



**PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
MINUTES OF MARCH 19, 2024**

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius-Chair, Stefanie Wilson, Mary Wintzer, John Stafsholt

STAFF: Rebecca Ward, Planning Director; *Caitlyn Tubbs, Senior Historic Preservation Planner*; Mark Harrington, Senior City Attorney; Jacob Klopfenstein, Planning Department Administrative Assistant

1. ROLL CALL

Chair Ruth Gezelius called the meeting to order at 5:00 p.m. and noted that all Board Members were present.

2. MINUTES APPROVAL

A. Consideration to Approve the Board of Adjustment Meeting Minutes from January 9, 2024.

MOTION: Board Member Stafsholt moved to APPROVE the Minutes of January 9, 2024, as presented. Board Member Wintzer seconded the motion. Vote on motion: John Stafsholt-Yes, Mary Wintzer-Yes, Chair Gezelius-Yes, Stefanie Wilson-Abstained. The motion passed unanimously with one abstention.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no Staff or Board Member communications.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. CONTINUATION

A. 844 Empire Avenue - Variance - The Applicant Requests a Variance from Front Yard Setbacks to Allow the Construction of a Detached Structure. PL-24-06051.

MOTION: Board Member Wintzer moved to APPROVE the request for a continuance for

844 Empire Avenue. Board Member Wilson seconded the motion. The motion passed with the unanimous consent of the Board.

6. REGULAR AGENDA

A. 317 Ontario Avenue – Variance – The Applicant Requests a Variance from the Tandem Parking Requirements Outlined in LMC § 15-3-4(A)(1). PL-24-06038

Senior Historic Preservation Planner, Caitlyn Tubbs reported that although she has been employed by the City for two years, this was her first time presenting to the Board of Adjustment. She reported that the variance request is for a property located at 317 Ontario Avenue on the downhill side overlooking Old Town and is in the Historic Residential - 1 Zoning District. The property is also designated on Park City's Historic Sites Inventory as a significant historic structure and was constructed circa 1885. Planner Tubbs displayed 1940s tax photos with the original roof form. Between the 1940s and today, a modification was made to the roof to accommodate additional living space. This was reflected in the rear of the dwelling on the right-hand side.

Planner Tubbs reported that on July 4, 2023, the Historic Preservation Board held a public hearing and approved the material deconstruction of 62 square feet of historic siding material on the rear of the building to accommodate the proposed addition. On September 13, 2023, the Planning Commission held a public hearing and approved a Steep Slope Conditional Use Permit and additional building heights of up to 33 feet subject to the Conditions of Approval included in the Staff Report.

The Architectural Site Plan and the property lines were highlighted in yellow on a rendering displayed. The historic structure on the subject property encroaches onto the neighboring property to the south by three to four feet. The neighboring structure to the north, which is also a historic structure, encroaches on the subject property by two to three feet. The space is tight and is on a steep slope. With the structures being designated as historic, they are exempted from having to comply with the enacted setback requirements per the Land Management Code; however, any new construction would have to comply with those setbacks. As a result, at this time the applicant is not requesting a variance from the setbacks. The proposed addition would comply with the setback requirements of the zone.

Planner Tubbs reported that overall the proposal is to construct an addition to the historic structure. The rear faces Ontario Avenue and the applicant would like to construct additional living space as well as off-street parking in a garage. A Site Plan was displayed showing the dimensional components of the proposed addition and the garage as well as the depth of the driveway before it meets Ontario Avenue. The garage has an internal depth of 16'4". The longest part of the driveway extends approximately 19 feet. Planner Tubbs noted that a portion of the property extends into the Ontario Avenue right-of-way with approximately 80 square feet of the property occupied by the public right-of-way.

Section 4 contains the component of the Land Management Code that the applicant is seeking a variance from. It is enacted in the Steep Slope Requirements within the Historic Residential 1 Zoning District wherein the Planning Commission may allow additional building height on a downhill lot to accommodate a single-car wide garage in a tandem parking configuration. The City's Standards for Parking include minimum dimensions that are required for parking stalls, which are 9' x 18'. Internally within a garage, there needs to be an internal depth of 11' in width and 20' in depth. That would total approximately 36 feet to accommodate the tandem parking configuration. It was noted that the applicant has 34 to 35 feet to work with.

Planner Tubbs reported that to grant a variance, all five criteria enacted in the Land Management Code and State Statute need to be met.

