

**PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
445 MARSAC AVENUE
CITY HALL COUNCIL CHAMBERS
June 20, 2017**



AGENDA

MEETING CALLED TO ORDER - 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF May 16, 2017

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

STAFF AND BOARD COMMUNICATIONS/DISCLOSURES

CONTINUATIONS

569 Park Avenue – Appeal of Historic Preservation Board determination that the structures should be designated as “Significant” on the City’s Historic Sites Inventory (HSI). <i>Public hearing and continuation to August 15, 2017</i>	PL-16-03120 <i>Planner Grahn & Tyler</i>	16
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REGULAR AGENDA – *Discussion, possible public hearing, and possible action as outlined below*

341 Ontario Avenue – Applicant is requesting a variance to Section 15-2.2-3 (E) (Front Yard Setbacks), Section 15-2.2-5 (Building Height), and Section 15-2.2-5 (A) Building Height of the Park City Land Management Code (LMC) for the purpose of constructing a single-car garage addition and with living space and decks below to a “Significant” historic house. <i>Public hearing and possible action</i>	PL-17-03538 <i>Planner Grahn</i>	17
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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 MAY 16, 2017

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

EX OFFICIO: Planning Director Bruce Erickson, Anya Grahn, Planner; Hannah Tyler, Planner; Makena Hawley, Planner; Polly Samuels McLean, Louis Rodriguez

ROLL CALL

Chair Gezelius called the meeting to order at 5:00 p.m. and noted that the Board did have a quorum.

ADOPTION OF MINUTES

March 21, 2017

Board Member Wintzer referred to page 4 and the discussion where the Staff supported the variances for Items 1 and 2. She thought those items should be reversed, because on page 13 they are referred to in the opposite order. Ms. Wintzer corrected the Minutes to change Item 3 to Item 2, and Item 2 to item 3 to be consistent with the order on page 13.

Board Member Wintzer thought the Minutes as written reflects that the Board had approved the 1164 square feet, which was not approved. She thought the confusion was in the order of the numbering.

Board Member Fuegi clarified that the Staff had supported Items 1 and 2. Item 1 was the setback and Item 2 was the increase up to 1,000 square feet. They did not support Item 3, which was the requested 1,166 square feet. Ms. Wintzer replied that he was correct.

Board Member Wintzer referred to page 9, third paragraph, third line, and corrected just 30 to correctly read **just 30 days**. On page 10, second paragraph, Junior Mining Claim was corrected to read **Virginia Mining Claim**.

Board Member Fuegi referred to page 7, next to the last paragraph, first sentence, and inserted the word letter to correctly read, “Board Member Wintzer thought Anita Baer made a good point in her **letter**.” Page 8, last paragraph, the first sentence reading “Chair Gezelius believed that a 1,000 square foot accessory unit exceeds the template of historical” was corrected to read “Chair

Gezelius believed that a 1,000 square foot accessory unit exceeds the historical guideline template.”

Board Member Fuegi recalled that a motion was made to continue this meeting to April 18th, but that meeting never occurred. Chair Gezelius suggested that they add a note at the end of the Minutes indicating that a meeting was not held on April 18th, and the item was continued to a meeting scheduled for May 16th.

MOTION: Board Member Fuegi moved to APPROVE the minutes of March 21, 2017 as corrected. Jennifer Franklin seconded the motion.

VOTE: The motion passed. Dave Robinson abstained since he was not present for the March 21st meeting.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Board Member Wintzer stated that as the record shows, at the meeting on March 21, 2017 meeting, as a member of the Board of Adjustment, she participated in the discussion and vote on two agenda items for 277 McHenry Avenue. However, given the depth of her relationship with many of her McHenry neighbors, she would be recusing herself from the discussion and voting on the variance item on the agenda this evening.

Ms. Wintzer disclosed that she owns and occupies a residence at 320 McHenry, which is approximately 300 feet from the 277 McHenry Avenue address.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

277 McHenry Avenue – Variance request to decrease the rear yard setback to 5’ from the zone requirement of 10’. This variance request is a continued item from March 21, 2017. (Application PL-16-03358)

Planner Makena Hawley reported that previously there were three requests for this variance. At the last meeting, one request was denied, one was approved, and this particular request was continued. She noted that the appeal period had passed for the other variances, but the BOA needed to further review the requested variance to reduce the rear-yard setback requirement. The zone requires a 10’ setback and the request is to reduce it to a 5’ setback to accommodate construction of an accessory apartment to be built on the other side of Michael Kaplan’s lot.

Chair Gezelius reported that the Board members were given two public communications that came in too late to be included in the Staff report. One was from Charlie Wintzer and the other from Mary Urdos and Morgan Hull. She noted that the Board had time to read these communications before starting the meeting.

Chair Gezelius opened the public hearing.

Charlie Wintzer reiterated a number of points in the letter he submitted. He was also prepared to answer questions regarding the photos. Mr. Wintzer remarked that the zone was created by his neighborhood when people began asking for three-plexes and nightly rental. At the time Mr. Kaplan's building was a duplex that was grandfathered in, and with that 100% of the neighbors were in agreement to downzone the neighborhood to its current zoning. Mr. Wintzer pointed out that the downzoning was done because the road was substandard road and they wanted to make it a primary home neighborhood as opposed to a second home neighborhood. He remarked that the road size should be at least 20' to meet any type of standard road design; however, at its widest point the road is 17 feet, and 400 feet of the road is 8' wide. The length of the road is twice the standard for a dead-end road. The turnaround is not big enough for any vehicle to turn around. Mr. Wintzer believed it posed life/safety issues and a potential fire hazard. To increase the traffic would only increase the substandard of the road.

Mr. Wintzer noted that the Staff had determined that the property at 277 McHenry has a unique hardship, but he disagreed. In his opinion, it is the character of the neighborhood and most of the properties go across the road. Some properties originally did not have access off of McHenry. Access occurred when the rest of the property was brought into Park City with Deer Valley. Mr. Wintzer remarked that Mr. Kaplan's property was supposed to front off Ontario, the street below, which was never built. Mr. Wintzer believed this decision would set a present for the rest of development. Every normal lot has already been built and the remaining lots would all try to present a hardship.

Mr. Wintzer remarked that building a garage would help the parking, but building an apartment above it would increase the on-street parking requirements. The neighborhood would support a variance for a garage, but they do not believe the street could handle additional traffic.

Ed Axtell stated that he and his wife have lived on McHenry for 36 years. He remarked that 37 years ago they came before the Board of Adjustment in an effort to build a larger house on their lot. Their lot had the same problems as 277 McHenry and their request was denied. The Board of Adjustment at that time said they needed to build within the required setbacks; and that is what they did. Mr. Axtell stated that five years ago he came before the BOA with a variance to build a garage, which was constructed. However, in the planning phase they

were told that they could not build an auxiliary apartment above the garage. Mr. Axtell believed this request would set a bad precedent for future applications if people are allowed to do this on substandard lots.

Mr. Axtell agreed with Mr. Wintzer that the substandard road presents safety issues. He noted that two years ago the City repaved and added curb and gutter on both sides of the road, even though the neighbors tried to stop the City from doing. Add four feet of concrete decreased the width of an already narrow, substandard road and made one portion 8' wide. When there is snow in the winter, the width of the road is reduced further and it becomes barely passable. Mr. Axtell commented on the steep access coming in from the Deer Valley area.

Mr. Axtell stated that since he built his garage, which has a 5' setback on one side, combined with the 8' narrowness of the road, it is difficult to get into a parking space. The plan he saw for 277 McHenry counted the two parking spaces on the west side of the road for the existing home, and counted the two spaces in the garage as parking for the new apartment. He pointed out that accessing those garage spaces would require backing into the parking space across the street. If that space is occupied by two cars, it would be difficult to maneuver. Mr. Axtell favored approving the garage because it would reduce the number of cars on the street, because currently there is not enough parking for that building. It would be good to get the cars off the street, especially during the winter.

Herb Armstrong stated that his lot crossed the road in that area over Mike Constable's lot. He was not allowed to have a garage off of McHenry, which he had planned to do, and he could only have one small garage without a variance. If the setback is reduced to 5' for Mr. Kaplan, he could not understand why his setback was not reduced to do what he had wanted to do with his property. Mr. Armstrong was opposed to this variance request.

Morgan Hull clarified that his wife had written the letter that was given to the Board this evening. They have been long-time residents since 2000, and he is concerned about the variance primarily from the standpoint of precedent setting. They plan to remodel their house and if everyone could have a 5' setback, he could add approximately 2,000 square feet to his house. However, he and his wife were planning their remodel within the requirements. Mr. Hull was not opposed to the garage or building an apartment above it, but he did not believe it was appropriate or fair to grant a variance to allow for a larger structure when no one else has had that opportunity. Mr. Hull thought the rules and requirements were in place for a reason, but now everyone can apply for a variance and they are usually approved. If the BOA sets the precedent and allows Mr. Kaplan the 5' setback variance, he would expect the same to be extended to him when he does his remodel and comes in with a request to reduce his setback to 5'. Mr. Hull did not think it made sense to set that type of a precedent.

Mr. Hull remarked that in 2005 Park City purchased the Virginia Mining Claim property to keep it as open space. The setbacks were set to prevent encroaching on the open space. He believed it was the same issue all over Park City, and some developers want permission to encroach on open space because it is profitable. When they purchase the property they know the setbacks and they should have to build within those setbacks. Mr. Hull and his wife were not in favor of the requested variance.

Patricia Constable, a resident at 287 McHenry, stated that the Third Street stairs were on one side of her home, and on the other side is Mr. Kaplan's existing house. She has lived in her home one year and renovated the historical home. During that time, she has attended many meetings for various reasons; however, they did not attend the first BOA meeting on this matter because it never occurred to them that the Board would consider approving this request. Ms. Constable clarified that her comments were not personal toward Mr. Kaplan. However, she thought he was building a garage with a small accessory apartment, but it appears that he is building another house across the street. His duplex is grandfathered, which means he can have two sets of people living in his current house, which will increase the density, the mass, traffic and other things. Ms. Constable remarked that they had an issue with snow removal this year. On Christmas day the snow plow could not get by a parked car so they drove up to Mr. Kaplan's house and dumped all the snow from the entire street in that location, and the residents above could not get out. Later in the day the snow was moved and dumped into her driveway, which destroyed the berm she was required to have by the City. Ms. Constable pointed out that in the event of an emergency that situation could be a detriment to safety issues.

Ms. Constable was not opposed to Mr. Kaplan building a garage, but she disagreed with the idea of there being a large house across the street. She was also opposed to the variance. When she added an addition to her house they realized it was bigger than the small historic house, but they had downsized in order to meet the requirements and they did not request a variance. Ms. Constable asked that the BOA consider that Mr. Kaplan should have to do the same as everyone else, and not set a precedent to allow variances to increase the density in that area which is already stressed by the substandard road.

David Constable stated that she and her wife live next door to Mr. Kaplan. They were not in favor of the variance for the reasons Ms. Constable had mentioned, but primarily because they feel it is wrong to grant variances to build a larger structure. It sets a bad precedent. Some of his neighbors would also like to have variances, but they follow the rules. It is not fair to others if a variance is granted to some but not to others. He was not in favor of variances for the purpose of increasing building size, and they should all be held to the same rules.

Chair Gezelius closed the public hearing.

Board Member Robinson noted that he was not present at the last meeting; however, from reading the Minutes of that meeting he understood that the Board had approved a variance of a maximum of 1,000 square feet. Chair Gezelius replied that he was correct.

Planner Francisco Astorga clarified that an accessory apartment is subject to a conditional use permit reviewed by the Park City Planning Commission, at which time the public would have another opportunity to comment. The Planning Commission would review the CUP to make sure the application meets the Code. Planner Astorga remarked that the issue this evening is for a variance. As defined by the LMC, a variance is a deviation from the Code that is approved by the Board of Adjustment based on unique conditions found on the lot. He clarified that approving a variance for one person does not mean the BOA has to approve a variance for the next person. It is based on the application and whether unique conditions exist on the lot. He clarified that a unique condition does not exist on every lot in a neighborhood.

Planner Astorga was prepared to show graphics of why the Staff was recommending that the variance be approved. It was the same information that was included in the Staff report, but in graphic form.

Board Member Robinson asked if view corridors and other issues would be addressed with the CUP before the Planning Commission, and that it was not within the purview of the BOA. Planner Astorga replied that it was the purview of the Planning Commission; however, views are not protected. The Staff does not make recommendations based on views because the LMC does not prohibit building if it blocks someone's views. Planner Astorga explained that views are tied to the maximum building height, which is 27' in the HRL zone.

Board Member Robinson asked if the other variance requests mentioned that were not granted were setback variances. Planner Hawley stated that in her research she found that some variances were granted and others were denied. She offered to do additional research to find the exact number. Ms. Hawley remarked that it is hard to set a precedent with variances because they are all different. It is based on the lot and the uniqueness of that specific lot.

Assistant City Attorney McLean clarified that precedence is the reasoning, which goes to the criteria of uniqueness of the lot. If this is the only lot with this type of configuration, that is part of the analysis. However, for example, if there is a substandard lot in terms of size, and there are other lots similar to that size, the reasoning has to be consistent.

Board Member Robinson understood from the Minutes of the last meeting, that the 1,000 square foot variance was granted conditionally upon the duplex being retrofitted back to a single family unit; taking out the kitchen, being inspected, etc.

It appeared to him that the density would actually be reduced with the building of the apartment. Planner Astorga replied that he was correct. The original application kept the duplex, but the Staff could not support an accessory apartment across the road if the duplex remained. However, the Staff could support it if Mr. Kaplan gave up his duplex status and made it a single-family dwelling. He clarified that if Mr. Kaplan were to change his mind, the Staff would not support the variance.

Board Member Robinson could not understand from the Minutes why the property is unique. Planner Astorga reviewed the graphics he had prepared to explain why the Staff found unique conditions. He noted that it was similar to the presentation that was given to the Board at the last meeting. He explained that Mr. Kaplan's lot is unique because it is the only lot in the neighborhood that has the same ownership on both sides of the road. For that reason, the Staff recommended granting the variance. Planner Astorga noted that 5' was the variance requested by the applicant, but as reflected in the Minutes, Mr. Kaplan was not opposed to looking at a different number between 5' and 10'.

Board Member Franklin asked if the Board needed to be aware of any updates on the plat amendment besides it being one of the conditions of approval. Planner Hawley replied that a plat amendment had not yet been submitted. She noted that Mr. Kaplan would have to submit a plat amendment, but the plat amendment and all other applications are dependent on the variance decision.

Planner Astorga remarked that a plat amendment is required because a lot line runs through the house. Removing that lot line is very standard in plat amendments; but the difference is that they would also be formalizing the road.

Board Member Franklin understood that an accessory building was different from an accessory apartment. Planner Hawley replied that she was correct.

Chair Gezelius commented on the issue of the setback from public open space of only being 5' instead of 10'. She remarked that purchased open space is a great value to the community and any variance in that setback impacts the property owner being close to the public use, as well as the public use to the property owner. Chair Gezelius noted that they could not cite precedence around town because it is different on every open space parcel, but the idea of giving a variance for a new structure versus an existing historic structure located in the setback was troubling for her. She could understand the nature of the lot being unique with a road running through it. They have had to deal with many around town and tried to come up with solutions as best as possible. She recognized that it is onerous on the owner to have double frontage setbacks. At the same time, a structure could be built on the lot but it would be smaller than what was proposed. Chair Gezelius was not inclined to grant the variance from that standpoint.

Board Member Fuegi did not disagree that there was a unique condition, but he did not believe that unique condition always translates into hardship. He thought they had accommodated the applicant by increasing the size from 700 square feet to 1,000 square feet. He recalled that the design with the 5' setback was 1,164 square feet. Knowing that the applicant would have to reduce the overall square footage by 164 square feet, he believed that respecting the setback would result in the same reduction of square footage as the variance request. Mr. Fuegi felt certain that a 1,000 square foot apartment with the garage would fit, and it would be a fair solution. He was not convinced that this was a hardship condition.

