



**PARK CITY BOARD OF ADJUSTMENT MEETING  
SUMMIT COUNTY, UTAH  
November 16, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the Board Of Adjustment of Park City, Utah will hold its Board of Adjustment Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Tuesday, November 16, 2021.

**MEETING CALLED TO ORDER AT 5:00 PM.**

**1.ROLL CALL**

**2.MINUTES APPROVAL**

- 2.A. Consideration to Approve the Board of Adjustment Meeting Minutes from August 17, 2021.  
Consideration to Approve the Board of Adjustment Meeting Minutes from August 24, 2021.  
[08.17.2021 Board of Adjustment Meeting Minutes - Pending Approval](#)  
[08.24.21 Board of Adjustment Meeting Minutes - Pending Approval](#)

**3.PUBLIC COMMUNICATIONS**

**4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

**5.REGULAR AGENDA**

- 5.A. 316 Ontario Avenue – Modification to a Variance – The Applicant Proposes a Modification to a Variance from the Minimum Lot Size in the Historic Residential Low - Density Zoning District. PL-21-05045  
(A) Public Hearing; (B) Action  
[Staff Report](#)  
[Exhibit A: Final Action Letter](#)  
[Exhibit B: HDDR Final Action Letter](#)  
[Exhibit C: SSCUP Final Action Letter](#)  
[Exhibit D: Ordinance No. 2021-40](#)  
[Exhibit E: Existing Conditions](#)  
[Exhibit F: Proposed Garage Construction Plans](#)

**6.ADJOURN**

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](mailto:planning@parkcity.org) at least 24 hours prior to the meeting.

**\*Parking validations will be provided for meeting attendees that park in the China Bridge parking structure.**



**PARK CITY MUNICIPAL CORPORATION  
BOARD OF ADJUSTMENT  
MINUTES OF AUGUST 17, 2021**

**BOARD MEMBERS IN ATTENDANCE:** Chair Ruthie Gezelius-Chair, Jennifer Franklin, Hans Fuegi, Dave Robinson, Stephanie Wilson, Mary Wintzer

**STAFF:** Browne Sebright, City Planner

**1. ROLL CALL**

Chair Ruthie Gezelius called the meeting to order at 5:00 p.m.

**2. MINUTES APPROVAL**

**A. Consideration to Approve the Board of Adjustment Meeting Minutes from January 26, 2021.**

**MOTION:** Board Member Franklin moved to APPROVE the Minutes of January 26, 2021, as written. Board Member Fuegi seconded the motion. The motion passed with the unanimous consent of the Board.

**3. PUBLIC COMMUNICATIONS**

No ecomments were submitted and no hands were raised on Zoom.

**4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

There were no Board communications or disclosures.

**5. CONTINUATIONS**

There were no continuations.

**6. REGULAR AGENDA**

**A. 45 Hillside Avenue – Variance – The Applicant Requests Variances to the Front Setback Requirements in the Historic Residential-1 (HR-1) Zoning District. PL-21-04861.**

City Planner, Browne Sebright, reported that he joined the Planning Department in April 2021. He presented the staff report and stated that the applicant is proposing a

subterranean detached single-car garage on the front of the property. It is a non-historic single-family dwelling that does not have any existing off-street parking. The applicants are proposing to add parking to the property to bring it closer into compliance with the Land Management Code. They are requesting variances to the front setback, which is normally 10 feet and locate an accessory building in front of the primary structure. The proposal complies with the requirements of the HR-1 Zoning District with the exception of the variances being sought.

Mr. Sebright reported that the property is an uphill lot in Old Town at the intersection of Hillside and Daly Avenues. One of the features of the site is that the Hillside Avenue right-of-way is east of where the road is located. As a result, there is public right-of-way in what appears to be the front portion of the property. A photo showing the view of the property from the street was displayed. The proposal is to locate a partially subterranean single-car garage in the front setback. A 12-foot driveway will be located within the Hillside Avenue right-of-way. A separate Conditional Use Permit ("CUP") will be required for the addition of the driveway and the associated retaining walls. The existing elevation includes a small shed in front of the property. The proposal was found to comply with the variance criteria.

The five variance review criteria were identified as they appear in the staff report along with an analysis of the proposal. Staff recommended that the Board conduct a public hearing and continue the item to August 24, 2021, at which time final action should be taken. It was noted that a Conditional Use Permit will also be required for development on steep slopes as the front yard is quite steep. Mr. Sebright clarified that his understanding was that the applicants are pursuing the request since without it there would be nothing to pursue with the steep slope CUP. They would not otherwise be proposing any other changes to the right-of-way that require a separate CUP.

The proposed garage will be approximately 22 feet deep and 15 feet wide. Caitlyn Barhorst identified herself as the Project Manager and stated that the dimensions of the garage were not proposed to house the garbage cans. The 15-foot width, however, will allow for space for garbage cans to be stored inside if desired by the Board. Another option was to construct a small enclosure alongside the driveway. She explained that a variance will run with the property and a CUP is a more conditional use that has a different set of rules and requirements. As a result, they believed the variance process would be the best place to start.

A question was raised regarding the source of the information regarding the date the home was built. Ms. Barhorst stated that the property was not designated on the Historic Sites inventory. The source of the information was the Summit County Recorder's Office. There was also an inquiry regarding the location of the shed and whether it is adjacent to the City-owned property and/or on the adjacent lot. The question was whether the variance was granted or if it is on the subject property. Mr. Sebright's understanding was that the shed is located on the City right-of-way. It was requested that there be clarification prior to the next meeting regarding the location

of the property line. Staff and the applicant were complimented on the quality of the photographs and drawings, which made it easy to understand the application.

Mr. Sebright stated that they spoke with the Development Review Committee who did not have concerns with the proposed location on the hillside. The potential need for an Encroachment Agreement was discussed. It would specify that if the road were ever extended to encompass the full platted right-of-way, the driveway would be the applicant's responsibility to remove.

Further clarification was desired as to whether there is a Utility Easement and if the power/phone line would need to be relocated. The image seemed to make it appear wider than looking at it from the right side. Ms. Barhorst stated that when they began the process, they engaged PacifiCorp and it appeared that the cost of relocating the power pole would be borne by the applicant. However, within the last three weeks, they have replaced the pole and identified the steps required to remove the old one as it is angled toward the property. The power pole to be installed is located further south and closer to the manhole on the site, which would leave more space for the proposed driveway.

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

**MOTION:** Board Member Robinson moved to continue the matter to August 24, 2021. The motion was seconded by Board Member Fuegi. The motion passed with the unanimous consent of the Board.

**B. 91 King Road – Variance – The Applicant Requests Variances to the Minimum Lot Size and Front and Side Setback Requirements in the Historic Residential – Low Density (HRL) Zoning District). PL-21-04829.**

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

**MOTION:** Board Member Fuegi moved to continue the matter to August 24, 2021. The motion was seconded by Board Member Robinson. The motion passed with the unanimous consent of the Board.

**7. ADJOURN**

**MOTION:** Board Member Wintzer moved to adjourn. The motion was seconded by Board Member Franklin. The motion passed with the unanimous consent of the Board.

Board of Adjustment Meeting  
August 17, 2021

The Board of Adjustment Meeting adjourned at 5:30 p.m.

Approved by \_\_\_\_\_  
Randy Scott, Chair  
Historic Preservation Board

PENDING APPROVAL



**PARK CITY MUNICIPAL CORPORATION  
BOARD OF ADJUSTMENT  
MINUTES OF AUGUST 24, 2021**

**BOARD MEMBERS IN ATTENDANCE:** Chair Ruthie Gezelius-Chair, Jennifer Franklin, Hans Fuegi, Dave Robinson, Mary Wintzer

**STAFF:** Browne Sebright, City Planner; Mark Harrington, City Attorney;

**1. ROLL CALL**

Chair Ruthie Gezelius called the meeting to order at 5:00 p.m. and noted that all Board Members were present.

**2. MINUTES APPROVAL**

**3. PUBLIC COMMUNICATIONS**

No ecomments were submitted and no hands were raised on Zoom.

**4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

There were no Board communications or disclosures.

**5. CONTINUATIONS**

There were no continuations.

**6. REGULAR AGENDA**

- A. 45 Hillside Avenue – Variance – The Applicant Requests Variances to the Front Setback Requirements in the Historic Residential-1 (HR-1) Zoning District. PL-21-04861.**
- B. 91 King Road – Variance – The Applicant Requests Variances to the Minimum Lot Size and Front and Side Setback Requirements in the Historic Residential – Low Density (HRL) Zoning District). PL-21-04829.**

The above two items were discussed together.

**(\*\*audio starts here)** Dave Robinson raised a question regarding how granting the requested variances will help given that there is no definitive time frame in terms of new construction. Once the variances are granted, the property could be sold. He commented that there is nothing that requires the property to be developed or reconstructed to come closer into compliance. It would seem that granting the variances is putting the cart before the horse in that per the norm, an applicant will have a building design and go through the process. At that time, they will seek variances if needed. New construction will bring the property into compliance with the exception of the square footage. There was some uncertainty expressed as to how granting the variance improves the existing situation.

City Planner, Browne Sebright, reported that the application is also associated with the plat amendment. The plat amendment is for this property and the neighboring parcel. 95 King Road previously received a similar variance for lot size, specifically because the lots are smaller anticipated by the current zoning. Because there are residual lot lines, the applicants need to go through the plat amendment process prior to future development taking place. Once both of the properties have the correct variances in place prior to the plat amendment, the applicants can determine what kind of redevelopment is appropriate for the property.

