



**PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
November 19, 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.

Zoom Link: <https://us02web.zoom.us/j/82996633567>

- 1. MEETING CALLED TO ORDER AT 5:00PM**
- 2. ROLL CALL**
- 3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**
- 4. PUBLIC COMMUNICATIONS**
- 5. REGULAR AGENDA**
 - 5.A. **Appeal of 220 King Road Final Action** – The Board of Adjustment Will Review and Ratify a Final Action Letter Approving the Appeal of the Planning Director's Historic District Design Review Approval of a Single-Family Dwelling and Accessory Building at 220 King Road in the Sweeney Master Planned Development, Historic Residential - 1 Zoning District-Master Planned Development Zoning District. PL-25-06263
(A) Action
 - 5.B. **1234 Rothwell Road – Appeal** – The Applicant Appeals a Historic District Design Review Modification Denial to Enclose Existing Deck Space on the Main Level to Increase the Building Footprint to Create Additional Living Space in the Recreation Commercial Zoning District. PL-24-06288
(A) Public Hearing; (B) Action
 - 5.C. **3295 Thistle Street – Variance** – The Applicant Requests a Variance from Land Management Code Section 15-2.13-3 Residential Development Zoning District Lot and Site Requirements To Allow for a 47-Square-Foot Paved Area Within the Required Three-Foot Landscaped Buffer. PL-24-06295.
(A) Public Hearing; (B) Action
- 6. 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.**



November 19, 2024

Eric Hermann and Susan Fredston-Hermann
CC: Justin Keys

NOTICE OF BOARD OF ADJUSTMENT ACTION

Description

Address: 220 King Road

Zoning District: Historic Residential – 1 – Master Planned Development (HR-1-MPD)

Application: Appeal of a Historic District Design Review Approval

Project Number: PL-23-05522 – Historic District Design Review
PL-24-06263 – Appeal

Action: GRANTED

Date of Final Action: November 19, 2024

Project Summary: The Appellant appealed the Planning Director’s approval of a Historic District Design Review for a Single-Family Dwelling and Accessory Building at 220 King Road, Lot 2 of the Treasure Hill Subdivision within the Sweeney Master Planned Development.

Action Taken

On November 12, 2024, the Board of Adjustment conducted a public hearing and voted three to two to direct staff to draft a Final Action letter granting the appeal based on the following Findings of Fact and Conclusions of Law:

Findings of Fact

The Board of Adjustment hereby finds:

1. In 2022 and 2023, the Applicant submitted a Plat Amendment, Steep Slope Conditional Use Permit (SSCUP), Conditional Use Permit (CUP), and Historic District Design Review applications for the construction of a new Single-Family

- Dwelling (SFD) and Accessory Building at 220 King Road.
2. 220 King Road is a 1.23-acre lot in the Historic Residential – 1 – Master Planned Development (HR-1-MPD) Zoning District and is Lot 2 of the Treasure Hill Subdivision Phase I within the Sweeney Master Planned Development (Sweeney MPD).
 3. On October 26, 2022, the Planning Commission was scheduled to conduct a work session on the 220 King Road applications. The work session was continued to a later date at the request of the Applicant for additional time to consider their proposal.
 4. On October 11, 2023, the Planning Commission conducted a work session on the 220 King Road applications.
 5. On January 24, 2024, the Planning Commission conducted a work session on the 220 King Road applications.
 6. On February 14, 2024, the Planning Commission conducted a public hearing and approved the Plat Amendment, SSCUP, and CUP for the SFD and Accessory Building.
 7. On February 21, 2024, the Planning Commission ratified the Final Action Letter outlining their February 14 approval.
 8. On March 1, 2024, the Appellant appealed the Planning Commission's approval of the 220 King Road development applications.
 9. On April 30, 2024, the Appeal Panel denied the appeal in part and remanded questions related to the applicability of the Sensitive Land Overlay to the Planning Commission.
 10. On June 26, 2024, the Planning Commission determined the Sensitive Land Overlay did not apply to 220 King Road.
 11. On July 22, 2024, the Appeal Panel signed the Final Action Letter denying the appeal of the Planning Commission's approval.
 12. On August 15, 2024, the Planning Director approved the Historic District Design Review.
 13. On August 29, 2024, the Appellant appealed the Planning Director's approval of the Historic District Design Review.
 14. *The Planning Director erred as follows:*
 - a. The project does not comply with Land Management Code Section 15-13-8(A)(1)(5) because the building and site are not designed to respect the existing topography, the character-defining site features, including existing trees and vegetation, and does not minimize cut, fill, and the use of retaining walls. Although the proposed building uses prior disturbed area, the design does not minimize cuts and retaining resulting in its near singular massing and scale projecting outward, looming over the district, rather than stepping with the topography.
 - b. The project does not comply with Land Management Code Section 15-13-8(B)(2)(a)(9) because regardless of lot frontage, the primary façade is not compatible with the width of surrounding historic buildings. The greater width of a building is not set back significantly from the plane of the primary façade. The width of the new building shall not appear to be visibly greater than historic buildings in the streetscape or character area.

Modules on a primary façade should generally not exceed eleven feet to twenty-five feet in width. The modest roof change and color variation do not result in modules of a scale and massing compatible with historic massing in the streetscape or character area, including the Sweeney MPD.

- c. The project does not comply with Land Management Code Section 15-13-8(B)(1)(d) because retaining walls are not used to create gradual steps consistent with historic retaining walls in terms of mass, scale and design.

Conclusions of Law

1. The appellant met their burden of proving the Planning Director erred in the application and interpretation of the LMC to grant Historic District Design Review approval.

Order: The Board of Adjustment hereby grants the appeal and reverses the Planning Director's approval of the Historic District Design Review. Nothing in this Order affects the approvals of the Plat Amendment, SSCUP, and CUP for the SFD and Accessory Building, and the Applicant may re-apply for HDDR consistent with the Sweeney MPD, and those prior approvals.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5060 or email planning@parkcity.org.

Sincerely,

Jennifer Franklin, Board of Adjustment Chair

Board of Adjustment Staff Report



Subject: 1234 Rothwell Road
Application: PL-24-06112
Author: Lillian Zollinger, Planner III
Date: November 19, 2024
Type of Item: Appeal of Historic District Design Review Modification

Recommendation

(I) Review the Appeal of a Modification to a Historic District Design Review (HDDR) at 1234 Rothwell Road, (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: Christopher Tancill, represented by Charles Pearlman
Location: 1234 Rothwell Road
Zoning District: Recreation Commercial
Adjacent Land Uses: Residential, Open Space, Commercial
Reason for Review: Appeals for Final Action regarding the Design Regulations for Historic Districts shall be reviewed by the Board of Adjustment.¹

HPB Historic Preservation Board
LMC Land Management Code
SFD Single Family Dwelling
RC Recreation Commercial

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

Summary

1234 Rothwell Road is an existing Single-Family Dwelling (SFD) in the Recreation Commercial (RC) Zoning District, Lot 12 of the King's Crown Re-Subdivision. The Appellant appeals the denial of a Modification to a Historic District Design Review (HDDR) to enclose a deck that increases the Building Footprint by 92.25 square feet in excess of what is allowed in the Land Management Code.

Background

- On May 15, 2019, the Planning Department approved a Historic District Design Review (HDDR) for the SFD at 1234 Rothwell Road.
- On August 18, 2019, the Building Department issued Building Permit BD-19-26965 to construct the SFD.

¹ LMC [§ 15-1-18\(A\)](#)

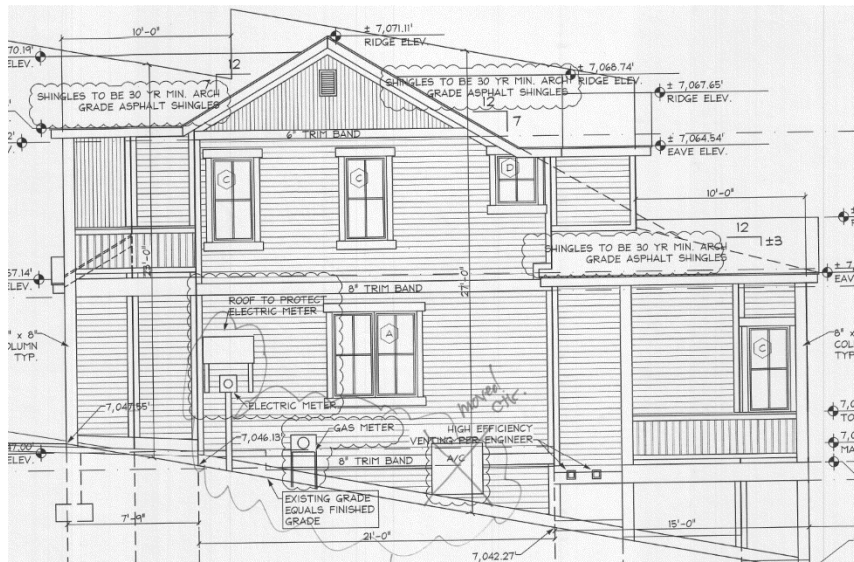
- On December 26, 2023, the Applicant submitted an HDDR Pre-Application to enclose a deck area to expand the SFD Building Footprint.
- On February 13, 2024, the Planning Department issued the Applicant a memo (see Exhibit C) outlining the proposal's non-compliance with the Land Management Code (LMC).
- On May 2, 2024, the Applicant provided a response to the memo (see Exhibit D) and applied for an HDDR Modification to modify the original HDDR approval from May 2019 to increase the Building Footprint by enclosing a deck.
- On August 22, 2024, the Planning Director held a public hearing and denied the HDDR Modification to enclose the deck, finding the proposed expansion did not comply with the requirements of the LMC because it expanded the Building Footprint 92.25 square feet in excess of what is allowed (see Exhibit E).
- On September 23, 2024, the Appellant appealed the Planning Director's HDDR Modification denial. See Exhibit F for the Appellant's full Appeal.



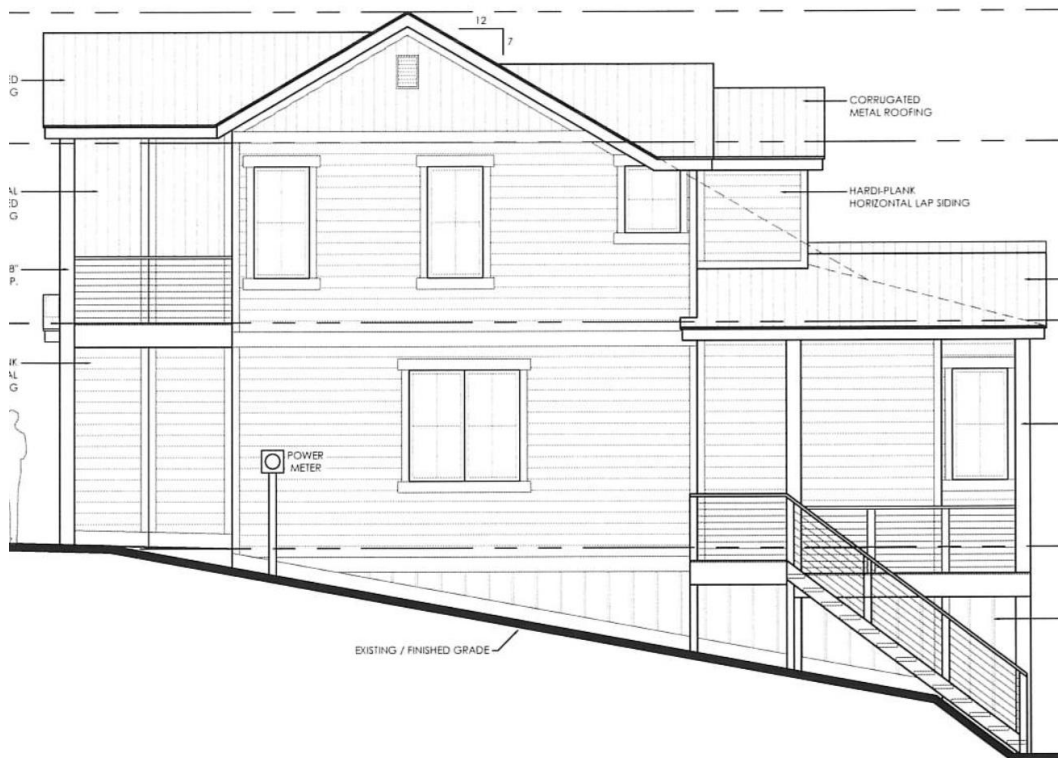
1126 Woodside from the Summit County Parcel Viewer website



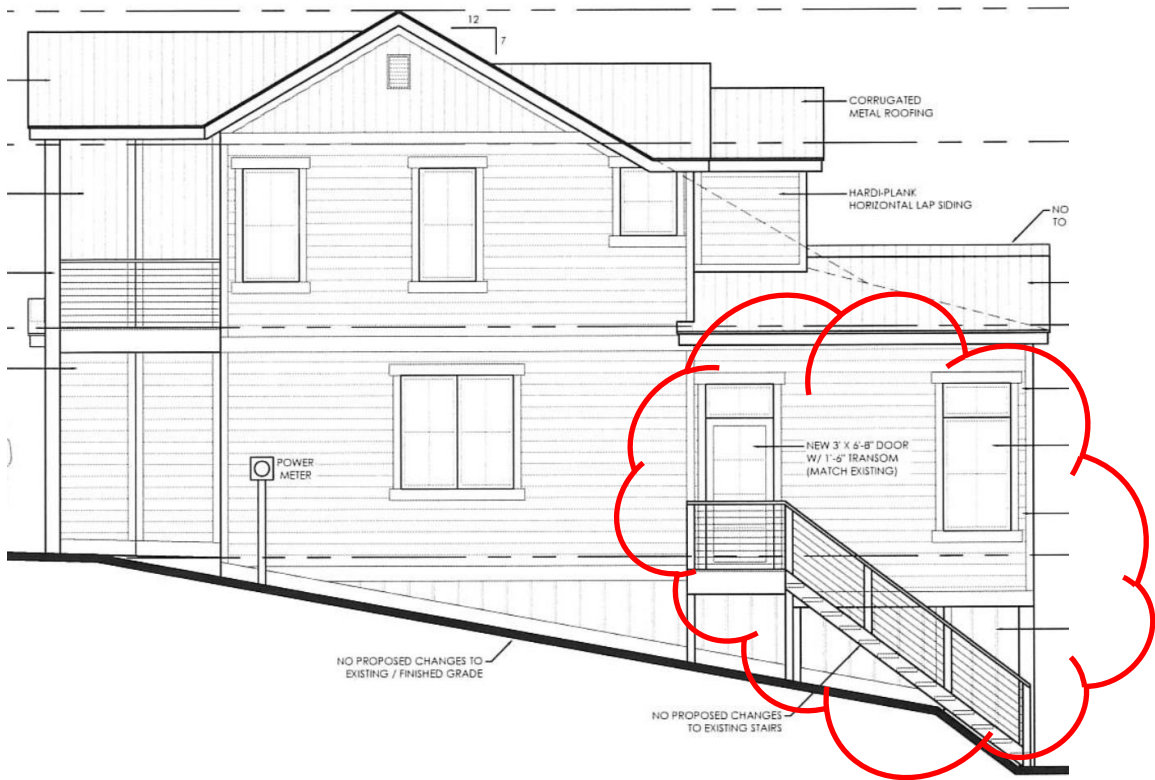
Approved plans – west (front) elevation



Approved plans with deck – south elevation



Existing plans – south elevation.



HDDR Modification plans with proposed enclosed deck – south elevation (changes shown in red bubble).



Approved plans with deck – east elevation.



Existing plans – east elevation.



HDDR Modification plans showing proposed enclosed deck (changes shown in red bubble) – east elevation

Standard of Review

Pursuant to LMC [§ 15-1-18\(A\)](#) Final Action regarding Historic District Design Reviews shall be reviewed by the Board of Adjustment. The Board of Adjustment shall act in a quasi-judicial manner. The Board of Adjustment shall review factual matters de novo, without deference to the Planning Director’s 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.

Review of appeals shall include a public hearing and shall be limited to consideration of only those matters raised by the petition, unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal.

Burden of Proof

Pursuant to LMC [§ 15-1-18\(G\)](#), the Appellant has the burden of proof to demonstrate the Planning Director erred in denying the HDDR Modification to expand the Building Footprint beyond what is allowed in the LMC at 1234 Rothwell Road.

The question for the Board of Adjustment is:

Did the Planning Director incorrectly apply the LMC standards to this application to deny the Historic District Design Review Modification?

Analysis

(I) The proposed addition does not comply with the Recreation Commercial Zoning District requirements for maximum Building Footprint outlined in Land Management Code Chapter 15-2.16.

There are special requirements for SFDs in the RC Zoning District, including a maximum Building Footprint.² LMC [§ 15-15-1](#) defines Building Footprint as, “[t]he total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.” Pursuant to LMC [§ 15-15-1](#), patios and decks are excluded from the Building Footprint.

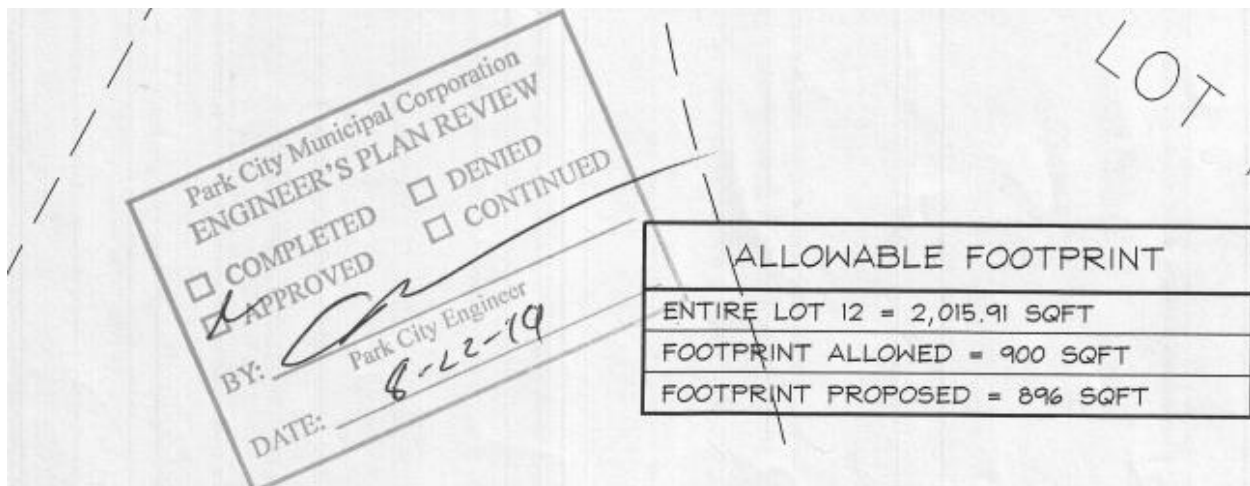
1234 Rothwell Road is a 2,015.91-square-foot Lot. Pursuant to LMC [§ 15-2.16-5\(D\)](#), a maximum Building Footprint is calculated as follows:

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

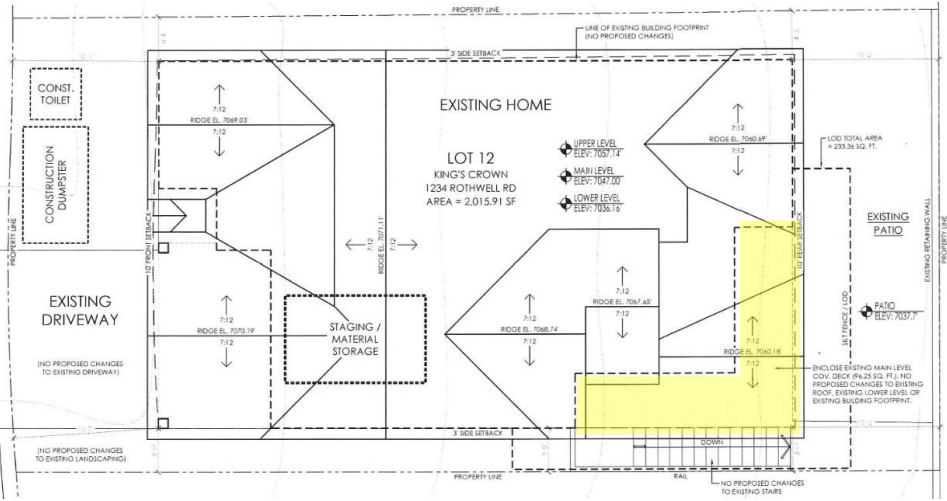
Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519 \text{ sq. ft.}$

The maximum Building Footprint for 1234 Rothwell Road is 900 square feet. The existing SFD has an 896-square-foot Building Footprint. The approved Building Permit plans indicate the maximum Building Footprint and proposed Building Footprint:



1234 Rothwell Road Building Footprint as noted by the Architect on the approved building permit plans.

² LMC [§ 15-2.16-5\(D\)](#)

Requirement	Analysis of Proposal
<p>Maximum Building Footprint³ – 900 square feet</p> <p>Existing Footprint – 896 square feet</p>	<p>Proposed Building Footprint does not comply.</p> <p>LMC § 15-15-1, defines <i>Building Footprint</i> as, “[t]he total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks . . .”</p> <p>The proposed 96.25-square-foot addition fills in the existing deck space. Pursuant to LMC § 15-2.16-5(C)(1), “Upper level deck areas are not included in the Building Footprint.” Enclosing this area would exceed the allowable maximum Building Footprint for a Lot of this size in the RC Zoning District.</p> <p>The deck, as existing, does not count toward the Building Footprint, as defined. Enclosing the 96.25-square-foot deck and incorporating the deck into the building increases the Building Footprint, exceeding the allowed Building Footprint by 92.25 square feet.</p>  <p><i>Site plan provided by the Applicant for the proposed Modification, with the deck area highlighted.</i></p>

As a result, Staff recommends the Board of Adjustment uphold the denial to increase the Building Footprint at 1234 Rothwell Road beyond what is allowed in the LMC.

To get around the plain meaning and uncontested math, the Appellant argues:

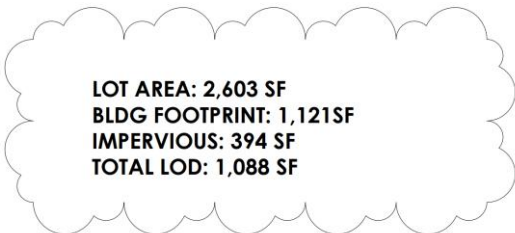
1. There is no basis in code to interpret the building footprint through the stricter of the two methods.
2. Other properties were calculated differently.
3. The denial is illegal and violates equal protection protections of the Constitution.

³ MAXIMUM FP = (A/2) x 0.9^{A/1875} where FP = maximum Building Footprint and A = Lot Area

Staff responds to each as follows:

1. If we interpreted the building footprint the manner in which the Appellant proposes, it is meaningless. Interpreting the definition of the building footprint to be the total Area of the foundation of the Structure, **or** the furthest exterior wall of the Structure projected to Natural Grade, would allow for all property owners to use exceptions for the initial construction of the structure and then expand to a greater footprint, including within setbacks. Besides its absurdity, this interpretation would render the need for the exceptions meaningless because any square footage beyond the foundation wouldn't count.
2. The Appellant fails to distinguish where staff failed to catch misrepresentations by other applicants. Such enforcement, lack thereof or reliance upon affirmative representations by other applicants is not affirmative application of the code, even if that were an actionable claim for relief to the BOA, which it isn't. Staff cannot ignore Land Management Code regulations because a different Applicant's representative misrepresents the building footprint dimensions on a building permit plan.
3. When an Applicant's representative submits an [HDDR Pre-Application](#), the representative signs an acknowledgement of responsibility, noting they are making an application for the described action by the City and that they are responsible for complying with all City requirements with regards to the request.

LMC [§ 15-14-1](#) states, "The failure of any Person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action. Permits issued in violation of this ordinance shall have no force or effect and Persons knowingly or negligently Building under improperly issued permits do so at their own risk."

Address	Maximum Allowed Building Footprint	Footprint noted by the Architect on the Building Permit Plans
1270 Rothwell Rd	1124.40 square feet	 <p>LOT AREA: 2,603 SF BLDG FOOTPRINT: 1,121SF IMPERVIOUS: 394 SF TOTAL LOD: 1,088 SF</p>
1264 Rothwell Rd	890.24 square feet	<p>LOT AREA: 1,992 SF BUILDING PAD: 1,129 SF ALLOW BLDG FOOTPRINT: 891SF ACTUAL BLDG FOOTPRINT: 883</p>

1240 Rothwell Rd	913.47 square feet	<table border="1"> <tr> <td data-bbox="802 212 1344 268">ALLOWABLE FOOTPRINT</td> </tr> <tr> <td data-bbox="802 268 1344 401"> ENTIRE LOT 13 = 2049.98 SQ. FT. FOOTPRINT ALLOWED = 913.47 SQ. FT. FOOTPRINT PROPOSED = 912.75 SQ. FT. </td> </tr> </table>	ALLOWABLE FOOTPRINT	ENTIRE LOT 13 = 2049.98 SQ. FT. FOOTPRINT ALLOWED = 913.47 SQ. FT. FOOTPRINT PROPOSED = 912.75 SQ. FT.
ALLOWABLE FOOTPRINT				
ENTIRE LOT 13 = 2049.98 SQ. FT. FOOTPRINT ALLOWED = 913.47 SQ. FT. FOOTPRINT PROPOSED = 912.75 SQ. FT.				
1228 Rothwell Rd	965.18 square feet	<table border="1"> <tr> <td data-bbox="802 457 1344 514">ALLOWABLE FOOTPRINT</td> </tr> <tr> <td data-bbox="802 514 1344 646"> ENTIRE LOT 11 = 2182.20 SQ. FT. FOOTPRINT ALLOWED = 965.18 SQ. FT. FOOTPRINT PROPOSED = 963.5 SQ. FT. </td> </tr> </table>	ALLOWABLE FOOTPRINT	ENTIRE LOT 11 = 2182.20 SQ. FT. FOOTPRINT ALLOWED = 965.18 SQ. FT. FOOTPRINT PROPOSED = 963.5 SQ. FT.
ALLOWABLE FOOTPRINT				
ENTIRE LOT 11 = 2182.20 SQ. FT. FOOTPRINT ALLOWED = 965.18 SQ. FT. FOOTPRINT PROPOSED = 963.5 SQ. FT.				

Accordingly, the Appellant has not met their burden to demonstrate the staff erred in application of the LMC. The math in this case is based upon dimensions and calculations provided by the original architect/plan set as a baseline, and undisputed in regards to the new square foot addition proposed.

Department Review

The Planning Department and City Attorney’s Office reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on November 5, 2024 Staff mailed courtesy notice to property owners within 300 feet on November 5, 2024. The *Park Record* published courtesy notice on November 5, 2024.⁴

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 as outlined in Exhibit A – Draft Final Action Letter.
- The Board of Adjustment may approve the Appeal and direct staff to draft Findings for this approval.
- The Board of Adjustment may request additional information and continue the discussion to a date certain.

Exhibits

- Exhibit A: Draft Final Action Letter
- Exhibit B: Proposed Plans
- Exhibit C: February 13, 2024 Planning Department Memo

⁴ LMC [§ 15-1-21](#)

Exhibit D: March 7, 2024 Applicant's Response to Memo
Exhibit E: August 22, 2024 HDDR Modification Denial Final Action Letter Signed
Exhibit F: Appellant's Appeal
Exhibit G: 1234 Rothwell Road Approved Building Permit Plans



Planning Department

November 19, 2024

Christopher Tancill

CC: Charles Pearlman

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 1234 Rothwell Road

Zoning District: Recreation Commercial

Application: Appeal of Historic District Design Review Modification

Project Number: PL-24-06228

Action: DENIED

Date of Final Action: August 22, 2024

Project Summary: The Applicant appeals the Planning Director's denial of a Historic District Design Review Modification to enclose a deck area and to expand the Building Footprint.

Action Taken

On November 19, 2024, the Board of Adjustment conducted a public hearing and denied the Appeal according to the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. 1234 Rothwell Road is Lot 12 of the King's Crown Re-Subdivision.
2. 1234 Rothwell Road is in the Recreation Commercial (RC) Zoning District.
3. On May 15, 2019, the Planning Department approved a Historic District Design Review (HDDR) for a Single-Family Dwelling at 1234 Rothwell Road.
4. On August 18, 2019 the Building Department issued Building Permit BD-19-26965 to construct the Single-Family Dwelling.
5. On December 26, 2023, the Applicant submitted a Historic District Design Review Pre-Application to enclose a deck area to expand the Building Footprint.



Planning Department

6. On February 13, 2024, the Planning Department issued the Applicant a memo outlining the proposal's non-compliance with Building Footprint regulations established in Land Management Code Section 15-2.16-5(D).
7. The Applicant provided a response to the memo and on May 2, 2024, applied for a modification to the Historic District Design Review to enclose a deck area and expand the Building Footprint.
8. On August 22, 2024, the Planning Director held a public hearing and denied the Historic District Design Review Modification to enclose the existing deck and increase the Building Footprint in excess of what is allowed in the Land Management Code Section 15-2.16-5(D) by 92.25 square feet.
9. On September 23, 2024, the Applicant appealed the Planning Director's Historic District Design Review Modification denial.
10. Staff published notice on the City's website and posted notice to the property on November 5, 2024. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on November 5, 2024. The Park Record published courtesy notice on November 5, 2024.

