

**PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
CITY COUNCIL CHAMBERS
March 7, 2018**



AGENDA

SITE VISIT 4:30-4:50 PM – 819 Park Avenue – Please meet onsite at 4:30 PM
No discussion or action will be taken on site.

MEETING CALLED TO ORDER AT 5:00 PM

ROLL CALL

ADOPTION OF MINUTES OF February 7, 2018

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

REGULAR AGENDA – *Discussion and possible action as outlined below*

424 Woodside Avenue – HDDR Review for Reorientation - Reorientation (rotation) of a “Significant” Structure towards Woodside Avenue and lifting of the Historic Structure 7 feet 7 ¾ inches. The primary façade of the Significant Structure is currently oriented towards Main Street and the applicant is proposing to rotate the structure 180 degrees so that the primary façade is oriented towards Woodside Avenue. Upon reorientation, the Historic Structure would be lifted 7 feet 7 ¾ inches.
Public hearing and possible action.

PL-16-03379 47
Planner Tyler

819 Park Avenue – PL-18-03777 – Determination of Significance for the proposed removal of a house listed as significant on Park City’s Historic Sites Inventory, per Land Management Code (LMC) 15-11-10(C).
Public hearing and possible recommendation to Planning Commission on April 11, 2018 and City Council on May 3, 2018.

PL-18-03777 73
Planner Grahn

ADJOURN

***Parking validations will be provided for Historic Preservation Board meeting attendees that park in the China Bridge parking structure.**

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF FEBRUARY 7, 2018

BOARD MEMBERS IN ATTENDANCE: Douglas Stephens, Lola Beatlebrox, Puggy Holmgren, Jack Hodgkins, John Hutchings, Randy Scott, Alex Weiner

EX OFFICIO: Bruce Erickson, Anya Grahn, Hannah Tyler, Polly Samuels McLean, Liz Jackson

ROLL CALL

Chair Stephens called the meeting to order at 5:00 p.m. and noted that all Board Members were present except John Hutchings and Randy Scott, who were excused. Lola Beatlebrox arrived late.

ADOPTION OF MINUTES

January 16, 2018

MOTION: Board Member Holmgren moved to APPROVE the minutes of January 16, 2017 as written. Board Member Hodgkins seconded the motion.

VOTE: The motion passed unanimously. Board Member Beatlebrox was not present for the vote.

PUBLIC COMMUNICATIONS

There were no comments.

Lola Beatlebrox arrived.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Planner Anya Grahn provided an update on the status of 632 Deer Valley Loop. She stated that when the HPB reviewed the material deconstruction and several other requests, the applicant intended to subdivide the property and build two duplex. The City Council approved the subdivision plat in January. The house was deconstructed. The HPB had first approved the panelization in August, and the total reconstruction in November. Planner Grahn noted that the applicant was allowed to deconstruct the house prior to the HDDR approval based on concern that the structure might collapse and more historic material would be lost.

Planner Grahn stated that she and the Chief Building Official were on-site when the siding was removed to make sure it was stored correctly and that the siding

was not being damaged in the removal. She noted that they were able to salvage a good amount of the material. Planner Grahn stated that once the HDDR applications are approved, the historic house will be rebuilt. At this time, the HDDRs had not been approved.

Planner Grahn noted that concerns have been raised about long HPB meetings. Some Board members had suggested having two shorter meetings each month on the first and third Wednesday. Planner Grahn remarked that another option would be to provide dinner for the Board members when the meetings are longer. The HPB would be having dinner this evening because the agenda is long. She stated that besides the longer agenda for this meeting, the March agenda will have three to four items. She asked for Board feedback and whether there was consensus for either option.

Chair Stephens assumed that Planner Grahn was not suggesting two HPB meetings every month. Planner Grahn replied that it would only be the months where there was a longer agenda in an effort to give each applicant their full attention. Looking ahead to the March meeting, Chair Stephens favored two meetings a month on an as needed basis.

Board Member Holmgren concurred with Chair Stephens. Her preference would be two shorter meetings a month instead of one longer meeting, but not on a regular basis.

Planner Grahn stated that if there was consensus for two meetings in March, she would follow up to make sure they have a quorum for the second date in March.

Planner Grahn noted that parking validations were available if the Board members or the public had parked in China Bridge to attend this meeting.

CONTINUATIONS (Public hearing and continue to date specified.)

424 Woodside Avenue – HDDR Review for Reorientation - Reorientation (rotation) of a “Significant” Structure towards Woodside Avenue and lifting of the Historic Structure 7 feet 7 ¾ inches. The primary façade of the Significant Structure is currently oriented towards Main Street and the applicant is proposing to rotate the structure 180 degrees so that the primary façade is oriented towards Woodside Avenue. Upon reorientation, the Historic Structure would be lifted 7 feet 7 ¾ inches. (Application PL-16-03379)

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

MOTION: Board Member Beatlebrox moved to CONTINUE 424 Woodside Avenue to March 7, 2018. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

Board Member Weiner recalled that this item was continued from a previous agenda to give the applicant the opportunity to be present. She asked why they were not in attendance this evening.

Planner Hannah Tyler explained that the applicant lives out-of-state and ended up with a conflict for this meeting. The Staff agreed to continue it for one month. If the applicant is unable to attend in March, the HPB could decide whether or not to vote for another Continuance.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 173 Daly Avenue - PL-17-03468 —Disassembly/Reassembly and Material Deconstruction—Significant House. The applicant is proposing to disassemble and reassemble the Historic House, Historic shed, and the east and south walls of the Historic single-car garage. The applicant is proposing to panelize the west and north walls of the Historic single-car garage. The non-historic siding will be removed. The applicant will be removing the existing Historic windows, an existing stack rubble wall on the east side of the building, the existing roofs and roof framing, the existing historic doors, and the east wall of the historic shed structure to accommodate a connection to the Historic house.
(Application PL-17-03468)

Planner Tyler reviewed the application for a project at 173 Daly Avenue. She was not able to schedule a site visit because the building was deemed unsafe to enter by the Chief Building Official.

Planner Tyler reported that this was a Significant site. The applicant was proposing a partial panelization of the garage; reconstruction of the historic house, a historic shed, and the rest of the garage; and material deconstruction to restore the historic form and materials of that structure.

Planner Tyler provided a photo of the front of the building as it exists today. The building maintains much of its historic form, but a lot of the materials have been replaced. She presented other photos. She noted that the form of the shed remains, but the windows have been removed. The garage was leaning severely but had most of its historic form overall.

Planner Tyler stated that the site first appears on the Sanborn Maps in 1889. Summit County says that it was first built in 1900, but the Staff believes that it was built sometime in 1889. She presented the 1900 Sanborn map, which

showed a small extension and an enclosure of the porch. Moving into 1907 the project remained unchanged. In 1929 there was an additional extension on the building to the south. The house remained unchanged in 1941. Planner Tyler pointed to a tax photograph that was similar to how the house looks now, except the Bricktex siding was removed and replaced with non-historic cedar siding.

Planner Tyler stated that the Board would begin the discussion with panelization. She reported that the proposal was to panelize the north and west wall of the garage, which was the front façade and the left wall, looking at the garage from the front. The rest of the garage is leaning severely, and after visiting the site with the Chief Building Official on January 4; and based on the supplemental information provided by the applicant's structural engineer, the Staff determined that the north and west wall were the only walls that could be panelized. The project architect had submitted plans to show what would have to occur with each of those panels.

Planner Tyler noted that the HPB would make their determination based on specific LMC language. The Staff analysis concluded that this proposal would comply with panelization for those two walls. The applicant had submitted the structural report from a licensed engineer. Planner Tyler stated that on January 4, 2017, the Chief Building Official posted the building to be uninhabitable. The Notice was for all three buildings on site. It was also found to be unsafe based on the International Building Code Section 116.1 for Dangerous Buildings. Planner Tyler stated that with 116.1, the Staff found problematic issues with the structural integrity of the building, which allowed for the unique conditions to be met. Overall, the Staff found that this complies with panelization.

Planner Tyler requested comments regarding the panelization of the single car garage before moving to reconstruction and material deconstruction.

Chair Stephens stated that similar to projects in the past, it should part of the conditions of approval that the panels are maintained in such a way as to maintain their integrity. Planner Tyler believed that was included in the conditions of approval. She understood that the panels would be tarped or shielded in some way and stored on-site, which is a preferable method than moving the panels off-site, because it reduces the risk of further damage.

Chair Stephens stated that even though the garage may not be structural safe, keeping the siding from moving and warping adds to the integrity of the structure. He pointed out that once the boards are taken down and covered with a tarp, they are not necessarily kept intact. Jonathan DeGray, the project architect, stated that as part of the panelization plan, they propose to brace the walls.

Planner Tyler reviewed the proposal for reconstruction for the entire historic house, the two remaining walls of the garage, and the shed. She reviewed each criterion individually.

Planner Tyler reported that on January 4th she and the Preservation Planner went out to the site with the Chief Building Official. It was the second or third time they had visited the site. At that time a structural engineer determined that it was questionable whether they would be able to save the building in whole through panelization due to the deterioration of the interior and exterior material that made up the structure. On January 4th, the Chief Building Official posted the site as uninhabitable based on issues with the structural integrity. In addition, because there was no foundation, water was running off the hill in the back and entering into the home and under the house, causing mold issues. There were also issues with asbestos. Planner Tyler stated that on January 4th, the Chief Building Official made the finding in accordance with Section 116.1. She pointed out that it is difficult to make that finding and it is not done very often. However, the house has not been lived in for a while and it has not been maintained at all.

Planner Tyler stated that part of the reconstruction will be to shore up the hillside in the back with a new wall. Rather than move the building forward, the Staff believed the issue could be resolved in its current location. That would help with the integrity of the site on the Historic Designation, but the Staff finds that it complies with the unique section.

Planner Tyler presented additional photos, and pointed to one photo of the floor with a hole and another weak spot near the hole. Photos also showed water going into the kitchen from the hill. Planner Tyler noted that these and other photos were included in the Physical Conditions Report included in the Staff report.

Planner Tyler stated that the next was that Materials of the Building could not be made serviceable through repair. The reason is because it is rotted and beyond repair. The mold levels were so high that it was doubtful whether it could be cleaned out of the materials.

Planner Tyler stated that the next criteria was that Staff has worked extensively with the architect to insure that any reconstruction would like the original building. The intent is to return to the tax photo appearance, minus the Bricktex, which would be replaced with horizontal wood siding.

Planner Tyler noted that the last criteria was that the applicant submit an HDDR, which they had already submitted.

Planner Tyler stated that the Staff found compliance with all the criteria identified.

Chair Stephens asked Planner Tyler to review where the original siding was still remaining. He thought areas where the original siding had been removed was equally as important as the mold issues.

Mr. DeGray stated that the owner/contractor, Gary Bush, had done exploratory demo after the first or second time that the Staff visited the site to identify that question. They found that there was no original material. Apparently, when the Bricktex was added, the old siding was removed. Mr. DeGray noted that there was only one small portion that remained. Chair Stephens asked if they were able to tell whether there was horizontal siding going across.

Gary Bush, the owner and contractor, stated that he did find material, but no complete façade with any materials that could be salvaged. He was unsure why someone would have removed the shiplap; and he questioned whether or not it had ever been there.

Chair Stephens asked if Mr. Bush saw any evidence of what he thought was there in terms of the horizontal siding regarding the house. Mr. Stephens clarified that he was asking what profile they were using to reconstruct the house. Mr. DeGray stated that they were assuming that it was horizontal siding or lap siding, which was typical. He pointed out that the tax photos showed Bricktex.

Mr. Bush stated that he did find some of the original siding near the eaves, so he assumed that it was on those facades at one time. Chair Stephens asked if Planner Tyler would work with Mr. Bush and Mr. DeGray on the final material for the siding. Planner Tyler answered yes.

Planner Tyler moved to Material Deconstruction. She stated that even though this was a reconstruction, they would be removing material on the current building primarily to restore the historic form. Planner Tyler presented figures from the elevations of the existing conditions, which showed exactly what was to be removed. Most of the window were beyond repair due to the lack of maintenance on the structure. Number 3 showed an opening in the siding that was an original door, and they would bring that back. Planner Tyler reported that this structure was once a duplex. It would not be a duplex, but the applicant intended to bring back that door because it adds to the historic form. She pointed out that it was mostly door and window openings being restored.

Board Member Hodgkins asked what evidence, other than the tax photo, indicates that there were two doors. Planner Tyler replied that besides the tax photo, the census data and the intensive level survey indicate that two separate families were living there.

Planner Tyler pointed out that on the east rear elevation a portion of the roof would be removed to accommodate a dormer addition. It would not be visible from the public right-of-way, and would face the rear hill.

Board Member Holmgren referred to the east elevation and the language stating that the historic window was beyond repair and would be removed. She asked if it would not be repaired with an historically accurate window. Planner Tyler replied that the window would not be brought back. It would be siding. She believed the reason was to accommodate mitigating the drainage issues on the façade. Rather than move the building forward, they would fix some of those issues by enforcing the wall.

Planner Tyler referred to the photo of the shed. Three doors on it currently were not historic. The tax photos showed a bank of windows on the top. It would be brought back and sided, so it would look exactly like the tax photo. The rear wall of the shed that faces the house would be removed to accommodate a connection, and the shed would actually become part of the house.

Planner Tyler noted that the garage door would be removed as part of the panelization. Because of the warping, it has deteriorated as well. The applicant intends to rebuild it to match how it was historically. The same applies to the back with the doors and windows. Planner Tyler presented a photo showing the wall that is to be panelized. She pointed out how the damage to the siding. The applicant will try to salvage as much as possible, but anything with that much damage would have to be replaced.

The Staff recommended approval on everything proposed this evening, based on three sections of the LMC that were highlighted.

Board Member Hodgkins asked about the east side of the shed. He understood that they were only being asked to approve the demolition or removal so it could be attached to the house. Mr. Hodgkins wanted to know what part of the LMC allows the addition to be on the front of the house.

Planner Tyler replied that it would be addressed in the Design Guidelines; not the LMC. However, the Staff finds that because it is not visible from the public right-of-way that it was mitigated visually. The Staff could not find anything negative about it as proposed.

Assistant City Attorney McLean clarified that the Design Guidelines were incorporated in the Land Management Code, so they are part of the LMC.

Board Member Beatlebrox did not think the addition was in the front. Chair Stephens stated that it was between the garage and the house. He believed the HPB needed to make their decision without considering whether or not it would

be connected to the house. Board Member Hodgkins questioned why they would approve it if that was the case, because the Board has to determine why it should come down. Chair Stephens thought that was part of the HDDR process. The Board has the purview to determine whether the material has deteriorated to the point of needing to be removed.

Mr. DeGray explained that the desire to attach the shed to the house was to make it a functional space rather than a free-standing element in the yard. The connection would be behind the shed and concealed, and the basic form of the shed would remain. Mr. DeGray stated that it is hard to see the shed from the street because of the garage. However, it is visible from the south going north on Daly. The applicant would like to bring it back and make it connect to the house. Regarding the condition of the building, he believed the photos presented showed that the shed material in bad shape. He clarified that they were not proposing to save the elements of the shed. They were only saving the garage elements.

Planner Grahn noted that the HPB was reviewing this application against the demolition checklist on page 55 of the Staff report. She believed that looking at those criteria would help determine whether or not to remove the shed wall.

Chair Stephens remarked that the shed would need to retain its shape and form, and any addition to the shed and to the house would need to be in a manner that still reads as the historic shape of the shed. He stated that even though the Board would not get into the HDDR, it appeared that the corner of the shed was going into the corner of the house. Chair Stephens thought that should be recessed somewhat; otherwise the shed would not blend into the new addition. He explained that they would not be removing the entire east wall of the shed. It would retain the shape and form, but a part of each wall of the shed would be removed to accommodate an addition that would be approved through the HDDR process. Board Member Beatlebrox asked if it would be like a transitional element. Mr. Stephens answered yes.

Chair Stephens stated that if they could do something like that, he could support it as it meets Exhibit A. Board Member Beatlebrox asked for the actual size of the shed. Mr. Bush did not have the actual drawings but he estimated 8' x 16'. Chair Stephens understood that 16' was going back towards the house. Planner Tyler replied that he was correct.

Board Member Hodgkins was looking for the front façade to see where the demolition was proposed for the attachment. Planner Tyler stated that nothing would be visible from the street. Mr. Hodgkins did not believe they could know that for certain. It would not be visible looking at it straight on, but it would be seen coming up Hillside. He asked if the attachment was between Window #1 and Window #2. Planner Tyler pointed out the location of the shed versus the

transition element, and the north and south sides. She clarified that her estimate on what was to be removed exceeded what was actually intended to be removed, because only a piece of the corner and not the entire wall will be removed.

Chair Stephens stated that HPB has spent a lot of time talking about transition elements, and he believed this connection was a transitional element. He had an issue with removing the corner because it would change the shape of the shed and that would not comply with the Guidelines. Mr. Stephens was more comfortable removing the east wall of the shed and not the corner at all.

Planner Tyler recalled a setback problem because the shed encroaches on to the neighbor. In order to get any articulation, they had to move it back in order to comply with the 3' setback on the side. She understood that it was outside the purview of the Board, but those were issues the applicant had to deal with. Mr. DeGray agreed. The connection was designed to accommodate the setbacks because new construction has to comply with the current Code.

Board Member Beatlebrox had no concerns with the addition and thought it was minor. She sees it as a historic part of what was originally there. As they go through the process they could differentiate, but she did not see it as being a major problem. Mr. DeGray stated that if the concern is that the shed remain visually dissented from the connection, they would request that the Staff work with them to do so. Chair Stephens believed there was an architectural solution that could still meet the LMC and the setbacks. Mr. DeGray suggested that one solution would be to break the roof line and have the connection come down to the lower elevation.

Chair Stephens stated that he could support approval with that kind of condition. Planner Tyler clarified that he would support the removal of the material as proposed, and the Staff would work with the Design Review team and the applicant to maintain the integrity of the original shape of the shed. Planner Tyler recommended that it be a condition of approval.

Board Member Hodgkins referred to page 60 of the Staff report and assumed that they were looking at the garage, the shed and the house. He noted that at the front right-hand corner of the shed there would another piece of building that connects it from there into the house, and that would obstruct the front of the original historic house. Mr. Hodgkins pointed out that the photo was taken from the street and he could see the full front of the original house. He wanted to know why Planner Tyler believed the connection would not obstruct the perception of the historic house from the street. Planner Tyler replied that the Staff and the Design Review Team were comfortable with the look and feel of that connection, because you could still read what took place historically for the house, the shed and the garage.

Planner Grahn explained that the site is L-shaped. The house is on the back side of the lot and the shed and the garage fill the north side. In looking at the site plan, the applicant is adding an accessory building or structure in front of the house. She thought that was partially the conversation about blocking the visibility of that shed and a portion of the house.

Planner Tyler asked Mr. DeGray to describe his design. Mr. DeGray stated that they looked at ways to preserve the existing home and ways to create additional space. An accessory structure was in the approval as something they could do and they pursued it. The result was additional building off Daly in the front yard, which is currently a large paved parking area.

Board Member Beatlebrox asked if historic siding would have to be removed in order to make the transitional element flow into the historic home. Mr. DeGray replied that Bricktex is the material that would be removed. Mr. Hodgkins assumed that framing would also need to be removed. Mr. DeGray stated that they were creating a doorway where the window was. From a preservation standpoint, without the connection the openings could be replicated. However, this contemporary addition would improve the functionality of the building.

Chair Stephens thought they were getting too far into the design review process. He could not recall a circumstance where the Board was asked to approve a change to the front of a home. He pointed out that the Board was only being asked to determine whether the historic material could be approved. Chair Stephens asked if the Board should rely on the Planning Staff and the HDDR process to come up with an acceptable solution; and what would happen if they could not achieve an acceptable solution.

Planner Tyler stated that this had been through the Design Review Team process several times. The DRT includes the Preservation Planner, the City's Historic Preservation Consultant, members of the Building and Engineering Departments, the Project Planner, and anyone on the applicant's team. As a group they all found this to be an acceptable design for this site. The Design Review stays at the Staff level with the Design Review Team. Planner Tyler explained that the issue before the HPB is the appropriateness to remove any material, panelization, and deconstruction; and not the look and feel of the project. She understood that it was difficult for the Board to approve removing something without knowing what would go in its place, but that is how the Code is set up. Planner Tyler was confident in the Design Guidelines and in the Design Review Team, as well as the willingness of the applicant to work with the Staff throughout the process. She stated that this project has changed a lot from where it started, and they all worked extensively to find something that is small and complies with the streetscape of Daly Avenue.

Board Member Beatlebrox stated that people always come before them requesting to remove 10' of the back historic wall in order to have a transitional element, which then flows into an addition. The Board typically approves that request. She believed this request was similar because the applicant was asking to remove part of the historic wall and a window in order for an element to be in the front. She recognized that it was a little different, but because of the accessory building in front of the historic house, it would block the area. Ms. Beatlebrox pointed out that the design was creative, they were saving the shed and building a transitional element, and they were saving a historic building that was falling down. She felt she could support it.

Board Member Hodgkins stated that they had spent a lot of time on the Design Guidelines and he was surprised that they ended up being written in a way that would allow a transitional element on the front façade of a historic home. It is a situation that never occurred to him. If that is how the Guidelines are written, then they need to allow it. However, he suggested that it be revisited. Mr. Hodgkins did not fully support it as a historic preservationist, and he did not believe that was their actual intent. In Park City they try to mirror with the Landmarks of the National Trust, and he questioned whether putting transitional elements on the front façade and hiding the front façade behind a new building met that intent. If the historic building is pushed to the back of the site it would no longer be viewed from the street, yet the Code allows for that. Mr. Hodgkins struggled with this issue because it appears that anyone could make that proposal and he did not think it would be right in all situations. He stated that it might be acceptable in this particular location, but rather than being an exception, it is how the Code is written.

Board Member Beatlebrox recalled that when the Staff was showing photo examples during the Design Guidelines Revisions, the Board was disappointed to see one photo with a garage in front of the historic home. She wanted to know what in the Code allows for an accessory building to obscure the front of the house.

Planner Grahn reported that the Staff has been working on the Design Guidelines Revisions; and one reason is that when challenging projects such as this one come up, the Staff will know how to treat the materials. However, she wanted it clear that this project was being reviewed under the 2009 Design Guidelines and not the ones they have been revising for the past two years. She asked Planner Tyler to explain some of the site constraints and how the accessory building was allowed to be constructed in the front yard.

Board Member Hodgkins asked if they were under the 2009 Guidelines why the HPB would approve the demolition, because that was part of the change. Planner Grahn stated that it was a change made to the LMC in 2015 before the Design Guidelines were included in the LMC. In 2015 they expanded the criteria

for designation of historic structures on the Inventory. At that time a portion of the Staff's Historic District Design Review was moved over to the HPB. That was when this Board became responsible for reviewing these panelizations and relocations and reorientations. That was also when the material deconstruction portion came in and why they created the Criteria in Exhibit A. The HPB did not get full design review, but they do review treatment of the historic materials.

Planner Grahn explained that this year the Design Guidelines from 2009 were adopted into the LMC. The Staff has been working with the HPB to revise the Guidelines, and the plan is to have it ready for the Planning Commission in March. After it goes to the Planning Commission it will become a pending ordinance and new projects will have to comply with those Guidelines. However, in the meantime, everything is reviewed against the 2009 Design Guidelines.

Chair Stephens had the same issues as Board Member Hodgkins. He could see the benefits to the project, but he felt they would lose the integrity of the two separate units through the connection. He asked the Planning Staff and the Design Team to look at this in such a way that the original house is not lost when someone walks up the sidewalk because it is obscured by the wall. Chair Stephens recognized that the Board was in a difficult position because they were being asked to remove certain materials without having input on what would go in; but he believed there could be a design solution that retains the physical integrity and the shape of the shed, along with the physical integrity and shape of the house. Chair Stephens was uneasy about having the addition in front of the house, and that approving the removal of the material would be the gateway to allowing that to occur.

Chair Stephens opened the public hearing.

There were no comments.

Chair Stephens closed the public hearing.

Board Member Beatlebrox was unclear on why the accessory building could obscure the house. Planner Tyler replied that the Code allows accessory buildings in the front under the current Guidelines, as long as the accessory building fits in with the streetscape and the overall compatibility of that neighborhood context. She pointed out that Daly Avenue is full of single-car garages and smaller shacks. Part of the design of this element was not only to push it behind the existing garage, but also to make it appear smaller in form and consistent with what is seen in accessory buildings throughout Daly Avenue. Planner Tyler noted that the Design Review Team grappled with this a lot in their meetings. Because it is allowed, the Team finally reached a point where they felt comfortable with the building proposed and its compatibility. Chair Stephens

pointed out that it was not a matter before the HPB so they could not provide input. Planner Tyler replied that he was correct.

Planner Grahn thought the conditions of approval needed to be revised to address some of their comments this evening. Condition #11 was revised to read, "The Project Planner, the Historic Preservation Planner, and the Chief Building Official will conduct a site visit during the course of construction to inspect the storage of the panels and insure that they are being protected". Planner Grahn recommended adding an additional condition of approval to read, "The applicant shall structurally brace the panels to prevent further damage to the historic materials will they are being stored." She asked if the HPB wanted to add a condition of approval stating that the applicant will work with the applicant on the design of the transition between the house and shed, or whether they preferred to just give the Staff direction.

Chair Stephens replied that the Board would like the applicant to work with the Staff on the design with the intent of retaining the integrity of the original structures and how they may be visualized from the road and the public rights-of-way. The intent is to retain that these were separate buildings on this site.

Planner Grahn drafted a condition of approval stating, "The applicant shall work with Staff to ensure the preservation of the physical integrity of the shed and the house as viewed from the public right-of-way". Chair Stephens wanted to ensure that when this project is completed there would still be the distinction that these were three separate structures; a shed, a single-family home, and a garage. It was up to the Design Review process to determine how they are connected, but the intent is to understand the uniqueness of that area and that the story of those buildings remain intact.

Planner Grahn understood the direction, but she was unsure how to write it as a condition of approval. Chair Stephens thought it was just the fact that they were honoring the historic buildings and the transition element.

Board Member Weiner thought they were trying to create that recess in the design because it is not a straight flat wall or a complete L-shape. Chair Stephens noted that they were losing the corner on the shed because of the connection between the shed and the house.

Mr. DeGray suggested a condition stating that the connection should be subordinate to the shed, and that the shed corner should be visible. Chair Stephens was comfortable with that language. Mr. DeGray stated that he would work with the Staff to try to achieve that goal with the best possible outcome.

Board Member Hodgkins did not understand why they needed to connect the shed to the house. Last month they would not allow a historic house to be

moved 4' close to the street, but now they were allowing an addition on the front façade. He was concerned about consistency.

MOTION: Board Member Weiner moved to APPROVE the Disassembly, Reassembly, Panelization of the west and north walls of the historic single-car garage, the reconstruction of the historic shed, historic house, and the east and south walls of the historic single-car garage, and the Material Deconstruction repairs to the historic house, historic shed, and historic single-car garage at 173 Daly Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report and as amended. Board Member Beatlebrox seconded the motion.

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

Findings of Fact – 173 Daly Avenue

1. The site is located at 173 Daly Avenue in the Historic Residential (HR-1) zoning District.
2. The site has been designated as “Significant” on the City’s Historic Sites Inventory (HSI) and includes a historic house, historic shed, and historic garage.
3. The house is significant to the Mature Mining Era (1894-1930).
4. On February 7, 2017, the Planning Department received a Historic District Design Review (HDDR) application for the property at 173 Daly Avenue. The application was deemed complete on February 23, 2017.
5. The HPB continued this item on February 16, 2018 as the applicant had submitted additional information. There was no discussion at the meeting.
6. In 2009, City Council approved the Four’s Company Replat creating a four (4) lot subdivision. The subject property is known as Lot 3 of the Four’s Company Replat.
7. The house first appeared on Sanborn Fire Insurance Map records in 1889 as a T-cottage with additional rooms to the rear (east). It was expanded to the south by 1900.
8. By the 1929 Sanborn Fire Insurance Map, an addition was built to the south of the original house. A porch was added to the south façade of the house to provide cover for a door that was added with the south wing, suggesting that it was probably built as a separate apartment.
9. Census data confirms that this house was used as a duplex as late as 1930.
10. The house is similar in appearance today as it was in c. 1941 tax photograph, although it has since been re-clad in wood siding to replace the Bricktex. Paired double-hung sash windows on the west façade have been replaced with one multi-pane metal window. The doors have been replaced, as well, but the house retains its Historic integrity.
11. The front yard of the house contains two outbuildings. A wood framed garage fronts on Daly Avenue. With a small hinged opening, this gabled roof

garage is historic. A Historic shed-roofed storage building lies between the single-car garage and the house.

12. The following Disassembly and Reassembly (Panelization) work is proposed at 173 Daly Avenue:

- Panelization of the west and north walls of the Historic single-car garage.

13. The applicant submitted a proposed plan for the Panelization of the west and north walls of the Historic single-car garage. The architect identified the structural members that will be used for stabilizing the panels during removal and storage. This plan will need to be approved by the Building Department at the Building Permit stage.

14. The proposal for Disassembly and Reassembly of the historic garage complies with LMC 15-11-14(A)(1) as the applicant has submitted a licensed structural engineer's report indicating that the all structures on the site cannot be reasonably moved intact. The licensed structural engineer's report has indicated that the west and north walls of the Historic single-car garage can be disassembled through panelization and will have no negative impact on the structural integrity or historic integrity. The east and south walls of the Historic garage are too deteriorated to panelize and will need to be reconstructed.

15. LMC 15-11-14(A)(2)(a) is not applicable as the structures on the site are not threatened by demolition.

16. The proposal for Disassembly and Reassembly complies with LMC 15-11-14(A)(2)(b) as 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.

17. The Chief Building Official made a site visit with the Project Planner and Historic Preservation Planner on January 4, 2018. The site was posted "Uninhabitable – Limited Entry" due to its general dilapidated and unsafe state on January 04, 2018.

18. The proposal for Disassembly and Reassembly of the historic garage complies with LMC 15-11-14(A)(2)(c) because the Chief Building Official finds that the structures are dangerous buildings, therefore, staff finds it apparent that there are unique conditions, specifically, the structural conditions, physical conditions of the existing materials, and the additional submitted reports by the applicant supporting the dangerous building finding.

19. The applicant has worked with staff to develop a Historically accurate set of plans for the reconstruction and panelization to ensure the structures will be rebuilt to the same dimensions, size, and scale as the existing historic building. The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

20. Staff finds that the proposal for disassembly and reassembly (Panelization) of the west and north walls of the single-car garage complies with LMC 15-11-14(A) Criteria For Disassembly And Reassembly Of The Historic Building(S) And/Or Structure(s) On A Landmark Site Or Significant Site.

21. The following Reconstruction work is proposed at 173 Daly Avenue:

- Reconstruction of the Historic house.

- Reconstruction of the Historic shed structure.
- Reconstruction of the east and south walls of the Historic single-car garage.

22. The proposal for Reconstruction complies with LMC 15-11-15(A)(1) as the The Chief Building Official made a site visit with the Project Planner and Historic Preservation Planner on January 4, 2018. At that time, the Chief Building Official observed the conditions of the structures to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code. The site was posted “Uninhabitable – Limited Entry” due to its general dilapidated and unsafe state on January 04, 2018. The hazardous or dangerous conditions observed included:

- Due to the lack of foundation beneath the historic house, the floor structure has slumped and has considerably rotted. This has caused the walls to buckle and settle unevenly. It is no longer safe to enter the building due to its structural instability. The hillside has settled across the back of the historic house, accelerating the deterioration of the wood sided walls. Moisture has entered the structure through the deteriorated floor and rotted wood siding, causing black mold throughout the interior of the house, this can be clearly seen and creates an extreme health hazard.
- Asbestos has been discovered throughout the structure furthering the need to mitigate.

23. Due to the structural instability of the house’s structural system, the extent of the deterioration of the original materials, as well as the health concerns, the safest approach is to reconstruct the historic structure. The same findings have been made for the Historic shed and the south and east walls of the Historic single-car garage.

24. The proposal complies with LMC 15-11-15(A)(2) as the Chief Building Official’s found the building to be dangerous. Staff finds it apparent that there are unique conditions, specifically, the structural conditions, physical conditions of the existing materials, and the additional submitted reports by the applicant supporting the dangerous building finding. The Historic Building(s) cannot be safe and/or serviceable through repair.

25. The proposal complies with LMC 15-11-15(A)(3) as the applicant has worked with staff to develop a Historically accurate set of plans for the reconstruction. The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

26. The proposal complies with LMC 15-11-15(B) as on February 7, 2017, the Planning Department received a Historic District Design Review (HDDR) application for the property at 173 Daly Avenue. The application was deemed complete on February 23, 2017. Approval of the HDDR application is dependent on the Historic Preservation Board’s approval of the Disassembly/Reassembly (Panelization), Reconstruction, and Material Deconstruction.

27. The following Material Deconstruction work is proposed for the house at 173 Daly Avenue:

Historic House:

- The non-historic siding will be removed.
- The existing Historic windows will be removed due to their unserviceable condition.
- An existing stack rubble wall on the east side of the building will be removed and replaced with a reinforced retaining wall to help mitigate the slope, drainage, and structural issues in the rear (east) of the property.
- The existing structurally compromised roofs and roof framing will be removed.
- The existing Historic and non-historic doors will be removed. The Historic doors have been deemed unserviceable.
- Remove any remnants of the damaged floor structure and foundation material (if extant) to accommodate the lifting of the structure two (2) feet.
- What is left of the Historic chimney will be deconstructed and replaced with a faux chimney in its current location.
- A portion of the Historic East (rear) roof form will be removed to accommodate a dormer addition.

