

**PARK CITY MUNICIPAL CORPORATION  
BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS, CITY HALL  
May 24, 2016**



## **AGENDA**

**MEETING CALLED TO ORDER - 5:00 PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF July 21, 2015**

**PUBLIC COMMUNICATIONS** – *Items not scheduled on the regular agenda*

**STAFF AND BOARD COMMUNICATIONS/DISCLOSURES**

**REGULAR AGENDA** – *Discussion, possible public hearing, and possible action as outlined below*

569 Park Avenue – Appeal of Historic Preservation Board determination that the structures should be designated as “Significant” on the City’s Historic Sites Inventory (HSI). <i>Quasi-Judicial hearing</i>	PL-16-03120 <i>Planner Grahm &amp; Turpen</i>	17
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**WORK SESSION**

Open and Public Meeting Act Training	<i>Assistant City Attorney McLean</i>
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**ADJOURN**

A majority of Board of Adjustment members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.



PARK CITY MUNICIPAL CORPORATION  
BOARD OF ADJUSTMENT  
MINUTES OF JULY 21, 2015

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi,  
Travis McGhee, David Robinson

EX OFFICIO: Planning Manager Kayla Sintz, Anya Grahn, Planner; Polly  
Samuels McLean

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ROLL CALL

Chair Gezelius called the meeting to order at 5:06 p.m. and noted that the Board did have a quorum.

ADOPTION OF MINUTES OF FEBRUARY 17, 2015.

MOTION: Board Member Hans Fuegi moved to APPROVE the minutes of February 17, 2015 as written. Board Member David Robinson seconded the motion.

VOTE: The motion passed unanimously.

Chair Gezelius asked if the Staff had heard feedback regarding the accessory shed application for 360 Daly Avenue that was discussed at the February 17<sup>th</sup> meeting and the Board's decision to uphold the HPB's determination of significance. Assistant City Attorney McLean reported that the applicant had filed a complaint in District Court. She reported that there needed to be a verification of ownership of the land where the shed actually sits. The Staff believed at the time that the land was City owned, but in fact it was owned by United Park City Mines. Currently, the Complaint is on hold.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Planning Manager Sintz announced that she was leaving the Planning Department and her last day would be Thursday of this week. Bruce Erickson and Nicole Codell would be handling the Planning Department issues. Ms. Sintz wished the Board members the best and she thanked them for their support.

Chair Gezelius wished Ms. Sintz well in her next endeavor, and she looked forward to working with Bruce Erickson.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

**627 Park Ave, Unit E – Applicant is requesting a variance to Section 15-2.2-3 (H) (Side Yard) of the Park City Land Management Code for the purpose of constructing an exterior stairway greater than thirty inches (30”) in height within the five (5’) foot side yard setback exception allowed for steps (Application PL-15-02792)**

Planner Anya Grahn reviewed the request for a project at the Motherlode Apartments, Unit E. Planner Grahn stated that currently the apartment is accessible by a U-shaped stairway that is accessed from the garage. The applicant was requesting a variance to build a better stairway to access their unit. She identified buttresses that currently provide structural support within the side yard. The applicant would like to use those buttresses to build a staircase. They have worked with the structural engineer and that appears to be the best solution without having to completely redo the entire building in order to accommodate a better stair.

Planner Grahn explained that the problem is that the stairs currently open up into the garage. Because of how the garage is laid out, people often park in front of the door to the stairs, which blocks access in or out of the unit. Planner Grahn presented photos showing the buttresses in the north side yard setbacks, the gravel which is the Crescent Tramway, and Unit E. She noted that stairs already exist on Unit D, which is directly behind and borders Woodside Avenue. Therefore, stairs already exist in one of the side yard setbacks for this complex.

Planner Grahn pointed out that if the door is block the owners are completely locked out of their apartment. The request would improve accessibility, but it would also improve safety. If they build the proposed exterior staircase, in addition to having general access to their apartment they would have better egress in the event of a fire or some other emergency. The stairs would come out on to Park Avenue. They would use the same concrete as the driveway, eliminating the need for another connection into the road.

Planner Grahn reported that the LMC allows stairs to be built in a side yard setback, but they cannot be over 30 inches in height from existing grade. The proposed stairs would be approximately 21 feet up to a landing that has a door and window opening into Unit E.

Brooke Hontz, representing the applicant, presented a photo of the door being blocked to show how access to Unit E was completely cut off.

Chair Gezelius had visited the parking garage. She understood that the space in front of the door was not an assigned parking space for Unit E, and that people just park their car there for whatever reason. She was told this was correct.

Planner Grahn reviewed the Criteria for granting the variance as found on pages 19-23 of the Staff report; and explained why the Staff believed the requested variance meets the criteria.

Ms. Hontz introduced Gordon Strachan, the applicant. She and Mr. Strachan were prepared to answer any questions from the Board. Ms. Hontz believed the Staff report was very thorough and she respected the good work done by the Staff; however, he highlighted a few points that might further support the criteria to uphold the variance.

Ms. Hontz referred to page 17 of the Staff report and presented slides to clarify her comments. She stated that Unit D, which sits to the west and uphill, has an exterior staircase exactly like the one Mr. Strachan would like to replicate for his unit. Ms. Hontz noted that the buttresses are structural as they are used to hold up the up the entire condo facility. Ms. Hontz pointed out that the buttresses and the staircase were built in the side yard setback, but they were built in 1981 when it was not an issue. Ms. Hontz indicated the area where the stairway would extend down towards the front of the building adjacent to the side of the structure, but still within the buttress and maintaining a setback from the edge of the buttress. It would mirror the look of the other staircase and come down in a location that is safely outside of where someone could block the unit.

Ms. Hontz referred to page 19 of the Staff report. She believed the arguments that support the criteria for why a variance could be granted were clear. However, she highlighted the language, "Except for Unit E, all of the other condos in this building have multiple ways out or to the exterior of the structure". Ms. Hontz believed this was a special circumstance that was attached to the hardship and it qualified under Criteria 1 and 2.

Ms. Hontz commented on circumstances that were peculiar only to Unit E. It was not only demonstrated through both phases of Motherlode, but no other property in Old Town has a situation where the only entrance to a unit is through a garage where people could park in front of it.

Ms. Hontz believed that the request submitted meets the standards of the community as addressed in Criteria 4 and 5, which talks about the General Plan and the spirit of the LMC. Ms. Hontz stated that if the Board chooses to move forward, the Findings of Fact and Conditions of Approval would have to be renumbered to be consecutive. She clarified that the applicant was comfortable with the Findings of Fact and that the error was only with the numbering. She also noted that the Conditions of Approval begin with number 2 and the numbering should be changed to reflect Conditions 1 through 4.

Ms. Hontz stated that when they first looked at providing an emergency access in and out of the unit, they examined the entire site coming out of Unit E on both

sides and the front. They hired an architect and a structural engineer to determine the options. One option was to go west towards another staircase that comes down to the ground. However, according to the structural engineer, that option would cause harm to the structural integrity of the building. The same situation applied to the south side of the building near the yellow home. Ms. Hontz stated that they could not find an acceptable way to come off the front that would not be in the setback or block the drive into the garage. She pointed out that all the other solutions seemed to create more problems. The applicant would not be finding for hardship if they could have found another solution that worked. After exhausting all the options and looking at the criteria for a variance they were clearly able to meet that standard.

Mr. Strachan stated that the application outlined the problems they face and the number of years they have owned Unit E. Sundance and the parking pressures have forced them to find a second access.

Board Member Fuegi asked if they would pour a concrete pad where the stairs come down as a landing. Ms. Hontz replied that they would pour enough of a concrete pad to meet the Building Code standard. She couldn't recall the exact size but it would be whatever size the Building Department requested.

Board Member McGhee asked if the parking spot in front of the door inside the garage was an actual parking spot. Ms. Hontz answered no. She presented a directory showing the units, the entrances and exits and parking. The door labeled E was the entrance into the unit. She indicated where cars park in front of the door even though it is not a marked parking space.

Board Member Robinson asked if he was correct in assuming it was nightly rental property. Mr. Strachan replied that they have not used it as nightly rental because it is part of their primary residence. However, many other units in Motherlode are nightly rental. He believed that contributed to the problem. Mr. Strachan stated that the real problem is the incredible pressure to park in Old Town. People tend to park wherever there is a space.

Board Member Robinson understood the need for emergency egress. His only concern was that if the unit became a lockout they would be back to the same issue. Ms. Hontz was willing to stipulate as a condition of approval that it could not be used as a primary entrance to a lockout. Mr. Robinson was unsure whether it could be used for a lockout, but he was more comfortable addressing it as a condition of approval.

Chair Gezelius wanted to see the garage exit maintained from a fire safety standpoint. It is always better to have two points of entry for fire safety, particularly for an upstairs unit.

Board Member McGhee asked if Mr. Strachan had considered some type of concrete barrier to create a walkway out of the door to prevent people from parking there. Mr. Strachan remarked that the parking place is open and when snow comes out of the northwest it would make it even harder to shovel and plow. Mr. Strachan stated that the condominium association had voted to replace and upgrade the driveway. He personally did not believe a concrete barrier would work.

Chair Gezelius stated that people tend to stop and park where they see a map. She suggested that moving the directory of the units a few feet towards the entry way would encourage people to stop a little behind the door. Mr. Strachan thought it was a good idea.

Planner Grahn had drafted the added conditions. Condition #5 would read, "This proposal will not create a lockout unit." Condition #6 was drafted to read, "The garage entrance to Unit E will be maintained." Chair Gezelius thought the language needed to be more specific regarding a lockout. She suggested language stating that single Unit E will maintain two entrances; the garage and exterior entrance. She wanted it clear that Unit E maintains two entrances. Ms. Hontz was comfortable with that language.

Board Member Fuegi stated that he used to own Unit E and he lived in it for several years. It was a long time ago and the town was less busy, but he could attest to the fact that even then people would occasionally part in front of the door. Mr. Fuegi sympathized with the problems that Mr. Strachan and his family were experiencing. He also thought the stairs would help balance that side and improve the visual aspect of the building. Chair Gezelius concurred.

**MOTION:** Board Member Fuegi moved to follow the recommendation of the Staff and to allow the applicant to construct the stairway on the north side of the building, subject to the Findings of Fact, Conclusions of Law and Conditions of Approval as amended by renumbering the Findings and Conditions and adding Conditions of Approval stating that the garage entrance to Unit E will be maintained and that the Single Unit will maintain the garage and exterior unit entrances.

Assistant City Attorney McLean noted that the Board had not opened a public hearing.

Chair Gezelius opened the public hearing. There were no comments. Chair Gezelius closed the public hearing.

Chair Gezelius asked for a second to the motion. Dave Robinson seconded the motion.

Chair Gezelius called for a vote on the motion to approve the variance subject to the revised Findings of Fact, Conclusions of Law and Conditions of Approval as presented for the north side of the building.

VOTE: The motion passed unanimously.

Findings of Fact (for Approval)

1. The property is located at 627 Park Avenue, Unit E.
2. The property is located within the Historic Residential (HR-1) District.
3. The existing condominium is not a historic structure as it was constructed in 1981.
4. The City approved a Conditional Use Permit (CUP) for Motherlode I in 1979 for the construction of eight (8) condominiums, which included one (1) four (4)-bedroom unit and seven (7) two (2)-bedroom units. At the time of the CUP, the applicant met all zoning requirements for the Historic Residential Medium (HRM) zone.
5. The zoning for this site changed from HRM to Historic Residential (HR-1) in 1985, in order to accommodate the changing nature of the neighborhood and accommodate the new ski area base facilities. The condo building is legal nonconforming.
6. The applicant is requesting a variance to LMC Section 15-2.2-3 (H) to the required five foot (5') side yard setback exception to allow an exterior staircase greater than thirty inches (30") in height within the side yard setback. The new staircase and landing will measure a maximum of twenty-one feet (21') above existing grade on the northeast corner of the new landing outside of Unit E. The width of the stairs is limited to three feet (3') with a proposed two foot (2') side setback. There are no proposed changes to the existing U-shaped enclosed stairway.
7. A plat amendment was approved for the Motherlode Condominium Project (Motherlode I) in 1981, creating the existing lot of 10,846 square feet. The minimum lot size allowed in the district is 1,875 square feet.
8. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. Unit E is only accessible by an enclosed interior stairway accessed only from the ground-level private parking garage. The entrance to this stairway is often blocked by parked cars, which disallows the applicants to enter or exit Unit E. The new second set of stairs on the exterior of the north elevation will meet the IBC requirements, provide a direct emergency egress to the exterior and ground level, and improve access to Unit E.
9. The adjacent property to the north is the Crescent Tramway pedestrian area. No buildings can be built on the adjacent property because it is designated open space.
10. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone. When approved in 1979, the Conditional Use for the Motherlode Condominium Project permitted the



construction of exterior buttresses and a straight exterior stairway accessing Unit D within the side yard setback. The location of the proposed exterior stairs is directly adjacent to public open space and a sidewalk for non-motorized use to provide access between Woodside Avenue and Park Avenue. Unit E is the only condo unit currently accessed only from a completely enclosed staircase at the ground level garage.

11. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone. Unit E is the only Motherlode condo accessible by an enclosed interior stairway at the garage level. By relocating the stairs to the exterior the building, the applicant will be improving access to the ground level as well as emergency exterior egress.

12. The variance will not substantially affect the General Plan and will not be contrary to the public interest. One of the goals identified by the current General Plan is to create a diversity of primary housing opportunities to address the changing needs of residences and allow residences to age-in-place. The improved accessibility of Unit E improves the livability of Unit E and meets the needs of providing a safer emergency egress and access to this individual condo unit.

13. The spirit of the Land Management Code is observed and substantial justice done. Granting the variance will allow the applicants to construct an exterior staircase accessing only Unit E and setback two foot (2') from the north side yard lot line. The spirit of the Land Management Code is observed and substantial justice is done in that the variance allows the owner to improve their emergency egress to the exterior. Exterior staircases greater than thirty inches (30") above existing grade are allowed in the HR-1 zone district, and neither the zone nor the General Plan prohibit or discourage the construction of exterior staircases.

14. Without the variance, the applicants will not be able to construct the new exterior stairs on the north elevation and access to Unit E will continue to be restricted due to illegal parking. There will be no improved access from Unit E to the ground level.

15. Granting of the variances would allow the applicant to build a new exterior staircase on the north elevation of the structure. The proposed staircase will meet IBC requirements, provide a direct emergency egress to the exterior and ground level, and improve access to Unit E.

16. The spirit of the LMC is observed and substantial justice done.

#### Conclusion of Law (for approval)

1. Literal enforcement of the HR-1 District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is consistent with the General Plan.

5. The spirit of the zoning ordinance is observed by this application.
6. It can be shown that all of the conditions justifying a variance, pursuant to LMC §15-10-9, have been met.

Order (for approval)

1. A variance to LMC Section 15-2.2-3 (H) (6) to the required five foot (5') side yard setback exception to allow an exterior staircase greater than thirty inches (30") in height within the side yard setback is hereby granted.
2. The variances run with the land.

Conditions of Approval

1. The variance is granted for the construction of a new exterior staircase on the north elevation of the Motherlode Condominium, as indicated on the plans submitted with this application.
2. The applicant will maintain a minimum one foot (1') side yard setback on the north side. The new stairs will not extend beyond the existing buttresses.
3. The area beneath the staircase shall not be enclosed for use as habitable living space.
4. Any disturbed/modifications to the existing landscaping along the Crescent Tram pedestrian walkway shall be replaced with native landscaping approved by the Engineering Department. An irrigation system does not exist along the Crescent Tram pedestrian walkway, so the applicant will be responsible for hand watering for the first year of planting.
5. The garage entrance to Unit E will be maintained.
6. Single Unit E will maintain the garage and exterior entrances for access.

Chair Gezelius adjourned the meeting at 5:36 p.m.

Approved by \_\_\_\_\_  
Ruth Gezelius, Chair  
Board of Adjustment

# Board of Adjustment Staff Report



PLANNING DEPARTMENT

**Subject:** 569 Park Avenue  
**Author:** Anya Grahn, Historic Preservation Planner  
Hannah Turpen, Planner  
**Project #:** PL-16-03120  
**Date:** May 24, 2016  
**Type of Item:** Quasi-Judicial – Appeal of Historic Preservation Board’s Determination of Significance

## Summary Recommendations

Staff recommends the Board of Adjustment hear the appeal of the Historic Preservation Board’s (HPB) determination of significance of the house at 569 Park Avenue. The HPB determined that the house meets the criteria for designation as a “Significant” site.

## Topic

**Applicant:** William A. Kershaw (Represented by Graham J. Gilbert, Snell & Wilmer LLP Law Offices)  
**Location:** 569 Park Avenue  
**Zoning:** Historic Residential-1 (HR1)  
**Adjacent Land Uses:** Historic single-family residences, parking lot, Main Street Commercial District  
**Reason for Review:** Appeal of the Historic Preservation Board’s determination of significance of the historic site at 569 Park Avenue.

## Background

Much of the background of this site is outlined in the Historic Preservation Board (HPB) staff report dated March 2, 2016 (Exhibit B). The house at 569 Park Avenue was listed as part of the City’s Historic Sites Inventory (HSI) as “Significant” on March 2, 2016. The property owner of 569 Park Avenue (William Kershaw) had submitted a pre-application for Historic District Design Review (HDDR) for his property and is interested in demolishing the house in order to develop the two (2) existing lots (owned by Kershaw) for construction of two (2) single-family homes. The HDDR Pre-Application was submitted on July 9, 2015. A demolition permit to demolish the existing house was submitted on September 2, 2015; this permit has not been approved.

On August 6, 2015, City Council passed an [Ordinance Amending the Land Management Code Section 15, Chapter 11 and all Historic Zones to Expand the Historic Sites Inventory and Require Review by the Historic Preservation Board of Any Demolition Permit in a Historic District](#). City Council had expressed concern about a number of historic sites and structures that were not currently designated on the Historic Sites Inventory (HSI) that could be susceptible to demolition because structures on the HSI may only be demolished with an approved Certificate of Appropriateness for Demolition (CAD). The pending ordinance was adopted by City Council on December 17, 2015.

As noted in Exhibit B, the HSI criteria regarding the designation of “Significant” structures was expanded to include or consider the following:

- Any structure that has received a historic grant from the City;
- Has previously been on the Historic Site Inventory or listed as significant or contributory on any reconnaissance or other historic survey;
- Or despite non-historic additions retain its historic scale, context, materials in a manner and degree, which can reasonably be restored to historic form.

The Planning Department identified and submitted applications for determination of significance for several properties, including 569 Park Avenue, which could qualify for local designation on the inventory under the new LMC changes. The HPB reviewed these Determination of Significance (DOS) applications on March 2, 2016.

### **Appeal and Burden of Proof**

The specific appeal is to the Historic Preservation Board’s (HPB) Determination of Significance. LMC 15-1-18(B) states that the City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board’s final action. Because March 12<sup>th</sup> is a Saturday, the last day for appeals was Monday, March 14<sup>th</sup>. The appellant, who had standing based upon having participated in the HPB hearing and being the owner of the property appealed this determination within ten (10) days, on March 14, 2016.

Appeals shall be considered by the Board of Adjustment (BOA) on the record made before the Historic Preservation Board. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of the decision of the land use authority in its interpretation and application of the land Use ordinance.

The BOA, in conformity with the provisions of the Code, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made. The Owner bears the burden of demonstrating that the HPB erred in their findings.

The appellant’s appeal is attached hereto as Exhibit A. The appellant’s basis for appeal is that the HPB was not correct in its interpretation and application of the LMC (see Exhibit A, page 4, Basis for Appeal).

### **Analysis**

The appellant contests that the findings set forth in the Historic Preservation Board’s (HPB) Determination of Significance are not correct and the Board of Adjustment should review the factual correctness as well as correctness of the decision of the HPB in its interpretation and application of the LMC. The appellant argues that the HPB erred in their determination that the house meets the criteria for designation as “Significant” outlined in LMC 15-11-10(A)(2).

erred in their determination that the house meets the criteria for designation as “Significant” outlined in LMC 15-11-10(A)(2).

The HPB reviewed this Determination of Significance on March 2, 2016, and found that the site met the criteria for “Significant” as described below:

15-11-10(A)(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

The HPB and the appellant agree that the structure meets Criteria A and the house is over 50 years old. As outlined in Exhibit B’s History of the Structure, the current house was built c.1923 and first appears in the 1927 Sanborn Fire Insurance map.

(b) It retains its Historical Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

As outlined in Exhibit B, there were several modifications to the roof form outside of the period of historical significance, between 1941 and 1995 that altered the original form; however, the Historical Form remains as demonstrated by the property receiving Historic District grant funds in 1988 for a reroof, replacing trim, and a stone walkway; the 2009 reconnaissance level survey finding the house to be “Significant”; and the initial listing of the house on the Historic Sites Inventory in 2009 as “Significant.” The HPB found that the site met Criterion B.

Historical Form is defined in the code under “ESSENTIAL HISTORICAL FORM” as “The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.” The house is compatible with the scale, context, and materials used historically in the district. The gable-on-hip style reflects the Historical and Architectural character of the district through its design characteristics, including mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District, despite alterations made to its façade from 1990-1995.

The property received a historic grant in 1988 for a reroof, replacing trim, and a stone walkway. The former owner and grant recipient Tim Lee attests that the Planning Department directed him to remove the 1950s aluminum siding and

rebuild the full-width front-porch reminiscent of that seen in the c.1938 tax photo in order to receive Historic Preservation Grant funds.

Further, the Historical Form remains as demonstrated by the property being initially identified as historic and contributing to the Historic District during the 2009 reconnaissance level survey because it was found to maintain a historic form that contributed to the historic character of the district. In 2009, the site was designated as “Significant” on the Historic Sites Inventory (HSI); however, it was removed in April 2010 based upon it not meeting the criterion at the time related to retaining essential historic form because the criterion specifically excluded structures which had their original rooflines altered due to the modifications made to the original roof form outside of the historic period.

The appellant argues that the house does not retain its Historical Form due to the substantial changes that occurred after 1941. The current gable-on-hip form was constructed between 1990 and 1995, and it is not a residential building type found in Park City during the Mature Mining Era. The extensive modifications made to the exterior and bungalow architectural features, such as the porch posts, are not original to the house, nor are they an accurate reconstruction of the original c.1923 bungalow. The appellant also points out additional alterations such as the removal of the brick chimney on the south façade, covering a small window on the south façade, installation of vinyl windows, and vinyl siding on the side elevations has further detracted from the original form.

The appellant claims that the HPB incorrectly treated the examples listed in this criterion as mandatory, as the HPB determined that the house retained its historic form because it had been previously listed on the HSI as “Significant” and had been found to be “significant” on the 2009 reconnaissance level survey. They also argue that the 1988 grant awarded to Mr. Lee to re-roof the house, replace trim, improve the porch, and improve a stone walkway were not used to restore or reconstruct original elements to the house. The 1988 grant did not include deed restrictions to prevent future alterations and, at the time, the LMC did not regulate demolition; thus, additional alterations occurred in the 1990s that did not attempt to restore the original form.

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

The HPB found that though the current building does not reflect the architectural style or design of the original house, the house is compatible with the scale, context, and materials historically seen in the district. The HPB found that the gable-on-hip style reflects the Historical and Architectural character of the district through its design characteristics, including mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District despite the alterations made to the façade from 1990-1995.

Staff has also received public input from former owner Tim Lee, who owned the property from 1986 through 2004. Mr. Lee informed staff that he left the original roof framing in place when the porch roof was reconstructed to match the c.1938 tax photograph. The gable was maintained on the front elevation to allow for attic ventilation.

The HPB found that the house retains its historic scale, context, and materials in a manner and degree which can be restored even with the non-historic additions. Though the gable-on-hip form replaced the original hip-roof of the bungalow, the front-facing gable is still in keeping with and contributes to the historic character and architectural styles seen in the Historic District. The wall planes on the north and south elevations remain in their original location, though the length of walls have been extended towards the east and west due to out-of-period in-line additions. The HPB found that the modifications could be reversed in order to restore the original Historical Form, though some existing interior living space would be lost. Further, staff finds that the original roof form could be restored as it was left in place when the porch roof was reconstructed after 1988.

In 2009, the property was initially identified on the Historic Sites Inventory as “Significant” because it reflected the Historical and Architectural character of the district and was visually compatible to the Mining Era Residences National Register District. Information was later found that original roof form had been altered to a front-facing gable-on-hip between 1957 and 1968. The site was removed from the Historic Sites Inventory (HSI) in April 2010 as it was found to not meet the criterion at the time relating to the structure retaining its Essential Historic Form because the criterion specifically excluded structures which had their original rooflines altered due to modifications to the original roof form outside of the historic period.

The appellant argues that the home could not be restored to its historical form and does not reflect the character of nearby Mining Era residences. They claim that in order to restore the house to its original form, the entire front of the house would have to be removed and reconstructed. The process would remove valuable interior living space. Further, the gable-on-hip roof form was not used during the Mature Mining Era and its use is typically limited to French Colonial-style buildings from the late nineteenth century and Queen Anne-style buildings from the twentieth century. Because of the altered roof form and other significant

changes, the appellant asserts that the house does not reflect the historical or architectural character of the district.

(d) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

- (i) An era of Historic Importance to the community, or
- (ii) Lives of Persons who were of Historic importance to the community, or
- (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

The Historic Preservation Board found that the site met Criteria C. The site is associated with the Mature Mining Era (1894-1930) of Park City primarily because of its original date of construction. Though out-of-period alterations have occurred, the physical characteristics of the structure—such as the front-facing gable, mass, scale, composition, materials, treatments, and other architectural features—reflect the Historical and Architectural character of the district through its design characteristics. These characteristics are visually compatible and contribute to the Mining Era Residences National Register District, despite alterations made to this house's façade from 1990-1995.

The appellant argues that the house does not meet this criterion. The appellant found that house no longer contributes to local or regional history, architecture, engineering, or culture because of the substantial changes to the house outside of the historic period.

Please see the March 2, 2016, HPB staff report (Exhibit B) for further analysis.

### **Future Process**

Final Action by the Board of Adjustment on Appeals may be appealed to Third District Court within thirty (30) calendar days.

### **Staff Recommendation**

Staff requests the Board of Adjustment review the following findings of fact and conclusions of law and order and consider adopting them and denying the appeal.

### **Alternatives**

1. The Board of Adjustment may uphold the Historic Preservation Board's determination of significance.
2. The Board of Adjustment may reverse the Historic Preservation Board's determination of significance and direct staff to return with written findings granting the appeal.
3. The Board of Adjustment may direct staff to provide additional analysis and continue the appeal to a future date.



**Proposed Order Denying Appeal and Upholding a Determination of Significance:  
Findings of Fact:**

1. The Park City Historic Sites Inventory (HSI) adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
2. The house at 569 Park Avenue is within the Historic Residential (HR-1) zoning district.
3. The residential structure at 569 Park Avenue was included in the 2009 HSI as Significant; however, it was removed in April 2010 based upon it not meeting the criterion at the time related to retaining Essential Historic Form because it specifically excluded structures which had their original rooflines altered due to the modifications made to the original roof form outside of the historic period..
4. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be significant sites.
5. The house was built c. 1923 during the Mature Mining Era (1894-1930). The structure appears in the 1929 and 1941 Sanborn Fire Insurance maps. A c. 1938 tax photo of Park City also demonstrates that the original low-pitch hipped-roof bungalow form.
6. Between 1958 and 1968, the hip roof was modified to a low-pitch gable. A portion of the bungalow's full-width front porch was in-filled to create a recessed, partial-width front porch.
7. Between 1990 and 1995, the roof pitch was modified once again to create a gable-on-hip roof. The partial width front porch was filled in and a new full-width porch was constructed on the façade. During this renovation, bungalow-style elements such as the square porch posts and solid rail were returned; however, these were not based on physical or photographic evidence.
8. The site meets the criteria as Significant on the City's Historic Sites Inventory.
9. Built c.1923, the structure is over fifty (50) years old. The current house was built c.1923 and first appears in the 1927 Sanborn Fire Insurance map.
10. While the current building does not reflect the architectural style or design of the original c.1923 bungalow, the gable-on-hip form reflects the Historical and Architectural character of the district through its design characteristics, including its mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District, despite alterations made to its façade between 1990-1995.
11. The house retains its historical form in that the physical characteristics of the Structure make it identifiable as existing in or relating to an important era in the past. The gable-on-hip style reflects the Historical and Architectural character of the district through its design characteristics, including mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District, despite alterations made to its façade from 1990-1995.
12. The Historical Form remains as demonstrated by the property receiving a historic grant in 1988 for a reroof, replacing trim, and a stone walkway. The former owner and grant recipient Tim Lee attests that the Planning Department directed him to remove the 1950s aluminum siding and rebuilt the full-width front-porch in order to

receive Historic Preservation Grant funds. The structure retains the historic form as demonstrated by its receipt of this historic grant.

13. The Historical Form remains as demonstrated by the property being initially identified on the Historic Sites Inventory as "Significant" in 2009, because it was found to maintain a historic form that contributed to the historic character of the district.
14. The original hip-roof bungalow form could be restored to its Historical Form if the non-historic additions to the façade and rear were removed. The wall planes on the north and south elevations remain in their original location, through the length of the wall plane has been extended toward the east and west due to out-of-period in-line additions. Former-owner Tim Lee states that the original roof framing is in place in the attic and was not altered during his renovation in the late-1980s when he constructed the full-width front porch.
15. The house is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era. The house was constructed c.1923. The c.1938 tax photo and 1941 Sanborn Fire Insurance Map depict a bungalow with a low-pitched hip roof and deep full-width front porch.
16. The structure at 569 Park Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. In order for the site to be designated as "landmark," the structure would have to be eligible for the National Register of Historic Places and retain a high level of integrity.
17. The Historic Preservation Board found that the structure met the criteria of LMC 15-11-10(A)(2) and thus should be designated as a "Significant" Structure on the Historic Sites Inventory (HSI) on March 2, 2016.
18. The structure is in its original location.
19. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board's final action. Because March 12<sup>th</sup> is a Saturday, the last day for appeals was Monday, March 14<sup>th</sup>. The appellant, who had standing based upon having participated in the HPB hearing and being the owner of the property appealed this determination within ten (10) days, on March 14, 2015.
20. The analysis of the report is included herein with the new evidence.

### **Conclusions of Law**

1. The existing structure located at 569 Park Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
  - (a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

**Complies.**

  - (b) It retains its Historical Form as may be demonstrated but not limited by any of the following:
    - (i) It previously received a historic grant from the City; or
    - (ii) It was previously listed on the Historic Sites Inventory; or
    - (iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

**Complies.**

    - (c) It has one (1) or more of the following:

- (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and
- (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

**Complies.**

**Order**

1. The appeal of the Historic Preservation Board's determination of significance for the house at 569 Park Avenue is denied. The house located at 569 Park Avenue is a Significant site on the Historic Sites Inventory.

**Exhibits**

- Exhibit A – Appellant's Appeal (March 14, 2016)
- Exhibit B – Historic Preservation Board Staff Report 3.2.16
- Exhibit C – Historic Preservation Board Minutes 3.2.16
- Exhibit D – Final Action Letter 3.3.16
- Exhibit E – Public Comment



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March 14, 2016

DENVER  
LAS VEGAS  
LOS ANGELES  
LOS CABOS  
ORANGE COUNTY  
PHOENIX  
RENO  
SALT LAKE CITY  
TUCSON

**VIA EMAIL BRUCE.ERICKSON@PARKCITY.ORG;  
MICHELLE.KELLOGG@PARKCITY.ORG**

Bruce Erickson  
Planning Director  
Park City Municipal Corporation  
445 Marsac Avenue  
Park City, UT 84060

Michelle Kellogg  
City Recorder  
Park City Municipal Corporation  
445 Marsac Avenue  
Park City, UT 84060

**Re: Appeal of Determination of Significance for 569 Park Avenue**

Dear Mr. Erikson:

We represent the two families (“Families”) who own the two lots of record and associated improvements on the properties commonly referred to as 569 Park Avenue. This letter is the Families’ appeal of the Historic Preservation Board’s (“HPB”) March 2, 2016 decision to list 569 Park Avenue as a significant site on the Park City Historic Sites Inventory (“HSI”). The appeal is filed pursuant to sections 15-11-10(B)(4), 15-10-7, and 15-1-18 of the Land Management Code. This letter also serves as the Families’ takings appeal pursuant to section 15-1-19(C) of the Land Management Code.

### **Background**

#### **1. The History of 569 Park Avenue**

569 Park Avenue is located on Lots 17 and 18 of Block 5, Amended Plat, Park City Survey. The home at 569 Park Avenue (“Home”) has undergone significant modifications over the course of its history. Sometime prior to 1889 a cross-wing structure was built. This original structure was replaced by a bungalow in approximately 1923, during Park City’s Mature Mining

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Era. The bungalow's roof was changed from a hipped roof to a low-pitched gable roof sometime between 1958 and 1968. The Utah State Historical Society ("Historical Society") evaluated the Home in August 1978. The resulting Site Information Form lists the Home's status as "Not Contributory" because the change from a hip roof to a gable roof constitutes a major alteration. Exhibit A.

In 1987, Tim Lee, the then-owner of 569 Park Avenue, received a \$5,000 grant from Park City to re-roof, replace trim, and improve a stone walkway. While Mr. Lee used the grant money to improve the Home, he did not use it to restore the roof, or other elements of the Home, to their historic form.

Sometime between 1990 and 1995 the roof at 569 Park Avenue was modified again, this time to a gable-on-hip form. At the time of this modification, many bungalow-type elements were added to the Home, including a deep full-width porch, square porch posts, and a solid rail. The bungalow elements appear historic. But the modifications did not restore the Home to its original, historical form. For instance, the gable-on-hip roof form was not used in Park City during the mining era. Rather, it was used in French Colonial styled buildings from the late nineteenth century and Queen Anne styled buildings from the early twentieth century. Exhibit B.

In 2009, Preservation Solutions completed a reconnaissance level survey of historic district homes that was used to create the HSI. The survey designated 569 Park Avenue as a significant site. Preservation Solutions later revisited 569 Park Avenue and concluded that it had erroneously listed the Home as significant. Based on information regarding 569 Park Avenue's altered roof form, Thomas Eddington, the Planning Director at the time, and Preservation Solutions asked the HPB to reevaluate the Home's significance. In April 2010, the HPB reviewed the Home and found that changes to the pitch of the main roof of the primary façade destroyed the Home's historical form and caused it to not qualify for designation as significant.<sup>1</sup> As a result, the HPB voted to delist 569 Park Avenue from the HSI.

Recently, Park City engaged Cooper Roberts Simonsen Architects ("CRSA") to investigate the historical integrity of 569 Park Avenue. In a July 22, 2015 letter, CRSA agreed with the HPB's 2010 decision and found that 569 Park Avenue did not meet the criteria for designation as a significant site due to the change in its roof form. CRSA noted other modifications of the Home's historic form, including "the complete removal of the brick chimney on the south façade, adding a center post to the front porch, raising the front porch guard rail height, and covering a small window on the south façade."

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<sup>1</sup> At the time, Section 15-11-10(A)(2)(b)(i) of the LMC stated that changes to the pitch of the main roof of the primary façade after the period of historic significance destroyed a building's Essential Historical Form. This criteria has since been amended, as described below.

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On September 2, 2015, the Families filed an application to demolish the Home (“Demolition Application”). Exhibit C. The application was filed during the pendency of a proposed amendment to the Land Management Code. The proposed amendment is discussed in detail below.

## 2. Amendment to the Land Management Code

In the summer of 2015 the Families met with Planning Staff to discuss their plans to build two homes, one on each lot at 569 Park Avenue. Unbeknownst to the Families, their neighbors had begun a campaign to prevent construction of two homes at 569 Park Avenue. The neighbors sent a series of letters and emails to the Park City Attorney’s Office, Planning Staff, members of the HPB, and others between April 2, 2015 and August 10, 2015.

Planning Staff and the City Council eventually responded to the neighbors’ pressure and scheduled a “Determination of Significance” for 569 Park Avenue to be heard by the City Council on August 6, 2015. At the time, the Land Management Code required that notice be issued 7 days prior to a Determination of Significance and that the HPB consider the Determination of Significance. On August 4<sup>th</sup>, two days before the hearing, Park City provided notice to the Families through an email. This notice did not comply with the Land Management Code. The Families responded, explained that they could not attend the Determination of Significance on such short notice, and requested a continuance. Park City denied the Families’ request and went forward with the August 6<sup>th</sup> hearing. The lack of notice and refusal to grant a continuance are noteworthy because several neighbors who oppose construction of two homes at 569 Park Avenue received notice and attended the hearing. Indeed, John Browning testified that he flew from London to attend the hearing.

On August 6, 2015, the City Council adopted a pending ordinance titled “An Ordinance Amending the Land Management Code Section 15, Chapter 11 and all Historic Zones to Expand the Historic Sites Inventory and Require Review by the Historic Preservation Board of Any Demolition Permit in a Historic District” (“Amended Ordinance”). Notably, Park City neither provided notice of a proposed amendment to the Land Management Code nor listed the Amended Ordinance in the meeting agenda. The Amended Ordinance was drafted very broadly and with specific intent to apply to 569 Park Avenue, even though the Home had been previously removed from the HSI. This intent is illustrated by Planning Staff’s submission of a Determination of Significance application for 569 Park Avenue on August 7, 2015 (“Determination of Significance Application”). Exhibit D.

Over the next several months, the HPB, Planning Commission, and City Council discussed the Amended Ordinance at a series of public meetings. During these meetings it was

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frequently acknowledged that the Amended Ordinance had been prompted by plans to construct two homes at 569 Park Avenue. The HPB, Planning Commission, and City Council made significant amendments to the Amended Ordinance and on December 17, 2015, the City Council adopted the Amended Ordinance, as amended. The provisions of the Amended Ordinance relevant to this appeal are discussed in detail below.

On March 2, 2016 the HPB held a Determination of Significance hearing for 569 Park Avenue. The HPB incorrectly applied the Amended Ordinance and voted to list 569 Park Avenue as a significant site on the HSI. Exhibit E. The Families file this appeal to challenge the HPB's erroneous decision.

### Analysis

1. When Reviewing This Appeal, the Board of Adjustment Owes No Deference to the HPB's Factual Findings or Conclusions of Law

The Land Management Code specifies the standard of review for the Board of Adjustment to apply when it reviews an HPB decision. It states that "[t]he Board of Adjustment shall review factual matters de novo and it shall determine the correctness of the decision of the land use authority." Land Management Code §§ 15-1-17(G); 15-10-7. De novo factual review means that the Board of Adjustment shall grant no deference to the HPB's factual determinations. See Irving Place Associates v. 628 Park Ave., LLC, 2015 UT 91, ¶ 11, 362 P.3d 1241. Similarly, review of the correctness of the HPB's decision means that the Board of Adjustment shall grant no deference to the HPB's legal determinations. See Mallory v. Brigham Young University, 2014 UT 27, ¶ 7-8, 332 P.3d 922. In other words, the Board of Adjustment should review the facts and law anew and make its own factual findings and conclusions of law as though the original HPB hearing did not take place.

2. The HPB Should Not Have Considered the Expired Determination of Significance Application for 569 Park Avenue

Planning Staff's Determination of Significance Application for 569 Park Avenue expired and the HPB should not have considered it. The Land Management Code created the HSI. The purpose of the HSI is to "provid[e] recognition to and encourag[e] the Preservation of Historic Sites in the community." Land Management Code § 15-11-10. The Land Management Code sets forth a procedure to list structures on the HSI. Either the structure's owner, or Planning Staff, must file an application to nominate a structure to the HSI. Land Management Code § 15-11-10(B)(1). Planning Staff must schedule a hearing before the HPB within 30 days of receipt of a complete application. Land Management Code § 15-11-10(B)(1). Planning Staff must also post, mail, and publish notice of the upcoming hearing. Land Management Code § 15-11-

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10(B)(2). The HPB then holds a public hearing to determine whether the application complies with the criteria for designation to the HSI. Land Management Code § 15-11-10(B)(3).

Planning Staff's Determination of Significance Application was not authorized by the Land Management Code and it expired because it was not timely processed. Planning Staff filed the Determination of Significance Application on August 7, 2015, based on a request from the neighbors of 569 Park Avenue. The Land Management Code does not allow neighbors to nominate a site to the HSI. More importantly, Planning Staff did not follow the Land Management Code's mandatory procedures for review of the application. Planning Staff did not schedule an HPB hearing within 30 days of receipt of the application and they did not publish the required notice. Because the Determination of Significance Application was improperly filed and it had expired, the HPB should not have considered the application at its March 2, 2016 hearing.

3. The Families Had Vested Rights to Demolish the Home Prior to the HPB's Determination of Significance

Planning Staff should have approved the Families' Demolition Application prior to the HPB's determination of significance. According to the Land Use, Development and Management Act ("LUDMA"), "[a]n applicant is entitled to approval of a land use application if the application conforms to the requirements of the . . . applicable land use ordinance in effect when a complete application is submitted and all application fees have been paid." Utah Code § 10-9a-509(1)(a)(ii); Land Management Code § 15-1-17(A).

The Families filed a complete application to demolish the Home on September 2, 2015, after the City Council adopted the Amended Ordinance. As a result, the Demolition Application was subject to the Amended Ordinance, so long as the Amended Ordinance was adopted in accordance with LUDMA. But the Amended Ordinance does not automatically designate a site to the HSI. Rather, as described above, the site must go through a nomination, review, and approval process. As a result, even though the Amended Ordinance was in effect, 569 Park Avenue was not listed as a significant site at the time the Families filed the Demolition Application. Additionally, at the time of filing, Planning Staff's Determination of Significance Application had expired. Because 569 Park Avenue was not listed as significant, the Families have a vested right to have their application reviewed under the regulations applicable to properties not listed on the HSI.



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4. The HPB's Decision to List 569 Park Avenue as a Significant Site is Inconsistent with the Land Management Code and the Purpose of the HSI

The Home does not qualify as significant under the Amended Ordinance and it should not be listed on the HSI. The Amended Ordinance made significant changes to broaden the criteria for designating significant sites to the HSI.<sup>2</sup> In particular, the Amended Ordinance set forth four criteria that all must be satisfied before a site may be designated as significant. The new criteria are identified and discussed below.

- a. "[The Site] is at least fifty (50) years old or the Site is of exceptional importance to the community; and" Land Management Code § 15-11-10(A)(2)(a).

The existing Home is greater than 50 years old.

- b. "[The Site] retains its Historical Form as may be demonstrated but not limited by any of the following: (i) It previously received a historic grant from the City; or (ii) It was previously listed on the Historic Sites Inventory; or (iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or" Land Management Code § 15-11-10(A)(2)(b).

569 Park Avenue does not retain its historical form. According to the Land Management Code, "Essential Historical Form" means "[t]he physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past." Land Management Code § 15-15-1.96. 569 Park Avenue has changed significantly over time. The Home's roof was modified sometime between 1958-1968 and again in the early 1990s. The current gable-on-hip form was not used in the Park City during the Mature Mining Era. Exhibit B. The Home's porch has also changed significantly. The original porch was enclosed to expand the Home's living space. A new porch was constructed using square porch posts and a solid rail reminiscent of the original bungalow. While the porch may appear historic, it is not. The porch is not in the same location and it does not use the same design elements as the original porch.<sup>3</sup> Other alterations to the historical form of 569 Park Avenue include removal of the brick chimney on the south façade, covering a small window on the south façade, installation of vinyl windows, and vinyl siding on the side elevations.

The significant changes to 569 Park Avenue prompted the HPB to remove the site from the HSI in 2010. In a July 22, 2015 letter, Park City's consultant, CRSA confirmed that 569

<sup>2</sup> The version of Title 15, Chapter 11 Historic Preservation in effect immediately prior to the Proposed Ordinance is attached as Exhibit F. The version in effect after adoption of the Amended Ordinance is attached as Exhibit G.

<sup>3</sup> In particular, the new porch includes a center post and a higher guard rail height.

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Park Avenue had been substantially changed and that the HPB correctly removed the Home from the HSI.

