



**PARK CITY BOARD OF ADJUSTMENT MEETING  
SUMMIT COUNTY, UTAH  
April 16, 2024**

The Board of Adjustment of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

**1. MEETING CALLED TO ORDER AT 5:00PM**

**2. ROLL CALL**

**3. MINUTES APPROVAL**

3.A. Consideration to Approve the Board of Adjustment Meeting Minutes from March 19, 2024

**4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

**5. PUBLIC COMMUNICATIONS**

**6. REGULAR AGENDA**

6.A. **1049 Lowell Avenue – Appeal** – The Applicant Appeals the Planning Director's Denial of a Historic District Review Modification for a Roof Modification on an Existing Non-Historic Structure in the Historic Residential-1 Zoning District. PL-24-06061  
(A) Public Hearing; (B) Action

6.B. **317 Ontario Avenue – Variance** – On March 19, 2024, the Board of Adjustment Conducted a Public Hearing and Directed Planning Staff to Draft a Final Action Letter Denying the Requested Variance from the Tandem Parking Configuration at 317 Ontario Avenue. PL-24-06038  
(A) Action

**7. ADJOURNMENT**

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](mailto:planning@parkcity.org) at least 24 hours prior to the meeting.

**\*Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**





**PARK CITY MUNICIPAL CORPORATION  
BOARD OF ADJUSTMENT MEETING  
SUMMIT COUNTY, UTAH  
MINUTES OF MARCH 19, 2024**

**BOARD MEMBERS IN ATTENDANCE:** Ruth Gezelius-Chair, Stefanie Wilson, Mary Wintzer, John Stafsholt

**STAFF:** Rebecca Ward, Planning Director; *Caitlyn Tubbs, Senior Historic Preservation Planner*; Mark Harrington, Senior City Attorney; Jacob Klopfenstein, Planning Department Administrative Assistant

**1. ROLL CALL**

Chair Ruth Gezelius called the meeting to order at 5:00 p.m. and noted that all Board Members were present.

**2. MINUTES APPROVAL**

**A. Consideration to Approve the Board of Adjustment Meeting Minutes from January 9, 2024.**

**MOTION:** Board Member Stafsholt moved to APPROVE the Minutes of January 9, 2024, as presented. Board Member Wintzer seconded the motion. Vote on motion: John Stafsholt-Yes, Mary Wintzer-Yes, Chair Gezelius-Yes, Stefanie Wilson-Abstained. The motion passed unanimously with one abstention.

**3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**

There were no Staff or Board Member communications.

**4. PUBLIC COMMUNICATIONS**

There were no public communications.

**5. CONTINUATION**

**A. 844 Empire Avenue - Variance - The Applicant Requests a Variance from Front Yard Setbacks to Allow the Construction of a Detached Structure. PL-24-06051.**

**MOTION:** Board Member Wintzer moved to APPROVE the request for a continuance for

844 Empire Avenue. Board Member Wilson seconded the motion. The motion passed with the unanimous consent of the Board.

**6. REGULAR AGENDA**

**A. 317 Ontario Avenue – Variance – The Applicant Requests a Variance from the Tandem Parking Requirements Outlined in LMC § 15-3-4(A)(1). PL-24-06038**

Senior Historic Preservation Planner, Caitlyn Tubbs reported that although she has been employed by the City for two years, this was her first time presenting to the Board of Adjustment. She reported that the variance request is for a property located at 317 Ontario Avenue on the downhill side overlooking Old Town and is in the Historic Residential - 1 Zoning District. The property is also designated on Park City's Historic Sites Inventory as a significant historic structure and was constructed circa 1885. Planner Tubbs displayed 1940s tax photos with the original roof form. Between the 1940s and today, a modification was made to the roof to accommodate additional living space. This was reflected in the rear of the dwelling on the right-hand side.

Planner Tubbs reported that on July 4, 2023, the Historic Preservation Board held a public hearing and approved the material deconstruction of 62 square feet of historic siding material on the rear of the building to accommodate the proposed addition. On September 13, 2023, the Planning Commission held a public hearing and approved a Steep Slope Conditional Use Permit and additional building heights of up to 33 feet subject to the Conditions of Approval included in the Staff Report.

The Architectural Site Plan and the property lines were highlighted in yellow on a rendering displayed. The historic structure on the subject property encroaches onto the neighboring property to the south by three to four feet. The neighboring structure to the north, which is also a historic structure, encroaches on the subject property by two to three feet. The space is tight and is on a steep slope. With the structures being designated as historic, they are exempted from having to comply with the enacted setback requirements per the Land Management Code; however, any new construction would have to comply with those setbacks. As a result, at this time the applicant is not requesting a variance from the setbacks. The proposed addition would comply with the setback requirements of the zone.

Planner Tubbs reported that overall the proposal is to construct an addition to the historic structure. The rear faces Ontario Avenue and the applicant would like to construct additional living space as well as off-street parking in a garage. A Site Plan was displayed showing the dimensional components of the proposed addition and the garage as well as the depth of the driveway before it meets Ontario Avenue. The garage has an internal depth of 16'4". The longest part of the driveway extends approximately 19 feet. Planner Tubbs noted that a portion of the property extends into the Ontario Avenue right-of-way with approximately 80 square feet of the property occupied by the public right-of-way.

Section 4 contains the component of the Land Management Code that the applicant is seeking a variance from. It is enacted in the Steep Slope Requirements within the Historic Residential 1 Zoning District wherein the Planning Commission may allow additional building height on a downhill lot to accommodate a single-car wide garage in a tandem parking configuration. The City's Standards for Parking include minimum dimensions that are required for parking stalls, which are 9' x 18'. Internally within a garage, there needs to be an internal depth of 11' in width and 20' in depth. That would total approximately 36 feet to accommodate the tandem parking configuration. It was noted that the applicant has 34 to 35 feet to work with.

Planner Tubbs reported that to grant a variance, all five criteria enacted in the Land Management Code and State Statute need to be met.

*Criteria 1: Literal enforcement would cause an unreasonable hardship.*

Planner Tubbs reported that the Planning Commission approved a condition of approval in the Steep Slope Conditional Use Permit that would require the applicant to utilize off-street parking before utilizing any parking along Ontario Avenue if the addition is allowed to be built. Also, the subject property is partially occupied by the Ontario public right-of-way.

*Criteria 2: There are special circumstances that are attached to the property.*

Planner Tubbs reiterated that the property is occupied by a significant historic structure and as part of any addition to a historic structure, a transitional element is required that also necessitates a distance offset between the historic structure and the new construction. For the applicant to meet the requirements of the transitional elements there is not enough depth to accommodate the proposed parking configuration. Special circumstances attached to the property include the encroachments of the neighboring historic structure onto the subject property and the historic structure on the subject property encroaching on to the neighboring property to the south. She noted that the Ontario Avenue right-of-way occupies about 80 square feet of the subject property.

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

Planner Tubbs reported that the Ontario Avenue right-of-way occupies a portion of the property and impacts the available space provided for off-street parking to be used by the property owner. Along Ontario Avenue, several other contemporary structures have provided off-street parking in a single-car wide garage or a side-by-side garage configuration. There are also pullouts onto private property that provide additional off-street parking for the use of that property. With Ontario Avenue being a very narrow, steep public right-of-way with minimal opportunities for on-street parking, it is very

important to a number of the homeowners along that streetscape to be able to provide off-street parking for themselves.

*Criteria 4: The variance will not substantially affect the general plan or be contrary to the public interest.*

Planner Tubbs reported that as outlined in the Staff Report, the General Plan describes Park City's desire to preserve its historic resources while also providing opportunities for homeowners to develop the lots with compatible infill. It was understood that with modern life that additional living space may be required or additional amenities that were not considered at the time the structures were originally constructed. The compatible infill also addresses parking and safety concerns, especially along narrow and steep public rights-of-way. The Historic Preservation Board looked at the proposed development and found it to be in keeping with the enacted Land Management Code standards for historically compatible infill construction.

*Criteria 5: The spirit of the Land Management code is observed and substantial justice is done.*

Ms. Tubbs reported that preservation of the existing historic structure and the applicant's compliance with all other sections of the Land Management Code maintains the historic character of Old Town and complies with the codes that were enacted to facilitate the objective outlined in the City's General Plan. In addition, keeping vehicles out of the front yard setback area results in a more traditional streetscape along Ontario Avenue. She mentioned that there have been several previous discussions about maintaining the appearance of the Historic District and mitigating the visual impact of vehicles on historic streets.

If the Board opts to make the findings that this request complies with the five criteria and approves the variance, the applicant will go through an administrative public hearing with the Planning Department as part of the Historic District Design Review. Public notice will be sent out when the hearing is scheduled. The applicant will then provide the City with a financial guarantee to ensure the protection of historic materials on the structure and proceed to the Building Permit stage.

Staff recommended that the Board review the requested variance, conduct a public hearing, and consider approving the variance from the tandem parking configuration based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter.

Board Member Stafsholt asked about the mention of deconstruction of 62 square feet of siding. He asked if it is siding only or if it includes part of the building. Planner Tubbs stated that it is siding only. She referred to the photograph and reported that the portion of siding that the Preservation Board approved for material deconstruction is located at the bottom of the structure and hidden from view in the photograph. It consists of two

narrow strips at the bottom of the structure underneath the roof pop out. As part of the Land Management Code, the regulations for historic sites with transitional element requirements, property owners are allowed to connect to non-historic components of a historic structure and utilize those areas as a portion of the transitional element. That is what the applicant intends to do here. They will remove a portion of the historic material on the ground floor at the bottom and a portion of the non-historic material in the dormer bump out.

Board Member Stafsholt asked if there is a reason the transitional element has to be the size it is from the existing home to the new garage structure. It seemed like it could have the garage structure come out and meet the 20-foot minimum instead of a 16' 4" minimum. Planner Tubbs explained that there are dimensional requirements on the transitional element, so there is a depth requirement. There is also a requirement that a transitional element not exceed the ridgeline height of the historic structure. If the garage were to be pulled forward over the transitional element, it would no longer meet the qualifications of a transitional element since the new construction would sit above the ridge line of the structure.

In response to a question raised by Board Member Stafsholt, Planner Tubbs confirmed that the Ontario Avenue right-of-way will remain unchanged. It will take 80 square feet away from their 75' x 25' lot size. Board Member Stafsholt asked if it will still be counted as if it were 25' x 75'. Planner Tubbs referred to Old Town Lot 2575 and stated that the Ontario Avenue right-of-way has not been dedicated but it is still considered a public right-of-way. Although the street goes through that corner of the property, it is still shown on the title as being owned by this property owner.

Board Member Wintzer asked about the right-of-way situation and was of the understanding that even if it is a dedicated right-of-way, a setback is required. Planner Tubbs explained that in the Land Management Code, the setbacks are called from the property lines. In this case, however, the right-of-way goes through a portion of the area that is occupied by the setback, which must be measured from the right of way.

Board Member Wintzer asked if the variance will allow the house to be larger than it needs to be. Planner Tubbs stated that the variance accommodates the applicants constructing an addition and utilizing the building footprint that they are allowed to under the Historic District Residential 1 Zoning District. Board Member Stafsholt noted that the home does not exceed the 844 square foot footprint and will not get larger as a result of the variance.

