

**PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL
July 21, 2015**



AGENDA

MEETING CALLED TO ORDER - 5:00 PM

ROLL CALL

ADOPTION OF MINUTES OF February 17, 2015

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

STAFF AND BOARD COMMUNICATIONS/DISCLOSURES

REGULAR AGENDA – *Discussion, possible public hearing, and possible action as outlined below*

627 Park Ave, Unit E – Applicant is requesting a variance to Section 15-2.2-3 (H) (Side Yard) of the Park City Land Management Code for the purpose of constructing an exterior stairway greater than thirty inches (30") in height within the five (5') foot side yard setback exception allowed for steps <i>Quasi-Judicial hearing</i>	PL-15-02792 <i>Planner Grahm</i>	17
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ADJOURN

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

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

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF FEBRUARY 17, 2015

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi, Travis McGhee, Mary Wintzer

EX OFFICIO: Thomas Eddington, Anya Grahm, Planner; Polly Samuels McLean, Makena Hawley

ROLL CALL

Chair Gezelius called the meeting to order at 5:06 p.m. and noted that all Board Members were present.

ADOPTION OF MINUTES OF NOVEMBER 18, 2014

MOTION: Board Member Fuegi moved to Approve the minutes of November 18, 2014 as written. Board Member Wintzer seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Planner Francisco Astorga invited the Board and the public to attend the “We Love Our Historic District” open house the following day from 4:00 to 7:00 in the Council Chambers. The open house would encourage comments regarding the Historic District Design Guidelines and historic preservation in general. It would also be an opportunity to meet the Historic Preservation Board and ask questions.

Chair Gezelius asked Assistant City Attorney McLean to explain the voting situation with the number of Board of Adjustment members present this evening.

Assistant City Attorney McLean stated that a full BOA board is five members. Under the LMC, any action requires three members as a quorum to vote. However, when only three members are voting, the vote would have to be unanimous in order to pass. In that circumstance, the applicant is given the opportunity to request a continuance. She noted that four Board members were present this evening and the Board would be able to take action.

Joseph Wrona, legal counsel representing the applicant, remarked that because the BOA had a quorum present this was a valid meeting. With regards to his client's issues and the possibility that his client may be forced to move to the Courts for resolution, he was not interested in a continuation. Mr. Wrona preferred to have the members in attendance hear their presentation, consider the evidence and provide a decision.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

**360 Daly Avenue – Appeal of Historic Preservation Board
determination that the “Significant” structure should remain designated
as “Significant” on the City’s Historic Sites Inventory (HSI)
(Application PL-15-02662)**

Planner Christy Alexander reported that the applicant for the appeal, Sharon Stout, owns the property at 336 Daly Avenue, which is adjacent to city-owned property at 360 Daly. Joseph Wrona was representing Ms. Stout this evening.

Planner Alexander noted that the site and the historic cabin were listed on the 2009 Historic Sites Inventory. The accessory garage structure in question was listed as an accessory structure to the historic cabin, but it was not specifically called out as being deemed significant. Planner Alexander stated that Sharon Stout had submitted an application for a Design Review because she is interested in developing her property. The accessory structure encroaches on to her property and Ms. Stout would like to build on her property and have the ability to build within the setback lines. The only way to accomplish that would be to either demolish the accessory structure or move it off her property. Before the Staff moved forward with her design review, the Planning Department took the matter to the HPB to determine whether or not the accessory structure is significant and to call it out specifically.

Planner Alexander stated that the Staff did the research and it was taken to the HPB on January 7, 2015. Planner Alexander noted that the structure is deteriorating and unstable, but it has withstood the elements. Currently a door is missing and the structure is open to the elements. A neighbor had been storing items within the garage and parking a car without permission from the owner.

Planner Alexander reported that the Planning Director and the Chief Building Official had visited the structure. She noted that there are certain instances when historic structures can be relocated. Since the HPB determined this to be a significant structure, the Staff has been working with other departments and it would need to go before the City Council as the owner for approval to relocate the structure entirely on to the City's property.

Assistant City Attorney McLean clarified that if the structure were to be moved, it would have to go through two processes. The City Council, as the owner, would

have to approve moving the structure; and secondly, it would have to go through a regulatory process in order to be moved. Ms. McLean noted that moving the structure was within the realm of possibility, but it had not yet been analyzed.

Chair Gezelius asked if moving the accessory structure was outside of the purview of the BOA discussion this evening. Ms. McLean answered yes. Director Eddington stated that he and the Building Official had begun an analysis for unique circumstances, which is one requirement for moving the structure.

Chair Gezelius emphasized that the Board's discussion was confined to the determination of significance only. Planner Alexander stated after the HPB made the determination of significance, Ms. Stout, the property owner, filed an appeal of the HPB determination. In the appeal they expressed concerns related to the correctness of the Findings of Fact, and the interpretation and application of the Land Use Ordinance.

Planner Alexander stated that the Board of Adjustment could reverse or affirm the determination wholly or partly. Planner Alexander remarked that the owner bears the burden of demonstrating that the HPB erred in their findings.

Planner Alexander stated that many of the Sanborn maps are difficult to read and historic structures are not always placed in their exact locations on the map. For that reason, it is sometimes difficult to determine whether the structure in question was shown the 1900 or the 1921 Sanborn map. She explained that even though the HPB unanimously voted to determine this as a significant structured based on the 1907 Sanborn Map, in looking at the research, the Staff found that it could have been constructed any time between 1907 and 1941. There is no way to know the exact date, but they were certain it was within the Historic Era. The structure is at least 50 years old and it pertains to the Significant Mining Era.

The Staff believed that the Historic Preservation Board's determination of Significance should be upheld and that the appeal should be denied.

Mr. Wrona, representing Sharon Stout, stated that Ms. Stout has lived in Park City for a long time and raised her family in Park City. Ms. Stout became interested in a piece of property located on Daly Avenue. The property is a thin rectangular shape. Even if one were to build on that property with unfettered access to the full setbacks on either side, the building corridor is approximately 25 feet wide. The encroachment of the shed affects the setbacks, reducing the building space to 17' wide. Mr. Wrona remarked that the parcel is rendered unbuildable.

Mr. Wrona referred to page 52 of the Staff report. He indicated the shed in question, noting that it was primarily on City-owned property. However, a piece of the shed encroaches on to 336 Daly Avenue, which is Ms. Stout's property.

Mr. Wrona highlighted in yellow the portion of the structure that was constructed prior to 1941. He clarified that they only know that it was constructed prior to 1941, but there is no evidence that it was constructed as early as the HPB found that it was constructed. For that reason, Mr. Wrona believed the HPB was in error on that point. Mr. Wrona stated that he and Ms. Stout recognize that the portion he had highlighted in pink was an old building. He remarked that the portion highlighted in yellow encroaches on to Ms. Stout's property and that portion was added much later. Even though they do not know the exact date that it was added, they know that it was added after 1949 and before 1968.

Mr. Wrona stated that they were dealing with a structure that was created successively and in two different time periods. He submitted that the time periods of 1949 and post-1949 did not fall within the protection period. Mr. Wrona stated that he was trying to show the difference between the pre-1941 structure and the post-1949 structure. He used a photograph to identify the original building and the rectangular addition that was added after 1949.

Mr. Wrona noted that in 1984 and again in 1996, the City approved the demolition of the entire structure. The structure was never demolished but the circumstances had not changed between 1996 and when Ms. Stout purchased the property in 2009. He pointed out that Ms. Stout purchased the property with a matter of record that the City had approved demolition of this particular structure. In addition, in 2009 this particular structure was not on the HSI Inventory of protected sites. In the course of the past year when Ms. Stout was putting together her development plans, she was informed by Staff that the shed should be protected. That was when the HPB made the finding that the entire structure has been in existence since 1907 and has historic value.

Mr. Wrona referred to page 61 of the Staff report and noted that it showed the exterior of the extension, which was post-1949 corrugated metal. He stated that the extension has no basis for being protected and the HPB was in error. Mr. Wrona believed that the entire structure does not satisfy the criteria for protection. He had outlined in his brief a series of findings that were in error and had documented the basis for those errors.

Mr. Wrona reviewed the findings. Finding #1 identifies the date of the structure, which he had already addressed. He pointed to the location of the structure and believed that the HPB was glossing over the factual details. He stated that the address was not even correct on the property. Mr. Wrona noted that the HPB made the finding that the entire structure had been in existence at 360 Daly Avenue since between 1900 and 1907. Mr. Wrona submitted that the picture they were looking at demonstrated that this was not the case, because the corrugated metal wall has not been in existence since 1907.

Mr. Wrona believed Findings of Fact #4 and #5 were in error for the reasons discussed. Finding of Fact #6 was in error because it indicates that the

accessory structure garage was a single cell plan that was typical of accessory structures that were built during the Mature Mining Era. Mr. Wrona stated that it was not built during the mature mining error and it was not a single cell structure. He pointed out a dividing wall between the main portion and the extension. The extension was a lean-to that was tacked on to the original structure. The extension is entered through a separate entry. Mr. Wrona stated that the extension adds 42% of the square footage of the complete building.

