



**PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
March 31, 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.

Zoom Link: <https://us02web.zoom.us/j/88372159449>

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 February 10, 2026
4. **STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES**
5. **PUBLIC COMMUNICATIONS**
6. **REGULAR AGENDA**
 - 6.A. **830 Empire Avenue – Variance** – The Applicant Seeks a Variance from Land Management Code § 15-2.2-3(A) *Lot Size* in the Historic Residential -1 Zoning District to Create a 1721-Square-Foot Lot for a Landmark Historic Site. PL-26-06832 (20 mins.)
(A) Action
 - 6.B. **37 and 45 Hillside Avenue – Variance** – The Applicant Seeks a Variance from Land Management Code (LMC) Section 15-2.2-3(E) *Building Footprint*, LMC Section 15-2.2-3(G) *Front Setback Exceptions*, and LMC Section 15-2.2-3(I) *Side Setback Exceptions*, to Construct a Subterranean Garage and Access at a Significant Historic Site and Non-Historic Site in the Historic Residential – 1 Zoning District. PL-26-06843 (30 mins.)
(A) Action
 - 6.C. **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) *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 (15 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 FEBRUARY 10, 2026**

BOARD MEMBERS IN ATTENDANCE: Jennifer Franklin – Chair, Ruth Gezelius, Beth Armstrong, Stefanie Wilson, Ginny Schulman, John Stafsholt (attending virtually)

STAFF: Planning Director, Rebecca Ward; Planning Project Manager, Elissa Martin; Planner II, Meredith Covey; Chief Building Official, Dave Thacker

1. MEETING CALLED TO ORDER AT 5:00 P.M.

Chair Jennifer Franklin called the Board of Adjustment Meeting to order at 5:00 p.m.

2. ROLL CALL

A roll call was conducted and the Board Members present were identified.

3. MINUTES APPROVAL

A. Consideration to Approve the Board of Adjustment Meeting Minutes from January 13, 2026.

Chair Franklin and Board Member Stefanie Wilson were not present at the January 13, 2026, Board of Adjustment Meeting. As a result, they recused themselves from the vote. It was noted that with those recusals, there is not a quorum present to vote on the Minutes. Board Member Ruth Gezelius moved to continue the item until there is a quorum. Once there was a quorum of the Board of Adjustment, a vote was taken on the Meeting Minutes.

Board Member John Stafsholt and Board Member Ginny Schulman arrived at 5:05 p.m.

MOTION: Board Member Gezelius moved to APPROVE the Meeting Minutes of January 13, 2026, as presented. Board Member Armstrong seconded the motion. The motion passed, with Chair Franklin and Board Member Wilson recused from the vote.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no communications or disclosures.

5. PUBLIC COMMUNICATIONS

There were no public communications.

6. REGULAR AGENDA

A. 322 and 324 Main Street – Variance – The Applicant Seeks a Variance for the Proposed Red Banjo Plat Amendment for an Exception to the Historic Commercial Business Zoning District Minimum Lot Width Requirement. PL-26-06815.

Planning Project Manager, Elissa Martin, presented the Staff Report and explained that the application is for a Variance request. 322 Main Street is Red Banjo Pizza and it is a Landmark Historic Site. The variance request also includes 324 Main Street and 325 Swede Alley, which is Park Place. The two properties are located in the Historic Commercial Business (“HCB”) District. She reported that the existing structures cross lot lines and the Landmark Historic Structure at 322 Main Street encroaches onto 324 Main Street. The widths of the historic lots do not meet the minimum lot width of 25 feet that is required in the HCB Zoning District. As a result, a variance has been requested. This would allow for the Red Banjo Plat Amendment, which would create two contiguous lots out of four disparate parcels. In order for the variance to be granted, the Board of Adjustment must find that all five criteria in Land Management Code (“LMC”) 15-10-8(C) are met. The Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic. Additional requirements may also be imposed.

Manager Martin explained that for the variance request, the applicant bears the burden of proof for the five variance criteria. She reviewed the criteria and the Staff findings:

- Literal enforcement of the LMC would cause an unreasonable hardship that is not necessary to carry out the general purpose of the LMC:
 - Literal enforcement of the minimum lot width requirement would cause an unreasonable hardship because compliance with the lot width requirement is impossible due to historic site constraints and existing structures;
 - By granting the variance, the lot widths will remain the same, and the hardship is not necessary to carry out the purpose of the LMC.
- There are special circumstances attached to the property that do not generally apply to other properties in the same zone:
 - The lot widths of surrounding HCB lots on Main Street and Swede Alley are 25 feet, whereas the existing lot width of 322 and 324 Main Street are under 25 feet, which demonstrates a special circumstance is attached to the properties that generally does not apply to other properties.
- Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone:
 - Consolidation of Main Street and Swede Alley lots to allow the build out of HCB properties is a substantial property right possessed by other properties

in the HCB Zoning District. Other properties in the HCB Zone have contiguous lots fronting Main Street and backing Swede Alley.

- The variance will not substantially affect the General Plan and will not be contrary to the public interest:
 - The 2025 General Plan calls for the preservation of the Historic Neighborhood Character of Old Town, which is defined by small lots and high-density development;
 - The variance to allow existing lot widths will not cause a change to existing lot density and pattern of development.
- The spirit of the LMC is observed and substantial justice is done:
 - The variance does not allow the lots to expand in width, it would allow the lots to exist as they have for many years, with the same dimensions;
 - The variance would allow for lots reflective of ownership and existing conditions and establish boundaries for future infill development that meets the requirements of the Swede Alley criteria.

Staff recommends the Board of Adjustment review the proposed variance for 322 and 324 Main Street and 325 Swede Alley from the HCB Zone minimum lot width requirement, 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. The applicant representatives, Bryan Markkanen and Megan Blosser, are present to answer questions.

Board Member Gezelius wanted to know if approving this variance would allow the property owners to subdivide the ownership and then have separate ownership of the back parcel. Manager Martin did not believe so. The intention is to consolidate the lots. There are four parcels in total and each owner has two parcels. There is a desire to consolidate so Park Place has its consolidated contiguous lot and Red Banjo has its consolidated contiguous lot. There could not be disparate ownership once that was done.

Board Member Gezelius pointed out that the template in Old Town is not standard. Since development took place on Main Street in the 1800s, there are irregular parcels. Board Member Schulman asked if either of these lots could be developed independently of what is in the front. Manager Martin wanted to know if the question is whether there could be an entirely separate building constructed. Board Member Schulman confirmed this. Manager Martin explained that it is currently possible. There could be a separate building built on a separate lot, but the variance would still need to be granted for a Building Permit to be issued. She shared additional information about this potential scenario.

Board Member Schulman believed that in order for the 24-foot lot to be developed separately, the applicant would need to come back to the Board of Adjustment for a variance. The 25-foot lot would meet requirements. Manager Martin confirmed this. In order to build on the back lot with a non-compliant width, the variance would be needed.

Board Member Stafsholt pointed out that it would be easier in the current configuration to develop a separate building on the Swede Alley side rather than do so after the

combination. It was noted that there are currently four lots. Manager Martin explained that if the variance request is approved, this will allow the Red Banjo Plat Amendment to move to the Planning Commission for approval. She informed the Board that the Red Banjo Plat Amendment would create two lots out of the four parcels that currently exist.

Planning Director, Rebecca Ward, clarified that the proposed Plat Amendment would take the four separate parcels and create two lots that reflect current ownership. In the HCB District, there are no setbacks, but these lots are under the lot width and lot depth required for the district. By combining these separate parcels, the required lot depth will be created. Director Ward explained that there will be two separate ownerships. It was reiterated that Park Place will be one lot and Red Banjo will be another lot.

Director Ward clarified that there is no requirement for two lots to be created, but that could be a Condition of Approval that is added. If the proposal were to change, it would need to come back to the Board of Adjustment for consideration. Director Ward explained that Condition of Approval #1 could be amended. The following language was drafted:

- Condition of Approval #1:
 - The Variance is limited to the outlined request and the creation of two contiguous Lots. No other code exceptions are proposed or approved.

Additional discussions were had about the Condition of Approval language proposed. Chair Franklin believed the variance is required in order to move forward with the Plat Amendment, which was confirmed. There cannot be a Plat Amendment prior to approval of the requested variance. There was Board Member support for the condition language.

MOTION: Board Member Gezelius moved to APPROVE the Variance for 322 and 324 Main Street and 325 Swede Alley, based on the following:

Findings of Fact:

1. 322 Main Street (Red Banjo Pizza) and 324 Main Street/325 Swede Alley (Park Place) are in the Historic Commercial Business (HCB) Zoning District.
2. 322 Main Street is a Landmark Historic Structure on Park City's Historic Sites Inventory.
3. 324 Main Street/325 Swede Alley is a non-Historic site with a Structure built in 1978.
4. The Landmark Historic Structure at 322 Main Street encroaches onto 324 Main Street and the property owners submitted a Plat Amendment to create two Lots that reflect existing conditions and ownership.

5. According to Land Management Code (LMC) § 15-2.6-3 *Lot and Site Requirements*, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required.
6. The properties do not meet the HCB Zoning District minimum lot width requirement of 25 feet on the Main Street and Swede Alley Frontages and on January 16, 2026, the Applicant applied for a Variance.
7. 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.
 - 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 § 15-2.2-1, the purpose of the HCB District is to:
 1. Preserve the cultural heritage of the City's original Business, governmental and residential center;
 2. Allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City;
 3. Facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District;
 4. Encourage the preservation of Historic Buildings and/or Structures within the district;
 5. Encourage pedestrian-oriented, pedestrian-scale Development;
 6. Minimize the impacts of new Development on parking constraints of Old Town;
 7. Minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods;
 8. Minimize visual impacts of automobiles and parking on Historic Buildings and/or Structures and Streetscapes;
 9. Support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces; and
 10. Maintain and enhance the long-term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort- related attractions.

- ii. Without an exception to the minimum Lot width requirement of the HCB Zoning District, future additions to the buildings would be prohibited because additions to existing buildings are not allowed to straddle Lots and therefore a Plat Amendment is required to consolidate the disparate Lots into contiguous Lots; literal enforcement of the minimum Lot width requirement would result in the denial of the Red Banjo Plat Amendment, due to the non-complying Lot width of each Historic Lot.
- b. There are special circumstances attached to the Property that do not generally apply to other properties in the same zone.
 - i. The Lot widths of surrounding HCB Lots on Main Street and Swede Alley are over 25 feet, whereas the existing Lot widths of 322 and 324 Main Street are under 25 feet, which demonstrates a special circumstance is attached to the Properties that generally does not apply to other properties.
 - ii. The existing Lot width of each Lot cannot be expanded along Main Street due to the existing conditions and adjacent Structures and the Lot width along Swede Alley cannot be expanded to meet the minimum 25-foot Lot width due to the same constraints – the combined width of the Lots along Swede Alley is approximately 45 feet, and the combined width of the Lots along Main Street is 41.87 feet. The combined width of the Lots would need to be a minimum of 50 feet to meet the HCB Lot width requirement.
- c. Granting the Variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.
 - i. The consolidation of Main Street and Swede Alley Lots to allow the build-out of HCB Properties is a substantial Property right possessed by other Properties in the HCB Zoning District.
 - ii. The Variance is necessary to allow the Red Banjo Plat Amendment, which will, in turn, allow the expansion of Red Banjo Pizza to the rear of the property within one contiguous Lot, as well as future build-out of Park Place within one contiguous Lot.
- d. The Variance will not substantially affect the General Plan and will not be contrary to the public interest.
 - i. The 2025 General Plan calls for the preservation of the Historic Neighborhood Character of Old Town. One of the defining characteristics of Old Town is a pattern of small Lots and high-density development.
 - ii. The Variance to allow an exception to the HCB minimum Lot width requirement for 322 and 324 Main Street will not have a negative impact on the Historic character of Old Town

- because it would not cause a change to the existing Lot density and pattern of development along Main Street and will allow for pedestrian- oriented infill along Swede Alley.
- e. The Spirit of the Land Management Code is observed, and substantial justice done.
 - i. The purpose of the HCB District includes preserving the cultural heritage of the City's original Businesses, allowing the use of land for retail and commercial purposes to enhance and foster the economic and cultural vitality of the City, and to facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District. Another purpose is to encourage pedestrian-oriented, pedestrian-scale Development.
 - ii. LMC § 15-2.6-7 Swede Alley Development Criteria requires infill development with pedestrian-scaled entrances with window displays and design features that are compatible with—but subordinate to—Main Street development.
 1. The requested Variance establishes Lots reflective of ownership and allows for the creation of two Lots that reflect existing conditions and establish the boundaries for future infill development that meets the requirements of Swede Alley criteria.
 - iii. Allowing an exception to the HCB minimum Lot width requirement does not compromise the spirit of the LMC, specifically the Lot and Site requirements of the HCB Zoning District.
 1. The Variance does not allow the Lots to expand in width, it would allow the Lots to exist as they have for many years, with the same dimensions.
 2. No change is being made except to allow the build out of the rear portions of the Lots, just as most properties along Main Street have been allowed to do.

Conclusions of Law:

1. The Applicant proved their request meets the five criteria outlined in Land Management Code § 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 Variance is limited to the outlined request and the creation of two contiguous Lots. No other code exceptions are proposed or approved.

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

B. 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.

It was noted that two members of the Board of Adjustment will recuse themselves from the discussion due to being absent at the last meeting. Chair Franklin and Board Member Wilson were recused. Chair Franklin asked Board Member Gezelius to handle this item.

Board Member Gezelius clarified that it has been the practice of the Board of Adjustment to have those not present during a previous discussion recuse themselves from further discussion. She noted that there is a quorum present to vote on the variance application.

Planner II, Meredith Covey, presented the Staff Report and explained that this is a continuation of a variance request at 416 Ontario Avenue. She reported that 416 Ontario Avenue is a non-historic single-family dwelling in the Historic Residential – 1 (“HR-1”) Zoning District. There was a previously existing deck and two mature trees, which have since been removed. She shared images that illustrate the previously existing deck and the newly framed deck. The currently framed deck is approximately 25 feet wide and 12 feet deep. The applicant has since proposed to reduce the deck dimensions to 24 feet wide and 12 feet deep. She noted that the applicant is requesting an exemption from the regulations for decks on new infill in the Historic District. LMC 15-13-8(B)(2)(7) states:

- Decks should 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. 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.

Planner Covey reported that the applicant is also requesting an exception from the front setback regulations. The front setback in this zoning district is 10 feet. Decks not more than 10 feet wide, projecting not more than 3 feet into the front setback, are an allowed setback exception, but this deck is larger than that. The applicant bears the burden of proving the five variance criteria. Planner Covey reviewed the following variance criteria:

- Literal enforcement of the LMC would cause an unreasonable hardship that is not necessary to carry out the general purpose of the LMC;
- There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- The variance will not substantially affect the General Plan and will not be contrary to the public interest;
- The spirit of the LMC is observed and substantial justice is done.

Planner Covey asked the Board to consider whether the applicant has met the burden of proof of the five criteria. Staff recommends the Board of Adjustment review the requested variance and determine whether the updated Draft Final Action Letter reflects the Board's Findings of Fact, Conclusions of Law, and Conditions of Approval. Based on comments made at the last Board of Adjustment Meeting on January 13, 2026, additional information about the context and history of the project was provided in the Staff Report. The applicant is at the meeting and will present information. In addition, Chief Building Official, Dave Thacker, is present at the Board of Adjustment Meeting to answer questions.

Board Member Schulman noted that when the original deck was on the property, there was a side yard deck. She asked if that is still there. The applicant, Rafael Baez, explained that they did not remove the side yard deck, but it was removed prior to the acquisition of the property. It was noted that if the applicant proposes rebuilding a deck in the side yard, there will be a requirement to submit an additional Historic District Design Review ("HDDR") Pre-Application with the Planning Department. That would go through the Waiver Letter process to determine whether it complies with the setbacks. If there is no setback compliance, the applicant will be required to undergo the variance process.

Director Ward added that with side setback exceptions, if it is within a certain distance of grade, there are some allowances there. In this case, what the applicant is asking for with the exception falls within the front setback along Ontario Avenue. Planner Covey shared an image with the Board and explained that the orange section is what is framed currently and is approximately what the applicant is proposing to construct. What is shown is around one foot wider than the dimensions now proposed by the applicant.

Board Member Schulman asked for additional information about the image shown. Planner Covey clarified that the red line represents the property line. The home is approximately 10 feet back from the property line, so the home encroaches slightly into the front setback. Board Member Schulman wanted to know if the deck goes beyond the

property line, which was confirmed. Planner Covey reported that it encroaches into the City right-of-way, which is the reason there was an Encroachment Agreement recorded in the past for the stairs, retaining walls, and the deck that existed there previously.

Board Member Schulman believed there was a stop-work order issued when the structural elements were removed. This was confirmed. Planner Covey explained that there was a stop-work order that was put on the property in October 2025. There was an inspection done where the Building Department determined that there were framing and structural elements outside the scope of what was approved by the Planning Department. Planner Covey shared information about the Conditions of Approval applied to the property.

Board Member Stafsholt noted that the applicant was told that structural elements could not be removed. New plans were submitted, and those plans were stamped by the Building Department. Work was done according to the plans that were stamped, which is normally the last step in the process. The Building Inspector went out two times and approved the work. He is concerned about now telling the applicant that something cannot be built after all of that took place. There was a process issue, which has been admitted to and corrected since this issue occurred. He feels for the applicant, given what has happened.

Mr. Baez shared presentation slides with the Board of Adjustment and explained that he is the owner of 416 Ontario Avenue. He shared some history about the property and the timeline. In 2019, there was an Encroachment Permit established between the prior owners and the City. Part of what the Encroachment Permit requires is that the owner maintain the improvements in a good state of repair at all times. The agreement is in effect until the license is revoked. He noted that the property was acquired in November 2024. He shared an image of the pre-purchase condition with the deck and trees. This shows the trees were causing the decking to buckle. Additional images were provided.

Mr. Baez pointed out that the newly constructed deck would be minimally visually impactful from the street. The retaining wall is 7 feet on one end and 9 feet in height on the other. He next shared a video that shows the condition of the property after the demolition. None of the structural elements were removed until late September, which was after the Building Permit was applied for and there were reviews done. Mr. Baez explained that some of the structural elements were rotted. He next shared details from the application for the initial demolition. The contractor obtained a permit for a deck demolition, advising the City that the deck would be rebuilt in the spring. He explained that the intention was to remove the deck and rebuild a new deck in the spring with traditional wood materials, including redwood, cedar, and pressure-treated materials.

The initial permit for the demolition was shared. Mr. Baez reported that the permit was approved and reviewed. The applicant contractor obtained a permit for a small deck demolition before removing the deck. Building and Planning both approved work with the caveat that HDDR approval would be required before construction and that repair and

remodel would require a separate permit. On April 23, 2025, the contractor emailed drawings of the deck to the Planning Department in support of the applicant's HDDR Pre-Application. There was some correspondence that took place at that time.

After the contractor submittals, the HDDR Pre-Application was granted, subject to the conditions set forth in the May 21, 2025, letter to the contractor. Mr. Baez reported that nowhere in the list of bullet point conditions did it state that the deck could not be demolished. Board Member Schulman stated that there was other correspondence from the Planning Director that stated the deck could not be replaced, but it could be repaired. Mr. Baez clarified that it stated there would need to be another permit process to repair or remodel the deck. There was an original HDDR application in January. Due to the length of time for the permit, the original expired, and another application was submitted.

Director Ward shared clarifying information about the timeline. In January, a Demolition Permit was submitted to the Building Department to demolish the deck. The Demolition Permit was issued and a condition was outlined to state that after demolition, if there is a proposal to rebuild the deck, it needs to comply with the code and go through the Historic District process. However, the applicant did not move forward with that permit. Instead of demolishing the deck, an HDDR Pre-Application was submitted on April 15.

The initial proposal stated that the deck would be removed and rebuilt. There was communication with the applicant representative to inform them that removing the deck would lose the non-complying status. The plan set the applicant is now sharing is what was submitted for the HDDR application in April, even though the structural plans had been completed in February. The Waiver Letter was issued in May. 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 the new deck will be required to comply. Before issuing the Waiver Letter, there was a site visit to determine that the structural components had not been removed. Director Wad explained that there was a Building Permit to demolish that did not move forward. There is documentation that was prepared at different dates. She shared additional timeline information with the Board of Adjustment in order to provide more clarity.

Mr. Baez continued his presentation. He explained that the emails back and forth on April 23, 2025, were in response to the HDDR. In compliance with the HDDR conditions, the contractor applied for a Building Permit on May 23, 2025. This was reviewed and finalized on June 2, 2025. It was to remodel the deck and install new decking and railing. He presented the permit application submitted, which showed the footings as well as the plans and structural calculations. There were inspections for the footings on September 4, 2025. The inspection of the Limits of Disturbance ("LOD") was passed on September 8, 2025. There were no indications during this process that there might be an issue.

The inspection of the rough framing was marked "No Pass" on October 7, 2025, but that was addressed through correspondence with the engineer of record. It was not until

October 7, 2025, that notice was received about the Planning Department submittal requirement. Mr. Baez shared a summary of the City file, which includes the following:

- Encroachment Permit requiring the owner to keep the deck in good repair;
- Application for Demolition Permit referring to the removal of the deck;
- Passed demolition inspection;
- Footings and foundation drawings showing new deck footings;
- Load calculations for new deck support;
- HDDR approval with conditions that did not prohibit removal; and
- Inspections of footings, limits of disturbance, and rough framing.

The Chief Building Official's email on November 5, 2025, claimed that "the deck was completely removed in violation of the Condition of Approval for which the Historic District Waiver Letter and Building Permit were issued." Mr. Baez shared the HDDR conditions and explained that it is possible to reduce the encroachment in a certain section.

Mr. Baez discussed the administrative issue that occurred. For the Building Permit, the submittal was three pages. Pages 4 to 22 were documents from an entirely different project. While those may be in the City file, none of those documents were related to the submittal made for 416 Ontario Avenue. He referenced LMC Section 15-10-8(C) language and outlined the different ways the variance criteria have been met:

- Literal enforcement of the LMC would cause an unreasonable hardship that is not necessary to carry out the general purpose of the LMC:
 - Here, literal enforcement would cause an unreasonable hardship because it would require removal or downsizing of a deck constructed in reasonable reliance on an issued Building Permit, stamped structural plans, and passed inspections, based on conditions peculiar to this property and permitting history, not general neighborhood conditions;
 - The hardship is not aesthetic preference or economic gain;
 - The hardship is being forced to dismantle a structure after:
 - A Building Permit was finalized on June 2, 2025;
 - The footings were inspected and passed on September 4, 2025;
 - Construction proceeded without stop-work for months; and
 - The City later acknowledged internal process failure.
 - Enforcement here does not advance the Code's purpose, but penalizes compliance with the City process.
- There are special circumstances attached to the property that do not generally apply to other properties in the same zone:
 - Here, special circumstances exist because this property uniquely combines:
 - A recorded Encroachment Permit authorizing a front yard deck within the right-of-way;
 - Extreme topography limiting alternative deck locations; and
 - A City permitting record that affirmatively allowed structural reconstruction to proceed.

- No similarly situated HR-1 property is subject to both an active Encroachment License and a City-issued Structural Permit for replacement work.
- Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone:
 - The substantial property right at issue is not merely the existence of a deck, but the continued ability to maintain and safely use a deck that has lawfully occupied this location for decades with City authorization;
 - The prior deck existed long-term and was formally legalized by an Encroachment Agreement;
 - The new deck does not increase overall encroachment and in some respects reduces it;
 - For this lot, there is no functional alternative location that would allow outdoor access comparable to neighboring properties;
 - Enforcement would leave the owner worse off than before despite reliance.
- The variance will not substantially affect the General Plan and will not be contrary to the public interest:
 - Granting the variance will not substantially affect the General Plan or public interest, because the deck is non-historic, largely screened by topography, replaces an existing encroachment, and does not expand the scale of development beyond what has long existed;
 - The Historic District goals focus on new incompatible development, not safety-drive replacement of existing non-historic improvements;
 - The deck is approximately the same square footage as before and improves structural safety;
 - The public right-of-way impact is governed by a revocable license already approved by the City.
- The spirit of the LMC is observed and substantial justice is done:
 - Substantial justice is served by allowing the deck to remain, because the applicant acted in good faith, relied on City approvals, and did not intensify non-conformity;
 - Denying the variance would produce an inequitable result driven by administrative error rather than land use policy;
 - It is unjust to deny a variance where an owner submitted plans, had them approved, and built in conformance with those plans;
 - Granting the variance will prevent further injustice from occurring.

Official Thacker reported that two separate permits are being discussed. One permit that has been brought forward is the Demolition Permit, which was requested to demolish the deck in its entirety. That was approved and it had specific notes. It provides the information that Pre-Application is required before a permit can be issued to construct. It also states that all new construction must comply with zoning requirements, including setbacks. It must not create any new encroachments outside of the property. That was provided to the applicant in January 2025. It indicated that there was a process that needed to be adhered to. As for the deck repair process, the plans that were submitted

did receive a stamp for review of code compliance from the Building Department. There was also a stamp from the Planning Department that indicated it was repair only and it was not for a rebuild or replacement of the deck. Although there are some concerns about the administrative process that occurred, there was appropriate communication.

Board Member Stafsholt pointed out that the Demolition Permit was stamped and approved, the Building Permit was stamped and approved, and there were two positive inspections. There was then a stop-work order. This does not seem to be the fault of the applicant, but instead it appears that there was an administrative issue that occurred.

Board Member Gezelius asked for Board Member feedback about the application. Board Member Beth Armstrong noted that everything she has seen mentioned a remodel and also referenced the replacement of decking and railing. She did not see language to indicate that it was a rebuild or a new build. She agrees with Board Member Stafsholt that there is some confusion in this case, but she believed the Planning Department provided clarity by mentioning a remodel and replacement of the decking and railing.

Board Member Schulman agreed with the comments shared by Board Member Armstrong. During the last Board of Adjustment Meeting, there was a discussion about whether the applicant was willing to compromise somewhat and make the deck smaller. The deck has not been proposed to be significantly smaller. She added that a new deck was not approved. The LMC would allow for a 10-foot-wide and 3-foot-deep deck there.

Board Member Stafsholt reminded Board Members that there are five criteria that need to be reviewed in order to grant the variance. In this case, the application meets all five. It would be an unreasonable hardship for the applicant to tear out a deck and lose what was built with a permit. There are clearly special circumstances in this case, as there is an Encroachment Agreement. He continued to review the criteria and reiterated that all five of the criteria are met with this application. Board Member Gezelius stated that after reviewing the photographic documentation of the condition of the deck, it was clearly a public safety hazard with rotten siding right on a street where pedestrians and vehicles pass. There were errors in interpretation on the part of the applicant and there was confusion on the part of City Staff in terms of the timing and scope of the work. To require this deck to be removed appears to be outside the spirit of the law and the five criteria.

There was additional discussion about the application and the criteria. Board Member Stafsholt reiterated that there was a Staff error. The applicant submitted footings and foundation documents, and there were approved inspections. It does not make sense to rip out what is there currently or request a reduction in size due to a Staff error. He is against applicants who come to the City in bad faith, but that is not happening in this case.

Board Member Armstrong believed that at the last meeting, there was a request for the applicant to come back with an alternate plan. There was only a small change brought forward. Mr. Baez explained that there are a lot of structural elements already in place.

There is a willingness to reduce it where possible, but there are certain structural elements that need to be taken into consideration. Discussions were had about the criteria.

MOTION: Board Member Schulman moved to DENY the Variance for 416 Ontario Avenue, finding that the scale of the deck and the proposal does not fit into the historic fabric of the neighborhood. Board Member Armstrong seconded the motion. Vote on Motion: Board Member Schulman-Yes; Board Member Armstrong-Yes; Board Member Stafsholt-No; Board Member Gezelius-No. The motion failed with a vote of 2-to-2.

Director Ward suggested that there be a continuation so the applicant can reconsider reductions to the deck. The applicant could bring forward more detailed information about how the deck could be reduced. The discussion can be continued to a future meeting.

MOTION: Board Member Armstrong moved to CONTINUE the Variance Request at 416 Ontario Avenue so additional information can be provided to the Board about a plan to reduce the deck size. Board Member Schulman seconded the motion. Vote on Motion: Board Member Schulman-Yes; Board Member Armstrong-Yes; Board Member Stafsholt-No; Board Member Gezelius-Yes. The motion passed 3-to-1.

7. ADJOURN

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

The Board of Adjustment Meeting adjourned at 6:22 p.m.

Board of Adjustment Staff Report



Subject: 830 Empire Avenue
Landmark Historic Site
Application: PL-26-06832
Author: Jaron Ehlers, Planner I
Date: March 31, 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 proposed Variance for the Landmark Historic Site at 830 Empire Avenue from Land Management Code (LMC) [§ 15-2.2-3\(A\)](#) requiring a minimum 1,875-square-foot Lot size in the Historic Residential -1 (HR-1) Zoning District to create a 1,721-square-foot Lot for the Landmark Historic Site and (II) consider approving the Variance based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Tom & Lara Zoller
Jonathan DeGray, Applicant Representative

Location: 830 Empire Avenue
Landmark Historic Site

Zoning District: Historic Residential – 1

Adjacent Land Uses: Residential

Reason for Review: The Board of Adjustment reviews and takes Final Action on Variances.¹

HR-1 Historic Residential-1
LMC Land Management Code
ROW Right-of-Way
SFD Single-Family Dwelling

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

¹ LMC [§ 15-1-8\(I\)](#)

Summary

830 Empire Avenue is an unusually shaped metes-and-bounds parcel with frontage along Crescent Tram Road and Empire Avenue. The parcel is within the HR-1 Zoning District, contains a Single-Family Dwelling (SFD) constructed circa 1911, and is a Landmark Historic Site on Park City's Historic Sites Inventory ([Historic Site Form](#)).²



Figure 1: Location of 830 Empire, a Metes-and Bounds Parcel highlighted in orange.

² LMC [§ 15-11-10\(D\)\(1\)\(n\)](#)

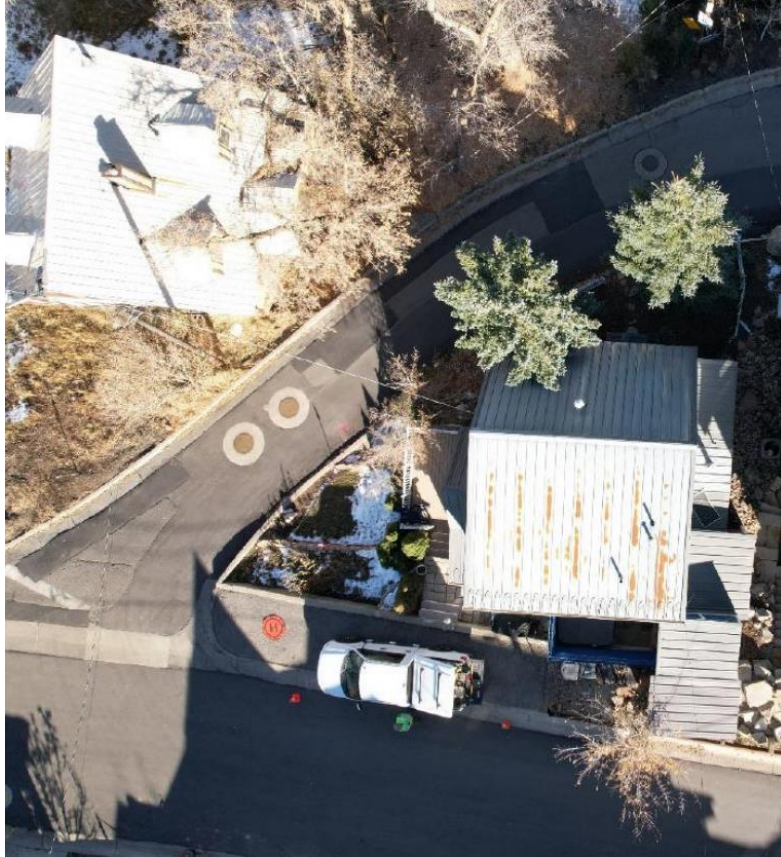


Figure 2: Applicant's aerial view of property. The Applicant parks on the paved area adjacent to Empire Avenue, which is Public Right-of-Way (ROW).



Figure 3: Applicant's photo of the Single-Family Dwelling looking Southward when viewed from the corner of Crescent Tram Road and Empire Avenue.



Figure 4: Applicant's photo looking Northward when viewed from Crescent Tram Road.

The Applicant submitted a Plat Amendment application to the Planning Department to create a Lot. The property is an unusually shaped 1,722.6-square-foot metes-and-bounds parcel (SA-144) consisting of portions of historic Old Town Lots and Empire Avenue Right-of-Way (ROW) that was vacated in 1967 (Exhibit D).



Figure 5: Applicant's Existing Conditions Survey showing current ownership in purple boundary.

The property is surrounded on three sides by Crescent Tram Road, a City-owned parcel, and Empire Avenue. 830 Empire Avenue contains several encroachments on City property and ROW along Crescent Tram Road to the north and east, and onto Empire Avenue to the west, highlighted in the image below (Figure 6):

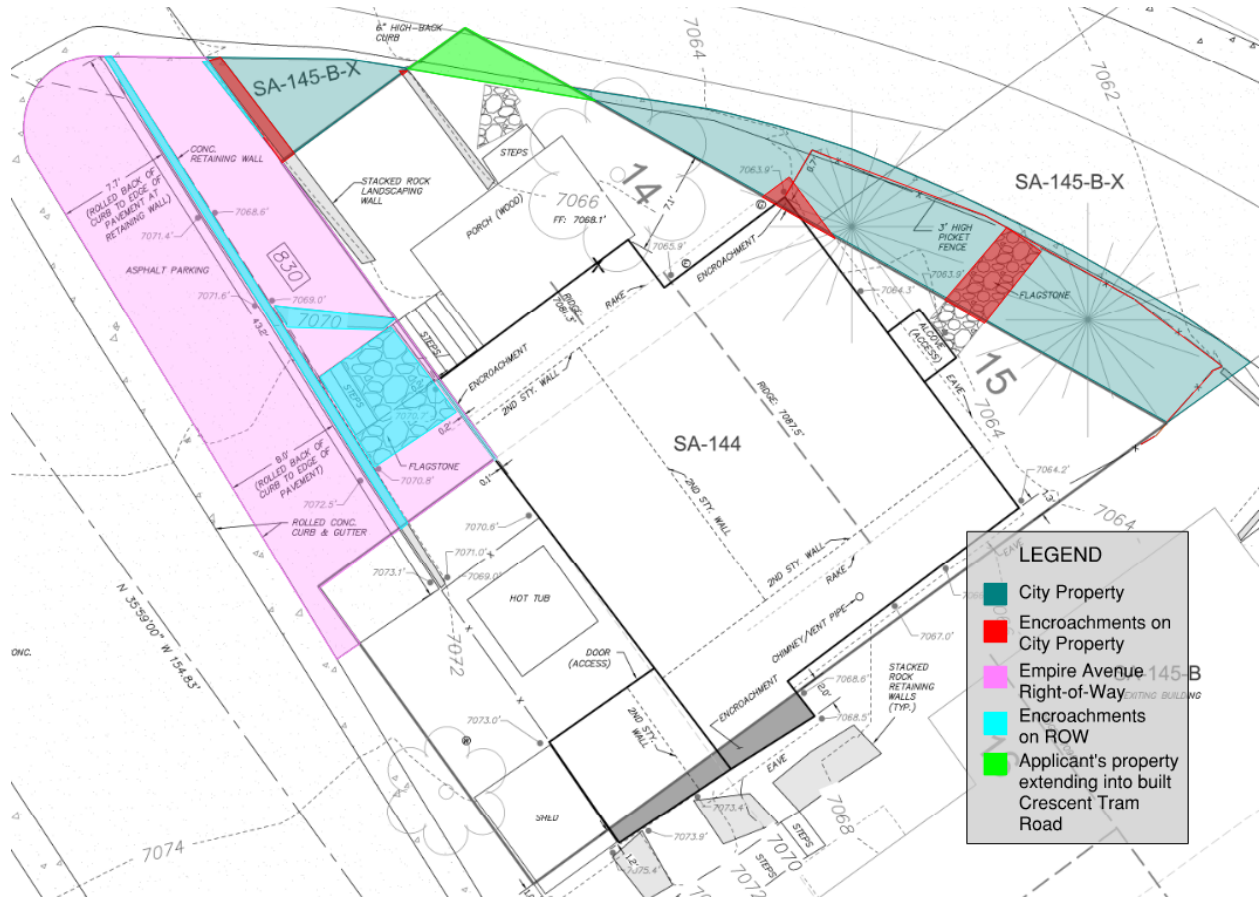


Figure 6: Survey showing encroachments.

The minimum Lot size required for a SFD in the HR-1 Zoning District is 1,875 square feet (LMC [§ 15-2.2-3\(A\)](#)). The property currently measures 1,743.4 square feet, 132.6 square feet short of the requirement. The Engineering Department will also require that 22.5 square feet (shown in light green on Figure 6) be dedicated to the City as ROW reflecting what has been utilized by the public as Crescent Tram Road ROW for decades, further reducing the proposed Lot to 1721 square feet.

Background

- According to the [Historic Site Form](#), 830 Empire Avenue was constructed in 1911 during the Mature Mining Era.
- On June 18, 2025, the Applicant applied for a Plat Amendment to create a Lot for the Landmark Historic Site. On October 23, 2025, staff deemed the application was complete.
- On February 18, 2026, the Applicant applied for a Variance LMC [§ 15-2.2-3\(A\)](#)

outlining the HR-1 Zoning District's minimum Lot Size requirement. Staff deemed the Applicant's Variance application was complete on March 4, 2026.

Analysis

To grant the requested Variance, the Board of Adjustment must find that all five criteria in Land Management Code Section 15-10-8(C) are met. The Applicant bears the burden of proving that all five criteria have been met.

The Board of Adjustment hears Variance requests, takes Final Action, and 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.³

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.⁴ In determining whether enforcement of the LMC would cause unreasonable hardship, the Board of Adjustment may not find unreasonable hardship if the hardship is self-imposed or economic.⁵

(I) The Applicant seeks a Variance from Land Management Code Section 15-2.2-3(A) Lot and Site Requirements for the Historic Residential-1 Zoning District to create a Lot for the Landmark Historic Site.

The five criteria in LMC [§ 15-10-8\(C\)\(1\)](#) are outlined below, with the Applicant's response in *italics* and staff analysis below. Please see Exhibit E for the Applicant's full analysis and narrative.

(1) 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.

The Applicant states:

“Enforcement of the 1875 sq. ft. minimum lot size requirement would prevent the property owner from enjoying the rights possessed by other property owners to improve and maintain their home.”

LMC [§ 15-2.2-1](#) establishes the purposes of the HR-1 Zoning District:

- 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;

³ LMC [§ 15-10-8](#)

⁴ LMC [§ 15-10-8\(D\)\(1\)](#)

⁵ LMC [§ 15-10-8\(D\)\(2\)](#)

- 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.

Literal enforcement of the LMC would create an unreasonable burden on the Applicant that goes against the purposes of the preservation of Historic Buildings as the minimum Lot Size requirement would prevent the platting of the Lot, which in turn provides an obstacle to preserving the Historic Building, as anything outside maintenance of the existing Structure will be prohibited. LMC [§ 15-2.2-3](#) states “Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.” This establishes that without the proposed Variance, a Building Permit could not be issued on the property.

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

The Applicant states:

“The lot is 132 sq. ft. under the required minimum lot size for the zone and therefore needs a variance to be able to replat the lot to allow for a remodel. Most other homes in the zone meet the minimum lot size requirement and do not require a variance to replat their property.”

Special circumstances apply to the property, as it is surrounded on three sides by City ROW and City property. These external boundaries prevent any expansion of the parcel to meet the minimum Lot Size. The property also includes a designated Landmark Historic Structure, built in 1911, predating the adoption of the LMC. LMC [§ 15-2.2-4](#) establishes a number of LMC exemptions for Landmark Historic Sites, which grants flexibility for those sites to remain in existence, be maintained and improved, but does not establish an exception for properties that do not meet the minimum Lot size requirement.

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

The Applicant states:

“Granting the variance will allow the owner to replat and then remodel their home under the code. This is a right enjoyed by all other properties in the zone.”

Other owners of Historic Sites are allowed to replat for remodels and additions subject to the provisions of the LMC. LMC [§ 15-2.2-4](#) establishes a number of LMC exemptions for Landmark Historic Sites, which grants flexibility for those sites to remain in existence, and be functional, maintained, and improved. Most other properties in the HR-1 Zoning District were built on platted square lots, and do not have Street Frontage on three sides.

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

The Applicant states:

“The home has been on this site since 1911(per the Historic Sites Inventory) A plat amendment will not have any effect on the general plan.”

[Recommendation C5](#) of the General Plan regarding Historic Preservation states, “Park City will protect, preserve, enhance, and celebrate the historic character of the community.” The LMC provides a framework where Landmark Historic Structures can be modified and improved while maintaining the historic character of the Historic District. Approving this Variance furthers the goals of the General Plan, as existing LMC regulations remain in effect to ensure historic compatibility.

(5) The Spirit of the Land Management Code is observed, and substantial justice is done.

The Applicant states:

“The historic home will be preserved through structural upgrades that will ensure its continued contribution to the historic district for years to come.”

LMC [§ 15-1-2\(B\)](#) states that a purpose of the LMC is to “protect and enhance the vitality of the City’s resort-based economy, the overall quality of life, the Historic character, and unique mountain town community.” LMC [§ 15-1-2\(E\)](#) further states “[t]o allow Development in a manner that encourages the preservation of environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of the original Park City.”

The proposed Variance upholds these purposes, ensuring the Spirit of the Land Management Code is served by allowing for the development of the property in a way that is consistent with the LMC’s regulations on Historic Structures. Denial of the Variance would result in limited improvement of the Historic Structure in accordance with the LMC regulations.

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 March 17, 2026. Staff mailed courtesy notice to property owners within 300 feet on March 17, 2026. The *Park Record* published courtesy notice on March 14, 2026.⁶

Alternatives

The Board of Adjustment may:

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

Exhibits

- A: Draft Final Action Letter
- B: Proposed Plat Amendment
- C: Existing Conditions Survey
- D: Ordinance Vacating a Portion of Empire Avenue
- E: Applicant Narrative

⁶ LMC [§ 15-1-21](#)



Planning Department

March 31, 2026

Jonathan DeGray

CC: Tom & Lara Zoller

NOTICE OF BOARD OF ADJUSTMENT ACTION

Description

Address: 830 Empire Avenue

Zoning District: Historic Residential-1

Application: Variance

Project Number: PL-26-06832

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: March 31, 2026

Project Summary: The Applicant requests a Variance from Land Management Code § 15-2.2-3(A) *Lot Size in the Historic Residential - 1 Zoning District* to create a 1721-square-foot Lot for a Landmark Historic Site.

Action Taken

On March 31, 2026, the Board of Adjustment approved the Variance for 830 Empire Avenue according to the following findings of fact, conclusions of law, and conditions of approval:

Background

1. On June 18, 2025, the Applicant applied for a Plat Amendment to create a Lot for the Landmark Historic Site. On October 23, 2025, staff deemed the application complete.
2. On February 18, 2026, the Applicant applied for a Variance from Land Management Code (LMC) § 15-2.2-3(A) outlining the HR-1 Zoning District's minimum Lot Size requirement. Staff deemed the Applicant's Variance application complete on March 4, 2026.



Planning Department

Findings of Fact

1. 830 Empire Avenue is an unusually shaped metes-and-bounds parcel with frontage along Crescent Tram Road and Empire Avenue.
2. The site is within the HR-1 Zoning District, contains a Single-Family Dwelling (SFD) constructed circa 1911, and is a Landmark Historic Site on Park City's Historic Sites Inventory.
3. The Applicant submitted a Plat Amendment application to the Planning Department to create a Lot for the parcel.
4. The property is an unusually shaped 1,722.6-square-foot parcel (SA-144) consisting of portions of historic Old Town Lots and Empire Avenue Right-of-Way (ROW) that was vacated in 1967.
5. The property is surrounded on three sides by Crescent Tram Road, a City-owned parcel, and Empire Avenue.
6. 830 Empire Avenue contains several encroachments on City property and ROW along Crescent Tram Road to the north and east, and onto Empire Avenue to the west.
7. The minimum Lot size required for a SFD in the HR-1 Zoning District is 1,875 square feet.
8. The property currently measures 1,743.4 square feet, 132.6 square feet short of the requirement.
9. The Engineering Department will also require that 22.5 square feet be dedicated to the City as ROW reflecting what has been utilized by the public as Crescent Tram Road ROW for decades, further reducing the proposed Lot to 1721 square feet.
10. To grant the requested Variance, the Board of Adjustment must find that all five criteria in Land Management Code Section 15-10-8(C) are met. The Applicant bears the burden of proving that all five criteria 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. LMC § 15-2.2-1 establishes the purposes of the HR-1 District to be:
 1. preserve present land Uses and character of the Historic residential Areas of Park City;
 2. encourage the preservation of Historic Buildings and/or Structures;



Planning Department

3. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
 4. define Development parameters that are consistent with the General Plan policies for the Historic core; and
 5. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment
- ii. Literal enforcement of the LMC would create an unreasonable burden on the Applicant that goes against the purposes of the preservation of Historic Buildings as the minimum Lot Size requirement would prevent the platting of the Lot, which in turn provides an obstacle to preserving the Historic Building, as anything outside maintenance of the existing Structure will be prohibited. LMC § 15-2.2-3 states “Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.” This establishes that without the proposed Variance, a Building Permit could not be issued on the property.
- b. There are special circumstances attached to the Property that do not generally apply to other properties in the same zone.
 - i. Special circumstances apply to the property, as it is surrounded on three sides by City ROW and City property. These external boundaries prevent any expansion of the parcel to meet the minimum Lot Size. The property also includes a designated Landmark Historic Structure, built in 1911, predating the adoption of the LMC.
 - ii. LMC § 15-2.2-4 establishes a number of LMC exemptions for Landmark Historic Sites, which grants flexibility for those sites to remain in existence, be maintained and improved, but does not establish an exception for properties that do not meet the minimum Lot size requirement.



Planning Department

- c. Granting the Variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.
 - i. Other owners of Historic Sites are allowed to replat for remodels and additions subject to the provisions of the LMC. LMC § 15-2.2-4 establishes a number of LMC exemptions for Landmark Historic Sites, which grants flexibility for those sites to remain in existence, and be functional, maintained, and improved.
 - ii. Most other properties in the HR-1 Zoning District were built on platted square lots, and do not have Street Frontage on three sides.
- d. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
 - i. Recommendation C5 of the General Plan regarding Historic Preservation states, "Park City will protect, preserve, enhance, and celebrate the historic character of the community." The LMC provides a framework where Landmark Historic Structures can be modified and improved while maintaining the historic character of the Historic District. Approving this Variance furthers the goals of the General Plan, as existing LMC regulations remain in effect to ensure historic compatibility.
- e. The Spirit of the Land Management Code is observed, and substantial justice is done.
 - i. LMC § 15-1-2(B) states that a purpose of the LMC is to "protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community." LMC § 15-1-2(E) further states "[t]o allow Development in a manner that encourages the preservation of environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of the original Park City."
 - ii. The proposed Variance upholds these purposes, ensuring the Spirit of the Land Management Code is served by allowing for the development of the property in a way that is consistent with the LMC's regulations on Historic Structures. Denial of the Variance would result in limited improvement of the Historic Structure in accordance with the LMC regulations.



