

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF MARCH 5, 2014

BOARD MEMBERS IN ATTENDANCE: John Kenworthy, Gary Bush, Puggy Holmgren, Hope Melville, Clayton Vance, David White

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

ROLL CALL

Chair Kenworthy called the meeting to order at 5:15 p.m. and noted that all Board Members were present except Marion Crosby who was excused.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Board Member White disclosed that he was the architect for the project at 505 Woodside Avenue. Due to his association, he would be recusing himself from hearing the appeal this evening.

Board Member Kenworthy disclosed that he owns a home on Woodside Avenue.

Board Member Bush disclosed that he has worked with the applicant, Jerry Fiat, in the past, but he has no current dealings with Mr. Fiat.

Board Member Kenworthy stated that he was honored to have been selected as Chairman of the Historic Preservation Board.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

505 Woodside Avenue – Appeal of Historic Preservation Plan for an approved Historic District Design Review (Application PL-14-02241)

David White recused himself and the left the meeting.

Chair Member Kenworthy stated that this was a quasi-judicial hearing, and the HPB was being asked to make a determination on whether the Planning Department erred in approving the Preservation Plan for the April 3, 2013 approved 505 Woodside Historic District Design Review (HDDR). He looked forward to a civil discussion on all the issues; and he would not tolerate personal attacks from the applicant, the appellant or the public.

The appellant, Lawrence Meadows, stated the he owned the adjacent property at 515 Woodside Avenue that would be adversely affected by 505 Woodside. Mr. Meadows noted that he came before the Historic Preservation Board last year when the project was approved. He was back before the HPB because he believed the Preservation Plan approved through the HDDR Review was incomplete.

Mr. Meadows believed the project violated the Utah Land Use Development Management Act. Mr. Meadows stated that he was forced to file two appeals. The HPB approved application PL-11-0159 and denied his appeal with the exception of the Preservation Plan, which they elected to defer. When, through no fault of his own, he had to file a second appeal on the Preservation Plan he was forced to pay another \$500 fee. When he requested a refund it was denied. Mr. Meadows stated that the notice of a filed application came out showing the one application number and that David White was the architect and the applicant. When the application was changed a month later it was approved as PL-14-02241, and Jerry Fiat was the applicant. Mr. Meadows did not believe the rules were being followed by the applicant or the City in this case.

Mr. Meadows presented an exhibit showing the number of times the application number and the applicant was changed for 505 Woodside.

Mr. Meadow stated that the second and most fundamental problem is that the entire preservation plan was incomplete. It does not comply with LMC 15-11-12. He believed the rules should be followed and that a complete application should be required.

Mr. Meadows outlined the policy for submitting a complete Preservation Plan, the HDDR Design Review and the pre-application requirements. Regarding the policy of whether the approved application affects the historic site or structure, Mr. Meadows noted that the Planning Director and Building Official must approve the plan. It must have a financial guarantee, terms of the guarantee and the amount of guarantee. He had searched the file and found nothing related to a guarantee. Mr. Meadows stated that the applicant submitted a trust deed dated January 21st, 2014, which was 11 days after the approval.

Mr. Meadows commented on the pre-application conference mentioned in 15-11-12-(A), which states that the City will meet with the applicant to outline the application requirements, who is responsible, and to understand the requirements of the application. The instructions on the bottom of the Historic Preservation Plan form requires that all sections must be completed and accompany the Historic District Design Review application. In the case of 505 Woodside, the Historic Design Review Application was not complete because the responsibility section was left blank, and the form was never completed, submitted or signed. Therefore, without certification that everything the applicant

submitted for his Preservation Plan was true and correct, the application was incomplete. Mr. Meadows stated that the Preservation Plan also lacked required details and description. It makes no mention of anyone on the project team, a financial guarantee, or the responsible person.

Mr. Meadows presented a portion of the HDDR application for 505 Woodside that certifies the responsible party and contact person for any matter related to the application. Mr. Meadows noted that the HDDR document was not signed by either David White or Jerry Fiat and no one has taken responsibility for the application. However, the Preservation Plan was approved under the name of David White. He found that to be questionable.

Mr. Meadows noted that a physical conditions report is another important form required to be submitted. Mr. Meadows stated that based on the opinion of the State Ombudsman, the application cannot be vested until all the applications are submitted and the application fees are paid. The application for 505 Woodside is not complete and did not comply with the land use ordinance and State statute. Mr. Meadows questioned whether the applicable fees were paid. Per the Ombudsman's opinion, the application did not conform and therefore the application did not vest.

As an unrelated matter, Mr. Meadows presented a picture of the site plan and pointed out a 20-foot pine tree. He stated that the tree is important to his property because it is in a protective view shed easement. He had requested that the tree be preserved. According to the findings and conditions of the approval of last April, the applicant was to provide an updated survey with all the significant vegetation. He noted that when the applicant provided the updated survey, the tree was left off the survey. Mr. Meadows reiterated his request to make sure the pine tree was preserved.

