



**PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
October 15, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT of Park City, Utah will hold its Board of Adjustment Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Tuesday, October 15, 2019.

MEETING CALLED TO ORDER AT 5:00 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Board of Adjustment Meeting Minutes from July 16, 2019.
[July 16, 2019 Minutes - Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.CONTINUATIONS

6.REGULAR AGENDA

- 6.A. 316 Ontario – Variance – The Applicants, Page and Brad Brainard, Request a Variance from the Front Setback pursuant to Section 15-2.2-3(E) and to locate a Detached Accessory Building in front of the Main Building pursuant to Section 15-2.1-3(G)(6), in Order to Construct a New Single Car “Bunker” Style Garage, at 316 Ontario, a Landmark Single-Family Residence. PL-19-04311
(A) Public Hearing (B) Possible Action
[Staff Report](#)
[Exhibit A - Applicant's Submittal Package](#)
[Exhibit B - Existing and proposed Site Plan](#)
[Exhibit C - Public Comment](#)
[Exhibit D - 341 Ontario Avenue Variance Action Letter](#)
[Exhibit E - 422 Ontario Avenue Variance Action Letter](#)

7.ADJOURN

A majority of BOARD OF ADJUSTMENT members may meet socially after the meeting. If so, the location will be announced by the BOARD OF ADJUSTMENT 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 Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

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

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
MINUTES OF JULY 16, 2019

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi, Stefanie Wilson (Alternate)

EX OFFICIO: Planning Director Bruce Erickson, Hannah Tyler, Planner; Jody Burnett

Jody Burnett, Legal Counsel, reported that it was brought to their attention that the Board of Adjustment has an antiquated provision in Section 15-10-5(B) of the Land Management Code. He assumed it was a holdover provision from a time when alternates would attend the BOA meetings, even if they did not participate. Mr. Burnett remarked that the provision actually states that a quorum consists of at least three Board members; not including the alternate. He noted that under that provision, the Board of Adjustment would have been in a situation to ask another Board member to come to this meeting for the purpose of constituting a quorum; but then recuse him or herself from voting on the one item on the agenda because they had not participated in the discussion and decision.

Mr. Burnett reported that they had contacted Doug Lee's attorney, who was in France on vacation, and she was kind enough to return and say that Mr. Lee was willing to stipulate to proceeding with three Board members rather than to ask another Board member to attend who could not participate.

Mr. Burnett noted that Jennifer Franklin was on vacation in Spain; however, at the last meeting she had voted against the motion to reverse the Planning Commission decision and remand the setbacks back to the Planning Commission for further consideration. Ms. Franklin's reasons for the negative vote were reflected in the Minutes. He clarified that the purpose of this meeting was to have the Board verify that the written decision accurately reflects the motion that was voted on at the conclusion of the discussion at their meeting on June 25th.

ROLL CALL

Chair Gezelius called the meeting to order at 5:00 p.m. and noted that all Board Members were present except for Jennifer Franklin, Mary Wintzer and David Robinson, who were excused. Board Alternate Stefanie Wilson was present, and based on the explanation provided by Jody Burnett, the Board had a quorum to proceed.

ADOPTION OF MINUTES

June 25, 2019

Stefanie Wilson noted that her first name was spelled incorrectly on page 1 of the Minutes under Roll Call. The correct spelling is S-t-e-f-a-n-i-e.

Hans Fuegi noted that the Minutes were dated June 26, 2019, but the meeting was held on June 25, 2019. He corrected the Minutes to reflect the correct date of June 25, 2019.

MOTION: Han Fuegi moved to APPROVE the Minutes of June 25, 2019 as corrected. Board Member Wilson seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

There were no comments or reports.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue – Approval of Written Decision for the Appeal of Planning Commission’s Approval of the Master Planned Development Application.

Planner Tyler stated that the Staff report contained the written decision reflecting what the BOA had discussed and directed the Staff to prepare on June 25th.

Ms. Gezelius called for a motion on the written decision the Staff had prepared regarding granting the MPD application and remanding the review of setbacks pursuant to LMC 15-6-5C to the Planning Commission. Four items of the Written Decision and the Order were outlined on page 26 of the Staff report.

MOTION: Hans Fuegi moved to APPROVE the Written Decision and the Order as prepared by Staff. Stefanie Wilson seconded the motion.

VOTE: The motion passed unanimously.

PROPOSED WRITTEN DECISION GRANTING THE MASTER PLANNED DEVELOPMENT APPLICATION AND REMANDING THE REVIEW OF SETBACKS PURSUANT TO LMC 15-6-5(C) TO THE PLANNING COMMISSION:

1. On June 3, 2019, the City received an application for an Appeal of the Planning Commission's Approval of the Master Planned Development application for the Woodside Park Phase II Affordable Housing Project application located at 1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue. On June 10, 2019, the Appellant provided supplemental information. This appeal was submitted within 10 days of the Final Action of the Planning Commission.
2. Development may be appealed to the Board of Adjustment at the City Council's request. On June 6, 2019, City Council affirmatively referred the appeal of the Woodside Park Phase II Master Planned Development to the Board of Adjustment.
3. On June 11, 2019 notice was mailed to property owners within 100 feet for the Appeal. Legal notice was also published on the Utah Public Notice Website and Park Record on June 8, 2019 according to requirements of the LMC.
4. At the meeting on June 25, 2019, after conducting a public hearing, the Board of Adjustment determined that the findings of the Planning Commission in reference to LMC 15-6-5(C) MPD Requirements - Setbacks were inadequate to establish that the reduction in setbacks was necessary to provide architectural interest and variation; therefore, the Board of Adjustment is remanding the review of Setbacks pursuant to LMC 15-6-5(C) to the Planning Commission.

Order

1. The appeal of Planning Commission's Approval of the Master Planned Development application located at 1330 Empire Avenue, 1302 Norfolk Avenue, 1361 Woodside Avenue, and 1323 Woodside Avenue is Granted in part with respect to the Planning Commission's decision regarding the compliance of the proposed project with Master Planned Development requirements LMC 15-6-5 and the application is remanded to the Planning Commission for the limited purpose of reviewing of Master Planned Development Setbacks pursuant to LMC 15-6-5(C) .
2. The appeal is denied in all other respects.

Director Erickson reported that the Board of Adjustment would be doing the GRAMA discussion and the Open Public Meetings Act Training in August.

Chair Gezelius adjourned the meeting at 5:10 p.m.

Board of Adjustment Meeting
July 16, 2019

Approved by _____
Ruth Gezelius, Chair
Board of Adjustment

PENDING APPROVAL



**Board of Adjustment
Staff Report**

Application #: PL-19-04311
Subject: 316 Ontario Avenue
Author: Alexandra Ananth, Senior Planner
Date: October 15, 2019
Type of Item: Variance

Summary Recommendations

Staff recommends that the Board of Adjustment review the proposed application, conduct a public hearing, and consider granting the applicants' request for Variances from the Front Yard Setback pursuant to Section 15-2.2-3(E) and to locate a Detached Accessory Building in front of the Main Building pursuant to Section 15-2.1-3(G)(6), in order to construct a new single car "bunker" style garage, at 316 Ontario Avenue, a Landmark Single Family Dwelling.

Description

Applicant: Page and Brad Brainard, represented by Architect Bruce C. Taylor
Location: 316 Ontario Avenue
Zoning: Historic Residential-Low Density District
Adjacent Land Uses: Residential
Reason for Review: Variances require Board of Adjustment approval

Proposal

The existing Single Family Dwelling at 316 Ontario Avenue has no off-street parking and the owners are seeking to create parking for this residence with this application. The applicants believe that unique conditions exist with the property to warrant granting of a Variance to the required Front Yard Setback and a Variance to locate the proposed detached Accessory Building in front of the Main Building. The application for a Variance is to allow the proposed garage to be located as close to the front property line as possible (a zero foot (0') setback). The proposed garage is considered an Accessory Structure because it is detached from the Single-Family Dwelling.

The applicants propose to construct a new single car "bunker" style garage in the Front Yard Setback by excavating into the hillside between the existing house and Ontario Avenue. Although the garage would accommodate only one car, the driveway leading to this structure would be capable of accommodating two additional cars in the platted Right-Of-Way (ROW). Due to the relationship between the subject property and the actual location of Ontario Avenue, which is not located within the platted ROW, the applicants are proposing to locate their driveway in the platted unbuild ROW.

Should the applicants receive the Variances for the location of the proposed garage, they will then need to seek Conditional Use Permits for their driveway and retaining walls to be located in the platted unbuild ROW, and for Development on Steep Slopes. Finally, should the Variances be granted, the applicants will also need to submit a

Historic District Design Review (HDDR) application for the proposed design to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites. The applicant has chosen to move forward with the Variances request prior to submitting the HDDR and CUP applications.

Variances requested:

- A Variance to Land Management Code (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 as close to the front property line as possible (a zero foot (0') setback).
- A Variance to LMC Section 15-2.1-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building.

Purpose

The purpose of the Historic Residential Low Density (HRL) District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

Background

On August 22, 2019, the Planning Department received an application for a Variance request to the Front Yard Setback and to locate a Detached Accessory Building in front of the Main Building. The application was deemed complete on September 23, 2019, with the submittal of additional information.

The property is located at 316 Ontario Avenue. At this location, Ontario Avenue is a narrow and steeply sloped street with limited on-street parking. The purpose of the Variance is to allow a zero (0') Front Yard Setback for construction of a proposed garage and to locate the garage in front of the front façade of the Main Building.

Analysis

The existing Single Family Dwelling is designated as a Landmark Site on the City's Historic Sites Inventory (HSI). The house currently does not have a driveway or garage and is set back approximately 24 feet from the front property line. The owner currently parks on the street parallel to Ontario Avenue and accesses the house via stairs and paths (Exhibit C). Because Ontario Avenue is not built in the platted ROW along this portion of the street the applicant appears to have an additional 30 feet of front yard,

which is steep hillside.

The LMC requires a 10 foot (10') Front Yard Setback to the property line and the applicant is requesting a zero foot (0') setback to accommodate the garage and minimize excavation. The applicant is proposing parking, retaining walls and a driveway in the platted unbuilt ROW. The proposed garage and adjacent new stairs comply with the Side Yard Setback.

The following are the minimum lot, site, and height requirements per Land Management Code Section 15-2.1-3 for development within the HRL zoning district for a lot of this size, 2,444 square feet:

	LMC Requirement	Proposed
Setbacks Front/Rear Yard Side Yard	10 feet/20 feet total 3 feet	No change to existing house
Accessory Structures	5 feet behind the front façade of the Main Building	0 ft. front yard setback for proposed garage and to locate the structure in front of the Main Building requires a Variance
Minimum Lot Size	1,875 sf. Minimum	2,444 sf.
Building Footprint	1,065 sf. Maximum	~666 sf.
Garage Footprint		~384 sf. = 1,050 sf.
Building (Zone) Height	27 ft. maximum	No change to existing house
Accessory Building Height	18 ft. maximum	11.5 ft.

The property was built during the Mature Mining Historic Era (1894-1930). This single-story frame cross-wing cottage has an open shed-roofed porch in the L with square wooden porch roof supports. The distinctive elements that define this as a typical Park City mining era house are the simple methods of construction, the use of non-beveled wood siding, the cross-wing plan style, the simple roof form, the restrained ornamentation and the plain finishes.

Currently, the house is accessible from a stairway off of Ontario Avenue. The applicant is proposing to construct a detached “bunker” style single-car garage in the Front Yard Setback and in front of the front façade of the Main Building. The proposed garage will have a zero foot (0') Front Yard Setback along platted Ontario Avenue, a 32 foot setback from paved Ontario Avenue, and will meet the three foot (3') Side Yard Setbacks.

