PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
January 13, 2026

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 August 19, 2025

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. PUBLIC COMMUNICATIONS

6. REGULAR AGENDA

6.A. **416 Ontario Avenue – Variance** – The Applicant Seeks a Variance from Land Management Code § 15-2.2-3(G) *Front Setback Exceptions* in the Historic Residential - 1 Zoning District and § 15-13-8(B)(7) *Regulations for Decks for Non-Historic Residential Sites* to Construct a Deck in the Front Yard of a Single-Family Dwelling in the Historic District. PL-25-06764 (30 mins.)
(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.gov 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 AUGUST 19, 2025

BOARD MEMBERS IN ATTENDANCE: Jennifer Franklin-Chair, Beth Armstrong, Ruth Gezelius, Ginny Schulman, John Stafsholt, Stephanie Wilson (attended via Zoom)

STAFF: Planning Director, Rebecca Ward; Senior City Attorney, Mark Harrington; Planner I, Meredith Covey; Planner I, Jaron Ehlers; Capital Projects Manager, Steven Dennis; Public Utilities Engineer, Harrison Holley

CLOSED SESSION – 4:00 PM

MEETING CALLED TO ORDER AT 5:00 PM

1. ROLL CALL

Chair Jennifer Franklin called the meeting to order at 5:00 p.m. and identified the Board Members present.

2. SWEARING-IN CEREMONY

A. Swearing-In Ceremony for Ginny Schulman.

Board Member Ginny Schulman was sworn in by City Recorder, Michelle Kellogg.

3. MINUTES APPROVAL

A. Consideration to Approve the Board of Adjustment Meeting Minutes from April 15, 2025.

MOTION: Board Member Gezelius moved to APPROVE the Minutes of April 15, 2025, as presented. Board Member Armstrong seconded the motion. The motion passed unanimously.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Rebecca Ward, reported that the State Legislature amended State Code to prohibit municipalities from conducting public hearings on Variances. As a result, the four items being considered by the Board of Adjustment would not include public hearings.

5. PUBLIC COMMUNICATIONS

There were no public communications.

6. REGULAR AGENDA

A. 560 Deer Valley Drive – Variance – The Applicant Requests a Variance from the Regulations For Parking Areas For Historic Residential Sites Outlined in Land Management Code § 15-13-2(B)(1)(G) to Construct a Parking Area in Front of the Significant Historic Site. PL-25-06626.

Planner I, Meredith Covey, presented the Staff Report and reported that 560 Deer Valley Drive is a Significant Historic Structure located in the RM Zoning District. The Applicant requested a Variance from the Land Management Code ("LMC") to construct a parking area in front of the Historic Structure.

The Site Plan and site photographs were reviewed. Planner Covey reported that the proposed parking pad would impact steep slopes and require retaining walls. It would also encroach into the City right-of-way, impacting the sidewalk and planned future pedestrian and bicycle improvements on Deer Valley Drive. If the Variance was approved, the Applicant would be required to obtain an Encroachment Agreement that could be revoked at any time. If revoked, the Applicant would be required to remove the parking area.

LMC § 15-13-2(B)(1)(g) establishes requirements for Parking Areas at Historic Residential Sites:

- Visual impacts of on-site parking shall be minimized.
- The existing topography and integral site features should be minimally impacted.
- Off-street parking areas should be located within the rear yard or beyond the rear wall plane of the primary structure.
    - If not physically possible, the off-street parking area should be visually buffered from adjacent properties and the public right-of-way.
    - Driveways should be located along the side yard when possible.

Staff analysis of the Variance Criteria determined the following:

1. **Literal enforcement of the LMC would not cause an unreasonable hardship that is necessary to carry out the general purpose of the LMC.** The Applicant is permitted to construct a parking area that is compatible with the LMC and Historic Residential Site regulations. They could also construct a garage under the existing Historic Structure, which would be reviewed by the Historic Preservation Board and the Planning Director. Compliance with the Historic Residential Site regulations is necessary to carry out the general purpose of the LMC.

2. **There are not special circumstances attached to the property that do not generally apply to other properties in the same zone.**
   While Historic Structures are exempt from off-street parking requirements, Staff found that there are no unique physical characteristics of the property that prevent parking on-site in less impactful locations.

3. **Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other properties in the same zone.**
   Denying the request does not infringe on the Applicant's ability to enjoy their property in a manner that is inconsistent with the ability of other properties in the Zoning District. The requirements in the LMC are applied consistently to Historic Residential Sites.

4. **The Variance would substantially affect the General Plan and be contrary to the public interest.**
   Maintaining the integrity of the historic fabric of the Historic District is integral to the goals outlined in the General Plan.

5. **The spirit of the LMC is not observed, and substantial justice is not done.**
   The proposed parking area is contradictory to the purposes outlined for the RM Zoning District in LMC that aim to encourage development that is compatible with the Historic Structures and minimize the visual impact of parking areas on the streetscape.

Staff recommended that the Board of Adjustment consider denial based on the Findings of Fact and Conclusions of Law outlined in the draft Final Action Letter.

Planner Covey reported that two neighboring property owners contacted the City to express support for the Variance.

The Applicant, Tony Martino, stated that he and Chloe Johnson intend to live in the home. The property is on Deer Valley Drive, which does not have street parking. All other properties on the road have parking in front of their home or in a private driveway. There are also multiple townhomes and a large condominium project across the street, which have surface parking or garages. The nearest public street parking is approximately 0.25 miles from the home. That is a concern, especially in the winter. He believes it is a public safety issue and nuisance as well because delivery drivers and workmen will park on the sidewalk. It is common to see driveways and lower garages in front of homes in the Historic District.

Mr. Martino stated that his lot is wider than average, but the electric poles in the west side yard and grade differences would make it difficult to park on the side of the lot. Rocky Mountain Power indicated that a seven-foot distance must be maintained from the poles, and the grade would require an additional three feet of height for the retaining wall. He did not believe his proposal required more modifications to the lot than would be necessary for a garage. The house had been on the market for three years, which he believed was due in part to the lack of parking. All other properties have parking either on their property or on

the street. If public parking were available for his property, he would not have made the request. Additionally, his opinion is that the impact would be minimized because the parking pad would be built into the hillside in front of the house and would not be visible from most areas of the street.

Ms. Johnson stated that Mr. Martino is a contractor, and his family has renovated many homes in the Historic District. She loves Old Town and is very excited to live there. The property is next to Main Street. They are looking forward to restoring the house and updating the landscaping.

Mr. Martino stated that the house needs a lot of work, and he does not know who would willingly choose to do that work without a way to access the property. He believes that materials deliveries would require a portion of Deer Valley Drive to be closed, which would not be practical.

In response to a question raised by Board Member Stafsholt, City Attorney, Mark Harrington, reported that the property owner can authorize another party to apply on their behalf, as was done in this matter.

Board Member Schulman asked if the Applicant had reviewed the approved plans for a garage under the structure. Mr. Martino stated that they had not reviewed the plans, but it was his understanding that the proposal was for a six-plex with an enclosed parking structure. He believed that was more intrusive than his proposal, as the structure encroached on the front and side yard setbacks.

Planner Covey confirmed that the Variance approved decreased front and side yard setbacks for the parking structure. The previous applicant's request to add stairs and retaining walls was denied. In response to a follow-up question from Board Member Schulman, she stated that she was unsure if the sidewalk was affected by that Variance.

Board Member Gezelius stated that she realizes that the lot is challenging, but it is also wider and deeper than average. Maintaining the Historic Site is always the priority. She believes Staff did an excellent job of analyzing the application and applying the required criteria for issuing a Variance, and she concurred with the conclusion that the request did not meet those criteria. She hoped that a plan could be developed to allow parking without the negative impacts of the current proposal.

Board Member Stafsholt stated that any Variance granted for a front parking area, as outlined in the application, would be temporary because it would have to be removed when Deer Valley Drive is expanded.

MOTION: Board Member Gezelius moved that the Board of Adjustment DENY the Variance from the Regulations for Parking Areas for Historic Residential Sites Outlined in Land Management Code § 15-13-2(B)(1)(G) to Construct a Parking Area in Front of the Significant Historic Site subject to the following:

Findings of Fact

1. 560 Deer Valley Drive is a metes and bounds Significant Historic Site on Park City's Historic Sites Inventory. The existing Structure was constructed circa 1912, and the property is in the Residential – Medium Density (RM) Zoning District.

2. The Board of Adjustment previously approved Variance for below-grade parking on site. On March 6, 1984, the Board of Adjustment reviewed a requested Variance at 560 Deer Valley to construct a below-grade parking Structure in the Front and Side yard Setbacks, as well as a fireplace, stairway and additional above-grade encroachments into the Front and Side Setbacks for a six-plex. The Board granted the Variance to construct the below-grade Parking Structure and denied the request for the fireplace, stairway and additional above-grade encroachments.

3. The Board outlined the proposed encroachments as being inimical to the best interest of the Zoning District and contrary to the spirit and intent of the zoning ordinance. The Board was not able to find any unusual condition attached to the property that would deprive the owner of a substantial property right or use of their property.

4. No Building Permit was issued, and the Structure was not constructed.

5. Earlier this year, the Applicant submitted a Historic District Design Review (HDDR) Pre-Application (PL-25-06570) to the Planning Department to construct a Parking Area in the Front Setback that encroaches into City Right-of-Way.

6. The proposed paved Parking Area is 21 feet in depth and 19 feet in width. The proposed area to be disturbed is 22 feet 11 inches in depth and 30 feet 5 inches in width.

7. The proposed disturbed area impacting Steep Slopes between the Historic Structure and Deer Valley Drive is 505 square feet.

8. The Applicant proposes 6-foot-tall retaining walls to retain the Parking Area within the Steep Slopes.

9. The proposed Parking Area encroaches 6 feet 3 inches into the Deer Valley Drive Right-of-Way and requires driving across and parking along an existing public pedestrian pathway that is proposed to be improved.

10. Because the Applicant proposes to construct a three-foot retaining wall in the Right-of-Way, and exclusive private use of a portion of public Right-of-Way,

they would be required to obtain approval from City Council for the proposed encroachment.

11. Additionally, the Bicycle and Pedestrian Plan for Park City includes a proposed future improvement on Deer Valley Drive to construct a 10-foot-wide trail with a buffer on the north side of the street. The proposed improvement would result in a revocation of the Encroachment Agreement and would render the proposed Parking Area non-compliant with Parking Area dimensions. The Applicant would at that time be required to remove the Parking Area.

12. Pursuant to LMC § 15-13-2(B)(1)(g)(2), Parking Areas at Significant Historic Sites should be located within the rear yard. When this is not possible, the Parking Area may be located along a side yard but must be visually buffered. Additionally, LMC § 15-13-2(B)(1)(g)(1) requires that the visual impacts of on-site parking be integrated in a comprehensive, complementary design.

13. Planning Staff reviewed the proposal and requested that the Applicant consider shifting the Parking Area in order to comply with LMC § 15-13-2(B)(1)(g). Staff requested that the Parking Area be moved to a location where it was not directly in front of the Historic Structure in order to reduce the visual impact of the proposed Parking Area on the site.

14. Additionally, the Planning Staff requested that the Parking Area be shifted to be entirely on the Applicant's property and eliminate the dependence on City Right-of-Way to satisfy the required Parking Area dimensions outlined in LMC Chapter 15-3. Planning Staff also notified the Applicant that they would be required to obtain an Encroachment Agreement for the utilization of City Right-of-Way and that should the Encroachment Agreement be revoked the Applicant would be responsible to completely remove the Parking Area.

15. The Applicant stated that based on the site they felt locating the Parking Area in the proposed location was the most feasible and submitted a request for a Variance to LMC § 15-13-2(B)(1)(g).

16. The Applicant seeks a Variance from the Regulations for Parking Areas for Historic Residential Sites outlined in Land Management Code § 15-13-2(B)(1)(g) to construct a Parking Area in front of the Significant Historic Site.

17. Goal 15 of the Park City General Plan is to preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. Objective 15B is to maintain character, context, and scale of local Historic Districts with compatible infill development and additions. Community Implementation Strategy 15.7 is to "[e]ncourage pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes."

18. LMC § 15-11-9 establishes the Preservation Policy for Sites of Historic Significance in Park City, stating, “It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City’s most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion, or change within the City, the preservation of Historic Sites, Buildings, and Structures is required.”

19. LMC § 15-13-2(B)(1)(g) establishes the requirements for Parking Areas at Historic Residential Sites.

20. The proposed Parking Area does not comply with the provisions outlined in LMC § 15-13-2(B)(1)(g) that require Parking Areas to reduce the visual impacts on site, to be located along a side yard, to be complementary and integrated in design. As a result, the Applicant requests a Variance to LMC § 15-13-2(B)(1)(g).

21. In order to grant the requested Variance, the Board of Adjustment must find that all five criteria in LMC § 15-10-8(C) are met. The Applicant bears the burden of proving that all the conditions justifying a Variance have been met.

22. The Applicant did not meet their burden to demonstrate that literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is necessary to carry out the general purpose of the Land Management Code.

23. LMC § 15-2.15-1(F) outlines that a purpose of the RM Zoning District is to minimize the visibility of Parking Areas. The Applicant would be permitted to construct a Parking Area on site if it complies with the provisions of the code outlined in LMC § 15-13-2(B)(1)(g). However, the ability to park a vehicle on the Site is able to be satisfied elsewhere on the property and it is not necessary to locate it directly in front of the Historic Site.

24. LMC § 15-2.15-1(B) outlines new Development as being required to be Compatible with Historic Structures in the surrounding Area. When looking at Historic Structures in surrounding Zoning Districts, including the Historic Residential – 1 (HR-1) Zoning District and the Historic Residential Low Density (HRL) Zoning District existing Historic Structures are exempt from Off-Street parking requirements pursuant to LMC § 15-2.2-4 and LMC § 15-2.1-4 respectively.

25. LMC § 15-2.15-1(F) outlines that a purpose of the RM Zoning District is to minimize the visibility of Parking Areas. The Applicant would be permitted to construct a Parking Area on site if it complies with LMC § 15-13-2(B)(1)(g). The ability to park a vehicle on the Significant Historic Site may be satisfied

elsewhere on the property – for example, within the west Side yard, and it is not necessary to locate it directly in front of the Significant Historic Site disturbing 505 square feet of Steep Slopes and requiring 6 foot-tall retaining walls, portions of which that are 3 feet in height that encroach into the Right-of-Way.

26. LMC § 15-2.15-1(B) outlines new Development as being required to be Compatible with Historic Structures in the surrounding Area. Historic Structures in Historic Zoning Districts are exempt from Off-Street parking requirements pursuant to LMC § 15-2.2-4 and LMC § 15-2.1-4 respectively. As a Significant Historic Site in the RM Zoning District, 560 Deer Valley Drive is a Non-Complying Structure because it was built in 1914 prior to any on-site parking requirements and is therefore not required to provide Off-Street parking.

27. LMC § 15-10-8(D)(1) states "In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship (…), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the Variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood." 560 Deer Valley Drive, like all Historic Structures listed on Park City's Historic Sites Inventory, are not required to provide parking on site.

28. LMC § 15-10-8(D)(2) states "[i]n determining whether or not enforcement of the [LMC] would cause unreasonable hardship ...the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic." Literal enforcement of the LMC, which in this case would require the Applicant to relocate the proposed Parking Area along the side yard, does not create unreasonable hardship for the Applicant. The Applicant is permitted to construct a Parking Area provided it is compatible with the LMC and Historic Residential Site regulations. Additionally, the Applicant would be permitted to submit an HDDR to construct a garage under the existing Historic Structure to provide parking for the site. This proposal would be reviewed by the Historic Preservation Board (HPB) and the Planning Director. Compliance with the Historic Residential Site regulations is necessary to carry out the general purpose of the LMC to minimize the impact of Parking Areas and to support development that is compatible with Historic Structures.

29. The Applicant did not meet their burden to demonstrate that there are special circumstances attached to the Property that do not generally apply to other properties in the same zone.

30. The Applicant claims that the special circumstance for the property is that it does not have easily accessible parking. As noted above, Historic Structures

are exempt from Off-Street parking requirements. However, parking on site is a possibility in less impactful locations.

31. The Applicant is permitted to construct a Parking Area so long as it complies with the LMC and Historic Residential Site regulations. Denying the request does not infringe on the Applicant's ability to enjoy their property in a manner that is inconsistent with the ability of other properties in the same Zoning District, specifically Historic Sites in the Zoning District. The requirements in the LMC are applied consistently to Historic Residential Sites to maintain the character of the Historic District.

32. The Variance request is inconsistent with the General Plan goals because the proposed Parking Area is to be located directly in front of the Historic Structure and will alter the streetscape and impact of automobiles on the Structure along Deer Valley Drive. Additionally, the installation of retaining walls will create a visual impact on the Historic Structure as viewed from the public Right-of-Way. The surrounding Structures with retaining walls are not Historic Sites and altering the site to be "compatible" with these properties will alter the Historic character of the site. The proposal will be contrary to the public interest.

33. Goal 15 of the Park City General Plan is to preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. Objective 15B is to maintain character, context, and scale of local Historic Districts with compatible infill development and additions. Community Implementation Strategy 15.7 is to "[e]ncourage pedestrian-oriented development to minimize the visual impacts of automobiles and parking on Historic Buildings and Streetscapes."

34. Maintaining the integrity of the Historic Site is important to the historic fabric of the nationally and locally designated Historic District and is integral to the goals of the General Plan.

35. As analyzed in the above sections, the proposed Parking Area is contradictory to the purposes outlined for the RM Zoning District in LMC § 15-2.15-1 that aim to encourage development that is Compatible with Historic Structures and to minimize the visual impact of Parking Areas on the Streetscape.

36. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 5, 2025. Staff mailed courtesy notice to property owners within 300 feet on August 5, 2025. *The Park Record* published courtesy notice on August 5, 2025.

Conclusions of Law

1. Literal enforcement of the Land Management Code for this Property does not cause unreasonable hardship and is not necessary to carry out the general purpose of the Land Management Code.

2. No special circumstances are attached to the Property that do not generally apply to other properties in the same district.

3. Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other Properties in the same zone.

4. The proposal is not consistent with the General Plan.

5. The spirit of the zoning ordinance is not observed, and substantial justice is not done.

6. The Applicant did not meet the burden that all the conditions justifying a Variance have been met.

Board Member Stafsholt seconded the motion. The motion passed with the unanimous consent of the Board.

B. <u>243 Woodside Avenue – Variance – The Applicant Requests a Variance from the Regulations for Porches on New Residential Infill in the Historic District Outlined in Land Management Code § 15-13-8(B)(2)(I) to Extend a Porch on the Front Façade from 6 Feet to 9 Feet 11 Inches in Depth. PL-25-06601.</u>

Planner Covey presented the Staff Report and indicated that the subject property is located in the HR-1 Zoning District. Historic District Design Review ("HDDR") and Steep Slope Conditional Use Permit ("SSCUP") applications to construct a new single-family home on the property were approved in 2023. The applicant now requested a Variance from LMC to extend the approved six-foot second-story porch to a depth of approximately 10 feet to create a hybrid porch/deck. Approved and proposed concepts were displayed.

LMC § 15-13-8(B)(2)(i) establishes the following for new residential porches in Historic Districts:

- Over-scaled, monumental, and under-scaled entries shall be avoided.
- Porches shall be compatible with a building's style and respect the scale and proportions found on Historic Buildings in the Historic District.
- The height of porch decks shall be similar to those found on Historic Buildings in the Historic District and the streetscape.

LMC § 15-13-8(B)(2)(7) regarding decks on new infill in the Historic District states:

- Decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way.
- The visual impact of a deck should be minimized by limiting its size and scale.

Planner Covey explained that the LMC is very clear that porches in the Historic District are meant to be modest and compatible in scale with the historic precedent, and decks are inappropriate on front facades because they alter the historic streetscape. As outlined in the Staff Report, a memo is on file that analyzes historic porches and decks in the Historic District and is used to apply LMC to new residential infill. Historic porches are typically modest, inset, covered, and maintain a depth of four to five feet. Reference photographs were shown, indicating that second-story porches were historically tucked under the main roof.

Staff analysis of the Variance Criteria determined the following:

1. **Literal enforcement of the LMC would not cause an unreasonable hardship that is necessary to carry out the general purpose of the LMC.**
   A front porch is permitted, subject to LMC and HDDR approval that is compliant with the massing and scale required in the Historic District and was already approved. The proposed extension and creation of a hybrid porch/deck with an improved view shed on the front façade is self-imposed.

2. **There are not special circumstances attached to the property that do not generally apply to other properties in the same zone.**
   All properties in the HR-1 Zoning District are required to comply with the LMC in effect at the time of construction. While there are non-complying structures in Old Town, that does not absolve this property of the LMC regulations.

3. **Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other properties in the same zone.**
   The applicant is permitted to have a porch on the front façade. Denying the request would not infringe on the Applicant's ability to enjoy their property or utilize their front porch in a manner that is inconsistent with other properties in the same Zoning District.

4. **The Variance would substantially affect the General Plan and be contrary to the public interest.**
   The General Plan clearly outlines the City's goals for preservation of the Historic District, and the proposed extension did not comply with those goals.

5. **The spirit of the LMC is not observed, and substantial justice is not done.**
   The standards of the LMC are applied consistently to all property owners and projects. To grant an exception to one property owner that is contrary to those

regulations would not be equitable to other property owners that are required to install compliant porches on the front façade.

Based on Staff analysis, it was recommended that the Board of Adjustment consider denying the request based on the Findings of Fact and Conclusions of Law outlined in the Staff Report.

Planner Covey reported that one property owner had contacted the City in support of the proposal.

The Applicant, Tim Suter, stated that his request was to have a balcony adjacent to the living area to provide room for outdoor dining with a view of Old Town. He believed there was some confusion over the definition of a porch versus a balcony or patio, which is why he referred to the request as a "feature." The request was denied following an Administrative Public Hearing where owners of three neighboring properties presented letters in support of the request. An owner of two nearby properties had sent an additional letter of support for the Variance request.

Mr. Suter stated that his request was to add three feet, 11 inches to the approved six-foot width of the porch and noted that Ms. Ward had offered a width of seven feet at the public hearing. The design of the extension is a cantilevered, uncovered balcony similar to the eight-foot balcony on the Historic Structure at 505 Woodside Avenue. He offered to cover the balcony or move the columns so there is no cantilever. He displayed a photograph of the balcony, which had already been framed by the builder, showing the extensions over the approved area.

