PARK CITY MUNICIPAL CORPORATION BOARD OF ADJUSTMENT 445 MARSAC AVENUE CITY HALL COUNCIL CHAMBERS February 21, 2017



AGENDA

| MEETING CALLED TO ORDER - 5:00 PM | | |
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| ROLL CALL ADOPTION OF MINUTES OF October 18, 2016 ADOPTION OF MINUTES OF January 17, 2017 PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda | | |
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| STAFF AND BOARD COMMUNICATIONS/DISCLOSURES | | |
| REGULAR AGENDA – Discussion, possible public hearing, and possible action as outl | ined below | |
| 227 Main Street (Star Hotel)—Appeal of Historic Preservation Board's | PL-16-03330 | 37 |
| Determination that the structure should be designated as "Significant" on the | Planner | |
| City's Historic Sites Inventory (HSI). | Grahn | |
| Quasi-Judicial hearing | | |
| 352 Woodside Avenue – Variance request for an increase in the exterior height | PL-16-03388 | 59 |

352 Woodside Avenue – Variance request for an increase in the exterior height for a majority of the upper level, and for additional height for the interior of the house. PL-16-03 Planner Hawley

Public hearing and possible action

ADJOURN

A majority of Board of Adjustment members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICPAL CORPORATION BOARD OF ADJUSTMENT MINUTES OF OCTOBER 18, 2016

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi, Jennifer Franklin, David Robinson, Mary Wintzer

EX OFFICIO: Planning Director Bruce Erickson, Anya Grahn, Planner; Polly Samuels McLean, Louis Rodriguez

ROLL CALL

Chair Gezelius called the meeting to order at 5:01 p.m. and noted that the Board did have a quorum.

ADOPTION OF MINUTES OF JUNE 22, 2016.

Board Member Franklin noted that the minutes had auto corrected Mary Wintzer's name to reflect Mary **Winter** and it needed to be changed to **Wintzer**.

MOTION: Board Member Hans Fuegi moved to APPROVE the minutes of June 22, 2016 as amended. Board Member David Robinson seconded the motion.

VOTE: The motion passed. Jennifer Franklin abstained from the vote since she was absent from the June 22nd meeting.

PUBLIC COMMUNICATIONS There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES There were no reports or comments.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

<u>638 Park Avenue – Appeal of Staff's Approval of a Historic District</u> <u>Design Review for the Historic Kimball Garage.</u> (Application PL-16-03106)

Planner Anya Grahn apologized for forgetting to include the action letter for the Historic District Design Review approval in the Staff report. She had it available this evening if the Board needed it.

Planner Grahn reported on public comment she had received earlier that day from Sanford Melville. She provided copies of his letter to the Board.

Planner Grahn explained why the Board of Adjustment was reviewing an appeal of the Staff determination on Design Guideline compliance since that is typically heard by the Historic Preservation Board. She reminded the Board that in December 2015 the LMC was amended to give the Historic Preservation Board more responsibilities regarding material deconstructions. When that change was made, the Board of Adjustment became the appeal body so there were no conflicts of interest. Therefore, the Board of Adjustment was the first body to appeal this application.

Planner Grahn stated that the BOA was reviewing this de Novo. She thought the Staff report was descriptive regarding the overall development of the site. However, she reminded everyone that the building was built in 1929 as the Kimball garage. It was built during Park City's mature mining era, which lasted from 1894 to 1930. The Staff report outlined the changes that have occurred as the site was developed between a gas station and into the Kimball Art Center. The site is listed as Contributory on the 1979 National Register Nomination for the Park City Main Street Historic District. The site is also listed as a Landmark on the Historic Sites Inventory, which is the highest historic designation. Landmark means the structure is National Register eligible because it retains such a high level of historic integrity.

The Staff found that the proposal complied with the LMC and Design Guidelines on June 20th, and it was appealed by the Park City Museum on June 30th. Planner Grahn stated that the Appellant primarily based their objections to the project based on the Secretary of the Interior Standards. She pointed out that the standards are set by the Federal Government and the National Park Service. The Standards are a series of concepts about maintaining, repairing, and replacing historic materials. However, the Staff does not enforce the Secretary of the Interior Standards. The Design Guidelines are Park City's interpretation of those standards; particularly the Universal Guidelines. The Design Guidelines were approved by the City Council in 2009.

The Staff found that the Appellant had four major objections to the proposal. The first is the loss of one of the barrel vaulted roof forms. Planner Grahn presented a photo showing how the Kimball garage looks now. The Staff found that overall the character defining features of the site were the horizontality of the architecture. When this building was constructed in 1929 they did not have the engineering and structural abilities of today. To have a flat roof would have been impossible to construction, which is why they designed the barrel vaults. Planner Grahn noted that the barrel vaults were designed with a flat bottom edge, which helps them to hide and disappear behind the parapet, which is another character defining features of the site. Planner Grahn stated that other character defining features that the Staff thought related to the horizontality were the long horizontal bays that are divided by vertical columns, the coping above the cornice line, and other features outlined in the Staff report. The Staff found that the rooftop deck as proposed would remove one of the barrel vaults, but because the barrels were

designed to be hidden and were meant to disappear behind the parapet, the Staff felt the addition was appropriate. The Staff also determined that the cantilever in the deck was inappropriate because it would have more of an impact on the historic character of the building and detract from the historic building.

Planner Grahn reported that the Appellant was also objecting to an addition of a new door along Heber Avenue in this location. The Staff found that there most likely was a door in that central bay that accessed commercial space on the interior of the garage. Planner Grahn believed the door was removed in 1976 as part of the Kimball Arts Center renovation.

Planner Grahn stated that the Appellant was also concerned about the Staff allowing the applicant to maintain the glass addition beneath the overhand. This area was originally the pull-up area into the fueling station. She noted that the original walls of the Kimball garage were taken out at some point and the glass addition was put in in 1976. The Staff found that the glass addition itself was not incompatible to the design of the gas station. Planner Grahn remarked that it was largely designed to be transparent, which reflected how open the fueling pump area would have been historically. It was also designed to be behind the wall of the Heber Avenue façade, which helps that overhang cast a shadow and allow it to disappear.

Planner Grahn stated that the Appellant objected to the removal of the steel windows. She pointed out that there are historic windows on this building. One is located on Park Avenue and the remaining are located on the rear addition on the north side of the building. Planner Grahn explained that the Guidelines permit the replacement of windows when the historic windows cannot be made safe and serviceable through repair. Replacement windows must always match exactly the historic windows in size, dimension, glazing pattern, depth, profile and material.

Based on discussions with the applicant and the information he provided, the Staff concluded that the windows were in poor condition and were likely beyond repair. The Staff also allowed the applicant to install one new window on the Park Avenue façade. That area, which was a pull-in to the fueling station, was filled in in 1976 as part of the Kimball Art Center renovations. The area on the other side of the wall is interior space. It is currently covered with corrugated metal and the applicant was proposing to add glass. The Staff felt this was appropriate because it lends itself to transparency beneath the original fueling pump station.

Planner Grahn stated that the Museum would have the opportunity to give a presentation this evening. Tony Tyler and Craig Elliott, representing the applicant, were also prepared to give a presentation.

Sandra Morrison, representing the Park City Historical Society and Museum, stated that the historic Kimball Garage was one of Park City's most prominent and cherished historic buildings. Rehabilitation and the adaptive reuse of this iconic structure needs to demonstrate the best practices of historic preservation, and meet the community's desire to preserve the built environment and to honor Park City's unique history. Ms. Morrison noted that the City Council adopted the Historic Sites Inventory in 2009 to address these concerns. Landmark sites were identified on the Inventory and those sites would be protected by the strictest regulations and not suffer from decisions that are arbitrary or based on personal taste. She pointed out that the Kimball Garage is a Landmark site.

Ms. Morrison stated that the Historic Society actively attempted to participate in the Historic District Design Review process for the Kimball Garage renovation project. They attended the public hearing on February 27th, and submitted written comments during the public hearing on June 7th. Ms. Morrison felt it was important to note that this application has never gone before the Historic Preservation Board.

Ms. Morrison remarked that the Historical Society was notified of the Staff's action approving the project, but they were never given details for the basis of approval. They were informed by Staff that they would have to submit a GRAMA request for that information. Ms. Morrison apologized for a handwritten appeal, and explained that it was hastily written because they were unsure of what had exactly been approved. Their detailed statement was included in the Staff report. Ms. Morrison noted that some of the information in the detailed statement was different from what Planner Grahn represented in her presentation.

Mr. Morrison stated that the approval process occurred behind the scenes, and she appreciated this opportunity to address their concerns. Ms. Morrison thought the biggest issue was that part of the approval ignored the Historic District Design Guidelines and the LMC. The concern is whether that might have started a slippery slope in terms of what could happen in the future.

Ms. Morrison referred to page 66 of the Staff report which contained pages of the Park City Design Guidelines for historic districts and historic sites. She believed there was a tendency in Park City to think that they were nothing more than guidelines and did not need to be followed exactly. Ms. Morrison remarked that it was an untrue perception because the guidelines are part of the LMC and they are mandatory. She read from LMC Section 15-11-11, "The Design Guidelines are incorporated into this Code by reference". Ms. Morrison read from the Design Guidelines, "Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provisions apply".

Ms. Morrison outlined their concerns. The first was the improper removal of half of the roof. She presented a photo from the historic sites inventory showing the two barrel roofs. She noted that page 30 of the Guidelines calls for maintaining the original roof form. She pointed out that the barrel roofs were the original roof form on the Kimball Garage. Ms. Morrison believed the Staff had erred in allowing the demolition of half the roof. She referred to the Staff report and comments by Planner Grahn indicating that the barrel roof was not a character defining feature. Ms. Morrison noted that the Design Guidelines do not talk about "character defining features". It is not listed in the glossary and the term is not defined. She felt that discussing character defining features at this point was a red herring. Ms. Morrison referred to Planner Grahn's comment that the roof was not intended to be seen when it was built; and noted that the Code does not address that issue either. It only says to maintain the original roof form.

Ms. Morrison remarked that the barrel roofs are also features of the building. She referred to the Universal Guideline #3 on page 28 of the Design Guidelines, which states, "Historic exterior features of the building should be retained and preserved". Ms. Morrison pointed out that the roof was obviously a historic exterior feature, and demolishing one of the two barrel roofs was not retaining the historic feature. She stated that if the ignore the Code now and determine that the roof is not important and half of it could be demolished, she questioned how they could stop demolition of the other half in the future.

Ms. Morrison stated that the next concern was removal rather than restoration of the historic windows. She referred to page 32 of the Historic District Design Guidelines for windows, and read from Guideline B.5.2, "Replacement windows should be allowed only if the historic windows cannot be made safe and serviceable through repair. She presented a slide Silver Star where the windows were damaged and the developer replaced the panes and retained the historic windows.

Ms. Morrison noted that in the Findings of Fact, the Staff did not offer any explanation as to why the historic windows would be replaced. She also noticed that the Code does not identify who should determine that the historic windows are beyond repair. Ms. Morrison thought that an impartial party with expertise in that field should make that decision.

Ms. Morrison noted that the applicant has argued the word serviceable. She looked up the word in the Merriam Webster Dictionary and "serviceable" means "ready to use, or be able to be used". She did not believe they needed to argue that serviceable was something more complex. On the issue of single-pane, Ms. Morrison stated that a lot of single-pane windows have been preserved in Park City, one being the Museum building. She had Googled repairing historic windows and she had 8,000 hits. The National Trust talks about repairing historic windows being more economically and environmentally friendly. It noted that amount of windows that are destroyed every year and the amount of debris it generates. Ms. Morrison remarked that preserving historic windows is a greener approach than installing a new window; and historic preservation is part of the solution for reducing the carbon footprint, which is another important goal for Park City. Ms. Morrison presented slides of other historic buildings where the historic windows were preserved.

Ms. Morrison stated that the next concern was the demolition of the historic windows openings to accommodate new doors. She presented a photo of the north façade of the Kimball Garage, and noted that the Staff had approved altering two of the historic window openings to accommodate doors. Ms. Morrison reads from page 31 of the Design Guidelines, B.2.1, "The primary and secondary facade components, such as the window door configures, should be maintained". She noted that Finding of Fact #25(g) states that the facade components such as the window/door configurations will be maintained. Ms. Morrison believed that was inaccurate because the applicant has proposed substituting two of the windows and that the openings will be enlarged to accommodate new doors. Ms. Morrison read from page 32 of the Design Guidelines, B.5.1, "Maintain historic window openings and window surrounds"; and B.5.2, "Replacement windows should exactly match the historic window in size, dimension, glazing, pattern, etc." Ms. Morrison pointed out that Finding of Fact 25(j), stating that the applicant will maintain the historic window and window surrounds was also inaccurate because the window surrounds would be cut to accommodate the two new doors. Ms. Morrison noted that the applicant had agreed that these were historic windows.

Ms. Morrison stated that the next concern was the replication of the non-historic front façade. She presented a photo of the glass lobby. She remarked that the glass entry extends into the two open bays and it is not historic. She showed a picture from 1949. Ms. Morrison stated that the Universal Design Guideline #6 on page 29 of the Design Guidelines states, "Features that do not contribute to the significance of the site or the building and exist prior to the adoption of these guidelines, such as incompatible windows, etc., may be maintained. However, if it is proposed that they be changed, so features must be brought into compliance with these guidelines". Ms. Morrison explained that the proposal is to have a new double door entering from the front façade off Heber Avenue. She thought the Findings of Fact erred once again because the non-historic addition is being changed. Per the guidelines, it should come into compliance.

Ms. Morrison commented on the replication of the non-historic Park Avenue façade. She referred to the image shown on page 44 of the Staff report, and language indicating that only one bay was open in 1944. However, a blown up version of the 1944 photo shows two open bays from Park Avenue. Another photo showed the Kimball Arts Center with the 1976 remodel. Ms. Morrison believed the bay was most likely filled in in 1976. She noted that the Guidelines state that features that do not contribute to the significance of the building and exist prior to the adoption may be maintained, but if it is proposed to be changed, those features should be brought into compliance with the guidelines. Ms. Morrison stated that Finding of Fact #24(g) was in error because it was allowing a substitution. She presented a slide of the façade, which said "remove and

replace and match existing with typical". Ms. Morrison remarked that if the applicant wanted to remove and replace, the Guidelines need to be applied, and the Guidelines say to bring it into compliance. She read from Universal Guideline #7 on page 29 of the Design Guidelines, "Owner are discouraged from introducing architectural elements or details that visually modify or alter the original building design when there is no evidence that such elements or details exist." Ms. Morrison stated that the documentary evidence is that there was no window and it was an open bay.

Ms. Morrison emphasized that the community relies heavily on the Land Management Code and the Design Guidelines to protect the historic sites for future generations; and every small concession or inconsistent approval is compounded over time. Ms. Morrison stated that remarkably the historic structures have survived from the mining era, and through their stewardship and precaution, they could survive for many more years to come.

Ms. Morrison requested that the Board of Adjustment rescind the approval for the Historic District Design Review, and to direct the Staff to draft new Findings of Fact that are consistent with the Design Guidelines, including no demolition of the historic double-barrel roof form; repair, not replacement of the historic windows; no demolition of the historic window openings to accommodate new doors; removal, not replacement, of the non-historic glass entry on Heber Avenue; removal, not replacement, of the non-historic corrugated iron Park Avenue; and the re-establishment of the historic open bays on Heber and Park Avenues.

Craig Elliott, representing the applicant, stated that he has been working on this project with the Staff and the owners for nearly two years. They have had great dialogue on the project. Mr. Elliott addressed a few comments before discussing the actual project. He noted that they did not go before the HPB because the project was initially filed before that requirement was in place. Mr. Elliott clarified that the applicant has followed the proper process and all of the rules and regulations, and they are working diligently with Staff to protect the historic nature of Park City.

Mr. Elliott stated that the Kimball Garage is an interesting building and the building itself is unique. The ownership of the building understands and respects that; however, it is different than any other structure in the Historic District because it is an industrial building. Its original use was a gas station, a service bay, and associated retail. Mr. Elliott explained that as they looked at the project they looked at how it engages with the Historic District today, and how it brings value and protects the building over the next generation. He emphasized that the new ownership was interested in being good stewards of this building.

Mr. Elliott thought it was important to understand how they addressed this project and how the Historic District Guidelines apply. When starting a project there has

to be an understanding of which approach to take with the Historic District Design Guidelines. He noted that four different approaches are available. Mr. Elliott stated that they chose to move forward with the rehabilitation project, which also encourages preservation. He summarized that the approach they took basically says that if the intent is to stabilize a building or structure, retain most or all of its historic fabric, and to keep it looking as it currently does now; preservation is the first treatment to consider and it emphasizes conservation, maintenance and repair. Mr. Elliott noted that the owners were looking to do all of those things to protect it. He pointed out that they also took a rehabilitation approach because the project is an adaptive reuse. If they were to use the more restrictive restoration and move it back into the use of a garage for car maintenance or automotive retail, they would probably look at a restoration of the building. However, that use is not their intention, nor is it the requirements of the Design Guidelines. Mr. Elliott reiterated that the owners chose to move forward with preservation and rehabilitation. Rehabilitation says that if a building is to be updated for its current or a new use, it will be rehabilitated. The second treatment also emphasizes retention and repair of historic materials, although replacement is allowed because it is assumed that the condition of existing materials is poor. Mr. Elliott noted that this was the framework within which they applied the Historic District Design Guidelines. He believed it was the appropriate approach based on the uses, the historic use, and the existing condition of the Historic District.

Mr. Elliott presented a slide showing the plaque on the building that was awarded in 2000. He noted that the new ownership is proud of the building and they want to maintain it because it adds value to the City and to the building owners.

Mr. Elliott commented on the roof analysis. One of the issues raised by the Appellant was the barrel vaults. He explained that they are referred to as barrel vaults but they are actually bow string trusses that have a burrito shaped roof because it falls away and down to the parapets, which were intended to raise up and hit the roofs. Mr. Elliott stated that there were no examples in the Design Guidelines about analyzing existing building roofs, but there are examples of how to look at additions and how it impacts the existing building. He explained how they looked at it from across the street on the sidewalk and took a view line to see what was visible, what it impacts and how to approach it. Mr. Elliott had taken photos from all the corners on neighboring properties. He reviewed slides to show what was or was not visible from various points.

Mr. Elliott noted that the Appellant had responded about historic preservation based on the Secretary of the Interior Standards on Historic Preservation. He stated that he has been working on historic preservation projects since early in his career. He commented on renovation and rehabilitation projects he had done in New York City in the 1980's and 1990's. All of those projects looked at replacing windows that were unserviceable. He understood that there were preservation briefs on how to approach that. Mr. Elliott stated that this project falls under two different preservation briefs. They are guidelines that help to analyze and understand things are not specifically addressed in the Code. He noted that a preservation brief for roofing for historic buildings, which talks about the significance of the roof and historic roofing materials. He explained that the significance of the roof is its prominence and whether the form was there and designed to create a visual impact on the exterior appearance of the building. Based on his look at the building, he did not believe that was the case. From the streetscape on all sides it was not intended to be an important element. Mr. Elliott remarked that the second part of the preservation brief is based on materials. He stated that the materials on this roof has never been a material that would be expected to add character to a building. It is currently a built-up roof, and it may have had rolled out asphalt roofing before. However, it is not a material such as wood, clay, slate or other materials that have a decorate element that would add character. After applying the standards, they determined that that was not the intent of the design of the building.

Mr. Elliott stated that the second part of the preservation briefs talks about the reuse of historic gas stations. This particular building falls under the category of a multiple use station because it provided gasoline and additional services. Mr. Elliott noted that a section in the historic preservation brief talks about roofs on historic gas stations. It reads, "While some gas stations were defined in part by historicized roofs, other were characterized by the absence of a pitched roof. Flat roofs or very low sloped roofs concealed behind parapets were common on both articulated contemporary design, such as glass-sheathed Streamline, Moderne, and International Style gas stations, as well as basic utilitarian boxes". Mr. Elliott believed the Kimball garage falls underneath the Moderne and the basic utilitarian box as a building, which was characteristic of multiple use gas station buildings built in that era. Mr. Elliott remarked that the preservation brief talks about it not being an important character defining element. Their approach was to try and understand the expectations.

Mr. Elliott commented on the window analysis and what the existing historic windows entail and what they are made of. He presented a slide showing the windows currently in place, and the detail of the condition of the windows. In looking at the individual performance of the windows and the glazing, Mr. Elliott noted that the windows were industrial windows designed to keep out the wind and the rain, and to provide a lot of light and some ventilation. Mr. Elliott stated that the reality is that windows were upgraded over the years, but their serviceability is very minimal. Mr. Elliott presented examples of other buildings in Park City to show how these types of windows can be replaced. He noted that the owners were proposing a higher standard of care by using a steel window with a thermal break, which more closely matches the windows at the gas station than what occurred at the Library and the Marsac Building in terms of matching the original windows.

Mr. Elliott stated that in his report he had provided an analysis as to why the existing windows were not serviceable. He explained the attributes of using a proposed steel window with a thermal break. Mr. Elliott believed that installing these windows into the building would maintain its historic compatibility and protect the building because it will be a viable and usable structure.

Mr. Elliott had done a model to show what the deck would look like it if was added on top. He noted that the eye line was raised to 8-1/2 feet in order to see the barrel vaults. Another slide showed it from 13 feet off the ground so more of the barrel vault was visible. Mr. Elliott clarified that they had no interest in doing that, but they were asked to show what it would look like. He explained that what they were proposing would not be seen from the street.

Mr. Elliott presented a slide showing the existing windows on the corner. He noted that those windows were installed 40 years ago and most people understand the building from its historic use as the Kimball Arts Center. Mr. Elliott stated that those spaces have been used as an addition and in place for four decades. Nothing in the Historic District Design Guidelines require removing the additions. It talks about ways to approach it and what may be done. Mr. Elliott reiterated that the Guidelines focus more on wood frame small house structures versus industrial buildings.

Mr. Elliott stated that they tried to maintain the existing condition of the additions and use that space; and also upgrade the window system to be more compatible with the existing window systems. Mr. Elliott presented photos showing the glazing on the glass panels in the bay. They believe that bringing those windows up to current standards and matching those with the profiles of the historic windows, it becomes less noticeable and more background to the existing building without harming the historic structure. Another slide showed the door on Heber Avenue. Mr. Elliott anticipated a discussing regarding that door. He was unaware that the Appellant was also concerned about the windows on the back.

Mr. Elliott stated that the building was designed as a street front building; therefore, the two street fronts have finished brick. The two other sides were intended to be sidewalls to what he believed were other buildings that were expected to be built on the street front in those areas.

Mr. Elliott stated that in looking at the overall building, the historic significance of the building, and the two primary uses over time, he thought it was comfortable to leave the existing windows in place. It was not required to be removed, but it has been allowed and encouraged in certain instances. He believed their proposed was consistent with the Guidelines and consistent with representing the Historic District buildings. He pointed to other historic buildings that have seen significant changes and additions that affect both the roof, as well as other additions that are more contemporary, but they were still compatible. It is what keeps the City alive and keeps the activity going. Mr. Elliott thought the purpose of the Design Guidelines was to protect the history of the buildings; and as they move forward in time and the uses adapt, create ways that protect the historic integrity.