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 Board of Adjustment (BOA) may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. In determining whether or not the enforcement of the LMC would cause unreasonable hardship the BOA may not find an unreasonable hardship if the hardship is self-imposed or economic.*

Applicant's Request:

The applicant argues that the site slopes up steeply from the edge of asphalt, which is not located within the platted ROW. Adhering to the front yard setback would require the rear of the garage to undermine the existing historic structure in order to provide the required interior dimensions of the garage. Additionally, the excavation necessary to create this solution would change the character of the neighborhood by requiring the hillside to essentially be removed between the street and the front of the garage. Proposal: A bunkered garage concept located at the front property line would appear to adhere to the desired front yard setback, and would align with other structures within a close proximity to this parcel.

Staff Analysis:

Staff finds that literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. There are circumstances specific to this property that are unique and are not conditions general to the neighborhood, such as the width of the platted unbuilt ROW which appears as the property's front yard (the distance of the front property line from paved Ontario Avenue), the steepness and topography of the slope along Ontario Avenue, and the fact that the property is a Landmark Site. Staff finds that literal enforcement of the required ten foot (10') Front Yard Setback or location of the proposed Detached Accessory Building in front of the Main Building is not necessary to carry out the general purpose of the Land Management Code, as the proposed garage will be setback from the existing edge of curb by a distance of 30 feet due to the distance between the front property line and the actual street and many detached accessory structures exist either below or in front of the Main Building in the immediate neighborhood. The Planning Department also acknowledges that the allowance of the Variances may provide a neighborhood benefit on this narrow section of Ontario Avenue by taking cars and trash/recycle bins off of Ontario Avenue.

*However, LMC 15-2.2-4 states that Historic Structures that do not comply with Building Setbacks, **Off-Street parking**, and driveway location standards are valid Complying Structures. Therefore there is no requirement for off-street parking in the Historic District Low Density zone and the proposed garage is desired, not required and the applicant*

may be seen as creating their own hardship with the desire for a garage.

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.*

Applicant's Request:

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

Staff Analysis:

Staff finds the parcel of land in question has characteristics and features that result in conditions that are not general to the neighborhood, but are unique to this property due to the location of paved Ontario Avenue and steepness of the slope in the front yard area. As previously mentioned the proposed garage would have to be pushed further into the hill if the Variance is not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. Other properties do not have the same distance between the edge of curb and property line because Ontario Avenue is located closer to the platted ROW in many cases. This section of paved Ontario Avenue is characterized by its limited width (it is very difficult for two cars to pass on this street and any parked cars cause safety issues.) Granting the Variances to permit the garage construction would be beneficial to the street as a whole as it would allow other vehicles to pass without the obstruction of cars in the roadway as well as provide a safe alternative for off-street parking and trash/recycle bins.

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

Applicant's Request:

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

Staff Analysis:

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

Staff notes that in April 2018, 341 Ontario received a Variance from the Front Yard Setback (among other Variances) that enabled the construction of a single-car garage within the Front Yard Setback (Exhibit D –341 Ontario Avenue Variance Action Letter). In June 2016, 422 Ontario Avenue received a Variance to the Front Yard Setback to allow for a two-car tandem garage (Exhibit E - 422 Ontario Avenue Variance Action Letter). Staff is currently researching how 308 Ontario Avenue was approved.

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

Applicant's Request:

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

Staff Analysis:

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

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

Applicant's Request:

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

Staff Analysis:

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

Future Process

Approval of the Variance by the Board of Adjustment constitutes Final Action that may be appealed following the procedures found in LMC § 15-10-13. Approval of a Conditional Use Permit for the driveway and retaining walls to be located in the platted unbuilt ROW and approval of a Historic District Design Review (HDDR) for the design of the garage structure are necessary prior to the issuance of a building permit.

Department Review

This project has gone through an interdepartmental review. Two issues were brought up at that time. The Public Utilities Department noted that the water line to this house has frozen in the past and requests that the applicants bury a new water line from the street to the property should this Variance be approved. This is reflected in Condition of Approval #8.

The Engineering Division also noted that the applicant will have to agree to a Condition of Approval that if at some point in the future the ROW is re-aligned, the applicant will be responsible for the removal of the retaining walls and any parking in the ROW at their own expense. This is reflected in Condition of Approval #9.

Notice

On October 1, 2019, 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 September 28, 2019, according to requirements of the Code.

Public Input

One comment was received from a neighbor requesting that construction related parking is carefully considered and planned for in advance given the narrowness of the

street and other nearby construction projects (Exhibit C – Public Comment).

Alternatives

- The Board of Adjustment may grant the Variances requested 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 Variances requested 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 a garage within the front setback and in front of the Main Building could take place. Should the BOA not grant a Variance to reduce the front yard setback from 10 feet to 0 feet, and a Variance to allow a Detached Accessory Building to be located in front of the Main Building, the applicant will not be permitted to construct the garage as proposed.

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 one-car garage to be constructed.
- A Variance to LMC Section 15-2.1-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building.

The BOA should conduct a public hearing and consider granting the Variances for the location of the proposed garage based on the following Findings of Fact and Conclusions of Law.

Findings of Fact (for Approval)

1. The property is located at 316 Ontario Avenue in the Historic Residential Low Density (HRL) District.
2. The HRL zone is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.
3. The property consists of 2,444 square feet.
4. There is an existing ~666 square foot Single Family Dwelling on the property. It is designated as a Landmark Site on the City's Historic Sites Inventory.
5. The existing Landmark house is setback from the front property line by ~25 feet. It is setback from the edge of asphalt on Ontario Avenue by ~57 feet.
6. The owner currently parks in an asphalt parking pad parallel to Ontario Avenue and accesses the house via stairs and paths. This space is not an approved private parking for 316 Ontario Avenue, but, rather, it is in the City ROW and is public parking.
7. The applicant is requesting a Variance to LMC Sections 15-2.2-3(E) to reduce the

required ten foot (10') front yard setback to zero feet (0') and to Section 15-2.1-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.

8. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the width of the platted unbuilt ROW which appears as the property's front yard (the distance of the front property line from paved Ontario Avenue), the steepness and topography of the slope along Ontario Avenue, and the fact that the residence is a Landmark Site. (Criteria 1)
9. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The proposed garage would have to be pushed further into the hill if the Variance is not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. (Criteria 2)
10. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to construct a Detached Accessory Building (garage) at the street level without severely impacting existing grade, while also alleviating congestion and safety concerns on Ontario Avenue by providing off-street parking. (Criteria 3)
11. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to reduce vehicle conflicts on Ontario Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Ontario Avenue. (Criteria 4)
12. In order to construct a garage that meets the required Front Yard Setbacks, the garage would need to be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill driveway. If the garage were constructed to comply with the LMC, it would not meet the intent of the General Plan.
13. The spirit of the Land Management Code is observed and substantial justice is done. Granting the Variances will allow the applicant to construct a garage for the Landmark Site that will be setback from the edge of curb by thirty feet, consistent with the required front yard setback outlined in 15-2.2-3 (E). The Variances permit the owner to increase off-street parking in the neighborhood for two properties while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. (Criteria 5)
14. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

Conclusion of Law (for approval)

1. Literal enforcement of the HRL 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 a substantial property right

- possessed by other property in the same zone.
4. The proposal is consistent with the General Plan.
 5. The spirit of the zoning ordinance is observed by this application.

Order (for approval)

1. A Variance to LMC Section 15-2.2-3(E), to the required ten foot (10') Front Yard Setbacks exception to allow for a single-car garage to be constructed as close to the front property line as possible, is hereby granted.
2. A Variance to LMC Section 15-2.1-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building is hereby granted.
3. The Variances run with the land but shall terminate if the historic home is ever demolished.

Conditions of Approval

1. The variance is limited to the construction of a single-car garage to be constructed as close to the front property line as possible, as indicated on the plans submitted with this application dated August 22, 2019, unless otherwise approved with an HDDR approval.
2. No portion of the garage shall be used for additional living space.
3. No other structures including decks are allowed in the front setback.
4. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Trash and recycling bins may be stored in the garages.
5. Approval and recordation of a plat amendment is required prior to issuance of a building permit for the new garage.
6. The applicant will need to receive a Conditional Use Permit for their driveway and retaining walls to be located in the platted unbuilt ROW, and for Development on Steep Slopes prior to the issuance of a building permit for the new garage.
7. The applicant will need to submit a HDDR application for the proposed design to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.
8. The applicants shall install a new water line to the house from the street during construction of the new garage to the satisfaction of the Park City Public Utilities Department.
9. If at some point in the future Ontario Avenue is re-aligned, the applicant will be responsible for the removal of retaining walls and parking within the ROW at their sole expense and in an expeditious manner (within 90 days if written notice).
10. The applicant will need to enter into an Encroachment Agreement for the retaining walls located within the Public Right-of-Way.
11. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
12. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

Exhibits

Exhibit A – Applicant’s Submittal Package

Exhibit B – Existing and Proposed Site Plan

Exhibit C – Public Comment

Exhibit D – 341 Ontario Avenue Variance Action Letter

Exhibit E - 422 Ontario Avenue Variance Action Letter

PARK CITY MUNICIPAL CORPORATION
PLANNING DEPARTMENT
445 MARSAC AVE ° PO BOX 1480
PARK CITY, UT 84060
(435) 615-5060



VARIANCE

For Office Use Only

BOARD OF ADJUSTMENT _____ PROJECT PLANNER _____ APPLICATION # PC-19-04311
APPROVED _____ AA _____ DATE RECEIVED 8-22-19
DENIED _____ _____ EXPIRATION _____

PROJECT INFORMATION

NAME: BRAINARD RESIDENCE
ADDRESS: 316 ONTARIO
PARK CITY, UTAH 84060
TAX ID: PC-488-A OR
SUBDIVISION: 331 MCHENRY AVENUE SUBDIVISION OR
SURVEY: PARK CITY LOT #: 4 BLOCK #: 59

APPLICANT INFORMATION

NAME: PAGE & BRAD BRAINARD
MAILING ADDRESS: 3150 EAST CERRADA LOS PALITOS
TUCSON, ARIZONA 85718
PHONE #: (520) 975-8598 FAX #: () -
EMAIL: bjb2012sime@gmail.com

APPLICANT REPRESENTATIVE INFORMATION

NAME: BRUCE TAYLOR / SUMMIT DESIGN GROUP
PHONE #: (435) 649-2055
EMAIL: bct_aia@msn.com

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

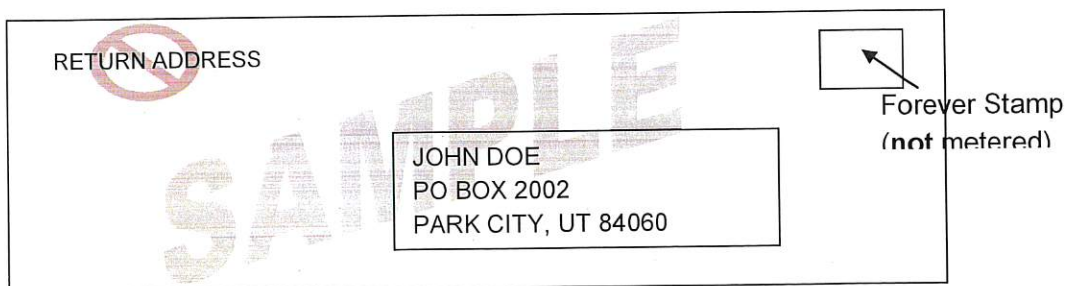
RECEIVED

AUG 22 2019 Res No. 15-12

PARK CITY
PLANNING DEPT.