Mr. Meadows remarked that the root cellar is historic, but it was considered non-contributory and therefore allowed to be demolished. He believed that was inconsistent with a chicken coop at 543 Woodside where the owner was forced to restore the coop because it was historic.

Based on the evidence presented this evening and the opinion of the Ombudsman, Mr. Meadows stated that the HDDR approval should not be vested. He asked that the HPB reconsider the decision as allowed under LMC 15-1-18 regarding an incomplete application and the facts of the appeal process. If the decision is not overturned, he would have no choice but to seek justice from the Third District Court. Mr. Meadows thanked the Board for their time and consideration.

Board Member Holmgren wanted to know who was responsible for checking the forms to make sure they were completed accurately. Planner Whetstone stated

that when the Planning Department received the appeal, it was specific to the Preservation Plan and based on conditions of approval of an appeal of the Design Review. The HDDR was approved by the Staff and appealed by the same appellant, Lawrence Meadows. The HPB heard that appeal on April 3rd, 2013. At that time the HPB heard all about an incomplete application and HDDR because the forms were not signed. Planner Whetstone clarified that the forms in the file were complete and the documents have been signed. However, the preservation plan that was submitted was not approved with the HDDR. That plan called for panelization. Since it was during the winter the applicant was not able to provide the documentation required for the Planning Director and the Chief Building Official to make a determination on whether panelization was appropriate. In order to move forward with the working drawings, the HDDR was approved with a condition that the applicant do an exploratory underneath to determine if the structure could be panelized and whether there were unique circumstances that would allow the Planning Director and Chief Building Official to approve panelization. Planner Whetstone reported that the HDDR was approved on the condition that the applicant would come back with the required information.

Planner Whetstone noted that when the HPB denied the appeal, they made a condition of approval stating that when the applicants submits the revised Preservation Plan to the Staff for approval it could be appealed. Planner Whetstone clarified that an appeal of the Preservation Plan was specifically allowed as an element of the HDDR.

Planner Whetstone reported that when the revised Preservation Plan was submitted, the applicant decided not panelize the structure and instead decided to lift the structure intact, work on the basement and the foundation, and put the house back. That plan was approved by the Planning and Building Departments on January 10, 2014.

Planner Whetstone pointed out that the appellant did not take the HPB denial of the appeal forward to the District Court. The Staff believed the HPB should be ruling only on the Preservation Plan as a de novo review. Planner Whetstone reiterated that the issues with the application that were raised by the appellant were not carried forward when the appeal was denied.

Planner Whetstone commented on the discrepancies with the project numbers. She explained that the project number when the Preservation Plan was resubmitted to Staff was 11-01409. That project number was the HDDR and it was missing a preservation plan. When the Preservation Plan was submitted and approved the Staff used 11-01409 in the mailed notices and it was written on the property sign. When the Plan was appealed, it was assigned a new project number and a new file because they were two different appeals. The second number was 14-02241. When notices were mailed saying that an appeal had

been received on the Preservation Plan, the 14-02241 number was listed on the letter.

Planner Whetstone stated that they were still working on how to refund fees because the Staff believed it was all under the same HDDR. When the appellant came in with this appeal the Staff did not want the appeal application to be considered incomplete and Mr. Meadows was asked to pay the fee. The City intended to refund the fee.

Board Member Melville asked if that explanation was conveyed to the appellant. Planner Whetstone replied that it was conveyed to him today.

Chair Kenworthy understood that in keeping the discussion focused on the Preservation Plan, the HPB had four options: 1) they could request additional information and continue the appeal to another meeting; 2) they could deny the appeal and uphold the Staff recommendation; 3) grant the appeal and direct Staff to prepare findings within 15 working days; 4) deny in part and grant in part. Chair Kenworthy reiterated that the focus was strictly on the Preservation Plan. All other issues were outside of their purview this evening. Chair Kenworthy remarked that he and some of the Boards members were on the Board during the previous appeal hearing, but other Board members were not. However, all the Board members were looking at the Preservation Plan for the first time.

Mr. Meadows noted that Jerry Fiat had signed the Preservation Plan and the HDDR application today. However, Mr. White should have signed the original application on the day it was submitted because he was the original applicant. Mr. Meadows stated that he had received an email from the Planning Department with suggestions from Mr. Fiat on what he thought the Findings of Fact and Conclusions of Law should be in the Staff report. He assumed it had been written by Mr. Fiat's attorney and he was highly offended that an outside attorney would influence a City report.

Planner Whetstone clarified that the Planning Department did not receive the recommended Findings from the applicant's attorney until after the Staff report was published. The applicant made recommendations on the Findings and Conclusions that the Staff had already written and they intended to present those to the HPB this evening. She had provided a copy to the Board Members as a courtesy.