Shed Structure:

- Removal of the Historic east wall to accommodate a connection to the Historic house.
- Removal of the non-historic doors on the south elevation.

Single-Car Garage:

- Removal and replacement of non-serviceable wood siding that is beyond repair.
- Removal and replacement of the Historic single-car garage door due to its unserviceable condition.
- Removal and replacement of Historic door and window due to their unserviceable condition.

28. Staff finds that the removal of the proposed non-historic materials will assist in restoring the house to its Historic Form because the existing non-historic materials are incompatible and/or beyond repair.

29. Staff finds that the removal of the proposed non-historic materials will assist in restoring the house to its Historic Form because the existing non-historic materials are incompatible and/or beyond repair.

30. On January 2, 2018, Legal Notice of this public hearing was published in the Park Record and posted in the required public spaces. Staff sent a mailing notice to property owners within 100 feet on and posted the property on December 28, 2017.

Conclusions of Law – 173 Daly Avenue

1. The proposal complies with the Land Management Code requirements pursuant to the HR-1 District and regarding material deconstruction.

2. The proposal complies with Land Management Code 15-11-12.5 Historic Preservation Board Review For Material Deconstruction
3. The proposal complies with Land Management Code 15-11-14 Disassembly And Reassembly Of A Historic Building Or Historic Structure
4. The proposal complies with Land Management Code 15-11-15 Reconstruction Of An Existing Historic Building Of Historic Structure

Conditions of Approval – 173 Daly Avenue

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on January 17, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. Where the historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to removing and replacing historic materials, the applicant shall demonstrate to the Planning Director and Project Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No historic materials may be disposed of prior to advance approval by the Planning Director and Project Planner.
3. Any deviation from approved Material Deconstruction scope of work will require review by the Historic Preservation Board.
4. The applicant shall salvage and reuse any and all serviceable Historic Materials. The applicant shall demonstrate the severity of deterioration or existence of defects by showing the Planning Department that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition prior to disposal.
5. The applicant shall make an effort to salvage and reuse the bricks from the existing historic brick chimney for its reconstruction. If this is not possible, the new bricks used to construct the historic chimney shall match the originals in all respects: design, dimension, texture, material, and finish.
6. As the house is deconstructed, the applicant shall identify and analyze different siding profiles to determine the original siding profile. The applicant shall work with the Planning Department to approve determination of the original siding material. The applicant shall salvage and reuse any original siding materials that can be made safe and/or serviceable through repair.
7. Where the severity of deterioration or existence of material defects requires replacement, the new wood siding materials shall match the original in design, dimension, texture, material, and finish. The applicant shall demonstrate the severity of deterioration or existence of defects by showing the Planning Department that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition.

8. The new windows on the historic house shall be wood, double-hung windows consistent with what existed historically.
9. The chevron-pattern panel garage door is a character-defining feature of this historic garage. As part of its reconstruction, the new garage door shall match the original in all respects: scale, dimension, texture, profile, material, and finish.
10. The new window on the historic garage shall be wood and match the existing in all respects: scale, dimension, texture, profile, material, and finish.
11. The Project Planner, the Historic Preservation Planner and the Chief Building Official will conduct a site visit during course of construction to inspect the storage of the panels and ensure they are being protected.
12. Prior to approval of the Historic District Design Review application, the applicant shall submit a site plan identifying the storage location of the Historic single-car garage panels.
13. The applicant shall make an effort to remove the bottom portion of the garage siding where rot has occurred to preserve the remainder of the historic boards.
14. The applicant shall structurally brace the panels to prevent further damage to the historic materials while they are being stored.
15. Staff shall work with the applicant to ensure the preservation of the physical integrity of the shed and house through visual separation to allow them.

2. 269 Daly Avenue (historic location) – HDDR – Relocation of the historic House four feet (4') west towards Daly Avenue.
(Application PL-17-03554)

Planner Grahn reported that she had amended the Staff report based on the conversation at the last meeting, and what she believed was consensus among the Board from re-listening to the Minutes. She noted that after a lengthy and thorough discussion the Board came a conclusion on some aspects, but additional discussion was needed on other issues.

Planner Grahn stated that the applicant was present this evening and was prepared to present their findings. She assumed that the Board members had read the Minutes and were familiar with the previous discussion. Planner Grahn noted that at the last meeting the Board wanted to know the relationship between the house at 269 Daly and the two neighboring houses; as well as an analysis of the changes that occurred to Daly Avenue following the end of the Mining era. She had provided links in the Staff report to the different Sanborn maps so the Board members could do their own analysis to see what had changed.

Planner Grahn commented on the relationship with the historic house. She had researched the files and was able to pinpoint some of the surveys and create a rough measured drawing of what the house looks like. The question was whether or not it was appropriate to move the house at 269 Daly four feet. She reviewed a slide and noted that the blue houses were the historic houses next

door. Both historic houses had an addition. The house at 257 Daly has not been remodeled. The green house was 269 Daly, and she was showing it as a restored hall and parlor with the gable removed, which was approved, the full width front porch and the garage. Planner Grahn provided an image showing what it would look like if the house was moved four feet to the west. Planner Grahn remarked that in both cases the buildings were roughly staggered.

Chair Stephens asked if 257 Daly was one lot as it currently exists. Planner Grahn was unsure, but she did not recall that it had been through the plat amendment process. It could still be two lots with a line down the middle. She believed 255 Daly Avenue had been redone and has a plat amendment. She was certain that 279 Daly had been through the plat amendment process. They were able to clean up the lot when they built the addition.

Board Member Beatlebrox thought the diagram was misleading because the hill is not that far away from the houses. She asked if the black line represented the lot. Planner Grahn stated that the black lines represented the lot lines. It did not represent the topography. She stated that Ms. Beatlebrox was in correct in saying that the hillside takes up approximately half the lots in many cases. Board Member Beatlebrox understood that the applicant was still restricted from digging into the back. Planner Grahn answered yes. She explained that the lot at 269 Daly was restricted because of the plat amendment that went through and established the maximum development line. She referred to the drawing and indicated the outline of the lot and the steepness of the hill based on the tightness of the topography lines. She pointed to the maximum development line that prevents any new additions from encroaching on to the hillside. The dash line was the addition proposed in 2013. A second dash line was the current location of the house. The drawing showing the full-width front porch is what it will look like if the house is relocated four feet forward. The garage remains the same.

Planner Grahn reviewed several criteria that needed to be looked at in deciding whether or not to relocate a house. The first criteria states that for either a Landmark or Significant Structure, the structural engineer must determine that the building can withstand relocation. The Staff had decided that this was not applicable because the house needs to be reconstruct due to poor condition; and that was approved at the last meeting.

Planner Grahn remarked that the second criteria did not apply because it addresses Landmark structures. The house at 269 Daly Avenue is not a Landmark structure. It is only designated Significant.

Planner Grahn stated that for the next criteria A, B were “or” and not everyone needed to be met. Item A) states, “The proposed relocation and/or reorientation will abate the demolition of the Historic Buildings or Historic Sites”. Planner

Grahn stated that the demolition approval and the approval to reconstruct the house was not necessarily due to its location alone. It was primarily due to the amount of damage in the house from years of deferred maintenance and issues that this applicant inherited when they purchased it.

Planner Grahn read Item B) of the criteria. "The Planning Director and Chief Building Official determine that the building is a threat in its present setting because of hazardous conditions, or the preservation of the building will be enhanced by relocating it. Planner Grahn stated that at the last meeting it was decided that this did not comply with the criteria because the hazardous conditions related to the moisture being caused by the canyon being on the back of the wall could be settled by addressing the drainage and other mitigation measures.

Planner Grahn stated that at the last meeting, the Board had issues with Item C) of the criteria, which is whether or not there are unique conditions. She explained that in order to comply under Item C), all four of the conditions must be met. Planner Grahn remarked that the HPB had discussed whether or not the historic context of the historic building and/or structures had been so radically altered that the proposed relocation would enhance the ability to interpret the historic character of the buildings or the district. Planner Grahn recalled that a number of the Board members felt that the relocation would help because it would make the house more visible and help interpret the historic character. Other Board members thought the location was one of the remaining items of integrity.

Planner Grahn had outlined in her Staff report whether or not the neighborhood has really changed. In looking at the fire insurance maps she determined that parts of changed, but a lot has remained. She used when the District first came into being in the early 1980's as the baseline of whether or not a lot has changed since that time. She found that it has not changed significantly since then, and that most of the changes occurred prior to that time. Planner Grahn stated that the second criteria was whether or not the proposed relocation would diminish the overall physical integrity of the Historic District. As a group the HPB found that it would not diminish the overall physical integrity because 4' was miniscule and would not hurt the design of the site or the house. For that reason, she had changed the language to say that it complied with this criteria.

Planner Grahn stated that the third criteria was whether or not the historic integrity of the building would be diminished by the relocation and reorientation. She reported that the Board found that it would not be diminished because it was only 4' and most people would not notice. They did not believe it would hurt the integrity of the house.

Planner Grahn remarked that the last criteria is whether or not the potential to preserve the structure would be enhanced by its relocation. She noted that the Board was divided on this criteria after a lengthy discussion.

Planner Grahn noted that Rick Otto, the project architect, was prepared with a presentation.

Rick Otto had prepared a drawing in which he attempted to show the miniscule change. He indicated the position of the house and noted that the garage was not changed. The drawing also showed the relationship of the hillside behind the house. Mr. Otto stated that over the years he has found that every inch matters in Old Town, regardless of the project. He remarked that having 4' of space in the back would make a huge difference to this house. Mr. Otto indicated a 2-1/2 foot addition that was done many years ago on the east side of the existing garage. He noted that currently there is 14' from the face of the deck to the actual east face of the garage; and then another 2-1/2 feet back for a total of 11-1/2 feet. He explained that moving the house four feet and removing the addition results in 10' feet from the face to face. From a circulation standpoint that is a decent number. Mr. Otto remarked that the owners would like to have the additional four feet in the back area. He thought the back area would be critical for the development of the house and a future addition. He believed his drawing showed the accurate relationship and emphasized that it is a small change. Mr. Otto requested that the HPB allow the relocation.

Board Member Weiner asked if the issue of the running water was on the backside. Russ Henry, representing the applicant, stated that he owns a construction company in town and he has restored a few historic houses for himself on Daly Avenue. He is a long time-resident of Daly Avenue. Mr. Henry thanked the Board members who visited the neighborhood and walked up and down Daly Avenue. Mr. Henry stated that the neighborhood that exists today is not the same as it was in the past.

Mr. Henry recalled from the last meeting that the Board was comfortable with Items 2 and 3 under 3C. The issues are with Items 1 and 4. He agreed with what Planner Grahn had presented. Mr. Henry argued that his neighborhood has been radically altered. It has been radically altered recently and it was being radically altered today with some of the new homes being built on the street.

Mr. Henry walked through a packet he had prepared of photos and maps. Henry referred to the 1889 Sanborn map. He thought it was evident from the map that Daly Avenue was not just a residential neighborhood. It was an industrial area. He pointed to the Union concentrator shown on the map and a description that shows it was a loud and noisy place that never stopped. The ore carts ran overhead and they never stopped. Mr. Henry remarked that currently the neighborhood is a sleepy dead-end street, but historically it was the main

thoroughfare to the mines. Further up the street it became less residential and more of a place of business. People would live in the squatters shacks and work in the shops in front of their houses. Mr. Henry pointed out that the shops were still there in 1993 when he moved to town. They were only removed recently.

Mr. Henry pointed to 269 Daly on the 1889 Sanborn Map and noted that the house did not appear to be in the same location where it is today. In addition, the shape and form of the structure does not match the house as it exists today. He believed the house at 269 Daly was originally a little further forward. Mr. Henry referred to the 1900 map and pointed out that the adjacent houses are no longer there. In looking at the map, the houses do not line up. They were all built without being surveyed into place. Mr. Henry did not believe that moving the house four feet changes the context of the neighborhood. He thought the context of the neighborhood were houses that were forward and set back.

Board Member Beatlebrox asked if Mr. Henry was saying that the two houses on either side of 269 Daly on the 1900 map were no longer there. Mr. Henry replied that those two houses were gone. Board Member Hodgkins clarified that he was talking about 16 and 17-1/2 Daly. Mr. Henry answered yes. Number 16 and number 17-1/2 are gone.

Mr. Henry referred to the 1907 map where he had X'd out buildings on the map that are no longer there. In his opinion, that represents a radical change. He noted that a little further up the street a new house was being constructed on the opposite side of the street, and that house has approximately 80 feet of frontage. It was only a few houses away from the house he was asking to move 4'. He believed that house diminished the historical context of the neighborhood, and it was an example of how the historic context of the neighborhood has changed. Mr. Henry reiterated that the purpose of the neighborhood has changed.

Mr. Henry went to a picture of 255 Daly Avenue. It showed a house with sheds in front. He noted that the sheds were there in 1993 and now the sheds are gone. A single-family homes sits in that location. Mr. Henry clarified that he had taken that photo and submitted it to the Staff. The photo was taken when he first moved to Daly.

Mr. Henry pointed to photos of the flood and noted that shop buildings and sheds could be seen in the photo. He noted that some of the sheds and buildings are not reflected on the early Sanborn maps, but by the 1930s it was very busy in terms of business.

Director Erickson asked Mr. Henry to identify what years the photos were taken of the floods and the sheds. Mr. Henry stated that the floods were 1983. The photo of the sheds was from 1993. Director Erickson asked specifically about the lower picture on the flood page. Mr. Henry replied that it was 1983.

Mr. Henry referred to additional historical pictures that he thought provided evidence of the radical changes on the street. The next page showed 291 and 297 Daly Avenue as they were when he first moved to the Street. He showed another more recent photo showing that the houses are closer than they appeared in the photo. He stated that the houses were so close together that the front porches were connected by a walkway. Mr. Henry pointed to a house in the photo at 303 Daly that no longer exists. That was another radical change on the street. Mr. Henry referred to another page of two historic homes that used to sit back and next door to each other. They created a lot of record in between the houses and moved the houses forward. That was another example of a radical change. Mr. Henry remarked that even with additions, these houses still read as historical.

Mr. Henry reviewed additional photos that he thought were examples of radical changes to his neighborhood.

Mr. Henry believed that removing the addition from his house at 269 Daly and moving it forward 4' would give the house more street prominence and keep it from being lost in the shadows. He noted that the relocation would only involve two walls, because two walls of the home would remain in the same place they are in right now. Mr. Henry remarked that bringing the house forward 4' would benefit everyone. Looking at the house in its current location and an image of it moved 4', the two were almost indistinguishable. He pointed out that there would still be a large setback in the front yard.

Mr. Henry showed a photo of the house he currently lives in and explained what he had done to restore it. He had similar plans to restore the home at 269. He plans to reconstruct the front porch and make it a feature of the homes. As people walk up and down the street, he wants them to be able to read that it is a historic home. However, he would like to be able to bring it up to modern day living standards just like other historic homes that have been preserved.

Chair Stephens clarified that the relocation was the only issue for consideration this evening because the Board had voted on the other pieces at the last meeting and it was approved. Planner Grahn replied that the HPB already approved the reconstruction of the historic house and the historic garage, as well as any material deconstruction associated with restoring the house to its original form. The Board had issues with whether it meets the criteria for relocation.

Chair Stephens understood that the Board had to find compliance with all four conditions, C1-4. He thought there was Board consensus on C2 & C3. C1 was that the historic context of the historic building has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character. Chair Stephens understood why that was put into the Guidelines, but he was

trying to think of an example. Planner Grahn stated that one reason for keeping it vague was so they could use it as necessary. As an example, she used the 1300 and 1400 block of Woodside where most of the neighborhood has been redeveloped into high-rise condos and only three historic houses are left. However, that was a different way of being radically altered than Daly Avenue with the loss of industrial buildings and other structures.

Chair Stephens stated that he was trying to grapple with the language “enhance the ability and interpret the historic character”. He preferred to take public comment first and then have the Board discussion.

Chair Stephens opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, stated that she had missed the last meeting and after reading the Minutes she realized that there were many sides to consider. She appreciated being able to comment on their discussion this evening. Ms. Meintsma concentrated her comments on C3, particularly unique conditions, and how it applies to some of the comments that were made at the last meeting.

Ms. Meintsma read from the page 22 of the Minutes and a statement from Director Erickson that their needs to be consistency in what is done with this application, and how projects are approved in the future. When looking at unique conditions, she believes this project is almost a prototype of where they will go moving forward; which is whether or not to move this structure. Ms. Meintsma referred to a comment by Chair Stephens that if the Board decides to allow this house to move 4', they need to make sure it would not create future problems. He echoed the importance of being consistent. Ms. Meintsma sees this as a test case. Four feet is a small amount, but it is a move. In order to move four feet the conditions should be unique, and she did not believe they were. Ms. Meintsma noted that some of the reasons to move the structure forward was to make it more prominent and take it out of the shadows. She did not believe that was a unique condition to meet the criteria. She stated that if the HPB allows this house to move 4' forward to move it out from the shadows of larger buildings on the side, other historic houses will be lined up to request relocation for the same reason. Almost everywhere in town larger structures are being built next to smaller structures. Ms. Meintsma pointed out that historic houses are set back and they are smaller in scale and outsized by bigger projects.

Ms. Meintsma read from C3 and noted the language talked about the site rather than the structure. Number 1 is the context. On Number 2 she agreed that the relocation and moving the structure 4' forward would not diminish the overall integrity of the District because it is too small in a larger arena. Ms. Meintsma believed it complies, but she did not believe in the argument that it would help the District because it would make the house proud of its neighbors and prevent it

from being overshadowed by new development. She felt that it complied because it would not impact the whole district, but the justification did not make sense. Regarding Number 3, Ms. Meintsma agreed that the integrity of the structure will not be diminished. Talking about the structure alone, moving it would not reduce the integrity of the structure, but moving it to prevent the house from being lost and overshadowed would again set a precedence for most houses in town that are lost and overshadowed. Ms. Meintsma stated that the houses sitting back in the shadows in their positions reads history. The house is sitting where it is to show its history.

Regarding unique conditions and the fact that this house is up against the hillside, Ms. Meintsma stated that every house on her street is dug into the hillside. She recalled a comment by the applicant that it would be difficult to get around the house to do any type of structural drainage. She stated that they would not have to get around the house because the house would be gone. They would have to move into the hillside to make a shorter backyard if it is not moved. She remarked that up and down Daly the excavation is horrific. She believed the excavation on this small hillside was relatively minimal if the house remains in its current location and it is consistent with others.

Ms. Meintsma read a comment from Director Erickson as reflected in the Minutes. "The HPB would need to make a finding on how this would not decrease the historical integrity of the neighborhood". She pointed out that they were talking about the site and the neighborhood. Ms. Meintsma thought it was better to preserve the house rather than worry about moving it 4'. Leaving the house where it is and reconstructing it will improve the house and save the context of the site. It will also reiterate what this street has to offer. She referred to a comment by Board Member Hodgkins where he said that the house would be torn down so it would not be the same historic house. She pointed out that the reconstructed house would still maintain the integrity. Board Member Holmgren had said that it was still part of the neighborhood even if the original structure was demolished and reconstructed in its historic form. Ms. Meintsma referred to what Planner Grahn had said about the history and the characteristics of the street. She stated that the remaining houses on the street still speak to the crazy history of what occurred on Daly in the past. If they change this house, other houses will make the same request and that history will be lost.

Ms. Meintsma agreed that 4' is miniscule, but 4' could become 6' feet. The Code states that generally a house could only be raised 2'; however, there is a historic house that is suggesting the possibility of 7-1/2 feet. The word "generally" leaves it open to more. Ms. Meintsma remarked that the prominence of this house is the situation where it sits back from the street. She believed that bringing it forward would eliminate some of its uniqueness and context. Ms. Meintsma referred to the introduction by Planner Grahn stating that location is part of the integrity of the structure. There are seven aspects of integrity. Ms. Meintsma noted that the

HPB previously talked about the location and how it contributes to the character of the site and contributes to its significance. She stated that moving the structure 4' changes the context and the setting of the building. Ms. Meintsma reiterated that this was one project and it was only 4', but if they base moving this house on making it more prominent and moving it from the hillside, everyone will want to do it.

Ms. Meintsma commented on the applicant comparing structures that have changed and how the context of the neighborhood changed. She did not think they could compare this project to other projects that have been moved forward or structures that were removed because they were done before this current Code. They cannot be compared. Ms. Meintsma stated that because those houses were moved or removed, the Code was changed to prevent this from occurring. The Code was changed to save the historic that is left. Ms. Meintsma commented on the need for consistency because the Board would have to make the same decision for other houses on Daly and everywhere else in town. She reiterated her belief that the conditions were not unique. She believed that moving the house would impact the integrity of this neighborhood and possibly others.

Chair Stephens closed the public hearing.

Chair Stephens stated that whatever the Board decides, they need to keep in mind that their decision needs to be based on findings of fact. He pointed out that 4' is not the issue in this matter.

Board Member Beatlebrox asked Mr. Henry if she understood correctly that he said that the house was in a different position between the 1889 map and the 1900 map. Mr. Henry stated that it was how it appears on the Sanborn map. The house on the map is not the same as the existing house. It is a different shape. Ms. Beatlebrox agreed that it was a different shape. She assumed the gray line was the ore cart line. Mr. Henry replied that it was Poison Creek. He pointed out that the creek had changed from 1889 to 1900 because it was moved forward. Ms. Beatlebrox was trying to figure out whether the house was originally in the position shown in 1889. Mr. Henry believed from the pictures that the house was forward from where he was trying to move it to. He reminded the Board that the house is a Significant structure; it is not a Landmark designation.

Chair Stephens believed there was Board agreement regarding compliance with Items 2 and 3. They needed to find compliance with Items 1 and 4 because all four criteria are necessary for approval.

Director Erickson stated regardless of whether or not the Board decides to allow the move, they still need findings of facts, conclusions of law, and conditions of approval. He pointed out that the applicant presented evidence this evening that

the relocation of the house would actually take it back to the original position. If the Board feels that is an actual fact, it would change the analysis because in that case they would be enhancing the historical nature of the house by moving it back to the original position. Director Erickson believed that alone would work with 3C1. It would be a finding of fact to assist with the analysis.

Chair Stephens thought the Sanborn map that was presented showed the general relationship of the buildings; but he was unsure whether that establishes the location or if it was moved or built in a different place. Mr. Henry remarked that it was easy to see that it was a different structure. Chair Stephens agreed that it looked like a different structure, but it was from the additions between 1889 and 1900. He did not believe it was easy to tell if the front position of the 1900 Sanborn map was in a different location than on the 1889 map because there were no reference points. He explained that the HPB needs to be able to tell that it was in a different spot as a finding of fact to base a conclusion.

Chair Stephens stated that he did not disagree with the plans the applicant presented and all the points they made. He believed it would be a worthwhile project. He also agreed that 4' appeared to be minimal in context with what the applicant was trying to accomplish and the benefits the restoration would have from being able to move 4'. However, this was only one of many projects they would be seeing in the future, and in all the ordinances he has read, distance was not the issue. They only talk about relocation the home in general. Chair Stephens stated that relocating the home 4' puts it in compliance with C2 and C3 because the move was not significant. Chair Stephens was still struggling with C1 because personally he could not come up with a finding of fact that would allow him to get past C1 or C4. He pointed out that the Board was told that they need to find compliance with all four of the criteria on the application before them before they could approve any kind of relocation. He was finding it difficult to make the findings of fact that would allow them to vote in favor of this request; and at the same time not create problems for future requests that could not be justified.

Board Member Holmgren stated that she was a little torn at the last meeting because she values sunshine. She stated that at one time she had thought about moving her historic house back to achieve a bigger front yard, until she had a plumbing episode and the plumber had to crawl under the house. He told her that her house had sat in that location for 100 years. It had a double sub-floor and both levels were hardwood. Ms. Holmgren stated that his comments made her realize that these houses do not need to move from their original location. She felt that way at the last meeting and she still feels strongly that these houses should remain in their historic location.

Board Member Beatlebrox stated that based on the evidence presented by the applicant regarding the changes on Daly, she would also describe them as a

radical change over the years. That changed her mind in terms of C1. She did not believe that moving the structure provides a better ability to interpret it or enhances it; but it certainly does not detract from it. The notion that it might have been in a different place originally put an element of doubt in her mind. Ms. Beatlebrox noted that the Board allowed the two buildings on Park Avenue to be moved.

Chair Stephens believed that Park Avenue was under a different LMC. Planner Grahn replied that he was correct. The LMC has since been revised since they approved the Park Avenue buildings. This application was based on the current Code.

Board Member Beatlebrox thought it was difficult to determine because C1 has two elements; radically altered and enhance the ability to interpret.

Board Member Weiner agreed with the comments made by Board Member Beatlebrox. She commented on the argument that if they approve this house there would be a flood gate of applications and everyone would want to move their house. She did not think that was a reason to deny this application. The Board spends a lot of time reviewing every application, and each one is different. She thought the photographs and the packet that the applicant had prepared was a compelling statement of the history of this lot. Ms. Weiner stated that they have to go by the Sanborn maps. She thought there was good indication that this house has been moved around. Mr. Henry showed pictures of other houses being moved. It is a historical fact that people move their homes to suit themselves. She pointed out that they did not have architects or site engineers in the 1900s to tell them where to put the house, and they may be trying to preserve the haphazard location. Ms. Weiner thought the pictures of the retaining wall to one side of the house indicates that things have been radically altered on Daly Avenue in their location. She was leaning towards approval for the reasons stated.

Board Member Hodgkins clarified the process. When the HPB approves panelization, the building is torn down and a new building is built in the same location using reclaimed materials. He asked if that still qualifies the building to be Significant. Planner Grahn answered yes. Reconstructed houses are listed as Significant, and occasionally some are still listed as Landmark. She remarked that if a house is constructed correctly to replicate the form and appearance it had in the historic period, it would still meet the National Register because it contributes to the District nomination.

Board Member Hodgkins asked if this applicant was subject to the 2009 Guidelines. Planner Grahn answered yes. Board Member Hodgkins asked how the 2009 Guidelines were different from the recently proposed revisions. Planner Grahn stated that the 2009 Guidelines and the proposed revised Guidelines

require a transitional element for the addition. When the house is reconstructed they need to make sure that it is replicated accurately and that it meets the dimensions that were taken on site, minus any non-historic additions. In this case she believed the difference was actually changes to the LMC. Planner Grahn stated that prior to 2015 the LMC said that the Planning Director and Chief Building Official had to find unique conditions to allow relocation. However, unique conditions were not defined. Since 2015, the Staff worked with the HPB to better define unique conditions, which resulted in the criteria they were looking at this evening regarding A, B and C1 through 4. They wanted precise criteria on when relocations should be allowed, because it was not something they wanted to encourage.

Board Member Hodgkins asked if Planner Grahn was certain that the two houses on Park Avenue were not reviewed under this criteria. He recalled having a discussion about historic context, which is why they allowed the houses to be moved. Planner Grahn agreed that the criteria for 1450/1460 Park Avenue was similar, but after that project the language was tightened up. Board Member Hodgkins still thought they had reviewed the Park Avenue houses under the same criteria because he remembered making the same arguments. Planner Grahn reiterated that the criteria were very similar. She could not recall the exact wording, but historic context was a criteria at that time.

Board Member Beatlebrox recalled that they made their decision because the historic context had changed radically on Park Avenue. The Board agreed to allow those buildings to be moved to bring the houses forward to showcase them better on Park Avenue. She thought it was a good comparison because consistency is important.

Director Erickson stated that if the Board were to make findings that the building could be moved based on changes to the neighborhood, they needed to be specific about the unique conditions on this particular lot versus unique conditions in other locations in the City. Part of consistency is looking at each individual site. Director Erickson remarked that if the Board was inclined to allow the house to be moved, they would need to work with Staff on the changes that allow them to make the Finding that the neighborhood has changed; and that those findings could not be globally applied throughout the Historic Districts. He stated that there was a policy problem in looking at this too loosely in agreeing to move the house.

Board Member Weiner thought one of the very unique conditions could be that this house was further forward on the lot in 1889. Board Member Holmgren pointed out that there was no way to know that for sure. Ms. Weiner asked if there was a way to verify it from the photos on the map.

Planner Grahn agreed with Mr. Henry that something occurred between 1889 and 1900, because the house goes from possibly a hall-parlor with an L-wing added in 1889, to a much larger more rectangular house with a full-width front porch and a garage. She stated that in looking at the 1900 and 1907 Sanborn maps, the garage stays the same. However, it is easy to see where it denotes 16' of difference on the 1907 Sanborn map between the historic house and the garage at 269 Daly. Planner Grahn remarked that the house was not gaining its historical significance from the 1889 map, but rather from the 1900 map. If they were trying to prove whether or not the building has been moved, they needed compare the 1900, 1907 and 1927 Sanborn maps, because that form remained the same throughout all of those. Planner Grahn noted that the 1929 Sanborn map in the Staff report was a little blurry because it was a large map and pixelated. She pointed out that in the 1929 map the garage was square. There was no reason to believe that the garage was ever square because the footprint in 1900 and 1907 more closely aligns with what exists today. Planner Grahn stated that based on what they experienced on other projects, the Sanborn maps were not always updated.

Planner Grahn stated that setting aside the garage, looking at the location of the house in the 1907 map the applicant had provided, they could see how the back wall of the canyon cuts across, dips on the northeast corner, and comes back in to touch the southeast corner. She agreed that the street had changed a little. In 1900 the street looked like a straight line. In 1927 the map ropes around to catch the front of that garage. In the 1907 map they could slightly see that it was the same. Planner Grahn pointed out that the river always appears to cut across the front of the garage.

Planner Grahn clarified that she was not saying that it was not possible that the house was not located, but in looking at this application, they have to find that the significance in the location is largely what they see in the Sanborn maps. The question is whether the house was in the same location that it sits today, or whether it was moved after 1927. She stated that if it was moved after 1927 and outside of the historic period, that would be a much stronger argument that the character of the site has been changed. Another question was whether or not the house was moved between 1889 and 1900 because the form and the shape of the house changed significantly between those years.

Chair Stephens asked if the Board was ready to make a motion.

MOTION: Board Member Holmgren moved to DENY the relocation for the house at 269 Daly Avenue, pursuant to the Findings of Fact and Conclusions of Law outlined in the Staff report.

The motion died for lack of a second.

MOTION: Board Member Weiner moved to APPROVE the relocation of the house at 269 Daly Avenue.

Planner Grahn stated that if the Board was voting to approve the relocation, they first needed to amend the Findings to make the approval unique to this specific site. She referred to the findings in the Staff report and noted that the ones shown in red were the things added since the last meeting because they contributed to the site. Planner Grahn suggested adding a finding stating that the neighborhood context has been radically altered due to the loss of the number of adjacent houses present in the 1900 and 1907 Sanborn Fire Insurance maps; the change from an industrial area characterized by mining activity to a residential neighborhood; the loss of the number of sheds and garages at the street front; Poison Creek no longer being day lit.

Assistant City Attorney McLean suggested that they get a head nod from the Board to get an idea if the vote will be to approve. If that is the case, she recommended that the Board break for dinner and give the Staff time to draft Findings that would support that vote.

Board Member Hodgkins believed there was some Finding of Fact that perhaps the house is in a different location; or possibly a completely different house on the same site. He did not think there was enough information to find the correct Findings of Fact. Mr. Hodgkins was not comfortable with a finding that the site has been radically altered, because that was the precedent piece he did not like about the Park Avenue project and why he voted against it. Mr. Hodgkins asked if he could abstain from the vote because he did not think there was enough evidence either way to determine whether or not the house was moved 100 years ago. He recognized that this applicant was trying to put the addition behind the building rather than in front of the building and he was more supportive of that, but he could not legally make that argument through the LMC. Mr. Hodgkins stated that if he had to choose one side or the other, he wanted to move on the Finding of Fact that it was being put back in its original location. He was still unsure as to how he would vote.

Chair Stephens stated that after listening to Planner Grahn's explanation, he could not find that the 1889 Sanborn map was a complete argument. However, he liked her analysis of the next three maps. Chair Stephens stated that he was inclined to vote against relocation, because personally he could not make a finding of fact that applied to C1 and C4. He agreed with Board Member Hodgkins that it would be easier to approve the relocation if there was strong evidence that the house had been moved in 1900. With concrete evidence, they would be able to make a finding that the house was going back to its original location, and that is a unique condition that would not apply to too many other structures in Old Town. However, in his opinion, the Sanborn map was not conclusive evidence that the house had been moved.

Board Member Hodgkins stated that the building itself after reconstruction would remain Significant, and it needed to comply with the reasons for relocating a Significant structure.

Chair Stephens recommended that the HPB break for dinner and allow the Staff to draft findings that might possibly sway their decision from a different viewpoint.

Director Erickson cautioned the Board against talking about this item during the break because any discussion needs to be on the record in front of the public. Assistant City Attorney McLean stated that based on their comments the Staff would come back with recommended findings for a vote.

Chair Stephens noted that the motion made by Board Member Weiner had not been seconded, but it was still on the table.