Michael Kaplan, the applicant, thought the issue was the 5' setback and not the size of the house. He explained that he wanted to put the house back 5' so his neighbors could have a view corridor and there would be more parking for the public good. Mr. Kaplan remarked the house has been designed and approved, and if they do not grant the 5' setback variance he would still move forward. He reiterated that his intention was to benefit his neighbors and to help the neighborhood by moving the structure off the road.

Board Member Robinson stated that in looking at the criteria he agreed with the unreasonable hardship and where the property is bifurcated to such a degree. He understood the nature of the concern for the open space. However, in looking at the map, he believed there were two structures that already impose on that open land. Morgan Hull stated that one of the structures was no longer there.

Chair Gezelius re-opened the public hearing to allow Mr. Hull to explain his comment.

Mr. Hull used the graphic to show that the house right above Mr. Kaplan's property was a historic home and the owner's son and daughter-in-law built a home on that lot. However, the house was moved and it no longer encroaches on the open space. Mr. Hull believed the house below Mr. Kaplan's property is owned by Mr. Dennis. It is a historic home that existed prior to the time of the property acquisition. He indicated the lot line that extends to the rear, and noted that the house owns that lot that goes all the way back into the open space. Mr. Hull recalled that Mr. Dennis approached Virginia Claim in the 1970s and he actually owns that property.

Chair Gezelius clarified for the record that one historic home encroaches on the open space. Mr. Hull felt certain that his recollection was correct.

Chair Gezelius closed the public hearing.

Planner Astorga pointed out that the Staff does not use GIS for boundary. They rely on the surveys. Therefore, he was unable to deny or confirm that the house

Mr. Hull mentioned was not on the property. He noted that the applicant had submitted his survey so they were able to confirm the improvements on his lots. Regarding the status of the historic sites, Planner Astorga stated that he would be able to provide information on whether or not the houses were historic if needed. Chair Gezelius remarked that the BOA was discussing vacant with this application, and although the adjacent property is of interest, it was a separate discussion.

Board Member Robinson was comfortable with the Staff analysis. Based on the five criteria that the Board was supposed to consider it, he was in favor of granting the variance.

MOTION: Board Member Robinson moved to grant the variance request to change the required setback from 10' to 5', based on the findings of fact, conclusions of law, order and condition of approval found in the Staff report.

The motion died for lack of a second.

MOTION: Board Member Fuegi moved to deny the variance request for 277 McHenry Avenue to change the required setback from 10' to 5', based on the Findings of Fact, Conclusions of Law and the Order.

Chair Gezelius noted that the findings, conclusions and conditions needed to be revised for denial.

Assistant City Attorney McLean stated that the Board would have to provide facts in terms of which criteria are not met.

AMENDED MOTION: Board Member Fuegi amended his motion to propose denial based on not meeting Criteria #1, which relates to hardship.

Board Member Franklin seconded the motion based on also not meeting Criteria #3, substantial property right possessed by others in the same zone; Criteria #4, that it is contrary to the public interest as the HRL zone was designed.

Board Member Fuegi accepted the additional criteria to his motion.

Director Erickson provided suggested changes to the Findings of Fact to conform with the motion to deny.

Finding of Fact #24 – Delete the second phrase, “this creates a unique and unreasonable hardship for the applicant and can support finding of good cause for reduction of the rear yard setback”.

Finding #27 - Delete in whole.

Finding #28 and #29 - Delete in whole.

Finding #31 and 32 - Delete in whole.

Finding #34, 35, 36 – Delete in whole.

Conclusions of Law #1 – revised to read, “Literal enforcement of the HR-L District requirements for this property does not cause an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance”.

Conclusion of Law #2 - revised to read, “There are not special circumstances attached to the property that do not generally apply to other properties in the same district”.

Conclusion of Law #3 – revised to read, “Granting the variance is not essential to the enjoyment of substantial property right possessed by other property owners in the same district”.

Conclusion of Law #4 – revised to read, “The proposal is not consistent with the General Plan.

Conclusion of Law #5 – revised to read, “The spirit of the zoning ordinance is not observed by this application.

Conclusion of Law #6 revised to read, “It has not been shown that all of the conditions justifying a variance, pursuant to LMC § 15-10-9, have not been met.

Order – revised to read, “A variance to LMC Section 15-2.1-3 (E) – to the required 10-foot rear yard setback to allow a 5-foot rear yard setback on the rear portion of the property, is hereby denied.”

The Conditions of Approval were struck.

Chair Gezelius restated the motion to deny the request for the variance subject to Criteria #1, 3 and 4, and with the Findings of Fact, Conclusions of Law and the Order as amended by Planning Director Bruce Erickson.

Board Member Fuegi verified that the motion to deny the variance as restated by Chair Gezelius was correct.

VOTE: The motion passed 3-1. Dave Robinson voted against the motion.

Findings of Fact – 277 McHenry Avenue

1. The property is located at 277 McHenry Avenue in the Historic Residential-Low Density (HR-L) District.
2. The property consists of all of Lot 12 and half of Lot 11 of Block 60 of the Park City Survey.
3. Adjacent land uses are residential single-family homes.
4. The applicant is requesting a variance to reduce the rear yard setback requirement (LMC Section 15-2.1-3 (E) – Rear Yard Setback in the HRL District) from the required 10' to 5' for construction of a detached garage and accessory apartment on the eastern portion of the Lot.
5. On November 2, 2016, the Planning Department received an application for a variance request to the minimum rear yard setback, as well as the maximum Accessory Apartment Size requirements. The application was deemed complete on December 28, 2016.
6. The subject site contains a total of 4,381 square feet minus the road.
7. The western portion of 277 McHenry is a total of 2,557 sq. ft.
8. The eastern portion of 277 McHenry is a total of 1,824 sq. ft.
9. The road equates to 452 sq. ft.
10. The existing duplex is 2,100 sq. ft. with a footprint of 700 sq. ft. Maximum footprint allowed on the lot is 1,712.2 sf., based on the total lot area (minus the road). No variance to the maximum footprint is requested.
11. The minimum lot size in the HRL is 3,750 sf.
12. The accessory apartment design proposes 823.2 sf footprint.
13. The design includes construction of an accessory apartment with a two-car garage at the basement-level with living space and decks above it.
14. In the HRL zone, an accessory apartment is a Conditional Use.
15. The Duplex was built in 1973 over two property lines. No building permits could be located.
16. The east portion lot's accessory structure proposal proposes a front yard setback of 10 feet which complies and a 5-foot rear yard setback which requires an approved variance.
17. Side yard setbacks for the lot are 3 feet minimum and 6 feet combined. The proposal meets the side yard setback requirements.
18. Parking requirements for a Single Family home is 2 spaces per dwelling unit.
19. Parking requirements for a Duplex dwelling is 2 spaces per dwelling unit.
20. Parking requirements for an accessory apartment are 1 space per bedroom.
21. The accessory apartment is proposing 2 bedrooms and 2 parking spots.
22. A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.
23. According to City Records there are no other Accessory Apartments permitted by the City within 300' of the property.

24. The depth of the east portion of the lot ranges from 42 feet to 55 feet with McHenry bisecting the lot.
25. The intent of the code for accessory apartments is to create a structure that is for the benefit of the principle use which is incidental to the principal dwelling.
26. Currently 2 legal, paved parking spaces exist for 277 McHenry. If the accessory apartment is approved with the 2 car garage (as proposed) and the duplex becomes a single family dwelling, each unit will comply with required parking for the uses. If the duplex remains, the parking requirements are not met and there is more density than permitted for the lot.
27. The location of the McHenry Road, splitting the subject site in two, does not allow any construction in that same location.
28. There are circumstances peculiar to this property that are unique and are not conditions that are general to the neighborhood requiring additional setbacks.
29. Granting the variance will allow the applicant to construct a 2 car garage for a reasonably sized accessory apartment in a detached structure that will adhere to all setback requirements except for the rear reduction.
30. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.
31. The Accessory Apartment is clearly incidental to the primary dwelling and Staff does not find that it is the intent of the LMC to require owners to first increase the size of the main dwelling or to penalize owners of smaller primary dwelling sizes.
32. The Accessory apartment will have a max gross floor area of 1,000 square feet.
33. On March 2, 2017, the property was posted and notice of the variance request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code.
34. Legal notice was published in the Park Record on March 4, 2017, according to requirements of the Code.
35. Public comment has been provided and is available under Exhibit J.
36. If the variance is not approved the property would remain as is and no construction of the proposed accessory apartment could take place within the rear yard setbacks. Should the BOA not grant a variance to reduce the rear yard setback from 10 feet to 5 feet and allow the additional square footage per the applicant's request, the applicant will not be permitted to construct an accessory apartment as proposed and would need to reduce the overall building footprint to fit inside the required setbacks. The existing duplex will remain under parked for the amount of units that exist. A lot line will remain running through the two old town properties and no exterior work would be approved that increased any non-conformities.
37. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.

Conclusions of Law – 277 McHenry Avenue

1. Literal enforcement of the HR-L District requirements for this property does not cause an unreasonable hardship that is necessary to carry out the general purpose of the zoning ordinance.
2. There are not special circumstances attached to the property that generally apply to other properties in the same district.
3. Granting the variance is not essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is not consistent with the General Plan.
5. The spirit of the zoning ordinance is not observed by this application.
6. It has not been shown that all of the conditions justifying a variance, pursuant to LMC § 15-10-9, have not been met.

Order

1. A variance to LMC Section 15-2.1-3 (E) – to the required 10-foot rear yard setback to allow a 5-foot rear yard setback on the rear portion of the property, is hereby denied.

Chair Gezelius adjourned the meeting at 6:10 p.m.

Approved by _____
Ruth Gezelius, Chair
Board of Adjustment



Board of Adjustment Staff Report

PLANNING DEPARTMENT

Subject: 569 Park Avenue
Author: Anya Grahn, Historic Preservation Planner
Hannah Tyler, Planner
Project #: PL-16-03120
Date: June 20, 2017
Type of Item: Quasi-Judicial – Appeal of Historic Preservation Board’s
Determination of Significance

Summary Recommendations

Staff recommends the Board of Adjustment conduct a public hearing for the appeal of the Historic Preservation Board’s (HPB) Determination of Significance of the house at 569 Park Avenue and continue the item to the August 15, 2017, BOA meeting.

The continuation has been made at the request of the applicant, with consent from staff.

Topic

Applicant: William A. Kershaw (Represented by Graham J. Gilbert and Wade Budge, Snell & Wilmer LLP Law Offices)
Location: 569 Park Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Historic single-family residences, parking lot, Main Street Commercial District
Reason for Review: Appeal of the Historic Preservation Board’s determination of significance of the historic site at 569 Park Avenue.



Board of Adjustment Staff Report

Application #: PL-17-03538
Subject: 341 Ontario Avenue
Author: Anya Grahn, Historic Preservation Planner
Date: June 20, 2017
Type of Item: Variance

Summary Recommendations

Staff recommends that the Board of Adjustment (BOA) review, conduct a public hearing, and grant the applicants' request for three (3) variances to: (1) Section 15-2.2-3 (E) Front Yard Setbacks, (2) Section 15-2.2-5 Building Height above Existing Grade, and (3) Section 15-2.2-5 (A) interior Building Height of the Park City Land Management Code (LMC) as described in this report for the purpose of constructing an addition to a historic structure which includes a new single-car garage with living space and decks above.

Description

Applicant: Matthew and Marissa Day, Sparano + Mooney Architects
Location: 341 Ontario Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential single family homes
Reason for Review: Variances require Board of Adjustment approval

Proposal

The applicant proposes to construct an addition to a historic house, designated as Significant on the Park City Historic Sites Inventory (HSI). The new addition includes a garage along Ontario Avenue and lower levels that connect to the historic house. Because of the steepness of the slope on the downhill (west) side of Ontario Avenue and limited parking on the street, the applicant has requested three (3) variances in order to construct the proposed addition. The applicant is requesting a variance to reduce the front yard setback requirement, from Ontario Avenue, for the proposed addition so that the addition, and particularly the garage, can be constructed at the street level (variance #1). The applicants also seek a variance to the required exterior building height of 27 feet above Existing Grade (variance #2), and a variance to the maximum interior height of 35 feet measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists and rafters (variance #3).

Variances requested:

- #1: A variance to LMC Section 15-2.2-3 (E) to the required ten foot (10') front yard setback exception to allow for an addition to be constructed at the front of the lot; the addition includes a one-car garage on the top level, adjacent to Ontario Avenue.
- #2: A variance to LMC Section 15-2.2-5 to the maximum building height of 27

feet above Existing Grade.

- #3: A variance to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

The applicants believe that unique conditions exist with the property to warrant granting of a variance to the required front yard setback and required maximum interior height.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- A. Preserve present land Uses and character of the Historic residential Areas of Park City,
- B. Encourage the preservation of Historic Structures,
- C. Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. Encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. Define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On April 19, 2017, the Planning Department received an application for a variance request to the minimum front yard setback, building height, as well as the maximum interior height of the building. The application was deemed complete on May 9, 2017.

The property is located at 341 Ontario Avenue. At this location, Ontario Avenue is a narrow and sloped street with limited to no parking. The purpose of the variance is to allow a reduced front yard setback as well as an increase to the maximum exterior and interior heights for the construction of a proposed addition to the existing historic house, including a new one-car garage at the top-level with living space and decks below it that connect to the historic house.

The existing 483 square foot historic house is designated as "Significant" on the City's Historic Sites Inventory (HSI). The historic house currently does not have a driveway or garage from Ontario Avenue, and the applicants park their vehicles in the Sandridge Parking Lot and walk to the house. There is no existing parking for this property. The house currently is not accessed from Ontario Avenue, but must be accessed from a path on the downhill side of the lot accessed from Shorty's Stairs. The owner proposes to construct a new one-car garage in order to provide a driveway and off-street parking for a single car. Only the garage parking space would be considered legal parking based on the requirements of the LMC as the second parking spot would be placed on the City right-of-way and would not be considered legal parking.

The LMC requires a 10 foot front yard setback to the property line and the applicant is requesting a 4 foot 6 inch setback to accommodate the new addition, which includes the

one-car garage. The applicant will construct a bridge for the driveway that spans from the garage to Ontario Avenue; the bridge would be subject to an encroachment agreement with the City Engineer.

Almost immediately to the west of Ontario Avenue, the grade drops steeply so that there is a change in grade of approximately 36 feet before the lot flattens out. The historic house was constructed against the wall of the canyon and on the flat portion of the lot. The required maximum building height allowed by the zone is 27 feet above Existing Grade; however, the applicant has requested a height variance allowing building height to be 35 feet above Existing Grade.

This is consistent with the height exception permitted by LMC 15-2.2-5(D)(4) which allows the Planning Commission to allow additional Building Height on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. Per this exception in the code, the additional Building Height may not exceed 35 feet from Existing Grade.

The applicants do not qualify for this exception as they are not providing two legal parking spaces in a tandem configuration. The exterior parking space is not located entirely on the applicants' lot and extends over into the City right-of-way. This spot is not a legal parking space. Further, all parking for this property must be located on the property and cannot encroach into the City's right-of-way.

Because of the steepness of the lot, it was challenging for the applicants to design an addition that provides access to Ontario Avenue while also connecting to the historic house that sits on grade 36 feet below the street. LMC 15-1.2-5(A) requires that a Structure have a maximum height of 35 feet measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The applicant has requested a variance from this provision to allow for a maximum interior height of 39 feet 6 inches in order to accommodate the single-car garage and entry area accessible from Ontario Avenue.

The existing house is setback from the front property line along Ontario Avenue by approximately 32 feet and setback from the edge of asphalt on Ontario by 47 to 49 feet. The historic house sits on a flat portion of the lot which is located approximately 36 feet below the elevation of the street. The lot slopes dramatically away from Ontario Avenue, towards the northwest.