Planning Department

Conclusions of Law

1. The Applicant proved their request meets the five criteria outlined in Land Management Code § 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 Variance is limited to the outlined request. No other code exceptions are proposed or approved.

This Final Action may be appealed pursuant to LMC [§ 15-10-12](#). If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5058 or email jaron.ehlers@parkcity.gov.

Sincerely,

Jennifer Franklin, Board of Adjustment Chair

CC: Jaron Ehlers, Planner I

830 EMPIRE AVENUE SUBDIVISION

A PARCEL OF LAND WITHIN BLOCK 14 OF SNYDERS ADDITION TO PARK CITY SUBDIVISION LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF LOT 16, BLOCK 14 OF SNYDER'S ADDITION TO PARK CITY ACCORDING TO THE AMENDED PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE, AND RUNNING THENCE NORTH 35°59' WEST 50 FEET; THENCE NORTH 54°01' EAST 15.5 FEET; THENCE SOUTHEASTERLY IN A DIRECT LINE TO A POINT ON THE SOUTHERLY LINE OF LOT 15, WHICH IS NORTH 54°01' EAST 38.4 FEET FROM THE PLACE OF BEGINNING; THENCE SOUTH 54°01' WEST 38.4 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH 15 FEET OF VACATED EMPIRE AVENUE ABUTTING LOT 15 ON THE SOUTHWESTERLY LINE.

CONTAINS 1722.6 SQUARE FEET OR 0.04 ACRES.

ALSO KNOWN AS SUMMIT COUNTY PARCEL ID SA-144.

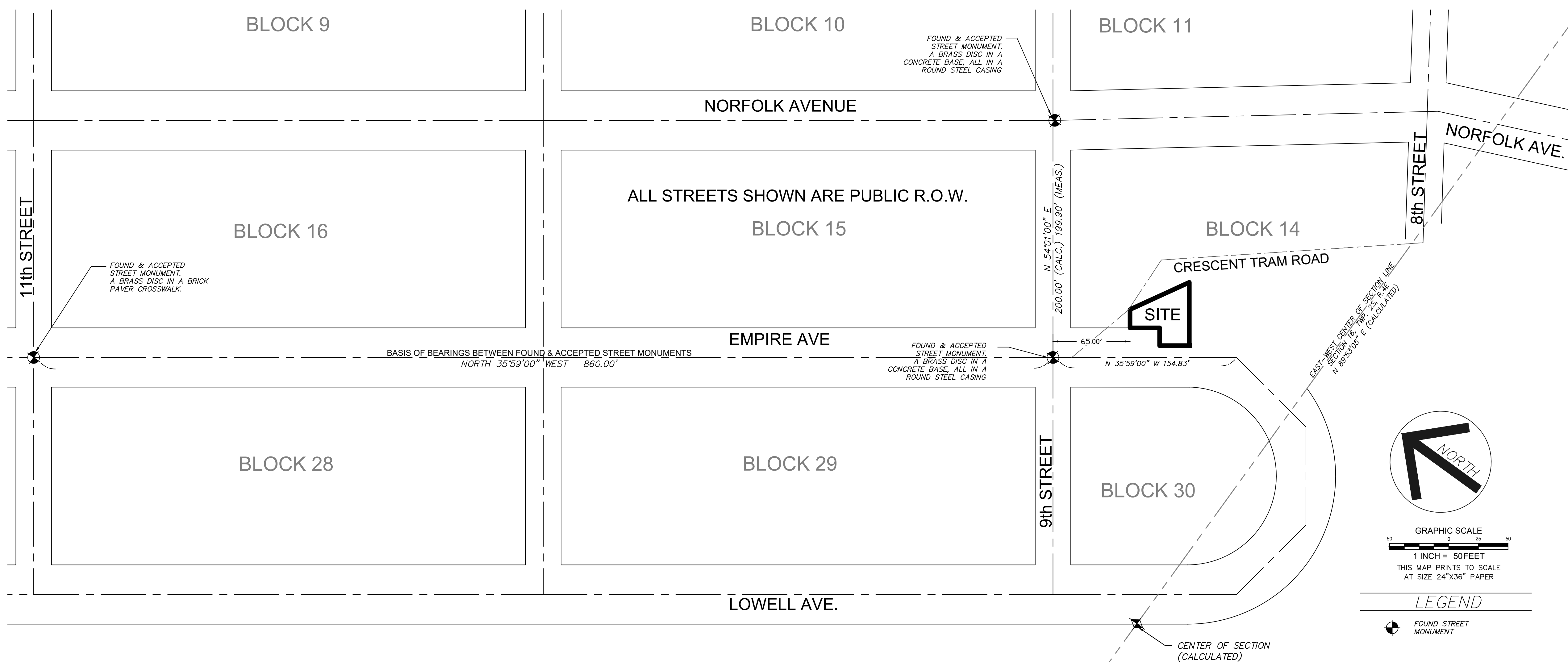
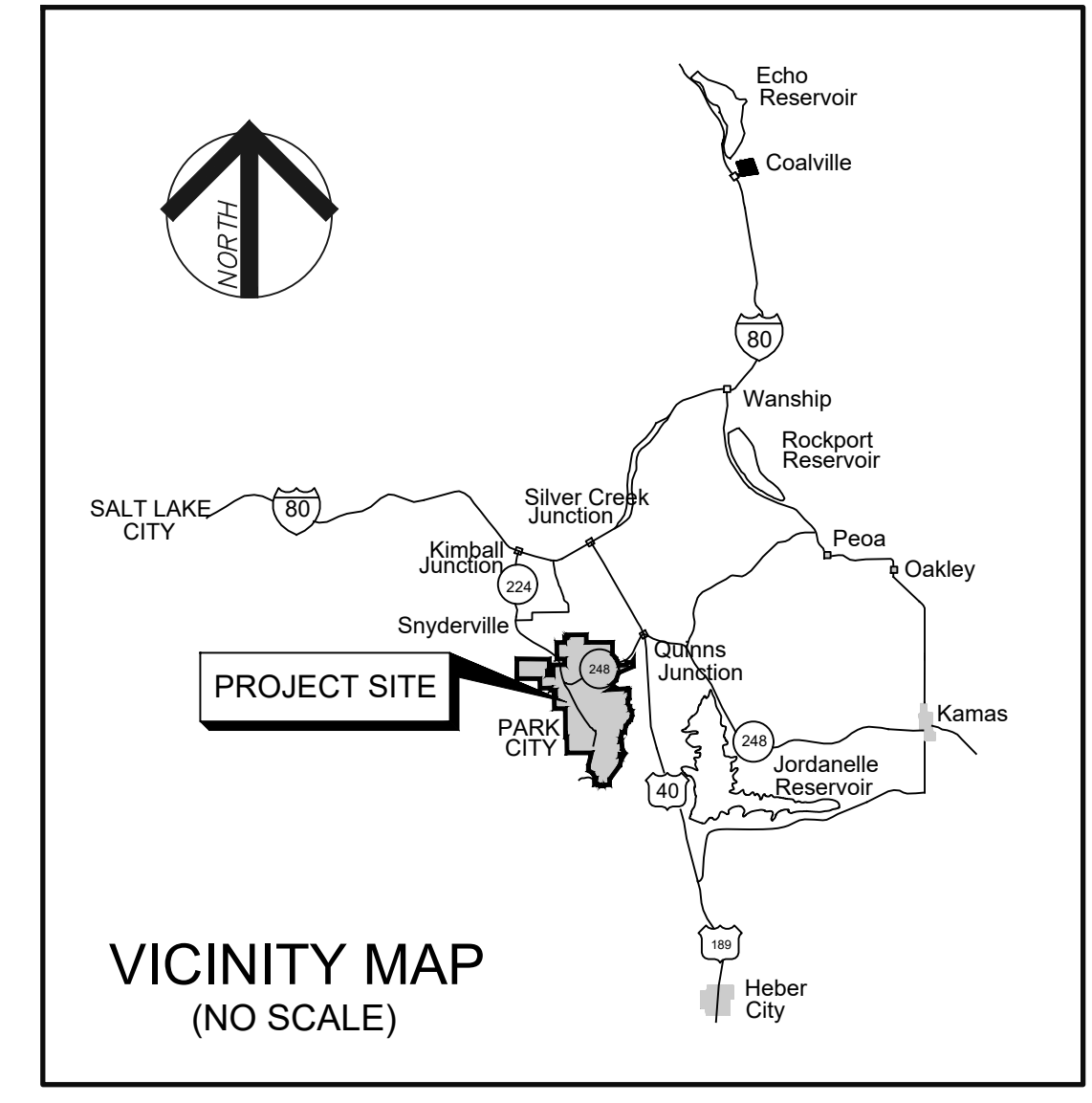
SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NUMBER 356548 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY AND HAVE REFERENCED A RECORD OF SURVEY MAP OF THE EXISTING PROPERTY BOUNDARIES IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED THE BOUNDARY LOCATIONS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I DO FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE PREPARED THIS PLAT AMENDMENT IN ACCORDANCE WITH UTAH CODE SECTION 10-9A-608, TO COMBINE THE PROPERTY DESCRIBED HEREON INTO ONE LOT, HEREAFTER TO BE KNOWN AS 830 EMPIRE AVENUE SUBDIVISION, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

PLAT NOTES

1. THE PURPOSE OF THIS PLAT IS TO COMBINE THE PARCELS OF THE SUBJECT PROPERTY INTO ONE NEW LOT OF RECORD.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF THE PLANNING DEPARTMENT FINAL ACTION LETTER DATED _____.
3. SEE RECORD OF SURVEY S-11900, RECORDED 05/27/2025 IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, THOMAS FRANCIS ZALLER, TRUSTEE OF THE THOMAS FRANCIS ZALLER REVOCABLE TRUST DATED MARCH 24, 2022, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND KNOWN AS THE 830 EMPIRE AVENUE SUBDIVISION, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

ALSO, THE OWNER OR ITS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE AREAS SHOWN ON THIS PLAT AMENDMENT IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET OUR HAND THIS _____ DAY OF _____ 20____.

THOMAS FRANCIS ZALLER
TRUSTEE OF THE THOMAS FRANCIS ZALLER REVOCABLE TRUST DATED MARCH 24, 2022

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

ON THIS _____ DAY OF _____ 20____, THOMAS FRANCIS ZALLER, TRUSTEE OF THE THOMAS FRANCIS ZALLER REVOCABLE TRUST DATED MARCH 24, 2022, 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 THEY ARE THE LANDOWNERS, AND THAT SAID DOCUMENT WAS SIGNED BY THEM, AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THIS 830 EMPIRE AVENUE SUBDIVISION PLAT AMENDMENT.

SIGNATURE _____
A NOTARY PUBLIC COMMISSIONED IN _____
PRINTED NAME _____
RESIDING IN _____
MY COMMISSION EXPIRES: _____
COMMISSION NUMBER _____

Park City Surveying
PO Box 682993
Park City, UT 84068
435-649-2918
WWW.PARKCITYSURVEY.COM

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ 20____.

S.B.W.R.D. REPRESENTATIVE

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ 20____.

PLANNING COMMISSION CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 20____.

PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____ 20____.

PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ 20____.

PARK CITY RECORDER

PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS _____ DAY OF _____ 20____.

BY: JEFF WARD, GIS DIRECTOR
SUMMIT COUNTY GIS COORDINATOR

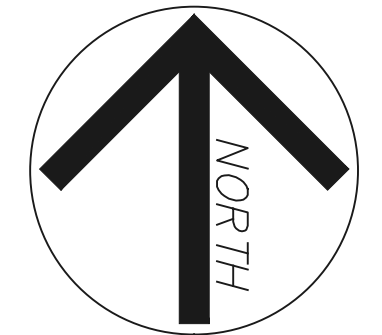
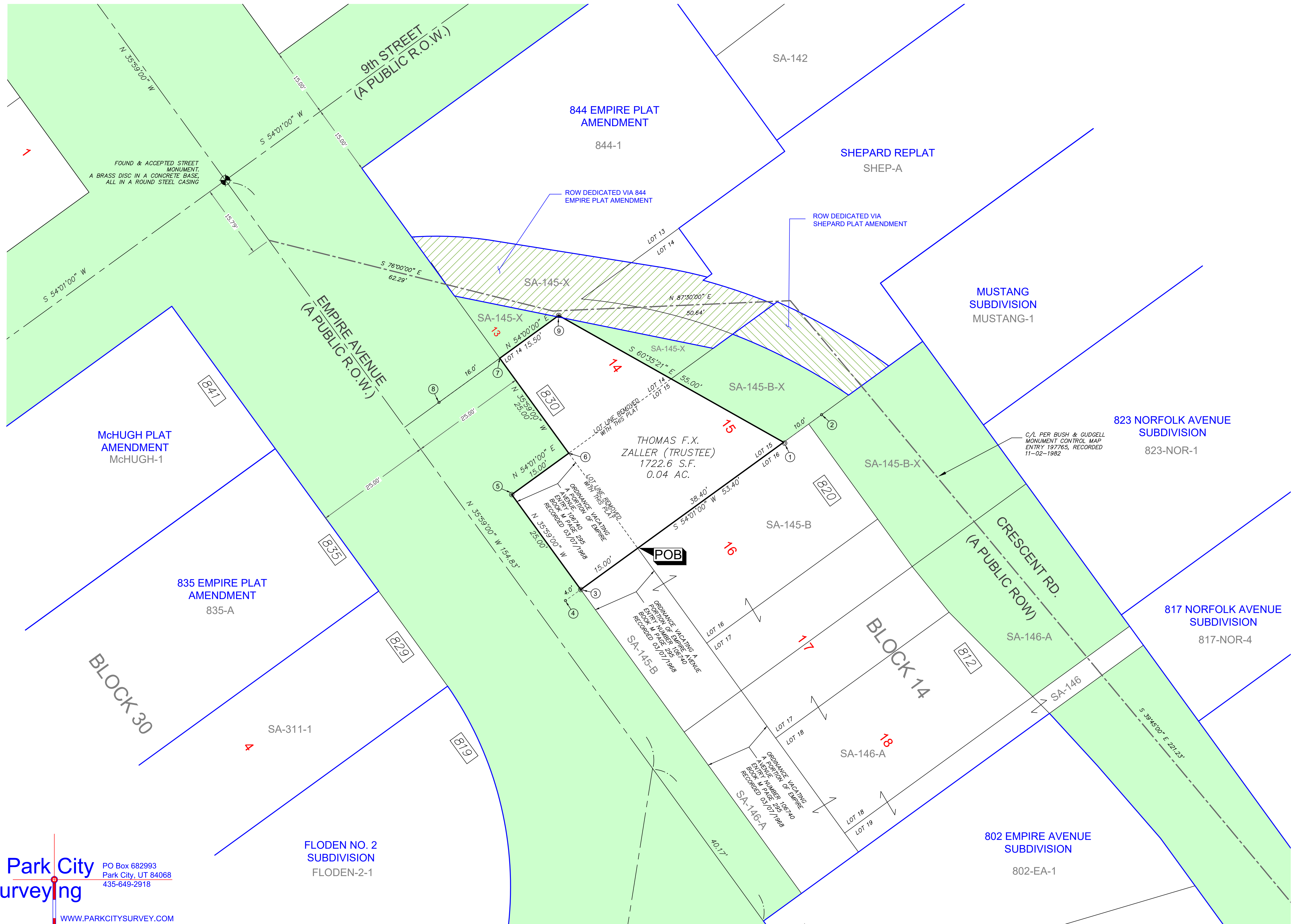
RECORDED

ENTRY NUMBER: _____
BOOK _____ PAGE _____
STATE OF UTAH, COUNTY _____
DATE: _____ TIME _____
FEE PAID: _____
RECORDED AND FILED IN THE REQUEST OF: _____
COUNTY RECORDER: _____

830 EMPIRE AVENUE SUBDIVISION

A PARCEL OF LAND WITHIN BLOCK 14 OF SNYDERS ADDITION TO
 PARK CITY SUBDIVISION
 LYING WITHIN THE NORTHEAST QUARTER OF
 SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 SUMMMIT COUNTY, UTAH

PRELIMINARY
 05/27/2025
 MAP IS SHOWN IN COLOR FOR ILLUSTRATIVE PURPOSES.
 FINAL RECORDED PLAT WILL BE BLACK & WHITE.

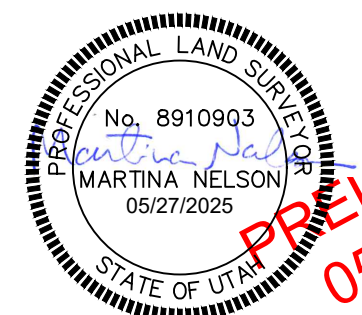


GRAPHIC SCALE
 1 INCH = 10 FEET
 THIS MAP PRINTS TO SCALE
 AT SIZE 24"X36" PAPER

LEGEND

- FOUND STREET MONUMENT
- FOUND MONUMENT (AS DESCRIBED)
- FOUND METAL (COPPER) RIVET IN CURB
- FOUND OR SET LOT CORNER MONUMENT, AS DESCRIBED IN MONUMENT DETAILS.
- ADDRESS
- TAX PARCEL ID
- LOT NUMBER ORIGINAL SNYDERS ADDITION TO PARK CITY
- SUBDIVISION/PLAT AMENDMENT
- CITY RIGHT-OF-WAY
- CITY RIGHT-OF-WAY DEDICATED VIA PLAT AMENDMENT

- BOUNDARY MONUMENT DETAILS**
1. FOUND 5/8" REBAR W/ YELLOW PLASTIC CAP STAMPED: "ALLIANCE ENGINEERING LS 6164" TOP OF REBAR IS 0.2' ABOVE SURFACE.
 2. FOUND MAGNETIC NAIL IN ASPHALT ROADWAY, ON EXTENDED LOT LINE 10.0' FROM LOT CORNER.
 3. NOTHING FOUND NOR SET. CORNER FALLS IN SHED.
 4. FOUND MAGNETIC NAIL IN ASPHALT ROADWAY, ON EXTENDED LOT LINE 4.0' FROM LOT CORNER.
 5. NOTHING FOUND. SET MAGNETIC NAIL W/ BRASS WASHER STAMPED: "PC SURVEYING PLS 8910903"
 6. NOTHING FOUND NOR SET. CORNER FALLS IN SIDE OF HOUSE.
 7. NOTHING FOUND NOR SET. FALLS IN LOOSELY STACKED ROCK LANDSCAPING/RETAINING WALL.
 8. FOUND MAGNETIC NAIL IN ASPHALT ROADWAY, ON EXTENDED LOT LINE 16.0' FROM LOT CORNER.
 9. FOUND MAGNETIC SPIKE IN ASPHALT AT LOT CORNER.



PRELIMINARY
 05/27/2025

SHEET 2 OF 2
 05/27/2025

RECORDED	
ENTRY NUMBER: _____	PAGE: _____
BOOK _____	STATE OF UTAH, COUNTY OF _____
DATE: _____	TIME: _____
FEE PAID: _____	
RECORDED AND FILED AT THE REQUEST OF: _____	
COUNTY RECORDER: _____	

RECORD OF SURVEY & EXISTING CONDITIONS MAP

A PARCEL OF LAND WITHIN BLOCK 14 OF SNYDERS ADDITION TO PARK CITY SUBDIVISION LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH

- BOUNDARY MONUMENT DETAILS**
1. FOUND 5/8" REBAR W/ YELLOW PLASTIC CAP STAMPED: "ALLIANCE ENGINEERING LS 6164" TOP OF REBAR IS 0.2' ABOVE SURFACE.
 2. SET MAGNETIC NAIL IN ASPHALT ROADWAY, ON EXTENDED LOT LINE 10.0' FROM LOT CORNER.
 3. NOTHING FOUND NOR SET. CORNER FALLS IN SHED.
 4. SET MAGNETIC NAIL IN ASPHALT ROADWAY, ON EXTENDED LOT LINE 4.0' FROM LOT CORNER.
 5. NOTHING FOUND. SET MAGNETIC NAIL W/ BRASS WASHER STAMPED: "PC SURVEYING PLS 8910903"
 6. NOTHING FOUND NOR SET. CORNER FALLS IN SIDE OF HOUSE.
 7. NOTHING FOUND NOR SET. FALLS IN LOOSELY STACKED ROCK LANDSCAPING/RETAINING WALL.
 8. SET MAGNETIC NAIL IN ASPHALT ROADWAY, ON EXTENDED LOT LINE 16.0' FROM LOT CORNER.
 9. SET MAGNETIC SPIKE IN ASPHALT AT LOT CORNER.
 10. FOUND 5/8" REBAR W/ YELLOW PLASTIC CAP STAMPED: "ALLIANCE ENGINEERING INC." TOP OF REBAR IS 0.3' BELOW SURFACE.
 11. FOUND NAIL & WASHER IN TOP OF HIGH BACK CURB.
 12. FOUND 5/8" REBAR. TOP OF REBAR IS 0.2' ABOVE SURFACE.
 13. FOUND 5/8" REBAR W/ YELLOW PLASTIC CAP STAMPED: "EVERGREEN INC LS 187788"
 14. FOUND 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED: "C.BRAUN PLS 5152604" TOP OF REBAR IS 0.2' BELOW SURFACE.
 15. FOUND 5/8" REBAR W/ ORANGE PLASTIC CAP STAMPED: "C.BRAUN PLS 5152604" TOP OF REBAR IS 0.2' BELOW SURFACE.
 16. FOUND 5/8" REBAR W/ YELLOW PLASTIC CAP STAMPED: "EVERGREEN INC LS 187788" TOP OF REBAR IS 0.3' ABOVE SURFACE.
 17. FOUND 5/8" REBAR.
 18. FOUND BRASS RIVET W "X" IN TOP OF A CURVED CONC. RETAINING WALL.
 19. FOUND 5/8" REBAR W/ RED PLASTIC CAP STAMPED: "FERRARI LS 5048908"
 20. PREVIOUSLY FOUND NAIL & SMALL BRASS WASHER STAMPED "AE" IN ROADWAY.
 21. FOUND PHILIPS-HEAD SCREW (OLD) IN ASPHALT ROAD. IS A GOOD LOCATION FOR THE LOT CORNER.
 22. FOUND NAIL & SMALL BRASS WASHER (ILLEG.) IN GUTTER.
 23. FOUND 5/8" REBAR W/ PINK PLASTIC CAP STAMPED "M.NELSON PLS 8910903" TOP OF REBAR IS 0.5' ABOVE SURFACE. REBAR CAP IS EVEN WITH THE TOP BACK OF CURB.
 24. FOUND 5/8" REBAR W/ PINK PLASTIC CAP STAMPED "M.NELSON PLS 8910903" TOP OF REBAR IS 0.5' BELOW SURFACE.
 25. FOUND 5/8" REBAR.
 26. FOUND 5/8" REBAR W/ RED PLASTIC CAP STAMPED: "FERRARI LS 5048908"
 27. FOUND 5/8" REBAR W/ YELLOW PLASTIC CAP STAMPED: "ALLIANCE ENGINEERING" (LS NUMBER IS ILLEG.) TOP OF REBAR IS 0.7' BELOW SURFACE AND IS NEAR THE TOP/WEST EDGE OF A STONE RETAINING WALL.
 28. FOUND 5/8" REBAR W/ RED PLASTIC CAP STAMPED: "FERRARI LS 5048908"
 29. FOUND 5/8" REBAR W/ YELLOW PLASTIC CAP STAMPED: "RLS 3371 654-0945" TOP OF REBAR IS 0.4' ABOVE SURFACE.
 30. FOUND 5/8" REBAR W/ YELLOW PLASTIC CAP STAMPED: "PETERSON ENC. 295720" TOP OF REBAR IS 0.1' ABOVE SURFACE.
 31. FOUND 5/8" REBAR W/ PINK PLASTIC CAP STAMPED "M.NELSON PLS 8910903"

Park City Surveying
 PO Box 682983
 Park City, UT 84068
 435-649-2918
 WWW.PARKCITYSURVEYING.COM

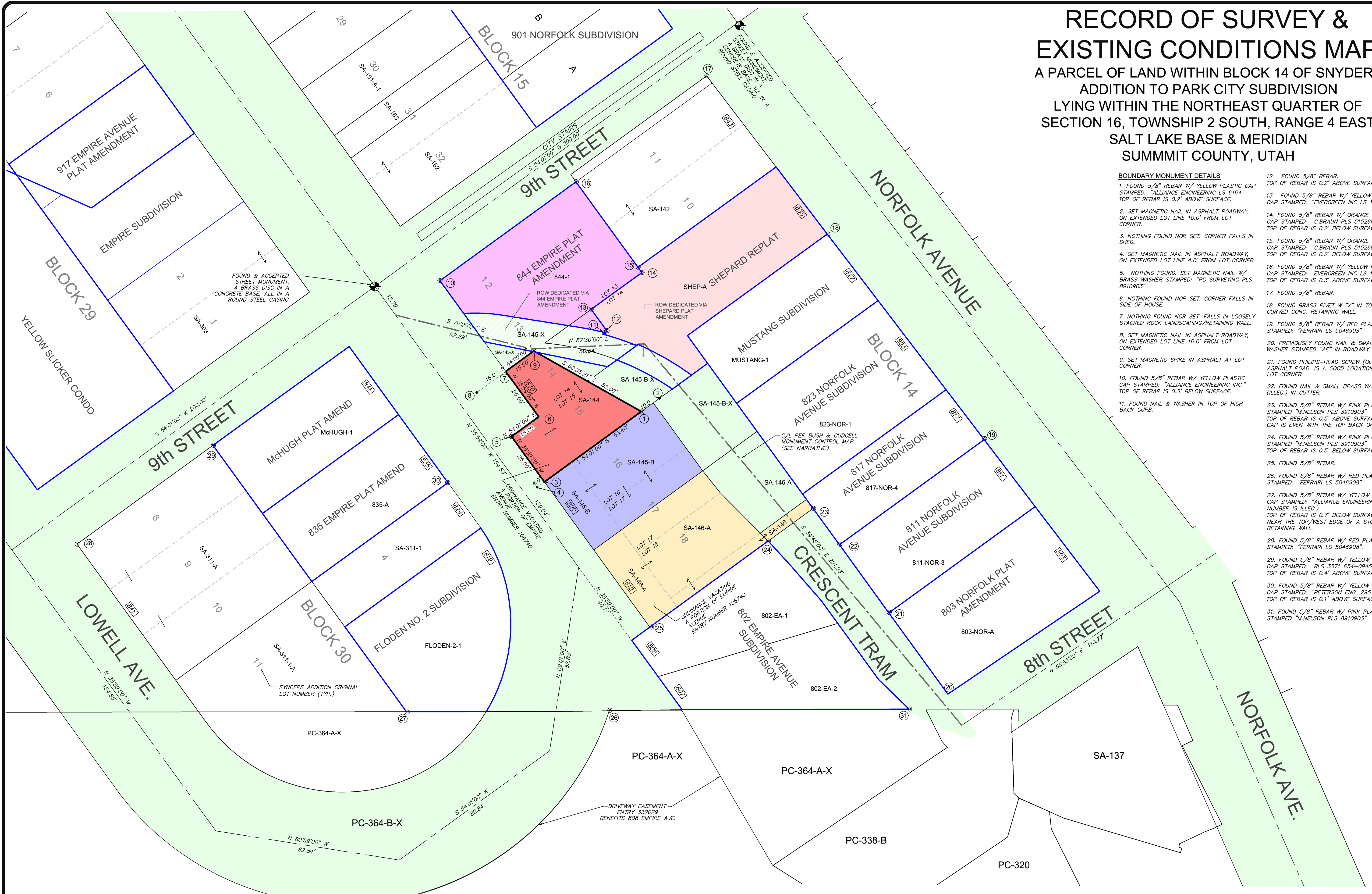
THIS DRAWING SHALL REMAIN THE PROPERTY OF PARK CITY SURVEYING. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OR PROJECT FOR ANY PURPOSE OTHER THAN FOR THE SPECIFIC PROJECT FOR WHICH THIS MAP HAS BEEN PREPARED.

THE INFORMATION CONTAINED HEREON CANNOT BE COPIED, DUPLICATED, OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PARK CITY SURVEYING.

SURVEYED BY:
MN/AW
 DRAFTED BY:
MN
 CHECKED BY:
AW/MN
 DATE:
DECEMBER 04, 2024

RECORD OF SURVEY & EXISTING CONDITIONS MAP
 A PARCEL OF LAND WITHIN BLOCK 14 OF SNYDERS ADDITION TO PARK CITY SUBDIVISION
 SUMMIT COUNTY PARCEL ID: SA-144
 FOR: LARA AND THOMAS ZALLER
 DWG: 830 EMPIRE ROS-ASB.dwg

SHEET 2 OF 4

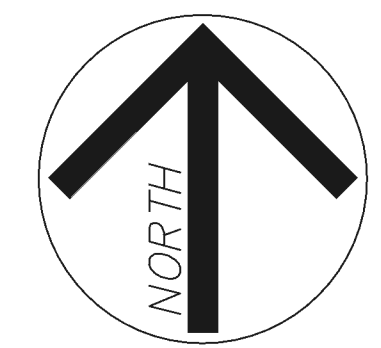
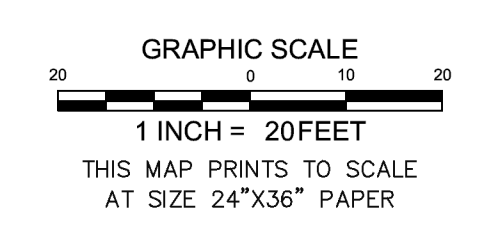


LEGEND

- FOUND STREET MONUMENT
- SET MONUMENT (AS DESCRIBED IN MONUMENT DETAILS)
- FOUND REBAR W/ CAP (AS DESCRIBED)
- SET METAL (COPPER) RIVET IN CURB
- FOUND OR SET LOT CORNER MONUMENT, AS DESCRIBED IN MONUMENT DETAILS.
- SUBDIVISION/PLAT AMENDMENT

LAND OWNERSHIP LEGEND

- SA-144 (SUBJECT PARCEL)
- SA-145-B (LYNCH)
- BSA-146-A (WHITESIDES)
- 844 EMPIRE PLAT
- SHEPARD PLAT
- CITY OWNED (RIGHT-OF-WAY)



NARRATIVE:

THE PURPOSE OF THIS SHEET IS TO SHOW THE FOUND AND SET BOUNDARY MONUMENTATION.

ALL FOUND PROPERTY MONUMENTS, STREET MONUMENTS, AND/OR PROPERTY LINE EXTENDED MONUMENTS ARE WITHIN 0.1' CALCULATED HORIZONTAL POSITION, UNLESS NOTED OTHERWISE.

ALL BEARINGS AND DISTANCES SHOWN HEREON ARE THE EQUIVALENT OF RECORD, UNLESS NOTED OTHERWISE.

RTK GPS AND ROBOTIC TOTAL STATION INSTRUMENTS WERE USED ON THIS SURVEY.

SURVEY COMPLETED: 11/14/2025.

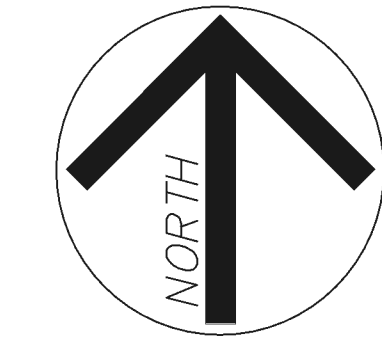


S0011900 B: 0003 P: 1360
 Page 2 of 4
 Gregory R. Wolbach, PLS
 Summit County Recorder-Surveyor
 05/27/2025 08:14:45 AM Fee \$1660.00
 By PARK CITY SURVEYING
 Electronically Recorded by Simplifile

D:\Park City Surveying\Dropbox\Park City Surveying Team\edeker\Zdinec\03\OLD\DOWN\Snyders Addition\Lot830\EMPIRE ROS-ASB.dwg, 2, 5/26/2025 11:54:03 AM

RECORD OF SURVEY & EXISTING CONDITIONS MAP

A PARCEL OF LAND WITHIN BLOCK 14 OF SNYDERS ADDITION TO PARK CITY SUBDIVISION LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH



GRAPHIC SCALE
1 INCH = 10 FEET
THIS MAP PRINTS TO SCALE AT SIZE 24"X36" PAPER

NARRATIVE:

THE PURPOSE OF THIS SHEET IS TO SHOW THE EXISTING CONDITIONS.
THIS SURVEY WAS GENERATED USING 2' (TWO FOOT) CONTOURS. IF A 1' (ONE FOOT) CONTOUR MAP IS NEEDED, CONTACT THE SURVEYOR.
ALL FOUND PROPERTY MONUMENTS, STREET MONUMENTS, AND/OR PROPERTY LINE EXTENDED MONUMENTS ARE WITHIN 0.1' CALCULATED HORIZONTAL POSITION, UNLESS NOTED OTHERWISE.
ALL BEARINGS AND DISTANCES SHOWN HEREON ARE THE EQUIVALENT OF RECORD, UNLESS NOTED OTHERWISE.
EXISTING BUILDING LOCATION IS TO THE AS-BUILT LOCATION OF BUILDING WALL CORNERS EXTERIOR TRIM SURFACES. ACTUAL FOUNDATION LOCATION MAY DIFFER.
THE LOCATIONS OF UNDERGROUND STRUCTURES, UTILITIES OR IMPROVEMENTS AS SHOWN HEREON ARE BASED ON ABOVE GROUND APPURTENANCES VISIBLE AT THE TIME OF THE SURVEY TO THE SURVEYOR. EXACT LOCATIONS OF UNDERGROUND STRUCTURES, UTILITIES OR IMPROVEMENTS MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL UNDERGROUND STRUCTURES, UTILITIES OR IMPROVEMENTS MAY EXIST.
RTK GPS AND ROBOTIC TOTAL STATION INSTRUMENTS WERE USED ON THIS SURVEY.
SURVEY COMPLETED: 11/14/2025.



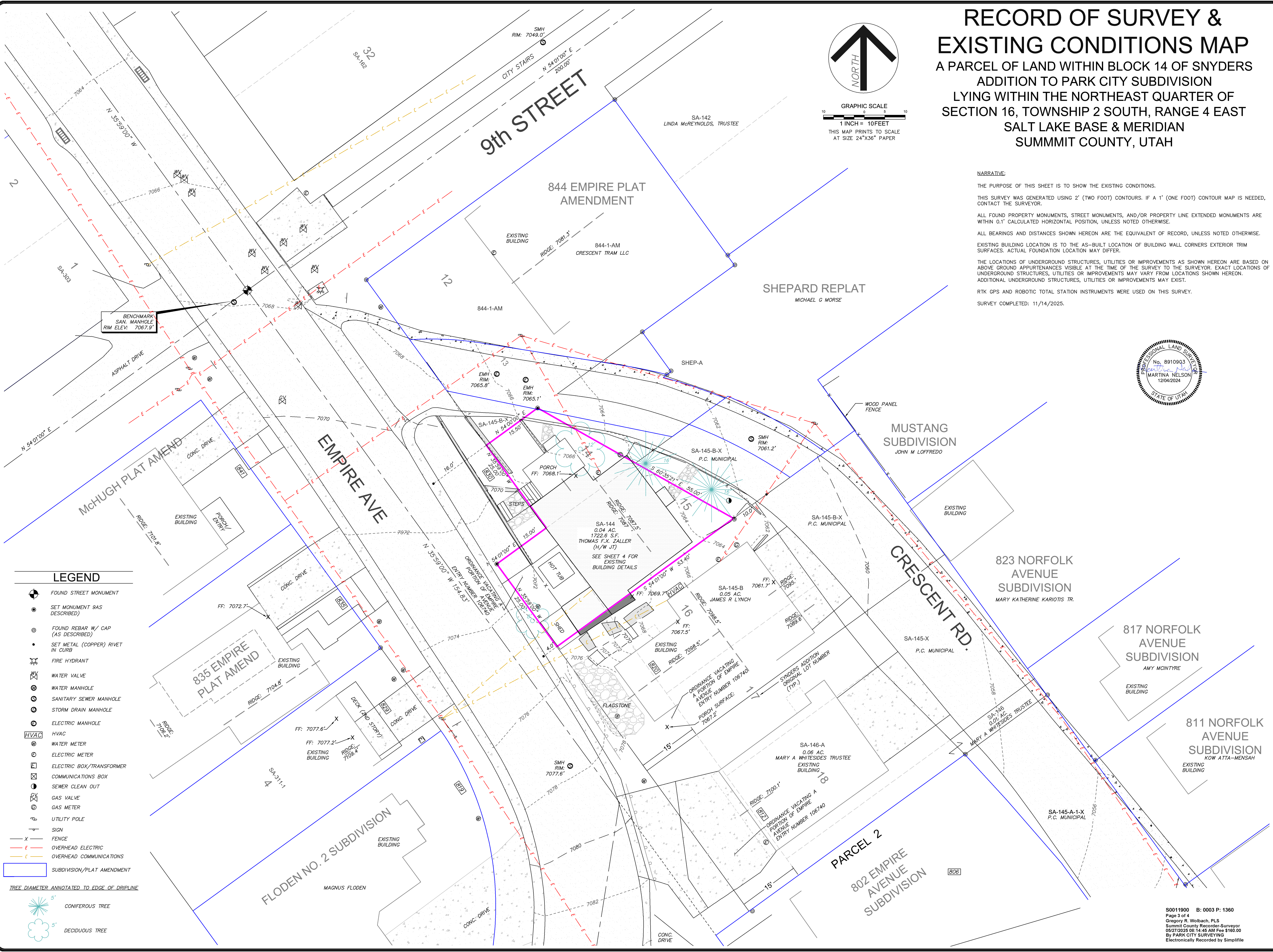
SURVEYED BY:
MN/AW
DRAFTED BY:
MN
CHECKED BY:
AW/MN

DATE:
DECEMBER 04, 2024

RECORD OF SURVEY & EXISTING CONDITIONS MAP
A PARCEL OF LAND WITHIN BLOCK 14 OF SNYDERS ADDITION TO PARK CITY SUBDIVISION
SUMMIT COUNTY PARCEL ID: SA-144

FOR: LARA AND THOMAS ZALLER DWG: 830 EMPIRE ROS-ASB.dwg

SHEET 3 OF 4



LEGEND

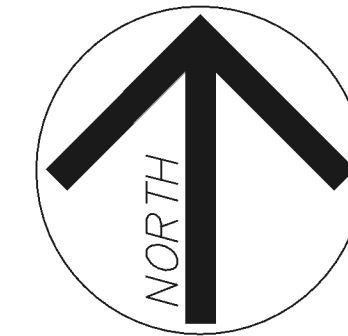
- FOUND STREET MONUMENT
 - SET MONUMENT 9AS (AS DESCRIBED)
 - FOUND REBAR W/ CAP (AS DESCRIBED)
 - SET METAL (COPPER) RIVET IN CURB
 - FIRE HYDRANT
 - WATER VALVE
 - WATER MANHOLE
 - SANITARY SEWER MANHOLE
 - STORM DRAIN MANHOLE
 - ELECTRIC MANHOLE
 - HVAC
 - WATER METER
 - ELECTRIC METER
 - ELECTRIC BOX/TRANSFORMER
 - COMMUNICATIONS BOX
 - SEWER CLEAN OUT
 - GAS VALVE
 - GAS METER
 - UTILITY POLE
 - SIGN
 - FENCE
 - OVERHEAD ELECTRIC
 - OVERHEAD COMMUNICATIONS
 - SUBDIVISION/PLAT AMENDMENT
- TREE DIAMETER ANNOTATED TO EDGE OF DRILLING
- CONIFEROUS TREE
 - DECIDUOUS TREE

S0011900 B: 0003 P: 1360
Page 3 of 4
Gregory R. Wolbach, PLS
Summit County Recorder-Surveyor
05/27/2025 08:14:45 AM Fee \$1660.00
By PARK CITY SURVEYING
Electronically Recorded by Simplifile

D:\Park City Surveying\Proposals\Park City Surveying Team\folder\Zdive\03\OLD\DOWN\Snyders Addition\830 EMPIRE ROS-ASB.dwg, 3, 5/26/2025 11:54:08 AM

RECORD OF SURVEY & EXISTING CONDITIONS MAP

A PARCEL OF LAND WITHIN BLOCK 14 OF SNYDERS ADDITION TO PARK CITY SUBDIVISION LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH



GRAPHIC SCALE
1 INCH = 5 FEET
THIS MAP PRINTS TO SCALE AT SIZE 24"X36" PAPER

NARRATIVE:

THE PURPOSE OF THIS SHEET IS TO SHOW THE EXISTING CONDITIONS.
THIS SURVEY WAS GENERATED USING 2' (TWO FOOT) CONTOURS. IF A 1' (ONE FOOT) CONTOUR MAP IS NEEDED, CONTACT THE SURVEYOR.
ALL FOUND PROPERTY MONUMENTS, STREET MONUMENTS, AND/OR PROPERTY LINE EXTENDED MONUMENTS ARE WITHIN 0.1' CALCULATED HORIZONTAL POSITION, UNLESS NOTED OTHERWISE.
ALL BEARINGS AND DISTANCES SHOWN HEREON ARE THE EQUIVALENT OF RECORD, UNLESS NOTED OTHERWISE.
EXISTING BUILDING LOCATION IS TO THE AS-BUILT LOCATION OF BUILDING WALL CORNERS EXTERIOR TRIM SURFACES. ACTUAL FOUNDATION LOCATION MAY DIFFER.
THE LOCATIONS OF UNDERGROUND STRUCTURES, UTILITIES OR IMPROVEMENTS AS SHOWN HEREON ARE BASED ON ABOVE GROUND APPURTENANCES VISIBLE AT THE TIME OF THE SURVEY TO THE SURVEYOR. EXACT LOCATIONS OF UNDERGROUND STRUCTURES, UTILITIES OR IMPROVEMENTS MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL UNDERGROUND STRUCTURES, UTILITIES OR IMPROVEMENTS MAY EXIST.
RTK GPS AND ROBOTIC TOTAL STATION INSTRUMENTS WERE USED ON THIS SURVEY.
SURVEY COMPLETED: 11/14/2025.



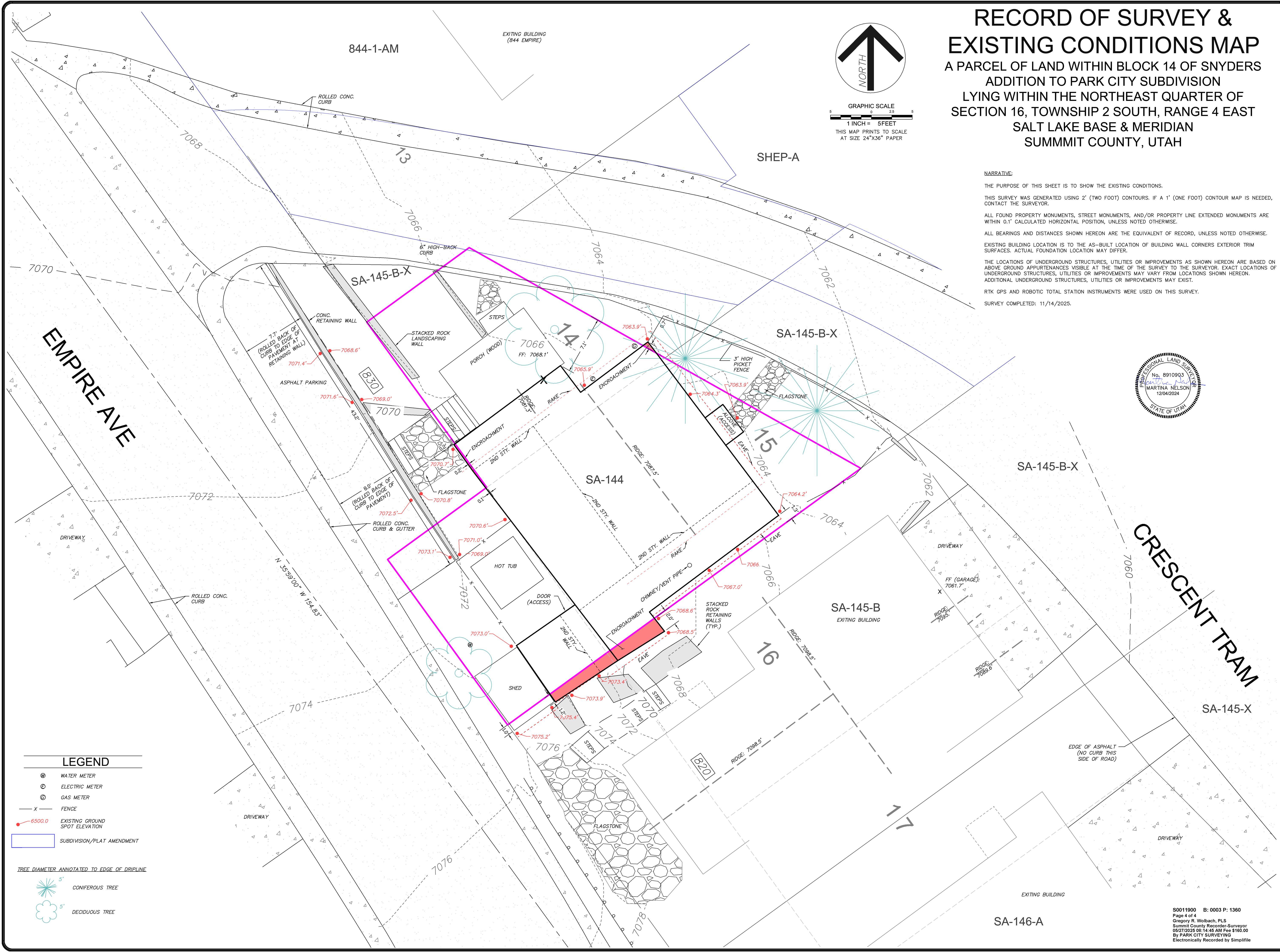
SURVEYED BY:
MN/AW
DRAFTED BY:
MN
CHECKED BY:
AW/MN
DATE:
DECEMBER 04, 2024

RECORD OF SURVEY & EXISTING CONDITIONS MAP
A PARCEL OF LAND WITHIN BLOCK 14 OF SNYDERS ADDITION TO PARK CITY SUBDIVISION
SUMMIT COUNTY PARCEL ID: SA-144
FOR: LARA AND THOMAS ZALLER

SHEET 4 OF 4

THIS DRAWING SHALL REMAIN THE PROPERTY OF PARK CITY SURVEYING. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OR PROJECT FOR ANY PURPOSE OTHER THAN FOR THE SPECIFIC PROJECT FOR WHICH THIS MAP HAS BEEN PREPARED.
THE INFORMATION CONTAINED HEREON CANNOT BE COPIED, REPRODUCED, OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PARK CITY SURVEYING.

Park City Surveying
PO Box 682983
Park City, UT 84068
435-649-2918
WWW.PARKCITYSURVEYING.COM



LEGEND

- WATER METER
- ELECTRIC METER
- GAS METER
- FENCE
- EXISTING GROUND SPOT ELEVATION
- SUBDIVISION/PLAT AMENDMENT

TREE DIAMETER ANNOTATED TO EDGE OF DRIFLINE

- 5' CONIFEROUS TREE
- 5' DECIDUOUS TREE

S0011900 B: 0003 P: 1360
Page 4 of 4
Gregory R. Wolbach, PLS
Summit County Recorder-Surveyor
05/27/2025 08:14:45 AM Fee \$160.00
By PARK CITY SURVEYING
Electronically Recorded by Simplifile

ORDINANCE

AN ORDINANCE RELATING TO VACATING
A PORTION OF EMPIRE AVENUE IN PARK
CITY, UTAH.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY,
SUMMIT COUNTY, STATE OF UTAH:

SECTION 1. Pursuant to the provisions of
10-8-8.1 to 10-8-8.5, inclusive, Utah Code Annotated 1953, the
following portion of Empire Avenue, located in Park City, Utah is
hereby vacated:

A strip of land fifteen feet in
width, being that portion of Empire
Avenue abutting Lots 15 through 21,
inclusive, of Block 14, Snyder's
Addition to Park City, according
to the official plat thereof.