Chair Kenworthy called for comments from the applicant.

Brad Cahoon, legal counsel representing the applicant, addressed the issues raised by Mr. Meadows. He also reiterated what the Staff had explained as the sequence of events leading up to this point. Mr. Cahoon stated that it has always been one application on one property with the same owner. Over time different

representatives have acted on behalf of Jerry Fiat as Woodside Development, LLC. Dave White is the architect. Mr. Cahoon had no explanation for why the file looked like it did or how it was numbered because that is handled internally by the City. However, he emphasized that it has always been one application proceeding through the process. Mr. Cahoon reiterated that the Planning Department had already determined that the application was complete, and that determination was appealed by Mr. Meadows along with a variety of other issues. Mr. Cahoon pointed out that Mr. Meadows continued to raise many issues after he had filed his appeal and the City still considered those issues. Mr. Cahoon remarked that all of the issues raised were rejected by the HPB and the appeal was denied. Part of the decision to deny was the understanding that the Historic Preservation Plan would be considered at a later point. A conclusion of law specifically states that a final decision on the Preservation Plan could then be appealed.

Chair Kenworthy reminded Mr. Cahoon that the HPB was aware that the Preservation Plan was their sole focus. He preferred that Mr. Cahoon not address the other issues and he asked him to keep his comments related to the issues Mr. Meadows had raised regarding the Preservation Plan.

Mr. Cahoon wanted to make the point that everything Mr. Meadows discussed were issues about whether the application was complete. He noted that Mr. Meadows filed his paragraph identifying the issues for his appeal. The counter requires a comprehensive statement of reasons, as well as specific provisions of the LMC sections that were violated. Mr. Meadows did not provide either of those in his appeal application. Mr. Cahoon thought the appeal should be denied because it did not comply with the requirements of the Code. Mr. Meadows was asserting that the applicant's application was not in compliance with the Code, but his appeal was not in compliance either. Mr. Cahoon stated that Mr. Meadows raises in his appeal the issue of whether the root cellar should be included in the historic structure. He noted that the HPB already considered that issue and rejected his argument.

Chair Kenworthy told Mr. Cahoon that the Board would not be discussing that issue this evening. Mr. Cahoon understood, but wanted it clear that Mr. Meadows previously raised it as an issue and he raised it again this evening. He felt it was important to point out that Mr. Meadows did not appeal the denial of that issue by appealing to District Court; and because he did not, he was barred from discussing that issue. The same is true for his issues regarding a complete application. Mr. Cahoon stated that if Mr. Meadows was contending that he could open up and broaden his appeal now beyond the Preservation Plan issue, he was also barred from doing that as well because he had his chance to appeal the way the Board approached their decision in April. Mr. Cahoon stated that he was only emphasizing the point made by Chair Kenworthy that the HPB should

only focus on the Historic Preservation Plan and whether it was properly approved by the Planning Department.

Mr. Cahoon stated that per the LMC, Mr. Meadows carries the burden of proof of proving that the Planning Department erred in approving the Preservation Plan. He believed that the record demonstrates that he does not carry his burden of proof. On that basis, Mr. Cahoon thought the appeal should be denied. Mr. Cahoon stated that in the record the Preservation Plan shows how the house would be lifted intact and replaced to preserve the historic structure. The applicant has demonstrated that it can be accomplished in a proper manner. The historic portions would be braces, insulated and restored and there would be no demolition, disassembly or reassembly. The Staff states that the plan is consistent with the universal and specific guidelines of the Design Guidelines and that has not been disputed by Mr. Meadows. Mr. Cahoon stated that the plan details existing conditions shows nothing of restoration. It describes the design and construction of the historic house. A proposed finding of fact related to all the specific of the plan also includes the method of stabilization.

Mr. Cahoon addressed the specific issues raised by Mr. Meadows. He noted that a physical conditions report was in the file that was submitted as part of a complete application. A financial guarantee is in place for approximately \$214,000. Mr. Cahoon stated that his client signed every form he was asked to sign. He could not explain why the form was not in the record as Mr. Meadows contends, but it is in the record now. Mr. Cahoon did not believe it was material. It was a ministerial document and all of the items have been satisfied as confirmed by the Planning Department's decision. He felt there was no reason to give any credence to Mr. Meadows's arguments on that point. To the extent it was lost, there was a replacement form in the file and all the elements of the approval were satisfied.

Regarding the project team, Mr. Cahoon stated that David White is a well-respected architect and a member of the HPB. John Whitely has 30 years of experience in Old Town and most people are familiar with his work. Gary Boswell and David Gardner with Gardner and Boswell Construction are the general contractors who have extensive experience in Park City. Bob Wells is also part of the lift team. Mr. Cahoon commented on other experts who were part of the team. He noted that the entire project team met with the Staff on site to review the plans and provide their expert opinions on how the plan would be implemented. This was all done to satisfy the requirements of the Preservation Plan.

