PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
December 13, 2022

NOTICE OF HYBRID IN-PERSON AND ELECTRONIC MEETING: The Board of Adjustment of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Tuesday, December 13, 2022. Board of Adjustment members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically. Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

MEETING CALLED TO ORDER AT 5:00 PM.

1. ROLL CALL

2. MINUTES APPROVAL

2.A **Consideration to Approve the Board of Adjustment Meeting Minutes from October 18, 2022.**
October 18, 2022 - Minutes

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4.A **Open and Public Meetings Act Training**
Training Handout

5. CONTINUATIONS

6. REGULAR AGENDA

6.A **Consideration to Adopt Resolution 01-2022, a Resolution Authorizing Participation in Meeting by Electronic Communication**
Electronic Meetings Resolution Staff Report
Exhibit A: Electronic Meetings Resolution
Exhibit B: Resolution Governing Electronic Meetings - December 7, 2021

6.B **961 Park Avenue - Variance -** The Applicant Requests a Variance to Build a Porch in the Front Setback for a New Single-Family Dwelling. PL-22-05388 (30 mins.)
(A) Public Hearing; (B) Action
961 Park Avenue Staff Report
Exhibit A: Draft Final Action Letter
Exhibit B: Applicant's Variance Letter
Exhibit C: Proposed Plans

Exhibit D: City Engineer's Memo
Exhibit E: SWCA Residential Porch Design Code Memo

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 is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF OCTOBER 18, 2022

BOARD MEMBERS IN ATTENDANCE: Ruthie Gezelius-Chair, Ann Beth Armstrong, Stefanie Wilson, Jennifer Franklin via Zoom

STAFF: Rebecca Ward, Planner; Mark Harrington, City Attorney; City Planner, Lillian Lederer

1. ROLL CALL

Chair Ruthie Gezelius called the meeting to order at 5:00 p.m. and noted that a quorum was present. Board Member Wintzer was excused.

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

A. Swearing-In of New Board of Adjustment Member.

Chair Gezelius introduced New Board of Adjustment Member, Beth Armstrong. All Board Members were sworn in as they were all recently appointed or re-appointed.

B. Elect a Board of Adjustment Chair.

Chair Gezelius opened the nominations for Board of Adjustment Chair.

MOTION: Board Member Stefanie Wilson moved to nominate Ruth Gezelius as continued Chair of the Board of Adjustment. Board Member Beth Armstrong seconded the motion. The motion passed with the unanimous consent of the Board.

3. MINUTES APPROVAL

A. Consideration to Approve the Board of Adjustment Meeting Minutes from July 12, 2022.

Chair Gezelius pointed out that Beth Armstrong was not a Board Member at the time of the July 12, 2022 meeting and would abstain from the vote.

It was reported that Page 3, Paragraph 1 referenced a 10-foot front setback. As built, the structure was compliant, however, the deck encroaches 3.65 feet into the front setback resulting in a front setback of only 7.35 feet. When added together, the total is 11 and should be 10. Staff was asked to correct the error throughout the document.

PENDING APPROVAL

Chair Gezelius referenced page 5, the third paragraph from the bottom that stated “Chair Gezelius opened the public hearing”. She stated that it should read “There were no public comments.”

Board Member Franklin raised a question on page 7 regarding who referenced the special circumstance related to the plat. It was assumed that the correction was insignificant for the purposes of review and approval.

MOTION: Board Member Franklin moved to APPROVE the Board of Adjustment Meeting Minutes from July 12, 2022. Board Member Armstrong seconded the motion. The motion passed with the unanimous consent of the Board.

4. PUBLIC COMMUNICATIONS

No comments were submitted.

5. REGULAR AGENDA

A. 51 Daly Avenue - Variance - On July 12, 2022, the Board of Adjustment Approved Variances for the Front Setback, Side Setback, and Building Height. The Board Will Review an Amended Final Action Letter. (PL-22-05179).

City Planner, Lillian Lederer, presented the staff report and stated there was a math error pertaining to the lot width size and she would see that it is corrected. She reviewed the project 51 Daly Avenue and stated that it was originally approved as a front setback, a variance side setback, and building height. During the review, a mistake was noticed in the calculation of the lot size and the allowable maximum building footprint. What they were looking to correct was originally in the proposal with 4,200 rather than 4,420 with the lot width being 42 feet instead of 44.2. The correction would impact the maximum building footprint, which should be 1,724. She stated that the 7.35 feet would also be corrected to 6.35. It was clarified that the front setback was 10 feet when the home was constructed and is 12 feet under the current language.

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

MOTION: Board Member Armstrong moved to APPROVE the recommendation for ratification subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended.

PENDING APPROVAL

Findings of Fact

1. The property is located at 51 Daly 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 structure on the site was built as a Duplex in 1992 but currently is a Single-Family Dwelling.

4. The Single-Family Dwelling resides on two lots. Lot 5 is 22.7 feet and Lot 6 is 21.5 feet, for a total width of 44.2 feet.

5. The property consists of 4,420 square feet.

6. There is an existing ~1,370-square-foot non-historic Single-Family Dwelling on the property.

7. The current structure is 33 feet, which is not compliant with the 1992 LMC or the current LMC.

8. The Applicant is requesting a Variance to LMC § 15-2.2-4, to allow the structure to remain at six feet above zone height.

9. The current LMC requires a 12’ Front Setback if the Rear Setback is 13’.

10. The existing house has a rear Setback of 13’ and is compliant with the LMC.

11. The existing house is set back from the front property line by 10’, which was compliant with the 1992 LMC.

12. Approximately 24’ of the Deck on the front façade extends 3.65’ into the front Setback, which was not compliant with the 1992 LMC.

13. The Applicant is requesting a Variance to LMC § 15-2.2-3(G) to reduce the current required 12’ front yard Setback to 7.35’.

14. The current LMC requires a 5’ Side Setback for Lots with widths up to 50’.

15. The north side of the structure is compliant with the required side Setback in the LMC.

16. The south side of the structure encroaches into the side Setback by 2.65’.

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17. The Applicant is requesting a Variance to LMC § 15-2.2-3(I) to reduce the required 5' South Side Setback to 3.35'.

18. 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. Recording old town lots on Plats is a usual and encouraged practice by the City. Without the Variances, the Owner cannot record a Plat. (Criteria 1)

19. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. Without granting the Variances, the Owner cannot record a Plat and cannot make external changes to their Single-Family Dwelling. (Criteria 2)

20. 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 record a Plat, make external changes to their Dwelling, and fully enjoy their property rights. (Criteria 3)

21. The Variances will not substantially affect the General Plan and will not be contrary to the public interest. The proposal is compliant with Goals 1, 7, and 14 of the General Plan. (Criteria 4)

22. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to record a Plat and expand their home within the allowed Building Footprint of HR-1 Zone Requirements. (Criteria 5)

23. All other LMC-related site and lot criteria, including the other Setbacks, 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 properties in the same zone.

4. The proposal is consistent with the General Plan.

PENDING APPROVAL

5. The spirit of the zoning ordinance is observed by this application.

Conditions of Approval

1. The Variances are limited to the existing Single-Family Dwelling as built and indicated on the plans submitted with this application dated June 30, 2022, unless otherwise approved with an HDDR approval.

2. Aside from the existing deck, no other structures are allowed in the front Setback. Front Setback Exceptions found in LMC § 15-2.2-3(G) are only allowed under the required zone Setback of 12'. Modification to the front deck, aside from structural repairs, is not allowed, or the owner is required to bring the deck into compliance with the current LMC.

3. Subject to the approval of an HDDR, the Applicant may construct additional square footage that follows the existing structure, adjacent to the south property line, not to exceed the approved variance south side setback of 3.35 feet. The Applicant shall not exceed the maximum allowed building footprint of 1724 square feet.

4. The June 20, 2022, plans do not modify the current height of 33', and any future changes made to the structure must comply with zone height pursuant to LMC § 15-2.2-5.

5. The Applicant shall record a Subdivision Plat for 51 Daly Avenue prior to the issuance of a building permit for any new construction. If a plat amendment is denied, this application shall be void and the structure shall remain regulated by the LMC § 15-9-6 re: non-complying structures.

6. The occupancy/single-family use following the new construction must be compliant with Off-Street parking regulations found in LMC § 15-3-6.

7. The Applicant will need to submit an HDDR application for the proposed design to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.

8. The Use of this structure shall be limited to a Single-Family Dwelling. 9. Any new construction must be compliant with the current LMC.

Chair Gezelius' understanding was that Board Member Armstrong was not allowed to vote on the motion as she was not present for the previous discussion and vote. Senior City Attorney, Mark Harrington stated that Board Members who were not present can rely on the assertion of the other Board Members and review of the packet for consistency.

PENDING APPROVAL

Board Member Franklin seconded the motion.

Vote: The motion passed with the unanimous consent of the Board.

B. 1750 Kearns Boulevard (Park City High School) - Variance - The Applicant Requests a Variance for Building Height for the Park City High School Remodel and a Three-Story Addition in the Recreation Open Space Zoning District that has a Maximum Building Height of 47 feet and Six Inches. (PL-22-05393).

City Planner, Rebecca Ward, presented the staff report and introduced the applicant's team consisting of Project Manager, J.D. Simons; Park City School District Chief Operations Officer, Mike Tanner; and Project Architect, Scott Leder. She stated that the applicant requested a variance to the building height for Park City High School. The property was annexed into the City in 1985 and at the time was zoned Recreation Open Space ("ROS"). She stated that the Land Management Code allows for schools in the ROS to require a Conditional Use Permit and Planning Commission review and approval. The maximum height in the ROS zone is 28 feet whereas the Park City High School presently ranges in height from 45 feet to 67 feet. She stated that the applicant is requesting a variance from the 28-foot building height allowing for an increase of 19' 6" for a total height of 47' 6".

Planner Lederer stated that the applicant currently has two Conditional Use Permits that will be reviewed by the Planning Commission later in the month. The first is for the McPolin Elementary School addition and the other is for the Park City High School addition. A site plan was presented. She reported that the applicant has proposed to demolish a portion of what is currently existing and construct a 128-square-foot, three-story addition. The following five criteria are reviewed when considering a variance as listed in the staff report:

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 Zoning District.

3. Granting the Variance is essential to the enjoyment of a substantial property right possessed by other properties in the same Zoning District.

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 is done.

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Ms. Lederer read a statement from the Architect of record stating that the exceeded height will not be detrimental to public health, safety, or welfare given that the existing structure has been in operation since the 1980s with a similar height above grade. Therefore, consideration should be given to a variance.

The criteria of enforcement of the Land Management Code requires the applicant to "bear the burden of proving that all of the conditions justifying a Variance have been met." Planner Lederer reported that the Applicant's justifications for the Variance request state that the 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 ("LMC").

The general purposes of the LMC listed in the staff report include:

1. To promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City.

2. To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the historic character, and the unique mountain town community.

3. To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City.

4. To protect the tax base and to secure the economy in governmental expenditures.

5. To allow development in a manner that encourages the preservation of environmentally sensitive lands, historic structures, the integrity of historic districts, and the unique urban scale of original Park City.

6. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies, and efficient delivery of municipal services.

7. To prevent development that adds to existing geologic hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community.

8. To protect and ensure access to sunlight for solar energy systems.

9. To protect or promote moderate-income housing.

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Planner Lederer added that there are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. The development of schools in Utah is subject to State regulations with limited regulations through municipalities. She stated that granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Transportation and connectivity to the site have been developed over the years and the Planning Commission is scheduled to evaluate the Conditional Use Permit criteria, which will include consideration of the bulk, massing, and orientation of the addition. She confirmed that conditions to mitigate impact may be considered at that time.

The General Plan includes Community Planning Strategy 5.8 to encourage energy efficiencies and construction. According to the applicant, the consolidated density and upgrades to the high school will improve the energy usage intensity. The current facility operates at 84 and this will reduce that usage to 35. Planner Lederer confirmed that the spirit of the LMC is observed and substantial justice is done and the last criteria the Board considers. Staff recommended the Board of Adjustment review the request, conduct the public hearing, and consider approving the building height variance.

A question was raised regarding the square footage of the portion to be demolished and how much building footprint will be added. The applicant's representative confirmed that 128,000 square feet of gross will be added to the project. Roughly 50,000 to 60,000 square feet of demolition will occur in the oldest portion of the structure for a net increase of 60,000 to 70,000 square feet. He believed the increase would bring in 10,000 to 15,000 square feet at ground floor level.

Chair Gezelius questioned the total capacity once the addition is complete. Mr. Simons reported that the current capacity is 1,200 and the proposed would bring in 400 additional 9th-grade students. The plan is to minimize disruption to the south parking lot and includes a small new visitor lot along the north side of the addition. It was his opinion there will be no significant impact on the neighbors incurred by the new lot. He indicated that 90% of the space is dedicated to classroom additions.

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

MOTION: Board Member Franklin moved to APPROVE the Variance to the building height for the addition to the high school based on the Staff report, subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Park City School District (PCSD) Campus is in the Recreation Open Space (ROS) Zoning District.

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2. The PCSD Campus includes the Park City High School (1750 Kearns Boulevard), McPolin Elementary (2270 Kearns Boulevard), Treasure Mountain 26 Planning Department Junior High (2530 Kearns Boulevard), and Park City Learning Center (2400 Kearns Boulevard) on 83.92 acres north of S.R. 224 and east of Monitor Drive.

3. The Applicant proposes constructing a 128,000-square-foot three-story addition to the west side of the Park City High School with a maximum height of 47 feet and six inches.

4. The maximum building height in the ROS Zoning District is 28 feet.

5. The existing High School is 45 to 67 feet in height.

6. The Applicant requests the Board of Adjustment grant a Variance from the 28- foot building height in the ROS Zoning District to allow an increase of 19 feet six inches for a total height of 47 feet six inches for consistency of design and reduced impacts to open space.