Board Member Wilson asked if additional living space was being added. Planner Tubbs explained that there is additional living space underneath the garage so the transitional elements and the footprint of the garage will provide additional living space down below. Board Member Stafsholt asked about the ability to increase the height due to the downhill lot, which was already approved to 32' 7", and if it overrides the maximum height of 35 feet from the lowest finished floor grade. He stated that the top height of the garage when measured from the existing historic home exceeds that number. He asked which is the

priority. Planner Tubbs responded that with the provision for development on a downhill lot, the additional building height may not exceed 35 feet from existing grade. Underneath the Historic Residential 1 Zoning District, they typically measure building height from grade to the ridgeline, which is the 27-foot maximum; however, the interior height maximum of the building is from the lowest finished floor plan to the top of the topmost wall plate. That is limited to 35 feet; however, with the provision in the Code being written as 35 feet from existing grade, they do not preempt each other. Board Member Stafsholt stated that there is clearly a conflict since from the finished floor plane of the existing home to the top of the peak of the garage is 44 feet. A member of staff noted that the 35-foot internal measurement is from the lowest living level to the bearing plate and not the peak of the roof. The building complies with the internal measurement of the 35 feet measured from the lowest living level to the bearing plate and it shows on the design approval.

Jonathan DeGray was present representing the property owner. He reported that the issue with the limitation and the size of the garage is that the existing historic home extends onto the property to the south by nearly four feet. They have to count the entire footprint toward the 844 square feet and the transition element dimensionally must be a certain depth and width based on the size of the building it attaches to. It was part of the renovation done previously on the home. They are trying to meet both requirements and save that portion of the house to reuse it and meet that requirement for the transitional element. When adding the existing footprint of the historic home, the transitional element leaves an unknown amount of square footage for the footprint. When applying that to the requirement for an entry and staircase, which are permitted under the steep slope allowance, the remaining portion of the garage that remains is the dimension being addressed today. For that reason, it became necessary for the applicants to come before the Board to seek a variance for a substandard-sized garage. The letter Mr. DeGray provided included an analysis of different vehicle sizes that fit inside a 16' 11' garage. These include smaller cars such as Subarus and smaller Toyota vehicles such as a Corolla or Rav4. He stated that this is an opportunity to get a car off the street on a street that is very difficult to park on. The on-street parking is limited to the east side of the street. Here they have an opportunity to get some off-street parking although it is not ideal.

Board Member Stafsholt asked how the required ratio for the transitional element was calculated. Mr. DeGray stated that it is a maximum of one-third the length of the rear façade of the existing home. That dimension must be the depth and the width can be up to two-thirds of that dimension. It was noted that the roof pitch on the garage is 7/12. Board Member Stafsholt recalled that it was previously 11/12. Mr. DeGray stated that that was a point of discussion with the Planning Commission. 7/12 is the customary roof pitch in Old Town and is typically the minimum. They tried to achieve that in the addition but the Planning Commission was concerned that there would be additional space provided in that gable form. As a result, part of their approval was that they not utilize the gable form. Mr. DeGray reported that the roof pitch has always been 7/12. Planner Tubbs stated that the reference to an 11/12 pitch was a typo.

Chair Gezelius opened the meeting to public comments.

*Pat Conahan* was present representing the owner of the home to the north that encroaches three feet. Water concerns were expressed. Mr. Conahan stated that the property owner gets his water from a water box that comes from the subject property. The property owner wants to ensure that his water supply is not interrupted during construction. There is also a very rough sewer line that serves several people in the area. Many are now having to use injector pumps. Possible options were discussed such as a hot tap or dual boxes. Mr. Conahan stated that the property owner should also not be required to bring the water or sewer up to Code. Chair Gezelius commented that it was common for more than one historic home to be connected because of the steep slopes.

Chair Gezelius asked how to address the issue from an administrative standpoint in terms of requiring individual utilities and construction phasing. Mr. Conahan stated that the home will have to have a two-inch water line for fire protection, which will necessitate a street cut. In that case, a five-foot box will be placed on the property line.

Planner Tubbs stated that as part of the Steep Slope Conditional Use Permit Review, the request was reviewed by the Water Department in a Development Review Committee Meeting. Their statements were included in the Staff Report and they anticipate no interruptions to water service as part of the construction. The City also has a requirement as part of the Building Permit process that is included in Conditions of Approval typically in the Historic District Design Review that any construction within five feet of a property line requires an agreement between property owners. The applicant would need to obtain this agreement from the neighboring property owners and facilitate construction. She noted that this procedure has been employed several times. It would be facilitated as part of the permitting process. It was also included as a Condition of Approval in the Steep Slope Conditional Use Permit and the Planning Commission has already required that those agreements take place before construction begins.

Board Member Stafsholt commented that the encroachment of the roof is beyond where it is allowed to be and he did not see any encroachment, removal, or condition of approval for that. Planner Tubbs stated that it was anticipated that those encroachments of the historic structures would also be addressed at the time of the Construction Access Agreements. Board Member Stafsholt commented that Condition of Approval #20 pertained to not having livable space above the garage. He questioned whether that includes the garage as well because he was aware of at least a couple of garages that are now livable spaces that were not supposed to be. Planner Tubbs stated that if there are Conditions of Approval that the Board would like to add as part of their review, they could be added to the Final Action Letter. They could also call that specifically to the Planning Director's attention when the matter proceeds to the Historic District Design Review public hearing.

Board Member Wintzer suggested that such a condition be added now due to what is happening in Old Town with density. She stated that previously there were lots that were thought to be unbuildable but now it seems that in Old Town, great efforts are made to allow this to happen. She had safety concerns on Ontario Avenue. She suggested the phrase “or in the garage” be added.

Board Member Stafsholt stated that a Condition of Approval is to use the off-site parking spot first but this is most likely going to be a nightly rental use and 16'4" will not fit any nightly rental car since most people tend to drive large SUVs. For that reason, he wanted to ensure that it is not allowed as livable space because it is not parkable space for the average rental vehicle.

Chair Gezelius commented that in Old Town there are many vehicles that do not fit in the garages that exist. As a result, garage doors are frequently left open and vehicles stick out. There are also instances where garage space is used as storage or additional living space. Regardless of the use as a monthly rental, owner-occupied, or a nightly rental, this is certainly happening in Old Town. It is of concern because of the need to park, which can be difficult. While the City can allow people to have a garage, that does not mean they will use it to park a vehicle. That is something the City cannot enforce but it is a dilemma. Board Member Wilson asked where the owners park. It was noted that they park on the east side of the street. There is no opportunity to park in front of the subject property.

Mr. Conahan commented on a nearby property he worked on where there are 41 feet from the blacktop to the bottom of the hole. He considered approval of those depths to be mind-boggling. In this situation, there will likely be two floors under the garage. He expected a minimum of 23 feet of cut to the bottom of the footings in addition to the slope of the driveway. That is significant on Ontario Avenue when parking on the east side is only one lane with 10 to 12 feet with cars parked there. He was concerned that there will be a shoring issue that will be required on the applicant's side. He stated that it will need to be wrapped with at least a 20-foot vertical face.

Board Member Stafsholt commented that on the home next to him every four feet they put nine and five-inch casings. They filled each piece of casing in concrete with 30-foot pieces of pipe that were hammered down, wrapped with rebar, and shot with shotcrete. It was nothing near the cut envisioned here. They did it on both sides because they were required to to prevent the two historic homes on the two sides from falling into the hole. Mr. Conahan stated that vertical pilings are more expensive but less intrusive. There is solid rock on that side of the hill.

*Mary Loudon* participated online and identified herself as the owner of the property. She thanked staff for their efforts and their neighbor for addressing his concerns. They want to minimize inconvenience but acknowledge that the homes are close together. She stated that the goal is for this to be their second home. They have three young boys who have grown to love Park City and have visited the area for many years. They are excited

to work with Mr. DeGray and will be thoughtful about maintaining the character of the neighborhood, the house that they love, and making it safe and functional. She was excited to bring the house up to street level and provide off-street parking for their family.

There was no further public comment. The public hearing was closed.

Board Member Stafsholt noted that the requirements to build include the following:

- A Steep Slope Conditional Use Permit, which appears to have been granted;
- A Building Height Exception;
- A Tandem Parking Variance;
- Removal of the requirement for two parking spaces;
- Lower the depth requirement in the garage from 20 feet to 16 feet;
- Roof Encroachment Permit; and
- Removal of the parking prohibition on the west side of the street for the neighborhood.

It was reported that because this is a historic site, it is exempt from two parking spaces. It was also clarified that the Code for the additional height restricts the interior side of the garage, which is not an exception they are asking for. It was reported that the Planning Commission reviews a potential exception designed for these types of very steep slopes to provide access from the right-of-way. The depth of the garage may not exceed the minimum depth for internal parking spaces as dimensioned within the Code, which is 9' x 18'. By allowing the extra height, it is a compact garage. Board Member Stafsholt clarified that they are voting to remove the requirement for tandem parking and reduce the minimum depth of the garage from 20 feet to 16 feet.

Board Member Wilson was not sure how functional the plan is and commented that it seems to require a lot of variances. She was not sure that the site should be improved or the building size increased based on all of the variances needed to make it work. She also saw the need for off-street parking but questioned how much the garage will be used.

Board Member Wintzer had similar doubts to those expressed by Board Members Stafsholt and Wilson. It felt like they were forcing things to make the project work. She considered what the street is like as she lives in the neighborhood and is very familiar with the home. She was concerned about compounding the issues that already exist. She referenced Criteria 4 and personally could not support the variance.

Chair Gezelius stated that all of the easy restorations and maintenance of historic homes took place long ago. This is a very challenging site and the Board is faced with a very difficult decision in terms of allowing the accommodations necessary to make the house livable, preserve its historic quality, and deal with all of the complications that are involved.

**MOTION:** Board Member Wintzer moved to DENY the request for a variance at 317 Ontario Avenue and direct staff to rewrite the Findings of Fact, Conclusions of Law for a

denial to be brought back to a later date for action. Board Member Stafsholt seconded the motion.

Senior City Attorney, Mark Harrington asked the Board to provide staff with more direction on the findings. While he had heard general comments regarding the property, the Board's authority involved looking at the requirement of the tandem parking and not issues that were approved by other bodies. They should address the proposal to waive the tandem parking requirement and the spirit of the five criteria. To grant approval, all five criteria must be met, however, non-compliance must be shown with one or more.

Board Member Wintzer stated that her motion of denial was based on Criteria #4: The variance will not substantially affect the General Plan and will not be contrary to the public interest. The criteria were reviewed individually as follows:

*Criteria 1: Literal enforcement would cause an unreasonable hardship.*

*Criteria 2: There are special circumstances that are attached to the property.*

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

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

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

Board Member Stafsholt commented that the subject property is similar to the rest of the neighborhood since all of the homes on that side of the street have the same problem. The issue is not specific to this house.

Board Member Wilson asked if there other homes on that side of the street that do not have a garage or entrance. Other existing conditions were described. Chair Gezelius recalled that three homes are accessed by sidewalks in the middle part of the block. One is on the north and the other two are on the south side. The old boardwalk was the only way to access the homes that were built 100 years ago. Over time, access has improved in the neighborhood for other property owners.

Mr. DeGray commented that the bulk of the properties on the street enjoy off-street parking and an entrance off the street. He hoped to have an opportunity to walk the Board through the five criteria. He stated that the focus of the approval should simply be on the garage size. Chair Gezelius agreed but thought it was important to acknowledge the concerns of those who live in Old Town. She wanted the comments to be on the record. Mr. DeGray addressed safety and stated that achieving any kind of off-street parking

improves the safety of the area. Not granting the variance encourages an unsafe environment.

Board Member Wintzer asked Planner Tubbs to address car size and prevent someone from allowing a car to stick out of the garage and impede traffic on Ontario Avenue. Chair Gezelius felt that was a question of enforcement, which the Board does not have the power to address. Board Member Stafsholt addressed Criteria 2 and did not believe that was true in this instance. Board Member Wilson struggled with Criterion 2 and 4 and unreasonable hardship.

The motion passed with the unanimous consent of the Board.

7. **ADJOURN**

**MOTION:** Board Member Stafsholt moved to ADJOURN. Board Member Wintzer seconded the motion. The motion passed with the unanimous consent of the Board.

