



AGENDA

MEETING CALLED TO ORDER AT 5:00 PM

WORK SESSION – *Discussion Items. No action taken.*

Review of Design Review Team and Pre-Application process

ROLL CALL

ADOPTION OF MINUTES OF NOVEMBER 3, 2010

ADOPTION OF MINUTES OF DECEMBER 1, 2010

PUBLIC COMMUNICATIONS – *Items not on regular meeting schedule.*

STAFF/BOARD COMMUNICATION & DISCLOSURES

Informational update of Historic Preservation Approvals

REGULAR AGENDA

1101 Norfolk Avenue – Grant

PL-11-01195

PG

39

Possible action

811 Norfolk Avenue – Appeal of Historic Design Review

PL-11-01198

51

Quasi-judicial hearing

ADJOURN

Times shown are approximate. Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

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

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

MINUTES OF NOVEMBER 3, 2010

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF NOVEMBER 3, 2010

BOARD MEMBERS IN ATTENDANCE: Roger Durst – Chair; Ken Martz – Vice-Chair;
Brian Guyer, Dave McFawn, Sara Werbelow, David White

EX OFFICIO: Thomas Eddington, Polly Samuels McLean, Liza Simpson, Patricia
Abdullah

ROLL CALL

Chair Durst called the meeting to order at 5:03 p.m. and noted that all Board Members were present except for Adam Opalek, who was excused. David White was expected to arrive late.

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

There was no comment.

David White arrived.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

Elect Chair

Chair Durst noted that his first year as chairman of the Board had expired. He opened the floor for nominations to elect a new chair.

MOTION: Board Member White re-nominated Roger Durst for a second term as HPB Chair. He stated that the Board is in the midst of several important programs that Roger was responsible for raising, and he felt it was important for Roger to Chair them to the end. Board Member Werbelow seconded the nomination and concurred with Board Member White on the primary reason why Roger Durst should continue as Chair.

Chair Durst reminded the Board that the HPB has a limit of two terms. If he was elected this evening, he assumed another Board member would be prepared to accept the position at the end of his second term.

Since there were not other nominations, Chair Durst called for a vote.

VOTE: The motion passed unanimously.

Assistant City Attorney, Polly Samuels McLean, noted that the Board needed to vote on the position Ken Martz currently held as Vice-Chair.

MOTION: Brian Guyer re-nominated Ken Martz to continue as the HPB Vice-Chair. David White seconded the nomination.

Since there were no other nominations, Chair Durst called for a vote.

VOTE: The motion passed unanimously.

Elect Design Review Team Representative

Chair Durst noted that the Board members had previously discussed this item as a way to gain more community frontage.

Planning Director, Thomas Eddington, provided a sheet outlining in detail the HPB mission statement taken from the Code. Chair Durst stated that he had read through the LMC and identified the HPB purposes as articulated in the Code, which included 1) to preserve the City's historic character and encourage compatible design and construction to the creation and periodic update of comprehensive design guidelines for Park City's historic districts and sites; 2) to identify as early as possible and resolve conflicts between the preservation of culture resources and alternative land uses; 3) to provide input to Staff, the Planning Commission and City Council towards safeguarding the heritage of the City and protecting historic sites, buildings and or structures; 4) to recommend to the Planning Commission and City Council, ordinances that may encourage historic preservation' 4) to communicate the benefits of historic preservation for the education, prosperity and general welfare of the residents, visitors and tourists; 6) to recommendation to the City Council the development of incentive programs, either public or private, to encourage the preservation of the City's historic resources; 7) to administer all City sponsored preservation incentive programs; 8) to review all appeals on action taken by the Planning Department regarding compliance with the design guidelines for Park City's historic districts and historic sites; 9) to review and take action on all designation of sites to the Historic Sites Inventory application submitted to the City.

Chair Durst recalled that additional goals were also stated in the LMC. When he reviewed that against their limitations written into the LMC in terms of how the HPB can participate, he came up with a number of items that he felt should be their Mission to accomplish as a Board. The first was to recognize the contribution of projects that compliment and perpetuate historic character. A second goal was to present a narrative to the community about the historic environs and enclaves that contribute to or present opportunity for sustenance of that which they envision themselves to be and want to preserve. A third goal was to encourage a dialogue on historic values and relevance. A final goal was to identify the merits of adaptive re-use.

Chair Durst requested discussion on an endorsement of the proposed mission. If they want to go outside of what he considers to be a limited review of projects within the Historic Districts and try to create a greater awareness within the community of historic values, they need to establish ways to accomplish that.

Board Member Werbelow asked if the discussion was specific to the Design Review Team representative. Chair Durst recalled that the City Council had suggested two outreach opportunities. The first was the opportunity to have a representative from the HPB present during Design Review Team meetings. The second was to have a representative at Planning Commission meetings. Chair Durst recalled from a previous meeting that the Board had discussed rotating representative from the HPB who would attend the Planning Commission meetings on a bi-monthly basis and report back to the HPB members on items that might impact the historic essence of Park City.

Regarding the DRT, Chair Durst recalled that a permanent appointee from the HPB would sit in on the deliberations of the Design Review Team and report back to the Board with possible suggestions on how the HPB might impact that design review.

City Council Member, Liza Simpson, felt that Chair Durst had accurately presented the two opportunities. With regards to attendance at the Planning Commission, she did not believe the City Council intended for an HPB liaison to attend every meeting. The intent was to provide the HPB with copies of the agenda so a representative could attend if a specific item would be of interest to the HPB. In addition, having a representative present allows the Planning Commission to ask for clarity on a specific matter.

With regard to the Design Review Team, Council Member Simpson clarified that the City Council had suggested that the HPB choose a representative to sit in at DRT meetings for a trial period, to see whether direct involvement from the HPB might be effective or ineffective.

Chair Durst agreed that having a representative sit with the DRT was a trial, however, he felt that involvement was critical to their function as a Board.

Assistant City Attorney McLean noted that minutes from the joint meeting with the City Council were distributed in June and were included in the Staff report. Ms. McLean recalled from the discussion at the last meeting, that starting in January, they would add the HPB to the email that is sent out each week or whenever a Design Review Team meeting is scheduled. She stated that the Planning Department could also provide the HPB with the Planning Commission agenda, however, she questioned whether that was necessary since the agenda is widely available. She noted that the Board members could sign up on the website to automatically receive a notification with the link as soon as the agenda is published. Ms. McLean suggested that procedure as the best means to obtain the agenda.

Assistant City Attorney McLean agreed with the idea of a trial period on the DRT. She reiterated her previous concern with having a representative from the HPB sit on the DRT, in terms of the issue of recusal and conflict in the event of an appeal.

Director Eddington understood the appeal concern and suggested that if the three month trial basis was successful, he would suggest that the person chosen for the DRT stay for the remaining nine months for a full year term. That would make it easier for the Staff to identify which Board member needed to be recused if a project goes to the HPB on appeal.

Council Member Simpson assumed the Legal Department would do legal training on what the DRT representative should be reporting back to the HPB. She also recalled from the discussion that the HPB member would only observe during the trial period rather than participate in the design review discussion.

Assistant City Attorney McLean envisioned the process as a liaison role. That person would only observe unless there is a specific question related to the HPB. It would be inappropriate for the HPB representative to be involved with design issues. Ms. McLean pointed out that under the current DRT process, the Staff member makes the final decision. It is not a formal meeting with votes or action and it does not have to

meet the requirements of the Open and Public Meetings Act. Ms. McLean stressed the importance of keeping Design Review a more informal process.

Board Member Werbelow thought the original concept for having a representative sit on the DRT, was to offer the Staff and/or the applicant additional enhancement from an aesthetic standpoint and to bring something to the table. She saw this position as more than just a liaison role. Board Member Martz stated that he also thought it was more than a liaison role. His thinking was more towards resources and offering input on grants and tax incentives that could be utilized.

City Council Member Simpson commented on the need for balance. The HPB is a historic preservation board and not a design review body. The goal is for the HPB to bring resources to the table at the design review level to further historic preservation. The HPB should use the trial period to determine the best way to structure that process.

Director Eddington provided an explanation of the DRT process that was initiated as part of the new guidelines, and what the review entails. He explained that an applicant comes to the DRT for direction to help them meet the guidelines for that particular site. The applicant works with the planner and then completes an application for a formal HDDR, Historic District Design Review. At that point the planner compares the application with the DRT and determines whether they are on the right track and can move forward. If the plan is significantly different, another DRT may be required.

Board Member Martz suggested that the representative be an observer during the trial period to assess whether it is effective. The HPB could have a formal review, at which time the representative could provide input on whether the role needed to be upgraded. City Council Member Simpson was comfortable with that suggestion as a first step. She pointed out that the downside to choosing a design professional as the liaison, is that he may have to recuse himself from the DRT if he is the project designer. Board Member Martz remarked that if the Chair is the liaison, that would also create a problem in an appeal situation because he would have to recuse himself. He asked if the liaison would need to be recused from an appeal if they only sat with the DRT to observe. Assistant City Attorney McLean replied that they would need to be recused because they were still part of the DRT process and heard the discussion.

Chair Durst stated that when he raised the issue of having a representative sit with the DRT, he never intended for that person to be an actual member of the design review team. However, because of his experiences with the DRT, he felt it was important to understand how the process was working. Chair Durst remarked that preservation and design are interfaced and there is no distinction between the two. He suggested that the liaison from the HPB should have the ability to express an opinion to the DRT if it is within their responsibility to the Historic Preservation Board. Chair Durst pointed out that the DRT does not take a formal vote and the decision is made by consensus. Recommendations are made to the applicant and the design is either approved or denied. If the design is approved, it does not come before the HPB. If the design is denied by the DRT, the applicant has the opportunity to change the design or appeal the decision to the HPB. Chair Durst believed that the liaison should not be a participant with Staff in making the decision, however, he or she should be allowed make a comment with regard to how the design impacts preservation.

Chair Durst remarked that the integration of design and preservation is critical and he thought it was important for the HPB to hear feedback from the representative regarding the factors that were taken into consideration.

Director Eddington asked if Chair Durst was suggesting that the representative report on general issues that were discussed during the design review, without commenting on the project specifically, or if he was talking about making comment on the issues during the time of appeal. Chair Durst clarified that if a project came before the HPB on appeal, the representative to the DRT would have to recuse himself without discussion.

Assistant City Attorney McLean pointed out that the appeals do not always come from the applicant. If the project is approved and a neighbor objects, the neighbor could bring it back on appeal. Ms. McLean stated that the representative would be walking a fine line between presenting general issues to the HPB and providing specific information on a project. Once they get into specifics, it taints the entire Board for an appeal. Her understanding from the joint meeting with City Council was that the HPB is still tasked with being the appeal board and they need to be careful.

Board Member McFawn saw the liaison role as being more process oriented. That person could report on what occurred in the process. He would not want to hear specifics in a report from the liaison, because a project could be appealed several months later and all the Board members would need to be recused. Board Member McFawn thought the trial period should be three months and the Board members should determine a time frame for reports to the HPB. Director Eddington suggested that the liaison provide a comprehensive report after the trial period.

Chair Durst asked if the trial period should be six months. Board Member McFawn thought six months may be too long. He was more comfortable with a three month trial. Board Member White thought a report once a week after each DRT meeting would be too much, but suggested that a report at each Board meeting might be appropriate. Director Eddington noted that the DRT averages two meetings per month, and that can vary based on the number of applications. He commented on the variety of projects in different applications and suggested that reporting every three months would provide a wider perspective of the discussions.

Board Member Werbelow agreed that six months was too long, since the point of sharing information with the HPB is to help the Board broaden its understanding of the process. She did not believe that reporting at each meeting was too often, noting that if it is only one or two issues the update would be brief. More frequent reporting would make it easier for the Board to keep current with the discussions.

Assistant City Attorney McLean stated that the decision was ultimately up to the HPB. She recommended that they leave it to the discretion of the representative to decide when it is appropriate to update the HPB.

Board Member McFawn stated that he was leaning towards more of a passive/observe/report type of liaison position. He did not have enough knowledge of the process to say how much dialogue the liaison could contribute to the design review team in an active versus passive fashion.

Board Member Martz commented on various conflicts that could come out of the liaison role. He represented the HPB at Planning Commission meetings in the past, particularly for the design guidelines, and that was appropriate. However, if a representative from the HPB sits with the DRT on projects or matters that could come before the HPB, he was unsure which was more appropriate, active or passive.

Assistant City Attorney McLean felt Council Member Simpson could speak to that question since she serves in a similar role to the Planning Commission. Council Member Simpson remarked that if she correctly understood the goal for having the HPB represented on the DRT, as well as the joint meeting discussion, the HPB representative would attend DRT meetings as a resource to help interpret the Historic Design Guidelines and explain the intent behind a guideline. The HPB liaison would not impart their personal ideas as to what would make a better design.

Board Member Martz stated that he has attended several of the Treasure meetings to listen, but he believed it would be inappropriate for him to make comment. Council Member Simpson remarked that Board Member Martz made the right decision, because if the Treasure project would somehow come to the HPB on appeal, having spoken at one of those meetings would give him public standing to be an appellant and he would have to recuse himself.

Chair Durst recommended that the HPB begin slowly with an observation role through a test period of three or four months. He would like to bring the DRT process back to the Board for discussion on how it correlates with their responsibility. Chair Durst thought it would be inappropriate for the HPB representative to comment directly to the applicant.

Board Member Werbelow pointed out that the current design guidelines are more fluid and have the ability to be changed if necessary. She felt that was another reason why it would be beneficial for the Board as a whole to hear reports over a three or four month time period, to see if there are repetitive issues that indicate areas in the guidelines that need to be refined or corrected. Board Member Werbelow believed the process could be beneficial for the entire community.

Chair Durst requested a volunteer to initiate the process of appointment. Secondly, if the HPB votes to move forward, they should draft a document outlining the intent of the process to be submitted to the City Council. Board Member McFawn suggested that the document be specific in terms of the role of the liaison, their responsibilities, and the expectations.

Board Member Martz recommended appointing an alternate for both the DRT and the Planning Commission. Director Eddington cautioned that within a three month trial, if two Board members attend, it could take two members away from the appeal process. Board Member McFawn did not favor an alternate for the DRT.

Director Eddington suggested that the DRT representative begin in January for a three month trial period. He noted that the DRT meets on Wednesday at 11:00 and the meetings last about an hour. The DRT meets every other week on average, but that varies based on applications.

Chair Durst turned the discussion to the role of Planning Commission liaison. He noted that the Planning Commission meets twice a month and historic projects are not

discussed at every meeting. He suggested that Director Eddington send him the agenda prior to each Planning Commission meeting so he could evaluate whether or not an item on the agenda would affect the Historic Preservation Board. If he felt it was necessary for the HPB to be represented, he would randomly call the Board members until he found someone to represent them at that particular meeting. The person who attends would report back to the HPB.

Board Member Werbelow asked if the person attending the Planning Commission meeting would be there for representation or observation. Council Member Simpson thought it would be beneficial if each of the Board members attended a Planning Commission meeting to familiarize themselves with the language and the process. Director Eddington agreed. He also suggested that the Staff could bring a steep slope CUP within the historic district to the HPB, so they could see what the Planning Commission discussed and what role the HPB would have played if a representative had attended.

Board Member McFawn pointed out that the Planning Commission meetings are open to the public and each Board member is part of the public at large. They are all free to attend a public meeting and not have to recuse themselves. He did not believe it was necessary to appoint a formal liaison at this point, because they all have the ability to read the minutes on the website or attend the meetings.

Council Member Simpson commented on the benefit of the HPB being a communication resource once they are more comfortable with the Planning Commission process. At that point, she would encourage appointing a liaison to the Planning Commission. Board Member Martz stated that he has attended many Planning Commission meetings and knows the process. He did not believe the HPB members needed to be part of the public process. If they are attending for a specific purpose, there should be some level of having a seat at the table.

Assistant City Attorney McLean clarified that from a Code perspective and a matter of definition of "seat at the table", if the Planning Commission knows that an HPB member is present, they will call them to the table for input on a specific issue. Council Member Simpson believed that recognition was one reason for having one appointee attend the meetings as the liaison. Council Member Simpson explained that the liaison to the Planning Commission would not need to recuse himself if an item came to the HPB on appeal. As the City Council liaison to the Planning Commission, when a Planning Commission appeal comes to the City Council, she does not have to recuse herself. That was the reason for keeping the resource and informational role separate from the policy role.

Chair Durst requested that Director Eddington send the Planning Commission agenda to all of the Board Members. If a Board Member sees a correlation between the responsibility of the HPB and an issue scheduled before the Planning Commission, they should let Director Eddington know that they would attend as the liaison, and also inform Chair Durst.

Assistant City Attorney McLean recommended that the HPB appoint one liaison and an alternate, so the Planning Commission recognizes a constant face. Council Member Simpson suggested that the Board Members get the agenda from the City website rather than having Director Eddington send it out. Director Eddington noted that the Planning

Commission meets the second and fourth Wednesday of every month at 5:30 p.m. Council Member Simpson commented on the length of Planning Commission meetings and stated that it would not be inappropriate for the HPB representative to leave once the items pertinent to the HPB have been addressed.

Chair Durst asked if there was consensus among the Board members to initiate these liaison positions in an effort to develop a better understanding of the role they are called upon to fill. The Board concurred. Chair Durst asked Council Member Simpson if she had enough information to report their intent to the City Council. Council Member Simpson answered yes. When specific representatives are appointed, she would also take that information to the City Council. She explained that the decision was up to the HPB and they would not need approval from the City Council.

Director Eddington asked if the HPB was prepared to move forward this evening, or if they preferred to wait until December to select both the DRT and Planning Commission representatives.

Board Member Werbelow preferred to wait. She was interested in the DRT position, but needed time to check her professional schedule to see if she was able to meet the commitment.

Board Member McFawn was interested in the Planning Commission liaison and he also needed to make sure he could make the time commitment. He planned to informally attend the next Planning Commission meeting to get a better understanding.

Board Member Martz was also interested in being a liaison or an alternate.

Council Member Simpson noted that if the HPB voted on the appointment at their first meeting in January, it would be early enough in the month that they would not miss any Planning Commission or DRT meetings. Chair Durst clarified that the Board would postpone an appointment until the meeting on January 5, 2011. The Board concurred.

Board Member McFawn thought it made sense to have one appointee for a certain period of time for both the DRT and the Planning Commission, rather than rotating members. However, he asked if it was possible for a Board member to sit in on one of the DRT meetings in advance of formally selecting someone, to make sure they have an interest before accepting the responsibility. Council Member Simpson felt it would be better for interested Board members to meet with Director Eddington on a one-on-one basis to discuss the process and how it works. Having individual Board members attend a Planning Commission meeting was different because it is a public process.

As previously suggested by Director Eddington, Board Member McFawn thought it would be helpful if the Staff could bring a few items to the HPB, where it would have been beneficial to have a liaison attend the Planning Commission meeting.

Historic Preservation Article in Park Record

Chair Durst stated that he had written an article regarding the venue he calls Miner's Village, along Deer Valley Drive, which is a punctuation between the more contemporary mountain rustic development in Deer Valley and the City itself. He had previously shared his article with the Board members and also reviewed it with Gary Kimball and

Dave Hampshire at the Park Record. Chair Durst remarked that the intent of the article was to get people thinking. He was happy to publish it from him alone, however, he preferred to present the article as a representative of the Historic Preservation Board.

Chair Durst thought the Board members were too apologetic about their lack of design sense. He has personally learned about the fabric of the town from Gary Kimball and Puggy Holmgren, and how they sense its historic perspective. In his opinion, if someone wants to be on the Historic Preservation Board, they obviously have a concern about the historic presence of the town. Chair Durst felt this article was an opportunity for the Board to express their own ideas.

Chair Durst requested that the Board members permit him to present the article to the Park Record for publication as a representative of the HPB, and for the Board to continue with future articles on a regular basis, so the community can sense that the HPB is a body that protects, preserves and sustains the historic legacy in Park City.

Board Member Werbelow liked the idea and felt it went towards marketing, economic aspects and other positive things related to historic preservation. She is a history major and she would be interested in writing an article for the Board to consider in the near future. Board Member Werbelow supported the idea and felt it was good for the HPB to be more vocal in the public so people can get a better sense of what the HPB does. They spend a lot of time and effort on the process and the community should be aware that their motive is to encourage historic preservation.

Board Member Werbelow did not understand the last line in the article. It is an important piece of property that people should be aware of, but she did not think Chair Durst was clear in his conclusion of what should be done with that property.

Chair Durst clarified that his intent was that the location is precious and eventually someone will try to develop it. If that were to occur, the Planning Department should consider that a significant portion of the property is important to preserve. Currently it is outside of the historic district and has less protection. He requested that the Planning Department acknowledge its importance and keep the ambiance they are rapidly losing in that area. If that ambiance is not protected by a complimentary, compatible design, the result will be a stream of condominium units from Deer Valley all the way down. Chair Durst clarified that he was not opposed to mountain rustic, although he had reservations about some of the designs that were approved along Deer Valley Drive. There is a scale that needs to be protected and he believes the existing cluster of homes can be preserved. Chair Durst thought it was important for the City to go on record as saying that they welcome developers, but with the understanding that some things need to be protected.

Council Member Simpson noted that the cluster of homes Chair Durst referred to were on the HSI, so they were not completely unprotected.

Board Member McFawn thought some of the points that should be highlighted in the article are specific homes the Board Members like to see as they drive along Deer Valley Drive. He suggested that the article indicate why these homes are important to the Board, but that the HPB is restricted because it is BLM land. He pointed out that the homes may be on the list, but as soon as someone purchases that property from the

BLM, it will be their property. Board Member McFawn thought that raising that type of awareness may help the public feel empowered to help and get involved.

Board Member Martz suggested that the article provide some history on the area and the houses, and possibly include a photo. This would provide a little more interest on the historical side. He also thought adding history about the Claim Jumper Building would also be beneficial.

Council Member Simpson questioned whether the Museum would pay to run the article in the newspaper and asked if Chair Durst has spoken with them. Chair Durst replied that he had only spoken with David Hampshire from the Park Record. Council Member Simpson offered to speak with Nan.

Chair Durst appreciated the comments from the Board. He would work on the suggested changes and bring it back to the Board for their review.

Council Member Simpson stated that if the Board's focus is on buildings that might be lost, such as the Claim Jumper, and if they could come up with the framework and frequency of articles, that would help in her discussion with Nan. The suggestion was made for a quarterly basis. Council Member Simpson remarked that if the focus is on distressed properties or ones they might lose, she suggested that the writer bring the article to the full Board, in case something is phrased a certain way that could offend someone and put the building at further risk.

Board Member Guyer was hesitant to pigeon-hole all the articles to only address distressed properties. He thought people might also be interested in hearing more general comments about preservation and what the HPB actually does. He felt there was value to publicizing their work and ultimate goal.

Council Member Simpson reminded the Board members that a City newsletter is sent out in a general mailing and it is an inexpensive way to communicate with the public.

Board Member McFawn asked if it was possible for the Board to encourage the Chamber of Commerce or other organizations to use homes that have been preserved per historic recommendations in their literature. This would instill a sense of pride in ownership and inspire people to upgrade their homes from significant to landmark status.

Chair Durst stated that in October he had the opportunity to take 20 architects from the Western Region on a walking tour down Main Street. They were very complimentary of the adaptive re-use of Zooms and Easy Street.

Awards

Chair Durst commented on awards, which is another outreach that the HPB had previously discussed. Board Member Werbelow noted that the HPB had talked about additional ways for the HPB as a body to reward residential or commercial property owners for their preservation efforts. She recalled that the Board unanimously favored the idea of an awards program and created a subcommittee with her, Roger and David. Director Eddington had facilitated a discussion with the subcommittee, where they established some criteria suggestions. Board Member Werbelow reported that progress

was made and the goal was to take this concept to the City Council the first of the year. Based on the subcommittee discussion, Director Eddington was prepared to present three or four potential criteria. It was unclear whether the criteria would be consistent from year to year, or whether it would be an evolving set of criteria for analysis. She pointed out that the intent is not to interfere with the Historic Society awards program. This award would pinpoint other aspects of preservation.

Director Eddington stated that the subcommittee met and tried to determine whether they wanted to come up with strict criteria and parameters, or whether they wanted the HPB award to be more encompassing. The subcommittee preferred to have something more encompassing that ties the award with historic preservation as well as the economic resort component of the town. He offered generic suggestions for project criteria: 1) It meets the historic preservation goals of the HPB 2); it adheres to the historic district design guidelines; 3) it relates well to the surrounding neighborhood and ties into the historic fabric; 4) it has an economic relation to the community. Director Eddington asked if the HPB was comfortable with that type of loose criteria, or if they preferred to have bullet point criteria driven by the design guidelines.

Board Member Martz pointed out that some of the projects went from the old guidelines to the new guidelines, and for that reason the criteria needed to be flexible. He favored a broader approach. Board Member Werbelow stated that the subcommittee went through a project exercise and determined that the guidelines should be a component, but it was important for the criteria to take into consideration a well-rounded analysis of the property. She suggested that the subcommittee could come to the next meeting with a suggested property to be rewarded with this first award. Prior to that meeting she requested that other Board members contact the subcommittee with any suggested properties they believe meets the criteria and why. The Board can then discuss the properties, vote on one and present it to the City Council.

Council Member Simpson recommended that the Board incorporate the language taken from the community visioning as they discuss the loose framework. She noted that the City Staff and the City Council are using that language in the way it was intended to be used, as a filter or backbone to how decisions are made. The HPB award is a large part of what visioning was all about.

Chair Durst stated that he had a copy of the visioning graphic and he found it interesting. Director Eddington offered to email a copy of the graphic to each of the Board members. He stated that the Staff intends to bring the HPB into the General Plan discussions and community visioning is the foundation being used for those discussions. Director Eddington suggested that the HPB dedicate a future meeting to discuss the General Plan and the role the Historic Preservation Board would have in the process.

Board Member Werbelow stated that because they only had one meeting left before the end of the year, she was anxious to move the concept of the awards program to the next step. She was interested in receiving the graphic fairly soon so the subcommittee could define the mission statement for this awards program prior to the next meeting. Director Eddington stated that he would send the Board members the graphic, as well as a draft that included his notes, for discussion at the next meeting.

Council Member Simpson wanted to know why the City Council would need to give approval. She was told that there may be a budget issue with purchasing the plaque.

Director Eddington believed the plaque could be covered under the Planning Department. Council Member Simpson noted that the City Council is doing their visioning the first week in February. She suggested that the HPB provide a short update to the City Council during that process. Council Member Simpson reiterated that the HPB did not need City Council approval. During the joint meeting, the City Council encouraged the HPB to move forward with their ideas for outreach.

Board Member McFawn stated that during their City walking tour he thought he saw a building was being torn down, only to realize later that it was being preserved. He felt communication was important and suggested some type of signage in front of a building to let people know that the project has gone through the review process and there is no need for concern. Board Member White favored that idea. Council Member Simpson stated that this was a good example of the types of ideas that the HPB would present to the City Council if they choose to make a presentation during visioning. She pointed out that if the visioning timing does not work and the HPB moves forward with the award, they should still be able to schedule time during a City Council work session where the HPB could make their presentation.

Board Member Martz reported that in the 1990's, if a grant was awarded, a sign was posted on the property when the work commenced, to let people know that the building had received a grant. Director Eddington agreed that signage would be a good idea for various reasons and that the Staff would look into it.

The meeting adjourned at 6:49 p.m.

Approved by _____

Roger Durst, Chair
Historic Preservation Board

MINUTES OF DECEMBER 1, 2010

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF DECEMBER 1, 2010

BOARD MEMBERS IN ATTENDANCE: Roger Durst – Chair; Dave McFawn, David White, Sara Werbelow, Brian Guyer

EX OFFICIO: Thomas Eddington, Katie Cattan, Mark Harrington, Patricia Abdullah

ROLL CALL

Chair Durst called the meeting to order at 5:08 p.m. and noted that all Board Members were present except for Ken Martz and Adam Opalek, who were excused. Brian Guyer was expected to arrive later.

Chair Durst established that there was a quorum present.

MINUTES

October 6, 2010

MOTION: David White moved to ADOPT the minutes of October 6, 2010 as written. Sara Werbelow seconded the motion.

VOTE: The motion passed unanimously.

October 13, 2010

Patricia Abdullah pointed out that the Board lacked a quorum of members who had attended the October 13th meeting. The minutes were tabled until Brian Guyer arrived.

The Board returned to approve the minutes at the end of the regular meeting.

MOTION: Dave McFawn moved to APPROVE the minutes of October 13, 2010. Brian Guyer seconded the motion.

VOTE: The motion passed unanimously. David White was not present.

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Planning Director, Thomas Eddington, reported that Adam Opalek had formally resigned from the Historic Preservation Board due to a new job that makes it difficult to attend the meetings. Director Eddington noted that the City Council would re-advertise for his position. He understood that Board Member Opalek had seven months remaining in his term. The position will be filled until the end of his term.

Brian Guyer arrived.

Chair Durst stated that he would draft a letter of appreciation to Adam from the Board thanking him for his service. He requested that Director Eddington present his letter to the City Council to endorse that acknowledgement.

Director Eddington reported that that Staff would be updating the City Council on 657 Park Avenue and other design processes in place during their work session on Thursday, December 16th. The HPB members were invited to attend. He would let the Board members know what time that would occur on the agenda.

Chair Durst reported that he had received a number of phone calls regarding the December 16th City Council meeting. He planned to attend and encouraged other Board members to attend as well. Board Member Werbelow also planned to attend. She asked Director Eddington for his opinion on the best way for the City Council to address questions from the HPB members specific to the 657 Park Avenue application. Director Eddington stated that if a Board member has specific questions, they could contact him or Planner Astorga prior to the December 16th meeting so they could incorporate it into the report. Director Eddington explained that the format is to outline the process for the 657 Park Avenue application, and to also make sure that everyone understands the new Historic District Design Guidelines and the new processes in place as a result of the early 2009 LMC changes.

Chair Durst asked if Director Eddington was involved in preparing the report for the December 16th meeting. Director Eddington answered yes. Chair Durst requested that the HPB members receive a copy of that report.

Board Member White referred to the agenda item 1027 Woodside and disclosed that he has a history with the building and a personal association with the owners. He would be recusing himself from discussing and voting on that item this evening.

Design Review Team Representative

Chair Durst called for the election of a representative from the HPB to the design Review Team beginning in January. He noted that the Board had previously discussed having a representative participate with the Design Review Team. Director Eddington recalled that a representative from the HPB would sit in on the Design Review to observe how the DRT functions and to get a better understanding of how the design process begins. The HPB would then provide feedback to the Planning Staff relative to the new guidelines and LMC changes. Director Eddington noted that the DRT meets on Wednesday at 10:00 a.m. They may not meet every week, but typically two or three weeks each month.

Board Member Werbelow asked if the Board had decided on the length of a term for one member to sit on the DRT. Director Eddington recalled discussing a three month trial. Chair Durst agreed. He clarified that the position is strictly for observation and the representative would not participate in the determination made by the DRT.

Chair Durst asked if other Board members besides him were interested in the position.

Board Member Werbelow stated that her term on the HPB is up next summer and she would like the opportunity to participate with the DRT at some point prior to her term expiring.

Board Member White stated that he already knows how the DRT works and he anticipated having two projects come before the DRT in the near future. For that reason he preferred that other interested Board Members be nominated. Board Member White offered to place his name as a back-up representative in the event that the elected representative could not attend on a particular day.

Chair Durst suggested that Board Member Werbelow serve the first three months on the DRT, with Board Member White serving as back-up.

Chair Durst noted that the HPB also needed to elect a Board Member to serve as the Planning Commission liaison. He would be interested in that position as well.

MOTION: David McFawn nominated Sara Werbelow to be the HPB representative for the Design Review Team. David White seconded the motion.

VOTE: The motion passed unanimously.

MOTION: David White nominated Roger Durst as the HPB liaison to the Planning Commission. Brian Guyer seconded the motion.

Board Member McFawn expressed an interest in being a Planning Commission liaison. He offered to be the back-up liaison if Roger Durst wanted to be the liaison. Board Member McFawn asked if they should set a term limit similar to the DRT representative. Board Member Durst suggested the same three month term limit, which would give the HPB the opportunity to evaluate both positions.

MOTION: Dave McFawn nominated Roger Durst as the HPB liaison to the Planner Commission. Board Member Werbelow seconded the motion.

VOE: The motion passed unanimously.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

1027 Woodside Avenue – Determination of Historical Significance.
(Application #PL-10-01096)

David White recused himself and left the meeting.

Planner Cattan reviewed the application to add a site to the Historic Sites Inventory. She noted that the Historic Sites Inventory that was adopted on February 4th, 2009 did not include the site at 1027 Woodside Avenue.

Planner Cattan reported that the home at 1027 Woodside Avenue is a T/L-shaped cottage and she explained the cottage design. She stated that a T/L-shaped cottage is the most common design for historic buildings in Park City.

Planner Cattan pointed out that based on the significance criteria, the structure at 1027 Woodside would not meet the criteria for a landmark site. However, the home would

meet two of the criteria for significant sites. The first is that the structure was built in 1889, and definitely meets the criteria for being older than 50 years old. It also meets the criteria of being important to local or regional historic, architecture and community culture. The structure was built during the mining era and can be determined significant for that reason.

Planner Cattan remarked that the question for discussion was whether the structure retains its essential historic form. She read the related criteria as outlined in the Staff report. Planner Cattan presented slides showing a historic photo of the home, as well as slides showing how the structure was modified and changes were made to the pitch and gable. She pointed out that in 1997 the stem wing section of the main roof had been modified to create a new front facing gable and additional space in the top story. This was the reason why 1047 Woodside Avenue was not included in the Historic Sites Inventory.

Eric Younger, the applicant, thanked Planner Cattan and Director Eddington for their work on this matter. Mr. Younger stated that he had no significant disagreements and he believed the Staff report was well done and comprehensive. However, he had additional information that he thought was pertinent to the discussion.

Mr. Younger stated that under the current ordinance, the house could not have legally been removed from the original 2007 inventory. In addition, he was unaware that the structure had been removed from the inventory until long after it was done. He was never advised and nothing was ever posted.

Mr. Younger remarked that he recently learned from the prior owner that the 1997 roof changes were made for structural and safety concerns. An email from the prior owner outlined the reasons for making the changes. In making those changes for safety reasons, the back portion of the roof was raised 18" to accommodate a bedroom.

Mr. Younger admitted that his reading of the ordinance was different from that of Planner Cattan, in terms of the landmark versus significant issue. Based on his interpretation, the relationship of the National Register of Historic Places to the structure puts it over into the landmark column, which had less formal guidelines. Mr. Younger pointed out that the house has been on the National Register for years. Mr. Younger commented on the goal to encourage preservation and provide incentives. He purchased his home believing that it was historic and made sure that none of the renovations they did affected the historic nature or was criticized by the historic preservation consultant. One of their first acts was to voluntarily remove a front window that was non-historic. Mr. Younger thought the comparative photos showed a big difference between the home just being old versus being preserved. They have made a conscious effort to preserve the home. Mr. Younger stated that his home at 1027 Woodside is one of the oldest homes in the Snyder's Addition. He believes it has a good combination of historical form combined with upkeep to maintain the value of an existing home, which is consistent with the mandate.

Mr. Younger noted that his neighbor, Erin Hoffman, and Sandra Morrison from the Historical Society, were in attendance to support this application.

Board Member Guyer asked if there was actual documentation regarding structural safety concerns related to when the roof was changed, other than the word of the

previous owner. Director Eddington replied believe the Planning Department did not have any documentation. Mr. Younger remarked that it was done in 1997. He had a copy of the email from the owner and he could see no reason or motive why the owner would make up that story. Planner Cattan stated that she did not find any documentation in her review, and offered to do further research if necessary.

Chair Durst asked if the modifications were done under a building permit. Planner Cattan replied that it would have gone through a historic review. She did not see a building permit in her file, but based on the process, she was certain that the modifications would have gone through the proper process.

Board Member McFawn thanked Mr. Younger for his interest and for taking the time to come before the HPB. He asked if there was documentation with regards to the building being on the National Register of Historic Places, and whether the National Register has a process for removing structures. Planner Cattan stated that homes that have been modified could be taken off the Register if an assessment is done. Mr. Younger presented a photo of the home, which showed a plaque on the structure that was given by the National Register. He noted that the plaque was received in the summer of 2009. Mr. Younger remarked that he and his wife were honored in June to receive a preservation award for the work his wife has done on the home.

Board Member McFawn referred to a comment Mr. Younger had made about paying the State for the plaque. He assumed that payment for the National Register would be made to an agency in Washington, DC. If Mr. Younger paid the State, he asked if that might only be a State designation.

Sandra Morrison clarified that each State Historic Preservation Office oversees the National Register process for each state and makes recommendation. The National Register in DC relies heavily on the State Preservation Office.

Board Member McFawn wanted to know how many sites within the historic district are on the National Register. Director Eddington replied that the landmark sites are on the National Register or they are National Register eligible. Board Member McFawn pointed out that the site at 1027 Woodside is on the National Register but it is was not even listed as a significant site on the Park City HSI.

Planner Cattan explained that the Staff recommendation would be for 1027 Woodside to be a significant property, since landmark sites typically have minor or no modifications. The Staff believes that the modifications to 1027 Woodside were significant enough to keep it from qualifying as a landmark site.

Board Member Fawn remarked that if some of the modifications were made for structural and safety reasons, that should be a different consideration. City Attorney Mark Harrington clarified that the Code allows exceptions for significant structures based on safety, however, there is no exception in the Code for landmark status.

Board Member Werbelow also thanked Mr. Younger because it is refreshing to have this type of application come before them. She could not understand why the HPB would not support adding 1027 Woodside to the list of significant sites on the HSI.

Board Member McFawn reiterated his appreciation to Mr. Younger and to the Staff for working with him. He agreed that it was a pleasure to try and add sites to the Inventory.

Chair Durst understood that 1027 Woodside was excluded when Dina Blaes developed the Historic Sites Inventory due to the extent of the modifications. Planner Cattan replied that it was due to the modifications on the stem wing.

Chair Durst opened the public hearing.

Erin Hoffman, a resident at 1013 Woodside Ave, stated that he also lives in a historic home and she was fortunate enough not to have to do the restorations herself. However, she knows the blood, sweat and tears that went into renovating her home and she has seen the meticulous work the Younger's have done on their home. Ms. Hoffman believed this structure definitely belongs on the Historic Sites Inventory.

Chair Durst closed the public hearing.

MOTION: Sara Werbelow made a motion to add 1027 Woodside Avenue to the Park City Historic Sites Inventory as a significant site. Dave McFawn seconded the motion.

Planner Cattan asked if a finding of fact should be added indicating that the roof modification was due to structural and safety issues. The Board members agreed to that finding.

City Attorney Mark Harrington recommended that Board Member Werbelow amend the motion to reference the findings of fact and conclusions of law in the Staff report, with the additional finding that the changes were due to structural and safety concerns.

Sara Werbelow amended her motion to include the Findings of Fact and Conclusions of Law outlined in the Staff report, with the additional finding that the roof modifications were due to structural and safety concerns. Dave McFawn accepted that modification to the motion.

VOTE: The motion passed unanimously. David White was recused.

Findings of Fact – 1027 Woodside Avenue

1. 1027 Woodside Avenue is within the HR-1 zoning district.
2. The structure at 1027 Woodside Avenue is not currently listed on the Park City Historic Sites Inventory.
3. There is an existing structure at 1027 Woodside Avenue.
4. The existing structure has been in existence at 1027 Woodside Avenue since 1898 according to the Sanborn Insurance Maps.
5. The existing structure is over 50 years old.
6. The existing structure is important in local history, architecture and culture associated with the mature mining industry era. The structure was built (or relocated) in 1889, during the mature mining industry era which existed from 1894 to 1930.
7. The original structure was a T-shaped cottage and typical of the mature mining industry era.

8. In 1997, the stem wing section of the main roof was modified to create a new front facing gable and additional space in the top story. The “pitch” of the original gable end of the cross-wing has not been altered. Also, the shed roof above the porch has not been altered. Although the roof form has been modified, it is evident that the structure was originally a cross-wing T shaped cottage when viewed from the public right-of-way. The existing structure retains its essential historical form.
9. The discussion in the Analysis section above is incorporated herein.
10. The modifications to the roof were due to structural and safety concerns.

Conclusions of Law – 1027 Woodside Avenue

1. The existing structure located at 1027 Woodside Avenue meets all of the criteria for a significant Site as set forth in LMC Section 15-11-10(A)(2).

The Board returned to Approval of the Minutes to vote on the minutes that were tabled earlier in the meeting.

The meeting adjourned at 5:42 p.m.

