

**PARK CITY MUNICIPAL CORPORATION  
BOARD OF ADJUSTMENT  
COUNCIL CHAMBERS, CITY HALL  
February 17, 2015**



## AGENDA

**MEETING CALLED TO ORDER - 5:00 PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF November 18, 2014**

**PUBLIC COMMUNICATIONS** – *Items not scheduled on the regular agenda*

**STAFF AND BOARD COMMUNICATIONS/DISCLOSURES**

**REGULAR AGENDA** – *Discussion, possible public hearing, and possible action as outlined below*

360 Daly Avenue – Appeal of Historic Preservation Board  
determination that the “Significant” structure should remain designated  
as “Significant” on the City’s Historic Sites Inventory (HSI).  
*Quasi-Judicial hearing*

PL-15-02662  
*Planner  
Alexander*

*Pg. 23*

**WORK SESSION**

Open and Public Meeting Act Training

*Assistant City  
Attorney  
McLean*

**ADJOURN**

A majority of Board of Adjustment members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.



PARK CITY MUNICIPAL CORPORATION  
BOARD OF ADJUSTMENT  
MINUTES OF NOVEMBER 18, 2014

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi, Jennifer Franklin, Mary Wintzer

EX OFFICIO: Kayla Sintz, Francisco Astorga, John Boehm, Polly Samuels McLean, Makena Hawley

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ROLL CALL

Chair Gezelius called the meeting to order at 5:10 p.m. and noted that all Board Members were present except Travis McGhee and Dave Robinson who were excused.

ADOPTION OF MINUTES OF OCTOBER 7, 2014

MOTION: Board Member Fuegi moved to Approve the minutes of October 7, 2014 as written. Chair Gezelius seconded the motion.

Chair Gezelius asked whether the Board could vote on the minutes since Jennifer Franklin was not present at the October 7<sup>th</sup> meeting. Assistant City Attorney McLean clarified that the Board members who were not present could vote relying on the opinion of those who had attended.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Planner Francisco Astorga noted that Planning Commissioner Nann Worel had submitted Park City's General Plan to the Utah Chapter of the American Planning Association to be reviewed and considered for an award. He was pleased to announce that Park City had received the award for their work on the General Plan.

Planning Manager Kayla Sintz thanked the Board members for attending the joint City Council Work Session. She announced that Matt Dias, the Assistant City Manager, would be bringing forward a general discussion on Boards and Commissions on Thursday at 5:10 during the City Council work session. The Board was invited to attend.

Board Member Wintzer disclosed that she was the landlord for the Christian Center for ten years; however, she did not have any financial interest. She believed her experience with the Center's operation could help with the discussion this evening.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

**2237 Morning Star Court- Variance request to reduce the minimum front yard setback of 20' to 10' and the minimum Front Facing garage setback of 25' to 15'. (Application #PL-14-02444)**

Planner Astorga noted that the address on the agenda listed as Morning Star Court was incorrect. The correct address is 2237 Morning Star Drive. He also clarified that the Staff report shows the date of October 21<sup>st</sup>, because that was the date this item was originally scheduled to come before the Board of Adjustment before it was moved to this meeting.

Planner Astorga introduced the owner, Michael Allred, and Bryan Atwood, an engineer with the Snyderville Basin Water Reclamation District.

Planner Astorga referred to page 29 of the Staff report. He pointed out the rear property line, which has a 15' rear yard setback, as well as a non-exclusive utility easement. Also in that area is a stream and a sewer line.

Planner Astorga stated that the lot is vacant and the owner would like to build a single-family dwelling. The property is one of the last unbuilt lots on the street. Planner Astorga reported that the owner, Mr. Allred, had checked with the Sewer District to make sure there would not be an issue with his current proposal. The Sewer District said that because of the location of the stream the sewer line was placed further away than the standard procedure. Because it was so close to the stream they were able to place it on the platted easement; however, it is right on the edge of the rear setback line and also the platted easement.

Planner Astorga understood that the Sewer District recommended that Mr. Allred place the structure 10' from the sewer line; however, it was not a requirement. He asked Mr. Atwood for clarification.

Bryan Atwood, with the Snyderville Reclamation District, stated that when Mr. Allred approached the District about building a house on the lot, they did advise him about the sewer line in the back lot and an easement. The platting of the sewer line and easement occurred in 1978 before the Sewer District was created. Therefore, the matter was handled by the City. Mr. Atwood remarked that within that 15' easement there is an irrigation stream and a sewer line. Because the stream was there at the time of construction, the sewer line was

moved to the edge of the easement. Mr. Atwood noted that currently the normal sewer easements are 20' wide and they try to keep the sewer lines 10' from the easement line. In this case it is approximately 1-1/2 feet.

Mr. Atwood clarified that he did not use the word "required" in his letter because even though the Sewer District has the ability to require a 10' distance from the easement, they cannot legally require it. For that reason he "recommended" that the house be set back 10 feet from the easement due to the District's operation.

Planner Astorga reported that Mr. Allred submitted an application for a variance request to be able to meet the recommendation from the Sewer District by pushing the house forward towards the front of the lot. Planner Astorga reviewed the preliminary site plan that was submitted and indicated where the applicant was requesting a lesser setback to accommodate the house he would like to build. Therefore, the applicant was requesting a variance to reduce the minimum front yard setback of 20' to 10' and the minimum front facing garage setback of 25' to 15'.

Planner Astorga stated that a variance must be granted by the Board of Adjustment based on five criteria outlined in the Code. The same criteria is also mandated by the State.

Planner Astorga reviewed the five criteria. The first is whether literal enforcement of the Code would cause unreasonable hardship to the applicant that is not necessary to carry out the general purpose of the LMC. Planner Astorga stated that the Staff conducted an analysis and finds that the nature of the request comes from a recommendation and not from an actual law or zoning ordinance. The Staff believes that the hardship is self-imposed because the applicant is still able to build a structure that meets the recommendation from the Sewer District; or he could choose not to follow that recommendation. Even though the house may be smaller than what Mr. Allred would like to build, he would still have the right to build a single family dwelling.

The second criteria is whether there are special circumstances attached to the property that do not generally apply to other properties in the same zone. Planner Astorga stated that both the sewer line and the stream runs on most of the entire street. The City had not received requests from other owners in the neighborhood asking for a variance from the Code. In addition, the City would not want to set a precedent for that type of variance since other property owners have succeeded in building away from that area.

The third criteria is whether granting the variance is essential to the enjoyment of a substantial property right enjoyed by other properties in the same zone. The Staff finds that the essential property right is building the single family dwelling. It would not be a taking because a house can be accommodated on this lot. He

emphasized that the owner could build up to the 15' rear property line and up to the same platted easement area.

The fourth criteria is that the variance would not substantially affect the General Plan and would not be contrary to the public interest. Planner Astorga stated that the Staff did not find anything in violation of the General Plan since most of these cases are guided by specific development standards or parameters of the General Plan, as opposed to the goals and policies.

The fifth criteria is that the spirit of the Land Management Code is observed and substantial justice is done. The Staff did not find that a variance is the proper solution. They Staff recognized that there was an issue relative to the location of the sewer line; however, they find that the applicant can accommodate a single family dwelling on this lot by re-designing the home if they prefer not to build so close to the sewer line.

The Staff recommended that the Board of Adjustment conduct a public hearing and consider denying the variance requested by the applicant based on findings of fact, conclusions of law and a specific order regarding the variance.

Mike Allred, the owner and applicant, stated that he has been building in Park City for many years. He and former Building Official Ron Ivie came to Park City around the same time. Through the 30+ years he has been building in Park City he has always tried to follow the recommendations of the utility companies and City departments. Mr. Allred stated that he has built many homes in Park City and very often he encounters recommendations rather than requirements. He believes it is prudent to follow those professional recommendations.

Mr. Allred addressed some of the Staff's conclusions. He appreciated Planner Astorga's efforts, but he did not agree with his analysis. Regarding the criteria that literal enforcement of the LMC causes unreasonable hardship, Mr. Allred stated that there was a reason why no other property on the street had requested a variance. All of the other lots that have the sewer line and the stream are significantly deeper than his lot. The average depth of those lots is 143 feet. The depth of his lot with the cul-de-sac taking a corner of it is 81 feet, which is nearly half the depth of the other lots. Mr. Allred believed that losing the depth as recommended by the Sewer District would be a significant hardship. He emphasized that his lot was the only lot on the street that was impacted by the sewer Line. Those conditions were not created by him and they were unique to his lot.

Mr. Allred referred to the criteria that granting the variance is essential to the enjoyment of substantial property rights. He stated that the Staff concluded that he could just build a smaller home. He remarked that all the other lots on the street had the opportunity to build to their setbacks, which is the footprint they were legally entitled to build on. By following the Staff's recommendation, he

would not be entitled to build to the setbacks and he would be giving up 15% of his property in order to meet the recommendation by the Sewer District. Mr. Allred understood that he could build within a foot of the sewer line, but he did not believe the Sewer District would want that because it could hinder maintenance and repair of the sewer line. As a builder, he would not recommend putting a house within a foot of the sewer line. Mr. Allred was not opposed to following the recommendation by the Sewer District, but without the variance it would penalize 15% of his property footprint. He believed that granting the variance would respect his property rights by allowing him to move the house forward, and still maintain the same legal footprint. At the same time he would be able to follow the Sewer District's recommendation.

Mr. Allred did not believe the variance would substantially affect the General Plan. As stated in his letter, this same setback exists in other areas in Thaynes Canyon.

Mr. Allred reviewed the floor plans and showed the relationship of his house to neighboring homes. He believed the impacts with the variance would be extremely negligible. Only 30 square feet of the home would require the variance. He pointed out that the house next door has a garage that is closer to the street than his garage would be. Mr. Allred stated that there is 10' from the back of the curb to the property line. Therefore, the actual net setback from the back of the curb to the front of the home meets the ordinance. Mr. Allred stated that as a builder and a property owner, he did not think there would be a negative visual impact as a result of this variance request.

Suzy Allred stated that her husband has built four other homes on that street. In terms of building 10' from the sewer line, she would not want to be in a position of having machinery digging near her back porch to repair a sewer line if there was a way to avoid it. Ms. Allred echoed the comments about the lots on the street being different in shape and depth from their lots, which makes their lot unique. She and her husband wanted the opportunity to build a nice home and be good neighbors. She requested that the Board consider their variance request and allow them the ability to build away from the sewer line.

Board Member Fuegi asked Mr. Allred when he purchased the lot. Mr. Allred replied that they have owned the lot for 15 years. Mr. Fuegi assumed that the location of the sewer line was shown on the title report at the time of purchase. Mr. Allred stated that the easement was shown but not the location of the sewer line.

Chair Gezelius opened the public hearing.

Deworth Williams, the neighbor to the south, stated that he has known the Allred's for many years. They are nice people and he would welcome them as neighbors. Mr. Williams did not like the idea of having the house 10' from the

street. When he looks out his window or steps out his door it would be the first thing he sees. Mr. Williams preferred to see landscaping and trees rather than a house. He was concerned that having the house that close to the street would have the effect of a condominium. Mr. Williams stated that the main point is the sewer line. As it was previously pointed out by Bryan Atwood and Planner Astorga, the Sewer District only made a suggestion to build further away from the sewer line, but it was not the law. He believed the Allred's could push the house back to within one foot of the sewer line if they wanted to build that large of a house, and like everyone else stay within the rules of zoning and planning.

Steven Prince, Lot 10 on the plat map, stated that he was against the variance. In addition to the points already brought up regarding the timing of the sewer line being installed and the purchase of the lot, nothing has changed that materially changed the status of the lot from the time it was purchased until now. Mr. Prince noted that snow removal on the street is difficult coming out of the cul-de-sac. It is a tight cul-de-sac and snow is continually pushed into his driveway and other driveways. Locating a house closer to the street would make it harder for the snow to be distributed around the entire cul-de-sac. Mr. Prince urged the Boards of Adjustment to follow the Staff's recommendation.

Mr. Williams stated that he had spoken with nearly everyone on the street and he found no one who was in favor of granting this variance. He suggested that the Allred's push their house back 15' from the street and get on with it.

Chair Gezelius closed the public hearing.

Mr. Allred responded to a comment by Mr. Williams regarding the 10 feet that exists from the back of the curb to the property line. He appreciated Mr. William's concern and he agreed that Mr. Williams would be impacted if the house was only 10 feet back from the curb and gutter. However, that would not be the case because they actually do have the 25' setback from the curb and gutter.

Board Member Franklin asked for the depth of the three car garage. Mr. Allred understood that there was not a code compliance issue on the depth of the garage. It is a standard three car garage depth of 25 feet. Planner Astorga stated that the minimum for a two car garage is 20' x 20'. There is no standard for a three-car garage because the Code only requires that each house provide two parking spaces. Per Code, the interior depth of a legal parking space must be at least 20 feet.

Board Member Franklin clarified that Mr. Allred was proposing 25 feet, which exceeds the minimum LMC requirement. Mr. Allred remarked that based on his experience as a builder, 23 feet is the standard depth. He stated that a standard SUV is 20' long and requires a minimum depth of 23 feet to allow room to put down the garage door and to walk in front of the car.



Board Member Fuegi believed that the Allred's were aware of the different shape when they purchased the lot. He had a difficult time finding a definition for hardship under this circumstance. He personally did not consider it a hardship and he was leaning toward following the Staff's recommendation.

Board Member Wintzer concurred with Mr. Fuegi. She had visited the site and she believed that with a different design the Allred's could still build a nice sized house that would fit on the lot. Ms. Wintzer noted that guests would not be parking in the garage. They would park in the 10-foot section in front, which would further impact snow storage. Regarding the LMC, she stated that this lot is in Thaynes 3 and she was unsure when those lots were taken into consideration, but it may have been at a time when exceptions were not allowed. Ms. Wintzer reiterated that the Allred's knew what they were purchasing when they bought their lot and that building a house on the lot is very possible. For those reasons Ms. Wintzer could not support a variance.

Chair Gezelius concurred with the Staff findings and recommendations, particularly regarding the hardship criteria. A home can be built on the lot and reducing setbacks on cul-de-sacs further impacts the snow storage problems that already exist on the downhill lots.

MOTION: Board Member Fuegi moved to concur with the Staff recommendation to Deny the Variance Request, subject on the Findings of Fact, Conclusions of Law and the Order as written in the Staff report. Board Member Franklin seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 2237 Morning Star Drive

1. The site is located at 2237 Morning Star Drive
2. This property is Lot 8 of Thaynes Canyon Subdivision No. 3.
3. The lot is currently vacant.
4. The Land Management Code (LMC) states the following regarding front and rear yard setbacks:
  - a. Front Yard: The minimum Front Yard is twenty feet (20'). New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty-five feet (25') from the Front Lot Line.
  - b. Rear Yard: The minimum Rear Yard is fifteen feet (15').
5. The applicant request to reduce the minimum front yard setback of twenty feet (20') to ten feet (10') and the minimum front facing garage setback of twenty-five

feet (25') to fifteen feet (15') to build a single-family dwelling.

6. The rear property line borders the Park City Golf Course.

7. The site has a stream somewhat parallel to the rear property line.

8. The Subdivision Plat shows a 15' wide non-exclusive utilities easement parallel to the rear property line on all the lots that border the golf course, Lot 1 - Lot 9.

9. Snyderville Basin Water Reclamation District (SBWRD) has a sewer line on the 15' easement.

10. The sewer line is 12.8 feet from the property line, or 2.20 feet from the edge of the easement line/rear yard setback line.

11. SBWRD recommends that the property owner build the house at least ten feet (10') from the existing sewer line. This is a recommendation and not a request, or condition of approval.

12. The estimated building pad of the lot is approximately 5,600 square feet.

13. The estimated building pad of the lot with the additional ten foot (10') setback from the sewer line is approximately 4,770 square feet.

14. In order to grant the requested variance, the Board of Adjustment must find that all five (5) criteria located in LMC § 15-10-9 are met. The Applicant bears the burden of proving that all of the conditions justifying a variance have been met.

15. The nature of the request comes from a recommendation and not actual literal enforcement of the LMC or other review authorities regarding permits.

16. The applicant has the ability to build right to the public utility easement line/rear yard area setback line or incorporate a design that meets all standard setbacks and also follows SBWRD's recommendation.

17. The alleged hardship by the applicant is self-imposed, as the site allows for a single-family dwelling with or without following SBWRD's recommendation.

18. There are challenges in this site dealing with the location of sewer line and stream within the platted utility easement and the correlating rear yard setback area and given the shape of the lot, which is typical for lots near a cul-de-sac.

19. Because the applicant is able to build a single-family dwelling without seeking a variance by building up to the fifteen foot (15') public utility easement/rear property setback line, which contain the sewer line, there are no special

circumstances that relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zone.

20. The LMC provides for reduced front yard setback in Thaynes Canyon Subdivision I and II, specifically for designated lots with special conditions that permit a reduced front yard setbacks to preserve open space.

21. The LMC does not authorize this same exception on specifically designated lots in Thaynes Canyon III.

22. Essential property right possessed by other in the same zone can be accommodated by building a the allowed single-family dwelling right up to the fifteen foot (15') public utility easement/rear property setback area or by providing another design that follows the SBWRD's recommended clearance from the sewer line. The impacts can be mitigated as the site is not governed by the SBWRD's recommendation and can be solved with another design.

23. The variance would not substantially affect the General Plan or would it be contrary to the public interest.

#### Conclusions of Law – 2237 Morning Star Drive

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

2. There are no special circumstances attached to the property that do not generally apply to other properties in the same district.

3. Granting the variance not is essential to the enjoyment of substantial property right possessed by other property owners in the same district.

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

5. The spirit of the Land Management Code is not observed.

#### Order

1. The variance to LMC § 15-2.11-3(C) & (E) reducing the minimum front yard setback of twenty feet (20') to ten feet (10') and the minimum front facing garage setback of twenty-five (25') to fifteen feet (15') to build a single-family dwelling--is hereby denied.

**1283 Deer Valley Drive – Request for variance to setback requirements in the General Commercial (GC) Zoning District (Application PL-14-02425)**

Planner John Boehm reviewed the application for a request for a variance to the LMC 15-2.18-3(D)(6) and (E), which dictates minimum rear yard and side yard setbacks in the General Commercial Zone. The applicant, which is the Christian Center of Park City, was applying for two variances. One is a reduction to the rear yard setback from 5' to zero feet; and the second is a reduction to the side yard setback from 10' to zero feet. The applicant was requesting the variance based on perceived hardship created by the easements outlined on the plat map on page 60 of the Staff report.

Planner Boehm stated that one issue is the shared access easement with the neighboring property that runs along the west side of the property. It is the only access to the property. There is also a 25' utility and snow storage easement, as well as frontage protection zone restrictions along the south property line. A 9' wide City pathway easement winds through the southeastern portion of the property, and a 16' wide utility easement running along the north property line and extending inward towards the center of the property.

Planner Boehm remarked that the Christian Center is asserting that these easements create a hardship by preventing them from being able to fully utilize the property to its full extent.

The Staff had reviewed the variance request and found that it meets all five of the criteria required for a variance as stipulated in LMC 15-10-9. The Staff recommended that the Board of Adjustment review the application and consider granting a variance based on the findings of fact and conclusions of law outlined in the Staff report.

Craig Elliot with the Elliott Work Group stated that his firm has been asked to look at the property for renovation work and additions; and to help solve some of the issues that occur in its current form. Mr. Elliott remarked that the Christian Center has been there for five years and their use has expanded. They have given out over \$1.5 million worth of food from the Food Bank every year. In addition, they re-purpose over \$1 million worth of clothing and food through their project to the point where it was necessary to expand some of their services in the Heber area.

Mr. Elliott stated that when he looked at the opportunity for resolving some of the issues on the property, one of the issues was the donation drop-off and circulation patterns that were affecting out into the street and into the parking areas. Mr. Elliott presented a survey showing the unique form of the property. He clarified that they were not requesting the variances for buildings. The variances would allow them to improve the parking flow through the area. The current configuration and the easements on it have restricted the lot to

approximately 58% of developable area. Mr. Elliott noted that the proposed addition was only approximately 4% of the developable area. Elliott stated that the easements and setbacks create a larger impact on the area than there needs to be. Therefore, they decided to request a variance based on how the property is configured. The adjoining properties are currently owned by the City. The property on the east between Bonanza Drive, the trail and Poison Creek is undevelopable at that location. The property on the north with the Bus Barn and the Yard is developed to the property line. Mr. Elliott pointed out that this variance request would not result in a negative impact or cause any concerns for the use of the adjoining properties.

Mr. Elliott stated that the narrative that was submitted with the variance request responds to each line by line issue. One issue is whether it would negatively impact the neighboring properties; and the answer is no. A second issue is whether it meets the spirit of the LMC. Mr. Elliott remarked that generally setbacks are designed to protect the neighboring properties. However, in this case, the frontage protection zone protects Deer Valley Drive and the view shed. On the issue of how it affects the General Plan, Mr. Elliott pointed out that neither the use nor the density would be changed. He did not believe that granting the variance would be outside of the spirit of the LMC.

Chair Gezelius asked Mr. Elliott to comment on the issue of the current parking and how it complies with Code and how the variance would affect the parking. Mr. Elliott used the site plan to show the current configuration. He indicated the area where they propose to set up an actual drop-off location in the back corner in between the two buildings. That area would be used as a utility drop-off yard and turnaround. Chair Gezelius asked if it would be large enough to accommodate the trucks that currently have difficulty backing up and getting into position to unload. Mr. Elliott answered yes. It provides the opportunity for the trucks to pull in and turn around. It maintains the parking on the back and allows them to maintain the width needed between the parking stalls and the property line, and still have the driveway width to accommodate those vehicles. Mr. Elliott stated that granting the variance allows them to move the parking and open up the drive aisle widths, and increase the ability to bring people in and flow them to the drop-off area in the back without causing backup into the existing parking configuration.

Chair Gezelius asked if this variance request addresses improving the 90 degree turn angle into the access to this property off the street where people travel fast along Deer Valley Drive. Mr. Elliott stated that the variance would not do anything, but if they could move forward with the renovation and addition, which is a separate process, they would have to work with UDOT because Deer Valley Drive is a State Road. They would like to eventually make that application to improve the intersection. Chair Gezelius pointed out that many people who utilize the services at the Christin Center either walk or use the bus carrying heavy bags of groceries and goods. This is not a bus pickup zone and the

closest place to catch a bus is behind the Copper Bottom Inn. There are limited sidewalks and most people walk through the parking lot. She realized that this issued was outside of the purview of the BOA, but it is a safety issue.

Mr. Elliott stated that they are trying to create all of the entrances for the services from the corner. Therefore, people would not have to walk through the parking lot areas to find access points. It would keep everyone on the pedestrian side and close to the sidewalks. The idea is to improve the access point to avoid further impacting the parking issue.

Board Member Franklin asked Mr. Elliott to explain the change in circulation. Mr. Elliott stated that they were trying to create a separation between the shoppers and those who come to donate or deliver. The utility area would be in the back around the corner. Ms. Franklin asked if it would still require a 90 degree turn to get into the utility area. Mr. Elliott stated that it could be done with a 90 degree angle, or they will have a radius turn for vehicles, depending on the size of the vehicle. They would be able to accommodate either way. Mr. Elliott explained that part of the reason for the variance request is to have ample space between the 90 degree parking spaces to have that traffic flow.

Board Member Wintzer stated that she visited the site with Staff. She understood that the drive-through would be a car length closer to the bike path. Mr. Elliott replied that this was correct. She noted that it is currently bermed so the cars are less noticeable from the bike path. Ms. Wintzer asked how they intend to screen it because there is no room for berming. Mr. Elliott stated that they have discussed dropping the grade of the parking lot at the northwest corner of the proposed building to create a service level that is even with the lowest level of the existing structure. Doing that would reduce the visual impact from the path. Mr. Elliott remarked that the northeast corner currently has a raised stacked retaining wall and that would eliminate the visual impact of the vehicles.

Board Member Wintzer asked if the trees that have to be removed would be replaced with trees of similar size. Mr. Elliott was not prepared to answer because they have not worked on the landscape plan. He assured Ms. Wintzer that they intended to do significant landscape work on the project, primarily in the front area.

Chair Gezelius asked how the circulation patterns work in terms of accommodating snow storage. Mr. Elliott stated that currently snow storage occurs across the boundary. They had not yet delved into the snow storage issue, but they will be working on it as their submittal goes to the Planning Department. Chair Gezelius thought it looked like they would have to haul snow. Mr. Elliott replied that hauling is not always necessary but it has been done.

Assistant City Attorney understood that the utility and snow storage easement in the front would remain the same as it exists. Mr. Elliott answered yes. Ms.

McLean wanted to know why it was highlighted in yellow. Mr. Elliott stated that the yellow identified the areas where they were asking for the exception. Ms. McLean questioned why the easement area was highlighted if nothing was changing. Mr. Elliott explained that he had not differentiated between the distances, and he showed how it would not be affected. Ms. McLean clarified that the private frontage zone would not be affected at all. Mr. Elliott replied that this was correct.

Board Member Wintzer questioned why they would need a zero lot line along the building. However, when she visited the site she thought the loop only needed to start from the most northern edge of the proposed pink building and go straight to the bike path. That's where the drive-thru would start. The cars would come in, loop past the dumpster and come back out into the parking lot. She asked if her assumption was correct, or whether the driving loop would start further to the south. Mr. Elliott pointed out the driving route. Ms. Wintzer understood that it would start closer to the edge of the blue building. Mr. Elliott stated that the placement allows them to maintain the parking configurations and maintain the parking counts.

Tom Wells, representing the applicant, stated that he has been involved with the Christian Center for 67 years. He was involved with moving to the current building due to growth, and the growth has continued to be phenomenal. Mr. Wells commented on the shaded area Ms. Wintzer was questioning. He noted that in his Exhibit A dated September 25<sup>th</sup>, the last paragraph states, "The Center submits this variance request for zero setbacks on the east property line from the northeast corner of the property, approximately 140 feet to the northeast corner of the existing building". Mr. Well remarked that the original intent was only from the northeast corner of the building, up to the northeast corner of the lot and across the back.

Board Member Wintzer understood that they were asking for the zero lot line to pull the cars forward. Mr. Elliott stated that it was from the northeast corner of the building to the northeast corner of the lot. Anything beyond that was not part of the variance request. Chair Gezelius asked if that was stated somewhere in the Staff report.

Assistant City Attorney McLean asked if there was an exhibit that showed the traffic flow. If that was the applicant's intent, the BOA needed to make sure they could tailor the variance to what the applicant wanted to do. Ms. McLean recognized the confusion and believed that an exhibit might be missing. Mr. Elliott stated that there was not an additional exhibit. They tried to show what they were asking for with the site plan and the reasons for requesting the variance. However, if the BOA wanted to see a diagram showing the improvement of the parking flow, he was willing to provide it, but they were not required to provide it with the variance application. Ms. McLean remarked that if

the applicant was trying to show hardship for requesting the variance, the exhibit should be part of their submittal.