The Board of Adjustment Meeting adjourned at 6:10 PM.

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

PENDING APPROVAL

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# 844 Empire Avenue

Variance – PL-24-06051

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# Recommendation

The Board of Adjustment (I) open a public hearing, and (II) continue the item to a date uncertain.

PENDING APPROVAL



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# 317 Ontario Avenue

Variance – PL-24-06038

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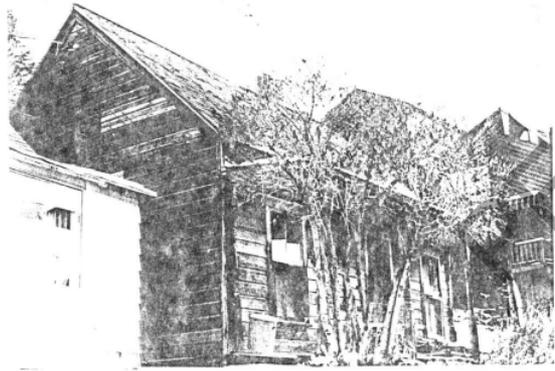
# General



# Background



Significant Historic Structure  
Constructed c. 1885



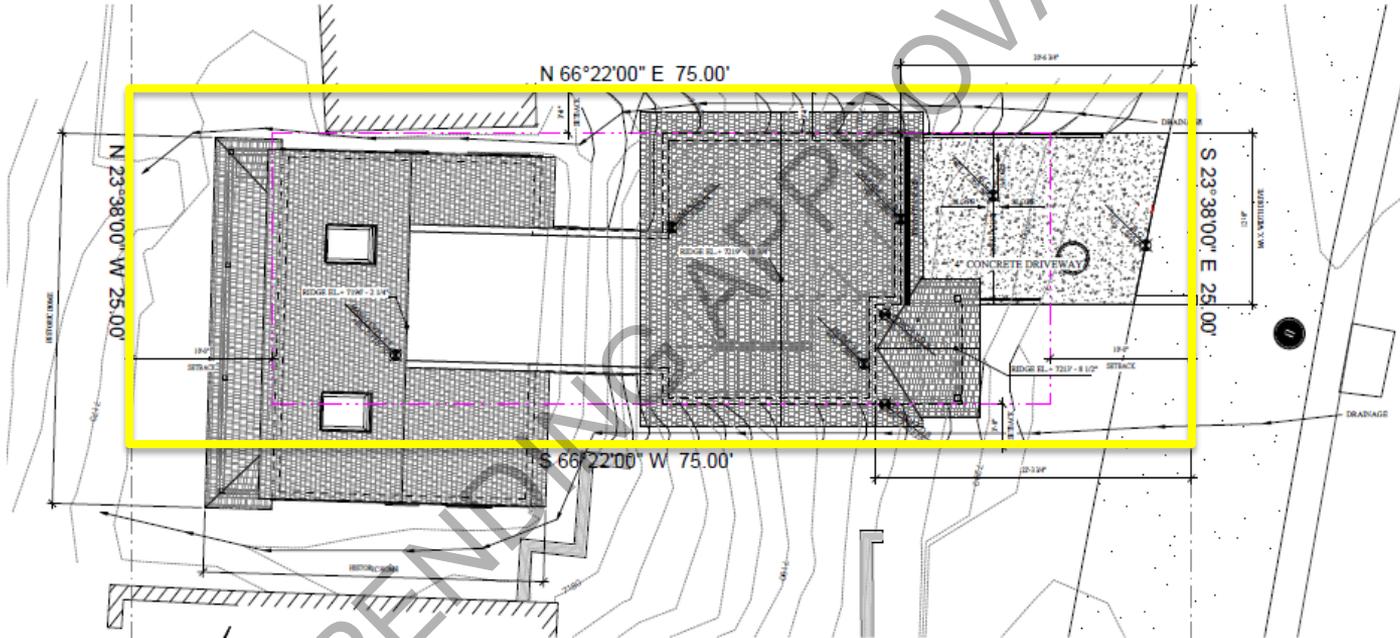
# Background

July 5, 2023 – The Historic Preservation Board approved Material Deconstruction of 62 square feet of historic siding material on the rear of the building.

September 13, 2023 – The Planning Commission approved a Steep Slope Conditional Use Permit and approved additional building height subject to conditions of approval.

PENDING APPROVAL

# Proposal



PENDING APPROVAL

# Proposal



North Elevation



# Variance

4. **GARAGE ON DOWNHILL LOT.** The Planning Commission may allow additional Building Height (see entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Chapter 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

Applicant requests a variance from the required tandem parking configuration; there is inadequate depth between the interior garage wall and end of the driveway to provide two spaces.

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# Criteria 1

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Literal enforcement would cause an unreasonable hardship

Planning Commission COA:

Off-Street Parking must be used before On-Street Parking may be used.

Subject property is partially occupied by Ontario Avenue Right-of-Way

PENDING APPROVAL

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# Criteria 2

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Special Circumstances Attached to the Property

Significant Historic Structure on Subject Property,  
Transitional Element Required

Encroachments onto Subject Property, Adjacent Property

Ontario Avenue Right-of-Way Occupies Subject Property

PENDING APPROVAL

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# Criteria 3

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

Ontario Avenue occupies a portion of the subject property and impacts the available space for a tandem parking configuration.

Other neighboring structures are able to provide off-street parking.

PENDING APPROVAL

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# Criteria 4

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Variance will not substantially affect the General Plan or be contrary to the public interest.

The General Plan outlines Park City's desire to preserve its historic resources while providing opportunities for compatible infill.

Compatible infill also addresses parking and safety concerns, especially on narrow, steep rights-of-way.

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# Criteria 5

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Spirit of the LMC is observed and substantial justice done.

The preservation of the existing Historic Structure and the compliance with all other sections of the LMC maintains the Historic Character of Old Town.

Keeping vehicles out of the front yard setback areas results in a more traditional streetscape along Ontario Avenue.

PENDING APPROVAL

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# Next Steps

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Historic District Design Review – Administrative Public Hearing  
(Public notice will be provided when this hearing is scheduled)

Financial Guarantee

Building Permit

PENDING APPROVAL

# Recommendation

The Board of Adjustment (I) review the requested Variance, (II) conduct a public hearing, and (III) consider approving the Variance based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter.

PENDING APPROVAL

# Board of Adjustment Staff Report



**Subject:** 1049 Lowell Avenue  
**Application:** PL-24-06061  
**Author:** Lillian Zollinger, Planner II  
**Date:** April 16, 2024  
**Type of Item:** Appeal of Historic District Design Review Modification Denial

## Recommendation

(I) Review the appeal of the Planning Director’s denial of a Historic District Design Review Modification to alter the roof form of 1049 Lowell Avenue; (II) conduct a public hearing; and (III) consider denying the appeal based on the Findings of Fact and Conclusions of Law outlined in the draft Final Action Letter (Exhibit A).

## Description

**Applicant:** Sea and Ski Properties LLLP, represented by Leon Schwab  
**Location:** 1049 Lowell Avenue  
**Zoning District:** Historic Residential – 1  
**Adjacent Land Uses:** Residential, Open Space  
**Reason for Review:** The Board of Adjustment reviews and takes Final Action on appeals of Historic District Design Reviews.<sup>1</sup>

LMC Land Management Code  
HDDR Historic District Design Review  
HR - 1 Historic Residential - 1  
SFD Single-Family Dwelling

*Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).*

## Background

In 1982, a Single-Family Dwelling was constructed at 1049 Lowell Avenue. 1049 Lowell Avenue is Lot 2 in the Northstar Subdivision Lot 2 & 3 Lot Line Adjustment (Parcel NR-2).

On April 9, 2021, Planning staff approved a Historic District Design Review (HDDR) for an addition to 1049 Lowell Avenue, a non-historic Single-Family Dwelling in the Historic Residential-1 (HR-1) Zoning District.

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<sup>1</sup> LMC [§ 15-1-18\(A\)](#)



2021 Approved HDDR Design

On October 21, 2021, the City issued Building Permit 21-1271 for the addition approved through the HDDR process. In 2022, the Applicant proposed a modification to Building Permit 21-1271, requesting approval of a modified roof form. The gable roof of the existing Single-Family Dwelling was 14.9 feet tall from existing grade, and the Applicant proposed construction of an inverted shed roof that is 19.5 feet tall from final grade. On February 28, 2023, the Planning team rejected the modification to Building Permit 21-1271, finding the proposed inverted shed roof form was beyond the scope of the HDDR approval and was incompatible with the Historic District Regulations, analyzed below. Staff noted that changes to the approved HDDR would require a modification application.



Proposed modification bubbled red

On December 20, 2023, Planning staff inspected the site and found the proposed modification to the roof form had been constructed without an approved modification to Building Permit 21-1271 and without a modification to the approved HDDR for review and compliance with the Historic District regulations.



Previous gable roof.



Existing, unapproved inverted shed roof.

On January 23, 2024, the Applicant applied for a HDDR Modification, requesting approval of the constructed roof form.

On March 7, 2024, the Planning Director denied the HDDR Modification (see Exhibit E).

On March 7, 2024, the Applicant appealed the Planning Director’s denial of the HDDR Modification (see Exhibit F).

**Standard of Review**

Pursuant to Land Management Code (LMC) [§ 15-1-18\(A\)](#), appeals of Final Action regarding LMC Chapter 15-13 *Design Regulations for Historic Districts and Historic Sites* are reviewed by the Board of Adjustment. The Board of Adjustment shall act in a quasi-judicial manner and review factual matters de novo, without deference to staff determination of factual matters. The Board of Adjustment shall determine the correctness of the Planning Director’s interpretation and application of the plain meaning of the land use regulations and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.<sup>2</sup>

**Burden of Proof**

Pursuant to LMC [§ 15-1-18\(G\)](#), the Applicant has the burden of proving that the Planning Director erred in denying the HDDR Modification. Please see Exhibit F to review the Applicant’s request.

**Analysis**

**(I) The proposal does not comply with LMC § 15-13-8 *Regulations For New Residential Infill Construction In Historic Districts.***

LMC [§ 15-13-8](#) outlines the regulations applicable to non-historic sites within the HR-1 Zoning District. Analysis of the proposed modification to the roof form is shown below:

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<sup>2</sup> LMC [§ 15-1-18\(G\)](#)

<b>A. Universal Regulations</b>	
3. Styles that never appeared in Park City shall be avoided. Styles that radically conflict with the character of Park City's Historic Sites shall also be avoided.	<b>Does not comply:</b> The roof style is an inverted shed roof, a modern roof form, and conflicts with traditional roof forms that define the character of Park City's Historic Sites. Typical roof forms on sites in the Historic District include gable, hip, and shed.
6. Exterior elements—roofs...of the new infill residential building shall be of human scale and shall be compatible with neighboring Historic Structures.	<b>Does not comply:</b> The roof style is not compatible with neighboring Historic Structures with gable and shed roofs.

<b>B. Specific Regulations</b>	
2. Primary Structures	Analysis of Proposal
a) Mass, Scale, & Height – LMC <a href="#">§ 15-13-8(B)(2)(a)</a> states: <ul style="list-style-type: none"> <li>• “Buildings that utilize traditional building forms ... are encouraged.</li> <li>• Abrupt change of scale in the character zone is inappropriate...”</li> </ul>	<b>Does not comply:</b> The inverted shed roof modification to the roof form and the design of the roof overhang are not appropriate in the Historic District because it is over-scaled and is not visually compatible with roof shapes in the Historic District.