SUBMITTAL REQUIREMENTS – All of the following items must be included in order for the Planning Department to take the application.

- ✓1. Completed and signed application form.
- ✓2. Provide a written statement stating the nature of the hardship and the nature of the Variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded for review.
- ✓3. Review fees - \$940.00 per application.
4. Two (2) 24"x36" professionally prepared site plan drawn to scale containing items below:
 - ✓▪ North arrow and name of project
 - ✓▪ Date of drawing
 - ✓▪ Adjoining property lines, owners, and uses within 100' of subject property.
 - ✓▪ Total acreage of the property, dimensions of all lot lines, all landscaped areas, parking areas, snow storage area. Etc.
5. One (1) 11"x17" reduction of plans outlined in #4
- ✓6. Current Title Report – with an issue date no longer than 30 days from the application submittal date.
- ✓7. List of property owners, names, and addresses within 300 feet. The distance is measured from the property line, not the location of the request. Please provide the Summit County Assessor's Parcel Number for each property if possible.
- ✓8. Stamped, addressed #10 size business envelopes for property owners written within 300 feet.
 - Envelopes (example given below of proper addressing) with mailing labels and stamps affixed. ***Please do not use self-adhesive style envelopes, do not include a return address, and do not use metered postage.***
 - **Stamps must be USPS Forever.**



RECEIVED

AUG 22 2019

PARK CITY
PLANNING D.

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

PROJECT DESCRIPTION

- 1. On a separate sheet of paper, give a general description of the proposal and answer the questions below. Attach it to the application (See Submittal Requirement #2).
 - 2. Existing Zoning: HR-1
 - 3. Is the project within the Sensitive Lands Overlay?
Yes No
 - 4. Current use of the property: SINGLE FAMILY RESIDENCE
 - 5. Total Project Area: _____ acres _____ square feet
 - 6. Number of parking spaces per Title 15 Land Management Code, Chapter 3, Off Street Parking:
_____ required 2 proposed
 - 7. Project access via: (check one)
 Public Road Private Road Private Driveway
 - 8. Occupancy type: (check one)
 Owner Occupied Lease Nightly Rental
Condominium Timeshare
 - 9. Utility service availability:
 Existing Requires extension of City service
-

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

RECEIVED
Res No. 15-12
AUG 22 2019
PARK CITY
PLANNING DEPT.

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has reviewed the application and has notified me that it has been deemed complete.

I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review three days prior to any public hearings or public meetings. This report will be on file and available at the Planning Department in the Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization with the study.

Signature of Applicant: Bruce C Taylor
 Name of Applicant: BRUCE TAYLOR / SUMMIT DESIGN GROUP
PRINTED
 Mailing Address: PO BOX 681302
PARK CITY, UT 84068
 Phone: 435-649-2055 Fax: -
 Email: bct_aia@msn.com
 Type of Application: VARIANCE

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action. I further affirm that I am aware of the City policy that no application will be accepted nor work performed for properties that are tax delinquent.

Name of Owner: BRADLEY J. BRAINARD
PRINTED
 Mailing Address: 3150 EAST CERRADA LOS PALITOS
TUCSON, ARIZONA
 Street Address/ Legal Description of Subject Property:
316 ONTARIO
PARK CITY, UTAH 84060
 Signature: [Handwritten Signature] Date: _____

1. If you are not the fee owner, attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.
4. If a Home Owner's Association is the applicant than the representative/president must attaché a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

Please note that this affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to Final Action.

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.

RECEIVED Res No. 15-12
 AUG 22 2019
 PARK CITY
 PLANNING DEPT.

Park City Municipal Corporation
Request for Variance in Front Yard Setback

Re: 316 Ontario Avenue

The intent of the owners, Brad and Paige Brainard, is to create off-street parking for this existing residence. They also own the house directly across the street (317 Ontario), which similarly has no off-street parking and is occasionally rented out.

The reason for this variance request is the hardship created by the relationship between platted lot lines and actual location of the street, which is not in the platted right-of-way. Utilizing the actual right-of-way for a driveway could allow for the proposed garage to be located with a minimal setback from the platted front property line, yet still give the illusion of a proper front yard, and align with adjacent and recent construction.

By excavating into the hillside between the existing house and the street, a “bunker” style garage is envisioned for one car, with a driveway leading to this structure capable of accommodating two more cars. No modification of the existing (landmark) structure is anticipated. A stairway will be constructed alongside this new structure leading to the house, replacing the existing stairway that leads up from the street. In addition, this recessed area will allow for garbage and recycle can storage off the street, a feature that does not exist at present due to the steepness of grade on both sides of the road.

This application for a variance is hereby submitted to allow the “bunker” to be as close to the front property line as possible. It should be noted that the property line is well off the existing edge of asphalt, so no visual encroachment will be evident. A copy of a similar variance granted at 422 Ontario is attached. Thus, neighborhood character is preserved, off-street parking and garbage can storage is created, areas for snow storage are provided (as well as the possibility for heated pavement areas if budgeting permits), and the existing “Landmark” home remains unchanged.

RECEIVED
AUG 22 2013
PARK CITY
PLANNING DEPT.

HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property:

Address: 316 ONTARIO AVE

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-487 or PC-488

Current Owner Name: SAVAGE CATHLEEN

Parent Parcel(s):

Current Owner Address: PO BOX 762, PARK CITY, UT 84060-0762

Legal Description (include acreage): A PORTION OF LOTS 4 & 5 BLK 59 AMENDED PLAT OF PARK CITY SURVEY; MORE PARTICULARLY DESC AS FOLLOWS: BEG AT A PT S 23°38'00" E 13.59 FT ALONG THE E'LY R/W LINE OF ONTARIO AVE FROM THE NW COR OF LOT 5, BLK 59 PARK CITY SURVEY; & RUN TH N 66°22'00" E 44.38 FT; TH N 71°15'01" E 30.73 FT TO THE E'LY LINE OF LOTS 5 & 4; TH ALONG SD E'LY LINE S 23°38'00" E 33.80 FT TO THE SE'LY COR OF LOT 4; TH S 66°22'00" W 75 FT TO THE SW'LY COR OF LOT 4 & THE E'LY R/W LINE OF ONTARIO AVE; TH ALONG SD E'LY LINE N 23°38'00" W 36.41 FT TO THE PT OF BEG CONT 2691 SQ FT OR 0.062 AC; ALSO LOT 3 BLK 59 PARK CITY SURVEY CONT 1875 SQ FT (LESS 1637 SQ FT 574-132 PC-487-A)(LESS 0.01 AC 1461-1324 PC-492-1-A) BAL 0.06 AC 574-134 619-32 (REF:NWD-216547-134 619-32), 0.06 AC

2 STATUS/USE

Property Category

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

Evaluation*

- Landmark Site
- Significant Site
- Not Historic

Reconstruction

- Date: _____
Permit #: _____
 Full Partial

Use

Original Use: Residential
Current Use: Residential

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

3 DOCUMENTATION

Photos: Dates

- tax photo:
- prints:
- historic: c.

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

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

Drawings and Plans

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

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

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

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: Dec. 2008

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Cross-wing type / Vernacular style

No. Stories: 1

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

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

General Condition of Exterior Materials:

- Good (Well maintained with no serious problems apparent.)
- Fair (Some problems are apparent. Describe the problems.): Paint is failing on several places on the façade trim including the porch roof fascia and the window header.
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

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

Foundation: The foundation is not visible in the available photographs and therefore its material or existence cannot be verified.

Walls: The exterior walls are clad in wooden drop/novelty siding.

Roof: The cross-gable roof is sheathed in composition shingles.

Windows/Doors: The visible windows are one-over-one double-hung in vertical openings with external storm windows and/or screens. The entry door is wood and paneled.

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

Location: Original Location Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): This single-story frame cross-wing cottage has an open shed-roofed porch in the L with square wooden porch roof supports.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting is not visible in the available 2006 photographs.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): The distinctive elements that define this as a typical Park City mining era house are the simple methods of construction, the use of non-beveled (drop-novelty) wood siding, the plan type (cross-wing), the simple roof form, the restrained ornamentation, and the plain finishes.

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

Association (Describe the link between the important historic era or person and the property.): The "T" or "L" cottage (also known as a "cross-wing") is one of the earliest and one of the three most common house types built in Park City during the mining era.

5 SIGNIFICANCE

Architect: Not Known Known: (source:)

Date of Construction: c. 1900¹

¹ Summit County Recorder.

Builder: Not Known Known: (source:)

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

1. Historic Era:

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

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.²

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

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

6 PHOTOS

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

Photo No. 1: West elevation (primary façade) partial. Camera facing east, 2006.

Photo No. 2: West elevation (primary façade) partial. Camera facing east, tax photo.

² From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

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

Owner's Name _____
 Owner's Address _____
 Location _____

Kind of Building Res Street No. 316 Ross Hill

Schedule 1 Class 3 Type 1-2-3(4) Cost \$ _____ X _____ %

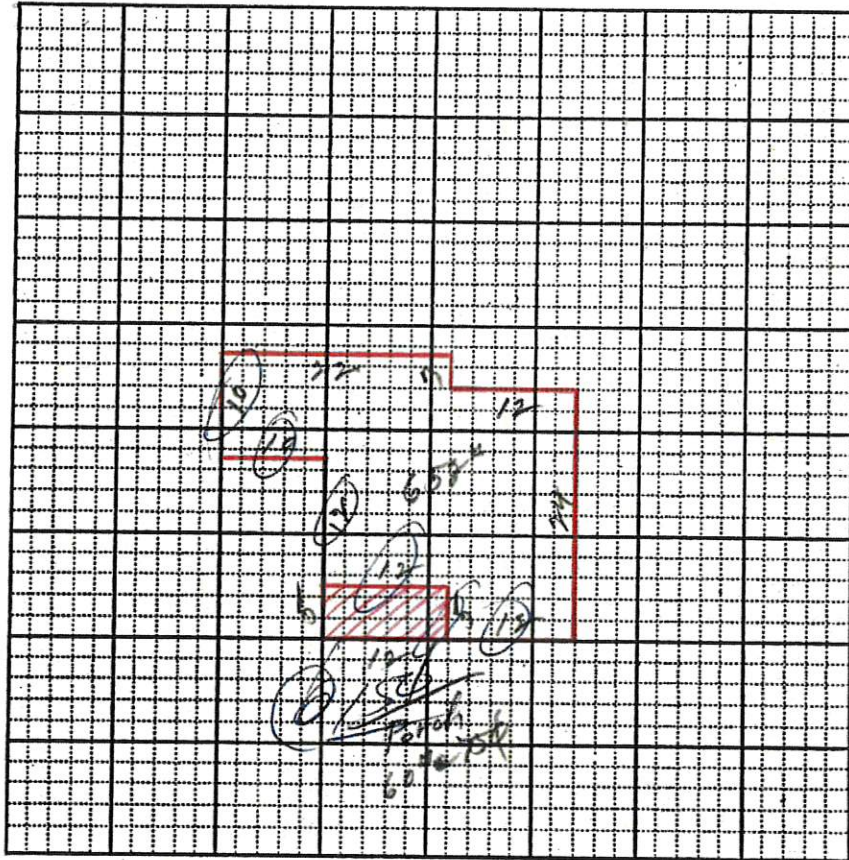
Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
1	x x		652	\$ -	\$ 1345
	x x			\$	\$
	x x			\$	\$