Board Member Wintzer stated that having the exhibit would be helpful for her. She had no doubt about the effectiveness and the contribution the Christian Center makes to the community. However, in an effort to be sensitive to the impacts of the public use and public interest of the bike path, they need to find a way to give the Christian Center what it needs without destroying the use of the bike path for the community.

Mr. Elliott used a slide to describe the proposed changes to the parking and traffic flow configurations. He pointed out that it improves the path because it adds an access point from the path to a walkway along the side of the building that separates the drive lane and the parking from the building edge. It improves the pedestrian flow and allows for a turnaround.

Board Member Franklin believed that in order to grant the variance, they would need a quantifiable number. Assistant City Attorney McLean clarified that it was important to have a clear understanding of what was being requested so the BOA would have all the facts to make a ruling.

Board Member Wintzer was bothered by the visual impacts that would be created by removing the trees. Currently, the trees screen the activities going on at the Christian Center. Ms. Wintzer stressed the importance of getting this right for the public if the variance is granted.

Board Member Wintzer asked Mr. Wells if his plan with the requested variance would also accommodate future growth without further impacting the trail. Mr. Wells replied that the Christian Center was totally surprised by the growth over the past five years. There were impediments to expanding on the current site. It is a prime site because of its location. However, he believed at some point they would hit a plateau and have to look at other opportunities. Mr. Wells believed that Ms. McLean raised a good point and that the shading on the exhibit went too far. He was agreeable to a variance that only goes to the corner of the building.

Chair Gezelius asked if Mr. Wells would consider a condition attached to the variance regarding landscaping and protection of the trail. If granting the variance would impact the trail, they need to protect the visual corridor in a way that protects the Christian Center and the trail users. Chair Gezelius stated that they were only looking at this use on this site at this moment. She pointed out that a variance goes with the property and she was worried about what they might be giving up.

Planner Boehm noted that the shading on the exhibit was done for the benefit of the BOA; however, the applicant never intended to go beyond the corner. Chair Gezelius clarified that the shading was an error on the exhibit. Planner Boehm



answered yes. Mr. Wells stated that on behalf of the Christian Center he would commit to reasonable mitigations to protect the visual aspect.

Board Member Wintzer preferred to have the exhibit corrected. She thought it was important to see exactly what they would be approving to avoid any misunderstanding. Chair Gezelius stated that the Board could add a condition requiring that the shading on the exhibit be corrected to reflect the applicant's request that begins at that said corner of the building.

Assistant City Attorney recommended that the Order also be clear about the change. They should also make it clear in the Order that the reduction to the setback is for parking and circulation only. If the property changes ownership in the future, the variance would not apply to a building.

Chair Gezelius clarified that the third Order would say the variance for a reduction in setback is granted for parking and circulation only.

Planner Boehm stated that he could correct the Exhibit in five minutes.

Chair Gezelius suggested adding Finding of Fact #19 to read, "The Exhibit shown on page 60 of the Staff report will be modified to correct a shading error. The shading will be corrected to start at the northeast corner of the building." Mr. Wells was comfortable with the addition of Finding #19.

Board Member Franklin thought it was in the best interest to modify Finding of Fact #7 to say that, "The 9' wide corridor would continue from the point of the zero foot setback from the northeast corner of the existing building continuing to the southeast corner property line. She believed the modified language gives a clear delineation of the corner of the building and the green space and the pathway buffer.

Assistant City Attorney noted that the 9' corridor was actually staying the same. Based on their discussion, she suggested that they add a condition of approval requiring a landscaping buffer and attempts to shield the setback area from the pathway that is off the property from the northeast corner to the southeast corner of the property. Chair Gezelius added a Condition of Approval stating that, "The plan shall include a landscaping plan to buffer the surrounding property."

Board Member Franklin asked if language should be included to address a walkway easement to get to and from Bonanza Drive into the property. Mr. Elliott pointed out that it would be off of the Christian Center property. It would require an agreement with the City-owned property and the applicant intends to work with the City.

Board Member Wintzer noted that with the grade being lower, there was more ability to keep the berm. She asked about the distance to the bike path. Mr.

Elliott stated that the distance from the property line to the path was approximately 20 feet. Ms. Wintzer asked if they would have to do a retaining wall or whether the berm would be taken out. Mr. Elliott indicated areas where the grade changes from higher to lower and where some retaining may be required. He pointed out that the grade change provides better screening from the path.

MOTION: Board Member Wintzer made a motion to follow the Staff recommendation and grant the proposed variances to LMC 15-2.18-3-(D)(6) and (E) to reduce the minimum rear yard setback 5' feet and the easternmost side yard setback 10' on the site in the General Commercial zone district to zero (0) feet, and grant the variance based on the Findings of Fact and Conclusions of Law and the Order as outlined in the Staff report with modifications as follows:

- Additional language to Finding of Fact #3, that the proposed setbacks be reduced to zero feet for the entire property line of the north boundary and extending from the property line of the northeast corner to the northeast corner of the existing structure.
- Additional language to Finding of Fact #7 ,that the 9 foot wide pathway easement in the northeast corner extending to the southeast corner of the property will be maintained.
- The addition of Finding of Fact #19, that the Exhibit on page 60 of the Staff report would be modified to reflect the shading to start at the northeast corner of the existing structure building.
- Add a Condition of Approval requiring that a landscaping plan to the berm area towards the bike path be submitted and subject to Staff approval to protect the corridor and save whatever vegetation possible.
- Add item 3 under the Order to state that the reduction in the setback is for the purpose of parking and circulation only and not for the purposes of expansion.

Board Member Fuegi seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1283 Deer Valley Drive

1. The property is located at 1283 Deer Valley Drive.
2. The property is located within the General Commercial (GC) District.

3. The property owner requests variances from the LMC § 15-2.18-3(D)(6) and (E), which dictates minimum rear (5') and side yards (10') in the General Commercial(GC) Zoning District. The applicant is requesting that both of these setbacks be reduced to zero (0') feet for the entire property line of the north boundary and extending from the property line of the northeast corner to the northeast corner of the existing structure.
4. The property consists of one (1) lot. The lot contains 38,983 square feet.
5. The property has two (2) existing structures on it, a 5,053 square foot main building and a 580 square foot garage/storage building.
6. The property has a twenty-five foot (25') non-exclusive utility and snow storage easement along the south property line.
7. The property has a nine foot (9') wide pathway easement controlled by the City that winds through the south-eastern portion of the property. The 9 foot wide pathway easement in the northeast corner extending to the southeast corner of the property will be maintained.
8. The property has a sixteen foot (16') wide utility easement that extends from the north property line almost to the center of the property.
9. The property has a shared access easement along the west property line. This is the only access to the property.
10. The same LMC requirements apply to this lot as apply to all lots of this size that are not encumbered by these easements.
11. The property sits within the City's Frontage Protection Zone (FPZ) which restricts the construction of any structure within thirty feet (30') of Deer Valley Drive.
12. The location of the existing garage/storage building significantly impacts internal circulation on the property.
13. The applicant is requesting a variance to LMC § 15-2.18-3(D)(6) and (E), which dictates a five foot (5') minimum rear yard for parking areas and ten foot (10') side yard setback in the General Commercial (GC) Zoning District.
14. The applicant is requesting this variance to address unreasonable hardships facing this property due to the location of the easements and the existing buildings in order to create a design that promotes more efficient internal circulation.

15. Granting of the variance will assist in effectively implementing Objective 12A of the General Plan which aims to “Retain and expand existing Park City businesses.”

16. Granting of the variance will assist in effectively implementing Objective 12B of the General Plan which is to “Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience.”

17. There is significant vegetation on the subject and adjacent properties that serve as a natural buffer to City rights-of-way. No vegetation will be disturbed on adjacent properties.

18. The spirit of the LMC is observed and substantial justice done.

19. The Exhibit on page 60 of the Staff report will be modified to reflect the shading to start at the northeast corner of the existing structure building.

#### Conclusions of Law – 1283 Deer Valley Drive

1. Literal enforcement of the GC 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 variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district.

4. The proposal is consistent with the General Plan.

5. The spirit of the zoning ordinance is observed by this application.

6. It can be shown that all of the conditions justifying a variance, pursuant to LMC §15-10-9, have been met.

#### Conditions of Approval – 1283 Deer valley Drive

1. A landscaping plan to the berm area towards the bike path shall be submitted and subject to Staff approval to protect the corridor and save whatever vegetation possible.

#### Order

1. A variance to LMC § 15-2.18-3(D)(6) and (E), which is a reduction to the minimum rear (5') and side yard (10') setbacks to zero feet (0'), is hereby

granted.

2. The variance runs with the land.

3. The reduction in the setback is for the purpose of parking and circulation only and not for the purposes of expansion.

Chair Gezelius adjourned the meeting at 6:40 p.m.

Approved by \_\_\_\_\_  
Ruth Gezelius, Chair  
Board of Adjustment



# Board of Adjustment Staff Report



**Subject:** 360 Daly Avenue  
**Author:** Christy Alexander, AICP, Planner II  
**Project #:** PL-15-02662  
**Date:** February 17, 2015  
**Type of Item:** Quasi-Judicial – Appeal of Historic Preservation Board’s Determination of Significance

## Summary Recommendations

Staff recommends the Board of Adjustment hear the appeal of the Historic Preservation Board’s (HPB) determination of significance of the accessory structure/garage at 360 Daly Avenue. The HPB determined that the accessory structure/garage meets the criteria for designation as a “Significant” site.

## Topic

**Applicant:** Joseph Wrona, Attorney on behalf of Sharon Stout, owner of 336 Daly Avenue  
**Location:** 360 Daly Avenue  
**Zoning:** Estate (E) District  
**Adjacent Land Uses:** Historic Residential-1 (HR1), Estate (E), and Recreational Open Space (ROS) Districts  
**Reason for Review:** Appeal of the Historic Preservation Board’s determination of significance of the historic site at 360 Daly Avenue.

## Background

Much of the background of this site is outlined in the Historic Preservation Board (HPB) staff report dated January 7, 2015 (Exhibit B). The site and historic cabin (owned by the City) at 360 Daly Avenue had been listed as part of the City’s Historic Sites Inventory (HSI) in 2009 as “Significant.” The accessory structure/garage was mentioned on the 2009 HSI as an accessory structure to the historic cabin but was not called out specifically as historic itself. The property owner at 336 Daly Avenue (Ms. Stout) had submitted a pre-application for Historic District Design Review for her property and has interests to demolish the accessory structure/garage (owned by the City) which straddles her property line in order to proceed with construction of a single-family home on her property.

Because of the limited information available in the HSI, the Planning Director directed staff to conduct additional research to determine the historic significance of the accessory structure/garage at 360 Daly Avenue site before MS. Stout moves forward with the design review of her property at 336 Daly Avenue and make an application to the HPB to determine whether the accessory structure/garage should be determined as “Significant”. The Historic Preservation Board (HPB) determined that the accessory structure/garage be designated on the inventory as a “Significant” site on January 7, 2015 (Exhibit D).

The accessory structure/garage is deteriorating and appears to be unstable. There is no foundation and it was built on a dirt floor. There is one set of hinged doors for access and one smaller entry door to the northern addition. The structure appears to have been completely enclosed from the elements when it was built. Currently the entry is obstructed and a door is missing. The structure is

filled with various items from neighbors down the street. A neighbor down the street was previously parking her car in the structure without permission of the City or Ms. Stout. The Planning Director and Building Official believe there are unique conditions related to this site and structure and are currently in the process of seeking approval from the City Council to relocate and stabilize the historic structure entirely on the City's property by means of the City's Historic Abatement Fund.

### **Appeal and Burden of Proof**

The specific appeal is to the Historic Preservation Board's (HPB) Determination of Significance. LMC 15-11-10(B)(4) states that the Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board's final action.

The applicant, who had standing based upon having participated in the HPB hearing and being the adjacent neighbor appealed this determination within ten (10) days, on January 20, 2015. Ten (10) days would have been January 17<sup>th</sup>, but due to this being a Saturday and the 19<sup>th</sup> being a holiday; the appeal was permitted to be submitted on the 20<sup>th</sup>.

Appeals shall be considered by the Board of Adjustment (BOA) on the record made before the Historic Preservation Board. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of the decision of the land use authority in its interpretation and application of the land Use ordinance.

The BOA, in conformity with the provisions of the Code, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made. The Owner bears the burden of demonstrating that the HPB erred in their findings.

The applicant's appeal is attached hereto as Exhibit A. The applicant's basis for appeal is that the findings of fact set forth in the HPB's Determination of Significance Notice are not factually correct and that the HPB was not correct in its interpretation and application of the LMC (see Exhibit A, page 4, Basis for Appeal).

### **Analysis**

The applicant contests that the findings set forth in the Historic Preservation Board's (HPB) Determination of Significance are not correct and the Board of Adjustment should review the factual correctness as well as correctness of the decision of the HPB in its interpretation and application of the LMC. The applicant argues that the HPB's conclusion that the structure is located entirely at 360 Daly Avenue is in error and that the structure in question is not a northern addition to the historic cabin at 360 Daly Avenue. The applicant also argues that the HPB's determination was made based on Staff's analysis that the accessory structure/garage first appeared on the 1907 Sanborn Fire Insurance Map thus dating the structure between 1900 and 1907 and associating the structure with the Mature Mining Era (1894-1930). The applicant argues that the accessory structure/garage first appears on the 1941 Sanborn Fire Insurance Map and thus was built between 1929 and 1941.

The applicant also argues that the scrap metal siding added to the exterior side and rear elevations along with the northern expansion of the structure are not minor and do not entirely use the same material as found on the original structure thus the structure does not retain its Essential Historical Form.



The historic cabin and accessory structure/garage in question were assigned the address of 360 Daly on the City's current HSI, but in earlier surveys it had been referenced as "south of 332 Daly". No one has denied that the structure is located on two lots.

Staff finds that the HPB did review and consider the evidence supplied by Ms. Stout at the January 7, 2015 meeting. The new evidence was discussed (Exhibit C) and reviewed by the Historic Preservation Board during the January 7, 2015 meeting. Land Management Code (LMC) 15-11-10(2) outlines the criteria for Significant Sites, stating:

**(2) SIGNIFICANT SITE.** *Any Buildings (main, attached, detached, or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:*

*(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and*

*(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:*

*(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or*

*(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or*

*(iii) Moving it from its original location to a Dissimilar Location, or*

*(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.*

*(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:*

*(i) An era of Historic importance to the community, or*

*(ii) Lives of Persons who were of Historic importance to the community, or*

*(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.*

The structure was constructed in a possibility of two historic eras according to staff and the applicant. The applicant argues that the accessory structure/garage was built between 1921 and 1941, making the structure roughly 94 to 74 years old. Staff's analysis in the January 7, 2015 staff report finds that the accessory structure/garage was built between 1900 and 1907. Thus, the HPB found that the accessory structure/garage that exists today is roughly 115 to 108 years old. In researching the Sanborn maps further, it is clear that the garage appears on the Sanborn Fire Insurance maps in the 1940s; however, staff has found many instances recently where accessory buildings were not identified on the Sanborn Maps, but were clearly in existence in historic photos of the same period. This was the case with the garage at 1057 Woodside—it was visible in historic photos, but never documented on the Sanborn Map. One reason it might have been left out was because of the haphazard construction methods in Park City. If it wasn't directly adjacent to the house in order to provide a potential fire hazard, the

surveyor may not have thought to document it. The 1982 Beasely Survey of Old Town indicates that the garage in question is contributory to the site and was constructed pre-1930; it also notes alterations to the structure are reversible. Even if the HPB found that the accessory structure/garage was built between 1921 and 1941, it would still meet Criteria A in that it is at least 50 years old.

The Land Management Code defines Essential Historical Form as the physical characteristics of a structure that make it identifiable as existing in or relating to an important era in the past. As outlined in the HPB staff report (Exhibit B), there have been slight modifications to the side and rear siding materials; however, this change has not significantly altered the overall form of the structure, nor does it detract or negatively impact the essential historic form. The overall form of the wood-frame gable-roof accessory structure is intact. Changes made to the exterior siding materials and the northern addition does not detract from the Essential Historical Form.

LMC 15-11-10 (A)(2)(b) outlines alterations that may destroy the Essential Historical Form. These include:

- Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; 3) the change is not due to collapse as a result of inadequate maintenance on part of the Applicant or a previous owner, or
- Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or
- Moving it from its original location to a Dissimilar Location, or
- Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

In staff's analysis of the structure, we find that there have been no changes to the roof pitch of the primary façade; there have been no addition or removal of upper stories; the structure has not been relocated; and there are no additions that obscure the Essential Historical Form.

The HPB also found that this structure contributes to our understanding of Park City's Mature Mining Era (1894-1930). This accessory structure is one of many in Old Town that makes up the state's largest and best preserved collection of accessory buildings in a metal mining town in Utah. Structures such as the one at 360 Daly Avenue provide insight into the character of mining towns of that period, including settlement patterns, building materials, construction techniques, and socio-economic make-up. The fact that this accessory structure/garage was constructed and expanded in this location tells a story about the development of Park City regarding the need for homes and properties to accommodate growing families, and the methods in which these structures were expanded with the availability of financial resources to fund construction. The development of garages represents improved transportation, increased wealth allowing residents to purchase private vehicles, and the need to store these new vehicles.

Finally, LMC 15-11-10(2) outlines the criteria for a site or structure to be designated as "Significant," and Criteria C states that the site or structure shall be found to be important in local or regional history, architecture, engineering, or culture associated with an era of historic importance to the community; the lives of persons who were of historic importance to the community; or are of noteworthy methods of construction, materials, or craftsmanship used during the Historic period. Even if the HPB found that the accessory structure/garage was built between 1921 and 1941, it would still meet Criteria C in that it is important in local or regional history associated with an era of Historic importance to the community- the Mining Decline & Emergence of Recreation Industry era.

During the January 7, 2015 public hearing (Exhibit C), Ruth Meintsma, an old town resident and member of the public, referred to Exhibit B in the Staff report and noted that the language refers to a shed or a garage. At one point it states that it was used as a garage, so they could assume that it was initially built as a shed. Ms. Meintsma found in her research that a lot of these sheds were built during the mining era as part of the community. Ms. Meintsma believed there was a possibility that the shed could have been part of the community. Reading back in history, Daly Avenue was a unique street in that it was cottage industries up and down the street. She commented on one situation where a chicken coop was taken out and created a controversy because that person grew raised and provided chickens for his community.

There were also a lot of blacksmiths or iron workers on Daly Avenue. Ms. Meintsma remarked that this shed may have been from the cottage industry because it is where the Daly Mine workers walked home every day. Daly Avenue was a viable street. Ms. Meintsma suggested that the shed may also have been a type of living structure because people want to live within walking distance from where they work. Ms. Meintsma pointed out significant features of the structure. She noted that the beams are 12 x 12 which indicates the possibility of another era and potential historic significance. Ms. Meintsma stated that Sanborn maps were not necessarily designed to only include significant structures. She had asked SHPO what was indicated on the maps. She was told that anything that was combustible and insured were included on the maps. Therefore, outbuildings would be included if they were combustible and insured.

Ms. Meintsma remarked that even if the shed was built in 1926 it would still be within the significant mining era (Mining Decline & Emergence of Recreation Industry era). 1940 would be the waning mining era and still within a historic time period. Ms. Meintsma pointed out that two lots should leave sufficient room to build. She believed the real issue is that the applicant did not want the structure on her property. In her opinion the structure needs to be wanted and it needs to be taken care of and re-addressed. Ms. Meintsma outlined the unique circumstances that would need to occur in order for the structure to be moved off of the applicant's property and on to the Park City property. She believed the use of the structure would be difficult because it sits on two different properties. Therefore, because the structure straddles two properties with two different owners, that would create a unique circumstance. Ms. Meintsma thought it should be moved to the Park City property where it could be taken care of and used.

Please see the January 7, 2015, HPB staff report (Exhibit B) for further analysis.

### **Future Process**

Final Actions by the Board of Adjustment on Appeals may be appealed to Third District Court within thirty (30) calendar days.

### **Staff Recommendation**

Staff requests the Board of Adjustment review the following findings of fact and conclusions of law and order and consider adopting them and denying the appeal.

### **Alternatives**

1. The Board of Adjustment may uphold the Historic Preservation Board's determination of significance.
2. The Board of Adjustment may reverse the Historic Preservation Board's determination of significance.

3. The Board of Adjustment may direct staff to provide additional analysis and continue the appeal to a future date.

### **Findings of Fact**

1. 360 Daly Avenue is within the Estate (E) District. The accessory structure/garage currently straddles the property line between 360 Daly Avenue and 336 Daly Avenue which is within the Historic Residential (HR-1) District. The zone line sits at the property line between the two properties.
2. There is a historic cabin at 360 Daly Avenue currently listed on the Park City Historic Sites Inventory as a "Significant" Structure. There is a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue that straddles the property line with 336 Daly Avenue.
3. The existing accessory structure/garage at 360 Daly Avenue has been in existence since between 1900 and 1907. The structure appears in the 1907 Sanborn Fire Insurance maps.
4. The accessory structure/garage was built between 1900 and 1907 during the Mature Mining Era (1894-1930).
5. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.
6. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material, which historically in Park City additions were made based on a need however no record as to the date the addition was made can be found.
7. There have been slight modifications to the side and rear siding materials consisting of scrap metal sheeting; however, this change has not significantly altered the overall form of the structure, nor does it detract or negatively impact the essential historic form. The overall form of the wood-frame gable-roof accessory structure is intact. Changes made to the exterior siding materials do not detract from the Essential Historical Form.
8. The site meets the criteria as Significant on the City's Historic Sites Inventory.
9. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
10. The structure shows up more clearly on the 1941 Sanborn map and not knowing the specific year it was built it is clear that the structure was built before 1941, which would still be over fifty (50) years old and would still be historic in that it has achieved Significance in the past fifty (50) years.
11. The structure has retained its Essential Historical Form.
12. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930).
13. The Historic Preservation Board found that the structure met the criteria of LMC 15-11-10(A)(2) and thus should be designated as a "Significant" Structure on the Historic Sites Inventory (HSI) on January 7, 2015.
14. The accessory structure/garage at 360 Daly Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation due to its deterioration and minor addition on the northern side, the date of the addition is unknown but has been constructed of similar materials which would lead staff to believe it was added not long after initial construction. The accessory structure/garage is associated with the cabin located at 360 Daly Avenue which meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. Because the accessory structure/garage is an accessory structure for a significant site, designating the accessory structure/garage as significant is the most appropriate determination.

15. The applicants submitted an appeal to this determination on January 20, 2015, within ten (10) days of the HPB's determination.
16. The structure is in its original location.
17. No additions obscure the Essential Historic Form when viewed from the primary public right-of-way. There are no changes in pitch of the main roof of the primary façade and no additions of upper stories or removal of upper stories.
18. The analysis of the report is included herein with the new evidence.

### **Conclusions of Law**

1. The existing accessory structure/garage located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
  - (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
  - (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
    - (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or
    - (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or
    - (iii) Moving it from its original location to a Dissimilar Location, or
    - (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.
  - (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
    - (i) An era of Historic importance to the community, or
    - (ii) Lives of Persons who were of Historic importance to the community, or
    - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

### **Order**

1. The appeal of the Historic Preservation Board's determination of significance for the accessory structure/garage at 360 Daly Avenue is denied.

### **Exhibits**

- Exhibit A – Applicant's Appeal (January 20, 2015)
- Exhibit B – Historic Preservation Board Staff Report 1.7.15
- Exhibit C – Historic Preservation Board Minutes 1.7.15
- Exhibit D – Final Action Letter

PL-15-02662



1745 Sidewinder Drive  
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(435) 649.2525  
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January 20, 2015

**VIA HAND DELIVERY AND EMAIL:** [christy.alexander@parkcity.org](mailto:christy.alexander@parkcity.org)

Park City Planning Department  
445 Marsac Avenue  
PO Box 1480  
Park City, Utah 84060

*Re: Appeal to Board of Adjustment – 360 Daly Avenue*

Dear Park City Board of Adjustment:

On January 7, 2015 the Park City Historic Preservation Board (“HPB”) made a determination of significance (“Determination of Significance”) regarding a dilapidated Accessory Structure/Garage (“Dilapidated Garage”), that primarily resides on 360 Daly Avenue, which is owned by Park City Municipal Corporation (“PCMC”) but encroaches onto 336 Daly Avenue (“Stout Property”), which is owned by longtime Park City resident Sharon Stout (“Ms. Stout”). Specifically, the HPB determined that the Dilapidated Garage met the criteria for a designation as a Significant Site on the Park City Historic Sites Inventory (“HSI”) under the Park City Land Management Code (“LMC”).

On behalf of Ms. Stout, I request that the Park City Board of Adjustment (“BOA”) consider the special circumstances and the evidence available, and then determine that the Dilapidated Garage is not a Significant Site as contemplated by the LMC and as detailed below. There are less burdensome solutions to this situation, and I have outlined those solutions at Ms. Stout’s request in the hope of promoting a cooperative resolution.

**I. BACKGROUND**

**A. The Residence that was Built in 1896 on Lot 332 Empire Canyon.**

In approximately 1896, a single story residence was constructed on lot 332 Empire Canyon, i.e. Daly Avenue (the “1896 Residence”). See 1907 Sanborn Insurance Map attached hereto as Exhibit A. The 1896 Residence consisted of brick, siding, a tin roof, wraparound porch, and a concrete foundation. See a photograph of the 1896 Residence attached hereto as Exhibit B. The 1896 Residence was approximately 23 feet deep by 40 feet wide, which afforded approximately 732 square feet of livable interior space. See 1896 Residence Utah State Tax

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Records attached hereto as Exhibit C. Importantly, the 1896 Residence was built without an accompanying garage or other infrastructure. *See* 1907 Sanborn Insurance Map attached hereto as Exhibit A. Although title and possession of the 1896 Residence periodically changed, it was used as a residential structure until 1984, when the then-current owners (“1984 Owners”) ordered the 1896 Residence demolished. The demolition of the historic structure was allowed by the City.

In 1996, lot 332, upon which the 1896 Residence was built, was subdivided into two separate lots and called “The Canyon” Subdivision. *See* The Canyon Subdivision Property Survey attached hereto as Exhibit D. Lot A is more commonly known as 336 Daly Avenue and is currently owned by Silverqueen Gunslinger, LLC, whose member is Ms. Stout (“Stout Property”). Lot B is more commonly known as 330 Daly Avenue (“330 Daly Avenue”). Although the 1896 Residence was demolished, the concrete foundation, and the steps and concrete retaining wall for that structure, still exists and straddles the Stout Property and 330 Daly Avenue. *See id*.