In February 2014, the Planning Department received the first Historic District Design Review Pre-Application from these applicants for the proposed renovation of the historic house and construction of a new addition at 341 Ontario Avenue. A Historic District Design Review (HDDR) application was submitted on September 3, 2015, and deemed complete on September 22, 2015. Staff has been working with the applicants for almost two years through the HDDR process in order to develop a design that complies with the Land Management Code and Design Guidelines. The applicants requested that the

review be put on hold in 2016 while staff amended the height exceptions allowed by LMC 15-2.2-5. The amended LMC provided a height exception for houses on a downhill lot and was passed as [Ordinance 2016-44](#).

Any development of the site will require compliance with the Design Guidelines for Historic Districts and Historic Sites. As the applicant is also proposing to construct more than 200 square feet on a slope of 30% or greater, a Steep Slope Conditional Use Permit (CUP) application reviewed by the Planning Commission will also be required. The applicant has chosen to move forward with the variance prior to staff processing the HDDR and Steel Slope CUP applications.

Analysis

The property is located within the HR-1 District and consists of Lot 1 of the 341 Ontario Avenue Subdivision, recorded on December 18, 2014. The site is currently occupied by a historic house. The current footprint on the lot is 483 square feet and based on the size of the lot, the applicant is permitted to construct a maximum footprint of 1,519 square feet.

This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as historically Significant. The property was built circa 1900 during the Mature Mining Historic Era (1894-1930).

Currently, the house is accessible from a pathway off of Shorty's Stairs, which connect Marsac and Ontario Avenues. Like many houses on the west side of the canyon, the house was constructed to face Main Street instead of Ontario Avenue. There is no pedestrian access from Ontario Avenue and the house is accessed by a pedestrian path that runs across the downhill side of the lot and connects to Shorty's Stairs. According to the applicant, there is no easement for the pedestrian path and because there is no easement, the applicant is concerned about the legal liability this may represent as they must trespass across their neighbors property to access the house. Staff has researched this and found that the 310 Marsac Place plat amendment identifies the 10 foot wide access easement for use; it was recorded in 1981.

Variance #1: The applicant is proposing to construct an addition containing a one (1)-car garage that would have vehicular access from Ontario Avenue at the property line. The proposed addition will have a 4 foot 6 inch front yard setback, and have a distance of 18 feet 4 inches to 19 feet 4 inches from paved Ontario Avenue, increasing to the south. If the addition were to be moved further to the west, in order to meet the required 10 foot front yard setback, it would increase the overall mass and volume of the house and decrease the separation between the historic house and addition. Further, the addition would create a taller wall on the west elevation and there would be no break in the mass; staff finds this design would not be compatible with the Historic District and significantly overwhelm the historic house. The need for a single-car garage also dictated placing the new addition closer to the front of the property. By locating the addition as proposed, the design is able to step down the hillside in volumes that are compatible with the historic house and a portion of the mass is buried in the hillside (Exhibit C).

Variance #2: Because of the significant grade change from Ontario Avenue to the location of the existing historic house, the applicants are also requesting a variance to LMC 15-2.2-5 Building Height which states that no structure shall be erected to a height greater than 27 feet from Existing Grade. As previously described, the Planning Commission may allow additional Building Height up to 35 feet from Existing Grade on a downhill lot to accommodate a single car wide garage in a Tandem Parking configuration. The applicant does not qualify for this exception as the second exterior parking space in the driveway is not a legal parking space as it extends over the front property line and into the City right-of-way. Nevertheless, their request for additional height up to 35 feet is consistent with the height exemption granted by the zone.

Variance #3: The steepness of the lot and the location of the existing historic house has also led the applicants to request a variance to LMC 15-2.2-5(A) which states that a Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. As the site of the historic house is some 36 feet below Ontario Avenue. The applicant is proposing a maximum interior height of 39 feet 6 inches.

The following outline the requirements needed for the variance

	LMC Requirement	Proposed
Variance #1: Setbacks Front/Rear Yard	10 feet/20 feet total	4'6" front yard/10 ft. rear yard 14'6" total
Variance #2: Building (Zone) Height	27 ft. maximum	35 ft. above Existing Grade
Variance #3: Lowest Finished Floor Plane to Highest Wall Top Plate	35 ft. maximum measured from the lowest finished floor plane to the point of the highest wall top plate	39' 6" measured from lowest finished floor plane to the point of the highest wall top plate

LMC Review Criteria for a Variance

In order to grant the requested variances to the aforementioned code sections, 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 (see Exhibit D).

Criteria 1. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. *In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the BOA may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. In determining*

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

The applicant argues that the steepness of the slope makes it impossible to construct a garage in any location on the site, except for Ontario Avenue where the grade is closest to the road. As the house is already 36 feet above the lowest floor plane of the house, a variance is necessary to meet the required interior height of 35 feet.

The applicant argues that the other houses along Ontario Avenue have a pedestrian access from the street. This house's only access is along the pedestrian path on the east side of the lot. The applicant is not required to provide parking as the site is historic, and they could build a set of stairs from Ontario to connect to the historic house if they desired.

The applicant argues that the reduced front yard setback is necessary as it will reduce the zone height of the addition by further burying the bulk and mass of the new addition into the hillside. The current design also provides sufficient separation between the historic house and new addition, as required by the Design Guidelines for Historic District Sites. Due to the steepness of the lot and the current location of the historic house, it has been difficult to develop a design that provides an attached garage while still providing visual separation between the historic house and the new addition. Additionally, the steepness of the hillside and the historic house's location against the hillside has made it challenging to create a design that does not appear to loom over the historic house due to the height of the new addition.

The applicant also argues that the proposed driveway leading to the garage will be located on one of the narrowest points of the road, with the steepest drop off the edge. In the past, the applicant has not been able to put their trash in front of the house because it is often knocked over by passing cars due to the narrowness of the road. To avoid this, the applicant has had to haul their trash down across the pedestrian path, down Shorty's Stairs and drive it off site each week.

Because of the significant grade change from Ontario Avenue to the location of the existing historic house, the applicant is also requesting an exception to LMC 15-2.2-5 and LMC 15-2.2-5(A). As currently designed, the applicant's proposal is consistent with the allowed 35 foot height above Existing Grade for downhill garages proposing a tandem parking configuration for two vehicles as outlined in LMC 15-2.2-5(D)(4); the applicant will only be providing one legal parking space in the garage through this variance. As currently designed, the applicant's proposal requires an Interior Height of 39 feet 6 inches of height from the lowest finished floor plane of the historic house to the point of the highest wall top plate; LMC 15-2.2-5(A) currently requires 35 feet.

The applicant argues that literal enforcement of the LMC would cause unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. There are circumstances peculiar to this property that is unique only to this property. The lot is setback some 14 to 17 feet from the edge of paved Ontario Avenue,

and the proposed garage will be setback approximately 18 feet 4 inches to 21 feet 4 inches from the edge of paved Ontario Avenue. There is a lack of pedestrian access to the lot and the narrowness of Ontario Avenue in front of the lot makes street parking impossible.

Staff finds that literal enforcement of the LMC is not necessary to carry out the general purpose of the LMC. The applicants have argued that there is no pedestrian access to the site from Ontario Avenue; however, an exterior staircase could be constructed. The proposed addition will be distanced from the existing edge of curb by a distance of approximately 18 to 21 feet.

As previously described, staff finds the steepness of the lot and the location of the historic house some 36 feet below the street make it impossible to connect the house to the street through the addition while complying to the height restrictions of 27 feet above Existing Grade on the exterior and 35 feet on the interior measured from the lowest finished floor plate of the historic house to the top of the wall plate of the new addition (garage). The proposed exterior height of 35 feet above Existing Grade is consistent with the LMC height exception granted by the Planning Commission for a downhill garage providing tandem parking. The interior height of 39 feet 6 inches has largely been driven the steepness of the slope and the need to attach the garage to the historic house which sits some 36 feet below the existing street.

Additionally, the location of the proposed addition has been further dictated by the placement of the historic house at the lowest point of the lot and adjacent to the canyon wall. The applicant has not requested that the historic house be relocated, and staff finds that it would be difficult to comply with [LMC 15-11-13](#) as the house is not threatened by demolition in its current location, there are no hazardous conditions that are endangering the historic building, and any relocation would detract from the historic character and setting of the site.

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

The applicant argues that there are special circumstances attached to this property that do not apply to other properties in the same zone. The applicant argues that this property is one of only a few actual historic residences left in this section of Ontario Avenue. (There are a total of 13 houses listed on the HSI that are located on Ontario Avenue.) The applicant finds that this is one of the few properties along Ontario Avenue that have preserved its original historic grade and location far below the street. Additionally, other properties do not have the same increased distance between the edge of curb and property line because Ontario Avenue is located closer to the platted ROW in those areas.

Staff finds that there are special circumstances attached to this property that are unique and do not apply to other properties in the same zone. The steepness of the lot and the location of the historic house some 36 feet below the street make it impossible to connect the house to the street through the addition while complying to the height restrictions of 27 feet above Existing Grade on the exterior and 35 feet on the interior measured from the lowest finished floor plate of the historic house to the top of the wall plate of the new addition (garage). The location of the lot is also significantly distanced 14 to 18 feet from the paved Ontario Avenue. This section of paved Ontario Avenue is also characterized by its steepness and limited width. Granting the variance will relieve parking demands by locating a single car on site and in the garage.

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

The applicant argues that most of the houses on Ontario Avenue and within the HR-1 zone have a garage and off-street parking. The applicant believes most of these houses were constructed within the last 30 years, prior to the recent revisions of the LMC which requires that the Structure have a maximum interior height of 35 feet. (This provision was added in 2013 through [Ordinance 2013-48](#).) The applicant argues that garages are necessary along Ontario Avenue to alleviate parking and prevent parked cars on a steep and narrow road. As there is little to no off-street parking immediately adjacent to the property that are available to these property owners, the applicants argue that providing parking on-site will alleviate existing traffic issues on Ontario Avenue removing cars from the street, especially during the winter months when there is limited on-street parking due to snow accumulation and storage.

The applicant has demonstrated that the proposed design will alleviate parking congestion on Ontario Avenue. The steepness of the lot and the location of the existing historic house has largely dictated the placement of the garage on the site. As proposed, the applicant will require variances to the required exterior and interior building heights in order to build a structure up to 35 feet above Existing Grade and 39 feet 6 inches from the lowest finished floor plane of the historic house to the height of the tallest wall plate of the new addition.

While the proposed solution will result in the loss of one (1) public parking space along Ontario Avenue, staff finds that granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone. By providing off-street parking on this site, the applicant will provide a pedestrian entrance to the site and provide parking for one car in the proposed single-car garage. As existing, there is no on-street parking in this location for the applicant and the limited width of the road makes it difficult for two cars to pass. The steepness of the lot and location of the historic house have made it impossible for an attached garage to be constructed while still complying with the required interior and exterior height requirements of the HR-1 zone.

The City Engineer has argued that the driveway will remove one public parking space from Ontario Avenue for the purposes of creating private parking. The loss of this parking space has not been mitigated.

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

The applicant finds that the variance will not substantially affect the General Plan and will not be contrary to public interest. The applicant argues that it is within the public interest to eliminate congestion on Ontario Avenue, which is a narrow and steep street, and difficult to navigate at times when two cars are passing. The applicant argues further that parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists using Ontario Avenue. The applicant also ascertains that the attached garage will eliminate unnecessary pedestrian traffic along the street, which, according to the applicant, causes additional safety concerns. Finally, the applicant finds that by allowing the new garage addition to have a 4 foot 6 inch front yard setback, the addition can be further separated from the historic house in accordance with the Design Guidelines for Historic Sites.

Staff finds that the variance will not substantially affect the General Plan. Goal 15 of the General Plan seeks to preserve the integrity, mass, scale, compatibility, and historic fabric of our nationally and locally designated historic resources and districts for future generations. By placing the garage further east at the front of the lot, the applicant has provided greater separation between the historic house and new addition; the applicant has also broken up the mass of the new addition by creating volumes reflective of the size of the historic house and burying the bulk of the structure in the steep hillside. Though significantly larger than the historic house, the applicant will maintain the character, context, and scale of the historic district with compatible infill. The historic structure will be restored as part of this proposed development of the site.

The General Plan also encourages pedestrian-oriented development that minimizes the visual impacts of automobiles and parking on Historic Buildings and Streetscapes. Staff finds that by locating the garage along Ontario Avenue, which is already characterized by street-facing garages, the integrity of the historic house is further preserved as it will maintain its orientation facing town and be visually buffered from any automobiles. On the Ontario Avenue façade, the applicant has provided a pedestrian entrance. The applicant seeks to construct a new addition that is a Modern-interpretation of the historic style that will reflect the volume and massing of the historic house while also being visually separated from it. This will prevent the much larger and taller new addition from swallowing the historic house.

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

The applicants argue that the requested variances will allow the garage and new addition to be further buried into the grade of the downhill lot, minimizing the visibility of its bulk. The applicants argue that variances have been granted at other properties with similar circumstances, including the uphill lot 422 Ontario Avenue, in order to alleviate congestion along Ontario Avenue. The applicant argues that by granting the variances, the BOA is achieving the greater goal of preserving the historic character of the street by maintaining the hillside and reducing the overall height of the addition, and creating a clearer separation between the historic house and new addition.

The applicant further argues that the proposed design buries much of the mass and bulk of the new addition into the hillside, preventing the new addition from overwhelming the historic house. The applicant finds that substantial justice is achieved by approving this variance as it will allow the house and the garage addition to be accessible for pedestrian access along Ontario Avenue; the applicant will no longer rely on the pedestrian path accessible from Shorty's Stairs.

Staff finds that the spirit of the LMC is observed and substantial justice is done. The LMC requires a front yard setback of 10 feet. Typically, the lot would be adjacent to the edge of the paved street; however, Ontario Avenue was actually built to the east of this lot. The existing front property line is 14 to 18 feet west of the edge of the street. As the applicant is requesting a reduced front yard setback of 4 feet 6 inches, it will result in a building that is setback 18 to 21 feet from the edge of the road. As previously described, the exterior height exception is consistent with the 35 foot height exception that the Planning Commission can grant to downhill garages providing parking in a tandem configuration. Additionally, the interior height is largely dictated by the location of the historic house on the lowest elevation of the property, which is some 36 feet below the road grade.

Future Process

Approval of these variances by the Board of Adjustment constitutes Final Action that may be appealed following the procedures found in LMC § 15-10-13. Approval of a Historic District Design Review (HDDR) for the design of the garage structure/addition is necessary prior to the issuance of a building permit. Standards for new construction as listed within the Historic District Design Guidelines will apply. HDDR's are an administrative approval and are processed by the Planning Staff. A steep slope Conditional Use Permit, issued by the Planning Commission, is required because the new addition will exceed 200 square feet in area on an area with a slope of greater than 30%.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On June 6, 2017, the property was posted and notice of the variance request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code. Legal notice was published in the Park Record on June 3, 2017, according to requirements of the Code.

Public Input

No public input was received at the time of writing this report.

Alternatives

- The Board of Adjustment may grant the variance request according to the findings of fact, conclusions of law and conditions of approval drafted below

- and/or as amended; or
- The Board of Adjustment may deny the variance request and direct staff to make findings of fact to support this decision; or
 - The Board of Adjustment may continue the discussion and request additional information on specific items.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The property would remain as is and no construction of the proposed addition could take place. Should the BOA not grant a variance (#1) to reduce the front yard setback from 10 feet to 4 feet 6 inches, the applicant will not be permitted to construct an attached garage and addition as proposed. Should the BOA not grant the variance (#2) to the required exterior height from 27 feet to 35 feet and the variance (#3) to the interior height from the lowest finish floor plane to the point of the highest wall plate from 35 feet to 39 feet 6 inches, the applicant will have to reduce the overall height of the addition above existing grade and may not be able to provide a garage along Ontario Avenue.

Recommendation

Staff recommends that the Board of Adjustment review the proposed variance requests:

- A variance to LMC Section 15-2.2-3 (E) to the required ten foot (10') front yard setback exception to allow for a single-car garage to be constructed along Ontario Avenue.
- A variance to LMC Section 15-2.2-5 Building Height above Existing Grade.
- A variance to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

The BOA should conduct a public hearing and consider granting the variances based on the following findings of facts and conclusion of law.

