

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE PUBLIC MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
March 6, 2025

STAFF:

Rebecca Ward, Planning Director; Meredith Covey, Planner I; Jacob Klopfenstein, Planner I.

PUBLIC:

Jonathan DeGray (Virtual), Terence Scheckter (Virtual).

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The Planning Director called the meeting to order at 12:00 PM.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

949 Empire Avenue – Historic District Design Review – PL-24-06356 –
Proposing to Construct a New Single-Family Dwelling on a Vacant Lot in the Historic Residential – 1 Zoning District.

Planner Meredith Covey presented the application and noted that as conditioned, the proposal was compliant with LMC 15-13-8 and that the applicant has removed the existing garage to comply with the Conditions of Approval from Plat Amendment. She also mentioned that the proposal was compliant with the setbacks determined by the Planning Director. Planner Covey also gave an overview of the Conditions of Approval.

Planning Director Rebecca Ward asked the applicant if the stairs leading to the front entryway required more than four feet in the change of grade. The applicant Jonathan DeGray replied that the stairs followed right on the slope.

Planning Director also inquired about the Height of the Retaining Wall on the side setback. The applicant indicated that it was taller than 4 feet since it was part of the driveway wall. Planning Director Ward reminded the applicant that the wall should not surpass 6 feet in height to be compliant.

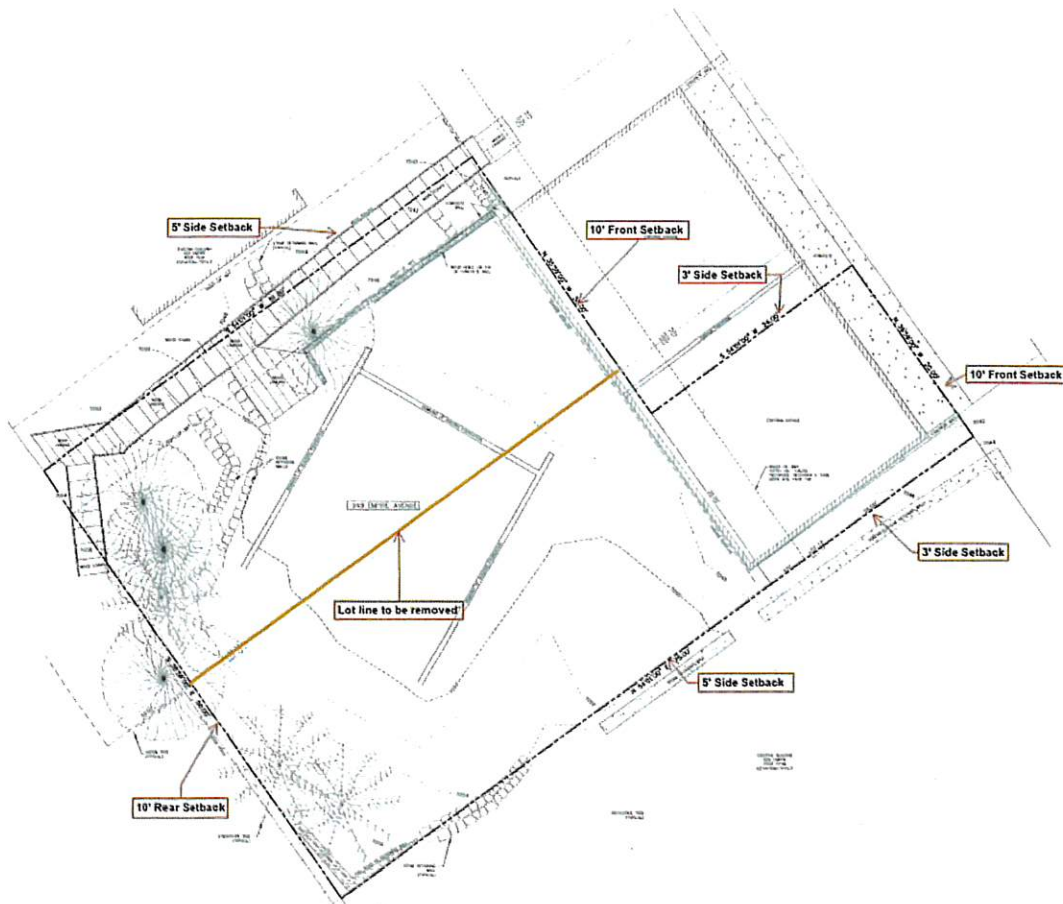
At 12:04 PM, the Planning Director opened a public hearing. There was no public input.