Mr. Suter stated that he disagreed with all five Staff findings. He believes denial would cause unreasonable hardship; 90% of the uphill neighbors on the street have a similar feature and 46 homes on the Historic Registry have an outside dining area adjacent to the living area, many of which are uncovered decks above garages. He indicated that the Technical Memorandum only considered data from before people had automobiles and garages and therefore was seeking to revert the historic nature of Old Town, not maintain it. He then presented addresses of six homes that have a similar feature to the requested balcony.

Mr. Suter presented a photograph of the home at 245 Woodside Avenue, which has stairs and a 14-foot deck that protrude past the normal setback and into the sidewalk. He stated that those items were approved under a Variance and part of what was referred to as "general conditions of the neighborhood" in the Staff Report, despite encroaching five inches onto his property. He believes that this condition is a special circumstance of the property.

Mr. Suter believed that granting the Variance was essential to his enjoyment of a substantial property right possessed by other property owners in the zone. He then provided comments from neighboring property owners and indicated that the decks at 245 Woodside Avenue and 232 Woodside Avenue feature prominently in their vacation rental listings.

Mr. Suter did not believe the Variance would affect the General Plan or be contrary to the public interest, as the three-foot, 11-inch extension would be barely visible. He believed the spirit of the LMC would be observed and substantial justice done by granting the Variance, as his interpretation was that his home was constructed to complement existing houses. He then presented an image of Woodside Avenue, indicating which homes have a similar balcony feature and noted that his home cannot be seen from the road. He then presented photographs of those homes.

In response to a question raised by Board Member Stafsholt, Planner Covey confirmed that the plans were originally submitted with a much larger deck. During the design review process, they were asked to reduce the depth of the deck on the front façade because it did not comply with the LMC. The applicant then updated the plans to decrease the deck size and went through the SSCUP and HDDR process.

Board Member Stafsholt noted that a condition of the prior approval was that the final plans reflect substantial compliance with the plans reviewed on February 14, 2025, by the Planning Commission. He asked the Applicant why the deck was not built to the approved plans. Mr. Suter stated that it was denied based on the Technical Memorandum, which he requested several times but only received approximately one month before the Staff hearing. He visited Park City over the holidays and noticed that other homes had large porches, and he then decided to challenge the decision because he believed it was an injustice.

Board Member Stafsholt asked if Mr. Suter believed his neighbor's stairs being five inches over the property line would give him the right to do the same to his other neighbor, as that was essentially his argument regarding decks. Mr. Suter stated that he brought it up because the Staff Report refers to the neighboring property as "a condition general to the neighborhood" rather than specific to his property, which he disagreed with. He has signed an Encroachment Agreement with that property owner that allows the stairs to remain.

Board Member Schulman stated that she understood why the Applicant made the request. She visited the street and saw the houses he mentioned in his application. She asked if the decks on the properties he referenced were of a similar size to his request. Mr. Suter stated that they range in size from seven to 14 feet. At the public hearing, Ms. Ward offered to allow a width of seven feet.

Director Ward stated that the LMC is written to the original dimensions and types of porches on Historic Structures and is applied to all new infill development. The Technical Memorandum evaluated the Sanborn maps and photographs of Historic Structures to set the baseline. She confirmed that they had discussed allowing the applicant's porch to be seven feet wide.

Board Member Schulman stated that she understood why the Applicant wanted a large deck, but the LMC has changed since some of the properties he referenced were approved and she was not in favor of setting a new precedent by granting the Variance. Mr. Suter stated that his neighbors enjoy this benefit, and some Historic Structures in Old Town have larger porches. He believed the Technical Memorandum is flawed and should be ignored because

it considers how Historic Homes used to be, not how they are. Board Member Shulman disagreed.

Board Member Gezelius stated that the Board of Adjustment tries to be fair. Rules change over time, and people make expansions and alterations to their properties. All the City can do is enforce the current rule and treat everyone fairly under that rule. It was her opinion that the deck expansion did not meet the requirements for an exception.

Chair Franklin agreed with Board Member Gezelius and asked if it would be possible to approve a seven-foot-wide porch. Director Ward stated that the allowed width had already been increased from five to six feet. The conversation during the Administrative Public Hearing was in the context of what is compatible, and their finding was that six feet was the correct width. If the Board of Adjustment found that the Applicant met the five criteria for specific exceptions for the site, they could direct Staff to draft a Final Action Letter indicating that the Applicant had met the burden of proof to allow an additional one foot.

It was noted that the home will have an extensive fourth-floor deck, as well as a second-floor deck, which is not typical of the neighborhood.

MOTION: Board Member Gezelius moved that the Board of Adjustment DENY the Variance from the Regulations for Porches on New Residential Infill in the Historic District Outlined in Land Management Code § 15-13-8(B)(2)(I) to Extend a Porch on the Front Façade from 6 Feet to 9 Feet 11 Inches in Depth, subject to the following:

Findings of Fact

1. 243 Woodside Avenue is an 1,875-square-foot Lot in the Historic Residential – 1 (HR-1) Zoning District and Lot 2 of the 239 Woodside Replat Lot Line Adjustment recorded with Summit County on July 25, 2007.

2. In 2023, the Applicant submitted a Steep Slope Conditional Use Permit and Historic District Design Review (HDDR) to construct a new Single-Family Dwelling (SFD) on the site.

3. Planning Staff worked with the Applicant to process the applications and to bring the proposal into compliance with the regulations in the Land Management Code (LMC) for the HR – 1 Zoning District and New Residential Infill in the Historic District. In doing so, Planning Staff reviewed the proposed porch and rooftop deck on the front façade.

4. Goal 15 of the Park City General Plan is to preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.1 Objective 15B is to maintain character, context, and scale of local Historic Districts with compatible infill development and additions.

5. 243 Woodside Avenue is in the HR-1 Zoning District. The purposes of this Zoning District include:

    a. Preserving present land uses and character of the historic residential areas of Park City.
    b. Encouraging construction of historically compatible structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.

6. The LMC does not define "porch." LMC § 15-15-1 states that words not defined in the LMC "shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition," and Webster's defines "Porch" as "a covered area adjoining an entrance to a building and usually having a separate roof."

7. LMC § 15-13-8(B)(2)(i) establishes the following for new residential porches in Historic Districts:

    a. Porches shall be used to define front entrances. Porches typically cover the entrance and usually extend partially or fully across the main façade. Over-scaled, monumental and under-scaled entries shall be avoided.
    b. Porches on primary and secondary facades shall be compatible with a building's style and shall respect the scale and proportions found on historic buildings.
    c. The height of porch decks shall be similar to those found on historic building(s) in the Historic District.
    d. Locate porches on new infill construction in a way that follows the predominant pattern of historic porches along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the Streetscape or character area to reinforce the visual rhythm of the buildings and site elements.
    e. The height of porch decks shall be similar to those found on historic building(s) within the Streetscape or character area

8. The Applicant proposes extending the covered porch to create an uncovered deck extension nearly 10 feet in depth. LMC § 15-15-1 defines "deck":

    a. Platform Deck: open structure above the ground that is in the front yard, rear yard, or side yard of a site.
    b. Deck, Rooftop: open structure located on or above the roof framework and the enclosed gross floor area of a structure.

9. SWCA Lead Architectural Historian completed a technical memorandum to outline appropriate dimensions for compatible porches and decks in the Historic Districts. The technical memorandum states that although the LMC provides some direction regarding historically compatible porches, balconies,

and decks, the purpose of this technical memorandum is to review those guidelines and provide clarification and supplemental guidance.

10. On November 8, 2023, as part of the HDDR process, the proposed SFD was reviewed by the Design Review Team (DRT) with the City's historic preservation consultant and Planning Staff for compliance with the LMC. The Applicant's original proposal contained a porch that did not comply with the requirements of LMC § 15-13-8(B)(2)(i) because it was:

    a. Over-scaled.
    b. Disproportionate to historic buildings, as demonstrated by the technical memorandum.
    c. Inconsistent with the predominant pattern of historic porches along the street, and it did not align with the streetscape or character area to reinforce the visual rhythm of the buildings and site elements.

11. Based on the review of the LMC requirements regarding porches, the Planner for the project sent comments to the Applicant requiring that the depth of the porch be reduced to no more than six feet.

12. The Applicant updated their plans to comply with the LMC and reduced the depth of the porch to six feet.

13. On February 14, 2024, the Planning Commission approved a Steep Slope Conditional Use Permit (PL-23-05842) for the construction of the SFD. Condition of Approval 1 from the SSCUP states "[f]inal building plans and construction details shall reflect substantial compliance with the plans reviewed February 14, 2024, by the Planning Commission."

14. On March 7, 2024, the Planning Director approved the HDDR (PL-23-05841) for the new SFD.

15. On July 23, 2024, the City issued Building Permit 24-605 for the construction of the SFD.

16. On February 19, 2025, the Applicant applied to modify the HDDR to increase the front porch depth from six feet to nearly 10 feet to create a hybrid second-story porch/deck that is cantilevered over the driveway.

17. On May 15, 2025, the Planning Director opened a public hearing and continued the item to May 29, 2025.

18. On May 29, 2025 the Planning Director denied the request for a modification to the HDDR because the Applicant's proposed hybrid Porch/Deck extension did not comply with the porch regulations outlined in LMC § 15-13-8(B)(2)(i) or the Deck regulations outlined in LMC § 15-13-8(B)(2)(7).

19. On June 26, 2025 the Applicant applied for a Variance from the requirements of the LMC.

20. Literal enforcement of the Land Management Code would not cause an unreasonable hardship for the Applicant that is necessary to carry out the general purpose of the Land Management Code.

21. Goal 15 of the Park City General Plan is to preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. Objective 15B is to maintain character, context, and scale of local Historic Districts with compatible infill development and additions. The LMC is enacted to implement the goals and policies of the General Plan (LMC § 15-1-2). The purposes of the HR-1 Zoning District outlined in LMC § 15-2.2-1 are to:

    a. Preserve present land Uses and character of the Historic residential Areas of Park City;
    b. Encourage the preservation of Historic Buildings and/or Structures;
    c. Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
    d. Define Development parameters that are consistent with the General Plan policies for the Historic core; and
    e. Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

22. LMC § 15-10-8 states “In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship (…), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the Variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.”

23. In 2019 the City Council adopted Ordinance 2019-06 approving updated Design Regulations for Historic Districts and Historic Sites. These regulations are applied consistently to properties in the Historic District. All new residential infill is required to comply with the standards outlined in LMC § 15-13-8 Regulations for New Residential Infill in the Historic District. Properties in the Historic District with decks that do not comply with the updated Design Regulations are not the standard by which new residential infill is to be reviewed under. The proposed deck at 243 Woodside must be reviewed under the code in effect at the time as established by LMC § 15-1-17 and must be compliant with current code standards, not existing Non-Complying properties.

24. In the HR-1 Zoning District and the Old Town neighborhood many Historic Structures do not comply with setbacks due to their date of construction and Historic Character. While these homes would not be permitted under current LMC regulations, their impact on the subject Property is not associated with circumstances peculiar to the subject Property and is a condition that is general to the neighborhood.

25. Literal enforcement of the LMC, which in this case would require the porch to be installed in a manner consistent with the regulations outlined in LMC § 15-13-8(B)(2)(i) (a depth of six feet) and would not allow for a deck on the front façade as outlined in LMC § 15-13-8(B)(7), does not create unreasonable hardship for the Applicant. A front porch is permitted subject to LMC and HDDR approval that is compliant with the massing and scale required in the Historic District. The proposed extension and creation of a hybrid porch/deck with an improved view shed on the front façade is self-imposed. Compliance with the approved plans is necessary to carry out the general purpose of the LMC to encourage construction of Historically Compatible Structures that contribute to the Historic character and scale in the Historic District.

26. There are not special circumstances attached to the Property that do not generally apply to other properties in the same zone.

27. Properties in the HR-1 Zoning District are required to comply with the LMC in effect at the time of construction. Prior to 2019, when the Historic District Design Guidelines were updated, other properties in the HR-1 Zoning District may have elements that were approved and that are now Non-Complying under today's LMC. Properties within the Historic District that conformed with the requirements of the LMC at the time they were constructed do not change the requirements of the LMC for current projects.

28. There are other properties in Old Town that are adjacent to Sites with Non-Complying Structures, and this does not absolve the property of the regulations of LMC compliance. There are no special circumstances attached to the property that do not apply to other properties in the same district.

29. Granting the Variance is not essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

30. The Applicant is permitted to have a porch on the front façade so long as it complies with the LMC Regulations and HDDR approval. Denying the request to create a hybrid porch/Deck that is over-scaled in the Historic District does not infringe on the Applicant's ability to enjoy their property or utilize their front porch in a manner that is inconsistent with the ability of other properties in the same Zoning District. The requirements in the LMC are applied consistently to properties in the HR-1 Zoning District, does not infringe on a substantial property right, and reflects the requirements at the time of construction.

31. The Variance will substantially affect the General Plan and will be contrary to the public interest.

32. Goal 15 of the General Plan is to preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. Objective 15B is to maintain character, context, and scale of local Historic Districts with compatible infill development and additions. While the Applicant states the extension will be "barely visible" it will be visible from the Primary Public Right-of-Way, will impact the streetscape and character area of Woodside Avenue, and a front porch and Deck is a prominent feature on a residential Structure. It is important, as outlined in the General Plan, for new residential infill to be designed in a way that is compatible with the context, character, and scale of Historic Sites. As outlined in the technical memorandum decks were not seen on the front façade of Historic homes in Park City, porches were traditionally limited to a depth of around 5 feet and were inset under the main roof when located on a second story.

33. Maintaining the integrity of the historic fabric of the nationally and locally designated Historic District is integral to the goals of the General Plan. The proposed extension does not comply with these goals.

34. The Spirit of the Land Management Code is not observed, and substantial justice is not done.

35. LMC § 15-13-8(B)(2)(i)(1) outlines that over scaled and monumental porches shall be avoided. The proposed expansion does not reflect the spirit of the LMC that dictates new porches shall be compatible with Historic porches seen within the district.

36. LMC § 15-13-8(B)(7) dictates that "Decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary façade." The proposed expansion and creation of a hybrid porch/deck conflicts with the spirit of the LMC that regulates the location of decks so as to not detract from the streetscape of the Historic District when viewed from the Primary Public Right of Way.

37. As stated above the purpose of the HR-1 Zoning District is to:

    a. Preserve present land Uses and character of the Historic residential Areas of Park City;
    b. Encourage the preservation of Historic Buildings and/or Structures;
    c. Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;

d. Define Development parameters that are consistent with the General Plan policies for the Historic core; and
e. Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

38. The proposed expansion and creation of a hybrid deck/porch is contradictory to the purposes outlined for the HR-1 Zoning District in LMC § 15-2.2-1. The proposed expansion does not contribute to the character and scale of the Historic District. The technical memorandum created by SWCA is utilized by Planning Staff in applying the code for porches and decks in a consistent manner. The memorandum provides historic context and technical specifications that aide in encouraging construction of decks and porches that contribute to the scale of the Historic District in compliance with LMC § 15-2.2-1. The memorandum allows for the purpose of the HR-1 Zoning District to be implemented when reviewing proposed decks and porches within the Zoning District.

39. The standards of the LMC are applied consistently to all property owners and projects based on the code that is in effect at the time. To grant an exception to one property owner that is contrary to the regulations outlined in the LMC does not support the consistent application of the code. An exception in this manner is not equitable to other property owners that have and will be required to comply with the LMC.

40. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 5, 2025. Staff mailed courtesy notice to property owners within 300 feet on August 5, 2025. *The Park Record* published courtesy notice on August 5, 2025.

Conclusions of Law

1. Literal enforcement of the Land Management Code for this Property does not cause unreasonable hardship and is not necessary to carry out the general purpose of the Land Management Code.

2. No special circumstances are attached to the Property that do not generally apply to other properties in the same district.

3. Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other Properties in the same zone.

4. The proposal is not consistent with the General Plan and will be contrary to public interest.

5. The spirit of the zoning ordinance is not observed.

6. The Applicant did not meet the burden of proof that all the conditions justifying a Variance have been met.

Board Member Schulman seconded the motion. The motion passed unanimously with one abstention. Board Member Armstrong abstained from the vote.

C. <u>1884 Three Kings Drive – Variance – The Applicant Requests a Variance from the 28-Foot Height for the Urban Park Zoning District in Land Management Code § 15-2.26-4 to 50 feet in Height for a 100-Foot-Long Net at the Three Kings Water Treatment Plant in the Urban Park Zoning District and a 600-Foot-Long Net Along the Thaynes Pathway in the Urban Park Zoning District. PL-25-06630.</u>

Planner I, Jaron Ehlers, reported that the application was for a Variance to allow two nets up to 50 eight in height at 1885 Three Kings Drive in the Urban Park Zoning District ("UPZ"). An aerial map was displayed, identifying the locations of the proposed nets. The Thaynes net would be located along Thaynes Canyon Drive and would be 600 feet in length, with heights ranging from 20 to 50 feet from final grade. The second proposed net at the Three Kings Water Treatment Plant would be 100 feet long and a maximum of 50 feet tall. A rendering of the net was also reviewed.

Planner Ehlers reported that the Urban Park Zone has a 28-foot maximum height, and the Variance would allow a height of 50 feet for both nets.

Staff analysis of the Variance Criteria determined the following for the Thaynes net:

1. **Literal enforcement of the LMC would not cause an unreasonable hardship that is necessary to carry out the general purpose of the LMC.**
   The proposed net would provide a buffer between the public golf course and the multi-use pathway. Literal enforcement of the LMC would not allow for sufficient protections for pedestrians and bicyclists on the pathway.

2. **There are not special circumstances attached to the property that do not generally apply to other properties in the same zone.**
   The Thaynes Canyon Drive multi-use pathway is the only proposed multi-use pathway in the UPZ because it runs along the golf course, and there is a unique risk of users of the pathway being struck by golf balls.

3. **Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other properties in the same zone.**
   The Variance would create safer conditions for users and increase the enjoyment of the multi-use path and property.

4. **The Variance would substantially affect the General Plan and be contrary to the public interest.**

Strategy 3.4 of the General Plan encourages the creation of multi-use pathways between all public spaces within City limits. The golf course is a public space. The proposed net would provide increased safety to users of the pathway.

5. **The spirit of the LMC is not observed, and substantial justice is not done.** The Thaynes pathway provides for better pedestrian and bicyclist circulation with the wider context of the City, and the proposed net would provide safety to users of the pathway.

Staff analysis of the Variance Criteria determined the following for the Three Kings net:

1. **Literal enforcement of the LMC would not cause an unreasonable hardship that is necessary to carry out the general purpose of the LMC.** Strict enforcement of the LMC would limit the ability of the net to provide protection for public utility operations.

2. **There are not special circumstances attached to the property that do not generally apply to other properties in the same zone.** The expansion of the Three Kings Treatment Plant was required due to State and Federal water quality regulations. The Park City Golf Course is the only golf course in the UPZ with a public facility inside the course.

3. **Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other properties in the same zone.** The danger of golf balls creates a potential hazard to the facility and its operators, a hazard that is not shared by other public utilities in the UPZ.

4. **The Variance would substantially affect the General Plan and be contrary to the public interest.** Objective 14. C of the General Plan is to provide safe drinking water for residents and visitors, which is the goal of the water treatment plant. The proposed net would help protect the plant and its workers.

5. **The spirit of the LMC is not observed, and substantial justice is not done.** The proposed Three Kings net would prevent damage to infrastructure at the water treatment plant.

Staff recommended that the Board of Adjustment review and consider approving the Variance based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter.

Capital Projects Manager, Steven Dennis, stated that Park City residents enjoy their recreation facilities, which include the multi-use pathways. The Bike and Pedestrian Plan adopted in 2024, looks at identifying different network types. The area is flagged for a high comfort network, and golf balls coming onto the pathway would diminish its efficacy. Staff

consulted with Judge Netting, a local firm that specialized in nets, to create the recommendation for an appropriate amount of protection that will uphold Park City's values of high health, safety, and welfare standards for its municipal property.

Public Utilities Engineer, Harrison Holley, stated that he met with Judge Netting regarding the netting for the water treatment plant. There are existing trees on the property, and four additional trees were planted earlier that day that will be outside of the netting. When the trees mature, they may provide enough protection that the netting can be removed. The water treatment plant is the first of its kind; not many municipalities treat their water for heavy metals. As a result, architects, school groups, and others tour the plant, and those visitors also need to be protected.

In response to a question raised by Board Member Gezelius, Manager Dennis stated that the holes in the net will be approximately one inch. They are made from black high-density nylon. The nets will not be removed in the winter, and the expected lifespan is 15 to 20 years. Engineer Holley noted that the poles will last much longer, so only the net would need to be replaced at that time. Ongoing maintenance expenses for the Thaynes net would be paid through the Golf Course Enterprise Fund, and expenses for the Three Kings net would be paid through the Water Fund.

Director Ward stated that a recommended Condition of Approval for a previous application was that the net be removed when the golf course is not in operation. Chair Franklin asked if the Board should consider adding that condition.

Board Member Stafsholt stated that the golf course did not have this problem until the pathway was installed, so the condition was created by the City. He asked why the funding would come from the Golf Course Enterprise Fund and instead of Capital Projects, since that is the department that created the issue. Manager Dennis clarified that the initial installations would be paid through the Capital Projects Fund, but ongoing maintenance and replacement would be paid through the other enterprise funds.

Board Member Stafsholt asked if a committee designed the nets and if the conceptual drawings included in the Staff Report were accurate. Manager Dennis stated that the concepts were advancing through the design process and would be reviewed by structural and civil engineers. Engineer Harrison clarified that the projects were separate. They had consulted with Judge Netting for the Three Kings net, but no final designs had been supplied. If the Variance was approved, the project would move into the appropriate procurement pathway.

Board Member Stafsholt stated that the maintenance facility has an existing horizontal net and asked if a similar design was considered. Engineer Harrison confirmed that canopy netting was considered. However, the golf maintenance team indicated that the canopy netting experiences snow buildup that degrades the material. Board Member Stafsholt noted that the poles and netting are shown on the wrong side of the fence in the concept drawing. Engineer Harrison confirmed that they would be installed on the correct side of the fence. Board Member Stafsholt also described issues he found with the Thaynes net

drawing, including pole location and spacing. Manager Dennis clarified that the concepts were not finalized, and equipment movement would be considered in the final design.

Board Member Stafsholt asked if fencing was considered along the back rail. Manager Dennis stated that it was being contemplated for phase two of the pathway.

Board Member Schulman stated that she was surprised to learn that no neighbors had objected to the 50-foot height. Manager Dennis stated that neighbors have expressed support for the height because they are negatively impacted by errant golf balls. The item was presented to the City Council for budget approval, and at that meeting, several residents spoke in support of the projects. Extensive landscaping will also be installed to help hide the netting. The fully mature trees will be 50 to 60 feet tall. Other visual mitigations will include decreasing the diameter of the poles, spacing them behind mature trees, etc. Staff is cognizant of the impact on the neighborhood, but they also want to ensure residents' safety.