### **B. The Garage at Issue.**

As discussed above, the 1896 Residence was built without an accompanying garage (hereinafter referred to as the “Dilapidated Garage”). *See* 1907 Sanborn Map attached hereto as Exhibit A. There is no garage to the 1896 Residence displayed on the 1929 Sanborn Map. *See* 1929 Sanborn Insurance Map attached hereto as Exhibit E. The Dilapidated Garage to the 1896 Residence does appear on the Sanborn Insurance Maps in 1941. *See* 1941 Sanborn Insurance Map attached hereto as Exhibit F. Therefore, the Dilapidated Garage to the 1896 Residence was built sometime between 1929 and 1941.

When built, the original construction of the Dilapidated Garage was approximately 12 feet wide by 19 feet deep in dimension. *See* 1896 Residence Utah State Tax Records attached hereto as Exhibit C. Sometime after 1949 but before 1968, an addition was made to the Dilapidated Garage, which expanded the north side by approximately 5.5 feet to include a shed, expanding the front dimension of the Dilapidated Garage to a total of approximately 17 feet and adding an entirely new north side, running the length of the Dilapidated Garage (“Dilapidated Garage Expansion”). *See id*; *see also* Dilapidated Garage Expansion Diagram attached hereto as Exhibit G.

The Dilapidated Garage is constructed primarily of wood plank and timber, with wood plank siding. The Dilapidated Garage does not have a foundation and was built directly on the dirt with a dirt floor. The front of the Dilapidated Garage has one set of hinged doors for a single car as well as a smaller door for access to the shed created by the Dilapidated Garage Expansion. Because of the extremely deteriorated condition of the Dilapidated Garage, the doors do not open or close, and the structure is open to the elements. The entrance to the Dilapidated Garage Expansion is also completely obstructed and the door is missing. *See* Photos of the Dilapidated Garage Expansion attached hereto as Exhibit H. The Dilapidated Garage Expansion, which is clearly not a historic structure, is located primarily on the Stout Property, and the Expansion was either built with or has further been modified by assorted patched metal sheeting. *See id*.

The Dilapidated Garage has been permitted for demolition two separate times by PCMC. Nonetheless, it still stands today effectively rendering the Stout Property unusable.

**C. Park City Previously Advocated for the Demolition of the Dilapidated Garage.**

On two separate occasions, PCMC has approved the demolition of the Dilapidated Garage. Most recently, on May 20, 1996, Park City's Historic District Commission ("HDC") ruled that the Dilapidated Garage should be demolished ("1996 Demolishment Approval"). See 1996 Park City Planning Department Staff Report attached hereto as Exhibit I. The HDC's decision was based on the fact that the Dilapidated Garage (a) was in poor condition and structurally unsound; (b) did not represent the work of a master; (c) was associated with the 1896 Residence, which no longer exists; (d) was of minimal historic significance because of its condition; and (e) did not demonstrate a quality of mining significance in local and state history, architecture, integrity of location, design, setting, and workmanship. See *id.* Further, Park City's Community Development Department found the Dilapidated Garage to be "in poor condition and structurally unsound." See *id.*

Prior to the 1996 Demolishment Approval, the 1984 Owners received permission to demolish the Dilapidated Garage concurrent with the demolition of the 1896 Residence. As part of the May 20, 1996 Park City Planning Department Staff Report, the Staff included an exhibit letter from the applicant, which included a historic background discussion of the 1896 Residence ("1896 Residence Historic Background Letter"). See *id.*

Because the Dilapidated Garage was still being utilized for storage in the 1980's, the City agreed to schedule its demolition approximately thirty months after the 1896 Residence was demolished. The 1984 Owners thereafter failed to follow through with the demolition. Consequently, the Dilapidated Garage exists and encroaches on the Stout Property by approximately 5.5 feet on the east side and 8.6 feet on the west side. See Property Survey attached hereto as Exhibit D.

**D. The Cabin at 360 Daly Avenue.**

Directly to the south of the Dilapidated Garage on 360 Daly Avenue (formerly 340 Daly Avenue) is a small single cell, wood plank siding building ("360 Cabin"). See a photograph of the 360 Cabin attached hereto as Exhibit J. The 360 Cabin was built in approximately 1900 and appears on the 1907, 1927 and 1941 Sanborn Insurance Maps as unit 340. See the 360 Cabin Sanborn Insurance Maps attached hereto as Exhibit K. The 360 Cabin does not have a foundation, was built directly on the dirt, and has one window and one door. See photographs of the 360 Cabin attached hereto as Exhibit J. According to the HSI, the 360 Cabin has been designated as "Significant." See 360 Cabin Historic Site Form attached hereto as Exhibit L.

Directly to the south of the 360 Cabin there was once a larger, independent structure, which no longer exists ("Absent Building") See The Absent Building 1907 and 1927 Sanborn Insurance Maps attached hereto as Exhibit M. The Absent Building appears to have been erased in the 1941 Sanborn Insurance Map. See Absent Building 1941 Sanborn Insurance Map attached hereto as Exhibit N.

**E. Ms. Stout's Acquisition of 336 Daly Avenue.**

In the late 1990's, Ms. Stout and her family moved from Maryland to Park City where they designed and built their first home in Park Meadows. Ms. Stout quickly became active in



the community and has donated her time and resources to various Park City women's groups, including Park City Women's Business Network, and the Blue Thong Society of Park City. Ms. Stout's three children attended Park City High School, and Ms. Stout served as a member of the PTA. She also hosted the Chinese Delegation at one point in time. Ms. Stout was a Charter Attender of Silver Queen Ball and volunteered at the Colby School.

In 2008, Ms. Stout purchased the Stout Property from Steve Yaworsky with the intention of constructing a home after her last child graduated high school in 2010. Unfortunately, Ms. Stout was diagnosed with cancer and was forced to devote her time and energy to her recovery before proceeding with her building plans. After four surgeries, she received a clean bill of health so Ms. Stout began working with PCMC to acquire the requisite permits to begin construction.

## **II. BASIS FOR APPEAL**

Ms. Stout writes to appeal several of the findings set forth in the HPB's Determination of Significance Notice ("Notice of Determination"). With respect to the Notice of Determination, appeals to the Park City Board of Adjustment ("BOA") are reviewed for factual correctness as well as correctness of the decision of the HPB in its interpretation and application of the LMC. If the HPB's conclusions are not deemed correct, the BOA should reverse the HPB's Determination of Significance. Ms. Stout asks the BOA to reverse the Determination of Significance for the reasons set forth below:

### **A. Finding of Fact 1 – "The accessory structure/garage and its northern addition at 360 Daly Avenue is within the Historic Residential 1 (HR-1) zoning district."**

The HPB conclusion that the Dilapidated Garage and the 360 Cabin are located in the HR-1 zoning district is correct. However, the HPB also concludes that the Dilapidated Garage is a "northern addition" to the 360 Cabin. The HPB bases its conclusion on a reading and interpretation of the 1907 Sanborn Insurance Map. Specifically, the HPB interprets the 1907 Sanborn Map as suggesting that the structure labeled "344" on Daly Avenue is the 360 Cabin and the smaller structure to the north, labeled "340" on Daly Avenue, is the Dilapidated Garage. The HPB's conclusions are erroneous for the following reasons:

The Dilapidated Garage is not an "Addition" to the 360 Cabin. In dimension, the Dilapidated Garage measured approximately 12 feet wide by 19 feet deep *before* the Dilapidated Garage Expansion. The 360 Cabin is substantially smaller. However, the 1907 Sanborn Insurance Map shows the 360 Cabin as the *larger* structure, when the Dilapidated Garage is actually the substantially larger structure. Additionally, the distance between the structures depicted as "344" and "340" is substantial on the Map but the two structures are actually only 106 inches apart. *See Exhibit O.* The distance between the structure depicted as "340" and the 1896 Residence, which is correctly depicted as "332", is also substantial on the Map, when in reality, the structure depicted as "340" and the concrete retaining wall of "332" (the 1896 Residence) overlap.

These discrepancies demonstrate that when the 1907 Sanborn Insurance Map was generated, not only was the Dilapidated Garage not associated with the 360 Cabin, it was not yet

constructed. The smaller structure labeled as “340” is not the Dilapidated Garage as concluded by the HPB, but is actually the present day 360 Cabin, whose size dimension on the 1907 Sanborn Insurance Map is consistent with its present day size. The “344” structure, like the majority of the structures of the era in that particular area, no longer exists.

In contrast to the 1907 Sanborn Insurance Map, the 1927 Sanborn Insurance Map shows an addition to the south side of the structure labeled as “344.” This increase in size suggests it’s even less likely that the “344” structure is the 360 Cabin, as concluded by the HPB. The 1927 Sanborn Insurance Map depicts the “344” structure as almost twice the size as the “340” structure, when in reality, the 360 Cabin is substantially smaller than the Dilapidated Garage. There are no known additions or alterations to the 360 Cabin and this confirms that the structure labeled as “340” is actually the 360 Cabin and not the Dilapidated Garage as concluded by the HPB.

The fact that the Dilapidated Garage suddenly and prominently appears on the 1941 Sanborn Insurance Map suggests it was built sometime between 1929 and 1941. In contrast to the 1907 and 1929 Maps respectively, the Dilapidated Garage (a) does not bear a house number; (b) is appropriately proportionate by both size and distance to the “340” structure; (c) is appropriately proportionate by both size and distance to 1896 Residence; (d) is labeled with an “A” instead of a “D”; and (e) exists on the north side of the “340” structure. The “344” structure is also no longer depicted, suggesting it was demolished sometime between 1929 and 1941.

These facts, while perhaps subtle, demonstrate that the HPB’s conclusion that structures “344” and “340” are the 360 Cabin and Dilapidated Garage is wrong. Consequently, the HPB’s conclusion that the Dilapidated Garage was built between 1900-1907 and is a “northern addition” to the 360 Cabin is also wrong.

A final and compelling piece of evidence that was overlooked by the HPB is the tax history of the Dilapidated Garage. The Utah State tax records confirm that the Dilapidated Garage was built to service the 1896 Residence and, therefore, was not in association with the 360 Cabin in any capacity. Specifically, the 1896 Residence Utah state tax records demonstrate that the Dilapidated Garage was owned by the 1896 Residence and provide rough dimensions of the Dilapidated Garage consistent with its present day size, as discussed above. See 1896 Residence Utah State Tax Records attached hereto as Exhibit C. Consequently, the HPB’s conclusion that the Dilapidated Garage was a “northern addition” to the 360 Cabin, or even associated with the 360 Cabin, in any capacity whatsoever, is in error and in direct contrast to the evidence presented.

**B. Finding of Fact 2 – “There is a historic cabin and a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue.”**

As discussed above, the Dilapidated Garage straddles the property line between PCMC’s property located at 360 Daly Avenue and the Stout Property located at 336 Daly Avenue. Indeed, the Dilapidated Garage encroaches on the Stout Property by approximately 5.5 feet. Consequently, the HPB’s conclusion that the Dilapidated Garage is located entirely at 360 Daly Avenue is in error.

C. **Finding of Fact 3 – “The existing accessory structure/garage has been in existence at 360 Daly Avenue since between 1900 and 1907. The structure appears in the 1907 Sanborn Fire Insurance Maps.”**

As discussed above in Findings of Fact 1 and 2, the HPB’s conclusions that the (1) Dilapidated Garage exists solely at 360 Daly Avenue; (2) Dilapidated Garage was constructed between 1900 and 1907; and (3) the Dilapidated Garage appears on the 1907 Sanborn Fire Insurance Maps are all in error. A careful examination of the subtleties in the maps and tax records proves that the Dilapidated Garage straddles two properties and was not built until sometime after 1929.

D. **Finding of Fact 4 – “The accessory structure/garage was built between 1900 and 1907 during the Mature Mining Era (1894-1930).”**

As discussed above in Findings of Fact 1 through 3, and as discussed below, the HPB’s conclusions that the (1) Dilapidated Garage was constructed between 1900 and 1907; and (2) Dilapidated Garage was built during the Mature Mining Era are incorrect. The evidence indicates that the Dilapidated Garage was built sometime between 1929 and 1941.

E. **Finding of Fact 5 – “The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.”**

As discussed above in Findings of Fact 1 through 4, the HPB’s determination that the Dilapidated Garage was built out of material “readily available” during the “Mature Mining Era” is incorrect. The HPB bases its determination that the construction materials referenced were “readily available” during the Mature Mining Era on absolutely no evidence whatsoever, rendering its conclusion completely arbitrary. The HPB’s erroneous conclusion prematurely forecloses on any possibility that the Dilapidated Garage’s construction material could have been available and utilized in any subsequent Historic Era. Moreover, as discussed in Finding of Fact 4, Ms. Stout finds error with the HPB’s conclusion that the Dilapidated Garage was constructed during the Mature Mining Era.

F. **Finding of Fact 6 – “The accessory structure/garage is a single-cell plan and typical of the accessory structure built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material.”**

As discussed above in Findings of Fact 1 through 5, and as discussed below, the HPB’s conclusion that the Dilapidated Garage Expansion was (1) “minor;” and (2) was constructed using the “same material” as the original Dilapidated Garage is incorrect. The Dilapidated Garage Expansion added approximately 5.5 feet to the front façade and runs approximately 19 feet deep, which is the entire length of the Dilapidated Garage. This adds an additional 104 square feet to the original size of approximately 247 square feet, adding approximately 42% additional square feet. Consequently, the HPB’s conclusion that the Dilapidated Garage Expansion is “minor” is erroneous.

Additionally, the exact date of the Dilapidated Garage Expansion is unknown. Although it appears that the Dilapidated Garage Expansion utilizes some of the same material as the original Dilapidated Garage, the Dilapidated Garage Expansion also contains other mediums of material, including scrap metal sheeting. Therefore, the HPB's conclusion that the Dilapidated Garage Expansion utilizes only the "same material" as the original Dilapidated Garage is erroneous.

**G. Finding of Fact 7 – "The site meets the following criteria as Significant on the City's Historic Sites Inventory."**

The HPB's conclusion that the Dilapidated Garage is "Significant" is erroneous as discussed below.

**H. Finding of Fact 8 – "Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years."**

As discussed above in Findings of Fact 1 through 7, the HPB's conclusion that the Dilapidated Garage was constructed between 1900 and 1907 is erroneous.

**I. Finding of Fact 9 – "The structure has retained its Essential Historical Form."**

As discussed below in Conclusion of Law 1(b)(iv), the HPB's determination that the Dilapidated Garage retains its Essential Historical Form is erroneous.

**J. Finding of Fact 10 – "The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930)."**

As discussed above in Findings of Fact 1 through 9, the HPB's conclusion that the Dilapidated Garage was constructed in the Mature Mining Era is erroneous.

**K. Conclusion of Law 1(a) – "It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community (built between 1900-1907)."**

As discussed above in Findings of Fact 1-10, the HPB's conclusion that the Dilapidated Garage was built between 1900 and 1907 is erroneous.

**L. Conclusion of Law 1(b)(iv) – "It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include: (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way."**

The Dilapidated Garage Expansion constituted a major alteration, which added approximately 42% to the original construction. The Expansion obscures the Essential Historical Form from the primary public right-of-way. The construction material used for the Dilapidated Garage includes scrap metal sheeting, and the entire north side of the Dilapidated Garage

Expansion is coated with sheet metal and hides any material beneath it that may be indicative of a historic building. *See* photograph of the north side of the Dilapidated Garage Expansion attached hereto as Exhibit P. The Dilapidated Garage Expansion is readily open and visible from Daly Avenue and constitutes the primary view of the Dilapidated Garage in its entirety. *See* a photograph of the Primary View attached hereto as Exhibit Q. As a result, any member of the public traveling up Daly Avenue sees a Dilapidated Garage with sheet metal siding running the entire north side length rather than an Essential Historical Form.

**K. Conclusion of Law 1(c)(1) – “It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following: (i) An era of Historic importance to the community (*Mature Mining Era (1894-1930)*).**

As discussed above in Findings of Fact 1 through 10, the HPB’s conclusion that the Dilapidated Garage was constructed in the Mature Mining Era is erroneous.

**III. LESS BURDENSOME SOLUTION TO PRESERVING THE DILAPIDATED GARAGE, IF PRESERVATION IS THE CITY’S DESIRE**

As discussed above, the Dilapidated Garage encroaches onto the Stout Property by approximately 5.5 feet to 8.6 feet (“PCMC Encroachment”). The PCMC Encroachment negatively alters the applicable setback requirements for a new construction residence on the Stout Property and therefore renders the Stout Property unusable. By allowing the Dilapidated Garage to continue to encroach on the Stout Property, PCMC is essentially taking Ms. Stout’s property from her. There is a better solution Ms. Stout is willing to allow PCMC onto her property to relocate the Dilapidated Garage entirely onto the PCMC property. This solution allows PCMC to preserve the Dilapidated Garage, if that is truly the City’s desire, without taking Ms. Stout’s property from her.

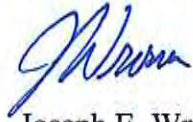
**IV. CONCLUSION**

For the forgoing reasons, Ms. Stout appeals the HPD’s determination that the Dilapidated Garage is Significant. The HPB erred on multiple findings of fact and conclusions of law, including the age of the Dilapidated Garage and subsequent significant alterations, which obscure the Essential Historical Form. While it is certainly true that the mapping evidence must be very carefully reviewed to grasp its significance, the evidence all points to the fact that the Dilapidated Garage was not constructed in the Mature Mining Era and was never an addition to the 360 Cabin. The Dilapidated Garage is simply a very old and dangerous, insignificant structure that the City wanted demolished until two weeks ago. Consequently, the HPB’s Determination of Significance should be reversed. If the City truly desires to preserve the structure, Ms. Stout will cooperate in allowing the Dilapidated Garage to be moved the necessary distance so it resides wholly on PCMC property.



Respectfully Submitted,

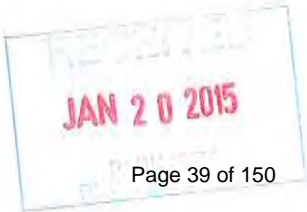
WRONA GORDON & DUBOIS, P.C.



Joseph E. Wrona

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# Exhibit A



1907

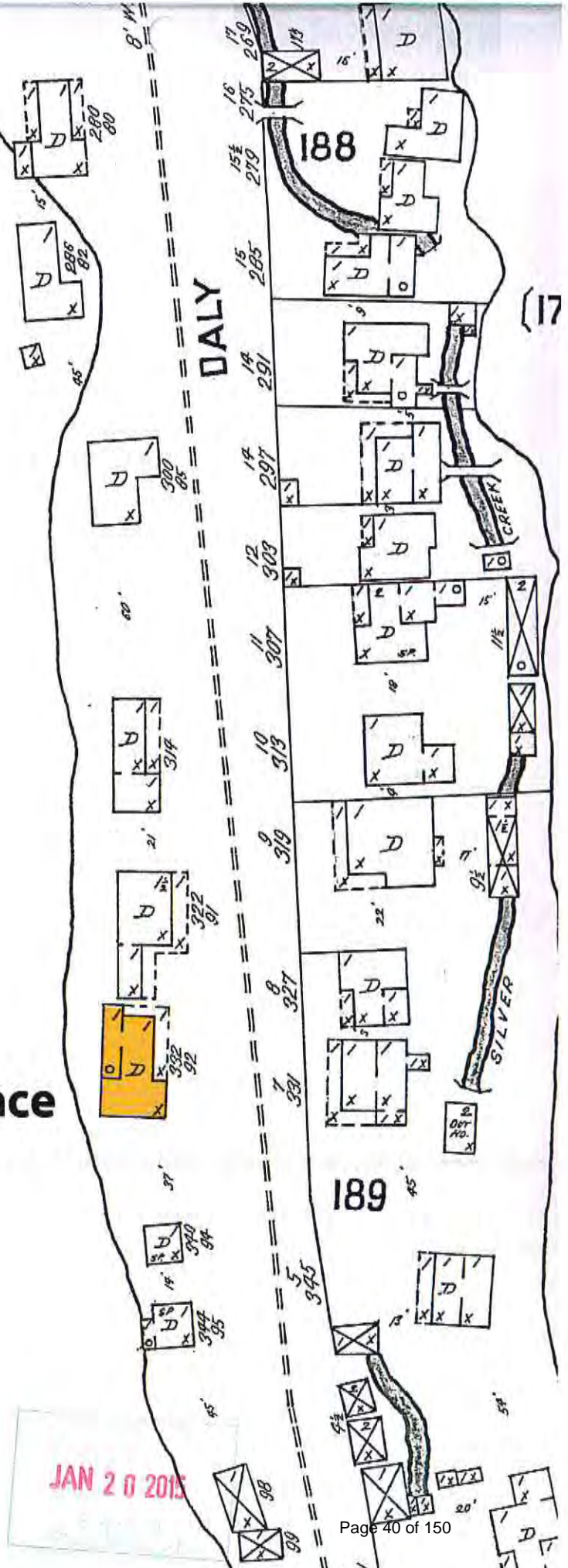
1896 Residence

STEEP HILLS

(174)

DALY

(17)





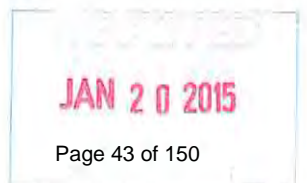
# Exhibit B





JAN 20 2015

# Exhibit C



PC640  
Serial Number

.....OP.....  
Card Number

Name \_\_\_\_\_

of Bldg. 1-5 St. No. 332 Daly Ave  
Type 1 2 3 4 Cost \$ \_\_\_\_\_ X \_\_\_\_\_ %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x x	737		\$ 2080	\$
	x x				
	x x				

Alt. Gar. - C.P. \_\_\_\_\_ x \_\_\_\_\_ Fir. \_\_\_\_\_ Walls \_\_\_\_\_ Cl. \_\_\_\_\_

Description of Buildings	Additions	Additions	
Foundation—Stone _____ Conc. _____ Sills <input checked="" type="checkbox"/>			
Ext. Walls <u>Brick/teso CI</u>			
Roof Type <u>Gable</u> Mtl. <u>CI</u>			
Dormers—Small _____ Med. _____ Large _____			
Bays—Small _____ Med. _____ Large _____			
Porches—Front <u>all</u> 188 @ 100	188		
Rear _____ @			
Porch _____ @			
Planters _____ @			
Ext. Base. Entry _____ @			
Cellar-Bsmt. — 1/4 1/2 3/4 Full _____ Floor _____			
Bsmt. Gar. _____			
Basement-Apt. _____ Rms. _____ Fin. Rms. _____			
Attic Rooms Fin. _____ Unfin. _____			
Plumbing {	550		
			Class _____ Tub _____ Trays _____
			Basin _____ Sink _____ Toilet _____
			Wtr. Sfr. _____ Shr. St. _____ O.T. _____
Dishwasher _____ Garbage Disp. _____			
Heat—Stove <input checked="" type="checkbox"/> H.A. _____ FA _____ HW _____ Stkr _____ Elec. _____			
Oil _____ Gas _____ Coal <input checked="" type="checkbox"/> Pipeless _____ Radiant _____			
Air Cond. — Full _____ Zone _____			
Finish—Fir. <input checked="" type="checkbox"/> Hd. Wd. _____ Panel _____			
Floor—Fir. <input checked="" type="checkbox"/> Hd. Wd. _____ Other _____			
Cabinets _____ Mantels _____			
Tile—Walls _____ Wainscot _____ Floors _____			
Storm Sash—Wood D. _____ S. _____ Metal D. _____ S. _____			
Awnings — Metal _____ Fiberglass _____			

Total Additions 737

Year Built 1896 Avg. 1.10% Replacement Cost 2818

Age 2. Obsolescence \_\_\_\_\_  
Inf. by { Owner - Tenant - Adj. Bld. Value  
Neighbor - Record - Est. Conv. Factor x.47

Replacement Cost—1940 Base \_\_\_\_\_

Depreciation Column 1 2 3 4 5 6 \_\_\_\_\_

1940 Base Cost, Less Depreciation \_\_\_\_\_

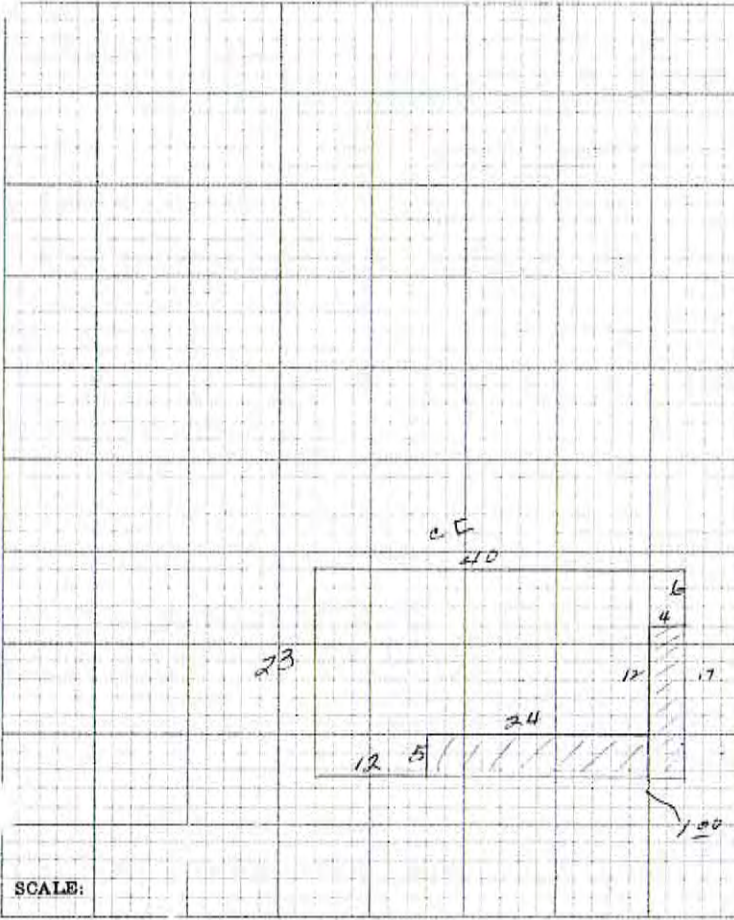
Total Value from reverse side 97

Total Building Value \$ \_\_\_\_\_

Appraised 11-5 68 By 1333

Appraised 19 By \_\_\_\_\_

JAN 20 2015



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Fac- tor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
<i>Roll Sheds. No Value</i>		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class <i>1.00</i>	Depr. 2% <i>6%</i>
Cars <i>1</i>	Floor <i>2x10</i> Walls <i>4x6</i> Roof <i>CI</i> Doors <i>1</i>
Size <i>17</i> x <i>19</i>	Age <i>1926</i> Cost <i>323</i> x 47%
1940 Base Cost _____ x <i>30</i> % Depr.	
Total <u><i>97</i></u>	

REMARKS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**SERIAL NO.**  
**RE-APPRAISAL CARD (1940 APPR. BASE)**

Owner's Name \_\_\_\_\_  
Owner's Address \_\_\_\_\_  
Location \_\_\_\_\_

Kind of Building RES Street No. \_\_\_\_\_  
Schedule 1 Class 3 Type 1-2-3-4 Cost \$ \_\_\_\_\_ X \_\_\_\_\_ %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
1	x x		732	\$	\$ 1519
	x x			\$	\$
	x x			\$	\$

No. of Rooms 4 Condition Fair

Description of Building	Add	Deduct
Foundation—Stone _____ Conc. <u>✓</u> None _____		
Ext. Walls <u>BRICKTEX</u>		
Insulated—Floors _____ Walls _____ Clgs. _____		
Roof—Type <u>GAB</u> Mat. <u>TIN</u>		22
Dormers—Small _____ Med. _____ Lg. _____		
Bays—Small _____ Med. _____ Lg. _____		
Porches—Front <u>186 @ .60</u>	112	
Rear _____ @ _____		40
Cellar—Basin't— $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ $\frac{1}{2}$ full-floor _____		
Basement Apts.—Rooms Fin. _____		
Attic Rooms Fin. _____ Unfin. _____		
Plumbing—{ Class _____ Tub _____ Trays _____ Basin _____ Sink _____ Toilet _____ Urns _____ Fns. _____ Shr. _____ Dishwasher _____ Garbage Disp. _____	245	
Heat—Stove _____ H. A. _____ Steam _____ S. _____ Blr. _____ Oil _____ Gas _____ Coal _____		
Air Conditioned _____ Incinerators _____		
Radiant—Pipeless _____		
Finish—{ Hd. Wd. _____ Floors—{ Hd. Wd. _____ Fir _____ Fir _____ Conc. _____		
Cabinets <u>PANTRY</u> Mantels _____	40	
Tile—{ Walls _____ Wainscot _____ Floors _____		
Lighting—Lamp _____ Drops <u>✓</u> Fix. _____		
<u>WOOD LINED</u>		100
Total Additions and Deductions	397	162
Net Additions or Deductions	167	

REPRODUCTION VALUE \$ 1754

Age 53 Yrs. by { Est. Owner \_\_\_\_\_  
Tenant \_\_\_\_\_  
Neighbors \_\_\_\_\_  
Records ✓ } Depr. 1-2-3-4-5-6 66/34 % \$ 596

Remodeled _____ Est. Cost _____	Remodeling Inc. _____ % \$ _____
Garage—S <u>8</u> C <u>1</u> Depr. 2% <u>8%</u>	Obsolescence _____ \$ _____
Cars <u>1</u> Walls <u>SHI</u>	Out Bldgs. _____ \$ _____
Roof <u>SHG</u> Size <u>13 x 10</u> Age <u>23</u>	_____ \$ _____
Floor <u>DIRT</u> Cost <u>130/21</u>	Depreciated Value Garage _____ \$ <u>40</u>

Remarks 41 - 1st Floor Remodeled Total Building Value \$ 6236  
old old CAR 45.46 (1931)

Appraised Oct 1949 By CHG I HJ



# RECORD OF ASSESSMENT OF IMPROVEMENTS

Summit COUNTY SERIAL NO. PC 640  
# 78

OWNER'S NAME Stimac, Katie

OWNER'S ADDRESS Park City

LOCATION 37th House W. side of Empire Canyon.

