed because it is no longer a garage.

Board Member Melville clarified that she was looking for consistency in how they handle these issues. Planner Whetstone remarked that there were a lot of structures that were constructed during the mining decline era that were not put on the HSI because they were not significant to Park City. Those structures were primarily the A-frames and recreational buildings that were constructed during that emerging time. She pointed out that the analysis for the historic sites form talks about it being significant because it was built in 1938. The Staff has since found evidence that it probably was not the structure constructed during that time, or if it was, it was significantly modified. Board Member Melville agreed that if the structure was built in 1938 it clearly has been modified and probably lost its essential form. However, it may have been built in 1960 as indicated in the Findings of Fact.

Director Eddington stated that they talk about the ski era architecture from the late 1950s, 1960s and early 1970s, which was a little before the end of the

mining decline. He pointed out that the ski era was a result of the mining decline because some of the miners started skiing. The City has discussed whether the next era of architecture was worth historic preservation. While there was general agreement that it was worth looking into, there was also concern with regard to the impact preservation would have on the property owners. Director Eddington noted that it was something that needed further consideration and possibly to look at it more as an incentivized historic preservation program. He noted that if the structure at 920 Empire was built in 1960 it was at the end of the mining decline era. The question is whether it maintained its historic character and whether it is the right building to save in terms of mining decline, or whether it falls into the ski era. He recognized that it was a challenging question that the HPB was being asked to determine.

Board Member Holmgren stated that the old Historic Sites Inventory that was done before by Dina Blaes did the current HSI was very inaccurate. For example, it had her house built in 1965, when she has title dating back to 1872. Director Eddington noted that Dina Blaes had conducted a reconnaissance Historic Sites Survey. The City was currently working on a complete and much more in-depth update to the current Historic Sites Inventory.

Chuck Heath, the applicant, highlighted the points in the Staff report. He had hired Beatrice Lufkin to analyze the historic site and there were differences between 1938 and 1960. From what they could tell, the existing structure was built in the 1960s and obviously modified after that. In addition to change in materials, the use of the structure changed from a garage to two living units. From his perspective, that constitutes a significant change.

Mr. Heath stated that other factors were that the neighbors do not care for the structure itself because it is a plain looking garage style that was retrofitted into dwelling units. It also sits in front further than any other home on the street and it actually sits in the public right-of-way. Mr. Heath acknowledged that there were some inaccuracies with the dates, but he thought the Board members should visit the site to see it from his perspective. Once the Staff looked at the site it was very obvious that this was not an old historic structure. Mr. Heath outlined areas where he believed it did not meet the criteria for historic significance. He explained that his intent is to construct a nice structure that benefits the neighborhood and meets the historic form of Park City.

Chair Kenworthy clarified that Mr. Heath would like to remove the existing structure completely and build a new structure. Mr. Heath replied that his plan would be to tear down the existing structure and build a new structure that restores the historic architecture.

Mr. Whitely was certain that his dates were correct on when the garage was constructed. He pointed out that there may have been an earlier garage

structure that was taken down because in those days it would have been permissible. However, the existing structure has nothing left over from an old structure and it has a cinder block basement.

Chair Kenworthy asked when the cinder blocks were put in. Mr. Whitely stated that based on his research, the garage was built around 1959, and the laundromat was built in 1960 to accommodate the emerging ski industry. He believed the building speaks for itself and there was no doubt of the era in which it was built. Mr. Whitely stated that he loves the old miner's shacks and this was not one of them.

Chair Kenworthy opened the public hearing.

There were no comments.

Chair Kenworthy closed the public hearing.

Board Member Bush understood that the front setbacks violated the existing Building Code and he asked about the side yard setbacks. He was told that the eave of the roof extends over approximately 3 feet on the south side. The A-frame on the north side is right on the fence. Mr. Whitely believed the garage was built on a zero setback. Planner Whetstone believed she had the existing conditions report from the HDDR for the house next door and she offered to look it up.

Board Member Melville suggested that the Board go through the Findings of Fact. She thought it appeared to be a 1960s style building, but if the HPB wanted to make that finding they needed to be consistent and some of the Findings needed to be re-written. Ms. Melville read Finding #8 on page 47 of the Staff report. The finding states that the structure was not constructed during the declining mining era and that the original configuration of the primary facade has been altered. She stated that if the structure was built in 1960 and the declining mining era goes to 1962, it was inaccurate to say that the structure was not constructed during the declining mining era. Planner Whetstone concurred. Finding #8 was revised to say that the structure was constructed during the declining mining era.

Board Member Melville noted that Finding #11, which states that the site meets the Criterion of 15-11-10-(A)(2)(a), that the site is at least 50 years old because it was constructed in 1960 as a garage, would not change. Director Eddington thought the finding should be changed to say "constructed between 1958 to 1960 as a garage".