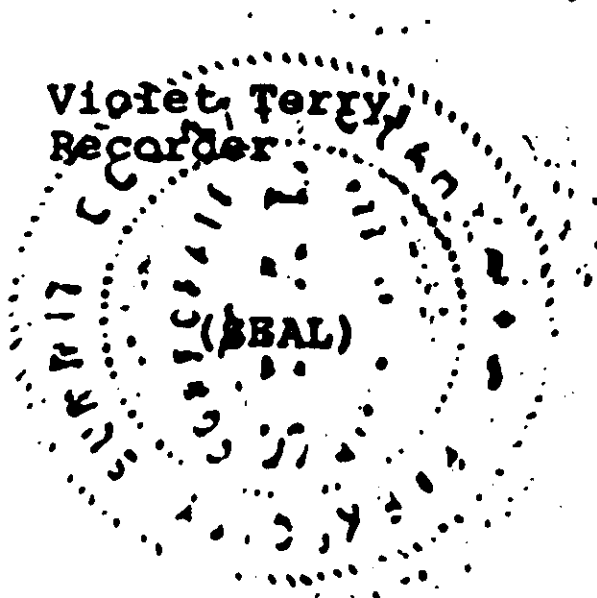
SECTION 2. All ordinances or parts of ordinances
conflicting with the provisions of this ordinance are hereby
repealed, insofar as the same affects this Ordinance.

SECTION 3. In the opinion of the Mayor and City
Council of Park City, it is necessary to the peace, health and
safety of the inhabitants that this ordinance shall become effective
immediately upon its first publication. This Ordinance shall be
published in the Park Record for one publication on January 4, 1968,
and shall be in full force and effect from and after said date.

SECTION 4. A copy of the Ordinance shall be re-
corded in the Office of the Recorder of Summit County, Utah.

Passed and approved by the City Council of Park
City, Utah, on the 27th day of December, 1967.

William P. Sullivan
William P. Sullivan, Mayor

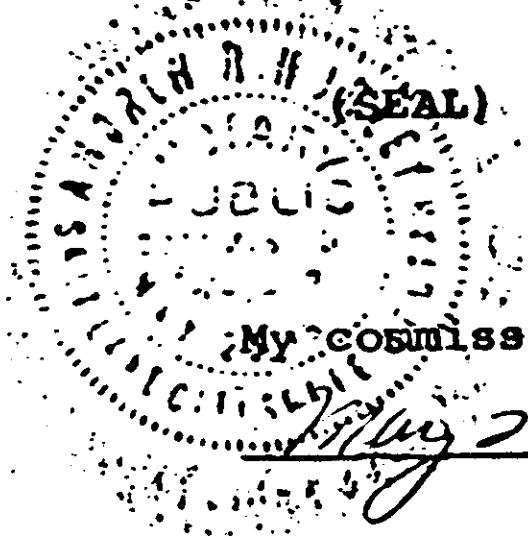


Entry No. 106740	Book M 15
RECORDED 3-7-68	9:11 M Page 295-296
REQUEST of Park City Municipal Corp.	
WANDA Y. SPRUIG	RECORDER
IND. DH	

BOOK M 15 PAGE 295

STATE OF UTAH)
 : ss.
County of Summit)

On the 27th day of December 1967, personally appeared before me WILLIAM P. SULLIVAN and VIOLET TERRY, who being by me duly sworn, did say that he is the Mayor and she is the City Recorder of Park City, a municipal corporation, and that said instrument was signed in behalf of said corporation pursuant to the authority contained in the ordinance, and said William P. Sullivan and Violet Terry acknowledged to me that said corporation executed the same.



Andrew R. Harley
Notary Public,
Residing at Salt Lake City, Utah

My commission expires:
May 23, 1968

BOOKM15 PAGE296

February 11, 2026

Park City Municipal Corporation
443 Marsac Ave.
Park City, Utah 84060

Attn: Board of Adjustment

Re: Variance Request – Plat Amendment for a Substandard Lot Size
Zaller Residence
830 Empire Ave.

Dear Board of Adjustment,

830 Empire Ave. is a landmark historic home built around 1911. The property consists of .04 acres or 1,742.4sq.ft. which is 132.6sq.ft. less than the allowed minimum lot size for the zone, which is 1,875sq.ft.

The owners are planning a remodel to the existing historic home. To proceed with the work, the city is requiring a plat amendment to remove an interior lot line. We have been directed to obtain a variance to allow for a replat of this substandard lot.

The planned work will consist of placing the home on a code compliant foundation and structurally upgrading the frame of the home to meet code. All work will be performed within the existing building footprint.

Per LMC section 15-10-8, C, 1-5 Variance, the following is a response to the listed conditions for approval.

1. Literal enforcement of the land management code would cause unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land Management Code. ***Enforcement of the 1875sq.ft. minimum lot size requirement would prevent the property owner from enjoying the rights possessed by other property owners to improve and maintain their home.***
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone. ***The lot is 132sq.ft. under the required minimum lot size for the zone and therefore needs a variance to be able to replat the lot to allow for a remodel. Most other homes in the zone meet the minimum lot size requirement and do not require a variance to replat their property.***

[REDACTED]

3. Granting variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone. ***Granting the variance will allow the owner to replat and then remodel their home under the code. This is a right enjoyed by all other properties in the zone.***
4. The variance will not substantially affect the general plan and will not be contrary to the public interest. ***The home has been on this site since 1911(per the Historic Sites Inventory) A plat amendment will not have any effect on the general plan.***
5. The spirit of the land management code is observed and substantial justice done. ***The historic home will be preserved through structural upgrades that will ensure its continued contribution to the historic district for years to come.***

Please do not hesitate to contact me with any questions regarding this information.

Sincerely,


Jonathan DeGray - Architect

Board of Adjustment Staff Report



Subject: 37 and 45 Hillside Avenue
Application: PL-26-06843
Author: Meredith Covey, Planner II
Date: March 31, 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) [§ 15-2.2-3\(F\) Front and Rear Setbacks](#), LMC [§ 15-2.2-3\(I\) Side Setbacks](#), and LMC [§ 15-2.2-3\(E\) Building Footprint](#) for the construction of an accessway tunnel and subterranean garage and (II) consider approving the Variance based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicants: Katherine Dunleavy
Location: 37 and 45 Hillside 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
HPB Historic Preservation Board
HR-1 Historic Residential – 1
LMC Land Management Code
SFD Single-Family Dwelling
SSCUP Steep Slope Conditional Use Permit

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

Background

37 and 45 Hillside Avenue are adjacent Lots in the Historic Residential – 1 (HR-1) Zoning District. 37 Hillside is a Significant Historic Site on the City's Historic Sites Inventory² ([Historic Site Form](#)). On December 10, 2025, the Planning Commission approved a plat amendment to combine Lot 12 and a portion of Lot 11 to create a 2,617.23 square foot Lot for the Significant Historic Site at 37 Hillside Avenue (PL-25-06763; [Packet](#), Item 5.A; [Minutes](#), p. 2).

¹ LMC [§ 15-1-8\(I\)](#)

² LMC [§ 15-11-10](#)

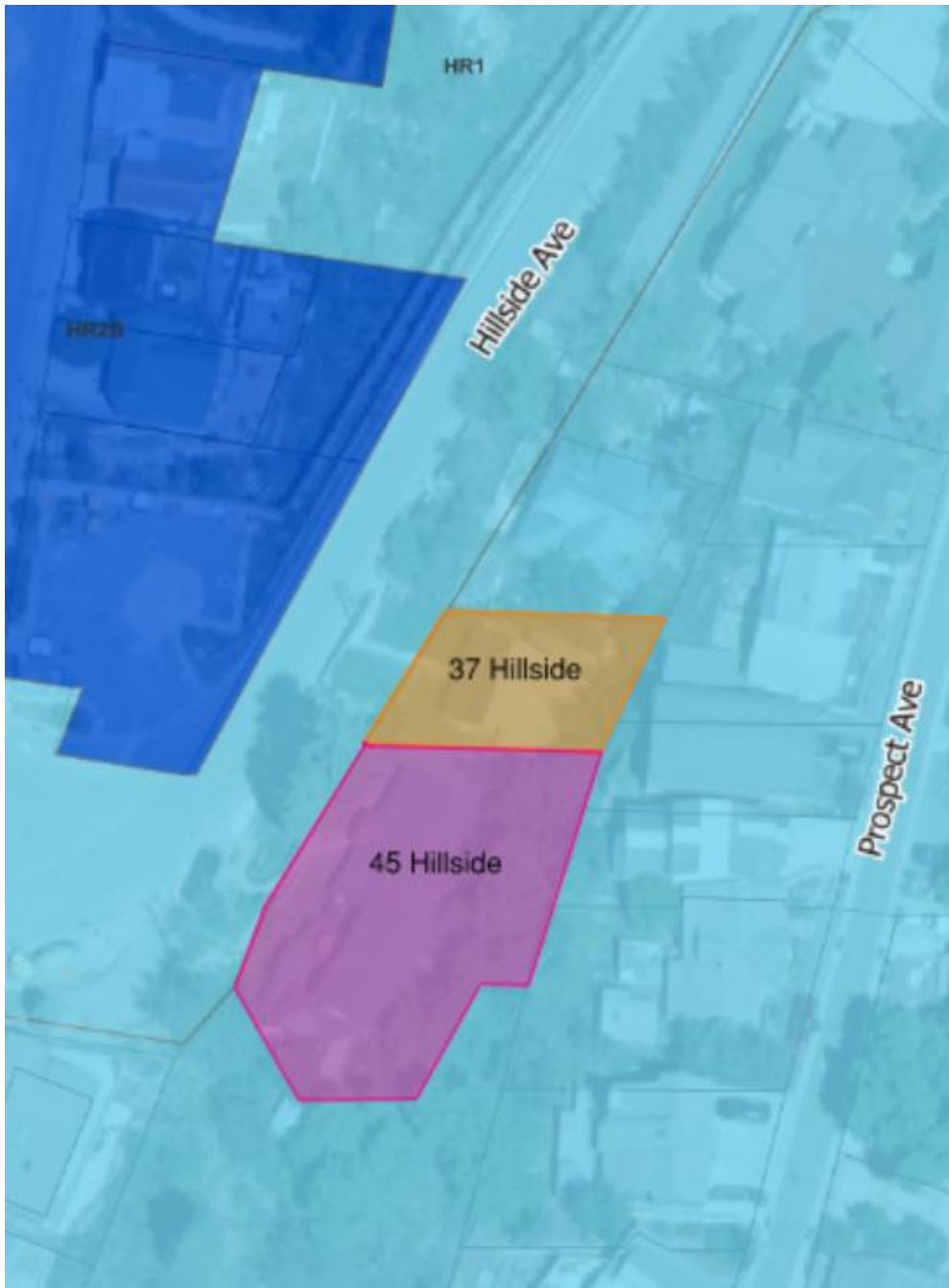


Image 1: 37 Hillside (highlighted in orange) and 45 Hillside (highlighted in pink), the HR-1 Zoning District is shown in light blue. Zoning map excerpt provided by staff.



Image 2: 37 Hillside when viewed from Hillside Avenue. The Significant Historic Structure is the white home. Image from Google street view.

45 Hillside Avenue is a non-historic site in the Bluejay Parcel Subdivision recorded with Summit County in 1996 (Entry No. 457130).



Image 3: 45 Hillside when viewed from Hillside Avenue. Image from Google street view.

Side-Yard Easement

The properties at 37 and 45 Hillside Avenue are separately owned. In 1996, the previous property owners entered into a side-yard agreement, which details the following:

- The property owner at 37 Hillside Avenue can construct a stand-alone garage or shed within the easement property on 45 Hillside Avenue.
- The property owner at 37 Hillside Avenue cannot construct an addition to the primary Structure or an additional dwelling unit within the easement property on 45 Hillside Avenue.
- Side setbacks shall be measured from the southern boundary of the easement property (45 Hillside Avenue).
- The square footage of the Structure within the easement property on Hillside Avenue shall be included in the Building Footprint calculation for 45 Hillside Avenue and will not count towards that of 37 Hillside Avenue.³
- The side-yard agreement is intended to run with the land and shall be binding upon the successors and assigns of both parties (Exhibit C) (Entry No. 454589).

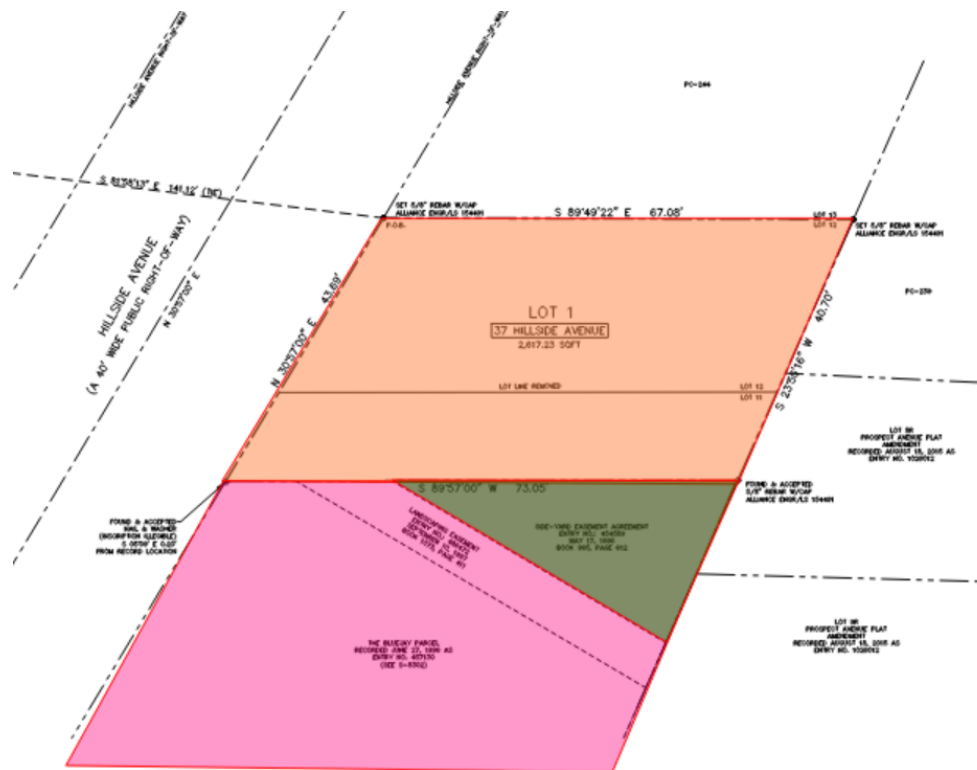


Image 4: Map showing the side yard easement area in green. 37 Hillside is highlighted in orange. 45 Hillside is highlighted in pink. Image existing property lines highlighted by Staff.

³ The agreement details Floor Area Ratio (FAR) as the means for calculation of the appropriate footprint. There is however a note that the effective FAR ordinance may be amended by Park City Municipal Corporation at any time. Presently the LMC enacts Building Footprint as the regulating measure and is the applicable measurement of the size of the Structure.

The property owner at 37 Hillside Avenue (Applicant) proposes constructing a subterranean garage located within the side-yard easement at 45 Hillside Avenue. Additionally, the Applicant proposes to construct an accessway tunnel to the garage that crosses both 37 and 45 Hillside Avenue. The property owners at both 37 Hillside and 45 Hillside have coordinated regarding the proposal. The property owner at 45 Hillside understands the scope of the request and what is being proposed within the easement area.

On August 24, 2021, the Board of Adjustment approved a Variance at 45 Hillside Avenue for a similar proposal to construct a “bunker style” garage. The Variance approved an exception to the Front Setback regulations and the requirement that Detached Accessory Buildings not be located in front of the Main Building ([Packet, Item 6.A](#); [Minutes, p. 1](#); Exhibit D).

Request for Variance

The proposed accessway tunnel is within the Front and Side Setbacks and crosses the 37 Hillside Avenue property line into 45 Hillside Avenue to the side-yard agreement area (Exhibit E). The proposed subterranean garage is located within the Side and Rear Setbacks. The Applicant requests a Variance from:

- LMC [§ 15-2.2-3\(F\)](#) *Front and Rear Setbacks*
- LMC [§ 15-2.2-3\(I\)](#) *Side Setbacks*
- LMC [§ 15-2.2-3\(E\)](#) *Building Footprint*



Image 5: Rendering showing the proposed underground access when viewed from Hillside Avenue. Provided by Applicant.

Setbacks

Front – The Lot at 37 Hillside Avenue is 73.05 feet deep. Pursuant to LMC [§ 15-2.2-3\(F\)](#) Lots up to 75 feet deep have a minimum Front Setback of 10 feet. The proposed accessway tunnel is within the Front Setback of 37 Hillside Avenue.

Side – The Lot at 37 Hillside Avenue is 43.69 feet wide. Pursuant to LMC [§ 15-2-2-3\(I\)](#), Lots up to 50 feet wide have a Side Setback of 5 feet each. The proposed accessway tunnel is within the Side Setback of 37 Hillside Avenue.

The Lot at 45 Hillside is 87 feet wide. Pursuant to LMC [§ 15-2-2-3\(I\)](#), Lots up to 87.5 feet wide have a Side Setback of 10 feet. The proposed accessway tunnel and subterranean garage are both within the Side Setback of 45 Hillside Avenue.

Rear – The Lot at 45 Hillside Avenue is 67.22 feet deep. Pursuant to LMC [§ 15-2-2-3\(F\)](#), Lots up to 75 feet deep have a Rear Setback of 10 feet. The proposed accessway tunnel and subterranean garage are both within the Rear Setback of 45 Hillside Avenue.

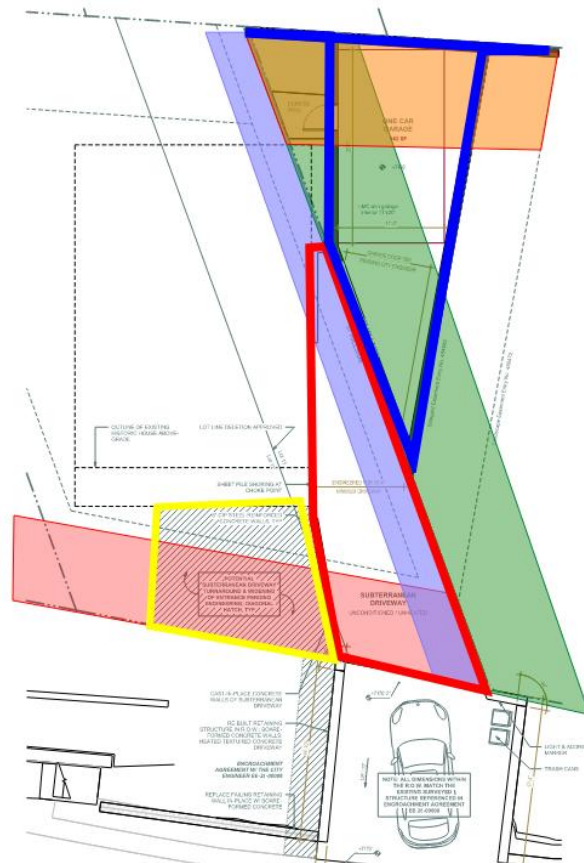


Image 7: Applicant's proposed Site Plan. The Front Setback at 37 Hillside is shaded red, the Side Setback is shaded blue. The Rear Setback at 45 Hillside is shaded orange, the Side Setback is shaded green. The proposed Structure on 37 Hillside is outlined in red, the proposed Structure at 45 Hillside is outlined in blue. The proposed turnaround is outlined in yellow. Site Plan highlighted by Staff.

Building Footprint

Building Footprint in the HR-1 Zoning District is regulated by LMC [§ 15-2.2-3\(E\)](#). Building Footprint is based off of Lot Area using the following formula:

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

LMC [§ 15-15-1](#) defines Building Footprint as “[t]he total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.” LMC [§ 15-15-1](#) defines a Structure as “[a]nything constructed, the Use of which requires a fixed location on or in the ground or attached to something having a

fixed location on the ground and which imposes an impervious material on or above the ground; definition includes 'Building'." As defined and regulated by the LMC, the proposed accessway tunnel and subterranean garage are included in the Building Footprint of 37 and 45 Hillside Avenue. The Applicant is requesting that the accessway tunnel and subterranean garage be excluded from maximum Building Footprint calculations on both properties.

In May of 1996, when the Side Yard Easement was recorded 400 square feet was excluded from the maximum allowable FAR for a garage in the HR-1 Zoning District (Exhibit J). As stated above, the current LMC counts garage. The Board could consider this context when evaluating the request to exempt the footprint of the garage and accessway from the Building Footprint calculations.

Both sites are currently under the maximum Building Footprint. The Building Footprint at 45 Hillside Avenue, including the Single-Family Dwelling (SFD) and "bunker style" garage, is approximately 1,794 square feet. The Building Footprint of the Structures at 37 Hillside is approximately 962 square feet.⁴

The Applicant requests that the accessway tunnel and subterranean garage be excluded from the Building Footprint calculations for 37 and 45 Hillside Avenue to allow for flexibility for future site improvements.

⁴ There is a shed at 37 Hillside. Pursuant to LMC [§ 15-2.2-3\(E\)](#), Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building shall not count in the total Building Footprint of the Lot. The shed, which is approximately 73 square feet, is not listed on the Historic Site Form or seen on the Sanborn Maps. For the purposes of the table the shed is included in the Building Footprint of the Lot.

Remaining Building Footprint		
<i>Should the Building Footprint of the underground Structures be excluded from the Lot's Maximum Building Footprint</i>		
<i>Lot</i>	<i>No Turnaround</i>	<i>Turnaround</i>
<i>37 Hillside</i>	167 square feet	167 square feet
<i>45 Hillside</i>	469 square feet	469 square feet
<i>Should the footprint of the underground Structures be included in the Lot's Maximum Building Footprint</i>		
<i>Lot</i>	<i>No Turnaround</i>	<i>Turnaround</i>
<i>37 Hillside</i>	247 square feet <i>over maximum allowable Building Footprint</i>	487 square feet <i>over maximum allowable Building Footprint</i>
<i>45 Hillside</i>	7 square feet	7 square feet

The following tables outline the Building Footprint calculations for both options proposed by the Applicant. The proposed options either include a turnaround on 37 Hillside, or do not.

Building Footprint Table – No Turnaround				
<i>Lot</i>	<i>Lot Size</i>	<i>Maximum Building Footprint</i>	<i>Proposed Footprint of Subterranean Garage and Tunnel Accessway</i>	<i>Total Proposed Building Footprint of Lot</i>
<i>37 Hillside</i>	2,617 square feet	1,129 square feet	414 square feet	1,376 square feet
<i>45 Hillside</i>	6,534 square feet.	2,263 square feet	462 square feet	2,256 square feet

Should the Board grant the Variance request including the proposed turnaround, the proposed Building Footprint of the accessway tunnel and subterranean garage would increase at 37 Hillside.

Building Footprint Table – Turnaround				
Lot	Lot Size	Maximum Building Footprint	Proposed Footprint of Subterranean Garage, Accessway Tunnel, and Turnaround	Total Proposed Building Footprint of Lot
37 Hillside	2,617 square feet	1,129 square feet	654 square feet	1,616 square feet
45 Hillside	6,534 square feet.	2,263 square feet	462 square feet	2,256 square feet

Additional Applications

37 and 45 Hillside Avenue are located on Steep Slopes. Should the Variance request for the accessway tunnel and subterranean garage be granted, the Applicant will be required to obtain a Steep Slope Conditional Use Permit (SSCUP) from the Planning Commission pursuant to LMC [§ 15-2.2-6](#). The Applicant will also be required to obtain a Historic District Design Review (HDDR) approval from the Planning Department.

Future work impacting the Historic Structure at 37 Hillside Avenue requires review by the Historic Preservation Board (HPB).

Work in the Hillside Avenue right-of-way requires an Encroachment Agreement from the Engineering Department. Future improvements to the right-of-way may require the Applicant to remove any improvements that encroach into the right-of-way at their expense.

Analysis

To grant the requested Variance, the Board of Adjustment must find that all five criteria in Land Management Code § 15-10-8(C) are met. The Applicant bears the burden of proving that all five criteria 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.⁵

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.⁶ In determining whether or not enforcement of the LMC would cause

⁵ LMC [§ 15-10-8](#)

⁶ 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.⁷

(I) The Applicant seeks a Variance from Land Management Code § 15-2.2-3(G) *Front Setback Exceptions in the HR-1 Zoning District* and LMC § 15-2.2-3(J) *Side Setbacks Exceptions in the HR-1 Zoning District* and LMC § 15-2.2-3(E) *Building Footprint in the HR-1 Zoning District*.

The five criteria in LMC [§ 15-10-8\(C\)\(1\)](#) are outlined below, with the Applicant's response in *italics* followed by staff analysis. Please see Exhibit G for the Applicant's full analysis and narrative.

(1) Literal enforcement of the Land Management Code would cause unreasonable hardship for the Applicant that is unnecessary to carry out the general purpose of the Land Management Code.

The Applicant states:

Literal enforcement of the Code would render the recorded easement right impractical to exercise consistent with its ordinary meaning and intended function. The Side-Yard Easement authorizes construction of a "garage" within the easement area, which contemplates vehicular access and parking. Strict application of the Code would therefore effectively prevent any reasonable exercise of the easement right as granted, because functional vehicular access to the authorized garage location could not be achieved.

Goal 5C of the 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.

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

⁷ LMC [§ 15-10-8\(D\)\(2\)](#)

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.”

LMC [§ 15-13-2](#) lays out the design regulations for Historic Residential Sites. LMC [§ 15-13-2\(B\)\(1\)\(g\)\(3\)](#) requires that when locating new off-street parking areas, the existing topography of the site and integral site features should be minimally impacted. 37 Hillside Avenue is a Lot with steep topography and the hillside is visually and contextually important in the relationship of the Significant Historic Structure to the site. Utilizing an accessway tunnel to a subterranean garage minimizes the impact to the topography of site as it avoids large above-ground retaining walls or impactful cut and fill needed to construct a driveway and garage.

Additionally, LMC [§ 15-13-2\(B\)\(1\)\(g\)\(4\)](#) regulates that off-street parking areas should be located within the rear yard and beyond the rear wall plane of the primary structure. The proposed garage is located at the rear of 45 Hillside Avenue and will not be visible from the street. The proposal will limit visual impacts of a parking area in the HR-1 Zoning District.

Staff finds that the proposed accessway tunnel and subterranean garage contribute to development in the HR-1 Zoning District that is compatible with the character and scale of the Historic District. Instead of proposing to lift the Historic Structure at 37 Hillside and construct a garage underneath, as has been proposed at other Historic Sites in the HR-1 Zoning District, the Applicant is proposing to locate the garage underground to minimize visual impacts of a Parking Structure on the Significant Historic Site.

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

The Applicant states:

A special circumstance attached to the property is the existence of a recorded, plat-incorporated Side-Yard Easement on 45 Hillside that expressly authorizes a garage within a defined easement area. That easement is a legally operative, parcel-specific condition created through the subdivision record and incorporated into the approved plat. The boundaries and property rights of the Bluejay Parcel at 45 Hillside are defined by the recorded subdivision framework. The Side-Yard Easement forms part of that framework and constitutes a property-specific condition of the parcel. The easement area is also a bounded and irregular development area, and the proposed garage geometry is dictated by the minimum functional layout within that recorded area. In addition, the easement area is located approximately 19 feet above the adjacent street elevation, creating a significant topographic constraint inherent to the property and directly affecting the ability to provide functional vehicular access. This combination of a fixed, recorded garage location, a constrained easement-bounded area, and substantial vertical separation from the street constitutes a special circumstance attached to the property that does not generally apply to other properties in the same zone.

LMC [§ 15-2.2-4](#) exempts Significant Historic Sites from parking regulations set forth in LMC [Chapter 15-3](#). Hillside Avenue is a narrow and steep road that requires vehicles to yield for one-way travel. However, unlike other streets in the HR-1 Zoning District, parking is not available along Hillside Avenue. There are no residential parking permits available for those who live on Hillside Avenue as parking on the street is prohibited.



Image 8: Hillside Avenue heading west. Image from Google



Image 9: Hillside Avenue heading east. Image from Google.

Staff finds that the topography of the Lots at 37 and 45 Hillside Avenue are unique to those properties along Hillside Avenue. 45 Hillside Avenue previously was granted a Variance to construct a “bunker style” garage within the Front Setback due in part to the steepness of the terrain as outlined in the Final Action Letter (Exhibit D). The properties are unique due to the width of the unbuilt but dedicated public right-of-way. Requiring construction outside of the Setbacks may result in taller proposed retaining walls and greater impact to the hillside.

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

The Applicant states:

The ability to construct and use a garage for off-street parking is a substantial property right commonly enjoyed by properties in the HR-1 district, including surrounding properties along Hillside Avenue. The requested variance is essential to the enjoyment of that same substantial property right in a manner consistent with the parcel's recorded subdivision framework. In a Final Action dated August 24, 2021, the Board found, in connection with 45 Hillside, that construction of a garage for off-street parking was "essential to the enjoyment of a substantial property right possessed by other property in the same zone."

Staff finds that due to the unique constraints of the site, including the topography and relationship of the property line to the right of way, the ability of the Applicant to construct an above-grade garage is limited in comparison to the property rights possessed by other Historic Sites in the HR-1 Zoning District. While parking is not required for Historic Sites, it is allowed—while encouraged to be at the rear of the Historic Site. Due to site constraints, construction of a garage located under the Significant Historic Structure would substantially transform the appearance of the Historic Site and require manipulation of grade and extensive and tall retaining walls within the front yard.

(4) The Variance would not substantially affect the General Plan and would not be contrary to the public interest.

The Applicant states:

The requested variance implements a recorded, plat-incorporated development framework established through the 1996 City Council plat amendment and associated recorded instruments. As stated in Ordinance No. 96-21, the City determined there was good cause for the framework and that neither the public nor any person would be materially injured. The requested variance provides the minimum relief necessary to implement the recorded framework, including functional vehicular access to the authorized garage location, under current Code administration. The proposal is consistent with the public interest because it uses a fully subterranean design that minimizes visual impact and preserves hillside character, while relocating routine vehicle storage and maneuvering off the constrained Hillside Avenue corridor.

It is important, as outlined in the General Plan, that new residential infill is suitable and compatible within the Historic Districts. Staff finds that an accessway tunnel and subterranean garage create compatible infill. The proposed Structures minimize physical and visual impact to the site.

(5) The spirit of the Land Management Code would be observed by granting the Variance, and substantial justice done.

The Applicant states

The proposed variance advances the Code's purposes of health, safety, and welfare; comfort, convenience, and aesthetics; preservation of historic hillside character; and minimization of visible surface disturbance. The proposed garage and access are fully subterranean and landscape-restored as viewed from Hillside Avenue. The variance secures substantial justice by allowing the recorded, subdivision-incorporated garage right to function through a least-impact access solution that improves safety and operations along the constrained Hillside Avenue corridor, while avoiding a more visually intrusive result less consistent with the Code's underlying purposes.

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 LMC establishes regulations for compatible infill that contribute to the character and scale of the Historic District. The proposed Structures meet the spirit of the LMC as they aim to reduce the visual impact of a driveway and garage on the streetscape along Hillside Avenue while preserving the steep slopes and vegetation of the site.

Additional information reviewed by Staff: The adjacent property owner provided the information attached as Exhibit I. The information confirms the special circumstances attached to the property and need for utilization of subterranean solutions to remove cars from Hillside. The remainder of the information is regarding design matters and terms of City encroachment, which are not directly applicable to the variance criteria.

Staff also received questions regarding excavation and soils (Exhibit I). These matters will be addressed during building permit review by the Building and Engineering Departments if the BOA approves the variance.

Additionally Staff received questions regarding an existing shed on 37 Hillside (Exhibit I). Future work proposed to impact the shed or the Significant Historic Site will be reviewed through the Historic District Design Review (HDDR) process. Work modifying Historic Material is reviewed by the Historic Preservation Board (HPB).

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 March 18, 2026. Staff mailed courtesy notice to property owners within 300 feet on March 16, 2026. The *Park Record* published courtesy notice on March 14, 2026.⁸

Alternatives

The Board of Adjustment may:

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

Exhibits

- A: Draft Final Action Letter
- B: 37 Hillside Avenue Plat
- C: Side-Yard Easement Agreement
- D: 2021 Board of Adjustment Final Action Letter
- E: Proposed Plans
- F: Applicant Narrative
- G: Supplemental Submitted Materials
- H: 1996 Land Management Code
- I: Adjacent Property Information

⁸ LMC [§ 15-1-21](#)



Planning Department

March 31, 2026

NOTICE OF BOARD OF ADJUSTMENT ACTION

Description

Address: 37 and 45 Hillside Avenue

Zoning District: Historic Residential – 1

Application: Variance

Project Number: PL-26-06843

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: March 31, 2026

Project Summary: The Applicant seeks a Variance from Land Management Code (LMC) Section 15-2.2-3(E) *Building Footprint*, Section 15-2.2-3(G) *Front Setback Exceptions*, and Section 15-2.2-3(I) *Side Setback Exceptions* to construct an accessway tunnel and subterranean garage for the Significant Historic Site at 37 Hillside Avenue that encroaches into a Side-Yard Easement Agreement with 45 Hillside Avenue, a non-historic site in the HR-1 Zoning District.

Action Taken

On March 31, 2026, the Board of Adjustment approved the Variance according to the following findings of fact and conclusions of law:

Findings of Fact

1. 37 and 45 Hillside Avenue are adjacent Lots in the HR-1 Zoning District.
2. 37 Hillside Avenue is a Significant Historic Site on Park City’s Historic Sites Inventory (LMC § 15-11-10).
3. 45 Hillside Avenue is a non-historic site in the Bluejay Parcel Subdivision (Summit County Recorder Entry No. 457130).
4. The properties at 37 and 45 Hillside Avenue are separately owned.
5. In 1996, the previous property owners entered into a Side-Yard Easement Agreement (Summit County Recorder Entry No. 454589).



Planning Department

6. In May of 1996, when the Side Yard Easement was recorded 400 square feet was excluded from the maximum allowable FAR for a garage in the HR-1 Zoning District.
7. The property owner at 37 Hillside Avenue (Applicant) proposes to construct a subterranean garage within the side-yard easement are at 45 Hillside Avenue.
8. Additionally, the Applicant proposes to construct an accessway tunnel to the garage on both 37 and 45 Hillside Avenue.
9. The Lot at 37 Hillside is 73.05 feet deep. Pursuant to LMC §15-2.2-3(F) Lots up to 75 feet deep have a minimum Front Setback of 10 feet. The proposed underground access Structure is within the Front Setback of 37 Hillside.
10. The Lot at 37 Hillside is 43.69 feet wide and pursuant to LMC § 15-2-2-3(I) Lots up to 50 feet have a Side Setback of 5 feet each. The proposed underground access Structure is within the Side Setback of 37 Hillside.
11. The Lot at 45 Hillside is 67.22 feet deep. Pursuant to LMC § 15-2-2-3(F) Lots up to 75 feet deet have a Rear Setback of 10 Feet. The proposed underground access Structure and garage are both within the Rear Setback of 45 Hillside.
12. The Lot at 45 Hillside is 87 feet wide. Pursuant to LMC § 15-2-2-3(I) Lots up to 87.5 feet wide have a Side Setback of 10 feet. The proposed underground access and garage are both within the Side Setback of 45 Hillside.
13. Building Footprint in the HR-1 Zoning District is regulated by LMC § 15-2.2-3(E).
14. LMC § 15-15-1 defines Building Footprint as “The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.” LMC § 15-15-1 defines a Structure as “Anything constructed, the Use of which requires a fixed location on or in the ground or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground; definition includes ‘Building’.” As defined and regulated by the LMC the proposed garage and underground accessway contribute to the Building Footprint at 37 and 45 Hillside. The Applicant is requesting that underground access to the garage be excluded from maximum Building Footprint calculations on both 37 and 45 Hillside.
15. As outlined in the easement the Building Footprint of the garage is to be counted towards the maximum Building Footprint of 45 Hillside and not 37 Hillside. The Lot at 45 Hillside is 6,534 square feet. The allowable maximum Building Footprint for 45 Hillside is 2,263 square feet pursuant to LMC §15-2.2-3. The current



Planning Department

- footprint of the Structures on 45 Hillside total 1,794 square feet. The proposed garage located on 45 Hillside has a Building Footprint of 462 square feet. The total proposed Building Footprint for the Lot is 2,256 square feet and is compliant with LMC § 15-2.2-3
16. Should the accessway be included in the Building Footprint calculations for 45 Hillside the total proposed Building Footprint of the Lot would be 2,256 square feet and would be in compliance with LMC § 15-2.2-3.
 17. The proposed footprint of the accessway on 37 Hillside is 414 square feet. The existing Building Footprint on the Lot is approximately 962 square feet. Pursuant to LMC § 15-2.2-3 the Maximum Building Footprint for 37 Hillside is 1,129 square feet. The proposed total Building Footprint including the accessway is 1,376 square feet.
 18. The Applicant requests that the underground access be excluded from the Building Footprint calculations for the Lots at 37 and 45 Hillside.
 19. Literal enforcement of the Land Management Code would cause unreasonable hardship for the Applicant that is unnecessary to carry out the general purpose of the Land Management Code.
 - a. The proposed underground garage and accessway contribute to development in the HR-1 Zoning District that is compatible with the character and scale of the Historic District. Instead of proposing to lift the Historic Structure at 37 Hillside and construct a garage underneath, as has been proposed at other Historic Sites in the HR-1 Zoning District, the Applicant is proposing to locate the garage underground to minimize visual impacts of a Parking Structure on the Significant Historic Site. Literal enforcement of the Code would render the recorded easement right impractical to exercise consistent with its ordinary meaning and intended function. The Side-Yard Easement authorizes construction of a “garage” within the easement area, which contemplates vehicular access and parking. Strict application of the Code would therefore effectively prevent any reasonable exercise of the easement right as granted, because functional vehicular access to the authorized garage location could not be achieved.
 20. There are special circumstances attached to the Property that do not generally apply to other properties in the same zone.
 - a. The topography of the Lots at 37 and 45 Hillside are unique to those properties along Hillside Avenue. 45 Hillside previously was granted a



Planning Department

Variance to construct a garage within the Front Setback due in part to the steepness of the terrain. As outlined in the Final Action Letter for the Variance at 45 Hillside. The properties are unique due to the width of the unbuilt but platted City Right of Way. Requiring construction outside of the Setbacks may result in taller proposed retaining walls and greater impact to the hillside. A special circumstance attached to the property is the existence of a recorded, plat-incorporated Side-Yard Easement on 45 Hillside that expressly authorizes a garage within a defined easement area. That easement is a legally operative, parcel-specific condition created through the subdivision record and incorporated into the approved plat. The boundaries and property rights of the Bluejay Parcel at 45 Hillside are defined by the recorded subdivision framework. The Side-Yard Easement forms part of that framework and constitutes a property-specific condition of the parcel. The easement area is also a bounded and irregular development area, and the proposed garage geometry is dictated by the minimum functional layout within that recorded area. In addition, the easement area is located approximately 19 feet above the adjacent street elevation, creating a significant topographic constraint inherent to the property and directly affecting the ability to provide functional vehicular access. This combination of a fixed, recorded garage location, a constrained easement-bounded area, and substantial vertical separation from the street constitutes a special circumstance attached to the property that does not generally apply to other properties in the same zone.

21. Granting the Variance is essential to the enjoyment of a substantial Property right possessed by other Properties in the same zone.
 - a. Due to the unique constraints of the site, including the topography and width of the unbuilt right of way, the ability of the Applicant to construct an underground garage is limited in comparison to the property rights possessed by other Properties in the same zone. The ability to construct and use a garage for off-street parking is a substantial property right commonly enjoyed by properties in the HR-1 district, including surrounding properties along Hillside Avenue. The requested variance is essential to the enjoyment of that same substantial property right in a manner consistent with the parcel's recorded subdivision framework. In a Final Action dated August 24, 2021, the Board found, in connection with 45 Hillside, that construction of a garage for off-street parking was "essential



Planning Department

to the enjoyment of a substantial property right possessed by other property in the same zone.”

22. The Variance would not substantially affect the General Plan and would not be contrary to the public interest.
 - a. It is important, as outlined in the General Plan, that new residential infill is suitable and compatible within the Historic Districts. Staff finds that an underground garage and accessway create compatible infill. The proposed Structures minimize physical and visual impact to the site. The requested variance implements a recorded, plat-incorporated development framework established through the 1996 City Council plat amendment and associated recorded instruments. As stated in Ordinance No. 96-21, the City determined there was good cause for the framework and that neither the public nor any person would be materially injured. The requested variance provides the minimum relief necessary to implement the recorded framework, including functional vehicular access to the authorized garage location, under current Code administration. The proposal is consistent with the public interest because it uses a fully subterranean design that minimizes visual impact and preserves hillside character, while relocating routine vehicle storage and maneuvering off the constrained Hillside Avenue corridor.
23. The spirit of the Land Management Code would be observed by granting the Variance, and substantial justice done.
 - a. The LMC establishes regulations for compatible infill that contributes to the character and scale of the Historic District. The proposed Structures meet the spirit of the LMC as they aim to reduce the visual impact of a Parking Structure on the streetscape along Hillside Avenue. The proposed variance advances the Code’s purposes of health, safety, and welfare; comfort, convenience, and aesthetics; preservation of historic hillside character; and minimization of visible surface disturbance. The proposed garage and access are fully subterranean and landscape-restored as viewed from Hillside Avenue. The variance secures substantial justice by allowing the recorded, subdivision-incorporated garage right to function through a least-impact access solution that improves safety and operations along the constrained Hillside Avenue corridor, while avoiding a more visually intrusive result less consistent with the Code’s underlying purposes.



Planning Department

Conclusions of Law

1. The Applicant met their burden of establishing that the five criteria in LMC § 15-10-8(C) for a Variance have been met.
2. The Board of Adjustment finds:
 - a. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC.
 - 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 Properties in the same zone.
 - d. The Variance would not substantially affect the General Plan and would not be contrary to the public interest.
 - e. The spirit of the Land Management Code would be observed by granting the Variance, and substantial justice done.

Conditions of Approval

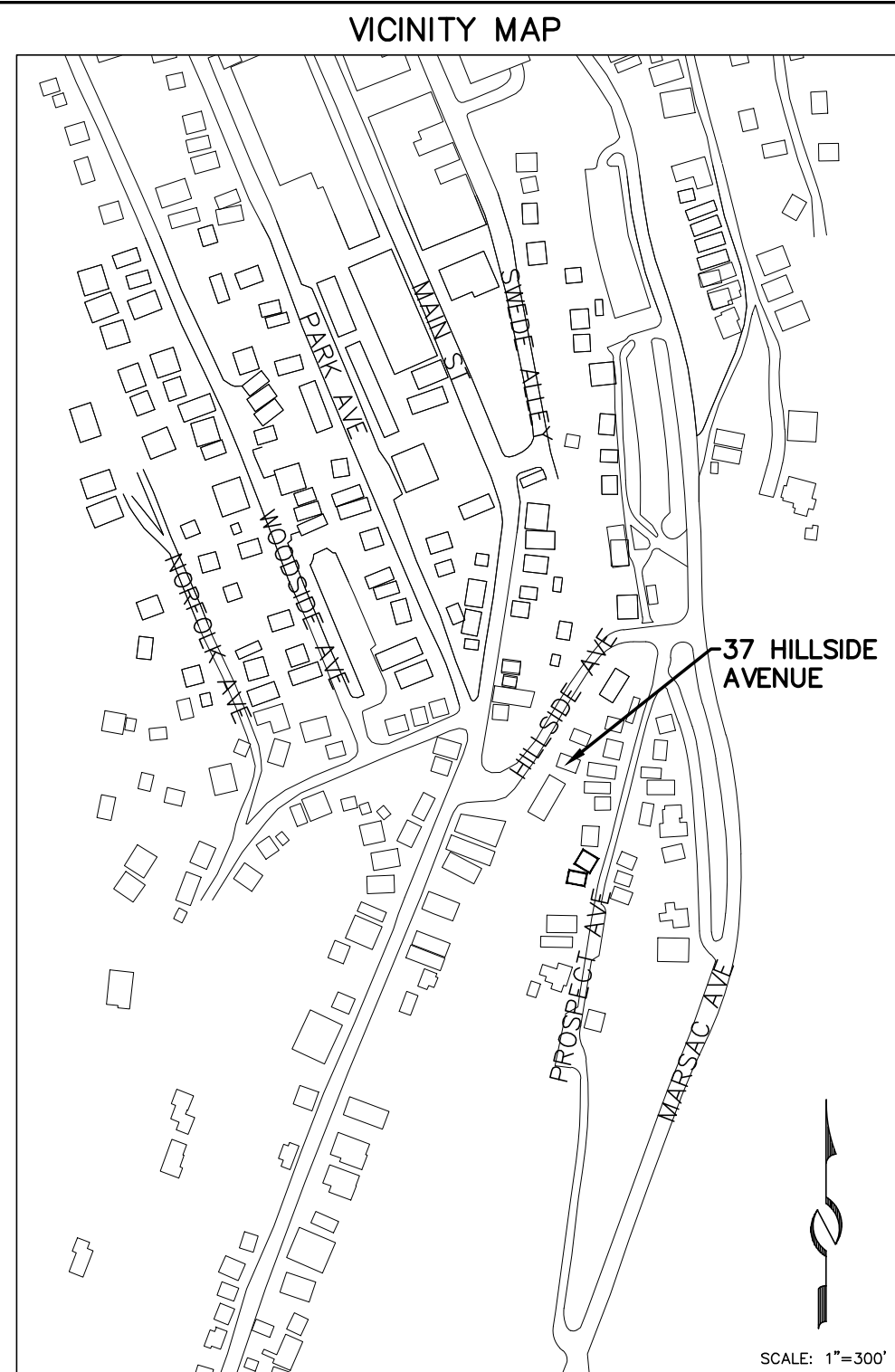
1. The Variance is limited to the scope of work approved by the Board of Adjustment on March 31, 2026. No other modifications are proposed or approved.

This Final Action may be appealed pursuant to LMC [§ 15-10-12](#). If you have questions or concerns regarding this Final Action Letter, please call 435-640-8683 or email meredith.covey@parkcity.gov.

Sincerely,

Board of Adjustment Chair

CC: Meredith Covey, Planner II



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 4857264 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that I have completed a survey and have referenced a record of survey map of the existing property boundaries in accordance with Section 17-23-17 and have verified the boundary locations and have placed monuments as represented on the plat. I do further certify that by authority of the owners, I have prepared this subdivision plat of the property described hereon, hereafter to be known as 37 HILLSIDE AVENUE PLAT AMENDMENT.

LEGAL DESCRIPTION

The North 1/2 of Lot 11 and all of Lot 12, Block 19, PARK CITY SURVEY, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, Summit County, Utah.