Approved by _____

Roger Durst, Chair
Historic Preservation Board

STAFF COMMUNICATION

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
71 DALY AVE	PL-06-00102	Approved	BD-07-12889		Historic	Significant	Major	Demolition of non-historic additions and movement of house 25'
71 DALY AVE	PL-08-00560	Approved	BD-08-14057	Expired	Historic	Significant	Major	Addition to existing historic structure
81 DALY AVE	2004?		BD-04-10066		Historic	Significant	Major	Major panelization; panels located on property; additional research necessary
118 DALY AVE	PL-06-00213	Approved	BD-07-12506	Issued	Historic	Significant	Major	Addition to existing historic structure
146 DALY AVE	PL-09-00650	Approved	BD-09-14538	Final - CO	Non-Historic	N/A	Minor	New landscaping to an existing non-historic
166 DALY AVE	PL-07-00192	Approved	BD-07-13137	Issued	Historic	Landmark	Major	Restoration of existing historic structure
191 DALY AVE	PL-06-00162	Approved	BD-06-12213	Final - CO	New Construction	N/A	Major	New Single Family Dwelling
209/207 DALY AVE	PL-10-01044	Approved			Non-Historic	N/A	Minor	Shed Maintenance
209/207 DALY AVE	PL-10-01007	Approved	BD-10-15510	Issued	Non-Historic	N/A	Minor	Replacement of window in non-historic structure
214 DALY AVE	PL-07-00113	Approved	BD-07-12714	Final - CO	Non-Historic	N/A	Major	Remodel of existing non-historic structure
220 DALY AVE	PL-10-01087	Approved			Non-Historic	N/A	Minor	Rebuild existing exterior staircase and landing to entrances of 220 & 222 Daly Ave
269 DALY AVE	PL-10-01003	Pending full HDDR			Historic	Landmark	Minor	Clean, repair, or replace fences, concrete flatwork and landscaping
313 DALY AVE	PL-07-00234	Approved	BD-09-15118	Issued	Historic		Major	Reconstruction of historic home w/ addition
412 DEER VALLEY LOOP	PL-08-00520	Approved	BD-09-14757	Issued	New Construction	N/A	Major	New Single Family Dwelling
830 EMPIRE AVE	PL-08-00360	Approved	BD-09-15074	Expired	Historic	Landmark		Addition of a basement to an existing historic home
953 EMPIRE AVE	PL-07-00158	Approved	BD-08-13485	Final - CO	New Construction	N/A	Major	New Single Family Dwelling
964 EMPIRE AVE	PL-07-00126	Approved	BD-08-13612	Final - CO	Historic	Significant	Major	Addition to existing historic structure - House moved whole
1003 EMPIRE AVE	PL-10-00966	Approved	BD-10-15506	Issued	Non-Historic	N/A	Minor	Replacement of 2nd story decks at 1003 & 1007 Empire Avenue.
1110 EMPIRE AVE	PL-07-00015	Approved	BD-08-13456	Issued	New Construction	N/A	Major	Demo of non-historic home and construction of a duplex
1159 EMPIRE AVE	PL-10-01055	Approved			Non-Historic	N/A	Minor	Proposed addition of a railing on an existing deck.
1177 EMPIRE AVE	PL-09-00643	Approved	BD-09-14801	Issued	New Construction	N/A	Major	New Single Family Dwelling
1194 EMPIRE AVE	PL-07-00148	Approved	BD-08-13584	Final - CO	New Construction	N/A	Major	New Single Family Dwelling
1195 EMPIRE AVE	PL-08-00538	Approved	BD-10-15191	Pending	New Construction	N/A	Major	New Single Family Dwelling
1196 EMPIRE AVE	PL-07-00147	Approved	BD-08-13586	Final - CO	New Construction	N/A	Major	New Single Family Dwelling
1198 EMPIRE AVE	PL-07-00146	Approved	BD-08-13588	Final - CO	New Construction	N/A	Major	New Single Family Dwelling
136 HEBER AVE	PL-09-00757	Approved			Non-Historic	N/A	Minor	Awning addition to a non historic building
45 HILLSIDE AVE	PL-06-00204	Approved	BD-06-12108	Final - CO	Non-Historic	N/A	Major	Addition to a non-historic structure
3000 N HWY 224	PL-09-00793	Approved			Historic	Landmark	Minor	ADA access at McPolin Farm Driveway
99 KING RD	PL-07-00144	Approved	BD-07-12982	Final - CO	Non-Historic	N/A	Minor	Dormer addition to non-historic structure

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
944 LOWELL AVE	PL-07-00153	Approved	BD-08-13448	Final - CO	New Construction	N/A	Major	New Single Family Dwelling
1049 LOWELL AVE	PL-07-00007	Approved	BD-06-12223	Final - CO	Non-Historic	N/A	Major	Addition to a non-historic garage
1104 LOWELL AVE	PL-06-00167	Approved	BD-07-12475	Final - CO	New Construction	N/A	Major	New single Family Dwelling
1118 LOWELL AVE	PL-06-00166	Approved	BD-07-12476	Final - CO	New Construction	N/A	Major	New Single Family Dwelling
1310 LOWELL AVE	PL-10-01011	Approved	BD-10-15777	Issued	Historic	Significant	Minor	Silver King Coalition Mine Site - Boarding House PCA-S-98-PCMR
115 MAIN ST	PL-10-00963	Pending full HDDR			Historic	Significant	Minor	Replacement of Siding & Windows on a historic structure
129 MAIN ST	PL-08-00387	Pending full HDDR					Major	New Single Family Dwelling
148 MAIN ST	PL-07-00096	Approved	BD-07-12625	Final - CO	Historic	Significant	Major	Renovation and addition of a historic structure
176 MAIN ST	PL-10-00893	Pending full HDDR			Historic	Landmark		Discussion of development potential
205 MAIN ST	PL-07-00049	Approved			New Construction	N/A	Major	Construction of a 7 unit condominium project
221 MAIN ST	PL-07-00039	Approved	BD-07-12626	Expired	Historic	Landmark	Major	Addition to an existing historic structure
260 MAIN ST	PL-06-00180	Approved	BD-06-12149	Issued	New Construction	N/A	Major	Construction of new commercial building
333 MAIN ST	PL-09-00637	Approved			Non-Historic	N/A	Major	Revision of approval of PL-07-00051
333 MAIN ST	PL-07-00051	Approved			Non-Historic	N/A	Major	Renovation of Main Street Mall
333 MAIN ST	PL-10-01130	Pending review			Non-Historic	N/A	Major	Renovation of Main Street Mall
350 MAIN ST	PL-07-00047	Approved	BD-06-12211	Final - CO	Historic	Landmark	Minor	Additions of windows to enclose rear deck
352 MAIN ST	PL-10-00948	Pending review					Major	Retail Shell infill space
352 MAIN ST	PL-09-00775	Approved	BD-09-14964	Expired	Non-historic	N/A	Major	Renovation of restaurant
402 MAIN ST	PL-10-00953	Approved			Historic	Landmark	Minor	cut out section of wall to preserve "Bansky" graffiti
412 MAIN ST	PL-10-00944	Pending review			Historic	Significant	Minor	Review of awning
436 MAIN ST	PL-07-00034	Approved	BD-07-12715	Final - CO	Historic	Landmark	Major	Addition onto an existing Historic Commercial Building - includes the demolition of non-historic rear elements
442-444 MAIN ST	PL-10-01091	Pending full HDDR			Historic	Significant	Minor	Proposed a small storage unit behind the building. The unit will be separate from the building.
447 MAIN ST	PL-08-00457	Approved	BD-08-13980	Final - CO	Historic	Landmark	Minor	Residential deck on shed roof over new addition of an existing Historic Commercial Building
447 MAIN ST	PL-06-00176	Approved	BD-08-13516	Final - CO	Historic	Landmark	Major	Renovation to Historic Commercial Building
508 MAIN ST	PL-10-00934	Pending full HDDR			Historic	Landmark	Major	Proposed rear addition to existig Historic Commercial building
508 MAIN ST	PL-10-01065	Pending review			Historic	Landmark	Minor	3 modifications proposed to the exterior of the building to convert to a restaurant
515 MAIN ST	PL-08-00434	Approved	BD-09-14937	Issued	Historic	Significant	Minor	Renovation of a Historic Commercial Building
528 MAIN ST	PL-06-00216	Approved	BD-07-12965	Final - CO	Historic	Landmark	Major	Rear addition to a Historic Commercial Building

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
550 MAIN ST	PL-10-01101	Pending review			Historic	Landmark	Minor	Stucco repair of existing Historic Building
562 MAIN ST	PL-06-00132	Approved	BD-07-12870	Issued	Historic	Landmark	Major	Rear addition to a Historic Commercial Building
562 MAIN ST	PL-11-01193	Pending full HDDR			Historic	Landmark	Major	Proposed 876 square foot addition on the rear of existing structure of Landmark Structure
573 MAIN ST	PL-07-00019	Approved			Historic	Landmark	Major	Renovation and addition to existing Historic Commercial Building
573 MAIN ST	PL-11-01199	Pending review			Historic	Landmark	Minor	Improvements to exterior windows and repair of masonry. Replaces the earlier approval of PL-07-00019
577 MAIN ST	PL-10-00921	Approved	BD-10-15489	Issued	Non-Historic	N/A	Minor	Addition of second story balcony to a non-historic structure
625 MAIN ST	PL-10-01041	Approved	BD-10-15674	Final - CO	Non-Historic	N/A	Minor	Replacement of front door and windows of a non-historic structure
692 MAIN ST	PL-10-00916	Pending review			Non-Historic	N/A	Major	Addition to a non-historic commercial building
100 MARSAC AVE	PL-08-00504 to PL-08-00495	Pending review			New Construction	N/A	Major	10 units for Affordable Housing projects
154 MARSAC AVE	PL-08-00435	Pending review			New Construction	N/A	Major	Two new single family dwellings
320 MARSAC AVE	PL-10-00939	Approved	BD-10-15729	Issued	Non-Historic	N/A	Minor	Railing repair and siding maintenance
338 MARSAC AVE	PL-11-01200	Approved			Historic	Significant	Minor	Replacement of all exterior windows/doors and addition of pre-existing deck
402 MARSAC AVE	PL-06-00103	Approved	BD-06-11791	Final - CO	Historic	Significant	Major	Addition to an existing historic structure
445 MARSAC AVE	PL-10-01020	Approved	BD-10-15894	Final - CO	Historic	Landmark	Minor	Addition of Solar Panels to roof of Historic Structure
235 MCHENRY AVE	PL-09-00693	Approved	BD-10-15548	Issued	Non-Historic	N/A	Major	New garage addition to non-historic structure
321 MCHENRY	PL-10-01008	Approved	BD-10-15864	Issued	Non-Historic	N/A	Major	New garage addition to non-historic structure
351 MCHENRY	PL-10-01036	Pending review			Non-Historic	N/A	Minor	Deck expansion off rear and deck addition over garage of existing duplex
201 NORFOLK AVE	PL-08-00582	Approved			Non-Historic	N/A	Major	Addition to an existing structure
259 NORFOLK AVE	PL-10-01027	Pending review			New Construction	N/A	Major	New Single Family Dwelling
707 NORFOLK AVE	PL-06-00174	Approved	BD-06-12041	Final - CO	Non-Historic	N/A	Minor	Renovation of windows on existing non-historic structure and 51 sq ft addition
730 NORFOLK AVE	PL-07-00012	Approved	BD-07-12593	Final - CO	Non-Historic	N/A	Major	Addition/Remodel of existing non-historic structure
811 NORFOLK AVE	PL-10-01080	Pending review			Historic	Landmark	Major	Possible movement of Landmark Structure. Within appeal period of Denial by Staff.
812 NORFOLK AVE	PL-10-00992	Approved	N/A		Non-Historic	N/A	Minor	Fence repair at a non-historic site
817 NORFOLK AVE	PL-10-01045	Pending review			Historic	Landmark	Minor	Fence at 817 Norfolk along the north side property line
817 NORFOLK AVE	PL-10-01081	Pending review			New Construction	N/A	Major	New Single Family Dwelling on site of Landmark accessory structure (garage) - possible reconstruction proposal , pending review
915 NORFOLK AVE	PL-10-00930	Approved	BD-10-15414	Final - CO	Historic	Significant	Minor	Addition of windows to an existing historic building
927 NORFOLK AVE	PL-10-01088	Pending full HDDR	BD-10-15873	Pending	Non-Historic	N/A	Minor	partial conversion of an existing 2-car garage into a mudroom, bedroom and bathroom.

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
950 NORFOLK AVE	PL-10-00949	Approved			Non-Historic	N/A	Minor	Maintenance of trim on non-historic structure
961 NORFOLK AVE	PL-06-00165	Approved	BD-06-12050	Final - CO	Non-Historic	N/A	Minor	Addition to exterior deck on existing non-historic structure
1021 NORFOLK AVE	PL-06-12259	Approved	BD-08-13382	Final - CO	Historic	Significant		Renovation and addition of historic structure
1030 NORFOLK AVE	PL-07-00092	Approved	BD-07-13238	Issued	New Construction	N/A	Major	New single family dwelling
1031 NORFOLK AVE	PL-07-00023	Approved	BD-07-12360	Final - CO	New Construction	N/A	Major	New single family dwelling
1035 NORFOLK AVE	PL-06-00133	Approved	BD-06-11925	Final - CO	New Construction	N/A	Major	New single family dwelling
1039 NORFOLK AVE	PL-06-00134	Approved	BD-06-11926	Final - CO	New Construction	N/A	Major	New single family dwelling
1101 NORFOLK AVE	PL-09-00658	Approved	BD-09-14475	Final - CO	Historic	Landmark	Major	Remodel of an existing historic structure to add a crawl space
1102 NORFOLK AVE	PL-08-00353	Approved			Historic	Landmark	Major	Rear addition to an existing historic structure
210 ONTARIO AVE	PL-10-01073	Pending full HDDR			Non-Historic	N/A	Minor	propose to build a 500 sq ft deck on rear of property with covered roof.
275 ONTARIO AVE	PL-07-00011	Approved	BD-07-12851	Issued	New Construction	N/A	Major	New single family dwelling
308 ONTARIO AVE	PL-08-00346	Approved	BD-09-14746	Issued	Historic	Significant	Major	Addition to an existing historic structure
317 ONTARIO AVE	PL-10-00905	Pending full HDDR			Historic	Significant	Major	Addition to an existing historic structure
327 ONTARIO AVE	PL-10-01037	Approved			Non-historic	N/A	Minor	Addition of solar panels to roof a structure
421 ONTARIO AVE	PL-07-00143	Approved	BD-07-13012	Issued	Non-historic	N/A	Minor	Addition of mudroom at front door of non-historic structure
428 ONTARIO AVE	PL-07-00055	Approved	BD-08-13595	Final - CO	New Construction	N/A	Minor	New single family dwelling
430 ONTARIO AVE	PL-07-00056	Approved	BD-10-15541	Issued	New Construction	N/A	Minor	New single family dwelling
432 ONTARIO AVE	PL-07-00057	Approved	BD-07-12849	Issued	New Construction	N/A	Minor	New single family dwelling
108 PARK AVE	PL-08-00389	Approved	BD-10-15242	Issued	New Construction	N/A	Minor	New single family dwelling
151 PARK AVE	PL-08-00302	Approved	BD-08-13377	Final - CO	Non-Historic	N/A	Major	Addition and remodel of non-historic structure
160 PARK AVE	PL-10-01075	Approved	N/A		Non-Historic	N/A	Minor	Landscaping issues
160 PARK AVE	PL-08-00388	Approved	BD-07-13324	Final - CO	New Construction	N/A	Major	New single family dwelling
313 PARK AVE	PL-08-00592	Approved	BD-09-14494	Expired	New Construction	N/A	Major	New single family dwelling
411 PARK AVE	PL-07-00170	Approved	BD-08-13487	Final - CO	New Construction	N/A	Major	New single family dwelling
416 PARK AVE	PL-10-01016	Approved			Historic	Landmark	Minor	Soffit repair and venting work on historic structure
455 PARK AVE	PL-10-00971	Approved	N/A		Historic	Landmark	minor	Repair to fence
505 PARK AVE	PL-10-00935	Pending review			Non-Historic	N/A	Major	Addition to non-historic structure
527 PARK AVE	PL-07-00086	Approved	BD-08-14265	Final - CO	Historic	Significant	Minor	Remode of historic home including addition of bay window

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
528/526 PARK AVE	PL-09-00745	Approved	N/A		Historic	Landmark	Minor	Modification of front patio of a historic building
543 PARK AVE	PL-10-00993	Pending full HDDR			Historic	Landmark	Minor	Addition of pool on a historic site
553 PARK AVE	PL-07-00033	Approved	BD-10-15905	Pending	Historic	Landmark	Major	Remodel and addition of an existing historic structure
557 PARK AVE	PL-07-00035	Approved	BD-07-13349	Final - CO	Historic	Significant	Major	Remodel and addition of an existing historic structure
575 PARK AVE	PL-09-00685	Approved	BD-10-15189	Issued	Historic	Landmark	Major	Rear addition to an existing historic structure
584 PARK AVE	PL-09-00646	Approved			New Construction	N/A	Major	New single family dwelling
593 PARK AVE	PL-09-00869	Approved	BD-10-15149	Expired	New Construction	N/A	Major	New single family dwelling
657 PARK AVE	PL-08-00329	Approved	BD-10-15451	Pending	Historic	Significant	Major	Reconstruction and relocation of historic building
703 PARK AVE	PL-06-00230	Approved	BD-08-13519	Final - CO	Historic	Landmark	Major	High West Distillery - Panelization and renovation
929 PARK AVE	PL-09-00842	Approved	N/A		Historic	Significant		Preservation Plan for moth balling
1049 PARK AVE	PL-07-00093	Approved	BD-07-12855	Expired	Historic	Landmark	Major	Addition and remodel of an existing historic structure
1059 PARK AVE	PL-09-00774	Approved			Historic	Significant	Major	Addition to existing historic structure - Significant changes proposed created new application PL-10-01059
1059 PARK AVE	PL-10-01059	Pending review	BD-10-15608	Issued	Historic	Significant	Major	Addition to existing historic structure. Structure moved whole - penalty to owners for removing siding.
1135 PARK AVE	PL-06-00100	Approved	BD-06-11916	Issued	Historic	Significant	Major	Addition/Remodel of existing historic structure
1149 PARK AVE	PL-10-01005	Approved	N/A		Historic	Significant	Minor	Create a parking pad and fence
1160 PARK AVE	PL-06-00231	Approved	BD-07-12459	Final - CO	Historic	Significant	Major	Addition/Remodel of an existing historic structure
1161 PARK AVE	PL-06-00101	Approved	BD-07-12291	Final - CO	New Construction	N/A	Major	New single family dwelling
1280 PARK AVE	PL-08-00267	Approved	BD-09-14488	Expired	New Construction	N/A	Major	New single family dwelling
1328 PARK AVE	PL-10-01006	Approved	N/A		Historic	Landmark	Minor	Fence along front yard
1420 PARK AVE	PL-10-00904	Approved			Historic	Significant	Major	Remove non-historic garage and build new garage and addition to rear and north elevations of existing historic structure
1450 PARK AVE	No HDDR					Significant	Major	City owned housing - no submittal for HDDR at present
1460 PARK AVE	No HDDR					Significant	Major	City owned housing - no submittal for HDDR at present
44 PROSPECT ST	PL-10-01048	Pending full HDDR			Non-Historic	N/A	Minor	Replacement of shingles and siding on a non-historic structure
68 PROSPECT ST	PL-08-00507	Approved			Historic	Landmark	Major	Reconstruction of historic structure with basement and main level addition
147 RIDGE AVE	PL-08-00390	Approved	BD-08-13996	Final - CO	Historic	Landmark	Major	Addition/Remodel of an existing historic structure - panelization
147 RIDGE AVE	PL-09-00853	Approved			Historic	Landmark	Minor	Reconstruction of the wall on the upper part of Ridge Avenue.
158 RIDGE AVE	PL-08-00316	Approved	BD-09-14905	Pending	New Construction	N/A	Major	New single family dwelling
162 RIDGE AVE	PL-08-00317	Approved	BD-09-14907	Pending	New Construction	N/A	Major	New single family dwelling

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
166 RIDGE AVE	PL-08-00315	Approved	BD-09-14909	Pending	New Construction	N/A	Major	New single family dwelling
525 ROSSIE HILL DR	PL-10-01051	Approved	PB-10-00348	Issued	Non-Historic	N/A	Minor	Addition of solar collectors on roof
16 SAMPSON AVE	PL-08-00571	Pending review			Historic	Significant	Major	Addition to an existing historic structure
40 SAMPSON AVE	PL-10-01015	Pending full HDDR	N/A		Historic	Significant	Minor	Proposed parking pad
41 SAMPSON AVE	PL-06-00222	Approved	BD-07-12751	Issued	Historic	Landmark	Major	Addition/Remodel of an existing historic structure
60 SAMPSON AVE	PL-07-00135	Approved	BD-08-13659	Issued	Historic	Significant	Major	Addition/Remodel of an existing historic structure
115 SAMPSON AVE	PL-10-01069	Pending review	N/A		Historic	Significant		Preservation Plan
130 SANDRIDGE AVE	PL-08-00297	Approved	BD-09-14554	Issued	Historic	Significant	Major	Addition/Remodel of an existing historic structure - panelization
156 SANDRIDGE RD	PL-08-00306	Approved	BD-08-14060	Final - CO	Historic	Significant	Major	New single family dwelling on site of Significant accessory structure
601 SUNNYSIDE DR	PL-08-00293	Approved	BD-10-15824	Issued	Historic	Landmark	Major	Reconstruction of historic shed/cabin. Applicant chose to panelize and retain some historic materials on front façade
601 SUNNYSIDE DR	PL-10-01119	Approved			Historic	Landmark	Minor	Addition of skylights to historic structure
1825 THREE KINGS DR	PL-06-00147	Approved	BD-04-09860	Final - CO	Historic	Significant	Major	Restoration/addition/relocation of historic mining buildings. Includes the movement and reconstruction of historic house at 1865 Three Kings Drive
109 WOODSIDE AVE	PL-10-01092	Pending full HDDR			Historic	Landmark	Minor	Applicant is proposing improvements on a free standing garage - reconstruction proposal - pending review
119 WOODSIDE AVE	PL-06-00171	Approved	BD-09-14976	Pending	New Construction	N/A	Major	New single family dwelling
123 WOODSIDE AVE	PL-06-00172	Approved	BD-09-14977	Pending	New Construction	N/A	Major	New single family dwelling
139 WOODSIDE AVE	PL-06-00137	Approved	BD-06-12111	Final - CO	Historic	Significant	Major	Renovation of an existing historic structure
239/241 WOODSIDE AVE	PL-07-00061	Approved			New Construction	N/A	Major	New single family dwelling
245 WOODSIDE AVE	PL-09-00849	Approved	BD-10-15565	Issued	Non-Historic	N/A	Minor	Repair of stairs
265 WOODSIDE AVE	PL-08-00441	Approved			New Construction	N/A	Major	New single family dwelling
311 WOODSIDE AVE	PL-09-00822	Approved	BD-09-15081	Issued	Historic	Significant	Minor	Repair to stairs of an existing historic structure
324 WOODSIDE AVE	PL-06-00127	Approved	BD-06-11725	Final - CO	New Construction	N/A	Major	New single family dwelling
330 WOODSIDE AVE	PL-08-00357	Approved	BD-08-13651	Final - CO	Non-Historic	N/A	Minor	Remodel of 7 windows in non-historic structure
335 WOODSIDE AVE	PL-10-00936	Pending review			Historic	Landmark	Major	Renovation of an existing historic structure - proposed rear addition and new foundation
340 WOODSIDE AVE	PL-11-01187	Pending full HDDR			Non-Historic	N/A	Minor	Deck extension on a non-historic structure
402 WOODSIDE AVE	PL-10-01052	Approved	BD-10-15665	Issued	Non-Historic	N/A	Minor	Replacement of two exterior doors and material change of front door

ADDRESS	PLANNING APPLICATION #	STATUS	BUILDING PERMIT #	STATUS	TYPE	DESIGNATION	IMPACT	DESCRIPTION
426 WOODSIDE AVE	PL-08-00362	Approved	BD-09-14437	Issued	New Construction	N/A	Major	New single family dwelling
429 WOODSIDE AVE	PL-07-00117	Approved	BD-08-14250	Issued	Historic	Significant	Major	Reconstruction of an existing historic structure
505 WOODSIDE AVE	PL-09-00655	Pending review			Historic	Significant	Major	Renovation and addition to an existing historic structure
515 WOODSIDE AVE	PL-10-01047	Approved	N/A		Non-Historic	N/A	Minor	Proposed new fence
555 WOODSIDE AVE	PL-06-00195	Approved	BD-06-11990	Final - CO	Non-Historic	N/A	Major	Addition/Remodel of an existing structure
572 WOODSIDE AVE	PL-07-00134	Approved			Non-Historic	N/A	Major	Remodel of existing non-historic structure
576 WOODSIDE AVE	PL-07-00133	Approved			Non-Historic	N/A	Major	Remodel of existing non-historic structure
605 WOODSIDE AVE	PL-08-00410	Approved	BD-08-13763	Final - CO	Historic	Significant	Major	Remove non-historic elements on South side and restore the original structure
633 WOODSIDE AVE	PL-10-01097	Pending full HDDR			Historic	Significant	Minor	Restoration of existing garage
637 WOODSIDE AVE	PL-08-00327	Approved			New Construction	N/A	Major	New single family dwelling. Owners changed hands and submitted PL-10-01046.
637 WOODSIDE AVE	PL-10-01046	Approved			New Construction	N/A	Major	New single family dwelling
654 WOODSIDE AVE	PL-08-00574	Approved	BD-09-14541	Issued	New Construction	N/A	Major	New single family dwelling
901 WOODSIDE AVE	PL-09-00795	Pending full HDDR			Historic	Landmark	Minor	Reconstruct rear deck and construct new carport under deck
905 WOODSIDE AVE	PL-11-01194	Pending full HDDR			Historic	Significant	Major	Addition of a single car garage to a Significant Site
919 WOODSIDE AVE	PL-09-00734	Approved	N/A		Historic	Significant		Reconstruction of structure noted for demolition by Building Official; review by City Council; Preservation Plan completed
919 WOODSIDE AVE	PL-11-01202	Pending full HDDR			Historic	Significant	Major	Reconstruction of original historic house w/ two story addition at the rear and full basement with one single car garage
951 WOODSIDE AVE	PL-07-00040	Approved	BD-10-15174	Issued	Historic	Landmark	Major	Addition to an existing historic structure
1013 WOODSIDE AVE	PL-07-00028	Approved	BD-07-12944	Issued	Historic	Significant	Major	Restoration and Addition to an existing historic structure
1027 WOODSIDE AVE	PL-07-00154	Approved	BD-07-12945	Final - CO	Non-Historic	N/A	Major	Addition to rear of existing structure
1323 WOODSIDE	No HDDR				Historic	Significant	Major	Reconstruction of single family dwelling
1031 WOODSIDE AVE	PL-07-00075	Approved	BD-07-12850	Final - CO	Non-Historic	N/A	Major	Addition/Remodel of existing non-historic structure
1045 WOODSIDE AVE	PL-06-00115	Approved	BD-07-12758	Final - CO	Historic	Significant	Major	Rear addition to an existing historic structure
1110 WOODSIDE AVE	PL-08-00418	Approved	BD-10-15865	Pending	Historic	Landmark	Major	Addition to existing historic structure
1144 WOODSIDE AVE	PL-10-01004	Pending review			New Construction	N/A	Major	New single family dwelling

Applications submitted under previous Historic District Design Guidelines.

REGULAR AGENDA

Historic Preservation Board Staff Report



Application #: PL-11-01195
Subject: 1101 Norfolk Avenue
Author: Francisco Astorga
Date: March 2, 2011
Type of Item: Historic District Grant Reinstatement

Summary Recommendations

Staffs recommends the Historic Preservation Board (HPB) review the reinstatement request for a historic district grant and award the applicant a portion of the costs associated with the remodel of the historic home located at 1101 Norfolk Avenue.

Description

Applicant: Laura & Steven Atkins
Location: 1101 Norfolk Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
RDA: Lower Park RDA

Proposal

On February 01, 2011 Laura and Steve Atkins submitted a Historic District Grant application requesting that the City reinstate the grant awarded to their structure on August 4, 2009 and revoked on March 12, 2010 due to non-compliance with the approved plans.

Background

On August 14, 2009 the Historic Preservation Board (HPB) awarded a grant of \$18,046 for the rehabilitation of 1101 Norfolk Avenue. The applicant is the owner of a historic structure located at 1101 Norfolk Avenue. The site is currently listed on the Park City Historic Site Inventory (HSI) as a Landmark Site. The approved rehabilitation work included:

- Lifting the existing front portion of the house to build crawl space foundation.
- Replacing the existing contemporary front door with a design similar to those that were found in Old Town.
- Replacing inoperable windows to match original size and style.
- Restoring and replace siding to match original wood siding around north shed extension and also to rebuild the floor and walls to ensure adequate stability of the roof and the floor.
- Replacing square post with matching turned posts and railings to match the historic photograph.

During construction a problem was identified with the improvements. The contractor did not follow what was specified on the approved building permit plans and the approved Historic District Design Review plans (including the preservation plan). The property owner had difficulties keeping track of the project due to their out-of-state primary residence. The unauthorized work included the addition of a mechanical story underneath the front of the main floor and front porch. This unauthorized story was carried out by expanding the proposed crawl space past the front wall plane of the main floor towards the front of the porch. The proposed five foot (5') crawl space was enlarged to approximately eight feet (8'), which created a building footprint that exceeded that permitted by the Land Management Code (LMC). Also, a full sized door opening was created without any City Approvals on the front façade adding access to the unauthorized area. **Due to the violation of the approved plans and the historic preservation plan, the site was given a stop work order and the grant was revoked.**

Once notified, the property owners worked diligently for several months with the Planning and Building Departments as well as their newly selected contractor to re-design the plan. On June 4, 2010 a new plan was submitted to the City. The re-design included:

- Building the foundation wall at the original location, below the front wall plane of the structure.
- Filling in the area created by the excess footprint with gravel. This area below the porch became a true crawl space and therefore eliminating the footprint non-compliance.
- Removing the existing full size door from the front façade and replacing it with a smaller 36"x36" door for access to crawl space/mechanical area.
- Fabricating and installing a removable hatch covering the new door with siding to hide the access door.
- Restoring the front and side of the structure to original grade (grade before work began).

The plans were redlined, conditioned, and approved. Staff followed the standard process of Historic District Design Reviews which includes posting the site and notifying adjacent property owners. Preliminary compliance was found June 16, 2010 and final determination of compliance was found on June 28, 2010. The applicant moved forward by re-submitting a building permit. The City accepted their new re-design and has issued a new building permit. The work has been completed as the structure has received sub-sequent inspections by the City's Building Inspectors to move forward with the newly authorized work.

Analysis

Grants are available for historic residential or commercial structures in Park City. The purpose of the grant is to assist in offsetting the costs of rehab work. Grants are to be used toward specific rehabilitation projects. The HPB reviews applications and awards grant funds. Funds are awarded to projects that provide a community benefit of

preserving and enhancing the historic architecture of Park City. Eligible Improvements include, but are not limited to siding, windows, foundation work, masonry repair, structural stabilization, retaining wall/steps/stairs of historic significance, exterior trim, exterior doors, cornice repair, and porch repair. Maintenance items, such as exterior painting and new roofing, are the responsibility of the homeowner, but may be considered under specific circumstances.

Staff finds that the completed work is in compliance of their submitted and approved plans. The most recent Historic District Design Review and building permit application were revised to meet the end product of the original preservation plan which was to match the 1930's photograph. The non-compliances have also been fixed. The Planning Department has analyzed the performed work and finds that the site will remain a Landmark Site on the Historic Site Inventory (HSI).

In August 2009 the total cost of the proposed renovations was identified as \$36,092. As the program is a matching grant, half of the total cost (\$18,046) was originally granted by the HPB. Staff recommends that the HPB reinstate half of the amount to the property owner due to the initial discrepancies and deviation from the original approved preservation plan.

Staff finds that by reinstating half the awarded grant, the HPB would be contributing to the ongoing preservation of a historically significant building, landmark site, in Park City. Therefore, staff recommends that the Board grant the applicant one half of the originally awarded grant of the preservation work in the amount of \$9,023. The source of funding is the Lower Park Avenue RDA. That fund currently has \$208,983 available.

Alternatives

- The Historic Preservation Board may reinstate half of the awarded grant; or
- The Historic Preservation Board may reinstate the full amount of the awarded grant; or
- The Historic Preservation Board may not reinstate any of the awarded grant.
- The Historic Preservation Board may continue the item to another date and ask for more information to be presented.

Recommendation

Staff recommends the Historic Preservation Board review the proposed grant reinstatement request and consider awarding the applicant half of the original grant.

Exhibits

Exhibit A – August 4, 2009 HPB Historic Grant Staff Report

Exhibit B – Re-design

Exhibit C – Photographs of completed work

Historic Preservation Board Staff Report



Subject: 1101 Norfolk Avenue
Author: Francisco Astorga
Date: August 5, 2009
Type of Item: Historic District Grant Application

Summary Recommendations

Staffs recommends the Historic Preservation Board (HPB) review the request for a historic district grant and award the applicant a portion of the costs associated with the remodel of the historic home located at 1101 Norfolk Avenue.

Description

Applicant: Laura & Steven Atkins
Location: 1101 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
RDA: Lower Park RDA

Background

The applicant is the owner of the historic house, located at 1101 Norfolk Avenue. The structure was most likely constructed around 1900 by Henry Shields. This house is a one and one half (1½) story frame building with a gable roof. The arrangements of openings on the façade is asymmetrical with a door and a pair of double hung sash windows on the first floor and a single window on the top story. The original windows are all double hung sash type.

A letter was submitted to the City by Stewart Evans to provide his recollection of the north shed addition. Mr. Evan's family moved into this house in 1926 when he was two years old. Mr. Evans explains that as long as he can remember that shed addition was there.

The only alteration of the house, other than the rear extension, is the addition of a large multi-pane window on the south side of the building. It is an unobtrusive change which does not affect the character of the building. The house, therefore, maintains its original integrity. The site has recently been designated as a Landmark Site under the Park City Historic Site Inventory adopted by the Board in February 2009. The site was listed on the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District. The applicant is seeking a grant from the Historic Preservation Board to restore the house closer to its original state.

The applicant plans to lift the existing front portion of the house six (6) to eight inches (8") to allow enough room to pour a new crawl space foundation. While working on the foundation, the structure will be temporarily supported with steel beams. The work also

includes renovating three (3) front windows on the front elevation, the back window on the rear, and the single window on the south elevation which will be replaced with new double hung wood windows at the same location. The existing large window on the south elevation will be replaced with two double hung wood windows to match the other windows just mentioned.

The elevation of the shed addition will not change, with the exception of raising the roof line to be level with the two exterior corners. Three (3) wood windows will be added to the north shed area façade. The siding around the shed will be replaced to match existing historic siding on the house and also the floor and walls will be rebuilt to ensure adequate stability of this built addition. Work includes the square post to be replaced with matching turned posts and railings as shown in the historic photograph. Insulation will be blown into the walls from the bottom and top of the walls by safely removing a strip of siding using a flex hose to blow the insulation into the wall cavities.

Analysis

Eligible improvements for historic district grants include, but are not limited to, siding, windows, foundation work, masonry repair, structural stabilization, retaining walls/steps/stairs of historic significance, exterior trim, exterior doors, cornice repair, and porch repair. The applicant is requesting that the HPB grant money for the following preservation work:

- Lift the existing front portion of the house to build crawl space foundation.
- Replace the existing contemporary front door with a design similar to those that were found in Old Town.
- Replace inoperable windows to match original size and style.
- Restore and replace siding to match original wood siding around north shed extension and also to rebuild the floor and walls to ensure adequate stability of the roof and the floor.
- Replace square post with matching turned posts and railings to match the historic photograph.

Staff finds the proposed work as outlined in the scope of work (Exhibit B) submitted by the applicant is eligible for the historic grant with the exception of the crawl space floor concrete flatwork, crawl space access door, and the removal and partial reconstruction of the rock wall towards the front of the structure. These requested improvements have been redlined on Exhibit B. Staff would like to receive the Board's input as staff finds that the crawl space improvements are not considered preservation and the work on the rock wall should have been considered when the City built the rock retaining wall a year ago.

The total cost of the proposed renovations identified is \$36,092. As the program is a matching grant, half of the total cost (\$18,046) is eligible to be granted.

Staff finds that the proposed work on the building is eligible for grant money and that by awarding the grant, the HPB would be contributing to the ongoing preservation of a

historically significant building in Park City. The Board is only allowed to contribute grants up to one half of the total cost of the preservation. Therefore, staff recommends that the Board grant the applicant one half of the proposed cost of the preservation work in the amount of \$18,046.

The source of funding is the Lower Park Avenue RDA. That fund currently has \$231,822 available. No additional funds were granted during the recent budget approval by the City Council.

Recommendation

Staff recommends the Board review the proposed grant application and consider awarding the applicant a grant of \$18,046, as itemized in Exhibit B.

Exhibits

Exhibit A – Historic Site Form – Historic Site Inventory

Exhibit B – Breakdown of estimated costs of the scope of work

1101 Norfolk Proposed Re-Design

- First, we will reduce the expanded footprint which exceeds the maximum footprint allowed on the lot by building another foundation wall to be located at the original location, below the front wall plane of the structure. Then fill the area created by the excess footprint with gravel. As indicated by Roger Evans the height of the maximum height of a crawl space in the foundation is not to exceed five feet (5'). I understand this as the top of the crawl-wall should be 5' to the bottom of the ceiling or floor joists. This new area (below the porch) will become a true crawl space and therefore will not count towards footprint of the structure. This action will amend the Land Management Code violation.
- Second, we will place a small access opening to the crawl space on the front facade underneath the stairs. The opening would be a hatch door that would be sided to match the surrounding siding so it blends in. This hatch door will be approximately 3'x4'; which will allow access to the mechanicals during all seasons. In support of this, we obtained the opinion of the Scott Adams of Park City Fire Department. Scott agreed the access panel should be located under the stairs and not the north wall of the structure, due to the snow pack between the houses making access nearly impossible during the winter months.
- Third, we will also build the remaining portion of the foundation wall on the front opening which will allow the front yard to be back-filled as it was historically, thus eliminating the full door access to the crawl space. In addition, we will re-construct the removed rock retaining wall as originally planned.
- We have provided photos of to help you visualize the proposed work of the re-design and an elementary drawing that illustrates these changes. Please note that our home currently and will continue to look almost identical as it did in the 1930's.
- We are confident our proposed re-design provides a solution for the LMC/footprint situation and provides safe, year round access to the mechanicals for maintenance and emergency while protecting the historical integrity of our home. We hope you agree as we are eager to submit the full re-design drawings to the Planning Department, DRT & HPB and complete this renovation.

1930's – 1101 Norfolk SE Corner



2006 – 1101 Norfolk SE Corner



2009 - 1101 Norfolk SE Corner



2010 - 1101 Norfolk SE Corner





Historic Preservation Board Staff Report



Subject: 811 Norfolk Avenue
Author: Katie Cattan
Date: March 2, 2011
Type of Item: Quasi-Judicial Appeal
Project Number: PL-11-01198

Summary Recommendations

Staff recommends the Historic Preservation Board hold a quasi-judicial hearing on an appeal of the Planning Staff's determination of non-compliance with the Design Guidelines for Historic Districts and Historic Sites (Design Guidelines) for the proposed addition at 811 Norfolk Avenue. The Planning Staff determined that the proposed movement of the Landmark Structure does not comply with the Design Guidelines or the Land Management Code (LMC).

Topic

Applicant: Jeff Love, Owner
Location: 811 Norfolk Avenue
Zoning: HR-1
Adjacent Land Uses: Residential
Reason for Review: Appeals regarding Historic District Design Guidelines are reviewed by the Historic Preservation Board

Background

The home at 811 Norfolk Avenue is a Landmark Site listed on the Park City Historic Sites Inventory (HSI). Through June 2, 2010, the Site was owned by Ruth Staker and consisted of the North half of Lot 2, all of Lots 3 and 4, and the South three (3') feet of Lot 5. The tax IDs associated with this property are SA-138 and SA-139-A. The Landmark Structure on the property sits on Lots 2 and 3 and encroaches three (3') feet onto Lot 4.

The applicant was interested in buying the property and approached the Planning Department to discuss the Design Guidelines and their applicability to the site. The applicant attended a pre-application Design Review Team (DRT) meeting on May 19, 2010. The original pre-application paperwork indicated the pre-application meeting would pertain to the entire site. The applicant also provided a survey that included the entire site (See Exhibit A: Site Survey)

During the May 19, 2010 meeting, the applicant explained that circumstances had changed. He explained that Lot 4 and the three (3') foot portion of Lot 5 would be sold separately, and that he was only interested in Lot 3 and all of Lot 2. He made it clear that the person purchasing the other area (Lot 4 and the three [3'] foot portion of Lot 5) would not grant him an easement for the

Landmark Structure. It was not made clear to the staff Planner that he would be purchasing the entire property and then selling the northern portion off. However, the Staff Consultant did indicate in her notes that the applicant expressed a preference for selling off the north portion of the property. The Staff Planner provided the applicant with feedback based on the understanding that he was only purchasing Lot 3 and the northern portion of Lot 2 under tax ID SA-138. (Exhibit B: Pre-application letter)

County records show that the applicant bought the entire site as it historically existed on June 2, 2010, including Lot 4 and the three (3) feet portion of Lot 5. On June 3rd, the applicant sold Lot 4 and the three (3) feet portion of Lot 5 to Rod Ludlow. An encroachment agreement could have been granted as part of the sale on June 3rd, 2010. On June 17, 2010, Staff issued a new letter to the Appellant regarding this new information.

Following the pre-application meeting, a complete application for a Historic District/Site Design Review (HDDR) was received on October 28, 2010. The current 2009 Design Guidelines apply to this application.

On October 28, 2010, the property was posted for fourteen (14) days per LMC Section 15-1-21. After the fourteen (14) day posting period, staff reviewed the application for compliance with the Design Guidelines. On November 17, 2010, staff provided the applicant with a list of guidelines which the proposal did not comply with. Typically, a review of an addition to a historic home goes through one to three revisions, prior to staff finding compliance the Design Guidelines. After receiving the letter and then meeting with staff, the applicant informed staff that no revisions would be made; subsequently, an Action Letter of denial was issued on December 1, 2010. (Exhibit C: December 1, 2010 Action Letter Denying HDDR). Staff denied the HDDR because the proposed project would result in the Landmark Site no longer meeting the criteria set forth for Landmark Sites and the proposed project did not comply with several of the Design Guidelines. On December 10, 2010, the applicant submitted a written appeal. The appeal date was set for January 19, 2011. Staff made the error of misdating the hearing date on courtesy notice that was mailed to property owners within 100 feet. The applicant withdrew the appeal due to the staff's error.

On January 13, 2011, the applicant submitted revisions to the application (Exhibit D – January 13, 2011 Plans). The applicant attended a Design Review Team (DRT) meeting on January 19, 2011. Staff found that the changes in the design complied with all of the historic district guidelines except for Guideline E.1.1 regarding relocation of the Landmark Structure. Staff also found that relocating the Landmark Structure did not meet LMC 15-11-13(A). On January 26, 2011, Staff denied the revised HDDR and sent the applicant an action letter denying the application (Exhibit E – January 26 Final Action Denial of HDDR). The property was again noticed on January 26, 2011 in compliance with LMC Section 15-1-21.