[Hand-drawn floor plan showing a rectangular layout with internal divisions and measurements on a grid background.]									
12'		15'		18'		21'		24'	
	10'		12'		15'		18'		21'

OUT BUILDINGS	Age	Size	Area	Factor	Cost	Depr. Value
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				

Form T. C. 74  
State of Utah State Tax Commission

JAN 20 2015

Serial No. PP 143

Location 37th House W side EMPIRE Canyon  
 Kind of Bldg. RES St. No. 1314 Ave  
 Class 2 Type 1 2 3 4 Cost \$ 1542 X 100 %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		132		\$ 1542
	x x				
	x x				

Gar.—Carpport  Flr.  Walls  Cl.

Description of Buildings	Additions
Foundation—Stone <input type="checkbox"/> Conc. <input type="checkbox"/> None <input checked="" type="checkbox"/>	
Ext. Walls <u>Brick on siding</u>	
Insulation—Floors <input type="checkbox"/> Walls <input type="checkbox"/> Clgs. <input type="checkbox"/>	
Roof Type <u>Asph</u> Mtl. <u>Tin</u>	
Dormers—Small <input type="checkbox"/> Med. <input type="checkbox"/> Large <input type="checkbox"/>	
Bays—Small <input type="checkbox"/> Med. <input type="checkbox"/> Large <input type="checkbox"/>	
Porches—Front <u>118'</u> @ <u>20</u> <u>113</u>	
Rear <input type="checkbox"/> @ <input type="checkbox"/>	
Porch <input type="checkbox"/> @ <input type="checkbox"/>	
Metal Awnings <input type="checkbox"/> Mtl. Rail <input type="checkbox"/>	
Basement Entr. <input type="checkbox"/> @ <input type="checkbox"/>	
Planters <input type="checkbox"/> @ <input type="checkbox"/>	
Cellar-Bsmt. — 1/4 1/2 3/4 Full <input type="checkbox"/> Floor <input type="checkbox"/>	
Bsmt. Apt. <input type="checkbox"/> Rooms Fin. <input type="checkbox"/> Unfin. <input type="checkbox"/>	
Attic Rooms Fin. <input type="checkbox"/> Unfin. <input type="checkbox"/>	
Plumbing { Class <u>1</u> Tub <input type="checkbox"/> Trays <input type="checkbox"/>	90
Basin <input type="checkbox"/> Sink <u>1</u> Toilet <u>1</u>	
Wtr. Sfr. <input type="checkbox"/> Shr. St. <input type="checkbox"/> O.T. <input type="checkbox"/>	
Dishwasher <input type="checkbox"/> Garbage Disp. <input type="checkbox"/>	
Build-in-Appliances <input type="checkbox"/>	
Heat—Stove <input type="checkbox"/> H.A. <input type="checkbox"/> Steam <input type="checkbox"/> Stkr. <input type="checkbox"/> Blr. <input type="checkbox"/>	
Oil <input type="checkbox"/> Gas <input type="checkbox"/> Coal <input type="checkbox"/> Pipeless <input type="checkbox"/> Radiant <input type="checkbox"/>	
Air Cond. <input type="checkbox"/>	
Finish—Flr <u>1</u> Hd. Wd. <input type="checkbox"/>	
Floor—Flr <u>1</u> Hd. Wd. <input type="checkbox"/> Other <input type="checkbox"/>	
Cabinets <u>Partic</u> Mantels <input type="checkbox"/>	
Tile—Walls <input type="checkbox"/> Wainscot <input type="checkbox"/> Floors <input type="checkbox"/>	
Storm Sash—Wood D. <input type="checkbox"/> S. <input type="checkbox"/> ; Metal D. <input type="checkbox"/> S. <input type="checkbox"/>	
Total Additions	203 203

Year Built <u>1953</u>	Avg. Age <u>62</u>	Current Value	\$ 1745
Inf. by { Owner - Tenant <u>1/1</u>	Neighbor - Record - Est.	Bldg. Value	
Remodel Year	Est. Cost	Depr. Col. 1 2 3 4 5 6 <u>20</u> %	
Garage—Class <input type="checkbox"/>	Depr. 2% 3%	Current Value Minus Depr.	\$ 523
Cars <input type="checkbox"/>	Floor <u>Part</u> Walls <u>Part</u> Roof <input type="checkbox"/> Doors <input type="checkbox"/>		
Size— <u>14</u> x <u>12</u> Age <u>1953</u>	Cost <u>119</u> x <u>30</u> %		<u>36</u>
Other <input type="checkbox"/>		Total Building Value	\$

Appraised 1953 By 1302

JAN 20 2015



KIND OF BUILDING	19 58	19 59	19 60	19 61	19 62	19	19	19	19	19
GARAGE	36	36	36	36	36					
RESIDENCE	523	523	523	523	523					
TOTAL	559									
ASSESSED VALUE	205				225					
KIND OF BUILDING	19	19	19	19	19	19	19	19	19	19
GARAGE										
RESIDENCE										
TOTAL										
ASSESSED VALUE										

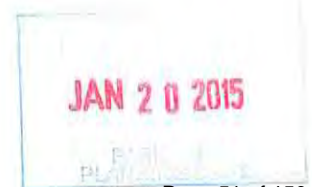
JAN 20 2015

RES. OR COMM.	1970	19	19	19	19	19	19	19	19	19
GARAGE										
RESIDENCE	998									
TOTAL										
EQUALIZATION FACTOR	X .20	X	X	X	X	X	X	X	X	X
NET TOTAL										
ASSESSED VALUE	700									

AGRICULTURAL BLDGS.	19	19	19	19	19	19	19	19	19	19
TOTAL										
EQUALIZATION FACTOR	X	X	X	X	X	X	X	X	X	X
NET TOTAL										
ASSESSED VALUE										

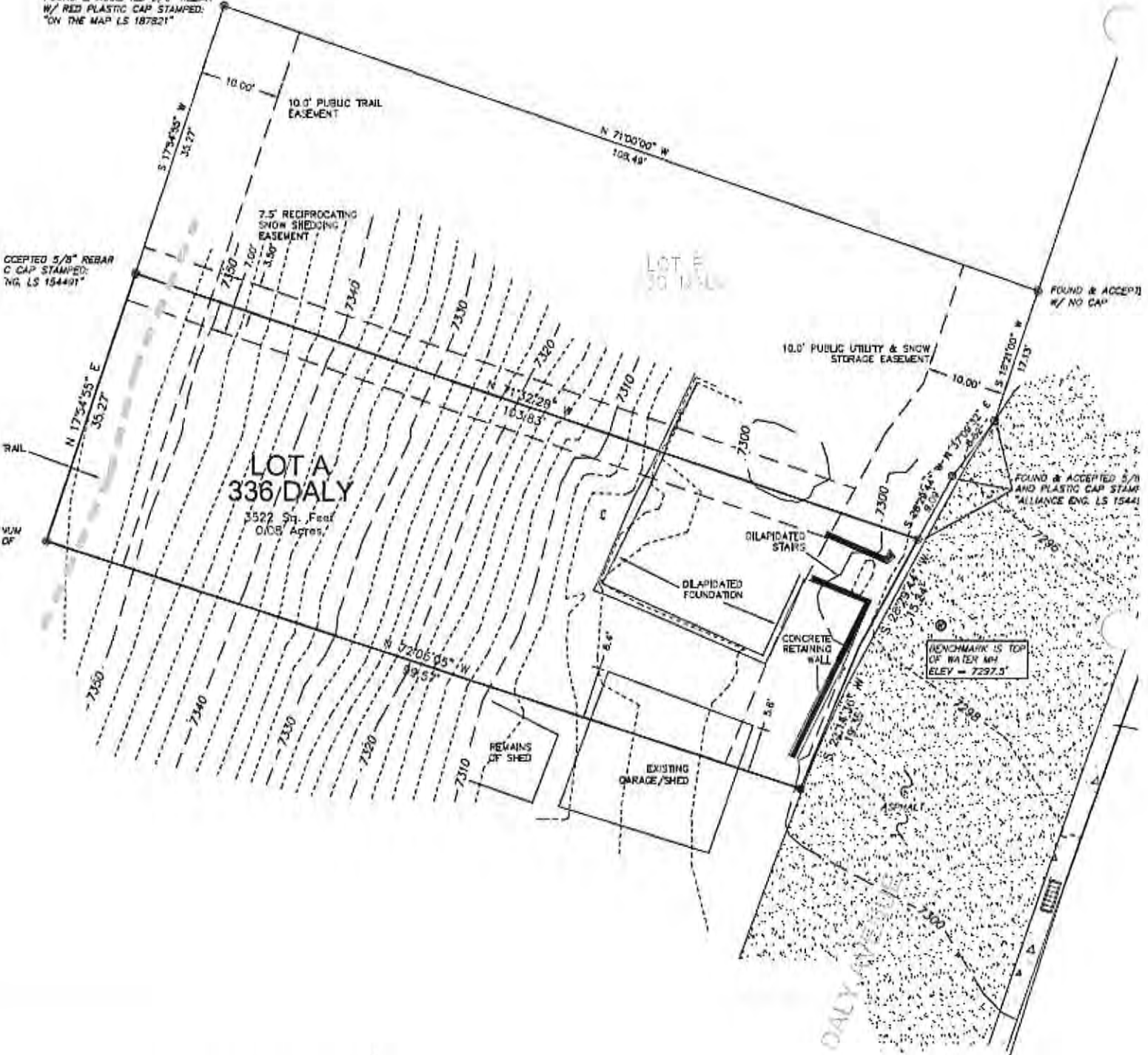
RECEIVED  
JAN 20 2015  
CITY OF...

# Exhibit D



FOUND & ACCEPTED 5/8" REBAR  
W/ RED PLASTIC CAP STAMPED:  
"ON THE MAP LS 187821"

ACCEPTED 5/8" REBAR  
C CAP STAMPED:  
"NG, LS 154491"



**LOT A**  
**336 DALY**  
3522 Sq. Feet  
0.08 Acres

**LOT E**  
39,146

BENCHMARK IS TOP  
OF WATER MH  
ELEV = 7297.5'

**LEGEND**

- SET 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED: "C.BRAUN PLS 5152804"
- ⊙ FOUND REBAR W/ CAP (AS DESCRIBED)
- ⊙ WATER MANHOLE
- ▭ CATCH BASIN

**JAN 20 2015**

# Exhibit E



(174)

(173)

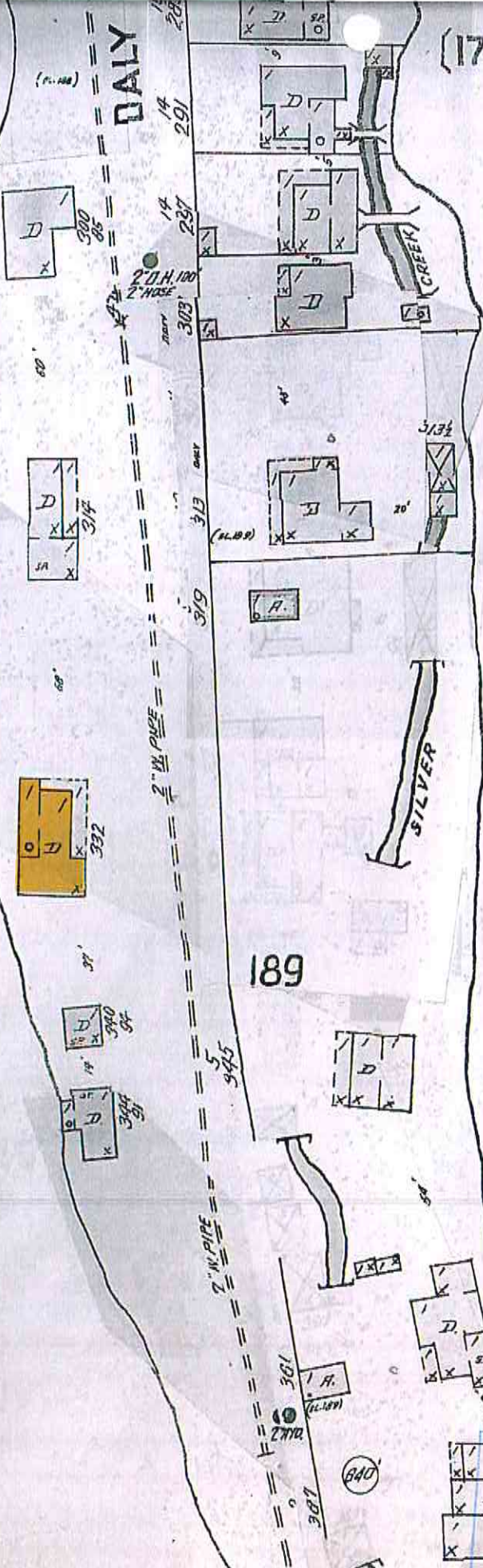
STEEP

STEEP

NO

1929

1896 Residence



189

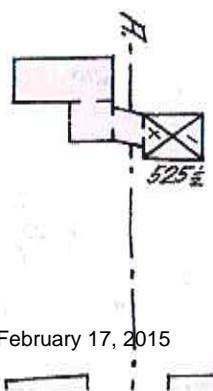
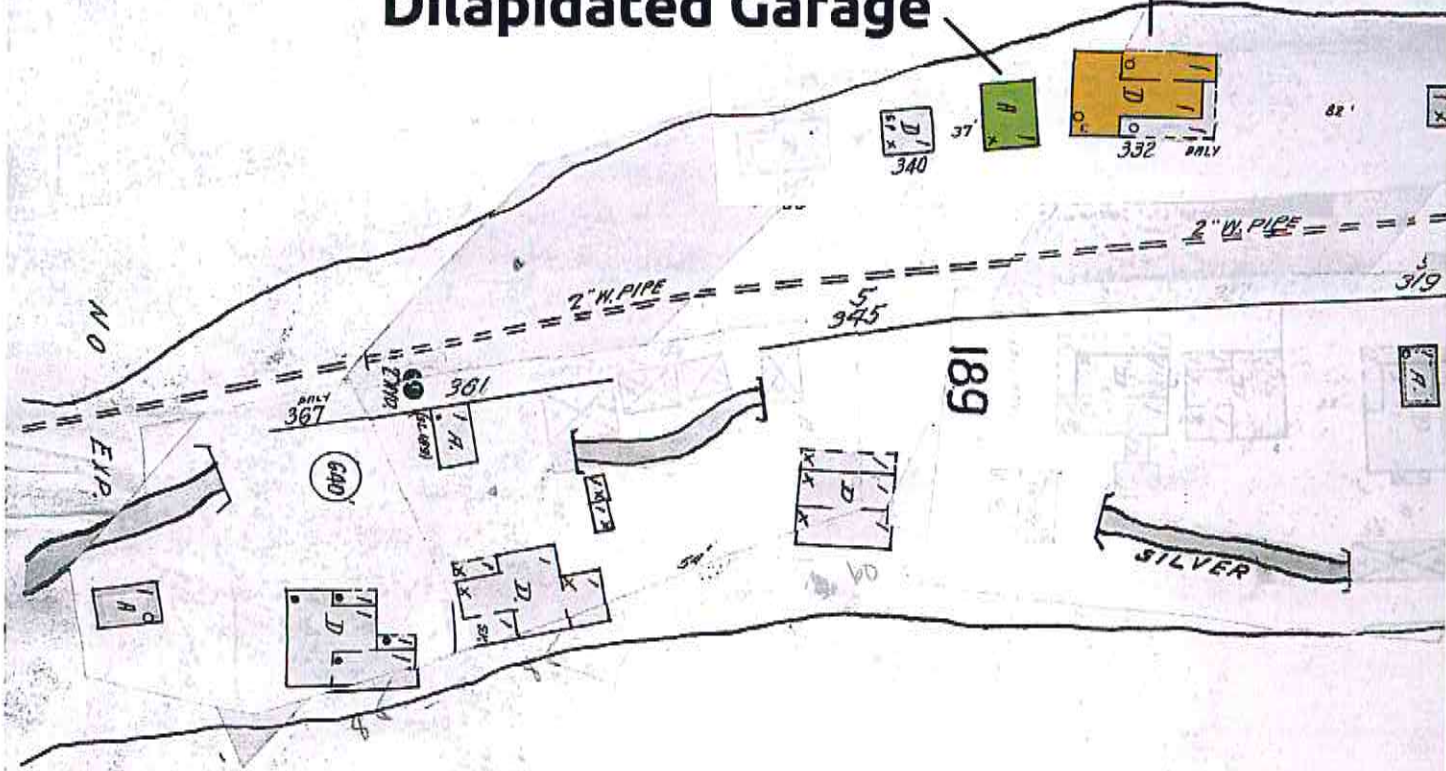
JAN 20 2015

# Exhibit F



**1941**

**1896 Residence**  
**Dilapidated Garage**



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201



# Exhibit G





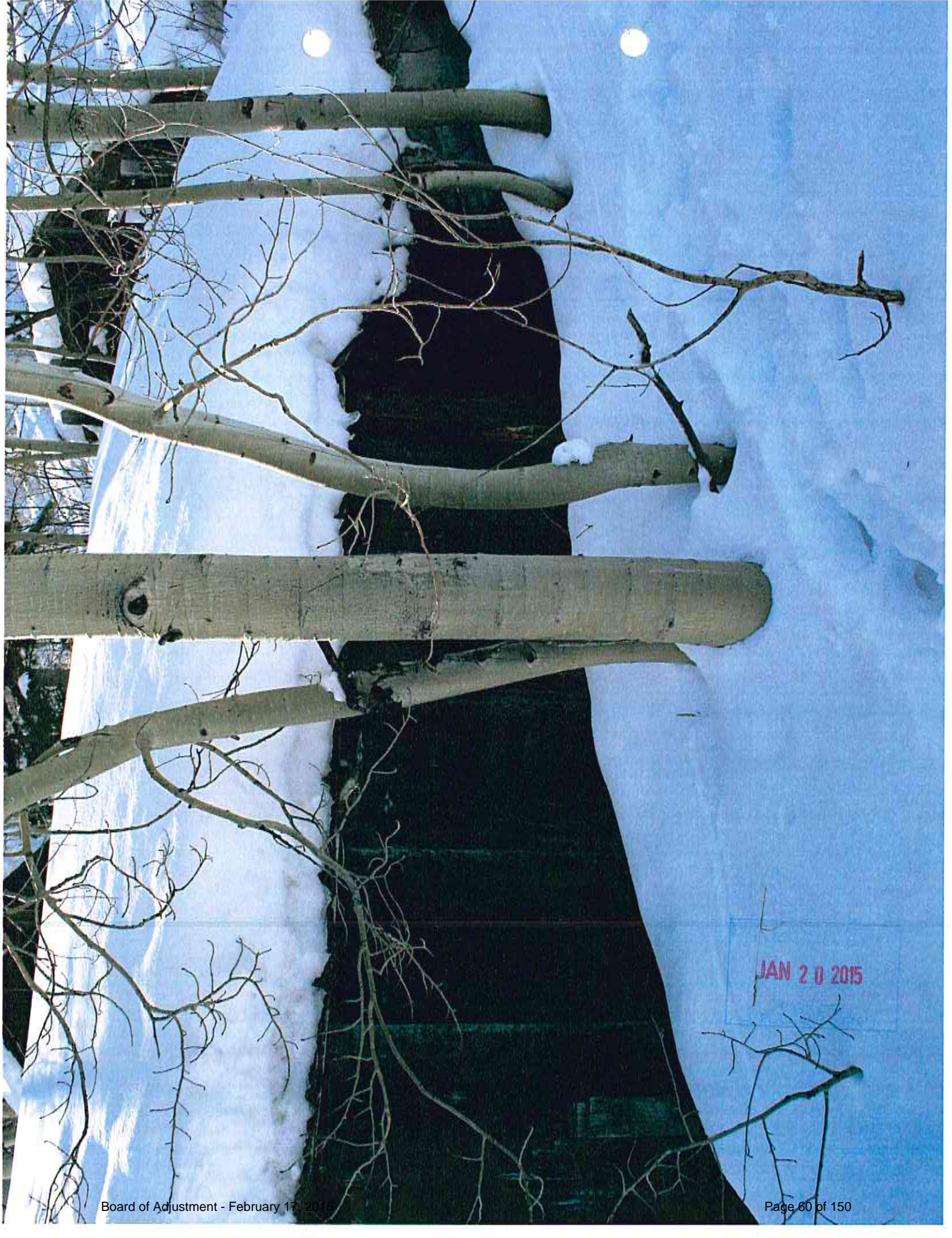
5.5'

19'

JAN 20 2015

# Exhibit H







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# Exhibit I



PARK CITY PLANNING DEPARTMENT  
STAFF REPORT

TO: HISTORIC DISTRICT COMMISSION  
FROM: PLANNING STAFF  
DATE: MAY 20, 1996  
RE: 332 DALY AVENUE - CERTIFICATE FOR APPROPRIATENESS FOR  
DEMOLITION

---

On March 25, 1996, the Planning Department received an application for the demolition of the outbuilding at 332 Daly Avenue. The applicant, in an attached letter, has indicated that a one story residence existed on the property but was demolished in 1984. The garage was slated for demolition as well however the work was never completed.

Following an inspection by the Community Development Department, the structure was found to be in poor condition and structurally unsound. The Community Development Department determined the structure insignificant based upon the standards set forth in Section 4.13(a) of the Land Management Code. Therefore, this request is scheduled as an information item only. If the HDC agrees with the staff determination, the Community Development Department will issue a CAD. The staff's Findings, Conclusions of Law and Condition of Approval are outlined below:

FINDINGS

1. The structure is located within Park City's Historic District.
2. The Community Development Department conducted an inspection of the site and found the garage in a deteriorated condition.
3. The structure does not represent the work of a master.
4. Although outbuildings were common and document a specific process in the growth of Park City, the primary structure which the garage was associated with no longer exists.

CONCLUSIONS OF LAW

1. The garage is of minimal historic significance because of its condition.
2. The structure does not demonstrate a quality of mining significance in local and state history, architecture, and integrity of location, design, setting, and workmanship.