Tony Tyler with Columbus Pacific, the building owners, stated that they were presented with a very unique opportunity on this very spectacular piece of property and spectacular building. Mr. Tyler stated that he was a history major in college and even though he is a developer, he is personally passionate about historic buildings and the Historic Main Street District. Mr. Tyler felt their proposal includes things that would permanently preserve some characteristics of the building that are critical to the reflection of the building as it was built and designed, but also looking to the future and how the building can be utilized.

Mr. Tyler stated that they have worked closely with Anya Grahn and Bruce Erickson. The process was extensive and very well thought out. He remarked that the overall goal was to rehabilitate an existing historic building with an addition that creates a link between upper and lower Main Street that has never existed in a functional way. If done right it can provide something that will become a new keystone for the City by preserving the existing building and adapting it to a new use. They would also be providing additional new space immediately adjacent to it.

Mr. Tyler stated that in terms of the barrel roof form, once a building is rehabbed more than 50%, it is required to be brought up to Seismic Code. He pointed out that the existing building currently does not meet Seismic Code. Mr. Tyler pointed out that even if they wanted to leave the barrel roof trusses as they were originally designed, it would not meet Code. He noted that in working with the City, they elected to move the barrels from the east vault to the west vault and double the trusses to retain as much of the historic character as possible and still meet Seismic Code. They had the opportunity to remove both barrels of the bow string truss, but they did not believe it was the right thing to do. Mr. Tyler emphasized the importance of retaining the historic character of the building.

Mr. Tyler thought the windows were a different issue. He wanted it clear that the only original windows were on the back of the building. The windows are not serviceable and do not meet energy code requirements. As a developer, they were trying to be as prudent as possible to provide for Sustainable Practices. They were proposing to put solar panels on the top of the roof, as well as other things to promote green building design and energy efficiency. Looking the historic windows in place would completely obliterate the possibility of the building being weather tight.

Mr. Tyler stated that Craig Elliott is an expert in all forms and facets of historic renovation, which is why they hired him. He was confident that Mr. Elliott's expertise in dealing with historic structures was very high. Mr. Tyler remarked that the goal is to create a new piece of history with the addition and to preserve a significant piece of the City's past.

Chair Gezelius opened the public hearing.

Jim Tedford, representing the group Preserve Historic Main Street, stated that the group has been involved with this project for nearly four years. He noted that the current rendition was a definite improvement over the 80' log tower that was proposed three or four years ago. However, Mr. Tedford believed some things were in direct conflict with the Historic District Design Guidelines. One is that Finding of Fact #24 states that "The proposal complies with the Universal Design Guidelines for Historic Sites. The Universal Design Guideline states, "The Historic exterior features of a building should be retained and preserved". Mr. Tedford noted that this was obviously an historic exterior feature which can be clearly seen in some of the photos that were shown. He understood that the visibility depends on the angle the photo was taken from. He walked by it this evening and the barrel vaults could definitely be seen. Mr. Tedford stated that according to the proposal, the eastern barrel vault, which is a historic exterior features, would not be retained and preserved. Mr. Tedford read from Finding #24(d), "The proposal complies with Universal Guideline #4, in that the distinctive materials, components, finishes, and example of craftsmanship will be retained and preserved". He assumed the barrel vaults would be considered a component and they were not being preserved. Mr. Tedford noted that the Findings state that the proposal complies with Historic District Design Guidelines b.1.1. roofs as conditioned. "The Planning Department has determined that the original roof form consisting of two barrel vaults running north to south are not character defining features of the historic structure, and thus the applicant will only be required to maintain the western barrel vault". Mr. Tedford remarked that the actual wording in the specific Guideline B.1.1 states that you must maintain the original roof form as well as any functional and decorative elements. Mr. Tedford stated that a lot of words get used in reference to the Lan Management Code and the Historic District Design Guidelines that tend to be gray or ambiguous, such as compatible or subordinate. However, in his opinion, this was absolute black and white. The barrel vaults on the roof maintain the original roof form. It was stated by the Planning Department that the decision to save only one of the barrel vaults was a compromise. Since there is no mention of a compromise in the Historic District Design Guidelines, he believed both barrel vaults must be treated the same. The Guidelines must be strictly adhered to. and therefore, both barrel vaults must be retained and preserved.

Mike Sweeney referred to the photo of the Coalition building. The photo shows that it was Heber Avenue and Park Avenue, but there was no Main Street that went down through that location. It was a railroad yard where the ore left and the coal came for the mining industry. Mr. Sweeney stated that the historic nature they were talking about preserving was basically on the Heber side of this building. There was nothing there, it was just a vacant lot. His family used to own the Coalition building. Mr. Sweeney believed the Staff had taken a great approach in looking at how do this and make it work. Making it work means they will create an area where lower Main Street and upper Main Street meet and connect, and there will no longer be a lower Main or an Upper Main. It will just be Main Street, and that is a critical component part of making the street function as a district for commercialization in this particular area. Mr. Sweeney stated Sandra Morrison is a very bright person and he understands that she looks at things differently, but in this particular case, he thought it was important to look at the functionality of the building and how it will function in that location to make it better. He agreed that this was a much superior project than what they previously looked at for the Kimball Arts Center itself. Mr. Sweeney supported the Staff.

Ken Martz provided some history since he was Chair of the Historic Preservation Board when the Design Guidelines were developed. Mr. Martz recalled that the HPB spent most of the year developing those guidelines, and most of their time was spent on Main Street type properties, the different types of homes in the Park City area, and the Inventory. Mr. Martz noted that very little time was spent talking about industrial buildings such as the Kimball Garage and the Memorial Building. Mr. Martz referred to a letter in the Staff report from Kirk Huffaker talking about adaptable reuse. Mr. Elliott had also mentioned it. He remarked that the HPB had not talked at all about adaptable reuse. It was not developed in the Guidelines, but he believed there was more space for adaptable reuse, especially in the larger buildings that are more complex than a T-cottage or a Main Street building with one façade. Mr. Martz stated that he has owned historic property in Upper Park Avenue and there have been problems over the years with the Historic Sites Inventory. The biggest problem was that the Kimball Arts Center took a year and a half of time trying to develop something, and the potential of turning the property into a planned unit development which did not utilize the process of the Historic District Guidelines. A lot of time was lost in trying to format the use of that building and it left a bad taste for the process, particularly for the Preserve Historic Main Street group and the Historic Society. In his opinion, it was a process that should have never started because it was totally out of character to consider turning a Landmark structure into a planned unit development. The building has a new owner and Mr. Martz agreed that this proposal was a big improvement. Mr. Martz acknowledged that he was not a purist like Mr. Tedford and Sandra Morrison. He has been in Park City over 50 years and he remembers when it was a gas station. He has seen a lot of changes over the years, and while it is good to be purist, you still have to be flexible. Mr. Martz hoped the Museum, the owner, Mr. Elliott and the Planners could work together to make this the best project possible.

Chair Gezelius closed the public hearing.

Chair Gezelius noted that the Staff report outlined several actions that the Board could take. She requested that the Board members focus on the big picture and understand that there was an application before them that the Staff had carefully reviewed and supported in its current form. Chair Gezelius did not believe it was

necessary to go through each Finding; however, she wanted to discuss the major points of the appeal Ms. Morrison had presented, and then discuss the applicant's perspective. She prefaced their discussion with a comment by Mr. Martz, that if they get too caught up in the detail and do not look at the big picture, they will lose every historic building because they would never come a decision. She pointed out that Park City does not have earthquakes that knock building down, but they do have demolition by neglect. The intent is to prevent that with this application. The hope is to have this building be a viable functioning property in the heart of town. Chair Gezelius believed there was a way to do that and facilitate it without animosity or hard feelings.

Chair Gezelius called for Board comments regarding the roof.

Board Member Wintzer asked for clarification on the timeline for when some of the buildings Mr. Elliott had mentioned were renovated. The Egyptian and the High School were done prior to the 2009 Guidelines and she asked about City Hall. Chair Gezelius believed City Hall was renovated within the last ten years. Ms. Wintzer clarified that they did not have the Guidelines at that time.

Ken Martz noted that the building had gone through two renovations and the last one was when the windows were put in. Chair Gezelius agreed that the last renovation addressed utility considerations, seismic and fire safety. Heating and cooling with the old windows also had to be addressed in order for it to continue to be a functional office building. Ms. Wintzer pointed out that the High School was done before the 2009 Guidelines were in place, and that the old guidelines had much less detail.

Director Erickson reported that the restoration of the Park City Library was completed in 2013/2014. The last renovation of City Hall was done in 2009. Chair Gezelius remarked that the Guidelines have changed and they will be changed again. Ms. Wintzer asked if the Landmark status was affected due to the restoration and renovation of these buildings. Chair Gezelius replied that the Landmark status was maintained.

Sandra Morrison noted that the Landmark status was created after the original renovation of the High School and City Hall. Both buildings are Landmark structures.

Board Member Fuegi asked about the seismic issue with the barrel roof. He wanted to know if the roof could be reinforced and maintained in its original shape and still meet the Seismic Code.

Craig Elliott stated that they will reach the 50% threshold because the entire building was being renovated. For that reason, they have to bring the roof into compliance for snow loads, and they also have to bring the overall building into Seismic compliance. That will be done with concrete elements on the inside.

The steel ties currently visible on the outside of the parapet will be removed. Both are required in order to bring the building into compliance as they rehabilitate it. Mr. Elliott noted that they able to use the bow string trusses from the eastern side and double them with the existing ones to achieve the increased loads for twice the capacity. It was originally designed for half the capacity of what is now required.

Board Member Wintzer asked if the doubling up would be to take the east barrel and put it on the west. Tony Tyler explained that inside the building there are individual bow string trusses at certain spacing. They would take the ones from the east bay and move them over to the west bay and put them side by side with the original ones on the west bay. In moving those, those two would create enough bearing capacity for gravity load and the required seismic.

Chair Gezelius understood that if they were required to maintain the current roof shape, it would require what Mr. Elliott had said and a new roof on the other side. Mr. Elliott replied that it would require both of the roofs on the interiors to have new structure inside to help support the existing bow string structure. Wood joists will be renovated or replaced because many are rotten and they do not meet the span distances. Those would have to be replaced in either case. Mr. Elliott explained that as they bring the building into compliance, everything has to meet the code.

Board Member Wintzer thought the double barrel shaped roof was distinctive. She agreed with Mr. Tedford because she had also walked and driven from various points and it could be seen from a number of places. Ms. Wintzer stated that as she read the Staff report, it seemed that the logic for removing the east barrel shape was simply because of the deck. If the deck was not needed that unique feature could stay. Ms. Wintzer agreed with Mr. Tedford that the Guidelines do not give wording to talk about compromises on that issue. She thought the double barrel configuration was important, and it is significant for what the building is about. Ms. Wintzer also agreed with Mr. Martz about coming to a meeting of the minds because they were chipping away at some much of the historic district. As a community they need to make the decision on whether to take a stance that puts the owners in compromising positions, or, as Chair Gezelius had said, risk losing the buildings by neglect.

Chair Gezelius understood that Board Member Wintzer felt strongly about keeping the roof shape. Ms. Wintzer replied that she personally felt it was important.

Chair Gezelius found the deck to be the least compatible to the historic use of the building. She understood the need to get in and out due to fire, and adjusting windows and doors for safety, and the earthquake codes. However, she could not see the necessity of modifying this historic building for a roof deck. Chair

Gezelius believed that maintaining the roof shape was part of maintaining the façade.

Ms. Morrison pointed out that Universal Guideline #9 states, "New additions, exterior alterations, or related new construction should not destroy historic materials, features, or relationships that characterize the site or building".

Board Member Robinson could see a contradiction and he was struggling to consider both sides because of it. On one hand, if the roof is considered a character defining feature, it needs to stay. However, if it is not a character defining feature, then Guideline B.1.1 would apply, which says that the roof shape cannot be changed regardless of whether or not it is character defining. Mr. Robinson thought that would apply to a roof that was highly visible and not one that was intended to be non-existent; but they still have to follow the black and white Guidelines which says that the roof shape cannot be changed.

Ms. Morrison thought that would be a legal question since the Design Guidelines were part of the LMC. She read the language, "...incorporated into the Code by reference." Assistant City Attorney McLean stated that the BOA needed to interpret that Guideline the same as they would the LMC in terms of whether maintaining the original roof applies to areas that are non-visible. Ms. McLean pointed out that a question for the Board to determine was whether or not it is non-visible.

Craig Elliott commented on a section in the Design Guidelines, Supplemental Rehabilitation Guidelines, MSHS6, and read, "Rooftop additions may be allowed. They should generally not exceed one story and should be set back from the primary façade so they are not visible from the primary public right-of-way". Mr. Elliott pointed out that those were the things they looked at when they were determining what to do in the rehabilitation. He explained the process they had gone through to reach the project being proposed. They decided to consider a rooftop terrace as a common space because gathering spaces are being asked for throughout Old Town. After meeting with the Staff, they compromised on that element and kept the barrel roof on the corner of Heber and Park Avenue. Mr. Elliott stated that the ability to add to roofs is part of the Supplemental Rehabilitation Guidelines, and for the Main Street National Register Historic District.

Mr. Tyler noted that they went through the process of looking at whether or not they should build on top of the existing Kimball building. Even though it was more profitable, they decided not to do that for the same reasons they decided to maintain the barrel shape on the west side. The intent is to make the building look and feel similar to how it was originally constructed.

Board Member Franklin stated that based on their scope of decision-making this evening, she concurred with Sandra Morrison, the Appellant representing the

Historical Society Museum, regarding the double barrel roofs. It is a historic exterior feature of the building and it is worth keeping at it exists. Ms. Franklin appreciated Mr. Martz comment about the reuse of industrial historic buildings, and she believed the rooftop burrito was indicative of that industrial use of the Kimball garage as it was designed.

Board Member Fuegi asked if the terrace was visible at all from the Heber Avenue level. Mr. Elliott replied that generally it cannot be seen because it is pushed back, and there is a glass railing pushed back from the façade of the building. Mr. Fuegi asked what the applicant's intention was for the terrace. Mr. Elliott explained that the upper level of the addition on the corner of Main and Heber was designed to be an events facility on the second floor. When they first looked at the project they discussed whether to make it residential or another use; and they came back with the idea of supporting the Historic District with an event space on the upper level.

Mr. Tyler stated that from an economic perspective, the event space will not work without the terrace because it is not large enough to act as an event space that had practical use for everyone in the District. The only way to make it functional was to have additional outdoor space that could be utilized as part of the event space.

Board Member Fuegi was not bothered by the terrace as long as it could not be seen from Heber Avenue. However, he was concerned about the need for umbrellas to provide shade, or tents during the winter. At that point, it was questionable whether it would remain invisible on the Heber Avenue side. Mr. Elliott stated that people would be visible; and they had not discussed restrictions for use on the terrace. They were willing to have that discussion. Mr. Tyler agreed with Mr. Fuegi that some events may require umbrellas or tents. However, there would be a limited scope and no permanent impact. Mr. Fuegi did not favor tents or any similar feature for the majority of the year. Mr. Elliott clarified that there were no permanent features designed for that space.

Chair Gezelius asked for the square footage of the deck. Mr. Tyler estimated 2,000 square feet. He noted that it was pulled back from all of the ends to address the visibility issue. Chair Gezelius understood that it would only be accessed from the event space. Mr. Tyler replied that she was correct. Chair Gezelius assumed that Mr. Elliott had addressed snow and drainage issues.

Ms. Morrison address Mr. Fuegi's questions about the potential use of the deck. She noted that the Code on Main Street was recently changed to allow more permanent structures on new decks. She thought the Riverhorse was a great example of building a permanent structure on their deck every winter. She was unsure how this deck would be considered under the new Code, but tents would be acceptable.

Board Member Fuegi noted that restrictions could be put in place as part of an approval. In his opinion, neither the deck nor the roof were big issues. He went to look at the roof earlier that day and he could not see it from Heber Avenue. It could possibly be seen from higher up on Main Street, but he did not believe that would be a problem. His issue was where the majority of the public would see it, and it thought it was clear that it could not be seen from Heber Avenue, which is the most predominant view of the roof.

Chair Gezelius asked if there was agreement to keep at least one barrel? Board Member Wintzer was in agreement with Ms. Franklin that the double vaulted barrels are important for the historic. Chair Gezelius assumed that would eliminate the deck.

Board Member Franklin did not believe their purview was to decide on the deck or the design of the deck. She appreciated the deck and idea of having the deck for business practices. Her other job is to put on events all over the world. She contracts rooftop terraces everywhere and she like them. From a visual perspective, she thought the deck on top of the double barrel roof enhances the historic feature that she mentioned in her comments about looking at the industrial historical feature of this type of modern industrial buildings in Park City. She understood it raises the height, which is a separate issue, but she honors the rooftop terrace. Ms. Franklin clarified that she preferred the term "rooftop terrace" rather than "deck" because of the double barrel rooftop.

Assistant City Attorney McLean clarified that there were two items with the Appeal. One was for the double barrel roof and the other was for the deck. Item 1 of the appeal expressed concerns with the roof and Item 3 were concerns related to the deck. Ms. McLean pointed out that economic benefit is not part of the Board's purview. Whether or not a decision affects the applicant economically should not be considered.

Director Erickson suggested that the Board discuss whether the two bay bow string arch truss roof system is part of the historic character of the building in keeping with the Design Guidelines. Following that, they should determine whether the rooftop deck complies with the Historic District Design Guidelines, and whether or not the Staff erred in their determination. The next items for discussion should be the doors on the south façade, the windows on the west façade, and the doors on the north façade.

On the issue of whether the bow string arch two bay roof system is part of the historic character of this building consistent with the Design Guidelines, he understood that Board Members Wintzer and Franklin believed it was. Chair Gezelius stated that she thought it was part of the historic character.

Board Member Robinson thought the bow string structured roofs were not intended to be an architectural feature of the building, and that was evidence by

the way they were designed to disappear behind the parapets. He was not opposed to removing one of them in order to accommodate the upper deck. He was also comfortable with the deck because it was pushed back far enough not to be visible from Heber Avenue. He has also walked the area and he agreed with Mr. Fuegi that the most important fact was what the public could see from the street level.

Board Member Fuegi agreed with Mr. Robinson that the reason for the parapet was to hide the roof structure. He did not see it as being character defining for the general view of the public.

Chair Gezelius ask Mr. Fuegi if he was in favor of saving one of the barrel roofs and allowing the deck. Mr. Fuegi replied that he was not bothered by the deck as long as it was not permanently tented and it was restricted with normal regulations.

Chair Gezelius stated that she could be convinced in terms of voting to keep one arch and allowing the rooftop deck.

Assistant City Attorney McLean asked if there was a Guideline that speaks to whether the roof should be visible or not visible. The language in the Guideline is specific that is should not be altered; however, she understood their conversation regarding visibility. Planner Grahn noted that Guideline B1.1 says, "maintain the original roof form as well as any functional or decorative elements". She explained that because the barrel vault is not visible, she did not think it was meant to be a character defining feature. However, it is a historic part of the building. That was one reason why the Staff found it was important to retain one of the barrels.

Planner Grahn stated that the next Guideline was about rooftop additions being allowed on Main Street buildings. She noted that the Guidelines are not specific as to whether the rooftop additions are limited to flat roof buildings only, or any building. The Staff had spent considerable time working through this issue. She explained that one of the reasons they allowed the rooftop terrace or deck addition was because it was so low it was not visible or adding another mass to that structure. It also allowed them to retain one of the barrel vaults. The Staff did not feel as bad about losing the second barrel because it was not visible.

Ms. Morrison noted that Planner Grahn's comments did not address Universal Guideline #9, which says new additions should not destroy historic materials. Planner Grahn asked when an addition does not destroy some historic material in order to be added on. Assistant City Attorney McLean asked if there was language that addressed visibility. Planner Grahn replied that Universal Guideline #4 talks about distinctive materials, components, finishes, and examples of craftsmanship should be retained and preserved. She did not believe it was meant to be a distinctive material and part of this building. In her

opinion, it is not a character defining feature and, therefore, it was not a distinctive feature of the building. The BOA needed to decide whether the Staff erred in that determination.

Ms. Morrison reiterated that B1.1 says to maintain the original roof form. It does not specify visible or not visible, character defining or not character defining. She stated that the Historical Society has taken the position that there are Guidelines and those Guidelines should be used to make it fair for everyone.

Chair Gezelius stated that it would never add up no matter who writes the guidelines or who interprets them. If the guidelines are so restrictive and so onerous, no one will do anything. Chair Gezelius remarked that they do not want to stop progress and they want to save historic buildings. The goal is to get the Kimball garage functional again and integrated back into the community as a useful building.

Mr. Tyler thought it was important to understand that one of the Universal Guidelines is that nothing can be done that facilities removal from the historic district. In his letter, Kirk Huffaker states that "The Utah Heritage Foundation expresses its support for the proposal to move forward we believe that none of the alterations proposed would precipitate the site being removed from the National Register of Historic Places". Mr. Tyler believed that was validation that they had done the right thing.

Chair Gezelius summarized that Board Members Fuegi Robinson, and herself supported the Staff's position. Board Members Wintzer and Franklin did not.

Chair Gezelius asked for comments on the windows. She asked if they thought the Staff's position was too generous in allowing the applicant to replace the windows, whether it was too restrictive, or whether they supported the Staff's determination.

Board Member Fuegi thought Mr. Elliott had raised a good point regarding restoration versus rehabilitation. In his opinion, unless windows are tight and functioning properly they are worthless. He is dealing with a set of windows on Main Street that are held together with paint. It is an ongoing maintenance nightmare, it is costly and not efficient. Mr. Fuegi thought replacing the windows was necessary in order for the building to function properly. He had looked at these windows and they were not serviceable.

Chair Gezelius asked if the other Board Members concurred with Board Member Fuegi's comments that the Staff's determination regarding replacing the windows is acceptable from the standpoint of maintenance and preservation of the building. Board Member Robinson thought the key word was "serviceable". He had also looked at the windows and agreed that they were not serviceable and should be replaced.

Board Member Wintzer stated that in reading Mr. Huffaker's letter, he said that without further information he could not definitely conclude and agree that wholesale replacement of the steel windows on the west and north facades was the best option. If those windows could be repaired, she questioned why they had not been repaired over the years. Chair Gezelius believed there was evidence of attempts to repair those windows in the form of caulking, etc. Ms. Wintzer agreed with Board Members Fuegi and Robinson that just by looking at the windows they should be replaced.

Chair Gezelius summarized that there was consensus among the Boards to support the Staff's determination.

Chair Gezelius called for comment on the Staff's finding that the replacement of windows in certain places is acceptable. She asked about the lower level windows being increased in size, and whether anything in the request related to egress for fire safety. Mr. Elliott stated that there is a condition where that is an issue and it would allow for access and exiting from the lower level. They looked at it as the side of the building that was not intended to be presented to the public. They felt like it was the right location to add those windows and create the exiting needed for the lower level. Chair Gezelius clarified that putting larger windows on the service side of the building would not affect the front façade or anything historical that was visible from the two streets. Mr. Elliott replied that this was correct.