Appeal

On February 7, 2011, the applicant submitted a written appeal (Exhibit F - Appeal) pursuant to Chapter 15-1-18(A) of the Land Management Code. Appeals made within ten (10) days of the staff's determination of compliance with the Design Guidelines are heard by the Historic Preservation Board (HPB) (because ten (10) calendar days from the Final Action letter fell on the weekend, the City calculates the next business date as the tenth day). On February 22, 2011, the applicant submitted an additional packet to be included in the HPB packet, 2011. (Exhibit G – Additional Submittal by Appellant)

Standard of Review

Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board (HPB) as described in 15-1-18(A) and 15-11-12(E). The HPB shall act in a quasi-judicial manner. A “quasi judicial act” is defined as a judicial act, which is performed by someone who is not a judge. Therefore, like a judge, board members shall not have communication with anyone concerning this matter (“ex parte” communication) outside of the appeal hearing.

Per LMC Section 15-11-12(E), the scope of review by the HPB shall be the same as the scope of review at the Planning Department level. The HPB shall either approve, approve with conditions, or disapprove the proposal based on written findings of fact, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the owner and/or applicant with a copy of such. Any Historic Preservation Board decision may be appealed to the Board of Adjustment pursuant to LMC Section 15-10-7.

LMC 15-1-18(G) requires that the HPB shall review factual matters de novo and it shall determine the correctness of Staff's interpretation and application of the Historic District Guidelines and the Land Management Code. “De Novo” means anew, afresh, the same as if it has not been heard before and as if no decision had been previously rendered. Therefore, the HPB shall conduct an original, independent proceeding on the Historic District Design Review.

Analysis

Existing Conditions and Proposed Improvements: The existing building at 811 Norfolk Avenue is a one-story cross wing home with a shed roof over the front porch entry. The site is listed as a Landmark Site on the Park City Historic Sites Inventory (HSI). The existing structure is a Landmark Structure which contains a total of 668 square feet, all of which is included in the footprint. The proposed *footprint* of the new home is 1158.25 square feet with a total living area of 2316 square feet. The footprint of the proposed addition is 490.25 square feet and the area of the addition is 1648.75 square feet. There is an existing historic garage located on Lot 4.

The proposed addition introduces a basement area under the Landmark Structure and a three-story addition off the rear of the Landmark Structure. The three-story rear addition is located behind the Landmark Structure with the supposition that the Applicant can move the Landmark Structure six and a half (6.5') feet to the south. The first story/basement is located completely under final grade. The design proposed moving the Landmark Structure six and a half (6.5') feet to the south to situate the home within the setbacks of Lot 2 and Lot 3.

Application of the Guidelines to Proposed Design: LMC section 15-11-12(D) requires that an application associated with a Landmark Site shall be denied if the Planning Department finds that (1) if there is not compliance with the Design Guidelines or (2) the proposed project will result in the Landmark Site no longer meeting the criteria set forth for Landmark Sites. Although the revised application does meet all of the criteria set forth for Landmark Sites, it does not meet the Design Guidelines and Land Management Code criteria for movement of the Landmark Structure.

Preserving Landmark Site Status: The criteria for Landmark Sites include age, integrity, and significance. The integrity of the site must be maintained in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service (NPS) for the National Register of Historic Places. The proposal must also retain its significance in local, regional and national history, architecture, engineering or cultural association with the mining era. The site was designated a Landmark Site as part of the Historic Sites Inventory (Exhibit H-Historic Site Inventory Sheet for 811 Norfolk).

The applicant addressed the previous design issues that Staff had documented as not meeting the Design Guidelines. The character-defining elements of the site will be preserved including the north side yard, the rock wall in the front will be rebuilt utilizing stacked stone, the previously proposed staircase within the south side yard has been removed, and the rear addition does not extend past the south side wall of the Landmark Structure. The additional information and modifications as shown in the January 13, 2011 revised design application have created a design that will result in the continuance of Landmark Structure to meet the criteria set forth for Landmark Sites and would continue as a Landmark Site on the Park City Historic Sites Inventory.

Movement of the House: The design proposes moving the Landmark Structure six and a half (6.5') feet to the south to situate the home within the setbacks of Lot 2 and Lot 3. The HDDR was denied because the applicant's proposed movement of the Landmark Structure is not applicable to any of the criteria listed in LMC Section 15-11-13 or Historic District Guideline E.I.I and corresponding sidebar. The Design Guideline almost mirrors the LMC. In any case, LMC Section 15-11-12 states "whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law."

Design Guideline E.I.I states: "Relocation and/or reorientation of the historic buildings should be considered only after it has been determined by the Design Review Team that the integrity and significance of the historic building will not be diminished by such action and the application meets one of the criterion listed" (the sidebar is the same as the criteria listed below excluding criterion #4).

LMC Section 15-11-13 states:

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

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

(1) A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or

Does not comply. The appellant sold off a portion of the site without requiring an encroachment permit at the time of the sale. Prior to June 3, 2010, Lot 4, which the Landmark Structure encroaches on to, was owned by the owner of the Landmark Site. The applicant bought half of Lot 2, Lot 3, Lot 4 and a three foot portion of Lot 5 together. County records show that on June 3rd, the appellant sold Lot 4 and the three (3) feet portion of Lot 5 to Rod Ludlow. The appellant bought the property in its entirety as it has historically existed without an encroachment issue. The encroachment issue came about when the applicant sold Lot 4. An encroachment agreement could have been granted as part of the sale on June 3rd, 2010. Furthermore, Mr. Ludlow, the person from whom the easement can not be secured and the applicant are developing these properties together.

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

Not applicable. Structure may remain on site and abate demolition.

(3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or

Does not comply. There are not unique conditions present on site. There are many historic homes which encroach over property lines in Old Town. The appellant also discusses the impacts of spacing and the streetscape which is further analyzed within point G of the appeal.

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

Not applicable. Applicant is not requesting to relocate the house onto a different Site.

Response to Appeal by Applicant:

The points of the appeal have been cut and pasted into the body of this report. Staff's analysis follows each point of the appeal.

a. These Findings of Fact of the Notice of Planning Department Action are unsupported by any evidence of record or the Findings of Fact are contrary to any evidence of record.

14. An easement could have been secured for the encroachment of the historic house when the applicant sold Lot 4. An encroachment permit could have been obtained at the time of the sale.

15. County records show that the applicant bought the entire site as it historically existed on June 2, 2010, including Lot 4 and the three (3) feet portion of Lot 5 and that on June 3rd, the applicant sold Lot 4 and the three (3) feet portion of Lot 5 to Rod Ludlow. An encroachment agreement could have been granted as part of the sale on June 3rd, 2010.

16. Furthermore, an easement could have been secured for the encroachment of the historic house based on the applicant and Mr. Ludlow's development of their properties in conjunction with one another and lack of an arm's length transaction in the sale.

Each of these three findings of fact is contradicted by the Affidavit of Rodney C. Ludlow. Mr. Ludlow, buyer and owner of Lot 4, explains that Lot 4 was purchased in an arms-length-transaction for value and an easement for an encroachment was rejected at the time of the transaction.

Staff Analysis:

The HPB should determine the findings of fact anew or “de novo” based on the evidence before it. The previous statements are Findings of Fact made by Staff. There is no dispute over the fact (and County records show) that appellant, Mr. Jeff Love, bought the property in its entirety as it has historically existed without an encroachment issue on June 2nd. On June 3rd, the appellant sold Lot 4 and the three (3) feet portion of Lot 5 to Mr. Rod Ludlow.

Mr. Love could have secured an encroachment agreement at the time of sale (disposition of his property), but did not. Whether or not Mr. Ludlow would have been willing to buy the property with an encroachment is irrelevant since Mr. Love had control over the entire property and had the ability to sell it requiring an encroachment agreement. Mr. Ludlow bought the land knowing there was an encroachment on it.

Furthermore, Mr. Love has been working in conjunction with Mr. Ludlow to develop the lots. There is not an arms-length transaction between Mr. Ludlow and Mr. Love. Black’s Law Dictionary (seventh edition) defines Arm’s-Length as “Of or relating to dealings between two parties who are not related or not on close terms and who are presumed to have roughly equal bargaining power; not involving a confidential relationship <an arm’s-length transaction does not create fiduciary duties between the parties>.

Mr. Love and Mr. Ludlow have been working together on the development plans for Lot 4 and the three (3) feet portion of Lot 5 owned by Mr. Ludlow. Mr. Love has had conversations with the Planning Staff on Mr. Ludlow’s design application, the design review comments Mr. Ludlow received from staff, and possible future modifications for application. Mr. Love and Mr. Ludlow are both working with the same Architect. Mr. Love’s application included the submitted design for Mr. Ludlow’s property within the streetscape. Also, due to Mr. Ludlow not having an email address, Mr. Love has been recipient of Staff correspondences between Staff and Mr. Ludlow. In fact, within the October 6, 2010 application submitted by Mr. Ludlow, the email for the applicant is Jeff Love’s email address.

17. At a January 19, 2011 meeting, the applicant submitted new information to staff on the history of the lot ownership. Lot 3 was deeded April 23, 1889, From David C. McLaughlin to Frank T. Jones, in Misc Book G, at page 184. Lot 4 was deeded February 5, 1905, From the Estate of David C. McLaughlin to Mrs. Elizabeth Jones, Misc Book M, at page 294. According to this new information, Lot 4 has been owned by the property owner of 811 Norfolk Avenue since February 5, 1905. An encroachment has not existed for 105 years.

This Finding of Fact is disproved by the very facts cited to support it. The Department recites that Lot 3 was owned by Frank Jones and Lot 4 was owned by Elizabeth Jones, and then concludes they are and were owned by the same person. Simply put, Frank Jones is not Elizabeth Jones.

19. The Chief Building Official did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique building code conditions on the site. There are numerous homes in Park City which encroach over property lines which can be mitigated through spacing, fire sprinkler systems, and building materials.

The Departments assertion in paragraph 19 is a bald assertion unsupported by any fact. The Department fails to cite a single example to support Finding of Fact 19, let alone "numerous" examples. Simply saying it, doesn't make it true.

20. The Planning Director did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique planning conditions on the site. There are examples of historic structures throughout Old Town that encroach onto neighboring properties which can be mitigated through site planning and design solutions.

The Departments assertion in paragraph 20 is a bald assertion unsupported by any fact. The Department fails to cite a single example to support Finding of Fact 20. Simply saying it, doesn't make it true.

Staff Analysis:

As for Finding of Fact #17, the title information showed that since February 5, 1905 the owner of 811 Norfolk Avenue (Lot 3) has owned Lot 4. An encroachment has not existed for 105 years. Both Frank Jones and Elizabeth Jones lived at 811 Norfolk Avenue. There is no dwelling on Lot 4, nor is there any evidence that there has been a dwelling on that lot.

As for Finding of Fact #19, there was no determination made by the Chief Building Official (CBO) that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. The appellant did not bring forth new evidence of unique conditions within the appeal. The CBO made findings that any unique building code conditions on the site due to the

encroachment could be resolved through adequate spacing, fire sprinkler systems, and building materials. (Exhibit E – Action Letter January 26, 2011 Finding of Fact #19)

There are many examples of encroachments throughout town. The Building Department has been consistent in its policy to clean up any encroachments prior to issuing a building permit via requiring the provision of an encroachment agreement or the movement of the structure so an encroachment would no longer exist.

As for Finding of Fact #20, the Planning Director did not make a determination that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. The encroachment issue is not unique because the Planning Director did not determine that any unique conditions exist, there is no additional information to analyze. The appellant had the opportunity in his application and within the appeal to explain his perspective regarding what unique conditions exist. The only argument made by the appellant that there are unique conditions has to do with the streetscape which is discussed within appeal point G.

b. The Department's Findings of Fact are Wrong. Consequently, it's decision is wrong.

Utah law requires that the decision of the Department be supported by substantial evidence. Substantial evidence is facts that are true, not unsupported allegations or invented facts. Where the Findings of Fact on which the Department bases its decision are invented or patently wrong, the Conclusions of Law and decisions on which they are based are equally wrong.

Staff Analysis:

It is up to the HPB to make its own findings based upon the evidence before it. Staff believes there is sufficient evidence to support the Findings of Fact. However, the HPB should make its determination anew on the Findings of Fact.

- c. **The Department pre-determined its decision and then sought to justify that decision, regardless of the facts.**

On June 17, 2010, Ms. Cattan directed Mr. Love to prepare a complete HDDR application solely for the purpose of the Department's disapproval:

As for your pre-HDDR (PL-10-00967), due to these circumstances, staff will not support the movement of the Landmark Structure located at 811 Norfolk Avenue. If you wish to appeal this determination, you will have to submit a complete application for an HDDR and staff will issue an action letter. You will have ten (10) days from the date of that letter to appeal staff's determination to the Historic Preservation Board.

Mr. Love is entitled to an impartial decision maker who considers all of the facts and all of the law, and makes a decision based only on the facts and the law. This early letter reflects the Department's attitude that they have made up their mind, and they simply need Mr. Love to submit a stack of paperwork which will be ignored and a filing fee so that they can ignore it all and say, "No."

The same attitude is reflected in comparing the Department's first attempt at a Notice of Planning Department Action, issued on December 1, 2010, with version which is now the base of the appeal. (See Exhibit 9.) The only Conclusion of Law states:

1. Pursuant to LMC section 15-11-12(D)(2) the application must be denied because the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

This shows that just eight weeks ago, the Department was saying that the only reason that the house could not be moved, was because it would cause the building to lose its status as a Landmark site. Now that Mr. Love has responded to the Department's design objections and the Department must acknowledge the house will NOT lose its status as a Landmark site, they have invented a new reason to reject Mr. Love's application.

Staff Analysis:

LMC 15-1-18(G) requires that the HPB shall review factual matters de novo and it shall determine the correctness of Staff's interpretation and application of the Historic District Guidelines and the Land Management Code. Therefore, the HPB shall conduct an original, independent proceeding on the Historic District Guideline Review. This appeal is a separate review with a body of decision makers to make determinations on whether the application meets the requirements of the Historic District Guidelines and the Land Management Code.

Furthermore, the appellant has taken the June 17, 2010 letter out of context. The full June 17, 2010 letter is attached as Exhibit I. The letter was in regards to a plat amendment application that was submitted to the Planning Department. Staff had explained to Mr. Love that an official determination could not be made on the movement of the home without an application. Mr. Love had mentioned to staff that he had interest in appealing the staff feedback that the movement of the home would not be supported.

As explained in LMC Section 15-11-12(A) a Pre-application conference is “for the purpose of determining the general scope of the proposed Development, indentifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.” The pre-application is not the official Historic District/Site Design Review Application, no action is taken and therefore pre-application feedback cannot be appealed. Staff explained how the Applicant can appeal a future staff action, only because he had suggested to Staff that is how he would proceed if the finding was that he could not move the house. The LMC does not allow for declaratory findings. The proposed project did not meet LMC 15-11-12(A)(3)(c) as minor routine maintenance or minor routine construction so the application was not exempt from meeting the LMC requirements 15-11-12(B-E) of the Historic District or Historic Site design review process. This process includes the submittal of a Historic District/Site design review Application pursuant to LMC section 15-11-12(B). Staff has followed the procedures for review and has reviewed the application with the information provided. During pre-application review, it is Staff’s responsibility to identify issues and impacts that will require special attention or mitigation on the part of the Applicant as outlined in LMC 15-11-12(A) and communicate that information to the Applicant. Staff had received additional information regarding the encroachment that modified the pre-application feedback.

Planner Cattan is an impartial decision-maker who made a decision based on the application, the Park City Historic District Design Guidelines, and the Land Management Code. A Planner can only give direction and make decisions based on the application and available facts. The June 17, 2010 letter explains the shift in Staff’s guidance with the pre-application due to the new fact regarding Mr. Love’s ownership of the entire property. To place the ethical accusations on Staff is neither fair nor accurate. It is the obligation of Staff to uphold the Land Management Code and review applications for compliance with the Historic District Design Guidelines.

In response to the last accusation regarding the previous appeal that was withdrawn, this argument is mute. Part of the reason the prior application was denied was because the design did not meet several of the Design Guidelines. Either way, the pre-modified application that was withdrawn was also denied in part for the same reason the amended application has been denied. The application does not meet the requirements to move a Historic Structure. That

finding has not changed. Staff has not “invented a new reason to reject Mr. Love’s application.”

d. The Department was required to identify the encroachment as a design issue at the pre-application planning meeting. They failed to do so.

Land owners are required to attend a pre-application conference with the Department where the Department, among other things, “identif[ies] potential impacts of the Development that may require mitigation . . . and outline[s] the Application requirements.” LMC § 15-11-10(A). Mr. Love and the Department

participated in that conference, the Department and its agents issued published notes from that conference, and at no time did the Department identify any issue with Mr. Love purchasing all of the Properties and conveying some of them to a third party. In fact, they document that he fully disclosed that intention. Consequently, the Department should not be permitted to later manufacture development impacts that were easily foreseeable at the time of the conference, merely to block Petitioner’s application.

Staff Analysis:

Regardless of the veracity of this statement, the application being reviewed is for Historic District Design Review and not the pre-application. HPB’s determination is independent of staff’s decision both of the HDDR and the pre-app. The HPB shall conduct an original, independent proceeding on the Historic District Design Review.

As explained previously, LMC Section 15-11-12(A) states that a pre-application conference is “for the purpose of determining the general scope of the proposed development, indentifying potential impacts of the development that may require mitigation, providing information on City-sponsored incentives that may be available to the applicant, and outlining the application requirements.” The pre-application is not the official Application, no action is taken and therefore pre-application feedback cannot be appealed.

The Applicant did not provide accurate information regarding ownership and the encroachment during the pre-application meeting to the project planner. Without accurate facts, Staff was unable to identify the correct issues. Also, Mr. Love did not fully disclose his intention to sell a portion of the property off to the project planner, Katie Cattan, who managed his project through the City review.

Mr. Love received a pre-application feedback letter from Planner Cattan on May 19, 2010. Within the note Planner Cattan stated:

“Encroachment and Movement of Home. Jeff Love, the applicant, explained that Lot 4 was going to be purchased by a separate owner. The

structure at 811 Norfolk would then be encroaching onto Lot 4. He asked about the movement of the home.

If the lots are not owned by the same person and an encroachment exists for which the owner of the home at 811 Norfolk can not secure an easement, then relocation of the existing home may be considered. Guidelines A.I.1-3 (page 29) and E.I.1-5 (page 36-37) must be followed. Dina Blaes, the preservation consultant, will provide more direction on the movement of the home forward to accommodate a garage entry from the crescent tramway.”

Mr. Love should have informed Staff that not all the facts were stated or accurate in Planner Cattan’s letter. If he had presented all the facts, staff would have been able to provide the Applicant with the appropriate feedback.

In any case, despite the discrepancy in what Ms. Cattan and Ms. Blaes heard regarding the intention with Lot 4 and portion of Lot 5, the Land Management Code requires that the HPB review whether the application meets the Design Guidelines and Land Management Code. The HPB’s determination is independent of staff’s decision. The HPB shall conduct an original, independent proceeding on the Historic District Design Review. Thus, the HPB needs to determine independently what facts the evidence supports and whether the facts meet the criteria which allow for movement of the house.

e. The Department is estopped from opposing the movement of the house.

Prior to purchasing the Properties, Love fully disclosed to the Department his intention to do the following:

1. Purchase the Properties.
2. Split ownership of the Properties.
3. Move the House 6 1/2 feet to the south to cure any encroachment upon Lot 4.

These disclosures are evidenced by the contemporaneous notes of the City's contractor and expert, Ms. Dina Blaes, as shown in Exhibit, wherein she states in relevant part:

Applicant stated a preference for selling off part of the property -- legal lot to the north.

(Blaes' Revised Notes; May 25, 2010; p.1.)

Mr. Love relied upon the Department's pre-HDDR documented support of his proposed design to close on the purchase of the Properties on June 2, 2010. Similarly, the following day he sold Lot 4 and Lot 5 Fragment to Mr. Rodney Ludlow.

Only later, on June 17, 2010, after Mr. Love had relied on the Department's representations to his detriment, did the Department reverse its prior position 180 degrees and accuse Mr. Love of deception, notwithstanding the contemporaneous notes of the City's own expert and the Department's treatment of Mr. Love as the Owner/Owner representative during the pre-application conference. Such turnabouts are inequitable and corrode the public's confidence in the sound operation of our local government. They should not be tolerated or condoned.

The Department should be held to account for statements and positions upon which applicants reasonably rely. On these facts, alone, the HPB should reverse the Department's Decision that Mr. Love may not move the House as proposed.

Staff Analysis:

The Land Management Code requires that the HPB review whether the application meets the Design Guidelines and Land Management Code. The HPB's determination is independent of staff's decision. The HPB shall conduct

an original, independent proceeding on the Historic District Design Review. The HPB may not make its determination on the Appeal because it feels that Staff misled the Appellant. The HPB needs to determine independently what facts the evidence supports and whether the facts meet the criteria which allow for movement of the house.

f. Under any fair reading of the Land Management Code, Petitioner is entitled to move the House.

The current Design Guidelines for Historic Districts and Historic Sites ("DG") provide for the relocation of buildings under the following conditions:

1. If the integrity and significance of the historic building will not be diminished by such action;

AND,

2. The application meets one of three criteria:

- (i) if a portion of the historic building encroaches on an adjacent property and an easement cannot be secured;

OR,

- (ii) if relocating the building onto a different site is the only alternative to demolition;

OR,

- (iii) if the Planning Director and Chief Building Official determine that unique conditions warrant the relocation or reorientation on the existing site.

(DG E.1.1.)

The first criterion (integrity and significance will not be diminished) is not disputed. (See Finding of Fact 10.)

Considering the second, compound/alternative, requirements for relocation, Love is entitled to move the House for either one of two reasons cited above. First, under the first of three alternatives, no easement of record exists and none can be obtained. Consequently, an encroachment now exists and it should be cured. This is recognized in the Design Guidelines wherein it states as follows:

In the HRL, HR1, HR2, HRM, and HRC zones, existing Historic Sites that do not comply with building setbacks are considered valid complying structures. Therefore,

proposals to relocate and/or reorient a historic building
may be considered . . .

(DG E.1.1, sidebar.)

It should be noted, Love did not create the existing encroachment. The encroachment has existed since the House was built over a property boundary line. Mr. Love did not construct the House, and Mr. Love did not plat the current Lots. Consequently, Mr. Love did not "create" the existing encroachment. It predates his ownership.

Alternatively, Love should be permitted under the third alternate criterion (Department discretion to permit movements where there are unique conditions) to move the House to cure the building code violation that arises from an encroaching structure. (See Exhibit 10; IRC 302.1.) This is specifically why the Chief Building Official is mentioned in the third subordinate criterion of the Design Guidelines, above. In denying Love the right to move the House, as allowed by the Design Guidelines, the Department is denying Love the opportunity to comply with the International Residential Code ("IRC") as the Building Department interprets that Code.

Staff Analysis:

Staff has analyzed this criteria above (Movement of the House). Staff determined that movement of the Landmark Structure should be denied because the proposal is not applicable to any of the criteria listed under LMC 15-11-13(A).

g. Movement of the House Results in a Superior Neighborhood Design

The movement of the house relates directly to the design of a home on the Lot upon which the House encroaches -- Lot 4. If the HPB demands the continued encroachment and code problems associated with that encroachment, the owner of Lot 4 will be required to design around that encroachment. The natural result is either an unnaturally narrow new home on Lot 4 or the loss of a front-to-back viewscape through the side yard between Lot 3 and Lot 4. Either one of these design accommodations interrupts the visual rhythm of surrounding house widths and spacing. In other words, movement of the House supports design more consistent with the neighborhood (and historical) norm.

Similarly, movement of the House has no affect whatsoever on the property adjoining Lot 4 and Lot 5 Fragment to the north. The owner of Lot 4 is entitled to normal side yard setbacks to the north, regardless of the setbacks and configuration to the south. Any impact of construction of a new home on the owner to the north can only be exacerbated by not permitting the movement of the House to remove the encroachment.

It is simply good design -- both historic and contemporary -- to permit the movement of the House.

This interrelationship among the properties is expressly recognized by the Department in their historic design review of the house proposed for Lot 4. In that review, the Department expressly takes into consideration the size, height and front-porch elevation of surrounding structures, as well as the lateral distance between adjoining houses. (Exhibit 11.)It is simply disingenuous of the Department to claim, as it has in past appeals of this matter, that neighborhood design considerations are irrelevant.

Staff Analysis:

Staff agrees with the Appellant on the general proposition that the removal of an encroachment while retaining significance as a Landmark Structure is good practice and results in a better neighborhood design. However, the only justifications that allow for movement of historic structures are the four criteria listed under LMC section 15-11-13(A). There are no criteria within the Land Management Code or Design Guidelines that allow for the movement of the home based on improved overall streetscape design.

The Planning Director and Chief Building Official may only allow the movement of a home if they determine that *unique* conditions warrant the relocation of the existing site. They did not find that the encroachment is a unique condition because there are numerous encroachments throughout Old Town.

In the de novo review of this project, Staff suggests that the Historic Preservation Board consider the Appellant's argument and determine whether or not "superior neighborhood design" fits within the criteria for movement of the house and if it determines it does if the proposal achieves superior neighborhood design. As an appeal body, the HPB has the opportunity to look at the issue comprehensively (e.g. the site itself, the relationship of two houses on these two lots, and the best design to maintain the streetscape fabric on Norfolk).

LMC Section 15-11-13 for Relocation and/or reorientation of a historic building or historic structures states "It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

Spacing must be achieved in the design of any new home on Lot 4 regardless of the movement of the Landmark Structure to comply with the Design Guidelines for New Construction regarding spacing, as follows:

Universal Guideline 7 "The size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood."

A.1.1. Locate structures on the site in a way that follows the predominant pattern of historic buildings along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the street.

A.2.1 Lot coverage of new buildings should be compatible with the surrounding Historic Sites.

A.5.4 The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.

B.1.1 The size of a new building, its mass in relation to open space, should be visually compatible with the surrounding Historic Sites.

If the Landmark Structure was moved to remove the encroachment and fit within the setback requirements, there would be a minimum separation between the Landmark Structure and the Infill Structure of six (6) feet. The side yard setback on each Lot is a minimum of three (3) feet. Assuming a plat amendment was approved to remove the lot line between Lot 4 and the portion of Lot 5 creating a 28 foot wide lot, a twenty-two foot wide infill home could be built.

Without an approved HDDR application, it is difficult to evaluate the necessary separation between buildings that would satisfy both the LMC and the design guidelines. For the sake of trying to further analyze the Appellant's argument, Staff has analyzed the minimum separation requirements without evaluating requirements the Design Guidelines. The Landmark Structure encroaches

approximately three feet over the south property line of Lot 4. The International Building Code requires a minimum of three feet of separation between structures without a one hour fire wall provision. The infill structure is also required to have a three foot setback on the north property line. Including the three foot encroachment, 9 feet of setback area would be required in the twenty-eight foot wide lot (again assuming approval of a plat amendment). A nineteen foot wide infill home could be built.

Staff generally concurs with Mr. Love that the relocation of the house would create more consistent streetscape (allowing for ample spacing, light, air, rhythm/pattern of houses). Although Staff concurs with this statement, Staff does not find that it falls within any of the criteria set forth in the design guidelines and LMC for movement of a structure.

The HPB must review the appellant's argument and decide whether or not the SPACING and STREETScape are UNIQUE CONDITIONS THAT WARRANT THE RELOCATION OR REORIENTATION ON THE EXISTING SITE.

h. Consideration of public clamor in a quasi-judicial decision is inappropriate.

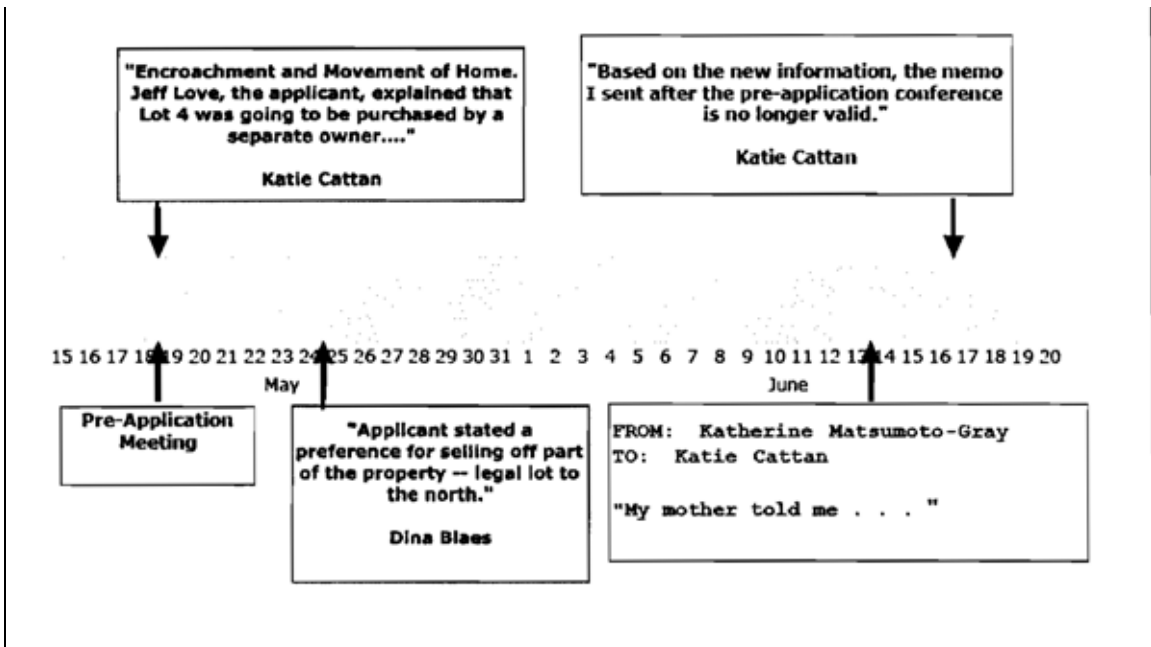
As with any Old Town building issue, there are many third parties with strong opinions. Where a quasi-judicial body is considering applying the existing land management code to a particular piece of property, the Utah Courts have long held that while "there is no impropriety in the solicitation of or reliance on the advice of neighboring landowners, the consent of neighboring landowners may not be made a criterion for the issuance or denial" of an application. Thurston v. Cache County, 626 P.2d 440 (Utah 1981). Consequently, Petitioner requests that any past input not relating to movement of the House be struck from the record and any future public input not relating to movement of the House be barred from the record. In Utah, application of zoning law may not be based on counting noses.

Staff Analysis:

Staff agrees that public clamor is an inappropriate basis for its decisions. The HPB's decision on the appeal should be based on evidence on the record.

i. The Department has been unduly influenced by private, undisclosed communications.

On June 17, 2010, the Department reversed its position in the face of all the evidence to the contrary. The only plausible cause for the Department's spontaneous reversal of its position on Mr. Loves application to move the House, is the contemporaneous, *ex parte* email from Ms. Matumoto-Gray to Ms. Cattan.



Staff Analysis:

Staff strongly disagrees with this statement. Staff has not been unduly influenced by private, undisclosed communication. Prior to June 13, 2010, Katherine Matsumoto-Gray had left a message with the Planning Department asking that Planner Cattan contact her. Planner Cattan saw Katherine’s mother, Cindy Matsumoto, in the Marsac Building. Planner Cattan asked Cindy Matsumoto to let her daughter know that she did not have Katherine’s contact information to contact her. There was no mention of 811 Norfolk Avenue or any other City application during the exchange between Planner Cattan and Cindy Matsumoto. Ms. Matsumoto has no influence over Ms. Cattan’s position. What the Appellant doesn’t include in his timeline is the date that Ms. Cattan discovered that Mr. Love owned the entire property and sold off Lot 4 and a portion of Lot 5 to a development partner without an encroachment agreement.

Furthermore, as stated above, the HPB’s decision should be de novo and independent of Staff’s decision. It is for the HPB to determine whether the encroachment agreement could have been obtained when Lot 4 for sold to Mr. Ludlow or whether there is unique circumstances that exist with this property which allow for movement of the house.

- j. **The Decision is arbitrary, capricious or illegal.**
- k. **The Decision is not supported by substantial evidence in the record.**
- l. **The Decision violates the Fourteenth Amendment (Equal Protection) of the United States Constitution.**
- m. **The Decision violates the Fourteenth Amendment (Procedural and Substantive Due Process) of the United States Constitution.**
- n. **The Decision violates Article I, Section 7 (Due Process) of the Constitution of the State of Utah.**
- o. **The Decision violates Article I, Section 24 (Uniform Operation) of the Constitution of the State of Utah.**

Staff Analysis:

The Appellant doesn't give any explanation for these statements. Staff's decision was based on the submitted application, the Park City Design Guidelines and the Land Management Code. Furthermore, the HPB is making its own independent determination without deference to the Staff decision.

Notice

The noticing requirements of LMC Section 15-1-21 have been met. The property was posted seven (7) days prior to the date set for the appeal, noticing was sent to all parties who received mailed notice for the original administrative action seven (7) days prior to the hearing, and the agenda was published in a newspaper of local circulation once seven (7) days prior to the hearing.

Public Input

Public input was received by staff during the design review process. This input is included as Exhibit J.

Recommendation

Staff recommends that the Historic Preservation Board review the appeal and the Historic District/Site Design Review Application and consider denying the Application for 811 Norfolk based on the following findings of fact and conclusions of law:

Findings of Fact

1. The site is 811 Norfolk Avenue. 811 Norfolk Avenue is listed as a Landmark Site on the Park City Historic Sites Inventory.

2. Since 1905, the property historically consisted of the north half of Lot 2, all of Lots 3 and 4 and the South three (3) feet of Lot 5. The tax ID associated with 811 Norfolk Avenue is SA-138 and is made up of the north half of Lot 2 and all of Lot 3. The tax id associated with all of Lot 4 and the South 3 feet of Lot 5 is SA-139-A. The Landmark Structure on the property sits on Lots 2 and 3 and encroaches 3 feet onto Lot 4.
3. Lot 4 is a lot of record and may be developed.
4. The application was originally submitted to the Planning Department on October 6, 2010. Staff requested additional information from the applicant in order to deem the application complete. The application was deemed complete by the Planning Department on October 28, 2010.
5. The Planning Staff noticed the application pursuant to LMC Section 15-1-12 and 15-1-21. The fourteen (14) day noticing period was completed on November 11, 2010 at 5pm.
6. The Planning Staff provided the applicant with comments regarding the proposed design on November 22, 2010.
7. Revisions to the design were received by the Planning Department on January 13, 2011. The revisions brought many of the previous design issues into compliance with the Design Guidelines except for the outstanding issue of the relocation of the home.
8. The application proposes to relocate the existing Landmark Structure from the original location. The application proposes to move the home six (6') feet to the south and keep the orientation to the street as it has historically been oriented.
9. A Landmark Site must retain the Landmark Designation. Within the LMC Section 15-11-10(A)(1) the criteria for designating Landmark Sites is stated.
10. LMC section 15-11-12 (D)(2) requires that an application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in LMC Section 15-11-10(A)(1). The January 13, 2011 revised design application would result in the Landmark Site meeting the criteria set forth for Landmark Sites.
11. LMC section 15-11-12(D)(1) requires that an application shall be denied if the Planning Department determines that the application does not comply with the Design Guidelines. The application does not comply with one (1) of the Design Guidelines.
12. The application does not comply with the Historic District Design Guideline (HDDG) E.I.I, as follows
"Relocation and/or reorientation of historic buildings should be considered only after it has been determined by the design review team that the integrity and significance of the historic building will not be diminished by such action and the application meets one of the criterion listed in the side bar to the left (as follows). In the HRL, HR1, HRM and HRC zones, existing historic sites that do not comply with building setbacks are considered valid complying structures.

Therefore, proposals to relocate and/or reorient homes may be consider only

1. If a portion of the historic building encroaches on an adjacent property and an easement cannot be secured; or
 2. If relocating the building onto a different site is the only alternative to demolition; or
 3. If the Planning Director and Chief Building Official determine that unique conditions warrant the relocation or reorientation on the existing site.”
13. LMC 15-11-13(A) states the criteria for the relocation of historic buildings on a Landmark Site. It states: “It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or reorientation of Historic Buildings, Structures, and Sites,” and lists the same criteria for consideration of movement of homes as listed in HDDG E.I.I with one (1) additional criterion which states, “The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.”
14. An easement could have been secured for the encroachment of the historic house when the applicant sold Lot 4. An encroachment permit could have been obtained at the time of the sale.
15. County records show that the applicant bought the entire site as it historically existed on June 2, 2010, including Lot 4 and the three (3) feet portion of Lot 5 and that on June 3rd, the applicant sold Lot 4 and the three (3) feet portion of Lot 5 to Rod Ludlow. An encroachment agreement could have been granted as part of the sale on June 3rd, 2010.
16. Furthermore, an easement could have been secured for the encroachment of the historic house based on the applicant and Mr. Ludlow’s development of their properties in conjunction with one another and lack of an arm’s length transaction in the sale.
17. At a January 19, 2011 meeting, the applicant submitted new information to Staff on the history of the lot ownership. Lot 3 was deeded April 23, 1889, From David C. McLaughlin to Frank T. Jones, in Misc Book G, at page 184. Lot 4 was deeded February 5, 1905, From the Estate of David C. McLaughlin to Mrs. Elizabeth Jones, Misc Book M, at page 294. According to this new information, Lot 4 has been owned by the property owners of 811 Norfolk Avenue since February 5, 1905. An encroachment has not existed for 105 years.
18. The Landmark Structure may remain on site and abate demolition.
19. The Chief Building Official did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique building code conditions on the site. There are numerous homes in Park City which encroach over property lines which can be mitigated through spacing, fire sprinkler systems, and building materials.

20. The Planning Director did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique planning conditions on the site. There are examples of historic structures throughout Old Town that encroach onto neighboring properties which can be mitigated through site planning and design solutions.
21. The findings within the analysis section are incorporated within.

Conclusions of Law

1. Pursuant to LMC section 15-11-12(D)(1) the application must be denied because the proposed project does not comply with the Design Guidelines and LMC 15-11-13(A) criteria for the relocation of Historic building and structures on a Landmark Site.

Order:

1. The Design Review application is denied.

Exhibits

Exhibit A – Survey

Exhibit B – September 15, 2010 Pre Application Letter from Staff

Exhibit C – December 1, 2010 Action Letter

Exhibit D – HDDR Revised Plan January 13, 2011

Exhibit E – Action Letter January 26, 2011

Exhibit F – Appeal

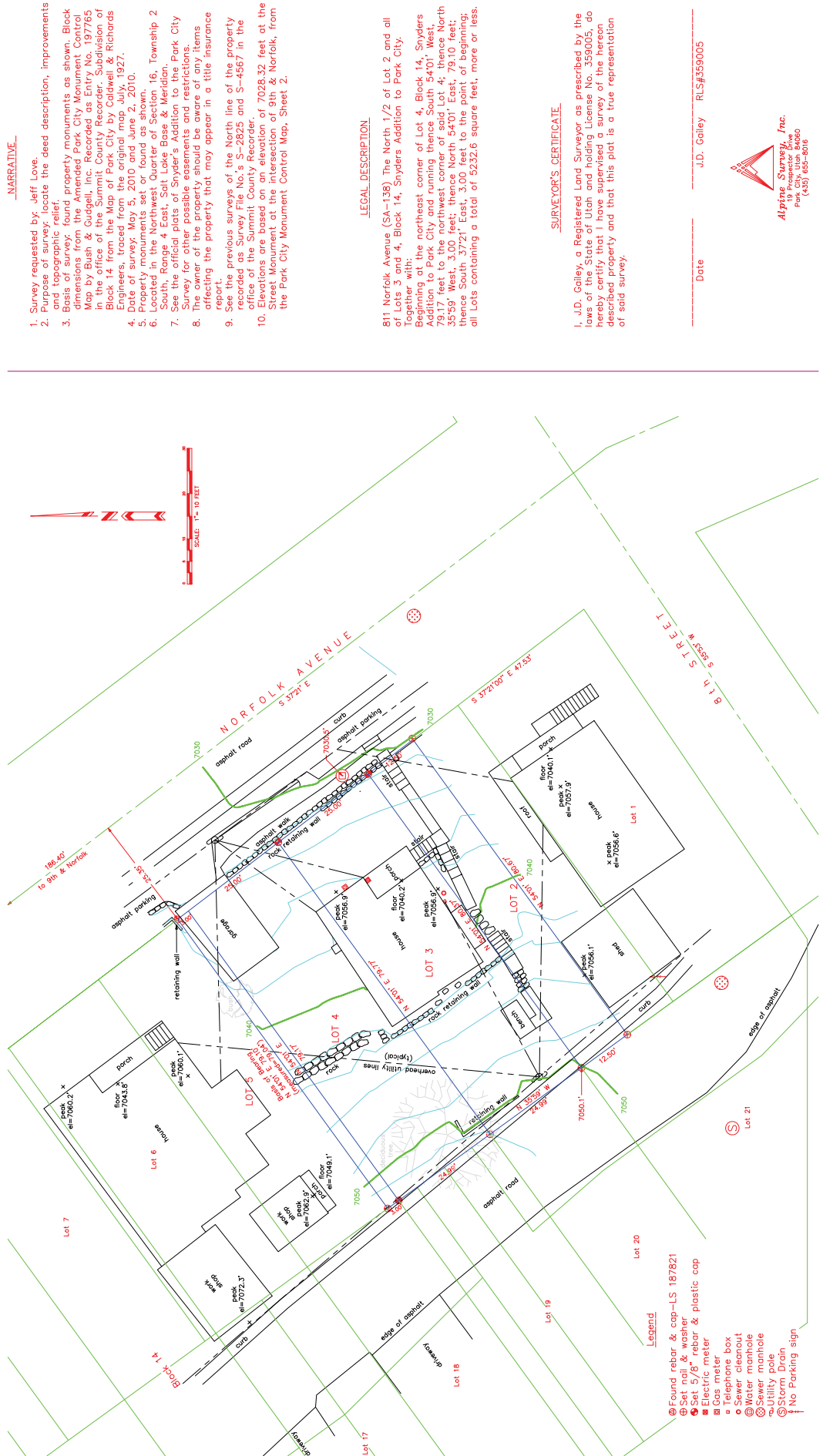
Exhibit G – Additional Submittal from Applicant February 22, 2011

Exhibit H – Historic Sites Inventory Sheet for 811 Norfolk Avenue

Exhibit I – Staff Letter dated June 17, 2010

Exhibit J – Public Input

*Snyder's Addition to the Park City Survey, Block 14,
the North Half of Lot 2, all of Lots 3 & 4
and the South 3 feet of Lot 5*



NARRATIVE

1. Survey requested by: Jeff Love.
2. Purpose of survey: locate the deed description, improvements and topographic relief.
3. Block 14, Snyder's Addition, property monuments as shown. Block dimensions from the Amended Park City Monument Control Map by Bush & Gudgeon, Inc. Recorded as Entry No. 197765 in the office of the Summit County Recorder, Subdivision of Block 14 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
4. Date of survey: May 5, 2010 and June 2, 2010.
5. Property monuments set or found as shown.
6. Elevation datum: North American Vertical Datum of 1988, South Range 4 East Salt Lake Base & Meridian.
7. See the official plats of Snyder's Addition to the Park City Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. See the previous surveys of the North line of the property recorded in the Summit County Recorder's Office in the office of the Summit County Recorder on 5-28-03 and 5-4-07 in the office of the Summit County Recorder on 7-02-03 feet at the Street Monument at the intersection of 9th & Norfolk, from the Park City Monument Control Map, Sheet 2.