Director Ward reported that if the Board of Adjustment approved the Variance, the Applicant would be required to submit a Conditional Use Permit application to the Planning Commission. A public hearing would be part of that review, and property owners within 300 feet of the property would receive notice of that hearing.

Board Member Stafsholt stated that the location of the netting would mitigate the problem, but he was surprised that no members of the public had requested that the net be removed in the winter. Manager Dennis explained that there were operational concerns with removing and reinstalling the netting yearly. It would require extensive effort and could be damaged in storage. Netting can also stretch over time, so reinstallation would be difficult and may not provide the same level of protection year over year. The vendor was chosen for their expertise, and it was not reasonable to expect that same level of expertise from the golf and water maintenance teams.

Chair Franklin referred to Figure 5 and asked if the water treatment facility had impact-resistant windows. Engineer Harrison confirmed that the materials are impact-resistant. The net was proposed to extend beyond the building to achieve the required height and protect the site from balls flying over the building and into the pedestrian area. The net will not extend beyond the hammerhead turnaround, as they have not found golf balls in that area. Some protection will be provided by the two mature trees and four new trees. Chair Franklin noted that the tree branches do an excellent job of stopping errant golf balls. The Board Members discussed the length of the driving range and its history.

Chair Franklin asked if the Thaynes and Three Kings nets should be considered separately. Board Member Gezelius asked if the Findings of Fact and Conditions of Approval would need to be revised to separate the items. Board Member Wilson stated that she did not see a need to separate them. Board Member Stafsholt noted that the criteria for approval were the same for both nets. Board Member Schulman stated that she was comfortable with the motion as written because neighbors will have the opportunity to participate in a public

hearing regarding the net they may find objectionable. It was noted that the Planning Commission would consider the seasonality of the nets.

Director Ward asked that Condition of Approval 1 be amended to replace “existing” with “final” grade.

MOTION: Board Member Gezelius moved that the Board of Adjustment APPROVE the from the 28Foot Height for the Urban Park Zoning District in Land Management Code § 15-2.26-4 to 50-Feet in Height for a 100-Foot-Long Net at the Three Kings Water Treatment Plant in the Urban Park Zoning District and a 600-Foot-Long Net Along the Thaynes Pathway in the Urban Park Zoning District, subject to the following:

Findings of Fact

1. The Applicant proposes two safety nets, both up to 50 feet in Height, at the Park City Golf Course and Three Kings Water Treatment Plant at 1884 Three Kings Drive. The nets are requested to provide protection from errant golf balls.

2. 1884 Three Kings Drive is a 67.75-acre Lot in the Park City Golf Course Back Nine Subdivision and Urban Park Zoning District (UPZ). The property is part of the Hotel Park City Master Planned Development (MPD).

3. The net proposed along Thaynes Canyon Drive is 600 feet long, and ranges in height from 20 to 50 feet from Final Grade, to provide protection for users of the new multi-use pathway installed along Thaynes Canyon Drive.

4. The net proposed for the Three Kings Water Treatment Plant is 100 feet long and a maximum of 50 feet tall and is located northeast of the Three Kings Water Treatment Plant to provide protection for the facility.

5. On June 26, 2025, the City Council authorized a construction agreement for a 50-foot-tall net along the new Thaynes Canyon Drive multi-use pathway.

6. On July 25, 2025, the Applicant applied for a Variance from maximum UPZ height for two nets—one for the multi-use pathway and one for the Water Treatment Plant—at 1884 Three Kings Drive.

7. The Applicant seeks a Variance from the Urban Park Zone Building Height maximum outlined in Land Management Code Section 15-2.26-4 to install safety nets along the Park City Golf Course.

    a. LMC § 15-15-1 defines a Fence as “A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.”

b. LMC § 15-2.26-2(C)(14) establishes that Fences greater than six-feet in Height above Final Grade are Conditional Uses and require a Conditional Use Permit (CUP). Both golf nets are proposed to reach a maximum of 50-feet in Height above Final Grade.

c. Land Management Code (LMC) § 15-2.26-4 establishes the UPZ Height at 28 feet from Existing Grade. The Applicant is proposing golf nets with a maximum Height of 50-feet above Final Grade, which is not allowed unless granted a Variance. The Applicant requests a Variance to allow two nets, both up to 50 feet in height from Final Grade, to provide protection from errant golf balls.

8. In order to grant the requested Variance, the Board of Adjustment must find that all five criteria in LMC Section 15-10-8(C) are met. The Applicant bears the burden of proving that all the conditions justifying a Variance have been met.

a. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code.

i. Pursuant to LMC § 15-2.26-1 The purpose of the UPZ is to:

1. Promote the preservation of Historic Buildings, Structures, Sites, or Objects;
2. Preserve the vegetation and habitat of natural Areas;
3. Provide for careful review of low-intensity recreational Uses and environmentally-sensitive, non-motorized trails;
4. Establish and preserve districts for land Uses requirements substantial Areas of Open Space covered with vegetations that are substantially free from Accessory Buildings, Streets, and Parking Lots;
5. Permit recreational Uses and preserve recreation land;
6. Encourage parks, golf courses, trails, and other compatible public or private recreational Uses, and preserve and enhance park amenities; and
7. Encourage sustainability, conservation, and renewable energy.

ii. **Thaynes net:** The purposes of the UPZ include permitting recreational uses and preserving recreation land, while also encouraging golf courses and other compatible recreational uses, enhancing park amenities. The proposed net provides a buffer between the public golf course and the multi-use pathway, which enhances bike and pedestrian access along Thaynes Canyon Drive. Literal enforcement of the LMC would not allow for sufficient multi-use pathway protections that serve a public benefit.

iii. **Three Kings Net:** Essential public utilities are a Conditional Use in the UPZ (LMC § 15-2.26-2(C)(1)). On October 24, 2018, the Planning Commission approved the Master Planned

Development, Conditional Use Permit (CUP), and Subdivision for the Three Kings Water Treatment Plant. The net is proposed to be installed to protect these public utility buildings, equipment, vehicles, and in some cases, operational zones, where staff and visitors are present. Strict enforcement of the LMC would require the Three Kings net to be reduced to 28 feet in Height, reducing the effectiveness of protection for public utility operations.

b. There are special circumstances attached to the Property that do not generally apply to other properties in the same zone.

i. **Thaynes Net**: The Thaynes Canyon Drive multi-use pathway is uniquely positioned within the UPZ because it runs along the golf course. The other properties in the UPZ are primarily parks where the risks of nearby pedestrians and bikers being struck by golf balls are minimal to non-existent.

ii. **Three Kings Net:** The Three Kings Treatment Plant is a uniquely located public facility within the golf course and errant golf balls could impact operations and equipment. The expansion of the Three Kings Treatment Plant was required due to State and Federal regulatory matters regarding water quality. The Park City Golf Course is the only golf course within the UPZ with a public facility located within.

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

i. **Thaynes Net:** LMC § 15-2.26-3(A) establishes that paths are an allowed Setback exception in the UPZ. Creating safe conditions for users of the path would increase the enjoyment of the use of the property and the multi-use path. Other properties in the UPZ do not include golf courses, so these properties do not have the same need for safety netting that exceeds the Zone Height.

ii. **Three Kings Net:** Public utilities are a Conditional Use in the UPZ. This establishes the right for the City to build and operate, as Conditioned, those public utilities. The danger of golf balls creates a potential hazard to the facility and its operators, a hazard not shared by other public utilities in the UPZ, as the Park City Golf Course is the only Golf Course located within the UPZ.

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

i. **Thaynes Net:** Strategy 3.4 of the General Plan states “Create safe bike/pedestrian pathways between all public spaces within City limits.” The Golf Course is a public space, often used by the community for their recreation needs. The Thaynes pathway is a step towards the Strategy of having pedestrian pathways between all public spaces. The proposed net provides increased safety to users of the pathway.

ii. **Three Kings Net:** Objective 14.C of the General plan states "Provide safe drinking water to residents and visitors." The Three Kings Water Treatment Plant treats the water that comes from the Spiro Mine Tunnel to ensure it is safe for residents and visitors to drink. The net will ensure that the equipment for the facility, and the people that work there, are themselves, in turn, safe.

e. The Spirit of the Land Management Code is observed, and substantial justice done.

i. **Thaynes Net:** LMC § 15-1-2(A) states that the purpose of the LMC is, in part, to "promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City." LMC § 15-1-2(C) reinforces this statement, noting the purpose of the LMC is to "protect and preserve peace and good order, comfort, convenience." Another purpose in LMC § 15-1-2(F) is "[t]o provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation." The Thaynes pathway, as a multi-use path, provides for better pedestrian and bicyclist circulation within the wider context of the City, and the proposed net would provide safety to users of the path.

ii. **Three Kings Net:** The proposed net directly serves the purposes of the LMC, as it would provide protection to employees and visitors to the Water Treatment Plant. The proposed Three Kings net would prevent damage to infrastructure at the Water Treatment Plant, promoting the general health, safety, and welfare of residents, businesses, and visitors.

9. The Development Review Committee reviewed the proposal on August 5, 2025, and confirmed that it meets their standards.

10. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 5, 2025. Staff mailed courtesy notice to property owners within 300 feet on August 5, 2025. *The Park Record* published courtesy notice on August 5, 2025.

Conclusions of Law

1. The Applicant proved their request meets the five criteria outlined in Land Management Code Section 15-10-8:
   a. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;
   b. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;

c. Granting the Variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;
d. The Variance will not substantially affect the General Plan and will not be contrary to the public interest; and
e. The spirit of the Land Management Code is observed and substantial justice done.

Conditions of Approval

1. The Maximum Height from Final Grade for the nets is 50 feet.

2. The Variance is limited to the outlined request. No other modifications are proposed or approved.

3. Prior to construction, the Applicant must receive approval for a CUP from the Planning Commission.

4. Any other construction will require compliance with LMC Chapter 15-2.26.

Board Member Stafsholt seconded the motion. The motion passed with the unanimous consent of the Board.

D. <u>Parcel PC-SS-88 (Southeast Quinn's Junction East of HWY 40, South of the Rail Trail) – Variance – The Applicant Requests a Variance from the 28-Foot Height for the Recreation and Open Space Zoning District in Land Management Code § 15-2.7-4 to 76Feet in Height and a Variance from the Land Management Code § 15-4-14(F)(4)(c) Requirement Limiting Panel Antennas to Five-Square-Feet in Area Per Face to 5.02Square Feet of Area to Allow Replacement of Telecommunications Equipment. PL-2506624.</u>

Planner Ehlers presented the Staff Report and displayed aerial photos indicating that the property is located near Highway 40 and south of the Rail Trail in the Recreation and Open Space ("ROS") Zoning District. The existing facility consists of ground equipment and antennas mounted on utility poles. The proposal would remove six existing antennas and replace them with three smaller antennas. Elevations and antenna diagrams were reviewed.

A Site Lease was signed in 2000 between the then-owners of the property and T-Mobile. As Summit County was unable to locate the original approvals, the date the facility was built is unknown. In 2013, T-Mobile was allowed to replace six antennas without Building or Land Use Permits. In 2021, Summit County allowed the installation of a new micro-antenna, which required a Building Permit. The property was annexed into Park City in 2022. The applicant then applied for a CUP on December 16, 2024, but the proposal would not meet the height requirements for the zone. A Variance application was received on July 22, 2025.

The ROS Zoning District allows a maximum height of 28 feet, and the Applicant requested a Variance to allow for a height of 76 feet. Panel antennas are also limited to five square feet per space, and the Applicant requested a Variance to allow 5.02 square feet per face.

Staff analysis of the Variance Criteria determined the following:

1. **Literal enforcement of the LMC would not cause an unreasonable hardship that is necessary to carry out the general purpose of the LMC.**
   Literal enforcement would cause an unreasonable hardship as the Applicant would not be able to maintain or upgrade the structure without a Variance and CUP and would therefore have to construct a new facility in an unknown location instead of using the existing facility.

2. **There are not special circumstances attached to the property that do not generally apply to other properties in the same zone.**
   This is the only Telecommunications Facility of its size and scale identified in the annexed area. It was constructed in and allowed to be maintained by another jurisdiction for over a decade.

3. **Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other properties in the same zone.**
   If the Variance was denied, the Applicant would be unable to upgrade and maintain the existing Telecommunications Facility, which would decrease the quality of service and prevent them from taking advantage of technological advancements.

4. **The Variance would substantially affect the General Plan and be contrary to the public interest.**
   Goal 1 of the General Plan is to protect undeveloped lands, discourage sprawl, and direct growth inward. The proposed Variance supported this goal by maintaining an existing structure, eliminating the visual potential impacts of a new facility, and reducing the existing visual impact.

5. **The spirit of the LMC is not observed, and substantial justice is not done.**
   Although the existing facility is visually impactful, approval of the Variance would reduce those impacts.

Staff recommended that the Board of Adjustment review and consider approval of the proposed Variance based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Final Action Letter.

In response to a question from Board Member Stafsholt, Planner Ehlers clarified that a Telecommunications Facility is a Conditional Use in the ROS Zone. Board Member Stafsholt asked if granting the Variance would set a precedent for additional 76-foot-high telecommunications equipment in the zone. Director Ward indicated that a Condition of

Approval of the draft Final Action Letter would limit the approval to this specific request. If additional equipment was proposed, it would require a new Variance.

MOTION: Board Member Stafsholt moved that the Board of Adjustment DENY the Variance from the Regulations for Parking Areas for Historic Residential Sites Outlined in Land Management Code § 15-13-2(B)(1)(G) to Construct a Parking Area in Front of the Significant Historic Site subject to the following:

Findings of Fact

1. Parcel PC-SS-88 is a 145.59-acre metes-and-bounds Parcel in the Recreation and Open Space (ROS) Zoning District and Sensitive Land Overlay (SLO).

2. The Applicant proposes to upgrade an existing Telecommunications Facility east of HWY-40 and south of the Rail Trail.

3. While reducing the overall size of the existing Telecommunications Facility, the Applicant requests a Variance to allow upgrades to a Telecommunications Facility that exceeds the ROS Zone Height and size limitations for panel antennas.

4. The Applicant also proposes changes to ground-level telecommunications equipment but not to the Structure's footprint.

5. In 2000, a site lease was signed between United Park City Mines, the then-owner of PC-SS-88, and VoiceStream PCS II Corporation, the tenant at the time, for the creation of a Telecommunications Facility. At the time, PC-SS-88 was in unincorporated Summit County. VoiceStream was later rebranded as T-Mobile.

6. Although land use and building permits were required under the Summit County Code at the time of the Telecommunication Facility installation, the Summit County Planning Department was unable to locate any initial approvals.

7. In a May 28, 2013, email, Summit County informed T-Mobile that it did not need land use or building permits for a scope of work to replace six existing antennas with six new antennas.

8. In a September 30, 2021, email, Summit County informed T-Mobile that it did not need a land use permit for the replacement of the microwave dish antenna at this location. On December 16, 2021, Summit County issued a building permit for the antenna.

9. On June 16, 2022, the City Council of Park City approved Ordinance No. 2022-18 annexing Southeast Quinn's Junction, including PC-SS-88. The parcel was zoned ROS and SLO.

10. Park City's Land Management Code (LMC) requires a Conditional Use Permit for a Telecommunications Facility.

11. On December 16, 2024, the Applicant submitted a Conditional Use Permit application for the proposed upgrades to the Telecommunications Facility. Because there are no documented land use approvals for the original facility, Planning staff determined a Variance is required pursuant to the requirements of the Land Management Code.

12. On July 22, 2025, the Applicant submitted PL-25-06224 requesting a Variance for the Telecommunications Facility.

13. The Applicant seeks a Variance from the Building Height regulations in the ROS outlined in Land Management Code Section 15-2.7-4.
    a. Land Management Code (LMC) § 15-2.7-4 establishes that the ROS Zone Height is 28 feet from Existing Grade. The Applicant requests a Variance to allow upgrades to an existing Telecommunications Facility with a height of 76 feet from Existing Grade. Proposed work is limited to the installation of replacement panel antennas and does not include increasing the height of the existing Structure.

14. The Applicant seeks a Variance from the Site Requirements for Telecommunications Facilities outlined in LMC § 15-4-14(F)(4)(c).
    a. LMC § 15-4-14(F)(4)(c) limits panel antennas to five square feet per face. The Applicant requests a Variance to allow panel antennas with 5.02 square feet per face.

15. To grant the requested Variance, the Board of Adjustment must find that all five criteria in LMC Section 15-10-8(C) are met. The Applicant bears the burden of proving that all the conditions justifying a Variance have been met.
    a. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code.
        i. Pursuant to LMC § 15-2.7-1 The purpose of the ROS Zoning District is to:
            1. Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
            2. Permit recreational Uses and preserve recreational Open Space land,

3. Encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
4. Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
5. Encourage sustainability, conservation, and renewable energy.

ii. LMC § 15-4-14 establishes the goal of the Telecommunications Facility regulations: "[T]o ensure that Telecommunications Facilities are Compatible with the unique characteristics of each Zoning District of Park City, and that adverse impacts on community quality and safety in residential, commercial and industrial Areas, are mitigated. The intent of these requirements is to locate Telecommunications Facilities and related equipment where they are least visible from Public Streets, public Areas and designated view corridors and, to the best extent possible, provide Screening from adjacent Property Owners."

iii. The proposed Telecommunication Facility updates:
1. The Telecommunications Facility is existing.
2. Neither the footprint nor height of the existing facility are proposed to be expanded. Instead, the proposal reduces the number of antennas from nine to six. The overall square footage of the antennas is also reduced, from 120 square feet to 63.6 square feet. This results in an overall reduction to the adverse visual impacts created by the existing facility.
3. In contrast, literal enforcement would create a situation where the Applicant is unable to maintain the existing Structure. It may also lead to the need to create additional Telecommunications Facilities in residential, commercial, and industrial areas to compensate for the loss in coverage if this facility were required to be removed, potentially impacting Open Space areas.

b. There are special circumstances attached to the Property that do not generally apply to other properties in the same zone.

i. Telecommunications Facility is the only one of its size and scale identified in the annexed area. Although staff were unable to find initial land use approvals from Summit County, the facility has existed for over a decade and was allowed to be maintained by Summit County.

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

i. Telecommunications Facilities are a Conditional Use in the ROS Zoning District (LMC § 15-2.7-2(C)(22)). If the Variance is denied, the Applicant would not be able to upgrade and maintain the existing facility, leading to decreased quality of service and

preventing the facility from taking advantage of any advancements in telecommunications technology.

d. The Variance will not substantially affect the General Plan and will not be contrary to the public interest.
   i. Goal 1 of the General Plan is to "protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods." The proposed Variance supports this goal by maintaining an existing Structure, eliminating the need for new facilities on undeveloped lands. The proposed project also reduces the visual impacts of the facility by incorporating fewer and smaller panel antennas.

e. The Spirit of the Land Management Code is observed, and substantial justice done.
   i. A Telecommunications Antenna is a Conditional Use in the ROS Zoning District. Although the existing facility is visually impactful, proposed upgrades will reduce visual impacts. The Variance would allow the Telecommunications Facility to be upgraded and provide improved service to Park City with no increase in adverse impacts.

16. The Development Review Committee reviewed the proposal on July 1, 2025, and confirmed that it meets their standards.

17. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 5, 2025. Staff mailed courtesy notice to property owners within 300 feet on August 5, 2025. *The Park Record* published courtesy notice on August 5, 2025.

Conclusions of Law

1. The Applicant proved their request meets the five criteria outlined in Land Management Code Section 15-10-8:
   a. Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;
   b. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;
   c. Granting the Variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;
   d. The Variance will not substantially affect the General Plan and will not be contrary to the public interest; and
   e. The spirit of the Land Management Code is observed and substantial justice done.

Conditions of Approval

1. The maximum height for the existing Telecommunications Facility is 76 feet from Existing Grade.

2. The maximum area per face allowed for panel antennas at the existing Telecommunications Facility is 5.02 square feet.

3. The Variance is limited to the outlined request. No other modifications are proposed or approved.

4. Prior to construction, the Applicant must receive Conditional Use Permit approval from the Planning Commission.

5. Future construction requires compliance with LMC Chapter 15-2.7, LMC Chapter 15-2.21, and LMC § 15-4-14.

Chair Franklin seconded the motion. The motion passed with the unanimous consent of the Board.

Director Ward reported that there were currently no pending applications for Board of Adjustment review at a future meeting.

7. ADJOURN

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

The Board of Adjustment Meeting adjourned at 6:45 PM.

Approved by _____
Jennifer Franklin, Board of Adjustment Chair

Board of Adjustment
Staff Report

Subject: **416 Ontario Avenue**
Application: **PL-25-06764**
Author: **Meredith Covey, Planner II**
Date: **January 13, 2026**
Type of Item: **Variance**

As of May 7, 2025, Utah Code Section 10-20-1101(5) prohibits municipalities from conducting public hearings on Variance applications.

Recommendation

(I) Review the requested Variance from Land Management Code (LMC) § 15-13-8(B)(7) *Regulations for Decks at New Residential Infill Construction and Non Historic Residential Sites in Historic Districts* and LMC § 15-2.2-3(G) *Historic Residential – 1 Zoning District Setbacks* to construct a deck within the Front Setback of the non-Historic Single-Family Dwelling at 416 Ontario Avenue and (II) consider denying the Variance based on the Findings of Fact and Conclusions of Law outlined in the draft Final Action Letter (Exhibit A).

Description

Applicants:	Pei-Yu Wen and Rafael Baez
Location:	416 Ontario Avenue
Zoning District:	Historic Residential – 1
Adjacent Land Uses:	Residential
Reason for Review:	Variances require Board of Adjustment review and Final Action.[1]

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

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Background

416 Ontario Avenue is a non-Historic Single-Family Dwelling (SFD) in the Historic Residential – 1 (HR-1) Zoning District. The property is Lot A of the 416 Ontario Plat Amendment recorded with Summit County in 2019 (Entry No. 1116610; Exhibit B). While the Structure was constructed in 1904, due to substantial modifications over the years it is not listed on the Park City Historic Sites Inventory codified in LMC § 15-11-10.

[1] LMC § 15-1-8(I)

Image 1: 460 Ontario Avenue highlighted in red, the HR-1 Zoning District is shown in blue

Image 2: 416 Ontario Avenue, image from Google Maps taken from Ontario Avenue looking south in August of 2024.

The Deck in the above image had existed for quite some time and encroached into both the Front Setback and the public Right-of-Way, Ontario Avenue. On May 17, 2019, the property owner entered into an Encroachment Agreement with Park City recorded with Summit County for the stairs, retaining wall, and deck that encroach into Ontario Avenue (Entry No. 01111051; Exhibit E).