Board Member Wintzer noted that Planner Grahn had written no side light on one of the drawings. Planner Grahn explained that they allowed the applicant to change the windows to doors because it was on the rear elevation where it was not noticeable and would not affect the façade. They also asked that instead of doing side lights that they use shorter side windows to maintain the line across where the original windows were located.

Chair Gezelius asked for comment or ideas about the old service station bay area on the west facade with the corrugated metal area that is proposed to have windows that resemble the rest of the building in the front. Chair Gezelius pointed out that it was currently a blank wall. She thought it would add a great deal of light, visibility and usability to that space.

Board Member Franklin understood that if they concurred with the Staff Report and the Staff Findings that they would also be agreeing with the HDDR, specifically the historic preservation plan. She noted that the proposal is for all windows, yet the physical condition reports indicates that some of the windows are in good condition, some are in poor condition and some are in fair condition. Mr. Elliott replied that the windows identified as good condition means that the steel has not rusted through. It did not talk about thermal performance or other activity that goes with the building.

Planner Grahn clarified that there were historic windows on this building as well as replacement windows. The replacement windows along the Park Avenue façade are in good condition. Mr. Elliott indicated the addition underneath the bay that were put in 40 years ago, and noted that the windows that were installed on Heber Avenue were in good condition. He stated that they were trying to take that façade closer to its original historic representation versus the change that was made to it. Mr. Tyler noted that the windows replaced in the 1970's do not match what the historic fenestration patterns looked like. They were trying to recreate the historic imagery, but that requires replacing all of the windows.

Board Member Wintzer asked if this was more in line with what the Historical Society would agree with if the window replacement was in accordance with the Historic District Guidelines. Ms. Morrison noted that the Guidelines indicate that the windows could be replaced if they were determined to be not useful or serviceable. She asked if it was appropriate for the applicant to make that determination or whether they should bring in an impartial expert to make that determination. Ms. Morrison stated that the intent of the Code is to keep as much historic material as possible. They want to preserve these structures for future generations. If they start allowing subtle changes they will lose more and more of the historic with each renovation project over the years.

Ms. Wintzer stated that she asked the question for clarification because she thought the Historical Society was saying that absolutely none of the windows could be changed. She was pleased that Ms. Morrison had clarified that they were only asking for an independent person to help make that assessment.

Board Member Franklin concurred with Board Member Wintzer and Ms. Morrison. Her concern was the language in the Staff report stating that all of the window systems would be replaced. Chair Gezelius asked if Ms. Franklin would prefer changing the language to "can be replaced subject to professional review". Ms. Franklin answered yes. She agreed that the Silver Star did a beautiful job. However, she did not think the windows on City Hall had the same historical feature. Mr. Elliott pointed out that the windows on City Hall were aluminum. They were proposing a steel window that was much closer in profile. Mr. Tyler pointed out that if they left even one historic window that was in reasonably good condition, they would still have the thermal issue. The only way to address that is through replacement; otherwise they would never meet an energy code requirement.

Director Erickson noted that the last item was the Heber Avenue doors. The Staff had determined that the doors were consistent with the design guidelines. The Appellant had determined that those doors were not historic and should not

be installed. He clarified that it was the door on the south façade. Planner Grahn explained that one door was on the actual historic façade, and the other door was a relocation of a door on the 1970's addition.

Board Member Robinson referred to the 1949 photo on page 25 of the Staff report. Figure 1 was circa 1930, which showed a single door on the south façade. He asked if that was the door being discussed. Director Erickson answered yes. Chair Gezelius referred to it as door number one. She understood that it was removed and the applicant wanted to put it back. Ms. Morrison noted that the blow up of that photo she provided shows two open bays on Heber Avenue and two open bays on Park Avenue. Planner Grahn pointed out that they were discussing two separate doors. Chair Gezelius clarified that she was talking about the door on the right. Ms. Morrison stated that the Historical Society did not have an issue with that door.

The Board members did not have any issues and agreed with the Staff determination.

Chair Gezelius asked for comments on the gasoline bays.

Board Member Franklin referred to figure 8 on page 35 of the Staff report and figure 10 on page 37. She thought the depth of the bay enclosure looked different. Figure 8 appears to have a bit of an entryway that is open to the outside. Figure 10 looks like it comes to the sidewalk depth. Mr. Elliott stated that it was shown that way in the 3-D rendering. Figure 10 is a flat 2-dimensional representation which does not show the depth. He pointed out that what was shown in 3-D is how they proposed it on the floor plan.

The Board members were comfortable with the Staff's determination.

Planner Grahn summarized that they had discussed the barrel vault and the roof deck; the additional door opening on Heber Avenue; the retention of the 1976 addition beneath the overhang; the steel windows, as well as making the opening on Park Avenue transparent by going to a window instead of being corrugated metal; and the windows that would become doors in the back.

Planner Grahn asked if the Board wanted to amend the Finding of Fact #20 to state that the BOA finds that the windows are no longer serviceable due to their deteriorated state. She assumed from the discussion that they should add a Conditional of Approval stating that a professional will be asked to look at the windows.

Planner Grahn amended Finding of Fact #20 to say, "The proposal complies with specific Design Guideline B5.2, and that the replacement steel windows will be allowed because the historic windows cannot be made safe and serviceable through repairs. The BOA finds that the windows are no longer serviceable due

to their deteriorated state. Replacement windows will exactly match the historic windows in size, dimension, glazing pattern, depth, profile and material."

Director Erickson pointed out that the Board of Adjustment was requesting a professional independent review of the historic windows to determine whether or not they are serviceable. The Finding of Fact would be subject to that review by an independent window professional as shown in the condition of approval.

Board Member Franklin preferred to change the language to "those windows which are no longer serviceable". When they talked about this being a much superior plan under the shadow of previous plans, she did not believe that much superior did not mean "superior". She wanted to clarify language that would allow this project to move forward, but in a state that preserves the accurate historic nature of this building. Chair Gezelius suggested language stating that "The BOA questions that certain historic windows are no longer serviceable or may be in a deteriorated state. The BOA will require that an independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement."

Mr. Tyler asked who would choose the specialist. Chair Gezelius stated that the specialist would have to be acceptable to the Staff. Director Erickson explained The Staff would approve the determination of the independent professional, agree or disagree with the recommendations, and make the changes in the HDDR.

Mr. Tyler asked if the Staff makes the determination that the condition has been satisfied. Director Erickson answered yes.

Planner Grahn amended the Condition of Approval to say, "An independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement to the satisfaction of the Planning Director".

Assistant City Attorney McLean noted that the Board had talked about placing restrictions on the rooftop deck. Chair Gezelius thought it should be subject to the same review as all other decks in the Historic District. Planner Grahn stated that a private event facility is a conditional use in the HRC zone, and it was scheduled for review by the Planning Commission in November. The Staff could let the Planning Commission know that during the appeal process the BOA was concerned about umbrellas, balcony enclosures, tents and other elements being permanently installed on the deck.

Board Member Wintzer was concerned that it would not be strong enough. She felt they whittled down the Historic District this evening for a number of reasons. Ms. Wintzer thought it was a mockery to talk about umbrellas and tents.

Chair Gezelius suggested that the Board ask the applicant and the Staff to prepare a basic set of ground rule guidelines regarding the deck use to be approved by either the Planning Director or an appropriate body. She did not believe the BOA should micro-manage that element of the deck. Director Erickson stated that the basis of their finding for the deck being in compliance with the Guidelines is that the deck had been moved back and it was not visible from public spaces. Therefore, the direction to the Planning Commission would be that as part of the conditional use process, no uses could occur on that deck which would cause visibility from those locations.

Ms. Wintzer agreed with Director Erickson's suggestion, but she pointed to Ms. Morrison's comment about the addition on the Riverhorse because the whole façade of that building was destroyed. Director Erickson stated that the Planning Commission should consider the discussion of the BOA with respect to the visibility of that deck, but he did not believe they could go more rigorous than that. He reminded everyone that one basis for the Staff to conclude that the deck was appropriate was that it did not include additional space such as a second story above the historic building. More of the historic building form was retained by not creating a second story above the bolstering truss bay, east.

The Finding of Fact is that the BOA finds that the rooftop deck is consistent with the Historic District Guidelines; however, part of the reason is that is it not generally visible from the Heber Avenue, Park Avenue, and Main Street elevations. Mr. Tyler requested that they specify permanent structures because people will be visible, as well as other things. Director Erickson suggested that they take that up with the Planning Commission.

Chair Gezelius asked about guidelines. Director Erickson stated that the Board of Adjustment action would be delivered to the Planning Commission as part of the conditional use permit. Assistant City Attorney McLean suggested that they speak to the Finding and condition it generally. Going to the Planning Commission on the special event issue is a separate impact that is not related to the Historic Guidelines. If the Board has concerns with permanent or temporary elements, and how long those items could be visible from the street are present, this would be the time to add a condition of approval with those restrictions.

Board Member Wintzer pointed out that she had not approved the removal of the double barrel roof in the discussion. She asked how that would affect her voting. Chair Gezelius stated that Ms. Wintzer could vote against the entire motion if she felt strongly about it.

Board Member Franklin asked for a condition of approval stating that in the event that this building is rehabilitated at a later time that it would be restored back to its previous double barrel roof form. Chair Gezelius replied that the BOA could not do that because they cannot tie the hands of future Board members. MOTION: Board Member Fuegi moved to uphold the Staff Determination for 638 Park Avenue, the Kimball Garage, subject to the Findings of Fact as amended, the Condition of Approval, and the outlined Standard Project Conditions. Board Member Robinson seconded the motion.

VOTE: The motion passed 4-1. Board Members Gezelius, Fuegi, Robinson and Franklin voted in favor of the motion. Board Member Wintzer voted against the motion.

Findings of Fact – Kimball Garage

1. The property is located at 638 Park Avenue.

2. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).

3. According to the Historic Sites Form, the historic Kimball Garage was constructed in 1929. The building underwent an extensive renovation that significantly altered the interior and exterior of the structure for use as the Kimball Art Center in 1975-1976. The structure was renovated again in 1999.

4. In 1979, the site was designated as contributory as part of the Park City Main Street Historic District nomination for the National Register of Historic Places.

5. The property is in the Historic Recreation Commercial (HRC) District and Heber Avenue Subzone.

6. On January 20, 2015, LCC Properties Group submitted a Historic District Design Review (HDDR) application for the Landmark property located at 638 Park Avenue.

7. On June 20, 2016, staff approved the Historic District Design Review (HDDR) application for the site.

8. On June 30, 2016, the City received an appeal of a Historic District Design Review (HDDR) application approved by the Planning Department on June 20, 2016 at 638 Park Avenue.

9. This appeal was submitted by Sandra Morrison, representing the Park City Historical Society and Museum.

10. Pursuant to LMC § 15-1-18 (D) Standing to Appeal, the Park City Historical Society and Museum has standing to appeal the HDDR final action because they submitted written comment and testified on the proposal before the Planning Department.

11. The proposal complies with Universal Guideline #3 in that the historic exterior features of a building will be retained and preserved.

12. The proposal complies with Universal Guideline #4 in that distinctive materials, components, finishes, and examples of craftsmanship will be retained and preserved. The owner will reproduce missing historic elements that were original to the building, but have been removed, such as the original entrance along Heber Avenue. Physical or photographic evidence will be used to substantiate the reproduction of missing features.

13. The proposal complies with Universal Guideline #5 in that deteriorated or damaged historic features and elements should be repaired rather than replaced. Where the severity of deterioration or existence of structural or material defects requires replacement, the feature or element should match the original in design, dimension, texture, material, and finish. The applicant must demonstrate the severity of deterioration or existence of defects by showing that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. The owner has demonstrated that the historic and early replacement steel frame windows are beyond repair and the owner will be replacing the remaining steel-frame windows along Park Avenue and the rear (north) elevation due to their poor condition.

14. The proposal complies with Universal Guideline #6 in that features that do not contribute to the significance of the site or building and exist prior to the adoption of these guidelines, such as incompatible windows, aluminum soffits, or iron porch supports or railings, may be maintained; however, if it is proposed they be changed, those features must be brought into compliance with these guidelines. The applicant will maintain a non-historic ca. 1976 glass addition beneath the overhang of the original fueling station. Staff finds that this addition was sensitively designed so as not to detract from the historic structure and is compatible with the historic building.

15. The proposal complies with Universal Guideline #10 in that the new additions and related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.

16. The proposal complies with Specific Design Guideline B.1.1 in that the owner will maintain the original roof form, the western barrel vault, as well as any functional and decorative elements.

17. The proposal complies with Specific Design Guideline B.2.1 in that the primary and secondary facade components, such as window/door configuration, wall planes, recesses, bays, and entryways should be maintained in their original location on the façade.

18. The proposal complies with Specific Design Guideline B.4.1 in that the owner will maintain historic door openings, doors, and door surrounds on the Heber and Park Avenue facades.

19. The proposal complies with Specific Design Guideline B.5.1 in that the owner will maintain historic window openings, windows, and window surrounds on the primary facades.

20. The proposal complies with Specific Design Guideline B.5.2 in that the replacement steel windows will be allowed because the historic windows cannot be made safe and serviceable through repair. The BOA questions that certain historic windows are no longer serviceable or may be in a deteriorated state. The BOA will require that an independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement. Replacement windows will exactly match the historic window in size, dimensions, glazing pattern, depth, profile, and material.

21. The proposal complies with Specific Design Guideline MSHS3 in that traditional orientation with the primary entrance on Heber Avenue will be maintained.

22. The proposal complies with Specific Design Guideline MSHS6 in that rooftop additions may be allowed. The proposed rooftop deck does not exceed one story and will be set back from the primary façade so that it is not visible from the primary public right-of-way.

23. The proposed renovation and new addition meet all setbacks and has increased setbacks from the minimum towards the north side yard area.

24. Staff does not find that the proposed plan will substantially diminish the character of the neighborhood nor will it cause the structure to lose its local designation as a Landmark structure or its eligibility for the National Register of Historic Places.

25. The proposal complies with Universal Design Guidelines #9 in that the c.1976 exterior alteration does not destroy historic materials, features, and spatial relationships that characterize the site or building. The divided-light glass entry addition beneath the overhang on the west side of the building is visually subordinate to the historic building when viewed from the primary public right-of-way. The addition does not obscure or contribute significantly to the loss of historic materials.

26. The proposal complies with Specific Design Guidelines B.1. Roofs. The BOA has determined that the original roof form, consisting of two (2) barrel vaults running north-to-south are not character-defining features of the historic structure, and, thus, the applicant will only be required to maintain the western barrel-vault.

27. The proposal complies with Specific Design Guidelines B.5. Windows. The applicant will maintain historic window openings and window surrounds on the Park Avenue and Heber Avenue facades; the remaining historic and non-historic steel window will be replaced with new windows that exactly match the historic in size, dimensions, glazing pattern, depth, profile, and material. No storms are proposed at this time.

28. The proposal complies with Specific Design Guidelines D.1. Protection for Historic Structures and Sites. The addition will be visually subordinate to the historic building when viewed from the primary public rights-of-way of Park and Heber Avenue. The addition will not obscure or contribute significantly to the loss of historic materials as the applicant proposes to retain the west barrel-vaulted roof form.

29. The proposal complies with Supplemental Rehabilitation Guidelines—Main Street National Register Historic District. The proposed project will not cause the building or district to be removed from the National Register of Historic Places. The alignment and setback along Main Street are character-defining features of the district and will be preserved. Traditional orientation with the primary entrances of the new addition on Main Street will be maintained. The rooftop deck addition will not exceed one story in height and will be set back from the primary façade so that it is not visible from the primary public right-of-way. The BOA finds that the rooftop deck is consistent with the Historic District Guidelines as it is not generally visible from the Park Avenue and Heber Avenue rights-ofway.

30. Pursuant to LMC 15-1-18(G), the Board of Adjustment shall act in a quasijudicial manner. The appellant has the burden of proving that the land use authority erred. The appellant fails to specifically indicate how staff erred.

Conclusion of Law – Kimball Garage

1. The proposal complies with the Park City Design Guidelines for Historic Districts and Historic Sites.

2. The proposal complies with the Land Management Code requirements pursuant to the Historic Recreation Commercial (HRC) District.

Order

1. The appeal is denied and Staff's determination is upheld.

Condition of Approval – Kimball Garage

1. An independent window evaluation specialist will assess and report on the existing window conditions and outline options for rehabilitation or replacement in satisfaction of the Planning Director.

Chair Gezelius adjourned the meeting at 7:32 p.m.

Approved by _____

Ruth Gezelius, Chair Board of Adjustment PARK CITY MUNICPAL CORPORATION BOARD OF ADJUSTMENT MINUTES OF JANUARY 17, 2017

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi, Jennifer Franklin, David Robinson, Mary Wintzer

EX OFFICIO: Planning Director Bruce Erickson, Anya Grahn, Planner; Polly Samuels McLean, Louis Rodriguez

NOTE: Due to recording equipment failure, the Minutes of this meeting were prepared from written notes.

ROLL CALL

Chair Gezelius called the meeting to order at 5:00 p.m. and noted that the Board did have a quorum.

ADOPTION OF MINUTES OF OCTOBER 18, 2016.

Board Member Franklin noted that the minutes reflect that the vote on 638 Park Avenue, the Kimball Garage, was 4-1 and that Mary Wintzer voted against the motion. Ms. Franklin stated that she should have voted against the motion to reflect a 3-2 vote with her voting against the motion.

Chair Gezelius stated that the vote is final and that feelings or ideas cannot change the final vote of the Kimball Garage appeal.

Ms. Franklin did not believe her comments throughout the discussion were emphasized enough in the Minutes. She pointed to specific pages and topics where she recalled saying more than what was written.

Assistant City Attorney McLean stated that when there is a question or discrepancy it can be verified with the recording. They would highlight the pages Ms. Franklin had referenced and ask Mary May to re-listen to the recording.

MOTION: Board Member Wintzer moved to CONTINUE the minutes of October 18, 2016 pending verification with the recording. Jennifer Franklin seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS There were no comments.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that there was one pending variance and one additional variance request that would be coming to the Board of Adjustment.

The Staff was considering going back to quarterly meetings for the Board of Adjustment, which is one meeting per quarter.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

227 Main Street (Star Hotel)—Appeal of Historic Preservation Board's Determination that the structure should be designated as "Significant" on the City's Historic Sites Inventory (HSI). (Application PL-16-03330)

Planner Anya Grahn reported that the applicant had requested that the BOA continue the appeal of the DOS to February 21, 2017 to allow additional time to explore development options for the site.

Director Erickson stated that the applicant submitted a Historic District Design Review Pre-Application and although there is a possibility of the appeal of the DOS being withdrawn, the Planning Department still recommends to continue the DOS appeal to the next Board of Adjustment Meeting. Director Erickson also stated that the appeal needs to move forward as staff will continue working on the appeal unless the application is to be withdrawn.

Chair Gezelius expressed that the item should be brought forward for action on the 21st of February.

MOTION: Board Member Fuegi moved to CONTINUE 227 Main Street, the Star Hotel, Appeal of HPB determination of Significant, to February 21, 2017. Board Member Robinson seconded the motion.

VOTE: The motion passed unanimously.

The Board moved into Work Session for annual training on the Open and Public Meetings Act.

WORK SESSION – Open and Public Meeting Act Training.

Assistant City Attorney McLean read the powers and duties of the Board of Adjustment as stated in the LMC. If someone appeals a City project it will go to

the Board of Adjustment instead of the City Council because of conflict of interest.

Assistant City Attorney McLean stated that because the BOA is the Appellant Board, all of the information they hear should be held in one room, it should be part of the record and it should not be discussed. If the Board members are approached by a member of the public on a specific item, they should not engage in the conversation and instead encourage that person to come to a meeting and make their comments so everyone has the benefit of hearing what they have to say. However, if it is impossible to dissuade that person from talking about it, the Board member should disclose the encounter at the public meeting.

Assistant City Attorney McLean stated that because the BOA is the appeal body they should refrain from discussing items even after a decision has been made because they never know when it will come back to them on appeal.

Assistant City Attorney McLean commented on the importance of having accurate Minutes, and noted that Minutes should be prepared and approved in a timely manner while the meeting is still fresh on everyone's mind. Approving Minutes in a timely manner is one drawback of meeting quarterly. Ms. McLean had mixed feeling about electronic meetings to approve minutes because technology can fail. However, it is allowed by State and if the Board was interested in doing it, she suggested a work session discussion to set up the parameters.

Chair Gezelius thought they owe the applicants the respect of giving them a courteous hearing. If necessary, the Board of Adjustment should be able to call an emergency meeting rather than making an applicant wait several months.

Board Member Wintzer asked for clarification on conflicts and when it is necessary to recuse yourself. Ms. McLean explained that recusal only applies if there is a conflict of interest on the outcome. It is up to the discretion of each individual to decide whether who they know or what they have heard would affect their decision. If the person determines that recusal is not necessary, they should still disclose it at the meeting.

Chair Gezelius adjourned the meeting at 5:46 p.m.

Approved by _

Ruth Gezelius, Chair Board of Adjustment



Board of Adjustment Staff Report

| Subject: | 227 Main Street, the Star Hotel |
|---------------|--|
| Author: | Anya Grahn, Historic Preservation Planner |
| | Hannah M. Tyler, Planner II |
| Project #: | PL-16-03371 |
| Date: | February 21, 2017 |
| Type of Item: | Quasi-Judicial – Appeal of Historic Preservation Board's |
| | Determination of Significance |

Summary Recommendations

Staff recommends the Board of Adjustment hear the appeal of the Historic Preservation Board's (HPB) Determination of Significance of the building at 227 Main Street and uphold the HPB's determination that the building meets the criteria for designation as a "Significant" site on Park City's Historic Sites Inventory (HSI).

| <u>Topic</u> | |
|---------------------|--|
| Applicant: | Westlake Land LLC (Represented by Todd Cusick) |
| Location: | Historic Commercial Business (HCB) |
| Adjacent Land Uses: | Historic single-family residences, parking lot, Main Street |
| | Commercial District |
| Reason for Review: | Appeal of the Historic Preservation Board's determination of significance of the historic site at 227 Main Street, the Star Hotel. |

Background

Much of the background of this site is outlined in the Historic Preservation Board (HPB) staff report dated November 2, 2016 (Exhibit B, page 27 and continued in Part II of the packet). The structure at 227 Main Street was included in the Park City Historic Sites Inventory (HSI) when it was adopted in February 4, 2009. The property owner of the Star Hotel at 227 Main Street has submitted a pre-application for Historic District Design Review (HDDR) for his property and is interested in demolishing the building in order to redevelop the property. The HDDR Pre-Application was submitted on December 15, 2015.

