

Administrative Action Meeting
October 19, 2023
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PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
October 19, 2023
<https://us02web.zoom.us/j/88167820277>

STAFF:

Rebecca Ward, Interim Planning Director; Caitlyn Tubbs, Senior Historic Preservation Planner; Jack Niedermeyer, Planner I; Jacob Klopfenstein, Planning Department Administrative Assistant.

PUBLIC:

Cynthia Fowler, Andrew Cross, Donna Cross (virtual), Nathan Anderson (virtual), Caitlyn Barhorst (virtual), Bruce Taylor (virtual)

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The Interim Planning Director called the meeting to order at 12:01 PM.

ROLL CALL

The Interim Planning Director noted that Staff and Members of the Public are in attendance.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

161 Park Avenue – Historic District Design Review – PL-22-05333 – The Applicant Seeks Historic District Design Review Approval to Deconstruct the Front Porch, Lift the Historic Structure, Construct a New Basement, Reconstruct the Front Porch and Construct a New Addition to the Rear of a Landmark Historic Structure in the Historic Residential -1 (HR-1) Zoning District.

Planner Tubbs presented the Historic District Design Review application. Planner Tubbs noted that the structure is listed as a Landmark Historic Site. Planner Tubbs presented the staff recommendation to the Interim Planning Director.

At 12:05 PM, the Interim Planning Director opened a public hearing. There was no public input.

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

The Interim Planning Director noted that Condition of Approval 18 will be added to verify the interior height after construction drawings are submitted.

MOTION: The Interim Planning Director **APPROVED** the Historic District Design Review for 161 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 161 Park Avenue is a Landmark Historic Structure on Park City's Historic Sites Inventory and is also known as the Joseph Foster House.
2. The home was originally constructed c. 1887 and has an uncommon form most closely resembling a saltbox.
3. In 1984, 161 Park Avenue was listed on the National Register of Historic Places as part of the Park City Mining Boom Era Residences Thematic District.
4. On August 2, 2022, the Applicant submitted a Historic District Design Review Pre-Application to discuss a potential addition to the Structure.
5. On August 10, 2022, the Applicant submitted a Plat Amendment Application to consolidate multiple parcels into a single Lot of Record.
6. On November 9, 2022, the Planning Commission held a public hearing and forwarded a positive recommendation of the amended plat to the City Council.
7. On December 8, 2022, the City Council held a public hearing and approved the Plat Amendment (Ordinance No. 2022-46).
8. On May 17, 2023, the 161 Park Avenue Plat Amendment was recorded with the Summit County Recorder's Office (Entry #1204654).
9. On June 21, 2023, the Applicant submitted a full Historic District Design Review application for the proposed addition.
10. On September 6, 2023, the Historic Preservation Board approved Material Deconstruction to deconstruct the front porch, lift the Historic Structure, and reconstruct the front porch following the construction of the basement and the construction of a rear addition.
11. On October 19, 2023, the Planning Department reviewed the proposal and found it complies, as conditioned, with the requirements set forth in the Historic Residential (HR-1) District (LMC Chapter 15-2.2).

Requirement	
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	Analysis of Proposal
Lot Size: 1,875 square feet	Complies – The subject property is 2,935 square feet in size.
Lot Width: 25 feet measured 15 feet back from front Lot Line	Complies – The Lot Width of the subject property is 40 feet.
Building Footprint: 1,244 square feet	Complies – The total Footprint of the Historic Structure and the proposed addition is 1,234 square feet.
Front and Rear Setbacks: 10 feet each, totaling 20 feet	Complies with Condition of Approval 17 - The existing Historic Structure is sited 12 feet from the front Lot Line and 25 feet from the rear Lot Line. The proposed addition is sited at the rear of the Structure and the exterior walls of the addition end 10 feet from the rear Lot Line. Two balconies on the rear of the addition project into the required rear setback. Per <u>LMC § 15-2.2-3(G)</u> patios, decks, and similar structures may encroach into the rear Setback but only if they are no more than 30" above Final Grade. The proposed balconies are over 30" above Final Grade; Staff recommends a Condition of Approval that the balconies be reduced in depth to comply with the required Setback or removed from the proposed addition.
Side Setbacks: 5 feet each, totaling 10 feet	Complies - The existing Historic Structure encroaches into the northern and southern side Setbacks by 2 feet 6 inches on each side. Per <u>LMC § 15-2.2-4</u> existing Historic Structures are valid Non-Complying Structures. The Applicant is not proposing to expand the Historic Structure farther into the required side setback.