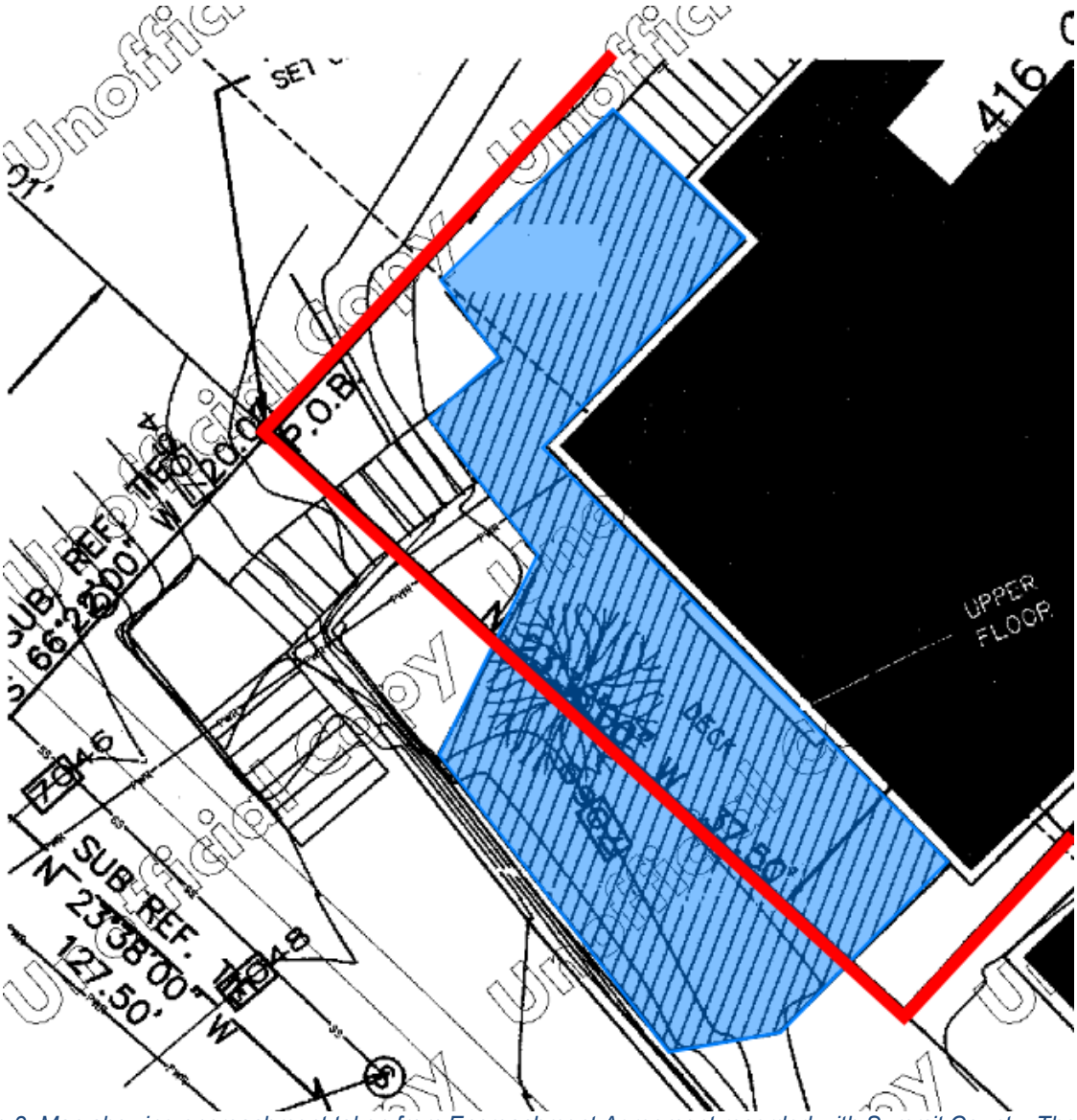


Image 3: Map showing encroachment taken from Encroachment Agreement recorded with Summit County. The Deck is shown in blue, the property line for 416 Ontario is highlighted in red. Image highlighted by Staff

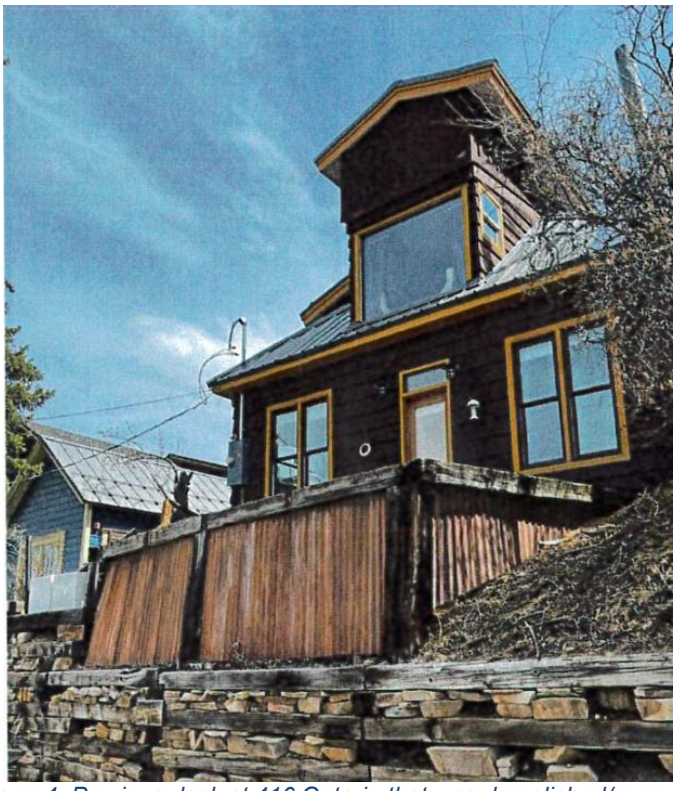


Image 4: Previous deck at 416 Ontario that was demolished/removed

LMC § 15-15-1 defines “Non-Complying Structure” as a Structure that “legally existed before its current zoning designation; and because of subsequent zoning changes, does not conform to the zoning regulation’s Setback, Height restrictions, or other regulations that govern the Structure.” The previous Deck was a Non-Complying Structure. Pursuant to LMC § 15-9-6, a Non-Complying Structure may be repaired so long as it does not create any new non-compliance. When a Non-Complying Structure is removed, it loses its Non-Complying Structure status and new construction must meet the requirements of the LMC in effect at the time of application submittal.

On January 24, 2025, the City issued the Property Owner a demolition permit (25-0035) that the Planning Department conditioned, stating:

> *"Any portion of the deck removed may not be replaced without a Historic District Design Review Pre-application first. Any portion of the deck proposed to be replaced must go through a Historic District Design Review Pre-application before a building permit can be issued to construct. All new construction must comply with Zoning Requirements, including Setbacks, wall, Deck, and Fence height requirements, and must not create any new encroachments outside of the Property.”*

On April 15, 2025, the Applicant submitted a Historic District Design Review (HDDR) Pre-Application to the Planning Department proposing to repair the Decking material (PL-25-06500).

On April 23, 2025, the Planning Department conducted an inspection at the property to verify the location of the Deck and ensure the structural elements were still in place and the Non-Complying Structure status had not been lost. Staff took the following images on site:

Images 5 and 6: Structural elements in place at 416 Ontario; Images taken by Planning Staff April 23, 2025

On May 21, 2025, the Planning Department issued a HDDR Pre-Application waiver letter for the repair of the Decking material. However, staff again reiterated that if the Deck was removed the Non-Complying Structure status would be lost and any new Deck would be required to comply with the Lot and Site requirements of the LMC in effect (Exhibit C).

The Applicant then submitted Building Permit 25-0943 for an interior remodel along with the repair of the decking material. On May 29, 2025, the Planning Department stamped the proposed plans and included the following note:

> *"Repair of the decking material only. There are no changes to the structural elements or footprint of the deck. If any changes are proposed or made the deck will need to come into compliance with current zoning requirements."*

The Building Department included similar conditions outlining that no structural work was proposed or permitted on the deck.

The HDDR Waiver Letter issued by the Planning Department on May 21, 2025 was

uploaded with Building Permit 25-0943 and the following note was added to the Building Permit:

> *"Please see conditions on HDDR Waiver Letter. Please note this permit applies to the repair of the decking material only. No structural work is proposed or approved as part of this permit."*

A message sent through City Inspect, the software used by the City for processing building permits, was added from the Planning Department and sent to the Applicant:

> *"Please see the conditions on the stamped plans. Repair of the decking material only. There are no changes to the structural elements or footprint of the deck. If any changes are proposed or made the deck will need to come into compliance with current zoning requirements."*

Contrary to the conditions of approval outlined, on June 2, 2025, additional plans were uploaded to City Inspect for demolition of the Deck and framing and foundation plans. These plans were not reviewed or approved by the Planning Department.

On October 8, 2025, the Building Department completed an inspection and noticed that changes had been made to the framing plan. The Building Inspector then contacted the Planning Department to notify them of modifications.

On October 9, 2025, the Planning and Building Departments met to discuss the modifications. The Building Department confirmed that the Deck had been removed and rebuilt. The Deck had new structural supports and decking material as well.

On October 10, 2025, the Building Department issued a Stop Work order for construction in violation of City code and approvals.

On November 20, 2025, the Applicant submitted a request for a Variance from the requirements of the LMC.

Image 7: New deck under construction at 416 Ontario; Photo taken by Staff on December 18, 2025

416 Ontario Avenue is in a Historic District and regulations for Decks in the Historic District are strict to protect the character and compatibility of Old Town. LMC § 15-15-1 defines *Deck* as "[o]pen structure above the ground that is located in the front yard, rear yard, or side yard of a Site." LMC § 15-13-8(B)(2)(7) outlines regulations for Decks associated with non-Historic residential infill in the Historic Districts:

1. ***Decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way***, usually on the tertiary façade. When built on a secondary façade of a new structure, a Deck should be screened from the primary public right-of-way with fencing and/or appropriate native landscaping.
2. ***The visual impact of a Deck should be minimized by limiting its size and scale. Introducing a deck that visually detracts from a new structure****, or substantially alters a site's proportion of built area to open space* ***is not appropriate***.

In 2023, Planning staff requested SWCA Lead Architectural Historian complete a technical memorandum to outline appropriate dimensions for compatible porches and decks in the Historic Districts (Exhibit D). The technical memorandum states that although "the LMC provides some direction regarding historically compatible porches, balconies, and decks, the purpose of this technical memorandum is to review those guidelines and provide clarification and supplemental guidance." The technical memorandum establishes the following for Decks:

- Existing residential Decks in the Historic District were constructed after the period of significance for the Mining Boom Era Residences Thematic District and are not considered contributing characteristics or elements for the district.
- The form and dimensions for proposed Decks within the Historic District should be consistent with the LMC and scaled in the same manner as historic porches when visible from the public right-of-way.

In addition to the Historic District regulations, the HR-1 Zoning District *Lot and Site Requirements* regulations minimize allowable Decks. 416 Ontario is 75 feet deep and requires a 10-foot Front Setback pursuant to LMC § 15-2.2-3. LMC § 15-2.2-3(G)(3) allows Decks to encroach into the Front Setback so long as they are no more than 10 feet wide and project no more than 3 feet into the Front Setback. The newly constructed Deck is 25 feet wide and 12 feet deep and encroaches into 7 feet of the Front Setback, crossing over the property line and encroaching 5 feet into Ontario Avenue.

Analysis

(I) The Applicant seeks a seeks a Variance from LMC § 15-2.2-3(G) *Front Setback Exceptions in the HR-1 Zoning District* and § 15-13-8(B)(7) *Regulations for Decks for non-Historic Residential Sites* to construct a Deck in the Front Setback that Encroaches into Ontario Avenue for the Single-Family Dwelling in the Historic District. To grant the requested Variance, the Board of Adjustment must find that all five criteria in LMC § 15-10-8(C) are met. The Applicant bears the burden of proving that all the conditions justifying a Variance have been met.

The Board of Adjustment hears Variance requests and takes Final Action. The Board of Adjustment may impose additional requirements on the Applicant to mitigate any harmful effects of the Variance or serve the purpose of the standard or requirement that is waived or modified.[2]

In determining whether an unreasonable hardship exists, pursuant to LMC § 15-10-8(C)(1), the Board of Adjustment must find the unreasonable hardship is located on or associated with the Property for which the Variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.[3] In determining whether or not enforcement of the LMC would cause

[2] LMC § 15-10-8
[3] LMC § 15-10-8(D)(1)

unreasonable hardship, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.[4]

The five criteria in LMC § 15-10-8(C)(1) are outlined below, with the Applicant's response in *italics* and staff analysis below. For a Variance to be approved, the Board must find the Applicant met their burden of proving all five Variance criteria are met. Please see Exhibit D for the Applicant's full analysis and narrative.

(1) Literal enforcement of the Land Management Code would not cause unreasonable hardship for the Applicant that is necessary to carry out the general purpose of the Land Management Code.

Goal 5C of the Park City General Plan is to protect, preserve, enhance, and celebrate the historic character of the community within the Historic Districts. The LMC is enacted to implement the goals and policies of the General Plan (LMC § 15-1-2). The purposes of the HR-1 Zoning District outlined in LMC § 15-2.2-1 are to:

A. preserve present land Uses and character of the Historic residential Areas of Park City;
B. encourage the preservation of Historic Buildings and/or Structures;
C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
D. define Development parameters that are consistent with the General Plan policies for the Historic core; and
E. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment

The Applicant states:

"The literal enforcement of the Land Management Code would add unreasonable hardship from the fact that the new deck will need to be drastically reduced in size resulting in decreased enjoyment and use of the front setback of the home. The existing home is significantly further set back compared to neighboring properties. The property is on an extreme slope thus the deck is not visible from the street except for the railing

Some of the general purposes of the Park City Land Management Code are to:

A. promote the general health, safety and welfare of the present and future inhabitants, businesses, and visitors of Park City;
B. preserve open space, scenic views, environmental areas, steep slopes and sensitive lands;

Preservation of rights to the current deck will improve both the safety and welfare

[4] LMC § 15-10-8(D)(2)

of present and future inhabitants, as well as visitors considering the dangerous nature of the original deck and trees. Increased enjoyment of Park City's scenic views would also result from having a larger front deck area. The newly constructed deck adheres to the general purposed of the Park City Land Management Code."

LMC § 15-10-8 states "[i]n determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship (…), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood."

In 2019, the City Council adopted Ordinance No. 2019-06 approving updated Design Regulations for Historic Districts and Historic Sites. These regulations are applied consistently to properties in the Historic District. All new non-Historic residential infill is required to comply with the standards outlined in LMC § 15-13-8 *Regulations for New Residential Infill in the Historic District*. The proposed Deck will create additional mass and bulk on the street impacting the streetscape and compatibility with adjacent Structures. Requiring the Deck to be modest in scale and minimized when visible from the public right-of-way would enhance the site's compatibility with other homes and Historic Structures on the Street.

Image 8: Ontario Avenue to the north of 416 Ontario Avenue. Image from Google

Image 9: Ontario Avenue to the south of 416 Ontario Avenue. Image from Google

Pursuant to LMC § 15-9-6, the previous Non-Complying Structure could have been repaired or maintained to remain safe and usable. This was outlined in the HDDR waiver letter issued by the Planning Department on May 21, 2025. However, once the Deck was removed, the Non-Complying Structure status was lost.

Literal enforcement of the LMC, which in this case would not allow for a Deck on the front façade as outlined in LMC § 15-13-8(B)(7), does not create unreasonable hardship for the Applicant. A front Deck is permitted subject to LMC and HDDR approval when it is compliant with the scale required in the Historic District. The proposed Deck is requested for increased enjoyment of a viewshed, and this does not constitute a hardship. No Deck on the front facade of the Structure, or a Deck that is substantially reduced in size, complies with the purpose of the LMC to encourage construction of Historically Compatible Structures that contribute to the Historic character and scale in the Historic District.

(2) There are not special circumstances attached to the Property that do not generally apply to other properties in the same zone.

The Applicant states:

"Special circumstances attached to the property include the age of the deck, this it precedes the current Land Use Ordinance. The original deck was constructed before the current Land Use Ordinance took place and was allowed to remain through the grant of an easement. This does not apply to other properties in the same zone due to the fact that they are mostly new construction. The removal of the deck was not a self-imposed hardship as it was necessary due to the failing nature of the structure and substandard construction"

Staff finds that properties in the HR-1 Zoning District are required to comply with the LMC in effect at the time of construction. All new construction or additions to Historic Structures are required to comply with the LMC in effect at the time of construction. The Structure at 416 Ontario Avenue is not a Historic Structure and the proposed Deck is new construction which is required to comply with the LMC. This standard is applied equally to all new construction and additions in the HR-1 Zoning District.

(3) Granting the Variance is not essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

The Applicant states:

"The enjoyment of the property would be substantially impacted from the reduction of the usability of the front of the home. The unique setback nature of the house makes a large front deck necessary to full enjoyment of both mountain views and outdoor access. The deck provides expansive views of Main Street Park City, surrounding mountains, and outdoor space. Restriction of deck size would greatly hinder enjoyment of the above. Other properties in the same zone have similar outdoor access with unrestricted views from the front of their homes, which can only be replicated through a front deck on this particular property due to the current zoning ordinance.

Staff finds that the Applicant is permitted to have a Deck on the front façade so long as it complies with the LMC Regulations and HDDR approval. Denying the request to create a Deck that is over-scaled in the Historic District and encroaches into the Front Setback and Ontario Avenue does not infringe on the Applicant's ability to enjoy their property or utilize a front Deck in a manner that is consistent with the ability of other properties in the same Zoning District. All other properties in the Zoning District are required to comply with Setback requirements. The requirements in the LMC are applied consistently to properties in the HR-1 Zoning District, and applying the code to this site does not infringe on a substantial property right and reflects the requirements at the time of construction.

(4) The Variance would substantially affect the General Plan and would be contrary to the public interest.

The Applicant states:

"The General Plan states "[w]hile the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872–1929)." The requested variance in fact preserves the original layout of the home and keeping original deck dimensions is the least destructive course of action. The variance will not be contrary to public interest as efforts will be taken to preserve the historic appearance of the front facade. The original skirting was kept and helps to maintain the original look and character. Original railroad ties and different railings might also be used to keep a similar aesthetic. The house was also granted a Preservation Award in early 2025 by the Park City Museum, showing the care taken into the renovation of the property to keep its historical appearance and charm."

It is important, as outlined in the General Plan, that new residential infill is suitable and compatible within the Historic Districts. As outlined in the SWCA technical memorandum, Decks were not seen on the front façade of Historic homes in Park City, and porches were traditionally limited to a depth of around 5 feet. Not only is the proposed Deck in violation of the Historic District regulations, which outline requirements for compatible infill, the proposed Deck is also not compliant with the HR-1 Zoning District Lot and Site requirements.

Maintaining the integrity of the historic fabric of the nationally and locally designated Historic District is integral to the goals of the General Plan. The proposed Deck does not comply with these goals.

(5) The spirit of the Land Management Code would not be observed by granting the Variance, nor substantial justice done.

The Applicant states:

"Characteristics of the parcel make adhering to current zoning ordinances impossible considering the vast array of setback exceptions that aren't and can't be conformed to. The home was constructed before modern zoning restrictions and thus the spirit of zoning ordinance can't be observed as intended. The homeowners intend to observe the spirit of zoning ordinance by preserving its external appearance with a deck of similar dimensions to the original. This upholds goal 15 of the Park City General Plan which is to "[p]reserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations."

Staff finds that LMC § 15-13-8(B)(7) mandates that "Decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary façade." The proposed Deck conflicts with the spirit of the LMC that regulates the location of Decks to not detract from the Streetscape of the Historic District when viewed from the Primary Public Right-of-Way.

As outlined above, the purpose of the HR-1 Zoning District is to:

A. preserve present land Uses and character of the Historic residential Areas of Park City;
B. encourage the preservation of Historic Buildings and/or Structures;
C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
D. define Development parameters that are consistent with the General Plan policies for the Historic core; and
E. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment (LMC § 15-2.2-1).

The proposed Deck is contradictory to the purposes outlined for the HR-1 Zoning District because it does not contribute to the character and scale of the Historic District outlined in LMC § 15-2.2-1. The proposed deck does not mitigate impacts to mass and scale and the environment as established by the purposes for the HR-1 Zoning District.

The standards of the LMC are applied equally and consistently to all property owners and projects based on the code that is in effect at the time. To grant an exception to one property owner that is contrary to the regulations outlined in the LMC does not support the equal application of the code. An exception in this manner is not equitable to other property owners that have, and will be required to, comply with the LMC.

Department Review

The Planning Department, Executive Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on December 31, 2025. Staff mailed courtesy notice to property owners within 300 feet on December 31, 2025. The *Park Record* published courtesy notice on December 31, 2025.[5]

Alternatives

The Board of Adjustment may:

- Deny the Variance.
- Approve the Variance and direct staff to make Findings for the approval.
- Request additional information and continue the discussion to a date certain.

Exhibits

A: Draft Final Action Letter
B: Recorded Plat
C: Historic District Design Review Waiver Letter 2025

[5] LMC § 15-1-21

D: SWCA Technical Memorandum
E: Encroachment Agreement

Planning Department

January 13, 2026

NOTICE OF BOARD OF ADJUSTMENT ACTION

Description

Address:	416 Ontario Avenue
Zoning District:	Historic Residential – 1
Application:	Variance
Project Number:	PL-25-06764
Action:	DENIED
Date of Final Action:	January 13, 2026
Project Summary:	The Applicant seeks a Variance from Land Management Code (LMC) § 15-2.2-3(G) *Front Setback Exceptions in the HR-1 Zoning District* and § 15-13-8(B)(7) *Regulations for Decks for Non-Historic Residential Sites* to construct a Deck in the Front Setback of a Single-Family Dwelling in the Historic District.

Action Taken

On January 13, 2026, the Board of Adjustment denied the Variance according to the following findings of fact and conclusions of law:

Procedural History

1. 416 Ontario Avenue is a non-Historic Single-Family Dwelling (SFD) in the Historic Residential – 1 (HR-1) Zoning District.
2. The property is Lot A of the 416 Ontario Plat Amendment recorded with Summit County in 2019 (Entry No. 1116610).
3. On May 17, 2019, the property owner entered into an Encroachment Agreement with Park City recorded with Summit County for the stairs, retaining wall, and Deck that encroach into Ontario Avenue (Entry No. 01111051).
4. LMC § 15-15-1 defines “Non-Complying Structure” as a Structure that “legally existed before its current zoning designation; and because of subsequent zoning changes, does not conform to the zoning regulation’s Setback, Height

restrictions, or other regulations that govern the Structure". The previous front yard Deck was a Non-Complying Structure.