<p>e) Roofs –          LMC <a href="#">§ 15-13-8(B)(2)(e)</a>, states:</p> <ul style="list-style-type: none"> <li>• “Roofs of new residential infill buildings shall be visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District. Sloping of roof forms, such as gable, hip, and shed, should be the dominant roof shapes. Roofs composed of a combination of roof planes, but simple in form, are also encouraged. Roofs shall be in scale with those on historic structures.</li> <li>• Roof pitch shall be consistent with the style of architecture chosen for the structure and with adjacent buildings that contribute to the character of the Historic District, with special consideration given to Historic Sites.</li> <li>• The alignment that is created by similar heights of primary roofs and porches among historic buildings shall be maintained. This similarity of heights in building features contributes to the visual continuity along the Streetscape or character area.</li> <li>• Overhanging eaves, use of bargeboards, soffits, fascia boards, brackets, and boxed eave returns that are consistent with the style of the architecture of the new building and that are compatible with surrounding buildings shall be incorporated.”</li> </ul>	<p><b>Does not comply:</b> The contributing roof form is not changing. The proposed pitch is 4:12. The roof has changed from a gable to an inverted shed roof, a style not seen in, nor compatible with the Historic District. Additionally, the inverted shed roof is cantilevered six feet over the exterior façade, a drastic overhang not compatible with the Historic District.</p>
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**(II) The proposal does not comply with the *Non-Complying Structures* outlined in LMC § 15-9-6.**

In 2009, the City Council adopted [Ordinance No. 09-14](#) (p. 43) and established new requirements for roofs within the Historic Residential - 1 Zoning District, including a roof pitch of 7:12 to 12:12. The existing gable roof form at 1049 Lowell Avenue has a roof pitch of 4:12 and is considered a Non-Complying Structure because it was compliant when it was constructed in 1982, but is no longer compliant due to changes to the HR-1 Zoning District regulations.

The proposal changes the existing roof pitch from a Non-Complying pitch to an inverted shed roof, which is a non-compliant form in the Historic District, as analyzed above. Pursuant to LMC [§ 15-9-6](#), a Non-Compliant Structure “may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.” The alteration of the roof form to a 4:12 inverted shed roof both: a) creates a new non-compliance; and b) increases the degree and size of non-conformity, and therefore is not allowed.

### **Notice**

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on April 2, 2024. Staff mailed courtesy notice to property owners within 100 feet on April 2, 2024. The *Park Record* published courtesy notice on April 2, 2024.<sup>3</sup>

### **Public Input**

Staff did not receive any public input at the time this report was published.

### **Alternatives**

- The Board of Adjustment may deny the appeal based on the Findings of Fact and Conclusions of Law outlined in the Draft Final Action Letter.
- The Board of Adjustment may grant the appeal and direct staff to prepare Findings of Fact within 15 working days.
- The Board of Adjustment may continue the appeal to a date certain.

### **Exhibits**

Exhibit A: Draft Final Action Letter

Exhibit B: April 9, 2021 Final Action Letter of Approval

Exhibit C: March 7, 2024 Final Action Letter of Denial

Exhibit D: As Built Plans

Exhibit E: Applicant's Appeal Letter

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<sup>3</sup> LMC [§ 15-1-21](#)



**Planning Department**

April 16, 2024

Leon Schwab

**NOTICE OF BOARD OF ADJUSTMENT ACTION**

**Description**

Address: 1049 Lowell Avenue

Zoning District: Historic Residential – 1

Application: Appeal of Historic District Design Review Modification Denial

Project Number: PL-24-06032

Action: DENIED

Date of Final Action: April 16, 2024

Project Summary: The Applicant Appeals the Planning Director Denial of a Roof Modification to a Single-Family Dwelling in the Historic Residential – 1 Zoning District.

**Action Taken**

On April 16, 2024, the Board of Adjustment conducted a public hearing and denied the appeal of the Planning Director’s denial of a Historic District Design Review Modification for 1049 Lowell Avenue according to the following Findings of Fact and Conclusions of Law:

**Findings of Fact**

1. The Site is located at 1049 Lowell Avenue, Lot 2 of the Northstar Subdivision Lot 2 & 3 Lot Line Adjustment.
2. A Single-Family Dwelling was constructed at 1049 Lowell Avenue in 1982.
3. 1049 Lowell Avenue is within the Historic Residential – 1 (HR-1) Zoning District.
4. On April 9, 2021, Planning Staff approved a Historic District Design Review (HDDR) for a remodel of the Single-Family Dwelling and an addition to the Single-Family Dwelling.
5. On October 21, 2021, the City issued Building Permit 21-1271 for the remodel and addition.



**Planning Department**

6. In 2022, the Applicant proposed a modification to Building Permit 21-1271 requesting approval of a modified roof form to add an inverted shed roof.
7. On February 28, 2023, the Planning team rejected the modification to Building Permit 21-1271 finding the proposed inverted shed roof was beyond the scope of the HDDR approval and was incompatible with the Historic District regulations.
8. On January 23, 2024, the Applicant applied for a HDDR Modification and requested approval for the inverted shed roof modification.
9. Pursuant to Land Management Code (LMC) § 15-11-12(D), HDDR applications are must comply with LMC Chapter 15-13.
10. LMC § 15-13-8 *Regulations For New Residential Infill Construction and Non-Historic Residential Sites in Historic Districts* outlines applicable standards relevant to the proposed modifications to the roof form, outlined below:

**A. Universal Guidelines**

<p>3. “Styles that never appeared in Park City shall be avoided. Styles that radically conflict with the character of Park City’s Historic Sites shall also be avoided.”</p>	<p><b>Does not comply:</b> The roof style is an inverted shed roof, a modern roof form, and conflicts with traditional roof forms that define the character of Park City’s Historic Sites. Typical roof forms on sites in the Historic District include gable, hip, and shed</p>
<p>6. “Exterior elements—roofs...of the new infill residential building shall be of human scale and shall be compatible with neighboring Historic Structures.”</p>	<p><b>Does not comply:</b> The roof style is not compatible with neighboring Historic Structures with gable and shed roof.</p>

**B. Specific Guidelines**

<p>2. Primary Structures</p>	<p>Analysis of Proposal</p>
<p>a) Mass, Scale, &amp; Height – LMC <a href="#">§ 15-13-8(B)(2)(a)</a> states:</p> <ul style="list-style-type: none"> <li>• “Buildings that utilize traditional building forms ... are encouraged.</li> <li>• Abrupt change of scale in the character zone is inappropriate...”</li> </ul>	<p><b>Does not comply:</b> The inverted shed roof modification to the roof form and the design of the roof overhang are not appropriate in the Historic District because it is over-scaled and is not visually compatible with roof shapes in the Historic District.</p>



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<p>e) Roofs – LMC <a href="#">§ 15-13-8(B)(2)(e)</a>, states: “</p> <ul style="list-style-type: none"><li>• Roofs of new residential infill buildings shall be visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District. Sloping of roof forms, such as gable, hip, and shed, should be the dominant roof shapes. Roofs composed of a combination of roof planes, but simple in form, are also encouraged. Roofs shall be in scale with those on historic structures.</li><li>• Roof pitch shall be consistent with the style of architecture chosen for the structure and with adjacent buildings that contribute to the character of the Historic District, with special consideration given to Historic Sites.</li><li>• The alignment that is created by similar heights of primary roofs and porches among historic buildings shall be maintained. This similarity of heights in building features contributes to the visual continuity along the Streetscape or character area.</li><li>• Overhanging eaves, use of bargeboards, soffits, fascia boards, brackets, and boxed eave returns that are consistent with the style of the architecture of the new building and that are compatible with surrounding buildings shall be incorporated.”</li></ul>	<p><b>Does not comply:</b> The contributing roof form is not changing. The proposed pitch is 4:12. The roof has changed from a gable to an inverted shed roof, a style not seen in, nor compatible with the Historic District. Additionally, the inverted shed roof is cantilevered six feet over the exterior façade, a drastic overhang not compatible with the Historic District.</p>
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11. On March 7, 2024, the Planning Director denied the HDDR Modification, finding the following:

- According to the Summit County Assessor website, 1049 Lowell Avenue was constructed in 1982. In 1992, the Land Management Code regulations for the Historic Residential - 1 Zoning District established a maximum building height of 27 feet from existing grade. 1049 Lowell Avenue was constructed in compliance with the Historic Residential - 1 Zoning District requirements in effect at the time of construction.



## Planning Department

- In 2009, the City Council adopted Ordinance 09-14, which in part established new requirements for roofs within the Historic Residential - 1 Zoning District, including a required roof pitch of 7:12 to 12:12. The existing roof form at 1049 Lowell Avenue has a roof pitch of 4:12 and is considered a Non-Complying Structure.
  - Pursuant to Land Management Code Section 15-9-6, Non-Complying Structures shall not be enlarged. In addition to the Findings of Fact outlined above outlining requirements for Historic District roof forms, the addition to the roof enlarges the roof form.
12. On March 7, 2024, the Applicant Appealed the decision.
13. Staff published notice on the City's website and posted notice to the property on April 2, 2024. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on April 2, 2024. The Park Record published courtesy notice on April 2, 2024.

### Conclusions of Law

1. The appellant did not meet their burden of proving the Planning Director erred in denying the HDDR Modification.
2. The Planning Director was correct in interpreting and applying the plain meaning of LMC Sections 15-9-6 and 15-13-8, finding that the proposed design did not comply.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5068 or email [lillian.zollinger@parkcity.org](mailto:lillian.zollinger@parkcity.org).

Sincerely,

Ruth Gezelius,  
Board of Adjustment Chair

CC: Lillian Zollinger, Planner II



**Planning Department**

April 9, 2021

David Larcher  
2425 E. Camelback Road #750  
Phoenix, AZ 85016

CC: Karen Backstrom

**NOTICE OF PLANNING DEPARTMENT ACTION**

<u>Application #</u>	PL-20-04721
<u>Subject</u>	Historic District Design Review (HDDR)
<u>Address</u>	1049 Lowell Avenue
<u>Description</u>	Remodel and addition to an existing non-historic Single-Family Dwelling
<u>Action Taken</u>	Approved Pending Plat Approval
<u>Date of Action</u>	Pending Plat Approval

Staff reviewed this Historic District Design Review application for compliance with Land Management Code (LMC) § 15-2.2 Historic Residential (HR-1) District and LMC § 15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts. The plans for the proposed remodel and addition to 1049 Lowell Avenue are approved, subject to the following Findings of Fact, and Conclusions of Law.

**Findings of Fact:**

1. The property is located at 1049 Lowell Avenue. The Legal Description is Lot 2 North Star Subdivision. Parcel Number NR-2.
2. The property is located in the Historic Residential (HR-1) District.
3. The Applicant proposes to demolish the existing detached garage Structure, remodel the Single-Family Dwelling, and construct an addition of an attached garage with living Area above.
4. On December 20, 2020, the Planning Department received a complete Historic District Design Review (HDDR) application for the property located at 1049 Lowell Avenue.
5. A Public Hearing for this HDDR was held on April 9, 2021. No public comment was received.
6. The proposal complies with LMC § 15-2.2-2 Uses, as a Single Family Dwelling is an Allowed Use in the HR-1 District.

7. Staff reviewed the HDDR for compliance with LMC § 15-2.2-3 Lot and Site

Zoning Requirement	Analysis of Proposal
<b>(A) Minimum Lot Size</b> – 1,875 square feet	<b>Complies;</b> Lot contains 14,483 square feet.
<b>(B) Minimum Lot Width</b> – 25 feet	<b>Complies;</b> Lot Width is 99'-11" as measured.
<b>(E) Maximum Building Footprint</b> – 4,500 square feet	<b>Complies.</b>
<b>(F) Minimum Front and Rear Setbacks</b> – 15 feet each for a total of 30 feet	<b>Complies;</b> Existing Structure maintains the Minimum Front and Rear Setbacks of 15 feet.
<b>(I) Minimum Side Setbacks</b> – 10 feet each for a total of 24 feet	<b>Complies;</b> Proposed Side Setbacks of the addition maintain the Minimum Side Setbacks. The existing detached garage Structure that encroaches into the south-east Side Setback is proposed to be demolished. The existing encroachment of the Single-Family Dwelling Structure that encroaches into the north-west Side Setback is an existing condition that is not proposed to be changed.