	The proposed rear addition is set 5 feet from the northern and southern side Lot Lines and complies with the required side yard setbacks.
Building Height: 27 feet from grade to highest point, 35 feet from lowest finish floor plane to top of topmost wall plate. A minimum 10 foot horizontal step back shall take place no more than 23 feet in height from where the Building Footprint meets the lowest point of Existing Grade.	Complies – The highest point of the proposed addition is 27 feet from Existing Grade and is 35 feet from the lowest finish floor plane to the top of the topmost wall plate. The addition is set behind the Historic Structure and surpasses the 10-foot minimum step back required.

12. On October 19, 2023, the Planning Department reviewed the proposal and found it complies with the requirements set forth in LMC §15-13-2(B)(4)

Requirement	Analysis of Proposal
Protection for Historic Structures and Sites: 1) Additions to historic buildings should be considered only when it is demonstrated that the new use of the building cannot be accommodated by solely altering interior spaces. 2) Additions to historic structures shall be considered with caution and shall be considered only on non-character defining facades, usually	Complies – 1) The homeowners have utilized all of the existing living area within the dwelling and are in need of additional space. 2) The proposed addition is located at the rear (tertiary) façade of the Historic Structure. 3) The scale and mass of the proposed addition, along with its situs on the uphill Lot, make it subordinate to the existing Historic Structure; the majority of the proposed addition is hidden from view from Park Avenue, the primary public right-of-way. 4) The proposed addition has been

tertiary and occasionally secondary facades. Additions shall not compromise the architectural character of historic structures. Additions to the primary facades of historic structures are inappropriate. 3) Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way. 4) Additions to historic structures shall not be placed so as to obscure, detract from, or modify historic roof forms. 5) Additions to historic structures shall not contribute significantly to the removal or loss of historic material. 6) Where the new addition abuts the historic building, a clear transitional element between the old and the new should be designed and constructed. Minor additions, such as bay windows or dormers do not require a transitional element. 7) Maintain and preserve additions to structures that are significant to the era/period of restoration. 8) In-line additions shall be	connected to the existing Historic Structure at an existing modification to the historic roof; no additional modifications to the historic roof form have been proposed. 5) The existing siding and roofing materials in the location of the proposed addition are non-original; the proposed addition will connect to the Historic Structure where an existing rear addition is sited. 6) A transitional element has been included in this design. 7) There are no historically-significant additions. 8) The Applicant has not proposed an in-line addition.
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avoided.	
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13. The proposed addition is located on the tertiary façade of the Historic Structure (LMC §15-13-2(B)(4)(a)(2)).

Conclusions of Law

1. The proposal to construct an addition complies with the requirements set forth in the Historic Residential (HR-1) District (LMC Chapter 15-2.2).
2. The proposal to construct an addition complies with the Design Guidelines for Historic Residential Sites (LMC §15-13-2(B)(4)).

Conditions of Approval

1. The Applicant is responsible for notifying the Planning Department and Building Department prior to proposing any changes to this approval.
2. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for Planning review and approval/denial in accordance with the applicable standards prior to construction.
3. An encroachment or access agreement is required for work conducted five feet or less from a lot line or having the potential to encroach on another property. An encroachment agreement may also be required for projects utilizing soils nails that encroach onto neighboring properties.
4. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of building permit application.
5. Within five (5) days of installation of the cribbing and shoring, the structural engineer will inspect and approve the cribbing and shoring as constructed.
6. Historic Structures which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
7. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, they determine it is necessary. This would be based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
8. The Historic Preservation Plan must include a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to issuance of a building permit. Cribbing or shoring must be of engineer-specified materials.