Criteria 1: Literal enforcement would cause an unreasonable hardship.

Planner Tubbs reported that the Planning Commission approved a condition of approval in the Steep Slope Conditional Use Permit that would require the applicant to utilize off-street parking before utilizing any parking along Ontario Avenue if the addition is allowed to be built. Also, the subject property is partially occupied by the Ontario public right-of-way.

Criteria 2: There are special circumstances that are attached to the property.

Planner Tubbs reiterated that the property is occupied by a significant historic structure and as part of any addition to a historic structure, a transitional element is required that also necessitates a distance offset between the historic structure and the new construction. For the applicant to meet the requirements of the transitional elements there is not enough depth to accommodate the proposed parking configuration. Special circumstances attached to the property include the encroachments of the neighboring historic structure onto the subject property and the historic structure on the subject property encroaching on to the neighboring property to the south. She noted that the Ontario Avenue right-of-way occupies about 80 square feet of the subject property.

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

Planner Tubbs reported that the Ontario Avenue right-of-way occupies a portion of the property and impacts the available space provided for off-street parking to be used by the property owner. Along Ontario Avenue, several other contemporary structures have provided off-street parking in a single-car wide garage or a side-by-side garage configuration. There are also pullouts onto private property that provide additional off-street parking for the use of that property. With Ontario Avenue being a very narrow, steep public right-of-way with minimal opportunities for on-street parking, it is very

important to a number of the homeowners along that streetscape to be able to provide off-street parking for themselves.

Criteria 4: The variance will not substantially affect the general plan or be contrary to the public interest.

Planner Tubbs reported that as outlined in the Staff Report, the General Plan describes Park City's desire to preserve its historic resources while also providing opportunities for homeowners to develop the lots with compatible infill. It was understood that with modern life that additional living space may be required or additional amenities that were not considered at the time the structures were originally constructed. The compatible infill also addresses parking and safety concerns, especially along narrow and steep public rights-of-way. The Historic Preservation Board looked at the proposed development and found it to be in keeping with the enacted Land Management Code standards for historically compatible infill construction.

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

Ms. Tubbs reported that preservation of the existing historic structure and the applicant's compliance with all other sections of the Land Management Code maintains the historic character of Old Town and complies with the codes that were enacted to facilitate the objective outlined in the City's General Plan. In addition, keeping vehicles out of the front yard setback area results in a more traditional streetscape along Ontario Avenue. She mentioned that there have been several previous discussions about maintaining the appearance of the Historic District and mitigating the visual impact of vehicles on historic streets.

If the Board opts to make the findings that this request complies with the five criteria and approves the variance, the applicant will go through an administrative public hearing with the Planning Department as part of the Historic District Design Review. Public notice will be sent out when the hearing is scheduled. The applicant will then provide the City with a financial guarantee to ensure the protection of historic materials on the structure and proceed to the Building Permit stage.

Staff recommended that the Board review the requested variance, conduct a public hearing, and consider approving the variance from the tandem parking configuration based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter.

Board Member Stafsholt asked about the mention of deconstruction of 62 square feet of siding. He asked if it is siding only or if it includes part of the building. Planner Tubbs stated that it is siding only. She referred to the photograph and reported that the portion of siding that the Preservation Board approved for material deconstruction is located at the bottom of the structure and hidden from view in the photograph. It consists of two

narrow strips at the bottom of the structure underneath the roof pop out. As part of the Land Management Code, the regulations for historic sites with transitional element requirements, property owners are allowed to connect to non-historic components of a historic structure and utilize those areas as a portion of the transitional element. That is what the applicant intends to do here. They will remove a portion of the historic material on the ground floor at the bottom and a portion of the non-historic material in the dormer bump out.

Board Member Stafsholt asked if there is a reason the transitional element has to be the size it is from the existing home to the new garage structure. It seemed like it could have the garage structure come out and meet the 20-foot minimum instead of a 16' 4" minimum. Planner Tubbs explained that there are dimensional requirements on the transitional element, so there is a depth requirement. There is also a requirement that a transitional element not exceed the ridgeline height of the historic structure. If the garage were to be pulled forward over the transitional element, it would no longer meet the qualifications of a transitional element since the new construction would sit above the ridge line of the structure.