This criterion evaluates whether a home retains its historic form. It provides examples that the HPB has the option to consider as evidence of historic form. It also allows the HPB to consider other factors. The HPB incorrectly treated the examples listed in this criterion as mandatory. For instance, the HPB determined that the Home retained its historic form because it had previously been listed on the HSI and had previously been described as significant on a reconnaissance level survey. As described above, the Home was incorrectly listed on the HSI and incorrectly identified as significant. These erroneous listings do not demonstrate that the Home retains its historical form.

The HPB also determined that the Home retains its historical form because it previously received a historic grant. But the criteria for the 1988 grant to Tim Lee are unknown, the grant did not include a deed restriction to prevent future alterations to the Home, and the Land Management Code in effect at the time did not regulate demolition of the Home. Moreover, Mr. Lee used the \$5,000 grant to re-roof the Home, replace trim, improve the porch, and improve a stone walkway. He did not use it to restore historic elements of the Home. Even if he had restored historic elements, the Home was modified again in the early 1990s, after receipt of the grant. The receipt of a grant should only be treated as evidence that a site retains its historical form when the grant is used to restore historical features of the site and the restored features are still present. Because the Home was erroneously designated as significant and the grant was not used for restoration, the HPB lacked a factual basis for its determination that the Home retains its historical form.

- c. “[The Site] has one (1) or more of the following: (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or” Land Management Code § 15-11-10(A)(2)(c).

Because of significant changes, the Home cannot be restored to its historical form and it does not reflect the character of nearby Mining Era Residences. The Home’s original porch has been enclosed. The new porch and roof sit several feet east of the original porch. Restoration of the Home to its original form would require the entire front of the house to be removed, relocated, and reconstructed. This process would remove valuable indoor living space from the Home.

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The Home is not compatible with other Mining Era Residences. The gable-on-hip roof form currently in place was not used during the Mature Mining Era. Rather it was used in French Colonial styled buildings from the late nineteenth century and Queen Anne styled buildings from the early twentieth century. Exhibit B. Because of the altered roof form, and other significant changes, the Home does not reflect the historical or architectural character of the district.

- d. “[The Site] is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following: (i) An era of Historic Importance to the community, or (ii) Lives of Persons who were of Historic importance to the community, or (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.” Land Management Code § 15-11-10(A)(2)(d).

Because of significant changes over time, the Home is not important to local or regional history, architecture, engineering, or culture. The Home is not associated with Park City’s Mature Mining Era because the gable-on-hip form was not used during that time period. Exhibit B. Similarly, the Home has undergone other substantial changes. The changes did not restore historic elements of the Home or involve the use of noteworthy methods of construction, materials, or craftsmanship from the Mature Mining Era. Because the Home has undergone significant changes, 569 Park does not qualify as important to local history or architecture.

The Home does not meet three of the four criteria required for a site to be listed as significant. More importantly, listing does not serve the purpose of the HSI, which is to encourage preservation of historic sites in Park City. The Home is not a historic site because it has undergone substantial changes since the Mature Mining Era. For these reasons, the HPB erred when it listed the Home as significant.

## 5. Listing 569 Park Avenue on the HSI Causes an Illegal Taking

Designation of 569 Park Avenue as a significant site amounts to a taking of private property without just compensation. According to the United States Constitution, the Utah Constitution, and subsequent case law, private property may not be taken for public use without just compensation. U.S. Const. amend. V, Utah Const. art. I, §22. 569 Park Avenue is located on Lots 17 and 18 of Block 5, Amended Plat, Park City Survey. The Families acquired 569 Park Avenue based on the reasonable expectation that they could construct two homes at the

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property.<sup>4</sup> Indeed, the long standing intent, as illustrated by the Park City Survey, was to allow two homes on the two lots of record. The determination of significance upsets the Families' economic expectations and unjustly burdens 569 Park Avenue because it prevents construction of two homes. Moreover, the HPB's decision eliminates all economically viable use from one lot because no home may be constructed on that lot. Because Planning Staff have indicated that no demolition permit will be issued if the Home is deemed significant and because the HPB determined that the Home is significant notwithstanding the applicable law and standards, the determination of significance results in a taking of private property and the Families are entitled to just compensation from Park City.

Further, there is evidence in the record that Park City has singled out 569 Park Avenue for special treatment with the purpose of denying them the right to build two new structures on the two lots of record. This kind of treatment violates the state and federal uniform operation of laws and equal protection, constitutional protections, as well as denies them due process under both constitutions.

Should you have any questions regarding the Families' appeal, please feel free to contact me using the information on the first page of this letter.

Sincerely,

**SNELL & WILMER**



Wade R. Budge  
Graham J. Gilbert

WRB:al

Enclosures

cc: Client

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<sup>4</sup> 569 Park Avenue was erroneously listed on the HSI around the time that the Families purchased the property. The HSI was not recorded and a reasonably diligent purchaser would not know that 569 Park Avenue had been identified as a significant site.

# EXHIBIT A

Utah State Historical Society  
 Historic Preservation Research Office  
**Structure/Site Information Form**

IDENTIFICATION 1

Street Address: 569 Park Ave. Plat PC Bl. 5 Lot 17-18  
 Name of Structure: T. R. S.  
 Present Owner: Donald R. Neil et. al. UTM:  
 Owner Address: P.O. Box Park Cityk Utah 84060 Tax #: PC-82

AGE/CONDITION/USE 2

Original Owner: Construction Date: @1923 Demolition Date:  
 Original Use: residential  
 Present Use: Occupants:  
 Single-Family  Park  Vacant  
 Multi-Family  Industrial  Religious  
 Public  Agricultural  Other  
 Commercial  
 Building Condition: Integrity:  
 Excellent  Site  Unaltered  
 Good  Ruins  Minor Alterations  
 Deteriorated  Major Alterations

STATUS 3

Preliminary Evaluation: Final Register Status:  
 Significant  National Landmark  District  
 Contributory  National Register  Multi-Resource  
 Not Contributory  State Register  Thematic  
 Intrusion

DOCUMENTATION 4

Photography: Date of Slides: 11/77 Date of Photographs:  
 Views: Front  Side  Rear  Other   
 Views: Front  Side  Rear  Other   
 Research Sources:  
 Abstract of Title  City Directories  LDS Church Archives  
 Plat Records  Biographical Encyclopedias  LDS Genealogical Society  
 Plat Map  Obituary Index  U of U Library  
 Tax Card & Photo  County & City Histories  BYU Library  
 Building Permit  Personal Interviews  USU Library  
 Sewer Permit  Newspapers  SLC Library  
 Sanborn Maps  Utah State Historical Society Library  Other

**Bibliographical References** (books, articles, records, interviews, old photographs and maps, etc.):  
 Summit County Recorder and Assessor Records, Summit County Courthouse, Coalville, Utah.  
 Sanborn Map, Park City, Utah, 1907.

Architect/Builder: unknown originally a residential  
 Building Materials: wood Building Type/Style: bungalow.

Description of physical appearance & significant architectural features:  
 (Include additions, alterations, ancillary structures, and landscaping if applicable)

Presently, a one-story frame with a gable roof, and aluminum siding. Tax photos indicate a "major" alteration, since the structure originally appeared as a frame bungalow with hip roof.

Statement of Historical Significance:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication          | <input type="checkbox"/> Military        | <input type="checkbox"/> Religion           |
| <input type="checkbox"/> Agriculture          | <input type="checkbox"/> Conservation           | <input type="checkbox"/> Mining          | <input type="checkbox"/> Science            |
| <input type="checkbox"/> Architecture         | <input type="checkbox"/> Education              | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio-Humanitarian |
| <input type="checkbox"/> The Arts             | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political       | <input type="checkbox"/> Transportation     |
| <input type="checkbox"/> Commerce             | <input type="checkbox"/> Industry               | <input type="checkbox"/> Recreation      |   |

Names associated with the structure:

1. Thomas M. Stringer.
2. Issac L. Osborne.
3. 1919- mortgaged from Alice E. Deighton to Samuel B. Dunn.
4. 1924, Herman Hethke.

# EXHIBIT B



# HISTORIC SITE FORM -- HISTORIC SITE INVENTORY

PARK CITY MUNICIPAL CORPORATION (06-09)

## 1 IDENTIFICATION

Name of Property:

Address: 569 Park Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-82

Current Owner Name: William & Janet Kershaw

Parent Parcel(s):

Current Owner Address: Park City, Utah 84060

Legal Description (include acreage): LOTS 17 & 18, BLK 5 PARK CITY SURVEY; 0.09 ACRES.

## 2 STATUS/USE

### Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

### Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

### Reconstruction

- Date:
- Permit #:
- Full
  - Partial

### Use

- Original Use: Residential
- Current Use: Residential

- \*National Register of Historic Places:  ineligible  eligible  
 listed (date: )

## 3 DOCUMENTATION

### Photos: Dates

- tax photo: c. 1937 & c.1970
- prints: 2006
- historic: c.

### Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

### Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn Maps
- obituary index
- city directories/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

- Ancestry.com. *1930 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2002. Original data: United States of America, Bureau of the Census. *Fifteenth Census of the United States, 1930*. Washington, D.C.: National Archives and Records Administration, 1930. Microfilm Publications T626, 2,677 rolls.
- . *1920 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2009. Original data: United States of America, Bureau of the Census. Record Group 29. *Fourteenth Census of the United States, 1920*. Washington, D.C.: National Archives and Records Administration, 1930. Microfilm Publication T625, 2,076 rolls.
- \*---. *World War I Draft Registration Cards, 1917-1918* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc., 2005. Original data: United States, Selective Service System. *World War I Selective System Draft Registration Cards, 1917-1918*. Washington, D.C.: National Archives and Records Administration. M1509, 4,582 rolls. Imaged from Family History Library microfilm.
- Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.
- McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.
- \*Notarianni, Philip F. Structure/Site Form: 569 Park Ave. Historic Preservation Research Office. Utah State Historical Society. Salt Lake City. 1978.
- \*Roberts, Allen. 569 Park Avenue. 1995. Park City Reconnaissance Level Survey. Historic Preservation Research Office. Utah State Historical Society. 26 Dec. 2008.
- \*Sanborn, D.A. "Sheet 7, Park City, Utah, 1889." Map. Sanborn Fire Insurance Maps. J. Willard Marriott Library. 15 Oct. 2009. <<http://www.lib.utah.edu/digital/sanborn/>>

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: February 2010

\*---. "Sheet 7, Park City, Utah, 1907 (corrected to 1929)." Map. Sanborn Fire Insurance Maps. *Hal Compton Research Library*. Park City Historical Society & Museum. 13 Oct. 2009. Electronic.  
\*Summit County. Tax Assessor. Tax File: PC-82. Coalville, 1937-1968. Park City Tax File Archives. *Hal Compton Research Library*. Park City Historical Society & Museum.

**4 ARCHITECTURAL DESCRIPTION & INTEGRITY**

Building Type and/or Style: Bungalow/Bungalow No. Stories: 1

Additions:  none  minor  major (describe below) Alterations:  none  minor  major (describe below)

Number of associated outbuildings and/or structures:  accessory building(s), # \_\_\_\_\_;  structure(s), # \_\_\_\_\_.

General Condition of Exterior Materials:

- Good (Well maintained with no serious problems apparent.)
- Fair (Some problems are apparent. Describe the problems.):
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Standard, narrow lot slightly raised above finished road grade two to three feet with concrete retaining wall at the street front. Flat lot from the roadway to rear of house, then a steep rise at the rear of the lot.

Foundation: Building card and site visit indicate a concrete foundation.

Walls: Shiplap siding. Full-width deep-set porch with three square columns resting on solid rail.

Roof: Gable-on-hip roof form with asphalt shingles.

Windows/Doors: Paired casement on primary façade flanking center door. Double-hung sash type.

Essential Historical Form:  Retains  Does Not Retain, due to: Change in the pitch of the main roof of the primary façade made after the period of historic significance.

Location:  Original Location  Moved (date \_\_\_\_\_) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame bungalow type house has undergone significant modifications over time. The current structure replaced an earlier cross-wing house with full front porch and projecting bay, which is seen on the 1907 Sanborn Insurance Map. The earliest photograph--the c. 1937 tax photo--shows a bungalow with low-pitched hipped roof and deep full-width front porch. The design elements--full-width porch, square columns, and solid rail--are typical of bungalows built in Utah in the early twentieth century. The 1957 tax card suggests the bungalow form was intact in that year. By 1968, however, the house had been modified into a moderately pitched gable with a partial-width recessed porch. Both the 1968 tax card and a c. 1970 photograph indicate these substantial changes. Prior to 1995, the roof was modified again to a gable-on-hip form. At that time many of the original bungalow-type elements--the deep full-width porch, square porch posts, and solid rail--were returned to the home, but not restored as they were historically. The changes made over time to the roof pitch on the primary façade are significant and destroy the Essential Historical Form as defined by the LMC. It is unfortunate that the attempt to use bungalow-type elements in the most recent rehabilitation was not taken to the point of restoring the site based on available photographic evidence.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has not been substantially altered from what is seen in earlier photographs - the footprint appears to have been enlarged from the original, but the expansion is not obtrusive when viewed from the public right-of-way.

**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Though efforts have been made to return many of the historical bungalow elements, much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

**Feeling** (Describe the property's historic character.): The gable-on-hip roof form was not used in Park City during the mining era, but rather seen in French Colonial styled buildings (rarely) from the late nineteenth century and Queen Anne styled buildings (also rarely) from the early twentieth century. The 1990s rehabilitation was successful in returning some of the historic character that is typical of the bungalow, but the physical elements of the site, in combination, convey a limited sense of life in a western mining town.

**Association** (Describe the link between the important historic era or person and the property.): The bungalow was the most common house type built in Utah during the early twentieth century; however, the alterations to the main building diminish its association with the past.

**5 SIGNIFICANCE**

Architect:  Not Known     Known: (source: )

Date of Construction: c. 1923<sup>1</sup>

Builder:  Not Known     Known: (source: )

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

From the 1978 Site/Structure Form prepared for the Utah State Historic Preservation office:

*People associated with this property:*

*Thomas M. Stringer*

*Isaac I. Osborn*

*1919 - mortgage from Alice E. Deighton to Samuel B. Dunn*

*1924-Herman Hethke*

Samuel Benjamin Dunn was born August 1888 in Alabama and in 1916 was a married telegraph operator working for Union Pacific Railroad and living in Park City (address unknown).

Herman Hethka was a WWI veteran renting the home at 573 Main Street (hotel) in 1930 (according to census records). He was a hotel clerk (37 yrs old in 1930). The hotel was owned by his mother and father-in-law, Thomas & Marie Hethka O'Keefe. An unmarried Marie Hethka and her son, Herman, were listed as renters at 573 Main Street in 1920.

1930 Census does not list 569 Park Avenue though it is on the Sanborn Insurance map as 569 Park Avenue.

According to the Summit County Recorder, recent property owners include the following:

QCD in 05-1986 from Don R. Neil to William Neil and Elizabeth Reed

WD in 10-1986 from William Neil and Elizabeth Reed to Tim Lee

WD in 09-2004 from Timothy Lee to Read & Jean Carlan

WD in 05-2009 from Read & Jean Carlan to current owners, William & Janet Kershaw

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

<sup>1</sup> Summit County Recorder.

## 6 PHOTOS

Digital photographs are on file with the Planning Department, Park City Municipal Corp.

**Photo No. 1:** Northeast elevation. Camera facing southwest, 2006.

**Photo No. 2:** East oblique. Camera facing west, 1995.

**Photo No. 3:** Northeast elevation. Camera facing southwest, c. 1970.

**Photo No. 4:** East oblique. Camera facing west, tax photo, c. 1937.

# EXHIBIT C



DEPARTMENT OF BUILDING SAFETY

Park City Municipal

445 Marsac Ave.
Park City UTAH 84060
Office: 435- 615-5100
Inspection Line: 435- 615-5103

Date Received:

9/2/15

Building Permit Number:

BD-15-21710

BUILDING PERMIT APPLICATION

Property Address: 569 PARK AVE
Property Owner: BILL KERSHAW Phone: 916-803-4500
Mailing Address: (If different than property address)
Address:
City: State: Zip:

Contractor: PJ BUILDERS INC.
Phone: 435-649-7345 State License #: 339197-5501
Business Lic. # (handyman):

Architect: JON DEGRAY
Phone: 435-7263 State License #:
Email address (for corrections):

Description or purpose of work:

DEMO HOUSE

Valuation of Work \$ 10,000
Exclude mech/elec/plumb value
separate permits required

Sq. feet BTU'S AMPS UNITS

SIGNATURE OF UNDERSTANDING AND AGREEMENT:

I hereby certify that the setback distances proposed by this permit application are accurate, and do not violate applicable ordinances, rules or regulations of Park City Municipal Corporation or covenants, easements or restrictions of record; that all measurements shown, and allegations made are accurate; that I have read and agree to abide by all conditions printed on this application and that I assume full responsibility for compliance with the State of Utah Building Code (I.B.C), Park City's Municipal and Land Use Ordinance and all other applicable Ordinances, for work under this permit. Furthermore I acknowledge all state and local contractor license requirements are in compliance.

Plans Subject to Field Inspection

SIGNED [Signature]
PRINTED: PETER OLSON

DEPARTMENT USE ONLY

PLANNING COMMENTS:

Reviewer and Date:

ENGINEERING COMMENTS:

Reviewer and Date:

ENVIRONMENTAL COMMENTS:

Reviewer and Date:

BUILDING COMMENTS:

Reviewer and Date:

OTC INFORMATION

CE's [ ] N/A [ ] 2X Fee:
SOILS [ ] NO [ ] YES
HOA [ ] N/A [ ] RECEIVED
CONDO/SUBDIVISION:
GIVEN HANDOUT [ ]

# EXHIBIT D

PARK CITY MUNICIPAL CORPORATION  
PLANNING DEPARTMENT  
445 MARSAC AVE ° PO BOX 1480  
PARK CITY, UT 84060  
(435) 615-5060



## DETERMINATION OF SIGNIFICANCE

*For Office Use Only*

HISTORIC PRESERVATION BOARD  
APPROVED \_\_\_\_\_  
DENIED \_\_\_\_\_

PROJECT PLANNER  
Anya Braun

APPLICATION # PL-15-07879  
DATE RECEIVED 08-07-15  
EXPIRATION \_\_\_\_\_

### PROJECT INFORMATION

NAME: 569 Park Avenue  
ADDRESS: 569 Park Avenue  
Park City, UT 84060  
TAX ID: PC-82 OR  
SUBDIVISION: \_\_\_\_\_ OR  
SURVEY: \_\_\_\_\_ LOT #: \_\_\_\_\_ BLOCK #: \_\_\_\_\_

### APPLICANT INFORMATION

NAME: PCMC- Planning Department  
MAILING ADDRESS: 445 Marsac Avenue/PO Box 1480  
Park City, UT 84060  
PHONE #: ( 435 ) 615 -5062 FAX #: ( ) -  
EMAIL: bruce.erickson@parkcity.org

### APPLICANT REPRESENTATIVE INFORMATION

NAME: Bruce Erickson, Interim Planning Director  
PHONE #: ( 435 ) 615 - 5062  
EMAIL: bruce.erickson@parkcity.org

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at [www.parkcity.org](http://www.parkcity.org).



**SUBMITTAL REQUIREMENTS – All of the following items must be included in order for the Planning Department to take the application.**

1. Completed and signed application form.
  2. Application and review fees - \$350 per structure
  3. Four (4) photographs of the property; one of each building face
  4. Written history of the project (detailed description of the building). Including a list of previous property owners and their dates of occupancy, the date of original construction, the dates of any major renovations or remodels, and any other relevant information.
  5. A written summary, and any supporting documents, outlining the details of why the structure is or is not significant.
  6. Current title report - with an issue date no longer than 30 days from the application submittal date.
- 

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at [www.parkcity.org](http://www.parkcity.org).

**ACKNOWLEDGEMENT OF RESPONSIBILITY**

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has reviewed the application and has notified me that it has been deemed complete.

I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review three days prior to any public hearings or public meetings. This report will be on file and available at the Planning Department in the Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization with the study.

Signature of Applicant: 

Name of Applicant: Bruce Erickson, Interim Planning Director

PRINTED

Mailing Address: 445 Marsac Avenue/PO Box 1480  
Park City, UT 84060

Phone: 435.615.5062 Fax: \_\_\_\_\_

Email: bruce.erickson@parkcity.org

Type of Application: DOS

**AFFIRMATION OF SUFFICIENT INTEREST**

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action. I further affirm that I am aware of the City policy that no application will be accepted nor work performed for properties that are tax delinquent.

Name of Owner: \_\_\_\_\_

PRINTED

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Street Address/ Legal Description of Subject Property:  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership
4. If a Home Owner's Association is the applicant than the representative/president must attaché a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CCRs.

Please note that this affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to Final Action.

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at [www.parkcity.org](http://www.parkcity.org).

## Historic Preservation Board Staff Report



**Author:** Thomas E. Eddington, Jr., AICP  
Dina Blaes, Preservation Consultant  
**Subject:** Historic Sites Inventory  
**Application #:** PL-09-00846  
**Date:** April 7, 2010  
**Type of Item:** Administrative

PLANNING DEPARTMENT

### Summary Recommendation

Staff recommends the Historic Preservation Board conduct a public hearing and remove the site located at 569 Park Avenue from the Historic Sites Inventory.

### Topic

**Applicant:** Planning Department  
**Location:** 569 Park Avenue  
**Proposal:** Remove 569 Park Avenue from the Historic Sites Inventory  
**Zoning:** Historic Residential (HR-1) District

### Background

The Park City Historic Sites Inventory, adopted February 4, 2009, includes four hundred five (405) sites of which one hundred ninety-two (192) sites meet the criteria for designation as Landmark Sites and two hundred thirteen (213) sites meet the criteria for designation as Significant Sites. The house at 569 Park Avenue was considered a Significant Site.

Staff's evaluation of the two hundred thirteen (213) sites for compliance with the criteria set forth in 15-11-10(A)(2) and the subsequent recommendation to the HPB to include them on the Historic Site Inventory as Significant Sites was based on information gathered during field visits and from secondary sources, including:

- Reports and photographs from Reconnaissance Level Surveys (RLS) conducted in 1983 and 1995.
- Sanborn Fire Insurance maps from 1889, 1900, 1907, and/or 1929.
- Files on individual buildings held at the State Historic Preservation Office.
- Books on architectural styles, building types, architectural history, and mining history.
- Building cards and photos from the Summit County Tax Assessor that are held at the Park City Historical Society & Museum (PCHS&M) research library and archive.

In the summer of 2009 after the Historic Site Inventory had been adopted by the City, Sandra Morrison, Director of the Park City Historical Society & Museum, raised the concern that the site did not meet the criteria for designation as a Significant Site because of changes that had been made to the original roof form on the primary facade.

The original research materials were reviewed again and the analysis on which the HPB based its decision to designate the site to the HSI as a Significant Site was, indeed, incorrect. The analysis had not taken into proper consideration the information available in the tax file, which clearly indicates that changes to the pitch of the main roof of the primary façade had been made after the period of historic significance. This condition is one of four "major alterations" defined in the LMC that destroy the Essential Historical Form of the site. Because the site was found not to retain its Essential Historical Form, it does not meet all three criteria required for designation as a Significant Site.

The Planning Department is seeking to remove 569 Park Avenue from the Historic Sites Inventory because a second analysis of the site conducted after the initial designation indicates that the site does not comply with the criteria set forth in 15-11-10(A)(2) of the LMC for designation as a Significant Site. Specifically, the site was found not to retain its Essential Historical Form and therefore does not comply with criterion (b) of Title 15-11-10(A)(2).

### **Analysis**

The Historic Preservation Board is authorized by Title 15-11-5(l) to review and take action on the designation of Sites to the Historic Sites Inventory. In addition, Title 15-11-10(C) authorizes the Planning Department to remove a Site from the Historic Sites Inventory if:

#### **15-11-10(C)(1) CRITERIA FOR REMOVAL**

**(a) The Site no longer meets the criteria set forth in 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 have 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 15-11-10(A)(1) or 15-11-10(A)(2).**

If the Historic Preservation Board finds, based on the analysis below, that the site does not comply with the criteria set forth in Title 15-11-10(A)(2), it will be removed from the Historic Sites Inventory.

### **15-11-10. PARK CITY HISTORIC SITES INVENTORY.**

#### **(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

**(2) SIGNIFICANT SITE. Any Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures may be designated to the Historic**

**Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:**

- (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; and**

*Analysis: The site meets this criterion. It is at least 50 years old. The Summit County Assessor tax file indicates a construction date of 1914 and the main building appears on the 1929 Sanborn Insurance map.*

- (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form.**

*Analysis: The site does not meet this criterion. The site does not retain its Essential Historical Form as defined in the Land Management Code because it has undergone major alterations that have destroyed the physical characteristics that make it identifiable as existing in or relating to an important era in the past.*

**Major alterations that destroy the essential historical form include:**

- (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or**

*Analysis: The pitch in the main roof of the primary façade was changed after the Period of Historic Significance (1869-1929). Records in the tax file indicate extensive alteration to the building between 1948 and 1968. According to the building card, the roof pitch was changed from a hipped roof to a low-pitched gable roof between 1958 and 1968. Further, the roof pitch and form were further changed to a gable-on-hip type in the 1990s.*

- (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or**

- (iii) Moving it from its original location to a Dissimilar Location, or**

- (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.**

- (c) It is important in local or regional history, architecture, engineering or culture associated with at least one (1) of the following:**

- (i) An era of Historic importance to the community, or**

*Analysis: The site meets this criterion. It is associated with the mining-era in Park City primarily because of its original date of construction.*

- (ii) Lives of Persons who were of Historic importance to the community, or**

**(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.**

**Summary**

In summary, staff recommends the HPB find that the site does not comply with the criteria set forth in Title 15-11-10(A)(2) for designation as a Significant Site and that the site be removed from the Historic Sites Inventory.

**Notice**

Legal Notice of this public hearing was published in the Park Record and posted in the required public spaces.

**Public Input**

A public hearing, conducted by the Historic Preservation Board, is required prior to removing sites from the Historic Sites Inventory. The public hearing for the recommended action was properly and legally noticed as required by the Land Management Code.

**Alternatives**

- Conduct a public hearing on the Site described herein and remove the Site from the Historic Sites Inventory based on the findings of fact and conclusions of law set forth in the staff report.
- Conduct a public hearing and reject removal of the Site from the Historic Sites Inventory, providing specific findings of fact and conclusions of law for the action.
- Continue the action to a date certain.

**Significant Impacts**

There are no significant fiscal impacts on the City as a result of removing the Site described in this report from the Historic Sites Inventory.

**Consequences of *not* taking the Recommended Action**

Not taking the recommended action will result in a Site remaining on the Historic Site Inventory that does not meet the criteria for designation.

**Recommendation**

Staff recommends the Historic Preservation Board conduct a public hearing and vote to remove the Site described in this staff report from the Historic Sites Inventory based on the following findings of fact and conclusions of law:

**Findings of Fact**

1. The property at 569 Park 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 from field visits and several secondary sources.

3. An concern about the site's compliance with the criteria for designation as a Significant Site was raised by the Park City Historical Society & Museum to staff after February 2009.
4. The additional information considered in making the evaluation consists of the original building cards dated 1949 through 1968, which indicate a change to the pitch of the main roof of the primary façade was made after the Period of Historic Significance (1869-1929). The roof was originally built as a hipped structure, but was altered between 1958 and 1968 to the low-pitched gable and was further modified in the 1990s to the gable-on-hip that is extant today.
5. Because of the change to the pitch of the main roof of the primary façade, the site does not retain the physical characteristics that make it identifiable as existing in or relating to an important era in the past (the active mining era).
6. All findings from the Analysis section are incorporated herein.

### **Conclusions of Law**

1. Information not previously considered in the designation of 569 Park Avenue as a Significant Site was appropriately considered after February 2009 when the HPB took formal action to designate the property to the Historic Sites Inventory.
2. The site at 569 Park Avenue does not retain the physical characteristics that identify it as existing in or relating to the mining era in Park City.
3. The site at 569 Park Avenue does not comply with the criteria set forth in Title 15-11-10(A)(2) and therefore the Site is not a Significant Site pursuant to Title 15-11-10.

### **Exhibits**

Exhibit A - 569 Park Avenue Historic Site Form 2008  
Exhibit B - 569 Park Avenue Historic Site Form 2010  
Exhibit C - Photograph

# HISTORIC SITE FORM -- HISTORIC SITE INVENTORY

PARK CITY MUNICIPAL CORPORATION (06-09)

## 1 IDENTIFICATION

Name of Property:

Address: 569 Park Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-82

Current Owner Name: William & Janet Kershaw

Parent Parcel(s):

Current Owner Address: Park City, Utah 84060

Legal Description (include acreage): LOTS 17 & 18, BLK 5 PARK CITY SURVEY; 0.09 ACRES.

## 2 STATUS/USE

### Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

### Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

### Reconstruction

- Date:
- Permit #:
- Full
  - Partial

### Use

Original Use: Residential  
Current Use: Residential

- \*National Register of Historic Places:  ineligible  eligible  
 listed (date: )

## 3 DOCUMENTATION

### Photos: Dates

- tax photo: c. 1937 & c.1970
- prints: 2006
- historic: c.

### Drawings and Plans

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- site sketch map
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- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

### Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Ancestry.com. 1930 United States Federal Census [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2002.

Original data: United States of America, Bureau of the Census. *Fifteenth Census of the United States, 1930*.

Washington, D.C.: National Archives and Records Administration, 1930. Microfilm Publications T626, 2,677 rolls.

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\*---. *World War I Draft Registration Cards, 1917-1918* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc., 2005.

Original data: United States, Selective Service System. *World War I Selective System Draft Registration Cards, 1917-1918*. Washington, D.C.: National Archives and Records Administration. M1509, 4,582 rolls. Imaged from Family History Library microfilm.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah:

University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

\*Notarianni, Philip F. *Structure/Site Form: 569 Park Ave*. Historic Preservation Research Office. Utah State Historical Society, Salt Lake City. 1978.

\*Roberts, Allen. *569 Park Avenue*. 1995. *Park City Reconnaissance Level Survey*. Historic Preservation Research Office, Utah State Historical Society. 26 Dec. 2008.

\*Sanborn, D.A. "Sheet 7, Park City, Utah, 1889." Map. *Sanborn Fire Insurance Maps*. J. Willard Marriott Library. 15 Oct. 2009. <<http://www.lib.utah.edu/digital/sanborn/>>

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: February 2010



\*---. "Sheet 7, Park City, Utah, 1907 (corrected to 1929)." Map. Sanborn Fire Insurance Maps. Hal Compton Research Library. Park City Historical Society & Museum. 13 Oct. 2009. Electronic.  
 \*Summit County. Tax Assessor. Tax File: PC-82. Coalville, 1937-1968. Park City Tax File Archives. Hal Compton Research Library. Park City Historical Society & Museum.

**4 ARCHITECTURAL DESCRIPTION & INTEGRITY**

Building Type and/or Style: Bungalow/Bungalow

No. Stories: 1

Additions:  none  minor  major (describe below) Alterations:  none  minor  major (describe below)

Number of associated outbuildings and/or structures:  accessory building(s), # \_\_\_\_\_;  structure(s), # \_\_\_\_\_.

General Condition of Exterior Materials:

- Good (Well maintained with no serious problems apparent.)
- Fair (Some problems are apparent. Describe the problems.):
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Standard, narrow lot slightly raised above finished road grade two to three feet with concrete retaining wall at the street front. Flat lot from the roadway to rear of house, then a steep rise at the rear of the lot.

Foundation: Building card and site visit indicate a concrete foundation.

Walls: Shiplap siding. Full-width deep-set porch with three square columns resting on solid rail.

Roof: Gable-on-hip roof form with asphalt shingles.

Windows/Doors: Paired casement on primary façade flanking center door. Double-hung sash type.

Essential Historical Form:  Retains  Does Not Retain, due to: Change in the pitch of the main roof of the primary façade made after the period of historic significance.

Location:  Original Location  Moved (date \_\_\_\_\_) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame bungalow type house has undergone significant modifications over time. The current structure replaced an earlier cross-wing house with full front porch and projecting bay, which is seen on the 1907 Sanborn Insurance Map. The earliest photograph--the c. 1937 tax photo--shows a bungalow with low-pitched hipped roof and deep full-width front porch. The design elements--full-width porch, square columns, and solid rail--are typical of bungalows built in Utah in the early twentieth century. The 1957 tax card suggests the bungalow form was intact in that year. By 1968, however, the house had been modified into a moderately pitched gable with a partial-width recessed porch. Both the 1968 tax card and a c. 1970 photograph indicate these substantial changes. Prior to 1995, the roof was modified again to a gable-on-hip form. At that time many of the original bungalow-type elements--the deep full-width porch, square porch posts, and solid rail--were returned to the home, but not restored as they were historically. The changes made over time to the roof pitch on the primary façade are significant and destroy the Essential Historical Form as defined by the LMC. It is unfortunate that the attempt to use bungalow-type elements in the most recent rehabilitation was not taken to the point of restoring the site based on available photographic evidence.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has not been substantially altered from what is seen in earlier photographs - the footprint appears to have been enlarged from the original, but the expansion is not obtrusive when viewed from the public right-of-way.

**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Though efforts have been made to return many of the historical bungalow elements, much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

**Feeling** (Describe the property's historic character.): The gable-on-hip roof form was not used in Park City during the mining era, but rather seen in French Colonial styled buildings (rarely) from the late nineteenth century and Queen Anne styled buildings (also rarely) from the early twentieth century. The 1990s rehabilitation was successful in returning some of the historic character that is typical of the bungalow, but the physical elements of the site, in combination, convey a limited sense of life in a western mining town.

**Association** (Describe the link between the important historic era or person and the property.): The bungalow was the most common house type built in Utah during the early twentieth century; however, the alterations to the main building diminish its association with the past.

**5 SIGNIFICANCE**

Architect:  Not Known     Known: (source: )

Date of Construction: c. 1923<sup>1</sup>

Builder:  Not Known     Known: (source: )

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

From the 1978 Site/Structure Form prepared for the Utah State Historic Preservation office:

*People associated with this property:*

*Thomas M. Stringer*

*Isaac I. Osborn*

*1919 - mortgage from Alice E. Deighton to Samuel B. Dunn*

*1924-Herman Hethke*

Samuel Benjamin Dunn was born August 1888 in Alabama and in 1916 was a married telegraph operator working for Union Pacific Railroad and living in Park City (address unknown).

Herman Hethka was a WWI veteran renting the home at 573 Main Street (hotel) in 1930 (according to census records). He was a hotel clerk (37 yrs old in 1930). The hotel was owned by his mother and father-in-law, Thomas & Marie Hethka O'Keefe. An unmarried Marie Hethka and her son, Herman, were listed as renters at 573 Main Street in 1920.

1930 Census does not list 569 Park Avenue though it is on the Sanborn Insurance map as 569 Park Avenue.

According to the Summit County Recorder, recent property owners include the following:

QCD in 05-1986 from Don R. Neil to William Neil and Elizabeth Reed

WD in 10-1986 from William Neil and Elizabeth Reed to Tim Lee

WD in 09-2004 from Timothy Lee to Read & Jean Carlan

WD in 05-2009 from Read & Jean Carlan to current owners, William & Janet Kershaw

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

<sup>1</sup> Summit County Recorder.

**6 PHOTOS**

Digital photographs are on file with the Planning Department, Park City Municipal Corp.

**Photo No. 1:** Northeast elevation. Camera facing southwest, 2006.

**Photo No. 2:** East oblique. Camera facing west, 1995.

**Photo No. 3:** Northeast elevation. Camera facing southwest, c. 1970.

**Photo No. 4:** East oblique. Camera facing west, tax photo, c. 1937.

# HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

## 1 IDENTIFICATION

Name of Property:

Address: 569 Park Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-82

Current Owner Name: Jean & Read Carlan

Parent Parcel(s):

Current Owner Address: PO Box 982, Park City, Utah 84060

Legal Description (include acreage): LOTS 17 & 18, BLK 5 PARK CITY SURVEY; 0.09 ACRES.

## 2 STATUS/USE

### Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

### Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

### Reconstruction

- Date:
- Permit #:
- Full
  - Partial

### Use

Original Use: Residential  
Current Use: Residential

- \*National Register of Historic Places:  ineligible  eligible  
 listed (date: )

## 3 DOCUMENTATION

### Photos: Dates

- tax photo:
- prints:
- historic: c.

### Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

### Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn Maps
- obituary index
- city directories/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

- Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.  
Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.  
McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.  
Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.  
Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

## 4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Bungalow

No. Stories: 1

Additions:  none  minor  major (describe below) Alterations:  none  minor  major (describe below)

Number of associated outbuildings and/or structures:  accessory building(s), # \_\_\_\_\_;  structure(s), # \_\_\_\_\_.

General Condition of Exterior Materials:

- Good (Well maintained with no serious problems apparent.)

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: 12-2008

- Fair (Some problems are apparent. Describe the problems.):
- POOR (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

**Materials** (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Foundation: Tax cards indicate a concrete foundation.

Walls: Ship-lap siding

Roof: Gable on hip roof form sheathed in asphalt shingles.

Windows/Doors: Paired casement on primary façade.

Essential Historical Form:  Retains     Does Not Retain, due to:

Location:  Original Location     Moved (date \_\_\_\_\_) Original Location:

**Design** (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame bungalow type house has undergone significant modifications over time with the most recent alterations successfully restoring many of the original historical elements. The 1907 Sanborn Insurance map suggests a cross-wing house form with a full front porch and projecting bay. However, the current structure appears to have replaced what is seen on the 1907 map. The 1929 Sanborn Insurance map was not consulted as part of this assessment and may provide additional information. The earliest photograph--the tax photo--shows a bungalow with low-pitched hipped roof and deep full-width front porch. The 1957 tax card suggests the bungalow form was intact in that year. By 1968, however, the house had been modified into a moderately pitched gable with a partial-width recessed porch. Both the 1968 tax card and a c. 1970 photograph show the changes. Prior to 1995, the roof was modified again to a gable-on-hip form which served to restore the deep full-width porch seen on the original bungalow. Though the gable-on-hip is not a common roof form in Park City, it is compatible with the roof types of the mining period. Windows have also been modified significantly. The windows on the primary façade are not visible in the tax photo, but were likely a three part window with a large center single-light fixed pane flanked by narrow fixed casement windows. The current windows are large horizontally oriented openings with paired lights. The changes to the structure are significant and although an effort has been made to restore many of the original bungalow elements of the house, the overall changes diminish the site's original character.

**Setting** (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has not been altered from what is seen in early photographs.

**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Though efforts have been successful in restoring many of the historical elements, much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

**Feeling** (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

**Association** (Describe the link between the important historic era or person and the property.): The bungalow was a common house type built in Utah during the early twentieth century; however, the extent of the alterations to the main building diminishes its association with the past.

The extent and cumulative effect of alterations to the site render it ineligible for listing in the National Register of Historic Places. The site, however, retains its essential historical form and meets the criteria set forth in Chapter 15-11 for designation as a Significant Site.

## 5 SIGNIFICANCE

Architect:  Not Known     Known: (source: )

Date of Construction: c. 1923<sup>1</sup>

Builder:  Not Known     Known: (source: )

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

### 1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.<sup>2</sup>

2. **Persons** (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. **Architecture** (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

## 6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

**Photo No. 1:** Northeast elevation. Camera facing southwest, 2006.

**Photo No. 2:** East oblique. Camera facing west, 1995.

**Photo No. 3:** Northeast elevation. Camera facing southwest, c. 1970.

**Photo No. 4:** East oblique. Camera facing west, tax photo.

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<sup>1</sup> Summit County Recorder.

<sup>2</sup> From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

# EXHIBIT E



**HISTORIC PRESERVATION BOARD  
PARK CITY, SUMMIT COUNTY, UTAH**

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**RE: DETERMINATION OF SIGNIFICANCE**

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The Historic Preservation Board of Park City, Utah met on Wednesday, March 2, 2016 a regularly scheduled and duly noticed meeting. After determining that a quorum was present, the Board conducted its scheduled business.

**NOTICE OF HISTORIC PRESERVATION BOARD ACTION:**

Project Address: 569 Park Avenue  
Project Number: PL-15-02879  
Type of Hearing: Determination of Significance of House  
Hearing Date: March 2, 2016

**Board Action:** **APPROVED** - the Historic Preservation Board conducted a public hearing and found that the house located at 569 Park Avenue complies with criteria set forth in Title 15-11-10(A)(2) for a Significant Site and therefore the structure is a Significant Site pursuant to Title 15-11-10. The Historic Preservation Board made the determination based on the following findings of fact and conclusions of law.

**Finding of Fact:**

1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
2. The house at 569 Park Avenue is within the Historic Residential (HR-1) zoning district.
3. The residential structure at 569 Park Avenue was included in the 2009 HSI; however, it was removed in April 2010 due to the modifications made to the original roof form outside of the historic period based on earlier criteria.
4. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be significant sites.
5. The house was built c. 1923 during the Mature Mining Era (1894-1930). The structure appears in the 1929 and 1941 Sanborn Fire Insurance maps. A c. 1938 tax photo of Park City also demonstrates that the original low-pitch hipped-roof bungalow form.
6. Between 1958 and 1968, the hip roof was modified to a low-pitch gable. A portion of the bungalow's full-width front porch was filled in to create a recessed, partial-width front porch.
7. Between 1990 and 1995, the roof pitch was modified once again to create a gable-on-hip roof. The partial width front porch was filled in and a new full-width



porch was constructed on the façade. During this renovation, bungalow-style elements such as the square porch posts and solid rail were returned; however, these were not based on physical or photographic evidence.

8. The site meets the criteria as Significant on the City's Historic Sites Inventory.
9. Built c.1923, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
10. While the current building does not reflect the architectural style or design of the original c.1923 bungalow, the gable-on-hip form reflects the Historical and Architectural character of the district through its design characteristics, including its mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District, despite alterations made to its façade between 1990-1995.
11. The original hip-roof bungalow form could be restored to its Historical Form if the non-historic additions to the façade and rear were removed. The wall planes on the north and south elevations remain in their original location, though the length of the wall plane has been extended toward the east and west due to out-of-period in-line additions.
12. The house is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era.
13. Staff finds that the structure at 569 Park Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. In order for the site to be designated as "landmark," the structure would have to be eligible for the National Register of Historic Places and retain a high level of integrity.

### **Conclusions of Law:**

1. The existing structure located at 569 Park Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
  - (a) *It is at least fifty (50) years old or the Site is of exceptional importance to the community; and*

**Complies.**

  - (b) *It retains its Historical Form as may be demonstrated but not limited by any of the following:*
    - (i) *It previously received a historic grant from the City; or*
    - (ii) *It was previously listed on the Historic Sites Inventory; or*
    - (iii) *It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or*

**Complies.**

  - (c) *It has one (1) or more of the following:*
    - (i) *It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and*
    - (ii) *It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are*

*Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or*

**Complies.**

2. The existing structure located at 569 Park Avenue does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:
  - a. *It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and **Complies.***
  - b. *It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and **Does Not Comply.***
  - c. *It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:*
    - i. *An era that has made a significant contribution to the broad patterns of our history;*
    - ii. *The lives of Persons significant in the history of the community, state, region, or nation; or*
    - iii. *The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Complies.***

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5067 or contact me by email at [anya.grahn@parkcity.org](mailto:anya.grahn@parkcity.org).

Sincerely,



Anya Grahn  
Historic Preservation Planner

# EXHIBIT F

**TITLE 15 - LAND MANAGEMENT CODE**

**CHAPTER 11 - HISTORIC PRESERVATION**

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15-11-2. TERMS AND QUALIFICATIONS OF MEMBERS .....1  
15-11-3. ORGANIZATION .....2  
15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR,  
REMOVAL.....2  
15-11-5. PURPOSES.....2  
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 11 - HISTORIC PRESERVATION**

*Chapter adopted by Ord. No. 02-07;  
Chapter Amended in Entirety by Ord. No.  
03-34*

**CHAPTER 11 – HISTORIC  
PRESERVATION**

**15-11-1. ESTABLISHMENT OF  
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

*(Amended by Ord. No. 06-69)*

**15-11-2. TERMS AND  
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and

such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

- (1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.
- (2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

### **15-11-3. ORGANIZATION.**

(A) **CHAIR.** The HPB shall elect one of its members to serve as Chair for a term of one (1) year at its first meeting following the expiration of terms and appointment of new members. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely for that meeting.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair may vote at the meetings.