7. In the ROS Zoning District, schools require a Conditional Use Permit (CUP) and Planning Commission review.

8. The Applicant submitted a CUP application, scheduled for Planning Commission review on October 26, 2022.

9. LMC § 15-1-11(B) requires the Board of Adjustment to review Variances prior to the Planning Commission review of a CUP.

10. Previously, the Planning Commission issued two CUPs for the development of the PCSD Campus.

    a. On June 27, 1990, the Planning Commission approved a CUP for a new elementary school (McPolin Elementary – 56,000 square feet); a high school expansion (32,000 additional square feet and locker room addition to the gym); 60 additional parking spaces (PL-90-00106).

    b. On April 23, 2008, the Planning Commission approved a CUP for Park City High School to enhance interior function, energy efficiency, exterior appearance, and water conservation (PL-07-00181). The 2008 approval increased the square footage of Park City High School by 20,000 but reduced the overall building footprint by 8,000 square feet due to the addition of second-story classrooms. The 2008 approval also included 65 additional parking spaces and replaced

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174,760 square feet of irrigated area with a synthetic turf athletic field.

i. The 2008 Planning Commission Final Action Letter included Condition of Approval 8, which requires the PCSD to pursue a Variance or Master Planned Development for additions that exceed Zoning District Height: No additional remodels may be constructed that do not conform to the height of the zone, unless appropriately 27 Planning Department approved by the Board of Adjustment as a Variance or special exception, or by the Planning Commission per LMC Section 15-6- 5(F) MPD – additional building height.

11. The Board of Adjustment may grant a Variance if five criteria are met:

a. 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.

b. There are special circumstances attached to the property that do not generally apply to other properties in the same Zoning District.

c. Granting the Variance is essential to the enjoyment of a substantial property right possessed by other properties in the same Zoning District.

d. The Variance will not substantially affect the General Plan and will not be contrary to the public interest.

e. The spirit of the LMC is observed, and substantial justice is done.

12. LMC § 15-10-8(E) requires the Applicant to bear the burden of proving that all of the conditions justifying a Variance have been met.

13. The general purposes of the LMC are:

a. To promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City.

b. To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the historic character, and the unique mountain town community.

c. To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City.

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d. To protect the tax base and to secure the economy in governmental expenditures.

e. To allow development in a manner that encourages the preservation of environmentally sensitive lands, historic structures, the integrity of historic districts, and the unique urban scale of original Park City.

f. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies, and efficient delivery of municipal services.

g. To prevent development that adds to existing geologic hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community.

h. To protect and ensure access to sunlight for solar energy systems.

i. To protect or promote moderate-income housing.

14. The Board agrees with the Applicant's assertion that "the exceeded height has no detriment to public health, safety, or welfare. Given the existing structure, 28 Planning Department has been in operation since the 1980s with a similar height above grade, considerations should be given for a variance."

15. Additional building height consolidates density to preserve open space. The Board further adopts the Applicant's assertions in the analysis section of the staff report regarding the limiting site conditions and the desire by the PCSD and community to preserve the open area around the PCSD Campus.

16. A building height Variance allows for consistent building design consistent with the General Plan. The existing Eccles Theater in the Park City High School is 67 feet in height; the 2008 addition that fronts Kearns Boulevard is 45 feet high. The Board agrees and finds "[t]his new addition height cohesively connects to the existing conditions while being extremely sensitive to the aesthetics associated with tying into an existing structure . . . . [and] the height of the new building addition is necessary to achieve a cohesive appearance (avoid the look of an addition) for the school campus."

17. The Park City High School addition is not in the Sensitive Land Overlay or Frontage Protection Zone. While some portions of the PCSD Campus are within the Sensitive Land Overlay (Treasure Mountain Junior High), the Park City High School is not. The front portion of the Park City High School

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parcel along Kearns Boulevard is within the Frontage Protection Zone, which requires additional setbacks and landscape buffers between development and highway uses. However, the proposed addition is to the rear of the Park City High School and will not require construction within the Frontage Protection Zone.

18. Development of schools in Utah is subject to state regulations and limited municipal regulations. Utah Code § 10-9a-305(1)(a) requires a school district to conform to local land use regulations. However, Utah Code § 10-9a-305(3) prohibits municipalities from applying certain land use regulations to school districts, including:

    a. Landscaping;

    b. Fencing;

    c. Aesthetic considerations;

    d. Construction methods or materials;

    e. Additional building inspections;

    f. Municipal building codes;

    g. Building use for educational purposes; and

    h. Placement or use of temporary classroom facilities on school property.

19. While the City is limited in aesthetic considerations, building height that exceeds the Recreation Open Space Zoning District regulations allows for an addition that 29 Planning Department consolidates density to protect open space and results in consistent design with the existing High School. The Eccles Theater within the High School is 67 feet in height; the 2008 addition that fronts Kearns Boulevard is 45 feet high.

20. In 1985, PCSD applied to annex what was then the Treasure Mountain Middle School into Park City (PL-85-00026). On October 3, 1985, the City Council enacted Ordinance No. 85-11, annexing the PCSD property and zoning the property ROS.

21. The purposes of the ROS Zoning District are to:

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a. Establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, streets, and parking lots.

b. Permit recreational uses and preserve recreational open space.

c. Encourage parks, golf courses, trails, and other compatible public or private recreational uses.

d. Preserve and enhance environmentally sensitive lands, such as wetlands, steep slopes, ridgelines, meadows, stream corridors, and forests.

e. Encourage sustainability, conservation, and renewable energy.

22. The LMC anticipates the development of schools in the ROS Zoning District and establishes schools as a CUP with review and approval by the Planning Commission.

23. When the Planning Commission considers CUP applications, the Commission evaluates 16 criteria, including building mass, bulk, and orientation, and the location of buildings on the site, including orientation to buildings on adjoining lots.

24. Additionally, the Planning Commission reviews the physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing. The Planning Commission is scheduled to review these factors on October 26, 2022.

25. The PCSD Campus is in the Park Meadows Neighborhood of the General Plan and the General Plan identifies the PCSD Campus as a neighborhood icon.

26. According to the General Plan, the Park Meadows Neighborhood has mostly primary residents and the PCSD Campus serves as a community amenity.

27. The proposed Park City High School addition allows for clustered density to serve Park City students in an area of the community in which many primary residents live.

28. Goal 4 of the General Plan is to conserve a connected, healthy network of open space for continued access to and respect for the natural setting.

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29. Objective 4B is to buffer entry corridors from development and protect mountain vistas to enhance the natural setting, quality of life, and visitor experience.

30. The PCSD Campus that fronts Kearns Boulevard is within the Frontage Protection Zone, which extends beyond Kearns into the property 100 feet. 30 Planning Department.

31. The proposed High School addition is in the rear of the property and will not increase the presence of the High School within the Frontage Protection Zone.

32. Community Planning Strategy 5.8 is to encourage energy efficiencies in construction including infill, preservation, adaptive reuse, and redevelopment.

33. The Board agrees with the Applicant submittal and finds the proposed building mass "is arranged to preserve open space around the building and provide a thermally efficient structure. The result of this stacked design allows the new building to achieve a targeted EUI (energy usage intensity) of 35 whereas the current facility has a calculated EUI of 84. This system will not only save the District operating costs but is also a more sustainable approach that aligns with the city's energy goals. The building orientation and height are also anticipated to aid in the eventual installation of PV panels on the roof."

34. The proposal preserves open space, consolidates density, protects the Frontage Protection Zone, allows for an expansion consistent with existing height, and creates a more efficient building performance.

Conclusions of Law

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 Zoning District.

3. Granting the Variance is essential to the enjoyment of a substantial property right possessed by other properties in the same Zoning District.

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

PENDING APPROVAL

5. The spirit of the LMC is observed, and substantial justice is done

Conditions of Approval

1. All standard project conditions apply as outlined by Utah Code.

2. A Conditional Use Permit approval from the Planning Commission is required prior to project construction.

3. This Variance is limited to the plans dated August 2, 2022, and attached as Exhibit F and shall not apply to the entire property.

Board Member Armstrong seconded the motion.

Vote: The motion passed with the unanimous consent of the Board.

6. ADJOURN

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

The Board of Adjustment Meeting adjourned at 5:45 p.m.

Approved by _____
Ruthie Gezelius, Board of Adjustment Chair

PENDING APPROVAL

Open and Public Meetings Act

2022 Training Handout

The Open and Public Meetings Act (OPMA) requires that members of public bodies be provided with annual training on the requirements of OPMA. This document facilitates compliance with that requirement and helps members of public bodies better understand OPMA.

OPMA's Goal: Ensure that public bodies deliberate and take action openly.

OPMA's General Rule: Meetings of a public body are open to the public, unless an exception is available under the Act that allows the meeting to be closed.

Public Notice

- A public body is required to provide public notice of a meeting at least 24 hours before the meeting. The public notice must:
  - include the date, time, and place of the meeting,
  - include an agenda that specifies topics the public body will consider, and
  - be posted on the Utah Public Notice Website and at the location of the meeting.

Minutes and Recordings

- A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.
- A recording of the open portions of the meeting should be made available to the public within three business days after the public meeting.
- Draft minutes are required to be made available to the public within a reasonable time after the meeting.
- The approved minutes and any public materials distributed at the meeting should, within three business days after their approval, be:
  - posted on the Utah Public Notice Website; and
  - made available at the public body's website and office.

Closed Meetings

- A public body may hold a closed meeting only to discuss specific topics, including:
  - An individual's character, competence, or health,
  - pending or reasonably imminent litigation,
  - certain matters regarding acquisition or sale of real property, including water rights or shares,
  - the deployment of security personnel, devices, or systems, and
  - an investigation of alleged criminal conduct.
- A public body may close a meeting only by a two-thirds vote with a quorum present.
- A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting.
- An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.
- A public body must keep a recording of a closed meeting, unless the meeting is closed to discuss a person's character, competence, or health or the deployment of security personnel, devices, or systems. A public body may keep written minutes. Recorded and written minutes are protected records under GRAMA.

Definitions

"**Meeting**" means a convening of a public body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body has jurisdiction or advisory power. Meeting does not mean a chance or social gathering or the convening of members of a public body without a quorum present.

"**Public Body**" means an administrative, advisory, executive, or legislative body of a political subdivision that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- Spends, distributes, or is supported by tax money; and
- is vested with the authority to make decisions regarding the public's business (this includes advisory boards or groups).

"**Quorum**" means a simple majority of the membership of a public body.

Electronic Meetings

- Each public body must adopt a rule or resolution governing the use of electronic meetings before they can have electronic meetings.
- Electronic Meetings with Anchor Location
    - Provide anchor location for the public to join.
    - No determination or justification needed.
    - Public body members may appear remotely.
- Electronic Meetings without Anchor Location
    - Chair must make determination that meeting in-person presents a substantial risk to the health or safety of those who would be present at an anchor location.
    - Public notice must detail the Chair's determination, facts supporting Chair's determination, and include information on how to connect to the meeting.
    - Determination must be renewed every 30 days (and can be renewed with each public notice).
- **By 2023, all public bodies must adopt a rule or resolution that establishes the conditions under which a remote member is included in calculating a quorum.**

Definitions

"**Anchor location**" means the physical location where a meeting originates or where the participants are connected from.

"**Electronic meeting**" means a public meeting convened or conducted by means of a conference using electronic communications.

Public Participation

- Public must be allowed to come and watch, but there is generally no requirement that members of the public are allowed to comment.
    - If the agenda item requires a public hearing (usually for land use regulations), an opportunity for public comment must be provided.
- Public has a right to record meetings if they can do so without disrupting the meeting.
- A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.
- Public bodies may require public comments be on topic.
- Disruptions at meetings do not have to be tolerated. Individuals may be removed from a meeting if they willfully disrupt the meeting and the orderly conduct of the meeting is seriously compromised.

Penalties

- Open Meetings – When final action taken during a meeting violates certain open-meeting provisions of OPMA, the action is voidable by a court.
- Closed Meetings – It is a class B misdemeanor to knowingly or intentionally violate the closed-meeting provisions of OPMA.

Questions

If you have any questions, please reach out to:

Luke Henry
Assistant City Attorney
luke.henry@parkcity.org
435-615-5023

Board of Adjustment
Staff Report

Subject: **Electronic Meetings Resolution**
Author: **Levi Jensen**
Date: **December 13, 2022**
Type of Item: **Resolution**

Recommendation
Adopt a resolution authorizing participation in meetings by electronic communication.

Executive Summary
The Open and Public Meetings Act (OPMA) was amended during the last state legislative session and a new provision was added relating to electronic meetings. Under the new provision, in 2023, all public bodies must adopt an ordinance, resolution, or rule that establishes the condition under which a remote member is included in calculating a quorum (see Utah Code § 54-2-207(2)(b)).

The Board of Adjustment passed a resolution on December 7, 2021, authorizing electronic and hybrid meetings. It did not specify the condition under which a board member may be counted as part of the quorum if they participate electronically.

Analysis
The proposed resolution meets the new OPMA requirement by permitting members of the Board of Adjustment to participate via electronic communication and be counted toward the quorum requirement if a member uses a means of communication that permits simultaneous communication during the meeting between:

- The public body member,
- All other members of the public body participating in the meeting, and
- All members of the public participating electronically or physically

These meetings can also be held without an anchor location as long as they are noticed properly, per state code.

Exhibit
Exhibit A: Electronic Meetings Resolution
Exhibit B: Resolution Governing Electronic Meetings – December 7, 2021

Resolution 01-2022

A POLICY AUTHORIZING PARTICIPATION IN MEETINGS BY ELECTRONIC COMMUNICATION

WHEREAS, the Park City Board of Adjustment is permitted to meet via electronic communication or meet in person with some members attending electronically; and

WHEREAS, the Park City Board of Adjustment desires to specifically authorize members to participate in electronic meetings and be counted toward the quorum requirement;

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. It shall be the policy of the Board of Adjustment to authorize and permit members of the Board of Adjustment to participate by electronic communication in any meeting of the Board of Adjustment and be counted toward the quorum requirement as provided in Section 2.