Requirements, including:

8. Staff reviewed the HDDR for compliance with LMC § 15-2.2-5 Building Height, including:

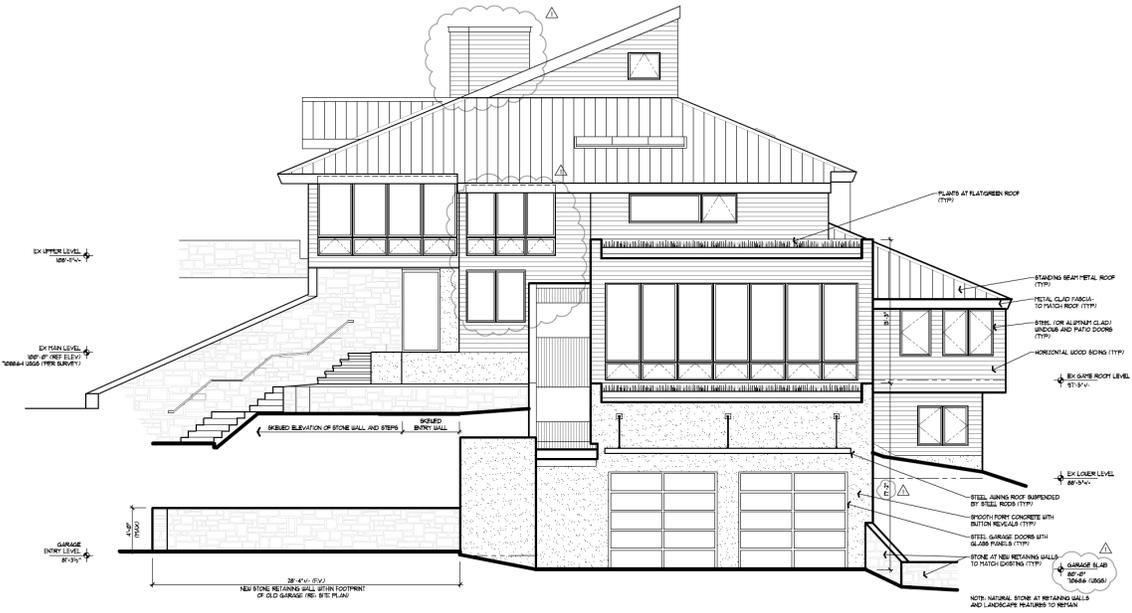
Zoning Requirement	Analysis of Proposal
Building Height – 27 feet from Existing Grade	<b>Complies;</b> Proposed height of the addition is 22'-8" as measured.
Final Grade within 4 feet of Existing Grade	<b>Complies;</b> Final Grade is within 4 vertical feet of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance.
(A) Maximum interior height of 35 feet	<b>Complies.</b>
(B) 10 foot minimum horizontal step	<b>Complies;</b> The 10 foot minimum horizontal step takes place at a maximum of 23' from where the Building Footprint meets the lowest point of existing Grade.
(C) Roof Pitch	<b>Complies;</b> The flat roof of the proposed addition was determined to be allowed as it is a Secondary Roof Form.
(D) Building Height	No exceptions are proposed.

Exceptions	
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9. The proposal complies with LMC § 15-2.2-6 Development On Steep Slopes. The addition is not proposed to be located on an existing slope of 30% or greater.
10. The proposal complies with LMC § 15-2.2-7 Parking Regulations. Per LMC § 15-3 Off-Street Parking, Two (2) Off-Street Parking Spaces are required for this Single-Family Dwelling. Minimum dimensions for a double-car garage are 20 feet wide by 20 feet deep; the proposed double-car garage measures 20'-8" wide by 20'-2" deep.
11. The proposal does not comply with LMC § 15-2.2-8 Architectural Review as the proposed plans do not comply with LMC § 15-13 Design Guidelines for Historic Districts.
12. Staff reviewed the HDDR, both the proposed remodel and addition, for compliance with LMC § 15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts, including:

A. Universal Guidelines	Analysis of Proposal
Universal Guideline 1.	<b>Complies;</b> The proposal uses simple building forms, unadorned materials, and restrained ornamentation.
Universal Guideline 2.	<b>Complies;</b> The proposal does not directly imitate existing historic structures.
Universal Guideline 3.	<b>Complies.</b>

Figure 1. Proposed Front (East) Elevation



Universal Guideline 4.	<b>Complies;</b> The building massing and scale of the addition is compatible with historic structures as the modules of the addition are similar in scale to building proportions of Historic Structures in the Historic District.
Universal Guideline 5.	<b>Complies;</b> The proposal respects the existing topography as the building mass steps along with grade, and minimizes cut and fill and the use of retaining walls as the building structure itself acts as the majority of site retention.
Universal Guideline 6.	<b>Complies.</b>
Universal Guideline 7.	<b>Complies;</b> The scale and height of the proposed addition follows the predominant pattern of the streetscape.
Universal Guideline 8.	<b>Complies;</b> The size and mass of the proposed remodel and addition is compatible with the size of the site.
Universal Guideline 9.	<b>Complies;</b> No nearby Historic Sites are damaged.
Universal Guideline 10.	<b>Complies.</b>
Universal Guideline 11.	No new materials are proposed.

*Figure 4. Applicant's Submitted Streetscape, Lowell Avenue facing West (Exhibit C)*



13. Staff reviewed the proposed remodel for compliance with LMC § 15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts, including:

<b>B. Specific Guidelines</b>	<b>Analysis of Proposal</b>
<b>1. Site Design</b>	
a. Building Setback and Orientation	<b>Complies;</b> The proposed remodel that adjusts the wall plane of the existing entrance door creates a more clearly defined primary entrance. The existing building orientation, lot coverage, and setbacks are not proposed to change.
b. Topography and Grading	<b>Complies;</b> The natural topography is maintained where feasible; the existing building acts as the primary form of retaining for the site.
c. Landscaping and Vegetation	<b>Complies;</b> Following the removal of the detached garage, that portion of the site is proposed to be filled in and re-landscaped. The submitted site plan does not specify proposed planting material.
d. Retaining Walls	<b>Complies;</b> There are minimal proposed retaining walls as the existing building acts as the majority of site retention; a retaining wall no greater than four foot (4') is proposed to be constructed out of stone to match the rest of the retaining walls on site.
h. Parking Areas & Driveways	<b>Complies;</b> The proposed driveway accessed from Lowell Avenue is not proposed to be changed. The driveway area that currently accesses the detached garage is proposed to be turned into a three (3) car parking area.
<b>2. Primary Structures</b>	
c. Doors	<b>Complies;</b> The proposed remodel that adjusts the wall plane of the existing entrance door creates a more clearly defined primary entrance.
d. Windows	<b>Complies.</b>
h. Chimneys and Stovepipes	<b>Complies.</b>
<b>4. Materials</b>	<b>Complies;</b> The proposed primary siding material is horizontal wood siding.

14. Staff reviewed the proposed addition for compliance with LMC § 15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts, including:

<b>B. Specific Guidelines</b>	<b>Analysis of Proposal</b>
<b>1. Site Design</b>	

a. Building Setback and Orientation	<b>Complies;</b> The proposed addition of the attached garage maintains a compatible lot coverage; the orientation of the existing structure is not proposed to change.
b. Topography and Grading	<b>Complies;</b> The natural topography is maintained where feasible; the existing building acts at the primary form of retaining for the site.
c. Landscaping and Vegetation	<b>Complies;</b> Following the removal of the detached garage, that portion of the site is proposed to be filled in and re-landscaped. The submitted site plan does not specify proposed planting material.
d. Retaining Walls	<b>Complies;</b> There are minimal proposed retaining walls as the existing building acts as the majority of site retention; a retaining wall at the north of the proposed garage entrance is proposed to be constructed out of stone to match the rest of the retaining walls on site.
h. Parking Areas & Driveways	<b>Complies;</b> The proposed driveway accessed from Lowell Avenue is not proposed to be changed. The driveway area that currently accesses the detached garage is proposed to be turned into a three (3) car parking area.
<b>2. Primary Structures</b>	
a. Mass, Scale & Height	<b>Complies;</b> The perceived scale of the addition is minimized from the primary public right-of-way as the building mass is stepped down from the primary façade of the main structure.
b. Foundation	<b>Complies;</b> The building module that consists of the garage entry/doors, covered entry, and enclosed stair is proposed to be constructed out of concrete; this application of concrete is consistent with the construction of basement garage entries on sloped lots in the Historic District.
d. Windows	<b>Complies.</b>
e. Roofs	<b>Complies;</b> The roof material of the addition consists of a green roof and a metal roof.
<b>4. Materials</b>	
<b>6. Garages</b>	
d. Attached Garages	<b>Complies;</b> The proposed garage is visually subordinate to the primary pedestrian entrance and the garage doors are no greater than 9 ft x 9 ft and no greater than 30% glass.
<b>10. Additions to Existing Non-Historic</b>	
<b>Complies.</b>	

<b>Structures</b>	
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**Conclusions of Law**

1. The Historic District Design Review application for the proposed remodel and addition to the existing non-historic Structure located at 1049 Lowell Avenue complies with the Park City Land Management Code, including LMC Chapter 15-2.2 *Historic Residential (HR-1) District*, LMC § 15-5-2 *Historic Districts and Historic Sites*, LMC Chapter 15-13 *Design Guidelines for Historic Districts and Historic Sites*.

If you have questions regarding your application or the action taken please don't hesitate to contact the project Planner, Brendan Conboy, at 435-615-5059 or [Brendan.conboy@parkcity.org](mailto:Brendan.conboy@parkcity.org)

Sincerely,

Brendan Conboy  
Senior Planner



**Planning Department**

March 7, 2024

Leon Schwab  
(801) 376-9990  
Lschwab@maglebyconstruction.com

**NOTICE OF PLANNING DIRECTOR ACTION**

**Description**

Address: 1049 Lowell Avenue

Zoning District: Historic Residential – 1 (HR-1)

Application: Historic District Design Review Modification

Project Number: PL-24-06032

Action: DENIED

Date of Final Action: March 7, 2024

Project Summary: The Applicant Requests A Roof Modification to a Single-Family Dwelling in the Historic Residential (HR-1) Zoning District.

**Action Taken**

On March 7, 2024, the Planning Director conducted a public hearing and denied the Historic District Design Review Modification for 1049 Lowell Avenue according to the following Findings of Fact and Conclusions of Law:

**Findings of Fact**

1. The Site is located at 1049 Lowell Avenue, Lot 2 of the Northstar Subdivision Lot 2 & 3 Lot Line Adjustment, with an existing Single Family Dwelling.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. On April 9, 2021, the Applicant applied for an HDDR Modification Application, reduced some of the glazing, and received approval for the addition design from Staff.
4. On January 23, 2024, the Applicant applied for a HDDR Modification and requests approval for a roof modification in the rear. LMC [§ 15-2.2-3](#) outlines Lot and Site requirements for SFDs in the HR-1 Zoning District. The proposed



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modifications do not impact the Lot and Site Requirements, such as Building Footprint or Setbacks.

5. LMC [§ 15-2.2-5](#) outlines building height requirements for the HR-1 Zoning District, shown in the table below:

Zoning Requirement	Analysis of Proposal
Building Height – 27 feet from Existing Grade	<b>Complies:</b> The modification increases the height of the roofline from 14.9 feet to 19.5 feet but stays under the 27' maximum and is compliant.
Maximum interior height of 35 feet -- LMC <a href="#">§ 15-2.2-5(A)</a> states, “[a] Structure shall 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.”	<b>Complies:</b> The modification increases the interior height from approximately 12’ to 16’ and is compliant.
10’ Step-back	The modification does not impact this requirement.
Contributing Roof Pitch- between 7:12 and 12:12	The modification does not impact this requirement.
Final Grade within 4 feet of Existing Grade	The modification does not impact this requirement.

