



**PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
May 21, 2024**

The Board of Adjustment of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

1. MEETING CALLED TO ORDER AT 5:00PM

2. ROLL CALL

3. MINUTES APPROVAL

3.A. Consideration to Approve the Board of Adjustment Meeting Minutes from April 16, 2024

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. PUBLIC COMMUNICATIONS

6. REGULAR AGENDA

6.A. **341 Ontario Avenue – Appeal** – The Applicant Appeals the Planning Director's Denial of a Historic District Design Review Modification for the Relocation of a Hot Tub and New Stairs in the Side Setback on a Significant Historic Site and Steep Slope in the Historic Residential-1 Zoning District. PL-24-06091
(A) Public Hearing; (B) Action

7. ADJOURNMENT

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 meeting attendees who park in the China Bridge parking structure.**



**PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
MINUTES OF APRIL 16, 2024**

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius-Chair, Beth Armstrong, Mary Wintzer, John Stafsholt

STAFF: Lillian Zollinger, Planner II; Planning Director, Rebecca Ward; Dave Thacker, Chief Building Official; Mark Harrington, Senior City Attorney; Jacob Klopfenstein, Planning 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 March 19, 2024.

MOTION: Board Member Stafsholt moved to APPROVE the Minutes of March 19, 2024, as presented. Board Member Wintzer seconded the motion. The motion passed with the unanimous consent of the Board.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

It was reported that Senior City Attorney, Mark Harrington, participated remotely.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. REGULAR AGENDA

1. **1049 Lowell Avenue – Appeal – The Applicant Appeals the Planning Director’s Denial of a Historic District Review Modification for a Roof Modification on an Existing Non-Historic Structure in the Historic Residential-1 Zoning District. PL-24-06061.**

Planner II, Lillian Zollinger, presented the Staff Report and stated that the request is an Appeal of a Historic District Design Review Modification Denial. 1049 Lowell Avenue is an existing single-family dwelling in the Historic Residential-1 Zoning District. In 2021, an addition was approved for the existing structure, and on the Building Permit a modification was proposed. The proposed modification was rejected by the Planning Department; however, the roof modification was built without approval and found to be built upon inspection. The Planning Director determined that the existing roof was incompliant with the Land Management Code and the Historic District Regulations.

Planner Zollinger explained that structures in the Historic District should:

- Be buildings that utilize traditional building forms;
- Styles that never appear in Park City shall be avoided;
- Styles that radically conflict with the character of Park City's historic sites shall also be avoided;
- Exterior elements such as roofs;
- Residential buildings shall be of human scale and compatible with neighboring historic structures; and
- Roof pitch shall be consistent with the style of architecture chosen for the structure and with adjacent buildings that contribute to the character of the Historic District.

Pursuant to Land Management Code 15-1-18, the applicant has the burden of proving that the Planning Director erred in denying the Historic District Design Review Modification. The Board of Adjustment shall determine the correctness of the Land Use Authority's interpretation and application of the meaning of the land use regulations and interpret and apply a land use regulation to favor a land use application unless the land use regulation planning restricts the land use application. As outlined in the Staff Report, the Planning Director found several findings to deny the modification, including the increase in a non-complying structure. Therefore, the Board of Adjustment may choose to deny or grant the Appeal and direct staff to prepare findings of fact or continue the Appeal to a date certain.

The applicant, Chad Magleby from Magleby Construction, received the Staff Report and stated that some relevant Findings of Fact need to be included that were omitted from the report. He explained that the Building Permit that was issued with the original roof pitch was amended and sent to the City for review and approval between December 21 and January 11. The exact date was unknown as it was not shown on the City Inspector portal. It was reviewed by the Building Department and approval was granted for the Amended Roof Pitch Submittal by Scott Olson on January 1, 2022. Plans approved by the City were provided to the applicants on January 11, 2022. At that time, they proceeded to construct the roof per the Amended Approval received from the Building Department. More than one year later, there was a note from the Planning Department that the submittal was rejected. Long after the roof was built, they received a note from the Planning Department inside the portal that the request had been rejected.

Their construction staff was working directly and calling in permits at the time of construction. They continued to do so until the final Certificate of Occupancy that they called for in December of 2023. At that time, they saw the notification of the Planning Department's rejection. In their analysis, it appeared that this was a process failure on the part of the City by not distributing the plan sets in a timely manner to the inter-departmental agencies. Mr. Magleby stated that the building was completed when they became aware of the rejection. They were calling for a Certificate of Occupancy when they became aware that the roof pitch was deemed non-compliant by the Building Department. He felt that they and the client moved forward with the proper procedures in place and received approval from the Building Department. It was their understanding that they were in charge of all inter-departmental approval processes and when they granted approval it meant they had approval to move forward.

A question was raised about the dates. Mr. Magleby stated that notification only came through the City portal. Their construction teams were calling in permits directly and not using the online portal. They were only getting the inspection notes. As a result, they did not see the February 28 note from Planner Zollinger, over 13 months after they received approval from the Building Department to move forward with the Amended Plan.

Planner Zollinger reported that Chief Building Official, Dave Thacker was in attendance to answer questions about modifications to Building Permits.

Board Member Stafsholt asked Mr. Magleby why he thought the request did not need approval from Planning. Mr. Magleby stated that as builders, they work directly with the Building Department and submit their plans to the Building Department which distributes them as they receive comments. They then bring them back and when the Building Department says they are good to go. Their process from a building community standpoint has always been to work directly with the Building Department, which is what they did in this case.

Board Member Stafsholt asked if stamped plans are required to be kept on site. Mr. Magleby stated that they largely work in a digital platform. They upload the plans digitally and receive approvals digitally from the Building Department. He understands the Code Review and issues the Planning Department has with the roof and their interpretation of the Code. He wished they would have received that in January of 2022 and not March of 2023 after the work had already been done based on the approval received. Board Member Stafsholt stated that in his experience, he has needed to obtain Planning and Building Department approvals. Mr. Magleby stated that with a new permit, there is more visibility and scrutiny. Plans are frequently modified and they are given to the Building Department for amended review and approval. Once they get that approval they move forward.

Board Member Wintzer could see where the plans were approved by Scott Olson and asked where the approval was found. Mr. Magelby stated that the original approval was available in the portal and granted on October 21, 2021. Planner Zollinger described the

portal and stated that once a Building Permit is approved, there is a section at the bottom of the portal where applicants can submit modifications. The Building Department, based on the modifications, distributes it to the various departments depending on who needs to review it. For that reason, there is an approval from the Building Department and there needed to be an approval from the Planning Department as well. The Building Department approved the modification but the Planning Department rejected it.

Board Member Wintzer asked if there was a section in the portal showing that the Planning Department denied it other than one year later. Planner Zollinger reported that the request was denied on February 28, 2023, by the Planning Department, 13 months later.

Building Official Thacker commented on the source of the confusion and stated that the process for an initial submittal or the beginning phase of a Building Permit or renovation in this case would follow a very succinct process where routing is involved. Those who need to review a submittal are triggered immediately and it does not move forward until all of those areas have been reviewed and approved. A resubmittal or amendment to a plan comes through a different channel in an attachment section, which still allows individuals to be assigned to review. However, that assigning takes place by an individual as opposed to the system automatically routing it based on the type of permit. They are assigned to specific individuals based on who reviewed it previously. For example, Scott Olson was initially assigned to conduct the Building Department review so the amendment that came in was assigned back to him. Similarly, it went to the Planning Department and a notification bubble showed that something needed to be reviewed. The challenge with the system is that once there is approval, for example with the Building Department, that approval will show as approved until another reviewer rejects it. The process they are working on adjusting is to ensure that once they know there are multiple reviewers involved, they can show it as reviewed and submit comments. Approval will not be granted until all parties have reviewed and approved the request.

Board Member Stafsholt felt that in this case, he would expect the system to show as pending for the Planning Department. Mr. Thacker stated that it will show pending for Planning if it is awaiting their review. If, however, another review has been completed, it will show it as approved in its current state. Board Member Stafsholt asked if it was reasonable for Mr. Magleby to have assumed that they could continue to work with the approval of the Building Department not knowing that Planning had to review it as well.

Mr. Thacker commented that Mr. Magleby indicated that he understands the process. Generally, a review comes from the Planning Department for exterior facade changes. As far as the City's system and amendments or attachments that come in after the fact, it could be more confusing than the initial plan review.

Planner Zollinger noted that it is fairly established that anything within the Historic District needs review from the Planning Department, including modifications. She stated that a few years back, there was a lot of staff turnover in the Planning Department and a few

things slipped through the cracks. This wasn't a permit she originally worked on but as soon as she became aware that something needed to be reviewed, she did so as a secondary planner. She noted that the original addition to the structure was stamped by both the Planning and Building Departments. That is something that is fairly common in the Historic District. Any changes or any proposed exterior modifications need to be reviewed by the Planning Department.

Planner Zollinger explained that the original plans are reviewed and stamped by both the Building and Planning Departments. The proposed modification also needed approval from the Building and Planning Departments. She stated that the contractor should have known that further review and approval was needed. She explained that there is a section where it remains while under review. Once it has been approved, it moves into an approved section. It was still waiting in that middle section where it had been approved by the Building Department but not yet reviewed by the Planning Department. Once the Planning Department rejected it, it showed as rejected. They then moved to the inspection where they realized that construction was complete.

A question was raised about the notes on the approved revision. Planner Zollinger explained that they were under the Building Department's approval. The Building Department reviewed the plans and deemed them satisfactory but had notes for the contractor. She suspected that they were likely Building Department conditions.

Building Official Thacker reported that typically when they conduct a review, if there are outstanding items that need to be updated, there would be back and forth between the applicant and the reviewing entity. To alleviate that, a note is added to memorialize that requirement in the plans.

Board Member Stafsholt asked if plans are physically stamped once approved. Building Official Thacker stated that they are electronically stamped. They are 100% digital so once they have been approved, an electronic stamp is added to the plans that remain in the portal where they can be reviewed by the applicant. Board Member Stafsholt clarified that the original plans should have received a stamp from the Planning and Building Departments but were only stamped by the Building Department.

Mr. Magleby understood that the City is working to improve the process on the platform to better notify and communicate with builders on these types of issues. There are hard timing requirements that every city and county in the state has to respond to for permit submittals. By State Statute, the City has 14 business days. For any work that is requested, the City has 14 days to respond. The Building Department approved within that 14 days. Absent any information, their teams concluded that they had permission to move forward based on the Building Department's approval. They moved forward based on that. To have something bubble up 13 months later is unacceptable by State Statute. It is also unacceptable as a building community. They were not egregious in their work and moved forward in good faith based on the information they had and the State's timing requirements.

Building Official Thacker commented that the State Statute does require a 14-day turnaround for an initial review of a new permit. A back-and-forth for the new permit is required to be within a 14-day window. Unfortunately, that does not apply to amended plans where a permit has already been issued. The purpose of the State Statute is related to getting the permit issued so that work can begin on the process. When something is amended, that doesn't apply specifically.

Planning Director Rebecca Ward explained that State law requires a 14-day turnaround for single-family, duplex, and townhomes for new construction. She clarified that for the Building Permit that was issued, the Historic District Design Review Approval was attached as the first seven pages of the Building Permit that was issued. It was issued and stamped by both the Planning and Building Departments and there is an affirmative requirement in the Land Management Code that requires Planning Department review for all construction within historic districts. The reason for the Historic District review is to ensure that with the requirements for compatible infill, there is an opportunity to work through those as part of the Historic District Design Review. Any modifications require affirmative Planning Department review. She also noted that because this is not a new single-family home, the 14-day review period was not triggered. She noted that this was a modification to an existing single-family home.

Planning Director Ward reported that for Building Permits, they strive for a reasonable turnaround. Any projects in the Historic District, however, require affirmative review and approval from the Planning Department. For this reason, they go through the Historic District Design Review. While the Building Department had reviewed the modification, the process was not complete. Mr. Magleby considered a turnaround of 13 months to be completely unacceptable.

Board Member Stafsholt asked if the situation should have been caught early on when they began to demolish the roof pitch. He assumed that Code Enforcement would have come out occasionally to conduct inspections. The inspectors should have noticed the lack of a stamp from the Planning Department. Mr. Thacker stated that the inspections should have been performed based on the original approval. He could not speak to what was done. Mr. Magleby reported that they obtained the amended approval and had subsequent approvals each time they had an inspection, which reinforced the approvals they felt they had in place.

Senior City Attorney, Mark Harrington stated that there was a 2024 HDDR Amendment Application that was denied and appealed. Whether the property owner had some basis to still appeal the February 20, 2023, rejection from the Planning Department seemed to be separate. He had not yet reviewed many of the details as he only received them today. He would need to review them further to see what the basis of communication had been in terms of informing the applicant. Based on the Code, any appeal right that ran from the denial of the original permit there can be extenuating circumstances to extend that. In terms of this particular appeal, the Board's jurisdiction is limited to the substance of the

Planning Director's decision to deny the application. The Board should not address the estoppel arguments or appropriateness of the 2023 denial as it is a separate land use determination. The determination based on this appeal is the Planning Director's denial of the Application to Amend. The argument should be grounded in the Code and not just on the equitable arguments that the builder is making for the timeline and customer service.

Board Member Stafsholt was torn because he believed the denial by the Planning Director was appropriate but not 13 months later.

Chair Gezelius asked about the five criteria that normally apply to appeals. She did not see how any of those criteria would apply in this case. Attorney Harrington explained that they do not apply as they are variance criteria. For that reason, the applicant in this case may have a different avenue to apply. The Board is just to determine the correctness of the Planning Director's decision and whether it correctly interpreted the Code to the facts before her and not equitable considerations that may come into play with a variance or an exception.

Board Member Wintzer was also torn and agreed with Board Member Stafsholt; however, after being in construction for 40 years, this is seen a lot. It seemed obvious because it is Historic Residential. When she drove past the property she saw the roof and it seemed obvious that it would not be in compliance. She did not know how a contractor would not know that planning approval would be needed and seek it out to make sure they were covered. She felt there was a burden of responsibility for the applicant to double-check and make absolutely sure that the approval was granted. She stated that the roof blatantly does not fit in the area and she was surprised that they proceeded with it.

Mr. Magleby reported that several years ago they built another home in the Historic District that had a flat roof that was approved. Project Architect, Michael Stoker, stated that he has been a business owner and operator in Park City for 32 years. His company is the Architect of record and they have done 50 to 60 projects in the Historic District over the last 30 years. He had yet to be present at a Board of Adjustment Meeting. This particular project is one of the largest remodels they have done. Of the 40 remodels they have done this was probably the biggest, most complex, most challenging, and most satisfying. They have been working with the HDDR and the Planning Department initially. They are now in their sixth year of this project and have been actively involved for over six years. It was complicated and happened at a very difficult time. Three different Planning Directors were involved in the project in the last six years and seven planners. Karen Beckstrom was identified as the Architect and she has worked for Mr. Stoker for 28 years.

Mr. Stoker stated that it was challenging to work with seven different Planners at various times due to turnover, COVID, and not being able to meet in person. They believe in the system, the Planning Department, the Building Department, the Land Management Code, and the Historic District Guidelines. Due to the complexity of these types of projects,

many architects will not do them. They put a lot of time, energy, and passion into obtaining the first approval. They were in the process of getting the second approval by making the proposal that was in the portal. Once it was given to the builder, they assumed it would be shepherded through the various departments. Once the Building Department stamped it, it was good to go. It did not matter if Planning rejected it, reviewed it or approved it. He assumed that once the Building Permit was issued it was ready to go. Mr. Stoker stated that the home is a potpourri of architecture and has every roof form listed in the Historic District guidelines. He assumed that the applicants had received full approval and a Building Permit. Magleby is a reputable builder and he felt that the project somehow slipped through the cracks in the City government in the portal system.

Mr. Stoker stated that there are similar roofs in the area. He noted that they would not have drawn the plans if they did not think it or another version of it had a good chance of being approved. He commented that Magleby and ultimately the owner, were shortchanged.

Board Member Stafsholt commented that Messrs. Stoker and Magleby have done a lot of very good work in town. He thought they should have known that they needed Planning Department approval based on the style of roof. He agreed with Board Member Wintzer that showing six feet jutting out and keeping it at a 4:12 pitch, which isn't allowed, they should have expected to go through Planning. Mr. Stoker thought it had gone through Planning because the Building Department approved the plans. He did not recall a job where there has been a Building Department approval stamp that has not gone through Planning. He stated that it should never have taken 13 months and should have been denied within one week.

Board Member Stafsholt indicated that the Board will only be able to rule on a very narrow piece. Planning Director Ward reported that the project has been through four Planners. When the request was originally submitted for a Historic District Design Review on July 9, 2020, Planning Director, Bruce Erickson denied the request. He denied the Historic District Design Review putting the applicant on notice that it did not comply with the Historic District Design Review Guidelines. There was a second submittal with modifications that went through. However, from the beginning, the Historic District regulations have been presented to the applicant and there was initially a denial requiring changes come into compliance with the Design Guidelines. It was stressed that the original proposal was denied. It was modified and the Historic District Design Review was approved under the next Planning Director and the Historic District Design Review Staff Report was attached to the initial Building Permit that was issued.

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

Planning Director Ward reported that the question before the Board is whether the finding that the roof form does not comply with the Historic Zoning District Regulations was in error. Board Member Stafsholt asked if the applicants can appeal based on extenuating

circumstances. Attorney Harrington could not answer that question tonight but was happy to meet with the applicants to explore additional options. The variance process may be available to them regardless subject to the five criteria that are set by the State. With regard to the waiver or extension of the original 2023 Appeal deadline, he would have to look at all of the facts. That is not pertinent to the Board's standard review tonight and would be a separate determination within a different department. Board Member Wintzer acknowledged that this is a difficult decision.

MOTION: Board Member Winzer moved to DENY the Appeal of the Design Review Modification Denial by the City Planning Director based on the following:

Findings of Fact:

1. The Site is located at 1049 Lowell Avenue, Lot 2 of the Northstar Subdivision Lot 2 & 3 Lot Line Adjustment.
2. A Single-Family Dwelling was constructed at 1049 Lowell Avenue in 1982.
3. 1049 Lowell Avenue is within the Historic Residential – 1 (HR-1) Zoning District.
4. On April 9, 2021, Planning Staff approved a Historic District Design Review (HDDR) for a remodel of the Single-Family Dwelling and an addition to the Single-Family Dwelling.
5. On October 21, 2021, the City issued Building Permit 21-1271 for the remodel and addition.
6. In 2022, the Applicant proposed a modification to Building Permit 21-1271 requesting approval of a modified roof form to add an inverted shed roof.
7. On February 28, 2023, the Planning team rejected the modification to Building Permit 21-1271 finding the proposed inverted shed roof was beyond the scope of the HDDR approval and was incompatible with the Historic District regulations.
8. On January 23, 2024, the Applicant applied for an HDDR Modification and requested approval for the inverted shed roof modification.
9. Pursuant to Land Management Code (LMC) § 15-11-12(D), HDDR applications must comply with LMC Chapter 15-13.
10. LMC § 15-13-8 Regulations For New Residential Infill Construction and Non-Historic Residential Sites in Historic Districts outlines applicable

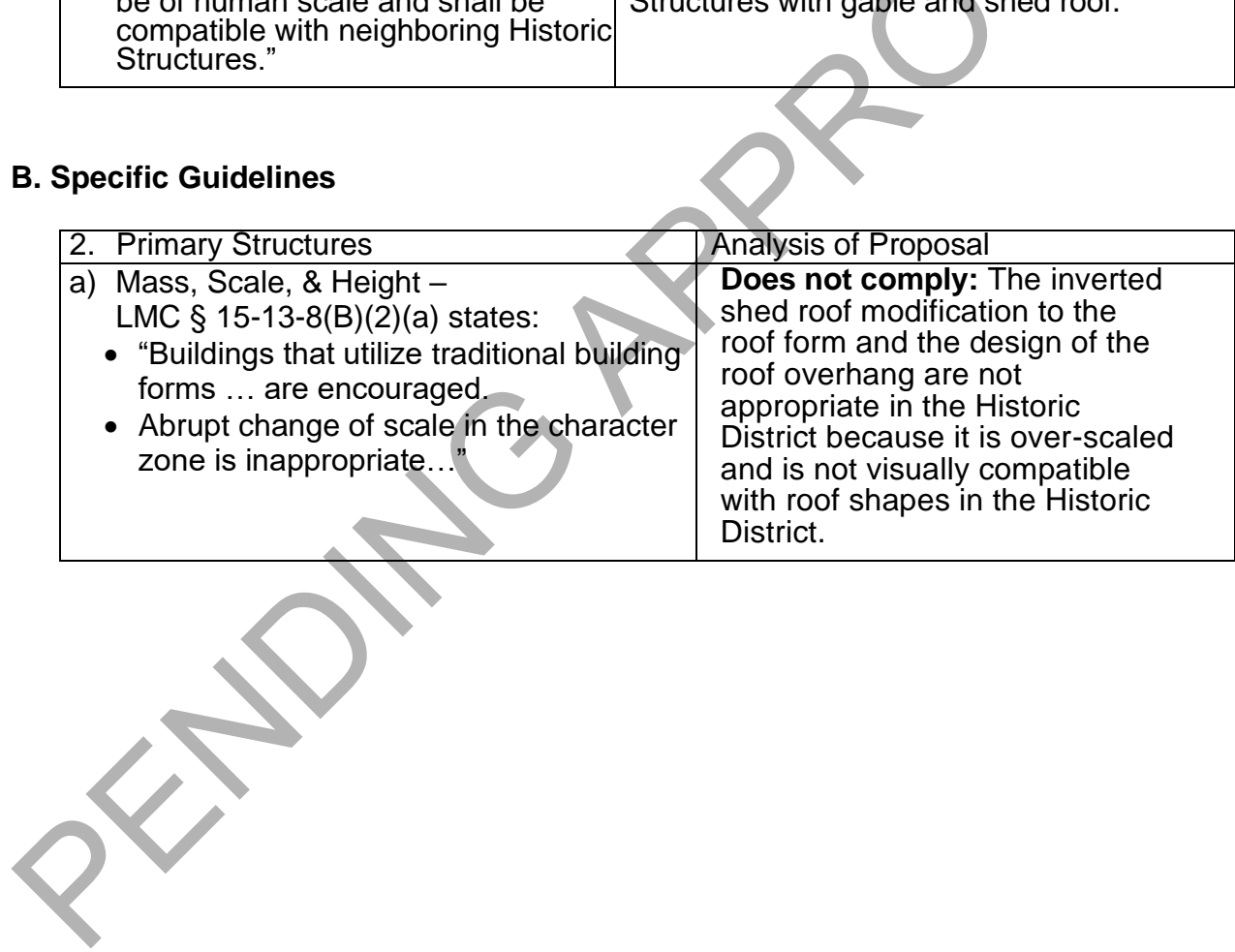
standards relevant to the proposed modifications to the roof form, outlined below:

A. Universal Guidelines

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| <p>3. “Styles that never appeared in Park City shall be avoided. Styles that radically conflict with the character of Park City’s Historic Sites shall also be avoided.”</p> | <p>Does not comply: The roof style is an inverted shed roof, a modern roof form, and conflicts with traditional roof forms that define the character of Park City’s Historic Sites. Typical roof forms on sites in the Historic District include gable, hip, and shed</p> |
| <p>6. “Exterior elements—roofs...of the new infill residential building shall be of human scale and shall be compatible with neighboring Historic Structures.”</p> | <p>Does not comply: The roof style is not compatible with neighboring Historic Structures with gable and shed roof.</p> |

B. Specific Guidelines

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| <p>2. Primary Structures</p> | <p>Analysis of Proposal</p> |
| <p>a) Mass, Scale, & Height – LMC § 15-13-8(B)(2)(a) states:</p> <ul style="list-style-type: none"> • “Buildings that utilize traditional building forms ... are encouraged. • Abrupt change of scale in the character zone is inappropriate...” | <p>Does not comply: The inverted shed roof modification to the roof form and the design of the roof overhang are not appropriate in the Historic District because it is over-scaled and is not visually compatible with roof shapes in the Historic District.</p> |



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| <p>e) Roofs – LMC § 15-13-8(B)(2)(e), states: “</p> <ul style="list-style-type: none">• Roofs of new residential infill buildings shall be visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District. Sloping of roof forms, such as gable, hip, and shed, should be the dominant roof shapes. Roofs composed of a combination of roof planes, but simple in form, are also encouraged. Roofs shall be in scale with those on historic structures.• Roof pitch shall be consistent with the style of architecture chosen for the structure and with adjacent buildings that contribute to the character of the Historic District, with special consideration given to Historic Sites.• 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.• Overhanging eaves, use of bargeboards, soffits, fascia boards, brackets, and boxed eave returns that are consistent with the style of the architecture of the new building and that are compatible with surrounding buildings shall be incorporated.” | <p>Does not comply: The contributing roof form is not changing. The proposed pitch is 4:12. The roof has changed from a gable to an inverted shed roof, a style not seen in, nor compatible with the Historic District. Additionally, the inverted shed roof is cantilevered six feet over the exterior façade, a drastic overhang not compatible with the Historic District.</p> |
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11. On March 7, 2024, the Planning Director denied the HDDR Modification, finding the following:

- According to the Summit County Assessor website, 1049 Lowell Avenue was constructed in 1982. In 1992, the Land Management Code regulations for the Historic Residential - 1 Zoning District established a maximum building height of 27 feet from existing grade. 1049 Lowell Avenue was constructed in compliance with the

Historic Residential - 1 Zoning District requirements in effect at the time of construction. Planning Department.