AS-SURVEYED DESCRIPTION

A parcel of land located in the Southeast Quarter of the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point being located South 81°58'13" East 141.12 feet from the Park City Survey Monument found at the intersection of Main Street and Daly Avenue, said point being the Southwest Corner of Lot 13, Block 19, Amended Plat of Park City Survey, said point also being located on the East right-of-way line of Hillside Avenue; running thence coincident with the southerly boundary of Lot 13 South 89°49'22" East 67.08 feet; thence South 23°55'16" West 40.70 feet to the Northeast Corner of The Bluejoy Parcel as shown in S-8302, filed January 22, 2015 in the Summit County Recorder's Office; thence coincident with the North Boundary of The Bluejoy Parcel South 89°57'00" West 73.05 feet to the Northwest Corner of the Bluejoy Parcel and East right-of-way of Hillside Avenue; thence coincident with said East right-of-way North 30°57'00" East 43.69 feet to the point of beginning.

OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned, Katherine Dunleavy, having complied with the requirements of both Statutes and the Recorded Declaration, hereby consents to the recording of this 37 HILLSIDE AVENUE PLAT AMENDMENT.

By: _____
Katherine Dunleavy

ACKNOWLEDGMENT

State of _____)
: ss
County of _____)

On this _____ day of _____, 2025, Katherine Dunleavy personally appeared before me, the undersigned Notary Public, in and for said County and State, being duly sworn, acknowledged to me that she signed the above Consent to Record and that she acknowledged to me that she executed the 37 HILLSIDE AVENUE PLAT AMENDMENT.

By: _____
Notary Public

A Notary Public Commissioned in _____

Printed Name: _____

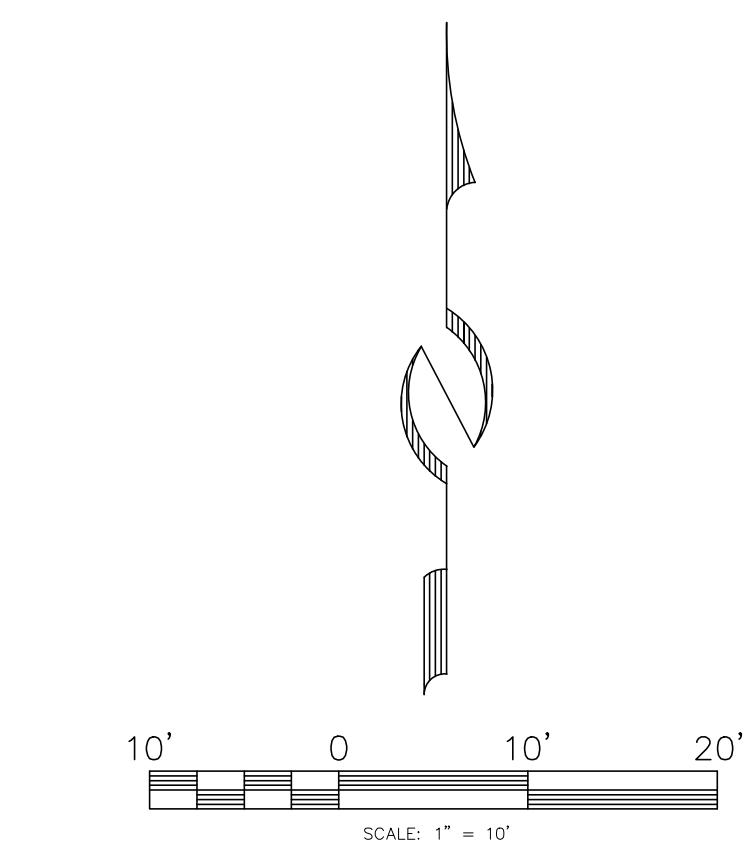
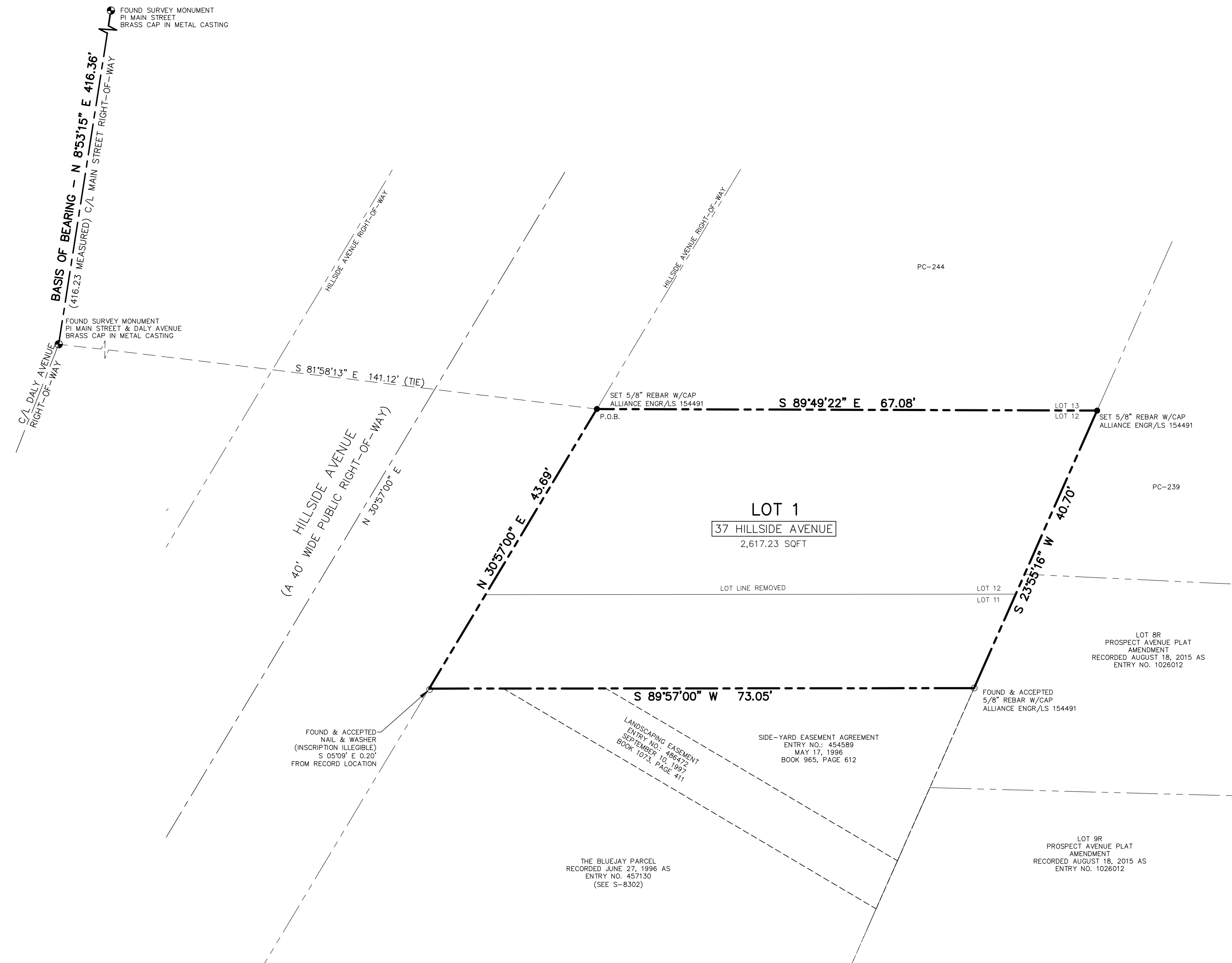
Residing in: _____

My commission expires: _____

Commission No.: _____

NOTES

- This plat amendment is subject to the Conditions of Approval in the Final Action Letter dated the _____ and on file with the Planning Department (PL-25-_____).
- Fire sprinklers are required for all new construction, to be approved by the Chief Building Official.
- See Survey S-_____ on file with the Summit County Surveyor's Office.
- See Survey S-8085, which reevaluates Block 19 and alters the boundary of The Bluejoy Parcel, recorded June 27, 1996 as Entry No. 457130 in the Summit county Recorder's Office.
- See Survey S-8302, which is a revision of and supercedes the survey recorded July 21, 2014 as S-8085 in the Summit County Recorder's Office.
- The purpose of this Plat Amendment is to remove the lot line between Lot 11 and Lot 12 to create one unified lot of record.
- The Side-Yard Easement Agreement, recorded May 17, 1996 as Entry No. 454589 in book 965 at Page 612, grants 37 Hillside Avenue the exclusive and perpetual right to build a stand-alone garage or shed in the easement area on 45 Hillside Avenue. The garage authorized by the recorded Garage Easement is not located on the parcel being platted and therefore does not consume building footprint on the 37 Hillside parcel. Approval of this plat amendment does not approve construction of the garage structure, which will be reviewed separately under current HR-1 accessory structure standards.



- LEGEND**
- Set 5/8" rebar w/cap "ALLIANCE ENGINEERING" (Unless noted otherwise)
 - Found Monument (As-Noted)
 - ⊕ Found Street Monument (As-Noted)
 - ⚡ Found Section monument (As-Noted)

37 HILLSIDE AVENUE PLAT AMENDMENT

WITHIN BLOCK 19, AMENDED PLAT OF PARK CITY,
LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

435-649-9467

ALLIANCE ENGINEERING

CONSULTING ENGINEERS | LAND PLANNERS | SURVEYORS

P.O. Box 2664 | 2700 West Homestead Road
Suite 50, 60 | Park City, Utah 84098

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2025

BY _____

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2025

BY _____ CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2025

BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2025

BY _____ PARK CITY ATTORNEY

PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS _____ DAY OF _____, 2025

BY _____ SUMMIT COUNTY GIS COORDINATOR

RECORDED

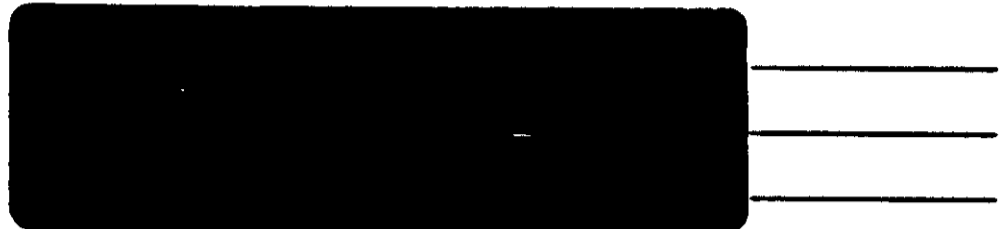
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

FEE _____ RECORDER _____

TIME _____ DATE _____ ENTRY NO. _____

11/20/25 JOB NO.: 10-10-14 FILE: X:\ParkCitySurvey\dwg\sr\plat2014\101014_37 Hillside.dwg

WHEN RECORDED, MAIL TO:



SIDE-YARD EASEMENT AGREEMENT

RECITALS

A. WHEREAS, the undersigned, **GAIL MARIE ROESINGER**, (herein "Owner") holds fee simple title to **Lot 10** and the **southerly one-half of Lot 11, Block 19**, Amended Plat of Park City Survey, Park City, Summit County, State of Utah (hereinafter the "Property"); and

B. WHEREAS, a portion of Lot 11, Block 19 is subject to a building and side-yard encroachment by the adjacent property owner, **JIM WEAVER**, (herein "Weaver"); and

C. WHEREAS, it is intended that the square footage of the side-yard area is to be used solely in the calculation of the Floor Area Ratio (herein "FAR") related to permissible development located upon the Property; and

D. WHEREAS, the Owner wishes by the herein contained grant of easement to grant Weaver perpetual permission to use the side yard,

NOW THEREFORE, based upon the mutual consideration herein, the sufficiency of which is hereby acknowledged, Owner and Weaver agree as follows: **00454589 Bk00965 Pg00612-00614**

AGREEMENT

**ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1996 MAY 17 16:23 PM FEE \$14.00 BY DMG
REQUEST: COALITION TITLE**

1. The above and foregoing Recitals are incorporated herein by this reference.
2. Easement. Owner hereby grants Weaver a perpetual side-yard easement over the following property (hereinafter "Easement Property"):

BEGINNING at a point North 30°57'00" East 14.50 feet and South 88°43'59" East 15.64 feet from the northwest corner of Lot 10, Block 19, Park City Survey to the true point of beginning; and running thence South 88°43'59" East 51.58 feet; thence South 22°28'00" West 25.50 feet; thence North 59°25'39" West 48.58 feet to the point of beginning.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A) With respect to any determination of FAR involving the Property and which in any way involves the square footage of the Easement Property, the following restrictions shall apply:

Side-yard Easement Agreement
Roesinger/Weaver
Page 2

(i) The square footage of the Easement Property, for purpose of calculation and determination of any Floor Area Ratio ("FAR"), shall be restricted and limited to determination of FAR appropriate for construction of any building, buildings and dwelling or dwellings to be located upon any parts, portions or combinations of Lot 10 and the southerly one-half of Lot 11, Block 19, Amended Plat of Park City Survey.

(ii) The Easement Property square footage shall not be applied to the calculation and determination of FAR applicable to Weaver's property.

(iii) FAR, as used herein, is intended to refer to the fully operative and effective FAR ordinance enacted by the Park City Municipal Corporation, and as such, ordinance may be, from time to time, amended.

B) Weaver may build a stand-alone garage or shed within the Easement Property but in no event shall Weaver be permitted to construct an addition to his primary dwelling, nor an additional dwelling unit within the Easement Property.

C) Side-yard setbacks for development on either the Owner's property, or within the Easement Property, pursuant to subsection (b) above, shall be measured from southern boundary of the Easement Property.

3. Binding of Successors. This Agreement is intended to run with the land and shall be binding upon the successors and assigns of both parties.

DATED THIS 17TH day of MAY, 1996

OWNER:

Gail Marie Roesinger
GAIL MARIE ROESINGER

00454589 Bx00965 Pg00613

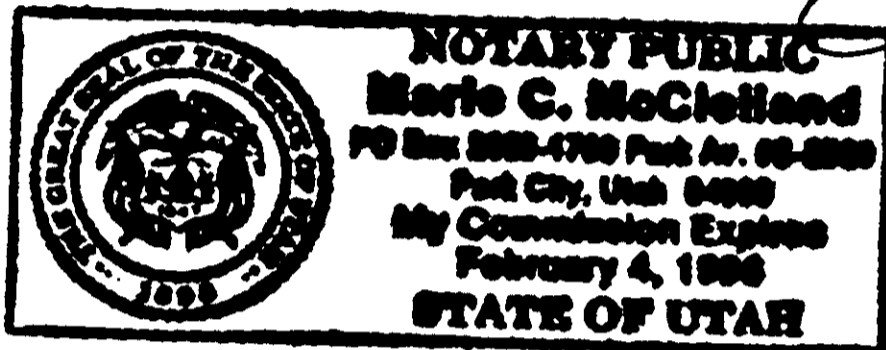
WEAVER:

Jim Weaver
JIM WEAVER

Side-yard Easement Agreement
Roesinger/Weaver
Page 3

STATE OF UTAH)
 SS
COUNTY OF SUMMIT)

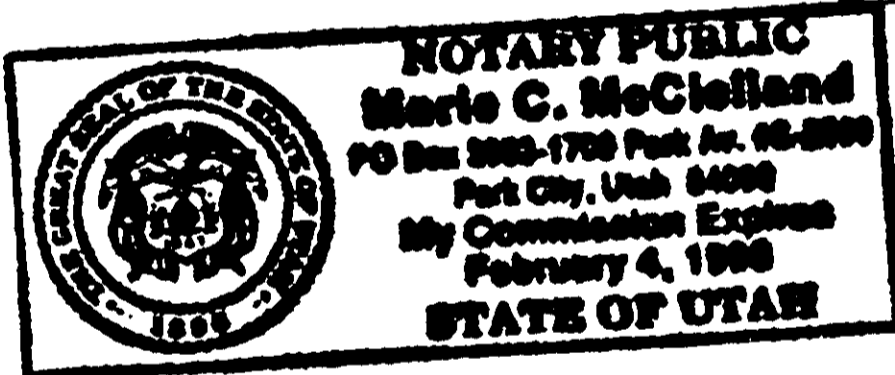
The foregoing Side-yard Easement Agreement was acknowledged before me this 17 day of May, 1996 by Gail Marie Roesinger, Owner, who executed the same.



Marie C. McClelland
NOTARY PUBLIC

STATE OF UTAH)
 SS
COUNTY OF SUMMIT)

The foregoing Side-yard Easement Agreement was acknowledged before me this 17 day of May, 1996, by Jim Weaver, who executed the same.



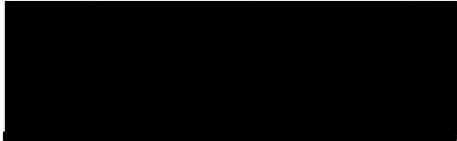
Marie C. McClelland
NOTARY PUBLIC

00454589 Bk00965 Pg00614



August 24, 2021

Caitlyn Barhorst, Raw Design Studio



CC: Dan Fischer

NOTICE OF BOARD OF ADJUSTMENTS ACTION

Description

Address: 45 Hillside Avenue

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

Application: Variance

Project Number: PL-21-04861

Action: Approved with Conditions

Date of Final Action: August 24, 2021

Project Summary: A request for Variances from the Front Setback pursuant to Section 15-2.2-3(F) and to locate a Detached Accessory Building in front of the Main Building pursuant to Section 15-2.2-3(G), in order to construct a new single car “bunker” style garage, at 45 Hillside Avenue, a non-historic Single-Family Dwelling.

Action Taken

On August 24, 2021, the Board of Adjustments conducted a public hearing and approved the new, subterranean single-car garage in the Front Setback according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The property is located at 45 Hillside Avenue in the Historic Residential-1 (HR-1) Zoning District.

2. The HR-1 zone is characterized by historic and contemporary homes on one (1) to two (2) lot combinations.
3. The property consists of 6,575 square feet.
4. There is an existing ~1,408 square foot Single Family Dwelling on the property. It is a non-historic site.
5. The existing house is set back from the front property line by 12 feet to 22 feet. It is set back from the edge of asphalt on Ontario Avenue by ~30 feet.
6. The owner currently parks in an asphalt parking pad parallel to Hillside Avenue and accesses the house via stairs and paths. This space is not approved private parking for 45 Hillside Avenue, but, rather, it is located in the City ROW and is considered public parking.
7. The applicant is requesting a Variance to LMC Sections 15-2.2-3(F) to reduce the required ten-foot (10') front yard setback to zero feet (0') and to Section 15-2.2-3(G)(6) to locate a Detached Accessory Building in front of the front façade of the Main Building, to allow for a single car garage to be constructed behind the property line and within the Front Yard Setback.
8. If at some point in the future the ROW is re-aligned, the applicant shall be responsible for the removal of the retaining walls and any parking in the ROW at their own expense.
9. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the width of the platted unbuilt ROW, and the steepness and topography of the slope along Hillside Avenue. (Criteria 1)
10. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The proposed garage would have to be pushed further into the hill if the Variances are not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. (Criteria 2)
11. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to construct a Detached Accessory Building (garage) at the street level without severely impacting existing grade, while also alleviating congestion and safety concerns on Hillside Avenue by providing off-street parking. (Criteria 3)
12. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to reduce vehicle conflicts on Hillside Avenue. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Hillside Avenue. (Criteria 4)
13. In order to construct a garage that meets the required Front Setbacks, the garage would need to be carved into the hill deeper than the proposed garage and require greater excavation to accommodate an uphill driveway. If the garage were constructed to comply with the LMC, it would not meet the intent of the General Plan.

14. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to construct a garage for the Site that will be setback from the edge of curb by twenty feet, consistent with the required front yard setback outlined in 15-2.2-3 (F). The Variances permit the owner to increase off-street parking in the neighborhood for two properties while reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. (Criteria 5)
15. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

Conclusions of Law

1. Literal enforcement of the HR-1 District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the Variances is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.

Condition of Approval

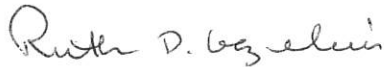
1. The Variances are limited to the construction of a single-car garage to be constructed as close to the front property line as possible, as indicated on the plans submitted with this application dated June 23, 2021, unless otherwise approved with an HDDR approval.
2. No portion of the garage shall be used for additional living space.
3. No other structures including decks are allowed in the front setback.
4. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Trash and recycling bins may be stored in the garage.
5. The applicant will need to receive a Conditional Use Permit for Steep Slopes and Permits for Construction in the Right-of-Way prior to the issuance of a building permit.
6. An Administrative Conditional Use Permit for retaining walls exceeding six feet (6') in height in the Front Setback may be required subject to the final design and configuration of the proposed garage.
7. The applicant will need to submit an HDDR application for the proposed design to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.
8. If at some point in the future Hillside Avenue is re-aligned, the applicant will be responsible for the removal of retaining walls and parking within the ROW at their sole expense and in an expeditious manner (within 90 days if written notice).
9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-

Way.

10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
11. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5063 or email browne.sebright@parkcity.org

Sincerely,



Ruth Gezelius
Board of Adjustments, Chair
CC: Browne Sebright, Planner II

Board of Adjustments Staff Report



Subject: 45 Hillside Avenue
Application: PL-21-04861
Author: Browne Sebright, Planner II
Date: August 17, 2021
Type of Item: Variance

Recommendation

Staff recommends that the Board of Adjustment review the proposed application, conduct a public hearing, and consider the applicants' request for Variances from the Front Setback pursuant to Section [15-2.2-3\(F\)](#) and to locate a Detached Accessory Building in front of the Main Building pursuant to Section [15-2.2-3\(G\)](#), in order to construct a new single car "bunker" style garage, at 45 Hillside Avenue, a non-historic Single Family Dwelling.

Description

Applicant: Dan Fischer, Caitlyn Barhorst, Raw Design Studio
Location: 45 Hillside Avenue
Zoning District: Historic Residential -1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Variances require Board of Adjustment approval

Acronyms

HDDR Historic District Design Review
HR-1 Historic Residential -1
LMC Land Management Code
ROW Right-of-Way

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

Background

The existing Single-Family Dwelling is a non-historic structure built in 1955. The owner currently parks on the street parallel to Hillside Avenue and accesses the house via stairs and paths. The Property currently has no off-street parking, and the owners are seeking to create parking for this residence with this application. LMC Section 15-3-6(A) requires Single Family Dwellings to have 2 parking spaces per Dwelling Unit. This Property was constructed prior to the 1968 Land Management Code and the first recorded requirement for Off-Street Parking in Park City.

The applicant believes that unique conditions exist with the property to warrant granting of a Variance to the required Front Yard Setback and a Variance to locate the proposed detached Accessory Building in front of the Main Building in the Front Setback. The application for a Variance is to allow the proposed garage to be located as close to the front property line as possible (a zero foot (0') setback). The proposed garage is

considered an Accessory Structure because it is detached from the Single-Family Dwelling.

The Applicants propose to construct a new subterranean, detached single car “bunker” style garage in the Front Setback by excavating into the hillside between the existing house and Hillside Avenue. Although the garage would accommodate only one car, the driveway leading to this structure would be capable of accommodating one additional car in the platted Right-Of-Way (ROW). Due to the relationship between the subject property and the actual location of Hillside Avenue, which is partially located within the platted ROW, the applicants are proposing to locate their driveway in the platted unbuilt ROW.

The image below is an excerpt from the Applicant’s submittal, showing the existing Single-Family dwelling and the approximate location of the proposed Detached Garage.



On May 12, 2021, the Applicant submitted a Historic District Design Review (HDDR) Pre-Application and on May 19, 2021, the proposed design was reviewed by the Design Review Team. The DRT reviewed the proposed design for compliance with the Design Guidelines for Historic Districts and Historic Sites and did not find any major compliance issues.

On June 23, 2021, the Planning Department received an application for a Variance request to the Front Yard Setback and to locate a Detached Accessory Building in front of the Main Building. The application was deemed complete on July 12, 2021.

Analysis

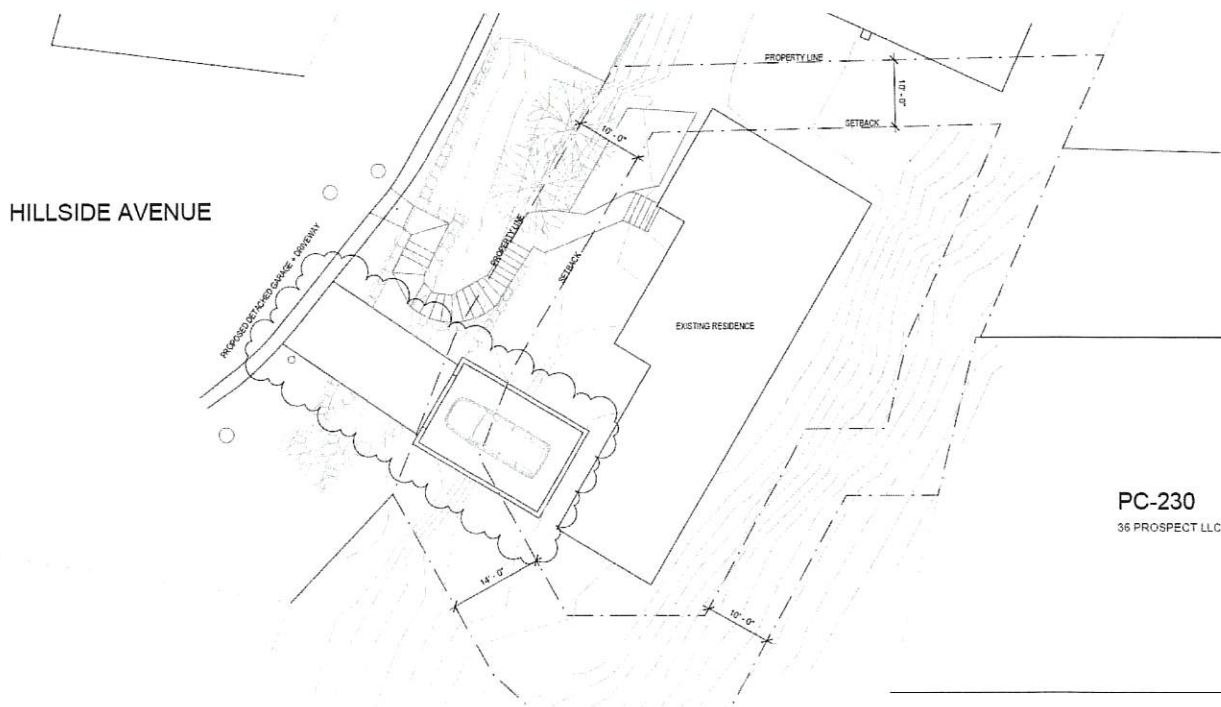
The Board of Adjustments hears all Variance request. The Board of Adjustments holds a public hearing and takes Final Action on Applications for Variances, prior to the issuance of any Conditional Use permit, or other approval by the Planning Commission of Planning Department.¹

The Applicant requests two Variances:

- A Variance to Land Management Code (LMC) Section [15-2.2-3\(F\)](#) to the required ten-foot (10') Front Yard Setback exception to allow for a single-car garage to be constructed as close to the front property line as possible (a zero foot (0') setback)
- A Variance to LMC Section [15-2.2-3\(G\)](#) to locate a Detached Accessory Building in front of the front façade of the Main Building.

Should the applicants receive the Variances for the location of the proposed garage, they will then need to seek Conditional Use Permits for their driveway and retaining walls to be located in the platted unbuilt ROW, and for Development on Steep Slopes. The Applicant will also need to seek the full Historic District Design Review approval. The applicant has chosen to move forward with the Variances request prior to submitting the CUP applications and the full HDDR application.

The image below is an excerpt from the Applicant's submittal, showing the approximate location of the proposed Detached Garage on a site plan of the Property.



¹ LMC § [15-10-8](#).

(I) The proposal seeks a Variance with the Historic Residential-1 (HR-1) Zoning District Requirements outlined in LMC [§ 15-2.2-3](#).

The LMC requires a 10 foot (10') Front Yard Setback to the property line and the applicant is requesting a zero-foot (0') setback to accommodate the garage and minimize excavation.² The proposed garage and adjacent new stairs comply with the required Side Setback.

The following are the minimum lot, site, and height requirements per Land Management Code Section 15-2.2-3 for development within the HR-1 zoning district for a lot of this size, 6,575 square feet:

Zoning Requirement	Analysis of Proposal
Minimum Front/Rear Setback – 10 feet (20 feet total)	No change to existing house 0 ft. front yard setback for proposed garage requires a Variance
Minimum Side Setback – 10 feet (24 feet total)	Complies No changes proposed.
Accessory Structures – 5 feet behind the front façade of the Main Building	To locate the structure in front of the Main Building requires a Variance
Minimum Lot Size – 1,875 sf. minimum	Complies No changes proposed – 6,575 sf.
Building Footprint – 2,272 sf. maximum Garage Footprint	Complies Main Building Footprint – 1,408 sf. Garage Footprint – 329 sf. Combined Footprint – 1,737 sf.
Building (Zone Height – 27 ft. maximum)	Complies No changes proposed.
Accessory Building Height – 18 ft. maximum	Complies Proposed garage height is 11 feet.

Land Management Code Section [15-13-8\(B\)\(9\)](#) establishes the Design Guidelines for New Accessory Structures for Historic Districts.

1. New accessory structures on flat or downhill sites shall generally be located in the rear yard, unless located in a character zone with similar development patterns.
2. New accessory structures may be located at the street front when a pattern of front yard historic accessory structures has been established along the street, and when the proposed placement of the accessory structure does not create a danger or hazard to traffic by obstructing the view on the street.

² LMC [§ 15-2.2-3\(F\)](#).

3. Accessory structures (such as sheds and detached garages) shall be subordinate in scale to the primary structure.

The Applicant's Existing Conditions Narrative submission identifies a pattern of similar development of parking structures along Hillside Avenue. The proposed subterranean garage is like two other Properties on Hillside that have excavated parking areas or subterranean garages. The images from the Applicant's submittal below show the existing subterranean garage and excavated parking area of 27 Hillside and 37 Hillside Avenue, respectively.



(II) The proposal complies with the Variance criteria outlined in LMC [§ 15-10-8\(C\)](#).

In order to grant the requested Variances to the aforementioned code sections, the Board of Adjustment must find that all five (5) criteria located in LMC [§ 15-10-8](#) are met. The applicant bears the burden of proving that all the conditions justifying a Variance have been met (see Exhibit B).

In determining whether or not enforcement of the Zoning Ordinance would cause unreasonable hardship under Subsection [15-10-9\(C\)\(1\)](#), the Board of Adjustment (BOA) may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. In determining whether or not the enforcement of the LMC would cause unreasonable hardship the BOA may not find an unreasonable hardship if the hardship is self-imposed or economic.

Variance Review Criteria	Analysis of Proposal
1. 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;	<p><u>Applicant's Request:</u> The topography of the site slopes steeply up from the front property line to the front façade of the home. Adhering to the required 10ft front setback would require the excavation of the site to be greater, creating a design situation where the front facade of the detached garage would have a driveway that is 10ft further setback from the road than the proposed</p>

	<p>(approximate) 24ft driveway. In effort to keep with the character of the Historic District and Design Guidelines, we find the proposal to locate the garage within the front setback to be keeping closer in line with the streetscape, reducing the required paving as well as required excavation.</p> <p>The existing Single-Family Dwelling is non-historic, however was built prior to the implementation of the current parking requirements in HR-1 requiring 2 off-street parking stalls. The project aims to bring the property closer into compliance of the current zoning requirements.</p> <p><u>Staff Analysis:</u> The LMC Section 15-9-3 states that Variance Applications are reviewed to ensure that they are reducing the degree of non-conformity, or that they improve the function of the site's Use in relation to other Uses. While there were no parking requirements at the time of construction, the Applicant's proposal aims to bring the property closer into compliance of the current zoning requirements.</p>
<p>2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;</p>	<p><u>Applicant's Request:</u> The location of the property at the juncture of Hillside Avenue, Daly Avenue, and Main Street creates a traffic situation that is unique to this specific intersection. There has been numerous vehicular accidents and issues with snow removal causing pedestrian and vehicular sight line concerns (See Attachment B).</p> <p><u>Staff Analysis:</u> Staff finds that the proposed garage would have to be pushed further into the hill if the Variances are not granted, thus (1) increasing the height and unsightliness of retaining walls, (2) increasing the amount of excavated materials, and (3) increasing the length of the driveway. Granting the Variances to permit the garage construction would be beneficial to the street as it would help other vehicles to pass without the obstruction of cars in the roadway.</p>
<p>3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property</p>	<p><u>Applicant's Request:</u> The properties located North of this site at 37 and 27 Hillside Avenue have parking areas located within the ROW, immediately at the end of the retaining wall</p>

<p>in the same zone;</p>	<p>that borders the paved street.</p> <p>Additionally, similar variance proposals located on Ontario Avenue which has comparable topographical site challenges have been reviewed and approved in the past, located in both HR-1 HRL and Zones (422 Ontario Avenue, 341 Ontario Avenue, and 316 Ontario Avenue). Although the three past Variance requests were regarding properties designated on the Park City Historic Sites Inventory (which are exempt from off-street parking requirements per the LMC), and 45 Hillside is non-historic we find the proposal brings the property further into compliance with the current zone.</p> <p><u>Staff Analysis:</u> Staff finds that other houses on Hillside Avenue have a garage and off-street parking located with reduced Front Setbacks. Garages are helpful along Hillside Avenue to alleviate parking and prevent parked cars on a steep and narrow road, particularly during winter months when the necessity of the garage is almost a public safety issue. Since there is limited safe or legal on-street parking nearby this property, parking within the garage will be utilized for the associated single-family home. Granting the Variances will allow a garage at the street front where it will have a lesser impact on the existing topography than if pushed back farther; this honors the intent of the LMC and allows for a better design of the proposed Detached Accessory Building.</p>
<p>4. The variance will not substantially affect the General Plan and will not be contrary to the public interest; and</p>	<p><u>Applicant's Request:</u> <i>Small Town:</i> Goal 3 Increase pedestrian mobility through enhanced public transit, biking, and walking. Community Planning Strategies 3.4 Create safe bike/pedestrian pathways between all public spaces within the City limits. With the proposal to located off-street parking, this opens up the east-side of Hillside Avenue (painted to give a larger shoulder for pedestrian traffic) for a more safe route for people to walk from the parking lots off of Marsac Avenue down to Main Street, which is a frequented pedestrian route. City Implementation Strategies 3.13 Seek alternatives to widening existing streets and highways. This proposal does not aim to widen the</p>

existing street. Rather, it provides an alternative to locate the required off-street parking and creates a safer vehicular and pedestrian intersection.

Natural Setting: Objectives 4D Minimize further land disturbance and conversion of remaining undisturbed land areas to development to minimize the effects on neighborhoods. Although the goal of “Natural Setting” speaks more broadly to preserving existing and dedicated open space, we find this objective applies positively to this proposal; by locating the garage within the front setback the required excavation is reduced and allows for more natural vegetation above the proposed garage.

City Implementation Strategies 5.15 Adopt flexible site design standards that encourage screened recycling areas for easy pick-up, including in parking areas if impacts can be mitigated. The proposal intends to locate the recycling and garbage cans within a screened area (either within the garage or setback in a housed area offset from the driveway/ required retaining walls)

Historic Character: With the consideration of the Historic District Design Guidelines, which will be reviewed with the submittal of the HDDR Application, dependent on the determination of this Variance Application, we have designed the proposal to respect the requirements of LMC 15-13-8 Design Guidelines for New Residential Infill Construction, specifically regarding Topography and Grading, Landscape and Vegetation, Retaining Walls, Paths, Parking Areas & Driveways, Materials, Garages, and New Accessory Structures.

Regarding the general public interest, the property owner has provided documentation of photographs and a summary of some of the past pedestrian, vehicular, and snow removal concerns which are explained in item #2 above. With the proposed off-street parking, there will be more opportunity for snow removal.

Staff Analysis:

Staff finds the Variances complies with the Small Town, Natural Setting, and Historic Character

	<p>chapters of the General Plan and will not be contrary to public interest because of this project attempts to mitigate dangerous traffic conditions along Hillside Avenue.</p> <p>Staff finds the Variances will not substantially affect the General Plan and will not be contrary to public interest. Parked cars are a safety hazard to other cars, delivery vehicles, emergency vehicles, pedestrians, and cyclists utilizing Hillside Avenue. Granting the Variances will improve off-street parking opportunities for the existing home and adjacent neighborhood.</p>
<p>5. The spirit of the Land Management Code is observed and substantial justice done.</p>	<p><u>Applicant's Request:</u> The proposal to construct the detached single-car garage addresses the spirit of the Land Management Code by increasing the amount of off-street parking in a very highly traffic and dangerous intersection. The proposal includes a heated driveway, which will provide more snow removal opportunity at the intersection. Additionally, as discussed in #1 above, the proposal to locate the driveway within the front setback will reduce the required excavation of the hillside, as well as reduce the required paving for the driveway, which is in keeping with the intent of the purpose of the HR-1 Zone and the Design Guidelines.</p> <p><u>Staff Analysis:</u> Staff finds that the spirit of the Land Management Code is observed, and substantial justice is done. Historic homes in old town are generally exempt from parking requirements. However, this home was built during a period that predates Park City's first parking requirements, but later than the latest period of homes that are eligible to be on the Historic Sites Inventory. Grant the Variances will permit the owner to increase off-street parking to become more compliant with the current requirements of the Land Management Code, while also reducing the impact of a long driveway, higher retaining walls, and greater excavation of the existing hillside. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, design, uses, etc. will be met.</p>

Approval of the Variances by the Board of Adjustment constitutes Final Action that may be appealed following the procedures found in LMC [§ 15-10-7](#). Approval of a Conditional Use Permit for the driveway and retaining walls to be in the platted unbuilt ROW and approval of a Historic District Design Review (HDDR) for the design of the garage structure are necessary prior to the issuance of a building permit.

(III) The Development Review Committee identified future Right-of-Way issues and requires Conditions of Approval.

This project has gone through an interdepartmental review. The Engineering Division noted that the applicant will have to agree to a Condition of Approval that if at some point in the future the ROW is re-aligned, the applicant will be responsible for the removal of the retaining walls and any parking in the ROW at their own expense. This is reflected in Condition of Approval #8.

Department Review

The Development Review Committee and Planning, Engineering, Fire, Transportation, and Legal Departments reviewed this application.

Notice

On July 27, 2021, the property was posted and notice of the Variances request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code. Legal notice was published in the Park Record on July 27, 2021, according to requirements of the Code. LMC [§ 15-1-21](#).

Public Input

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

Alternatives

- The Board of Adjustment may grant the Variances requested according to the findings of fact, conclusions of law and conditions of approval drafted below and/or as amended; or
- The Board of Adjustment may deny the Variances requested and direct staff to make findings of fact to support this decision; or
- The Board of Adjustment may continue the discussion and request additional information on specific items.

Exhibits

Exhibit A: Draft Final Action Letter

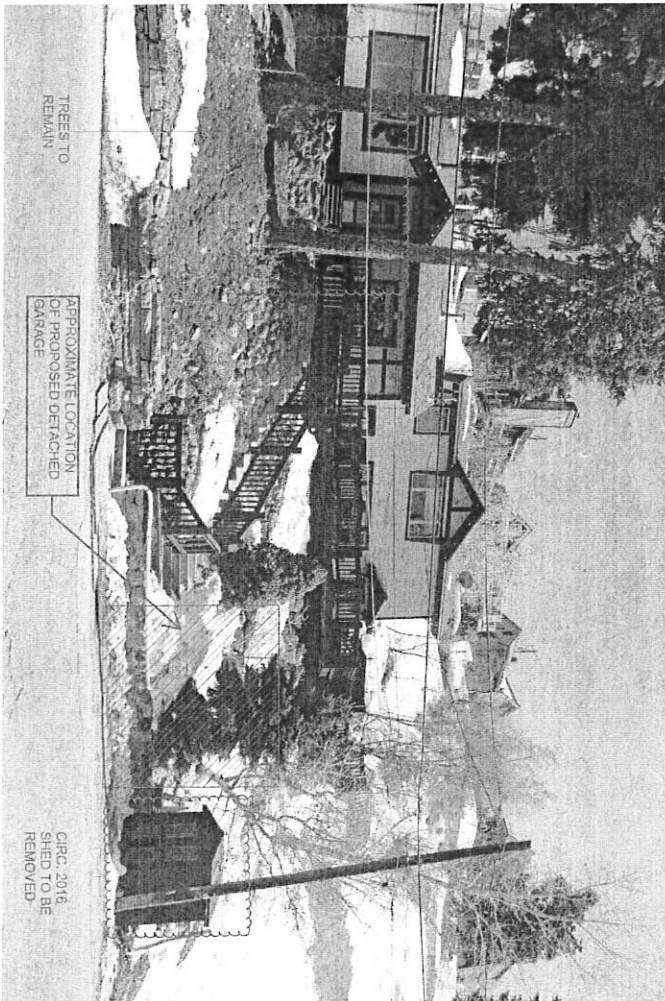
Exhibit B: Applicant's Variance Narrative

Exhibit C: Applicant's Submittal Package

FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT

VARIANCE APPLICATION PERMIT SET



OWNER DAN FISCHER P.O. BOX 2441 PARK CITY, UT 84090 dan.m.fischer@gmail.com	ARCHITECTURE RAW DESIGN STUDIO CATHY BARONST 585 S 700 E SUITE B #242 PARK CITY, UT 84092 (801) 552-4079 cathy@rawdsgn.com	CIVIL COMPANY T.B.D. CONTACT NAME ADDRESS CITY, STATE, ZIP (801) ###-#### email address	STRUCTURAL COMPANY T.B.D. CONTACT NAME ADDRESS CITY, STATE, ZIP (801) ###-#### email address	LANDSCAPE COMPANY T.B.D. CONTACT NAME ADDRESS CITY, STATE, ZIP (801) ###-#### email address	MECHANICAL COMPANY T.B.D. CONTACT NAME ADDRESS CITY, STATE, ZIP (801) ###-#### email address	ELECTRICAL COMPANY T.B.D. CONTACT NAME ADDRESS CITY, STATE, ZIP (801) ###-#### email address	CONTRACTOR COMPANY T.B.D. CONTACT NAME ADDRESS CITY, STATE, ZIP (801) ###-#### email address
------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------

COVER SHEET
G100

DATE	ISSUED
DATE	ISSUED
DATE	ISSUED
DATE	ISSUED

FISCHER GARAGE
 45 HILLSIDE AVENUE, PARK CITY, UT
 VARIANCE APPLICATION

RAW DESIGN STUDIO
 381 S. MAIN ST.
 SALT LAKE CITY, UT 84102
 (801) 515-9729
 info@rawdsgn.com
 www.rawdesignstudio.com

SITE CALCULATIONS
 LOT AREA: 6373 SF (0.15 ACRE)

MAIN STREET
 KING ROAD

DALY AVENUE

HILLSIDE AVENUE

PC-259-X
 PARK CITY MUNICIPAL CORP.

HILLSIDE AVENUE

PC-603
 ERIC LUMA

PROPOSED SITE PLAN

17&19-DA-B
 NEARBY EXISTING PROSPECT AVENUE
 PARK CITY 19121 (19 DA-B)

PC-224-B-X
 PARK CITY MUNICIPAL CORP.

EXISTING RESIDENCE

PC-243
 JAMES H WEAVER TRUSTEE

PC-244
 PETER MARTH

PC-232-232-A
 LUKE FINNEY

44-PSP-1
 LEONARD PEARSON

PC-230
 35 PROSPECT LLC

PA-9R
 MICHAEL MCGINLEY B TRUSTEE

PA-8R
 WILLIAM HUMMER

PC-239
 RHONDA SIDERIS

KEYED NOTES

PROSPECT AVENUE

GENERAL NOTES

1. ALL ADJACENT PROPERTY OWNERS TO BE NOTIFIED BY REGISTERED MAIL AND TO BE SERVED WITHIN 10 BUSINESS DAYS OF THE DATE OF THE PUBLIC HEARING. (UNLESS OTHERWISE SPECIFIED IN THE VARIANCE APPLICATION.)