Mr. Cahoon stated that the form that Mr. Meadows was contending was missing from the file is in the file now and it specifically states that this form is to be submitted at the pre-application conference, but only Section One is to be completed at that point in the process. He pointed out that Section One only

asks the applicant to provide a project description, followed by the pre-application conference. The next stage is the Historic District Design Review. At that stage the form states that all section of the form shall be completed, which is Sections Two through Seven. Mr. Cahoon thought this was important because a determination was already made that the application was complete. Therefore, if there was a defect in the application, Mr. Meadows should have raised it long before now. He reiterated that Mr. Meadows had challenged the completeness of the application and his challenge was denied. Again, he failed to appeal the decision to the District Court. Mr. Cahoon believed that there was no reason to revisit the compliance issue because a determination had already been made after the HDDR approval.

Board Member Melville wanted to know what was supposed to be in a Preservation Plan. Planner Whetstone replied that the LMC does not identify specific items. However, the items identified on the form include a narrative, photos of existing conditions, an existing conditions site plan and survey, a demolition plan for any non-historic or non-contributory additions, a landscape plan, floor plans indicating historic construction, the relationship with new construction, elevations of new and proposed showing how the material of the historic would be preserved. Planner Whetstone stated that the main item is a dimension documentation of the historic portions of the house with a narrative of how those would be preserved.

Board Member Melville understood that the Preservation Plan was Exhibit B in the Staff report. She asked Planner Whetstone to walk through the Preservation Plan in terms of some of the proposed Findings of Fact. Board Member Melville read from Finding #26, "The approved preservation plan identifies the method by which the historic portion will be lifted intact to allow construction of the basement and foundation and how the historic portions will be braced, insulated, and restored. The plan does not include disassemble or reassembly of the historic structure." She asked where that Finding was discussed in the Preservation Plan.

Planner Whetstone recalled that the Staff had asked the applicant to explain what they talked about when the Building Inspector reviewed the plans for the building permit. They went over that in detail because of past issues with other houses that did not have that detail. Planner Whetstone noted that an email from Richard Carlisle describes the detail.

Board Member Melville wanted to know where that could be found in the Preservation Plan. Planner Whetstone stated that it was in the building permit and not in the Preservation Plan. After the approval the plans were submitted and the Chief Building Office and Richard Carlisle, the Plans Examiner, met with the architect and the contractor to talk about what could be done to ensure that the house is protected.

Board Member Melville stated that Finding of Fact #26 was incorrect if the detail was not contained in the Preservation Plan. Planner Whetstone explained that the Preservation Plan talks about bracing the structure, etc., but it does not have the specific details. Board Member Melville clarified that she was trying to find a fact for supporting the Finding. She had the same question on proposed Finding #34, "The approved preservation plan describes in detail the existing conditions (site features, topography, landscaping, retaining walls, exterior steps, fences, roof, exterior walls, foundation, porch, and utilities), methods of restoration, and describes design and construction issues associated with the historic house." She also had questions regarding the photos referred to in Finding #35. Board Member Melville was having a difficult time tying the current proposed Findings to the plan and asked for clarification.

Planner Whetstone reviewed the documents contained in the Preservation Plan. Page 15 showed the photos detailing the historic portions of the house, what would be removed, what would stay, and the references to the different sheets. For example, Sheet A-4 on page 21 described the details related to the siding. Planner Whetstone clarified that the building would not be pulled apart and nothing would be removed. The proposal is to lift the house intact and put it back down.

Board Member Melville thought the plan sounded good and she believed it was a great improvement, but she was trying to find where it was specified in the plan so she could support the Findings. Planner Whetstone further reviewed portions of the Preservation Plan to address Board Member Melville's questions.

Board Member Melville indicated the number of times "as necessary" was used and she asked who makes the determination as to when it is necessary. Director Eddington replied that typically a building inspector visits the site and follows up with the Planner to determine whether an element needs to be replaced. Board Member Melville asked if the Preservation Plan is clear that the applicant is not the one making the decision. Planner Whetstone stated that the protocol is for the applicant to contact the Planner and/or the Building Inspector.

Planner Whetstone acknowledged that the Staff should have more details in the Preservation Plans. However, this Preservation Plan was by far the most detailed of any other plans.

Mr. Fiat stated that they a few years ago they obtained a permit and replaced all the windows with wood windows. All the siding is the original siding. He noted that nearly 100% of the historic house and the windows were being lifted. There would be no patching or removal. The only place where patching may be necessary is where the non-historic portion of the porch is coming off. The other portions that are not historic will be built new. Mr. Fiat pointed out that none of

the historic portion was being demolished. It has been maintained and they will continue to maintain it.

Chair Kenworthy clarified that all of the historic sections are being lifted, and that none of it was being panelized. Mr. Fiat replied that this was correct. Mr. Fiat explained that he had not pursued panelization because Mr. Meadows objected to it. For that reason they decided to lift the building.