Section 2. A member of the Board of Adjustment may participate by electronic communication and be counted toward the quorum requirement only if the member uses a means of communication that permits simultaneous communication during the meeting between: (i) the member of the Board of Adjustment; (ii) all other members of the Board of Adjustment participating in the meeting; and (iii) all members of the public participating electronically or physically present at the place where the meeting is conducted.

Section 3. This resolution shall be effective upon adoption.

Passed this 13th day of December 2022.

PARK CITY MUNICIPAL CORPORATION

_____

Board of Adjustment Chair, Ruth Guzelius

Attest:

_____

Planning Director, Gretchen Milliken

Approve as to form:

_____

City Attorney's Office, Mark Harrington

RESOLUTION NO. ___

A RESOLUTION GOVERNING THE USE OF ELECTRONIC MEETINGS BY THE BOARD OF ADJUSTMENT.

WHEREAS, Park City values transparency and conducting the public's business in public meetings where actions are taken and deliberations are conducted openly;

WHEREAS, while the preference is for Park City public bodies to convene in person, it is understood that there may be circumstances where electronic meetings are necessary;

WHEREAS, the Open and Public Meetings Act was amended during the 2021 General Session to grant additional flexibility in how public bodies conduct electronic meetings;

WHEREAS, the COVID-19 virus continues to raise health or safety concerns for in-person public meetings and electronic meetings help facilitate social distancing;

BE IT ORDAINED BY THE BOARD OF ADJUSTMENT OF PARK CITY, UTAH, THAT:

The Board of Adjustment may hold electronic meetings in accordance with section 52-4-207 of the Utah Code, as amended.

PASSED AND ADOPTED this 9 day of December 2021.

Board of Adjustment: Ruth D. Gezelius

Chair or Chair Pro Tem

Approved as to form: _____

City Attorney's Office

Board of Adjustment
Staff Report

Subject: **961 Park Avenue**
Application: **PL-22-05280**
Author: **Lillian Zollinger, Planner I**
Date: **December 13, 2022**
Type of Item: **Administrative – Variance**

Recommendation

Staff recommends the Board of Adjustment (I) review the proposed application; (II) conduct a public hearing; and (III) consider denying the Applicant's request for a Variance from the Historic Residential – 1 Zoning District Front Setback requirements for a porch for a new Single-Family Dwelling based on the Draft Findings of Fact and Conclusions of Law (Exhibit A).

Description

Applicant:	David Fox
Location:	961 Park Avenue
Zoning District:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Reason for Review:	Variances require Board of Adjustment approval[1]

HDDR	Historic District Design Review
HR-1	Historic Residential – 1
LMC	Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Background

The Planning Department received a Variance application for Setbacks on September 20, 2022, for 961 Park Avenue. The Applicant is proposing to construct a Single-Family Dwelling on the lot, which is currently vacant.

LMC § 15-1-11(B) states "[t]he Board of Adjustment must review Applications for Variances. Such approval must be obtained from the Board of Adjustment prior to the issuance of any . . . approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required." To construct a Single-Family Dwelling with what they find to be a more historically accurate front porch, the Applicant has requested a Variance to the front Setback.

[1] LMC § 15-1-8

Analysis

(I) The Applicant seeks a Variance from the Historic Residential-1 (HR-1) Zoning District Front Setback outlined in LMC § 15-2.2-3.

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 Buildings and/or 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

The 961 Park Avenue Lot is 25 feet wide, and 75 feet in length, for a total of 1,875 square feet. This is a traditional Old Town lot size, and Single-Family Dwelling can be constructed without Variance to the Front Setback. Many Single-Family Dwellings have been constructed on this size lot without a Variance.

LMC § 15-2.2-3(G)(3) states, "the Front Setback must be open and free of any Structure except: porches… not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback." The proposed porch on the front façade is 18.8 feet long, exceeding the exception by 8.8 feet.

The table below illustrates the requirements of the LMC in the HR-1 Zoning District outlined in LMC § 15-2.2-3:

Zoning Requirement	2022 LMC Analysis
Minimum Lot Size	**Required-** 1,875 sf (for Single-Family Dwelling) **Complies-** 1,875 sf (No Variance requested)
Lot Width	**Required-** 25' **Complies-** 25' (No Variance requested)
Maximum Building Footprint- Determined by (LOT AREA/2) x $0.9^{AREA/1875}$	(1875/2) x $0.9^{1875/1875}$ 937.5 x 0.9^{1} 937.5 x .9 1658.526884918983 = 844 sf allowed **Complies-** ~818 sf existing (No Variance requested)

Minimum Front and Rear Setback	**Minimum Front and Rear Setback-** 10' each Front Setback: **Not Compliant-** 10' The proposed Single-Family Dwelling is compliant with the 10-foot Setback. Per the LMC § 15-2.2-3(G), porches are an exception to the front Setback that are "…not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback." However, the proposed porch projects into the front Setback by 3' and is 18.8 feet wide, which does not comply with the LMC. **(Variance requested)** Rear Setback: **Complies-** 10' (No Variance requested)
Minimum Side Setbacks	**Minimum Side Setbacks-** 3' each North side Setback: **Complies-** 3' Per LMC § 15-2.2-3(I)(1), "On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three-foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way." The Applicant has received approval from the City Engineer (See Exhibit D) to reduce the north Side Setback from 5' to 3' to satisfy parking requirements. This does not impact the Variance request. (No Variance requested) South side Setback: **Complies-** 3' (No Variance requested)

There are no existing encroachments on the property, and the proposed Variance does not create encroachments on adjacent properties.

(II) The proposal does not comply with the Variance criteria outlined in LMC § 15-10-8(C).

In order to grant the requested Variance to the Front Setback, the Board of Adjustment must find that the five (5) criteria outlined 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 for the Applicant's Narrative).

In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under LMC Section 15-10-9(C)(1), the Board of Adjustment 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 Board may not find an unreasonable hardship if the hardship is self-imposed or economic.

The Applicant seeks a Variance to allow construction of a porch greater than 10 feet wide, for a total of 18.8 feet in width, in the Front Setback.

The Applicant would be able to build their desired porch, without a Variance, if the porch is not constructed in the setback and has a shed roof covering the entire length, as seen historically. In an advisory memo from SWCA, the City's historic preservation consultant, historic porches across the front façade are shown with a shed roof-covering (see Exhibit E). The memo states, “Regardless of size, porches are typically covered, and this covering is usually a shed roof in form.”

Per LMC § 15-10-8, “the Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.” The Applicant’s analysis is found below:

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 Statement: As written, literal enforcement of the HR-1 setback exceptions would cause unreasonable hardship for the applicant and is not necessary to carry out the general purpose of the Land Management Code. Focusing on the historic compatibility of new infill that the LMC encourages, the purpose statement of the LMC states “to allow Development in a manner that encourages the preservation of… the integrity of Historic Districts.” Additionally, the purpose HR-1 District contains the following: “encourage the construction of Historically Compatible Structures that contribute to the character and scale of the Historic District.” Following LMC § 15-13 Design Guidelines for Historic Districts and Historic Sites, the proposed design considers the streetscape and respectfully incorporates design elements of surrounding historic structures including the full width front porch which is being considered for this variance application.
2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;	Applicant’s Statement: The existing vacant lot located on the street corner is a unique property with regards to setback and vehicular access in the zone. It was determined early in the HDDR Pre-application process with the planning department and city engineer that vehicular access from Park Avenue is

	not desirable for the lot thus placing the required parking at the rear of the structure accessed from 10th Street to be the preferred strategy. Regarding this feedback, the footprint of the house has been pushed forward to the front setback to provide the required 2 off street parking spaces at the rear of the structure. The building code required basement egress window wells are limited via front and side setbacks to be located at the rear of the structure as well, which adds an additional setback that in turn does not allow the structure to be pushed back any further on the site to be able to locate the porch within the building pad area.
3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;	Applicant's Statement: Similarly to the points made above, this property contains unique circumstances that are not conditions general to the neighborhood as applied to other new single-family infill on a single 25x75ft lot in the HR-1 District.
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and	Applicant's Statement: The General Plan Section VI- Historic Character outlines overall goals and specific strategies for preserving the historic nature of Park City. With the Design Guidelines adopted in the Land Management Code, this design has been developed following multiple design review meetings with the Planning Department for review of compliance with the design guidelines.
5. The spirit of the Land Management Code is observed and substantial justice done.	Applicant's Statement: The spirit of the Land Management Code emphasizes compatibility for new infill construction in the historic districts as preserving the integrity of the character of historic Park City is an important goal and has been for many decades. With the variance request, there is no additional living space or square footage being requested, rather the porch element that is being proposed is in order to bring the new single-family dwelling further into the existing historic streetscape scale.

Staff finds the request for a Variance from the Front Setback requirements for the proposed porch that exceeds the 10-foot exception, for a total of 18.8 feet in width is unreasonable and inconsistent with LMC regulations. The Lot does not have special circumstances, other than that the Lot is a corner Lot, and the City Engineer already granted a reduced side Setback for the Applicant to facilitate on-site parking. The proposed Single-Family Dwelling may be constructed without the approval of the Variance. Granting the Variance would be allowing an exception not granted to other properties in the HR-1 Zoning District, with similar Lot characteristics. Additionally, staff finds the proposal does not comply with the Historic District Design Guidelines found in the LMC, as analyzed below.

Staff finds that the spirit of the Land Management Code is not observed, and substantial justice is not done.

(III) The Development Review Committee[2] and Design Review Team[3] reviewed the proposal.

The DRC reviewed the proposal on November 1, 2022 and did not identify any issues. The DRT reviewed the proposal on September 22, 2021, January 5, 2022, August 10, 2022, and October 26, 2022. The DRT has commented on the proposed front porch design and mentioned that the proposed porch does not comply with the LMC Design Guidelines. The DRT noted that a porch in the Historic District typically has a shed roof cover and does not fall outside of the front setback. The final designs are to be reviewed again by DRT again before a full HDDR is reviewed.

Additionally, per LMC § 15-13-8, "New infill residential buildings shall reflect the historic character - simple building forms, unadorned materials, restrained ornamentation - of Park City's Historic Sites. New infill residential buildings shall not directly imitate existing historic structures in Park City. A style of architecture shall be selected and all elevations of the new infill residential building shall be designed in a manner consistent with a contemporary interpretation of the chosen selected style. New infill residential buildings shall differentiate from historic structures but be compatible with historic structures in materials, features, size, scale and proportion, and massing to protect the integrity of the Historic District as a whole." The proposed design, without the porch and requested Variance, does not imitate historic sites and is compatible with the Historic District. The proposed design, if modified to be compliant with Setbacks, and with the addition of a shed roof covering, would also be compliant with the Historic District Design Guidelines.

Notice

Staff published notice on the Utah Public Notice website, the City's website, posted notice to the property, and mailed courtesy notice to property owners within 300 feet on November 1, 2022. The *Park Record* published notice on November 1, 2022[4].

Public Input

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

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[2] The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).
[3] The Design Review Team meets weekly to discuss projects in Historic Districts and review the proposals with compliance under the Design Guidelines in the Land Management Code. The Team is made up of Planning Staff, Building Staff, and SWCA, the City's Historic Preservation Consultant.
[4] LMC § 15-1-21.

Alternatives

- The Board of Adjustment may grant the Variance requested according to the Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A) and/or as amended; or
- The Board of Adjustment may deny the Variance 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: Proposed Plans
Exhibit D: City Engineer's Memo
Exhibit E: SWCA Residential Porch Design Code Memo

Planning Department

December 13, 2022

David Fox
1020 Miami Rd
Wilmette, IL 60091

CC: Caitlyn Barhorst
(806) 559-8079; caitlyn@rawdesign.com

NOTICE OF BOARD OF ADJUSTMENT ACTION

Description

Address:	961 Park Avenue
Zoning District:	Historic Residential – 1 (HR-1)
Application:	Variance
Project Number:	PL-22-05388
Action:	Denied
Date of Final Action:	December 13, 2022
Project Summary:	A request for a Variance from Front Setback requirements of Land Management Code Section 15-2.2-3 to construct a wider porch on the Front façade.

Action Taken

On December 13, 2022, the Board of Adjustment conducted a public hearing and denied the Variance to the Front Setback according to the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The property is located at 961 Park 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 site is currently a vacant lot.
4. The lot is 25 feet wide and 75 feet in length.
5. The property consists of 1875 square feet.
6. The Maximum building footprint for the lot is 844 square feet.
7. The proposed structure is approximately 818 square feet.
8. Two parking spaces are required for a Single-Family Dwelling Use.
9. The Applicant is requesting a Variance to LMC § 15-2.2-4, to allow the structure's proposed Front Porch deck to be 18 feet 8 inches wide and extend 3 feet and into the Front Setback.
10. The Board finds there are no special circumstances attached to the property and

DRAFT

that the alleged justification for the variance as more compatible with historic buil-out as unsubstantiated.

11. The Applicant may apply for home designed under the same terms and rights as others in the applicable zone.
12. The zoning ordinance already contains an exception consistent with the General Plan to allow increased flexibility for porches, and no hardship results from building pursuant to the terms of that exception.