A question was raised with regard to the side yard setbacks. It was noted that the rules have changed four times since the homes were built on the two lots and obviously the setback is inadequate at 1.3 feet. It is not useful for snow storage, privacy, access, or maintenance. It was suggested that the Board be sure that whatever is developed will be an improvement in the setback as it will benefit the neighbors. If the property is sold, the new owners will have to abide by the requirement. Mr. Sebright clarified that the variances for lot size and width will run with the land while the variance for setbacks is specific to the existing structure.

A question was raised regarding whether the current owners were aware of the inconsistencies with the Code. The understanding was that the owners were planning to rent up until the design work is complete. There was no indication that the applicants plan to “flip” the property.

Chair Gezelius noted that historically the Historic Residential-Low Density (“HRL”) was created with the existing varying lot sizes and was not vacant. As a result, there has been confusion regarding the goals of the HRL and that they were trying to reduce the density in steeper, high neighborhoods and not have as many nightly rentals and high traffic on dangerous streets.

Board Member Franklin asked if the plat amendment should have remained in the appropriate zone with respect to lot size where it would be in compliance. It was noted that there are conditions in the Code for lots that are substandard. In the current Code it was acknowledged that there will be substandard lots. Nothing would have ever been required to be demolished because it was on an existing smaller parcel. At the same

time, smaller parcels generally have not been granted size exceptions for dwellings. It was clarified that the home is eligible for demolition by virtue of its young age. The property is still the same square footage but in order to demolish a structure and build a new one, there must be a legal lot of record. Currently, there are 100-year old lot lines shown on the original plat. Those lot lines must go through the process of being removed so that there is one lot of record. Chair Gezelius commented that for years they have tried to clean up leftover lot lines and have made significant headway.

In studying the five variance criteria, a Board Member struggled with the idea that they are meeting the criterion based on some future action. He was not comfortable with that. It was noted that no future additions to the existing structure may encroach into the required setbacks. Any future owner will have to apply with the setback requirements. Mr. Sebright commented that lots that are unusually small or large will not appear specifically in the HRL zone and should be evaluated in the context of the street they are on. Condition number two also specifies that if anything has been demolished it must be rebuilt as it was previously.

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

Board Member Fuegi commented that anything that is built there will likely be an improvement over what exists currently.

**MOTION:** Board Member Fuegi moved to approve the new, subterranean single-car garage in the Front Setback subject to the following:

**Findings of Fact**

1. The property is located at 45 Hillside Avenue in the Historic Residential-1 (HR-1) Zoning District.
2. The HR-1 zone is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.
3. The property consists of 6,575 square feet.
4. There is an existing ~1,408 square foot Single Family Dwelling on the property. It is a non-historic site.
5. The existing house is set back from the front property line by 12 feet to 22 feet. It is set back from the edge of asphalt on Ontario Avenue by ~30 feet.
6. The owner currently parks in an asphalt parking pad parallel to Hillside Avenue and accesses the house via stairs and paths. This space is not

approved private parking for 45 Hillside Avenue, but, rather, it is located in the City ROW and is considered public parking.

7. The applicant is requesting a Variance to Land Management Code ("LMC") Sections 15-2.2-3(F) to reduce the required ten-foot (10') front yard setback to zero feet (0') and to Section 15-2.2-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.
8. If at some point in the future the ROW is re-aligned, the applicant shall be responsible for the removal of the retaining walls and any parking in the ROW at their own expense.
9. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the width of the platted unbuilt ROW, and the steepness and topography of the slope along Hillside Avenue. (Criteria 1)
10. There are special circumstances attached to this property that do not generally apply to other properties in the same zone. The proposed garage would have to be pushed further into the hill if the Variances are not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. (Criteria 2)
11. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to construct a Detached Accessory Building (garage) at the street level without severely impacting existing grade, while also alleviating congestion and safety concerns on Hillside Avenue by providing off-street parking. (Criteria 3)
12. The Variances will not substantially affect the General Plan and will not be contrary to the public interest. It is within the public interest to reduce vehicle conflicts on Hillside Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Hillside Avenue. (Criteria 4)
13. In order to construct a garage that meets the required Front Setbacks, the garage would need to be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill

driveway. If the garage were constructed to comply with the LMC, it would not meet the intent of the General Plan.

14. The spirit of the LMC is observed, and substantial justice is done. Granting the Variances will allow the applicant to construct a garage for the Site that will be set back from the edge of the curb by twenty feet, consistent with the required front yard setback outlined in 15-2.2-3 (F). The Variances permit the owner to increase off-street parking in the neighborhood for two properties while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. (Criteria 5)
15. All other LMC-related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

### **Conclusions of Law**

1. Literal enforcement of the HR-1 District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the Variances is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.

### **Conditions of Approval**

1. The Variances are limited to the construction of a single-car garage to be constructed as close to the front property line as possible, as indicated on the plans submitted with this application dated June 23, 2021, unless otherwise approved with an HDDR approval.
2. No portion of the garage shall be used for additional living space.
3. No other structures including decks are allowed in the front setback.
4. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude the parking of a vehicle. Trash and recycling bins may be stored in the garage.

5. The applicant will need to receive a Conditional Use Permit for Steep Slopes and Permits for Construction in the Right-of-Way prior to the issuance of a building permit.
6. An Administrative Conditional Use Permit for retaining walls exceeding six feet (6') in height in the Front Setback may be required subject to the final design and configuration of the proposed garage.
7. The applicant will need to submit an HDDR application for the proposed design to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.
8. If at some point in the future Hillside Avenue is re-aligned, the applicant will be responsible for the removal of retaining walls and parking within the ROW at their sole expense and in an expeditious manner (within 90 days of written notice).
9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-Way.
10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to Building Permit issuance. An approved shoring plan is required prior to excavation.
11. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction-related parking will be managed shall be submitted to the Building, Engineering, and Planning Departments for review and approval.

The motion died for lack of a second.

**MOTION:** Board Member Franklin moved to grant Variances 2 and 3 addressing lot size and lot width. The motion was seconded by Board Member Robinson.

Board Member Franklin felt there were too many concerns with the side and front setbacks. City Attorney, Mark Harrington stated that the Board should still consider and discuss findings and reasons for the denial. A Board Member expressed discomfort with not addressing the entire request at one time. Chair Gezelius thought it made more sense from a planning standpoint to address the order outlined. She suggested that they work toward compliance with the Code. It was clarified that if the variances are not granted, the property remains the same. It was suggested that the conditions of

approval include language to address the open-ended approval and perhaps require a condition that action be taken within a certain time period. Mr. Harrington stated that that is controversial in Utah due to the way state law governs the definition of variances. They have typically included a condition specifying that a Building Permit must be similar to the International Building Code and granted within one year for the variance to be effective. The rules for the existing structure do not change with respect to what they can and cannot do in terms of this approval. Mr. Harrington explained that this type of approval cleans up the title in a manner that makes the financing for the property owner for the remodel much more consistent with typical lending and resolves any status issues with the property.

Board Member Franklin was comfortable with variances 2 and 3. If it is truly new construction, what prohibits it from complying with the 2021 Land Management Code once it is constructed and then put the setbacks in place. Planner Sebright commented that any future additions or development on the lot must abide by the current Land Management Code setbacks.

Board Member Robinson expressed concern that they are basing the decision on something that will take place in the future rather than on the five criteria that the Board is supposed to follow. Planner Sebright explained that any future development on the lot is predicated on the plat amendment that will come after the variance. Because a dual lot line exists, there is currently no option for future development. The variance will make way for the removal of the residual lot line so that future development is possible.

Board Member Fuegi was uncomfortable with the fact that it could be indefinite. He suggested that a time limit be imposed. It was suggested that a condition be added to specify that in order for the variance to be effective, a Building Permit must be granted within two years of approval of the variance request. Mr. Harrington did not want the plat amendment to be subject to that condition since it will have its own deadline for the minimum lot area. Chair Gezelius suggested that the condition apply to the side yard. Mr. Harrington stated that any new construction does not require the side yard setback so he considered the condition to be in conflict. Condition number 12 was restated to specify that in order for the side and front yard setback variances to be effective, development must commence within two years.

The motion was restated as follows:

**MOTION:** Board Member Franklin moved to approve the variance request subject to the following:

**Findings of Fact**

1. The property is located at 45 Hillside Avenue in the Historic Residential-1 (HR-1) Zoning District.

2. The HR-1 zone is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.
3. The property consists of 6,575 square feet.
4. There is an existing ~1,408 square foot Single Family Dwelling on the property. It is a non-historic site.
5. The existing house is set back from the front property line by 12 feet to 22 feet. It is set back from the edge of asphalt on Ontario Avenue by ~30 feet.
6. The owner currently parks in an asphalt parking pad parallel to Hillside Avenue and accesses the house via stairs and paths. This space is not approved private parking for 45 Hillside Avenue, but, rather, it is located in the City ROW and is considered public parking.
7. The applicant is requesting a Variance to LMC Sections 15-2.2-3(F) to reduce the required ten-foot (10') front yard setback to zero feet (0') and to Section 15-2.2-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.
8. If at some point in the future the ROW is re-aligned, the applicant shall be responsible for the removal of the retaining walls and any parking in the ROW at their own expense.
9. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the width of the platted unbuilt ROW, and the steepness and topography of the slope along Hillside Avenue. (Criteria 1)
10. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The proposed garage would have to be pushed further into the hill if the Variances are not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. (Criteria 2)
11. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to construct a Detached Accessory Building (garage) at the street level without severely impacting existing

grade, while also alleviating congestion and safety concerns on Hillside Avenue by providing off-street parking. (Criteria 3)

12. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to reduce vehicle conflicts on Hillside Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Hillside Avenue. (Criteria 4)
13. In order to construct a garage that meets the required Front Setbacks, the garage would need to be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill driveway. If the garage were constructed to comply with the LMC, it would not meet the intent of the General Plan.
14. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to construct a garage for the Site that will be set back from the edge of the curb by twenty feet, consistent with the required front yard setback outlined in 15-2.2-3 (F). The Variances permit the owner to increase off-street parking in the neighborhood for two properties while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. (Criteria 5)
15. All other LMC-related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

### **Conclusions of Law**

1. Literal enforcement of the HR-1 District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the Variances is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.