- In 2009, the City Council adopted Ordinance 09-14, which in part established new requirements for roofs within the Historic Residential - 1 Zoning District, including a required roof pitch of 7:12 to 12:12. The existing roof form at 1049 Lowell Avenue has a roof pitch of 4:12 and is considered a Non-Complying Structure.
- Pursuant to Land Management Code Section 15-9-6, Non-Complying Structures shall not be enlarged. In addition to the Findings of Fact outlined above outlining requirements for Historic District roof forms, the addition to the roof enlarges the roof form.

12. On March 7, 2024, the Applicant appealed the decision.
13. Staff published notice on the City's website and posted notice to the property on April 2, 2024. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on April 2, 2024. The Park Record published courtesy notice on April 2, 2024.

Conclusions of Law:

1. The appellant did not meet their burden of proving the Planning Director erred in denying the HDDR Modification.
2. The Planning Director was correct in interpreting and applying the plain meaning of LMC Sections 15-9-6 and 15-13-8, finding that the proposed design did not comply.

The motion was seconded by Board Member Stafsholt. The motion passed with the unanimous consent of the Board.

Chair Gezelius expressed regret when the system causes such pain. She was not sure of the remedy but stated that within the purview of the Board of Adjustment, they are trying to establish a standard for every building in relation to the Historic District.

Board Member Stafsholt stated that the scope of the decision is very narrow and is all they can vote on.

6. **317 Ontario Avenue – Variance – On March 19, 2024, the Board of Adjustment Conducted a Public Hearing and Directed Planning Staff to Draft a Final Action Letter Denying the Requested Variance from the Tandem Parking Configuration at 317 Ontario Avenue. PL-24-06038.**

Chair Gezelius reported that the Board discussed the request on March 19 and conducted a public hearing. Planning staff was directed to draft a Final Action Letter denying the

requested Variance from the tandem parking configuration at 317 Ontario. The letter had been prepared and there were no corrections or additions.

MOTION: Board Member Stafsholt moved to DENY the Variance Request for 317 Ontario Avenue subject to the following:

Findings of Fact:

1. The existing Structure at 317 Ontario Avenue is designated a Significant Historic Structure on the Park City Historic Sites Inventory and was constructed c. 1885.
2. On November 11, 2022, the Planning Department received a Historic District Design Review Pre-Application for a proposed addition to the rear of the Significant Historic Structure at 317 Ontario Avenue.
3. 317 Ontario Avenue is within the Historic Residential – 1 (HR – 1) Zoning District.
4. The Site is a Steep Slope, requiring Planning Commission approval of a Steep Slope Conditional Use Permit pursuant to Land Management Code Section 15-2.2-6.
5. On March 28, 2023, the Planning Department received a complete Steep Slope Conditional Use Permit Application and Historic District Design Review Standard Application for the construction of the addition.
6. On July 5, 2023, the Historic Preservation Board conducted a public hearing and approved the Material Deconstruction of 62 square feet of historic materials at the rear of the Significant Historic Structure to accommodate the proposed addition.
7. Land Management Code Section 15-2.2-5(D)(4) establishes height exceptions within the HR-1 Zoning District for garages on a downhill lot, including Planning Commission discretion to allow additional Building Height on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within the Land Management Code and the additional Building Height may not exceed 35 feet from Existing Grade.
8. On September 13, 2023, the Planning Commission conducted a public hearing and approved a Steep Slope Conditional Use Permit for the construction of the addition to the Significant Historic Structure on a Steep

Slope and granting additional Building Height up to 32' 7" from Existing Grade.

9. On February 20, 2024, the Planning Department received a complete Variance Application for relief from the Tandem Parking Configuration requirement.
10. To grant a Variance, the Board of Adjustment must find a Variance request satisfies the five criteria set forth in Land Management Code Section 15-10-8(C).
11. Applicants requesting a Variance bear the burden of proving that all of the conditions justifying a Variance have been met.
12. The Board of Adjustment found the Variance request does not meet the conditions required to grant a Variance. Specifically, the Board of Adjustment found:
 - a. Criteria 2 – There are not special circumstances attached to the Property that do not generally apply to other Properties in the same zone because Planning Department there are other structures along Ontario Avenue that do not have a garage or other off-street parking accommodations.
 - b. Criteria 4 – The Variance affects the General Plan and is contrary to the public interest because the request would pose a hazard to public safety due to the potential for vehicles to stick out into the right of way and impede traffic along Ontario Avenue when parked on the driveway.

Conclusions of Law:

1. The requested Variance does not meet criteria 2 and 4 outlined in Land Management Code Section 15-10-8.

Board Member Armstrong seconded the motion. The motion passed with the unanimous consent of the Board.

7. ADJOURN

The next Board of Adjustment Meeting was scheduled for May 21, 2024

The Board of Adjustment Meeting adjourned at 6:05 PM.

Approved by _____
Ruth Gezelius, Board of Adjustment Chair

PENDING APPROVAL



April 16, 2024

October 21, 2021 – the City issued Building Permit 21-1271 for the addition approved through the HDDR process.

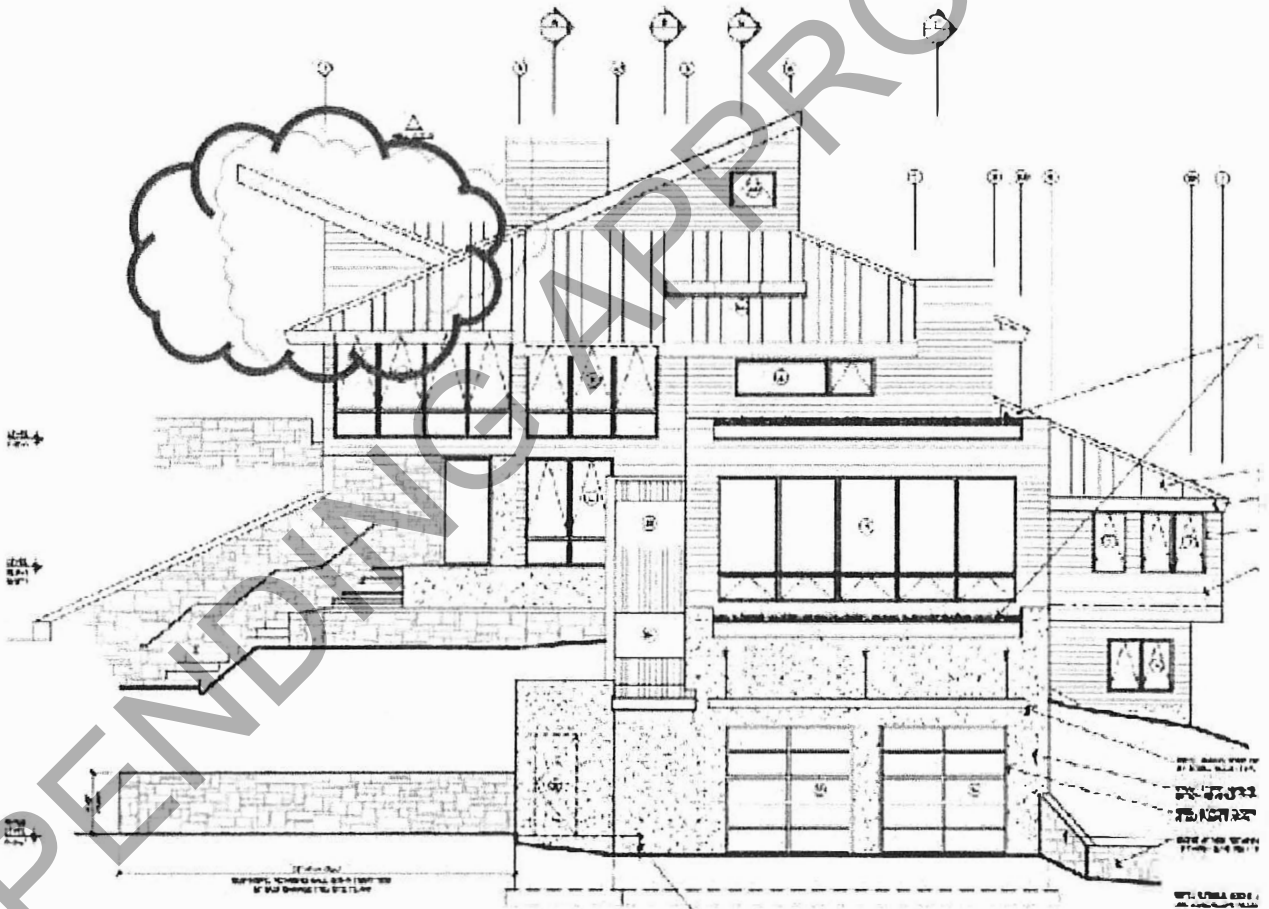


2021 Approved HDDR Design

Between December 21, 2021 and January 11, 2022 – Roof change submitted to the City for review/approval.

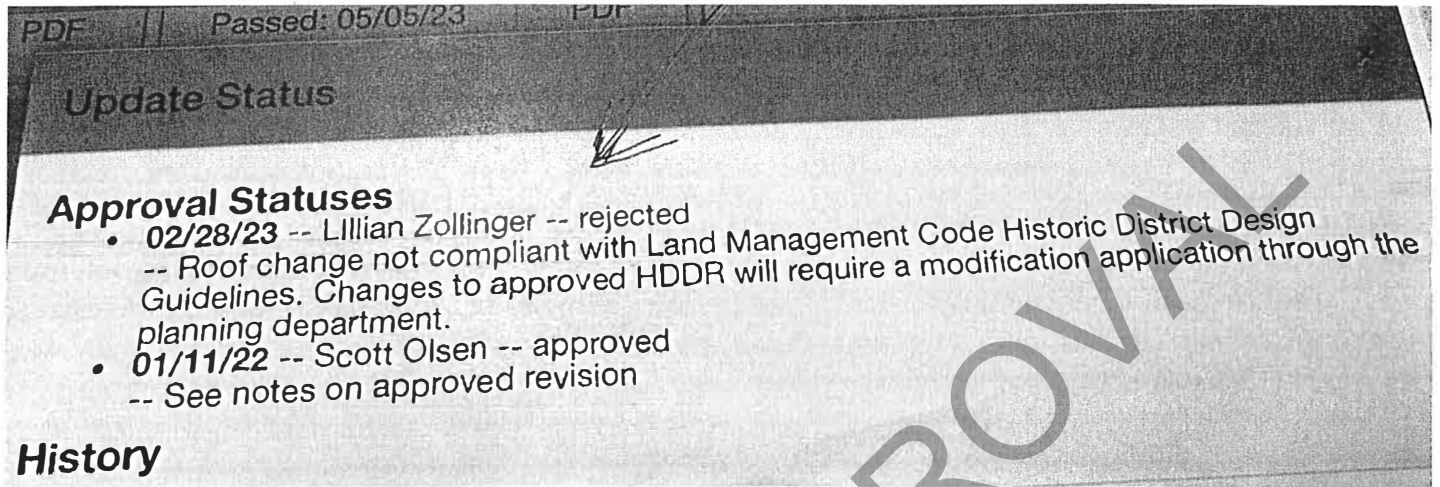


Revision approval for scope clouded and noted as details 1 dated 12/22/21 only.



Proposed modification bubbled red

January 11, 2022 – Building Department approved the revised roof.



February 28, 2023 – The Planning team rejected the modification to Building Permit 21-1271 (thirteen months later).

Board of Adjustment Staff Report



Subject: 341 Ontario Avenue
Application: PL-24-06091
Author: Lillian Zollinger, Planner II
Date: May 21, 2024
Type of Item: Appeal of Historic District Design Review Modification Denial

Recommendation

(I) Review the appeal of the Planning Director’s denial of a Historic District Design Review Modification to construct a 58.5-square-foot in-ground hot tub and stairs in the Side Setback on a Very Steep Slope at 341 Ontario Avenue, a Significant Historic Site; (II) conduct a public hearing; and (III) consider denying the appeal based on the Findings of Fact and Conclusions of Law outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Matthew Day

Location: 341 Ontario Avenue, a Significant Historic Site

Zoning District: Historic Residential – 1

Adjacent Land Uses: Single Family Dwellings

Reason for Review: The Board of Adjustment reviews and takes Final Action on appeals of Historic District Design Review Modifications.¹

ACUP Administrative Conditional Use Permit
CUP Conditional Use Permit
HDDR Historic District Design Review
HR-1 Historic Residential - 1
LMC Land Management Code
SFD Single-Family Dwelling

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

341 Ontario Avenue is a Significant Historic Site located off Ontario Avenue and accessed via Shorty’s Stairs off Marsac Avenue ([Historic Site Form](#)).

¹ LMC [§ 15-1-18\(A\)](#)



The site contains Very Steep Slopes, defined in Land Management Code (LMC) [Section 15-15-1](#) as a slope greater than 40%, with the portion behind the Significant Historic Structure a 52% slope and the grade at the rear at approximately a 93% slope.

The site has several approvals for an addition to the Significant Historic Structure:

| Application | Outcome |
|--|--|
| PL-14-02235 Plat Amendment | Approved on July 31, 2014 See Ordinance No. 14-42 |
| PL-15-02687 Historic District Design Review (HDDR) Historic Preservation Board HDDR Review | Approved See Exhibit C See Exhibit D |
| PL-15-02915 Steep Slope Conditional Use Permit (SSCUP) | Approved See Exhibit E |
| PL-17-03538 Variance | Approved See Exhibit F |
| PL-18-04049 Administrative Conditional Use Permit (ACUP) | Approved See Exhibit G |
| PL-20-04652 HDDR Extension | Approved See Exhibit H |
| PL-21-04783 SSCUP Extension | Approved See Exhibit I |
| PL-23-05557 HDDR Modification | Approved See Exhibit J |
| PL-23-05699 HDDR Modification | Approved See Exhibit K |
| PL-23-05980 ACUP Modification | Approved See Exhibit L |
| PL-24-06060 HDDR Modification | Denied See Exhibit M |

On November 4, 2021, the City issued Building Permit 21-1339 and construction on the site has been ongoing since that time. Since construction started, the Applicant applied for four modifications, each one further disturbing the site, including a third Modification to the HDDR to add stairs less than 30 inches from Final Grade and a 58.5-square-foot in-ground hot tub in the Side Setback of the Very Steep Slope (see Exhibit B for the proposed plans).



On March 29, 2024, the Planning Director found the proposal was beyond the scope of the HDDR and required a modification to the SSCUP with Planning Commission review and Final Action and denied the third HDDR modification, finding the following:

“Land Management Code (LMC) § 15-2.2-5 outlines height requirements for the Historic Residential – 1 Zoning District and states final grade must be within four vertical feet of existing grade, except for window wells, emergency egress, and a garage entrance. The hot tub is not a window well, emergency egress, or garage entrance and is proposed to be sunken into grade by five feet, eight inches disturbing existing grade by five feet, eight inches and therefore does not comply.”

LMC § 15-2.2-6 outlines requirements for development on Steep Slopes within the Historic Residential – 1 Zoning District and states, “[d]evelopment on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13 and Architectural Review Chapter 15-5.”

LMC § 15-13-2(B)(1)(b)(1) outlines requirements for Historic Sites and states that work in the Historic Districts must, “[m]aintain the natural topography and original grading of the site when and where feasible.” The Significant Historic Site with a Steep Slope has been substantially disturbed because of the construction of the addition to the Significant Historic Structure. The SSCUP approval Finding of Fact 22 notes, “The applicant has located the new addition in such a way that the original grade of the site can be largely restored following the construction of the addition.” Additionally, LMC § 15-13-2(b)(3) requires a Historic Site to be returned to original grade following construction of a foundation. The proposed hot tub and stairs do not comply because they further disrupt the restoration of the natural topography and original grading and do not comply with established findings.

LMC § 15-13-2(B)(1)(b)(2) states the historic character of the site should not be significantly altered by substantially changing the proportion of built and/or paved area to open space and vice versa. The proposed stairs and hot tub alter the portion of open space within the side setback by imposing 90 square feet of paved area on the already significantly disturbed site.

LMC § 15-13-2(B)(1)(b)(3) requires that topography and grading for Historic Sites must “[r]espect and maintain existing landscape features that contribute to the historic character of the site...” The proposed stairs and hot tub do not respect and maintain the existing landscape features that are required to be restored upon completion of the project.”

LMC [§ 15-1-18\(E\)](#) establishes a 30-day appeal period for decisions regarding Historic Regulations. On April 10, 2024, and within the 30-day appeal window, the Applicant appealed the Planning Director's Denial of the HDDR Modification.

Standard of Review

Pursuant to Land Management Code (LMC) [§ 15-1-18\(A\)](#), appeals of Final Action regarding LMC Chapter 15-13 *Design Regulations for Historic Districts and Historic Sites* are reviewed by the Board of Adjustment. The Board of Adjustment shall act in a quasi-judicial manner and review factual matters de novo, without deference to staff determination of factual matters. The Board of Adjustment shall determine the correctness of the Planning Director's interpretation and application of the plain meaning of the land use regulations and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.²

Burden of Proof

Pursuant to LMC [§ 15-1-18\(G\)](#), the Applicant has the burden of proving that the Planning Director erred in denying the HDDR Modification.

Analysis

The Applicant argues three points, italicized below.

1. *Explicit code sections providing for the requested modification were not applied.*
2. *No regard was given for safety, noise, visual improvement or desirability of neighbors.*
3. *No regard was given for practical access to the setback area.*

Please see Exhibit N to review the Applicant's appeal.

Staff finds the following:

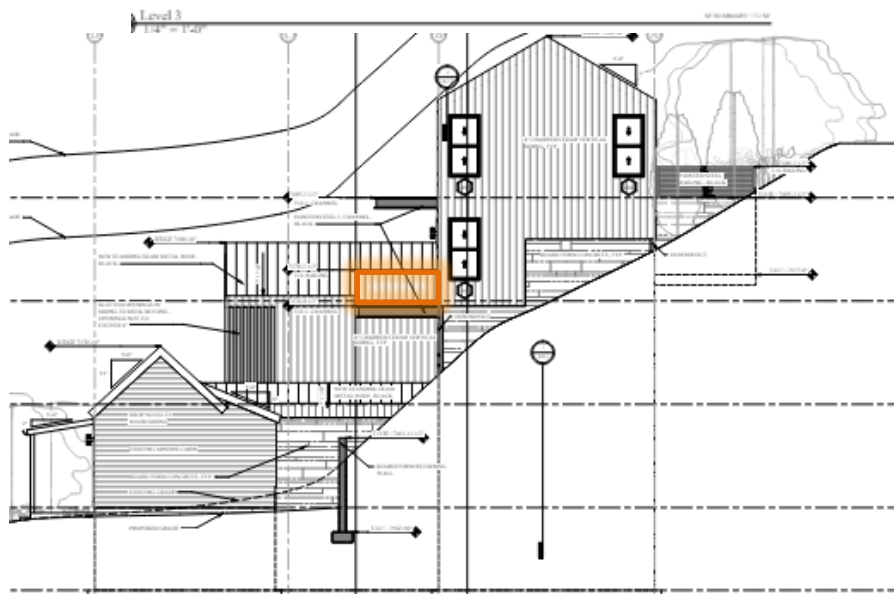
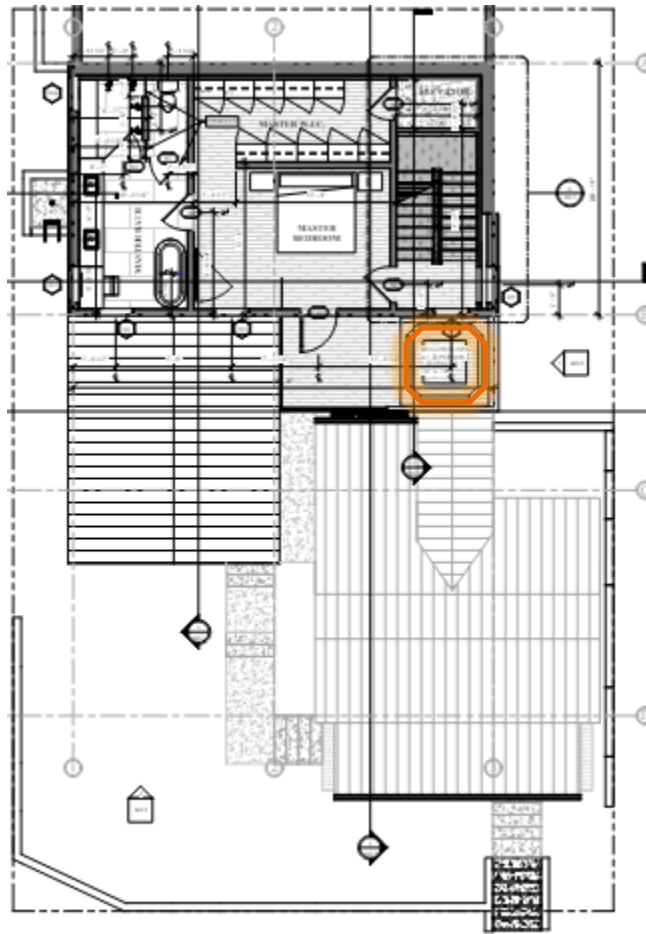
(I) The Land Management Code requirements were plainly applied to the proposed modifications.

Pursuant to LMC [§ 15-2.2-3\(J\)\(6\)](#), steps not more than 30 inches in height above Final Grade are an allowed exception in the Side Setback and LMC [§ 15-2.2-3\(J\)\(11\)](#) requires hot tubs to be screened and located three feet from the Side Lot Line.

The proposal complied with both of these Setback exceptions. However, the lot is a Very Steep Slope and is subject to a SSCUP. The Planning Director did not deny the proposal based on the above exceptions to Setbacks. The Planning Director denied the modification because the proposal to excavate this area for stairs and a hot tub was not compliant with the previous SSCUP and HDDR approvals and did not comply with regulations under LMC , *Regulations for Historic Residential Sites*.