In response to a question raised by Board Member Stafsholt, Planner Tubbs confirmed that the Ontario Avenue right-of-way will remain unchanged. It will take 80 square feet away from their 75' x 25' lot size. Board Member Stafsholt asked if it will still be counted as if it were 25' x 75'. Planner Tubbs referred to Old Town Lot 2575 and stated that the Ontario Avenue right-of-way has not been dedicated but it is still considered a public right-of-way. Although the street goes through that corner of the property, it is still shown on the title as being owned by this property owner.

Board Member Wintzer asked about the right-of-way situation and was of the understanding that even if it is a dedicated right-of-way, a setback is required. Planner Tubbs explained that in the Land Management Code, the setbacks are called from the property lines. In this case, however, the right-of-way goes through a portion of the area that is occupied by the setback, which must be measured from the right of way.

Board Member Wintzer asked if the variance will allow the house to be larger than it needs to be. Planner Tubbs stated that the variance accommodates the applicants constructing an addition and utilizing the building footprint that they are allowed to under the Historic District Residential 1 Zoning District. Board Member Stafsholt noted that the home does not exceed the 844 square foot footprint and will not get larger as a result of the variance.

Board Member Wilson asked if additional living space was being added. Planner Tubbs explained that there is additional living space underneath the garage so the transitional elements and the footprint of the garage will provide additional living space down below. Board Member Stafsholt asked about the ability to increase the height due to the downhill lot, which was already approved to 32' 7", and if it overrides the maximum height of 35 feet from the lowest finished floor grade. He stated that the top height of the garage when measured from the existing historic home exceeds that number. He asked which is the

priority. Planner Tubbs responded that with the provision for development on a downhill lot, the additional building height may not exceed 35 feet from existing grade. Underneath the Historic Residential 1 Zoning District, they typically measure building height from grade to the ridgeline, which is the 27-foot maximum; however, the interior height maximum of the building is from the lowest finished floor plan to the top of the topmost wall plate. That is limited to 35 feet; however, with the provision in the Code being written as 35 feet from existing grade, they do not preempt each other. Board Member Stafsholt stated that there is clearly a conflict since from the finished floor plane of the existing home to the top of the peak of the garage is 44 feet. A member of staff noted that the 35-foot internal measurement is from the lowest living level to the bearing plate and not the peak of the roof. The building complies with the internal measurement of the 35 feet measured from the lowest living level to the bearing plate and it shows on the design approval.

Jonathan DeGray was present representing the property owner. He reported that the issue with the limitation and the size of the garage is that the existing historic home extends onto the property to the south by nearly four feet. They have to count the entire footprint toward the 844 square feet and the transition element dimensionally must be a certain depth and width based on the size of the building it attaches to. It was part of the renovation done previously on the home. They are trying to meet both requirements and save that portion of the house to reuse it and meet that requirement for the transitional element. When adding the existing footprint of the historic home, the transitional element leaves an unknown amount of square footage for the footprint. When applying that to the requirement for an entry and staircase, which are permitted under the steep slope allowance, the remaining portion of the garage that remains is the dimension being addressed today. For that reason, it became necessary for the applicants to come before the Board to seek a variance for a substandard-sized garage. The letter Mr. DeGray provided included an analysis of different vehicle sizes that fit inside a 16' 11' garage. These include smaller cars such as Subarus and smaller Toyota vehicles such as a Corolla or Rav4. He stated that this is an opportunity to get a car off the street on a street that is very difficult to park on. The on-street parking is limited to the east side of the street. Here they have an opportunity to get some off-street parking although it is not ideal.

Board Member Stafsholt asked how the required ratio for the transitional element was calculated. Mr. DeGray stated that it is a maximum of one-third the length of the rear façade of the existing home. That dimension must be the depth and the width can be up to two-thirds of that dimension. It was noted that the roof pitch on the garage is 7/12. Board Member Stafsholt recalled that it was previously 11/12. Mr. DeGray stated that that was a point of discussion with the Planning Commission. 7/12 is the customary roof pitch in Old Town and is typically the minimum. They tried to achieve that in the addition but the Planning Commission was concerned that there would be additional space provided in that gable form. As a result, part of their approval was that they not utilize the gable form. Mr. DeGray reported that the roof pitch has always been 7/12. Planner Tubbs stated that the reference to an 11/12 pitch was a typo.

Chair Gezelius opened the meeting to public comments.