LEGAL DESCRIPTION

811 Norfolk Avenue (SA-138) The North 1/2 of Lot 2, and all of Lots 3 and 4, Block 14, Snyder's Addition to Park City. Together with: Beginning at the northeast corner of Lot 4, Block 14, Snyder's Addition to Park City and running thence South 54°01' West, 79.17 feet to the northwest corner of said Lot 4; thence North 35°59' West, 3.00 feet; thence North 54°01' East, 79.10 feet; thence South 37°21' East, 3.00 feet to the point of beginning; all Lots containing a total of 3232.6 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Date _____ J.D. Gailey RLS#359005



Application: 811 Norfolk Avenue HDDR Pre-application

Permit Number: PL-10-00967

Meeting Date: May 19, 2010

This is a Landmark Structure within the Park City Historic Sites Inventory. “Projects involving Landmark Sites must adhere to the strictest interpretation of the Guidelines and must be designed and executed in such a manner as to retain designation as a Landmark Site.” (Design Guidelines for Historic Districts and Historic Sites, page 28)

All of the Universal Guidelines must be followed. (Page 28 – 29)

Garage. The Garage was not built during the historic mining era and therefore should be removed from the Historic Sites Inventory.

Encroachment and Movement of Home. Jeff Love, the applicant, explained that Lot 4 was going to be purchased by a separate owner. The structure at 811 Norfolk would then be encroaching onto Lot 4. He asked about the movement of the home.

If the lots are not owned by the same person and an encroachment exists for which the owner of the home at 811 Norfolk can not secure an easement, then relocation of the existing home may be considered. Guidelines A.I.1-3 (page 29) and E.I.1-5 (page 36-37) must be followed. Dina Blaes, the preservation consultant, will provide more direction on the movement of the home forward to accommodate a garage entry from the crescent tramway.

Basement. Currently there is a partial foundation for the home and no basement. A new foundation should comply with Guidelines B.3.1 –B.3.3. (Page 31). Basement additions are encouraged if they are visually subordinate to historic building when viewed from the primary public right-of-way (D.I. 2) and if they do not obscure or contribute significantly to the loss of historic materials (D.I.3)

Roger Evans of the building department is out of the office this week. Upon his return I will receive his input from his site visit. The movement of the home will require a structural analysis by a certified engineer. A full existing conditions report is required with as built conditions. Dina Blaes, the preservation Consultant stressed that all existing materials should be preserved. This is consistent with Universal Guideline #9 “New additions, exterior alterations, or related new construction should not destroy historic materials, features, and spatial relationships that characterize the site or building” and Guideline E.I.2 “Relocation and/or reorientation of historic buildings should be considered only after it has been determined that the structural soundness of the building will not be negatively impacted.”

TO: Katie Cattan, Project Planner
FROM: Dina Blaes, Preservation Consultant
DATE: May 25, 2010
RE: REVISED NOTES - 811 Norfolk Avenue - DRT Meeting on 5-19-10

GENERAL COMMENTS/QUESTIONS

Description indicates, "rebuild," "disassemble/reassemble" and "relocate."

As per LMC and Design Guidelines - Relocation: Proposals to relocate may be considered if:

1) Portion of building encroaches on an adjacent property and an easement cannot be secured - not the case here - SA-138 includes ½ N of lot 2, lots 3 & 4 of Block 14 Snyder's Addition.

2) If relocating the building onto a different site is the only alternative to demolition - not the case here.

3) If the Planning Director and Chief Building Official determine that unique conditions warrant the relocation on the existing site - Does not appear to meet this criteria, but what is the consensus opinion of the abovementioned officials?

Need to determine "rebuild" as in Reconstruct versus disassemble/reassemble - two different processes. Reconstruction - the property does not meet the underlying requirement of the Chief Building Official's designation that the building is a hazardous or dangerous building pursuant to Section 115.1 of the International Building Code AND that the building cannot be made safe and serviceable through repair.

Disassemble/Reassemble - the information provided is not sufficient to determine if this approach could be considered.

PRE-APP CONFERENCE FORM

HISTORIC CHARACTER

Modest frame cross wing house - raised rubble/stone foundation - paired double-hung sash type windows in gable wing - centered on stem wing is front entry door flanked by sidelights. Typical mix of early bungalow and vernacular PC stylistic elements. Simple forms, unadorned facades, basic fenestration. Simple materials - wood siding - porch roof was modified from dropped hip-roofed inset porch to integrated shed roof form. Minor modifications are reversible.

MEETING NOTES & POST MEETING COMMENTS

Applicant stated a preference for selling off part of the property--legal lot to the north. In that case, a move of the house could be considered, but must still meet the requirements of the LMC to not result in loss of designation and requirements of the Design Guidelines. As promised, I looked at the site (5-19-10 following the meeting) and can say that an application proposing a move of the INTACT house to eliminate the encroachment would meet the guidelines and LMC for consideration, but not a move forward on the lot nor an effort to "straighten" out the house in relation to the side yard lot lines. How a primary structure sits on the lot is integral to its character. A reduction in the side yard, which would result from the

move to the south, has an impact on the elements of integrity defined in the LMC--in particular, setting, feeling, location--and additional reorientation would further impact historic integrity in a negative way.

Disassemble/Reassemble - This is a highly invasive approach resulting in the significant loss of historic material and character and should be avoided, hence the more stringent criteria for consideration set forth in the LMC and design guidelines.

If the applicant goes forward with an application, the Preservation Plan should address moving the building intact unless a licensed structural engineer indicates that the house cannot reasonably be moved intact. Other criteria must be met for an application involving disassembly/reassembly to be considered (See LMC and Design Guidelines). Projects involving disassembly/reassembly are no longer considered when the chief rationale is to ease additional development on the site. For guidance, the applicant should look at 140 Main (Sullivan House) as an example of how to execute a house move & renovation correctly and in keeping with the current design guidelines and LMC. An example that does not achieve sound preservation practices and does not meet the current design guidelines is 147 Ridge Avenue--I realize that the Ridge Avenue project was approved under the 1983 design guidelines, but so was 140 Main--I also realize that 140 Main was an intact move, versus 147 Ridge which was a disassembly/reassembly.

Project impacts noted below were provided before the meeting and based on the packet materials only. After hearing from the potential applicant, the proposed project--move the house south approx 7 feet, build a basement addition, and accommodate a garage on site (accessory structure accessible from Crescent Tramway or under the living space)--still suggests significant impacts on the historic integrity and character of the site and the Preservation Plan should address, in great detail, how any/all impacts will be mitigated. The LMC does not allow for a project approval that results in the site losing its designation as a Landmark Site. Also, staff--including me--need to be available to assist this applicant--if he chooses to go forward with an application--early in the process so that expectations are clear, understood, and concise.

PROJECT IMPACTS

Proposed project would have significant impacts on the property and would likely result in the property no longer meeting the criteria for designation as a Landmark Site. LMC does not allow for proposals that would result in the property losing its status as a Landmark Site.

DESIGN GUIDELINES

Sections of the Design Guidelines with which the application does not need to comply because they are not relevant to the project (based on the information provided by the applicant to date):

None provided due to preliminary nature of the discussion.

Letter



Building • Engineering • Planning

December 1, 2010

Jeff Love
PO Box 1836
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-10-01080
<u>Subject</u>	811 Norfolk
<u>Description</u>	Historic District Design Review Application
<u>Action Taken</u>	Denied
<u>Date of Action</u>	December 1, 2010

On December 1, 2010 the Park City Planning Department Staff made an official determination of Denial of your application based on the following:

Findings of Fact

1. The site is 811 Norfolk Avenue. 811 Norfolk Avenue is listed as a Landmark Site on the Park City Historic Sites Inventory.
2. The application proposes to move the existing Landmark Structure from the original location. The proposal to relocate the historic building does not meet any of the three considerations listed within the Historic District Design Guidelines.
3. As proposed, the Limits of Disturbance would disturb the entire site. The site is intricate to the integrity of the Landmark Structure. By moving the structure and not preserving the front or side yard, the integrity of the site would be lost.
4. Guideline A.1.3 states "Maintain the original path or steps leading to the main entry, in extant." The proposed project moved the location of the original path and the steps leading to the main entry. It also introduces a new set of concrete stairs along the side of the home. The stairs create a modern element to the rustic stairs/retaining that have historically existed along the south side yard.
5. Guideline A.5.1 states "Maintain landscape features that contribute to the character of the site." The small retaining walls within the side yard walkway are a site feature that must be preserved. They are a character defining element of the site. The addition of steps along the side yard does not maintain the historic elements and should not be introduced to the site. The introduction of the

kc

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060

FAX (435) 615-4906



Building • Engineering • Planning

- addition that extends across the width of the back yard impacts the site. These changes impact the integrity of the Landmark site.
6. Staff requested that the applicant modify the plans to not disturb the existing landscape features. Staff requested that the applicant include a mitigation plan that explains how the yard will be protected during construction.
 7. Guideline B.3.2 states “The original placement, orientation, and grade of the historic building should be retained.” Within the proposed application, the site is being completely modified and the integrity is lost. The proposal to relocate the historic building does not meet any of the three considerations listed within the Historic District Design Guidelines.
 8. Guideline D.1.2 states “Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way.” The proposed addition is not visually subordinate to the historic building. There is a three story addition to a single story Landmark Structure. The excavation as proposed will destroy the entire site. The addition must be visually subordinate to the historic building. The new addition engulfs the Landmark structure with the large rear addition that extends the width of the lot and the area below the historic structure.
 9. A Landmark sites must retain the Landmark Designation. Within the LMC Section 15-11-10(A) the criteria for designating historic sites is explained. The criteria for Landmark Sites include age, integrity, and significance. The integrity of the site must be maintained in terms of location, design, setting, materials, workmanship, feeling and association as defined by the Nation Park Service for the National Register of Historic Place. The proposal must also retain its significance in local, regional and national history, architecture, engineering or cultural association with the mining era. The proposed addition and site plan must meet these standards in order for the home to retain its Landmark Status. Within the current application, the addition overwhelms the historic structure and the site and loses the integrity of the site in terms of design, setting, workmanship and feeling. The significance is also jeopardized because the design overwhelms the Landmark Structure, the integrity is lost, and the site no longer relates to the mining era.
 10. The application was originally submitted to the Planning Department on October 6, 2010. Staff requested additional information from the applicant in order to deem the application complete. The application was deemed complete by the Planning Department on October 28, 2010.
 11. The Planning Staff noticed the application pursuant to LMC Section 15-1-12 and 15-1-21. The fourteen day noticing period was completed on November 11, 2010 at 5pm.
 12. The Planning Staff provided the applicant with comments regarding the proposed design on November 22, 2010.



Building • Engineering • Planning

Conclusions of Law

1. Pursuant to LMC section 15-11-12(D)(2) the application must be denied because the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

This letter constitutes a final action by the Planning Department. You may appeal this decision pursuant to LMC Section 15-1-18 within 10 calendar days.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 543-615-5068 or kcattan@parkcity.org.

Sincerely,

A handwritten signature in cursive script that reads "Katie Cattan".

Katie Cattan
Planner

Jonathan DeGray - Architect

January 13, 2011

Park City Municipal Corporation
Planning Department
443 Marsac Avenue
Park City, Utah

Attn: Katie Cattan, Planner

Re: Love Residence
811 Norfolk Avenue

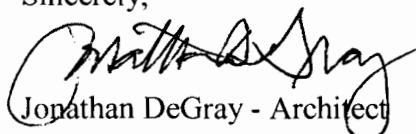
Dear Katie,

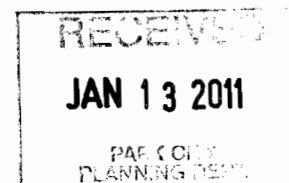
In regard to the pending appeal for 811 Norfolk Avenue I have made several changes to the plans in an effort to show compliance in areas that you have noted as needing to change. Those areas are listed below:

1. The site plan has been revised to relocate the entry steps as they are located on the 1912 photo. See attached photos both 1912 and current. Additionally, the sidewalk originally proposed along the south property line has been removed. See revised site plan on T-1.
2. The stack rock wall along Norfolk is in disrepair. We have proposed to rebuild this wall to more closely match the scale of the wall that appears in the 1912 photo. While this image is difficult to discern in the photo it appears to be a much more substantial wall than the existing wall. Attached is a detail of a stacked rock wall assembly that we propose to use for this walls reconstruction. Also see sheet T-1 of the revised drawings.
3. In an effort to comply with criteria D.3.4 of the guidelines we propose to provide, as part of the construction mitigation plan, assurances that the grade at the side and front yards of the home will be brought back to within 24 inches of the existing contours in all areas that are not otherwise approved for development. A surveyor will re-shoot the grades at completion of finish grading to show the grade meets this requirement.
4. The rear addition has been reduced in width by 3' in order to reduce the mass of the new area in relationship to the historic home. This change reduces the footprint by 45 sq. ft. and the living area by 90 sq. ft.. Attached are updated plans and elevations that reflect this change.

Please note that the revised plans are dated 1/13/11. If you have any questions regarding any of these changes please do not hesitate to contact me.

Sincerely,


Jonathan DeGray - Architect



614 Main Street , Suite 302
P.O. Box 1674 , Park City , Utah 84060 Tel./Fax 435-649-7263
Email: degrayarch@qwestoffice.net Web: www.degrayarchitect.com

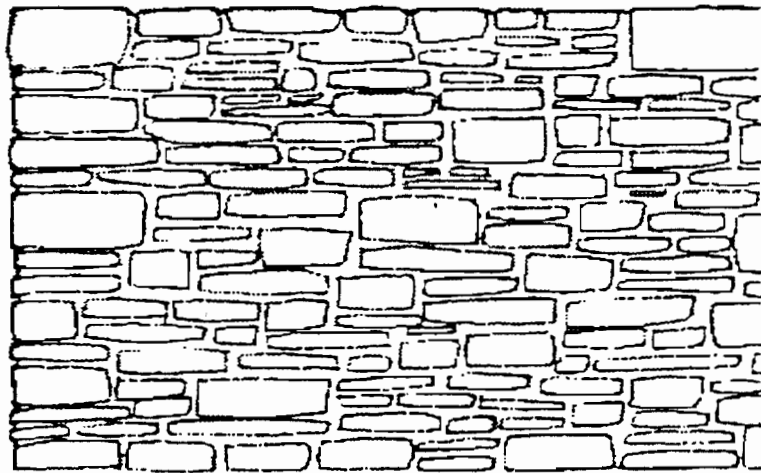
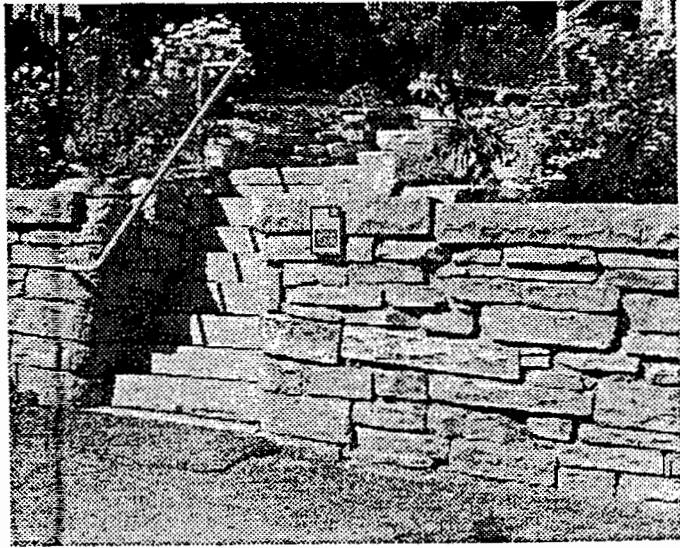


WALL
ENTRY
STAIRS

2161 - 1912

RECEIVED
JAN 13 2011
PARK CITY
PLANNING DEPT.





Squared Rubble

A rubble wall built of squared stones of varying sizes and coursed at every third or fourth stone.

RECEIVED
JAN 13 2011
PARK CITY
PLANNING DEPT.

STACK ROCK WALL DETAIL

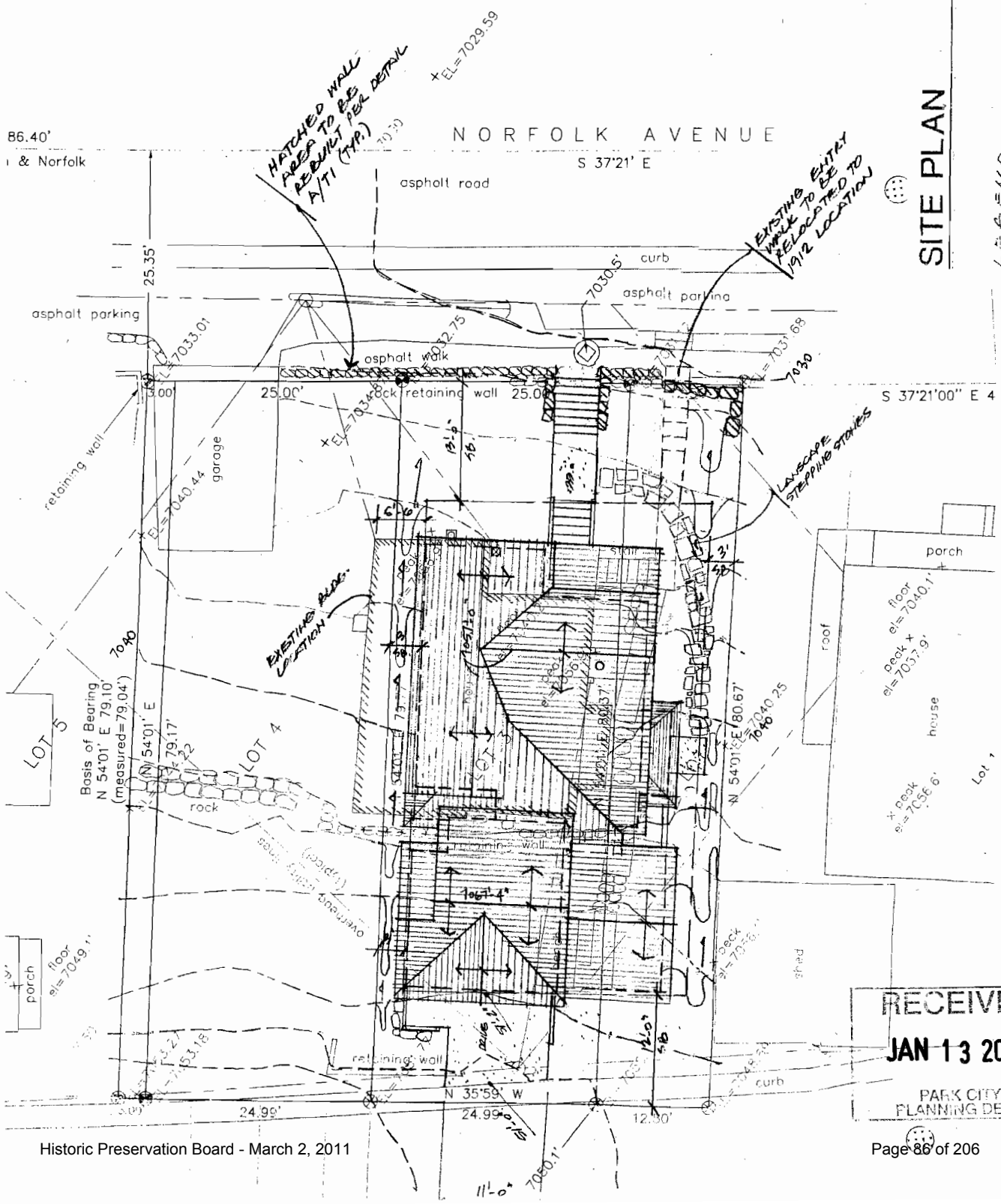


SCALE: 1" = 10.00'

SITE PLAN

LEGEND

- EXISTING CONTOURS ——— 1000 ———
- PROPOSED CONTOURS ——— 1000 ———
- SURFACE DRAINAGE ———>



86.40'

& Norfolk

NORFOLK AVENUE

S 37°21' E

S 37°21'00" E 4

LOT 5
 Basis of Bearing
 N 54°01' E 79.10'
 (measured = 79.04')

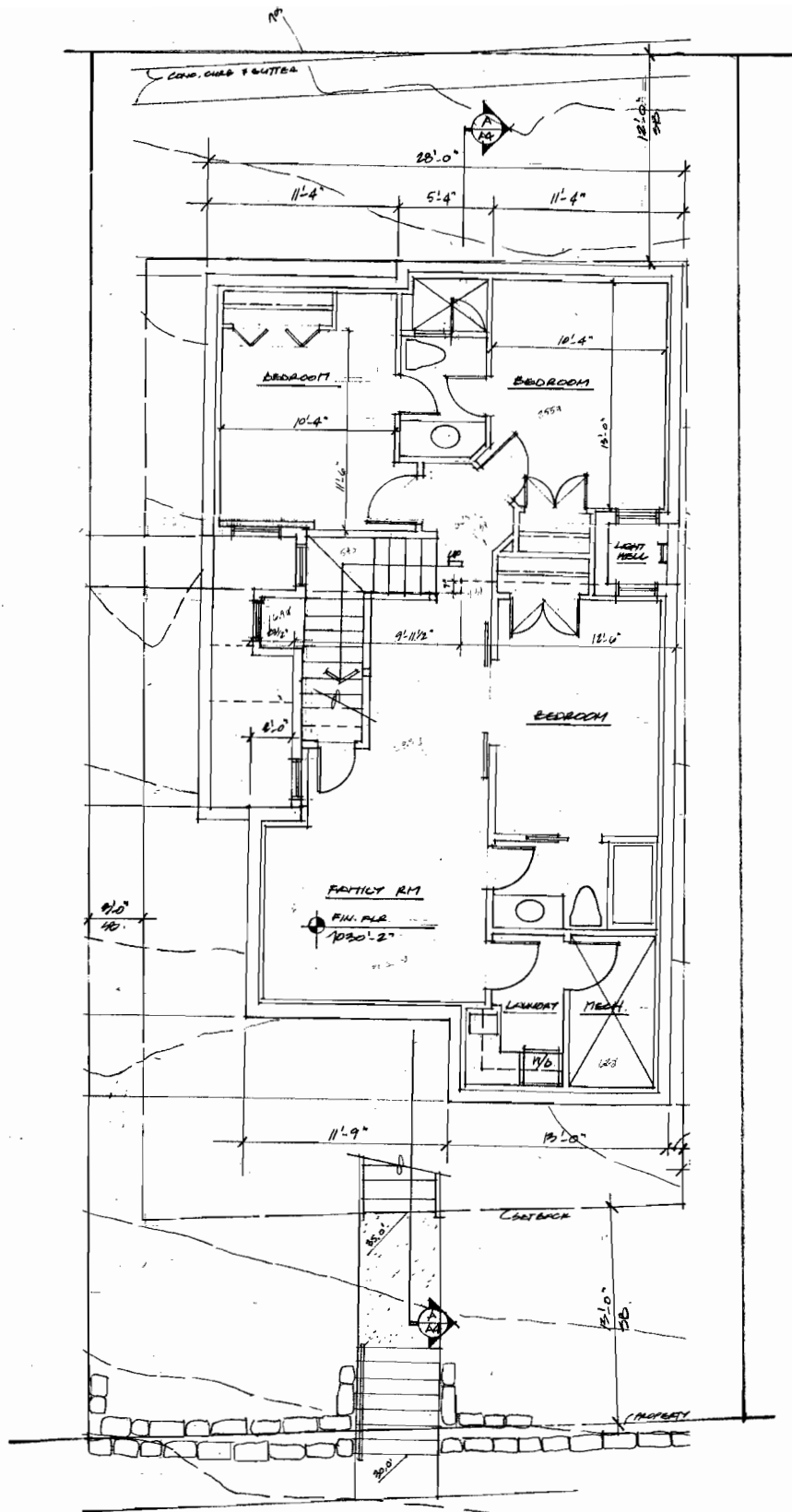
LOT 4

Lot 1

RECEIVED

JAN 13 2011

PARK CITY PLANNING DEPT.

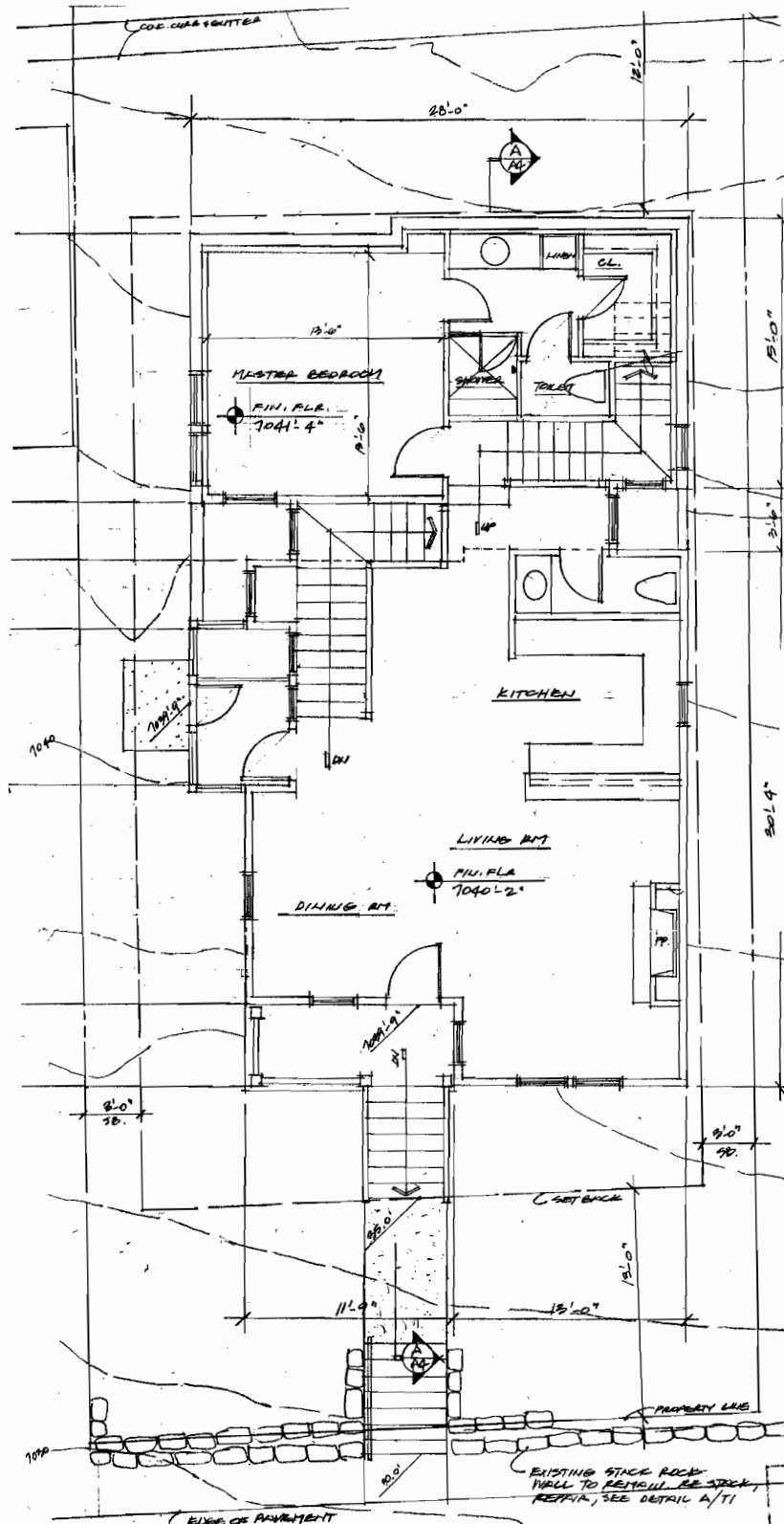


LOWER LEVEL PLAN

NET LIVING 1153.25 sq
 FOOT PRINT 1153.25 sq
 MAX. ALLOWABLE FOOT PRINT 1270 sq

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

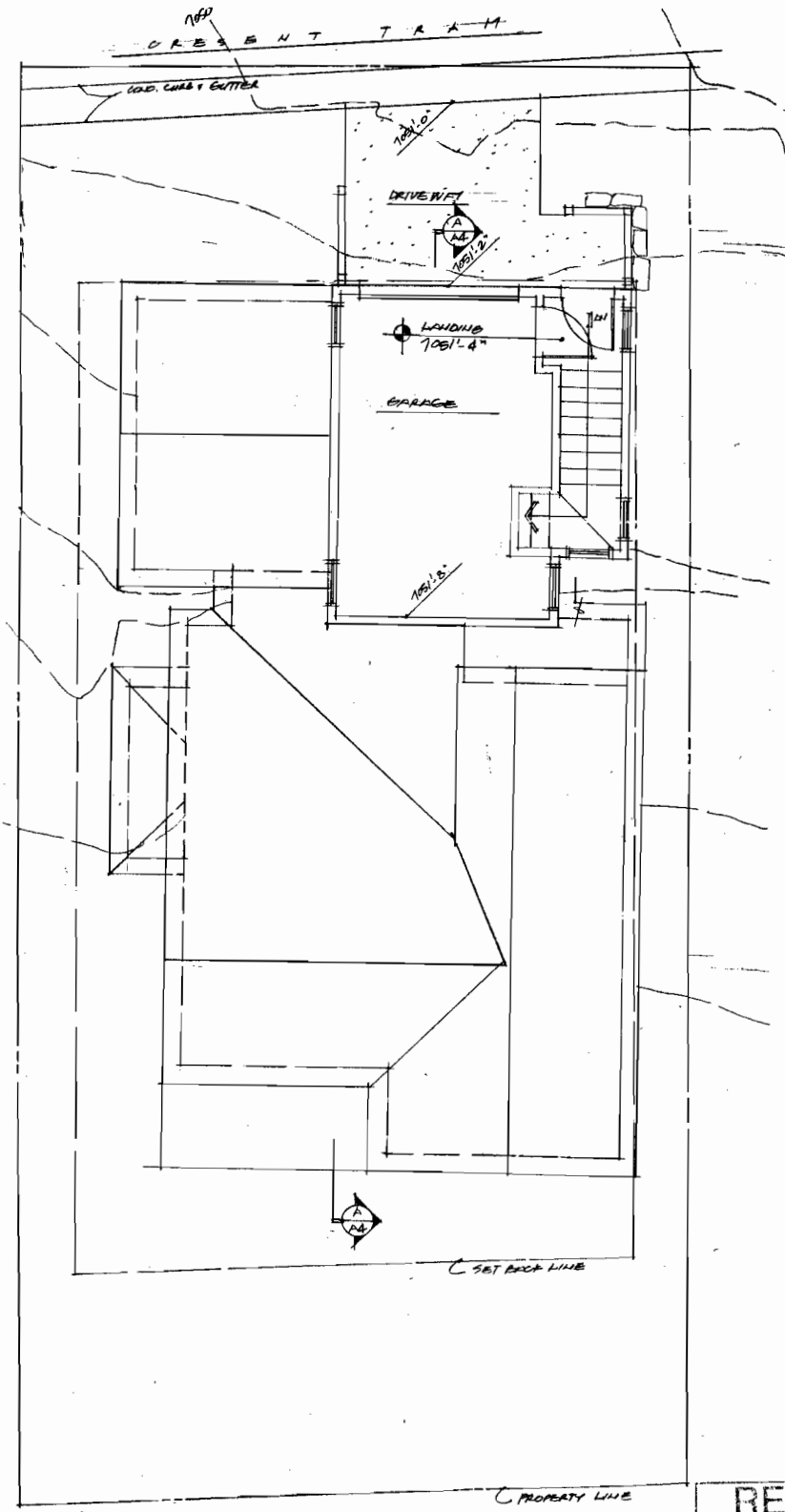




MAIN LEVEL PLAN
 EXISTING LIVING 660'S NEW LIVING 490'S
 SCALE: 1/4" = 1'-0"



RECEIVED
JAN 13 2011
 PARK CITY
 PLANNING DEPT.



UPPER LEVEL PLAN

LIVING AREA 7115 S
 GARAGE AREA 2365 S

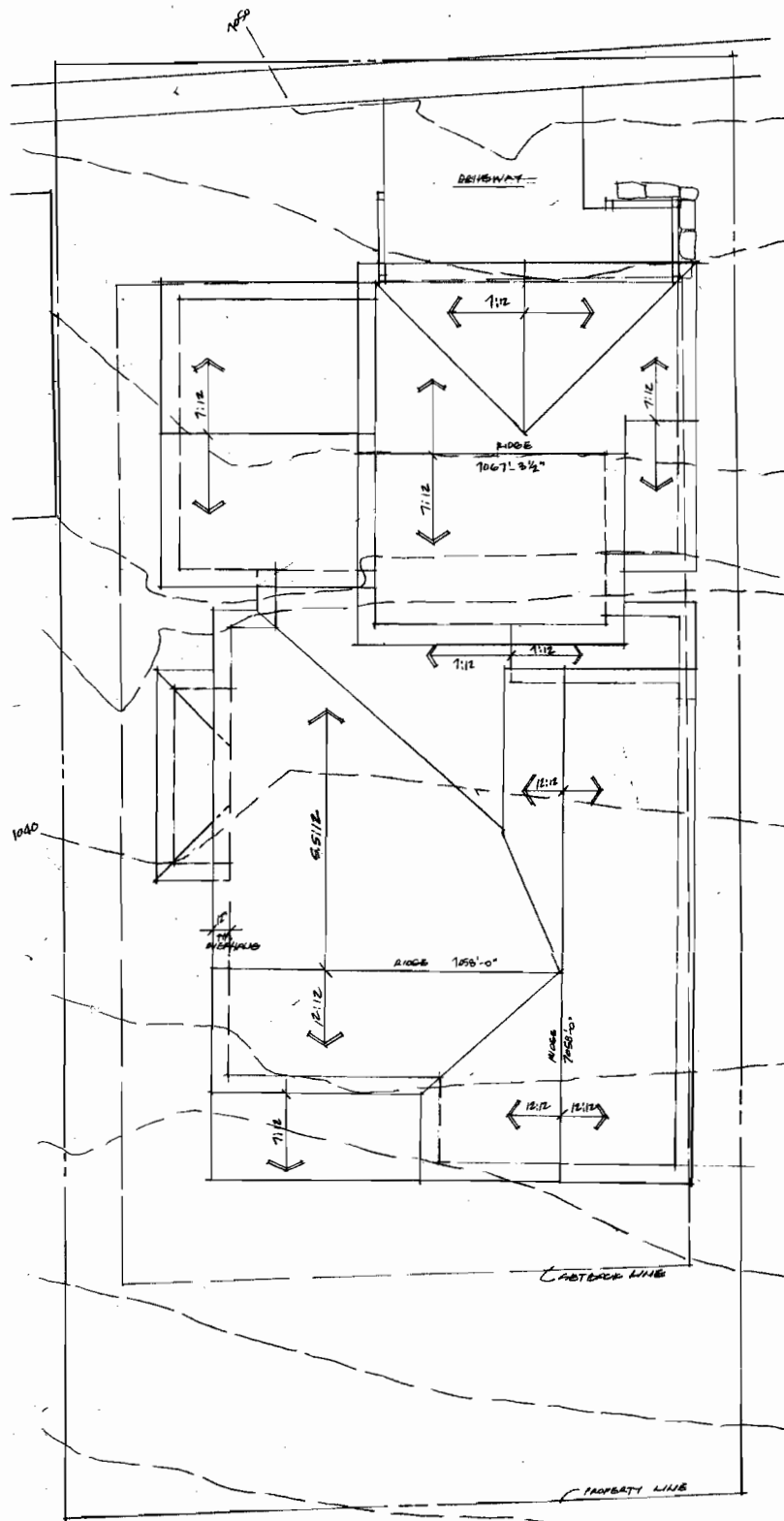
SCALE: 1/4" = 1'-0"



RECEIVED

JAN 13 2011

PARK CITY
 PLANNING DEPT.



ROOF PLAN

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



RECEIVED
JAN 13 2011
 PARK CITY
 PLANNING DEPT.

STANDING SEAM
MET. ROOFING.

ARCHITECTURAL CORR.
ROOFING SHINGLES.

EXISTING 7" DROP SIDING
AT EXISTING.

BOARD AND BATTAN
SIDING AT ADDITION.

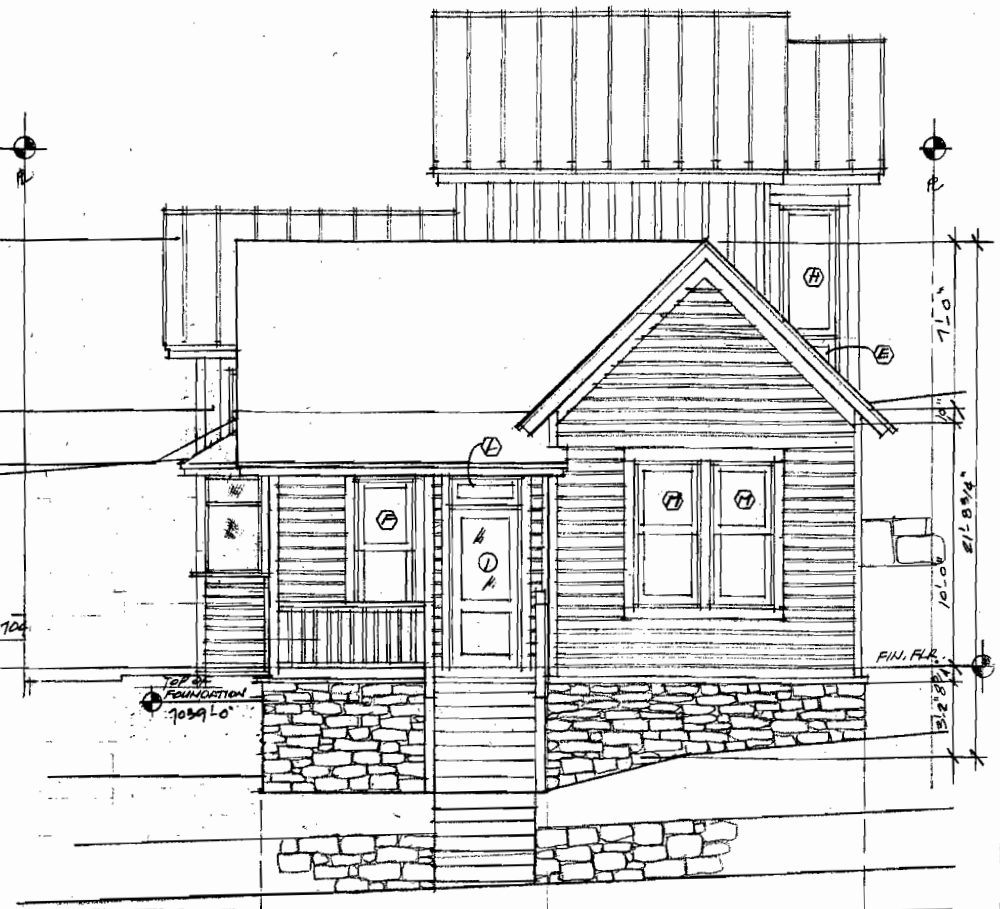
ALUMINUM CLAD
WOOD WINDOWS
AT NEW ADDITION.

PLASTER LVL. 7040-2"

FRAMING LVL. 7040-2"

TOP OF FOUNDATION 7039-10"

FIN. F.L.