5. Pursuant to LMC § 15-9-6, a Non-Complying Structure may be repaired so long as it does not create any new non-compliance. When a Non-Complying Structure is removed, it loses its Non-Complying Structure status and new construction must meet the requirements of the LMC in effect at the time of application submittal.
6. On January 24, 2025, the City issued the Property Owner Demolition Permit 25-0035 that the Planning Department clearly conditioned, stating "[a]ny portion of the deck removed may not be replaced without a Historic District Design Review Pre-application first. Any portion of the deck proposed to be replaced must go through a Historic District Design Review Pre-application before a building permit can be issued to construct. All new construction must comply with Zoning Requirements, including Setbacks, wall, deck, and fence height requirements, and must not create any new encroachments outside of the Property."
7. On April 15, 2025, the Applicant submitted a Historic District Design Review (HDDR) Pre-Application to the Planning Department to repair the decking material (PL-25-06500).
8. On April 23, 2025, the Planning Department conducted an inspection at the property to verify the location of the Deck and to ensure the structural elements were still in place and the Non-Complying status had not been lost.
9. On May 21, 2025, the Planning Department issued a HDDR Pre-Application waiver letter for the repair of the decking material. Staff reiterated that if the Deck was removed the Non-Complying Structure status would be lost and any new Deck would be required to comply with the Historic District regulations and Lot and Site requirements of the LMC.
10. The Applicant then submitted Building Permit 25-0943 for an interior remodel along with the repair of the decking material.
11. On May 29, 2025, the Planning Department approved and stamped the proposed plans with the following condition: "[r]epair of the decking material only. There are no changes to the structural elements of footprint of the deck. If any changes are proposed or made the deck will need to come into compliance with current zoning requirements." The Building Department included similar conditions outlining that no structural work was proposed or permitted.
12. The HDDR waiver letter issued by the Planning Department on May 21, 2025 was uploaded to the Building Permit file with the following note: "Please see

conditions on HDDR Waiver Letter. Please note this permit applies to the repair of the decking material only. No structural work is proposed or approved as part of this permit."

13. Staff sent a message sent through City Inspect, the software used by the City for processing building permits to the contractor stating: "Please see the conditions on the stamped plans. Repair of the decking material only. There are no changes to the structural elements or footprint of the deck. If any changes are proposed or made the deck will need to come into compliance with current zoning requirements."
14. Contrary to the conditions of approval previously outlined regarding the Non-Complying Structure status, on June 2, 2025, additional plans were uploaded to the Building Permit showing the framing and foundation plans. These plans were not reviewed or approved by the Planning Department.
15. On October 8, 2025, the Building Department completed an inspection and noticed that changes had been made to the framing plan. The Building Inspector then contacted the Planning Department to notify them of modifications.
16. On October 9, 2025, the Planning and Building Departments met to discuss the modifications. The Building Department confirmed that the Deck had been removed. New structural supports and decking material had been constructed on site.
17. On October 10, 2025, the Building Department issued a Stop Work order for the Deck.
18. On November 20, 2025, the Applicant submitted a request for a Variance.

Findings of Fact

1. Pursuant to LMC § 15-9-6, a Non-Complying Structure may be repaired so long as it does not create any new non-compliance. Based on the removal of the previously existing Non-Complying Deck, the new Deck does not retain the Non-Complying status and is required to comply with the requirements of the current LMC.
2. LMC § 15-13-8(B)(2)(7) outlines regulations for Decks in the Historic Districts.
3. The Lot at 416 Ontario is 75 feet deep and requires a 10-foot Front Setback in the HR-1 Zoning District pursuant to LMC § 15-2.2-3. LMC § 15-2.2-3(G)(3) allows Decks to encroach into the Front Setback so long as they are no more than 10 feet wide and project no more than 3 feet into the Front Setback. The newly constructed Deck is 25 feet wide and 12 feet deep and encroaches 7 feet

into the Front Setback, crossing over the property line and encroaching 5 feet into the Ontario Avenue right-of-way.

4. The Applicant seeks a seeks a Variance from LMC § 15-2.2-3(G) *Front Setback Exceptions in the HR-1 Zoning District* and § 15-13-8(B)(7) *Regulations for Decks for Non-Historic Residential Sites* to construct a Deck in the Front Yard of the Single-Family Dwelling in the Historic District.
5. In 2019 the City Council adopted Ordinance 2019-06 approving updated *Design Regulations for Historic Districts and Historic Sites*. All new residential infill is required to comply with the standards outlined in LMC § 15-13-8 *Regulations for New Residential Infill in the Historic District*. The proposed Deck will create additional mass and bulk on the street impacting the streetscape and compatibility with adjacent Structures. Requiring the Deck to be modest in scale and minimized when visible from the public right-of-way would further align the property to be compatible with other homes and Historic Structures on the street.
6. Pursuant to LMC § 15-9-6, the previous Non-Complying Structure could have been repaired or maintained to remain safe and usable. This was outlined in the HDDR Waiver Letter issued by the Planning Department on May 21, 2025. However, once the Deck was removed, the Non-Complying Structure status was lost.
7. Literal enforcement of the LMC, which in this case would not allow for a large Deck on the front façade as outlined in LMC § 15-13-8(B)(7), does not create unreasonable hardship for the Applicant. A front Deck is permitted subject to LMC and HDDR approval that is compliant with the massing and scale required in the Historic District.
8. The Applicant is permitted to have a Deck on the front façade so long as it complies with the LMC Regulations and HDDR approval. Denying the request to create a Deck that is over-scaled in the Historic District and encroaches into the Front Setback and the Ontario Avenue right-of-way does not infringe on the Applicant's ability to enjoy their property or utilize a front Deck in a manner that is consistent with the ability of other properties in the same Zoning District..
9. It is important, as outlined in the General Plan, that new residential infill is suitable and compatible within the Historic Districts. As outlined in a SWCA technical memorandum completed for the Planning Department in 2023, Decks were not seen on the front façade of Historic homes in Park City, and porches were traditionally limited to a depth of around 5 feet. Not only is the proposed Deck in violation of the Historic District regulations, which outline requirements

for compatible infill, the proposed Deck is also not compliant with the HR-1 Zoning District Lot and Site requirements. Maintaining the integrity of the historic fabric of the nationally and locally designated Historic District is integral to the goals of the General Plan. The proposed Deck does not comply with these goals.

10. LMC § 15-13-8(B)(7) dictates that "Decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary façade." The proposed Deck conflicts with the spirit of the LMC that regulates the location of decks so as to not detract from the streetscape of the Historic District when viewed from the Primary public right-of-way.
11. The proposed Deck is contradictory to the purposes outlined for the HR-1 Zoning District because it does not contribute to the character and scale of the Historic District outlined in LMC § 15-2.2-1. The proposed deck does not mitigate impacts to mass and scale and the environment as established by the purposes for the HR-1 Zoning District.
12. Other than self-imposed circumstances regarding the removal of the prior deck, the Applicant did not identify special circumstances attached to the Property.

Conclusions of Law

1. Literal enforcement of the Land Management Code for this Property does not cause unreasonable hardship and is not necessary to carry out the general purpose of the Land Management Code.
2. No special circumstances are attached to the Property that do not generally apply to other properties in the same district.
3. Granting the Variance is not essential to the enjoyment of a substantial property right possessed by other Properties in the same zone.
4. The proposal is not consistent with the General Plan, and will be contrary to public interest.
5. The spirit of the zoning ordinance is not observed.
6. The Applicant did not meet the burden of proof that all the conditions justifying a Variance have been met.

Denial of the Variance by the Board of Adjustment constitutes Final Action that may be appealed to a district court pursuant to LMC § 15-1-18. If you have questions or concerns regarding this Final Action Letter, please call 435-640-8683 or email meredith.covey@parkcity.gov.

Sincerely,

Jennifer Franklin, Board of Adjustment Chair

CC: Meredith Covey, Planner II

416 ONTARIO PLAT AMENDMENT

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

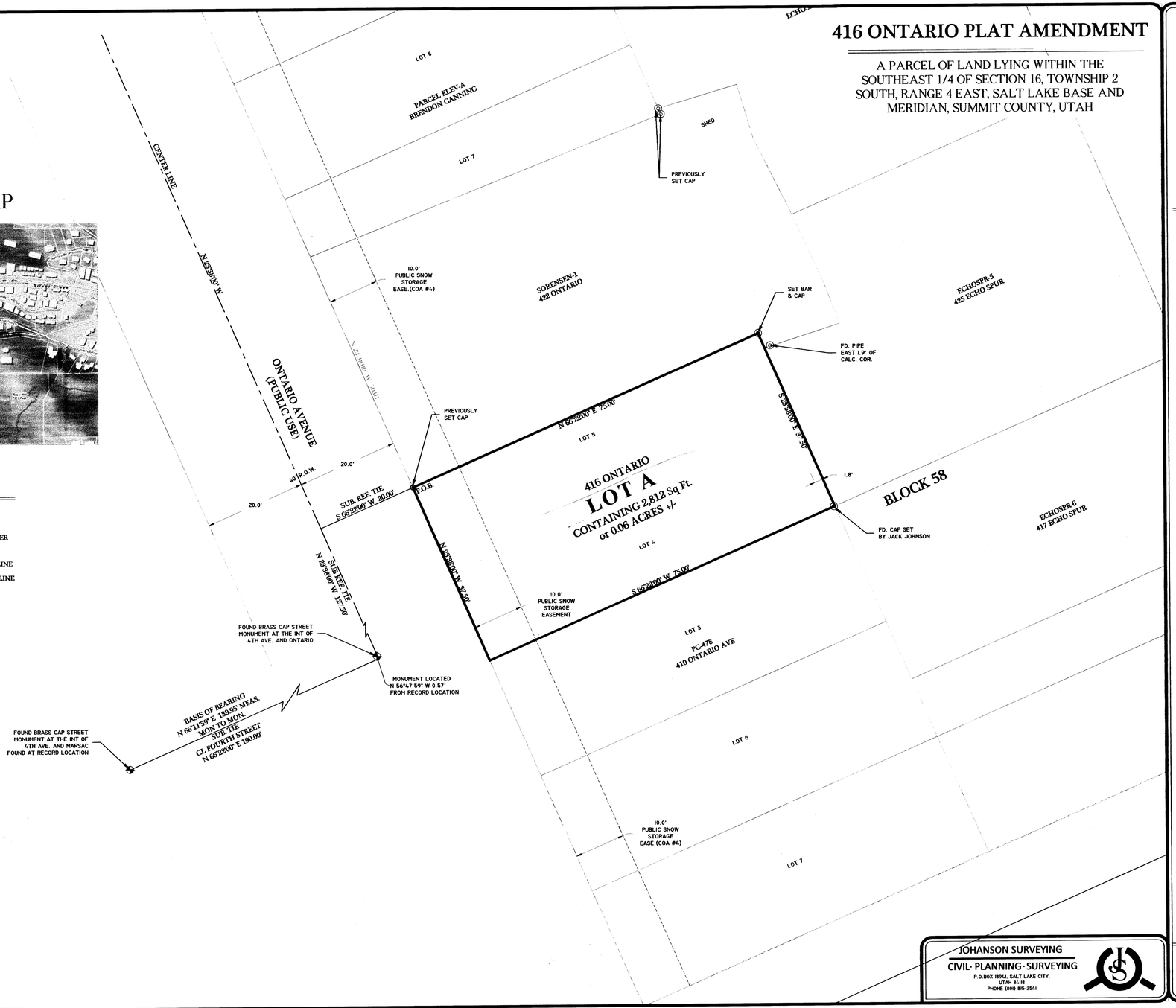
N

S

VICINITY MAP

LEGEND

- = SECTIONAL CORNER
- = STREET MONUMENT
- = FOUND PROPERTY MARKER
- = SET REBAR AND CAP
- = REPRESENTS PROPERTY LINE
- = REPRESENTS EASEMENT LINE



SURVEYOR'S CERTIFICATE

I, Shane Johanson do hereby certify that I am a Land Surveyor, and that I hold certificate No.7075114, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, hereafter to be known as 416 ONTARIO PLAT AMENDMENT and that same has been surveyed and shown on this plat. This survey was performed within the accordance of the minimum accuracy of an urban survey, Class "A", or a linear closure of 1:15,000'.

The purpose of this survey is to locate the boundaries of the described lots and to combine these lots into one single lot, for the eventual purpose of constructing and building future development.

STATE OF UTAH
No. 7075114
R. SHANE JOHANSON
7-26-19
PROFESSIONAL LAND SURVEYOR

LEGAL DESCRIPTION

A parcel of land located within Block 58, Park City Survey more particularly described as follows:

Beginning at a point that is located on the Easterly Right of Way of Ontario Avenue said point lies North 66°22'00" East a distance of 190.00 feet & North 23°38'00" West a distance of 127.50 feet & South 66°22'00" West a distance of 20.00 feet from a brass cap street monument located on Marsac Avenue and 4th Avenue.

Running North 66°22'00" East, a distance of 75.00 feet to the Westerly bounds of Echo Spur Subdivision Entry # 1000356 thence along said subdivision; thence South 23°38'00" East, a distance of 37.50 feet; thence South 66°22'00" West, a distance of 75.00 feet; thence North 23°38'00" West, a distance of 37.50 feet to the point of beginning.

NOTES:

1. Conditions of approval (COA) are part of the requirements of development within this subdivision as contained in Ordinance #19-02 and application PL-18-03978 approved January 8, 2019.
2. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
3. Nothing in this approval of the Plat Amendment grants or dedicates or approves the ROW encroachment area for parking for exclusive use of the applicant. On-site parking must be provided for all new construction.
4. Compliance with off-street parking requirements is required prior to the issuance of any building permit for an addition or new construction.

OWNER'S DEDICATION

Know all men by these presents that, the undersigned owner 416 Ontario, LLC, a Utah limited liability company, of the above described tract of land to be hereafter known as

416 ONTARIO PLAT AMENDMENT

and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for the public use. The undersigned owner also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance, and operation of utility lines and facilities. The undersigned owner also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof the owner has hereunto set this 2 day of August A.D., 2019.

416 Ontario, LLC, a Utah limited liability company,
Stephen Frandsen, Manager

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH)
:ss.
COUNTY OF Summit)

On this 2 day of August, 2019, Stephen Frandsen personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Managing Member of 416 Ontario, LLC, a Utah limited liability company, and that this document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members and he acknowledged to me that he executed this 416 ONTARIO PLAT AMENDMENT.

NOTARY PUBLIC.

ROBERT THORSEN
Notary Public - State of Utah
Comm. No. 702700
My Commission Expires on
Oct 4, 2022

JOHANSON SURVEYING
CIVIL· PLANNING·SURVEYING
P.O.BOX 18941 SALT LAKE CITY. UTAH 84158
PHONE (801) 815-2561

GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

PARK CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS 12TH DAY OF DECEMBER 2018.

BY _____ 8/13/19
Chairman date

CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL ON THIS 8TH DAY OF JANUARY 2019.

BY _____
PARK CITY RECORDER

PARK CITY SUMMIT COUNTY CORPORATE Seal MARCH 1 1884

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS

ON THIS 5th DAY OF August, 2019.

BY _____
S.B.W.R.D.

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE ON THIS 5th DAY OF August, 2019.

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 7th DAY OF August, 2019.

_____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS 8TH DAY OF JANUARY, 2019.

_____
PARK CITY MAYOR

COUNTY RECORDER# 1116610

State of Utah, County of Summit, recorded and filed at the request of

U.S. TITLE INSURANCE AGENCY LLC

Date 9/24/2019 Time 8:55AM Book — Page —

Fee $ 52.00

Rhonda Francis Recorder
County Recorder

NUMBER
ACCOUNT
SHEET 1
OF 1 SHEETS

Planning Department

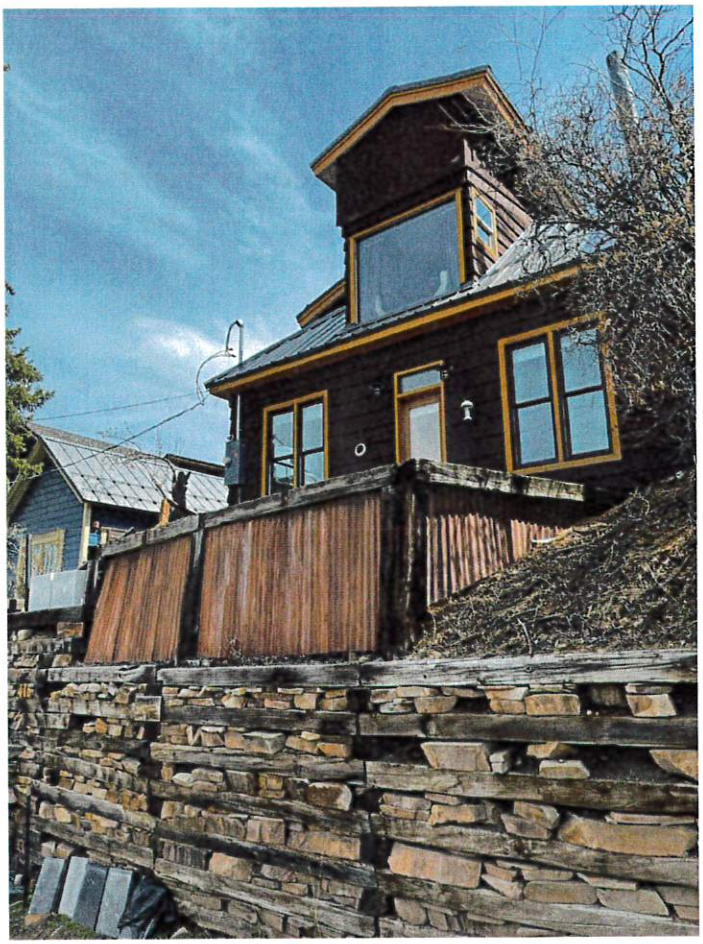
May 21, 2025

Bryan Otto

Re: Historic District Design Review Pre-Application Waiver Letter
Property Address: 416 Ontario
Zoning District: Historic Residential – 1
Historic Designation: Non Historic
PL-25-06500

Planning staff reviewed the complete Historic District Design Review Pre-Application regarding the repair of decking material at 416 Ontario Avenue.

416 Ontario is in the 416 Ontario Plat Amendment recorded with Summit County in 2019 (Entry No. 1116610). The existing Structure is a non-historic Single-Family Dwelling (SFD) constructed in 1904 and is in the Historic Residential – 1 (HR-1) Zoning District.



The Applicant proposes to replace the decking material. The deck encroaches into both the Front Setback and the public right-of-way. The Applicant has an Encroachment Agreement recorded with the Engineering Department (Entry No. 1111051) for the steps, retaining wall, and deck that encroach into the right-of-way.

Pursuant to Land Management Code (LMC) § 15-2.2-3(G) decks are permitted within the Front Setback provided they are not more than 10 feet wide and do not project more than three feet into the Front Setback. The existing deck is more than 10 feet wide and projects more than three feet into the Front Setback and does not meet the requirements for a Front Setback exception.

However, the existing Structure and deck are both Non-Complying Structures pursuant to LMC Chapter 15-9. LMC § 15-9-6 states that Non-Complying Structures may be repaired and maintained provided that the repair does not increase the existing non compliance or create additional non-compliance.

Planning Department

The proposed repair of decking material does not create a new non-compliance or increase the existing non compliance. If the decking materials are to be removed in the future the construction of a new deck will be required to comply with the Lot and Site Requirements regulated by LMC § 15-2.2-3.

Following the review of project plans, Planning staff determined that the project is minor construction having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District. Pursuant to Land Management Code (LMC) § 15-11-12(A) the project is not required to complete the full Historic District Design Review process. However, adherence to the following standards is required:

- Compliance with LMC § 15-13-8(B) *Regulations for new Residential Infill in the Historic District*
- The repair of the decking material shall be compatible with LMC § 15-13-8(B)(7) *Regulations for Decks on New Residential Infill in the Historic District.*
- The repair shall not expand the footprint of the existing deck.
- The proposed work requires a Building Permit with the Building Department.
- The proposed work requires a Final Inspection by both the Building and Planning Departments.
- Modifications to the project require a modification application submittal to the Planning Department, payment of application fee, review for compliance with required standards, and Planning and Building Department approval.

Should you have any questions or concerns, please contact your project planner, Meredith Covey, at meredith.covey@parkcity.org or at (435) 640-8683.

Sincerely,

Rebecca Ward
Planning Director

CC: Meredith Covey

SWCA®
ENVIRONMENTAL CONSULTANTS
Sound Science. Creative Solutions.®

257 East 200 South, Suite 200
Salt Lake City, Utah 84111
Tel 801.322.4307 Fax 801.322.4308
www.swca.com

TECHNICAL MEMORANDUM

To: Rebecca Ward, Assistant Planning Director
Park City Municipal Corporation, Planning Department
445 Marsac Avenue
Park City, Utah 84060
Submitted via email: rebecca.ward@parkcity.org

From: Christina Olson, Lead Architectural Historian

Date: July 17, 2023

Re: **Porches, Balconies, and Decks – Appropriate Dimensions and Compatibility**
SWCA Project No. 00026949-005-SLC

OVERVIEW

Historic character is one of four core values outlined in the *Park City General Plan* (Park City Planning Department 2014). Park City's historic character is defined by more than 400 historic sites, including two National Register Historic Districts (Park City Planning Department 2022). The Main Street Historic District was listed in the National Register of Historic Places in 1979, and the Mining Boom Era Residences Thematic District, which comprises historically significant residential structures built during the mining boom period of 1872 to 1929 (period of significance), was listed in 1984 (Park City Planning Department 2022).

Park City has pursued protection of the city's historic resources though local designations on their Historic Site Inventory and through Historic District Design Guidelines (design guidelines), initially adopted in 1983. In 2009, Park City completed a total update of the regulating documents for the historic districts, including an updated Historic Site Inventory, new design guidelines, and amendments to the Land Management Code (LMC). The design guidelines were updated again and incorporated into the LMC in 2019 (Park City Planning Department 2022). As requested by the Park City Planning Department, SWCA Environmental Consultants (SWCA) has drafted this technical memorandum outlining best practices regarding dimensions and compatible design, as appropriate to the design guidelines and the LMC, for commercial and residential porches, balconies, and decks to assist the Planning Department's Design Review Team in the Historic District Design Review process. Although the LMC provides some direction regarding historically compatible porches, balconies, and decks, the purpose of this technical memorandum is to review those guidelines and provide clarification and supplemental guidance.