Board Member Melville read from Finding #12, "There is evidence that this structure was constructed as a garage, however, the garage elements have been closed in and obscured, significantly altering the historic form." She asked if

closing in the garage door and adding windows altered the historic form. The language was changed to remove "historic form" and replace it with "historic character". Board Member Melville clarified that she was conflicted. She was uncertain whether this was a historic building worth saving, however, they do have to apply the rules evenly and fairly and the Finding must be accurate.

Board Member Melville referred to Finding #13, which stated that the site does not meet the Criterion as there is evidence in the record that the structure was constructed in 1960 outside the Period of Historic Significance. She clarified that 1960 was within a significant period and suggested that the sentence be removed. Ms. Melville further read, "The method of construction, materials and craftsmanship are not consistent with those used during the historic period." Planner Whetstone remarked that the Staff was thinking of the actual defining mining era in Park City. Chair Kenworthy was comfortable leaving the sentence as written due to the cinder blocks and other existing materials. Ms. Melville pointed out that cinder block was used in the 1950s. She believed there was consensus that the building was constructed between 1958 and 1960 with the existing cinder block and roof form. The only change was the garage doors. She agreed that the use was changed but she did not see how the structure was materially altered. David White thought the character of the structure was changed by the change in use and removal of the garage doors. Director Eddington revised the first sentence in Finding #13 to read, "...was constructed between 1958 to 1960." "Outside of the period of Historic Significance for Park City" was stricken.

Board Member Melville suggested corrections to the Conclusions of Law. She read Conclusion #2, "The structure at 920 Empire does not retain its original form, meaning that there are major alterations of the front façade that has destroyed the essential historic form." She questioned whether it was determined that the essential historic form was destroyed as it has been applied in other circumstances. The Board agreed to strike the language and the Conclusion was revised to read, "The Structure at 920 Empire does not retain its original form having undergone major alterations to the front façade."

Conclusions of Law #1 was changed to say, "...the existing structure was built somewhere between 1958 and 1960."

The Board discussed Conclusion of Law #3 regarding an era of importance. Board Member White asked if the City has defined a structure that fits into the declining era. Director Eddington answered no, because of the mixture of architecture from 1931 to 1962, which was not uncommon at that time. He explained that Park City considers its era as the mining era up to 1931. After that it goes into the decline era. However, very few structures that are considered for preservation because they are reminiscent of mining decline. The next era is modern/ski area architecture, which is the late 1950s and early 1960s. Director



Eddington stated that it was a complicated question that has not yet been defined.

Board Member Holmgren thought it was more appropriate to address the issue as part of the LMC and Design Guidelines rewrites rather than in this meeting. Director Eddington agreed.

Board Member Melville and Director Eddington suggested that Conclusion #3 could be deleted entirely.

Planner Whetstone reviewed the revisions to the Findings of Fact and Conclusions of Law as follows:

Finding #8, second sentence, "The new information indicates the existing building was constructed during the declining mining era, and that the original configuration of the primary façade has been altered."

Finding #11, second sentence, "Property Records at Summit County indicate that the existing structure at the street, known as 920 Empire, was constructed sometime between 1958 and 1960 as a garage."

Finding #12, removed the sentence, "The entire structure, including the roof and cinder block basement appear to have been constructed after the period of historic significance." In the last line, replace the "historic form" with "historic character and use."

Finding #13, revise the second line to read "... The structure was constructed between 1958 and 1960. Strike the remainder of the sentence, "outside of the Period of Historic Significance for Park City." The last sentence of Finding #13 was stricken.

Conclusion of Law #1, revise the end of the sentence to say, "...records stating the existing structure was built sometime between 1958 and 1960."

Conclusion of Law #2 was revised to read, "The structure at 920 Empire has undergone major alterations to the front façade."

Conclusion of Law #3 was deleted entirely. Renumber Conclusions of Law.

Chair Kenworthy called for Board comments.

Board Member Holmgren thought the Board should cheerfully let the structure go to "bad home heaven".

Board Member White was comfortable removing the structure from the Historic Sites Inventory. Board Member Crosby concurred.

Board Member Bush stated that if the Board allowed the structure to convert back to a garage it would be a non-conforming use. He believed the applicant was doing the right thing because the structure does not fit in. It is eclectic and different but it violates the setbacks on both sides and especially on the front. Removing the structure allows the owner to restore the setbacks. Board Member Bush remarked that they get so caught up in the Code and the Guidelines that they lose sight of what is best for the neighborhood and what the neighbors want. This was the right thing to do and he supported removing it from the HSI.

Board Member Melville agreed that a new building would be better for the neighborhood, but she felt it was important to do it according to the Code and the Guidelines. She was comfortable that the changes to the Findings of Facts and Conclusions of Law allowed them to remove the structure from the Historic Sites Inventory in accordance with the Code and being consistent.

Chair Kenworthy agreed with his fellow Commissioners.