The Board recessed for dinner.

Chair Stephens called the HPB meeting back to order.

Assistant City Attorney commented on the Board discussion regarding hard evidence. She stated that under Utah Law, the applicant has a right to have all things being equal in their favor. However, to balance that, the law states that for Significant sites at least one of the following must be met; and it lists the criteria. Ms. McLean clarified that the Board needs to be able to find those criteria. She understood the difficulty, but those were the two principles that should guide their decision.

Director Erickson stated that the objective was for the Staff to provide context and discussion for the Board to review. The Board would then discuss that information. However, if they are unable to reach a consensus or a vote within the next 15-20 minutes, he recommended that the Board continue this item and allow the Staff to review the additional information that the applicant provided, as well as the Board's comments. If it is continued, the Staff would come back with a series of potential findings for either position that the Board could debate individually.

Planner Grahn commented on the Sanborn maps. She was having trouble seeing how the house had been relocated. She agreed with Mr. Henry that something happened between the 1889 and the 1900 Sanborn maps. However, in looking at the map, sometimes they are very accurate and other times there is discrepancies. They have seen that tonight on this property and in the past on other properties where not every addition they know is historic was shown accurately on the Sanborn maps. Planner Grahn remarked that the Sanborn maps can tell them about the distance between buildings when it is noted on the

Sanborns; the location; the proximity of houses; the materials; the height of the buildings. In the end it is also a floor plan. The maps do not provide clear setbacks, and because they were hand drawn, she questioned whether they were drawn to scale. She stated that the Sanborn maps are a loose representation that were meant to help the fire departments understand what they were dealing with.

Planner Grahn stated that the Staff needed additional discussion from the HPB because there was not a consensus and they were split on a decision. She asked the Board to discuss it further in terms of how this does or does not meet the criteria in the LMC to give the Staff more direction. Planner Grahn stressed the importance of finding something exceptionally unique about this lot. It has to be unique to Daly Avenue and the context of this lot. Saying that Daly Avenue has changed dramatically is not enough because that argument could be made for almost every street in Park City. She reiterated Director Erickson's request that the Board have a 15-20 minute discussion to help the Staff in drafting clear Findings of Fact.

Director Erickson suggested that the Board begin their discussion with 3C1, because that criteria affects the rest of the Historic Districts. Chair Stephens thought 3C4 was also important because they have to find that the potential to preserve the historic building will be enhanced by its location.

Director Erickson stated that there may be unique condition because there is a building restriction on the back of this lot that does not generally occur in Daly Canyon. Part of the reason the expansion cannot occur to the east is due to the building line. The alternative is to modify the plat to eliminate the building line. He pointed out that it is either a unique condition of this lot or it could be resolved by another legislative act.

Assistant City Attorney McLean stated that as the Board continues their discussion, they should remember that 3C requires that all four of the criteria be met.

Chair Stephens thought that C4 was a situation where a building is threatened by its physical location and it should be moved to preserve the structure. Board Member Weiner thought proximity to the back of the canyon was a reason. Chair Stephen replied that it was not an issue on this particular property. He noted that the Staff report talks about being able to mitigate the water and drainage issues through the construction process. Ms. Weiner recalled an earlier finding regarding the drainage in a previous application that was approved. Director Erickson replied that it was an approval in 2013.

Planner Grahn reported that the Chief Building Official and the Planning Director looked it over and based on Criteria B, they determined that the building was

suffering and needed to be reconstructed. However, they also find that the drainage could be mitigated during the reconstruction. It was not the location of the house alone that contributed to its downfall.

Board Member Hodgkins clarified that the drainage issues could be mitigated only because the house was being reconstructed. Planner Grahn pointed out that it was a construction issue that could be addressed in other ways. She noted that this was not the first applicant to deal with issues about getting into the back yard. Mr. Hodgkins asked how the no-build line was established for the back yard. Planner Grahn stated that she was not in Park City at the time, but she understood that during the plat amendment process with the previous applicant the Planning Commission was very concerned about new development creeping up the hillside. Therefore, they went through and placed a no-build line on a couple of plats along Daly Avenue. At that time, they were looking at the 2013 proposal which had a small one-story addition behind it. They talked about whether or not to look at TDRs or something else. The Planner at the time worked with the previous owner, and based on that 2013 proposal for the house, the no-build line was established. It was a give to the Planning Commission to recommend the plat amendment. It also keeps the development small and off the hillside without causing additional excavation. Mr. Hodgkins clarified that it was now a legal setback. Planner Grahn answered yes. Chair Stephens pointed out that unlike a regular setback, the applicant could build right up to it.

Chair Stephens noted that there was Board consensus on C2 and C3. Regarding C4, he asked if the Board felt that relocating the house would preserve the historic building. Board Member Beatlebrox answered no. Board Member Weiner thought moving the house 4' forward would enhance the building because it would not be buried behind the retaining wall next door. Ms. Beatlebrox noted that the house was being constructed and she did not believe that applied. Ms. Weiner thought it did apply because the criteria asks if the building would be enhanced by its relocation. She interprets the language, "the potential to preserve the structure will be enhanced by its relocation" as the visual of the building. Moving the building forward would enhance it because it would not be dwarfed by the retaining wall.

Board Member Hodgkins thought that 3C4 would be enhanced if he knew that the addition on the back would not be seen from the road. Moving the house forward would allow the building to remain historic because it could be used today. However, there would be height restrictions that he believed would detract from the historic significance because of the larger addition in the back. Moving this forward 4' and allowing a height restriction on the back side is a greater preservation of the house than keeping it in its current location with a larger addition on the hill behind it. Mr. Hodgkins understood that they were not supposed to consider design, but that was the difficulty because he would like to understand more of what the applicant could do legally if the house is left in

place. That was his reason for asking which LMC and Design Guidelines this project would fall under.

Chair Stephens pointed out that at the last meeting the applicant had said that the 2013 plan was a one-story addition. That was no longer the plan and it would now be a two-story addition. He noted that the design would have to through the HDDR process.

Planner Grahn asked Ms. McLean if the Board could add a condition of approval stating that the height of the new addition could not exceed the height of the roof of the historic house. Chair Stephens was not comfortable putting that type of condition on an applicant. Assistant City Attorney McLean remarked that any condition of approval has to be linked exactly to their decision.

Board Member Hodgkins thought that adding that condition would be saying that the historical integrity would be enhanced. Chair Stephens noted that C4 did not say that the historical integrity would be enhanced. It says the potential to preserve the historic building will be enhanced by his relocation. Chair Stephens acknowledge that his interpretation was different than Board Member Weiner. He looks at it as a building that is threatened physically by its location. Board Member Beatlebrox agreed with Chair Stephens. Ms. Weiner noted that the language says "enhanced". It does say anything about being destroyed or threatened.

Assistant City Attorney stated that an alternative they sometimes see with those types of conditions is that it can be added if the applicant stipulates to it.

Understanding that there was agreement on C2 and C3, Chair Stephens asked for a head nod on C4. Planner Holmgren did not believe that moving the building would enhance it. Board Member Beatlebrox concurred. Chair Stephens did not believe moving the building would enhance it. Board Member Weiner thought it would be enhanced by relocation. Board Member Hodgkins stated that if moving the building forward allows a larger addition that dwarfs the historic house, then it would not enhance the structure.

Assistant City Attorney noted that the HPB needs to rely on the HDDR process to keep homes in a manner that will protect the historic sense of the building. If they feel that the Guidelines do not protect historic homes as well as they should, then they should address the Guidelines.

Board Member Beatlebrox was unclear why C4 applied in this situation because it was a restoration and the building would not be preserved. Board Member Beatlebrox stated that this had been his argument all along. Planner Grahn restated her earlier comment that panelization and reconstruction have been

identified as methods of preservation by the City of Park City. Mr. Hodgkins pointed out that because the house remains Significant, C4 has to apply.

Mr. Henry noted that the project is deed-restricted in that there is an allowable square footage. Planner Grahn explained that when the plat was approved, in addition to the maximum building development line there was also a restriction placed as far as house size. She could not recall the actual size, but it limited the footprint and the square footage of the house. Planner Grahn believed the restriction would keep the addition smaller.

Chair Stephens asked if it was a footprint limitation or a square footage. Planner Grahn looked it up and reported that it was the maximum gross floor area as defined by the LMC will not exceed 2,000 square feet. For example, if basement space is completely buried underneath the house, that would not count towards the gross square footage. Everything above grade would count. Board Member Hodgkins asked if the existing garage would be included in the square footage. Planner Grahn answered no. There is an exemption for up to 400 square feet of garage in the Historic District, and accessory buildings do not count as footprint as long as they are designated as historic. Mr. Hodgkins clarified that it was specific to this site and not the entire street. Planner Grahn replied that he was correct. Mr. Hodgkins understood that the total square footage on the site would be 2,000 square feet, including the current house. Planner Grahn stated that the house would be counted but not the garage.

The previous motion on the table was withdrawn.

Chair Stephens called for a new motion.

MOTION: Board Member Holmgren moved to DENY the relocation at 269 Daly Avenue based on the Findings of Fact and Conclusions of law found in the Staff report. Board Member Stephens seconded the motion.

VOTE: The motion passed 4-1. Board Members Holmgren, Stephens, Beatlebrox and Hodgkins voted in favor of the motion to deny the relocation. Board Member Weiner voted against the motion.

Findings of Fact – 269 Daly Avenue

1. The site is located at 269 Daly Avenue in the Historic Residential (HR-1) zoning District.
2. The site has been designated as “Significant” on the City’s Historic Sites Inventory (HSI) and includes a historic house and historic garage.
3. The house first appears on the 1889 Sanborn Fire Insurance map to the west of the Union Concentrator Mill. The Ontario Mining Company and its subsidiaries continued to own many of the parcels on Daly Avenue and rented out houses

constructed on their mining claims, such as 269 Daly, well into the late-twentieth century. The house at 269 Daly Avenue was first sold to private property owners in 1973.

4. During the Mining Era (approx. 1868-1930), the Sanborn Fire Insurance Maps depict a number of mining-related industrial buildings on the west side of the road, including, but not limited to, the Union Concentrator, wagon sheds, water reservoirs, etc. There were also a number of hall-parlor and cross-wing houses constructed on the east and west sides of the street, built on mining claims. The garages and accessory buildings constructed over Silver Creek (Poison Creek) housed cottage industries for the mines, such as blacksmithing.

5. The house was likely built prior to 1889 as a two-room hall-parlor; however, it was expanded by adding a stem-wing to the south end of the hall-parlor form before 1889. T-shaped cottages became a predominant house form in the 1880s and 1890s.

6. By the 1900 Sanborn Fire Insurance map, the house was expanded once again or replaced by a house that is more rectangular in form with a full-width front porch.

7. In April 2011, a Historic District Design Review (HDDR) application was submitted for the purpose of relocating the house towards Daly Avenue, rehabbing the historic house, and constructing a new rear addition.

8. In June 2013, former-Chief Building Official Chad Root and Planning Director Thomas Eddington approved the relocation of the historic house to accommodate the rear addition, finding that the relocation would avoid excavation on the wall of the canyon and solve drainage issues that had caused the back wall of the historic house to deteriorate. The HDDR application was issued on May 17, 2013, with the Condition of Approval that the HDDR would expire by May 17, 2014, if a building permit had not been issued. The HDDR expired in May 2014 as no application for building permit was ever filed.

9. In April 2012, the Park City Council approved Ordinance 12-10 for the 269 Daly Avenue Plat Amendment. It included a "Maximum Building Line" on the east (rear) side of the house that would prevent development from creeping up the steep slope of the canyon wall.

10. In September 2013, the Historic Preservation Board approved a Determination of Significance (DOS) application to modify the designation from "Landmark" to "Significant."

11. In December 2015, the Land Management Code (LMC) was amended to require that the Historic Preservation Board (HPB) review and approve.

12. On January 12, 2017, the Building Department issued a Notice and Order for the site due to the overall dilapidated conditions and structural instability of the house and garage.

13. The house was then sold to the current owners, David and Harriet Henry, in April 2017.

14. On September 8, 2017, the Planning Department received a Historic District Design Review (HDDR) application for the property at 269 Daly Avenue. The application became vested under the current Land Management Code (LMC)

and Design Guidelines when the application was deemed complete on October 17, 2017.

15. On November 27, 2017, the Chief Building Official issued a letter in support of reconstructing the historic house and garage due to the deficiencies outlined in the Notice and Order.

16. On December 22, 2017, the Chief Building Official and Planning Director determined that the relocation of the historic house did not comply with LMC 1511-13(A)(3)(B) as the structure was not threatened by hazardous conditions in its present location and the relocation of the building will not be enhanced by the relocation. Drainage issues are a hazardous condition; however, they can be reasonably mitigated while reconstructing the historic house in its present location. The Chief Building Official and Planning Director did not find that there were unique conditions that warranted the relocation.

17. The applicant has proposed to relocate the historic house four feet (4') west towards Daly Avenue. The applicant has argued that relocating the historic house closer to the street will permit them to move the development away from the hillside and construct an addition behind the house that does not encroach over the "Maximum Development Line."

18. The applicant argues that this application is being reviewed under the same logic as it was in 2013 and that there is no harm in relocating the house toward Daly Avenue as there is no impact its relationship to the historic garage. Additionally, the applicant argues that it will solve a drainage issue, prevent excavation of the hillside in order to construct a new addition, and prevent the new addition from towering over the historic house due to the increased grade on the back of the lot.

19. The need to reconstruct the existing historic house was not driven by the proposed relocation, but by the poor structural stability of the house in its existing condition. No structural engineer's report was required as the house is in visibly poor condition and could not be repaired as-is. As such, the relocation will not have a detrimental effect on the soundness of the building.

20. The proposed relocation will not abate demolition of the Historic Building as the applicant has already demonstrated that the historic house is in such poor condition that it cannot be made safe and/or serviceable through repair. While the building's current location abutting the wall of Empire Canyon has caused the structure to settle and the back wall of the building to deteriorate, the applicant could reconstruct the historic house in its present location and still address the drainage issues behind the house.

21. The Chief Building Official and Planning Director have found that there are hazardous conditions that have threatened the building; however, they are not solely related to its location on the site as the site could be re-graded to address the drainage issues. The Planning Director and Chief Building Official do not find that the preservation of the building will be enhanced by relocating it four feet (4') toward Daly Avenue as it is not threatened by site conditions in its current location.

22. The Historic Preservation Board has found that there are not unique conditions that warrant the proposed relocation on the existing site. Specifically:
- a) The historic context of the Historic house has not been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the Historic house. Of the 33 historic structures along Daly, a total of 6 buildings have been relocated or about 18% of the structures. Location is one of the seven (7) aspects of historic integrity identified by the National Park Service (NPS).
 - b) The proposed relocation will not diminish the overall physical integrity of the Historic District and the historical associations used to define the boundaries of the district.
 - c) The historic integrity and significance of the historic house will not be diminished by relocation of this historic house as its original location contributes to its historic integrity.
 - d) The potential to preserve the historic house will not be enhanced by its relocation as the drainage issues that have damaged the back wall of the historic house can be addressed as part of its reconstruction.

Conclusions of Law – 269 Daly Avenue

1. The proposal does not comply with the Land Management Code requirements pursuant to LMC 15-11-13 and regarding Relocation and/or Reorientation of a Historic Building or Structure.

3. Annual Preservation Award - Staff recommends the Historic Preservation Board choose one (1) awardee for the annual Preservation Award, choose up to four (4) nominees for a historic award plaque.
(Application GI-15-02972)

Planner Grahn reported that since the last meeting Historic Preservation Award had been renamed in honor of Council Member Cindy Matsumoto. The change was reflected in Exhibit M in the Staff report.

Planner Grahn noted that the categories for the Award had not change. They were still 1) adaptive reuse; 2) infill development; 3) excellence in restoration; 4) sustainable preservation; 5) embodiment of historic context; 6) connectivity of the site. She stated that at the last meeting the Board decided to add “stewardship” as the seventh category because a lot of property owners have taken care and time to maintain their historic building.

Planner Grahn stated that the Planning Department had talked about the six projects bullet pointed in the Staff report on page 232. One of the things that came from that discussion was the need to expand the list. At the last meeting

she asked the HPB to provide additional properties that they would like to see included. Some of the Board members had submitted additional properties.

Planner Grahn briefly reviewed the suggested properties.

222 Sandridge was an excellence in restoration. The historic house faces town. An addition was added, and Planner Grahn presented a photo showing what the addition looks like along Sandridge Road.

129 Main Street is in the heart of the Historic District at the top of Main Street. It is infill development. It is a substandard lot and the owner spent time working with Staff to achieve a design that fit into the look and feel of the Historic District.

The King Con Counterweight is on Vail Resorts. Quite a bit of work was done to take it off of temporary shoring that was installed when it was relocated. A lot of timbers were rotted and Clark Martinez brought in his crane and lifted and replaced the timbers. Mr. Martinez did his best to make sure the replacements matched and did not stick out.

438 Main Street has gone through a lot of changes. At one time the back had burned leaving only the façade, and much of the building had to be rebuilt. Planner Grahn thought it was worth noting that Flanagan's downstairs has taken time to relate the history of the bar back to Park City.

447 Main Street is No Name Saloon. It used to be the Utah Power and Light Building, and it is an adaptive reuse.

The Egyptian Theater can be considered sustainable preservation, although not in the sense of green preservation. Planner Grahn noted that the business model was built around using the Egyptian as a historic theater. The building went through quite a bit of restoration in the 1980s.

The Imperial Hotel is an adaptive reuse. It has changed form for various reasons, but it is very much a part of Main Street.

Java Cow used to be two storefronts. The stucco is not historic but the building still maintains the western motif of what a storefront building would look like.

1158 Woodside Avenue has not been renovated but it maintains its historic shape. The owners have been stewards of this building and it is in good condition.

1162 Woodside Avenue has had minor modifications over the years. The owners live there as full-time residents and they have maintained the house.

The Park City High School was listed on the National Register of Historic Places after the renovation. Historic Schools are often in danger because it is difficult to find an adaptive reuse. Park City has been reusing this historic school building since the early 1990s as a community building.

The Crosby Building at 419 Main Street is a stewardship project. The building is historic and small and the owners have done a good job of maintaining the masonry. Planner Grahn recalled that this building received a grant recently for masonry repairs.

Planner Grahn stated that the Board could select up to five awardees and they all receive a bronze plaque to display on the building. The Board then chooses one main awardee and commissions a piece of artwork. She noted that at this point it has always been a painting, but it can be some other type of artwork. It primarily depends on who responds to the Request for Proposal. Planner Grahn noted that Board Members Holmgren, Lola Beatlebrox, and John Hutchings had volunteered for the Artist Selection Committee.

Board Member Holmgren asked if they only had six to choose from, if they could award six instead of five. Planner Grahn stated that they actually had 13 with the additional Board recommendations.

The Board discussed ways to proceed with choosing five awardees. Planner Grahn suggested that each Board Member pick their top five and then see which five end up with the most votes. The Board agreed. Planner Grahn again presented the photos for each nomination with a brief explanation.

The Board cast their votes for each property identified. 222 Sandridge received 2 votes. 129 Main Street received one vote. King Con received three votes. 438 Main Street received three votes. 447 Main Street received three votes. 328 Main Street, The Egyptian Theater, received 4 votes. 221 Main Street received 3 votes. 402 Main Street had no votes. 1158 Woodside had one vote. 1162 Woodside had one vote. The Library at 1255 Park received two votes. 419 Main Street received two votes.

Director Erickson summarized that the top five were King Con, 438 Main, 447 Main, 328 Main, and 221 Main. 328 Main, The Egyptian Theater, had four votes. Four other properties had three votes for a total of five. The Egyptian Theater gets the artwork and the other four will receive plaques.

Chair Stephens asked Planner Grahn to explain the intent for changing the name of the award. Planner Grahn stated that Cindy Matsumoto served on the City Council for two terms and she was a strong advocate for historic preservation. Ms. Matsumoto has been the liaison to the HPB this past year. She has also been involved with the Park City Historical Society. Planner Grahn stated that

the Staff thought about naming different things related to preservation in her honor, but they felt this was the best choice because of the Gallery in City Hall with all the award painting.

Planner Grahn explained why the HPB gives this award. When this was first started, the idea was to bring attention to good projects being done under the 2009 Design Guidelines. The Guidelines were new at the time and the Board wanted to show how effective they were in the community. Planner Grahn stated that since she has been involved with the award and has been working with HPB more, she believed the award is used not only to bring awareness to historic preservation, but also because it is the one thing they do for Preservation Month every year in May. It is a “fluffy” way to honor some of the work that goes on in the District. It shows that it is possible and that people can do it. Planner Grahn stated that in May the HPB partners with the City Council to remind everyone during Preservation Month that these are the projects going on in town and recognize their importance.

Chair Stephens remembered when the award was first given. He thought the HPB should spend time before they May to find ways to leverage the award so there is more interest and excitement, and more recognition around the award. He believed that should be a discussion for another meeting.

Planner Grahn encouraged any of the Board Members who have ideas to email them to her so she can put them together comprehensively in the Staff report when this comes back for discussion.

The Meeting adjourned at 8:39 p.m.

Approved by _____
Stephen Douglas, Chair
Historic Preservation Board



Planning Department

Historic Preservation Board Staff Report

Author: Hannah M. Tyler, Planner
Subject: Reorientation Review
Address: 424 Woodside Avenue
Project Number: PL-16-03379
Date: March 7, 2018
Type of Item: Administrative – Reorientation (Rotation)

Summary Recommendation:

Staff recommends the Historic Preservation Board review the Reorientation (Rotation) of the Significant Structure at 424 Woodside Avenue, conduct a public hearing, and consider denying the Reorientation pursuant to the following findings of fact and conclusions of law.

Topic:

Address: 424 Woodside Avenue
Zoning: Historic Residential (HR-1) District
Designation: Significant
Applicant: Jon and Heather Berkley (Represented by Jonathan DeGray, Architect)
Proposal: Reorient the Historic Structure towards Woodside Avenue (west). The primary façade of the Historic Structure currently faces towards Main Street (east), and the applicant is proposing to reorient the building 180 degrees towards Woodside Avenue. The applicant is proposing lifting the Historic Structure 7 feet 7 ¾ inches upon reorientation.

Background and Follow-Up Analysis:

On December 5, 2017, the Historic Preservation Board (HPB) reviewed the proposed Reorientation of 424 Woodside Avenue, held a Public Hearing, and after considerable discussion, continued the discussion to February 7, 2018. The applicant was unable to attend the February 7, 2018 HPB Meeting so the HPB held a Public Hearing and Continued the item to March 7, 2018 (there was no discussion).

Because this item was discussed at length on December 5, 2018, staff has provided a link to the previous Staff Report ([Staff Report](#), see packet page 17) and the Minutes of that meeting ([Minutes](#), see page 2) – Exhibits 1 and 2. The discussion was continued on December 5, 2017 because the HPB requested the following information:

- I. **Copy of 1993 Historic District Commission (HDC) Minutes (regarding 1993 non-historic addition to the Historic Structure)**
- II. **Determination of the “front” of the Historic Structure**
- III. **Determination of “primary access” to the Historic Structure**

Staff has included a brief description and/or analysis of the requested information:

I. 1993 Historic District Commission (HDC) Minutes

Staff has included the 1993 HDC minutes regarding the non-historic addition to the Historic structure as Exhibit 4 of this Staff Report.

II. Determination of the “front” of the Historic Structure

Part of the discussion during the December 5, 2017 HPB meeting questioned what the “front” of the Historic Structure was. Staff and the applicant’s presentation reflected that the

east façade of the Historic Structure is the “front”. This is supported by the traditional design of a central entrance door flanked by two (2) windows. This is a common style of architecture seen throughout Park City. The “rear” of the Historic structure is the west façade. This is represented by its traditional form created through additions throughout the Historic period.

Photographs of the entrances can be found on page 27 through page 30 of the [December 5, 2017 HPB Meeting Packet](#).

III. **Determination of “primary access” to the Historic Structure**

Part of the discussion during the December 5, 2017 HPB meeting questioned what the “primary access” to the Historic Structure was. As stated above, the “front” of the structure is understood to be the east façade. The front façade has a front door entrance; however, a utility entrance is also located on the northwest corner of the structure in the rear enclosed porch addition. This was also a common occurrence in houses throughout Park City (examples include the side-enclosed porches at [1057 Woodside Avenue](#) and [811 Norfolk Avenue](#)). This utility entrance was often the entrance used by members of the household as a “mud room” so that the front entrance (on the front façade) remained clean; the front entry was more formal and reserved for guests so that they walked into the formal living spaces of the home, rather than the more utility spaces located at the back-of-house.

Staff believes that both entrances would have been used throughout the Historic Period; it would have simply depended on what the occasion was. After work in the mines, you would have used utility entrance on the northwest corner of the structure in the rear enclosed porch addition. If you were having guests over, you would have used the front façade entrance on the east side of the structure.

Historic Preservation Board – Review:

The Historic Preservation Board will base their findings on the following Land Management Code language:

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 ITS EXISTING LANDMARK OR 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. For either a Landmark or Significant Site all the following shall be met:
 - a. A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) can successfully be relocated and the applicant has demonstrated that a professional building mover will move the building and protect it while being stored; and
 - b. The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;

2. Landmark structures shall only be permitted to be relocated on its existing site if:
 - a. the relocation will abate demolition; or
 - b. the Planning Director and Chief Building Official find that the relocation will abate a hazardous condition at the present setting and enhance the preservation of the structure.
3. For Significant sites, at least one of the following shall be met:
 - a. The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
 - b. 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
 - c. 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. Unique conditions shall include all of the following:
 - a. The historic context of the Historic Building(s) and/or Structure(s) has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the Historic Building(s) and/or Structure(s) and the Historic District or its present setting; and
 - b. The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district; and
 - c. The historical integrity and significance of the Historic Building(s) and/or Structure(s) will not be diminished by relocation and/or reorientation; and
 - d. The potential to preserve the Historic Building(s) and/or Structure(s) will be enhanced by its relocation.

Process:

The HPB will hear testimony from the applicant and the public and will review the Application for compliance with the “Criteria for Relocation and/or Reorientation of the Historic Structure.” 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 July 1, 2017, November 18, 2017, and February 17, 2018, Legal Notice of the first and second HPB public hearings was published in the Park Record and posted in the required public spaces. Staff sent a mailing notice to property owners within 100 feet and posted the property on July 5, 2017, November 21, 2017, and February 21, 2018.

Summary Recommendation:

Staff recommends the Historic Preservation Board review the Reorientation (Rotation) of the Significant Structure at 424 Woodside Avenue, conduct a public hearing, and consider denying the Reorientation pursuant to the following findings of fact and conclusions of law.

Finding of Fact:

1. The applicant, Jon and Heather Berkley (Represented by Jonathan DeGray, Architect), are proposing to Reorient the Historic Structure towards Woodside Avenue (west). The primary façade of the Historic Structure currently faces towards Main Street (east), and the applicant is proposing to reorient the building 180 degrees towards Woodside Avenue. The Historic Structure is proposed to be lifted 7 feet 7 $\frac{3}{4}$ inches upon reorientation.
2. The Duplex Dwelling located at 424 Woodside Avenue is listed as “Significant” on the Park City Historic Sites Inventory (HSI).
3. The property is located in the Historic Residential (HR-1) zone.
4. The Historic Structure faces towards Main Street in that the original primary entrance faces east. In 1993, a 700 square foot (SF) addition was constructed to the south of the Historic Structure to create the Duplex Dwelling Use.
5. In 2005 a Plat Amendment was approved creating a 75 foot wide lot by combining three (3) existing lots into one legal lot of record. The Historic Structure straddles two (2) of the three (3) lots that were combined.
6. In 2011, a Historic District Design Review (HDDR) application was submitted for the Reorientation and Relocation of the Historic Structure and construction of a new Addition. The HDDR proposal triggered a Variance.
7. In 2011, the Variance application was submitted for a Height Exception and for Front and Side Yard Setback Exception(s) citing a hardship regarding the elevation of Woodside Avenue in relation to the Historic Structure and the orientation towards Main Street (east) rather than the modern-day Public Right-of-Way (Woodside Avenue).
8. The Variance was Denied by the Board of Adjustment.
9. The 2011 Historic District Design Review application was Denied.
10. The current proposal is different from that of the 2011 HDDR and Variance because the current proposal would comply with the Height and Setback requirements. There would be no Variance triggered for Height or Setback exceptions by the current proposal.
11. Historically, the Historic Structure was associated with a network of pedestrian paths on the east side of the structure that connected the residence to Main Street.
12. On November 16, 2016, the applicant submitted a HDDR Application for the subject property. The project scope of the HDDR included: Reorient (rotate) the Historic Structure so that the primary entrance faces Woodside Avenue (west); Lift the Historic Structure 7 feet 7 $\frac{3}{4}$ inches upon reorientation to “align with Woodside Avenue” and accommodate a basement addition; Panelize the Historic Structure in order to facilitate the reorientation; Remodel the existing non-historic addition; and Construct an addition to the rear (now east facing) façade of the Historic Structure.
13. After working with the applicant on the required materials for their submittal, the current HDDR application was deemed complete on March 2, 2017.
14. The HDDR application is currently under review and has not yet been approved, as it is dependent on Historic Preservation Board’s (HPB) review for Reorientation and Material Deconstruction.
15. The Historic Preservation Board held a public hearing and continued this item on July 19th, 2017.
16. On July 1, 2017, November 18, 2017, and February 17, 2018, Legal Notice of the first and second HPB public hearings was published in the Park Record and posted in the required public spaces. Staff sent a mailing notice to property owners within 100 feet and posted the property on July 5, 2017, November 21, 2017, and February 21, 2018.

17. The Historic Structure was constructed ca. 1886. The Park City HSI identifies the Historic Structure as significant to the Mature Mining Era (1894-1930).
18. Originally, the Historic Structure was a hall-parlor type single-family dwelling with a side-gabled roof; it was built on a relatively steep slope that was terraced toward the rear of the house (the Woodside Avenue side) to provide a more level building lot.
19. The Historic Structure first appears on the 1889 Sanborn Fire Insurance Map as a wood-framed and wood-sided house originally faced east, providing a view over Main Street. Physical evidence and the 1889 Sanborn map indicate that it had a small shed-roofed wing on the south end of the rear (west) side but no front porch.
20. By 1900, the original shed-roofed wing had been extended across the rear (west) side.
21. In 1907, the Sanborn Map indicates that a formal front porch was added to the east side, further defining it as the primary façade, at the same time that a secondary entry porch was added to the west side. The house retained this configuration through 1930.
22. The principal façade was composed of a central doorway flanked by a window on each side. Woodside Avenue was present to the west but, access to the house was via a footpath leading north from Fourth Street behind the Park Avenue houses, and then a short staircase leading up to the east façade. The orientation of houses along the uphill (west) side of Woodside was uniformly east-facing, while orientations along the downhill (east) side was mixed, with some facing the street and others the canyon.
23. By 1941, a second shed-roofed addition had been built across the west side, incorporating the 1907 rear screened porch and essentially filling the terrace between the rear wall of the house and the retaining wall so that the eave was nearly at grade. The front porch had been removed and asbestos shingles had been applied over the original wood siding by this time.
24. Asbestos shingle siding was noted on the 1957 tax appraisal card, which also documents the absence of an east porch.
25. The 1968 tax appraisal card indicates that a porch had been rebuilt across the east façade.
26. Between 1978 and 1993, the east façade was modified by the addition of a sunroom across the north two-thirds, covering the original doorway and north window.
27. The east façade of the Historic Structure is the “front”. This is supported by the traditional design of a central entrance door flanked by two (2) windows. This is a common style of architecture seen throughout Park City. The “rear” of the Historic structure is the west façade. This is represented by its traditional form created through additions throughout the Historic period.
28. The front façade has a front door entrance; however, a utility entrance is also located on the northwest corner of the structure in the rear enclosed porch addition. This was also a common occurrence in houses throughout Park City (examples include the side-enclosed porches at 1057 Woodside Avenue and 811 Norfolk Avenue). This utility entrance was often the entrance used by members of the household as a “mud room” so that the front entrance (on the front façade) remained clean.
29. Both entrances would have been used throughout the Historic Period; it would have simply depended on what the occasion was. After work in the mines, you would have used utility entrance on the northwest corner of the structure in the rear enclosed porch addition. If you were having guests over, you would have used the front façade entrance on the east side of the structure.
30. The proposal will comply with the required ten foot (10') Front Yard Setback and minimum five foot (5') Side Yard Setback (total of 18 feet [18'] required), as dictated by the Historic Residential (HR-1) zoning district, described in Land Management Code (LMC) 15-2.2-3. In addition, the Historic Structure will comply with the 27 foot height requirement, described in LMC 15-2.2-5.
31. The proposal does not comply with Design Guideline B.3.1 as the proposed lifting will lift the structure 7 feet 7 ¾ inches from its original floor elevation rather than the permitted 2 feet.

Staff has not determined adverse or unique conditions that would warrant the disproportionate lifting.

32. The current site conditions listed in the Findings of Fact of the 2011 Variance are still applicable. The Board of Adjustment based their Denial on conditions of the site that are still existent and are common to the neighborhood, including the elevation of Woodside Avenue.
33. The proposal would not comply with Design Guideline B.3.2 as the original placement, orientation, and grade of the historic building would not be retained. The relationship between the orientation of the Historic Structure facing Main Street is important in conveying the history of the Historic District and this site.
34. The proposal does not comply with Design Guideline B.3.3 as the proposed lifting would require the foundation to be greater than 2 feet above Final Grade in several locations due to the topography.
35. The proposal does not comply with Design Guideline E.1.1 because the reorientation of the Historic Structure will diminish the integrity and significance of the site and its context. Staff and the Design Review Team find that the Historic Structure at 424 Woodside remains in its original location and therefore retains that aspect of integrity, including its original orientation to the east and its siting on a small terrace below the street. And although much of the original setting has been lost, including adjacent historic houses, footpaths, staircases, and open space, the house at 424 Woodside retains its relationship to that earlier setting through its orientation and position on a shallow terrace below street level. The property is one of the few reminders of the historic development pattern on a part of the street where much of it has been lost, and is thus important in maintaining a district-wide sense of the historic setting. The context of the Historic Site has not been so radically altered that its unique developmental history cannot be recognized.
36. Bullet points 1 and 2 of the “Side Bars” for E.1.1 are not applicable to the proposal as there are no encroachment issues and the structure is not currently threatened by demolition.
37. The proposal would comply with Design Guidelines E.1.2 through E.1.5 as these would be mitigated through proper construction techniques and documentation processes.
38. The proposal complies with LMC 15-11-13(A)(1)(a) and 15-11-13(A)(1)(b) as the applicant has submitted a plan for rotation and Structural Engineer’s report. The Historic Structure would remain structurally sound when it was reattached to a new structure in the new orientation.
39. LMC 15-11-13(A)(2) is not applicable as the structure is designated as “Significant” on the Park City Historic Sites Inventory.
40. The proposal does not comply with LMC 15-11-13(A)(3)(a) as the Historic Structure is currently structurally sound and is not threatened by demolition.
41. The proposal does not comply with LMC 15-11-13(A)(3)(b) as the Planning Director and Chief Building Official did not find hazardous conditions that were threatening the Historic Structure. The Planning Director and Chief Building Official found that any hazardous condition (like drainage) could be reasonably mitigated while maintaining the Historic Structure in its current location.
42. The proposal does not comply with LMC 15-11-13(A)(3)(c)(1) as the Planning Director and Chief Building Official did not find Unique Conditions that would warrant the proposed reorientation – including that the integrity of the site context has not been lost. The Historic Structure at 424 Woodside remains in its original location and therefore retains that aspect of integrity, including its original orientation to the east and its siting on a small terrace below the street.
43. The proposal does not comply with LMC 15-11-13(A)(3)(c)(2) as the proposed relocation will diminish the overall physical integrity of the Historic District and the site’s association with important development patterns of the Historic District. The physical integrity of the site is

defined both by the Historic Structure's siting on the lot and the remaining pieces of its Essential Historic Form. All restoration of lost Historic Materials could occur in the Historic Structure's current location and siting.

44. LMC 15-11-13(A)(3)(c)(4) as the potential to preserve the Historic Structure will not be enhanced by its relocation. All restoration of lost Historic Materials could occur in the Historic Structure's current location and siting.
45. The reorientation of the historic house at 424 Woodside Avenue will have a significant effect on its integrity, which has already been compromised by an addition and alterations on the east side and the large addition on the south side. Reorientation will diminish integrity to the degree that the property may no longer be considered a Significant Site as defined in the LMC and Design Guidelines. If the structure is reoriented as proposed, material making up the existing north and west walls will be demolished. In addition, these walls will no longer be visible from the Public Right-of-Way.

Conclusions of Law:

1. The proposal does not meet the criteria for reorientation pursuant to LMC 15-11-13 Reorientation of a Historic Building or Historic Structure.

Exhibits:

- | | |
|-----------|---|
| Exhibit 1 | December 5, 2017 Historic Preservation Board (HPB) Packet , see page 17 |
| Exhibit 2 | December 5, 2017 Historic Preservation Board (HPB) Minutes , see page 2 |
| Exhibit 3 | February 7, 2018 Historic Preservation Board (HPB) Packet , see page 31 |
| Exhibit 4 | 1993 Historic District Commission Meeting Minutes |
| Exhibit 5 | 1993 Historic District Commission Staff Report |
| Exhibit 6 | Letter from Applicant's Attorney to the City – February 28, 2018 |
| Exhibit 7 | City Response to February 28, 2018 Letter from Applicant's Attorney |

Exhibit 4
1993 Historic District Commission Meeting Minutes

**HISTORIC DISTRICT COMMISSION MEETING
MINUTES OF JULY 19, 1993
PAGE 2**

IV. MINUTES OF JULY 6, 1993

MOTION: Commissioner Chris Larson moved to APPROVE the minutes of July 6, 1993 with a change to reflect Chris Larson moved to APPROVE the minutes of June 7 and June 21, 1993 rather than Chris Erickson. In the minutes of July 6, 1993, Vice Chair David Hampshire suggested the roof be pulled back so the train cars were not so obscured regarding the Design Review of Roof Addition over Train Cars at the Depot, rather than David White. The motion was unanimously APPROVED.

V. OLD BUSINESS

1. Design Review of Addition 424 Woodside - Richard Peek/
Jonathan DeGray, Architect

Planner Susan Lykes stated that the HDC had reviewed the proposed addition to the historic house at their last meeting. It was recommended that the applicant provide more relief between the old house and the new garage addition by separating the new and old structures as much as possible to avoid the new addition overwhelming the old house

Commissioner Hampshire prefers the structures be placed together but use different materials and colors. Commissioner Cote wondered if the addition was a duplex. Planner Lykes explained that it was.

Mr. DeGray submitted conceptual elevations, requested by staff, showing how the addition would appear if it were separated. Mr. DeGray also provided a rendering of his preferred alternative. Planner Lykes explained that the applicants want a garage, attached or unattached. They also want to preserve the fourth lot unencumbered. The Staff is pleased that the mature trees are being preserved.

Building Inspector Richard Carlile had pointed out to the staff that snow disposition problems were being created but indicated that the separation of the structure would not create significantly greater problems. Planner Lykes stated that materials will be matched to the existing house. The Commissioners felt there should be a color difference between the new and old.

Commissioner Chris Larson felt he could agree with a color differentiation and not specify the gap, which solves the concerns of the applicant and the HDC.

MOTION: Commissioner Chris Larson moved to APPROVE addition of 424 Woodside subject to the Conditions of Approval. The HDC will require no separation but the new and old structures must be

HISTORIC DISTRICT COMMISSION MEETING
MINUTES OF JULY 19, 1993
PAGE 3

distinguished by color as stated in the Conditions of Approval. Commissioner David Hampshire seconded the motion. The motion was unanimously APPROVED.

CONDITIONS OF APPROVAL:

1. The staff shall review and approve a color palette prior to Building Permit issuance.
2. This approval is for design only; the proposal must meet all requirements under the Land Management Code and Uniform Building Codes prior to Building Permit issuance.
3. The building shall have a differentiation in color between the old and new structure.
4. The color palette shall be approved by the staff.

2. Review 151 Main - Awnings

Planner Janice Lew stated that she received a request from Bill White, owner of the building at 151 Main Street, to allow him to install six new semicircular awnings. The Commission had previously approved a square-like awning. Planner Lykes felt the square awnings were more consistent with the historical appearance of the building. Commissioners Larson and Cote preferred the facade to remain the same and also prefer the square shaped awning with no signage. Mr. Bill White showed several photographs of different style awnings along Main Street. The Commissioners determined that a "quarter barrel" awning would be a good compromise.

The applicant also suggested that the doors on the new addition be changed. Considerable discussion was held regarding sliding or swinging doors, whether the material would be steel or wood with divided or undivided lights. Commissioner Hampshire advised that if the doors swing, they must be steel, but if they slide, they can be either steel or wood. Planner Lykes suggested that it was important to give the building continuity of design and it would have to be accomplished with more than doors. She stated that in the past, the HDC has objected to sliding glass doors.

MOTION: Commissioner Chris Larson moved to APPROVE the final design details at 151 Main Street subject to the Conditions of Approval. Commissioner David Hampshire seconded the motion. The motion was unanimously APPROVED.

1. The awnings shall be of quarter-barrel design.
2. Divided lights will be deleted on the atrium doors.
3. The atrium doors shall have a painted metal finish.

Exhibit 5
1993 Historic District Commission Staff Report

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: HISTORIC DISTRICT COMMISSION
FROM: PLANNING STAFF
DATE: 6 JULY 1993
RE: 424 WOODSIDE ADDITION

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I. PROJECT STATISTICS

Project Name: 424 Woodside addition
Applicant: Richard Peek, owner, and Jonathon
DeGray, architect
Location: 424 Woodside
Proposal: Addition to historic house
Zoning: HR-1
Adjacent Land Uses: Multifamily, single family, vacant
Date of Application: June 1, 1993
Project Planner: Susan Lykes
Staff Recommendation: See section VI.

II. BACKGROUND INFORMATION

Richard Peek and his architect, Jonathon DeGray, are proposing to build a garage addition onto a small historic building located at 424 Woodside. The structure sits quite far down from the street and is oriented with the front away from the street, overlooking Old Town. A copy of the historic survey information is attached.

Even though the structure is located on the front property line, an addition to the structure is a permitted use as long as no more than 50% of the existing structure is within the setbacks and the new addition conforms to the parameters of the zone. Approximately 30% of the existing structure is within the setbacks and the new structure adheres to zone requirements; the addition is therefore a permitted use.

Mr. Peek owns four standard lots; the existing house sits on two of those lots. The addition would extend across the third lot. The applicant would like to preserve the fourth lot unencumbered in order to develop or sell it at a later time. Reference the attached site plan. The staff recommends that the Commissioners visit the site because the situation is somewhat unusual.

III. PROJECT DESCRIPTION

Dick Peek would like to be allowed to construct a double car garage for his use. Because of the steepness of the grade on the site,

the garage will necessarily have a lower story attached. In addition, the 9/12 pitch on the garage allows for some useable space above the garage. A spiral stairway would access this story.

The applicant intends to use the lower space to provide a second unit (one bedroom) on the property and an additional bathroom for the historic house. A floor plan was not provided for the space above the garage.

The second unit will trigger a two-space requirement for parking. In the past, the staff has considered any improvement in the provision of parking for a historic house to be acceptable. In this case, a two-car garage is planned with room for one uncovered tandem space in front of the garage, contingent upon the City Engineer's approval of a 2- $\frac{1}{2}$ encroachment into the city right-of-way.

The staff originally reviewed the plans and directed the applicant and architect to separate the garage addition and the historic house so that they appear to be separate structures. The two could be linked by a low-profile connection, similar to that seen on Jacquie Cote's house. The entrance would be by a stairway between the two structures. The separation would be small, but would be visually consistent with the minimal setbacks required in Old Town.

The applicant attempted to respond to that direction, but was not successful in designing an addition which separated the structures and worked for the owner. The applicant would be able to separate the structures and leave, according to the architect, 2- $\frac{1}{2}$ feet between the two. The access between the levels requires most of the space developed between the structures. Mr. DeGray has, however, stepped the connection between the two houses so that there are breaks in the roof and wall planes to visually separate the historic from the new.

The architect has done a commendable job of the details of the addition. The fenestration is consistent with that in the historic structure, as is the wall-to-window ratio. The materials are to match the existing house.

There is a fair amount of significant and mature vegetation on the property. The staff has expressed concern that the vegetation be preserved; the applicant has indicated that the mature poplars on the rear of lot 28 will not be disturbed during construction. These poplars are the primary trees providing screening of the structures.

IV. COMPLIANCE WITH DESIGN GUIDELINES

The project demonstrates substantial compliance with the following guidelines:

47. Preserve Existing Exterior Stairs.

49. Locate Additions to Original Houses so They do not Alter the Front Facade.

50. Maintain Front Porches as an Important Facade Element.

51. Preserve the Original Shape of the Roof.

52. Avoid Changing the Position of the Windows.

53. Maintain Original Window Proportions.

54. Maintain the Original Position of Main Entrances.

55. Maintain the Original Proportions of Doors.

(THE FOLLOWING GUIDELINES ARE FROM THE NEW RESIDENTIAL SECTION)

79. Use Ratios of Windows to Walls That Are Similar to Historic Structures.

80. Use Materials That Are Similar in Finish and Texture and Scale to Those Used Historically.

83. Use Window and Doors of Similar Size and Proportion to Those Historically Seen in Park City.

84. Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City.

The project demonstrates questionable compliance with these guidelines: (FROM NEW RESIDENTIAL)

71. Maintain the Typical Size and Shape of Historic Facades.

73. Maintain Typical Roof Orientations. The roof orientation is not similar to the existing house in order to avoid snow shedding directly onto the driveway. However, the orientation of the roof on the new addition is consistent with other new structures in the historic district.

74. Use Roof Shapes Similar to Those Found Historically in the Neighborhood. See above.

76. Maintain the Typical Orientation of Entrances Toward the Street. The new addition will not have an entrance toward the street whether the addition is separated from the historic house or not. The entrance is through a door perpendicular to the street with no entry statement.

77. Maintain the Typical Setback of Front Facades. The addition will meet the setbacks as required by the Land Management Code, and will be located ten feet back from the front of the historic structure.

78. **Minimize the Visual Impact of On-Site Parking.** The impact of on-site parking will be minimized if the structure appears to be a garage from the street and does not affect the appearance of the historic house from off-site.

V. STAFF ANALYSIS

There are several assumptions which should be acknowledged when dealing with this review:

- There is a severe parking shortage in Old Town and the position of the city government is to encourage off-street parking.
- If a garage is to be built, the grade sloping steeply away creates a natural area for additional space under the garage.
- Park City's climate creates problems, particularly snow shedding. The altered pattern of snow deposition created by the new addition must be evaluated with respect to the historic house and its ability to withstand increased snow loads.
- An addition should be appropriate within the context of the historic structure. Major additions to the small miners' houses should not overwhelm the historic portion.

ARGUMENTS IN SUPPORT OF A CONNECTED ADDITION. There are several valid arguments in favor of the addition as proposed. The first is that the house is not terribly visible from the street. The roof is the prominent elevation when viewed from Woodside Avenue; only approximately three feet of the west wall is visible. From the east, there is a large tree which partially obscures the historic house and would also screen a large part of the new addition. The visual impact to the house from off-site would therefore be minimal compared with other cases.

The second argument for approving the addition as proposed is that connecting the two structures would alleviate the potential snow deposition problems in the several feet between the two structures. However, the addition itself causes significant snow load changes; the separation would basically cause only the additional impacts of snow deposition in the space between the structures.

ARGUMENTS AGAINST A CONNECTED ADDITION. The HDC has denied large additions in the past on the basis that they overwhelm the existing structure. In this case, the staff believes that a separated addition will reduce this effect because, from the street, it will look somewhat like a separate garage structure; the separation will lessen the impact of the new addition on the house and will not overwhelm the house as a connected addition would.

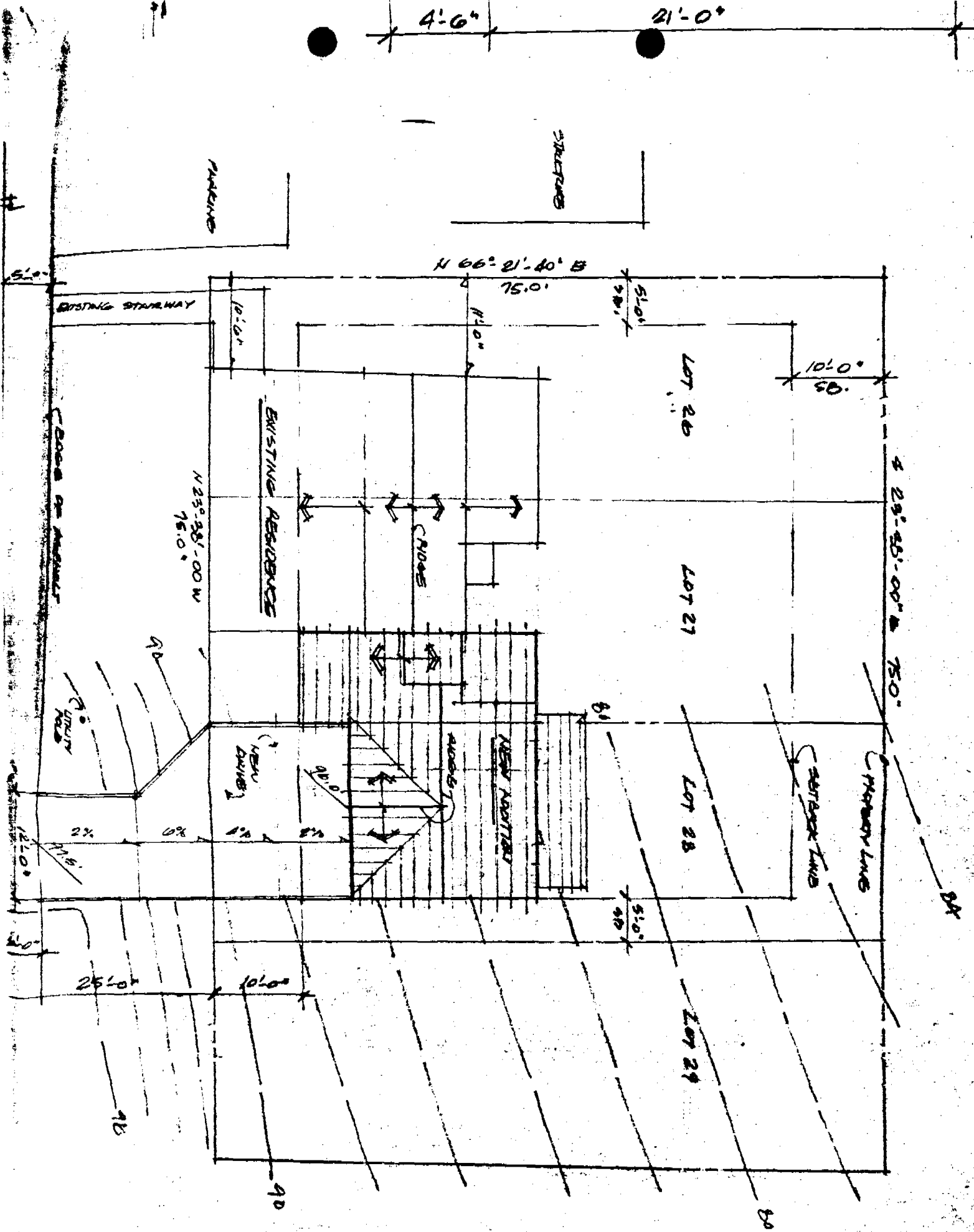
If the garage were separated, the applicant could extend the garage farther to the rear and accommodate the inter-story access in that space. Access from the street could be accommodated by a stairway from the street to the space between the structures. The two

structures would be connected by a small structure between the houses.

VI. STAFF RECOMMENDATION

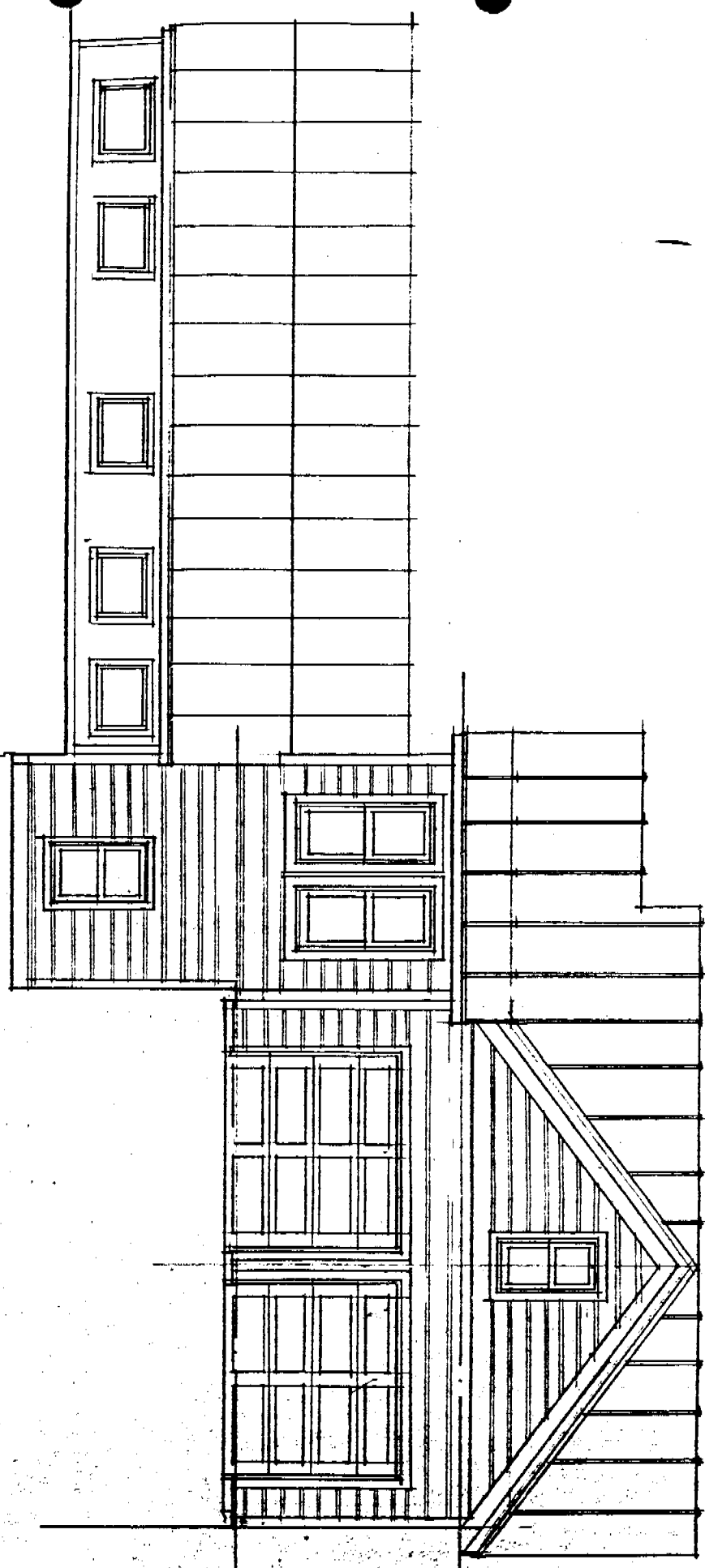
This is a very difficult case. While the staff and HDC have little direction on the details of major additions, the HDC has denied major additions to small historic houses in the past because of the visual impacts on the existing structure. The staff would recommend that the HDC take this course, direct the applicant to separate the structures, and return for another round of review.

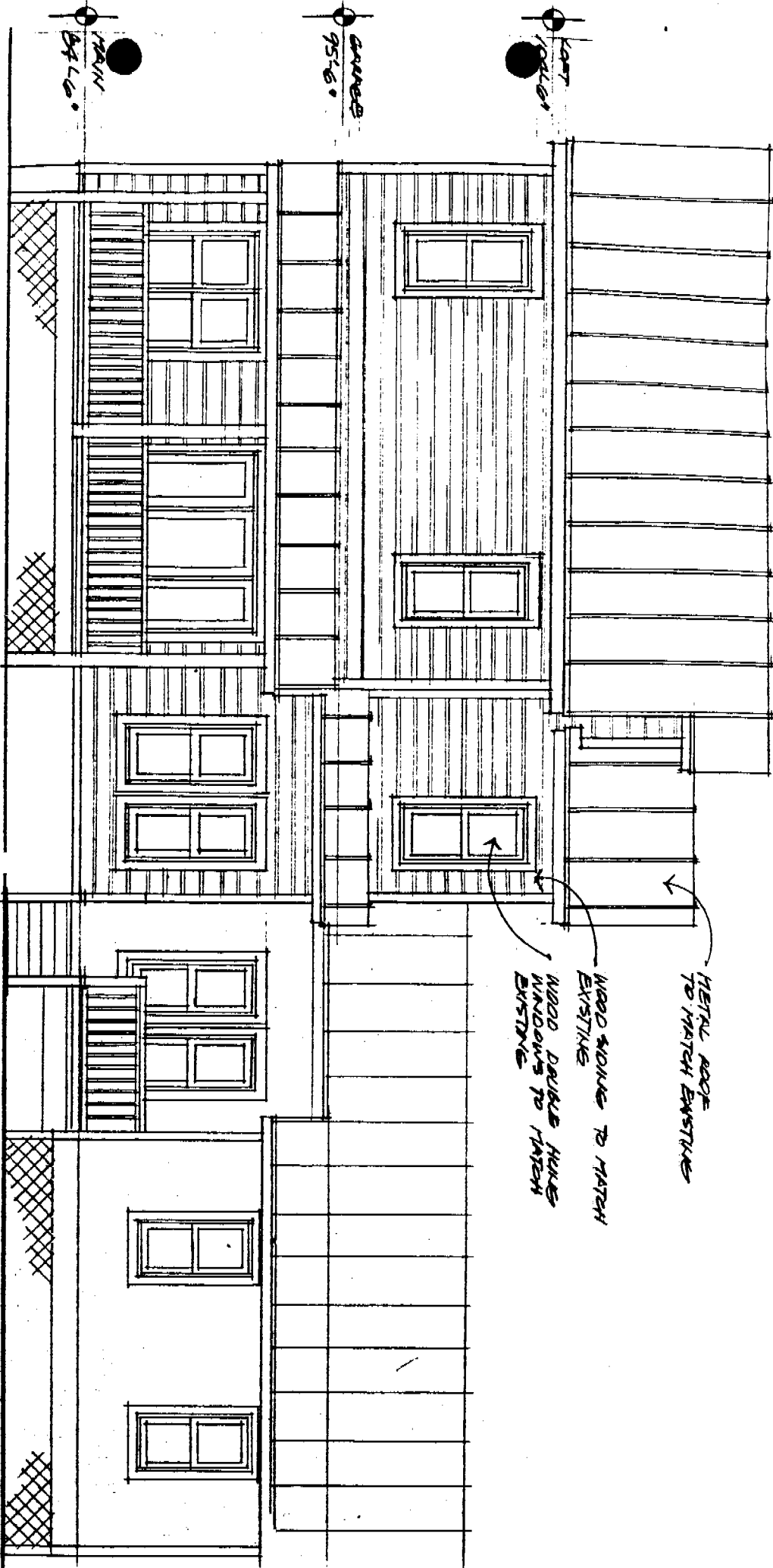
4'-6" 21'-0"



EXISTING CONSTRUCTION
NEW CONSTRUCTION

FRONT ELEVATION



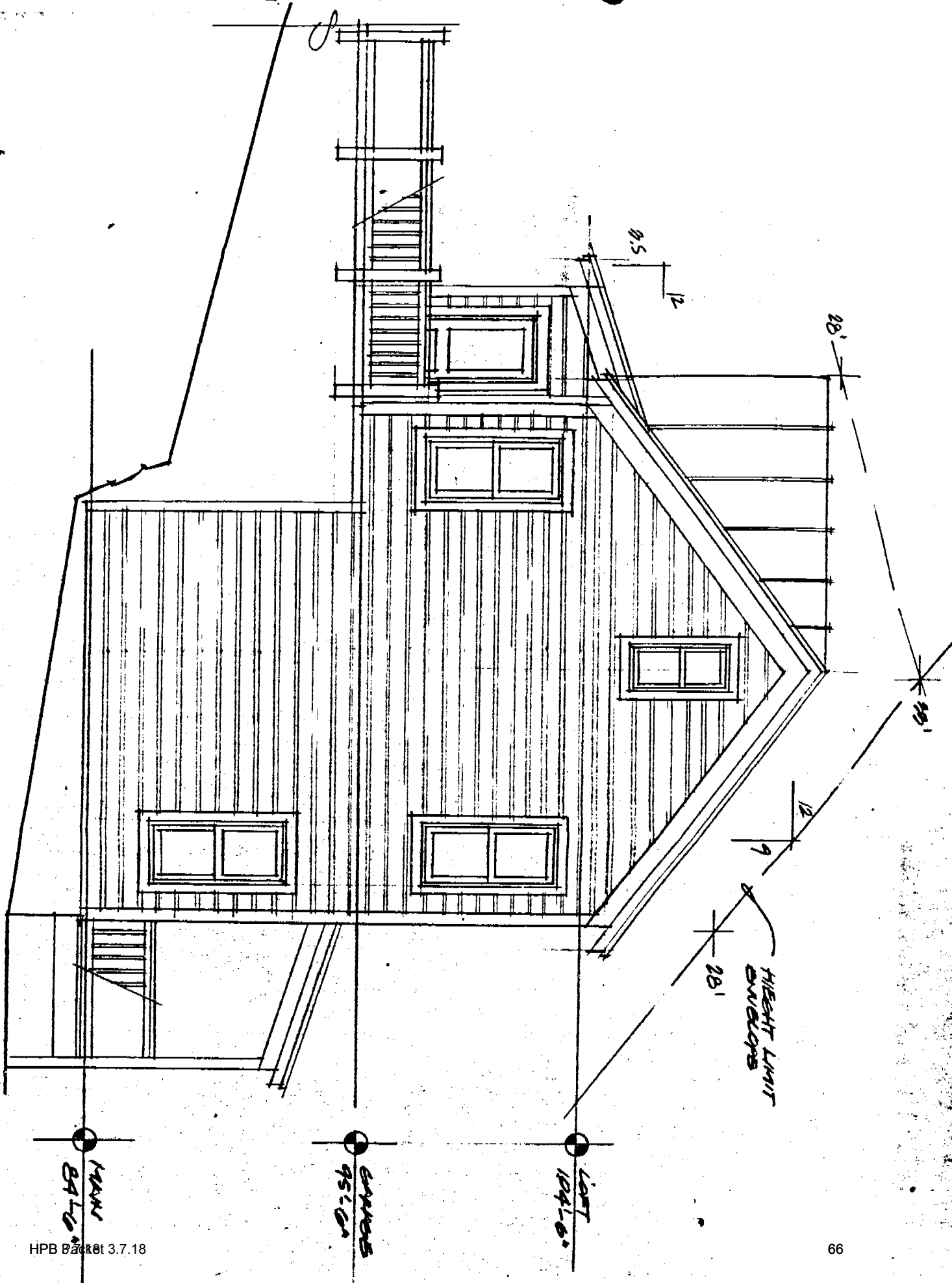


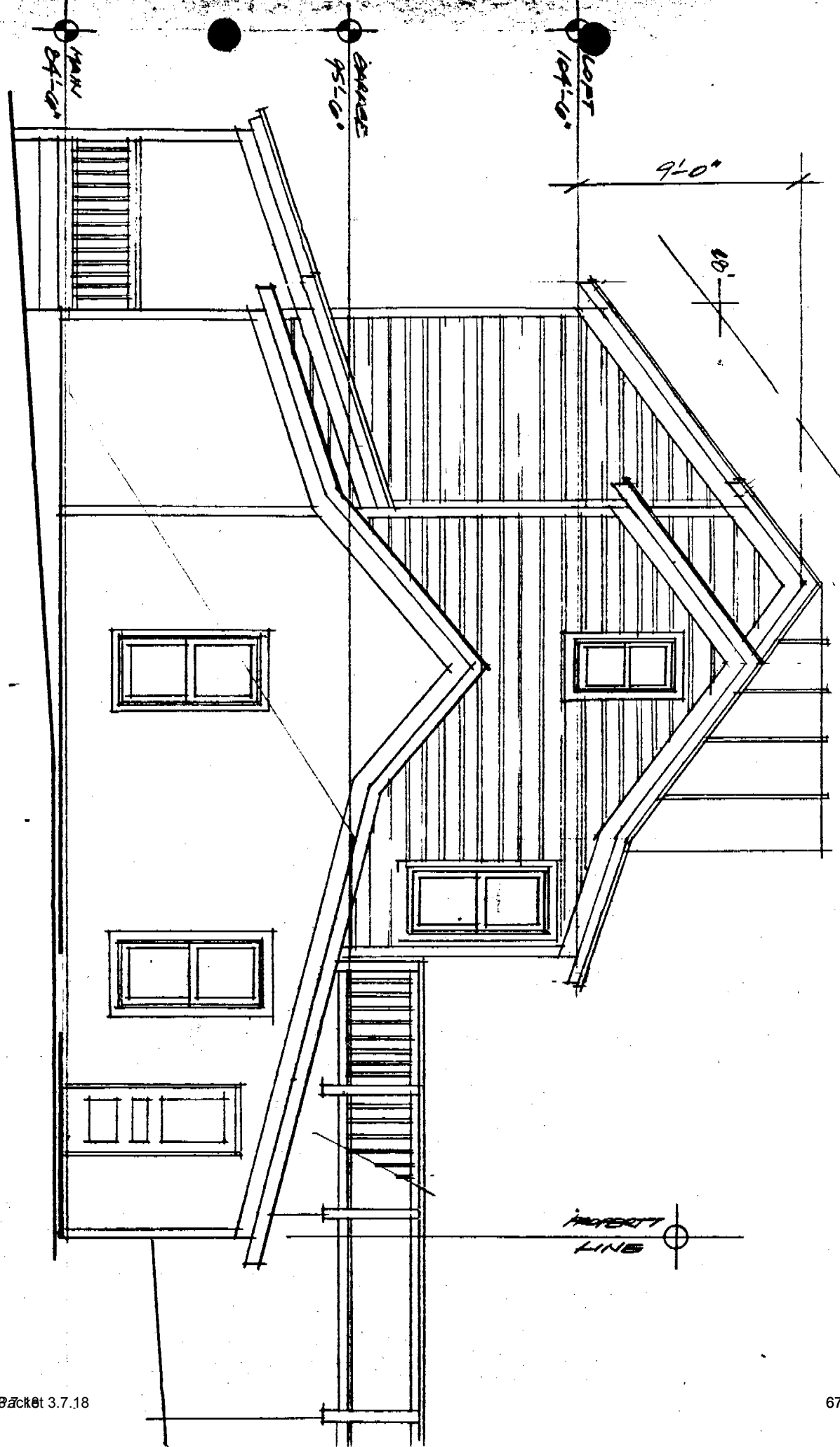
REAR ELEVATION

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

RIGHT SIDE ELEVATION





LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

Exhibit 6
Letter from Applicant's Attorney to the City
February, 28, 2018

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A Professional Law Corporation

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February 28, 2018

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Via Email Only

Polly Samuels McLean
Park City Municipal Corporation

Re: Historic District Design Review Application for 424 Woodside Avenue

Dear Polly,


This is the second correspondence from me concerning your position that a decision on a variance application by a separate board applying different standards may be used as evidence to be considered by the Historic Design Review Board (the "Board") in deciding how to decide this application.

Your correspondence of December 1, 2017 on this issue amounts to an application of the theory of issue preclusion and violates other legal principles which under these circumstances amounts to legal error. For a complete discussion of these issues see *Zoning Finality: Reconceptualizing Res Judicata Doctrine in Land Use Cases*, Florida Law Review Value 63 Issue 5, Article 3, 2/8/13. This is a repeated demand that all reference to the decision on the variance application be deleted from the Staff Report and that the Board be advised that it may not consider that decision for any purpose whatsoever.

A second issue arose in our last hearing. In that hearing one of the Board members stated, in effect, that she never approves a request for reorientation. That's a violation of her duty to consider the merits of any application in relation to the legal standards. This Board member and the Board as a whole should be reminded of that duty.

This letter and my prior correspondence on this issue is part of Applicant's record.

Sincerely,
Tesch Law Offices, P.C.



Joseph E. Tesch

JET/ajp
Cc: Bruce Erickson

Exhibit 7
City Response to February 28, 2018 Letter
from Applicants Attorney

Hannah Tyler

From: Polly Samuels McLean
Sent: Friday, March 02, 2018 3:15 PM
To: Joe Tesch
Cc: Bruce Erickson; Hannah Tyler
Subject: RE: Historic District Design Review Application for 424 Woodside Avenue
Attachments: HPB Recording 12.5.17 - Copy.mp3

Joe –

This correspondence is in response to your letter emailed to me on February 28, 2018.

In that letter you alleged that “one of the board members stated, in effect, that she never approves a request for reorientation.” The record refutes your allegation. Staff has reviewed the draft minutes and listened to the audio of the meeting. The closest we could find related to your alleged statement is attached here in which Board Member Beatlebrox clearly indicated that she was open to hearing all sides of an application and that her mind was not made up. Therefore, I need not remind the Board of their duty, as they are exercising their obligations with due process and fairly. You may request a copy of the entire audio from the Planning Department.

Additionally, as I wrote to you on December 1, 2017 regarding your email dated the same and from November 21, 2017, “I disagree that any reference to the prior applications should be removed from the discussion before the HPB. While the variance request has different standards, which will be explained. The findings of another City board which are related to the standards of this application are relevant and can be relied upon in the context of the criteria being reviewed here.”

I continue to disagree with your request that “all reference to the decision on the variance application be deleted from the Staff Report and that the Board be advised that it may not consider that decision for any purpose whatsoever.” The prior variance application is part of the record of an application heard and denied by the City. The difference between the two applications is well explained in the Staff Report. The Board is relying on the criteria for a reorientation of a historic building in making their decision.

This response too will become part of the record.

Sincerely,

Polly Samuels McLean
Assistant City Attorney
(435) 615-5031

This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.



Planning Department

Historic Preservation Board Staff Report

Author: Anya Grahn, Historic Preservation Planner
Subject: Historic Sites Inventory
Address: 819 Park Avenue
Project Number: PL-18-03777
Date: March 7, 2018
Type of Item: Administrative – Determination of Significance for House

Summary Recommendation:

Staff recommends the Historic Preservation Board review the application, conduct a public hearing, and forward a recommendation to City Council to remove the designation of the house at 819 Park Avenue as a Significant structure on the Park City Historic Sites Inventory (HSI) in accordance with the attached findings of fact and conclusions of law.

Topic:

Project Name: 819 Park Avenue
Applicant: Ronald Whaley, Owner
Owners: Ronald Whaley
Proposal: Determination of Significance

Background:

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, according to LMC 15-11-10(B), 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.

On January 11, 2018, the owner, Ron Whaley, submitted an application for a Determination of Significance for this site; the application was deemed complete on January 17, 2018. Per [LMC 15-11-10\(B\)](#), 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 City Council shall make the final determination on all Determination of Significance applications considering the criteria outlined in LMC 15-11-10(A).

History of the Structure and Site:

Prior to 1940

At the beginning of the twentieth century, lower Park Avenue and Main Street north of Heber Avenue was largely characterized by industrial activity. As is depicted in staff's Sanborn Fire Insurance Map analysis (Exhibit B), the [Silver King Aerial Tramway](#)

transported ore from the [Silver King Mine](#) to the Coalition Building on Park Avenue and the [Denver and Rio Grande Western](#) railroad carried passenger and freight to-and-from Salt Lake City. A number of industrial businesses, such as the [Cement Storage Building](#) and [Morrison Merrill Lumber Yard](#) sprung up on this side of town.

On the west side of Park Avenue, the 800 block of Park Avenue was similarly characterized by a mix of industrial and residential uses prior to the 1940s. The south end of the 800 block contained the [Kimball Boarding House](#), a hall-parlor at 807 Park Avenue (now demolished), a pyramid-roof house at [811 Park Avenue](#), and Burt Kimball's hall-parlor house at [817 Park Avenue](#). To the north of this residential cluster were a large stable and corral (later referred to as a feed yard on the 1907 Sanborn), wagon shed, and a boarding house.

1940s:

According to the Summit County Recorder, 819 Park Avenue was constructed in 1942; however, a version of this building first appears on the 1941 Sanborn Fire Insurance Map. On this map, staff believes it is the one-story wood frame store building, denoted by the letter "S" shown at 839 Park Avenue; this is substantiated by staff's analysis of the Sanborn Map overlay of current maps (Exhibit C). It was rectangular in shape with a false front (See Exhibits A-7 and Exhibit B). This is further corroborated by the historic 1940s photograph shown below, taken from the northwest (rear) corner of the building. 819 Park Avenue is circled in red.



C.1942 Photograph. (Photo courtesy of Park City Museum & Historical Society)

In addition to the building being denoted as a store on the 1941 Sanborn map, the current owner has also provided an affidavit from long-time Park City Resident Mary Lou Toly who remembers shopping at the "Westside Grocers" at this location (Exhibit A-6). She recalls that the building "had a western false façade on the front. The façade faced Park Avenue. It had a recessed entry with double doors about three feet in off the

street with windows on each side of the recess and bigger windows on each side of the front.” This description is consistent with commercial buildings constructed during the Mature Mining Era (1894-1930) and older commercial buildings in town may have inspired its design.

The store was built during the Mining Decline Era (1931-1962). During this period, the mining industry was rapidly diminishing which led to closures and layoffs for some of the city’s largest industrial employers. By July 1, 1949, all the mines had shut down leaving 1,100 miners out of work in Wasatch, Summit, and Dagbatt Counties. Without work, much of Park City’s population moved on, searching for jobs elsewhere. As mines closed and the community’s finances declined, many stores and businesses closed. One of the final blows was the Welsch, Driscoll, and Buck store’s closing in 1954; it was later torn down to accommodate Treasure Mountain Inn. It was during this same era that Park City’s population dwindled to 1,150 in 1951. Park City was generally regarded as a “ghost town.”

The transformation of this building from a grocery store to a residential structure during the 1940s is indicative of the types of changes being made to buildings during this period of harsh economic decline in Park City’s history. The 1949 tax card documents that the building was remodeled in 1948 (see [2009 Historic Site Form](#)), and staff believes this is when the structure was converted from a store to a residence.

According to title research, the home was owned by Patrick and Grace McPolin from 1948 through 1962. Staff believes this property was used as a rental property because Patrick and Grace McPolin raised their family at the [McPolin Farm](#). It is possible that the reference to a 1948 remodel referenced on the 1949 tax card occurred under their ownership. The tax card shows that the house was addressed as “827 Park” and measured loosely 30 feet wide by 47 feet deep (Exhibit E)¹. It was L-shaped with a front porch located on the south side of the building and a square addition on the northwest corner of the building, which served as a shed. (This gable roof addition was constructed between 1941 and 1948.) The house contained 5 rooms and a bath within 1,419 square feet. The assessor notes that it is only 7 years old. It had a shingled gable roof and wood siding on the exterior.

Staff finds the 1948 remodel significantly altered the form of the original false-front commercial building (Exhibits B, C, and D). In overlaying the 1941 Sanborn Fire Insurance Map to a current Google map, the historic store building roughly aligns with the north wall of the existing building. Staff believes that the store structure was expanded to the south during the c.1948 remodel and expanded its footprint. In order to create a symmetrical roof form, a new gable structure was built over the new footprint. Because the tax cards from 1949, 1958, and 1968 all call out a “gable” and the 1958 tax photograph shows a clipped gable form, it is unclear if this clipped gable form

¹ The address of this property changes several times: 839 Park Avenue on the 1941 Sanborn; 827 Park Avenue in the 1949 tax assessment; 819 Park Avenue in the 1958 tax assessment. Staff has verified the legal description, which remains largely the same: “LOTS 4 & 5 OF SD BLK 2 SNYDERS ADDITION TO PARK CITY UTAH” to ensure the accuracy of the address.

originated in 1948. Based on information supplied by the applicant, staff believes that the original gable may have been altered to create a truncated or clipped gable sometime before the 1958 tax assessment.

The applicant believes that the existing building is a variation of the store as it existed in 1948 (Exhibit D). He believes that the dimensions of the store's façade are the same as that of the existing building. He finds that the false front was removed and, by 1958, the gable was clipped. He argues that the south and north slopes of the roof form are constructed of lumber that is the same age. The top clipped gable form has newer lumber than that of the sloped sides of the roof.

In either case, staff and the applicant agree that the store was converted to a residence by the 1950s. Staff finds that this building form that emerged less than a decade after the building was constructed, borrowed from Post World War II housing styles popularized at the time of the c.1948 renovation.

The construction boom that followed the end of WWII brought about greater demands for less expensive and rapid construction to meet housing demands. New manufactured materials such as aluminum siding and windows, linoleum, Formica, and other materials that could be mass produced became popular; these materials were often promoted for their durability and longevity as well. It was also during this era that the ranch house emerged, promoted by national magazines such as *House Beautiful* and *Sunset Magazine*. It was marketed as a simple house type that average working class Americans could afford and was usually one to 1.5 stories in height with low pitched roofs, wide overhangs, recessed entries, and simple architectural ornamentation.

Sunset Magazine's *Western Ranch Houses* further explains, "An individual home builder finds it difficult at any time to translate his mental pictures into wood or stone or brick. In attempting a translation, he uses existing forms as examples and his dreams as modifiers."² The book goes on to say that these styles may be further influenced by the builder's memory of family homes, present or future economic position, latest model homes, or even the magazines read.

Staff believes that in 1948, the McPolins chose to remodel the existing commercial building into a home and were influenced by some of the examples provided above. The truncated or clipped gable may have been modeled, but not exactly replicated, from other houses around town for an unknown reason. They chose large, divided-light picture windows and set these windows into the northeast and southeast corners of the façade, perhaps reflecting similar window configurations popularized by ranch houses at the time. Wood siding was initially utilized, but later replaced with asphalt shingle siding, perhaps reflecting the popularization of low-maintenance materials. A recessed front entrance was constructed, a deviation from typical porch-covered entrances of the Mining Era, and perhaps an exaggeration of recessed entries seen in ranch house architecture. This house emerged as a compilation of style influences.

² *Western Ranch Houses*. Lane Publishing Company: Sunset Magazine, 1946.

This building has been noted to have a “clipped” or “truncated gable. True examples of a truncated or clipped gable roof forms are prevalent in Park City’s architecture, particularly during the Mature Mining Era (1894-1930), with one example constructed during the Mining Decline Era (1931-1962):

- [606 Park Avenue](#), constructed in 1901
- [610 Park Avenue](#), constructed in 1905
- [1209 Park Avenue](#), constructed in 1905
- [651 Park Avenue](#), constructed in 1925
- [1301 Norfolk Avenue \(see page 49\)](#), constructed in 1932

The difference between the roof at 819 Park Avenue and these other examples is that the point of the gable of 819 Park Avenue was entirely removed to create a flat roof form at the top of the roof; whereas these other roof forms have a [jerkinhead](#) gable where the gable is clipped at the end to form a hipped roof. While its appearance is similar to other historic houses, it is an entirely different roof form and not one that was common historically or in Post-War architectural design.

1950s:

While still under the ownership of the McPolins, the modifications were once again made to the house in the 1950s. Based on staff’s analysis of the tax card, the house is now addressed as “819 Park Avenue” (Exhibit E). The siding material is asphalt shakes and it has a gable roof. The historic tax photograph shows that there are large divided light picture windows on the façade located at the corners; this pattern of window openings set to the corners of a room, rather than centered on a wall, is reflective of Post War architectural styles. Based on the dimensions provided in the tax card, the house has largely maintained the same size as it still maintains 5 interior rooms and a bath, front and rear porches, and 1,419 square feet.



1958 Tax Photograph

1960s:

The McPolins owned the property through 1962 when it was sold to William and La Rae Huhtala. (The Huhtalas sold the property in 1974 to the current owner.) During the McPolin-Huhtala ownership, a number of changes occurred once again.

Staff has analyzed the 1968 tax card, completed after the end of the Mining Decline Era in 1962 (Exhibit E). By 1968, the gable roof is covered in patterned shingles. Photographs from this era show that changes are occurring, such as the removing the divided light design on the façade windows (the current owner said this was created by tape, and it is not a true divided light); changing the window configuration on the south elevation, and adding a sliding window to the attic level of the facade.

1970s:

The house was renovated again c.1974, by the present owner. At this time, an in-line addition was constructed on the southwest corner of the rear (west) elevation (Exhibit E). On the northwest corner, the roof form was elongated to accommodate a new interior staircase to access the attic. The gable-roof addition on the northwest corner of the building was renovated from a shed to create habitable space, as the new staircase to the attic was built in this section. These additions remain today, leaving only a portion of the original west elevation visible.



The blue highlighted area of this current photograph shows the c.1974 addition. The gabled addition is the square addition on the northwest corner depicted in early tax assessments. The area containing the double-hung window near the top of the roof is the only part of the rear (west) elevation still visible.

1990s:

By the 1990s, only material changes had occurred to the house. The present owner had replaced the picture windows on the front of the house with new double-hung windows in 1984. The asphalt shingle siding had been replaced with new wood siding.

Additional changes to the window configurations on the north and south elevations had been made.

2000s:

In 2003, the Planning Department approved a design review application permitting the installation of 2 skylights on the south elevation and a new roof. Staff's findings at the time include that "the existing building is regarded as being historic."

History of Surveys:

The first reconnaissance level survey (RLS) of this property to determine eligibility for the National Register of Historic Places (NRHP) was completed by Philip F. Notarianni in September 1978 (see [Historic Sites Form](#)). He found that the building was constructed in 1942, which is consistent with Summit County tax records. His preliminary analysis is that the building is "not contributory" to the National Register district. His finding is that, "While the structure is sympathetic in vernacular style and treatment, its age renders it non-contributory to the Park City Residential Historic District."

Ellen Beasley conducted the next RLS in April 1982, just four years after the Notarianni survey (Exhibit F-1). She also finds that the building is "Non-Contributory" based on NRHP criteria and notes that "most post-1930 buildings are categorized as non-contributory." This survey provided the basis for the Mining Boom Era Residences Thematic District, listed in 1984; 819 Park Avenue was not included in this district nomination.

In September 1995, Allen Roberts conducted a third NRHP RLS (Exhibit F-2). In it, he documents that the building was constructed in 1920, which staff has found no basis for. He notes that the building is "unusual" and evaluates it as an "A". According to the report, "A" means "potentially eligible/architecturally significant and intact."

Then in the early 2000s, Park City Municipal Corporation contracted Preservation Solutions, led by consultant Dina Williams-Blaes, to refine and redefine Park City's preservation policy. In 2007, she completed a reconnaissance level survey. This survey differed from previous surveys in that its sole focus was not on identifying structures that were eligible for the NRHP; rather, it identified buildings that met *the City's* criteria for designation as "historic" as was outlined by the Land Management Code (LMC) at that time (Exhibit F-3).

In this 2007 survey, Preservation Solutions finds that the building meets the criteria for listing on the City's Historic Site Inventory as "Significant." (Recall that Landmark buildings are eligible for the NRHP, but Significant buildings are not due to cumulative amounts of changes that have diminished the building's integrity.) Williams-Blaes finds that the building was constructed c. 1920 and contributes to the "late mining era". She describes the building as, "Unusual rectangular block, but not unlikely (sic) others in PC built in same period. Compatible with mining era cottages in scale and massing."

On February 4, 2009, the Historic Preservation Board (HPB) approved a resolution adopting the Historic Sites Inventory [[Staff Report](#) (starting page 21) and [Minutes](#) (starting page 3)]. The building at 819 Park Avenue was one of over 400 buildings nominated to the HSI that day. It was designated as “Significant” and found to contribute to the Mining Decline and Emergence of the Recreation Industry Era (1931-1962). At the time of the adoption of the HSI, Ron Whaley reserved/confirmed his right to file a DOS later individually rather than opposed his individual listing at that time when the entire list was being reviewed (page 6).

By 2009, the [Historic Site Form](#) had been updated to show a construction date of 1941, which is consistent with the Summit County Recorder’s Office. In the site form, Williams-Blaes finds that the integrity of the structure has been modified due to multiple changes, making it ineligible for the NRHP:

“A very unique design incompatible with housing types commonly found throughout this timeframe, and yet still reflective of the later era of mining town residential construction in scale and elements of style. Building card estimates the construction date around 1941, with slight material adjustments made over time (as seen in the change of window materials from large picture windows with rectangular muntins, to pairs of double hung windows in 1995 photo). Siding materials appear to change by the 1995 photo, as does the appearance of a new upper story sliding window facing the street. Possible evidence of a later rear addition seen in 1995 photo (behind rear property fence) where roofing materials change in tonal color. Form of structure has overall been left intact.”

Finally, the Planning Department contracted Allen Roberts’ firm CRSA to complete an Intensive Level Survey (ILS) (Exhibit F-4). In CRSA’s analysis, completed in 2015, the surveyors find yet again that the building is “ineligible/non-contributing” to the NRHP. In it, they describe:

“The house at 819 Park Avenue does not closely resemble any of the main types of houses built during the historic Park City mining era. This may be due to the fact that it was built in 1942, much later than many of the houses in the area. It has been well preserved and does exhibit many of the elements that define a historic Park City home. The truncated gable roof is sheathed with standing seam metal and has at least one skylight. The roof has a much lower pitch than most of the historic houses. The house is clad with wood shiplap siding, replacing the siding seen in the earlier tax photo. There are two pairs of one-over-one double hung sash type windows on the front façade and a slider window centered in the gable. Most of the other windows appear to be double hung sash types. The porch is inset, with the corner being supported by a square post. The door has a large upper light. A rear addition may be present, but this is unconfirmed. Given the extensive material changes, the historic value of this house has been diminished.”

Analysis and Discussion:

Analysis of Structure and Historic Significance:

This structure has been repeatedly evaluated for historical significance since 1978; however, it was often reviewed for NRHP eligibility or by comparing it to other (1894-1930) buildings. This building's era of significance, as accurately noted in the 2009 Historic Site Form, should be considered in relation to the Mining Decline and Emergence of the Recreation Industry Era (1931-1962). The building was initially constructed as a store c.1941 and by 1948 had been converted to a single family residence. Staff believes it is this c.1948 version of the building and subsequent changes made during the era of significance up until 1962 that made this building historically significant.

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 structure is currently identified as "Landmark" on the Historic Site Form.

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. Per the Summit County Recorder's Office, the building was constructed in 1942; however, staff finds that the building was likely constructed by 1941 as it is first depicted on the 1941 Sanborn Fire Insurance Map. Based on the 1942 date of construction, the building is 76 years old.

(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. This LMC criterion outlines the [Seven Aspects of Integrity](#), as defined by the National Park Service (NPS), and staff has analyzed this building for compliance to these aspects:

1. Staff finds that location is the only one of the seven aspects of integrity that this building maintains; the original location, orientation to the east (facing Park Avenue), and its setting on a relatively flat lot near the urban core of the city remain unchanged.

2. The design of the c.1948 renovation that rehabilitated this building from a commercial store to a residence have been lost as the roof shape and form of the c.1984 remodel are the only elements of this design that remain; the characteristics of Post-War residential design such as the large picture windows, window configuration, and wide board siding have all been lost.
3. The NPS defines setting as the physical environment of a historic property and the character of the place in which the property played its historic role. As described in the background section of this report, this building was initially located on a block with few residential structures and heavy industrial uses to the west. This character has been significantly altered due to the loss of industrial buildings, footpaths, staircases, and open space that was present during this building's era of significance.
4. The materials present through 1962 have been lost. All the exterior materials, including the siding, roofing, windows, and doors have been replaced several times since 1962.
5. Workmanship reflects the physical evidence of a particular culture or people during any given period in history. Between the 1948 remodel and 1962, this building reflected typical characteristics of Post-War housing. The building has been altered several times outside of the historic period, resulting in a loss of this historic workmanship.
6. Feeling is the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time. It is dependent on the physical characteristics of the period of significance conveying its historic qualities. As previously described, this house has gone through several renovations since the 1968 tax card; these changes were made outside of the Mining Decline and Emergence of the Recreation Industry Era (1931-1962) and these changes no longer reflect this era. The roof shape and form are all that remain as all else has been changed.
7. Association is the direct link between a property, event, or person for which the property is significant. The Post War appearance or setting is no longer reflected in this property, nor does the building reflect the design elements that were present during the ownership of those individuals for which historic significance may be derived. The site is associated with prominent Parkites Patrick and Grace McPolin; however, they did not reside here and the house was likely used as a rental property.

As noted in previous NRHP reconnaissance and intensive level surveys, this building was found to be “non-contributing” to the Mining Boom Era Residences Thematic District listed in 1984. Allen Roberts, who completed NRHP surveys for Park City in 1995 and 2015, outlines the character-reducing modifications in his affidavit and goes on to find that these adverse changes were made less than 50 years ago, rendering the changes not significant according to NRHP standards (Exhibit A-3). Further, Roberts notes that the building “does not pass the ‘eye test’”. That is, it not only does not look as it did historically; it also does not now, as a residence, resemble the other residences along Park Avenue or the ones throughout the district.”

(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;

Does not Comply. Staff finds that the house at this site no longer contributes to the Mining Decline and Emergence of the Recreation Industry (1931-1962) due to the drastic material changes that have deteriorated the building's historic integrity. This is one of only three houses constructed during this era, the others being located at [1060 Park Avenue](#) and [1301 Norfolk Avenue](#) (see page 49).

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

Does not Comply. According to CRSA's 2015 ILS, the building is associated with prominent Park City residents Patrick and Grace McPolin (Exhibit I); however, staff finds that the significant alterations to the building no longer reflects the structure the McPolins' 1948 renovation, and it has lost its association to these individuals. Furthermore, the McPolins did not live here and the McPolin Farm is a National Register-listed site that is significant in part due to its association with the McPolins.

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

Does not Comply. Due to extensive number of renovations that have occurred since 1962 and outside of the Mining Decline Era, the building no longer reflects the distinctive characteristics of type, period, or method of construction reflective of Postwar Housing trends. Furthermore, it is not associated with the work of a notable architect or master craftsman.

In order to maintain its designation as "Significant" 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. Per the Summit County Recorder's Office, the building was constructed in 1942; however, staff finds that the building was likely constructed by 1941 as it is first depicted on the 1941 Sanborn Fire Insurance Map. Based on the 1941 date of construction, the building is 77 years old.

The applicant argues that the building in its present form has not existed for 50 years, though parts of the building are at least 50 years old. He further argues that his building is not of exceptional importance to the community as it retains none of its historic elements and any importance it may have had in its original constructed form was lost long ago or converted beyond recognition. *See applicant's analysis, Exhibits A-1 and A-2.*

(b) It retains its Essential 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

Does not comply. Essential Historical Form, as defined by [LMC 15-15-1](#), “the physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past. These physical characteristics include, but are not limited to the structure's form, Roof Forms, window and door configuration, and materials.”

As previously described, the overall shape of the building was modified c.1948 when it was converted from a commercial building to a residential building. Based on historic photographs and tax card analysis, staff finds that evidence of this residential remodel that became significant under the Mining Decline and Emergence of the Recreation Industry Era (1931-1962). Nevertheless, staff finds that the roof shape and form are the only remnants of the 1948 design. All other aspects of integrity, including the window and door configuration, siding materials, and 1948 footprint have been lost due to changes made after 1962. These changes no longer reflect the historic character of the district as a whole, nor do they reflect the historical significance of this site. The building no longer evokes the aesthetic or historic sense of the Mining Decline Era that this building was deemed to contribute to.

This property has not been a recipient of any Historic District grants.

The building was designated as “Significant” in 2009 when the Historic Sites Inventory (HSI) was adopted. Previous reconnaissance and intensive level surveys conducted in 1978, 1982, and 2015 found that this building was “non-contributory” to the Mining Boom Era Residences National Register Thematic District due to its age as well as the extensive material changes that diminished the historic integrity of the house.

The applicant argues that the building had not been previously listed on any Historic Sites Inventory prior to 2009 and it was found “not contributory” on previous reconnaissance level surveys, starting in 1978. The applicant believes that the

building was mis-designated in 2009 as the reconnaissance level survey did not fully research the history of this individual property. He believes that the prior designation was made in error and without accurate or sufficient information. See *applicant's analysis, Exhibits A-1 and A-2.*

(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

Does not comply. As previously discussed, staff finds that this building has been extensively modified since the end of the Mining Decline Era in 1962. The design of the c.1948 residence that emerged and reflected Post-War housing trends has been altered to such an extent that the roof shape and form are all that remain of this design. The siding materials, window-door configuration, window opening sizes, and other materials have all been altered. Non-historic in-line additions were made to the southwest corner of the structure, c.1974.

Staff finds that the cumulative loss of the materials, window configuration, sizes, and openings, as well as the overall form of the building has caused it to no longer be Visually Compatible to its era of significance. The building as it exists today does not reflect the Historical or Architectural character of the site or district through its mass, scale, composition, materials, treatment, cornice, and/or other architectural features as this building has been found to not be Visually Compatible to the Mining Era Residences National Register District.

Per [LMC 15-15-1](#), Visual Compatibility is defined as:

Characteristics of different architectural designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. In addition to the elements effecting Compatibility which include, but are not limited to Height, scale, mass, and bulk of Building. Other factors that dictate compatibility include proportion of building's front façade, proportion of openings within the facility, rhythm of solids to voids in front facades; rhythm of entrance or porch projections; relationship of materials and textures; roof shapes; scale of building.

Staff finds that this building does not contribute to the look and feel of the Mining Era. The mass and scale of this building's overall form is much larger than what would have been seen historically. Unlike neighboring Mining Era residences, there is no central entrance or front porch facing Park Avenue; rather, this building is characterized by an underwhelming side entrance with a recessed entry. The original window configuration, sizes, and designs have been lost and the current

windows do not reflect the size, scale, and location of those seen on historic Mining Era houses.

As described by Allen Roberts, “It does not resemble at all its original commercial/grocery store appearance, nor have the various later modifications given it the appearance of the typical miner’s houses that populate the district. That is, a contributory building should literally contribute to and visually support the theme under which the district was created, namely 19th and 20th century residential mining town architecture. Because the residence at 819 Park Avenue resembles neither a typical early commercial structure nor a typical early Park City residence, it no longer contributes to the district’s thematic character” (Exhibit A-3).

The applicant finds that the building does not retain its historic scale as the western false front, original gable, and all original windows and doors have been lost. The remaining four exterior walls have been modified by additions, resulting in a completely new fenestration pattern. He further argues that all design elements have been lost and that there are no period architectural features, materials, or design elements remaining. He argues that the period context has vanished, leaving nothing left to restore. He does not believe the current building is Visually Compatible to the Mining Era Residences National Register District. See *applicant’s analysis, Exhibit A-2*.

(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.

Does not comply. In order for the house to contribute to local or regional history, architecture, engineering, or cultural associations, it needs to reflect the period in which it gains this significance. Initially built as a commercial building and remodeled c.1948 to a residence by Patrick and Grace McPolin, the majority of this building’s life has been dominated by residential use. This residential use largely took shape c.1948 and reflected Post-War housing stylistic elements; however, only the roof form and shape of the building remain of this Post-War design. The house no longer reflects the other changes made during the McPolins’ remodel in c.1948, and has lost its association to them. As previously stated, staff finds that this site is not significant for its association with Patrick and Grace McPolin; they may have owned the site, but it was likely used as a rental property because they raised their family at the McPolin Farm.

Finally, any noteworthy methods of construction, materials, or craftsmanship associated with this Post-War remodel have been lost through a series of extensive remodels that occurred after the end of the Mining Decline Era in 1962.

The applicant argues that physical attributes are gone together with any perceived regional history, architecture, engineering, or culture associated with the structure. He finds that there are no noteworthy methods of construction, materials, or craftsmanship used during the original construction of 819 Park Avenue. See *applicant's analysis, Exhibit A-2*.

Process:

The HPB shall hold a public hearing and may 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 City Council for Final Action.

Since 15-11-10 of the Land Management Code codifies the Historic Sites Inventory, State Code requires the Planning Commission to make a recommendation to City Council regarding amending the Land Management Code. This code amendment is scheduled for April 11, 2018, and shall forward a recommendation to City Council. City Council shall 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” as well as amendments to Land Management Code (LMC) 15-11-10 Park City Historic Sites Inventory on May 3, 2018. City Council shall take Final Action on this item.

The Applicant or any party with standing may appeal City Council’s determination to Third District Court.

Notice:

On February 17, 2018, Legal Notice of this public hearing was published in the Park Record, according to the requirements of the Land Management Code. Staff also posted a public notice on the property and sent a mailing notice to the property owner and property owners February 21, 2018.

Public Input:

A public hearing, conducted by the Historic Preservation Board and City Council, 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.

Alternatives:

- Conduct a public hearing on the Site described herein and forward a positive recommendation to City Council to remove the designation of the Site as historic on 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 staff’s recommendation to delist 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:

The house is currently designated as “Significant” on the City’s Historic Sites Inventory (HSI). If the site remains 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, and it will not be permitted to be demolished.

Staff believes that one of the purposes of the HPB is to preserve the City’s unique Historic character and maintain an accurate list of historically designated structures on the HSI. The HSI is weakened by maintaining buildings that no longer meet the criteria for Significant , as outlined in LMC 15-11-10(A)(2). It is in the City’s best interest to maintain an accurate and current list.

Recommendation:

Staff recommends the Historic Preservation Board review the application, conduct a public hearing, and forward a recommendation to City Council to remove the designation of the house at 819 Park Avenue as a Significant structure on the Park City Historic Sites Inventory (HSI) in accordance with the attached findings of fact and conclusions of law.

Finding of Fact:

1. The property is located at 819 Park Avenue, in the Historic Recreation Commercial (HRC) zoning district.
2. According to early Sanborn Fire Insurance Maps of the early 20th Century, lower Park Avenue and Main Street north of Heber Avenue was largely characterized by industrial activity. The west side of the 800 block of Park Avenue, where 819 Park Avenue is located, contained residential structures on the south end of the block as well as a large stable and corral, wagon, shed, and boarding house on the north half of the block.
3. The first building on this site was built by 1941. It first appears at “837 Park Avenue” on the 1941 Sanborn Fire Insurance Map.
4. The Summit County Recorder’s Office finds that the building was constructed in 1942.
5. The building was originally constructed as a grocery store. It has a false western front and was rectangular in shape. Long-time Park City Resident Mary Lou Toly recalls that this was the “Westside Grocers” and that the building had a recessed entry with double doors and large storefront windows.
6. In c.1948, the building was sold to Patrick and Grace McPolin. It was likely that the building was converted from a store to a residence during their ownership. This transformation in its use during the 1940s is indicative of the types of changes being made to buildings during the Mining Decline Era and Emergence of Recreation Industry Era (1931-1962) as the local economy dwindled due to mine closures, loss of jobs, and loss of population.
7. The remodel is first depicted in the 1949 tax card. It shows that the house was addressed as “827 Park” and contained 1,419 square feet. It measured loosely 30 feet wide by 47 feet deep, with a square addition on the northwest corner of

the building that served as a shed. The tax card notes a gable roof form. The change to residential use eliminated the false front.

8. This remodel incorporated Post War architectural elements. Large, divided light picture windows were incorporated into the façade, with two windows occupying the northeast corner of the house similar to period window designs and configurations. Wood siding was initially used, but later replaced with low-maintenance asphalt shingle siding. A recessed front entrance and porch were incorporated on the southeast side of the house, perhaps inspired by ranch house designs. The roof was also modified to create a clipped gable.
9. True clipped or truncated gables are prevalent in Park City's Mining Era architecture; however, 819 Park Avenue's roof differs from these as the point of the gable was not clipped on the ends, but completely removed across the entire length of the house to create a flat roof at the top. While its appearance is similar to and may have been inspired by these other houses, it is an entirely different roof form and not one that was common historically or in Post-War architecture.
10. During the 1950s, the McPolins modified the house once again. The wood siding material documented by the 1949 tax card was replaced with new asphalt-shingle siding, popularized as a low-maintenance material in Post-War Architecture.
11. During the 1960s, the roof structure was covered in patterned asphalt shingles. The divided light window design was modified to create undivided lights. (The current owner said the mullions seen in the c.1958 tax card photograph were actually created with tape and not a true divided light window.) A slider window was added on the attic level of the façade and other changes were made to the window sizes and configuration on the side elevations.
12. In 1974, the current owner, Ron Whaley, renovated the house again. An in-line addition was constructed on the southwest corner of the rear (west) elevation. On the northwest corner of the roof, an in-line addition was built over the 1941-1948 shed addition to create an interior staircase. The shed addition, originally built between 1941 and 1948, was converted into interior, habitable space.
13. In 1984, the present owner replaced the large picture windows on the façade with new double-hung windows.
14. By 1995, the asphalt shingle siding had been replaced with new wood siding. Additional changes were made to the window configurations on the north and south elevations.
15. In 2003, the Planning Department approved a design review application permitting the installation of 2 skylights on the south elevation.
16. In September 1978, Philip F. Notarianni completed the first reconnaissance level survey (RLS) of this property to determine eligibility for the National Register of Historic Places (NRHP). He evaluated the building as "not contributory" finding that, "While the structure is sympathetic in vernacular style and treatment, its age renders it non-contributory to the Park City Residential District.
17. In April 1982, Ellen Beasley conducted the next NRHP RLS and also deemed the building "non-contributory" noting that "most post-1930 buildings are categorized as non-contributory."

18. In September 1995, Allen Roberts conducted a third NRHP RLS. He evaluated the building as an “A”, meaning it was “potentially eligible/architecturally significant and intact.” He found the building was “unusual” due to its form.
19. In 2007, Dina Williams-Blaes conducted a fourth RLS to determine eligibility for the City’s Historic Sites Inventory, based on the designation criteria of the Land Management Code (LMC). She found that the building contributed to the “late mining era” and described the building as “Unusual rectangular block, but not unlikely others in PC built in the same period. Compatible with mining era cottages in scale and massing.”
20. On February 4, 2009, the Historic Preservation Board (HPB) approved a resolution adopting the Historic Sites Inventory (HSI). 819 Park Avenue was one of over 400 buildings nominated to the HSI. It was designated as “Significant” and found to contribute to the Mining Decline and Emergence of the Recreation Industry Era (1931-1962). The building’s design was described as, “A very unique design incompatible with housing types commonly found throughout this timeframe, and yet still reflective of the later era of mining town residential construction in scale and elements of style.”
21. In 2015, CRSA completed an Intensive Level Survey (ILS) of the property. They rated it as “ineligible/non-contributing” to the NRHP noting that, “The house at 819 Park Avenue does not closely resemble any main types of houses built during the historic Park City Mining Era...Given the extensive material changes, the historic value of the house has been diminished.”
22. The building was constructed between 1941 and 1942, making parts of the building at least 76 years of age.
23. The location of the building—including its construction pad and east-orientation towards Park Avenue—is the only aspect of the Seven Aspects of Integrity, as defined by the National Park Service, which this building retains.
24. The roof shape and roof form of the c.1948 transformation of this building from commercial use to a residence is the only design elements that remain; the characteristics of Post-War residential design such as the large picture windows, window configuration, and wide board siding have all been lost.
25. The design of the c.1948 renovation that rehabilitated this building from a commercial store to a residence have been lost as the roof shape and form of the c.1984 remodel are the only elements of this design that remain; the characteristics of Post-War residential design such as the large picture windows, window configuration, and wide board siding have all been lost.
26. The setting of this site has been lost. This building was initially located on a block with few residential structures and heavy industrial uses to the west. This character has been significantly altered due to the loss of industrial buildings, footpaths, staircases, and open space that was present during this building’s era of significance.
27. The materials present through 1962 have been lost. All the exterior materials, including the siding, roofing, windows, and doors have been replaced several times since 1962.
28. The workmanship, or physical evidence of the Mature Mining Era, has been lost. Between the 1948 remodel and 1962, this building reflected typical

- characteristics of Post-War housing. The building has been altered several times outside of the historic period, resulting in a loss of this historic workmanship.
29. Feeling is the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time. It is dependent on the physical characteristics of the period of significance conveying its historic qualities. As previously described, this house has gone through several renovations since the 1968 tax card; the changes that were made outside of the Mining Decline and Emergence of the Recreation Industry Era (1931-1962) and these changes no longer reflect this era. The roof shape and form are all that remain as all else has been changed.
 30. Association is the direct link between a property, event, or person for which the property is significant. The Post War appearance or setting is no longer reflected in this property, nor does the building reflect the design elements that were present during the ownership of those individuals for which historic significance may be derived. The house does not gain historical significance for its association with prominent Park City residents Patrick and Grace McPolin as they did not live here, but at the McPolin Farm; it's likely that this house was used as a rental property.
 31. The house no longer contributes to the Mining Decline and Emergence of the Recreation Industry (1931-1962) due to its loss of historic integrity. The building is not eligible for the National Register of Historic Places.
 32. The Essential Historic Form, as defined by LMC 15-15-1, has been lost as this building no longer reflects the physical characteristics making it identifiable as existing in or relating to the Mining Decline Era. The roof shape and form are the only characteristics that remain; the materials, window openings, window sizes, window configuration, footprint, and design of the building have been dramatically altered since the end of the Mining Decline Era in 1962.
 33. The changes no longer reflect the historic character of the district as a whole, nor do they reflect the historical significance of this site. The building no longer evokes the aesthetic or historic sense of the Mining Decline Era that this building was deemed to contribute to.
 34. This property has not been a recipient of any Historic District grants.
 35. The building was designated as "Significant" in 2009 when the Historic Sites Inventory (HSI) was adopted. Previous reconnaissance and intensive level surveys conducted in 1978, 1982, and 2015 found that this building was "non-contributory" to the Mining Boom Era Residences National Register Thematic District due to its age as well as the extensive material changes that diminished the historic value of the house.
 36. The building has been extensively modified since the end of the Mining Decline Era in 1962. The design of the c.1948 residence that emerged and reflected Post-War housing trends has been altered to such an extent that the roof shape and form are all that remain of this design. The siding materials, window-door configuration, window opening sizes, and other materials have all been altered. Non-historic in-line additions were made to the southwest corner of the structure, c.1974.

37. The building as it exists today does not reflect the Historical or Architectural character of the site or district through its mass, scale, composition, materials, treatment, cornice, and/or other architectural features as this building has been found to *not be* Visually Compatible to the Mining Era Residences National Register District.
38. Staff finds that this building does not contribute to the look and feel of the Mining Era. The mass and scale of this building's overall form is much larger than what would have been seen historically. Unlike neighboring Mining Era residences, there is no central entrance or front porch facing Park Avenue; rather, this building is characterized by an underwhelming side entrance with a recessed entry. The original window configuration, sizes, and designs have been lost and the current windows do not reflect the size, scale, and location of those seen on historic Mining Era houses.
39. In order for the house to contribute to local or regional history, architecture, engineering, or cultural associations, it needs to reflect the period in which it gains this significance. Initially built as a commercial building and remodeled c.1948 to a residence by Patrick and Grace McPolin, the majority of this building's life has been dominated by residential use. This residential use largely took shape c.1948 and reflected Post-War housing stylistic elements; however, only the roof form and shape of the building remain of this Post-War design. The house no longer reflects the remodel completed by the McPolins in c.1948, and has lost its association to them; further, it is not significant to the McPolins as they did not live here, but likely used it as a rental property.
40. Any noteworthy methods of construction, materials, or craftsmanship associated with this Post-War remodel have been lost through a series of extensive remodels that occurred after the end of the Mining Decline Era in 1962. Furthermore, it is not associated with the work of a notable architect or master craftsman.
41. On January 11, 2018, owner Ron Whaley submitted a Determination of Significance (DOS) application to remove the site from the City's HSI; the application was deemed complete on January 17, 2018.

Conclusions of Law:

1. The existing house located at 819 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. **Does not comply.***
2. The existing house at 819 Park Avenue does not meet 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; and***Does not comply.**
 - (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; or*
 - (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; and **Does not comply.***
 - (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. **Does not comply.***

Exhibits:

Exhibit A – Applicant’s Documentation

- Exhibit A-1 Structure History by Owner Ron Whaley
- Exhibit A-2 LMC Analysis by Owner Ron Whaley
- Exhibit A-3 Declaration by Allen Roberts
- Exhibit A-4 Declaration by Ron Ivie
- Exhibit A-5 Declaration by Richard E. Lewis
- Exhibit A-6 Declaration by Mary Lou Toly
- Exhibit A-7 c.1942 Photograph
- Exhibit A-8 Current Photographs

Exhibit B – Sanborn Fire Insurance Map Analysis, completed by Staff

Exhibit C – Sanborn Map Overlay Study, completed by Staff

Exhibit D – Analysis of Building Development, 1941-1948

Exhibit E – Tax Card Analysis and Photographic Documentation

Exhibit F – Survey Analysis

Exhibit F-1 1982 NRHP Reconnaissance Survey by Ellen Beasley

Exhibit F-2 1995 NRHP Reconnaissance Survey by Allen Roberts

Exhibit F-3 2007 Park City Historic Building Inventory by Dina Blaes

Exhibit F-4 2015 NRHP Intensive Level Survey by CRSA

Exhibit G – Chronology of Changes

Structure History

819 Park Avenue

Circa 1942: Original construction. Essential form is western false façade with parapet rise. Front entry door with sidelights are centered and inset on false façade. A wood-framed rectangular structure with gable roof, measuring approximately 36' x 39', supports the western false façade. A few small elevated windows appear in period photograph. Structure rests on posts and piers. Separate storeroom (approximately 15' x 16') added subsequently on northwest corner. Structure is built as a grocery store. Grocery use vacated in approximately 1948. This information is supported in whole or in part by Park City Museum archives, Summit County Tax Assessor records, and an Affidavit of Mary Lou Toly, longtime Park City resident and patron of the grocery store.

Circa 1948 - 1973: Western false façade, including its inset entry door, is removed. The gable roof is clipped. The structure is converted to residential use with offset front porch entry at southeast corner and including two entry doors. Minimal residential windows are installed, including two large stopped glass front windows. Asphalt siding is applied to most of exterior. During this period, all elevation aspects are transformed from their original construction and use, making this the first complete transformation from the original essential form. Summit County Tax Assessor records support this information.

Circa 1976: Room and cold porch on southwest corner is added and sided with T-111 material. Stairway and enclosure are added at west elevation. Northwest storeroom is incorporated into residential use. 14 windows of various styles and material types and two doorways are added. Summit County Tax Assessor records and photographs accompanying this application support this information.

Circa 1978: Utah State Historical Society researcher Phillip F. Notarianni declares in his report that 819 Park Avenue (Site No. SU-10-590) is “...*non-contributory to the Park City Residential Historic District.*” (Emphasis added). As further noted below (*see* Circa 2008), Park City Municipal Corporation later references this report in its 2008 Historic Site Form completed by Dina Blaes. Copies of the 1978 State report and the 2008 Park City form are included with this application.



Circa 1984: Various residential windows are added or changed to double-hung vinyl, single-hung vinyl, wood casement, or stopped glass. Asphalt siding is removed and replaced with contemporary wood siding at all elevations as seen presently. During this time period, all elevation aspects were once again transformed, modified, or replaced with modern form and material, making this the second complete transformation from the original essential form. Current photographs submitted with this application and Summit County Tax Assessor records support this information.

Circa 2005: Two roof windows are added on north elevation. Wood shingle and ninety pound roll roofing are replaced with standing seam metal material. Current photographs submitted with this application support this information.

Circa 2008: Every essential architectural form of the original construction (including the gable roof, doors, windows, and western false façade) has long vanished from the structure. No aspect of the essential original form – principally the western false façade, commercial use or material, remains. Multiple degrees of change and modification have occurred to the structure over many decades. No historic organization or entity to date has asserted any architectural connection between the existing structure and any known architectural style.

The 2008 Park City Historic Site Form states, in part: “[819 Park Avenue’s] . . . *design [is] incompatible with housing types commonly found throughout this timeframe[.]*” (Emphasis added). The 2008 Form also states: “[819 Park Avenue is] . . . *not compatible with commonly recognizable structural forms of this era.*” (Emphasis added). Yet, without an express reason given, the Form determines the structure *is* significant. The Form makes no reference to or acknowledgement of the structure’s original essential form, its transformation as documented here since original construction, or any document or photograph showing the original form. Further, the Form erroneously presumes an original residential use, which clearly is unsupported by the history of the structure. In short, the Form fails to mention, review, or analyze the original architecture, and erroneously presumes that it is evaluating the current structure as a historic relic, which *it is not* as expressed, explained, and documented above.

819 Park Avenue is Not a Significant Site

Standard of Review

The Park City Municipal Code requires the HPB (or Board) to review this application *de novo* giving no deference to prior determinations.¹ This means that a past finding that 819 Park Avenue constitutes a significant site is not determinative and should not be considered when reviewing this application. Rather, the only issue before this Board is whether, looking at this issue completely afresh with a clean slate, 819 Park Avenue meets the criteria set forth in Section 15-11-10(A)(2).²

Discussion

The Board should remove 819 Park Avenue from the Historic Sites Inventory because the property does not meet the criteria for a Significant Site set forth in 15-11-10(A)(2). To be sure, each required element for a Significant Site is examined below.

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

While 819 Park Avenue is, *in toto*, at least 50 years old, it has not existed in its present form for 50 years. Further, age alone is not a basis for placement on the Historic Sites Inventory.

819 Park Avenue is not of exceptional importance to the community. The word “exceptional” connotes a property is “superior” or “better than average.”³ 819 Park Avenue is neither *superior* nor *above average*. 819 Park Avenue is nothing more than a nondescript rectangle. As referenced in the 1978 Utah State Historical Society/Historic Preservation Research Office (State Historical Society) Structural/Site Form, 819 Park Avenue is “not contributory.” Thus, by definition, 819 Park Avenue does not (and cannot) meet this standard.

Likewise, 819 Park Avenue is not of exceptional importance to the community because it retains none of the historic elements, if any, it may have once had. Any historic importance the property may have had in its original constructed form was lost long ago -- since at least the 1950s -- when the original construction was removed or otherwise converted beyond recognition of the original structure. Accordingly, 819 Park Avenue does not represent exceptional importance to the community.

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

¹ See PCMC § 15-11-10(C)(2)(c) (“The HPB shall review the Application “de novo” giving no deference to the prior determination.”).

² See *id.*

³ Merriam-Webster Dictionary, available at: <https://www.merriam-webster.com/dictionary/exceptional>.



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

819 Park Avenue has received no historic grant from the City.

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

Before 2009, 819 Park Avenue was not on the Historic Sites Inventory. Thus, it was not previously listed.

Indeed, in 1978, the State Historical Society determined 819 Park Avenue is “not contributory.” In doing so, the State Historical Society declined to designate 819 Park Avenue as “significant” or, the lesser status, “contributory.” The State Historical Society relied on various research materials, including Summit County plat records and maps, tax records and photos in making its determination. A copy of the State Historical Society’s determination is included with this application.

Notwithstanding the lack of prior designation by the 1978 State Historical Society, in approximately 2009, Park City subcontractor Dina Williams-Blaes determined 819 Park Avenue is significant. As explained elsewhere, Ms. Blaes came to her conclusion without the benefit of decades of historical information and the transformation of 819 Park Avenue through those decades. Her failure to properly investigate and rely upon this information led to the erroneous conclusion of significance. However, as expressed at the outset, the standard of review is *de novo*. Thus, whether a prior Significant Site designation was made is not the issue – which would require a different standard of review, e.g., correction-of-error or, even a lesser threshold showing, abuse of discretion. Therefore, applicant contests the use of a prior designation in evaluating this application.

Further, applicant believes the prior designation was made in error and without accurate or sufficient information. However, because the standard here is *de novo*, applicant is not required to show error below. To the extent the applicant is required show error below, applicant believes this element is arbitrary and capricious and does not constitute a *de novo* review. To illustrate this point further by way of analogy, a defendant who appeals a conviction from justice court to the district court does so pursuant to the same standard of review applicable here: *de novo*. In so doing, the defendant is not required to marshal or otherwise challenge the findings of the court below. Nor is defendant presumed guilty based on the decision below. Rather, the defendant gets a new proceeding as if the lower proceeding never occurred. That is what a *de novo* review requires. Therefore, using a prior conviction, or a prior designation in this context, is neither appropriate nor legal as a matter of law when the standard of review is *de novo*. To do so, would alter the *de novo* standard of review the applicant is entitled to in this proceeding. Further, while reserving this and all other legal arguments, applicant contends this process, violate his right to a fair and unbiased proceeding guaranteed by the due process clauses of the federal and state constitutions that cannot be arbitrarily and capriciously overwritten by requiring the applicant to at the same time challenge a prior finding of significance. Thus, whether or not a prior finding of

significance was made is not (and cannot be) the issue or a factor by which this application is judged.

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

819 Park Avenue was never listed as Significant or on any reconnaissance or intensive level survey of historic resources.

Further, as noted above, in 1978, the State Historical Society determined 819 Park Avenue is “not contributory.” In doing so, the State Historical Society declined to designate 819 Park Avenue as “significant” or, the lesser status, “contributory.”

(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 its Essential Historical Form even if it has non-historic additions; or

819 Park Avenue has retained none of its historic scale. As explained in the “Structure’s History” accompanying this application, the western false façade is gone, the gable roof is gone, and all the original windows and doors have been removed. The remaining four exterior walls have been modified by additions and deletions and completely new fenestration. All of the structure’s original design elements have been removed. There are no period architectural features, materials, or design elements remaining. In short, all period context (if such context ever existed at all) has vanished and there is nothing remaining to restore.

(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; and

To reiterate and further expand upon what is stated above, there is no 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.

Additionally, 819 Park Avenue was not constructed as a residence. It was built as a commercial structure. Thus, Mining Era Residence standards are not applicable.

(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

As explained above, the physical attributes are gone together with any perceived regional history, architecture, engineering, or culture associated with the structure, if they ever existed at all. Accordingly, there is no relevant era of Historic Importance to the community remaining.

Further, as the 1978 State Historical Society determined 819 Park Avenue is “not contributory.” In doing so, the State Historical Society declined to designate 819 Park Avenue as “significant” or, the lesser status, “contributory.” As a result, the State Historical Society declined to designate it as pertaining to any of the following: National Landmark, National Register, State Register, District, Multi-Resource, or Thematic.

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

None known. This is further bolstered by the 1978 State Historical Society report referenced above.

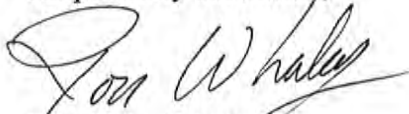
(3) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

There is no evidence of noteworthy methods of construction, materials, or craftsmanship was used during the original construction of 819 Park Avenue. The 1978 State Historical Society report referenced above and the affidavits submitted with this application further bolster this point.

Conclusion

As explained above, 819 Park Avenue fails to meet the criteria for a Significant Site. Therefore, it should be removed from the Historic Sites Inventory. Accordingly, applicant respectfully requests removal pursuant to Section 15-11-10(C)(2)(c).

Respectfully submitted,



Ronald R. Whaley
Applicant

IN THE MATTER OF THE APPLICATION OF RONALD WHALEY
FOR DETERMINATION OF SIGNIFICANCE
BEFORE PARK CITY, SUMMIT COUNTY, STATE OF UTAH

DECLARATION OF ALLEN ROBERTS

COMES NOW THE DECLARANT and states as follows:

1. My name is Allen Roberts. I am over the age of 18 and my home address is 1322 East 100 South, Salt Lake City, Utah 84102 and my telephone # is 801 635-6918.
2. I graduated with an Architectural Major and a degree in Art and Design from Brigham Young University in 1973, followed by graduate work in Architecture at the University of Utah in 1974-78. In addition, I have received 40 years of continuing education courses in architecture and historic preservation. I have been a licensed architect in Utah since 1984 and am a member of the American Institute of Architects. In 2017, I was the only Utah architect elevated to the College of Fellows of the American Institute of Architects (FAIA) -- the highest status given to American architects. I am the recipient of the Lucy Beth Rampton Lifetime Achievement Award from Preservation Utah. My firm, Cooper Roberts Simonsen Associates (CRSA), was the Utah AIA "Firm of the Year" in 2000. My restoration, renovation, preservation



and new design projects have received more than 90 national, regional and local awards for their design excellence.

3. My professional work experience includes being the State Historical Architect and Architectural Historian for the Utah State Historical Society from 1974 to 1976, where I was responsible for placing eight historical districts and more than 100 individual historic buildings on the National Register of Historic places. I have served as guest lecturer on architecture and historic preservation at colleges and universities, and for six years served as an adjunct faculty member of Snow College, teaching architectural history, preservation theory and historic structures reports. In 1976 I co-founded CRSA, architects, and I have been a senior partner of the firm ever since, also serving as its president. I have designed the restoration and renovation of several hundred historic buildings, including many significant ones in Park City (Miners Hospital, City Hall/Museum, Washington School/B&B, Carl Winter/Park City High School/Library, Park City Intermodal Transit Center, Masonic Hall/Restaurant and numerous buildings on Main Street and residences in the two historic districts).
4. For 8 years in the 1980s, I served as a member of the Park City Historic District Commission, serving 4 years as its chair. I have also served as chair of the Sanpete County Preservation Commission and Spring City Landmarks Commission. With CRSA, I also helped prepare the first design guidelines and operating procedures for the initial Salt Lake City Historic Landmarks Commission.
5. In the early 1990s, I conducted the Park City Reconnaissance Level Surveys of all of the buildings in the city, ranking each one either Significant, Contributory, Non-Contributory or Out-of-Period. In 2015-2016, I was the lead preservation architect for

researching and preparing detailed Intensive Level Surveys of Park City's 408 older buildings in the city's two historic districts. I was also a consultant in the preparation of the city's Historic District Design Guidelines and their later revisions. Due to my 40+ years of experience as an historical preservation professional, including 40+ years dealing with historic buildings in Park City, I consider myself an expert witness in evaluating the matter at hand.

6. The structure located at 819 Park Avenue is within the Park City Historical District and is currently a residence. It was built originally as a grocery store, however, and at the time it was constructed in about 1942, it had a false front and the character of a commercial building. Unfortunately, this original commercial character was entirely lost when the building was altered four times between the 1950s through 2005. The building's loss of its character-defining features is documented in the accompanying "Structure History" and also summarized below. Because the building does not meet the criteria specified in Historic District sections 15-11-10(A)(1) and 15-11-10(A)(2), I consider it now a non-contributory building. It does not resemble at all its original commercial/grocery store appearance, nor have the various later modifications given it the appearance of the typical miner's houses that populate the district. That is, a contributory building should literally contribute to and visually support the theme under which the district was created, namely late 19th and early 20th century residential mining town architecture. Because the residence at 819 Park Avenue resembles neither a typical early commercial structure nor a typical early Park City residence, it no longer contributes to the district's thematic character. It is telling and significant that as early as the first Reconnaissance Survey conducted for Park City in the early

1980s, the building at 819 Park Avenue was not rated a “Contributory” building, indicating that even then, more than 30 years ago, the building had been so altered in character as to no longer visually conform with the architectural nature of the historic district.

7. Character-reducing modifications have been made to the roof, front façade and windows over the past six decades. In particular I note: (1) There is no longer a main, central entrance facing Park Avenue as existed originally and as was/is typical of other residential structures on this street; 2) There is no front porch; 3) The historic windows are gone and the replacements windows are atypical in size, scale and location compared with typical residential windows; 4) The original triangular-shaped, gabled roof has been altered. The roof shape now has clipped gables on the front and back, which is out of character with other roofs of historic residential structures in the area (See attached photographs); and 5) The original stepped false front has been entirely removed, depriving the façade of its original commercial character.
8. The modifications appear to have been made from the late 1960s through about 1984, with the latest changes being made about 2005. In short, most if not all of the adverse changes appear to have made less than fifty years ago, rendering the changes not of significance according to the National Register of Historic Places criteria for nomination.
9. As I look at the building today, it does not pass the “eye test.” That is, it not only does not look as it did historically; it also does not now, as a residence, resemble the other residences along Park Avenue or the ones throughout the district. The latter are mostly wood-frame structures with gabled or hipped roofs, front porches, front entries

and vertical, double-hung windows. The altered building at 819 Park Avenue, no longer possesses these character-defining traits. I, therefore, recommend that it be delisted as a contributory building in the historic district.

Pursuant to Utah Code Ann. § 78B-5-705, I declare (or certify, verify, or state) under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my knowledge.

Dated this 2nd day of January, 2018.


ALLEN ROBERTS

IN THE MATTER OF THE APPLICATION OF RONALD WHALEY
FOR DETERMINATION OF SIGNIFICANCE
BEFORE PARK CITY, SUMMIT COUNTY, STATE OF UTAH

DECLARATION OF RONALD D. IVIE

COMES NOW THE DECLARANT and states as follows:

1. My name is Ron Ivie and I reside at 6871 S 3200 W, Spanish Fork, Utah 84660.
2. I was the Chief Building Official in Park City Utah from ~~December~~^{Sept} 1980 until August 2010 and served as Fire Marshall also during that time.
3. I also served as the Community Development Director in the absence of Mike Vance.
4. In these capacities I had the responsibility to review applications and permits related to buildings within the Historical District.
5. One such project, for example, was the reconstruction of the High West Distillery building. I approved a method to save the building, working within the guidelines and restrictions of the District, along with the City Attorney.
6. I am well acquainted also with the building at 819 Park Avenue and the Application to have it removed from the Historical District.



7. In my opinion the 819 Park Avenue building is not significant to the Historical District. It is different from other buildings in the District because it has been significantly altered over the years.
8. Specifically, the façade has been changed; the roof has been cut off, and the back and sidewalls of the building have been changed.
9. I am completely comfortable with my opinion that the 819 Oark Avenue building is of no significance as a historical building in Park City.

Pursuant to Utah Code Ann. 78B-5-705 I declare (or certify, verify, or state) under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my knowledge.

DATED this 10 day of June, 2017.


RONALD D. IVIE

IN THE MATTER OF THE APPLICATION OF RONALD WHALEY
FOR DETERMINATION OF SIGNIFICANCE
BEFORE PARK CITY, SUMMIT COUNTY, STATE OF UTAH

DECLARATION OF RICHARD E. LEWIS

COMES NOW THE DECLARANT and states as follows:

1. My name is Richard E. Lewis. I was employed by Park City Municipal Corporation as the Community Director from 1990 to 2003. I am currently retired and my address is 504 East Meadows Drive, Park City, Utah 84098.
2. I graduated with a bachelors degree in Architecture from Kansas State University in 1968. In addition to courses in architectural design, structural design and architectural history, I attended required courses relating to urban and regional planning.
3. My professional work experience includes:
City Planner, Leo A. Daley Architectural Firm - Omaha Nebraska
Planning Director, City Cottage Grove, Minnesota
Community Development Director - Park City, Utah
4. While employed with Park City Municipal Corporation, I supervised the Planning Department, the Engineering Department and the Building Department. The Planning Department, under my supervision, had responsibilities relating to enforcement of the

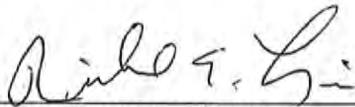


Historic District Design Guidelines. During my tenure as Community Development Director, the Historic District Guidelines were updated and studies were conducted to determine the boundaries of the Historic District. Specific structures were added to a list of potential historically significant buildings as part of several Historic District Guideline updates.

5. The structure located at 819 Park Avenue is within the Park City Historical District and is currently a residence. During my tenure as Community Development Director for Park City, 819 Park Avenue was not listed on the City's inventory of Historic Structures.
6. It appears that modifications to the roof, front façade and windows have been made over time. In particular I note: (1) There is no main entrance facing Park Avenue as is typical of other residential structures on this street; 2) There is no front porch; 3) The windows do not appear historically typical in size, scale and location; The roof shape, with the clipped gable on the front and back, appears out of character with other roofs of historic residential structures in the area.
7. As I look at the building today, I have serious questions about its significance to the Historic District. Specifically, I question that the building meets all the criteria of Historic District sections 15-11-10(A)(1) and 15-11-10(A)(2).

Pursuant to Utah Code Ann. 78B-5-705 I declare (or certify, verify, or state) under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my knowledge.

DATED this 27 day of May, 2017.



RICHARD E. LEWIS

IN THE MATTER OF THE APPLICATION OF RONALD WHALEY
FOR DETERMINATION OF SIGNIFICANCE
BEFORE PARK CITY, SUMMIT COUNTY, STATE OF UTAH

DECLARATION OF MARY LOU TOLY

COMES NOW THE DECLARANT and states as follows:

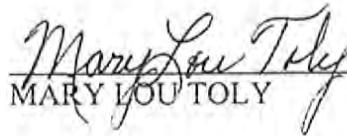
1. I reside at 939 Empire Avenue in Park City, Utah.
2. I am a lifetime resident of Park City, the third generation living here, age 80, born 7/10/1937, residing at 939 Empire in Park City, Utah.
3. I read, speak and write English as my native language and have personal knowledge of the following statements.
4. I have reviewed the photograph with the Coalition building labeled as Exhibit A and recognize it as an accurate representation of the city about 1942.
5. The building in the lower left foreground, which is the property comprising the subject of Mr. Whaley's application, was known to me personally.
6. It was known as "Westside Grocers" and I visited the store approximately three times a week.
7. It had a western false façade on the front.



8. The façade faced Park Avenue. It had a recessed entrance with double doors about three feet in off the street with windows on each side of the recess and bigger windows on each side on the front.
9. That façade is no longer there. The front was removed sometime after 1948.
10. The pointed gable on the roof shown in the photograph is no longer there but I do not know when it was changed.

Pursuant to Utah Code Ann. 78B-5-705 I declare (or certify, verify, or state) under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my knowledge.

DATED this 20th day of April, 2017.


MARY LOU TOLY



North & West Elevation
819 Park Avenue 1942 ?



