



**PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
MINUTES OF DECEMBER 12, 2023**

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius-Chair, Beth Armstrong, Jennifer Franklin, Stefanie Wilson

STAFF: Jack Niedermeyer, City Planner

Excused: John Stafsholt and Mary Wintzer

CLOSED SESSION 4:00 P.M.

The Board of Adjustment May Consider a Motion to Enter Into a Closed Session for Specific Purposes Allowed Under the Open and Public Meetings Act (Utah Code Section 52-4-205) to Discuss Deployment of Security Personnel, Devices, or Systems.

MOTION: Board Member Armstrong moved to go into a Closed Session for the purposes to Discuss Deployment of Security Personal, Devices, or Systems. Board Member Franklin seconded the motion. The motion passed with the unanimous consent of the Commission.

The Board of Adjustment was in Closed Session from 4:00 p.m. to 4:43 p.m.

MOTION: Board Member Franklin moved to adjourn from a Closed Session at 4:43 p.m. Board Member Armstrong seconded the motion. The motion passed with the unanimous consent of the Board.

1. **ROLL CALL**

Chair Ruth Gezelius called the meeting to order at 5:00 p.m.

2. **MINUTES APPROVAL**

A. **Consideration to Approve the Board of Adjustment Meeting Minutes from November 7, 2023.**

MOTION: Board Member Armstrong moved to APPROVE the minutes of November 7, 2023, as presented. Board Member Franklin seconded the motion. The motion passed with the unanimous consent of the Board.

3. **STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

Staff referenced the item presented at the last Board of Adjustment that was continued to January 9, 2024. The applicant has since requested that it be continued to February 2024.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. REGULAR AGENDA

A. 750 River Birch Court - Variance - Application Withdrawn.

The above application was withdrawn.

B. 2724 Creek Drive - Variance - The Applicant Requests a Variance to the Front Setback Requirements in the Single-Family Zoning District to Extend the Existing Front-Facing Garage. PL-23-05853.

City Planner, Jack Niedermeyer, presented the Staff Report and acknowledged the presence of the applicant's representative, Alan Johnson. Planner Niedermeyer reported that 2724 Creek Drive is Lot 1 of the Cloud Creek Subdivision in the Single-Family Zoning District. The site contains a single-family dwelling that was constructed in 1987. The subject property is a corner lot that fronts Creek Drive and Creek Court. The Land Management Code ("LMC") establishes setback requirements for unusual lot configurations and specifies that development on corner lots must have two front setbacks.

Planner Niedermeyer reported that the LMC requires a minimum front setback of 20 feet for main buildings and 25 feet for front-facing garages measured from the front property line. The applicant is requesting a variance to reduce the front setback for a front-facing garage from 25 to 20 feet to allow for the extension of the existing single-family dwelling garage by 7' 6". An image of the proposed site plan was presented showing that the garage extension would encroach on the 25-foot front setback. Per LMC Section 15-10-8C, the applicant bears the burden of proving that the following five variance criteria are met:

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.
2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone.
3. Granting the Variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

4. The Variance will not substantially affect the General Plan and will not be contrary to the public interest.
5. The spirit of the LMC is observed, and substantial justice done.

Planner Niedermeyer reported that the Development Review Committee (“DRC”) met on November 21, 2023, and did not identify any issues related to district or utility development standards. No public input had been received by Staff.

Staff recommended that the Board of Adjustment review the proposed variance, hold a public hearing, and determine whether the application meets the five criteria set forth in the LMC. Staff should then be directed to prepare a Final Action Letter granting or denying the requested variance for review on January 9, 2024.

The alternatives were described as follows:

- The Board of Adjustment may direct staff to draft a Final Action Letter granting the Variance to reduce the Front Setback for Front-Facing Garages from 25 feet to 20 feet; or
- The Board of Adjustment may direct staff to draft a Final Action Letter denying the Variance to reduce the Front Setback for Front-Facing Garages from 25 feet to 20 feet; or
- The Board of Adjustment may request additional information and continue the discussion to January 9, 2024.