MOTION: Board Member Melville made a motion to remove the structure and site located at 920 Empire Avenue from the Historic Sites Inventory according to the Finding of Fact and Conclusions of Law as amended. Board Member White seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 920 Empire Avenue

1. The property at 920 Empire Avenue is located in the Historic Residential (HR-1) District.
2. The site was designated as a Significant Site by the HPB in February 2009 following analysis and a recommendation made by staff based on information provided on the Historic Sites form from 2007 and photographs of the exterior. An intensive level survey was not conducted on this site prior to designation in 2009 to the Historic Sites Inventory (HSI).
3. The 2008 Historic Sites form indicates that the structure is an ineligible/non-contributing structure in terms of the national Register of Historic places because it does not meet the criteria for eligibility for listing due to alternations, materials, and physical elements of the site that, in combination, do not effectively convey a sense of life in a western mining town of the mid-twentieth century.

4. An Intensive Level Survey conducted in January of 2012 indicates that the structure at the lower portion of the lot and the subject structure were constructed in 1938, conflicting with the Summit County assessor records indicating that the upper structure was constructed in 1960 as a garage, during a time period that coincides with Park City's emerging ski and recreation era.
5. A March 2012 Addendum to the January 2012 Intensive Level Survey focused on the lower building and provided further documentation as to why the lower building was not listed on the 2009 HSI.
6. The March 2012 Addendum also indicated that the upper house, "the front-gabled frame structure at the street edge of Lot 27 was originally constructed as a garage. A Sanborn Fire Insurance Company map key from 1941 indicates the structure was one story of frame construction, was used as an "Auto House or private garage", and included a "slate or tin roof".
7. In March of 2012, the owner requested a demolition permit for the lower (yellow) structure. Following release of a press release (Exhibit J) by the City, the demolition permit was granted on March 20, 2012 and the structure was demolished. The original central historic panels were saved by the owner and are stored on the site.
8. An on-site inspection of the internal structure, roof, windows, materials, basement, method of construction, etc. was recently conducted by the Planning Staff with the applicant. This new information indicates the existing building was constructed during the declining mining era and that the original configuration of the primary façade has been altered.
9. Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:
10. The Site no longer meets the criteria set forth in Section 15-11-10(A)(2) due to additional information that has been provided that indicates that the Building on the Site does not comply with the criteria set forth in Section 15-11-10(A)(2).
11. The site meets Criterion 15-11-10 (A) (2) (a) as the Structure is at least 50 years old. Property Records at Summit County indicate that the existing structure at the street, known as 920 Empire, was constructed sometime between 1958 and 1960 as a garage. Sanborn maps from 1938 show a building at this location and indicate it was used for an automobile (garage). Based on examination of the structure, materials, design, method of construction it appears that the existing house is not the structure originally constructed in 1938.

12. The site does not meet Criterion 15-11-10 (A) (2) (b) as the applicant and Staff confirmed with a site inspection and exploratory demo permit that the essential form of the roof has not been modified since it was constructed; however, the research indicates that the structure was constructed at the street edge as a garage. The primary form of the front façade, as a garage, has been altered. There is evidence that this structure was constructed as a garage, however, the garage elements have been closed in and obscured with siding and added windows, significantly altering the historic character and use.

13. The site does not meet Criterion 15-11-10 (A) (2) (c) as there is evidence in the record that the structure was constructed sometime between 1958 and 1960. There is no evidence that the existing structure was occupied by persons of Historic Importance due to the time period of construction (Exhibit M). Horace Spearen, a Park City Councilman, is on record as an owner of the structure in the 1967.

14. All findings from the Analysis section are incorporated herein.

#### Conclusions of Law – 920 Empire Avenue

1. The structure at 920 Empire is at least 50 years old, based on Summit County records stating the existing structure was built sometime between 1958 and 1960.

2. The structure at 920 Empire has undergone major alterations to the front façade.

3. The structure at 920 Empire Avenue does not comply with the criteria set forth in Title 15-11-10(A)(2) for a Significant Site and therefore the Site is not a Significant Site pursuant to Title 15-11-10.

Board Member asked about the status of the house at 1119 Park Avenue. Director Eddington stated that Planner Grahn was working with the Building Department to stabilize the structure. Assistant City Attorney understood that a foundation had been poured but she had not seen it herself. She thought the building had been stabilized and they were moving forward. Director Eddington stated that the structure had been stabilized on the inside, but the Building Department was very concerned about the actual stability of the structure. They tried to get the applicant to expedite their plan but they have been slow to respond.

Director Eddington would follow up and provide an update at the next meeting. Board Member Holmgren commented on the bungalows that are close to the structure at 1119 Park Avenue and she would appreciate an update.

Historic Preservation Board Meeting  
June 18, 2014

The meeting adjourned at 6:50 p.m.

Approved by \_\_\_\_\_  
John Kenworthy Chair  
Historic Preservation Board