² LMC [§ 15-1-18\(G\)](#)

Departments. The plans attached to the permit included a screened hot tub on the third level rear deck, as placed and proposed by the Applicant, and all three departments approved the location (highlighted in orange).



The Applicant originally placed the hot tub in a location that would not further disturb the Very Steep Slope. Now, the Applicant notes that the original and approved location of the hot tub is not safe. However the approved hot tub location was selected and designed by the Applicant's professionals, and the Building Permit plans were signed and stamped by licensed professionals. The City also reviewed the original hot tub location and approved the building permit in compliance with applicable building code and engineering standards, as represented by the application submittal. Appellant submits no evidence to the contrary.

Additionally, regardless of the hot tub location, the use must comply with the City's Noise Ordinance.

Safety is also not a criteria under the HDDR Regulations, and was not reviewed as a part of the proposed modification.

(III) The proposed access was not compliant with previous approvals.

The Applicant states that there is an existing side setback "platform" for the hot tub to be located on. This area was created because the steep grade and need for retaining walls was not properly presented in the original SSCUP approvals, and the Applicant had to request a modification to add retaining walls to retain the steep slope on the site while the site was under construction. This was five years after the SSCUP approval.

The Planning Director approved the retaining walls to retain the slope, but as discussed above, all "platforms" must be returned to "approximate the grading prior to construction of the addition." To comply with this condition, the Applicant is required to regrade the area between the retaining wall steps.

Pursuant to LMC [§ 15-2.3-5](#), "Final Grade must be within four vertical feet (4') from Existing Grade." The proposed hot tub is five feet deep and does not comply. Any hot tub, whether in ground or above ground, must be screened pursuant to LMC [§ 15-2.2-3\(J\)\(11\)](#).

The hot tub is more like a pool than a typical hot tub because it is proposed to be constructed in-ground. The Applicant may apply to the Planning Commission for a Conditional Use Permit for a pool, which would also require a SSCUP. The final grade beyond the pool area would have to be within four feet of existing grade.

As determined by the Planning Director, LMC [§ 15-13-2\(B\)\(1\)\(b\)\(1\)](#), LMC [§ 15-13-2\(B\)\(1\)\(b\)\(2\)](#), and past approvals, the Applicant is required to return the site to as close to existing grade as possible. The proposed in-ground hot tub and stairs on a Very Steep Slope further impact the final grade of the historic site and do not bring the grade into closer compliance with existing grade.

Additionally, and to clarify, all previous approvals continue to apply throughout the

lifetime of a project. Conditions of Approval are set to mitigate detrimental impacts, not to be adjusted through a series of piecemeal modification applications. The proposal was, and is, not compliant with the Land Management Code, nor past approvals, and was, therefore, denied. The Planning Director did not err in the interpretation and application of the plain meaning of the LMC and upheld the Findings and Conditions of the previous approvals.

The Planning Director also determined that since the originally approved plans have received a significant number of modifications, any further modifications will require a re-review of the SSCUP and HDDR approvals to confirm compliance with the code.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on May 7, 2024. Staff mailed courtesy notice to property owners within 100 feet on May 7, 2024. The *Park Record* published courtesy notice on May 7, 2024.³

Public Input

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

Alternatives

- The Board of Adjustment may deny the appeal based on the Findings of Fact and Conclusions of Law outlined in the Draft Final Action Letter.
- The Board of Adjustment may grant the appeal and direct staff to prepare Findings of Fact within 15 working days.
- The Board of Adjustment may continue the appeal to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Proposed Plans

Exhibit C: June 14, 2019 Historic District Design Review Final Action Letter (PL-15-02687)

Exhibit D: March 2, 2022 HDDR Material Deconstruction Final Action Letter (PL-15-02687)

Exhibit E: August 14, 2018 Steep Slope CUP Final Action Letter (PL-15-02915)

Exhibit F: April 18, 2018 Variance Final Action Letter (PL-17-03538)

Exhibit G: June 10, 2019 Administrative CUP Final Action Letter (PL-18-04049)

Exhibit H: February 10, 2021 HDDR Extension Final Action Letter (PL-20-04952)

Exhibit I: April 12, 2021 SSCUP Extension Final Action Letter (PL-21-04783)

Exhibit J: March 3, 2023 HDDR Modification Final Action Waiver Letter (PL-23-05557)

Exhibit K: July 27, 2023 HDDR Modification Final Action Waiver Letter (PL-23-05699)

Exhibit L: December 21, 2023 ACUP Modification Final Action Letter (PL-23-05980)

Exhibit M: March 29, 2024 HDDR Modification Final Action Waiver Letter Denial (PL-24-06060)

Exhibit N: Applicant's Appeal Narrative

Exhibit O: Supplemental Narrative and Plans

Exhibit P: Public Comment

³ LMC [§ 15-1-21](#)



Planning Department

May 21, 2024

Matthew Day
341 Ontario Avenue
Park City, UT 84060

NOTICE OF BOARD OF ADJUSTMENT ACTION

Description

Address: 341 Ontario Avenue
Zoning District: Historic Residential – 1
Application: Appeal of Historic District Design Review Modification Denial
Project Number: PL-24-06091
Action: DENIED
Date of Final Action: May 21, 2024
Project Summary: The Applicant Appeals the Planning Director's Denial of a Historic District Review Modification for the Relocation of a Hot Tub and New Stairs in the Side Setback on a Significant Historic Structure in the Historic Residential-1 Zoning District.

Action Taken

On May 21, 2024, the Board of Adjustment conducted a public hearing and denied the appeal of the Planning Director’s denial of a Historic District Design Review Modification for 341 Ontario Avenue according to the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. 341 Ontario Avenue is a Significant Historic Structure within the Historic Residential – 1 (HR-1) Zoning District.
2. The historic structure was constructed circa 1900.
3. On July 31, 2014, the City Council approved Ordinance No. 14-42, approving the 341 Ontario Avenue Subdivision Plat.
4. On April 18, 2018, the Board of Adjustment approved Variance to the Front yard Setbacks, Building Height, and Interior Height.



Planning Department

5. On August 14, 2018, the Planning Director approved a Steep Slope Conditional Use Permit (SSCUP) for the construction of an addition on the historic structure on a steep slope.
6. On June 10, 2019, the Planning Director approved an Administrative Conditional Use Permit for retaining walls greater than four feet in the Front Setback.
7. On June 14, 2019, the Planning Director approved a Historic District Design Review (HDDR) to construct an addition to the historic structure.
8. On February 10, 2021, the Planning Director approved an extension to the HDDR approval.
9. On April 12, 2021, the Planning Director approved a SSCUP Extension to the approval from August 14, 2018.
10. On March 2, 2022, the Historic Preservation Board approved an HDDR for material deconstruction and panelization of the historic structure to prepare for an addition.
11. On March 3, 2023, the Planning Director approved an HDDR Modification for window changes.
12. On July 27, 2023, the Interim Planning Director approved an HDDR Modification for window and deck changes.
13. On December 21, 2023, the Interim Planning Director approved an ACUP Modification for retaining walls in the Side Setbacks.
14. On March 7, 2024, the Applicant applied for a HDDR Modification and requested approval for a hot tub and stairs in the Side Setback.
15. On March 29, 2024, the Planning Director denied the HDDR Modification, finding the following:
 1. "Land Management Code (LMC) § 15-2.2-5 outlines height requirements for the Historic Residential – 1 Zoning District and states final grade must be within four vertical feet of existing grade, except for window wells, emergency egress, and a garage entrance. The hot tub is not a window well, emergency egress, or garage entrance and is proposed to be sunken into grade by five feet, eight inches disturbing existing grade by five feet, eight inches and therefore does not comply.
 2. LMC § 15-2.2-6 outlines requirements for development on Steep Slopes within the Historic Residential – 1 Zoning District and states, "[d]evelopment on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for



Planning Department

Historic Districts and Historic Sites Chapter 15-13 and Architectural Review Chapter 15-5.”

3. LMC § 15-13-2(B)(1)(b)(1) outlines requirements for Historic Sites and states that work in the Historic Districts must, “[m]aintain the natural topography and original grading of the site when and where feasible.” The Significant Historic Site with a Steep Slope has been substantially disturbed because of the construction of the addition to the Significant Historic Structure. The SSCUP approval Finding of Fact 22 notes, “The applicant has located the new addition in such a way that the original grade of the site can be largely restored following the construction of the addition.” Additionally, LMC § 15-13-2(b)(3) requires a Historic Site to be returned to original grade following construction of a foundation. The proposed hot tub and stairs do not comply because they further disrupt the restoration of the natural topography and original grading and do not comply with established findings.
 4. LMC § 15-13-2(B)(1)(b)(2) states the historic character of the site should not be significantly altered by substantially changing the proportion of built and/or paved area to open space and vice versa. The proposed stairs and hot tub alter the portion of open space within the side setback by imposing 90 square feet of paved area on the already significantly disturbed site.
 5. LMC § 15-13-2(B)(1)(b)(3) requires that topography and grading for Historic Sites must “[r]espect and maintain existing landscape features that contribute to the historic character of the site...” The proposed stairs and hot tub do not respect and maintain the existing landscape features that are required to be restored upon completion of the project.”
16. On April 10, 2024, the Applicant appealed the decision, and argued three points:
1. Explicit code sections providing for the requested modification were not applied.
 2. No regard was given for safety, noise, visual improvement or desirability of neighbors.
 3. No regard was given for practical access to the setback area.
17. Staff finds that the Planning Director did not err in the interpretation and application of the plain meaning of the LMC and upheld the Findings and Conditions of the previous approvals, based on the following:
1. The proposal complied with LMC § 15-2.2-3(J), Side Setback exceptions; however, the Planning Director denied the proposal based on non-



Planning Department

compliance with LMC § 15-13-2(B)(1)(b) and the previous SSCUP approval.

2. On November 4, 2021, the Building Department issued building permit 21-1339 for a Single-Family Addition to a historic structure at 341 Ontario Avenue, which included an approved location for a hot tub on the third level.
 3. Condition of Approval 18 from the original HDDR approval states, "After construction of the basement, the site should be re-graded to approximate the grading prior to construction of the addition." This condition continues to apply. To comply with this condition, the Applicant is required to regrade the area between the retaining wall steps. The proposed location of the hot tub and stairs creates a greater impact on the historic site's steep slope and is not compliant with previous conditions of approval, or the Historic District Regulations outlined in the LMC.
18. Staff published notice on the City's website and posted notice to the property on May 7, 2024. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on May 7, 2024. The Park Record published courtesy notice on May 7, 2024.

Conclusions of Law

1. The appellant did not meet their burden of proving the Planning Director erred in denying the HDDR Modification.
2. The Planning Director was correct in interpreting and applying the plain meaning of LMC Sections and 15-13-8, finding that the proposed design did not comply.
3. The proposal did not comply with the previous Steep Slope Conditional Use and Historic District Design Review approvals and required a re-review of the proposal.

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 Adjustment Chair

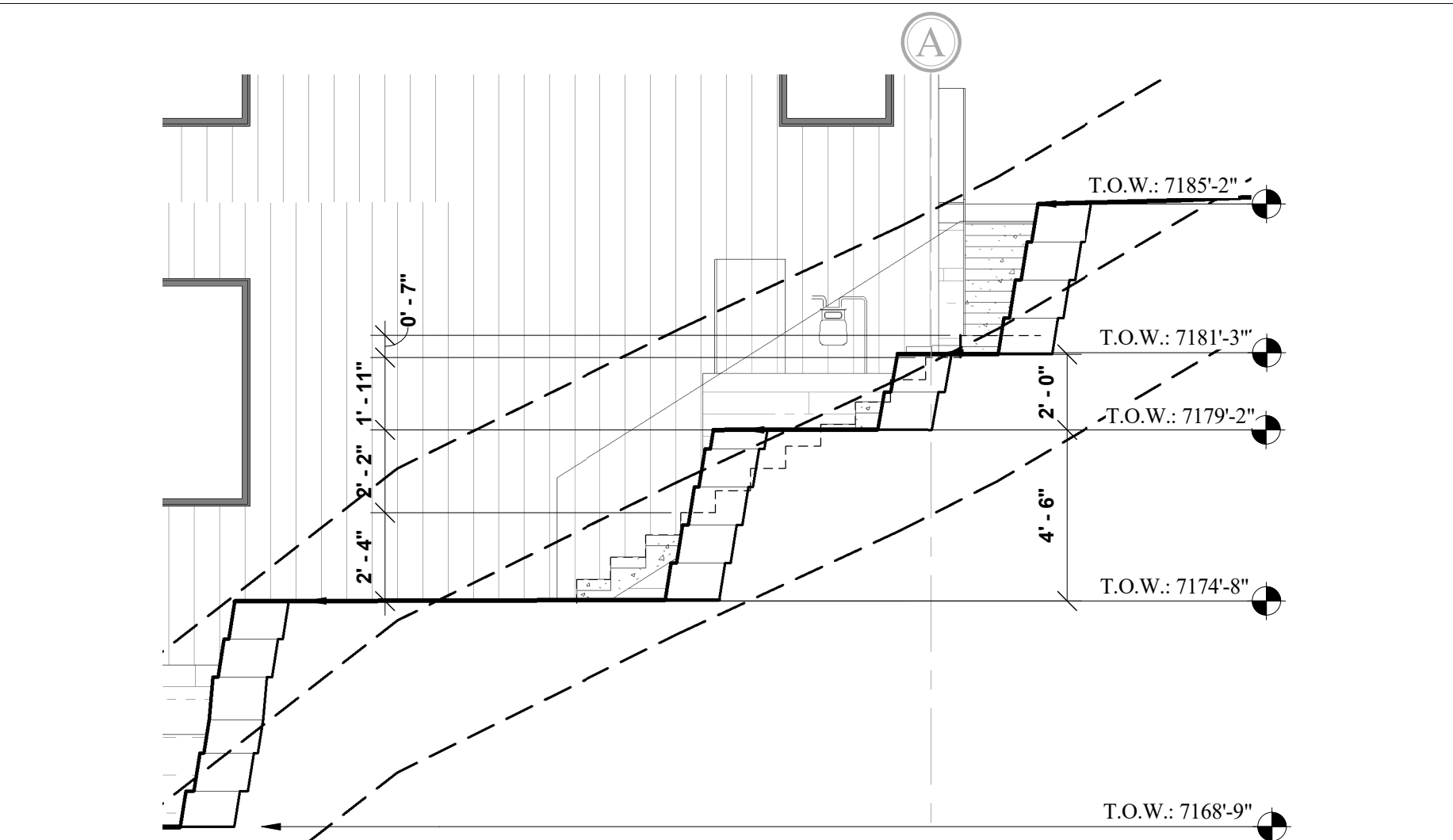
CC: Lillian Zollinger, Planner II



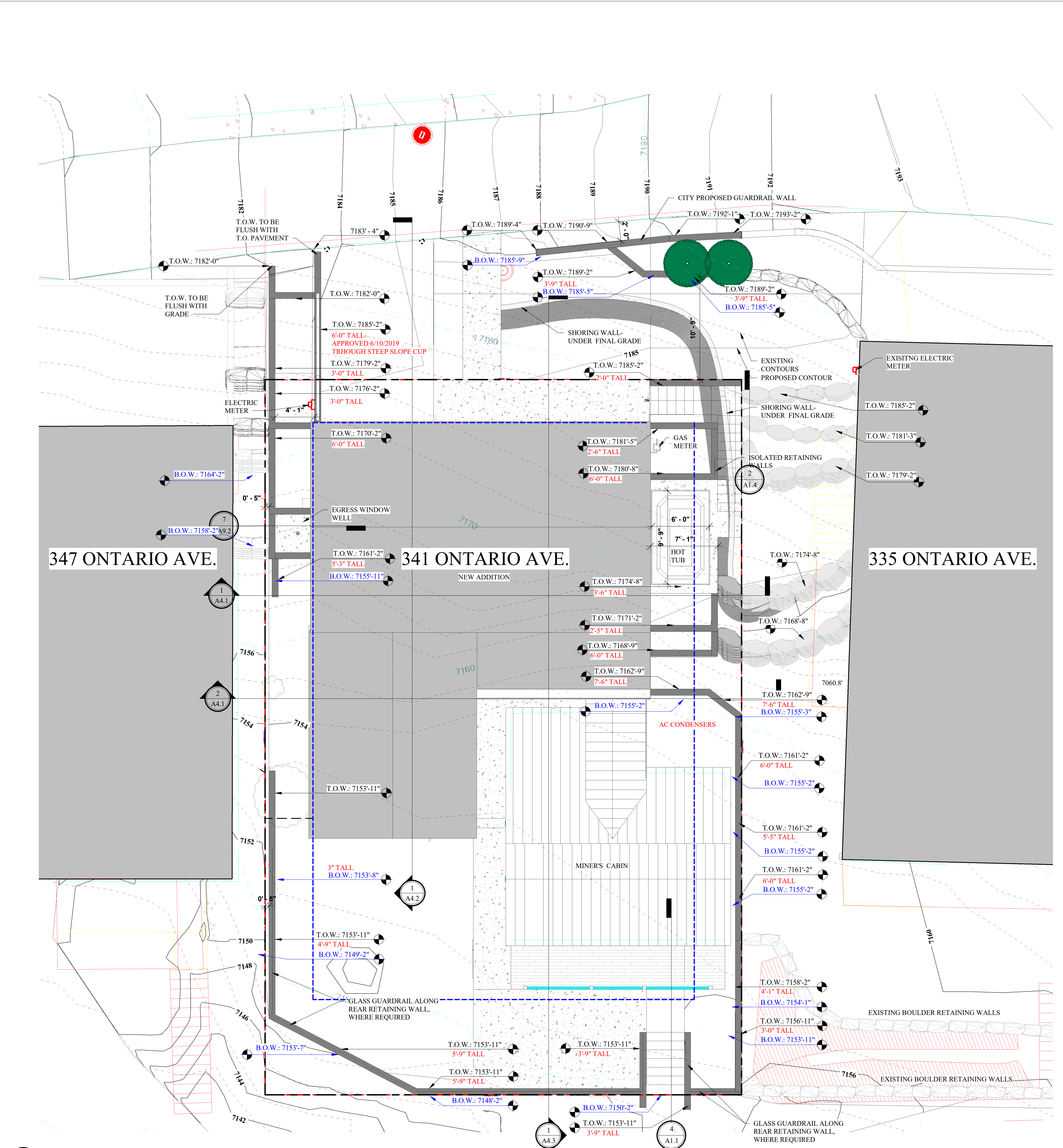
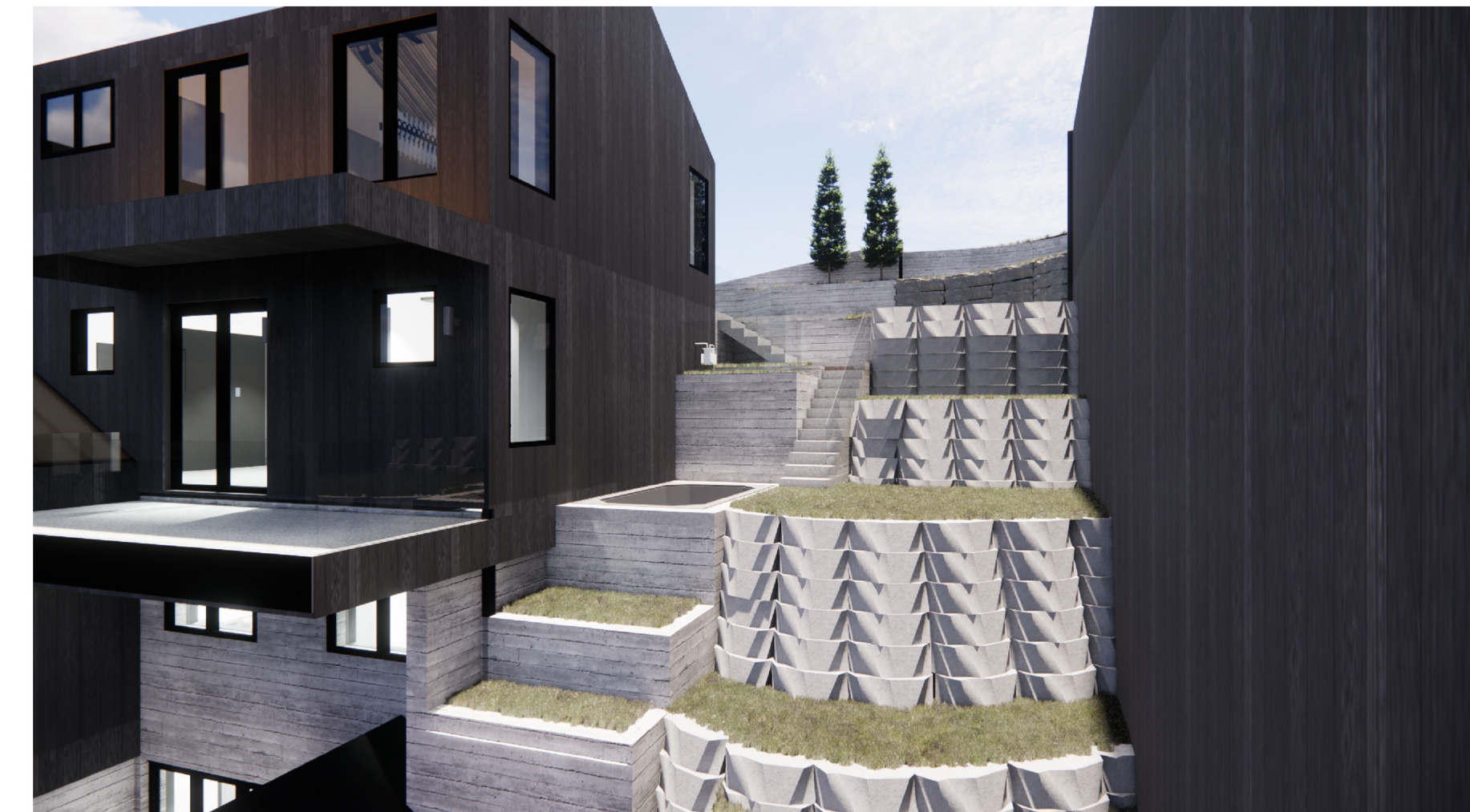
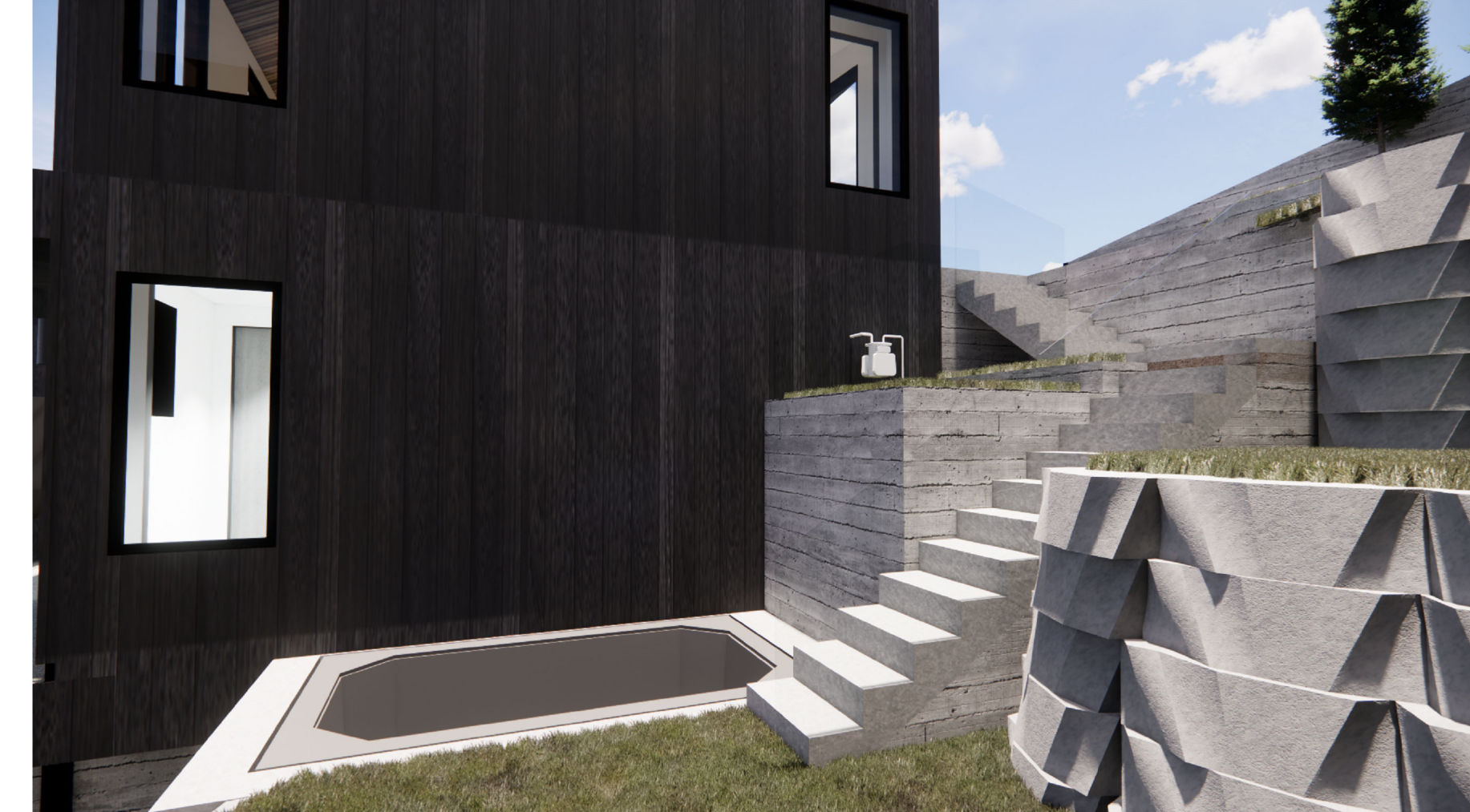
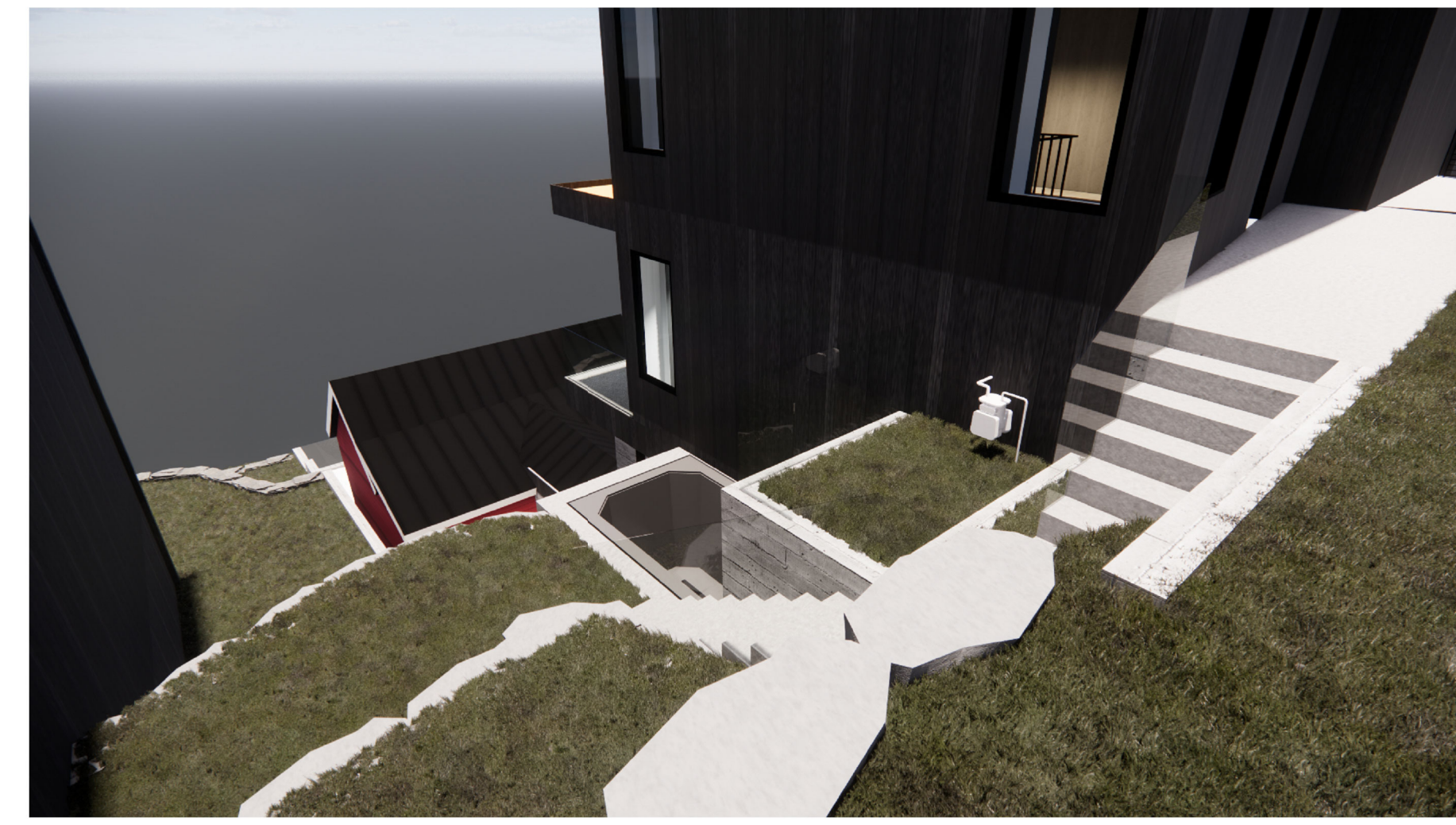
JAFFAGROUP.COM
1960 SIDEWINDER DR., STE#101
PARK CITY, UT 84060
(435) 615-6873