Mr. Johnson reported that the purpose of the request is to make the dwelling function as a normal home would. For example, there is no laundry room and the storage space in the master bedroom is undersized with virtually no closet space. Moving it out 7 ½ feet will increase the size of the master bedroom and allow for the creation of adequate storage for a closet. It would also provide space downstairs for an actual laundry room. The way the home was originally positioned within the setbacks resulted in each corner of the home being directly on the setback. To come out 7 ½ feet, the 65 square-foot wedge would invade the corner lot setback of 25 feet whereas the rest of the homes on the street have 20-foot setbacks. The property is only visible to one homeowner who is owned by a part-time resident who was involved in the creation of the proposed plan. Mr. Johnson stated that the community is behind what they are planning to do.

The only alternative would be to come off the side of the house but they would have to remove four feet of the existing length of the garage, which would allow for only two normal-sized cars and not an SUV. A new section under this scenario would add 90 additional square feet of living space to the home than the proposed plan for about \$50,000 less in cost. The applicant does not mind paying more to pursue the original plan because architecturally it would make it the nicest home on the street.

In response to a question raised, Mr. Johnson stated that the current square footage of the home is approximately 2,700 square feet. What is proposed would add 375 to 400 square

feet. Plan B would add an additional 90 square feet. It was clarified that under the proposed plan the garage would remain the same size. The 7 ½ feet captured in the rear would become a laundry room.

Board Member Franklin referred to the site map where the storage unit on the side appears to encroach on the property line. Mr. Johnson stated that it would be back quite a ways beginning where the existing garage is and extending back along the side of the home. He noted that the Homeowners Association (“HOA”) permits tuff sheds, which the homeowner would not consider. The shed, however, would be placed on a concrete slab on grade against the side of the house but would look like and be part of the structure.

Chair Gezelius commented that the Board is aware of the 25-foot rule and that many driveways in the City are only 20 feet and sometimes shorter. People often drive vehicles that are nearly 20 feet long, which results in the vehicle extending out into the street. The street does not have sidewalks or much pedestrian traffic. Reducing the length of the driveway in a neighborhood with 25-foot setbacks could impact the neighbors in terms of visibility if the car is parked all the way toward the street. Mr. Johnson clarified that they will maintain the full 20 feet and the 10-foot easement, which would leave room for four standard-sized cars.

Chair Gezelius opened the public hearing. There were no public comments. The public hearing was closed.

The five criteria were discussed.

Board Member Wilson did not feel that the application meets any of the criteria for the variance. She did not see how there was an unreasonable hardship and stated that the applicant has another option. She did not find that there were any special circumstances attached to the property as there are other corner lots in the neighborhood that have the appropriate setbacks. She did not find that granting the variance is essential to the enjoyment of a substantial property right because there is another option. The General Plan requires specific setbacks and none of the other criteria justify going contrary to the General Plan.

Board Member Franklin agreed that the application does not meet any of the criteria for hardship and certainly not numbers 1, 2, and 5.

Chair Gezelius agreed and stated that because there is an alternate plan that may be even better without enhanced use of the garage. Mr. Johnson stated that with Plan B, the use of the garage will not change.

MOTION: Board Member Franklin moved to direct Staff to draft a Final Action Letter DENYING the Variance to reduce the front setback for the front-facing garage from 25 feet to 20 feet and continue the matter to January 9, 2024. Board Member Armstrong seconded the motion. The motion passed with the unanimous consent of the Board.

6. **ADJOURN**

MOTION: Board Member Armstrong moved to ADJOURN. Board Member Franklin seconded the motion. The motion passed with the unanimous consent of the Board.

The Board of Adjustment Meeting adjourned at approximately 5:30 p.m.