Pat Conahan was present representing the owner of the home to the north that encroaches three feet. Water concerns were expressed. Mr. Conahan stated that the property owner gets his water from a water box that comes from the subject property. The property owner wants to ensure that his water supply is not interrupted during construction. There is also a very rough sewer line that serves several people in the area. Many are now having to use injector pumps. Possible options were discussed such as a hot tap or dual boxes. Mr. Conahan stated that the property owner should also not be required to bring the water or sewer up to Code. Chair Gezelius commented that it was common for more than one historic home to be connected because of the steep slopes.

Chair Gezelius asked how to address the issue from an administrative standpoint in terms of requiring individual utilities and construction phasing. Mr. Conahan stated that the home will have to have a two-inch water line for fire protection, which will necessitate a street cut. In that case, a five-foot box will be placed on the property line.

Planner Tubbs stated that as part of the Steep Slope Conditional Use Permit Review, the request was reviewed by the Water Department in a Development Review Committee Meeting. Their statements were included in the Staff Report and they anticipate no interruptions to water service as part of the construction. The City also has a requirement as part of the Building Permit process that is included in Conditions of Approval typically in the Historic District Design Review that any construction within five feet of a property line requires an agreement between property owners. The applicant would need to obtain this agreement from the neighboring property owners and facilitate construction. She noted that this procedure has been employed several times. It would be facilitated as part of the permitting process. It was also included as a Condition of Approval in the Steep Slope Conditional Use Permit and the Planning Commission has already required that those agreements take place before construction begins.

Board Member Stafsholt commented that the encroachment of the roof is beyond where it is allowed to be and he did not see any encroachment, removal, or condition of approval for that. Planner Tubbs stated that it was anticipated that those encroachments of the historic structures would also be addressed at the time of the Construction Access Agreements. Board Member Stafsholt commented that Condition of Approval #20 pertained to not having livable space above the garage. He questioned whether that includes the garage as well because he was aware of at least a couple of garages that are now livable spaces that were not supposed to be. Planner Tubbs stated that if there are Conditions of Approval that the Board would like to add as part of their review, they could be added to the Final Action Letter. They could also call that specifically to the Planning Director's attention when the matter proceeds to the Historic District Design Review public hearing.

Board Member Wintzer suggested that such a condition be added now due to what is happening in Old Town with density. She stated that previously there were lots that were thought to be unbuildable but now it seems that in Old Town, great efforts are made to allow this to happen. She had safety concerns on Ontario Avenue. She suggested the phrase “or in the garage” be added.

Board Member Stafsholt stated that a Condition of Approval is to use the off-site parking spot first but this is most likely going to be a nightly rental use and 16'4" will not fit any nightly rental car since most people tend to drive large SUVs. For that reason, he wanted to ensure that it is not allowed as livable space because it is not parkable space for the average rental vehicle.

Chair Gezelius commented that in Old Town there are many vehicles that do not fit in the garages that exist. As a result, garage doors are frequently left open and vehicles stick out. There are also instances where garage space is used as storage or additional living space. Regardless of the use as a monthly rental, owner-occupied, or a nightly rental, this is certainly happening in Old Town. It is of concern because of the need to park, which can be difficult. While the City can allow people to have a garage, that does not mean they will use it to park a vehicle. That is something the City cannot enforce but it is a dilemma. Board Member Wilson asked where the owners park. It was noted that they park on the east side of the street. There is no opportunity to park in front of the subject property.

Mr. Conahan commented on a nearby property he worked on where there are 41 feet from the blacktop to the bottom of the hole. He considered approval of those depths to be mind-boggling. In this situation, there will likely be two floors under the garage. He expected a minimum of 23 feet of cut to the bottom of the footings in addition to the slope of the driveway. That is significant on Ontario Avenue when parking on the east side is only one lane with 10 to 12 feet with cars parked there. He was concerned that there will be a shoring issue that will be required on the applicant's side. He stated that it will need to be wrapped with at least a 20-foot vertical face.

Board Member Stafsholt commented that on the home next to him every four feet they put nine and five-inch casings. They filled each piece of casing in concrete with 30-foot pieces of pipe that were hammered down, wrapped with rebar, and shot with shotcrete. It was nothing near the cut envisioned here. They did it on both sides because they were required to to prevent the two historic homes on the two sides from falling into the hole. Mr. Conahan stated that vertical pilings are more expensive but less intrusive. There is solid rock on that side of the hill.