Mr. Wrona remarked that his brief also outlined errors in Findings #7, #8, #9, and #10. He referred to the Conclusions of Law stating that the structure retains its historical form. Mr. Wrona requested that the Board look at the photos he had provided and asked whether the original form of the original structure was retained once the extension was added.

Mr. Wrona understood that the Board of Adjustment did not have the purview to discuss whether or not the structure is moved; but he agreed with the Assistant City Attorney that the process for removing the structure is complicated and slow. In the meantime, he has a client who purchased the property when the structure was not considered historic with the understanding that the City had approved the demolition. She was not informed otherwise until last year when she decided to build on her property. Mr. Wrona stated that Ms. Stout would allow the City to come on to her property to move the structure. He pointed out that it only needed to be moved 10-feet on to the City property if the City wanted to keep the structure.

Mr. Wrona believed that the Findings made by the HPB were unfairly prejudicial to his client. He stated that if the BOA recognized that the HPB was in error and there was no basis for this finding, his client would agree to give the City 90 or 120 days to go through the proper process to move the structure. However, if this Board "rubber stamps" the decision made by the HPB, there would be no incentive for the City to act promptly, and it would delay Ms. Stout's ability to build on her property.

Mr. Wrona submitted that the information set forth in his brief and the materials provided was the body of evidence they should be considering as the Board of Adjustment. He reiterated that the visual evidence provided demonstrates that the HPB acted in error in this instance. Certain standards apply and he believed the evidence supports the position he and his client have taken in the brief, and not the position taken by the Historic Preservation Board.

Board Member Wintzer stated that when she read the materials she did not see anything about the pre-1968 period. She understood that Mr. Wrona was contending that the addition was built around 1941 and the Staff was saying it was earlier. Mr. Wrona read from page 2 of the brief under (B), the garage at issue, the second paragraph, "When built, the original construction of the dilapidated garage was 12 feet by 19 feet." He noted that it was the portion

highlighted in yellow on the map. "Sometime after 1949 but before 1968 the addition was made to the dilapidated garage and that expanded the north side to include the shed." He cited the evidence for that.

Mr. Wrona noted that one of the Findings made by the HPB was that the materials used in the construction of the shed were similar to the same kind of material used to construct the original structure. However, the entire running face of the shed visible from Daly Avenue is made of corrugated metal.

Planner Alexander stated that many additions, such as siding, has been added on to historic homes throughout the years and it does not take away from the essential historical form of the structure.

Board Member Fuegi asked if anyone had looked at what was under the corrugated metal. Planner Alexander replied that the original wood is under the metal. Mr. Fuegi asked Planner Alexander if it was her opinion that the addition was not originally built with corrugated metal. Planner Alexander answered yes. Director Eddington remarked that many old buildings in town have been covered by external materials. There is wood under the metal siding on this structure and it appears to be the same type of wood as the main structure.

Assistant City Attorney McLean noted that the Board of Adjustment was reviewing the HPB determination, which was based on what was presented at the HPB meeting. She asked Mr. Wrona if that evidence was presented to the HPB because she was not able to find it in the discussion. Mr. Wrona stated that he was not present at the HPB meeting because he had not been retained at the point. It was Ms. Stout who made the presentation. However, he understood that Ms. Stout definitely made the point that the shed was added on later with dissimilar materials. Mr. Wrona was unsure whether Ms. Stout had articulated the 1968 date.

Planner Alexander recalled that Ms. Stout tried to show that the addition was added at a later date, but she had not given a specific date. Planner Alexander stated that the Staff was unable to find a specific date when the addition was made; however, due to the materials used they believe it was within a few years of when the original structure was built.

Chair Gezelius clarified that it was an assumption but not a documented fact. Planner Alexander replied that the Staff had found no documentation of exactly when it was built. Director Eddington noted that the 1941 Sanborn map on page 80 of the Staff report indicates the garage in existence. There has been some discussion as to whether the cabin is the garage or vice-versa on some of the earlier Sanborn maps, but by 1941 a cabin and a garage were clearly identified on the Sanborn map. Based on that information and no further evidence that the rectangle was expanded, the Staff determined that it was before 1941.

Board Member Wintzer understood that the Staff was contending that based on the Sanborn Maps the structure is over 50 years old. However, Mr. Wrona contends that the addition was later than 1941.

Director Eddington explained that the Staff position was that it could be earlier than 1941. He noted that page 78 of the Staff report shows the red building. It was difficult to know whether that building was the cabin or the garage, but the Staff believes that the garage was built somewhere between 1907 and 1941. Director Eddington stated that even following a more conservative ideology as presented by Ms. Stout, it would still have been built prior to 1941, which was the Mining Decline Era, and still historic. Regarding the addition, Director Eddington did not believe Ms. Stout or the Staff had provided evidence for or against the addition. The Staff noted that the wood looked to be about the same age and they had done a site analysis; however, no additional information was provided because none was found in the research.

Director Eddington stated that the HPB looked at the evidence provided. They believed that the addition was built in period and made subsequent findings for that determination.

Mr. Wrona stated that he had walked through all the evidence in his brief. He believed that the City was essentially conceding their point that the original structure did not exist prior to 1929. Director Eddington clarified that the Staff was not conceding the point. He was simply saying that based on the evidence submitted, they were not able to tell exactly when the structure was built.

Mr. Wrona remarked that the structure did not exist prior to 1929 based on the Sanborn maps. The original structure shows up on the maps in 1941. Therefore, the 12' x 19' structure was erected sometime between 1929 and 1941. They recognize that the original structure is an old structure. However, the addition was added on after 1949 based on evidence. What they do not know is when between 1949 and 1968 the addition was added. Mr. Wrona stated that he was careful not to make any assumptions in his presentation to the Board. He pointed out that they relied on tax records to get the dimensions of the original structure, as well as records that give the size with the addition.

Chair Gezeliuss opened the public hearing.

Ruth Meintsma, 305 Woodside Avenue, believed the applicant could be correct in that the garage was mistakenly identified on the 1907 Sanborn Map, and correctly identified on the 1941 Sanborn map, where it's position in that location matches more closely on the 336 Daly lot on the current site plan. Ms. Meintsma presented an illustration she had prepared to support her comment. She had outlined the shed in question and the related foundation and superimposed them on to the 1941 Sanborn map. Ms. Meintsma pointed out that they were slightly off but it primarily matched. She stated that based on 1900 technology and

measuring methods the difference was understandable. Ms. Meintsma believed the 1941 assessment of the shed was more likely correct. She agreed with the statement in the Staff report that there have been accessory buildings and miner shacks that existed from the turn of the century to recent days that never appeared on Sanborn maps. Ms. Meintsma remarked that if the garage in question was not insured, it may not have been shown on the Sanborn maps. She noted that the 1949 tax card shown on page 46 of the Staff report states that at the time the structure was 23 years old, which would indicate that the garage was built in 1926. However, it was not shown on the 1929 map. Ms. Meintsma noted that the Staff report also states that the 1982 survey of Old Town indicates that the garage in question was constructed pre-1930, which again places it significantly earlier than 1941.

Ms. Meintsma referred to the comment by Mr. Wrona in Finding of Fact #5 in his brief that the HPB based its determination on the idea that the construction materials referenced were readily available during the Mature Mining Era, but since there is absolutely no evidence whatsoever, it renders their conclusion completely arbitrary. Ms. Meintsma read an excerpt from the recently created McPolin Farm Historic Preservation Plan that was presented to the City Council on January 29th. "The dairy farm was completed in 1922. It was not uncommon for mines to sell their assets as technology advanced. Mines consolidated or mine claims were abandoned altogether, and the McPolin Farm was constructed from salvaged mine timbers, as well as lumber from the Briggs Mill and the old Lumber Yard." Ms. Meintsma believed that was evidence that mining materials were around to build with.

Ms. Meintsma referred to Finding of Fact #6 in the brief, and the assessment that the shed portion of the garage called the expansion portion of the structure is not a minor alteration because of the size in relation to the single cell. She believed that the descriptive "minor" in historic structures is meant to describe that the shed section of the structure is not imposed on the single cell form, nor would it alter its use or function of the structure. Therefore, the expansion portion would be minor when considering the structure as a whole. Ms. Meintsma referred to Mr. Wrona's comment that the expansion contains other means of material including scrap metal sheeting. Therefore, the conclusion that the expansion utilizes only the same material is erroneous. Ms. Meintsma remarked that the term "same material" refers to those construction materials that were "readily available" during the Mature Mining Era, including scrap metal sheeting.

Ms. Meintsma referred to Finding of Fact #10 and Mr. Wrona's comment that the garage being constructed during the Mature Mining Era was erroneous. She noted that 1930 still fits into the built time frame of sometime between 1921 and 1941. She commented on three documents as evidence that the structure was built within the Mature Mining Era, even though it was probably not built in 1900 or 1907. Ms. Meintsma referred to Item L in the brief, Conclusion of Law, that the structure maintains its original historic form. She noted that in the brief Mr.

Wrona argues that the expansion constitutes a major alteration. Ms. Meintsma stated that just because it was added on to a single cell structure does not mean it was added at a time other than the original construction. The materials are similar and the size is the same as it exists today. There is nothing obvious to show that an addition was added after 1941. Ms. Meintsma stated that she had visited the site again earlier that day and she explained why she believed there is physical evidence that the structure as it stands today was originally built as one.