East Elevation 819 Park Avenue



South Elevation 819 Park Avenue

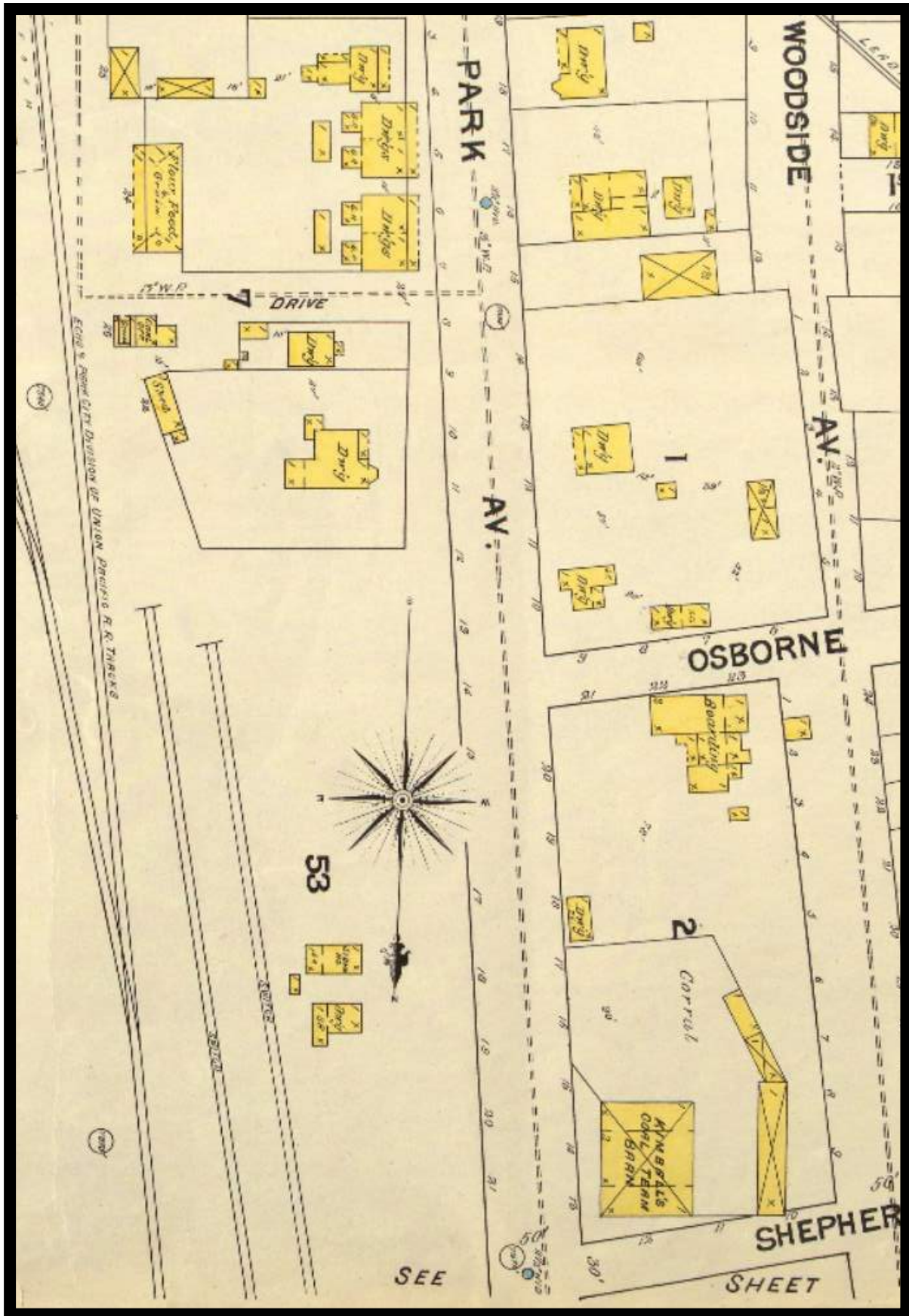


North Elevation 819 Park Avenue

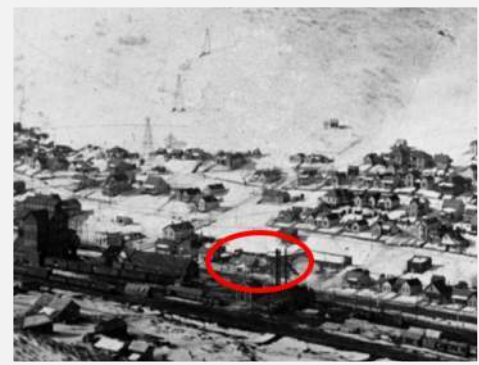
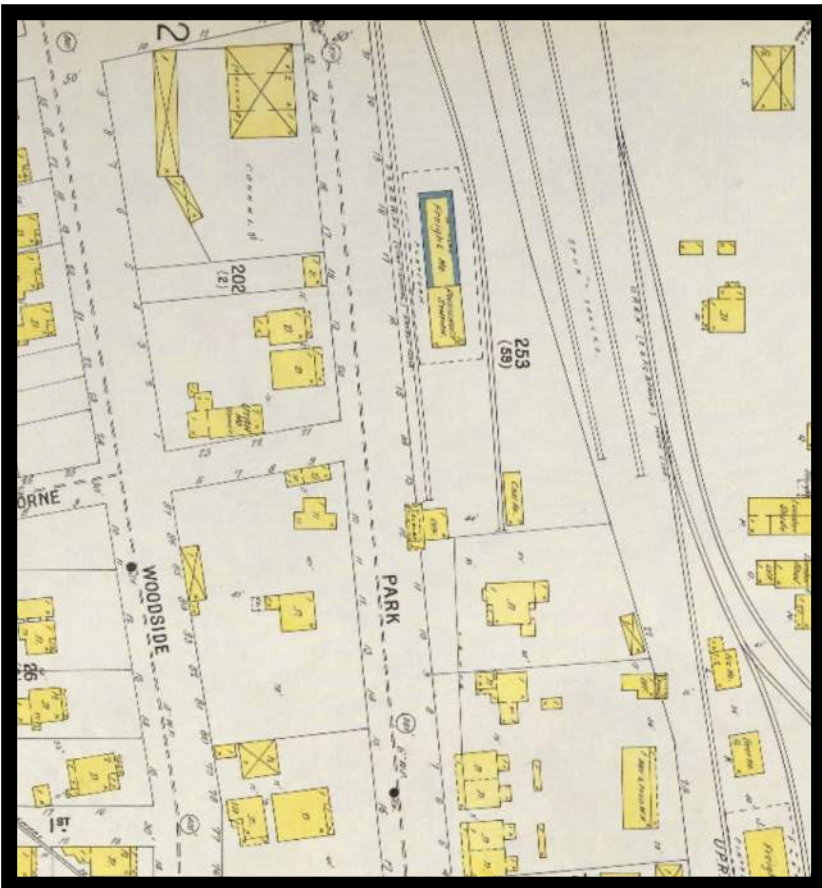


West Elevation 819 Park Avenue

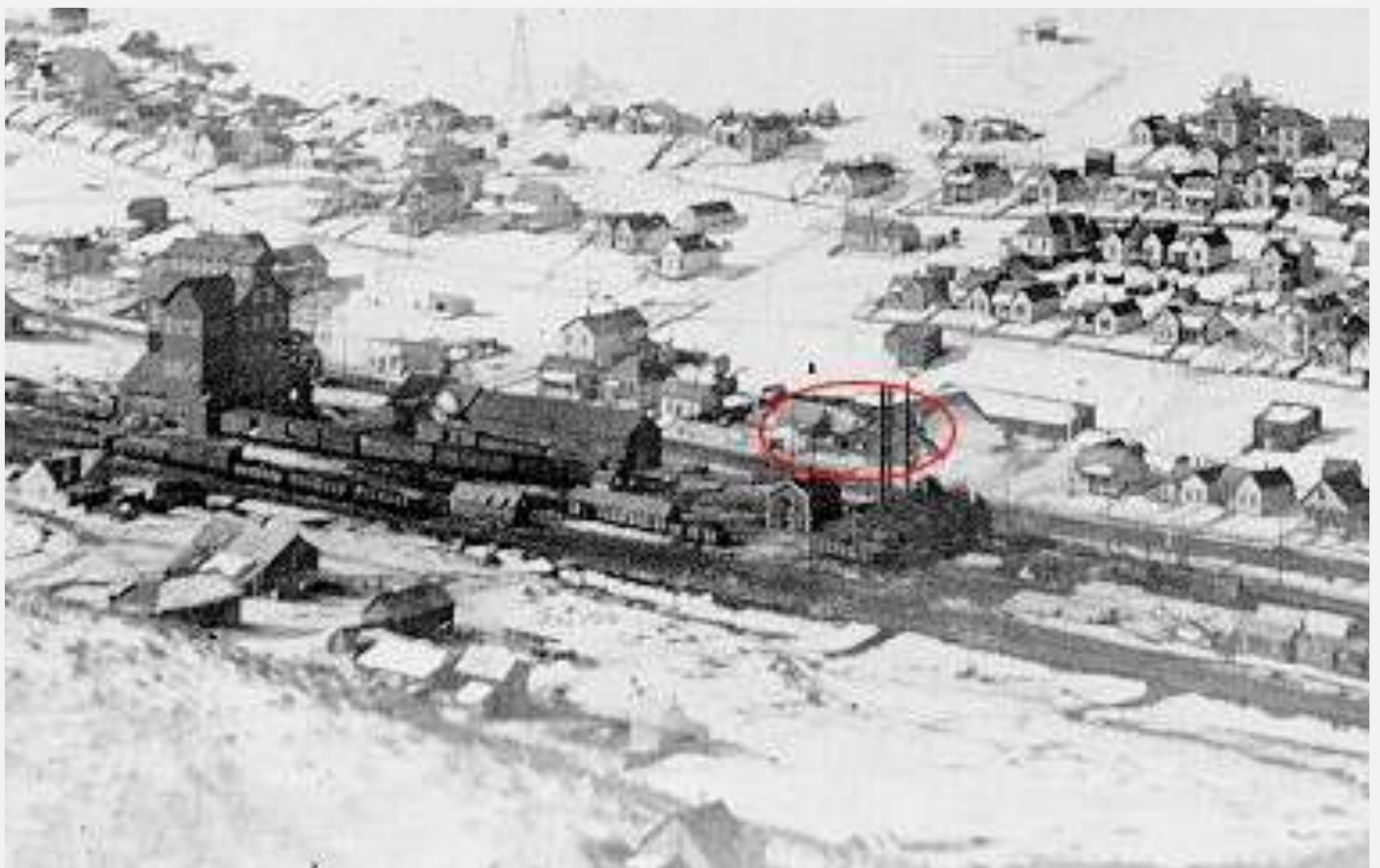
1889 SANBORN FIRE INSURANCE MAP



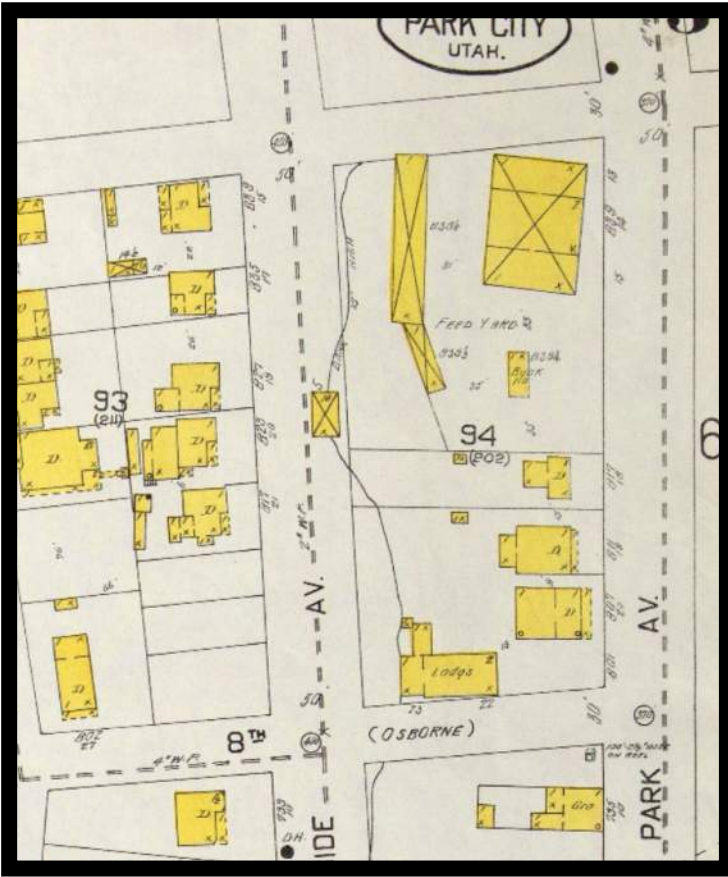
1900 SANBORN FIRE INSURANCE MAP ANALYSIS



These photographs from ca.1900 show depict the 800 block of Park Avenue. Note the Coalition building and industrial activity on the east side of Park Avenue. There are also three historic houses along the west side of Park Avenue and 2-story boarding house to the southwest. The northern half of the 800 block contains a stable and corral. (Photos courtesy of the Park City Museum and Historical Society.)



1907 SANBORN FIRE INSURANCE MAP ANALYSIS

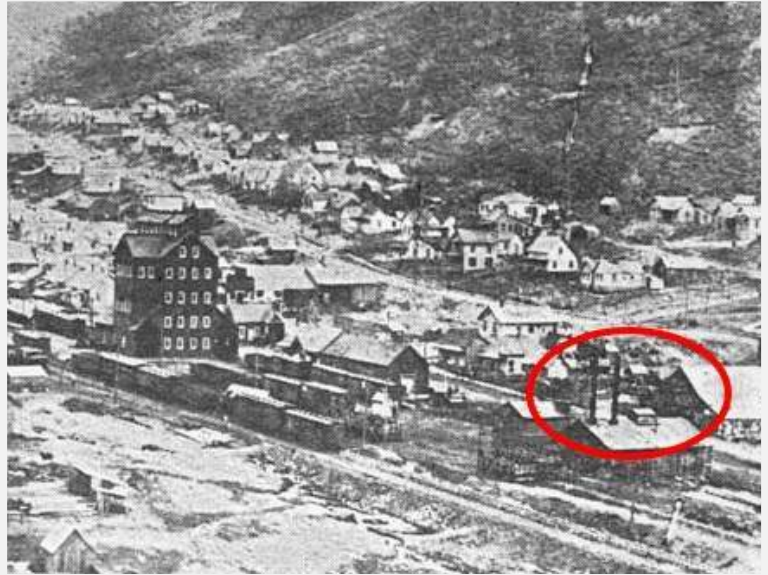
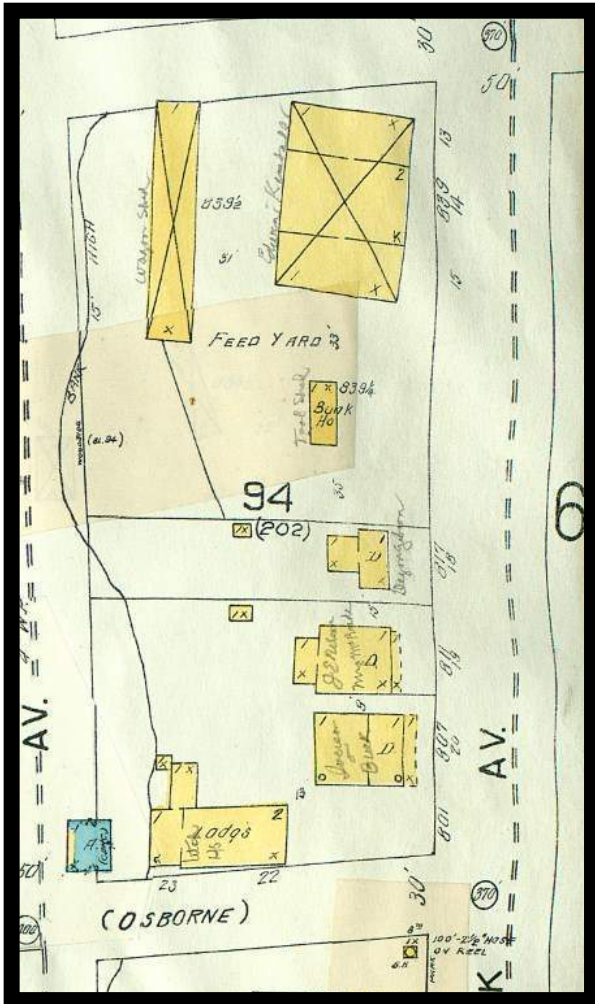


The 1907 Sanborn Map shows a feed yard and a new bunk house. The three houses are still along the west side of Park Avenue with the boarding house located to the southwest of these structures. A rectangular shed structure is located behind the block, and adjacent to the east side of Woodside Avenue; it is visible in the photograph below.

The ca. 1912 photograph below shows the Denver & Rio Grande Railroad Depot blocking the view of the west side of Park Avenue; however, over the depot, the rooftops of 807, 811, and 817 Park Avenue are visible. (Photograph courtesy of the Park City Museum & Historical Society.)



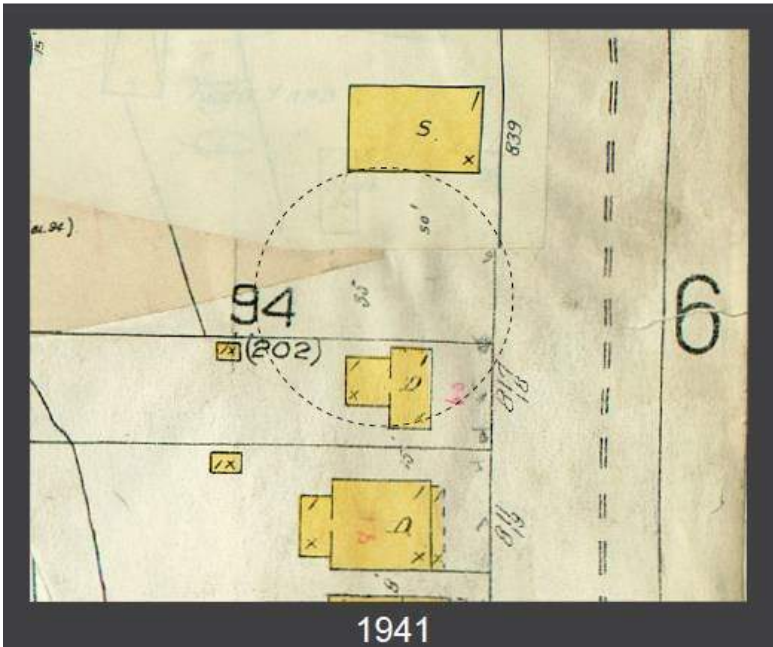
1927 SANBORN FIRE INSURANCE MAP ANALYSIS



By 1927, the site and its context had remained largely the same as the previous Sanborn Fire Insurance Maps. These photos further depict that the northern half of the 800 block of Park was used for activities supporting the railroad and mining operation at the Coalition Building. (Photos courtesy of the Park City Museum and Historical Society.)



1941 SANBORN FIRE INSURANCE MAP ANALYSIS



Staff believes CRSA mis-identified 819 Park Avenue on this 1941 Sanborn Map. Staff believes that 819 Park Avenue is actually represented as 839 Park Avenue in this Sanborn Map. The "S" stands for "Store" and we know that the building was constructed in the early 1940s as a grocery store.

Further analysis of the location of the store is presented on the following page.



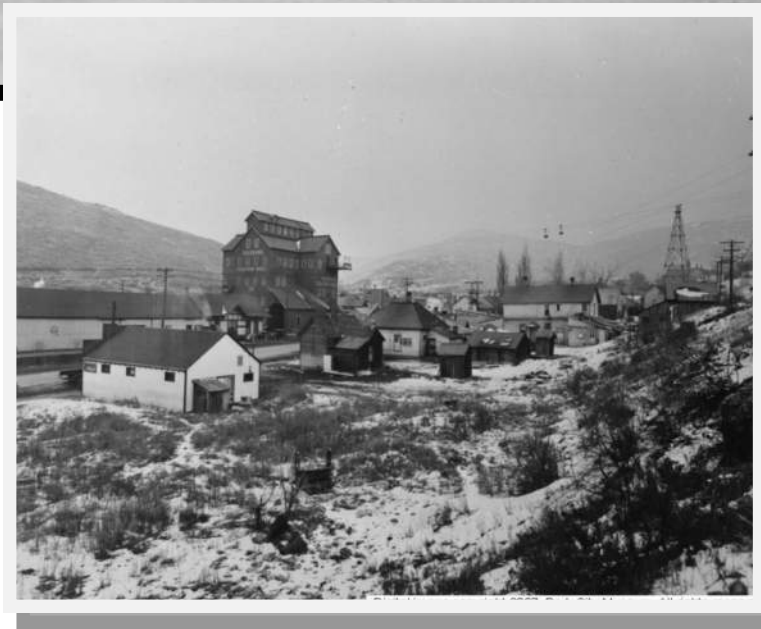
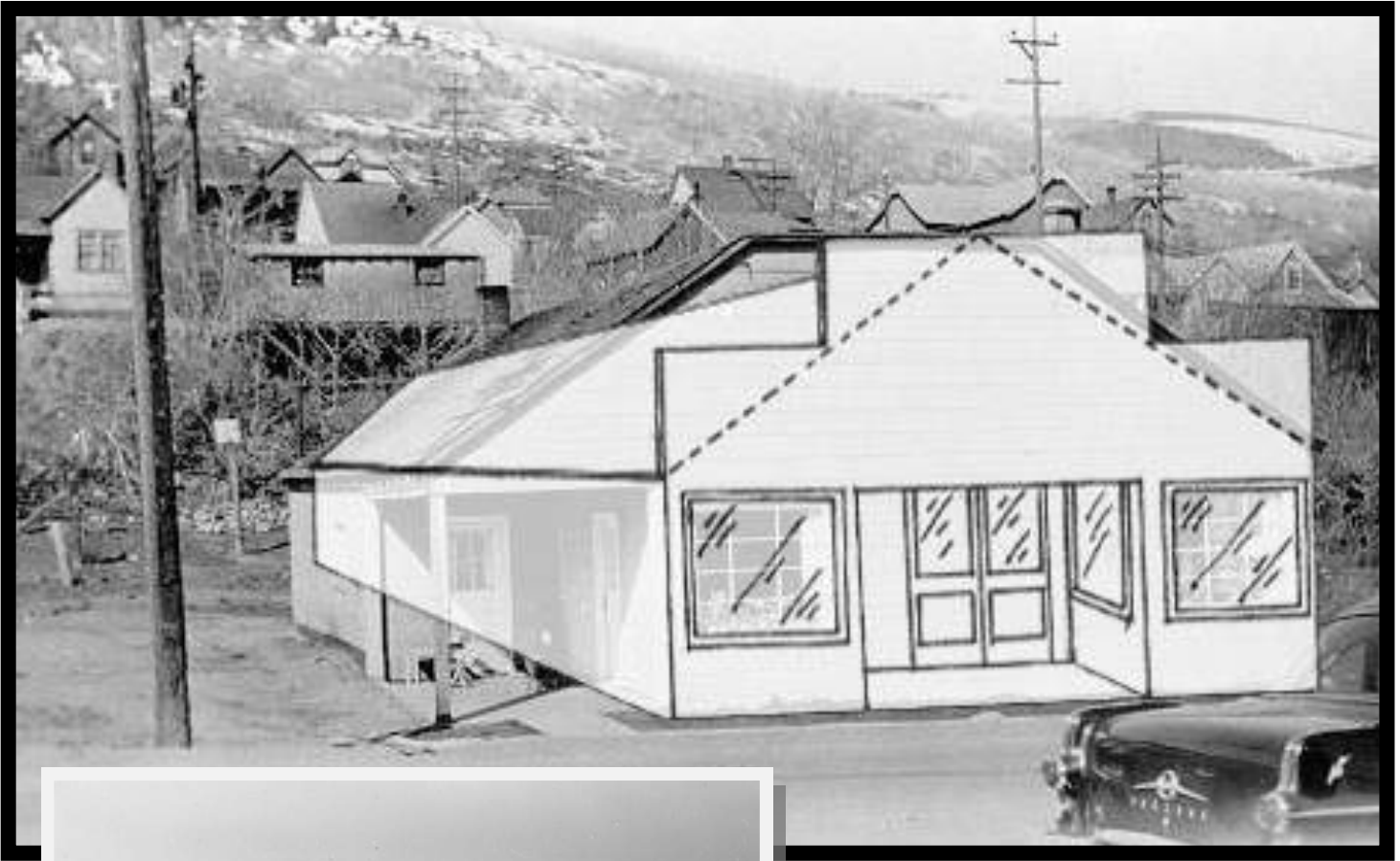
SANBORN MAP OVERLAY STUDY



Staff used the 1941 Sanborn Fire Insurance map and overlaid it on a current Google map of the neighborhood. In doing so, it appears that the building labeled “S” or store at 839 Park Avenue is located at roughly 819 Park Avenue today. Additionally, the 1941 Sanborn Map shows a vacant lot between 817 Park Avenue and the store. The vacant lot has since been developed with a new infill house.

Exhibit D

STAFF ANALYSIS OF BUILDING DEVELOPMENT 1941-1948



Staff believes that this building was constructed sometime before 1941 as a grocery store. Based on historic photographs, it appears to have had a false front shielding a gable-roof structure behind. There were likely display windows and doors on the façade, facing Park Avenue.

During the 1948 renovation, staff believes additions were added to the south (left in the photo) and west (rear elevation). These later additions expanded the footprint of the store building, leading to the roof form being rebuilt and expanded to cover this new addition.

Photo Top: Staff has sketched in what staff believes is the original building form over the c.1968 facade. The window and door configuration is not based on physical or photographic evidence. Staff has based it loosely on historic storefronts throughout town.

Photo bottom: This photo is of the back of the building, ca.1941.

APPLICANT'S ANALYSIS OF BUILDING DEVELOPMENT 1941



Photo Top: Staff has sketched in the applicant's analysis of the building's development. He believes that the gable was clipped when the false front was removed and that the building dimensions have not changed since its use as a store.

Photo bottom: This photo is of the back of the building, ca.1941.



SERIAL NO. 7280
RE-APPRAISAL CARD (1940 APPR. BASE)

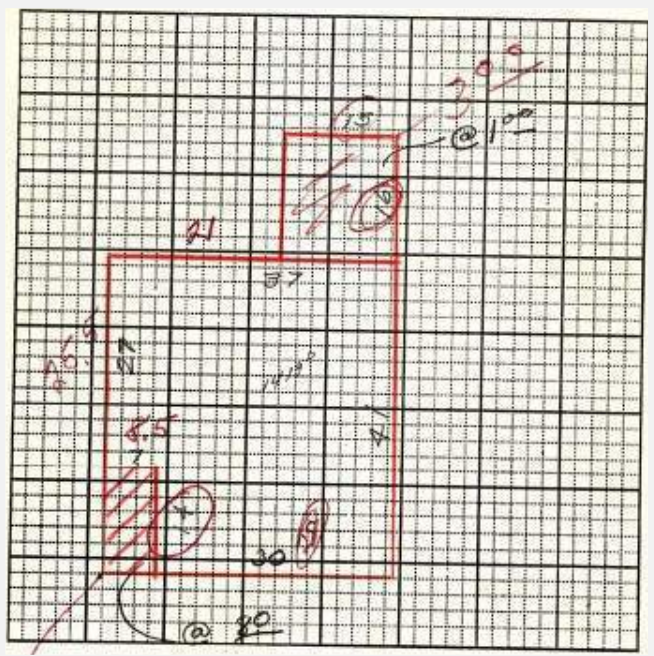
Owner's Name Patrick M Mc Polin
 Owner's Address Park City
 Location Site 445 Block 25 AOC (No End of C)
 Kind of Building Res Street No. 827 Park Ave
 Schedule 1 Class 3 Type 102-4 Cost \$ _____ X % _____

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
	x x		1119	\$	\$ 2279
	x x			\$	\$
	x x			\$	\$

No. of Rooms 5 + 13 Condition _____

Description of Building	Add	Deduct
Foundation—Stone _____ Conc. _____ None <input checked="" type="checkbox"/>		
Ext. Walls <u>5 in</u>		
Insulated—Floors _____ Walls _____ Clgs. _____		
Roof—Type <u>Sh</u> Mat. <u>Sh</u>		
Dormers—Small _____ Med. _____ Lg. _____		
Bays—Small _____ Med. _____ Lg. _____		
Porches—Front <u>98 @ 80</u> <u>78</u>		
Rear <u>240 @ 150</u> <u>240</u>		
Cellar—Basin't— $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ % full-floor _____		40
Basement Apts.—Rooms Fin. _____		
Attic Rooms _____ Fin. _____ Unfin. _____		
Plumbing—Class <u>2</u> Tub _____ Trays _____ Basin _____ Sink _____ Toilet _____ Urns _____ Fins. _____ Shr. _____ Dishwasher _____ Garbage Disp. _____	410	
Heat—Stove <input checked="" type="checkbox"/> H. A. _____ Steam _____ S. Blr. _____ Oil _____ Gas _____ Coal _____		
Air Conditioned _____ Incinerators _____		
Radiant—Pipeless _____		
Finish—Hd. Wd. _____ Floors—Hd. Wd. _____ Fir. <input checked="" type="checkbox"/> Fir. <input checked="" type="checkbox"/> Conc. _____ Conc. _____		
Cabinets <u>1</u> Mantels _____	40	
Tile—Walls _____ Wainscot _____ Floors _____		
Lighting—Lamp _____ Drops <input checked="" type="checkbox"/> Fix. _____		
Total Additions and Deductions	768	40
Net Additions or Deductions		\$ 728
REPRODUCTION VALUE		\$ 3006
Depr. <u>1A/26</u> %		\$
Reproduction Val. Minus Depr.		\$ 2585
Remodeled <u>1948</u> Est. Cost _____		\$
Remodeling Inc. _____ %		\$
Garage—S. S. _____ O. _____ Depr. 2% 3% _____		\$
Obsolescence _____		\$
Cars _____ Walls _____		\$
Out Bldgs. _____		\$
Roof _____ Size _____ x Age _____		\$
Floor _____ Cost _____		\$
Depreciated Value Garage _____		\$
Remarks _____		Total Building Value \$ 2585

Appraised 9/23/49 By SO



1949 Tax Assessment
 (included in Historic
 Site Form). This is the
 first assessment after
 the Sanborn Fire
 Insurance Maps.

1958 TAX CARD ANALYSIS

Serial No. SAA

Location Block 2 SA Plots 4+5-

Kind of Bldg. RES St. No. 819 Park Ave

Class 3A Type 1 2 3/4 Cost \$ 2376 X 100 %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		1419		\$ 2376
	x x				
	x x				

Gar.—Carport Fir. Walls Cl.

Description of Buildings	Additions
Foundation—Stone <input type="checkbox"/> Conc. <input type="checkbox"/> None <input checked="" type="checkbox"/>	
Ext. Walls <u>Asph Shakes on Siding</u>	
Insulation—Floors <input type="checkbox"/> Walls <input type="checkbox"/> Clg. <input type="checkbox"/>	
Roof Type <u>Gable</u> Mtl. <u>Asph</u>	
Dormers—Small <input type="checkbox"/> Med. <input type="checkbox"/> Large <input type="checkbox"/>	
Bays—Small <input type="checkbox"/> Med. <input type="checkbox"/> Large <input type="checkbox"/>	
Porches—Front <u>7x14</u> <u>98"</u> @ <u>80</u> <u>78</u>	
Rear <input type="checkbox"/>	
Porch <input type="checkbox"/>	
Metal Awnings <input type="checkbox"/> Mtl. Rail <input type="checkbox"/>	
Basement Entr. <input type="checkbox"/>	
Planters <input type="checkbox"/>	
Cellar-Bsmt. — 1/4 1/2 3/4 Full <input type="checkbox"/> Floor <input type="checkbox"/>	
Bsmt. Apt. <input type="checkbox"/> Rooms Fin. <input type="checkbox"/> Unfin. <input type="checkbox"/>	
Attic Rooms Fin. <input type="checkbox"/> Unfin. <input type="checkbox"/>	
Plumbing { Class <input checked="" type="checkbox"/> Tub <u>1</u> Trays <input type="checkbox"/>	
Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>	
Wtr. Sfr. <input type="checkbox"/> Shr. St. <input type="checkbox"/> O.T. <input type="checkbox"/>	
Dishwasher <input type="checkbox"/> Garbage Disp. <input type="checkbox"/>	410
Built-in Appliances <input type="checkbox"/>	
Heat—Stove <input checked="" type="checkbox"/> H.A. <input type="checkbox"/> Steam <input type="checkbox"/> Stkr. <input type="checkbox"/> Hlr. <input checked="" type="checkbox"/>	
Oil <input type="checkbox"/> Gas <input checked="" type="checkbox"/> Coal <input checked="" type="checkbox"/> Pipeless <input type="checkbox"/> Radiant <input type="checkbox"/>	
Air Cond. <input type="checkbox"/>	
Finish—Fir <input checked="" type="checkbox"/> Hd. Wd. <input type="checkbox"/>	
Floor—Fir <input checked="" type="checkbox"/> Hd. Wd. <input type="checkbox"/> Other <input type="checkbox"/>	
Cabinets <input type="checkbox"/> Mantels <input type="checkbox"/>	
Tile—Walls <input type="checkbox"/> Wainscot <input type="checkbox"/> Floors <input checked="" type="checkbox"/>	
Storm Sash—Wood D. <input type="checkbox"/> S. <input type="checkbox"/> Metal D. <input checked="" type="checkbox"/> S. <input type="checkbox"/>	
<u>Attach shed - 14x16</u> <u>240"</u> @ <u>100</u> <u>240</u>	
Total Additions	728

Year Built <u>16</u>	Avg. Age <u>16</u>	Current Value	\$ <u>3104</u>
Inf. by <u>Owner - Tenant - Neighbor - Record - Est.</u>		Commission Adj.	%
Remodel Year	Est. Cost	Bldg. Value	
		Depr. Col. (1) 2 3 4 5 6 7	%
		Current Value Minus Depr.	\$ <u>2204</u>
Garage—Class	Depr. 2% 3%	Carport—Factor	
Cars	Floor	Walls	Roof
Size	x	Age	Cost
Other			
Total Building Value			\$

Appraised 5-13-1958 By 1302



This page is a compellation of the 1958 tax assessment. The tax card, a rough outline of the building's dimensions, and a historic photo are shown here.

GENE CARR PHOTOGRAPHS

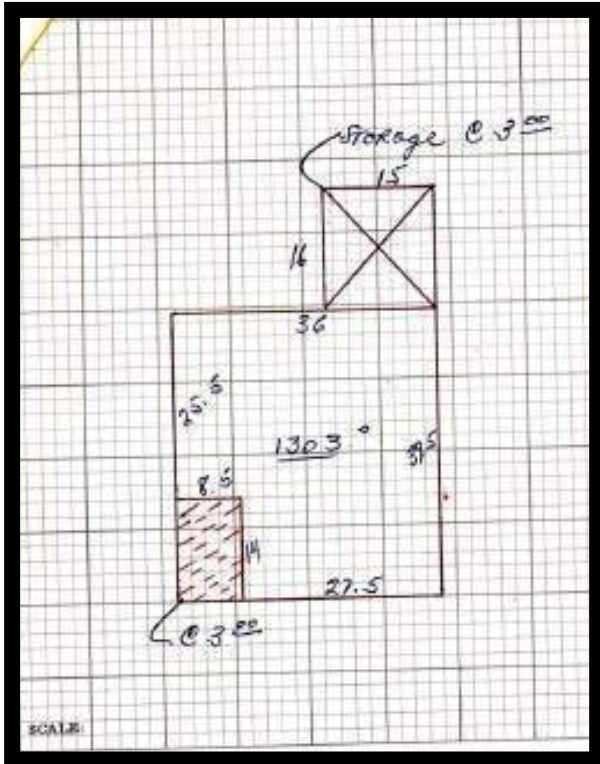


Photo Top: This photograph by Gene Carr shows the house with its asphalt shingle siding. Staff presumes the house has remained unchanged from the 1968 tax card in this photograph.