**Conditions of Approval**

1. The Variances are limited to the construction of a single-car garage to be constructed as close to the front property line as possible, as indicated on the plans submitted with this application dated June 23, 2021, unless otherwise approved with an HDDR approval.
2. No portion of the garage shall be used for additional living space.
3. No other structures including decks are allowed in the front setback.
4. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude the parking of a vehicle. Trash and recycling bins may be stored in the garage.
5. The applicant will need to receive a Conditional Use Permit for Steep Slopes and Permits for Construction in the Right-of-Way prior to the issuance of a building permit.
6. An Administrative Conditional Use Permit for retaining walls exceeding six feet (6') in height in the Front Setback may be required subject to the final design and configuration of the proposed garage.
7. The applicant will need to submit an HDDR application for the proposed design to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.
8. If at some point in the future Hillside Avenue is re-aligned, the applicant will be responsible for the removal of retaining walls and parking within the ROW at their sole expense and in an expeditious manner (within 90 days of written notice).  
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9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-Way.
10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to Building Permit issuance. An approved shoring plan is required prior to excavation.
11. Prior to the issuance of a Building Permit, a Construction Mitigation Plan that includes careful consideration of how construction-related

parking will be managed shall be submitted to the Building, Engineering, and Planning Departments for review and approval.

12. In order for the side and front yard setback variances to be effective, development must commence within two years.

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

**7. ADJOURN**

**MOTION:** Board Member Robinson moved to adjourn. Commissioner Franklin seconded the motion. The motion passed with the unanimous consent of the Board.

The Board of Adjustment Meeting adjourned at [REDACTED] p.m.

Approved by \_\_\_\_\_

## Board of Adjustment Staff Report



**Subject:** 316 Ontario Avenue  
**Application:** PL-21-05045  
**Author:** Lillian Lederer, Planner I  
**Date:** November 16, 2021  
**Type of Item:** Modification to a Variance to include Minimum Lot Size

### Recommendation

(I) Review the request for a Modification to a Variance from the minimum Lot size in the Historic Residential Low – Density Zoning District; (II) conduct a public hearing; and (III) consider approving the Variance subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

### Description

**Applicant:** Paige and Brad Brainard,  
represented by Bruce Taylor with Summit Design Group  
**Location:** 316 Ontario Avenue  
**Zoning District:** Historic Residential Low – Density  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Variances require Board of Adjustment approval

### Acronyms

HRL Historic Residential Low – Density  
LMC Land Management Code

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

### Background

On October 15, 2019, the Board of Adjustment approved a Variance from the Front Setback to locate a detached garage facing Ontario Avenue ([Staff Report](#); [Minutes](#), p. 2). The proposed Application now before the Board of Adjustment is to modify the scope of the 2019 Variance approval to include a Variance from the minimum Lot size in the Historic Residential Low – Density Zoning District to correct an oversight.

316 Ontario Avenue is designated a Landmark Historic Site on the [Park City Historic Sites Inventory](#). The Historic Structure is a cross-wing type house constructed circa 1895 and contains no on-site parking (Exhibit B). Historic Structures are exempt from LMC parking requirements pursuant to [§ 15-2.1-4](#). The Applicant proposes the detached garage to provide on-site parking along Ontario Avenue, a steep and narrow right-of-way.

To enable construction of the detached garage for the Landmark Historic Site, the Applicant completed several Planning Department approvals since the 2019 Board of Adjustment Variance approval. On October 14, 2021, staff determined the detached garage complies with the *Design Guideline For Historic Residential Sites* outlined in

LMC [§ 15-13-2](#) and approved the Historic District Design Review (Exhibit B). On October 14, 2021, staff also found the proposal complies with LMC [§ 15-2.1-6](#), *Development On Steep Slopes* and approved a Steep Slope Conditional Use Permit<sup>1</sup> for the detached garage (Exhibit C). The Applicant also proposed a Plat Amendment to remove remnant Lot lines, which City Council approved on October 28, 2021 ([Staff Report](#); [Audio](#); Ordinance No. 2021-04; Exhibit D). Recordation of the plat is conditioned upon the Board of Adjustment approval of the modification to the Variance to include the Variance from the minimum Lot size for the HRL Zoning District.

### **Analysis**

**(I) The applicant requests a Variance from the required minimum Lot size required in Historic Residential – Low Density (HRL) Zoning District outlined in LMC § 15-2.1-3.**

On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setbacks to locate a detached garage along Ontario Avenue ([Staff Report](#); [Minutes](#), p. 2). Due to an oversight in the staff report, the minimum Lot size was not addressed as part of the Board of Adjustment's review. The Applicant now requests that the Board of Adjustment also approve a Variance for the minimum Lot size.

A Single-Family Dwelling is an allowed use in the Historic Residential Low – Density (HRL) Zoning District.<sup>2</sup>

In all other requirements, the proposed project complies with Land Management Code (LMC) [§ 15-2.1-3](#), which outlines Lot and Site requirements:

| <b>Zoning Requirement</b>              | <b>Analysis of Proposal</b>                                                                                                                                                                                                                                                             |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Size – 3,750 square feet           | <b>Variance Requested</b> – The Applicant requests the Board of Adjustment approve a Variance from the minimum Lot size required for the HRL Zoning District. Board of Adjustment approval is required prior to recordation of the amended plat. The proposed Lot is 2,444 square feet. |
| Lot Width – 35 feet                    | <b>Complies</b> – the Lot width is 36.48 feet                                                                                                                                                                                                                                           |
| Building Footprint – 1,065 square feet | <b>Complies</b> – 1,050 square feet                                                                                                                                                                                                                                                     |
| Front Setback – 10 feet                | <b>Variance Granted</b> – the Board of Adjustment approved the Variance from the Front Setback to locate a detached garage along Ontario Avenue on October 15, 2019.                                                                                                                    |

<sup>1</sup> Staff reviews and approves Steep Slope Conditional Use Permits for Lots under 3,750 square feet. 316 Ontario Avenue is 2,444 square feet (LMC [§ 15-2.1-6](#)).

|                           |                                                                                                                                                                                                                                                                                                                        |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rear Setback – 10 feet    | <b>Exempt – New Construction Must Comply</b><br>The Rear Setback ranges from nine feet to ten feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures. <sup>3</sup>                                                                                                              |
| Side Setbacks – five feet | <b>Exempt – New Construction Must Comply</b><br>The southern Setback is just under three feet; the northern Setback is three feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures. <sup>4</sup> The detached garage must comply with Side Setbacks (Condition of Approval 5). |
| Snow Release              | <b>Condition of Approval 10</b><br>Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.                                                                                                                                                                |

**(II) The Engineering Department requires a Condition of Approval.**

316 Ontario Avenue does not have a culinary water meter or sanitary sewer lateral. As part of the plat application, the Engineering Department requires that the Applicant submit a site plan showing utilities, grading, and storm drainage design and calculations for review and approval prior to submitting a building permit. This requirement is reflected in Condition of Approval 11.

**(III) The request for a Variance from the minimum Lot size complies with LMC § 15-10-8(C).**

In order to grant the requested Variance to the minimum Lot size required in the HRL Zoning District, the Board of Adjustment must find that all five criteria outlined in LMC [§ 15-10-8\(C\)](#) are met. The applicant bears the burden of proving that all the conditions justifying a Variance have been met. Staff included analysis from the 2019 Variance staff report and has updated the analysis to include information specific to the minimum Lot size.

**Criteria 1.** Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under [§15-10-8\(C\)\(1\)](#), the Board of Adjustment (BOA) 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

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<sup>2</sup> LMC [§ 15-2.1-2](#).

<sup>3</sup> LMC [§ 15-2.1-4](#).

<sup>4</sup> LMC [§ 15-2.1-4](#).

neighborhood. In determining whether or not the enforcement of the LMC would cause unreasonable hardship the BOA may not find an unreasonable hardship if the hardship is self-imposed or economic.

Applicant's Request:

Due to the site's historic nature, the lot size does not comply with current LMC code, and therefore a building permit for the garage cannot be issued without a variance to the Lot size. Literal enforcement of the LMC lot size for the Landmark Site causes a hardship, not existing for neighboring properties, that would not allow the Applicant to construct the garage. Proposal: A bunkered garage concept located at the front property line would appear to adhere to the approved front yard setback and proposed lot size, and would align with other structures within a close proximity to this parcel.

Staff Analysis:

LMC [§ 15-2.1-4](#) states that Historic Structures that do not comply with Off-Street parking and driveway location standards are valid Non-Complying Structures. As a result, there is no requirement for off-street parking in the Historic Residential Low – Density Zoning District.

However, staff finds that literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. There are circumstances specific to this property that are unique and are not conditions general to the neighborhood, such as the width of the platted unbuilt ROW which appears as the property's front yard (the distance of the front property line from paved Ontario Avenue), the steepness and topography of the slope along Ontario Avenue, and the fact that the property is a Landmark Historic Site. Staff finds that literal enforcement of the minimum Lot size is not necessary to carry out the general purpose of the Land Management Code. The Planning Department also acknowledges that the allowance of the Variance may provide a neighborhood benefit on this narrow section of Ontario Avenue by taking cars and trash/recycle bins off of Ontario Avenue.



*Distance of Lot from ROW*

**Criteria 2.** There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone. In determining whether there are special circumstances attached to the Property the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same Zoning District.