Findings of Fact

1. The property is located at 341 Ontario Avenue in the Historic Residential (HR-1) District.
2. The HR-1 zone is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.
3. The property consists of all of Lot 1 of the Ontario Avenue Subdivision, recorded on December 18, 2014.
4. There is an existing 483 square foot historic house on the property. It is designated as Significant on the City's Historic Sites Inventory.
5. The existing historic house is setback from the front property line by 31.5 feet. It will have a distance of approximately 47 feet from the edge of asphalt on Ontario Avenue.
6. There currently is no vehicular access that can be attached to the existing historic house without the need of variances being granted. As existing, there is currently only a pedestrian easement, and it is located on the east edge of the

- Marsac-facing properties to the west of the 341 Ontario Avenue lot.
7. The applicant is requesting a variance to LMC Section 15-2.2-3(E) to reduce the required ten foot (10') front yard setback to 4 feet 6 inches to allow for a new addition that includes a single-car garage to be constructed along Ontario Avenue.
 8. The applicant is requesting a variance to LMC Section 15-2.2-5 Building Height above Existing Grade from 27 feet to 35 feet above Existing Grade. The increased building height is consistent with the height exception permitted by LMC 15-2.2-5(D)(4).
 9. The applicant is requesting a variance to LMC Section 15-2.2-5(D) to the required maximum height of 35 feet measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters; the applicant requests a variance to allow an interior height of 39 feet 6 inches.
 10. The applicant is requesting the three (3) variances in order to construct a new addition to the historic house that includes a single-car garage accessible from Ontario Avenue.
 11. Literal enforcement of the LMC would make it impossible to make the garage accessible from the street given the required setbacks, interior building height requirements, and steep slope of the lot.
 12. The steepness of the lot, the distance of the front property line from paved Ontario Avenue, and the location of the historic house at the downhill side of the lot are unique to this property.
 13. Literal enforcement of the required 10 foot front yard setback is not necessary to carry out the general purpose of the Land Management Code, as the proposed addition will be setback from the existing edge of curb by a distance of 18 feet 4 inches to 21 feet 4 inches due to the distance between the property line and the street. Had the addition been located 10 feet west of the property line, it would have increased the bulk and mass of the addition due to the steep grade of the site and decreased the physical and visual separation between the historic house and its new addition.
 14. The proposed exterior height of 35 feet above Existing Grade is consistent with the LMC height exception granted by the Planning Commission for a downhill garage providing tandem parking. The interior height of 38 feet 6 inches has largely been driven by the steepness of the slope and the location of the historic house on the downhill lot.
 15. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. This house is one of the few properties along Ontario Avenue that have preserved its original grade and maintained the original placement of the historic house which was constructed on an elevation 36 feet below the existing road.
 16. This property is unique in that paved Ontario Avenue is about 14 to 18 feet to the west of the front property line and is one of the steepest sloped streets in this part of town.
 17. This section of paved Ontario Avenue is characterized by its steepness and limited width.
 18. This site was historically accessed by pedestrians from the west side of the

property; while this pedestrian path off of Shorty's Stairs has been maintained, there is no formal easement granting these owners access to their property from the path.

19. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the variances allows the property owner to construct an attached garage at the street level without severely impacting existing grade, while also alleviating congestion and safety concerns on Ontario Avenue by providing off-street parking.
20. The variance will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to reduce vehicle conflicts on Ontario Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Ontario Avenue.
21. A reduction to the front yard setback will allow a garage and front entrance to be constructed along Ontario Avenue, providing both vehicular and pedestrian access to the site.
22. In order to construct a garage that meets the required front yard setback, the garage would need to be a detached building. The proposed addition would need to shrink considerably in size and height in order to comply with the LMC and would likely not be as visually separated from the historic house as currently proposed. If the garage were constructed to comply with the LMC as part of the addition, it would not meet the intent of the General Plan.
23. The spirit of the Land Management Code is observed and substantial justice is done. The variance will preserve the historic character of the site by allowing the historic structure to be visually separated from its new addition and maintain its orientation facing town.
24. The proposed variances will create an accessible attached garage and alleviate parking congestion along Ontario Avenue.
25. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.

Conclusion of Law

1. Literal enforcement of the HR-1 District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the 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.

Order

1. A variance to LMC Section 15-2.2-3 (E) to the required front yard setback exception from 10 feet to 4 feet 6 inches in order to allow for an addition to be constructed along Ontario Avenue.

2. A variance to LMC Section 15-2.2-5 Building Height above Existing Grade from 27 feet to 35 feet.
3. A variance to LMC Section 15-2.2-5 (A) to the required maximum height of 35 feet to 39 feet 6 inches measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
4. The variances run with the land.

Conditions of Approval

1. The variances are granted for the construction of an addition that will include a single-car garage, as indicated on the plans submitted with this application.
2. No portion of the garage shall be used for additional living space.
3. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Trash and recycling bins may be stored in the garage.
4. Any parking in the drive will not be considered private parking.
5. All legal parking must be provided on-site and shall not encroach into the City's right-of-way.
6. The City Engineer will require an Encroachment Agreement for the proposed bridged driveway.

Exhibits

- Exhibit A – Applicant's statement
- Exhibit B – Existing Conditions Survey
- Exhibit C – Proposed plans

EXHIBIT

341 Ontario Avenue Variance Request

WRITTEN STATEMENT OF HARDSHIP:

The LMC states that variances only be granted if all of the following five conditions are met:

1. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC
2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone.
3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.
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 observed and substantial justice done.

We, the applicant request 3 variances that are related to building a single car wide garage, in a tandem configuration, on a downhill lot, with living space and balconies underneath the garage, that will connect to a historic house at the bottom of the lot:

1. Section 15-2.2-3 (E) (Front Yard Setbacks)
2. Section 15-2.2-5 (Maximum Zone Height – “Height above existing grade”)
3. Section 15-2.2-5 (A) (Maximum Height – “Interior height, measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters”)

The design of the project on 341 Ontario meets the intention of the Land Management Code. Literal enforcement of the following provisions would cause an unreasonable hardship for the Applicant and the result would either have no visible effect on the project except to create a hardship on the Applicant:

- a. We are requesting setback and height variances so that we can have both vehicular and pedestrian access to the project from Ontario Avenue (neither of which would be possible without the variance).

Hardship: The site slopes steeply downhill from Ontario Avenue. The historic house sits at the bottom of the lot. There is currently no pedestrian or vehicular access to the house from Ontario Avenue. The distance between the lowest floor plane of the house and the surface of the Ontario Avenue asphalt is 35 ft. This obviously makes it impossible to build any garage or entrance from the street and keep the building under 35ft.

In other words a literal interpretation of the LMC would force us, the applicant, to abandon the project, and continue to have no vehicular or pedestrian access to our lot from Ontario as the height limits would make it technically impossible.

Proposed Solution: We would like to build a garage at Ontario street level. Underneath the garage will be living space and balconies and the structure would connect to the historic house at the bottom of the lot, still keeping a significant portion of the lot for a yard and green space.

Criteria 1. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC.

The site is steeply sloped downhill from Ontario Avenue. The historic house that sits on the site sits on the flat bottom area of the lot. The height from the lowest floor plant of the house to the asphalt on Ontario Avenue is 35 ft. It is therefore impossible to build a street level garage and still stay under the 35 ft. interior height rule.

Secondly, the lot is the steepest lot on Ontario. Even if the project was only 10' above grade at the Ontario Avenue road level, as the project was built down the hill, the grade is so steep that very quickly the project would be over the Zone Height rule of 27 ft. above existing grade.

The LMC had contemplated this exact situation in Section (LMC Section 15-2.2-5 (D)(4) "Garages on a Downhill Lot". This section provides an exception for Garages on a Downhill Lot and allows the Planning Commission to grant additional Interior Height (no limit) so long as the structure does not exceed a maximum Zone Height of 35 ft. above existing grade.

Our plans would comply with the height exceptions allowed for garages on a downhill lot. However, this exception also requires the provision of tandem parking. It is staff's interpretation of the definition of Tandem Parking (Section 15-15-1.274) that the second parking spot in the tandem parking requirement must be wholly within the owner's lot.

Our plans would result in our second car, that is parked in the driveway, being parked over the lot line. Given this, despite the heights complying with the existing exception, we cannot utilize this exception in Section 15-2.2-5 (D)(4) and therefore must ask for this variance.

Accordingly, we are seeking building height variances to remedy the matter. Without these variances we will suffer significant hardship as it will be impossible to build an addition that provides vehicular and pedestrian access to our lot.

Pedestrian Access & Liability Risk

Unlike any of the other houses on Ontario Avenue, our lot also has no pedestrian access from Ontario whatsoever. The only way we can access the lot is on foot via an unmaintained path, that runs off the middle of Shorty's stairs. The path sits on land that is technically owned by the houses on Marsac Avenue. The city does not maintain it and nor do the Marsac owners. The houses on Ontario do not maintain it as they all have access their their houses from Ontario Avenue. We are not aware of any official easement being granted between the owners of the land and the Ontario Avenue users of it. This means the only access we have it across other people's land. We are concerned about the potential liability for accidents on this unmaintained path and who's responsibility it is to maintain it.

The applicant argues that the reduced front yard setback is necessary as it will reduce the zone height of the addition by further burying the mass into the hill, as well as increasing the separation of old and new, between the historic house and the addition as suggested by the Design Guidelines for Historic District Sites.

Dangerously Narrow Road

The area of Ontario Avenue in front of our lot is one of the most narrow on Ontario. On the downhill side the asphalt rolls right off down our lot. If we park on Rossie Hill (which is not very rare due to more demand for parking up there from new construction) we must walk down Ontario Avenue, where there is no footpath, along what is essentially a cliff into our lot, hope there is no car coming past, then walk down to Shorty's stairs, go down the stairs, then walk all the way back up the lane to get to the house.

Cars regularly have to stop and maneuver around each other to get past this part of the road. This is not safe for our family to regularly have to walk through that.

No Access to Basic Municipal Services (Trash and Recycling)

Because the road is so narrow if we leave our trash cans out for collection, cars bump into them and send the trash cans go rolling down the hill toward our house. So, for the sake of public safety (and our own), for the last three years, each week we have had to haul our trash and recycling down Shorty's Stairs and put it in our truck and dump it off site. All this while we have been paying for these municipal services that we can't get access to.

Criteria 2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone.

There are special circumstances attached to this property that do not apply to other properties in the same zone.

Our property is one of only a few historic residences left in this section of Ontario and one of only a handful of properties along Ontario Avenue that have preserved its original historic location (at the bottom of the lot). You can tell by the large deciduous tree in front of the house which testifies to the longevity and historic nature of the existing hillside grade, as well as original neighborhood plans and photographs circa 1900 that show the house in the same location. Because the location of the historic house has not been moved, and the lot is so steep, it means there is greater than 35' between the original historic house bottom floor planes and the road surface. This makes building a garage, and staying under 35 feet, impossible, unless you moved the historic house (which is not permitted).

Most other properties do not have huge distance between the road and the lot line. The distance from the road to our lot line is 13'-4" on the downhill side and 17'-6" on the uphill side. Even after the requested front yard variance, our proposed garage will be 18 feet 4 inches from the road, at its nearest point. This is farther back from the road than most all houses in Old Town.

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

Most of the houses on Ontario and within the HR-1 zone have a garage and off-street parking. Most of these homes were constructed within the last 30 years, prior to the adoption of LMC 15-2.2-5 (A) – the 35' maximum height rule which was adopted in 2013.

Garages are necessary along Ontario Avenue to alleviate parking congestion and prevent parked cars on a steep and narrow road. Parking during the winter months on Ontario Avenue is near impossible due to snow accumulation on the street.

Our house is in the Old Town Planning District, but it is outside the Old Town Parking Zone. This means we can't even get a 24 hour parking permit for China Bridge Garage. Our only option when street parking on Ontario isn't available is to park overnight at the Sandridge Lot (a good 10 minutes walk with groceries and kids in the snow...).

The proposed garage would also benefit the street as a whole as it would alleviate on-street parking demands and limit pedestrians from walking down the dangerous Ontario Avenue right-of-ways.

As discussed in Criteria 1, all other houses on Ontario are able to get pedestrian access from Ontario Avenue and get the benefit of municipal trash and recycling pickups without the danger of trash cans being hit by cars and rolling down the lot toward their house.

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

The variance will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to eliminate congestion on Ontario Avenue, which is a narrow and steep street and, at times, difficult to navigate in passing another vehicle.

Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Ontario.

The proposed garage will eliminate unnecessary pedestrian traffic along the street as we have to walk down the street to Shorty's stairs in order to get access to the lot – this causes additional safety concerns.

By allowing the new garage addition to have a 4"6' front yard setback, the addition can be set further away from the historic house, in accordance with the Design Guidelines for Historic District Sites. As an aside it means the project will not block the views of our immediate neighbors, up or down the valley, which we assume will be welcomed.

As we understand it, one of the goals identified in the current General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City. Our project is in line with historic architecture of the neighborhood and substantially restores and preserves the historic structure of the property. The variance we are requesting allows a design that is most compatible with the Historic District Design Guidelines.



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

The variance to the front yard setback as well as the zone height and interior height, will allow the garage to be buried further into the grade of the downhill lot. This has been allowed on other projects in the HR-1 zone, with similar circumstances (see below "Recent Precedents").

By granting the variance, the BOA is achieving the greater goal of preserving the historic character of the street, and our Historically Significant house by reducing the overall height of the addition, burying the bulk and mass of the addition further into the hillside, and creating a clear separation between the historic house and the new addition, as prescribed by the Design Guidelines for Historic District Sites.

Substantial justice is achieved by approving this variance as it will allow the house, and specifically the garage addition, to be accessible for pedestrian access, improving the safety of drivers and pedestrians on Ontario Avenue.

We have worked productively with the City Staff for some time and we want this project to be an example of what can be achieved when the intent of the LMC and the general plan is followed. This includes HDDR, Steep Slope CUP and this variance request – which we believe will improve the overall character and nature of the project rather than compromise the intentions of the regulations.

RECEIVED
APR 19 2017
PARK CITY
PLANNING DEPT.

Precedent Decision

While we understand every situation is different, we do respectfully submit that a recent decision of the BOA could be instructive as you consider our application.

Relevant Precedent BOA Decision

Application #: PL-16-03138

Subject: 422 Ontario Avenue

Date: June 21, 2016

This involved the application for variances relating to front and side yard setbacks, as well as height limits, for the addition of a garage and living space, to an historic house, on the uphill side of Ontario Avenue, just down the street from our house.

The requested variances were all granted by the BOA on June 21, 2016.

We absolutely support the variance granted to our neighbors on Ontario and we feel that our situation is very similar. We would argue that our lot suffers from all of the hardships recognized in this case, plus some more. Notwithstanding this we are able to request more minor variances to address these hardships. A comparison of the two situations is illustrative:

	341 Ontario Ave	422 Ontario Ave (Variances Granted)
Historic Status of house	"Significant"	"Significant"
Current Parking Situation	Zero parking adjacent to lot	Limited Street parking in ROW
Current Pedestrian Access	None from Ontario Ave.	Yes
Front Yard Setback requirement	10 ft.	12 ft.
Front Yard Setback Requested	4 ft. 6 inches	0 ft.
Actual distance of garage from Ontario asphalt road after project completion	18 ft 4 inches to 19 ft 9 inches	12 ft.
Side Yard Setback Request	No variance required	3 ft.
Max Interior Height Request	39 ft. 6 inches	41 ft.
Max Zone Height Request	35 ft.	No variance Required
Trash and recycling services	Impossible/dangerous on narrow side of Ontario ROW	Available
Were it not for separate parking requirements, would the LMC specifically have allowed for the additional height now being requested?	Yes	NA

We respectfully submit that the facts pertaining to our application are very similar to that of 422 Ontario, and that we ought to be considered for similar variances to remedy our hardships.



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor in the Province of Ontario, Registration No. 4338729, and that this survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed in compliance with generally accepted industry standards for accuracy.