*(Amended by Ord. Nos. 07-34; 09-10; 11-05)*

### **15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.**

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

### **15-11-5. PURPOSES.**

The purposes of the HPB are:

(A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;

(B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;

(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites; and

(I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City.

*(Amended by Ord. No. 09-23)*

**15-11-6. ADDITIONAL DUTIES.**

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

*(Amended by Ord. No. 09-23)*

**15-11-7. LIMITATIONS.**

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

**15-11-8. STAFF ASSISTANCE.**

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

(B) National Trust for Historic Preservation.

- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA).
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association (APA)

*(Amended by Ord. Nos. 06-35; 09-23)*

**15-11-9. PRESERVATION POLICY.**

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City’s most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

(A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a

condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

(B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

(C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

(D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

(E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee,



including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

*(Amended by Ord. Nos. 09-09; 09-23)*

**15-11-10. PARK CITY HISTORIC SITES INVENTORY.**

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) **CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(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; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable

architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(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; and

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the

part of the Applicant or a previous Owner, or

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or

(iii) Moving it from its original location to a Dissimilar Location, or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

(3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

**(B) PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

**(1) COMPLETE**

**APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

**(2) NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

**(3) HEARING AND**

**DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

**(4) APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation

Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.

**(C) REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.** The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an 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:

**(1) CRITERIA FOR REMOVAL.**

- (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).

**(2) PROCEDURE FOR REMOVAL.**

(a) **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant

and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made

pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

*(Amended by Ord. Nos. 09-05; 09-23)*

**15-11-11. DESIGN GUIDELINES FOR PARK CITY’S HISTORIC DISTRICTS AND HISTORIC SITES.**

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City’s Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by reference. From time to time, the HPB may recommend changes in the Design Guidelines for Park City’s Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

*(Amended by Ord. No. 09-23)*

**15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.**

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) **PRE-APPLICATION CONFERENCE.**

(1) It is strongly recommended that the Owner and/or Owner's representative attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

Applications that may be exempt from the Historic Design Review

process, include, but are not limited to the following:

(a) For Non-Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors, trim, lighting, mechanical equipment, paths, driveways, retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(b) For Significant Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood, the Historic Structure or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, replacement of windows and doors in existing or to historic locations, trim, lighting, mechanical

equipment located in a rear yard area or rear façade, paths, driveways, repair of existing retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(c) For Landmark Historic Structures and Sites - minor routine maintenance and minor routine construction having no negative impact on the historic character of the surrounding neighborhood, the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railing, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic detailing; lighting, mechanical equipment located in a rear yard area or rear façade, repair of paths, driveways, and existing retaining walls; fences, landscaping, interior remodels, temporary improvements, and similar work.

(B) **COMPLETE APPLICATION.**

The Owner and/or Applicant for any Property shall be required to submit a

Historic District/Site design review Application for proposed work requiring a Building Permit in order to complete the work.

(C) **NOTICE**. Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(D) **PUBLIC HEARING AND DECISION**. Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code the Planning Department staff shall hold a public hearing and make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure

on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS**. The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.

All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.



Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(1) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(F) **EXTENSIONS OF APPROVALS.** Unless otherwise indicated, Historic District Design Review (HDDR) approvals expire one (1) year from the date of the Final Action. The Planning Director, or designee, may grant an extension of an HDDR approval for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original HDDR approval per Section 15-1-12. Extension requests must be submitted to the Planning

Department in writing prior to the date of the expiration of the HDDR approval.

*(Amended by Ord. Nos. 09-23; 10-11; 11-05; 12-37)*

**15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In

approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall find the project complies with the following criteria:

- (1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (2) The Planning Director and the Chief Building Official<sup>1</sup>

<sup>1</sup> The HPB shall make this determination if the HPB

determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or

(3) The Planning Director and the Chief Building Official<sup>1</sup> determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

**(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All

Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

*(Created by Ord. No. 09-23; 12-37)*

**15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

is hearing the Application on appeal. The Planning Director and the Chief Building Official shall, at the appeal, submit a written statement or testify concerning whether unique conditions warrant the proposed relocation and/or reorientation on the existing Site or to a different Site.

**(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.** In

approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Planning Department shall find the project complies with the following criteria:

(1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; or

(2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or

(4) The Planning Director and the Chief Building Official<sup>2</sup> determine that unique conditions and

<sup>2</sup> The HPB shall make this determination if the HPB is hearing the Application on appeal. The Planning Director and the Chief Building Official shall, at the appeal, submit a written statement or testify concerning whether unique conditions and the quality of the Historic Preservation plan warrant the proposed disassembly of reassembly.

the quality of the Historic preservation plan warrant the proposed disassembly and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

**(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

*(Created by Ord. No. 09-23; Amended by Ord. No. 11-05))*

**15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the Reconstruction of Historic Buildings, Structures, and Sites.

**(A) CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In

approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall find the project complies with the following criteria:

- (1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and
- (2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and
- (3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical

records, and/or current or Historic photographs.

(B) **PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

*(Created by Ord. No. 09-23; Amended by Ord. No. 11-05)*

**15-11-16. DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.**

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the

City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse, Reconstruction, and relocation within the Historic District. It is recognized, however, that economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition of a Historic Building, Structure or Site.

(A) **DEMOLITION, RECONSTRUCTION, OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 116.1 of the International Building Code, the Chief Building Official may order its Demolition, Reconstruction, or repair.

(B) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding of public hazard, the Application for Demolition shall be stayed for 180 days.

*(Amended by Ord. Nos. 09-10; 09-23; 11-05)*

**15-11-17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).**

With the exception of any Building or Structure falling under the purview of Section 116.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other

Structure or Site deemed to be Historic, pursuant to the standards of review set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) herein, may be Demolished without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

*(Amended by Ord. Nos. 06-35; 09-10; 09-23)*

**15-11-18. CAD PRE-HEARING APPLICATION REQUIREMENTS.**

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is “threatened.” Said sign shall be at least three feet by two feet (3’X2’), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship

information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;
- (2) A member appointed at large from Park City who is an attorney at law; and
- (3) A member appointed from the Board of Adjustment.

**15-11-19. CAD HEARING.**

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-19(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition of a Historic Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA**. In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;

- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED**. Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or
- (3) failure to perform normal maintenance and repairs; or
- (4) failure to diligently solicit and retain tenants; or
- (5) failure to provide normal tenants improvements.

(C) **DECISION**. The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and

approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

(2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(3) The Building, Structure or Site cannot be feasibly Reconstructed or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include a complete history, photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City

may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.** If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 116.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL.** The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

*(Amended by Ord. Nos. 09-10; 09-23; 10-11; 11-05)*





# EXHIBIT G

**PARK CITY MUNICIPAL CODE**  
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 11 - HISTORIC PRESERVATION**

*Chapter adopted by Ord. No. 02-07;  
Chapter Amended in Entirety by Ord. No.  
03-34*

**CHAPTER 11 – HISTORIC  
PRESERVATION**

**15-11-1. ESTABLISHMENT OF  
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

*(Amended by Ord. No. 06-69)*

**15-11-2. TERMS AND  
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise and

such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

- (1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.
- (2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

**15-11-3. ORGANIZATION.**

(A) **CHAIR.** The HPB shall elect one of its members to serve as Chair for a term of one (1) year at its first meeting following the expiration of terms and appointment of new members. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely for that meeting.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair may vote at the meetings.

*(Amended by Ord. Nos. 07-34; 09-10; 11-05)*

**15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.**

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

**15-11-5. PURPOSES.**

The purposes of the HPB are:

(A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;

(B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;

(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites;

(I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City; and

(J) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.

*(Amended by Ord. No. 09-23; 15-53)*

**15-11-6. ADDITIONAL DUTIES.**

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

*(Amended by Ord. No. 09-23)*

**15-11-7. LIMITATIONS.**

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

**15-11-8. STAFF ASSISTANCE.**

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

- (A) Utah Heritage Foundation.
- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA).
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association (APA)

*(Amended by Ord. Nos. 06-35; 09-23)*

**15-11-9. PRESERVATION POLICY.**

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

- (A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.
- (B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.
- (C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.
- (D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).
- (E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic

Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

*(Amended by Ord. Nos. 09-09; 09-23)*

**15-11-10. PARK CITY HISTORIC SITES INVENTORY.**

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) **CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

- (1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated

to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of

construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

- (a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and
- (b) It retains its Historical Form as may be demonstrated but not limited by any of the following:
  - (i) It previously received a historic grant from the City; or
  - (ii) It was previously listed on the Historic Sites Inventory; or
  - (iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or
- (c) It has one (1) or more of the following:

- (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and
- (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

(d) It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:

- (i) An era of Historic Importance to the community, or
- (ii) Lives of Persons who were of Historic importance to the community, or



(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

**(3) CONTRIBUTORY SITE.**

Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Contributory Site if the Planning Department finds it meets all the criteria listed below:

- (a) The structure is forty (40) years old or older (this includes buildings not historic to Park City that were relocated to prevent demolition); and
- (b) Meets one of the following:
  - (i) Expresses design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District; or
  - (ii) It is important in local or regional history, architecture,

engineering, or culture associated with at least one (1) of the following:

- (a) An era of Historic importance to the community; or
- (b) Lives of Persons who were of Historic importance to the community, or
- (c) Noteworthy methods of construction, materials, or craftsmanship used during the Historic Period

(c) Contributory structures may be eligible for Historic District Grant funding. Contributory structures are eligible for demolition.

(4) Any Development involving the Reassembly or Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Sections 15-11-14 or 15-11-15 of this code shall remain on the Park City Historic Sites Inventory. Following Reassembly or Reconstruction, the Historic Preservation Board will review the project to determine if the work has required a change in the site or structure's historic

designation from Landmark to Significant.

(B) **PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

(1) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(2) **NOTICE.** Prior to taking action on the Application, the

Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(3) **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(4) **APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(C) **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.** The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an 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:

(1) **CRITERIA FOR REMOVAL.**

- (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).

(2) **PROCEDURE FOR REMOVAL.**

- (a) **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.
- (b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
- (c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the

Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sties Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

*(Amended by Ord. Nos. 09-05; 09-23; 15-53)*

**15-11-11. DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES.**

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by reference. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

*(Amended by Ord. No. 09-23)*

**15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.**

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) **PRE-APPLICATION CONFERENCE.**

(1) It is strongly recommended that the Owner and/or Owner's representative attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an

Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

Applications that may be exempt from the Historic Design Review process, include, but are not limited to the following:

(a) For Non-Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic

District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors, trim, lighting, mechanical equipment, paths, driveways, retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(b) For Significant Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood, the Historic Structure or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, replacement of windows and doors in existing or to historic locations, trim, lighting, mechanical equipment located in a rear yard area or rear façade, paths, driveways, repair of existing retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(c) For Landmark Historic Structures and Sites - minor routine maintenance

and minor routine construction having no negative impact on the historic character of the surrounding neighborhood, the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railing, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic detailing; lighting, mechanical equipment located in a rear yard area or rear façade, repair of paths, driveways, and existing retaining walls; fences, landscaping, interior remodels, temporary improvements, and similar work.

(d) For Significant and Landmark Historic Structures and Sites, the Planning Director may determine that the proposed work is Emergency Repair Work having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District.

(B) **COMPLETE APPLICATION.**

The Owner and/or Applicant for any Property shall be required to submit a

Historic District/Site design review Application for proposed work requiring a Building Permit in order to complete the work.

(C) **NOTICE**. Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(D) **PUBLIC HEARING AND DECISION**. Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code the Planning Department staff shall hold a public hearing and make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure

on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS**. The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.

All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(1) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Historic Preservation Board decision made on a Historic Preservation Board Review for Material Deconstruction to the Board of Adjustment. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the

action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of preview at the Planning Department level.

(i) The Board of Adjustment shall either approve, approve with conditions, or disapprove the Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(F) **EXTENSIONS OF APPROVALS.** Unless otherwise indicated, Historic District Design Review (HDDR) approvals expire one (1) year from the date of the Final Action. The Planning Director, or designee, may grant an extension of an HDDR approval for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in



an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original HDDR approval per Section 15-1-12. Extension requests must be submitted to the Planning Department in writing prior to the date of the expiration of the HDDR approval.

*(Amended by Ord. Nos. 09-23; 10-11; 11-05; 12-37; 15-53)*

**15-11-12.5 HISTORIC PRESERVATION BOARD REVIEW FOR DEMOLITIONS.**

The Historic Preservation Board shall review and approve, approve with conditions, or deny, all Applications for Material Deconstruction involving any Building(s) (main, attached, detached, or public, Accessory Buildings and/or Structures designated to the Historic Sites Inventory as Landmark or Significant.

Prior to issuance of a Building Permit for any material deconstruction work, the Historic Preservation Board shall review the proposed plans for compliance with the Land Management Code. Planning staff shall review material deconstruction applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

**(A) COMPLETE APPLICATION.**

The Owner and/or Applicant for any Property shall be required to submit a Historic Preservation Board Review For Material Deconstruction for proposed work requiring a Building Permit in order to complete the work.

**(B) NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic Preservation Board Review for Material Deconstruction application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

**(C) PUBLIC HEARING AND DECISION.** Following the fourteen (4) day public notice period noted in Section 15-1-21 of this Code, the Historic Preservation Board shall hold a public hearing and make written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy.

*(Approved by Ord. No. 15-53)*

**15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

**(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC**

**BUILDING(S) AND/OR  
STRUCTURE(S) ON A LANDMARK  
SITE OR A SIGNIFICANT SITE.**

In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

- (1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (2) The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it; or
- (3) The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that unique conditions warrant the proposed relocation and/or reorientation on the existing Site which include but are not limited to:
  - (i) The historic context of the building has been so radically altered that the present setting does not appropriately convey its history and

the proposed relocation may be considered to enhance the ability to interpret the historic character of the building and the district; or

- (ii) The new site shall convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships, geography, and age; or
- (iii) The integrity and significance of the historic building will not be diminished by relocation and/or reorientation; or

(4) All other alternatives to relocation/reorientation have been reasonably considered prior to determining the relocation/reorientation of the building. These options include but are not limited to:

- (i) Restoring the building at its present site; or
- (ii) Relocating the building within its original site; or
- (iii) Stabilizing the building from deterioration and retaining it at its present site for future use; or

- (iv) Incorporating the building into a new development on the existing site.

(B) **PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

*(Created by Ord. 09-23; Amended by Ord. Nos.12-37; 15-53)*

**15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; and

- (2) At least one of the following:

- (a) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

- (b) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or

- (c) The Historic Preservation Board determines, with input from the Planning Director and the Chief Building Official, the at unique conditions and the quality of the Historic Preservation Plan warrant the proposed disassembly and reassembly; unique conditions include but are not limited to:

- (i) If problematic site or structural conditions preclude temporarily lifting or

moving a building as a single unit; or  
(ii) If the physical conditions of the existing materials prevent temporarily lifting or moving a building and the applicant has demonstrated that panelization will result in the preservation of a greater amount of historic material; or  
(iii) All other alternatives have been shown to result in additional damage or loss of historic materials.

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

**(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Historic

Preservation Board pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

*(Created by Ord. No. 09-23; Amended by Ord. Nos. 11-05; 15-53)*

**15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.**

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the Reconstruction of Historic Buildings, Structures, and Sites.

**(A) CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.**

In approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Historic Preservation Board shall find the project complies with the following criteria:

- (1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to

Section 116.1 of the International Building Code; and

(2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and

(3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.

(B) **PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the Historic Preservation Board pursuant to Section 15-11-12 of this Code.

If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

*(Created by Ord. No. 09-23; Amended by Ord. Nos. 11-05; 15-53)*

**15-11-16. DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.**

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse, Reconstruction, and relocation within the Historic District. It is recognized, however, that economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition of a Historic Building, Structure or Site.

(A) **DEMOLITION, RECONSTRUCTION, OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 116.1 of the International Building Code, the Chief Building Official may order its Demolition, Reconstruction, or repair.

(B) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a

finding of public hazard, the Application for Demolition shall be stayed for 180 days.

*(Amended by Ord. Nos. 09-10; 09-23; 11-05)*

**15-11-17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).**

With the exception of any Building or Structure falling under the purview of Section 116.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Historic, pursuant to the standards of review set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) herein, may be Demolished without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

*(Amended by Ord. Nos. 06-35; 09-10; 09-23)*

**15-11-18. CAD PRE-HEARING APPLICATION REQUIREMENTS.**

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is “threatened.” Said sign shall be at least three feet by two feet

(3’X2’), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess

the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;
- (2) A member appointed at large from Park City who is an attorney at law; and
- (3) A member appointed from the Board of Adjustment.

**15-11-19. CAD HEARING.**

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-19(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition of a Historic Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied

Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED.** Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or

(2) purchasing the Property for substantially more than market value at the time of purchase; or

(3) failure to perform normal maintenance and repairs; or

(4) failure to diligently solicit and retain tenants; or

(5) failure to provide normal tenants improvements.

(C) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

(2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(3) The Building, Structure or Site cannot be feasibly Reconstructed or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include a complete history, photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL.** If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section



116.1 of the International Building Code.  
The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL**. The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

*(Amended by Ord. Nos. 09-10; 09-23; 10-11; 11-05)*



Planning Department

## Historic Preservation Board Staff Report

**Author:** Hannah Turpen, Planner  
Anya Grahn, Historic Preservation Planner  
**Subject:** Historic Sites Inventory  
**Address:** 569 Park Avenue  
**Project Number:** PL-15-02879  
**Date:** March 2, 2016  
**Type of Item:** Administrative – Determination of Significance

### **Summary Recommendation:**

Staff recommends the Historic Preservation Board review the application, conduct a public hearing and approve the status of 569 Park Avenue as a Significant Site on the Park City Historic Sites Inventory.

### **Topic:**

**Project Name:** 569 Park Avenue  
**Applicant:** Park City Municipal Corporation  
**Owners:** William A. Kershaw  
**Proposal:** Determination of Significance

### **Background:**

City Council adopted amendments to the Land Management Code (LMC) on December 17, 2015, to modify the criteria regarding the designation of “Significant” structures which would expand the Historic Sites Inventory (HSI) criteria to include or consider the following terms:

- Any structure that has received a historic grant from the City;
- Has previously been on the Historic Site Inventory or listed as significant or contributory on any reconnaissance or other historic survey;
- Or despite non-historic additions retain its historic scale, context, materials in a manner and degree, which can reasonably be restored to historic form.

The Planning Department identified and submitted applications for determination of significance for several properties, including 569 Park Avenue, which may qualify for local designation on the inventory under the new LMC changes.

The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, currently includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites. Since 2009, staff has reviewed Determination of Significance (DOS) applications with the HPB on a case-by-case basis in order to keep the Historic Sites Inventory (HSI) current.

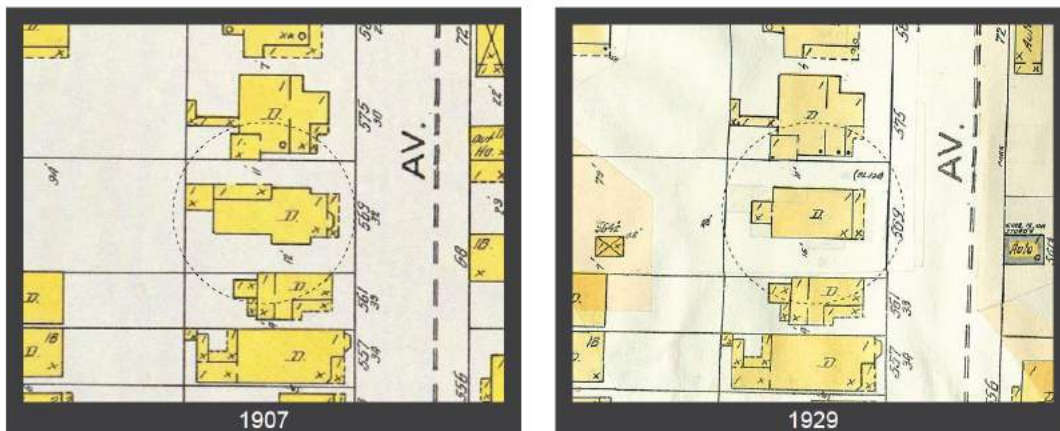
There is currently a Historic District Design Review Pre-Application (Pre-app) on file for this property, and the owner is interested in demolishing the house in order to build two (2) new houses on the site. A demolition permit is currently on file in the Building Department.

The home was listed in the 2009 Historic Sites Inventory as “Significant”; however, the Historic Preservation Board made a determination, in accordance with the Land Management Code in effect at the time, that due to the changes of the building from c. 1923 to 1995, the home at 569 Park Avenue did not meet Land Management Code (LMC) requirements for a Significant designation due to the change in roof form. The site was removed from the HSI in 2010.

In 1988, Historic District grant funds were issued for a reroof, replacing trim, and a stone walkway. While we are still searching for records from this time period, grant eligibility was likely determined by different criteria- either by zone or extended to properties listed as “contributory” on the original 1978 Utah State Historical Society Historic Preservation Research Office Structure/Site Information Forms, which served as the initial survey for the Mining Boom Era Residences Thematic National Register District nomination in 1984. The City did not restrict demolition of residential structures until the early 1990s, and without an HSI, both design regulations and grant eligibility were typically applications of the zoning district, 1978 Survey, and/or the over 50 years old rule unless the property owner went through a Determination of Significance (DOS) hearing.

### **History of the Structure:**

Initially, a cross-wing house was built on this site prior to 1889 (and existing in 1907 according to the Sanborn Fire Insurance Map); however, a bungalow replaced this house c. 1923, according to Sanborn Fire Insurance Map analysis and the Summit County Recorder’s Office:

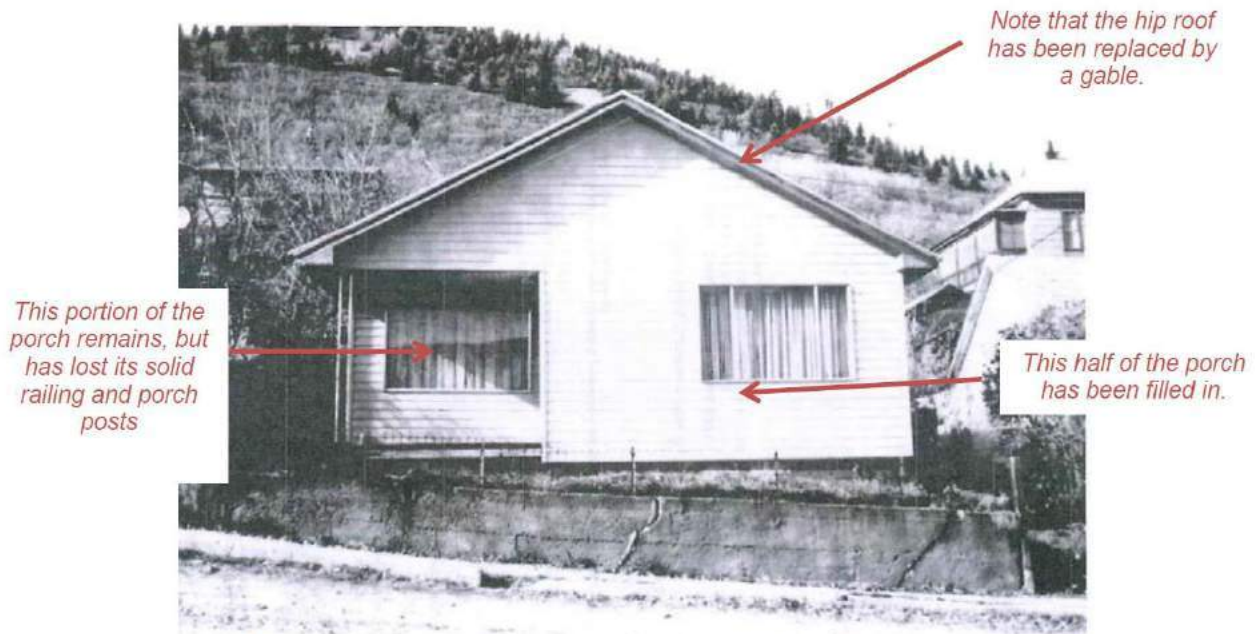


The c.1923 bungalow remains the same through the end of the Mature Mining Era (1894-1930). The c.1938 tax photo and 1941 Sanborn Fire Insurance Map depict a bungalow with a low-pitched hip roof and deep full-width front porch.



After 1941 and outside of the period of historical significance, three significant modifications occurred to the front of the home.

- Between 1957 and 1968, the roof form was modified from a hip roof to a gable. As part of this renovation, a portion of the front porch was filled in to create a partial-width recessed front porch, as seen in the photograph below:



Post 1968 photo showing new low-pitched gable roof and partial-width front porch.

- Between 1990 and 1995, the low-pitched gable was modified again to create the gable-on-hip form that exists today.

- Further, the pre-1968 recessed porch was filled in and a new deep, full-width porch was constructed across the front of the house. Square porch posts and a solid rail were constructed, reminiscent to the original bungalow, but not based on historic documentation.
- Though the windows are not visible in the c.1938 tax photo, it is likely that these windows were a three-part window with large center single-light fixed pane flanked by narrow casement windows, consistent with the window style seen on other bungalows. These window openings were modified to create a square window opening in the post-1968 photo and were replaced in the 1990s by vinyl slider windows.



**Analysis and Discussion:**

The Historic Preservation Board is authorized by Title 15-11-5(I) to review and take action on the designation of sites within the Historic Sites Inventory (HSI). The Historic Preservation Board may designate sites to the Historic Sites Inventory as a means of

providing recognition to and encouraging the preservation of historic sites in the community (LMC 15-11-10). Land Management Code Section 15-11-10(A) sets forth the criteria for designating sites to the Park City Historic Sites Inventory (HSI). The site is currently not listed on the HSI.

Staff finds that the site would not meet the criteria for Landmark designation, based on the following:

LANDMARK SITE. Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and

**Complies.** It is at least 50 years old. The Summit County Assessor tax file indicates a construction date of 1923 and the main building appears on the 1929 Sanborn Insurance map.

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

**Does not comply.** Major alterations, made outside of the period of significance (1869-1929), have destroyed the original hip-roof bungalow form. As previously noted, the records indicate at least three modifications to the front of the home since its construction in c. 1923, including the change from a hip roof to gable between 1957 and 1968, which was outside of the period of historical significance.

The house is not eligible for the National Register of Historic Places due to the cumulative changes to its design, materials, and workmanship that have severely diminished its historic integrity.

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

**Complies.** The site is associated with the Mature Mining Era (1894-1930) of Park City primarily because of its original date of construction.

In order to be included on the HSI, the Historic Preservation Board will need to determine that the building meets the criteria for Significant, as outlined below:

SIGNIFICANT SITE. Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

**Complies.** It is at least 50 years old. The Summit County Assessor tax file indicates a construction date of 1923 and the main building appears on the 1929 Sanborn Insurance map.

(b) It retains its Historical Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

**Complies.** In 1988, Historic District grant funds were issued for a reroof, replacing trim, and a stone walkway. The site was initially listed on the Historic Sites Inventory in 2009 as “Significant”, but removed in 2010 based on HPB review where they found that the alterations to the historic form had occurred between 1958 and 1995, outside of the period of historical significance.

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

**Complies.** The current building does not reflect the architectural style or design of the original house; however, the house is compatible with the scale, context, and materials used historically in the district. The gable-on-hip style reflects the Historical and Architectural character of the district through its design characteristics, including mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District, despite the alterations made to its façade from 1990-1995.

As noted in the analysis above, the original hip-roof bungalow form has been transformed into a front-gable-on-hip form. Staff finds that this structure could be

restored to its Historical Form if the non-historic additions to the façade and rear elevations were removed. The wall planes on the north and south elevations remain in their original location, though the length of the walls have been extended towards the east and west due to out-of-period in-line additions.

(d) It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic Importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

**Complies.** The site is associated with the Mature Mining Era (1894-1930) of Park City primarily because of its original date of construction; however, changes to the primary façade that are visible from the public street were added between 1958 and 1995.

### **Process:**

The HPB will hear testimony from the applicant and the public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment. Appeal requests shall be submitted to the Planning Department ten (10) days of the Historic Preservation Board decision. Appeals shall be considered only on the record made before the HPB and will be reviewed for correctness.

### **Notice:**

On February 20, 2016, Legal Notice of this public hearing was published in the Park Record, according to the requirements of the Land Management Code. Staff also sent a mailing notice to the property owner and property owners within 100 feet on February 17, 2016 and posted the property on February 17, 2016.

### **Public Input:**

A public hearing, conducted by the Historic Preservation Board, is required prior to adding sites to or removing sites from the Historic Sites Inventory. The public hearing for the recommended action was properly and legally noticed as required by the Land Management Code. No public input was received at the time of writing this report.

Prior to this DOS application, staff had heard feedback from the public regarding the significance of this house to the Historic District as a whole and its Park Avenue neighborhood in particular. These, along with public comment received by the City Council in July, are included as Exhibit C.



### **Alternatives:**

- Conduct a public hearing to consider the DOS for **569 Park Avenue** described herein and determine whether the structure at **569 Park Avenue** meets the criteria for the designation of “Significant” to the Historic Sites Inventory according to the draft findings of fact and conclusions of law, in whole or in part.
- Conduct a public hearing and find the structure at **569 Park Avenue** does not meet the criteria for the designation of “Significant” to the Historic Sites Inventory, and providing specific findings for this action.
- Continue the action to a date uncertain.

### **Significant Impacts:**

The structure at 569 Park Avenue is not currently listed on the Historic Sites Inventory (HSI). If designated as “Significant” on the HSI, any alterations must comply with the Design Guidelines for Historic Sites; the site will be eligible for the Historic District Grant Program. Should the structure not be included, then the property will be eligible for demolition.

### **Consequences of *not* taking the Recommended Action:**

If no action is taken, no change will occur to the designation of 569 Park Avenue because the house is not currently on the Historic Sites Inventory (HSI). The structure will be eligible for demolition.

If the Historic Preservation Board chooses to include this site on the HSI, the structure will be designated a Significant Historic site and not eligible for demolition. It will be eligible for the Historic District Grant Program.

### **Recommendation:**

Staff recommends the Historic Preservation Board review the application, conduct a public hearing, and designate the house at 569 Park Avenue as a Significant Site on the Park City Historic Sites Inventory.

### **Finding of Fact:**

1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
2. The house at 569 Park Avenue is within the Historic Residential (HR-1) zoning district.
3. The residential structure at 569 Park Avenue was included in the 2009 HSI; however, it was removed in April 2010 due to the modifications made to the original roof form outside of the historic period based on earlier criteria.
4. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be significant sites.
5. The house was built c. 1923 during the Mature Mining Era (1894-1930). The structure appears in the 1929 and 1941 Sanborn Fire Insurance maps. A c. 1938 tax photo of Park City also demonstrates that the original low-pitch hipped-roof bungalow form.

6. Between 1958 and 1968, the hip roof was modified to a low-pitch gable. A portion of the bungalow's full-width front porch was infilled to create a recessed, partial-width front porch.
7. Between 1990 and 1995, the roof pitch was modified once again to create a gable-on-hip roof. The partial width front porch was filled in and a new full-width porch was constructed on the façade. During this renovation, bungalow-style elements such as the square porch posts and solid rail were returned; however, these were not based on physical or photographic evidence.
8. The site meets the criteria as Significant on the City's Historic Sites Inventory.
9. Built c.1923, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
10. While the current building does not reflect the architectural style or design of the original c.1923 bungalow, the gable-on-hip form reflects the Historical and Architectural character of the district through its design characteristics, including its mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District, despite alterations made to its façade between 1990-1995.
11. The original hip-roof bungalow form could be restored to its Historical Form if the non-historic additions to the façade and rear were removed. The wall planes on the north and south elevations remain in their original location, through the length of the wall plane has been extended toward the east and west due to out-of-period in-line additions.
12. The house is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era.
13. Staff finds that the structure at 569 Park Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. In order for the site to be designated as "landmark," the structure would have to be eligible for the National Register of Historic Places and retain a high level of integrity.

### **Conclusions of Law:**

1. The existing structure located at 569 Park Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
  - (a) *It is at least fifty (50) years old or the Site is of exceptional importance to the community; and*  
**Complies.**
  - (b) *It retains its Historical Form as may be demonstrated but not limited by any of the following:*
    - (i) *It previously received a historic grant from the City; or*
    - (ii) *It was previously listed on the Historic Sites Inventory; or*
    - (iii) *It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or***Complies.**
  - (c) *It has one (1) or more of the following:*

*(i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and*

*(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or*

**Complies.**

2. The existing structure located at 569 Park Avenue does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:

*a. It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and **Complies.***

*b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and **Does Not Comply.***

*c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:*

*i. An era that has made a significant contribution to the broad patterns of our history;*

*ii. The lives of Persons significant in the history of the community, state, region, or nation; or*

*iii. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Complies.***

**Exhibits:**

Exhibit A – Historic Sites Inventory Form, 2014

Exhibit B – 4.7.10 HPB Report (Minutes not available)

Exhibit C – Public Comment regarding historic significance of 569 Park

# HISTORIC SITE FORM – HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

## 1 IDENTIFICATION

Name of Property: **House at 569 Park Avenue**

Address: 569 Park Avenue

A.K.A.:

City, County: Park City, Summit County, Utah

Tax Number: PC-82

Current Owner Name: William A. and Janet Kershaw, et. al.

Parent Parcel(s): N/A

Current Owner Address: 620 Mystic Lane, Sacramento, CA 95864

Legal Description (include acreage): LOTS 17 & 18 BLK 5 PARK CITY SURVEY [...] (see record for complete legal description)

## 2 STATUS/USE

### Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

### Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

### Reconstruction

- Date:
- Permit #:
- Full  Partial

### Use

- Original Use: single dwelling
- Current Use: single dwelling

- \*National Register of Historic Places:  eligible  ineligible
- listed (date: )

## 3 DOCUMENTATION

### Photos: Dates

- tax photo: c. 1941
- prints: Nov. 2014 (3)
- historic:

### Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

### Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn maps
- obituary index
- city directory/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS preservation files
- USHS architects file
- LDS Family History Library
- Park City Hist. Soc./Museum
- university library(ies):
- other:

**Bibliographical References** (books, articles, interviews, etc.). Attach copies of all research notes and materials

Carter, Thomas and Peter Goss. *Utah's Historic Architecture, 1847-1940*. Salt Lake City: Center for Architectural Studies, Graduate School of Architecture, University of Utah and Utah State Historical Society, 1988.

Hampshire, David, Martha Sonntag Bradley and Allen Roberts. *A History of Summit County*. Coalville, UT: Summit County Commission, 1998.

National Register of Historic Places. *Park City Main Street Historic District*. Park City, Utah, National Register #79002511.

Peterson, Marie Ross and Mary M. Pearson. *Echoes of Yesterday: Summit County Centennial History*. Salt Lake City: Daughters of Utah Pioneers, 1947.

Randall, Deborah Lyn. *Park City, Utah: An Architectural History of Mining Town Housing, 1869 to 1907*. Master of Arts thesis, University of Utah, 1985.

Thompson, George A., and Fraser Buck. *Treasure Mountain Home: Park City Revisited*. Salt Lake City: Dream Garden Press, 1993.

Researcher/Organization: John Ewanowski, CRSA Architecture Date: Nov. 2014

**4 ARCHITECTURAL DESCRIPTION AND INTEGRITY***Building Type and/or Style:* bungalow type, Victorian Eclectic style*No. Stories:* 1*Additions:*  none  minor  major (describe below) *Alterations:*  none  minor  major (describe below)*Number of associated outbuilding and/or structures:*  accessory building(s), # 0;  structure(s), # 0.*General Condition of Exterior Materials:* Good: Well-maintained with no serious problems apparent Fair: Some problems are apparent. *Describe the problems:* Poor: Major problems are apparent and constitute an imminent threat. *Describe the problems:* Uninhabitable/Ruin*Materials:*

Foundation: concrete

Walls: clapboard siding

Roof: wood shingles

Windows/Doors: slider windows (typical) and glazed wood front door with wooden trim.

*Essential Historical Form:*  retains  does not retain*Location:*  original location  moved (date: , original location: )

*Design:* This bungalow is rectangular in plan, with a full width front porch and central entrance. The roof structure has been modified from a hipped type to include a gable on the front (east) elevation, a renovation that occurred after a tax photograph taken in the early 1940s. The front porch is made of wood and contains some Victorian-inspired details. Slider windows have been installed to replace the original windows, which were presumably double-hung type.

*Setting:* Set in Old Town Park City, one block west of historic Main Street. With narrow lots and streets, the neighborhood is relatively dense for single-family zoning. The house is set on a double-wide lot, which is approximately 50'x75'. Many of the surrounding houses are historic.

*Workmanship:* Was constructed of less common materials than surrounding Victorian residences, including clapboard siding, wood roof shingles, and slider windows, although these materials were also used to a small degree in Park City. Drop wood siding, asphalt shingles, and double-hung windows were more common. Some of the wood trim accents on the front façade suggest the Victorian style, but these were added after the 1940s tax photo and are not original.

*Feeling:* Retains historic feel through material usage and details, although the original appearance has been altered somewhat. Bungalows were not as common in Park City as rectangular cabins, T-cabins, and pyramid houses, but that has the feel of a historic sample of that type.

*Association:* The "Mature Mining Era" in Park City, during which the local mines were still producing a large share of the country's silver supply. A decline in silver prices through the 1920s was caused by increased production amidst decreased demand. This drop in prices caught up to Park City mines in the 1930s, which caused a local decline in the industry and an economic downturn, along with the Great Depression. Samuel B. and Alice

Deighton Dunn purchased the property in 1917, immediately taking out an \$800.00 mortgage, suggesting a possible date of construction.<sup>1</sup>

## 5 SIGNIFICANCE

Architect:  not known  known: (source: )

Date of Construction: c. 1917

Builder:  not known  known: (source: )

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- Settlement and Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline and Emergence of Recreation Industry (1931-1962)

Description of historic era: By the 1890s, Park City was a *bona fide* mining town, with a railroad station, post office, fire department, and growing school system. While individuals lost and gained jobs based on fluctuating silver prices, the mining industry was relatively stable in Park City through the 1920s. The Great Fire of 1898 proved the strength of the town: while Main Street was almost completely levelled and sustained over \$1,000,000 in damages, most of the buildings were rebuilt by 1900. Unlike other fire ravaged western mining towns, which often went permanently bust over similar blazes, the demand for Park City silver caused a rapid rebuilding of the business district. Park City survived the Spanish Flu Epidemic, World War I, and Prohibition mostly unscathed, boasting over 4,000 residents in the 1930 United States Census.

2. Persons: Thomas and Matilda Stringer (purchased 1899) and Samuel B. and Alice Deighton Dunn (purchased 1917)
3. Architecture: N/A

## 6 PHOTOS

Photographs on the following pages (taken by the researcher, unless noted otherwise):

**Photo No. 1:** Northeast oblique. Camera facing southwest. November 2014.

**Photo No. 2:** East elevation. Camera facing west. November 2014.

**Photo No. 3:** Southeast oblique. Camera facing northwest. November 2014.

**Photo No. 4:** Southeast oblique. Camera facing northwest. Tax photo, c. 1941. (Summit County)

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<sup>1</sup> From title abstracts in the Summit County Recorder's Office, Coalville, UT.