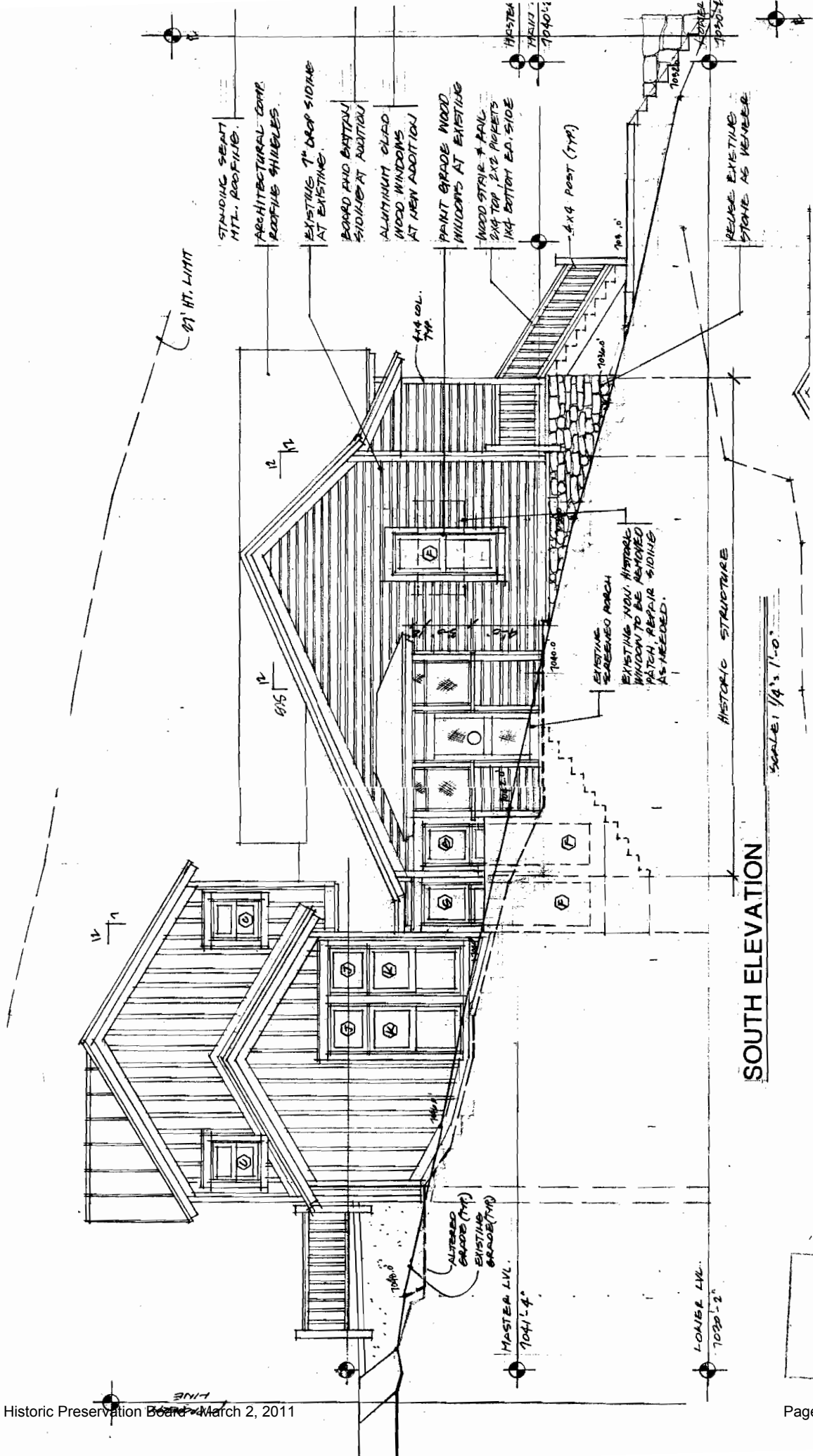


EAST ELEVATION

HISTORIC STRUCTURE

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

RECEIVED
JAN 13 2011
 PARK CITY
 PLANNING DEPT.



SOUTH ELEVATION

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

RECEIVED
 JAN 13 2011
 PARK CITY
 PLANNING DEPT.



Building • Engineering • Planning

January 26, 2011

Jeff Love
PO Box 1836
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-10-01080
<u>Subject</u>	811 Norfolk
<u>Description</u>	Historic District Design Review Application
<u>Action Taken</u>	Denied
<u>Date of Action</u>	January 26, 2011

On January 26, 2011 the Park City Planning Department Staff made an official determination of Denial of your application based on the following:

Findings of Fact

1. The site is 811 Norfolk Avenue. 811 Norfolk Avenue is listed as a Landmark Site on the Park City Historic Sites Inventory.
2. The property historically consisted of the north half of Lot 2, all of Lots 3 and 4 and the South 3 feet of Lot 5. The tax id associated with 811 Norfolk Avenue is SA-138 and is made up of the north half of Lot 2 and all of Lot 3. The tax id associated with all of Lot 4 and the South 3 feet of Lot 5 is SA-139-A. The Landmark Structure on the property sits on Lots 2 and 3 and encroaches 3 feet onto Lot 4.
3. Lot 4 is a lot of record and may be developed.
4. The application was originally submitted to the Planning Department on October 6, 2010. Staff requested additional information from the applicant in order to deem the application complete. The application was deemed complete by the Planning Department on October 28, 2010.
5. The Planning Staff noticed the application pursuant to LMC Section 15-1-12 and 15-1-21. The fourteen day noticing period was completed on November 11, 2010 at 5pm.



Building • Engineering • Planning

6. The Planning Staff provided the applicant with comments regarding the proposed design on November 22, 2010.
7. Revisions to the design were received by the Planning Department on January 13, 2011. The revisions brought many of the previous design issues into compliance with the Park City Historic District Guidelines except for the outstanding issue of the relocation of the home.
8. The application proposes to relocate the existing Landmark Structure from the original location. The application proposes to move the home six feet to the south and keep the orientation to the street as it has historically been oriented.
9. A Landmark sites must retain the Landmark Designation. Within the LMC Section 15-11-10(A)(1) the criteria for designating Landmark Sites is stated.
10. LMC section 15-11-12 (2) requires that an application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in LMC Section 15-11-10(A)(1). The January 13, 2011 revised design application would result in the Landmark Site meeting the criteria set forth for Landmark Sites.
11. LMC section 15-11-12(1) requires that an application shall be denied if the Planning Department determines that the application does not comply with the Historic District Guidelines. The application does not comply with one (1) of the Historic District Design Guidelines.
12. The application does not comply with the Historic District Design Guideline (HDDG) E.1.1, as follows
 - “Relocation and/or reorientation of historic buildings should be considered only after it has been determined by the design review team that the integrity and significance of the historic building will not be diminished by such action and the application meets one of the criterion listed in the side bar to the left (as follows). In the HRL, HR1, HRM and HRC zones, existing historic sites that do not comply with building setbacks are considered valid complying structures. Therefore, proposals to relocate and/or reorient homes may be consider only
 - If a portion of the historic building encroaches on an adjacent property and an easement cannot be secured; or
 - If relocating the building onto a different site is the only alternative to demolition; or
 - If the Planning Director and Chief Building Official determine that unique conditions warrant the relocation or reorientation on the existing site.”



Building • Engineering • Planning

13. LMC 15-11-13 states the criteria for the relocation of historic buildings on a landmark site. It states: "It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or reorientation of Historic Buildings, Structures, and Sites" and lists the same criteria for consideration of movement of homes as listed in HDDG E.1.1 with one additional criteria which states "The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site."
14. An easement could have been secured for the encroachment of the historic house when the applicant sold Lot 4. An encroachment permit could have been obtained at the time of the sale.
15. County records show that the applicant bought the entire site as it historically existed on June 2, 2010, including Lot 4 and the three (3) feet portion of Lot 5 and that on June 3rd, the applicant sold Lot 4 and the three (3) feet portion of Lot 5 to Rod Ludlow. An encroachment agreement could have been granted as part of the sale on June 3rd, 2010.
16. Furthermore, an easement could have been secured for the encroachment of the historic house based on the applicant and Mr. Ludlow's development of their properties in conjunction with one another and lack of an arm's length transaction in the sale.
17. At a January 19, 2011 meeting, the applicant submitted new information to staff on the history of the lot ownership. Lot 3 was deeded April 23, 1889, From David C. McLaughlin to Frank T. Jones, in Misc Book G, at page 184. Lot 4 was deeded February 5, 1905, From the Estate of David C. McLaughlin to Mrs. Elizabeth Jones, Misc Book M, at page 294. According to this new information, Lot 4 has been owned by the property owner of 811 Norfolk Avenue since February 5, 1905. An encroachment has not existed for 105 years.
18. The Landmark structure may remain on site and abate demolition.
19. The Chief Building Official did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique building code conditions on the site. There are numerous homes in Park City which encroach over property lines which can be mitigated through spacing, fire sprinkler systems, and building materials.
20. The Planning Director did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique planning conditions on the site. There are examples of historic structures throughout Old Town that encroach onto neighboring properties which can be mitigated through site planning and design solutions.



Building • Engineering • Planning

21. A preservation plan outlining site mitigation during construction is required. The preservation plan shall include excavation details with least impact to the overall site. Specific details of the lifting of the home during excavation must also be included.

Conclusions of Law

1. Pursuant to LMC section 15-11-12(D)(2) the application must be denied because the proposed project does comply with the Historic District Guidelines or LMC 15-11-13.

This letter constitutes a final action by the Planning Department. You may appeal this decision pursuant to LMC Section 15-1-18 within 10 calendar days.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 543-615-5068 or kcattan@parkcity.org.

Sincerely,

A handwritten signature in blue ink that reads "Katie Cattan".

Katie Cattan
Planner

February 7, 2011

Park City Municipal Corporation Planning Department
Park City, Utah

VIA HAND DELIVERY

RE: Appeal of Notice of Planning Department Action;
Application # PL-10-01080

I. Statement of Appeal

This is an appeal of the Park City Municipal Corporation Planning Department Staff Notice of Planning Department Action (hereinafter, "Decision" or "Staff Decision") dated January 26, 2011, and attached hereto as Exhibit 1.

This appeal is taken before the Historic Preservation Board pursuant to Park City Land Management Code (hereinafter, "LMC") Sections 15-1-8, LMC 15-1-18(A), and LMC 15-11-12(E).

Name of Petitioner: Jeff love

Address: P.O. Box 1836
Park City, Utah 84060

Telephone: (435) 602-0138

Relationship to
subject Property: Owner

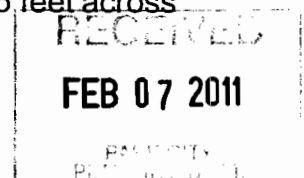
2. Procedural History

On May 4, 2010, Mr. Jeff Love ("Love") contracted to purchase the following property, part of Block 14, Snyder's Addition to the Park City Survey:

- The north one-half of Lot 2 ("Lot 2 Fragment")
- Lots 3.
- Lot 4.
- The southern three feet of Lot 5. ("Lot 5 Fragment")

(Collectively, the "Properties.")

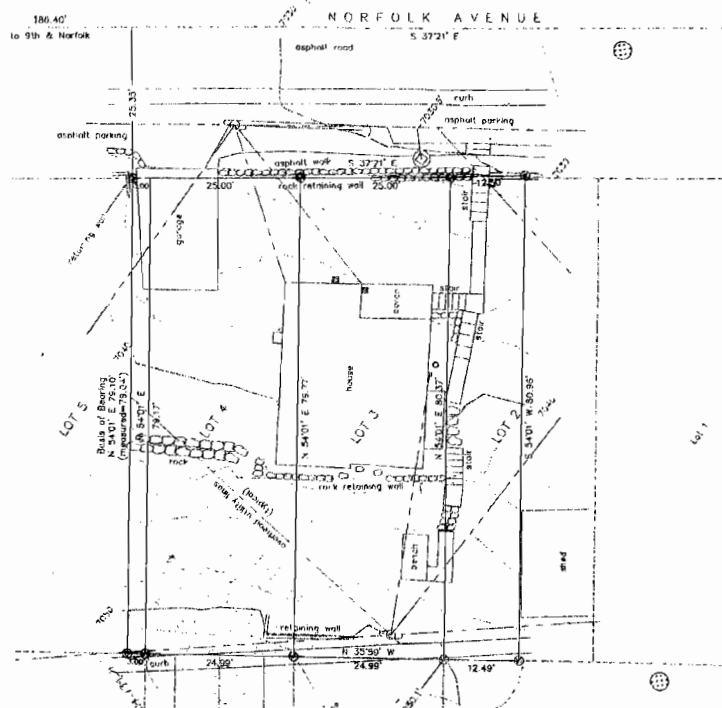
The Properties are the site of a single family dwelling (the "House"). The House sits primarily on Lot 3 and encroaches approximately 2.5 to 3.5 feet across



the southern boundary line of Lot 4. The House is a Landmark Structure on the Park City Historic Sites Inventory.

The Properties are also the site of a garage, which sits upon Lot 4 and the Lot 5 Fragment.

The Properties and the improvements to the Properties are shown in the attached Exhibit 2.



On May 13, 2010, Love submitted a pre-HDDR application for all of the Properties (PL-10-00967). The application sought preliminary review of a project to move the existing House 6 1/2 feet to the south to cure the pre-existing encroachment. The application also included a non-historic addition to the House, and construction of a new single family dwelling on Lot 4. Mr. Love was the only Owner/Owner representative identified on the pre-application.

On May 19, 2010, Love attended a pre-application conference among the following individuals:

- Katie Cattan
- Dina Blaes
- Kayla Sintz
- Dale Nichols
- Brooks Robinson

- John DeGray, representative of Petitioner
- Jeff Love (Love's design professional), via telephone

Under the LMC, the owner or owner's representative is required to attend the pre-application meeting:

(A) PRE-APPLICATION CONFERENCE.

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

At the time of that meeting, Love was the contract buyer of all of the Properties, and had not yet closed on the purchase. He and his design professional were the only parties attending in representation of the "Owner and/or Owner's representative." At the meeting, Mr. Love disclosed that he would be the taking title to Lot 4 and conveying it to a third party. That is why Mr. Love was permitted to participate in a pre-application conference that requires attendance of the "Owner and/or Owner's representative."

After the pre-HDDR meeting, Ms. Cattan issued the following minutes:

Encroachment and Movement of Home. Jeff Love, the applicant, explained that Lot 4 was going to be purchased by a separate owner. The structure at 811 Norfolk would then be encroaching onto Lot 4. He asked about the movement of the home.

If the lots are not owned by the same person and an encroachment exists for which the owner of the home at 811 Norfolk can not secure an easement, then relocation of the existing home may be considered. Guidelines A.I.1-3 (page 29) and E.I.1-5 (page 36-37) must be followed. Dina Blaes, the preservation consultant, will provide more direction on the movement of the home forward to accommodate a garage entry from the crescent tramway.

(Exhibit 3.)

Ms. Dina Blaes is an agent of the Department. On May 25, 2010, Ms. Blaes issued notes from the same pre-application conference, stating in part as follows:

MEETING NOTES & POST MEETING COMMENTS
Applicant stated a preference for selling off part of the property--legal lot to the north. In case, a move of the house could be considered, but must still meet the requirements of

(Exhibit 4.)

Mr. Love relied upon the Department's well-documented, pre-application support for relocation of the House to close on the purchase of the Properties on June 2, 2010. The following day he sold Lot 4 and Lot 5 Fragment to Mr. Rodney Ludlow, as he had told the Planning Department he would do in his pre-application conference. No easement permitting encroachment of the house was reserved. The sale to Mr. Ludlow was an arm's length transaction for value. (See Exhibit 5; Ludlow Affidavit.)

A few weeks later, on June 14, 2010, Ms. Cattan received an email from the neighboring landowner to the north, Ms. Katherine Matsumoto-Gray. The letter begins as follows:

Katie Cattan

From: Katherine Matsumoto-Gray [kmatsumotogray@gmail.com]
Sent: Monday, June 14, 2010 7:54 AM
To: Katie Cattan
Cc: Ken Martz; Kayla Sintz; Thomas Eddington; Brooks Robinson
Subject: 811/817 Norfolk

Hi Katie (cc'd planning staff and Ken Martz),

My mother told me that you don't have my contact information -- here's my email; my cell number is 901-0405.

(See Exhibit 6.)

Ms. Matsumoto-Gray's mother, referenced in the opening paragraph of the email, is Park City Councilwoman, Ms. Cindy Matsumoto.

This communication was disclosed to Mr. Love and his attorney only after Mr. Love filed a GRAMA request demanding copies of all communications regarding his application.

Just three days after receiving Ms. Matsumoto's email, on June 17, 2010, Ms. Cattan issued a letter to Mr. Love (Exhibit 7). In that letter, Ms. Cattan completely reverses the Department's position on Mr. Love's application and accuses Mr. Love of lying. Specifically, Ms. Cattan makes the following allegations:

- Mr. Love provided incomplete and inaccurate information to the Department.
- Mr. Love created the encroachment of the existing House upon the existing platted Lot 4 by virtue of selling Lot 4 to Mr. Ludlow.
- Staff was reversing its earlier position and had now decided to oppose movement of the House.
- To appeal this determination, Mr. Love would be required to incur the expense of a complete application for an HDDR. Otherwise, he would waive all rights of appeal.

Mr. Love, at great expense, assembled and submitted the HDDR application demanded by Ms. Cattan on October 6, 2010. The amended application was deemed complete on October 28, 2010.

A "design review meeting" of the "Design Review Team" ("DRT") was held on November 17, 2010. Mr. Love, a necessary member of the DRT was not invited to attend. That meeting resulted in denial of Mr. Love's request to move the House 6 1/2 feet to the south and the issuance of a Notice of Planning Department Action.

On December 1, 2010, the Planning Department denied Mr. Love's application, alleging Mr. Love's proposed design and removal of the encroachment would result in the site "no longer meeting the criteria" of a Landmark Site.

Mr. Love appealed the December 1, 2010, decision.

The Department improperly noticed the appeal hearing with incorrect dates on the mailed notice of hearing and the posted notice of hearing. The improper noticing was brought to the Department's attention by Mr. Love, at which time Mr. Love requested that the hearing be rescheduled and properly noticed.

In the meantime, Mr. Love and his design professional submitted minor design revisions.

During the delay in rescheduling the hearing, the Department conducted another Design Review Team meeting. Mr. Love and his design professional were invited to attend and participate in that DRT meeting. Even though Mr. Love is a member of the DRT under the LCM, and even though the Design Review

Guidelines govern movement of the house, Mr. Love and his representatives were asked to leave when the DRT considered the portion of the application calling for movement of the House.

On January 26, 2011, the Department issued the Notice of Planning Department Action from which Mr. Love now appeals.

Finally, it is Petitioner's undisputed position that the House suffers structural weaknesses that can only be remediated through a temporary lift of the existing structure in order to shore underlying supports and structures. (See Exhibit 8; expert report of Architect Sandra Secrest Hatch.)

3. Standards of Review

Pursuant to LMC 15-11-12(E), this appeal is a quasi-judicial, *de novo* review by the Historic Planning Board ("HPB") of the Decision by the Planning Department.

- The HPB may take any and all evidence into consideration in its review of the Decision.
- The HPB is charged with making an independent determination of the suitability of Petitioner's application.
- Mr. Love is entitled to an impartial decision maker.
- Public clamor should not bear on the decision.
- Mr. Love is entitled to know and examine the substance of any discussions by City employees and officers with anyone regarding his application:

3- 1- 6. EX PARTE COMMUNICATIONS.

(A) No City officer or employee who has the power to act on a pending quasi-judicial matter shall encourage, make or accept any ex parte or other unilateral application or communication that includes the interests of other parties in a quasi-judicial matter under consideration when such application or communication is designed to influence the official decision or conduct of the officer or other officers, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of him or herself or others. The purpose of this provision is to guarantee that all interested parties to any quasi-judicial matter shall have equal opportunity to express and represent their interests.

(B) Any written ex parte communication received by an official or employee in matters where all interested parties should have an equal opportunity for a hearing shall be made a part of the record by the recipient.

(C) Any oral ex parte communication received under such conditions should be

written down in substance by the recipient and also be made a part of the record.

(D) A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

LMC § 3-1-6.

Violation of these provision constitutes, at the very least, a Class B misdemeanor.

3-5-2. PENALTIES.

In addition to any other penalties or remedies provided by law, any violation of the provisions of this Title shall result in the following:

(A) A cause for suspension, removal from office or employment or other disciplinary action after notice and hearing conducted by the appropriate appointed authority, or in the case of the Council, a majority of the City Council;

(B) Be found guilty of:

(1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;

(2) a felony of the third degree if:

(a) the total value of the compensation, conflict of interest, or assistance is more than \$250, but not more than \$1,000; or

(b) the elected or appointed City officer or employee has been twice before convicted of violation of this Title and the value of the conflict of interest, compensation, or assistance was \$250 or less;

(3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or

(4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

(C) Any contract or subcontract entered into pursuant to that transaction without returning any party of the consideration received by the City may be rescinded or void.

LMC § 3-5-2.

4. Undisputed Findings of Fact

The Following Findings of Fact included in the Notice of Planning Department Action are not disputed:

3. Lot 4 is a lot of record and may be developed.

It is undisputed that Lot 4 is a lot of record on which the owner may construct an additional single family home.

10. LMC section 15-11-12 (2) requires that an application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in LMC Section 15-11-10(A)(1). The January 13, 2011 revised design application would result in the Landmark Site meeting the criteria set forth for Landmark Sites.

And it is undisputed that movement of the house, as requested by Mr. Love, will not result in loss of Landmark status.

5. Bases for Appeal

- a. **These Findings of Fact of the Notice of Planning Department Action are unsupported by any evidence of record or the Findings of Fact are contrary to any evidence of record.**

14. An easement could have been secured for the encroachment of the historic house when the applicant sold Lot 4. An encroachment permit could have been obtained at the time of the sale.

15. County records show that the applicant bought the entire site as it historically existed on June 2, 2010, including Lot 4 and the three (3) feet portion of Lot 5 and that on June 3rd, the applicant sold Lot 4 and the three (3) feet portion of Lot 5 to Rod Ludlow. An encroachment agreement could have been granted as part of the sale on June 3rd, 2010.

16. Furthermore, an easement could have been secured for the encroachment of the historic house based on the applicant and Mr. Ludlow's development of their properties in conjunction with one another and lack of an arm's length transaction in the sale.

Each of these three findings of fact is contradicted by the Affidavit of Rodney C. Ludlow. Mr. Ludlow, buyer and owner of Lot 4, explains that Lot 4 was purchased in an arms-length-transaction for value and an easement for an encroachment was rejected at the time of the transaction.

17. At a January 19, 2011 meeting, the applicant submitted new information to staff on the history of the lot ownership. Lot 3 was deeded April 23, 1889, From David C. McLaughlin to Frank T. Jones, in Misc Book G, at page 184. Lot 4 was deeded February 5, 1905, From the Estate of David C. McLaughlin to Mrs. Elizabeth Jones, Misc Book M, at page 294. According to this new information, Lot 4 has been owned by the property owner of 811 Norfolk Avenue since February 5, 1905. An encroachment has not existed for 105 years.

This Finding of Fact is disproved by the very facts cited to support it. The Department recites that Lot 3 was owned by Frank Jones and Lot 4 was owned by Elizabeth Jones, and then concludes they are and were owned by the same person. Simply put, Frank Jones is not Elizabeth Jones.

19. The Chief Building Official did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique building code conditions on the site. There are numerous homes in Park City which encroach over property lines which can be mitigated through spacing, fire sprinkler systems, and building materials.

The Departments assertion in paragraph 19 is a bald assertion unsupported by any fact. The Department fails to cite a single example to support Finding of Fact 19, let alone "numerous" examples. Simply saying it, doesn't make it true.

20. The Planning Director did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique planning conditions on the site. There are examples of historic structures throughout Old Town that encroach onto neighboring properties which can be mitigated through site planning and design solutions.

The Departments assertion in paragraph 20 is a bald assertion unsupported by any fact. The Department fails to cite a single example to support Finding of Fact 20. Simply saying it, doesn't make it true.

b. The Department's Findings of Fact are Wrong. Consequently, it's decision is wrong.

Utah law requires that the decision of the Department be supported by substantial evidence. Substantial evidence is facts that are true, not unsupported allegations or invented facts. Where the Findings of Fact on which the Department bases its decision are invented or patently wrong, the Conclusions of Law and decisions on which they are based are equally wrong.

- c. **The Department pre-determined its decision and then sought to justify that decision, regardless of the facts.**

On June 17, 2010, Ms. Cattan directed Mr. Love to prepare a complete HDDR application solely for the purpose of the Department's disapproval:

As for your pre-HDDR (PL-10-00967), due to these circumstances, staff will not support the movement of the Landmark Structure located at 811 Norfolk Avenue. If you wish to appeal this determination, you will have to submit a complete application for an HDDR and staff will issue an action letter. You will have ten (10) days from the date of that letter to appeal staff's determination to the Historic Preservation Board.

Mr. Love is entitled to an impartial decision maker who considers all of the facts and all of the law, and makes a decision based only on the facts and the law. This early letter reflects the Department's attitude that they have made up their mind, and they simply need Mr. Love to submit a stack of paperwork which will be ignored and a filing fee so that they can ignore it all and say, "No."

The same attitude is reflected in comparing the Department's first attempt at a Notice of Planning Department Action, issued on December 1, 2010, with version which is now the base of the appeal. (See Exhibit 9.) The only Conclusion of Law states:

1. Pursuant to LMC section 15-11-12(D)(2) the application must be denied because the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

This shows that just eight weeks ago, the Department was saying that the only reason that the house could not be moved, was because it would cause the building to lose its status as a Landmark site. Now that Mr. Love has responded to the Department's design objections and the Department must acknowledge the house will NOT lose its status as a Landmark site, they have invented a new reason to reject Mr. Love's application.

- d. **The Department was required to identify the encroachment as a design issue at the pre-application planning meeting. They failed to do so.**

Land owners are required to attend a pre-application conference with the Department where the Department, among other things, "identif[ies] potential impacts of the Development that may require mitigation . . . and outline[s] the Application requirements." LMC § 15-11-10(A). Mr. Love and the Department

participated in that conference, the Department and its agents issued published notes from that conference, and at no time did the Department identify any issue with Mr. Love purchasing all of the Properties and conveying some of them to a third party. In fact, they document that he fully disclosed that intention. Consequently, the Department should not be permitted to later manufacture development impacts that were easily foreseeable at the time of the conference, merely to block Petitioner's application.

e. **The Department is estopped from opposing the movement of the house.**

Prior to purchasing the Properties, Love fully disclosed to the Department his intention to do the following:

1. Purchase the Properties.
2. Split ownership of the Properties.
3. Move the House 6 1/2 feet to the south to cure any encroachment upon Lot 4.

These disclosures are evidenced by the contemporaneous notes of the City's contractor and expert, Ms. Dina Blaes, as shown in Exhibit, wherein she states in relevant part:

Applicant stated a preference for selling off part of the property -- legal lot to the north.

(Blaes' Revised Notes; May 25, 2010; p.1.)

Mr. Love relied upon the Department's pre-HDDR documented support of his proposed design to close on the purchase of the Properties on June 2, 2010. Similarly, the following day he sold Lot 4 and Lot 5 Fragment to Mr. Rodney Ludlow.

Only later, on June 17, 2010, after Mr. Love had relied on the Department's representations to his detriment, did the Department reverse its prior position 180 degrees and accuse Mr. Love of deception, notwithstanding the contemporaneous notes of the City's own expert and the Department's treatment of Mr. Love as the Owner/Owner representative during the pre-application conference. Such turnabouts are inequitable and corrode the public's confidence in the sound operation of our local government. They should not be tolerated or condoned.

The Department should be held to account for statements and positions upon which applicants reasonably rely. On these facts, alone, the HPB should reverse the Department's Decision that Mr. Love may not move the House as proposed.

- f. **Under any fair reading of the Land Management Code, Petitioner is entitled to move the House.**

The current Design Guidelines for Historic Districts and Historic Sites ("DG") provide for the relocation of buildings under the following conditions:

1. If the integrity and significance of the historic building will not be diminished by such action;

AND,

2. The application meets one of three criteria:

- (i) if a portion of the historic building encroaches on an adjacent property and an easement cannot be secured;

OR,

- (ii) if relocating the building onto a different site is the only alternative to demolition;

OR,

- (iii) if the Planning Director and Chief Building Official determine that unique conditions warrant the relocation or reorientation on the existing site.

(DG E.1.1.)

The first criterion (integrity and significance will not be diminished) is not disputed. (See Finding of Fact 10.)

Considering the second, compound/alternative, requirements for relocation, Love is entitled to move the House for either one of two reasons cited above. First, under the first of three alternatives, no easement of record exists and none can be obtained. Consequently, an encroachment now exists and it should be cured. This is recognized in the Design Guidelines wherein it states as follows:

In the HRL, HR1, HR2, HRM, and HRC zones, existing Historic Sites that do not comply with building setbacks are considered valid complying structures. Therefore,

proposals to relocate and/or reorient a historic building
may be considered . . .

(DG E.1.1, sidebar.)

It should be noted, Love did not create the existing encroachment. The encroachment has existed since the House was built over a property boundary line. Mr. Love did not construct the House, and Mr. Love did not plat the current Lots. Consequently, Mr. Love did not “create” the existing encroachment. It predates his ownership.

Alternatively, Love should be permitted under the third alternate criterion (Department discretion to permit movements where there are unique conditions) to move the House to cure the building code violation that arises from an encroaching structure. (See Exhibit 10; IRC 302.1.) This is specifically why the Chief Building Official is mentioned in the third subordinate criterion of the Design Guidelines, above. In denying Love the right to move the House, as allowed by the Design Guidelines, the Department is denying Love the opportunity to comply with the International Residential Code (“IRC”) as the Building Department interprets that Code.

g. Movement of the House Results in a Superior Neighborhood Design

The movement of the house relates directly to the design of a home on the Lot upon which the House encroaches -- Lot 4. If the HPB demands the continued encroachment and code problems associated with that encroachment, the owner of Lot 4 will be required to design around that encroachment. The natural result is either an unnaturally narrow new home on Lot 4 or the loss of a front-to-back viewscape through the side yard between Lot 3 and Lot 4. Either one of these design accommodations interrupts the visual rhythm of surrounding house widths and spacing. In other words, movement of the House supports design more consistent with the neighborhood (and historical) norm.

Similarly, movement of the House has no affect whatsoever on the property adjoining Lot 4 and Lot 5 Fragment to the north. The owner of Lot 4 is entitled to normal side yard setbacks to the north, regardless of the setbacks and configuration to the south. Any impact of construction of a new home on the owner to the north can only be exacerbated by not permitting the movement of the House to remove the encroachment.

It is simply good design -- both historic and contemporary -- to permit the movement of the House.

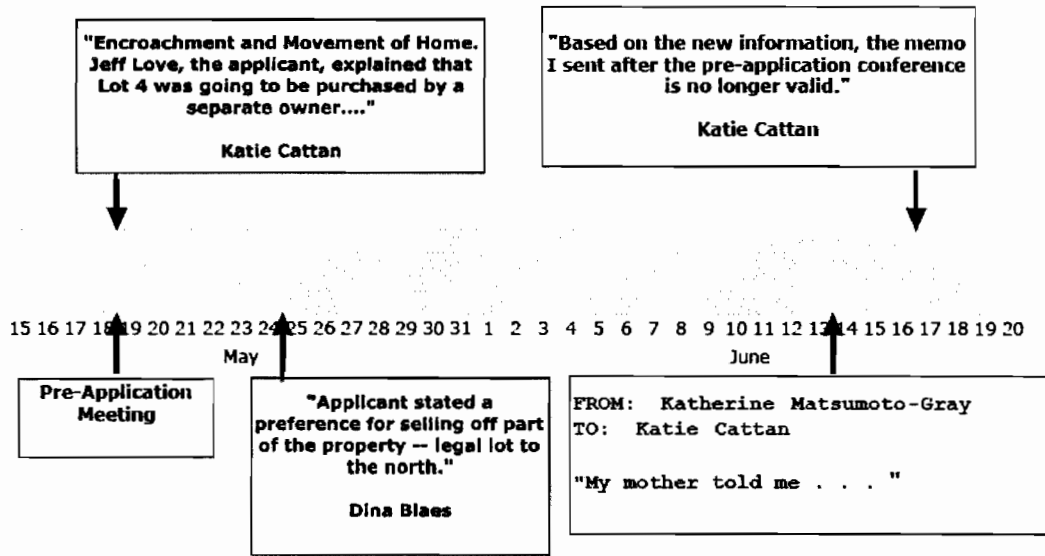
This interrelationship among the properties is expressly recognized by the Department in their historic design review of the house proposed for Lot 4. In that review, the Department expressly takes into consideration the size, height and front-porch elevation of surrounding structures, as well as the lateral distance between adjoining houses. (Exhibit 11.)It is simply disingenuous of the Department to claim, as it has in past appeals of this matter, that neighborhood design considerations are irrelevant.

h. Consideration of public clamor in a quasi-judicial decision is inappropriate.

As with any Old Town building issue, there are many third parties with strong opinions. Where a quasi-judicial body is considering applying the existing land management code to a particular piece of property, the Utah Courts have long held that while “there is no impropriety in the solicitation of or reliance on the advice of neighboring landowners, the consent of neighboring landowners may not be made a criterion for the issuance or denial” of an application. Thurston v. Cache County, 626 P.2d 440 (Utah 1981). Consequently, Petitioner requests than any past input not relating to movement of the House be struck from the record and any future public input not relating to movement of the House be barred from the record. In Utah, application of zoning law may not be based on counting noses.

i. The Department has been unduly influenced by private, undisclosed communications.

On June 17, 2010, the Department reversed its position in the face of all the evidence to the contrary. The only plausible cause for the Department’s spontaneous reversal of its position on Mr. Loves application to move the House, is the contemporaneous, *ex parte* email from Ms. Matumoto-Gray to Ms. Cattan.



- j. The Decision is arbitrary, capricious or illegal.
- k. The Decision is not supported by substantial evidence in the record.
- l. The Decision violates the Fourteenth Amendment (Equal Protection) of the United States Constitution.
- m. The Decision violates the Fourteenth Amendment (Procedural and Substantive Due Process) of the United States Constitution.
- n. The Decision violates Article I, Section 7 (Due Process) of the Constitution of the State of Utah.
- o. The Decision violates Article I, Section 24 (Uniform Operation) of the Constitution of the State of Utah.

Request for Relief

The Petitioner respectfully requests that the HPB reverse the Department's denial. Specifically, the Petitioner seeks a finding that Petitioner is entitled to move the House, as shown in the design plans, pursuant to Design Guideline E.1.1 for the purposes of curing an encroachment.



Jeff Love

EXHIBIT 1



Building • Engineering • Planning

January 26, 2011

Jeff Love
PO Box 1836
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-10-01080
<u>Subject</u>	811 Norfolk
<u>Description</u>	Historic District Design Review Application
<u>Action Taken</u>	Denied
<u>Date of Action</u>	January 26, 2011

On January 26, 2011 the Park City Planning Department Staff made an official determination of Denial of your application based on the following:

Findings of Fact

1. The site is 811 Norfolk Avenue. 811 Norfolk Avenue is listed as a Landmark Site on the Park City Historic Sites Inventory.
2. The property historically consisted of the north half of Lot 2, all of Lots 3 and 4 and the South 3 feet of Lot 5. The tax id associated with 811 Norfolk Avenue is SA-138 and is made up of the north half of Lot 2 and all of Lot 3. The tax id associated with all of Lot 4 and the South 3 feet of Lot 5 is SA-139-A. The Landmark Structure on the property sits on Lots 2 and 3 and encroaches 3 feet onto Lot 4.
3. Lot 4 is a lot of record and may be developed.
4. The application was originally submitted to the Planning Department on October 6, 2010. Staff requested additional information from the applicant in order to deem the application complete. The application was deemed complete by the Planning Department on October 28, 2010.
5. The Planning Staff noticed the application pursuant to LMC Section 15-1-12 and 15-1-21. The fourteen day noticing period was completed on November 11, 2010 at 5pm.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906



Building • Engineering • Planning

6. The Planning Staff provided the applicant with comments regarding the proposed design on November 22, 2010.
7. Revisions to the design were received by the Planning Department on January 13, 2011. The revisions brought many of the previous design issues into compliance with the Park City Historic District Guidelines except for the outstanding issue of the relocation of the home.
8. The application proposes to relocate the existing Landmark Structure from the original location. The application proposes to move the home six feet to the south and keep the orientation to the street as it has historically been oriented.
9. A Landmark sites must retain the Landmark Designation. Within the LMC Section 15-11-10(A)(1) the criteria for designating Landmark Sites is stated.
10. LMC section 15-11-12 (2) requires that an application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in LMC Section 15-11-10(A)(1). The January 13, 2011 revised design application would result in the Landmark Site meeting the criteria set forth for Landmark Sites.
11. LMC section 15-11-12(1) requires that an application shall be denied if the Planning Department determines that the application does not comply with the Historic District Guidelines. The application does not comply with one (1) of the Historic District Design Guidelines.
12. The application does not comply with the Historic District Design Guideline (HDDG) E.1.1, as follows

"Relocation and/or reorientation of historic buildings should be considered only after it has been determined by the design review team that the integrity and significance of the historic building will not be diminished by such action and the application meets one of the criterion listed in the side bar to the left (as follows). In the HRL, HR1, HRM and HRC zones, existing historic sites that do not comply with building setbacks are considered valid complying structures. Therefore, proposals to relocate and/or reorient homes may be consider only

 - If a portion of the historic building encroaches on an adjacent property and an easement cannot be secured; or
 - If relocating the building onto a different site is the only alternative to demolition; or
 - If the Planning Director and Chief Building Official determine that unique conditions warrant the relocation or reorientation on the existing site."



Building • Engineering • Planning

13. LMC 15-11-13 states the criteria for the relocation of historic buildings on a landmark site. It states: "It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or reorientation of Historic Buildings, Structures, and Sites" and lists the same criteria for consideration of movement of homes as listed in HDDG E.1.1 with one additional criteria which states "The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site."
14. An easement could have been secured for the encroachment of the historic house when the applicant sold Lot 4. An encroachment permit could have been obtained at the time of the sale.
15. County records show that the applicant bought the entire site as it historically existed on June 2, 2010, including Lot 4 and the three (3) feet portion of Lot 5 and that on June 3rd, the applicant sold Lot 4 and the three (3) feet portion of Lot 5 to Rod Ludlow. An encroachment agreement could have been granted as part of the sale on June 3rd, 2010.
16. Furthermore, an easement could have been secured for the encroachment of the historic house based on the applicant and Mr. Ludlow's development of their properties in conjunction with one another and lack of an arm's length transaction in the sale.
17. At a January 19, 2011 meeting, the applicant submitted new information to staff on the history of the lot ownership. Lot 3 was deeded April 23, 1889, From David C. McLaughlin to Frank T. Jones, in Misc Book G, at page 184. Lot 4 was deeded February 5, 1905, From the Estate of David C. McLaughlin to Mrs. Elizabeth Jones, Misc Book M, at page 294. According to this new information, Lot 4 has been owned by the property owner of 811 Norfolk Avenue since February 5, 1905. An encroachment has not existed for 105 years.
18. The Landmark structure may remain on site and abate demolition.
19. The Chief Building Official did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique building code conditions on the site. There are numerous homes in Park City which encroach over property lines which can be mitigated through spacing, fire sprinkler systems, and building materials.
20. The Planning Director did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation on the existing site. There are no unique planning conditions on the site. There are examples of historic structures throughout Old Town that encroach onto neighboring properties which can be mitigated through site planning and design solutions.



Building • Engineering • Planning

21. A preservation plan outlining site mitigation during construction is required. The preservation plan shall include excavation details with least impact to the overall site. Specific details of the lifting of the home during excavation must also be included.

Conclusions of Law

1. Pursuant to LMC section 15-11-12(D)(2) the application must be denied because the proposed project does not comply with the Historic District Guidelines or LMC 15-11-13.

This letter constitutes a final action by the Planning Department. You may appeal this decision pursuant to LMC Section 15-1-18 within 10 calendar days.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 543-615-5068 or kcattan@parkcity.org.

Sincerely,

A handwritten signature in cursive script that reads "Katie Cattan".

Katie Cattan
Planner

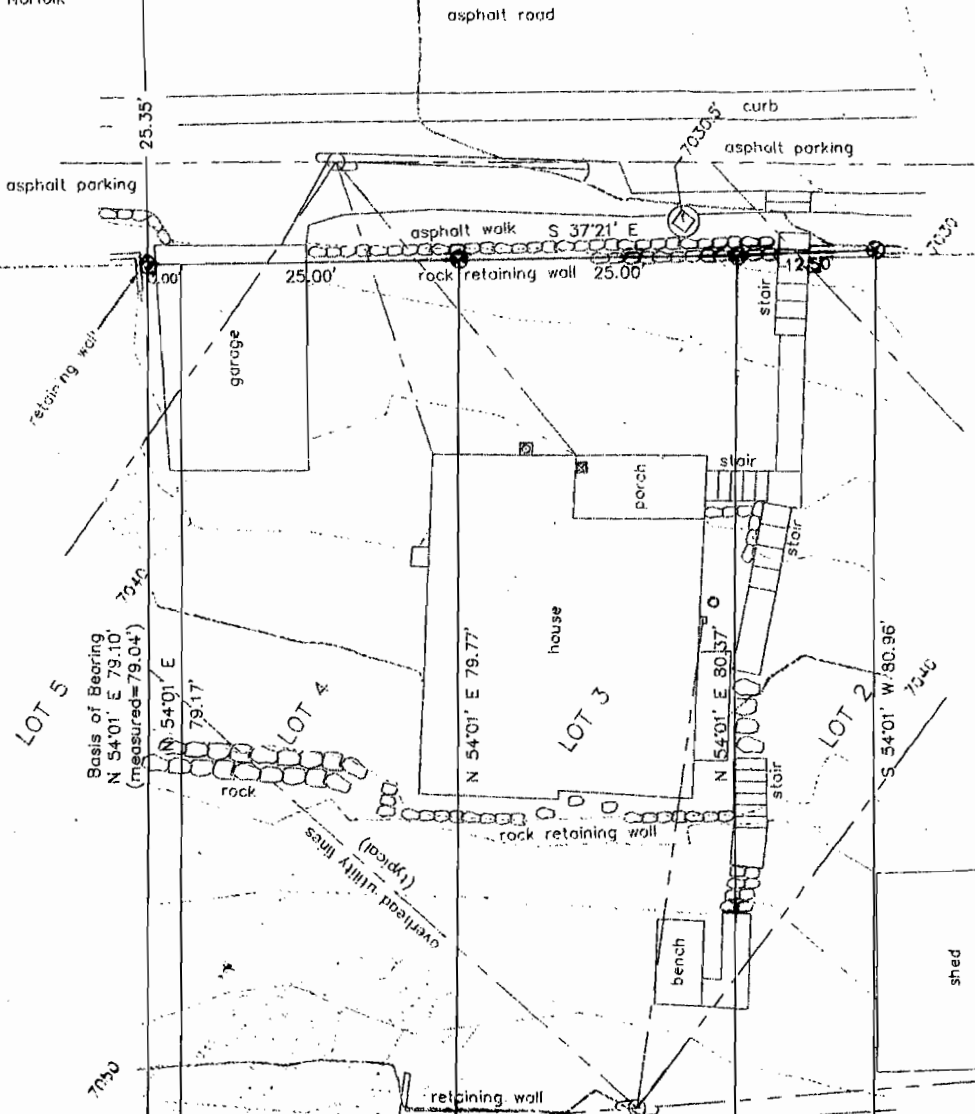
EXHIBIT 2

and the

NORFOLK AVENUE

186.40'
to 9th & Norfolk

S 37°21' E



Legend

- ar & cap-LS 187821
- washer
- ar & plastic cap

EXHIBIT 3

Application: 811 Norfolk Avenue HDDR Pre-application
Permit Number: PL-10-00967
Meeting Date: May 19, 2010

This is a Landmark Structure within the Park City Historic Sites Inventory. "Projects involving Landmark Sites must adhere to the strictest interpretation of the Guidelines and must be designed and executed in such a manner as to retain designation as a Landmark Site." (Design Guidelines for Historic Districts and Historic Sites, page 28)

All of the Universal Guidelines must be followed. (Page 28 – 29)

Garage. The Garage was not built during the historic mining era and therefore should be removed from the Historic Sites Inventory.