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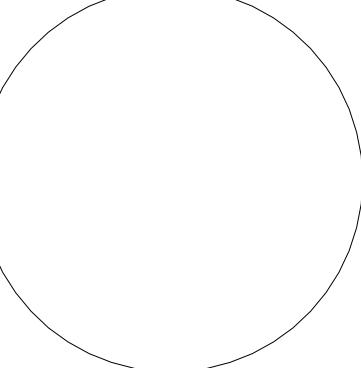
THE ABOVE DRAWINGS AND SPECIFICATIONS AND THESE DESIGNATIONS AND ARRANGEMENTS REPRESENTED THEREBY ARE AND SHALL REMAIN THE PROPERTY OF JAFFA GROUP. NO PART THEREOF SHALL BE COPIED, REPRODUCED, OR OTHERWISE USED IN CONNECTION WITH ANY PROJECT WITHOUT THE WRITTEN CONSENT OF JAFFA GROUP. VISUAL CONTACT WITH THESE DRAWINGS SHALL BE LIMITED TO THE DIMENSIONS AND CONDITIONS SHOWN IN THESE DRAWINGS. ALL SHOP DETAILS MUST BE SUBMITTED TO THIS OFFICE FOR REVIEW AND APPROVAL. THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE ERRORS OR OMISSIONS IN THIS SET, AND HAS ACCEPTED THIS OFFICE FOR ANY OVERSIGHTS OR ERRORS AND WILL NOTIFY THE OFFICE OF ANY ERRORS THAT ARISE DURING CONSTRUCTION. LIMITATIONS OF LIABILITY: THE CONTRACTOR'S LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS SHALL BE LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE CONTRACTOR'S LIABILITY SHALL NOT BE EXTENDED TO ANY OTHER PARTS OF THE PROJECT OR TO ANY OTHER SERVICES OBTAINED IN THE PAST, PRESENT, OR FUTURE. THE CONTRACTOR'S LIABILITY SHALL NOT BE EXTENDED TO ANY OTHER PARTS OF THE PROJECT OR TO ANY OTHER SERVICES OBTAINED IN THE PAST, PRESENT, OR FUTURE. THE CONTRACTOR'S LIABILITY SHALL NOT BE EXTENDED TO ANY OTHER PARTS OF THE PROJECT OR TO ANY OTHER SERVICES OBTAINED IN THE PAST, PRESENT, OR FUTURE.



2 STAIR & FINAL GRADE
1/4" = 1'-0"



1 RETAINING WALLS - PROPOSED SITE GRADING
3/16" = 1'-0"



DAY RESIDENCE
341 ONTARIO AVE.
Park City, UT 84060
DEVELOPMENT-OLD TOWN
LOT:-

| REVISION | SCHEDULE | DATE |
|----------|----------|------|
| | | |

DRAWN BY: Author
PROJECT #:-
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SCALE: As indicated

RETAINING WALLS - PROPOSED SIDE YARDS

A1.4

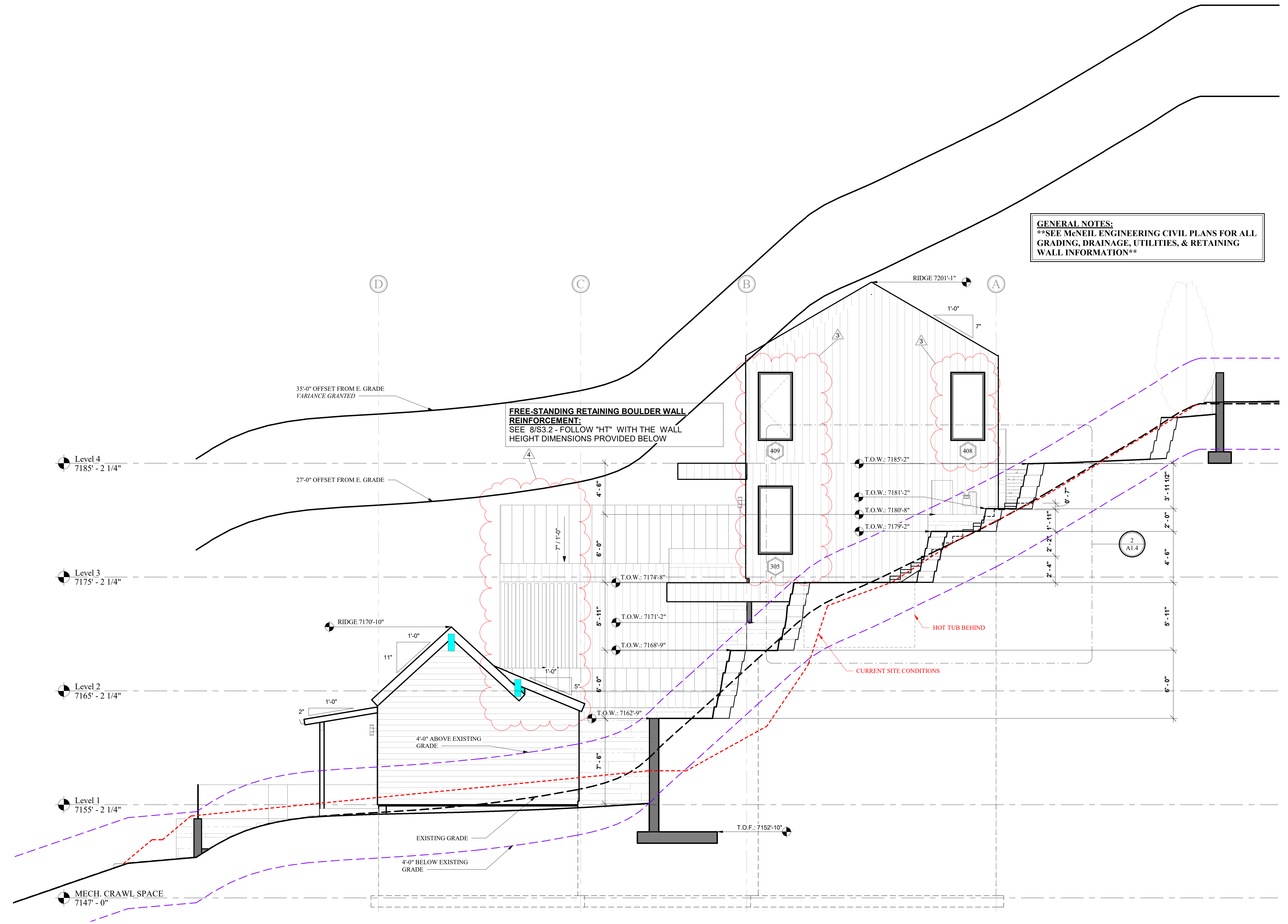


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GENERAL NOTES:
SEE McNEIL ENGINEERING CIVIL PLANS FOR ALL GRADING, DRAINAGE, UTILITIES, & RETAINING WALL INFORMATION



1 SOUTH
1/4" = 1'-0"

DAY RESIDENCE

341 ONTARIO AVE.
Park City, UT 84060

DEVELOPMENT-OLD TOWN
LOT:-

| NO. | REVISION SCHEDULE | DATE |
|-----|---------------------------------|-----------|
| 1 | DESCRIPTION | 7/10/2023 |
| 2 | GREAT ROOM DOOR & CEMENT WINDOW | 7/10/2023 |
| 3 | DECK EXTENSION - 2 FT. | 7/10/2023 |

DRAWN BY: DK
PROJECT #:-
2/15/2024 4:18:26 PM
SCALE: 1/4" = 1'-0"

EXTERIOR ELEVATIONS

A3.3



PLANNING DEPARTMENT

June 14, 2019

Matthew Day
PO Box 3683
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION – AMENDED JUNE 14, 2019

Project Address: 341 Ontario Avenue
Project Description: Historic District Design Review
Date of Action: June 13, 2019
Project Number: PL-15-02687

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the 2009 Historic District Design Guidelines for Historic Sites, specifically with Universal Guidelines; A. Site Design; B. Primary Structures; C. Parking Areas, Detached Garages, & Driveways; D. Additions to Historic Structures; and J. Exterior Lighting. Staff found that, as conditioned, the proposed construction of a new single family dwelling will comply with applicable Guidelines. This letter serves as the final action letter and approval for the proposed design for the rehabilitation of the historic house and new addition to 341 Ontario Avenue. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 341 Ontario Avenue. The property is located in the Historic Residential-1 (HR-1) Zoning District.
2. The historic site is designated as Significant on the Historic Sites Inventory (HSI).
3. The Legal Description for this property is Lot 1 of the 341 Ontario Avenue Subdivision. On July 31, 2014, the Park City Council approved the 341 Ontario Avenue Subdivision through Ordinance 14-42.
4. The historic house was constructed between 1900 and 1907 in the hall-parlor form.
5. The Historic Site Form has identified this site's era of historical significance as the Mature Mining Era (1894-1930).
6. The house first appears on the 1900 Sanborn Fire Insurance map as a simple 1-story house with one-story additions on the east elevation. It faced west toward Main Street and town. The house remained largely unchanged from the 1907 to 1941 Sanborn Fire Insurance maps. After 1941, a third addition was added to the northeast corner of the additions.
7. On September 3, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the property at 341 Ontario Avenue; it was deemed complete September 23, 2015. A public hearing was held on October 8, 2015.
8. On April 17, 2018, the Board of Adjustment approved three (3) variances for this site:
 - a. A variance is granted to LMC Section 15-2.2-3 (E) to the required front yard setback exception from 10 feet to 4 feet 6 inches in order to allow for an addition to be constructed along Ontario Avenue.

- b. A variance is granted to LMC Section 15-2.2-5 Building Height above Existing Grade from 27 feet to 35 feet.
 - c. A variance is granted to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet to 39 feet 6 inches measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
 - d. The variances run with the land.
9. On August 8, 2018, the Planning Commission approved a Steep Slope Conditional Use Permit (SS-CUP) for the construction of a new addition to the historic house in excess of 200 square feet.
 10. On June 10, 2019 an Administrative Conditional Use Permit for walls greater than 6' in height was approved in the Front Yard Setback and a portion of the Side Yard Setback. The retaining walls were approved to allow for the change in grade for the Front Yard and driveway area adjacent to Ontario Avenue. The area between the retaining walls will be backfilled and vegetated in accordance with the approved Administrative Conditional Use Permit and Landscape Plan.
 11. The proposal complies with Land Management Code (LMC) 15-2.2-2(A) Allowed Uses as the applicant is proposing a Single Family Home, which is an allowed use in the HR-1 Zoning District.
 12. The proposal complies with LMC 15-2.2-3(A) Lot Size as the minimum lot size in the HR-1 zone is 1,875 square feet. This lot is 3,750 square feet. The minimum lot width is 25 feet, and this lot's width is 50 feet.
 13. The proposal complies with LMC 15-2.2-3(D) Footprint as the maximum footprint for a lot measuring 3,750 square feet is 1,519 square feet. The applicant is proposing a footprint of 1,519 square feet.
 14. The proposal complies with LMC 15-2.2-3(E) Front Yard as the variance granted a front yard setback of 4 feet 6 inches, and the applicant has proposed a front yard setback of 4 feet 6 inches.
 15. The proposal complies with LMC 15-2.2-3(E) Rear Yard as the required rear yard setback for a lot with a depth of 75 feet is 10 feet; the applicant has proposed rear yard setback of 10 feet based on the location of the historic house.
 16. The proposal complies with LMC 15-2.2-3(F) Front Yard Setbacks as (6) Driveways leading to a garage and parking area are permitted in the Front Yard Setback.
 17. The proposal complies with LMC 15-2.2-3(G) Rear Yard Setback Exceptions as (10) patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade are allowed to encroach into the rear yard setback.
 18. The proposal complies with LMC 15-2.2-3(H) Side Yard Setbacks as the required setbacks for a lot measuring 50 feet in width are 5 feet, for a total of 10 feet. The applicant has proposed a 1 foot setback on the south side due to the location of the historic house, a 10 foot setback for the new addition along the south side of the property, and a 5 foot setback on the north side.
 19. The proposal complies with LMC 15-2.2-3(I) Side Yard Exceptions as (6) patios, decks, pathways, and steps not more than 30 inches in height above Final Grade; (7) fences and retaining walls not more than 4 feet in height; and (8) Driveways leading to a garage or Parking Area are permitted to encroach into the side yard setback.
 20. The proposal complies with LMC 15-2.2-3(J) as conditioned.
 21. The proposal complies with LMC 15-2.2-4 as Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

22. The applicant is not proposing to relocate the historic house. The applicant is only proposing a new concrete slab foundation beneath the house.
23. The proposal complies with LMC 15-2.2-5 Building Height as the variance granted a maximum height of any building to be 35 feet above Existing Grade; the tallest portion of the new addition is 34.8 feet above Existing Grade. A 10 foot horizontal step is required on the downhill façade at 23 feet, which is the west elevation.
24. The proposal complies with LMC 15-2.2-8 Architectural Review as it complies with the Design Guidelines for Historic Sites.
25. The only significant vegetation on this site is one aspen tree that has been identified on the survey.
26. The proposal complies with Universal Design Guidelines for Historic Sites:
 - a. The proposal complies with Universal Design Guideline #1 as the site shall be used as it was historically, a single family house, which requires minimal change to the distinctive materials and features.
 - b. The proposal complies with Universal Design Guideline #2 as changes to a site or building that have acquired historic significance in their own right will be retained and preserved. Minimal changes have been proposed to the historic house. The applicant is proposing to maintain the rear additions but remove later, non-historic additions such as the addition on the northeast corner of the house.
 - c. The proposal complies with Universal Design Guideline #3 in that the historic exterior features of a building will be retained and preserved. The applicant proposes to maintain the original window-door configuration of the hall-parlor house, but will be removing non-historic alterations such as the two square dormer windows on the façade and wood shutters. Historically, this house had a partial-width front porch that has since been removed; the applicant is proposing to reconstruct the original porch.
 - d. The proposal complies with Universal Design Guideline #4 in those distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved.
 - e. The proposal complies with Universal Design Guideline #5 as conditioned.
 - f. The proposal complies with Universal Design Guideline #6 as features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines. There were a number of changes made to the historic house after the historic period. The applicant has proposed to remove these later non-historic additions and reconstruct elements to the house that have been lost over time.
 - g. The proposal complies with Universal Design Guideline #7 as the site will be recognized as a physical record of its time, place and use. The applicant is not proposing to introduce architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exists.
 - h. The proposal complies with Universal Design Guideline #8 as conditioned.
 - i. The proposal complies with Universal Design Guideline #9 in that the new additions, exterior alterations, and related new construction will not destroy historic materials, features, and spatial relationships that characterize the site or building. The new addition is setback from the west (rear) elevation of the historic house so that the historic house remains the focal point of the project.
 - j. The proposal complies with Universal Design Guideline #10 in that the new addition and related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.

27. The proposal complies with the Specific Design Guidelines for Historic Sites:
- a. The proposal complies with Specific Design Guideline A.1. Building Setbacks & Orientation. The applicant has proposed to maintain the original front and side yard setbacks of the historic house. The original location of the main entry will also be maintained.
 - b. Specific Design Guidelines A.2 Stone Retaining Walls are not applicable as this property does not have any historic stone retaining walls. New retaining walls are proposed along the north property line; however, these will not exceed 4 feet in height and will be constructed in a traditional style to compliment the historic house.
 - c. Specific Design Guidelines A.3 Fences and Handrails are not applicable as there are no historic fences or handrails on this site.
 - d. Specific Design Guidelines A.4 Steps are not applicable as there are no historic hillside steps on this site. The site is currently accessible from a privately owned pathway that runs perpendicular to Shorty's Stairs.
 - e. The proposal complies with Specific Design Guidelines A.5 Landscaping and Site Grading. There were no historic landscape features to retain and reconstruct on this site. The applicant has incorporated landscape treatments for the driveway, walkways, and paths in a comprehensive, complimentary, and integrated design. The historic character of the site will not be significantly altered by substantially changing the proportion of built or paved area to open space; the applicant has located the patios and decks in the side and rear yards to limit the amount of paved space. The landscape plans provides for snow storage on site, in the east front yard setback. The landscape plan respects the manner and materials used traditionally, with special consideration given to the front yard. Landscape separations have been provided between parking areas, drives, service areas, and public use areas. The original grading of the site will be maintained when and where feasible.
 - f. The proposal complies with Specific Design Guidelines B.1 Roofs. No photovoltaic panels or skylights have been proposed. The applicant has proposed asphalt shingle roofing on the historic house and a standing seam metal roof on the new addition.
 - g. The proposal complies with Specific Design Guidelines B.2. Exterior Walls. No changes are proposed to the primary façade components. The applicant has proposed only to repair and maintain the historic features of the house, replacing those that are beyond repair in-kind. No substitute materials have been proposed.
 - h. The proposal complies with Specific Design Guidelines B.3. Foundations. The applicant has proposed to construct a new basement foundation. The foundation will not raise the elevation of the historic house more than 2 feet. The original placement, orientation, and grade of the historic house will be retained where and when feasible.
 - i. The proposal complies with Specific Design Guidelines B.4. Doors. The applicant will reconstruct the historic entry door on the west façade.
 - j. The proposal complies with Specific Design Guidelines B.5 Windows. The applicant has proposed to maintain the historic window openings. The applicant will maintain and restore the two historic wood windows on the west elevation. The decorative wood shutters will be removed from the façade of the historic house as these are not historic. The oriole window and dormer windows are not original and diminish the historic integrity of the house; these will be removed.
 - k. The proposal complies with Specific Design Guidelines B.6 Mechanical Systems, Utility Systems, and Service Equipment as conditioned.
 - l. The proposal complies with Specific Design Guidelines B.7 Paint and Color as conditioned.