No. of Rooms 4 Condition _____

Description of Building	Add	Deduct
Foundation—Stone—Conc. None <input checked="" type="checkbox"/>		121
Ext. Walls <u>4-Sid 4-Sht</u>		18
Insulated—Floors—Walls—Clgs.		
Roof—Type <u>Bob.</u> Mat. <u>Bot. Shg.</u>		
Dormers—Small—Med.—Lg.		
Bays—Small—Med.—Lg.		
Porches—Front <u>60" @ .75</u>	115	
Rear @		
Cellar—Basmt— $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ full-floor <u>None</u>		
Basement Apts.—Rooms Fin.		
Attic Rooms—Fin.—Unfin.		
Plumbing— Class <u>1</u> Tub <u>1</u> Trays Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Urns—Ftns.—Shr. Dishwasher—Garbage Disp.	350	
Heat—Stove <u>H. A.</u> Steam <u>S.</u> Blr. Oil—Gas—Coal		
Air Conditioned—Incinerators		
Radiant—Pipeless		
Finish— Hd. Wd.— Fir. <input checked="" type="checkbox"/> Floors— Hd. Wd.— Fir. <input checked="" type="checkbox"/> Conc. <input checked="" type="checkbox"/>		
Cabinets <u>Pantry</u> Mantels	40	
Tile— Walls—Wainscot— Floors—		
Lighting—Lamp—Drops <input checked="" type="checkbox"/> Fix. <u>Lbr. Lined - 4 @ 30"</u>		120
Total Additions and Deductions	435	259
Net Additions or Deductions	-259	1345

Ave Age <u>53</u> Yrs. by <input checked="" type="checkbox"/> Est. Owner <input checked="" type="checkbox"/> Tenant <input checked="" type="checkbox"/> Neighbors <input checked="" type="checkbox"/> Records	REPRODUCTION VALUE	\$ 1521
	Depr. <u>2-3-4-5-6</u> <u>66/34</u> %	
	Reproduction Val. Minus Depr.	\$ 517
Remodeled—Est. Cost	Remodeling Inc. %	\$
Garage—S <u>8</u> C <u>1</u> Depr. <u>2%</u> (<u>3%</u>)	Obsolescence	\$
Cars <u>1</u> Walls <u>Sht</u>	Out Bldgs.	\$
Roof <u>T.P.</u> Size <u>10x16</u> Age <u>38</u>		\$
Floor <u>Dist</u> Cost <u>97/35</u>	Depreciated Value Garage	\$ 24
Remarks _____	Total Building Value	\$ 541

Appraised 10/1949 By Chas. A. J.



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

RC 487

Location Block 5900 Lot 3 (Rossie Hill)
Kind of Bldg. RES St. No. 316 Ontario Ave.
Class R-1 Type 1 2 3 4. Cost \$ _____ x 100 %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		652		\$ 1422
	x x				
	x x				

Gar.—Carport — x — Flr. — Walls — Cl. —

Description of Buildings	Additions
Foundation—Stone <u>—</u> Conc. <u>—</u> None <u>—</u>	
Ext. Walls <u>Siding</u>	
Insulation—Floors <u>—</u> Walls <u>—</u> Clgs. <u>—</u>	
Roof Type <u>Gab.</u> Mtl. <u>Pat</u>	
Dormers—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Bays—Small <u>—</u> Med. <u>—</u> Large <u>—</u>	
Porches—Front <u>60</u> @ <u>60</u> <u>36</u>	
Rear <u>—</u> @ <u>—</u>	
Porch <u>—</u> @ <u>—</u>	
Metal Awnings <u>—</u> Mtl. Rail <u>—</u>	
Basement Entr. <u>—</u> @ <u>—</u>	
Planters <u>—</u> @ <u>—</u>	
Cellar-Bsmt. — 1/4 1/2 3/8 1/2 Full <u>—</u> Floor <u>—</u>	
Bsmt. Apt. <u>—</u> Rooms Fin. <u>—</u> Unfin. <u>—</u>	
Attic Rooms Fin. <u>—</u> Unfin. <u>—</u>	
Plumbing	Class <u>1</u> Tub <u>1</u> Trays <u>—</u>
	Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>
	Wtr. Sfr. <u>—</u> Shr. St. <u>—</u> O.T. <u>—</u>
	Dishwasher <u>—</u> Garbage Disp. <u>—</u> <u>350</u>
Built-in-Appliances <u>—</u>	
Heat—Stove <u>✓</u> H.A. <u>✓</u> Steam <u>—</u> Stkr. <u>—</u> Blr. <u>✓</u>	
Oil <u>—</u> Gas <u>✓</u> Coal <u>✓</u> Pipeless <u>—</u> Radiant <u>—</u>	
Air Cond. <u>—</u>	
Finish—Fir <u>✓</u> Hd. Wd. <u>—</u>	
Floor—Fir <u>✓</u> Hd. Wd. <u>—</u> Other <u>—</u>	
Cabinets <u>—</u> Mantels <u>—</u>	
Tile—Walls <u>—</u> Wainscot <u>—</u> Floors <u>—</u>	
Storm Sash—Wood D. <u>—</u> S. <u>—</u> ; Metal D. <u>2</u> S. <u>—</u>	
Total Additions <u>386</u>	

Year Built <u>—</u>	Avg. <u>62</u>	Reproduction Value	\$ <u>1808</u>
Age <u>—</u>		Obsol. or Rem.	% <u>—</u>
Inf. by { Owner - Tenant - Neighbor - Record - Est.		Bldg. Value	
Remodel Year <u>—</u>	Est. Cost <u>—</u>	Depr. Col. <u>0 2 3 4 5 6</u> <u>30</u> %	
		Repr. Val. Minus Depr.	\$ <u>542</u>
Garage—Class <u>—</u>	Depr. 2% 3%	Carport—Factor <u>—</u>	
Cars <u>—</u>	Floor <u>—</u> Walls <u>—</u>	Roof <u>—</u> Doors <u>—</u>	
Size— <u>—</u> x <u>—</u>	Age <u>—</u>	Cost <u>—</u> x <u>—</u> %	
Other <u>—</u>			
Total Building Value			\$ <u>—</u>

Appraised 5-22-58 By 1302 1332

PC 487
Serial Number

.....OF.....
Card Number

Owners Name _____
 Location BK 59 PC lot 3 (Rossie Hill)
 Kind of Bldg. Res St. No. 316 ONTARIO Ave
 Class. RT Type 1 2 3 4 Cost \$ 2175 x 1107 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
	x x	652		\$ 2408	\$
	x x				
	x x				

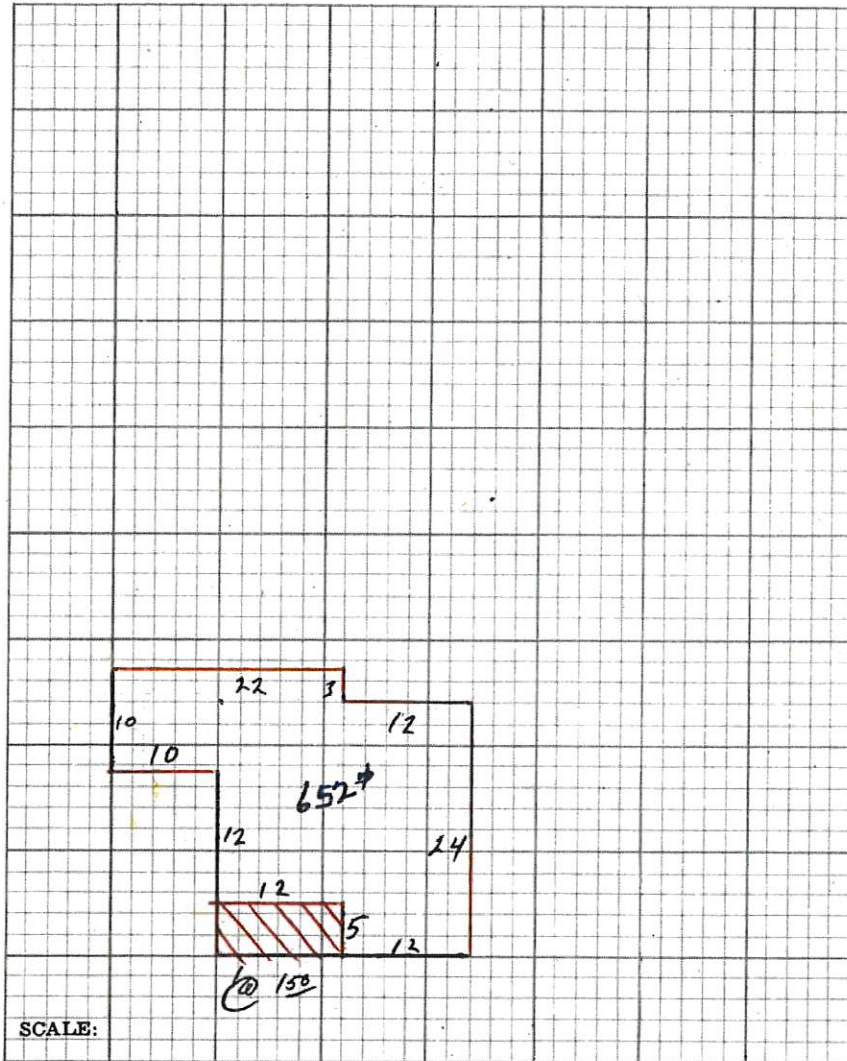
Att. Gar.—C.P. x Flr. _____ Walls _____ Cl. _____

Description of Buildings	Additions	Additions
Foundation—Stone _____ Conc. _____ Sills <input checked="" type="checkbox"/>		
Ext. Walls <u>alum sid (C)</u>		
Roof Type <u>Gab</u> Mtl. <u>Pat</u>		
Dormers—Small _____ Med. _____ Large _____		
Bays—Small _____ Med _____ Large _____		
Porches—Front _____ <u>60 @ 150</u>	<u>90</u>	
Rear _____ @ _____		
Porch _____ @ _____		
Planters _____ @ _____		
Ext. Base. Entry _____ @ _____		
Cellar-Bsmt. — 1/4 1/2 1/2 3/4 Full _____ Floor _____		
Bsmt. Gar. _____		
Basement-Apt. _____ Rms. _____ Fin. Rms. _____		
Attic Rooms Fin. _____ Unfin. _____		
Plumbing {	Class <u>1</u> Tub. <u>1</u> Trays _____	
	Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>	
	Wtr. Sfr. _____ Shr. St. _____ O.T. _____	
	Dishwasher _____ Garbage Disp. _____	<u>550</u>
Heat—Stove _____ H.A. _____ FA <input checked="" type="checkbox"/> HW _____ Stkr _____ Elec. _____		
Oil _____ Gas <input checked="" type="checkbox"/> Coal _____ Pipeless _____ Radiant _____	<u>307</u>	
Air Cond. — Full _____ Zone _____		
Finish—Fir. <input checked="" type="checkbox"/> Hd. Wd. _____ Panel _____		
Floor—Fir. <input checked="" type="checkbox"/> Hd. Wd. _____ Other _____		
Cabinets _____ Mantels _____		
Tile—Walls _____ Wainscot _____ Floors _____		
Storm Sash—Wood D. _____ S. _____; Metal D. <u>2 S.</u>	<u>60</u>	
Awnings — Metal _____ Fiberglass _____		

Total Additions			<u>10 0 7</u>
Year Built <u>1896</u>	Avg. <u>11902</u>	Replacement Cost	<u>34 15</u>
<u>1964 Fur</u>	Age <u>2.</u>	Obsolescence	
Inf. by <u>Owner - Tenant - Neighbor - Record - Est.</u>		Adj. Bld. Value	
		Conv. Factor	<u>x.47</u>
Replacement Cost—1940 Base			
Depreciation Column <u>1 2 3 4 5 6</u>			
1940 Base Cost, Less Depreciation			
Total Value from reverse side			
Total Building Value \$			