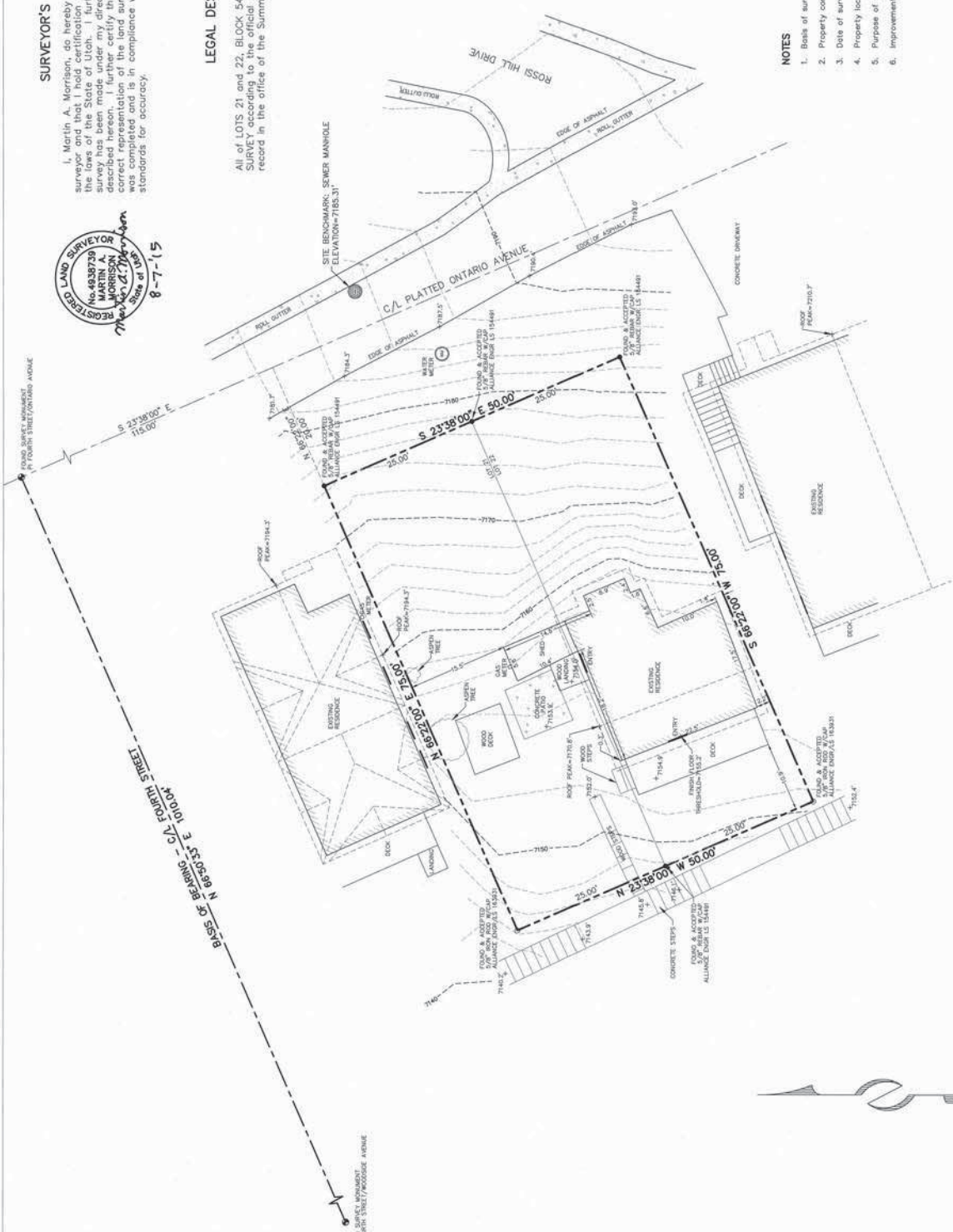


LEGAL DESCRIPTION

All of LOTS 21 and 22, BLOCK 54, AMENDED PLAT OF PARK CITY SURVEY according to the official plat thereof on file and of record in the office of the Summit County Recorder.

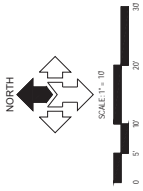
NOTES

1. Basis of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: October 21, 2002 & August 5, 2015
4. Property location: Section 16, T2S, R4E, S3E8M
5. Purpose of survey update: To add roof peak elevations
6. Improvements on the property are as shown.



EXISTING CONDITION AND TOPOGRAPHIC MAP 341 ONTARIO AVENUE LOTS 21 & 22, BLOCK 54, PC SURVEY FOR: MATTHEW DAY JOB NO.: 10-12-13 FILE: X:\ParkCitySurvey\dwg\topo2013\101213-amended.dwg	
STAFF: MICHAEL DEMKOWICZ MARTY MORRISON MARSHALL KING HARRISON HOLLEY JESSE MORENO	SHEET 1 OF 1
(416) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street, P.O. Box 2664 Park City, Utah 84060-2664	UPDATED: 8/7/15 DATE: 4/28/14





CONSTRUCTION PLANS
 SPARANO AND MOONEY ARCHITECTURE
 341 ONTARIO AVE. PARK CITY, UTAH 84060

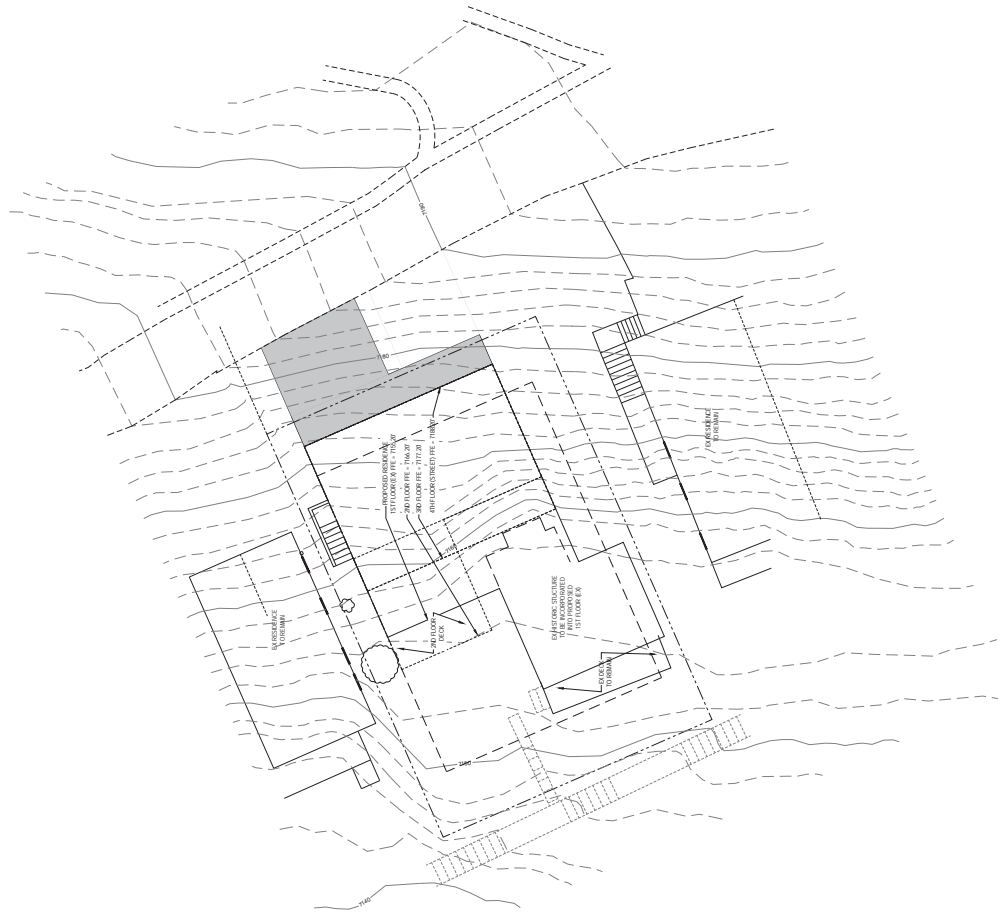


SITE

VICINITY MAP
 N.T.S.

DRAWING INDEX

SHEET	DESCRIPTION
01	GENERAL NOTES, LEGEND AND ABBREVIATIONS
02	GENERAL DRAINAGE AND UTILITY PLAN
03	PROPOSED CONCRETE SLAB
04	MISCELLANEOUS SPECIFICATIONS



ALL WORK AND MATERIALS FOR WATER
 MUST CONFORM TO PARK CITY WATER
 PROVIDER STANDARDS AND
 SPECIFICATIONS

ALL WORK AND MATERIALS FOR SEWER
 MUST CONFORM TO PARK CITY
 STANDARDS AND SPECIFICATIONS

ALL WORK AND MATERIALS MUST
 CONFORM TO PARK CITY STANDARDS
 AND SPECIFICATIONS

ARCHITECT
 SPARANO AND MOONEY ARCHITECTURE
 341 ONTARIO AVE. PARK CITY, UT 84060
 (435) 734-1111

McNEIL ENGINEERING
 1000 North Main Street, Suite 200, Park City, Utah 84060
 (435) 734-1111
 Civil Engineering • Consulting & Landscape Architecture
 Professional Engineering • Land Surveying & GIS

GENERAL NOTES

1.1 ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS OF THE STATE OF UTAH, LATEST EDITION, UNLESS OTHERWISE SPECIFIED.

1.2 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES AND FOR PAYING ALL ASSOCIATED FEES.

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GENERAL NOTES, CONTINUED

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LEGEND

NEW: Symbols for new construction including manhole, curb, and various pipe types.

EXISTING: Symbols for existing infrastructure including manhole, curb, and various pipe types.

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McNeil Engineering logo and contact information: 341 ONTARIO AVE, PARK CITY, UTAH. Includes phone number 435-243-1211 and website URL.



DAY RESIDENCE
341 ONTARIO AVE
PARK CITY, UTAH

REVISIONS table with columns for DATE, DESCRIPTION, and REVISIONS.

PROJECT NO.: 10468
DRAWN BY: JRC
CHECKED BY: JRC
DATE: 03-21-17

GENERAL NOTES, LEGEND AND ABBREVIATIONS
C0.01

1.6 GRADING/DOCS

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REVISIONS	DATE	DESCRIPTION

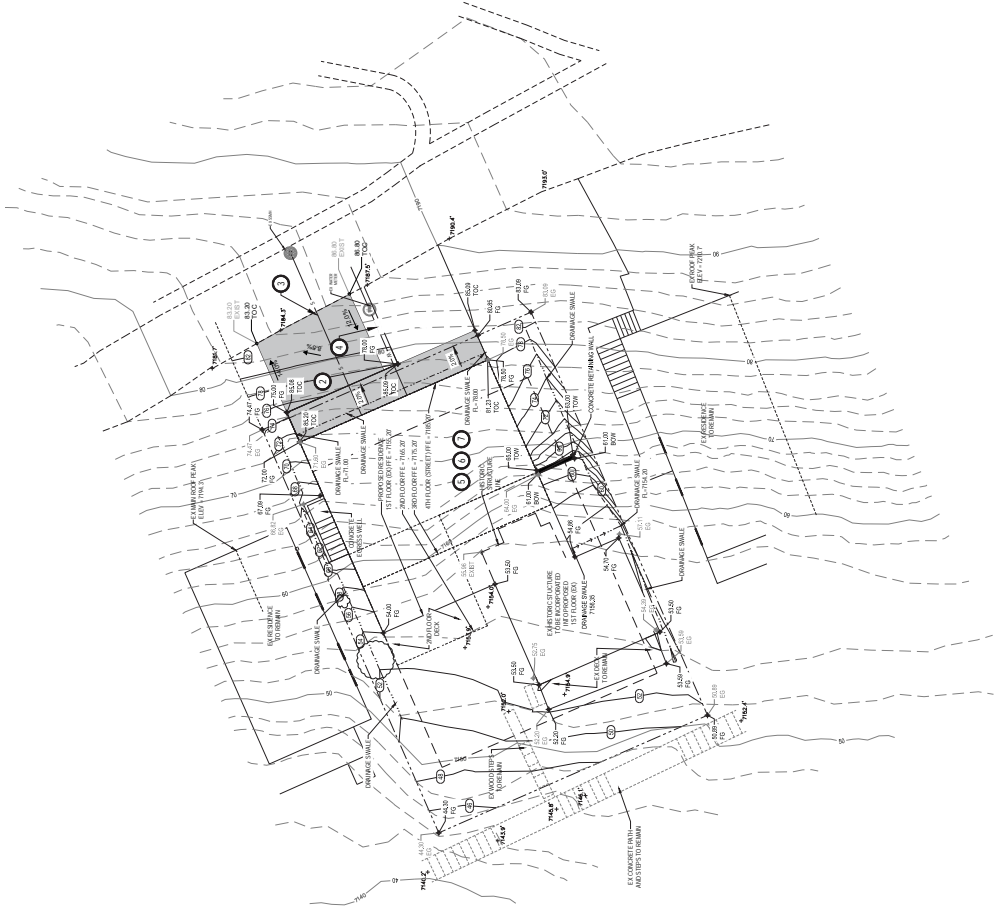
PROJECT NO.:	1064
DATE:	08-11-17
DESIGNED BY:	GW
CHECKED BY:	GW
DATE:	03-21-17

GENERAL NOTES:
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KEYED NOTES:
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PARK CITY.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PARK CITY.
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NOTICE:
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, DEPTH, AND CHARACTERISTICS OF ALL UTILITIES TO BE LOCATED AND DELETED FROM THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, DEPTH, AND CHARACTERISTICS OF ALL UTILITIES TO BE LOCATED AND DELETED FROM THE PLANS.

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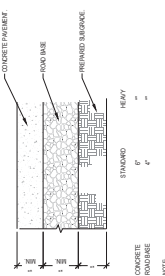




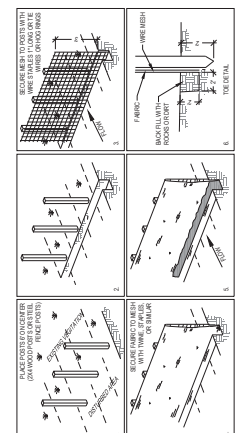
REVISIONS	DATE	DESCRIPTION
1		
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PROJECT NO.: 1044
 DRAWN BY: JPC
 CHECKED BY: JPC
 DATE: 02/21/17

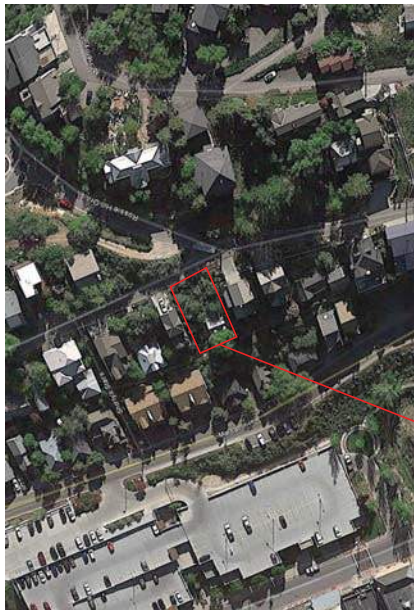
CIVIL DETAILS
C2.01



NOTE: REFER TO SUBMITTAL CONTRACT TECHNICAL REPORT OUTLINE.
 STANDARD FINISH
 CONCRETE FINISH
 FINISH LINE
 REINFORCED SURFACE



DESCRIPTION: THE SILT FENCE IS TO BE INSTALLED IN THE MIDDLE OF THE ROAD TO PREVENT SOIL FROM ENTERING THE STORM SEWER SYSTEM.
APPLICATIONS: TO BE USED AT THE ENTRANCE OF ALL SITES WHERE THERE IS A CHANCE OF SOIL EROSION.
INSTALLATION: THE SILT FENCE SHALL BE INSTALLED IN THE MIDDLE OF THE ROAD TO PREVENT SOIL FROM ENTERING THE STORM SEWER SYSTEM.
REPAIRS: THE SILT FENCE SHALL BE MAINTAINED AND REPAIRED AS NEEDED TO PREVENT SOIL FROM ENTERING THE STORM SEWER SYSTEM.
MAINTENANCE: THE SILT FENCE SHALL BE MAINTAINED AND REPAIRED AS NEEDED TO PREVENT SOIL FROM ENTERING THE STORM SEWER SYSTEM.
REPAIRS: THE SILT FENCE SHALL BE MAINTAINED AND REPAIRED AS NEEDED TO PREVENT SOIL FROM ENTERING THE STORM SEWER SYSTEM.