Approved by _____
Ruth Gezelius, Board of Adjustment Chair

Approved 01.09.2024

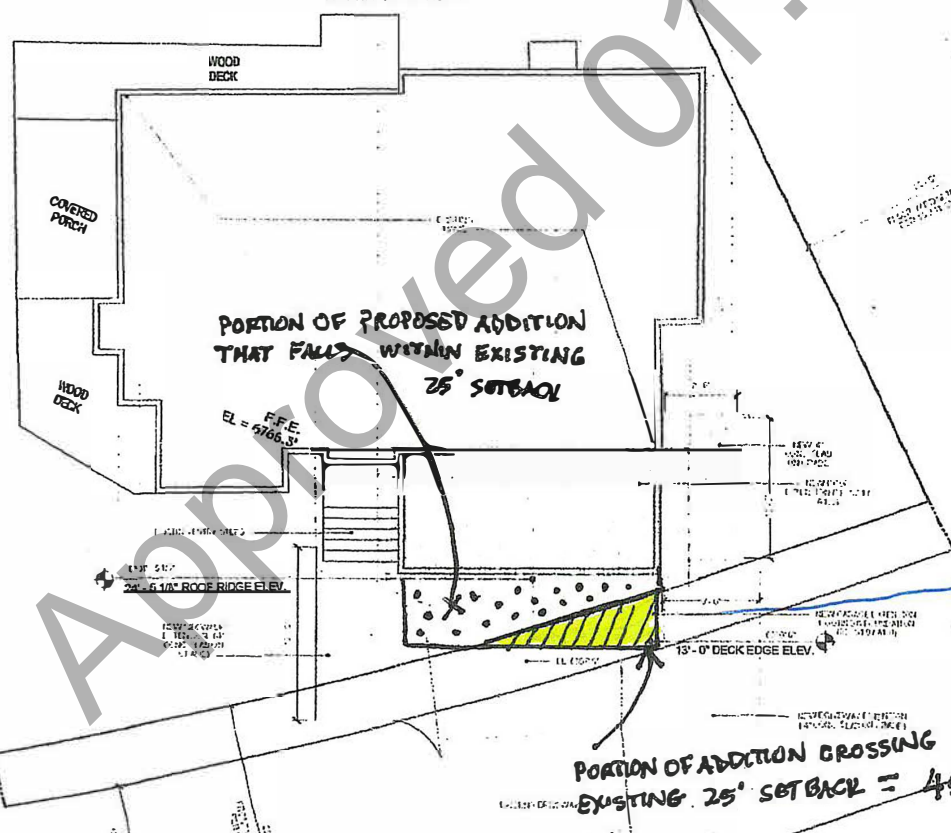
LOT 2 - RESIDENTIAL USE

VARIOUS DA ASPEN
TREERWY

KEYNOTES

LOT 1 -
PARCEL # MCL-1
0.31 ACRES (+/-)
REFER TO SURVEY

CREEK
COURT



60-65 \$F
 I=41.66
 R=25.00
 A=27.617°

Approved 01.09.2024



stereotomic

LIC# 1015191-0201

jarrett moe, aia

1641 PHEASANT WAY
PARK CITY UTAH 84303
435-640-8250

STEREOTOMIC, INC.
ARCHITECTS AND INTERIORS
WWW.STEREOTOMIC.COM

CONSULTANT

Shay Residence
Addition

Construction drawings: 09/12/2023

2724 Creek Dr.
Park City, UT 84060

REVISIONS	#	DATE	DESCRIPTION

STONE AS DEPICTED
IN ATTACHED PHOTO

2A NEW WEST ELEVATION
SCALE: 1/4" = 1'-0"

4A NEW NORTH ELEVATION
SCALE: 1/4" = 1'-0"