Appraised ① 11-1-1968 By 1708 1333
 Appraised ② _____ 19 _____ By DEC 26 1968 1328





RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class _____ Depr. 2% 3% _____

Cars _____ Floor _____ Walls _____ Roof _____ Doors _____

Size _____ x _____ Age _____ Cost _____ x 47% _____

_____ 1940 Base Cost _____ x _____ % Depr. _____

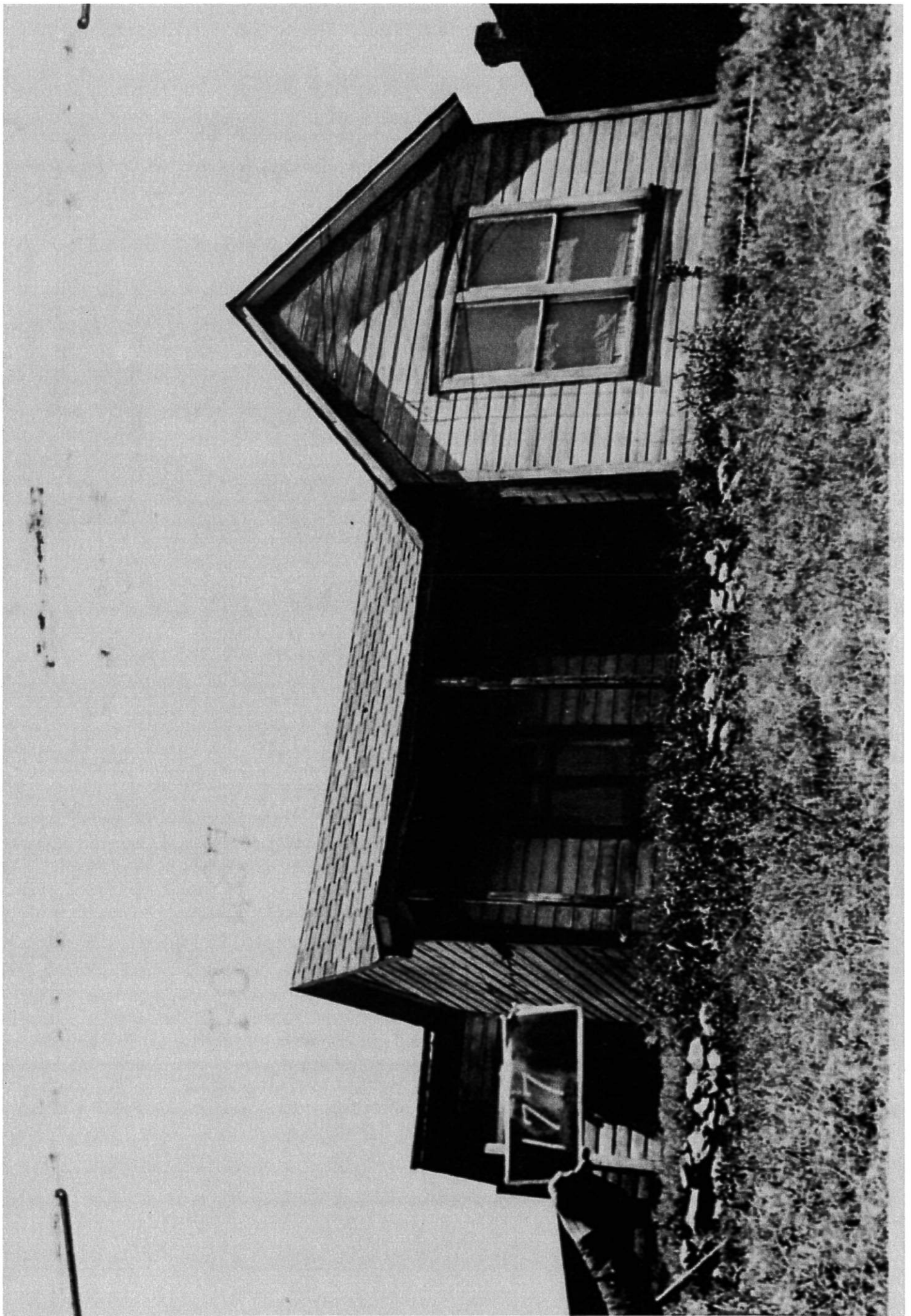
Total

REMARKS **Average Year of Construction Computation:**

Year 1896 \$ 310.8 = 91% X 69 Year = 6270

Year 1964 \$ 307 = 9% X 1 Year = 09

Average Year of Construction 1902 6279





SIMILAR APPLICATION ATTACHED FOR REFERENCE...

PARK CITY MUNICIPAL CORPORATION
BOARD OF ADJUSTMENT
COUNCIL CHAMBERS, CITY HALL
June 21, 2016



AGENDA

MEETING CALLED TO ORDER - 5:00 PM

ROLL CALL

ADOPTION OF MINUTES OF May 24, 2016

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

STAFF AND BOARD COMMUNICATIONS/DISCLOSURES

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

2389 Doc Holiday Drive – Applicant is requesting a variance to Land Management Code Section 15-2.11-3 (I) (2) to construct an addition to connect a single-family dwelling to a detached garage. If connected, the entire structure would no longer meet required side and rear yard setbacks of ten feet (10').

PL-16-03106 13
Planner
Scarff

Quasi-Judicial hearing

422 Ontario Avenue – Applicant is requesting a variance to Section 15-2.2-3 (E) (Front Yard Setbacks), Section 15-2.2-3(H) (Side Yard Setbacks), and Section 15-2.2-5 (A) Building Height of the Park City Land Management Code (LMC) for the purpose of constructing a basement garage addition and new above grade addition to a “Significant” historic house.

PL-16-03138 41
Planner Grahn

Quasi-Judicial hearing

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Board of Adjustment Staff Report

PARK CITY

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PLANNING DEPARTMENT

Application #: PL-16-03138
Subject: 422 Ontario Avenue
Author: Anya Grahn, Historic Preservation Planner
Date: June 21, 2016
Type of Item: Variance

Summary Recommendations

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

Description

Applicant: Hamilton and Barbara Easter, represented by Architect William Mammen
Location: 422 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 applicants propose to construct a new single-car garage that will replace an existing 14 foot tall retaining wall along Ontario Avenue; the front elevation, or façade, of the garage will serve as a retaining wall for the hillside above. The purpose of this variance is to reduce the front yard setback requirement for the proposed addition so that the garage may replace the existing wall. Further, the applicant also seeks a variance to the required maximum interior 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 and rafters.

Variances requested:

- A variance to LMC Section 15-2.2-3 (E) to the required twelve foot (12') front yard setback exception to allow for a two-car tandem garage to be constructed behind an existing retaining wall.
- A variance to LMC Section 15-2.2-3(H) to the required five foot (5') side yard setback along the north property line to allow for construction of the garage.
- 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 11, 2016, the Planning Department received an application for a variance request to the minimum front and side yard setbacks as well as the maximum interior height of the building. The application was deemed complete on April 19, 2016.

The property is located at 422 Ontario Avenue. At this location, Ontario Avenue is a narrow and steeply sloped street with limited parking. The purpose of the variance is to allow reduced front and side yard setbacks as well as an increase to the maximum interior height for construction of a proposed addition to the existing historic house, including a new two-car tandem garage at the basement-level with living space and decks above it.

There is an existing boulder and concrete retaining wall that runs parallel to Ontario Avenue. The applicants believe this wall was constructed by the City as part of the Ontario Avenue street improvements that occurred in the late-1990s; however, staff has since found recorded documents (Exhibit F) showing that the wall was constructed c. 2008 when the previous owner, Ella Sorensen entered into an Agreement and Notice of Interest with her neighbors to the north, Elevator Properties, LLC. Elevator Properties constructed the wall at 422 Ontario, arranging for all the necessary approvals and permits; the wall was not constructed by the City. The poured concrete and boulder retaining wall replaced an existing railroad tie retaining wall that was failing. The Planning Department approved the new wall to have a 0 foot front yard setback as it replaced the existing railroad tie retaining wall and the work was considered minor routine maintenance and construction.

The existing 837.25 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. The owner currently parks in an asphalt parking pad parallel to Ontario Avenue and accesses the house via stairs and paths (Exhibit C). This space is not approved private parking for 422 Ontario Avenue, but is in the City right-of-way and is public parking. The owner proposes to construct a new

garage in order to provide a driveway and off-street parking for two (2) vehicles in tandem configuration; the façade of the new garage will also serve as a retaining wall for the site. The proposed garage will eliminate the public parking available on this site in order to create a driveway into the new garage.

The LMC requires a 12 foot front yard setback to the property line and the applicant is requesting a 0 foot setback to accommodate the garage, allowing the front wall of the garage to maintain the location of the existing concrete and boulder retaining wall. The retaining wall is located 13 to 16 feet from the edge of paved Ontario Avenue, and 5 to 0 feet from the right-of-way. The east edge of Ontario Avenue is constructed approximately 11 feet west of the east edge of paved Ontario Avenue.

Any new construction above the garage will comply with the required 12 foot front yard setback. Similarly, the applicant is also requesting a variance to the required side yard setback, reducing it from 5 feet to 3 feet in order to accommodate the new garage; any new construction above the garage will comply with the required 5 foot side yard setback.

The applicant is proposing to construct two (2) additional levels above the proposed garage. These levels will comply with the required front and side yard setbacks. From the garage, these levels will be accessible from the interior through an elevator and staircase. The second level of the new addition will be above ground and at the same floor level as the one-story historic house. Similarly, the LMC requires 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. The applicant is also requesting a variance to this LMC provision as the current proposal has an interior height of 41 feet from the lowest finished floor plane to the point of the highest wall top plate of the proposed new addition.

The existing house is setback from the front property line by 9 to 10 feet and setback from the edge of asphalt on Ontario by 21 to 22 feet. The house is located between 13.9 and 19.9 feet above the elevation of the street, which steadily increases from north to south. The existing retaining wall along Ontario Avenue varies in height from about 14 feet to about 5 feet from north to south as the grade on Ontario rises uphill; the wall is setback from the edge of asphalt on Ontario Avenue between 13 and 16 feet, increasing from south to north.

On June 16, 2015, the Planning Department received a Historic District Design Review Pre-Application (Pre-app) for the proposed renovation of the historic house and construction of a new addition at 422 Ontario Avenue; no Historic District Design Review (HDDR) application has yet been submitted for the proposed work. Any development of the site will require compliance with the Design Guidelines for Historic Districts and Historic Sites. The removal of any materials or additions on the historic house will also require a Material Deconstruction Review by the Historic Preservation Board (HPB). 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

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to move forward with the variance request prior submitting the HDDR or Steep Slope CUP applications.

Analysis

The property is located within the HR-1 District and consists of the north one-half of Lot 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey. On December 3, 2015, City Council approved a plat amendment at this location to create the Sorensen Plat Amendment; this plat amendment has not yet been recorded. The site is currently occupied by a historic house and historic shed. The current footprint on the lot is 823.5 square feet and based on the size of the lot, the applicant is permitted to construct a maximum footprint of 1,736 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 1904 during the Mature Mining Historic Era (1894-1930). The historic structure was built over two (2) property lines.