Porches

Historic Context

A porch is defined as a "structure attached to a building to shelter an entrance or to serve as a semi-enclosed space; usually roofed and generally open sided" (Harris 1983). As a result of their functionality, porches are a perennial feature of architecture, ranging in form from a simple entry cover on a basic dwelling to an elaborate entranceway on a formal or commercial building. Within the Park City historic districts, porches occur on the first and second levels of buildings and are covered structures.

Residential porch forms in Park City dating to the late nineteenth and early twentieth centuries tended to be modest in both style and size, similar to the houses they fronted. As illustrated in an 1889 Sanborn fire insurance map, most dwellings on a typical block, such as one along Woodside, Park, and Marsac avenues, had porches attached to the primary façade (Figure A-1 in Appendix A). Even after the Great Fire of 1898, houses continued to be equipped with simple porches, as seen on a 1907 Sanborn fire insurance map (Figure A-2).

Photographs of Park City during the late nineteenth and early twentieth century captured both the form and detailing of typical porches during that time. Residential porches off the first story were generally modest in design, had floors slightly above grade or at grade, and were often built into a corner between a projecting bay and the primary elevation of houses with L- or T-shaped plans. Sometimes porches would run the length of the primary elevation and occasionally wrap around the primary elevation and a side elevation. Roof covering was generally a simple extension of the eaves of the primary elevation or the floor of a second-story porch (Figure A-3–5).

Additionally, second-story porches on residential structures tended to be tucked into the L- or T- shaped of the house plan over a first-story porch. The Durkin Boarding House (Centennial House) at 176 Main Street and the Alaska Boarding House at 125 Main Street both had second-story porches constructed over corner front porches tucked into the L-shaped building plans (Figure A-6–7; Park City Museum 2023; Preservation Solutions/Park City Municipal Corporation 2008a, 2008b). Roofs over second-story porches were often an extension of the main roof.

On commercial buildings, porches were most common on the second story, running along the length of the front elevation. The Park City Hotel had full-length, second-story porch across its front elevation, and the Park City Union Pacific Depot has a covered balcony constructed over the original front entry portico (Figure A-8–9; Park City Museum 2023; Preservation Solutions/Park City Municipal Corporation 2008c).

Several short notices in the *Park Record* from the 1880s indicate that porches were often added to existing residential and commercial buildings. Mention of a residential porch addition in Park City appeared as a local announcement in 1881: "Mrs. Boume has put down a porch in front of her boarding house and filled in around it with gravel" (*Park Record* 1881). Several years later, two local announcements on the same day captured the construction of porch additions at that time: "Mr. G.W. Dressler is building a large addition to his residence on the north, putting a porch on the front and otherwise improving the property," and "Aug H. Puelling our enterprising baker has been putting a new porch the front of his building this week. It makes quite an improvement in the building" (*Park Record* 1884). Additionally, early entries in the *Park Record* indicate that second-story porches associated with commercial buildings were often used to stage public entertainment and concerts (*Park Record* 1882, 1887).

Form and Dimensions

Historic residential porch forms associated with the period of significance and associated with the Park City historic districts typically consist of simple designs ranging from basic entry coverings to linear porches attached to the primary elevation and occasionally wrapping around the primary and side elevations; additionally, porches are on the first or second level of the building. Although there are no specifications for porch size or shape within the LMC, Sanborn fire insurance maps and existing historic residential porches in the historic districts indicate typical porch dimensions as follows. Overall porch depths tend to be between 4 and 5 feet deep, with an average length of 12 feet for corner porches on houses with L- or T-shaped plans, a maximum length of 35 feet for those along a primary elevation, and a maximum length between 25 and 35 feet for those wrapping around the primary and side elevations (Sanborn Map Company 1889, 1907). Regardless of size, porches are typically covered, and this covering is often a shed or hipped roof in form.

Historic commercial porch forms associated with the period of significance are typically found on the primary elevation at the first or second level of the building and run the length of the elevation. Again, there are no specifications for porch size or shape within the LMC; however, based on Sanborn fire insurance maps, typical dimensions for commercial porches were 30 to 40 feet in length and roughly 10 feet deep. Historic photographs and exiting porches within the historic districts, coverings ranged from simple shed roofs to gabled roofs with decorative detailing, such as on the Union Pacific Depot (Park City Museum 2023; Preservation Solutions/Park City Municipal Corporation 2008c; Sanborn Map Company 1889, 1907).

Balconies

Historic Context

A balcony is defined as “a projecting platform on a building – sometimes supported from below, sometimes cantilevered – enclosed with a railing or balustrade” (Harris 1983). Balconies are constructed at the second story or higher and are typically accessed from inside of the house rather than from ground level, apart from emergency egress, such as fire escapes. Balconies typically have no roof. Within the Park City historic districts, balconies occur on upper levels (second story or above) and are uncovered.

While the presence of balconies on residential structures within Park City during the period of significance is likely, the lack of photographic evidence or information available through the Sanborn maps indicates that they were rare. Based on historic photographs and news clippings, balconies within Park City during the period of significance were evident primarily on commercial buildings, such as the Salt Lake House balcony, which was cantilevered over the sidewalk and supported with wooden posts (Figure A-10; Park City Museum 2023). Early entries in the *Park Record* indicate that balconies associated with commercial buildings were often used for public oration (*Park Record* 1895).

Form and Dimensions

Historic residential balconies were likely scaled to single-family dwellings present during the period, mimicking those of porches: 4 to 5 feet deep, with an average length of 12 feet. Additionally, residential balconies would have been uncovered.

Historic commercial balconies were typically scaled for public use, taking up a substantial portion or spanning the length of the front elevation of the building, and were not covered. Typically commercial balconies mimicked commercial porches in dimension, being 30 to 40 feet in length and approximately 10 feet deep (Sanborn Map Company 1889, 1907).

Decks

Historic Context

Decks are typically built at ground level or slightly raised on piers and are usually constructed off the rear of a house, providing access between the back door and yard. Raised decks may reach the second story of a house, resembling a balcony, but generally still have ground level access by stairs or an elevated walkway. Decks may also appear as rooftop structures. Decks are open structures without roofs, may or may not have railings, and are designed for use as exterior living space.

Across the United States in the early twentieth century, decks sometimes appeared at the rear of houses as simple, utilitarian platforms, typically constructed of wood (Odom 2016). While early Sanborn maps for Park City do not readily identify any residential decks, they do indicate wooden deck structures at the rear of several commercial buildings leading to ancillary structures, likely privies (Figure A-2; Sanborn Map Company 1907). Although rare, a few commercial buildings may have had roof access and railings to allow for the use of flat rooftop space, much in the same manner as a modern rooftop deck.

It was not until the rise of suburbia in the 1950s and 1960s that decks became a common element of the residential backyard. Prior to World War II, backyards were typically utilitarian in nature, often containing gardens and livestock maintained to support family subsistence; exterior recreation and entertainment space was generally confined to the front porch. By the mid-twentieth century, popular residential design aesthetic, especially that associated with the Ranch style, had shifted exterior recreation and entertainment space from the front (public face) of the house to the rear (private face) of the house and into the backyard, which was largely no longer used for subsistence-level agrarian practices (Odom 2016).

Deck designs evolved with residential housing design in the 1970s and 1980s; by the mid-1980s, decks had become an extension of interior living space rather than an exterior addition to the house. Composite and synthetic decking materials, first available in the 1960s, became common in deck construction by the 1980s (Composite Prime 2022; Odom 2016). Commercial decks, typically constructed after ca. 1980, were typically added to the fronts of historic buildings in Park City, as Main Street lots were fully built out, which limited space for the addition of rear decks.

Form and Dimensions

In general, existing residential decks in the Park City historic districts were constructed after the period of significance for the Main Street Historic District and the Mining Boom Era Residences Thematic District and are not considered contributing characteristics or elements for either district. Additionally, most existing decks were constructed after 1978, outside of the 50-year mark for consideration for National Register of Historic Places eligibility. Dimensionally, decks are greater in depth than porches or balconies but may be similar in length. The form and dimensions for proposed decks within either historic district should be consistent with the LMC and scaled in the same manner as historic porches when visible from the public right-of-way.

GUIDELINES AND INTERPRETATION

Park City's design guidelines are intended to protect the historic character of Park City. The following guidelines regarding porches, balconies, and decks have been written into the LMC (Park City Planning Department 2019). Clarification and supplemental guidance are provided when appropriate.

Porches

15-13-2 Design Guidelines for Historic Residential Sites

A. Universal Design Guidelines

6. *Features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines, such as incompatible windows, aluminum soffits, or iron porch supports or railings, may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines.*

Incompatible residential porch designs associated with historic residential sites that were constructed or installed after the period of significance and before the adoption of the design guidelines into the LMC are not appropriate to the historic character of the site or districts. As such, existing designs may remain, but any proposed changes must comply with the current LMC for the historic districts. Proposed designs compatible with historic residential porch forms and dimensions should be consistent with the following:

- Porch depths between 4 and 5 feet.
- Average porch length of 12 feet for corner porches on houses with L- or T-shaped plans.
- A maximum length of 35 feet for porches along a primary elevation.
- A maximum length between 25 and 35 feet for porches wrapping around the primary and side elevations.
- Typical porch coverings should consist of a shed or hipped roof.

B. Specific Design Guidelines

2. Primary Structures

a. Exterior Walls

(1) *Primary and secondary facade components, such as window/door configuration, wall planes, recesses, bays, balconies, steps, porches, and entryways shall be maintained in their original location on the façade.*

In addition to maintaining historic or historically compatible design and scale, porches associated with historic residential dwellings, either existing or reconstructed, should be maintained in their original location(s) on street-facing and side elevations to be compatible with the LMC for the historic districts. This is true for balconies as well.

(8) *Avoid interior changes that affect the exterior appearance of primary and secondary facades, including changing historic floor levels, changing windows to doors or doors to windows, and changing porch roofs to balconies or decks. Insulation may be added to increase the energy efficiency of the structure; however, this should be accommodated within the wall system and shall not impact the exterior dimensions of the structure.*

Porches associated with historic residential dwellings that historically did not have second-story porches or balconies over them should maintain the original roof form to be compatible with the LMC for the historic districts. Similarly, balconies should be maintained above residential porches if they were present historically. Additionally, historic door and window patterns, including dimensions and glazing, associated with residential porches should be maintained or reconfigured to the historic pattern to be compatible with the LMC.

g. Porches

(1) *Preserve and maintain a historic porch by preserving the existing location, form, proportion, details, posts, railing, and stairs.*

Dimensions and scale, including that of architectural detailing, posts, railing, and stairs, of porches associated with historic residential dwellings should be consistent with those characteristics of either the Main Street Historic District or the Mining Boom Era Residences Thematic District, and appropriate to the period of significance (1872–1929).

(2) *Repair deteriorated historic elements of the porch. Replacement porch elements are allowed only when it can be shown that the historic elements are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. Replacement elements shall exactly match the historic elements in size, dimensions, form, profile, and material.*

In-kind replacement material is the most compatible, although substitute decking materials may be used (see 15-13-3 B.2.g[3], below). The design, dimension, and scale of historic elements must be maintained.

(3) *Substitute decking materials such as fiber cement or plastic-wood composite floorboards shall not be used unless they are made of a minimum of 50% recycled and/or reclaimed materials. In addition, the applicant must show that the physical properties of the substitute material—expansion/contraction rates, chemical composition, stability of color and texture, compressive or tensile strength—have been proven to not damage or cause the deterioration of adjacent historic material.*

The design, dimensions, and scale of historic elements must be maintained when using substitute decking materials to be in compliance with the LMC.

(4) *It may be appropriate, in some cases, to reconstruct historic porches. Replacement porches shall be constructed of materials and in styles that are compatible with the structure to which they are attached. When possible, the reconstructed porch shall be based on physical or documentary evidence; when no such evidence exists, the design shall be based on historic porches found on comparable historic structures.*

Based on available photographic evidence and Sanborn fire insurance maps, historic porches were typically constructed of wood with minimal ornamentation. When ornamental elements were present, they generally consisted of turned wood posts, brackets, and spindle work or bargeboard along the porch eaves. Compatible reconstructions should closely approximate historic materials, design, and scale for which there is ample photographic evidence in Park City.

(5) *While modifications to porch posts and balustrades may be necessary to meet current code requirements, these elements shall not be substantially different in size and proportion than those seen historically.*

Necessary modifications to porches and porch elements associated with historic residential dwellings should closely approximate the historic scale of residential dwellings to maintain compatibility with the LMC. It is often possible to retain the historic posts, railings, and balustrades while adding height to railings or introducing additional elements between balusters to meet code.

(6) *It is not appropriate to add decorative porch elements that are not known to have been used on a particular historic structure or on similar historic structures.*

Replacement of porch elements or reconstruction of residential porches on historic structures should be based on documentary evidence or closely approximate the design, materials, and scale of historic porches on similar structures in the historic districts.

15-13-3 Design Guidelines for Historic Commercial Sites

A. Universal Design Guidelines

6. *Non-historic alterations that have been made to elements of a property, such as window replacements, eave enclosures, or porch element substitutions, that are in place prior to the adoption of these Design Guidelines may be maintained. However, if additional alterations to these elements are proposed, the elements must be brought into compliance with these Design Guidelines.*

Incompatible porch designs associated with historic commercial sites that were constructed or installed after the period of significance and before the adoption of the design guidelines into the LMC are not appropriate to the historic character of the site or districts. As such, existing designs may remain, but any proposed changes must comply with the current LMC for the historic districts. Proposed designs compatible with historic commercial porch forms and dimensions should be consistent with existing historic commercial building porches, those identified through photographs of commercial buildings during the period of significance, and those identified on Sanborn fire insurance maps.

B. Specific Design Guidelines

2. Primary Structures

b. Exterior Walls

(1) *Primary and secondary facade elements, such as window/door configuration, wall planes, recesses, bays, balconies, steps, porches, and entryways shall be preserved and maintained in their original location on the façade.*

In addition to maintaining historic or historically compatible design and scale, porches associated with historic residential dwellings, either existing or reconstructed, should be maintained in their original location(s) on street-facing and side elevations to be compatible with the LMC for the historic districts. This is true for balconies as well.

(8) *Interior changes that affect the exterior appearance of primary and secondary facades, including changing historic floor levels windows to doors or doors to windows, and porch roofs to balconies or decks, shall be avoided.*

Porches associated with historic commercial buildings, which historically did not have second-story porches or balconies over them, would maintain the original roof form to be compatible with the LMC for the historic districts. Additionally, historic door and window patterns, including dimensions and glazing, associated with commercial porches would be maintained or reconfigured to the historic pattern to be compatible with the LMC.

d. Storefronts

(1) *Primary and secondary facade elements, such as window/door configuration, wall planes, recesses, bays, balconies, steps, porches, and entryways shall be maintained in their original location on the façade.*

Porches associated with historic commercial buildings, either existing or reconstructed, would be maintained in their original location(s)—in addition to design and scale—on street-facing and side elevations to be compatible with the LMC for the historic districts. This is true for balconies as well.

15-13-4 Guidelines for Relocation and/or Reorientation of Intact Buildings or Structures

B. Panelization

3. Reconstruction

d. *Reconstruction shall include recreating the documented design of exterior features such as roof shape, architectural detailing, windows, entrances and porches, steps and doors, and the historic spatial relationships.*

Reconstruction of historic porches must maintain historic placement, scale, and design to be compatible with the LCM, and must be based on documentary evidence.

15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts:

A. Universal Design Guidelines

2. *New infill residential buildings shall not directly imitate existing historic structures in Park City. Roof pitch, shape and configuration, as well as scale of building elements found on Historic Sites may be duplicated, but building elements such as moldings, cornice details, brackets, and porch supports shall not be directly imitated. Reconstruction of non-surviving historic buildings is allowed.*

While porches associated with new residential construction should not mimic historic styles, they should maintain the size, scale, proportion, and basic design elements of historic porches. Typically, historic porches constructed during the period of significance have the following form and dimensions:

- Porch depths between 4 and 5 feet.

- Average porch lengths of 12 feet for corner porches on houses with L- or T-shaped plans.
- A maximum length of 35 feet for porches along a primary elevation.
- A maximum length between 25 and 35 feet for porches wrapping around the primary and side elevations.
- Typical porch coverings would consist of a shed or hipped roof.
- Typically located to shelter the front door on the first story but may be two stories when compatible with historic precedents and overall new design. A second-story porch may be present without a first-story porch but should be inset into the body of the building and always covered.

6. *Exterior elements—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, garages, etc.—of the new infill residential building shall be of human scale and shall be compatible with neighboring Historic Structures.*

Porches associated with new residential construction should maintain the scale and proportion of historic porches (see 15-13-8 A.2, above).

B. Specific Guidelines

2. Primary Structures

a. Mass, Scale, Height

(4) *Building features such as upper story windows, porches, and first floor bays shall be aligned with similar historic building features in the Streetscape or character area. Generally, these elements should align in relation to the topography allowing these elements to "step up" or "step down" the block.*

Porches associated with new residential construction should be in the same location as historic porches and be similar in size, scale, and proportion so that they physically align with those on historic buildings (see 15-13-8 A.2, above).

e. Roofs

(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.*

While porches associated with new residential construction shouldn't mimic historic styles, they should maintain the location, scale, and proportion of historic porches (see 15-13-8 A.2, above). Historic porch roof forms in Park City are typically shed or hipped.

i. Porches

(1) *Porches shall be used to define front entrances. Porches typically cover the entrance, and usually extend partially or fully across the main façade. Over-scaled, monumental and under-scaled entries shall be avoided.*

To be compatible with the historic character of Park City, porches on new residential infill should be consistent with the historic use as basic entry coverings that also bring a focus to the building's front door. Historic porches were usually linear as well as and attached to the primary elevation and occasionally wrapping around the primary and side elevations. Porches associated with new residential construction should be similar in location, scale, and proportion to historic porches (see 15-13-8 A.2, above).

(2) *Porches on primary and secondary facades shall be compatible with a building's style and shall respect the scale and proportions found on historic buildings in the surrounding area.*

While new porches shouldn't mimic the style or design of historic porches, they should be similar in location, size, scale, proportion, and design elements to historic porches (see 15-13-8 A.2, above).

(3) *The height of porch decks shall be similar to those found on historic building(s) in the Historic District.*

Porches associated with new residential construction should be similar in location, size, scale, and proportion to historic porches (see 15-13-8 A.2, above). Historic porch deck heights varied based on topography, especially between uphill and downhill lots, and the height of new porch decks should follow the patterns of the district when no pattern is discernible at the Streetscape or character area level.

(4) *Locate porches on new infill construction in a way that follows the predominant pattern of historic porches along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the Streetscape or character area to reinforce the visual rhythm of the buildings and site elements.*

Porches associated with new residential construction should be similar in location, scale, and proportion to historic porches (see 15-13-8 A.2, above). They should also reinforce a sense of entry on the primary, street-facing façade.

(5) *The height of porch decks shall be similar to those found on historic building(s) within the Streetscape or character area.*

Porches associated with new residential construction should be similar in location, scale, and proportion to historic porches (see 15-13-8 A.2, above). Setbacks may vary depending on the street or even location of the property along the street; new porches should be designed with this in mind. Historic porch deck heights also varied based on topography, especially between uphill and downhill lots, and the height of new decks should follow the patterns of the historic Streetscape or character area when present or otherwise the patterns of the district.

(6) *Porch columns and railings shall be simple in design and utilize square or rectangular shapes. If balusters are used, they should be no more than two inches square. Columns should be a minimum of six inches and a maximum of eight inches square.*

New porch elements are identified here in the LMC to be compatible with the scale of historic porches, referencing the design of historic porch types without mimicking the style.

j. Architectural Features

(1) *Simple ornamental trim and decoration is in character with historic architectural ornamentation and is encouraged. Traditional locations for architectural ornamentation are porches and eaves. Other details, like eave depth, mullions, corner boards, and brackets, that lend character to historic buildings shall be considered.*

New porch elements are identified here in the LMC to be compatible with the scale of historic porches, referencing the design of historic porch types while simplifying it to avoid mimicking the style.

15-13-9 Design Guidelines for Historic Commercial Infill Construction

A. Universal Design Guidelines

2. *New infill commercial buildings shall not directly imitate existing historic structures in Park City. Roof pitch, shape and configuration, as well as scale of building elements found on Historic Sites may be duplicated, but building elements such as moldings, cornice details, brackets, and porch supports shall not be directly imitated. Reconstructions of non-surviving historic buildings are allowed.*

While porches associated with new commercial construction shouldn't mimic historic styles, they should maintain scale and proportion of historic commercial porches, which were typically 30 to 40 feet in length and 10 feet deep.

6. *Exterior elements—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc.—shall be of human scale and shall be compatible with neighboring Historic Sites.*

While porches associated with new commercial construction shouldn't mimic historic styles, they should maintain the scale and proportion of historic commercial porches.

Balconies

15-13-2 Design Guidelines for Historic Residential Sites

B. Specific Site Design Guidelines

7. Balconies and Roof Decks

a. *New balconies and roof decks on a historic structure shall be visually subordinate to the historic structure from the primary right-of-way. Installing a balcony on a historic structure's primary façade is not allowed, however, a balcony may be considered on a secondary or tertiary facade.*

New balconies (constructed on secondary and tertiary elevations) should be similar in size, scale, and proportion to historic balconies. Typically, historic balconies mimicked historic porches in dimension: between 4 and 5 feet deep, with an average width of 12

feet. Balconies were typically found on commercial buildings and were rear on residential structures during the period of significance, with the exception of a few small, step-out balconies.

b. *A new balcony shall be simple in design and compatible with the character of the historic structure. Simple wood and metal designs are appropriate for residential structures. Heavy timber and plastics are inappropriate materials.*

New balcony elements are identified here in the LMC to be compatible with the scale and materials of historic balconies.

15-13-3 Design Guidelines for Historic Commercial Sites

B. Specific Site Design Guidelines

2. Primary Structures

h. Historic Balconies/Porticos

(1) *Historic balconies, porticos, and their railings and decorative architectural features shall be maintained and preserved.*

Dimensions and scale, including that of architectural detailing, posts, and railings, of balconies associated with historic commercial buildings should be consistent with those characteristics of the Main Street Historic District and appropriate to the period of significance (1872–1929).

(2) *Restoring historic balconies and porticos that have been altered or lost over time is encouraged. On primary façades, in particular, consider reconstructing, based on physical or documentary evidence, historic balconies and porticos that no longer exist.*

Based on available photographic evidence and Sanborn fire insurance maps, historic balconies were typically constructed of wood with minimal ornamentation. Compatible reconstructions would mimic historic materials, design, and scale.

