

PARK CITY MUNICIPAL CORPORATION  
BOARD OF ADJUSTMENT  
MINUTES OF November 20, 2018

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Dave Robinson, Mary Wintzer, Jennifer Franklin, and Stephanie Wilson (alternate)

EX OFFICIO: Planning Director Bruce Erickson, Anya Grahn, Mark Harrington, Laura Newberry

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## **ROLL CALL**

Chair Gezelius called the meeting to order 5:00 p.m. and noted that the Board did have a quorum with the alternate, Stephanie Wilson, serving in place of Hans Fuegi.

All Board Members are present, with the exception of Hans Fuegi who is excused.

## **ADOPTION OF MINUTES OF April 17, 2018**

Anyone have any additions or corrections.

Dave – page 12, paragraph 3, eliminate the first he (Mr. Robinson was unsure how “he”).

JF moved to approve

MW seconded

All in favor – motion carries (Stephanie abstains because she was not there)

## **PUBLIC COMMUNICATIONS**

### **STAFF AND BOARD COMMUNICATIONS**

Ruth – I spoke briefly to Mary today, regarding her attendance.

Bruce – No communication from us.

## **REGULAR AGENDA**

213 Park Avenue – PL-18-03987

Requesting a variance for Lot Size. Requesting to reduce lot size to 1858.33 and 1859.42 square feet.

Received Public Comment in mail, notified applicant, concerned for parking.

Lots are in original PC survey – 25' x 75'. Contemporary surveys shows them at slightly smaller, 25 by 74.33, and 25 by 74.2.

There is an existing house, in 1968, does not appear to meet code.

Criteria\_\_– Hardship – platted in 1880 as 25 by 75, measurements are slightly off. There are special circumstances in that they were created I n 1880.

Criteria 3 – Owners could not build on lot without variance as lot is substandard. There was an example at 217 and 221 park avenue, where they adjusted the center lot line to allow for both lots to meet size requirements.

Criteria 4 –

Criteria 5 – Consistency with LMC, the applicant is hoping to develop the two lots separately and to do that they need to get the variance.

Applicant – Crawford

Keeping mass and scale down is important to neighborhood, City, etc.

The public comment is a general issue, not related to just this property. We will actually resolve this issue as we will provide the required parking on the two lots.

Ruth- Any questions for the applicant or Staff?

Stefanie – Is off-street parking required?

Anya – Correct – we don't know what is proposed because we don't have an HDDR yet, but the Code requires 2 parking spaces per dwelling.

Jennifer – Are we within our prevue to consider criteria 1 and 2?

Mark – Yes

Ruth – We've discovered old surveys aren't exactly accurate.

Eric Myers? – I'm the surveyor, they used a large chain and set out a block, then divided it into numerous lots. The tools of the trade have gotten a lot better.

Dave – Clarification – in criteria 2, there is a special circumstance that doesn't apply to other properties. There were examples of other properties with similar situations. Does that pick up the slack there?

Anya – Yes, it has come up a few times, but it is still unique.

Ruth – opens the public hearing

## **OPEN TO PUBLIC HEARING**

Ruth – Hearing no one, I will close the public hearing.

Clarifying the criteria – the TWO lots will become unbuildable...they could still build on the one combined lot.

Anya – I will check the findings to make sure we don't need any other changes too.

Ruth – I understand the trouble of 1880 surveys. It also provides the variation in the streetscape to have different sized lots/homes.

Mark – Finding 22 and 23 refer to the two lots. The staff report should be corrected, but the findings are correct.

Ruth – Anyone ready to make a motion?

Jennifer – I make a motion that we approve the recommendation from staff...**see recommendation in staff report**...based on findings of fact, conclusions of law and order.

Dave – I second.

Motion carries unanimously.

## **WORK SESSION**

Open and Public Meetings Training

Mark Harrington – I will be doing the annual training tonight.

It's a requirement to have this annually. It's the chair person's responsibility to do this each year, the Legal Department will do it unless otherwise requested. You can also do online training and not take up meeting time if you'd like to look into that.

The PowerPoint hand out is a self-study. I will only highlight three things in this training right now. I'll show a short video now.

I like that scene, what it reminded me of...I deal with ethical or criminal violations by staff. A person doesn't wake up planning to violate the rules. All perspective gets sort of distorted; the public knows how to push those buttons. The CIA in your circumstance is a neighbor; they want you to protect the neighborhood over following rules. Doing the right thing must follow the rules, in order to be doing the right thing. In this case, the right thing requires open public meetings. It is very hard for the public to come up and present before you. Democracy is full participation sport, it requires that. It's what you hear in this chamber, not what you hear on the street. Your decision making must occur here at the meeting.

A meeting for you is three or more members. Anytime you run into two or more members, you need to be self-aware. A member of public will perceive opportunity for you to be making a decision outside of the public process. The best thing is to avoid this situation. More common for Planning Commission, your meetings are more one and done and quick, but this stuff does happen. The three or more of you is a hard and fast rule. Just avoid it all together.

Any questions on the social part of it? Again, not as big of a deal. Speaking of, do any of you ever go out for drinks after meetings? (Never) Okay, if you do, you have to announce it before the end of the meeting.

Electronic communications – More just a reminder that, again you guys don't interact with each other too much outside meetings. If you get your packet and start emailing each other, remember A) those are GRAMA-able. Never write something you don't think is appropriate for the front page of the Park Record. Electronic communication is so fast now, the turn around is almost as fast as speaking in person. Your decision should be here, in the meeting, not outside the meeting. Respond to staff individually, just to be safe, instead of reply all. Administrative matters, calendaring matters, and exceptions to that.

The rest is pretty self-explanatory. There will be other opportunities if you need more training. When the PC does theirs, or other city's may have them and you can go to those. You are always welcome to do more training on your own. It's on the Auditor's webpage.

Never communicate with each other electronically DURING the meeting. That is expressly prohibited.

Mary – I can't believe we're allowed to have our phones out during meeting.

Mark – Yeah, there isn't any hard rules on this. You can make your own rules on this if you want. People pass notes, there's not express prohibition, but be mindful. You shouldn't be communicating under the table whether it be by paper or by electronic forms.

Ruth – I'm happy to report this board has never had this issue.

Ruth – any upcoming items?

Anya- none.

## ADJOURN

Move to Adjourn – Mary Wintzer  
Jennifer Franklin Seconded

Motion to Adjourn 5:37 pm