Board Member Bush noted that item #4 in the Encumbrance Agreement talks about an inspection of the historic home and holding the applicant accountable. Planner Whetstone clarified that the Preservation Plan is not finalized until the Planning Department has the opportunity see the final building plans required for issuance of a building permit.

Board Member Melville remarked that everything appeared to be good. The Preservation Plan was good and the project was better than before, but what they had before them was difficult to read and difficult to provide support for the Findings.

Mr. Cahoon had spoken with the architect and he was prepared to respond to the questions regarding the findings and how they tie into the Preservation Plan. Board Member Melville stated that her questions related to Findings 26, 34 and 35.

Mr. Cahoon commented on Finding #26. He referred to the second to the last sentence of the first paragraph of the Preservation Plan which read, "The existing house will then be raised intact in order to facilitate construction of the basement garage portion of the project. The raising of the existing house will be minimal as it already sits approximately 15 feet above the curb." Mr. Cahoon noted that an email from Mr. Carlisle, the building inspector, explains that after building permit issuance the construction moving company would submit a plan prior to bracing the building. It also points out that these are professional experts who know the best way to lift the house. Mr. Cahoon pointed out that additional plans would be submitted showing the specifics of how the structure would be lifted intact to allow construction of the basement and foundation.

Board Member Melville thought it would be more accurate to say that the approved preservation plan identifies that "the historic portion will be lifted" rather than to say "the method by which it would be lifted", because the method would come later, based on Mr. Carlisle's email. Mr. Cahoon agreed that it was more accurate. Board Member Melville remarked that the Preservation Plan did not indicate how the historic portions would be braced, insulated or restored, and that detail would also come later. She stated that Finding #26 would have to be revised to accurately reflect what was in the Preservation Plan.

Mr. Cahoon referred to Finding #34 and noted that the first paragraph of the Finding states, "An approved Preservation Plan describes in detail the existing conditions...". He stated that an existing conditions report was submitted with the original application materials, along with the proposed Preservation Plan. Mr. Cahoon explained that they were dealing with an amended Preservation Plan; however, the existing conditions report still details all the items and identifies design and construction issues.

Board Member Melville understood that the conditions report would show the existing conditions that were not included in the Preservation Plan. It was part of the file but it was not in the Preservation Plan. Planner Whetstone replied that the physical conditions report and the preservation plan that proposed panelization were in the file and all that information was presented during the appeal. Board Member Melville clarified that the Preservation Plan shown as Exhibit B in the Staff report did not include the existing conditions report. Planner Whetstone replied that it was described in the narrative.

Director Eddington stated that the physical conditions report was a separate, more detailed document. However, the existing conditions on page 16 of the Staff report included the survey of the site. The survey notes elements such as the topography, retaining walls, existing structures, utilities, vegetation, etc. Board Member Melville wanted to know how Finding #34 could be stated more accurately. Director Eddington stated that the existing conditions were shown on the site survey shown on page 16. He noted that page 20 shows the roof forms and subsequent pages showed the elevations of the roof forms. Planner Whetstone noted that page 23 provided the details of the historic panels.

Planner Whetstone offered to make any revisions to the Findings if requested by the Board.

Chair Kenworthy opened the public hearing.

Ruth Meintsma stated that Bob Wells is the contractor who was raising the house. Whenever she hears that the Bob Wells Group is doing a project she, she goes to the site to watch it happen because it is amazing in terms of finesse and how he treats these historic homes. Ms. Meintsma believed Mr. Wells had incredible history behind him. She intends to be there when they raise the house at 505 because it is fascinating to watch.

Chair Kenworthy closed the public hearing.

Board Member Bush stated that the process of applying for restoration is very complex and a lot of burden is placed on the applicant. He thought David White, the project architect, had done a good job with the drawings. Unfortunately, they were so small in the Staff report that it was difficult to see them. Board Member

Bush believed that the photographs, drawings, and the narrative collectively present a plan. He thought some of the conditions were redundant, but he understood the intent. It was an effort to nail down the process and the end result. Board Member Bush stated that he has seen a lot of these preservation plans and he thought the one presented for 505 Woodside was adequate, if not exemplary. He thought the applicant had done a good job documenting the historic portion of the home and presenting a plan on how to restore it.

Board Member Melville remarked that the plan to raise the house intact improves the project immensely. However, she hoped in the future that the HPB would not be asked to review information in the Staff report that was so small and difficult to read. Board Member Melville reiterated her concern that some of the Findings needed to be revised for accuracy.

Board Member Holmgren stated that at first she was a little confused regarding the appeal until she realized that it was strictly on the preservation plan. She has not seen too many preservation plans but she thought the one proposed for 505 Woodside was good, redundant detail and it was very well done. Board Member Holmgren personally thought it was a good Preservation Plan.