JAN 20 2015

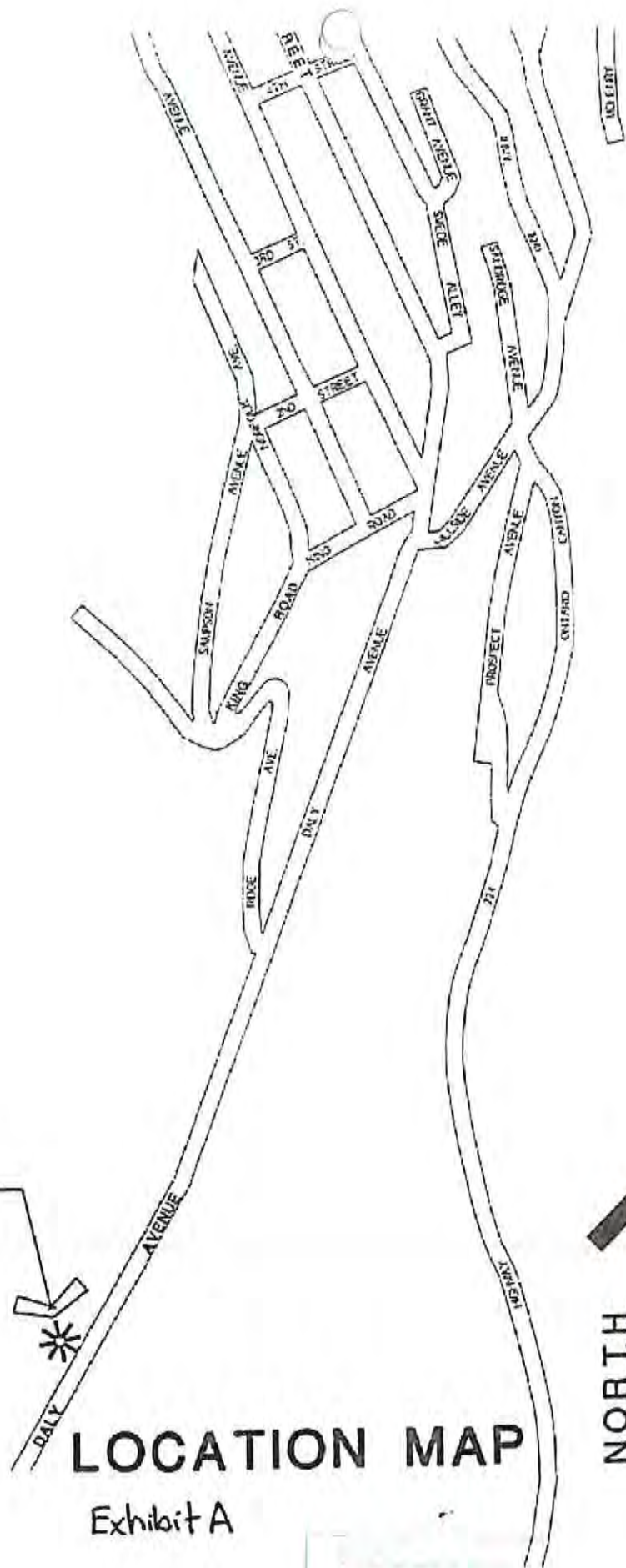
**CONDITIONS OF APPROVAL**

1. According to Section 4.17(d) of the Land Management Code, the CAD shall expire on May 20, 1997.

**EXHIBITS**

- Exhibit A - Location Map
- Exhibit B - Applicant's Letter
- Exhibit C - Site Plan
- Exhibit D - Photographs





332 DALY AVENUE

# LOCATION MAP

Exhibit A



PC-630-D  
332 Daly Avenue  
Statement Attached to Demolition Permit Application  
Historic Background

Applicant acquired the subject property (a portion of the Washington Millsite) from United Park City Mines Company by deed dated October 14, 1975. At the time of acquisition a one story residence existed on the property known as 332 Empire Canyon and was also described on Summit County tax plats as the 37th House on Daly Avenue. This house was also sometimes referred to as the old Dan Murphy house. The shed or garage that is the subject of this application was located south of the one story residence. The southerly line of the Washington Millsite bisected the shed or garage, that is, the shed straddled the property line between the Washington Millsite acquired by applicant and property to the south retained by United Park City Mines Company. At the time of acquisition of the land by applicant, the residence on the property was occupied by J. Brian and Marjorie Whitesides who had received a quit-claim deed to the improvements on the property dated April 16, 1970 from a Karen N. Wright. The shed was used by Whitesides as a garage. Applicant acquired the interest of Whitesides in the improvements on the property (the residence and shed) by quit-claim deed dated August 30, 1984. The residence was demolished at that time. Concurrent therewith Applicant entered into a Easement and Demolition Agreement with Whitesides dated August 30, 1984 permitting Whitesides the continued use of the shed or garage for a thirty month period at the end of which Whitesides were to demolish the shed. Whitesides subsequently discontinued use of the shed but did not demolish it. This application seeks to carry out the demolition.

The previously demolished residence and the subject shed were among numerous structures located on the Washington Millsite at the time of acquisition by Applicant. The original occupants of most if not all of these buildings were persons employed at various times by United Park City Mines Company. United Park allowed its employees to construct and occupy residences on the Millsite but did not transfer title to the land to the occupants. Applicant has no further records as to the age of the shed. Applicant has also inquired of United Park City Mines Company and United Park has indicated that it has no records either.

Exhibit B

JAN 20 2015

114 Avenue

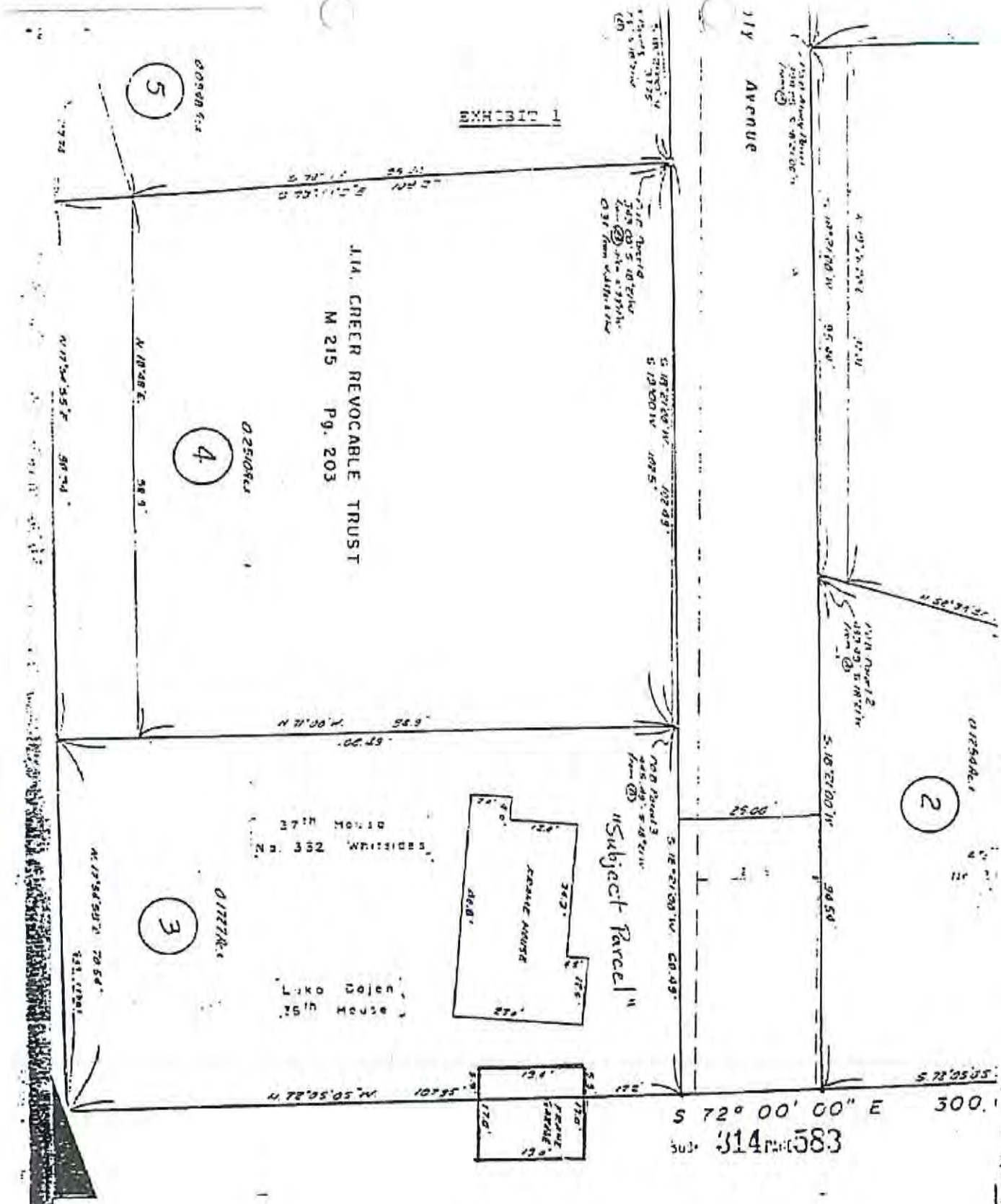


Exhibit C

JAN 20 2015

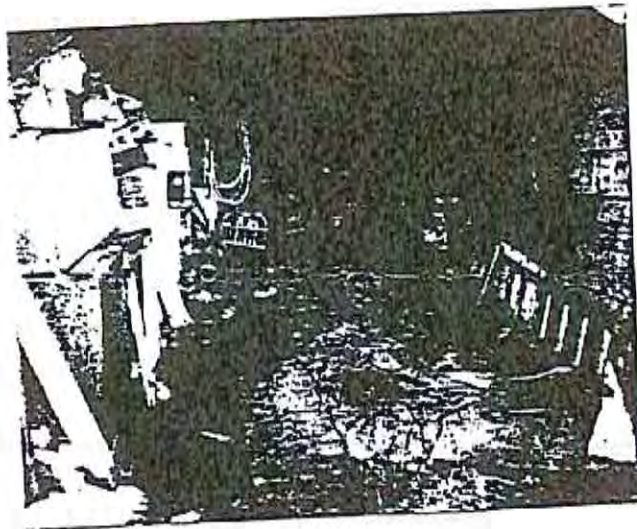


Exhibit D



HANK ROTHWELL  
PRESIDENT

February 28, 1996

Park City Municipal Corporation  
P.O. Box 1480  
Park City, Utah 84060

Gentlemen,

United Park City Mines Company is the owner of property immediately to the south of a .17 acre parcel of land on Daly Avenue owned by Royal Street Land Company. There is an old shed that is located partially on the Royal Street Land Company property and partially on the United Park City Mines Company property. United Park City Mines Company has no objection to the application by Royal Street Land Company for a demolition permit for removal of the shed or to actual removal of the shed. Please advise if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Hank Rothwell", is written below the word "Sincerely,".



P.O. BOX 1450, PARK CITY, UTAH 84060. (801) 649-8011



JUN 06 '96 09:20AM ROYAL STREET

DEER VALLEY RESORT COMPANY  
REAL ESTATE DIVISION  
7620 ROYAL STREET EAST, SUITE 205  
P. O. BOX 1067  
PARK CITY, UTAH 84060  
TELEPHONE (801) 649-1261; FAX (801) 649-9848

DATE: June 6, 1996  
TO: Chris Child - Bald Eagle Realty  
At Fax #: 649-4232  
FROM: Bob Wells  
RE: .17 Acres - Daly Avenue  
# Pages incl cover: 1

Per our telephone discussion, I contacted Janice Law regarding procedure on the demolition permit application for the shed on the subject property. She indicated that the City does not send out a form like they do on conditional-use applications. The demolition has been approved and the next step is to go in to the Building Department and pull the permit for demolition. The Planning Department will sign off on the permit prior to issuance. Janice indicated that they would prefer that the permit not be pulled until plans were submitted for construction on the property but such was not a condition of the approval. I actually submitted a demolition permit application with the package that got approved but my guess is that a new one would be required to be filled out in the process. Please let me know if any questions.

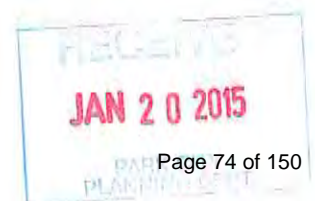
Bob Wells

6/10

Ey I Ship/Tom

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PLANNING DEPARTMENT

# Exhibit J





JAN 20 2015  
PARK CITY  
PLANNING DEPT.



JAN 20 2015  
PLANNING DEPT

# Exhibit K



1907

STEEP HILLS

(174)

360 Cabin

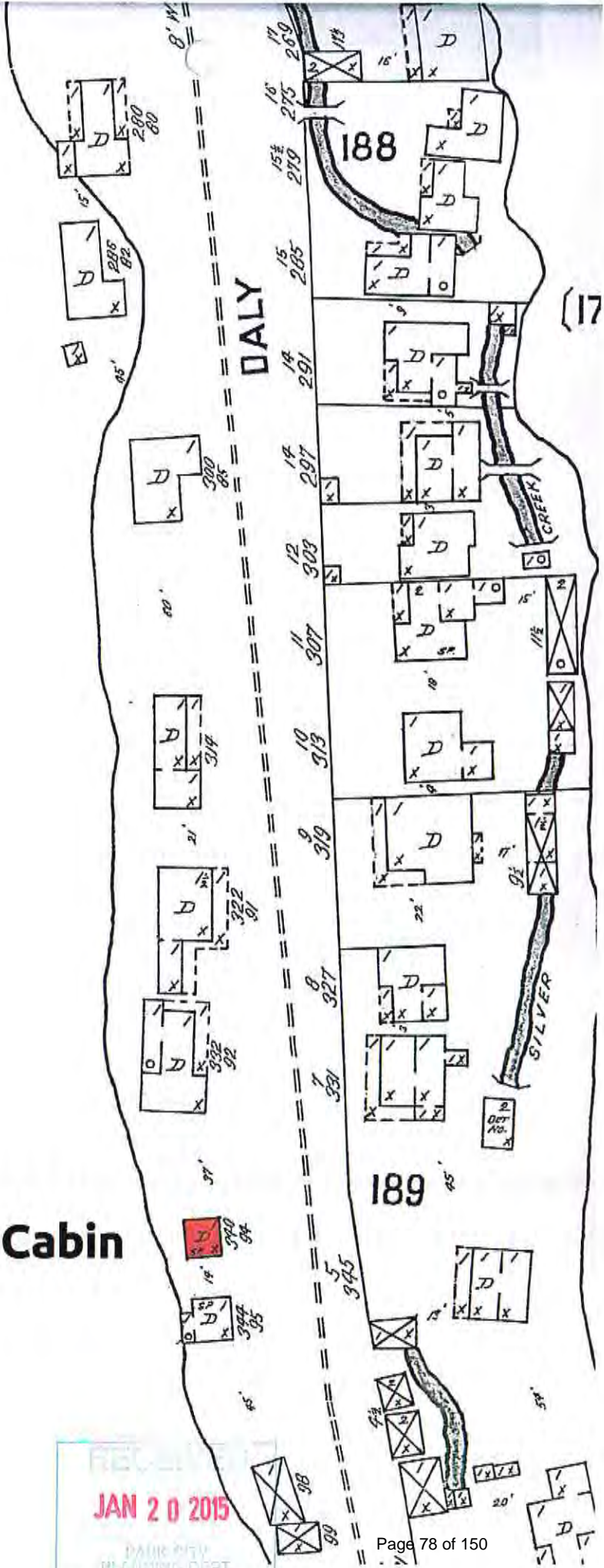
DALY

189

188

(17)

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PAIR CITY  
PLANNING DEPT.



(174)

(173)

STEEP

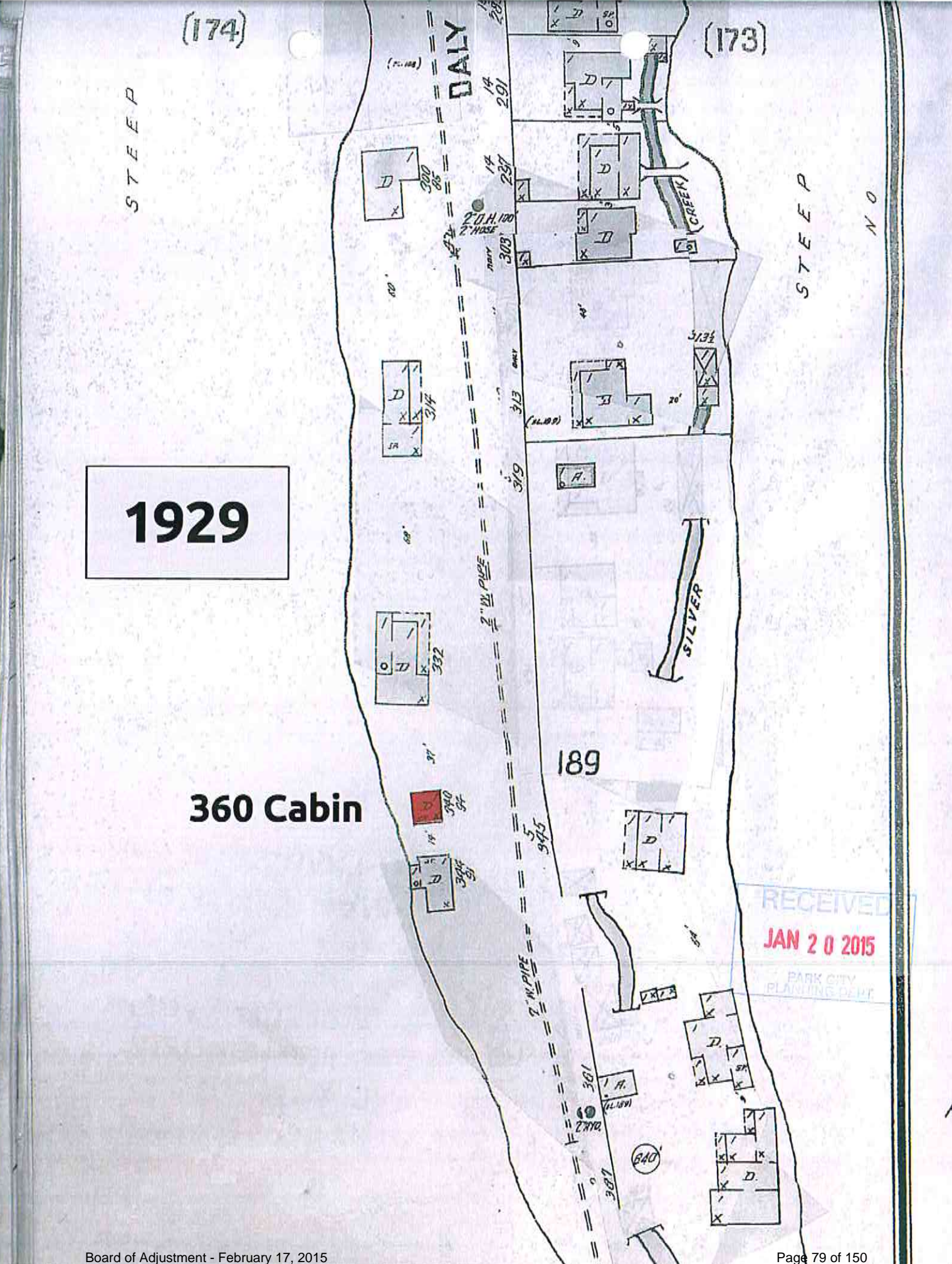
STEEP

NO

1929

360 Cabin

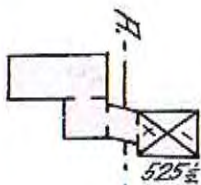
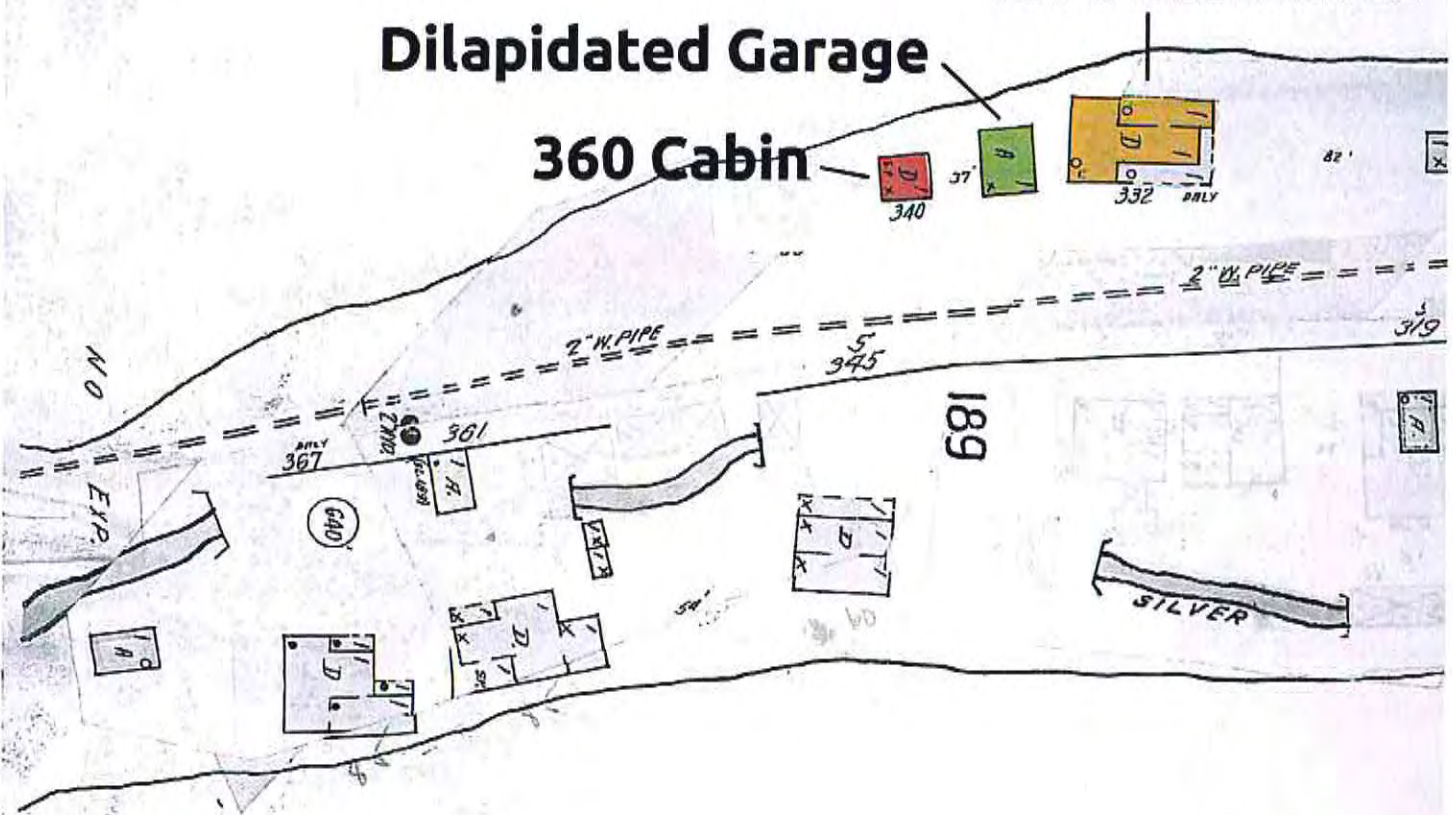
189



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 PARK CITY  
 PLANNING DEPT

1941

1896 Residence  
Dilapidated Garage  
360 Cabin



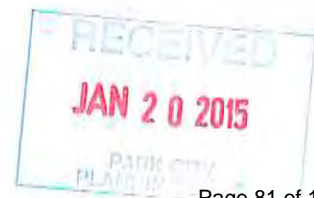
201

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340



# Exhibit L



# HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

## 1 IDENTIFICATION

Name of Property:

Address: 360 Daly Avenue

City, County: Park City, Summit County, Utah

Current Owner Name:

Current Owner Address:

Legal Description (include acreage):

AKA:

Tax Number:

Parent Parcel(s):

## 2 STATUS/USE

### Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

### Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

### Reconstruction

- Date:
- Permit #:
- Full
  - Partial

### Use

Original Use: Residential  
Current Use: Residential

\*National Register of Historic Places:  ineligible  eligible  
 listed (date: )

## 3 DOCUMENTATION

### Photos: Dates

- tax photo:
- prints: 1995 & 2006
- historic: c.

### Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

### Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn Maps
- obituary index
- city directories/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

- Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.  
Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.  
McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.  
Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.  
Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

## 4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Single cell type

No. Stories: 1

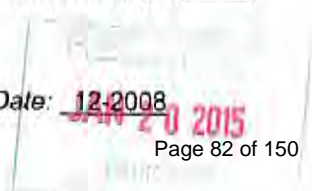
Additions:  none  minor  major (describe below) Alterations:  none  minor  major (describe below)

Number of associated outbuildings and/or structures:  accessory building(s), # 1;  structure(s), # \_\_\_\_\_

General Condition of Exterior Materials:

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation

Date: 12-2008



- Good (Well maintained with no serious problems apparent.)
- Fair (Some problems are apparent. Describe the problems.):
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Foundation: None

Walls: Vertical plank.

Roof: Gable roof form sheathed in wooden shingles.

Windows/Doors: None, but openings include square window openings and a doorway into the main cell and doorway into the shed addition.

Essential Historical Form:  Retains  Does Not Retain, due to:

Location:  Original Location  Moved (date \_\_\_\_\_) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame single cell house is an uninhabitable ruin, but retains its essential historical form. The windows and doors have been removed, the roof is near collapse, and the siding and roofing materials are severely weathered.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting is a small wooded lot with a severe uphill slope in the rear yard. North of the main building is a large frame accessory building, also in severe disrepair.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The single cell is an early house type in Utah and may have been constructed during the Settlement & Mining Boom Era; however, it is deteriorated and lacking important elements--windows, etc.--such that it would not be eligible for listing in the National Register of Historic Places.

### 5 SIGNIFICANCE

Architect:  Not Known  Known: (source: )

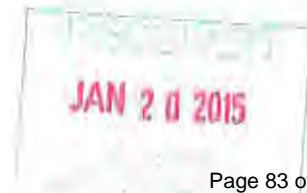
Date of Construction: c. 1892

Builder:  Not Known  Known: (source: )

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

#### 1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)



Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.<sup>1</sup>

2. **Persons** (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. **Architecture** (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

## 6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

**Photo No. 1:** Northwest oblique. Camera facing southeast, 2006.

**Photo No. 2:** Accessory building. Camera facing northeast, 2006.

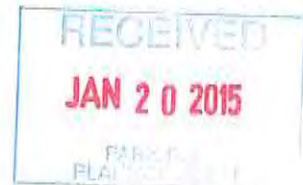
**Photo No. 3:** Northwest oblique with accessory building. Camera facing southeast, 1995.

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<sup>1</sup> From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.