Inset Photo: This close-up photograph shows the large picture window on the north side of the house.



1968 TAX CARD ANALYSIS



SA-9
Serial Number

1 OF 1
Card Number

Owners Name _____
 Location Park City
 Kind of Bldg Res St. No. 819 Park Ave
 Class 4 Type I 4 Cost \$ _____ x100

Species	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x x	1303	469	6111	\$
x	x x				
x	x x				

Att. Gar. — C.F. — x — Fir. — Walls — Cl. —

Description of Buildings	Additions	Additions
Foundation — Stone — Conc. — Sill		
Est. Walls <u>Asphalt-Flake</u>		
Roof Type <u>gable</u> Mt. <u>Part</u>		
Dormers — Scroll — Med. — Large		
Bars — Small — Med. — Large		
Porches — Front	119 @ 3.5	357
Rear	240 @ 3.5	720
Porch	0	
Floors	0	
Ret. Base Entry	0	
Cellar-Bent. — 1/4 1/2 3/4 Full — Floor —		
Bomb. Gar.		
Basement-App. — Hrs. — Fin. — Res.		
Attic Rooms Fin. — Unfin.		
Plumbing		650
Class <u>2</u> Tub <u>1</u> Trays		
Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>		
Wtr. Sctr. — Shr. St. — O.T.		
Dishwasher — Garbage Disp.		
Heat — Stone — H.A. — PA — HW — Sitr. — Elec.		451
Oil — Gas — Coal — Pipelns — Radiant		
Air Cond. — Full — Zone		
Finish — Fir. — Hd. Wd. — Panel		
Floor — Fir. — Hd. Wd. — Other		
Cabinets — <input checked="" type="checkbox"/> — Haxels		
Tile — Walls — Walnut — Floors		
Storm Sash — Wood D. — S. — Metal D. — S. — 7		265
Awnings — Metal — Fiberglass		
Total Additions		2443
Year Built <u>1940</u> Avg. 1. — Replacement Cost <u>8554</u>		
Avg. 2. — Obsolescence		
Inf. by <u>Owner</u> — Tenet. — Adj. Bd. Value		
<u>Neighbor - Record - Est.</u> — Conv. Factor <u>x.47</u>		
Replacement Cost — 1940 Base		
Depreciation Column <u>0.11454</u>		
1940 Base Cost, Less Depreciation		
Total Value from reverse side		
Total Building Value \$		

This page is a compilation of the 1968 tax assessment. The tax card, a rough outline of the building's dimensions, and a historic photo are shown here. The photo below was taken in the 1960s.



C.1974 CHANGES TO THE HOUSE



This current photo of the rear (west) elevation of the house shows the one-story wood frame, gabled-roof addition on the northwest corner of the house that first appears in the 1949 tax assessment. The areas highlighted in blue were part of a c.1974 addition to the house.

1995 PHOTO THE HOUSE



Exhibit F-1

PARK CITY SURVEY WORKSHEET FOR POST-1930 STRUCTURES:

SITE NO. _____

Name of site _____ Subdivision _____
Address 819 Park Block _____ Lot(s) _____
Owner _____ Present Zoning HR-1
Owner Address _____ Use residence

PRIMARY STRUCTURE

View southeast
oblique



Date of photo 2/82
Negative File 3/3

SIGNIFICANCE OF SITE TO DISTRICT: Non-Contributory Contributory _____

NOTE: Most post-1930 buildings are categorized as non-contributory.

Comment: _____

Form completed by: Ellen Beasley Date: April, 1982
Beasley/February 1982

ADDRESS: 819 Park Avenue
PARCEL # : SA-9



15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE
 ... It is hereby declared that all Buildings, Structures and Sites within Park City which substantially comply with the standards of review found in Section 15-11-[12](A), are determined to be Significant for the purposes of this Chapter.

(A) STANDARDS OF REVIEW. In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

Criteria	Evaluation
(1) The Building, Structure or Site is associated with events or lives of Persons Significant to our past; and/or	Yes, late mining era.
(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or	Yes, the building embodies the distinctive characteristics of type and period: 1 ½ story, frame, ship-lap siding, rectangular block, truncated gable front low pitched roof form, paired double-hung windows, recessed entry porch, simple porch supports.
(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or	Yes, the architectural and historic value of the site contributes to the significance of the property and area.
(4) The Building, Structure, or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is exceptional importance to the community; and/or	Yes, c. 1920
(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or	Yes, the architectural and historic features are comparable to those on other significant sites in the area.
(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.	Unusual rectangular block, but not unlikely others in PC built in same period. Compatible with mining era cottages in scale and massing.

In addition to on-site visual analysis, the following were consulted in determining substantial compliance with the standards of review found in Title 15, Chapter 11, Section 12 Determination of Historical Significance.

Tax Photo	Planning Office
1982 Survey Evaluation	Non-contributory
Permit Files	
SHPO¹	Utah Historic Sites Database ID # 57922. R. Roper note states "sympathetic in style with mining era buildings."
Tax Assessor	b. 1942
PCHS&M²	
Other	

¹ State Historic Preservation Office

² Park City Historical Society and Museum

HISTORIC SITE FORM

UTAH STATE HISTORIC PRESERVATION OFFICE

(10-91)

1 IDENTIFICATION

Name of Property: **Earl Reseigh House**

Address: **819 Park Avenue**

Twtnshp

Range

Section:

City, County: **Park City, Summit, Utah**

UTM:

Current Owner Name: **Ronald R. Whaley and Melanie A. Reif (H/W jt.)**

USGS Map Name & Date: **Park City East**

Current Owner Address: **PO Box 1621**

Quad/2011

Park City, UT 84060-1621

Tax Number: **SA-9**

Legal Description (include acreage): **see continuation sheet**

2 STATUS/USE

Property Category

building(s)

structure

site

object

Evaluation

eligible/contributing

ineligible/non-contributing

out-of-period

Use

Original Use: **single dwelling**

Current Use: **single dwelling**

3 DOCUMENTATION

Photos: Dates

digital: **Nov. 2013 (3)**

prints: **2006, 1995, c. 1958**

historic:

Drawings and Plans

measured floor plans

site sketch map

Historic American Bldg. Survey

original plans available at:

other:

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

abstract of title

tax card & photo

building permit

sewer permit

Sanborn Maps

obituary index

city directories/gazetteers

census records

biographical encyclopedias

newspapers

city/county histories

personal interviews

USHS History Research Center

USHS Preservation Files

USHS Architects File

LDS Family History Library

local library: **Park City Museum**

university library(ies):

Bibliographical References (books, articles, interviews, etc.)

Attach copies of all research notes, title searches, obituaries, and so forth.

Boutwell, John Mason and Lester Hood Woolsey. *Geology and Ore Deposits of the Park City District, Utah*. White Paper, Department of the Interior, United States Geological Survey. Washington: Government Printing Office, 1912.

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.

Pieros, Rick. *Park City: Past & Present*. Park City: self-published, 2011.

Randall, Deborah Lyn. *Park City, Utah: An Architectural History of Mining Town Housing, 1869 to 1907*. Master of Arts thesis, University of Utah, 1985.

Ringholz, Raye Carleson. *Diggings and Doings in Park City: Revised and Enlarged*. Salt Lake City: Western Epics, 1972.

Ringholz, Raye Carleson and Bea Kummer. *Walking Through Historic Park City*. Self-published, 1984.

Thompson, George A., and Fraser Buck. *Treasure Mountain Home: Park City Revisited*. Salt Lake City: Dream Garden Press, 1993.

4 ARCHITECTURAL DESCRIPTION

Building Style/Type: other building type No. Stories: 1.5

Foundation Material: not verified Wall Material(s): wooden ship-lap siding

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

Number of associated outbuildings 0 and/or structures 0.

Briefly describe the principal building, additions or alterations and their dates, and associated outbuildings and structures. Use continuation sheets as necessary.

The house at 819 Park Avenue does not closely resemble any of the main types of houses built during the historic Park City mining era. This may be due to the fact that it was built in 1942, much later than many of the houses in the area. It has been well preserved and does exhibit many of the elements that define a historic Park City home. The truncated gable roof is sheathed with standing seam metal and has at least one skylight. The roof has a much lower pitch than most of the historic houses. The house is clad with wood shiplap siding, replacing the siding seen in the earlier tax photo. There are two pairs of one-over-one double hung sash type windows on the front façade and a slider window centered in the gable. Most of the other windows appear to be double hung sash types. The porch is inset, with the corner being supported by a square post. The door has a large upper light. A rear addition may be present, but this is unconfirmed. Given the extensive material changes, the historic value of this house has been diminished.

5 HISTORY

Architect/Builder: **unknown**

Date of Construction: **c. 1942**

Historic Themes: Mark themes related to this property with "S" or "C" (S = significant, C = contributing).
(see instructions for details)

<input type="checkbox"/> Agriculture	<input type="checkbox"/> Economics	<input checked="" type="checkbox"/> Industry	<input type="checkbox"/> Politics/ Government
<input type="checkbox"/> Architecture	<input type="checkbox"/> Education	<input type="checkbox"/> Invention	<input type="checkbox"/> Religion
<input type="checkbox"/> Archeology	<input type="checkbox"/> Engineering	<input type="checkbox"/> Landscape Architecture	<input type="checkbox"/> Science
<input type="checkbox"/> Art	<input type="checkbox"/> Entertainment/ Recreation	<input type="checkbox"/> Law	<input type="checkbox"/> Social History
<input type="checkbox"/> Commerce	<input type="checkbox"/> Ethnic Heritage	<input type="checkbox"/> Literature	<input type="checkbox"/> Transportation
<input type="checkbox"/> Communications	<input type="checkbox"/> Exploration/ Settlement	<input type="checkbox"/> Maritime History	<input checked="" type="checkbox"/> Other: Mining
<input type="checkbox"/> Community Planning & Development	<input type="checkbox"/> Health/Medicine	<input type="checkbox"/> Military	
<input type="checkbox"/> Conservation		<input type="checkbox"/> Performing Arts	

Write a chronological history of the property, focusing primarily on the original or principal owners & significant events. Explain and justify any significant themes marked above. Use continuation sheets as necessary.

According to a tax card for this property, this house was built in 1942, which was after the most recent Sanborn Insurance map, and the most recent available census. Thus it is difficult to determine the history of this house. The owners at the time of construction were Earl and Thelma Reseigh.

Earl and Thelma Reseigh appear on the 1930 census. At that time they lived on Woodside Avenue with Thelma's parents. Earl worked as a salesman for a grocery store, and was later mayor of Park City. It is unknown if they ever lived in the house. The property has changed hands several times since the historic period, and is currently owned by Ronald Whaley and Melanie Reif.

Legal Description (include acreage): BEG AT A PT 43.35 FT N 28*50' W FROM THE SE COR OF LOT 4 BLK 2 SNYDERS ADDITION TO PARK CITY UTAH & RUN TH N 28*50' W 43.35 FT TO A PT ON THE E'LY LINE OF SD BLK 2; TH SW'LY TO A PT ON THE W'LY LINE OF SD BLK 2 WH IS 78 FT N 31*48' W FROM THE SW COR OF SD LOT 4; TH S 31*48' E 39 FT TO A PT ON THE W'LY LINE OF SD BLK 2 WH IS 39 FT N 31*48' W FROM THE SW COR OF SD LOT 4; TH NE'LY IN A STRAIGHT LINE 139 FT M/L TO THE PT OF BEG & BEING A PART OF LOTS 4 & 5 OF SD BLK 2 SNYDERS ADDITION TO PARK CITY UTAH CONT0.13 AC M/L HQC-263 IQC-538 M59-653 M82-536 M64-688 M47-455-456 696-234998-652 1034-509-530 1218-104-123 1549-1813 1798-452; 0.13 AC



819 Park Avenue. Northeast oblique. November 2013.



819 Park Avenue. East elevation. November 2013.



819 Park Avenue. Southeast oblique. November 2013.

TITLE SEARCH FORM

[Obtain information from title abstract books at County Recorder's Office]

Address: 819 Park Avenue

City: Park City, UT

Current Owner: Ronald R. Whaley and Melanie A. Reif

Address: (see historic site form for address)

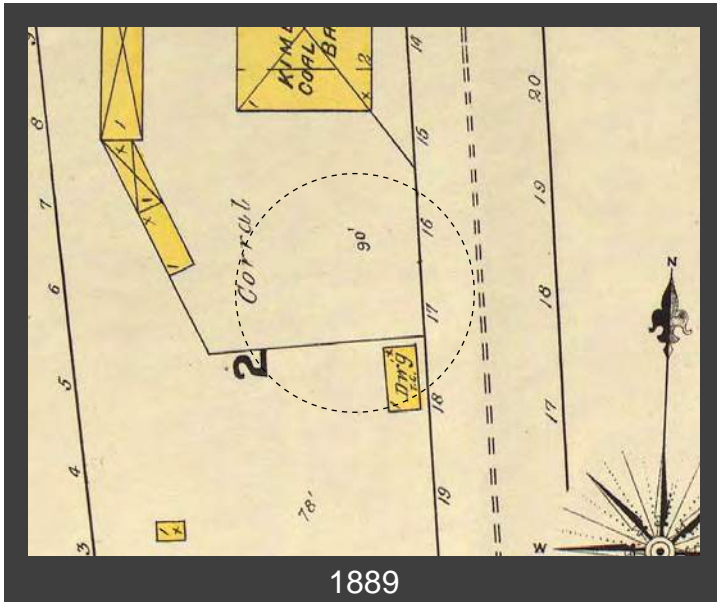
Tax Number: SA-9

Legal Description (include acreage): two parcels in Block 2 of Snyder's Addition measuring approximately 40'x140' (see historic site form for complete legal description)

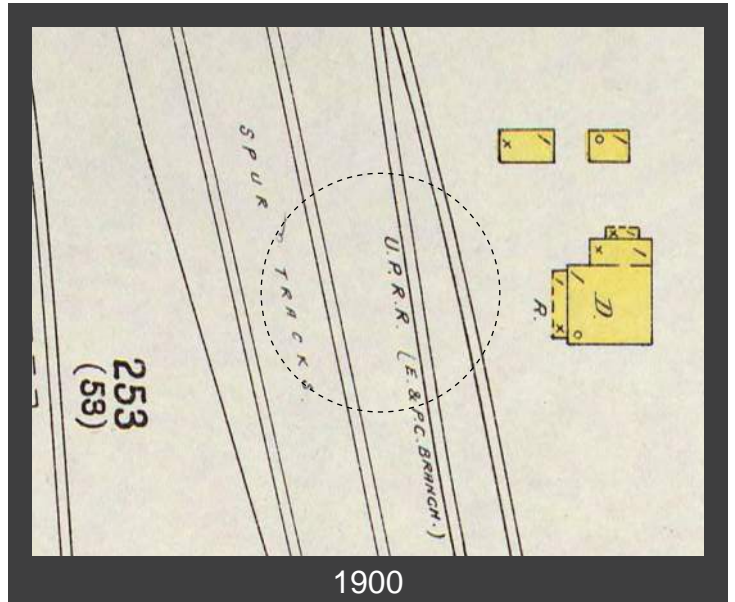
TRANSACTION DATES	GRANTOR (SELLER)	GRANTEE (BUYER)	TYPE OF TRANSACTION	DOLLAR AMOUNT	COMMENTS
5/29/1883	Geo. G. Snyder	Edwin Kimball	W		"5"
8/4/1883	Geo. G. Snyder	Edwin Kimball	W		"4"
3/11/1918	Edwin Eliot Kimball, et al	Kimball Investment Co.	W.D.		"1,2,3,4,5,"
11/3/1920	Kimball Investment Co.	Henry W. Hales	W.D.		"4,5"
6/15/1932	3rd Jud. Dis. Court	Ethel Hales Macdonald	Q.C.D.		[estate of H.W. Hales, deceased]
7/26/1933	Ethel Hales Macdonald	Richard F. Hales	Q.C.D.		
2/18/1941	Richard F. Hales	Richard M. & William M. Hales	Q.C.D.		
8/29/1936	Hazel Hales Johnson	Earl & Thelma Reseigh			
4/26/1948	Earl & Thelma Reseigh	Patrick M. & Grace McPolin	Q.C.D.		
3/28/1962	Patrick M. & Grace McPolin	William & La Rae Huhtala	Q.C.D.		
9/25/1974	William & La Rae Huhtala	R.R. Whaley & E.S. Ehlers	W.D.		
1/4/1999	Ronald R. Whaley	R.R. Whaley & E.S. Ehlers	W.D.		
7/8/2003	Edwin S. Ehlers	Ronald R. Whaley	W.D.		
6/16/2006	Ronald R. Whaley	R.R. Whaley & M.A. Reif	W.D.		

Researcher: John Ewanowski, CRSA Architecture

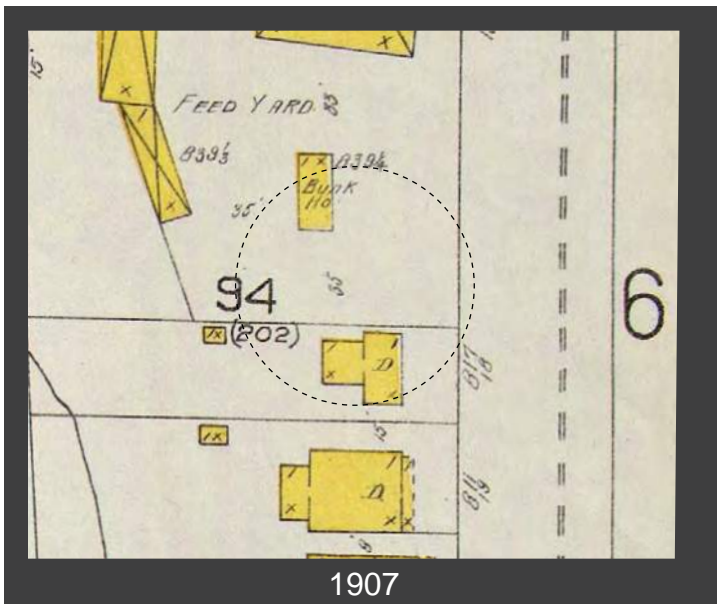
Date: 4/21/2014



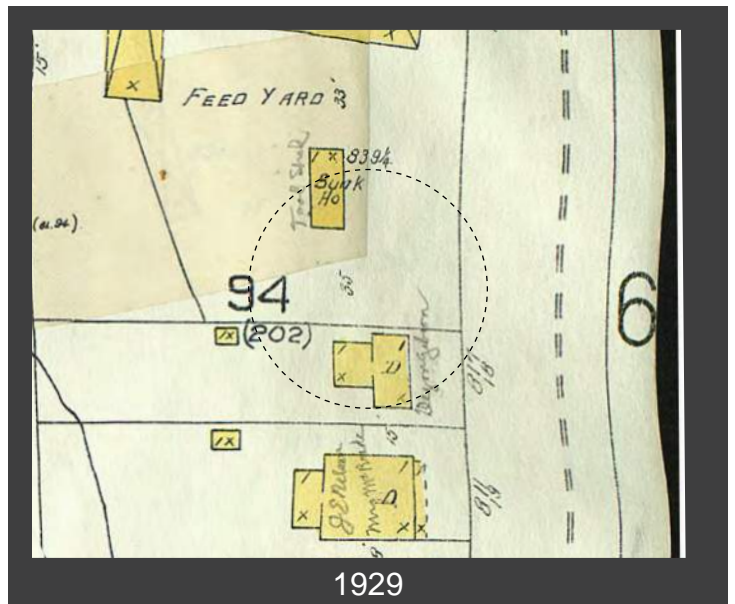
1889



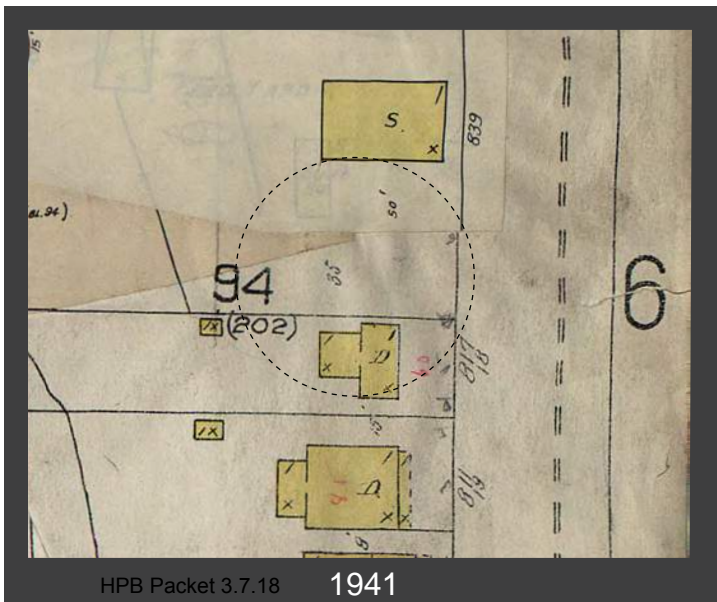
1900



1907



1929



HPB Packet 3.7.18

1941

Earle Reseigh, Grocer and Mayor, Dies May 27, Funeral Rites June 1



three sisters, Clifford L., Idaho Falls, Idaho; Ralph R., Salt Lake City; Mrs. Mildred Nelson, Mrs. Russell (Ruth) Green, both Park City; Mrs. Ray (Jessie Mae) Jones, South Jordan.

Funeral services for Earle William Reseigh, 67, former Park City mayor were held June 1 in the Park City Community Church.

Mr. Reseigh died Thursday, May 27 in a Salt Lake hospital after a long illness.

Burial was in the Mt. Olivet Cemetery, Salt Lake City.

Mr. Reseigh was mayor of Park City for four terms. He was a member of the Utah Retail Grocers Assn. and the Park City Chamber of Commerce.

For 16 years Mr. Reseigh was employed at the Silver King Mining Co., and was owner and operator of Earle's Market in Park City for 35 years.

He was born Nov. 26, 1903, Leadville, Colo. to William J. and Jessie Mae Clark Reseigh. He married Thelma Barry on April 9, 1928, in Park City.

Survivors include his widow; a daughter, Mrs. Tony (Thelma Anne) Tolley, Holladay; three granddaughters, two brothers;

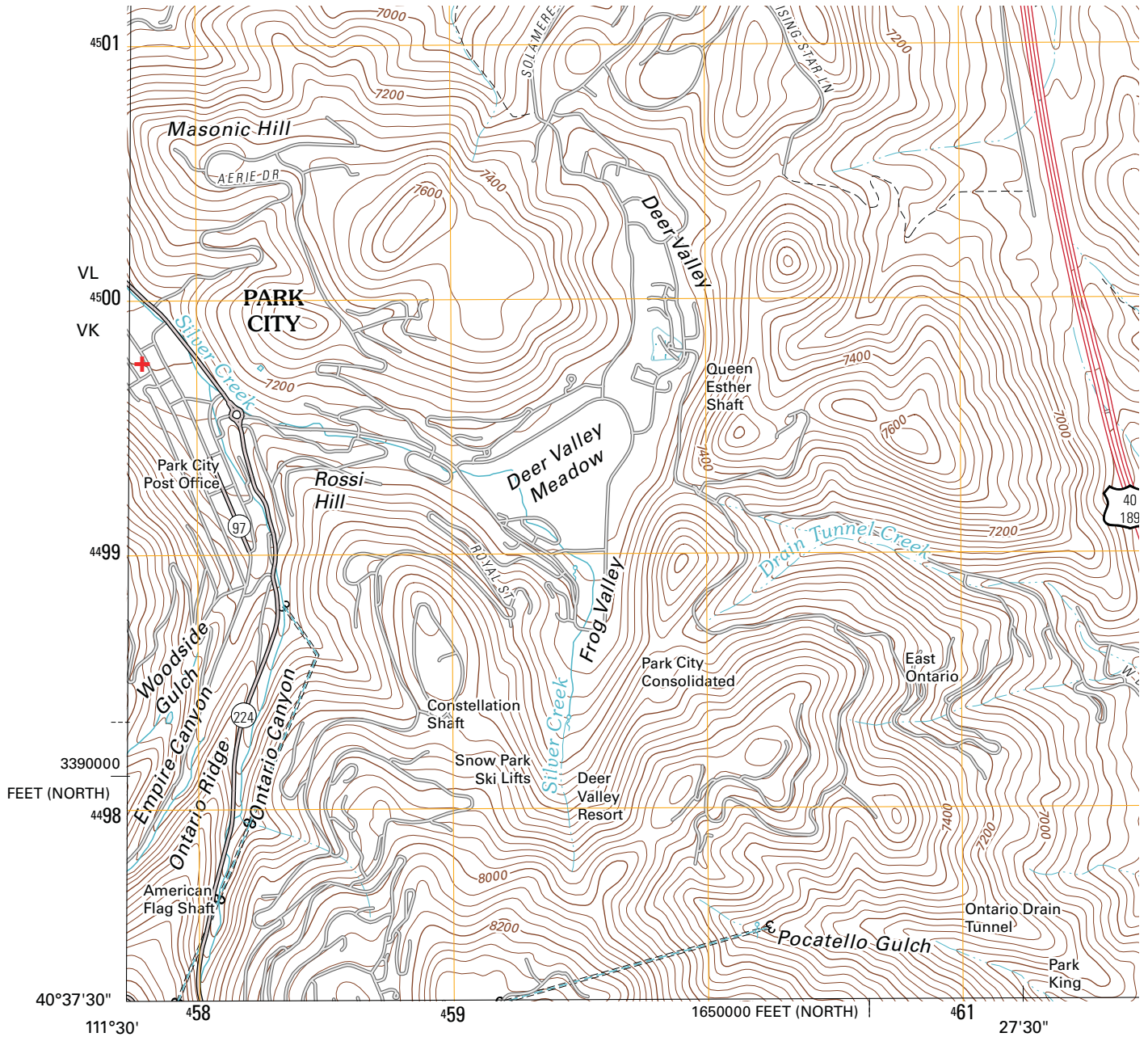
Park Record 6/3/1972

819 Park Avenue, Park City, Summit County, Utah

Intensive Level Survey—Biographical and Historical Research Materials

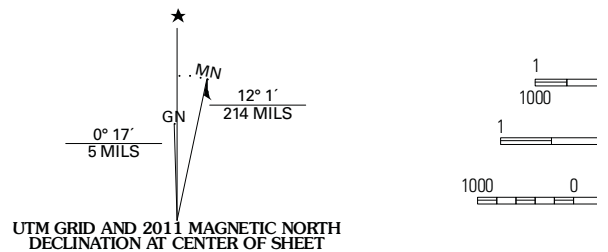


Tax photo c. 1940



Produced by the United States Geological Survey
 North American Datum of 1983 (NAD83)
 World Geodetic System of 1984 (WGS84). Projection and
 1 000-meter grid: Universal Transverse Mercator, Zone 12T
 10 000-foot ticks: Utah Coordinate System of 1983
 (north and central zones)

Imagery.....NAIP, July 2009 - August 2009
 Roads.....©2006-2010 Tele Atlas
 Names.....GNIS, 2009
 Hydrography.....National Hydrography Dataset, 2009
 Contours.....National Elevation Dataset, 2008

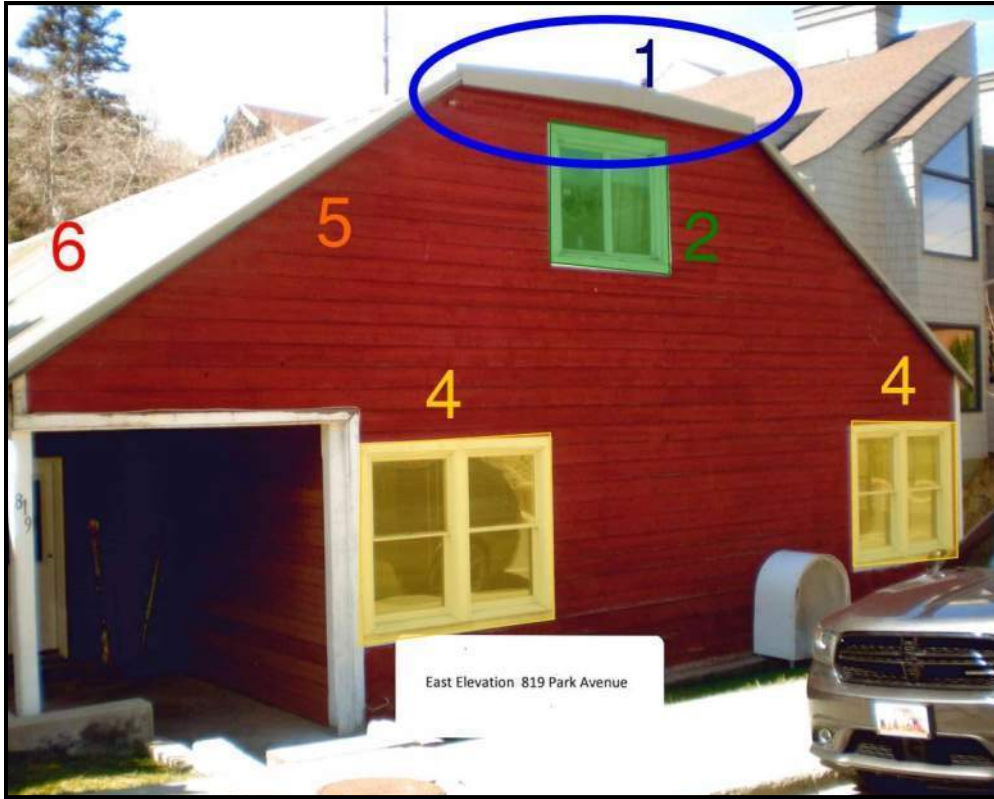


UTM GRID AND 2011 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

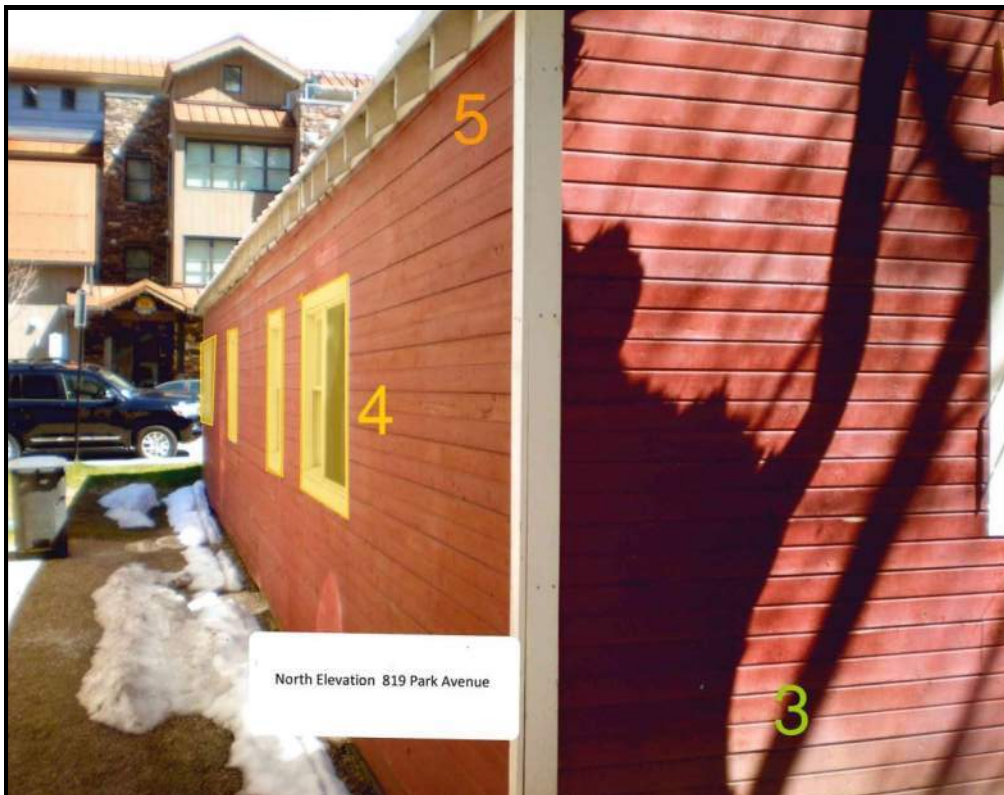
U.S. National Grid
100,000-m Square ID
VL 4500 VK
Grid Zone Designation
12T

+ location on USGS Park City East 1:24000 Quadrangle Map (2011)

CHRONOLOGY OF CHANGES TO THE HOUSE



1. Roof change— c.1948; 2. Attic window added 1960s; 4. Picture windows replaced, 1984; 5. Asphalt shingle siding replaced with new wood siding, 1990s; 6. New roof and skylights, 2003.



3. Rear addition to the house and storage shed remodeled as habitable space, 1974; 4. Window changes, 1984; 5. Asphalt shingle siding replaced with new wood siding, 1990s.

CHRONOLOGY OF CHANGES TO THE HOUSE



3. In-line addition to the rear of the building, 1974; 5. Asphalt shingle siding replaced with new wood siding, 1990s; 6. New roof and skylights, 2003.



3. Rear addition to the house and storage shed remodeled as habitable space, 1974; 4. Window changes, 1984; 5. Asphalt shingle siding replaced with new wood siding, 1990s; 6. Skylights and new roof, 2003.