Conclusions of Law

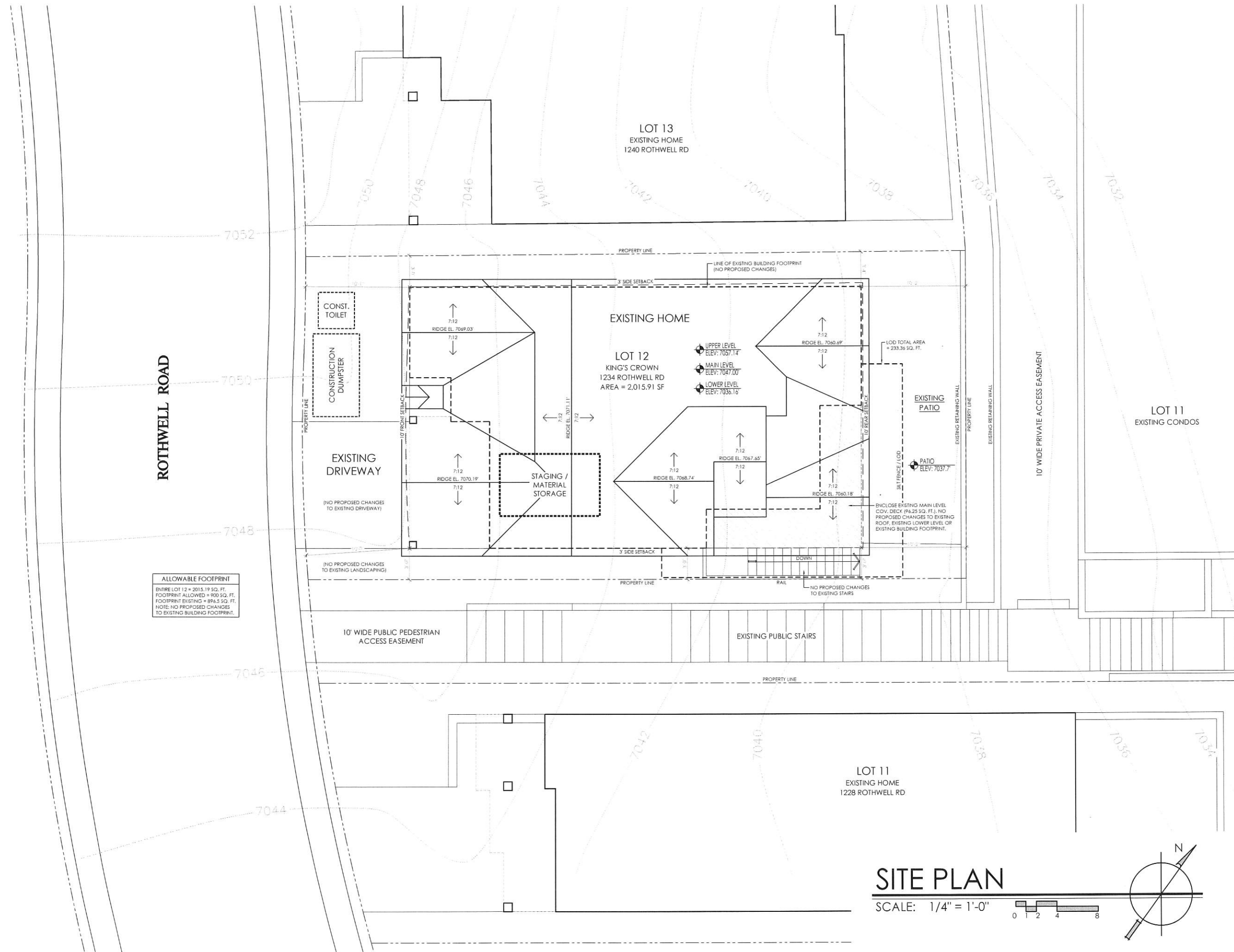
1. The Appellant did not meet their burden of proof pursuant to Land Management Code Section 15-1-18(G) to demonstrate the Planning Director erred in denying the Historic District Design Review Modification.
2. The proposal to enclose the deck area and increase the Building Footprint by 96.25 square feet does not comply with Land Management Code Section 15-2.16-5(D).

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

Sincerely,

Jennifer Franklin,
Board of Adjustment Chair

CC: Lillian Zollinger, Planner III



ALLOWABLE FOOTPRINT
 ENTIRE LOT 12 = 2015.19 SQ. FT.
 FOOTPRINT ALLOWED = 900 SQ. FT.
 FOOTPRINT EXISTING = 896.5 SQ. FT.
 NOTE: NO PROPOSED CHANGES TO EXISTING BUILDING FOOTPRINT.

LOT 13
 EXISTING HOME
 1240 ROTHWELL RD

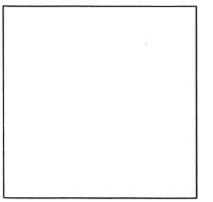
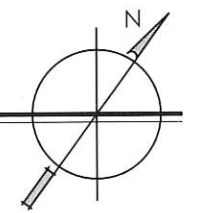
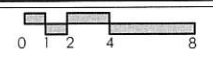
LOT 12
 KING'S CROWN
 1234 ROTHWELL RD
 AREA = 2,015.91 SF

LOT 11
 EXISTING CONDOS

LOT 11
 EXISTING HOME
 1228 ROTHWELL RD

SITE PLAN

SCALE: 1/4" = 1'-0"



AN ADDITION FOR THE:
**TANCILL
 RESIDENCE**
 1234 ROTHWELL ROAD
 PARK CITY, UTAH

THE DESIGN, REVISIONS, CONCEPTS, DETAILS, SCHEDULES, AND ALL DRAWINGS (INCLUDING BUT NOT LIMITED TO THESE DRAWINGS) ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THESE DRAWINGS ARE TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AND DOES NOT INCLUDE ANY OTHER SERVICES OR PRODUCTS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AND DOES NOT INCLUDE ANY OTHER SERVICES OR PRODUCTS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AND DOES NOT INCLUDE ANY OTHER SERVICES OR PRODUCTS.

ENGINEER:
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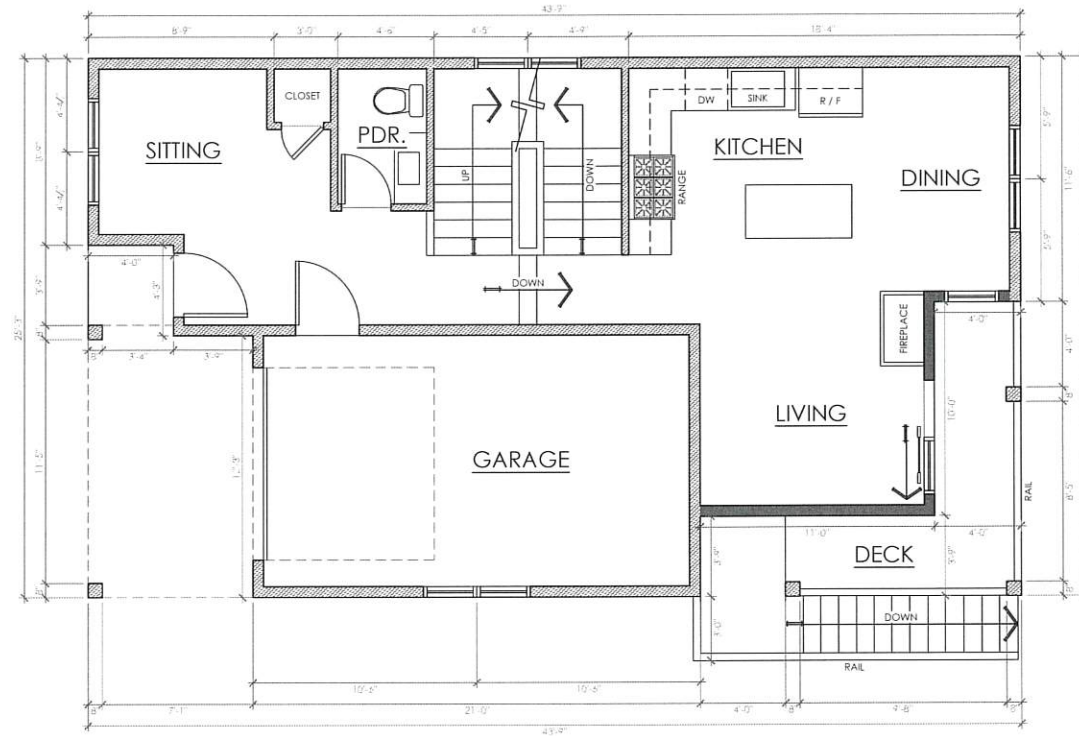
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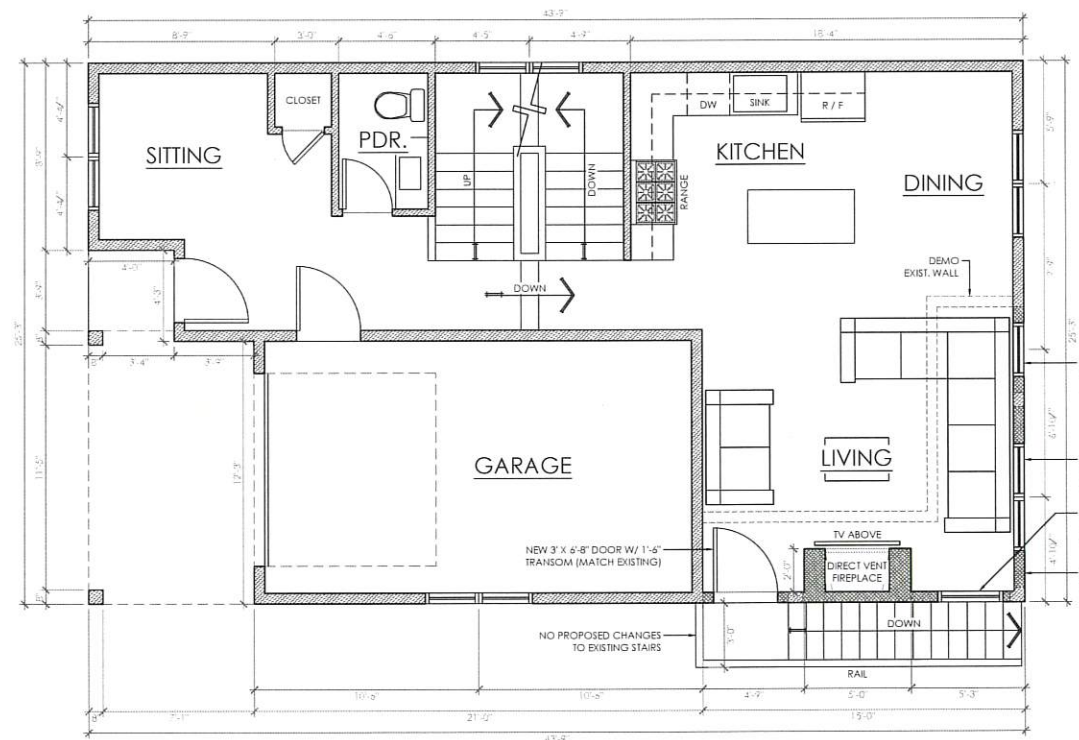
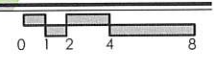
DECEMBER 18, 2023
REVISIONS

A1.1



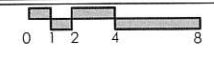
EXISTING MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"
 MAIN LEVEL: 643.5 SQ.FT.
 GARAGE: 253 SQ.FT.



PROPOSED MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"
 MAIN EXISTING: 643.5 SQ.FT.
 MAIN ADDITION: 96.25 SQ.FT.



AN ADDITION FOR THE:
TANCILL RESIDENCE
 1234 ROTHWELL ROAD
 PARK CITY, UTAH

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 CHRIS: (608) 252-7503
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DECEMBER 18, 2023

REVISIONS

A2.1

AN ADDITION FOR THE:
**TANCILL
 RESIDENCE**
 1234 ROTHWELL ROAD
 PARK CITY, UTAH

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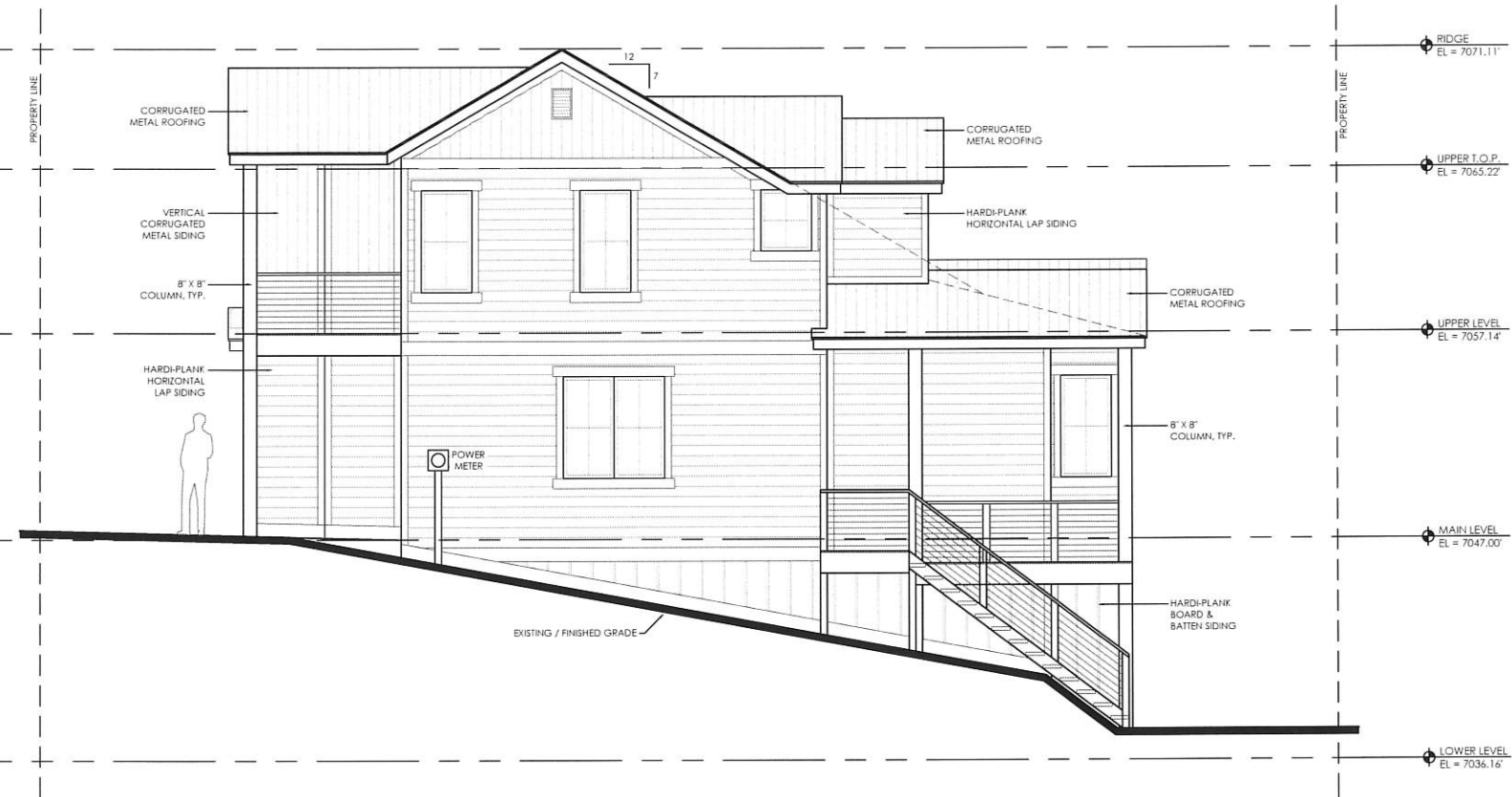
DECEMBER 18, 2023

NO.	REVISIONS

A3.1



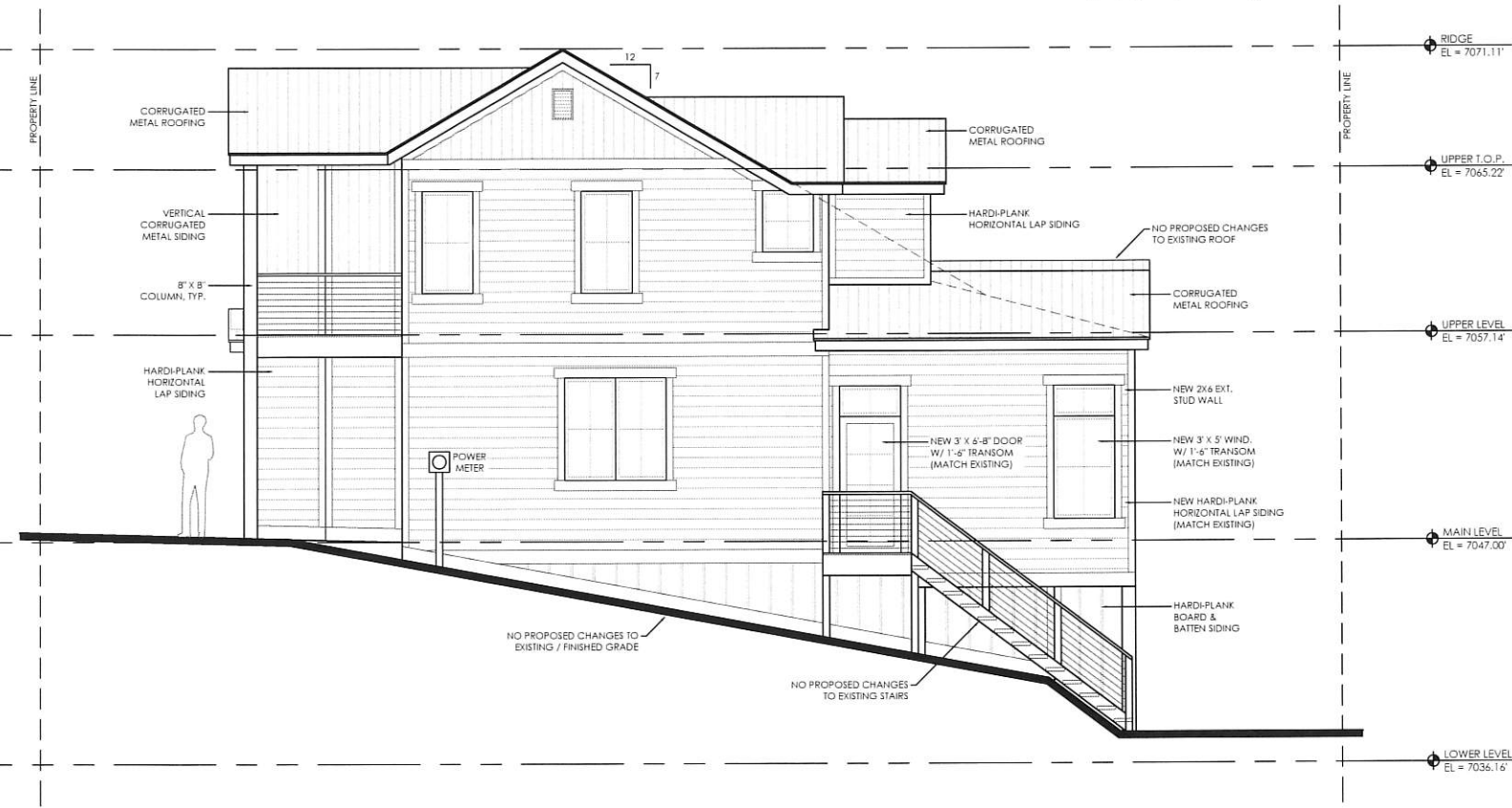
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 SCALE: 1/4" = 1'-0"
 0 1 2 4 8



B EXISTING SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"
 0 1 2 4 8



C PROPOSED EAST ELEVATION
 SCALE: 1/4" = 1'-0"
 0 1 2 4 8



D PROPOSED SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"
 0 1 2 4 8

Memo

Subject: 1234 Rothwell Road
Application: PL-23-05995
Author: Virgil Lund
Date: February 13, 2024
Type of Item: HDDR-Pre



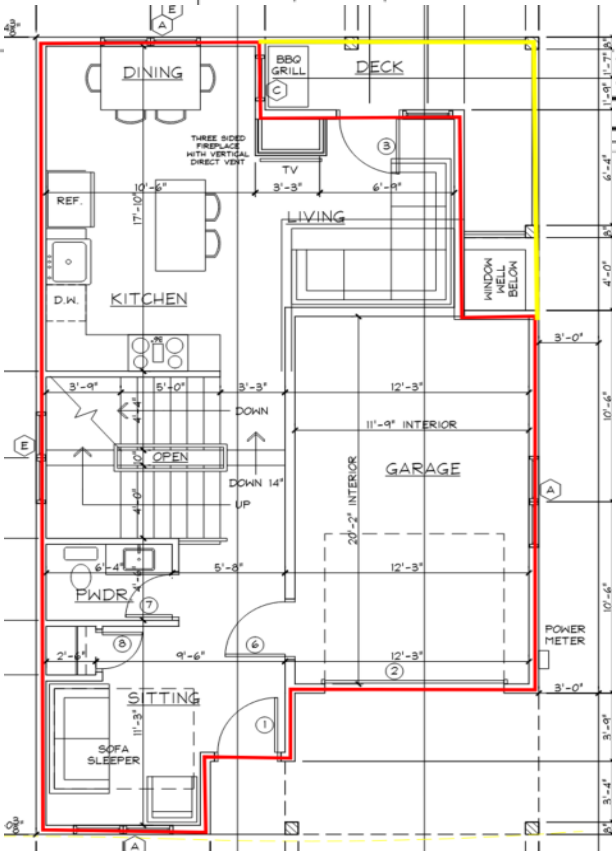
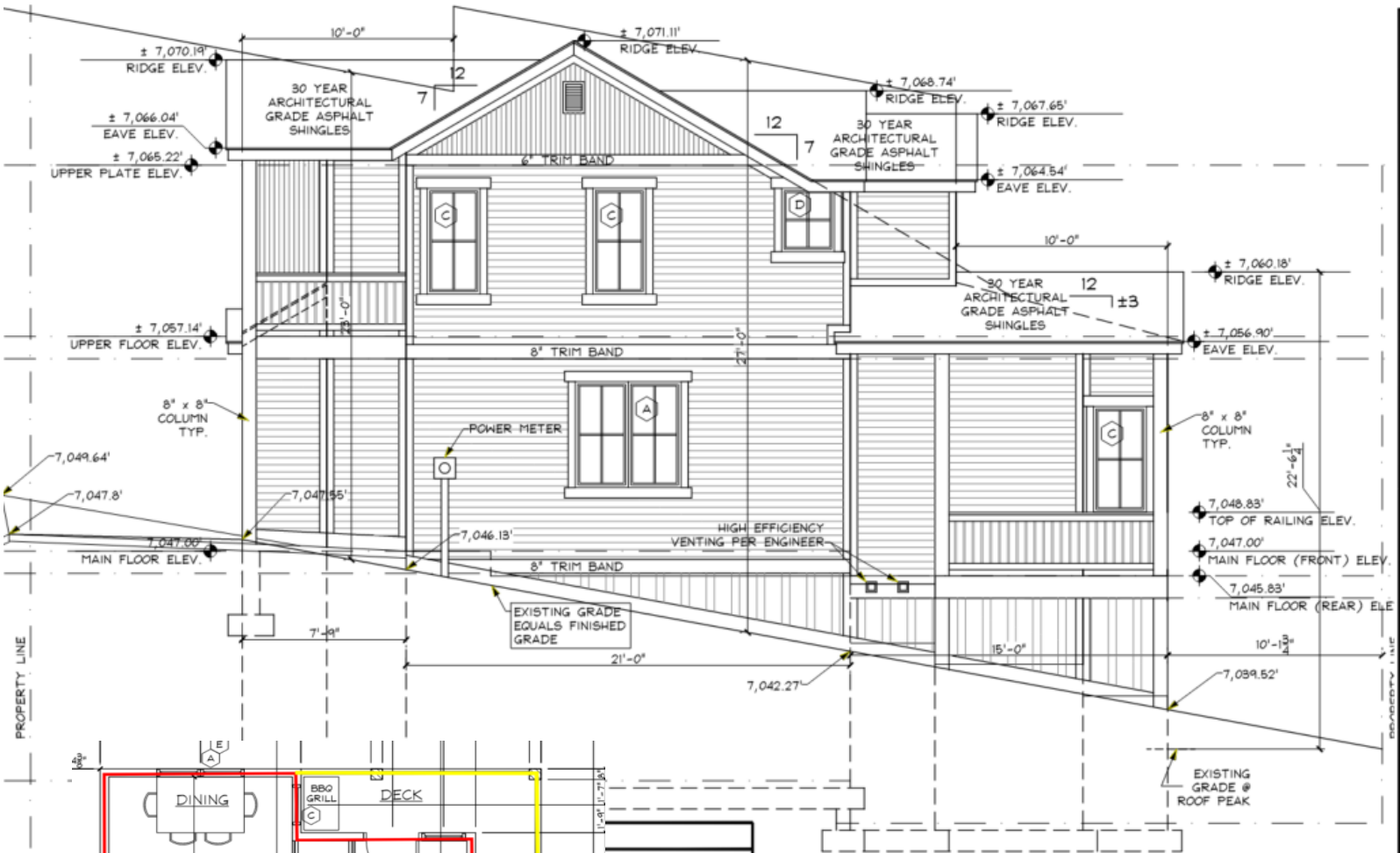
Summary

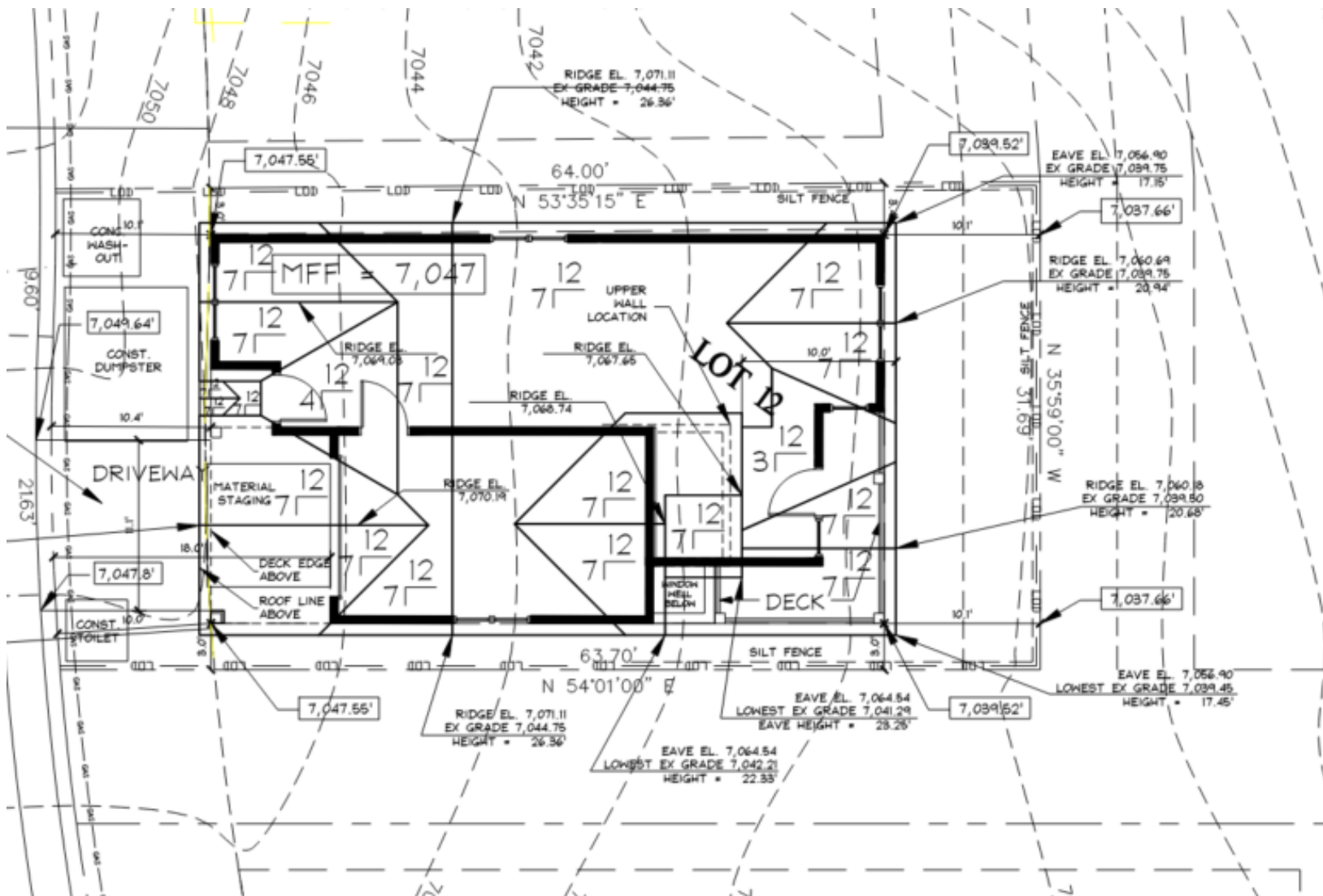
The Applicant proposes to enclose the existing main level deck, to create a larger interior family room. The existing Building Footprint is calculated at 896 square feet, as shown as Finding of Fact #10 from the HDDR Final Action Letter dated May 14, 2019 (PL-18-03952).