FISCHER GARAGE

45 HILLSIDE AVENUE, PARK CITY, UT
 VARIANCE APPLICATION

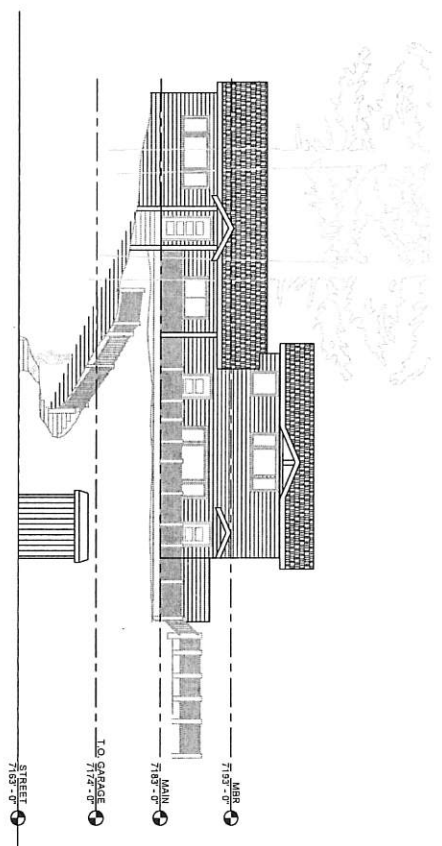
SITE PLAN - PROPOSED

A102

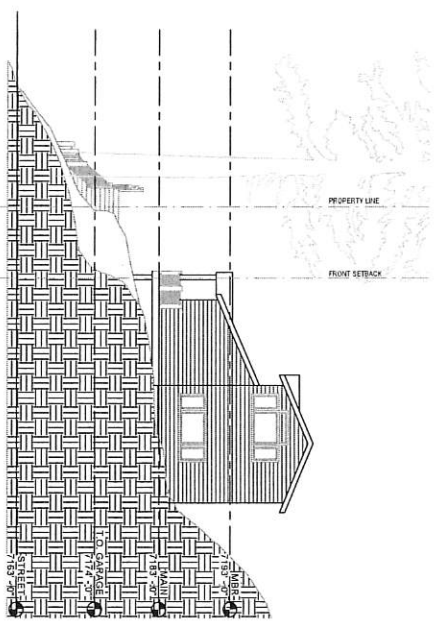
RAW
 ARCHITECTS
 300 WEST MAIN STREET
 SALT LAKE CITY, UT 84102
 (801) 315-6779
 info@rawdesignstudio.com
 www.rawdesignstudio.com

KEYED NOTES

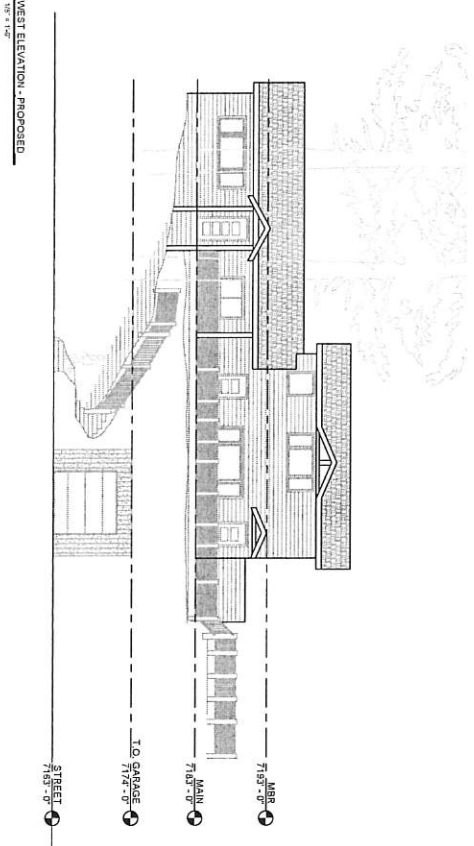
DESIGN
RAW
ARCHITECTURE
RAW DESIGN STUDIO
360 S. 700E SUITE B #224
SALT LAKE CITY, UT 84102
(801) 215-8779
info@rawdesignstudio.com
www.rawdesignstudio.com



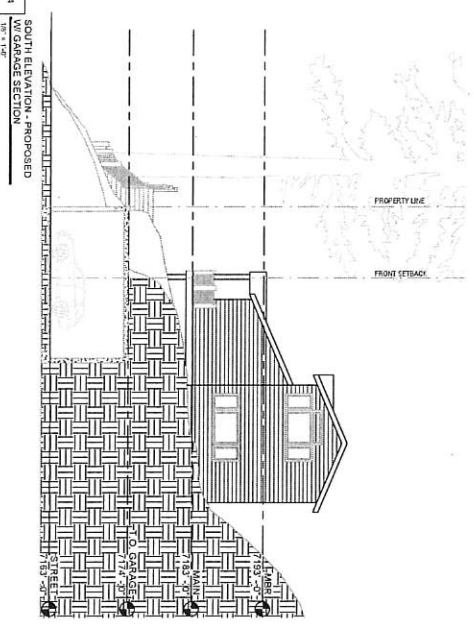
1 WEST ELEVATION - EXISTING
1/8" = 1'-0"



3 SOUTH ELEVATION - EXISTING
1/8" = 1'-0"



2 WEST ELEVATION - PROPOSED
1/8" = 1'-0"



4 SOUTH ELEVATION - PROPOSED
1/8" = 1'-0"

FISCHER GARAGE
45 HILLSIDE AVENUE, PARK CITY, UT
VARIANCE APPLICATION

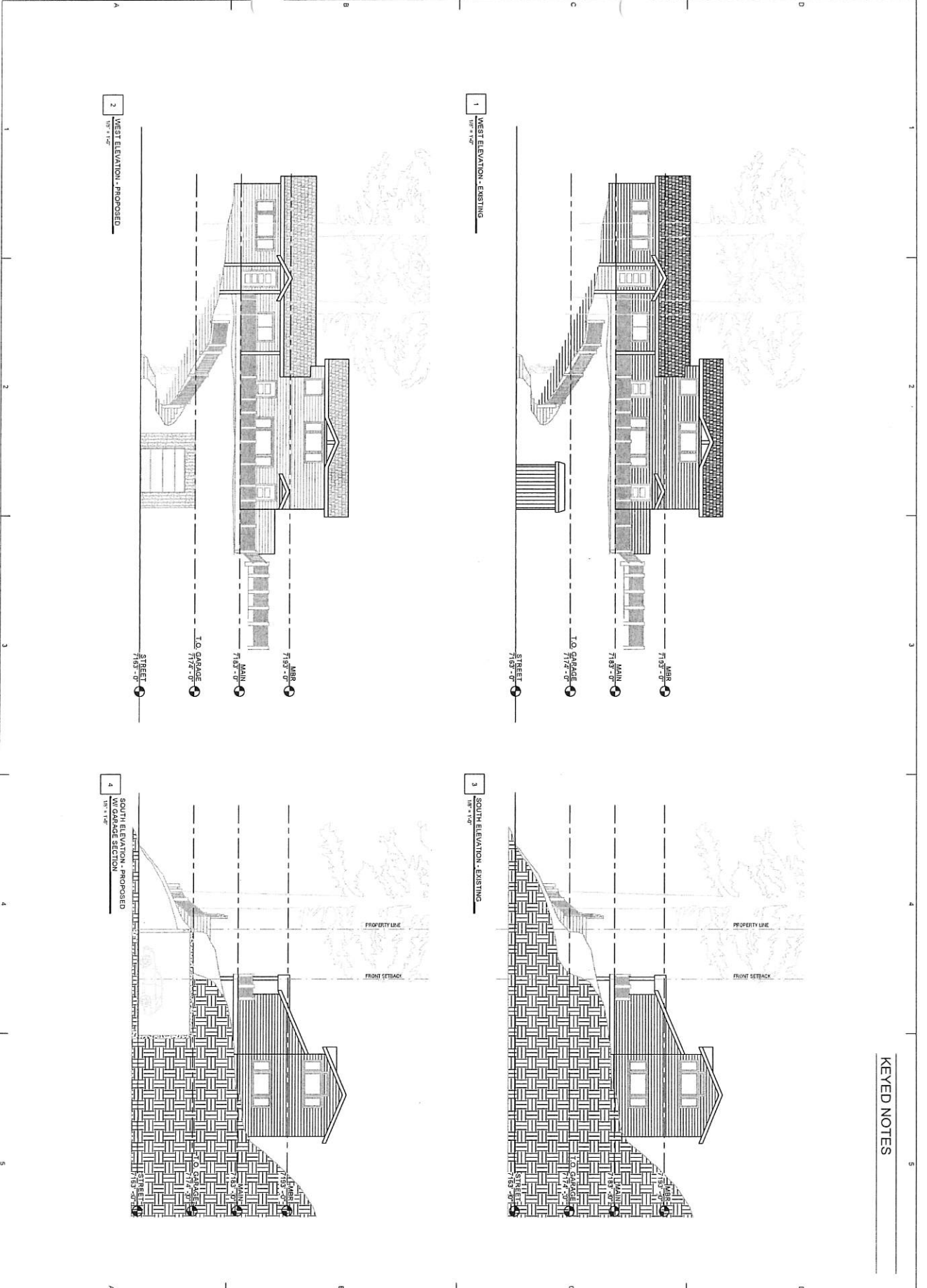
DATE	DESCRIPTION

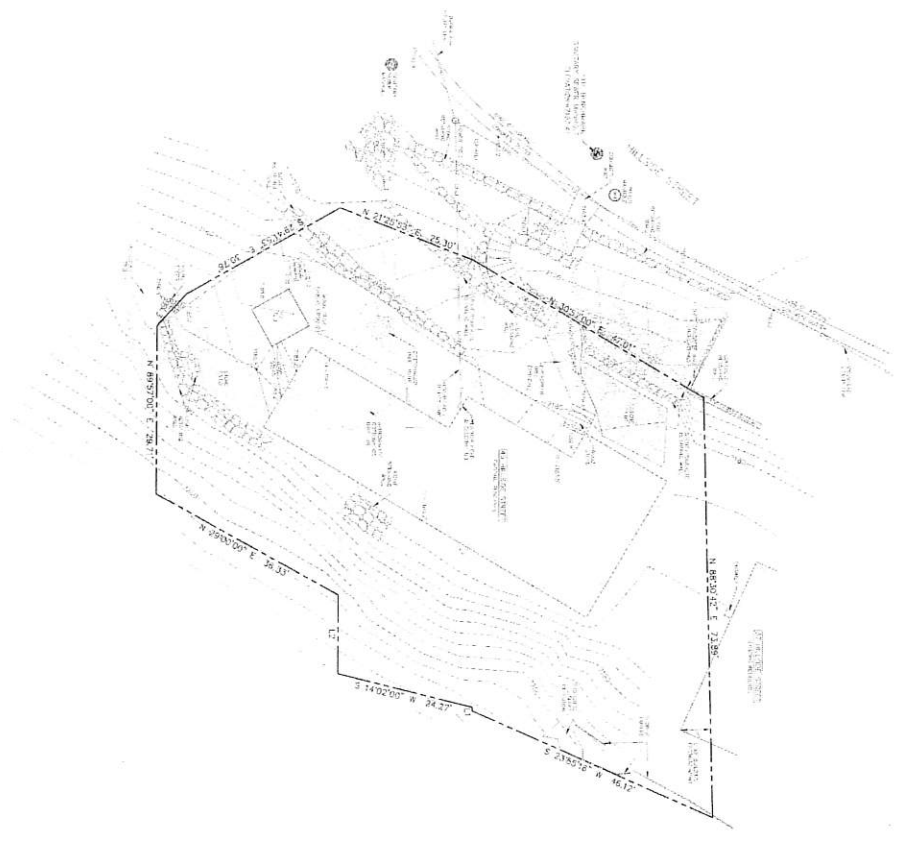
NOTED: THE INFORMATION CONTAINED ON THIS SHEET IS THE PROPERTY OF RAW DESIGN STUDIO. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RAW DESIGN STUDIO.

DATE: 3/11/20
DRAWN: DAN FISCHER
CHECKED: DAN FISCHER
SCALE: AS SHOWN

A201

ELEVATIONS
+ SECTIONS





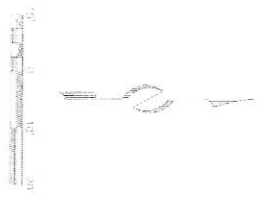
SURVEYOR'S CERTIFICATE

I, the undersigned, being duly sworn, depose and say that I am a Registered Professional Engineer in the State of Michigan, No. 24823, and that I am the author of the above and foregoing plat, and that the same is a true and correct representation of the facts as shown to me by the surveyors and assistants named therein, and that I am not aware of any fraud or error in the same.

Subscribed and sworn to before me this 7th day of July, 2014.

- NOTES**
1. See the network, Survey of State Routes, for details.
 2. See report of survey for measurements and calculations.
 3. The vertical is not suitable for building notes, and will be used for reference only.
 4. All bearings are in degrees, minutes, and seconds.
 5. The survey was made on a clear day, and the weather was clear.

LINE	BEARING	DISTANCE
1	N 89° 37' 00" E	0.66
2	S 89° 37' 00" E	1.00
3	S 89° 37' 00" E	1.00



	STAFF: ASSISTANT SURVEYOR HARRISON HILLY	EXISTING CONDITIONS AND TOPOGRAPHIC MAP 45 HILLSIDE STREET BLOCK 19, PARK CITY SURVEY	SHEET 1 OF 1
	DATE: 7/1/14	FILE: K:\Projects\2014\20140701_ParkCity\45_Hillside\45_Hillside.dwg	

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

RECEIVED



VARIANCE

For Office Use Only

BOARD OF ADJUSTMENT	PROJECT PLANNER	APPLICATION # _____
APPROVED _____	_____	DATE RECEIVED _____
DENIED _____	_____	EXPIRATION _____

PROJECT INFORMATION

NAME: FISCHER RESIDENCE GARAGE

ADDRESS: 45 HILLSIDE AVENUE

TAX ID: BJ-ALL OR

SUBDIVISION: BLUEJAY PARCEL SUBDIVISION OR

SURVEY: _____ LOT #: _____ BLOCK #: _____

APPLICANT INFORMATION

NAME: DAN FISCHER


MAILING ADDRESS: 

PHONE #: _____

EMAIL: _____

APPLICANT REPRESENTATIVE INFORMATION

NAME: CAITLYN BARHORST, RAW DESIGN STUDIO

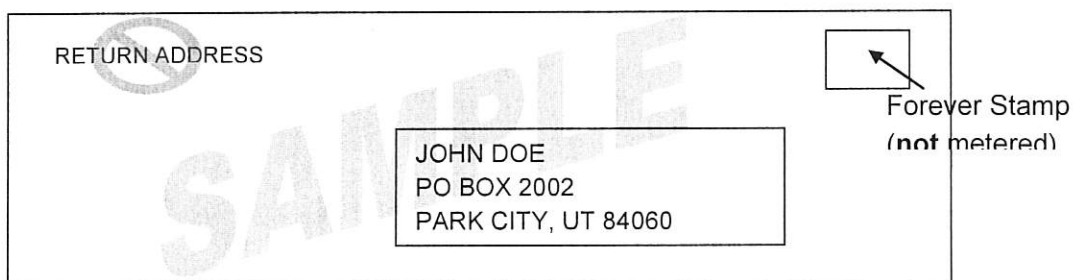
PHONE #: 

EMAIL: _____

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

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

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



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

PROJECT DESCRIPTION

1. On a separate sheet of paper, give a general description of the proposal and answer the questions below. Attach it to the application (See Submittal Requirement #2).

2. Existing Zoning: HR-1

3. Is the project within the Sensitive Lands Overlay?
Yes No

4. Current use of the property: SINGLE-FAMILY RESIDENCE

5. Total Project Area: 0.15 acres 6575 square feet

6. Number of parking spaces per Title 15 Land Management Code, Chapter 3, Off Street Parking:
 required 1 proposed

7. Project access via: (check one)
 Public Road Private Road Private Driveway

8. Occupancy type: (check one)
 Owner Occupied Lease Nightly Rental
 Condominium Timeshare

9. Utility service availability:
 Existing Requires extension of City service



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

ACKNOWLEDGEMENT OF RESPONSIBILITY

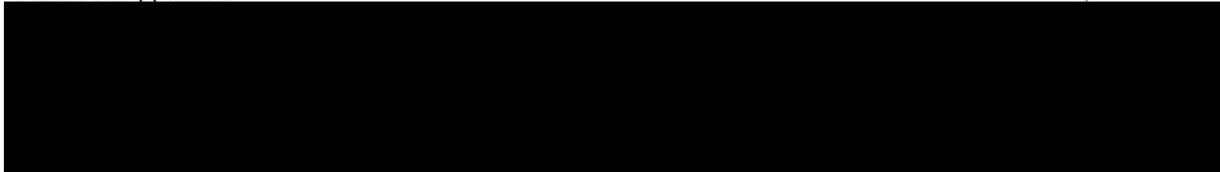
This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining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

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

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

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

Signature of Applicant:  6/4/2021
Name of Applicant: Daniel Fischer



Type of Application: Variance

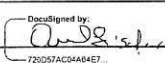
AFFIRMATION OF SUFFICIENT INTEREST

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

Name of Owner: Daniel Fischer



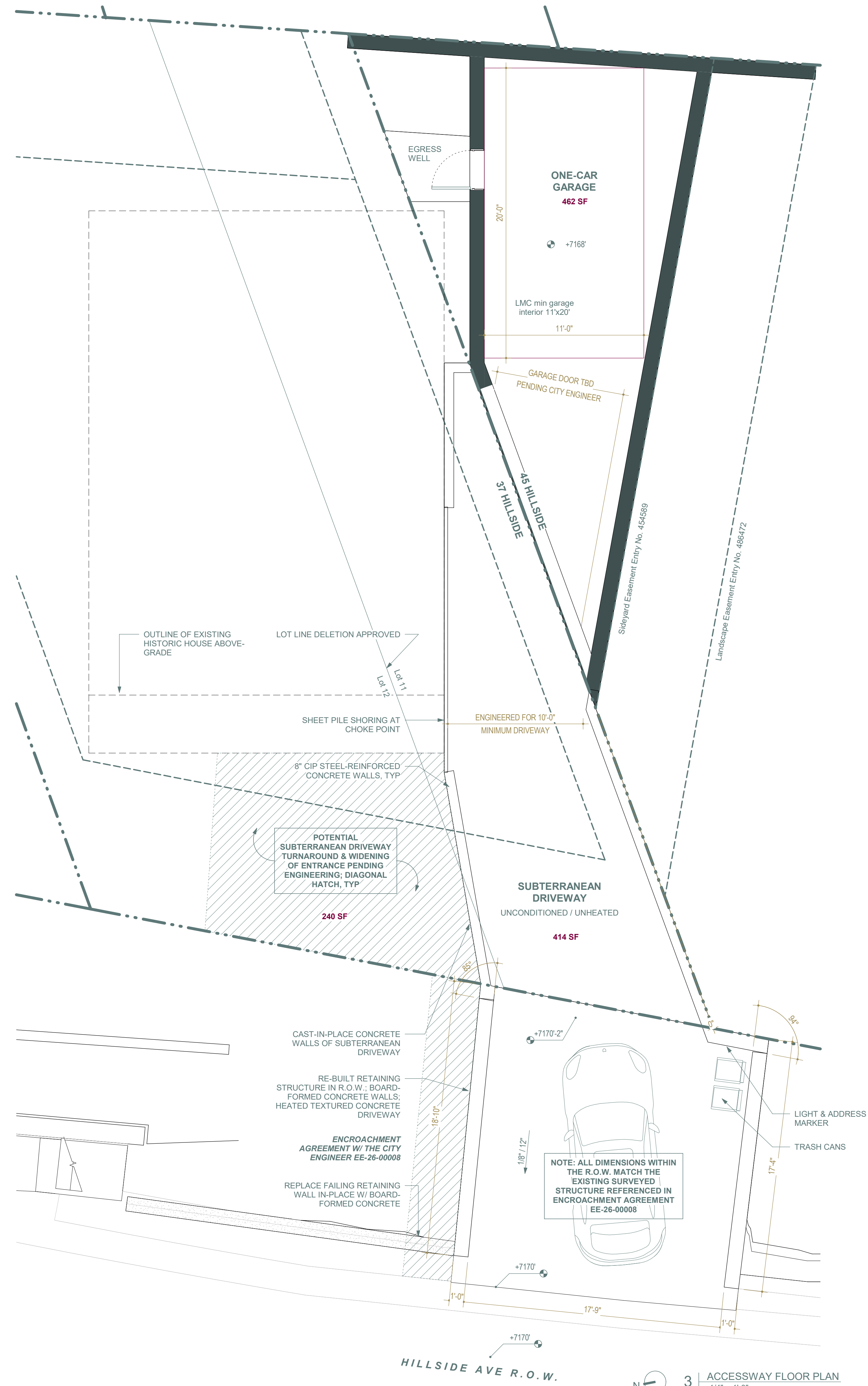
Street Address/ Legal Description of Subject Property:
45 Hillside Avenue, All of Bluejay Parcel subdivision

Signature:  Date: 6/4/2021

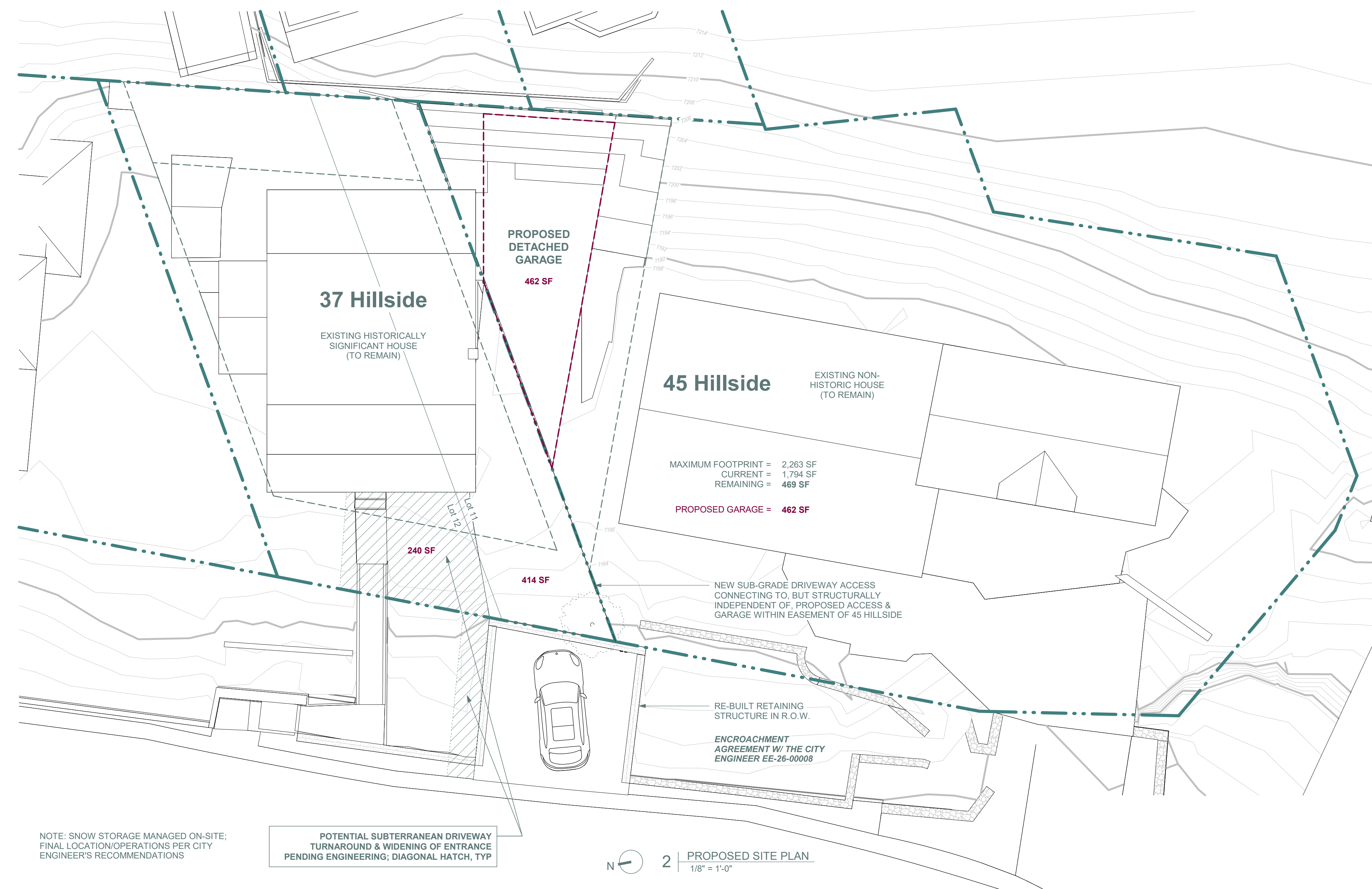
- 1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
- 2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
- 3. If a joint venture or partnership is the fee owner, attach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

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

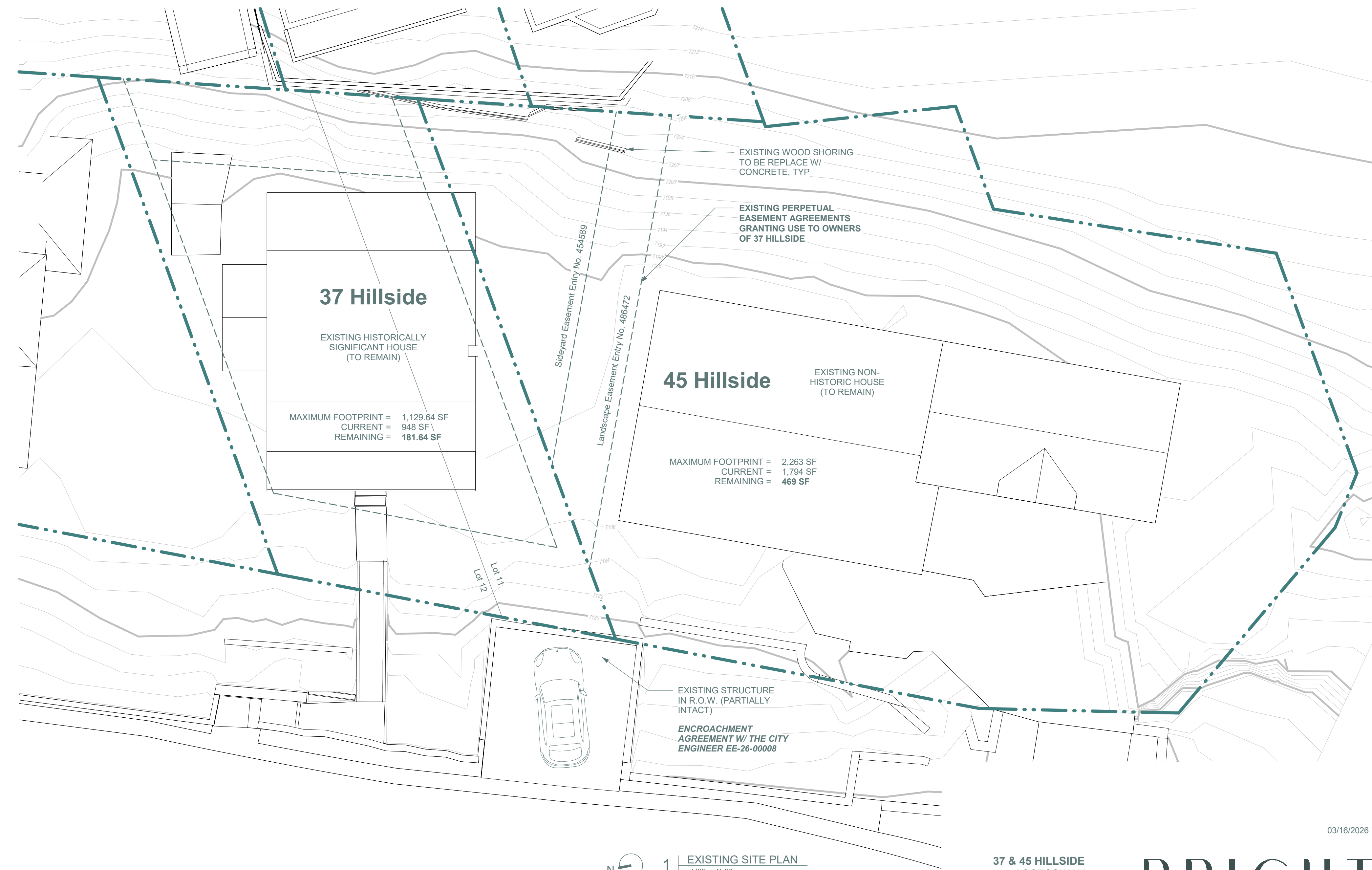
If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.



3 | ACCESSWAY FLOOR PLAN
1/4" = 1'-0"

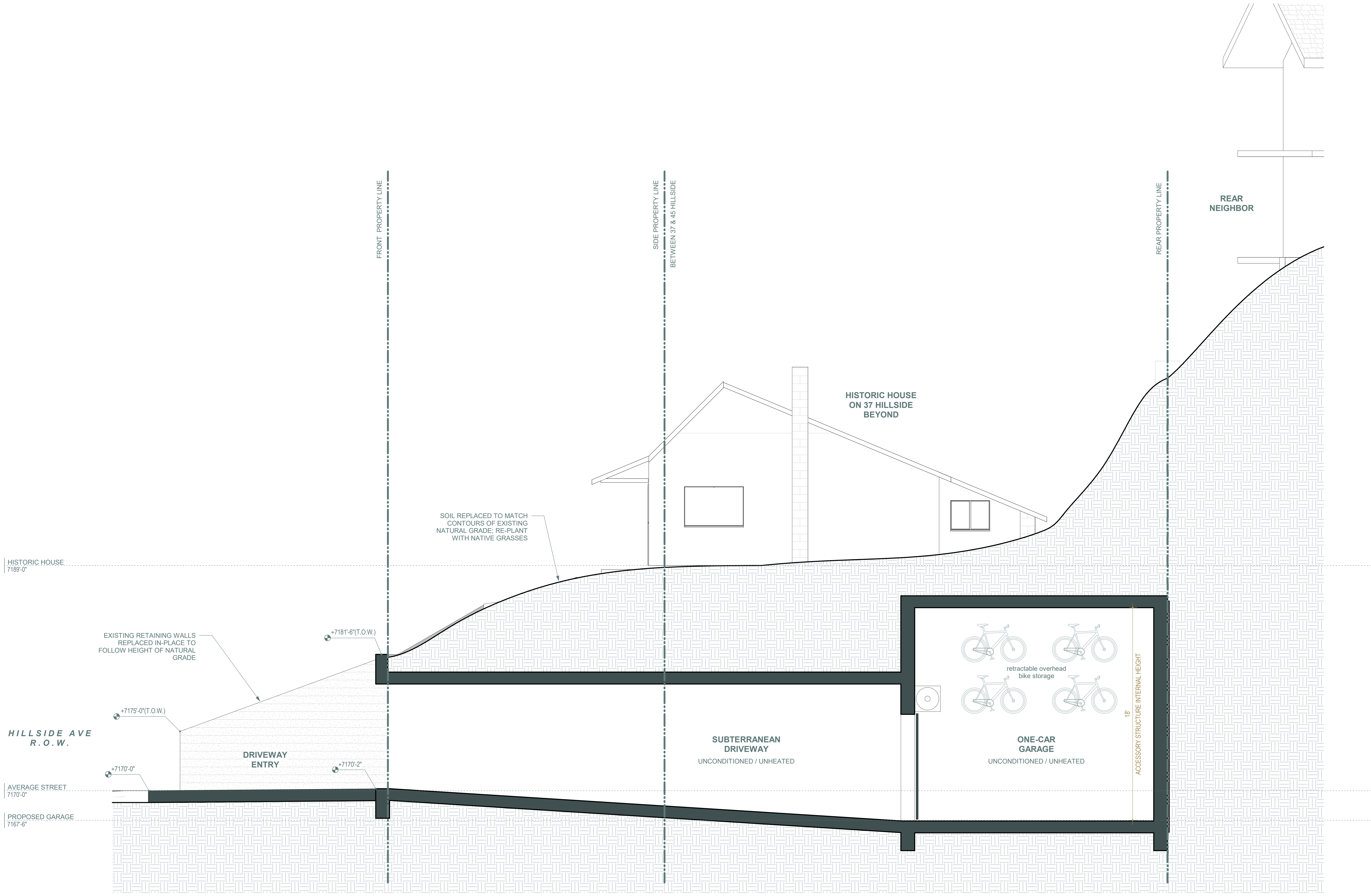


2 | PROPOSED SITE PLAN
1/8" = 1'-0"



1 | EXISTING SITE PLAN
1/8" = 1'-0"

37 & 45 HILLSIDE
ACCESSWAY
VARIANCE REQUEST





Five Variance Findings

45 Hillside Avenue — Garage and access / side-yard easement context

The variance findings are organized below in accordance with the five criteria set forth in LMC Section 15-10-8(C), consistent with the Board of Adjustment's review framework.

I. Unreasonable Hardship

Criterion 1

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 Code.

Literal enforcement of the Code would render the recorded easement right impractical to exercise consistent with its ordinary meaning and intended function. The Side-Yard Easement authorizes construction of a "garage" within the easement area, which contemplates vehicular access and parking. Strict application of the Code would therefore effectively prevent any reasonable exercise of the easement right as granted, because functional vehicular access to the authorized garage location could not be achieved.

II. Special Circumstances

Criterion 2

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

A special circumstance attached to the property is the existence of a recorded, plat-incorporated Side-Yard Easement on 45 Hillside that expressly authorizes a garage within a defined easement area. That easement is a legally operative, parcel-specific condition created through the subdivision record and incorporated into the approved plat. The boundaries and property rights of the Bluejay Parcel at 45 Hillside are defined by the recorded subdivision framework. The Side-Yard Easement forms part of that framework and constitutes a property-specific condition of the parcel.

The easement area is also a bounded and irregular development area, and the proposed garage geometry is dictated by the minimum functional layout within that recorded area. In addition, the easement area is located approximately 19 feet above the adjacent street elevation, creating a significant topographic constraint inherent to the property and directly affecting the ability to provide functional vehicular access.

This combination of a fixed, recorded garage location, a constrained easement-bounded area, and substantial vertical separation from the street constitutes a special circumstance attached to the property that does not generally apply to other properties in the same zone.

III. Essential to the Enjoyment of a Substantial Property Right

Criterion 3

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

The ability to construct and use a garage for off-street parking is a substantial property right commonly enjoyed by properties in the HR-1 district, including surrounding properties along Hillside Avenue.

The requested variance is essential to the enjoyment of that same substantial property right in a manner consistent with the parcel's recorded subdivision framework.

In a Final Action dated August 24, 2021, the Board found, in connection with 45 Hillside, that construction of a garage for off-street parking was "essential to the enjoyment of a substantial property right possessed by other property in the same zone."

IV. Not Contrary to Public Interest or General Plan

Criterion 4

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

The requested variance implements a recorded, plat-incorporated development framework established through the 1996 City Council plat amendment and associated recorded instruments. As stated in Ordinance No. 96-21, the City determined there was good cause for the framework and that neither the public nor any person would be materially injured. The requested variance provides the minimum relief necessary to implement the recorded framework, including functional vehicular access to the authorized garage location, under current Code administration.

The proposal is consistent with the public interest because it uses a fully subterranean design that minimizes visual impact and preserves hillside character, while relocating routine vehicle storage and maneuvering off the constrained Hillside Avenue corridor.

V. Spirit of the Code / Substantial Justice

Criterion 5

The variance is consistent with the general purpose and intent of the Code and secures substantial justice.

The proposed variance advances the Code's purposes of health, safety, and welfare; comfort, convenience, and aesthetics; preservation of historic hillside character; and minimization of visible surface disturbance.

The proposed garage and access are fully subterranean and landscape-restored as viewed from Hillside Avenue.

The variance secures substantial justice by allowing the recorded, subdivision-incorporated garage right to function through a least-impact access solution that improves safety and operations along the constrained Hillside Avenue corridor, while avoiding a more visually intrusive result less consistent with the Code's underlying purposes.

Exhibit 03: 1996 BJALL Plat Amendment — Recorded Mitigation Framework & Plat-Incorporated Instruments

37 & 45 Hillside Avenue (HR-1)

Date: March 2, 2026

1. Exhibit Overview

This exhibit provides brief record context showing that the Side-Yard Easement framework relied upon in this application was part of a City Council–approved plat amendment and is incorporated by reference on the recorded plat by entry number. It is submitted to support the variance findings regarding unique site circumstances and the practical implementation of a recorded, site-specific garage right.

2. 1996 City approval reflects a negotiated, recorded mitigation framework

The 1996 City Council staff report for the Bluejay Parcel plat amendment describes a negotiated mitigation package that included (among other items) open space and utility easements and covenants restricting FAR calculations, as well as an easement addressing a property boundary encroachment. The staff report also notes that if the plat amendment were denied, the existing lot lines could prohibit further development of the property.

3. City Council approved the plat amendment by ordinance

The ordinance approving the Bluejay Parcel plat amendment approved the amended plat (subject to standard City Attorney/Engineer requirements and conditions), confirming the framework was adopted as part of a City Council action—not as a purely private arrangement.

4. Recorded plat notes incorporate key instruments by entry number (including Side-Yard Easement)

The recorded BJALL/Bluejay plat notes reference recorded instruments by entry number as part of the subdivision record, including Quit Claim Deeds affecting the open-space/utility parcels and the recorded Side-Yard Easement Agreement.

5. Side-Yard Easement is a recorded, plat-incorporated mitigation instrument that includes a garage right

The Side-Yard Easement Agreement (Entry No. 454589) was created as part of the negotiated 1996 City Council plat amendment/mitigation framework and is expressly incorporated by reference in the recorded BJALL plat notes by entry number (“Side-yard Easement recorded Entry 454589. . .”). The recorded Side-Yard Easement grants a perpetual easement, expressly authorizes construction of a stand-alone garage or shed within the Easement Property (subject to stated limits), includes a setback measurement clause for development within the Easement Property, and runs with the land as part of the recorded framework governing these parcels.

6. “As amended” administration (measurement methodology has evolved)

The recorded framework was created in a FAR-administered HR-1 era and was drafted with the understanding that the operative ordinance could be amended over time. This context is relevant to understanding the recorded mitigation framework’s intent—preserving practical buildability and a usable garage right through recorded instruments—while recognizing that the City’s adopted measurement/administration approach has evolved.

6A. Landscape Easement (Entry No. 486472) — recorded terms (descriptive)

The Landscape Easement instrument (Entry No. 486472) grants a perpetual landscaping easement over described lands and includes a no-encroachment condition, providing that the grantor shall not build or allow encroachments within the easement area absent the other party’s express written permission. Unlike the Side-Yard Easement (Entry No. 454589), the Landscape Easement is not listed among the BJALL plat notes’ entry-number incorporations, which expressly reference the City quit claim deed restrictions (Entry Nos. 450705–450707) and the Sideyard Easement (Entry 454589).

7. Relevance to this variance request

This variance request implements the plat-incorporated framework through (i) a fully subterranean, landscape-restored accessory garage located entirely within the Side-Yard Easement area and (ii) the minimum enabling access infrastructure necessary to make that recorded right usable, while preserving historic hillside character and improving corridor safety/operations.

Exhibit 04: 45 Hillside Avenue — Subterranean Accessway + Easement-Area One-Car Garage

Key Dimensions / Compliance & Controls

Date: March 2, 2026

A. Use + Scope Controls

- Accessory garage use only: one-car parking; non-habitable; no ADU.
- Subgrade accessway is access-only infrastructure: vehicular circulation only; no habitable space.
- Historic character / restoration: portal-only visibility; disturbed areas restored to finished grade and revegetated, with final restoration details coordinated through engineering and planning/HDDR review and implemented per approved plans/conditions.

B. Dimensional Summary

Driveway / Accessway (subgrade circulation infrastructure)

- Minimum clear driveway/accessway width: 10'-0" CLEAR MIN (unobstructed drivable width).
- Choke point: 10'-0" CLEAR (dimensioned "10'" at choke point on variance exhibit).
- Maximum driveway slope: 6% MAX.
- Hillside Ave R.O.W. elevation (reference): +7170' (as labeled).
- R.O.W. portal/front pad: Existing/previously approved condition under City file PL-26-06816 and administered under Encroachment Agreement EE-26-00008.

Garage (one-car, subterranean)

- Garage interior clear dimension (LMC minimum): 11'-0" x 20'-0" CLEAR (as labeled).
- Garage door clear opening: 9'-0" (door opening only; separate from driveway/accessway clear width).
- Garage is fully subterranean: roof/upper surface treated as landscape/terrace with restored grade above.

C. Parcel / Easement / Agreement Controls

- Side-Yard Easement (Entry No. 454589): Garage footprint is located entirely within the recorded Side-Yard Easement area, as shown on the survey/easement overlay and variance exhibit.
- Landscape Easement (Entry No. 486472): No structures requiring variance relief are proposed within the Landscape Easement area. Any landscaping/finish work within that area, if any, will be limited to activities permitted by the recorded easement terms and will be addressed through HDDR/engineering review, as applicable.
- Encroachment Agreement (City Engineer / R.O.W.): Portal/entry and any improvements within the public right-of-way are governed by Encroachment Agreement EE-26-00008 and will be constructed and inspected in accordance with City Engineer requirements.

D. Structural / Lot-Line Interface Controls

- Accessway split at lot line: The subgrade accessway is constructed as two structurally independent segments separated at the 37/45 lot line by a structural separation/control joint.
- No shared structural loads: There are no shared foundations and no transferred structural loads across parcels.
- If deemed "structure across property lines": To the extent the City deems the accessway configuration a "structure across property lines" notwithstanding the separation, approval is requested/limited to the minimum necessary configuration shown, with structural independence maintained.

E. Historic Resource Protection Controls

- No contact with historic foundation: subterranean work is designed to avoid contact with and avoid undermining the existing historically significant structure/foundation at 37 Hillside (limits shown on plans/sections).

F. Existing Disturbance / Minimized Surface Impact

- Use of existing disturbed street-edge area: portal located at/near existing disturbed access location to minimize new surface driveway scarring and preserve hillside character.
- Surface restoration: final grades and revegetation required over disturbed areas; no new above-grade outbuilding mass.

G. Finalizing design

Final design drawings and details will be refined and approved through applicable reviews, including:

- Engineering & Life Safety review (portal safety/visibility, snow storage, drainage, lighting, wall design, operations).
- Planning/HDDR review (materials, detailing, historic compatibility, landscape restoration).
- Traffic/vehicle operations verification (AutoTURN/sight distance) consistent with the approved geometry.
- Encroachment / R.O.W. compliance: final drawings and construction within the right-of-way will comply with Encroachment Agreement EE-26-00008 and any associated City Engineer conditions, permits, and inspections.
- Steep Slope CUP (SSCUP): SSCUP review is required and will be completed; the variance request is limited to the discrete setback/footprint-classification issues and the garage placement shown.

Referenced Exhibits: Variance Exhibit Sheet; Vehicle Egress/Safety Report; Survey/Easement Overlay; Recorded Side-Yard Easement Agreement (Entry 454589); Landscape Easement (Entry 486472).

EXHIBIT 05

Hillside Avenue Corridor Context & Safety

37 Hillside Portal Area — Operational and Safety Context
for Off-Street Access Solution

Date: March 2, 2026

Board of Adjustment / City Meeting

1 Overview

This exhibit provides context regarding the Hillside Avenue corridor near 37 Hillside. It is submitted to support the variance findings related to (i) the need for off-street vehicle storage/maneuvering and (ii) why the proposed solution is designed as subgrade access infrastructure with portal-only visibility and a restored hillside surface.

2 Corridor Characteristics (Observed Conditions)

- Hillside Avenue functions as a constrained hillside corridor with limited recovery width, operating as a one-lane-wide roadway that carries two-way traffic.
- The corridor lacks a continuous pedestrian facility, resulting in shared space between pedestrians and vehicles.
- The 37 Hillside portal area is located near a bend, where visibility and conflict exposure are more constrained during ingress/egress.
- Guardrail/drop-off and hillside/retaining conditions limit available refuge space for pedestrians and limit avoidance room for vehicles.
- Winter conditions and snow storage can reduce effective corridor width and concentrate traffic movements.
- **Network constraint context:** Old Town includes many narrow local streets that connect to a limited number of downhill/through corridors (e.g., Main Street, Park Avenue, Heber Avenue, and Hillside/Marsac). During winter and special-event operations, circulation controls and seasonal conditions can further constrain available routes and concentrate movements onto fewer functioning connections—making it especially important to keep routine staging and maneuvering off the travelway at constrained locations with limited shoulder/refuge and constrained sightlines.

3 Off-Street Maneuvering Benefits

Hillside Avenue is a constrained corridor with limited shoulder/refuge and no continuous pedestrian facility. When on-site off-street parking and maneuvering space are not available, routine vehicle staging and parking-related walking can occur at the roadway edge or require pedestrians to walk along or across Hillside Avenue. The proposed solution reduces these exposure points by relocating routine vehicle maneuvering and storage off the travelway and reducing parking-related pedestrian exposure in the corridor, while preserving historic hillside character through subterranean construction and surface restoration.

4 Safety/Operations Documentation

Vehicle turning and egress operations are documented in the project's Vehicle Egress / Safety Report (AutoTURN / sight distance exhibits). The attached exhibit reflects an earlier concept align-

ment; however, it demonstrates that a functional off-street access solution is feasible in this corridor. Updated turning/sight distance exhibits consistent with the final approved alignment will be submitted with final construction drawings and reviewed through engineering and HDDR/planning processes.

5 Photo Documentation

The following photographs document existing corridor conditions referenced in Sections 1–4.

6 Summary: Safety + Minimal Impact Rationale

These corridor characteristics support the applicant's request for a minimal, below-grade off-street access solution as the least-impact method to implement the recorded easement-area garage right. The portal location is uniquely constrained by corridor geometry (bend and limited sight-lines), limited recovery width, and the absence of continuous pedestrian facilities, which increases conflict exposure when vehicles stage or maneuver or when pedestrians walk along the roadway edge. By keeping circulation below grade and restoring the hillside surface, the project minimizes visual impacts while relocating routine vehicle maneuvering and storage off the travelway and reducing parking-related pedestrian exposure in this constrained corridor.