In-kind replacement material is the most compatible, although substitute decking materials may be used (see 15-13-3 B.2.h[4], below). The dimension and scale of historic elements must be maintained.

(3) *Changing the position, proportions, or dimensions of historic balconies or porticos shall be avoided.*

The location, size, scale, and proportion of historic balconies should be maintained.

(4) *Substitute decking materials such as fiber cement or plastic-wood composite floorboards shall not be used unless they are made of 50% recycled and/or reclaimed material. Additionally, the applicant must show that the physical properties—expansion/contraction rates, chemical composition, stability of color and texture, compressive or tensile strength—of the substitute material have been proven to not damage or cause the deterioration of adjacent historic material.*

The dimensions and scale of historic elements must be maintained when using substitute decking materials to be in compliance with the LMC.

15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts

B. Specific Site Design Guidelines

8. New Balconies and Roof Decks

i. *New balconies and roof decks shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.*

Balconies associated with residential infill should be constructed on secondary and/or tertiary elevations. While new balconies should not mimic historic styles, they should be similar in size, scale, and proportion to historic balconies. Typically, historic balconies were similar to historic porches in dimension: between 4 and 5 feet deep, with an average width of 12 feet.

j. *A new balcony shall be simple in design and compatible with the character of the Historic District. Simple wood and metal designs are appropriate for residential structures. Heavy timber and plastics are inappropriate materials.*

New balcony elements (design and materials) are identified here in the LMC to promote compatibility of historic balconies.

15-13-9 Design Guidelines for Historic Commercial Infill Construction

b. Specific Design Guidelines

2. Primary Structures

i. Balconies and Roof Decks

(1) *New balconies and roof decks shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.*

Balconies associated with commercial infill should be constructed on secondary and/or tertiary elevations. While new balconies should not mimic historic styles, they should be similar in scale and proportion to historic commercial balconies, which typically ran the length of the elevation but were incorporated into the style and design of the building rather than merely tacked on as utilitarian features.

(2) *A new balcony shall be simple in design and compatible with the character of the Historic Districts. Simple wood and metal designs are appropriate for commercial structures. Heavy timber and plastics are inappropriate materials.*

New balcony elements (design and materials) are identified here in the LMC to promote compatibility of historic balconies.

Decks

15-13-2 Design Guidelines for Historic Residential Sites

B. Specific Design Guidelines

6. Decks

a. *Decks should be constructed in inconspicuous areas where visually minimized from the primary right-of-way, usually on the tertiary façade. If built on a secondary façade of the historic structure, a deck should be screened from the right-of-way with fencing and/or appropriate native landscaping. Decks should be located such that they will not damage or conceal significant historic features or details of the historic structure.*

Decks typically were not present in Park City during the period of significance for either historic district. If present historically, decks were most commonly on the rear (tertiary) elevation. Decks constructed on side (secondary) elevations of new residential structures should be screened with appropriate (native) vegetation or fencing to minimize the visual impact to the associated historic district. Dimensionally, decks are greater in depth than porches or balconies, but may be similar in length. The form and dimensions for proposed decks within either historic district should be consistent with the LMC and scaled in the same manner as historic porches when visible from the public right-of-way.

Historic porches were most often located on the primary elevations of houses but sometimes were present on side or rear façades to shelter secondary doorways. Many of these porches have been removed to make way for additions but, if present, they may be considered an important character-defining feature because of their scarcity. Removing or altering porches in these areas to accommodate decks is strongly discouraged.

b. *In order to prevent damage to a historic structure, decks shall be constructed to be self-supporting. If the deck cannot be constructed to be self-supporting, decks shall be attached to a historic structure with care so loss of historic fabric is minimized.*

Decks should be constructed in a manner that, if they were to be removed from the historic building, no damage to the historic materials or design would occur.

c. *Introducing a deck that will result in the loss of a character-defining feature of the historic structure or site, such as a historic porch or mature tree, should be avoided.*

Historic porches were most often located on the facades of houses but sometimes were present on side or rear façades to shelter secondary doorways. Many of these porches have been removed to make way for additions but, if present, they may be considered an important character-defining feature because of their scarcity. Removing or altering porches in these areas to accommodate decks is strongly discouraged. Similarly, decks on any façade should not impact historic trees.

d. *The visual impact of a deck should be minimized by limiting its size and scale. Introducing a deck that visually detracts from a historic structure or historic site, or substantially alters a historic site's proportion of built area to open space is not appropriate.*

The size and scale of new decks should be similar to historic porches and balconies.

e. *Decks and related steps and railings should be constructed of materials and in styles that are compatible with the structure to which they are attached.*

When possible, decks and related steps and railings should be constructed with wood to maintain material compatibility with the historic character of Park City.

f. *Decking materials such as fiber cement or plastic-wood composite floorboards shall not be used unless they are made of a minimum of 50% recycled and/or reclaimed materials.*

Although not present during the period of significance for the Park City historic districts, decking (or flooring) is relatively unobtrusive and some types of synthetic materials are permissible in place of wood; the historic scale of decking components should be maintained.

7. Balconies and Roof Decks

c. *A roof deck on a new addition shall be visually minimized when viewed from the right-of-way.*

Roof decks should be designed at a scale similar to historic porches and balconies. The use of setbacks from the roof edges and solid railings can help to visually minimize the presence of roof decks.

15-13-3 Design Guidelines for Historic Commercial Sites

B. Specific Design Guidelines

2. Primary Structures

i. Decks, Fire Escapes, and Exterior Staircases

(1) *New decks, fire escapes, and exterior staircases shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary facade. These features shall be located such that they will not damage or conceal significant historic features or details of the historic structure.*

Because decks, particularly in their current use as a space for leisure and entertaining, were not present historically, the rear (tertiary) elevation is the most appropriate location for a deck to maintain the character of historic commercial streetscapes. Occasionally decks can be constructed unobtrusively on secondary or primary elevations, usually on an upper level if screened by solid railings or setbacks, In these cases, great care is required in siting and design to avoid obscuring or damaging significant historic features.

(2) *The visual impact of a deck, fire escape, or exterior staircase shall be minimized by limiting its size and scale. Introducing a deck, fire escape, or exterior staircase that visually detracts from a historic structure or historic site, or substantially alters a historic site's proportion of built area to open space is not appropriate.*

Historically, the rear (tertiary) elevation is the most appropriate location for a deck on a historic commercial building. Decks should be scaled in the same manner as historic porches and balconies.

(3) *Introducing a deck, fire escape, or staircase that will result in the loss of a character-defining feature of the historic structure or site, such as a historic porch, shall be avoided.*

Historic porches were most often located on the front elevations of commercial buildings but sometimes were present on side or rear elevations as well to shelter secondary doorways. Many of these porches have been removed to make way for additions but if present, they may be considered an important character-defining feature because of their scarcity. Removing or altering porches in these areas to accommodate decks is strongly discouraged. Similarly, decks on any façade should not impact historic trees.

(4) *In order to prevent damage to a historic structure, decks, fire escapes, and exterior staircases shall be constructed to be self-supporting. If a deck cannot be constructed to be self-supporting, the deck shall be attached to a historic building with care such that loss of historic material is minimized.*

Decks should be constructed in a manner that if they were to be removed from the historic building, no damage to the historic materials or design would occur.

(5) *Decks, fire escapes, and related exterior steps and railings should be constructed of materials and in styles that are compatible with the historic building.*

When possible, decks and related steps and railings should be constructed with wood to maintain material compatibility with the historic character of Park City.

(6) *Decking materials such as fiber cement or plastic-wood composite floorboards shall not be used unless they are made of a minimum of 50% recycled and/or reclaimed material.*

Although not present during the period of significance for the Park City historic districts, decking (or flooring) is relatively unobtrusive and some types of synthetic materials are permissible in place of wood; the historic scale of decking components should be maintained.

4. Additions to Primary Structures

b. General Compatibility

(6) *No more than fifty (50) feet in width of street front may have the same façade height. On large projects (more than two lots) building heights shall be varied by creating setbacks in the façade, by stepping back upper stories, and by building decks and balconies when it is appropriate to the design.*

When used to create interest and break up the facades of larger additions, decks should still be compatible in size and scale to historic porches and balconies on commercial buildings.

g. New Decks (Not Street Dining Decks)

(1) *Decks on new additions shall be constructed in inconspicuous areas, usually on a tertiary façade, where the deck is visually minimized from the primary public right-*

of-way. If a deck is built on a secondary façade of a historic structure, the deck shall be screened from the primary public right-of-way with fencing and/or appropriate native landscaping. Decks shall be located where and in a way that will not damage or conceal significant historic features or details of the historic structure.

Decks were not present historically on commercial buildings; therefore, the rear (tertiary) elevation is the most appropriate location for a new deck. Decks should be scaled in the same manner as historic porches and balconies.

(2) *In order to prevent damage to a historic structure, decks shall be constructed to be self-supporting. If a deck cannot be constructed to be self-supporting, the deck shall be attached to a historic structure with care so that loss of historic fabric is minimized.*

Decks should be constructed in a manner that if they were to be removed from the historic building, no damage to the historic materials or design would occur.

(3) *Introducing a deck that will result in the loss of a character-defining feature of a historic structure or site, such as a historic porch or mature tree, shall be avoided.*

Historic porches were most often located on the primary elevations of commercial buildings but sometimes were present on side or rear façades as well to shelter secondary doorways. Many of these porches have been removed to make way for additions but if present, they may be considered an important character-defining feature because of their scarcity. Removing or altering porches in these areas to accommodate decks is strongly discouraged. Similarly, decks on any façade should not impact historic trees.

(4) *The visual impact of a deck shall be minimized by limiting its size and scale. Introducing a deck that visually detracts from a historic structure or historic site, or substantially alters a historic site's proportion of built area to open space, is not appropriate.*

Historically, the rear (tertiary) elevation is the most appropriate location for a deck on a historic commercial building. Decks should be scaled in the same manner as historic porches and balconies. Similarly, decks on any façade should not impact historic open space or spatial relationship between buildings.

(5) *Decks and related steps and railings shall be constructed of material and in styles that are compatible with the structure to which they are attached.*

When possible, decks and related steps and railings should be constructed with wood to maintain material compatibility with the historic character of Park City.

(6) *Decking materials such as fiber cement or plastic-wood composite floorboards shall not be used unless they are made of a minimum of 50% recycled and/or reclaimed material.*

Although not present during the period of significance for the Park City historic districts, decking (or flooring) is relatively unobtrusive and some types of synthetic materials are permissible in place of wood; the historic scale of decking components should be maintained.

(7) *A roof deck on a historic structure or new addition shall be visually minimized when viewed from the primary public right-of-way.*

Although rare, a few commercial buildings historically may have had roof access and railings to allow for the use of flat rooftop space, much in the same manner as a modern rooftop deck. Rooftop decks associated with new commercial buildings should be screened appropriately by setting the deck behind parapet walls or placing the deck back from the front (primary) elevation of the buildings minimize visual impacts to the associated historic district.

15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts

B. Specific Design Guidelines

7. Decks

a. *Decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary façade. When built on a secondary façade of a new structure, a deck should be screened from the primary public right-of-way with fencing and/or appropriate native landscaping.*

Decks typically were not present in Park City during the period of significance in either historic district. If present historically, decks were most commonly on the rear (tertiary) elevation. Decks constructed on side (secondary) elevations of new residential structures should be screened with appropriate (native) vegetation or fencing to minimize the visual impact to the associated historic district.

b. *The visual impact of a deck should be minimized by limiting its size and scale. Introducing a deck that visually detracts from a new structure, or substantially alters a site's proportion of built area to open space is not appropriate.*

Dimensionally, decks are greater in depth than porches or balconies, but may be similar in length. The form and dimensions for proposed decks within either historic district should be consistent with the LMC, scaled in the same manner as historic porches when visible from the public right-of-way.

c. *Decks and related steps and railings shall be constructed of materials and in styles that are compatible with the structure to which they are attached as well as with the character of the Historic District as a whole.*

When possible, decks and related steps and railings should be constructed with wood to maintain material compatibility with the historic character of Park City.

d. *Decking materials such as fiber cement or plastic-wood composite floorboards shall not be used unless they are made of a minimum of 50% recycled and/or reclaimed materials.*

Although not present during the period of significance for the Park City historic districts, decking (or flooring) is relatively unobtrusive and some types of synthetic materials are permissible in place of wood; the historic scale of decking components should be maintained.

8. Balcony and Roof Decks

a. *A roof deck shall be visually minimized when viewed from the primary public right-of-way.*

Although rare, a few commercial buildings historically may have had roof access and railings to allow for the use of flat rooftop space, much in the same manner as a modern rooftop deck. The form and dimensions for proposed decks within either historic district should be consistent with the LMC and scaled in the same manner as historic porches when visible from the public right-of-way.

15-13-9 Design Guidelines for Historic Commercial Infill Construction

B. Specific Design Guidelines

8. Decks

e. Balconies and Roof Decks

(1) *New balconies and roof decks shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.*

Decks should be scaled in the same manner as historic porches and balconies.

(3) *A roof deck shall be visually minimized when viewed from the primary public right-of-way. Consider minimalizing its visual appearance by hiding rooftop decks behind parapets and/or setting rooftop decks back from the primary façade.*

Although rare, a few commercial buildings historically may have had roof access and railings to allow for the use of flat rooftop space, much in the same manner as a modern rooftop deck. Rooftop decks associated with new commercial buildings should be screened appropriately by setting the deck behind parapet walls or placing the deck back from the front (primary) elevation of the buildings to minimize visual impacts to the associated historic district.

f. Decks, Fire Escapes, and Exterior Staircases

(1) *Decks, fire escapes, and exterior staircases shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary facade.*

Because decks, particularly in their current use as a space for leisure and entertaining, were not present historically, the rear (tertiary) elevation is the most appropriate location for a deck to maintain the character of historic commercial streetscapes. Occasionally, decks can be constructed unobtrusively on secondary or primary elevations, usually on an upper level if screened by solid railings or setbacks. In these cases, great care is required in siting and design to avoid obscuring or damaging significant historic features.

(2) *The visual impact of a deck, fire escape, or exterior staircase shall be minimized by limiting its size and scale. Introducing a deck, fire escape, or exterior staircase that visually detracts from the architectural character of the building, or substantially alters a site's proportion of built area to open space is not appropriate.*

Historically, the rear (tertiary) elevation is the most appropriate location for a deck on a historic commercial building. Decks should be scaled in the same manner as historic porches and balconies.

(3) *Decks, fire escapes, and related exterior steps and railings shall be constructed of materials and in styles that are compatible with the existing building.*

When possible, decks and related steps and railings should be constructed with wood to maintain material compatibility with the historic character of Park City.

(4) *Decking materials such as fiber cement or plastic-wood composite floorboards shall not be used unless they are made of a minimum of 50% recycled and/or reclaimed material.*

Although not present during the period of significance for the Park City historic districts, decking (or flooring) is relatively unobtrusive and some types of synthetic materials are permissible in place of wood; the historic scale of decking components should be maintained.

(5) *Decks shall be constructed in inconspicuous areas where visually minimized from the primary public right-of-way, usually on the tertiary façade. When built on a secondary façade of a new structure, a deck should be screened from the primary public right-of-way with fencing and/or appropriate native landscaping.*

Decks were typically not present in Park City during the period of significance for either historic district. If present historically, decks were most commonly on the rear (tertiary) elevation. Decks constructed on side (secondary) elevations of new commercial buildings should be screened with appropriate (native) vegetation or fencing to minimize the visual impact to the associated historic district.

REFERENCES CITED

Composite Prime
2022 *The History of Composite Decking*. Available at: https://www.composite-prime.com/composite-decking-guide/the-history-of-composite-decking/. Accessed June 12, 2023.

Harris, Cyril
1983 *Illustrated Dictionary of Historic Architecture*. Dover Publications, New York, New York.

Odom, Jim
2016 *Archadeck of Austin Explores the History of the Beloved Backyard Deck*. Available at: https://austinporchandpatio.com/tag/popularity-of-the-american-backyard-deck/. Accessed June 12, 2023.

Park City Museum
2023 Park City Museum Photograph Collection: Buildings, Streets, and Neighborhoods. Available at: https://parkcityhistory.smugmug.com/History/Buildings-and-Neighborhoods/. Accessed June 14, 2023.

Park City Planning Department
2014 *Park City General Plan*. Available at: https://www.parkcity.org/departments/planning/general-plan. Accessed June 12, 2023.

2019 Municipal Code 15-13 Design Guidelines for Historic Districts and Historic Sites. Available at: https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-13_Design_Guidelines_For_Historic_Districts_And_Historic_Sites. Accessed June 12, 2023.

2022 Historic District. Available at: https://www.parkcity.org/departments/historic-district. Accessed June 12, 2023

Park Record
1881 Park Float. 27 August, page 4. Park City, Utah. Available at: https://www.newspapers.com/image/297808518. Accessed June 12, 2023.

1882 July 4th Park City Will Celebrate in Grand Style. 18 June, page 3. Park City, Utah. Available at: https://www.newspapers.com/image/287611176. Accessed June 14, 2023.

1884 Park Float. 7 June, page 4. Park City, Utah. Available at: https://www.newspapers.com/image/304662506. Accessed June 12, 2023.

1887 The Band Uniformed. 29 October, page 3. Park City, Utah. Available at: https://www.newspapers.com/image/287504022. Accessed June 14, 2023.

1895 Park Float. 29 June, page 3. Park City, Utah. Available at: https://www.newspapers.com/image/287656306. Accessed June 14, 2023.

Preservation Solutions/Park City Municipal Corporation
2008a *Historic Site Form – Historic Sites Inventory: Boarding House at 125 Main*. Available at: https://www.parkcity.org/home/showpublisheddocument/1558/635724909559570000. Accessed June 14, 2023.

2008b *Historic Site Form – Historic Sites Inventory: Durkin Boarding House or Centennial House*. Available at: https://www.parkcity.org/home/showpublisheddocument/1565/635724909559570000. Accessed June 14, 2023.

2008c *Historic Site Form – Historic Sites Inventory: Park City Union Pacific Depot*. Available at: https://www.parkcity.org/home/showpublisheddocument/1612/635724909559570000. Accessed June 14, 2023.

Sanborn Map Company

1889 Sanborn Fire Insurance Map from Park City, Summit County, Utah. Vol. 1 Map No. 5. Available at: https://upload.wikimedia.org/wikipedia/commons/4/42/Sanborn_Fire_Insurance_Map_from_Park_City%2C_Summit_County%2C_Utah._LOC_sanborn08880_001-5.jpg. Accessed June 12, 2023.

1907 Sanborn Fire Insurance Map from Park City, Summit County, Utah. Vol. 1 Map No. 9. Available at: https://upload.wikimedia.org/wikipedia/commons/d/df/Sanborn_Fire_Insurance_Map_from_Park_City%2C_Summit_County%2C_Utah._LOC_sanborn08880_003-4.jpg. Accessed June 12, 2023.

University of Utah, J. Willard Marriott Digital Library (Marriott Digital Library)

n.d. [1900] Park City historical photograph. Rocky Mountain Power Company Collection. Available at: https://collections.lib.utah.edu/ark:/87278/s6q263ww. Accessed November 21, 2022.

1904 Typical home in Park City. Park City, Utah Collection. Available at: https://collections.lib.utah.edu/ark:/87278/s6q824kt. Accessed November 21, 2022.

APPENDIX A

Historic Maps and Photographs

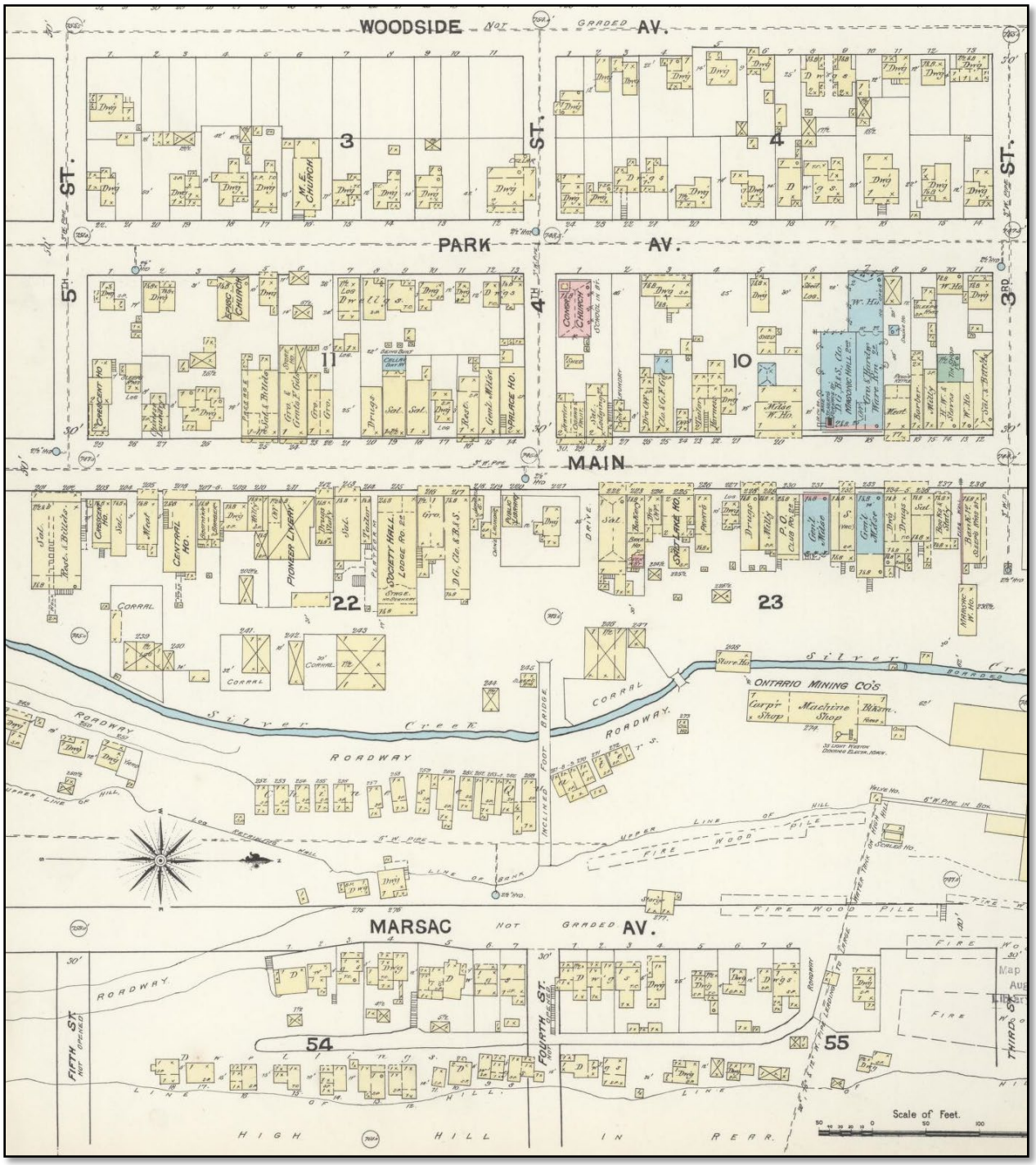


Figure A-1. Dashed lines indicate porches adorning Park City buildings in 1889. Most residential dwellings along Woodside, Park, and Marsac avenues have porches of some form on primary elevations. Additionally, several commercial buildings along Main Street also have porches indicated along their primary elevations (Sanborn Map Company 1889).