**Photo No. 1:** Northeast oblique. Camera facing southwest. November 2014.



**Photo No. 2:** East elevation. Camera facing west. November 2014.



**Photo No. 3:** Southeast oblique. Camera facing northwest. November 2014.



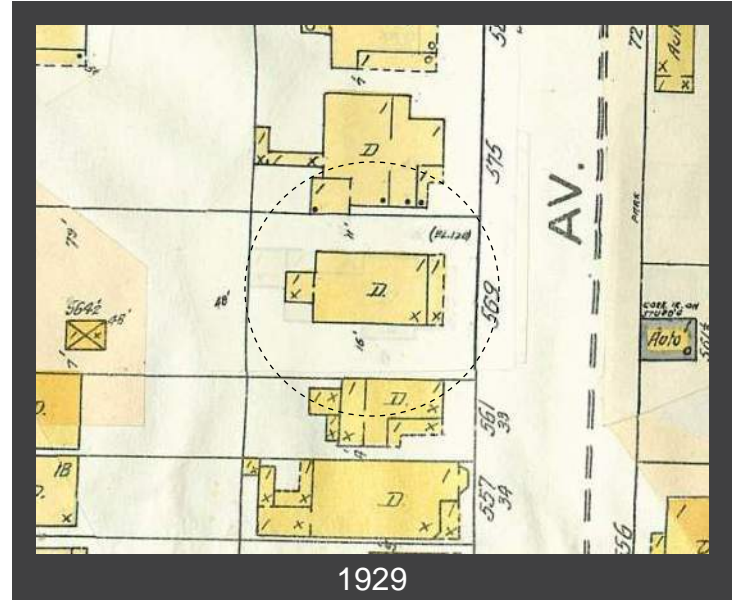
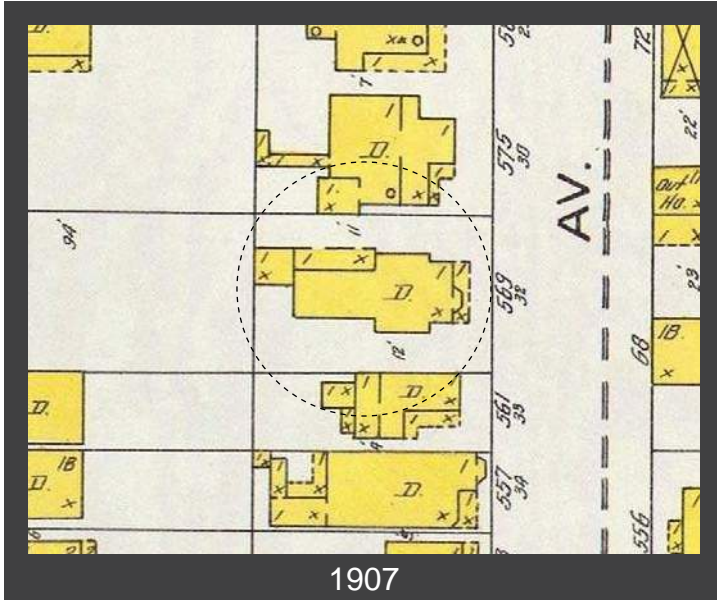
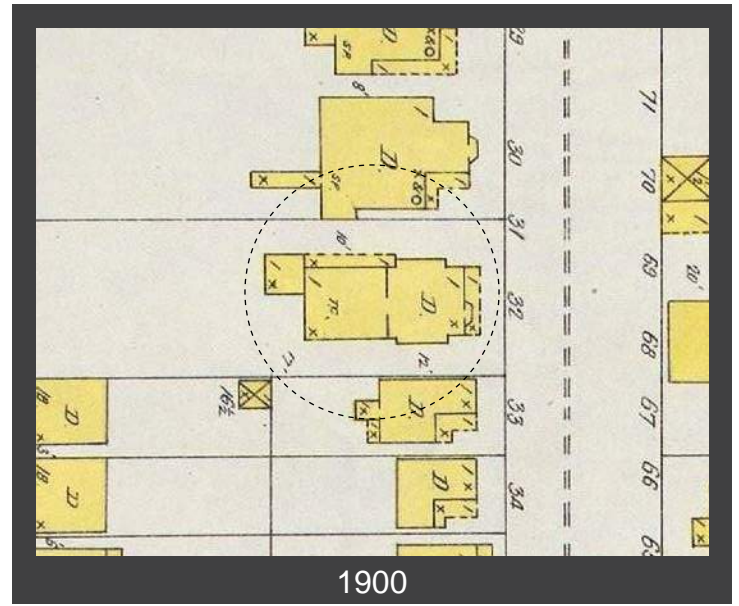
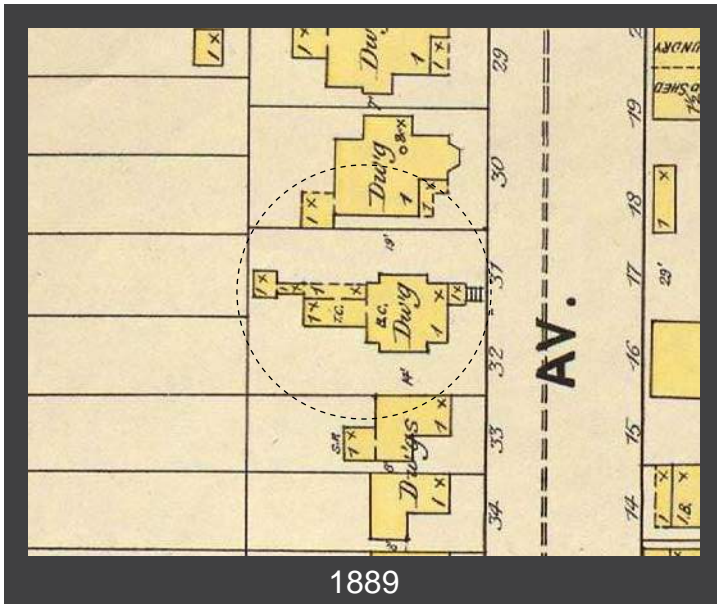
**Photo No. 4:** Southeast oblique. Camera facing northwest. Tax photo, c. 1941. (Summit County)





# 569 Park Avenue

# Sanborn Map History



EVALUATION FOR HISTORIC POTENTIAL FILES

(enter date in blanks)

\_\_\_\_\_ Preliminary evaluation made

\_\_\_\_\_ Encoded

2/27/86

\_\_\_\_\_ Added to county list

\_\_\_\_\_

\_\_\_\_\_ Added to yearly record

**SIGNIFICANCE TYPE:**

- Associated Historic Person
- Associated Historic Event
- Associated Historic Theme
- Sig. Builder/Architect
- Other Reason for Significance

- Significant Style
- Significant Plan/Type
- Significant Construction Type
- Significant Material Type
- Archeology

**ALTERED:**

- None
- Minor

- Major
- Demolished

- Reconstructed
- Excavated

Unknown

**CONDITION:**

- Excellent
- Good

- Fair
- Demolished

- Deteriorated
- Ruins

Site  
 Unknown

**EVALUATION:**

- (A) - Significant
- (B) - Contributory

- Out of Period
- Non-contributory

No Evaluation

COMMENTS

(include any relevant information to explain evaluation)

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_

Researcher: Philip F. Notarianni  
Date: August, 1978

Site No. SU-10-144

# Utah State Historical Society Historic Preservation Research Office Structure/Site Information Form

1  
IDENTIFICATION

Street Address: 569 Park Ave. Plat PC Bl. 5 Lot 17-18  
Name of Structure: T. R. S.  
Present Owner: Donald R. Neil et. al. UTM:  
Owner Address: P.O. Box Park City Utah 84060 Tax #: PC-82

2  
AGE/CONDITION/USE

Original Owner: Construction Date: @1923 Demolition Date:

Original Use: residential

Present Use: Occupants:

- |   |                                       |                                    |
|---|---------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> Single-Family | <input type="checkbox"/> Park         | <input type="checkbox"/> Vacant    |
| <input type="checkbox"/> Multi-Family             | <input type="checkbox"/> Industrial   | <input type="checkbox"/> Religious |
| <input type="checkbox"/> Public                   | <input type="checkbox"/> Agricultural | <input type="checkbox"/> Other     |
| <input type="checkbox"/> Commercial               |                                       |                                    |

Building Condition:

- |  |                                |
|--|--------------------------------|
| <input type="checkbox"/> Excellent       | <input type="checkbox"/> Site  |
| <input checked="" type="checkbox"/> Good | <input type="checkbox"/> Ruins |
| <input type="checkbox"/> Deteriorated    |                                |

Integrity:

- |   |
|---|
| <input type="checkbox"/> Unaltered                    |
| <input type="checkbox"/> Minor Alterations            |
| <input checked="" type="checkbox"/> Major Alterations |

3  
STATUS

Preliminary Evaluation:

- |  |
|--|
| <input type="checkbox"/> Significant                 |
| <input type="checkbox"/> Contributory                |
| <input checked="" type="checkbox"/> Not Contributory |
| <input type="checkbox"/> Intrusion                   |

Final Register Status:

- |  |   |
|--|---|
| <input type="checkbox"/> National Landmark | <input type="checkbox"/> District       |
| <input type="checkbox"/> National Register | <input type="checkbox"/> Multi-Resource |
| <input type="checkbox"/> State Register    | <input type="checkbox"/> Thematic       |

4  
DOCUMENTATION

Photography:

Date of Slides: 11/77

Views: Front  Side  Rear  Other

Date of Photographs:

Views: Front  Side  Rear  Other

Research Sources:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Abstract of Title           | <input type="checkbox"/> City Directories                      | <input type="checkbox"/> LDS Church Archives      |
| <input checked="" type="checkbox"/> Plat Records     | <input type="checkbox"/> Biographical Encyclopedias            | <input type="checkbox"/> LDS Genealogical Society |
| <input checked="" type="checkbox"/> Plat Map         | <input type="checkbox"/> Obituary Index                        | <input type="checkbox"/> U of U Library           |
| <input checked="" type="checkbox"/> Tax Card & Photo | <input type="checkbox"/> County & City Histories               | <input type="checkbox"/> BYU Library              |
| <input type="checkbox"/> Building Permit             | <input type="checkbox"/> Personal Interviews                   | <input type="checkbox"/> USU Library              |
| <input type="checkbox"/> Sewer Permit                | <input type="checkbox"/> Newspapers                            | <input type="checkbox"/> SLC Library              |
| <input checked="" type="checkbox"/> Sanborn Maps     | <input type="checkbox"/> Utah State Historical Society Library | <input type="checkbox"/> Other                    |

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Summit County Recorder and Assessor Records, Summit County Courthouse, Coalville, Utah.  
Sanborn Map, Park City, Utah, 1907.

Architect/Builder: unknown originally a residential

Building Materials: wood Building Type/Style: bungalow.

Description of physical appearance & significant architectural features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

Presently, a one-story frame with a gable roof, and aluminum siding. Tax photos indicate a "major" alteration, since the structure originally appeared as a frame bungalow with hip roof.

Statement of Historical Significance:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication          | <input type="checkbox"/> Military        | <input type="checkbox"/> Religion           |
| <input type="checkbox"/> Agriculture          | <input type="checkbox"/> Conservation           | <input type="checkbox"/> Mining          | <input type="checkbox"/> Science            |
| <input type="checkbox"/> Architecture         | <input type="checkbox"/> Education              | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio-Humanitarian |
| <input type="checkbox"/> The Arts             | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political       | <input type="checkbox"/> Transportation     |
| <input type="checkbox"/> Commerce             | <input type="checkbox"/> Industry               | <input type="checkbox"/> Recreation      |   |

Names associated with the structure:

1. Thomas M. Stringer.
2. Issac L. Osborne.
3. 1919- mortgaged from Alice E. Deighton to Samuel B. Dunn.
4. 1924, Herman Hethke.

Utah State Historical Society  
Historic Preservation Research Office  
**Structure/Site Information Form**

1  
IDENTIFICATION

Street Address: 569 Park Ave. Plat PC Bl. 5 Lot 17-18  
Name of Structure: T. R. S.  
Present Owner: Donald R. Neil, et.al. UTM:  
Owner Address: P.O. Box, Park City, Utah 84060 Tax #: PC-82

2  
AGE/CONDITION/USE

Original Owner: Construction Date: @1923 Demolition Date:  
Original Use: residential  
Present Use: Occupants:  
 Single-Family  Park  Vacant  
 Multi-Family  Industrial  Religious  
 Public  Agricultural  Other  
 Commercial  
Building Condition: Integrity:  
 Excellent  Site  Unaltered  
 Good  Ruins  Minor Alterations **completely changed**  
 Deteriorated  Major Alterations

3  
STATUS

Preliminary Evaluation: Final Register Status:  
 Significant  National Landmark  District  
 Contributory  National Register  Multi-Resource  
 Not Contributory (see description)  State Register  Thematic  
 Intrusion

4  
DOCUMENTATION

Photography: 11/77 Date of Slides: Date of Photographs:  
Views: Front  Side  Rear  Other  Views: Front  Side  Rear  Other   
Research Sources:  
 Abstract of Title  City Directories  LDS Church Archives  
 Plat Records  Biographical Encyclopedias  LDS Genealogical Society  
 Plat Map  Obituary Index  U of U Library  
 Tax Card & Photo  County & City Histories  BYU Library  
 Building Permit  Personal Interviews  USU Library  
 Sewer Permit  Newspapers  SLC Library  
 Sanborn Maps  Utah State Historical Society Library  Other

**Bibliographical References** (books, articles, records, interviews, old photographs and maps, etc.):

Summit County Recorder and Assessor Records, Summit County Courthouse, Coalville, Utah.  
Sanborn Map, Park City, Utah 1907.

Architect/Builder: unknown

Building Materials: wood Building Type/Style: originally a residential

Description of physical appearance & significant architectural features: bungalow.  
(Include additions, alterations, ancillary structures, and landscaping if applicable)

Presently, a one story frame with a gable roof, and aluminum siding. Tax photographs indicate a "major" alteration, since the structure originally appeared as a frame bungalow with a hip roof.

Statement of Historical Significance:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication          | <input type="checkbox"/> Military        | <input type="checkbox"/> Religion           |
| <input type="checkbox"/> Agriculture          | <input type="checkbox"/> Conservation           | <input type="checkbox"/> Mining          | <input type="checkbox"/> Science            |
| <input type="checkbox"/> Architecture         | <input type="checkbox"/> Education              | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio-Humanitarian |
| <input type="checkbox"/> The Arts             | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political       | <input type="checkbox"/> Transportation     |
| <input type="checkbox"/> Commerce             | <input type="checkbox"/> Industry               | <input type="checkbox"/> Recreation      |   |

Names associated with the structure:

1. Thomas M. Stringer.
2. Issac L. Osborne.
3. 1919-mortgaged from Alice E. Deighton to Samuel B. Dunn.
4. 1924, Herman Hethke.

## Historic Preservation Board Staff Report



PLANNING DEPARTMENT

**Author:** Thomas E. Eddington, Jr., AICP  
Dina Blaes, Preservation Consultant  
**Subject:** Historic Sites Inventory  
**Application #:** PL-09-00846  
**Date:** April 7, 2010  
**Type of Item:** Administrative

### Summary Recommendation

Staff recommends the Historic Preservation Board conduct a public hearing and remove the site located at 569 Park Avenue from the Historic Sites Inventory.

### Topic

**Applicant:** Planning Department  
**Location:** 569 Park Avenue  
**Proposal:** Remove 569 Park Avenue from the Historic Sites Inventory  
**Zoning:** Historic Residential (HR-1) District

### Background

The Park City Historic Sites Inventory, adopted February 4, 2009, includes four hundred five (405) sites of which one hundred ninety-two (192) sites meet the criteria for designation as Landmark Sites and two hundred thirteen (213) sites meet the criteria for designation as Significant Sites. The house at 569 Park Avenue was considered a Significant Site.

Staff's evaluation of the two hundred thirteen (213) sites for compliance with the criteria set forth in 15-11-10(A)(2) and the subsequent recommendation to the HPB to include them on the Historic Site Inventory as Significant Sites was based on information gathered during field visits and from secondary sources, including:

- Reports and photographs from Reconnaissance Level Surveys (RLS) conducted in 1983 and 1995.
- Sanborn Fire Insurance maps from 1889, 1900, 1907, and/or 1929.
- Files on individual buildings held at the State Historic Preservation Office.
- Books on architectural styles, building types, architectural history, and mining history.
- Building cards and photos from the Summit County Tax Assessor that are held at the Park City Historical Society & Museum (PCHS&M) research library and archive.

In the summer of 2009 after the Historic Site Inventory had been adopted by the City, Sandra Morrison, Director of the Park City Historical Society & Museum, raised the concern that the site did not meet the criteria for designation as a Significant Site because of changes that had been made to the original roof form on the primary facade.

The original research materials were reviewed again and the analysis on which the HPB based its decision to designate the site to the HSI as a Significant Site was, indeed, incorrect. The analysis had not taken into proper consideration the information available in the tax file, which clearly indicates that changes to the pitch of the main roof of the primary façade had been made after the period of historic significance. This condition is one of four "major alterations" defined in the LMC that destroy the Essential Historical Form of the site. Because the site was found not to retain its Essential Historical Form, it does not meet all three criteria required for designation as a Significant Site.

The Planning Department is seeking to remove 569 Park Avenue from the Historic Sites Inventory because a second analysis of the site conducted after the initial designation indicates that the site does not comply with the criteria set forth in 15-11-10(A)(2) of the LMC for designation as a Significant Site. Specifically, the site was found not to retain its Essential Historical Form and therefore does not comply with criterion (b) of Title 15-11-10(A)(2).

### **Analysis**

The Historic Preservation Board is authorized by Title 15-11-5(l) to review and take action on the designation of Sites to the Historic Sites Inventory. In addition, Title 15-11-10(C) authorizes the Planning Department to remove a Site from the Historic Sites Inventory if:

#### **15-11-10(C)(1) CRITERIA FOR REMOVAL**

**(a) The Site no longer meets the criteria set forth in 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 have 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 15-11-10(A)(1) or 15-11-10(A)(2).**

If the Historic Preservation Board finds, based on the analysis below, that the site does not comply with the criteria set forth in Title 15-11-10(A)(2), it will be removed from the Historic Sites Inventory.

### **15-11-10. PARK CITY HISTORIC SITES INVENTORY.**

#### **(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

**(2) SIGNIFICANT SITE. Any Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures may be designated to the Historic**



**Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:**

- (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; and**

*Analysis: The site meets this criterion. It is at least 50 years old. The Summit County Assessor tax file indicates a construction date of 1914 and the main building appears on the 1929 Sanborn Insurance map.*

- (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form.**

*Analysis: The site does not meet this criterion. The site does not retain its Essential Historical Form as defined in the Land Management Code because it has undergone major alterations that have destroyed the physical characteristics that make it identifiable as existing in or relating to an important era in the past.*

**Major alterations that destroy the essential historical form include:**

- (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or**

*Analysis: The pitch in the main roof of the primary façade was changed after the Period of Historic Significance (1869-1929). Records in the tax file indicate extensive alteration to the building between 1948 and 1968. According to the building card, the roof pitch was changed from a hipped roof to a low-pitched gable roof between 1958 and 1968. Further, the roof pitch and form were further changed to a gable-on-hip type in the 1990s.*

- (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or**

- (iii) Moving it from its original location to a Dissimilar Location, or**

- (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.**

- (c) It is important in local or regional history, architecture, engineering or culture associated with at least one (1) of the following:**

- (i) An era of Historic importance to the community, or**

*Analysis: The site meets this criterion. It is associated with the mining-era in Park City primarily because of its original date of construction.*

- (ii) Lives of Persons who were of Historic importance to the community, or**

**(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.**

**Summary**

In summary, staff recommends the HPB find that the site does not comply with the criteria set forth in Title 15-11-10(A)(2) for designation as a Significant Site and that the site be removed from the Historic Sites Inventory.

**Notice**

Legal Notice of this public hearing was published in the Park Record and posted in the required public spaces.

**Public Input**

A public hearing, conducted by the Historic Preservation Board, is required prior to removing sites from the Historic Sites Inventory. The public hearing for the recommended action was properly and legally noticed as required by the Land Management Code.

**Alternatives**

- Conduct a public hearing on the Site described herein and remove the Site from the Historic Sites Inventory based on the findings of fact and conclusions of law set forth in the staff report.
- Conduct a public hearing and reject removal of the Site from the Historic Sites Inventory, providing specific findings of fact and conclusions of law for the action.
- Continue the action to a date certain.

**Significant Impacts**

There are no significant fiscal impacts on the City as a result of removing the Site described in this report from the Historic Sites Inventory.

**Consequences of *not* taking the Recommended Action**

Not taking the recommended action will result in a Site remaining on the Historic Site Inventory that does not meet the criteria for designation.

**Recommendation**

Staff recommends the Historic Preservation Board conduct a public hearing and vote to remove the Site described in this staff report from the Historic Sites Inventory based on the following findings of fact and conclusions of law:

**Findings of Fact**

1. The property at 569 Park 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 from field visits and several secondary sources.

3. An concern about the site's compliance with the criteria for designation as a Significant Site was raised by the Park City Historical Society & Museum to staff after February 2009.
4. The additional information considered in making the evaluation consists of the original building cards dated 1949 through 1968, which indicate a change to the pitch of the main roof of the primary façade was made after the Period of Historic Significance (1869-1929). The roof was originally built as a hipped structure, but was altered between 1958 and 1968 to the low-pitched gable and was further modified in the 1990s to the gable-on-hip that is extant today.
5. Because of the change to the pitch of the main roof of the primary façade, the site does not retain the physical characteristics that make it identifiable as existing in or relating to an important era in the past (the active mining era).
6. All findings from the Analysis section are incorporated herein.

### **Conclusions of Law**

1. Information not previously considered in the designation of 569 Park Avenue as a Significant Site was appropriately considered after February 2009 when the HPB took formal action to designate the property to the Historic Sites Inventory.
2. The site at 569 Park Avenue does not retain the physical characteristics that identify it as existing in or relating to the mining era in Park City.
3. The site at 569 Park Avenue does not comply with the criteria set forth in Title 15-11-10(A)(2) and therefore the Site is not a Significant Site pursuant to Title 15-11-10.

### **Exhibits**

- Exhibit A - 569 Park Avenue Historic Site Form 2008
- Exhibit B - 569 Park Avenue Historic Site Form 2010
- Exhibit C - Photograph

# HISTORIC SITE FORM -- HISTORIC SITE INVENTORY

PARK CITY MUNICIPAL CORPORATION (06-09)

## 1 IDENTIFICATION

Name of Property:

Address: 569 Park Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-82

Current Owner Name: William & Janet Kershaw

Parent Parcel(s):

Current Owner Address: Park City, Utah 84060

Legal Description (include acreage): LOTS 17 & 18, BLK 5 PARK CITY SURVEY; 0.09 ACRES.

## 2 STATUS/USE

### Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

### Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

### Reconstruction

- Date:  
Permit #:  
 Full  Partial

### Use

Original Use: Residential  
Current Use: Residential

\*National Register of Historic Places:  ineligible  eligible  
 listed (date: )

## 3 DOCUMENTATION

### Photos: Dates

- tax photo: c. 1937 & c.1970
- prints: 2006
- historic: c.

### Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

### Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn Maps
- obituary index
- city directories/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

- Ancestry.com. *1930 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2002. Original data: United States of America, Bureau of the Census. *Fifteenth Census of the United States, 1930*. Washington, D.C.: National Archives and Records Administration, 1930. Microfilm Publications T626, 2,677 rolls.
- . *1920 United States Federal Census* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2009. Original data: United States of America, Bureau of the Census. Record Group 29. *Fourteenth Census of the United States, 1920*. Washington, D.C.: National Archives and Records Administration, 1930. Microfilm Publication T625, 2,076 rolls.
- \*---. *World War I Draft Registration Cards, 1917-1918* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc., 2005. Original data: United States, Selective Service System. *World War I Selective System Draft Registration Cards, 1917-1918*. Washington, D.C.: National Archives and Records Administration. M1509, 4,582 rolls. Imaged from Family History Library microfilm.
- Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.
- McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.
- \*Notarianni, Philip F. Structure/Site Form: 569 Park Ave. Historic Preservation Research Office. Utah State Historical Society. Salt Lake City. 1978.
- \*Roberts, Allen. 569 Park Avenue. 1995. Park City Reconnaissance Level Survey. Historic Preservation Research Office. Utah State Historical Society. 26 Dec. 2008.
- \*Sanborn, D.A. "Sheet 7, Park City, Utah, 1889." Map. Sanborn Fire Insurance Maps. J. Willard Marriott Library. 15 Oct. 2009. <<http://www.lib.utah.edu/digital/sanborn/>>

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: February 2010

\*---. "Sheet 7, Park City, Utah, 1907 (corrected to 1929)." Map. [Sanborn Fire Insurance Maps](#). *Hal Compton Research Library*. Park City Historical Society & Museum. 13 Oct. 2009. Electronic.

\*Summit County. Tax Assessor. [Tax File: PC-82](#). Coalville, 1937-1968. [Park City Tax File Archives](#). *Hal Compton Research Library*. Park City Historical Society & Museum.

#### 4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Bungalow/Bungalow

No. Stories: 1

Additions:  none  minor  major (describe below) Alterations:  none  minor  major (describe below)

Number of associated outbuildings and/or structures:  accessory building(s), # \_\_\_\_\_;  structure(s), # \_\_\_\_\_.

General Condition of Exterior Materials:

Good (Well maintained with no serious problems apparent.)

Fair (Some problems are apparent. Describe the problems.):

Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):

Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Standard, narrow lot slightly raised above finished road grade two to three feet with concrete retaining wall at the street front. Flat lot from the roadway to rear of house, then a steep rise at the rear of the lot.

Foundation: Building card and site visit indicate a concrete foundation.

Walls: Shiplap siding. Full-width deep-set porch with three square columns resting on solid rail.

Roof: Gable-on-hip roof form with asphalt shingles.

Windows/Doors: Paired casement on primary façade flanking center door. Double-hung sash type.

Essential Historical Form:  Retains  Does Not Retain, due to: Change in the pitch of the main roof of the primary façade made after the period of historic significance.

Location:  Original Location  Moved (date \_\_\_\_\_) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame bungalow type house has undergone significant modifications over time. The current structure replaced an earlier cross-wing house with full front porch and projecting bay, which is seen on the 1907 Sanborn Insurance Map. The earliest photograph--the c. 1937 tax photo--shows a bungalow with low-pitched hipped roof and deep full-width front porch. The design elements--full-width porch, square columns, and solid rail--are typical of bungalows built in Utah in the early twentieth century. The 1957 tax card suggests the bungalow form was intact in that year. By 1968, however, the house had been modified into a moderately pitched gable with a partial-width recessed porch. Both the 1968 tax card and a c. 1970 photograph indicate these substantial changes. Prior to 1995, the roof was modified again to a gable-on-hip form. At that time many of the original bungalow-type elements--the deep full-width porch, square porch posts, and solid rail--were returned to the home, but not restored as they were historically. The changes made over time to the roof pitch on the primary façade are significant and destroy the Essential Historical Form as defined by the LMC. It is unfortunate that the attempt to use bungalow-type elements in the most recent rehabilitation was not taken to the point of restoring the site based on available photographic evidence.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has not been substantially altered from what is seen in earlier photographs - the footprint appears to have been enlarged from the original, but the expansion is not obtrusive when viewed from the public right-of-way.

**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Though efforts have been made to return many of the historical bungalow elements, much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

**Feeling** (Describe the property's historic character.): The gable-on-hip roof form was not used in Park City during the mining era, but rather seen in French Colonial styled buildings (rarely) from the late nineteenth century and Queen Anne styled buildings (also rarely) from the early twentieth century. The 1990s rehabilitation was successful in returning some of the historic character that is typical of the bungalow, but the physical elements of the site, in combination, convey a limited sense of life in a western mining town.

**Association** (Describe the link between the important historic era or person and the property.): The bungalow was the most common house type built in Utah during the early twentieth century; however, the alterations to the main building diminish its association with the past.

## 5 SIGNIFICANCE

Architect:  Not Known     Known: (source: )

Date of Construction: c. 1923<sup>1</sup>

Builder:  Not Known     Known: (source: )

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

### 1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

### 2. PERSONS (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

From the 1978 Site/Structure Form prepared for the Utah State Historic Preservation office:

*People associated with this property:*

*Thomas M. Stringer*

*Isaac I. Osborn*

*1919 - mortgage from Alice E. Deighton to Samuel B. Dunn*

*1924-Herman Hethke*

Samuel Benjamin Dunn was born August 1888 in Alabama and in 1916 was a married telegraph operator working for Union Pacific Railroad and living in Park City (address unknown).

Herman Hethka was a WWI veteran renting the home at 573 Main Street (hotel) in 1930 (according to census records). He was a hotel clerk (37 yrs old in 1930). The hotel was owned by his mother and father-in-law, Thomas & Marie Hethka O'Keefe. An unmarried Marie Hethka and her son, Herman, were listed as renters at 573 Main Street in 1920.

1930 Census does not list 569 Park Avenue though it is on the Sanborn Insurance map as 569 Park Avenue.

According to the Summit County Recorder, recent property owners include the following:

QCD in 05-1986 from Don R. Neil to William Neil and Elizabeth Reed

WD in 10-1986 from William Neil and Elizabeth Reed to Tim Lee

WD in 09-2004 from Timothy Lee to Read & Jean Carlan

WD in 05-2009 from Read & Jean Carlan to current owners, William & Janet Kershaw

### 3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

<sup>1</sup> Summit County Recorder.

## 6 PHOTOS

Digital photographs are on file with the Planning Department, Park City Municipal Corp.

**Photo No. 1:** Northeast elevation. Camera facing southwest, 2006.

**Photo No. 2:** East oblique. Camera facing west, 1995.

**Photo No. 3:** Northeast elevation. Camera facing southwest, c. 1970.

**Photo No. 4:** East oblique. Camera facing west, tax photo, c. 1937.

# HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

## 1 IDENTIFICATION

Name of Property:

Address: 569 Park Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-82

Current Owner Name: Jean & Read Carlan

Parent Parcel(s):

Current Owner Address: PO Box 982, Park City, Utah 84060

Legal Description (include acreage): LOTS 17 & 18, BLK 5 PARK CITY SURVEY; 0.09 ACRES.

## 2 STATUS/USE

### Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

### Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

### Reconstruction

- Date:
- Permit #:
- Full  Partial

### Use

Original Use: Residential  
Current Use: Residential

\*National Register of Historic Places:  ineligible  eligible  
 listed (date: )

## 3 DOCUMENTATION

### Photos: Dates

- tax photo:
- prints:
- historic: c.

### Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

### Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn Maps
- obituary index
- city directories/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

*Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.*

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah:

University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

## 4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Bungalow

No. Stories: 1

Additions:  none  minor  major (describe below) Alterations:  none  minor  major (describe below)

Number of associated outbuildings and/or structures:  accessory building(s), # \_\_\_\_;  structure(s), # \_\_\_\_.

General Condition of Exterior Materials:

- Good (Well maintained with no serious problems apparent.)

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation

Date: 12-2008



Fair (Some problems are apparent. Describe the problems.):

Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):

Uninhabitable/Ruin

**Materials** (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Foundation: Tax cards indicate a concrete foundation.

Walls: Ship-lap siding

Roof: Gable on hip roof form sheathed in asphalt shingles.

Windows/Doors: Paired casement on primary façade.

Essential Historical Form:  Retains  Does Not Retain, due to:

Location:  Original Location  Moved (date \_\_\_\_\_) Original Location:

**Design** (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame bungalow type house has undergone significant modifications over time with the most recent alterations successfully restoring many of the original historical elements. The 1907 Sanborn Insurance map suggests a cross-wing house form with a full front porch and projecting bay. However, the current structure appears to have replaced what is seen on the 1907 map. The 1929 Sanborn Insurance map was not consulted as part of this assessment and may provide additional information. The earliest photograph--the tax photo--shows a bungalow with low-pitched hipped roof and deep full-width front porch. The 1957 tax card suggests the bungalow form was intact in that year. By 1968, however, the house had been modified into a moderately pitched gable with a partial-width recessed porch. Both the 1968 tax card and a c. 1970 photograph show the changes. Prior to 1995, the roof was modified again to a gable-on-hip form which served to restore the deep full-width porch seen on the original bungalow. Though the gable-on-hip is not a common roof form in Park City, it is compatible with the roof types of the mining period. Windows have also been modified significantly. The windows on the primary façade are not visible in the tax photo, but were likely a three part window with a large center single-light fixed pane flanked by narrow fixed casement windows. The current windows are large horizontally oriented openings with paired lights. The changes to the structure are significant and although an effort has been made to restore many of the original bungalow elements of the house, the overall changes diminish the site's original character.

**Setting** (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has not been altered from what is seen in early photographs.

**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Though efforts have been successful in restoring many of the historical elements, much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

**Feeling** (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

**Association** (Describe the link between the important historic era or person and the property.): The bungalow was a common house type built in Utah during the early twentieth century; however, the extent of the alterations to the main building diminishes its association with the past.

The extent and cumulative effect of alterations to the site render it ineligible for listing in the National Register of Historic Places. The site, however, retains its essential historical form and meets the criteria set forth in Chapter 15-11 for designation as a Significant Site.

## 5 SIGNIFICANCE

Architect:  Not Known     Known: (source: )

Date of Construction: c. 1923<sup>1</sup>

Builder:  Not Known     Known: (source: )

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

### 1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.<sup>2</sup>

2. **Persons** (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. **Architecture** (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

## 6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

**Photo No. 1:** Northeast elevation. Camera facing southwest, 2006.

**Photo No. 2:** East oblique. Camera facing west, 1995.

**Photo No. 3:** Northeast elevation. Camera facing southwest, c. 1970.

**Photo No. 4:** East oblique. Camera facing west, tax photo.

<sup>1</sup> Summit County Recorder.

<sup>2</sup> From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

3. The site at 1406 park Avenue does not comply with the criteria set forth in Title 15-11-10(A)(2) and therefore the Site is not a Significant Site pursuant to Title 15-11-10.

### **569 Park Avenue – Determination of Insignificance (Application #PL-09-00846)**

Dina Blaes noted that the Staff recommendation was to remove 569 Park Avenue from the Historic Sites Inventory. Background information was contained in the Staff report. Ms. Blaes clarified that this request was prompted by a comment from Sandra Morrison at the Park City Historical Society and Museum. Ms. Morrison raised the concern that the site did not meet the criteria because of extensive changes to the roof that had taken place outside of the historic period. Ms. Blaes remarked that Ms. Morrison was correct and clarified that it was an oversight on the part of the Staff. The site was not appropriately assessed based on the available information and should not have been adopted on the original HSI.

Ms. Blaes noted that the Staff had not appropriately take into consideration the tax card information, as well as earlier photographs and the progression of photographs. That information was provided in the Staff report and was used in the Staff Analysis, as well as the findings of fact and conclusions of law.

The Staff recommended that the HPB remove 569 Park Avenue from the Historic Sites Inventory based on the findings of fact and conclusions of law.

Ms. Blaes stated that although the site does not meet the framework and criteria in the Land Management Code, it was still a successful rehabilitation. Many of the bungalow elements were returned and it was unfortunate that the hip roof was not brought back.

Chair Durst opened the public hearing.

There was no comment.

Chair Durst closed the public hearing.

**MOTION:** Board Member McFawn made a motion to remove the structure at 569 Park Avenue from the Historic Inventory Site, in accordance with the Findings of Fact and Conclusions of Law outlined in the Staff report. Board Member Opalek seconded the motion.

**VOTE:** The motion passed unanimously.

Findings of Fact – 569 Park Avenue

1. The property at 569 Park 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 from field visits and several secondary sources.
3. A concern about the site's compliance with the criteria for designation as a Significant Site was raised by the Park City Historical Society and Museum to Staff after February 2009.
4. The additional information considered in making the evaluation consists of the original building cards dated 1949 through 1968, which indicate a change to the pitch of the main roof of the primary façade was made after the Period of Historic Significance (1869-1929). The roof was originally built as a hipped structure, but was altered between 1958 and 1968 to the low-pitched gable and was further modified in the 1990s to the gable-on-hip that is extant today.
5. Because of the change to the pitch of the main roof of the primary façade, the site does not retain the physical characteristics that make it identifiable as existing in or relating to an important era in the past (the active mining era).
6. All findings from the Analysis section are incorporated herein.

#### Conclusions of Law – 569 Park Avenue

1. Information not previously considered in the designation of 569 Park Avenue as a Significant Site was appropriately considered after February 2009 when the HPB took formal action to designate the property to the Historic Sites Inventory.
2. The site at 569 Park Avenue does not retain the physical characteristics that identify it as existing in or relating to the mining era in Park City.
3. The site at 569 Park Avenue does not comply with the criteria set forth in Title 15-11-10(A)(2) and therefore the site is not a Significant Site pursuant to Title 15-11-10.

The meeting adjourned at 5:56 p.m.

Approved by \_\_\_\_\_  
Roger Durst, Chair  
Historic Preservation Board

April 6, 2015

Attn: Park City Planning Department  
Park City Historic Preservation Board

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RE: 569 Park Ave

To Whom it May Concern

My name is Sandra Morrison, and I am the Executive Director of the Park City Historical Society & Museum.

A few years ago, I became aware that the historic house at 569 Park Ave. was not listed on the City's Historic Site Inventory (the "HSI"). I was puzzled, since I had thought that house was listed on the HIS when it was adopted in 2009. Our organization believes this house is historically significant and was included in the Park City Museum's Annual Historic Home Tour in 2005 and again in 2012.

Our research shows that this house was built around 1923 and in our opinion retains its essential historic character and form. I am also aware that that the house at 569 Park Ave. received historic preservation grants from the City during its restoration in the 1980's and our organization gave this home a Historic Preservation Award in 1988.

Imagine my surprise when I recently learned that in April of 2010 the house at 569 Park Ave. was the subject of a hearing before the Historic Preservation Board at which time it was removed from the HSI. Even more surprising, upon reading the staff report, I was cited as having initiated removal of 569 Park Ave. from the HSI.

An August 24, 2009 email from City Consultant Dina Blaes and Planning Director Thomas Eddington mentioned 569 might come up for review by the HPB (which recognition surely makes me an "interested party"?) but I never received any notice of the April 2010 hearing nor of the resulting decision to remove the house at 569 Park Ave. from the HSI.

Reviewing my email of August 21, 2009, I was not asking to remove 569 Park Ave. from the HSI (as suggested by the staff report). Instead, I was urging the city to include another historic home on the HIS. My email clearly states the Park Ave. house was among a number of historic homes appropriately listed on the HIS even though the roof pitch had changed and urged the city to likewise include 1027 Woodside.

Had I known of the staff's application to remove 569 Park Ave. from the HIS, I would have attended the meeting and spoken in opposition to de-listing. I believe removal of this historic house from the HSI was in error, and occurred without any notification to the Park City Historical Society & Museum.

I urge the Planning Department and the HPB to reconsider and reverse its April 2010 action, and to relist the house at 569 Park Ave. as historically significant on the City's Historic Site Inventory.

Sincerely,

  
Sandra Morrison  
Executive Director

**From:** John Plunkett <john@plunkettkuhr.com>  
**Sent:** Monday, April 06, 2015 10:08 AM  
**To:** Francisco Astorga  
**Cc:** Linda Cox; John Browning  
**Subject:** Requesting a new hearing on historic sites inventory for 569 Park Avenue  
**Attachments:** CoxRe569 Park Ave-.docx; ATT00001.txt; BrowningRe569 park ave .docx; LeeRe569ParkAve.pdf; ATT00002.txt

Hi Francisco,

I hope this finds you well and busy. Please direct this email to the right planner (if it's not you).

— John

\* \* \* \* \*

Re: 569 Park Avenue — Historic Sites Inventory

Dear Planning Department:

My neighboring property owners Linda Cox (575 Park Ave) and John Browning (561 Park Ave) recently learned that the house between them, at 569 Park Avenue, was taken off the historic sites inventory in 2010. They asked a member of the HPB about it, who said they should communicate their concerns directly to the Planning Department, to schedule a rehearing on the matter before the HPB.

Linda, John and I believe that the 2010 hearing was based on incorrect and incomplete information. Also, as the adjacent neighbors, they and I (557 Park Ave) should have received notice of a hearing so we could attend, but none of us did. There should also have been a notice posted on the property but we did not see one. For all these reasons we request a new hearing to correct the record, and place 569 Park Ave back on the Historic Sites Inventory as Contributing, just as it used to be listed.

Please see the attached letters from Linda Cox and John Browning for more detail. They are second-home owners and have asked me, as a full-time resident, to represent their interests at any meetings or hearings regarding this matter.

Also please see the attached letter from long-time Park City resident Tim Lee, for additional information that was not included in the 2010 hearing. Tim owned 569 Park for several years and received a Historic Preservation Grant to restore it in 1988. Tim was encouraged by the Planning Department to build a new front porch to replicate the one seen in historic photos, and won the Historic Preservation Award for his efforts.

We'd all greatly appreciate it if the Planning Department could respond to this email in the near future, and schedule a rehearing on 569 Park for the next HPB meeting.

Thank-you for your consideration, and we look forward to hearing back from you soon.

Sincerely,

John Plunkett, for Linda Cox and John Browning

Attachments: Letters from Linda Cox, John Browning, Tim Lee

**575 Park Ave**

Park City Planning Department

29 March 2015

*Re: 569 Park Ave*

To Whom It May Concern:

I am the owner of 575 Park Ave since 2002. It has recently come to my attention that in April of 2010 the City's Historic Preservation Board held a meeting at which the historic house at 569 Park Ave was removed from the City's Historic Sites Inventory, which I believe is in error.

I live next door and should have received a notice of the proposal and hearing to remove 569 Park Ave from the City's Historic Site Inventory, which I did not. If I had received notice, I would have opposed the action.

I am very concerned as to what will be going in between two designated historic house, mine at 575 Park Ave and 561 Park Ave. The historic integrity of the street directly impacts my home and its value.

I look forward to hearing from you in due course.

Sincerely,

Linda Cox  
Owner 575 Park Ave



**John Browning**

Park City Planning Department

5 April 2015

Re: Historical Status of 569 Park Ave

Dear Sirs and Madams:

I am writing to express my concern about the removal of 569 Park Avenue from the Park City Historic Sites Inventory. I own 561 Park Avenue, the yellow house next door. I bought the house in April 2010. I understand that 569 Park Avenue was removed from the Inventory at a meeting in that month. I never received notice that such a move was under consideration. Nor did John Plunkett, who sold me 561 Park Avenue and still owns and is resident at 557 Park Avenue.

I am surprised that the City removed 569 Park Avenue from the Historic Sites Inventory. It was restored as an historic house – I believe with a grant specifically earmarked for that purpose. It is at the center of what is probably one of the longest continuous stretches of historic buildings left in Park City. It has been displayed as an historic house in several of the yearly historic district tours.

Had I known that the City was considering removing 569 Park Avenue from the Historic Sites Inventory, I would have objected. I'd like to take the opportunity to do so now. Apart from the potential effect on my own property values and quiet enjoyment of my property, it seems incomprehensible that the City would not wish to

**John Browning**

do all it can to preserve such a large and well-cared-for section of historic houses so close to downtown.

I hope that you will be able to reverse what seems to have been a mistaken and misguided decision. I look forward to hearing from you on this matter.

With best regards,

A handwritten signature in blue ink that reads "John Browning". The signature is written in a cursive style with a large, stylized "J" and "B".

John Browning

**Tim Lee** PO Box 1402, Park City, Utah 84060

Attachment to John Plunkett's  
April 7, 2015 Email

**April 2, 2015**

Attn: Park City Planning Department  
Park City Planning Commission  
Park City Historic Preservation Board

**Re: 569 Park Avenue**

To Whom It May Concern:

My name is Tim Lee. I was the owner of 569 Park Avenue for 18 years, from 1986 to 2004. I am sorry to learn that the house was recently removed from Park City's historic register — I worked very hard with the PC Planning Department and Historic District Commission in 1988 to restore the house and place it onto the register. (The house was built in 1925 by the owners of the Claimjumper Hotel, as their residence).

In 1988 I applied for and received one of the City's first Historic Preservation Grants, for the then—maximum amount of \$5,000. The Planning Department and the HDC encouraged me to work from historic photos to replicate the appearance of the original front porch that had been framed in.

The restored house received one of the first Historic Preservation Awards, in 1988. Since then the house has been included in at least three of the PC Hist Society's annual walking tours, as recently as 2012.

Because the original porch had been filled in to enlarge the living space, it was necessary to add an addition to the original roof in order to build the current porch, but all the original roof framing was discovered during restoration, and still exists in the attic behind the new, wood-shingled roof that I built.

I hope the house will be returned to the PC Historic register, to uphold the work and financial investment of Park City's earlier Planners and Historic District Commissioners (and mine!).

Through this work, and the work of many others over several decades, the west side of upper Park Avenue has become the longest, best preserved and well-maintained collection of Historic Buildings in all of Park City (ten buildings, including seven homes, one school, one church and one boarding house, all side-by-side).

It would be a shame to break up this unique collection of buildings, all of which range from 85 to 130 years old. If these aren't worth saving then what is the purpose of our Historic District Designation, and the Historic Preservation Grant program?

Thanks for your consideration,



**Tim Lee**

**From:** John Plunkett <john@plunkettkuhr.com>  
**Sent:** Tuesday, April 07, 2015 10:41 AM  
**To:** Anya Grahn  
**Cc:** Linda Cox; John Browning  
**Subject:** 569 Park Avenue - Request for new HPB hearing re: 2010 DOS  
**Attachments:** CoxRe569 Park Ave-.docx; BrowningRe569 park ave .docx; ATT00001.txt; LeeRe569ParkAve.pdf; ATT00002.txt

Dear Ms Grahn,

I understand from Francisco Astorga that our email and letters below should be sent to your attention.

To summarize, We are requesting that the Planning Department and the HPB examine new evidence at the next HPB meeting, to reinstate 569 Park Ave to the Historic Sites Inventory.

We believe there is new evidence from both the previous owner Tim Lee, regarding his Historic Grant and 1988 work with the Planning Dept, and Sandra Morrison, regarding the 2010 hearing. Tim Lee's letter is attached, and I believe Sandra is sending you a separate letter.

We appreciate your assistance in this matter and look forward to hearing back soon,

Sincerely,

John Plunkett

\*\*\*\*\*

April 6, 2015

Re: 569 Park Avenue — Historic Sites Inventory

Dear Planning Department:

My neighboring property owners Linda Cox (575 Park Ave) and John Browning (561 Park Ave) recently learned that the house between them, at 569 Park Avenue, was taken off the historic sites inventory in 2010. They asked a member of the HPB about it, who said they should communicate their concerns directly to the Planning Department, to schedule a rehearing on the matter before the HPB.

Linda, John and I believe that the 2010 hearing was based on incorrect and incomplete information. Also, as the adjacent neighbors, they and I (557 Park Ave) should have received notice of a hearing so we could attend, but none of us did. There should also have been a notice posted on the property but we did not see one. For all these reasons we request a new hearing to correct the record, and place 569 Park Ave back on the Historic Sites Inventory just as it used to be listed.

Please see the attached letters from Linda Cox and John Browning for more detail. They are second-home owners and have asked me, as a full-time resident, to represent their interests at any meetings or hearings regarding this matter.

Also please see the attached letter from long-time Park City resident Tim Lee, for additional information that was not included in the 2010 hearing. Tim owned 569 Park for several years and received a Historic Preservation Grant to restore it in 1988. Tim was encouraged by the Planning Department to build a new front porch to replicate the one seen in historic photos, and won the Historic Preservation Award for his efforts.

We'd all greatly appreciate it if the Planning Department could respond to this email in the near future, and schedule a rehearing on 569 Park for the next HPB meeting.

Thank-you for your consideration, and we look forward to hearing back from you soon.

Sincerely,

John Plunkett, for Linda Cox and John Browning

Attachments: Letters from Linda Cox, John Browning, Tim Lee

**From:** John Plunkett <john@plunkettkuhr.com>  
**Sent:** Friday, June 05, 2015 3:53 PM  
**To:** Anya Grahn  
**Cc:** Linda Cox; John Browning; Sandra Morrison  
**Subject:** Re: 569 Park Avenue - Request for new HPB hearing re: 2010 DOS

Dear Anya,

This Monday it will be more than 60 days since we wrote requesting that this item be brought before the HPB.

Since this is not a routine DOS request, but an effort by all concerned to correct errors that were made in the previous 2010 hearing, we respectfully request that the Planning Department act quickly, at the next HPB meeting.

Until the previous DOS is corrected and this home is placed back on the Historic Register, the danger exists that this 80 year-old home, that received a 1988 Historic Preservation Grant and Award, can be demolished.

We've already lost three historic Park Avenue buildings this year — Please don't let a fourth be lost through benign neglect.

I hope that you can confirm that our concerns will be addressed in a public hearing at the next HPB meeting.

Thank you,

John Plunkett, for Linda Cox and John Browning (adjacent neighbors to 569 Park Ave)

> On Apr 16, 2015, at 12:21 PM, Anya Grahn <[anya.grahn@parkcity.org](mailto:anya.grahn@parkcity.org)> wrote:

>

> I apologize to all of you that I have not responded sooner, but I do want to thank you for sharing your concerns for 569 Park Avenue. It is on my to-do list, and we are working together internally to determine the best direction for this project. I will keep you all posted on our progress.

>

> Thanks you so much,  
> Anya Grahn

>

> -----Original Message-----

> From: John Plunkett [mailto:[john@plunkettkuhr.com](mailto:john@plunkettkuhr.com)]

> Sent: Tuesday, April 07, 2015 10:41 AM

> To: Anya Grahn

> Cc: Linda Cox; John Browning

> Subject: 569 Park Avenue - Request for new HPB hearing re: 2010 DOS

>

> Dear Ms Grahn,

>

> I understand from Francisco Astorga that our email and letters below should be sent to your attention.

>

> To summarize, We are requesting that the Planning Department and the HPB examine new evidence at the next HPB meeting, to reinstate 569 Park Ave to the Historic Sites Inventory.

>

> We believe there is new evidence from both the previous owner Tim Lee, regarding his Historic Grant and 1988 work with the Planning Dept, and Sandra Morrison, regarding the 2010 hearing. Tim Lee's letter is attached, and I believe Sandra is sending you a separate letter.

>

> We appreciate your assistance in this matter and look forward to hearing back soon,

>

> Sincerely,

>

> John Plunkett

>

> \*\*\*\*\*

>

> April 6, 2015

>

> Re: 569 Park Avenue -- Historic Sites Inventory

>

> Dear Planning Department:

>

> My neighboring property owners Linda Cox (575 Park Ave) and John Browning (561 Park Ave) recently learned that the house between them, at 569 Park Avenue, was taken off the historic sites inventory in 2010. They asked a member of the HPB about it, who said they should communicate their concerns directly to the Planning Department, to schedule a rehearing on the matter before the HPB.

>

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>

> Please see the attached letters from Linda Cox and John Browning for more detail. They are second-home owners and have asked me, as a full-time resident, to represent their interests at any meetings or hearings regarding this matter.

>

> Also please see the attached letter from long-time Park City resident Tim Lee, for additional information that was not included in the 2010 hearing. Tim owned 569 Park for several years and received a Historic Preservation Grant to restore it in 1988. Tim was encouraged by the Planning Department to build a new front porch to replicate the one seen in historic photos, and won the Historic Preservation Award for his efforts.

>

> We'd all greatly appreciate it if the Planning Department could respond to this email in the near future, and schedule a rehearing on 569 Park for the next HPB meeting.

>

> Thank-you for your consideration, and we look forward to hearing back from you soon.

>

> Sincerely,

>

> John Plunkett, for Linda Cox and John Browning

>

> Attachments: Letters from Linda Cox, John Browning, Tim Lee

>

Planning Department  
435-615-5061



**From:** Sandra Morrison <smorrison@parkcityhistory.org>  
**Sent:** Tuesday, July 21, 2015 5:13 PM  
**To:** Francisco Astorga  
**Cc:** Anya Grahn; Polly Samuels McLean; 'John Plunkett <john@plunkettkuhr.com> (john@plunkettkuhr.com)'; Jack Thomas; Richard Peek; Cindy Matsumoto; Bruce  
**Subject:** New evidence regarding Historic significance of 569 Park Ave  
**Attachments:** Scan Jul 21, 2015, 4\_35 PM.pdf; 569 Park Ave letter.pdf

Francisco

As you know, the planning department already has the new evidence provided by Tim Lee in his declaration from April 2015 - that the original roof still exists at 569 Park Ave under the current roof. Therefore, per 15-11-10 (A) (2) (b) (i): the pitch in the main roof of the primary façade has not been changed but only covered by an addition (funded with an Historic Preservation Grant).

Please find attached further new evidence that this addition to the roof is per 15-11-10 (A) (2)(a) at least fifty (50) years old. The attached scan of the Tax Appraisal card from 11-29-1957 (original available at the Park City Museum) showing the original hip roof type with hand written notation that the property was re-appraised Nov 3 1958 due to an addition to the front of the house. Subsequent tax appraisals show this addition as an enclosure of the front porch and extension of the roof into a gable roof type.

Neither of these two pieces of evidence were considered in 2010 when planning staff recommended to HPB to remove this house from the Historic Sites Inventory. Had this evidence been researched and included, there would have been no justification to remove this historic house at that time.

Had I been notified of the 2010 HPB meeting and the proposed removal of 569 Park Ave from the HSI, I would have researched and presented this evidence at that time (please see my attached letter from April 6 2015).

I understand the Planning department is currently re-evaluating the historic significance of 569 Park Ave. Please let me know if you require additional information and please advise me if and when there will be a public hearing on this matter. I trust the Planning staff will resolve the historic status of 569 Park and not approve any demolition until a public hearing at HPB can be held.

Thank you for your consideration in this matter. I look forward to your timely response.

Sandra Morrison  
Park City Historical Society & Museum

**From:** Sandra Morrison <smorrison@parkcityhistory.org>  
**Sent:** Tuesday, July 21, 2015 5:25 PM  
**To:** Francisco Astorga  
**Cc:** Anya Grahn; Polly Samuels McLean; Jack Thomas; Cindy Matsumoto; Richard Peek; 'John Plunkett' <john@plunkettkuhr.com> (john@plunkettkuhr.com); Bruce  
**Subject:** Consultants Survey for 569 Park Ave  
**Attachments:** 569 Park Avenue PC-82 Site Form 10-08.pdf

Francisco

I'm assuming you already have the attached Intensive Level Survey dated November 2014 from CRSA architect, consultants the city hired to survey all the historic properties not on the Historic Sites Inventory. As you can see from the attached site form — they determined back in November that 569 Park Ave is an Historically Significant Site.

Please let me know if you need any further information regarding the Historic Significance of 569 Park Ave. I'm happy to provide any additional research or assistance.

Thank you  
Sandra Morrison  
Park City Historical Society & Museum

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**From:** John Ewanowski [mailto:jewanowski@crsa-us.com]  
**Sent:** Tuesday, June 16, 2015 8:25 AM  
**To:** Sandra Morrison  
**Subject:** RE: Deliverables

Sandra,  
I have attached the HSI we did for 569 Park, which was not part of our ILS contract. It appears to have been built around 1917 by Deighton Dunn.  
Thanks,  
John

John Ewanowski, Assoc. AIA  
Architectural Assistant / Designer



CRSA  
Architecture • Planning • Design

649 East South Temple  
Salt Lake City, Utah 84102  
801-746-6820 Direct  
801-355-5915 Office (x120)  
801-355-9885 Fax  
[www.crsa-us.com](http://www.crsa-us.com)  
[jewanowski@crsa-us.com](mailto:jewanowski@crsa-us.com)

July 22, 2015

Anya Grahm  
Park City Planning Department  
445 Marsac Avenue  
Park City, UT

Dear Ms. Grahm:

Park City Municipal Corporation contracted with our company, Cooper Roberts Simonsen Architects (CRSA), to investigate the historical integrity of the house at 569 Park Avenue in Park City, Utah. While our initial recommendation to add the house to the Park City Historic Sites Inventory (HSI) was based on historic research and similar precedents in the city, we failed to take the previous removal of the site from the HSI around 2010 into account. Unfortunately, the prior removal of the property from the HSI means that it can no longer be considered for inclusion in the HSI. We have found no further evidence to suggest that the removal of the property from the HSI was unwarranted, as this decision was based primarily on a change to the roof form of the house from a hipped roof to a Dutch gabled roof. Further minor alterations have included the complete removal of the brick chimney on the south façade, adding a center post to the front porch, raising the front porch guard rail height, and covering a small window on the south façade. While these tasteful changes have not dramatically altered the form of the house from its 1920s bungalow expression, they have meant that the house no longer meets local criteria for "significant" designation and thus exclusion from the HSI.

Sincerely,



John Ewanowski  
Architectural Assistant / Designer

**From:** John Plunkett <john@plunkettkuhr.com>  
**Sent:** Monday, July 27, 2015 2:06 PM  
**To:** Anya Grahm  
**Cc:** Sandra Morrison; Hope Melville; Ruth; Linda Cox; John Browning; Polly Samuels  
McLean; Bruce Erickson  
**Subject:** Re: 569 Park Avenue

Thanks for this response to our April letter and May/June followups Anya,

However several problems with the 2010 hearing, as we wrote in April, still remain unresolved:

— Sandra Morrison, whose opinion is quoted and was used as the basis of the staff determination, was not invited to the hearing and did not receive notice of it. Sandra has written you to state that she was misquoted at the hearing, and would have argued to keep the house on the Hist inventory, if she knew that the hearing was taking place.

— No Park Avenue residents, including the adjacent neighbors, received any notice of the administrative hearing. None of us saw any notice posted on the house either. If we had we would surely have attended the hearing. You state that the time to appeal has passed, but how can Park City homeowners appeal a hearing we never knew took place?

— The hearing minutes display no knowledge of the 1988 Historic Preservation Grant that Tim Lee received to restore the house. As he has written you, the original roof framing still exists beneath the new facade, for a future owner who might prefer to restore the original roof shape.

— We understand that in June you received a new report from CRSA, recommending that the house be placed back on the Hist Sites Inventory. Please confirm whether this is so, and if so did CRSA recommend that it be listed as Contributory or Significant?

As property owners who have all been deeply invested in Park City's historic district for many years, we expect the City to likewise Preserve Historic, 92-year old homes like 569 Park Avenue. This is a black & white issue: Either the City preserves historic homes and therefore has a viable Historic District, or the City allows their demolition, and should therefore lose the Federal Historic District designation. That would be a shame, but the City is clearly headed in the wrong direction with the three Park Ave demolitions this year and now a potential fourth with 569 Park.

At least in the three previous demolitions, the stated goal was to rebuild the historic structures. But in this case the goal is to demolish an historic home to make room for two new houses! How can this possibly be in keeping with Park City's goals for its Historic District?

We repeat our earlier request now as a demand: Since none of the affected parties, namely Sandra Morrison and adjacent homeowners John Browning and Linda Cox, had any knowledge of the 2010 hearing, the hearing was invalid as a result of the failed public noticing — A new hearing needs to be scheduled and noticed asap, to both correct the mistakes and omissions in the first hearing, and to give all affected parties an opportunity to finally provide Public Input.

It is not too late to correct this terrible, 2010 collection of mistakes. As John Kennedy said, “An error in judgement does not become a mistake unless you refuse to correct it.”

Sincerely,

John Plunkett (557), for John Browning (561) and Linda Cox (575) Park Avenue

On Jul 27, 2015, at 12:01 PM, Anya Grahn <[anya.grahn@parkcity.org](mailto:anya.grahn@parkcity.org)> wrote:

All,

Thank you so much again for sharing your concern about the historic designation of 569 Park Avenue with the Planning Department. As you may recall, the City had initially designated this site as “Significant” on our Historic Sites Inventory, which was adopted in February 2009. During the following year, concerns were raised that the structure did not meet the criteria for Significant, as outlined in Land Management Code (LMC) 15-11-10, due to changes in the original roof form on the primary façade. Staff submitted an application requesting the Historic Preservation Board review the designation of 569 Park Avenue and remove the site from the inventory in accordance with Land Management Code (LMC) 15-11-10(C). The tax card showed that changes had been made to the pitch of the main roof form on the primary façade after the period of historic significance, the Mature Mining Era (1894-1930). The Historic Preservation Board reviewed the criteria for removal and the evidence regarding the site and voted to remove the site from the Historic Sites Inventory on April 7, 2010. I have attached the staff report for your review.

Clearly, the time to appeal the Board’s decision has long passed, and because the condition of the building has not changed, we are legally unable to re-review the historic designation of 569 Park Avenue. The decision of the 2010 Board was a final decision under the LMC. Because this house is not listed on the Historic Sites Inventory (HSI), it is not protected from demolition.

While we all appreciate the aesthetics of this house and its contribution to the streetscape on Park Avenue, we also need to be cognizant of only including those properties that meet the criteria listed in the Land Management Code for designation on the Historic Sites Inventory. Incorporating additional sites that do not meet this criteria, weakens the legitimacy of our program.

Again, I thank you for your concern for this property. I look forward to working with all of you as we update the Historic Sites Inventory following CRSA’s completion of their intensive level survey.

Sincerely,

Anya Grahn  
Historic Preservation Planner  
Park City Planning Department  
435.615.5067  
[anya.grahn@parkcity.org](mailto:anya.grahn@parkcity.org)

<PL-09-00846 596 Park Avenue - HPB Report 4.7.10.pdf>

**From:** John Stafsholt <jstafsholt@aps-tech.com>  
**Sent:** Monday, August 10, 2015 12:53 PM  
**To:** Adam Strachan; Nann Worel; Melissa Band; Douglas Thimm; John Phillips; John Phillips; Steve Joyce  
**Cc:** Anya Grahn  
**Subject:** FW: 569 Park Ave (previous example of single Landmark structure & subdivision allowed)  
**Attachments:** 811 Norfolk PC Historic Inventory.pdf

Dear PC Planning Commissioners,  
Here is the email 1 of 2 that I sent to the PC Elected Officials after last Thursday's meeting (as requested).  
Highest Regards,  
John

---

**From:** John Stafsholt  
**Sent:** Friday, August 07, 2015 1:37 PM  
**To:** 'jack.thomas@parkcity.org' <jack.thomas@parkcity.org>; 'andy@parkcity.org' <andy@parkcity.org>; 'tim.henney@parkcity.org' <tim.henney@parkcity.org>; 'cindy.matsumoto@parkcity.org' <cindy.matsumoto@parkcity.org>; 'liza@parkcity.org' <liza@parkcity.org>; 'richard.peek@parkcity.org' <richard.peek@parkcity.org>  
**Subject:** 569 Park Ave (previous example of single Landmark structure & subdivision allowed)

Dear PC elected officials,

811 Norfolk is a very compelling example of what could be in store for the beautiful Upper Park Avenue neighborhood, if 569 Park is allowed to be demolished. 569 Park will be a worse situation than 811 Norfolk because neither future structure will be historic in any way.



811 Norfolk Landmark Historic bldg. Single building sitting on one large lot.  
2000's era picture of House built circa 1911.  
(See PC Historic Sites Inventory attached)



Landmark house allowed to be moved. Then lot subdivision allowed by PC. Now 2 houses and a garage on site where there was one house & garage. 8/7/15 photo.

This is the same request as 569 Park, but both new houses on Park Ave will be newer style, possibly more similar to the dark brown structure on right.

Impact to neighborhood?





BERKSHIRE HATHAWAY  
HomeServices  
Utah Properties

A Truly Unique And Rare Opportunity Awaits!



Next Door 823 Norfolk Landmark Structure now for sale. 8/7/15.

Did construction at 811 Norfolk and increased density possibly influence this decision by a long time permanent resident to move?

I don't know?

But it certainly has influenced many other residents to move out of Old Town.

Maybe the example of 811 Norfolk next door, with a huge expansion of a Landmark Structure could influence a buyer to believe that the house value of 823 Norfolk could be greatly increased by another potentially large expansion of a landmark building.

Either way, losing these neighbors is a loss to the neighborhood.



**BERKSHIRE HATHAWAY**  
HomeServices  
Utah Properties



Next door 627 Norfolk Historically Significant also for sale now. 8/7/15  
Coincidence? Maybe?

But, any way you look at it, a disruption to the fabric of the beautiful historic neighborhood of Upper Park Avenue will have a negative ripple effect. This type of change will be repeated up and down the street and it is forever. Please give this issue the attention that it merits.

Respectfully submitted,

## **John Stafsholt**

Sales Director, Western Region

☎: 403-615-9605 cell Canada

☎: 435-513-2933 cell USA

☎: 403-455-7004 office Canada

✉: [jstafsholt@aps-tech.com](mailto:jstafsholt@aps-tech.com)

Web: [www.aps-tech.com](http://www.aps-tech.com)

### **CONFIDENTIALITY NOTICE:**

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**Winter & Company**

Urban Design | Historic Preservation  
1265 Yellow Pine Avenue  
Boulder, CO 80304  
303.440.8445  
[www.winterandcompany.net](http://www.winterandcompany.net)

August 6, 2015

Mr. John Plunkett  
Park City, Utah

Dear John:

You have asked that I comment on the potential impacts that may occur from the loss of a historic structure in one of the historic districts in Park City. You have also asked that I provide my opinion about the historic significance of the property at 569 Park Avenue, which I understand will be the subject of a City Council meeting on August 6, 2015. I regret that I have a business trip scheduled for that time, so I cannot attend the hearing in Park City, therefore I am writing this letter.

Park City holds a special place in the history of the development of America, in terms of its association with early prospectors who came through while working on the Transcontinental Railway and the subsequent mining era that ensued. It is valued locally, as well as at the state and national levels. Each "contributor" is a part of that story, and cannot be replaced. Once lost, it is gone forever.

**My Experience in Preservation**

I provide these comments based on my experience over more than thirty years in historic preservation, urban design and planning across the country, and in particular in the historic mining towns of the Rocky Mountain West. I developed the original set of design guidelines for Park City several years ago and, while they have subsequently been replaced by a newer version, I recognize principles in the current guidelines that appeared in the original document. I still hold fond memories of the community and of its heritage and remember the historic districts and how important they are to the town's identity, its heritage and its economy.

We've also developed preservation-based design guidelines for other historic mining towns, including Aspen, Telluride, Crested Butte, Breckenridge and Steamboat Springs in Colorado, as well as Truckee, CA, Silver City, ID and Rossland, BC. I can say that each of these towns recognizes the value that the contributing properties bring to their communities, especially in the current competitive mountain resort market.

In addition to these mountain communities, our preservation clients have included the cities of San Antonio and Galveston in TX, Pittsburgh, PA, Mobile, AL, West Palm Beach, FL, Pasadena, CA, Tacoma, WA, Memphis, TN and Denver, CO.

## Classification of Historic Resources in Park City

The term “contributing” is used nationally to describe those individual sites of historic value that combine to create a historic district. The concept is not that the buildings rated “contributing” are less significant than others that may be eligible for individual listing, but that these properties work together to create a “mis en scene,” helping to convey the character of a period of historic significance in the community. The loss of any of these diminishes the integrity of the district and impacts the ability to interpret the region’s heritage.

While Park City no longer uses the specific term, “contributor,” in its local Historic Resources Inventory, it is still employed in survey forms used by the National Park Service in its nominations for those districts in Park City that are listed in the National Register of Historic Places. In those nominations, properties are evaluated at two levels of significance: (1) Either being eligible for listing as a “contributor,” or (2) as being eligible for “individual” listing in the National Register. The latter category implies a higher level of significance and sometimes a higher degree of “integrity,” in terms of the extent to which a property retains those features that existed when it achieved historic significance.

For its local designations, Park City uses a two-tiered rating system for properties that is somewhat similar to the National Register classification. As I understand the city’s ordinance (Title 15 Land Management Code – Chapter 11), there are two categories for potential listing of historic properties: (1) “Significant Site” and (2) “Landmark Site.” These reflect differing degrees of integrity. The criteria used are essentially those for a “contributing” property in the National Park Service parlance.

## The Impacts of Losing a Contributor

You are indeed correct, in your concern about the loss of any “contributing” property in a historic district. These resources constitute the backbone of any historic district and provide the basis for understanding how a community began and evolved.

What may be the impacts from the loss of a contributing property? First, it diminishes the historic character of neighborhoods for residents and visitors. This affects quality of life as well as economic competitiveness. Many property owners will have invested in a district with an expectation of public trust, in that the city is committed for the long term to historic preservation and that the character of the neighborhood to which they have invested financially will retain its appeal. In cases where properties in the district may also be eligible for tax incentives, these owners rely upon the district retaining its integrity. They may have investment-based expectations based on their reliance upon the city’s continuity policy related to preservation.

This is particularly relevant in Park City where National Register districts exist (sometimes coinciding with local historic district zoning). In some other cases across the country, the Park Service has reduced the boundaries of National Register Districts when a loss of contributing structures has occurred. Such was the case in Telluride several years ago, where the National Register boundary was reduced due to a loss of contributing structures. This can mean that some property owners will be left out of a district where once they had relied upon being in it permanently.

## The Historic Significance of 569 Park Avenue

I have reviewed survey forms for 569 Park Avenue that date from 1978 and 2014. The first of these rated the property as a “non-contributor,” using a State of Utah inventory form, which reflects the National Park Service terms. The rating was explained as being because of an alteration to the roof form (at an undetermined date) and because the original wood siding was covered with metal siding.

The second survey form from 2014 re-evaluated the property and classified it as “Significant,” using the city’s rating terminology. That form noted that the original wood siding was then exposed, which presumably was sufficient to elevate the rating. It demonstrates that when inappropriate alterations are reversed, the status of a property can be elevated. This is relevant to the subject property today, where some alterations exist but could be reversed.

Even with those alterations in place, and when comparing it to others that remain on the city’s HRI, this property easily falls within the “Significant” category. It still retains its basic form, the primary building materials are visible, and key features, such as the porch survive. If this property is not significant, then it calls into question the rating for many other structures and begs the question of how such alterations, if they are inappropriate, have been permitted under the city’s design review process. In my professional opinion, this site retains its historic significance.

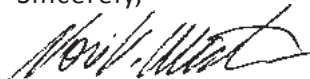
### Reversibility of later alterations

Reversibility of alterations is a concept that often is considered in preservation. While the building has lost some character-defining features, the degree to which it could be restored is a valid consideration. It’s the difference between actual loss of original material versus additions to the original that alter its perception. The front gable addition that exists on this house today is certainly removable; even so, there is a question of whether it really alters the character of the building to the degree that the property has lost its integrity. In my opinion, it does not.

The historic Sanborn Insurance Maps from various periods of Park City’s early years document the various stages of evolution that this particular property has experienced over time. Over the course of several decades during the period of historic significance for the city, this house experienced substantial changes in footprint, porch design and roof form, which demonstrates that change, within a reasonable range, is a part of its heritage.

As I present these observations on this property’s significance and the potential loss of a contributor to the community, I do so with great respect for Park City and for the volunteer members of boards and commissions who have helped protect the city’s heritage over the past decades. I know how important history is to the community and to the nation. As an American, I rely upon these trustees of our heritage to preserve this nationally significant place.

Sincerely,



Noré V. Winter

PARK CITY MUNICIPAL CORPORATION  
HISTORIC PRESERVATION BOARD  
MINUTES OF MARCH 2, 2016

BOARD MEMBERS IN ATTENDANCE: David White, Lola Beatlebrox, Cheryl Hewett, Puggy Holmgren, Hope Melville, Douglas Stephens, Jack Hodgkins

EX OFFICIO: Bruce Erickson, Anya Grahn, Hannah Turpen, Francisco Astorga, Polly Samuels McLean, Louis Rodriquez

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ROLL CALL

Chair White called the meeting to order at 5:04 p.m. and noted that all Board Members were present.

PUBLIC COMMUNICATIONS

There were no comments.

ADOPTION OF MINUTES

February 3, 2016

MOTION: Board Member Beatlebrox moved to APPROVE the minutes of February 3, 2016 as written. Board Member Stephens seconded the motion.

VOTE: The motion passed unanimously.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Planner Anya Grahn reported that she and Planner Turpen were working on public outreach regarding the Design Guideline Revisions. They plan to set up a webpage off the Park City Planning Department webpage to keep people informed of meetings and public outreach sessions, as well as to provide background on some of the proposed revisions.

Planner Grahn stated that the first community outreach would be to the design and building community on March 16<sup>th</sup> from 12:00-1:00 p.m. She and Planner Turpen will update the HPB on all public comments to be considered as part of the Design Guideline discussions. Planner Grahn remarked that because the outreach session is not a public meeting the HPB could not participate, but they were welcome to attend but keep silent.

Assistant City Attorney McLean explained that per the public meeting laws, if a quorum of HPB members attend and participate in a discussion they have purview over, it becomes a meeting. The public outreach sessions are not

intended to be public meetings per se. The Board members are entitled to attend to hear the comments but she requested that they listen and not participate.

Planner Grahn stated that the agenda items would be rearranged from their printed order. Prior to doing the determination of significance for 1259 Norfolk, 569 Park Avenue, and 1406 Park Avenue, the Staff wanted to first hold the work session on the Historic Sites Inventory Review to update the Board on why they were doing these reviews. It would provide the Board with an overview before they begin discussing the determinations of significance.

Board Member Melville referred to the Determination of Significance of 569 Park Avenue. She disclosed that her house is on that same block but she has no financial interest in that property or any other adjacent properties. Ms. Melville stated that in the past she has mentioned to the Planning Department that this structure should be evaluated for its historic significance. Ms. Melville understood that a new LMC applies to this determination and she believed she could fairly apply the new Code.

#### CONTINUATIONS (Public Hearing and Continue to Date Specified.)

1. 1055 Norfolk – Material Deconstruction and Significant Designation. The applicant is proposing a remodel restoration: raise the house, restore existing historic home, add basement and garage and rear addition.  
(Application PL-15-02827)

Director Erickson requested a continuance to April 6, 2016 in order for the Staff to further work with the applicant before preparing the Staff report.

MOTION: Board Member Holmgren moved to CONTINUE 1055 Norfolk Avenue until April 6, 2016. Board Member Stephens seconded the motion.

VOTE: The motion passed unanimously.

#### REGULAR AGENDA – Discussion and Possible Action

1450 Park Avenue – Relocation – Significant House. The applicant is proposing to relocate the existing historic house on its lot (Application PL-15-03029)

1460 Park Avenue – Relocation – Significant House. The applicant is proposing to relocate the existing historic house on its lot (Application PL-15-03030)

Planner Grahn stated that 1450 and 1460 Park Avenue were proposing to relocate on their existing lots. She noted that 1450 Park Avenue was proposing



VOTE: The motion passed unanimously.

Assistant City Attorney McLean stated that the item would be re-noticed since it was not continued to a date certain.

4. 569 Park Avenue – Determination of Significance  
(Application PL-15-02879)

Planner Grahn referred to the Sanborn map on page 128 of the Staff report which showed that the house was clearly a cross-wing form. However, by 1929 it was replaced by a rectangular bungalow with a full-width front porch. The Sanborn map on page 129 shows the same bungalow form still in existence. A historic tax photo shows a full-width front porch, a pyramid roof and definitely a cross-wing bungalow. Planner Grahn stated that outside of the historic period and after 1941 three significant alterations occurred to these homes. She presented a photo showing how the hip roof form was changed to a gable. Half of the full-width front porch was filled in. A portion of the porch was left but the windows were altered. Between 1990 and 1995 the roof form was changed again to a gable on a hip roof form. The recessed porch was completely filled in and they tried to re-create the look of the bungalow by adding back the full-width front porch. At that time square porch posts and a solid rail were added, which were reminiscent of the original bungalow but not based on photographic or physical evidence. Because of the way the tax photo was taken it is difficult to determine what kind of windows would have originally been on this site. Planner Grahn assumed they were either the Chicago style windows or possibly double-hung windows. However, they have been more recently placed by vinyl windows and sliders.

Planner Grahn reported that this structure was on the 2009 Historic Site Inventory. It was removed in 2010 because they found that the alterations to the roof form had occurred outside of the historic period. This house also received grant funds in 1988 for a re-roof, replacing trim and a stone walkway. Planner Grahn stated that because the City Council adopted the Land Management Code amendments that expanded the criteria for Significant, the Staff re-reviewed this property to see if it meets the designation for Significance.

Planner Turpen reported that the Staff has determined that this site does not qualify for a Landmark site because it would not be eligible for the National Register. However, the Staff finds that it meets the qualifications for a significant site because it is at least 50 years and it received a grant in 1988. Planner Turpen stated that the current building does not reflect the architectural style or design of the original house; however, the house is compatible with the scale, context and materials use historically. The gable and hip style roof reflects the historic and architectural character of the District through its design

characteristics. The original hip roof bungalow form has been transformed to a front gable on hip form, but the Staff finds that these alterations could be removed, in which case the historical form could be restored. Planner Turpen noted that the wall plans on the north and south are still in their original location despite out-of-period additions occurring to the east and west. The Staff finds that if these were removed the historic structure could be found beneath.

Planner Grahn stated that the structure meets the criteria for contributing to regional history in that it is associated with the Mature Mining Era based on its original date of construction.

Chair White opened the public hearing.

Bill Kershaw stated that he was one of the owners of 569 Park Avenue and Todd Simpson is the other owner. He and Mr. Simpson have been coming to Park City for 30 years and they started with a timeshare. As time progressed they eventually purchased the home at 569 Park Avenue in 2009 and the primary attraction was the double-wide lot. The double-wide lot was a selling point because they each have families and at the appropriate time they could split the lot and build two homes. The idea was to give their kids the opportunity to continue in this vein because they love to ski. Mr. Kershaw pointed out that when they were looking to purchase the property no one mentioned historic significance or that there was an HSI Inventory. Until recently, they were not even aware that the site has been listed in 2009 and de-listed in 2010. They have been good neighbors and the property is well-maintained. Mr. Kershaw stated that they intended to build on the lot and consulted with Jonathan DeGray in terms of what could be built. In April 2015 a house down the street was listed for sale and unbeknownst to them it triggered a flow of letters, which he only discovered today. He has been traveling and when he pulled the agenda electronically he saw the letters. Mr. Kershaw stated that neither he nor Mr. Simpson were copied on the letters nor informed that it was occurring. The neighbors were writing letters, the Staff was responding and Staff reports were being prepared. He was completely unaware until he received an email from Assistant City Attorney McLean telling him that the issue of Significance would be addressed by the City Council. At that point he discovered that their house had been listed as Significant and then de-listed as Significant. It was a major issue because it was a critical point in their long-held plans in terms of how to manage the property to accommodate their families.

Mr. Kershaw stated that they have always been concerned about the historical nature of Park City and he was frustrated that no one approached them to see if something could be worked out. Instead, there was a City Council meeting and an outpouring from the neighbors regarding 569 Park Avenue; and the Staff was directed to relook at the LMC in light of this issue to see what could be done. Mr. Kershaw noted that as the revamping started to occur the idea of a Contributor

category was raised as a catch-all for buildings that were not Significant. The Contributory category was explored and it was discussed at length by the Planning Commission. Mr. Kershaw believed that some of the comments were very telling with respect not only to Contributory, but it could be applied to the category of Significance as well. Mr. Kershaw read from the minutes of the October 14, 2015 Planning Commission meeting, "Commissioner Phillips noted that Staff reported that Contributory sites would be identified through a survey that was not yet completed." "Commissioner Joyce understood that someone interested in purchasing a historic house would know that the house was considered Contributory before buying it rather than finding out when they went to remodel or do an addition." "The 40 year issue was kind of a moving target." Mr. Kershaw stated that Contributory was not in existence when they purchased their property, but they also did not know about the Significance issue when they purchased. Mr. Kershaw continued to read from the minutes. "Commissioner Joyce thought the term Contributory was vague." Mr. Kershaw agreed that a lot of the language that has to do with Significant and Contributory is vague and ambiguous, and it is in the eyes of the beholder. "Commissioner Joyce noted that A-frames are part of the ski culture of Park City and pre-1975, but there is no interest in preserving those structure." "Director Erickson explained that ski-era buildings are Contributory in terms of mass and scale but not particularly for the design." "Commissioner Joyce was concerned about going down the path of preserving structures that were previously determined not worth saving." "Commissioner Phillips was concerned that the process left the door open for opinionate discretion." Mr. Kershaw reiterated that it is in the eyes of the beholder.

Assistant City Attorney McLean clarified that the issue for discussion this evening was not the history but rather the criteria and the historic fabric of the house. She recommended that the owner's comments pertain to what is being discussed as opposed to the intent of the use of the house or the history of the Code change.

Mr. Kershaw argued that many of his points were apropos to what the Board would determine this evening. Specifically, "Commissioner Worel concurred about the vagueness of the Contributory concept. She was bothered by the vagueness when she read the Staff report." "Commissioner Joyce thought the language rhythm and pattern of the streetscape was vague". Mr. Kershaw believed this was an issue with respect to Significant sites. "Commissioner Band was not in favor of leaving anything vague or arbitrary. The HPB review should not be a subjective process."

Mr. Kershaw reviewed the items on the agenda regarding Significant sites that he believed it was a "road map" to their concerns. He stated that the full real issues was 15-11-10(B) – It retains its historical form as may be demonstrated but not limited by any of the following: 1) It previously received a historic grant from the

City. He stated that the third paragraph on page 128 of the Staff report directly addresses the issue of the historic grant. He read, "In 1988 historic district grant funds were issued for a re-roof, replacing trim, and a stone walkway, but we are still searching for records from this time period. Grant eligibility was likely determined by a different criteria; either by zone or extended to properties listed as Contributory. On the original Utah State Historical Society Historic Preservation Research Office Structure/Site Information Forms". Mr. Kershaw stated that in looking at the referenced form, under building conditions it says major alterations completely changed. The next line says preliminary evaluation, not Contributory. Mr. Kershaw pointed out that the form finds that this particular house was not Contributory. He thought those statements were contrary to the idea that this was the justification for the historic grant that entitles it to be placed on a historic list that prohibits improvements or demolition.

Mr. Kershaw read the second point under (B): 2) it was previously listed on the Historic Sites Inventory or it was listed as Significant or on any reconnaissance or intensive level survey of historic resources. He agreed that it was listed, but it was found to be a mistake and that it should not have been listed.

Mr. Kershaw believed 15-11-10C, was the core of this issue. He read, "It has one or more of the following: It retains its historic scale, context, materials in a manner and degree which can be restored to historical form even if it has non-historic additions". Mr. Kershaw noted that the Staff conclusion is that it complies with that language because "the gable on hip style reflects the historical and architectural character of the District". Mr. Kershaw referred to the February 2010 Historic Site Form and the analysis of the Historic Site Inventory with respect to 569 Park Avenue. Under the discussion of workmanship and feeling of the property, the specific statement reads, "The gable on hip roof form was not used in Park City during the Mining Era, but rather seen in French colonial style buildings rarely from the late 19<sup>th</sup> Century, and Queen Anne style buildings, also rarely, from the early 20<sup>th</sup> Century. He believed that was directly contrary to the conclusion which states the gable on hip style reflects the historical and architectural character of the Mining Era District. Mr. Kershaw remarked that the contradictions were an issue and if he was a Board member it would bother him.

Mr. Kershaw stated that the way this has evolved, he and Mr. Simpson felt like they were being targeted by this new ordinance. He commented on the discussion resulting from an expert report commissioned by a neighbor about returning the site to its original form. Mr. Kershaw noted that if they did that they would lose a lot of space within the house. In summary, he stated that in 1978 the house was not Contributory. In 2009 it was found to be Significant. In 2010 it was found to be a mistake. Now in 2016, because of public uproar, the City wants to reverse the 2010 determination and make the structure Significant again. Mr. Kershaw wanted to know why no one had bothered to talk to him or Mr. Simpson before moving forward on this.

Chair White stated that it was one of his questions as well. He clarified that Mr. Kershaw was saying that while this activity was occurring neither he nor Mr. Simpson were ever notified. Mr. Kershaw replied that until he received an email from Ms. McLean he had no idea. He believed he received the email sometime in July. All he knew was that people were coming from everywhere to talk to him about his property. He became aware once it went to the City Council. Mr. Kershaw wanted it clear that he was not trying to be adversarial. He was only asking for the chance to work something out before they make their decision.

Board Member Stephens asked when Mr. Kershaw purchased the home. Mr. Kershaw replied that they closed on the house in May 2009; however, they started looking at the house and talking with the owners in January and February 2009.

Graham Gilbert, representing Todd Simpson and his wife Lila, co-owners of 569 Park Avenue. Mr. Gilbert passed out a packet and CD that contained various documents related to 569 Park Avenue. Mr. Gilbert raised a few points that he thought were very important to the decision the HPB would be making, particularly since it would be a significant decision for his clients, the property owners. Mr. Gilbert referred to page 130 of the Staff report and called out a few things that had changed. There has been a lot of talk about the roof and he believed Mr. Kershaw had made a good point that it was hip on gable, which is not typical of the Mature Mining Era. Mr. Gilbert commented on the porch and noted that it was not the original porch. The existing porch is several feet in front of the original porch. It is styled to look like a bungalow but it does not look like the original porch on the home. He stated that a chimney has been removed, a window on the south façade has been covered over, and there are vinyl windows on the front of the home and some vinyl siding. Mr. Gilbert remarked that the existing home is not the historic home and it was not restored to look like the historic home. The home has gone through several changes over time that make it less and less historic. Mr. Gilbert referred to the expert report in the Staff report that was prepared by Mr. Winter. He believed the report makes the inaccurate conclusion that the existing porch is the original porch. It is not the original porch and as Mr. Kershaw pointed out, to restore the original porch would mean taking away half the kitchen, eliminating the roof. It would require substantial work. Mr. Gilbert remarked that there were four criteria that the HPB needed to consider in making their decision; and they have to find that each of those criteria has been satisfied with respect to this property. Mr. Gilbert spoke specifically about the historic grant from 1988 that Mr. Lee received. He stated that the historic grant program has evolved over time and in 1988 the criteria applied to this grant were unclear. They do not know what was required to qualify for the grant, what conditions were placed on the grant, and there was no restrictive covenant associated with the grant or future restrictions on development. Mr. Gilbert pointed out that the grant was for a re-roof. It was not to restore the historical

character of the home. He also pointed out that after the grant was received, the home was modified again to create the hip on gable roof which is not historic. Mr. Gilbert noted that Mr. Kershaw had already talked about historical form, as well as the previous listing and how it was deemed inaccurate. The important point is that the house did not retain its historical form with respect to the roof, the porch, the chimney, the windows, the siding and other alterations. Mr. Gilbert thought Mr. Kershaw had done a good job of addressing the compatibility issue. He referred to Subpart D with respect to whether or not this qualifies as a significant site. The questions to be considered in making their decision are: 1) the association of the home within an era of historic importance; 2) The materials construction or craftsmanship of the home. Mr. Gilbert stated that the relevant historic period would be the Mature Mining Era, and this home is not reflective of the Mature Mining Era due to the significant changes. Similarly, the vinyl siding and vinyl windows are not reflective of the materials and craftsmanship during that period. Mr. Gilbert stated that to list this home as Significant would be taking a home that is clearly not significant in its architecture, and going through contortions to try and make it significant. He stated that if they care about Park Avenue and how it looks, the way to preserve it is not to list 569 Park Avenue and to allow the owners to apply for the Historic District Design Review Process and comply with the Historic District Design Guidelines. The owners care a lot about Park City and how it looks and they want to build a home that will be consistent with that look.

Wade Budge, legal counsel for Bill Kershaw, stated that he would not repeat the points that have already been argued. However, he wanted to highlight other points that he thought were important as the HPB considers this application. Mr. Budge thought the ordinance needed to be applied in a practical context as well as a legal context. One of the important aims and purposes of the City is to make sure that the historic feel of this area in Old Town is preserved. Mr. Budge stated that Park City was able to prepare the ordinance because the State has delegated authority to the City because that power has been used in a thoughtful way. Mr. Budge remarked that the delegation from the State of Utah is very narrow. It is found in two sections: Title 10-8-85.9 and also in LUDMA. Both of those sections talk about representing property rights at every step of the way. Mr. Budge agreed that it was very important that historic preservation continue in Park City because it is an important feature of this community. However, it needs to be applied in a way that stays true to the principles and the delegation of the power and authority. Mr. Budge stated that if this application that was submitted by the City is approved, they would be running afoul of the legal standards that exist in the delegation primarily due to the fact that they were dealing with a home that is not historic. Mr. Budge reiterated all the reasons why they believe it is not historic. He remarked that another component is that when they look at the criteria in the new ordinance they have to make sure it is applied in a legal way. If the Staff recommendation is that because this home received a grant in 1988 it is eligible to be declared Significant and if that interpretation is

applied in this case, it would result in a legal effect on the owners because there was no restriction on demolition in 1988. A recipient of the grant money would not be able to expect that if they received that money they would be surrendering a significant property right to later make sure of the two lots on which this home is located. Mr. Budge commented on retroactive effect. He thought the ordinance as amended could be applied to anyone who accepts a grant moving forward, and the person receiving the grant would understand that they may be deemed eligible. In case, the grant that was received was not to restore historic features. It was for the installation of non-historic trim and stonework. Mr. Budge stated that if this application is approved it will work an unlawful exaction on his clients. He noted that the US Supreme Court in a case decided last year stated that cities need to apply their ordinances in a way that does not unjustifiably burden the property owners. There is a recorded subdivision plat with two lots and everyone is aware of that subdivision plat. It would be an unjustifiable action to require his clients to always keep their property in that same place so the adjacent owners can enjoy the airflow between those two properties. Instead, it would be consistent to allow the form of this neighborhood to continue and to allow new homes to be built that are consistent with the Historic Design Guidelines. Mr. Budge stated that preventing people from making use of their lots would result in a taking of significant property rights. Actions taken by bodies to address a particular property can create Class of One situation.

Mr. Budge had prepared proposed Findings of Fact for denial since there were none for denial in the Staff report. He read the Findings as proposed: 1) Incorporate Findings one through seven in the Staff report with the modification that the date on Finding 5 be changed to circa 1941 as to that referenced photos. 2) The current building does not reflect the architectural style or design of the original circa 1923 bungalow in that it has been modified in a way that is inconsistent with the period of historic significance. 3) Nothing has changed on the building since the decision was made to delist the building due to an error in 2009, as discussed in the letter dated July 27, 2015 from CRSA Architects. 4) The new amendments do not change the fact that the home has not received a historic grant to establish or maintain a historic feature on the building. Instead, the building has been dramatically changed by its additions, including the out of period roof, porch and window elements. Further, the owners have not received notice a historic grant, no recorded notice or no restrictive covenant, and no new historic grant has been provided since the amendment of this Code was enacted in December. 5) The house has never been properly listed as a Significant historic site and that the only prior attempt to designate was done so in error and was corrected by the City in 2010. 6) To find the building a Significant historic site would work a burden on the applicants that is not necessary to address impacts associated with the owner's use of the property. 7) To make or restore the property to its historic condition would require significant re-construction, the loss of a significant portion of the kitchen, and the loss of living space. 8) Any

new structures on the two lots would have to comply with Historic Design Guidelines that are designed to protect the historic feel and appearance of the neighborhood. And these ordinance would protect the fabric and the historic components of this neighborhood.

Mr. Budge had also prepared two Conclusions of Law: 1) The existing structure located at 569 Park Avenue does not meet the required criteria in LMC Section 15-11-10(a)(2). 2) A denial of this application prevents an unconstitutional taking or exaction or burdening of owners' property rights and is consistent with the delegation of authority to this Board and to the City by the State of Utah.

Justin Keys, an attorney with Jones Waldo stated that he was representing two homeowners on Park Avenue, Linda Cox and John Browning, who own homes in close proximity to 569 Park Avenue. Mr. Keys noted that when Mr. Kershaw purchased this home it was listed as a Significant home at that time. It was delisted after that due to a misunderstanding based on comments made by Sandra Morrison. However, Ms. Morrison corrected the misunderstanding when it was brought to her attention in April of last year, and that spawned the communication Mr. Kershaw had mentioned. Mr. Keys disputed some of the legal points that were made this evening; however, he would not take time this evening to argue those points because the HPB was represented by the Assistant City Attorney and she could advise them on the legal points that were raised. He noted that many of the same legal points were raised to the City Council and the Council went ahead and adopted these amendments to the LMC. Mr. Keys stated that the question before the HPB is whether or not 569 Park Avenue meets the criteria necessary for determination that it is a Significant site under the LMC as amended. Mr. Keys reviewed the criteria on page 132 of the Staff report that the HPB would consider in making their decision. There was no dispute with criteria A because everyone recognizes that it is at least 50 years. Criteria B - Does it retain its historic form as may be demonstrated but not limited by any of the following: It previously received a historic grant from the City; or it was previously listed on the Historic Sites Inventory; or it was listed as Significant or on reconnaissance or intensive level survey of the historic resources. Mr. Keys thought it was undisputed that 569 Park Avenue meets all of the above categories. He reiterated that it was de-listed in 2010 as a result of a miscommunication from Sandra Morrison.

Mr. Keys referred to a letter from Tim Lee on page 168 of the Staff report. Mr. Lee was the prior owner who received the grant from the City and did the work with the grant money to bring it back to a closer resemblance of what it was originally. Mr. Keys urged the Board to carefully read the letter because many of Mr. Lee's statement are helpful. According to the letter a grant was awarded in the maximum amount of \$5,000. The Planning Department and HPB encouraged him to work from the historic photos to replicate the appearance of the original front porch that had been framed in. Mr. Lee worked to replicate the



original home and it received a historic preservation award. The home was included on a number of tours up to and through 2012.

Mr. Keys continued with the next criteria and noted the structure has to meet one or more of the following: It retains its historic scale, context and materials in a manner and degree which can be restored to the historical form even if it has non-historic additions. He believed Mr. Lee's letter was very important because he performed the work on the roof and addressed it in his letter. Based on the letter, Mr. Keys stated that the original roof is under the gable hip roof and could be brought back to its original form. Mr. Keys pointed out that the letter from Mr. Lee was not included and the information and evidence was not considered in the decision to de-list the home. In addition, LMC amendments in place today also changed the factors. Mr. Keys read the next criteria. It is important in local or regional history, architecture, engineering or culture associated with at least one of the following: An era of historic importance to the community; or lives or persons noteworthy; or methods of construction. He believed 569 Park Avenue meets an era of historic importance to the community because it is of the Mature Mining Era. Mr. Keys referred to the photo on page 141 which showed the home in the context of the neighborhood. He believed the importance is where the home is located and its context of the neighborhood generally. When the City Council was considering this ordinance they worried about the loss of homes that contribute to the fabric and structure of the Historic District, and they wanted to avoid piecemeal removal. Mr. Keys stated that the issue with this home is exactly what the amendments to the provision were meant to do. He noted that what started this process was a submission by Mr. Kershaw to demolish this house and it was very concerning to the residents in the area. If it were to be demolished it would impact the home values for all of the homes in the area because they would lose part of the fabric of this historical community. For that reason and because it meets the criteria, Mr. Keys thought the HPB should vote to relist the home as Significant.

Referring to a comment Mr. Keys made about previously crossing paths with Mr. Keys on another litigation matter, Mr. Budge wanted it clear the Mr. Kershaw has never met Mr. Keys. He did not want the Board to think that Mr. Kershaw was litigious or constantly crossing swords with lawyers.

John Plunkett a resident on Park Avenue, commended the HPB for volunteering for this citizen board and for listening to the insane amount of detail at each public hearing. Mr. Plunkett stated that he and his wife have redone three houses in a row on Park Avenue, including the one at 561 Park Avenue which they sold to John Browning, and which is next door to Mr. Kershaw's house. Mr. Plunkett stated that if you step back from the mountain of details and legally debate, the question is whether it is worth keeping a 93 year old house that sits in the middle of two lots, or is it better to tear it down and build two new houses. Which one is more in line with the City's goals of preservation of the historic

district. Mr. Plunkett noted that rhythm and pattern were mentioned. In looking at the Sanborn maps for 93 years a house more or less in that shape has been in that location. He believed that was a rhythm and pattern worth maintaining. Mr. Plunkett acknowledged that this house has been modified, but the question is whether any historic house in Park City has not been modified. To his knowledge, every house in the Historic District that is listed has either had major or minor modification, which is a natural part of houses over time. However, when Tim Lee redid the house in 1988, it was attempt to bring it back to something more like the tax photo. Mr. Plunket noted that Mr. Lee followed the process and went through the Planning Department, which he has done himself on four historic homes. None of the homes looked like the historic photos because they had all been modified, and he put them back as accurately as possible to match the historic photos. Mr. Plunkett believed the modification issue was intrinsic to maintaining and preserving the historic district.

Mr. Plunkett commented on significant discussion this evening regarding the rights of individual homeowners, and he agreed that all homeowners like to have their rights respected. The role of the HPB is to balance the rights of the individual homeowner against the rights of all the homeowners in the Historic District. Mr. Plunkett stated that the City has a duty to preserve and protect the investments of all historic district homeowners. The community relies on the City to fulfill that obligation and protect the value if their investments.

Chair White closed the public hearing.

Board Member Stephens asked about the process that the homeowner may have expected when he purchased the home. He wanted to know when the City began the Historic Survey Inventory. Planner Grahn believed the survey was conducted between 2007 and 2008, and it was officially adopted in 2009. Mr. Stephens asked if the City relied solely on the LMC prior to the HSI. He recalled that certain criteria within the LMC. If the structure was at least 50 years old it was expected to go through a Design Review process.

Assistant City Attorney McLean could not recall the exact process. She thought there were different renditions of the inventory prior to 2009; and that the HSI adopted in 2009 was a revamp of what already existed.

John Plunkett explained that when he moved to Park City in 1991 he obtained a copy of the LMC and the Design Guidelines from the Planning Department, as well as a written list of houses that were included in the Historic District. At that time most of the houses were listed as Contributing with the exception of a few houses that were Federal Landmarks. Mr. Stephens believed it was contributing to the thematic nomination for the Historic District. Mr. Plunkett stated that it was listed by address, and all of Park Avenue and all the residential streets were listed as Contributing. Mr. Stephens pointed out that it was not the same list that

SHPO prepared because Contributory within the City was on SHPO's list. Mr. Plunkett remarked that Derek Satchel, the historic planner in the 1990s worked on making a more official version. Chair White also recalled that Mr. Satchel was very instrumental in preparing a list. Mr. Stephens could not recall a specific list. His recollection was if a structure was 50 years or older and within an HR zone it was listed as Contributory. He believed some homes outside of the HR District were also Contributory and had to go through the historic process.

Assistant City Attorney McLean clarified that the Board needed to look at the criteria. The first criteria that talks about the grant are only indicators of retaining its historic form. Determining that the structure retained its historic home is demonstrated but not limited by the points listed. They are intended to be examples of how the HPB could find whether or not the historic form was retained.

Board Member Beatlebrox stated that she is concerned about preserving the line of historic homes and the whole neighborhood, and making sure that everyone's preservation is the same as an individual's preservation. Ms. Beatlebrox stated that there were questions regarding the impact of the new ordinance on property rights, and that this issue was raised with the City Council. She asked if Mr. Kershaw or his representative gave their opinion to the City Council when that discussion was occurring in terms of the denial of property rights and what could be done with the property.

Assistant City Attorney McLean stated that City Attorney Mark Harrington is the attorney who advises the City Council. She believed that legally the City was on firm ground because they were not taking away all use of these properties from the owners, which is the criteria for determining a taking. Furthermore, zoning is changed all the time and that changes property rights. Ms. McLean remarked that just because property rights have been altered it does not make it illegal.

Board Member Stephens understood that within the Significant Site designation the owner still has the opportunity to go through a demolition process. Planner Grahn clarified that a Significant Site cannot go through the demolition process. If the owner wanted to scrape the site completely they would have to keep the building off of the HSI because any site on the HSI is protected from demolition. If the City finds that the building was in such poor condition that it needed to be reconstructed, that would be a material deconstruction. The reconstruction would be approved by the HPB. Planner Grahn stated that a reconstruction can still be listed as Significant.

Board Member Holmgren understood that when a grant is awarded a lien is placed against the property. When the work is completed the lien is released. She believed that information would show up in a Title Search. Ms. McLean replied that liens were not placed when this home received a grant in the 1980s.

The process of placing liens when grants are awarded came later in the Grant Program. Ms. McLean explained that the purpose of the lien was to keep people from taking the grant money and then flipping the house.

Board Member Holmgren questioned why Mr. Budge was suggesting that they change the date of the tax photo from 1938 to 1941. Ms. Holmgren noted that the owners purchased the house in 2009. In 2009 the home was still on the HSI as Significant and the broker or realtor had the responsibility to inform the buyer before the house was purchased.

Board Member Hewett stated that she was not considering the grant because in her opinion it has no bearing. She thought the 93 years has a lot of bearing with regards to the streetscape. Everyone who purchases within a historic area knows that if the property is 93 years old they are buying historic property.

Board Member Melville stated that in looking at the criteria on pages 132-133, the home is at least 50 years old, it retains its historic home, previously received a historic grant, was previously listed on the Historic Sites Inventory, it was listed as Significant on any reconnaissance or intensive level historic resources, and it is important to local and regional history. Per the Code as written, Ms. Melville believed there was compliance with each of those criteria.

Assistant City Attorney McLean referred to Sub (b) and noted that Historical Form is capitalized. The definition of essential historical form in the Definition Section of the Code states, "The physical characteristics of a structure that make it identifiable as existing in or relating to an important era in the past".

Chair White stated that he was interested to hear from Mr. Keys that the original roof forms, the pyramid roof and the structure was still there and remains intact. He believed that was an important fact.

Board Member Stephens agreed with Ms. Melville because their decision is based on the criteria in the LMC as written. In 1988 there was some indication by the Historic District Commission at that time that this building was worth preserving and saving. The home was listed on the Historic Sites Inventory, and based on his own restoration experience during that time period, he would have been surprised if this home was not on some type of list as historic. Based on how the LMC was written, Mr. Stephens understood that it only needed to comply with Sub (a) and (b). It then says or (c) or (d). Mr. Stephen believed this home should be listed as Significant on the Historic Sites Inventory.

**MOTION:** Board Member Holmgren made a motion to list 569 Park Avenue on the Historic Sites Inventory as a Significant site in accordance with the Findings of Fact and Conclusions of Law found in the Staff report. Board Member Hodgkins seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 569 Park Avenue

1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
2. The house at 569 Park Avenue is within the Historic Residential (HR-1) zoning district.
3. The residential structure at 569 Park Avenue was included in the 2009 HSI; however, it was removed in April 2010 due to the modifications made to the original roof form outside of the historic period based on earlier criteria.
4. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be significant sites.
5. The house was built c. 1923 during the Mature Mining Era (1894-1930). The structure appears in the 1929 and 1941 Sanborn Fire Insurance maps. A c. 1938 tax photo of Park City also demonstrates that the original low-pitch hipped-roof bungalow form.
6. Between 1958 and 1968, the hip roof was modified to a low-pitch gable. A portion of the bungalow's full-width front porch was infilled to create a recessed, partial-width front porch.
7. Between 1990 and 1995, the roof pitch was modified once again to create a gable-on-hip roof. The partial width front porch was filled in and a new full-width porch was constructed on the façade. During this renovation, bungalow-style elements such as the square porch posts and solid rail were returned; however, these were not based on physical or photographic evidence.
8. The site meets the criteria as Significant on the City's Historic Sites Inventory.
9. Built c.1923, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
10. While the current building does not reflect the architectural style or design of the original c.1923 bungalow, the gable-on-hip form reflects the Historical and Architectural character of the district through its design characteristics, including its mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National

Register District, despite alterations made to its façade between 1990-1995.

11. The original hip-roof bungalow form could be restored to its Historical Form if the non-historic additions to the façade and rear were removed. The wall planes on the north and south elevations remain in their original location, through the length of the wall plane has been extended toward the east and west due to out-of period in-line additions.

12. The house is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era.

13. Staff finds that the structure at 569 Park Avenue meets the standards for local “significant” designation, but does not meet the criteria for “landmark” designation. In order for the site to be designated as “landmark,” the structure would have to be eligible for the National Register of Historic Places and retain a high level of integrity.

#### Conclusions of Law – 569 Park Avenue

1. The existing structure located at 569 Park Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

**Complies.**

(b) It retains its Historical Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or

(ii) It was previously listed on the Historic Sites Inventory; or

(iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

**Complies.**

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and

(ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

**Complies.**

2. The existing structure located at 569 Park Avenue does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:

a. It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and Complies.

b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and **Does Not Comply.**

c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

i. An era that has made a significant contribution to the broad patterns of our history;

ii. The lives of Persons significant in the history of the community, state, region, or nation; or

iii. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Complies.**

5. 1406 Park Avenue – Determination of Significance  
(Application PL-15-02883)

Planner Grahn reported that the Staff was forwarding a neutral recommendation because they were unable to make a specific recommendation and needed the HPB to make the determination.

Planner Grahn noted that this site was being reviewed based on the Land Management Code changes. She referred to the 1929 Sanborn map analysis on page 190 of the Staff report, which showed that the house originated as a cross-wing house. The 1941 Sanborn map on page 191 shows that the house remained the same. She explained that the house did not show up until the 1929 Sanborn map was because prior to that it was outside of the City limits in a rural area of Park City.

Planner Grahn stated that between 1949 and 1968 several major changes occurred to the house, which was outside of the historic period of significance. Based on the tax code analysis the first one notes that an addition was added to the northeast corner of the cross-wing in 1943. In 1958 the home was clad in aluminum siding and the form was modified further by adding a new porch on the northwest side of the house, consuming the cross-wing. By 1968 the front porch was relocated to the northwest side of the house, which is consistent with what exists today. The sun porch and roof were further altered in the 1980s. The roof was extended over the existing porch and sun porch to create the new roof.



**HISTORIC PRESERVATION BOARD  
PARK CITY, SUMMIT COUNTY, UTAH**

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**RE: DETERMINATION OF SIGNIFICANCE**

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The Historic Preservation Board of Park City, Utah met on Wednesday, March 2, 2016 a regularly scheduled and duly noticed meeting. After determining that a quorum was present, the Board conducted its scheduled business.

**NOTICE OF HISTORIC PRESERVATION BOARD ACTION:**

Project Address: 569 Park Avenue  
Project Number: PL-15-02879  
Type of Hearing: Determination of Significance of House  
Hearing Date: March 2, 2016

**Board Action:** **APPROVED** - the Historic Preservation Board conducted a public hearing and found that the house located at 569 Park Avenue complies with criteria set forth in Title 15-11-10(A)(2) for a Significant Site and therefore the structure is a Significant Site pursuant to Title 15-11-10. The Historic Preservation Board made the determination based on the following findings of fact and conclusions of law.

**Finding of Fact:**

1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
2. The house at 569 Park Avenue is within the Historic Residential (HR-1) zoning district.
3. The residential structure at 569 Park Avenue was included in the 2009 HSI; however, it was removed in April 2010 due to the modifications made to the original roof form outside of the historic period based on earlier criteria.
4. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be significant sites.
5. The house was built c. 1923 during the Mature Mining Era (1894-1930). The structure appears in the 1929 and 1941 Sanborn Fire Insurance maps. A c. 1938 tax photo of Park City also demonstrates that the original low-pitch hipped-roof bungalow form.
6. Between 1958 and 1968, the hip roof was modified to a low-pitch gable.
7. A portion of the bungalow's full-width front porch was filled in to create a recessed, partial-width front porch.
8. Between 1990 and 1995, the roof pitch was modified once again to create a gable-on-hip roof. The partial width front porch was filled in and a new full-width



porch was constructed on the façade. During this renovation, bungalow-style elements such as the square porch posts and solid rail were returned; however, these were not based on physical or photographic evidence.

9. Built c.1923, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
10. While the current building does not reflect the architectural style or design of the original c.1923 bungalow, the gable-on-hip form reflects the Historical and Architectural character of the district through its design characteristics, including its mass, scale, composition, materials, treatments, and other architectural features that are visually compatible to the Mining Era Residences National Register District, despite alterations made to its façade between 1990-1995.
11. The original hip-roof bungalow form could be restored to its Historical Form if the non-historic additions to the façade and rear were removed. The wall planes on the north and south elevations remain in their original location, though the length of the wall plane has been extended toward the east and west due to out-of-period in-line additions.
12. The house is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era.
13. Staff finds that the structure at 569 Park Avenue meets the standards for local “significant” designation, but does not meet the criteria for “landmark” designation. In order for the site to be designated as “landmark,” the structure would have to be eligible for the National Register of Historic Places and retain a high level of integrity.

### **Conclusions of Law:**

1. The existing structure located at 569 Park Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:  
*(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and*

#### **Complies.**

*(b) It retains its Historical Form as may be demonstrated but not limited by any of the following:*

- (i) It previously received a historic grant from the City; or*
- (ii) It was previously listed on the Historic Sites Inventory; or*
- (iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or*

#### **Complies.**

*(c) It has one (1) or more of the following:*


- (i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and*
- (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or*

**Complies.**

2. The existing structure located at 569 Park Avenue does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:
- a. *It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and **Complies.***
  - b. *It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and **Does Not Comply.***
  - c. *It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:*
    - i. *An era that has made a significant contribution to the broad patterns of our history;*
    - ii. *The lives of Persons significant in the history of the community, state, region, or nation; or*
    - iii. *The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Complies.***

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5067 or contact me by email at [anya.grahn@parkcity.org](mailto:anya.grahn@parkcity.org).

Sincerely,



Anya Grahn  
Historic Preservation Planner



Hannah Turpen  
Planner I

May 11, 2016

Park City Planning Dept.  
Park City, Utah.

Dear Sir:

I was very disturbed to hear that there is a possibility that one of the charming houses on Park Avenue (No. 569) may be demolished.

As the photographer of the coffee table book "The Most Beautiful Villages and Towns of the American Southwest" I included a full page photo of Park Avenue with Number 569 to illustrate one of the most colorful and well restored streets of the town.

And in the caption the writer mentions the ordinances governing historic structures and how town facades are preserved.

I hope your department will put preservation of architectural beauty ahead of development and maintain the character of this very attractive street.

Sincerely,

Nik Wheeler

Nik Wheeler Photography  
1696 San Leandro Lane  
Santa Barbara, CA. 93108  
T - 805-565-0236  
F - 805-565-7967  
[www.nikwheeler.com](http://www.nikwheeler.com)

**Joan Tapper**  
Editor/Writer  
Magazine & Book Projects

603 Island View Drive  
Santa Barbara, California 93109  
(805) 963-4211  
joantapper@cox.net

May 11, 2016

Attn: Park City Planning Department  
Park City Board of Adjustment

I am the author of *The Most Beautiful Villages and Towns of the Southwest* (Thames & Hudson, 2009) and I was dismayed to hear that one of the Park City homes pictured on page 195 in the book was under threat of being razed.

It was Park City's charming streetscapes that attracted photographer Nik Wheeler and me to include the town in the book. In fact, the caption for the photo lauds the careful preservation of facades like this. Certainly the look of the town—along with its welcoming atmosphere—attracts tourists and other visitors, which I'm certain brings huge benefits to the city.

Whether there is a specific historic tie-in to this particular home or not, vintage architecture is valuable. Once gone, it cannot be replaced. I want to add my voice to the chorus calling for its preservation.

Sincerely,

Joan Tapper

**Tim Lee PO Box 1402, Park City, Utah 84060**

**May 9, 2016**

Attn: Park City Planning Department  
Park City Board of Adjustment

**Re: The 569 Park Avenue, 1988 Historic Preservation Grant**

Dear Board of Adjustment:

I am the one who applied for the 1988 Preservation Grant and did the historic restoration and reconstruction work on 569 Park Avenue. I owned the property from 1986 to 2004, and am still a resident of the Historic District. I really hope you don't let these developers tear down the house.

I'm writing to respond to their March 14 letter from Snell & Wilmer — Their description of my work is wrong, and they don't seem to know or care how Park City's Historic Preservation Grant process works.

To set the record straight, here is how it worked for me on this house, and on several other historic buildings that I have restored in town:

When I heard about the new Historic Preservation Grant program in the 1980s, I asked the Planning Department what I should do to qualify. They said I should remove the 50's aluminum siding and rebuild a sun porch and sloping front roof to match the old tax photos.

I drew up the front elevation and asked them if I could keep a small part of the gable to allow for attic ventilation. They said ok as long as I left the original roof framing in place, which I did.

The Planning Department approved my front elevation drawing and I was awarded a preservation grant. A year later I won a Park City Historic Preservation Award for my work — You can still see the bronze plaque next to the beautiful old front door.

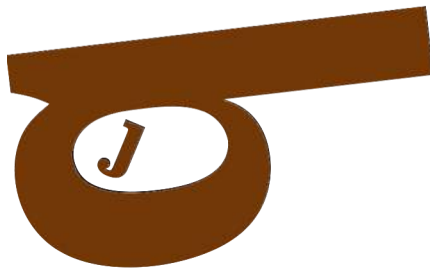
I'm proud of the work that I and many others have done to restore and preserve the beautiful old homes in Park City's Historic District — Please don't let anyone destroy our shared history and community.

Thank you,



**Tim Lee**

PS: The house has stood in the middle of this big lot since the 1890's. I was told that the house was remodeled bungalow style in the 1920's by the owners of the ~~Crain~~ **Crain** Hotel, for them to live in.



John Browning  
Telephone +44 (0)20 7700 1230  
71 Richmond Avenue London N1 0LX  
Fax +44 (0)20 7700 5255  
Email [jb@poplar.com](mailto:jb@poplar.com)

13 May 2016

Dear Board of Adjustments,

I am sorry not to be able to attend in person the meeting regarding 569 Park Avenue. I hope that this letter will briefly re-state the views of myself and my wife Dianne, owners of 561 Park Avenue, the yellow house next door to 569. We are very happy that Park City has decided to re-list 569 Park Avenue as an historic house, and to amend the planning code to encourage historical conservation. We believe that the process of de-listing 569 was deeply flawed, that the decision to de-list was wrong, and that a reversal of that decision now would set a precedent which would eliminate any practical protection for historic buildings in Park City.

It is evidence of the deficiency of notice regarding the meeting in March 2010 that removed 569 Park Avenue from the historic register that none of the neighbours – all of whom have been involved in historic conservation and renovation – knew of the meeting or the decision until five years later. Notice was not printed in a local newspaper 7 days before the meeting, as is legally required. Nor were signs posted on the house.

More important, the March 2010 meeting would seem to have been held under false pretences. Notes of meeting imply that it was held at the behest of Sandra Morrison, of the Park City Historical Society, because she believed that changes to the roof line of 569 disqualified it from historical status. But, as Sandra Morrison herself confirmed in a letter which we submitted to the Council at its 6 August 2015 meeting, she believed no such thing. She was not present at the meeting, knew nothing of it, said no such thing – and indeed believed exactly the opposite, that 569 is an historic house worthy of preservation.

Both of the historical consultants employed by Park City to draw up an inventory of historic houses recommended that 569 be historically listed on first viewing. Preservation Solutions recommended that it be listed as significant during its survey of historic inventory in 2008; CRSA did the same in 2014. I don't know why they reversed their decisions in 2010 and 2015, respectively. Given the timing, erroneous reports of Sandra Morrison's views may have played a part. So too might politics.

But the fact that decisions taken by experienced conservation professionals could be reversed – given a push by a development-minded homeowner – is precisely the reason why it is so important that the Town Council broadened the criteria for historic listing in August of 2015, and why it is so important that the Board of Adjustment should maintain the historic listing of 569 Park

Avenue. I would be very surprised if any house or building in Park City maintains its original historic construction. So all are vulnerable if decisions about historic status rest on the detail of roof lines or window placement.

Development of 569 Park Avenue would take the heart out of one of the longest continuous rows of historic buildings in Park City. It would corrode the historic value of surrounding houses, my own included, and so increase the general temptation to re-develop. Park City is by no means short of development opportunities. Construction is going on all over the area. But one of the big reasons that those opportunities are there is the historic core of the town. That is what makes Park City special. Allowing that to be taken away, house by house, would be not just an historic and cultural tragedy but also an economic one.

So I would strongly and respectfully urge the Board to maintain the historic listing on 569 Park Avenue. Thank you for your time and consideration in reading this note.

With best regards,



John Browning

May 10, 2016

To: Park City Board of Adjustment  
From: Eight Historic District Home Owners  
Re: 569 Park Avenue Demolition Request

Dear Board-members,

We are the owners of the five historic homes on both sides of 569 Park Avenue. Over the last 25 years we've worked closely with City government to restore our historic homes and street, often with the help of the City's Historic Preservation Grants.

Collectively we have invested millions in Park City's Historic District, and rely on the City to protect and preserve both the District and our investments.

The owners of 569 would have you believe they are the victims of neighbors who have conspired to deprive them of their property rights. In fact the opposite is true. They have conspired to harm their neighbors, the Historic District, and the very purpose of the Historic Preservation Grant program.

The 569 owners are happy to benefit from the public-private partnership that's both saved and improved our Historic District, and greatly increased their property's value. But they show no sense of obligation to preserve the very thing that makes their property (and everyone else's) so valuable. Where others see a beautiful old home that's part of the historic fabric of the neighborhood and town, they see only an obstacle to maximizing their financial return.

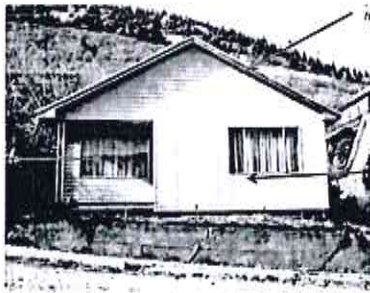
To gain the right to demolition, they claim that their 93 year old home is not historic because it has been modified. Their lawyers go on to list various modifications, including "raising the front porch guard rail height." They claim, wrongly, that the 1988 Historic Preservation Grant "was not used for restoration."

This is dangerous nonsense. Nearly every home in the Historic District was modified between the 1950s and 1970s, whether by aluminum sid-





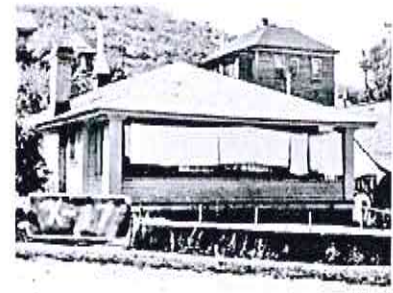
ing or concrete stairs or big picture windows. One of the main purposes of the Historic Preservation Grant program has been to undo these changes, to bring our old homes back closer to their original appearance and materials. In order to qualify for the grants, homeowners work with the Planning Department to create new front elevations that resemble the old tax photos. That's exactly what then-owner Tim Lee did for 569 in 1988, as the photos below show. Is it a perfect replica of the tax photo? No. But has enough of the "essential form" been brought back through the Historic Preservation Grant program? Yes.



1960's modifications



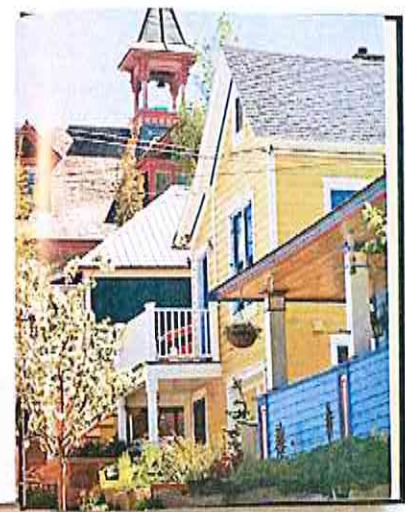
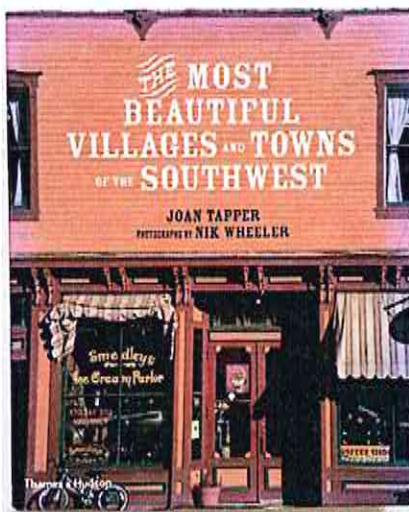
1988 Historic Restoration



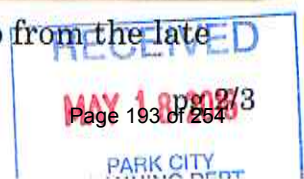
1940's Original Appearance

More importantly, this is what the Planning Department approved for 569's Historic Preservation Grant in 1988. None of us have the right in 2016 to second-guess the quality of the City's preservation expertise in 1988. Rather we must give great deference to those efforts and improve upon them if we can, as part of a preservation continuum. To demolish a 'good' old house because it's not a 'perfect' old house makes a mockery of all the hard work of citizens and Planners who came before us, to preserve our history. Instead of demolition we should honor their efforts by continuing the Preservation they began.

Here are photos of a book published in 2009. The photographer chose Park Ave, with 569 in the foreground to best represent Park City's Historic District.



But Park Avenue didn't always look this good. The next photo from the late



1980's shows how badly the street and buildings had deteriorated.



If each of Park Avenue's property owners had made the same arguments as the 569 owners are making today, and if we'd been allowed to demolish our old buildings, then historic Park Avenue would no longer exist today.



Demolition of 569 Park Avenue would be a slap in the face to Park City's Historic District, the Historic Preservation Grant program, and all the efforts of all the owners of all the neighboring Historic Homes over the last 30 years. Please uphold the unanimous votes of City Council and the Historic Preservation Board, and deny this appeal to demolish 569 Park Ave.

Sincerely,

Will and Linda Cox, 575 Park Avenue

John and Dianne Browning, 561 Park Avenue

John Plunkett & Barbara Kuhr, 557 Park Avenue

Peter and Kirsten Ehrich, 553 Park Avenue



*Wyndham Acre*

15 May 2016

RE: 569 Delisting and Demolition Issue

Dear Board of Adjustment Members,

I am the owner of 575 Park Avenue located next door to 569 Park Avenue. I have owned this home since 2002 and renovated it in 2010-11 in compliance with the historic guidelines of Park City Planning Department. I purchased this home because of its location and historic designation.

Upper Park Avenue personifies the historic preservation of the mining era in Park City. According to the Design Guidelines for Historic Districts and Historic Sites found online, <http://www.parkcity.org/departments/community-development/planning/historic-site-inventory>, published in 2009 by Park City Municipal Corporation, 569 Park Avenue is listed as Significant, and my house next door is listed Landmark online (Appendix A). As I mentioned earlier, I renovated my home in 2010, whereby my home then was relisted as Significant. The changes done in 1988 by Tim Lee who owned and renovated the house in accordance the Planning Department and then awarded a Preservation Grant for the work is what is in question. Even after the renovation 569 Park Avenue was designated as a Significant historic home. The question of the sudden, quiet change to the historic delisting is curious. Proper notice was never given. Notice should be in the paper and on the property for 7 days; only 4 days was noticed in the Park City Record. When I renovated my home, I was required to send notices to surrounding neighbors within a wide radius of my home. In essence, demolition required no notice and renovation did. This does not make sense.

Park City has two National Register Historic Districts, the Main Street Historic District and the Mining Boom Era Residences Thematic District, which includes residential structures throughout Park City built during the mining boom period (1872-1929) that were found to be both architecturally and historically significant. (*Appendix A on the Historic District Design Guidelines document found online at [www.parkcity.org](http://www.parkcity.org)*) There is a sign on route 224 that qualifies Park City as a National Historic District.

The Upper Park Avenue, from 575 up to 305 Park Avenue, has a majority of historic buildings, both significant and landmark, that fall into the Mining Boom Era Residences Thematic District. Many of the homes along Upper Park Avenue were built by 1889 as they appear on the Sanborn map, the home include 575 (built in 1881), 569, 561, 557 (built in 1885), 543 Park Avenue (built in 1886) which was the George Washington School. All these homes are Mining Era Buildings significant to the historic integrity of Park City. 569 Park Avenue is one

*36 Orange Valley Road Devonshire DV06 Bermuda*

*441-236-6464*



## Wyndham Acre

of these homes. The historic continuity should not be disrupted or destroyed. All these buildings were on the Park City Historic Home Tour in 2005 and 2012.

(Appendix A on the Historic District Design Guidelines document found online at [www.parkcity.org](http://www.parkcity.org); Historic Sites in the HR-1 Zone, Page 2; page 60-61 on the Historic District Guidelines, copies are attached to this letter).



Upper Park Avenue including 581, 575, 569, 561, 557, 553, 543 (Washington School Inn)

It is interesting that 581 Park Avenue (grey house on the right) is not listed as historic in the Historic District Design Guidelines document online; however, in 2008 it was listed Significant and more recently in 2014 was relisted as Significant. The original footprint of the home and roof are intact, as well as the entrance door; however, "a two-car garage attached in front of the home has diminished the clarity of the original rectilinear volume and now dominates the front elevation." This garage hides the historic integrity of this home, however, it is still considered a Significant Historic building. "The historic integrity that remains in the house is visible from the north elevation, where the original pyramid house volume is apparent. The historic setting also reinforces this historical integrity." (*Historic Site Form – Historic Sites Inventory of Park City Municipal Corporation; John Ewanowski, CRSA Architecture, Nov 2014*).

It's important to note, John Ewanowski of CRSA also maintained 569 Park Avenue to be Significant in Nov 2014. In December 2008, when owned by Read and Jean Carlan, it was also determined Significant by Preservation Solutions. The home was purchased by the Kershaw's and Simpson's in 2009 and months later in October 2010 is designated 'Not Historic' by the same company Preservation Solutions! It is listed Significant on the *Appendix A on the Historic District Design Guidelines document found online at [www.parkcity.org](http://www.parkcity.org)*. It is not listed as historic on the tax id file, although 581 Park Avenue is. There are many inconsistencies.

The home is on VRBO (listing #335403) as a nightly rental and described as "the Blue Bungalow...originally built in 1893, then remodeled in 2008." 569 Park Avenue is of the Mining Boom Era and at least 50 years old an important criteria

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in the Land Management Code and an important reason to maintain this historic structure.



## Property description

\*\*\* For instant quotes, online booking and more photos, please visit our website at [www.PCJetSet.net](http://www.PCJetSet.net) \*\*\*

Aside from a stellar location, this property offers delightful comforts that will spoil you. The house was originally built in 1893, then remodeled in 2008. Much of the historic character of the bungalow was preserved while many modern conveniences were added. In this house, you will find:

- Strong, Secured Wi/Fi for your convenience
- 3 large, flat panel HD TVs - the main one is 3D and offers premium channels
- 2 DVD players
- 1 Bluray player
- All modern furniture
- A very well stocked kitchen
- High-end linens

A historic homeowner since 2002 and a resident of Park City before that, I believe owners should be able to renovate their home within the Historic District Design Guidelines to update and create a comfortable living space in our current environment. Everything should be done to save the historic integrity of the Mining Boom Era structures: it is what sets Park City apart from other western resort areas. As mentioned earlier, I renovated my home. It has gone through many transformations over the years. People driving or walking along our street would never know about these transformations; what they see is a desirable home determined to be historic. As owners and stewards of historic preservation, it is our responsibility to ensure these structures maintain their historic integrity.

575 Park Avenue



1900-1907



1960's

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575 Park Avenue



1998



2010 to present

569 Park Avenue has also gone through various changes throughout the years as well. When the a part of the porch was closed in the roof changed considerably; however, when Tim Lee renovated in 1988 he won a Historic Preservation Grant and was asked to remove the 50's aluminum siding and rebuild a front porch and sloping front roof to match the tax photo of 1941. This was done with the Park City Planning Department approval. He received a Park City Historic Preservation Award and a bronze plaque presented by the Park City Historical Society.



Historic Bronze Plaque at the front door of 569

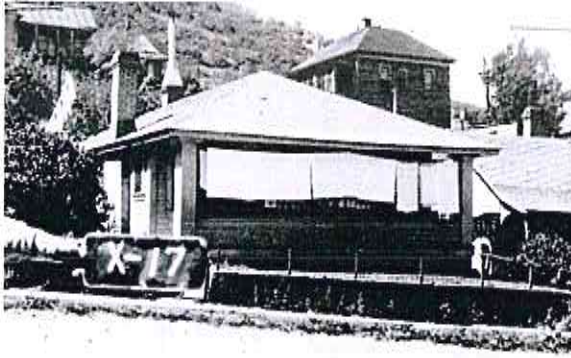
I would hope any future renovation would be designed with historic integrity of this building remaining intact utilizing the Guidelines for Historic Districts and Historic Sites for Park City, while creating a living space for 21<sup>st</sup> century.

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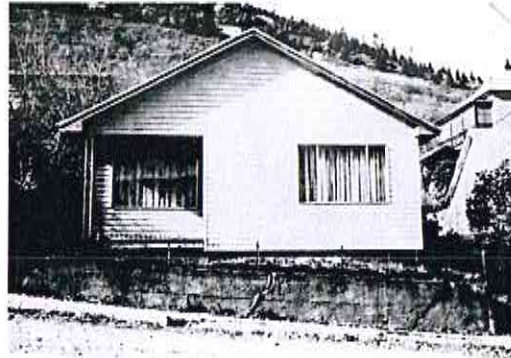


*Wyndham Acre*

569 Park Avenue



1941



1957-1968

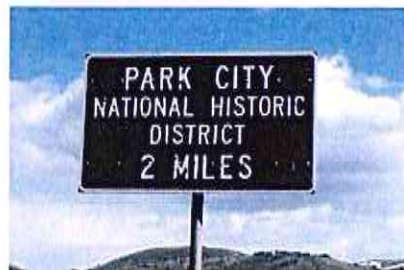


Nov 2014



A future compliant renovation

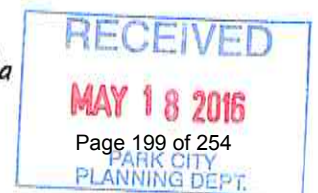
In summary, this is a Historic Street and part of the Historic District of Park City. The historic integrity must be maintained. We must be diligent to also maintain the historic continuity where we can. Renovation within the Historic Guidelines is welcome. Demolition is NOT. I strongly urge the Board to maintain this buildings structural historic integrity for the neighbors, the City and the National Historic District.



Yours sincerely,

Linda Cox

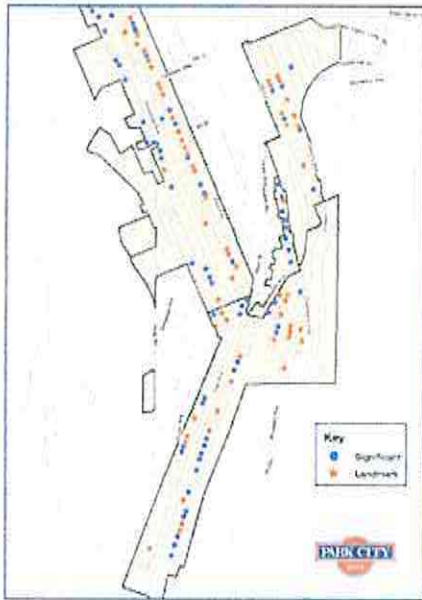
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# Wyndham Acre

Appendix A from the Historic District Design Guidelines online at [www.parkcity.org](http://www.parkcity.org). Map and buildings listed. Published 2009.

Historic Sites in the HR-1 Zone, Page 2



Historic Sites in the HR-1 Zone, Page 2 by address

40 Archer Avenue - Landmark Site	46 Vance Avenue - Landmark Site	87 Webster Street - Landmark Site
41 Channing Avenue - Landmark Site	158 Main Street - Significant Site	88 Poplar Street - Landmark Site
42 Park Avenue - Significant Site	161 Franklin Avenue - Landmark Site	89 Exchange Street - Significant Site
43 Oak Avenue - Landmark Site	163 Orange Street - Significant Site	90 Poplar Street - Landmark Site
44 Park Avenue - Landmark Site	165 Orange Street - Significant Site	91 Poplar Street - Landmark Site
45 Park Avenue - Landmark Site	167 Orange Street - Significant Site	92 Poplar Street - Landmark Site
46 Park Avenue - Landmark Site	169 Orange Street - Significant Site	93 Poplar Street - Landmark Site
47 Park Avenue - Landmark Site	171 Orange Street - Significant Site	94 Poplar Street - Landmark Site
48 Park Avenue - Landmark Site	173 Orange Street - Significant Site	95 Poplar Street - Landmark Site
49 Park Avenue - Landmark Site	175 Orange Street - Significant Site	96 Poplar Street - Landmark Site
50 Park Avenue - Landmark Site	177 Orange Street - Significant Site	97 Poplar Street - Landmark Site
51 Park Avenue - Landmark Site	179 Orange Street - Significant Site	98 Poplar Street - Landmark Site
52 Park Avenue - Landmark Site	181 Orange Street - Significant Site	99 Poplar Street - Landmark Site
53 Park Avenue - Landmark Site	183 Orange Street - Significant Site	100 Poplar Street - Landmark Site
54 Park Avenue - Landmark Site	185 Orange Street - Significant Site	101 Poplar Street - Landmark Site
55 Park Avenue - Landmark Site	187 Orange Street - Significant Site	102 Poplar Street - Landmark Site
56 Park Avenue - Landmark Site	189 Orange Street - Significant Site	103 Poplar Street - Landmark Site
57 Park Avenue - Landmark Site	191 Orange Street - Significant Site	104 Poplar Street - Landmark Site
58 Park Avenue - Landmark Site	193 Orange Street - Significant Site	105 Poplar Street - Landmark Site
59 Park Avenue - Landmark Site	195 Orange Street - Significant Site	106 Poplar Street - Landmark Site
60 Park Avenue - Landmark Site	197 Orange Street - Significant Site	107 Poplar Street - Landmark Site
61 Park Avenue - Landmark Site	199 Orange Street - Significant Site	108 Poplar Street - Landmark Site
62 Park Avenue - Landmark Site	201 Orange Street - Significant Site	109 Poplar Street - Landmark Site
63 Park Avenue - Landmark Site	203 Orange Street - Significant Site	110 Poplar Street - Landmark Site
64 Park Avenue - Landmark Site	205 Orange Street - Significant Site	111 Poplar Street - Landmark Site
65 Park Avenue - Landmark Site	207 Orange Street - Significant Site	112 Poplar Street - Landmark Site
66 Park Avenue - Landmark Site	209 Orange Street - Significant Site	113 Poplar Street - Landmark Site
67 Park Avenue - Landmark Site	211 Orange Street - Significant Site	114 Poplar Street - Landmark Site
68 Park Avenue - Landmark Site	213 Orange Street - Significant Site	115 Poplar Street - Landmark Site
69 Park Avenue - Landmark Site	215 Orange Street - Significant Site	116 Poplar Street - Landmark Site
70 Park Avenue - Landmark Site	217 Orange Street - Significant Site	117 Poplar Street - Landmark Site
71 Park Avenue - Landmark Site	219 Orange Street - Significant Site	118 Poplar Street - Landmark Site
72 Park Avenue - Landmark Site	221 Orange Street - Significant Site	119 Poplar Street - Landmark Site
73 Park Avenue - Landmark Site	223 Orange Street - Significant Site	120 Poplar Street - Landmark Site
74 Park Avenue - Landmark Site	225 Orange Street - Significant Site	121 Poplar Street - Landmark Site
75 Park Avenue - Landmark Site	227 Orange Street - Significant Site	122 Poplar Street - Landmark Site
76 Park Avenue - Landmark Site	229 Orange Street - Significant Site	123 Poplar Street - Landmark Site
77 Park Avenue - Landmark Site	231 Orange Street - Significant Site	124 Poplar Street - Landmark Site
78 Park Avenue - Landmark Site	233 Orange Street - Significant Site	125 Poplar Street - Landmark Site
79 Park Avenue - Landmark Site	235 Orange Street - Significant Site	126 Poplar Street - Landmark Site
80 Park Avenue - Landmark Site	237 Orange Street - Significant Site	127 Poplar Street - Landmark Site
81 Park Avenue - Landmark Site	239 Orange Street - Significant Site	128 Poplar Street - Landmark Site
82 Park Avenue - Landmark Site	241 Orange Street - Significant Site	129 Poplar Street - Landmark Site
83 Park Avenue - Landmark Site	243 Orange Street - Significant Site	130 Poplar Street - Landmark Site
84 Park Avenue - Landmark Site	245 Orange Street - Significant Site	131 Poplar Street - Landmark Site
85 Park Avenue - Landmark Site	247 Orange Street - Significant Site	132 Poplar Street - Landmark Site
86 Park Avenue - Landmark Site	249 Orange Street - Significant Site	133 Poplar Street - Landmark Site
87 Park Avenue - Landmark Site	251 Orange Street - Significant Site	134 Poplar Street - Landmark Site
88 Park Avenue - Landmark Site	253 Orange Street - Significant Site	135 Poplar Street - Landmark Site
89 Park Avenue - Landmark Site	255 Orange Street - Significant Site	136 Poplar Street - Landmark Site
90 Park Avenue - Landmark Site	257 Orange Street - Significant Site	137 Poplar Street - Landmark Site
91 Park Avenue - Landmark Site	259 Orange Street - Significant Site	138 Poplar Street - Landmark Site
92 Park Avenue - Landmark Site	261 Orange Street - Significant Site	139 Poplar Street - Landmark Site
93 Park Avenue - Landmark Site	263 Orange Street - Significant Site	140 Poplar Street - Landmark Site
94 Park Avenue - Landmark Site	265 Orange Street - Significant Site	141 Poplar Street - Landmark Site
95 Park Avenue - Landmark Site	267 Orange Street - Significant Site	142 Poplar Street - Landmark Site
96 Park Avenue - Landmark Site	269 Orange Street - Significant Site	143 Poplar Street - Landmark Site
97 Park Avenue - Landmark Site	271 Orange Street - Significant Site	144 Poplar Street - Landmark Site
98 Park Avenue - Landmark Site	273 Orange Street - Significant Site	145 Poplar Street - Landmark Site
99 Park Avenue - Landmark Site	275 Orange Street - Significant Site	146 Poplar Street - Landmark Site
100 Park Avenue - Landmark Site	277 Orange Street - Significant Site	147 Poplar Street - Landmark Site

569 Park Avenue has been listed in several of the Historic Home Tours. This copy is from 2005.

**WELLS FARGO  
PRESENTS  
PARK CITY HISTORY WEEKEND 2005**

**PARK CITY  
HISTORIC HOME TOUR**  
PARK AVENUE  
SATURDAY, JUNE 18, 2005

**SPONSORED BY  
PRUDENTIAL REAL ESTATE  
TO BENEFIT THE  
PARK CITY HISTORICAL SOCIETY & MUSEUM**

**569  
Park Avenue**

LARRY & ALICE  
BENNETT HOUSE

—OWNER—  
DEANE & ALICE CANNON

—OWNER—  
DIANE HODGE

—OWNER—  
JONNY TOTTEN

—OWNER—  
KEVIN & SALLY  
SHANNON

Alexander South owned two adjacent lots on Park Avenue. He married Florida Pennington in 1885 and the couple likely decided to build a home. He treated with his neighbor to create a larger corner building site. Sadly, in July 1885, Alexander died and was the first person buried in the newly established Greenwood Cemetery. Florida sold the property to Isaac and Maggie Childers who built a 7-1/2 cottage house. In 1890, the Childers sold the home to Thomas and Martha Stinger, who lived in the small house with their seven children. Thomas was a millwright who built the California Cement Mill in Thomas Canyon. Later he owned a custom saw office, contracting with local mines and prospectors to value silver ore. When Stinger died in 1911, he was recognized as one of the best miners in Utah. In 1917, Martha sold the house to Russell and Alice Douglas, but 1918, she gave the house to her son for his eighteenth birthday. The small house had three rooms and a porch so Samuel and Alice replaced it about 1924 with the more popular residence of the day, the Douglas.