Mary Loudon participated online and identified herself as the owner of the property. She thanked staff for their efforts and their neighbor for addressing his concerns. They want to minimize inconvenience but acknowledge that the homes are close together. She stated that the goal is for this to be their second home. They have three young boys who have grown to love Park City and have visited the area for many years. They are excited

to work with Mr. DeGray and will be thoughtful about maintaining the character of the neighborhood, the house that they love, and making it safe and functional. She was excited to bring the house up to street level and provide off-street parking for their family.

There was no further public comment. The public hearing was closed.

Board Member Stafsholt noted that the requirements to build include the following:

- A Steep Slope Conditional Use Permit, which appears to have been granted;
- A Building Height Exception;
- A Tandem Parking Variance;
- Removal of the requirement for two parking spaces;
- Lower the depth requirement in the garage from 20 feet to 16 feet;
- Roof Encroachment Permit; and
- Removal of the parking prohibition on the west side of the street for the neighborhood.

It was reported that because this is a historic site, it is exempt from two parking spaces. It was also clarified that the Code for the additional height restricts the interior side of the garage, which is not an exception they are asking for. It was reported that the Planning Commission reviews a potential exception designed for these types of very steep slopes to provide access from the right-of-way. The depth of the garage may not exceed the minimum depth for internal parking spaces as dimensioned within the Code, which is 9' x 18'. By allowing the extra height, it is a compact garage. Board Member Stafsholt clarified that they are voting to remove the requirement for tandem parking and reduce the minimum depth of the garage from 20 feet to 16 feet.

Board Member Wilson was not sure how functional the plan is and commented that it seems to require a lot of variances. She was not sure that the site should be improved or the building size increased based on all of the variances needed to make it work. She also saw the need for off-street parking but questioned how much the garage will be used.

Board Member Wintzer had similar doubts to those expressed by Board Members Stafsholt and Wilson. It felt like they were forcing things to make the project work. She considered what the street is like as she lives in the neighborhood and is very familiar with the home. She was concerned about compounding the issues that already exist. She referenced Criteria 4 and personally could not support the variance.

Chair Gezelius stated that all of the easy restorations and maintenance of historic homes took place long ago. This is a very challenging site and the Board is faced with a very difficult decision in terms of allowing the accommodations necessary to make the house livable, preserve its historic quality, and deal with all of the complications that are involved.

MOTION: Board Member Wintzer moved to DENY the request for a variance at 317 Ontario Avenue and direct staff to rewrite the Findings of Fact, Conclusions of Law for a

denial to be brought back to a later date for action. Board Member Stafsholt seconded the motion.

Senior City Attorney, Mark Harrington asked the Board to provide staff with more direction on the findings. While he had heard general comments regarding the property, the Board's authority involved looking at the requirement of the tandem parking and not issues that were approved by other bodies. They should address the proposal to waive the tandem parking requirement and the spirit of the five criteria. To grant approval, all five criteria must be met, however, non-compliance must be shown with one or more.

Board Member Wintzer stated that her motion of denial was based on Criteria #4: The variance will not substantially affect the General Plan and will not be contrary to the public interest. The criteria were reviewed individually as follows:

Criteria 1: Literal enforcement would cause an unreasonable hardship.

Criteria 2: There are special circumstances that are attached to the property.

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

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

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

Board Member Stafsholt commented that the subject property is similar to the rest of the neighborhood since all of the homes on that side of the street have the same problem. The issue is not specific to this house.

Board Member Wilson asked if there other homes on that side of the street that do not have a garage or entrance. Other existing conditions were described. Chair Gezelius recalled that three homes are accessed by sidewalks in the middle part of the block. One is on the north and the other two are on the south side. The old boardwalk was the only way to access the homes that were built 100 years ago. Over time, access has improved in the neighborhood for other property owners.

Mr. DeGray commented that the bulk of the properties on the street enjoy off-street parking and an entrance off the street. He hoped to have an opportunity to walk the Board through the five criteria. He stated that the focus of the approval should simply be on the garage size. Chair Gezelius agreed but thought it was important to acknowledge the concerns of those who live in Old Town. She wanted the comments to be on the record. Mr. DeGray addressed safety and stated that achieving any kind of off-street parking

improves the safety of the area. Not granting the variance encourages an unsafe environment.

Board Member Wintzer asked Planner Tubbs to address car size and prevent someone from allowing a car to stick out of the garage and impede traffic on Ontario Avenue. Chair Gezelius felt that was a question of enforcement, which the Board does not have the power to address. Board Member Stafsholt addressed Criteria 2 and did not believe that was true in this instance. Board Member Wilson struggled with Criterion 2 and 4 and unreasonable hardship.