**Applicant's Request:**

The existing residence is one of the few original structures remaining on Ontario Avenue, thereby serving to preserve and enhance the character of the historic neighborhood. Adjacent properties have been either new(er) construction or significant remodels to meet market needs without reference to the legacy of Park City's mining heritage. Proposal: The addition of a garage with additional off-street parking will add to the functionality and marketability of Ontario Avenue while preserving the visual impact of the existing structure, as the garage structure will be buried, except for the front façade. The house will continue to appear to be perched on the hillside above the proposed improvement.

**Staff Analysis:**

Staff finds the parcel of land in question has characteristics and features that result in conditions that are not general to the neighborhood but are unique to this property due to the location of paved Ontario Avenue and steepness of the slope in the front yard. Additionally, the Lot size, when compared to other lots in the neighborhood, is much smaller, and there is no room to increase the Lot. As well, other properties do not have the same distance between the edge of curb and property line because Ontario Avenue is located closer to the platted ROW in many cases. This section of paved Ontario Avenue is characterized by its limited width (it is very difficult for two cars to pass on this street and any parked cars cause safety issues). Granting the Variances to permit the garage construction would be beneficial to the street because it would allow other vehicles to pass without the obstruction of cars in the roadway, as well as provide a safe alternative for off-street parking and trash/recycle bins.

**Criteria 3.** Granting the modification to the Variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

**Applicant's Request:**

The property (as well as the property immediately across the street also owned by the applicant) are two of the only improved lots on Ontario Avenue that do not have either garages or off-street parking. This shortfall contributes to the potential hazards caused by impassable streets to other residents of the area. Proposal: By addressing the need for off-street parking and storage of garbage and recycle containers, this proposal will address the safety and functionality of the street as well.

**Staff Analysis:**

Staff finds that granting the modification to the Variance would contribute significantly

to the enjoyment of a substantial Property right possessed by other Property in the same Zoning District. The Planning Department finds that most of the houses on Ontario Avenue have a garage and off-street parking. Garages are helpful along Ontario Avenue to alleviate parking and prevent parked cars on a steep and narrow road, particularly during winter months when the necessity of the garage is almost a public safety issue. Since there is little to no safe or legal on-street parking nearby this property, parking within the garage will be utilized for the associated single-family home and the proposed driveway will additionally accommodate parking for the house across the street which is also owned by the applicants and also has no parking and no opportunity to provide parking due to the steep grade. Granting the modification to the Variance to include the minimum Lot size will allow a garage at the street front where it will have a lesser impact on the existing topography than if pushed back farther; this honors the intent of the LMC and allows for a better design of the proposed detached garage.

**Criteria 4.** The modification to the Variance to include the minimum Lot size will not substantially affect the General Plan and will not be contrary to the public interest.

**Applicant's Request:**

The parcel's lack of off-street parking can be viewed as an impediment to the enjoyment and functionality of the street by neighbors. Proposal: The creation of a bunkered garage and off-street parking will add to the applicant's ability to utilize their property in ways enjoyed by adjacent neighbors, and benefit those and other neighbors by removing cars and garbage/recycle cans from the roadway.

**Staff Analysis:**

Staff finds the Variance from the minimum Lot size complies with the Small Town, Natural Setting, and Historic Character chapters of the General Plan and will not be contrary to public interest. One of the [Small Town Strategies outlined in the General Plan](#) (p. 14) is to look at varied lot sizes. One recommendation is to diversify building lots:

*Strategically reducing and removing minimum lot size requirements through lot size averaging allows individual lots within a development to vary from the maximum density zoned, so long as the development as a whole averages to the maximum density. This tactic creates a mix of housing types – including granny flats, in-law apartments, and garage apartments—within an existing development, increasing the affordability and attainability of housing.*

An additional [General Plan Strategy](#) (p. 118) recommends restricting the combination of Lots to respect the historic fabric of blocks. Specifically, the [General Plan](#) (p. 120) states, "Lot combinations within the [HRL] District have been encouraged in the past due to the larger minimum lot size requirements; however, they should also be treated much the same as previously suggested, where the average of each block is analyzed to determine the historic fabric and development patterns established."

Staff finds the modification to the Variance will not substantially affect the General Plan and will not be contrary to public interest. The applicant argues that it is within the public interest to eliminate congestion on Ontario Avenue, which is a narrow and steep street and, at times, difficult to navigate in passing another vehicle. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Ontario Avenue. Granting the modification to the Variance will improve off-street parking opportunities for the existing Landmark Historic Site and adjacent neighborhood.

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

**Applicant's Request:**

The lack of off-street parking and/or garbage space greatly limits the current enjoyment of the property as has been allowed on many other parcels both adjacent to this parcel and throughout the surrounding neighborhoods. Proposal: The creation of a bunkered garage and off-street parking will address the spirit of the Land Management Code without compromising the integrity of the existing historic residence or neighboring parcels and will enhance the safety of the immediate area by removing cars and garbage cans from the street, leaving more room for traffic maneuverability and snow storage.

**Staff Analysis:**

The purposes of the HRL Zoning District include preserving the character of Historic residential development, encouraging construction of structures that are compatible and contribute to the character and scale of the Historic District, and to define development parameters that are consistent with the General Plan policies for the historic core.<sup>1</sup>

Staff finds that the proposed detached garage complies with LMC [§ 15-13-2](#), *Design Guidelines For Historic Residential Sites*, and LMC [§ 15-2.1-6](#), *Development On Steep Slopes* and approving an expanded Variance to include a Variance from the minimum Lot size is in the spirit of the Land Management Code, and substantial justice is done. Granting the Variance from the minimum Lot size will allow the applicant to construct a detached garage for the Landmark Site that will be set back from the edge of curb by thirty feet, consistent with the required front yard setback outlined in [§ 15-2.1-3\(G\)](#). The Variance from the lot size will permit the owner to increase off-street parking in the neighborhood for two properties while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. All other LMC-related site criteria, including the side and rear setbacks, height, footprint, parking, and design are met.

**Department Review**

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this project.

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<sup>1</sup> LMC [§ 15-2.1-1](#).

### **Notice**

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 2, 2021. Staff mailed courtesy notice to property owners within 300 feet on November 2, 2021. The *Park Record* published notice on October 30, 2021. LMC [§ 15-1-21](#).

### **Public Input**

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

### **Alternatives**

- The Board of Adjustment may approve the requested Modification to the Variance;
- The Board of Adjustment may deny the Modification to the Variance and direct staff to make Findings for the denial; or
- The Board of Adjustment may request additional information and continue the discussion to a date certain.

### **Exhibits**

Exhibit A: Final Action Letter

Exhibit B: HDDR Final Action Letter

Exhibit C: SSCUP Final Action Letter

Exhibit D: Ordinance No. 2021-40

Exhibit E: Existing Conditions

Exhibit F: Proposed Garage Construction Plans



## Planning Department

November 16, 2021

Bruce Taylor  
bct\_aia@msn.com

CC: Paige and Brad Brainard

### NOTICE OF BOARD OF ADJUSTMENT ACTION

#### Description

Address: 316 Ontario Avenue, a Landmark Historic Site

Zoning District: Historic Residential Low – Density

Application: Modification to a Variance

Project Number: PL-21-05045

Date of Final Action: November 16, 2021

Project Summary: Variance modification to include the minimum Lot size for construction of a detached garage in the front setback

#### Action Taken

On November 16, 2021, the Board of Adjustment conducted a public hearing and approved the Modification to a Variance from the minimum Lot size in the Historic Residential Low – Density Zoning District to construct a detached garage according to the following findings of fact, conclusions of law, and conditions of approval.

#### Findings of Fact

1. The property is located at 316 Ontario Avenue in the Historic Residential Low - Density (HRL) Zoning District.
2. The HRL Zoning District is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.
3. There is an existing ~666 square foot Single Family Dwelling on the property. It is designated as a Landmark Site on the City's Historic Sites Inventory.
4. The property consists of 2,444 square feet. The minimum Lot size in the HRL Zoning District is 3,750 square feet. The Applicant requests a Variance for this smaller Landmark Historic Site.
5. The existing Landmark Structure is set back from the front property line by ~25 feet and set back from the edge of asphalt on Ontario Avenue by ~57 feet.
6. The owner currently parks in an asphalt parking pad parallel to Ontario Avenue and accesses the Landmark Structure via stairs and paths. The current parking space is not approved private parking for 316 Ontario Avenue, but rather is in the Ontario



### Planning Department

Avenue right-of-way (ROW) and is public parking.

7. The applicant is requesting a Variance from LMC Section 15-2.1-3(A) to exempt the project from the minimum Lot Area of 3,750 square feet, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.
8. **Variance Criteria 1:** Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the width of the platted unbuilt ROW which appears as the property's front yard (the distance of the front property line from paved Ontario Avenue), the steepness and topography of the slope along Ontario Avenue, and the fact that the residence is a Landmark Site.
9. **Variance Criteria 2:** There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The proposed garage would have to be pushed further into the hill if the modification is not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway.
10. **Variance Criteria 3:** Granting the modification to the Variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the modification allows the property owner to construct a detached garage at the street level without severely impacting existing grade, while also alleviating congestion and safety concerns on Ontario Avenue by providing off-street parking.
11. **Variance Criteria 4:** The modification to the Variance will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to reduce vehicle conflicts on Ontario Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Ontario Avenue. To construct a garage that meets the required Front Setback, the garage would need to be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill driveway. If the garage were constructed to comply with the LMC, it would not meet the intent of the General Plan.
12. **Variance Criteria 5:** The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variance from the minimum Lot size will allow the applicant to construct a detached garage for the Landmark Site that will be set back from the edge of curb by thirty feet, consistent with the required front yard setback outlined in LMC Section 15-2.1-3(F). The Variance from the minimum Lot size permits the owner to increase off-street parking in the neighborhood for two properties while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside.
13. All other LMC related site criteria, including Side and Rear setbacks, height, and footprint are met.
14. The Board of Adjustment approved a Variance to the Front Setback on October 15, 2019. Staff approved a Historic District Design Review and Steep Slope Conditional Use Permit on October 14, 2021. City Council approved a Plat Amendment on October 28, 2021.