On September 29, 2016, the Planning Department received a Determination of Significance (DOS) application from Westlake Land, LLC to remove the Star Hotel at 227 Main Street from the Historic Sites Inventory. The applicant argued that the building as it exists today is not historic and is not the same structure that existed during Park City's historic period.

As outlined in the attached HPB Report, staff disagreed with the applicant and found that the building had suffered some alterations, but meets the criteria of a Significant site on the HSI. The HPB concurred with staff's analysis of the history of development of the site and found that the original c.1889 cross wing cottage was extensively

renovated to create the Spanish Revival Style Star Hotel c.1920. The Star Hotel is over fifty years old with portions of the building being 96 and 127 years old. The building retains its Historical Form as the overall shape, mass, and volume of the structure has not changed since 1920, despite some alterations made by the previous owners, the Rixies, in the 1970s. The building also retains its historic scale, context, and materials in a manner and degree which can be restored to the Historical Form as the c.1976 enclosed two-story porch could be removed and reconstructed to match that seen in the c.1940 tax photograph.

The building is also important to local and regional history, architecture, and cultural associations as it is the only Spanish Revival-style building constructed during the Mature Mining Period (1894-1930); the Star Hotel was constructed c.1920 in an effort to provide additional housing for single miners along Main Street; and the building is associated with both Joe Grover, a prominent Park City resident and Chinese immigrant that owned over sixty (60) Park City properties as well as Frank Allende, a Spanish-born immigrant who ran the boarding house that catered largely to Spanish-born miners.

History of the Structure:

Staff has traced the history of the structure through CRSA's intensive level survey of the site, site visits, as well as the materials provided by the applicant.

In 1871, the Townsite Company, represented by Edward P. Ferry, David C. McLaughlin, and Fred Nims, secured title to four quarter sections, the area that was to become Park City. John and Sarah Huy (sometimes Huey) had predated the Townsite Company and built one of the first houses in Park City at 227 Main Street c.1889; however, their title to the land was not legally transferred until April 10, 1916, when W.I. Snyder deeded lots 7 and 8 of the Park City Block 12 to Sarah Huy.

The Huys lived at 227 Main Street on-and-off through the 1920s. John (1844-1902) and Sarah Huy (1849-1930) had moved to Utah from Nevada City. John worked as an engineer at the Ontario Mining Company in Park City; however, he later worked in Granite, Montana, where he died in 1902. The Huys kept their house in Park City and continued to reside here until Sarah Huy moved to Colorado in 1920, selling the house to D.L.H.D "Joe" Grover, a Chinese immigrant who held large amounts of Park City real estate.



Cross-wing folk Victorian cottage constructed by the Huys in 1889 at 227 Main Street.

During this era of Park City's history, it was not uncommon for Chinese immigrants or "Celestials" to face racial discrimination. The Chinese were often exploited for their cheap labor and not permitted to work in the mines. Instead, they worked in boarding houses as cooks, established laundries and restaurants in Park City's China Town, and even contributed to the construction of Park City's railroads. The immigrants largely settled behind Main Street (now Swede Alley) and lived in tents and shanties; only about fourteen houses were constructed in China Town. Park City's residents were overall tolerant of their Chinese neighbors, though racism certainly existed as is evident by the construction of the China Bridge, connecting the Rossie Hill neighborhood to Main Street by a bridge that spanned over Chinatown.

Joe Grover was a Chinese immigrant and old time Park City resident. In addition to managing a laundry and restaurant, Grover also acted as a realtor. He began by purchasing a few houses, renting them out, and then purchased more. By the time of his death in 1926, he owned over sixty (60) Park City properties. When his son, Joe, inherited his father's properties, they were valued at \$36,000.

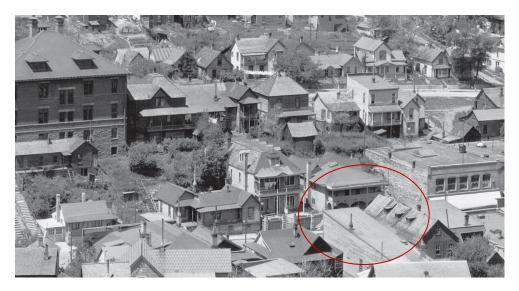
The Sanborn Fire Insurance Maps show that the boarding house replaced the crosswing cottage prior to 1929, and the Summit County Recorder's Office lists the date of construction as 1920. Though Joe Grover did not sell the property to the Allende family until 1937, the Sanborn maps indicate that the Allendes had constructed the boarding house by 1929 and census records show they had eleven boarders by 1930. Frank Allende (1887-1975), his wife and children, and most of their tenants were Spanishborn, which may have influenced the Spanish Revival architecture of the boarding house.



The Sanborn Fire Insurance maps show that the Boarding & Lodging house had replaced the L-shaped cross-wing cottage by 1929.

Frank Allende (1887-1975) was a recognized Parkite, known primarily for running a boarding house on Park City's Main Street. In 1927, the Park Record noted that federal agents had arrested Deputy Sheriff W.R. Jefford, who had been bought off by bootleggers, or those that did not follow the Temperance provisions. Following Jefford's arrest, Allende was arrested and a still along with fifty (50) gallons of whisky were seized by federal agents from his property at the Star Hotel. Allende contributed to Park City's larger underground revolt against Prohibition.

Prior to 1901, unmarried miners were required to live in mine-owned boarding houses; however, the Boarding House Law of 1901 brought an end to the monopoly and provided greater demand for private lodging along Main Street. This law likely influenced the construction of the Star Hotel in 1920, which was one of several boarding houses concentrated on Upper Main Street. The others include Alaskan House at 125 Main Street, 151 Main Street, the Centennial House at 176 Main Street, and the Bogan Boarding House at 221 Main Street. During the Mature Mining Era, Park City's population was largely young, single men who came to seek their fortunes in Park City's mines. These US and foreign-born single miners needed lodging that provided room and board.



c. 1930s (Park City Historical Society & Museum, Pop Jenks Collection)

What's most curious about the construction of the boarding house is that it was tacked on to the front of the original cross wing cottage. Even in the 1930s photograph above, the gable roof structure and walls of the original cross wing cottage are evident behind the new Spanish Revival-style façade (1). The roof of the new structure was haphazardly constructed atop the original cross wing cottage and the exterior of the new façade and original building were clad in stucco. While the window and door configuration on the façade beneath the two-story covered porch reflect the Spanish Revival style, the remaining windows remained true to the design of the cross wing cottage (as can be seen in the Analysis Section.

The applicant has argued that the HPB erred in their finding that the methods of construction, materials, or craftsmanship are noteworthy as staff's description of the construction as "haphazard" insinuates that it is of greater historic value to Park City than well-constructed buildings. Staff would like to reiterate that the haphazard construction does indeed help us understand the age and era in which this building was constructed. The people drawn to Park City during the peak of our mining boom prosperity (1894-1930) came from all over the country and even the world with the intent of striking it rich. During the same period, brick and wood frame structures were being constructed throughout the country as permanent buildings that were meant to serve multiple generations; however, Park City was never meant to be permanent. One of the reasons for the shoddy construction of our historic buildings is that they were put up hastily to meet housing demands for a short period of time. Single-wall construction and the tacking on of additions, such as the Spanish Revival facade of the Star Hotel, was to solve an immediate demand. The builders of these rudimentary houses and additions understood the mining boom would not last indefinitely and these were makeshift improvements to address a pressing concern-such as the profitability that could be made from a boarding house like the Star Hotel.

In the years before the Great Depression, revival styles were adapted widely across the United States and applied to residential and commercial buildings. As their

classification indicates, these styles looked to the past and Europe, in particular, for inspiration. The 1893 Chicago World's Fair, the Columbian Exposition, further promoted revival style architecture as the exposition encouraged historical interpretations of European styles in the design of the Fair's temporary pavilions and buildings.

The Panama-California Exposition of 1915-1917 endorsed the Spanish Revival style as many of the design of the Exposition's temporary structures were largely influenced by the Spanish Baroque, Spanish Colonial, and Spanish Revival styles. The style paid homage to the history of the southwest, playing up the architecture of New Spain and borrowing from Spanish and Latin American architecture. The style was further disseminated by the Hollywood film industry in the 1920s and 1930s. It is largely characterized by curved and arched openings, white stucco exterior walls, and arcades (series of arches supported by columns).

The Spanish Revival style was popular from 1915 to 1940. As constructed in c.1920, the Star Hotel embodied many of the prominent features of this style, such as its rectangular plan, low-pitched hip roof, and white stucco walls. The porch was penetrated with three arched openings supported by low, square wood columns forming an arcade. The windows and doors beneath the porch are rectangular as were the carriage doors on the lower level that led into the garage.

The Allende family operated the Star Hotel on this site for several decades before ultimately selling the property to William and Joyce Gardner in 1972. The Gardners then sold the property to the Rixie family in 1975.



C.1940 Tax Photograph of the Star Hotel at 227 Main Street

The Rixies were responsible for many of the changes seen on the building today. William and Georgie Carol Rixie remodeled the façade of the building in 1976, converting the two-story porch into an enclosed porch that mimicked the original form. The Rixies covered the stone foundation and staircase on the south side of the building with new stucco in 1976. The new façade won a beautification award in November 1976.



c.1976 photo of Rixies remodeling the front of the building.



c.1982 Architectural Survey photo

The Rixies also constructed a fourth floor addition above the original cross wing cottage between 1976 and 1977. This addition is wood framed and sits atop the ridge of the cross wing cottage with a single dormer extending over the ridge. Their son Bill also remembers modifying window openings, door openings, and building materials. As previously noted, the Rixies also replaced awnings in 1994, made a temporary roof repair in 2005, and completed stucco repair in 2007.



Applicant submitted this rooftop view of the Star Hotel, showing the rear addition that was added by the Rixies 1976-1977.

A National Register architectural survey of Park City's historic resources was completed in April 1982. At that time, Ellen Beasley found that the building was non-contributory and noted that the "new façade put on in Depression; has been changed again." Staff has found no evidence of the façade being replaced during the Great Depression (1929-1939); however, it is clear that the Rixies converted the two-story porch into an enclosed porch in 1976. Further, staff believes that Beasley's determination was due in part because of the changes to the façade and also because the Spanish revival style contrasts with the folk Victorian style and western mining town feel of Park City's Main Street.

The current owner, Westlake Land, LLC purchased the property in 2013. The owner has spent considerable time documenting the building. Based on his documentation, physical evidence, and staff's understanding of the history of the building, staff conducted an in-depth analysis of the historic materials which can be found in the November 2, 2016 Historic Preservation Staff Report (Exhibit B, page 27 and continued in Part II of the packet).

While the overall evolution of the site from house to boarding house contributes to our understanding of the Settlement and Mining Boom Era (1894-1930), this building largely derives its historical significance from the period in which the Star Hotel emerged in c.1920. The extant historical features of the building reflect Frank Allende's conscious decision to construct a boarding house in the Spanish Revival-style, likely reminiscent of his own Spanish heritage. The design of the building with its configuration of small bedrooms on the upper level and large gathering spaces on the main floor of the interior again represents the form and organization of spaces related to the boarding house. The boarding house was intentionally located at the top of Main Street to serve its intended function—following the repeal of the boarding house law in 1901, the c.1920 Star Hotel was able to serve unmarried, young miners who benefited from being located on the fringe of the commercial district. Finally, the building retains the overall feeling, as defined by the National Park Service, as it is an expression of the aesthetic and historic sense of this time period.

Though portions of the original c.1889 cross-wing cottage are discernable within the overall design of the Star Hotel, the cross-wing cottage has lost its historic integrity as it has largely been shrouded by the Star Hotel. Only portions of the original cross-wing cottage remain and are visible. Its overall form, design, arrangement of spaces, feeling, and associations have been lost.

The appellant also argues that the HPB made its conclusion based on the historic function of the building—a boarding house—opposed to its historical form.

As previously described, much of the historical significance of this building today is based on its use as a boarding house which greatly influenced the overall form of the building. Throughout history, it was not uncommon for existing residences to be subdivided internally to create rooms for lodgers; however, it was at the beginning of the twentieth century that purpose-built rooming houses began to appear. Similar to the other boarding houses at the top of Main Street, the Star Hotel is largely distinguishable as a boarding house because of its large size, a reflection of the number of bedrooms it contained to house lodgers. Additionally, the location of these boarding houses—the Star Hotel, the Bogan Boarding House (221 Main Street), Durkin Boarding House (176 Main Street), Royal Hotel Boarding House (151 Main Street), and the Alaskan House (125 Main Street)—speak to the need to provide lodging for single miners that was within walking distance of the mines while also near the restaurants, saloons, and laundries on Main Street and Swede Alley. Typically, boarding houses provided a limited number of meals per day to their lodgers, and the lodgers were responsible for some of their own meals.

Appeal and Burden of Proof

The specific appeal is to the Historic Preservation Board's (HPB) Determination of Significance (DOS). LMC 15-1-18(B) states that the City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board's final action. Because November 12th fell on a Saturday, the last day to appeal was the following Monday, November 14th. The appellant, who had standing based upon having participated in the HPB hearing and being the owner of the property, appealed this determination within ten (10) days, on November 14, 2016.

The Board of Adjustment (BOA) shall act in a quasi-judicial manner. The appellant has the burden of proving that the HPB erred. The BOA shall review factual matters de novo (a new) and it shall determine the correctness of the decision of the land use authority in its interpretation and application of the land use ordinance. Therefore, the BOA shall not give deference to the HPB's findings or conclusions.

The BOA, in conformity with the provisions of the Code, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made.

The appellant's appeal is attached hereto as Exhibit 1. The appellant's basis for appeal is that they claim that the HPB was not correct in its interpretation and application of the LMC (see Exhibit 1, page 4, Basis for Appeal).

Analysis

The appellant contests that the findings set forth in the Historic Preservation Board's (HPB) Determination of Significance (DOS) are not correct and the Board of Adjustment should review the factual correctness as well as correctness of the decision of the HPB in its interpretation and application of the LMC. The appellant argues that the HPB erred in their determination that the house meets the criteria for designation as "Significant" outlined in LMC 15-11-10(A)(2).

The HPB reviewed this Determination of Significance on November 2, 2016, and found that the site met the criteria for "Significant" as described below:

<u>15-11-10(A)(2)</u> **SIGNIFICANT SITE**. Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

The HPB found that the structure was at least fifty (50) years old as the original cross wing cottage was constructed 1889 and the Star Hotel addition to the east was constructed c.1920. Portions of the building are between 96 and 127 years old. As outlined in the HPB report, the Summit County Recorder's office lists the date of construction for this building to be 1920. This date is further substantiated by the 1889, 1907, 1929, and 1941 Sanborn maps that first depict the boarding house form in 1929.

The appellant has not specifically addressed the age of the structure; however, the appellant believes that the c.1920 date of construction for the boarding house is based on guesswork and estimates, not evidence.

(b) It retains its Essential Historical Form as may be demonstrated but not limited by any of the following:

(i) It previously received a historic grant from the City; or (ii) It was previously listed on the Historic Sites Inventory; or (iii) It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

The Land Management Code (LMC) defines Essential Historical Form as the physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past. The HPB found that the era of significance for this building is the Spanish Revival-style Star Hotel that came into existence c.1920, during the Mature Mining Period (1894-1930).

Despite the 1976-1977 conversion of the two-story porch on the façade into an enclosed porch and the fourth story addition in the rear of the building, the HPB found the building still retains its Historical Form. They found that the overall shape, mass, and volume of the structure have not changed since 1920, with the exception of the fourth-story rear addition made by the Rixies. Though the Rixies converted the two-story porch in 1976 to an enclosed porch, it largely retains the original dimensions and footprint of the original porch. Furthermore, many of the original door and window openings are present on the sides and rear elevations of the existing building as well as the curved eaves of the original Spanish Revival-style addition.

As described in the HPB Report, the building was evaluated as "non-contributory" in the 1982 Ellen Beasley survey, which focused on National Register eligibility. Nevertheless, it was identified to be historic and possibly National Register eligible by Allen Roberts in

a 1995 reconnaissance-level survey. Furthermore, the City designated the site as Significant on the Historic Sites Inventory in 2009.

The appellant argues that the structure no longer retains its Essential Historical Form as the structure no longer retains the physical characteristics that make it identifiable as existing in or relating to an important era in Park City's past. The appellant found that there is no physical evidence dating to the Joe Grover residence on neither the site, nor the c.1920 boarding house as they find that the building has been demolished and reconstructed on at least two occasions. He further substantiates this claim with the affidavit from Bill Rixie who remembers his parents replacing the entire face of the building in 1976, which the appellant claims destroyed the essential historical form.

(c) It has one (1) or more of the following:

(i) It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and (ii) It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or

The HPB found that the site complied with these criteria as the building retains its historic scale, context and materials in a manner and degree which can be restored to the Historical Form. The 1976 front porch could be removed and reconstructed to match that seen in the c.1940 tax photograph. Further, the fourth story rear addition could also be removed. The Rixies' conversion of the porch into an enclosed porch loosely pays tribute to the original Spanish Revival design of the building with its arched openings. The building reflects the Historical and Architectural character of the site and District through its mass, scale, composition, materials, and other architectural features that are Visually Compatible to the Main Street National Register Historic District.

The appellant argues that the current building bears no resemblance to either the 1880s residence and the Rixie's 1976 façade replacement completely destroyed the essential historical form of the Spanish Mission Revival-style boarding house that existed prior to the Rixie's renovations. The appellant argues that the HPB improperly focused on the "use" made of the building by prior owners than the Historical Form. The appellant argues that the architectural style does not reflect Park City's Mining Era.

(d) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic Importance to the community, or (ii) Lives of Persons who were of Historic importance to the community, or (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period. Again, the Historic Preservation Board found that the extant structure is important in local and regional history, architecture, engineering, or culture. The HPB found that the era of significance for this building is the Spanish Revival-style Star Hotel that came into existence c.1920, during the Mature Mining Period (1894-1930).

The boarding house was constructed c.1920 during Park City's Mature Mining Period (1894-1930), likely as a response to provide additional housing for single miners along Main Street. The boarding house is associated with both Joe Grover, a prominent Chinese immigrant who transgressed beyond the Chinatown of Swede Alley to become the owner of over sixty (60) Park City properties, as well as Frank Allende, a Spanishborn immigrant who ran a boarding house that catered primarily to Spanish-born miners according to census records. The original appearance of the building in the Spanish Revival-style contrasts with the folk Victorian styles typically seen along Park City's Main Street but reflects the growing demand for European-inspired Revival styles, made popular at the beginning of the twentieth century.

The appellant argues that the Spanish Revival style façade of the building was removed by the Rixie family in 1976 and there is no evidence that the architectural style of the current building is associated with the Mature Mining Boom Era. Furthermore, they find that the building is not associated with the lives of persons of historical importance as Joe Grover owned over sixty (60) buildings in Park City and there is no evidence that he lived in this building or in the 1889 cross wing cottage. Furthermore, they believe the building only barely resembles the building purchased by Frank Allende from Joe Grove in 1937, after the end of the Mature Mining Boom Era.

Finally, the appellant criticizes Finding of Fact number 13 refers to the "noteworthiness" of the building's haphazard construction. The appellant argues that the intent of the statute's reference to noteworthy methods of construction, materials, or craftsmanship does not reflect the HPB's finding that buildings of haphazard construction are of greater historic value to Park City than well-constructed buildings.

Future Process

Final Action by the Board of Adjustment on Appeals may be appealed to Third District Court within thirty (30) calendar days.

Staff Recommendation

Staff recommends the Board of Adjustment hear the appeal of the Historic Preservation Board's (HPB) Determination of Significance of the building at 227 Main Street and uphold the HPB's determination that the building meets the criteria for designation as a "Significant" site on Park City's Historic Sites Inventory (HSI).

Alternatives

1. The Board of Adjustment may uphold the Historic Preservation Board's determination of significance and deny the appeal.

- 2. The Board of Adjustment may reverse the Historic Preservation Board's determination of significance and direct staff to return with written findings granting the appeal.
- 3. The Board of Adjustment may direct staff to provide additional analysis and continue the appeal to a future date.

PROPOSED ORDER DENYING APPEAL AND UPHOLDING A DETERMINATION OF SIGNIFICANCE:

Finding of Fact:

- 1. The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes 414 sites of which 192 sites meet the criteria for designation as Landmark Sites and 222 sites meet the criteria for designation as Significant Sites.
- 2. The property at 227 Main Street is located in the Historic Commercial Business (HCB) District.
- 3. The boarding house is 227 Main Street was listed as "Significant" on the Park City Historic Sites Inventory in 2009.
- 4. In December 2015, City Council amended the Land Management Code to expand the criteria for what structures qualify to be landmark and significant sites.
- 5. In 1871, the Townsite Company secured title to four quarter sections, the area that was to become Park City. John and Sarah Huy (sometimes Huey) had built a house on this property, but the title to the land was not legally transferred to Sarah Huy until 1916.
- 6. Sarah Huy sold the house to D.L.H.D "Joe" Grover in 1920, a prominent Chinese businessman who owned over 60 rental properties in Park City. It is not believed that Grover ever resided at the property, but probably used it as a rental property.
- 7. Joe Grover did not sell the property to the Allende family until 1937; however, the Allendes had constructed the boarding house by 1929 and census records showed that they had eleven boarders by 1930.
- 8. The Sanborn Fire Insurance maps of 1889, 1907, 1929, and 1941 substantiate that the boarding house was built prior to 1929.
- 9. At least three (3) alterations occurred on this site following construction of the original cross wing cottage. A Spanish Revival-style three-story addition was constructed to the east (Main Street) façade of the cross wing c.1920. The Rixie family converted the main and upper level stories of the front porch element into an enclosed porch in 1976 and constructed a fourth story addition at the rear of the cross wing cottage in 1976-1977.
- 10. The Spanish Revival style elements evident in the construction of the c.1920 addition include the rectangular plan, low-pitched hip roof, white stucco walls and the arcade on the second level above Main Street.
- 11. The original cross wing cottage was constructed c.1889 and the Spanish-revival addition was constructed to the east façade of the cross wing cottage c.1920. Portions of this building are between 96 and 127 years old.