9. The Applicant is responsible for notifying the Planning and Building Departments if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during construction, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring alterations within five (5) days of any relocation or alteration.
10. The Applicant shall also request an inspection through the Building Department following the modification to the cribbing and/or shoring. Failure to request such an inspection will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation or ACE could take place.
11. The site shall be re-graded so that all water drains away from the Structure and does not enter the foundation. Final Grade must be within 4 feet of Existing Grade.
12. Any areas disturbed during construction surrounding the proposed work shall be brought back to their original state.
13. Deteriorated or damaged historic features and elements shall be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element shall match the original in design, dimension, texture, material, and finish. The applicant must demonstrate the severity of deterioration or existence of defects by showing that the historic material safe no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition.
14. Should the Applicant uncover historic window and/or door openings that were not documented at the time of the Historic Preservation Board's review, the Applicant shall schedule a site visit with the Planning Department and determine if the opening should be restored. Any physical evidence of lost historic window and/or door openings shall be documented, regardless of plans for restoration.
15. The Applicant shall provide the City with a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan prior to the issuance of a building permit. This Financial Guarantee shall be recorded on the property with the Summit County Recorder's Office prior to submitting a building permit application.
16. The addition shall be undertaken in such a manner that if removed in the future the essential form and integrity of the Landmark Historic Structure could be restored.

17. The proposed balconies on the rear of the addition shall be reduced in depth to comply with the required rear Setback or removed from the proposal prior to the issuance of a building permit.
18. The interior height of the Structure shall be limited to thirty-five feet (35') as measured from the lowest finished floor plane to the top of the topmost wall plate in accordance with LMC § 15-2.2-5.

316 Ontario Avenue – Modification of Approval – PL-23-05817 – The Applicant Seeks a Modification to a Steep Slope Conditional Use Permit Approval (PL-20-04640) at 316 Ontario Avenue.

Planner Tubbs presented the Modification of Approval application. Planner Tubbs noted that there are no proposed changes to previously approved plans. Planner Tubbs presented the staff recommendation to the Interim Planning Director.

Applicant Bruce Taylor explained that the COVID-19 pandemic and some personnel changes contributed to the expiration of the previous approval.

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

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

MOTION: The Interim Planning Director **APPROVED** the Modification of Approval for 316 Ontario Avenue in accordance with the 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.
4. On October 13, 2021, 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 was reviewed and approved by the City Council on October 28, 2021, under Ordinance 2021-40. The Applicant did not record the plat amendment and the approval has since expired.

5. The Applicant 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. The Applicant obtained approval to excavate into the natural grade from the Historic Preservation Board on January 6, 2021. The Applicant received Historic District Design Review approval from the Planning Director on October 14, 2021.
6. On November 16, 2021, the Applicant obtained a Modified Variance to the minimum Lot Size allowing a Lot Size of 2,444 square feet.
7. The Applicant submitted a Steep Slope Conditional Use Permit (SS-CUP) Application. The Applicant received SS-CUP approval from the Planning Director on October 14, 2021.
8. The Applicant did not obtain a building permit within one year of the date of SS-CUP and HDDR approval.
9. The Applicant requested a Modification of the approval date pursuant to LMC § 15-1-10(G).
10. The proposal complies with Land Management Code Chapter 15-2.1, *Historic Residential Low – Density District*.
11. 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.
12. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setbacks to locate a detached garage along Ontario Avenue. However, the Applicant must also obtain Variance approval for the Lot size of the approved 316 Ontario Avenue Amended Plat, which does not meet the minimum Lot size standards of the HRL Zoning District.
13. In all other requirements, the proposed detached garage complies with LMC § 15-2.1-3, which outlines Lot and Site Requirements:

Requirement	Analysis of Proposal
Lot Size – 3,750 square feet	Variance Granted The proposed Lot is 2,444 square feet. The Applicant obtained a Modified Variance on November 16, 2021 for a Lot Size of 2,444 square feet.
Lot Width – 35 feet	Complies – the Lot width is 36.48 feet.
Building Footprint – 1,065 square feet	Complies – under 1,000 square feet, including the 644 square foot Landmark Historic Structure and the proposed detached garage.
Front Setback – 10 feet	Variance Granted – On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue (<u>Staff Report</u> ; <u>Minutes</u> , p.2)
Rear Setback – 10 feet	Exempt – New Construction Must Comply The Rear Setback ranges from 9 feet to 10 feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures ¹ .
Side Setbacks – 5 feet	Exempt – New Construction Must Comply The southern Setback is just under 3 feet; the northern Setback is 3 feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures ² . The proposed side Setback for the detached garage is 5 feet. Condition of Approval 6 requires the Applicant to reduce the height of the retaining walls and the Interim Planning Director may require an