### Conclusion of Law

1. The proposed detached garage complies with the Land Management Code Chapter 15-2.1, *Historic Residential Low – Density Zoning District*.



### **Planning Department**

2. The proposed detached garage complies with the Land Management Code Section 15-13-2, *Design Guidelines For Historic Residential Sites*.
3. Literal enforcement of the HRL Zoning District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the Land Management Code.
4. There are special circumstances attached to the property that do not generally apply to other properties in the same Zoning District.
5. Granting the Variance is essential to the enjoyment of a substantial property right possessed by other property in the same Zoning District.
6. The Variance from the minimum Lot size is consistent with the General Plan.
7. The spirit of the Land Management Code is observed.

### **Conditions of Approval**

1. The Variance is limited to the construction of a single-car detached garage to be constructed as close to the front property line as possible, as indicated on the plans submitted with this application dated October 25, 2021.
2. No portion of the garage shall be used for additional living space.
3. No other structures including decks are allowed in the front setback.
4. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Trash and recycling bins may be stored in the detached garage.
5. The applicant shall install a new water line to the house from the street during construction of the detached garage to the satisfaction of the Park City Public Utilities Department.
6. If at some point in the future Ontario Avenue is re-aligned, the applicant will be responsible for the removal of retaining walls and parking within the ROW at their sole expense and in an expeditious manner (within 90 days of written notice).
7. The applicant must enter into an Encroachment Agreement for the retaining walls and driveway located within the Public Right-of-Way.
8. City Engineer review and approval of all appropriate grading, utility installation, public improvements are conditions precedent to building permit issuance. An approved shoring plan is required prior to excavation.
9. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.
10. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
11. 316 Ontario Avenue does not have a culinary water meter or sanitary sewer lateral. As part of the plat application, the Engineering Department requires that the Applicant submit a site plan showing utilities, grading, and storm drainage design and calculations for review and approval prior to submitting a building permit.
12. All other Conditions of Approval from the Historic District Design Review, Steep Slope CUP, Plat Amendment, and any other previous planning applications shall apply.



**Planning Department**

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

Sincerely,

| Gretchen Milliken, Planning Director |

DRAFT



## Planning Department

October 14, 2021

Bruce Taylor  
bct\_aia@msn.com

CC: Paige and Brad Brainard

### NOTICE OF PLANNING DIRECTOR ACTION

#### Description

Address: 316 Ontario Avenue, a Landmark Historic Site

Zoning District: Historic Residential Low – Density

Application: Historic District Design Review

Project Number: PL-20-04360

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: October 14, 2021

Project Summary: Construction of a detached garage in the front yard of 316 Ontario Avenue impacting a steep slope.

#### Action Taken

On October 14, 2021, the Planning Director conducted a public hearing and approved the Historic District Design Review to construct a detached garage according to the following findings of fact, conclusions of law, and conditions of approval.

#### Findings of Fact

1. 316 Ontario Avenue is a cross-wing type house constructed circa 1895, designated a Landmark Historic Site on the Park City Historic Sites Inventory.
2. The small Landmark Historic Single-Family Dwelling has a Building Footprint of only 644 square feet and is located toward the back of the Lot. The Lot slopes steeply down toward Ontario Avenue. The Single-Family Dwelling is accessed by a staircase ascending the steep slope.
3. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage facing Ontario Avenue.



## Planning Department

4. On January 6, 2021, the Historic Preservation Board approved excavating into the hillside for the construction of the detached garage.
5. The Planning Commission reviewed a request to remove two remnant Lot lines to create the 316 Ontario Avenue Subdivision for the Landmark Historic Single-Family Dwelling. The plat amendment is scheduled for City Council review on October 28, 2021.
6. The Applicant also submitted a Steep Slope Conditional Use Permit application. The Design Review Team reviewed the proposal on October 6, 2021, and provided input to the Applicant, which the Applicant incorporated into the final proposed plans.
7. The proposal complies with Land Management Code Chapter 15-2.1, *Historic Residential Low – Density District*.
8. Accessory Buildings like detached garages are an allowed use in the HRL Zoning District. Accessory Buildings are defined in LMC § 15-15-1 as buildings on the same Lot as the principal building that are (a) clearly incidental to, and customarily found in connection with such principal building, such as detached garages; (b) operated and maintained for the benefit of the principal use; (c) not a dwelling unit; and (d) includes structures that do not require a building permit.
9. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setbacks to locate a detached garage along Ontario Avenue. However, pending Planning Commission recommendation and City Council approval, the Applicant will also need to request Variance approval for the Lot size, which does not meet the HRL Zoning District requirements.
10. In all other requirements, the proposed detached garage complies with Land Management Code (LMC) § 15-2.1-3, which outlines Lot and Site requirements:

| Zoning Requirement           | Analysis of Proposal                                                                                                                                                                                                                                                                                   |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Size – 3,750 square feet | <b>Does Not Comply – Variance Required</b><br>Condition of Approval 5 requires the Applicant to request Board of Adjustment approval for a Variance from the minimum Lot size requirements in the HRL Zoning District prior to recordation of the amended plat. The proposed Lot is 2,444 square feet. |



**Planning Department**

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Width – 35 feet                    | <b>Complies</b> – the Lot width is 36.48 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Building Footprint – 1,065 square feet | <b>Complies</b> – under 1,000 square feet, including the Landmark Historic Structure and the proposed detached garage                                                                                                                                                                                                                                                                                                                                                                           |
| Front Setback – 10 feet                | <b>Variance Granted</b> – On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue.                                                                                                                                                                                                                                                                                                                               |
| Rear Setback – 10 feet                 | <b>Exempt – New Construction Must Comply</b><br>The Rear Setback ranges from nine feet to ten feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures.                                                                                                                                                                                                                                                                                                    |
| Side Setbacks – five feet              | <b>Exempt – New Construction Must Comply</b><br>The southern Setback is just under three feet; the northern Setback is three feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures.<br><br>The proposed side setback for the detached garage is five feet. Condition of Approval 6 requires the Applicant to reduce the height of the retaining walls and the Planning Director may require an increased side setback pursuant to LMC § 15-2.1-6(C)(7). |
| Snow Release                           | <b>Condition of Approval 7</b><br>Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official                                                                                                                                                                                                                                                                                                                                           |

11. The proposal complies with Land Management Code Section 15-13-2, *Design Guidelines For Historic Residential Sites*.

12. LMC § 15-13-2(B)(9) requires the following for new Accessory Buildings:



## Planning Department

- a. *New accessory buildings on downhill sites with a Historic Structure shall be located to the rear of the site, unless dictated by the Streetscape or character area to be located in the front yard* – The streetscape of Ontario Avenue is unusual and contains many at-grade garages that front the street. Ontario Avenue is a narrow and steep road and there are parking challenges for residents. 316 Ontario Avenue does not contain any on-site parking and is exempt from parking requirements because it is a Landmark Historic Structure. Due to the steep slope of the site and the location of the Landmark Historic Structure, a detached garage in the front yard is the feasible location and will provide on-site parking.
- b. *New accessory buildings on a site with a Historic Structure may be located at the street front if (1) a pattern of front yard historic accessory structures has been established along the street and (2) the proposed placement does not create any danger or hazard to traffic by obstructing the view of the street* – See the photos above for portions of the pattern of front yard accessory structures on Ontario Avenue. The proposed placement of the detached garage does not create any danger or hazard to traffic by obstructing the view of the street. Rather, the detached garage provides on-site parking for a Landmark Historic Structure that contains no on-site parking along a steep and narrow right-of-way.
- c. *New detached garages built on sites with historic structures should have a maximum interior dimension of twelve feet in width* – The Applicant reduced the interior dimension of the garage to comply with the 12-foot-width maximum.
- d. *Single-car wide tandem garages are recommended* – The Applicant proposes constructing a detached single-car wide tandem garage.
- e. *Garage doors shall not exceed nine feet in width or nine feet in height. Glazing on garage doors is limited to no more than 30% of the garage door* – The proposed garage door is eight feet in width and eight feet in height. No glazing is proposed.
- f. *Roof form, exterior materials, and architectural detailing of a detached garage shall complement the primary structure* – The Design Review Team requested the Applicant transform vertical board-formed concrete to horizontal board-formed concrete. The Design Review Team also requested the Applicant set back the railing along the detached garage roofline. The Applicant updated the proposed plans to comply. The



## Planning Department

Applicant shall continue to work with the Planning Department to revise the retaining wall plan so that the walls are terraced with landscaping to avoid a wall effect, prohibited for development on steep slopes (Condition of Approval 6).

- g. *Accessory structures shall be subordinate in scale to the primary historic structure* – The proposed detached garage (288 square feet) is less than 50% of the Landmark Historic Structure Building Footprint (644 square feet).

### Conclusions of Law

1. The proposed detached garage complies with Land Management Code Chapter 15-2.1, *Historic Residential Low – Density Zoning District*.
2. The proposed detached garage complies with Land Management Code Chapter 15-13-2, *Design Guidelines For Historic Residential Sites*.

### Conditions of Approval

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permit.
2. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
3. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on October 14, 2022 if a building permit has not been issued by the Building Department before the expiration date, unless the Applicant submits an extension requires in writing to the Planning Department and the Planning Director approves an extension of this approval.
5. The Applicant shall obtain Variance approval from the minimum Lot size requirements in the Historic Residential Low – Density Zoning District from the Board of Adjustment prior to submitting a building permit application.
6. The Applicant shall submit revised retaining wall plans, subject to Planning Director approval, prior to submitting a building permit application. The revised retaining wall plans shall mitigate the wall effect along Ontario Avenue, shall be terraced, and shall incorporate landscaping plans.



**Planning Department**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gretchen Milliken". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

| Gretchen Milliken, Planning Director



## Planning Department

October 14, 2021

Bruce Taylor  
bct\_aia@msn.com

CC: Paige and Brad Brainard

### NOTICE OF PLANNING DIRECTOR ACTION

#### Description

Address: 316 Ontario Avenue, a Landmark Historic Site

Zoning District: Historic Residential Low – Density

Application: Steep Slope Conditional Use Permit

Project Number: PL-20-04640

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: October 14, 2021

Project Summary: Construction of a detached garage in the front yard of 316 Ontario Avenue impacting a steep slope.

#### Action Taken

On October 14, 2021, the Planning Director conducted a public hearing and approved the Steep Slope Conditional Use Permit to construct a detached garage according to the following findings of fact, conclusions of law, and conditions of approval.

#### Findings of Fact

1. 316 Ontario Avenue is a cross-wing type house constructed circa 1895, designated a Landmark Historic Site on the Park City Historic Sites Inventory.
2. The small Landmark Historic Single-Family Dwelling has a Building Footprint of only 644 square feet and is located toward the back of the Lot. The Lot slopes steeply down toward Ontario Avenue. The Single-Family Dwelling is accessed by a staircase ascending the steep slope.
3. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage facing Ontario Avenue.



## Planning Department

4. The Planning Commission reviewed a request to remove two remnant Lot lines to create the 316 Ontario Avenue Subdivision for the Landmark Historic Single-Family Dwelling. The plat amendment is scheduled for City Council review on October 28, 2021.
5. The Applicant also submitted a Historic District Design Review application. The Design Review Team reviewed the proposal on October 6, 2021, and provided input to the Applicant, which the Applicant incorporated into the final proposed plans.
6. The Historic District Design Review is scheduled for Planning Director review on October 14, 2021.
7. The proposal complies with Land Management Code Chapter 15-2.1, *Historic Residential Low – Density District*.
8. Accessory Buildings like detached garages are an allowed use in the HRL Zoning District. Accessory Buildings are defined in LMC § 15-15-1 as buildings on the same Lot as the principal building that are (a) clearly incidental to, and customarily found in connection with such principal building, such as detached garages; (b) operated and maintained for the benefit of the principal use; (c) not a dwelling unit; and (d) includes structures that do not require a building permit.
9. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setbacks to locate a detached garage along Ontario Avenue. However, pending Planning Commission recommendation and City Council approval, the Applicant will also need to request Variance approval for the Lot size, which does not meet the HRL Zoning District requirements.
10. In all other requirements, the proposed detached garage complies with Land Management Code (LMC) § 15-2.1-3, which outlines Lot and Site requirements:

| Zoning Requirement           | Analysis of Proposal                                                                                                                                                                                                                                                                                   |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Size – 3,750 square feet | <b>Does Not Comply – Variance Required</b><br>Condition of Approval 5 requires the Applicant to request Board of Adjustment approval for a Variance from the minimum Lot size requirements in the HRL Zoning District prior to recordation of the amended plat. The proposed Lot is 2,444 square feet. |



**Planning Department**

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Width – 35 feet                    | <b>Complies</b> – the Lot width is 36.48 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Building Footprint – 1,065 square feet | <b>Complies</b> – under 1,000 square feet, including the Landmark Historic Structure and the proposed detached garage                                                                                                                                                                                                                                                                                                                                                                                   |
| Front Setback – 10 feet                | <b>Variance Granted</b> – On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue.                                                                                                                                                                                                                                                                                                                                       |
| Rear Setback – 10 feet                 | <b>Exempt – New Construction Must Comply</b><br>The Rear Setback ranges from nine feet to ten feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures.                                                                                                                                                                                                                                                                                                            |
| Side Setbacks – five feet              | <b>Exempt – New Construction Must Comply</b><br>The southern Setback is just under three feet; the northern Setback is three feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures.<br><br>The proposed side setback for the detached garage is five feet. Condition of Approval 6 requires the Applicant to reduce the height of the retaining walls and the Planning Director may require an increased side setback pursuant to LMC <u>§ 15-2.1-6(C)(7)</u> . |
| Snow Release                           | <b>Condition of Approval 7</b><br>Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official                                                                                                                                                                                                                                                                                                                                                   |

11. Conditions of Approval are recommended in accordance with Development on Steep Slopes in the Historic Residential Low – Density Zoning District, outlined in Land Management Code Section 15-2.1-6.



## Planning Department

12. Development on Steep Slopes must be environmentally sensitive to hillside areas, carefully planned to mitigate adverse effects on neighboring land and improvements, and consistent with the Design Guidelines for Historic Districts and Historic Sites and Architectural Review.
13. The Planning Director considers nine criteria when evaluating construction on a Steep Slope:
  - a. **Location of Development** – The detached garage is proposed to be located at the front property line, pursuant to the Board of Adjustment Variance, locating the garage as far as possible at the lowest point of the slope.
  - b. **Visual Analysis** – The Design Review Team provided input regarding materials and features of the detached garage, including requirements that the board formed concrete be horizontal to reflect the horizontal siding of the Landmark Historic Structure, that the railing at the top be set back from the detached garage wall plane. The proposed plans reflect Design Review Team input.
  - c. **Access** – The proposed driveway will be located over un-built right-of-way and must not slope beyond the 14% allowed pursuant to LMC § 15-3-3(A)(4). The proposed driveway shall be reduced from 14 feet to 10 feet, pursuant to LMC § 15-13-2(B)(1)(g)(6).
  - d. **Terracing** – The retaining walls are proposed to slope downward toward Ontario Avenue from a height of 12 feet closest to the detached garage to one foot near Ontario Avenue. The retaining walls as proposed do not comply with LMC § 15-2.1-6(C)(7) because they create a wall effect. Condition of Approval 6 requires the Applicant to mitigate the retaining wall height and to terrace the retaining walls to be approved by the Planning Director prior to submitting a building permit.
  - e. **Building Location** – The streetscape of Ontario Avenue is unusual and contains many at-grade garages that front the street. Ontario Avenue is a narrow and steep road and there are parking challenges for residents. 316 Ontario Avenue does not contain any on-site parking and is exempt from parking requirements because it is a Landmark Historic Structure. The Applicant reduced the width of the detached garage to 12 feet to comply with LMC § 15-13-2 (B)(9)(c). The front setback Variance approved by the Board of Adjustment allows the Applicant to construct the detached



## Planning Department

garage up to the front property line along Ontario Avenue to reduce the cut and fill to the topography of the Site.

- f. **Building Form and Scale** – The Applicant proposes two retaining walls that will reach 12 feet in height. Condition of Approval 6 requires the Applicant to revise the retaining wall plan to terrace the retaining walls with landscaping to reduce the wall effect along Ontario Avenue.
- g. **Setbacks** – The Board of Adjustment approved a Variance for the front setback and the proposed detached garage will be aligned with the front property line. The detached garage shall retain a five-foot side setback in compliance with the requirements of LMC § 15-2.1-3(l).
- h. **Dwelling Volume** – The Applicant originally proposed a 384-square-foot detached garage. Based on Design Review Team input, the Applicant reduced the garage to 288 square feet.
- i. **Building Height** – The detached garage height is 12 feet, six inches, with the railing, set back 18" from the face of the garage, is fifteen feet.

### Conclusions of Law

- 1. The Application, as conditioned, complies with the Land Management Code Chapter 15-2.1, *Historic Residential Low – Density Zoning District* and Section 15-2.1-6, *Development on Steep Slopes*.
- 2. The use will be compatible with surrounding structures in scale and mass.
- 3. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

### Conditions of Approval

- 1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permit.
- 2. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
- 3. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
- 4. This approval will expire on October 14, 2022 if a building permit has not been issued by the Building Department before the expiration date, unless the



## Planning Department

Applicant submits an extension requires in writing to the Planning Department and the Planning Director approves an extension of this approval.

5. The Applicant shall obtain Variance approval from the minimum Lot size requirements in the Historic Residential Low – Density Zoning District from the Board of Adjustment prior to submitting a building permit application.
6. The Applicant shall submit revised retaining wall plans, subject to Planning Director approval, prior to submitting a building permit application. The revised retaining wall plans shall mitigate the wall effect along Ontario Avenue, shall be terraced, and shall incorporate landscaping plans.
7. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
8. Prior to submitting a building permit, the Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.
9. The Applicant shall submit a geotechnical report and design of the temporary shoring and final slope stability prior to submitting a building permit, subject to City Engineer Approval.
10. The Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized, to be approved by the City Engineer prior to submission of a building permit.
11. The Applicant shall provide a landscape bond to ensure the stabilization and vegetation rehabilitation is complete prior to submission of a building permit.
12. The driveway shall be reduced from a width of 14 feet to a width of ten feet pursuant to LMC Section 15-13-2(B)(1)(g)(6).
13. Because the Applicant is constructing within five feet of a property line and on a steep slope, the Building Department requires the Applicant to complete an Access Agreement allowing property access to adjacent properties to complete construction prior to beginning construction.

