PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
August 17, 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 17, 2021.

MEETING CALLED TO ORDER AT 5:00 PM.

To participate virtually please visit www.parkcity.org

1.ROLL CALL

2.MINUTES APPROVAL

2.A. Consideration to Approve the Board of Adjustment Meeting Minutes from January 26, 2021.
01.26.2021 BOA Minutes - Pending 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) Continuation to August 24, 2021
Staff Report
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 and Front and Side Setback Requirements in the Historic Residential - Low Density (HRL) Zoning District. PL-21-04829. (A) Public Hearing; (B) Continuation to August 24, 2021
Staff Report

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.**

PARK CITY MUNICPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF JANUARY 26, 2021

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi, Jennifer Franklin, Mary Wintzer, Stefanie Wilson (Alternate)

EX OFFICIO: David Everrit, Deputy City Manager; Mark Harrington, City Attorney; Caitlyn Barhorst, Planner; Jessica Nelson; Planning Analyst

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NOTICE OF ELECTRONIC MEETING AND HOW TO COMMENT VIRTUALLY: This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Board of Adjustment members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record, but not read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/public-meetings.

Exhibit A: Determination of Substantial Health and Safety Risk

The Board of Adjustment Chair has determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location.

Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:
• Statewide COVID cases and hospitalizations remain high;
• Based on metrics established by the statewide COVID-9 Transmission Index, Summit County moved to the High-Risk designation on October 22, 2020; and
• Park City is a resort community continually hosting visitors from areas which may be experiencing rapid COVID-19 spread.

This determination is valid for 30 days and is set to expire on February 26, 2021.

Dated: January 26, 2021

PENDING APPROVAL

ROLL CALL
Chair Gezelius called the meeting to order at 5:00 p.m. and noted that all Board Members were present except Dave Robinson who was excused.

APPROVAL OF MINUTES
Consideration to Approve the Board of Adjustment Meeting Minutes from February 11, 2020 and December 15, 2020.

MOTION: Board Member Jennifer Franklin moved to APPROVE the Minutes of February 11, 2020 and December 15, 2020 as written. Board Member Fuegi seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS
No hands were raised on Zoom.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

There were no comments or disclosures.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

5.A. 1128 Park Avenue - Appeal of the Historic Preservation Board Determination - Remand of the Material Deconstruction of the Landmark Historic Site Consisting of Removal of Historic Material for the Proposed Restoration of the circ. 1909 Historic Footprint

Planner Caitlyn Barhorst reported that this item was noticed for hearing the appeal of the material deconstruction review for 1128 Park Avenue. However, upon reviewing additional information and researching additional historical records, new facts became available which have bearing on the Historic Preservation Board determination. Planner Barhorst stated that the Planning Department and the Appellant agreed to remand the item back to the Historic Preservation Board to review the additional information.

Planner Barhorst noted that the Appellant retains their right to appeal back to the Board of Adjustment after the HPB rehears the proposal on February 3, 2021 if they wish.

Planner Barhorst remarked that the requested action this evening is for the Board of Adjustment to affirm the remand back to the Historic Preservation Board to review the additional information that was researched by Staff.

Kevin Horn, the project architect, stated that when he looked on the agenda it said this was remanded back to the 1909 historic footprint. However, the Staff

PENDING APPROVAL

report does not mention restoring it back to that time frame. Mr. Horn understood from his discussion with Planner Barhorst that the remand would be to take it back to the 1909 historic condition.

City Attorney Mark Harrington explained that it is remanded for the HPB to consider whatever the applicant applies for and submits for the additional information. He clarified that the BOA has no bearing on the scope of the application that the HPB will review. The Board of Adjustment was only sending it back to the Historic Preservation Board to review the additional information confirming the applicant's plan to restore it to the designated time period. Mr. Harrington recalled that one of the issues was getting the time period specified.