Ms. Meintsma stated that she learned from Sandra Morrison that Planner Grahn and a structural engineer recently visited the site to see if the structure could be moved. The structural engineer from a Salt Lake firm noted for their work on historic structures made the comment that there were no major alterations to the structure.

Ms. Meintsma commented on the discrepancy between the 1949 and 1968 tax cards. She stated that the 1949 tax shows the garage as measuring 13' x 18'. The 1968 tax card shows it as 17' x 19'. She noted that the discrepancy in measurements did not account for the shed because the shed is wider. However, the 1941 Sanborn map shows that the garage is close to the accurate size. In questioning why the measurements between 1949 and 1968 be difference, they needed to consider the state of Park City in 1949. In 1951 1,000 people were living in town. Nothing was going on and people were walking away from their homes and business to avoid paying the taxes. She suggested the possibility that assessing a small insignificant garage was done either by a drive by or a walk by, or they were being careful not to overtax the people. Ms. Meintsma stated that there was no clear explanation for the discrepancy. In her opinion, the structure today looks like it did in 1941. She believed that the structure also met every criteria for a significant structure.

Chair Gezeliuss closed the public hearing.

Board Member Fuegi remarked that there was a lot of information to consider; however, he believed the structure had historic significance. Regardless of when it was built, as long as it is 50 years or older it is historically significant. He sympathized with Ms. Stout because she understood that two demolition permits were issued when she purchased her property. Recognizing that it was not an issue for the BOA to consider, Mr. Fuegi encouraged the City to do whatever possible to allow the applicant to build a reasonably sized building, since they own the encroaching structure. Whatever the City does should be done expeditiously to allow the owner to move forward. Based on the information provided, Mr. Fuegi was not comfortable overturning the HPB's decision.

Board Member Wintzer concurred with Mr. Fuegi. She stated that Ms. Meintsma's presentation answered a number of her questions. She agreed that there does not appear to be an addition when you first look at the structure. She appreciated Ms. Meintsma's analysis because it substantiated the fact that she

needed to uphold the decision of the Historic Preservation Board. Ms. Wintzer also concurred with Mr. Fuegi regarding the responsibility the City has as the owner of the structure.

Board Member McGhee concurred with his fellow Board members. Without having all the facts of when the structure was exactly built; and based on the other evidence provided, he was not in a position to say that the Historic Preservation Board was wrong in their decision. He pointed out that the Rio Grande building was temporarily moved during new construction and it was brought back. He believed moving the garage structure should be possible, but that could not factor into their decision this evening. Mr. McGhee supported upholding the HPB determination.

Chair Gezelius concurred. She stated that it is very difficult when historical records of fact do not exist. Time has passed and the Board could only look at the evidence before them as documented from inconsistent historical record. Chair Gezelius remarked that there might be slight discrepancies in the interpretation that the HPB made regarding the information, as well as on the part of the applicant; however, she concurred with the conclusions drawn by her fellow Board members. Chair Gezelius believed this was an example of another structure that the City could be involved in preserving instead of being punitive to the applicant. She encouraged the City to facilitate the community benefit of resolving the issue expeditiously.

Assistant City Attorney McLean stated that based on their comments to uphold the HPB determination, she recommended that they amend or remove Findings of Fact #3 and #4 which addresses specific dates. She noted that Finding of Fact #10 addresses that it was built before 1941. Finding of Fact #12 should add, "...or the Mining Decline Era", which is the era that comes immediately after the Mature Mining Era.

MOTION: Board Member Fuegi moved to UPHOLD the Historic Preservation Board's Determination of Significance for the structure/garage at 360 Daly Avenue and to deny the appeal in accordance with the Findings of Fact, Conclusions of Law and the Order as revised to remove Findings of Fact #3 and #4, to add "...the Mining Decline Era (1931-1963) to Finding #12, and to renumber the Findings. Board Member McGhee seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 360 Daly Avenue

1. 360 Daly Avenue is within the Estate (E) District. The accessory structure/garage currently straddles the property line between 360 Daly Avenue

and 336 Daly Avenue which is within the Historic Residential (HR-1) District. The zone line sits at the property line between the two properties.

2. There is a historic cabin at 360 Daly Avenue currently listed on the Park City Historic Sites Inventory as a Significant Structure. There is a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue that straddles the property line with 336 Daly Avenue.

3. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east facade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.

4. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material, which historically in Park City additions were made based on a need however no record as to the date the addition was made can be found.

5. There have been slight modifications to the side and rear siding materials consisting of scrap metal sheeting; however, this change has not significantly altered the overall form of the structure, nor does it detract or negatively impact the essential historic form. The overall form of the wood-frame gable-roof accessory structure is intact. Changes made to the exterior siding materials do not detract from the Essential Historical Form.

6. The site meets the criteria as Significant on the City's Historic Sites Inventory.

7. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.

8. The structure shows up more clearly on the 1941 Sanborn map and not knowing the specific year it was built it is clear that the structure was built before 1941, which would still be over fifty (50) years old and would still be historic in that it has achieved Significance in the past fifty (50) years.

9. The structure has retained its Essential Historical Form.

10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930) or the Mining Decline Era (1931-1963).

11. The Historic Preservation Board found that the structure met the criteria of LMC 15-11-10(A)(2) and thus should be designated as a Significant Structure on the Historic Sites Inventory (HSI) on January 7, 2015.

12. The accessory structure/garage at 360 Daly Avenue meets the standards for local significant designation, but does not meet the criteria for landmark designation due to its deterioration and minor addition on the northern side, the date of the addition is unknown but has been constructed of similar materials which would lead staff to believe it was added not long after initial construction. The accessory structure/garage is associated with the cabin located at 360 Daly Avenue which meets the standards for local significant designation, but does not meet the criteria for landmark designation. Because the accessory structure/garage is an accessory structure for a significant site, designating the accessory structure/garage as significant is the most appropriate determination.

13. The applicants submitted an appeal to this determination on January 20, 2015, within ten (10) days of the HPB's determination.

14. The structure is in its original location.

15. No additions obscure the Essential Historic Form when viewed from the primary public right-of-way. There are no changes in pitch of the main roof of the primary facade and no additions of upper stories or removal of upper stories.

16. The analysis of the report is included herein with the new evidence.

Conclusions of Law – 360 Daly Avenue

1. The existing accessory structure/garage located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or

(iii) Moving it from its original location to a Dissimilar Location, or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community, or

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

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

Order:

1. The appeal of the Historic Preservation Board's determination of significance for the accessory structure/garage at 360 Daly Avenue is denied.

WORK SESSION

The Board moved into Work Session for Legal Training on the Open and Public Meeting Act.

Chair Gezelius adjourned the meeting at 6:35 p.m.

Approved by _____
Ruth Gezelius, Chair
Board of Adjustment

Board of Adjustment Staff Report

Application #: PL-15-02792
Subject: 627 Park Avenue, Unit E (Motherlode Condominiums)
Author: Anya Grahn, Historic Preservation Planner
Date: July 21, 2015
Type of Item: Variance

Summary Recommendations

Staff recommends that the Board of Adjustment review the application requesting a variance to Section 15-2.2-3 (H) (Side Yard) of the Park City Land Management Code as described in this report for an exception to the allowed height of stairs in the side yard setback. The purpose of this variance is to allow construction of an exterior stairway greater than thirty inches (30") in height within the five (5') foot side yard setback exception allowed for steps.

Staff reports reflect the professional recommendation of the Planning Department. The Board of Adjustment, as an independent body, may consider the recommendation but should make its decisions independently.

Description

Applicants: Gordon Strachan, represented by Brooke Hontz; Motherlode Condominiums
Location: 627 Park Avenue, Unit E
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Motherlode Condominiums, residential single family homes, Crescent Tramway, commercial properties (High West, Kimball Art Center)
Reason for Review: Variances require Board of Adjustment approval

Proposal

The applicant proposes to construct an exterior staircase, greater than thirty inches (30") in height above final grade within the required five foot (5') side yard setback, allowing access to Unit E of the Motherlode Condominiums. Outside of Unit E, on the second level, a new landing will be required as well as a new entry door. The Land Management Code only provides an exception to the five foot (5') side yard setback for steps no more than thirty inches (30") in height from final grade. The proposed staircase and new landing will measure twenty-one feet (21') above existing grade, and the stairway measures three feet (3') in width. The new exterior stairway would be located on the northeast corner of the building, adjacent to the City-owned Crescent Tramway (Exhibit B). The stairs will be constructed on top of the existing buttresses, which encroach four feet (4') into the side yard setback; however, the stairs will not extend beyond the exterior edge of the buttresses.

Variance requested:

- A variance to LMC Section 15-2.2-3 (H) to the required five foot (5') side yard setback exception to allow an exterior staircase that is more than thirty inches (30") in height above final grade within the side yard setback; the proposed staircase will be twenty-one feet (21') above existing grade.

The applicant believes that unique conditions exist with the property to warrant granting of a variance to the required exception for steps in the side yard that are more than thirty inches (30") in height above grade (Exhibit A).