Currently, the house is accessible from a stairway off of Ontario Avenue. The house historically had an unapproved vehicular access from Rossi Hill Drive, which was unimproved but located immediately east of the property. The applicant claims that the Sorensens, who previously owned this property for 50 years, parked their car without permission above the house on the east side, or rear yard, and accessed the house from the backyard. There was no prescriptive right to this access as a prescriptive right could not be achieved as the unapproved road crossed railroad-owned property. The current owners met with the owner/developer of the Echo Spur Subdivision to obtain an easement for vehicular access from the new Echo Spur Road; however, the new owner was not interested in permitting vehicular access to this property through his.

The applicant is proposing to construct an attached two (2)-car tandem garage that would have vehicular access from Ontario Avenue at the property line. The applicant will replace the c.2008 boulder retaining wall with a new garage; the façade of the garage will serve as a retaining wall for the hillside above. The proposed garage will have a 0 foot front yard setback along platted Ontario Avenue, a twelve foot (12') setback from paved Ontario Avenue, and a three foot (3') side yard setback to the north. The applicant argues that if the garage were to be moved further to the south, in order to meet the required 5 foot side yard setback, it would change the location of the garage door. If the north garage wall were to comply with setbacks, there would only be 8 inches of clearance within the garage on the north side, not providing sufficient space for the driver to exit the vehicle. The requested reduced side yard setback provides additional space for maneuvering within the garage. Burying the garage within the hillside reduces its mass and bulk, as seen in the proposed plans (Exhibit D).

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(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 that supports the ceiling joists or roof rafters. As currently designed, the applicant's proposal requires 41 feet of

interior height in order to accommodate an addition that is two (2) stories above existing grade on the flat, uphill portion of the lot. (The basement addition will be one (1) story in height and contain the tandem two-car garage and interior circulation space.)

The following are the minimum lot, site, and height requirements per Land Management Code Section 15-2.2-3 for development within the HR-1 zoning district for a lot of this size, 1,736 square feet:

	LMC Requirement	Proposed
Setbacks		
Front/Rear Yard	12 feet/25 feet total	0 ft. front yard/12 ft. rear yard
Side Yard	5 feet	5 feet
Minimum Lot Size	1,875 sf. Minimum	4,464 sf.
Building Footprint	1,736 sf. Maximum	1,431.2 sf.
Building (Zone) Height	27 ft. maximum	Average of 18' above grade
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	41 ft.

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 site is steeply sloped uphill from Ontario Avenue. In order to construct a garage that meets the required side and front yard setbacks, the garage would need to be a detached building. By doing so, it would be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill driveway. The applicant argues that this would have a greater negative impact on the neighborhood, detract from the look and feel of the street, and also be less serviceable to the applicant than the proposed attached, basement-level garage.

The applicant maintains that the garage, as proposed, is more in keeping with the Design Guidelines for Historic Sites. By burying the bulk and mass below grade, the

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garage is less visible from the street and mitigates negative impacts on the neighborhood. To accommodate a garage that will replace the existing retaining wall, the applicant is requesting a reduced front yard setback from 12 feet to 0 feet and reduced side yard setback from 5 feet to 3 feet. As proposed, the new front wall of the garage will be setback twelve feet (12') from the paved edge of Ontario Avenue. The applicant argues that the reduced side yard setback is necessary in order to place the single-car garage door at a point in the wall where it will create sufficient interior height while also allowing a small amount of maneuvering around the car when it is parked in the garage.

The applicant argues that the attached garage is necessary. By locating it directly below the residence, there is little impact to existing grade along Ontario Avenue. The connection of the garage to the house benefits the owner as it will be accessible to living areas via the proposed stairway and elevator. In addition to removing parking from an already congested street, the attached garage will permit pedestrian access between the garage and the house, which is a safer alternative to pedestrians exiting the garage into the right-of-way.

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(A). As currently designed, the applicant's proposal requires 41 feet of height from the lowest finished floor plane to the point of the highest wall top plate; LMC 15-2.2-5(A) currently requires 35 feet. As proposed, the majority of the project has a roof elevation significantly lower than the allowed 27 feet above existing grade, averaging about 18 feet above existing grade; the uphill portion (rear elevation) of the new addition is only 10 feet above existing grade.

The applicant argues that granting the variance will allow the new addition to have a lower roof elevation than if the variance were not granted. If the variance is not granted, the applicant could construct the addition at the top of the hill to as much as 27 feet in height above existing grade. The applicant argues that the addition would then appear much more massive in volume and scale than as currently proposed because of its location on the hill, looming over Ontario Avenue.

Staff finds that literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. There are circumstances peculiar to this property that are unique and are not conditions that are general to the neighborhood, such as the existing setbacks of the existing concrete and boulder retaining wall, steepness and topography of the slope along Ontario Avenue, and the distance of the front property line from paved Ontario Avenue. Staff finds that literal enforcement of the required 12 foot front yard setback is not necessary to carry out the general purpose of the Land Management Code, as the proposed garage will be setback from the existing edge of curb by a distance of twelve feet (12') due to the distance between the property line and the street. By reducing the required side yard setback from five feet (5') to three feet (3'), the applicant is able to construct a tandem two-car garage that will be largely buried below the existing grade and be visually minimized on the street.

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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 (Staff has found that there are currently thirteen (13) houses listed on the City's Historic Sites Inventory (HSI) that are accessible from Ontario Avenue.) The majority of these structures are located to the south of 422 Ontario on the section of the road that flattens out and several are located on the downhill side of Ontario Avenue, allowing for a rear addition that directly accesses Ontario Avenue.

The applicant contests that this is one of the few properties along Ontario Avenue that have preserved its original historic grade and relationship to the street. The applicant finds this is substantiated by the existing evergreen tree in front of the house which testifies to the longevity and historic nature of the existing hillside. The existing hillside staircase, while new, is in the same location as the original stairs to the house and further depicts the original grade of the site. Moreover, there is photographic evidence that demonstrates how the majority of the grade on the neighborhood's block has been altered from its historic grade and has lost its relationship with the edge of road.

As previously mentioned, the garage will have to be pushed further into the hill if the variance is not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. 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 cases.

The applicant argues that this property was also historically accessed by vehicles from the uphill side of the lot. The creation of Echo Spur Subdivision relocated the existing road and eliminated access to this property from the uphill side of the property. As previously noted, there was no prescriptive right to this access; a prescriptive right could not be achieved as the unapproved road crossed railroad-owned property.

Staff finds that there are special circumstances attached to this property that do not generally apply to other properties in the same zone. The parcel of land in questions has characteristics and features that result in conditions that are not general to the neighborhood, but are unique to this property due to the location of paved Ontario Avenue and steepness of the slope in the front yard area. The steepness of the lot, conservation of its original grading, and the location of Ontario Avenue relative to the platted ROW create special circumstances attached to this property that do not generally apply to other properties in the area. This section of paved Ontario Avenue is characterized by its steepness and limited width. (It is difficult for two cars to pass on

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this steep street and any parked cars cause safety issues.) Granting the variance to permit garage construction would be beneficial to the street as a whole as it would allow other vehicles to pass without the obstruction of cars in the roadway as well as provide a safe alternative for off-street parking.

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

LMC 15-2.2-4 states that Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment.

The applicant argues that most of the houses on Ontario and within the HR-1 zone have a garage and off-street parking. The applicant believes most of these homes were constructed within the last 30 years, prior to adoption of LMC 15-2.2-5 (A), which requires that a Structure have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. (This change was adopted in 2013.) Garages are necessary along Ontario Avenue to alleviate parking and prevent parked cars on a steep and narrow road. Due to the fact that there is little to no on-street parking nearby this property, parking within the garage will be utilized for the associated single-family home. Parking during the winter months on Ontario Avenue is difficult due to snow accumulation at the street's end and resident/guest parking.

Staff finds that granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone. Granting the variance will allow a garage at the street front where it and the addition above will have a lesser impact on the existing topography; this honors the intent of the LMC and allows for a better design of the proposed addition. The basement garage will also create an interior connection to the house and provide off-street parking. This would be a benefit to the street as a whole as it would alleviate on-street parking demands and limit pedestrians from entering the Ontario Avenue right-of-way.

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, 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 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 0 foot front yard setback, the front wall of the garage will replicate that of the existing retaining wall; the new garage will maintain the existing historic character of the street. Further, the perceived front yard setback would be consistent with the requirements of the LMC—twelve (12) feet.

Staff also finds that the variance will not substantially affect the General Plan. 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. The variance allows a design with an internal connection that meets the Historic District Design Guidelines. Granting the variance will also improve off-street parking opportunities for the existing historic house and adjacent neighborhood. As previously noted, eliminating off-street parking areas will reduce traffic congestion on this narrow and steep section of Ontario Avenue while improving safety. While it is not in the interest of the public to eliminate public parking in Old Town, staff finds that there is greater benefit of eliminating this public parking space in order to create improved off-street parking for two (2) vehicles.

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

The applicant finds that the variance to the front and side yard setbacks as well as the interior height will allow the garage to be buried below grade. They argue that this has been allowed on other projects in the HR-1 zone, with similar circumstances. The applicant also finds that by granting the variance, 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.

Again, the applicant argues that their proposed design of burying the garage below grade will reduce the overall bulk and mass of the new addition as well as its height above grade. A detached garage addition would have a greater impact on the street than the design as proposed. The applicant finds that substantial justice is achieved by approving this variance as it will allow the house, and specifically the garage addition, to be accessible. The applicant finds that the variance will improve the overall character and nature of the project rather than compromise the intentions of the regulations.

Staff finds that the spirit of the Land Management Code is observed and substantial justice is done. Granting the variance will allow the applicant to construct a garage for the historic house that will be setback from the edge of curb by twelve feet (12'), consistent with the required front yard setback outlined in 15-2.2-3 (E). The variance permits the owner to increase off-street parking in the neighborhood while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.

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 and 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. Because this site is designated as Significant on the Historic Sites Inventory, the proposal also requires a Material Deconstruction Review by the Historic Preservation Board for any removal of historic material. 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 7, 2015, 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 4, 2015, 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 garage addition could take place. Should the BOA not grant a variance to reduce the front yard setback from 12 feet to 0 feet and the side yard setback from 5 feet to 3 feet, the applicant will not be permitted to construct a garage as proposed. The existing retaining walls and public parking space would remain along Ontario Avenue. Should the BOA not grant the variance to the required height from the lowest finish floor plane to the point of the highest wall plat from 35 feet to 41 feet, the applicant will have to reduce the overall height of the addition above existing grade.

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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 twelve foot (12') front yard setback exception to allow for a two-car tandem garage to be constructed behind an existing retaining wall.
- A variance to LMC Section 15-2.2-3(H) to the required five foot (5') side yard setback along the north property line to allow for construction of the garage.
- 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 (for Approval)

1. The property is located at 422 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 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey. On December 3, 2016, City Council approved a plat amendment at this location to create the Sorensen Plat Amendment; this plat amendment has not yet been recorded.
4. There is an existing 837.25 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 9 to 10 feet. It is setback from the edge of asphalt on Ontario Avenue by 21 to 22 feet, decreasing in setback from north to south.
6. There is an existing retaining wall along the front property line that varies in height from about 14 feet to about 15 feet from north to south as the grade on Ontario rises uphill. The retaining wall has a length of about 26 feet.
7. The owner currently parks in an asphalt parking pad parallel to Ontario Avenue and accesses the house via stairs and paths. This space is not an approved private parking for 422 Ontario Avenue, but, rather, it is in the City right-of-way and is public parking.
8. The City approved construction of the existing concrete and boulder retaining wall in 2008.
9. The applicant is requesting a variance to LMC Section 15-2.2-3(E) to reduce the required twelve foot (12') front yard setback to 0 feet to allow for a two-car tandem garage to be constructed behind an existing retaining wall.
10. The applicant is requesting a variance to LMC Section 15-2.2-3(H) to reduce the required five foot (5') side yard setback to three feet (3') along the north property line to allow for construction of the proposed garage.
11. The applicant is requesting a variance to LMC Section 15-2.2-5(A) 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 41 feet.