¹ LMC § 15-2.1-4

² LMC § 15-2.1-4

	increased side setback pursuant to <u>LMC § 15-2.1-6(C)(7)</u> .
Snow Release	Condition of Approval 7 Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

14. Conditions of Approval are recommended in accordance with Development on Steep Slopes in the Historic Residential Low – Density Zoning District, outlined in LMC § 15-2.1-6.
15. 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.
16. 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 12 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 public street. Ontario Avenue is a narrow and steep road and there are parking challenges for residents and visitors alike. 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 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(I).
- 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 is 12 feet, 6 inches, with the railing, set back 18 inches from the face of the garage, is 15 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. The Applicant shall provide a construction mitigation plan for approval prior to the issuance of a 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 the 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 19, 2024, unless a building permit has been issued by the Building Department before that date, unless the Applicant submits an extension request in writing to the Planning Department before the expiration date and the Planning Director approves an extension of this approval.
5. The Applicant shall file an updated Plat Amendment Application and record the 316 Ontario Avenue amended plat prior to submitting for a building permit.
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 in width from 14 feet to no more than 12 feet pursuant to LMC § 15-13-2(B)(1)(g)(6).
13. Because the project involves construction 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.

14. The Applicant shall obtain an Encroachment Agreement with the City for the driveway and portions of the retaining walls which will be located in the public right-of-way prior to submitting a building permit.

316 Ontario Avenue – Modification of Approval – PL-23-05818 – The Applicant Seeks a Modification to Historic District Design Review Approval (PL-19-04360) at 316 Ontario Avenue.

Planner Tubbs presented the Modification to a Historic District Design Review Approval application and staff recommendation concurrently with the previous Modification to a Steep Slope Conditional Use Permit Approval presentation for 316 Ontario Avenue to the Interim Planning Director.

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

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

MOTION: The Planning Director **APPROVED** the Modification of Approval for 316 Ontario Avenue in accordance with the 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.
4. On October 13, 2021, 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 was reviewed and approved by the City Council on October 28, 2021, under

Ordinance 2021-40. The plat was not recorded within one year of the date of approval.

5. The Applicant 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. The Applicant obtained approval to excavate into the natural grade from the Historic Preservation Board on January 6, 2021. The Applicant received Historic District Design Review approval from the Planning Director on October 14, 2021.
6. The Applicant submitted a Steep Slope Conditional Use Permit (SSCUP) Application. The Applicant received SSCUP approval from the Planning Director on October 14, 2021.
7. The Applicant obtained a Modified Variance to allow a minimum Lot Size of 2,444 on November 16, 2021.
8. The Applicant did not obtain a building permit within one year of the date of SSCUP and HDDR approval.
9. The Applicant requested a Modification of the approval date pursuant to LMC § 15-1-10(G).
10. The proposal complies with Land Management Code Chapter 15-2.1, *Historic Residential Low – Density District*.
11. 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.
12. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setbacks to locate a detached garage along Ontario Avenue. However, the Applicant must also obtain Variance approval for the Lot size of the approved 316 Ontario Avenue Amended Plat, which does not meet the minimum Lot size standards of the HRL Zoning District.
13. In all other requirements, the proposed detached garage complies with LMC § 15-2.1-3, which outlines Lot and Site Requirements:

Requirement

	Analysis of Proposal
Lot Size – 3,750 square feet	Variance Granted The proposed Lot is 2,444 square feet. The Applicant obtained a Modified Variance on November 16, 2021 for a Lot Size of 2,444 square feet.
Lot Width – 35 feet	Complies – the Lot width is 36.48 feet.
Building Footprint – 1,065 square feet	Complies – under 1,000 square feet, including the 644 square foot Landmark Historic Structure and the proposed detached garage.
Front Setback – 10 feet	Variance Granted – On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue (<u>Staff Report</u> ; <u>Minutes</u> , p.2)
Rear Setback – 10 feet	Exempt – New Construction Must Comply The Rear Setback ranges from 9 feet to 10 feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures ³ .
Side Setbacks – 5 feet	Exempt – New Construction Must Comply The southern Setback is just under 3 feet; the northern Setback is 3 feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures ⁴ . The proposed side Setback for the detached garage is 5 feet. Condition of Approval 6 requires the Applicant to reduce the height of the retaining walls and the Interim Planning Director may require an increased side setback pursuant to <u>LMC § 15-2.1-6(C)(7)</u> .