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

Motherlode Condominiums is located at the intersection of Heber and Park Avenues, just south of Crescent Tramway. The Motherlode Condominium project was developed in two phases: the first phase, which included Unit E, was constructed as an eight (8)-unit condominium project in 1981 (Motherlode I); a second phase was constructed as a seven (7) –unit condominium project in 1982 (Motherlode II).

The City approved a Conditional Use Permit (CUP) for Motherlode I in 1979 for the construction of eight (8) condominiums, which included one (1) four (4)-bedroom unit and seven (7) two (2)-bedroom units. At the time of the CUP, the applicant met all zoning requirements for the Historic Residential Medium (HRM) zone, as seen below and in Exhibit C:

	HRM Zone Requirements	Motherlode I Condominium Project
Building Height	28 ft.	28 ft.
Front Yard Setback	15 ft.	15 ft.
Side Yard Setbacks	5 ft.	5 ft.
Rear Yard Setback	10 ft.	10 ft.
Lot Size	9,373 sf.	10,540 sf.
Lot Width	37.5 ft. min.	124.80 ft.
Building Coverage	5,270 sf.	5,200 sf.
Parking	12.5 spaces	19 spaces (14 covered)

The zoning for this site changed from HRM to Historic Residential (HR-1) in 1985, in order to accommodate the changing nature of the neighborhood and accommodate the new ski area base facilities. The condo building is legal non-conforming and the current conditions exist:

	HR-1 Zone Requirements (2015)	Motherlode I Condominium Project
Building Height	27ft.	28 ft.; <i>legal non-complying</i>
Front Yard Setback	10 ft.	15 ft.; <i>complies</i>
Side Yard Setbacks	5 ft.	5 ft. (south side yard) 1 ft (north side yard buttresses); <i>legal non-complying.</i>
Rear Yard Setbacks	10 ft.	14 ft.; <i>complies</i>
Lot Size	1,875 sf.	10,846 sf.; <i>complies</i>
Lot Width	25 ft.	50 ft. along Park Ave; 125 ft. along Woodside Ave.; <i>complies</i>

A plat amendment was approved for the Motherlode Condominium Project (Motherlode I) in 1981 (Exhibit C). The exposed buttresses and exterior stairway leading to Unit D of the complex are both shown in the recorded plat. Note that both the buttresses and the stairway are located within the side yard setback.

On April 17, 2015, the City received a Pre-Historic District Design Review application (Pre-app) for the construction of an exterior stairway on the north side of the condo complex, accessing Unit E (PL-15-02746). Because the stairway is located within the five foot (5') side yard setback and is greater than thirty inches (30") in height above grade, staff recommended that the applicants submit a request for a variance for an exception of the allowed height of exterior stairs. On May 28, 2015, staff received an application (PL-15-02792) for a variance request at 627 Park Avenue, Unit E. The application was deemed complete on June 1, 2015.

The Motherlode Condominium currently has a five foot (5') side yard setback along the north elevation. Within this setback are buttresses that encroach four feet (4') into the side yard setback. The proposed exterior stairway will be constructed over the existing buttress structure. The proposed stairs are three feet (3') in width and will not extend beyond the outside edge of the buttresses.

As noted in the applicant's project description, Unit E is currently accessed by an interior staircase that leads from the unit to a private parking garage below. The door to this stairway is often blocked by parked vehicles. The applicant has considered relocating the stair entrance to the north side of the building; however, the entire front part of the building would need to be demolished and rebuilt to relocate and build new stairs, entries, and doors. Further any new doors on the north side would have to open into the north side yard setback. The applicant has also considered striping the

pavement adjacent to this entry way to deter parked cars; however, there is an existing "No Parking" sign posted on the stair entry door, and drivers have ignored it. Illegal parking is a significant problem for the entire structure, but especially for this entrance which, when blocked, prohibits people from entering and exiting Unit E. This poses a significant health safety hazard.

The applicant believes the construction of the new exterior stairs on the north side of the building will improve accessibility to Unit E above. The applicant hopes to provide an additional emergency egress from the condo and improve accessibility by constructing a larger staircase on the exterior of the building. Though handicapped individuals would still require assistance down the stairs, the applicants argue that the new stairway will improve access to the ground level and exterior.

Section 15-2.2-3(H) (6) of the Land Management Code permits a side yard exception for patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade. The applicant is proposing to construct a set of stairs along the north elevation of the condo complex, adjacent to Crescent Tramway. The stairs will access Unit E only. The condo unit is currently accessed by an interior staircase that leads from the garage to the condo unit. The exposed buttresses of the condo development's structure are located within this side yard setback (seen as squares on the site plan, Exhibit B). The stairs will be designed to utilize these structural members. The new staircase and landing will measure a maximum of twenty-one feet (21') above existing grade on the northeast corner of the new landing outside of Unit E. The width of the stairs is limited to three feet (3'). The stairs are not proposed to extend beyond the buttresses. No new units are created with this proposed access. The stair landing will end at a new concrete pad, which will be accessible from the existing driveway.

The property is directly to the south of Crescent Tramway pedestrian area. No buildings can be built on the adjacent property because it is designated open space. Because there will be no future buildings constructed, staff is not concerned that the proposed stairs will have a future impact on any light, ventilation, or separation of buildings.

There are no pending applications for this condo complex, except for the variance and Pre-HDDR applications at Unit E. Since its construction, the City has issued building permits to Motherlode for interior renovations, a new roof, and new siding.

Analysis

The property is located within the HR-1 District. A condo plat was recorded for Motherlode I in 1981 (Exhibit D). The site is currently occupied by a condo complex containing eight (8) units. The structure as existing is legal non-complying, for the reasons outlined above.

This variance is requesting an exception to the allowed height of stairs in the side yard setback, which the LMC currently limits to no more than thirty inches (30") above final grade. The applicant proposes to construct a stairway that is approximately twenty-one feet (21') in height above existing grade at the landing outside of Unit E. The stairs will

be constructed above the existing buttresses and will not extend beyond the outside edge of the buttresses. Rather, the stairs will be setback one foot (1') from the outside edge of the buttresses. The stairs will be open and not enclosed. (Any enclosure to the staircases would increase the footprint and square footage of the existing development.) The staircase will provide exterior access to Unit E only. The new stairway will provide direct access from Unit E to the exterior of the building and ground level. The new stairway will provide an IBC compliant staircase that improves accessibility and emergency egress. Following completion of the stairs, the stairs will maintain a two foot (2') side yard setback and the buttresses will continue to have a one foot (1') side yard setback.

LMC Review Criteria for a Variance

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 § 15-10-9 are met. The Applicant bears the burden of proving that all of the conditions justifying a variance have been met (see Exhibit D).

Criteria 1. 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. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under the 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.

Currently, Unit E is only accessible by an interior stairway accessed from the ground-level private parking garage. The existing U-shaped stairway is narrow, does not meet the International Building Code (IBC) requirements for handicap accessibility, and is often blocked at the ground level by parked cars. The stairway cannot be modified within the existing stairwell to improve accessibility and access to Unit E without reconstructing the front of the building. The applicant hopes to improve access to Unit E by relocating the stairway to the exterior of the north wall along the shared property line with Crescent Tramway. The new straight stairs will meet the IBC requirements, provide a direct emergency egress to the exterior and ground level, and improve accessibility for handicapped visitors.

Criteria 2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone. In determining whether or not there are special circumstances attached to the Property the BOA may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

There are special circumstances related to the hardship that deprives the property of privileges granted to other property in the same zone. When approved in 1979, the

Conditional Use for the Motherlode Condominium Project permitted the construction of exterior buttresses and a straight exterior stairway accessing Unit D within the side yard setback. These are both shown in the Motherlode Condominium I plat amendment recorded in 1981.

The location of the proposed stairs is directly adjacent to public open space and a sidewalk for non-motorized use to provide access between Woodside Avenue and Park Avenue. No residential uses are impacted by the proposed stairway. Further the design of the stairway utilizes the existing exposed structural supports located in the side yard setback. The design will replicate an existing egress stair, accessing Unit D to the east, which is also located within the north side yard setback; this set of stairs has a side yard setback of one foot (1'). The proposed stair outside of Unit E will be setback two feet (2') from the property line and the existing buttress will extend beyond the stairs and maintain its existing one foot (1') side yard setback.

Further, the design of Unit E is unique to the complex. It is the only condo unit currently accessed only from a completely enclosed staircase at the ground level garage. The other units are accessed from staircases with exterior exposure that lead from the garage to the first and second floor levels. The wing of the complex containing Unit E is the only portion built with an exposed structural system within the side yard setback, and the footprint meets the required setbacks. Unlike this east-west wing, the north-south wing containing the remainder of the units has front and rear yard setbacks greater than ten feet (10'), which would allow them to modify their existing staircases while complying with the LMC's setback requirements.

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

Granting of the variance allows the applicants the same substantial Property rights as possessed by other property owners in the same zone. Except for Unit E, all of the Motherlode condos have direct access to the exterior of the building. Only Unit E is accessible by an enclosed interior stairway at the garage level. Because of the location of this interior stairway, the door accessing the garage level is often blocked by parked cars which severely limits egress from Unit E. By relocating the stairs to the exterior the building, the applicant will be improving access to the ground level as well as emergency exterior egress. The applicant hopes to improve handicapped accessibility to Unit E by constructing a straight staircase on the outside of the building that will only be used to access Unit E. The interior staircase will continue to exist and there will not be any additional usable footprint as a result of this variance.

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

Granting of the variance will allow the construction of an exterior staircase accessing Unit E of the Motherlode Condominium complex. The variance will not substantially affect the General Plan and is not contrary to public interest. One of the goals identified by the current General Plan is to create a diversity of primary housing opportunities to

address the changing needs of residences and allow residences to age-in-place. The improved accessibility of Unit E maintains and enhances the long term viability of the Historic District as a destination for residents. Further, it meets the needs of providing a safer emergency egress and access to this individual condo unit. The proposed exterior staircase would be required to meet the standards as outlined within the Historic Districts Design Guidelines. Because the work is minor construction having little to no impact on the Historic District, the work can be approved by the Planning Director through a Historic District Design Review (HDDR) waiver.

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

The variance as proposed will not conflict with the spirit of the zoning ordinance. Granting the variance will allow the applicants to construct an exterior staircase accessing only Unit E and setback two foot (2') from the north side yard lot line. The spirit of the Land Management Code is observed and substantial justice is done in that the variance allows the owner to improve their emergency egress to the exterior and provide an access that meets current building codes. Exterior staircases greater than thirty inches (30") above existing grade are allowed in the HR-1 zone district if they meet the setback requirements, and neither the zone nor the General Plan prohibit or discourage the construction of open exterior staircases. The stairs and necessary landing could be constructed to meet the design standards within the Historic District Design Guidelines (the drawings are conceptual and will require formal analysis and a Historic District Design Review waiver letter, but were determined at a pre-HDDR meeting to meet the intent of said guidelines). Exterior stairs are a common feature in Old Town, whether they are connecting streets or accessing private residences.

Future Process

Approval of these variances by the Board of Adjustment constitutes Final Action that may be appealed following the procedures found in LMC § 15-10-13. Approval of a Historic District Design Review (HDDR) or HDDR waiver for the design of the exterior staircase is necessary prior to the issuance of a building permit.

Standards for new construction as listed within the Historic District Design Guidelines will apply. HDDR's are an administrative approval and are processed by the Planning Staff.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On July 7, 2015, the property was posted and notice of the variance 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 4, 2015, according to requirements of the Code.

Public Input

No public input has been received by the time of this report. A public hearing is noticed for this Board of Adjustment meeting.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The property would remain as is and no construction of the proposed exterior staircase could take place. The applicant will not be able to improve emergency egress and access to Unit E.

Recommendation

Staff recommends that the Board of Adjustment review the proposed variance request as stated below, conduct a public hearing, and consider granting the variance based on the following findings of facts and conclusion of law.

Findings of Fact (for Approval)

1. The property is located at 627 Park Avenue, Unit E.
2. The property is located within the Historic Residential (HR-1) District.
3. The existing condominium is not a historic structure as it was constructed in 1981.
4. The City approved a Conditional Use Permit (CUP) for Motherlode I in 1979 for the construction of eight (8) condominiums, which included one (1) four (4)-bedroom unit and seven (7) two (2)-bedroom units. At the time of the CUP, the applicant met all zoning requirements for the Historic Residential Medium (HRM) zone.
1. The zoning for this site changed from HRM to Historic Residential (HR-1) in 1985, in order to accommodate the changing nature of the neighborhood and accommodate the new ski area base facilities. The condo building is legal non-conforming.
5. The applicant is requesting a variance to LMC Section 15-2.2-3 (H) to the required five foot (5') side yard setback exception to allow an exterior staircase greater than thirty inches (30") in height within the side yard setback. The new staircase and landing will measure a maximum of twenty-one feet (21') above existing grade on the northeast corner of the new landing outside of Unit E. The width of the stairs is limited to three feet (3') with a proposed two foot (2') side setback. There are no proposed changes to the existing U-shaped enclosed stairway.
6. A plat amendment was approved for the Motherlode Condominium Project (Motherlode I) in 1981, creating the existing lot of 10,846 square feet. The minimum lot size allowed in the district is 1,875 square feet.
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. Unit E is only accessible by an enclosed interior stairway accessed only from the ground-level private parking garage. The entrance to this stairway is often blocked by parked cars, which disallows the applicants to enter or exit Unit E.

The new second set of stairs on the exterior of the north elevation will meet the IBC requirements, provide a direct emergency egress to the exterior and ground level, and improve access to Unit E.

8. The adjacent property to the north is the Crescent Tramway pedestrian area. No buildings can be built on the adjacent property because it is designated open space.
9. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone. When approved in 1979, the Conditional Use for the Motherlode Condominium Project permitted the construction of exterior buttresses and a straight exterior stairway accessing Unit D within the side yard setback. The location of the proposed exterior stairs is directly adjacent to public open space and a sidewalk for non-motorized use to provide access between Woodside Avenue and Park Avenue. Unit E is the only condo unit currently accessed only from a completely enclosed staircase at the ground level garage.
10. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone. Unit E is the only Motherlode condo accessible by an enclosed interior stairway at the garage level. By relocating the stairs to the exterior the building, the applicant will be improving access to the ground level as well as emergency exterior egress.
11. The variance will not substantially affect the General Plan and will not be contrary to the public interest. One of the goals identified by the current General Plan is to create a diversity of primary housing opportunities to address the changing needs of residences and allow residences to age-in-place. The improved accessibility of Unit E improves the livability of Unit E and meets the needs of providing a safer emergency egress and access to this individual condo unit.
12. The spirit of the Land Management Code is observed and substantial justice done. Granting the variance will allow the applicants to construct an exterior staircase accessing only Unit E and setback two foot (2') from the north side yard lot line. The spirit of the Land Management Code is observed and substantial justice is done in that the variance allows the owner to improve their emergency egress to the exterior. Exterior staircases greater than thirty inches (30") above existing grade are allowed in the HR-1 zone district, and neither the zone nor the General Plan prohibit or discourage the construction of exterior staircases.
13. Without the variance, the applicants will not be able to construct the new exterior stairs on the north elevation and access to Unit E will continue to be restricted due to illegal parking. There will be no improved access from Unit E to the ground level.
14. Granting of the variances would allow the applicant to build a new exterior staircase on the north elevation of the structure. The proposed staircase will meet IBC requirements, provide a direct emergency egress to the exterior and ground level, and improve access to Unit E.
15. The spirit of the LMC is observed and substantial justice done.

Conclusion of Law (for approval)

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 variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.
6. It can be shown that all of the conditions justifying a variance, pursuant to LMC § 15-10-9, have been met.

Order (for approval)

1. A variance to LMC Section 15-2.2-3 (H) (6) to the required five foot (5') side yard setback exception to allow an exterior staircase greater than thirty inches (30") in height within the side yard setback is hereby granted.
2. The variances run with the land.

Conditions of Approval

2. The variance is granted for the construction of a new exterior staircase on the north elevation of the Motherlode Condominium, as indicated on the plans submitted with this application.
3. The applicant will maintain a minimum one foot (1') side yard setback on the north side. The new stairs will not extend beyond the existing buttresses.
4. The area beneath the staircase shall not be enclosed for use as habitable living space.
5. Any disturbed/modifications to the existing landscaping along the Crescent Tram pedestrian walkway shall be replaced with native landscaping approved by the Engineering Department. An irrigation system does not exist along the Crescent Tram pedestrian walkway, so the applicant will be responsible for hand watering for the first year of planting.

Exhibits

Exhibit A – Applicant's Narrative

Exhibit B – Site Plan

Exhibit C – 1979 CUP Approval

Exhibit D – 1981 Motherlode I Recorded Plat Amendment

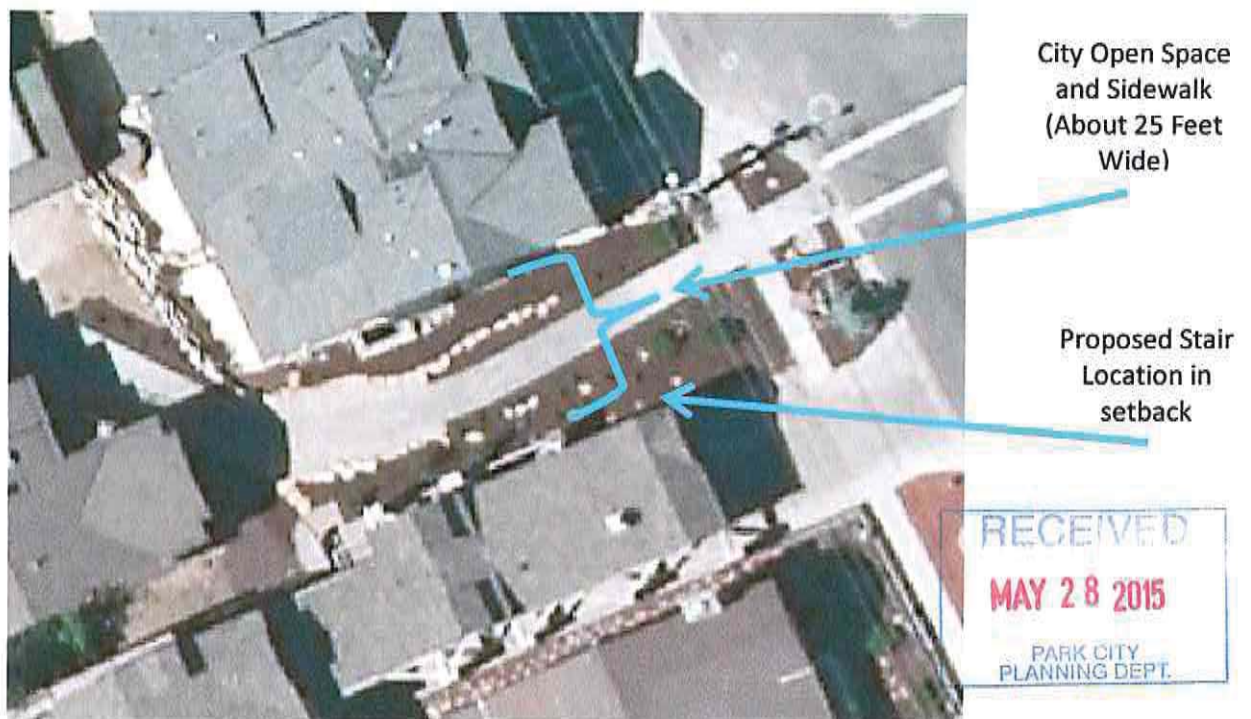
Exhibit E – Elevation of Proposed Stairs

Exhibit F – Photos

Motherlode Unit "E"
Park City - Variance Request
Project Description

The Owner intends to add egress stairs, matching existing stairs located on another residential unit within the Motherlode Condos to the west, in order to provide a safe alternate route of egress from the unit. There are special circumstances that apply to this Unit that do not generally apply to other properties in this Zone. Currently the only exit to Unit "E" enters the residential condo through a door location within a covered parking garage, which could be easily compromised, leaving the residents without a suitable alternate exit during an emergency. Vehicles occasionally park in front of the doorway entry into the Unit, blocking people from entering or exiting. Additionally, handicapped users have a difficult time with the current location and design of the interior stairs and must use assistance to gain ingress and egress. The proposed design alleviates the emergency access issues for some handicapped individuals, although others would still require assistance down the stairs, they would have another option outside of the parking garage. The scope of the project includes a new exterior door in Unit E onto an exterior landing where outdoor stairs are located to gain access to ground level. (Please see site plan and elevations). Although this building is existing and therefore does not need to meet updated building codes; the current main ingress and egress into the structure does not appear to meet the current International Building Code (Chapter 10 "Means of Egress") based on the garage entry, the door and stair width and location within the structure.

This property is unique in design and location in that the City owns the adjacent right-of-way and open space. The side yard area the proposed stairs impact, is directly adjacent to public open space and a sidewalk for non-motorized use to access Woodside Ave from Park Ave and vice-versa. No residential uses are impacted by the proposed stairway. Additionally, the design of the stairway is such that it stays within the existing structural support of the building. The Motherlode Condos were built with structural walls and beams that support the building and parking garage within the side yard setbacks. This design uses those structural elements to support the stairs and keep the stairs located within their footprint. The design also mirrors the egress stair located within the setback and designed similarly to stay within the footprint of the structural elements to the west of this unit.

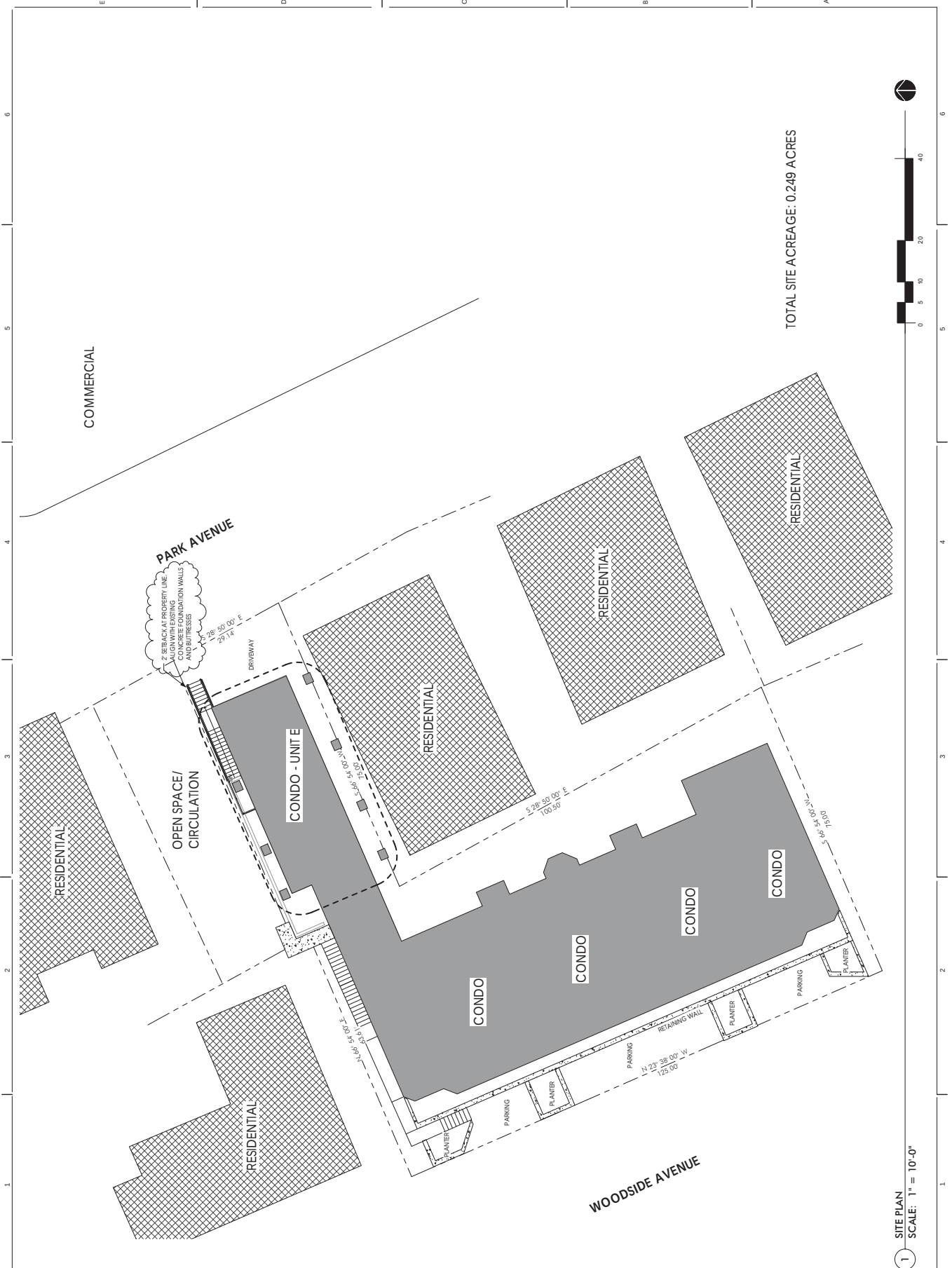


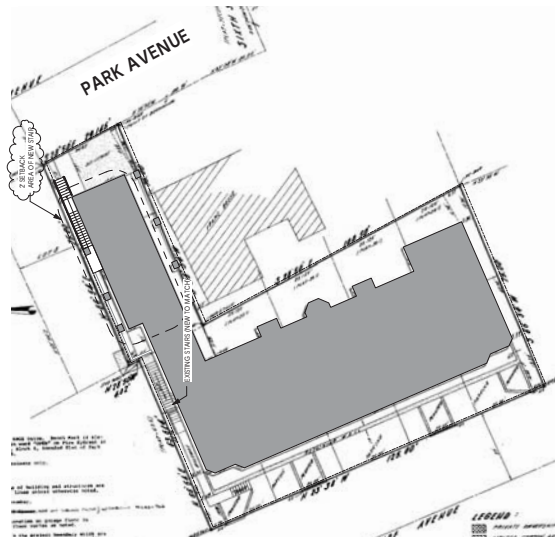
In designing the emergency ingress/egress we looked at multiple solutions that did not require a Variance; however none of them were viable. We examined exits to the north side between the Motherlode buildings and along other portions of the south side of the unit. All of them required manipulation and impact of the structural weight bearing portion of the building – which was unacceptable to breach. As the structural support was part of the initial design of the building to extend into the setbacks as an architectural feature, we feel the design meets the spirit of the Land Management Code and does not negatively affect the General Plan.

As mentioned above, (and visible in our elevation), granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone as a Unit to the west has an emergency stair in the same location.

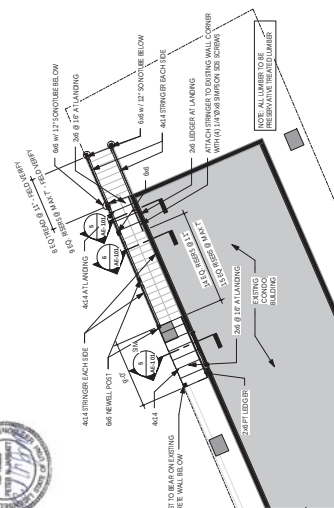
In this case, literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code.