Building Footprint is defined in the LMC: “The total Area of the foundation of the Structure, or **the furthest exterior wall of the Structure projected to Natural Grade**, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, **enlarged or incorporated into the Main Building.**”

Per the definition above, the existing deck at 1234 Rothwell is not calculated as part of the Building Footprint. Enclosing the deck and **expanding the exterior wall of the home incorporates the deck into the Main Building**, and thus would now be calculated into the Building Footprint.

Enclosing the deck will add 96.25 square feet to the Building Footprint, for a total Building Footprint square footage of 992.25 square feet. The Lot has a maximum Building Footprint of 900 square feet; therefore a Variance needs to be approved by the BOA for the Applicant to enclose the deck and exceed the maximum allowable building footprint square footage.







HOGGAN LEE HUTCHINSON

Justin Keys
Justin@hlhparkcity.com
Direct: 435.731.9195

March 7, 2024

VIA EMAIL

Park City Planning Department
Virgil Lund, Planner I
virgil.lund@parkcity.org
PO Box 1480
Park City, Utah 84060

Re: 1234 Rothwell Road

Dear Virgil:

This firm represents Christopher W. Tancill and his company HT Kings Crown, LLC—the owner of 1234 Rothwell Road (Parcel No. KCRS-12) in the Kings Crown Subdivision. As you are aware, Mr. Tancill is seeking to enclose the rear deck on his home. In your February 16, 2024 correspondence with Mr. Tancill you stated that you are unable to approve the enclosure of the deck without Mr. Tancill first attaining a variance from the Board of Adjustment. Your assertion, however, relied on an incorrect application of LMC § 15-1-3. Further, your application of the LMC to 1234 Rothwell Road, while applying a different standard to neighboring properties, violates the Utah Municipal Land Use, Development, and Management Act (LUDMA).

First, LMC § 15-1-3 does not apply to the definition of “Building Footprint” in LMC § 15-15-1. LMC § 15-1-3 reads:

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

Your February 16 correspondence used one sentence from this Section, out of context, to justify why you have chosen to apply one of two methods of measuring building footprint. This sentence (“Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law.”), however, must be viewed through the context of the paragraph it is in. This sentence means that when other City ordinances, Utah law, Federal Law, or private law are stricter than the LMC, those stricter rules apply. Likewise, when the LMC is stricter than what is provided in those other

sources of law, the stricter rule for the LMC applies. That one sentence cannot, however, have been intended to be pulled out of this context to be used as an interpretive tool for the LMC itself. If this provision had been intended to be a separate provision independent of the rest of the paragraph, it would have been separated. If it had been intended to govern internal LMC conflicts, it would address that. It does not. The reference to “other City ordinances” is a remnant from the time the LMC was not codified the Municipal Code of Park City. Prior to 2000, the LMC was codified separately from the rest of the Municipal Code. This entire Section has remained unchanged since before the LMC was recodified as part of the Municipal Code. When written, the reference to “other City ordinances” meant conflicts with the Municipal Code not internal conflicts within the LMC itself. This Section cannot be properly applied to mean that when there are two conflicting provisions within the LMC itself, the stricter rule should be applied.

Even if the above Section is taken to mean that the stricter of two conflicting provisions within the LMC is the applicable one, it still should not be applied here because this issue involves two options within the same provision rather than two conflicting provisions. Assuming, arguendo, that the sentence discussed above can be taken out of context and applied to the LMC internally, it requires two separate provisions that conflict with each other. For example, if LMC § 15-X-X(a) said “Building footprint shall be the measured by the total area of the foundation of the structure.” and LMC § 15-X-X(b) said “Building footprint shall be the total area of the furthest exterior wall of the Structure projected to Natural Grade” then there would be a conflict between the two provisions. Instead, we have:

BUILDING FOOTPRINT. The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.

The use of the word “or” is key here. Rather than being in conflict, this word choice renders these two methods as equally applicable options. The idea of “conflict” in LMC § 15-1-3 envisions two separate provisions that are irreconcilable. If both methods of measurement were separated and each said “shall,” there would be a conflict. By putting them together with the word “or” between them, they are not in conflict but rather working together to provide two options.

Further, had Council intended to require the method that results in the strictest limits on an applicant, they would have plainly said so instead of hiding it in the middle of a completely unrelated area of the LMC. There is nothing that has prevented Council from adding “whichever is smaller” to the above definition, and there is nothing preventing them from making this change going forward. For now, however, there is nothing in the code to justify reading the definition of Building Footprint to mean that the stricter of the two methods applies. Thus, Council has, through this definition, provided the Planning Department the choice between two different methods to measure building footprint without being bound to one or the other.

While Council has given the Planning Department discretion over which method to use, the choice here violates LUDMA. While the provision itself (i.e., the Building Footprint definition) and the choice it gives the Planning Department does not necessarily violate LUDMA as written, it is a violation of LUDMA as applied in this situation. LUDMA requires that land use regulations

be “uniform for each class or kind of buildings throughout each zoning district.”¹ Here, although the LMC gives the Planning Department two options, for this provision to comply with LUDMA it must be applied uniformly for the same category of buildings in the same zoning district. While the Planning Department had a choice of which to apply, once a choice was made it was obliged to stick with it. Despite this, Mr. Tancill’s single-family home is not receiving the same treatment as the two single-family homes on either side of him (Parcels No. KCRS-11 & KCRS-13) or one down the street (Parcel No. KCRS-18). While it is true that these lots are larger and allow for a larger building footprint, this alone cannot account for the size of the homes the City has permitted to be built on these lots. Mr. Tancill has been working with the original developers of the Kings Crown neighborhood on his deck enclosure project. From their knowledge of the other houses they built, they can attest that the houses on the parcels listed above were approved by the City based on the area of the foundation method for measuring building footprint and could not have been built in compliance with the method now being applied to Mr. Tancill’s property. In order to comply with LUDMA, the City must now apply the same method used for the neighboring parcels to Mr. Tancill’s property. Under the appropriate area of the foundation method, the home will remain in compliance with the building footprint requirement for the RC zoning district after the deck enclosure project.

We sincerely hope that you will reconsider the Planning Department’s approach to this issue. Mr. Tancill should be permitted to continue with this project without a variance from the Board of Adjustment.

If you have any questions, please call.

Very Truly Yours,
HOGGAN LEE HUTCHINSON



Justin J. Keys

¹ Utah Code § 10-9a-505(2).



Planning Department

August 22, 2024

Christopher Tancill

CC: Charles Pearlman

NOTICE OF PLANNING DIRECTOR ACTION

Description

Address: 1234 Rothwell Avenue

Zoning District: Recreation Commercial

Application: Historic District Design Review Modification

Project Number: PL-24-06112

Action: DENIED

Date of Final Action: August 22, 2024

Project Summary: The Applicant proposes enclosing a deck area to expand the Building Footprint.

Action Taken

On August 22, 2024, the Planning Director conducted a public hearing and denied the Historic District Design Review Modification according to the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. 1234 Rothwell Road is part of the King's Crown Master Planned Development and is Lot 12 of the King's Crown Re-Subdivision.
2. 1234 Rothwell Road is in the Recreation Commercial (RC) Zoning District.
3. On May 15, 2019, the Planning Department approved a Historic District Design Review (HDDR) for a Single-Family Dwelling on the site.
4. The City issued Building Permit BD-19-26965 for the construction of the Single-Family Dwelling.
5. On November 4, 2021, the Applicant proposed modifications during construction and applied for Building Permit PLAN21-1490 to construct stairs in the side



Planning Department

- setback. The Planning Department approved the plans with the condition that the stairs must be less than 30 inches above Final Grade in accordance with Land Management Code (LMC) Section 15-2.16-3(H).
6. The Building Department did not approve PLAN21-1490 because the proposed stairs did not comply with the International Residential Code for fire separation distance to the property line.
 7. However, at some point, the Applicant constructed the stairs in the side setback without Building Permit approval.
 8. To address the Building Department's concerns, the Applicant eventually recorded an Access Agreement Easement for the stairs with the King's Crown Condominium Owners Association. However, the stairs in the side setback are approximately 47 inches above Final Grade, and therefore, do not comply with LMC Section 15-2.16-3(H).
 9. On December 26, 2023, the Applicant submitted an HDDR Pre-Application to enclose a deck area to expand the Building Footprint, which would be accessed by these non-compliant stairs.
 10. The enclosure of the deck area increases the Building Footprint by 96.25 square feet.
 11. The maximum Building Footprint in the RC Zoning District for a Lot that is 2015.91 square feet is 900 square feet.
 - a. The existing Building Footprint is 896 square feet.
 - b. The proposed deck enclosure increases the Building Footprint by 96.25 square feet and would increase the total Building Footprint to 992.25 square feet.
 - c. The proposed addition exceeds the maximum Building Footprint for this Lot and does not comply with Land Management Code Section 15-2.16-5(D).
 12. Staff published notice on the City's website and posted notice to the property on May 30, 2024. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on May 30, 2024. The June 13, 2024 public hearing was continued to a date uncertain.
 13. Staff re-noticed the City's website and posted notice to the property on July 23, 2024. Staff re-mailed courtesy notice to property owners within 100 feet on July 23, 2024.



Planning Department

Conclusions of Law

1. The proposal to enclose the deck area and increase the Building Footprint by 96.25 square feet does not comply with LMC Section 15-2.16-5(D).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Ward", written over a light blue circular stamp.

Rebecca Ward,
Planning Director

CC: Lillian Zollinger, Planner III



Justin Keys
Justin@hlhparkcity.com
Direct: 435.731.9195

September 21, 2024

VIA EMAIL

Park City Municipal Corporation
Park City Board of Adjustment
Rebecca Ward, Planning Director
rebecca.ward@parkcity.org
PO Box 1480
Park City, Utah 84060

Re: Appeal—1234 Rothwell Road Modification Application

Dear Board Members:

Hoggan Lee Hutchinson represents Christopher W. Tancill (the “Applicant”) and his entity HT Kings Crown, LLC—the owner of 1234 Rothwell Road (Parcel No. KCRS-12) in the Kings Crown Subdivision. Mr. Tancill is seeking to enclose the rear deck on his home. Mr. Tancill submitted a modification application to the Planning Department in April. The Planning Department held an administrative public hearing on August 22, 2024 and chose to reject the application (Application # PL-24-06112).

The code provisions cited to justify rejecting this application were misinterpreted and wrongly applied. Because the decision was based on an incorrect interpretation of a land use regulation, Mr. Tancill respectfully requests that it be reversed.¹

STANDARD OF REVIEW

Section 15-1-18G of the Park City Land Management Code (“LMC”) instructs that the appeal authority, in this case the Board of Adjustment, “shall act in a quasi-judicial manner.” The same section explains that the Board reviews “factual matters de novo, without deference to the land use authority’s determination of factual matters.” The Board determines “the correctness of the land use authority’s interpretation and application of the plain meaning of the land use regulations....” And although the Board generally interprets and applies “a land use regulation to favor a land use application,” this guidance does not apply if, as is the case here, “the land use regulation plainly restricts the land use application.” Finally, the Board’s review is not limited to

¹ See Utah Code § 10-9a-801.

the record below; rather, “[n]ew evidence may be received so long as it relates to the scope of the appeal.”

ARGUMENT

A land use decision is illegal when it is based on an incorrect interpretation of a land use regulation, conflicts with the authority granted by Utah’s Municipal Land Use, Development, and Management Act (“LUDMA”), or is contrary to law. Here, the land use decision was premised on an incorrect interpretation of a land use regulation, conflicts with the authority granted by LUDMA, and is contrary to law.

a. The Planning Department incorrectly calculated Building Footprint under LMC § 15-15-1 and LMC § 15-1-3 does not apply because there is no “conflict” in the applicable code-based definition.

This appeal turns on the proper interpretation and application of the Park City Land Management Code’s definition of “Building Footprint.” That definition is found in LMC Section 15-15-1, which states:

BUILDING FOOTPRINT. The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.

This definition establishes two methods for determining building footprint, use of the word "or" is crucial. Building footprint can be calculated by looking to the “total Area of the foundation” or “the furthest exterior wall of the Structure projected to Natural Grade.”

Park City’s Planning Staff recognizes both means of measuring Building Footprint. Indeed, several of the homes in the Applicant’s neighborhood include enclosed pop outs similar to the Applicant’s deck that are not counted as part of the Building Footprint. This is because Staff looked to the total Area of the foundation of those structures in determining their Building Footprint.

Here, the Planning Department decided to apply the second option in determining Building Footprint and measured the Building Footprint from the furthest exterior wall; rather than the foundation. In electing to use the second method for calculating Building Footprint, the Planning Staff relied on the “conflict” provision of the LMC found at LMC § 15-1-13. According to the Planning Department’s reasoning:

LMC 15-1-3 “Conflict” states the following: “Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law.” This is applicable to the entire Land Management Code.

We must follow the following definition for Building Footprint, since it is the more restrictive provision: “the furthest exterior wall of the Structure projected to Natural Grade.”

But LMC § 15-1-3 does not apply to the definition of “Building Footprint” in LMC § 15-15-1. LMC § 15-1-3 reads:

The provisions of the LMC are in addition to all other City ordinances, the Laws of the State of Utah, the Laws of the United States, and applicable common law. The LMC shall not supersede any private land Use regulations in deeds or covenants, which are more restrictive than the LMC. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.

The sentence in question—“Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law.”—must be understood within the full context of the paragraph. It is incorrect statutory interpretation to pull one sentence out of a paragraph and ignore the context of the paragraph around it. We “do not view individual words or subsections in isolation” but instead “require[] that each part or section be construed in connection with every other part or section” of a statute.² Read in the context of the paragraph, this sentence merely clarifies that the Land Management Code (LMC) does not override restrictive covenants or other applicable laws. This provision is not meant to apply to perceived internal conflicts within the LMC.

If Council intended to mandate the strictest method for interpreting Building Footprint, it could have explicitly stated so, rather than embedding it in an unrelated section of the LMC. The Council could have easily added “whichever is smaller” to the definition, and nothing prevents them from making this change in the future. Currently, however, there is no basis in the code to interpret the definition of Building Footprint as requiring the stricter of the two methods for calculating Building Footprint. Therefore, the Council has intentionally provided two equally valid methods for measuring building footprint. This is the only reasonable way to interpret LMC § 15-1-3 and the definition of Building Footprint in the LMC § 15-15. Any other interpretation renders the legislative choice made by Council when defining building footprint meaningless. As the decision made in the Planning Department’s Administrative Hearing was based on this incorrect interpretation of a land use regulation, the decision is illegal and should be reversed.

b. Planning Department’s determination contravenes the requirements of LUDMA.

While the Council provided two methods for calculating Building Footprint, the method applied by the Planning Department here violates LUDMA. LUDMA mandates that land use regulations be “uniform for each class or kind of buildings throughout each zoning district.”³ Compliance with LUDMA requires that the chosen method be applied uniformly to the same category of buildings within the same zoning district. Once the Planning Department made its choice, it was obligated to adhere to it consistently. If this were not the case, the application of the Code would no longer be “uniform.”

² Penunuri v. Sundance Partners, Ltd., 301 P.3d 984, 989 (Utah 2013).

³ Utah Code § 10-9a-505(2)

Mr. Tancill's single-family home is not receiving the same treatment as most of the single-family homes on Rothwell Rd. These homes include, but are not limited to, the following:

- 1270 Rothwell Rd. (Parcel # KCRS-18)
- 1264 Rothwell Rd. (Parcel # KCRS-17)
- 1228 Rothwell Rd. (Parcel # KCRS-11)
- 1240 Rothwell Rd. (Parcel # KCRS-13)

The homes cited above all have single floors that exceed the allotted footprint for those lots. For example, 1270 Rothwell Rd. has an allowed footprint of 1125 but a footprint of at least 1215 if you measure the building footprint from the furthest exterior wall projected to natural grade.⁴ Likewise, under the same method, 1264 Rothwell has an allowed footprint of roughly 890 but a footprint of at least 1199;⁵ 1228 Rothwell has an allowed footprint of roughly 965 but a footprint of at least 1014;⁶ and 1240 Rothwell has an allowed footprint of roughly 913 but a footprint of at least 1036.⁷ Under the furthest exterior wall projected to grade method, each of these homes would have a footprint at least the size of their largest single floor.

All of these homes instead meet the Building Footprint limitations using the "area of the foundation" method for establishing Building Footprint. The stated Building Footprint on the plans for these other homes establishes that fact. The footprints listed are all based on the area of the foundation, which is smaller than the single largest floor. The Planning Department accepted the "area of the foundation" method for calculating Building Footprint then and should have done so again now. Failure to do so is a violation of Utah Code § 10-9a-505(2).

LUDMA also requires that a land use authority interpret and apply a land use regulation in favor of an application if it does not "plainly restrict" that application.⁸ This means that if there is any ambiguity in a municipality's code, it must be construed in the applicant's favor and the application approved. Here, the LMC has two methods for calculating building footprint. Under one of the two methods, the plans indisputably comply with the LMC. In keeping with the requirements of Utah Code § 10-9a-306, the Planning Department should have applied the least restrictive of the two methods for calculating Building Footprint and granted the Application.

c. The Planning Department's determination violates the U.S. Constitution.

Finally, this decision is illegal and should be reversed because it violates the U.S. Constitution. Specifically, this decision violates the Equal Protection Clause of the 14th Amendment to the U.S. Constitution. Although the Equal Protection Clause is most frequently

⁴ See Exhibit B, WOW Atelier, LLC., Kings Crown Lot 18 Drawings GI-004 (April 14, 2021).

⁵ See Exhibit C, WOW Atelier, LLC., Kings Crown Lot 17 Drawings GI-004 (April 14, 2021).

⁶ See Exhibit D, Letter from Mical Braken, Architect, MKB Design, to Planning Department, Park City Mun. Corp. (November 5, 2021).

⁷ See Exhibit F, King's Crown Lot 13 – 1240 Rothwell Road Building Footprint Calculation by Mical Braken, Architect, MKD Design.

⁸ Utah Code § 10-9a-306.

invoked in the context of government treating different categories of people differently, it also applies when government treats an individual differently than everyone else.⁹

Under existing precedence, it is a violation of the Equal Protection Clause when a governmental entity intentionally treats an individual differently from others similarly situated and there is no “rational basis” for treating that individual differently.¹⁰ For there to be a “rational basis” for treating an individual differently than others, there must be some “legitimate governmental purpose”¹¹ (i.e., a real policy reason) for doing so. Here, as discussed above and clear from the attached exhibits, the Planning Department is treating Mr. Tancill and his property differently from the other single-family homes in the Kings Crown subdivision, including the houses on both sides of 1234 Rothwell. Mr. Tancill and his property are similarly situated to these other property owners and properties as they are all in the same subdivision, part of the same Master Planned Development, part of the same zoning district, and the same type of use (i.e., single-family detached). He is being treated differently since the other properties’ building footprints were all measured under one method allowed under the code, but he is being subjected to a stricter alternative method. Finally, there is no legitimate governmental interest in treating Mr. Tancill and his property differently. The Planning Department has not pointed to a reason for treating him differently. There is no benefit to the community created by applying a stricter requirement than the neighboring properties. This property is not uniquely situated in such a way that enclosing the deck will create negative externalities. As the Planning Department is treating Mr. Tancill differently than those similarly situated and doing so with no legitimate governmental interest, the Planning Department’s decision violates the Equal Protection Clause of the U.S. Constitution.

CONCLUSION

Based on the foregoing, we respectfully request that you reverse the Planning Staff’s decision on Application # PL-24-06112. Thank you for your consideration in this matter. Please feel free to contact us if you have any questions.

Very Truly Yours,
HOGGAN LEE HUTCHINSON



Justin J. Keys

⁹ Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000).

¹⁰ *Olech*, 528 U.S. at 564.

¹¹ *Heller v. Doe*, 509 U.S. 312, 320 (1993).

EXHIBIT A

Memo

Subject: 1234 Rothwell Road
Application: PL-23-05995
Author: Virgil Lund
Date: February 13, 2024
Type of Item: HDDR-Pre



Summary

The Applicant proposes to enclose the existing main level deck, to create a larger interior family room. The existing Building Footprint is calculated at 896 square feet, as shown as Finding of Fact #10 from the HDDR Final Action Letter dated May 14, 2019 (PL-18-03952).

Building Footprint is defined in the LMC: "The total Area of the foundation of the Structure, or **the furthest exterior wall of the Structure projected to Natural Grade**, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, **enlarged or incorporated into the Main Building.**"

Per the definition above, the existing deck at 1234 Rothwell is not calculated as part of the Building Footprint. Enclosing the deck and **expanding the exterior wall of the home incorporates the deck into the Main Building**, and thus would now be calculated into the Building Footprint.

Enclosing the deck will add 96.25 square feet to the Building Footprint, for a total Building Footprint square footage of 992.25 square feet. The Lot has a maximum Building Footprint of 900 square feet; therefore a Variance needs to be approved by the BOA for the Applicant to enclose the deck and exceed the maximum allowable building footprint square footage.

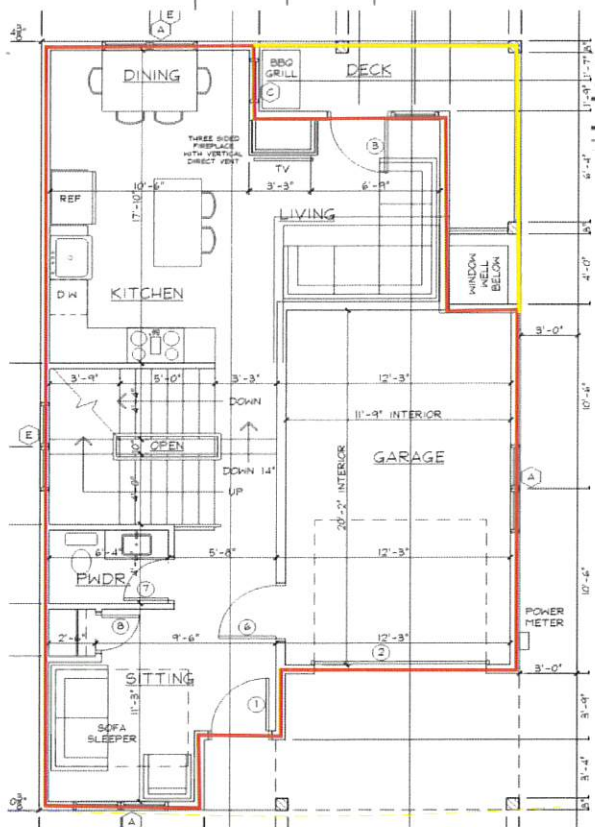
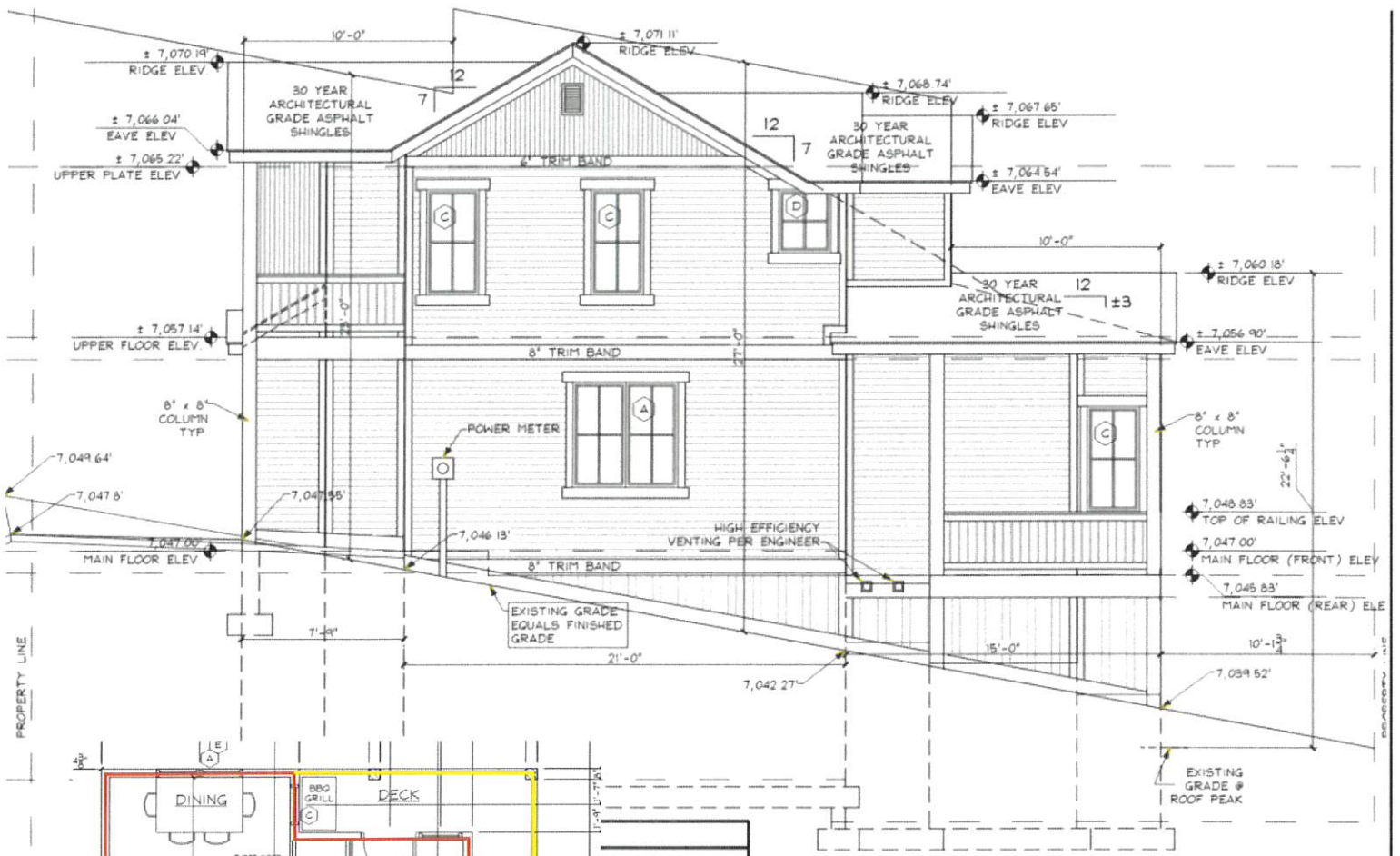


EXHIBIT C

1270 ROTHWELL ROAD, LLC
KINGS CROWN
 LOT SEVENTEEN

1264 ROTHWELL ROAD
 PARK CITY, UTAH

PRE-HDDR - REVISIONS
 04.19.2021

PROJECT CONTACT INFORMATION

OWNER
 1270 Rothwell Road, LLC
 7335 Comstock Cir.
 Park City, UT 84121
 Telephone: 310 924 2113
 Contact: Ryan Heimpel
 email: rjheimpel@rothwell.com

ARCHITECT
 WOW Architecture, LLC
 73 East 400 South
 Salt Lake City, UT 84111
 Telephone: 801 724 8078
 Contact: Chris Chumbley
 email: chris@wowarch.com

CONTRACT

DRAWING INDEX

- GENERAL NOTES
- COVER
- 0100 PLANNING ANALYSIS
- ARCHITECTURAL SITE
- A3-100 ARCHITECTURAL SITE PLAN
- ARCHITECTURAL DRAWINGS
- AE-104 ARCHITECTURAL ROOF PLAN
- AE-201 ELEVATIONS
- AE-202 ELEVATIONS
- AE-203 ELEVATIONS
- AE-301 BUILDING SECTION



CIVIL
 ELECTRICAL
 MECHANICAL
 PLUMBING
 ARCHITECTURAL
 LANDSCAPE
 INTERIOR
 OWNER

KINGS CROWN
 LOT SEVENTEEN
 1264 ROTHWELL ROAD
 PARK CITY, UTAH

PROJECT #
 17008
 ISSUE DATE
 04.19.2021
 SHEET
 01-001
 REVISIONS

COVER
 G1-001
 PROJECT #

1270 ROTHWELL ROAD, LLC, 2021

THIS DOCUMENT IS THE PROPERTY OF WOW ARCHITECTURE, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WOW ARCHITECTURE, LLC. THE USER OF THIS DOCUMENT AGREES TO HOLD WOW ARCHITECTURE, LLC HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, FOR ANY AND ALL DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED BY ANY PARTY AS A RESULT OF THE USER'S USE OF THIS DOCUMENT.