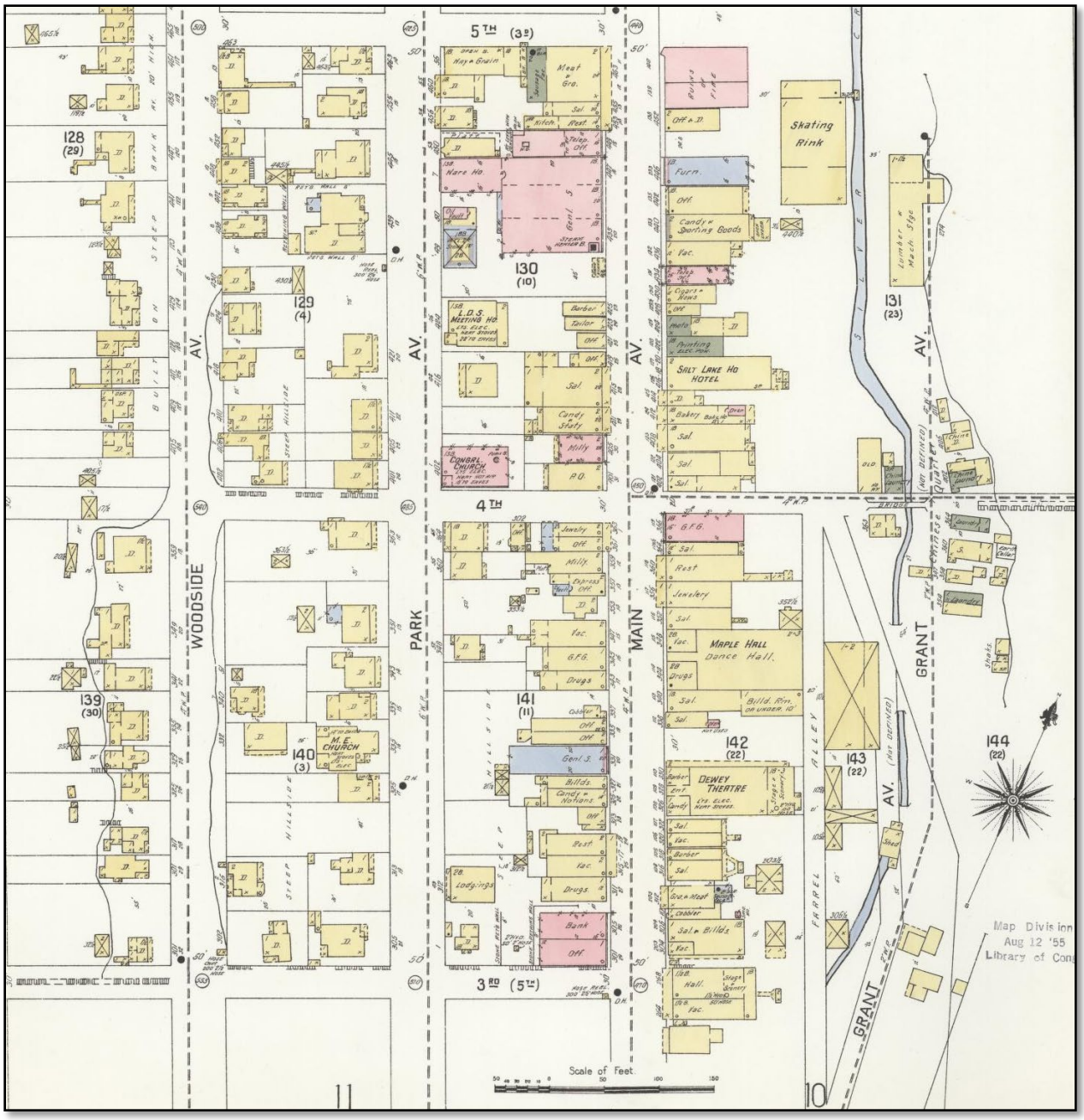


Figure A-2. By 1907, residential porches continued to be popular along Park Avenue and both sides of Woodside Avenue. Several porches are also identified on commercial buildings along Main Street. Additionally, there appear to be deck structures at the rear of 264/268, 316/318, and 320 Main Street (lower right, below the Dewey Theatre), linking the buildings with ancillary structures, likely privies (Sanborn Map Company 1907).

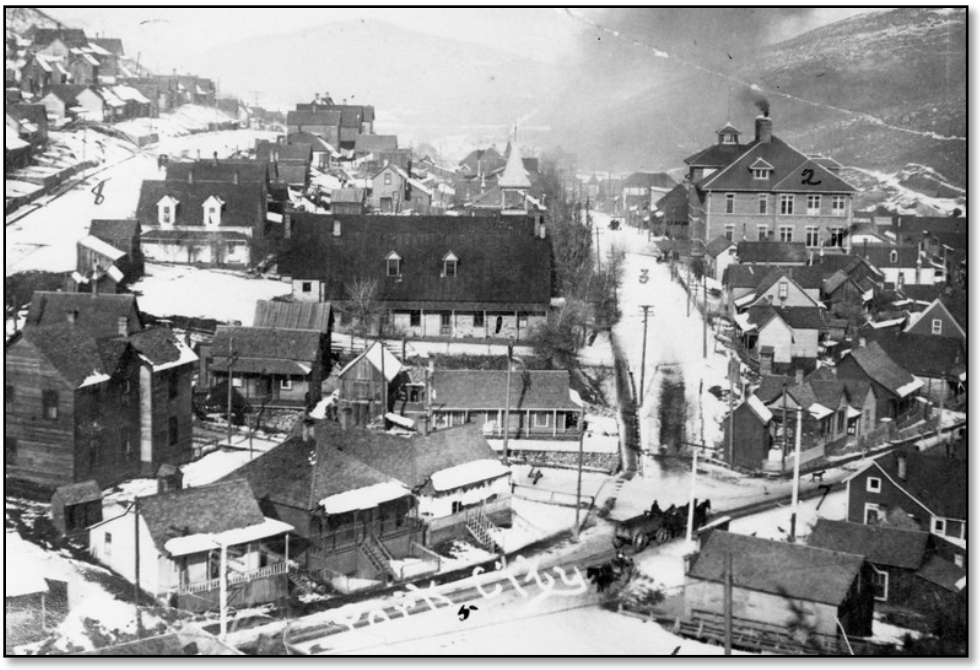


Figure A-3. View of the Upper Town, Park City, ca. 1900 to 1910. Typical one-story residential porches are visible on several structures (Park City Museum 2023).

Figure A-4. Typical one- and two-story residential porches in Park City in the early twentieth century (Marriott Digital Library n.d. [1900]).

Figure A-5. Typical one-story residential porch in Park City, 1904 (Marriott Digital Library 1904).

Figure A-6. A covered two-story porch on the Durkin Boarding House (Centennial House), ca. 1940 (Preservation Solutions/Park City Municipal Corporation 2008b).

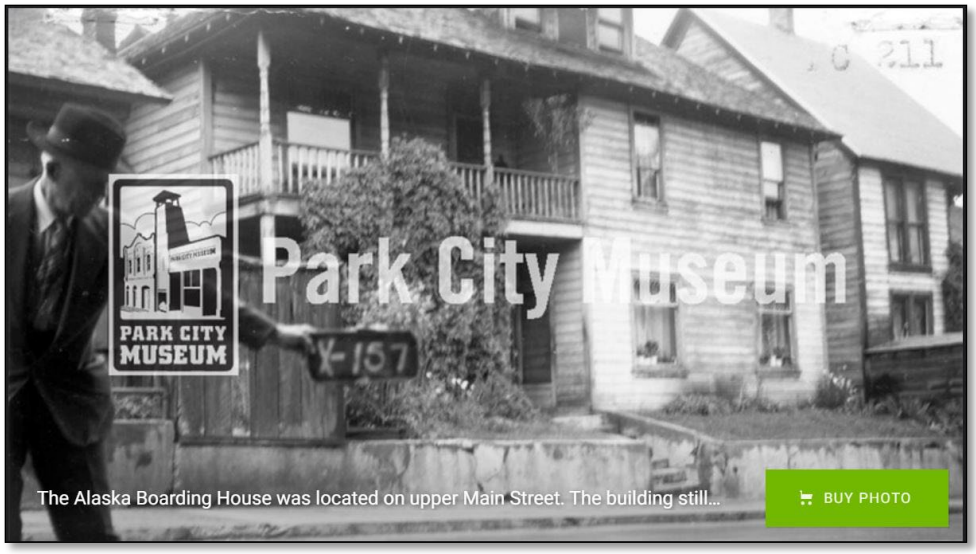


Figure A-7. A covered two-story porch on the Alaska Boarding House, ca. 1940 (Park City Museum 2023).

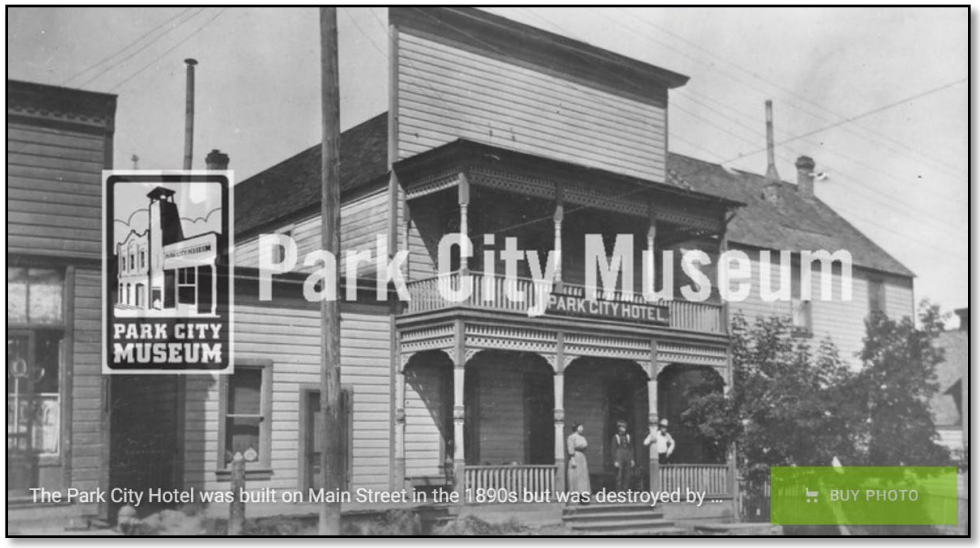


Figure A-8. A two-story porch on the front of the Park City Hotel, ca. 1910 (Park City Museum 2023).

Figure A-9. A covered two-story porch on the Park City Union Pacific Depot, ca. 1910 (Park City Museum 2023).

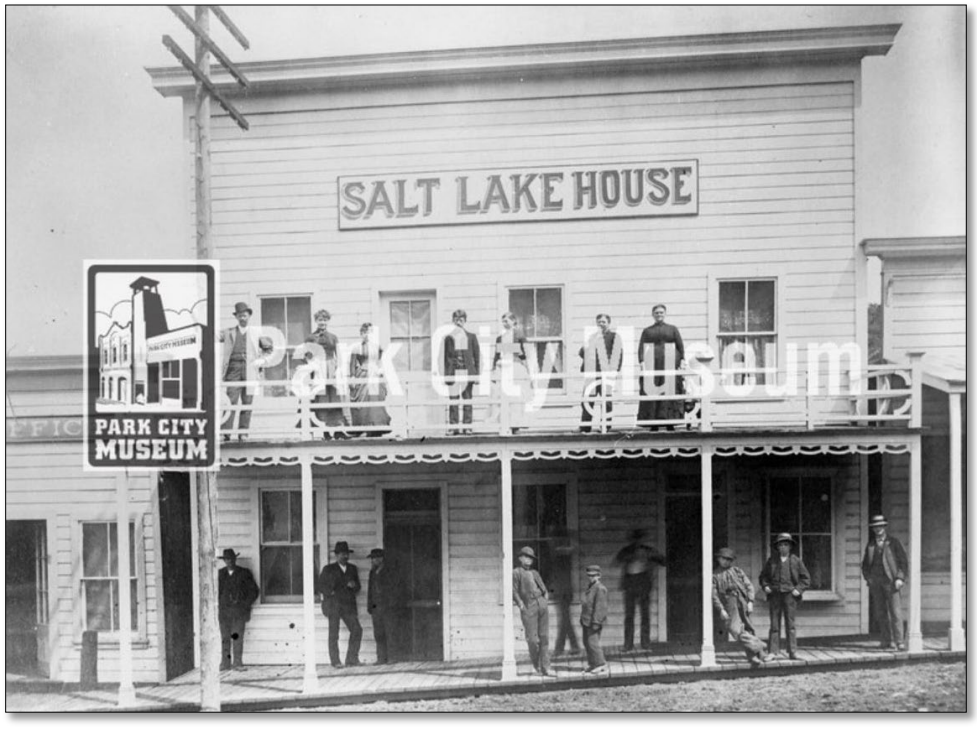


Figure A-10. A covered first-story porch and open second-story balcony on the Salt Lake House, ca. 1884 to 1898 (Park City Museum 2023).

ENTRY NO. 01111051
05/17/2019 09:58:00 AM B: 2509 P: 0087
Encroachment PAGE 1/6
RHONDA FRANCIS, SUMMIT COUNTY RECORDER
FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION

When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
PO Box 1480
Park City UT 84060

ENCROACHMENT PERMIT

416 Ontario Ave *(street address)*

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (*City*) and 416 Ontario Ave (*Owner(s)*) to set forth the terms and conditions under which the City will permit the Owner to build, maintain, and use certain improvements within the City property and right-of-way at 416 Ontario Ave (*street address*), Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain stairs, retaining wall & Patio within the City right-of-way of Ontario Ave (*street name*).

1. This encroachment agreement shall be appurtenant to the following described property: All Lot 4 & S 1/2 Lot 5

PC-479 / Park City Survey
Parcel # *Lot#* *Subdivision*

Office Use: Verify Ownership through Summit County Tax Records

This agreement is not transferable to other property, but is freely transferable with the title to this lot. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owner(s).

2. The improvements permitted within the street right-of-way shall consist of stairs, retaining wall & Patio. Attach a scaled drawing, labeled as ATTACHMENT 'A', showing the improvements and the location of all related elements, on 8 ½ "x 11" or 11"x 17" paper. No modifications to the improvements may be made without prior written permission from Park City Municipal Corporation.

3. The City may, at some future date, elect to make improvements to Ontario Ave (*street name*) at this location and widen the streets to full width of the right-of-way and City property and/or to install utilities (or allow such installation by franchised utilities). To the extent that any improvements or utility work requires the removal, relocation, replacement, and/or destruction of the improvements the Owner(s) may have been using within the City property right-of-way, the Owner(s) waives any right to compensation for the loss of improvements and loss of the use of the street right-of-way and/or change in the grade and elevation of the street. This waiver of compensation, in the event the improvements are removed for any reason whatsoever in the sole determination of Park City, is the consideration given for the granting of this encroachment permit.

4. Prior to installing City improvements in, along or adjacent to the street or installing utilities in a manner that will require the removal or relocation of the improvements, the City will endeavor to give the Owner(s) sixty (60) days notice, in which time the Owner(s) shall make adjustments and remodel the improvements as necessary to accommodate the changes in the street width, utilities, and-or grade at the Owner(s) cost. Park City and its franchised utilities will attempt to save as much of the Owner(s) improvements as possible but in no way guarantees any salvage value whatsoever.

5. No permanent right, title, or interest of any kind shall vest in the Owner(s) in the street right-of-way by virtue of this agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

6. The Owner(s) or his/her successor shall maintain the improvements in a good state of repair at all times, and upon notice from the City, will repair any damaged, weakened, or failed sections. The Owner(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the right-of-way for private purposes, or from the failure of the Owner's improvements.

7. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City regarding a notice of revocation with the Summit County Recorder and sending notice to Owner or the Owner's successor.

PARK CITY MUNICIPAL CORPORATION

DATED this 14TH day of May, 2019

Engineer

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

On the 14th day of May, 2019, Ryan Taylor personally appeared before me Jennifer Byrd who, being first duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did acknowledged to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that she/he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument on their behalf.

Jennifer Byrd
Notary Public
State of Utah
My Commission Expires 05/30/2022
#700646

Jennifer Byrd
Notary Public

PROPERTY OWNER

*Owner's Signature

Stephen Frandsen
Owner's Name (Printed)

3992 Inglewood Blvd #1 LA, CA 90066
Mailing Address

347 406 3484
email address or phone number

***If doing business as an LLC proof must be provided that the signatory can sign for the LLC.**

STATE OF ~~UTAH~~ California)
ss
COUNTY OF ~~SUMMIT~~ Los Angeles)

On the 08 day of March, 2019, _____ personally appeared before me _____ who, being first duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did acknowledged to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that she/he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument on their behalf.

See CA Ack Attached
Notary Public

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On March 08, 2019 before me, Shanna T. Hemphill, Notary Public,
Date *Here Insert Name and Title of the Officer*

personally appeared Stephen Frandsen,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SHANNA T. HEMPHILL
Notary Public – California
Los Angeles County
Commission # 2182149
My Comm. Expires Feb 28, 2021

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: PLAT Amendment
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

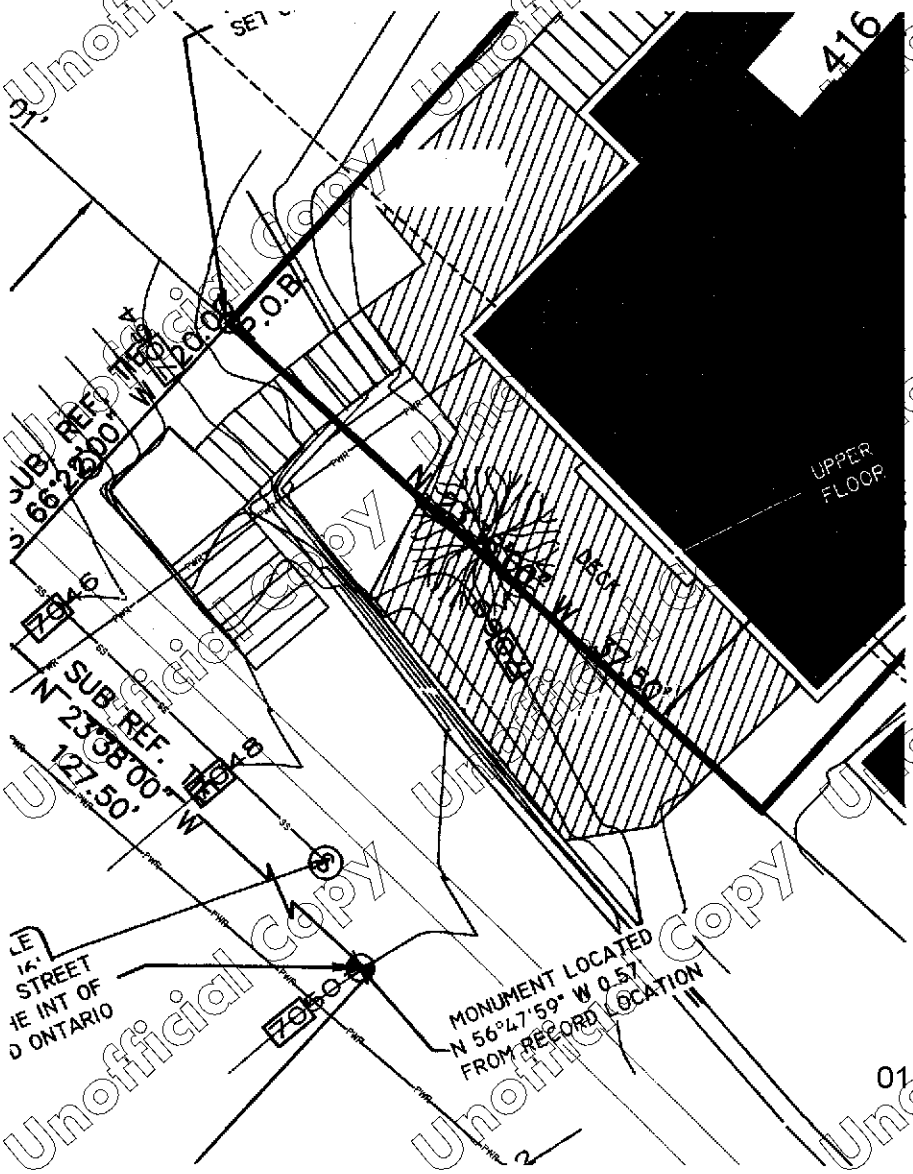
Capacity(ies) Claimed by Signer(s)

Signer's Name:	Signer's Name:
☐ Corporate Officer — Title(s):	☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Individual ☑ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:

Encroachment Permit

Ontario LLC & Park City Municipal Corporation

416 Ontario Ave



Parcel: PC-479 Date Printed: 03/27/2019

Entry: 01071014 B: 2413 P: 0092 Account: 0021687

Sec/Twn/Range: S 16 T 2S R 4E Acres: 0.06 District: 09

Mail To: 416 ONTARIO LLC

296 LEONARD ST
BROOKLYN, NY 11211

Situs Address: 416 ONTARIO AVE

ALL LOT 4 & S1/2 LOT 5 BLK 58 PARK CITY SURVEY
(LESS 1747-28 PC-480) BAL 0.06 ACHQC418-9 1955-31 IQC410 M31-688
M35-178-285 M162-203 M193-76(M216-385)M217-364 M218-285 545-26 1220-248 2413-92 2433-1250
2441-1792

Owner(s): 416 ONTARIO LLC

Registered Principals

Name	Type	City	Status
416 ONTARIO, LLC	Limited Liability Company	LOS ANGELES	Active

Position	Name	Address	
Registered Agent	SHIRLENE BASTAR	1791 E 2100 S	Salt Lake City UT 84106
Manager	STEPHEN FRANDSEN	3992 INGLEWOOD BLVD #1	LOS ANGELES CA 90066

If you believe there may be more principals, click here to View Filed Documents

Search by: Business Name Number Executive Name Search Hints

Business Name: