



**PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
MINUTES OF APRIL 15, 2025**

BOARD MEMBERS IN ATTENDANCE: Jennifer Franklin-Chair, Mary Wintzer, Beth Armstrong, Ruth Gezelius

STAFF: Planning Director, Rebecca Ward; Senior City Attorney, Mark Harrington; Planner I, Meredith Covey

1. ROLL CALL

Chair Jennifer Franklin called the meeting to order at 5:00 p.m. and noted identified the Board Members present.

2. MINUTES APPROVAL

A. Consideration to Approve the Board of Adjustment Meeting Minutes from November 12, 2024.

MOTION: Board Member Gezelius moved to APPROVE the Minutes of November 12, 2024, as presented. Board Member Armstrong seconded the motion. The motion passed unanimously with one abstention. Mary Wintzer abstained from the vote.

B. Consideration to Approve the Board of Adjustment Meeting Minutes from November 19, 2024.

Chair Franklin asked that the Appellant's Representative, Justin Keys be identified on page six and that the spelling of his last name be corrected throughout the document.

MOTION: Board Member Gezelius moved to APPROVE the Minutes of November 19, 2024, as amended. Board Member Wintzer seconded the motion. The motion passed with the unanimous consent of the Board.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, reported that two Board of Adjustment Member terms will be expiring on June 1, 2025. Three candidates applied and the Mayor is scheduled to recommend appointments for City Council consent on April 24, 2025.

There are currently no pending applications for Board review. Senior City Attorney, Mark Harrington participated remotely.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. REGULAR AGENDA

- A. **15 King Road – Variance – The Applicant Requests a Variance from the 3,750-square-foot Maximum Lot Size Limitation of Land Management Code (LMC) § 15-2.2-3 to Add 91 Square Feet to an Existing Non-Conforming Lot to Create a 4,395-Square-Foot Lot for a Non-Historic Single-Family Dwelling in the Historic Residential-1 (HR-1) Zoning District. PL-25-06449.**

Planner I, Meredith Covey, presented the Staff Report and stated that 15 King Road is a single-family dwelling in the Historic Residential-1 Zoning District. The existing home is non-historic and constructed in 2007. The existing lot is 4,004 square feet in size. The maximum lot size allowed pursuant to the Land Management Code is 3,750 square feet. A 91-square-foot triangle was noted as a deed gap in the 2003 Boundary Survey as part of the 2004 Plat Amendment. It was not incorporated into the property at 15 King Road at that time. The applicant owns both 15 King Road as well as the triangular parcel and is requesting a variance to add 91 square feet to his lot.

There are five variance criteria that the applicant must bear the burden of proving. They were identified as follows:

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

Planner Covey explained that the literal enforcement would prevent the applicant from amending the lot to include the triangle parcel and resolving the deed gap area.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.

Planner Covey stated that the request is unique to this property and is not generally applicable to other properties in the HR-1 Zoning District.

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

The requested variance will allow the applicant to utilize their property as it has been historically.

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

The request does not contradict goals outlined in the General Plan, the historical character goals, does not substantially increase the size of the lot, and will not impact the use of the property.

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

Planner Covey reported that the triangle parcel is less than the allowable minimum lot size pursuant to the Land Management Code and would not be developable in the future due to its location.

The Conditions of Approval proposed as part of the application were reviewed as follows:

1. The Maximum Building Footprint for the lot would be limited to 1,716 square feet.

Planner Covey explained that 1,716 square feet are currently allowed based on the current lot size. There would be no increase in the building footprint with the addition of the 91 square feet.

2. The Variance is limited to the outlined request. No other modifications are proposed or approved.
3. Any other construction will require compliance with LMC §15-2.2 and LMC §15-13-8.

Staff recommended that the Board of Adjustment consider approving the variance based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the Draft Final Action Letter.

Board Member Gezelius confirmed that approval in no way grants permission for an expansion of the existing building and the setbacks from property lines would continue to be observed. Planner Covey confirmed that was the case and stated that the setbacks would be measured from the new property line. The applicant is not proposing any expansion of the building footprint. It was anticipated that they would pursue the expansion of a deck at some point in the future that will need to comply with the new setbacks.

The applicant, Ryan Marshall participated remotely and had no comments.

Board Member Gezelius added that they have been cleaning up lot lines and remnant parcels in Old Town for some time. This has been beneficial because it allows them to have a designated owner. There are numerous irregularly sized lots in Old Town so this situation

is not unusual. For property tax and ownership purposes, it makes sense to grant the variance.