36 Orange Valley Road Devonshire DV06 Bermuda  
441-236-6464





Joan Tapper  
Editor/Writer  
Magazine & Book Projects

603 Island View Drive  
Santa Barbara, California 93109  
(805) 963-4211  
joantapper@cox.net

May 11, 2016

Attn: Park City Planning Department  
Park City Board of Adjustment

I am the author of *The Most Beautiful Villages and Towns of the Southwest* (Thames & Hudson, 2009) and I was dismayed to hear that one of the Park City homes pictured on page 195 in the book was under threat of being razed.

It was Park City's charming streetscapes that attracted photographer Nik Wheeler and me to include the town in the book. In fact, the caption for the photo lauds the careful preservation of facades like this. Certainly the look of the town—along with its welcoming atmosphere—attracts tourists and other visitors, which I'm certain brings huge benefits to the city.

Whether there is a specific historic tie-in to this particular home or not, vintage architecture is valuable. Once gone, it cannot be replaced. I want to add my voice to the chorus calling for its preservation.

Sincerely,

Joan Tapper



May 11, 2016

Park City Planning Dept.  
Park City, Utah.

Dear Sir:

I was very disturbed to hear that there is a possibility that one of the charming houses on Park Avenue (No. 569) may be demolished.

As the photographer of the coffee table book "The Most Beautiful Villages and Towns of the American Southwest" I included a full page photo of Park Avenue with Number 569 to illustrate one of the most colorful and well restored streets of the town.

And in the caption the writer mentions the ordinances governing historic structures and how town facades are preserved.

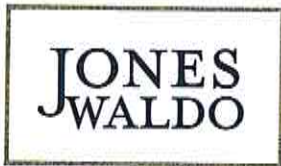
I hope your department will put preservation of architectural beauty ahead of development and maintain the character of this very attractive street.

Sincerely,

Nik Wheeler

Nik Wheeler Photography  
1696 San Leandro Lane  
Santa Barbara, CA. 93108  
T - 805-565-0236  
F - 805-565-7967  
[www.nikwheeler.com](http://www.nikwheeler.com)





Attorneys Est. 1875

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SUITE 330  
PARK CITY, UT 84098

WWW.JONESWALDO.COM

AFFILIATED FIRM  
LEAR & LEAR, LLP

May 17, 2016

**VIA E-MAIL & CERTIFIED MAIL**

Bruce Erickson  
Anya Grahn  
Park City Municipal Corporation  
445 Marsac Ave.  
Park City, UT 84060

*Re: Appeal of Determination of Significance for 569 Park Ave.*

Mr. Erickson,

We represent two neighbors (the “Neighbors”) who own properties on Park Avenue adjoining 569 Park Avenue. This letter is a formal response to the owners’ of 569 Park Avenue’s appeal from the Park City Historic Preservation Board’s (“HPB”) unanimous decision that 569 Park Avenue met the criteria to qualify for a “Significant” designation on the Park City Historic Sites Inventory.

**BACKGROUND**

Since approximately 1889,<sup>1</sup> a single structure has stood on the same general footprint at 569 Park Avenue. The original home was constructed during the “Settlement and Mining Boom Era (1868–1893).” That original structure was remodeled in 1923—during the “Mature Mining Era (1894–1930)” —and a bungalow with a full width porch and hip roof was born. During the “Mining Decline and Emergence of Recreation Industry (1931–1962)” and the years immediately thereafter, several updates were made to the home, including the addition of aluminum siding, the walling in of the sun porch, and the addition of a full gable roof.

In the late 1970s, the Utah State Historical Society noted the modifications (including the gable roof and aluminum siding) that had been made to the bungalow in its “Preliminary Evaluation” that it was “Not Contributory.” Shortly thereafter, in the mid-1980s, Park City registered its National Historic District and began the Historic Preservation Grant program.

One of the first recipients of Park City’s Historic Preservation Grant program was Tim Lee—then owner of 569 Park Avenue. Mr. Lee owned 569 Park Ave from 1984 through 2004. According to Mr. Lee, when he applied for the grant, he was informed by the Park City Planning Department

<sup>1</sup> See Sandborn Maps attached as Exhibit A.



that he must “remove the 50’s aluminum siding and rebuild a sun porch and sloping front roof to match the old tax photos.”<sup>2</sup> Mr. Lee requested however to “keep a small part of the gable to allow for attic ventilation.”<sup>3</sup> The Planning Department allowed this accommodation “as long as [he] left the original roof framing in place” which he did.<sup>4</sup>

Mr. Lee received a \$5,000.00 Historic Preservation Grant to perform this work. And while this may seem a petty sum by today’s standards, it was a significant amount considering the anticipated scope of work in the 1980s.

A year after performing the work, Mr. Lee and 569 Park Avenue received one of Park City’s first Historic Preservation Awards. A bronze plaque commemorating that award was placed on the front of the home and can still be viewed on the home where it is displayed next to the front entry door. Indeed, 569 Park Avenue has since been recognized publicly and privately as a historic home and valuable component of Park City’s historical fabric. For example, in 2005 and 2012, 569 Park Avenue was included in the Park City Historic Home Tour. And in 2009, 569 Park Avenue was featured prominently in the book “Most Beautiful Villages and Towns of the Southwest.”<sup>5</sup>

In 2008, 569 Park Avenue was officially named a “Significant” historical home by Preservation Solutions. At that time, 569 Park Avenue was added to Park City’s Historic Site Inventory. The next year (2009) the current owners purchased 569 Park Avenue.

In 2010, the Planning Department brought an application to remove 569 Park Avenue from the Historic Site Inventory. The Planning Department’s application erroneously stated that “Sandra Morrison, Director of the Park City Historical Society & Museum, raised the concern that the site did not meet the criteria for designation as a Significant Site because of changes that had been made to the original roof form on the primary façade.”<sup>6</sup> Based on this erroneous information, the Historic Preservation Board removed 569 Park Avenue from the Historic Site Inventory.

Ms. Morrison denies making the statement attributed to her and indicated in an April 6, 2015 letter that she was unaware that 569 Park Avenue had even been delisted. It was in spring 2015 that several Park City Historical Community stakeholders became aware of the fact that 569 Park Avenue and a number of other historical properties had been delisted.

When the Neighbors became aware of the de-listing of 569 Park Avenue they approached the Planning Department to determine why they had never received notice of any of the meetings held to consider that de-listing. At that point, they discovered that the de-listing was not properly noticed.<sup>7</sup>

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<sup>2</sup> See Letter from Tim Lee attached as Exhibit B.

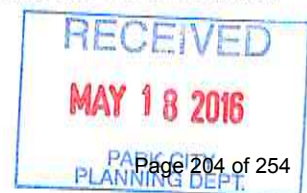
<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See Exhibit C.

<sup>6</sup> See Exhibit D.

<sup>7</sup> Park City’s Land Management Code at the time required that notice be published in a newspaper with local circulation at least 7 days in advance of the de-listing hearing before the HPB and that



The Neighbors were also made aware of the application's incorrect reliance on a statement allegedly made by Ms. Morrison and the narrow construction of the Significant designation being used by the Planning Department. They decided to voice their concerns regarding this interpretation of the applicable code provisions and the failure to properly notice the de-listing at the next City Council meeting. They did so during the public comment period of the July 30, 2015 City Council meeting.

In response to their public comments, the City Council asked staff to schedule a more formal discussion of the issue for the August 6, 2015 City Council meeting. Staff scheduled that discussion during the "Managers Report" section of the meeting. Obviously, the City Council did not schedule this discussion with the intent to usurp the HPB's role to designate a specific home to the Historic Sites Inventory. Rather, it was scheduled to allow the Planning Department an opportunity to explain their interpretation of the standard applied to determine whether a home qualifies for that list and the processes for listing and de-listing a home generally.

The Neighbors took the opportunity during the public comment section of that hearing to discuss the Planning Department's application of the criteria for designating historic homes to the Historic Site Inventory as specifically applied to 569 Park Ave. The City Council discussed 569 Park Ave along with several other historic structures that were recently de-listed and demolished. The City Council expressed a desire to re-visit the standards for listing and de-listing such structures. It then adopted a pending ordinance meant to increase protection for such historic structures while it considered an amended ordinance.<sup>8</sup>

Over the course of the next several months the Planning Department worked with the HPB and the Park City Planning Commission to produce a final form of the Amended Ordinance for review and approval by the City Council. The Neighbors attended several of these meetings to express their concern generally that more 100-plus year old homes that contribute to the historical fabric of the society be preserved and, more specifically, that 569 Park Avenue be considered for re-listing.

Among the specific terms advocated for by the Neighbors were increased notification requirements for the de-listing of a home and a clause that allowed third parties (such as the neighbors) to nominate a structure for the Historic Site Inventory. The Neighbors proposal as to noticing was accepted and the notice requirements were expanded and harmonized. Ultimately, however, their proposal to allow other parties to nominate structures to the list was rejected.

The City Council voted to approve the final version of the Amended Ordinance on December 17, 2015. The vote was unanimous in favor of adopting the Amended Ordinance.

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notice be posted on the home that is to be de-listed. This notice requirement was not met. *See* notice matrix provided as Exhibit E.

<sup>8</sup> *See* Exhibit F.



Meanwhile, the Planning Department applied itself to re-list 569 Park Avenue under the Pending Ordinance on August 7, 2016. And on March 2, 2016, the HPB held a determination of significance hearing. The HPB hearing was scheduled to hear not only the re-listing of 569 Park ave but the potential re-listing of two other historic homes. The owners of 569 Park Ave and the Neighbors appeared at that hearing and argued extensively the merits of the listing. After thorough consideration of the arguments made, the HPB unanimously concluded that 569 Park Avenue qualifies as Significant under the Amended Ordinance.

The owners of 569 Park Avenue appeal that determination.

### STANDARD OF REVIEW

This appeal is brought under Park City Land Management Code (“LMC”) § 15-1-18. Under that section, “[t]he appellant has the burden of proving that the land use authority erred.”<sup>9</sup> The Board of Adjustment “acts in a quasi-judicial manner.”<sup>10</sup> It “review[s] factual matters de novo and it shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance.”<sup>11</sup>

### ANALYSIS

The question before the Board on appeal is whether the HPB properly interpreted and applied the provisions of the Amended Ordinance to the facts of this case in concluding that 569 Park Avenue is a Significant home. In an attempt to meet their burden to prove the HPB erred, the appellants mischaracterize the relevant facts and raise several legal arguments that they argue justify reversal. The Board should reject these arguments and affirm the HPB’s decision.

1. *The HPB properly interpreted and applied the Amended Ordinance to the facts in concluding that 569 Park Avenue is a historically Significant home.*

The criteria for designating a Significant site to the Historic Site Inventory as is found in LMC § 15-11-10(A)(2). That section provides in relevant part:

Any . . . Structure[] may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

- a. It is at least fifty (50) years old or the Site is of exceptional importance to the community; and
- b. It retains its Historical Form as may be demonstrated but not limited by any of the following:
  - (1) It previously received a historic grant from the City; or
  - (2) It was previously listed on the Historic Sites Inventory; or

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<sup>9</sup> LMC § 15-1-18(G).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*



- (3) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or
- c. It has one (1) or more of the following:
  - (1) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and
  - (2) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or
- d. It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
  - (1) An era of Historic Importance to the community, or
  - (2) Lives of Persons who were of Historic importance to the community, or
  - (3) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.<sup>12</sup>

Here, 569 Park Avenue easily meets each of these elements. First, the site is more than 50 years old. In fact, it is well over 100 years old.

Second, 569 Park Avenue retains its historical form as demonstrated by the fact that the City provided a prior owner, Mr. Lee, a grant on the condition that he return it to its historical form by removing the aluminum siding, rebuilding the sun porch, and sloping the front roof to match the historical tax photos.<sup>13</sup> Mr. Lee requested that he be allowed to leave a small gable to allow attic ventilation. This concession was granted on the condition that he keep the original roof framing in place, which he did.<sup>14</sup> So 569 Park Avenue previously received a Historic Grant from the City and that grant was used to return 569 Park Avenue to its historic form. And the only aspect of the current roofline not in historic form was allowed by that grant with the understanding that the original form is still present and could be brought back at anytime.

569 Park Avenue was listed as Significant on the Historic Site Inventory and was only removed based on the erroneous reliance on a statement supposedly made by the Director of the Park City Historical Society & Museum. 569 Park Avenue has also been included on several reconnaissance or intensive level surveys of Park City's historic resources.<sup>15</sup>

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<sup>12</sup> LMC § 15-11-10(A)(2).

<sup>13</sup> See Exhibit B.

<sup>14</sup> *Id.*

<sup>15</sup> See Exhibit G.



Third, 569 Park Avenue maintains its historic scale, context, and materials and to the extent any of those have been modified in any manner, they could easily be brought back. The evidence is that 569 Park Avenue retains its historical form with the exception of a few minor changes, including a small gable for attic ventilation, a new center post on the porch and a slightly higher railing. According to Mr. Lee, the original roof is still intact under the small gable. So that roof could be brought back. And the minor changes to the porch could easily be corrected.<sup>16</sup> Such minor alterations, over the course of the many years 569 Park Avenue has stood are insufficient to show that it no longer possesses its historical scale, context, or materials.

Further, 569 Park Avenue reflects the Historical and Architectural character of the site and is Visually Compatible to the Mining Era Residences National Register District. Nore Winters, an expert who worked with Park City to create its original set of historic designation guidelines, indicated in a recent letter that 569 Park easily falls within the “Significant” category in part because “[i]t still retains its basic form and the primary building materials are visible on the façade.”<sup>17</sup> Mr. Winter went on to explain,

While some properties may fit neatly within one of the[] [periods of significance], others will in fact span more than one, simply because they survived for a long period and, during that time, underwent changes that also represent the history of the property. This is the case with 569 Park Avenue. That is to say, focusing only on the condition in one point in time as a test for integrity is inappropriate.<sup>18</sup>

Finally, 569 Park Avenue is important to local or regional history, architecture, engineering, or culture because it was constructed during an era of historic importance to the community, has stood through multiple historic eras important to the community, and it includes noteworthy methods of construction, materials, or craftsmanship used during the historic period. 569 Park Avenue is an example of a bungalow, common to the mature mining era. The minor modifications made to 569 Park Avenue do not “substantially alter the character of the building.”<sup>19</sup> And those modifications could be easily removed to bring it back to its original form.

In short, 569 Park Avenue easily qualifies as a Significant home under the criteria outlined in LMC § 15-11-10(A)(2) and appellants have not met their burden to prove otherwise. For this reason, the Board should affirm the HPB’s decision.

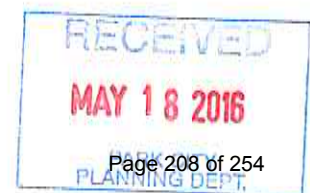
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<sup>16</sup> The minor changes made to the porch are the sort of routine minor updates that are frequently made to historic homes to bring them up to code without diminishing their historic form. Railings heights for example are increased to accommodate changing building code requirements. Most homes in the historic district, including 561 Park Avenue, 557 Park Avenue, and 553 Park Avenue, have raised the height of their railings to accommodate the safety provisions of the building code.

<sup>17</sup> See Letter from Nore Winter attached as Exhibit H, at 3.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 4.





2. *Appellants' ancillary legal arguments have no bearing on the HPB's decision and do not justify reversal.*

Appellants raise several legal arguments that they assert justify reversal of the HPB's conclusion that 569 Park Avenue is a Significant home. But these arguments do not warrant reversal.

Appellants argue that they have a right to demolish 569 Park Avenue that vested prior to the HPB's determination. Under Utah law, appellants cannot obtain a vested right through existing zoning requirements "if a city or county has initiated proceedings to amend its zoning ordinances."<sup>20</sup> Appellants also cannot obtain vested rights in the face of a compelling countervailing public interest.<sup>21</sup> Here, Appellants sought a building permit only after the City Council initiated proceedings to amend the criteria necessary for historic structures to qualify for the Historic Site Inventory. The record demonstrates that Appellants did not apply for a demolition permit until September 2, 2015, well after the City Council adopted the pending ordinance and began considering the Amended Ordinance which impacted the listing of 569 Park Avenue. Appellants also applied for a demolition permit knowing that the new criteria included homes such as 569 Park Avenue that were previously listed. Lastly, the record and Park City LMC make clear that preservation of Park City's historic homes is a compelling public interest.<sup>22</sup>

Appellants also argue that the City improperly delayed in bringing their application before the HPB. This argument fails because it is undisputed that the process was delayed by the adoption of the Amended Ordinance. The City scheduled its hearing promptly after final action on the Amended Ordinance.

Finally, Appellants argue that the re-listing of 569 Park Avenue results in a taking of private property without just compensation. There are several problems with this argument. First, the record demonstrates that 569 Park Avenue was on the Historic Site Inventory as a "Significant" home when Appellants purchased the property. Thus, they could not have had a reasonable expectation of being able to construct two separate structures on the property at the time they purchased the home. And while Appellants claim in a footnote that they weren't on notice of this listing, it is difficult to believe that they would have been unaware of the Historic nature of the home with the bronze plaque commemorating 569 Park Avenue's Historic Preservation award hanging next to the front door.

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<sup>20</sup> *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388, 396 (Utah 1980).

<sup>21</sup> *Id.*

<sup>22</sup> See e.g. LMC goal 15 which is to "Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. With building styles reflective of a time and place in American history, it is imperative that the cultural sites within Park City's nationally and locally designated historic districts be protected for future generations to experience. While the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872–1929)."



It is also incredulous to state that the longstanding intent has been to construct two homes on the lots 569 Park Avenue stands on, in the face of the reality that a structure has straddled both lots for the last 127 years. But in any event, 569 Park Avenue's location on two lots does not eliminate the economically viable use of both lots because 569 Park Avenue sits on both lots. So the home as currently configured extracts economic value from both lots. Indeed the sales brochure available when Appellants purchased the home focused on the "wonderful outside space" with "a real sense of space."<sup>23</sup> The increased lot size resulting from having the home constructed on both lots undoubtedly increases the value of 569 Park Avenue.

**CONCLUSION**

569 Park Avenue is one of Park City's historical treasures. It has stood in the same position on Upper Park Avenue for over a century. During that time, minor modifications have been made to 569 Park Avenue, but those modifications do not diminish the essential historical characteristic of the home. The HPB properly found that 569 Park Avenue is a significant historical home and Appellants have not met their burden to prove otherwise.

Sincerely,  
JONES, WALDO, HOLBROOK & McDONOUGH, P.C.



Justin J. Keys

Enclosures

cc: Linda Cox  
John Browning  
John Plunkett

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<sup>23</sup> See Advertisement attached as Exhibit G.

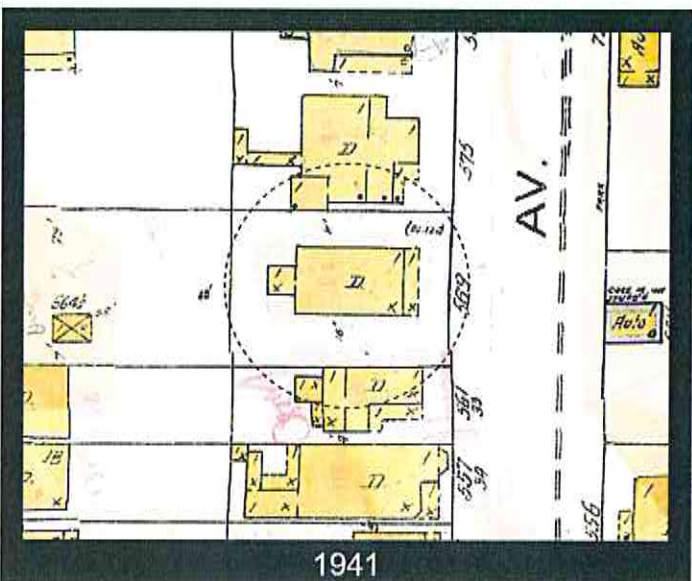
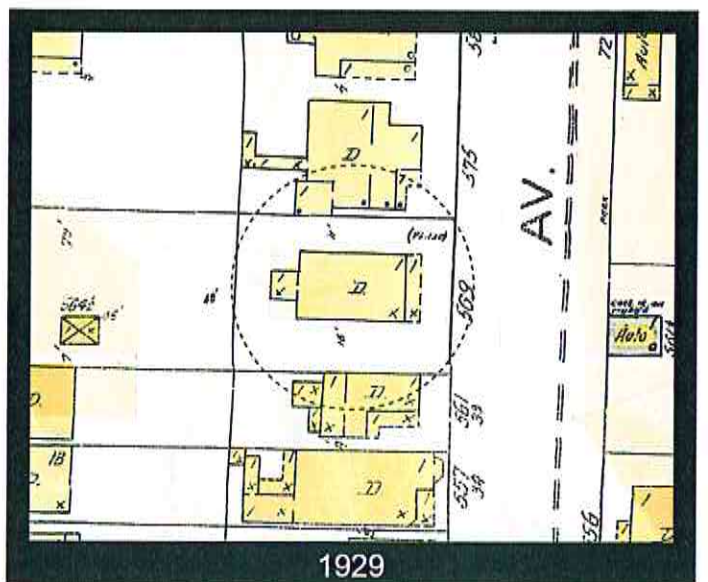
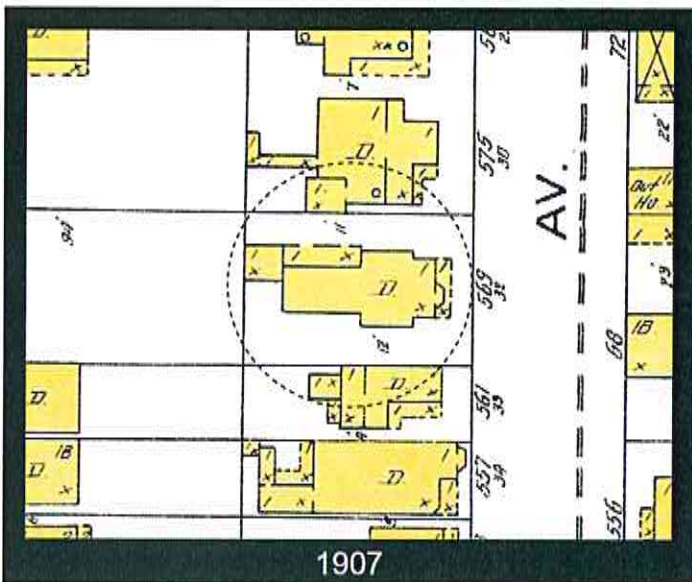
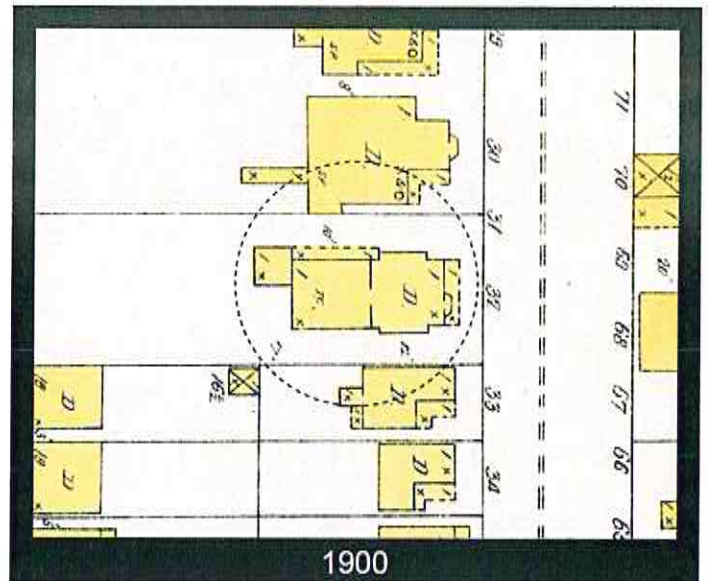
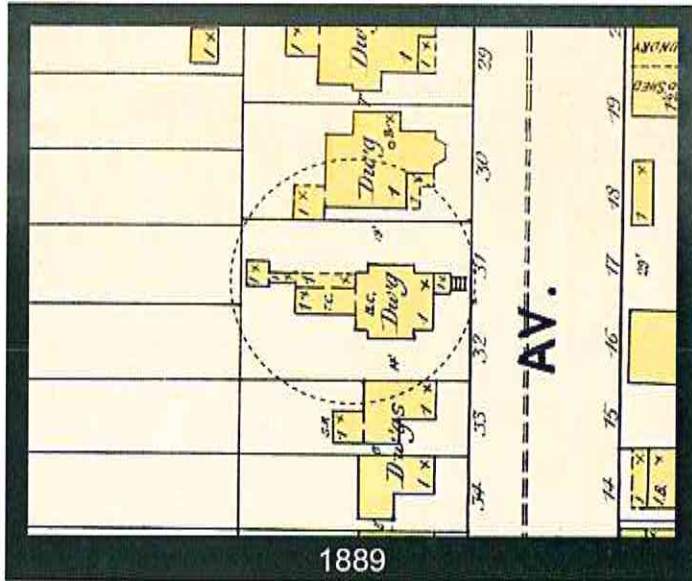


# EXHIBIT A

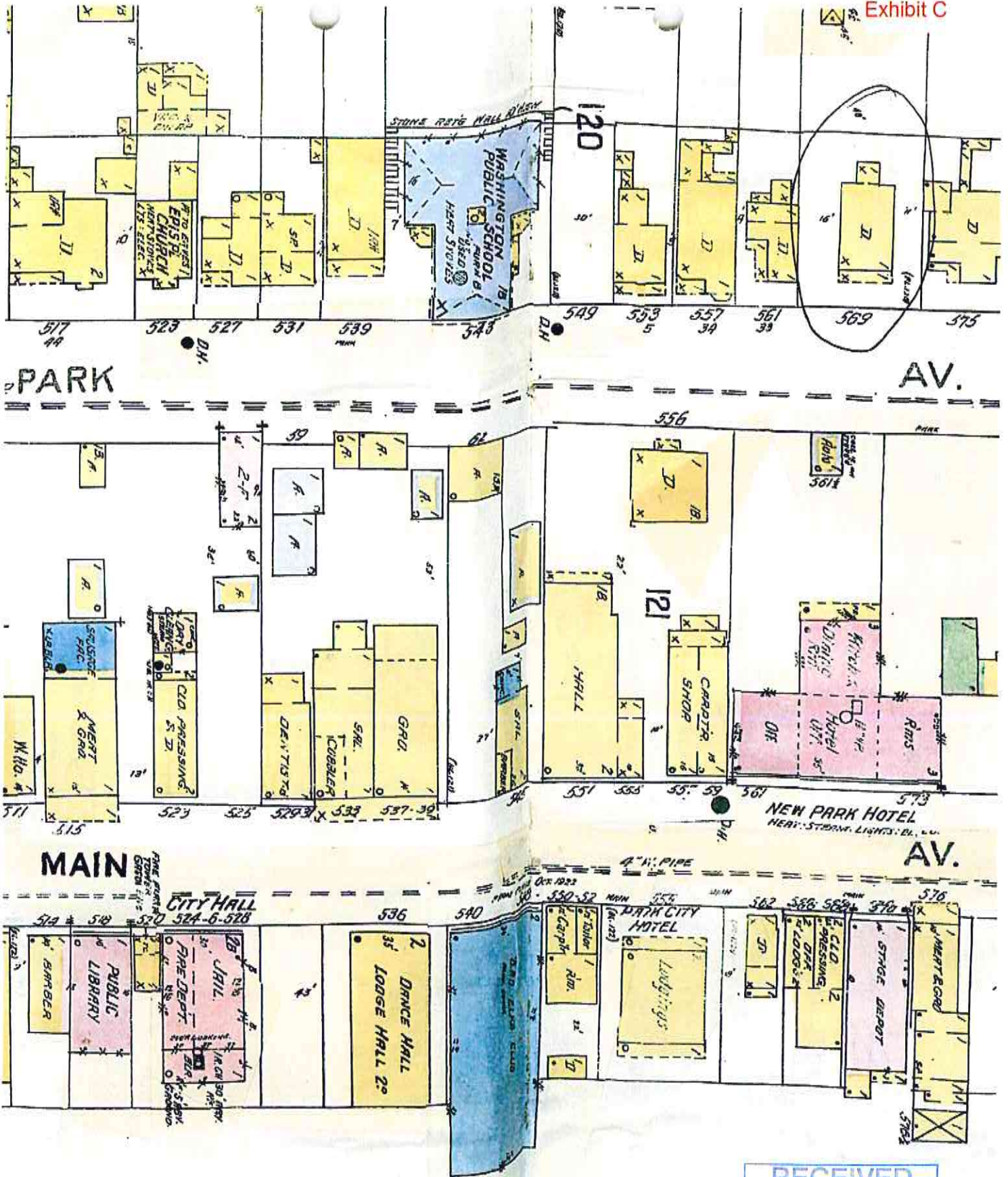


# 569 Park Avenue

# Sanborn Map History



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Sanborn, D.A. "Sheet 7, Park City, Utah, 1907 (corrected to 1929)." Map. Sanborn Fire Insurance Maps. Hal Compton Research Library. Park City Historical Society & Museum. 2009. Electronic.

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# EXHIBIT B



**Tim Lee PO Box 1402, Park City, Utah 84060**

May 9, 2016

Attn: Park City Planning Department  
Park City Board of Adjustment

**Re: The 569 Park Avenue, 1988 Historic Preservation Grant**

Dear Board of Adjustment:

I am the one who applied for the 1988 Preservation Grant and did the historic restoration and reconstruction work on 569 Park Avenue. I owned the property from 1986 to 2004, and am still a resident of the Historic District. I really hope you don't let these developers tear down the house.

I'm writing to respond to their March 14 letter from Snell & Wilmer — Their description of my work is wrong, and they don't seem to know or care how Park City's Historic Preservation Grant process works.

To set the record straight, here is how it worked for me on this house, and on several other historic buildings that I have restored in town:

When I heard about the new Historic Preservation Grant program in the 1980s, I asked the Planning Department what I should do to qualify. They said I should remove the 50's aluminum siding and rebuild a sun porch and sloping front roof to match the old tax photos.

I drew up the front elevation and asked them if I could keep a small part of the gable to allow for attic ventilation. They said ok as long as I left the original roof framing in place, which I did.

The Planning Department approved my front elevation drawing and I was awarded a preservation grant. A year later I won a Park City Historic Preservation Award for my work — You can still see the bronze plaque next to the beautiful old front door.

I'm proud of the work that I and many others have done to restore and preserve the beautiful old homes in Park City's Historic District — Please don't let anyone destroy our shared history and community.

Thank you,



**Tim Lee**

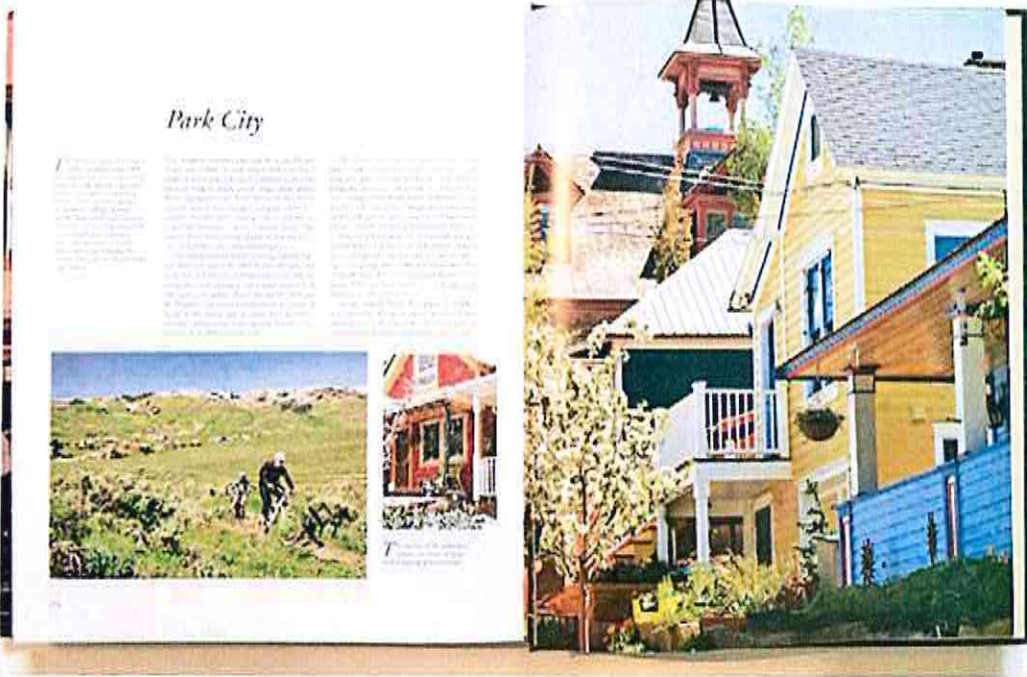
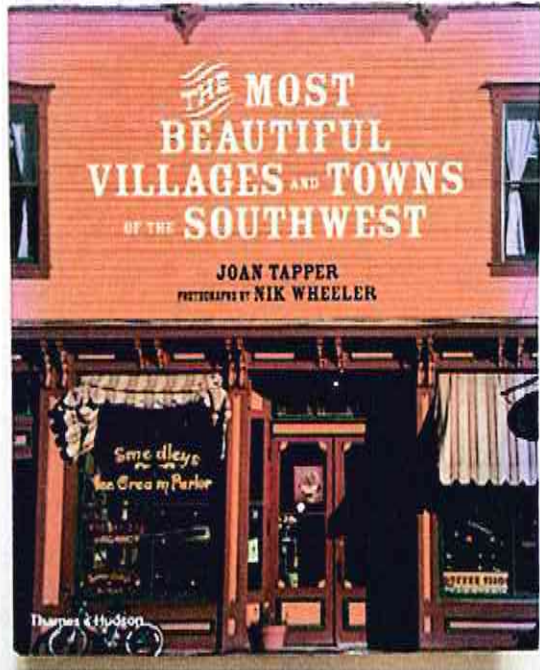
PS: The house has stood in the middle of this big lot since the 1890's. I was told that the house was remodeled bungalow style in the 1920's by the owners of the Claimjumper Hotel, for them to live in.



# EXHIBIT C







# EXHIBIT D



# Historic Preservation Board Staff Report



PLANNING DEPARTMENT

**Author:** Thomas E. Eddington, Jr., AICP  
Dina Blaes, Preservation Consultant  
**Subject:** Historic Sites Inventory  
**Application #:** PL-09-00846  
**Date:** April 7, 2010  
**Type of Item:** Administrative

## Summary Recommendation

Staff recommends the Historic Preservation Board conduct a public hearing and remove the site located at 569 Park Avenue from the Historic Sites Inventory.

## Topic

**Applicant:** Planning Department  
**Location:** 569 Park Avenue  
**Proposal:** Remove 569 Park Avenue from the Historic Sites Inventory  
**Zoning:** Historic Residential (HR-1) District

## Background

The Park City Historic Sites Inventory, adopted February 4, 2009, includes four hundred five (405) sites of which one hundred ninety-two (192) sites meet the criteria for designation as Landmark Sites and two hundred thirteen (213) sites meet the criteria for designation as Significant Sites. The house at 569 Park Avenue was considered a Significant Site.

Staff's evaluation of the two hundred thirteen (213) sites for compliance with the criteria set forth in 15-11-10(A)(2) and the subsequent recommendation to the HPB to include them on the Historic Site Inventory as Significant Sites was based on information gathered during field visits and from secondary sources, including:

- Reports and photographs from Reconnaissance Level Surveys (RLS) conducted in 1983 and 1995.
- Sanborn Fire Insurance maps from 1889, 1900, 1907, and/or 1929.
- Files on individual buildings held at the State Historic Preservation Office.
- Books on architectural styles, building types, architectural history, and mining history.
- Building cards and photos from the Summit County Tax Assessor that are held at the Park City Historical Society & Museum (PCHS&M) research library and archive.

In the summer of 2009 after the Historic Site Inventory had been adopted by the City, Sandra Morrison, Director of the Park City Historical Society & Museum, raised the concern that the site did not meet the criteria for designation as a Significant Site because of changes that had been made to the original roof form on the primary facade.



The original research materials were reviewed again and the analysis on which the HPB based its decision to designate the site to the HSI as a Significant Site was, indeed, incorrect. The analysis had not taken into proper consideration the information available in the tax file, which clearly indicates that changes to the pitch of the main roof of the primary façade had been made after the period of historic significance. This condition is one of four "major alterations" defined in the LMC that destroy the Essential Historical Form of the site. Because the site was found not to retain its Essential Historical Form, it does not meet all three criteria required for designation as a Significant Site.

The Planning Department is seeking to remove 569 Park Avenue from the Historic Sites Inventory because a second analysis of the site conducted after the initial designation indicates that the site does not comply with the criteria set forth in 15-11-10(A)(2) of the LMC for designation as a Significant Site. Specifically, the site was found not to retain its Essential Historical Form and therefore does not comply with criterion (b) of Title 15-11-10(A)(2).

### **Analysis**

The Historic Preservation Board is authorized by Title 15-11-5(l) to review and take action on the designation of Sites to the Historic Sites Inventory. In addition, Title 15-11-10(C) authorizes the Planning Department to remove a Site from the Historic Sites Inventory if:

#### **15-11-10(C)(1) CRITERIA FOR REMOVAL**

(a) The Site no longer meets the criteria set forth in 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 have 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 15-11-10(A)(1) or 15-11-10(A)(2).

If the Historic Preservation Board finds, based on the analysis below, that the site does not comply with the criteria set forth in Title 15-11-10(A)(2), it will be removed from the Historic Sites Inventory.

### **15-11-10. PARK CITY HISTORIC SITES INVENTORY.**

#### **(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

(2) SIGNIFICANT SITE. Any Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures may be designated to the Historic



Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

- (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; and

*Analysis: The site meets this criterion. It is at least 50 years old. The Summit County Assessor tax file indicates a construction date of 1914 and the main building appears on the 1929 Sanborn Insurance map.*

- (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form.

*Analysis: The site does not meet this criterion. The site does not retain its Essential Historical Form as defined in the Land Management Code because it has undergone major alterations that have destroyed the physical characteristics that make it identifiable as existing in or relating to an important era in the past.*

Major alterations that destroy the essential historical form include:

- (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or

*Analysis: The pitch in the main roof of the primary façade was changed after the Period of Historic Significance (1869-1929). Records in the tax file indicate extensive alteration to the building between 1948 and 1968. According to the building card, the roof pitch was changed from a hipped roof to a low-pitched gable roof between 1958 and 1968. Further, the roof pitch and form were further changed to a gable-on-hip type in the 1990s.*

- (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or

- (iii) Moving it from its original location to a Dissimilar Location, or

- (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

- (c) It is important in local or regional history, architecture, engineering or culture associated with at least one (1) of the following:

- (i) An era of Historic importance to the community, or

*Analysis: The site meets this criterion. It is associated with the mining-era in Park City primarily because of its original date of construction.*

- (ii) Lives of Persons who were of Historic importance to the community, or



(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

### Summary

In summary, staff recommends the HPB find that the site does not comply with the criteria set forth in Title 15-11-10(A)(2) for designation as a Significant Site and that the site be removed from the Historic Sites Inventory.

### Notice

Legal Notice of this public hearing was published in the Park Record and posted in the required public spaces.

### Public Input

A public hearing, conducted by the Historic Preservation Board, is required prior to removing sites from the Historic Sites Inventory. The public hearing for the recommended action was properly and legally noticed as required by the Land Management Code.

### Alternatives

- Conduct a public hearing on the Site described herein and remove the Site from the Historic Sites Inventory based on the findings of fact and conclusions of law set forth in the staff report.
- Conduct a public hearing and reject removal of the Site from the Historic Sites Inventory, providing specific findings of fact and conclusions of law for the action.
- Continue the action to a date certain.

### Significant Impacts

There are no significant fiscal impacts on the City as a result of removing the Site described in this report from the Historic Sites Inventory.

### Consequences of *not* taking the Recommended Action

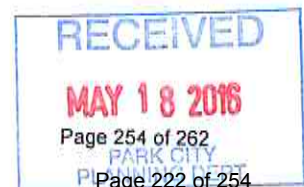
Not taking the recommended action will result in a Site remaining on the Historic Site Inventory that does not meet the criteria for designation.

### Recommendation

Staff recommends the Historic Preservation Board conduct a public hearing and vote to remove the Site described in this staff report from the Historic Sites Inventory based on the following findings of fact and conclusions of law:

### Findings of Fact

1. The property at 569 Park 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 from field visits and several secondary sources.



3. An concern about the site's compliance with the criteria for designation as a Significant Site was raised by the Park City Historical Society & Museum to staff after February 2009.
4. The additional information considered in making the evaluation consists of the original building cards dated 1949 through 1968, which indicate a change to the pitch of the main roof of the primary façade was made after the Period of Historic Significance (1869-1929). The roof was originally built as a hipped structure, but was altered between 1958 and 1968 to the low-pitched gable and was further modified in the 1990s to the gable-on-hip that is extant today.
5. Because of the change to the pitch of the main roof of the primary façade, the site does not retain the physical characteristics that make it identifiable as existing in or relating to an important era in the past (the active mining era).
6. All findings from the Analysis section are incorporated herein.

### **Conclusions of Law**

1. Information not previously considered in the designation of 569 Park Avenue as a Significant Site was appropriately considered after February 2009 when the HPB took formal action to designate the property to the Historic Sites Inventory.
2. The site at 569 Park Avenue does not retain the physical characteristics that identify it as existing in or relating to the mining era in Park City.
3. The site at 569 Park Avenue does not comply with the criteria set forth in Title 15-11-10(A)(2) and therefore the Site is not a Significant Site pursuant to Title 15-11-10.