6. Pursuant to Land Management Code (LMC) [§ 15-11-12\(D\)](#), HDDR applications are subject to compliance with the Historic District Design Guidelines.
7. LMC [§ 15-13-8](#) outlines the Historic District Design Guidelines applicable to the proposed modifications, shown in below:

**A. Universal Guidelines**

3. “Styles that never appeared in Park City shall be avoided. Styles that radically conflict with the character of Park City’s Historic Sites shall also be avoided.”	<b>Does not comply:</b> The roof style is modern and conflicts with the character of Park City’s Historic Sites.
6. “Exterior elements—roofs...of the new infill residential building shall be of human scale and shall be compatible with neighboring Historic Structures.”	<b>Does not comply:</b> The roof style is not compatible with neighboring Historic Structures with gable and shed roof.



Planning Department

**B. Specific Guidelines**

2. Primary Structures	Analysis of Proposal
a) Mass, Scale, & Height	<p><b>Does not comply:</b>            The modifications are compliant with building height regulations, however the scale of the roof overhang is not appropriate in the Historic District.</p>
e) Roofs – LMC § 15-13-8(B)(2)(e), states: “ <ol style="list-style-type: none"> <li>1. Roofs of new residential infill buildings shall be visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District. Sloping of roof forms, such as gable, hip, and shed, should be the dominant roof shapes. Roofs composed of a combination of roof planes, but simple in form, are also encouraged. Roofs shall be in scale with those on historic structures.</li> <li>2. Roof pitch shall be consistent with the style of architecture chosen for the structure and with adjacent buildings that contribute to the character of the Historic District, with special consideration given to Historic Sites.</li> <li>3. The alignment that is created by similar heights of primary roofs and porches among historic buildings shall be maintained. This similarity of heights in building features contributes to the visual continuity along the Streetscape or character area.</li> <li>7. Overhanging eaves, use of bargeboards, soffits, fascia boards, brackets, and boxed eave returns that are consistent with the style of the architecture of the new building and that are compatible with surrounding buildings shall be incorporated.”</li> </ol>	<p><b>Does not comply:</b>            The contributing roof form is not changing. The proposed pitch is 4:12. The roof has changed from a gable to an inverted shed roof, a style not seen in, nor compatible with the Historic District. Additionally, the inverted shed roof is cantilevered six feet over the exterior façade, a drastic overhang not compatible with the Historic District.</p>



## Planning Department

8. According to the Summit County Assessor website, 1049 Lowell Avenue was constructed in 1992. In 1992, the Land Management Code regulations for the Historic Residential - 1 Zoning District established a maximum building height of 27 feet from existing grade. 1049 Lowell Avenue was constructed in compliance with the Historic Residential - 1 Zoning District requirements in effect at the time of construction.
9. In 2009, the City Council adopted Ordinance 09-14, which in part established new requirements for roofs within the Historic Residential - 1 Zoning District, including a required roof pitch of 7:12 to 12:12. The existing roof form at 1049 Lowell Avenue has a roof pitch of 4:12 and is considered a Non-Complying Structure.
10. Pursuant to Land Management Code Section 15-9-6, Non-Complying Structures shall not be enlarged. In addition to the Findings of Fact outlined above outlining requirements for Historic District roof forms, the addition to the roof enlarges the roof form.
11. Staff published notice on the City's website and posted notice to the property on February 22, 2024.
12. Staff mailed courtesy notice to property owners within 100 feet and posted notice to the property on February 22, 2024.

### Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
2. The proposal does not comply with the Land Management Code requirements pursuant to Section 15-13-8, Design Guidelines For New Residential Infill Construction In Historic Districts.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5068 or email [lillian.zollinger@parkcity.org](mailto:lillian.zollinger@parkcity.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Ward".

Rebecca Ward,  
Planning Director

CC: Lillian Zollinger, Planner II





MICHAEL J. STOKER, AIA - ARCHITECT  
 KAREN BACKSTROM, AIA, LEED AP - ARCHITECT  
 1133 SIBELUNDR DRIVE  
 PARK CITY, UTAH 84060  
 435-641-9916  
 www.stokerarch.com



**LARCHER RESIDENCE**  
 A REMODEL AND ADDITION  
 1049 LOWELL AVENUE, PARK CITY, UTAH 84098 - LOT 2 NORTH STAR SUBDIVISION

Date	6/1/21
Revisions	
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Project	18-580-1
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**A-15**

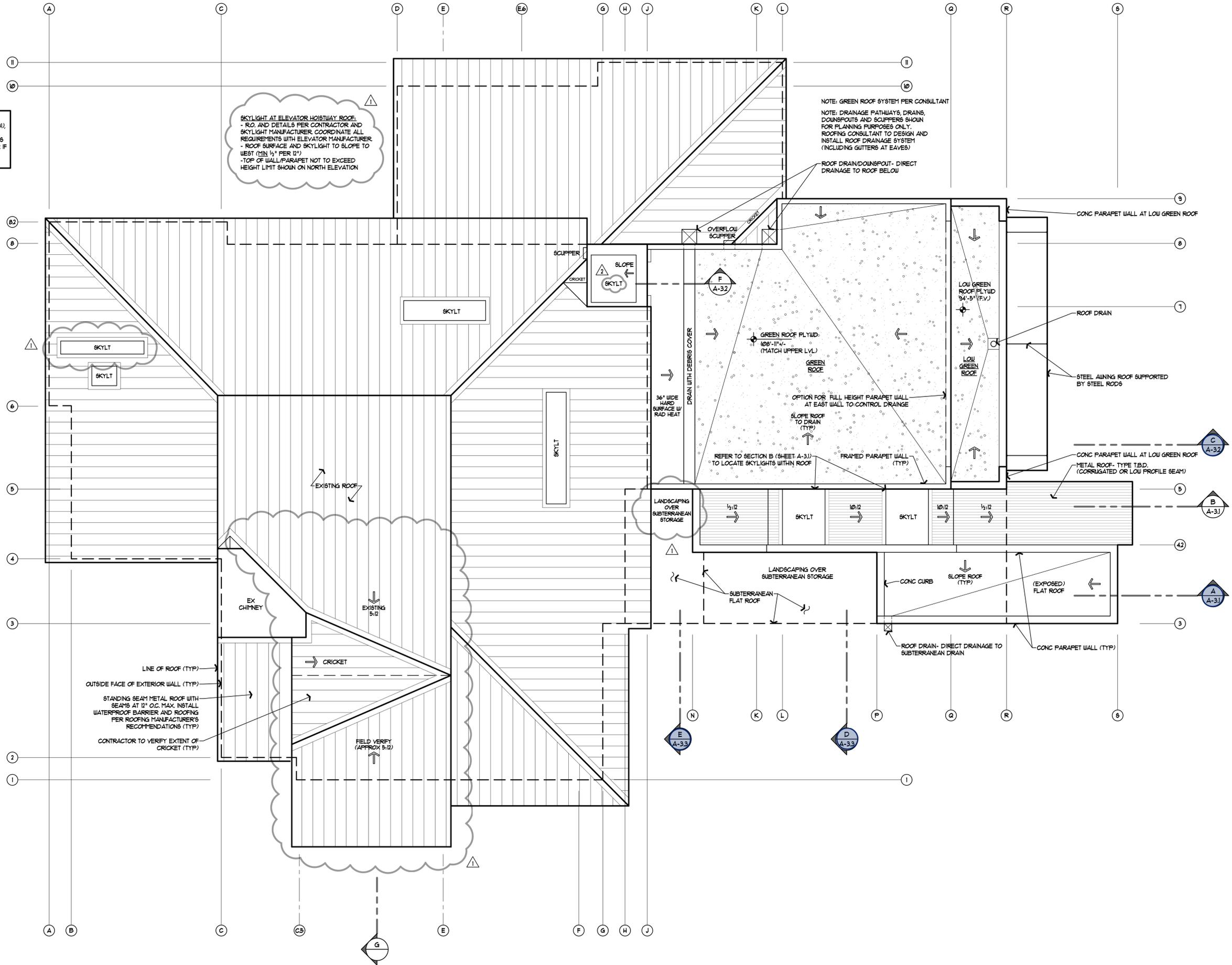
NOTE: EXISTING CONSTRUCTION SHOWN REPRESENTS INFORMATION FROM ORIGINAL PERMIT DRAWINGS (1981), SUBSEQUENT PERMIT DRAWINGS, AND FIELD VISITS. CONTRACTOR TO FIELD VERIFY EXISTING CONDITIONS AND NOTIFY ARCHITECT AND STRUCTURAL ENGINEER IF ANY DISCREPANCIES EXIST BETWEEN THE EXISTING CONDITIONS AND THE DRAWINGS.

CONTRACTOR TO COORDINATE ELEVATOR AND MACHINE ROOM REQUIREMENTS WITH ELEVATOR MANUFACTURER. ELEVATOR CONTRACTOR TO INSTALL ELEVATOR PER MANUFACTURER'S APPROVED DRAWINGS AND SPECIFICATIONS

SKYLIGHT AT ELEVATOR HOISTWAY ROOF  
 - R.O. AND DETAILS PER CONTRACTOR AND SKYLIGHT MANUFACTURER. COORDINATE ALL REQUIREMENTS WITH ELEVATOR MANUFACTURER  
 - ROOF SURFACE AND SKYLIGHT TO SLOPE TO WEST (MIN 1/4" PER 12")  
 - TOP OF WALL/PARAPET NOT TO EXCEED HEIGHT LIMIT SHOWN ON NORTH ELEVATION

NOTE: GREEN ROOF SYSTEM PER CONSULTANT  
 NOTE: DRAINAGE PATHWAYS, DRAINS, DOWNSPOUTS AND SCUPPERS SHOWN FOR PLANNING PURPOSES ONLY. ROOFING CONSULTANT TO DESIGN AND INSTALL ROOF DRAINAGE SYSTEM (INCLUDING GUTTERS AT EAVES)