End of Exhibit 05

Hillside Avenue Corridor — Context and Safety

March 2, 2026



Photo 1. Downhill view approaching the bend near 37 Hillside



Photo 2. Uphill view from near portal location



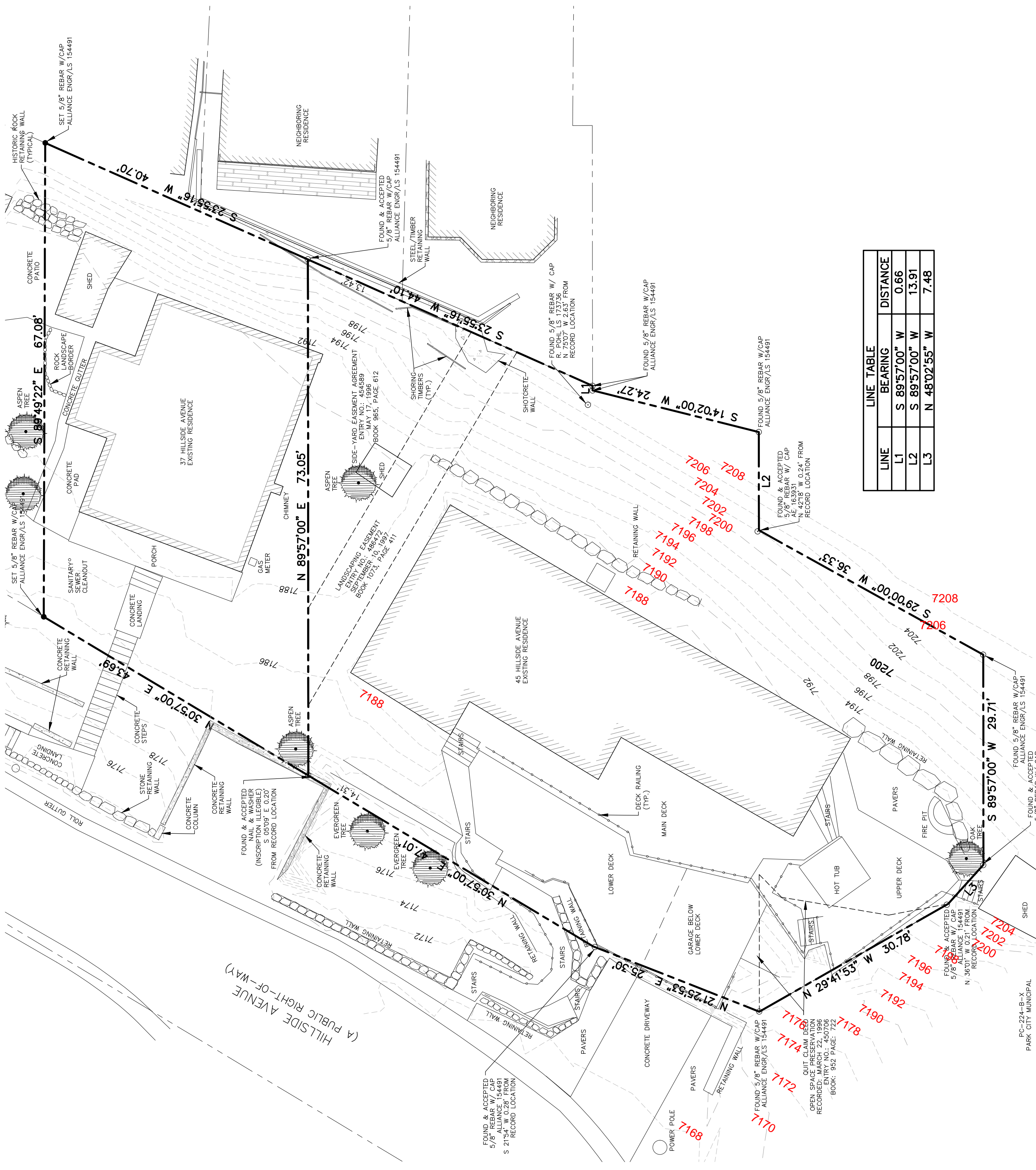
Photo 3. Street edge condition / lack of continuous pedestrian facility



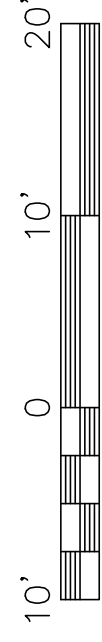
Photo 4. Guardrail/drop-off / constrained edge condition

NOTES

1. Basis of survey: Found survey monuments as shown
2. Property corners set or found as shown
3. Property location: Southeast quarter of Section 16, T2S, R4E, SLB&M
4. Purpose of survey: Topographical update



LINE	BEARING	DISTANCE
L1	S 89°57'00" W	0.66
L2	S 89°57'00" W	13.91
L3	N 48°02'55" W	7.48



SHEET
1
OF
1

EXISTING CONDITIONS UPDATE
37 & 45 HILLSIDE AVENUE
BLOCK 19, PARK CITY SURVEY

STAFF:
 CHRIS GERVAIS
 MEGAN BLOSSER
 ROB LOCK

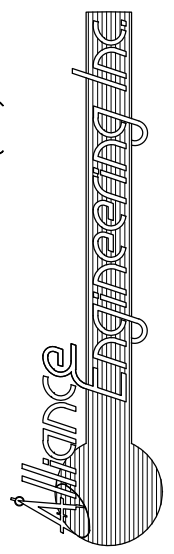
FOR: GIBBY DUNLEAVY

JOB NO.: 10-10-14

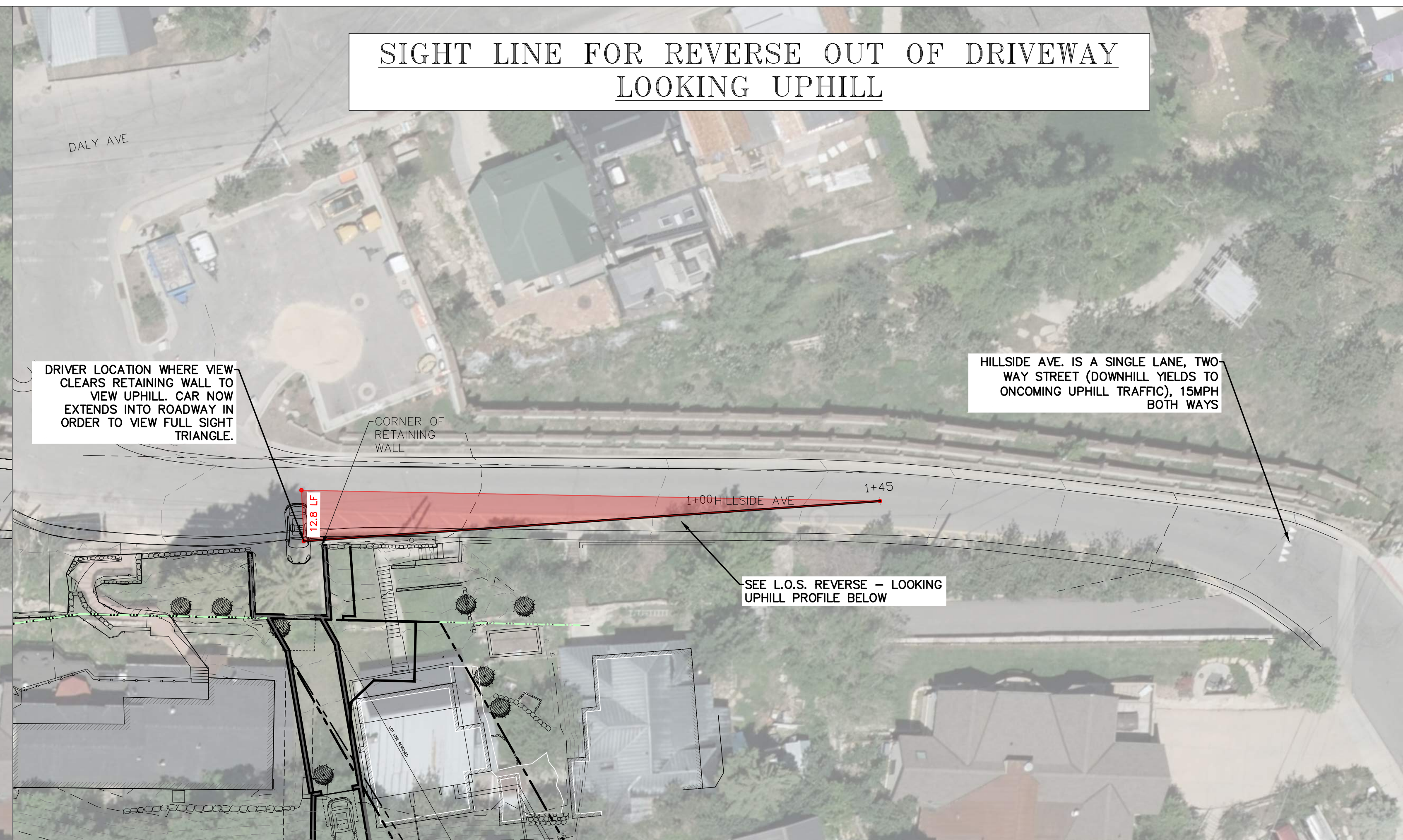
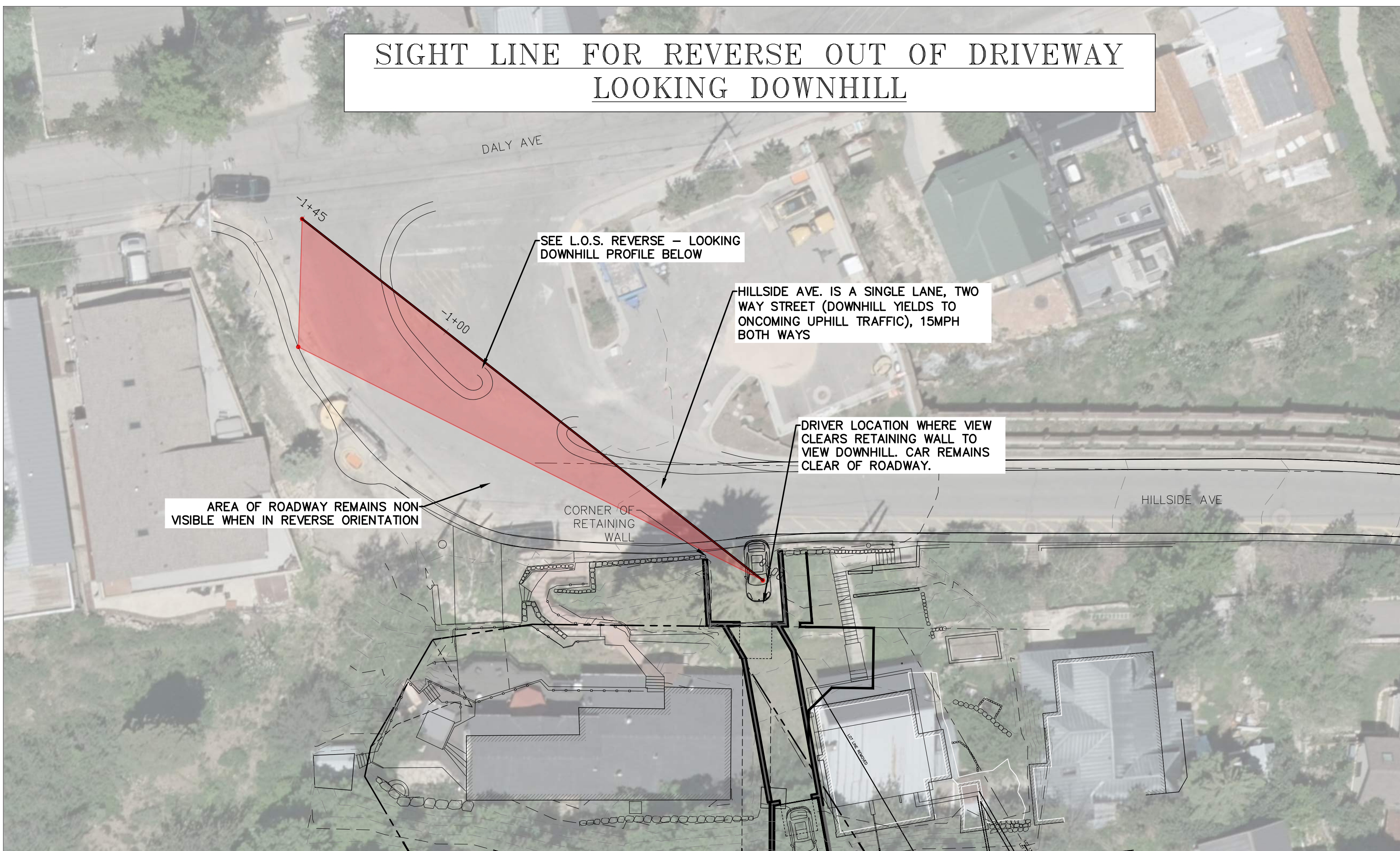
FILE: X:\ParkCitySurvey\dwg\srvt\srvt2014\101014.dwg

DATE: 1/9/2026

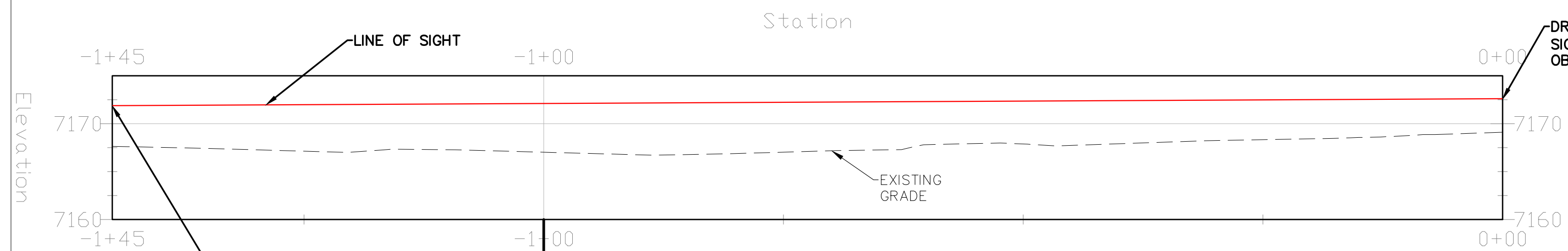
(435) 649-9467



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



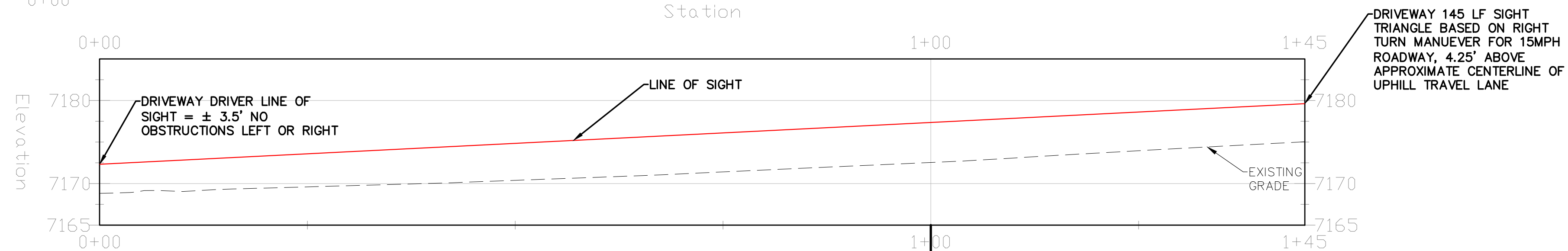
L.O.S. REVERSE - LOOKING DOWNHILL PROFILE



NOTES

- HILLSIDE AVE IS TWO ONE, ONE LANE STREET, THEREFORE RIGHT HAND SIGHT DISTANCE (145 LF) IS USED FOR ANALYSIS.
- NO VISUAL OBSTRUCTIONS EXIST FOR REVERSE MOVEMENT LOOKING DOWNHILL (RIGHT HAND TURN).
- VEHICLE REMAINS CLEAR OF ROADWAY AT LINE OF SIGHT POINT OF VIEW.

L.O.S. REVERSE - LOOKING UPHILL PROFILE



NOTES

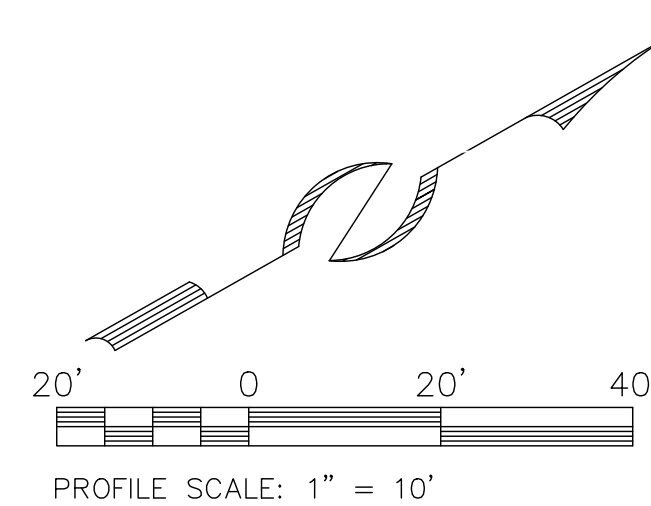
- HILLSIDE AVE IS TWO ONE, ONE LANE STREET, THEREFORE RIGHT HAND SIGHT DISTANCE (145 LF) IS USED FOR ANALYSIS.
- NO VISUAL OBSTRUCTIONS EXIST FOR REVERSE MOVEMENT LOOKING UPHILL (LEFT HAND TURN).
- VEHICLE REQUIRED TO ENTER ROADWAY WHEN LOOKING UPHILL. INCREASES RISK OF COLLISION TO MOTORISTS.
- SEE SHEET 2 OF 3 FOR FORWARD MOVEMENT THAT REDUCES RISK FROM BACKING INTO ROADWAY BLINDLY UNTIL REACHING LINE OF SIGHT POINT OF VIEW.

Vehicle Speed (mph)	Stopping Sight Distance for Left-Turn Maneuver (feet)	Stopping Sight Distance for Crossover and Right-Turn Maneuvers (feet)
20	170	195
25	225	240
30	280	290
35	335	335
40	390	385
45	445	430
50	500	480
55	555	530

Note: Distances are from the 2001 AASTHO Green Book and are for two-lane roadways. Distances may change in future versions.

NOTE

LINE OF SIGHT (LOS OR L.O.S.) IMAGERY SHOWN IS FROM 2023 AND DOES NOT REFLECT CURRENT ROAD ALIGNMENT AT DOWNHILL INTERSECTION WITH DALY AVE.



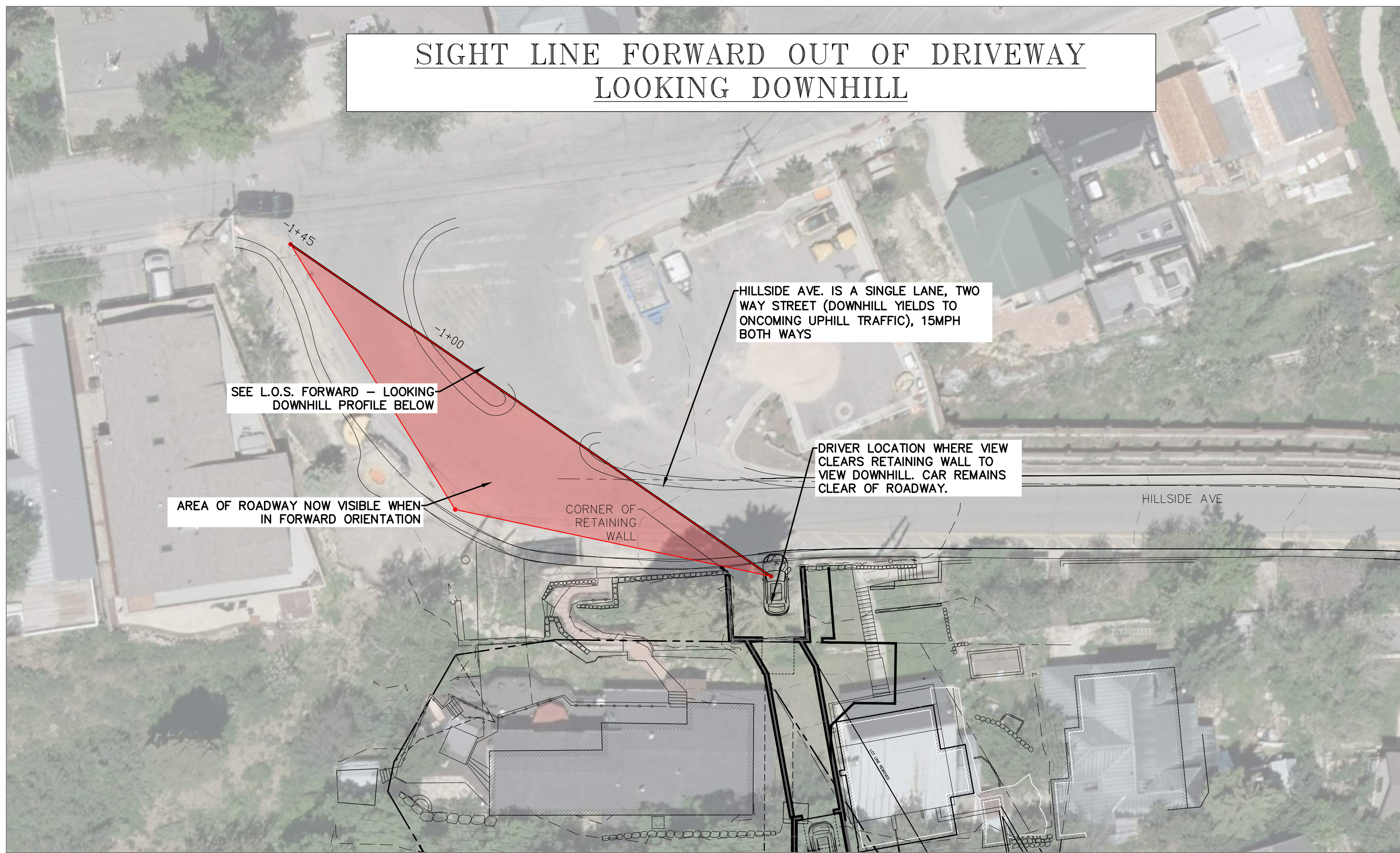
Allance Engineering Inc.
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664
 (435) 649-9467

STAFF:
 CONNOR DINSMORE
 GABRIEL HARJU
DATE: 01/30/2026

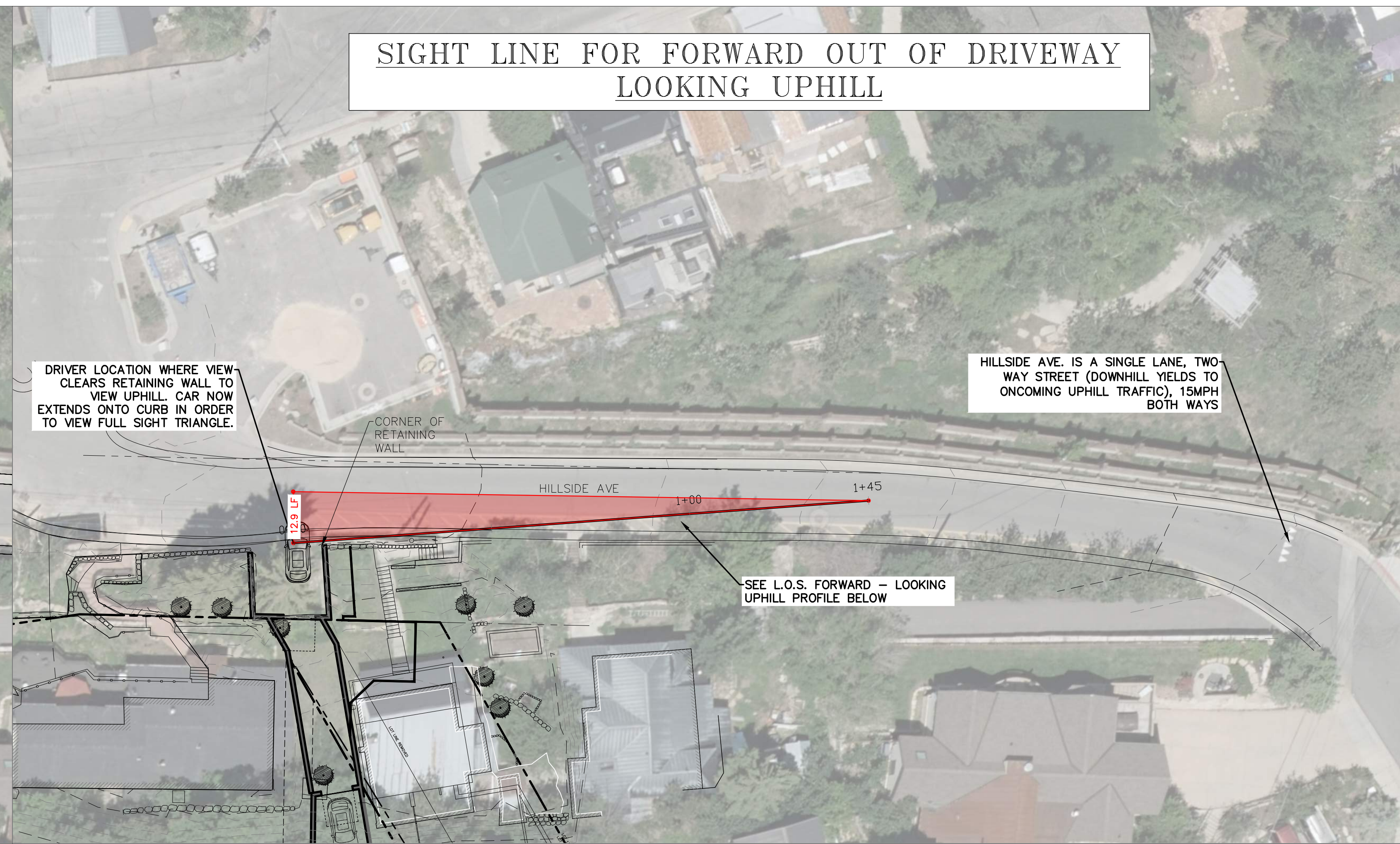
LINE OF SIGHT ANALYSIS OF REVERSE MOVEMENT
37 HILLSIDE AVENUE
BLOCK 19, PARK CITY SURVEY
FOR: GIBBY DUNLEAVY
JOB NO.: 10-10-14
FILE: X:\ParkCitySurvey\dwg\sr\svry2014\101014.dwg

SHEET
1
OF
3

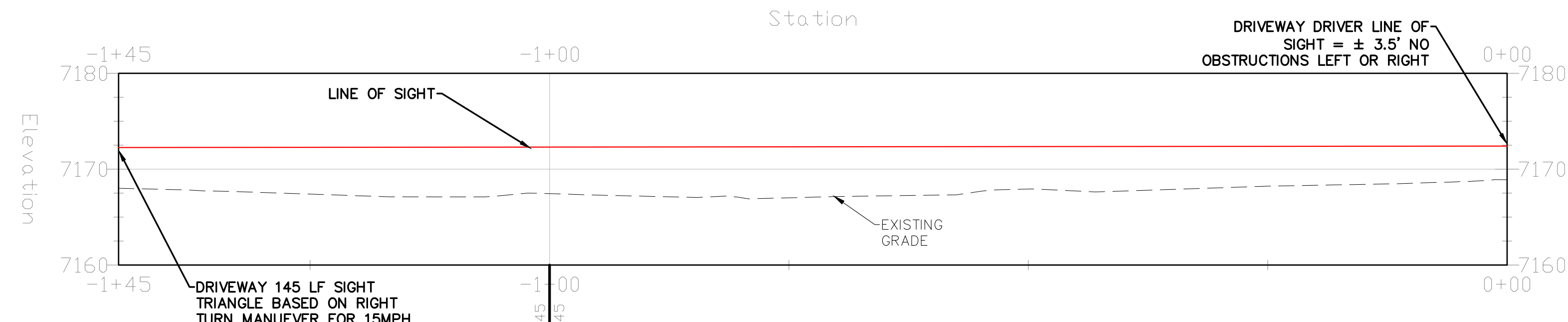
**SIGHT LINE FORWARD OUT OF DRIVEWAY
LOOKING DOWNHILL**



**SIGHT LINE FOR FORWARD OUT OF DRIVEWAY
LOOKING UPHILL**

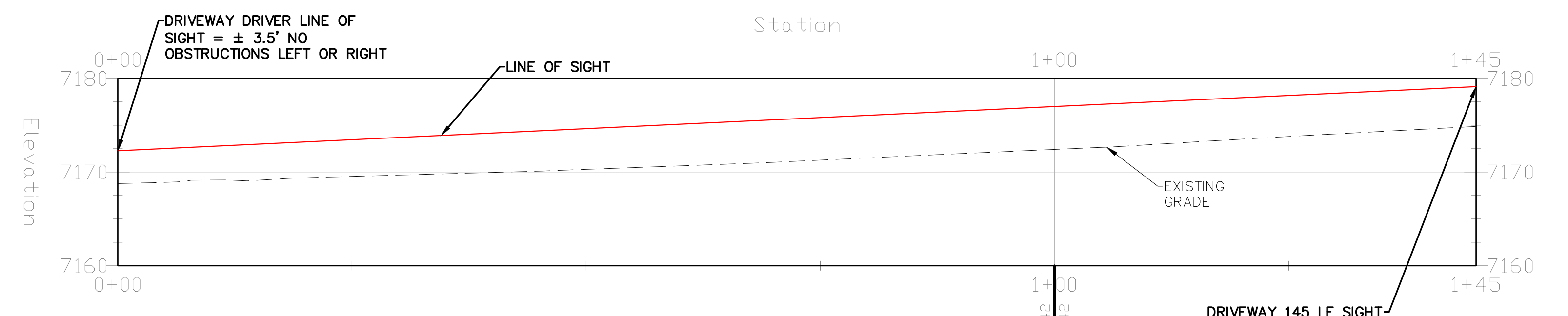


L.O.S. FORWARD - LOOKING DOWNHILL PROFILE



- NOTES**
- HILLSIDE AVE IS TWO ONE, ONE LANE STREET, THEREFORE RIGHT HAND SIGHT DISTANCE (145 LF) IS USED FOR ANALYSIS.
 - NO VISUAL OBSTRUCTIONS EXIST FOR REVERSE MOVEMENT LOOKING DOWNHILL (RIGHT HAND TURN).
 - VEHICLE REMAINS CLEAR OF ROADWAY AT LINE OF SIGHT POINT OF VIEW.

L.O.S. FORWARD - LOOKING UPHILL PROFILE

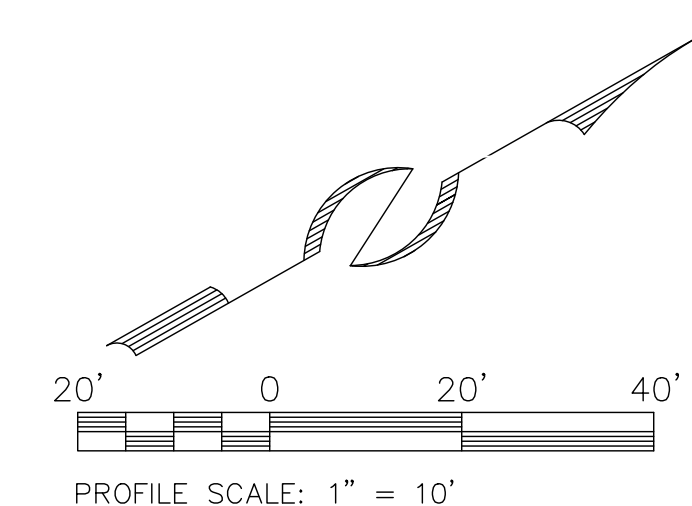


- NOTES**
- HILLSIDE AVE IS TWO ONE, ONE LANE STREET, THEREFORE RIGHT HAND SIGHT DISTANCE (145 LF) IS USED FOR ANALYSIS.
 - NO VISUAL OBSTRUCTIONS EXIST FOR FORWARD MOVEMENT LOOKING UPHILL (LEFT HAND TURN).
 - VEHICLE NOT REQUIRED TO ENTER ROADWAY WHEN LOOKING UPHILL. REDUCES RISK OF COLLISION TO MOTORISTS.
 - SEE SHEET 3 OF 3 FOR AUTOTURN PLAN FOR TURNAROUND LOCATED WITHIN TUNNEL.

Vehicle Speed (mph)	Stopping Sight Distance for Left-Turn Maneuver (feet)	Stopping Sight Distance for Crossover and Right-Turn Maneuvers (feet)
20	170	195
25	225	240
30	280	290
35	335	335
40	390	385
45	445	430
50	500	480
55	555	530

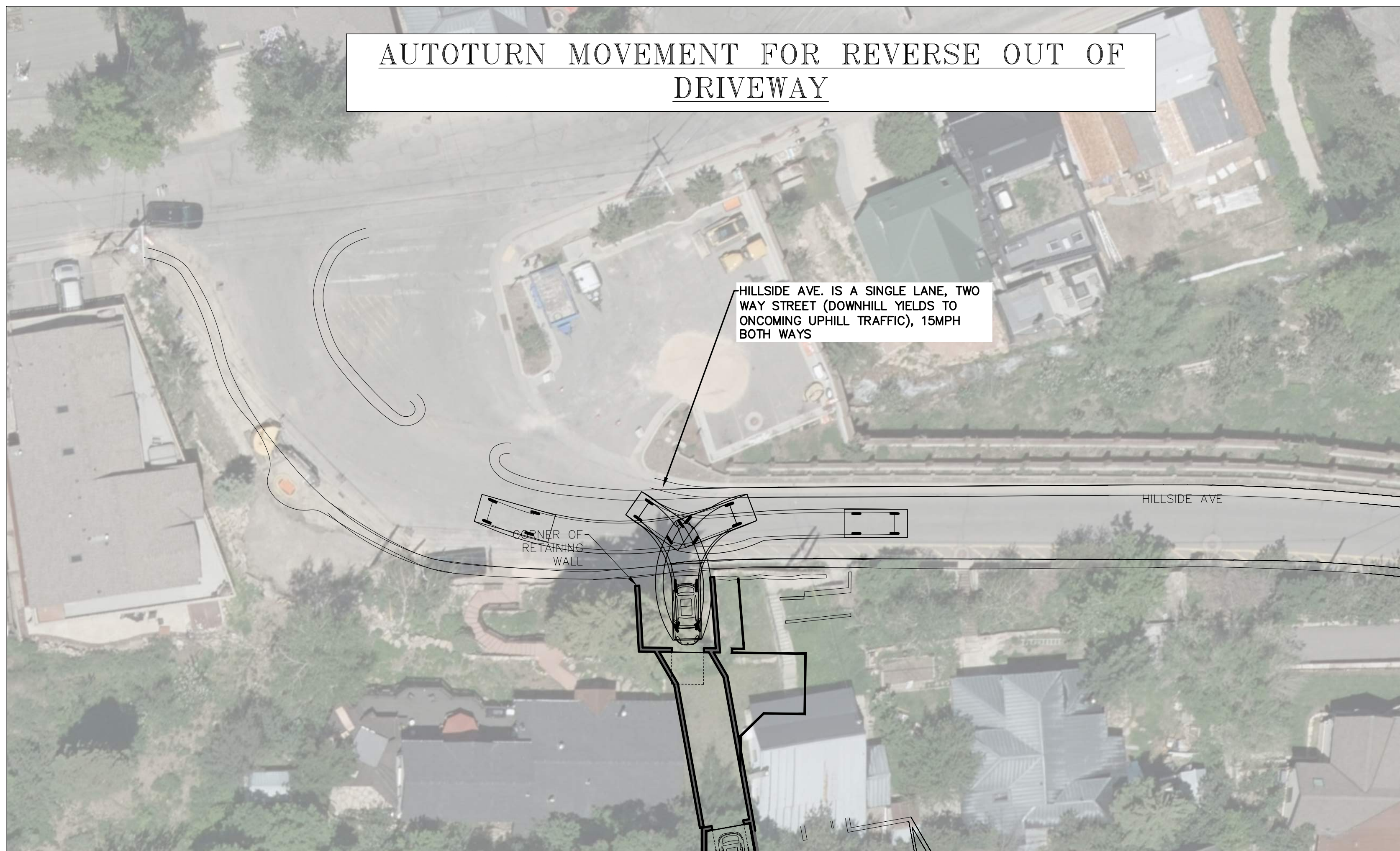
Note: Distances are from the 2001 AASTHO Green Book and are for two-lane roadways. Distances may change in future versions.

NOTE
LINE OF SIGHT (LOS OR L.O.S.) IMAGERY SHOWN IS FROM 2023 AND DOES NOT REFLECT CURRENT ROAD ALIGNMENT AT DOWNHILL INTERSECTION WITH DALY AVE.



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: CONNOR DINSMORE GABRIEL HARJU	LINE OF SIGHT ANALYSIS OF FORWARD MOVEMENT 37 HILLSIDE AVENUE BLOCK 19, PARK CITY SURVEY	SHEET 2 OF 3
	DATE: 01/30/2026	FOR: GIBBY DUNLEAVY JOB NO.: 10-10-14 FILE: X:\ParkCitySurvey\dwg\sr\svry2014\101014.dwg	

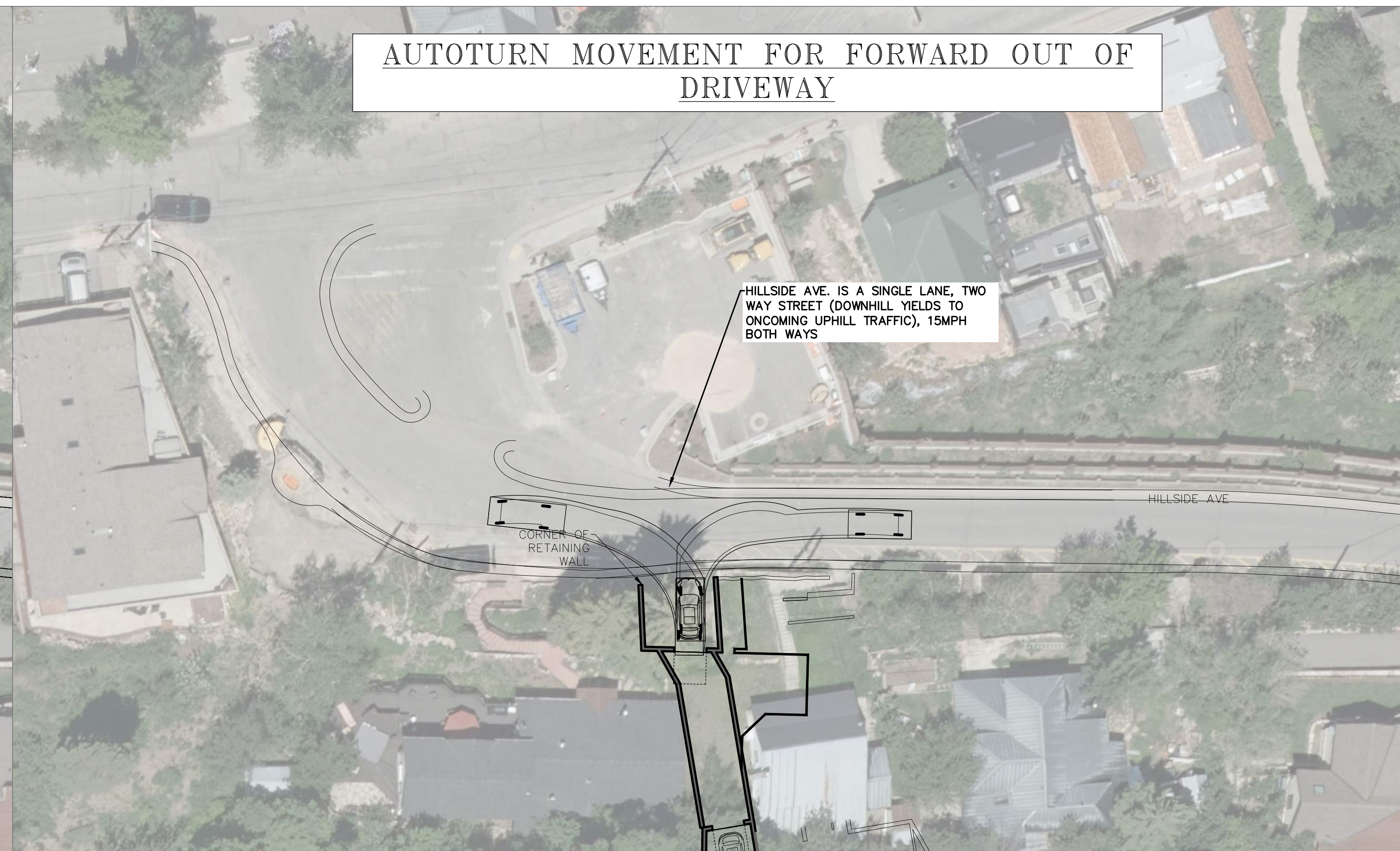
AUTOTURN MOVEMENT FOR REVERSE OUT OF DRIVEWAY



HILLSIDE AVE. IS A SINGLE LANE, TWO WAY STREET (DOWNHILL YIELDS TO ONCOMING UPHILL TRAFFIC), 15MPH BOTH WAYS

CORNER OF RETAINING WALL

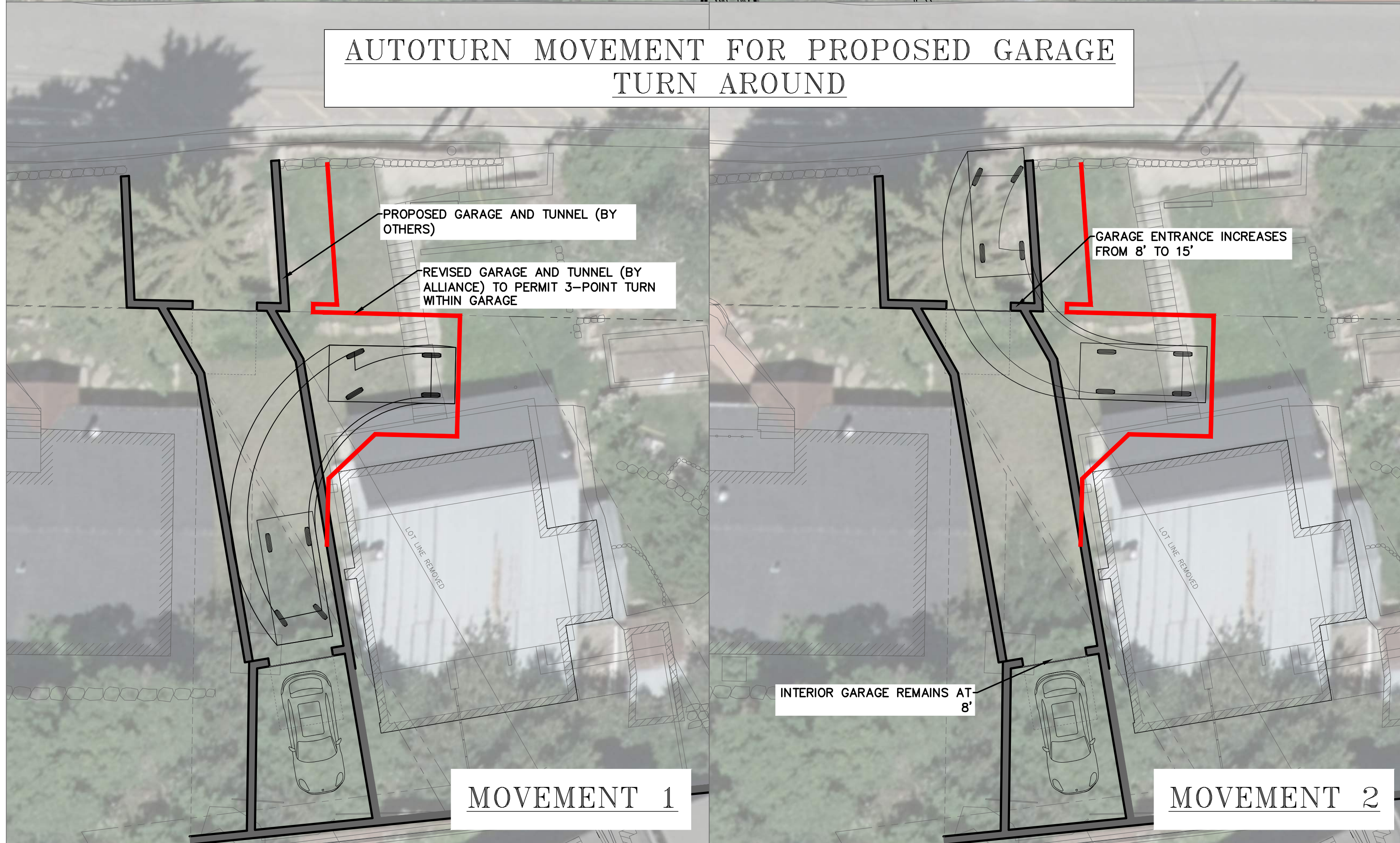
AUTOTURN MOVEMENT FOR FORWARD OUT OF DRIVEWAY



HILLSIDE AVE. IS A SINGLE LANE, TWO WAY STREET (DOWNHILL YIELDS TO ONCOMING UPHILL TRAFFIC), 15MPH BOTH WAYS

CORNER OF RETAINING WALL

AUTOTURN MOVEMENT FOR PROPOSED GARAGE TURN AROUND



PROPOSED GARAGE AND TUNNEL (BY OTHERS)

REVISED GARAGE AND TUNNEL (BY ALLIANCE) TO PERMIT 3-POINT TURN WITHIN GARAGE

GARAGE ENTRANCE INCREASES FROM 8' TO 15'

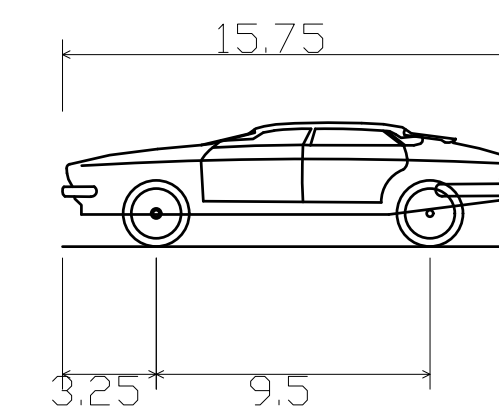
INTERIOR GARAGE REMAINS AT 8'

MOVEMENT 1

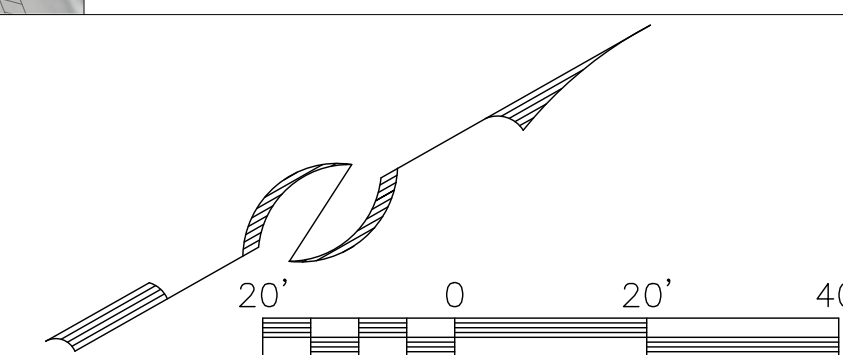
MOVEMENT 2

NOTES

1. PROPOSED TUNNEL BOUNDARIES NEIGHBORING PROPERTY TO THE SOUTH (DOWNHILL).
2. ADDITIONAL TUNNEL SPACE (SHOWN IN RED) WOULD BE REQUIRED TO FACILITATE A 3-POINT TURN OF A SMALL MULTI-PASSENGER VEHICLE WITHIN THE TUNNEL SYSTEM.
3. A 3-POINT TURN IS PREFERRED OVER A MULTI-POINT TURN, ALTHOUGH ADDITIONAL TUNNEL SPACE MAY REDUCE IN EXTENTS FROM WHAT IS SHOWN (IN RED) IF A MULTI-POINT TURN IS USED FOR DESIGN.
4. A 3-POINT TURN WITHIN THE TUNNEL WOULD ORIENT DRIVER FOR FORWARD ENTRANCE INTO HILLSIDE AVE. SEE SHEET 2 OF 3 FOR IMPROVED VEHICLE POINT OF VIEW POSITION FOR REQUIRED SIGHT TRIANGLE.
5. AUTOTURN IS A CONSERVATIVE PROGRAM THAT MAY OVER ESTIMATE VEHICLE TURNING RADIUS, PATH, OR OTHERS.



Passenger Car	
Overall Length	15.750ft
Overall Width	7.000ft
Overall Body Height	4.300ft
Min Body Ground Clearance	1.115ft
Track Width	5.500ft
Lock-to-lock time	4.00s
Max Steering Angle (Virtual)	31.60°



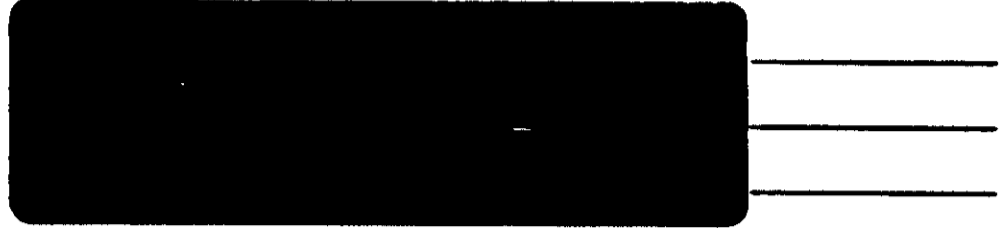
Alliance Engineering Inc.
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664
 (435) 649-9467

STAFF:
 CONNOR DINSMORE
 GABRIEL HARJU
DATE: 01/30/2026

AUTOTURN ANALYSIS
 37 HILLSIDE AVENUE
 BLOCK 19, PARK CITY SURVEY
FOR: GIBBY DUNLEAVY
JOB NO.: 10-10-14
FILE: X:\ParkCitySurvey\dwg\sr\sr\svy2014\101014.dwg

SHEET
3
OF
3

WHEN RECORDED, MAIL TO:



SIDE-YARD EASEMENT AGREEMENT

RECITALS

A. WHEREAS, the undersigned, **GAIL MARIE ROESINGER**, (herein "Owner") holds fee simple title to **Lot 10** and the **southerly one-half of Lot 11, Block 19**, Amended Plat of Park City Survey, Park City, Summit County, State of Utah (hereinafter the "Property"); and

B. WHEREAS, a portion of Lot 11, Block 19 is subject to a building and side-yard encroachment by the adjacent property owner, **JIM WEAVER**, (herein "Weaver"); and

C. WHEREAS, it is intended that the square footage of the side-yard area is to be used solely in the calculation of the Floor Area Ratio (herein "FAR") related to permissible development located upon the Property; and

D. WHEREAS, the Owner wishes by the herein contained grant of easement to grant Weaver perpetual permission to use the side yard,

NOW THEREFORE, based upon the mutual consideration herein, the sufficiency of which is hereby acknowledged, Owner and Weaver agree as follows: **00454589 Bk00965 Pg00612-00614**

AGREEMENT

**ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1996 MAY 17 16:23 PM FEE \$14.00 BY DMG
REQUEST: COALITION TITLE**

1. The above and foregoing Recitals are incorporated herein by this reference.
2. Easement. Owner hereby grants Weaver a perpetual side-yard easement over the following property (hereinafter "Easement Property"):

BEGINNING at a point North 30°57'00" East 14.50 feet and South 88°43'59" East 15.64 feet from the northwest corner of Lot 10, Block 19, Park City Survey to the true point of beginning; and running thence South 88°43'59" East 51.58 feet; thence South 22°28'00" West 25.50 feet; thence North 59°25'39" West 48.58 feet to the point of beginning.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A) With respect to any determination of FAR involving the Property and which in any way involves the square footage of the Easement Property, the following restrictions shall apply:

Side-yard Easement Agreement
Roesinger/Weaver
Page 2

(i) The square footage of the Easement Property, for purpose of calculation and determination of any Floor Area Ratio ("FAR"), shall be restricted and limited to determination of FAR appropriate for construction of any building, buildings and dwelling or dwellings to be located upon any parts, portions or combinations of Lot 10 and the southerly one-half of Lot 11, Block 19, Amended Plat of Park City Survey.