At 12:05 PM, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Historic District Design Review in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 949 Empire Avenue is a flag-shaped, six-sided, Lot in the Historic Residential – 1 (HR-1) Zoning District and is Lot A of the 949 Empire Avenue Plat Amendment.
2. On July 21, 2022, the City Council approved Ordinance No. 2022-26 approving the 949 Empire Avenue Plat Amendment to remove an existing Lot line and a Deed Line to create on Lot of record.
3. The 949 Empire Avenue Plat Amendment was recorded with Summit County November 26, 2024 (Entry No. 1228236).
4. The unusual configuration of this Lot results in a smaller rectangular Area that measures 20 feet wide by 24 feet deep and fronts the Empire Avenue ROW. Additionally, a ROW crosses this portion of the property and allows for access to the valves and associated equipment to the water lines crossing over and located upon the property (Summit County Recorder Entry No. 108260).
5. At some point there was an existing structure on the Lot, which has since been removed and only a portion of the foundation remains today. There was also a single car garage on the site that was removed by the Applicant to comply with the conditions of approval set forth by the City Council in Ordinance No. 2022-26.
6. There are existing stairs in City Right-of-Way (ROW) on the Lot mostly in the North Side Setback, and partially in the Rear Setback.
7. The use of the stairs is private and was dedicated for the benefit and use of the owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22 of Block 9 of Snyder's Addition to Park City.
8. The Lot has six property lines that measure: 50', 51', 30', 24', 20', 75'. Due to the unusual Lot dimensions, the Planning Director made a determination regarding Setbacks:
 - a. Two (2) three-foot (3') Side Setbacks;
 - b. Two (2) five-foot (5') Side Setbacks;
 - c. Two (2) ten foot (10') Front Setbacks;
 - d. One (1) ten foot (10') Rear Setback.
9. The below image identifies these Setbacks:



10. The Lot's steepest point is 29 percent, which does not require a Steep Slope Conditional Use permit for the proposal.
11. On October 5, 2023 the Planning Director reviewed and approved the Historic District Design Review (HDDR) for 949 Empire. On October 5, 2024 the approval expired as the Applicant had not yet submitted a Building Permit, and had not filed a request for an extension.
12. On December 3, 2024 the Applicant submitted an HDDR Application with no changes to what was previously approved.
13. The proposal, as conditioned, complies with LMC Chapter 15-2.2 Historic Residential – 1 (HR-1) Zoning District.
 - a. Single Family Dwellings are an allowed Use in the HR-1 Zoning District, pursuant to LMC § 15-2.2-2(A)(1).
 - b. The Lot at 949 Empire is 3,030 square feet in area. Pursuant to LMC § 15-2.2-3(E) the maximum Building Footprint for the Lot is 1,278 square feet.
 - i. The Applicant proposes to construct a Structure with a Building

Footprint of 1,243 square feet. The proposed Building Footprint is compliant with LMC § 15-2.2-3(E).

- c. The rear portion of the proposed Lot is 50 feet wide. The frontmost section of the proposed lot is 20 feet wide. LMC § 15- 2.2-3(B) requires that the minimum width of a Lot is 25 feet, measured 15 feet back from the Front Lot Line. However, pursuant to LMC § 15-2.2-3(B), the Planning Director determines lot width measurements in the case of unusual lot configurations.
- d. On March 30, 2022, the Planning Director determined that the Lot width will be measured 24 feet from the frontmost Property line parallel with Empire Avenue, totaling a width of 50 feet.
- e. The maximum Lot Area for a Single-Family Dwelling is 3,750 square feet.
 - i. The Lot Area is 3,030 square feet and is compliant with LMC § 15-2.2-3.
- f. LMC § 15-2.2-3(G)(2) states, "The Front Setback must be open and free of any Structure except uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection."
 - i. The proposed Structure is set back 20 feet from the Front Lot line at the narrowest part of the Lot and is set back 13 feet from the Front Lot line at the widest part of the Lot. The proposed steps are within four feet of Final Grade and are compliant.
- g. LMC § 15-2.2-3(H)(4) states, "The Rear Setback must be open and free of any Structure except roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback."
 - i. The proposed overhangs project two feet into the Rear Setback and is compliant.
- h. LMC § 15-2.2-3(H)(8) states, "The Rear Setback must be open and free of any Structure except Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line."
 - i. The proposed hot tub is 3' from the Rear Lot line, will be screen by retaining walls, and is compliant.
- i. LMC § 15-2.2-3(H)(9) allows for retaining walls up to six feet in the Rear Setback.
 - i. The proposed retaining wall is a maximum of four feet tall and is compliant.
- j. LMC § 15-2.2-3(I)(6) states, "The Side Setback must be open and free of any Structure except Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, not including

any required handrails.