SUBJECT PROPERTY
341 ONTARIO AVENUE



NEIGHBORING STRUCTURES
& SURROUNDING CONTEXT



SUBJECT PROPERTY
WEST VIEW 341 ONTARIO



NEIGHBORING STRUCTURES
& SURROUNDING CONTEXT

SUBJECT
PROPERTY



EAST VIEW



EAST VIEW



SOUTHEAST VIEW
EXISTING RESIDENCE

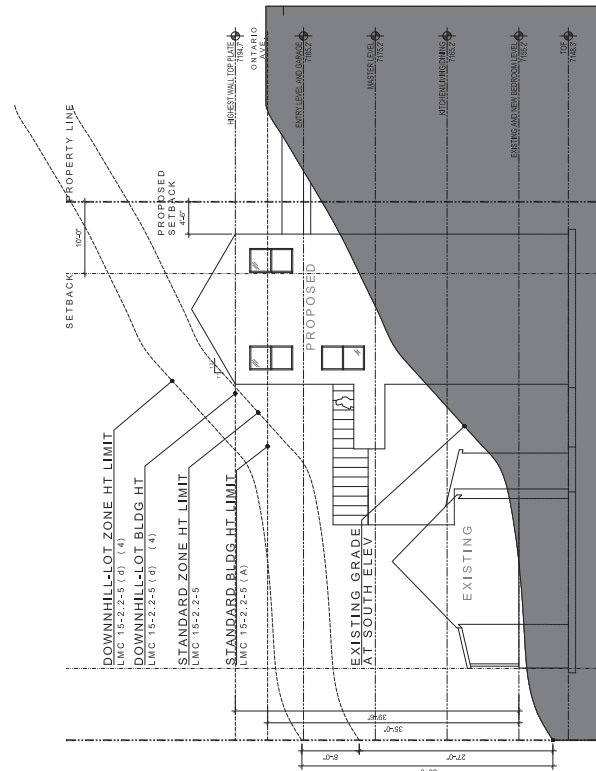


NORTH VIEW
STAIRS



SOUTHEAST VIEW
ACROSS ONTARIO



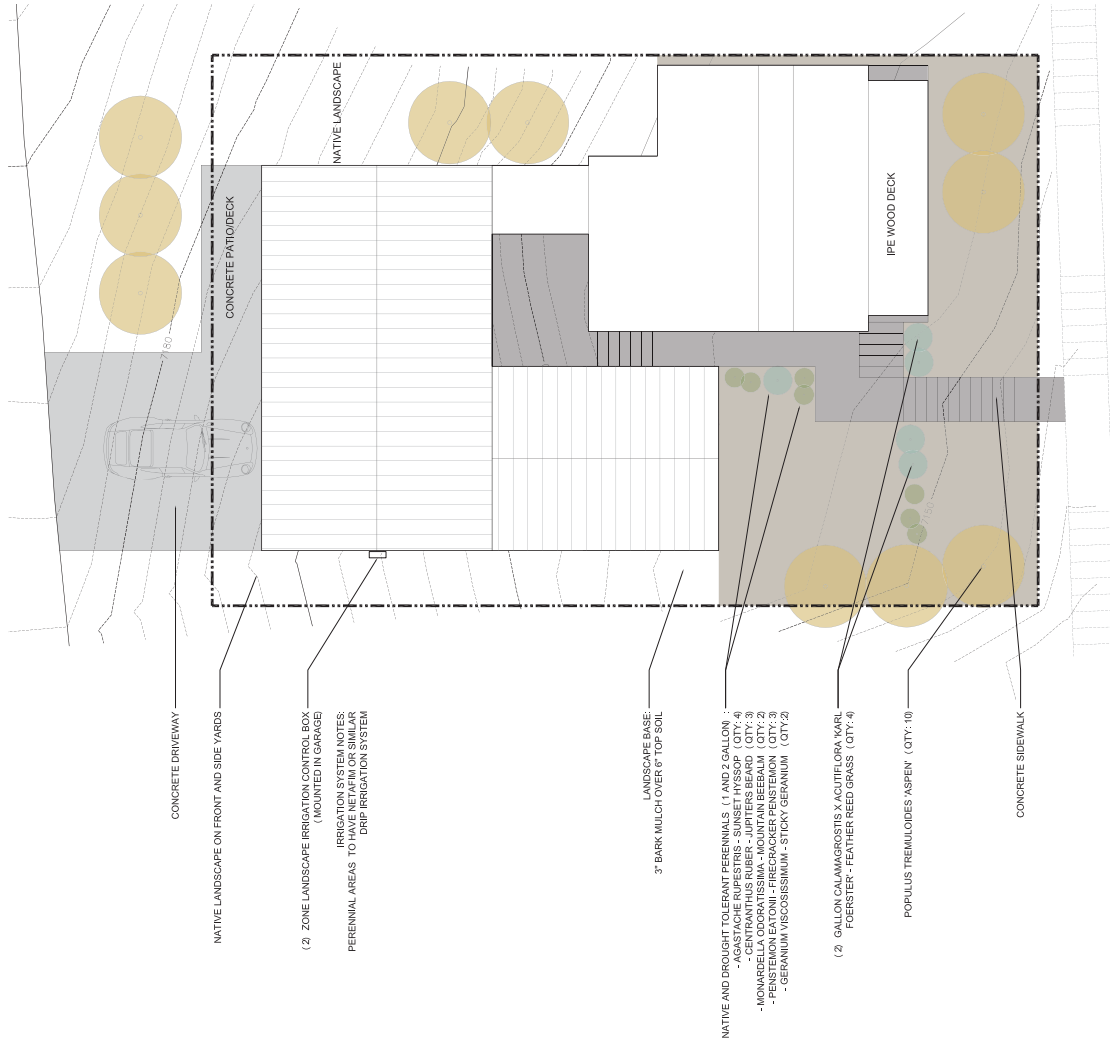


SECTION DIAGRAM
SCALE 1" = 10'-0"

BASIC ZONING REVIEW

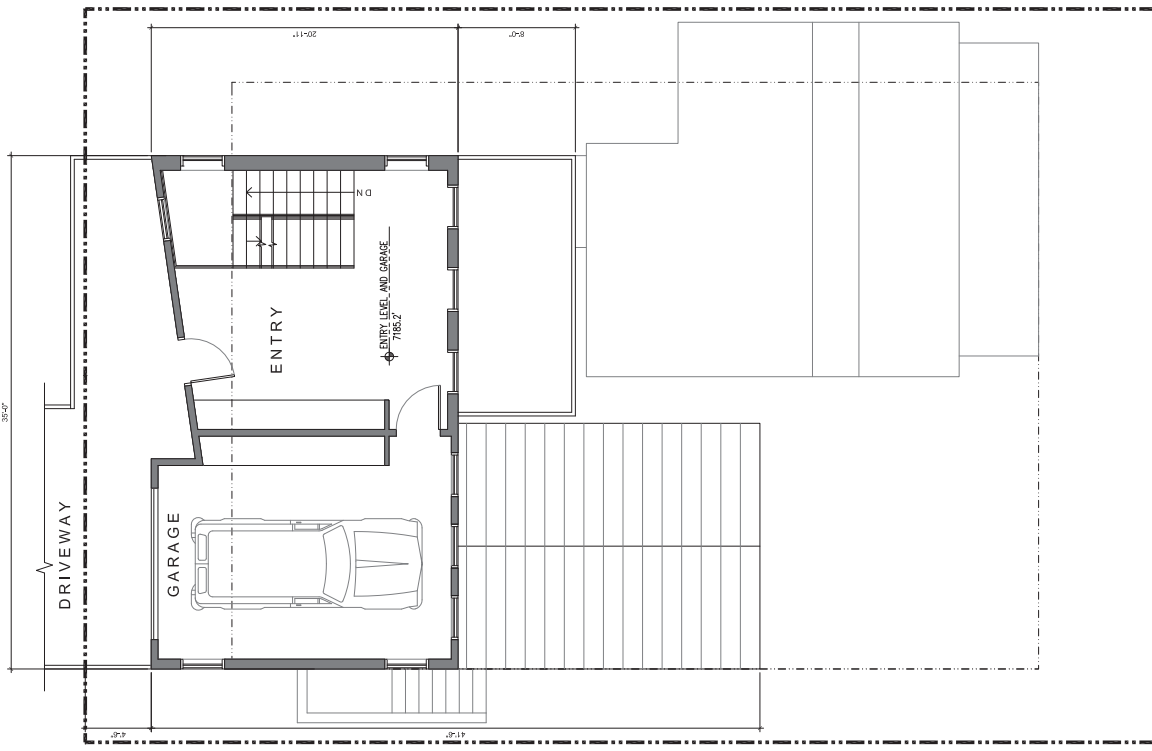
2.2	Zoning District: HR-1	Single Family Dwelling (allowable use per 15.2.2-2(A))
15-2.2.2	Uses: Allowed Uses:	
15-2.2.3	Lot and Site Requirements	
15-2.2-3(A)	Minimum Area:	1,875 sf (3,750 sf provided)
15-2.2-3(A)	Minimum Width:	25'-0" (50'-0" provided)
15-2.2-3(B)	Building Envelopes / Building Pad	
15-2.2-3(C)	5'-6" encroachment on the rear yard setback beyond the established building pad.	
15-2.2-3(D)	Building Footprint	
	MAXIMUM FP = (A/2) X 0.9	
	Lot Area = 3,750 sf therefore,	
	Maximum FP = 1,519 sf (1,519 sf of footprint provided)	
Table 15-2.2	Minimum Yard Requirements:	
	Side Yards:	5 ft. Min., 10 ft. total for lot width 50'-0"
	Blgd. Pad sf:	2,200 sf max.
Table 15-2.2a	Front Yard:	10'-0" (see calculations 15-2.2-3(D))
	Rear Yard:	10'-0" (see calculations 15-2.2-3(D))
15-2.2-5	Building Height:	27'-0" Variance requested: 35'-0"
15-2.2-5(A)	Zone Height:	35'-0" Variance requested: 39'-6"

BUILDING FOOTPRINT SUMMARY		SQUARE FOOTAGE SUMMARY	
EXISTING FOOTPRINT	= 483 SF	FINISHED SF	= 3,581 SF
PROPOSED FOOTPRINT	= 1036 SF	GARAGE SF	= 347 SF
ALLOWABLE FOOTPRINT	= 1519 SF	TOTAL	= 3,928 SF
OVERALL FOOTPRINT	= 1519 SF		



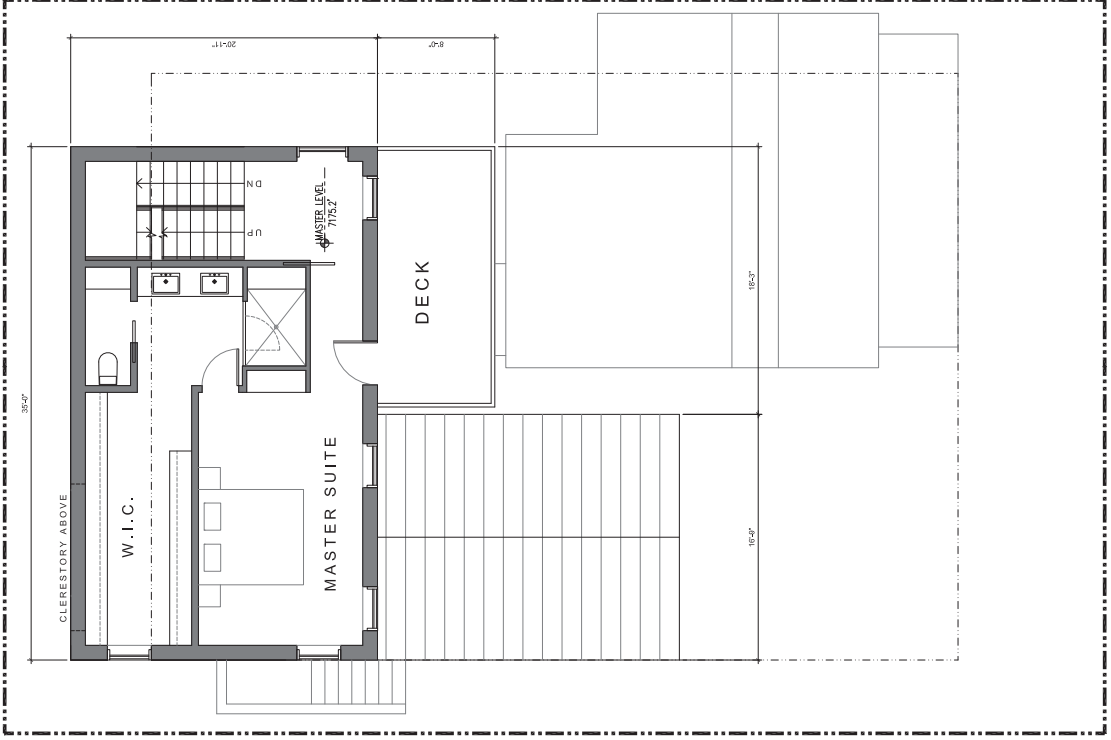
LANDSCAPE PLAN
SCALE 3/16" = 1'-0"





ENTRY LEVEL - SF SUMMARY
 GARAGE = 347 SF
 ENTRY = 354 SF

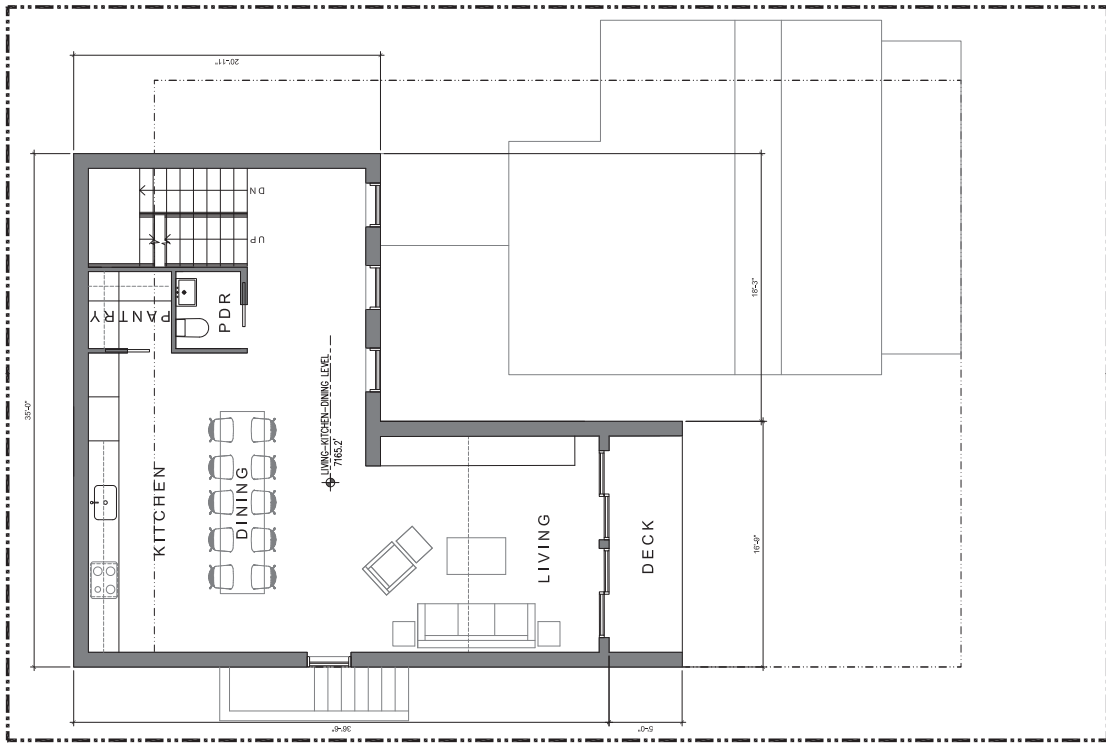
ENTRY LEVEL AND GARAGE PLAN
 SCALE 1/4" = 1'-0"