WOW

PRELIMINARY
NO OUTDOOR
SWIMMING POOL
BEFORE AS-BUILT
CONSTRUCTION

CIVIL
ELECTRICAL/MECHANICAL
MECHANICAL
DESIGNED
MECHANICAL
DESIGNED
MECHANICAL
DESIGNED
MECHANICAL
DESIGNED
MECHANICAL
DESIGNED

KINGS CROWN
LOT SEVEN/NEEN
PART CITY UTAH
1264 ROTHWELL ROAD

PROJECT #
120000
ISSUE DATE
08-18-2023
P&E ARCHT
120000

PLANNING ANALYSIS
G1-004

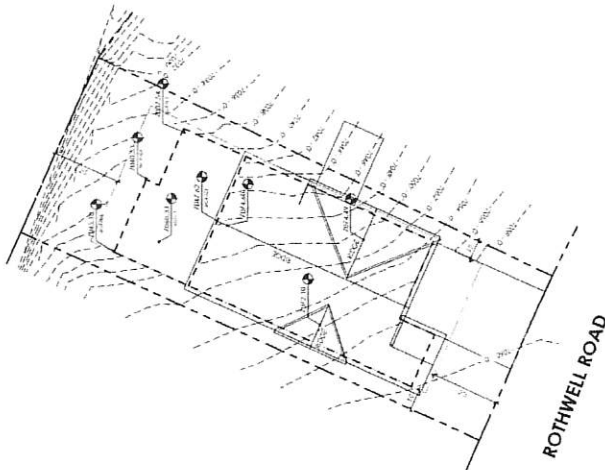
ZONING ANALYSIS

ZONE: RC - SINGLE FAMILY
TYPE: 1P2
MIN. LOT AREA: 10,000 SQ FT
MIN. LOT WIDTH: 27 FT
MIN. LOT DEPTH: 10 FT
MIN. FRONT YARD SETBACK: 5 FT
MIN. SIDE YARD SETBACK: 5 FT

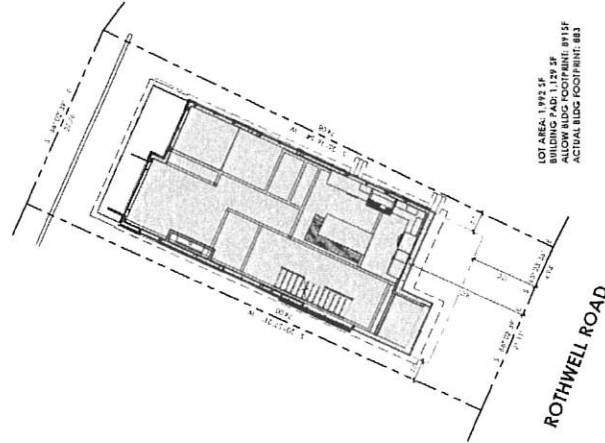
AREA ANALYSIS
TYPE: 1P2P (CALCULATED 20% OF CHANGE)
MIN. LOT AREA: 10,000 SQ FT
MIN. LOT WIDTH: 27 FT
MIN. LOT DEPTH: 10 FT
TOTAL AREA: 4,191 SQ FT

APPLICABLE BUILDING CODES

THE CITY OF THE INTERNATIONAL RESIDENTIAL CODE
2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE (IIRC) AMENDED



A1 ROOF OVER TOPO PLAN
SCALE: 1/8" = 1'-0"



A3 SITE PLAN - PLANNING INFO
SCALE: 1/8" = 1'-0"

LOT AREA: 11,975 SQ FT
MIN. LOT AREA: 10,000 SQ FT
ALLOWED BLDG FOOTPRINT: 8915 SF
ACTUAL BLDG FOOTPRINT: 883

THE CITY OF UTAH AND THE UTAH ARCHITECTURAL BOARD HAVE REVIEWED THIS PLAN FOR CONFORMANCE WITH THE UTAH ARCHITECTURAL BOARD ACT AND THE UTAH ARCHITECTURAL BOARD REGULATIONS. THIS REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON. THE CITY OF UTAH AND THE UTAH ARCHITECTURAL BOARD ARE NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.

WOW

PRELIMINARY
NOT FOR CONSTRUCTION

CONSTRUCTION
MECHANICAL
ELECTRICAL
PLUMBING
GENERAL CONTRACTOR

KINGS CROWN
LOT SEVENTEEN
1724 ROTHWELL ROAD
PARK CITY, UTAH

PROJECT #
DATE
ISSUE DATE
SCALE

ARCHITECTURAL SITE PLAN
AS-100

DATE: 10/15/2014
SCALE: 3/16" = 1'-0"

GENERAL SITE MITIGATION NOTICE

HOURS OF OPERATION ARE 7:00 A.M. TO 5:00 P.M. MONDAY THROUGH SATURDAY AND 9:00 A.M. TO 5:00 P.M. ON SUNDAYS

PARKING WILL NOT BLOCK REASONABLE PUBLIC AND SAFETY VEHICLE ACCESS. VEHICLES WILL REMAIN ON SAME SIDE OF STREET AND ON PAVEMENT ONLY. NO PARKING ON CURB OR SIDEWALK. ALL PARKING PLANS WILL BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT.

DEVELOPMENT WILL BE DURING HOURS OF OPERATION ONLY.

STORAGE AND STAGING WILL BE ON SITE AND WITHIN THE APPROVED LIMITS OF DISTURBANCE FENCE.

CONSTRUCTION PHASING IF NECESSARY, MAY BE REQUIRED AND WILL BE AUTHORIZED BY THE BUILDING OFFICIAL.

TRASH MANAGEMENT & RECYCLING - CONSTRUCTION SITE WILL PROVIDE ADEQUATE STORAGE AND PROGRAMS FOR TRASH REMOVAL AND WILL KEEP SITE CLEAN DAILY. RECYCLING IS ENCOURAGED.

CONTROL OF DUST & MUD WILL BE CONTROLLED DAILY. GRAVEL WILL BE PLACED IN THE HOLES AND INDENTED AREAS TO PREVENT MUD AND DIRT FROM BEING TRACKED ON STREETS. WATER WILL BE ON SITE TO PREVENT DUST.

TRUCKS WILL NOT BE ALLOWED TO DISBURSE WHICH INCLUDES THE HOSE OPERATOR AND WILL NOT BE ALLOWED TO OPERATE OUTSIDE THE HOURS OF OPERATION.

GRADING & EXCAVATION WILL BE DURING HOURS OF OPERATION AND TRUCKING TRUCKS MAY BE RESTRICTED TO PREVENT ADVERSE IMPACTS.

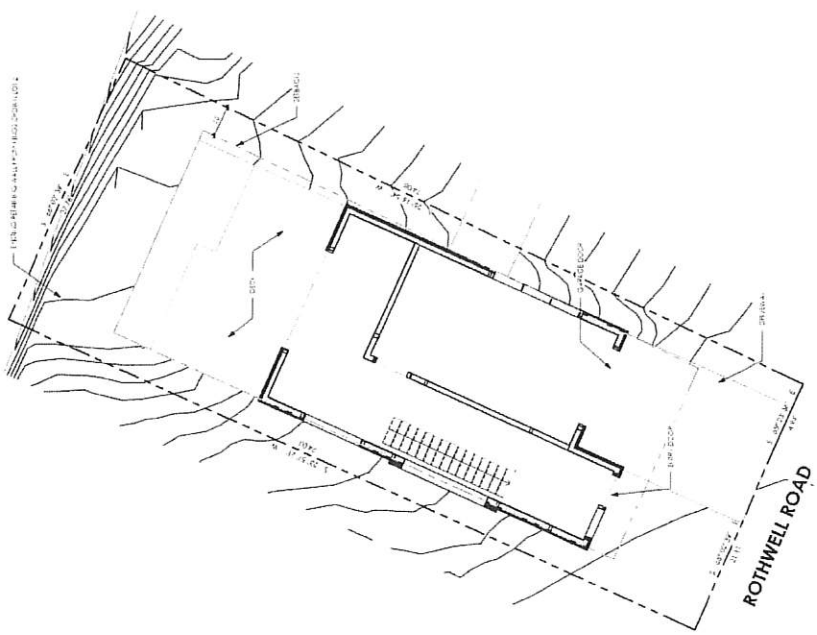
TEMPORARY LIGHTING IF USED, WILL BE APPROVED BY THE PLANNING DEPARTMENT.

CONSTRUCTION SIGN WILL BE POSTED ON SITE AND IN A LOCATION THAT IS READABLE FROM THE STREET. THE SIGN WILL NOT EXCEED 12 SQUARE FEET IN AREA. THE SIGN WILL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND WILL INCLUDE THE FOLLOWING INFORMATION: CONTRACTOR NAME, ADDRESS, PHONE NUMBER AND EMERGENCY CONTACT INFORMATION.

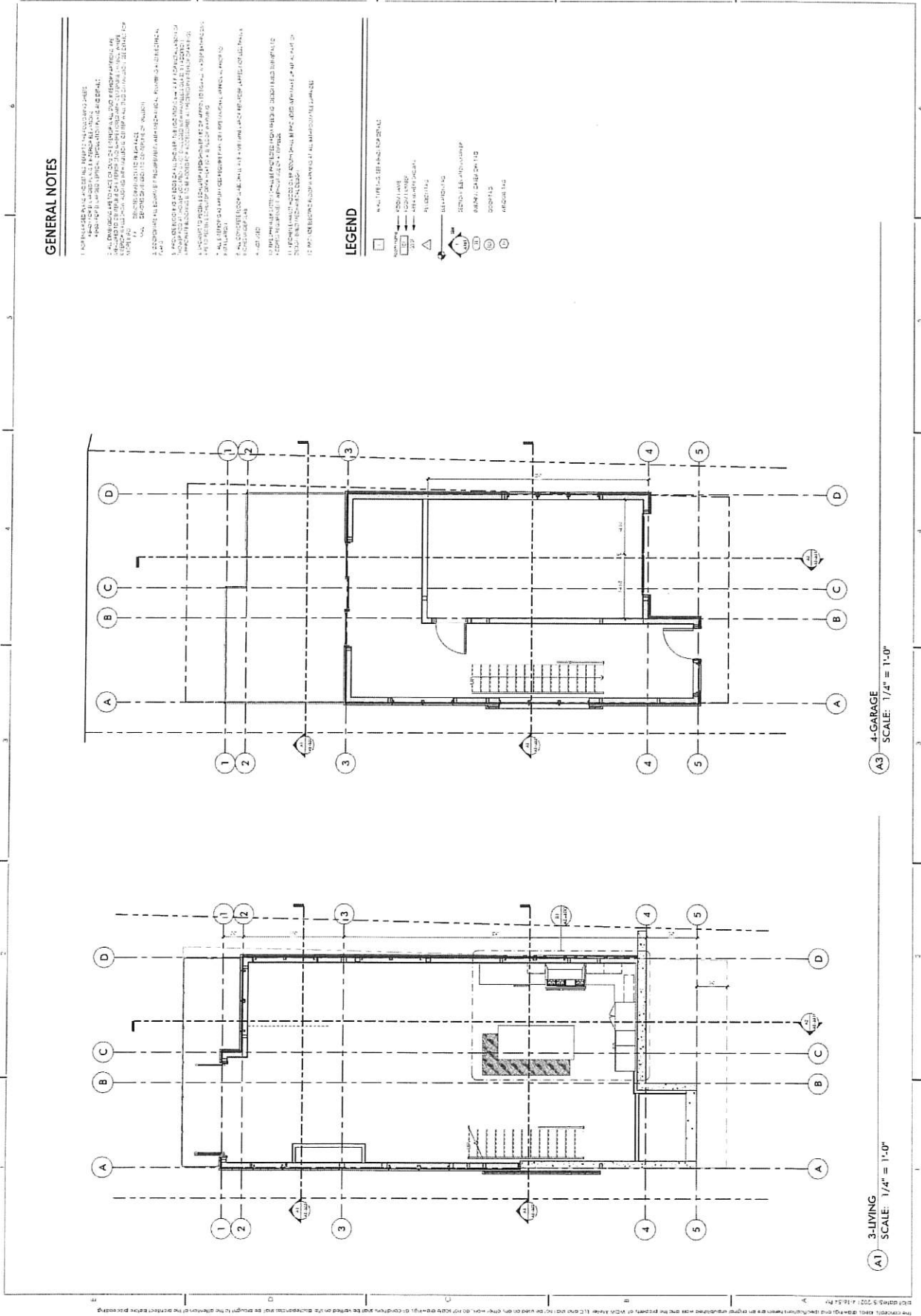
OTHER ISSUES: DODS WILL BE PROHIBITED FROM CONSTRUCTION SITES. INFORMATION WILL BE PROVIDED TO REBORING PROPERTY OWNERS TO PROTECT THE PROJECT AND TO KEEP THE LINES OF COMMUNICATION OPEN.

SOIL CONSERVATION: ALL DISTURBED LOCATIONS WITHIN THE SOIL CONSERVATION DISTRICT SHALL COMPLY WITH THE RULES OF CHAPTER 15, INCLUDING BUT NOT LIMITED TO DUST CONTROL, SOIL COVER AND APPROVED SOIL DISPOSAL.

EROSION CONTROL: STORM WATER MANAGEMENT PLAN - ATTACHMENT A - WILL BE REVIEWED, SIGNED AND ATTACHED TO THIS CONSTRUCTION MITIGATION PLAN.



(A) ARCHITECTURAL SITE PLAN
SCALE: 3/16" = 1'-0"



GENERAL NOTES

1. REFER TO ALL OTHER DRAWINGS FOR DIMENSIONS AND NOTES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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14. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
15. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
16. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
17. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
18. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

LEGEND

- FINISH FLOOR
- FINISH CEILING
- FINISH WALL
- FINISH DOOR
- FINISH WINDOW
- FINISH STAIR
- FINISH BALCONY
- FINISH TERRACE
- FINISH PATIO
- FINISH DRIVEWAY
- FINISH GARAGE FLOOR
- FINISH GARAGE WALL
- FINISH GARAGE CEILING
- FINISH GARAGE DOOR
- FINISH GARAGE WINDOW
- FINISH GARAGE STAIR
- FINISH GARAGE BALCONY
- FINISH GARAGE TERRACE
- FINISH GARAGE PATIO
- FINISH GARAGE DRIVEWAY



PRELIMINARY
CONSTRUCTION
PERMIT

CIVIL
MECHANICAL
ELECTRICAL
PLUMBING
LANDSCAPE
INTERIOR
CONTRACTOR

KINGS CROWN
LOT SEVENTEEN
1264 BOWHILL ROAD
FARM CITY, OIAH

PROJECT #
ISSUE
DATE
REVISIONS

AE-102

FLOOR PLANS

A3 4-GARAGE
 SCALE: 1/4" = 1'-0"

A1 3-LIVING
 SCALE: 1/4" = 1'-0"

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF WOW ARCHITECTURE. NO PART OF THESE PLANS OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF WOW ARCHITECTURE.

WOW

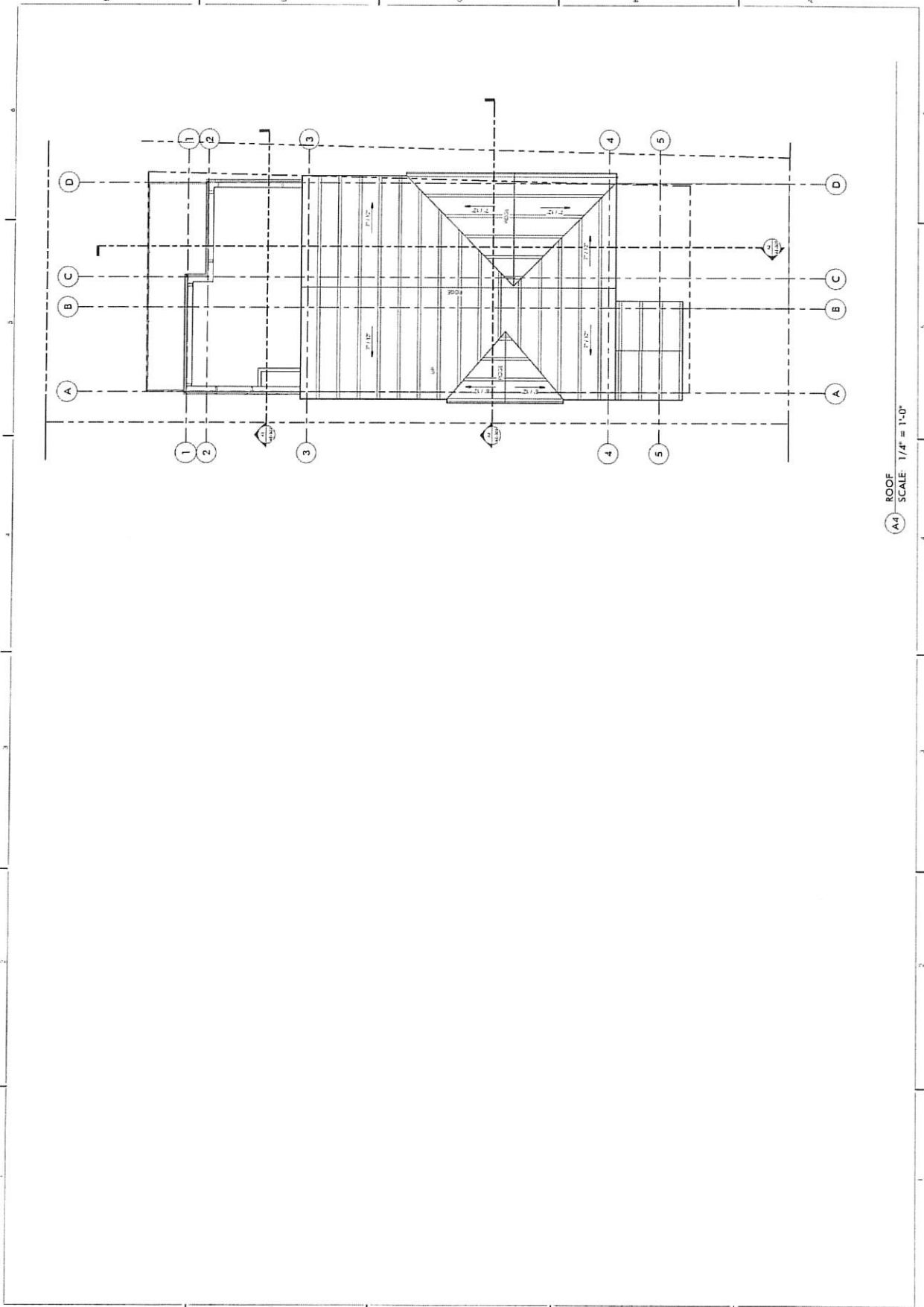
PRELIMINARY
NO OFFER
FOR BIDDING
CONSTRUCTION

CIVIL
ELECTRICAL ENGINEERING
MECHANICAL
PLUMBING & PIPING
DESIGN BUILD
ARCHITECTURAL
DESIGN BUILD
INTERIOR
LANDSCAPE

KINGS CROWN
LOT SEVENTEEN
1264 ROHWEE ROAD
PAR, CITY UTAH

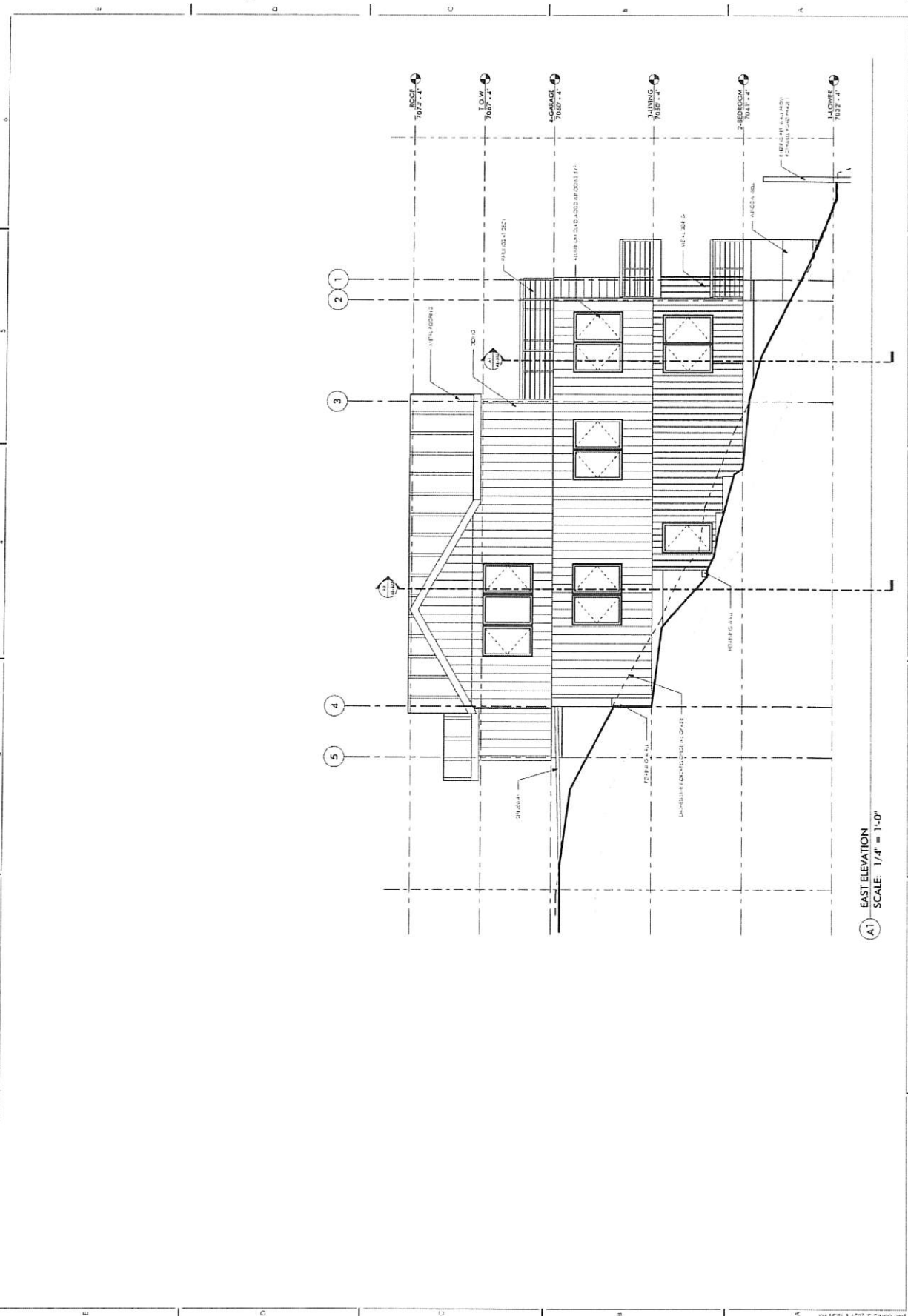
PROJECT #
210006
ISSUE DATE
04 18 2021
ISSUE NO.
REV 0004
REVISIONS

ARCHITECTURAL ROOF
PLAN
AE-104



ROOF SCALE: 1/4" = 1'-0"
A4

THE CONTENTS OF THIS DRAWING ARE THE PROPERTY OF W&A ARCHITECTS, INC. AND SHALL BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF W&A ARCHITECTS, INC. IS STRICTLY PROHIBITED.



A1 EAST ELEVATION
SCALE: 1/4" = 1'-0"

PRELIMINARY
NOTED FOR PERMITS
CONSTRUCTION

WOW

ARCHITECT
STRUCTURAL
MECHANICAL
ELECTRICAL
PLUMBING
LANDSCAPE
INTERIOR

KINGS CROWN
LOT SEVENIEM
1264 ROHWELL ROAD
PARK CITY, UTAH

PROJECT #
DATE
REVISIONS

ELEVATIONS
AE-201

DATE PLOTTED: 5/20/21 4:58:31 PM
PLOTTER: HP DesignJet 5000

THESE DRAWINGS AND SPECIFICATIONS HEREBY BECOME A PART OF THE CONTRACT. ANY CHANGES MUST BE MADE BY A WRITTEN INSTRUMENT SIGNED BY THE ARCHITECT AND THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION.

WOW

PRELIMINARY
CONSTRUCTION

GENERAL CONTRACTOR
MECHANICAL
ELECTRICAL
PLUMBING
DESIGN BUILD
INTERIOR
FINISHES

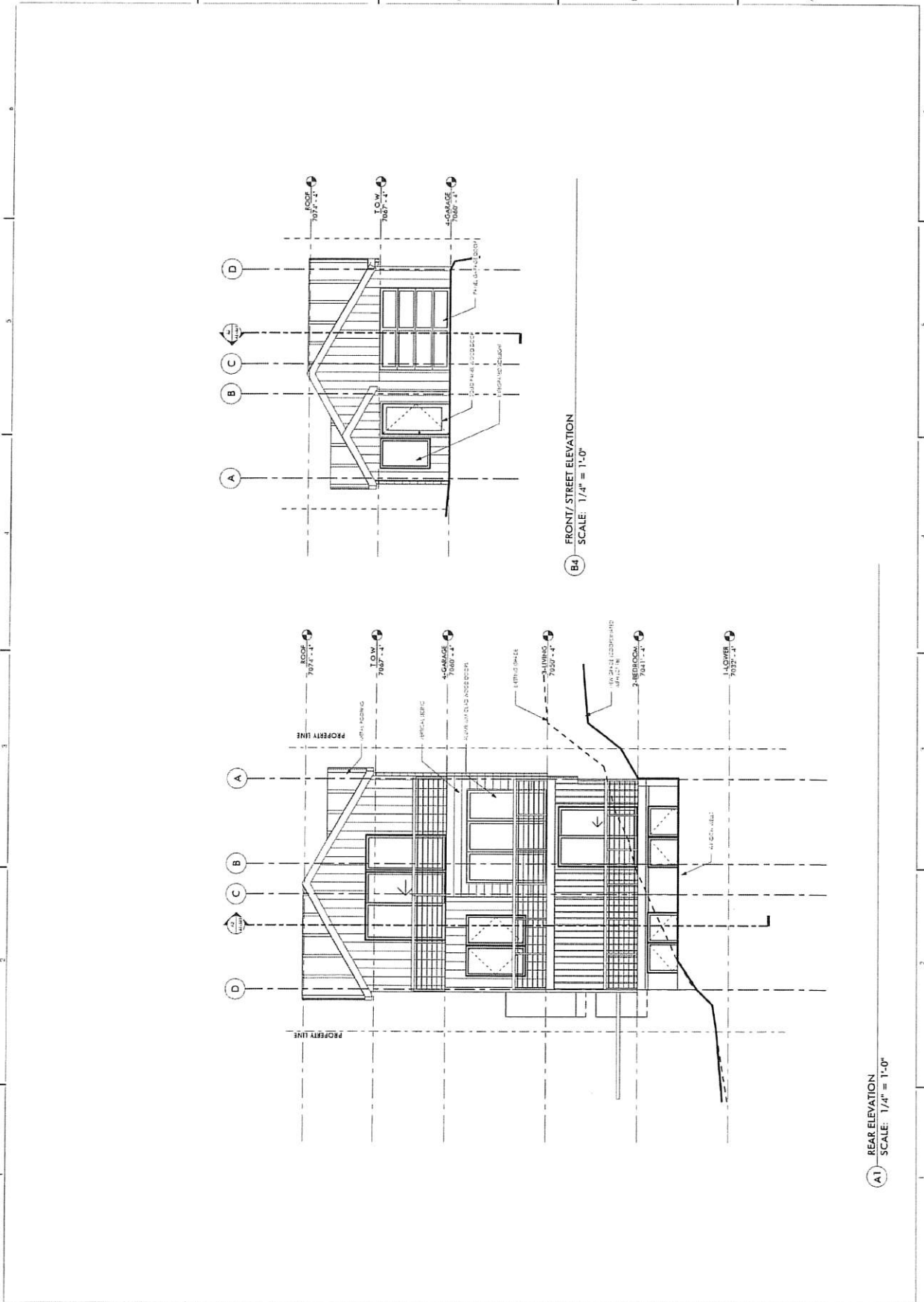
KINGS CROWN
LOT SEVEN/TEEN
1264 BOHWELL ROAD
PARK CITY, UTAH

PROJECT #
DATE
REVISIONS

AE-202

ELEVATIONS

CONTRACT WITH OWNER, LLC 2020



B4 FRONT STREET ELEVATION
SCALE: 1/4" = 1'-0"

A1 REAR ELEVATION
SCALE: 1/4" = 1'-0"

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DATE PLOTTED: 08/14/2024 10:00 AM

AE-203

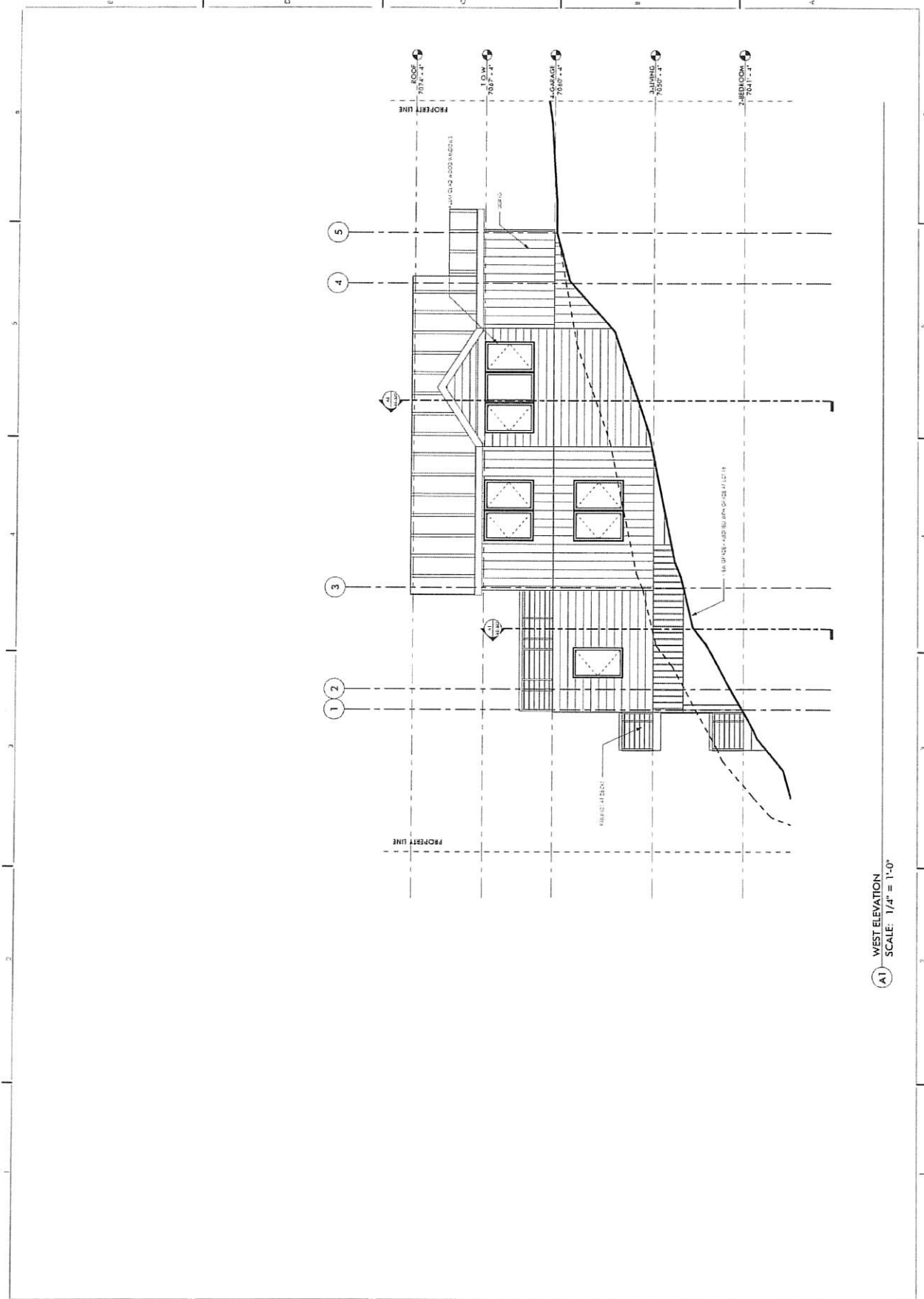
ELEVATIONS

PROJECT # 15000
ISSUE DATE 08/14/2024
REVISED FOR

KINGS CROWN
LOT SEVENTEEN
1264 ROHWELL ROAD
PARK CITY, UTAH

Civil
Electrical
Mechanical
Structural
Site
Interior
Landscape
Design
Owner

PRELIMINARY
CONSTRUCTION
WOW



(A1) WEST ELEVATION
SCALE: 1/4" = 1'-0"

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EXHIBIT D



MICAL BRACKEN

mbracken@mkb-design.com

PO BOX 682458

PARK CITY, UT 84068

Cell: (801) 803-2726

November 5, 2021

Park City Municipal Corporation
Planning Department
445 Marsac Ave
PO Box 1480
Park City, UT 84060
Phone: (435) 615-5060

Re: Historic District Design Review Pre-Application – Project Description for the Vaught Residence
King's Crown Lot 11, 1228 Rothwell Road, Park City

Planning Department,

The intent of this project is to design and construct a new single-family residence for James & Tara Vaught at 1228 Rothwell Road in Park City (King's Crown Lot 11).