- m. The proposal complies with Specific Design Guidelines C.1 Off-Street Parking. The applicant has proposed off-street parking in the attached single-car garage of the new addition. The applicant has provided landscaping and set the garage back from the street in order to minimize impacts to the existing topography of the building site.
 - n. The proposal complies with Specific Design Guidelines C.2 Driveways as conditioned. No shared driveway is proposed.
 - o. Specific Design Guidelines C.3 Detached Garages are not applicable as the applicant is proposing an attached one-car garage.
 - p. The proposal complies with Specific Design Guidelines D.1 Protection for Historic Structures and Sites. The applicant has set the proposed three-story addition behind the historic house that is broken into modules that reflect those seen on the historic house. The addition steps up the hill to reach Ontario Avenue.
 - q. The proposal complies with Specific Design Guidelines D.2 General Compatibility. The addition will complement the visual and physical qualities of the historic hall-parlor as it incorporates similarly shaped and scaled windows and doors, wood siding, and gable roofs. The building components and materials used on the addition will be similar in scale and size to those found on the historic house. Window shapes, patterns, and proportions found on the historic house are reflected in the new addition. The addition is taller than the existing historic house and is visually separated from the historic house when viewed from the primary façade of the historic house. No in-line addition is proposed.
 - r. Specific Design Guidelines D.3. Scenario 1: Residential Historic Sites—Basement Addition without Garage are not applicable as no basement addition is proposed.
 - s. Specific Design Guidelines D.4. Scenario 2: Residential Historic Sites—Basement Addition with Garage as no basement addition is proposed. The applicant is only proposing to construct a new slab foundation.
 - t. Specific Design Guidelines E. Relocation and/or Reorientation of Intact Buildings do not apply as the applicant is not proposing to relocate the historic house.
 - u. Specific Design Guidelines F. Disassembly/Reassembly of All or Part of a Historic Structure does not apply as this is not a panelization project.
 - v. Specific Design Guidelines G. Reconstruction of Existing Historic Structures does not apply as the applicant is not proposing to reconstruct the historic house.
 - w. Specific Design Guidelines H. Accessory Structures are not applicable as there are no existing or proposed accessory structures on the site.
 - x. Specific Design Guidelines I. Signs are not applicable as no signs are proposed.
 - y. The proposal complies with Specific Design Guidelines J. Exterior Lighting as Conditioned.
 - z. Specific Design Guidelines K. Awnings are not applicable as no awnings are proposed.
 - aa. The proposal complies with Specific Design Guidelines L. Sustainability as conditioned. No renewable energy systems are proposed.
 - bb. The proposal complies with Specific Design Guidelines M. Seismic Systems as the visual impact of exterior treatments associated with seismic upgrades will be minimized.
 - cc. Specific Design Guidelines N. ADA Compliance are not applicable as no ADA access is proposed.
28. Per LMC 15-11-9 Preservation Policy, the Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites, as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Residential-1 (HR-1) District (lot size, setbacks, etc.).
3. The proposed work is consistent with Park City General Plan.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on June 12, 2019, and approved on June 13, 2019, as redlined. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved work that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by June 13, 2020, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
6. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
7. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
8. Retaining walls shall not exceed 6 feet in height measured from Final Grade within any required Rear Yard or Side Yard. Within any required Front Yard, the retaining walls shall not exceed 4 feet in height, measured from Final Grade. The applicant shall show all retaining walls on his updated landscape plan and call out the height of the proposed retaining walls.
9. Patios, decks, pathways, steps, and similar Structures may not exceed 30 inches above Final Grade within the required side and rear yard setbacks.
10. Deteriorated or damaged historic features and elements shall be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element shall match the original in design, dimension, texture, material, and finish. The applicant shall demonstrate the severity of deterioration or existence of defects to the Planning Department by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall review and approve in writing all replacements of historic materials prior to disposal.
11. Chemical or physical treatments, when appropriate, shall be undertaken using recognized preservation methods. Treatments that cause damage to historic materials shall not be used. Treatments that sustain and protect, but do not alter appearance, are encouraged.

12. The landscape plan shall balance water efficient irrigation methods and drought tolerant and native plant materials with existing plant materials and site features that contribute to the significance of the site.
13. Roof colors shall be earth-tone and muted in color; materials shall not be reflective. The Solar Reflective Index (SRI) value of the proposed metal roofing shall be less than 35. No metallic colored roofing is permitted.
14. If original grade cannot be achieved, no more than two feet (2') of the new foundation shall be visible above finished grade on the primary façade (west) and secondary facades (north and south) of the historic house.
15. Where historic windows and doors cannot be repaired and need to be replaced, the applicant shall use wood windows and doors on the historic portion of the house; aluminum clad wood windows and doors may be used on the basement level and new additions.
16. Mechanical equipment and utilities, including heating and air conditioning units, meters, and exposed pipes, shall be located on the rear façade or another inconspicuous location or incorporated into the appearance as an element of the design. Ground-level equipment shall be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials. The applicant shall avoid removing or obstructing historic building elements when installing systems and equipment.
17. Original materials such as brick and stone that are traditionally left unpainted shall not be painted. Materials that are traditionally painted, such as the wood siding, shall have an opaque rather than transparent finish. A weather-protective finish shall be applied to wood surfaces that were not historically painted. When possible, low-VOC (volatile organic compound) paints and finishes shall be used.
18. After construction of the basement, the site should be re-graded to approximate the grading prior to construction of the addition.
19. Exterior lighting fixtures shall be compatible with the building's style, period, materials, and shall also be down-directed and shielded. The Planning Department shall approve all proposed lighting fixtures in writing prior to installation.
20. Construction and renovation waste shall be diverted from disposal if recycling facilities or services are available.
21. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
22. The Preservation Plan must include a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to issuance of a building permit. Cribbing or shoring must be of engineer specified materials. Screw-type jacks for raising and lowering the building are not allowed as primary supports once the building is lifted.
23. An encroachment agreement may be required prior to issuance of a building permit for projects utilizing soils nails that encroach onto neighboring properties.
24. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
25. Within five (5) days of installation of the cribbing and shoring, the structural engineer will inspect and approve the cribbing and shoring as constructed.
26. Historic buildings which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
27. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary. This would be based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

28. The applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring alterations within five (5) days of any relocation or alteration to the cribbing and/or shoring.
29. The applicant shall also request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation or ACE could take place.
30. All excavation work to construct the foundation of the historic house and new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties and the historic house on this property.
31. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
32. All utility meters shall be located on the applicant's property.
33. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department to reduce the duration of necessary staging and deliveries. Two separate traffic control personnel will be on site for any construction related deliveries.
34. The applicant shall notify the neighbors 48 hours in advance prior to any street closure for the project.
35. All redline edits detailed on the plans stamped in on June 12, 2019, shall be made on the construction drawings that are to be submitted as a part of the Building Permit application.
36. All standard conditions of approval shall apply (see attached).

All approvals are subject to all of the notes as indicated on the drawings. If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5059, or via e-mail at hannah.tyler@parkcity.org.

Sincerely,



Hannah M. Tyler, AICP
Senior Planner

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.

10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012



**HISTORIC PRESERVATION BOARD
PARK CITY, SUMMIT COUNTY, UTAH**

RE: MATERIAL DECONSTRUCTION; AND PANELIZATION DETERMINATION

The Historic Preservation Board of Park City, Utah, met on Wednesday, March 2, 2022 for a duly noticed meeting. The Board formed a quorum and conducted its scheduled business.

ACTION

Project Address: 341 Ontario Avenue
Project Number: PL-15-02687
Type of Item: Administrative – Historic District Design Review
Hearing Date: March 2, 2022

The Historic Preservation Board conducted a public hearing and (I) approved the Material Deconstruction of the Significant Historic Structure; and (II) approved panelization of the North and West elevations and Roof based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background

1. 341 Ontario Avenue is a one-story frame hall-parlor built c.1900.
2. 341 Ontario Avenue is a Significant Historic Structure on the Park City Historic Sites Inventory.
3. On May 12, 2014, the Planning Department received a Plat Amendment application to remove an internal lot line that ran under the Historic Structure. On July 31, 2014 the City Council approved it.
4. On September 22, 2015, the property owner submitted a Steep Slope Conditional Use Permit (SSCUP) application. On August 8, 2018, the Planning Commission approved the SSCUP. On April 10, 2019, the property owner applied to extend the SSCUP approval. On April 8, 2021, Planning Staff approved an extension to the SSCUP.
5. On November 4, 2016, the Applicant submitted a Historic District Design Review (HDDR) Application. On June 13, 2019, the Planning Department approved the

HDDR Application. On June 30, 2020 the property owner applied to extend the previous HDDR approval. On February 10, 2021, the Planning Director approved a one-year extension.

6. On May 9, 2017, the property owner applied for a variance to reduce the front Setbacks and Height. On April 17, 2018, the Board of Adjustment approved three variances: (1) Reducing the front Setback from 10 feet to four feet, six inches; (2) Allowing Building Height above Existing Grade up to 35 feet; and (3) Allowing a maximum interior Height of 35 feet to 39 feet six inches.
7. On December 10, 2018, the property owner applied for an Administrative Conditional Use Permit to construct retaining walls in the Right-of-Way. On June 10, 2019, Planning Department staff approved an Administrative Conditional Use Permit for walls.

Material Deconstruction

8. The Applicant proposes Material Deconstruction of the roof and east and south elevations and roof of the Significant Historic Structure.
9. The proposal is in compliance with the Land Management Code Chapter 15-13-2, Design Guidelines For Historic Residential Sites:
 - a. LMC Chapter 15-13-2(2)(A)
 - i. Preserve and maintain historic exterior materials including wood siding (drop siding, clapboard, board and batten), frieze boards, cornices, moldings, shingles, etc., as well as stone and masonry. Repair deteriorated or damaged historic exterior materials using recognized preservation methods appropriate to the specific material.
 - ii. When disassembly of a historic element—window, molding, bracket, etc.--is necessary for its restoration, recognized preservation procedures and methods for removal, documentation, repair, and reassembly shall be used.
 - iii. When historic exterior materials cannot be repaired, they shall be replaced with materials that match the historic in all respects: scale, dimension, profile, material, texture, and finish. The replacement of existing historic material is allowed only when it can be shown that the historic material is no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition.
10. The Historic Preservation Board approved the Material Deconstruction of the Significant Historic Site, subject to the Conditions of Approval below.

Panelization

11. On February 21, 2022, a licensed structural engineer visited 341 Ontario Avenue and completed a Physical Conditions Report.
12. The report determined the following:
 - i. The main roof existing joists are 2x4 at 24" on center spanning about 8'-0" to 12'-0". The 12'-0" roof joists are 12% capacity of the

code. The 8'-0" roof joists are 16% capacity of the code. They need to be upgraded or replaced with new roof joists. We suggest reframing roof ridge and valley beams and installing new 9 ½" min. TJI roof joists.

- ii. The existing roof deck is 1x wood plank installed perpendicular to the existing joists. It doesn't have any capacity of shear diaphragm value. Suggest installing new 5/8" plywood or OSB with 10d @ 6" on center nailing.
- iii. The existing main and crawl space floor joists are 2x4 @ 24" on center spanning 12'-0". Most of them were totally rotted out. They have to be replaced.
- iv. All the existing headers need to be upgraded. We will review each one of them when design is available.
- v. The whole exterior and interior walls are 1x12 installed vertically. Small portions of the exterior walls are upgraded with 2x4 @ 16" o.c. They have no capacity for wind, seismic or gravity loads. The building walls will need to be entirely re-framed from the inside with new stud wall framing that is code compliant, 2x4 or 2x6 at 16" o.c.
- vi. The whole existing building is supported by loose sand-stone or no footing at all. We suggest removing the existing foundation sandstone and frame walls. New reinforced concrete footing and foundation walls need to be poured for supporting the existing building and forming the frost depth of 40" minimum.
- vii. Considering the existing roof, floor and wall condition plus the age, rotted condition of building as well as the bad differential settlement, we strongly suggest panelizing the existing building so we can re-build the entire house. If not to panelize the existing building, the big concern is that the safety is not guaranteed when the construction crews are working inside of the existing building with jacking or vibrating to the building. To panelize the existing building, the construction crews may only work from the outside of the building most of time.

13. On February 14, 2022, the Chief Building Official, Planning Director, and Building and Planning staff visited 341 Ontario Avenue.

14. The Chief Building Official and Planning Director determined that the building can only be made safe and/ or serviceable through panelization.

15. The Historic Preservation Board approved panelization of the Significant Historic Structure.

Conclusions of Law

1. The proposal complies with Land Management Code Chapter 15-11-14, *Disassembly and Reassembly Of A Historic Building Or Historic Structure*.
2. The proposal complies with Land Management Code Chapter 15-11-12.5, *Historic Preservation Board Review for Material Deconstruction*.
3. The proposal complies with Chapter 15-11-9, *Preservation Policy* and LMC Chapter 15-13-2, *Design Guidelines For Historic Residential Sites*.


Conditions of Approval

1. The Applicant is responsible for notifying the Building Department prior to proposing any changes to this approval.
2. The Applicant shall submit in writing any changes to the approved scope of work for Planning Department review.
3. Prior to removing and replacing Historic materials, the applicant shall demonstrate to the Planning Department that the materials are not safe or serviceable and cannot be repaired to a safe or serviceable condition. No Historic materials may be disposed of prior to advance approval by the Planning Department.
4. Where the Historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish.
5. The Historic Structure shall be returned to original grade following construction of a foundation.
6. Disassembly and Reassembly shall be done using recognized preservation methods.
7. The Applicant shall complete measured drawings of the structure or element to be disassembled and reassembled.
8. The Applicant shall submit a thorough photographic survey of the interior and exterior elevations as well as architectural details of the structure, including site and location views from all compass points, exterior elevations, and interior elevations of each room.
9. Written plans detailing the disassembly and reassembly steps and procedures shall be completed and approved by the Planning and Building Departments.
10. Structures shall be disassembled in the largest workable pieces possible.
11. To ensure accurate reassembly, all parts of the Building, Structure, or element shall be marked as they are systematically separated from the Structure. Contrasting colors of paint or carpenter wax crayons shall be used to establish a marking code for each component. The markings shall be removable and shall be made on surfaces that will be hidden from view when the Structure is reassembled.
12. Important architectural features of a Historic Building or Structure shall be removed, marked, and stored before the Structure or element of the Structure is disassembled.
13. The process of disassembly of a Historic Structure shall be recorded through photographic, still, or video.
14. Wall panels and roof surfaces shall be protected with rigid materials, such as sheets of plywood, when there is risk of damage during the disassembly/storage/reassembly process.
15. Disassembled components—trim, windows, doors, wall panels, roof elements, etc. shall be securely stored on-site in a storage trailer or off-site in a garage/warehouse/trailer until needed for reassembly.
16. New foundations and additions shall follow the Design Guidelines.
17. The Significant Historic Structure must be reassembled in the original form,

location, placement, and orientation.

If you have any questions, concerns, or comments regarding this letter, please email aiden.lillie@parkcity.org or call 435-615-5067.

Sincerely,

DocuSigned by:

E03B13EA71084C7...

Randy Scott
Historic Preservation Board Chair

CC: Gretchen Milliken, Planning Director
Aiden Lillie, Project Planner



PLANNING DEPARTMENT

August 14, 2018

Matt Day
PO Box 3683
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

| | |
|-----------------|------------------------------------|
| Application # | PL-15-02915 |
| Subject | Steep Slope Conditional Use Permit |
| Project Address | 341 Ontario Avenue |
| Action Taken | Approved with Conditions |
| Date of Action | August 8, 2018 |

On August 8, 2018, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission unanimously approved a Conditional Use and a Steep Slope Conditional Use for the applicant to construct an addition to the historic house at 341 Ontario Avenue based on the following:

Findings of Fact

1. The property is located at 341 Ontario Avenue.
2. The site is located in the Historic Residential-1 Density (HR-1) Zoning District.
3. The site is designated as "Significant" on the City's Historic Sites Inventory.
4. The lot contains 3,750 square feet. It is a downhill lot.
5. This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater.
6. The applicant is proposing to build an addition on the east side of the historic house, creating a total gross house size of 3,938 square feet.
7. The existing footprint of the historic house and its non-historic additions is 483 square feet; the footprint of the house following construction of the addition will be 1,519 square feet. The maximum allowed footprint for this lot is 1,519 square feet.
8. The construction is proposed on a slope greater than 30% and in some areas; the slope is approximately 93%. The slope directly behind historic house is 52%.
9. On April 17, 2018, the Board of Adjustment approved three variances for this site: (1) a variance to LMC Section 15-2.2-3 (E) to the required ten foot (10') front

yard setback exception to allow for an addition to be constructed at the front of the lot; the addition includes a one-car garage on the top level, adjacent to Ontario Avenue. The BOA granted a variance to the required front yard setback to 4 ft. 6 inches; (2) a variance to LMC Section 15-2.2-5 to the maximum building height of 27 feet above Existing Grade to 35 feet above Existing Grade; and (3) a variance to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters to 39 feet 6 inches.

10. On September 3, 2015, the applicant submitted a Steep Slope Conditional Use Permit; the application was deemed complete on September 22, 2015, but it has been on hold while the applicant worked through the HDDR redlines and variance process.
11. The minimum Lot Size required in the HR-1 Zoning District is 1,875 square feet; the existing Lot is 3,750 square feet.
12. The applicant is proposing a 4.5 foot front yard, as granted by the variance; a 10 foot rear yard, as required by the LMC; 5 foot north side yard setback, as required by the LMC; and 1 foot south side yard due to the historic structure.
13. Per LMC 15-2.2-4 Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.
14. The maximum Zone Height for the HR-1 is 27 feet; the variance granted 35 feet; the applicant is proposing 35 feet, as permitted by the variance.
15. The maximum interior height allowed in the HR-1 Zoning District is 35 feet; the variance granted 39 feet 6 inches; the applicant is proposing an interior height of 39 feet, as granted by the variance.
16. The final grade must be within 4 vertical feet of the existing structure, and the maximum difference will be 4 vertical feet.
17. The LMC requires a 10 foot horizontal step in the downhill façade at 23 feet, and the applicant is proposing this on the new addition.
18. The location of the development reduces the visual and environmental impacts of the Structure. The historic house is located on the southwest corner of the lot, facing Main Street and with its back to the canyon wall. The historic house sits some 32 feet below paved Ontario Avenue. The proposed addition is setback behind the historic house and separated from it by a transitional element. The mass and bulk of the structure is partially buried in the canyon wall to minimize its appearance. The mass and bulk is further broken up by patios, roofs, and decks that provide shadow lines and help conceal the size of the house. Along Ontario Avenue, the house appears to be one-story in height with emphasis on its pedestrian entrance over its garage.
19. The applicant provided a visual analysis of the project from key Vantage Points to demonstrate potential impacts of the project and to identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope and neighboring structures. The applicant has broken up the mass and scale of this house as it climbs the hill. The mass of the structure is broken into modules that are reflective of the mass and scale of the historic

house. The proposed design is visually compatible with the neighborhood. There is only one aspen tree that meets the definition of Significant Vegetation identified on this property. The applicant is proposing a robust landscape plan that will visually buffer and screen the view of the addition in a way that emphasizes the historic house. The landscape plan proposes to incorporate seven (7) new aspen trees on site to replace the two aspen trees on the survey to be replaced. The street view of the house is simple in design and creates vehicular and pedestrian access to the property from Ontario Avenue.

20. Access points and driveways have been designed to minimize Grading of the natural topography and reduce overall Building scale. The existing access to the site is from a pedestrian path off of Shorty's Stairs; there is currently no access from Ontario Avenue. The applicant has proposed an addition that includes a one-car garage along Ontario Avenue. The design of the façade along Ontario Avenue emphasizes the pedestrian entrance over the garage, which is consistent with the Design Guidelines. A bridged driveway connects the new garage to Ontario Avenue.
21. The design minimizes the need for retaining Structures in order to maintain Natural Grade. The design of the addition incorporates outdoor living spaces, preventing the need to terrace the grade to create patios and decks. The applicant has proposed landscaped stairs that connect different elevations of the yard, but these stairs are built into the hillside and do not require structure or terraces. The north and south sides of the house act as retaining walls and allow the applicant to maintain the existing grade in the narrow side yards.
22. Buildings, access, and infrastructure are located to minimize cut and fill that would alter the perceived natural topography of the site. The structure has been designed in order to be setback and visually separated from the historic house at the southwest corner of the lot. The location of the addition was driven by the need to access Ontario Avenue and the steep slope of the site; the mass and bulk has been broken up to reduce the overall scale of the new addition. The applicant has located the new addition in such a way that the original grade of the site can be largely restored following the construction of the addition. The design has provided opportunities for open space and there is only one aspen tree that meets the definition of Significant Vegetation. The driveway and parking area has been minimized and will be shielded by new vegetation.
23. Where Building masses orient against the Lot's existing contours, the Structures are stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The garage is subordinate in design to the main pedestrian entrance along Ontario Avenue. The mass of the new addition steps up the hill, terminating at Ontario Avenue; the mass and bulk have been broken up as the addition climbs the hill. The new addition reflects the historic character of Park City's Historic Sites with its simple building forms, unadorned materials, and restrained ornamentation.
24. The design prevents a "wall effect" along the Street front and/or Rear Lot Lines. The new addition is largely tucked behind the historic house and only appears as one story in height from the Ontario Avenue right-of-way. It does not create a wall effect at the front or rear property lines because the mass and bulk have been

broken up into modules that reflect the mass and scale of historic buildings. Further, decks, overhangs, and roof projects help break up the mass and provide shadow lines to minimize the visual bulk of the structure. Changes in material, color, and design help distinguish the new addition from the historic house.

25. The maximum volume of the Structure is a function of the Lot Size, Building Height, and Setbacks. The proposed design is articulated and broken into compatible massing components, similar in size and proportion to those of the historic structure. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of the single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.
26. The maximum Building Height in the HR-1 District is 27 feet. The interior and exterior height of the structure is consistent with the variances granted. The height of the new addition is approximately 35 feet above existing grade, and the remainder of the addition is buried in the hillside and the grade steps uphill to Ontario Avenue. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
27. The property was posted and notice was mailed to property owners within 300 feet on June 27, 2018. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 23, 2018.
28. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6.
2. The building is consistent with the variances granted by the Board of Adjustment on April 17, 2018.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures, including the historic structure on this lot.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on August 8, 2019, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans

reviewed and approved by the Planning Commission on August 8, 2018, and the Final HDDR Design.

6. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
7. The Preservation Plan must include a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to issuance of a building permit. Cribbing or shoring must be of engineer specified materials. Screw-type jacks for raising and lowering the building are not allowed as primary supports once the building is lifted.
8. An encroachment agreement may be required prior to issuance of a building permit for projects utilizing soils nails that encroach onto neighboring properties.
9. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
10. Within five (5) days of installation of the cribbing and shoring, the structural engineer will inspect and approve the cribbing and shoring as constructed.
11. Historic buildings which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
12. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary. This would be based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
13. The applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring alterations within five (5) days of any relocation or alteration to the cribbing and/or shoring.
14. The applicant shall also request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation or ACE could take place.
15. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th . The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties and the historic house on this property.
16. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City

for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

17. No utility meters shall be located under the bridged driveway; all utility meters shall be located on the applicant's property.
18. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department to reduce the duration of necessary staging and deliveries. Two separate traffic control personnel will be on site for any construction related deliveries.
19. The applicant shall notify the neighbors 48 hours in advance prior to any street closures for the project.