12. The applicant is requesting the variances in order to construct a new two-car tandem garage behind the existing retaining wall.
13. 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. The steepness of the lot and the distance of the front property line from paved Ontario Avenue are unique to this property. Staff finds that literal enforcement of the required 12 foot front yard setback is not necessary to carry out the general purpose of the Land Management Code, as the proposed garage will be setback from the existing edge of curb by a distance of twelve feet (12') due to the distance between the property line and the street.
14. 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; only along the retaining wall has grade been altered to accommodate the right-of-way. This property is also unique in that paved Ontario Avenue is about 12 feet to the west of the front property line and is one of the steepest sloped streets in this part of town. This section of paved Ontario Avenue is characterized by its steepness and limited width. Finally, this site was historically accessed by vehicles from the east or rear property line and that access is no longer an option.
15. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the variance 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.
16. 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. A reduction to the front and side yard setbacks will allow the façade of the garage to maintain the appearance of a retaining wall and have limited impacts to existing grade. One of the goals of the General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City and this variance will permit a design that largely masks the mass and bulk of the addition by burying it underground. While it is not in the interest of the public to eliminate public parking in Old Town, there is a greater benefit of eliminating this single public parking space in order to create two (2) off-street parking spaces.
17. In order to construct a garage that meets the required side and front yard setbacks, the garage would need to be a detached building. By doing so, it would be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill driveway. If the garage were constructed to comply with the LMC, it would not meet the intent of the General Plan.
18. The spirit of the Land Management Code is observed and substantial justice is done. The variance will preserve the historic character of the street by maintaining the hillside and reducing the overall height of the addition. It will create an accessible attached garage and alleviate parking congestion along Ontario Avenue.
19. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.

RECEIVED

JUN 22 2016

PARK CITY
PLANNING DEPARTMENT

Conclusion of Law (for approval)

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 (for approval)

1. A variance to LMC Section 15-2.2-3 (E), to the required twelve foot (12') side yard setbacks to allow a zero foot (0') setback to the front property line, is hereby granted.
2. A variance to LMC Section 15-2.2-3 (H), to the required five foot (5') side yard setbacks to allow a three foot (3') setback to the north property lines, is hereby granted.
3. A variance to LMC Section 15-2.2-5 (A) to the required maximum height of thirty five feet (35') to allow a maximum height of forty-one feet (41') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters is hereby granted.
4. The variances run with the land.

Conditions of Approval

1. The variances are granted for the construction of an underground basement 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 garages.
4. Recordation of the plat amendment is required prior to issuance of a building permit for the new construction.

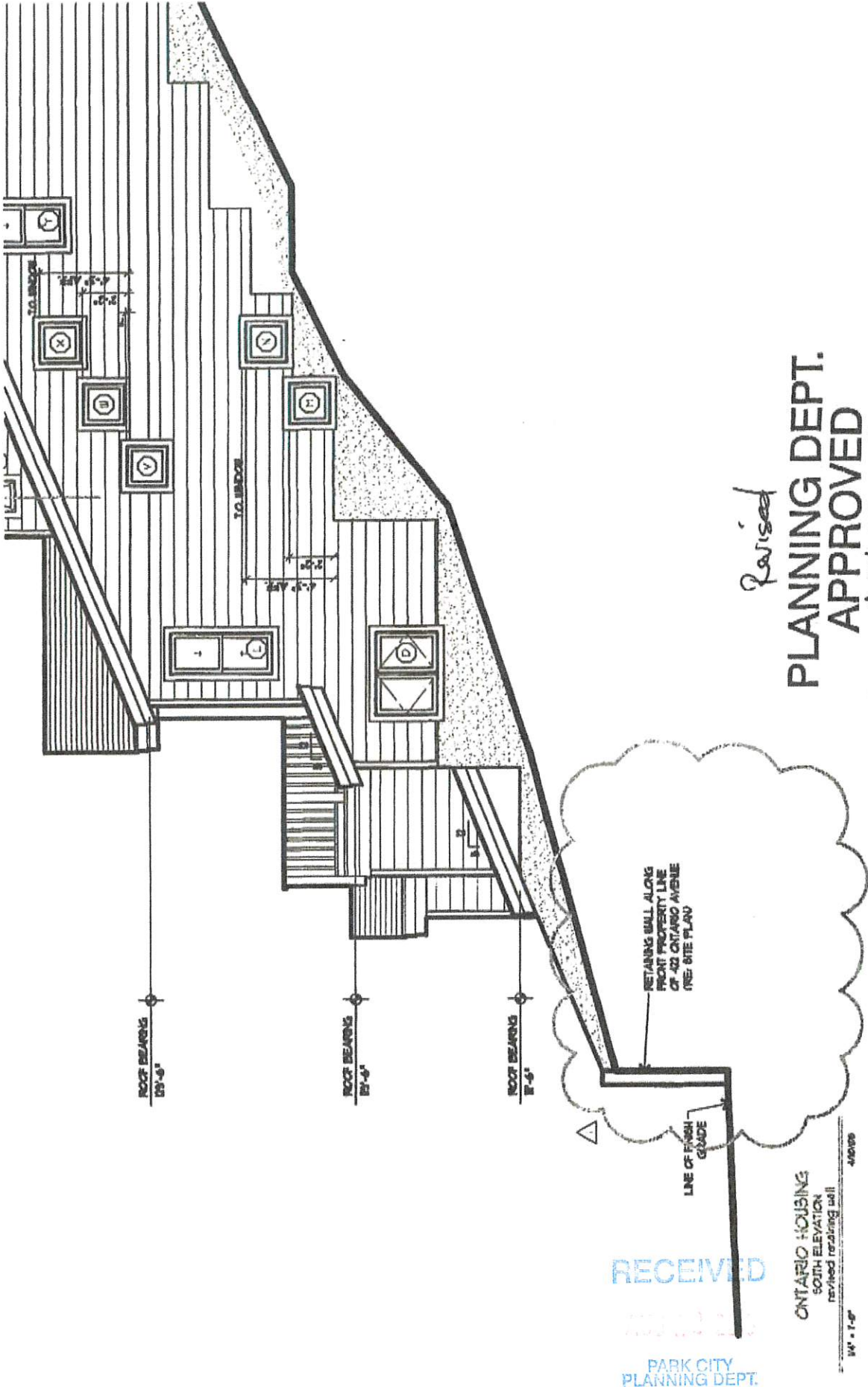
Exhibits

- Exhibit A – Applicant's statement
- Exhibit B – Proposed site plan
- Exhibit C – Existing Conditions Survey
- Exhibit D – Proposed plans
- Exhibit E – Current photographs of the site
- Exhibit F – 2008 Agreement and Notice of Interest and Planning Department approvals

REC'D
AUG 22 2016

PARK CITY
PLANNING DEPT.
Page 53 of 88





Revised
**PLANNING DEPT.
 APPROVED**
 DATE 4.14.08 *JMR*

RECEIVED
 2008 JUN 21 11:00 AM
 PARK CITY
 PLANNING DEPT.

ONTARIO HOUSING
 SOUTH ELEVATION
 revised retaining wall



Surveyor's Certificate

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

Deed Description
Book 2258 Page 0617

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

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

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

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

As-Surveyed Description

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

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

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

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

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

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

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

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

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

LEGEND

○	Manhole	—	Boundary Line
●	Found Property Corner	- - - -	Adjoinder Line
⊙	Property Corner	— g —	Block 59, Lot Lines
⊕	Found Monument	— s —	Adjoinder Line per Deed
⊗	Sewer Manhole	— p —	Easement Line
		— x —	Overhead Power Line
		— · — · —	Fence Line
		— · · · —	Flow Line
		— · · · · —	Edge of Asphalt Line

Narrative:

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

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

RECEIVED

DATE PLOTTED 7/1/15

JOB No. 15-079

SHEET 1 OF 1

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



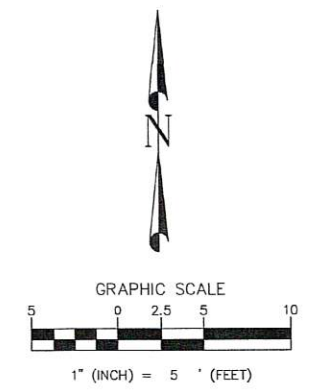
DIAMOND LAND SURVEYING, LLC

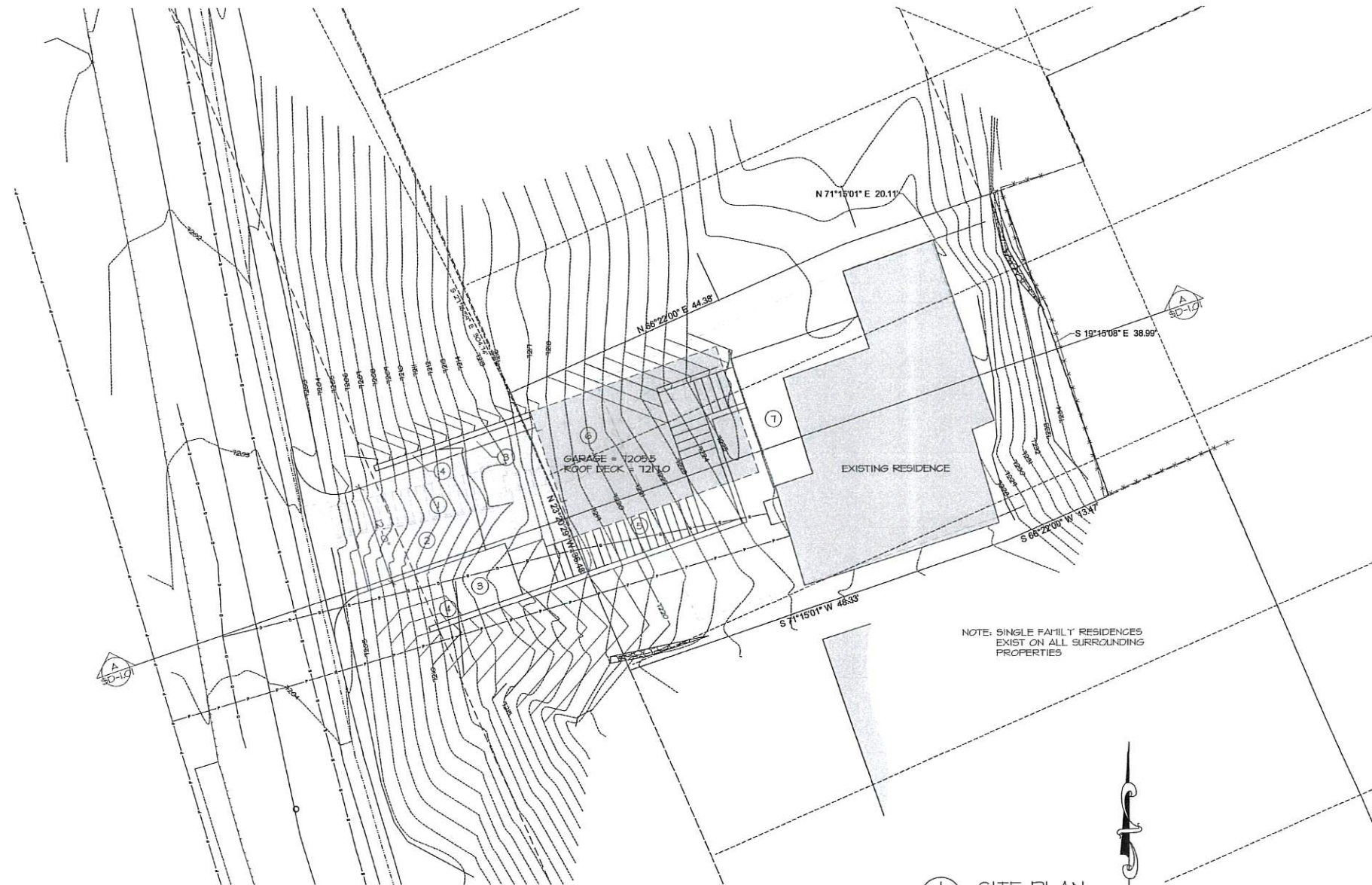
5243 South Greenpine Drive
Murray, Utah 84123
Phone (801) 286-5099 Fax (801) 286-0022
office@diamondlandsurveying.com
www.diamondlandsurveying.com