See attached preliminary floor plans, roof plan, & exterior elevations, to accompany our signed pre-application form, aerial image, and survey.

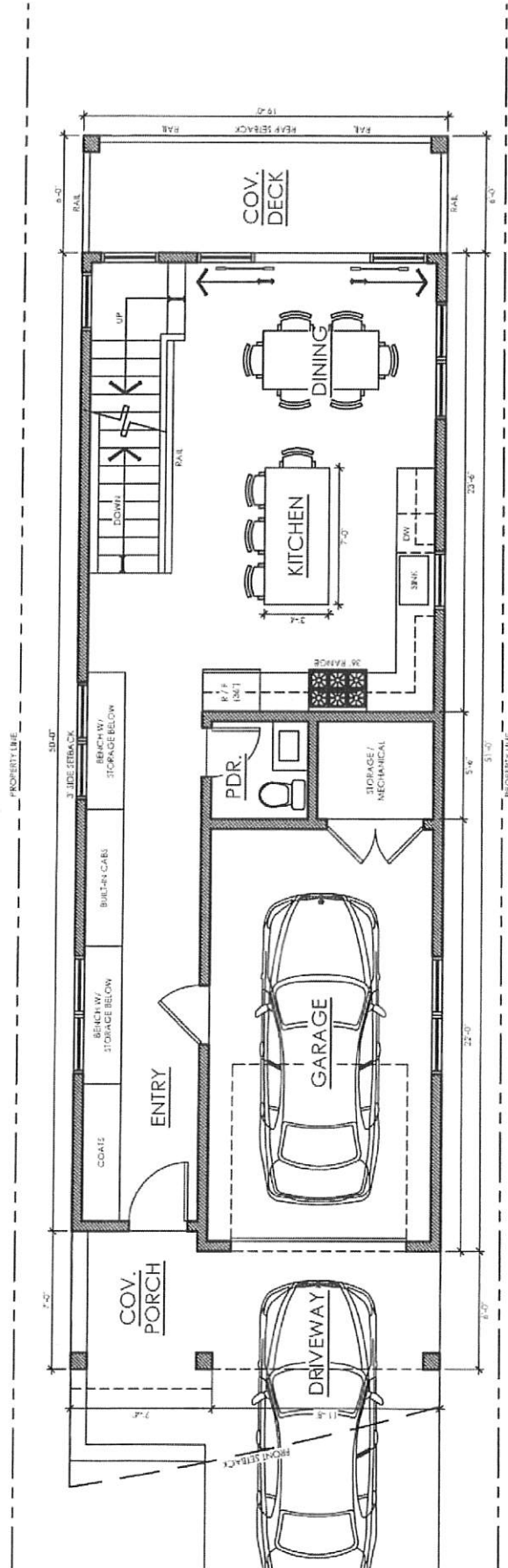
We welcome feedback from Park City Planning Department and look forward to working together on this project.

Thank you,

Mical Bracken
Owner/Architect
MKB Design
(801) 803-2726
www.mkb-design.com

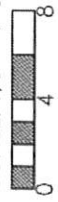
KING'S CROWN LOT 11

NOVEMBER 5, 2021



MAIN LEVEL

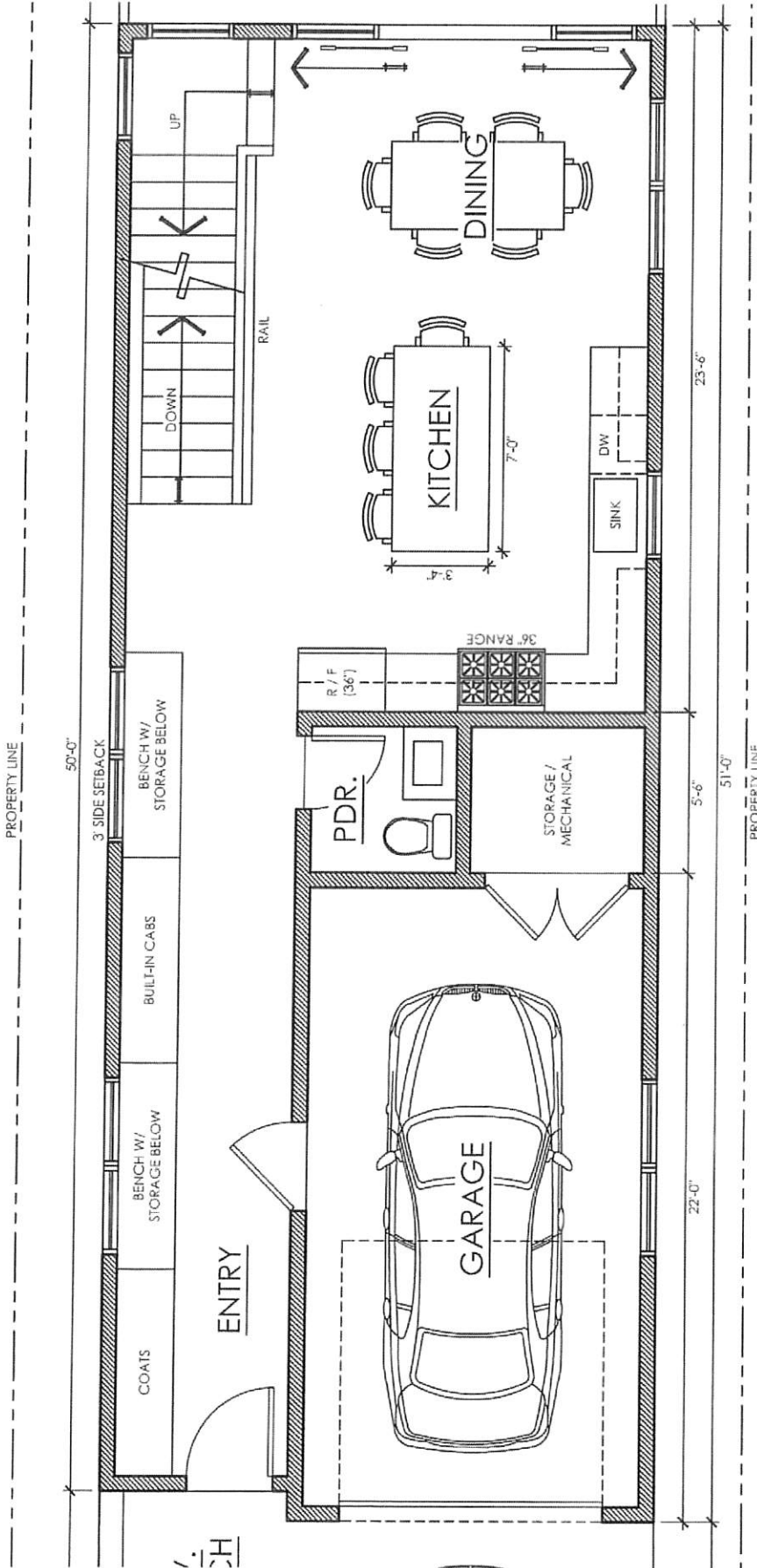
SCALE: 1/8" = 1'-0"



MAIN LEVEL: 688 SQ.FT.
GARAGE: 275 SQ.FT.

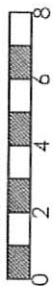
KING'S CROWN LOT 11

NOVEMBER 5, 2021



MAIN LEVEL

SCALE: 3/16" = 1'-0"



MAIN LEVEL: 688 SQ.FT.
GARAGE: 275 SQ.FT.

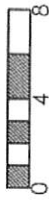
KING'S CROWN LOT 11

NOVEMBER 5, 2021



UPPER LEVEL

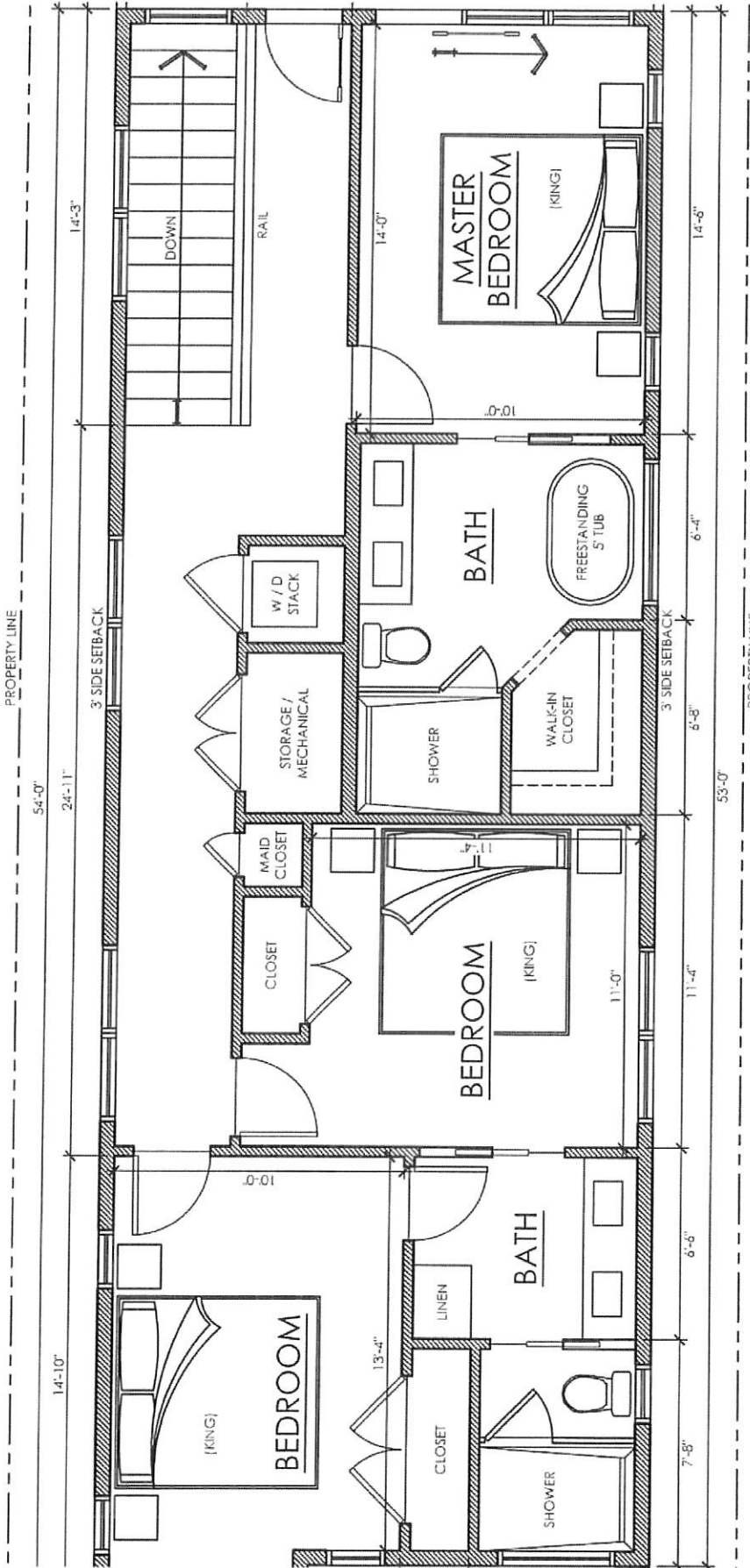
SCALE: 1/8" = 1'-0"



UPPER LEVEL: 1,014 SQ.FT.
 ROOFTOP PATIO: 190 SQ.FT.

KING'S CROWN LOT 11

NOVEMBER 5, 2021



UPPER LEVEL

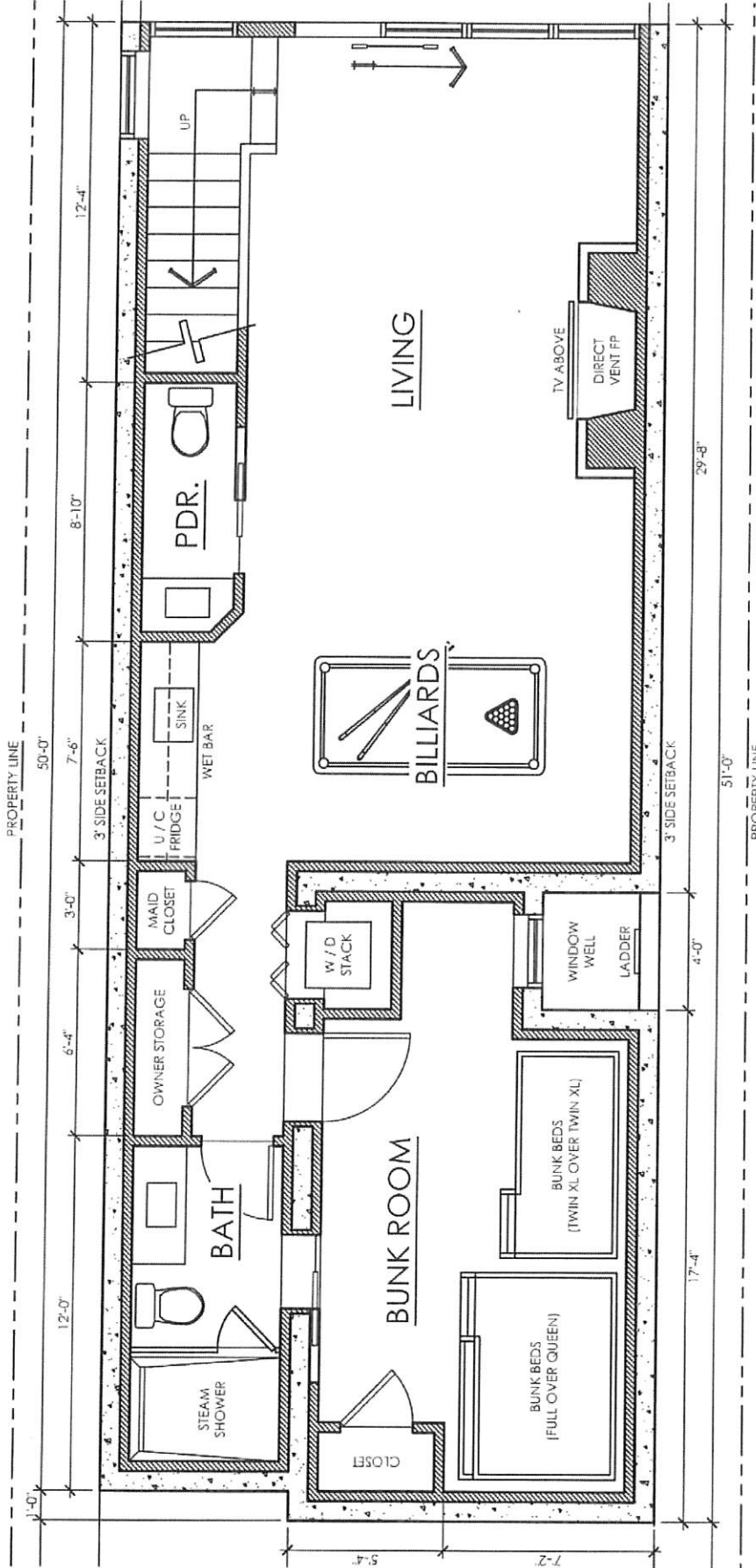
SCALE: 3/16" = 1'-0"



UPPER LEVEL: 1,014 SQ. FT.
ROOFTOP PATIO: 190 SQ. FT.

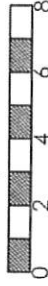
KING'S CROWN LOT 11

NOVEMBER 5, 2021



LOWER LEVEL

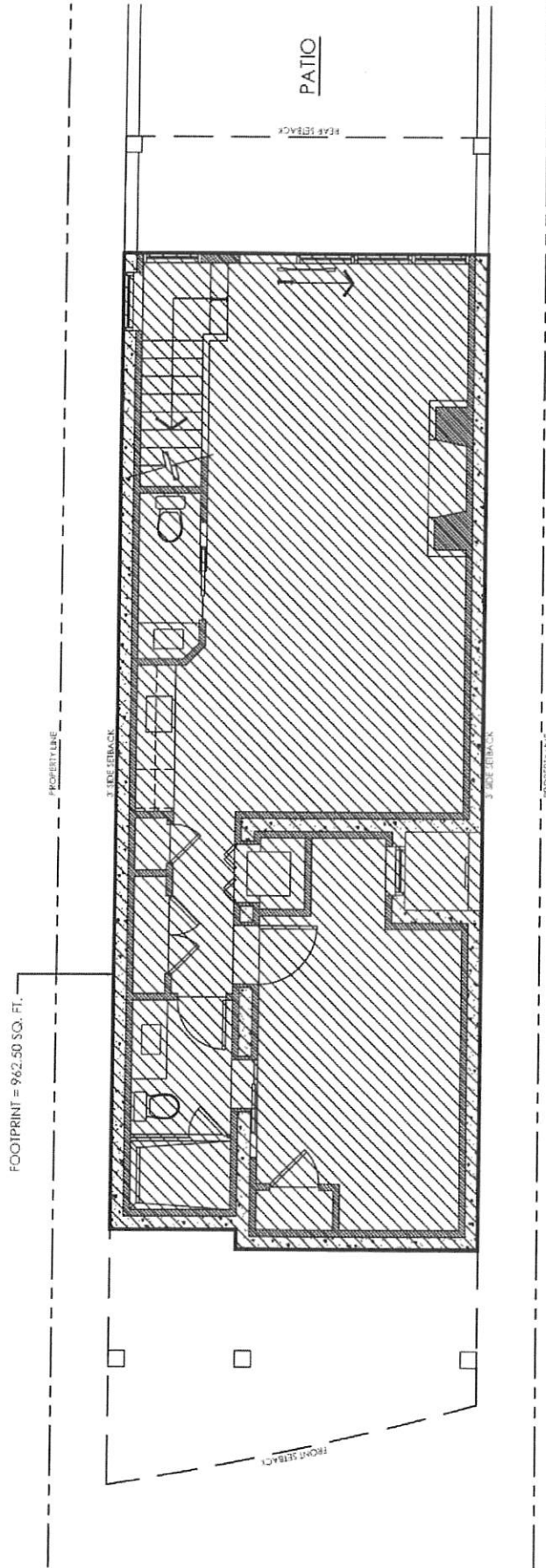
SCALE: 3/16" = 1'-0"



LOWER LEVEL: 947 SQ.FT.

KING'S CROWN LOT 11

NOVEMBER 5, 2021

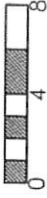


FOOTPRINT = 962.50 SQ. FT.

ALLOWABLE FOOTPRINT
ENTIRE LOT II = 2182.20 SQ. FT.
FOOTPRINT ALLOWED = 962.50 SQ. FT.
FOOTPRINT PROPOSED = 962.50 SQ. FT.

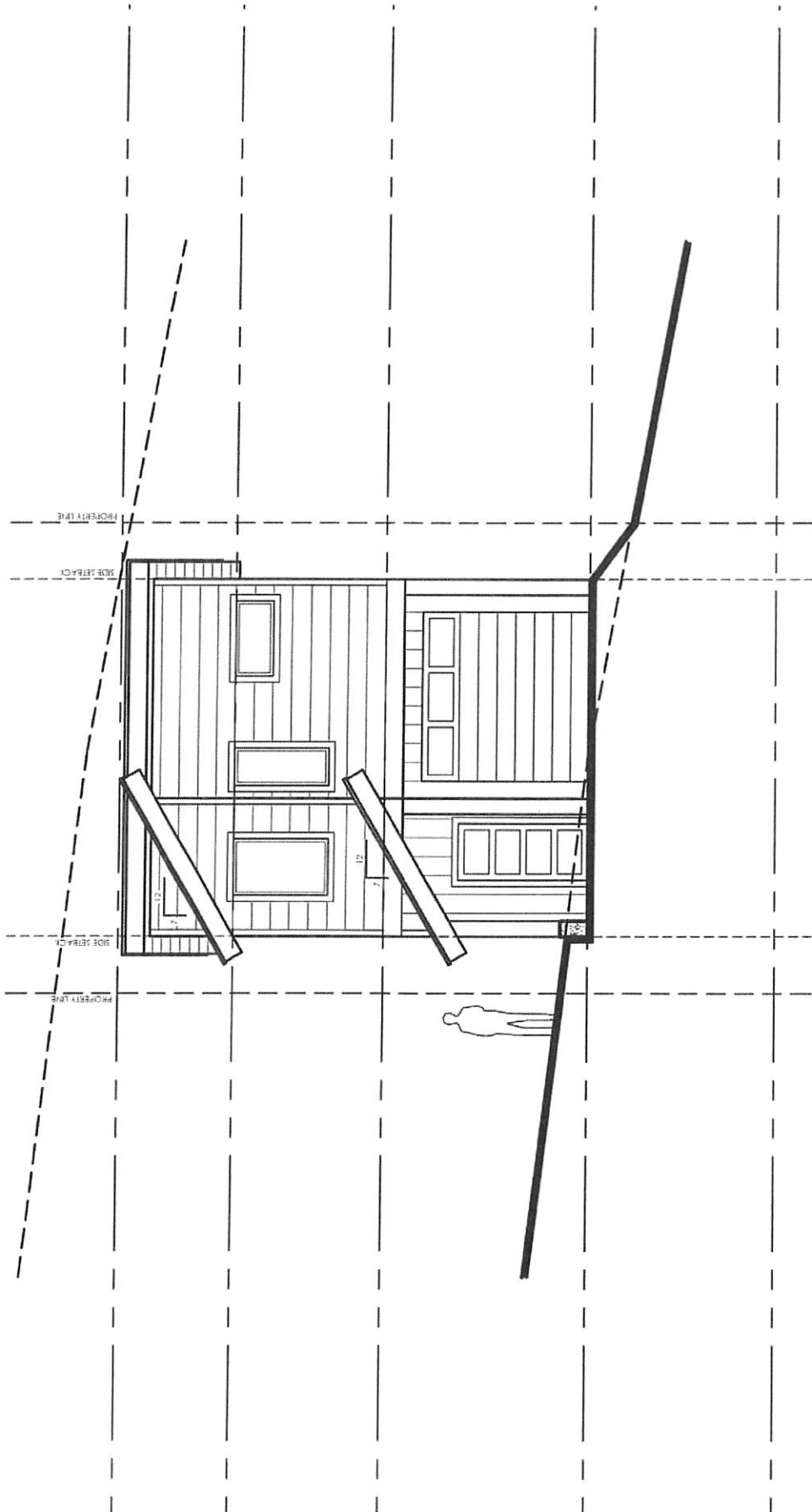
BUILDING FOOTPRINT

SCALE: 1/8" = 1'-0"

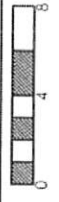


KING'S CROWN LOT 11

NOVEMBER 5, 2021

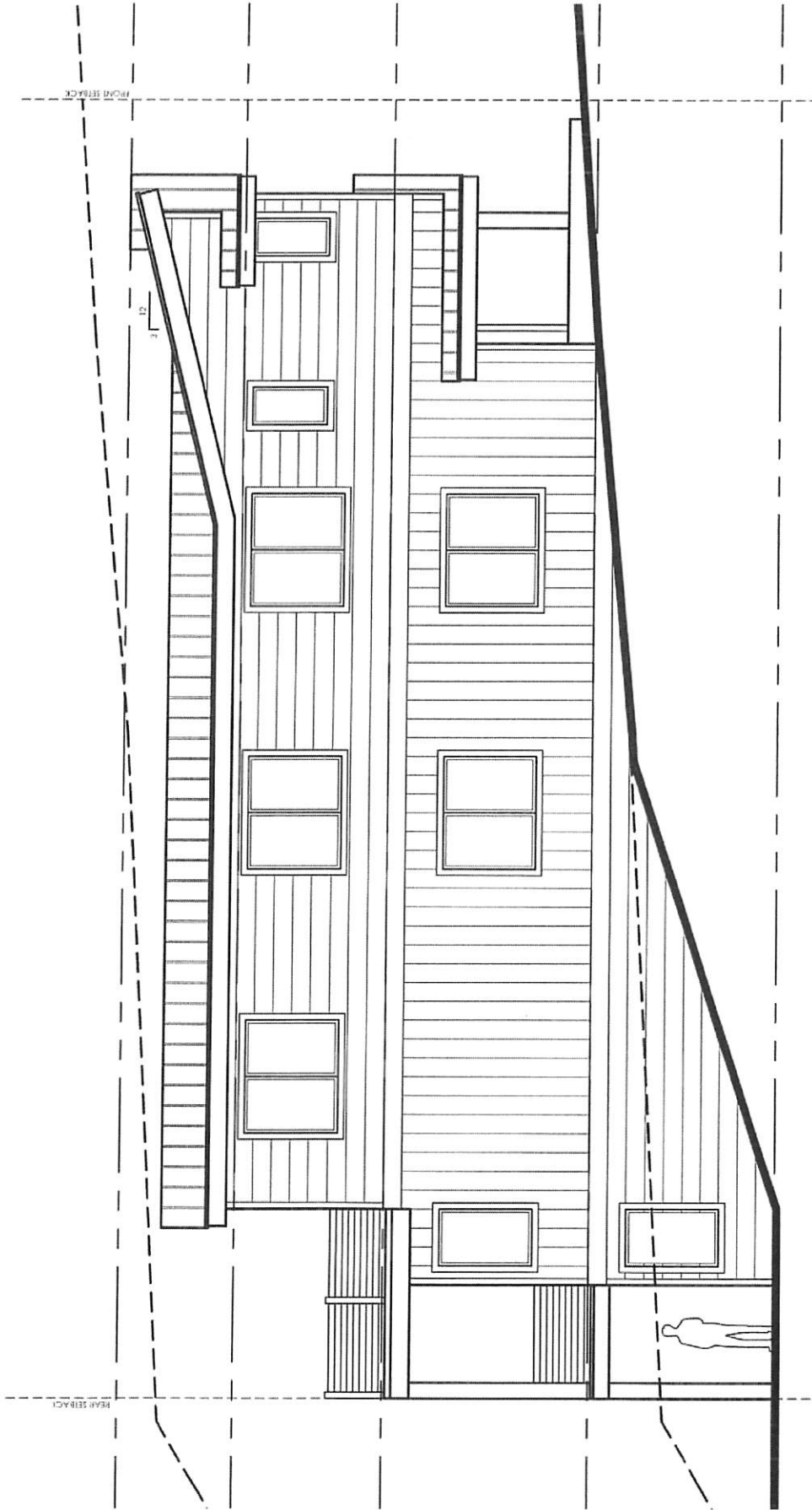


WEST ELEVATION
SCALE: 1/8" = 1'-0"