If you have questions regarding your project or the action taken, please don't hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The signature is written in a cursive, flowing style.

Anya Grahn
Senior Historic District Planner



April 18, 2018

Matthew and Marissa Day
601 Matterhorn Drive
Park City, UT 84098

NOTICE OF BOARD OF ADJUSTMENT (BOA) ACTION

| | |
|-----------------------|---|
| <u>Application #</u> | PL-17-03538 |
| <u>Subject</u> | 341 Ontario Avenue |
| <u>Address</u> | 341 Ontario Avenue |
| <u>Description</u> | Variances Request |
| <u>Action Taken</u> | Approved Variance request to Land Management Code (LMC) Section 15-2.2-3 (E) Front Yard Setbacks, Section 15-2.2-5 Building Height above Existing Grade, and Section 15-2.2-5 (A) |
| <u>Date of Action</u> | April 17, 2018 |

On April 17, 2018, the Board of Adjustment (BOA) called a meeting to order, a quorum was established, a public meeting was held, and the BOA approved your application based on the following:

Findings of Fact

1. The property is located at 341 Ontario Avenue in the Historic Residential (HR-1) District.
2. The HR-1 zone is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.
3. The property consists of all of Lot 1 of the Ontario Avenue Subdivision, recorded on December 18, 2014.
4. There is an existing 483 square foot historic house on the property. It is designated as Significant on the City's Historic Sites Inventory.
5. The existing historic house is setback from the front property line by 31.5 feet. It will have a distance of approximately 47 feet from the edge of asphalt on Ontario Avenue.
6. There currently is no vehicular access that can be attached to the existing historic house without the need of variances being granted. As existing, there is currently only a pedestrian easement, and it is located on the east edge of Marsac-facing properties to the west of the 341 Ontario Avenue lot.
7. The applicant is requesting a variance to LMC Section 15-2.2-3(E) to reduce the required ten foot (10') front yard setback to 4 feet 6 inches to allow for a new addition that includes a single-car garage to be constructed along Ontario Avenue. The proposed garage door would be setback a distance of 18 feet 4 inches to 21 feet 4 inches to edge of pavement.

8. The applicant is requesting a variance to LMC Section 15-2.2-5 Building Height above Existing Grade from 27 feet to 35 feet above Existing Grade. The increased building height is consistent with the height exception permitted by LMC 15-2.2-5(D)(4).
9. The applicant is requesting a variance to LMC Section 15-2.2-5(D) to the required maximum height of 35 feet measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters; the applicant requests a variance to allow an interior height of 39 feet 6 inches.
10. The applicant is requesting the three (3) variances in order to construct a new addition to the historic house that includes a single-car garage accessible from Ontario Avenue.
11. Literal enforcement of the LMC would not allow for construction of a code compliant attached garage with access to the street that meets required setbacks, building height, and driveway slope requirements due to the steep slope of the lot and location of the historic house.
12. The steepness of the lot, the distance between the front property line and paved Ontario Avenue, and the location of the historic house at the downhill side of the lot are unique to this property.
13. Literal enforcement of the required 10 foot front yard setback is not necessary to carry out the general purpose of the Land Management Code, as the proposed addition will be setback from the existing edge of curb by a distance of 18 feet 4 inches to 21 feet 4 inches due to the distance between the property line and the street. Had the addition been located 10 feet west of the property line, it would have increased the bulk and mass of the addition due to the steep grade of the site and decreased the physical and visual separation between the historic house and its new addition.
14. The proposed exterior height of 35 feet above Existing Grade is consistent with the LMC height exception granted by the Planning Commission for a downhill garage providing tandem parking. The interior height of 39 feet 6 inches has largely been driven by the steepness of the slope and the location of the historic house on the downhill lot.
15. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. This house is one of the few properties along Ontario Avenue that have preserved its original grade and maintained the original placement of the historic house which was constructed on an elevation 36 feet below the existing road.
16. This property is unique in that paved Ontario Avenue is about 14 to 18 feet to the west of the front property line and is one of the steepest sloped streets in this part of town. In this area paved Ontario Avenue is located a greater distance to the east of its platted right-of-way than it is in other areas.
17. This section of paved Ontario Avenue is characterized by its steepness and limited width.
18. This site was historically accessed by pedestrians from the west side of the property; while this pedestrian path off of Shorty's Stairs has been maintained, there is no formal easement granting these owners access to their property from the path.
19. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the variances allows the property owner to construct an attached garage at the street level without severely impacting existing grade, while also alleviating congestion and safety concerns on Ontario Avenue by providing off-street parking.
20. The variance will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to reduce vehicle conflicts on Ontario Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Ontario Avenue.

21. A reduction to the front yard setback will allow a garage and front entrance to be constructed along Ontario Avenue, providing both vehicular and pedestrian access to the site.
22. In order to construct a garage that meets the required front yard setback, the garage would need to be a completely detached building. The proposed addition would need to shrink considerably in size and height in order to comply with the LMC and would likely not be as visually separated from the historic house as currently proposed. If the garage were constructed to comply with the LMC as part of the addition, it would not meet the intent of the General Plan.
23. The spirit of the Land Management Code is observed and substantial justice is done. The variance will preserve the historic character of the site by allowing the historic structure to be visually separated from its new addition and maintain its orientation facing town.
24. The proposed variances will create an accessible attached garage and alleviate parking congestion along Ontario Avenue.
25. All other LMC related site and lot criteria, including the other setbacks, height, building footprint, parking, design, uses, etc. will be met.

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

Order for Approval

1. A variance is granted to LMC Section 15-2.2-3 (E) to the required front yard setback exception from 10 feet to 4 feet 6 inches in order to allow for an addition to be constructed along Ontario Avenue.
2. A variance is granted to LMC Section 15-2.2-5 Building Height above Existing Grade from 27 feet to 35 feet.
3. A variance is granted to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet to 39 feet 6 inches measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
4. The variances run with the land.

Conditions of Approval

1. The variances are granted for the construction of an addition that will include a single-car garage, as indicated on the plans submitted with this application.
2. No portion of the garage shall be used for additional living space.
3. Any parking in the drive will not be considered private parking.
4. All legal parking must be provided on-site and shall not encroach into the City's right-of-way.
5. The City Engineer will require an Encroachment Agreement for the proposed bridged driveway to be executed and recorded prior to issuance of a building permit.

If you have questions regarding your application or the action taken please don't hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The signature is written in a cursive, flowing style.

Anya Grahn
Historic Preservation Planner



June 10, 2019

Matthew Day
P.O. Box 3683
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

| | |
|------------------------------|--|
| <u>Application #</u> | PL-18-04049 |
| <u>Subject</u> | Administrative Conditional Use Permit (CUP) |
| <u>Address</u> | 341 Ontario Avenue |
| <u>Description</u> | The applicant is proposing a retaining wall greater than six feet (6') within the Side Yard Setback and Front Yard Setback. |
| <u>Action Taken</u> | Approved |
| <u>Date of Action</u> | June 10, 2019 |

Action taken by Planning Department: An Administrative CUP was granted for the retaining wall greater than 6' tall located within the Side Yard and Front Yard area at 341 Ontario Avenue, based on the following:

Findings of Fact:

1. The property is located at 341 Ontario Avenue. The property is located in the Historic Residential-1 (HR-1) Zoning District.
2. The historic site is designated as Significant on the Historic Sites Inventory (HSI).
3. The Legal Description for this property is Lot 1 of the 341 Ontario Avenue Subdivision. On July 31, 2014, the Park City Council approved the 341 Ontario Avenue Subdivision through Ordinance 14-42.
4. The purpose of this Administrative CUP request is to allow a retaining wall greater than six feet (6') in height within the Side Yard Setback and Front Yard Setback, as allowed by the Land Management Code (LMC).
 - a. The maximum exposed portion of the retaining wall shall not exceed 7'6" as described on the May 23, 2019 approved plans.
5. All conditions of approval of the Historic District Design Review (HDDR) application Final Acton Letter shall apply. See PL-15-02687.
6. The retaining wall is constructed of board formed concrete. The shoring walls shall be approved by the City Engineer.

7. The public notice was posted and notice to adjacent property owners was sent on May 29, 2019. No public comment was received.

Conclusions of Law:

1. The application complies with all requirements of Section 15-1-10(E) and 15-4-2(A)(1) of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use and mass.
3. As conditioned the use is consistent with the Park City General Plan.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval apply to this Administrative Conditional Use Permit.
2. The fence material(s) shall abide by the Land Management Code and the Park City Historic District Design Guidelines.
3. The retaining wall shall be installed as approved on the May 23, 2019 plans.
4. The retaining wall shall not violate applicable International Fire Code, International Building Code, and/or Park City Municipal Code.
5. Applicant shall comply with any Building Department process/procedures regarding obtaining proper authorization.
6. A Work In the Right-of-Way Permit will be required from the Park City Engineering Department. This approval does not constitute approval of the Work in the Right-of-Way Permit.
7. The proposed retaining walls shall be shielded with vegetation to minimize visual impact. The final Landscape Plan shall match the approved HDDR plans.

If you have any questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5059 or hannah.tyler@parkcity.org.

Sincerely,



Hannah M. Tyler, AICP
Senior Planner



February 10, 2021

Matthew Day
PO Box 3683
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 341 Ontario Avenue
Project Description: Historic District Design Review
Date of Action: February 10, 2021
Project Number: PL-20-04652

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the 2009 Historic District Design Guidelines for Historic Sites, specifically with Universal Guidelines; A. Site Design; B. Primary Structures; C. Parking Areas, Detached Garages, & Driveways; D. Additions to Historic Structures; and J. Exterior Lighting. Staff found that, as conditioned, the proposed construction of a new single family dwelling will comply with applicable Guidelines. This letter serves as the final action letter and extension to PL-15-02687 HDDR Approval dated June 14, 2019 approval for the proposed design for the rehabilitation of the historic house and new addition to 341 Ontario Avenue. This action letter serves. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 341 Ontario Avenue. The property is located in the Historic Residential-1 (HR-1) Zoning District.
2. The historic site is designated as Significant on the Historic Sites Inventory (HSI).
3. The Legal Description for this property is Lot 1 of the 341 Ontario Avenue Subdivision. On July 31, 2014, the Park City Council approved the 341 Ontario Avenue Subdivision through Ordinance 14-42.
4. The historic house was constructed between 1900 and 1907 in the hall-parlor form.
5. The Historic Site Form has identified this site's era of historical significance as the Mature Mining Era (1894-1930).
6. The house first appears on the 1900 Sanborn Fire Insurance map as a simple 1-story house with one-story additions on the east elevation. It faced west toward Main Street and town. The house remained largely unchanged from the 1907 to 1941 Sanborn Fire Insurance maps. After 1941, a third addition was added to the northeast corner of the additions.
7. On September 3, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the property at 341 Ontario Avenue; it was deemed complete September 23, 2015. A public hearing was held on October 8, 2015.

8. On April 17, 2018, the Board of Adjustment approved three (3) variances for this site:
 - a. A variance is granted to LMC Section 15-2.2-3 (E) to the required front yard setback exception from 10 feet to 4 feet 6 inches in order to allow for an addition to be constructed along Ontario Avenue.
 - b. A variance is granted to LMC Section 15-2.2-5 Building Height above Existing Grade from 27 feet to 35 feet.
 - c. A variance is granted to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet to 39 feet 6 inches measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
 - d. The variances run with the land.
9. On August 8, 2018, the Planning Commission approved a Steep Slope Conditional Use Permit (SS-CUP) for the construction of a new addition to the historic house in excess of 200 square feet.
10. On June 10, 2019 an Administrative Conditional Use Permit for walls greater than 6' in height was approved in the Front Yard Setback and a portion of the Side Yard Setback. The retaining walls were approved to allow for the change in grade for the Front Yard and driveway area adjacent to Ontario Avenue. The area between the retaining walls will be backfilled and vegetated in accordance with the approved Administrative Conditional Use Permit and Landscape Plan.
11. The proposal complies with Land Management Code (LMC) 15-2.2-2(A) Allowed Uses as the applicant is proposing a Single Family Home, which is an allowed use in the HR-1 Zoning District.
12. The proposal complies with LMC 15-2.2-3(A) Lot Size as the minimum lot size in the HR-1 zone is 1,875 square feet. This lot is 3,750 square feet. The minimum lot width is 25 feet, and this lot's width is 50 feet.
13. The proposal complies with LMC 15-2.2-3(D) Footprint as the maximum footprint for a lot measuring 3,750 square feet is 1,519 square feet. The applicant is proposing a footprint of 1,519 square feet.
14. The proposal complies with LMC 15-2.2-3(E) Front Yard as the variance granted a front yard setback of 4 feet 6 inches, and the applicant has proposed a front yard setback of 4 feet 6 inches.
15. The proposal complies with LMC 15-2.2-3(E) Rear Yard as the required rear yard setback for a lot with a depth of 75 feet is 10 feet; the applicant has proposed rear yard setback of 10 feet based on the location of the historic house.
16. The proposal complies with LMC 15-2.2-3(F) Front Yard Setbacks as (6) Driveways leading to a garage and parking area are permitted in the Front Yard Setback.
17. The proposal complies with LMC 15-2.2-3(G) Rear Yard Setback Exceptions as (10) patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade are allowed to encroach into the rear yard setback.
18. The proposal complies with LMC 15-2.2-3(H) Side Yard Setbacks as the required setbacks for a lot measuring 50 feet in width are 5 feet, for a total of 10 feet. The applicant has proposed a 1 foot setback on the south side due to the location of the historic house, a 10 foot setback for the new addition along the south side of the property, and a 5 foot setback on the north side.
19. The proposal complies with LMC 15-2.2-3(I) Side Yard Exceptions as (6) patios, decks, pathways, and steps not more than 30 inches in height above Final Grade; (7) fences

- and retaining walls not more than 4 feet in height; and (8) Driveways leading to a garage or Parking Area are permitted to encroach into the side yard setback.
20. The proposal complies with LMC 15-2.2-3(J) as conditioned.
 21. The proposal complies with LMC 15-2.2-4 as Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.
 22. The applicant is not proposing to relocate the historic house. The applicant is only proposing a new concrete slab foundation beneath the house.
 23. The proposal complies with LMC 15-2.2-5 Building Height as the variance granted a maximum height of any building to be 35 feet above Existing Grade; the tallest portion of the new addition is 34.8 feet above Existing Grade. A 10 foot horizontal step is required on the downhill façade at 23 feet, which is the west elevation.
 24. The proposal complies with LMC 15-2.2-8 Architectural Review as it complies with the Design Guidelines for Historic Sites.
 25. The only significant vegetation on this site is one aspen tree that has been identified on the survey.
 26. The proposal complies with Universal Design Guidelines for Historic Sites:
 - a. The proposal complies with Universal Design Guideline #1 as the site shall be used as it was historically, a single family house, which requires minimal change to the distinctive materials and features.
 - b. The proposal complies with Universal Design Guideline #2 as changes to a site or building that have acquired historic significance in their own right will be retained and preserved. Minimal changes have been proposed to the historic house. The applicant is proposing to maintain the rear additions but remove later, non-historic additions such as the addition on the northeast corner of the house.
 - c. The proposal complies with Universal Design Guideline #3 in that the historic exterior features of a building will be retained and preserved. The applicant proposes to maintain the original window-door configuration of the hall-parlor house, but will be removing non-historic alterations such as the two square dormer windows on the façade and wood shutters. Historically, this house had a partial-width front porch that has since been removed; the applicant is proposing to reconstruct the original porch.
 - d. The proposal complies with Universal Design Guideline #4 in those distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved.
 - e. The proposal complies with Universal Design Guideline #5 as conditioned.
 - f. The proposal complies with Universal Design Guideline #6 as features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines. There were a number of changes made to the historic house after the historic period. The applicant has proposed to remove these later non-historic additions and reconstruct elements to the house that have been lost over time.

- g. The proposal complies with Universal Design Guideline #7 as the site will be recognized as a physical record of its time, place and use. The applicant is not proposing to introduce architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exists.
 - h. The proposal complies with Universal Design Guideline #8 as conditioned.
 - i. The proposal complies with Universal Design Guideline #9 in that the new additions, exterior alterations, and related new construction will not destroy historic materials, features, and spatial relationships that characterize the site or building. The new addition is setback from the west (rear) elevation of the historic house so that the historic house remains the focal point of the project.
 - j. The proposal complies with Universal Design Guideline #10 in that the new addition and related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.
27. The proposal complies with the Specific Design Guidelines for Historic Sites:
- a. The proposal complies with Specific Design Guideline A.1. Building Setbacks & Orientation. The applicant has proposed to maintain the original front and side yard setbacks of the historic house. The original location of the main entry will also be maintained.
 - b. Specific Design Guidelines A.2 Stone Retaining Walls are not applicable as this property does not have any historic stone retaining walls. New retaining walls are proposed along the north property line; however, these will not exceed 4 feet in height and will be constructed in a traditional style to compliment the historic house.
 - c. Specific Design Guidelines A.3 Fences and Handrails are not applicable as there are no historic fences or handrails on this site.
 - d. Specific Design Guidelines A.4 Steps are not applicable as there are no historic hillside steps on this site. The site is currently accessible from a privately owned pathway that runs perpendicular to Shorty's Stairs.
 - e. The proposal complies with Specific Design Guidelines A.5 Landscaping and Site Grading. There were no historic landscape features to retain and reconstruct on this site. The applicant has incorporated landscape treatments for the driveway, walkways, and paths in a comprehensive, complimentary, and integrated design. The historic character of the site will not be significantly altered by substantially changing the proportion of built or paved area to open space; the applicant has located the patios and decks in the side and rear yards to limit the amount of paved space. The landscape plans provides for snow storage on site, in the east front yard setback. The landscape plan respects the manner and materials used traditionally, with special consideration given to the front yard. Landscape separations have been provided between parking areas, drives, service areas, and public use areas. The original grading of the site will be maintained when and where feasible.
 - f. The proposal complies with Specific Design Guidelines B.1 Roofs. No photovoltaic panels or skylights have been proposed. The applicant has proposed asphalt shingle roofing on the historic house and a standing seam metal roof on the new addition.

- g. The proposal complies with Specific Design Guidelines B.2. Exterior Walls. No changes are proposed to the primary façade components. The applicant has proposed only to repair and maintain the historic features of the house, replacing those that are beyond repair in-kind. No substitute materials have been proposed.
- h. The proposal complies with Specific Design Guidelines B.3. Foundations. The applicant has proposed to construct a new basement foundation. The foundation will not raise the elevation of the historic house more than 2 feet. The original placement, orientation, and grade of the historic house will be retained where and when feasible.
- i. The proposal complies with Specific Design Guidelines B.4. Doors. The applicant will reconstruct the historic entry door on the west façade.
- j. The proposal complies with Specific Design Guidelines B.5 Windows. The applicant has proposed to maintain the historic window openings. The applicant will maintain and restore the two historic wood windows on the west elevation. The decorative wood shutters will be removed from the façade of the historic house as these are not historic. The oriole window and dormer windows are not original and diminish the historic integrity of the house; these will be removed.
- k. The proposal complies with Specific Design Guidelines B.6 Mechanical Systems, Utility Systems, and Service Equipment as conditioned.
- l. The proposal complies with Specific Design Guidelines B.7 Paint and Color as conditioned.
- m. The proposal complies with Specific Design Guidelines C.1 Off-Street Parking. The applicant has proposed off-street parking in the attached single-car garage of the new addition. The applicant has provided landscaping and set the garage back from the street in order to minimize impacts to the existing topography of the building site.
- n. The proposal complies with Specific Design Guidelines C.2 Driveways as conditioned. No shared driveway is proposed.
- o. Specific Design Guidelines C.3 Detached Garages are not applicable as the applicant is proposing an attached one-car garage.
- p. The proposal complies with Specific Design Guidelines D.1 Protection for Historic Structures and Sites. The applicant has set the proposed three-story addition behind the historic house that is broken into modules that reflect those seen on the historic house. The addition steps up the hill to reach Ontario Avenue.
- q. The proposal complies with Specific Design Guidelines D.2 General Compatibility. The addition will complement the visual and physical qualities of the historic hall-parlor as it incorporates similarly shaped and scaled windows and doors, wood siding, and gable roofs. The building components and materials used on the addition will be similar in scale and size to those found on the historic house. Window shapes, patterns, and proportions found on the historic house are reflected in the new addition. The addition is taller than the existing historic house and is visually separated from the historic house when viewed from the primary façade of the historic house. No in-line addition is proposed.

- r. Specific Design Guidelines D.3. Scenario 1: Residential Historic Sites—Basement Addition without Garage are not applicable as no basement addition is proposed.
 - s. Specific Design Guidelines D.4. Scenario 2: Residential Historic Sites—Basement Addition with Garage as no basement addition is proposed. The applicant is only proposing to construct a new slab foundation.
 - t. Specific Design Guidelines E. Relocation and/or Reorientation of Intact Buildings do not apply as the applicant is not proposing to relocate the historic house.
 - u. Specific Design Guidelines F. Disassembly/Reassembly of All or Part of a Historic Structure does not apply as this is not a panelization project.
 - v. Specific Design Guidelines G. Reconstruction of Existing Historic Structures does not apply as the applicant is not proposing to reconstruct the historic house.
 - w. Specific Design Guidelines H. Accessory Structures are not applicable as there are no existing or proposed accessory structures on the site.
 - x. Specific Design Guidelines I. Signs are not applicable as no signs are proposed.
 - y. The proposal complies with Specific Design Guidelines J. Exterior Lighting as Conditioned.
 - z. Specific Design Guidelines K. Awnings are not applicable as no awnings are proposed.
 - aa. The proposal complies with Specific Design Guidelines L. Sustainability as conditioned. No renewable energy systems are proposed.
 - bb. The proposal complies with Specific Design Guidelines M. Seismic Systems as the visual impact of exterior treatments associated with seismic upgrades will be minimized.
 - cc. Specific Design Guidelines N. ADA Compliance are not applicable as no ADA access is proposed.
28. Per LMC 15-11-9 Preservation Policy, the Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites, as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Residential-1 (HR-1) District (lot size, setbacks, etc.).
3. The proposed work is consistent with Park City General Plan.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on June 12, 2019, and approved on June 13, 2019, as redlined. Any changes, modifications, or deviations from the approved design shall be

reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved work that have not been approved by the Planning and Building Departments may result in a stop work order.

3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by June 13, 2020, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
6. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
7. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
8. Retaining walls shall not exceed 6 feet in height measured from Final Grade within any required Rear Yard or Side Yard. Within any required Front Yard, the retaining walls shall not exceed 4 feet in height, measured from Final Grade. The applicant shall show all retaining walls on his updated landscape plan and call out the height of the proposed retaining walls.
9. Patios, decks, pathways, steps, and similar Structures may not exceed 30 inches above Final Grade within the required side and rear yard setbacks.
10. Deteriorated or damaged historic features and elements shall be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element shall match the original in design, dimension, texture, material, and finish. The applicant shall demonstrate the severity of deterioration or existence of defects to the Planning Department by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The Planning Department shall review and approve in writing all replacements of historic materials prior to disposal.
11. Chemical or physical treatments, when appropriate, shall be undertaken using recognized preservation methods. Treatments that cause damage to historic materials shall not be used. Treatments that sustain and protect, but do not alter appearance, are encouraged.
12. The landscape plan shall balance water efficient irrigation methods and drought tolerant and native plant materials with existing plant materials and site features that contribute to the significance of the site.
13. Roof colors shall be earth-tone and muted in color; materials shall not be reflective. The Solar Reflective Index (SRI) value of the proposed metal roofing shall be less than 35. No metallic colored roofing is permitted.
14. If original grade cannot be achieved, no more than two feet (2') of the new foundation shall be visible above finished grade on the primary façade (west) and secondary facades (north and south) of the historic house.