- 12. The historic building at this site contributes the Settlement and Mining Boom Era (1894-1930) and largely retains its Essential Historical Form.
- 13. The Spanish Revival-style addition to create boarding house was built during an era of Historic Importance to the community, the Mature Mining Boom Era (1894-1930). It is associated with the lives of persons of Historic importance to the community, Joe Grover and Frank Allende. Moreover, the haphazard construction of the Spanish Revival-style addition to a cross wing cottage in order to meet changing demands, the sites use as a boarding house, and the Spanish Revival style are all noteworthy methods of construction, materials, and craftsmanship.
- 14. The original basement/garage area was covered with stucco by the Rixies during the 1976 remodel; however, the stucco could be removed to expose the original stone foundation.
- 15. The original metal railing for the Star Hotel entrance is still present in the structure of the new solid stucco railing.
- 16. Due to the location of the now internal walls of the existing enclosed porch, staff has concluded that this is the historic exterior wall plane of the Star Hotel prior to the enclosure of the porch. The original entrance opening now includes a nonhistoric entrance door with sidelights and the window openings have been converted into archways; however, staff has concluded that the historic exterior wall plane of the Star Hotel still exists. Staff found physical evidence on the Third Level Enclosed Porch of the existence of two (2) historic porch posts.
- 17. The original roof form has remained largely unchanged. The ca. 1889 crosswing cottage roof form is still visible as are the hipped roof form of the main structure and the flat roof form formed above the porch projection.
- 18. There is physical evidence of the historic internal structure of the flat roof form above the porch and the hipped-roof form in the attic, the cornice structure and historic stucco on the interior of the Third Level Enclosed Porch.
- 19. The north and south elevations remain largely unchanged due to the existence of the historic window openings, historic windows, unadorned eave structure of the ca. 1889 cross-wing cottage, ornamental arched eave of the Star Hotel addition, and presence of historic materials. The historic chimney is located on the south elevation.
- 20. The rear (west) elevation still retains the northern and southern gabled-ends of the ca. 1889 cross wing cottage which were cut in half (vertically) to accommodate the 1976-1977 Rixie addition, historic wood and stucco siding, and historic trim. The addition could be removed to restore the gabled-ends.
- 21. The c.1889 double-hung two-over-two windows of the original cross wing cottage are still visible from the north and south elevations.
- 22. Beyond the front wall of the original cross wing cottage, the windows on the side elevations change to more rectangular, horizontal-oriented openings which reflect the era of the Spanish-revival style addition that was built to the front (east) of the cross wing cottage c.1920.
- 23. On the rear (west) elevation, there are ghost lines of original window openings on the two gable ends of the cross wing, beneath the c.1976 fourth-story addition constructed by the Rixies.

- 24. Staff finds that the there is a substantial amount of historic materials and form still extant on the building which include, but are not limited to the following list organized by elevation: the East Elevation contains portions of the basement level stone foundation, historic exterior wall plane of the now enclosed porch, two (2) porch posts on the third level, door and window openings, ornamental eave structure, etc. The South Elevation contains the ornamental eave structure, chimney, windows, etc. The North Elevation contains the ornamental eave structure, windows, etc. The West Elevation contains portions of the historic gabled ends (ca. 1889), etc. Additional materials present on all elevations include roof form and cornice, historic wood siding and trim materials, portions of the historic stucco, etc.
- 25. A second National Register reconnaissance-level inventory survey was conducted by Allen Roberts in 1995 and found that the building at 227 Main Street should be evaluated as C or B. C represented buildings over 50 years old that had been altered and were not eligible for the National Register of Historic Places. B represented buildings that were potentially eligible but slightly less significant and/or intact.
- 26. A National Register architectural survey of Park City's historic resources was completed in April 1982 and found the building to be non-contributory. Staff finds that this designation was due to the changes in the façade and also because the Spanish Rcross wing cottageevival style contrasts with the folk Victorian style and western mining town feel of Park City's Main Street.
- 27. In 2007, the Historic Preservation Board passed Resolution 07-01 which established a Historic Building Inventory. 227 Main Street was identified as historic on this inventory.
- 28. On January 22, 2009, City Council passed Ordinance 09-05 amending the LMC criteria for designating sites to the HSI.
- 29. On February 4, 2009, the HPB approved Resolution 09-01 adopting the Historic Sites Inventory. 227 Main Street was designated as a Significant site as part of this inventory.
- 30. No Historic District Grant has ever been awarded to this property.
- 31. The boarding house at 227 Main Street does not meet the standards for "Landmark" designation due to the material changes and alterations to the façade in 1976 that have detracted from the building's historic integrity and made it ineligible for the National Register of Historic Places.
- 32. On September 29, 2016, the Planning Department received an application for a Determination of Significance; it was deemed complete on October 6, 2016.

Conclusions of Law:

- 1. The structure located at 227 Main Street does not meet all of the criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site including:
 - a. It is at least fifty (50) years old or has achieved Significance or if the Site is of exceptional importance to the community; and **Complies.**
 - b. It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the

National Park Service for the National Register of Historic Places; and **Does Not Comply.**

- c. It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
 - *i.* An era that has made a significant contribution to the broad patterns of our history;
 - *ii.* The lives of Persons significant in the history of the community, state, region, or nation; or
 - iii. The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Complies.**
- 2. The structure located at 227 Main Street does meet all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
 - **a.** It is at least fifty (50) years old or the Site is of exceptional importance to the community; and

Complies.

- b. It retains its Historical Form as may be demonstrated but not limited by any of the following:
 - *i.* It previously received a historic grant from the City; or
 - ii. It was previously listed on the Historic Sites Inventory; or
 - iii. It was listed as Significant or on any reconnaissance or intensive level survey of historic resources; or

Complies.

- c. It has one (1) or more of the following:
 - *i.* It retains its historic scale, context, materials in a manner and degree which can be restored to Historical Form even if it has non-historic additions; and
 - ii. It reflects the Historical or Architectural character of the site or district through design characteristics such as mass, scale, composition, materials, treatment, cornice, and/or other architectural features as are Visually Compatible to the Mining Era Residences National Register District even if it has non-historic additions; or **Complies.**
 - *iii.* It is important in local or regional history architecture, engineering, or culture associated with at least one (1) of the following:
 - (i) An era of Historic Importance to the community, or
 - (ii) Lives of Persons who were of Historic importance to the community, or
 - *iv.* Noteworthy methods of construction, materials, or craftsmanship used during the Historic period. **Complies.**

<u>Order</u>

1. The appeal of the Historic Preservation Board's determination of significance for the building at 227 Main Street is denied. The boarding house located at 227 Main Street is a Significant site on the Historic Sites Inventory.

Exhibits

- Exhibit 1 Appellant's Appeal (March 14, 2016)
- Exhibit 2 <u>Historic Preservation Board Meeting Staff Report (November 2, 2016)</u> the staff report begins on page 27 of Part I of the packet and continues into <u>Part</u> <u>II of the packet</u>
- Exhibit 3 Historic Preservation Board Minutes (November 2, 2016)

YL-16-03371



DART, ADAMSON & DONOVAN

ATTORNEYS AT LAW PARK CITY: 1225 DEER VALLEY DRIVE, SUITE 201 // PARK CITY, UTAH 84060-5104 TEL: (435) 615-2264 FAX: (435) 608-1697 SALT LAKE CITY: 257 EAST 200 SOUTH, SUITE 1050 // SALT LAKE CITY, UTAH 84111-2048 TEL: (801) 521-6383 FAX: (801) 355-2513 WWW.DADLAW.NET

mhutchinson@dadlaw.net

November 14, 2016

VIA HAND DELIVERY

Park City Municipal Corporation Board of Adjustment 445 Marsac Ave. Park City, Utah 84060

Re: Project No. PC-16-03330; 227 Main Street Notice of Appeal of November 2, 2016 Decision of Historic Preservation Board

Dear Board of Adjustment,

This firm represents the interests of Westlake Land, LLC, the owner of the building located at 227 Main Street formerly known as the Star Hotel ("227 Main") and the named applicant in the above-referenced request for a determination of significance ("Applicant").

On November 2, 2016, the Historic Preservation Board (the "HPB") considered Applicant's request that 227 Main be removed from the list of "Significant" buildings in the Park City Historic Sites Inventory.

After hearing from the Applicant and City Planners Hannah M. Turpen and Anya E. Grahn, the HPB denied Applicant's request, and found that 227 Main meets the requirements for a finding of Significance under Land Management Code Section 15-11-10(A)(2).

Applicant respectfully disagrees with the findings of fact and conclusions of law entered by the HPB for the reasons set forth below:

I. 227 Main Bears No Recognition to the Historic Home Constructed on the Site in the 1880s.

Park City's Design Guidelines for Historic Districts and Historic Sites defines "Significant Sites" as follows:

Significant Sites have structures that are at least fifty years old, retain their essential historical form (as defined in the Land Management Code), and are

important in the history of Park City. These sites have structures that contribute to the historic character of the community and convey important information about the development history of Park City.

In turn, the guidelines define "essential historical form" as follows:

Significant Sites have structures that retain their essential historical form, meaning that the buildings must retain the physical characteristics that make it identifiable as existing in or relating to an important era in Park City's past.

Based on these definitions, 227 Main was improperly and incorrectly identified as a "Significant" site in 2009 and the HPB's denial of Applicant's request to remove 227 Main from the list of Significant Sites was in error.

As Applicant adequately demonstrated to the HPB during the hearing, and the HPB should have been able to recognize from their pre-hearing site visit and inspection of 227 Main, nothing of significant historic value from the "Joe Grover" home which once sat on the parcel remains. Due to the extent of remodeling and demolition that has occurred on the site, the building currently located at 227 Main has retained none of the "historical characteristics" of the 1880s residence.

Accordingly, the findings of fact which relate to the connections and relationships between the current building and the 1880s residence – are, at best, irrelevant, and at worst, confusing. There is no reason for Staff to have proposed or for the HPB to have adopted findings of fact concerning the existence of a structure or the occupants of a building which was constructed in the 1880s and subsequently demolished and reconstructed on at least two occasions.

II. The HPB's Finding that the Boardinghouse Was Built in the Mature Mining Boom Era is not based on Reliable Evidence.

The HPB's Findings of Fact Nos. 11, 12 and 13 state that a "boardinghouse" building was constructed on the east façade of the 1880s residence in approximately 1920, which puts the date of that construction in the "Mature Mining Boom Era." Applicant disputes this finding, which is based on guesswork and estimates, not evidence.

Importantly, there was nothing provided in the staff report or considered by the HPB which definitively established the date of construction of the boardinghouse. All the HPB had before it on this point was a 1929 Sanborn Map which shows some form of a boardinghouse in this location prior to the end of the Mature Mining Boom Era. There is a photo from the other side of the canyon which is dated "c. 1930s." The undated 1940s-era tax photo (which features the fender of a 1939 Dodge sedan), establishes only that the hotel existed (in its prior form) sometime after 1939, nearly a decade after the end of the Mature Mining Boom.

Board of Adjustment November 14, 2016 Page 3 of 5 \bigcirc

The other evidence supplied to the HPB on this point – but apparently disregarded – included the 1982 findings of Ellen Beasley, who completed a form called "Park City Survey Worksheet for <u>Post-1930</u> Structures" and commented that 227 Main was "non-contributory" because a "new façade [was] put on in Depression," that the building had "been changed again, and that the building should be "treated as new."

Based on the foregoing, Applicant believes that the boardinghouse was constructed after the Mature Mining Boom Era. Staff has not provided any evidence which establishes a date of construction of the boardinghouse addition.

Accordingly, the Board of Adjustment should reverse the HPB's finding that the boardinghouse addition was constructed on the site during the Mature Mining Boom Era.

III. The Work Performed by the Rixie Family in the 1970s Removed any "Essential Historical Form" Which Still Existed at That Time.

The materials submitted by the Applicant to the HPB included a sworn affidavit signed by William (Bill) Rixie, from whom Applicant purchased 227 Main. In his affidavit, Mr. Rixie testified that "the only visible architectural feature that exists today from the time [his] parents purchased the building" was the chimney. He also testified that his parents added the 4th story (thereby destroying most of the remainder of the original 1880s residence) and that they removed and replaced the entire east-facing façade of the building in 1976. Applicant showed the HPB that the building materials used by the Rixies included modern-sized 2x4 lumber and relatively modern insulation and electrical materials. Though in the past both City staff and the Applicant assumed that the original posts visible in the 1940s tax photo had been covered over by the 1976 project, it is now beyond dispute that the evidence presented established that the entire façade was demolished and rebuilt.

The Staff Report minimizes the scope of the 1976 changes to the eastern facade by characterizing it as a mere "conversion" of the original porch to an enclosed porch. It is clear from the evidence presented – including photos of the façade being reconstructed – that something far more substantial and destructive than "conversion" is what actually occurred.

Accordingly, if, and to the extent that, the HPB considered the original "Spanish Revival Style" façade of the hotel the "Essential Historical Form" of the boardinghouse (*see, e.g.*, Finding of Fact No. 22), it incorrectly determined that the Rixie's demolition and reconstruction of that façade did not comprise the removal of this essential historical form.

IV. The HPB Erred by Considering the Prior Uses of the Current Building.

Finding of Fact No. 13 makes reference to the historic "use" of the building as a boardinghouse. The Staff Report included several references to this use of the building. In addition, during the hearing, several HPB members made comments which focused on the historic *function* of the building – a boardinghouse – as opposed to its historical *form*. This focus was misplaced. Under the applicable ordinances, the HPB should have confined its analysis to

Board of Adjustment November 14, 2016 Page 4 of 5

the question of whether the form had been retained. Though Applicant is sympathetic to the nostalgia that some HPB members experienced when remembering the Star Hotel of the 1970s, the use of the building is not legally relevant to the significance determination analysis and should not have been considered by the HPB.

V. The HPB Erred by Finding that the Current Building is Associated with an Era of Historic Importance to Park City.

The HPB incorrectly determined that the current building is associated with an era of historic importance to the community. Finding of Fact No. 13 makes reference to the "Spanish Revival-style" of the first boardinghouse addition. To the best of Applicant's knowledge, the façade of the building removed by the Rixie family in 1976 was the only building of this architectural style in Park City at the time. There are no similar buildings in Park City, and the quality of the construction is – in the words of the Staff Report – "haphazard." Further, there is nothing in the Staff Report or any of the other materials which supports the HPB's finding that the architectural style of the current building is associated with the Mature Mining Boom Era.

VI. The HPB Erred by Finding that the Current Building is Associated with Lives of Persons of Historic Importance to Park City.

Finding of Fact No. 13 incorrectly states that the site is associated with the lives of any persons of historic importance. Though the 1880s residence was once owned by Joe Grover, as the Staff Report points out, it was one of more than 60 buildings Mr. Grover owned, there is no evidence that he ever lived in the building, and hardly any elements of the 1880s residence remain.

Similarly, the fact that anti-prohibitionist Frank Allende bought the building from Joe Grover in 1937 (after the end of the Mature Mining Boom Era), does not by itself justify a finding of association with a person of historic importance to Park City. This is especially true since the current building only barely resembles the building once owned by Mr. Allende.

VII. The HPB Erred by Finding that the Current Building Features Noteworthy Methods of Construction, Materials or Craftsmanship.

Finding of Fact No. 13 also refers to the "noteworthiness" of the building's haphazard construction. If Staff and the HPB are correct, buildings which are "haphazardly" constructed are of greater historic value to Park City than well-constructed buildings. This cannot be the intent of the statute's reference to "noteworthy methods of construction, materials or craftsmanship." The Applicant and the Building Department agree that the building needs to be demolished. There is no practical or economically way to re-develop the current building, and even if there were, there are no presently existing historic elements still worth saving.

CONCLUSION

When it denied Applicant's request that 227 Main be removed from the list of "Significant" sites in Park City, the HPB erroneously applied LMC Section 15-11-10(A)(2) to

Board of Adjustment November 14, 2016 Page 5 of 5



the facts. The current building bears no resemblance to either the historic 1880s residence. The Rixie's 1976 façade replacement completely destroyed any of the "essential historical form" of the Spanish Mission Revival-style boardinghouse which occupied the site before the Rixies' 1976 renovations. The HPB improperly focused on the "use" made of the building by prior owners. The architectural style is not one which hearkens back to Park City's mining era. There is no significant link between the current building and any person of historical importance. Finally, the "haphazardness" of the construction methods utilized does not justify a finding of "noteworthiness."

For the foregoing reasons, the Board of Adjustment should reverse the HPB and grant Applicant's request to remove 227 Main from the list of Significant sites.

Respectfully,

DART, ADAMSON & DONOVAN

Matthew B. Hutchinson

cc: Westlake Land, LLC (via e-mail) Jack J. Johnson (via e-mail)

Board of Adjustment Staff Report



Application #:PL-16-03388Subject:352 Woodside AvenueAuthor:Makena Hawley, City PlannerDate:February 21, 2017Type of Item:Variance

Summary Recommendations

Staff recommends the Board of Adjustment review the variance application for 352 Woodside, conduct a public hearing, and consider denying the requested variances.

Description

Applicant: Zoning: Adjacent Land Uses: Reason for Review: Tomilee Tilley Gill, represented by John Shirley Historic Residential -1 (HR-1) District Residential single family homes Variances require Board of Adjustment approval

<u>Proposal</u>

The applicant is proposing to construct a single family home on a 50.13' x 75' lot at 352 Woodside Avenue. Due to the steepness of the lot the applicant has found it difficult to meet the height regulations with the design proposed. The purpose of this variance application is to gain an increase to the exterior height for 55% of the total roof area as well as additional height for the interior of the house.

Variances requested:

- A variance to LMC Section 15-2.2-5 Building Height. The HR-1 zone requires that no Structure shall be erected to a height greater than 27' from existing grade. The applicant would like a variance in order to go above the 27' maximum height to a max of approximately 33' of height for the third floor.
- A variance to LMC Section 15-2.2-5 (A) Building Height. The HR-1 zone requires an interior height requirement that states "a Structure shall have a maximum height of 35' measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters". The applicant would like a variance in order to gain 2.5' of height on the interior of the house.

<u>Purpose</u>

The purpose of the Historic Residential HR-I District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential

neighborhoods,

- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On December 6, 2016, the Planning Department received an application for a variance request to the HR-1 height requirements and side yard setbacks. The application was deemed complete on December 21, 2016.

The property is located at 352 Woodside Avenue. At this location, Woodside Avenue has an uphill slope heading from north to south. The lots on the west side of the street having a steep uphill slope and the lots on the east side of the property have a steep downhill slope.

After a Land Management Code Review, Staff found the requested design to be out of compliance on two issues being that the house design exceeds the exterior height of 27 feet from existing grade as well as exceeding the interior height of 35 feet from the lowest floor plane to highest wall top plate.

The applicant has also articulated that 352 Woodside Ave is a unique case along Woodside in that it has never been built on. Though the rest of the lots on the east side of Woodside are rather steep downhill lots as well, the applicant's letter indicates that undeveloped 352 Woodside has been used as a location for snow storage. With snow and subsequent runoff every spring the applicant believes that this has led to an increase of erosion that other lots in the neighborhood did not experience before homes were built, thus the erosion has steepened the lot.

During the staff report review, Staff found an error in the online code and initially thought the applicants needed a larger side yard setback than is required. The current proposal for the 50.13' foot wide lot is a 5 foot side yard setback on the north side and 10 foot side yard setback on the south side, which complies with the requirements of a lot width of up to 62.5 feet of a minimum of 5' and a total of 14'. The current design proposal complies with setbacks for the HR-1 zone and no setback variance is requested.

In addition to the Variance the applicant will need to submit and gain approval of three (3) different applications with the Planning Department. The additional applications would include: a historic district design review, a Planning Commission determination on the Height Exception for Garages on a Downhill Lot, and a Steep Slope Conditional Use Permit; these have not yet been submitted. The Planning Commission will review the Height Exception for Garages on a Downhill Lot, Steep Slope Conditional Use Permit and the HDDR will be reviewed internally by Staff.

<u>Analysis</u>

The property is located within the HR-1 District and consists of a 50.13' x 75' undeveloped lot equaling a total square footage of 3759.75 square feet.

The applicant is proposing to construct a single family dwelling with access to Woodside Avenue. Moreover, the applicant argues that if the design is to meet the height limit it would not allow for the construction of a garage and that even in the best case scenario with the smallest garage, providing parking on this steep slope requires the garage to slightly extend past the height limit as allowed for by the LMC in Section 15-2.2-5 Building Height.

The applicant reports that due to lack of development on the lot and the continuous erosion due to snow storage taking place there, the lot is unique in its steepness. In addition the applicant expresses concerns about the necessity for height exceptions in order to meet ADA accessibility in the home.

Additionally, because of the significant 53% downhill slope grade change from Woodside Avenue moving east, the applicant is requesting variances to LMC 15-2.2-5 and 15--2.2-5 (A) which states that a structure shall have a maximum height of 27 feet measured from existing grade and a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plat the supports the ceiling joists or roof rafters.

Per 15-2.2-5 (D) 3 & 4, the LMC does allow height exceptions for elevator access and garages on downhill lots. The Planning Commission may allow additional Building Height (See entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The additional building height may not exceed 35' from existing grade. This height exception, with Planning Commission approval, is still available to the applicant; however it only includes the portions of the home design mentioned above, not the additional floor space the applicant is requesting.

As currently designed, the applicant's proposal requires approximately 33 feet above existing grade; this is approx. 6' above the 27 foot maximum and 2.5 feet above the 35 foot maximum overall interior building height. Height exceptions are included in the code but the additional variance for height is not consistent with the LMC.

The following are the minimum lot, site, and height requirements per Land Management Code Section 15-2.2 for development within the HR-1 zoning district for a lot of this size, 3,759.75 square feet:

| | LMC Requirement | Proposed |
|------------------------|------------------------------|--------------------------------|
| Front Yard Setbacks | 10 feet | 10 feet Complies |
| Rear Yard Setbacks | 10 feet | 10 feet Complies |
| Side Yard Setbacks | 5' per side, 14' total | 5 feet and 10 feet Complies |
| Minimum Lot Size | 1,875 sf. Minimum | 3,759.75 sf Complies |
| Building Footprint | 1521.86 sf. Maximum | 1519 sf Complies |
| Building (Zone) Height | 27 ft. maximum from existing | The applicant is requesting up |

| | grade | to approx. 33 feet above existing grade. This is 6' above the 27 foot maximum for. 55% of the total roof is above the height limit. |
|--|--|---|
| Lowest Finished Floor Plane to Highest Wall Top Plate | 35 ft. maximum measured from the lowest finished floor plane to the point of the highest wall top plate | The applicant is requesting up to 37.5 feet. This is 2.5' above the 35 foot maximum for the interior height measurement. |
| Vertical Articulation | 10' minimum horizontal step in the downhill façade – taking place at a max height of 23' from where the footprint meets the lowest point of existing grade. | Applicant is working on revisions to comply. |
| Roof Pitch | Must be between (7:12) and (12:12) | Roof pitch ranges from 2:12 and 7:12. 51% of the roof is 7:12 - Complies |
| Height Exception for Elevator Access and Garages on Downhill Lots | Per 15-2.2-5 (D) the LMC allows height exceptions for elevator access and garages on downhill lots. | If this Variance is not granted the applicant would be required to gain the Planning Directors approval for elevator access (Per LMC 15-2.2-5 (D)) and gain approval from the Planning Commission for the garages on downhill lots to receive the height exceptions by the code. |
| Parking Regulations | 2 spaces required | 2 parking spaces are provided |
| Steep Slope | Required for any structure in excess of 200 sq. ft. if located upon an existing slope of 30% or greater | 352 Woodside will require a SS CUP to be approved by the Planning Commission |

LMC Review Criteria for a Variance

In order to grant the requested variances to the aforementioned code sections, the Board of Adjustment must find that all five (5) criteria located in LMC § 15-10-9 are met. The applicant bears the burden of proving that all of the conditions justifying a variance have been met (see Exhibit A).

