

Ordinance 13-27

**AN ORDINANCE APPROVING THE 305 PARK AVENUE SUBDIVISION PLAT  
LOCATED AT 305 Park Avenue, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 305 Park Avenue, has petitioned the City Council for approval of the Subdivision; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on July 10, 2013, to receive input on the proposed subdivision;

WHEREAS, on July 10, 2013, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 1, 2013, the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 305 Park Avenue Plat Amendment.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 305 Park Avenue Subdivision Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 305 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The property is shown on the Historic Sites inventory as a "Significant Site" and includes a 3,934 square foot mining-era home constructed in 1895.
3. Currently, the property is two (2) Old Town Lots, Lots 1 and 2 of Block 3.
4. The applicants are requesting to combine two (2) Old Town lots into one Lot.
5. The plat amendment is necessary in order for the applicant to move forward with any future improvements to the structure.
6. The amended plat will create one new 3,934 square foot lot. The existing lots measure 25 feet x 75 feet (1,875 SF); the other measuring approx. 27.15 feet x 75 feet (2,059 SF).

7. The existing historic house straddles Lots 1 and 2 of the Snyders Addition.
8. The three story structure is thirty-eight feet (38') tall, thus exceeding the twenty-seven feet (27') height limit.
9. On September 4, 1990, the BOA approved a one-foot (1') encroachment into the required three foot (3') required north side setback; a one foot three inch (1'3") encroachment into the required ten foot (10') rear setback, creating a seven and one-half foot setback; and a five foot (5') height variance. The height variance allowed for a structure of 38'. In 1990, the maximum height permitted in the zone was 33'.
10. Any proposed additions to the existing historic home will require a review under the Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
11. The maximum building footprint allowed is 1,801 square feet per the HR-1 LMC requirements. The current footprint square footage is 1,379.8, which would allow a maximum footprint addition of 197 square feet. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 1 and 2.
12. Any new additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. 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.
4. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. No building permit for any work that expands the footprint of the home would first require the approval of an HDDR shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers may be required by the Building Official for renovation of the existing structure.
5. A ten foot (10') foot wide public snow storage easement will be provided along the frontage of the property.
6. The applicant shall resolve the wood fence and retaining wall which encroaches onto 309 Park Avenue, to the north, by obtaining an encroachment agreement from that neighboring property owner or by removal of the wood fence and retaining wall. The applicant will also resolve the rock retaining wall which encroaches onto the city right-of-way along Third Street by obtaining an encroachment agreement with the City or by removing the rock retaining wall. Both of these encroachments will be resolved prior to plat recordation.

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

PASSED AND ADOPTED this 1<sup>st</sup> day of August, 2013.


PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

  
\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, City Attorney



# 305 Park Avenue Subdivision

A replat of Lots 1 & 2  
Block 3, Park City Survey



Street Monument  
Park Ave./7th St.

Bole of Bearing  
N 23°08' W 52.15'

350 Park Avenue  
Subdivision  
±3,834 sq. ft.

LOT 1  
LOT 2  
LOT 3  
LOT 4  
LOT 5  
LOT 6  
LOT 7  
LOT 8  
LOT 9  
LOT 10  
LOT 11  
LOT 12  
LOT 13  
LOT 14  
LOT 15  
LOT 16  
LOT 17  
LOT 18  
LOT 19  
LOT 20  
LOT 21  
LOT 22  
LOT 23  
LOT 24  
LOT 25  
LOT 26  
LOT 27  
LOT 28  
LOT 29  
LOT 30  
LOT 31  
LOT 32  
LOT 33  
LOT 34  
LOT 35  
LOT 36  
LOT 37  
LOT 38  
LOT 39  
LOT 40  
LOT 41  
LOT 42  
LOT 43  
LOT 44  
LOT 45  
LOT 46  
LOT 47  
LOT 48  
LOT 49  
LOT 50  
LOT 51  
LOT 52  
LOT 53  
LOT 54  
LOT 55  
LOT 56  
LOT 57  
LOT 58  
LOT 59  
LOT 60  
LOT 61  
LOT 62  
LOT 63  
LOT 64  
LOT 65  
LOT 66  
LOT 67  
LOT 68  
LOT 69  
LOT 70  
LOT 71  
LOT 72  
LOT 73  
LOT 74  
LOT 75  
LOT 76  
LOT 77  
LOT 78  
LOT 79  
LOT 80  
LOT 81  
LOT 82  
LOT 83  
LOT 84  
LOT 85  
LOT 86  
LOT 87  
LOT 88  
LOT 89  
LOT 90  
LOT 91  
LOT 92  
LOT 93  
LOT 94  
LOT 95  
LOT 96  
LOT 97  
LOT 98  
LOT 99  
LOT 100

Street Monument  
Park Ave./2nd St.