Conclusions of Law

1. The Applicant did not prove their request meets the five criteria outlined in Land Management Code Section 15-10-8:
    a. Literal enforcement of the HR-1 Zoning District requirements for this property does not cause an unreasonable hardship that is necessary to carry out the general purpose of the zoning ordinance.
    b. There are not special circumstances attached to the property that do not generally apply to other properties in the same district.
    c. Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other property in the same zone.
    d. The proposal is not consistent with the General Plan.
    e. The spirit of the zoning ordinance is not observed by this application.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5068 or email lillian.zollinger@parkcity.org

Sincerely,

Ruth Gezelius
Board of Adjustments, Chair

CC: Lillian Zollinger, Planner I

DRAFT

DESIGN RAW STUDIO

Variance Application Narrative

961 Park Avenue, Park City, UT

September 20, 2022

The following represents the request for a Variance to the Front Setback Exceptions in the HR-1 District. LMC § 15-2.2-3(G)(3) states, "the Front Setback must be open and free of any Structure except: …decks, porches… not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback." The proposed new Single-Family Dwelling to be located on the vacant lot contains a front porch element consistent with LMC § 15-13 Design Guidelines for Historic Districts and Historic Sites with a dimension of 18'-8" wide by 3' deep therefore being 8'-8" wider than currently allowed as an exception to the front setback. As seen in Exhibit B, there are several historic structures in the streetscape area that have a similarly proportioned front porch element which spans the width of the front façade. However, unlike these historic porches, the proposed design does not have a roof overhang and therefore the variance request is only for the deck portion of the porch and does not contain a roof element.

Per LMC § 15-10-8 (C) the following is our written analysis of the required conditions outlined:

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;
    - As written, literal enforcement of the HR-1 setback exceptions would cause unreasonable hardship for the applicant and is not necessary to carry out the general purpose of the Land Management Code. Focusing on the historic compatibility of new infill that the LMC encourages, the purpose statement of the LMC states "to allow Development in a manner that encourages the preservation of… the integrity of Historic Districts." Additionally, the purpose HR-1 District contains the following: "encourage the construction of Historically Compatible Structures that contribute to the character and scale of the Historic District." Following LMC § 15-13 Design Guidelines for Historic Districts and Historic Sites, the proposed design considers the streetscape and respectfully incorporates design elements of surrounding historic structures including the full width front porch which is being considered for this variance application.
2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;
    - The existing vacant lot located on the street corner is a unique property with regards to setback and vehicular access in the zone. It was determined early in the HDDR Pre-application process with the planning department and city engineer that vehicular access from Park Avenue is not desirable for the lot thus placing the required parking at the rear of the structure accessed from 10th Street to be the preferred strategy. Regarding this feedback, the footprint of the house has been pushed forward to the front setback to provide the required 2 off street parking spaces at the rear of the structure. The building code required basement egress window wells are limited via front and side setbacks to

be located at the rear of the structure as well, which adds an additional setback that in turn does not allow the structure to be pushed back any further on the site to be able to locate the porch within the building pad area.

3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;
    - Similarly to the points made above, this property contains unique circumstances that are not conditions general to the neighborhood as applied to other new single-family infill on a single 25x75ft lot in the HR-1 District.
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and
    - The General Plan Section VI- Historic Character outlines overall goals and specific strategies for preserving the historic nature of Park City. With the Design Guidelines adopted in the Land Management Code, this design has been developed following multiple design review meetings with the Planning Department for review of compliance with the design guidelines.
5. The spirit of the Land Management Code is observed and substantial justice done.
    - The spirit of the Land Management Code emphasizes compatibility for new infill construction in the historic districts as preserving the integrity of the character of historic Park City is an important goal and has been for many decades. With the variance request, there is no additional living space or square footage being requested, rather the porch element that is being proposed is in order to bring the new single-family dwelling further into the existing historic streetscape scale.

Thank you,

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

Exhibit A: Project Site Plan outlining location of proposed 18’-8” wide x 3’ deep front porch

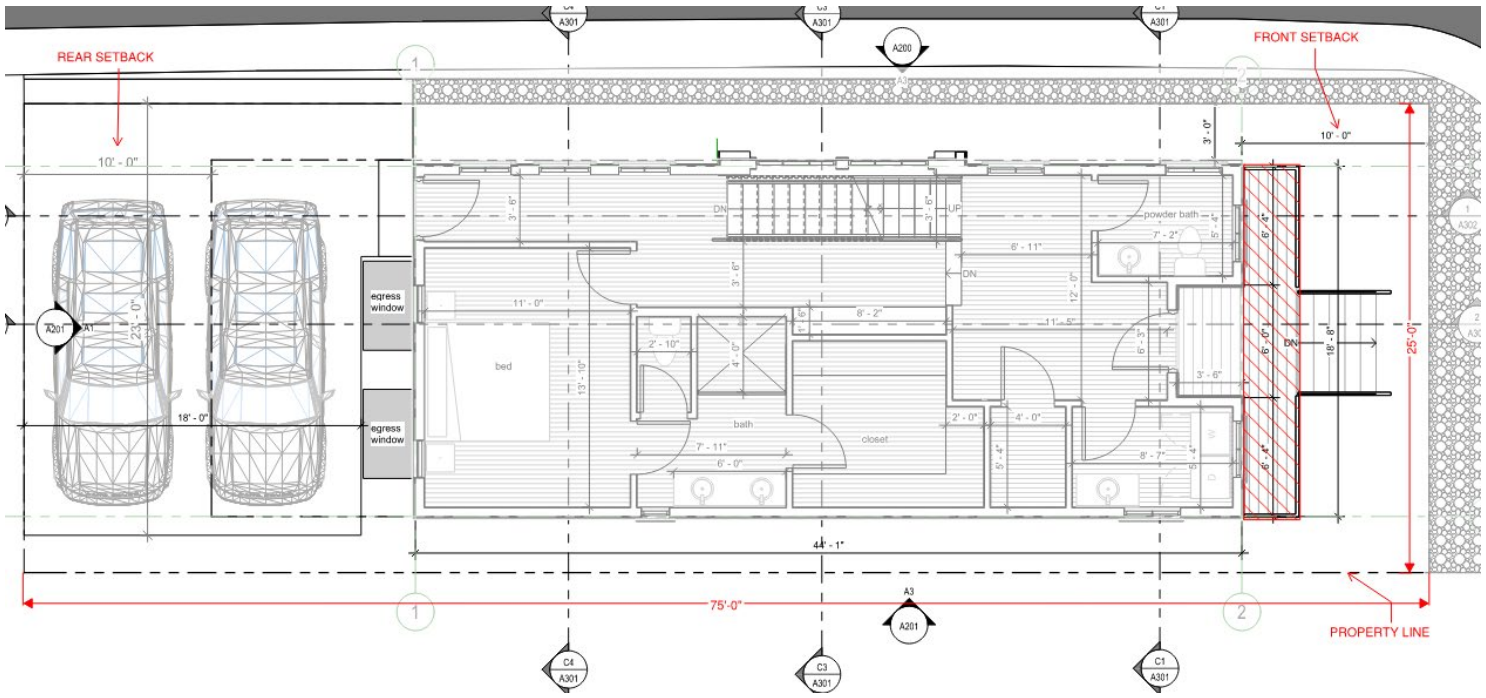


Exhibit B:

Historic structures of a similar hall-parlor/ front gable style containing a full-width front porch

959 Park Avenue (Landmark)

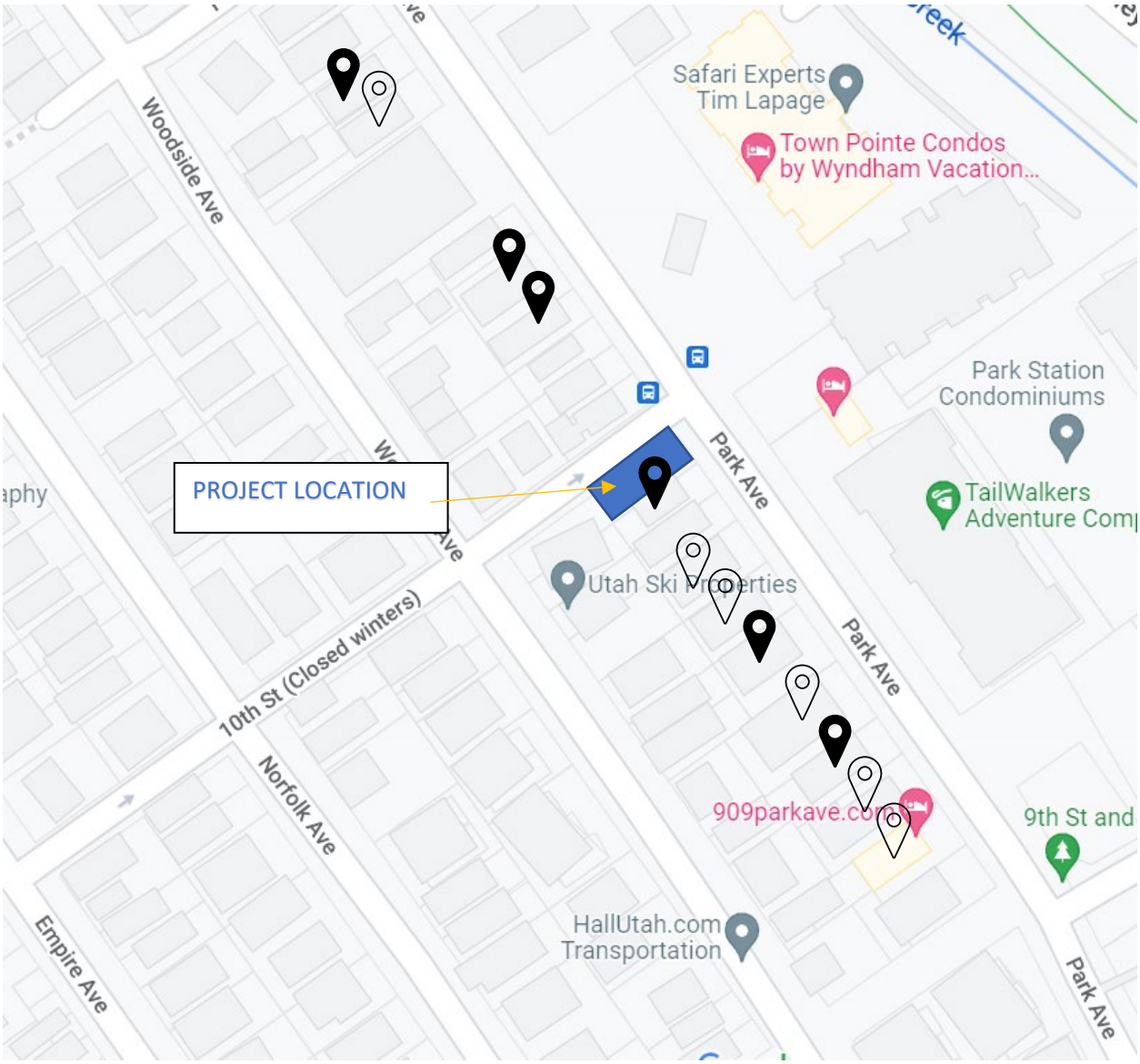
937 Park (Significant)

923 Park (Significant)

1015 Park (Significant)

1021 Park Avenue (Landmark)

1049 Park Avenue (Landmark)



HISTORIC SITE IN STREETSCAPE

HISTORIC SITE IN STREETSCAPE WITH FULL WIDTH FRONT PORCH

Exhibit C: Streetscape image submitted in HDDR Application package

Exhibit D: Conceptual 3D rendering of proposed structure within site context

FOX RESIDENCE

961 PARK AVENUE

SITE CALCULATIONS

LOT AREA: 1,875 SF (0.04 AC)

MAXIMUM BUILDING FOOTPRINT: 844 SF

OFF-STREET PARKING: 2 REQUIRED, 2 PROVIDED

		OWNER	ARCHITECTURE	CIVIL	STRUCTURAL	LANDSCAPE	CONTRACTOR
			RAW DESIGN STUDIO DARIN M MANO 517 S. 200 W., STE D SALT LAKE CITY, UT 84101 (801) 215-9729 darin@rawdesign.com				**COMPANY T.B.D.** CONTACT NAME ADDRESS ADDRESS (801) ###-#### email address