Criteria 1. Literal enforcement of the LMC would cause an unreasonable hardship

for the Applicant that is not necessary to carry out the general purpose of the

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

The applicant wrote:

"We, the applicant, are requesting a variance in height. The structure's upper level, including garage and entry roof, plus a large portion of the master suite, exceed the 27 foot from natural grade height limit despite the architect's attempts to minimize the impact.

The compound steep slope of the lot creates a hardship due to its relationship from the street to existing grade. The driveway is located on the low side of the street and has a maximum 12% down slope to the garage. Though this driveway is steeper than preferred, it meets Park City standards. At this point allowing for an 8 ft high garage door and clearances, and using the minimum 7/12 roof pitch, our highest point breaks the height limit.

The applicant request a variance in height using the 35 feet from grade exception found in the Historic District Design Guidelines, 15-2.2-5 exception D. This exception is granted for a tandem garage and we are requesting this height exception for a 20 foot by 20 foot side by side 2 car garage. A tandem garage example is illustrated on 1/SP106 of the Variance Request drawings. Our proposed garage placement and design is illustrated on the same page at 2/SP106.

In addition the height exception D-3 grants additional height for ADA compliant elevators. The client has immediate family requiring an elevator for accessibility. The 2 car garage is necessary for all season access into the home and to the elevator. As one looks at the floor plans, it is apparent as to how the design meets these needs.

When an ADA driver parks in the garage the second car will have to pull out to allow for the wheel chair transfer. After the transfer, the second car can return to the additional garage space. In essence we propose a 2 car garage that gives ADA clearances as required. All clearances at door way & elevator meet IBC requirements.

As such, additional height is requested for the garage. Please note that our street slope exhibit SP104 illustrates that the height and massing of the home meets the intent of the code. "Slope and configuration as well as scale" is consistent with the surrounding neighborhood. Elevator opening to comply with ICC A117.1-2009 409."

Staff finds that the Planning Department cannot support the request for additional external height that exceeds the 27' height limitation and the request to exceed the interior 35' height limitation for the design proposed.

Per 15-2.2-5 'Building Height' the LMC states the following:

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

A. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

The applicant is proposing an additional 2.5' above the 35' maximum interior height regulation and up 6' above the 27' maximum exterior height regulation from existing grade.

Staff does not agree that the variance request meets Criteria 1. Staff finds that the extreme slope of the lot is not a unique circumstance and is a condition that is general to the neighborhood on Woodside as well as the HR-1 zone. The slope steepness does not cause unreasonable hardship that is different from other lots in the neighborhood. In order to support this request, the Code requires the applicant to show how their lot and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

In response to the ADA accessibility necessity, Staff also finds this is not a request that can be supported under the current terms being proposed for the following reasons:

- 1. The LMC provides height exceptions for ADA access including interior and exterior height exceptions for elevator, circulation and access. In order for this to be achieved the elevator and floor plans must comply with ADA standards.
- The LMC 15-2.2-5 (D) provides height exceptions of garages on downhill lots, but this only accommodates a single car wide garage in a tandem parking configuration as well as a height exception for circulation and stairs/or an ADA elevator, in addition to a reasonably sized front entry area.

For reference, below is the fog study provided by the applicant showing the amount of the structure proposed to exceed the 27' height regulation for the HR-1 zone. Staff finds that the height exceptions for garages on downhill lots granted by the LMC, with approval by the Planning Commission, are reasonable and give leeway for applicants that are dealing with steeper lots and give appropriate height exceptions for ADA accessibility.



The applicant is asking for significant height exceptions that include a double car garage, entry area, elevator, a master bedroom, master bathroom and space of an office. This request is asking for a height exception for 55% roof area of the structure. The Planning Commission has the ability to grant a height exception per LMC 15-2.2-5 (D) To allow a tandem car garage, circulation, and front entry area. This applicant is requesting a height exception that is beyond what the Planning Commission can grant.

Literal enforcement of the code would not cause a hardship, it is likely that other lots within the HR'1 and along Woodside are configured in a similar manner and face similar issues.

Criteria 2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone. In determining whether or not there are special circumstances attached to the Property the BOA may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

The applicant wrote:

"While the property is steep and will require a steep slope conditional use, the ADA accessibility requirement places a burden on the owner to require this variance. Without it, family members will be excluded from the home. This gives the community an opportunity to show that the Historic District can be consistent with preservation and inclusive to all residents.

Staff finds that the purpose of this criterion is to show how the property imposes a special circumstance on the applicant. The resolve for this is that an owner could be granted a variance due to their personal circumstances verse circumstances of the lot, and once the variance is granted it is in the owner's right to sell the property whenever they choose. The applicants are not planning to sell the lot; this just describes why the standards are set so these situations may be avoided.

Regarding height requirements, in the HR-1 zone there are specific exceptions for ADA necessities with 2 exceptions that allow additional height for the building under 15-2.2-5

(D). These exceptions allow extra height for entry ways, garage circulation and elevators. Staff finds the request for additional height to accommodate ADA necessities far exceed these needs to include a height exception for a master bedroom, master bath and office.

Staff finds that the essential property right possessed by others in the same zone can be accommodated with a different design proposal that reduces the overall height of the structure. The hardship cited by the applicant could generally apply to many other properties in the same zone in regards to the height request and therefore special circumstances don't exist.

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

The applicant wrote:

Granting this variance allows for direct benefit of the disabled to live on the property. This approval will have no adverse effect upon adjoining neighbors 'enjoyment' or 'rights' but rather add additional value to the District and the street.

Staff finds that a double car garage, office, master bed and master bath do not require a height variance in order for ADA accessibility to be an option. A different design may be proposed that does not request 55% of the building to be above the height restriction and that complies with the exceptions in the LMC for garages on downhill lots.

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

The applicant wrote:

The home with the variance, as stated before, is consistent with the General Plan, and public interests. We are consistent with the Universal Guidelines, page 44, and comply with all eight criteria.

Staff believes that the variance for height will not substantially affect the General Plan but could be contrary to public interest in that granting the height variance would set a precedent for others to take advantage of in order to not adhere to the height regulations of the zone. Granting this height variance could also create sizable impacts on the adjacent lot below.

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

The applicant wrote:

Again, the spirit of the Land Management Code has been met as well as the Historic District Design Guidelines. The only other design options would require non-conforming flat roof lines that would be out place with the context of the street scape and

neighboring residences.

Staff finds the request for a height exception to go beyond observation of the Land Management Code. The LMC provides height exceptions for interior and exterior height in order to create additional opportunities for ADA necessities and steep slopes with garages on downhill lots. Staff does not find this lot to provide any unique circumstances that lot owners on Woodside did not also experience in similar situations.

Future Process

Approval or denial of these variances by the Board of Adjustment constitutes Final Action that may be appealed following the procedures found in LMC § 15-10-13. Approval of a Historic District Design Review (HDDR) for the design of structure and approval of a Steep Slope Conditional Use Permit is necessary prior to the issuance of a building permit.

Standards for new construction as listed within the Historic District Design Guidelines will apply. HDDR's are an administrative approval and are processed by the Planning Staff. A steep slope Conditional Use Permit, issued by the Planning Commission, is required because the new structure will exceed 200 square feet in area on an area with a slope of greater than 30%. Independent of the variance request, the applicant may pursue approval from the Planning Director for the Elevator Access height exception per 15-2.2-5 (D) 3 and Planning Commission approval for the Garages on downhill lots height exception per 15-2.2-5 (D) 4.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On February 2, 2017, the property was posted and notice of the variance request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code. Legal notice was published in the Park Record on February 4, 2017 according to requirements of the Code.

Public Input

The Planning Department has received public comment that can be found under Exhibit K.

Alternatives

- The Board of Adjustment may deny the entire variance request according to the findings of fact, conclusions of law and conditions of approval drafted below and/or as amended; or
- The Board of Adjustment may approve portions of the variance request and deny other portions of the variance request and direct Staff to make findings of fact to support this decision; or
- The Board of Adjustment may grant the entire variance request and direct staff to make findings of fact to support this decision; or
- The Board of Adjustment may continue the discussion and request additional

information on specific items.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The impact that should be considered with an approval of this application is the precedent being set for applications that may follow.

Consequences of not taking the Suggested Recommendation

The property would require a single family home design that complies with the LMC HR-1 zone requirements.

Recommendation

Staff recommends that the Board of Adjustment review the proposed variance requests:

- A variance request to LMC section 15-2.2-5 Building Height; to allow an additional 6' above the required 27' from existing grade to a maximum of approximately 33' above existing grade.
- A variance to LMC Section 15-2.2-5 (A) Building Height; to allow an additional 2.5' of height above the allowed 35' on the interior of the house

The BOA should conduct a public hearing and consider denying the variance requested for additional height, based on the following findings of facts and conclusion of law.

Findings of Fact

- 1. On December 6, 2016, the Planning Department received an application for a variance request to the HR-1 height requirements and side yard setbacks.
- 2. The application was deemed complete on December 21, 2016.
- 3. The property is located at 352 Woodside Avenue.
- 4. Woodside Avenue has an uphill slope heading from north to south. The lots on the west side of the street having a steep uphill slope and the lots on the east side of the property have a steep downhill slope.
- 5. Staff found the requested design to be out of compliance on several issues including the following:, the house design exceeds the exterior height of 27 feet from existing grade as well as exceeding the interior height of 35 feet from the lowest floor plane to highest wall top plate.
- 6. In addition to the Variance the applicant will need to submit and gain approval of 3 different applications with the Planning Department. The additional applications would include: a historic district design review, a steep slope conditional use permit and a Planning Commission approval for the Garages on Downhill lots height exception. The Planning Commission will review the steep slope conditional use permit and the height exception, the HDDR will be reviewed internally by Staff.
- 7. Per 15-2.2-5 (D) 4 the LMC allows height exceptions for garages on downhill lots if approved by the Planning Commission.
- 8. 50.13' x 75 undeveloped lot equaling a square footage of 3759.75 square feet.
- 9. Based on the size of the lot, the applicant is permitted to construct a maximum footprint of 1521.86 square feet.
- 10. The applicant is proposing to construct a single family dwelling with access to Woodside Avenue.

- 11. The applicant reports that due to lack of development on the lot and the continuous erosion due to snow storage taking place there, the lot is unique in its steepness.
- 12. The applicant expresses concerns about the necessity for height exceptions to meet applicant's desire for ADA accessibility in the home.
- 13. Because of the significant 53% grade change from Woodside Avenue moving east down the lot the applicant is requesting an exception to LMC 15-2.2-5 and 15--2.2-5 (A) which states that a structure shall have a maximum height of 27 feet measured from existing grade and a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plat the supports the ceiling joists or roof rafters.
- 14. As currently designed, the applicant's proposal requires approximately 33.2 feet above existing grade; this is approx. 6' above the 27 foot maximum.
- 15. The applicant's interior proposal requires approximately 37.5 feet that requires 2.5 feet above the 35 foot maximum.
- 16. The applicant's vertical articulation for a 10' minimum horizontal step in the downhill façade does not comply.
- 17. The applicant bears the burden of proving that all of the conditions justifying a variance have been met ().
- 18. The slope of the lot is not a unique circumstance and is a condition that is general to the neighborhood on Woodside as well as the HR-1 zone. The steepness of the slope does not cause unreasonable hardship and is not unusual from other lots in the neighborhood. In order to support this request, the Code requires the applicant to show how their lot and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.
- 19. The essential property right possessed by others in the same zone can be accommodated with a different design proposal that reduces the overall height of the structure. The hardship cited by the applicant could generally apply to many other properties in the same zone in regards to the height request and therefore special circumstances do not exist.
- 20. A different design may be proposed that does not request 55% of the building to be above the height restriction and that complies with the exceptions in the LMC for garages on downhill lots.
- 21. The variance for height will not substantially affect the General Plan but could be contrary to public interest in that granting the height variance would set a precedent for others to take advantage of in order to not adhere to the height regulations of the zone. Granting this height variance could create sizable impacts on the adjacent lot below.
- 22. The request for a height exception goes beyond observation of the Land Management Code. The LMC provides height exceptions for interior and exterior height in order to create additional opportunities for ADA necessities and steep slopes with garages on downhill lots. This lot to does not provide any unique circumstances that lot owners on Woodside did not also experience in similar situations.
- 23. LMC Section 15-2.2-5 D (3) provides height exceptions for ADA access including interior and exterior height exceptions for elevator, circulation and access. In order for this to be achieved the elevator and floor plans must comply with ADA

standards; the proposed plans do not comply with ADA standards.

- 24. LMC Section 15-2.2-5 D (3) provides height exceptions of garages on downhill lots, but this only accommodates a single car wide garage in a tandem parking configuration. This exception also includes a height exception for circulation and stairs/or an ADA elevator, in addition to a reasonably sized front entry area. The applicant is not proposing two parking spaces in a tandem configuration, but, rather two side-by-side parking spaces.
- 25. In regards to the height request, a double car garage, office, master bed and master bath do not require a height variance in order for ADA accessibility to be an option.

Conclusion of Law

- 1. Literal enforcement of the HR-1 District Land Management Code requirements for side yard setbacks for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
- 2. Literal enforcement of the HR-1 District Land Management Code requirements for height for this property would not cause an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
- 3. There are special circumstances attached to the property that do not generally apply to other properties in the same district in terms of lot width.
- 4. There are no special circumstances attached to the property that do not generally apply to other properties in the same district in terms of the steepness of the slope.
- 5. Granting the variance for a side yard setback reduction is essential to the enjoyment of substantial property right possessed by other property owners in the same district.
- Granting the variance for additional height is not essential to the enjoyment of substantial property right possessed by other property owners in the same district.
- 7. The variance for additional height will not substantially affect the General Plan but will be contrary to the public interest.
- 8. The spirit of the zoning ordinance is not observed by this application for additional height.

<u>Order</u>

- 1. A variance to LMC Section 15-2.2-5, to the required maximum height of 27' from existing grade to allow a maximum height of 33' above existing grade, is hereby denied.
- 2. A variance to LMC Section 15-2.2-5 (A), to the required maximum height of 35' to allow a maximum height of 37.5' measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, is hereby denied.

Exhibits

Exhibit A – Applicant's statement

- Exhibit B Applicant's 5 criterion statements
- Exhibit C Proposed site plan

Exhibit D – Street Elevation

Exhibit E – Height Fog Study

Exhibit F – Bottom Level Floor Plan

Exhibit G – Middle Level Floor Plan

Exhibit H – Top Level Floor Plan

Exhibit I – Exterior Elevations

Exhibit J – Building Sections

Exhibit K – Public Comment



- +Landscape Architecture
- +Land Planning
- Construction Management
- + Interior Design

Variance Request for 352 Woodside Ave

Owned by Tomilee Gill 2017.01.27

This lot consists of a combination of two lots which now measure 50.13 feet in width. It is a steep (exceeding 30%) downhill slope previously undeveloped. Native vegetation covers the lot with no significant trees.

1. We, the applicant, are requesting a variance in height. The structure's upper level, including garage and entry roof, plus a large portion of the master suite, exceed the 27 foot from natural grade height limit despite the architect's attempts to minimize the impact.

The compound steep slope of the lot creates a hardship due to its relationship from the street to existing grade. The driveway is located on the low side of the street and has a maximum 12% down slope to the garage. Though this driveway is steeper than preferred, it meets Park City standards. At this point allowing for an 8 ft high garage door and clearances, and using the minimum 7/12 roof pitch, our highest point breaks the height limit.

The applicant request a variance in height using the 35 feet from grade exception found in the Historic District Design Guidelines, 15-2.2-5 exception D. This exception is granted for a tandem garage and we are requesting this height exception for a 20 foot by 20 foot side by side 2 car garage. A tandem garage example is illustrated on 1/SP106 of the Variance Request drawings. Our proposed garage placement and design is illustrated on the same page at 2/SP106.

In addition the height exception D-3 grants additional height for ADA compliant elevators. The client has immediate family requiring an elevator for accessibility. The 2 car garage is necessary for all season access into the home and to the elevator. As one looks at the floor plans, it is apparent as to how the design meets these needs.

When an ADA driver parks in the garage the second car will have to pull out to allow for the wheel chair transfer. After the transfer, the second car can return to the additional garage space. In essence we propose a 2 car garage that gives ADA clearances as required. All clearances at door way & elevator meet IBC requirements.

As such, additional height is requested for the garage. Please note that our street slope exhibit SP104 illustrates that the height and massing of the home meets the intent of the code. "Slope and configuration as well as scale" is consistent with the surrounding neighborhood.

Elevator opening to comply with ICC A117.1-2009 409.

2. The remainder of the home, not below the garage, elevator, entry, is well below the required interior 35 foot height limit but exceeds the 27 foot from existing grade requirement in some locations. See A204 and A205 on the Variance Request drawings.

Rather than importing fill, our design has the lower floor starting at the lowest existing grade and building up from there. We are trying to mitigate the impact of the adjoining east neighbors and reduce the amount of existing grade disturbance. While exceeding the 27 foot limit, we feel that there would be no negative impact to neighboring properties of the community.

5151 South 900 East Suite 200 Salt Lake City, Utah 84117 P +801.269.0055 www.thinkaec.com 3. The home is designed with setbacks as per Table 15-2.2, complying with requirements for a 50x75 foot lot. The design meets the building pad and maximum foot print requirements for that lot size. We seek a variance so that our 50.13 foot lot be considered a 50.0 foot lot, forgiving 0.13 feet, for the sake of the ordinance, requiring our lot to comply with Table 15-2.2 50x75.

Thank you John C Shirley Jacob E Shirley



Variance Request for 352 Woodside Ave

Owned by Tomilee Gill 2017.01.31

- 1. I cannot deem the application complete until I receive:
 - a. Submittal Requirement #6 See attached Title Report
 - b. Submittal Requirement #7 See attached List of neighboring properties
 - c. Additionally:
 - i. Site Plan see SP102
 - ii. Height Studies see SP104-SP107
 - iii. Building floor plans see A102-A104
 - iv. Building elevations see A201-A203
 - v. building sections see A204 & A205
- 2. See link for PDF of application
- 3. I understand that you have an HDDR-Pre App submitted and I was wondering if you were/are planning on providing a full HDDR?
- 4. Are you just proposing the variance for the 15-2.2-5 (Building Height) Yes
- 5. You also mention the height exception in HR-1 (D-3) are you suggesting to comply with this exception or are you asking for an additional exception to this exception? See variance conditions below

Variance Conditions:

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;

We, the applicant, are requesting a variance in height. The structure's upper level, including garage and entry roof, plus a large portion of the master suite, exceed the 27 foot from natural grade height limit despite the architect's attempts to minimize the impact.

The compound steep slope of the lot creates a hardship due to its relationship from the street to existing grade. The driveway is located on the low side of the street and has a maximum 12% down slope to the garage. Though this driveway is steeper than preferred, it meets Park City standards. At this point allowing for an 8 ft high garage door and clearances, and using the minimum 7/12 roof pitch, our highest point breaks the height limit.

The applicant request a variance in height using the 35 feet from grade exception found in the Historic District Design Guidelines, 15-2.2-5 exception D. This exception is granted for a tandem garage and we are requesting this height exception for a 20 foot by 20 foot side by side 2 car garage. A tandem garage example is illustrated on 1/SP106 of the Variance Request drawings. Our proposed garage placement and design is illustrated on the same page at 2/SP106.

In addition the height exception D-3 grants additional height for ADA compliant elevators. The client has immediate family requiring an elevator for accessibility. The 2 car garage is necessary for all season access into the home and to the elevator. As one looks at the floor plans, it is apparent as to how the design meets these needs. When an ADA driver parks in the garage the second car will have to pull out to allow for the wheel chair transfer. After the transfer, the second car can return to the additional garage space. In essence we propose a 2 car garage that gives ADA clearances as required. All clearances at door way & elevator meet IBC requirements.

Architecture

- +Landscape Architecture
- +Land Planning
- + Construction Management
- + Interior Design

5151 South 900 East Suite 200

Salt Lake City, Utah 84117

P +801.269.0055

www.thinkaec.com

As such, additional height is requested for the garage. Please note that our street slope exhibit SP104 illustrates that the height and massing of the home meets the intent of the code. "Slope and configuration as well as scale" is consistent with the surrounding neighborhood.

Elevator opening to comply with ICC A117.1-2009 409.

2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;

While the property is steep and will require a steep slope conditional use, the ADA accessibility requirement places a burden on the owner to require this variance. Without it, family members will be excluded from the home. This gives the community an opportunity to show that the Historic District can be consistent with preservation and inclusive to all residents.

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

Granting this variance allows for direct benefit of the disabled to live on the property. This approval will have no adverse effect upon adjoining neighbors `enjoyment' or `rights' but rather add additional value to the District and the street.

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

The home with the variance, as stated before, is consistent with the General Plan, and public interests. We are consistent with the Universal Guidelines, page 44, and comply with all eight criteria.

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

Again, the spirit of the Land Management Code has been met as well as the Historic District Design Guidelines. The only other design options would require non-conforming flat roof lines that would be out place with the context of the street scape and neighboring residences.