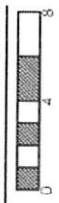
KING'S CROWN LOT 11

NOVEMBER 5, 2021

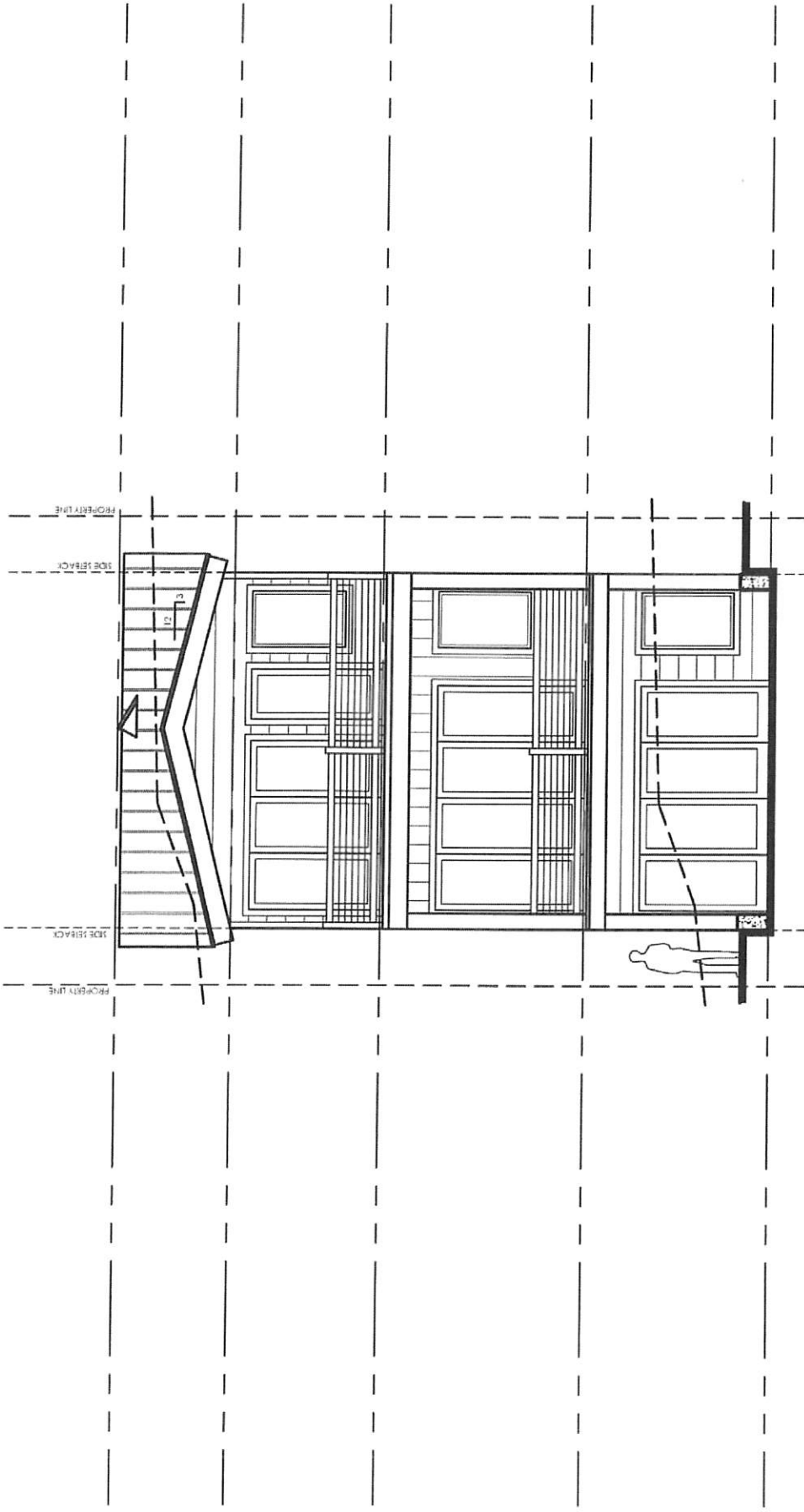


NORTH ELEVATION

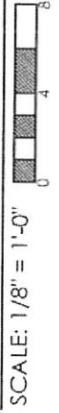
SCALE: 1/8" = 1'-0"



KING'S CROWN LOT 11
NOVEMBER 5, 2021

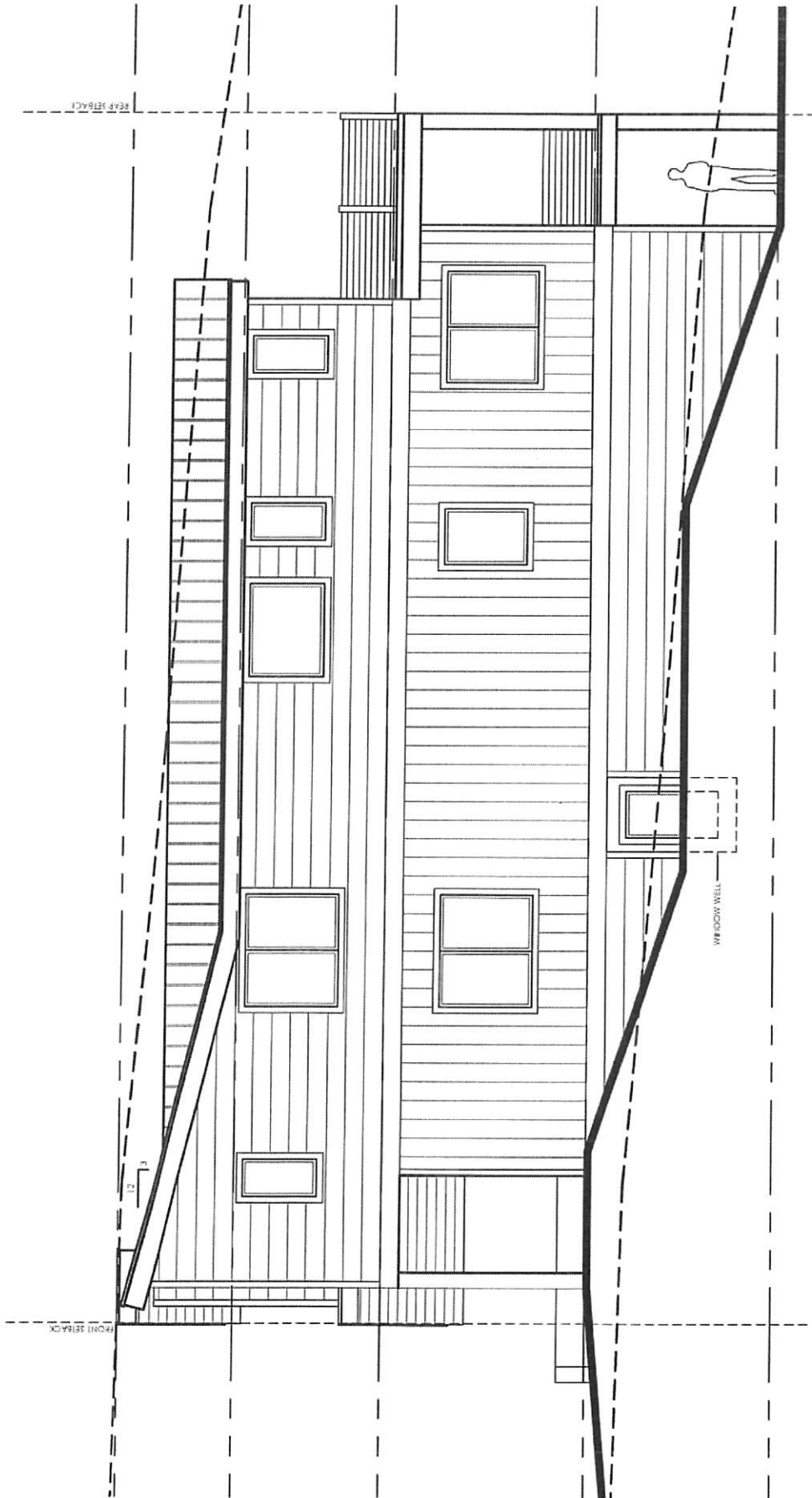


EAST ELEVATION



KING'S CROWN LOT 11

NOVEMBER 5, 2021



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

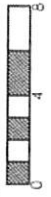
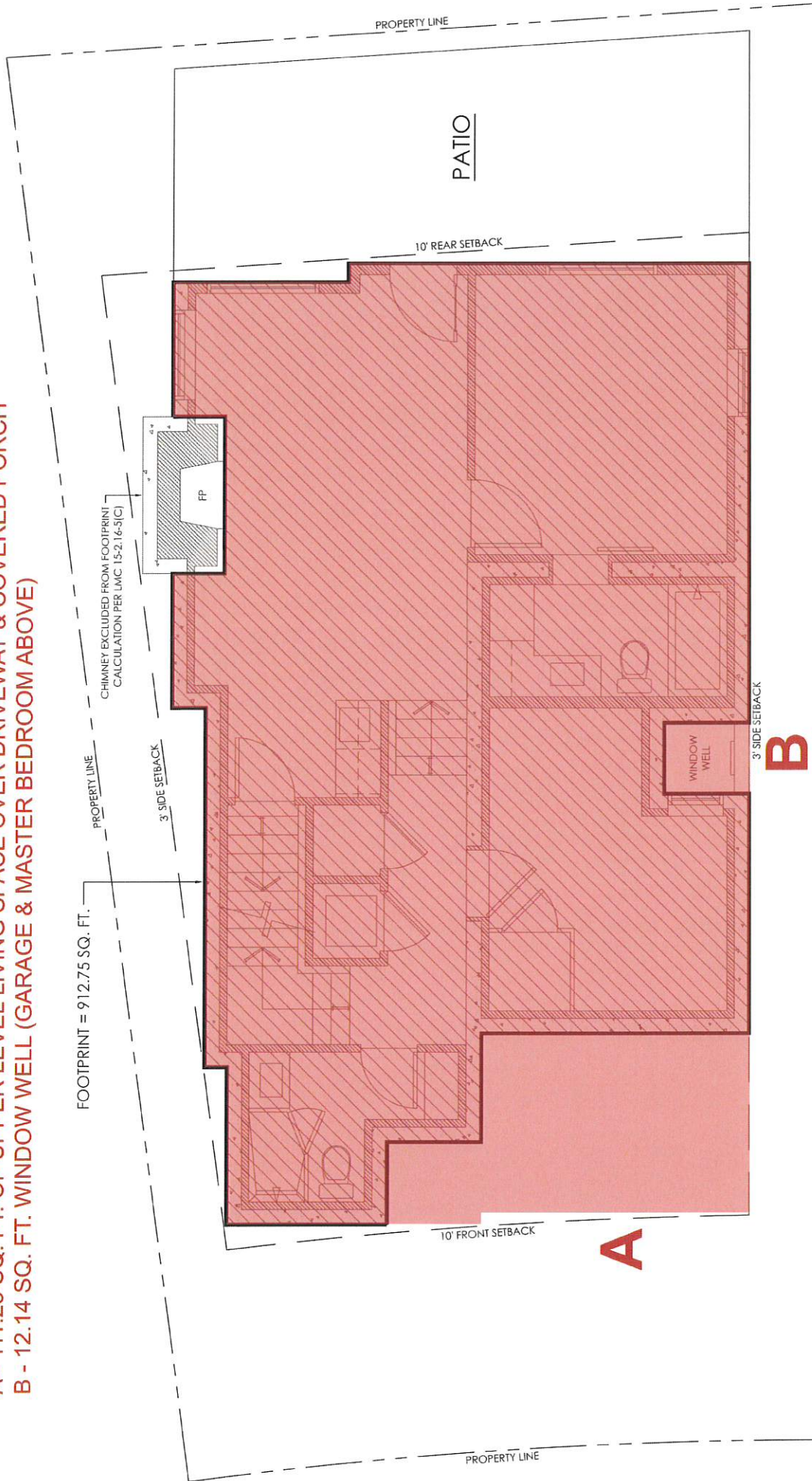




EXHIBIT E

NOT INCLUDED IN BUILDING FOOTPRINT CALCULATION:

- A - 111.28 SQ. FT. OF UPPER LEVEL LIVING SPACE OVER DRIVEWAY & COVERED PORCH
- B - 12.14 SQ. FT. WINDOW WELL (GARAGE & MASTER BEDROOM ABOVE)



FOOTPRINT = 912.75 SQ. FT.

PROPERTY LINE

CHIMNEY EXCLUDED FROM FOOTPRINT CALCULATION PER LMC 15-2.16-5(C)

3' SIDE SETBACK

10' REAR SETBACK

PATIO

10' FRONT SETBACK

PROPERTY LINE

3' SIDE SETBACK

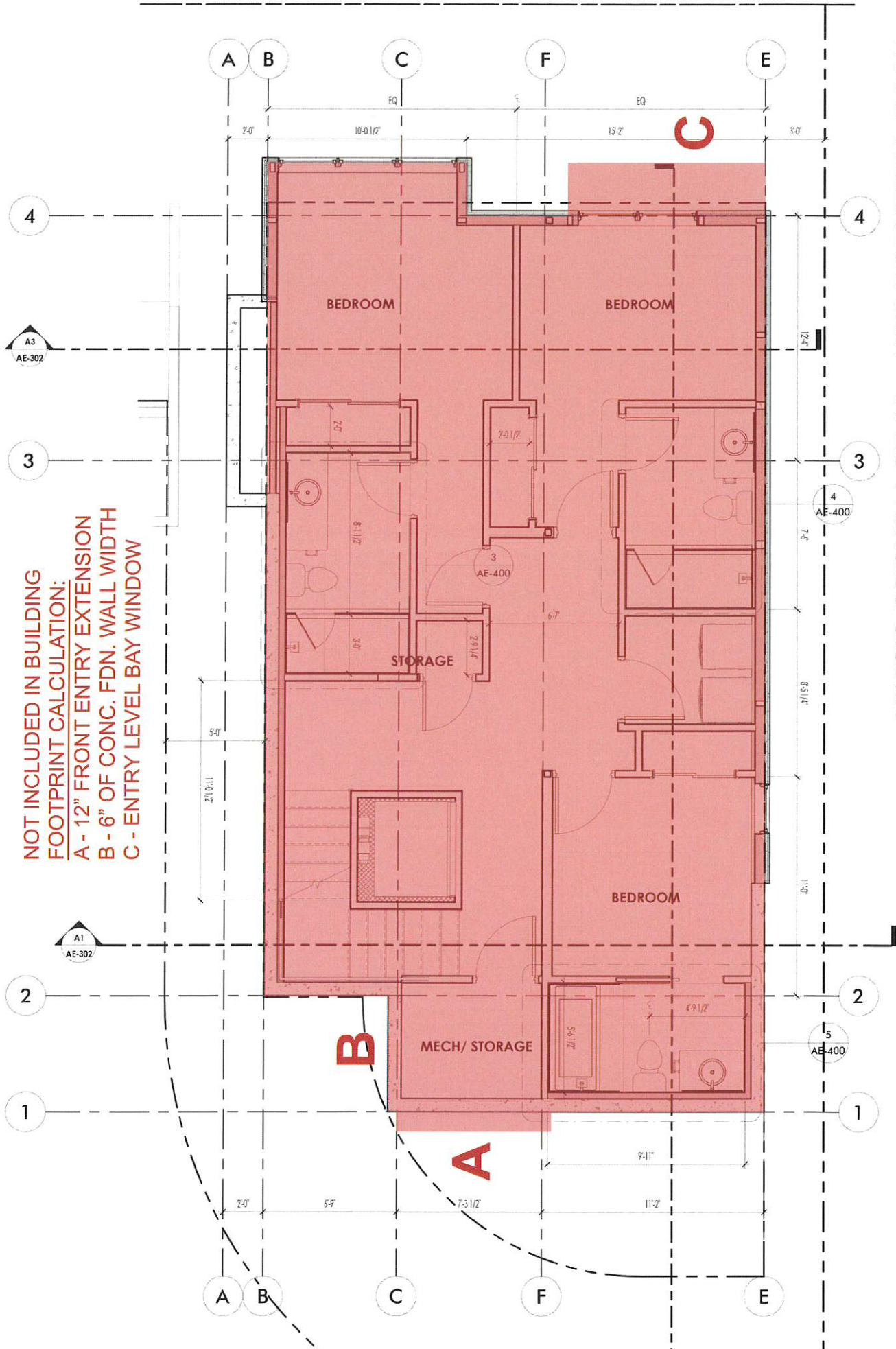
B

PROPERTY LINE

ALLOWABLE FOOTPRINT
ENTIRE LOT 13 = 2049.98 SQ. FT.
FOOTPRINT ALLOWED = 913.47 SQ. FT.
FOOTPRINT PROPOSED = 912.75 SQ. FT.

KING'S CROWN LOT 13 - 1240 ROTHWELL ROAD

- BUILDING FOOTPRINT ALLOWED = 913.47 SQ. FT.
- BUILDING FOOTPRINT APPROVED = 912.75 SQ. FT.
- ACTUAL BUILDING FOOTPRINT = 1,036.17 SQ. FT.



NOT INCLUDED IN BUILDING FOOTPRINT CALCULATION:
A - 12" FRONT ENTRY EXTENSION
B - 6" OF CONC. FDN. WALL WIDTH
C - ENTRY LEVEL BAY WINDOW

KING'S CROWN LOT 18 - 1270 ROTHWELL ROAD

- BUILDING FOOTPRINT ALLOWED = 1,125 SQ. FT.
- BUILDING FOOTPRINT APPROVED = 1,124 SQ. FT.
- ACTUAL BUILDING FOOTPRINT = 1,162 SQ. FT.

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UTILITY NOTIFICATION CENTER
1-800-662-4111
www.bluestakes.org

- ALL NOTES APPLY TO ALL SHEETS.
-SEE ALL SHEETS FOR ALL NOTES.
-ALL WORK MUST BE WITHIN THE APPROVED LOD AND WITHIN PROPERTY LINES.
-FINAL GRADE MUST BE WITHIN FOUR FEET OF EXISTING GRADE.
-ALL PARKING SHALL COMPLY WITH LMC § 15-5-3.
-MAXIMUM DRIVEWAY WIDTH IS 12 FEET, PER THE DESIGN GUIDELINES.
-STONE-BASED MULCH IS NOT PERMITTED PER LMC § 15-5-5(I).
-ALL SIGNIFICANT VEGETATION SHALL BE MAINTAINED OR REPLACED IN KIND, PER LMC § 15-5-5(I).
-ROOF MATERIALS SHALL HAVE MORE VEGETATION THAN MULCH.
-EXTERIOR MATERIALS SHALL HAVE A SOLAR REFLECTIVE INDEX (SRI) OF 35 OR LESS.
-STONE SHALL BE NATURAL PER LMC § 15-5-5(I)(6).
-THE MAXIMUM NUMBER OF EXTERIOR MATERIALS ON ONE FAÇADE IS 3, PER LMC § 15-5-5(I)(7).
-ROOF MATERIAL SHALL NOT BE REFLECTIVE OR BRIGHTLY COLORED PER LMC § 15-5-5(I)(8).
-ALL EXTERIOR METAL MATERIALS SHALL HAVE A SOLAR REFLECTIVE INDEX (SRI) OF 35 OR LESS.
-ALL MECHANICAL EQUIPMENT SHALL COMPLY WITH LMC 15-5-5(I).
-EXTERIOR LIGHTING SHALL BE DOWN-DIRECTED AND SHIELDED PER LMC § 15-5-5(I)(12).
-DEPARTMENT PRIOR TO INSTALLATION.
-BUILDING HEIGHT SHALL COMPLY WITH LMC 15-2-16-5(I).
-INTERIOR HEIGHT SHALL NOT EXCEED THIRTY-FIVE FEET (35').
-A TEN FOOT HORIZONTAL STEP IN THE DOWNHILL FAÇADE IS REQUIRED, PER LMC 15-2-16(I)(2).
-THE PRIMARY ROOF PITCH MUST BE BETWEEN 7:12 AND 12:12.
-ROOF OVERHANGS MAY ONLY PROJECT UP TO THREE FEET (3') INTO THE FRONT SETBACK, ONLY UP TO TWO FEET (2') INTO THE REAR SETBACK, AND ONLY UP TO ONE FOOT (1') INTO THE SIDE SETBACKS.
-NO VINYL WINDOWS OR DOORS ARE PERMITTED.
-ALL STACKED STONE SHALL BE CONSISTENT IN COLOR, TEXTURE, AND SIZE TO HISTORIC ROCK WALLS.
-EXTERIOR MATERIALS SHALL HAVE AN OPAQUE RATHER THAN TRANSPARENT FINISH.
-EXTERIOR WOOD CANNOT BE RAW WOOD AND MUST BE STAINED OR PAINTED.

APPROVED
PARK CITY MUNICIPAL CORP
AUG 16 2019
PLANNING DEPT

Park City Building Dept.
JUL 10 2019
APPROVED
By: [Signature]

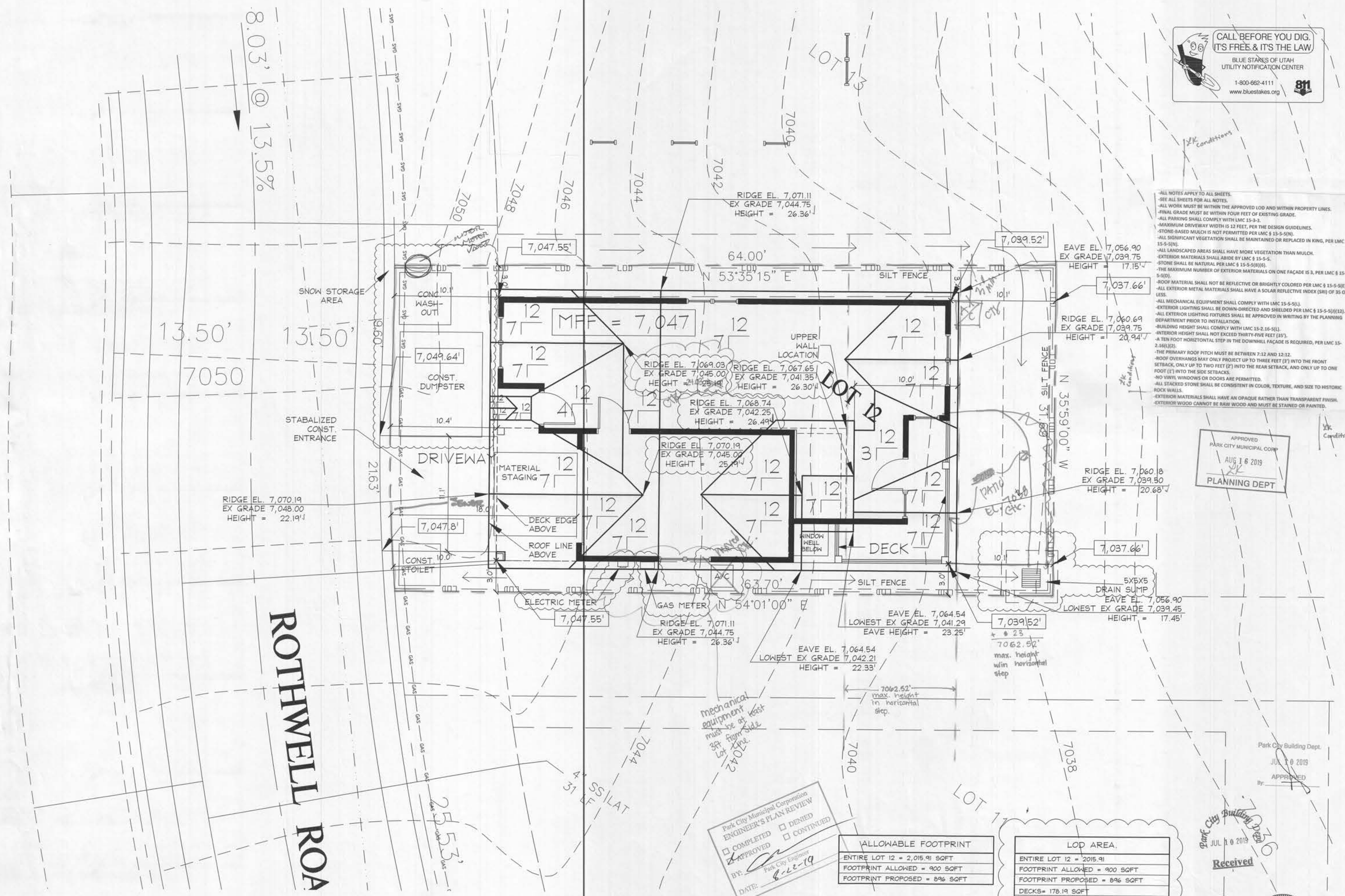
Park City Building Dept.
JUL 10 2019
Received



KING'S CROWN, LOT 12
1234 ROTHWELL ROAD, PARK CITY, UTAH

Craig Kitterman & Associates Architects
1079 E. Murray-Holladay Road, Holladay, Utah 84117 Office: 801-270-8606

PROJECT # 18014
DATE PRINTED 07/08/2019
A 1:1



Park City Municipal Corporation
ENGINEER'S PLAN REVIEW
 COMPLETED DENIED
 APPROVED CONTINUED
BY: [Signature]
DATE: 8-11-19

ALLOWABLE FOOTPRINT
ENTIRE LOT 12 = 2,015.91 SQFT
FOOTPRINT ALLOWED = 900 SQFT
FOOTPRINT PROPOSED = 896 SQFT

LOD AREA
ENTIRE LOT 12 = 2,015.91
FOOTPRINT ALLOWED = 900 SQFT
FOOTPRINT PROPOSED = 896 SQFT
DECKS = 178.19 SQFT
DRIVE WAY = 237.36 SQFT
SIDEWALK = 16.9 SQFT
TOTAL = 687.46 SQFT

SITE PLAN
SCALE: 1/4" = 1'-0"

ROTHWELL ROAD

8.03' @ 13.5%

13.50' 13.50'

RIDGE EL. 7,070.19
EX GRADE 7,048.00
HEIGHT = 22.19'

RIDGE EL. 7,071.11
EX GRADE 7,044.75
HEIGHT = 26.36'

EAVE EL. 7,056.90
EX GRADE 7,039.75
HEIGHT = 17.15'

RIDGE EL. 7,060.69
EX GRADE 7,039.75
HEIGHT = 20.94'

RIDGE EL. 7,060.18
EX GRADE 7,039.50
HEIGHT = 20.68'

EAVE EL. 7,064.54
LOWEST EX GRADE 7,041.29
EAVE HEIGHT = 23.25'

EAVE EL. 7,064.54
LOWEST EX GRADE 7,042.21
HEIGHT = 22.33'

EAVE EL. 7,056.90
LOWEST EX GRADE 7,039.45
HEIGHT = 17.45'

7,039.52'
7,062.52'
max. height
w/in horizontal
step

7062.52'
max. height
in horizontal
step.

Mechanical
equipment
must be at
least
3ft
from
side
of
lot.

SNOW STORAGE AREA

STABILIZED CONST. ENTRANCE

CONC. WASH-OUT

CONST. DUMPSTER

DRIVEWAY

DECK EDGE ABOVE

ROOF LINE ABOVE

CONST. TOILET

ELECTRIC METER

GAS METER

WINDOW WELL BELOW

DECK

SILT FENCE

5X5X5 DRAIN SUMP

EAVE EL. 7,056.90
LOWEST EX GRADE 7,039.45
HEIGHT = 17.45'

EAVE EL. 7,064.54
LOWEST EX GRADE 7,041.29
EAVE HEIGHT = 23.25'

EAVE EL. 7,064.54
LOWEST EX GRADE 7,042.21
HEIGHT = 22.33'

EAVE EL. 7,056.90
EX GRADE 7,039.75
HEIGHT = 17.15'

RIDGE EL. 7,060.69
EX GRADE 7,039.75
HEIGHT = 20.94'

RIDGE EL. 7,069.03
EX GRADE 7,045.00
HEIGHT = 24.03'

RIDGE EL. 7,067.65
EX GRADE 7,041.35
HEIGHT = 26.30'

RIDGE EL. 7,068.74
EX GRADE 7,042.25
HEIGHT = 26.49'

RIDGE EL. 7,070.19
EX GRADE 7,045.00
HEIGHT = 25.19'

RIDGE EL. 7,071.11
EX GRADE 7,044.75
HEIGHT = 26.36'

RIDGE EL. 7,071.11
EX GRADE 7,044.75
HEIGHT = 26.36'

RIDGE EL. 7,071.11
EX GRADE 7,044.75
HEIGHT = 26.36'

Board of Adjustment Staff Report



Subject: 3295 Thistle Street
Application: PL-24-06295
Author: Virgil Lund, Planner II
Date: November 19, 2024
Type of Item: Variance

Recommendation

(I) Review the proposed Variance to Land Management Code Section 15-3-3(H)(1) for a driveway greater than 27 feet in width and Section 15-2.13-3 for a driveway within the Side Setback that encroaches into the required three-foot landscape buffer in the Residential Development Zoning District at 3295 Thistle Street, (II) conduct a public hearing, and (III) consider denying the Variance based on the Findings of Fact and Conclusions of Law in the Draft Final Action Letter (Exhibit A).

