



**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. Magleby 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

<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

<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>

Approved 05/21/2024

<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.

Board of Adjustment Meeting
April 16, 2024

Approved by _____
Ruth Gezelius, Board of Adjustment Chair

Approved 05.21.2024



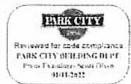
April 16, 2024

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

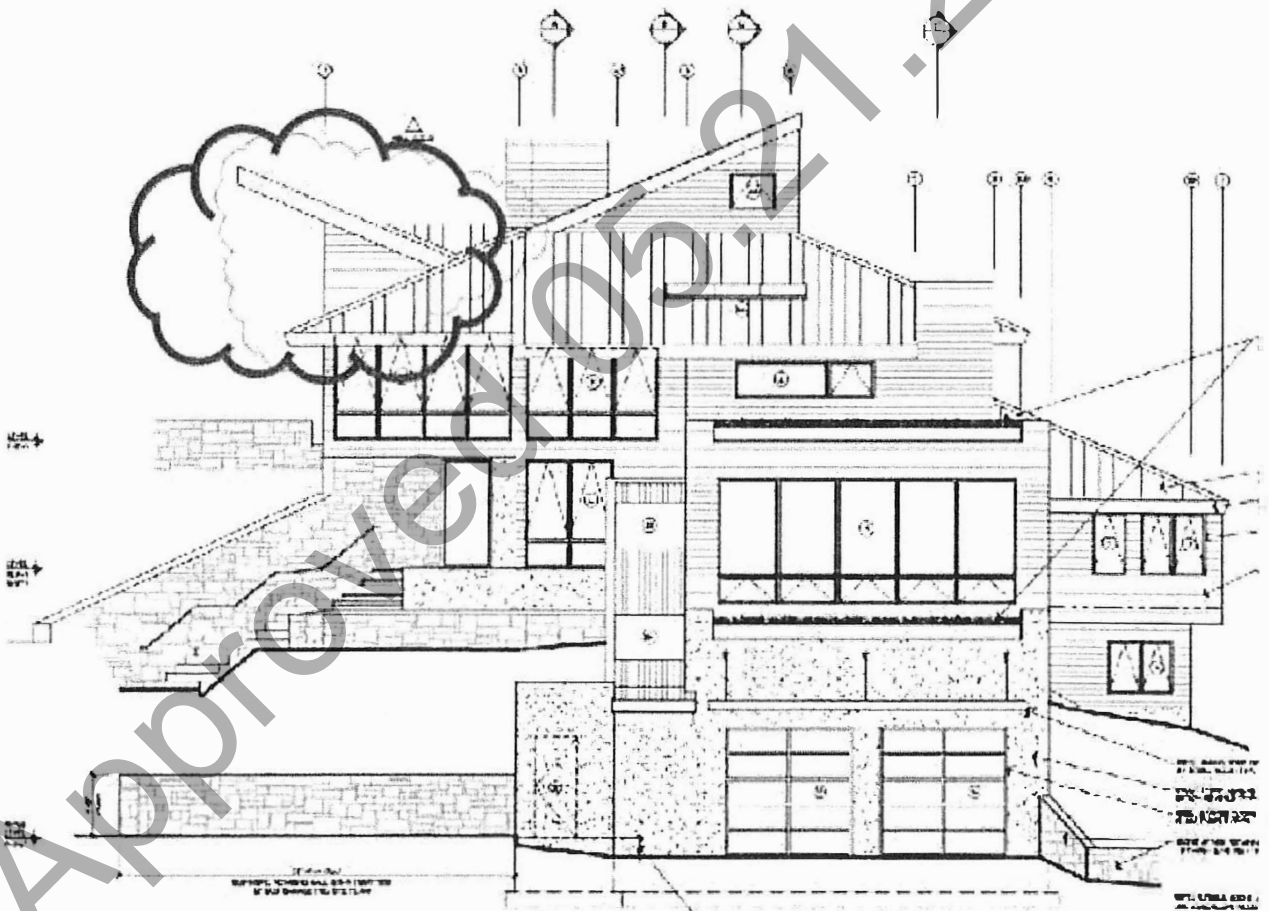


2021 Approved HDDR Design

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

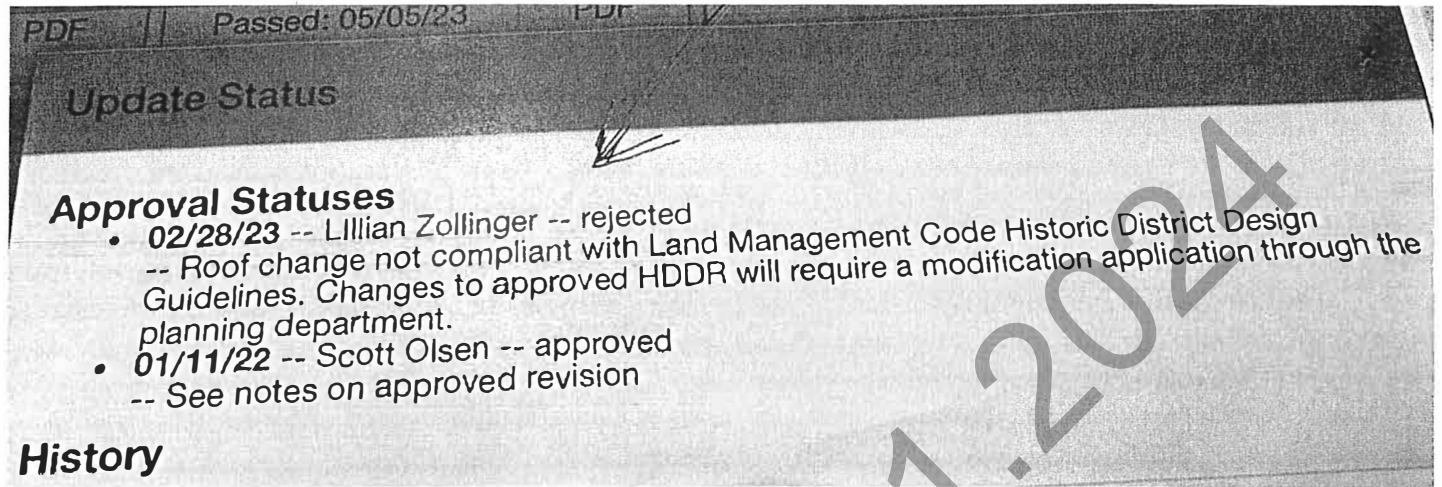


Revision approval for scope clouded and noted as details 1 dated 12/22/21 only.



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).