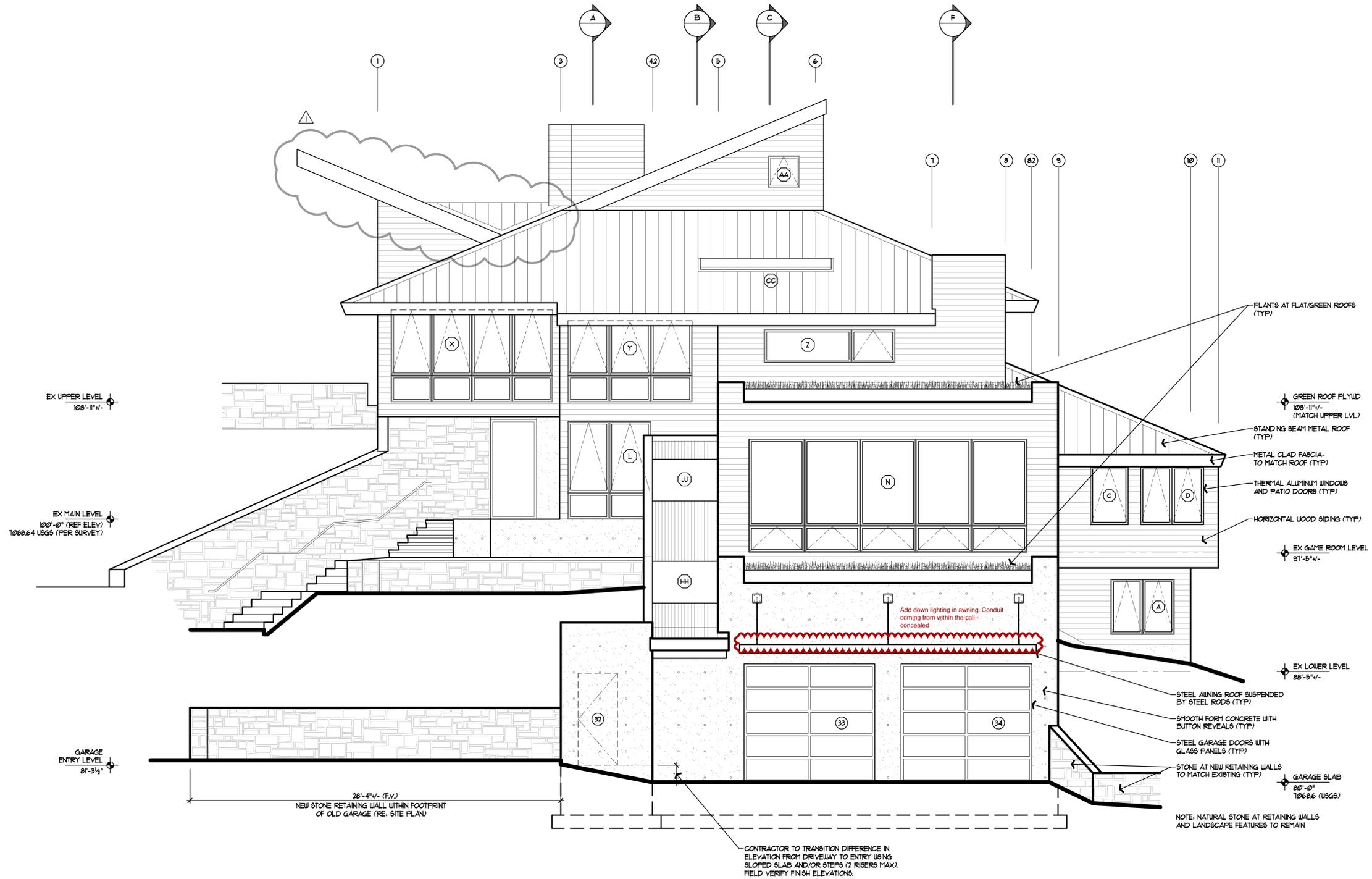
ROOF DRAIN/DOWNSPOUT - DIRECT DRAINAGE TO ROOF BELOW



LINE OF ROOF (TYP)  
 OUTSIDE FACE OF EXTERIOR WALL (TYP)  
 STANDING BEAM METAL ROOF WITH BEAMS AT 12\"/>

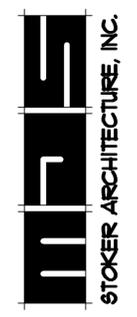
FIELD VERIFY (APPROX 5:12)

**ROOF PLAN**  
 1/4" = 1'-0"



**EAST ELEVATION**  
1/4" = 1'-0"

MICHAEL J. STOKER, AIA - ARCHITECT  
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**LARCHER RESIDENCE**  
A REMODEL AND ADDITION  
1049 LOUELL AVENUE, PARK CITY, UTAH 84098 - LOT 2 NORTH STAR SUBDIVISION

Date	6/1/21
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Project	18-580-1
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**A-2.1**



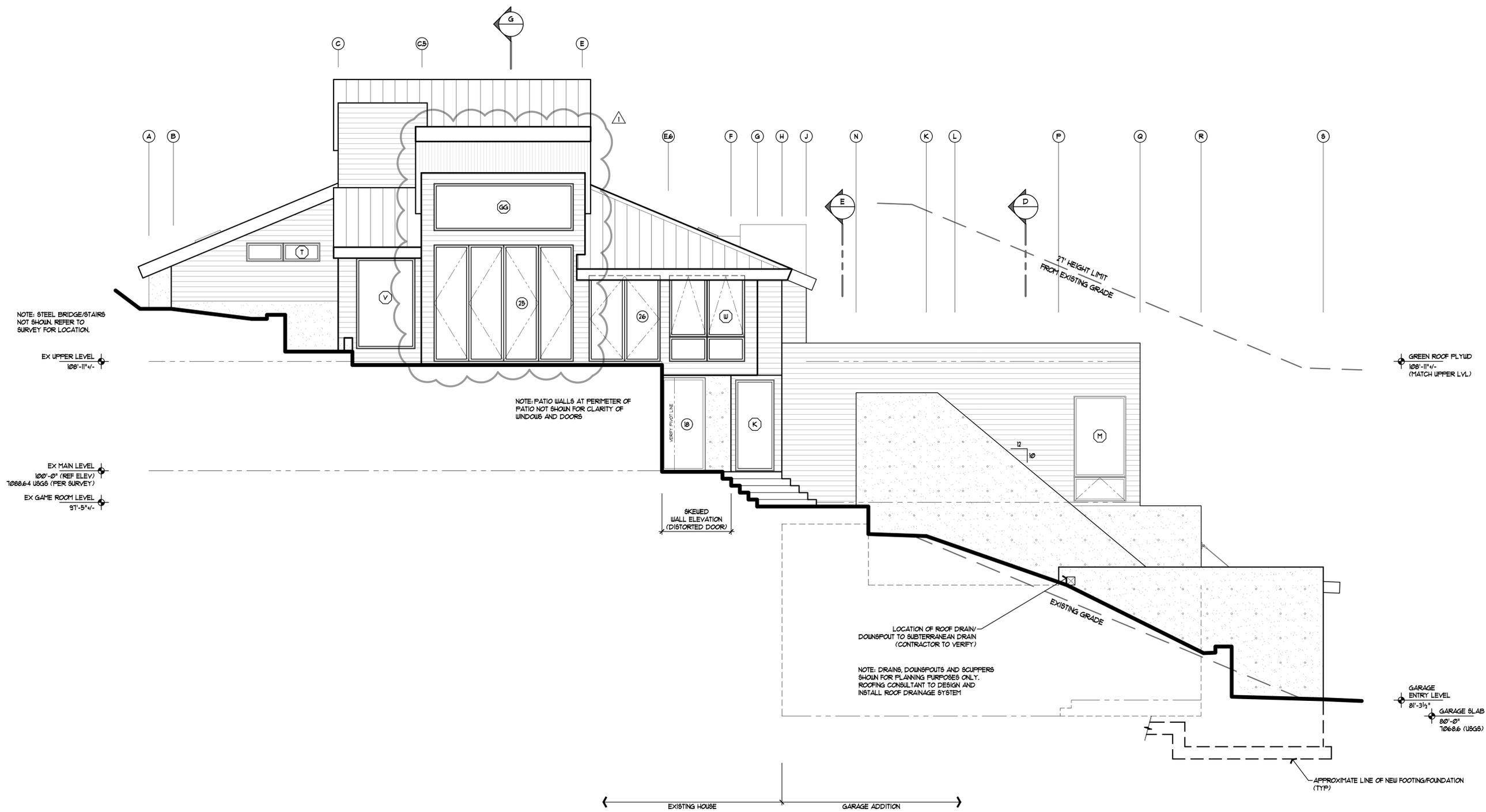
MICHAEL J. STOKER, AIA - ARCHITECT  
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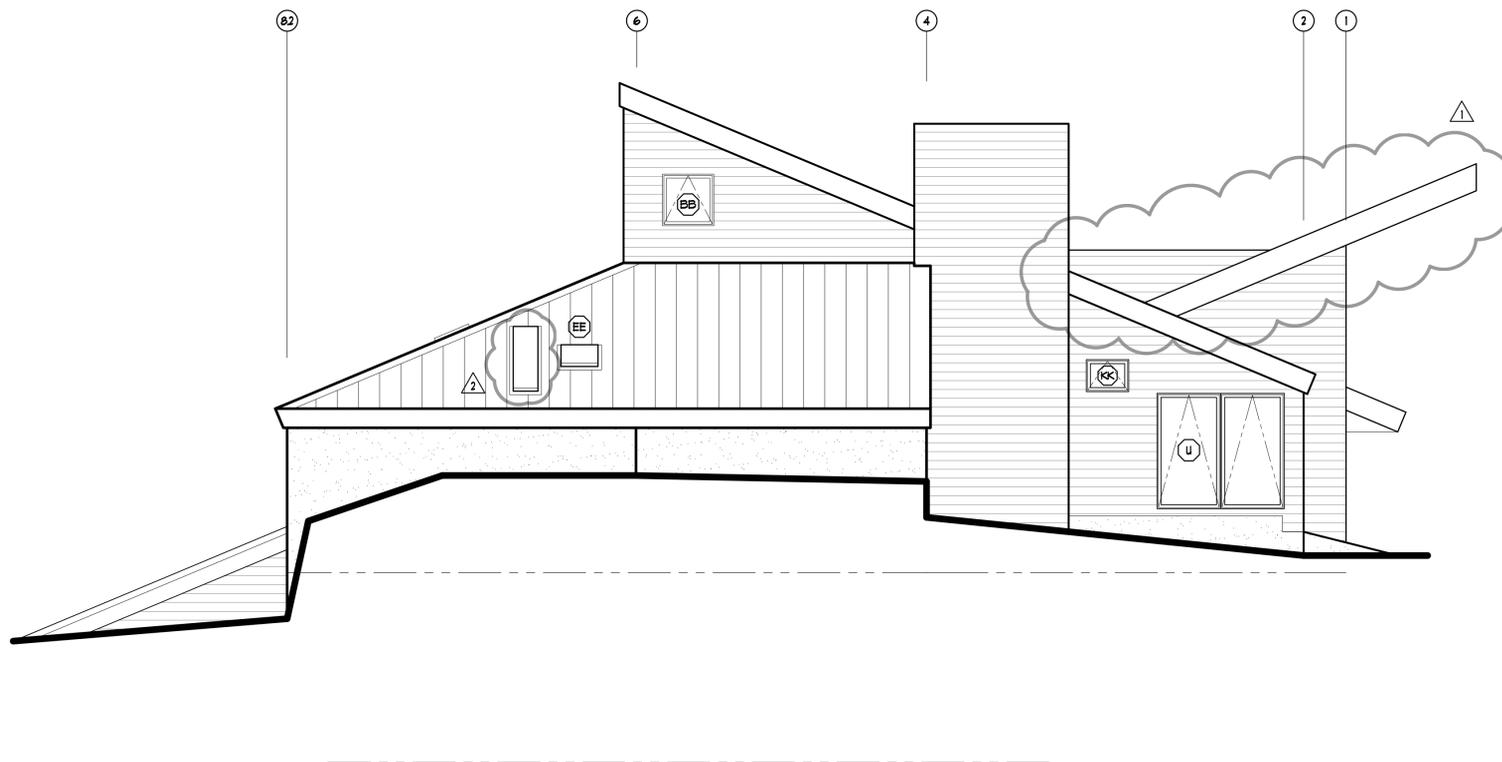
**LARCHER RESIDENCE**  
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 1049 LOWELL AVENUE, PARK CITY, UTAH 84098 - LOT 2 NORTH STAR SUBDIVISION

Date	6/1/21
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**A-22**



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



NOTE: STEEL BRIDGE/STAIRS  
NOT SHOWN. REFER TO  
SURVEY FOR LOCATION.