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

Sincerely,

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

| Gretchen Milliken, Planning Director

## **Ordinance No. 2021-40**

### **AN ORDINANCE APPROVING THE 316 ONTARIO SUBDIVISION, LOCATED AT 316 ONTARIO AVENUE, SUMMIT COUNTY, PARK CITY, UTAH**

WHEREAS, the owners of property at 316 Ontario Avenue petitioned the City Council for approval of the 316 Ontario Subdivision;

WHEREAS, on September 29, 2021, a public hearing was duly noticed according to the requirements of the Land Management Code;

WHEREAS, on October 13, 2021, the Planning Commission reviewed the proposed plat amendment, held a public hearing, and forwarded a positive recommendation to the City Council;

WHEREAS, on October 28, 2021, the City Council reviewed the 316 Ontario Subdivision and held a public hearing; and

WHEREAS, the 316 Ontario Subdivision is consistent with the Park City Land Management Code, including § 15-7.1-3(B), § 15-7.1-6, and Chapters 15-2.1, and 15-7.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

**SECTION 1. APPROVAL.** The 316 Ontario Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact**

1. 316 Ontario Avenue is a cross-wing type house constructed circa 1895.
2. 316 Ontario Avenue is designated a Landmark Historic Site on the Park City Historic Sites Inventory.
3. To enable construction of the detached garage, the Applicant proposes creating one Lot for 316 Ontario Avenue to remove remnant Lot lines for the Landmark Historic Site.
4. The Applicant also submitted a Historic District Design Review and Steep Slope Conditional Use Permit, which were approved by the Planning Department on October 14, 2021.
5. The proposal complies with Land Management Code Chapter 15-2.1, *Historic Residential Low – Density District*.
6. A Single-Family Dwelling is an allowed use in the Historic Residential Low – Density (HRL) Zoning District.
7. The proposed plat amendment creates one Lot for the Landmark Historic Single-Family Dwelling at 316 Ontario Avenue.

8. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue.
9. However, the Applicant will also need to request Variance approval for the Lot size, which does not meet the HRL Zoning District requirements.
10. The HRL Zoning District requires a minimum Lot Size of 3,750 square feet. The Applicant must request Board of Adjustment approval for a Variance from the minimum Lot size requirements in the HRL Zoning District prior to recordation of the amended plat. The proposed Lot is 2,444 square feet.
11. The minimum Lot width in the HRL Zoning District is 35 feet. The proposed Lot is 36.48 feet.
12. The Building Footprint for a 2,444-square-foot Lot is 1,065 square feet. The proposed project will contain 1,050 square feet.
13. The required Front Setback in the HRL Zoning District is 10 feet. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setbacks to locate a detached garage along Ontario Avenue.
14. The required Rear Setback in the HRL Zoning District is 10 feet.
15. The Rear Setback ranges from nine feet to ten feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures pursuant to LMC Section 15-2.1-4.
16. The required Side Setbacks in the HRL Zoning District are five feet. The southern Setback is just under three feet; the northern Setback is three feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures pursuant to LMC Section 15-2.1-4.
17. New construction must comply with Setbacks.

### **Conclusions of Law**

1. There is Good Cause for this plat amendment because the amendment allows for on-site parking along a narrow and steep Right-of-Way, resolves existing issues with a Landmark Historic Structure built over Lot lines, and is in character with the neighborhood.
2. The Plat Amendment is consistent with Land Management Code Section 15-7.1-3(B), 15-7.1-6, and Chapters 15-2.1 and 15-7.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

### **Conditions of Approval**

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land

Management Code, and the Conditions of Approval, prior to recordation of the plat.

2. The Applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The property is not located within the Park City Soil Ordinance Boundary and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
4. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. New construction must comply with Setbacks.
6. The Applicant shall enter into an Encroachment Agreement for a driveway and access over the City Right-of-Way to the detached garage.
7. The Applicant shall obtain Board of Adjustment approval for a Variance from the minimum HRL Zoning District Lot size prior to recordation of this plat.
8. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
9. The detached garage must comply with the Historic District Design Guidelines and completion of the Historic District Design Review Process and Steep Slope Conditional Use Permit approval is required prior to recordation of the plat.
10. 316 Ontario Avenue does not have a culinary water meter or sanitary sewer lateral. The Engineering Department requires that the Applicant submit a site plan showing utilities, grading, and storm drainage design and calculations for review and approval prior to submitting a building permit.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 28<sup>th</sup> day of October, 2021.

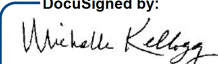
PARK CITY MUNICIPAL CORPORATION

DocuSigned by:  
  
 0340104CDC42481...

Andy Beerman, MAYOR



ATTEST:

DocuSigned by:  
  
 E5F905BB533F431...

Michelle Kellogg, City Recorder

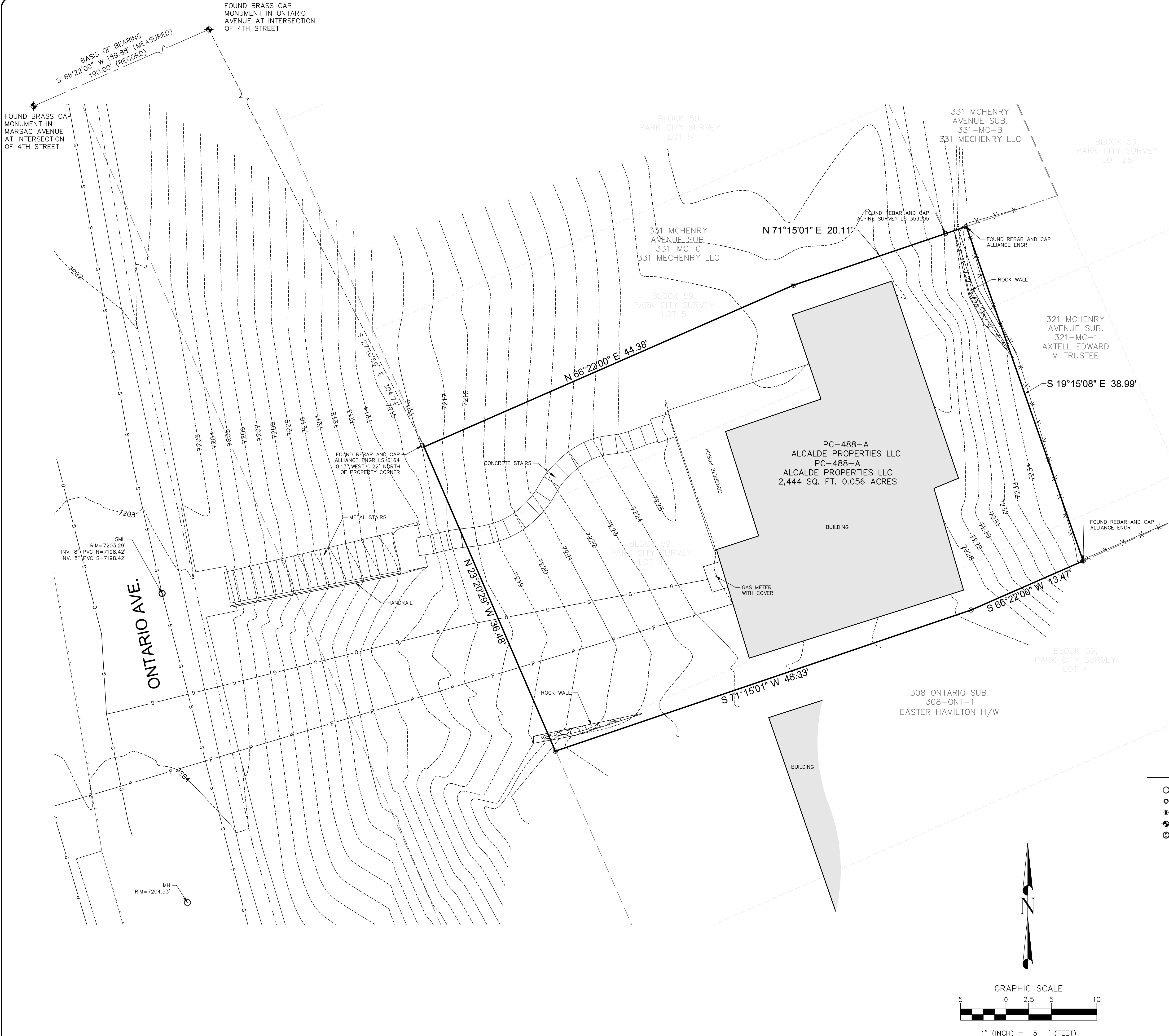
APPROVED AS TO FORM:

DocuSigned by:  
  
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City Attorney's Office





Surveyor's Certificate

I, Nathan B. Weber, certify that I am a Professional Land Surveyor as prescribed under the laws of the state of Utah and that I hold license no. 5152762. I further certify that a land survey was made of the property described below, and the findings of that survey are as shown hereon.

Deed Description  
Book 2258 Page 0617

Lot Number three(3), in Block Number fifty-nine(59) Park City Survey, Park City, Summit County, Utah; according to the amended Plat thereof on file in the Office of the Recorder of Summit County.

Together with a portion of Lots 4 and 5, Block 59, Amended Plat of PARK CITY SURVEY: more particularly described as follows: Beginning at a point South 23°38'00" East 13.59 along the Easterly right of way line of Ontario Avenue from the Northwest Corner of Lot 5, Block 59, Park City Survey; and running thenceNorth 66°22'00" East 44.38 feet; thenceNorth 71°15'01" East 30.73 feet to the Easterly line of Lots 5 and 4; thencealong the said Easterly line South 23°38'00" East 33.80 feet to the Southeastery Corner of Lot 4; thenceSouth 66°22'00" West 75.00 feet to the Southwesterly Corner of Lot 4 and the Easterly right of way line of Ontario; thencealong aid Easterly line North 23°38'00" West 36.41 feet to the point of beginning.

Less the following:  
A portion of Lot 3, block 59, Amended Plat of PARK CITY SURVEY, more particularly described as follows:Beginning at a point South 23°38'00" East 50.38 feet along the Easterly right of way line of Ontario Avenue from the Northwest Corner of Lot 5, Block 59, Park City Survey; and running thenceSouth 23°38'00" East 24.62 feet to the South Corner of Lot 3, Block 59, Park City Survey; thencealong said Southerly line North 66°22'00" East 75.00 feet to the East Corner of said Lot 3; thenceNorth 23°38'00" West 20.51 feet along the Easterly line of said Lot 3; thenceSouth 66°22'00" West 26.89 feet; thenceSouth 71°15'01" West 48.29 feet to the point of beginning.