MASTER LEVEL - SF SUMMARY
 = 732 SF

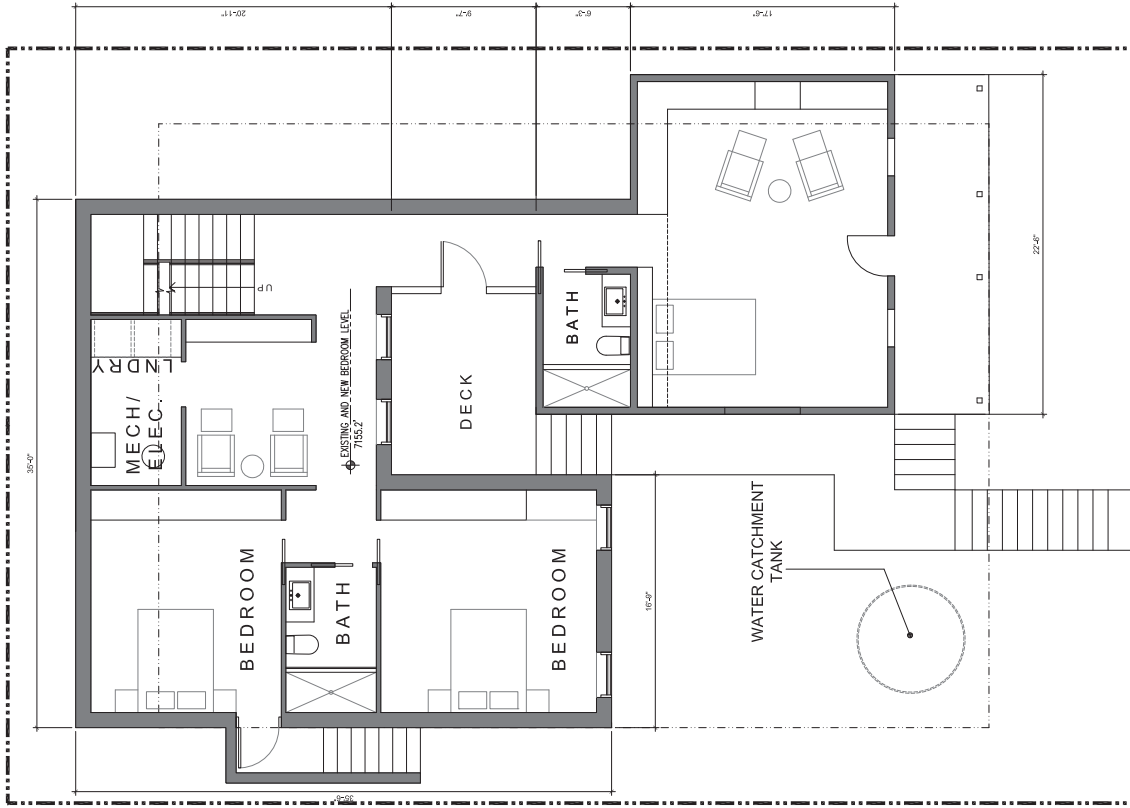
UPPER LEVEL PLAN
 SCALE 1/4" = 1'-0"





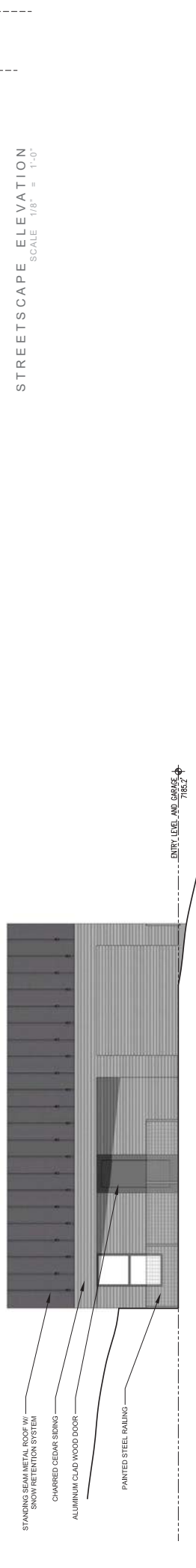
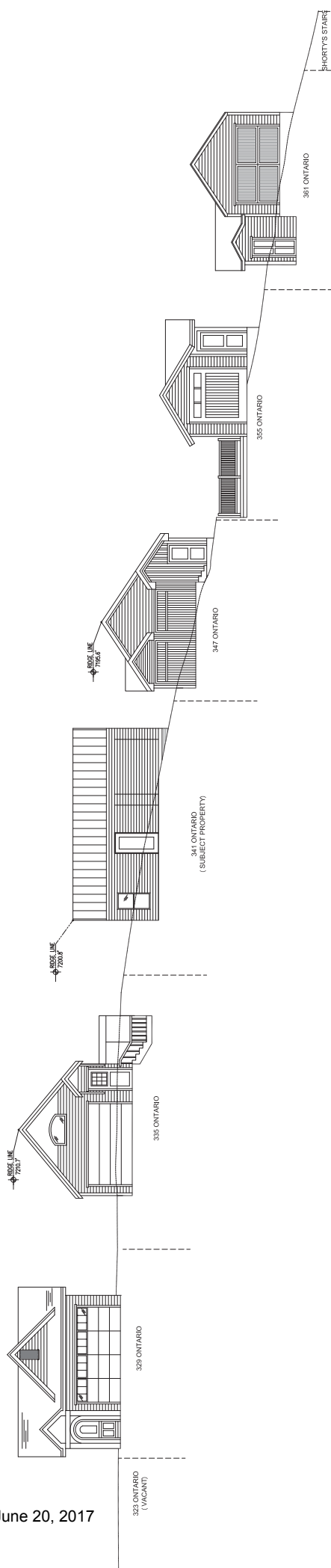
LKD LEVEL - SF SUMMARY
= 976 SF

LIVING KITCHEN DINING LEVEL PLAN
SCALE 1/4" = 1'-0"



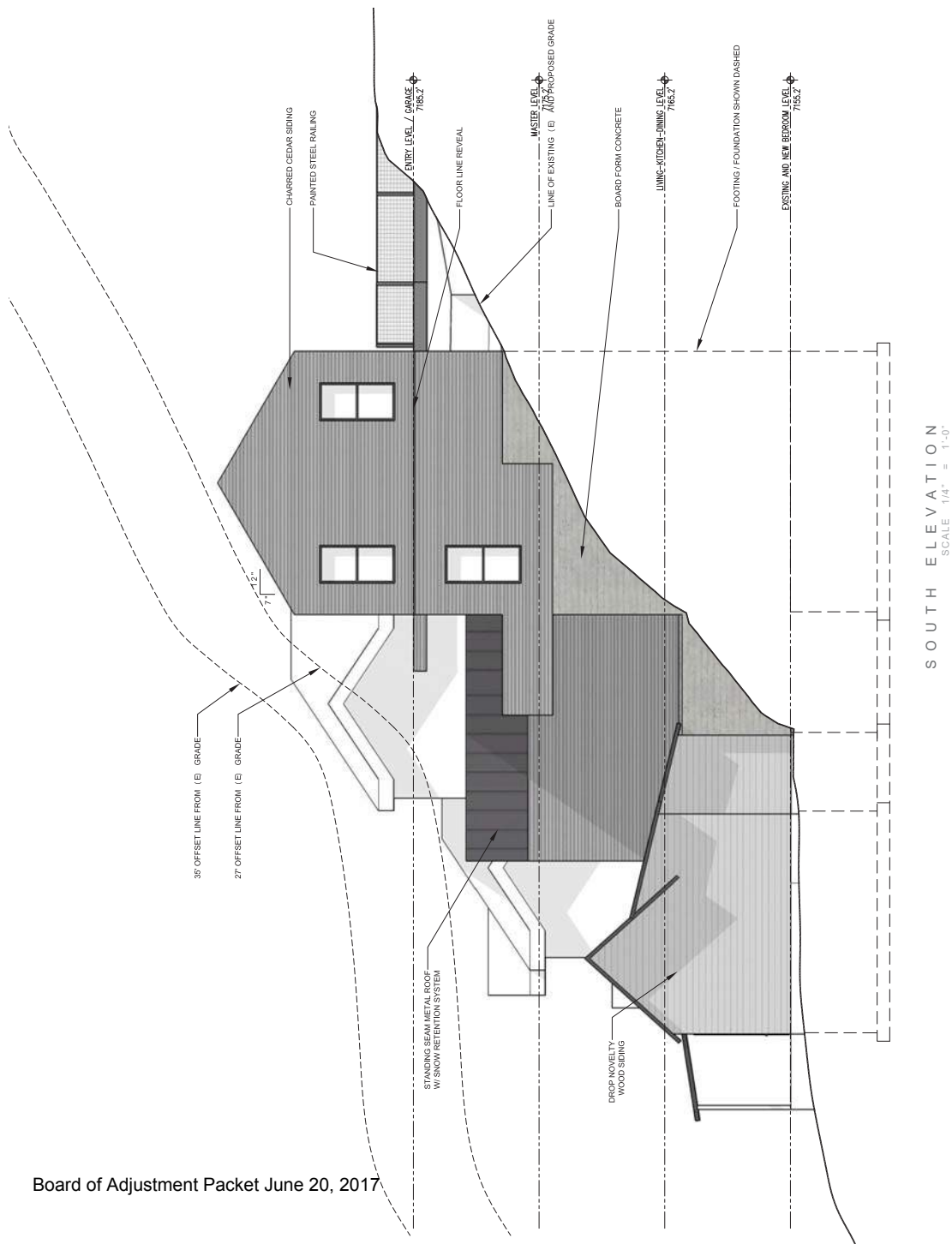
EXISTING / NEW BR LVL - SF SUMMARY
= 1,519 SF

EXISTING AND NEW BEDROOM LEVEL
SCALE 1/4" = 1'-0"

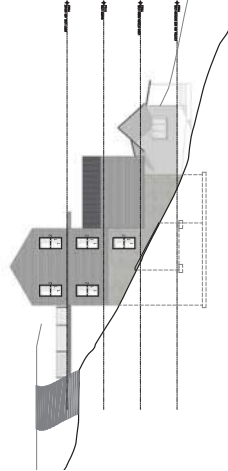
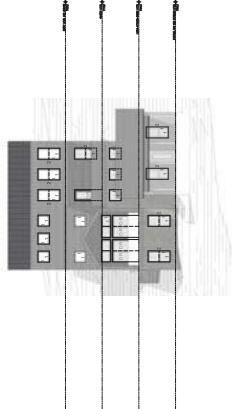
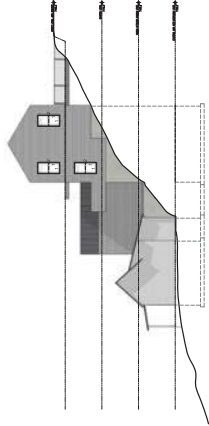
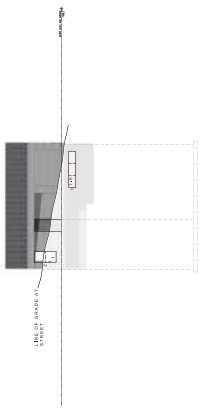


STREETSCAPE ELEVATION
SCALE 1/8" = 1'-0"

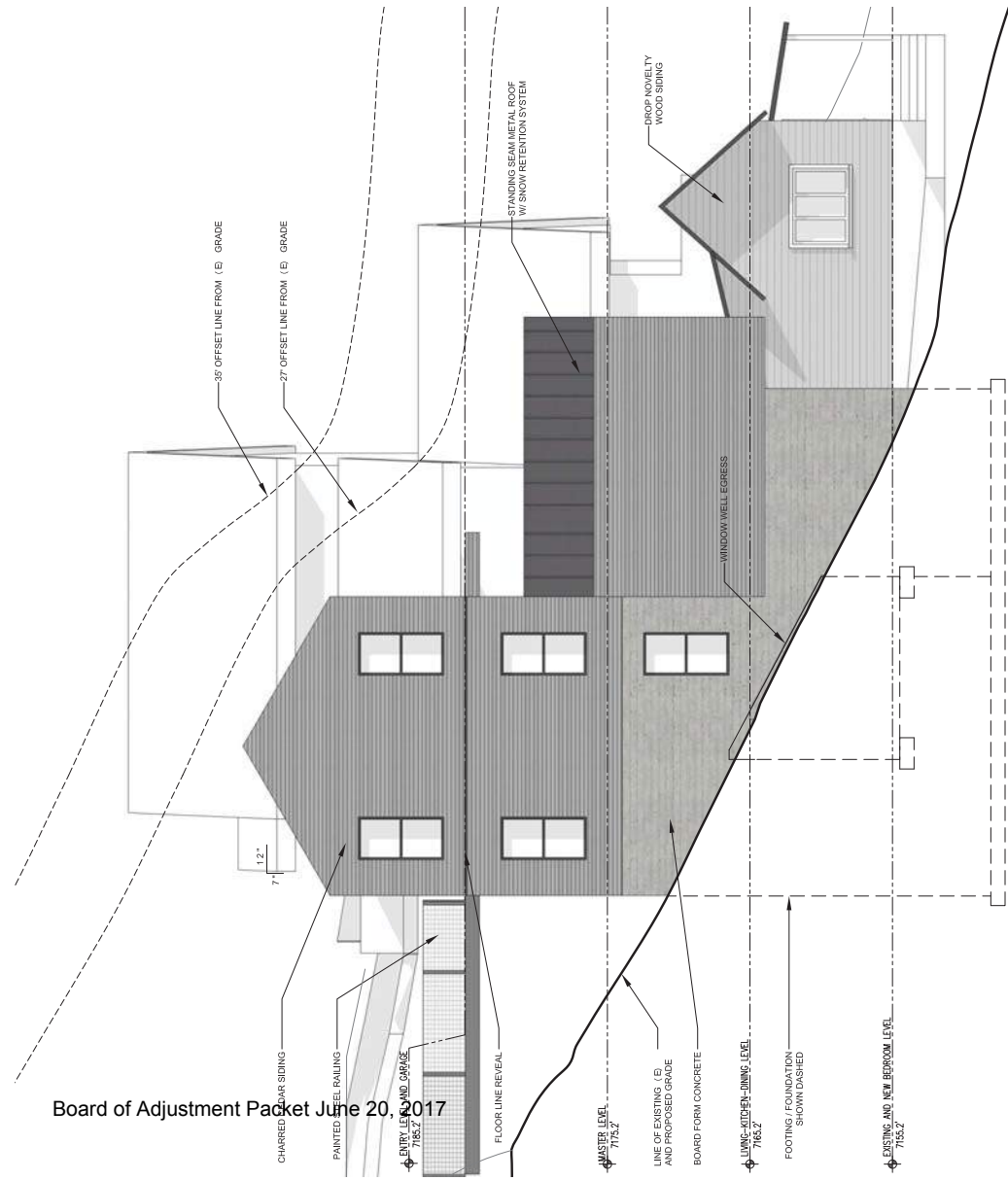
EAST / ONTARIO ELEVATION
SCALE 1/4" = 1'-0"