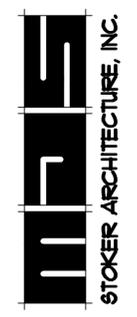
EX UPPER LEVEL  
108'-11 1/4"

EX MAIN LEVEL  
100'-0" (REF ELEV)  
1000.64 USGS (PER SURVEY)

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



MICHAEL J. STOKER, AIA - ARCHITECT  
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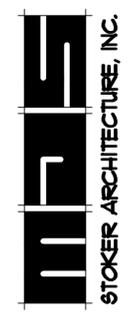
**LARCHER RESIDENCE**  
A REMODEL AND ADDITION  
1049 LOWELL AVENUE, PARK CITY, UTAH 84098 - LOT 2 NORTH STAR SUBDIVISION

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Project	18-580-1
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**A-23**



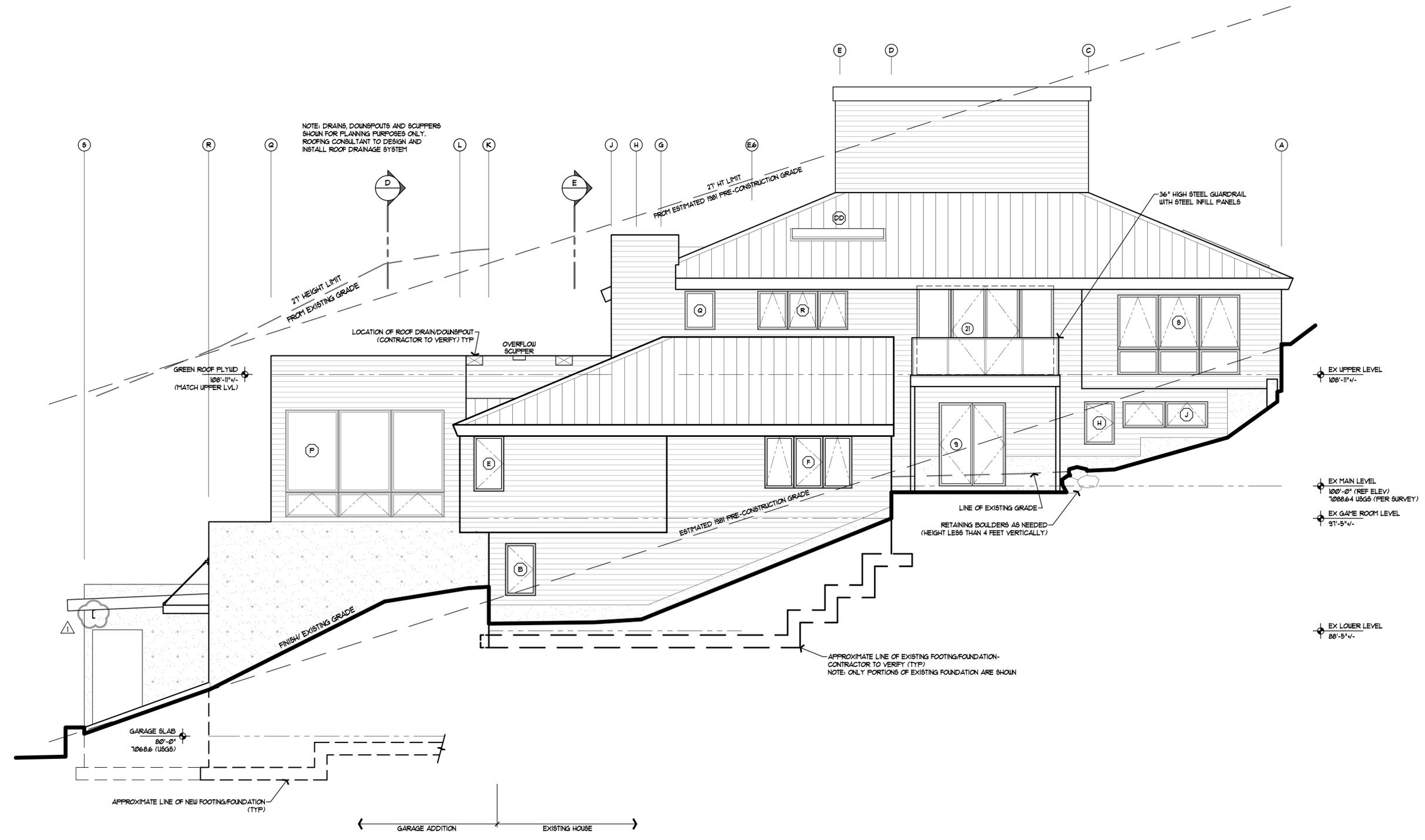
MICHAEL J. STOKER, AIA - ARCHITECT  
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Project	18-580-1
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**A-2.4**



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



March 20, 2024

Park City Planning & Building

Re: Roof Design Appeal at 1049 Lowell Ave

To Whom It May Concern:

Magleby Construction was hired to perform an extensive remodel on an existing home located at 1049 Lowell Ave. The owner of the property is Sea and Ski Properties, LLP. Prior to the start of the project, plans were submitted to Park City Building Department and approved for the Remodel. After construction began, the homeowner and architect decided to change the design of the roof and new plans were submitted to the city for review and approval.

According to the city portal, the Building Dept approved the plans for the new roof design and engineering. The site manager for Magleby saw the approval and proceeded to build the new butterfly roof according to the resubmitted plans. According to the portal, a week after the Building Dept approved the plans, the Planning Dept rejected the plans. However, due to the site managers' working relationship with the building department inspector and his reliance on the approval from the building department, he never logged back in noticed the rejection from Planning. The remodel was subsequently inspected and passed multiple rough and finish inspections from the city building department after the new roof was built.

At the time of final inspection, a new project manager on the project signed up for access to the city portal to schedule the final inspection. Upon inspection of the portal, the project manager noticed the prior rejection from Planning regarding the roof. He immediately contacted the planning and zoning department who came out to perform the final inspection and ultimately failed the roof design for non-compliance.

In hindsight, Magleby is not disputing that the roof was built without full approval from all of the city departments. However, since the remodel is complete and we have been issued a temporary Certificate of Occupancy by Park City, we are seeking to appeal the decision such that a variance or other approval can be granted, and the current roof design and construction can be maintained.

Thank you,

Leon Schwab  
VP of Remodel

Magleby Construction  
1291 W Center Street  
Lindon, UT 84042  
Phone: 801-785-9998; Cell 801-376-9990

# Board of Adjustment Staff Report



**Subject:** 317 Ontario Avenue  
**Application:** PL-24-06038  
**Author:** Caitlyn Tubbs, Senior Planner  
**Date:** April 16, 2024  
**Type of Item:** Variance – Tandem Parking Requirement

## Recommendation

(I) Review the Final Action Letter denying the requested Variance from the tandem parking configuration, and (II) ratify the Final Action Letter (Exhibit A).

## Description

**Applicant:** Jonathan DeGray on behalf of Mary Louden  
**Location:** 317 Ontario Avenue  
**Zoning District:** Historic Residential – 1  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Pursuant to Land Management Code (LMC) [§ 15-1-8](#) the Board of Adjustment takes Final Action on Variance requests.

## Summary

317 Ontario Avenue includes a Significant Historic Structure that fronts the north-south pathway between Marsac Avenue and Ontario Avenue accessed by Shorty’s Stairs. The rear of the Significant Historic Structure is at the base of a steep slope that leads up to Ontario Avenue. The Applicant proposes constructing an addition to the rear of the Significant Historic Structure to provide additional living space with a garage accessed from Ontario Avenue.

The Land Management Code (LMC) establishes a Conditional Use process to increase height for a single-car-wide garage on a downhill Lot like this Ontario Avenue property when Tandem Parking is provided. On September 13, 2023, the Planning Commission approved a Conditional Use Permit for additional height ([Minutes](#), p. 3) for the single-car-wide garage. The Applicant requested a Variance from the Tandem Parking requirement.

Variance requests must meet all five criteria outlined in LMC [§ 15-10-8\(C\)](#) for Board of Adjustment approval. On March 19, 2024, the Board of Adjustment held a public hearing and found the proposed Variance does not meet Criteria 2 and 4 and directed Planning staff to return with a Final Action Letter denying the request ([Staff Report](#); [Minutes](#)).

## Exhibit

A: Denial Final Action Letter



**Planning Department**

April 16, 2024

Jonathan DeGray  
317 Ontario Avenue  
Park City, UT 84060

CC: Mary Loudon

**NOTICE OF BOARD OF ADJUSTMENT ACTION**

**Description**

Address: 317 Ontario Avenue, a Significant Historic Site on Park City's Historic Sites Inventory

Zoning District: Historic Residential – 1

Application: Variance

Project Number: PL-24-06038

Action: DENIED

Date of Final Action: April 16, 2024

Project Summary: The Applicant Seeks a Variance from the requirement for a Tandem Parking configuration in the Historic Residential – 1 Zoning District when additional height is allowed for a garage on a downhill Lot.

**Action Taken**

On March 19, 2024, the Board of Adjustment conducted a public hearing and denied the Variance from the Required Tandem Parking configuration in the Historic Residential – 1 Zoning District when additional height is allowed for a garage on a downhill Lot according to the following findings of fact, conclusions of law, and conditions of approval. The Board of Adjustment directed staff to return with a Final Action Letter for ratification on April 16, 2024.

**Findings of Fact**

1. The existing Structure at 317 Ontario Avenue is designated a Significant Historic Structure on the Park City Historic Sites Inventory and was constructed c. 1885.



## Planning Department

2. On November 11, 2022, the Planning Department received a Historic District Design Review Pre-Application for a proposed addition to the rear of the Significant Historic Structure at 317 Ontario Avenue.
3. 317 Ontario Avenue is within the Historic Residential – 1 (HR – 1) Zoning District.
4. The Site is a Steep Slope, requiring Planning Commission approval of a Steep Slope Conditional Use Permit pursuant to Land Management Code Section 15-2.2-6.
5. On March 28, 2023, the Planning Department received a complete Steep Slope Conditional Use Permit Application and Historic District Design Review Standard Application for the construction of the addition.
6. On July 5, 2023, the Historic Preservation Board conducted a public hearing and approved the Material Deconstruction of 62 square feet of historic materials at the rear of the Significant Historic Structure to accommodate the proposed addition.
7. Land Management Code Section 15-2.2-5(D)(4) establishes height exceptions within the HR-1 Zoning District for garages on a downhill lot, including Planning Commission discretion to allow additional Building Height on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within the Land Management Code and the additional Building Height may not exceed 35 feet from Existing Grade.
8. On September 13, 2023, the Planning Commission conducted a public hearing and approved a Steep Slope Conditional Use Permit for the construction of the addition to the Significant Historic Structure on a Steep Slope and granting additional Building Height up to 32' 7" from Existing Grade.
9. On February 20, 2024, the Planning Department received a complete Variance Application for relief from the Tandem Parking Configuration requirement.
10. To grant a Variance, the Board of Adjustment must find a Variance request satisfies the five criteria set forth in Land Management Code Section 15-10-8(C).
11. Applicants requesting a Variance bear the burden of proving that all of the conditions justifying a Variance have been met.
12. The Board of Adjustment found the Variance request does not meet the conditions required to grant a Variance. Specifically, the Board of Adjustment found:
  - a. Criteria 2 – There are not special circumstances attached to the Property that do not generally apply to other Properties in the same zone because



**Planning Department**

there are other structures along Ontario Avenue that do not have a garage or other off-street parking accommodations.

- b. Criteria 4 – The Variance affects the General Plan and is contrary to the public interest because the request would pose a hazard to public safety due to the potential for vehicles to stick out into the right of way and impede traffic along Ontario Avenue when parked on the driveway.

**Conclusions of Law**

- 1. The requested Variance does not meet criteria 2 and 4 outlined in Land Management Code Section 15-10-8.

**Order**

- 1. The Variance is hereby denied.

If you have questions or concerns regarding this Final Action Letter, please call (435)-615-5063 or email [caitlyn.tubbs@parkcity.org](mailto:caitlyn.tubbs@parkcity.org).

Sincerely,

---

Ruth Gezelius, Chair  
Board of Adjustment

CC: Caitlyn Tubbs, AICP  
Senior Historic Preservation Planner