Description

Applicant: David Dougherty
Location: 3295 Thistle Street
Zoning District: Residential Development
Adjacent Land Uses: Single-Family Dwellings
Reason for Review: The Board of Adjustment reviews and takes Final Action on Variances.¹

BOA Board of Adjustment
LMC Land Management Code
RD Residential Development

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

Summary

3295 Thistle Street is a 0.37-acre double-corner Lot with frontage along Thistle Street, Sun Ridge Court, and Solamere Drive, within the Solamere Number 2A Subdivision (Lot 73). While 3295 Thistle Street is not within the Oaks at Deer Valley Homeowner Association (HOA), the Oaks at Deer Valley HOA maintains an easement for landscaping on Lot 73.

On February 28, 1992, the easement was recorded between the owner of 3295 Thistle Street and the Oaks at Deer Valley HOA which granted the Oaks at Deer Valley HOA

¹ LMC [§ 15-1-8](#)

landscaping and maintenance access for approximately 4,000 square feet of Lot 73 (See Figure One below). The easement assigned the Oaks at Deer Valley HOA the responsibility of landscaping installation and maintenance:

[The Oaks at Deer Valley] shall be obligated at its expense to install, water, and maintain all of the landscaping and improvements on the easement property in a neat, thriving condition (Exhibit E, Easement for Landscaping Purposes).

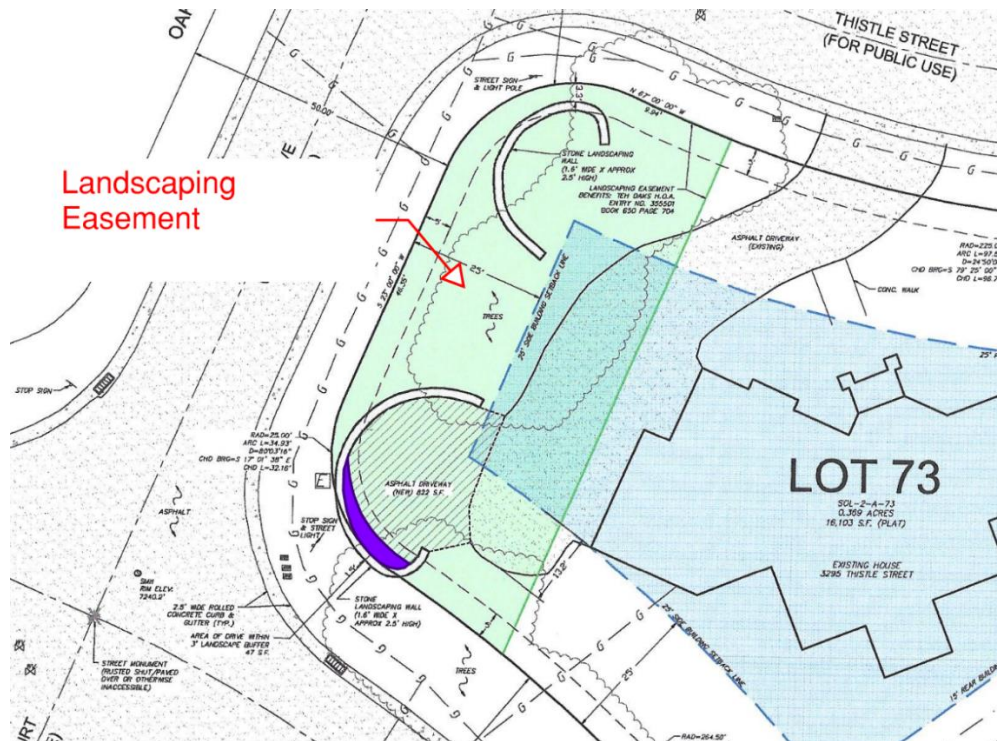


Figure 1: Landscaping Easement Shown in Green Highlighted Area

Background

On August 12, 1996, the City issued a Building Permit for a new Single-Family Dwelling at 3295 Thistle Street (Exhibit D). Because this is a Lot with frontage along Thistle Street, Sun Ridge Court, and Solamere Drive, this is considered an Unusual Lot, regulated pursuant to Land Management Code (LMC) [Section 15-4-17](#).



Figure 2: Overview Map of 3295 Thistle Street highlighted in green. Image created by Staff Using ArcGIS Online and Summit County GIS Data

The 1996 Building Permit established Setbacks for the Unusual Lot (see below image):

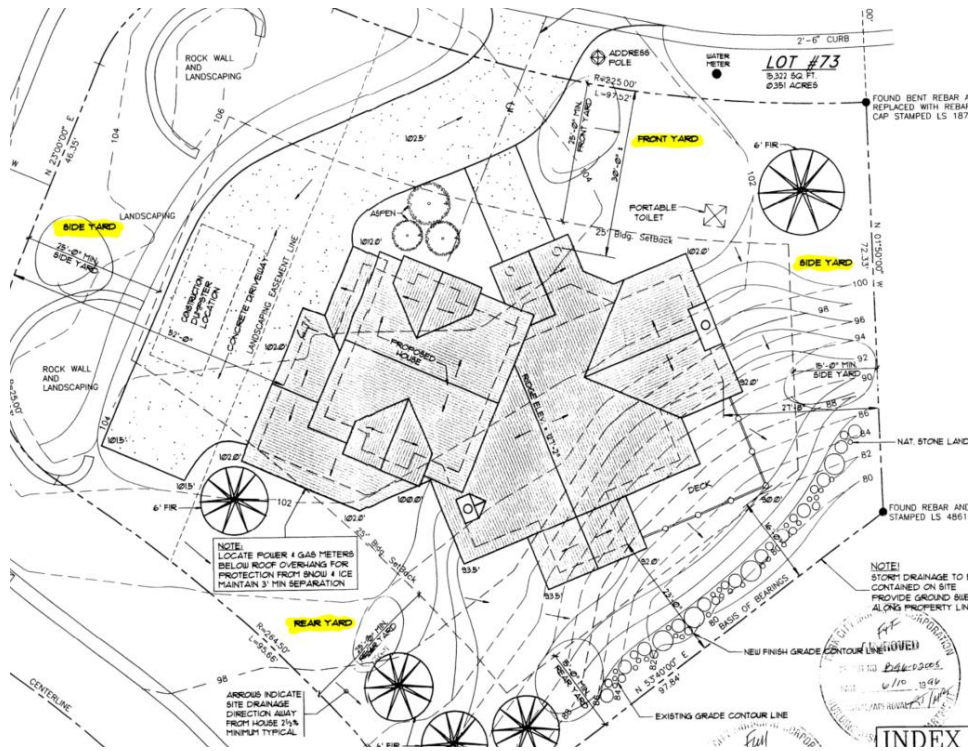


Figure 3: 1996 Building Permit with Setbacks Highlighted



Figure 4: South-Facing Google Image of 3295 Thistle driveway access

This summer, the Applicant removed 12 to 15 mature aspen trees and constructed a paved area expanding the driveway within the Side Setback to 43 feet in width within the landscaping easement without a building permit.

On July 25, 2024, Community Code Compliance issued a Stop Work Order for work without a building permit (Exhibit B). On July 31, 2024, the Applicant submitted a building permit application to retroactively approve the work completed without a building permit. On August 2, 2024, the Planning Department rejected the building permit because the work does not comply with Land Management Code (LMC) [§ 15-2.13-3\(G\)\(8\)](#) outlining Side Setback regulations in the Residential Development (RD) Zoning District: “The Side Setback must be open and free of any Structure except: Driveways leading to an approved garage or Parking Area, ***maintaining a three foot (3') landscaped Setback to the Side Lot Line.***”

On August 26, 2024, Community Code Compliance issued a Notice of Violation (Exhibit C) notifying the property owner of 3295 Thistle Street that the “*paved area is encroaching into the Side and Rear Setbacks and is not an allowed exception to the Side and Rear Setbacks*” (see below Analysis section I for information on allowed exceptions to Setbacks).



Figure 5: Completed Construction at 3295 Thistle Street in violation of LMC § 15-2.13-3 and § 15-3-3(H)(1) and without a Building Permit

Prior to this area being paved, it was landscaped with 12 to 15 mature aspen trees, as shown in the photo below:



Figure 6: 2019 Google Street View of Conditions Prior to Area Being Paved

The figure below shows approximately 47 square feet of paved area that encroaches into the required 3-foot landscaped buffer:

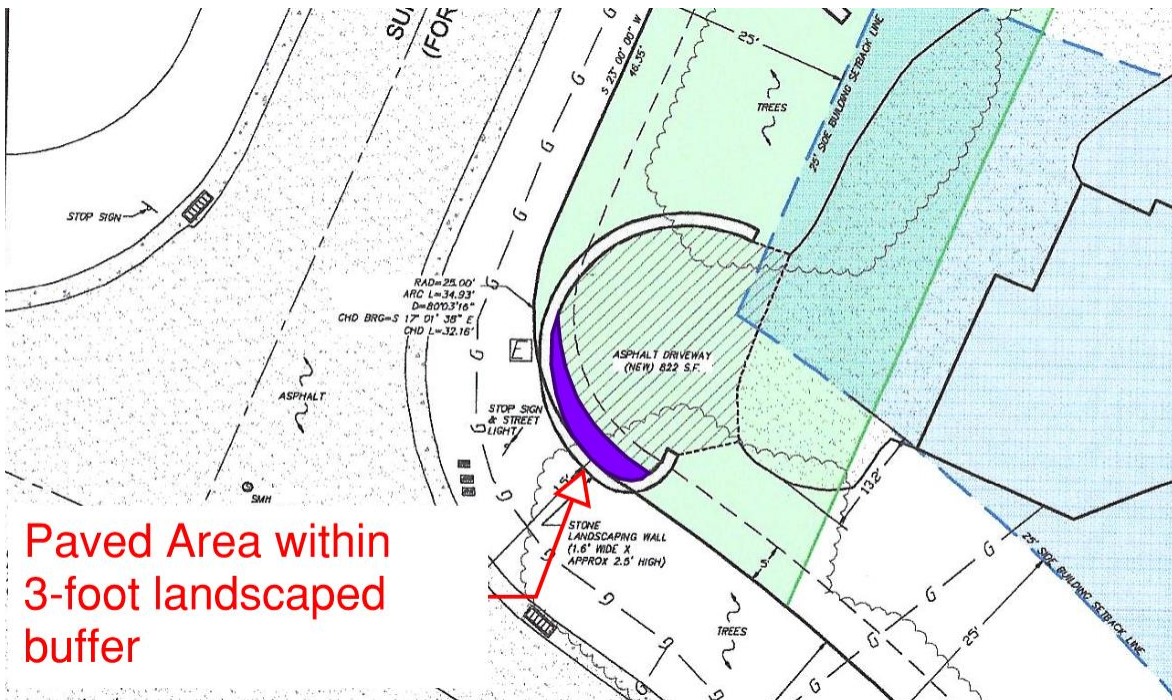


Figure 7: Survey with Staff highlights in purple showing the amount of Paved Area within the required 3-Foot Landscaped Buffer

LMC § 15-2.13-3(G)(8) requires a 3-foot landscaped buffer between the driveway and the Lot Line. The Applicant requests a Variance from this requirement for the expanded driveway to be located within this 3-foot landscaped buffer with no landscaping.

After the Applicant submitted the Variance request, the Planning Department found that the expanded Parking Area also violates two additional Sections of the LMC:

1. LMC Section [15-3-3\(H\)\(1\)](#) limits driveway widths for Single-Family Dwellings to a maximum of 27 feet. The property owner's existing driveway prior to paving the landscaped area was 24 feet. The newly paved area expanded the driveway width to approximately 42 feet 8 inches, which is an additional non-compliance.
2. LMC Section [15-2.13-10](#) requires preservation of Significant Vegetation and prohibits the removal of Significant Vegetation without mitigation and approval.

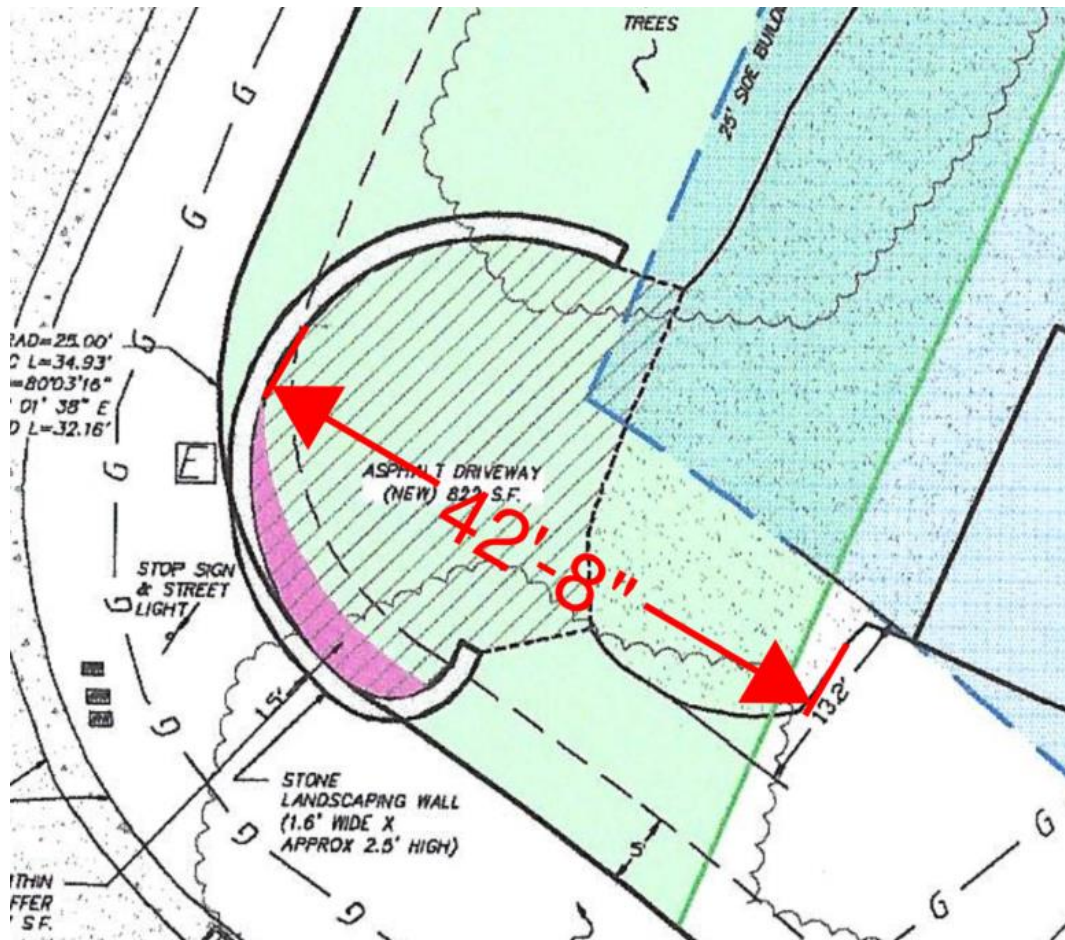


Figure 8: Applicant's Site Plan with Staff's Measurement of Driveway Width

Analysis

The Board of Adjustment hears Variance requests, holds a public hearing, and takes Final Action. The Board of Adjustment may impose additional requirements on the Applicant to mitigate any harmful effects of the Variance, if granted, or serve the

purpose of the standard or requirement that is waived or modified.²

In order to grant the requested Variance, the Board of Adjustment must find that all five criteria in Land Management Code Section 15-10-8(C) are met. The Applicant bears the burden of proving that all the conditions justifying a Variance have been met.

In determining whether or not enforcement of the ordinance will cause unreasonable hardship under LMC Section [15-10-8\(C\)\(1\)](#), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the Variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.³ In determining whether or not enforcement of the LMC would cause unreasonable hardship, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.⁴

The five criteria outlined in LMC Section [15-10-8\(C\)\(1\)](#) are outlined below, with staff analysis. Please see Exhibit F for the Applicant's full analysis and narrative.

(I) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code

The Applicant seeks a Variance from the Off-Street Parking Requirements outlined in LMC [§ 15-3-3\(H\)](#) and Residential Development (RD) Zoning District Lot and Site Requirements outlined in Land Management Code [§ 15-2.13-3](#) to allow a 43-foot driveway to extend into the Side Setback without a three-foot landscaped buffer.

Pursuant to LMC [§ 15-3-3\(H\)\(1\)](#) *General Parking Area and Driveway Standards*, driveways for Single-Family Dwellings are limited to a maximum width of 27 feet. The newly paved area expands the pre-existing driveway from 24 feet to 43 feet.

LMC [§ 15-2.13-3\(G\)](#) outlines Side Setback requirements and exceptions for the RD Zoning District. The Side Setback is 12 feet in the RD Zoning District and must be open and free of any structure except: "Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line."⁵ The newly paved area does not comply with LMC [§ 15-2.13-3\(G\)](#) because it does not maintain a three-foot landscaped buffer between the driveway and the Side Lot Line.

The Side Setback exception in the RD Zoning District states that "[a] paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed, but may not be used for parking and must maintain a one foot (1') landscaped Setback to the

² LMC [§ 15-10-8](#)

³ LMC [§ 15-10-8\(D\)\(1\)](#)

⁴ LMC [§ 15-10-8\(D\)\(2\)](#)

Side Lot Line.”

Regarding this Variance Criterion, the Applicant states: “Such enforcement would result in the property owner being in violation of the landscaping standards in the Code, with no legal right to cure the violation...The Oaks HOA stopped maintaining the landscaping in the easement 3-4 years ago, leaving the paved area entirely dirt, with no landscaping. If the City required the property owner to remove the paving area in question, the area goes back to dirt and the owner has no legal right to do any landscaping needed to bring the area up to Code.”

The image below from 2019 Google Street View shows the newly paved area had previously been planted with mature aspen trees.



Figure 9: 3295 Thistle prior to the removal of the mature aspens (Google Street view imagery 2019)

The removal of Significant Vegetation is a violation of Land Management Code § 15-2.13-10 Vegetation Protection

Significant Vegetation includes large trees six inches in diameter or greater measured four and one-half feet above the ground, groves of smaller trees, or clumps of oak and maple covering an Area 50 square feet or more measured at the drip line.⁶

The Applicant explains that they removed the Significant Vegetation because they believed the Oaks HOA was not providing maintenance, and the landscaping was in poor condition. However, the Board of Adjustment is not required to determine

⁶ LMC [§ 15-2.13-10](#)

responsibility for compliance with the code. Rather, the Board of Adjustment is to determine whether to grant the Variance. The Applicant has the responsibility to submit building permits for work completed and to comply with the regulations of the LMC.

Literal enforcement of the LMC would prevent the Applicant from expanding the driveway width over 27 feet and would not allow a paved area in the Side Setback without a three-foot landscaped buffer to the Side Lot Line. The pre-existing driveway at 3295 Thistle Street provides a 24-foot-wide paved area for vehicles to back out of the garage; an additional turn out Area for aiding in backing a vehicle out of a garage may not be necessary at this site.

This Variance Criterion is not met because the lack of an additional turn out area does not constitute an unreasonable hardship.

(II) There are special circumstances attached to the Property that do not generally apply to other properties in the same zone.

LMC [Section 15-10-8\(D\)\(1\)](#) states “[i]n determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship . . . the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.”

Regarding this Variance Criterion, the Applicant states that the Lot at 3295 Thistle is unique in that “there are no other properties in the area that have such a wall (constructed by the Oaks at Deer Valley HOA within the landscaped easement), or landscaping easement, or the accompanying rights and obligations of the Oaks HOA. Given the unique circumstances, paving up to the wall (additional 2 feet), which the Oaks HOA has approved... represents the best solution. The option of removing a portion of the paving and creating a small strip of landscaping that would be difficult for the Oaks HOA to maintain and will likely be frequently damaged by cars entering/exiting our driveway is not practical, given the unique circumstances.”

The Applicant misrepresents the number of Lots in the neighborhood that have a rock wall and landscaped area in the corner of the Lot. The property across the way, at 3303 Sun Ridge Court has the same rock wall and landscaped area, planted with mature aspens.



Figure 10: Image of 3303 Sun Ridge Ct (Google Street view imagery 2024)

All properties in the RD Zoning District must comply with the Lot and Site requirements regarding Setbacks and Setback exceptions, regardless of lot configuration or recorded easements. The surrounding Lots range in size from 0.3 acres up to 0.5 acres in size. There are four surrounding Lots that have unusual Lot configurations and Setbacks similar to Lot 73.



Figure 11: Map Created by Staff Showing Similar Unusual Lot Configurations Surrounding Lot 73

This Variance Criterion is not met, since surrounding Lots in the neighborhood have similar irregularities to Lot 73.

(III) Granting the Variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

Regarding this Variance criterion, the Applicant states: “No other property in the area is burdened by the unique combination of a stone wall and landscaping easement anything like those referenced above. Consequently, no other property owners in the area are forced to either take legal action against a neighboring HOA to force the HOA to landscape and maintain the area, or simply accept a strip of dirt between the landscape buffer and the stone wall.”

This Variance criterion is not met because a non-compliant driveway that exceeds allowable width and is located within the required Side Setback and three-foot landscaped buffer is not essential to the enjoyment of a substantial Property right possessed by other Property in the same zone. The regulations of LMC Section [15-2.13-3](#) apply to all Lots and Structures within the Residential Development Zoning District.

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

Regarding this Variance criterion, the Applicant states: “Allowing this small strip of land, which is not visible from adjacent streets, to remain paved and in good condition, rather than requiring it to remain unimproved dirt, would not adversely affect the General Plan in any way. In addition, no public interest exists that would require the small strip of non-visible property to remain in an unimproved dirt condition.”

This property is within the Lower Deer Valley neighborhood within the Park City General Plan. The General Plan identified four core values. One of those four core values is *Natural Setting*. One of the objectives of the *Natural Setting* goal is to “Minimize further land disturbance and conversion of remaining undisturbed land areas to development to minimize the effects on neighborhoods.”⁷ While the disturbed vegetation and paved is a relatively small area, it does not comply with one of the four core values identified in the General Plan.

Additionally, the General Plan states the aesthetic of the Lower Deer Valley neighborhood should be preserved with native landscape and limits of disturbance to preserve landscaping.

Protection of Significant Vegetation, and Setback and Lot requirements, have been consistent in the LMC for decades and the General Plan reinforces those requirements for each Zoning District. Allowing an exception to the LMC for additional driveway width

⁷ [General Plan, Goals, pg 53](#)

within the Side Setback would set a precedence contrary to the public interest.

(V) The Spirit of the Land Management Code is observed, and substantial justice done.

Regarding this Variance criterion, the Applicant states: “The spirit of the LMC certainly does not require that this small strip of land remain in an unimproved dirt condition. In addition, no third parties will be adversely affected in any way, and relieving this property owner from living with an unimproved dirt condition constitutes substantial justice.”

The Applicant constructed a non-compliant paved area that exceeds allowable width within the Side Setback and within the required three-foot landscaped buffer without a Building Permit. Granting the Variance would not observe the spirit of the LMC, and substantial justice would not be done.

Department Review

The Planning Department and City Attorney’s Office reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on November 5, 2024. Staff mailed courtesy notice to property owners within 300 feet on November 5, 2024. The *Park Record* published courtesy notice on November 5, 2024.⁸

Public Input

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

Alternatives

- The Board of Adjustment may deny the Variance according to the Findings of Fact and Conclusions of Law as drafted in the Final Action Letter, Exhibit A.
- The Board of Adjustment may grant the Variance and direct staff to draft a Final Action Letter granting the Variance.
- The Board of Adjustment may request additional information and continue the discussion to a date certain

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Stop Work Order

Exhibit C: Notice Of Violation

Exhibit D: 1996 Building Permit for 3295 Thistle

Exhibit E: Landscape Easement Between Property Owner and Oaks at Deer Valley HOA

Exhibit F: Applicant’s Analysis

⁸ LMC [§ 15-1-21](#)



Planning Department

November 19, 2024

David Dougherty
3295 Thistle Street

CC: David Dougherty

NOTICE OF BOARD OF ADJUSTMENT ACTION

Description

Address: 3295 Thistle Street

Zoning District: Residential Development

Application: Variance

Project Number: PL-24-06295

Action: DENIED

Date of Final Action: November 19, 2024

Project Summary: The Applicant Proposes a Variance to Land Management Code Section 15-3-3(H)(1) for a driveway greater than 27-feet wide and Section 15-2.13-3 for a driveway within the Side Setback that encroaches into the three-foot landscape buffer in the Residential Development Zoning District.

Action Taken

On November 19, 2024, the Board of Adjustment conducted a public hearing and denied the proposed Variance according to the following findings of fact and conclusions of law:

Findings of Fact

1. 3295 Thistle Street is a 0.37-acre double-corner Lot (Lot 73) with frontage along Thistle Street, Sun Ridge Court, and Solamere Drive, within the Solamere Number 2A Subdivision. While 3295 Thistle Street is not located within the Oaks at Deer Valley Homeowner Association (HOA), the Oaks at Deer Valley HOA maintains an easement for landscaping on Lot 73.



Planning Department

2. On February 28, 1992, the easement was recorded between the owner of 3295 Thistle Street and the Oaks HOA which granted the Oaks HOA landscaping and maintenance access for a limited area of approximately 4,000 square feet of Lot 73. The easement assigned the Oaks HOA the responsibility of landscaping installation and maintenance.
3. Because this is a Lot with frontage along Thistle Street, Sun Ridge Court, and Solamere Drive, this is considered an Unusual Lot, regulated pursuant to Land Management Code (LMC) Section 15-4-17.
4. On August 12, 1996, the City issued a Building Permit for a new Single-Family Dwelling at 3295 Thistle Street. According to the Building Permit, the Side Setback is along Sun Ridge Drive.
5. This summer, the Applicant removed 12 to 15 mature aspen trees and constructed a paved area expanding the driveway within the Side Setback to 43 feet in width within the landscaping easement without a building permit.
6. On July 25, 2024, the Building Department issued a Stop Work order for work without a building permit at 3295 Thistle.
7. On July 31, 2024, the Applicant submitted a building permit application to retroactively approve the work completed without a building permit.
8. On August 2, 2024, the Planning Department rejected the building permit because the work does not comply with LMC § 15-2.13-3(G)(8) outlining Side Setback regulations in the Residential Development (RD) Zoning District: "The Side Setback must be open and free of any Structure except: Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line."
9. On August 26, 2024, Community Code Compliance issued a Notice of Violation notifying the property owner of 3295 Thistle Street that the "paved area is encroaching into the Side and Rear Setbacks and is not an allowed exception to the Side and Rear Setbacks"
 - a. Prior to this area being paved, it was landscaped with 12-15 mature aspen trees.
10. LMC § 15-2.13-3(G)(8) requires a 3-foot landscaped buffer between the driveway and the Lot Line. The Applicant requests a Variance from this requirement for the expanded driveway to be located within this 3-foot landscaped buffer with no landscaping.