# Exhibit M

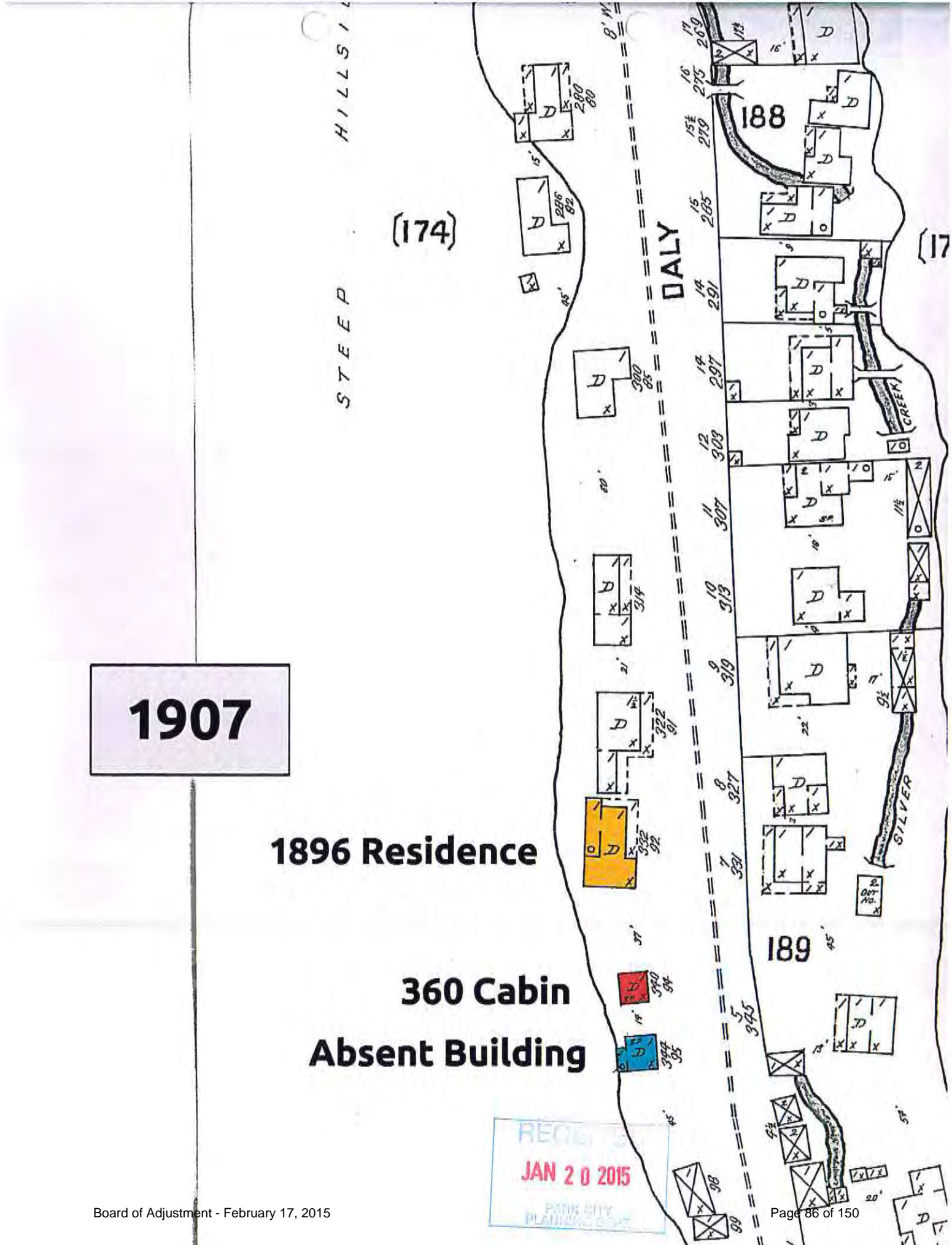


1907

1896 Residence

360 Cabin  
Absent Building

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JAN 20 2015  
POTTS CITY  
PLANNING DEPT



(174)

(173)

STEEP

STEEP

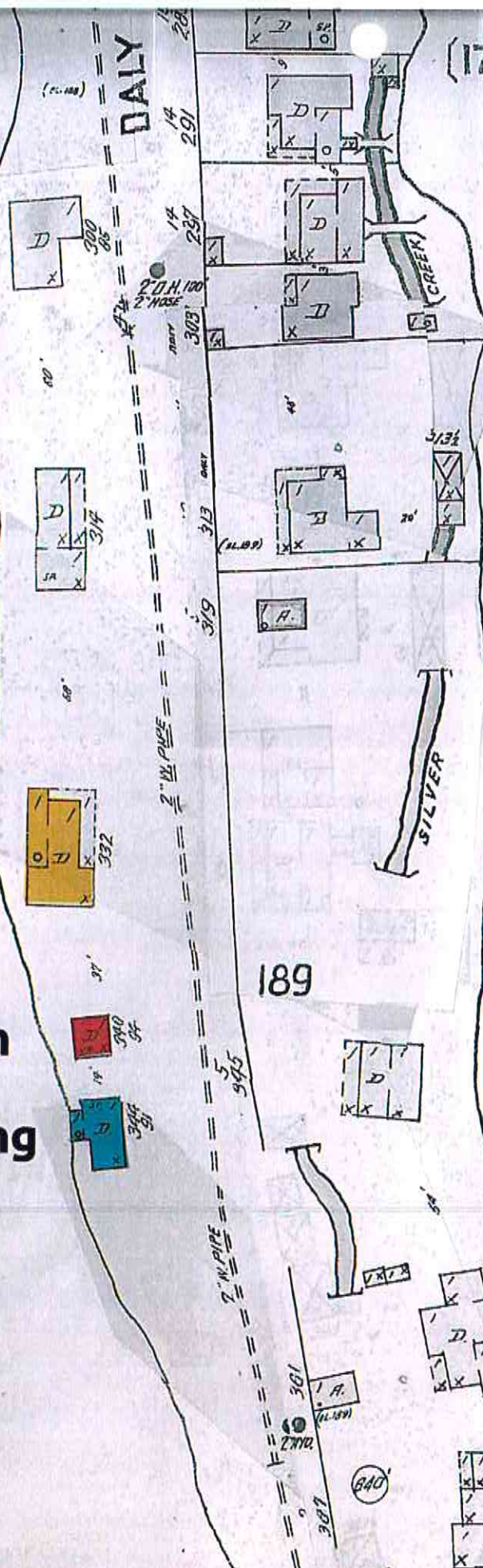
NO

1929

1896 Residence

360 Cabin

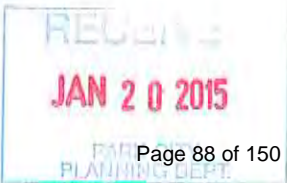
Absent Building



189

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# Exhibit N





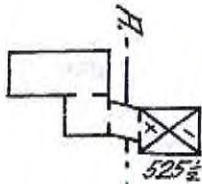
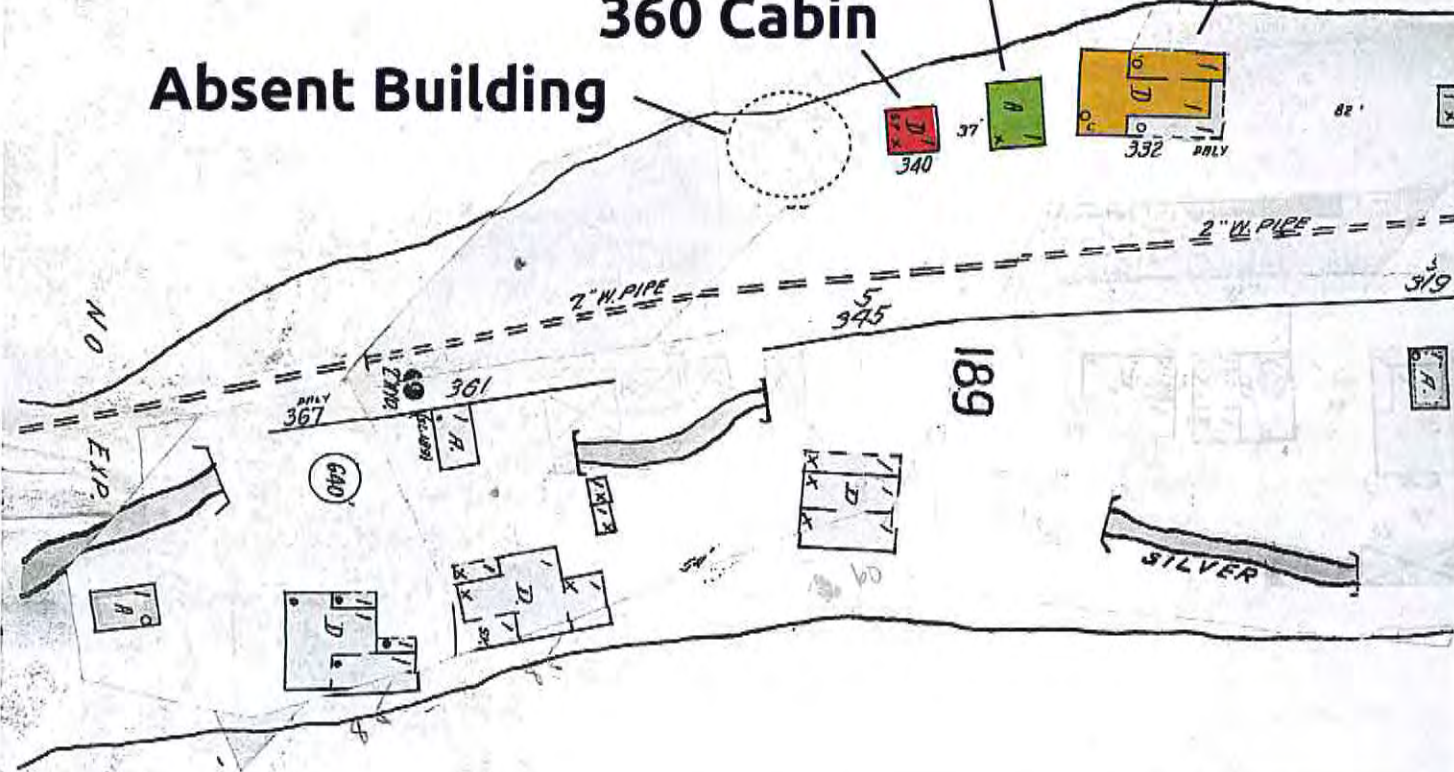
**1941**

**1896 Residence**

**Dilapidated Garage**

**360 Cabin**

**Absent Building**



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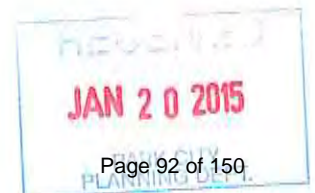
**201**

# Exhibit O





# Exhibit P





5.5'

19'

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# Exhibit Q





**PRIMARY VIEW**



## Historic Preservation Board Staff Report

Planning Department

**Author:** Christy J. Alexander, AICP, Planner II  
**Subject:** Historic Sites Inventory  
**Address:** 360 Daly Avenue (Accessory Structure/Garage)  
**Project Number:** PL-14-02578  
**Date:** January 7, 2015  
**Type of Item:** Administrative – Determination of Significance

### Summary Recommendation:

Staff recommends the Historic Preservation Board review the application, conduct a public hearing and find that the accessory structure/garage at 360 Daly Avenue is “Significant” on the Park City Historic Sites Inventory as a standalone structure.

*Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

### Topic:

**Project Name:** 360 Daly Avenue  
**Applicant:** Sharon Stout, owner of adjacent property at 336 Daly Avenue - requesting a DOS for a structure that she doesn’t own but that encroaches on her property  
**Owners:** Park City Municipal Corp. (PCMC), owner of 360 Daly Ave property & structure in question/ Sharon Stout, owner of 336 Daly Ave property.  
**Proposal:** Determination of Significance

### Background:

The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes four hundred five (405) sites of which one hundred ninety-two (192) sites meet the criteria for designation as Landmark Sites and two hundred thirteen (213) sites meet the criteria for designation as Significant Sites. As part of CRSA’s Intensive Level Survey (ILS) of the Mining Boom Era Residences Thematic National Register Historic District, staff worked with the Park City Historical Society and Museum to identify those properties that were considered to be historic by the Museum, but had not been adopted to the HSI in 2009. The accessory structure/garage (owned by PCMC) at 360 Daly Avenue was included with the cabin (owned by PCMC) that was found to be a Significant Structure and listed in the HSI at 360 Daly Ave, but the accessory structure/garage was not specifically called out as a significant structure in the 2009 HSI.

Sharon Stout, the owner of 336 Daly Ave, has submitted a Historic District Design Review Pre-Application with the intent of building a single-family home on her 7,383 sf vacant lot. The 323 square feet accessory structure/garage (approximately 17 feet wide by 19 feet deep) at 360 Daly Ave encroaches onto her lot by approximately 5.5 feet (Exhibit E). The applicant wishes to demolish the accessory structure/garage in order to



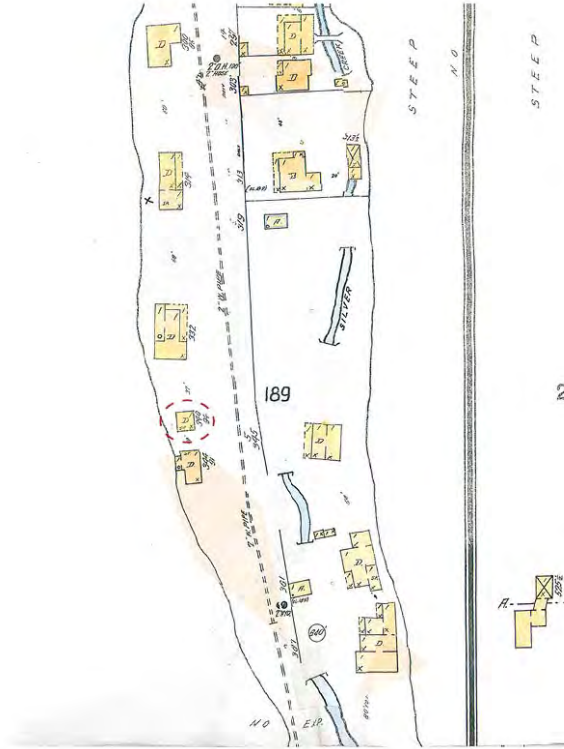
build her home out to the required setbacks. Ms. Stout would need to obtain permission from PCMC (as owner) to demolish the accessory structure/garage encroaching onto her property. If the accessory structure/garage is determined significant and listed on the HSI then demolition would not be permitted without a CAD. Ms. Stout believes she has a right to demolish the accessory structure/garage as the previous property owner in 1996 received permission to demolish the accessory structure/garage but then never did follow through. The Staff Report from May 20, 1996 asking for permission to demolish clearly states in Condition of Approval #1: According to Section 4.17(d) of the Land Management Code, the CAD shall expire on May 20, 1997. Clearly the structure was never demolished and the approval has since expired.

Since that time the City has adopted the 2009 Design Guidelines for Historic Districts and Historic Sites and placed the historic cabin at 360 Daly Ave on the HSI, which mentioned the accessory structure/garage but did not specifically denote it as being “significant” on the HSI.

The applicant states (see attached email in Exhibit F) that the accessory structure/garage has “been altered with additions of metal of various types, electrical wiring added to the outside, water pipes inside, and patches of inferior craftsmanship added to even the limited garage esthetic from the original building function and design.” She also believes that “it is not of historic importance today-that it is a garage with a shed attached, it was not built by a master craftsman, it was not lived in by anyone ever. The house it belonged with has been torn down. The structure itself is derelict, dangerous, a liability to the people who own it.”

### **History of the Structure:**

The accessory structure/garage constructed at 360 Daly Avenue was initially constructed sometime between 1900 and 1907. It first appears on the 1907 Sanborn Fire Insurance map (see map below). According to the Sanborn map, the structure was associated with the historic cabin which was built c. 1892—360 Daly Avenue (on the HSI) (On the 1907 Sanborn map the cabin is listed as 344 Daly Ave and the accessory structure/garage is listed as 340 Daly Ave. The accessory structure/garage is a one-story simple gabled-roof garage constructed of wood framing. The 2009 HSI photograph (see photo below) of the cabin located at 360 Daly Avenue shows the accessory structure located on the northeast corner of the property directly to the side of the historic cabin.



*The red dashed circle shows the accessory structure/garage at 360 Daly Avenue (shown here as 340 Daly Ave) on the 1907 Sanborn Fire Insurance map.*



*The 2009 HSI photograph shows the simple gabled-roof accessory structure/garage (on the right of the historic 1892 cabin).*

The simple gabled-roof accessory structure/garage is indicative of vernacular Park City outbuildings which were typically not constructed by skilled craftsman, but rather untrained property owners. Its simple construction and use of scrap lumber is characteristic of outbuildings built during this period because such materials would have been readily available in a mining town. The doors are typical of the Mature Mining Era (1894-1930). There has been a minimal addition and minimal alterations to the structure since its construction. The addition to the north side of the accessory structure/garage added additional storage space but does not deter from the original design. The alterations that have occurred have mainly been due to necessary repairs. The structure has not been condemned at this point but looks rather unsafe to occupy. A determination from the building department would need to occur before this structure is deemed safe to occupy.

### **Analysis and Discussion:**

The Historic Preservation Board is authorized by Title 15-11-5(I) to review and take action on the designation of sites within the Historic Sites Inventory. The Historic Preservation Board may designate sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the preservation of historic sites in the community (LMC 15-11-10). Land Management Code Section 15-11-10(A) sets forth the criteria for designating sites to the Park City Historic Sites Inventory (HSI).

Because staff finds that the accessory structure/garage does retain its historic form, the evidence supports the conclusion that the accessory structure/garage is "Significant".

Significant Site. Any buildings (main, attached, detached or public), accessory buildings and/or structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and (...) **Complies**

The structure was originally constructed between 1900 and 1907, making the structure approximately 107-114 years old.

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

- (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or
- (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or
- (iii) Moving it from its original location to a Dissimilar Location, or
- (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way. **Complies.**

The accessory structure/garage retains its Essential Historic Form. Staff finds that no alterations have occurred that detract from the historic significance of the building. There have been no additions or removal of upper stories, relocation, or new additions that obscure the Essential Historic Form when viewed from the primary public Right-of-Way. How about roof pitch? Primary façade? Major characteristics and any changes.

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

- (i) An era of Historic importance to the community, or
- (ii) Lives of Persons who were of Historic importance to the community, or
- (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period. **Complies.**

This structure contributes to our understanding of Park City's Mature Mining Era (1894-1930). The accessory structure/garage is constructed of dimensional (plank) wood that would have been readily available during this era of Park City's History. The haphazard design is reminiscent of the type of construction occurring within this period, as many homeowners (rather than trained craftsman) were constructing accessory buildings and additions. The accessory structure/garage conveys a sense of Park City history through its material use and simplicity.

The criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site include:

- (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
- (b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and
- (c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
  - (i) An era that has made a significant contribution to the broad patterns of our history;
  - (ii) The lives of Persons significant in the history of the community, state, region, or nation; or
  - (iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Does not comply.**

Staff finds that the accessory structure/garage at 360 Daly Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation due to its deterioration and minor addition on the northern side, the date of the addition is unknown but has been constructed of similar materials which would lead us to believe it was added not long after initial construction. The accessory structure/garage is associated with the cabin located at 360 Daly Avenue which meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. Because the accessory structure/garage is an accessory

structure for a significant site, staff finds that designating the accessory structure/garage as significant is the most appropriate determination.

Due to the fact that the accessory structure/garage encroaches onto the applicant's property by approximately 5.5 feet at 17.5 feet back from the property line, on the southerly side of the applicant's property, Staff recommends that the City and the property owner of 332 Daly Ave enter into an encroachment permit for the portion of the accessory structure/garage that encroaches onto her property. Planning Staff is willing to compromise the addition to the accessory structure/garage and allow the applicant to remove that portion of the accessory structure/garage as long as the original structure is maintained and stays in place. This would need to be taken to City Council, as owner, for final approval. If City Council approved the removal of the addition, doing so would allow the applicant a few more feet to build out to her side setback line.

**Process:**

The HPB will hear testimony from the applicant and the public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." The HPB's decision on whether the application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2) will be forwarded to the Owner and/or Applicant.

The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Appeals shall be considered only on the record made before the HPB and will be reviewed for correctness.

**Notice:**

Legal Notice of this public hearing was published in the Park Record on ? and posted in the required public spaces on ?.

**Public Input:**

A public hearing, conducted by the Historic Preservation Board, is required prior to adding sites to or removing sites from the Historic Sites Inventory. The public hearing for the recommended action was properly and legally noticed as required by the Land Management Code. No public input was received at the time of writing this report.

**Alternatives:**

- Conduct a public hearing to consider the DOS for **360 Daly Avenue (Accessory Structure/Garage)** described herein and find the structure at **360 Daly Avenue (Accessory Structure/Garage)** meets the criteria for the designation of "Significant" to the Historic Sites Inventory according the draft findings of fact and conclusions of law, in whole or in part.
- Conduct a public hearing and find the structure at **360 Daly Avenue (Accessory Structure/Garage)** does not meet the criteria for the designation of "Significant" to the Historic Sites Inventory, and providing specific findings for this action.

- Continue the action to a date uncertain.

**Significant Impacts:**

There are no significant impacts on the City as a result of designating the existing building described in this report to the Historic Sites Inventory as a “Significant” Structure.

**Consequences of *not* taking the Recommended Action:**

If no action is taken, no change will occur to the designation of **360 Daly Avenue (Accessory Structure/Garage)** because the accessory structure/garage is not currently called out as “significant” on the Historic Sites Inventory. The structure will remain in limbo until a designation is made calling out the accessory structure/garage as significant or not.

If the Historic Preservation Board chooses to include this site on the HSI, the structure will be a designated historic site and not eligible for demolition. There may be an option of moving the structure as opposed to demolishing it. That would be an HPB action subject to specific criteria and findings to be made by the Planning Director and Chief Building official should the owner decide to take that route.

**Recommendation:**

Staff recommends the Historic Preservation Board conduct a public hearing and find that the accessory structure/garage at 360 Daly Avenue is “Significant” on the Park City Historic Sites Inventory as a standalone structure.

**Finding of Fact:**

1. The accessory structure/garage at 360 Daly Avenue is within the Historic Residential 1 (HR-1) zoning district.
2. There is a historic cabin (size) and a wood-frame gabled-roof accessory structure/garage (size) located at 360 Daly Avenue.
3. The existing accessory structure/garage has been in existence at 360 Daly Avenue since between 1900 and 1907. The structure appears in the 1907 Sanborn Fire Insurance maps.
4. The accessory structure/garage was built between 1900 and 1907 during the Mature Mining Era (1894-1930). When was the cabin built?
5. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.
6. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material. Do you know about when the addition was constructed?
7. The site meets the following criteria as Significant on the City’s Historic Sites Inventory.

8. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
9. The structure has retained its Essential Historical Form.
10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930).

### Conclusions of Law

1. The existing accessory structure/garage located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
  - (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community (*built between 1900-1907*); and
  - (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
    - (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, (*no changes to the roof have occurred*) or
    - (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance (*no such change has occurred*), or
    - (iii) Moving it from its original location to a Dissimilar Location (*no such change has occurred*), or
    - (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way (*no such change has occurred*).
  - (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
    - (i) An era of Historic importance to the community (*Mature Mining Era (1894-1930)*), or
    - (ii) Lives of Persons who were of Historic importance to the community, or
    - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

### **Exhibits:**

Exhibit A – Historic Sites Inventory Form, 2014

Exhibit B – Photographs

Exhibit C – Vicinity Map

Exhibit D – 1907 Sanborn Map

Exhibit E – Current Topographic Map showing the encroachment onto the applicant's property

Exhibit F – May 1996 Staff Report and supporting documentation provided by the applicant



# EXHIBIT A

## HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

### 1 IDENTIFICATION

Name of Property:

Address: 360 Daly Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number:

Current Owner Name:

Parent Parcel(s):

Current Owner Address:

Legal Description (include acreage):

### 2 STATUS/USE

#### Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

#### Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

#### Reconstruction

- Date:
- Permit #:
- Full  Partial

#### Use

Original Use: Residential  
Current Use: Residential

- \*National Register of Historic Places:  ineligible  eligible  
 listed (date: )

### 3 DOCUMENTATION

#### Photos: Dates

- tax photo:
- prints: 1995 & 2006
- historic: c.

#### Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn Maps
- obituary index
- city directories/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

#### Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.  
Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.  
McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.  
Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.  
Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

### 4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Single cell type

No. Stories: 1

Additions:  none  minor  major (describe below) Alterations:  none  minor  major (describe below)

Number of associated outbuildings and/or structures:  accessory building(s), # 1;  structure(s), # \_\_\_\_\_.

General Condition of Exterior Materials:

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: 12-2008

- Good (Well maintained with no serious problems apparent.)
- Fair (Some problems are apparent. Describe the problems.):
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

**Materials** (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Foundation: None

Walls: Vertical plank.

Roof: Gable roof form sheathed in wooden shingles.

Windows/Doors: None, but openings include square window openings and a doorway into the main cell and doorway into the shed addition.

Essential Historical Form:  Retains     Does Not Retain, due to:

Location:  Original Location     Moved (date \_\_\_\_\_) Original Location:

**Design** (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame single cell house is an uninhabitable ruin, but retains its essential historical form. The windows and doors have been removed, the roof is near collapse, and the siding and roofing materials are severely weathered.

**Setting** (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting is a small wooded lot with a severe uphill slope in the rear yard. North of the main building is a large frame accessory building, also is severe disrepair.

**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

**Feeling** (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

**Association** (Describe the link between the important historic era or person and the property.): The single cell is an early house type in Utah and may have been constructed during the Settlement & Mining Boom Era; however, it is deteriorated and lacking important elements--windows, etc.--such that it would not be eligible for listing in the National Register of Historic Places.

## 5 SIGNIFICANCE

Architect:  Not Known     Known: (source: )

Date of Construction: c. 1892

Builder:  Not Known     Known: (source: )

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

### 1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.<sup>1</sup>

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

## 6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

**Photo No. 1:** Northwest oblique. Camera facing southeast, 2006.

**Photo No. 2:** Accessory building. Camera facing northeast, 2006.

**Photo No. 3:** Northwest oblique with accessory building. Camera facing southeast, 1995.

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<sup>1</sup> From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.