Board Member Vance concurred. Being in the profession of providing legal instruments of service to give to contractors to build, it is a complex process to put in the right amount of information without overburdening anyone, while still meeting all the requirements. Board Member Vance was able to read most of the information in the Staff report and he believed it met the requirements. In his opinion, he had not been presented with a reason for not approving the Preservation Plan.

Chair Kenworthy agreed with all the comments and he appreciated Board Member Melville for her determination in wanting to understand the information and tie it to the Findings. He stated that it is a step by step process and everyone has to do their job. The HPB had to focus their discussion on the Preservation Plan this evening, and he was personally pleased that it was not a panelization. He believed that was a big asset from the previously proposed Preservation Plan. Chair Kenworthy commented on the team work involved and stressed the importance of following up with the Building and Safety Department. He has been impressed with the actions of the Building Department in making sure that the historic materials are used.

Board Member Melville requested that they take the time to correct the Findings before going to a vote.

Mr. Meadows asked to make a comment before they voted. He noted that Mr. Cahoon made the point that the appeal was denied on the completeness of the application. Mr. Meadows clarified that it was partially untrue because the

Preservation Plan was never deemed to be complete or incomplete. The Preservation Plan was the reason for this meeting. Mr. Meadows stated that the Preservation Plan itself was not submitted until today. Calling it a ministerial duty was inaccurate because the Preservation Plan is the most important document and there are a lot of things missing. He stated that as good as everyone wants to think the Plan is, there is no site history listed, no financial guarantee information, no method of stabilization or restoration.

Mr. Meadows asked if the bonds mentioned in the Code were cash bonds or escrow bonds. Assistant City Attorney McLean explained that the City generally allows historic preservation guarantees to either be a lien against the property, cash, escrow, or a letter of credit. Mr. Meadows noted that the language in the Code states, "...Including but not limited to a lien." He interpreted that to mean a lien and some cash. Mr. Meadows stated that the financial guarantee was part of the Preservation Plan, but the guarantee was not placed when the Preservation Plan was approved. Mr. Meadows stated that 15-11-12(A)2 requires the applicant to accept the responsibility. Had Mr. Fiat signed the documents accepting responsibility of all the forms, which he failed to do, he would be responsible.

Chair Kenworthy asked if Planner Whetstone was comfortable with the application and all the documents as required by the Planning Department. Planner Whetstone answered yes, and noted that the original HDDR application has the acknowledgement signed by Jerry Fiat as the owner. Planner Whetstone explained that the preservation guarantees are not finalized and signed until the Preservation Plan is approved. The Preservation Plan was not approved until January 10th. Mr. Meadows pointed out that the Preservation Plan did not outline what the applicant intended to do for the financial guarantee.

Mr. Meadows commented on additional "knee-jerk" last minute things that were added to the Preservation Plan, such as the email from Mr. Carlisle about lifting the house, and how Mr. Fiat's attorney tried to modify the Findings of Fact as a third party. Chair Kenworthy noted that all the documents Mr. Meadows referenced were actually posted on the website last week.

Mr. Meadows stated that he appealed under 15-11-12 and he protests the fact that the plans were incomplete and did not include the notes and details of the Preservation Plan. His brief today outlined in detail what he sees as problems with the lack of completion in the Preservation Plan. When he appealed this application last year it was under different names and a different application number.

Chair Kenworthy informed Mr. Meadows that the HPB could not speak to those issues this evening.

Planner Whetstone pulled up a word document and inserted the changes as they were being discussed by the HPB.

Finding #26 was revised to read - The approved preservation plan identifies that the historic portion will be lifted intact to allow construction of the basement and foundation. The plan does not include disassemble or reassembly of the historic structure.

The revisions removed references to the method of restoration, as well as references to bracing, insulating or restoring the historic portion.

The Board discussed Findings #34 and #35. Board Member Melville understood that the physical conditions report was actually in the file and not in the Preservation Plan. Director Eddington noted that it was also detailed on the notes of the site survey.

Findings #34 and #35 were revised to add, "...and Physical Conditions report in the HDDR file", to the first sentence of both Findings.

Finding #37 was revised to remove the reference to Exhibit F and add: (on file at the Planning Department).

Board Member Melville suggested adding a new Finding stating that the Historic Preservation Plan Form dated ____ has been submitted.

Finding #39 was added to read - The Preservation Plan application form was submitted and signed on March 5, 2014.

Board Member Melville suggested adding a new Finding to address the Encumbrance and Agreement for Historic Preservation.

Finding #40 was added to read - 38.40.An Encumbrance and Agreement for Historic Preservation was executed by the City and the Owner and recorded at Summit County on January 21, 2014.

The HPB discussed adding a condition of approval to address the concern that the Planning and Building Inspectors, not the applicant, would determine whether or not existing siding could be reused.