The motion passed with the unanimous consent of the Board.

7. **ADJOURN**

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

The Board of Adjustment Meeting adjourned at 6:10 PM.

Approved by _____
Ruth Gezelius, Board of Adjustment Chair

844 Empire Avenue

Variance – PL-24-06051



Recommendation

The Board of Adjustment (I) open a public hearing, and (II) continue the item to a date uncertain.

Approved 04.16.2024

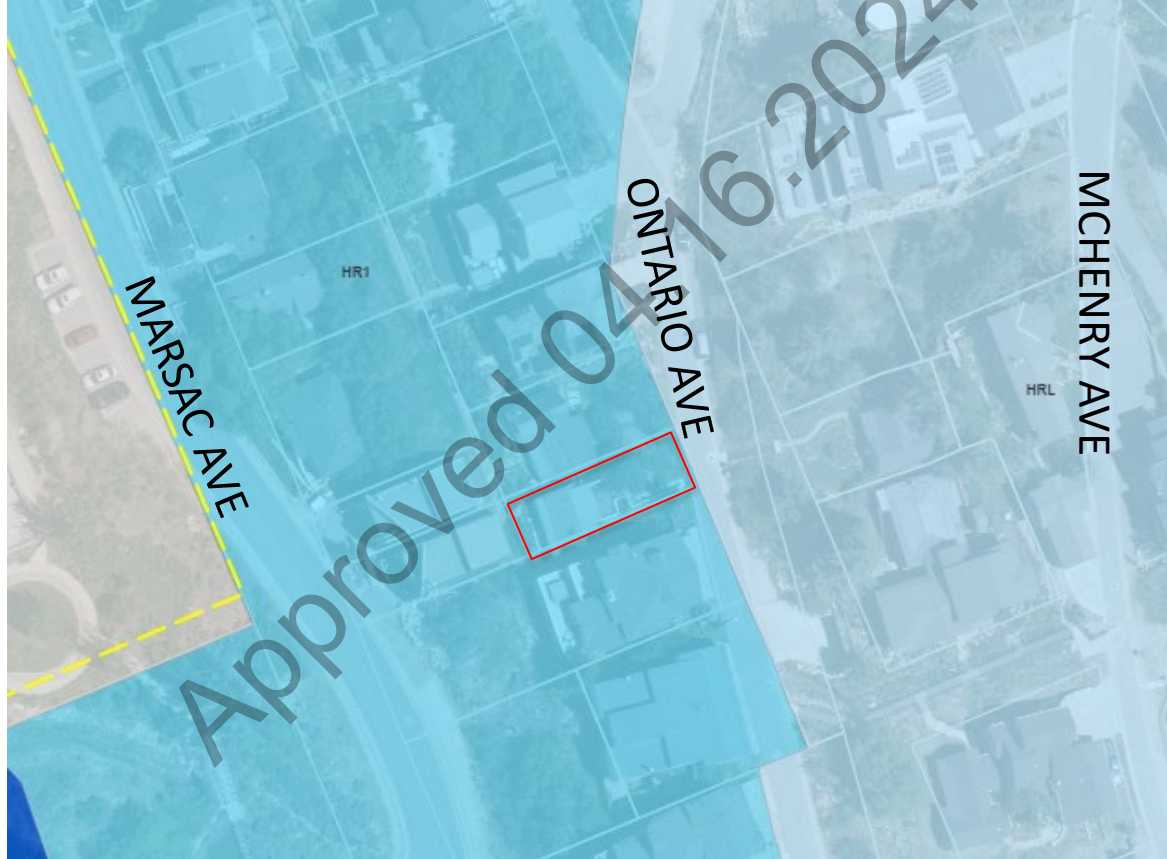


317 Ontario Avenue

Variance – PL-24-06038