Planning Department

11. After the Applicant submitted the Variance request, the Planning Department found that the expanded Parking Area also violates two additional Sections of the LMC:
 - a. LMC Section 15-3-3(H)(1) limits driveway widths for Single-Family Dwellings to a maximum driveway 27 feet. The property owner's existing driveway prior to paving the landscaped area was 24 feet. The newly paved area expanded the Driveway width to approximately 42 feet 8 inches, which is an additional non-compliance.
 - b. LMC Section 15-2.13-10 requires preservation of Significant Vegetation and prohibits the removal of Significant Vegetation without mitigation and approval.
12. The Board of Adjustment hears Variance requests, holds a public hearing, and takes Final Action. The Board of Adjustment may impose additional requirements on the Applicant to mitigate any harmful effects of the Variance or serve the purpose of the standard or requirement that is waived or modified.
13. In order to grant the requested Variance, the Board of Adjustment must find that all five criteria in Land Management Code Section 15-10-8(C) are met. The Applicant bears the burden of proving that all the conditions justifying a Variance have been met.
14. In determining whether or not enforcement of the ordinance will cause unreasonable hardship under LMC Section 15-10-8(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the Variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. In determining whether or not enforcement of the LMC would cause unreasonable hardship, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
15. The five criteria outlined in LMC Section 15-10-8(C)(1) are outlined below, with staff analysis.
 - a. **Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code**
 - i. The Applicant seeks a Variance from the Off-Street Parking Requirements outlined in LMC § 15-3-3(H) and Residential Development (RD) Zoning District Lot and Site Requirements outlined in Land Management Code § 15-2.13-3 to allow a 43-foot



Planning Department

- driveway to extend into the Side Setback without a three-foot landscaped buffer.
- ii. Pursuant to LMC § 15-3-3(H)(1) General Parking Area and Driveway Standards, Driveways for Single-Family Dwellings are limited to a maximum width of 27 feet. The newly paved area expands the pre-existing driveway from 24 feet to 43 feet.
 - iii. LMC § 15-2.13-3(G) outlines Side Setback requirements and exceptions for the RD Zoning District. The Side Setback is 12 feet in the RD Zoning District and must be open and free of any structure except: "Driveways leading to an approved garage or Parking Area, maintaining a three foot (3') landscaped Setback to the Side Lot Line." The newly paved area does not comply with LMC § 15-2.13-3(G), because it does not maintain a three-foot landscaped buffer between the driveway and the Side Lot Line.
 - iv. The Side Setback exception in the RD Zoning District states that "[a] paved turn out Area, to aid in backing a vehicle out of a garage or Parking Area, is allowed, but may not be used for parking and must maintain a one foot (1') landscaped Setback to the Side Lot Line."
 - v. The removal of Significant Vegetation is a violation of Land Management Code § 15-2.13-10 Vegetation Protection.
 - vi. Significant Vegetation includes large trees six inches in diameter or greater measured four and one-half feet above the ground, groves of smaller trees, or clumps of oak and maple covering an Area 50 square feet or more measured at the drip line.
 - vii. Literal enforcement of the LMC would prevent the Applicant from expanding the driveway width over 27 feet and would not allow a paved area in the Side Setback without a three-foot landscaped buffer to the Side Lot Line. The pre-existing driveway at 3295 Thistle Street provides a 24-foot-wide paved area for vehicles to back out of the garage; an additional turn out Area for aiding in backing a vehicle out of a garage may not be necessary at this site.
 - viii. This Variance Criterion is not met because the lack of an additional turn out area does not constitute an unreasonable hardship.
- b. There are special circumstances attached to the Property that do not generally apply to other properties in the same zone.**



Planning Department

- i. LMC Section 15-10-8(D)(1) states “[i]n determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship . . . the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.”
 - ii. All properties in the RD Zoning District must comply with the Lot and Site requirements regarding Setbacks and Setback exceptions, regardless of lot configuration or recorded easements. The surrounding Lots range in size from 0.3 acres up to 0.5 acres in size. There are four surrounding Lots that have unusual Lot configurations and Setbacks, similar to Lot 73.
 - iii. This Variance Criterion is not met, since surrounding Lots in the neighborhood have similar irregularities to Lot 73.
- c. Granting the Variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.**
- i. This Variance criterion is not met because a non-compliant driveway that exceeds allowable width and is located within the required Side Setback and three-foot landscaped buffer is not essential to the enjoyment of a substantial Property right possessed by other Property in the same zone. The regulations of LMC Section 15-2.13-3 apply to all Lots and Structures within the Residential Development Zoning District.
- d. The Variance will not substantially affect the General Plan and will not be contrary to the public interest.**
- i. This property is within the Lower Deer Valley neighborhood within the Park City General Plan. The General Plan identified four core values. One of those four core values is Natural Setting. One of the objectives of the Natural Setting goal is to “Minimize further land disturbance and conversion of remaining undisturbed land areas to development to minimize the effects on neighborhoods.” While the disturbed vegetation and paved is a relatively small area, it does not comply with one of the four core values identified in the General Plan.



Planning Department

- ii. Additionally, the General Plan states the aesthetic of the Lower Deer Valley neighborhood should be preserved with native landscape and limits of disturbance to preserve landscaping.
- iii. Protection of Significant Vegetation, and Setback and Lot requirements, have been consistent in the LMC for decades and the General Plan reinforces those requirements for each Zoning District. Allowing an exception to the LMC for additional driveway width within the Side Setback would set a precedence contrary to the public interest.

e. The Spirit of the Land Management Code is observed, and substantial justice done.

- i. The Applicant constructed a non-compliant paved area that exceed allowable width within the Side Setback and within the required three-foot landscaped buffer without a Building Permit.
- ii. Granting the Variance would not observe the spirit of the LMC, and substantial justice would not be done.

16. Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on November 5, 2024. Staff mailed courtesy notice to property owners within 300 feet on November 5, 2024.

Conclusions of Law

- 1. The Applicant did not meet their burden of proving the five Variance criteria outlined in LMC Section 15-10-8(C).

If you have questions or concerns regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

Sincerely,

Ruth Gezelius, Board of Adjustment Chair

CC: Virgil Lund



prep 24-1183
prep 24-1146
prep 24-1147

STOP WORK

PARK CITY BUILDING DEPARTMENT

HEREBY SERVES NOTICE TO CEASE AND DESIST THE ACTIVITY'S LISTED BELOW

ADDRESS: 3295 Thistle St
INVESTIGATION FILE # CE-24-00045

REASON OF STOP WORK/ CEASE AND DESIST:

Driveway w/o permit
Electrical w/o Permit for light pole
Improper road closure

Call 435-615-5100 to schedule a meeting with the building official

Submit and possibly obtain required permit Tuesday through Thursday between 8-10 a.m.

Stop Work Issued by: Michelle Olson 7/25/24
Inspector/ Date

DO NOT REMOVE NOTICE

445 Marsac Ave.
(435) 615-5100



NOTICE OF VIOLATION

DATE: August 26, 2024

CASE #: CE-24-00073

TO: David Dougherty Trustee
P O Box 682518
Park City UT 84060

SUBJECT PROPERTY:

Parcel Number SOL-2-A-73
3295 Thistle Street Park City UT

Date the Violation was observed: July 25, 2024

Description of Violation:

On July 25, 2024, City staff documented the replacement of driveway and the rough installation of utilities for light pole at the subject property, without proper permits, and a stop work order was issued. An application for a building permit was submitted, and the plans for that permit were rejected due to non-compliance with the Park City Municipal Land Management Code 15-2.13-3, wherein the paved area is encroaching into the Side and Rear Setbacks and is not an allowed exception to the Side and Rear Setbacks. The proposed light pole does not comply with the Park City Municipal Land Management Code 15-5-5-J.

- 1) You are hereby ordered to take the following actions, in accordance with Park City Municipal Code 11-19-2:
 - a) By September 30, 2024, remove the non-compliant portion of the driveway as well as unpermitted electrical improvements installed in conjunction with the project.

OR

- b) By September 1, 2024, provide to the City a plan and make the applicable applications to bring your property into compliance; and
 - c) By December 31, 2024, complete project to bring the property into compliance.
- 2) Civil fees in the amount of \$100.00 shall accrue daily, immediately, until the violation is corrected. Each subsequent violation of the Park City Municipal Code will result in immediate daily fees.
- 3) Continued violation of Park City Municipal Code may result in any of the following additional action(s): revocation of certificate of occupancy, revocation of business license, criminal prosecution, civil fees, revocation/withholding of municipal permits, recordation of the Notice of Violation, abatement of the violation, costs, administrative fees, and any other legal remedies.

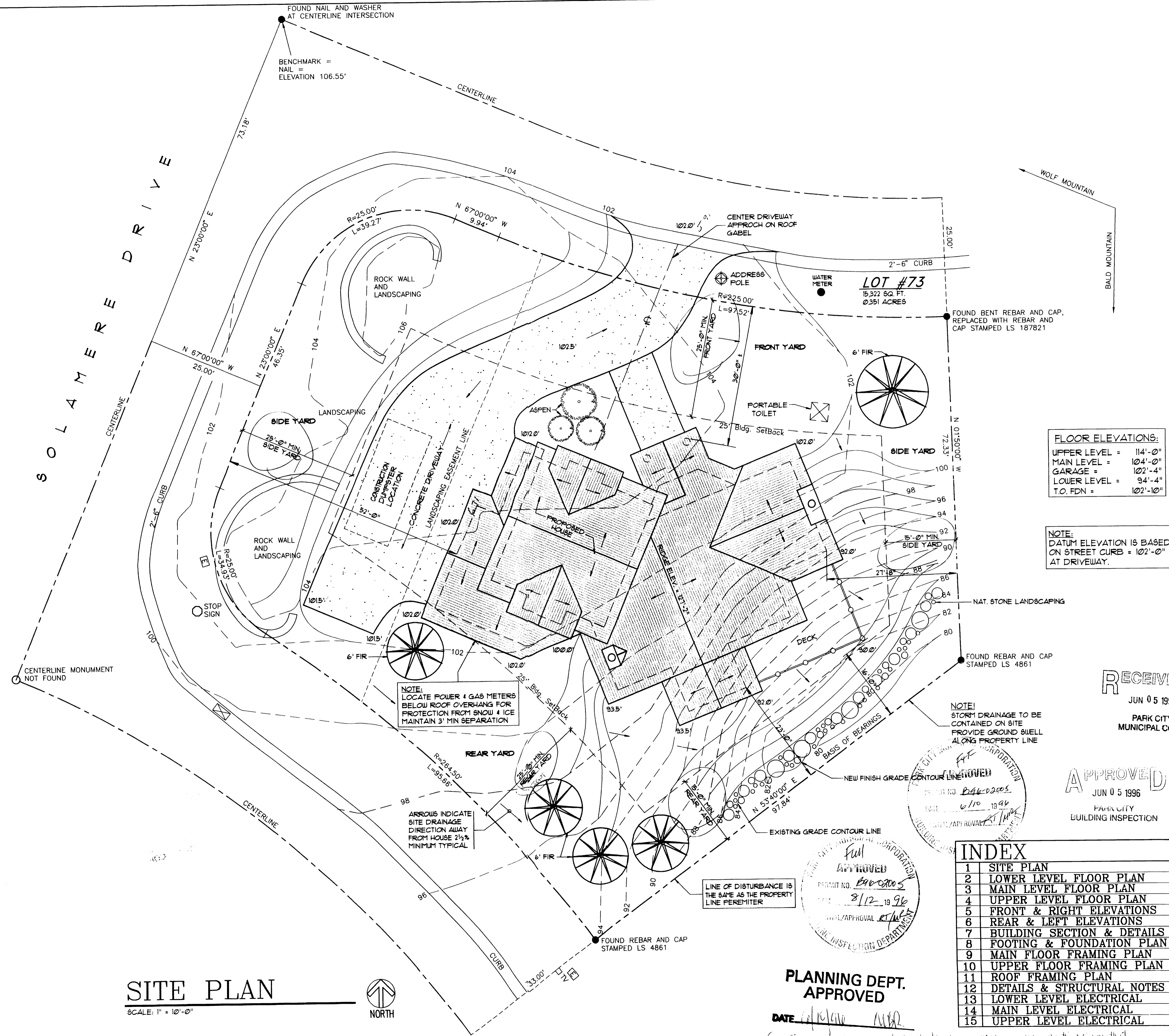
- 4) This notice of violation (and any amended or supplemental notice) has been served upon the responsible person(s).
- 5) The property owner, tenant, person with a legal interest in the real property, a person in possession of the real property, or if a business, the business manager, or owner, shall be liable for any violation maintained on the property. In all cases, the property owner shall be considered a responsible party.
- 6) A copy thereof has been served on each of these parties if known to the Building Official or disclosed from official public records.
- 7) Service of this notice of violation has been made upon all persons entitled thereto by regular mail, postage prepaid, to the last known address of the property owner or other responsible person; posting the notice conspicuously on or in front of the property; personal service; or published in a newspaper of general circulation.
- 8) The responsible person may request an administrative code enforcement hearing. The request must be filed within ten calendar days from the date of service of this notice. The request must be made in writing and filed with Park City Municipal Corporation, 445 Marsac Ave, Park City, Utah 84060. The request shall contain the complaint file number, the address of the violation, the issues being appealed or the reason for the hearing request and the signature of the responsible party.
- 9) Failure to request a hearing within ten calendar days from the date of service of this notice shall constitute a waiver of the right to a hearing. If the responsible person fails to request a hearing after being issued a Notice of Violation as provided herein, such failure to request a hearing shall be considered a waiver by the responsible person of their right to said hearing and the following actions may be taken: (a) the corrective action detailed in this notice of violation may be considered the administrative code enforcement order pursuant to Section 11-19-2 (U) of the Park City Municipal Code; (b) the default may enter against the responsible person and the City may seek to have an administrative code enforcement order issued by the Administrative Law Judge without further notice to the responsible person; or (c) the enforcement official may request a default hearing.
- 10) Only one notice of violation is required for any 12-month period, and civil fees begin immediately upon any subsequent violations of the notice. The responsible person may request a hearing on the renewed violations by following the same procedure as provided herein.



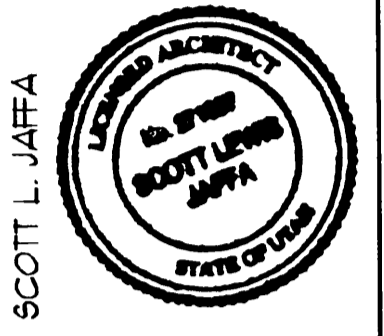
JJ Trussell
Assistant Building Official
Park City Municipal Corporation

GENERAL NOTES

- General Site Notes**
- Call utility Blue Stake for location of existing utilities prior to excavation.
 - Telephone service to be underground from nearest terminal.
 - Electrical service to be underground from nearest junction.
 - Electric and gas meter to be installed in an inconspicuous location.
 - Supply a water turn-off valve in a basement mechanical location.
 - Stub a "T" for water sprinkler system at front and back yard.
 - Contractor to blend new drive into existing asphalt.
- General Information**
- The General contractor shall verify all construction documents & site dimensions before starting work. The Owner shall be notified immediately of a discrepancy.
 - Do not scale the construction documents. Any discrepancies between the construction documents and field conditions should be brought to the Owner's attention.
 - All construction shall comply with all applicable city, county, state and federal regulations, as well as the standard of the Uniform Building Code 1994 edition.
 - The General contractor shall obtain all permits, pay all fees, and check governing authorities specifications for construction, including removal or relocation of utilities or other physical objects shown on plans, U.N.O.
 - The General contractor shall provide necessary blocking, backing and framing for light fixtures, electrical units, A.C. equipment and all other miscellaneous items requiring same.
 - The General contractor shall provide solid blocking as required for fastening of all interior and exterior trim, finishes, and shall coordinate and provide all framing and bracing as necessary for installation of N.I.C. equipment indicated.
 - Dimensions shown on floor plan at exterior walls are to face of stud to face of stud. Dimensions to interior wall are to face of stud to face of stud unless otherwise noted or indicated.
 - Maintain minimum of 1" (one inch) clearance between property lines and any new construction. (Walls, retaining walls, footings, etc.)
 - Slope all finish grades and flatwork away from building.
 - At separation joints indicated, fill joint with resilient filler "Flexcell" or equal and caulk (all exposed joint edges, top and sides, typical of separation joints.)
 - Contractor to submit samples of finish materials to Owner prior to construction and installation.
 - Unless noted otherwise indicated on these drawings as being N.I.C. or existing, all items, materials, etc. and installation of same are a part of the contract defined by these drawings and specifications.
 - Provide metal corner bead at all outside corners of plaster or drywall and metal trim or casing bead at all edges of plaster and drywall surfaces where they terminate or meet any other material. All exterior or interior exposed finishing, trim, etc. shall be painted to match adjacent material.
 - Thresholds to have maximum height of 1/2" with maximum vertical change of 1/4" typical.
 - All roof drains shall be located at the lowest point of the roof. Taking into consideration the camber of beams and deflection of cantilevers. Contractor shall verify that positive drainage exists from all points on roof prior to sheathing.
 - Roof covering to be fire retardant.
 - All exterior wall openings, flashings, counter flashings, copings, and expansion joints shall be waterproof.
 - Enclosed attic areas shall be provided with attic roof vents to supply one (1) square inch free area (min.) per each square foot of horizontal attic passage for fire.
 - All stud walls and furred spaces shall be fire stopped at mid-height of wall and/or 8'-0" O.C. Fireblock stud spaces at soffits, floor, and ceiling joint lines, at 10' vertically and horizontally and at opening between attic spaces and chimney chases for factory built chimneys and at any other location not specifically mentioned above which could afford passage for fire.
 - In all cases, provide isolation of aluminum from adjacent steel or cast surfaces in contact with aluminum joint.
 - Unless otherwise noted, all exterior and interior exposed metal, trim, trackage, railings, molding, frames, castings, W.I. work, etc. shall be shop primed or smoothed.
 - Pre-fab fireplaces shall be I.C.B.O. listed, S.L. approved and installed per manufacturer's specification. Submit I.C.B.O. number to building dept. for approval before construction.
 - Shower door shall be tempered glass per USC.
 - Any glass located within 18" of the floor and with least dimension greater than 18" shall be approved shatter resistant glass.
 - Where larger studs or furring is required to cover ducts, piping, conduit, etc. the larger size stud or furring shall extend the full length of the surface where the furring occurs.
 - Plaster on concrete or masonry wall shall be 1/4" thick.
 - Wall and ceiling separating an "R" occupancy garage from a dwelling shall be protected on the garage side with material approved for one hr. fire resistive construction.
 - Exterior doors shall receive dead bolt and dead locking lock.
 - Straight dead bolts shall have a minimum throw of 1" and an embedment of not less than 5/8".
 - Cylinder guards shall be installed on all cylinder locks when the cylinder projects beyond the face of the door and is otherwise accessible to gripping tools.
 - Door hinges accessible from the outside shall have non-removable pins.
 - All exterior doors shall be fully weatherstripped. Provide metal astragal at the active leaf of pair of doors.
- Mechanical**
- Furnace or spark generator of F.A.U. and water heater in mechanical room shall be installed 18" above floor.
 - All H.V.A.C. duct work, electrical conduits, piping, etc. shall be run in the soffits, attics, furring and other concealed spaces of the building. No exposed work will be acceptable.
 - The building shall be mechanically ventilated. The system shall supply a minimum of 5 cubic feet per minute of outside air with total circulated of not less than 15 cubic feet per minute per occupant in all portions of the building. Provide make-up air for kitchen equipment.
 - Sizes of mechanical equipment, bases, equipment pads, and openings are a basis for design only. Contractor shall verify dimensions of all equipment and required clearances with equipment manufacturers. Mechanical contractor shall verify all sizes and locations of duct openings on roof.
 - Water heater with non-rigid water connection shall be strapped for lateral support.
 - F.A.U. and water heater shall be vented to the outside with flue, size not less in size than the vent color of the appliance.
 - See fixture, plumbing, mechanical and refrigeration drawings for location of utilities, fixtures, underground ducts and pipe trenches.
 - All mechanical openings to the outside shall be screened.
 - Location of all mechanical door openings shall be determined or verified by owner with mechanical contractor.
 - In each dwelling unit and guestroom, shall have a hard wired smoke detector, with battery backup, mounted on the ceiling or wall of each sleeping room, at a point centrally located on the wall or ceiling of the hallway or room giving access to the sleeping room and at the top of stairway with sleeping room(s) at the upper level.
 - Mechanical system capable of maintaining 70 deg. F. temperature 3 ft. above floor in all rooms per USC sect. 310.11.
 - The following are required for the forced air furnaces:
 - Compartment dimensions shall have 3" minimum clearance to combustion air tanks. The minimum width permitted is 12" greater than the equipment.
 - Area of combustion air openings of 1 sq. inch per 100 BTU (100 sq. inch minimum) is required in to compartment. Half of area within 12 inches of ceiling and half within 12 inches of floor.
 - Combustion air from attic through 26 ga. galv. steel sieve extending 6 inches minimum above ceiling joists and not screened. Attic to have adequate openings.
 - Combustion air from outside to compartment with 1/4" screen at outside opening.
 - Separate ducts for upper and lower combustion air supply openings.
 - The following are required for attic furnace or comfort cooling equipment:
 - Scuttle 30" x 30" not over 20 ft. from equipment is required.
 - Unobstructed passageway 24 inches wide of solid continuous flooring from scuttle to equipment and its controls.
 - Unobstructed work space of 30" min. depth in front of equipment.
 - Light over equipment with switch at scuttle.
 - Vent through roof a minimum of 3 ft. above the highest vent color which it serves.
 - Furnace installation shall meet all listed clearances. No line contact permitted (F.A.U. not allowed in attics of trussed roofs).
 - Clothes dryer located in an area that is habitable or containing other fuel burning appliances shall be exhausted to the outside or to an area which is not habitable and does not contain other fuel burning appliances (not beneath building or in attic area).
 - Clothes dryer moisture exhaust duct is limited to 14' with 2 elbows from the clothes dryer to point of termination. Reduce the length by 2' for every elbow in excess of 2.
 - All plumbing vents through roof to be 2" pipe.



JAFFA GROUP
3220 UPLAND CIRCLE
PARK CITY, UTAH 84060



MAY 20, 1996

A NEW HOME BUILT BY OLYMPUS CONSTRUCTION
3295 THISLE DRIVE
LOT #73 - #2A SOLAMERE SUBDIVISION

1-A

*Return to
Boyer/Solamere
730 N. Michigan Ave #1011
Chicago, IL 60611*

REC'D BY *gse*
ALAN SPRIGGS
SUMMIT COUNTY RECORDER
92 MAR 12 PM 2:00
COALITION TTT/E
355501
RED NOTE AB

EASEMENT FOR
LANDSCAPING PURPOSES

This easement is granted this *28th* day of February 1992, by BOYER/SOLAMERE UTAH LIMITED PARTNERSHIP, a Utah limited partnership, hereinafter referred to as "Grantor" and THE OAKS AT DEER VALLEY HOMEOWNERS ASSOCIATION, a Utah non-profit corporation, hereinafter referred to as "Grantee".

RECITALS

- A. Grantor is the owner of Lot No. 73, Solamere Subdivision No. 2A.
- B. A portion of Lot No. 73, Solamere Subdivision No. 2A is to be used to landscape the entrance to The Oaks at Deer Valley Subdivision under the terms and conditions hereof; and
- C. Grantee is desirous of maintaining the landscaping to the entrance of The Oaks at Deer Valley Subdivision, and
- D. Grantor is willing to allow the landscaping to continue under the terms and conditions set forth herein, and providing Grantors use of the remaining property is not affected.

NOW, THEREFORE, in consideration of the sum of ten dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Grant of Easement. Grantor hereby grants to Grantee an exclusive easement, across the following described portion of Lot No. 73 (hereinafter the "Easement Property") for landscaping purposes for the entry to The Oaks at Deer Valley Subdivision:

Commencing at the northeast corner of Lot #73, Solamere Subdivision No.2A, as recorded in the Summit County Recorder's Office, Entry No. 192402, said northeast corner being on a 225.00 foot radius curve to the right (radius point bears north 01°49'55" west); thence northwesterly along the arc of said curve 87.45 feet through a central angle of 22°16'09" to the true point of beginning:

BOOK 650 PAGE 704 - 706

Thence south 23°00'00" west 101.66 feet to a point on a 264.50 foot radius curve to the left (radius point bears south 38°20'46" west); thence along the arc of said curve 24.93 feet through a central angle of 05°24'02" to a point on a 25.00 foot radius reverse curve; thence along the arc of said curve 34.93 feet through a central angle of 80°03'16"; thence north 23°00'00" east 46.35 feet to a point on a 25.00 foot radius curve to the right; thence along the arc of said curve 39.27 feet through a central angle of 90°00'00"; thence south 67°00'00" east 9.94 feet to a point on a 225.00 foot radius curve to the left; thence along the arc of said curve 10.06 feet through a central angle of 02°33'45" to the point of beginning.

2. Easement Personal to Grantee. This easement is personal to the Grantee association for the purposes herein.

3. Maintenance and Taxes. Grantee shall be obligated at its expense to install, water, and maintain all of the landscaping and improvements on the easement property in a neat, thriving condition. Grantee shall also pay all real estate taxes and assessments and water charges on the easement property from and after the date hereof based on a square footage allocation thereof. Grantee's failure to substantially perform its obligations hereunder after written notice may result in a termination of the easement.

4. Easement Control. In the event the boundary of the landscaping easement must be adjusted to allow Grantor or its successors to initially erect a residence on Lot 73, Grantee shall cooperate to allow such adjustments.

5. Entire Agreement. This Agreement contains the entire Agreement of the parties hereto, and supersedes any prior written or oral agreement between the parties concerning the subject matter contained herein. No provision of this Agreement shall be altered or amended except by an Agreement in writing signed by each of the parties hereto or their successors in interest.

6. Indemnification. Grantee shall indemnify and hold Grantor harmless from any claim of damages to person or property whether of Grantee or third persons resulting from Grantee's use, and possession of the easement property.

7. Governing Law. This Agreement shall be governed by and construed in accordance to the laws of the State of Utah.

800 650 PAGE 705

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

BOJER/SOLAMERE UTAH LIMITED PARTNERSHIP, a Utah limited partnership

By: Bojer Realty/Solamere Utah Corp., a Utah corporation and the sole general partner

By: *Robert A. Judelson*
Robert A. Judelson, President

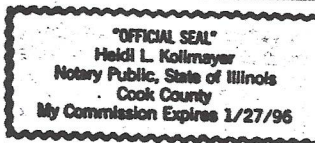
STATE OF UTAH)
) : ss.
COUNTY OF SUMMIT)

On the 4th day of March, 1992, personally appeared before me ROBERT A. JUDELSON, who being by me duly sworn, did say that he is the President of Bojer Realty/Solamere Utah Corp., a corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Bylaws or a resolution of its Board of Directors, and that the corporation is the general partner of Bojer/Solamere Utah Limited Partnership; and said Robert A. Judelson acknowledged to me that said corporation and partnership executed the same.

Heidi L. Kollmayer
NOTARY PUBLIC 6909 W. Higgins Road
Residing at: Chicago, IL 60656

My Commission Expires:

January 27, 1996



7136B

688x 650 PAGE 706

This is a request for a variance from the 3' landscaping buffer, as outlined in LMC 15-2.13-3. The paved area in question of approximately 2' x 22' is inside the 3' buffer required by current Code. The five requirements for the granting of a variance allowing the area to remain paved are satisfied as follows:

1. Literal Enforcement of the Applicable Land Management Code Would Cause Unreasonable Hardship. Such enforcement would result in the property owner being in violation of the landscaping standards in the Code, with no legal right to cure the violation. The property is Lot 73 in the Solamere HOA. A landscaping easement covering the area in question was granted to the Oaks HOA in February of 1992 (a copy is included in this submission). The Oaks HOA stopped maintaining the landscaping in the easement 3-4 years ago, leaving the paved area entirely dirt, with no landscaping. If the City requires the property owner to remove the paving in question, the area goes back to dirt and the owner has no legal right to do any landscaping needed to bring the area up to Code.

2. There are Special Circumstances Attached to This Property That Do Not Generally Apply to Other Properties in the Same Zone. A semi-circular stone wall identifying the Oaks neighborhood is located on the northwest corner of this property. The wall was (presumably) approved by the City and constructed by the Oaks HOA within the 3' landscaping buffer, pursuant to the above-referenced landscaping easement. There are no other properties in the area that have such a wall, or landscaping easement, or the accompanying rights and obligations of the Oaks HOA. Given the unique circumstances, paving up to the wall (additional 2'), which the Oaks HOA has approved (a copy is included with this submission), represents the best solution. The option of removing a portion of the paving and creating a small strip of landscaping that would be difficult for the Oaks HOA to maintain and will likely be frequently damaged by cars entering/exiting our driveway is not practical, given the unique circumstances.

In addition, this property is a 3-sided corner lot that is totally unique to the area. The combination of the required setbacks and landscaping easement create a lot that is difficult to build and navigate on. Entry and exit from the garage are particularly difficult in the winter season (and is even more challenging the past couple of years with the heavy snowfall). The fully paved area creates a much easier and safer way to enter/exit the existing garage on the property, which is a benefit our neighbors already enjoy.

3. Granting the Variance is Essential to the Enjoyment of a Substantial Property Right Possessed by Other Properties in the Same Zone. No other property in the area is burdened by the unique combination of a stone wall and landscaping easement anything like those referenced above. Consequently, no other property owners in the area are forced to either take legal action against a neighboring HOA to force the HOA to landscape and maintain the area, or simply accept a strip of dirt between the landscape buffer and the stone wall.

4. The Variance Will Not Substantially Affect the Park City General Plan and Will Not be Contrary to the Public Interest. Allowing this small strip of land, which is not visible from adjacent streets, to remain paved and in good condition, rather than requiring

it to remain unimproved dirt, would not adversely affect the General Plan in any way. In addition, no public interest exists that would require the small strip of non-visible property remain in an unimproved dirt condition.

5. The Spirit of the Land Management Code is Observed and Substantial Justice Would be Done. The spirit of the LMC certainly does not require that this small strip of land remain in an unimproved dirt condition. In addition, no third parties will be adversely affected in any way, and relieving this property owner from living with an unimproved dirt condition constitutes substantial justice.

David Dougherty- 3295 Thistle Street. Lot 73. Case # CE-24-00073.