Bole of Bearing  
N 23°08' W 52.15'

350 Park Avenue  
Subdivision  
±3,834 sq. ft.

LOT 1  
LOT 2  
LOT 3  
LOT 4  
LOT 5  
LOT 6  
LOT 7  
LOT 8  
LOT 9  
LOT 10  
LOT 11  
LOT 12  
LOT 13  
LOT 14  
LOT 15  
LOT 16  
LOT 17  
LOT 18  
LOT 19  
LOT 20  
LOT 21  
LOT 22  
LOT 23  
LOT 24  
LOT 25  
LOT 26  
LOT 27  
LOT 28  
LOT 29  
LOT 30  
LOT 31  
LOT 32  
LOT 33  
LOT 34  
LOT 35  
LOT 36  
LOT 37  
LOT 38  
LOT 39  
LOT 40  
LOT 41  
LOT 42  
LOT 43  
LOT 44  
LOT 45  
LOT 46  
LOT 47  
LOT 48  
LOT 49  
LOT 50  
LOT 51  
LOT 52  
LOT 53  
LOT 54  
LOT 55  
LOT 56  
LOT 57  
LOT 58  
LOT 59  
LOT 60  
LOT 61  
LOT 62  
LOT 63  
LOT 64  
LOT 65  
LOT 66  
LOT 67  
LOT 68  
LOT 69  
LOT 70  
LOT 71  
LOT 72  
LOT 73  
LOT 74  
LOT 75  
LOT 76  
LOT 77  
LOT 78  
LOT 79  
LOT 80  
LOT 81  
LOT 82  
LOT 83  
LOT 84  
LOT 85  
LOT 86  
LOT 87  
LOT 88  
LOT 89  
LOT 90  
LOT 91  
LOT 92  
LOT 93  
LOT 94  
LOT 95  
LOT 96  
LOT 97  
LOT 98  
LOT 99  
LOT 100

Street Monument  
Park Ave./2nd St.

Bole of Bearing  
N 23°08' W 52.15'

350 Park Avenue  
Subdivision  
±3,834 sq. ft.

LOT 1  
LOT 2  
LOT 3  
LOT 4  
LOT 5  
LOT 6  
LOT 7  
LOT 8  
LOT 9  
LOT 10  
LOT 11  
LOT 12  
LOT 13  
LOT 14  
LOT 15  
LOT 16  
LOT 17  
LOT 18  
LOT 19  
LOT 20  
LOT 21  
LOT 22  
LOT 23  
LOT 24  
LOT 25  
LOT 26  
LOT 27  
LOT 28  
LOT 29  
LOT 30  
LOT 31  
LOT 32  
LOT 33  
LOT 34  
LOT 35  
LOT 36  
LOT 37  
LOT 38  
LOT 39  
LOT 40  
LOT 41  
LOT 42  
LOT 43  
LOT 44  
LOT 45  
LOT 46  
LOT 47  
LOT 48  
LOT 49  
LOT 50  
LOT 51  
LOT 52  
LOT 53  
LOT 54  
LOT 55  
LOT 56  
LOT 57  
LOT 58  
LOT 59  
LOT 60  
LOT 61  
LOT 62  
LOT 63  
LOT 64  
LOT 65  
LOT 66  
LOT 67  
LOT 68  
LOT 69  
LOT 70  
LOT 71  
LOT 72  
LOT 73  
LOT 74  
LOT 75  
LOT 76  
LOT 77  
LOT 78  
LOT 79  
LOT 80  
LOT 81  
LOT 82  
LOT 83  
LOT 84  
LOT 85  
LOT 86  
LOT 87  
LOT 88  
LOT 89  
LOT 90  
LOT 91  
LOT 92  
LOT 93  
LOT 94  
LOT 95  
LOT 96  
LOT 97  
LOT 98  
LOT 99  
LOT 100

- NARRATIVE**
- Survey requested by Matthew N. Szyczynski & Elizabeth C. Lin.
  - Survey of the 305 Park Avenue Subdivision as shown.
  - Date of survey: April, 2013.
  - Property monuments set or found as shown.
  - Survey conducted in accordance with Section 16, Township 2 South, Range 4 East, Salt Lake Basin & Meridian.
  - The owners of this property should be aware of any items affecting the property that may appear in a title insurance report.