Encroachment and Movement of Home. Jeff Love, the applicant, explained that Lot 4 was going to be purchased by a separate owner. The structure at 811 Norfolk would then be encroaching onto Lot 4. He asked about the movement of the home.

If the lots are not owned by the same person and an encroachment exists for which the owner of the home at 811 Norfolk can not secure an easement, then relocation of the existing home may be considered. Guidelines A.I.1-3 (page 29) and E.I.1-5 (page 36-37) must be followed. Dina Blaes, the preservation consultant, will provide more direction on the movement of the home forward to accommodate a garage entry from the crescent tramway.

Basement. Currently there is a partial foundation for the home and no basement. A new foundation should comply with Guidelines B.3.1 –B.3.3. (Page 31). Basement additions are encouraged if they are visually subordinate to historic building when viewed from the primary public right-of-way (D.I. 2) and if they do not obscure or contribute significantly to the loss of historic materials (D.I.3)

Roger Evans of the building department is out of the office this week. Upon his return I will receive his input from his site visit. The movement of the home will require a structural analysis by a certified engineer. A full existing conditions report is required with as built conditions. Dina Blaes, the preservation Consultant stressed that all existing materials should be preserved. This is consistent with Universal Guideline #9 "New additions, exterior alterations, or related new construction should not destroy historic materials, features, and spatial relationships that characterize the site or building" and Guideline E.I.2 "Relocation and/or reorientation of historic buildings should be considered only after it has been determined that the structural soundness of the building will not be negatively impacted."

EXHIBIT 4

TO: Katie Cattan, Project Planner
FROM: Dina Blaes, Preservation Consultant
DATE: May 25, 2010
RE: REVISED NOTES - 811 Norfolk Avenue - DRT Meeting on 5-19-10

GENERAL COMMENTS/QUESTIONS

Description indicates, "rebuild," "disassemble/reassemble" and "relocate."

As per LMC and Design Guidelines - Relocation: Proposals to relocate may be considered if:

1) Portion of building encroaches on an adjacent property and an easement cannot be secured - not the case here - SA-138 includes ½ N of lot 2, lots 3 & 4 of Block 14 Snyder's Addition.

2) If relocating the building onto a different site is the only alternative to demolition - not the case here.

3) If the Planning Director and Chief Building Official determine that unique conditions warrant the relocation on the existing site - Does not appear to meet this criteria, but what is the consensus opinion of the abovementioned officials?

Need to determine "rebuild" as in Reconstruct versus disassemble/reassemble - two different processes. Reconstruction - the property does not meet the underlying requirement of the Chief Building Official's designation that the building is a hazardous or dangerous building pursuant to Section 115.1 of the International Building Code AND that the building cannot be made safe and serviceable through repair.

Disassemble/Reassemble - the information provided is not sufficient to determine if this approach could be considered.

PRE-APP CONFERENCE FORM

HISTORIC CHARACTER

Modest frame cross wing house - raised rubble/stone foundation - paired double-hung sash type windows in gable wing - centered on stem wing is front entry door flanked by sidelights. Typical mix of early bungalow and vernacular PC stylistic elements. Simple forms, unadorned facades, basic fenestration. Simple materials - wood siding - porch roof was modified from dropped hip-roofed inset porch to integrated shed roof form. Minor modifications are reversible.

MEETING NOTES & POST MEETING COMMENTS

Applicant stated a preference for selling off part of the property--legal lot to the north. In that case, a move of the house could be considered, but must still meet the requirements of the LMC to not result in loss of designation and requirements of the Design Guidelines. As promised, I looked at the site (5-19-10 following the meeting) and can say that an application proposing a move of the INTACT house to eliminate the encroachment would meet the guidelines and LMC for consideration, but not a move forward on the lot nor an effort to "straighten" out the house in relation to the side yard lot lines. How a primary structure sits on the lot is integral to its character. A reduction in the side yard, which would result from the

move to the south, has an impact on the elements of integrity defined in the LMC--in particular, setting, feeling, location--and additional reorientation would further impact historic integrity in a negative way.

Disassemble/Reassemble - This is a highly invasive approach resulting in the significant loss of historic material and character and should be avoided, hence the more stringent criteria for consideration set forth in the LMC and design guidelines.

If the applicant goes forward with an application, the Preservation Plan should address moving the building intact unless a licensed structural engineer indicates that the house cannot reasonably be moved intact. Other criteria must be met for an application involving disassembly/reassembly to be considered (See LMC and Design Guidelines). Projects involving disassembly/reassembly are no longer considered when the chief rationale is to ease additional development on the site. For guidance, the applicant should look at 140 Main (Sullivan House) as an example of how to execute a house move & renovation correctly and in keeping with the current design guidelines and LMC. An example that does not achieve sound preservation practices and does not meet the current design guidelines is 147 Ridge Avenue--I realize that the Ridge Avenue project was approved under the 1983 design guidelines, but so was 140 Main--I also realize that 140 Main was an intact move, versus 147 Ridge which was a disassembly/reassembly.

Project impacts noted below were provided before the meeting and based on the packet materials only. After hearing from the potential applicant, the proposed project--move the house south approx 7 feet, build a basement addition, and accommodate a garage on site (accessory structure accessible from Crescent Tramway or under the living space)--still suggests significant impacts on the historic integrity and character of the site and the Preservation Plan should address, in great detail, how any/all impacts will be mitigated. The LMC does not allow for a project approval that results in the site losing its designation as a Landmark Site. Also, staff--including me--need to be available to assist this applicant--if he chooses to go forward with an application--early in the process so that expectations are clear, understood, and concise.

PROJECT IMPACTS

Proposed project would have significant impacts on the property and would likely result in the property no longer meeting the criteria for designation as a Landmark Site. LMC does not allow for proposals that would result in the property losing its status as a Landmark Site.

DESIGN GUIDELINES

Sections of the Design Guidelines with which the application does not need to comply because they are not relevant to the project (based on the information provided by the applicant to date):

None provided due to preliminary nature of the discussion.

EXHIBIT 5

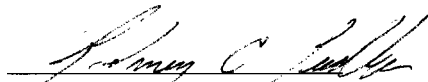
AFFIDAVIT OF RODNEY C. LUDLOW

State of Utah)
) ss.
County of Summit)


I, Rodney C. Ludlow , being of legal age and being first duly sworn, depose and state as follows:

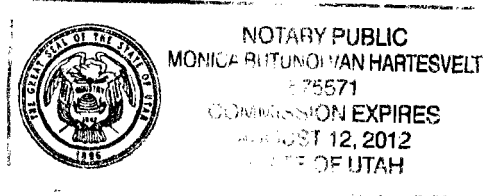
1. On June 3, 2010, I purchased Lot 4 and the south three feet of Lot 5("Ludlow Parcel") from Mr. Jeff Love. Our purchase and sale was documented on a standard Utah Real Estate Purchase Contract and HUD-1 settlement statement.
2. I paid Mr. Jeff Love \$200,000.00 ("Purchase Price") for clear and marketable title to the Ludlow Parcel.
3. Mr. Love and I reached agreement on this price prior to Mr. Love's purchase of the Ludlow Parcel from the prior owner.
4. The Purchase Price of the Ludlow Parcel is based upon title free of any easement for the encroachment.
5. I have never intended to grant nor have I actually granted Mr. Love an easement for encroachment of the house upon lot 4. I refuse to do so.
6. Prior to closing on the Ludlow Parcel, I disclosed to Mr. Love my intention to construct a single family home on the Ludlow Parcel, free of any limitation of the house encroachment.
7. My decision to contract for purchase of the Ludlow Parcel was based upon the Park City Planning Department's written representations that the house could be moved to cure the encroachment.

Dated this 7 day of February, 2011


Rodney C. Ludlow

Subscribed to and sworn before me this 4th day of February, 2011.


Notary Public



Katie Cattan

From: Katherine Matsumoto-Gray [kmatsumotogray@gmail.com]
Sent: Monday, June 14, 2010 7:54 AM
To: Katie Cattan
Cc: Ken Martz; Kayla Sintz; Thomas Eddington; Brooks Robinson
Subject: 811/817 Norfolk

Hi Katie (cc'd planning staff and Ken Martz),

My mother told me that you don't have me contact information -- here's my email; my cell number is 901-0405.

I came by and saw the survey of 811 and 817 Norfolk on Friday morning. What really alarms me about this plat amendment proposal, as you know, is that the two property owners are working together to create an encroachment issue in order to alter a landmark historic site.

Although I understand that the existing lot line allowed sale of one of the lots, I strongly believe that allowing this plat amendment would grant Mr. Love and Mr. Ludlow another step on their ultimate plan to side step Historic District Guidelines purely for profit. Their profit should not come at our neighborhood's expense.

In reviewing this application, I think it will be important to consider that the lot lines in old town are not reflective of the historic property lines. The lot lines were meant to be cleaned up one-by-one, for the ease of the process. This allows Mr. Love to take advantage of an unintended loophole in selling off one lot in his parcel. The fact that lot lines were never amended to reflect the actual property lines is a coincidence of timing and need. These historic lot lines were crucially not left in place in a way that allowed dismantling of the historic district. Splitting the property at 811 Norfolk is inconsistent with any notion of historic preservation of the neighborhood.

I believe that this notion is included in the Historic District Guidelines implicitly, since it refers to built-to-unbuilt ratio and lot coverage in a number of places. It can't be that this use means lot coverage based on the still-divided plat. It refers to the existing property lines (that the City and Historic District intended to be reflected in the eventual plat of the neighborhood). Below I have listed some guidelines from the HDG that are relevant to this matter:

- Design Guidelines for Historic Sites
 - A.5 Landscaping
 - A.5.3 The historic character of the site should not be significantly altered by substantially changing the proportion of built or paved area to open space.
- Guidelines for New Construction in the Historic District
 - A.2. Lot Coverage
 - A.2.1 Lot coverage of new buildings should be compatible with the surrounding Historic Sites.
 - A.5 Landscaping
 - A.5.4 The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.

Finally, I feel it is extremely important for all who are involved in reviewing this application to understand that Mr. Love and Mr. Ludlow are working together. They are not independent

landowners as it appears from the application. They have a preexisting relationship, they have joint plans to construct the two properties, and they are both aware of the encroachment of the Landmark Historic Structure and the prohibitions on moving the historic home. Furthermore, it is my impression from talking to the two men at my home last Thursday that Mr. Ludlow has no plans to construct a home on the new site of 817 Norfolk. It appears from their interactions that Mr. Love is still the man developing the plans and it is entirely his development project; Mr. Ludlow acted like a name on a piece of paper, deferring to Mr. Love for answers to any questions about the future intentions of the property at 817 Norfolk.

Because of this, I believe that the plat amendment application should be denied. It is one property owner/developer, Jeff Love, going around the recommendations and guidelines by setting up a friend as the apparent property owner of part of his new historic purchase thus creating an apparent problem to which the only solution will be to move the Landmark House. In addition, the effect of dividing this property into two platted lots, where there has always been one property, will be to significantly diminish the historic character of a neighborhood with the highest standards of historic preservation in place. Our block, on the uphill side of Norfolk between 8th and 9th has no structure that is not historic. The street view is the same as it was in the 1900s. This is truly a unique neighborhood in this way and I believe that allowing the plat amendment proposal at 811/817 Norfolk to be approved would begin the deterioration of our block's pristine record of historic preservation. Below, I have listed the sites on our street's uphill side from the Historic Site Inventory and their historic status. These are consecutive buildings all listed as significant or landmark:

- 803 Norfolk Avenue - Significant Site
- 811 Norfolk Avenue - Landmark Site
- 823 Norfolk Avenue - Landmark Site
- 827 Norfolk Avenue - Significant Site
- 835 Norfolk Avenue - Significant Site
- 843 Norfolk Avenue - Landmark Site
- 901 Norfolk Avenue - Significant Site

Thank you for your consideration of my comments. I have really appreciated the help and patience of all of the planning and other city staff during this process so far. Please feel free to contact me for further explanation of my issues with this property.

--
 Katherine Matsumoto-Gray
 University of Utah
 Center for American Indian Languages
 p (801) 587-0720
 m (435) 901-0405
kmatsumotogray@gmail.com

EXHIBIT 6



June 17, 2010

Building • Engineering • Planning

Jeff Love
PO Box 1836
Park City, UT 84060

Dear Mr. Love,

Staff has reviewed of your recent application for a pre-HDDR (PL-10-00967) as received on May 13, 2010 and your plat amendment application (PL-10-00988) for 811 Norfolk received on June 7, 2010. During the May 19, 2010 pre-HDDR meeting, you had explained that Lot 4 and the three (3) foot portion of Lot 5 were being purchased by a separate owner. It has come to our attention that when the sale was finalized on June 2nd, you had purchased the entire property including Lot 4 and the three (3) feet portion of Lot 5. County records show that on June 3rd, you sold Lot 4 and the three (3) feet portion of Lot 5 to Rodney Ludlow. Given this information, it appears that you bought the property in its entirety as it has historically existed without an encroachment issue. You yourself created the encroachment issue by selling Lot 4. An encroachment agreement could have been granted as part of the sale on June 3rd, 2010.

Historic Preservation is a priority to the residents of Park City. This is evident in Park City's adopted Historic District Design Guidelines, Historic Sites Inventory, and Land Management Code. The policies within these documents have been created to protect the existing historic structures and the historic district as a whole. At the time of sale, you were knowledgeable of the City's policy that the movement of a historic home may be considered if an easement for the encroachment cannot be secured. You bought the entire property, hence there was no encroachment issue. You created the encroachment by selling Lot 4. An encroachment agreement could have been secured at the time of the sale on June 3, 2010.

As for your pre-HDDR (PL-10-00967), due to these circumstances, staff will not support the movement of the Landmark Structure located at 811 Norfolk Avenue. If you wish to appeal this determination, you will have to submit a complete application for an HDDR and staff will issue an action letter. You will have ten (10) days from the date of that letter to appeal staff's determination to the Historic Preservation Board.

As for your plat amendment application (PL-10-00988), in light of the encroachment, staff will not recommend Planning Commission forward a positive recommendation to City Council for approval of the Plat Amendment. Please let us know in writing whether you want to (1) bring the plat amendment before the Planning Commission as it is; (2) amend your application; or (3) withdraw your application.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906



Building • Engineering • Planning

City staff intends to provide our residents accurate feedback so they can make informed decisions. However, that feedback is reliant on being provided accurate and complete information from the applicant. In this circumstance, the information provided to staff during the May 19, 2010 meeting was not complete and accurate, so therefore the direction given is not applicable. Based on the new information, the memo I sent after the pre-application conference is no longer valid. Please let staff know how you would like to proceed.

Regards,

A handwritten signature in cursive script that reads "Katie Cattan".

Katie Cattan

CC: Rodney Ludlow

EXHIBIT 7

**Sandra Secret Hatch
Architect
1141 Michigan Ave.
Salt Lake City, Utah 84105
801-466-3494
sandrasarch@hotmail.com**

December 6, 2010

To Whom It May Concern:

Jeff Love has requested that I provide my expert opinion on the "Findings of Fact" regarding his property at 811 Norfolk, application #PL-10-01080. These "Findings of Fact" are dated December 1, 2010.

I will be reviewing the proposed preservation and rehabilitation of the Landmark Site at 811 Norfolk as it relates to the "Findings of Fact". I will be discussing the 6.5 foot movement of the historic structure, the disturbance of the property during rehabilitation and the "Physical Conditions Report" conclusions regarding the front retaining wall, the south side stairs and the front porch stairs. All the above discussions will revolve around the concept of "integrity" as defined in the "Appendix B: Glossary" in the "Design Guidelines for Historic Districts and Historic Sites Park City, Utah", the "National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation" and the "Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995".

There is the issue of the three sidebar criteria in Section E of the Design Guidelines. I am not qualified to comment on these criteria.

The essence of the analysis of the "Findings of Fact" rests in the review of the seven criteria establishing the continued integrity of the Landmark Site at 811 Norfolk with the changes proposed by the applicant.

The applicant purposes to move the "L" shaped Landmark cottage 6.5 feet to the south. As reviewed in the "Physical Conditions Report", the existing foundation is composed of painted, stacked, cut stone on the front-east elevation and rubble stone two-thirds of the way up hill on the north and south elevations. The wood floor joists bear directly on the ground for the remainder of the north and south elevation. The west-rear elevation floor joists extend below the finished grade. In the crawl space at the intersection of the east-west gable and the north-south gable, the earth has been excavated to make room for a modern

furnace and duct work. This excavation has compromised the bearing at this critical intersection consequently, the structure slopes to this inside intersection. This description of existing conditions illustrates the necessity to provide new perimeter footings and foundation as well as new bearing support at critical interior locations. These new footings and foundations are required by the 2009 IRC Building Code. The footings are also required to extend below frost line 42". Regardless of whether the Landmark structure is moved or not the property will be disturbed to accommodate the new footings and foundation. "Preservation Brief 41- The Seismic Retrofit of Historic Buildings Keeping Preservation in the Forefront" addresses the complex subject of promoting life safety and protecting historic materials. This document also stresses the importance of developing a multi-disciplinary mitigation plan with the purpose to lift or move the historic structure onto a new footing/foundation system and provide proper anchorage without compromising the exterior character defining materials of the property (i.e. drop novelty siding).

If it is assumed that the house does need to be disturbed from its existing placement in relation to the site in order to accommodate new structural elements than whether the building is replaced in the exact original location or 6' to the south becomes a question of maintaining the "integrity" of the Landmark Site.

The "Historic Site Form-Historic Sites Inventory" establishes the property at 811 Norfolk as a Landmark Site. This document provides the basis for establishing the historic status of the property by describing the seven criteria for demonstrating historic integrity. Two assumptions are being made about the use of this document: 1. "The Historic Design Guidelines" are designed to assist applicants in understanding the issues involved in maintaining the integrity of their particular historic property. 2. If an applicant can provide a compelling argument that the modifications they propose to make to their property will not negatively impact the historic integrity and jeopardize the historic status than the application should be approved. The following argument in support of the approval of application #PL-10-01080 will address the criteria described in "The Historic Site Form-Historic Sites Inventory" for 811 Norfolk.

- A. **Location** is the place where the historic property was constructed or the place where the historic event occurred. Moving the house 6.5' to the south should not affect the integrity of location since the property will still be located on the same lot and will maintain its relationship to the original

place of construction. The property will still reflect its integrity as a mining cottage on a hillside lot and its relation to the mining community will not be lost. The proposed property rehabilitation maintains the same floor height, reapplies the foundation stone and supports a similar front relationship to the street as it did in its original location. Many of the discussions in Secretary of Interior Standards bulletins regarding losing location integrity deal with moving the property to a completely new location off site. This application is clearly not advocating such movement.

- B. **Design** is the combination of physical elements that create the form, plan, space, structure, and style of a Site. "The Historic Site Form-Historic Sites Inventory" describes the design as a cross wing style property that has been relatively unmodified. Moving the house 6.5' to the south onto a stabilized footing and foundation system will not alter the cross wing, "L" cottage form.

The articulation of the cottage form is distinguishable from the proposed addition by indentations at light wells on the southwest and northwest corners of the historic structure. This maintains the original roof line. A subordinate breezeway connects the historic structure to the new addition. If the addition was removed at a later date, the historic cottage could be restored. The addition is at the rear of the site and relates to the topography at the upper west side. The building to lot ratios established by the LMC for HR-1 have been met. The "L" shaped cottage has a footprint of 668 square feet and the footprint of the addition is 535 square feet. The design of the addition is differentiated from the historic structure in style and use of materials. The design of the addition reflects its own connection to time and place therefore differentiating itself from the historic property.

- C. **Setting** is the physical environment, either natural or manmade, of a historic site, including vegetation, topographic features, manmade features (paths, fences, walls) and the relationship between structures and other features or open space. "The Historic Site Form-Historic Sites Inventory" states that "the house is set on a sloping lot with a slight rise above the finished road bed and has a retaining wall near the street of uncut, non-coursed stone. The lawn is informally landscaped with grass and shrubs. A combination of wooden and concrete stairs and path lead up to the side of the front porch. "The proposed move of the property 6.5' to the south does

not significantly alter the “sloping lot with a slight rise above the finished road bed”. There remains an approximate 20 foot drop west to east. The retaining wall near the street will be rebuilt using the existing stones. As indicated in the “Physical Conditions Report” for this property, there is physical and historic evidence that the opening in the front retaining wall has moved. The wall was damaged when the opening was moved. Regardless of where the opening occurs if the wall is stabilized with dry stack reconstruction the integrity of this retaining wall will be improved. The lawn and landscape will remain informal particularly on the front-east street side.

The existing steps that extend up the south side of the house are in varying degrees of disrepair. Pictures in the “Physical Conditions Report” show the present state of the stairs. This is another life safety issue covered by the 2009 IRC Building Code. These stairs need to be safe. More steps are required to provide proper rise and run. Even if the house moves 6.5’ the relationship of the stairs to the house and the setting remains intact.

The new stairs up to the front porch relate more to the original historic setting than to the existing location. These existing stairs on the south side of the house are not only non-historic (constructed of modern materials) but dangerous. There is virtually no structural support under the existing porch and the porch slopes almost 6”. The porch needs to be rebuilt and regardless where it is located laterally the important factor to maintain integrity is the stairs relationship to the historic site.

“The Historic Site Form-Historic Sites Inventory” does not mention the rubble stone wall that runs behind the historic property.

- D. **Materials** are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. “The Historic Site Form-Historic Sites Inventory” divides this category into the various elements represented on 811 Norfolk: the foundation, walls, roof, and windows/doors. The document lists these exterior materials as being in “good” condition. After inspecting the property and preparing the Physical Condition Report, I found enough evidence to conclude that these material elements are in fair to poor condition and will require attention to maintain habitability. For example, I reviewed the condition of the footings and foundation above.

Dealing with the condition of the materials will need to take place whether the property remains in the same location or not. Moving the house 6.5' to the south with a proper mitigation plan should not change this.

- E. **Workmanship** is the physical evidence of the crafts of a particular culture or people during any given period of history, including methods of construction, plain or decorative finishes, painting, carving, joinery, tooling, and turning. The "Historic Site Form-Historic Site Inventory" describes the workmanship criteria for 811 Norfolk. "The distinctive elements that define this as a typical Park City mining area house are the simple methods of construction, the use of non-beveled (drop-novelty) wood siding, the plan type (cross-wing), the simple roof form, the informal landscaping, the restrained ornamentation, and plan finishes."
- The preservation/rehabilitation plan presented in application #PL-10-01080 supports all of the criteria for integrity of workmanship listed above

Moving the house 6.5' to the south will not change the project's preservation/rehabilitation plan.

- F. **Feeling** is a property's expression of the aesthetic or historic sense of a particular period of time. "The Historic Site Form-Historic Sites Inventory" refers to the feeling of this property as "The physical elements of the site, in combination, convey a sense of life in a western mining of the late nineteenth and early twentieth centuries." The same analysis for the integrity of location can be applied to the integrity of feeling. Moving the property to the south 6.5' with a proper mitigation plan should not compromise the integrity of the property's feeling.
- As discussed under "setting", the addition uses an aesthetic that represents its own period of time and construction.
- G. **Association** is the direct link between an important historic event or person and a historic property. The "Historic Site Form-Historic Sites Inventory" restates that "The "T" or "L" cottage (also known as a cross wing) is one of the earliest and one of the three most common house types built in Park City during the mining era." As I have stated when the integrity of the original cross wing cottage was part of the discussion; the integrity of association is not lost by moving the property 6.5' to the south. The historic

property will still be recognizable as a cross wing structure and remain a representative example of mining area architecture.

After reviewing all seven criteria as outlined in “The Historic Site Form-Historic Sites Inventory”, it is my conclusion that the historic property at 811 Norfolk will maintain its historic integrity after the proposed changes in application #PL10-01080. Fine tuning of preservation and rehabilitation plans and developing a multidisciplinary mitigation plan to move the house will result in extending the life of the historic property. The “Findings of Fact” is taking a very conservative approach to the interpretation of the “Guidelines”. Modifications are going to need to be made to the property in order to insure the continued occupancy of the Landmark site.

EXHIBIT 8

EXHIBIT 9



Building • Engineering • Planning

December 1, 2010

Jeff Love
PO Box 1836
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-10-01080
<u>Subject</u>	811 Norfolk
<u>Description</u>	Historic District Design Review Application
<u>Action Taken</u>	Denied
<u>Date of Action</u>	December 1, 2010

On December 1, 2010 the Park City Planning Department Staff made an official determination of Denial of your application based on the following:

Findings of Fact

1. The site is 811 Norfolk Avenue. 811 Norfolk Avenue is listed as a Landmark Site on the Park City Historic Sites Inventory.
2. The application proposes to move the existing Landmark Structure from the original location. The proposal to relocate the historic building does not meet any of the three considerations listed within the Historic District Design Guidelines.
3. As proposed, the Limits of Disturbance would disturb the entire site. The site is intricate to the integrity of the Landmark Structure. By moving the structure and not preserving the front or side yard, the integrity of the site would be lost.
4. Guideline A.1.3 states "Maintain the original path or steps leading to the main entry, in extant." The proposed project moved the location of the original path and the steps leading to the main entry. It also introduces a new set of concrete stairs along the side of the home. The stairs create a modern element to the rustic stairs/retaining that have historically existed along the south side yard.
5. Guideline A.5.1 states "Maintain landscape features that contribute to the character of the site." The small retaining walls within the side yard walkway are a site feature that must be preserved. They are a character defining element of the site. The addition of steps along the side yard does not maintain the historic elements and should not be introduced to the site. The introduction of the
- 6.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906



Building • Engineering • Planning

7. addition that extends across the width of the back yard impacts the site. These changes impacts the integrity of the Landmark site.
8. Staff requested that the applicant modify the plans to not disturb the existing landscape features. Staff requested that the applicant include a mitigation plan that explains how the yard will be protected during construction.
9. Guideline B.3.2 states "The original placement, orientation, and grade of the historic building should be retained." Within the proposed application, the site is being completely modified and the integrity is lost. The proposal to relocate the historic building does not meet any of the three considerations listed within the Historic District Design Guidelines.
10. Guideline D.1.2 states "Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way." The proposed addition is not visually subordinate to the historic building. There is a three story addition to a single story Landmark Structure. The excavation as proposed will destroy the entire site. The addition must be visually subordinate to the historic building. The new addition engulfs the Landmark structure with the large rear addition that extends the width of the lot and the area below the historic structure.
11. A Landmark sites must retain the Landmark Designation. Within the LMC Section 15-11-10(A) the criteria for designating historic sites is explained. The criteria for Landmark Sites include age, integrity, and significance. The integrity of the site must be maintained in terms of location, design, setting, materials, workmanship, feeling and association as defined by the Nation Park Service for the National Register of Historic Place. The proposal must also retain its significance in local, regional and national history, architecture, engineering or cultural association with the mining era. The proposed addition and site plan must meet these standards in order for the home to retain its Landmark Status. Within the current application, the addition overwhelms the historic structure and the site and loses the integrity of the site in terms of design, setting, workmanship and feeling. The significance is also jeopardized because the design overwhelms the Landmark Structure, the integrity is lost, and the site no longer relates to the mining era.
12. The application was originally submitted to the Planning Department on October 6, 2010. Staff requested additional information from the applicant in order to deem the application complete. The application was deemed complete by the Planning Department on October 28, 2010.
13. The Planning Staff noticed the application pursuant to LMC Section 15-1-12 and 15-1-21. The fourteen day noticing period was completed on November 11, 2010 at 5pm.
14. The Planning Staff provided the applicant with comments regarding the proposed design on November 22, 2010.



Building • Engineering • Planning

Conclusions of Law

1. Pursuant to LMC section 15-11-12(D)(2) the application must be denied because the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

This letter constitutes a final action by the Planning Department. You may appeal this decision pursuant to LMC Section 15-1-18 within 10 calendar days.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 543-615-5068 or kcattan@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Cattan".

Katie Cattan
Planner

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906

EXHIBIT 10

**SECTION R302
FIRE-RESISTANT CONSTRUCTION**

R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1.

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
2. Walls of dwellings and accessory structures located on the same lot.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exception: A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

R302.2.1 Continuity. The fire-resistance-rated wall or assembly separating townhouses shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

R302.2.2 Parapets. Parapets constructed in accordance with Section R302.2.3 shall be constructed for townhouses as an extension of exterior walls or common walls in accordance with the following:

1. Where roof surfaces adjacent to the wall or walls are at the same elevation, the parapet shall extend not less than 30 inches (762 mm) above the roof surfaces.
2. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is not more than 30 inches (762 mm) above the lower roof, the parapet shall extend not less than 30 inches (762 mm) above the lower roof surface.

Exception: A parapet is not required in the two cases above when the roof is covered with a minimum class C roof covering, and the roof decking or sheathing is of noncombustible materials or approved fire-retardant-treated wood for a distance of 4 feet (1219 mm) on each side of the wall or walls, or one layer of 5/8-inch (15.9 mm) Type X gypsum board is installed directly beneath the roof decking or sheathing, supported by a minimum of nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a minimum distance of 4 feet (1219 mm) on each side of the wall or walls.

3. A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches (762 mm) above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 1-hour fire-resistance rating. The wall shall be rated for exposure from both sides.

**TABLE R302.1
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour-tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	(Not fire-resistance rated)	0 hours	≥ 5 feet
Projections	(Fire-resistance rated)	1 hour on the underside	≥ 2 feet to 5 feet
	(Not fire-resistance rated)	0 hours	5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R317.3	< 5 feet
		None required	5 feet

INDIVIDUAL VENT. A pipe installed to vent a single-*fixture drain* that connects with the vent system above or terminates independently outside the building.

INDIVIDUAL WATER SUPPLY. A supply other than an *approved* public water supply that serves one or more families.

INSULATING CONCRETE FORM (ICF). A concrete forming system using stay-in-place forms of rigid foam plastic insulation, a hybrid of cement and foam insulation, a hybrid of cement and wood chips, or other insulating material for constructing cast-in-place concrete walls.

INSULATING SHEATHING. An insulating board having a minimum thermal resistance of R-2 of the core material.

JURISDICTION. The governmental unit that has adopted this code under due legislative authority.

KITCHEN. Kitchen shall mean an area used, or designated to be used, for the preparation of food.

LABEL. An identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an *approved agency* and that indicates that the representative sample of the product or material has been tested and evaluated by an *approved agency*. (See also "Manufacturer's designation" and "Mark.")

LABELED. *Equipment*, materials or products to which have been affixed a *label*, seal, symbol or other identifying *mark* of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the *equipment*, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LIGHT-FRAME CONSTRUCTION. A type of construction whose vertical and horizontal structural elements are primarily formed by a system of repetitive wood or cold-formed steel framing members.

LISTED. *Equipment*, materials, products or services included in a list published by an organization acceptable to the code official and concerned with evaluation of products or services that maintains periodic inspection of production of *listed equipment* or materials or periodic evaluation of services and whose listing states either that the *equipment*, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

LIVE LOADS. Those loads produced by the use and occupancy of the building or other structure and do not include construction or environmental loads such as wind load, snow load, rain load, earthquake load, flood load or dead load.

LIVING SPACE. Space within a *dwelling unit* utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

LOT. A portion or parcel of land considered as a unit.

LOT LINE. A line dividing one *lot* from another, or from a street or any public place.

MACERATING TOILET SYSTEMS. A system comprised of a sump with macerating pump and with connections for a

water closet and other plumbing fixtures, that is designed to accept, grind and pump wastes to an *approved* point of discharge.

MAIN. The principal pipe artery to which branches may be connected.

MAIN SEWER. See "Public sewer."

MANIFOLD WATER DISTRIBUTION SYSTEMS. A fabricated piping arrangement in which a large supply main is fitted with multiple branches in close proximity in which water is distributed separately to fixtures from each branch.

MANUFACTURED HOME. *Manufactured home* means a structure, transportable in one or more sections, which in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12 192 body mm) or more in length, or, when erected on site, is 320 square feet (30 m²) or more, and which is built on a permanent chassis and designed to be used as a *dwelling* with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For mobile homes built prior to June 15, 1976, a *label* certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a *manufactured home*.

MANUFACTURER'S DESIGNATION. An identification applied on a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules. (See also "Mark" and "Label.")

MANUFACTURER'S INSTALLATION INSTRUCTIONS. Printed instructions included with *equipment* as part of the conditions of listing and labeling.

MARK. An identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material. (See also "Manufacturer's designation" and "Label.")

MASONRY CHIMNEY. A field-constructed chimney composed of solid masonry units, bricks, stones or concrete.

MASONRY HEATER. A masonry heater is a solid fuel burning heating *appliance* constructed predominantly of concrete or solid masonry having a mass of at least 1,100 pounds (500 kg), excluding the chimney and foundation. It is designed to absorb and store a substantial portion of heat from a fire built in the firebox by routing exhaust gases through internal heat exchange channels in which the flow path downstream of the firebox includes at least one 180-degree (3.14-rad) change in flow direction before entering the chimney and which deliver heat by radiation through the masonry surface of the heater.

MASONRY, SOLID. Masonry consisting of solid masonry units laid contiguously with the joints between the units filled with mortar.

EXHIBIT 11



Building • Engineering • Planning

Property: SA-139-A Norfolk Ave
Date: November 24, 2010

Design Review Comments

During the November 17, 2010, design review meeting, the design review team reviewed your application. The current application is based on the movement of the Landmark Structure at 811 Norfolk Ave. The movement of the neighboring Landmark Structure has been denied. Your application must be modified based on the Landmark Structure remaining in its historic location.

The Building Official has stated that there must be six feet of separation between the Historic Structure and the new home. Please pay particular attention to Universal Guidelines #6 and #7 and Site Design Guidelines A.1.1 and A.2.1 when you amend your current site plan. The design should follow the predominant pattern of historic buildings along the street and maintain traditional setback, orientation of entrances, and alignment along the street.

Staff found that the design did not comply with the following underlined criteria.

Universal Guideline #4. Building and site design should respect the existing topography, character-defining site features, existing trees and vegetation and should minimize cut, fill, and retaining walls.

Cut and fill has been maximized. How will front yard and rock wall be preserved?

Universal Guideline #6 Scale and height of the new structure should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites.

“should follow the predominant pattern of the neighborhood” New design must have adequate spacing between the homes as found in the predominant pattern of the neighborhood. Also the IBC code for separation must be met at 6 feet.

The floor level elevation of the first story should be compatible with the existing adjacent historic homes. Currently, it is lower than both.

The rear portion of the home is much taller than any other main home along the street.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906

Universals Guideline #7 The size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood.

Building Bulk and Mass must be compatible with the **historic sites** in the neighborhood.

Universal Guideline #8. New construction activity should not physically damage nearby Historic Sites

Must have adequate separation between homes to not damage the historic structures on adjacent lots. Revised site plan must show 6 feet of separation between new home and historic per Building Code.

A.I.1 Locate structures on the site in a way that follows the predominant pattern of historic buildings along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the street.

Revised site plan should maintain traditional setback in the side yard. The streetscape scenario showing the Landmark structure in its historic location does not have a visibly open side yard from the front yard to the back yard. This is not consistent with the predominant pattern of the street.

A.4.2. The site's natural slope should be respected in a new building design in order to minimize cuts into hillsides, fill and retaining walls; excavation should generally not exceed one-story in depth.

Cuts have been maximized. Greater than one story. Need a mitigation plan to show otherwise.

Note LMC issue: Four stories are not allowed per LMC section 15-2.2-5(A). Elevations are misleading. They do not show all stories as proposed.

B.1.5 New buildings should not be significantly taller or shorter than surrounding historic buildings.

The floor level elevation of the first story should be compatible with the existing adjacent historic homes. Currently, it is lower than both.

The rear portion of the home is much taller than any other main structures along the street. This portion of the house is visually understood to be part of the main structure and therefore should not exceed the heights of the existing main structures along the streetscape.

B.2.14 Porches should be compatible with the building's style and should respect the scale and proportions found on historic buildings in the neighborhood. Over-scaled, monumental and under-scaled entries should be avoided.

The proposed porch is under-scaled relative to the historic building in the neighborhood.

D.1.1 Off-street parking areas should be located within the rear yard, beyond the rear wall plane of the primary structure.

In an effort to preserve the front yard, the second parking space should be located in the rear yard.

D.1.3. Parking areas and vehicular access should be visually subordinate to the character-defining streetscape elements of the neighborhood.

See previous comment.

At this time, Staff has determined that your proposal must be modified to comply with the LMC, the International Building Code and the Historic District Design Guidelines. Please modify your plan to address the previously stated issues. At this time the 45 day review window will be placed on hold until a modification is submitted to the Planning Department. If you chose not to modify these plans, this letter can act as a letter of denial. You may appeal this denial to the Historic Preservation within 10 days of the action pursuant to LC 15-1-18.

If you have any questions, please email or contact me to set up an appointment to meet.

Regards,



Katie Cattan
Planner, PCMC

1

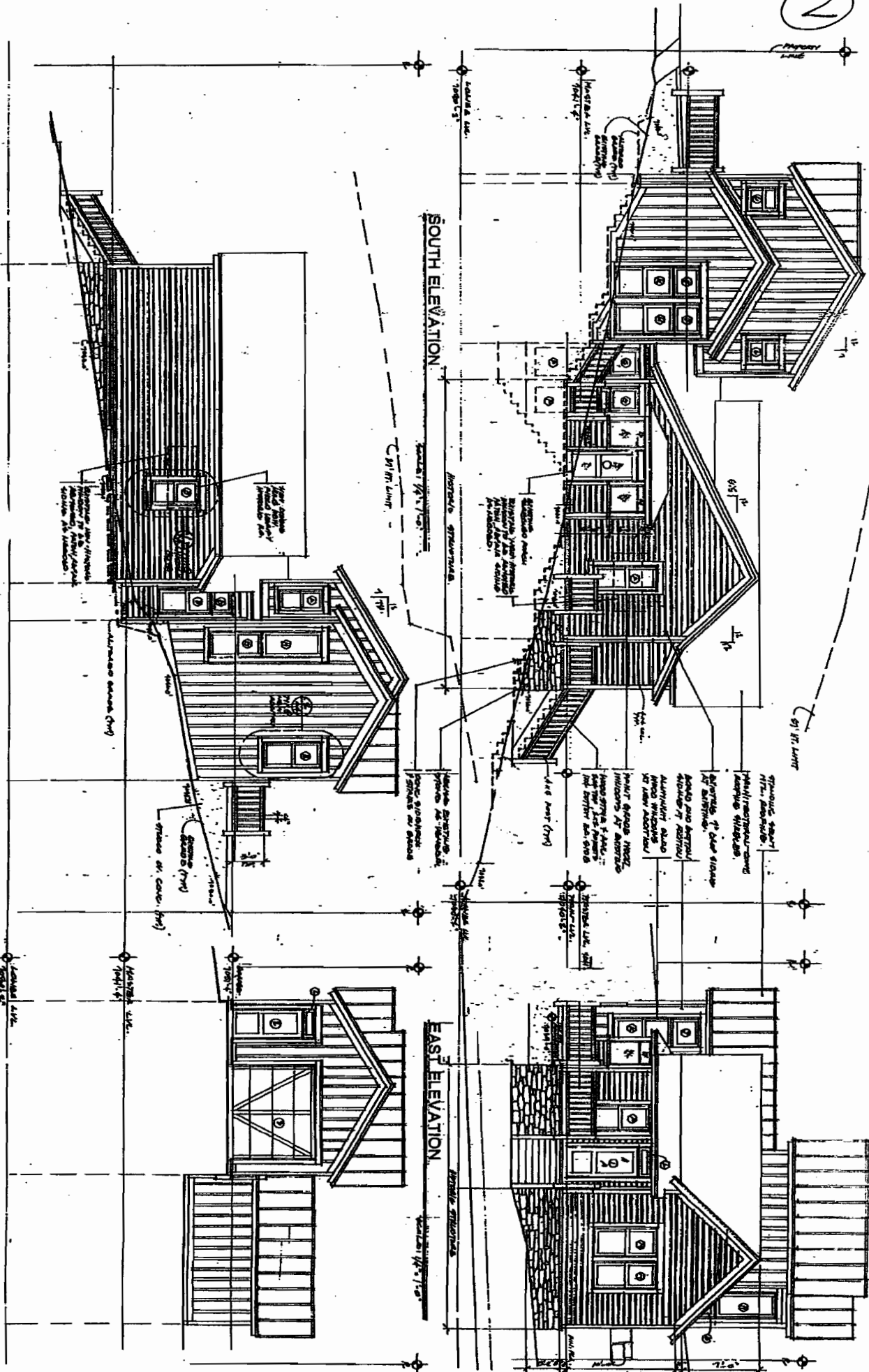
NOTICE OF PLANNING DEPARTMENT ACTION
Denied Dec. 1, 2010
Findings of Fact

5. Guideline A.5.1 states "Maintain landscape features that contribute to the character of the site." The small retaining walls within the side yard walkway are a site feature that must be preserved. They are a character defining element of the site. The addition of steps along the side yard does not maintain the historic elements and should not be introduced to the site. The introduction of the addition that extends across the width of the back yard impacts the site. These changes impact the integrity of the Landmark site.

6. Staff requested that the applicant modify the plans to not disturb the existing landscape features. Staff requested that the applicant include a mitigation plan that explains how the yard will be protected during construction.



2



DESIGN DENIED Dec. 1, 2010

Finding of Fact # 8.

