



**PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
August 24, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Department of Park City, Utah will hold its Board of Adjustment Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Tuesday, August 24, 2021.

MEETING CALLED TO ORDER AT 5:00 PM.

To participate virtually please visit www.parkcity.org

1.ROLL CALL

2.MINUTES APPROVAL

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.CONTINUATIONS

6.REGULAR AGENDA

- 6.A. 45 Hillside Avenue – Variance – The Applicant Requests Variances to the Front Setback Requirements in the Historic Residential - 1 (HR-1) Zoning District. PL-21-04861.
(A) Public Hearing; (B) Action
[Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: Applicant's Variance Narrative](#)
[Exhibit C: Applicant's Submittal Package](#)

- 6.B. 91 King Road – Variance – The Applicant Requests Variances to the Minimum Lot Size, Minimum Lot Width, and Front and Side Setback Requirements in the Historic Residential - Low Density (HRL) Zoning District. PL-21-04829. (A) Public Hearing; (B) Action
[Staff Report](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: 1987 Building Permit for Remodel](#)
[Exhibit C: 1968 Zoning Map](#)
[Exhibit D: 1968 R-1 Regulations](#)
[Exhibit E: 1980 HR - 1 Regulations](#)
[Exhibit F: Existing Conditions](#)

Exhibit G: 91 and 95 King Road Proposed Plat Amendment
Exhibit H: Ordinance No. 83-13 Creating the Historic Residential Low - Density Zoning District
Exhibit I: Ordinance No. 84-9 Rezoning the Sampson Avenue Area from HR-1 to HRL
Exhibit J: 1985 Zoning Map
Exhibit K: 1984 Historic Residential Low - Density Regulations
Exhibit L: Park Record March 9, 1995 Article
Exhibit M: Applicant's Statement
Exhibit N: Board of Adjustment Approval of 95 King Road Variance (1991)
Exhibit O: 2000 HRL Regulations
Exhibit P: 1997 HRL Regulations

7.ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

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

Board of Adjustments Staff Report

Subject: 45 Hillside Avenue
Application: PL-21-04861
Author: Browne Sebright, Planner II
Date: August 24, 2021
Type of Item: Variance



Recommendation

Staff recommends that the Board of Adjustment review the proposed application, conduct a public hearing, and consider the applicants' request for Variances from the Front Setback pursuant to Section [15-2.2-3\(F\)](#) and to locate a Detached Accessory Building in front of the Main Building pursuant to Section [15-2.2-3\(G\)](#), in order to construct a new single car “bunker” style garage, at 45 Hillside Avenue, a non-historic Single Family Dwelling.

Description

Applicant: Dan Fischer, Caitlyn Barhorst, Raw Design Studio
Location: 45 Hillside Avenue
Zoning District: Historic Residential -1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Variances require Board of Adjustment approval

Acronyms

HDDR Historic District Design Review
HR-1 Historic Residential -1
LMC Land Management Code
ROW Right-of-Way

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

The existing Single-Family Dwelling is a non-historic structure built in 1955. The owner currently parks on the street parallel to Hillside Avenue and accesses the house via stairs and paths. The Property currently has no off-street parking, and the owners are seeking to create parking for this residence with this application. LMC Section 15-3-6(A) requires Single Family Dwellings to have 2 parking spaces per Dwelling Unit. This Property was constructed prior to the 1968 Land Management Code and the first recorded requirement for Off-Street Parking in Park City.

The applicant believes that unique conditions exist with the property to warrant granting of a Variance to the required Front Yard Setback and a Variance to locate the proposed detached Accessory Building in front of the Main Building in the Front Setback. The application for a Variance is to allow the proposed garage to be located as close to the front property line as possible (a zero foot (0') setback). The proposed garage is

considered an Accessory Structure because it is detached from the Single-Family Dwelling.

The Applicants propose to construct a new subterranean, detached single car “bunker” style garage in the Front Setback by excavating into the hillside between the existing house and Hillside Avenue. Although the garage would accommodate only one car, the driveway leading to this structure would be capable of accommodating one additional car in the platted Right-Of-Way (ROW). Due to the relationship between the subject property and the actual location of Hillside Avenue, which is partially located within the platted ROW, the applicants are proposing to locate their driveway in the platted unbuilt ROW.

The image below is an excerpt from the Applicant’s submittal, showing the existing Single-Family dwelling and the approximate location of the proposed Detached Garage.



On May 12, 2021, the Applicant submitted a Historic District Design Review (HDDR) Pre-Application and on May 19, 2021, the proposed design was reviewed by the Design Review Team. The DRT reviewed the proposed design for compliance with the Design Guidelines for Historic Districts and Historic Sites and did not find any major compliance issues.

On June 23, 2021, the Planning Department received an application for a Variance request to the Front Yard Setback and to locate a Detached Accessory Building in front of the Main Building. The application was deemed complete on July 12, 2021.

Analysis

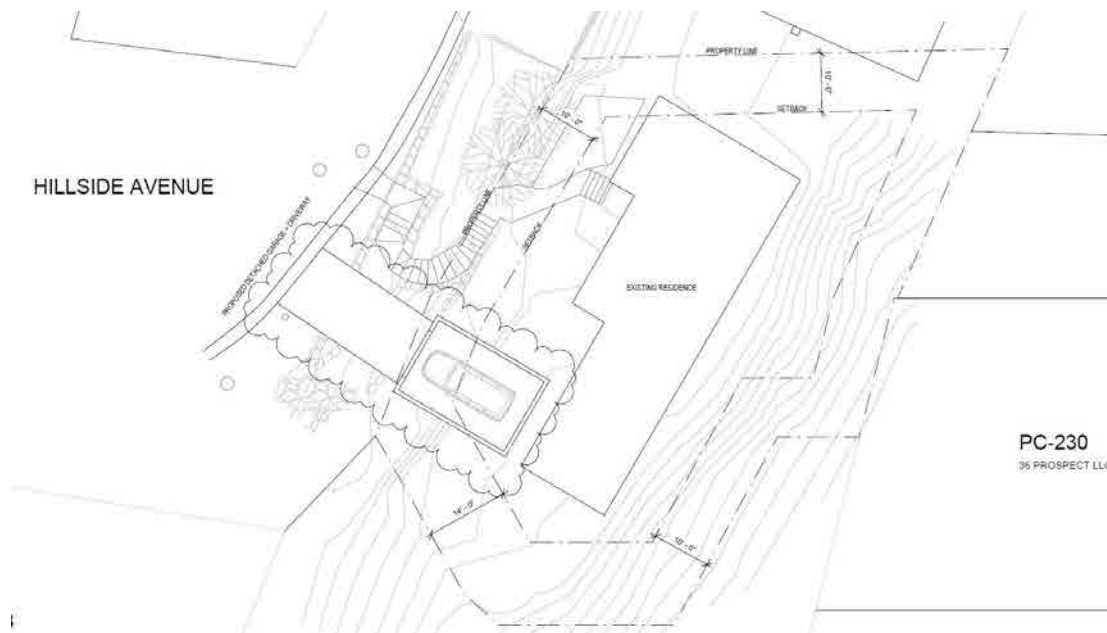
The Board of Adjustments hears all Variance request. The Board of Adjustments holds a public hearing and takes Final Action on Applications for Variances, prior to the issuance of any Conditional Use permit, or other approval by the Planning Commission of Planning Department.¹

The Applicant requests two Variances:

- A Variance to Land Management Code (LMC) Section [15-2.2-3\(F\)](#) to the required ten-foot (10') Front Yard Setback exception to allow for a single-car garage to be constructed as close to the front property line as possible (a zero foot (0') setback)
- A Variance to LMC Section [15-2.2-3\(G\)](#) to locate a Detached Accessory Building in front of the front façade of the Main Building.

Should the applicants receive the Variances for the location of the proposed garage, they will then need to seek a Conditional Use Permit for Steep Slopes, Permits for Construction in the Right-of-Way, an Encroachment Agreement, and approval of a Historic District Design Review (HDDR) for the design of the garage structure are necessary prior to the issuance of a building permit. An Administrative Conditional Use Permit for retaining walls exceeding six feet (6') in height in the Front Setback may be required subject to the final design and configuration of the proposed garage. The applicant has chosen to move forward with the Variances request prior to submitting the CUP applications and the full HDDR application.

The image below is an excerpt from the Applicant's submittal, showing the approximate location of the proposed Detached Garage on a site plan of the Property.



¹ LMC § [15-10-8](#).

(I) The proposal seeks a Variance with the Historic Residential-1 (HR-1) Zoning District Requirements outlined in LMC [§ 15-2.2-3](#).

The LMC requires a 10 foot (10') Front Yard Setback to the property line and the applicant is requesting a zero-foot (0') setback to accommodate the garage and minimize excavation.² The proposed garage and adjacent new stairs comply with the required Side Setback.

The following are the minimum lot, site, and height requirements per Land Management Code Section 15-2.2-3 for development within the HR-1 zoning district for a lot of this size, 6,575 square feet:

Zoning Requirement	Analysis of Proposal
Minimum Front/Rear Setback – 10 feet (20 feet total)	No change to existing house 0 ft. front yard setback for proposed garage requires a Variance
Minimum Side Setback – 10 feet (24 feet total)	Complies No changes proposed.
Accessory Structures – 5 feet behind the front façade of the Main Building	To locate the structure in front of the Main Building requires a Variance
Minimum Lot Size – 1,875 sf. minimum	Complies No changes proposed – 6,575 sf.
Building Footprint – 2,272 sf. maximum Garage Footprint	Complies Main Building Footprint – 1,408 sf. Garage Footprint – 329 sf. Combined Footprint – 1,737 sf.
Building (Zone Height – 27 ft. maximum)	Complies No changes proposed.
Accessory Building Height – 18 ft. maximum	Complies Proposed garage height is 11 feet.

Land Management Code Section [15-13-8\(B\)\(9\)](#) establishes the Design Guidelines for New Accessory Structures for Historic Districts.

1. New accessory structures on flat or downhill sites shall generally be located in the rear yard, unless located in a character zone with similar development patterns.
2. New accessory structures may be located at the street front when a pattern of front yard historic accessory structures has been established along the street, and when the proposed placement of the accessory structure does not create a danger or hazard to traffic by obstructing the view on the street.

² LMC § [15-2.2-3\(F\)](#).

3. Accessory structures (such as sheds and detached garages) shall be subordinate in scale to the primary structure.

The Applicant's Existing Conditions Narrative submission identifies a pattern of similar development of parking structures along Hillside Avenue. The proposed subterranean garage is like two other Properties on Hillside that have excavated parking areas or subterranean garages. The images from the Applicant's submittal below show the existing subterranean garage and excavated parking area of 27 Hillside and 37 Hillside Avenue, respectively.



(II) The proposal complies with the Variance criteria outlined in LMC [§ 15-10-8\(C\)](#).

In order to grant the requested Variances to the aforementioned code sections, the Board of Adjustment must find that all five (5) criteria located in LMC [§ 15-10-8](#) are met. The applicant bears the burden of proving that all the conditions justifying a Variance have been met (see Exhibit B).

In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under Subsection [15-10-9\(C\)\(1\)](#), the Board of Adjustment (BOA) may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. In determining whether or not the enforcement of the LMC would cause unreasonable hardship the BOA may not find an unreasonable hardship if the hardship is self-imposed or economic.

Variance Review Criteria	Analysis of Proposal
1. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;	<u>Applicant's Request:</u> The topography of the site slopes steeply up from the front property line to the front façade of the home. Adhering to the required 10ft front setback would require the excavation of the site to be greater, creating a design situation where the front facade of the detached garage would have a driveway that is 10ft further setback from the road than the proposed

	(approximate) 24ft driveway. In effort to keep with the character of the Historic District and Design Guidelines, we find the proposal to locate the garage within the front setback to be keeping closer in line with the streetscape, reducing the required paving as well as required excavation. The existing Single-Family Dwelling is non-historic, however was built prior to the implementation of the current parking requirements in HR-1 requiring 2 off-street parking stalls. The project aims to bring the property closer into compliance of the current zoning requirements. <u>Staff Analysis:</u> The LMC Section 15-9-3 states that Variance Applications are reviewed to ensure that they are reducing the degree of non-conformity, or that they improve the function of the site's Use in relation to other Uses. While there were no parking requirements at the time of construction, the Applicant's proposal aims to bring the property closer into compliance of the current zoning requirements.
2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;	<u>Applicant's Request:</u> The location of the property at the juncture of Hillside Avenue, Daly Avenue, and Main Street creates a traffic situation that is unique to this specific intersection. There has been numerous vehicular accidents and issues with snow removal causing pedestrian and vehicular sight line concerns (See Attachment B). <u>Staff Analysis:</u> Staff finds that the proposed garage would have to be pushed further into the hill if the Variances are not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. Granting the Variances to permit the garage construction would be beneficial to the street as it would help other vehicles to pass without the obstruction of cars in the roadway.
3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property	<u>Applicant's Request:</u> The properties located North of this site at 37 and 27 Hillside Avenue have parking areas located within the ROW, immediately at the end of the retaining wall

in the same zone;	that borders the paved street. Additionally, similar variance proposals located on Ontario Avenue which has comparable topographical site challenges have been reviewed and approved in the past, located in both HR-1 HRL and Zones (422 Ontario Avenue, 341 Ontario Avenue, and 316 Ontario Avenue). Although the three past Variance requests were regarding properties designated on the Park City Historic Sites Inventory (which are exempt from off-street parking requirements per the LMC), and 45 Hillside is non-historic we find the proposal brings the property further into compliance with the current zone. <u>Staff Analysis:</u> Staff finds that other houses on Hillside Avenue have a garage and off-street parking located with reduced Front Setbacks. Garages are helpful along Hillside Avenue to alleviate parking and prevent parked cars on a steep and narrow road, particularly during winter months when the necessity of the garage is almost a public safety issue. Since there is limited safe or legal on-street parking nearby this property, parking within the garage will be utilized for the associated single-family home. Granting the Variances will allow a garage at the street front where it will have a lesser impact on the existing topography than if pushed back farther; this honors the intent of the LMC and allows for a better design of the proposed Detached Accessory Building.
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and	<u>Applicant's Request:</u> <i>Small Town:</i> Goal 3 Increase pedestrian mobility through enhanced public transit, biking, and walking. Community Planning Strategies 3.4 Create safe bike/pedestrian pathways between all public spaces within the City limits. With the proposal to located off-street parking, this opens up the east-side of Hillside Avenue (painted to give a larger shoulder for pedestrian traffic) for a more safe route for people to walk from the parking lots off of Marsac Avenue down to Main Street, which is a frequented pedestrian route. City Implementation Strategies 3.13 Seek alternatives to widening existing streets and highways. This proposal does not aim to widen the

	existing street. Rather, it provides an alternative to locate the required off-street parking and creates a safer vehicular and pedestrian intersection. <i>Natural Setting:</i> Objectives 4D Minimize further land disturbance and conversion of remaining undisturbed land areas to development to minimize the effects on neighborhoods. Although the goal of “Natural Setting” speaks more broadly to preserving existing and dedicated open space, we find this objective applies positively to this proposal; by locating the garage within the front setback the required excavation is reduced and allows for more natural vegetation above the proposed garage. City Implementation Strategies 5.15 Adopt flexible site design standards that encourage screened recycling areas for easy pick-up, including in parking areas if impacts can be mitigated. The proposal intends to locate the recycling and garbage cans within a screened area (either within the garage or setback in a housed area offset from the driveway/ required retaining walls) <i>Historic Character:</i> With the consideration of the Historic District Design Guidelines, which will be reviewed with the submittal of the HDDR Application, dependent on the determination of this Variance Application, we have designed the proposal to respect the requirements of LMC 15-13-8 Design Guidelines for New Residential Infill Construction, specifically regarding Topography and Grading, Landscape and Vegetation, Retaining Walls, Paths, Parking Areas & Driveways, Materials, Garages, and New Accessory Structures. Regarding the general public interest, the property owner has provided documentation of photographs and a summary of some of the past pedestrian, vehicular, and snow removal concerns which are explained in item #2 above. With the proposed off-street parking, there will be more opportunity for snow removal. <u>Staff Analysis:</u> Staff finds the Variances complies with the Small Town, Natural Setting, and Historic Character
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	chapters of the General Plan and will not be contrary to public interest because of this project attempts to mitigate dangerous traffic conditions along Hillside Avenue. Staff finds the Variances will not substantially affect the General Plan and will not be contrary to public interest. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Hillside Avenue. Granting the Variances will improve off-street parking opportunities for the existing home and adjacent neighborhood.
5. The spirit of the Land Management Code is observed and substantial justice done.	<u>Applicant's Request:</u> The proposal to construct the detached single-car garage addresses the spirit of the Land Management Code by increasing the amount of off-street parking in a very highly traffic and dangerous intersection. The proposal includes a heated driveway, which will provide more snow removal opportunity at the intersection. Additionally, as discussed in #1 above, the proposal to locate the driveway within the front setback will reduce the required excavation of the hillside, as well as reduce the required paving for the driveway, which is in keeping with the intent of the purpose of the HR-1 Zone and the Design Guidelines. <u>Staff Analysis:</u> Staff finds that the spirit of the Land Management Code is observed, and substantial justice is done. Historic homes in old town are generally exempt from parking requirements. However, this home was built during a period that predates Park City's first parking requirements, but later than the latest period of homes that are eligible to be on the Historic Sites Inventory. Grant the Variances will permit the owner to increase off-street parking to become more compliant with the current requirements of the Land Management Code, while also reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.

Approval of the Variances by the Board of Adjustment constitutes Final Action that may be appealed following the procedures found in LMC [§ 15-10-7](#). Approval of a Conditional Use Permit for Steep Slopes, Permits for Construction in the Right-of-Way, an Encroachment Agreement, and approval of a Historic District Design Review (HDDR) for the design of the garage structure are necessary prior to the issuance of a building permit. An Administrative Conditional Use Permit for retaining walls exceeding six feet (6') in height in the Front Setback may be required subject to the final design and configuration of the proposed garage.

(III) The Development Review Committee identified future Right-of-Way issues and requires Conditions of Approval.