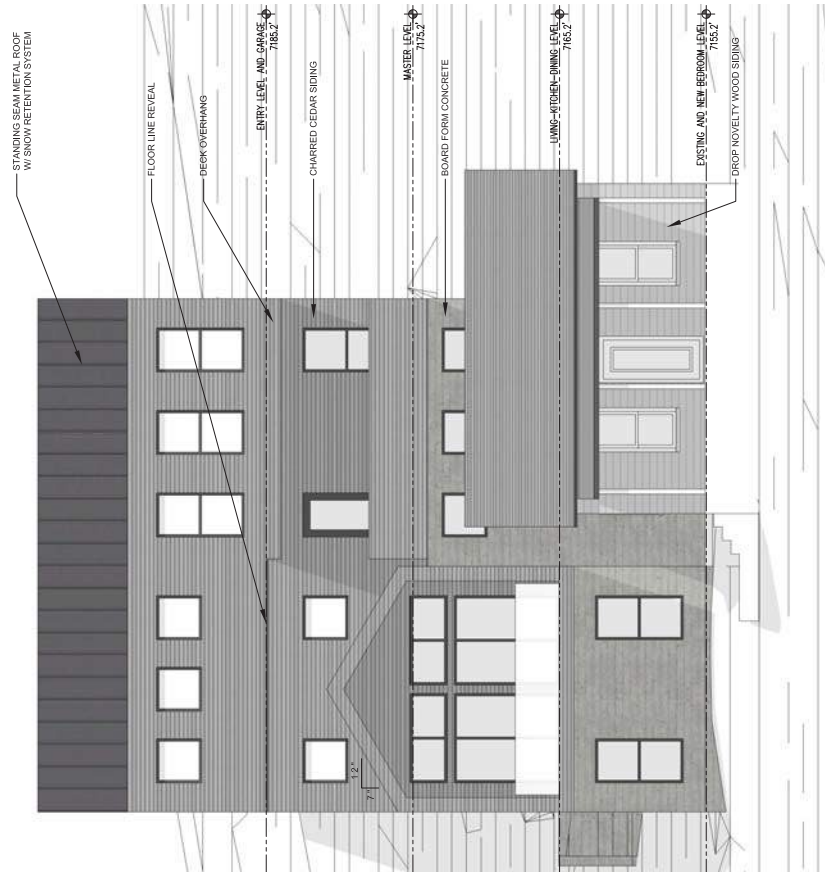
SOUTH ELEVATION
SCALE 1/4" = 1'-0"



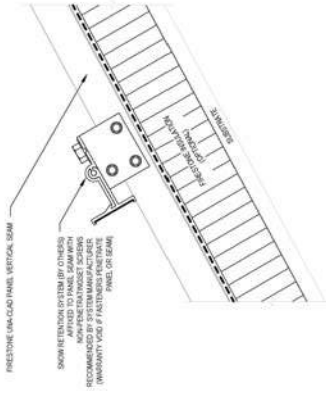
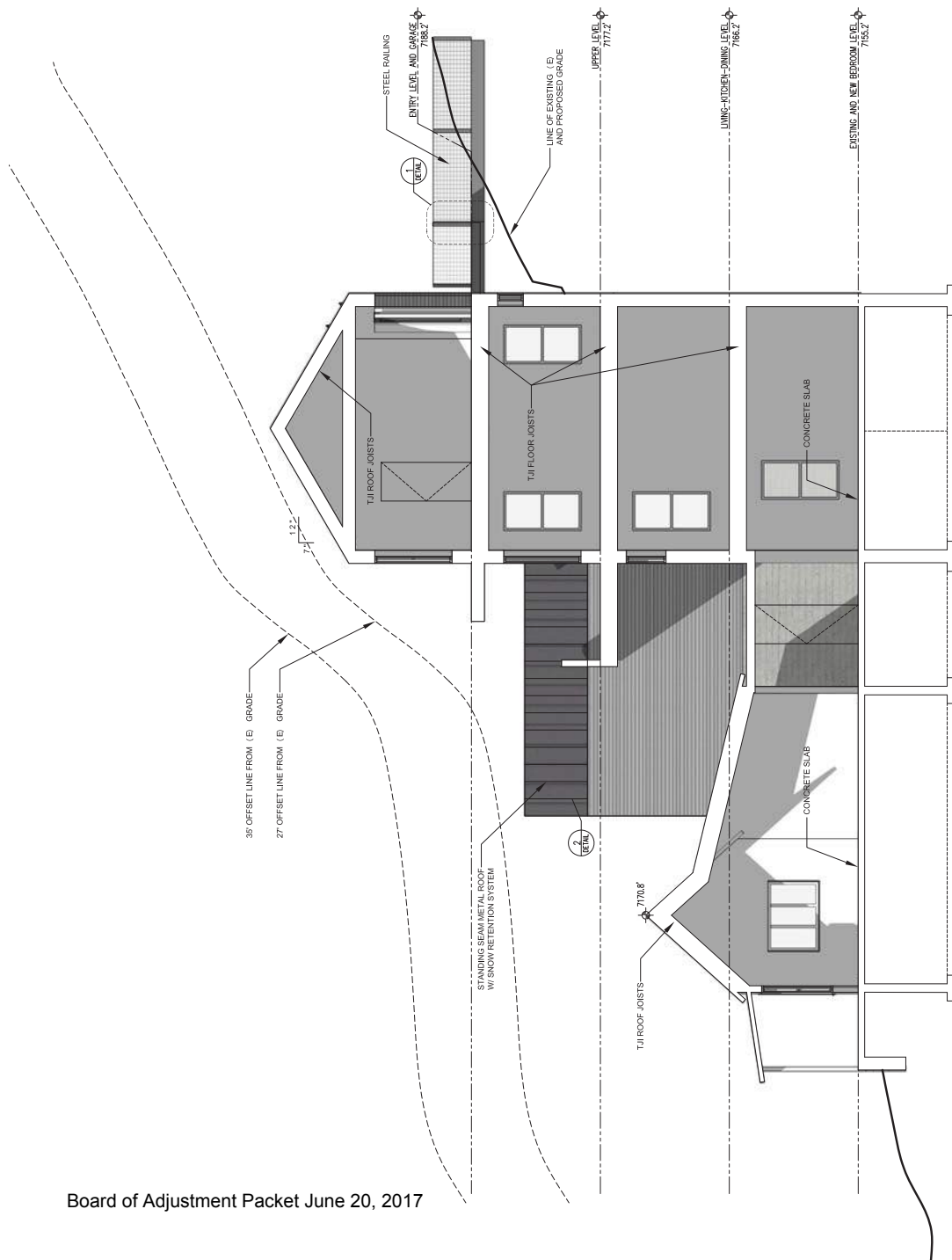
WINDOW RATIO DIAGRAMS
SCALE 1/16" = 1'-0"



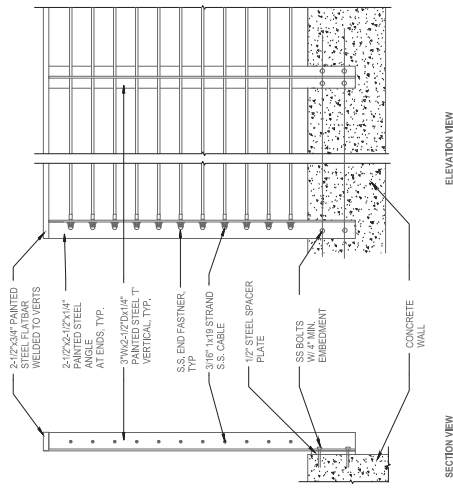
WEST ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"



DETAIL 2 - SNOW RETENTION
SCALE 3" = 1'-0"

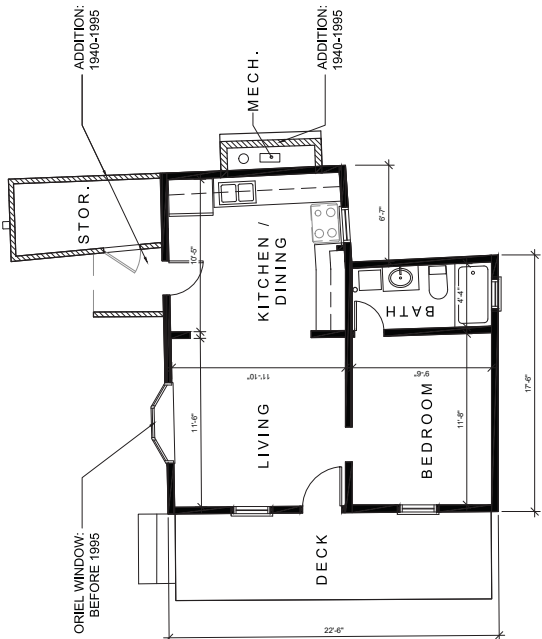


DETAIL 1 - STEEL HANDRAIL
SCALE 1-1/2" = 1'-0"

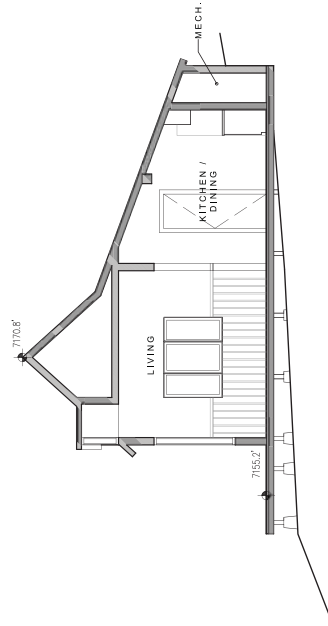
BUILDING SECTION
SCALE 1/4" = 1'-0"

AS-BUILT DRAWINGS

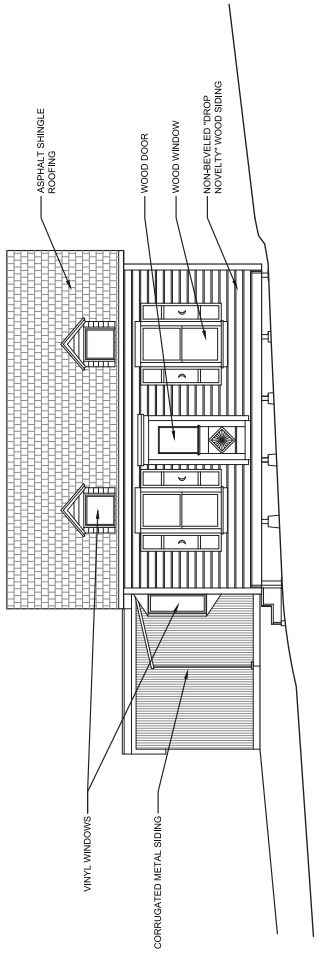
Board of Adjustment Packet June 20, 2017



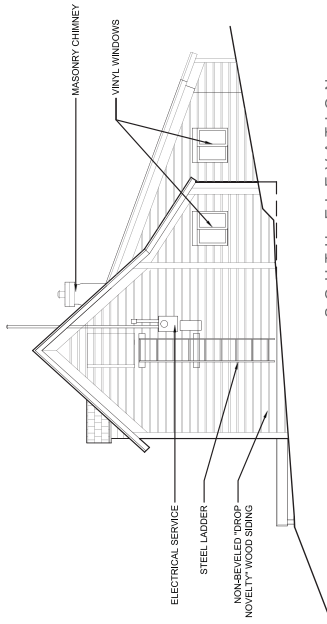
FLOOR PLAN
SCALE: 1/4" = 1'-0"



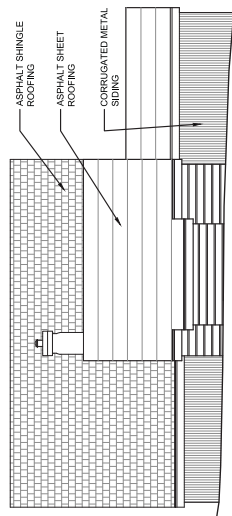
BUILDING SECTION
SCALE: 1/4" = 1'-0"



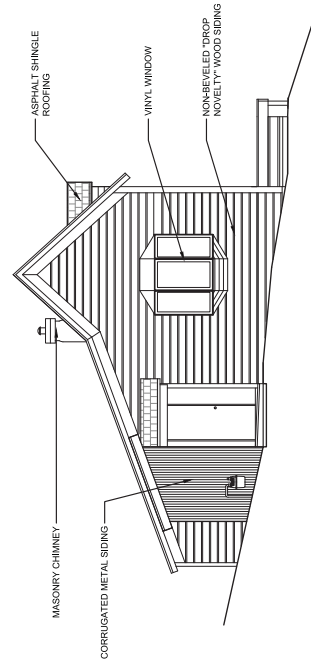
WEST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"



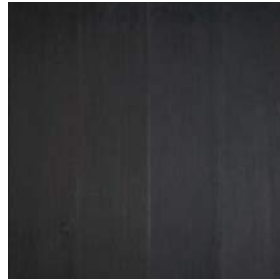
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



RENDERING - FRONT VIEW



RENDERING - BACK VIEW



CHARRED CEDAR SIDING



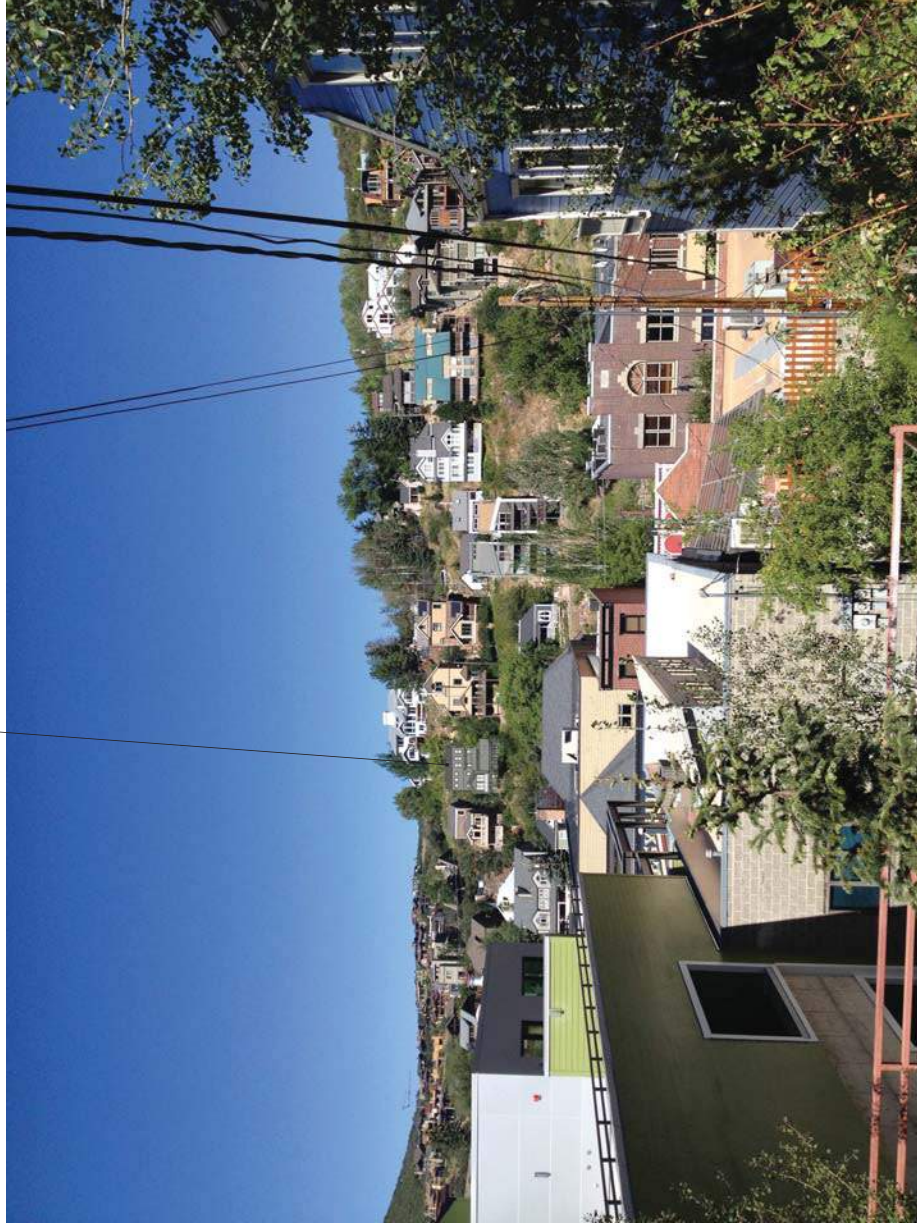
BOARD FORM CONCRETE



STANDING SEAM METAL ROOF



SUBJECT PROPERTY



CROSS CANYON RENDERING