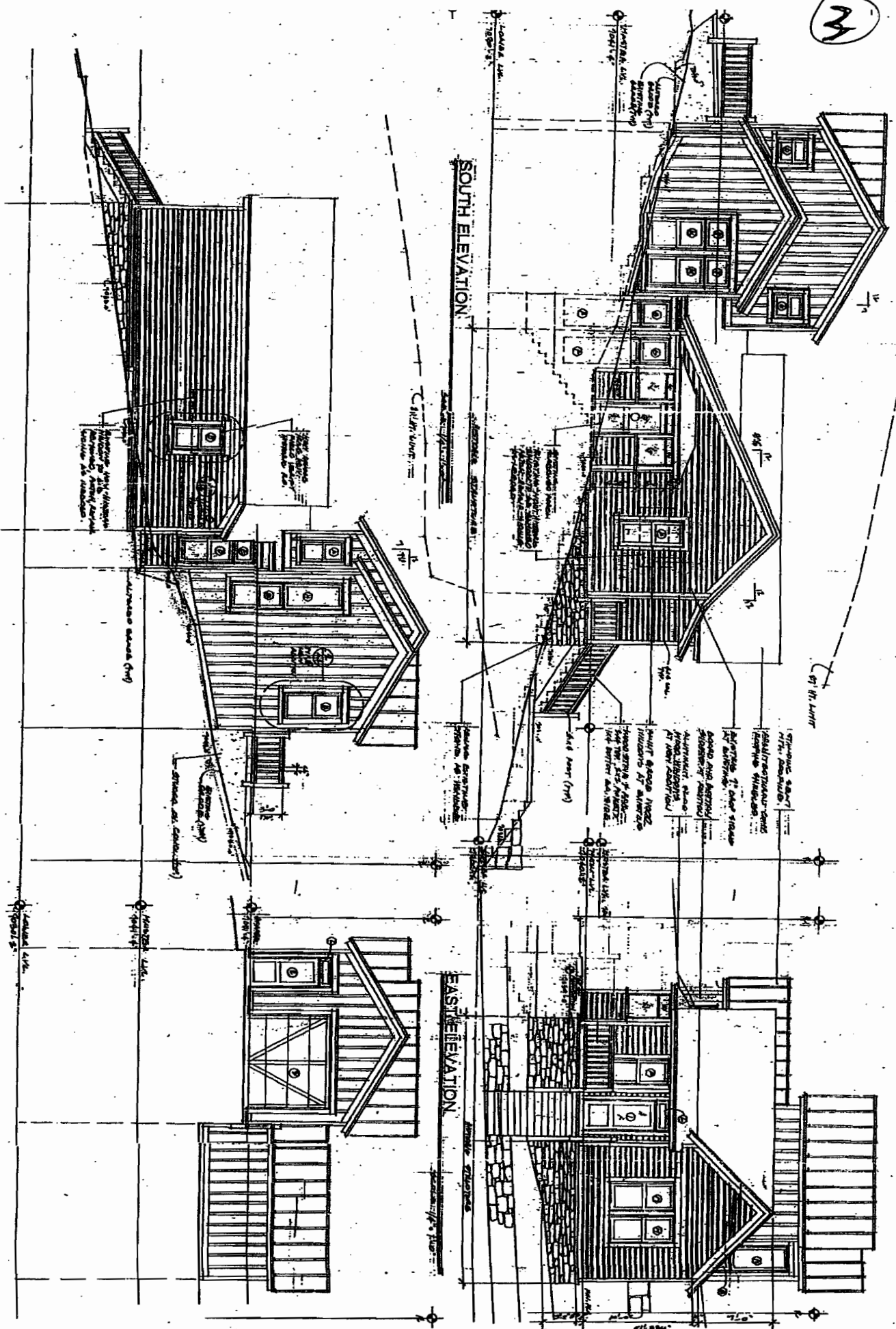
Guideline D.1.2 States "Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way." The proposed addition is not visually subordinate to the historic building. There is a three story addition to a single story Landmark Structure. The excavation as proposed will destroy the entire site. The addition must be visually subordinate to the historic building. The new addition ENGULFS the Landmark structure with the large rear addition that extends the width of the lot and the area below the historic structure.

WEST ELEVATION

Scale 1/8" = 1'-0"

FEB 22 2011

2



SOUTH ELEVATION

EAST ELEVATION

WEST ELEVATION

DESIGN APPROVED Jan. 26, 2011

Findings of Fact #10.

LMC section 15-11-12 (2) requires that an application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in LMC Section 15-11-10 (A) (1). The January 13, 2011 revised design application would result in the Landmark Site meeting the criteria set forth for Landmark Sites.

The Department should be held to account for statements and positions upon which applicants reasonably rely. On these facts, alone, the HPB should reverse the Department's Decision that Mr. Love may not move the House as proposed.

Staff Analysis: The purpose of the pre-application meeting is outlined in LMC 15-11-12(A), "The Owner and/or Owner's representative shall be required to attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements. The Pre-Application meeting does not require a complete application and therefore the information given is advisory in nature.

Furthermore, the scope of the HPB is the same as review at the Planning Department level. The HPB evaluates the facts "de novo" and makes its own conclusions as to whether the design meets the guidelines.

Finally, the applicant did not state to staff during the May 19th pre-application meeting that it was his intent to split ownership of the property. In staff's letter, dated May 19, 2010, the Planning staff letter stated:

"Encroachment and Movement of Home. Jeff Love, the applicant, explained that Lot 4 was going to be purchased by a separate owner. The structure at 811 Norfolk would then be encroaching onto Lot 4. He asked about the movement of the home.

If the lots are not owned by the same person and an encroachment exists for which the owner of the home at 811 can not secure an easement, then relocation of the existing home may be considered."

The applicant never followed up with staff after receiving this letter to clarify that it was his intent to purchase the entire property and then sell the northern portion. During the pre-application meeting, the applicant never stated that he would be purchasing all the lots and selling off Lot 4 and the three foot portion of Lot 5. Staff was under the assumption that he would only be title owner of the Lot 3 and the northern portion of Lot 2. After receiving an application for a plat amendment and discovering that the applicant had held title of the entire property, staff informed the applicant that the self imposed encroachment does not meet the requirements or the intent of LMC 15-11-13(A)(1). Within LMC section 15-11-13(A)(1) the movement of a home may be considered if a portion of a historic building encroaches onto an adjacent property and an easement cannot be secured.

FEB 22 2011

5

Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) PRE-APPLICATION CONFERENCE.

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

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

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that

due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

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

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

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

(b) For Significant Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor

FEB 22 2011

6

The Department should be held to account for statements and positions upon which applicants reasonably rely. On these facts, alone, the HPB should reverse the Department's Decision that Mr. Love may not move the House as proposed.

Staff Analysis: The purpose of the pre-application meeting is outlined in LMC 15-11-12(A), "The Owner and/or Owner's representative shall be required to attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements. The Pre-Application meeting does not require a complete application and therefore the information given is advisory in nature.

Furthermore, the scope of the HPB is the same as review at the Planning Department level. The HPB evaluates the facts "de novo" and makes its own conclusions as to whether the design meets the guidelines.

Finally, the applicant did not state to staff during the May 19th pre-application meeting that it was his intent to split ownership of the property. In staff's letter, dated May 19, 2010, the Planning staff letter stated:

"Encroachment and Movement of Home. Jeff Love, the applicant, explained that Lot 4 was going to be purchased by a separate owner. The structure at 811 Norfolk would then be encroaching onto Lot 4. He asked about the movement of the home.

If the lots are not owned by the same person and an encroachment exists for which the owner of the home at 811 can not secure and easement, then relocation of the existing home may be considered."

The applicant never followed up with staff after receiving this letter to clarify that it was his intent to purchase the entire property and then sell the northern portion. During the pre-application meeting, the applicant never stated that he would be purchasing all the lots and selling off Lot 4 and the three foot portion of Lot 5. Staff was under the assumption that he would only be title owner of the Lot 3 and the northern portion of Lot 2. After receiving an application for a plat amendment and discovering that the applicant had held title of the entire property, staff informed the applicant that the self imposed encroachment does not meet the requirements or the intent of LMC 15-11-13(A)(1). Within LMC section 15-11-13(A)(1) the movement of a home may be considered if a portion of a historic building encroaches onto an adjacent property and an easement cannot be secured.

FEB 22 2011

7 8

TO: Katie Cattan, Project Planner
FROM: Dina Blaes, Preservation Consultant
DATE: May 25, 2010
RE: REVISED NOTES - 811 Norfolk Avenue - DRT Meeting on 5-19-10

GENERAL COMMENTS/QUESTIONS

Description indicates, "rebuild," "disassemble/reassemble" and "relocate."

As per LMC and Design Guidelines - Relocation: Proposals to relocate may be considered if:
1) Portion of building encroaches on an adjacent property and an easement cannot be secured - not the case here - SA-138 includes 1/2 N of lot 2, lots 3 & 4 of Block 14 Snyder's Addition.

2) If relocating the building onto a different site is the only alternative to demolition - not the case here.

3) If the Planning Director and Chief Building Official determine that unique conditions warrant the relocation on the existing site - Does not appear to meet this criteria, but what is the consensus opinion of the abovementioned officials?

Need to determine "rebuild" as in Reconstruct versus disassemble/reassemble - two different processes. Reconstruction - the property does not meet the underlying requirement of the Chief Building Official's designation that the building is a hazardous or dangerous building pursuant to Section 115.1 of the International Building Code AND that the building cannot be made safe and serviceable through repair.

Disassemble/Reassemble - the information provided is not sufficient to determine if this approach could be considered.

PRE-APP CONFERENCE FORM

HISTORIC CHARACTER

Modest frame cross wing house - raised rubble/stone foundation - paired double-hung sash type windows in gable wing - centered on stem wing is front entry door flanked by sidelights. Typical mix of early bungalow and vernacular PC stylistic elements. Simple forms, unadorned facades, basic fenestration. Simple materials - wood siding - porch roof was modified from dropped hip-roofed inset porch to integrated shed roof form. Minor modifications are reversible.

MEETING NOTES & POST MEETING COMMENTS

Applicant stated a preference for selling off part of the property--legal lot to the north. In that case, a move of the house could be considered, but must still meet the requirements of the LMC to not result in loss of designation and requirements of the Design Guidelines. As promised, I looked at the site (5-19-10 following the meeting) and can say that an application proposing a move of the INTACT house to eliminate the encroachment would meet the guidelines and LMC for consideration, but not a move forward on the lot nor an effort to "straighten" out the house in relation to the side yard lot lines. How a primary structure sits on the lot is integral to its character. A reduction in the side yard, which would result from the

FEB 22 2011

8



August 9, 2010

Mr. Rodney Ludlow
PO Box 358
Park City, Utah 84060

RE: Address Request for 817 Norfolk Avenue

Dear Rod;

I have reviewed your request to address your property with the Tax ID SA-139-A. Due to the fact that the lot is not a buildable lot your request to address SA-139-A has been denied.

If you have further questions regarding the addressing of your lot please do not hesitate to contact me at matt.cassel@parkcity.org or 435-615-5075.

Respectfully,

A handwritten signature in black ink, appearing to read "Matt Cassel", is written over a horizontal line.

Matt Cassel, P.E.
City Engineer

FEB 22 2011

Park City Municipal Corporation ~ 445 Marsac Avenue ~ P.O. Box 1480 ~ Park City, UT 84060-1480
435/ 615-5055 (PH) 435/ 658-8903 (FAX)

9



August 26, 2010

Mr. Rodney Ludlow
P.O. Box 358
Park City, Utah 84060

RE: Address Request for Lot 4, Block 14, Snyder's Addition

Dear Mr. Ludlow;

This letter is a follow up to my August 9, 2010 correspondence and my e-mail dated August 9, 2010 concerning your request to address Lot 4 in Block 14 of Snyder's Addition. Your request is denied due to the fact that said lot is currently occupied by the home with the address 811 Norfolk. Once this encroachment is addressed, either by moving the 811 Norfolk house off of Lot 4, adjustment of the lot line between lots 3 and 4 or execution of an encroachment agreement, an address can be assigned.

If you have further questions regarding the addressing of your lot, please do not hesitate to contact me at matt.cassel@parkcity.org or 435-615-5075.

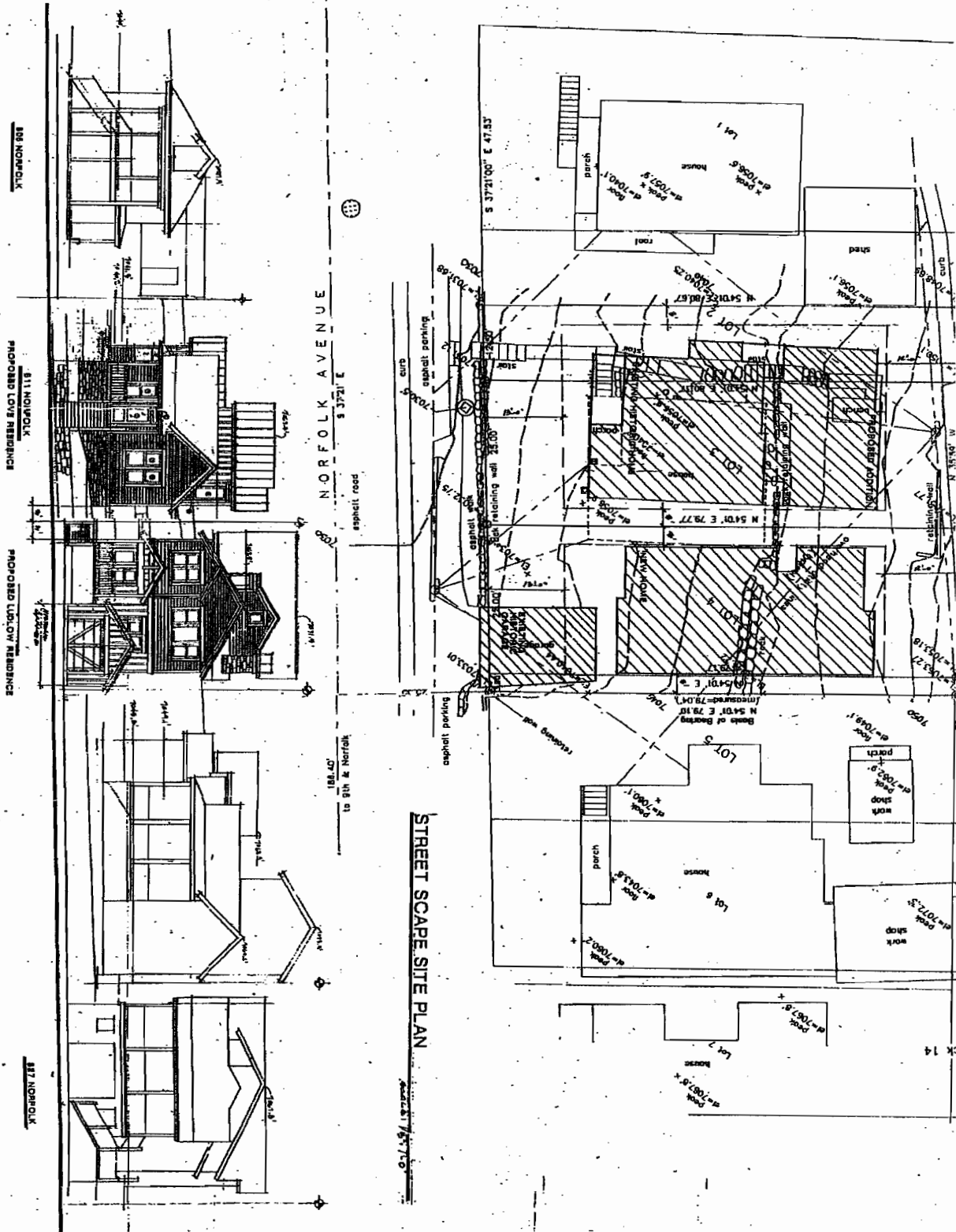
Respectfully,

Matt Cassel, P.E.
City Engineer

Cc: Polly Samuels McLean, PCMC
Jennifer Byrd, PCMC
Shawn Potter, attorney for Mr. Ludlow (via email)

FEB 22 2011

814 STREET
S 5553 W



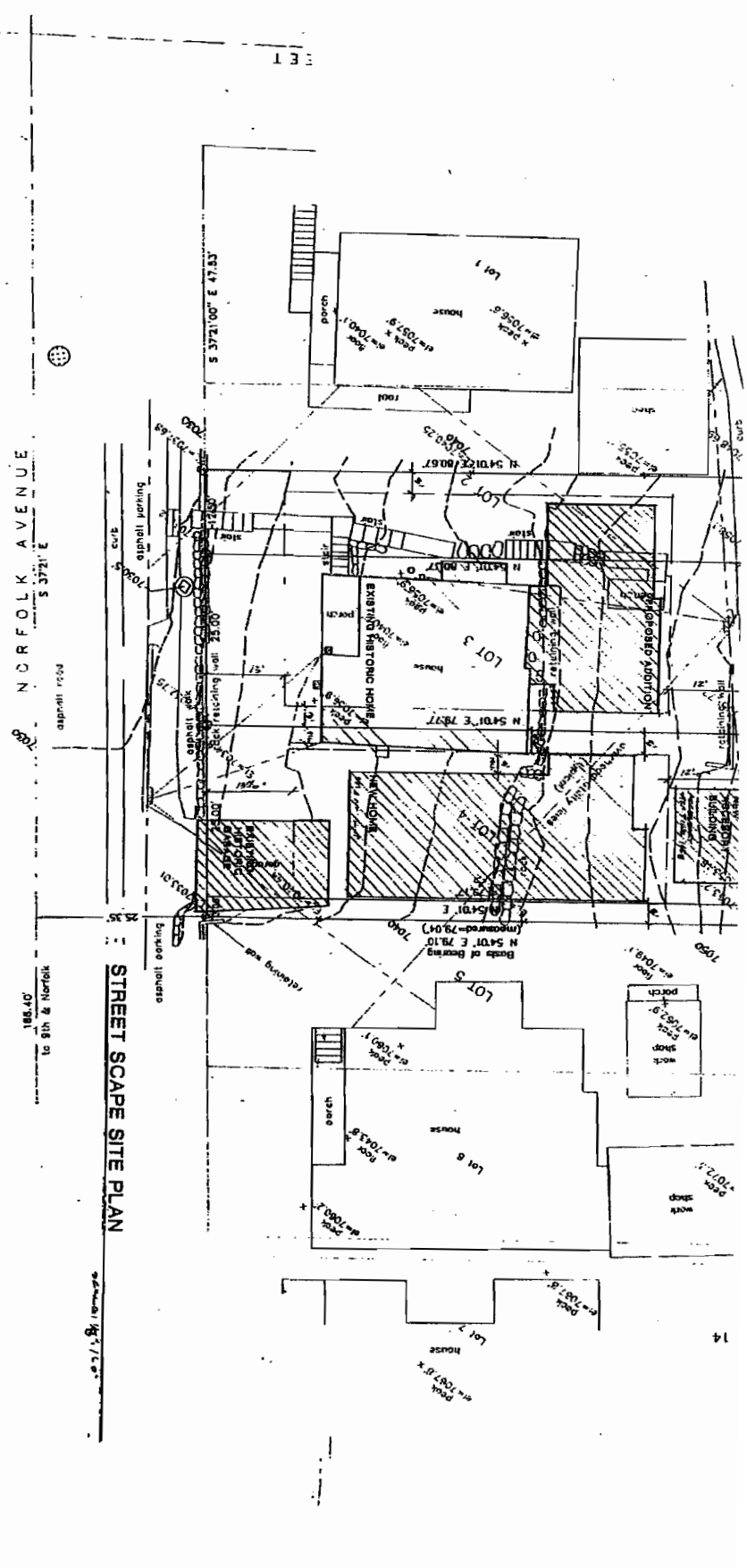
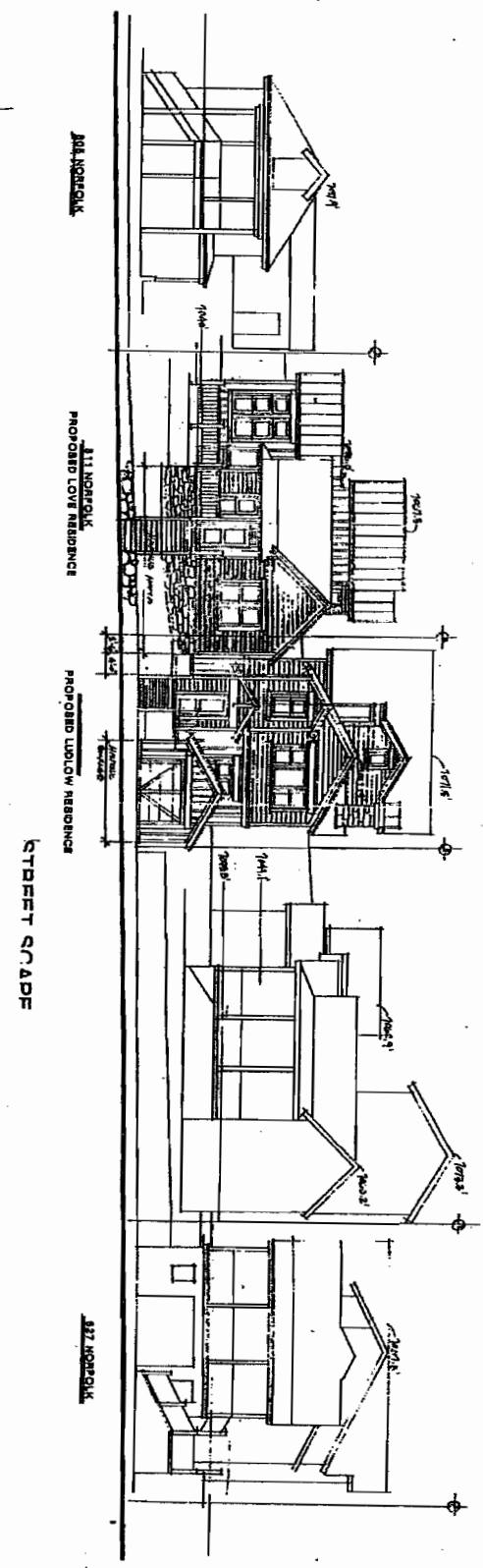
VIEW FROM PUBLIC RIGHT-OF-WAY WITH LANDMARK HOUSE MOVING 6.5'

FEB 22 2011

11

VIEW FROM PUBLIC RIGHT-OF-WAY WITH LANDMARK HOUSE NOT MOVING.

FEB 22 2011



HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property:

Address: 811 NORFOLK AVE

AKA:

City, County: Park City, Summit County, Utah

Tax Number: SA-138

Current Owner Name: STAKER RUTH ETAL

Parent Parcel(s):

Current Owner Address: PO BOX 81, PARK CITY, UT 84060-0081

Legal Description (include acreage): N1/2 LOT 2 & ALL LOTS 3 & 4 BLK 14 SNYDERS ADDITION TO PARK CITY BAL 0.12 Acres

2 STATUS/USE

Property Category

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

Evaluation*

- Landmark Site
- Significant Site
- Not Historic

Reconstruction

- Date:
- Permit #:
- Full Partial

Use

Original Use: Residential
Current Use: Residential

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

3 DOCUMENTATION

Photos: Dates

- tax photo:
- prints: 1995 & 2006
- historic: c.

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

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

Drawings and Plans

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

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

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

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Crosswing type / Vernacular style

No. Stories: 1

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

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: November, 08

Number of associated outbuildings and/or structures: 1 accessory building(s), # __1__ ; structure(s), # _____.

General Condition of Exterior Materials:

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

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

Foundation: The foundation is rough-cut coursed stone.

Walls: The walls are sheathed in wooden drop/novelty siding. Part of the side wall and the enclosed side porch are clad in large sheets of an unknown material in the 2006 photograph.

Roof: The gabled roof is sheathed in composition shingles.

Windows/Doors: The façade gable-end has a pair of two-over-two double-hung windows with wooden sash that appear to be original. They are covered with external aluminum storm windows. The entry door has eight lights with narrow sidelight panels, each with nine lights. The sidelights have external single pane storm windows.

Improvements: The frame garage dates from the historic period and is clad in a sheet material. It is mentioned on the 1959 tax card with the note that it is 15 years old although it does not appear on the 1949 tax card. 377 SF, Fair Quality

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

Location: Original Location Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): This frame crosswing house is relatively unmodified since its initial construction. The open front porch has a shed roof with two battered wooden supports, one free-standing and the other engaged. An auxiliary square wooden support runs from the railing to the ceiling. The small hip-roofed side porch has been enclosed since at least the c. 1940 tax photo. Decorative shutters were added to the pair of windows on the façade between c. 1940 and 1995. The front stairs were moved from the center of the porch to the side between 1940 and 1995.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The house is set on a sloping lot with a slight rise above the finished road bed and has a retaining wall near the street of uncut, uncoursed stone. The yard is informally landscaped with lawn and shrubs. A combination of wooden and concrete stairs and path leads up to a side of the front porch.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): The distinctive elements that define this as a typical Park City mining era house are the simple methods of construction, the use of non-beveled (drop-novelty) wood siding, the plan type (crosswing), the simple roof form, the informal landscaping, the restrained ornamentation, and the plain finishes.

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

Association (Describe the link between the important historic era or person and the property.): The "T" or "L" cottage (also known as a "cross-wing") is one of the earliest and one of the three most common house types built in Park City during the mining era.

5 SIGNIFICANCE

Architect: Not Known Known: (source:)

Date of Construction: c. 1911¹

Builder: Not Known Known: (source:)

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

1. Historic Era:

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

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

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

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

6 PHOTOS

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

Photo No. 1: Southeast oblique. Camera facing northwest, 2006.

Photo No. 2: Accessory building. Camera facing west, 2006.

Photo No. 3: East elevation (primary façade). Camera facing west, 1995.

Photo No. 4: Southeast oblique. Camera facing northwest, tax photo.

¹ Summit County Recorder

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

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

Owner's Name _____

Owner's Address _____

Location _____

Kind of Building RES. Street No. _____

Schedule 1 Class 3 Type 1-2-3-4 Cost \$ _____ X _____ %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
<u>1</u>	<u>x x</u>		<u>558</u>	\$	\$ <u>1278</u>
	<u>x x</u>			\$	\$
	<u>x x</u>			\$	\$

No. of Rooms 4 Condition GOOD

Description of Building	Add	Deduct
Foundation—Stone <input checked="" type="checkbox"/> Conc. <input checked="" type="checkbox"/> None <input checked="" type="checkbox"/>		<u>51</u>
Ext. Walls <u>3/4 SIDING. 1/4 SHTG.</u>		<u>18</u>
Insulated—Floors _____ Walls _____ Clgs. _____		
Roof—Type <u>GAB</u> Mat. <u>PAT SHG.</u>		
Dormers—Small _____ Med. _____ Lg. _____		
Bays—Small _____ Med. _____ Lg. _____		
Porches—Front <u>60 @ 1.00 60.</u>		
Rear <u>30 @ .80 24.</u>		
Cellar—Basin't— <u>1/4 1/2 3/4 full-floor DIRT</u>		
Basement Apts.—Rooms Fin. _____		
Attic Rooms _____ Fin. _____ Unfin. _____		
Plumbing— <input checked="" type="checkbox"/> Class <input checked="" type="checkbox"/> Tub <input checked="" type="checkbox"/> Trays <input checked="" type="checkbox"/> Basin <input checked="" type="checkbox"/> Sink <input checked="" type="checkbox"/> Toilet <input checked="" type="checkbox"/> Urns <input checked="" type="checkbox"/> Ftns. <input checked="" type="checkbox"/> Shr. <input checked="" type="checkbox"/> Dishwasher <input checked="" type="checkbox"/> Garbage Disp.	<u>350</u>	
Heat—Stove <input checked="" type="checkbox"/> H. A. <input checked="" type="checkbox"/> Steam <input checked="" type="checkbox"/> S. <input checked="" type="checkbox"/> Blr. Oil _____ Gas _____ Coal _____		
Air Conditioned _____ Incinerators _____		
Radiant—Pipeless _____		
Finish— <input checked="" type="checkbox"/> Hd. Wd. <input checked="" type="checkbox"/> Floors— <input checked="" type="checkbox"/> Hd. Wd. <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Fir. <input checked="" type="checkbox"/> Conc.		
Cabinets <u>1</u> Mantels _____	<u>40</u>	
Tile— <input checked="" type="checkbox"/> Walls _____ Wainscot. _____ <input checked="" type="checkbox"/> Floors _____		
Lighting—Lamp _____ Drops <input checked="" type="checkbox"/> Fix. _____		
<u>HOOD LINED</u>		<u>100</u>

Total Additions and Deductions 474 169 1278

Net Additions or Deductions 169 +305

AV Age 38 Yrs. by { Est. Owner Tenant Neighbors Records } REPRODUCTION VALUE \$ 1583
Depr. 1-2-3-4-5-6 51/49 % \$
Reproduction Val. Minus Depr. \$ 775

Remodeled _____ Est. Cost _____ Remodeling Inc. _____ % \$
Garage—S 8 C _____ Depr. 2% 3% _____ Obsolescence _____ \$
Cars _____ Walls _____ Out Bldgs. _____ \$
Roof _____ Size x Age _____ \$
Floor _____ Cost _____ Depreciated Value Garage _____ \$

Remarks AV. AGE RECORDED ON OLD CARD 30 YRS. (1941) Total Building Value \$ _____

SA138

Location Block 145A - N² Lot 2 - all Lot 3 + 4
 Kind of Bldg. RES St. No. 811 Norfolk Ave
 Class 2 Rms. _____ Type 1 2 3 4. Cost \$ 1282 X _____ %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		558		\$ 1282
	x x				
	x x				

Att. Gar. x Flr. Walls Roof

Description of Building		Additions
Foundation— Stone <u>X</u> Conc. _____ None <u>X</u>		
Ext. Walls <u>Siding</u>		
Insulation— Floors _____ Walls _____ Clgs. _____		
Roof Type <u>Gable</u> Mt. <u>Pat + RR.</u>		
Dormers— Small _____ Med. _____ Large _____		
Bays— Small _____ Med. _____ Large _____		
Porches — Front <u>5x12</u> <u>60</u> @ <u>100</u> <u>60</u>		
Rear <u>5x6</u> <u>30</u> @ <u>80</u> <u>24</u>		
Basement Entr. _____ @ _____		
Planters _____ @ _____		
Cellar/Bsmt. — 1/4 1/3 1/2 2/3 3/4 Full _____ Floor <u>Out</u> <u>50</u>		
Bsmt. Apt. _____ Rooms Fin. _____ Unfin. _____		
Attic Rooms Fin. _____ Unfin. _____		
Plumbing { Class <u>4</u> Tub <u>1</u> Trays _____		350
Basin _____ Sink <u>1</u> Toilet <u>1</u>		
Urns _____ Fns. _____ Shr. _____		
Dishwasher _____ Garbage Disp. _____		
Heat— Stove <u>X</u> H.A. _____ Steam _____ Stkr. _____ Blr. _____		
Oil _____ Gas _____ Coal <u>X</u> Pipeless _____ Radiant _____		
Air Cond. _____		
Finish— Fir <u>X</u> Hd. Wd. _____		
Floor— Fir <u>X</u> Hd. Wd. _____ Other _____		
Cabinets <u>1</u> Mantels _____ Blt. In _____		
Tile— Walls _____ Wainscot _____ Floors _____		
Electrical— Outlets <u>X</u> Fixt. <u>X</u>		
Storm Sash— Wood _____ Metal _____ Doors _____ Sash _____		
Metal Awnings _____		
		484

Total Additions		484
Year Built _____	Avg. <u>47</u>	Reproduction Value \$ 1766
<u>Orig. Appr. 1949-38</u>	Age _____	Depr. Col. (1) 2 3 4 5 6 <u>40</u> %
Inf. by { Owner - Tenant <u>X</u>	{ Neighbor - Record - Est. _____	Repr. Val. Minus Depr. 706
Remodel Year _____	Est. Cost _____	Obsol. or Rem. _____ %
Garage— Class <u>1</u> Depr. 2% <u>300</u>		Bldg. Value \$ _____
Cars <u>1</u> Floor <u>Out</u> Walls <u>Painting</u> Roof <u>RR.</u> Doors <u>1</u>		
Size— <u>14</u> x <u>20</u> Age <u>15</u> Cost <u>149</u> x <u>55</u> %		82
Other _____		
Total Building Value		\$ _____

SA 138
Serial Number

CF
Card Number

Owners Name AIDEN STAKER
 Location BIK 145A N 1/2 LOT 2 + ALL LOT 3-4
 Kind of Bldg. Rm St. No. 811 NORFOLK AVE
 Class 2 Type 1 2 3 4 4 Cost \$ _____ X 100 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x x	648		\$ 2165	\$
	x x				
	x x				

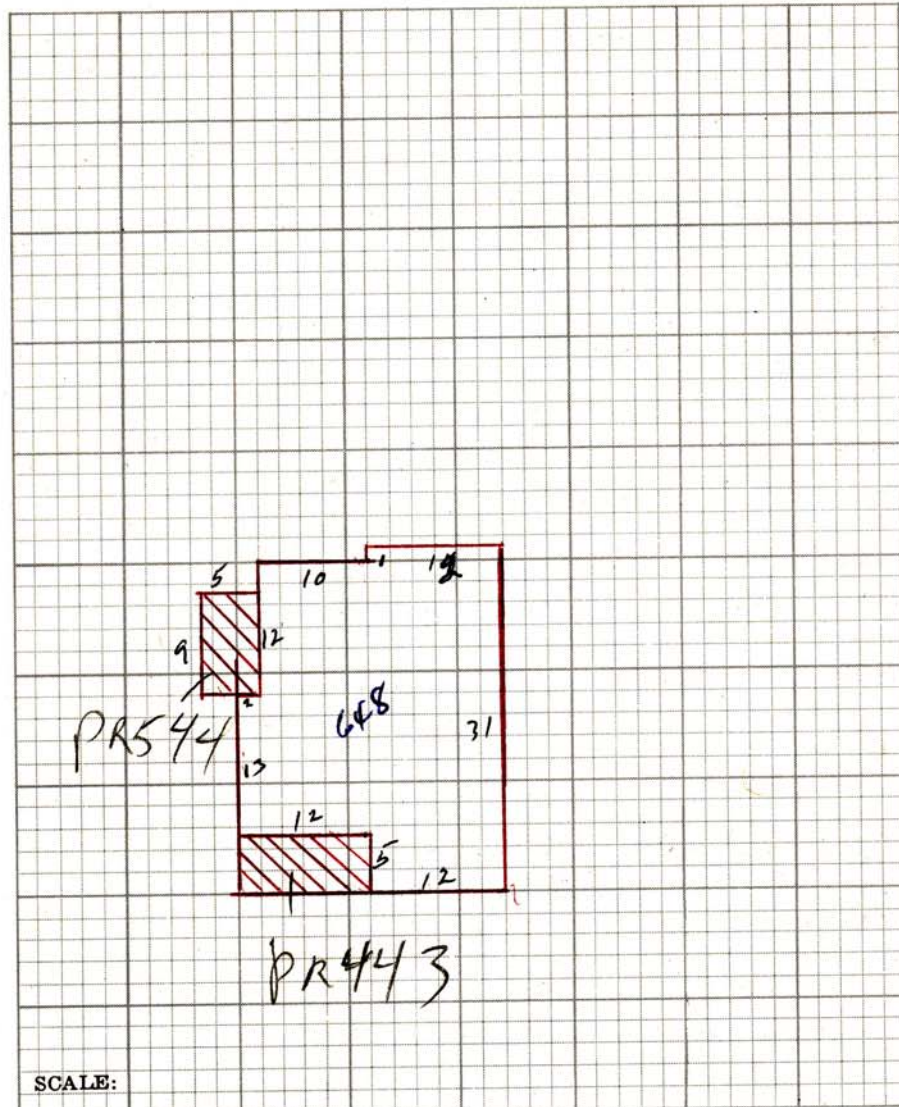
Att. Gar. — C.P. — x — Flr. — Walls — Cl. —

Description of Buildings Additions Additions

Foundation—Stone 1/2 Conc. _____ Sills 1/2
 Ext. Walls SIDING (A)
 Roof Type GAB Mtl. PAT
 Dormers—Small _____ Med. _____ Large _____
 Bays—Small _____ Med _____ Large _____
 Porches—Front 60 @ 12⁵ 75
 Rear 45 @ 12⁵ 56
 Porch _____ @ _____
 Planters _____ @ _____
 Ext. Base. Entry _____ @ _____
 Cellar Bsmt. — 1/4 1/3 1/2 2/3 3/4 Full _____ Floor DIRT 40
 Bsmt. Gar. _____
 Basement-Apt. _____ Rms. _____ Fin. Rms. _____
 Attic Rooms Fin. _____ Unfin. _____
 Plumbing { Class 1 Tub. 1 Trays _____
 Basin 1 Sink 1 Toilet 1 550
 Wtr. Sfr. _____ Shr. St. _____ O.T. _____
 Dishwasher _____ Garbage Disp. _____
 Heat—Stove _____ H.A. _____ FA _____ HW _____ Stkr _____ Elec. _____
 Oil _____ Gas _____ Coal _____ Pipeless _____ Radiant _____
 Air Cond. — Full _____ Zone _____
 Finish—Fir. / Hd. Wd. _____ Panel _____
 Floor—Fir. / Hd. Wd _____ Other _____
 Cabinets 1 Mantels. _____
 Tile—Walls _____ Wainscot _____ Floors _____
 Storm Sash—Wood D. _____ S. _____; Metal D. _____ S. _____
 Awnings — Metal _____ Fiberglass _____

Re - app 12-4-79
 12-4-79

Total Additions				721	
Year Built	1911	Avg.	11911	Replacement Cost	2886
		Age	2.	Obsolescence	
Inf. by	{ Owner - Tenant - Neighbor - Record - Est.		Adj. Bld. Value	Conv. Factor	x.47
Replacement Cost—1940 Base					
Depreciation Column <u>1</u> 2 3 4 5 6					
1940 Base Cost, Less Depreciation					
Total Value from reverse side <u>GARAGE MIN 69</u>				80	
Total Building Value				\$	



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class 1 Depr. 2% 3%

Cars 1 Floor WOOD Walls WOOD Roof RR Doors _____

Size 14 x 20 Age 1943 Cost 321 x 47% _____

1940 Base Cost _____ x 25 % Depr. _____

Total _____

80

REMARKS _____









RESIDENTIAL
PERMIT
PARKING ZONE
NO PARKING
WITHOUT
PERMIT
ANYTIME

RESIDENTIAL
PERMIT
PARKING ZONE
NO PARKING
WITHOUT
PERMIT
ANYTIME

165516

June 17, 2010

Jeff Love
PO Box 1836
Park City, UT 84060

Dear Mr. Love,

Staff has reviewed of your recent application for a pre-HDDR (PL-10-00967) as received on May 13, 2010 and your plat amendment application (PL-10-00988) for 811 Norfolk received on June 7, 2010. During the May 19, 2010 pre-HDDR meeting, you had explained that Lot 4 and the three (3) foot portion of Lot 5 were being purchased by a separate owner. It has come to our attention that when the sale was finalized on June 2nd, you had purchased the entire property including Lot 4 and the three (3) feet portion of Lot 5. County records show that on June 3rd, you sold Lot 4 and the three (3) feet portion of Lot 5 to Rodney Ludlow. Given this information, it appears that you bought the property in its entirety as it has historically existed without an encroachment issue. You yourself created the encroachment issue by selling Lot 4. An encroachment agreement could have been granted as part of the sale on June 3rd, 2010.

Historic Preservation is a priority to the residents of Park City. This is evident in Park City's adopted Historic District Design Guidelines, Historic Sites Inventory, and Land Management Code. The policies within these documents have been created to protect the existing historic structures and the historic district as a whole. At the time of sale, you were knowledgeable of the City's policy that the movement of a historic home may be considered if an easement for the encroachment cannot be secured. You bought the entire property, hence there was no encroachment issue. You created the encroachment by selling Lot 4. An encroachment agreement could have been secured at the time of the sale on June 3, 2010.

As for your pre-HDDR (PL-10-00967), due to these circumstances, staff will not support the movement of the Landmark Structure located at 811 Norfolk Avenue. If you wish to appeal this determination, you will have to submit a complete application for an HDDR and staff will issue an action letter. You will have ten (10) days from the date of that letter to appeal staff's determination to the Historic Preservation Board.

As for your plat amendment application (PL-10-00988), in light of the encroachment, staff will not recommend Planning Commission forward a positive recommendation to City Council for approval of the Plat Amendment. Please let us know in writing whether you want to (1) bring the plat amendment before the Planning Commission as it is; (2) amend your application; or (3) withdraw your application.

City staff intends to provide our residents accurate feedback so they can make informed decisions. However, that feedback is reliant on being provided accurate and complete information from the applicant. In this circumstance, the information provided to staff during the May 19, 2010 meeting was not complete and accurate, so therefore the direction given is not applicable. Based on the new information, the memo I sent after the pre-application conference is no longer valid. Please let staff know how you would like to proceed.

Regards,

Katie Cattan

CC: Rodney Ludlow

From: [Linda McReynolds](#)
To: [Katie Cattan](#)
Subject: Fw: 811 Norfolk
Date: Thursday, February 24, 2011 4:50:27 PM

Dear Katie:

It is with great concern that I see that Jeff Love has listed for sale a portion of his parcel at 811 Norfolk Avenue through the Park City MLS. Although he says in the remarks the division of the lot has not been approved, I feel it is an attempt to manipulate the system with yet another buyer in order to "strengthen" his claim this historic parcel should be treated as two lots instead of the larger historic single family parcel it has been for over 100 years.

The 8th block of Norfolk on the uphill side is the only historic street in Park City that has retained its historic configuration and historic homes since the homes were built in the 1800s. Our guidelines and the national Historic Preservation Guidelines for Historic Districts strongly discourage relocating historic homes. Especially since the only reason to do so would be to provide a financial gain to the owner. They also strongly encourage keeping historic streets and sites in their original historic form and spacing which a plat amendment would totally and irreparably destroy.

I urge you, the HPB and the Planning Commission to protect our historic street, its historic spacing, and this historic home.