³ LMC § 15-2.1-4

⁴ LMC § 15-2.1-4

Snow Release	Condition of Approval 7 Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
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14. The proposal complies with Land Management Code Section 15-13-2, *Design Guidelines For Historic Residential Sites*.
15. LMC § 15-13-2(B)(9) requires the following for new Accessory Buildings:
 - 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 and visitors alike. 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 a danger or hazard to traffic by obstructing the view of the street* – See the photos in the Staff Report 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 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 7).
- 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 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. The Applicant shall provide a construction mitigation plan for approval prior to the issuance of a 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 the 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 19, 2024, unless a building permit has been issued by the Building Department before that date, unless the Applicant submits an extension request in writing to the Planning Department before the expiration date and the Planning Director approves an extension of this approval.
5. The Applicant shall submit an updated Plat Amendment Application and record the 316 Ontario Avenue amended plat prior to submitting for a building permit.
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. The driveway shall be reduced in width from 14 feet to no more than 12 feet pursuant to LMC § 15-13-2(B)(1)(g)(6).
9. Because the project involves construction 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.
10. The Applicant shall obtain an Encroachment Agreement with the City for the driveway and portions of the retaining walls which will be located in the public right-of-way prior to submitting a building permit.

1171 Empire Avenue – Steep Slope Conditional Use Permit Modification of Approval – PL-23-05848 – The Applicant Proposes Modifications to the Existing Steep Slope Conditional Use Permit for a New Single-Family Dwelling.

Planner Niedermeyer presented the Steep Slope Conditional Use Permit Modification of Approval application. Planner Niedermeyer explained that the proposed modifications include installing a door on the north façade of the building, constructing an at-grade pathway on the north elevation of the property, reducing the length of roof overhangs and changing the pitch of the roof on the front façade.

Planner Niedermeyer noted that the proposal complies with stipulations of the Land Management Code and that the proposal was reviewed by the City Development Review Committee on October 3, 2023, and no concerns were raised. Planner

Niedermeyer also noted that two members of the public contacted staff to ask questions about scope of work and Engineering review of the plans. Staff provided information on the scope of work and confirmed that the Engineering Department reviewed the proposals during the City Development Review Committee on October 3, 2023.

Planner Niedermeyer presented the staff recommendation to the Interim Planning Director.

At 12:17 PM, the Interim Planning Director opened a public hearing.

Cynthia Fowler expressed concerns about water draining from the proposed concrete steps on the north side of the property onto an adjacent property.

At 12:19 PM, the Interim Planning Director closed the public hearing.

Interim Director Ward requested that Condition of Approval 6 be added to the draft final action letters for both Modification of Approval applications for 1171 Empire Avenue to require additional review of the stairs on the north side façade and confirm with the Engineering Department for drainage regarding those modifications.

MOTION: The Planning Director **APPROVED** the Steep Slope Conditional Use Permit Modification of Approval for 1171 Empire Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is a vacant Lot located at 1171 Empire Avenue.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. This Site is not listed on the Historic Sites Inventory, nor has it been included in previous historic resource surveys.
4. On April 13, 2023, the Planning Department approved the Historic District Design Review application (PL-23-05579) and Modification of Steep Slope Conditional Use Permit approval application (PL-23-05551) for the construction of a new SFD at 1171 Empire Avenue.
5. On September 5, 2023, the Applicant submitted a Modification of HDDR Approval application and a Modification of SSCUP approval application for approval for a revised set of plans.
6. The Applicant proposes to install a door on the north facing façade of the SFD, construct an at-grade pathway on the north elevation and remove all roof overhangs on the structure.