DESIGN RAW STUDIO

358 S. 700 E. STE. B #243
SALT LAKE CITY, UT 84102

rawdesign.com
(801) 215-9729

FOX RESIDENCE

961 PARK AVENUE, PARK CITY UT

PLANNING APPLICATION DRAWING SET

JOB NUMBER: 21245
OWNER: DAVE + ELLEN FOX
DATE: 9.20.22

REV	DATE	DESCRIPTION

COVER

CV

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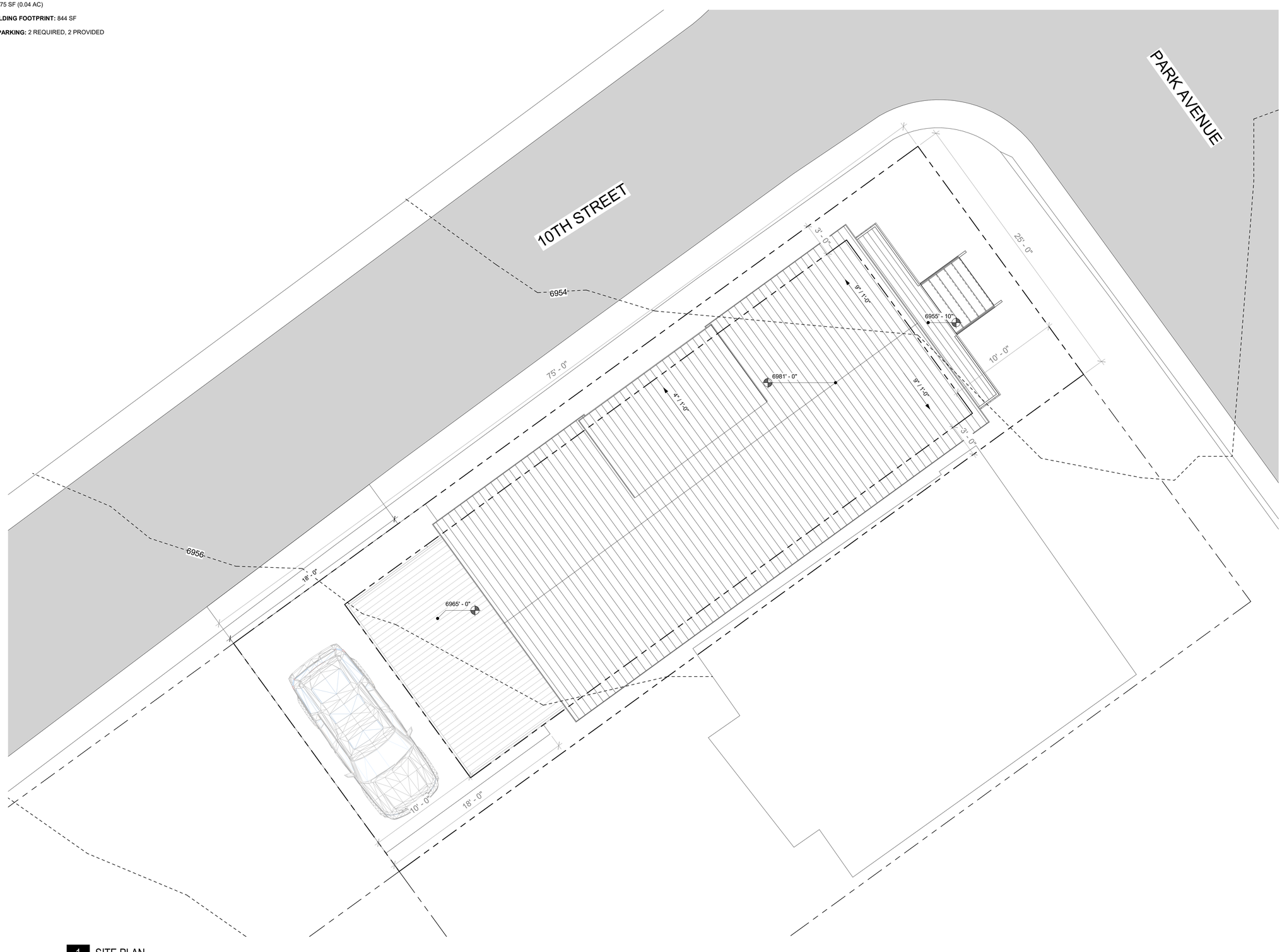
SITE CALCULATIONS

LOT AREA: 1,875 SF (0.04 AC)

MAXIMUM BUILDING FOOTPRINT: 844 SF

OFF-STREET PARKING: 2 REQUIRED, 2 PROVIDED

KEYED NOTE



1 SITE PLAN

1/4" = 1'-0"

DESIGN RAW STUDIO

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SALT LAKE CITY, UT 84102

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(801) 215-9729

FOX RESIDENCE

961 PARK AVENUE, PARK CITY UT

PLANNING APPLICATION DRAWING SET

JOB NUMBER: 21245
OWNER: DAVE + ELLEN FOX
DATE: 9.20.22

REV	DATE	DESCRIPTION

OVERALL PLAN - SITE

AS101

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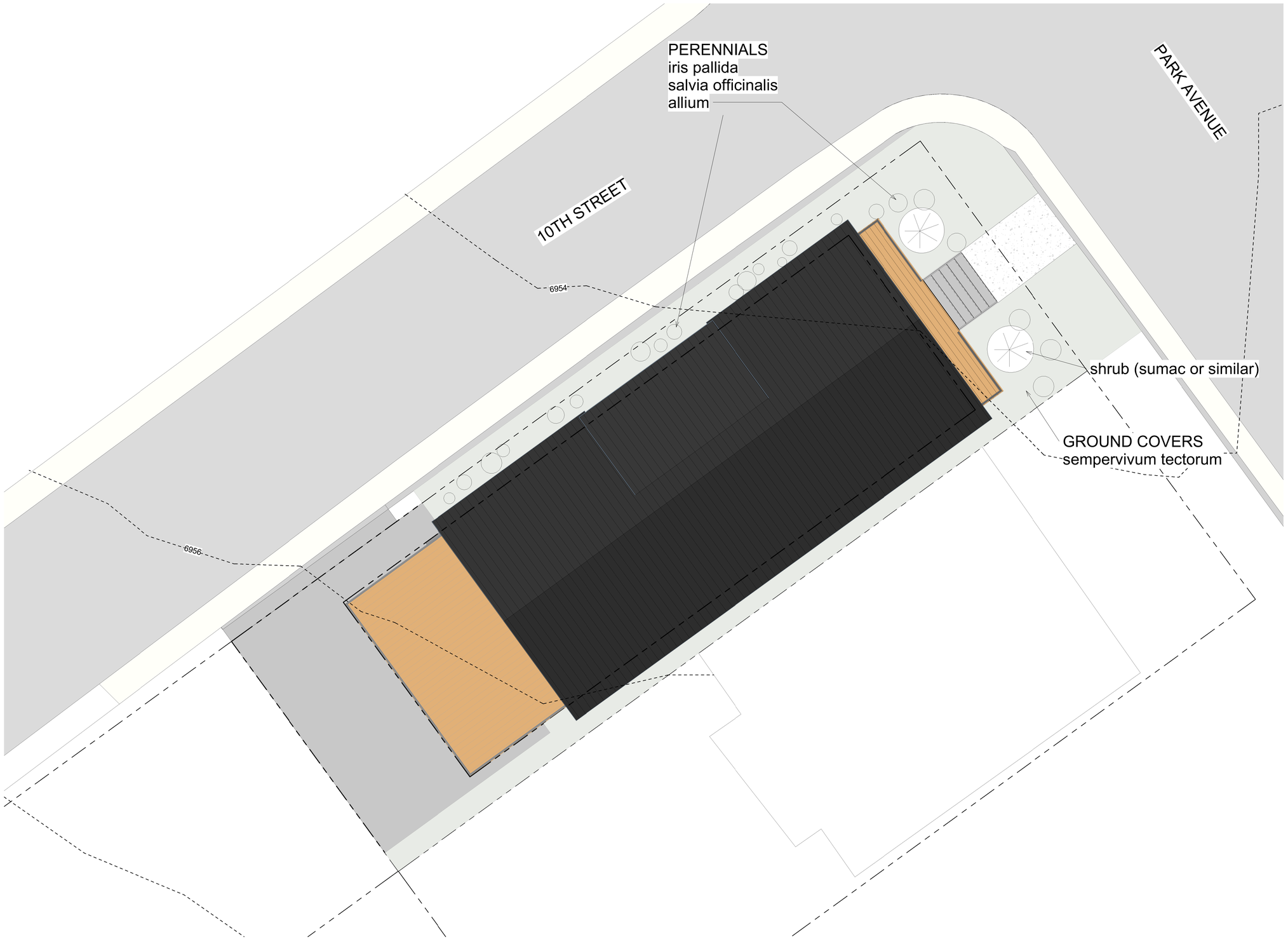

1 LANDSCAPE PLAN
1/4" = 1'-0"

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SALT LAKE CITY, UT 84102
rawdesign.com
(801) 215-9729

FOX RESIDENCE
961 PARK AVENUE, PARK CITY UT
PLANNING APPLICATION DRAWING SET

JOB NUMBER:	21245
OWNER:	DAVE + ELLEN FOX
DATE:	9.20.22

REV	DATE	DESCRIPTION

LANDSCAPE PLAN

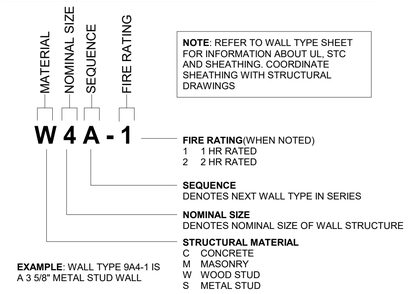
AS102

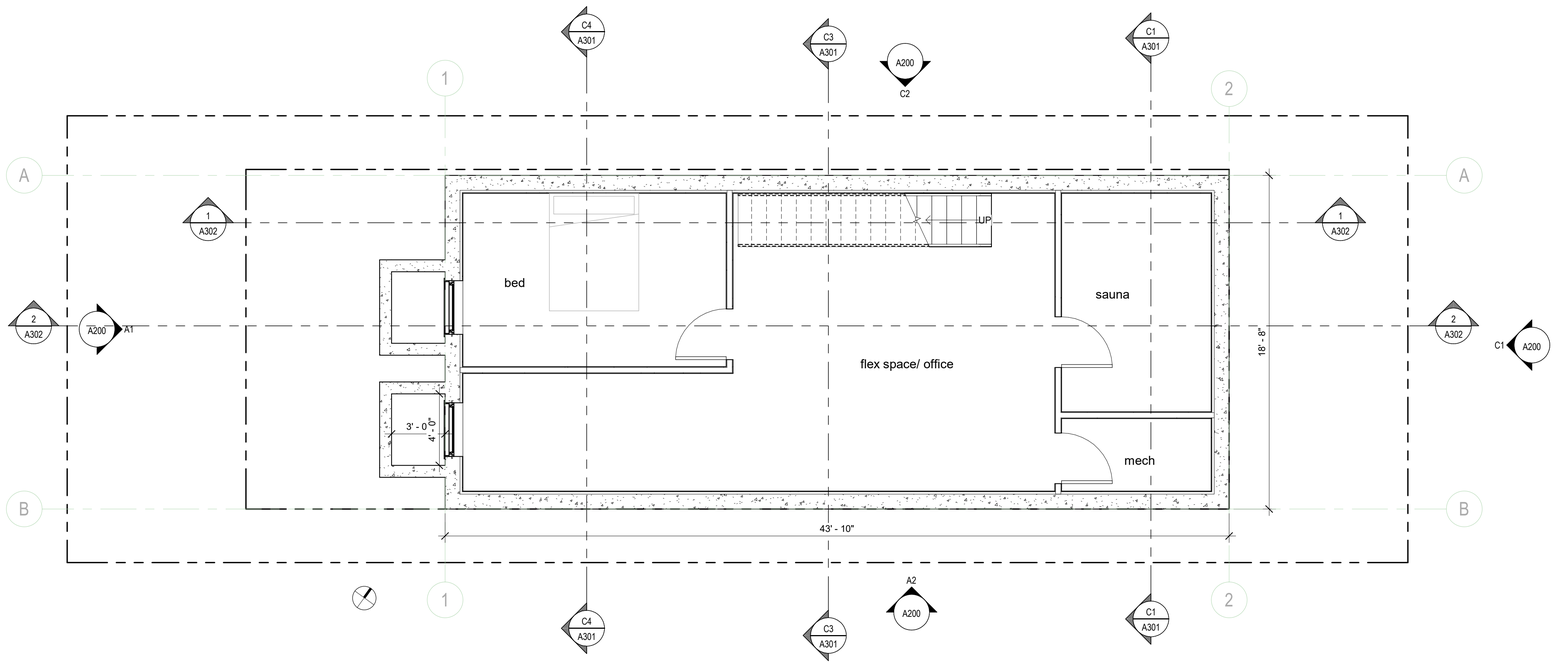
KEYED NOTE

DIMENSION NOTES

1. DIMENSIONS ARE GIVEN TO EXTERIOR FACE OF FOUNDATION WALL UNO
2. DIMENSIONS ARE TO FACE OF INTERIOR STUD WALL
3. TOP OF FOUNDATION WALL TO BE AT 100' - 0" UNO

WALL TYPE





A1 PLAN - BASEMENT

1/4" = 1'-0"