15. Where historic windows and doors cannot be repaired and need to be replaced, the applicant shall use wood windows and doors on the historic portion of the house; aluminum clad wood windows and doors may be used on the basement level and new additions.
16. Mechanical equipment and utilities, including heating and air conditioning units, meters, and exposed pipes, shall be located on the rear façade or another inconspicuous location or incorporated into the appearance as an element of the design. Ground-level equipment shall be screened from view using landscape elements such as fences, low stone walls, or perennial plant materials. The applicant shall avoid removing or obstructing historic building elements when installing systems and equipment.
17. Original materials such as brick and stone that are traditionally left unpainted shall not be painted. Materials that are traditionally painted, such as the wood siding, shall have an opaque rather than transparent finish. A weather-protective finish shall be applied to wood surfaces that were not historically painted. When possible, low-VOC (volatile organic compound) paints and finishes shall be used.
18. After construction of the basement, the site should be re-graded to approximate the grading prior to construction of the addition.
19. Exterior lighting fixtures shall be compatible with the building's style, period, materials, and shall also be down-directed and shielded. The Planning Department shall approve all proposed lighting fixtures in writing prior to installation.
20. Construction and renovation waste shall be diverted from disposal if recycling facilities or services are available.
21. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
22. The Preservation Plan must include a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to issuance of a building permit. Cribbing or shoring must be of engineer specified materials. Screw-type jacks for raising and lowering the building are not allowed as primary supports once the building is lifted.
23. An encroachment agreement may be required prior to issuance of a building permit for projects utilizing soils nails that encroach onto neighboring properties.
24. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
25. Within five (5) days of installation of the cribbing and shoring, the structural engineer will inspect and approve the cribbing and shoring as constructed.
26. Historic buildings which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
27. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary. This would be based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
28. The applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to

re-inspect and approve the cribbing and/or shoring alterations within five (5) days of any relocation or alteration to the cribbing and/or shoring.

29. The applicant shall also request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation or ACE could take place.
30. All excavation work to construct the foundation of the historic house and new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties and the historic house on this property.
31. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
32. All utility meters shall be located on the applicant's property.
33. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department to reduce the duration of necessary staging and deliveries. Two separate traffic control personnel will be on site for any construction related deliveries.
34. The applicant shall notify the neighbors 48 hours in advance prior to any street closure for the project.
35. All redline edits detailed on the plans stamped in on June 12, 2019, shall be made on the construction drawings that are to be submitted as a part of the Building Permit application.
36. All standard conditions of approval shall apply (see attached).

If you have any questions, concerns, or comments regarding this letter, please do not hesitate to contact the Project Planner, Caitlyn Barhorst, at (435) 615-5067 or Caitlyn.barhorst@parkcity.org

Sincerely,



Gretchen Milliken
Planning Director

CO: Caitlyn Barhorst, Historic Preservation Planner

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.

10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012



April 12, 2021

Matt Day
PO Box 3683
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

Application: PL-21-04783
Application Type: Steep Slope Conditional Use Permit
Address: 341 Ontario Avenue
Action: Approved with Conditions
Date of Action: April 8, 2021

On April 8, 2021, the Park City Planning Department called a public meeting to order, conducted a public hearing, and approved a Conditional Use and a Steep Slope Conditional Use for the construction of an addition to the Significant Historic Structure at 341 Ontario Avenue based on the following:

Findings of Fact

1. The property is located at 341 Ontario Avenue.
2. The site is in the Historic Residential – 1 Density (HR-1) Zoning District.
3. The existing Single-Family Dwelling is designated Significant on the Park City Historic Sites Inventory.
4. The lot contains 3,750 square feet on a steep slope.
5. The Property Owner requests a Steep Slope Conditional Use Permit (CUP) for construction of an addition to the Significant Historic Structure.
6. The Applicant proposes to build an addition on the east side of the Significant Historic Structure, creating a total gross Single-Family Dwelling of 3,938 square feet.
7. The existing footprint of the Significant Historic Structure and non-historic addition is 483 square feet; the footprint of the Single-Family Dwelling following construction of the addition will be 1,519 square feet. The maximum allowed footprint for this lot is 1,519 square feet.
8. The construction is proposed on a slope greater than 30% and in some areas the slope is approximately 93%. The slope directly behind the Significant Historic Structure is 52%.
9. On April 17, 2018, the Board of Adjustment (BOA) approved three variances for

this site: (1) Reducing the front Setback from 10 feet to four feet, six inches; (2) Allowing Building Height above Existing Grade up to 35 feet; and (3) Allowing a maximum Height of 35 feet to 39 feet six inches measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

10. On September 3, 2015, the applicant submitted a Steep Slope Conditional Use Permit. Staff deemed the application complete on September 22, 2015, but it was on hold while the Applicant worked through the Historic District Design Review redlines and variance process.
11. The minimum Lot Size required in the HR-1 Zoning District is 1,875 square feet; the existing Lot is 3,750 square feet.
12. The applicant is proposing a 4.5-foot front Setback, as granted by the variance; a 10-foot rear Setback, as required by the Land Management Code; a 5-foot north side Setback, as required by the LMC; and a one-foot south side Setback due to the Significant Historic Structure.
13. Per LMC § 15-2.2-4, Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.
14. The maximum Zone Height for the HR-1 is 27 feet; the BOA-approved variance granted 35 feet; the applicant is proposing 35 feet.
15. The maximum interior Height allowed in the HR-1 Zoning District is 35 feet; the variance granted 39 feet 6 inches; the applicant is proposing an interior height of 39 feet, as granted by the BOA-approved variance.
16. The Final Grade must be within four vertical feet of the Significant Historic Structure, and the proposed maximum difference is four vertical feet.
17. The LMC requires a 10-foot horizontal step in the downhill facade at 23 feet, and the applicant is proposing this on the new addition.
18. The location of the development reduces the visual and environmental impacts of the Structure. The Significant Historic Structure is located on the southwest corner of the lot, facing Main Street and with its back to the canyon wall. The historic house sits some 32 feet below paved Ontario Avenue. The proposed addition is setback behind the historic house and separated from it by a transitional element. The mass and bulk of the structure is partially buried in the canyon wall to minimize its appearance. The mass and bulk is further broken up by patios, roofs, and decks that provide shadow lines and help conceal the size of the house. Along Ontario Avenue, the house appears to be one-story in height with emphasis on its pedestrian entrance over its garage.
19. The applicant provided a visual analysis of the project from key Vantage Points to demonstrate potential impacts of the project and to identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope and neighboring structures. The applicant has broken up the mass and scale of this house as it climbs the hill. The mass of the structure is broken into modules that are reflective of the mass and scale of the historic

house. The proposed design is visually compatible with the neighborhood. There is only one aspen tree that meets the definition of Significant Vegetation identified on this property. The applicant is proposing a robust landscape plan that will visually buffer and screen the view of the addition in a way that emphasizes the historic house. The landscape plan proposes to incorporate seven (7) new aspen trees on site to replace the two aspen trees on the survey to be replaced. The street view of the house is simple in design and creates vehicular and pedestrian access to the property from Ontario Avenue.

20. Access points and driveways have been designed to minimize Grading of the natural topography and reduce overall Building scale. The existing access to the site is from a pedestrian path off of Shorty's Stairs; there is currently no access from Ontario Avenue. The applicant has proposed an addition that includes a one-car garage along Ontario Avenue. The design of the façade along Ontario Avenue emphasizes the pedestrian entrance over the garage, which is consistent with the Design Guidelines. A bridged driveway connects the new garage to Ontario Avenue.
21. The design minimizes the need for retaining Structures in order to maintain Natural Grade. The design of the addition incorporates outdoor living spaces, preventing the need to terrace the grade to create patios and decks. The applicant has proposed landscaped stairs that connect different elevations of the yard, but these stairs are built into the hillside and do not require structure or terraces. The north and south sides of the house act as retaining walls and allow the applicant to maintain the existing grade in the narrow side yards.
22. Buildings, access, and infrastructure are located to minimize cut and fill that would alter the perceived natural topography of the site. The structure has been designed in order to be setback and visually separated from the historic house at the southwest corner of the lot. The location of the addition was driven by the need to access Ontario Avenue and the steep slope of the site; the mass and bulk has been broken up to reduce the overall scale of the new addition. The applicant has located the new addition in such a way that the original grade of the site can be largely restored following the construction of the addition. The design has provided opportunities for open space and there is only one aspen tree that meets the definition of Significant Vegetation. The driveway and parking area has been minimized and will be shielded by new vegetation.
23. Where Building masses orient against the Lot's existing contours, the Structures are stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. The garage is subordinate in design to the main pedestrian entrance along Ontario Avenue. The mass of the new addition steps up the hill, terminating at Ontario Avenue; the mass and bulk have been broken up as the addition climbs the hill. The new addition reflects the historic character of Park City's Historic Sites with its simple building forms, unadorned materials, and restrained ornamentation.
24. The design prevents a "wall effect" along the Street front and/or Rear Lot Lines. The new addition is largely tucked behind the historic house and only appears as

one story in height from the Ontario Avenue right-of-way. It does not create a wall effect at the front or rear property lines because the mass and bulk have been broken up into modules that reflect the mass and scale of historic buildings. Further, decks, overhangs, and roof projects help break up the mass and provide shadow lines to minimize the visual bulk of the structure. Changes in material, color, and design help distinguish the new addition from the historic house.

25. The maximum volume of the Structure is a function of the Lot Size, Building Height, and Setbacks. The proposed design is articulated and broken into compatible massing components, similar in size and proportion to those of the historic structure. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of the Single-Family Dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.
26. The maximum Building Height in the HR-1 District is 27 feet. The interior and exterior height of the structure is consistent with the variances granted. The height of the new addition is approximately 35 feet above existing grade, and the remainder of the addition is buried in the hillside and the grade steps uphill to Ontario Avenue. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
27. On August 8, 2018, the Planning Commission approved a Steep Slope CUP for 341 Ontario Avenue.
28. Condition of Approval four stated that the approval would expire on August 8, 2019 if no building permit was issued by the Building Department unless the Applicant requested an extension in writing prior to the expiration date.
29. The Building Department did not issue a building permit and the Applicant did not request an extension in writing. On August 8, 2019, the Steep Slope Conditional Use Permit approved by the Planning Commission expired.
30. On January 29, 2019, the City Council adopted Ordinance No. 2019-07, amending Steep Slope CUP reviews and designating a staff level review for Lots 3,750 square feet or less, codified in Land Management Code § 15-2.2-6. According to the 341 Ontario Avenue Subdivision, the Lot is 3,750 square feet and is subject to staff level approval.
31. The findings in the Analysis section of the staff report are incorporated herein.

Conclusions of Law

1. The Steep Slope CUP, as conditioned, is consistent with the Park City Land Management Code, specifically § 15-2.1-6.
2. The proposed addition to the Significant Historic Structure is consistent with the variances granted by the Board of Adjustment on April 17, 2018.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures, including the historic structure on this lot.
3. City Engineer review and approval of all Lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on April 8, 2022, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on August 8, 2018, and the Final Historic District Design Review.
6. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
7. The Preservation Plan must include a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to issuance of a building permit. Cribbing or shoring must be of engineer specified materials. Screw-type jacks for raising and lowering the building are not allowed as primary supports once the building is lifted.
8. An encroachment agreement may be required prior to issuance of a building permit for projects utilizing soils nails that encroach onto neighboring properties.
9. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
10. Within five (5) days of installation of the cribbing and shoring, the structural engineer will inspect and approve the cribbing and shoring as constructed.
11. Historic Structures which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
12. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, they determine that it is necessary based upon the need to immediately stabilize an existing Historic Structure, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
13. The Applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring

- alterations within five (5) days of any relocation or alteration to the cribbing and/or shoring.
14. The Applicant shall also request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation or ACE could take place.
 15. All excavation work to construct the foundation of the new addition shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties and the historic house on this property.
 16. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
 17. No utility meters shall be located under the bridged driveway; all utility meters shall be located on the Applicant's property.
 18. There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department to reduce the duration of necessary staging and deliveries. Two separate traffic control personnel will be on site for any construction related deliveries.
 19. The applicant shall notify the neighbors 48 hours in advance prior to any street closures for the project.
 20. Access to the Significant Historic Structure from Shorty's Stairs shall be retained.

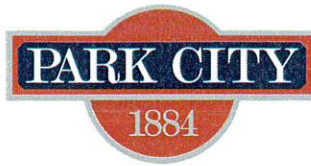
If you have questions regarding the action taken, please call 435-615-5046 or email rebecca.ward@parkcity.org.

Sincerely,



Gretchen Milliken
Planning Director

CC: Rebecca Ward, project planner



Planning Department

March 3, 2023

Jason A. Moore
PO Box 682035
Park City, UT 84068
jason@pls.builders; (435) 640-2350

CC: Matthew Day
341 Ontario Avenue
Park City, UT 84060

**Re: Historic District Design Review Modification Determination
Property Address: 341 Ontario Avenue
PL-23-05557**

Per your Modification application submitted on February 13, 2023, regarding the window and door changes located at 341 Ontario Avenue, it was determined that the proposed work is minor having little or no negative impact on the historic character of the surrounding neighborhood, the Historic District, or the adjacent Historic Site.

Therefore, per §15-11-12(A)(3) of the Land Management Code, your proposal would not be required to complete the full Historic District Design Review (HDDR) process; however, adherence to the following guidelines is still required:

- Compliance with LMC Section 15-13-2, *Design Guidelines For Historic Residential Sites*:
 - Ratios of solid-to-void that are compatible with surrounding historic buildings shall be used. Large expanses of glazing are inappropriate on residential structures. Large glass surfaces shall be divided into smaller windows that are in scale with those seen historically. To maximize views, non-historic window patterns may be considered on tertiary facades; however, the overall ratio of solid-to-glass shall still be respected.
 - Windows shall be historic size and shall relate to the human scale of the Historic District. Windows shall be proportional to the scale and style of the building and shall be compatible with the historical buildings in the Historic District.
 - The placement and grouping of windows shall be similar to those seen historically.
 - Windows with vertical emphasis are encouraged. The general rule is the height shall be twice the dimension of the width (commonly referred to as 2:1 ratio). Double-hung, vertically proportioned windows similar to those used historically are particularly encouraged. Windows with traditional depth and trim are preferred.

**Park City Municipal Corporation | 445 Marsac Avenue | P.O. Box 1480 | Park City, Utah 84060-1480
Planning Department | (435) 615-5060 Main Office Line | (435) 615-4906 Fax Line**



Planning Department

- The number of different window sizes and styles on a building or structure shall be limited.
- Wood or metal windows similar to those used historically are preferred but aluminum-clad wood windows are also appropriate. Vinyl and aluminum windows are inappropriate.
- New glazing shall match the appearance of historic glazing and/or shall be clear. Metallic, frosted, tinted, stained, textured, and reflective finishes are generally inappropriate for glazing on the primary façade.
- Compliance with LMC Chapter 15-2.2, Historic Residential - 1 (HR -1) District, is required.
- The proposed work will require a Final Inspection by both the Building and Planning Departments.

Should you have any questions or concerns, please do not hesitate to contact your project planner, Lillian Zollinger, at lillian.zollinger@parkcity.org or at 435-615-5068.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gretchen Milliken".

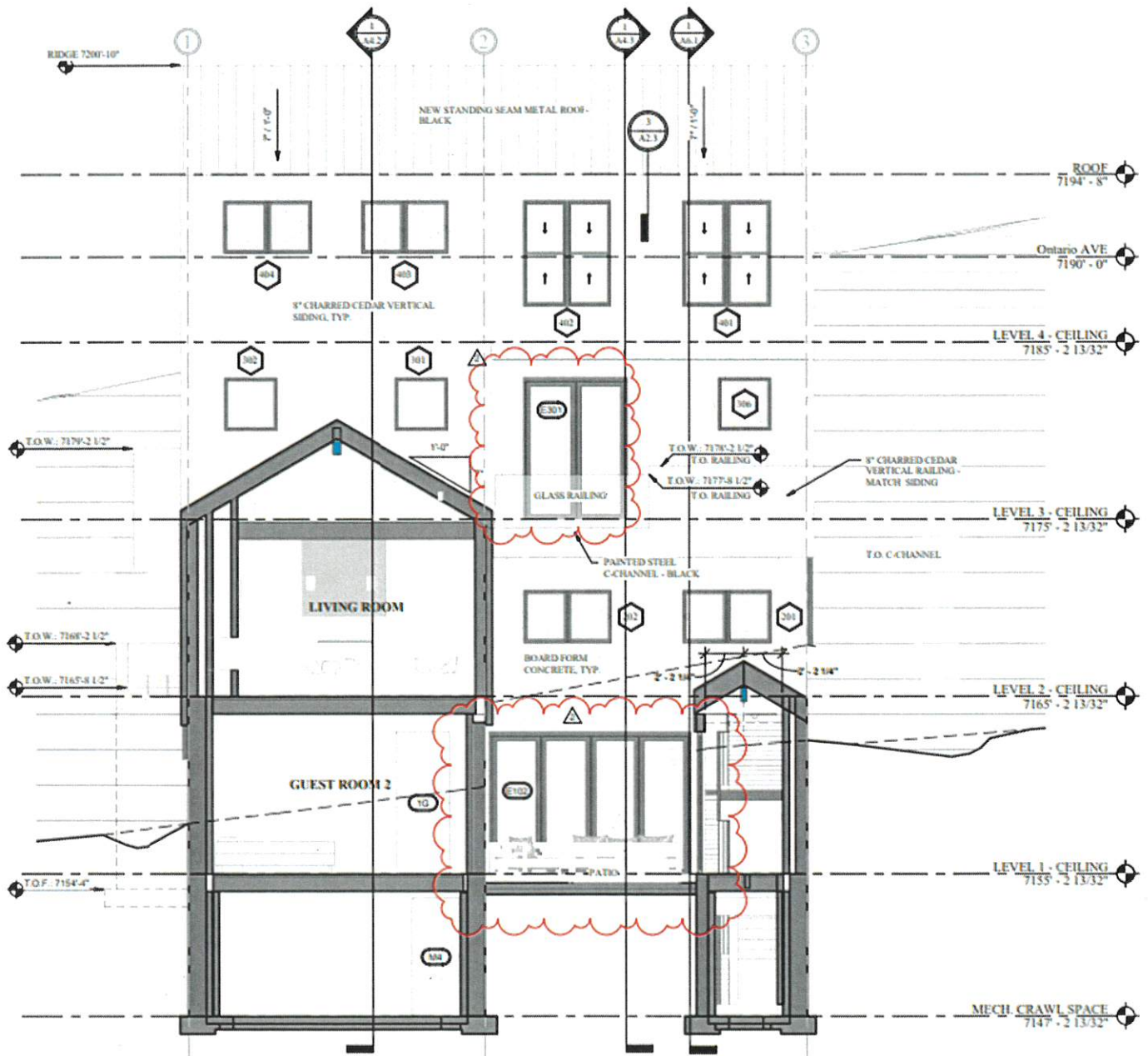
Gretchen Milliken
Planning Director

CC: Lillian Zollinger, Planner I

Exhibit: Proposed Project Scope and Plans



Planning Department





Planning Department

July 27, 2023

Re: Historic District Design Review Modification - Waiver Letter
Property Address: 341 Ontario Avenue
Zoning District: Historic Residential (HR-1)
Historic Designation: Significant Site
PL-23-05699

Planning staff reviewed the complete Historic District Design Review Modification Application submittal on June 21, 2023, regarding 341 Ontario Avenue, a Significant Historic Site in the Historic Residential (HR-1) Zoning District. The applicant proposes the following modifications for the non-historic portion of the dwelling:

- Replace the double-hung windows with casement windows.
- Remove and replace a damaged tree.
- Change the deck doors from two sets of French doors and four windows to four 9' tall sliding doors, with no windows.
- Extend the deck by two feet.

Following the review of project plans submitted June DATE, 2023, Planning staff determined that the project is minor construction having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District. Pursuant to Land Management Code (LMC) §15-11-12(A)(3), the project is not required to complete the full Historic District Design Review process. However, adherence to the following standards is required:

- Compliance with LMC Section 15-13-8, *Design Guidelines For New Residential Infill Construction In Historic Districts* is required.
 - No windows above sliding doors may be installed. This is to preserve reduced glazing.
 - The casement windows and sliding doors may not be vinyl and no change in materials are approved.
- Compliance with LMC Chapter 15-2.2, Historic Residential (HR-1) Zoning District, is required.
 - No change to the deck roofline or roof height is proposed or allowed.
 - The deck extension does not encroach into Setbacks and may not extend more than seven feet total in depth.
- Compliance with LMC Section 15-5-5(N), *Landscaping*, must is required.
 - A new tree, similar in kind to the existing, must be installed on the property to replace the one removed.
- The proposed work requires a Building Permit.
- The proposed work requires a Final Inspection by both the Building and Planning



Planning Department

Departments.

- Modifications to the project require a modification application submittal to the Planning Department, payment of application fee, review for compliance with required standards, and Planning and Building Department approval.

Should you have any questions or concerns, please do not hesitate to contact your project planner, Lillian Zollinger, at lillian.zollinger@parkcity.org or at 435-615-5068.