Condition #6 was added to read - Prior to replacement of any historic material there shall be an on-site consultation between the contractor, architect, building inspector and project planner to make a determination as to the suitability of replacement and materials.

MOTION: Board Member Melville moved to APPROVE the Historic Preservation Plan for 505 Woodside Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended this evening. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 505 Woodside Avenue

1. The property is located at 505 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1 District).
3. There is an historic house located at 505 Woodside that is listed as a “Significant” site on the Park City Historic Sites Inventory.
4. The house was constructed in 1904 and because of major non-historically significant and non-historically sensitive additions; the house is currently not eligible for listing on the National Register of Historic Places.
5. The 1968 additions to the rear of the original structure were determined during the Sites Inventory to be out of period and they diminish the buildings association with the past.
6. The 1930’s addition at the northeast side of the house will remain, however the front porch that was modified over time will be reconstructed to be consistent with typical front porches from the historic era for this type of house.
7. The applicant is proposing to restore and preserve the original exterior walls of the historic home and construct an addition to the rear after removing non-contributory additions from the 60’s.
8. The property consists of Lot 1 of the 505 Woodside Avenue Subdivision, being a combination of Lots 2, 3, and a portion of Lots 30 and 31, Block 28 of the Park City Survey, recorded September 4th, 2009.
9. The lot contains 4,375 square feet (sf). The minimum lot size in the HR-1 District is 1,875 sf.
10. On September 24, 2012, a complete Historic District Design Review (HDDR) application was submitted to the Planning Department.
11. On October 11, 2012, the Planning Staff posted the property and sent out notice letters to affected property owners, per the requirements of the LMC.

12. On October 24, 2012, the Planning Staff received comments from adjacent property owners regarding the proposed design. Staff reviewed the comments and met with the applicant to review the plans.

13. On February 4, 2013, the Planning Department approved the HDDR application.

14. The February 4, 2013 HDDR approval did not include approval of the Historic Preservation plan submitted for a Disassembly/Reassembly of the historic structure. The approval included a condition of approval that review of the panelization proposal should be conducted at the time of review of the final building plans and upon review of the photographic survey and results of an exploratory demolition permit and report.

15. Before disassembly and reassembly may occur, the Planning Director and Chief Building Official are required to make a determination that unique conditions and the overall quality of the historic preservation effort warrant the disassembly and reassembly of the historic structure per Chapter 9 of the LMC.

16. On February 13th the Planning Department received a written appeal pursuant to Chapter 15-1-18 of the Land Management Code.

17. On February 24th the appellant submitted an additional appeal document. The February 24th appeal included allegations that 1) the HDDR application was incomplete, 2) that a Steep Slope CUP has not been performed, 3) that the engineered retaining walls in the front yard will be greater than 6' in height, 4) that "old growth" trees are not identified on the plans and are not being preserved, 5) that a preservation plan was not submitted, 6) that the approval allows for the demolition of the entire structure, and 7) that the historic structure and roof forms are not being preserved and retained.

18. On March 20, 2013, the Historic Preservation Board conducted a quasi-judicial hearing, discussed the appeal, and continued the hearing to April 3, 2013.

19. On April 3, 2013, the Historic Preservation Board conducted a quasi-judicial hearing, reviewed the appeal as well as the HDDR plans and voted to deny the appeal and approved the HDDR with conditions.

20. The HPB approval included a condition of approval (#17) requiring review of the panelization proposal, results of the exploratory demolition permit, and the photographic survey and report at the time of review of the final building permit application. The Planning Director and Chief Building Official were to make a

determination as to whether unique conditions and overall quality of historic preservation effort warranted the disassembly/reassembly of the historic structure per Chapter 9 of the LMC.

21. The HPB approval also included a condition of approval (#20) requiring the applicant to submit an amended preservation plan if it was determined that disassembly and reassembly was not warranted and approved by the City. The condition also stated that “either plan requires final approval by the City as a condition precedent to issuance of a building permit for the addition. Staff shall provide notice of final action on the preservation plan in the same manner as notice is provided regarding final action on the HDDR application. Final action on the preservation plan is appealable to the HPB pursuant to LMC Section 15-1-18”.

22. On December 12, 2013, the applicant submitted a building permit application and plans, including an amended preservation plan, to the Building Department. Panelization of the Historic Structure was not proposed with the building permit plans.

23. The amended preservation plan was approved by the Planning and Building Departments on January 10, 2014. The approved plan does not include approval of panelization, disassembly and reassembly, or relocation of the historic structure.

24. On January 10, 2014, notice of the action to approve the preservation plan was provided to surrounding property owners and the property was posted.

25. On January 21, 2014, the appellant filed an appeal of the approval of the preservation plan.

26. The approved preservation plan identifies that the historic portion will be lifted intact to allow construction of the basement and foundation. The plan does not include disassemble or reassembly of the historic structure.