Also less and excepting the following:  
Commencing at the Northeastery Corner of said Lot 5; and running thenceSouth 23°38'00" East 16.21 feet to the true point of beginning; thenceSouth 23°38'00" East 38.29 feet; thenceSouth 66°22'39" West 13.42 feet; thenceNorth 19°28'43" West 39.29 feet; thenceNorth 71°15'01" 10.61 feet to the point of beginning.

As-Surveyed Description

A Parcel of land located in Block 59, Park City Survey, which is located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Southwest Corner of Lot C, 331 McHenry Avenue Subdivision, as recorded in the Office of the Recorder of Summit County, Utah, said point is South 27°16'59" East 304.74 feet from the Brass Cap Monument located in Ontario Avenue at the intersection of Fourth Street and running;

thence North 66°22'00" East 44.38 feet along the Southeastery line of said Lot C, 331 McHenry Subdivision;

thence North 71°15'01" East 20.11 feet along said Southeastery line of Lot C & B, 331 McHenry Avenue Subdivision to the Westerly line of 321 McHenry Avenue Subdivision;

thence South 19°15'08" East 38.99 feet along the Easterly line of said 321 McHenry Avenue Subdivision to the Northwestery line of 308 Ontario Subdivision;

thence South 66°22'00 West 13.47 feet along the Northwestery line of said 308 Ontario Subdivision;

thence South 71°15'01" West 48.33 feet along the Northwestery line of said 308 Ontario Subdivision;

thence North 23°20'29" West 36.48 feet to the point of beginning.

Parcel contains 2,444 Sq. Ft. or 0.056 Acres.

| LEGEND |                       |       |                        |
|--------|-----------------------|-------|------------------------|
| ○      | Manhole               | —     | Boundary Line          |
| ●      | Found Property Corner | ---   | Adjoiner Line          |
| ⊙      | Property Corner       | ---   | Block 59, Lot Lines    |
| ⊕      | Found Monument        | —G—   | Adjoiner Line per Deed |
| ⊗      | Sewer Manhole         | —S—   | Easement Line          |
|        |                       | —P—   | Overhead Power Line    |
|        |                       | —X—X— | Fence Line             |
|        |                       | ---   | Flow Line              |
|        |                       | ---   | Edge of Asphalt Line   |

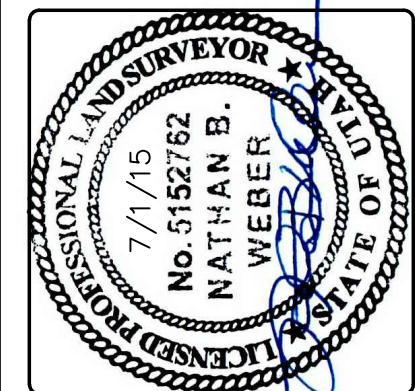
Narrative:

The basis of bearing is South 66°22'00" West between the found monuments on Ontario Avenue and Fourth street and Marsac Avenue and Fourth street of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian as shown.

The purpose of this survey is to retrace and monument the boundary of the above described property according to the official records and the location of pertinent existing improvements located on the ground.

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

| REVISIONS |  | DATE | BY |
|-----------|--|------|----|
| No.       |  |      |    |
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Boundary Surveys  
Topography Surveys  
Subdivisions  
Construction Staking  
ALTA & A.C.S.M. Surveys

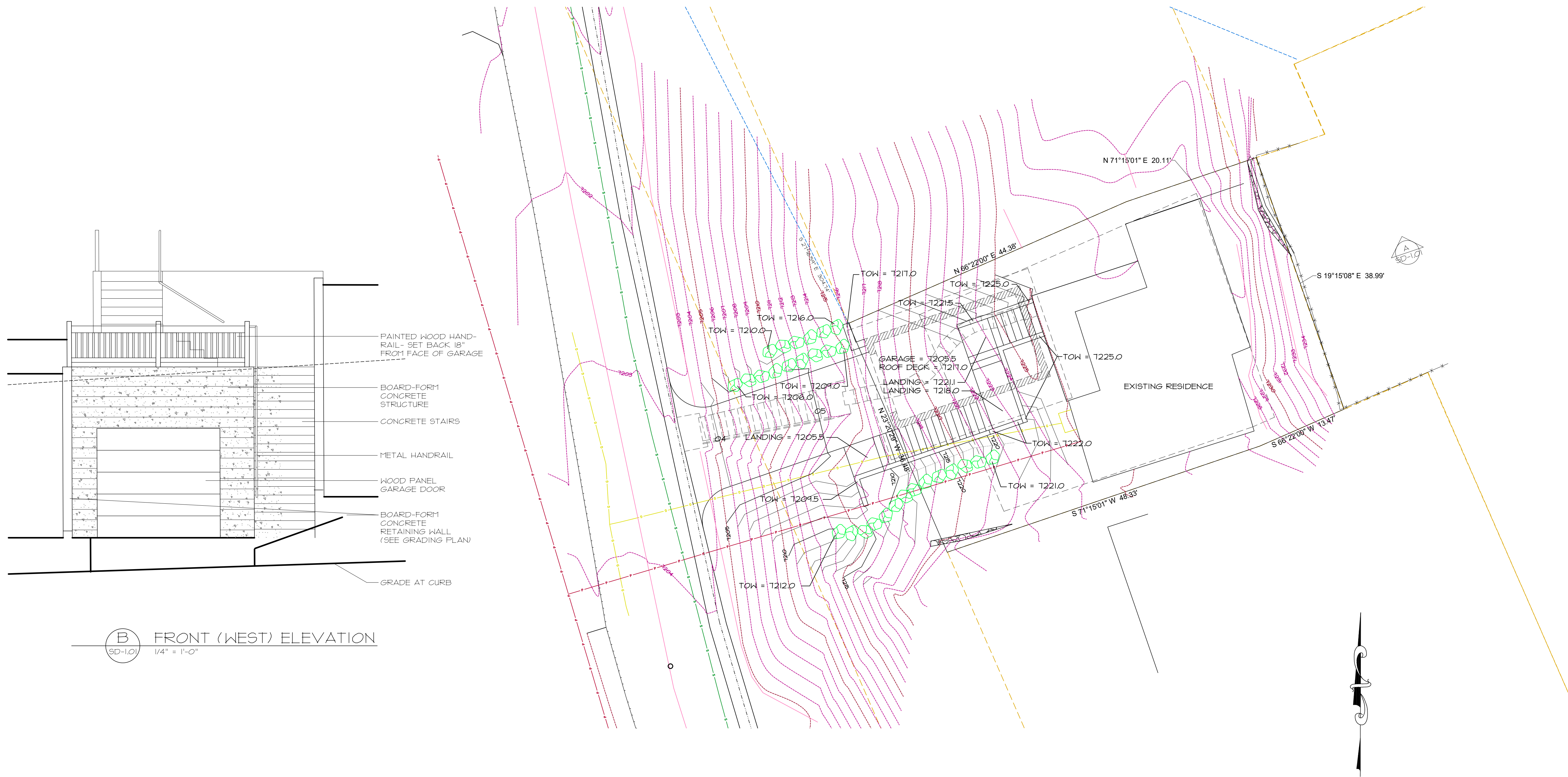
**DIAMOND**  
LAND SURVEYING, LLC

5243 South Greengrass Drive  
Murray, Utah 84123 | 360-5032  
Phone 801-396-5032  
office@diamondlandsurveying.com  
www.diamondlandsurveying.com

BOUNDARY AND TOPOGRAPHY SURVEY  
316 ONTARIO AVENUE  
PARK CITY, UTAH

BRAD BRAINARD

| COPYRIGHT                                                                                                                                                                                                                                                           |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| ALL REPORTS, DESIGNS, FIELD DATA, FIELD NOTES, DRAWINGS, SPECIFICATIONS, CALCULATIONS, ESTIMATES OR ANY REPRESENTATION CONTAINED HEREON ARE THE SOLE PROPERTY OF DIAMOND DESIGN AND LAND SURVEYING UNLESS PREVIOUSLY ESTABLISHED BY PRECEDENCE OR WRITTEN AGREEMENT |        |
| DATE PLOTTED                                                                                                                                                                                                                                                        | 7/1/15 |
| JOB No.                                                                                                                                                                                                                                                             | 15-079 |
| SHEET                                                                                                                                                                                                                                                               | 1 OF 1 |



ADJACENT NEW CONSTRUCTION;  
CONTEMPORARY 2 DOORS AWAY



ONTARIO STREETSCAPE TO NORTH  
IS STEEP AND BRUSH-COVERED

316 ONTARIO  
(SUBJECT PROPERTY)



SOUTHERN NEIGHBOR  
(BEHIND TREE)



2 DOORS SOUTH

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USE IS ILLEGAL AND SUBJECT TO PROSECUTION.

GARAGE STRUCTURE FOR  
ALCALDE PROPERTIES LLC  
PCC-488-A

316 ONTARIO  
PARK CITY, UTAH

**summitdesign**  
architecture

p.o. box 681302 park city, utah 84068  
435.649.2055

SITE PLAN

|                     |          |         |         |         |         |                         |
|---------------------|----------|---------|---------|---------|---------|-------------------------|
| NOV 1 2018          | 10 29 19 | 10-4-21 | 11-4-21 | ?       | ?       | ?                       |
| SD-1.01             | SD-1.01  | SD-1.01 | SD-1.01 | SD-1.01 | SD-1.01 | SD-1.01                 |
| SCALE: 1/8" = 1'-0" |          |         |         |         |         | SHEET<br><b>SD-1.01</b> |