Matt Pugh, legal counsel representing the applicant, Mark Alter, agreed with City Attorney Harrington that the remand just sends it back to Historic Preservation Board with new recommendations from the Planning Department. A specific date of restoration will not be included at this point. Mr. Pugh noted that he had discussed those recommendations with Planner Barhorst and Mr. Harrington.

Chair Gezelius understood that the only issue before the BOA was a simple remand as written, but not any of the detail or content. Planner Barhorst replied that she was correct.

MOTION: Board Member Fuegi moved to affirm the proposed Stipulated Remand of the Material Deconstruction for 1128 Park Avenue to the Historic Preservation Board on February 3, 2021. Board Member Franklin seconded the motion.

VOTE: The motion passed unanimously.

Chair Gezelius adjourned the meeting at 5:25 p.m.

Approved by _____
Ruth Gezelius, Chair
Board of Adjustment

PENDING APPROVAL

Board of Adjustments
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: 45 Hillside Avenue
Application: PL-21-04861
Author: Browne Sebright, Planner II
Date: August 17, 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 swelling 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

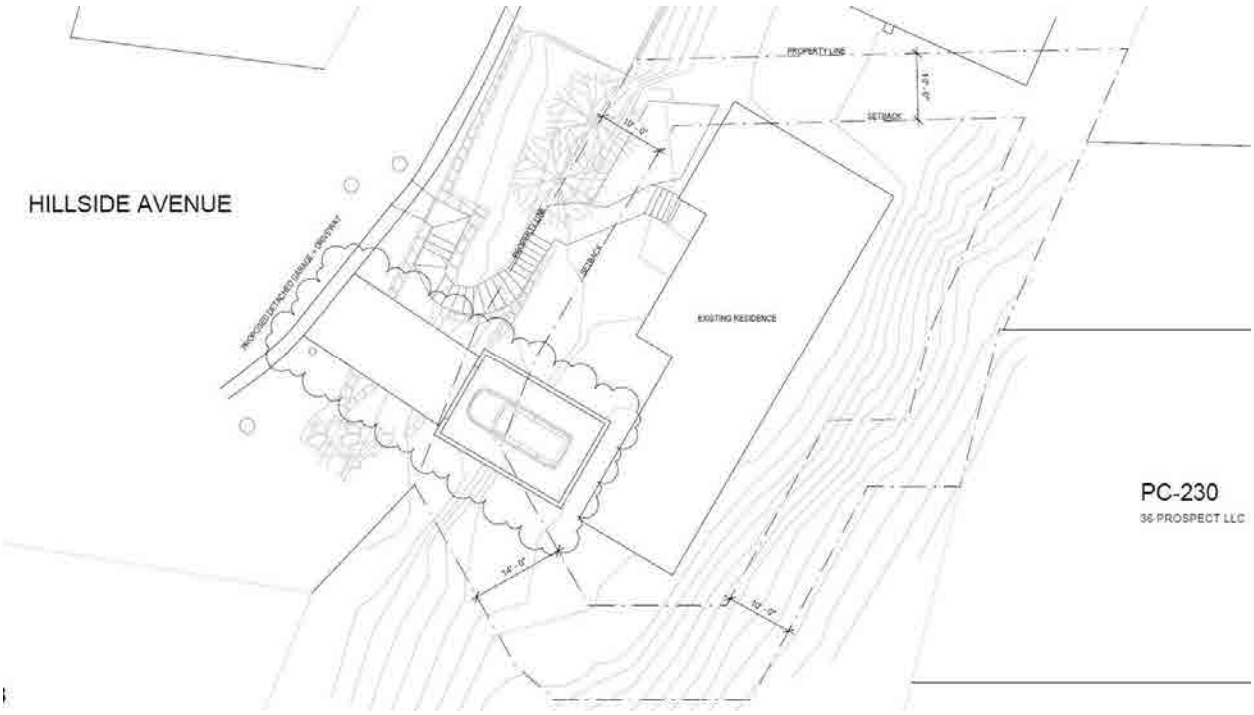
The Board of Adjustments hears all Variance request. The Board of Adjustments holds a public hearing and takes Final Action on Applications for Variances, prior to the issuance of any Conditional Use permit, or other approval by the Planning Commission of Planning Department.[1]