### **Exhibits**

Exhibit A - 569 Park Avenue Historic Site Form 2008  
Exhibit B - 569 Park Avenue Historic Site Form 2010  
Exhibit C - Photograph

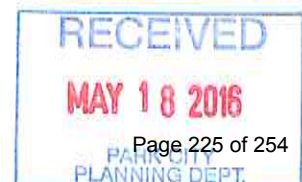


# EXHIBIT E





<b>NOTICE MATRIX</b>			
<b>ACTION:</b>	<b>POSTED:</b>	<b>COURTESY MAILING:</b>	<b>PUBLISHED:</b>
<b>Zoning and Rezoning</b>	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>LMC Amendments</b>	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>General Plan Amendments</b>	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
<b>Master Planned Developments (MPD)</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up</b>	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.



<b>NOTICE MATRIX</b>			
<b>ACTION:</b>	<b>POSTED:</b>	<b>COURTESY MAILING:</b>	<b>PUBLISHED:</b>
<b>Conditional Use Permit</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Administrative Conditional Use Permit</b>	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
<b>Administrative Permit</b>	10 days prior to Final Action.	10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
<b>Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment</b>	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
<b>Certificate of Appropriateness for Demolition (CAD)</b>	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
<b>Designation of Sites to the Historic Sites Inventory</b>	7 days prior to hearing before the Historic Preservation Board.	-----	Once 7 days prior to hearing before the Historic Preservation Board.

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<b>NOTICE MATRIX</b>			
<b>ACTION:</b>	<b>POSTED:</b>	<b>COURTESY MAILING:</b>	<b>PUBLISHED:</b>
<b>Historic District or Historic Site Design Review</b>	<p>First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required.</p> <p>Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated.</p> <p>Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period after which the Planning Department's decision may be appealed.</p>	If appealed, then once 7 days before the date set for the appeal
<b>Annexations</b>	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
<b>Termination of Project</b>	-----	Mailed Notice: To Owner/Applicant and	-----

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<b>NOTICE MATRIX</b>			
<b>ACTION:</b>	<b>POSTED:</b>	<b>COURTESY MAILING:</b>	<b>PUBLISHED:</b>
<b>Applications</b>		certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	
<b>Lot Line Adjustments: Between 2 Lots without a plat amendment.</b>	10 days prior to Final Action on the Property. Other posted legal notice not required.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	-----
<b>Preliminary and Final Subdivision Plat Applications</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Condominium Applications; Record of Survey Plats</b>	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
<b>Record of Survey Amendments</b>	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
<b>Subdivision Plat Amendments</b>	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.

<b>NOTICE MATRIX</b>			
<b>ACTION:</b>	<b>POSTED:</b>	<b>COURTESY MAILING:</b>	<b>PUBLISHED:</b>
<b>Vacating or Changing a Street</b>	-----	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.
<p>Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.</p> <p>Appendix A – Official Zoning Map (Refer to the Planning Department)</p>			

*(Amended by Ord. Nos. 06-22; 09-10; 09-23; 11-05; 12-37)*



# EXHIBIT F



# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** LMC Amendment  
**Author:** Bruce Erickson, AICP, Interim Planning Director  
**Date:** August 12, 2015  
**Type of Item:** Staff Communication Update – LMC Amendment  
Park City Historic Sites Inventory Criteria & Demolition Permits

## Summary Recommendations

On August 6, 2015, the City Council directed the Planning Department to move forward with a pending ordinance. The purpose of the pending ordinance is to expand the Historic Sites Inventory criteria to include the following terms:

- any structure that has received a historic grant from the City;
- has previously been on the Historic Site Inventory or listed as significant or contributory on any recognizant or other historic survey;
- or despite non-historic additions retain its historic scale, context, materials in a manner and degree which can reasonably be restored to historic form.

In addition, the pending ordinance is to also amend Land Management Code to include demolition permits for all structures in a Historic District to be reviewed by the Historic Preservation Board.

## Description

**Project Name:** LMC Amendment regarding Historic Sites Inventory criteria and demolition permits in the Historic District  
**Applicant:** Planning Department  
**Proposal:** Revisions to the Land Management Code

The Planning Department will request to have the Planning Commission review the possible Land Management Code amendments on September 9, 2015. The current pending ordinance went into effect on August 7, 2015, See Exhibit A.

## Exhibits

Exhibit A - Pending Ordinance



Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE  
SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE  
HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC  
PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated property (currently Historic);

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings;

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, the demolition of potentially historic buildings would permanently alter the character of a neighborhood, community and City;

WHEREAS, individual members of the Historic Preservation Board, ("HPB") the official body to review matters concerning the historical designation and design of buildings within the City, and several members of the public have requested that the Council reconsider the sufficiency of the Historic Building Inventory;

WHEREAS, the pending amendments to the Land Management Code ("LMC") and the Historic District Guidelines and any revisions to the Historic Building Inventory are expected to be completed within the next six months;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, that:

**SECTION 1. AMENDMENTS.** The recitals above are incorporated herein as findings of fact. The Land Management Code, Title 15 of the Municipal Code of Park City, is hereby amended as follows:

- A. Amendment to Section 15-11-10(A) (2): **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures





may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

- (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; and
  - (b) It retains its ~~Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form as demonstrated by any of the following: it previously received a historic grant from the City; or it has previously been listed on the Historic Site Inventory; or it was listed as Significant or Contributory on any reconnaissance or other historic survey; or despite non-historic additions it retains its historic scale, context, materials in a manner and degree which can reasonably be restored to Essential Historical Form.~~ Major alterations that destroy the Essential Historical Form include:
    - (i) ~~Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or~~
    - (ii) ~~Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or~~
    - (iii) ~~Moving it from its original location to a Dissimilar Location, or~~
    - (iv) ~~Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right of Way.~~
  - (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
    - (i) An era of Historic importance to the community, or
    - (ii) Lives of Persons who were of Historic importance to the community, or
    - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.
- (3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

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B. New Section. The following section shall be added to Land Management



Code Title 15, all Historic Zoning Districts Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and Chapter 11:

Final Review by Historic Preservation Board. Any application for any demolition permit as defined by the IBC, which includes reconstruction, disassembly, and panelization for demolition of any Building (main, attached, detached, or public), Accessory Building, and/or Structure in which any part of the structure was constructed before 1975 in a Historic District zone must be reviewed by the Historic Preservation Board. Nothing in this section adds any additional criteria or standards to existing Land Management Code or International Building Code sections governing the issuance of such permit. Review by the Board is limited to determination that demolition of such Building (main, attached, detached, or public), Accessory Building, and/or Structure is in conformance with applicable code. If non-compliance is determined, the application shall be remanded to the applicable authority. Planning staff shall review demolition applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.



**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

**SECTION 3. EFFECT ON EXISTING APPLICATIONS/PERMITS.** Any Complete Application for any demolition permit or CAD received prior to Friday, August 7, 2015, shall not be affected by this amendment. Any currently valid permits or CAD which have been issued by the Building and Planning Departments prior to the adoption of this Ordinance shall not be affected by this amendment.

PASSED AND ADOPTED this \_\_\_\_ day of September, 2015.

PARK CITY MUNICIPAL CORPORATION

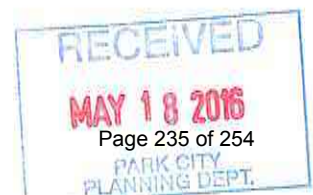
\_\_\_\_\_  
Mayor Jack Thomas

Attest:

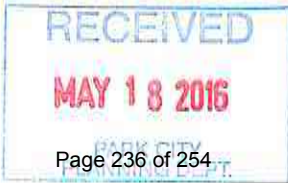
\_\_\_\_\_  
City Recorder's Office

Approved as to form:

\_\_\_\_\_  
Mark D. Harrington, City Attorney



# EXHIBIT G



# HISTORIC SITE FORM – HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

## 1 IDENTIFICATION

Name of Property: House at 569 Park Avenue

Address: 569 Park Avenue

A.K.A.:

City, County: Park City, Summit County, Utah

Tax Number: PC-82

Current Owner Name: William A. and Janet Kershaw, et. al.

Parent Parcel(s): N/A

Current Owner Address: 620 Mystic Lane, Sacramento, CA 95864

Legal Description (include acreage): LOTS 17 & 18 BLK 5 PARK CITY SURVEY [...] (see record for complete legal description)

## 2 STATUS/USE

### Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

### Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

### Reconstruction

- Date: \_\_\_\_\_  
Permit #: \_\_\_\_\_
- Full
  - Partial

### Use

- Original Use: single dwelling  
Current Use: single dwelling

- \*National Register of Historic Places:  eligible  ineligible  
 listed (date: )

## 3 DOCUMENTATION

### Photos: Dates

- tax photo: c. 1941
- prints: Nov. 2014 (3)
- historic:

### Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

### Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn maps
- obituary index
- city directory/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS preservation files
- USHS architects file
- LDS Family History Library
- Park City Hist. Soc./Museum
- university library(ies):
- other:

### Bibliographical References (books, articles, interviews, etc.). Attach copies of all research notes and materials

Carter, Thomas and Peter Goss. *Utah's Historic Architecture, 1847-1940*. Salt Lake City: Center for Architectural Studies, Graduate School of Architecture, University of Utah and Utah State Historical Society, 1988.

Hampshire, David, Martha Sonntag Bradley and Allen Roberts. *A History of Summit County*. Coalville, UT: Summit County Commission, 1998.

National Register of Historic Places. *Park City Main Street Historic District*. Park City, Utah, National Register #79002511.

Peterson, Marie Ross and Mary M. Pearson. *Echoes of Yesterday: Summit County Centennial History*. Salt Lake City: Daughters of Utah Pioneers, 1947.

Randall, Deborah Lyn. *Park City, Utah: An Architectural History of Mining Town Housing, 1869 to 1907*. Master of Arts thesis, University of Utah, 1985.

Thompson, George A., and Fraser Buck. *Treasure Mountain Home: Park City Revisited*. Salt Lake City: Dream Garden Press, 1993.



Researcher/Organization: John Ewanowski, CRSA Architecture

Date: Nov. 2014

**4 ARCHITECTURAL DESCRIPTION AND INTEGRITY**

*Building Type and/or Style:* bungalow type, Victorian Eclectic style

*No. Stories:* 1

*Additions:*  none  minor  major (describe below) *Alterations:*  none  minor  major (describe below)

*Number of associated outbuilding and/or structures:*  accessory building(s), # 0;  structure(s), # 0.

*General Condition of Exterior Materials:*

- Good: Well-maintained with no serious problems apparent
- Fair: Some problems are apparent. *Describe the problems:*
- Poor: Major problems are apparent and constitute and imminent threat. *Describe the problems:*
- Uninhabitable/Ruin

*Materials:*

Foundation: concrete

Walls: clapboard siding

Roof: wood shingles

Windows/Doors: slider windows (typical) and glazed wood front door with wooden trim.

*Essential Historical Form:*  retains  does not retain

*Location:*  original location  moved (date: , original location: )

*Design:* This bungalow is rectangular in plan, with a full width front porch and central entrance. The roof structure has been modified from a hipped type to include a gable on the front (east) elevation, a renovation that occurred after a tax photograph taken in the early 1940s. The front porch is made of wood and contains some Victorian-inspired details. Slider windows have been installed to replace the original windows, which were presumably double-hung type.

*Setting:* Set in Old Town Park City, one block west of historic Main Street. With narrow lots and streets, the neighborhood is relatively dense for single-family zoning. The house is set on a double-wide lot, which is approximately 50'x75'. Many of the surrounding houses are historic.

*Workmanship:* Was constructed of less common materials than surrounding Victorian residences, including clapboard siding, wood roof shingles, and slider windows, although these materials were also used to a small degree in Park City. Drop wood siding, asphalt shingles, and double-hung windows were more common. Some of the wood trim accents on the front façade suggest the Victorian style, but these were added after the 1940s tax photo and are not original.

*Feeling:* Retains historic feel through material usage and details, although the original appearance has been altered somewhat. Bungalows were not as common in Park City as rectangular cabins, T-cabins, and pyramid houses, but that has the feel of a historic sample of that type.

*Association:* The "Mature Mining Era" in Park City, during which the local mines were still producing a large share of the country's silver supply. A decline in silver prices through the 1920s was caused by increased production amidst decreased demand. This drop in prices caught up to Park City mines in the 1930s, which caused a local decline in the industry and an economic downturn, along with the Great Depression. Samuel B. and Alice



Deighton Dunn purchased the property in 1917, immediately taking out an \$800.00 mortgage, suggesting a possible date of construction.<sup>1</sup>

**5 SIGNIFICANCE**

Architect:  not known  known: (source: )

Date of Construction: c. 1917

Builder:  not known  known: (source: )

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- Settlement and Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline and Emergence of Recreation Industry (1931-1962)

Description of historic era: By the 1890s, Park City was a *bona fide* mining town, with a railroad station, post office, fire department, and growing school system. While individuals lost and gained jobs based on fluctuating silver prices, the mining industry was relatively stable in Park City through the 1920s. The Great Fire of 1898 proved the strength of the town: while Main Street was almost completely levelled and sustained over \$1,000,000 in damages, most of the buildings were rebuilt by 1900. Unlike other fire ravaged western mining towns, which often went permanently bust over similar blazes, the demand for Park City silver caused a rapid rebuilding of the business district. Park City survived the Spanish Flu Epidemic, World War I, and Prohibition mostly unscathed, boasting over 4,000 residents in the 1930 United States Census.

2. Persons: Thomas and Matilda Stringer (purchased 1899) and Samuel B. and Alice Deighton Dunn (purchased 1917)

3. Architecture: N/A

**6 PHOTOS**

Photographs on the following pages (taken by the researcher, unless noted otherwise):

**Photo No. 1:** Northeast oblique. Camera facing southwest. November 2014.

**Photo No. 2:** East elevation. Camera facing west. November 2014.

**Photo No. 3:** Southeast oblique. Camera facing northwest. November 2014.

**Photo No. 4:** Southeast oblique. Camera facing northwest. Tax photo, c. 1941. (Summit County)

<sup>1</sup> From title abstracts in the Summit County Recorder's Office, Coalville, UT.



Photo No. 1: Northeast oblique. Camera facing southwest. November 2014.



Photo No. 2: East elevation. Camera facing west. November 2014.

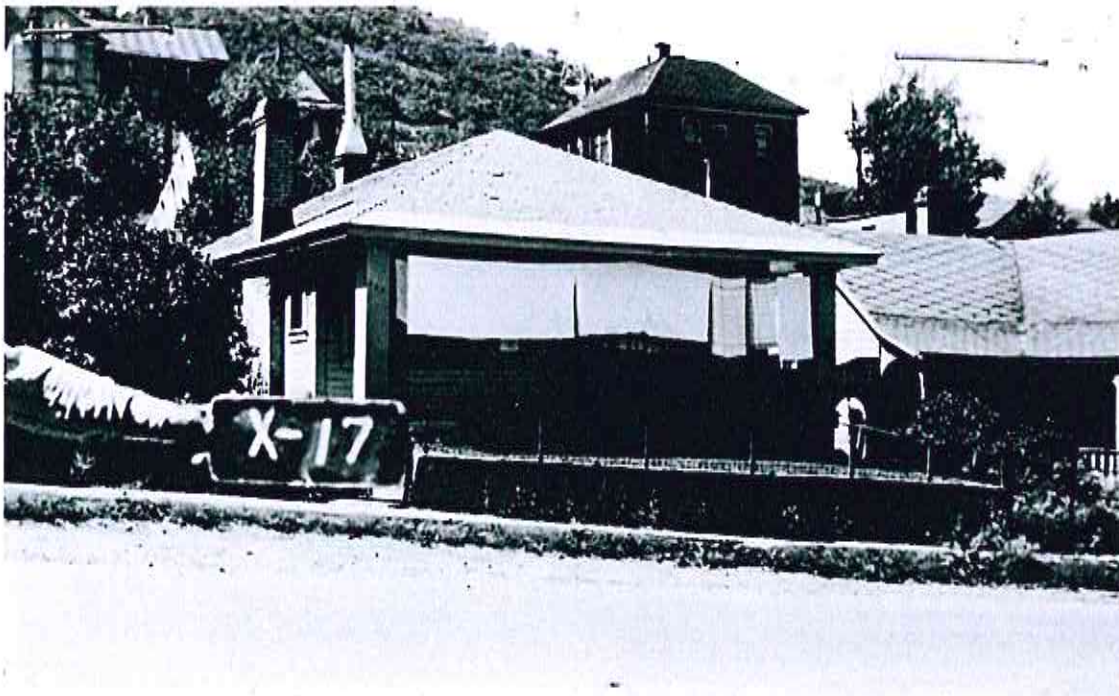




Photo No. 3: Southeast oblique. Camera facing northwest. November 2014.

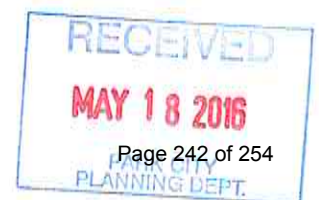
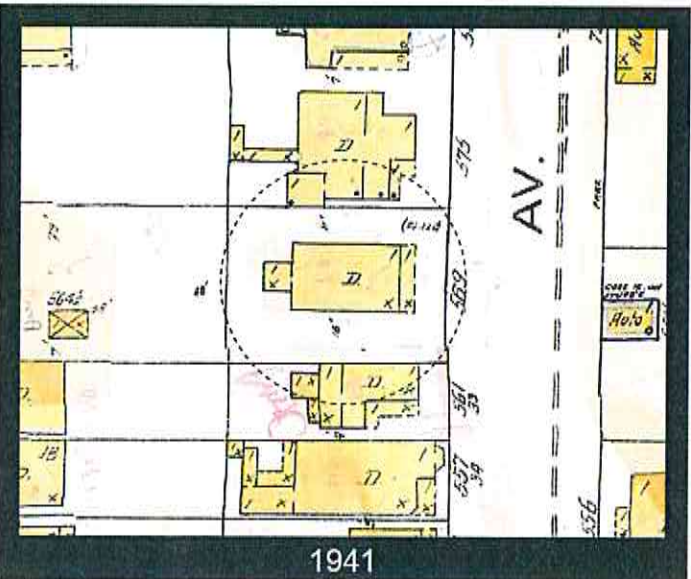
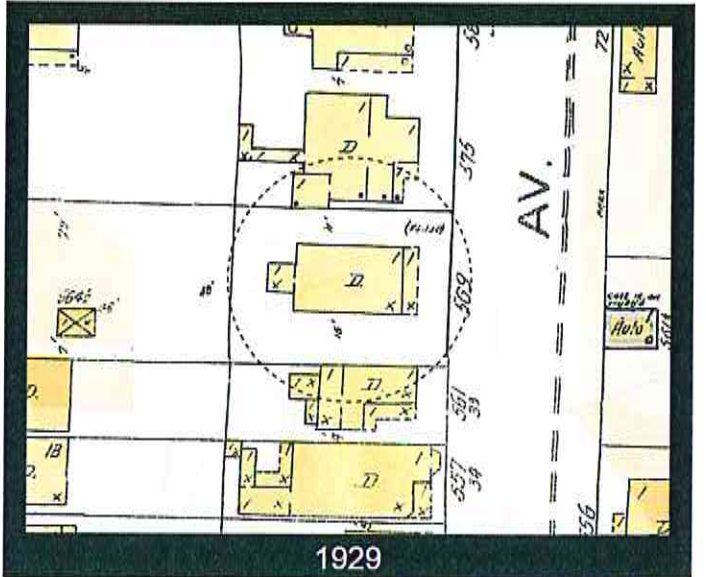
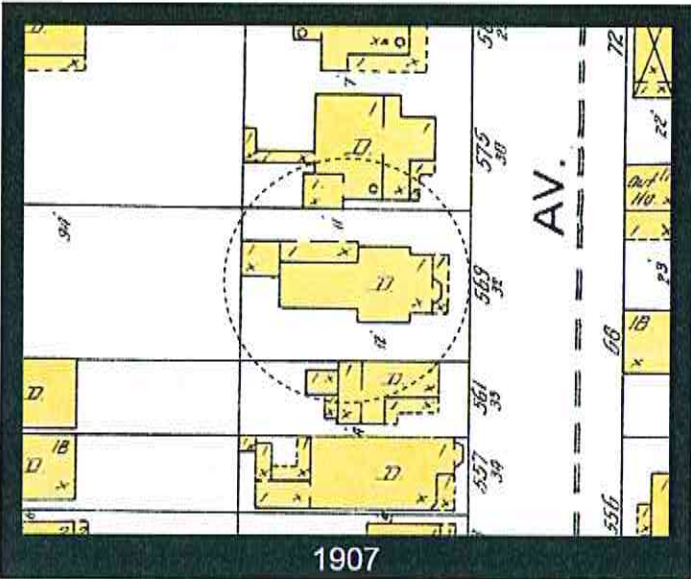
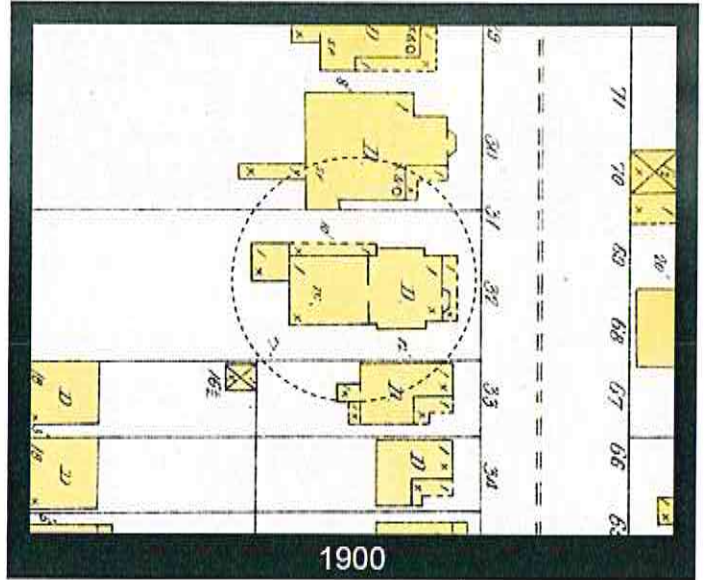
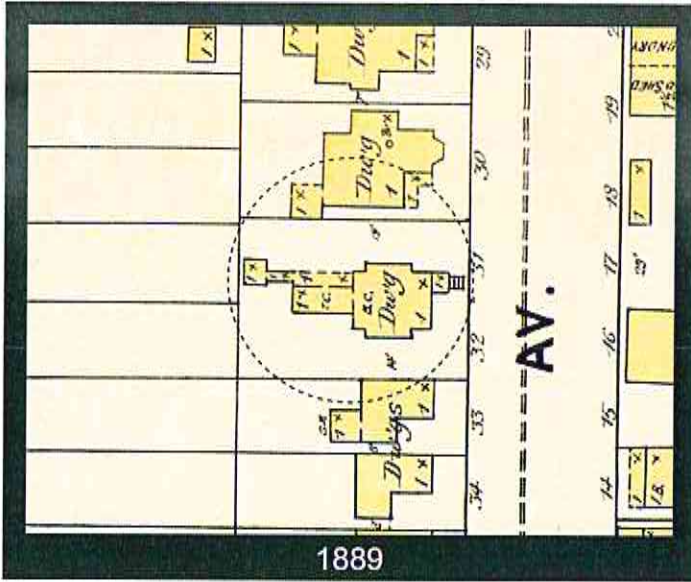


Photo No. 4: Southeast oblique. Camera facing northwest. Tax photo, c. 1941. (Summit County)



# 569 Park Avenue

# Sanborn Map History



EVALUATION FOR HISTORIC POTENTIAL FILES

(enter date in blanks)

\_\_\_\_\_ Preliminary evaluation made

\_\_\_\_\_ Encoded

2/27/86 Added to county list

\_\_\_\_\_ Added to yearly record

SIGNIFICANCE TYPE:

- Associated Historic Person
- Associated Historic Event
- Associated Historic Theme
- Sig. Builder/Architect
- Other Reason for Significance
- Significant Style
- Significant Plan/Type
- Significant Construction Type
- Significant Material Type
- Archeology

ALTERED:

- None
- Minor
- Major
- Demolished
- Reconstructed
- Excavated
- Unknown

CONDITION:

- Excellent
- Good
- Fair
- Demolished
- Deteriorated
- Ruins
- Site
- Unknown

EVALUATION:

- (A) - Significant
- (B) - Contributory
- Out of Period
- Non-contributory
- No Evaluation

COMMENTS

(include any relevant information to explain evaluation)

Evaluator: \_\_\_\_\_

Date: \_\_\_\_\_



Researcher: Philip F. Notarianni  
Date: August, 1978

Site No. SU-10-144

Utah State Historical Society  
Historic Preservation Research Office  
**Structure/Site Information Form**

<b>1</b> IDENTIFICATION	Street Address: 569 Park Ave.	Plat/PC BI.5 Lot 17-18
	Name of Structure:	T. R. S.
	Present Owner: Donald R. Neil et. al.	UTM:
	Owner Address: P.O. Box Park City Utah 84060	Tax #: PC-82
<b>2</b> AGE/CONDITION/USE	Original Owner:	Construction Date: @1923 Demolition Date:
	Original Use: residential	Occupants:
	Present Use: <input checked="" type="checkbox"/> Single-Family <input type="checkbox"/> Multi-Family <input type="checkbox"/> Public <input type="checkbox"/> Commercial	<input type="checkbox"/> Park <input type="checkbox"/> Industrial <input type="checkbox"/> Agricultural <input type="checkbox"/> Vacant <input type="checkbox"/> Religious <input type="checkbox"/> Other
	Building Condition: <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Deteriorated	Integrity: <input type="checkbox"/> Unaltered <input type="checkbox"/> Minor Alterations <input checked="" type="checkbox"/> Major Alterations
<b>3</b> STATUS	Preliminary Evaluation: <input type="checkbox"/> Significant <input type="checkbox"/> Contributory <input checked="" type="checkbox"/> Not Contributory <input type="checkbox"/> Intrusion	Final Register Status: <input type="checkbox"/> National Landmark <input type="checkbox"/> National Register <input type="checkbox"/> State Register <input type="checkbox"/> District <input type="checkbox"/> Multi-Resource <input type="checkbox"/> Thematic
	<b>4</b> DOCUMENTATION	Photography: Date of Slides: 11/77 Views: Front <input checked="" type="checkbox"/> Side <input type="checkbox"/> Rear <input type="checkbox"/> Other <input type="checkbox"/>
Research Sources: <input type="checkbox"/> Abstract of Title <input checked="" type="checkbox"/> Plat Records <input checked="" type="checkbox"/> Plat Map <input checked="" type="checkbox"/> Tax Card & Photo <input type="checkbox"/> Building Permit <input type="checkbox"/> Sewer Permit <input checked="" type="checkbox"/> Sanborn Maps		<input type="checkbox"/> City Directories <input type="checkbox"/> Biographical Encyclopedias <input type="checkbox"/> Obituary Index <input type="checkbox"/> County & City Histories <input type="checkbox"/> Personal Interviews <input type="checkbox"/> Newspapers <input type="checkbox"/> Utah State Historical Society Library <input type="checkbox"/> LDS Church Archives <input type="checkbox"/> LDS Genealogical Society <input type="checkbox"/> U of U Library <input type="checkbox"/> BYU Library <input type="checkbox"/> USU Library <input type="checkbox"/> SLC Library <input type="checkbox"/> Other

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):  
Summit County Recorder and Assessor Records, Summit County Courthouse, Coalville, Utah.  
Sanborn Map, Park City, Utah, 1907.



Architect/Builder: unknown originally a residential  
 Building Materials: wood Building Type/Style: bungalow.  
 Description of physical appearance & significant architectural features:  
(Include additions, alterations, ancillary structures, and landscaping if applicable)

Presently, a one-story frame with a gable roof, and aluminum siding. Tax photos indicate a "major" alteration, since the structure originally appeared as a frame bungalow with hip roof.

**Statement of Historical Significance:**

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication          | <input type="checkbox"/> Military        | <input type="checkbox"/> Religion           |
| <input type="checkbox"/> Agriculture          | <input type="checkbox"/> Conservation           | <input type="checkbox"/> Mining          | <input type="checkbox"/> Science            |
| <input type="checkbox"/> Architecture         | <input type="checkbox"/> Education              | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio-Humanitarian |
| <input type="checkbox"/> The Arts             | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political       | <input type="checkbox"/> Transportation     |
| <input type="checkbox"/> Commerce             | <input type="checkbox"/> Industry               | <input type="checkbox"/> Recreation      |   |

Names associated with the structure:

1. Thomas M. Stringer.
2. Issac L. Osborne.
3. 1919- mortgaged from Alice E. Deighton to Samuel B. Dunn.
4. 1924, Herman Hethke.



Researcher: Philip F. Notarianni  
Date: August, 1978

Site No. SU-10-144

Utah State Historical Society  
Historic Preservation Research Office  
**Structure/Site Information Form**

1  
IDENTIFICATION

Street Address: 569 Park Ave. Plat PCS Bl. 5 Lot 17-18  
Name of Structure: T. R. S.  
Present Owner: Donald R. Neil, et.al. UTM:  
Owner Address: P.O. Box, Park City, Utah 84060 Tax #: PC-82

2  
AGE/CONDITION/USE

Original Owner: Construction Date: @1923 Demolition Date:  
Original Use: residential  
Present Use: Occupants:  
 Single-Family  Park  Vacant  
 Multi-Family  Industrial  Religious  
 Public  Agricultural  Other  
 Commercial  
Building Condition: Integrity:  
 Excellent  Site  Unaltered  
 Good  Ruins  Minor Alterations completely changed  
 Deteriorated  Major Alterations

3  
STATUS

Preliminary Evaluation: Final Register Status:  
 Significant  National Landmark  District  
 Contributory  National Register  Multi-Resource  
 Not Contributory (see description)  State Register  Thematic  
 Intrusion

4  
DOCUMENTATION

Photography: 11/77 Date of Photographs:  
Date of Slides: Views: Front  Side  Rear  Other   
Views: Front  Side  Rear  Other   
Research Sources:  
 Abstract of Title  City Directories  LDS Church Archives  
 Plat Records  Biographical Encyclopedias  LDS Genealogical Society  
 Plat Map  Obituary Index  U of U Library  
 Tax Card & Photo  County & City Histories  BYU Library  
 Building Permit  Personal Interviews  USU Library  
 Sewer Permit  Newspapers  SLC Library  
 Sanborn Maps  Utah State Historical Society Library  Other

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Summit County Recorder and Assessor Records, Summit County Courthouse, Coalville, Utah.  
Sanborn Map, Park City, Utah 1907.



**5**  
ARCHITECTURE

Architect/Builder: unknown

Building Materials: wood

Building Type/Style: originally a residential

Description of physical appearance & significant architectural features: bungalow.  
(Include additions, alterations, ancillary structures, and landscaping if applicable)

Presently, a one story frame with a gable roof, and aluminum siding. Tax photographs indicate a "major" alteration, since the structure originally appeared as a frame bungalow with a hip roof.

**6**  
HISTORY

Statement of Historical Significance:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication          | <input type="checkbox"/> Military        | <input type="checkbox"/> Religion           |
| <input type="checkbox"/> Agriculture          | <input type="checkbox"/> Conservation           | <input type="checkbox"/> Mining          | <input type="checkbox"/> Science            |
| <input type="checkbox"/> Architecture         | <input type="checkbox"/> Education              | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio-Humanitarian |
| <input type="checkbox"/> The Arts             | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political       | <input type="checkbox"/> Transportation     |
| <input type="checkbox"/> Commerce             | <input type="checkbox"/> Industry               | <input type="checkbox"/> Recreation      |   |

Names associated with the structure:

1. Thomas M. Stringer.
2. Issac L. Osborne.
3. 1919-mortgaged from Alice E. Deighton to Samuel B. Dunn.
4. 1924, Herman Hethke.



# EXHIBIT H







**Winter & Company**  
Urban Design | Historic Preservation  
1265 Yellow Pine Avenue  
Boulder, CO 80304  
303.440.8445  
www.winterandcompany.net

May 12, 2016

Mr. Justin Keys, Esq.  
1441 West Ute Blvd., Suite 330  
Park City, UT 84098

Dear Mr. Keys:

I have been asked to comment on the potential impacts that may occur from the loss of a historic structure in one of the historic districts in Park City. I also have been asked to provide my opinion about the historic significance of the property at 569 Park Avenue in particular. This letter responds to those requests.

Park City holds a special place in the history of the development of America, in terms of its association with early prospectors who came through while working on the Transcontinental Railway and the subsequent mining era that ensued. It is valued locally, as well as at the state and national levels. Each "contributor" is a part of that story, and cannot be replaced. Once lost, it is gone forever.

#### **My Experience in Preservation**

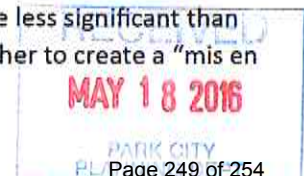
I provide these comments based on my experience over more than thirty years in historic preservation, urban design and planning across the country, and in particular in the historic mining towns of the Rocky Mountain West. I developed the original set of design guidelines for Park City several years ago and, while they have subsequently been replaced by a newer version, I recognize principles in the current guidelines that appeared in the original document. I still hold fond memories of the community and of its heritage and remember the historic districts and how important they are to the town's identity, its heritage and its economy.

We've also developed preservation-based design guidelines for other historic mining towns, including Aspen, Telluride, Crested Butte, Breckenridge and Steamboat Springs in Colorado, as well as Truckee, CA, Silver City, ID and Rossland, BC. I can say that each of these towns recognizes the value that the contributing properties bring to their communities, especially in the current competitive mountain resort market. Maintaining historic districts enhances the value of these places and contributes substantially to the economic viability of these communities.

In addition to these mountain communities, our preservation clients have included the cities of San Antonio and Galveston in Texas, Pittsburgh, PA, Mobile, AL, West Palm Beach, FL, Pasadena, CA, Tacoma, WA, Memphis, TN and Denver, CO.

#### **Classification of Historic Resources in Park City**

The term "contributing" is used nationally to describe those individual sites of historic value that combine to create a historic district. The concept is not that the buildings rated "contributing" are less significant than others that may be eligible for individual listing, but that these properties work together to create a "mis en



scene," helping to convey the character of a period of historic significance in the community. The loss of any of these diminishes the integrity of the district and impacts the ability to interpret the region's heritage.

While Park City no longer uses the specific term "contributor" in its local Historic Resources Inventory, it is still employed in survey forms used by the National Park Service in its nominations for those districts in Park City that are listed in the National Register of Historic Places. In those nominations, properties are evaluated at two levels of significance: (1) Either being eligible for listing as a "contributor," or (2) as being eligible for "individual" listing in the National Register. The latter category implies a higher level of significance and sometimes a higher degree of "integrity," in terms of the extent to which a property retains those features that existed when it achieved historic significance.

For its local designations, Park City uses a two-tiered rating system for properties that is somewhat similar to the National Register classification. As I understand the city's ordinance (Title 15 Land Management Code – Chapter 11), there are two categories for potential listing of historic properties: (1) "Significant Site" and (2) "Landmark Site." These reflect differing degrees of integrity. The criteria used are essentially those for a "contributing" property in the National Park Service parlance.

### **The Impacts of Losing a Contributor**

Property owners and residents are indeed correct in their concern about the loss of any "contributing" property in a historic district. These resources constitute the backbone of any historic district and provide the basis for understanding how a community began and evolved.

What may be the impacts from the loss of a contributing property? First, it diminishes the historic character of neighborhoods for residents and visitors. This affects quality of life as well as economic competitiveness. Many property owners will have invested in a district with an expectation of public trust, in that the city is committed for the long term to historic preservation and that the character of the neighborhood to which they have invested financially will retain its appeal. In cases where properties in the district may also be eligible for tax incentives, these owners rely upon the district retaining its integrity. They may have investment-based expectations based on their reliance upon the city's continuity policy related to preservation.

This is particularly relevant in Park City where National Register districts exist (sometimes coinciding with local historic district zoning). In some other cases across the country, the Park Service has reduced the boundaries of National Register Districts when a loss of contributing structures has occurred. Such was the case in Telluride several years ago, where the National Register boundary was reduced due to a loss of contributing structures. This can mean that some property owners will be left out of a district where once they had relied upon being in it permanently.

### **The Historic Significance of 569 Park Avenue**

I have reviewed survey forms for 569 Park Avenue that date from 1978 and 2014. The first of these rated the property as a "non-contributor," using a State of Utah inventory form, which reflects the National Park Service terms. The rating was explained as being because of an alteration to the roof form (at an undetermined date) and because the original wood siding was covered with metal siding.



The second survey form from 2014 re-evaluated the property and classified it as “Significant,” using the city’s rating terminology. That form noted that the original wood siding was then exposed, which presumably was sufficient to elevate the rating. It demonstrates that when inappropriate alterations are reversed, the status of a property can be elevated. This is relevant to the subject property today, where some alterations exist that have not taken on historic significance but could be reversed. If those non-contributing alterations were to be removed, the degree of integrity would be further enhanced. If the building is lost, that opportunity is gone.

Even with those alterations in place, and when comparing it to others that remain on the city’s HRI, this property easily falls within the “Significant” category. It still retains its basic form and the primary building materials are visible on the facade.

### Period of Historic Significance

Park City recognizes three periods of historic significance:

- (1) Settlement and Mining Boom Era (1868-1893)
- (2) Mature Mining Era (1894-1930)
- (3) Mining Decline and Emergence of Recreation Industry (1931-1962)

While some properties may fit neatly within one of these periods, others will in fact span more than one, simply because they survived for a long period and, during that time, underwent changes that also represent the history of the property. This is the case of 569 Park Avenue. That is to say, focusing only on the condition in one point in time as a test for integrity is inappropriate.

### Changes that have taken on historic significance

It is important to note that a building need not remain in its original state to be considered historically significant. Changes that occurred during the early years of a property can help to convey the history of the site and the community, in terms of changing functional needs and economics. An example is the United States Capitol Building in Washington, D.C. The famous dome was constructed 50 years after the main part of the structure was erected. This alteration has certainly taken on historic significance in its own right and no one would advocate its removal.

The Secretary of the Interior’s Standards for Rehabilitation of Historic Properties, which remain the foundation of “best practices” in treatment of historic resources, acknowledge this, with Standard #4:

“ 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.”

Those changes that occurred during the three historic eras of Park City would fit into this category. That is to say, while a historic surveyor might classify the property as fitting into one of the three categories, changes that cross over into another of the three categories also can be considered to be significant.

This relates to the concept of “integrity” of the property. A lot of discussion may focus on this question and it is important to note that the “aspects of integrity” that are considered allow for changes that are a part of a property’s history.



Sanborn Insurance Maps and an assessor's photograph from the 1940s indicate that this property underwent changes during its period(s) of historic significance. This is important to note, because changes that have occurred during the period of significance convey the property's history. Sometimes, this may be overlooked when evaluating a property; when one focuses only on comparing the state of a property as it exists today with what it was in its original state, this evolution during periods of historic significance is missed. In the case of this property, alterations did occur during its early years that should be considered a part of its history. This needs to be acknowledged when evaluating the "integrity" of the property. This is particularly relevant in terms of changes to roof form and the façade.

Fundamentally, when one observes the property as a whole and in its context, it clearly contributes to the sense of history of Park Avenue. If this property is not significant, then it calls into question the ratings for many other structures and begs the question of how such alterations, if they are inappropriate, have been permitted under the city's design review process.

In my professional opinion, this site retains its historic significance.

#### **Reversibility of later alterations**

While some alterations have taken on historic significance, there are others that have not; these could be reversed and thereby enhance the historic character. Reversibility of alterations is a concept that often is considered in preservation. While the building has lost some character-defining features, the degree to which it could be restored is a valid consideration. It's the difference between actual loss of original material versus additions to the original that alter its perception.

The front gable addition that exists on this house today is certainly reversible; even so, it does not substantially alter the character of the building. The predominant form of the hip roof that is documented in the 1941 tax assessor's photograph remains visible, even with the gable element.

The historic Sanborn Insurance Maps from various periods of Park City's early years document the various stages of evolution that this particular property has experienced over time. Over the course of several decades this house experienced substantial changes in footprint, porch design and roof form, which demonstrates that change, within a reasonable range, is a part of its heritage.

As I present these observations on this property's significance and the potential loss of a contributor to the community, I do so with great respect for Park City and for the volunteer members of boards and commissions who have helped protect the city's heritage over the past decades. I know how important history is to the community and to the nation. As an American, I rely upon these trustees of our heritage to preserve this nationally significant place.

Sincerely,



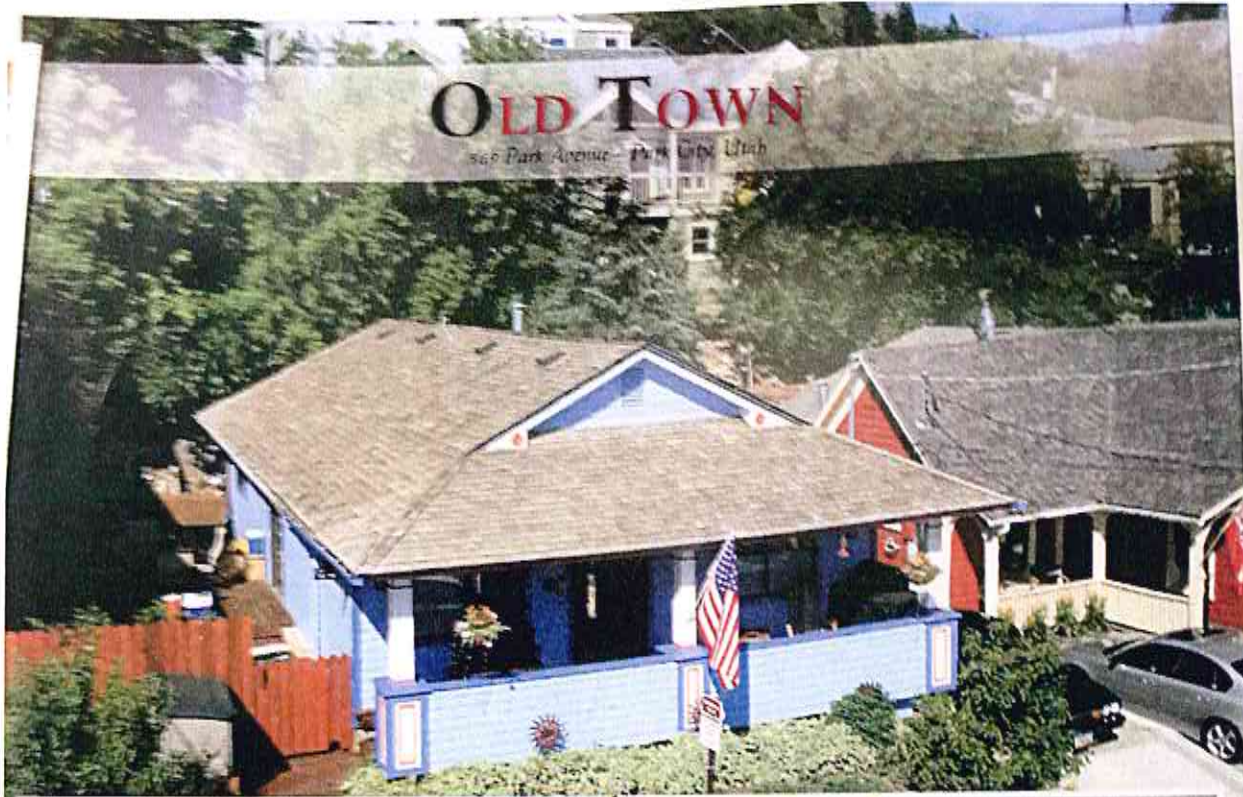
Noré Winter

**Winter & Company**  
Urban Design | Historic Preservation



# EXHIBIT G





### *Exceptional Old Town Opportunity*

This charming Old Town home offers updated finishes, a comfortable and livable floor plan, and one of the best locations available in Old Town. The home offers hardwood floors, stainless steel appliances, custom cabinetry, tile bathrooms, tons of natural light, and among many other features, a large master bedroom with direct back yard access. Wonderful outside space (uncommon to Old Town) compliments the home with a delightful covered front porch, beautiful new landscaping with full irrigation, great decks and patio areas, and a private off street parking space. The home is situated on two full Old Town lots giving it a real sense of space along with plenty of light. The residence also has potential for further upgrades and possible expansion. All located just a few short steps from both Main Street and the Town Lift at Park City Mountain Resort, yet off the main path and away from traffic and noise.

*Brought to you by the Peterson/Caldes Real Estate Group.*