**Christy Alexander**

---

**From:** sharon stout <sharonstout@me.com>  
**Sent:** Wednesday, December 10, 2014 4:18 PM  
**To:** Christy Alexander  
**Subject:** These are pictures of garage on park city property uphill from 336 Daly Ave



## Christy Alexander

---

**From:** sharon stout <sharonstout@me.com>  
**Sent:** Wednesday, December 10, 2014 4:21 PM  
**To:** Christy Alexander  
**Subject:** front of shed











addition to garage



**Christy Alexander**

---

**From:** sharon stout <sharonstout@me.com>  
**Sent:** Wednesday, December 10, 2014 4:20 PM  
**To:** Christy Alexander  
**Subject:** back and sides of shed--almost no original wood standing on my property









Historic Cabin at 300 Daly Ave listed on H91

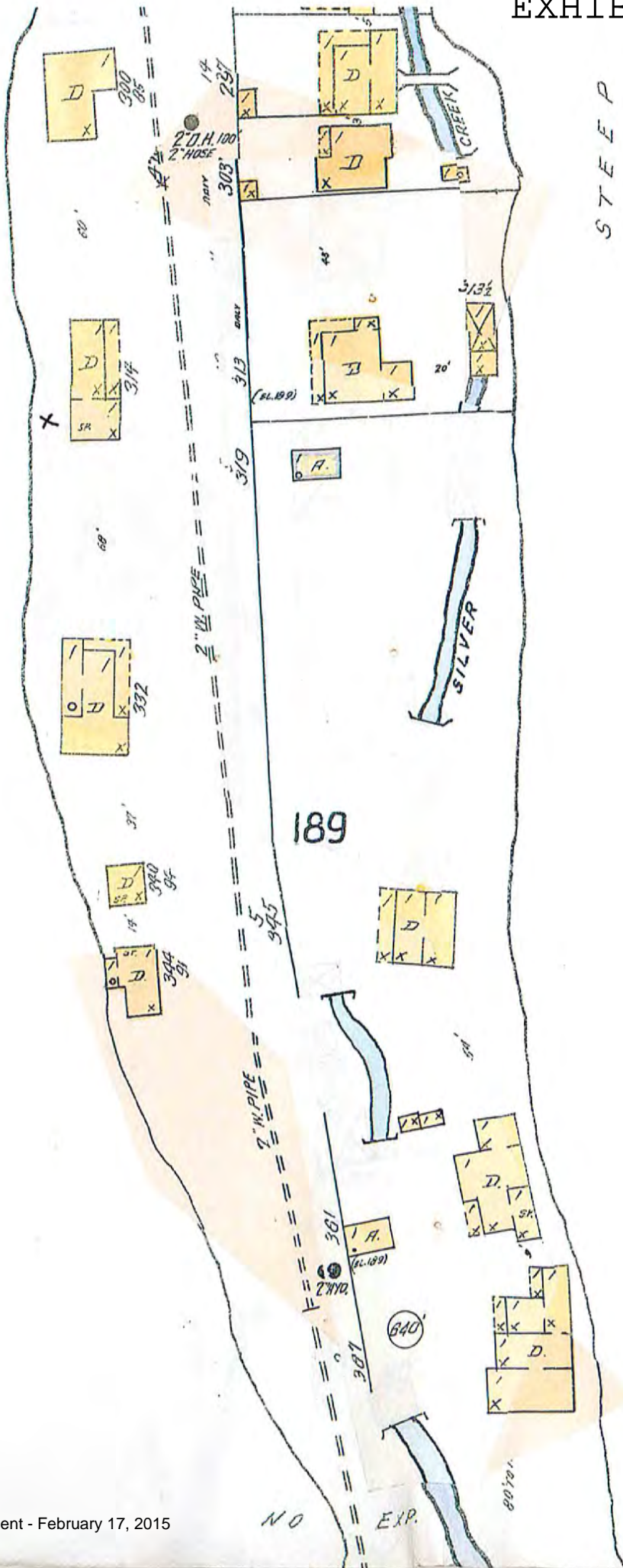


*Small shed to rear of accessory structure/garage*

EXHIBIT C







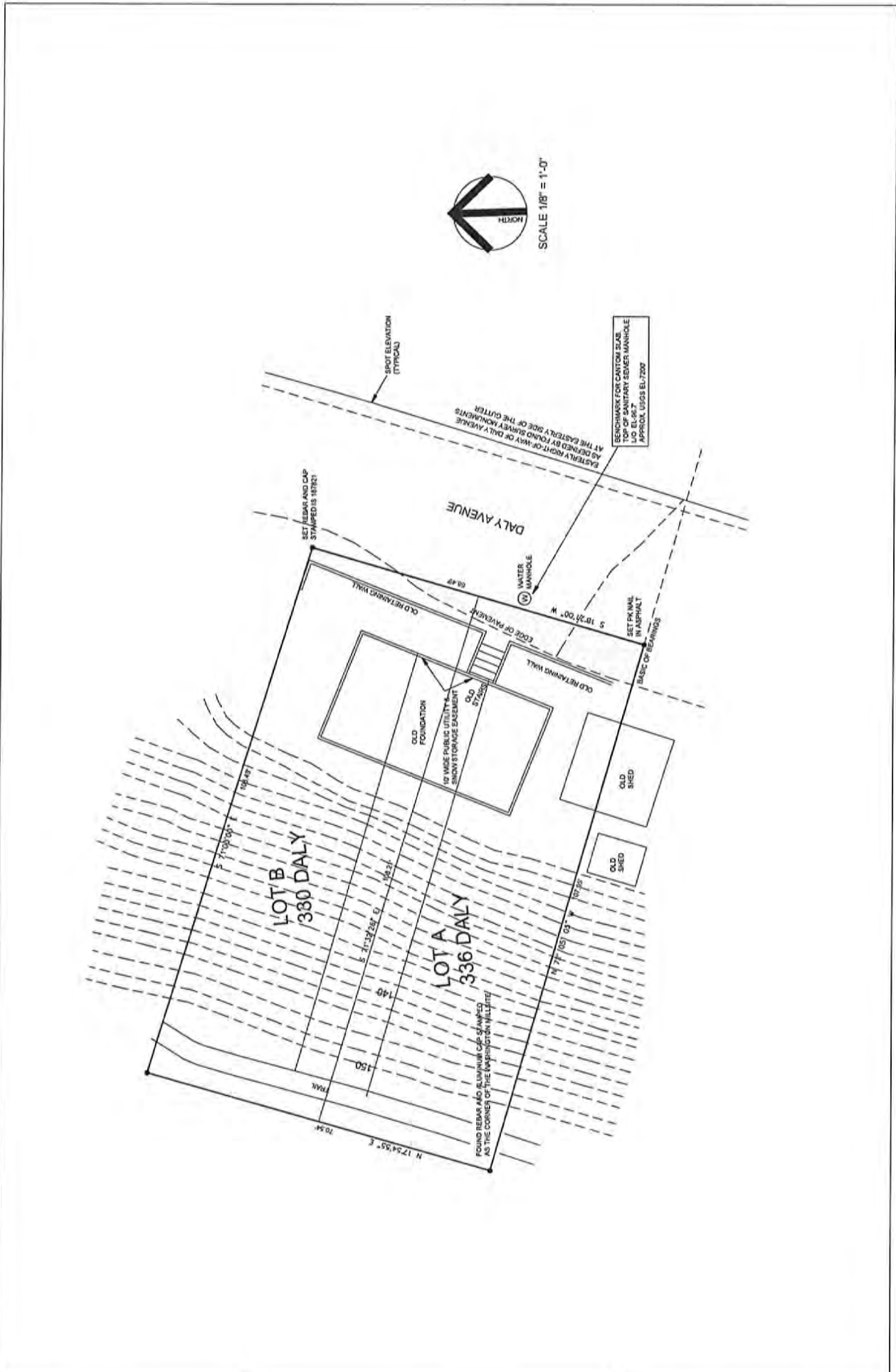
NO

STEEL

STEEL

2

EXHIBIT E



SCALE 1/8" = 1'-0"

# EXHIBIT F

## PARK CITY PLANNING DEPARTMENT STAFF REPORT

TO: HISTORIC DISTRICT COMMISSION  
FROM: PLANNING STAFF  
DATE: MAY 20, 1996  
RE: 332 DALY AVENUE - CERTIFICATE FOR APPROPRIATENESS FOR  
DEMOLITION

---

On March 25, 1996, the Planning Department received an application for the demolition of the outbuilding at 332 Daly Avenue. The applicant, in an attached letter, has indicated the a one story residence existed on the property but was demolished in 1984. The garage was slated for demolish as well however the work was never completed.

Following an inspection by the Community Development Department, the structure was found to be in poor condition and structurally unsound. The Community Development Department determined the structure insignificant based upon the standards set forth in Section 4.13(a) of the Land Management Code. Therefore, this request is scheduled as an information item only. If the HDC agrees with the staff determination, the Community Development Department will issue a CAD. The staff's Findings, Conclusions of Law and Condition of Approval are outlined below:

### FINDINGS

1. The structure is located within Park City's Historic District.
2. The Community Development Department conducted an inspection of the site and found the garage in a deteriorated condition.
3. The structure does not represent the work of a master.
4. Although outbuildings were common and document a specific process in the growth of Park City, the primary structure which the garage was associated with no longer exists.

### CONCLUSIONS OF LAW

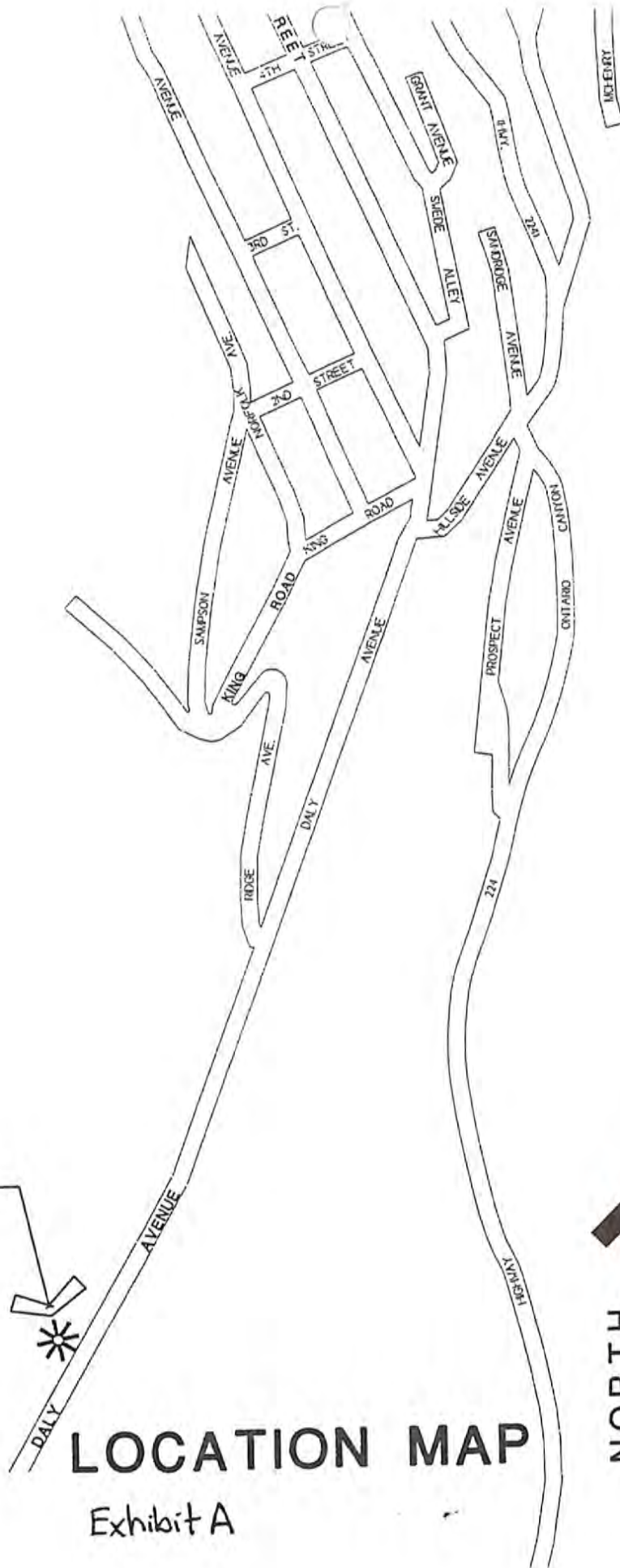
1. The garage is of minimal historic significance because of its condition.
2. The structure does not demonstrate a quality of mining significance in local and state history, architecture, and integrity of location, design, setting, and workmanship.

**CONDITIONS OF APPROVAL**

1. According to Section 4.17(d) of the Land Management Code, the CAD shall expire on May 20, 1997.

**EXHIBITS**

- Exhibit A - Location Map
- Exhibit B - Applicant's Letter
- Exhibit C - Site Plan
- Exhibit D - Photographs



332 DALY AVENUE

**LOCATION MAP**  
Exhibit A

PC-630-D  
332 Daly Avenue  
Statement Attached to Demolition Permit Application  
Historic Background

Applicant acquired the subject property (a portion of the Washington Millsite) from United Park City Mines Company by deed dated October 14, 1975. At the time of acquisition a one story residence existed on the property known as 332 Empire Canyon and was also described on Summit County tax plats as the 37th House on Daly Avenue. This house was also sometimes referred to as the old Dan Murphy house. The shed or garage that is the subject of this application was located south of the one story residence. The southerly line of the Washington Millsite bisected the shed or garage, that is, the shed straddled the property line between the Washington Millsite acquired by applicant and property to the south retained by United Park City Mines Company. At the time of acquisition of the land by applicant, the residence on the property was occupied by J. Brian and Marjorie Whitesides who had received a quit-claim deed to the improvements on the property dated April 16, 1970 from a Karen N. Wright. The shed was used by Whitesides as a garage. Applicant acquired the interest of Whitesides in the improvements on the property (the residence and shed) by quit-claim deed dated August 30, 1984. The residence was demolished at that time. Concurrent therewith Applicant entered into a Easement and Demolition Agreement with Whitesides dated August 30, 1984 permitting Whitesides the continued use of the shed or garage for a thirty month period at the end of which Whitesides were to demolish the shed. Whitesides subsequently discontinued use of the shed but did not demolish it. This application seeks to carry out the demolition.

The previously demolished residence and the subject shed were among numerous structures located on the Washington Millsite at the time of acquisition by Applicant. The original occupants of most if not all of these buildings were persons employed at various times by United Park City Mines Company. United Park allowed its employees to construct and occupy residences on the Millsite but did not transfer title to the land to the occupants. Applicant has no further records as to the age of the shed. Applicant has also inquired of United Park City Mines Company and United Park has indicated that it has no records either.

Exhibit B

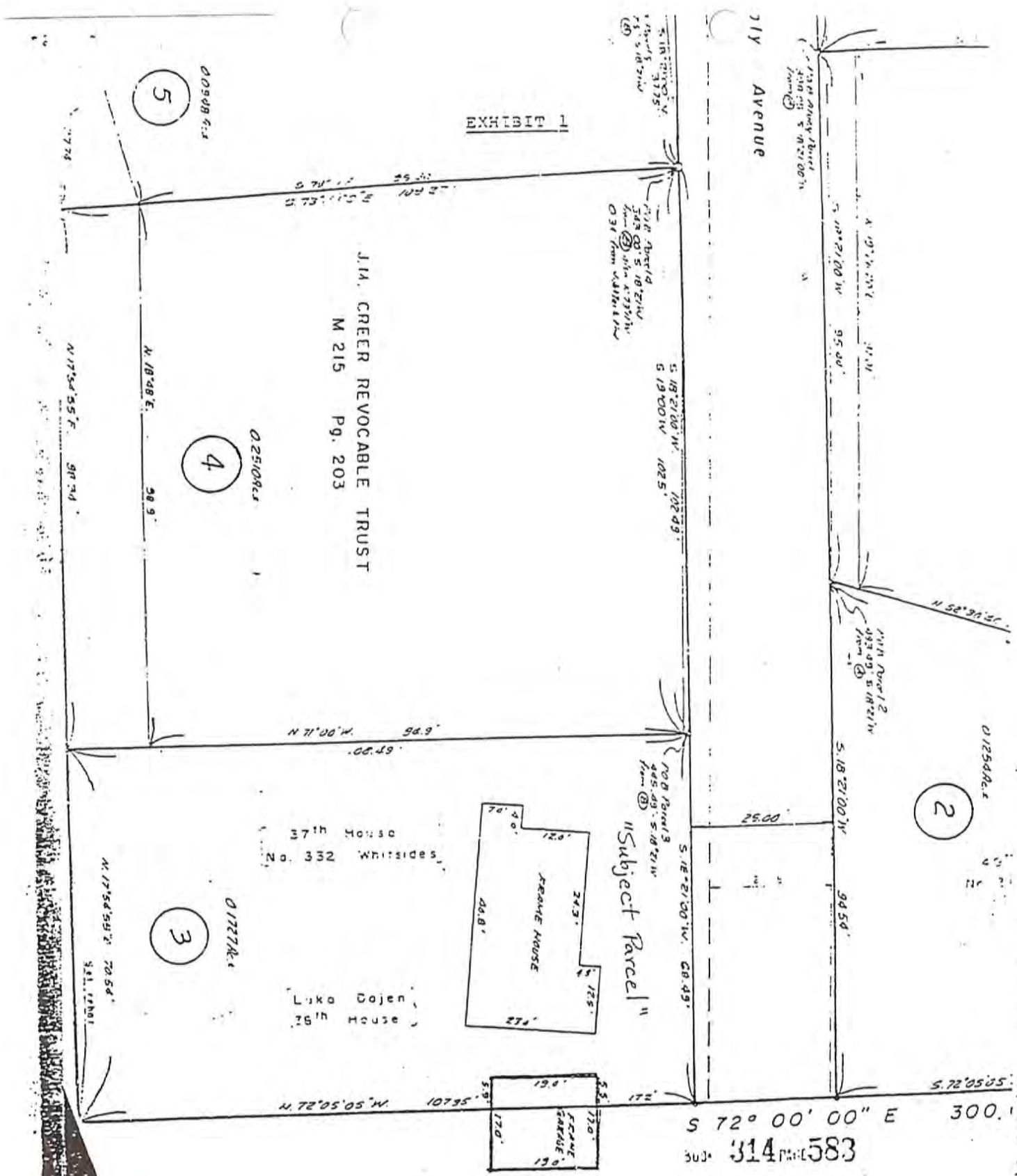


Exhibit C

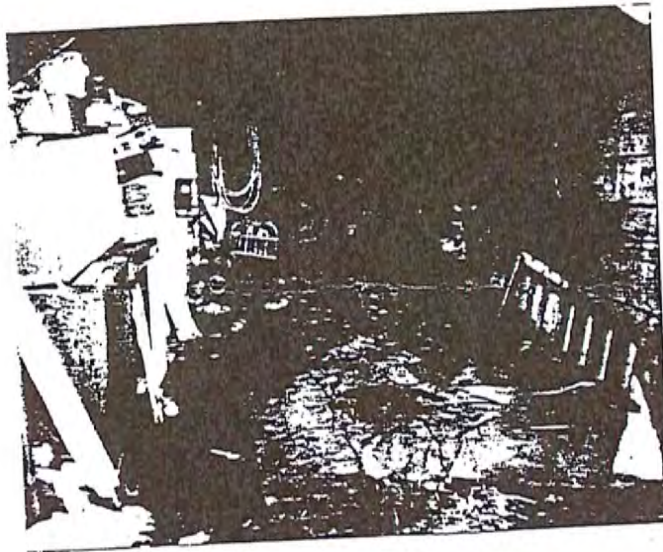
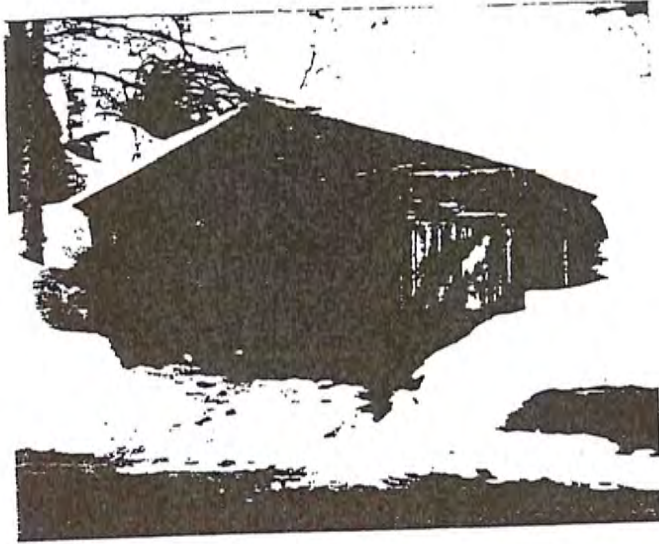


Exhibit D





HANK ROTHWELL  
PRESIDENT

February 28, 1996

Park City Municipal Corporation  
P.O. Box 1480  
Park City, Utah 84060

Gentlemen,

United Park City Mines Company is the owner of property immediately to the south of a .17 acre parcel of land on Daly Avenue owned by Royal Street Land Company. There is an old shed that is located partially on the Royal Street Land Company property and partially on the United Park City Mines Company property. United Park City Mines Company has no objection to the application by Royal Street Land Company for a demolition permit for removal of the shed or to actual removal of the shed. Please advise if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Hank Rothwell". The signature is written in a cursive style with a large, stylized "H" and "R".

JUN 06 '96 09:20AM ROYAL STREET

DEER VALLEY RESORT COMPANY  
REAL ESTATE DIVISION  
7620 ROYAL STREET EAST, SUITE 205  
P. O. BOX 1087  
PARK CITY, UTAH 84060  
TELEPHONE (801) 649-1261; FAX (801) 649-9848

DATE: June 6, 1996  
TO: Chris Child - Bald Eagle Realty  
At Fax #: 649-4232  
FROM: Bob Wells  
RE: .17 Acres - Daly Avenue  
# Pages incl cover: 1

Per our telephone discussion, I contacted Janice Lew regarding procedure on the demolition permit application for the shed on the subject property. She indicated that the City does not send out a form like they do on conditional-use applications. The demolition has been approved and the next step is to go in to the Building Department and pull the permit for demolition. The Planning Department will sign off on the permit prior to issuance. Janice indicated that they would prefer that the permit not be pulled until plans were submitted for construction on the property but such was not a condition of the approval. I actually submitted a demolition permit application with the package that got approved but my guess is that a new one would be required to be filled out in the process. Please let me know if any questions.

Bob Wells

6/10

Ey I Ship/Tom

## Christy Alexander

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**From:** sharon stout <sharonstout@me.com>  
**Sent:** Wednesday, December 10, 2014 5:08 PM  
**To:** Christy Alexander  
**Subject:** Re: explanation

Christy,

Yes,

The reason it is not of historic importance today—is that it is a garage with a shed attached, it was not built by a master craftsman, it was not lived in by anyone ever. The house it belonged with has been torn down. The structure itself is derelict, dangerous, a liability to the people who own it—myself and Park City and in another winter season or two will fall down of its own accord. It has no historic significance since it is a garage. Garages have been used since the use of cars. This is not a structure that anyone can go by and see any part of Park City history and think of the people who lived in it since no one ever lived in it. It is not a hospital or a mine building, it is not anything that Park City is known for. This is a relatively modern building since the house it was used as a garage for used poured concrete for its foundation, retaining walls and stairs. The cabin in your inventory has no foundation, or concrete or stairs, nor does the out building on your historic site inventory.

There are many examples of historic homes in Park City that are actually part of the rich mining history of Park City, this garage was an oversight in demolition. The structure has also been altered—additions of metal of various types, electrical wiring added to the outside, water pipes inside, and patches of inferior craftsmanship added to even the limited garage esthetic from the original building function and design. It is impossible to enter the shed portion without danger.

Sharon

On Dec 10, 2014, at 4:54 PM, Christy Alexander <[christy.alexander@parkcity.org](mailto:christy.alexander@parkcity.org)> wrote:

> Do you have any sort of written summary of why you feel it is not significant? I need something more from you instead of the 1997 documents, something that addresses why it wouldn't meet the 2009 guidelines or historic sites inventory.

>

> Thanks!

>

> Christy

>

> -----Original Message-----

> From: Sharon stout [mailto:[sharonstout@me.com](mailto:sharonstout@me.com)]

> Sent: Wednesday, December 10, 2014 4:45 PM

> To: Christy Alexander

> Subject: explanation

>

> Hi Christy,

>

> I have under separate cover sent you emails with PDF's and pictures-because file size would not allow me to incorporate them all into one email.

>

> You should have my title report dated December 9th 2014 with copies of warranty deeds. You will also have my letter of permission to demolish property from 1996 from Park City stating the garage is not of historic importance.

# EXHIBIT C

PARK CITY MUNICIPAL CORPORATION  
HISTORIC PRESERVATION BOARD  
MINUTES OF JANUARY 7, 2015

BOARD MEMBERS IN ATTENDANCE: Chair John Kenworthy, Lola Beatlebrox, Marian Crosby, Cheryl Hewett, Puggy Holmgren, Hope Melville, David White

EX OFFICIO: Planning Director, Thomas Eddington; Anya Grahn, Planner; Christy Alexander, Planner; Francisco Astorga, Planner; Polly Samuels McLean

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## ROLL CALL

Chair Kenworthy called the meeting to order at 5:03 p.m. and noted that all Board Members were present.

## APPROVAL OF MINUTES

### November 5, 2014

MOTION: Board Member Holmgren moved to APPROVE the minutes of November 4, 2014 as written. Board Member Crosby seconded the motion.

### December 3, 2014

Board Member Melville referred to page 27 of the Staff report, the first full paragraph, and corrected "...stabilizing the Silver King water tanks" to read, **Silver Queen** water tanks.

MOTION: Board Member Beatlebrox moved to APPROVE the minutes of December 3, 2014 as corrected. Board Member Melville seconded the motion.

VOTE: The motion passed unanimously.

## PUBLIC INPUT

There were no comments.

## STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Regarding the winter balcony enclosures discussion on the agenda this evening, Board Member Holmgren disclosed that she sits on the Historic Park City Alliance Board and the Board of Directors. That Board had a discussion about winter balconies and she had recused herself from any decision on that regard.

Board Member Crosby disclosed that she would be recusing herself when the River Horse makes their presentation regarding the winter balcony enclosures, due to a past business relationship with River Horse.

Chair Kenworthy disclosed that he has had relationships with and against the law firms involved with the appeal this evening. He did not believe his relationship would affect his ability to fairly participate in the appeal hearing.

Director Eddington believed the Planning Department would schedule a work session with the HPB next month to begin discussing the Design Guidelines. Planner Grahn stated that the Staff has talked about holding a public open house near Valentine's Day along the lines of "I Love the Historic District". The Board would be notified of the dates once the work session and the open house are scheduled.

Planner Grahn reported that the Rio Grande was schedule to be moved back to its location on Tuesday, but she was unsure of the time.

Director Eddington remarked that the Staff would come back to the HPB within the next couple of months to work on selecting the next artist for the Historic Preservation Award.

Board Member Melville asked if they were moving ahead with a compatible new construction award category. Director Eddington replied that they would be discussing that award at the same time.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action.

360 & 336 Daly Avenue – Determination of Significance of an Accessory Structure/Garage (Application PL-14-02481)

Planner Christy Alexander reported that the applicant, Sharon Stout, would like to build on her property at 360 Daly Avenue. She had submitted an HDDR pre-application to show a number of designs. The Staff determined that an accessory structure encroaches on to her property. If the structure is not determined to be Significant the applicant would have to demolish it in order to accommodate the footprint of the home she would like to build. Ms. Stout had submitted an application for a Determination of Significance, which was before the HPB this evening.

Planner Alexander stated that on the 2009 Historic Sites Inventory it was found that the cabin to the south of the accessory structure in question was listed as Significant on the HSI. It noted the accessory structure as an accessory structure but it did not specifically call it out as Significant. Planner Alexander remarked that the cabin itself was shown on the 1900 Sanborn maps. However, the accessory structure garage did not show up until the 1907 map, which would indicate that it was constructed sometime between 1900 and 1907. It was also

constructed using the same materials as the cabin. The garage is a wood construction, simple gable roof accessory structure indicative of the outbuildings that were typically constructed by untrained property owners rather than skilled craftsmen. The scrap lumber that was used is characteristic of the outbuildings that were built during the Mature Mining Era period, which is between 1894 to 1930. Planner Alexander commented on a minimal addition on the north side to add more room for storage. Other alterations have occurred which included adding scrap metal on the north side and on the rear. She remarked that these alterations are typical of other historic properties throughout the City. No scrap metal was added to the front, which is the view from the street.

The Staff conducted an analysis and found that the structure is at least 50 years old and it has retained its essential historical form with minor additions. The structure is important in local or regional history because it is associated with the Mature Mining Era. The Staff did not believe the accessory structure complies with the criteria listed for Landmark Structures, but it did meet the criteria for a Significant designation.

Planner Alexander stated that due to the fact that it is an accessory structure, it sits primarily on the City's property and the City would be the owner. However, because it encroaches on to the applicant's property the Staff thought it would be appropriate to entertain relocating the structure further on to the City's property. If the HPB finds the structure to be Significant, the applicant could request a relocation and the City would research whether money would be available to relocate it within the next few months. Planner Alexander clarified that the Planning Director and the Chief Building Official would have to determine whether or not there were unique circumstances to allow relocating the structure.