This project has gone through an interdepartmental review. The Engineering Division noted that the applicant will have to agree to a Condition of Approval that if at some point in the future the ROW is re-aligned, the applicant will be responsible for the removal of the retaining walls and any parking in the ROW at their own expense. This is reflected in Condition of Approval #8.

Department Review

The Development Review Committee and Planning, Engineering, Fire, Transportation, and Legal Departments reviewed this application.

Engineering stated that they do not have concerns regarding the removal of the one on street parking space and the construction of the proposed garage. Due to the narrow road above this location, the controlled intersection to the south, and in conjunction with adequate sight distance it is not anticipated that speeds would be excessive and unable to stop when a car is backing into the roadway.

Notice

Staff published notice on the City's website and posted notice to the property on July 28, 2021. Staff published notice on the Utah Public Notice website on July 31, 2021. Staff mailed courtesy notice to property owners within 300 feet on July 28, 2021. The *Park Record* published notice on July 28, 2021. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Board of Adjustment may grant the Variances requested according to the findings of fact, conclusions of law and conditions of approval drafted below and/or as amended; or
- The Board of Adjustment may deny the Variances requested and direct staff to make findings of fact to support this decision; or
- The Board of Adjustment may continue the discussion and request additional information on specific items.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Applicant's Variance Narrative

Exhibit C: Applicant's Submittal Package



August 24, 2021

Caitlyn Barhorst, Raw Design Studio
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info@rawdesignstudio.com
801-215-9729

CC: Dan Fischer

NOTICE OF BOARD OF ADJUSTMENTS ACTION

Description

Address: 45 Hillside Avenue

Zoning District: Historic Residential – 1 (HR-1)

Application: Variance

Project Number: PL-21-04861

Action: Approved with Conditions

Date of Final Action: August 24, 2021

Project Summary: A request for Variances from the Front Setback pursuant to Section 15-2.2-3(F) and to locate a Detached Accessory Building in front of the Main Building pursuant to Section 15-2.2-3(G), in order to construct a new single car “bunker” style garage, at 45 Hillside Avenue, a non-historic Single-Family Dwelling.

Action Taken

On August 24, 2021, the Board of Adjustments conducted a public hearing and approved the new, subterranean single-car garage in the Front Setback according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The property is located at 45 Hillside Avenue in the Historic Residential-1 (HR-1) Zoning District.

2. The HR-1 zone is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.
3. The property consists of 6,575 square feet.
4. There is an existing ~1,408 square foot Single Family Dwelling on the property. It is a non-historic site.
5. The existing house is set back from the front property line by 12 feet to 22 feet. It is set back from the edge of asphalt on Ontario Avenue by ~30 feet.
6. The owner currently parks in an asphalt parking pad parallel to Hillside Avenue and accesses the house via stairs and paths. This space is not approved private parking for 45 Hillside Avenue, but, rather, it is located in the City ROW and is considered public parking.
7. The applicant is requesting a Variance to LMC Sections 15-2.2-3(F) to reduce the required ten-foot (10') front yard setback to zero feet (0') and to Section 15-2.2-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.
8. If at some point in the future the ROW is re-aligned, the applicant shall be responsible for the removal of the retaining walls and any parking in the ROW at their own expense.
9. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the width of the platted unbuilt ROW, and the steepness and topography of the slope along Hillside Avenue. (Criteria 1)
10. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The proposed garage would have to be pushed further into the hill if the Variances are not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. (Criteria 2)
11. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to construct a Detached Accessory Building (garage) at the street level without severely impacting existing grade, while also alleviating congestion and safety concerns on Hillside Avenue by providing off-street parking. (Criteria 3)
12. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to reduce vehicle conflicts on Hillside Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Hillside Avenue. (Criteria 4)
13. In order to construct a garage that meets the required Front Setbacks, the garage would need to be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill driveway. If the garage were constructed to comply with the LMC, it would not meet the intent of the General Plan.

14. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to construct a garage for the Site that will be setback from the edge of curb by twenty feet, consistent with the required front yard setback outlined in 15-2.2-3 (F). The Variances permit the owner to increase off-street parking in the neighborhood for two properties while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. (Criteria 5)
15. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

Conclusions of Law

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

Condition of Approval

1. The Variances are limited to the construction of a single-car garage to be constructed as close to the front property line as possible, as indicated on the plans submitted with this application dated June 23, 2021, unless otherwise approved with an HDDR approval.
2. No portion of the garage shall be used for additional living space.
3. No other structures including decks are allowed in the front setback.
4. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Trash and recycling bins may be stored in the garage.
5. The applicant will need to receive a Conditional Use Permit for Steep Slopes and Permits for Construction in the Right-of-Way prior to the issuance of a building permit.
6. An Administrative Conditional Use Permit for retaining walls exceeding six feet (6') in height in the Front Setback may be required subject to the final design and configuration of the proposed garage.
7. The applicant will need to submit an HDDR application for the proposed design to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.
8. If at some point in the future Hillside Avenue is re-aligned, the applicant will be responsible for the removal of retaining walls and parking within the ROW at their sole expense and in an expeditious manner (within 90 days if written notice).
9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-

Way.

10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
11. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5063 or email browne.sebright@parkcity.org

Sincerely,

Ruth Gezelius
Board of Adjustments, Chair
CC: Browne Sebright, Planner II



Variance Application – 45 Hillside Avenue, Park City, UT

This existing non-historic Single-Family Dwelling at 45 Hillside Avenue has no off-street parking and the owners are seeking to create parking for the residence. The proposal is a subterranean, detached single-car garage that is located within the front setback; the proposal will be similar to previous Variance applications 422 Ontario Avenue, 341 Ontario Avenue, and 316 Ontario Avenue.

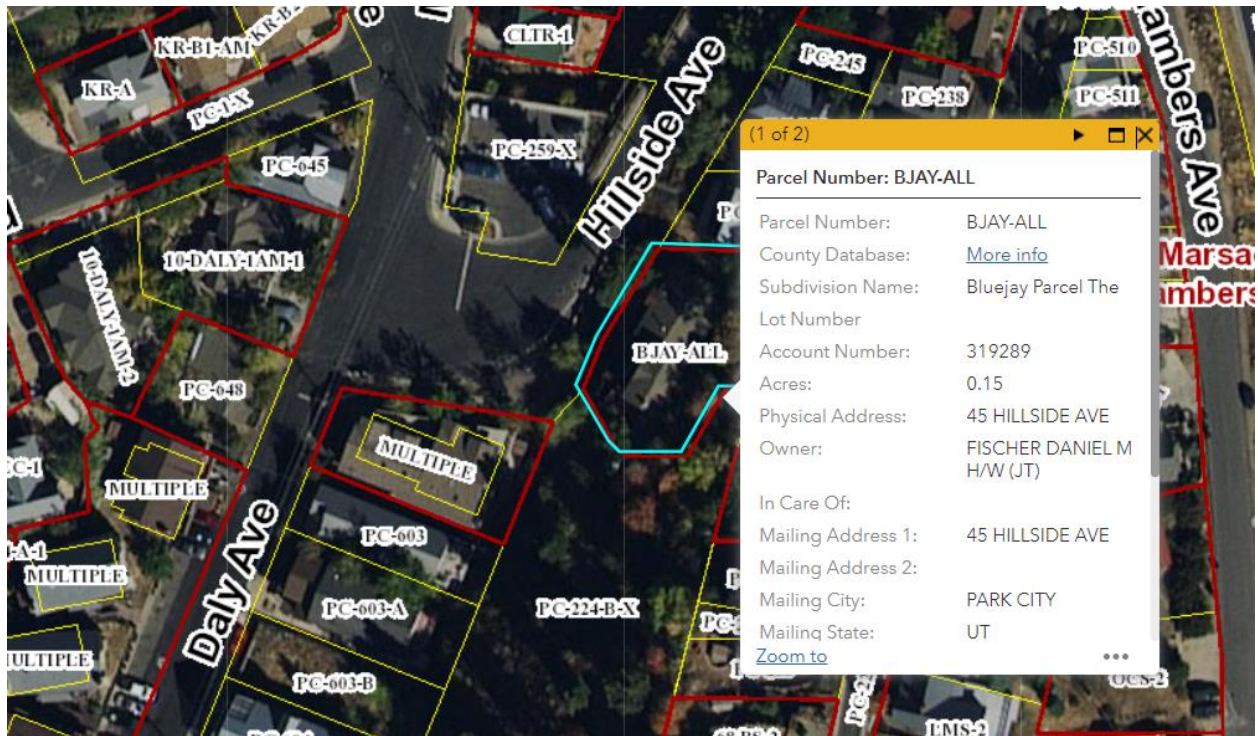
The reason for this variance request is the hardship created by the relationship of the intersection of Hillside Avenue, Daly Avenue, Main Street, King Road and Park Avenue. The new traffic patterns implemented help protect pedestrians from vehicular traffic and this garage aims to remove another vehicle from the road to further clear the intersection. The intent of constructing the detached garage within the front setback is to reduce the required excavation of the site. The existing subterranean garages at 27 Hillside and the excavated parking area at 37 Hillside located just north of the proposed site both achieve off-street parking similar to this variance request.

By excavating into the hillside, the “bunker” style garage is intended to provide off-street parking for one car located within the property lines of 45 Hillside Avenue with a driveway leading from the paved Hillside Avenue Right-of-Way. Any necessary encroachment agreements with the city for the driveway, stairway, etc. will be submitted as required. The existing landscape stairway will remain close to the current location and serve as the same entrance point to the residence with a roof-top terrace created in part by the top of the bunker style garage with landscaping at the roof to reduce the visual impact of the garage. There is an existing accessory structure/shed located in the Right-of-Way which will be removed during the construction of the detached garage.

Following the determination of the Variance request for the detached single-car garage located within the front setback, a full HDDR Application with landscaping design details and more specific construction documentation, size of garage, location of retaining walls, and materials will be submitted.

Thank you,

Caitlyn Barhorst
Project Manager
806-559-8079
caitlyn@rawdesign.com





1. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

- The topography of the site slopes steeply up from the front property line to the front façade of the home. Adhering to the required 10ft front setback would require the excavation of the site to be greater, creating a design situation where the front facade of the detached garage would have a driveway that is 10ft further setback from the road than the proposed (approximate) 24ft driveway. In effort to keep with the character of the Historic District and Design Guidelines, we find the proposal to locate the garage within the front setback to be keeping closer in line with the streetscape, reducing the required paving as well as required excavation.
- The existing Single-Family Dwelling is non-historic, however was built prior to the implementation of the current parking requirements in HR-1 requiring 2 off-street parking stalls. The project aims to bring the property closer into compliance of the current zoning requirements.



Schematic Rendering of proposed detached garage.



2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;

- The location of the property at the juncture of Hillside Avenue, Daly Avenue, and Main Street creates a traffic situation that is unique to this specific intersection. There has been numerous vehicular accidents and issues with snow removal causing pedestrian and vehicular sight line concerns (documented below).

1) Sep 17th, 2020 at 10:30PM a motorcycle sideswiped our vehicle injuring motorcyclist.

2) Feb 2nd 2021, police officer wrote a parking violation for vehicle parked in front of the house (on the new yellow hash marks designating the pedestrian right of way). While we were able to talk the officer out of completing the citation saying the hash marks are simply a visual and not city code restricting us from parking there, there is still confusion.

3) Feb 12th, 2021 Nicolas food delivery truck sideswiped our vehicle at 8:20 AM damaging vehicle. Truck driver was ticketed.



3.

Granting the

variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;

- The properties located North of this site at 37 and 27 Hillside Avenue have parking areas located within the ROW, immediately at the end of the retaining wall that borders the paved street.
- Additionally, similar variance proposals located on Ontario Avenue which has comparable topographical site challenges have been reviewed and approved in the past, located in both HR-1 HRL and Zones (422 Ontario Avenue, 341 Ontario Avenue, and 316 Ontario Avenue). Although the three past Variance requests were regarding properties designated on the Park City Historic Sites Inventory (which are exempt from off-street parking requirements per the LMC), and 45 Hillside is non-historic we find the proposal brings the property further into compliance with the current zone.



37 Hillside Avenue



27 Hillside Avenue

4. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

The General Plan has goals regarding Small Town, Natural Setting, and Historic Character that we find applicable to this application.

- ***Small Town: Goal 3 Increase pedestrian mobility through enhanced public transit, biking, and walking.***
- *Community Planning Strategies 3.4 Create safe bike/pedestrian pathways between all public spaces within the City limits.* With the proposal to located off-street parking, this opens up the east-side of Hillside Avenue (painted to give a larger shoulder for pedestrian traffic) for a more safe route for people to walk from the parking lots off of Marsac Avenue down to Main Street, which is a frequented pedestrian route.
- *City Implementation Strategies 3.13 Seek alternatives to widening existing streets and highways.* This proposal does not aim to widen the existing street. Rather, it provides an alternative to locate the required off-street parking and creates a safer vehicular and pedestrian intersection.
- ***Natural Setting***
- *Objectives 4D Minimize further land disturbance and conversion of remaining undisturbed land areas to development to minimize the effects on neighborhoods.* Although the goal of “Natural Setting” speaks more broadly to preserving existing and dedicated open space, we find this objective applies positively to this proposal; by locating the garage within the front setback the required excavation is reduced and allows for more natural vegetation above the proposed garage.
- *City Implementation Strategies 5.15 Adopt flexible site design standards that encourage screened recycling areas for easy pick-up, including in parking areas if impacts can be mitigated.* The proposal intends to locate the recycling and garbage cans within a screened area (either within the garage or setback in a housed area offset from the driveway/ required retaining walls)
- ***Historic Character***
- With the consideration of the Historic District Design Guidelines, which will be reviewed with the submittal of the HDDR Application, dependent on the determination of this Variance Application, we have designed the proposal to respect the requirements of LMC 15-13-8 Design Guidelines for New Residential Infill Construction, specifically regarding Topography and Grading, Landscape and Vegetation, Retaining Walls, Paths, Parking Areas & Driveways, Materials, Garages, and New Accessory Structures.

Regarding the general public interest, the property owner has provided documentation of photographs and a summary of some of the past pedestrian, vehicular, and snow removal concerns which are explained in item #2 above.

With the proposed off-street parking, there will be more opportunity for snow removal.

5. The spirit of the Land Management Code is observed and substantial justice done.

- The proposal to construct the detached single-car garage addresses the spirit of the Land Management Code by increasing the amount of off-street parking in a very highly traffic and dangerous intersection. The proposal includes a heated driveway, which will provide more snow removal opportunity at the intersection. Additionally, as discussed in #1 above, the proposal to locate the driveway within the front setback will reduce the required excavation of the hillside, as well as reduce the required paving for the driveway, which is in keeping with the intent of the purpose of the HR-1 Zone and the Design Guidelines.

6/4/2021 10:03:03 AM

D

C

B

A

FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT

VARIANCE APPLICATION PERMIT SET



RAW DESIGN STUDIO
358 S 700 E SUITE B #243
SALT LAKE CITY, UT 84102

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FISCHER GARAGE
45 HILLSIDE AVENUE, PARK CITY, UT
VARIANCE APPLICATION

Rev#	Date	Description
NOTE: THIS DRAWING IS INTENDED FOR A 24"X36" SHEET. IF PRINTED ON ANYTHING ELSE, THIS IS A REDUCED COPY. PLEASE SCALE ACCORDINGLY.		
Job #	21125	
Owner	Dan Fischer	
Date	6/3/2021	
Drawn	C.Barhorst	
Checked	-	

COVER SHEET

G100

OWNER

DAN FISCHER
P.O. BOX 2441
PARK CITY, UT 84060
(858) 750 - 9523
dan.m.fischer@gmail.com

ARCHITECTURE

RAW DESIGN STUDIO
CAITLYN BARHORST
358 S 700 E Suite B #243
SALT LAKE CITY, UT 84102
(806) 559 - 8079
caitlyn@rawdesign.com

CIVIL

COMPANY T.B.D.
CONTACT NAME
ADDRESS
ADDRESS
(801) ### ####
email address

STRUCTURAL

COMPANY T.B.D.
CONTACT NAME
ADDRESS
ADDRESS
(801) ### ####
email address

LANDSCAPE

COMPANY T.B.D.
CONTACT NAME
ADDRESS
ADDRESS
(801) ### ####
email address

MECHANICAL

COMPANY T.B.D.
CONTACT NAME
ADDRESS
ADDRESS
(801) ### ####
email address

ELECTRICAL

COMPANY T.B.D.
CONTACT NAME
ADDRESS
ADDRESS
(801) ### ####
email address

CONTRACTOR

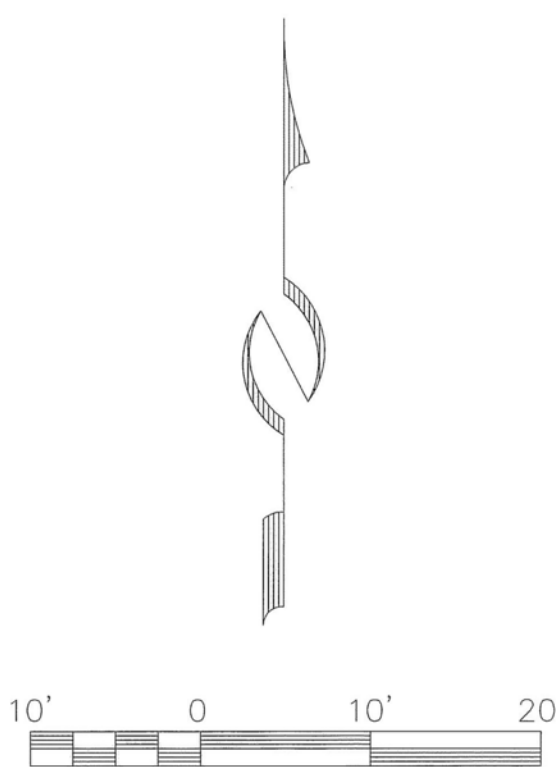
COMPANY T.B.D.
CONTACT NAME
ADDRESS
ADDRESS
(801) ### ####
email address

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



1. Site Benchmark: Sanitary Sewer Manhole
Elevation=7163.41'
2. See record of survey plat for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights
4. This topographic map is based on a field survey performed on June 26, 2014.
5. Property corners were set or found.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°57'04" W	0.66
L2	N 89°57'00" E	13.91
L3	S 48°02'55" E	7.48



12/1/2014 10:25:32 AM

VARIANCE APPLICATION

Rev#	Date	Description

NOTE: THIS DRAWING IS INTENDED FOR
A 24"x36" SHEET. IF PRINTED ON
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Job #	21125
Owner	Dan Fischer
Date	6/3/2021
Drawn	C.Barhorst
Checked	-

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Job #	21125
Owner	Dan Fischer
Date	6/3/2021
Drawn	C.Barhorst
Checked	-

SITE SURVEY

A101



SITE CALCULATIONS

LOT SIZE: 6575 SF (0.15 Acres)

KEYED NOTES

PC-239
RHONDA SIDERIS

PA-8R
WILLIAM HUMMER

PA-9R
MICHAEL MCGINLEY B TRUSTEE

PC-230
36 PROSPECT LLC

44-PSP-1
LEONARD PEARSON

PC-232-232-A
LUKE FINNEY

PC-224-B-X
PARK CITY MUNICIPAL CORP.