DESIGN RAW STUDIO

358 S. 700 E. STE. B #243
SALT LAKE CITY, UT 84102
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FOX RESIDENCE

961 PARK AVENUE, PARK CITY UT

PLANNING APPLICATION DRAWING SET

JOB NUMBER: 21245
OWNER: DAVE + ELLEN FOX
DATE: 9.20.22

REV	DATE	DESCRIPTION

ANNOTATED PLAN - LEVEL 00

A110.1

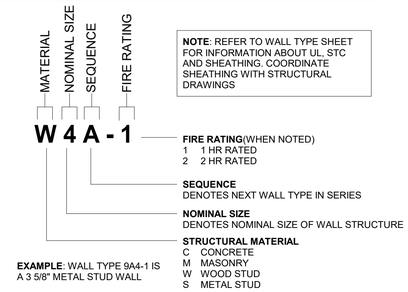
9/19/2022 4:27:01 PM

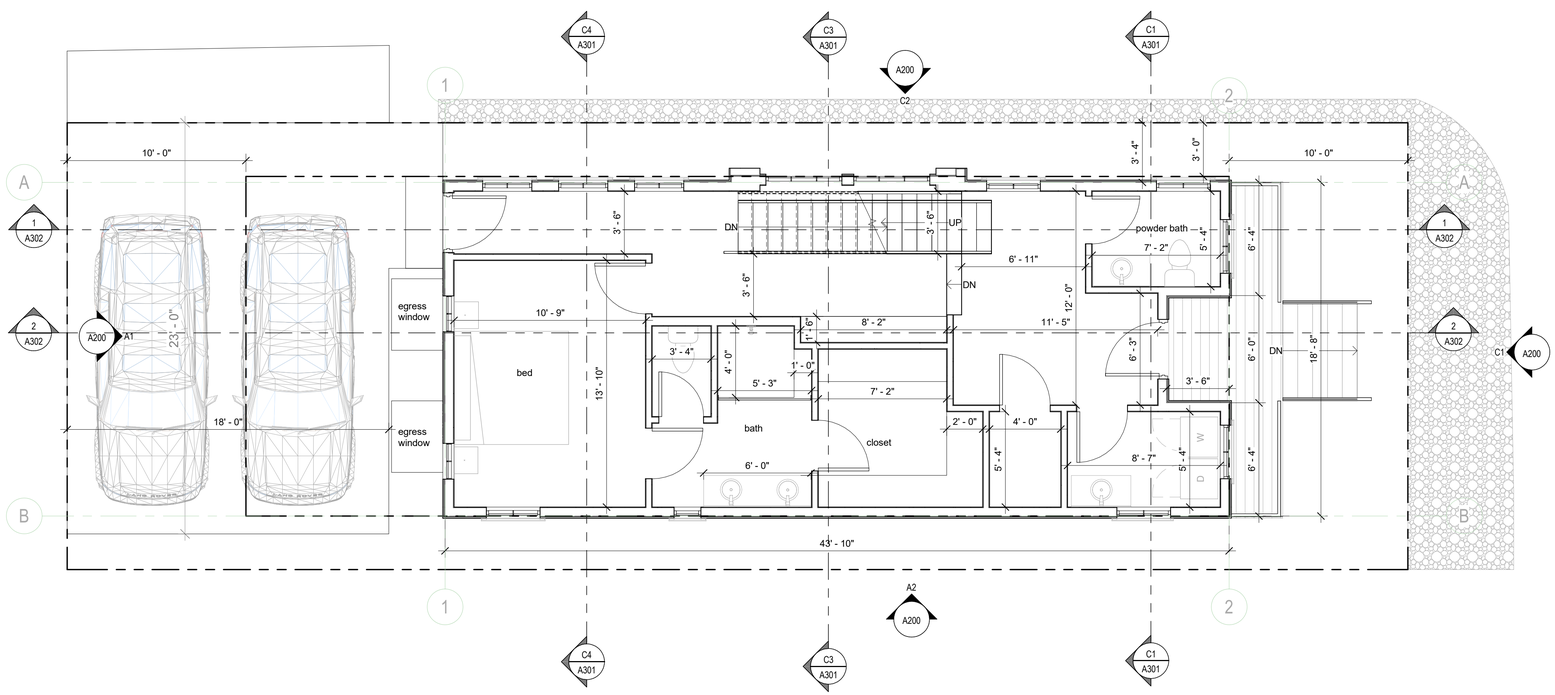
KEYED NOTE

DIMENSION NOTES

1. DIMENSIONS ARE GIVEN TO EXTERIOR FACE OF FOUNDATION WALL UNO
2. DIMENSIONS ARE TO FACE OF INTERIOR STUD WALL
3. TOP OF FOUNDATION WALL TO BE AT 100' - 0" UNO

WALL TYPE





A1 PLAN - LEVEL 01

1/4" = 1'-0"

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PLANNING APPLICATION DRAWING SET

JOB NUMBER:	21245
OWNER:	DAVE + ELLEN FOX
DATE:	9.20.22

REV	DATE	DESCRIPTION

ANNOTATED PLAN - LEVEL 01

A120.1

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KEYED NOTE

DIMENSION NOTES

1. DIMENSIONS ARE GIVEN TO EXTERIOR FACE OF FOUNDATION WALL UNO
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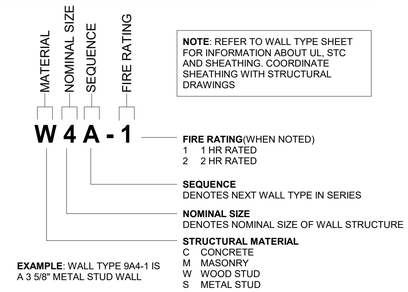
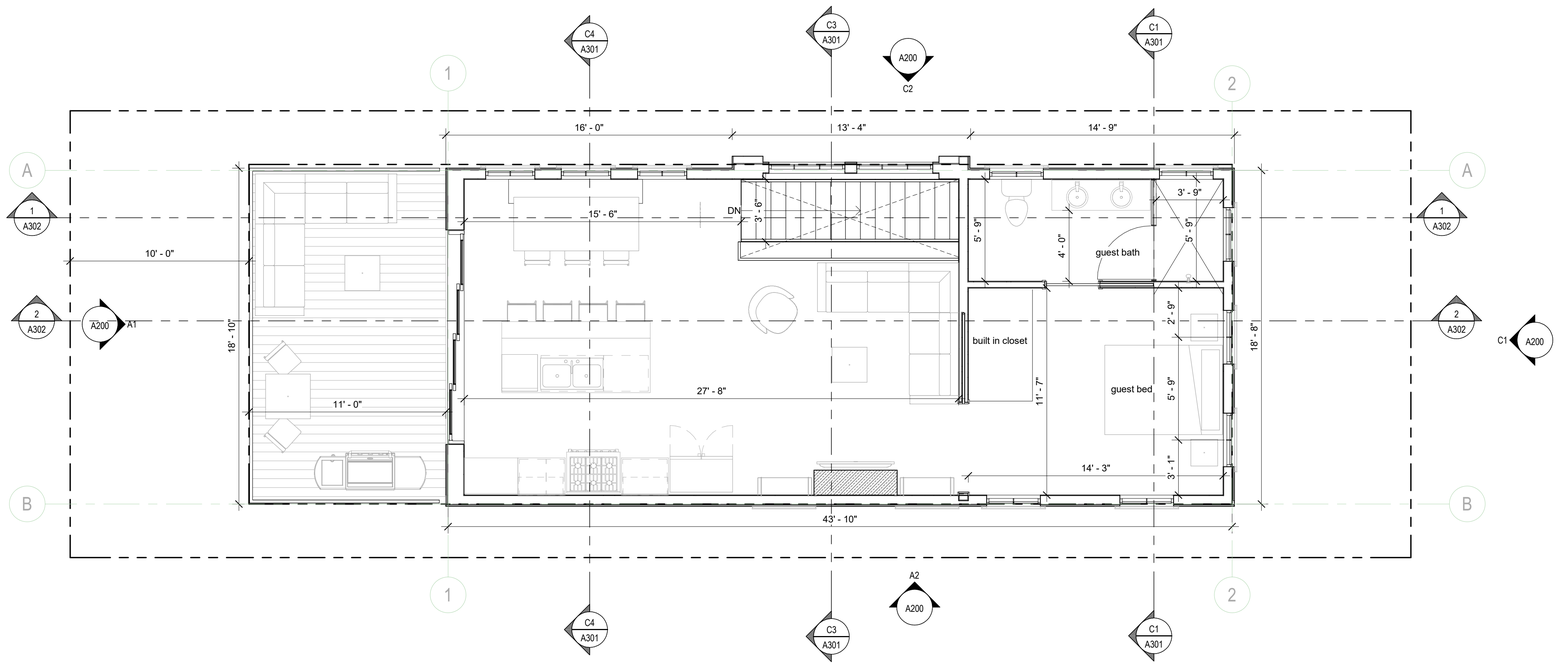
WALL TYPE





A1 PLAN - LEVEL 02

1/4" = 1'-0"

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FOX RESIDENCE

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PLANNING APPLICATION DRAWING SET

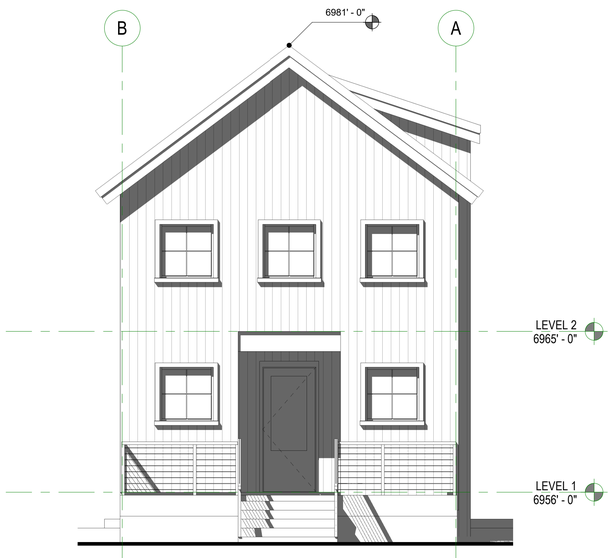
JOB NUMBER:	21245
OWNER:	DAVE + ELLEN FOX
DATE:	9.20.22

REV	DATE	DESCRIPTION

ANNOTATED
PLAN - LEVEL 02

A130.1

9/19/2022 4:27:04 PM

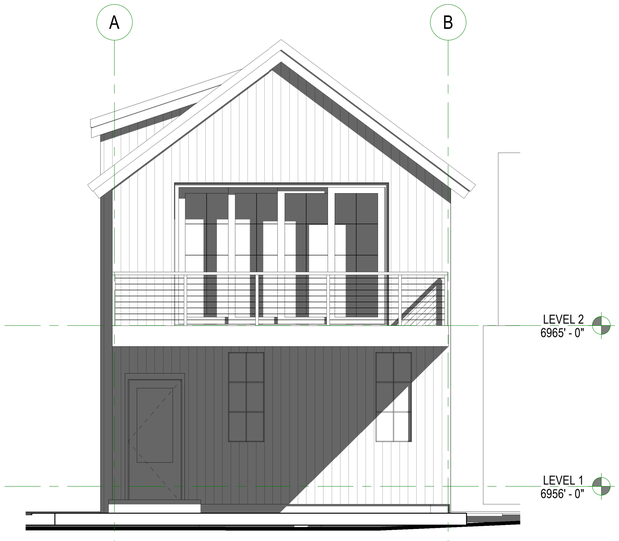


C1 EAST ELEVATION

1/4" = 1'-0"

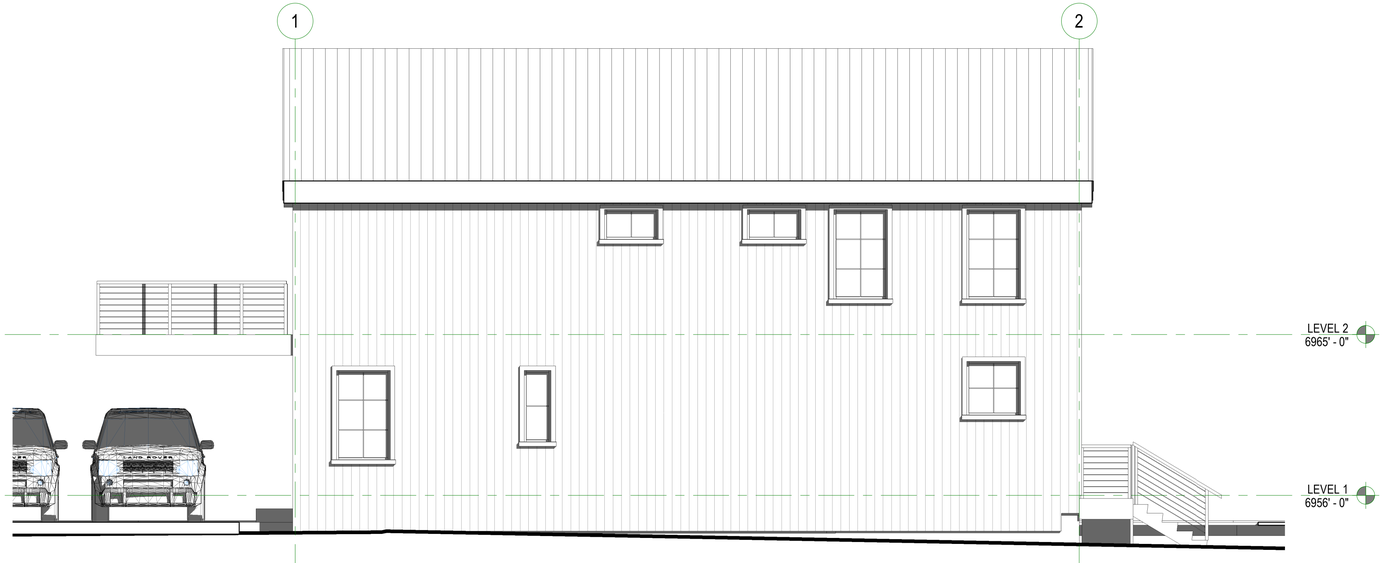
C2 NORTH ELEVATION

1/4" = 1'-0"



A1 WEST ELEVATION

1/4" = 1'-0"



A2 SOUTH ELEVATION

1/4" = 1'-0"

KEYED NOTE

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PLANNING APPLICATION DRAWING SET

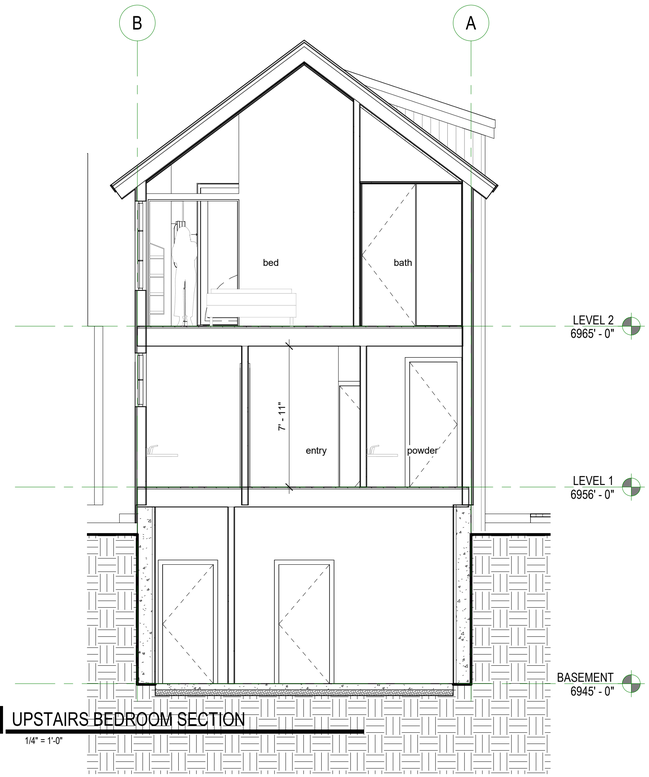
JOB NUMBER:	21245
OWNER:	DAVE + ELLEN FOX
DATE:	9.20.22