TOMILEE GILL RESIDENCE

ADDRESS: 352 WOODSIDE AVE, PARK CITY UTAH





THINK ARCHITECTURE 5151 S. 900 E., SUITE 200

SALT LAKE CITY, UTAH 84117

PHONE: 801-269-0055

STRUCTURAL ENGINEER: ADDRESS XXXXXX, UTAH 84XXX PHONE:

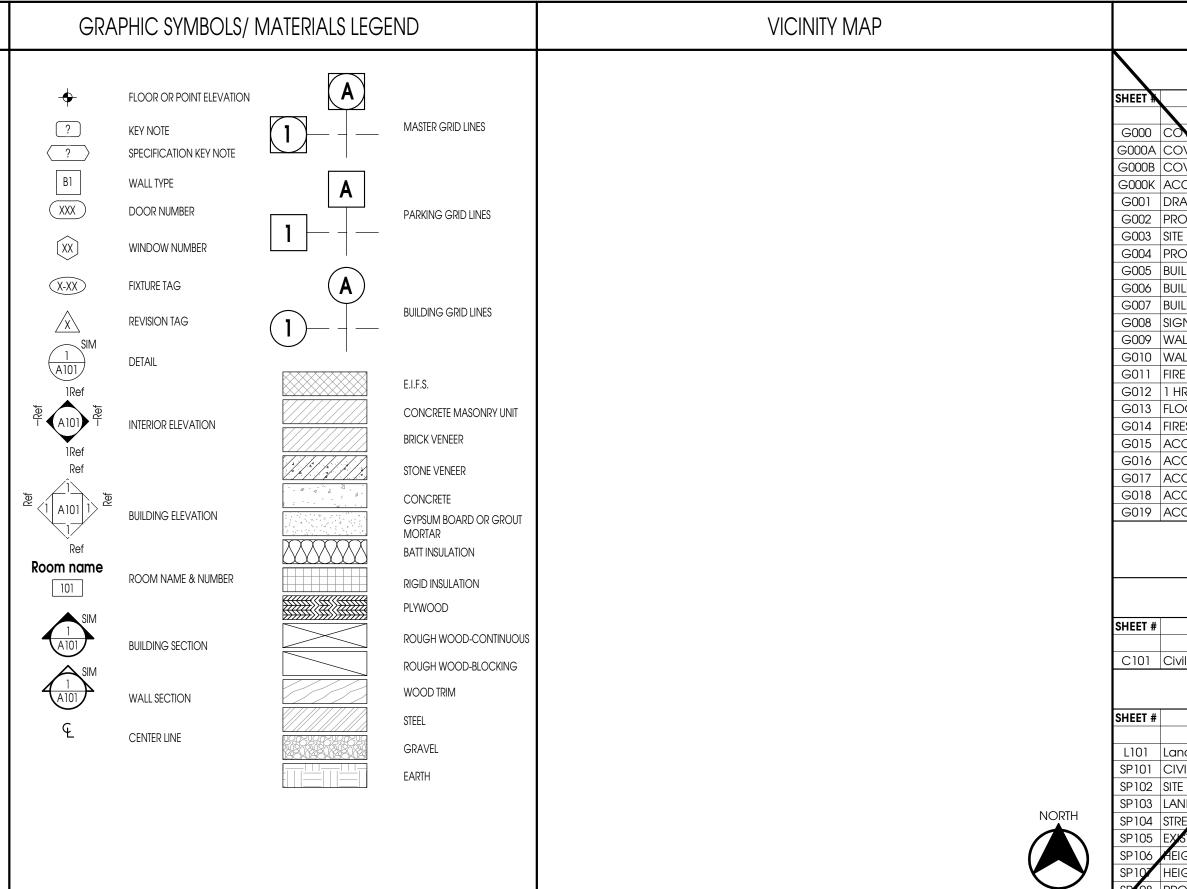
INSIDE DIAMETER

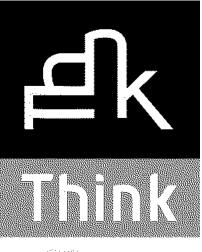
INFORMATION INSULATION

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DESIGN/ DRAWING APPROVALS ABBREVIATIONS NUMBER lavatory Light LAV. @ AT DATE OWNER LT. WT. MAINT. MANUF. MAX. MAT. M.C.J. MECH. LIGHT WEIGHT MAINTENANCE MANUFACTURER ANCHOR BOLT A.B. ABV. ADJ. A.F.F. ALUM. ABOVE ADJUSTABLE MAXIMUM DATE OWNER ADJUSIABLE ABOVE FINISH FLOOR ALUMINUM BOARD BUILDING BENCHMARK BOTTOM OF BOTTOM BASE PLATE BEARING BETWEEN CONSTRUCTION JOINT CEUING MATERIAL MASONRY CONTROL JOINT MECHANICAL MIN. MISC. M.O. MTL. HOA DATE BLDG. MISCELLANEOUS MASONRY OPENING METAL NOT IN CONTRACT PROJECT INFORMATION N.I.C. NOT TO SCALE ON CENTER N.T.S. BTWN. OUTSIDE DIAMETER OUTSIDE FACE CLG CLR. CEILING CLEAR PERPENDICULAR 2015 INTERNATIONAL RESIDENTIAL CODE WITH UTAH STATE AMENDMENTS PERP. PERPENDICULAR PLATE PAINTED QUANTITY ROOF DRAIN RADIUS REINFORCED REQUIRED ROOM ROUGH OPENING SCHEDULE SHEET SIMILAR SPECIFICATION SOUND TRANSMISSION COEFFICIENT GOVERNING CODE: CLR. CMU COL. CONC. CONT. C.T.J. DBL. DET./DTL. DIT. CONCRETE MASONRY UNIT COLUMN OCCUPANCY GROUP: R-3 CONCRETE R.D. RAD. REINF. REQ'D RM. R.O. SCHED. SHT. BUILDING TYPE: V-8 CONTINUOUS CONSTRUCTION CONTRACTION JOINT DOUBLE DETAIL DIAMETER DETAIL DRAWINGS EACH FACE EXPANSION JOINT ELEVATION EQUAL EACH SIDE EACH WAY EXISTING EXPANSION EXTERIOR FLECTRIC WATER CC BUILDING AREA - FINISHED AREA FINISHED DWGS. 1388 SF SIM. SPEC. STC LOWER LEVEL MAIN LEVEL 1482 SF EL./ELEV. UPPER LEVEL 931 SF COEFFICIENT STANDARD STRUCTURAL SUSPENDED TOP OF TOP OF CURB TOP OF FOOTING STD. STRUCT. SUSP. 3801 SF e.w. Exist. Expan. Ext. EXTERIOR ELECTRIC WATER COOLER FLOOR DRAIN FOUNDATION FIRE EXTINGUISHER FIRE EXTINGUISHER CABINET FINISH FLOOR FINISH FLOOR FEET FOOTING GAGE/GAUGE GALVANIZED GALLONS PER MINUTE GROUND GOVERNMENT GYPSUM WALL BOARD HANDICAPPED HARDWARE HOLLOW METAL HORZONTAL HEIGHT HEATING/VENTILATION/ T.O.C. Building Area - Unfinished E.W.C. T.O.F. T.O.S. TOP OF SLAB AREA UNFINISHED FDN./FDTN. **OR SIDEWALK** T.O.W. TOP OF WALL GARAGE 444 SF TYPICAL UNLESS NOTED OTHERWISE VERTICAL WITH WOOD WELDED WIRE FABRIC TYP. U.N.O. F.E.C. 444 SF FIN. VERT. W/ WD. FTG. BUILDING AREA - TOTAL GA. GALV. GPM GND. GOVT. GYP. BD. W.W.F. 4246 SF HC. HDW. H.M. HORIZ. HT. HVAC BUILDING AREA - FOOT PRINT SQUARE FOOTAGE AREA HEATING/VENTILATION/ AIR CONDITIONING HYDRANT FOOTPRINT 1519 SF HYD

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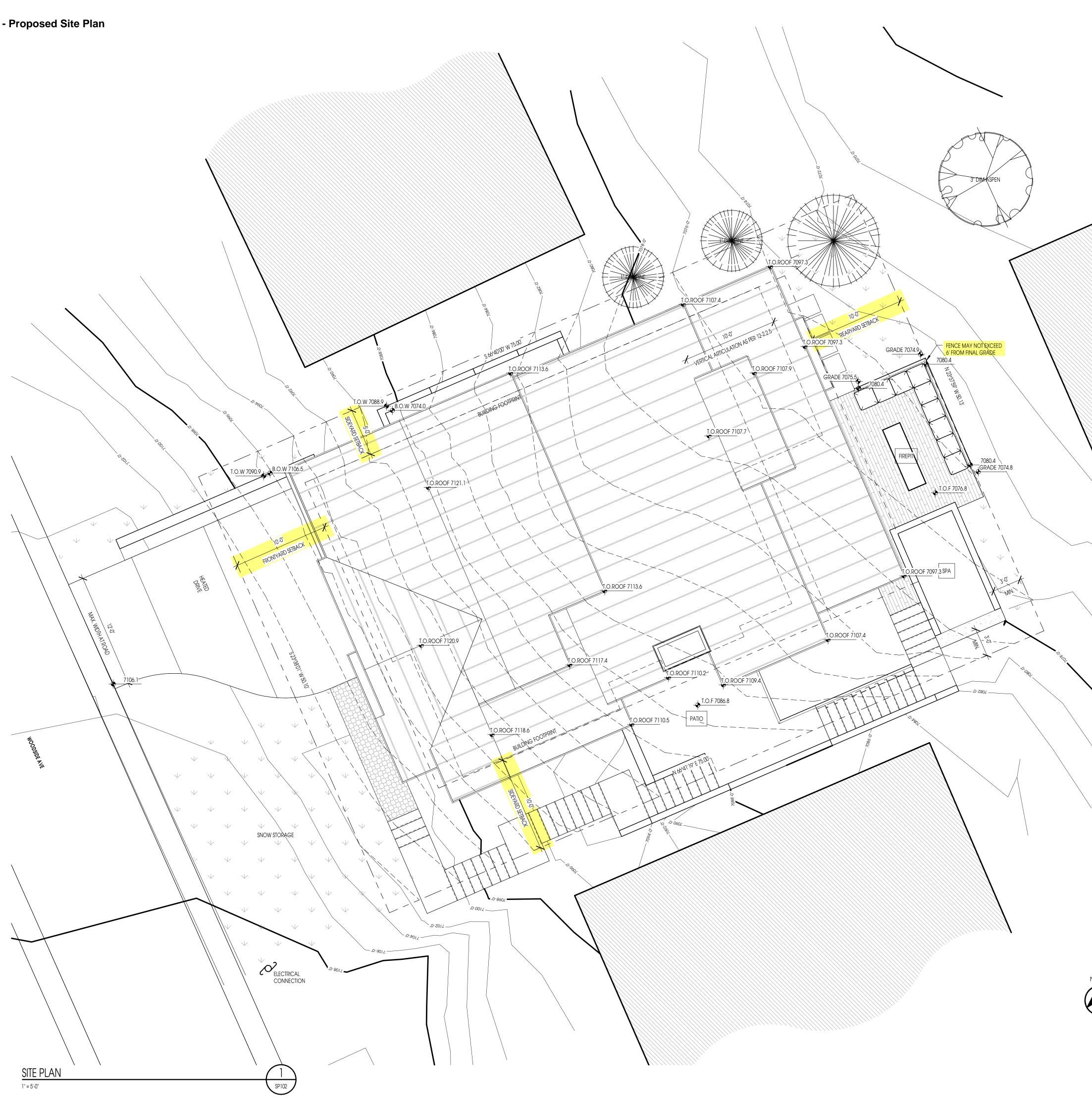
Architecture

Architecture Interior Design Landscape Architecture Land Planning Construction Management

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SITE PLAN LEGEND

HATCH PATTERN DESCRIPTION

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 \checkmark

PROPERTY LINE SET BACK _ _ _ _ |

- LIMIT OF DISTURBANCE FINISHED MAJOR CONTOUR
- FINISHED MINOR CONTOUR

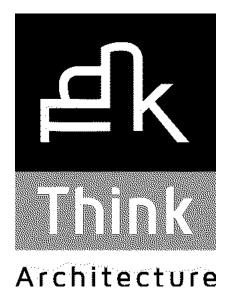
EXISTING GRADE

LANDSCAPED AREA

PROPERTY SIZE

0.086 ACRES

3,758 SQUARE FEET



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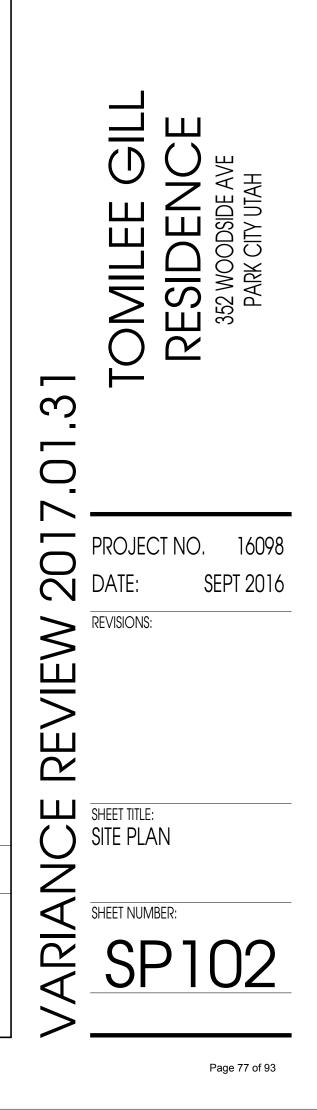


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| 121' - 0" | 7,098' - 0" |
| 110' - 0" | 7,087' - 0" |
| 100' - 0" | 7,077' - 0" |
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LEVEL

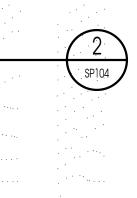
GARAGE LEVEL ELEVATION UPPER LEVEL ELEVATION MAIN LEVEL ELEVATION LOWER LEVEL ELEVATION



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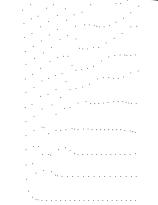




Exhibit E – Height Fog Study

FOG REPRESENTS THE 27' HEIGHT LIMIT

TOPOGRAPHY REPRESENTS THE

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27 FOG STUDY SOUTH

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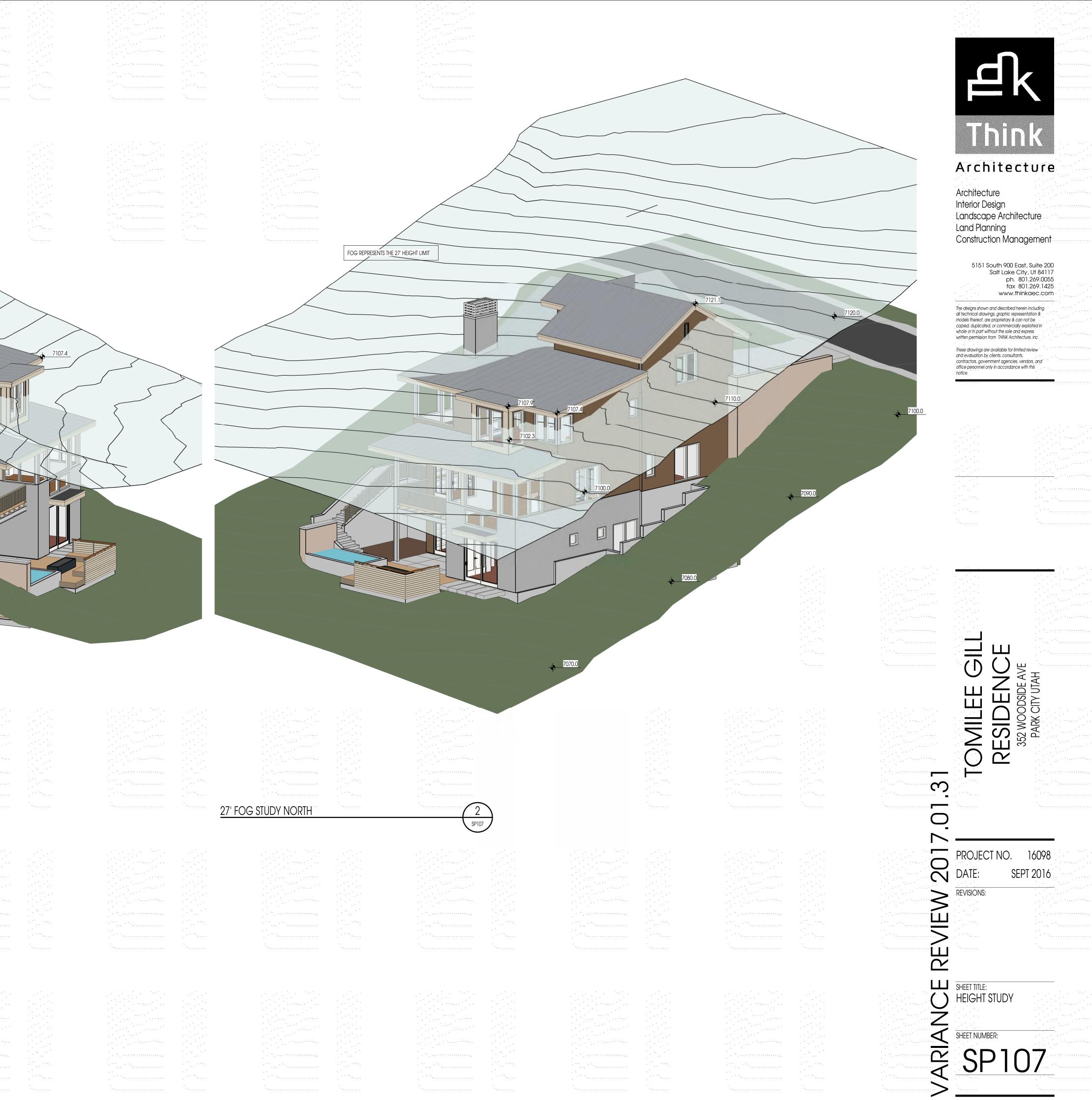
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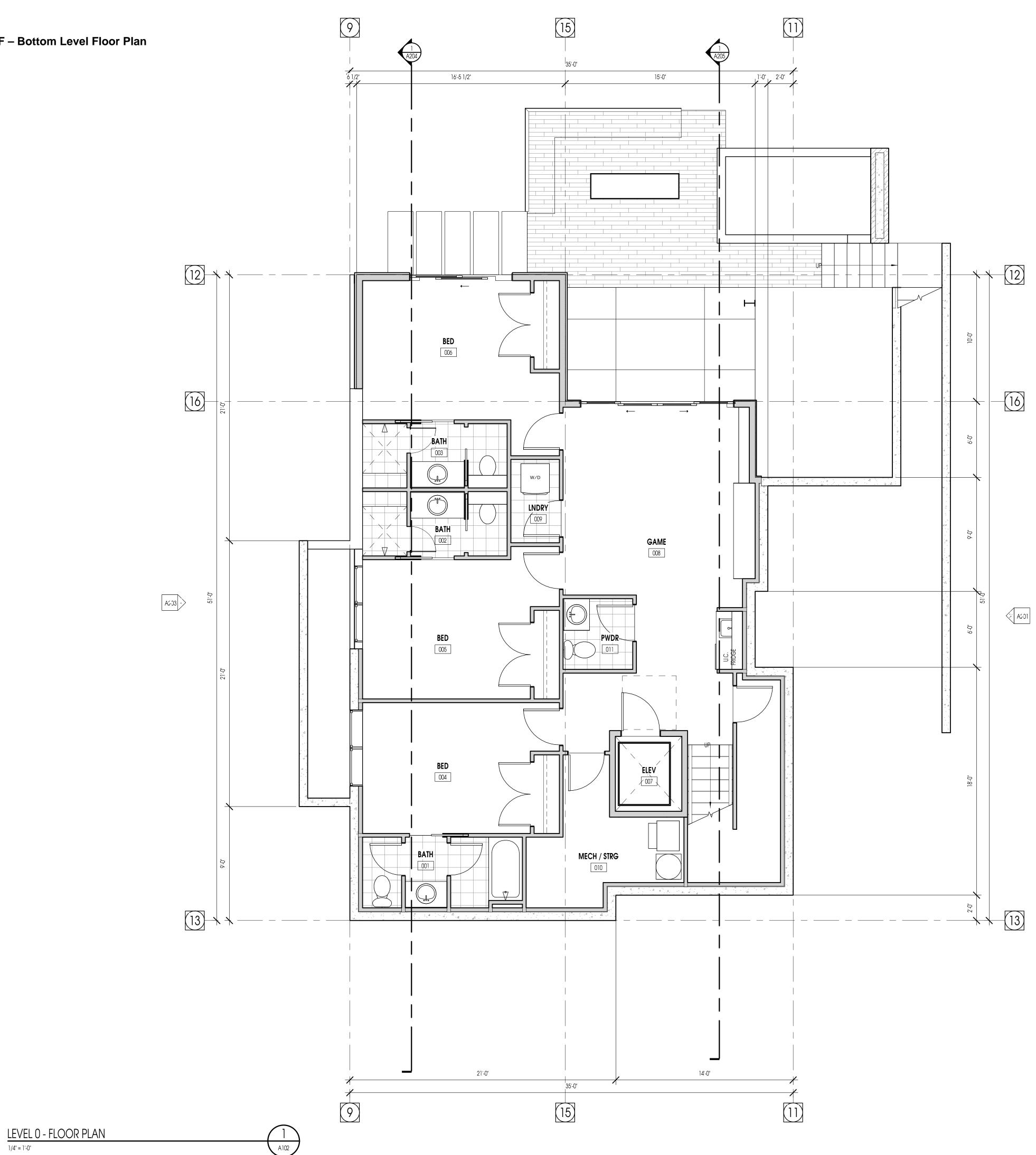