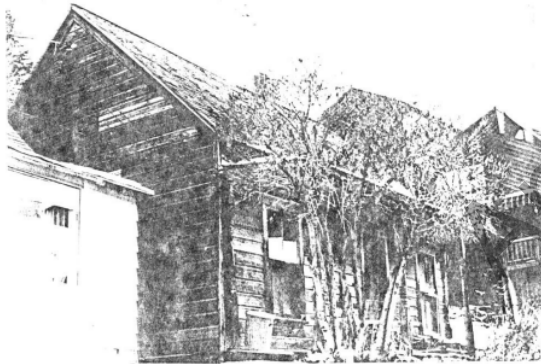


General



Background

Significant Historic Structure
Constructed c. 1885



Background

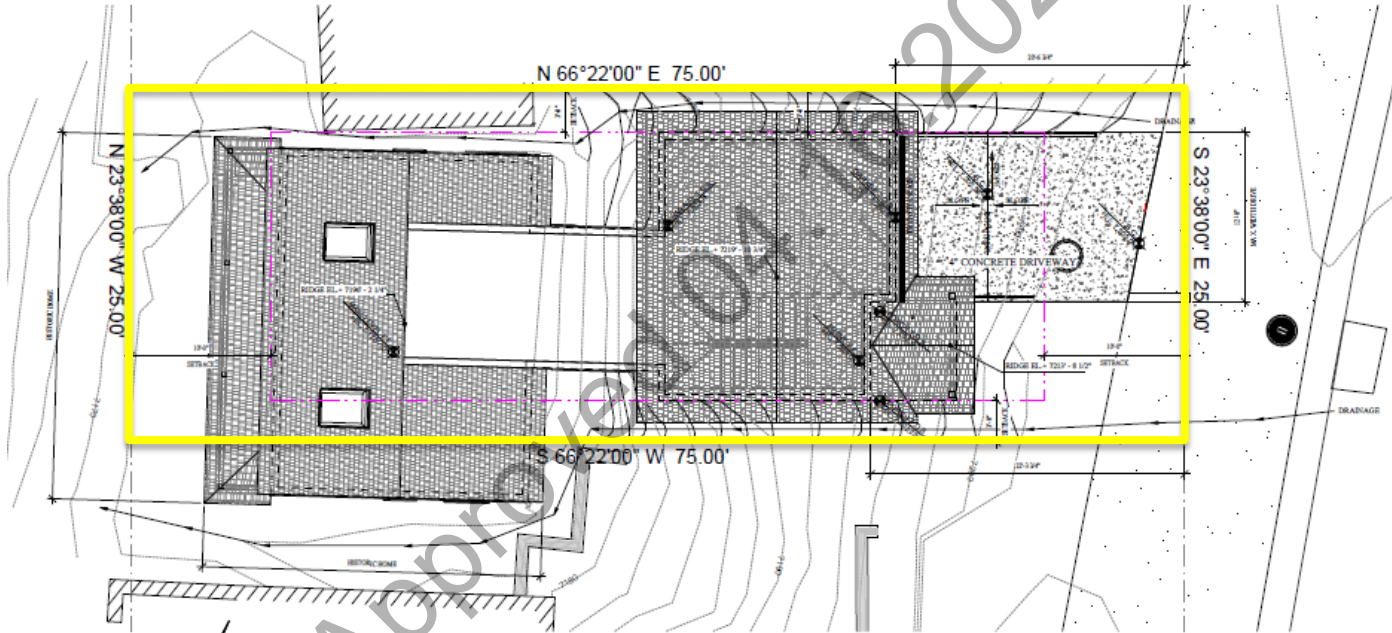
July 5, 2023 – The Historic Preservation Board approved Material Deconstruction of 62 square feet of historic siding material on the rear of the building.

September 13, 2023 – The Planning Commission approved a Steep Slope Conditional Use Permit and approved additional building height subject to conditions of approval.