**LEGAL DESCRIPTIONS**  
Original Plat Description  
Lot 1 and 2, Block 3, Amended Plat of Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.  
305 Park Avenue Subdivision  
Beginning at the Southeastern Corner of Lot 1 and the Southeastern Corner of Block 3, Park City Survey, according to the official plat thereof, on the east end of record in the Summit County Recorder's Office, and running thence North 23°08' West, along the Western Right-of-Way of Park Avenue and the Eastern Right-of-Way of 350 Park Avenue, a distance of 100.00 feet, to the Northeastern Corner of said Lot 2; thence South 66°40' West, along the Northern boundary of said Lot 2, 75.00 feet, more or less, to the Southeastern Corner of said Lot 2; thence North 23°08' West, along the Western boundary of said Lot 2, and 32.25 feet, more or less, to the Western boundary of said Lot 1; thence North 66°40' East, along the Northernly Right-of-Way of Third Street and the Southernly boundary of said Lot 1, a distance of 100.00 feet, to the Point of Beginning, containing 3,834 square feet, more or less.

**SURVEYOR'S CERTIFICATE**  
I, J.D. Galley, a Registered Land Surveyor as prescribed by the terms of the State of Utah and holding License No. 3594065, do hereby certify that I have supervised a survey of this parcel as shown on this map, and that this plat is a true representation of said survey.

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
Know all men by these grants that the undersigned, Matthew N. Szyczynski and Elizabeth C. Lin, owners of the herein described 305 Park Avenue Subdivision, do hereby consent to the reconstruction of this Record of Survey Map in the office of the County Recorder of Summit County, Utah, in accordance with the laws of the State of Utah, and to the dedication to the City of Park City of the streets, land for local government uses, utility and easements shown on this plat in accordance with an irrevocable offer of dedication of in witness whereof the undersigned have set their hands this \_\_\_ day of \_\_\_\_\_, 2013.

By: Matthew N. Szyczynski  
Elizabeth C. Lin  
Owner

**ACKNOWLEDGEMENT**  
STATE OF UTAH  
County of Summit:  
On this \_\_\_ day of \_\_\_\_\_, 2013, Matthew N. Szyczynski and Elizabeth C. Lin, duly executed before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that they are the owners of the herein described 305 Park Avenue Subdivision, and that they have executed the foregoing instrument for the purposes and in consideration of the premises set forth herein. Consent to record freely and voluntarily for the purposes set forth herein.  
My commission expires: \_\_\_\_\_ NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_ COUNTY, \_\_\_\_\_

**PLANNING COMMISSION**  
APPROVED BY THE PARK CITY  
COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 A.D.  
BY: \_\_\_\_\_ CHAIRMAN

**ENGINEER'S CERTIFICATE**  
I FIND THIS MAP TO BE IN  
ACCORDANCE WITH INFORMATION ON  
FILE IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 A.D.  
BY: \_\_\_\_\_ PARK CITY ENGINEER

**APPROVAL AS TO FORM**  
I CERTIFY THIS RECORD OF SURVEY  
MAP WAS APPROVED BY PARK CITY  
COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 A.D.  
BY: \_\_\_\_\_ MAYOR

**CERTIFICATE OF ATTEST**  
I CERTIFY THIS RECORD OF SURVEY  
MAP WAS APPROVED BY PARK CITY  
COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 A.D.  
BY: \_\_\_\_\_ PARK CITY RECORDER

**COUNCIL APPROVAL AND ACCEPTANCE**  
APPROVED AND ACCEPTANCE BY THE PARK CITY  
COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 A.D.  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

**RECORDED**  
STATE OF UTAH COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

**Maping Services, Inc.**  
Park City, Utah 84305  
(435) 695-8076