Boundary Surveys
Topography Surveys
Subdivisions
Commission Staking
A.L.T.A. A.C.S.M. Surveys

BOUNDARY AND TOPOGRAPHY SURVEY
316 ONTARIO AVENUE
PARK CITY, UTAH

BRAD BRAINARD





NOTE: SINGLE FAMILY RESIDENCES EXIST ON ALL SURROUNDING PROPERTIES

1 SITE PLAN
SD-1.01 1/8" = 1'-0"
2,444 SQ. FT.
0.056 ACRES

KEYED NOTES

- 1 EXISTING STAIRWAY (SHOWN DASHED) TO BE REMOVED
- 2 PROPOSED HEATED CONCRETE DRIVEWAY (SHOWN WITH STIPPLED TEXTURE)
- 3 SNOW STORAGE AREA (LANDSCAPE GRAVEL)
- 4 CONCRETE RETAINING WALL
- 5 HEATED CONCRETE STEPS (ON GRADE)
- 6 PROPOSED 'BUNKER' STYLE GARAGE STRUCTURE
- 7 EXISTING RESIDENTIAL PORCH (NO CHANGES)

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GARAGE STRUCTURE FOR
ALCALDE PROPERTIES LLC
PCC-488-A

316 ONTARIO
PARK CITY, UTAH

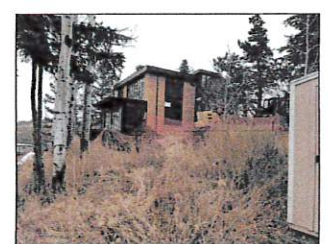
summitdesign
architecture

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

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AUG 22 2018

PARK CITY
PLANNING DEPT.



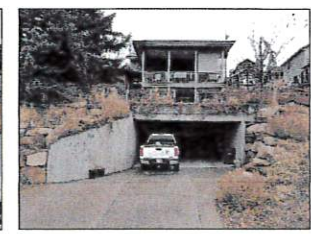
ADJACENT NEW CONSTRUCTION, CONTEMPORARY 2 DOORS AWAY



316 ONTARIO (SUBJECT PROPERTY)

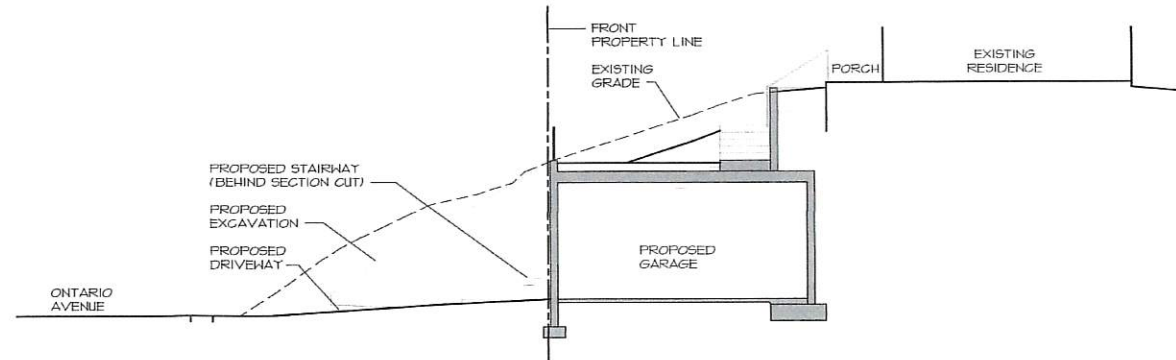


SOUTHERN NEIGHBOR (BEHIND TREE)



2 DOORS SOUTH

ONTARIO STREETSCAPE TO NORTH IS STEEP AND BRUSH-COVERED



A SITE SECTION
SD-1.01 1/8" = 1'-0"

7 NOV 2018	?	?	?	?	?	?
	A	A	A	A	A	A

SHEET
SD-1.01

SCALE: 1/8" = 1'-0"



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April 18, 2018

Matthew and Marissa Day
601 Matterhorn Drive
Park City, UT 84098

NOTICE OF BOARD OF ADJUSTMENT (BOA) ACTION

<u>Application #</u>	PL-17-03538
<u>Subject</u>	341 Ontario Avenue
<u>Address</u>	341 Ontario Avenue
<u>Description</u>	Variances Request
<u>Action Taken</u>	Approved Variance request to Land Management Code (LMC) Section 15-2.2-3 (E) Front Yard Setbacks, Section 15-2.2-5 Building Height above Existing Grade, and Section 15-2.2-5 (A)
<u>Date of Action</u>	April 17, 2018

On April 17, 2018, the Board of Adjustment (BOA) called a meeting to order, a quorum was established, a public meeting was held, and the BOA approved your application based on the following:

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 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. The proposed garage door would be setback a distance of 18 feet 4 inches to 21 feet 4 inches to edge of pavement.

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 not allow for construction of a code compliant attached garage with access to the street that meets required setbacks, building height, and driveway slope requirements due to the steep slope of the lot and location of the historic house.
12. The steepness of the lot, the distance between the front property line and 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 39 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. In this area paved Ontario Avenue is located a greater distance to the east of its platted right-of-way than it is in other areas.
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 completely 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, building 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 for Approval

1. A variance is granted 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 is granted to LMC Section 15-2.2-5 Building Height above Existing Grade from 27 feet to 35 feet.
3. A variance is granted 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. Any parking in the drive will not be considered private parking.
4. All legal parking must be provided on-site and shall not encroach into the City's right-of-way.
5. The City Engineer will require an Encroachment Agreement for the proposed bridged driveway to be executed and recorded prior to issuance of a building permit.

If you have questions regarding your application or the action taken please don't hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The signature is written in a cursive, flowing style.

Anya Grahn
Historic Preservation Planner



22 June 2016

Hamilton & Barbara Easter
PO Box 99
Park City, UT 84060

CC: Bill Mammen, Architect

NOTICE OF BOARD OF ADJUSTMENT ACTION

<u>Application #</u>	PL-16-03138
<u>Subject</u>	Addition and Remodel to 422 Ontario Avenue
<u>Address</u>	422 Ontario Avenue
<u>Description</u>	Variance
<u>Action Taken</u>	Approved a variance to Section 15-2.2-3 (E) (Front Yard Setbacks), Section 15-2.2-3(H) (Side Yard Setbacks), and Section 15-2.2-5 (A) Building Height of the Park City Land Management Code (LMC)
<u>Date of Action</u>	June 21, 2016

On June 21, 2016, the Board of Adjustment conducted a public hearing and approved a variance request to allow the construction of a new basement-level tandem garage and living space above. The Variance was granted in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

1. The property is located at 422 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 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey. On December 3, 2016, City Council approved a plat amendment at this location to create the Sorensen Plat Amendment; this plat amendment has not yet been recorded.
4. There is an existing 837.25 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 9 to 10 feet. It is setback from the edge of asphalt on Ontario Avenue by 21 to 22 feet, decreasing in setback from north to south.

6. There is an existing retaining wall along the front property line that varies in height from about 14 feet to about 15 feet from north to south as the grade on Ontario rises uphill. The retaining wall has a length of about 26 feet.
7. The City approved construction of the existing stone retaining wall in 2008.
8. The applicant is requesting a variance to LMC Section 15-2.2-3(E) to reduce the required twelve foot (12') front yard setback to 0 feet to allow for a two-car tandem garage to be constructed behind an existing retaining wall.
9. The applicant is requesting a variance to LMC Section 15-2.2-3(H) to reduce the required five foot (5') side yard setback to three feet (3') along the north property line to allow for construction of the proposed garage.
10. The applicant is requesting a variance to LMC Section 15-2.2-5(A) 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 41 feet.
11. The applicant is requesting the variances in order to construct a new two-car tandem garage behind the existing retaining wall.
12. 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. The steepness of the lot and the distance of the front property line from paved Ontario Avenue are unique to this property.
13. 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; only along the retaining wall has grade been altered to accommodate the right-of-way. This property is also unique in that paved Ontario Avenue is about 12 feet to the west of the front property line. Finally, this site was historically accessed by vehicles from the east or rear property line.
14. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the variance allows the property owner to construct an attached garage at the street level without severely impacting existing grade, while also alleviating parking congestion on Ontario Avenue by providing off-street parking.
15. 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 parking congestion on Ontario Avenue. Parked cars are a safety hazard to other cars, pedestrians, and cyclists utilizing Ontario Avenue. A reduction to the front and side yard setbacks will allow the façade of the garage to maintain the appearance of a retaining wall and have limited impacts to existing grade. One of the goals of the General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City and this variance will permit a design that largely masks the mass and bulk of the addition by burying it underground.
16. The spirit of the Land Management Code is observed and substantial justice is done. The variance will preserve the historic character of the street by

maintaining the hillside and reducing the overall height of the addition. It will create an accessible attached garage and alleviate parking congestion along Ontario Avenue.

17. The enclosed garages will help ensure that at least one vehicle for each dwelling unit can be parked off the street. The other parking space for each dwelling unit would be on the remaining area of the parking pads, as uncovered spaces.
18. Granting of the variance allows to the applicant the same rights as other property owners in the district. Most properties have enclosed parking in garages that discourage public from parking within/or behind them. This is not the case with the subject property parking pads, which are often utilized by trail users, resident guests, and other users as mistaken “on-street” parking.

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 twelve foot (12') side yard setbacks to allow a zero foot (0') setback to the front property line, is hereby granted.
2. A variance to LMC Section 15-2.2-3 (H), to the required five foot (5') side yard setbacks to allow a three foot (3') setback to the north property lines, is hereby granted.
3. A variance to LMC Section 15-2.2-5 (A) to the required maximum height of thirty five feet (35') to allow a maximum height of forty-one feet (41') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, is hereby granted.
4. The variances run with the land.

Conditions of Approval

1. The variances are granted for the construction of an underground basement 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 garages.

4. The area underneath the garages shall not be enclosed for use as habitable living space.
5. Recordation of the plat amendment is required prior to issuance of a building permit for the new construction.
6. The variance for the interior height exception is granted and conditioned so that the lowest finished floor plane to the highest wall plate does not exceed 41 feet as per the variance requested which will result in a structure that is lower in height above existing grade than what would otherwise be permitted. The height of the new structure shall not exceed 18 feet above existing grade from the tallest elevation of the site.
7. The variance for height and setbacks is limited to the building plans submitted as part of this variance application and the subsequent Historic District Design Review (HDDR).

If you have questions regarding your project or the action taken please do not hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The signature is written in a cursive, flowing style.

Anya Grahn
Historic Preservation Planner II