(ii) The Easement Property square footage shall not be applied to the calculation and determination of FAR applicable to Weaver's property.

(iii) FAR, as used herein, is intended to refer to the fully operative and effective FAR ordinance enacted by the Park City Municipal Corporation, and as such, ordinance may be, from time to time, amended.

B) Weaver may build a stand-alone garage or shed within the Easement Property but in no event shall Weaver be permitted to construct an addition to his primary dwelling, nor an additional dwelling unit within the Easement Property.

C) Side-yard setbacks for development on either the Owner's property, or within the Easement Property, pursuant to subsection (b) above, shall be measured from southern boundary of the Easement Property.

3. Binding of Successors. This Agreement is intended to run with the land and shall be binding upon the successors and assigns of both parties.


DATED THIS 17TH day of MAY, 1996

OWNER:


GAIL MARIE ROESINGER

00454589 Bx00965 Pg00613

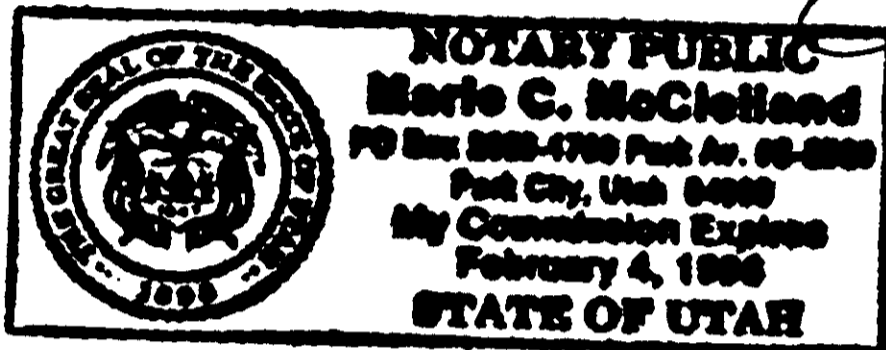
WEAVER:


JIM WEAVER

Side-yard Easement Agreement
Roesinger/Weaver
Page 3

STATE OF UTAH)
 SS
COUNTY OF SUMMIT)

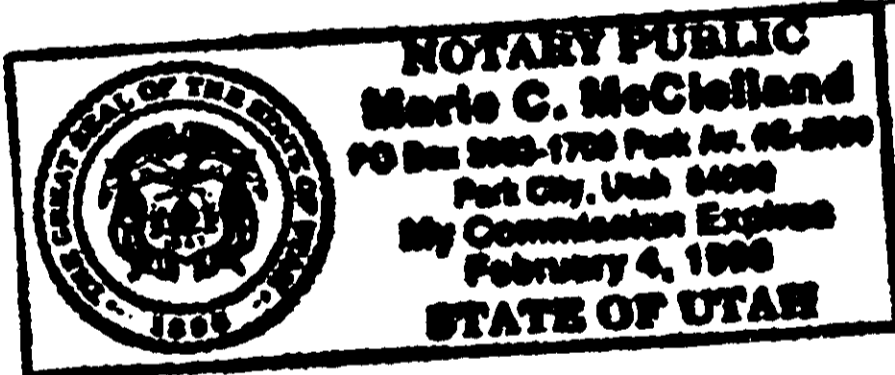
The foregoing Side-yard Easement Agreement was acknowledged before me this 17 day of May, 1996 by Gail Marie Roesinger, Owner, who executed the same.



Marie C. McClelland
NOTARY PUBLIC

STATE OF UTAH)
 SS
COUNTY OF SUMMIT)

The foregoing Side-yard Easement Agreement was acknowledged before me this 17 day of May, 1996, by Jim Weaver, who executed the same.



Marie C. McClelland
NOTARY PUBLIC

00454589 Bk00965 Pg00614

EXHIBIT 09

**1996 City Council Record
+ Recorded Instruments**

Bluejay Parcel / BJALL Plat Amendment (Ordinance No. 96-21)
37 & 45 Hillside Avenue (HR-1), Park City, Utah

Date: March 2, 2026

Board of Adjustment / City Meeting

Purpose of Exhibit 09

This exhibit compiles the key City Council approval record and associated recorded instruments referenced in the BJALL/Bluejay Parcel plat amendment framework. It is provided for background and reference to demonstrate the recorded, site-specific framework governing these parcels.

Contents

EXHIBIT 09 — CONTENTS

- A. Ordinance No. 96-21 (Bluejay Parcel / BJALL Plat Amendment)
- B. City Council Staff Report (Bluejay Parcel / BJALL Plat Amendment)
- C. Exhibit B — Bluejay Parcel Plat
- D. Side-Yard Easement Agreement (Entry No. 454589)
- E. Landscape Easement (Entry No. 486472)
- F. Open Space Agreement
- G. Quit Claim Deed
- H. Tree Easement Quit Claim

Note: This exhibit is provided for reference; the applicant's variance request is limited to the specific relief described in the cover letter and exhibits. For a brief summary of the record context and how it relates to this variance request, see Exhibit 03.

Ordinance No. 96-21

**AN ORDINANCE APPROVING THE AMENDMENT TO THE PARK CITY SURVEY
FOR LOT 10 AND A PORTION OF LOT 11, BLOCK 19 TO BE KNOWN AS THE
BLUEJAY PARCEL LOCATED AT 45 HILLSIDE AVENUE
PARK CITY, UTAH**

WHEREAS, the owner of the property indicated above, Gail Marie Roesinger, petitioned the City Council for approval of the amendment to the Park City Survey Plat; and

WHEREAS, proper notice was sent and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 20, 1996 the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. CONCLUSIONS OF LAW The City Council hereby concludes that there is good cause for the above-mentioned amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

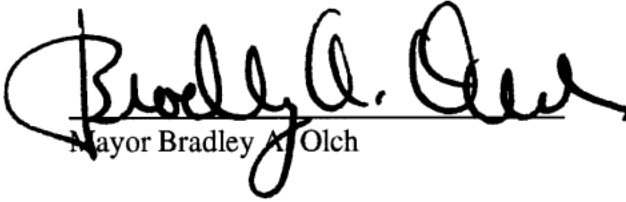
SECTION 2. PLAT APPROVAL The amendment to the Park City Survey Plat, 45 Hillside Avenue is approved as shown on Attachment A with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. This approval shall expire one year from the date of City Council approval, unless the subdivision is recorded prior to that date.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED this 20th day of June, 1996

PARK CITY MUNICIPAL CORPORATION



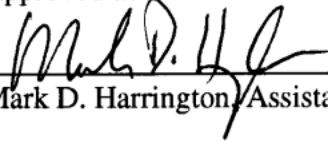
Mayor Bradley A. Olch

Attest:



Janet M. Scott, Deputy City Recorder

Approved as to form:



Mark D. Harrington, Assistant City Attorney





COUNCIL AGENDA REPORT

DATE: June 12, 1996 (June 20, 1996 meeting)
DEPARTMENT: Planning Department
AUTHOR: Janice Lew
TITLE: The Bluejay Parcel Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt the ordinance approving the plat amendment of the Park City Survey for 45 Hillside Avenue.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant: Gail Marie Roesinger
Location: 45 Hillside Avenue
Zoning: HR-1
Adjacent Land Uses: Residential
Date of Application: April 10, 1996
Project Planner: Janice Lew

B. Background.

Gail Roesinger is the owner of Lot 10 and a portion of Lot 11, Block 19 of the Park City Survey. On March 18, 1996, the City approved the applicant's request to quit claim part of the Colman open space parcel purchased by the City in 1994. Parcels A, B and C are shown on the plat attached as Attachment A. The applicant had a deed to Parcel A and a portion of her house sits on the parcel. Landscape improvements are located on Parcel B. Parcel C is enclosed by a fence and a hot tub, deck and landscaping improvements sit on the parcel.

Pursuant to Ms. Roesinger's settlement on the property claim, she submitted a request to combine the lots into one parcel. Based upon negotiations with the City, the applicant agreed to the following:

- Parcel A - a tree preservation easement for the cottonwood tree on,
- Parcel B - an open space and utility easement and a covenant that none of the area of the parcel shall be used for floor area ratio calculations,
- Parcel C - a covenant that none of the area of the parcel shall be used for floor area ratio calculations, and
- an easement to address the property boundary encroachment of the existing structure to the north.

C. Department Review.

The Staff Review Team and City Attorney's Office have reviewed this proposal.

ALTERNATIVES:

- A. Approve the proposed amendment thereby allowing the reconfiguration of the property.
- B. Deny the proposed amendment and retain the current lot configuration.
- C. Continue the item and request further evaluation and recommendation from the staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in one lot which is larger than the standard Old Town lot. Impacts from the proposal have been mitigated by staff negotiating floor area restrictions, and tree, open space, and utility easements.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council decides to deny the plat amendment as proposed, the existing lots lines may prohibit further development of the property.

PUBLIC INPUT: The property was posted and legal notice sent to all property owners within the affected subdivision plat. As of June 12, 1996, no public input has been received.

RECOMMENDATION:

The Community Development Department recommends approval of the proposed plat amendment for the Bluejay Subdivision based upon the following:

Findings of Fact:

1. The owner has attached a note on the plat indicating a tree preservation easement for the cottonwood tree on Parcel A.
2. The owner has agreed to a covenant restricting floor area ratio calculations and attached a note on the plat indicating an open space and public utilities easement on Parcel B.
3. The owner has agreed to a covenant restricting floor area ratio calculations on Parcel C.
4. The owner has complied with the property claim settlement agreement with the City.

Conclusions of Law:

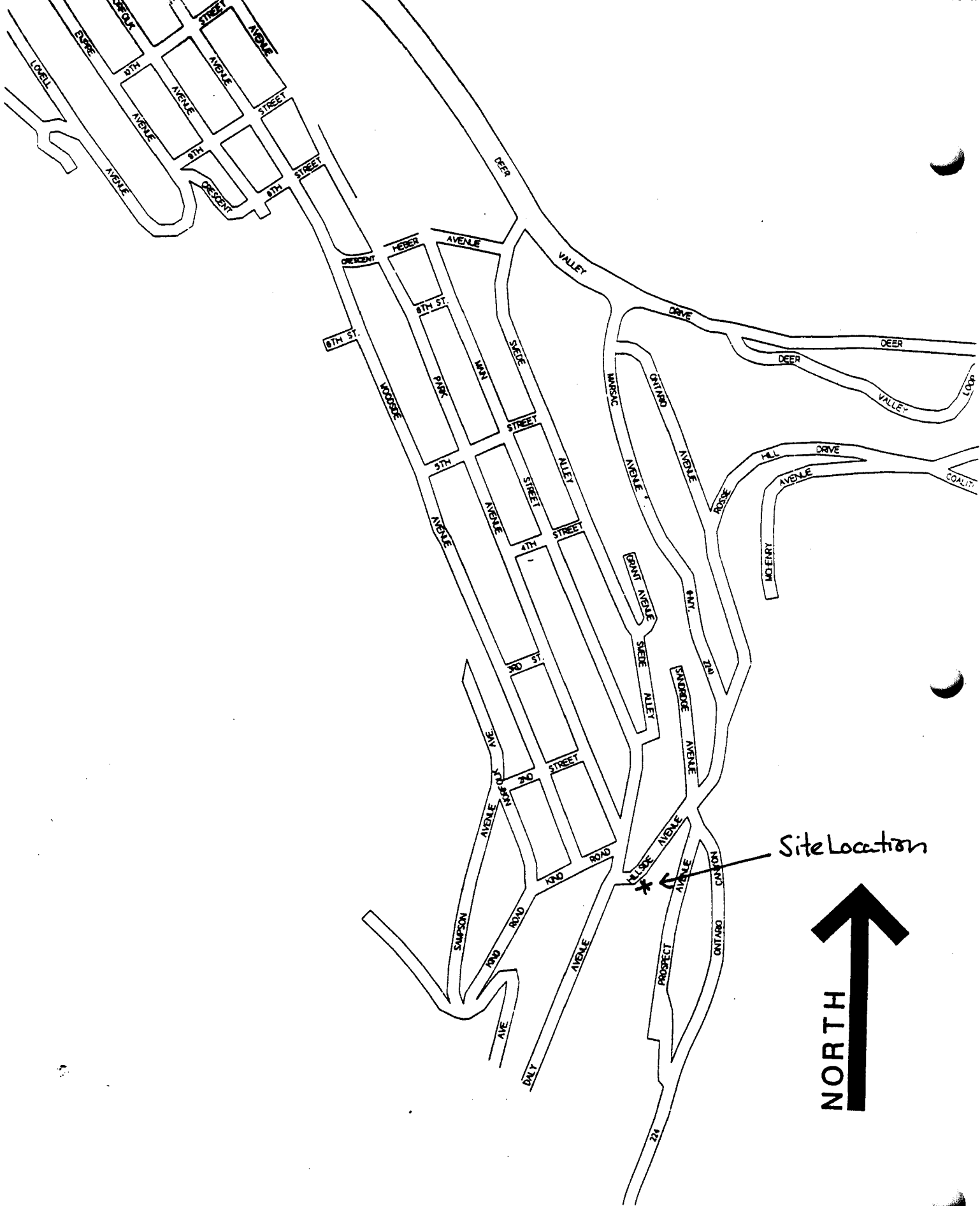
1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. This approval shall expire one year from the date of City Council approval, unless the subdivision is recorded prior to that date.

EXHIBITS:

- Exhibit A - Area Map
Exhibit B - Ordinance and Proposed Plat Amendment



Site Location

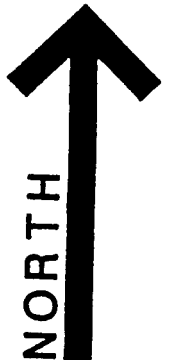


Exhibit A
Location Map

Ordinance No. 96-

**AN ORDINANCE APPROVING THE AMENDMENT TO THE PARK CITY SURVEY
FOR LOT 10 AND A PORTION OF LOT 11, BLOCK 19 TO BE KNOWN AS THE
BLUEJAY PARCEL LOCATED AT 45 HILLSIDE AVENUE
PARK CITY, UTAH**

WHEREAS, the owner of the property indicated above, Gail Marie Roesinger, petitioned the City Council for approval of the amendment to the Park City Survey Plat; and

WHEREAS, proper notice was sent and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 20, 1996 the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. CONCLUSIONS OF LAW The City Council hereby concludes that there is good cause for the above-mentioned amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL The amendment to the Park City Survey Plat, 45 Hillside Avenue is approved as shown on Attachment A with the following conditions:

1. The City Attorney's and City Engineer's approval of the final plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. All Standard Project Conditions shall apply.
3. This approval shall expire one year from the date of City Council approval, unless the subdivision is recorded prior to that date.

Exhibit B

25

PASSED AND ADOPTED this 20th day of June, 1996

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

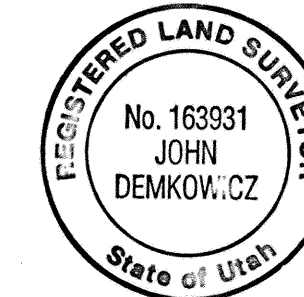
Approved as to form:

Mark D. Harrington, Assistant City Attorney

SURVEYORS CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

John Demkowicz 6/21/96
John Demkowicz Date



DEED DESCRIPTION

All of Lot 10 and the Southerly one-half of Lot 11, Block 19, Park City Survey, according to the amended plat thereon on file in the office of the County Recorder of Summit County, Utah.
CONTAINS 3137 SQ. FT.

PARCEL A

BEGINNING at the Southwest corner of Lot 10, Block 19, Park City Survey and running thence southerly (S 21°33'00" W) 25.00 feet parallel with the easterly side line of Block 73; thence easterly (N 89°57'00" E) 51.25 feet to a line parallel with the section line between Sections 16 and 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, to the westerly side line of Block 18; thence northerly (N 13°59'00" E) 23.96 feet along said Block 18 to the said section line; thence westerly along the section line (S 89°57'00" W) 77.86 feet to the place of beginning.
CONTAINS 1849 SQ. FT.

PARCEL B

BEGINNING at the Southwest corner of Lot 10, Block 19, Park City Survey, thence S 21°33'00" W 25.00 feet to the true point of beginning; and running thence N 89°57'00" E 19.41 feet to a point on an existing fence line; thence along said fence line through the following 3 courses (1) S 45°33'24" W 4.51 feet; thence (2) S 09°27'44" W 15.37 feet; thence (3) S 10°38'33" E 8.58 feet; thence N 29°41'53" W 30.78 feet to the point of beginning.
CONTAINS 200 SQ. FT.

PARCEL C

BEGINNING at the Southwest corner of Lot 10, Block 19, Park City Survey, thence S 21°33'00" W 25.00 feet and N 89°57'00" E 19.41 feet to the true point of beginning; and running thence N 89°57'00" E 48.72 feet; thence S 29°00'00" W 36.32 feet; thence S 89°57'00" W 29.70 feet to a point on an existing fence line; thence along said fence line through the following 4 courses: (1) N 48°02'55" W 7.48 feet; thence (2) N 10°38'33" W 8.58 feet; thence (3) N 09°27'44" E 15.37 feet; thence (4) N 45°33'24" E 4.51 feet to the point of beginning.
CONTAINS 1389 SQ. FT.

CONSOLIDATED DESCRIPTION

BEGINNING at a point S 34°42'35" W 147.25 feet from a survey monument at the intersection of Main Street and Daly Avenue and running thence N 21°33'00" E 25.00 feet parallel with the easterly side line of Block 73; thence N 30°57'00" E 51.70 feet along the westerly line of Block 19; thence S 88°43'59" E 67.22 feet; thence S 22°28'00" W 46.30'; thence N 89°57'00" E 1.76 feet; thence S 13°59'00" W 23.96 feet; thence S 89°57'00" W 13.13 feet; thence S 29°00'00" W 36.32 feet; thence S 89°57'00" W 29.70 feet to a point on an existing fence line; thence N 48°02'55" W 7.48 feet along said fence line; thence N 29°41'53" W 30.78 feet to the point of beginning
CONTAINS 6575 SQ. FT.

OWNERS DEDICATION AND CONSENT TO RECORD

Know all men by these present that Gail M. Roesinger, the undersigned owner of the hereon described tract of land to be known hereafter as THE BLUEJAY, certify that I have caused this Lot Line Adjustment plat to be prepared. Gail M. Roesinger hereby consents to the recordation of this Lot Line Adjustment Plat. Also, the owner, or his/her representative, hereby irrevocably offers for dedication to the city of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this 21st day of JUNE, 1996

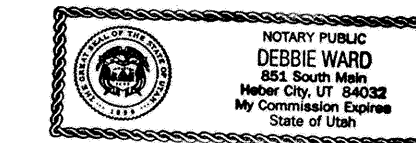
Gail M. Roesinger
Gail M. Roesinger

ACKNOWLEDGEMENT

State of Utah
County of Summit

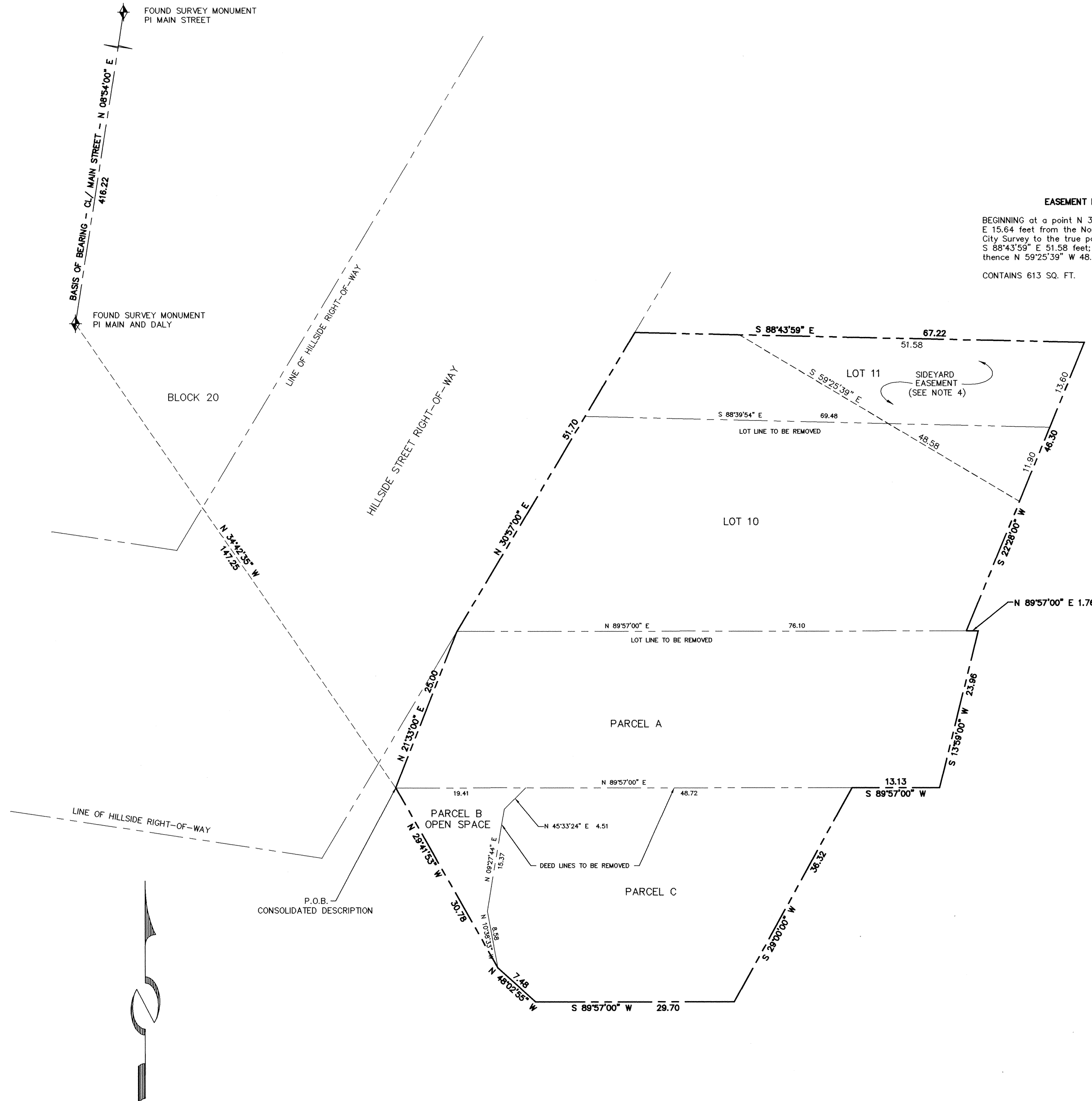
On this 21 day of June, 1996, personally appeared before me, the undersigned Notary Public in and for said state and county, Gail M. Roesinger being duly sworn, acknowledged to me that he/she is the owner of the herein described tract of land and he/she signed the above Owners Dedication and Consent to Record freely and voluntarily.

Debbie Ward
Notary Public
Commission expires: May 30, 1999



NOTES

- The street address of the property is 45 Hillside Avenue.
- No property corners were set.
- Parcels A, B, and C are subject to restrictions of Quit Claim deed recorded Entry No. 450705, Book 952, Pages 719-721; Entry No. 450706, Book 925, Pages 722-724, and Entry No. 450707, Book 952, Pages 725-727, respectively, at the office of the Summit County Recorder, Summit County, Utah.
- Sideway Easement recorded Entry 454589, Book 965, Pages 612-614, at the office of the Summit County Recorder, Summit County, Utah.



EASEMENT LEGAL DESCRIPTION

BEGINNING at a point N 30°57'00" E 14.50 feet and S 88°43'59" E 15.64 feet from the Northwest corner of Lot 10, Block 19, Park City Survey to the true point of beginning; and running thence S 88°43'59" E 51.58 feet; thence S 22°28'00" W 25.50 feet; thence N 59°25'39" W 48.58 feet to the point of beginning.
CONTAINS 613 SQ. FT.

THE BLUEJAY PARCEL

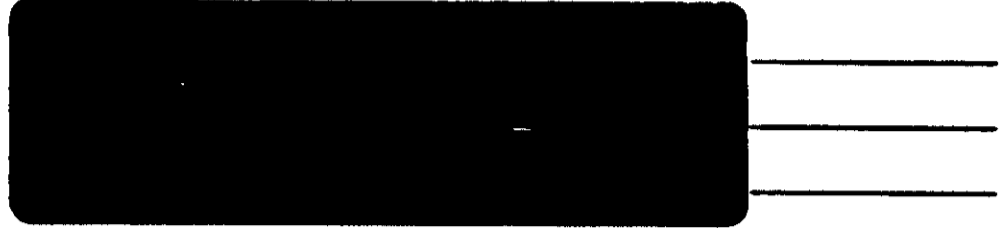
LOT LINE ADJUSTMENT

SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



<p>ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467</p>	<p>ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 21st DAY OF JUNE, 1996 A.D. BY <i>Chris W. Ockman</i> PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS 24th DAY OF JUNE, 1996 A.D. BY <i>Mal D. Hays</i> PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 20th DAY OF JUNE, 1996 A.D. BY <i>Amira L. Sheldon</i> PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 20th DAY OF JUNE, 1996 A.D. BY <i>Buddell Ock</i> MAYOR</p>	<p># 457130 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Coalition Title</u> DATE <u>06-27-96</u> TIME <u>10:11 AM</u> BOOK _____ PAGE _____ FEE \$31.00 RECORDER <i>Alan Sprigg</i></p>
---------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

WHEN RECORDED, MAIL TO:



SIDE-YARD EASEMENT AGREEMENT

RECITALS

A. WHEREAS, the undersigned, **GAIL MARIE ROESINGER**, (herein "Owner") holds fee simple title to **Lot 10** and the **southerly one-half of Lot 11, Block 19**, Amended Plat of Park City Survey, Park City, Summit County, State of Utah (hereinafter the "Property"); and

B. WHEREAS, a portion of Lot 11, Block 19 is subject to a building and side-yard encroachment by the adjacent property owner, **JIM WEAVER**, (herein "Weaver"); and

C. WHEREAS, it is intended that the square footage of the side-yard area is to be used solely in the calculation of the Floor Area Ratio (herein "FAR") related to permissible development located upon the Property; and

D. WHEREAS, the Owner wishes by the herein contained grant of easement to grant Weaver perpetual permission to use the side yard,

NOW THEREFORE, based upon the mutual consideration herein, the sufficiency of which is hereby acknowledged, Owner and Weaver agree as follows: **00454589 Bk00965 Pg00612-00614**

AGREEMENT

**ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1996 MAY 17 16:23 PM FEE \$14.00 BY DMG
REQUEST: COALITION TITLE**

1. The above and foregoing Recitals are incorporated herein by this reference.
2. Easement. Owner hereby grants Weaver a perpetual side-yard easement over the following property (hereinafter "Easement Property"):

BEGINNING at a point North 30°57'00" East 14.50 feet and South 88°43'59" East 15.64 feet from the northwest corner of Lot 10, Block 19, Park City Survey to the true point of beginning; and running thence South 88°43'59" East 51.58 feet; thence South 22°28'00" West 25.50 feet; thence North 59°25'39" West 48.58 feet to the point of beginning.

SUBJECT TO THE FOLLOWING CONDITIONS:

- A) With respect to any determination of FAR involving the Property and which in any way involves the square footage of the Easement Property, the following restrictions shall apply:

Side-yard Easement Agreement
Roesinger/Weaver
Page 2

(i) The square footage of the Easement Property, for purpose of calculation and determination of any Floor Area Ratio ("FAR"), shall be restricted and limited to determination of FAR appropriate for construction of any building, buildings and dwelling or dwellings to be located upon any parts, portions or combinations of Lot 10 and the southerly one-half of Lot 11, Block 19, Amended Plat of Park City Survey.

(ii) The Easement Property square footage shall not be applied to the calculation and determination of FAR applicable to Weaver's property.

(iii) FAR, as used herein, is intended to refer to the fully operative and effective FAR ordinance enacted by the Park City Municipal Corporation, and as such, ordinance may be, from time to time, amended.

B) Weaver may build a stand-alone garage or shed within the Easement Property but in no event shall Weaver be permitted to construct an addition to his primary dwelling, nor an additional dwelling unit within the Easement Property.

C) Side-yard setbacks for development on either the Owner's property, or within the Easement Property, pursuant to subsection (b) above, shall be measured from southern boundary of the Easement Property.

3. Binding of Successors. This Agreement is intended to run with the land and shall be binding upon the successors and assigns of both parties.

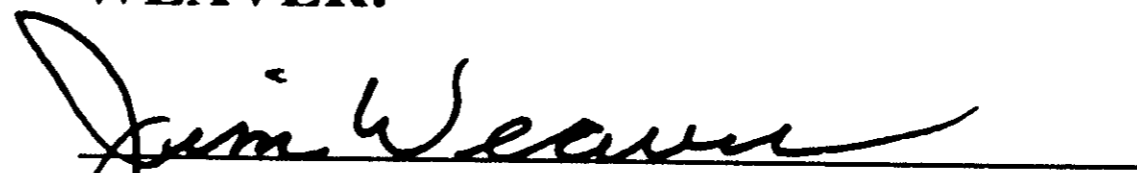
DATED THIS 17TH day of MAY, 1996

OWNER:


GAIL MARIE ROESINGER

00454589 Bx00965 Pg00613

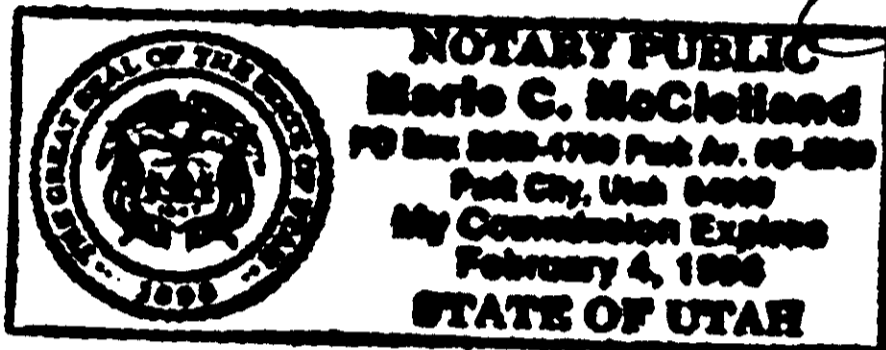
WEAVER:


JIM WEAVER

Side-yard Easement Agreement
Roesinger/Weaver
Page 3

STATE OF UTAH)
 SS
COUNTY OF SUMMIT)

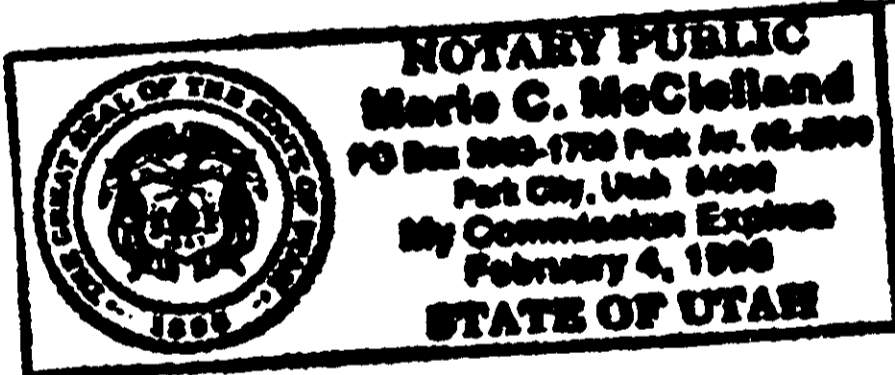
17 The foregoing Side-yard Easement Agreement was acknowledged before me this day of May, 1996 by Gail Marie Roesinger, Owner, who executed the same.



Marie C. McClelland
NOTARY PUBLIC

STATE OF UTAH)
 SS
COUNTY OF SUMMIT)

17 The foregoing Side-yard Easement Agreement was acknowledged before me this day of May, 1996, by Jim Weaver, who executed the same.



Marie C. McClelland
NOTARY PUBLIC

00454589 Bk00965 Pg00614

When recorded, mail to:

GRANTEE (FILL IN MAILING ADDRESS)

PO Box 3051

PC, UT 84060

Entry No.	450706
REQUEST OF	<u>Park City Municipal</u>
FEE	ALAN SPRIGGS SUMMIT CO. RECORDER
\$	<u>N/C</u> By <u>Alan Spriggs</u>
RECORDED	<u>3-22-96</u> at <u>16:44 P</u> M

Fee Exempt per Utah Code
Annotated 1953 21-7-2

QUIT CLAIM DEED

PARK CITY MUNICIPAL CORPORATION, GRANTOR, for TEN DOLLARS and other consideration the sufficiency of which is acknowledged, hereby quit claims to **GAIL MARIE ROESINGER GRANTEE**, the following described tract of land in Summit County, State of Utah:

A parcel of land lying in the Northeast 1/4 of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian:

Beginning at the southwest corner of Lot 10, Block 19, Park City Survey, thence South 21°33'00" West 25.00 feet to the true point of beginning; and running thence North 89°57'00" East 19.41 feet to a point on an existing fence line; thence along said fence line through the following three courses (1) South 45°33'24" West 4.51 feet; thence (2) South 09°27'44" West 15.37 feet; thence (3) South 10°38'33" East 8.58 feet; thence North 29°41'53" West 30.78 feet to the point of beginning. Contains 200 square feet.

RESERVING UNTO TO SAID GRANTOR, an open space easement for the parcel. Grantee shall not construct any structure or building on the parcel

Subject to all easements and rights-of-way of record and subject to all prescriptive easements and rights-of-way, if any, which are enforceable at law.

Subject to the restriction that no floor area shall be drawn from the parcel in conjunction with development on Grantee's adjoining property.


Subject to the covenant of Grantee to perform a plat amendment combining this Parcel B with Grantee's existing lots and Parcels A and C as shown on Exhibit A, and subject to the restriction that no further subdivision of the property shall occur.

WITNESS, the hand of said Grantor, this 22 day of March, 1996.

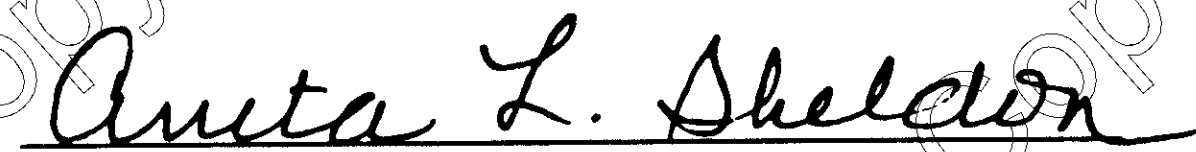
GRANTOR
PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

APPROVED AS TO FORM:


MARK HARRINGTON
ASSISTANT CITY ATTORNEY

ATTEST:


ANITA L. SHELDON
CITY RECORDER

BOOK 952 PAGE 722 - 724

STATE OF

K:\legal\deeds\waltonb.qcd

1 of 2

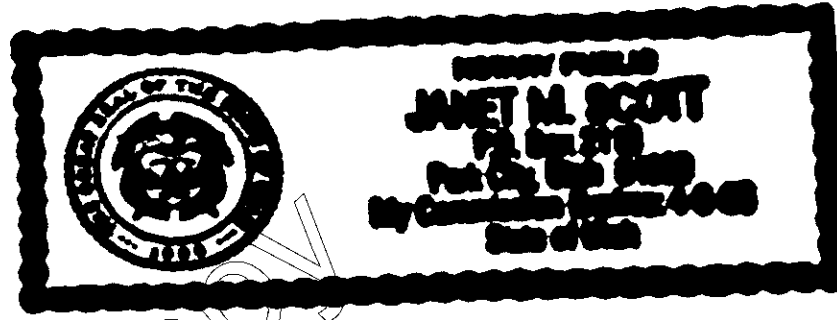
COUNTY OF

SS
)

The above Quit Claim Deed was acknowledged before me this 22 day of March, 1996, by Bradley A. Olch who is the Mayor of Park City Municipal Corporation and said Bradley A. Olch did acknowledge to me that the foregoing quit claim deed was executed on behalf of Park City Municipal Corporation and duly authorized by the City Council of Park City.

Janet M. Scott

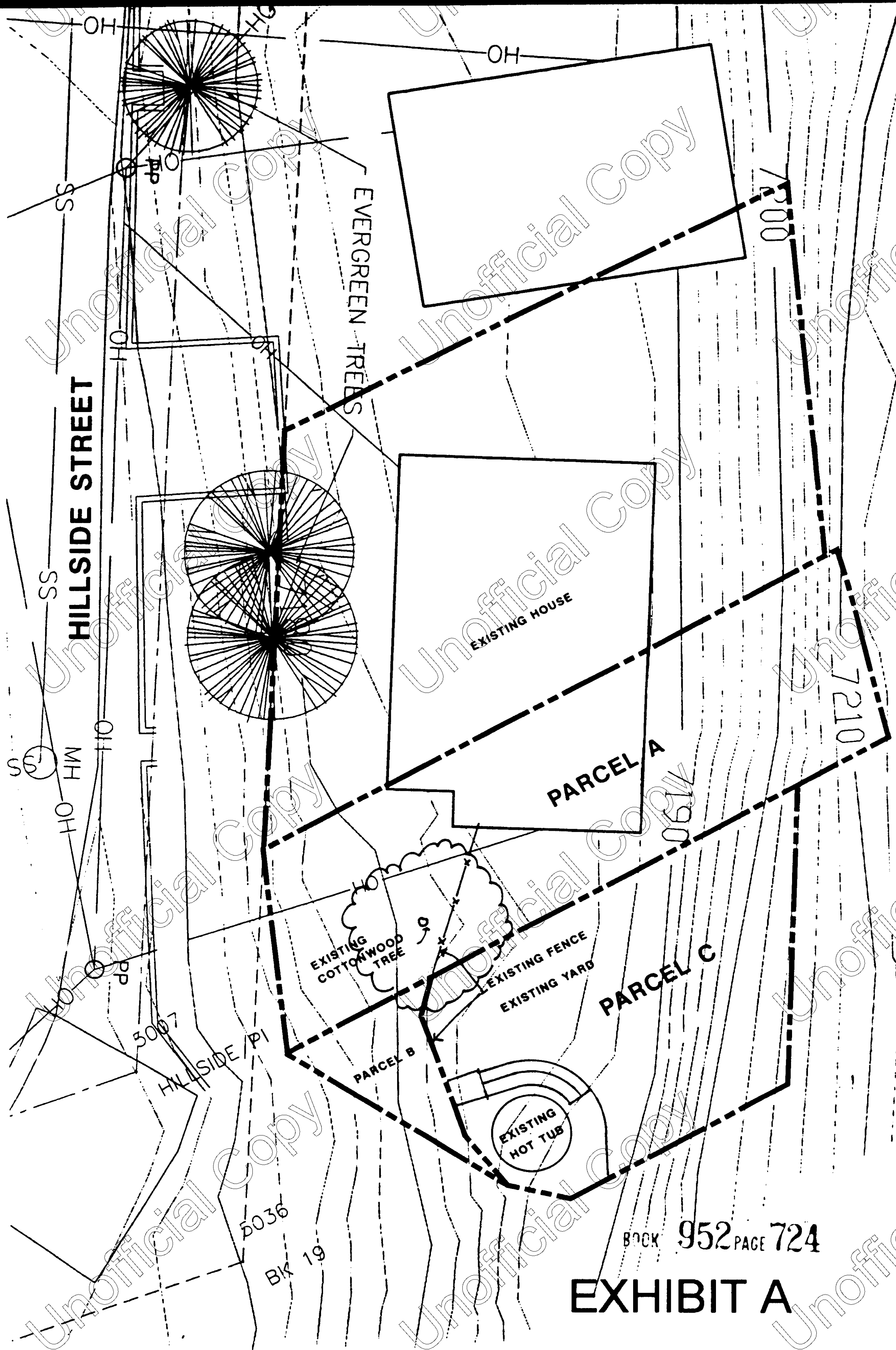
Notary Public



BOOK 952 PAGE 723

K:\legal\deeds\waltonb.qcd

2 of 2



BOOK 952 PAGE 724
EXHIBIT A

When recorded, mail to:

GRANTEE (FILL IN MAILING ADDRESS)

P.O. Box 3051
PL, UT 84060

Entry No.	450707.
REQUEST OF	<u>Park City Municipal</u>
FEE	ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ <u>D/C</u>	By <u>Doreen D...</u>
RECORDED	<u>3-22-96</u> at <u>16:44 P.M.</u>

QUIT CLAIM DEED

Fee Exempt per Utah Code
Annotated 1953 21-7-2

PARK CITY MUNICIPAL CORPORATION, GRANTOR, for TEN DOLLARS and other consideration the sufficiency of which is acknowledged, hereby quit claims to **GAIL MARIE ROESINGER, GRANTEE**, the following described tract of land in Summit County, State of Utah:

A parcel of land lying in the Northeast 1/4 of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian:

Beginning at the southwest corner of Lot 10, Block 19, Park City Survey, thence South 21°33'00" West 25.00 feet and North 89°57'00" East 19.41 feet to the true point of beginning; and running thence North 89°57'00" East 48.72 feet; thence South 29°00'00" West 36.32 feet; thence South 89°57'00" West 29.70 feet to a point on an existing fence line; thence along said fence through the following four courses: (1) North 48°02'55" West 7.48 feet; thence (2) North 10°38'33" West 8.58 feet; thence (3) North 09°27'44" East 15.37 feet; thence (4) North 45°33'24" East 4.51 feet to the point of beginning. Contains 1389 square feet.


Subject to all easements and rights-of-way of record and subject to all prescriptive easements and rights-of-way, if any, which are enforceable at law.

Subject to the restriction that no floor area shall be drawn from the parcel in conjunction with development on Grantee's adjoining property.

Subject to the covenant of Grantee to perform a plat amendment combining this Parcel C with Grantee's existing lots and Parcels A and B as shown on Exhibit A, and subject to the restriction that no further subdivision of the property shall occur.

WITNESS, the hand of said Grantor, this 22 day of March, 1996.

GRANTOR
PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

APPROVED AS TO FORM:


MARK HARRINGTON
ASSISTANT CITY ATTORNEY

ATTEST:


ANITA L. SHELDON
CITY RECORDER

K:\legal\deeds\waltonc.qcd

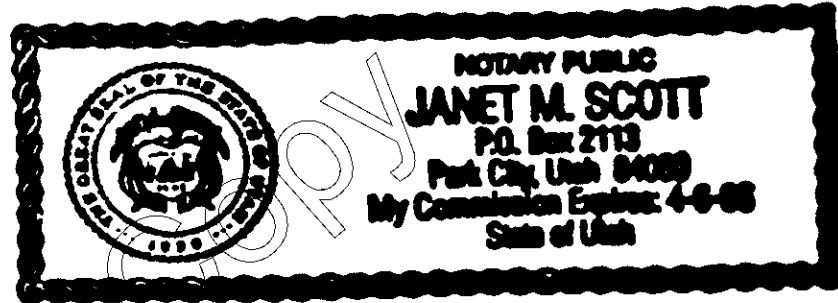
1 of 2

BOOK 952 PAGE 725 - 727

STATE OF)
) SS
COUNTY OF)

The above Quit Claim Deed was acknowledged before me this 22 day of March, 1996, by Bradley A. Olch who is the Mayor of Park City Municipal Corporation and said Bradley A. Olch did acknowledge to me that the foregoing quit claim deed was executed on behalf of Park City Municipal Corporation and duly authorized by the City Council of Park City.

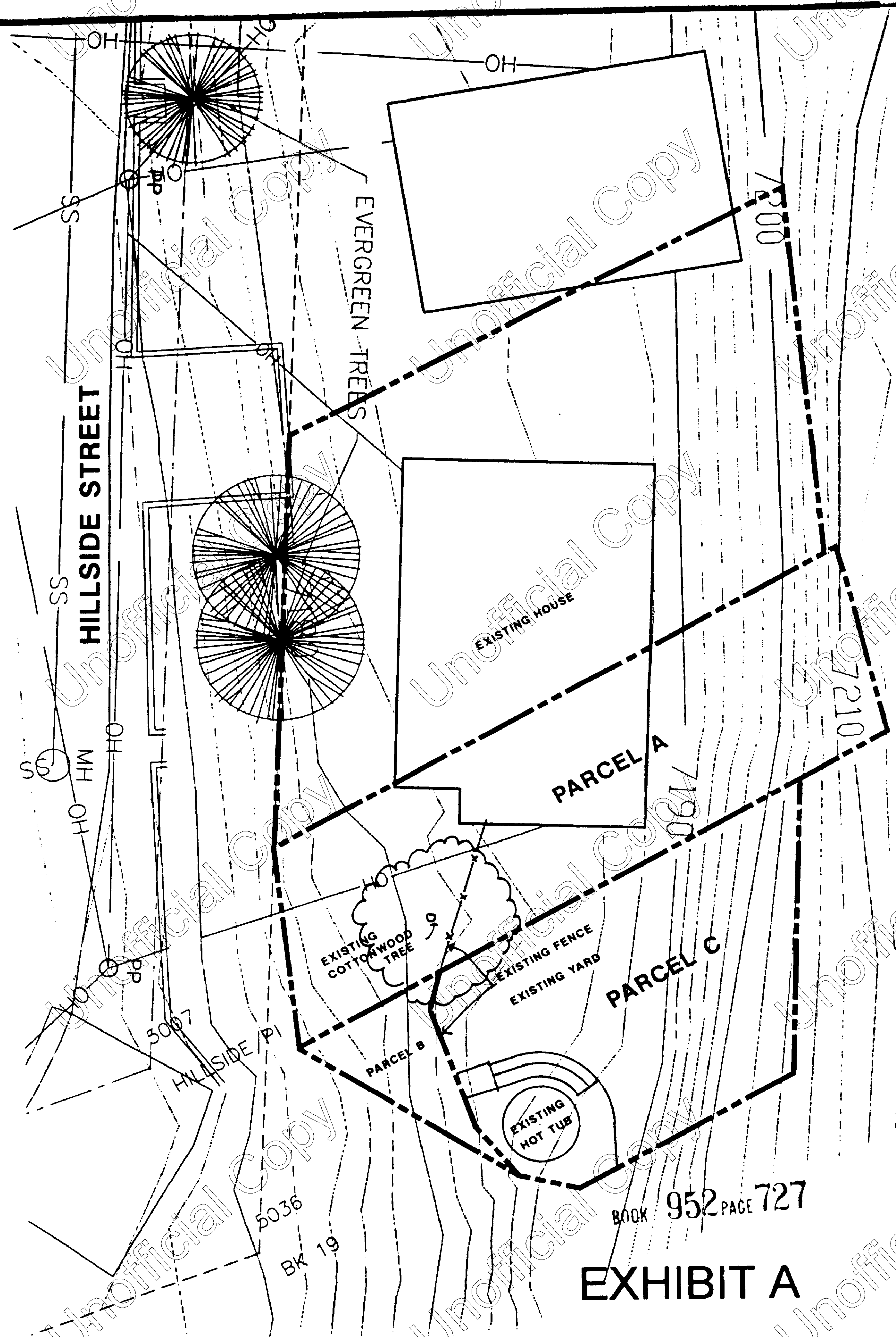
Janet M. Scott
Notary Public



BOOK 952 PAGE 726

K:\legal\deeds\waltonc.qcd

2 of 2



BOOK 952 PAGE 727
EXHIBIT A

When recorded, mail to:

GRANTEE (FILL IN MAILING ADDRESS)
P.O. Box 3051
PL, UT 84060

Entry No.	450705
REQUEST OF	<u>Park City Municipal</u>
FEE	ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ <u>N/C</u>	By <u>Deane Deane</u>
RECORDED	<u>3-22-96</u> at <u>11:43 P.M.</u>

Fee Exempt per Utah Code
Annotated 1953 21-7-2

QUIT CLAIM DEED

PARK CITY MUNICIPAL CORPORATION, GRANTOR, for TEN DOLLARS and other consideration the sufficiency of which is acknowledged, hereby quit claims to **GAIL MARIE ROESINGER GRANTEE**, the following described tract of land in Summit County, State of Utah:

A parcel of land lying in the Northeast 1/4 of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian:

Beginning at the southwest corner of Lot 10, Block 19, Park City Survey and running thence southerly South 21°33'00" West 25.00 feet parallel with the easterly side line of Block 73; thence easterly North 89°57'00" East 81.25 feet on a line parallel with the section line between Sections 16 and 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, to the westerly side line of Block 18; thence northerly North 13°59'00" East 23.96 feet along said Block 18 to the said section line; thence westerly along the section line South 89°57'00" West 77.86 feet to the place of beginning. Contains 1849 square feet.