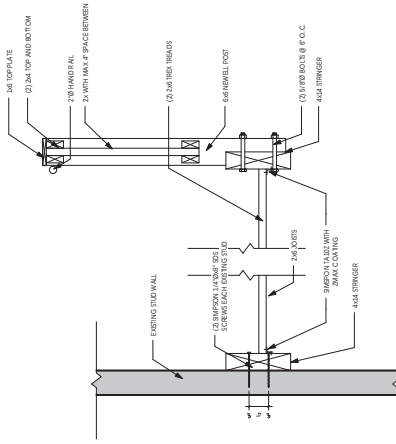
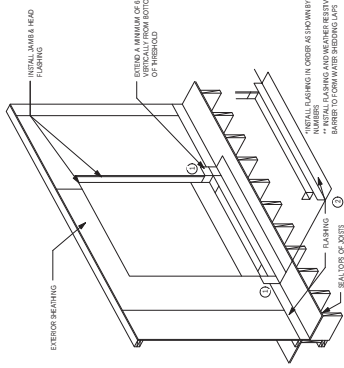




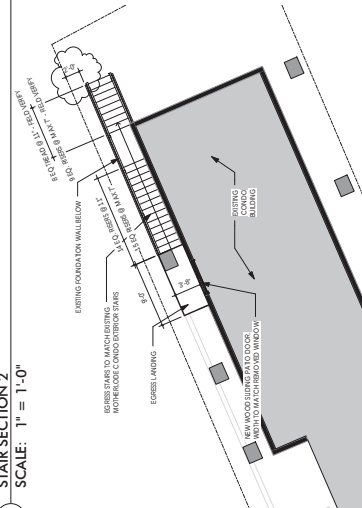
4 STAIR FRAMING PLAN
SCALE: 1/8" = 1'-0"



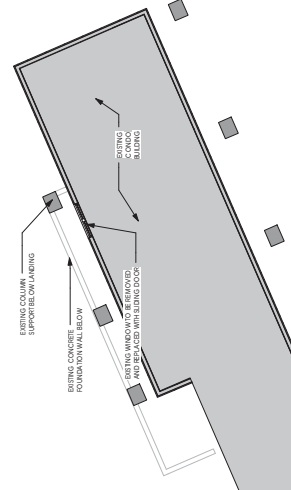
7 EXTERIOR DOOR WITH DECK FLASHING
SCALE: 1 : 1



6 STAIR SECTION 2
SCALE: 1" = 1'-0"

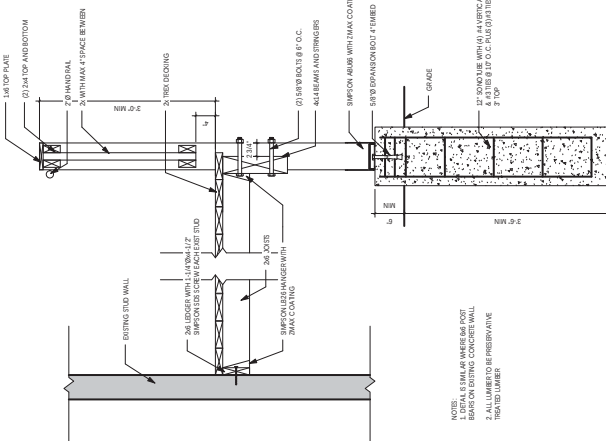


3 EGRESS STAIR PLAN
SCALE: 1/8" = 1'-0"



2 EXISTING/DEMO PLAN
SCALE: 1/8" = 1'-0"

5 STAIR SECTION
SCALE: 1" = 1'-0"



5 STAIR SECTION
SCALE: 1" = 1'-0"

APPROVED _____ (date)
 DENIED _____ (date)

DATE RECEIVED _____
 RECEIVED BY Susan
 FEE PAID 7.50 3/30/79
 (Amount) (Date)
 RECEIPT NO. 21846

PARK CITY MUNICIPAL CORPORATION

APPLICATION FOR CONDITIONAL USE PERMIT

Application is hereby made to the Park City, Utah Planning Commission for a Conditional Use Permit for 8 Unit Condominium Project to be operated under the name The Motherlode on property located at Block 6 - Lots 7, 31, 32, 33, 34, & 35 which is currently zoned HRM.

OWNER OF PROPERTY

AGENT OR LESSEE (Omit if same as owner)

NAME Malcolm S. MacQuoid, et.al.

NAME _____

ADDRESS (Mailing) 1429 Bluebird Cyn. Dr. ADDRESS (Mailing) _____Laguna Beach, California 92651TELEPHONE NUMBER (714) 494-7765

TELEPHONE NUMBER _____

ADDITIONAL INFORMATION REQUIRED

1. State in detail the proposed use or uses of the property: 8 new condo.
units with parking structure beneath. Entry off Park Avenue through
Lot 7. Existing, unsafe structure on Lot 7 to be rebuilt over drive.
2. State the gross square footage of the property; of the building located (to be located) on the property; and of the space to be occupied by the use applied for: _____
Property = 10,540 S.F.
Building to be constructed = 5,200 S.F.
3. State the number of owners, managers, and employees that will occupy the property at the time of maximum usage: Each unit to be individually
owned
4. State, if applicable, the capacity of the property for guests or customers at the time of maximum usage (maximum number of customers or guests expected to be accommodated). If property use consists of several functions (e.g., hotel with restaurant and bar and rooms), state by function. _____
1 - 4 Bdrm and 7 - 2 Bdrm Units
5. With respect to proposed parking and service, state:
 (a) Number of parking spaces required by Zoning Ordinance 12.5
 (show calculation) _____
8 min. plus 1.5 spaces for each unit over first 5
 (b) How the property is (will be) accessed by service and emergency vehicles: _____
Property will be accessible from Park Ave. and Woodside

****THIS APPLICATION MUST BE TYPEWRITTEN TO BE ACCEPTED****

- (c) If proposed parking is located on property other than your own, provide evidence of your right to use said property. Note that loss of the right of use of required parking will result in termination of any conditional use permit.
- (d) Parking and service areas must be shown in detail in the plans submitted pursuant to Paragraph 9 hereof or by separate plat if Paragraph 9 is not applicable.

6. Give the exact legal description of the property: _____

Block 6 - Lots 7, 31, 32, 33, 34, & 35

7. Technical zoning information (attach schedule if more than one building):

Zone	HRM	Zone Requirements	Proposed Project
(a)	Building Height	28 ft	28 ft
(b)	Front yard setback	15 ft	15 ft
(c)	Side yard setback (1)	5 ft	5 ft
	(2)	5 ft	5 ft
(d)	Rear yard setback	10 ft	10 ft w/arch. proj.
(e)	Overall Density	NA	NA
(f)	Lot size (in sq. ft.)	9,373	10,540
(g)	Lot width (minimum)	37.5 ft	124.80 ft
(h)	Building Coverage (sq. ft.)	5,270	5,200
(i)	Parking	12.5 spaces	19 spaces (inc. 14 covered)

8. See Section 67-16-5 of the existing Park City Zoning Ordinances. Applicant should be prepared to clearly show, if requested:

- (a) That the proposed use is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.
- (b) That the proposed use will not be detrimental to the health, safety, and general welfare of persons residing or working in the community, nor injurious to property or improvements in the community.

9. FOR NEW DEVELOPMENT OR CONSTRUCTION, ADDITIONS, OR ALTERATIONS CHANGING THE EXTERIOR OF EXISTING STRUCTURES, submit (in triplicate) detailed general area, specific site, all elevations, building, and landscape plans conforming to the following requirements:

- (a) Sufficient detail to clearly reflect the nature of the request.
- (b) Plans should be to appropriate scales and scale should be indicated.
- (c) Show direction of North.
- (d) Show property lines, platted lot lines, adjacent streets and their status (i.e., dedicated to City, state highway, etc.)
- (e) Show any existing or proposed easements or right-of-ways.
- (f) Show existing sewer and water mains proposed to be used for extending service to the property.
- (g) Show existing structures.
- (h) The general area plan should show relation to adjoining structures if the adjoining structures are within less than two times the distance of the applicable setback requirement and/or if the height of the adjacent structure varies from the height of the proposed structure by greater than ten (10) feet.
- (i) Show motor vehicle access from dedicated street or public highway, parking, traffic patterns, service and emergency vehicle access, and location of curb, gutter and sidewalks.
- (j) Include a registered survey of the property.
- (k) Include a colored rendering of the property and proposed project (from the location most encountered by the public) in sufficient detail to show roof materials, siding, trim, windows, stair towers, predominant building materials and landscaping. In lieu of submission of a rendering, applicant may submit a scale model of the project (to scale) so long as the above details are adhered to.
- (l) Plans should show name, address and telephone number of architect and/or engineer, owner, and/or lessee.
- (m) Plans should be dated and referenced to this application.