EXISTING TO REMAIN
 DASHED LINE
 EXISTING TO BE DEMOLISHED
 DOTTED LINE
 NEW CONSTRUCTION
 SOLID LINE

KEYNOTES

EXTERIOR
ELEVATIONS

SHEET NO. A 201

ORIGINAL SIZE: 24"X36" IF ALTERNATE SHEET
SHEET SCALE: REVISED ACCORDING TO



stereotomic
ARCHITECTURE + DESIGN

jarrett moe, aia

1641 PINEBLADE WAY
PARK CITY UT 84003
435-560-0700

CONSULTANT	

Shay Residence
Addition

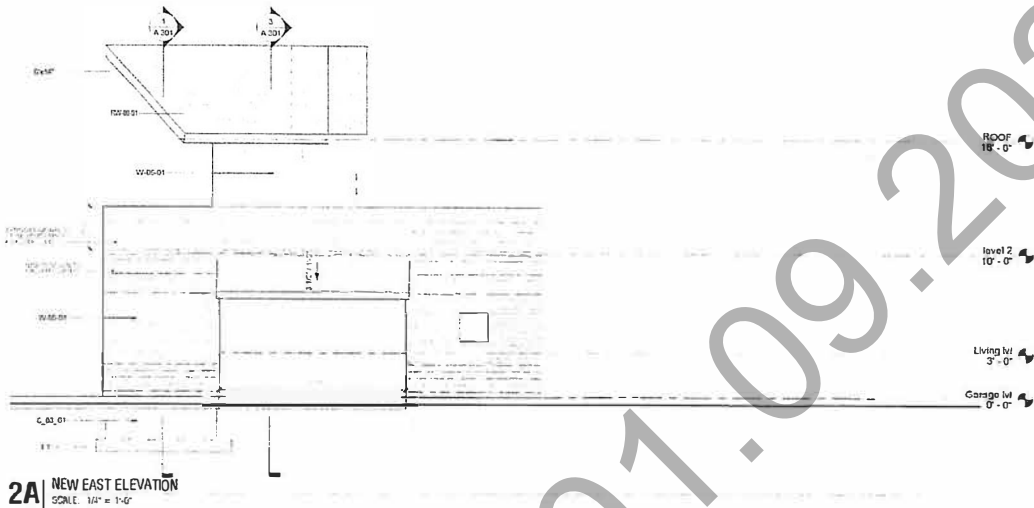
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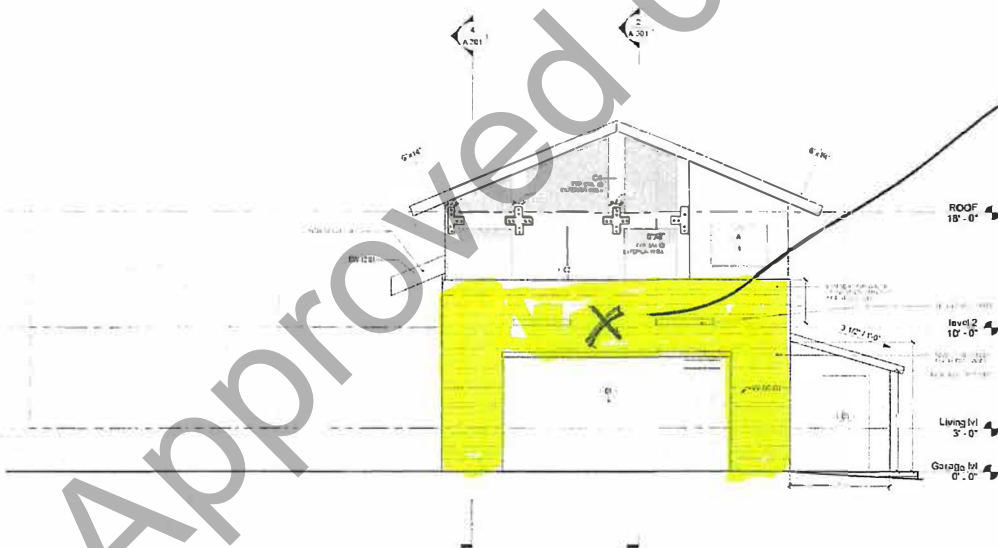
EXTERIOR
ELEVATIONS

SHEET NO. A 202

ORIG. MAX. SIZE 24X36" IF ALL LETTERS ARE 1/8" SIZE SCALE REDUCED ACCORDINGLY



2A | NEW EAST ELEVATION
SCALE: 1/4" = 1'-0"



STONE AS
DEPICTED IN
PHOTO

EXISTING TO REMAIN
EXISTING TO BE DEMOLISHED
NEW CONSTRUCTION

KEYNOTES

DEMO LEGEND
SCALE: 3/4" = 1'-0"

4A | NEW SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

Approved 01.09.2024



Apr 24