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 Conditional Use Permits for their driveway and retaining walls to be located in the platted unbuilt ROW, and for Development on Steep Slopes. The Applicant will also need to seek the full Historic District Design Review approval. 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;	Applicant's Request: 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. Staff Analysis: 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;	Applicant's Request: 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). Staff Analysis: 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	Applicant's Request: 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> *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. <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 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 the driveway and retaining walls to be in the platted unbuilt ROW 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.

(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.

Notice

On July 27, 2021, the property was posted and notice of the Variances request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code. Legal notice was published in the Park Record on July 27, 2021, according to requirements of the Code. 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

Board of Adjustments
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: 45 Hillside Avenue
Application: PL-21-04861
Author: Browne Sebright, Planner II
Date: August 17, 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 swelling 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.

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Analysis

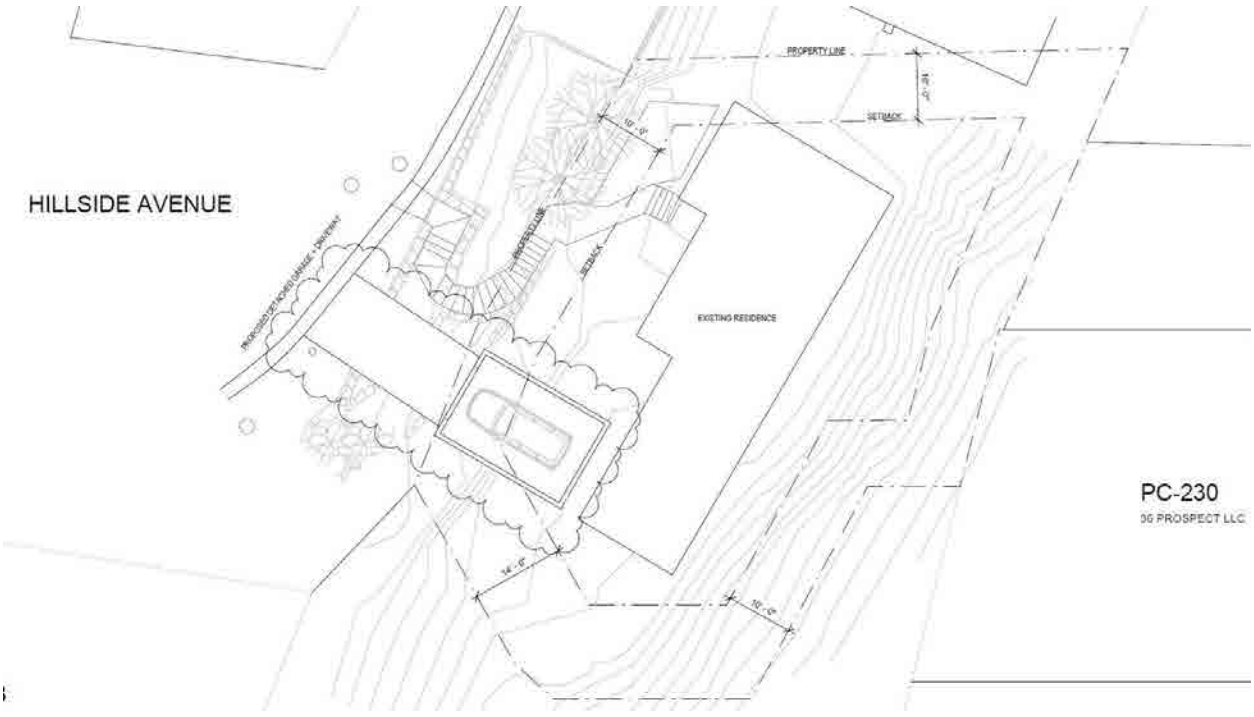
The Board of Adjustments hears all Variance request. The Board of Adjustments holds a public hearing and takes Final Action on Applications for Variances, prior to the issuance of any Conditional Use permit, or other approval by the Planning Commission of Planning Department.[1]