REV	DATE	DESCRIPTION

EXTERIOR ELEVATION

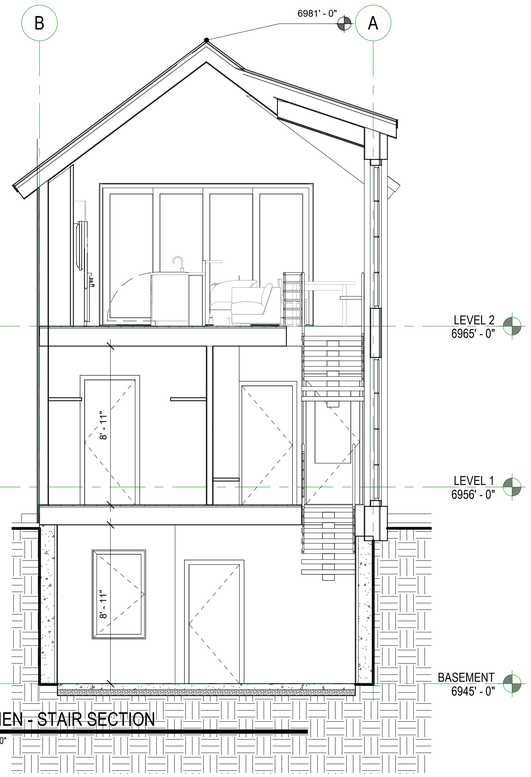
A200

9/19/2022 4:27:12 PM



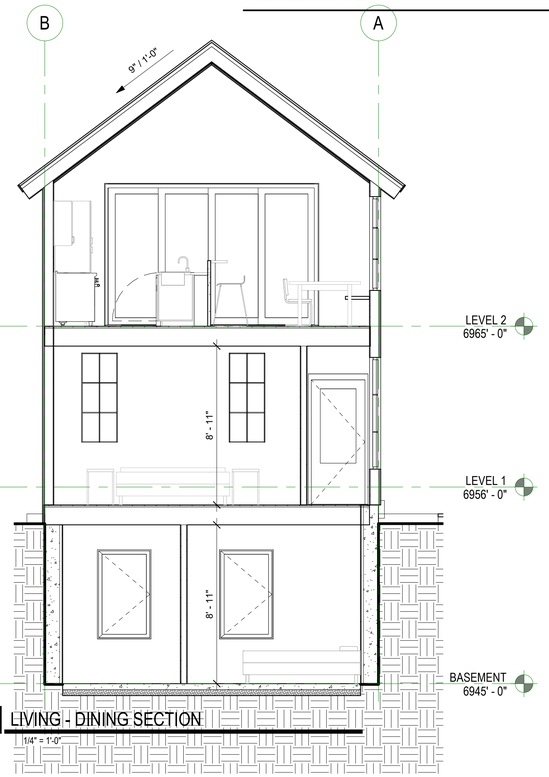
C1 UPSTAIRS BEDROOM SECTION

1/4" = 1'-0"



C3 KITCHEN - STAIR SECTION

1/4" = 1'-0"



C4 LIVING - DINING SECTION

1/4" = 1'-0"

KEYED NOTE

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PLANNING APPLICATION DRAWING SET

JOB NUMBER:	21245
OWNER:	DAVE + ELLEN FOX
DATE:	9.20.22

REV	DATE	DESCRIPTION

BUILDING SECTION

A301

9/19/2022 4:27:13 PM

1 LONGITUDINAL SECTION

1/4" = 1'-0"

2 Section 1

1/4" = 1'-0"

KEYED NOTE

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PLANNING APPLICATION DRAWING SET

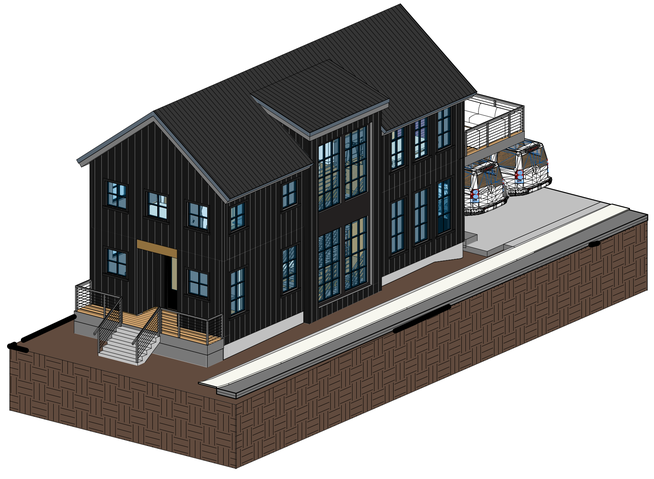
JOB NUMBER:	21245
OWNER:	DAVE + ELLEN FOX
DATE:	9.20.22

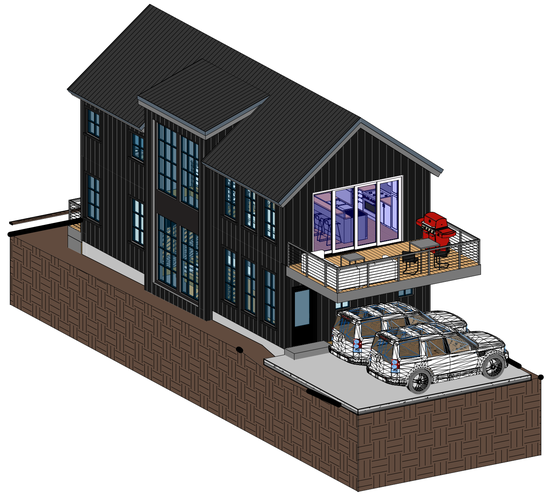
REV	DATE	DESCRIPTION

BUILDING SECTION

A302

9/19/2022 4:27:16 PM





1 STREETSCAPE

1/8" = 1'-0"

9/19/2022 4:27:46 PM

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PLANNING APPLICATION DRAWING SET

JOB NUMBER:	21245
OWNER:	DAVE + ELLEN FOX
DATE:	9.20.22

REV	DATE	DESCRIPTION

3D + STREETSCAPE

A700

PARK CITY 1884

Engineering

MEMORANDUM

To: Lillian Lederer/ Planner I

From: Nestor Gallo, P.E./ Public Improvements Engineer

CC: John Robertson, P.E./ City Engineer

Date: January 7, 2022

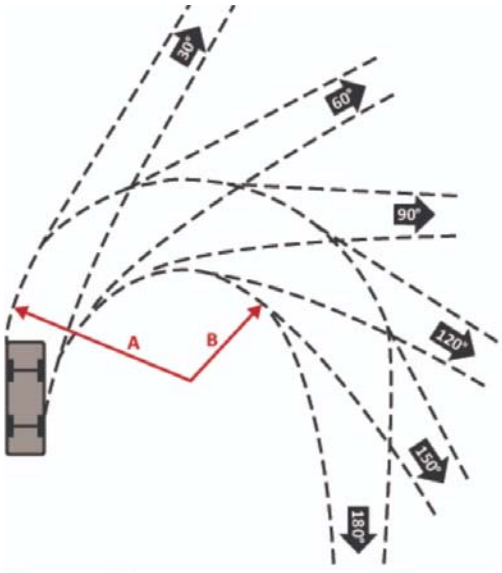
Re: 961 Park Avenue – request for a rear lot setback variance

Nestor Gallo, P.E. Digitally signed by Nestor Gallo, P.E. DN: C=US, E=nestor.gallo@parkcity.org, O=Park City Municipal Corporation, OU=Engineering Department, CN="Nestor Gallo, P.E." Date: 2022.01.07 13:02:52-07'00'

This memo intends to address a lot rear setback reduction request from five (5) feet to three (3) feet to accommodate an extra parking stall.

I. Background

The minimum passenger vehicles dimensions specified by AASHTO are shown in Figure 1.



Symbol	Design Vehicle Type	Width (ft)	Length (ft)
P	Passenger Car	7.0	19

Figure 1: Passenger vehicle minimum dimensions

The minimum parking stall dimensions of 9 feet wide by 19 feet long were adopted, assuming a driver needs a minimum of one foot on each side to open the vehicle's door safely.
These dimensions are used for road design and parking lots.

Keep in mind that the first edition of the AASHTO book was published in the 1980s when gas prices were low, and the average vehicle size was 7' wide by 19' long.

Nowadays, passenger vehicles vary in dimension from a small sedan to a full-size pickup truck, as illustrated in Figure 2.

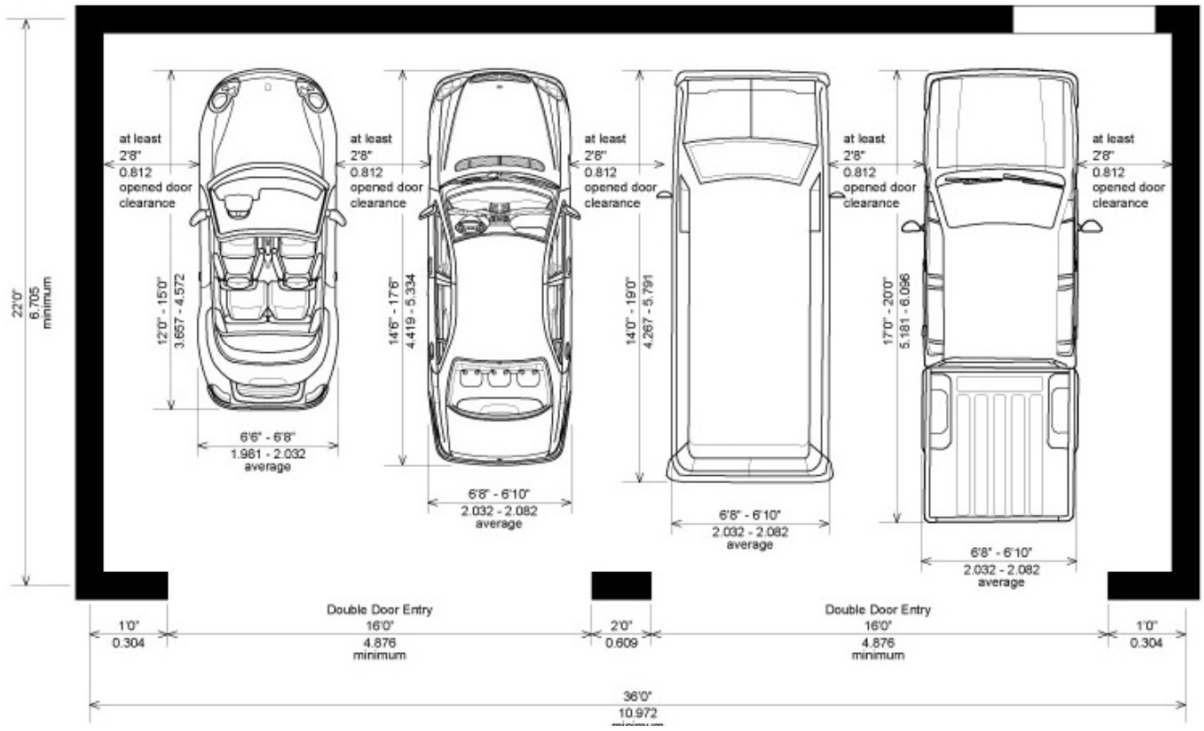


Figure 2: Average vehicle sizes.

The average size of a mid-size sedan is 6'10" wide to 14'6" in length.
Approximately 70% of vehicles using city roads are mid-size sedans.

II. Conclusion and recommendation

The proposed parking stalls are approximately 9 feet 2 inches wide by 19 feet long, as illustrated in Figure 3.
The dimensions meet the minimum requirements for a parking stall.

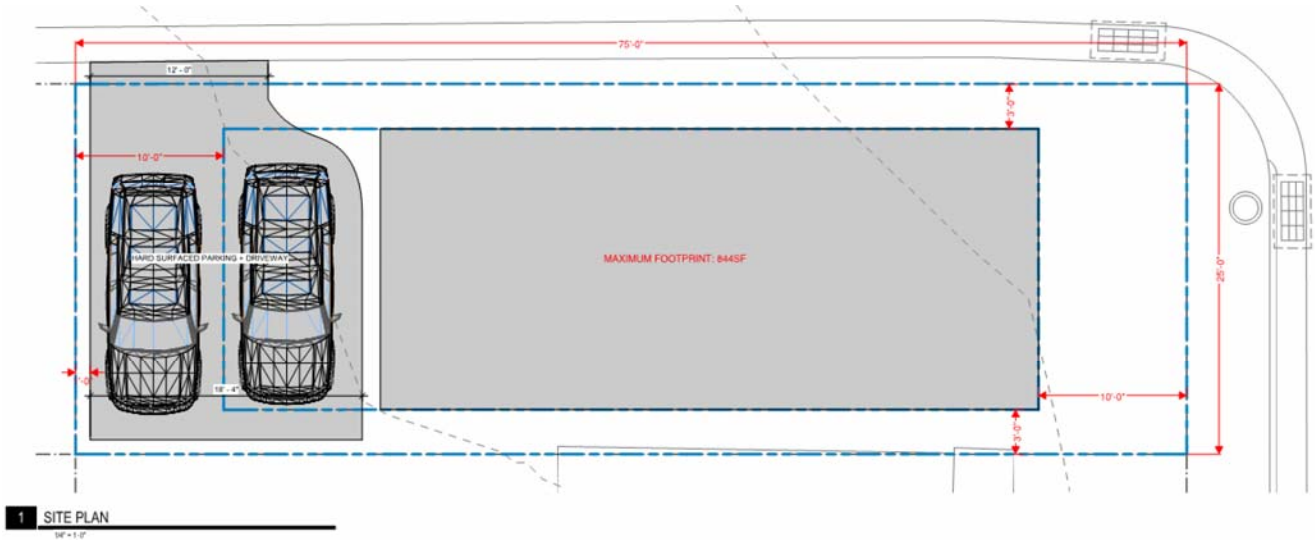


Figure 3: Proposed parking area

The proposed parking area is located on the lot's rear side, eliminating any traffic safety concerns from the sight distance.