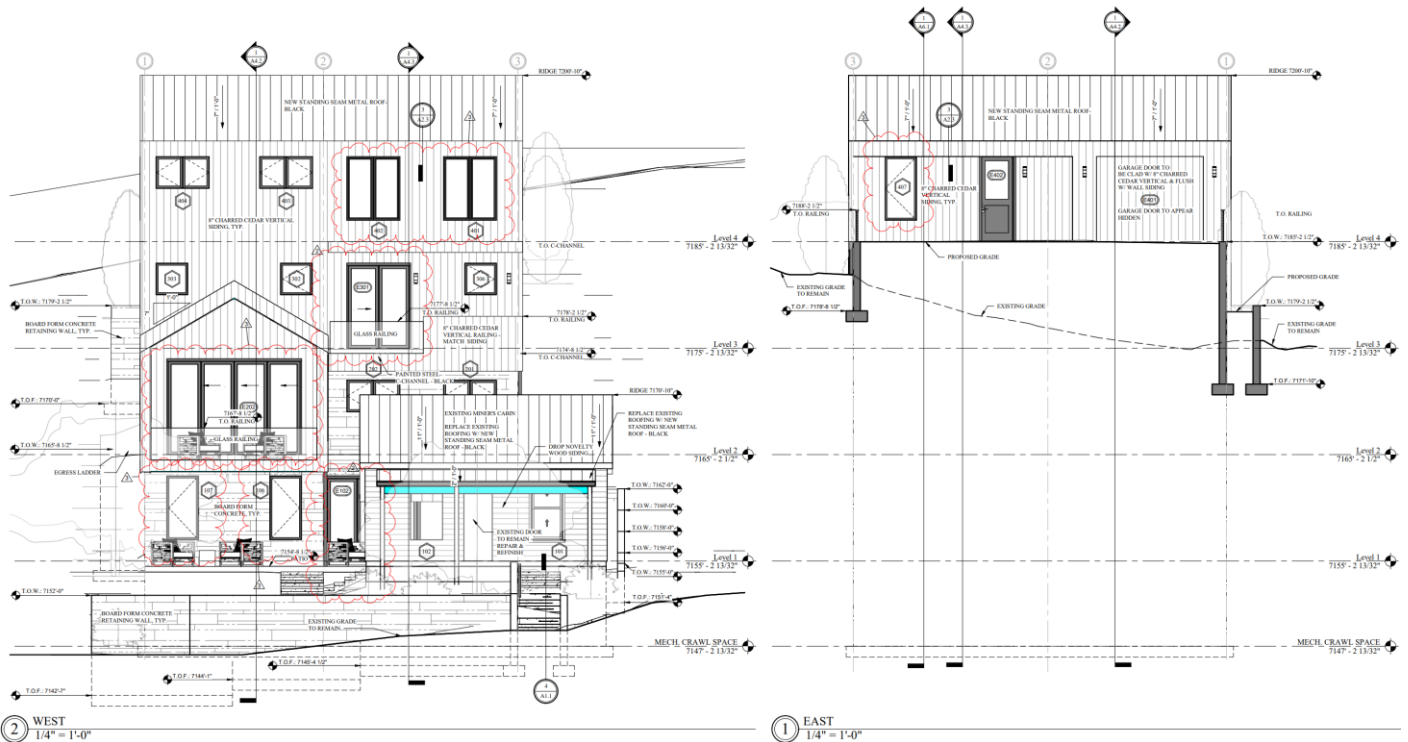
Sincerely,

Rebecca Ward
Planning Director Designee

CC: Lillian Zollinger, Planner II

Exhibit

Exhibit A – Proposed Project Plans Dated July 27, 2023





December 21, 2023

Matthew Day
P.O. Box 3683
Park City, UT 84060

NOTICE OF PLANNING DEPARTMENT ACTION

| | |
|------------------------------|--|
| <u>Application #</u> | PL-23-05980 |
| <u>Subject</u> | Modification to an Administrative Conditional Use Permit (CUP) |
| <u>Address</u> | 341 Ontario Avenue |
| <u>Description</u> | The applicant is proposing modifications to retaining walls within the Side Yard Setback and Front Yard Setback. |
| <u>Action Taken</u> | Approved |
| <u>Date of Action</u> | December 21, 2023 |

Action taken by Planning Department: A **Modification to an ACUP** was granted for retaining wall **modifications** located within the Side Yard and Front Yard area at 341 Ontario Avenue, based on the following:

Findings of Fact:

1. The property is located at 341 Ontario Avenue. The property is located in the Historic Residential-1 (HR-1) Zoning District.
2. The historic site is designated as Significant on the Historic Sites Inventory (HSI).
3. The Legal Description for this property is Lot 1 of the 341 Ontario Avenue Subdivision. On July 31, 2014, the Park City Council approved the 341 Ontario Avenue Subdivision through Ordinance 14-42.
4. The purpose of this Administrative CUP request is to allow a retaining wall greater than six feet (6') in height within the Side Yard Setback and Front Yard Setback, as allowed by the Land Management Code (LMC).
 - a. The maximum exposed portion of the retaining wall shall not exceed 7'6" as described on the May 23, 2019 approved plans.
5. All conditions of approval of the Historic District Design Review (HDDR) application Final Action Letter shall apply. See PL-15-02687.
6. The retaining wall is constructed of board formed concrete. The shoring walls shall be approved by the City Engineer.

7. The public notice was posted and notice to adjacent property owners was sent on **December 8, 2023**. No public comment was received.

Conclusions of Law:

1. The application complies with all requirements of Section 15-1-10(E) and 15-4-2(A)(1) of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use and mass.
3. As conditioned the use is consistent with the Park City General Plan.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

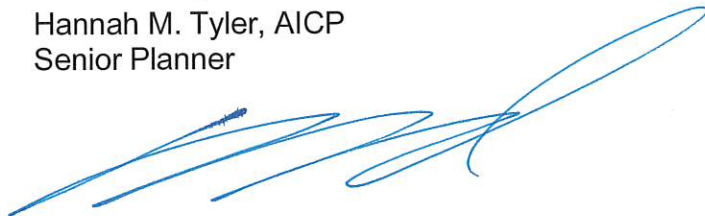
1. All standard conditions of approval apply to this Administrative Conditional Use Permit.
2. The fence material(s) shall abide by the Land Management Code and the Park City Historic District Design Guidelines.
3. The retaining walls shall be installed as approved on the **December 21, 2023**, plans.
4. The retaining walls shall not violate applicable International Fire Code, International Building Code, and/or Park City Municipal Code.
5. Applicant shall comply with any Building Department process/procedures regarding obtaining proper authorization.
6. A Work In the Right-of-Way Permit will be required from the Park City Engineering Department. This approval does not constitute approval of the Work in the Right-of-Way Permit.
7. The proposed retaining walls shall be shielded with vegetation to minimize visual impact. The final Landscape Plan shall match the approved HDDR plans.
8. **The Final Grade shall be within four feet of the Existing Grade.**

If you have any questions regarding your project or the action taken please don't hesitate to contact **the project planner at (435) 615-5068** or lillian.zollinger@parkcity.org.

Sincerely,



Hannah M. Tyler, AICP
Senior Planner



Rebecca Ward, Interim Planning Director
CC: Lillian Zollinger, Planner II



Planning Department

March 29, 2024

Re: Denial of a Historic District Design Review Modification Waiver Letter
Property Address: 341 Ontario Avenue
Zoning District: Historic Residential - 1
Historic Designation: Significant

341 Ontario Avenue, a Significant Historic Site on Park City's Historic Sites Inventory and within the Historic Residential - 1 Zoning District, includes a hall-parlor type house constructed during the Mature Mining Era (1894-1930). The hall-parlor type house constructed circa 1900 faces a north-south pedestrian walkway between Ontario Avenue and Marsac Avenue. The 0.09-acre site then slopes steeply up to Ontario Avenue. A rear addition to the Significant Historic Structure on the Steep Slope is under construction.

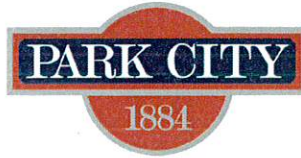
The Applicant submitted a modification application on March 7, 2024, requesting a waiver letter to the Historic District Design Review application for 341 Ontario Avenue. The Applicant proposes to:

- Construct at-grade stairs less than 30" in height along the south façade of the Single-Family Dwelling, and in the south Side Setback.
- Construct a 9' 9" by 6' in-ground hot tub one foot eight inches in the south Side Setback, and three feet four inches from the south property line.

The hot tub was originally included on the third level deck in the building permit plans (21-1339) approved November 4, 2021. Following the review of project plans dated February 15, 2024, Planning staff determined that the proposed modification is not compliant with the Land Management Code or previous approvals for 341 Ontario Avenue, including:

- "The design minimizes the need for retaining Structures in order to maintain Natural Grade. The design of the addition incorporates outdoor living spaces, preventing the need to terrace the grade to create patios and decks.
- The applicant has located the new addition in such a way that the original grade of the site can be largely restored following the construction of the addition.
- The historic character of the site will not be significantly altered by substantially changing the proportion of built or paved area to open space."

Land Management Code (LMC) § 15-2.2-5 outlines height requirements for the Historic Residential – 1 Zoning District and states final grade must be within four vertical feet of existing grade, except for window wells, emergency egress, and a garage entrance. The hot tub is not a window well, emergency egress, or garage entrance and is proposed to be sunken into grade by five feet, eight inches disturbing existing grade by five feet, eight inches and therefore does not comply.



Planning Department

LMC § 15-2.2-6 outlines requirements for development on Steep Slopes within the Historic Residential – 1 Zoning District and states, “[d]evelopment on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13 and Architectural Review Chapter 15-5.”

LMC § 15-13-2(B)(1)(b)(1) outlines requirements for Historic Sites and states that work in the Historic Districts must, “[m]aintain the natural topography and original grading of the site when and where feasible.” The Significant Historic Site with a Steep Slope has been substantially disturbed because of the construction of the addition to the Significant Historic Structure. The SSCUP approval Finding of Fact 22 notes, “The applicant has located the new addition in such a way that the original grade of the site can be largely restored following the construction of the addition.” Additionally, LMC § 15-13-2(b)(3) requires a Historic Site to be returned to original grade following construction of a foundation. The proposed hot tub and stairs do not comply because they further disrupt the restoration of the natural topography and original grading and do not comply with established findings.

LMC § 15-13-2(B)(1)(b)(2) states the historic character of the site should not be significantly altered by substantially changing the proportion of built and/or paved area to open space and vice versa. The proposed stairs and hot tub alter the portion of open space within the side setback by imposing 90 square feet of paved area on the already significantly disturbed site.

LMC § 15-13-2(B)(1)(b)(3) requires that topography and grading for Historic Sites must “[r]espect and maintain existing landscape features that contribute to the historic character of the site...” The proposed stairs and hot tub do not respect and maintain the existing landscape features that are required to be restored upon completion of the project.

Staff’s denial of the modification to the Historic District Design Review may be appealed within ten calendar days to the Board of Adjustment pursuant to LMC § 15-1-18.

Please contact your project planner with questions: lillian.zollinger@parkcity.org or at 435-615-5068.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Ward". The signature is fluid and cursive, with a large loop at the end.

Rebecca Ward,
Planning Director

CC: Lillian Zollinger, Planner II

15-1-18 F - Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the Appeal Panel must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; the petitioner's relationship to the project or subject Property; and a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide courtesy mailing to all parties who received mailed notice for the action being appealed within fourteen (14) days of filing the appeal.

APPEAL TO THE BOARD OF ADJUSTMENT

**Decision Appealed: Denial of a Historic District Design Review Modification Waiver Letter
Property Address: 341 Ontario Ave.**

Date city staff sent the Architect the denial: April 2nd

Date the Owner received the denial: April 4th

Petitioner Info

Date: 4-10-2024

Name: Matthew Day

Address: 341 Ontario Ave, Park City, UT 84103

Phone Number: 435-659-7582

Relationship to Property: Owner

Appeal to: Board of Adjustment

Reason for the appeal: Staff failed to apply the code correctly and made erroneous findings.

1. Explicit code sections providing for the requested modification were not applied

15-2.2-3 J (6) and (11) Lot and Site Requirements

In staff's consideration of the application it failed to recognize the most relevant section that explicitly allows stairs and a hot tub in the side setbacks.

15-2.2-3 J (6) - *Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, not including any required handrails.*

The application was for stairs to access the various steps in the already approved retaining walls. The stairs are not more than thirty inches (30") in height above final grade.

Therefore, the stairs should have been approved.

15-2.2-3 J (11) - Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

The application was for a hot tub, that was located three feet from the side lot line.

Therefore, the hot tub should have been approved.

2. No regard was given for safety, noise, visual improvement or desirability of neighbors.

There was already a hot tub approved on the front deck.

There is already a flat landing approved (and built) in the side setback.

All we are asking is to move the hot tub location.

The current location is highly exposed and on a 3rd floor balcony. The height makes it not safe location. The petitioner has a 1.5 year old and 6 year old child.

The current location is right inline with the neighbors window. So neither the neighbor or the petitioner want to hot tub in that location due to privacy concerns.

The balcony is very exposed and will have noise project across the valley. Again, not what neighbors across the valley would want.

The side location, is perfect as it tucks the hot tub away so its not visible, it dampens sound as its between the houses, both the petitioner and adjacent neighbor would prefer it there, it is safe as there isn't a 25 foot drop off the edge.

This is really such an obvious win-win for the petitioner, neighbor and old town generally.

3. No regard was given for practical access to the setback area

The side setback platform (that is already there) is beneath a 6-foot retaining wall. There is no access to it at all, without stairs. Even if for some reason the hot tub was still not allowed on the

landing, we still need to be able to access it as it will need to be vegetated. The code explicitly provides for this in side-setbacks.

In order to rejuvenate the side setback with vegetation, as we are required to do as much as possible, you have to be able to access it. So ironically, the stairs support all the requirements that the city pointed to in 15-13-2(B)(1)(b)(1),(2),(3)

Those code sections that were applied, were done so erroneously, or without appropriate understanding of the requested modification

15-2.2-5

Staff concluded that because the hot-tub is 5 feet deep, it breached the requirement that final grade must be within 4 feet of existing grade. That means any hot tub or pool that is deeper than 4 feet will always breach this rule. This is obviously not the intention of the section. In fact just last month the Planning Commission (with the support of staff) approved a 5 foot deep swimming pool on McHenry.

So the staff erred in concluding that the bottom of the hot tub is the final grade. Precedent at the Planning Commission shows that it should be measured from the surface of the hot tub.

With that measurement, the hot tub is within the 4 feet of existing grade and should be approved.

We could make it a regular hot tub, that sits on the platform and then this minimum depth issue wouldn't apply. But by putting it inground it takes it out of view, so that is surely preferable for everyone.

15-13-2 (B)(1)(b)(1)

Stated that "must maintain the natural topography and existing grading of the site where possible". The staff used this section as a reason for rejection. But the stairs that we propose follow the existing grading. This small narrow area sits on top of the shot-creek shoring wall that city engineering required of us. So, it's not possible to grow anything on this small sliver of land. Access stairs are the most attractive, and practical use of this sliver of land.

The stairs also provide access that we need to vegetate the site, otherwise there is no access at all.

15-13-2 (B)(1)(b)(2)

Staff erred in claiming that the proposal significantly altered the site. This is a very small sliver of land that the stairs are on.

All the retaining walls and platforms are already approved.

It's just a question of whether we put a hot tub on the existing approved platform not.

Staff appear to be confused about what was already approved vs what we are asking to amend now.

15-13-2 (B)(1)(b)(3)

“respect and maintain the existing landscape features”

- Again, there is a misunderstanding about what is already approved. The entire side area is already retaining walls and platform levels is approved. These were needed to hold up the hill.
- We are just talking about access stairs and using the existing platform for a hot tub. This is not a material change to what was already approved under HDDR

Signature:  _____

Matthew Day

341 Ontario - Appeal to the Board of Adjustment

The Appellant appeals two items:

1. The Appellant would like to add stairs to the top part of the south side yard, to access the to-be-vegetated areas below
2. The Appellant would like to move the hot tub from the exposed ~20 foot high balcony, to the shielded side yard – which will encroach 1 foot and 8 inches into the side set back

The two issues are being appealed separately, and the Appellant respectfully requests that they be decided separately.

Relevant LMC provisions to an appeal of HDDR

15-1-18 Appeals And Reconsideration Process

15-1-18 A - *Final Action regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment.*

15-1-18 G - BURDEN OF PROOF AND STANDARD OF REVIEW.

The appeal authority shall act in a quasi-judicial manner.

The appellant has the burden of proving that the land use authority erred.

The appeal authority shall review factual matters de novo, without deference to the land use authority's determination of factual matters.

The appeal authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

15-1-18 J (3) - *The Appeal Panel may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The Appeal Panel may remand the matter to the appropriate body with directions for specific Areas of review or clarification.*

1. The Appellant would like to add stairs to the top part of the side yard, to access the to-be-vegetated areas below

a. Below are two images of what is **already approved:**



As you can see, the red line above represents a 6-foot retaining wall, and there is currently no way to get below it. It's too high to navigate safely without stairs.

b. Below are 2 images of what is proposed:



The added stairs at the top allow access past the 6-foot wall. All the other levels after that are manageable without stairs, so we have minimized the change as much as possible.

c. Below are 2 images of what is proposed, after vegetation:



This is the key issue here:

Adding the stairs allows the Appellant the access he needs to plant and maintain vegetation that shields the retaining walls. Without access, there won't be enduring vegetation over the long run and the walls will inevitably become unshielded over time.

The proposed stairs are needed to comply with the original Admin CUP condition.

The Modification to the Administrative CUP (approved Dec 21, 2023) which approved the retaining walls states that:

“7. The proposed retaining walls shall be shielded with vegetation to minimize the visual impact”

In order to vegetate the side yard, and shield the retaining walls with vegetation, the Appellant needs access to the planting areas.

It is not reasonable, nor even feasible, to require the Appellant to navigate a 6-foot wall to comply with the requirement to keep it vegetated and shielded.

If approved, the stairs will be shielded by vegetation, just like the retaining walls will be. So, if the retaining walls were approved under HDDR (conditional on vegetation shielding) so ought the stairs that with facilitate the shielding to happen.

The LMC explicitly allows stairs within side setbacks

The LMC explicitly sets out the exceptions for things that are allowed in a side setback:

LMC **15-2.2-3 J (6)** - *Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, not including any required handrails.*

The stairs proposed are not more than 30” in height above final grade. Staff agree with this fact.

LMC **15-1-18 G** states that BOA must “*interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application*”.

Not only does the LMC not “plainly restrict” the stairs - it explicitly allows them.

LMC 15-13-2 (B)(1)(b)(1) – The stairs do follow the original grade of the site

Staff rejected the stairs based on LMC 15-13-2 (B)(1)(b)(1) which states:

Work within the Historic District must “[m]aintain the natural topography and original grading of the site when and where feasible.”



This provision actually supports the stair design. The stairs were designed to follow the original grading of the site. See the red arrow showing the steep slope that we can put the stairs on top of, next to the current retaining wall.

LMC 15-13-2 (B)(1)(b)(2) – The proportion of built to open space is not materially altered

Staff rejected the stairs based on LMC 15-13-2 (B)(1)(b)(2) which says:

“The historic character of the site should not be significantly altered by substantially changing the proportion of built and/or paved area to open space, and vice versa”

The staff report conflates the project as a whole, vs. this requested amendment. The project broader and the retaining walls are already approved. We are not reapplying for the whole house. We are just adding stairs.

The actual question to be answered is: does the extra 44 sqft of stairs in this amendment amount to a “significant alteration” that “substantially changes the proportion of built to open space”.

No – it is a very small change that obviously does not significantly alter it and doesn’t substantially change the proportion.

The three foot-wide sliver of land for the stairs does not breach LMC 15-13-2 (B)(1)(b)(3) and could not be vegetated anyway

Staff rejected the stairs based on LMC 15-13-2 (B)(1)(b)(3) which says:

Topography and grading of Historic Sites must *“respect and maintain existing landscaping features that contribute to the historic character of the site.”*

We are talking about the three-foot sliver of land along the lot line, at only the top of the site.

There was never anything on it but rocks, debris and some scrub. Certainly no *“landscaping features contributing to historic character”*...

It appears that staff simply want that three-feet vegetated. That desire isn’t under the purview of this section. But even if it was, it’s not even possible there.

Where the stairs are proposed to go, is over the top of the existing concrete construction shoring wall. There is ~40 feet of concrete shoring and soil nails below the proposed stair location. That shoring was all required by Park City Engineering department.



In a practical sense, it either needs to be covered in rocks, or stairs. But plants won’t grow on a concrete shoring wall.

2. The Appellant would like to move the hot tub from the exposed ~20 foot high balcony to the shielded side setback.



~20 foot drop

Current hot-tub location



Proposed hot-tub location

The LMC explicitly allows hot tubs within side setbacks

The LMC explicitly sets out the exceptions for things that are allowed within side setbacks:

15-2.2-3 J (11) - Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

The appellant proposed a hot tub that is:

- 1 foot and 8 inches into the side setback; and
- 3 feet and 4 inches off the south Side Lot Line.

LMC **15-1-18 G** states that BOA must “interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application”.

Not only does the LMC not “plainly restrict” hot tubs in the side setback - it explicitly allow them.

The proposed location is better for the neighbors

- The current location of the hot tub is out on an exposed balcony.
- The balcony is right in line with the adjacent neighbor's window.
- Moving it to the side lot, well below the neighbor's window line improves privacy for the neighbor and removes the risk of noise from the hot tub, and users of the hot tub, being a problem.
- From the cross valley view the hot tub being moved between the houses reduces noise that can travel across the valley.
- Further, it is proposed that the hot tub will be in-ground in the side lot (vs. above ground on the balcony), making it even less visible.

The current location is not as safe as the proposed side yard location

- The current hot tub is >20 feet above ground.
- The Appellant has two very young children (18 months and 6 years old). A hot tub so high is very problematic for a family with young kids.
- The proposed location is at ground level with the next step down only 3 feet high.

The final grade of the hot tub is within four feet of existing grade

The Modification to the Administrative CUP (approved Dec 21, 2023) which approved the retaining walls states that:

"8. The Final Grade shall be within four feet of the Existing Grade"

In order to shield the hot tub more from view, the Appellant has proposed the hot tub be inground.

The visible surface of the hot tub, which is at ground level, is within 4-feet of existing grade.

Staff have argued that because the hot tub is inground, you have to measure from the bottom of the hot tub, which is 5 feet, 8 inches deep - so by definition is more than 4 feet below existing grade.

This is a novel argument that makes little practical sense.

The distance from existing grade should be what is visible, not underground. The fact that a structure has an underground structural component has never been applied elsewhere in the code to the 4 feet from existing grade rule.

Swimming pools of 5 feet depth have been approved in Old Town this year alone (see McHenry). Under this construction they should not have been. In fact, no swimming pool could ever be approved again.

Even the height of a retaining wall under the code would no longer make sense. Retaining walls are Structures, and must go underground for structural support – but if a retaining wall needed more than 4 feet underground – would it now be banned for the 4 foot grade rule? That obviously doesn't make sense.

This argument fails under any logical analysis.

NOTE:

If the Board of Adjustment rules that staff are correct, and the grade measurement of a hot tub is in fact from the bottom of the hot tub, and uphold the denial, the Appellant will happily change the hot tub to a regular above ground hot tub in the same location, so this grade issue wouldn't apply.

LMC 15-13-2 (B)(1)(b)(2) – The proportion of built to open space isn't materially altered.

Staff rejected the inground hot tub based on LMC 15-13-2 (B)(1)(b)(2) which says:

“The historic character of the site should not be significantly altered by substantially changing the proportion of built and/or paved area to open space, and vice versa”

As with the argument for the stairs above, the real question is, relative to what is already approved, are the extra 77 sqft of hot-tub a “significant alteration” that “substantially changes the proportion of built to open space”.

No – it is a very small change. It is at grade so you can't even see it. It obviously does not significantly alter it and doesn't substantially change the proportion.

The hot-tub doesn't breach LMC 15-13-2 (B)(1)(b)(3)

Staff rejected the hot-tub based on LMC 15-13-2 (B)(1)(b)(3) which says:

Topography and grading of Historic Sites must *“respect and maintain existing landscaping features that contribute to the historic character of the site.”*

The grading is exactly the same as what has already been approved. That's why we put the hot tub in ground. Visually there is no difference. Again, the Applicant has volunteered that it could sit a regular hot tub on the location and this issue would go away. But it doesn't seem necessary as the in ground hot tub also satisfies the LMC.

Requested Vote:

1. To grant the appeal on the access stairs (allowing the applicant to build the access stairs).
2. To grant the appeal on the hot tub (allowing the applicant to move the hot-tub to an in ground position in the side setback).

Alternatively, if the Board of Adjustment denies 2. (on the grounds that an inground hot-tub breaches the four feet from existing grade rule):

3. To grant the appeal on the hot tub (conditional on the applicant installing a traditional above ground hot-tub in the side setback, that is 3 feet from the side lot line).

Tue 5/14/2024 9:36 AM

Lillian and Rebecca,

I live at 335 Ontario Ave. I am the direct neighbor of Matthew and Marissa Day, sharing the south lot line with 341 Ontario Avenue.

I am writing to express my support in the Day's appeal to the Board of Adjustment. I am aware that the HDDR rejected the Day's request to move their hot tub from the balcony to the side yard, on our side. The current location of the hot tub is directly in line with our living room window. As I'm sure you can imagine, that isn't ideal for us as it relates to privacy and noise.

Matt came to us and we agreed that the side yard was a much better option for both parties. The proposed hot tub position is below our window line and is tucked away low in the side yard and will be less noisy and our guests won't be frightened by Matt's resemblance to a Yeti.

With the new location and the Day's planned landscaping, you will be doing every Park City resident a favor as the hot tub will be out of the line of site (and who really want's to see that?). My eyes, ears, future grand kids and especially Mrs. Sobel will forever thank you for reconsidering the city's postion.

Barry M. Sobel, CFP®

Managing Director

Alex. Brown / Raymond James