

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 4<sup>th</sup> 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 4<sup>th</sup>, 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 4<sup>th</sup>, 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 while 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 pixilated. 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