Based on the facts listed above, it makes sense to grant a variance to minimum setback from 5 feet to 3 feet.
The proposed site plan will need a grading plan and storm drainage calculations for a 100-year 24-hour storm event.
The storm drain runoff must be retained on-site without impacting the adjacent parcels

SWCA ENVIRONMENTAL CONSULTANTS
Sound Science. Creative Solutions.®

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Salt Lake City, Utah 84111
Tel 801.322.4307 Fax 801.322.4308
www.swca.com

TECHNICAL MEMORANDUM

To: Gretchen Milliken, Planning Director
Park City Municipal Corporation, Planning Department
445 Marsac Avenue
Park City, Utah 84060

From: Christina Olson, Lead Architectural Historian, SWCA Environmental Consultants
Trevor Mark, Assistant Staff Architectural Historian, SWCA Environmental Consultants

Date: December 8, 2022

Re: **Park City Design Review Team – Residential Porch Design Code / SWCA Project No. 00026949-005-SLC**

OVERVIEW

Historic character is one of four core values outlined in the *Park City General Plan* (Park City Planning Department 2014). Park City's historic character is defined by more than 400 historic sites, including two National Register Historic Districts (Park City Planning Department 2022). The Main Street Historic District was listed in the National Register of Historic Places in 1979, and the Mining Boom Era Residences Thematic District, which comprises historically significant residential structures built during the mining boom period of 1872 to 1929, was listed in 1984 (Park City Planning Department 2022).

Park City has pursued protection of the city's historic resources though local designations on their Historic Site Inventory and through Historic District Design Guidelines (design guidelines), initially adopted in 1983. In 2009, Park City completed a total update of the regulating documents for the historic districts, including an updated Historic Site Inventory, new design guidelines, and amendments to the Land Management Code (LMC). The design guidelines were updated again and incorporated into the LMC in 2019 (Park City Planning Department 2022). As requested by the Park City Planning Department, SWCA Environmental Consultants has drafted this memorandum outlining best practices as appropriate to the design guidelines and LMC regarding residential porches to assist the Planning Department's Design Review Team in the Historic District Design Review process.

HISTORIC CONTEXT

A porch is architecturally defined as a "structure attached to a building to shelter an entrance or to serve as a semi-enclosed space; usually roofed and generally open sided" (Harris 1983). As a result of their functionality, porches are a perennial feature of architecture, ranging in form from a simple entry cover on a basic dwelling to an elaborate entranceway on a formal building.

Because of the high-altitude climate, residential porch forms in Park City dating to the late nineteenth and early twentieth centuries tended to be modest in both style and size. As illustrated in an 1889 Sanborn fire insurance map, most dwellings on a typical block along Park Avenue had porches attached to the primary

façade (Figure A-1). Even after the Great Fire of 1898, houses continued to be equipped with simple porches, as seen on a 1907 Sanborn fire insurance map (Figure A-2).

Photographs of Park City during the late nineteenth and early twentieth century captured both form and detailing of typical porches during that time. These porches typically were modest in design, had floors slightly above grade or at grade, and were often built into a corner between a projecting bay and the primary elevation of house with L- or T-shaped plans. Sometimes porches would run the length of the primary elevation and occasionally wrap around the primary elevation and a side elevation. Roof covering was generally a simple extension of the eaves of the primary façade (Figure A-3 through Figure A-5).

Several short notices in the *Park Record* from the 1880s indicate that porches were often added to existing buildings. Mention of a residential porch addition in Park City appeared as a local announcement in 1881: "Mrs. Boume has put down a porch in front of her boarding house and filled in around it with gravel" (*Park Record* 1881). Several years later, two local announcements on the same day captured the construction of porch additions at that time: "Mr. G.W. Dressler is building a large addition to his residence on the north, putting a porch on the front and otherwise improving the property," and "Aug H. Puelling our enterprising baker has been putting a new porch the front of his building this week. It makes quite an improvement in the building" (*Park Record* 1884).

GUIDELINES AND INTERPRETATION

Park City's design guidelines are intended to protect the historic character of Park City. Historic residential porch forms associated with the period of significance (1872–1929) and associated with the Park City historic districts typically consist of simple designs ranging from basic entry coverings to linear porches attached to the primary elevation and occasionally wrapping around the primary and side elevations (see Figures A-3 through Figure A-5). Given this, the following guidelines regarding porches and decks have been written into the LMC (Park City Planning Department 2019):

- 15-13-2 Design Guidelines for Historic Residential Sites:

  Historic porches should be preserved and maintained in location, form, proportion, detail, posts, rails, and stairs.

  Historic porch elements that have deteriorated should be repaired. Replacement of historic porch elements is allowed only when it can be shown that the historic elements are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition.

  Replacement elements are required to match historic elements in size, dimensions, form, profile, and material.

  Substitute decking materials such as fiber cement or plastic-wood composite floorboards are not allowed unless they are made of a minimum of 50% recycled and/or reclaimed materials. Additionally, physical properties of the substitute material (expansion/contraction rates, chemical composition, stability of color and texture, compressive or tensile strength) must be proven to not damage or cause the deterioration of adjacent historic material.

  In situations where it is appropriate to reconstruct historic porches, replacement porches are required to be constructed of materials and in styles that are compatible with the structure to which they are attached.

When possible, the reconstructed porch shall be based on physical or documentary evidence; when no such evidence exists, the design shall be based on historic porches found on comparable historic structures.

While modifications to porch posts and balustrades may be necessary to meet current code requirements, these elements shall not be substantially different in size and proportion than those seen historically.

The addition of decorative porch elements that are not known to have been used on a particular historic structure or on similar historic structures is not appropriate.

- 15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts:

New infill residential buildings shall not directly imitate existing historic structures in Park City. Roof pitch, shape, and configuration, as well as scale of building elements found on Historic Sites may be duplicated, but building elements such as moldings, cornice details, brackets, and porch supports shall not be directly imitated.

Reconstruction of non-surviving historic buildings is allowed and shall include recreating the documented design of exterior features such as the roof shape, architectural detailing, windows, entrances and porches, steps and doors, and their historic spatial relationships.

The alignment that is created by similar heights of primary roofs and porches among historic buildings shall be maintained. This similarity of heights in building features contributes to the visual continuity along the Streetscape or character area.

Porches of new infill residential buildings shall be of human scale and shall be compatible with neighboring Historic Structures and should be aligned similar historic building features in the Streetscape or character area. Generally, porches, along with other architectural elements, should align in relation to the topography allowing these elements to “step up” or “step down” the block.

Porches shall be used to define front entrances. Porches typically cover the entrance, and usually extend partially or fully across the main façade. Over-scaled, monumental, and under-scaled entries shall be avoided.

Porches on primary and secondary facades shall be compatible with a building’s style and shall respect the scale and proportions found on historic buildings in the streetscape.

The height of porch decks shall be similar to those found on historic building(s) in the Historic District.

Locate porches on new infill construction in a way that follows the predominant pattern of historic porches along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the Streetscape or character area to reinforce the visual rhythm of the buildings and site elements.

The height of porch decks shall be similar to those found on historic building(s) within the Streetscape or character area.

Porch columns and railings shall be simple in design and utilize square or rectangular shapes. If balusters are used, they should be no more than two inches square. Columns should be a minimum of size inches and a maximum of eight inches square.

Simple ornamental trim and decoration is in character with historic architectural ornamentation and is encouraged. Traditional locations for architectural ornamentation are porches and eaves. Other details, like eave depth, mullions, corner boards, and brackets, that lend character to historic buildings should be considered when incorporating ornamental trim on new/infill residential buildings.

Historic porch forms identified in the Park City historic districts range from small entry stoops to long porches running the length of one elevation or wrapping around two elevations. Although there are no specifications for porch size or shape within the LMC, Sanborn fire insurance maps and existing historic residential porches in the historic districts indicate typical porch dimensions as follows. Overall porch depths tend to be 4 to 5 feet deep, with an average width of 12 feet for corner porches on houses with L- or T-shaped plans, a maximum width of 35 feet for those along a primary elevation, and a maximum width of 25 to 35 feet for those wrapping around the primary and side elevations. Regardless of size, porches are typically covered, and this covering is usually a shed roof in form.

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n.d. [1900] Park City historical photograph. Rocky Mountain Power Company Collection. Available at: https://collections.lib.utah.edu/ark:/87278/s6q263ww. Accessed November 21, 2022.

1904 Typical home in Park City. Park City, Utah Collection. Available at: https://collections.lib.utah.edu/ark:/87278/s6q824kt. Accessed November 21, 2022.

APPENDIX A

Historic Maps and Photographs

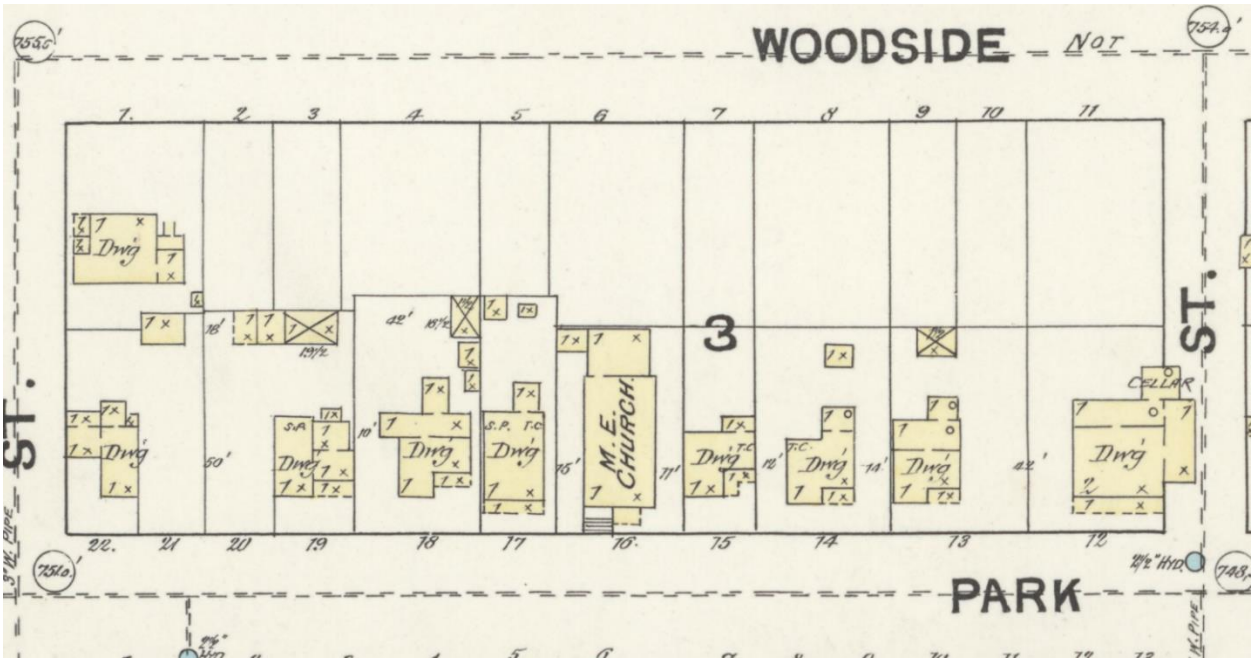

Figure A-1. Dashed lines indicate porches adorning Park Avenue buildings in 1889. Nearly all of these houses had a porch of one form or another (Sanborn 1889).

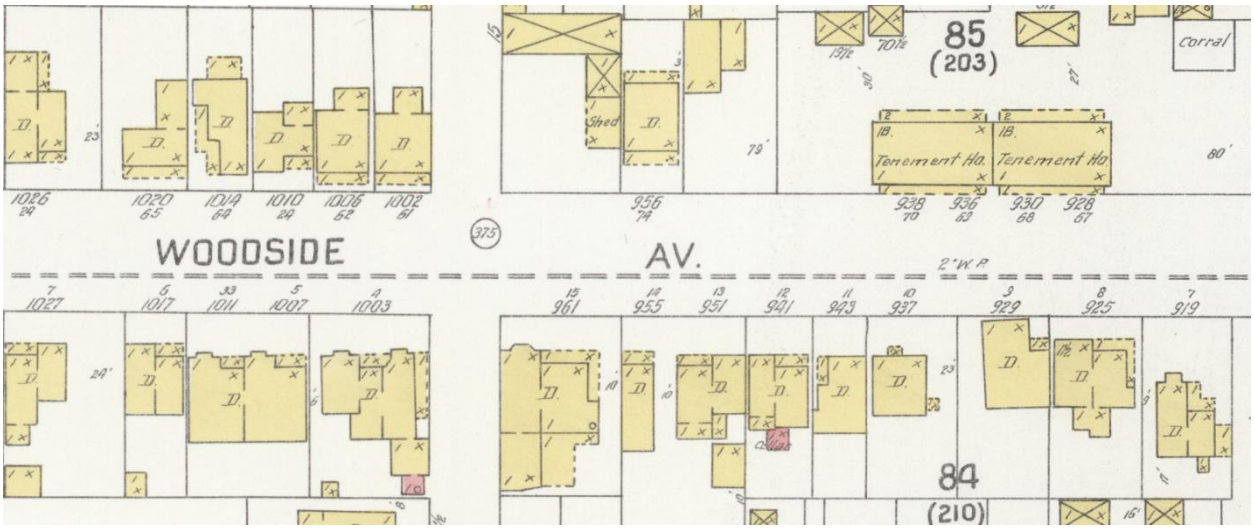

Figure A-2. By 1907, porches continued to be popular along both sides of Woodside Avenue (Sanborn 1907).

Figure A-3. View of the Upper Town, Park City, ca. 1900–1910. Typical residential porches are visible on several structures (Park City Museum 2022).

Figure A-4. Typical residential porches in Park City in the early twentieth century (Marriott Digital Library n.d. [1900]).

Figure A-5. Typical residential porch in Park City, 1904 (Marriott Digital Library 1904).