PC-603
ERIC LUNA

17&19-DA-B
KAYLA STEWART (17 DALY)
PARK CITY 19 LLC (19 DALY)

PC-259-X
PARK CITY
MUNICIPAL CORP.

PC-244
PETER MARTH

PC-243
JAMES H WEAVER TRUSTEE

GENERAL NOTES

1. ALL ADJOINING PROPERTY USES WITHIN 100' OF SUBJECT PROPERTY, OWNERS AS NOTED PER SUMMIT COUNTY RECORDS AT TIME OF APPLICATION. ALL KNOWN ADJOINING PROPERTY USES ARE RESIDENCES (SINGLE-FAMILY, CONDO).



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FISCHER GARAGE
45 HILLSIDE AVENUE, PARK CITY, UT
VARIANCE APPLICATION

Rev#	Date	Description
1	Date 1	Revision 1
NOTE: THIS DRAWING IS INTENDED FOR A 24"X36" SHEET. IF PRINTED ON ANYTHING ELSE, THIS IS A REDUCED COPY. PLEASE SCALE ACCORDINGLY.		
Job #	21125	
Owner	Dan Fischer	
Date	6/3/2021	
Drawn	C.Barhorst	
Checked	-	

SITE PLAN -
PROPOSED

A102

KEYED NOTES



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1 WEST ELEVATION - EXISTING
1/8" = 1'-0"



3 SOUTH ELEVATION - EXISTING
1/8" = 1'-0"



2 WEST ELEVATION - PROPOSED
1/8" = 1'-0"



4 SOUTH ELEVATION - PROPOSED
W/ GARAGE SECTION
1/8" = 1'-0"

FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT

VARIANCE APPLICATION

Rev#	Date	Description
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Job #	21125	
Owner	Dan Fischer	
Date	6/3/2021	
Drawn	C.Barhorst	
Checked	-	

ELEVATIONS + SECTIONS

A201

Board of Adjustment Staff Report



Subject: 91 King Road
Application: PL-21-04829
Authors: Browne Sebright
Rebecca Ward
Date: August 17, 2021
Type of Item: Administrative – Variance

Recommendation

(I) Review the request for a Variance from the minimum Lot size, Lot width, and Setbacks in the Historic Residential Low – Density Zoning District; (II) conduct a public hearing; and (III) consider approving the Variance subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant:	Dean and Roma Polce, represented by Alliance Engineering
Location:	91 King Road
Zoning District:	Historic Residential Low – Density
Adjacent Land Uses:	Residential
Reason for Review:	The Board of Adjustment hears and decides Variances from the terms of the Land Management Code ¹

Acronyms

HR – 1	Historic Residential – 1
HRL	Historic Residential Low – Density
LMC	Land Management Code
R – 1	Residential – 1

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

91 King Road is a non-historic Single-Family Dwelling constructed on Lots 24 and 25 in Block 76 of the Park City Survey, a 2,298-square-foot property. The property fronts King Road and slopes steeply up to Ridge Avenue, which runs through rear of property. According to Summit County Assessor information, 91 King Road was constructed in 1970. In 1987, Building Permit 3438-87 was issued for a remodel, another for kitchen work in 1992, a re-roof in 1998, and a kitchen remodel in 2001 (Exhibit B).

Photo 1 below is submitted by the Applicant and shows 91 King Road and the adjacent property to the south, 95 King Road. Photo 2 below from Google Maps shows the rear of both properties viewed from Ridge Avenue.

¹ LMC [§ 15-10-3](#).



91 (left) & 95 (right) King Road looking southeasterly

Photo 1



Photo 2

The zoning for the property has changed over the years, from the R – 1 to the HR – 1 to the HRL Zoning District, outlined below.

The area was zoned Residential – 1 in 1968 (Exhibit C), which established the following requirements (Exhibit D):

R – 1 Zoning Standards	
Minimum Lot Area	3,000 square feet
Minimum Width	37.5 feet, measured 20 feet from the front Lot line
Minimum Side Setback	Five feet
Minimum Front Setback	20 feet, or the average of existing buildings where more than 50% of the block is developed
Minimum Rear Setback	10 feet

As mentioned above, the Summit County Assessor information states 91 King Road was constructed in 1970. However, the property did not comply with the R – 1 Zoning standards in place at that time. The property is 2,298-square-feet, the front Lot width is 30.97 feet, and the front and side Setbacks do not meet the minimum requirements (Exhibit F).

In 1979, the City Council enacted Ordinance No. 13-79, adopting a new zoning map and establishing the Historic Residential – 1 Zoning District for the property. The Historic Residential – 1 Zoning District requirements at that time were (Exhibit E):

HR – 1 1980 Zoning Standards	
Minimum Lot Area	2,812 square feet for a Single-Family Dwelling
Minimum Width	37.50 feet
Minimum Side Setback	Five feet
Minimum Front Setback	15 feet for primary structures; 10 feet for garages
Minimum Rear Setback	10 feet

In 1983, the City Council enacted Ordinance No. 83-13 to create the Historic Residential Low – Density (HRL) Zoning District for the Rossie Hill area (Exhibit H). One year later, the City Council enacted Ordinance No. 84-9, amending the Zoning Map for the Sampson Avenue area from Historic Residential – 1 to HRL (Exhibit I). This rezone included 91 King Road (Exhibit J). The 1980s HRL Lot standards are outlined below (Exhibit K):

HRL 1984 Zoning Standards	
Minimum Lot Area	3,750 square feet, not including land encumbered by prescriptive rights-of-way or platted rights-of-way
Minimum Width	37.50 feet
Minimum Side Setback	Five feet
Minimum Front Setback	15 feet
Minimum Rear Setback	10 feet

In 2000, the City Council adopted Ordinance No. 00-15, approving a comprehensive and substantive revision of the Land Management Code (Exhibit O):

HRL 2000 Zoning Standards	
Minimum Lot Area	3,750 square feet
Minimum Width	35 feet
Minimum Side Setback for Lot depth less than 75 feet with a Lot width up to 37.5 feet	3 feet
Minimum Front Setback for Lots up to 75 feet in depth	10 feet
Minimum Rear Setback for Lots up to 75 feet in depth	10 feet

The 2000 amendments to the Land Management Code also established a Building Footprint calculation for the HRL Zoning District: $\text{MAXIMUM FOOTPRINT} = (\text{Lot Area}/2) \times 0.9^{\text{LOT AREA}/1875}$. The Building Footprint for 91 King Road, with a Lot that is 2,298.04 square feet, is 1009.83 square feet. The existing structure on the property has a building footprint of approximately 812 square feet.

91 King Road has not fully complied with the Zoning District Lot or Setback requirements over the years, nor does it comply with the current requirements. The Applicant would like to eventually demolish the existing Structure to build a new Structure (Exhibit M), and requests the following Variances to establish the standards applicable to the Lot moving forward:

- A Variance for Front and Side Setbacks for an existing Structure that is less than ten feet (10') from the Front Lot Line and less than three feet (3') from the Side Lot Lines.
- A Variance for Lot size to permit a Lot smaller than the required Minimum Lot Area of 3,750 square feet.
- A Variance for Lot width to permit a Lot width less than thirty-five feet (35').

Pending the Board of Adjustment determination, the Applicant also submitted a plat amendment application currently under Planning review to create one Lot to accommodate demolition of the existing Single-Family Dwelling on 91 King Road, which straddles two Lots, for construction of a new Single-Family Dwelling (PL-21-04775).

The Lot adjacent to 91 King Road, 95 King Road, is on a Lot that does not meet the minimum Lot size or Setbacks. A March 9, 1995 article in the *Park Record* describes a fire at the adjacent non-historic Single-Family Dwelling (Exhibit L). The property owner requested to rebuild a Single-Family Dwelling with Variances to the minimum Lot requirement and to the rear and side Setbacks.

On September 5, 1991, the Board of Adjustment granted the Variance to the minimum Lot requirement and Variances for a Front Setback of six feet on the north side and seven feet on the south side, and a Variance for the Side Setback from six-feet-two-inches at the southwest corner and three-and-one-half feet along the south side of the property (Exhibit N).

Analysis

- (I) **The applicant requests a Variance from Historic Residential – Low Density (HRL) Zoning District Requirements outlined in LMC [§ 15-2.1-3](#).**

As explained in the Applicant's Narrative (Exhibit M), the owner's intention is to keep the existing residence as-is for approximately one year and then to design a new residence. The current non-historic residence is proposed to eventually be demolished and a new residence constructed in compliance with the Setback requirements of the HRL Zoning District (Condition of Approval 2).

The Applicant requests a temporary Variance from Setbacks to reflect existing conditions on the site. New construction will comply with the HRL Zoning District Setbacks. The Applicant requests a Variance from the Minimum Lot Size and Minimum Lot Width in order to create one Lot for construction of a new Single-Family Dwelling that will comply with Setbacks.

The Applicant's requests are outlined below:

SETBACKS

HRL 2021 Zoning Standards	Existing Conditions	Request
Minimum Side Setback for Lot width up to 37.5 feet: three feet	North Setback is 1.5 feet; the south Setback is 0.3 feet	Variance 50% reduction to the north Setback to a 1.5-foot Setback; and 90% reduction to the south setback to a 0.3-foot-Setback New construction shall comply with the three-foot Side Setback requirement
Minimum Front Setback for Lots up to 75 feet in depth: 10 feet	Front Setback ranges from four to five feet – the Single-Family Dwelling is at an angle to the road	Variance 60% reduction for a four-to-five-foot Front Setback as currently exists New construction shall

		comply with the ten-foot Front Setback requirement
Minimum Rear Setback for Lots up to 75 feet in depth: 10 feet	Rear Setback is 33 feet	Complies – no Variance

LOT WIDTH

HRL 2021 Zoning Standards	Existing Conditions	Request
Minimum Width: 35 feet, measured 15 feet from the front Lot line	32 feet	Variance 8.57% reduction to the required Lot width for a 32-foot Lot width

MINIMUM LOT SIZE

HRL 2021 Zoning Standards	Proposed Plat Amendment	Request
Minimum Lot Area: 3,750 square feet	2,298.04 square feet	Variance A 38.72% reduction to the required Minimum Lot Area

- (II) **The proposal complies with the Variance criteria outlined in LMC [§ 15-10-8\(C\)](#).**

Variance Review Criteria	Analysis of Proposal
1. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code	<u>Applicant's Response:</u> Literal enforcement of the LMC would cause an unreasonable hardship for the owner based on the minimum lot size requirement and width in the HRL District, which is 3,750 square feet and 35 feet, respectively. The Property requested for variance contains 2,298 square feet and literal enforcement would not enable the owner to make substantial improvements to the Property. Allowing a variance for

	the minimum lot size and width would not prevent the general purpose of the LMC from being carried out. <u>Staff Analysis:</u> The LMC Section 15-9-3 states that Variance Applications are reviewed to ensure that they are reducing the degree of non-conformity, or that they improve the function of the site's Use in relation to other Uses. The Applicant's proposal aims to bring the property closer into compliance with the current zoning requirements. Granting a Variance to the physical dimensions of the existing Lot enables future development to be developed in compliance with all Setbacks. The Land Management Code stipulates that Building Permits shall not be issued for Lots that do not have the required Area and width for the Zoning District. Without a Variance, development on the property would be restricted and may cause the structure and Lot to remain in the current configuration indefinitely.
2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone	<u>Applicant's Response:</u> The special circumstances that apply to 91 King Road and not to most other properties in the HRL zone is that the Property does not meet the minimum lot size and width requirement for the HRL zone. The Property in its current configuration has existed since 1992 and appears to have been configured to accommodate the existing residence so the current residence does not encroach onto the neighboring property. <u>Staff Analysis:</u> 91 King Road has not fully complied with the Zoning District Lot or Setback requirements over the years, nor does it comply with the current requirements. Physical site limitations make it impossible to fully comply with the current HRL Zoning District requirements. The Lot cannot be enlarged – there is a Single-Family Dwelling to the north and the south. King Road is to the west and Ridge Avenue to the east. Granting the Variances will permit the existing older

	Single-Family Dwelling constructed in 1970 to be demolished and future development on the site will be context-appropriate for the HRL Zoning District.
3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone	<u>Applicant's Response:</u> Other Properties in the HRL zone are able to make substantial improvements to their Property since many of those Properties meet the minimum lot size and width requirement. If the requested variance were not allowed, the Applicant would never be able to make any substantial improvements to the Property as long as the minimum lot size remains at 3,750 square feet and the minimum width remains at 35 feet. <u>Staff Analysis:</u> Staff finds that this property is smaller than surrounding Lots in the HRL Zoning District. With two Right-of-Way frontages and developed Lots on either side, there is no clear way to increase the size of the Lot to meet HRL Zoning District requirements. Granting this Variance allows the Applicant to improve their property in a way other Properties in the same zone can.
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest	<u>Applicant's Response:</u> Granting the variance will not substantially affect the General Plan or be contrary to the public interest. In fact, approval of this variance will advance the public interest because the single-family residence that currently occupies the Property is not in compliance with the LMC regarding setbacks. In the future, the owner plans to demolish the non-historic structure and build a new structure that will be in compliance with the current setback requirements in the LMC. <u>Staff Analysis:</u> Staff finds the Variances complies with the Small Town, Natural Setting, and Historic Character chapters of the General Plan and will not be contrary to public interest because this project attempts to mitigate development of an unusually small Lot by enabling future development on the Lot to adhere to Setback requirements. One of the Small Town Strategies outlined in the

[General Plan](#) (p. 14) is to look at varied lot sizes. One recommendation is to diversify building lots:

Strategically reducing and removing minimum lot size requirements through lot size averaging allows individual lots within a development to vary from the maximum density zoned, so long as the development as a whole averages to the maximum density. This tactic creates a mix of housing types – including granny flats, in-law apartments, and garage apartments—within an existing development, increasing the affordability and attainability of housing.

An additional [General Plan Strategy](#) (p. 118) recommends restricting the combination of Lots to respect the historic fabric of blocks.

Specifically, the [General Plan](#) (p. 120) states “Lot combinations within the [HRL] District have been encouraged in the past due to the larger minimum lot size requirements; however, they should also be treated much the same as previously suggested, where the average of each block is analyzed to determine the historic fabric and development patterns established.”

The requested Variance will result in finer grained development, common along Old Town streetscapes, especially in the Historic Residential – 1 Zoning District, which requires a minimum Lot Area of 1,875 square feet, and a minimum Lot width of 25 feet.

The Lot will be smaller than Lots in the area, but it will not be the smallest Lot:

Property	Acres	Square Feet
85 King	0.09	3920.4
89 King	0.11	4791.6
91 King	0.05	2298.4
95 King	0.08	3484.8
97 King	0.09	3920.4
99 King	0.04	1742.4
103 King	0.05	2178
Average	0.072	3190.8

5. The spirit of the Land Management Code is observed and substantial justice done.	<u>Applicant's Response:</u> The spirit of the LMC will be observed because a newly constructed residence will comply with setbacks and the Property rights of the owner to substantially improve and enjoy their Property will be granted. <u>Staff Analysis:</u> Staff finds that the spirit of the Land Management Code is observed, and substantial justice is done. LMC § 15-2.1.1, outlining the purpose of the HRL Zoning District, includes encouraging construction of structures that contribute to the character and scale of the Historic District. Any new construction will require Historic District Design Review and shall comply with the Historic District Design Guidelines outlined in LMC Chapter 15-13. Granting the Variances will permit the owner to improve the property so that it can become more compliant with the current requirements of the Land Management Code, while also reducing the impact of the non-historic existing structure that does not meet Setback requirements. All other LMC related site and lot criteria, including the other setbacks, height, parking, design, and uses must be met for any new construction.
--	---

(III) The Development Review Committee identified future Right-of-Way issues and requires Conditions of Approval.

This project has gone through an interdepartmental review. The Engineering Division noted that the applicant will have to agree to a Condition of Approval that if at some point in the future King Road is re-aligned or at the time of redevelopment of the property, the applicant will be responsible for the removal of retaining walls and other structures in the Right-of-Way at their sole expense and in an expeditious manner (within 90 days if written notice) (Condition of Approval 8).

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff posted notice to the property on July 28, 2021. Staff mailed courtesy notice to property owners within 300 feet on July 28, 2021. The *Park Record* published notice on

July 28, 2021. Staff published notice on the City and Utah Public Notice website on August 10, 2021. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Board of Adjustment may approve the requested Variances;
- The Board of Adjustment may deny the Variances and direct staff to make Findings for the denial; or
- The Board of Adjustment may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: 1987 Building Permit for Remodel

Exhibit C: 1968 Zoning Map

Exhibit D: 1968 R-1 Regulations

Exhibit E: 1980 HR-1 Regulations

Exhibit F: Existing Conditions

Exhibit G: 91 and 95 King Road Proposed Plat Amendment

Exhibit H: Ordinance No. 83-13 Creating the Historic Residential Low – Density Zoning District

Exhibit I: Ordinance No. 84-9 Rezoning the Sampson Avenue Area from HR-1 to HRL

Exhibit J: 1985 Zoning Map

Exhibit K: 1984 Historic Residential Low – Density Regulations

Exhibit L: Park Record March 9, 1995 Article

Exhibit M: Applicant's Statement

Exhibit N: Board of Adjustment Approval of 95 King Road Variance (1991)

Exhibit O: 2000 HRL Regulations

Exhibit P: Exhibit P 1997 HRL Regulations



August 24, 2021

Marshall King, Alliance Engineering
323 Main Street
P.O Box 2664
Park City, UT 84060
marshall@alliance-engr.com
435-649-9467

CC: Dean and Roma Polce

NOTICE OF BOARD OF ADJUSTMENTS ACTION

Description

Address: 91 King Road

Zoning District: Historic Residential – Low Density (HRL)

Application: Variance

Project Number: PL-21-04829

Action: Approved with Conditions

Date of Final Action: August 24, 2021

Project Summary: A request for a Variance from the minimum Lot size, Lot width, and Setbacks

Action Taken

On August 24, 2021, the Board of Adjustments conducted a public hearing and approved the Variance from the minimum Lot size and Setbacks according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The property is located 91 King Road in the Historic Residential – Low Density (HRL) Zoning District.

2. HRL Zoning District is characterized by historic and contemporary homes on one (1) and two (2) lot combinations.
3. The property consists of 2,298 square feet.
4. There is an existing 812 square foot Single Family Dwelling on the property. It is a non-historic site.
5. The existing house is setback from the front property line by approximately five (5) feet. The house is set back from the edge of asphalt on Ridge Avenue by approximately thirty-three (33) feet.
6. The Applicant is requesting a Variance to LMC Sections 15-2.1-3 for minimum Lot size, Lot Width, and Setbacks in the Historic Residential Low – Density Zoning District.
7. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the substandard Lot size of 2,298 square feet. Literal enforcement would not enable the owner to make substantial improvements to the Property.
8. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The Property does not meet the minimum lot size and width requirement for the HRL zone.
9. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to redevelop their property in a way other Properties in the same zone can.
10. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to mitigate development of an unusually small Lot by enabling future development on the Lot to adhere to Setback requirements.
11. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to redevelop the property so that it can become more compliant with the current requirements of the Land Management Code, while also reducing the impact of the non-historic existing structure that does not meet Setback requirements.
12. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

Conclusions of Law

1. Literal enforcement of the HRL District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the Variances is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.

Condition of Approval

1. The Variances are limited to the current dimensions and configuration of the Lot and the existing Structure, as indicated on the plans submitted with this application dated April 8, 2021, unless otherwise approved with an HDDR approval.
2. If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the existing Non-Complying Structure, the Structure shall not be restored unless it is restored to comply with the Setback regulations of the Zoning District in which it is located.
3. No future additions to the existing Structure may encroach into the required Setbacks.
4. No other structures including decks are allowed in the front, rear, or side Setbacks.
5. All future development on the Lot shall comply with the requirements of the Historic Residential Low – Density (HRL) Zoning District.
6. The applicant shall require a Conditional Use Permit for Development on Steep Slopes prior to the issuance of a building permit for future development on the rear portion of the Lot.
7. The applicant will need to submit an HDDR application for the proposed design of a new structure or additions to the existing structure to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.
8. If at some point in the future King Road is re-aligned or at the time of redevelopment of the property, the applicant will be responsible for the removal of retaining walls and other structure at their sole expense and in an expeditious manner (within 90 days if written notice).
9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-Way.
10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
11. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

If you have questions or concerns regarding this Final Action Letter, please call 435-

615-5063 or email browne.sebright@parkcity.org.

Sincerely,

Ruth Gezelius
Board of Adjustments, Chair

CC: Browne Sebright, Planner II

DRAFT

ADDRESS 91 King Rd. ZONE HR-1

SUBDIVISION _____

OWNER Gene Gaudieri

CONTRACTOR Same

TYPE OF USE Remodel

FIRE SPRINKLERS ☐ YES ☐ NO

TYPE OF BUILDING _____ TYPE OF CONSTRUCTION _____

NUMBER OF BUILDINGS _____ NUMBER OF STORIES _____

NUMBER OF UNITS _____ OCCUPANCY GROUP _____

CONDITIONAL USE PERMIT _____

BOARD OF ADJUSTMENT _____

OTHER _____

DATE
ISSUED

CERTIFICATE OF
OCCUPANCY

BUILDING PERMIT NO. 3438-87 11/6/87

Counter Top 7035 10-28-92

Re-roof B98-B941 7/14/98

KITCHEN REMODEL B01-C0572 4/25/01

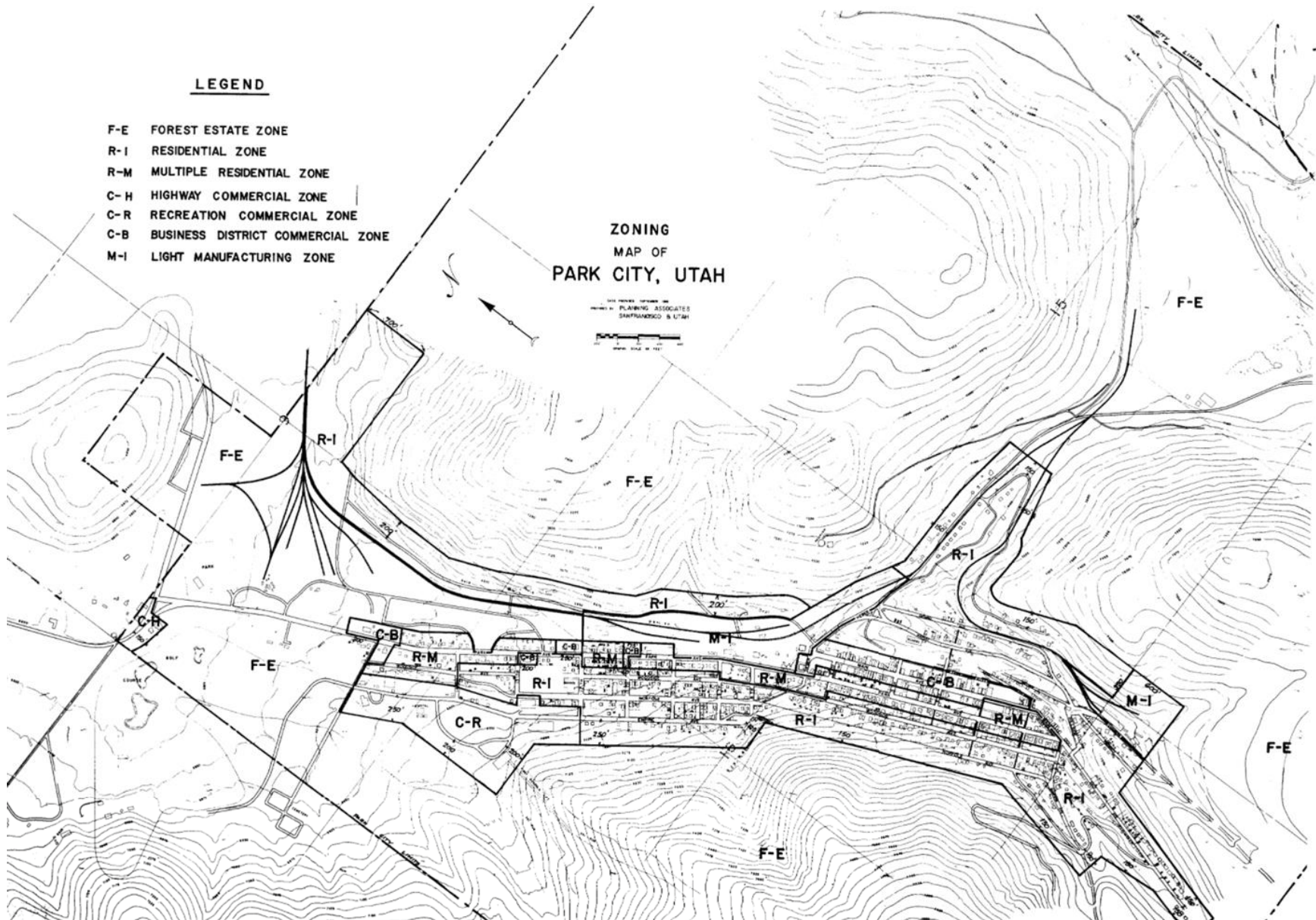
LEGEND

- F-E FOREST ESTATE ZONE
- R-I RESIDENTIAL ZONE
- R-M MULTIPLE RESIDENTIAL ZONE
- C-H HIGHWAY COMMERCIAL ZONE
- C-R RECREATION COMMERCIAL ZONE
- C-B BUSINESS DISTRICT COMMERCIAL ZONE
- M-I LIGHT MANUFACTURING ZONE

ZONING MAP OF PARK CITY, UTAH

THIS MAP WAS PREPARED BY
PLANNING ASSOCIATES
SALT LAKE CITY, UTAH

GRAPHIC SCALE IN FEET
0 100 200 300 400 500



67-9-7. REAR YARD REGULATIONS.

The minimum depth of the rear yard for all main buildings shall be twenty (20) feet, and for all accessory buildings one (1) foot except on corner lots which rear on the side of another lot, accessory buildings shall not be located closer than six (6) feet.

67-9-8. HEIGHT REGULATIONS.

No building shall be erected to a height greater than two and one-half (2-1/2) stories or thirty-five (35) feet and no dwelling shall be erected to a height of less than one (1) story.

CHAPTER 10. RESIDENTIAL ZONE R-1

67-10-1. PERMITTED USES.

- (1) Agriculture.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Accessory buildings and uses customarily incidental to the main use.
- (5) Signs, identification, name plate, property, public information, temporary.

67-10-2. CONDITIONAL USES.

- (1) Animal and fowl grazing, pasturing or housing.
- (2) Cemetery.
- (3) Child nursery.
- (4) Golf Course.
- (5) Home occupation.
- (6) Planned unit development meeting the provisions of Chapter 17 of this Ordinance.
- (7) Private recreational grounds and facilities.
- (8) Private educational institutions.
- (9) Public and semi-public buildings and uses.
- (10) Temporary buildings and uses incidental to construction work.

67-10-3. AREA REGULATIONS.

The minimum lot area shall be three thousand (3,000) square feet.

67-10-4. WIDTH REGULATIONS.

The minimum width of any lot shall be thirty-seven and one-half (37-1/2) feet, at a distance of twenty (20) feet back from the front lot line.

67-10-5. SIDE YARD REGULATIONS.

- (1) The minimum side yard for any dwelling or other building shall be

five (5) feet except that a side yard shall not be required where dwelling structures are designed with a common wall on that side lot line.

(2) The minimum side yard for a private garage or other accessory building located at least six (6) feet on the rear of the main building, shall be one (1) foot.

(3) On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than ten (10) feet.

67-10-6. FRONT YARD REGULATIONS.

The minimum depth of the front yard for all buildings shall be twenty (20) feet, or the average of the existing buildings where more than fifty (50) percent of the frontage on the block is developed.

67-10-7. REAR YARD REGULATIONS.

The minimum depth of the rear yard for all main buildings shall be ten (10) feet, and for accessory buildings one (1) foot except on corner lots which rear upon the side yard of another lot, accessory buildings shall not be located closer than five (5) feet to such side yard.

67-10-8. HEIGHT REGULATIONS.

No building shall be erected to a height greater than two and one-half (2-1/2) stories or thirty-five (35) feet and no dwelling shall be erected to a height of less than one (1) story.

CHAPTER 11. MULTIPLE RESIDENTIAL ZONE R-M

67-11-1. PERMITTED USES.

- (1) Agriculture.
- (2) One, two, three and four-family dwellings.
- (3) Accessory buildings and uses customarily incidental to a main use.
- (4) Signs, identification, name plate, property, public information, temporary.

67-11-2. CONDITIONAL USES.

- (1) Boarding house.
- (2) Cemetery.
- (3) Clinic, medical or dental.
- (4) Child nursery.
- (5) Club and lodge of a private and non-profit character.
- (6) Golf course.
- (7) Group dwellings.
- (8) Home occupation.

SECTION 4. DISTRICTS AND REGULATIONS

4.1. HISTORIC RESIDENTIAL (HR-1) DISTRICT

4.1. PURPOSE. To allow continuation of the land uses and architectural scale and styles of the original Park City residential area and to encourage densities that will preserve the desirable residential environment and that will allow safe and convenient traffic circulation.

4.1.2. PERMITTED USES. In a Historic Residential HR-1 District no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

4.1.2.1. Single-unit detached dwelling.

4.1.2.2. Two-unit dwelling.

4.1.2.3. Home occupation.

4.1.2.4. Accessory buildings and uses customarily incidental to main use.

4.1.2.5. Three-unit dwellings. Three-unit dwellings may be permitted upon review by the Planning Director provided that all required parking must be fully enclosed in a parking structure situated so that the mass of the parking area is at least 50% below the natural grade.

4.1.2.6. Lockout room.

4.1.3. CONDITIONAL USES. The following uses may be considered by the planning commission for conditional use approval as provided by Park City Ordinance 12-79, Section 2.

4.1.3.1. Public and quasi-public institutional use.

4.1.3.2. Nightly rentals.

4.1.3.3. Child nursery.

4.1.4. LOT AND SIZE REGULATIONS.

4.1.4.1. Lot Size. The minimum lot area for a single-unit dwelling shall be 2,812 square feet. Two-unit dwelling shall have a lot size of 3,750 square feet. Three-unit dwelling shall have a lot size of 5,625 square feet. ✓ The minimum width of a lot shall be 37.50 feet, 15.00 feet back from front lot line.

4.1.4.2. Side Yard.

4.1.4.2.1. The minimum side yard for any structure or accessory buildings or uses shall be five feet except that a side yard shall not be required where

structures are designed with a common wall on a lot line. (The longest dimension of buildings thus joined shall not exceed 50 feet.)

4.1.4.2.2. The minimum side yard for accessory buildings or uses or other structures located at least six feet behind the rear of the main building shall be one foot, except when openings are proposed on an exterior wall adjacent to the property line, at which time the minimum shall be three feet.

4.1.4.2.3. On corner lots, the side yard which faces on a street for both main and accessory buildings shall not be less than ten feet.

4.1.4.3. Front Yard. The minimum depth of the front yard for all main buildings and accessory buildings and uses except garages and open parking, shall be 15 feet. Garages shall be no closer than ten feet from the front property line. Open parking spaces may be permitted within the required front yard area, but not within five feet of side property lines.

4.1.4.4. Rear Yard. The minimum depth of the rear yard for all main structures shall be ten feet and for accessory structures or uses one foot. On corner lots which rear upon the side yard of another lot, accessory buildings shall be located no closer than five feet to such rear yard.

4.1.4.5. Special Parking Regulation. The purpose of this section is to permit common parking facilities to be grouped together in a functionally advantageous manner to serve structures which individually are of a scale appropriate to the Historic District. Upon review by the Planning Commission acting as the Historic District Board, parking structures for use by more than one approved dwelling structure may be permitted provided that the following conditions are satisfied:

4.1.4.5.1. The parking structure shall maintain the required yard areas on its periphery but may occupy below natural grade yard areas between participating developments.

4.1.4.5.2. The scale and siting of the visible elements of the development shall maintain the rhythm of the Historic District.

4.1.5. SPECIAL REQUIREMENTS FOR CONDITIONAL USES. Conditional uses with the exception of nightly rentals shall maintain the following yard areas:

4.1.5.1. Side Yard.

4.1.5.1.1. The minimum side yard for any structure except nightly rentals permitted as a conditional use shall be ten feet.

4.1.5.2. Front Yard.

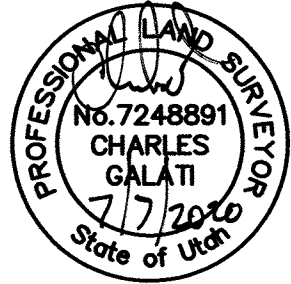
4.1.5.2.1. The minimum front yard for any structure except nightly rentals permitted as a conditional use shall be 20 feet.

4.1.5.2.2. In cases of structures permitted as conditional uses except nightly rentals which front on more than one street all yards of structures fronting on any streets shall be considered front yards for the purposes of determining required setbacks.

4.1.6. BUILDING HEIGHT. Structures shall be erected to a height no greater than 28 feet.

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S 69°01'30" E (S 68°27' E)	13.16' (13.62')
L2	S 60°31'06" E (S 60°00'40" E)	22.76' (22.08')
L3	N 25°21'24" E (N 32°18'35" E)	3.13' (3.30')
L4	S 68°24'34" E (S 68°27'00" E)	34.31' (34.53')
L5	S 21°31'22" W (S 21°33' W)	32.00'
L6	N 21°31'22" E (N 21°33' W)	43.00'
L7	S 68°27'52" E (S 66°27'00" E)	81.35' (81.39')
L8	S 29°42'19" W (S 29°44' E)	44.78' (44.78')
L9	N 62°56'58" W (N 62°36' W)	36.75' (36.55')
L10	S 26°47'56" W (S 27°24' W)	2.19' (2.44')
L11	N 68°30'54" W (N 68°27' W)	38.20' (38.42')
L12	N 30°21'22" E (N 29°44' E)	30.97' (31.02')

91 & 95 KING ROAD
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

PARCEL A

LOT 23, AND THE SOUTHERLY 18 FEET OF LOT 24, BLOCK 76, MILLSITE RESERVATION TO THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE, STATE OF UTAH.

ALSO BEGINNING AT A POINT WHICH IS NORTH 29°44' EAST 18.00 FEET FROM THE SOUTHWEST CORNER OF LOT 24, BLOCK 76, MILLSITE RESERVATION, PARK CITY, UTAH, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 29°44' EAST 2.5 FEET; THENCE SOUTH 62°36' EAST 24.28 FEET BETWEEN TWO EXISTING HOUSES; THENCE NORTH 68°27' WEST 24.51 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:
BEGINNING AT A POINT WHICH IS NORTH 29°44' EAST 20.5 FEET AND SOUTH 62°36' EAST 24.48 FEET FROM THE SOUTHWEST CORNER OF LOT 24, BLOCK 76, MILLSITE RESERVATION, PARK CITY, UTAH, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 62°36' EAST 12.22 FEET BETWEEN TWO EXISTING HOUSES; THENCE NORTH 27°24' EAST 1.25 FEET ALONG AN EXISTING HOUSE; THENCE NORTH 68°27' WEST 12.28 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 25, BLOCK 76, MILLSITE RESERVATION TO PARK CITY; AND RUNNING THENCE SOUTH 29°44'00" WEST 4.57 FEET ALONG THE WESTERLY LINE OF SAID BLOCK 76 TO THE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY LINE SOUTH 62°36'00" EAST 36.50 FEET; THENCE SOUTH 27°24'00" WEST 1.19 FEET; THENCE NORTH 62°36' WEST 36.55 FEET TO THE WESTERLY LINE OF SAID BLOCK 76; THENCE ALONG SAID WESTERLY LINE NORTH 29°44'00" EAST 1.19 FEET TO THE POINT OF BEGINNING.

PARCEL B

PARCEL 1:
BEGINNING AT THE NORTHEAST CORNER OF LOT 25, BLOCK 76, MILLSITE RESERVATION TO PARK CITY; ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE; AND RUNNING THENCE SOUTH 21°33' WEST 32.0 FEET; THENCE NORTH 68°27' WEST 38.38 FEET; THENCE SOUTH 27°24' WEST 1.25 FEET; THENCE NORTH 62°36' WEST BETWEEN TWO EXISTING HOUSES 36.50 FEET; THENCE NORTH 29°44' EAST 29.83 FEET; THENCE SOUTH 68°27' EAST 13.62 FEET; THENCE SOUTH 60°00'40" EAST 15.87 FEET; THENCE NORTH 29°59'20" EAST 2.35 FEET; THENCE SOUTH 68°27' EAST 40.90 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM:
BEGINNING AT A POINT THAT IS NORTH 68°27'00" WEST 34.53 FEET FROM THE NORTHEAST PROPERTY CORNER OF LOT 25, BLOCK 76 OF THE MILLSITE RESERVATION TO PARK CITY; ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE; THENCE NORTH 68°27'00" WEST, A DISTANCE OF 6.20 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE PROPERTY DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 415 AT PAGE 23 OF OFFICIAL RECORDS; THENCE SOUTH 29°59'20" WEST, A DISTANCE OF 1.30 FEET; THENCE SOUTH 58°28'52" EAST, A DISTANCE OF 6.07 FEET; THENCE NORTH 31°31'08" EAST, A DISTANCE OF 2.37 FEET TO THE POINT OF BEGINNING.

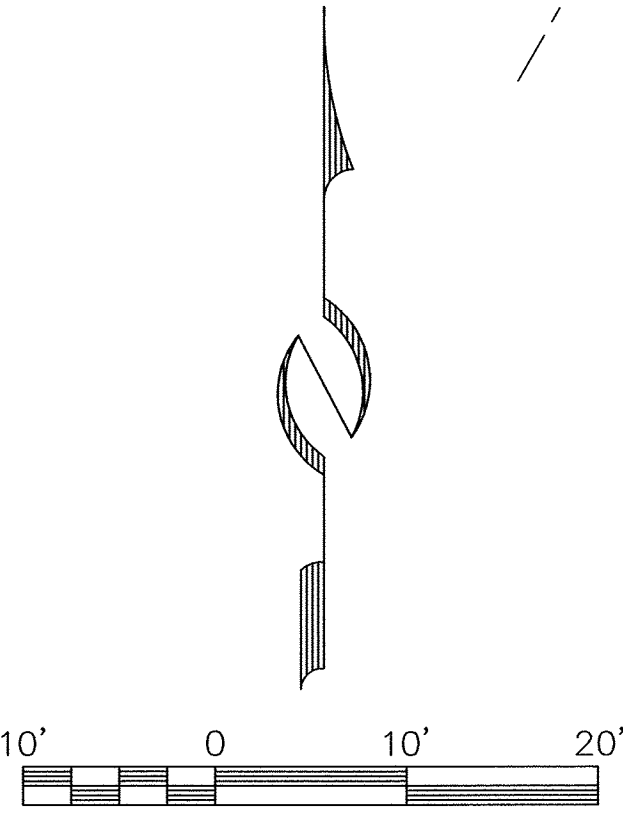
PARCEL 2:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 25, BLOCK 76, MILLSITE RESERVATION TO PARK CITY; ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE; AND RUNNING THENCE SOUTH 29°44'00" WEST 4.57 FEET ALONG THE WESTERLY LINE OF SAID BLOCK 76 TO THE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY LINE SOUTH 62°36'00" EAST 36.50 FEET; THENCE SOUTH 27°24'00" WEST 1.19 FEET; THENCE NORTH 62°36'00" WEST 36.55 FEET TO THE WESTERLY LINE OF SAID BLOCK 76; THENCE ALONG SAID WESTERLY LINE NORTH 29°44'00" EAST 1.19 FEET TO THE POINT OF BEGINNING.

NARRATIVE/NOTES

1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
2. Field work for this survey was performed June 10, 2020, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform a Boundary, Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and no easements were located as part of this survey. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown herein.
5. County tax maps, recorded deeds, 89 King Road Plat Amendment Entry No. 1096582, King Ridge Estates Subdivision Plat Entry No. 847041, 147 Ridge Avenue Subdivision Plat Entry No. 830117, Record's of Survey S-1972, S-2589, S-6035, S-6384, S-9225, (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all considered when determining the boundary as shown on this plat.
6. Site Benchmark: Sewer Manhole, Elevation=7271.4' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found or set as shown.
9. Record bearings and distances, when different than measured, are in parenthesis. ()

LEGEND

- Set 5/8" rebar w/cap, "ALLIANCE ENGINEERING" or Nail and Washer (Unless noted otherwise)
- Found Monument (As-Noted)
- Found Street Monument (As-Noted)
- ⊕ Found Rebar and Cap Stamped "R. POHL LS173736"



(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
CHARLES GALATI
JASON WYNNE
TOM LUND
CHIP TOMSDEN

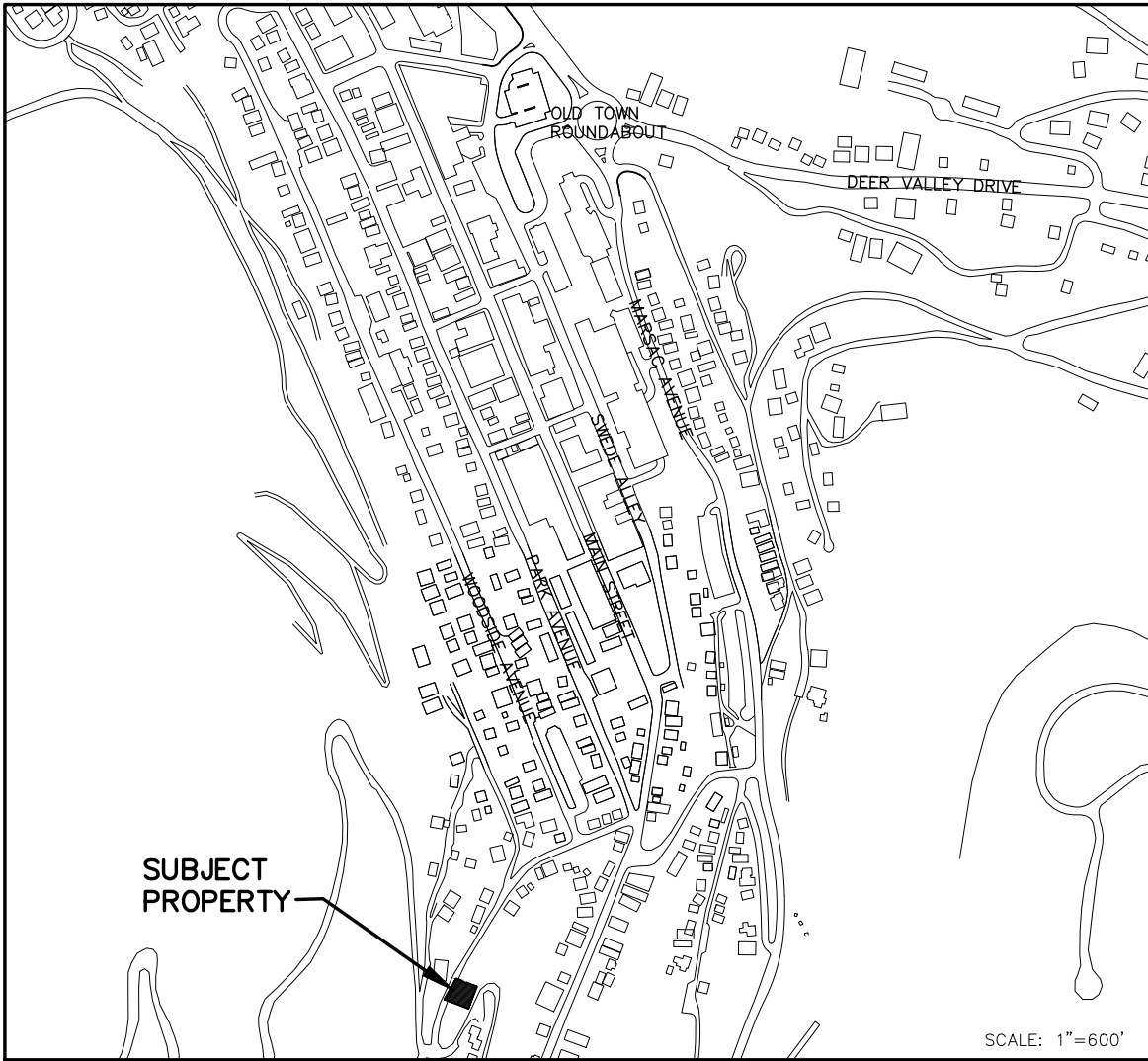
DATE: 7/7/20

EXISTING CONDITIONS & TOPOGRAPHIC MAP
91 & 95 KING ROAD, PARK CITY, UTAH

FOR: DAVID POST
JOB NO.: 2-6-20

FILE: X:\ParkCitySurvey\dwg\sr\sr\sr\2020\020620-91 and 95 King Rd\020620-91 95 king rd.dwg

SHEET
1
OF
1



VICINITY MAP

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be divided into lots and streets, together with easements as set forth to be hereafter known as 91 & 95 KING ROAD PLAT AMENDMENT and hereby dedicates for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2021.

By: _____
David Post

ACKNOWLEDGMENT

STATE OF _____
: ss.
COUNTY OF _____

On this _____ day of _____, 2021, David Post personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed 91 & 95 KING ROAD PLAT AMENDMENT.

By: _____
Notary Public
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that Jeffrey T. Love, or successor, as Trustee of the Jeffrey T. Love Living Trust dated May 25, 2010, hereby certifies that they have caused this plat amendment to be made, together with easements as set forth to be hereafter known as 91 & 95 KING ROAD PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2021.

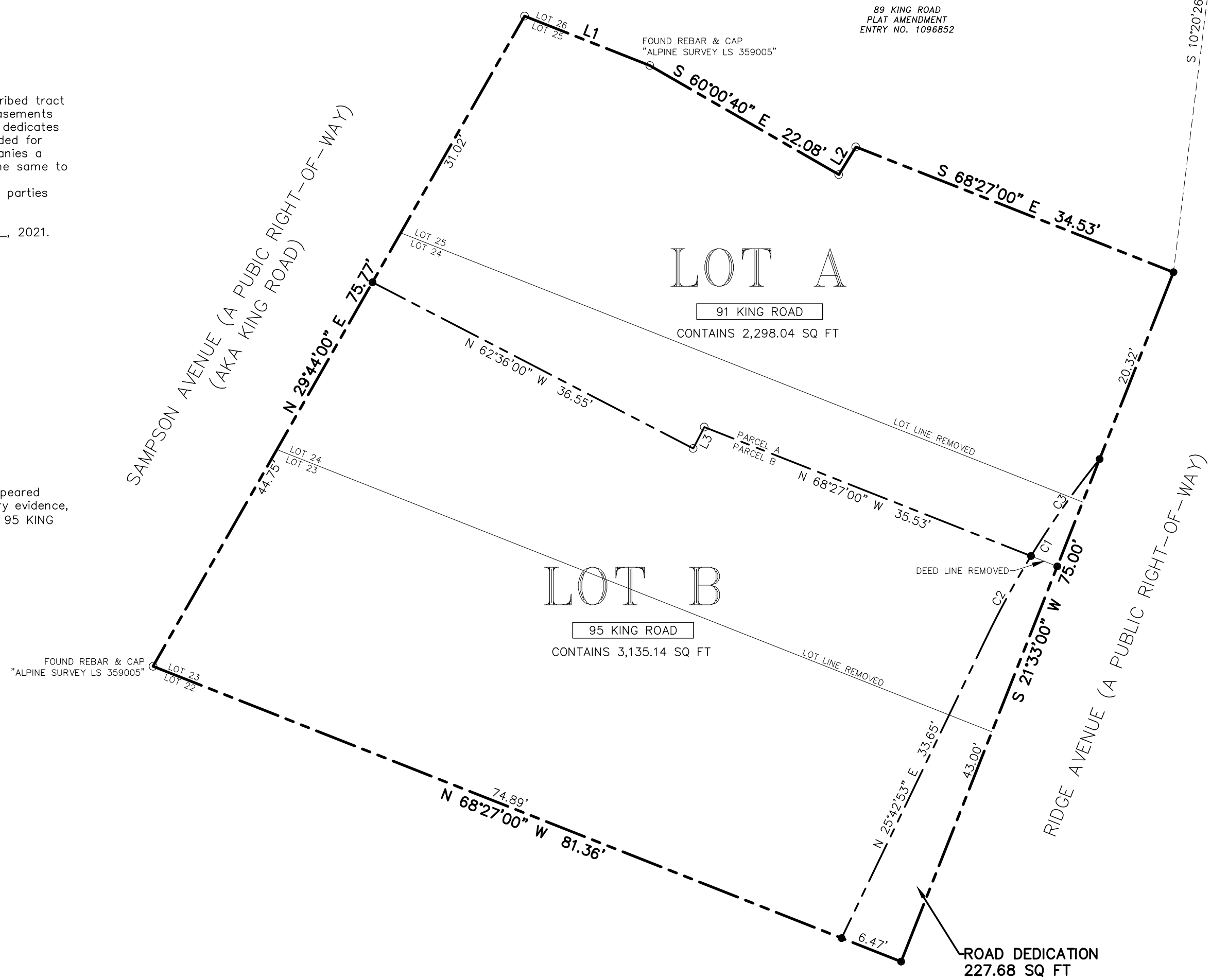
By: _____
Jeffrey T. Love, Trustee

ACKNOWLEDGMENT

State of _____
: ss.
County of _____

On this _____ day of _____, 2021, Jeffrey T. Love personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Trustee of the Jeffrey T. Love Living Trust dated May 25, 2010, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed 91 & 95 King Road Plat Amendment.

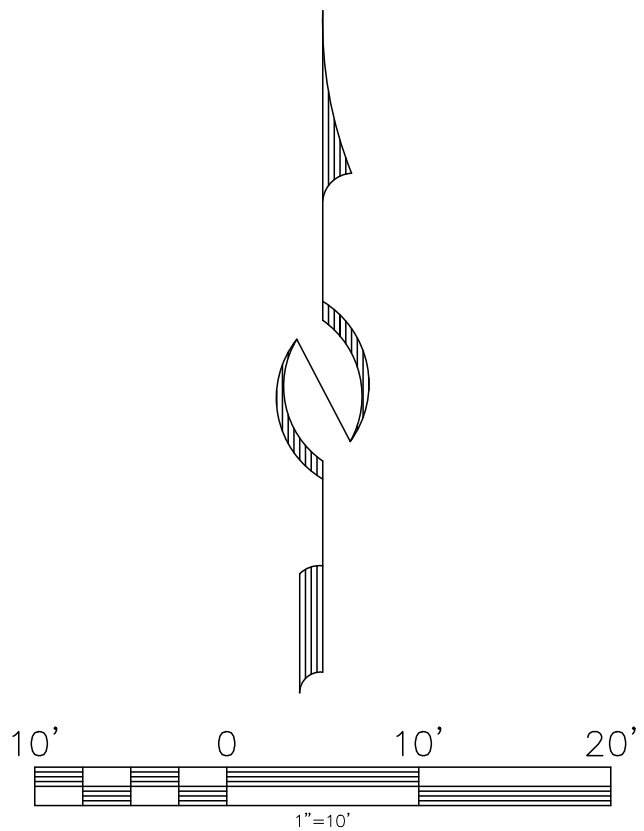
A Notary Public commissioned in _____
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No: _____



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S 68°27'00" E	13.62'
L2	N 31°31'08" E	3.29'
L3	S 27°24'00" W	2.44'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	93.00'	21.55'	13°16'27"
C2	93.00'	9.52'	05°51'52"
C3	93.00'	12.03'	07°24'35"

- LEGEND
- Set 5/8" Rebar w/cap "ALLIANCE ENGINEERING" or Nail and Washer
 - Found Rebar and Cap Stamped "R. POHL LS173736" (unless otherwise noted)



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat, and described hereon, and have subdivided said tract of land into two lots, together with easements, hereafter to be known as 91 & 95 KING ROAD PLAT AMENDMENT, and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

LOT A

Parcel 1:

Beginning at the Northeast corner of Lot 25, Block 76, Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; and running thence South 21°33' West 32.0 feet; thence North 68°27' West 38.38 feet; thence South 27°24' West 1.25 feet; thence North 62°36' West between two existing houses 36.50 feet; thence North 29°44' East 29.83 feet; thence South 68°27' East 13.62 feet; thence South 60°00'40" East 15.87 feet; thence North 29°59'20" East 2.35 feet; thence South 68°27' East 40.90 feet to the point of beginning.

Less and Excepting therefrom:

Beginning at a point that is North 68°27'00" West 34.53 feet from the Northeast property corner of Lot 25, Block 76 of The Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; thence North 68°27'00" West, a distance of 6.20 feet, more or less, to a point on the North line property described in the Warranty Deed recorded in Book 415 at Page 23 of Official Records; thence South 29°59'20" West, a distance of 1.30 feet; thence South 58°28'52" East, a distance of 6.07 feet; thence North 31°31'08" East, a distance of 2.37 feet to the point of beginning.

Parcel 2:

Beginning at the Southwest corner of Lot 25, Block 76, Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; and running thence South 29°44'00" West 4.57 feet along the Westerly line of said Block 76 to the point of beginning; thence leaving said Westerly line South 62°36'00" East 36.50 feet; thence South 27°24'00" West 1.19 feet; thence North 62°36'00" West 36.55 feet to the Westerly line of said Block 76; thence along said Westerly line North 29°44'00" East 1.19 feet to the point of beginning.

LOT B

Lot 23, and the Southerly 18 feet of Lot 24, Block 76, Millsite Reservation to the Park City Survey, according to the Official Plat thereof on file and of record in the Summit County Recorder's Office, State of Utah.

Also Beginning at a point which is North 29°44' East 18.00 feet from the Southwest corner of Lot 24, Block 76, Millsite Reservation, Park City, Utah, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 29°44' East 2.5 feet; thence South 62°36' East 24.28 feet between two existing houses; thence North 68°27' West 24.51 feet to the Point of Beginning.

Excepting therefrom the following:

Beginning at a point which is North 29°44' East 20.5 feet and South 62°36' East 24.48 feet from the Southwest corner of Lot 24, Block 76, Millsite Reservation, Park City, Utah, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 62°36' East 12.22 feet between two existing houses; thence North 27°24' East 1.25 feet along an existing house; thence North 68°27' West 12.28 feet to the Point of Beginning.

Also excepting therefrom the following:
Beginning at the Southwest corner of Lot 25, Block 76, Millsite Reservation to Park City; and running thence South 29°44'00" West 4.57 feet along the Westerly line of said Block 76 to the Point of Beginning; thence leaving said Westerly line South 62°36'00" East 36.50 feet; thence South 27°24'00" West 1.19 feet; thence North 62°36' West 36.55 feet to the Westerly line of said Block 76; thence along said Westerly line North 29°44'00" East 1.19 feet to the Point of Beginning.

AS-SURVEYED DESCRIPTION

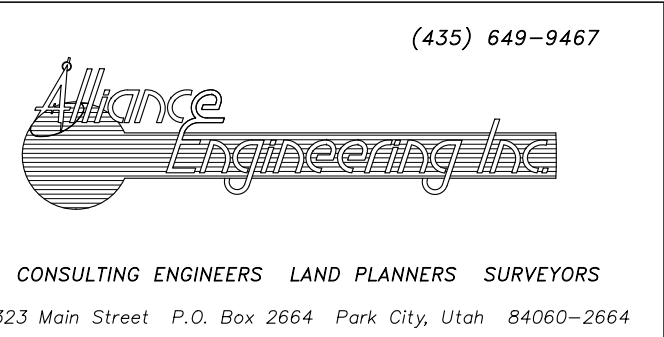
A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at the easternmost corner of Lot 25, Block 76, Millsite Reservation to the Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the easterly boundary of Block 76 and also being South 10°20'26" West 812.31 feet from a brass cap in a metal casting at the intersection of Second Street and Woodside Avenue of said Park City Survey, and running thence coincident with the easterly boundary of Block 76 South 21°33'00" West 75.00 feet to the southernmost corner of Lot 23, Block 76; thence coincident with the southerly boundary of Lot 23 North 68°27'00" West 81.36 feet to the westerly boundary of Block 76; thence coincident with the westerly boundary of Block 76 North 29°44'00" East 75.77 feet to the northernmost corner of Lot 25; thence coincident with the northerly boundary of Lot 25 South 68°27'00" East 13.62 feet; thence South 60°00'40" East 22.08 feet; thence North 31°31'08" East 3.29 feet to the northerly boundary of Lot 25; thence coincident with the northerly boundary of Lot 25 South 68°27'00" East 34.53 feet to the point of beginning.

The basis of bearing for the above description is North 66°34'00" East 198.49 feet between the survey monument at the point of intersection of Second Street and Woodside Avenue and the survey monument at the intersection of Second Street and Park Avenue, Park City Survey.

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2021-_____.
- See recorded survey S-10200 in the Office of the Recorder, Summit County, Utah.



91 & 95 KING ROAD PLAT AMENDMENT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

3/2/21 JOB NO.: 5-1-21 FILE: X:\ParkCitySurvey\dwg\srv\plat2021\050121.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	PUBLIC SAFETY ANSWERING POINT APPROVAL	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2021	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2021	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2021	APPROVED AS TO FORM THIS _____ DAY OF _____, 2021	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2021	I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2021	APPROVED THIS _____ DAY OF _____, 2021	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
BY _____ ENGINEERING DEPARTMENT	BY _____ CHAIR	BY _____ PARK CITY ENGINEER	BY _____ PARK CITY ATTORNEY	BY _____ MAYOR	BY _____ PARK CITY RECORDER	BY _____ SUMMIT COUNTY GIS COORDINATOR	_____ FEE _____ RECORDER TIME _____ DATE _____ ENTRY NO. _____

ORDINANCE

Ordinance No. 83-13

ORDINANCE AMENDING THE PARK CITY LAND MANAGEMENT CODE OF 1981 BY CREATING A NEW ZONE DESIGNATION AFFECTING PROPERTY ON ROSSIE HILL, PARK CITY, UTAH

WHEREAS, the residents and property owners with property fronting on McHenry Avenue have petitioned the City and the Planning Commission to change the zoning on their property; and

WHEREAS, the rezoning is supported by a majority of the numbers of owners, the majority of the assessed valuation, and the majority of the land area within the proposed zone, and received the favorable recommendation of the Planning Commission; and

WHEREAS, the unique features of this area in terms of access, parking, and emergency services made a lower density of development desirable for the effective delivery of City services;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. ADDITIONAL PROVISION. The Land Management Code of 1981 is hereby amended by the addition of a new section at the end of the existing Section 4, to read as follows:

4.12. RESIDENTIAL DEVELOPMENT LOW-DENSITY
(HRL)

4.12.1 PURPOSE. The purpose of the Historic Residential Low-Density Zone District (HRL) is to provide an area of newer residential housing that is limited in density and land use to single-family structures, and which reduces the density of development in an area that is accessible only by substandard streets in terms of grade, width, or single access, so that these streets are not further impacted by high density development beyond the reasonable carrying capacity. The district also serves to provide an area of lower density residential use within the old portion of Park City.

4.12.2. PERMITTED USES. The following land uses shall be permitted uses in the HRL Zone:

- (a) Single-unit detached dwellings;
- (b) accessory buildings;
- (c) activities for conservation of soil and wildlife;

- (d) agriculture, crop production, orchards, but not keeping of livestock or retail sales of produce;
- (e) parks and playfields operated by public or private entities.

4.12.3. CONDITIONAL USES. The following uses are allowed in the HRL Zone only as conditional uses:

- (a) Nightly rentals and lockout rooms;
- (b) recreational buildings owned by public or private entities;
- (c) essential municipal or public utility uses, facilities and services, but not including business offices, repair facilities, or equipment storage;
- (d) temporary buildings;
- (e) temporary uses;
- (f) liftways.

4.12.4. PROHIBITED USES. Land uses not listed above as either permitted or conditional uses are prohibited in the HRL Zone. Condominium ownership is permitted, but shall not affect the minimum lot sizes or densities, or the single unit structure requirement.

4.12.5. LOT REGULATIONS. The minimum lot regulations within the HRL Zone shall be as follows:

- (a) The minimum lot size shall be 3,750 square feet in land area, not including land encumbered by prescriptive rights-of-way or platted rights-of-way.
- (b) The minimum frontage of lots shall be 37.5 feet in width, measured at a point 15 feet back from the front lot line.
- (c) The minimum side yard shall be 5 feet.
- (d) The minimum rear yard shall be 10 feet for main buildings, and one foot for accessory buildings, provided however, that accessory building less than 3 feet from the rear lot line must comply with applicable building and fire code provisions for buildings so located.
- (e) The minimum front yard set back shall be 15 feet from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot. Open parking is permitted within the set back area, but not within 5 feet of the side lot lines. The minimum set back for garages and other accessory buildings shall be 10 feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.
- (f) Buildings shall not exceed a maximum height of 28 feet, except as provided in the supplemental regulations.

4.12.6. ARCHITECTURAL REVIEW. Because the HRL Zone abuts the HR-1 and is highly visible from the Historic District, all structures are subject to architectural review by the Planning Department staff for design compatibility with the design guidelines adopted for the Historic Residential Zone. Design approval is required before

building permits will be issued. Appeal of staff actions is to the Historic District Commission appeal of staff decisions on architectural or other matters shall be heard by the Historic District Commission.

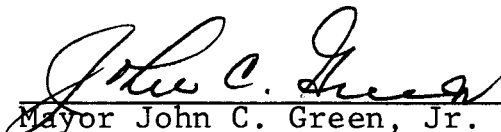
4.12.7. BOUNDARIES. The boundaries of the HRL Zone district shall be as follows, and the official zoning map of Park City amended to show the boundaries of this Zone:

Beginning at the point where the east section line of Section 16 intersects with Rossie Hill Drive and the prescriptive street known as the railroad cut, then following through the railroad cut to the intersection with Ontario Avenue, thence along the easterly side of Ontario Avenue as platted southerly until the intersection of that line with the east line of Section 16, thence north along the section line to the point of beginning.

SECTION 2. EFFECTIVE DATE. This amendment shall take effect upon publication.

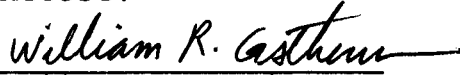
PASSED AND ADOPTED this 26th day of August, 1983.

PARK CITY MUNICIPAL CORPORATION



Mayor John C. Green, Jr.

Attest:



William R. Gatherum
City Recorder

ORDINANCE

Ordinance No. 84-9

AN ORDINANCE AMENDING THE ZONING MAP OF PARK CITY
TO CHANGE THE ZONING ON A PORTION OF
SAMPSON AVENUE AREA FROM HR-1 TO HRL

WHEREAS, the residents of Sampson Avenue filed a petition to change the zoning of the Sampson Avenue area from HR-1 to HRL; and

WHEREAS, hearings before the City Council and the Planning Commission were held as required by law;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

1. The official zoning map of Park City should be and is hereby amended to change the zoning on the following described property from HR-1 to HRL:

A tract of land in the Northeast quarter of the Northeast quarter of Section 21, and the Southeast quarter of the Southeast quarter of Section 16, all in Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, described as follows:

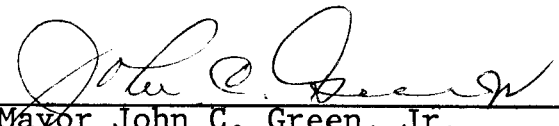
Commencing at the Southwest corner of the said Northeast quarter of the Northeast quarter of Section 21, said corner also being the Southwest corner of Lot 108 of Block 75 of the official plat of Park City; thence, along the West boundary of the said Northeast quarter of the Northeast quarter and the West boundary of said official plat of Park City, North 1557.46 feet to the Westerly extension of the North boundaries of Lots 44 and 16 of Block 78 of said official plat of Park City; thence, along said Westerly extension, said Northerly boundaries, and the Easterly extension thereof, North 66° 34' East 245.77 feet to the Northwest corner of Block 32 of said official plat of Park City; thence, along the West boundary of said Block 32 and the Southerly extension thereof, South 23° 38' East 431.73 feet to the Northwesterly corner of Block 75 of said official plat of Park City; thence, along the Northerly boundary of said Block 75, North 66° 22' East 23.61 feet to the Northerly boundaries of Lots 50 and 56 of said Block 75; thence, along said Northerly boundaries South 68° 27' East 65.16 feet to that parcel of land as described in Book M159, Page 385 of deeds on file in Summit County; thence, along the boundary of said parcel, South 30° 40' East 30.22 feet; thence, continuing along said boundary, North 76° 40' East 12.58 feet to the Easterly boundary of said Block

75 of said official plat of Park City; thence, perpendicular to said Easterly boundary; South 68° 27' East 12.67 feet to the centerline of vacated Anchor Avenue as per the official plat of Park City; thence along said centerline, South 21° 33' West 1308.97 feet to the South boundary of the said Northeast quarter of the Northeast quarter of said Section 21 and the South boundary of the official plat of Park City; thence, along said South boundaries, West 39.44 feet to the point of commencement.

2. This ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 7th day of June, 1984.

PARK CITY MUNICIPAL CORPORATION

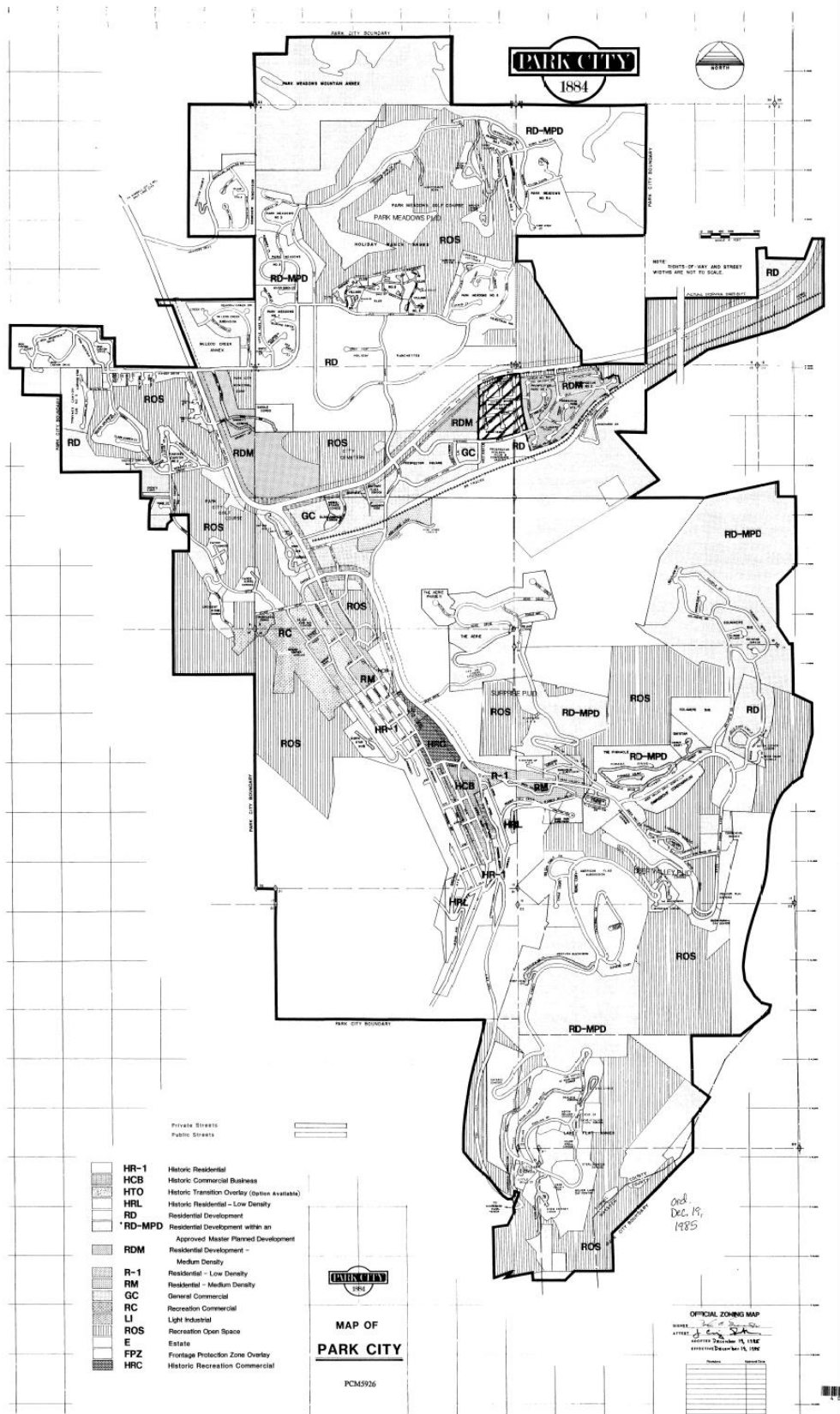


Mayor John C. Green, Jr.

Attest:



City Recorder



7.13. HISTORIC RESIDENTIAL DEVELOPMENT LOW-DENSITY

7.13.1. PURPOSE. The purpose of the Historic Residential Low-Density Zone District (HRL) is to provide an area of newer residential housing that is limited in density and land use to single-family structures, and which reduces the density of development in an area that is accessible only by substandard streets in terms of grade, width, or single access, so that these streets are not further impacted by high density development beyond the reasonable carrying capacity. The district also serves to provide an area of lower density residential use within the old portion of Park City.

7.13.2. USES. Those uses designated on the land use tables as permitted or conditional uses are allowed in this zone. All other uses are prohibited.

7.13.3. LOT REGULATIONS. The minimum lot regulations within the HRL Zone shall be as follows:

- (a) The minimum lot size shall be 3,750 square feet in land area, not including land encumbered by prescriptive rights-of-way or platted rights-of-way.
- (b) The minimum frontage of lots shall be 37.5 feet in width measured at a point 15 feet back from the front lot line.
- (c) The minimum side yard shall be 5 feet.
- (d) The minimum rear yard shall be 10 feet for main buildings, and one foot for accessory buildings, provided however, that accessory buildings less than 3 feet from the rear lot line must comply with applicable building and fire code provisions for buildings so located.
- (e) The minimum front yard setback shall be 15 feet from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot. Open parking is permitted within the setback area, but not within 5 feet of the side lot lines. The minimum setback for garages and other accessory buildings shall be 10 feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.
- (f) Buildings shall not exceed a maximum height of 28 feet, except as provided in the supplemental regulations.

7.13.4. ARCHITECTURAL REVIEW. Prior to the issuance of building permits for any conditional or permitted use within this zone, except for single family houses, the Community Development Department shall review the proposed plans for compliance with the architectural design guidelines prepared by the Historic District Commission and adopted by resolution of the Council as a



Briefs

Council OKs test well

Consistent with its ongoing strategy to locate and develop new water supplies, the Park City Council approved an agreement March 2 with the United States Geological Survey (USGS) to drill a \$65,000 test well at a site east of Fairway Hills and west of State Road 40.

The test well will be 700 to 1,000 feet deep, and if it locates water the city can use, a municipal well, known as the Kettley Well, will be subsequently drilled. This well was mentioned as part of the Park City water study released in February.

Watts appeals CAD denial

Following the Historic District Commission denial of his application for a certificate of demolition (CAD) for his buildings at 664 Woodside Ave. and 703 Park Ave., Burnis Watts has filed an appeal of the decision with the Park City Council.

Last year Watts was active in trying to prevent the area of town known as the transition zone where he lives from becoming overly commercialized.

He spoke at many Planning Commission public hearings during which permits for the Broken Thumb Grill and the Coffee Cottage were under consideration.

Watts applied for his CAD shortly after permits for these businesses were approved.

His appeal is scheduled to be heard at the March 16 meeting of the City Council.

Grant process formalized

Organizations requesting grants from the city will be required to undergo a slightly different procedure than they have in the past.

Each organization will be requested to fill out an application form which will ask for information such as the organization's goals and purpose, proof of ability to carry out its intention, previous track record of managerial and fiscal competence and how they will account for the money. New organizations are encouraged to apply.

The city will no longer accept or review applications at any other time than when the annual budget is under consideration.

All applications will be reviewed at one time.

The form itself will be available in approximately two weeks. Applications for this budget year must be in by April 14.

Preference will be given to organizations with projects that will have broad public benefit and are not duplicating another service or program.

Priority will also be given to requests for funds that will be used to cover the cost of a program rather than paying salaries for staff.

County proposes Kimball Junction master plan

by NAN CHALAT-NOAKER
Record staff writer

With an onslaught of new projects in the wings it is apparent Kimball Junction is becoming a major commercial hub and members of the Summit County Planning Commission and the Board of Commissioners want to be sure the finished product is something residents

can be proud of.

Recently Summit County Commissioner Jim Soter expressed concerns about a lack of consistency from project to project and suggested hiring a consultant to map out a specific masterplan for the junction.

According to Summit County Planning Commission Chairman Eric Schifferli, Soter's concerns mirror those of several members

of the Planning Commission which so far has been looking at the projects on a case-by-case basis. In response to Soter's suggestion, Schifferli said a task force was formed to get the ball rolling. The group which has already met twice includes Schifferli, Summit County Senior Planner Doug Dotson, Park City Community Development Director Rick Lewis, Snyderville

Recreation Board Members Amanda Peterson and Pace Erickson, and two representatives from developers, Doug Rosecrans and Jeff Graham.

From their initial brainstorming sessions, Schifferli said the group came up with some general planning goals for the junction. "There is consensus that we want Kimball Junction to look like a mountain community and that it

should feel like a real town, not just a suburb," Schifferli said. "Right now it doesn't have a real face as a place. We don't want it to look like just another freeway interchange."

In fact, task force members have tried to anticipate the possibility that Kimball Junction may, at some time in the future, become the center of a new town.

continued on A2



Special treatment

Eight-year-old Emerick Hansen gets a helping hand from his instructor Holly Duncan, Tuesday, March 8, at the Park City Ski Area. Emerick, who has Down's Syndrome, is a student in the National Abilities Center ski program. For more on the NAC, see B1.

Photo by Susan McKee

Legislative session finishes up

No relief for 2nd homeowners or lift ticket taxes

by DIANA HINGSTON
Record staff writer

The gap between taxes paid by owners of primary residences and owners of secondary residences will widen considerably thanks to a bill passed by the 1994-95 Utah Legislature. Another bill that was passed will make it easier for people to rearrange property lot lines and one which failed will not allow the removal of sales tax on ski lift tickets.

City Manager Toby Ross kept tabs on bills of particular interest to Parkites.

SB 56 was greeted with enthusiasm by many Utahns because its purpose was to lower property taxes by increasing the so-called homestead exemption from 32 to 45 percent of the home's assessed value. The owner of a home that is his or her primary residence will now pay taxes on 60 percent of that figure instead of 68 percent.

continued on A2

Council hears from public on affordable housing

by DIANA HINGSTON
Record staff writer

The Park City Council heard thoughts on affordable housing from many sections of the community at a public hearing March 2.

Describing the difficult process of finding a solution to the lack of affordable housing as "a bit like herding cats," Public Affairs Director Myles Rademan summed up the findings of the Affordable Housing Task Force and presented

two new resolutions for the Council to vote on. No action was taken on the resolutions as the Council elected to continue the public hearing to March 16.

The first resolution, if adopted, would repeal a 1993 resolution and result in slightly lower minimum unit size and higher maximum rental price standards and in lieu payments for annexations. This new resolution would increase the period during which rent would be controlled from 15 to 40 years. It would also require

that 15 percent of an annexation project be devoted to affordable housing, up from the 10 percent exacted under the old resolution.

The second resolution would adopt the recommendations of the Task Force, which included continuing to offer affordable project fee waivers of up to \$5,000, working with developers, other governmental entities such as Summit County and non-profit organizations, pursuing new funding sources such as a real estate transfer tax, requiring all new master planned developments, and subdivisions to add to the affordable housing supply and restructuring the housing authority as an appointed board instead of consisting solely of the City Council as it now does.

The Task Force, which convened

in May, 1994, was made up of a broad cross section of people, which was reflected in the recommendations it gave to the Council.

Rademan said that the fact that every one of the recommendations was not arrived at by a consensus of the entire group, underscored the diversity of attitudes and the magnitude of the problem.

There were many things on which the group did concur, such as the necessity for all sectors of the community to take responsibility for the problem and work in concert on

The process of finding a solution to the lack of affordable housing is "a bit like herding cats."

--Public Affairs Director Myles Rademan

solutions, and the recognition that the affordability situation is getting worse as the gap between wages and housing costs continues to grow. They also agreed that the free market is not providing the kind of housing that is affordable to the majority of people who work in Park City.

A report looked at by the Task Force

continued on A2

County Attorney Adkins prepares for precedent-setting homicide trial

by NAN CHALAT-NOAKER
Record staff writer

Summit County Attorney Bob Adkins said he had no choice other than charging Calvin Shane Myers,

age 21, with two counts of murder, one for the death of Irene Francis Christensen, age 20, and one for the death of her unborn child. The double homicide charge means Myers could face the death penalty.

Myers' attorney, however, claims his client can only be charged with one count. Stephen McCauley contends that because the four-and-a-half-month-old fetus was not independently viable, Myers cannot be formally charged with its death.

Third Circuit Court Judge Roger Livingston is expected to rule on the charges March 14. At that point the case will be bound over to

Third District Court for trial.

Myers is accused of stabbing Christensen 13 times during an argument at Rockport Reservoir on Dec. 2, 1994. In a taped statement made after his arrest, Myers

"The legislature made the decision. We did not really have any other alternative."

--County Attorney Bob Adkins, regarding the decision to charge Calvin Shane Myers with double homicide.

allegedly confessed to Summit County Detective Joe Offert that he stabbed Christensen because he believed the child was his and he was not ready to become a parent, because he believed she had stolen from him and because she called him a "hillbilly."

Christensen's body was abandoned along the shore of the reservoir and found two weeks later.

continued on A2

Fire damages Old Town home...



The Park City Fire Department responded to a 7:15 p.m. call for a fire at this house on King Road Saturday, March 4. The flames were out within a half an hour and firemen were able to save the back of the house, but many irreplaceable items were destroyed. A neighbor thought flash bulbs were going off inside the house a few minutes before it was engulfed. Firemen suspect the fire started in faulty TV wiring.

Photo by Jon Thiele

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REQUEST FOR VARIANCE
LOT AND SITE REQUIREMENTS FOR 91 KING ROAD

Parcel PC-697-A

August 18, 2021

The property at 91 King Road includes portions of Lots 24 and 25 in Block 76, Park City Survey. The parcel is approximately 32 feet wide and approximately 72 feet deep and has an area of 2,298 square feet. Since 91 King Road is in the HRL district, the Park City Land Management Code (LMC) states that the minimum lot area be 3,750 square feet and the minimum lot width be 35 feet, “except as may otherwise be provided in this Code”. Table 15-2.1 of Section 15-2.1-3(4) of the LMC for the HRL District acknowledges lots with an area less than 3,750 square feet and a width less than 35 feet.

The two different owners of 91 King Road and 95 King Road have submitted a plat amendment application to create two lots of record. A variance request was granted in 1995 for 95 King Road. The owner of 91 King Road is submitting this Variance Request to enable the plat amendment to proceed and become a buildable lot of record.

The intentions of the owner are to keep the existing residence as-is for approximately one year and rent the existing residence while working through the plat amendment process and the design for a new residence. At the appropriate time, the current non-historic residence is proposed to be demolished and a new residence constructed.

The Applicant is seeking three Variance Requests:

- 1) A variance allowing a lot size of 2,298 square feet in the HRL District
- 2) A variance allowing for a lot width of approximately 32 feet wide in the HRL District
- 3) A variance allowing 3 foot side yard setbacks on a lot approximately 32 feet wide in the HRL District

The minimum setbacks required in the HRL District and the current building setbacks of 91 King Road are shown in the table below:

Setback	HRL District	Current
Front	10 ft	4ft – 5ft
Rear	10 ft	35 ft
Side	3 ft	0.3 ft – 1.5 ft

Table 15-2.1 states that for a lot width up to 37.5 feet, the minimum side setbacks are 3 feet and also states “for existing 25’ wide lots, Use HR-1 standards”.

Since the proposed new residence would be constructed adhering to the setbacks in the HRL District using HR-1 standards, the nonconformity regarding the front and side setbacks of the existing residence will no longer exist and the new residence will be in compliance with the setbacks in the HRL District.

Strict enforcement of the minimum lot size requirement would create an unreasonable hardship by not allowing a new residence to be constructed that corrects the current nonconforming setbacks and adheres to the setbacks as stated above and meets the requirements of the LMC. Since the front yard setback will be increased from the current nonconformity, there would be more area for off-street parking in an area that has narrow streets and has limited parking.

REQUEST FOR VARIANCE
LOT AND SITE REQUIREMENTS FOR 91 KING ROAD

Parcel PC-697-A

August 18, 2021

According to the Park City Municipal Code, 15-10-9(C), variances shall be granted only if all of the following conditions are found to exist:

1. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code.

Response: Literal enforcement of the LMC would cause an unreasonable hardship for the owner based on the minimum lot size requirement and width in the HRL District, which is 3,750 square feet and 35 feet, respectively. The Property requested for variance contains 2,298 square feet and literal enforcement would not enable the owner to make substantial improvements to the Property. Allowing a variance for the minimum lot size and width would not prevent the general purpose of the LMC from being carried out.

2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone.

Response: The special circumstances that apply to 91 King Road and not to most other properties in the HRL zone is that the Property does not meet the minimum lot size and width requirement for the HRL zone. The Property in its current configuration has existed since 1992 and appears to have been configured to accommodate the existing residence so the current residence does not encroach onto the neighboring property.

3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

Response: Other Properties in the HRL zone are able to make substantial improvements to their Property since many of those Properties meet the minimum lot size and width requirement. If the requested variance were not allowed, the Applicant would never be able to make any substantial improvements to the Property as long as the minimum lot size remains at 3,750 square feet and the minimum width remains at 35 feet.

4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.

Response: Granting the variance will not substantially affect the General Plan or be contrary to the public interest. In fact, approval of this variance will advance the public interest because the single family residence that currently occupies the Property is not in compliance with the LMC regarding setbacks. In the future, the owner plans to demolish the non-historic structure and build a new structure that will be in compliance with the current setback requirements in the LMC.

5. The spirit of the Land Management Code is observed and substantial justice done.

Response: The spirit of the LMC will be observed because a newly constructed residence will comply with setbacks and the Property rights of the owner to substantially improve and enjoy their Property will be granted.

THE BOARD OF ADJUSTMENT
PARK CITY, SUMMIT COUNTY, UTAH

IN RE: Variance to minimum lot size requirement in the HRL District; and variances to the rear and side yard setback requirements at 95 King Road.

Petition #V95-VAR209A

) Findings of Fact
) and Conclusions of Law

The Board of Adjustment of Park City, Utah met on Tuesday, September 5, 1995 for a regularly scheduled and noticed meeting. After determining that a quorum of members of the Board were present, the Board conducted its scheduled business. Among the petitions heard by the Board was the above entitled petition which was filed on August 18, 1995.

After hearing all interested parties, the Board made the following findings of fact:

1. The original building was severely damaged during a fire and the applicant has the right to rebuild.
2. The staff has reviewed the applicant's submittal and determined the strict enforcement of the minimum lot size requirement would create an unreasonable hardship by limiting the scope of new construction to the original pad and design. The variance is reasonable in light of the general history of this particular piece of property wherein the original structure did not comply with current setback requirements nor the Historic District Design Guidelines.
3. The staff supports the proposed variances because the applicant will improve the appearance and safety of their property thereby reducing the degree of incompatibility with the Historic District and non-conformity with the Land Management Code.
4. Approval of the side and front yard setback variance requests would result in a net setback gain from previous conditions, thereby reducing the adverse impacts to abutting properties and the public interest.
5. The proposal provides off-street parking in the Historic District where adequate parking is a problem.
6. The proposed relocation of the structure provides a front yard setback which does not currently exist and creates a safer condition which maintains the spirit of the zoning ordinance.

Considering all relevant facts, the Board of Adjustment concluded that a variance to the minimum lot size requirement should be **GRANTED**; and, variances to allow a front setback ranging from six feet on the north and seven feet on the south in lieu of the required 15 feet front yard setback, and to allow a sideyard ranging from 6 foot 2 inches at the southwest corner of the structure to three and one-half feet at the rear of the structure along the south side of the property, should be **GRANTED** under the provisions of the Land Management Code because:



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT

15-2.1-1. PURPOSE.

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) provide an area of lower density residential use within the old portion of Park City,
- (C) preserve the character of Historic residential Development in Park City,
- (D) encourage the preservation of Historic Structures,
- (E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) establish Development review criteria for new Development on Steep Slopes, and

- (G) define Development parameters that are consistent with the General Plan policies for the Historic core.

15-2.1-2. USES.

(A) **ALLOWED USES.**

- (1) Single-Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family
- (5) Child Care, Family Group¹
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Nightly Rentals
- (2) Lockout Room
- (3) Accessory Apartment²

¹See Chapter 15-14, Child Care Regulations

²See Chapter 15-8, Supplementary Regulations for Accessory Apartments

- (4) Child Care Center
- (5) Essential Municipal and Public Utility use, facility, service, and Building
- (6) Telecommunication Antenna, roof or wall mounted³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facility
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
- (12) Recreation Facility, Private
- (13) Fence over six feet (6') in Height.

(C) **PROHIBITED USES.** Any use not listed above as an allowed or conditional use is a prohibited use.

15-2.1-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, Width, and Depth as required, and Frontage on a Street shown as a City Street on the Streets Master Plan, or on a private easement

³See Chapter 8.30, Telecommunications Facilities

⁴See Chapter 8.25, Satellite Receiving Antennas

⁵Subject to Admin. CUP, see Sect. 8.

connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

(A) **LOT SIZE.** The minimum Lot Area is 3,750 square feet. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line.

(B) **BUILDING ENVELOPE (HRL DISTRICT).** The Building Pad, Building Footprint, and Height restrictions define the maximum Building Envelope in which all Development must occur.

(C) **BUILDING PAD (HRL DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear and Side Yard areas.

(1) The Building Footprint must be within the Building Pad. The Building Pad must be open and free of any other Structure except:

- (a) Porches or decks (with or without roofs);
- (b) At Grade patios;
- (c) Upper level decks (with or without roofs);
- (d) Bay Windows;
- (e) Chimneys;

(f) Sidewalks, pathways,
and steps;

(g) Screened hot tubs;
and

(h) Landscaping.

(2) Exceptions to the Building Pad area are subject to Community Development Department approval based on a determination that the proposed exceptions result in a design that:

(a) provides increased architectural interest consistent with the Historic District Guidelines;

(b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(D) **BUILDING FOOTPRINT (HRL DISTRICT)**. The maximum Building Footprint of any Structure shall be calculated as follows:

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

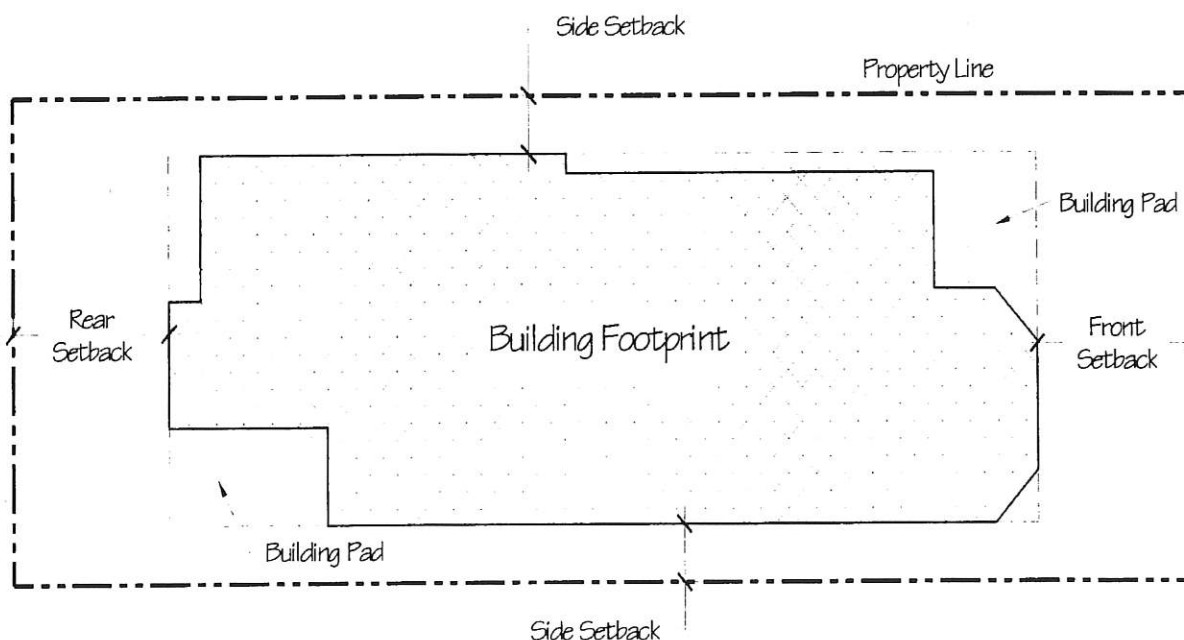
Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

See the following Table 15-2.1. for a schedule equivalent of this formula.

TABLE 15-2.1.

Lot Depth ≤ ft.	Lot Width, ft. Up to:	Side Yards Min. Total		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint Sq. ft.
75 ft.	37.5*	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 7,500	Per Setbacks and Lot Area	Per Formula

* for existing 25' wide lots, use HR-1 standards.



(E) **FRONT, REAR AND SIDE YARDS.**

(1) **FRONT AND REAR YARDS** are as follows:

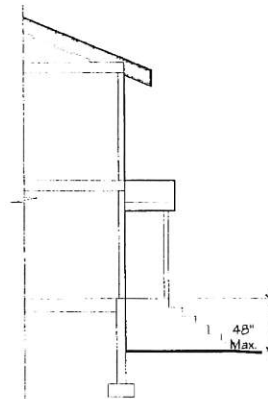
Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(2) **FRONT YARD**

EXCEPTIONS. The Front Yard must be open and free of any Structure except:

(a) A Fence or wall not more than four feet (4') in Height. On Corner Lots, fences more than three feet (3') in Height are prohibited within twenty-five feet (25') of the intersection at back of curb.

(b) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in Height from Final Grade (not including any required handrail) and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



Front Yard

(c) A cantilevered deck, porch, or Bay Window not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(d) A roof overhang, eave, or cornice projecting not more than two feet (2') into the Front Yard.

(e) Sidewalks and pathways.

(f) A driveway leading to a garage or Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

(3) REAR YARD

EXCEPTIONS. The Rear Yard must be open and free of any Structure except:

(a) A Bay Window not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

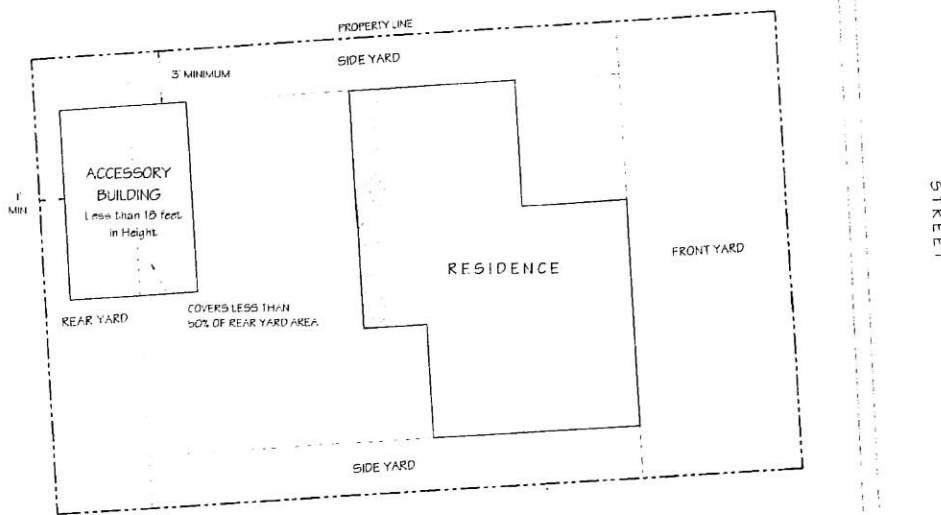
(b) A chimney not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(c) A window well extending not more than four feet (4') into the Rear Yard.

(d) A roof overhang, eave, or cornice projecting not more than two feet (2') into the Rear Yard.

(e) A detached Accessory Building less than eighteen feet (18') in Height and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not

cover over fifty percent (50%) of the Rear Yard. (See the following illustration.)



(f) A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.

(g) Screened mechanical equipment and hot tubs, located at least five feet (5') from the Rear Yard property line.

(h) A Fence, wall, or retaining wall not over six feet (6') in Height.⁶

(i) A patio, deck steps or similar Structure not more than thirty inches (30") above Final Grade, located at least one foot (1') from the Rear Yard Property Line.

(j) Pathways or Steps connecting to a City staircase or pathway.

(4) SIDE YARDS.

(a) The minimum Side Yard is three feet (3') but increases for Lots greater than thirty seven and one-half feet (37.5') in Width as per **Table 15-2.1.** above.

(b) Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(c) On Corner Lots, any Yard which faces a Street may not have a Side Yard less than five feet (5').

⁶A Fence over six feet (6') in Height requires a Conditional Use Permit.

(5) **SIDE YARD**

EXCEPTIONS. The Side Yard must be open and free of any Structure except:

(a) A window sill, belt course, trim, cornice, or other ornamental feature projecting not more than six inches (6") into the Side Yard.

(b) A roof overhang or eave projecting not more than two feet (2') into the Side Yard. **(Applies only to Lots with a Side Yard of five feet (5') or greater.)**

(c) Decks, patios, pathways or steps not over thirty inches (30") in Height from Final Grade, provided there is at least a one foot (1') setback to the property line. **(Applies only to Lots with a Side Yard of five feet (5') or greater.)**

(d) A fence, wall, or retaining wall not more than six feet (6') in Height.⁷

(e) A driveway leading to a garage or Parking Area.

(f) Pathway or steps connecting to a City staircase or pathway.

(g) A detached Accessory Building, less than eighteen feet (18') in Height, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Yard setback of three feet (3').

(h) Screened mechanical equipment and hot tubs, located a minimum of five feet (5') from the Side Property Line.

(F) **CLEAR VIEW OF**

INTERSECTION. No visual obstruction in excess of two feet (2') in Height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the site.

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

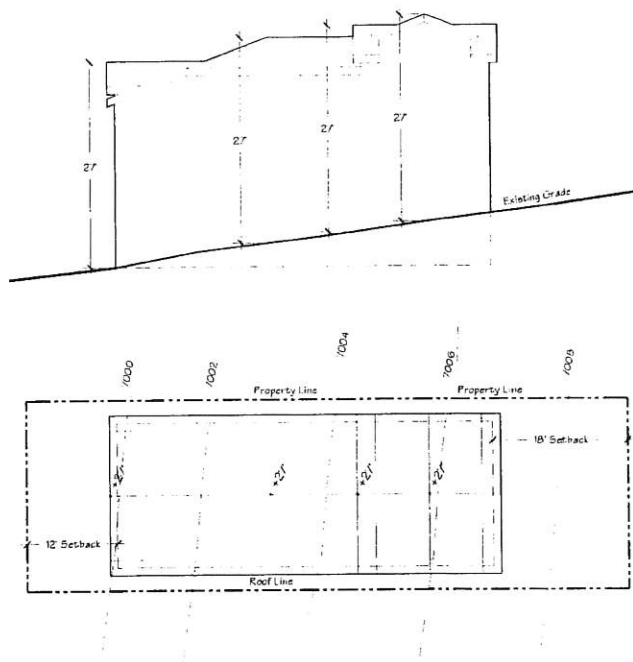
⁷A Fence over six feet (6') in Height requires a Conditional Use Permit.

(A) **EXCEPTION:** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings upon:

- (1) Approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) The addition complies with the Uniform Building and Fire Codes.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a Height greater than twenty-seven feet (27'). In cases where due to excavation, Final Grade is lower than the Existing Grade, Building Height shall be measured from Final Grade. This measurement shall not include window wells or Basements.



(A) **BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar structure may extend up to five feet (5') above the highest point of the Building to comply with Uniform Building Code (UBC) requirements.
- (2) Mechanical equipment, when Screened or enclosed, may extend up to five feet (5') above the maximum Height.
- (3) To accommodate a roof form consistent with the Historic District Design Guidelines, the Community Development Department may grant additional Building Height provided

that no more than twenty percent (20%) of the roof ridge line exceeds the Height requirement.

15-2.1-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use Permit is required for any Structure in excess of one thousand square feet (1000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

The Community Development Department shall review all Conditional Use Permit applications and forward a recommendation to the Planning Commission. The Planning Commission shall review all Conditional Use Permit applications as Consent Calendar items, unless the Planning Commission removes the item from the Consent Agenda and sets the matter for a Public Hearing. Conditional Use Permit applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

- (a) To determine potential impacts of the proposed Access, and Building mass and design; and
- (b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived

natural topography of the site. The site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Community Development Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

(7) **SETBACKS.** The Community Development Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the rear Property Line. The Setback variation will be a function of the site constraints, proposed Building scale, and Setbacks on adjacent Structures.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Community Development Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The maximum Building Height in the HRL District is twenty-seven feet (27'). The Community Development Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

(10) **HEIGHT EXCEPTIONS (STEEP SLOPE).** The Community Development Department and/or Planning Commission may grant a Building Height exception for a portion or portions of a proposed Structure if the Applicant proves compliance with each of the following criteria:

- (a) The Height exception does not result in a Height in excess of forty feet (40').

(b) The Lot width is greater than twenty-five feet (25').

(c) The proposed Building includes horizontal and vertical step backs to achieve increased Building articulation and Compatibility. The Planning Commission may refer the proposal to the Historic District Commission, prior to taking action, for a recommendation on the extent to which the proposed articulation and design are consistent with the Historic District Design Guidelines.

(d) The proposed design and articulation of the Building mass mitigates the project's visual impacts and differences in scale between the proposed Structure and nearby residential Structures.

(e) Snow release issues are resolved to the satisfaction of the Chief Building Official.

(f) A Height reduction in other portions of the Building and/or increased Setbacks are incorporated.

(g) The Height exception is not granted primarily to

create additional Building area.

(h) The Height exception enhances the Building's Compatibility with residential Structures by adding architectural interest to the garage element, front facade, porch, or other Building element.

(i) The Height exception is Compatible with good planning practices and good site design.

(j) The Height increase will result in a superior plan and project.

(k) The project conforms with Chapter 15-1.10 (Conditional Use Review.)

(C) **EXCEPTION.** In conjunction with a Subdivision or Plat Amendment, several Property Owners have undergone a review process comparable to that listed in the Conditional Use Section B above and the City does not seek to subject those Owners to additional Planning Commission review. Therefore, at the request of the Owner, the Community Development Director may exempt an allowed residential Structure in excess of one thousand square feet (1,000 sq. ft.) from the Conditional Use process upon finding the following:

(1) The Lot resulted from a Subdivision or Plat Amendment after January 1, 1995;

(2) The conditions of approval or required Plat notes reflect a maximum house size or Building Footprint; and

(3) The conditions of approval or required Plat notes include a requirement for Community Development Department review of grading, excavation, erosion, or similar criteria as found in the foregoing Section B, prior to Building Permit issuance.

The findings shall be in writing, filed with the Owner and City Planning Department, and shall state that the maximum house size and all other applicable regulations continue to apply (the Owner is not vested for the maximum).

15-2.1-7. PARKING REGULATIONS.

(A) Tandem Parking is allowed for Dwellings in the Historic District.

(B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to Parking in the rear of the Main Building or below Grade if both properties are deed restricted to allow for the perpetual use of the shared drive.

(C) Common Parking Structures are allowed as a Conditional Use where it facilitates:

(1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and

(2) the reduction, mitigation or elimination of garage doors at the Street edge.

(D) A Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures requiring a Conditional Use Permit are subject to a Conditional Use review (Chapter 15.1.10)

(E) Driveways between Structures are allowed in order to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved areas, provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the Community Development Department as to function and design.

15-2.1-8. ARCHITECTURAL REVIEW.

(A) **REVIEW.** Prior to the issuance of a Building Permit (including footing and foundation) for any Conditional or Allowed Use within this District, the Community Development Department shall review the proposed plans for compliance with Historic District Design Guidelines.

(B) **NOTICE TO ADJACENT PROPERTY OWNERS.** When the Community Development Department (CDD) determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property (directly abutting the Property and across Public Streets and/or Rights-of-Way).

The notice shall state that the Community Development Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) **APPEALS.** The posting and notice shall include the location and description of the proposed project and shall establish a ten (10) day period to appeal the Staff's determination of compliance to the Historic District Commission. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.

15-2.1-9. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development Activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all such trees within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all Significant Vegetation through a certified arborist. The Community Development Director shall determine the Limits of Disturbance of any Development Activity and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Chapter 9.

15-2.1-10. SIGNS.

Signs are allowed in the HRL District as provided in the Park City Sign Code (Title 12).

15-2.1-11. RELATED PROVISIONS.

- Fences and Walls. Chapter 8-7.
- Accessory Apartment. Chapter 8.19.
- Satellite Receiving Antenna. Chapter 8.25.
- Telecommunication Facility. Chapter 8.30.
- Parking. See Chapter 15-3.
- Landscaping. Chapter 9 and 15-3.3(D).
- Lighting. Chapter 9 and Chapter 15-3.3.(C).
- Historic District Commission. Chapter 4.
- Park City Sign Code. Title 12.
- Architectural Design. Chapter 9.
- Snow Storage. Chapter 15-3.3.(E)
- Parking Ratio Requirements. Chapter 15-3.6.(A)(B).

7.14. HISTORIC RESIDENTIAL DEVELOPMENT LOW-DENSITY

7.14.1. PURPOSE. The purpose of the Historic Residential Low-Density Zone District (HRL) is to provide an area of newer residential housing that is limited in density and land use to single-family structures, and which reduces the density of development in an area that is accessible only by substandard streets in terms of grade, width, or single access, so that these streets are not further impacted by high density development beyond the reasonable carrying capacity. The district also serves to provide an area of lower density residential use within the old portion of Park City.

7.14.2. USES. Those uses designated on the land use tables as permitted or conditional uses are allowed in this zone. All other uses are prohibited.

7.14.3. LOT REGULATIONS. The minimum lot regulations within the HRL Zone shall be as follows:

- (a) Lot Size. The minimum lot size shall be 3,750 square feet in land area, not including land encumbered by prescriptive rights-of-way or platted rights-of-way.
- (b) Floor Area Ratio. For lots 25 feet x 75 feet and smaller, the maximum floor area shall be no greater than 1,687 square feet within the HRL Zone. The floor area of all new structures constructed within the HRL Zone on lots greater than 25 feet x 75 feet (1,875 square feet) shall be limited by the Floor Area Ratio (FAR) which shall be the Floor Area as defined in Chapter 2, divided by the total area of the lot or parcel. For lots greater than 25 feet x 75 feet (1875 sq. ft.), the floor area ratio shall be .9 for the first 1875 sq. ft., plus 30% of the additional lot square footage. The maximum square footage is calculated by the following formula:

$$\text{MAXIMUM FLOOR AREA} = 1687 + (.30 \times (\text{Parcel Size} - 1875))$$

- (c) Frontage. The minimum frontage of lots shall be 37.5 feet in width measured at a point 15 feet back from the front lot line.
- (d) The minimum depth of side yard setbacks shall be based on the size of the parcel. For structures on parcels 50 feet wide or less at the front property line, the side yard setbacks must be five feet each. For structures on parcels from 51 to 75 feet wide at the front property line, the total yard side setbacks must be a minimum of 15 feet with a minimum of five feet on one side. For structures on parcels greater than 76 feet wide at the front property line, the side yard setbacks must be a minimum of ten feet each. Site plans and building designs shall resolve snow release issues to the satisfaction

of the Chief Building Official to minimize the impacts of snow shedding on adjacent properties and/or improvements.

- (e) Front and Rear Yards. The minimum front yard setback is 15 feet and the minimum rear yard setback is 15 feet, for a total minimum setback of 30 feet.
1. Setbacks shall be measured from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot.
 2. Open parking is permitted within the front setback area, but not within five feet of the side lot lines.
 3. The minimum front setback for garages and other accessory buildings shall be ten feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.
 4. The minimum rear setback for accessory buildings is one foot, provided however, that accessory buildings less than three feet from the rear lot line must comply with applicable building and fire code provisions for buildings so located.
- (f) Setbacks. The minimum front yard setback shall be 15 feet from the platted property line, or from the right-of-way line of any prescriptive street for main building, whichever is deeper into the lot. Open parking is permitted within the setback area, but not within five feet of the side lot lines. The minimum setback for garages and other accessory buildings shall be ten feet from the property line or the right-of-way line for any prescriptive street, whichever is deeper into the lot.
- (g) Building Height. Buildings shall not exceed a maximum height of 27 feet, as defined in Section 8.17. (*See Historic District Design Guidelines for additional design criteria.*) .

7.14.4. ARCHITECTURAL REVIEW. Prior to the issuance of a building permit for any conditional or permitted uses within this zone, the Community Development Department shall review the proposed plans for compliance with Historic District Design Guidelines as adopted by resolution of the City Council as a supplement to this ordinance. When the proposed plans for new residential construction and/or exterior remodeling (excluding decks or stairs) are determined by the Community Development Department to comply with the Historic District Design Guidelines, the subject property shall be posted by the Community Development Department and written notice shall be sent to property owners immediately adjacent to the property (*properties directly abutting*

and across public streets and/or rights-of-way) by the Community Development Department. The notice shall state that the Community Development Department staff has made a preliminary determination that the proposed plans are in compliance with the Historic District Design Guidelines. The property posting and written notice shall include, but are not limited to, the location and description of the proposed project and will establish a ten (10) day period in which the staff's preliminary determination of compliance may be appealed. Appeals by the applicant or public of departmental actions on architectural compliance shall be heard by the Historic District Commission. Appeals shall be by letter or petition and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject property, and reason for requesting the review and must be received by the Community Development Department within ten calendar days from the date of the notice. The appeal shall be limited to the specific provisions of this Code that are violated by the action taken.

Property within this zone may be subject to subdivision regulations and covenants that regulate design, materials, yard and height more strictly than this Code. This Code does not supersede more restrictive provisions in private covenants.

In addition, no structure within the zone may be painted or repainted without review and approval of the exterior color scheme by the Community Development Department.

7.14.5. SPECIAL PARKING REGULATIONS It is the City's policy to consider allowing a portion of the length of a code required parking stall to be placed within the City right of way, subject to the City Engineer's approval. The City Engineer shall consider the likelihood of future roadway changes, utilities, and any other health/safety considerations which may render parking in the right of way unacceptable.