27. The approved preservation plan is consistent with the Universal Guidelines for Construction on Historic Sites.

28. The approved preservation Plan is consistent with the Specific Guidelines for Construction on Historic Sites.

29. Due to circumstances unique to this historic house and the timing of the application, the original request for panelization was not approved as part of the HDDR. This was stated as a finding in the February 5, 2013 HDDR Action Letter, as well as the HPB’s April 3, 2013 HDDR approval on appeal. The conditions of approval required that additional information would need to be

provided after results of an exploratory demolition permit was issued. A report was to be submitted to the Planning Director and Chief Building Official to use in order to determine whether unique conditions and overall quality of the historic preservation effort would warrant this method of preservation. If panelization was not warranted, based on the report, then the applicant was required to submit an amended preservation plan.

30. On December 12, 2013, the applicant submitted an application for building permits for the 505 Woodside restoration and addition. An amended preservation plan was submitted with the permit set that did not propose panelization or disassembly/reassembly of all or part of a historic structure.

31. The amended preservation plan was approved by the Planning Department on January 10, 2014 and does not include approval of panelization, disassembly and reassembly, or relocation of the historic structure.

32. On January 10, 2014, the Planning staff sent notice letters to surrounding property owners and posted the property providing notice that the Historic preservation plan had been approved.

33. On January 21, 2014, the appellant filed an appeal of the approval of the preservation plan.

34. The approved preservation plan and Physical Conditions report in the HDDR file describes in detail the existing conditions (site features, topography, landscaping, retaining walls, exterior steps, fences, roof, exterior walls, foundation, porch, and utilities), methods of restoration, and describes design and construction issues associated with the historic house.

35. The plan and the Physical Conditions report in the HDDR file includes narrative, photos of existing conditions, an existing conditions site plan and survey, a proposed demolition plan for the non-historic/non-contributory additions, a landscape plan, floor plans indicating existing historic construction and relationship of new construction, elevations showing existing house and proposed construction details, and a dimensioned documentation of the existing historic portions of the house, including walls, gable, windows, doors, trim, siding, porch and railings.

36. During review of the building permit plans, the method of stabilization during lifting was discussed with and approved by the Building Department consistent with recommendations provided by the contractor.

37. The Historic Sites Inventory (HSI) for 505 Woodside describes (on file at the Planning Department) changes to the original house, front porch, and side and rear additions. The applicant based the current preservation plan on the 1940's

tax photo. The HPB reviewed the HDDR at the March 20, 2013 appeal hearing and found that the essential historic form of the house and roof are maintained and are not compromised by the removal of the later rear additions, underground root cellar, and construction of the proposed addition. The small 1930s addition on the north side remains as it has acquired historical significance in its own right.

38. The proposed rear addition was reviewed by the HPB on March 20, 2013, during the previous appeal, and found to comply with the Design Guidelines, specifically Universal Guidelines 1 and 2 regarding using the site as it was historically used (single family home) and maintaining historic features that have acquired historic significance. The cellar and the rear additions were determined to be out of period additions that do not contribute to the significance of the site.

39. The Preservation Plan application form was submitted and signed on March 5, 2014.

40. An Encumbrance and Agreement for Historic Preservation was executed by the City and the Owner and recorded at Summit County as January 21, 2014.

Conclusions of Law – 505 Woodside Avenue

1. The Preservation Plan for 505 Woodside is consistent with the 2009 Park City Historic District Design Guidelines for Historic Districts and Historic Sites.
2. The Preservation Plan complies with the Land Management Code requirements pursuant to LMC Section 15-11-9 (A).
3. The Preservation Plan complies with the Conditions of Approval of the April 3, 2013, Historic District Design Review approved by the Historic Preservation Board on appeal.

Conditions of Approval – 505 Woodside Avenue

1. Any changes, modifications, or deviations from the approved HDDR design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. All conditions of the April 3, 2013, HDDR approval continue to apply, unless modified by the Historic Preservation Board during this review and action on the Preservation Plan.
3. All standard conditions of approval shall apply.

4. If a building permit has not been obtained by March 5, 2015 (within one year of the date of final action on this appeal), then the HDDR approval will expire, unless an extension is requested in writing prior to the expiration date and an extension is granted by the Planning Department, with notice given according to the Land Management Code.
5. Disassembly and reassembly of the Historic Structure at 505 Woodside has not been approved and is not proposed by the approved preservation plan.
6. Prior to replacement of any historic material there shall be an on-site consultation between the contractor, architect, building inspector and project planner to make a determination as to the suitability of replacement and materials.

Order:

1. The Planning Staff did not err in the approval of the preservation plan for the proposed restoration and addition for 505 Woodside Avenue.
2. Appellant's request for a reversal of the Planning Staff's decision to approve the amended preservation plan is denied.

The meeting adjourned at 7:02 p.m.

Approved by _____
John Kenworthy, Chair
Historic Preservation Board