10. In signing this application the owner and/or applicant has agreed to contact all property owners within 75' of the exterior boundary of the property involved in this request. This includes property owners across streets. The applicant further submits that all property owners within the 75' distance have been contacted in sufficient time for them to reach the Planning Commission and voice any concerns they might have about the conditional use which is being considered. Because of difficulties which often arise in contacting absentee owners, if the applicant has sent letters to those people shown as owners on the latest assessment roll of Summit County, this will be considered a sufficient effort. Please include with the application a list of the property owners to be contacted.

SIGNATURES: (If the applicant or representative is other than the Owner of the property, both parties must execute this Application under oath. Application must be notarized below to be acceptable.)

Malcolm S. MacQuoid
Owner

March 27, 1979
(date)

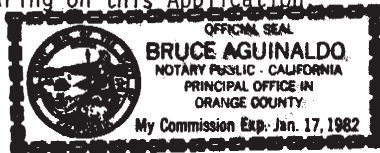
Applicant if other than Owner

(date)

AFFIDAVIT

STATE OF CALIF. }
COUNTY OF ORANGE } SS

I (we) MALCOLM S. MACQUOID, being first duly sworn, say that I (we) are the owners and/or the parties entitled to the use of the property involved in this Application and that the statements and answers herein including exhibits, are in all respects true and correct. I (we) hereby designate MALCOLM S. MACQUOID as my (our) authorized agent to represent me (us) at any hearing on this Application.



[Signature]
Owner

(Applicant if other than owner)

Subscribed and sworn to before me this 9th day of April, 1979.

My commission expires:

1-17-1982

[Signature]
Notary Public
Residing at 450 SHADOW LAGOON DRIVE
CA 92657

DO NOT WRITE BELOW THIS LINE

Conditions imposed by the Planning Commission:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)

Landscaping

Sewer

Signs

Comments:

NOTICE

You will please take notice that Malcolm S. MacQuoid
has submitted an application to the Park City Planning Commission for a Conditional
Use Permit to locate and operate 8 Condominium Units on the property located
at Woodside & Heber, Park City, Utah, more particularly described as Lot
7, 31, 32, 33, 34, 35, Block 6, _____ Survey, Summit County, Utah.

This notice is pursuant to Planning Commission Rules stating that letters
to property owners within seventy-five (75) feet of the exterior boundary of the
property involved in said application will be considered sufficient notice to enable
such owners to voice their concern.

As reflected by the assessment roll of Summit County, you are such an
owner. Final approval of said application will be considered by the Planning
Commission at their regular meeting at Treasure Mountain Inn, Park City, Utah, on
April 11, 1979 at 8:00 p.m., or as soon thereafter as the applicant can
be heard.

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing Notice was mailed this
11TH day of APRIL, 1979, postage prepaid to:

Cecil P. Bator; Merrial A. & Jane A. Street; Dr. Leonard Razin; Miriam Tessman; James
H. & Harriet Perkins; William P. & Robert M Hanley; Timberhaus Ski Shops, Inc; E. Ralph
& Donnie S. Brown; Ellen Katz & Joan P. Katz.

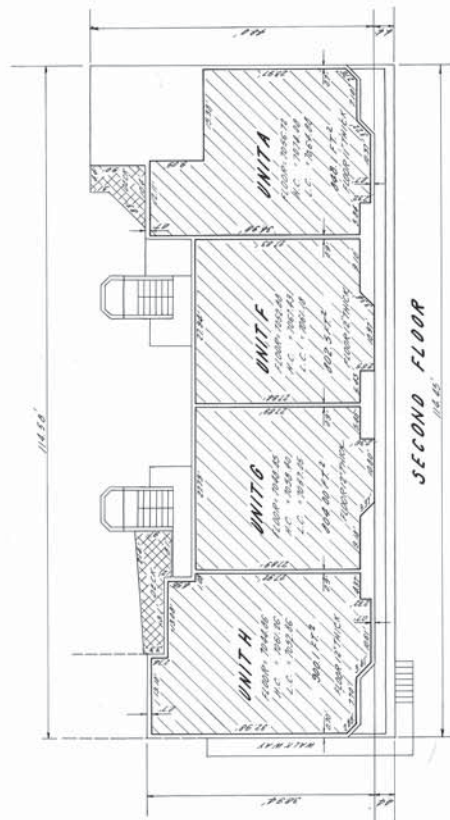
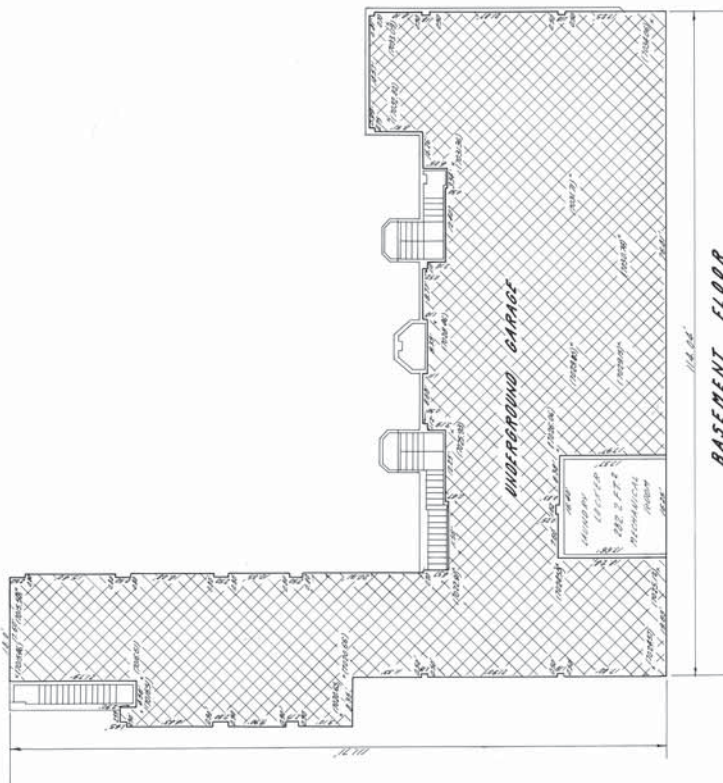
Malcolm S. MacQuoid
Applicant

STATE OF UTAH)
) SS.
COUNTY OF SUMMIT)

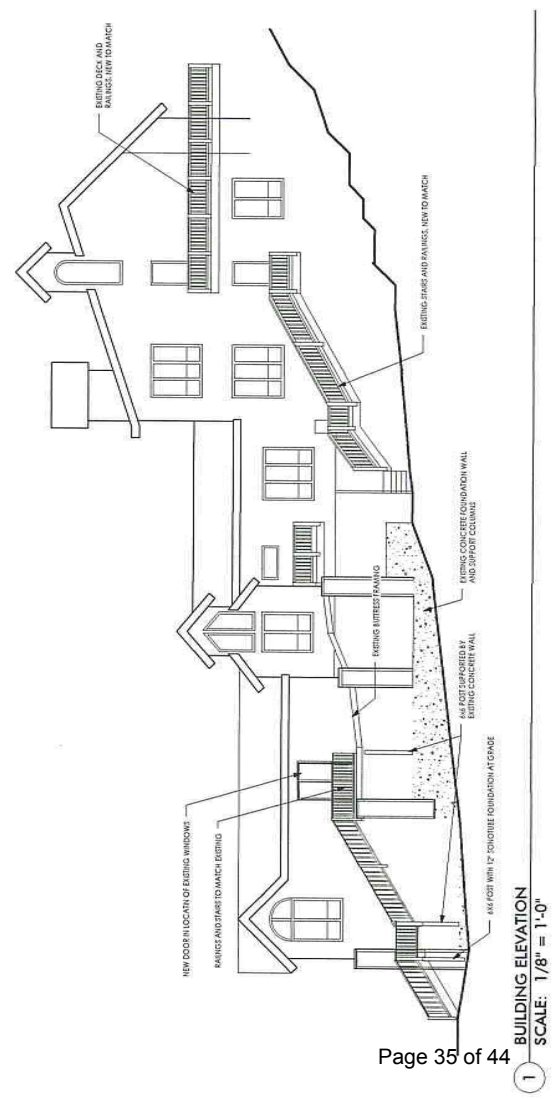
On this 11th day of April, 1979, personally appeared before me
Malcolm S. MacQuoid and stated that he executed the foregoing Certificate
of Mailing.

Sharon G. Clark
Notary Public

My commission expires 2-11-82
Residing in Park City, Utah



RECORDED AND INDEXED STATE OF ILLINOIS COUNTY, RECORDS AT THE CLERK OF COURTS OFFICE DATE 2-24-81 4:41 PM BY 222 BROWN/BRUCE FEE \$ 22.00 Manda J. Brown, Recorder	RECORD OF SURVEY MAP NO. 2 MOTHER LODGE CONDOMINIUM PROJECT LOCATED IN BLOCK 9, ADJACENT PLAT OF PEARL CITY IN SECTION 18 T2S, R4E, S1, 6TH EDITION IN PART CITY OF SUMMIT COUNTY, ILLINOIS
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Proposed location for new exterior staircase







Entrance to existing interior stairs



Proposed location of new stairs





Existing driveway where cars park and block access to Unit E



PRIVATE PARKING
MOTHERLODE UNIT E
ONLY

(OR BY OWNERS PERMISSION)

**VIOLATORS WILL BE TOWED
AT THEIR OWN EXPENSE**