Approved 04.16.2024



Proposal



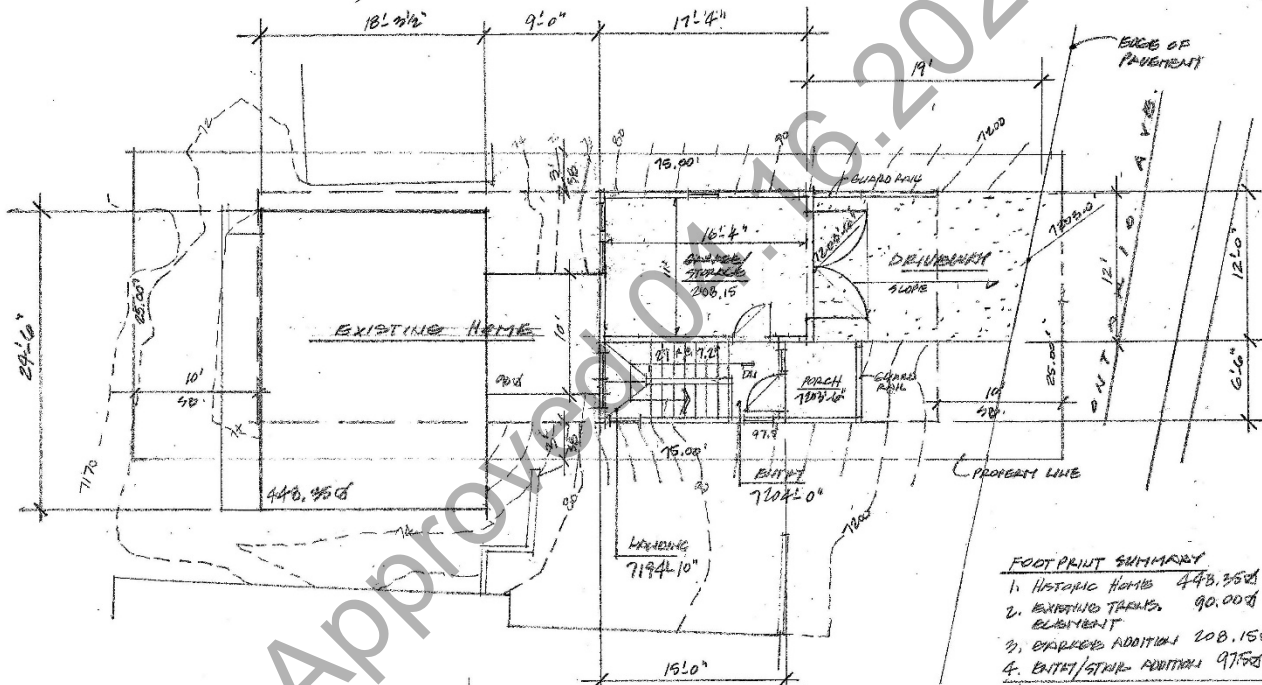
Proposal



North Elevation



Variance



FOOT PRINT SUMMARY

1. HISTORIC HOME 448.35 sq ft
2. EXISTING TERRACE 208.15 sq ft
3. BARBERS ADDITION 208.15 sq ft
4. ENTRY/STAIR ADDITION 97.5 sq ft

TOTAL FOOT PRINT 962.2 sq ft
 MAX. ALLOWED FP 844 sq ft

ENTRY LVL.

NEW LIVING	97.5 sq ft	TOTAL LIVING	1985.5 sq ft
BARBERS	208.15 sq ft		

1/8 (3)



Variance

4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow additional Building Height (see entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Chapter 15-3. The additional Building Height may not exceed thirty-five feet,(35') from Existing Grade.

Applicant requests a variance from the required tandem parking configuration; there is inadequate depth between the interior garage wall and end of the driveway to provide two spaces.

Criteria 1

Literal enforcement would cause an unreasonable hardship

Planning Commission COA:

Off-Street Parking must be used before On-Street Parking may be used.

Subject property is partially occupied by Ontario Avenue Right-of-Way

Approved 04.16.2024



Criteria 2

Special Circumstances Attached to the Property

Significant Historic Structure on Subject Property,
Transitional Element Required

Encroachments onto Subject Property, Adjacent Property

Ontario Avenue Right-of-Way Occupies Subject Property

Approved 04.16.2024



Criteria 3

Granting the Variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

Ontario Avenue occupies a portion of the subject property and impacts the available space for a tandem parking configuration.

Other neighboring structures are able to provide off-street parking.

Approved 02-16-2024

Criteria 4

Variance will not substantially affect the General Plan or be contrary to the public interest.

The General Plan outlines Park City's desire to preserve its historic resources while providing opportunities for compatible infill.

Compatible infill also addresses parking and safety concerns, especially on narrow, steep rights-of-way.

Criteria 5

Spirit of the LMC is observed and substantial justice done.

The preservation of the existing Historic Structure and the compliance with all other sections of the LMC maintains the Historic Character of Old Town.

Keeping vehicles out of the front yard setback areas results in a more traditional streetscape along Ontario Avenue.

Approved 07/16/2024



Next Steps

Historic District Design Review – Administrative Public Hearing
(Public notice will be provided when this hearing is scheduled)

Financial Guarantee

Building Permit

Approved 04/16/2024



Recommendation

The Board of Adjustment (I) review the requested Variance, (II) conduct a public hearing, and (III) consider approving the Variance based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter.

Approved 04/10/2024