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 Conditional Use Permits for their driveway and retaining walls to be located in the platted unbuilt ROW, and for Development on Steep Slopes. The Applicant will also need to seek the full Historic District Design Review approval. 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;	Applicant's Request: 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. Staff Analysis: 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;	Applicant's Request: 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). Staff Analysis: 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	Applicant's Request: 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> *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. <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 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 the driveway and retaining walls to be in the platted unbuilt ROW 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.

(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.

Notice

On July 27, 2021, the property was posted and notice of the Variances request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code. Legal notice was published in the Park Record on July 27, 2021, according to requirements of the Code. 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 17, 2021

Caitlyn Barhorst, Raw Design Studio
358 S 700 E Suite B #243
Salt Lake City, UT 84102
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 17, 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 17, 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 their driveway and retaining walls to be located in the platted unbuilt ROW, and for Development on Steep Slopes prior to the issuance of a building permit for the new garage.
6. 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.
7. 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).
8. 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.
9. 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.

10. 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.

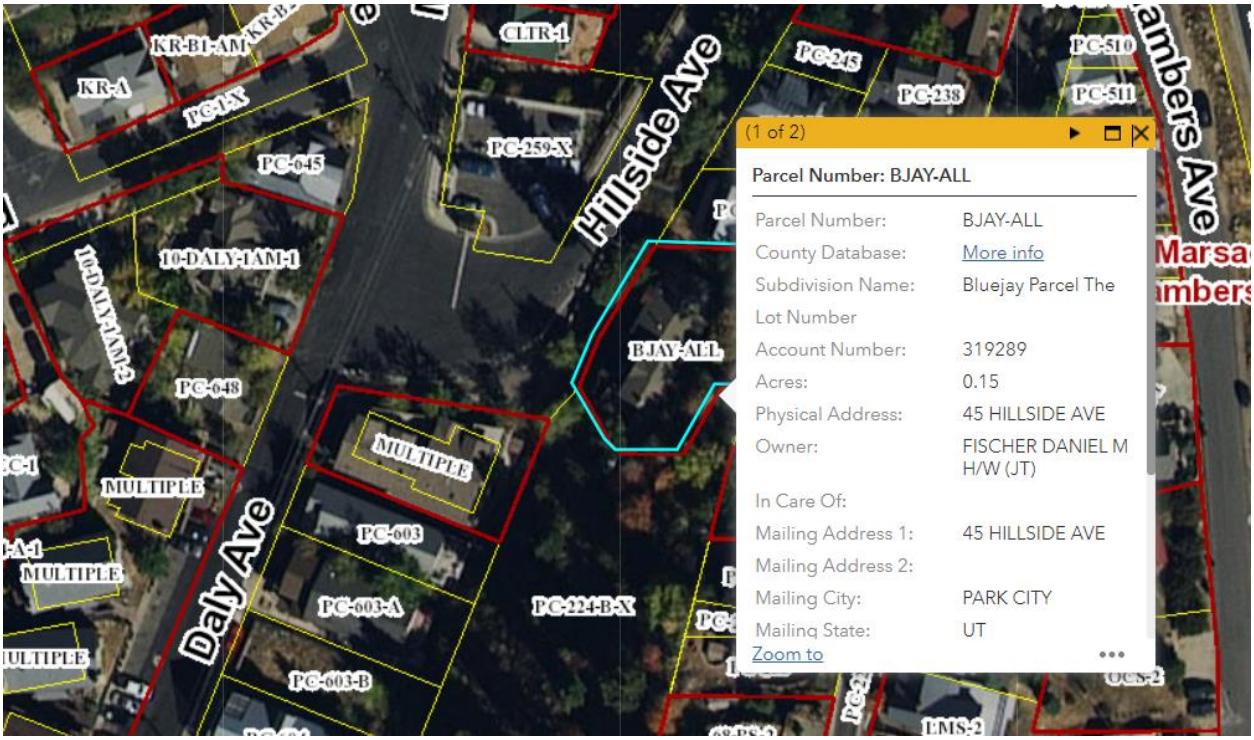
The reason for this variance request is the hardship created by the relationship of the intersection of Hillside Avenue, Daly Avenue, Main Street, King Road and Park Avenue. The new traffic patterns implemented help protect pedestrians from vehicular traffic and this garage aims to remove another vehicle 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.