Respectfully,

Linda McReynolds
843 Norfolk Avenue
435-640-6234

Please click here to see the listing:
[VL - 1-Up Client Property Rpt](#)

From: [Katherine Matsumoto-Gray](#)
To: [Katie Cattan](#)
Subject: 811 Norfolk appeal, please include my previous letter of input
Date: Thursday, February 24, 2011 5:34:12 PM

Hi Katie,

Please include my input from the initial decision on the Design Review for 811 Norfolk in the information for the appeal process. I believe my letter is relevant for the current process. Furthermore, I would think that all of the materials from the initial application and decision are relevant to the appeal. So, I would also like to request that all other public input from the Design Review process be included with the appeal information.

Thanks,

--

Katherine Matsumoto-Gray
823 Norfolk Ave.
435-901-0405
kmatsumotogray@gmail.com

Linda McReynolds

From: "Linda McReynolds" <linda.mcreynolds@sothebysrealty.com>
Date: Friday, June 11, 2010 12:21 PM
To: "Cattan Katie" <kccattan@parkcity.org>; <kayla.sintz@parkcity.org>; <thomas.eddington@parkcity.org>; <brooks@parkcity.org>
Attach: digitalsender@summitsothebysrealty.com_20100611_121650.pdf
Subject: 811 Norfolk Avenue

Dear Planning Staff: It is with great concern that I write you regarding the recent application to drastically alter the historic streetscape of Norfolk Avenue between 8th and 9th Streets. The relationship and spacing of the six historic homes on the uphill side of the street dates back to 1895 when my home at 843 Norfolk was the last one built - I have a historic photo which shows this which I will provide to you.

The Secretary of the Interior National Parks Service Standards for Rehabilitation clearly states that ..."relocating historic buildings or landscape features, thus destroying their historic relationship within the setting" is NOT recommended. See attached.

The Park City Municipal Code has in its Preservation Policy "to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City". Also, under Section 15-11-13 Relocation and/or Reorientation of a Historic Building or Historic Structure, it states "It is the intent of this section to preserve the Historic and architectural resources of Park City through LIMITATIONS on the RELOCATION and/or orientation of Historic Buildings and Sites". See Attached.

811 Norfolk Avenue has been a .12 acre single family site for more than 115 years. The relationship of it to the other homes on the street has been historically pure throughout. All six of our uphill historic homes have always sat on multi platted lots. Mine sits in the middle of two platted lots. This is one of the last remaining original historic streetscapes in the Historic District. To allow the integrity of its spacing and history to be destroyed is against all that preservation stands for.

Since I don't know the details of the new owner's plans I can't speak to specifics; however, I do know that it was marketed and title was transferred as one parcel with one tax ID. See Attached. If the new owner is attempting to divide this parcel into two pieces, he is in effect creating his own encroachment since the home sits in the middle of the parcel. If he has procured another buyer for half the parcel, I question the motivations of any buyer who would buy a piece of property with a house encroaching on it and why.

I urge you to adhere to the intent of the guidelines that were created to protect and preserve our cherished Historic District and were not created for developers to try to manipulate in an attempt to maximize their profits by squeezing in a non-compatible new home that will forever negatively alter the character of this wonderful historic street.

Please distribute this letter with attachments to the Planning Commission and Historic Preservation Board.

Thank you so much for your attention to this matter.

Respectfully,
Linda McReynolds
843 Norfolk Avenue
435-640-6234

From: <digitalsender@summitsothebysrealty.com>
Sent: Friday, June 11, 2010 11:16 AM
To: <linda.mcreynolds@sothebysrealty.com>
Subject: Scanned image from MX-C311

> Reply to: digitalsender@summitsothebysrealty.com
> <digitalsender@summitsothebysrealty.com>
> Device Name: Silver Lake
> Device Model: MX-C311
> Location: Silver Lake
>
> File Format: PDF (Medium)
> Resolution: 200dpi x 200dpi
>
> Attached file is scanned image in PDF format.
> Use Acrobat(R)Reader or Adobe(R)Reader(TM) of Adobe Systems Incorporated

Katie Cattan

From: Jenifer Sutherland [jeniferosa@gmail.com]

Sent: Friday, November 12, 2010 8:21 AM

To: Katie Cattan

Subject: Re: 811 Norfolk Avenue Public Comment

Katie:

I really didn't add the most important aspect of my thoughts with the property at 811 Norfolk.

I wanted to add mention to take notice of the unique property that is the 811 Norfolk homesite. The home sits on a beautiful mountain side lot, relatively unchanged, as are the neighboring homes adjacent to the Crescent Tram Road. When I realized through incomplete research that 811 could probably not be developed I was honestly and actually glad to be stopped because I love the property. It *should* be viewed as valued history and I am grateful for the guidelines in place to keep it as such. It would be really incredible to preserve the 811 homesite in a modern and realistic manner, the adjacent homesites and up into Creole Gulch area to as low density as possible. These homes are, as I mentioned, all relatively untouched. I have looked over at the uphill side of Norfolk Avenue and it's historic miner's homes and will be sad to see the density change.

Thanks again.

Jenifer Sutherland

On Thu, Nov 11, 2010 at 12:11 PM, Jenifer Sutherland <jeniferosa@gmail.com> wrote:

The former owner of 811 Norfolk, Ruth Staker was a good friend. She granted First Right of Refusal to me on the future sale of her home. My sister and I were interested in building two homes on the property if it were possible. We did some light research on the property to discover the home is considered a Landmark site. We knew the guidelines with a Landmark site to some extent because of another home we own in old town is Historically significant. We also measured the surrounding property and realized it would not be possible to meet guidelines of a 25 x 75 lot after setbacks because we could not change the footprint of the existing home. We realized it would not be possible.

I appreciate that Historic guidelines have room for some grey area, as situations differ. I do not appreciate that the guidelines are so flexible that no one really knows what is possible and that if one puts up a good enough argument that they could override guidelines that others cannot. The system needs to remain fair.

My home was built in 1970 and it would fall under historic guidelines in 9 years if I don't remodel it before then. I hope that a Landmark site gets treated with the respect it deserves in relation to the money and effort others have gone through with less significant homes.

I also believe that someone could find incredible value in the land that surrounds the home at 811 Norfolk and the developer could clear the same profit with the value of land, as developing two homes. Land will ultimately prove the most valuable.

Thank you,

Jenifer Sutherland
812 Norfolk Avenue

Katie Cattan

From: Jeffrey T Love [grandloveshack@msn.com]
Sent: Thursday, November 11, 2010 5:15 PM
To: Janet Schoeny
Cc: Katie Cattan
Subject: Re: 811Norfolk

Janet,
Thank you, the planner assigned is Katie Cattan @ 435-615-5060
Regards, Jeff Love

Sent from my iPad

On Nov 11, 2010, at 4:50 PM, Janet Schoeny <djschoeny@aol.com> wrote:

Hi Jeff,

I will do as you suggested in your note.

Thanks,

Janet

Janet Schoeny
49 Greene Road
Princeton, Ma 01541
978.464.8003

-----Original Message-----

From: Jeffrey T Love <grandloveshack@msn.com>
To: djschoeny <djschoeny@aol.com>
Sent: Thu, Nov 11, 2010 2:08 pm
Subject: 811Norfolk

Janet,

I am writing in response to a letter to PC Planning you email today. If you would like to get the facts about my project and the neighboring project on Norfolk, please contact me or speak to the planner assigned. The six issues that Katherine has with the projects are false, incorrect, or misleading. There is no such thing as a "special exception" within the guidelines of the Park City HDDG or the LMC.

Regards, Jeff Love 435-602-0138

Sent from my iPad

Katie Cattan

From: Mary Whitesides [mary@dancindeerdesign.com]
Sent: Thursday, November 11, 2010 4:50 PM
To: Katie Cattan
Cc: JESSIE WHITESIDES; Katherine Matsumoto-Gray
Subject: RE: 811 Norfolk Ave

Attachments: Porch viewline.jpg; ATT60734.txt; wierd panorama out dining room.jpg; ATT60735.txt



Porch viewline.jpg (1 MB) ATT60734.txt (1 KB) (456 B) wierd panorama out dining room... ATT60735.txt (1 KB)

Hi Katie

We have done some research of the Historic Guidelines for Park City Old Town and studied the and the following questions have arisen:

Here are our questions according to each section:

A1.1. Filling the site from front to back does not respect the current historic condition - since the existing house does not come close to Crescent Tram.

A1..2 There is concern that the two proposed houses will shed snow onto each others property, and in turn onto Katherine's Matsumoto- Gray's property and the corner property on the South.

A.5.2 Does the site plan allow for snow storage on site from shoveled driveways?

A.5.4. The open space ratio will be changed on this site in particular. What is the ration of building to open property at the other houses on Norfolk?

B.1.1 If the design reaches from the front to the back of the lot - which we understand they do, is it compatible with the mass of the adjacent - or the current historic structure?

B.1.7 A second, or two very skinny homes is not in keeping with the surrounding historic buildings.

The plans for the Southern lot indicates a driveway and garage that faces Crescent Tram. We all know how dangerous that corner is at the top of 8th street. If that driveway goes in - it is a danger to the community at large. Cars cannot be seen from the curve coming up 8th street and difficult to see coming down from the diagonal from Empire Ave. when pulling out from a driveway. Crescent Tram is very narrow especially during snow removal. Hundreds of people turn around in our driveway at 812 which is especially annoying when they leave compacted icy tracks that are impossible to shovel. Adding another driveway will compound traffic problems. Does the proposed garage and driveway meet the requirements of section D?

We would like to note that the change in density and mass to the character of the neighborhood, has the potential to decrease the value of neighborhood properties for obstructing currently unobstructed views, and blocking natural light into existing adjacent homes. Our house at 812 Crescent Tram (or officially Empire Ave) was specifically designed around a view of Old Town through windows calculated to frame that view. Please see the photos below to see how these two structures at 811 Norfolk will be an obstruction to that view that defines the value of our house.

#1 Taken from our porch - note the house on the left of the barn. It surely must have met height restrictions for Old Town. Follow that

same line across the proposed property to see how it blocks the entire view. The level of view from the porch is the same level of view inside the dining room.

Katie Cattan

From: JW Personal [whiteywoman@asquaredstudios.com]
Sent: Thursday, November 11, 2010 4:46 PM
To: Katie Cattan
Cc: Mary Whitesides
Subject: Re: Scanned image from MX-7000N

Katie-

Thank you so much. I don't have a lot of time to respond as I am about to get on a plane. But I would like to ask that the planning department consider the universal and specific guidelines closely on this project as it clearly changes the current density and massing volume at this area of Norfolk. Please consider the guidelines regarding on-site snow storage & roof-top snow fall onto the adjacent properties. I would also like to express concern for the driveway entering off of Crescent Tram. Our driveway is currently on Crescent Tram & that road is a death trap in the winter in particular. There is no way to control traffic and sliding around the top of 8th St. I would like to state that it may be advisable that the drive be moved to Norfolk.

Thank you for your time. If there is any way you can forward the planning department's findings & the schedule for HDDR I would be appreciated.

Jessie

-sent from iPhone-
Jessie Whitesides, AIA, NCARB
Architect
A2 Studios
642 5th St.
Santa Rosa, CA 95404
707-849-0870
www.asquaredstudios.com

On Nov 11, 2010, at 4:06 PM, Katie Cattan <kcattan@parkcity.org> wrote:

> We were given the authority under Utah Code to provide plans to the
> public. See attached. 2nd set.
>
> Katie Cattan
> Senior Planner
> Park City Municipal Corp.
> 435-615-5068
>
> -----Original Message-----
> From: noreply@parkcity.org [mailto:noreply@parkcity.org]
> Sent: Thursday, November 11, 2010 11:27 AM
> To: Katie Cattan
> Subject: Scanned image from MX-7000N
>
> Reply to: noreply@parkcity.org <noreply@parkcity.org> Device Name: Not
> Set Device Model: MX-7000N
> Location: Not Set
>
> File Format: PDF MMR(G4)
> Resolution: 200dpi x 200dpi
>
> Attached file is scanned image in PDF format.
> Use Acrobat(R)Reader4.0 or later version, or Adobe(R)Reader(TM) of
> Adobe Systems Incorporated to view the document.
> Acrobat(R)Reader4.0 or later version, or Adobe(R)Reader(TM) can be
> downloaded from the following URL:
> Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are

Jim Hewitson 803 Norfolk Ave.

- 1) Concerned with the density. This is one of the few neighborhoods in Old town P.E. that has some open space between homes. Adding an additional home removes yard an adds to an already crowded parking problem.
- 2) Although the new owner ~~to~~ appears to be within his rights, I am disappointed that ~~the~~ the restored home will be closer to my home (next door on south).
- 3) The south side stairs appear to abut my corrugated metal garage. Care must be taken during construction not to damage this fragile structure which is over 70 years old.
- 4) A portion of my rock ~~wall~~ ^{fronting Norfolk} encroaches onto the 811 property, this encroachment was made in the late 1950's under a verbal agreement with the previous owners (Ted & Ruth Staker). This encroachment can be removed but I would like to see an aesthetic (good looking) transition made into my remaining wall.

James A. Hewitson

11-10-10

Katie Cattan

From: Jenifer Sutherland [jeniferosa@gmail.com]
Sent: Thursday, November 11, 2010 12:11 PM
To: Katie Cattan
Subject: 811 Norfolk Avenue Public Comment

The former owner of 811 Norfolk, Ruth Staker was a good friend. She granted First Right of Refusal to me on the future sale of her home. My sister and I were interested in building two homes on the property if it were possible. We did some light research on the property to discover the home is considered a Landmark site. We knew the guidelines with a Landmark site to some extent because of another home we own in old town is Historically significant. We also measured the surrounding property and realized it would not be possible to meet guidelines of a 25 x 75 lot after setbacks because we could not change the footprint of the existing home. We realized it would not be possible.

I appreciate that Historic guidelines have room for some grey area, as situations differ. I do not appreciate that the guidelines are so flexible that no one really knows what is possible and that if one puts up a good enough argument that they could override guidelines that others cannot. The system needs to remain fair.

My home was built in 1970 and it would fall under historic guidelines in 9 years if I don't remodel it before then. I hope that a Landmark site gets treated with the respect it deserves in relation to the money and effort others have gone through with less significant homes.

I also believe that someone could find incredible value in the land that surrounds the home at 811 Norfolk and the developer could clear the same profit with the value of land, as developing two homes. Land will ultimately prove the most valuable.

Thank you,

Jenifer Sutherland
812 Norfolk Avenue

Katie Cattan

From: Lara Henderson [laramarlee13@hotmail.com]
Sent: Thursday, November 11, 2010 11:52 AM
To: Katie Cattan
Subject: RE: 811 Norfolk Input

Katie,

My name is Lara Henderson. I have read Katherine Matsumoto-Gray's input on 811 Norfolk. I am writing you to voice my strong support for what Katherine has written. I want to preserve the historic nature of Old Town and don't want developers trying to circumvent rules for profit.

Thank you,

Lara

From: **Katie Cattan** <kcattan@parkcity.org>
Date: Thu, Nov 11, 2010 at 11:50 AM
Subject: FW: 811 Norfolk Input
To: art60151@gmail.com

Katie Cattan
Senior Planner
Park City Municipal Corp.
435-615-5068

From: Katherine Matsumoto-Gray [<mailto:kmatsumotogray@gmail.com>]
Sent: Wednesday, November 10, 2010 8:48 AM
To: Katie Cattan
Subject: 811 Norfolk Input

Katie,

Attached is our input on the proposed development at 811 Norfolk. Thanks,

--

Katherine Matsumoto-Gray
University of Utah
Center for American Indian Languages
(801) 587-0720
kmatsumotogray@gmail.com

Katie Cattan

From: arthur herrmann [art60151@gmail.com]
Sent: Thursday, November 11, 2010 11:42 AM
To: Katie Cattan
Subject: Re: FW: 811 Norfolk Input

Hi Katie,

I am writing you to say that I strongly agree with Katherine Matsumoto-Gray about the proposal and would like that noted in the public record.

Sincerely,
Art Herrmann
810 Norfolk

On Thu, Nov 11, 2010 at 11:50 AM, Katie Cattan <kcattan@parkcity.org> wrote:

Katie Cattan

Senior Planner

Park City Municipal Corp.

435-615-5068

From: Katherine Matsumoto-Gray [mailto:kmatsumotogray@gmail.com]
Sent: Wednesday, November 10, 2010 8:48 AM
To: Katie Cattan
Subject: 811 Norfolk Input

Katie,

Attached is our input on the proposed development at 811 Norfolk. Thanks,

--
Katherine Matsumoto-Gray
University of Utah
Center for American Indian Languages
(801) 587-0720
kmatsumotogray@gmail.com

Katie Cattan

From: Janet Schoeny [djschoeny@aol.com]
Sent: Thursday, November 11, 2010 10:35 AM
To: Katie Cattan
Cc: don.schoeny@earthlink.net
Subject: Objection to 811 Empire Avenue request for a special exception to rules

Dear Katie,

I am writing to object to the 811 Empire design proposal requesting a “special exception” to the rule that restricts moving a Landmark Historic House.

We are the owners of 820 Empire and our home resides directly behind the neighbor of the plat in question, therefore we are kitty-corner to 811 Empire.

I concur with Katherine Matsumoto Gray’s points that I have listed below.

I also want to express my own feelings regarding the development of Old Town. Old Town, as its name depicts, is not “New Park”, “Kimball Junction”, or “Jeremy Ranch”, all of which have their own distinct style and character; Old Town, as it states: is old. It is the original Park City mining town, filled with anomalies and old structures that have been restored, maintained, and in some cases, destroyed. We are all stewards of our own properties, and with that take on the responsibilities of such property. When we purchase a home in Old Town, particularly an historic one, it is with the knowledge that the general consensus is to preserve and maintain the authenticity and integrity of such a dwelling. The particular home in question, Ruth Staker’s homestead, is an old home on a large lot and the home is built centrally on that lot. **This rarity of “space” in Old Town has significance.**

I wish we were reviewing plans that restore, enhance and maintain the home where it currently sits, not fighting to prevent two homes being built on one old lot. I wish there was excitement around the challenge in how to put together a plan that preserves the integrity of an old structure and its beautiful open space (something coveted in Old Town). I wish I didn’t have to object to my neighbor’s ideas.

I mean no disrespect to the new owner. I had the pleasure of meeting him a few years ago and he was nothing short of kind and delightful. He gave me a tour of his home that he had beautifully restored. I was in fact happy to learn he had purchased the property as I thought it would be great to have him as a neighbor. I still do. I want to reiterate my objection is purely one of historical preservation and over building.

An aside, my husband and I looked into purchasing the old Victorian and adjacent garage on Park Avenue several years back. We opted not to do it because in trying to keep its historic integrity we were afraid we might not be able to afford the reconstruction. Preserving does have its downsides, but it was not a surprise or something we didn’t know about in advance. I wish to applaud the new stewards of the whiskey brewery in their efforts to keep a piece of Park City’s history preserved for future generations to admire and learn about. I hope we get to do the same with Ruth’s old home.

Thank you for your time and the opportunity to express my thoughts.

Sincerely,

Janet Schoeny

Problems with the development application

1. There is an existing negative recommendation on the Platt Amendment Application for this property. The current application does not address any of the findings in that decision. Instead they attempt to side-step that finding and go ahead with their original plan by requesting an exception to policy. The findings in that Platt Amendment remain as problems that should be relevant in this decision.
2. Public input from the neighborhood on the Platt Amendment Application expressed the overwhelming neighborhood opposition for such density increasing and historically inconsistent development in our neighborhood.
3. The planned design is too high and is not in keeping with the "predominant pattern of the neighborhood", as is required to the Historic District Guidelines.
4. The planned design is inconsistent with many of the Historic District Guidelines. Foremost among them, relocation of the house will change the historic designation of the Landmark Historic Site; the proposed development plan significantly changes the lot coverage, building bulk, and developed area to open space on the site; and the plan requires disassembly and reassembly of the house, an option that would not be necessary if the house stayed in its current location.
5. The application presents a false opposition to the Planning Staff. They propose that 2 buildings will be constructed on this property. In that case, moving the existing historic building is aesthetically preferred to "a second house being squeezed in". However, no approval has been made for any development of either building, so this is a misleading argument. In fact, the two choices presented by the applicants are not the only 2 options for development of 811 Norfolk.
6. Finally, this **will be the first decision** on an exception to policy in the new Historic District Guidelines. Granting the application to move the Landmark Historic Structure purely for aesthetic development purposes completely negates the effort put into creating Historic District Guidelines. This will set a precedent that developers can ignore Guidelines for economic gain. This type of project is exactly what the guidelines were put in place to prevent.

Janet Schoeny
 49 Greene Road
 Princeton, Ma 01541
 978.464.8003

LETTER OPPOSING RELOCATION OF HISTORIC STRUCTURE AT 811 NORFOLK AVE.

From: Charles E. Johnson

To: Park City Planning Department

RE: 811 Norfolk Ave.

Park City Planning Department:

The owner of real property situated at 811 Norfolk Ave. (“the Owner”) is currently seeking permission from Park City Planning Department (“the Planning Department”) to relocate a historic structure located at the aforementioned address.

The Park City Municipal Code § 15-11-13 states that:

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

Obviously the intent and purpose of the Code is to preserve Park City’s Historic resources. The Code acknowledges that an effective way to achieve that end is by limiting the relocation of Historic structures. Park City Municipal Code 15-11-13(A) outlines specific criteria required before the Planning Commission may approve the relocation of a historic structure. Specifically, that Section provides that:

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

- (1) A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or
- (2) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or
- (4) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

Clearly, the required criteria must exist for the Planning Department to approve relocating a historic structure. However, §15-11-13(A) it is equally clear that even if one of the four required criteria is met the Planning Department is not required to approve relocation of the historic structure. The purpose and intent of the Code combined with §15-11-13(A)'s grant of discretion to the Planning Department to deny relocation even when the requirements are met plainly demonstrates that the relocation of historic structures should only rarely be permitted.

The Owner apparently cites the 4th criteria ("unique conditions") as a basis for moving the historic structure situated at 811 Norfolk Ave. Specifically, the Owner argues that "unique conditions" will exist as soon as a new structure is built next to the historic structure.

"Unique conditions" is not defined in the Code. However, the Planning Director and Chief Building Official must determine that unique conditions exist before allowing a historic structure to be relocated. Thus, the "unique conditions" must exist at the time of the application. No structure currently exists next to the historic structure. Furthermore, the City has not approved any structure to be built next to the historic structure.

Therefore, the Owner's argument that unique conditions exist is based upon the existence

of a structure that has neither been built nor approved to be built. The Owner is attempting to create “unique conditions” with the use of a fictional structure. As previously noted and as a matter of logic “unique conditions” as used in §15-11-13(A) can only refer to conditions that may be presently determined by the Planning Department. Thus, it is axiomatic that “unique conditions” does not refer to conditions that have not or are unlikely to occur (such as the building of a fictional structure). “Unique conditions” do not exist at 811 Norfolk Ave. To determine otherwise would permit any person with a penchant for fantasy to circumvent the requirements of the Code and set a precedent that eviscerates the intent and purpose of preserving Park City’s Historic character. Accordingly, Owner’s argument is premature and has no legal, logical or sensible basis.

Based upon the foregoing considerations the Owner has failed to meet the requirements of §15-11-13(A). Therefore, the Planning Department should deny the relocation of the historic structure situated at 811 Norfolk Ave.

Sincerely,

/s/

Charles E. Johnson
962 Norfolk Ave.
Park City, UT 84060

Katie Cattan

From: Jessie Whitesides [whiteywoman@asquaredstudios.com]
Sent: Wednesday, November 10, 2010 3:14 AM
To: Katie Cattan
Subject: 811 Norfolk

Katie -

I am a concerned neighbor of the 811 Norfolk property. I am writing to you to find out if the application filed for HDDR is available as public record in a format that you could email to me. I am the daughter of Mary Whitesides who lives at 812 Empire Avenue, and I currently live out of town, so I do not have the ability to come in to look at the application that was filed, or the associated drawings with the proposal. Access to this information will allow me to more completely draft my comments to the planning department before a decision is made about granting the property owners a "special Exception" which would allow the current historic structures on this lot to be moved, and consequently 2 new homes to be built here.

I grew up taking in the view from our home out across Norfolk, Main Street, the Coalition Building (and it's fire), and the mountains beyond. Now as an adult I find it disheartening that there is the potential for this view to be obstructed.

I have already read the letters of negative recommendation for the Platt Amendment for these properties. Any additional documentation you can provide will be helpful.

Thank you -

Jessie Whitesides, AIA, NCARB
Architect

Katie Cattan

From: Mary Whitesides [mary@dancindeerdesign.com]
Sent: Monday, November 01, 2010 2:53 PM
To: Katie Cattan
Subject: RE: 817 Norfolk Ave proposed projects

Dear Katie

I live on Crescent Tram just across the street from the proposed projects on Norfolk Ave. I am very concerned about the size and height of the two proposed houses. My house has large glass windows overlooking that particular area and has a wonderful view of old Town. If these structures are built at a height that obstructs my views, the value of my house will diminish. This house was designed to frame that particular view of old town and the re-sale value rests heavily on that particular feature.

I do not think one neighbor ought to impact the value and view of another neighbor. I have been here for 30 years. My house does not obstruct the view of any other neighbor nor will it impact another neighbor in the future. I want the same consideration as a long time loyal resident and tax payer in Park City. I understand the structures are to be three stories high. That will mean I will be looking into a wall of windows, siding and roofing. Even though there is a height restriction contained in the building code, it doesn't make provisions for neighbors on an individual basis - case by case. I have mentioned in town meetings before that there ought to be a view shed law whereby the potential developer would be required to place a marker on the proposed building footprint and height and then viewed and analyzed from the neighbors point of view. And when a height issue is resolved between neighborhood, that restriction ought to be monitored and enforced.

There is a point at which mass should be an issue in old town on a general overall scale basis as well. The days of mega-structures are fading and people are tiring of mansions.

I would hope that my concerns would be important enough to review these two structures and me and my neighbors get the consideration we deserve.

Thank you.

Mary Whitesides
Crescent Tram resident

To Tom Eddington and Roger Evans:

We are writing to oppose the proposed project at 811 Norfolk. We live next door to the proposed development at 823 Norfolk. We strongly oppose granting exception to the Historic District Guidelines to move the Landmark Historic house from its original location. We also find other problems with the proposed design of the two houses on the property. The primary issue that we have with the request to move the house is that it is an attempt to circumvent previous objections to this same project. We refer you to the existing platt amendment application submitted last spring for the property. The owners/developers submitted a platt amendment application of which surely you are aware. The Planning staff gave a negative recommendation on that platt amendment. The current application does not address any of the valid issues raised with the earlier application. Instead, it asks not to be held to the same rules as other projects and not to comply with the issues raised in their earlier application. Among those issues was concerted neighborhood opposition to a project which adds density and takes away historic character from our neighborhood. Our block, on the uphill side of Norfolk Avenue from 8th to 9th has a pristine record of historic preservation. Every house on our side of the street is designated either Significant or Landmark. This project proposes the first new building to disrupt this unique street. If there was such a thing, our street would likely qualify to be a Landmark Historic Street, as it retains so much of the character of historic Park City. In fact, the grandson of the Mawhinneys, the family who formerly owned our house, stopped by on a family trip last spring. He said that our house looked exactly the same as when his Grandmother lived there. And, he was so happy to see our neighborhood was recognizable as the same neighborhood from 40-50 years ago; while he also noted that so much of Park City was not recognizable.

Aside from the significant impact to the character of our neighborhood, there were legitimate code violations identified in the evaluation of the original platt amendment application. The current application asks for you to disregard these findings and determine that unique conditions warrant the relocation of the existing house, per the Historic District Guidelines, Section E.1.1. However, the previous finding on the platt amendment application found that the property owners had created their own hardship by selling off parts of an intact historic property. As you know, historic structures are only to be relocated in extreme conditions, with the following possible situations warranting consideration (not guarantee) of movement of the house (HDG, Section E.1.1., page 36):

- “proposals to relocate and/or reorient a historic building may be considered ONLY
- if a portion of the historic building encroaches on an adjacent property and an easement cannot be secured; or
 - if relocating the building onto a different site is the only alternative to demolition; or
 - if the Planning Director and Chief Building Official determine that unique conditions warrant the relocation or reorientation on the existing site.

The owners were aware that Landmark Structures were strongly discouraged from being relocated in the Guidelines at the time of purchase and subsequent subdivision and sale of the Site from Mr. Love to Mr. Ludlow. And knowing such, they attempted to create a situation conforming to the first above condition by creating an encroachment issue between the two developers. This was found to be a result of their own creation and thus, not a hardship for which the Historic District should suffer. Only now, after the planning and legal staff determined their arrangement to be inconsistent with the first condition, the two developers have retargeted their development plans at the third condition, exception given by you. This behavior on the part of the applicants shows that they intend to try every angle and find any potential loophole to complete the project they want, despite the intent of the HDG. This new request is transparently an attempt to gain permission to ignore the valid problems in their platt application and go forward with their planned development instead of conforming to the rules that Park

City residents have approved for our Historic District. The existence of the negative recommendation on the platt amendment application for this property is directly relevant to your current decision. The staff identified legitimate problems with that application in that the developers created their own problem. The current application does not address any of the findings in that decision. Instead, the applicants attempt to side-step that finding and go ahead with their original plan, requesting exception to policy. The findings in that platt amendment remain as problems that should be resolved before any development goes forward on the Landmark Historic Site in question. Furthermore, public input from the neighborhood on the platt amendment application expressed the overwhelming neighborhood opposition for such density increasing and historically inconsistent development in our neighborhood.

As this will be the first exception granted to this policy under the newly adopted guidelines, this decision will set the precedent for what constitutes valid "unique conditions" to relocate a Landmark Historic structure. From the application materials, it is clear that the "unique conditions" proposed by the applicants is aesthetics for their resulting development. They state that without the exception to move the existing house, their development of Lot 4 will result in the appearance of "a second house being squeezed in." This cannot be considered an adequate reason to override the existing, documented issues with the proposed project. Granting the current application to move the Landmark Historic Structure purely for aesthetic development purposes completely negates the community-wide effort put into creating the new Historic District Guidelines. This will set a precedent that developers can ignore Guidelines for economic gain. This type of project is exactly what the guidelines were put in place to prevent. Allowing such a precedent to be set will inevitably lead to a slippery slope where any developer can ask for an aesthetic exception to our community implemented policy. This cannot be the intent of the above conditional exception in the HDG, Section E. Otherwise, why do we have Historic District Guidelines?

Furthermore, the argument in the application presents a false opposition to the Planning Staff. The applicants propose that two buildings will be constructed on this property. In that case, they argue, moving the existing historic building is aesthetically preferred to "a second house being squeezed in". However, no approval has been made for any development of either building, so this is a misleading argument. It attempts to lead someone evaluating the application to consider which option, of the two presented, will be best for the neighborhood. In fact, the two choices presented by the applicants are not the only two options for development of 811 Norfolk. There are a number of other possible development plans for the property that would neither include movement of the Landmark Structure nor squeezing another house in. The applicants claim that their proposed design is an inevitable outcome for the property. They are acting quite presumptuously then, telling us, as a City and a neighborhood, what the future of our Historic street will be without obtaining approval through the required process. In fact, their rationale amounts to a threat – in effect, *if we don't get to relocate this house, we will build the biggest, least-compatible house we can in the portion of the Lot 4 remaining.* We encourage you not to simply accept the false choice presented to you, choosing the apparent lesser of two evils. Instead, let's aim for development that is fully consistent with the valued community ideals of historic preservation and smart development.

Finally, within the proposed design, there are further non-conforming aspects of the development. First, The planned design is much too high and is not in keeping with the "predominant pattern of the neighborhood", as is required to the Historic District Guidelines, Universal Guideline 6 and 7. It appears that the design takes the highest possible point in our neighborhood and uses that as the only indication of a height limit. They assume that the accessory structure on our property is the only indicator of the "predominant pattern of the neighborhood". In fact, they should be in keeping with the predominant home height on Norfolk Avenue. If you are not familiar with our accessory building, we suggest you come take a look at it. It is not visible from Norfolk Avenue; it is not living space, but a garage; and it originally fronted on Crescent Tram Road, not Norfolk. This building should not be the indicator of predominant height in our neighborhood. The houses are consistently

lower and any new development should conform with that height.

Second, the proposed development plan significantly changes the lot coverage, building bulk, and developed area to open space on the site. Historic District Guidelines, Section A.1.1 states that changes to a historic site should:

A.1.1 Maintain the existing front and side yard setbacks of the Historic Site

Crucially, this requirement refers to the “Historic Site”. The two proposed buildings at 811 Norfolk are on one Historic Site. Further relevant Historic Guidelines are listed below:

Design Guidelines for Historic Sites

A.5.3 The historic character of the site should not be significantly altered by substantially changing the proportion of built or paved area to open space.

Guidelines for New Construction in the Historic District

A.2.1 Lot coverage of new buildings should be compatible with the surrounding Historic Sites.

A.5.4 The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.

The two proposed buildings at 811 Norfolk are on one Historic Site. The current owners subdivided the property without regard for the Historic District Guidelines. But, the continuing designation of the site as one Landmark Historic Site makes it subject to the HDG, Section A.1.1 and A.5.3. The proposed development drastically alters the front and side yard setbacks and the built or paved area on the property. The proposed new development is drastically out of line with the predominant pattern of the lot coverage and built area of our neighborhood. The pattern of lot coverage and built area to open space existing on 811 Norfolk is not unique in the neighborhood. Most of the houses in this area are on more than one historically platted lot. The dominant development pattern in our neighborhood is to maintain open space on each property. The two adjacent properties to 811 Norfolk are on 1 ½ and 2 historic lots. Making special exception to our guidelines in order to increase density and built area in a neighborhood that traditionally has a high proportion of open space is drastically divergent from the intent of Historic Preservation. The proposed project violates HDG, A.1.1, A.5.3, A.2.1, and A.5.4.

The Historic District Guidelines are clear that Landmark Sites are to be strongly protected. On page 20, it states, “Projects involving Landmark Sites must adhere to the strictest interpretation of the Guidelines and must be designed and executed in such a manner as to retain designation as a Landmark Site.” Surely, the **strictest interpretation** of the Guidelines does not include this project.

This request is not for a small exception. This is a broadly reaching judgement that will lead to violation of a number of HDG regulations and set a precedent on which future exceptions are judged. The developers of 811 Norfolk have asked for exception to the guidelines after receiving a negative recommendation through the usual channels. They did not address any of the objections to their original application. They are asking for the rules to be bent for their development project, a project to which the neighborhood overwhelmingly objects. Their proposed reason for requesting the exception is design aesthetic of their project. Please hold these developers to the standard set by the people of Park City in approving the Historic District Guidelines. An exception for this project, will negate the hard work that went into our guidelines. It will, in effect, tell developers that those guidelines do not stand up to opposition, that our guidelines are to be ignored, as these applicants have ignored previous negative feedback to their development plan.

Thank you for taking our comments into consideration in review of this application.

Kris Gray & Katherine Matsumoto-Gray
823 Norfolk
435-901-0405

Katie Cattan

From: Mary Whitesides [mary@dancindeerdesign.com]
Sent: Monday, November 08, 2010 2:44 PM
To: Katie Cattan
Subject: Re: 811 Norfolk Ave

Hi Katie

I have just come from looking over the plans for 811 Norfolk Ave at the office of the Planning Commission. It is quite difficult to tell on paper how tall those houses will be in actuality. I think quite abit can be slipped through the system on paper. Until some kind of marker is put up on those houses, the height impact on the neighborhood will not be known. I would like to invite you to my house to examine the situation from my viewpoint. I am located at 812 Crescent Tram right behind the proposed project. Wednesday would be a very good time.

In addition, I completely agree with Kathryn Masutmoto-Gray on the violation of the Historic Landmark Guidelines. This is a serious issue for Old Town and I hope it is being considered seriously. I look forward to a visit with you.

Thank you Katie.

Mary Whitesides
435 513-0740

Katie Cattan

From: Alisa Timm [alisat@trustrealtyadvisors.com]

Sent: Tuesday, November 09, 2010 6:05 AM

To: Katie Cattan

Subject: 811 norfolk

Ms. Cattan,

As a homeowner on Norfolk I object to approving the application to construct two homes on the lot at 811 Norfolk. This type of density will only lessen the appeal of the neighborhood as a place to live not just visit.

Thank you.

Alisa Timm
cell phone 602-524-7741

Katie Cattan

From: Laura Atkins [weaverla81@hotmail.com]
Sent: Monday, November 08, 2010 6:27 PM
To: Katie Cattan
Cc: Katherine Matsumoto
Subject: FW: Public input ends Thursday for development at 811 Norfolk

Hi Katie,

I wanted to send you an email and just say that I support everything that Katherine has to say. Its ridiculous that they can even apply for an exception to the new historic guidelines. I am discouraged and disheartened with the intent to maintain the historic integrity of Old Town.

Thanks for your time,

Laura Atkins
 1101 Norfolk Ave

Date: Mon, 8 Nov 2010 12:08:33 -0700
 Subject: Public input ends Thursday for development at 811 Norfolk
 From: kmatsumotogray@gmail.com
 To: alexlair@gmail.com; alisat@trustrealtyadvisors.com; mary@dancindeerdesign.com; amcnulty@pcschools.us; asprung@aol.com; atkins.steve@hotmail.com; tracyinparkcity@hotmail.com; bfletch@whidbey.com; bmcnulty@livable.com; Carol_Shepard@hermanmiller.com; cathatrn@cs.com; chubs2006@gmail.com; cliffordapotter@hotmail.com; crhazle@comcast.net; David@propertymanagementsoftware.cc; emilymatsumoto@gmail.com; gnrskis@msn.com; gregory.golding@gmail.com; jackhelton@gmail.com; jandslair@hotmail.com; jcampbellsierra@yahoo.com; JeJoJeff@gmail.com; jeniferosa@gmail.com; jonathan.silverstein@hsc.utah.edu; jtmayflower@msn.com; jwpcpp@gmail.com; kelleraf@easystreet.net; kjdliberty@hotmail.com; linda.mcreynolds@sothebysrealty.com; marenmullin@gmail.com; maria@m3ee.com; michaeljsir@aol.com; moriarty.maureen@yahoo.com; orrd@msn.com; pamela@propertymanagementsoftware.cc; pcuff@livable.com; philippe@astie.com; readdress@parkcityus.com; rickarussell@cs.com; rkuhle@vestar.com; rmellerski@aol.com; sendcherieb@yahoo.com; steiny142@peoplepc.com; tobywaan1@gmail.com; weaverla81@hotmail.com; yoginitiff@yahoo.com
 CC: charliej8@gmail.com

Hi neighbors,

The developers at 811 Norfolk have submitted a design proposal for 2 homes where there is currently one, Ruth Staker's old home. As you know, the City has previously decided to save the historic garage on that property and has given a negative recommendation on the plat amendment, splitting the property into two. The owner's are now going a different route and applying for a 'special exception' to rules that restrict moving a Landmark Historic House. I know many of you have expressed opposition to such a project. Now is the time to give your input to the City Planning Department. Send emails to Katie Cattan at kcattan@parkcity.org

Anything helps to show the opposition our neighborhood holds toward development projects that increase density and negatively affect historic character in our neighborhood, even a short note. These should be sent **by 5:00 pm on Thursday, November 11th**. A meeting will be scheduled after the application and public comment is considered by a committee.

If you'd like to talk with me further about the project, please feel free to call me at (435) 901-0405. The

plans are available at the Planning Office in the Marsac Building to go over. I have listed below some of the major problems that I see with the project. If you do not want to receive future communication about such projects in our neighborhood, let me know.

Thanks for your involvement,

Problems with the development application

1. There is an existing negative recommendation on the Platt Amendment Application for this property. The current application does not address any of the findings in that decision. Instead they attempt to side-step that finding and go ahead with their original plan by requesting an exception to policy. The findings in that Platt Amendment remain as problems that should be relevant in this decision.
2. Public input from the neighborhood on the Platt Amendment Application expressed the overwhelming neighborhood opposition for such density increasing and historically inconsistent development in our neighborhood.
3. The planned design is too high and is not in keeping with the "predominant pattern of the neighborhood", as is required to the Historic District Guidelines.
4. The planned design is inconsistent with many of the Historic District Guidelines. Foremost among them, relocation of the house will change the historic designation of the Landmark Historic Site; the proposed development plan significantly changes the lot coverage, building bulk, and developed area to open space on the site; and the plan requires disassembly and reassembly of the house, an option that would not be necessary if the house stayed in its current location.
5. The application presents a false opposition to the Planning Staff. They propose that 2 buildings will be constructed on this property. In that case, moving the existing historic building is aesthetically preferred to "a second house being squeezed in". However, no approval has been made for any development of either building, so this is a misleading argument. In fact, the two choices presented by the applicants are not the only 2 options for development of 811 Norfolk.
6. Finally, this **will be the first decision** on an exception to policy in the new Historic District Guidelines. Granting the application to move the Landmark Historic Structure purely for aesthetic development purposes completely negates the effort put into creating Historic District Guidelines. This will set a precedent that developers can ignore Guidelines for economic gain. This type of project is exactly what the guidelines were put in place to prevent.

--

Katherine Matsumoto-Gray
 823 Norfolk
 435-901-0405
kmatsumotogray@gmail.com

Katie Cattan

From: jim wilson [jwpcpp@gmail.com]

Sent: Monday, November 08, 2010 2:43 PM

To: Katie Cattan

Subject: 811 Norfolk

Just a short note to oppose building another house on the Ruth Staker property. Jim Wilson 1063 Norfolk Ave.

Katie Cattan

From: Maren Bargreen Mullin [marenmullin@gmail.com]

Sent: Monday, November 08, 2010 12:39 PM

To: Katie Cattan

Subject: I live near 811 Norfolk

Hello Ms. Cattan,

I am writing to you to voice my concern with the redevelopment of 811 Norfolk Ave. Looks like the owners are now asking for a special exception to the current guidelines. I am against projects that negatively affect historic character in our neighborhood and add further density. The street is already too packed as it is! Further, I am worried that this will be the first decision on an exception to policy in the new Historic District Guidelines... and not the last. Granting the application to move the Landmark Historic Structure purely for aesthetic development purposes completely **negates** the effort put into creating the Historic District Guidelines. This will set a precedent that developers can ignore Guidelines for economic gain. This type of project is **exactly** what the guidelines were put in place to prevent.

Thanks for your time,

Maren Bargreen Mullin

Park City, Utah

www.GalleryMAR.com

435-659-9659 c

435-649-3001 w