The Staff recommended that the HPB determine that the accessory structure be listed as Significant. The applicant had a different opinion and had prepared a short presentation for the Board. Planner Alexander noted that this item was scheduled for a public hearing.

Sharon Stout, the applicant, stated that the property is actually owned by her LLC. She recently sold her home in Park City and she was currently living in Salt Lake. Ms. Stout provided the Board members with a packet of the materials contained in her presentation.

Ms. Stout stated that at first blush the two structures, as noted by Planner Alexander, appear to be very similar. However, she looked deeper at the historic structures that were on the two lots. She looked at all the numbers that were associated with the properties in this little region of Daly Avenue. Ms. Stout pointed out that it used to be called Empire Canyon and it was later called Daly Avenue. She looked at 360, 344, 340, 332, 336 and 330 Daly Avenue, which encompasses four or five structures that were historically on this property.

Ms. Stout started her presentation with a description of the structures, as well as maps and surveys. The first segment was Lot 360, which is the current name of the lot that Park City now owns. She noted that historically that area was referred to as 340 and 344 Daly Avenue. Ms. Stout remarked that two cabins were constructed around 1900. She presented, Exhibit A, a site inventory from Park City that designates the small cabin structure on 360 Daly as a historic site. She also looked researched the historic nature of the properties on the six street addresses she previously mentioned. Ms. Stout also reviewed the Historic Sites Inventory Form from Utah. She noted that in looking at the site inventory and the 1907 Sanborn map, they would see several properties on that map. One of the properties was 332 Daly, which had a historic home that was demolished in 1984. Half of the foundation from that structure is still on her property. Ms. Stout stated that the home that was on two parcels at 330 and 336 Daly Avenue was constructed in 1896. It is shown on the Sanborn map of 1907. The Tax Records from 1949 through 1968 describes a garage in great detail. The dimensions were show as 13 x 18 in some records and 13'x19' in other records. Ms. Stout referred to her survey, which was also included in the packet, showing a historic foundation, the garage, an outbuilding and a stone retaining wall. She noted that the stone retaining wall on her property is inches from the garage.

Based on the fact that the garage is not referenced anywhere else on these properties, Ms. Stout thought there was strong evidence that the garage in question is definitely associated with 332 Daly Avenue. She noted that there was a spot in the tax records that states that the garage was constructed in 1926. She stated that the first time the garage actually shows up is in the Sanborn Fire Map of 1941. Ms. Stout believed the garage was built sometime between 1926 and 1940; and it was definitely part of the structure of the house that was demolished.

Ms. Stout agreed that a first look at the cabin and garage it would appear that they are both made of similar materials. However, she showed a photo of the cabin on 360 Daly Avenue, formerly known as 340 Daly. The cabin was built around 1900 per the Historic Site Inventory and the Sanborn maps. It was a single cell wood plank siding, no foundation, built on a dirt floor with one window and a door. Ms. Stout remarked that the demolished home on 332 Daly Avenue, where half the foundation sits on her lot, was built in 1886 and torn town down in 1984. The house on 332 Daly Avenue had brick and siding exterior, a tin roof, and a wraparound porch. It was built on a concrete foundation, concrete steps, retaining wall and interior amenities. The home was 32' deep by 40' wide. The garage was 13' x 19' and was constructed between 1926 and 1940.

Ms. Stout clarified that her reason for mentioning those structures is that the home that was demolished on 332 Daly Avenue was constructed later than the cabin and the materials and aesthetics were superior to the cabin.



Ms. Stout noted that the topographical map and the survey that she had done of her home in July of 2014 showed the close proximity to the home and the retaining wall as she had outlined in yellow. He indicated the historic steps and noted that the steps were still in place, as well as the foundation and the retaining wall. She pointed out that the garage is also still in place.

Ms. Stout reviewed photos of the garage and pointed out the areas where the structure is deteriorating and its instability. When the garage was first built it was wood plank and timber construction with wood plank siding. There was no foundation and it was built on a dirt floor. There was one set of hinged doors for a single car and one smaller entry door to shed. The structure was completely enclosed from the elements. She then outlined the structure as it currently exists. The sidewalls have timber construction. There are assorted attached metal on three side and the roof. The garage doors no longer open and close. The Shed is no longer a function shed. Two sides open to the elements. The entry is obstructed and a door is missing. The garage is filled with various unwanted items.

Ms. Stout spoke about the concept of historical significance based on information she received from the Park City Historic Building Code, and the criteria for determining whether a site is historic. Ms. Stout referred to the structures on her property and noted that the house was demolished in 1984. Permission was granted from Park City Mines to tear down the garage in 1984 and again in 1996 and 1997 because it was confirmed to be an insignificant piece of Park City history. The lot was then subdivided into a two-lot subdivision in 1997. At the same time, 10-feet off of what would have been her property was annexed into the City for a snow plow and garbage truck turn around at the end of the street. The lot she hoped to build on would be the last house at the end of the street. The property on the uphill is owned by Park City and there is a 35-foot setback between her and the cabin designated as permanent open space. Ms. Stout believed Park City would have never allowed a scenario to be created where a two-lot subdivision would take 10 feet off the buildable portion of Lot 336, and at the same time leave a structure that was not allowed to be demolished.

Ms. Stout had submitted letters to Planner Alexander from 1984 and 1997 showing that permission was given to demolish the garage. Ms. Stout stated that she was always under the impression that she had permission to demolish the garage as soon as she started building on her lot. She still had that impression when she began working with the Design Review Team. Ms. Stout reiterated her belief that the City would not have created a two-lot subdivision if there was any intention for keeping the garage structure on the property.

Ms. Stout referred that the Sanborn Fire Map of 1907 identifies the home on 332A Daly Avenue without a garage because the garage had not yet been built.

The map also illustrated two smaller structures labeled as 344 and 340. The house size for 332 Daly is 32' x 40'. Numbers on the map designated the size of each structure. The future garage was 13' x 19' which is half the size of the house. Ms. Stout pointed out from the map that 340 Daly was much smaller. She noted that the structure shown on the map at 344 Daly is not shown on later maps. Ms. Stout noted discrepancies on other maps which led her to believe that the garage was built between 1926 and 1940. She remarked that the Sanborn map of 1941 shows the house, the garage and the cabin on 340, which is now lot 360.

Ms. Stout stated that the garage on 336 Daly Avenue is over 50 years. It is not associated with events or lives of important people in the past. The home it was built for was demolished. The garage was a one-car garage used for personal use. Ms. Stout noted that she was directed by Staff to research all the owners who have ever owned this property. She had obtained a large title report and conveyances of many deeds, which indicates that not one single person has been associated with this property throughout its history. No tax records were available on the cabin on Lot 360. The only record is the Historic Sites Inventory and that it was on the Sanborn fire maps.

Ms. Stout stated that the garage does not embody distinctive characteristics of type, a period or construction method, nor is it the work of a notable architect or craftsman. It was a lower budget garage and deemed of no value on the tax records. Ms. Stout pointed out that the owner of the garage used the garage as income after the house was demolished by renting it to a neighbor for a 30 month period. The contract stated that the neighbor was to demolish the garage at the end of the term, but that obviously never occurred. In 1987 the City deemed the garage non-significant and permission was given to demolish it. Ms. Stout remarked that the quality of construction did not indicate age. She believed the garage looked as old and derelict as the cabin because of the time it was built in American history, as well as the materials that were used. The cabin and the house were built four years apart but have vastly different features and amenities. The older home was better built.

Ms. Stout stated that in most cases sites are designated historic in Park City because they provide an understanding of the culture and life style of the areas mining activity and early skiing industry. The garage does not provide an understanding of the culture or lifestyle of the areas mining activity or early ski industry. It was only a place to park the car for a family home. The home that it served this function for no longer exists. The garage is not an outbuilding to the cabin at 360.

Ms. Stout stated that originally there were two small structures at 340 and 344. Only one of those, a single cell uninhabitable log cabin built around 1900, is still standing. The outbuilding mentioned in the historic description for 360 may still

not be standing. A garage and an outbuilding were mentioned on tax records for 332. Ms. Stout understood that Park City can designate something of significance because it is in Park City and specific to the region. She would not argue that the cabin has historic significance; however, she found no evidence that this garage has any bearing or reference to the cabin on 360 Daly.

Ms. Stout summarized the chain of properties. 340 Daly became 360, a lot owned by Park City Mines. The structure at 344 Daly was demolished over time. 332 Daly Avenue was subdivided into 330 and 336 Daly to become a viable and buildable two-lot subdivision, Lots A and B. The City annexed 10-feet off of the front of that property and then approved it as a viable and buildable subdivision with no building restrictions. A permit was issued to remove an inconsequential garage. The property has a steep slope and limited buildable area. The garage on the property would make it prohibitive and very expensive to build. Ms. Stout pointed out that she purchased a lot that she believed was 37 feet wide and later found out that it was 34 feet wide. If the structure continues to encroach on her property and she is required to build five feet away from it, it becomes a 20 foot wide lot. Ms. Stout stated that 336 is currently owned by Silver Queen Gunslinger LLC. She chose that name because she loves being part of a historic mining town and she cares about the history of Park City. Her intent is to build a beautiful home on this property.

Ms. Stout read a quote from the National Parks Service regarding historic integrity. She stated that the physical integrity of the quote is that generally the majority of the structure's materials, structural system, architectural details and ornamental features, as well as the overall mass and form must be intact in order for a building to retain its integrity. When she looks at the garage she only sees the skeleton of the original structure. The structures exterior is coated in various types of scrap metal used to repair the holes created by rotting wood. The roof is also patched. The front is the only portion of the garage that still has the original wood intact. The shed portion has fallen down on itself and the door is damaged and no longer works. The shed portion on her lot also has large holes on the side and there is just a hole where the door used to be. The garage also has added water pipes and electrical wiring on the exterior. Ms. Stout believed very little of the original structure was still intact.

Ms. Stout outlined the criteria for historical integrity. She stated that visiting the garage on Daly Avenue without the house it was connected to did not give an accurate portrayal of what life was like in the mining era. Even if the house were intact it would still not speak of the mining days because the garage was built after that era. It would only speak to the progression of the automobile and the need to house a car. In terms of being a ski town, while the garage was in existence during this time, nothing is known about the people who lived in this home beyond names on tax records. She noted that the Park City Museum pulled every document they had on all of the properties in question. Ms. Stout

could not see how a garage without a home attached to it would have any historical significance beyond recognizing it as a time when the technology of cars became part of everyday life in Park City. Ms. Stout remarked that it was a misrepresentation and distortion of historical fact to associate a cabin built in the early 1900s with a garage that was built many years later by different people with a different purpose and on a different property.

Board Member Melville asked when Ms. Stout acquired the property. Ms. Stout replied that it was either in 2008 or 2010. Ms. Melville asked if Ms. Stout had done a survey of the property at that time. Ms. Stout stated that she was given a survey of the property; however, she did not have a new survey done until July 2014 when she was ready to start building. Ms. Melville assumed Ms. Stout was aware that the building encroached. Ms. Stout answered yes, but she also had letters that were provided as part of the sale giving permission to demolish the garage when she started building.

Planner Alexander noted that the letters had a condition that the approval to demolish would expire if the garage was not demolished.

Board Member Holmgren asked when the public was noticed on this public hearing. Planner Alexander replied that it was noticed a week earlier. She clarified that notice was posted on the property but courtesy letters were not mailed out. It was also legally noticed in the Park Record.

Chair Kenworthy opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, referred to Exhibit B in the Staff report and noted that the language refers to a shed or a garage. At one point it states that it was used as a garage, so they could assume that it was initially built as a shed. Ms. Meintsma found in her research that a lot of these sheds were built during the mining era as part of the community.

Ms. Stout asked if Ms. Meintsma was saying that the garage in question may have been a building that was built on property that nobody owned. She would dispute that because the tax records clearly state that this property was owned by someone.

Chair Kenworthy asked Ms. Stout to hold her questions until after the public hearing.

Ms. Meintsma believed there was a possibility that the shed could have been part of the community. Reading back in history, Daly Avenue was a unique street in that it was cottage industries up and down the street. She commented on one situation where a chicken coop was taken out and created a controversy because that person grew raised and provided chickens for his community.

There were also a lot of blacksmiths or iron workers on Daly Avenue. Ms. Meintsma remarked that this shed may have been from the cottage industry because it is where the Daly Mine workers walked home every day. Daly Avenue was a viable street. Ms. Meintsma suggested that the shed may also have been a type of living structure because people want to live within walking distance from where they work. Ms. Meintsma pointed out significant features of the structure. She noted that the beams are 12 x 12 which indicates the possibility of another era and potential historic significance. Ms. Meintsma stated that Sanborn maps were not necessarily designed to only include significant structures. She had asked SHPO what was indicated on the maps. She was told that anything that was combustible and insured were included on the maps. Therefore, outbuildings would be included if they were combustible and insured. Ms. Meintsma remarked that even if the shed was built in 1926 it would still be within the significant mining era. 1940 would be the waning mining era and still within a historic time period. Ms. Meintsma pointed out that two lots should leave sufficient room to build. She believed the real issue is that the applicant did not want the structure on her property. In her opinion the structure needs to be wanted and it needs to be taken care of and re-addressed. Ms. Meintsma outlined the unique circumstances that would need to occur in order for the structure to be moved off of the applicant's property and on to the Park City property. She believed the use of the structure would be difficult because it sits on two different properties. Therefore, because the structure straddles two properties with two different owners, that would create a unique circumstance. Ms. Meintsma thought it should be moved to the Park City property where it could be taken care of and used.

Chair Kenworthy closed the public hearing.

Chair Kenworthy clarified that within the purview of the HPB the Board should focus on the designation of significance and not the issue of moving the structure.

Board Member Melville asked whether the applicant had standing to make this application for a designation of significance. She had read from LMC Chapter 15-11-10, which states that the people who can make an application are the property owner or the Planning Department. It does not specify an adjacent landowner.

Assistant City Attorney McLean understood that the Planning Staff wanted clarification as well. It is on the HSI with the cabin, and the Staff wanted to see whether the garage was significant by itself. Director Eddington stated that because the garage encroaches by 5+ feet and there is record that the previous property owner had permission to demolish the structure, the Staff wanted to make sure that full transparency was given to the applicant.

Board Member Melville stated that in her reading of the Historic Sites Inventory, the garage is already listed on the HSI. She cited language and photographs to support her opinion. Planner Alexander replied that it was still vague and the Planning Department wanted to call out the garage specifically.

Ms. Stout stated that when she spoke with the Park City Museum about 360 Daly and that the cabin was listed as a significant piece of Park City History, the only thing they were able to tell her was that there was an outbuilding but it did not specify the garage. Ms. Stout pointed out that nothing on the Park City Historic Sites Inventory specifies that the garage is the outbuilding. She believed when the photo was taken it was taken in that direction. Ms. Stout stated that in looking at the survey of her property there is an outbuilding in the same direction and directly behind the garage. She would argue that there is an outbuilding that is in ruins; but that the garage has no association with the cabin nor was it designated as a significant part of Park City history.

Board Member Melville did not believe the Park City Museum would agree with Ms. Stout's assessment. Ms. Stout clarified that she had obtained her information from Lucy at the Park City Museum. Ms. Melville was certain that Sandra Morrison with the Museum would not agree.

Board Member Crosby referred to page 66 of the Staff report, Exhibit C, and asked how much of the structure encroached on Ms. Stout's lot. Ms. Stout replied that the structure encroached within her building envelope. She is allowed to build within three feet of the property line; however she would have to build five feet away from the garage structure which would reduce her building space by 11 feet.

Board Member Beatlebrox noted that the criteria Ms. Stout reviewed in her presentation was the criteria for Landmark significance. However, she understood that the HPB was looking at the building for Significant designation. To be clear, Mr. Beatlebrox reviewed the criteria for a Significant site designation. The building is at least 50 years old, which applies in this situation because the building was constructed between 1900 and 1907. Ms. Stout was unsure why Ms. Beatlebrox believed the building was constructed during that time period when the information she presented this evening clearly indicates that the building was not built until 1926 at the earliest and possibly as late as 1940. Ms. Stout suggested that Ms. Beatlebrox was making an assumption that was not substantiated by the facts.

Board Member Beatlebrox referred to an exhibit in the packet. Planner Alexander confirmed that the garage was shown on the 1907 Sanborn map. Ms. Stout disagreed and explained why she believed that neither the 1907 nor the 1929 Sanborn maps showed the garage. The garage did not show up until the 1941 Sanborn map. Planner Alexander pointed out the structure on the 1907

map that the Staff believed was the accessory garage. Ms. Stout remarked that Lot 360 became Lot 340, and on the 1941 Sanborn map Lot 344 no longer exists, so it could not possibly be the cabin with the garage. Ms. Stout reviewed the survey she had done of her property and the 1941 Sanborn Fire Map, which showed that Lot 344 no longer exists. She stated that process of elimination would put the cabin on Lot 360. Ms. Stout reiterated that based on the information presented, the garage structure was not built between 1900 and 1907.

Director Eddington pointed out that either way, the garage would still be older than 50 years old. Mr. Stout agreed that the structure was over 50 years old, but her point was that it was not an outbuilding to the cabin on Lot 340. It was built as a garage and was shown as having no value for tax purposes.

Board Member Beatlebrox continued reviewing the remaining criteria for a Significant designation. It retains the essential historical form, meaning there were no major alterations. Ms. Stout believed there were major alterations to the structure. Ms. Beatlebrox did not believe that the right-hand side of the shed looked like a major alteration. Ms. Stout noted that the original material was gone. The outside shell was originally constructed of wood and it is now metal on three sides and attached metal on the roof. The doors do not work and one door is completely caved in. A large chunk is missing out of the shed on the right side. Ms. Stout did not believe the shed had the integrity of a historic structure. In her opinion, the only historic material were the stacked beams. Ms. Beatlebrox remarked that many historic buildings have siding and when the structure is restored the siding is removed. She asked if Ms. Stout was contending that the garage structure could not be restored to its original form. Ms. Stout stated that it is her contention that this building and the historic cabin have been on Park City property for a very long time. She understood that the cabin has been identified as a ruin and she believed the garage was very near a ruin. Ms. Stout stated that if Park City had any interest in restoring this cabin, she was unsure where the money would come from or when it would be done. Since the cabin has been designated as a historical Significant site, she assumed the City would want to restore that structure first. She predicted that the cabin would most likely fall down after a few more harsh winters.

Board Member Beatlebrox noted that another criteria is that the structure has an important local or regional history associated with the following: 1) an era of historic importance to the community; 2) the mature mining era of 1894-1930. Ms. Beatlebrox had gone by the property and she felt that both of the buildings look like they belong to the mining history. It is something that the HPB is tasked with preserving and an important reason why they were here this evening.

Board Member Melville asked about the age of the additions to the accessory garage. Planner Alexander replied that she was unable to find any information

on when the additions were done. Ms. Melville thought it looked older than 50 years. Planner Alexander agreed.

Board Member Crosby asked if it was the addition that encroached on Ms. Stout's property. Ms. Stout replied that it was the addition, but also the large timbers were on her property. Planner Alexander noted that Ms. Stout would still have to build five feet from the structure, which would impose more than the three foot setback from the property line.

Board Member Holmgren recalled a similar situation several years ago when there was a "save our sheds" campaign to save structures that were slipping through the cracks. Ms. Holmgren felt strongly about saving those structures at that time and she still feels the same way. She personally believes those buildings are significant.

Board Member White stated that in his opinion the garage was a significant structure and he would like to see it preserved. The fact that it straddles a property line and it is deemed Significant makes it an easier fix than if it were a Landmark structure. Board Member White understood that the HPB did not have the purview to resolve the property line issue.

Assistant City Attorney McLean agreed that the property line issue was outside of the purview of the HPB. She suggested that it might be helpful if the Board would comment on the structure as well as the addition to the structure to provide clarity in terms of whether or not the addition is Significant as well.

Board Member Holmgren stated that if there were no facts to support the age of the addition, she would not be able to comment on that portion. However, she considers the structure itself to be Significant. Planner Alexander stated that based on the type and look of the materials, she believed the addition was added within a few years of the original structure.

Board Member White stated that he has seen the garage many times and he believes the entire structure is worth preserving.

Board Member Crosby agreed with Board Member White. She had been driving by that structure since the late 1960's and it is part of the whole environment of why she wanted to move to Park City. In her opinion, when people drive by that structure and others on Daly Avenue, it represents remnants of the mature mining era. She believes the entire structure meets the criteria for being Significant. Ms. Crosby encouraged the City and the HPB to support preserving this structure.

Board Member Melville believed that it met all the criteria. She was unaware that it was owned by the City until this meeting. Knowing that information, Ms.



Melville thought the City has the same obligation under the Code to stabilize historic structures. She asked about process. Director Eddington stated that if the structure is deemed Significant by the HPB, the Staff would work with the City Council as the owners of that building to discuss a remedy for stabilizing the structure. Ms. Melville agreed that these old accessory structures represent the mature mining era and that preserving them is important.

Board Member Beatlebrox concurred that the structure is Significant and it should be preserved. Board Member Hewett believed the structure was Significant. Chair Kenworthy agreed.

Director Eddington clarified that the majority of the Board members felt that the addition was in period. Chair Kenworthy replied that this was correct. Assistant City Attorney McLean recommended that the Board include that as part of their motion.

Ms. Stout vehemently disagreed with the Board's opinion. She understood that everyone loves this building and wants to preserve it as part of Park City's history and she appreciated their sentiment. However, she questioned where the funds would come from to stabilize this building or the one next to it. If Park City does not act she could see the structures as two pillars within the next few years. If she is not able to build on her property, she would be unhappy if Park City allows the cabin and the shed to fall down. Ms. Stout thought the HPB should not arbitrarily rule the structure as Significant and then do nothing to preserve the building. She wanted a guarantee that the HPB would do something to back up their decision.

Chair Kenworthy informed Ms. Stout that the HPB was not in a position to make any type of guarantee. He pointed out that many of the Board members were surprised to hear that it was owned by the City; but the HPB was acting on their passion of preserving their history through this forum. He assured Ms. Stout that the Board would do whatever they could to follow through, but they could not make any guarantees beyond their purview.

Board Member Melville referred to Finding #6 and suggested that the last sentence needed to be removed. Director Eddington removed the last sentence from Finding #4, believing that the last sentence in Findings 6 and 4 were Staff editorial comments that were somehow incorporated into the text. Director Eddington also recommended removing the wording (size) in both places in Finding #2 since they were also editorial comments.

**MOTION:** Board Member Melville moved to find that the accessory structure garage at 360 Daly Avenue is Significant on the Park City Historic Sites Inventory as a stand-alone structure based on the Findings of Fact and Conclusions of Law found in the Staff report. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

Board Member Melville remarked that since the City has a prescriptive easement she believed this would be the appropriate time to take legal action to acquire title.

Board Member Holmgren stated that the City has become stricter about demolition by neglect and the people who allow their properties to deteriorate. She thought the City should be held to the same standard. Ms. Melville believed the City had funds to stabilize the structure. Director Eddington offered to pass on their comments to the City Council.

Findings of Fact – 360 & 336 Daly Avenue

1. The accessory structure/garage at 360 Daly Avenue is within the Historic Residential 1 (HR-1) zoning district.
2. There is a historic cabin and a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue.
3. The existing accessory structure/garage has been in existence at 360 Daly Avenue since between 1900 and 1907. The structure appears in the 1907 Sanborn Fire Insurance maps.
4. The accessory structure/garage was built between 1900 and 1907 during the Mature Mining Era (1894-1930).
5. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.
6. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material.
7. The site meets the following criteria as Significant on the City's Historic Sites Inventory.
8. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
9. The structure has retained its Essential Historical Form.

10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930).

Conclusions of Law – 360 & 336 Daly Avenue

1. The existing accessory structure/garage located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community (built between 1900-1907); and

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, (no changes to the roof have occurred) or

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance (no such change has occurred), or

(iii) Moving it from its original location to a Dissimilar Location (no such change has occurred), or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way (no such change has occurred).

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community (Mature Mining Era (1894-1930)), or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

491 Echo Spur – Appeal of a Historic District Design Review.  
(Application PL-14-02481)

Planner Astorga stated that the Planning Department was recommending that the Historic Preservation Board review the submitted appeal of the Staff Determination approving the Historic District Design Review at 491 Echo Spur.



**HISTORIC PRESERVATION BOARD  
PARK CITY, SUMMIT COUNTY, UTAH**

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**RE: DETERMINATION OF SIGNIFICANCE**

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The Historic Preservation Board of Park City, Utah met on Wednesday, January 7, 2015 for a regularly scheduled and duly noticed meeting. After determining that a quorum was present, the Board conducted its scheduled business.

**NOTICE OF HISTORIC PRESERVATION BOARD ACTION:**

Project Address: 360 Daly Avenue  
Project Number: PL-14-02249  
Type of Hearing: Determination of Significance of Accessory Structure/Garage  
Hearing Date: January 7, 2015

**Board Action:** **APPROVED** - the Historic Preservation Board conducted a public hearing and found that the accessory structure/garage and its northern addition located at 360 Daly Avenue does comply with criteria set forth in Title 15-11-10(A)(2) for a Significant Site and therefore the structure is a Significant Site pursuant to Title 15-11-10. The Historic Preservation Board made the determination based on the following findings of fact and conclusions of law.

**Finding of Fact:**

1. The accessory structure/garage and its northern addition at 360 Daly Avenue is within the Historic Residential 1 (HR-1) zoning district.
2. There is a historic cabin and a wood-frame gabled-roof accessory structure/garage located at 360 Daly Avenue.
3. The existing accessory structure/garage has been in existence at 360 Daly Avenue since between 1900 and 1907. The structure appears in the 1907 Sanborn Fire Insurance maps.
4. The accessory structure/garage was built between 1900 and 1907 during the Mature Mining Era (1894-1930).
5. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.
6. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material.

7. The site meets the following criteria as Significant on the City's Historic Sites Inventory.
8. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
9. The structure has retained its Essential Historical Form.
10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930).

### Conclusions of Law

1. The existing accessory structure/garage and its northern addition located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
  - (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community (*built between 1900-1907*); and
  - (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
    - (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, (*no changes to the roof have occurred*) or
    - (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance (*no such change has occurred*), or
    - (iii) Moving it from its original location to a Dissimilar Location (*no such change has occurred*), or
    - (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way (*no such change has occurred*).
  - (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
    - (i) An era of Historic importance to the community (*Mature Mining Era (1894-1930)*), or
    - (ii) Lives of Persons who were of Historic importance to the community, or
    - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5068 or contact me by email at [christy.alexander@parkcity.org](mailto:christy.alexander@parkcity.org).

Best Regards,

A handwritten signature in black ink, reading "Christy Alexander". The signature is fluid and cursive, with the first name "Christy" and last name "Alexander" clearly legible.

Christy J. Alexander, AICP  
Planner II