Chair Franklin opened the public hearing.

Pamela Skeen identified herself as the adjacent property owner and noted that the triangle parcel abuts her property. Mention was made of a deck and she asked where it would potentially be located as she has very little privacy currently, which was of concern to her.

Chair Franklin stated that the future deck is not within the scope of this hearing but is a question Mr. Marshall could answer. That request would involve a separate application.

Mr. Marshall stated that the triangle parcel is the property line between his property and 24 Daly. The triangle parcel is not between his property and Ms. Skeen. He discovered the deed gap when doing survey work. The primary purpose of this application is to rectify ownership of the lot and ensure that Mr. Marshall's home is compliant and on property he actually owns. Mr. Marshall resolved the issue by acquiring ownership of the triangle parcel. He is proposing to take the existing deck on the back of the home and turn it into a staircase. It will not expand or encroach any further than what the home already does.

There were no further public comments. The public hearing was closed.

MOTION: Board Member Gezelius moved that the Board of Adjustment APPROVE the Variance for increasing by 91 square feet the existing non-conforming lot subject to the following:

Findings of Fact

1. 15 King Road (Parcel no. 10-DALY-1 AM-2) is a 4,304 square-foot Lot in the HR-1 Zoning District. The Lot has a Single-Family Dwelling (SFD) on site that is non-historic and was constructed in 2007. The existing Building Footprint is 1,716 square feet.
2. 15 King Road is Lot 2 of the 10 Daly Avenue Subdivision, First Amended recorded with Summit County in 2004 (Entry No. 717068).
3. On October 21, 2004, the City Council adopted Ordinance No. 04-48 approving the 10 Daly Avenue Subdivision, First Amended to subdivide the 10 Daly Avenue Subdivision into two Lots of record.
4. When the property was subdivided in 2004 there was a 91-square-foot triangle parcel noted as a "deed gap" on the 2003 submitted boundary survey.
5. On November 6, 2024, the property owner of 24 Daly Avenue conveyed the triangle parcel to the Applicant.

6. This triangle parcel was not incorporated into the property description of Lot 2 of 15 King Road as part of the 10 Daly Avenue, First Amended recorded plat.
7. The Applicant is the owner of both parcels and has provided an existing conditions survey showing the triangle-shaped parcel.
8. The analysis of the Staff Report dated April 15, 2025, is incorporated herein.
9. Literal enforcement of the LMC prevents the Applicant from amending the plat to include the triangle parcel. The Applicant's request removes a remnant parcel from a previous plat amendment and reflects existing conditions.
10. The request for a Variance is unique to 15 King Road as it is the result of a previous plat amendment at the property, likely attributed to a survey gap. This circumstance is not generally applicable to other properties in the HR-1 Zoning District.
11. The requested Variance will allow the Applicant to utilize their property as it has been used historically. The request corrects a survey gap and cleans up a remnant parcel.
12. As conditioned, the request does not contradict the goals outlined in the General Plan Historic Character Goals as it does not substantially increase the size of the Lot and does not impact the use of the property. The integrity, mass, scale, and compatibility of the adjacent historic resources are respected per Condition of Approval #1.
13. The request for a Variance increases the Lot by 91 square feet and does not substantially increase the size of the Lot. The triangle-shaped parcel is less than the allowable Minimum Lot Size pursuant to LMC § 15-2.2-3 and would not be developable in the future due to its location.
14. The Development Review Committee reviewed the proposal on March 18, 2025, and does not require Conditions of Approval.
15. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on April 2, 2025, Staff mailed courtesy notice to property owners within 300 feet on April 2, 2025. *The Park Record* published courtesy notice on April 2, 2025.

Conclusions of Law

1. The Applicant proved their request meets the five criteria outlined in Land Management Code Section 15-10-8:

- i. Literal enforcement of the HR-1 Zoning District causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
- ii. There are special circumstances attached to the Property that do not generally apply to other properties in the same district.
- iii. Granting the Variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.
- iv. The proposal is consistent with the General Plan and not contrary to the public interest.
- v. The spirit of the Land Management Code is observed by this application and substantial justice is done.

Conditions of Approval

1. The Maximum Building Footprint for the Lot is limited to 1,716 square feet.
2. The Variance is limited to the outlined request. No other modifications are proposed or approved.
3. Any other construction will require compliance with LMC § 15-2.2 and LMC § 15-13-8.

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

6. ADJOURN

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

The Board of Adjustment Meeting adjourned at 5:20 PM.