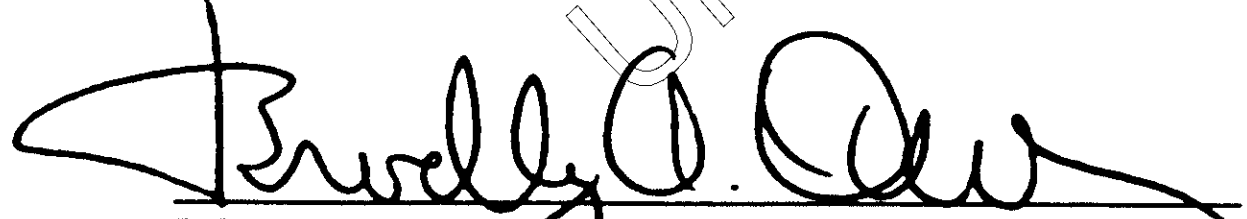
RESERVING UNTO GRANTOR, a tree preservation easement for the existing cottonwood as shown on Exhibit A. Grantee shall not damage or remove said tree without the prior written approval of Grantor.

Subject to all easements and rights-of-way of record and subject to all prescriptive easements and rights-of-way, if any, which are enforceable at law.

Subject to the covenant of Grantee to perform a plat amendment combining this Parcel A with Grantee's existing lots and Parcels B and C as shown on Exhibit A, and subject to the restriction that no further subdivision of the property shall occur.

WITNESS, the hand of said Grantor, this 22 day of March, 1996.

GRANTOR
PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

APPROVED AS TO FORM:


MARK HARRINGTON
ASSISTANT CITY ATTORNEY

ATTEST:


ANITA L. SHELDON
CITY RECORDER

STATE OF

)
SS

BOOK 952 PAGE 719-721

K:\legal\deeds\waltonA.qcd

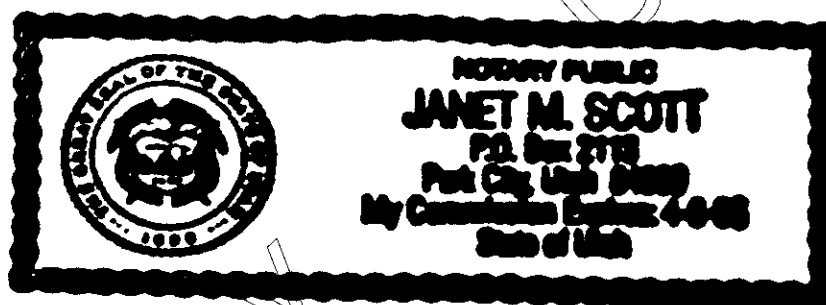
1 of 2

COUNTY OF)

The above Quit Claim Deed was acknowledged before me this 22 day of March, 1996, by Bradley A. Olch who is the Mayor of Park City Municipal Corporation and said Bradley A. Olch did acknowledge to me that the foregoing quit claim deed was executed on behalf of Park City Municipal Corporation and duly authorized by the City Council of Park City.

Janet M. Scott

Notary Public



BOOK 952 PAGE 720

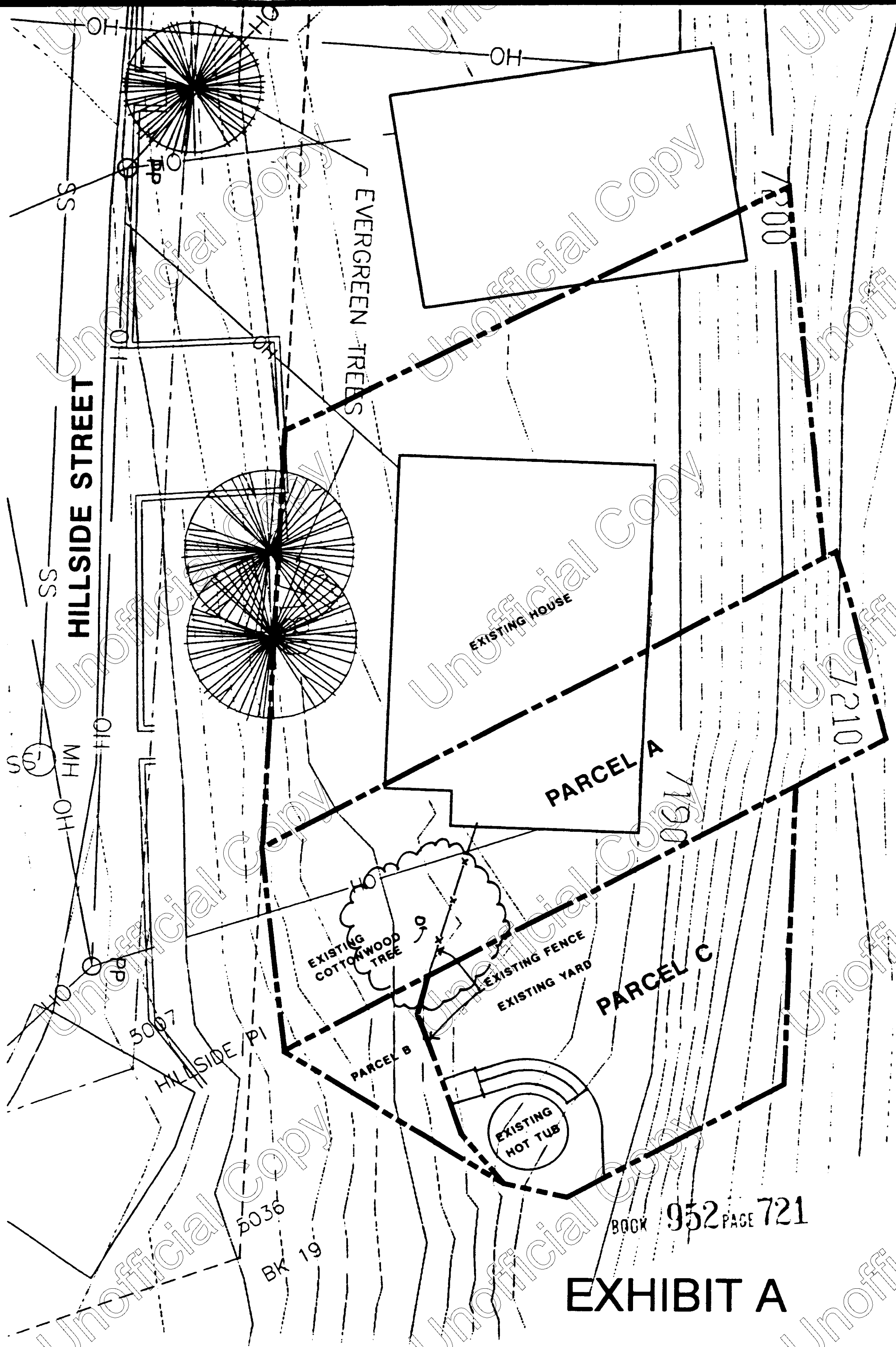


EXHIBIT A

AFTER RECORDED MAIL TO:

GAIL M. ROESINGER
P. O. BOX 3051
PARK CITY, UT 84060

EASEMENT

WHEREAS, Gail M. Roesinger, hereinafter referred to as Grantor is desirous of Granting a perpetual easement across lands owned by her to James Howard Weaver, hereinafter referred to as Grantee

WHEREAS, Grantor is the owner of certain real property, a description is attached hereto as Exhibit A, and incorporated by this reference.

WHEREAS, Grantee is the owner of certain real property, a description is attached hereto as Exhibit B, and incorporated by this reference.

WHEREAS, Grantor desires to grant to Grantee a perpetual landscaping easement and an easement to allow the erection and use of a storage unit across certain real property, attached hereto as Exhibit C, and incorporated by this reference.

WHEREAS, it is the intent of the parties that Grantor retain the rights to utilize the property encompassed by the easement for purposes of calculating her floor/area ratio according to the laws and regulations adopted as of the date hereof by the Park City Municipal Corporation.

WHEREAS, it is the intent of the parties that Grantor not be allowed to build any structure or allow any encroachment to exist within the area described by the easement without the express written permission of Grantee.

NOW WHEREFORE, for and in consideration of Ten Dollars (\$10.00) the receipt of which is hereby acknowledged the parties agree as follows:

1. Grantor grants to Grantee a perpetual landscaping easement and an easement to allow the erection and use of a storage unit across lands according to the description contained in Exhibit C as incorporated by this reference. These lands are otherwise identified as properties to which Grantee has planted in grass up to and including the area lying not closer than three feet from the existing structure owned by Grantor. Grantor shall not allow any encroachment to exist within the easement area without the express written permission of Grantee, his heirs, successors or assigns.
2. Grantor and Grantee acknowledge that the grant shall be consistent with the intent (WHEREAS) paragraphs as described above.
3. Grantor covenants and warrants that she shall do nothing to undermine the validity of this easement or to grant an overlapping conveyance until such time as this document is recorded and becomes a matter of public record.
4. This Easement shall be binding upon the respective parties hereto, their heirs,

00486472 BR01073 Fe00411-00415

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1997 SEP 10 15:55 PM FEE \$18.00 BY DMG
REQUEST: COALITION TITLE

successors and assigns.

5. A party in default hereunder shall agree to pay reasonable attorneys fees and costs to the non-defaulting party.

Dated this 10 day of September, 1997


Gail M. Roesinger

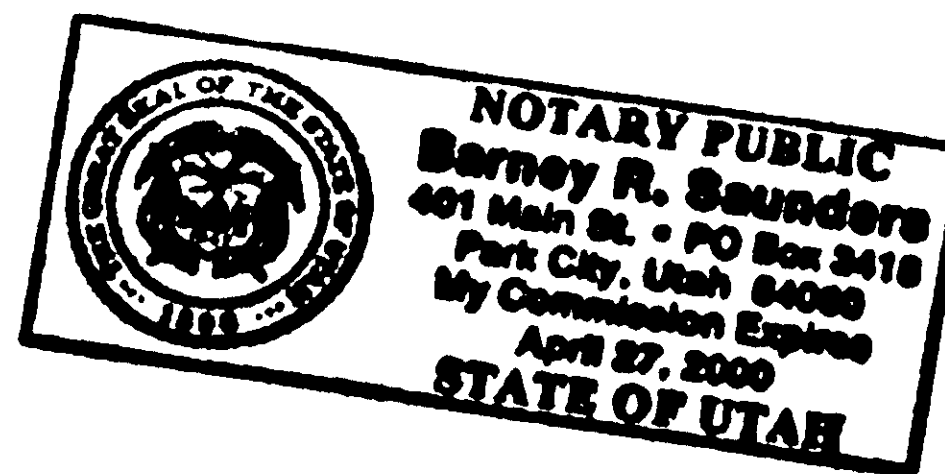
ACKNOWLEDGMENT

State of Utah

County of Summit

On this 10 day of September, 1997 personally appeared Gail M. Roesinger, who upon oath acknowledged before me that she executed the within easement of her free act and deed.


NOTARY PUBLIC



00486472 BK01073 Pg00412

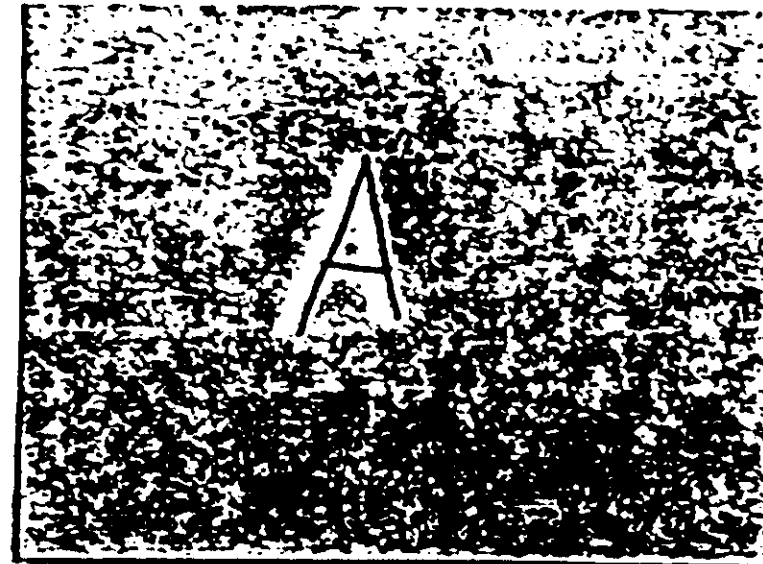


EXHIBIT "A"

BEGINNING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 19, PARK CITY SURVEY, THENCE SOUTH 21 DEGREES 33 MINUTES 00 SECONDS WEST 25.00 FEET TO THE TRUE POINT OF BEGINNING; AND RUNNING THENCE NORTH 89 DEGREES 57 MINUTES 00 SECONDS EAST 19.41 FEET TO A POINT ON AN EXISTING FENCE LINE; THENCE ALONG SAID FENCE LINE THROUGH THE FOLLOWING 3 COURSES: (1) SOUTH 45 DEGREES 33 MINUTES 24 SECONDS WEST 4.51 FEET; THENCE (2) SOUTH 09 DEGREES 27 MINUTES 44 SECONDS WEST 15.37 FEET; THENCE (3) SOUTH 10 DEGREES 38 MINUTES 33 SECONDS EAST 8.58 FEET; THENCE NORTH 29 DEGREES 41 MINUTES 53 SECONDS WEST 30.78 FEET TO THE POINT OF BEGINNING.

ALSO,

BEGINNING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 19, PARK CITY SURVEY; THENCE SOUTH 21 DEGREES 33 MINUTES 00 SECONDS WEST 25.00 FEET AND NORTH 89 DEGREES 57 MINUTES 00 SECONDS EAST 19.41 FEET TO THE TRUE POINT OF BEGINNING; AND RUNNING THENCE NORTH 89 DEGREES 57 MINUTES 00 SECONDS EAST 48.72 FEET; THENCE SOUTH 29 DEGREES 00 MINUTES 00 SECONDS WEST 36.32 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 00 SECONDS WEST 29.70 FEET TO A POINT ON AN EXISTING FENCE LINE; THENCE ALONG SAID FENCE LINE THROUGH THE FOLLOWING 4 COURSES: (1) NORTH 48 DEGREES 02 MINUTES 55 SECONDS WEST 7.48 FEET; THENCE (2) NORTH 10 DEGREES 38 MINUTES 33 SECONDS WEST 8.58 FEET; THENCE (3) NORTH 09 DEGREES 27 MINUTES 44 SECONDS EAST 15.37 FEET; THENCE (4) NORTH 45 DEGREES 33 MINUTES 24 SECONDS EAST 4.51 FEET TO THE POINT OF BEGINNING.

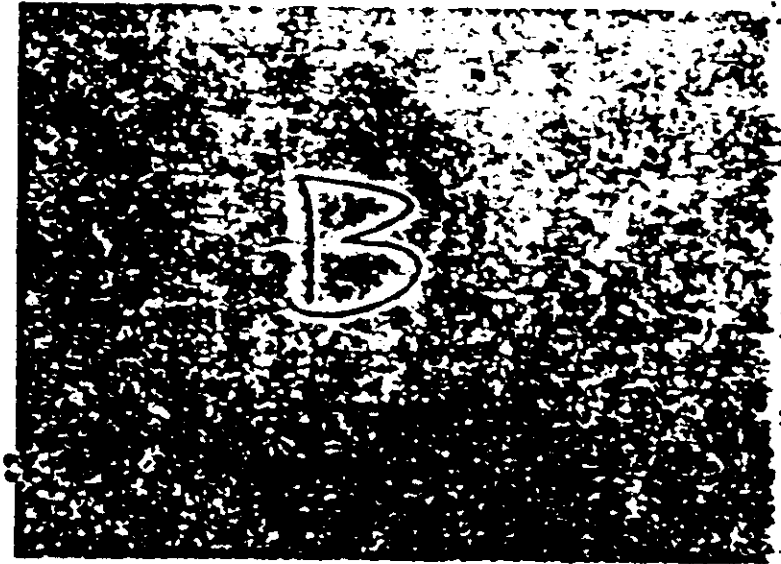
00486472 Bk01073 Pg00413

MAY-31-96 FRI 10:20

P. 03/05

at..... M. Fee Paid \$.....
by..... Dep. Book..... Page..... Ref.:.....
Mail tax notice to 37 Hillside Ave Address Park City, Utah 84060

QUIT-CLAIM DEED



MICHAEL PATRICK WEAVER
of Park City, County of Summit, State of Utah
QUIT-CLAIM to
JAMES HOWARD WEAVER

of Park City, County of Summit, State of Utah for the sum of
Ten and no/100 - - - - - (\$10.00) - DOLLARS,
and other and good and valuable consideration
the following described tract of land in Summit County,
State of Utah:

PC 243 N 1/2 Lot 11 & All Lot 12
Elk 19 PC Survey

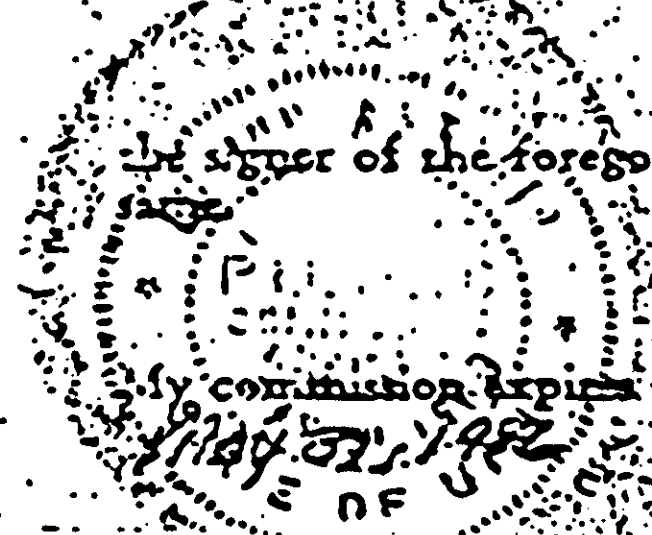
Entry No. 193895 Book M227
RECORDED 7-21-22 at 11:31 AM Page 91
REQUEST of James Howard Weaver
FEE 4.50 JANDA T. SPRIGGS, SUMMIT CO. RECORDER
INDEXED _____ ABSTRACT _____

00486472 Bx01073 Pg001

WITNESS the hand of said grantor, this _____ day of _____
July, A. D. one thousand nine hundred and eighty two.

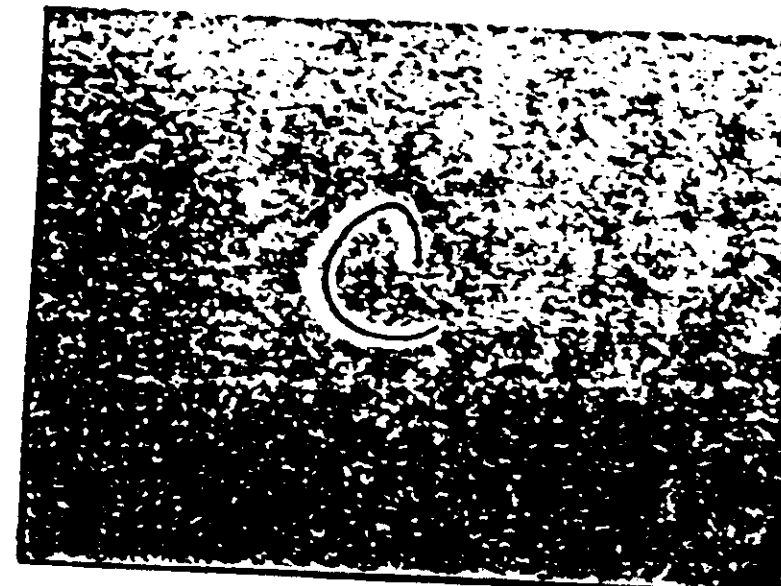
Signed in the presence of
James Howard Weaver }
Michael Patrick Weaver }

STATE OF UTAH, }
County of SUMMIT } s.
On the 21st day of July A. D. one
thousand ~~nine~~ hundred and eighty two personally appeared before me
MICHAEL PATRICK WEAVER



Address: SLE
BOOK M227 PAGE 91

Janda T. Spriggs
Notary Public.



EASEMENT
LEGAL DESCRIPTION
MAY 15, 1996

BEGINNING at a point N 30°57'00" E 14.50 feet and S 88°43'59" E 1.33 feet from the Northwest corner of Lot 10, Block 19, Park City Survey to the true point of beginning; and running thence S 88°43'59" E 14.30 feet; thence S 59°25'39" E 48.58 feet; thence S 22°28'00" W 7.07 feet; thence N 59°25'39" W 62.05 feet to the point of beginning.

CONTAINS 387 SQ. FT.

00486472 Bk01073 Pg00415

CHAPTER 7. DISTRICTS AND REGULATIONS

7.1 HISTORIC RESIDENTIAL (HR-1) DISTRICT

7.1.1. PURPOSE. The purpose of the Historic Residential HR-1 District is to allow the preservation of the present land uses and the character of the historic residential areas of Park City, and to encourage the preservation of historic structures and the construction of new structures that preserve and contribute to the character of the district, and to encourage densities of development that will preserve the desirable residential environment, and also densities within the narrow canyon areas and on areas that may have steep or substandard street systems.

7.1.2. PERMITTED USES. In the HR-1 district, no building or structure shall be erected which is arranged, designed, or intended to be used, or which is used for any purpose other than those purposes designated on the Use Table as being permitted uses (designated by the letter "A") or conditional uses (designated by the letter "C"). All other land uses are prohibited.

7.1.3. LOT SIZE AND COVERAGE REGULATIONS.

(a) Lot Size. The minimum lot area shall be 1,875 square feet for a single family residence; 3,750 square feet for a duplex, and 5,625 square feet for a triplex. The minimum width of a lot shall be 25 feet, measured 15 feet back from the front lot line. The Historic District Commission advises that all resubdivisions of lots within the HR-1 zone comply with a standard lot size of approximately 25 x 75 feet. Because combinations of lots are permitted for larger structures, development potential of resubdivided parcels is not affected. However, smaller lots do allow the potential for the development of smaller single family structures, while resubdivisions into larger lots promotes the construction of larger houses, duplexes, and triplexes.

(b) For lots 1,875 sq. ft. and smaller, the maximum floor area shall be no greater than 1,687 square feet within the HR-1 Zone. The floor area of all new structures constructed within the HR-1 District on lots greater than 1,875 square feet shall be limited by the Floor Area Ratio (FAR) which shall be the Floor Area as defined in Chapter 2, divided by the total area of the lot or parcel. For lots greater than 1,875 sq. ft., the floor area ratio shall be .9 for the first 1,875 sq. ft., plus 30% of the additional lot square footage. The maximum square footage is calculated by the following formula:

$$\text{MAXIMUM FLOOR AREA} = 1687 + (.30 \times (\text{Parcel Size} - 1875))$$

In calculating the FAR for a single family structure, 400 square feet may be added to the total floor area for a two car garage after calculating the FAR. For duplexes, triplexes and multi-unit structures, the garage addition shall be 400 square feet for each residential unit.

In an effort to further maintain Park City's Historic District, this Floor Area Ratio requirement shall not apply to renovations, additions, or expansions to historic structures (structures at least 50 years old, as approved by the Historic District Commission).

- (c) Side Yard. The minimum side yard for a single family structure shall be three feet. The minimum side yard for any structure of two units or more shall be five feet.

For structures on lots from 26 to 50 feet in total width, the sum of the side yard setbacks must be a minimum of ten feet. For structures on parcels from 51 to 75 feet in width, the sum of the side yard setbacks must be a minimum of 15 feet with a minimum of five feet on one side. For structures on parcels greater than 76 feet total width, the side setbacks must be a minimum of ten feet each.

1. A side yard shall not be required between structures designed with a common wall on a lot line. The longest dimension of buildings thus joined shall not exceed 50 feet.
 2. For side yards of less than five feet, the special side yard exceptions as provided in Section 8.14 shall not apply, except for projections of less than four inches as specified in Section 8.14(a) and for the allowance for a driveway as specified in Section 8.14(h).
 3. On corner lots, any yard which faces on a street for both main and accessory buildings shall not be less than 10 feet.
 4. Site plans and building designs shall resolve snow release issues to the satisfaction of the Chief Building Official to minimize the impacts of snow shedding on adjacent properties and/or improvements.
- (d) Front and Rear Yard. Front and rear setbacks must total a minimum of 30 feet, each with a minimum of ten feet. Parcels with depths of 50 feet or less shall maintain a minimum front and rear setback totaling 20 feet, each with a minimum of ten feet.

Accessory buildings shall have a minimum rear setback of one foot from the rear property line. On corner lots which rear

Mch 15th, 2026

To: Park City Municipal Corporation

Planning Commission, Historic District Board , Meredith Covey, project planner.

Re: 37 Hillside Ave 45 Hillside Ave

I am the owner of 27 Hillside Ave, directly north/adjacent to the Project at 37 Hillside Ave. I have been a full-time resident in old town for 44 years and have lived at 27 Hillside for the last 37 years. My home is a Landmark Historic Site with a mostly intact structure, built around 1882, purchased then totally refurbished/restored in place in 1989. Constructed with rough-cut 2x4 & 2x6 lumber, it is in fact one of the most intact, original historic home in Park City of great significance. Clearly, I have an opinion regarding the current project next door. I will endure more impacts than the other two neighbors, Bill Hummer and Rhonda Sideris since I am at ground zero for any/all additions as well as the construction impacts once approved. That said, I want this formal input to be considered as part of and in regard to the variances requested here specifically and also in terms of future movement during the design and above-ground historic structures work.

Regarding the subterranean garage. I am generally in favor of ANY work or encroachment agreements being approved on the project lot or lots to the south (37/45hillside) if subterranean in nature. Gibby and I have discussed the necessity of this happening in order to “do it right to begin with”...so to speak. Removing vehicles from Hillside via historic garage spaces is mandatory and encouraged. Access to the 37 Hillside Ave property’s western boundary is across and via City Property where the **Historic Garage** once sat encroaching on Hillside proper. The Original, historic garage structure SHOULD, IMO be reconstructed as photos exist, something to consider when approving this variance because the land where the historic garage once stood is Owned by Park City and an easement for access across this city property is required. At her actual lot line boundary, her Garage Door can and should be located, also requiring a variance.

I am an advocate of Gibby’s project and of her plans, but at the same time will demand restoration in place for BOTH the Historic Coal Shed that sits between our homes and the house structure as well. I have already communicated this preference with her. I wish also to preserve these structures’ spacing dynamics that create space and breakup between our two homes. Neither the Coal Shed nor the main structure should be removed or re-located without due process in the design process.

I am excited to work with you and Gibby and the surrounding neighbors to come up with a perfect project solution that preserves and protects the Historic Structures 1st, and 2nd ensures that the surrounding neighbors are unharmed from any potential impacts it may create instead.

Thank you for your considerations...Peter J Marth..

Cc: Sideris/Hummer/Bush

Meredith Covey

From: [REDACTED]
Sent: Monday, March 23, 2026 2:58 PM
To: Meredith Covey
Subject: [External] 37 Hillside

Follow Up Flag: Follow up
Flag Status: Flagged

Warning: Replies to this message will go to [REDACTED] If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

I am the property owner of the home directly above and to the north of 37 Hillside, 22 Prospect. I got notification of a variance request for 37/45 Hillside. I'm not sure what the variance is but I am passionate about two issues.

First being the old shed on the North property line. I was made to rebuild my shed at 22 Prospect and hope the shed below is made to do the same and not tear down a historical structure.

Second, I understand there is a request for tunneling off the street towards the back hillside. I am 100% opposed to this as the embankment is not stable and any movement and tunneling may cause the embankment to slide as the Kings Crown slide affected Marriott mountainside.

Please feel free to reach out to me if you have any questions or need clarification.

Thank you for your time and consideration.

Respectfully submitted,

Rhonda Sideris | President

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Meredith Covey

From: Heleena Sideris <[REDACTED]>
Sent: Tuesday, March 24, 2026 11:02 AM
To: Meredith Covey
Subject: [External] Re: 37 Hillside

[REDACTED]
helpdesk.

[CAUTION] This is an external email.

Hi Meredith,

Thank you so much for the call yesterday in clarifying this process. As directed, please find my comments specific to the variance below:

As a neighboring property owner at 22 Prospect Avenue, I do have some concerns regarding the proposed subterranean parking enclosure beneath the adjacent property. Specifically, I am concerned about potential impacts to hillside stability, soil integrity, and hydrology in Old Town. Given the age of the surrounding infrastructure and the known challenges associated with hillside construction in this area, I believe careful consideration and thorough geotechnical review are especially important.

Old Town's hillside conditions can be complex, and excavation beneath an adjacent property introduces additional variables that may affect soil movement, drainage patterns, and long-term structural stability. I want to ensure that any potential risks are carefully evaluated and mitigated.

I fully understand and appreciate the property owner's desire to improve functionality and parking, and I support thoughtful development that enhances our neighborhood. At the same time, given the unique conditions in Old Town, I respectfully request that the Commission carefully consider these potential impacts and ensure appropriate safeguards are in place.

Thank you for your time and consideration.

Heleena Sideris
[REDACTED]

On Mon, Mar 23, 2026 at 11:13 AM Heleena Sideris <[REDACTED]> wrote:
Hi Meredith,

My name is Heleena and I reside at 22 Prospect Ave. I have been watching the developments at 37 Hillside. I am encouraged to hear the intent for full time residency with this new homeowner, we are so fortunate to have a strong sense of community in our neighborhood and I am hopeful they will be a part of our community!

I am having a little bit of a hard time understanding the height and the plans, but wanted to share my primary concern: privacy. My back deck overlooks this property and the way it appears, the newly constructed home will have some

vantage/viewpoint into my back yard and back deck. I recognize my view will forever be changed, but I am hoping to maintain some level of privacy if this can be prioritized through the design process.

I also understand there is a request to remove the historic shed on site, I urge you to prioritize preservation of this historic structure. Removing even smaller structures of this nature can contribute to the degradation of our historic community. Furthermore, we were instructed by the city to rehabilitate the historic shed at 22 prospect when the structure was compromised, given this experience I would imagine there is some precedent within our neighborhood regarding maintaining these structures. Please feel free to provide additional context here if I am misunderstanding this.

Thank you so much for your time on this project and for considering my comments. Please let me know if you are open to connecting further on this matter, I would love to schedule a phone call or time to connect in person.

Gratefully,
Heleena Sideris

██████████

Board of Adjustment Staff Report



Subject: 416 Ontario Avenue
Application: PL-25-06764
Author: Meredith Covey, Planner II
Date: March 31, 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

On February 10, 2026, the Board of Adjustment reviewed the Applicant’s 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 new deck within the Front Setback of the non-Historic Single-Family Dwelling at 416 Ontario Avenue. The Board requested the Applicant reduce the size of the deck and continued the item to a date uncertain ([Audio](#)).

(I) Review the requested Variance and consider approving the Variance based on the updated Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A). Updates to the draft Final Action Letter reflect the Board’s prior discussions and Applicant’s reduced deck size.

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](#).

Summary

On January 13, 2026, the Board reviewed the Applicant’s request for a Variance and continued the item to a date uncertain. The Board requested additional context on the

¹ LMC [§ 15-1-8\(l\)](#)

procedural history of the application and directed Staff to draft a Final Action Letter with findings for approval ([Meeting Item 6A](#); [Audio](#)).

On February 10, 2026, the item was back before the Board. The Board reviewed the procedural history and the size of the newly constructed deck. The Board requested the Applicant reduce the size of the deck and continued the item to a date uncertain ([Meeting Item 6B](#); [Audio](#)).

Background

For detailed project history, please refer to the January 13, 2026 [Staff Report](#).



Image 1: New deck under construction at 416 Ontario; photo taken by staff on December 18, 2025.

On March 13, 2026, the Applicant submitted an updated site plan with the proposed deck reduced to 23 feet in width and 11 feet in depth, consistent with the discussion at the last meeting (Exhibit D).

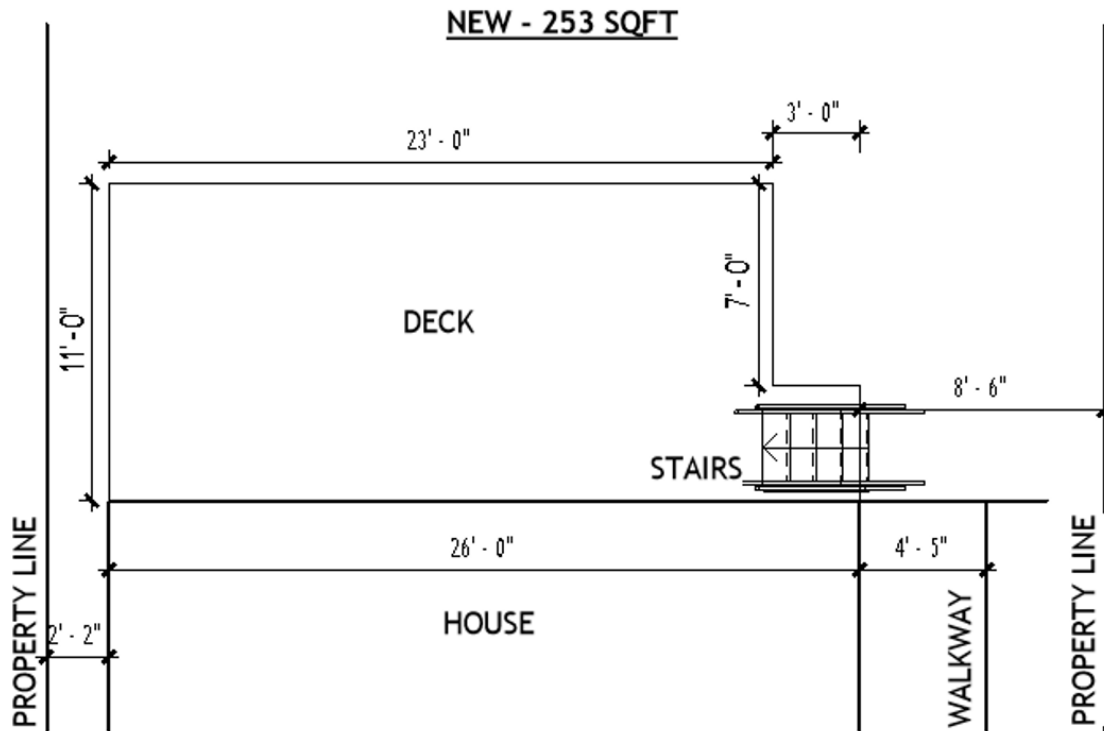


Image 8: Proposed deck site plan

The following table shows the approximate dimensions of the deck throughout the process:

Deck Dimensions	Width	Depth
<i>Previous Deck</i>	22 feet	13 feet
<i>Constructed Deck</i>	25 feet	12 feet
<i>Revised Deck</i>	23 feet	11 feet

Analysis

To grant the requested Variance, the Board of Adjustment must find that all five criteria in Land Management Code § 15-10-8(C) are met. The Applicant bears the burden of proving that all five criteria 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-](#)

² LMC [§ 15-10-8](#)

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

(I) The Applicant seeks a Variance from Land Management Code § 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.

The five criteria in LMC [§ 15-10-8\(C\)\(1\)](#) are outlined below, with the Applicant's response in *italics*. Additional proposed Findings are in the draft Final Action Letter reflecting the Board's prior discussions. Please also see Exhibit C for the Applicant's full analysis and narrative.

(1) Literal enforcement of the Land Management Code would cause unreasonable hardship for the Applicant that is unnecessary to carry out the general purpose of the Land Management Code.

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 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 purposes of the Park City Land Management Code.”

³ LMC [§ 15-10-8\(D\)\(1\)](#)

⁴ LMC [§ 15-10-8\(D\)\(2\)](#)

(2) There are 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, thus 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”

(3) Granting the Variance is essential to the enjoyment of a substantial Property right possessed by other Properties 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.”

(4) The Variance would not substantially affect the General Plan and would not 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.”

(5) The spirit of the Land Management Code would be observed by granting the Variance, and 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.”

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 March 18, 2026. Staff mailed courtesy notice to property owners within 300 feet on March 16, 2026. The *Park Record* published courtesy notice on March 14, 2026.⁵

Alternatives

The Board of Adjustment may:

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

Exhibits

- A: Draft Final Action Letter
- B: Encroachment Agreement
- C: Applicant Narrative
- D: Proposed Site Plan

⁵ LMC [§ 15-1-21](#)



Planning Department

March 31, 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: APPROVED

Date of Final Action: March 31, 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 March 31, 2026, the Board of Adjustment approved the Variance according to the following findings of fact and conclusions of law:

Findings of Fact

1. 416 Ontario Avenue is a non-Historic Single-Family Dwelling (SFD) in the Historic Residential – 1 (HR-1) Zoning District.
2. A former Non-Complying Deck that did not meet HR-1 Front Setback requirements, encroached into Ontario Avenue, and violated Historic District regulations for Decks within front yards, was removed.
3. The former Non-Complying Deck was framed to surround two mature trees; the mature trees have since been removed.
4. Pursuant to Land Management Code (LMC) § 15-9-6, a Non-Complying Structure may be repaired so long as it does not create any new non-compliance.



Planning Department

5. When the previously existing Non-Complying Deck was removed, it lost its Non-Complying status and new construction is required to comply with the requirements of the LMC.
6. The Applicant requests a Variance from the requirements of the LMC to complete construction of a new Deck.
7. LMC § 15-13-8(B)(2)(7) outlines regulations for Decks in the Historic Districts:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. The Applicant proposes to reduce the size of the newly constructed Deck to 23 feet in width and 11 feet in depth.
8. The Applicant 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 SFD in the Historic District.
9. Literal enforcement of the LMC would add unreasonable hardship from the fact that the new Deck would 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 LMC 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;
 - c. Preservation of rights to the current deck will improve both the safety and welfare 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 purposes of the Park City Land Management Code.



Planning Department

10. Special circumstances attached to the property include the age of the deck, which precedes the current Land Use Ordinance. The original deck was constructed before the current Land Use Ordinance was adopted and it 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.
11. 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.
12. The General Plan states, "While 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 the 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 in the renovation of the property to keep its historical appearance and charm.
13. Characteristics of the parcel make adhering to current zoning ordinances impossible considering the vast array of setback exceptions that are not, and cannot, be met. The home was constructed before modern zoning restrictions and thus the zoning ordinance cannot be observed as intended. The homeowners intend to observe the spirit of the 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



Planning Department

integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.”

Conclusions of Law

1. The Applicant met their burden of establishing that the five criteria in LMC § 15-10-8(C) have been met.
2. The Board of Adjustment finds:
 - a. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC.
 - 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 Properties in the same zone.
 - d. The Variance would not substantially affect the General Plan and would not be contrary to the public interest.
 - e. The spirit of the Land Management Code would be observed by granting the Variance, and substantial justice done.

Conditions of Approval

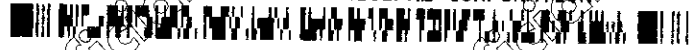
1. The Variance is limited to the outlined request, and the Deck shall not exceed 23 feet in width or 11 feet in depth. No other modifications are proposed or approved.

This Final Action may be appealed pursuant to LMC [§ 15-10-12](#). If you have questions or concerns regarding this Final Action Letter, please call 435-640-8683 or email meredith.covey@parkcity.gov.

Sincerely,

Ruth Gezelius, Board of Adjustment Chair Pro Tem

CC: Meredith Covey, Planner II



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 LLC (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).

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

<u>PC-479</u>	<u>1</u>	<u>PARK CITY SUMMIT</u>
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 1/2 "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.

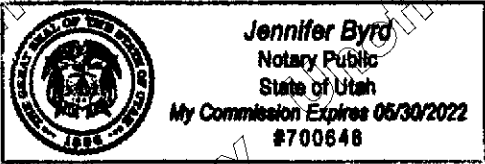
PARK CITY MUNICIPAL CORPORATION

DATED this 14th day of May, 20 19

[Signature]
Engineer

STATE OF UTAH)
)
COUNTY OF SUMMIT)

On the 14th day of May, 20 19, 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

PROPERTY OWNER

[Signature]
*Owner's Signature

Stephen Fraden
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)
)
COUNTY OF SUMMIT)

On the 08 day of March, 20 19, _____ 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.

Vee Ch 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)

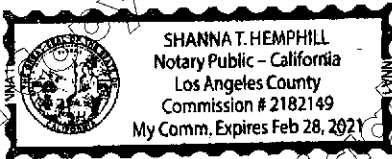
On March 08, 2019 before me, Shanna T. Hemphill, Notary Public
Date Here Insert Name and Title of the Officer

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.



Place Notary Seal Above

Signature [Signature]
Signature of Notary Public

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

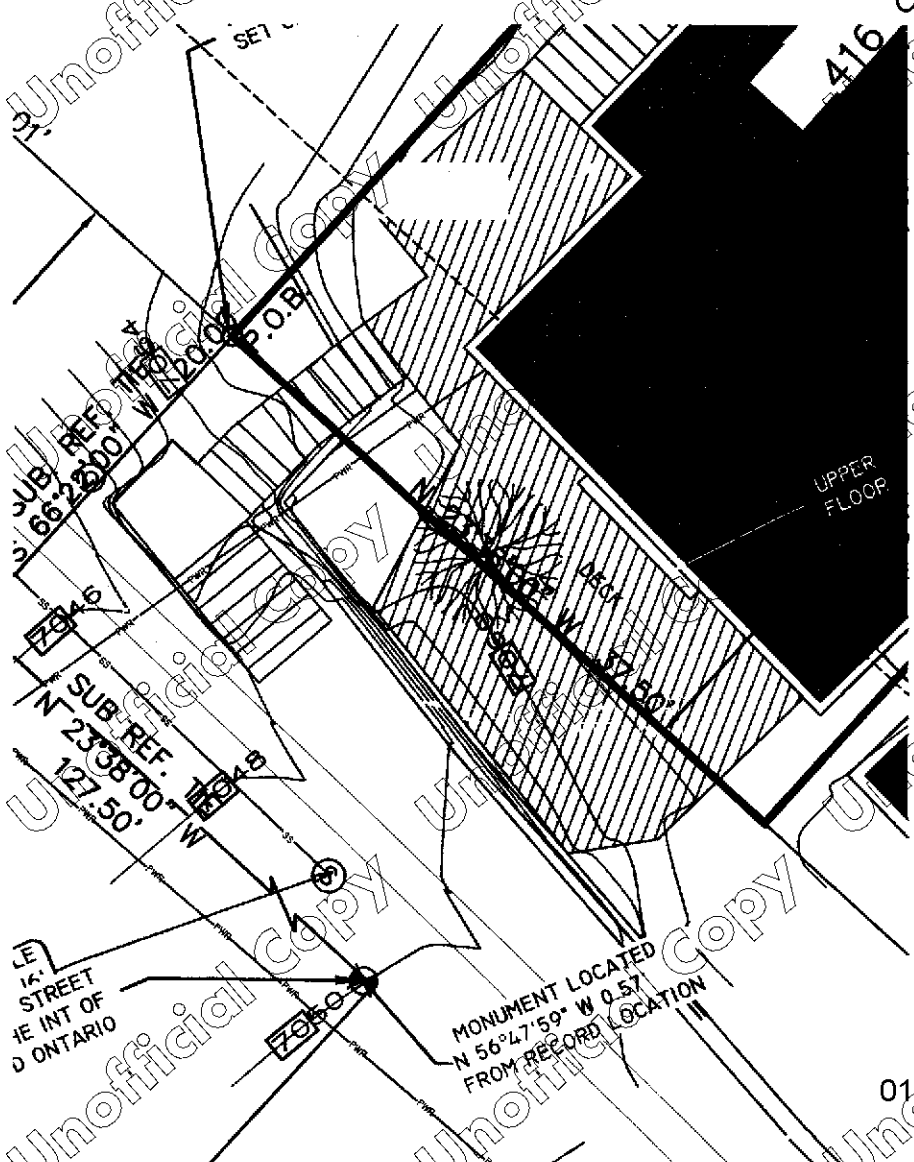
Title or Type of Document: PLAT Amendment
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

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

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

Encroachment Permit
Ontario 646 & 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 LOS ANGELES CA BLVD #1 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:

Rafael Baez

416 Ontario Ave

November 10, 2025

Dave Thacker
Chief Building Official/Fire Code Official
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060

Variance Request for 416 Ontario Avenue Deck Project

Introduction

In response to the work stoppage notice issued for the property located at 416 Ontario Avenue, the owner would like to seek a variance due to the unique circumstances of the existing property. This work stoppage was issued in response to the alleged violation of a conditional use approval and a request for variance was recommended by the Park City Planning Department.

An easement was granted due to the deck encroaching on city property when it was constructed. The current owners purchased the property knowing the deck needed extensive repair to remain safe and usable. The house was also purchased with the intention of preserving the historic facade and character.

Background of Permit Timeline and Hardship

Consultation of two arborists deemed that two decaying and hazardous trees growing through the deck needed urgent removal due to the immediate danger of falling onto the roadway, especially after potential snowfall. For tree removal to take place the decking material needed to be removed. On January 22, 2025, a permit for tree removal was applied for and approved.

On January 24, 2025, the Park City Building Department issued a demolition permit authorizing removal of the existing deck. The demolition was completed, inspected, and approved on February 27, 2025, and a Certificate of Completion was issued. Upon removal of the decking material, the contractor noticed the trees were used as structural support for the deck as well as extensive rot to the railroad ties; additionally the supports were resting directly on dirt.

On or around May 21, 2025, the Historic District Waiver Letter and the Building Permit were issued for construction of the new deck. The engineer-stamped plans showed a new deck within the existing setback. The City reviewed and approved said plans.

The demolition permit and construction permit showed removal of the old deck and subsequent construction of a new deck within the existing setback. The issuance of both permits led the owner and contractor to believe the work performed to date was in compliance with City regulations.

Reasons for Variance

The homeowner is requesting for variance for the following reasons:

1. 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 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 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 purposes of Park City Land Management Code.

2. Special circumstances attached to the property include the age of the deck, thus 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.
3. 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.

4. 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.

5. 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]reseve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations;”

Proposed Design Modifications

Owner and contractor propose cladding the front of the newly built deck with existing railroad ties, add native landscaping in front of the deck to create additional screening, and install railings that meet historic preference.

OTTO Resort Group and the owners remain committed to resolving the matter constructively, ensuring both safety and historic integrity at 416 Ontario Avenue.

Sincerely yours,

Rafael Baez