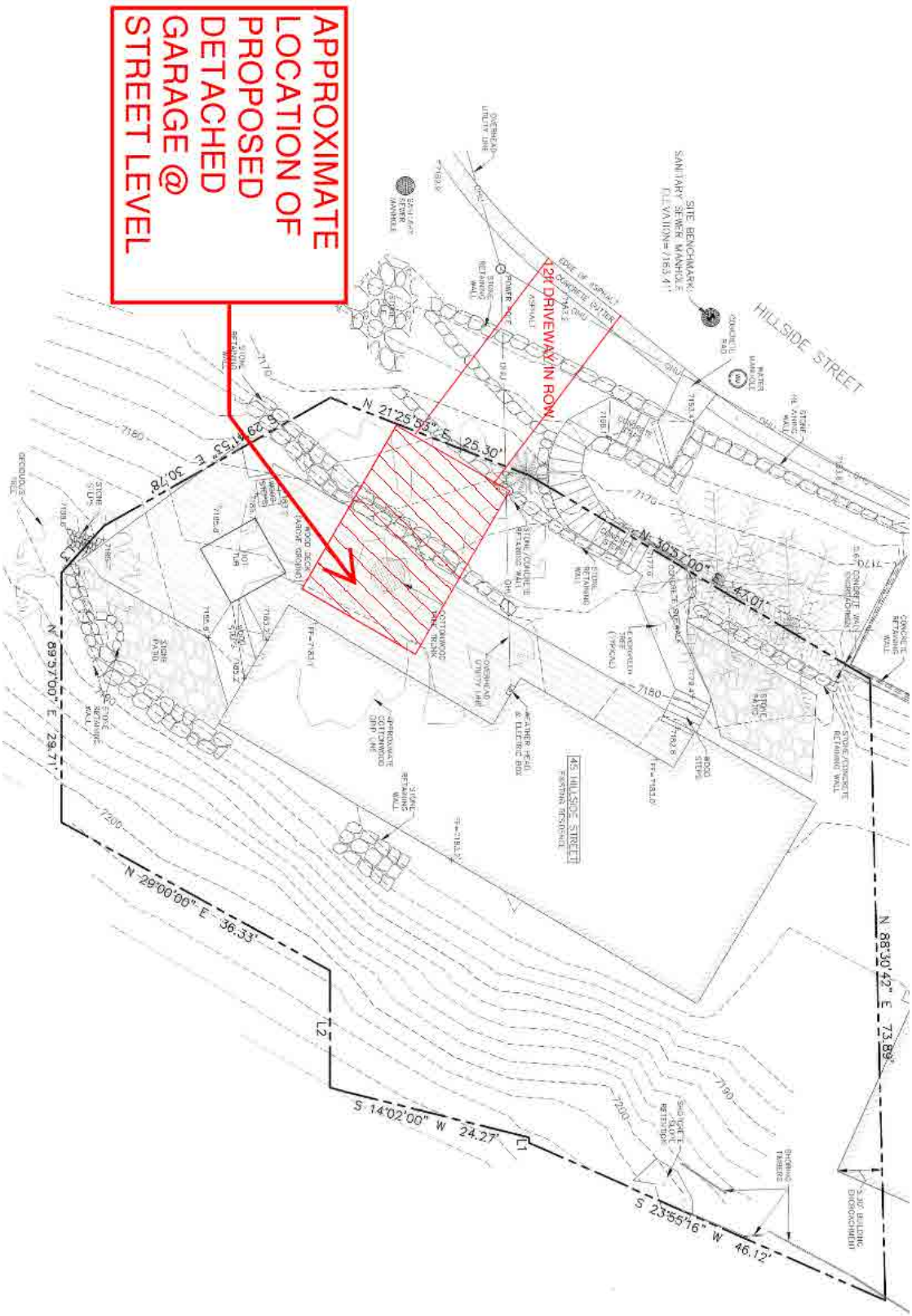
By excavating into the hillside, the "bunker" style garage is intended to provide off-street parking for one car located within the property lines of 45 Hillside Avenue with a driveway leading from the paved Hillside Avenue Right-of-Way. Any necessary encroachment agreements with the city for the driveway, 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


KR-B1-AM
KR-A
PC-1-X
CLTR-1
PC-259-X
PC-045
Hillside Ave
PC-245
PC-238
PC-510
PC-511
Ambers Ave
10-DALY-1AM-1
10-DALY-1AM-2
PC-048
BJAY-ALL
MULTIPLE
MULTIPLE
PC-003
Daly Ave
MULTIPLE
PC-003-A
PC-224-B-X
PC-003-B
(1 of 2)
Parcel Number: BJAY-ALL
Parcel Number: BJAY-ALL
County Database: More info
Subdivision Name: Bluejay Parcel The
Lot Number
Account Number: 319289
Acres: 0.15
Physical Address: 45 HILLSIDE AVE
Owner: FISCHER DANIEL M H/W (JT)
In Care Of:
Mailing Address 1: 45 HILLSIDE AVE
Mailing Address 2:
Mailing City: PARK CITY
Mailing State: UT
Zoom to
EMS-2


APPROXIMATE LOCATION OF PROPOSED DETACHED GARAGE @ STREET LEVEL
12K DRIVEWAY IN ROW
HILLSIDE STREET
45 HILLSIDE STREET
N 21°25'55" E 25.30'
N 30°57'00" E 47.01'
N 30°57'00" E 30.78'
N 89°57'00" E 29.71'
N 29°00'00" E 36.33'
S 14°02'00" W 24.27'
S 23°55'16" W 46.12'
N 88°30'42" E 73.89'
L1
L2

TREES TO REMAIN
APPROXIMATE LOCATION OF PROPOSED DETACHED GARAGE
CIRC. 2016 SHED TO BE REMOVED

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.

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

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
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CIVIL
COMPANY T.B.D.
CONTACT NAME
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email address

STRUCTURAL
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LANDSCAPE
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CONTRACTOR
COMPANY T.B.D.
CONTACT NAME
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DESIGN RAW STUDIO

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info@rawdesignstudio.com
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FISCHER GARAGE
45 HILLSIDE AVENUE, PARK CITY, UT
VARIANCE APPLICATION

Rev#	Date	Description

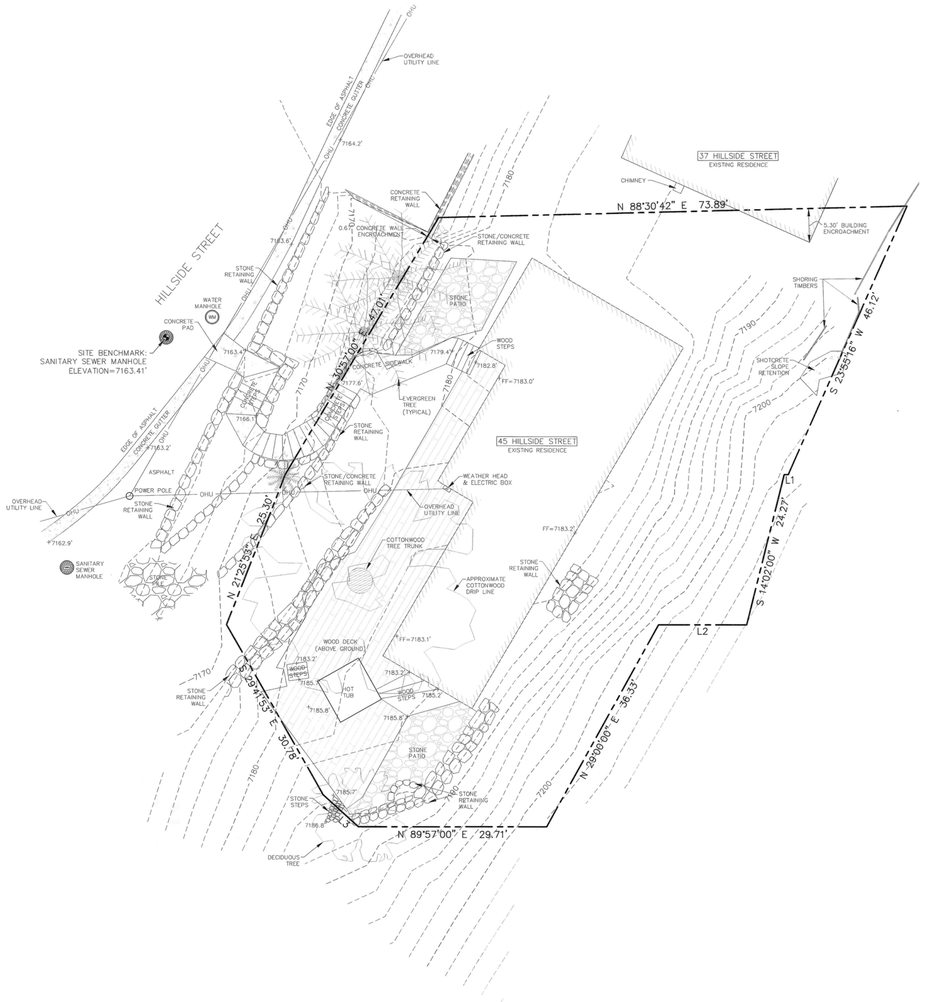
NOTE: THIS DRAWING IS INTENDED FOR A 24"X36" SHEET. IF PRINTED ON ANYTHING ELSE, THIS IS A REDUCED COPY. PLEASE SCALE ACCORDINGLY.

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

COVER SHEET

G100

6/4/2021 10:03:03 AM



SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 4938739 MARTIN A. MORRISON State of Utah

Martin A. Morrison

7-14-'14

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.

NOTES

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

10' 0 10' 20'

12/1/2014 10:25:32 AM

(435) 649-9467

Alliance Engineering Inc

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
MARTY MORRISON
HARRISON HOLLEY

DATE: 7/11/14

EXISTING CONDITIONS AND TOPOGRAPHIC MAP
45 HILLSIDE STREET
BLOCK 19, PARK CITY SURVEY

FOR: JOHN REAVES
JOB NO.: 5-4-14
FILE: X:\ParkCitySurvey\dwg\srv\topo2014\050414.dwg

SHEET 1 OF 1

DESIGN RAW STUDIO

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

(801) 215-9729
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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	-

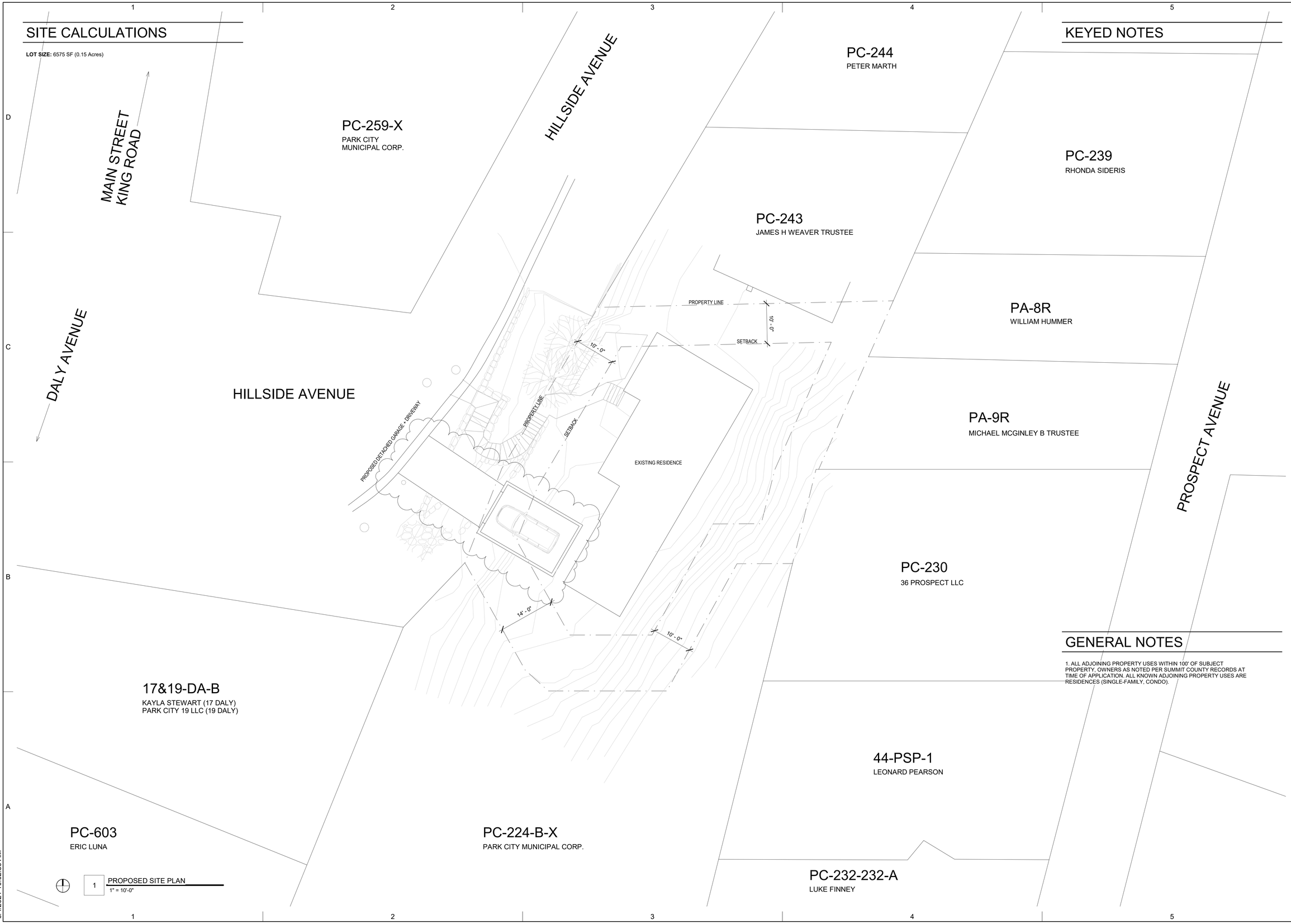
SITE SURVEY

A101

6/4/2021 10:02:58 AM

SITE CALCULATIONS

LOT SIZE: 6575 SF (0.15 Acres)



1 PROPOSED SITE PLAN
1" = 10'-0"

KEYED NOTES

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

SITE PLAN - PROPOSED

A102

6/4/2021 10:02:59 AM

KEYED NOTES

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"

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VARIANCE APPLICATION

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

ELEVATIONS + SECTIONS

A201

6/4/2021 10:02:59 AM

Planning Commission
Staff Report

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

Recommendation
Open a public hearing and continue the item to August 24, 2021.

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]

Summary
The Applicant is working on responding to the Variance criteria and will update and finalize the proposal.

[1] LMC § 15-10-3.