7. On September 13, 2023, the proposed changes were reviewed by the Design Review Team.
8. On October 16, 2023, the Application was considered complete.
9. Staff published notice on the City's website and posted notice to the property on October 4, 2023.
10. Staff mailed courtesy to property owners within 300 feet on October 4, 2023.
11. The analysis section of the staff report is incorporated herein.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2 *Historic Residential – 1 (HR-1) District*.
2. The proposal meets the criteria for the *Design Guidelines for New Residential Infill Construction in Historic Districts* outlined in the LMC § 15-13-8.

Conditions of Approval

1. The conditions of approval associated with the HDDR Approval (PL-23-05579) and the Modification of Steep Slope Conditional Use Permit approval application (PL-23-05551) for the construction of a new SFD at 1171 Empire Avenue continue to apply.
2. This approval is limited to the removal of roof overhangs, construction of stairs on the north elevation, adding a door to the north elevation, and the modification to a rear retaining wall. Further modifications will require re-review by the Planning Department prior to approval and implementation.
3. Final building plans and construction details shall reflect substantial compliance with the plans dated March 29, 2023, and approved by the Planning Department on April 13, 2023. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
4. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
5. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
6. The proposed changes to the northern side yard to construct concrete stairs that shall be no greater than 30" above grade shall be reviewed by the Engineering Department to ensure proper drainage can be achieved prior to construction.

1171 Empire Avenue – Historic District Design Review Modification of Approval – PL-23-05847 – The Applicant Proposes Modifications to the Existing Historic District Design Review Approval for a New Single-Family Dwelling.

Planner Niedermeyer presented the Modification to a Historic District Design Review Approval application and staff recommendation concurrently with the previous Modification to a Steep Slope Conditional Use Permit Approval presentation for 1171 Empire Avenue to the Interim Planning Director.

At 12:21 PM, the Interim Planning Director opened a public hearing. There was no public input.

At 12:21, the Interim Planning Director closed the public hearing.

MOTION: The Interim Planning Director **APPROVED** the Historic District Design Review Modification of Approval for 1171 Empire Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is a vacant Lot located at 1171 Empire Avenue.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. This Site is not listed on the Historic Sites Inventory, nor has it been included in previous historic resource surveys.
4. On April 13, 2023, the Planning Department approved the Historic District Design Review application (PL-23-05579) and Modification of Steep Slope Conditional Use Permit approval application (PL-23-05551) for the construction of a new SFD at 1171 Empire Avenue.
5. On September 5, 2023, the Applicant submitted a Modification of HDDR Approval application and a Modification of SSCUP approval application for approval for a revised set of plans.
6. The Applicant proposes to install a door on the north facing façade of the SFD, construct an at-grade pathway on the north elevation, reduce the length of all roof overhangs on the structure, and to change a roof pitch on a roof form on the front façade.
7. On September 13, 2023, the proposed changes were reviewed by the Design Review Team.
8. On October 16, 2023, the Application was considered complete.

9. Staff published notice on the City's website and posted notice to the property on October 4, 2023.
10. Staff mailed courtesy to property owners within 300 feet on October 4, 2023.
11. The analysis section of the staff report is incorporated herein.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2 *Historic Residential – 1 (HR-1) District*.
2. The proposal meets the criteria for the *Design Guidelines for New Residential Infill Construction in Historic Districts* outlined in the LMC § 15-13-8.

Conditions of Approval

1. The conditions of approval associated with the HDDR Approval (PL-23-05579) and the Modification of Steep Slope Conditional Use Permit approval application (PL-23-05551) for the construction of a new SFD at 1171 Empire Avenue continue to apply.
2. This approval is limited to the removal of roof overhangs, construction of stairs on the north elevation, adding a door to the north elevation, and the modification to a rear retaining wall. Further modifications will require re-review by the Planning Department prior to approval and implementation.
3. Final building plans and construction details shall reflect substantial compliance with the plans dated March 29, 2023, and approved by the Planning Department on April 13, 2023. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
4. The applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
5. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
6. The proposed changes to the northern side yard to construct concrete stairs that shall be no greater than 30" above grade shall be reviewed by the Engineering Department to ensure proper drainage can be achieved prior to construction.

The Park City Administrative Action meeting adjourned at 12:21 PM.

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October 19, 2023
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Approved by Interim Planning Director:

A handwritten signature in blue ink, consisting of several fluid, overlapping loops and strokes, positioned below the text "Approved by Interim Planning Director:".