- i. The proposed steps are within 30 inches of Final Grade and are compliant.
 - k. LMC § 15-2.2-3(J)(3) states, "Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Side Setback. Only permitted on Lots with a minimum required
 - l. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official
 - i. Condition of Approval 1 requires that the Applicant shall resolve snow release issues to the satisfaction of the Chief Building Official prior to building permit issuance.
 - m. Pursuant to LMC § 15-2.2-5 no Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
 - i. proposed Structure is 25 feet 2 inches tall when measured from Existing Grade and is compliant.
 - n. Pursuant to LMC § 15-2.2-5 a ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure.
 - i. The horizontal step shall take place at a maximum height of twenty-three feet (23') from where the Building Footprint meets the lowest point of existing Grade. The proposed Structure steps down 10 feet at 22 feet 11 inches above grade and is compliant.
 - o. Pursuant to LMC § 15-2.2-5(A) a Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
 - i. The proposed Structure has a maximum interior height of 33 feet 2 inches and is compliant.
14. The proposal, as conditioned, complies with LMC Chapter 15-3 Off-Street Parking.
- a. LMC § 15-3-6(A) requires two parking spaces for SFDs.
 - i. The Applicant proposes one parking space in a single-car garage on the lower level, and one parking space on the driveway leading to the single-car garage.
 - b. Pursuant to LMC § 15-3-4(A)(1), single car garages associated with single family residences must have a minimum interior dimension of 11 feet wide by 20 feet deep.
 - i. The Applicant proposes interior dimensions of 11 feet wide and 22 feet, ½-inch deep for the single-car garage.
 - c. Pursuant to LMC § 15-3-3(F)(1), Parking Spaces must be at least 9 feet

wide by 18 feet long.

- i. The Applicant proposes a Parking Space on the driveway leading to the single-car garage that is a minimum of 9 feet wide by 18 feet long.
15. The proposal, as conditioned, complies with LMC § 15-13-8 Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts.
 - a. The proposal is analyzed for compliance with LMC § 15-13-8 Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts.
 - b. The Analysis section of the March 6, 2025 Historic District Design Review Staff Report is incorporated herein as Attachment 1.
16. The Development Review Committee reviewed the proposal on February 4, 2025 and required conditions of approval.
 - a. The Development Review Committee required Condition of Approval 13 requiring the applicant to separate the sewer line prior to Building Permit issuance.
 - b. The Development Review Committee also required Condition of Approval 15 requiring the applicant to negotiate Snow Shed and Access Agreements with neighboring properties prior to Building Permit issuance due to the proximity of the structure being 5 feet or less from the property line.
 - c. The Development Review Committee also required Condition of Approval 15 requiring the applicant to submit a geotechnical soils report indicating site stability or temporary shoring plan and obtain approval prior to building permit issuance.
17. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on February 19, 2025. Staff mailed courtesy notice to property owners within 100 feet on February 19, 2025. The Park Record published courtesy notice on February 19, 2025.

Conclusions of Law

1. The proposal, as conditioned, complies with LMC Chapter 15-2.2 Historic Residential – 1 (HR-1) Zoning District.
2. The proposal, as conditioned, complies with LMC Chapter 15-3 Off-Street Parking.
3. The proposal, as conditioned, complies with LMC § 15-13-8 Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts.

Conditions of Approval

1. The Applicant shall resolve snow release issues to the satisfaction of the Chief

- Building Official prior to building permit issuance.
2. The Applicant shall submit a detailed landscaping and irrigation plan demonstrating compliance with LMC Section 15-5-5(N) to the Planning Department for review and approval prior to Building Permit issuance.
 3. The Applicant shall submit detailed storm water and drainage mitigation plans to the Engineering Department for review and approval prior to Building Permit issuance.
 4. Masonry shall be maintained in its natural finish. Applying paint, stain, or stucco over concrete retaining walls is prohibited.
 5. The Applicant shall configure drainage behind retaining walls away from the walls to abate retaining wall failure.
 6. The driveway shall not exceed 10 feet in width. The applicant shall obtain an Encroachment Agreement from the Engineering Department for the heated driveway system.
 7. The proposed foundation shall not be more than 8 inches visible on the primary facade, and 2 feet visible on the secondary and tertiary facades.
 8. The site shall be re-graded to approximate the grading prior to the new construction, and so as to blend with the grade of adjacent sites and not create the need for incompatible retaining walls, and so that all water drains away from the structure and does not enter the foundation.
 9. All roofs shall be designed to minimize snow shedding onto adjacent properties and pedestrian paths.
 10. Roofing materials shall have a Solar Reflectivity Index (SRI) of 35 or less.
 11. All mechanical equipment, including the spa tub on the rear patio, shall be fully screened from adjacent properties.
 12. Rustic, unfinished wood siding on the new structure is prohibited. Low-VOC (volatile organic compound) paints and finishes shall be used when possible.
 13. The applicant shall separate the sewer line prior to Building Permit issuance.
 14. The Applicant shall negotiate Snow Shed and Access Agreements with neighboring properties prior to Building Permit issuance due to the proximity of the structure being 5 feet or less from the property line.
 15. The Applicant shall submit a geotechnical soils report indicating site stability or temporary shoring plan and obtain approval prior to building permit issuance.
 16. The Applicant shall resolve snow release issues to the satisfaction of the Chief Building Official prior to building permit issuance.
 17. The Applicant replace any significant vegetation removed in an equivalent manner on site.
 18. The Applicant shall update the plans to ensure the window wells do not encroach into the right-of-way easement running along the property line.
 19. The Applicant shall update the plans to ensure the roof overhangs do not

encroach into the right-of-way easement running along the property line.

The Park City Administrative Public meeting adjourned at 12:11 PM.

Approved by Planning Director:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned below the text "Approved by Planning Director:".