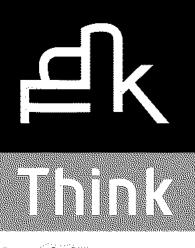




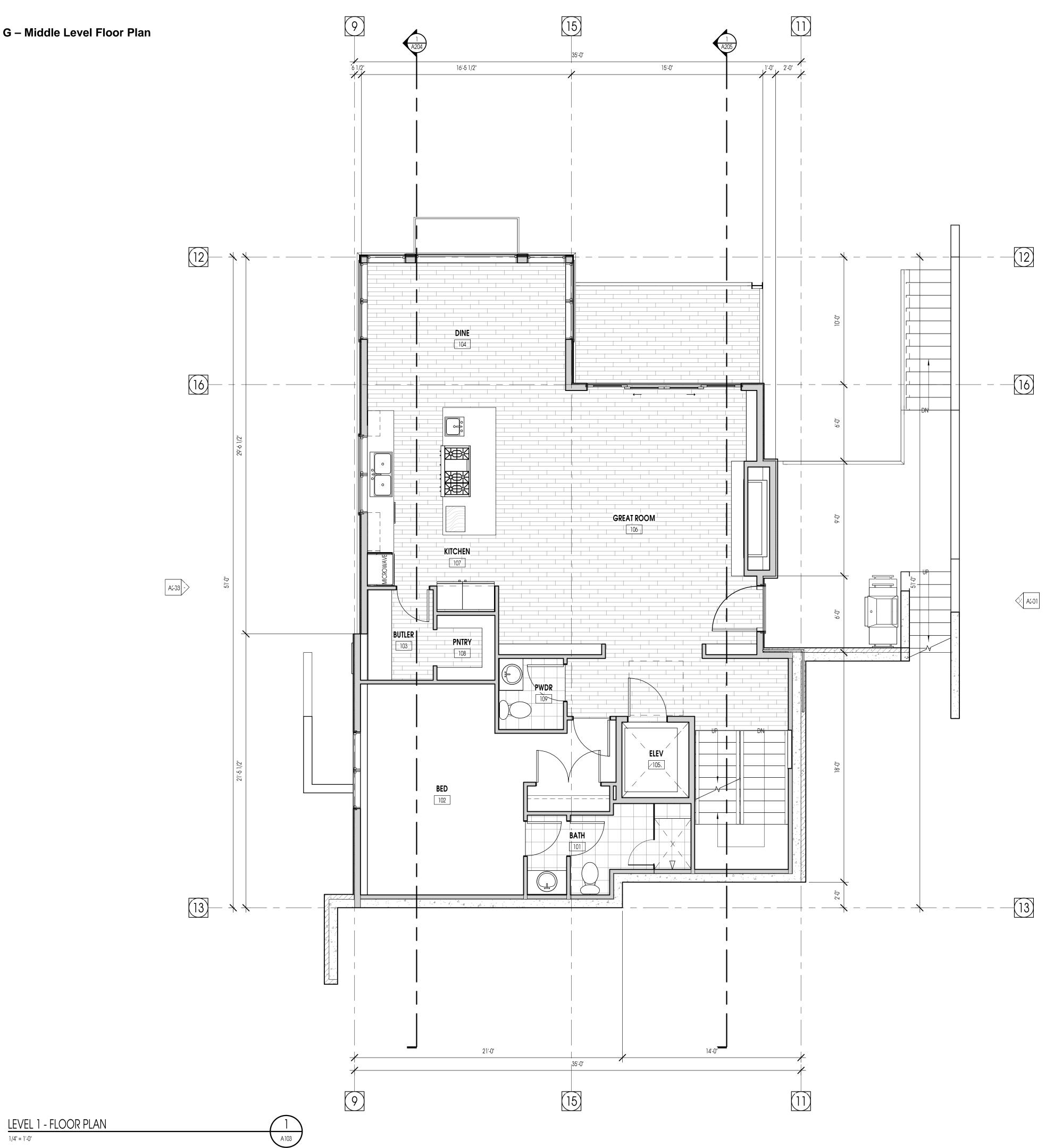
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| | AN MATE | N NPLACE CONCRETE JD WALL L NEER RIAL LEGEN SCRIPTION RPET FINISH | | | | Architecture Interior Design Landscape Architecture Land Planning Construction Management 5151 South 900 East, Suite 200 Salt Lake City, Ut 84117 ph. 801.269.0055 fax 801.269.1425 www.thinkaec.com |
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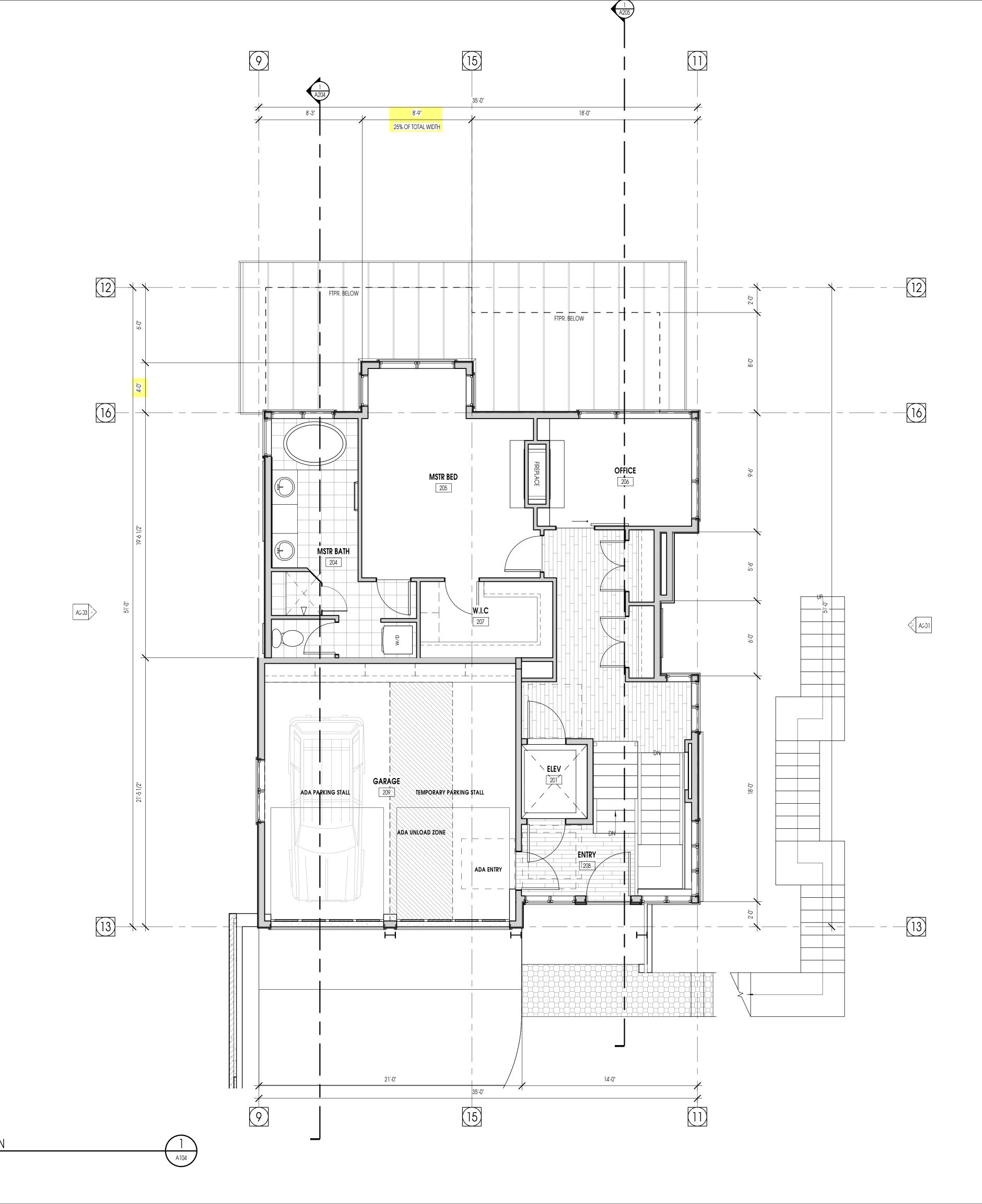


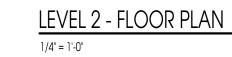
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| | EX | TERIOR CON | CRETE SLABS | | | fax 801.269.1425 www.thinkaec.com |
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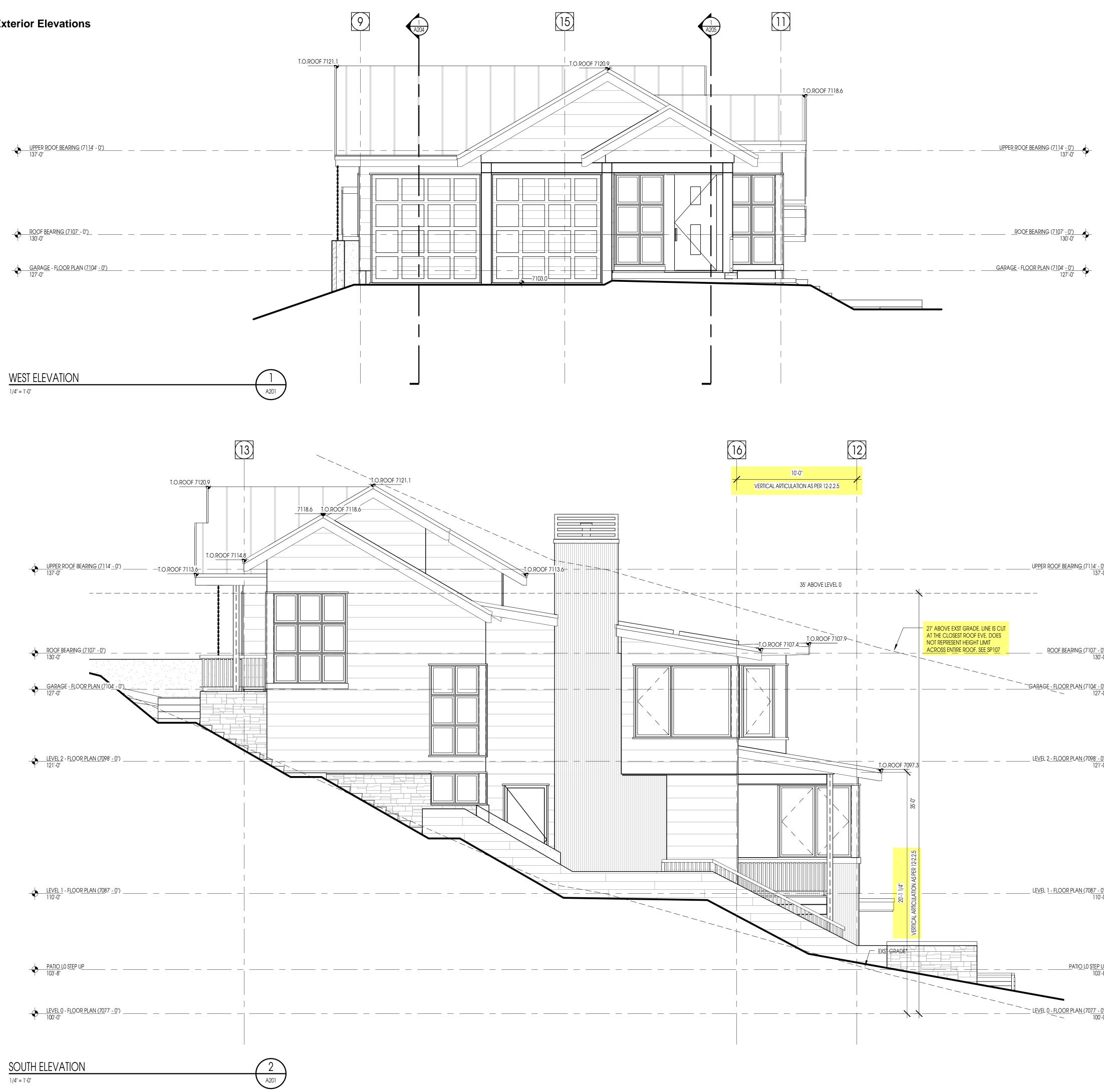
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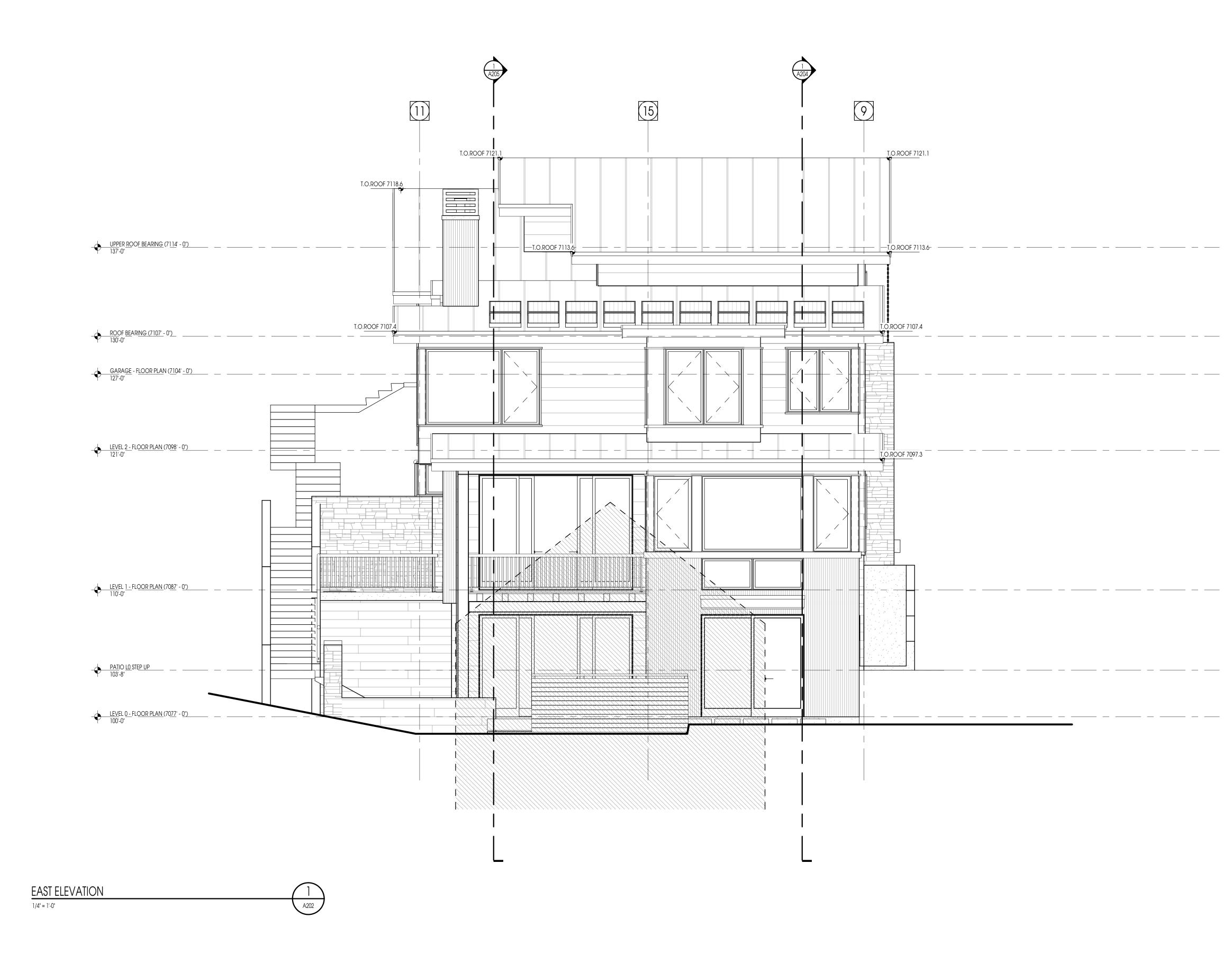


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| | EXT | | CRETE SLABS | | | fax 801.269.1425 www.thinkaec.com The designs shown and described herein including all technical drawings, graphic representation & |
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| OWER LEVEL | | | 1388 SF 1482 SF | | | |
| DATUM | | | 931 SF 3801 SF | | U U U | SHEET TITLE: LEVEL 2 FLOOR PLAN |
| | | 1 E//EI | | | ARIAN | |
| ARCH | CIVIL | LEVEL | | | | SHEET NUMBER: |
| 128' - 0" 121' - 0" | 7,104' - 0" 7,098' - 0" | GARAGE LEVEL ELE UPPER LEVEL ELEVA | | | | A104 |
| 110' - 0" | 7,087' - 0" | MAIN LEVEL ELEVA | TION | | | |
| 100' - 0" | 7,077' - 0" | LOWER LEVEL ELEV | ATION | | | |

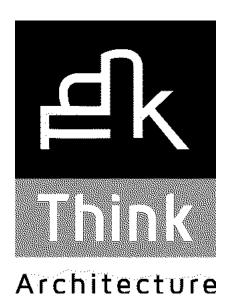
chitecture



| | ELEVATION / SECTION MATERIAL LEGEND | |
|---|---|---|
| | HATCH PATTERN DESCRIPTION STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH. | |
| | CORRUGATED METAL SIDING COLOR AS PER SPECIFICATIONS | Think |
| | LAP SIDING FIBER CEMENT 6" EXPOSURE AS PER SPECIFICATIONS | Architecture |
| | STANDING SEAM METAL ROOF SEE SPECIFICATIONS FOR TYPE, PATTERN AND COLOR. | Architecture Interior Design Landscape Architecture Land Planning Construction Management |
| | | 5151 South 900 East, Suite 200 Salt Lake City, Ut 84117 ph. 801.269.0055 fax 801.269.1425 www.thinkaec.com |
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| | NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL KEYNOTE INSTRUCTIONAL | |
| <u>- 0')</u> 7'-0" | | |
| | | |
| <u>- 0°)</u> 0'-0" - <u>0")</u> 7'-0" | | MILEE G ESIDENC 352 WOODSIDE AVE PARK CITY UTAH |
| /-U | | |
| <u>- 0')</u> 1'-0" | | - 0 2 2 2 2 2 |
| | | - <u> </u> |
| | | PROJECT NO. 16098 DATE: SEPT 2016 |
| <u>- 0")</u> 0'-0" | | |
| ⊃UP ↓ | | REVI |
| <u>- 0") </u> | | SHEET TITLE: EXTERIOR ELEVATIONS |
| - 0') 0'-0" | | SHEET NUMBER: A201 |
| | | \leq |



| HATCH PATTERN | DESCRIPTION |
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| | STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH. |
| | CORRUGATED METAL SIDING COLOR AS PER SPECIFICATIONS |
| | LAP SIDING FIBER CEMENT 6" EXPOSURE AS PER SPECIFICATIONS |
| | STANDING SEAM METAL ROOF SEE SPECIFICATIONS FOR TYPE, PATTERN AND COLOR. |
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| | NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL |

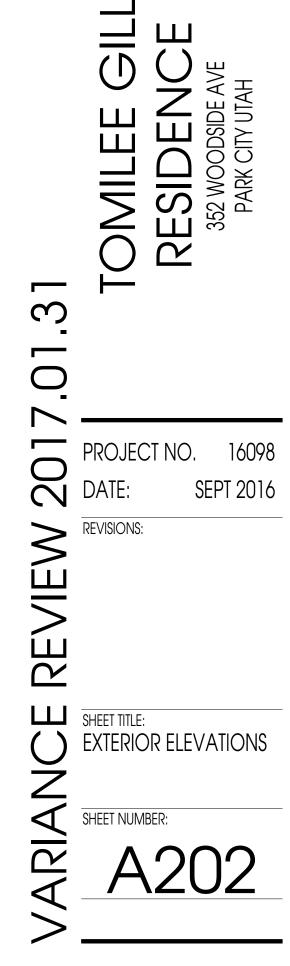


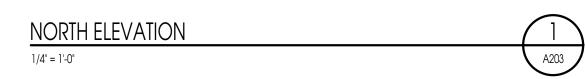
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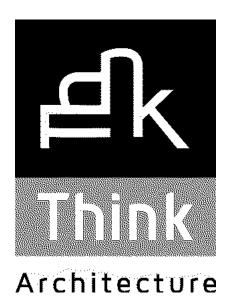
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| ELEVA | TION / SECTION MATERIAL LEGEND |
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| HATCH PATTERN | DESCRIPTION |
| | STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH. |
| | CORRUGATED METAL SIDING COLOR AS PER SPECIFICATIONS |
| | LAP SIDING FIBER CEMENT 6" EXPOSURE AS PER SPECIFICATIONS |
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| | NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL |
| | KEYNOTE INSTRUCTIONAL |



Architecture Interior Design Landscape Architecture Land Planning Construction Management

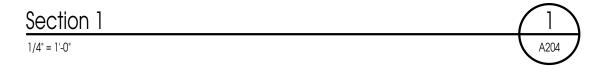
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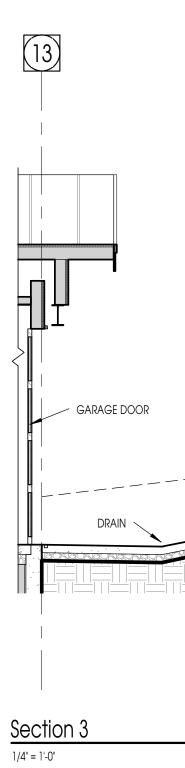
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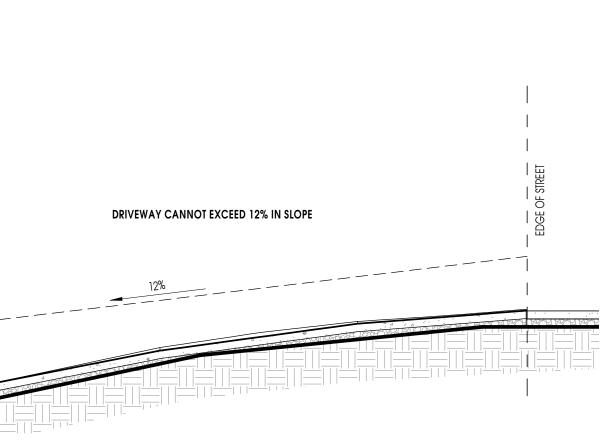
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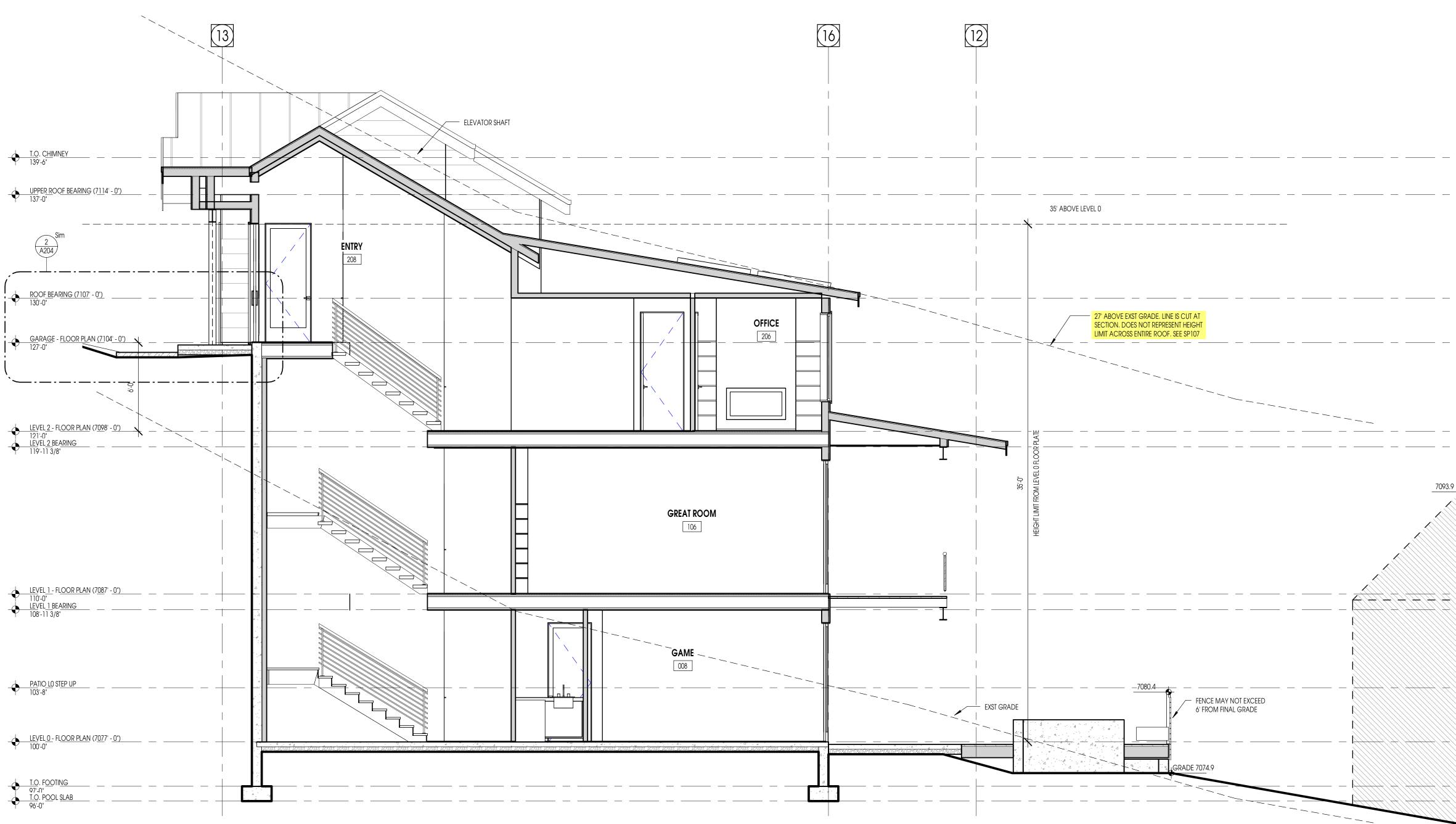




2 A204

| | ELEVA | ATION / SECTION MATERIAL LEGEND | |
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| | HATCH PATTERN | DESCRIPTION | |
| | | STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH. | |
| | | CORRUGATED METAL SIDING COLOR AS PER SPECIFICATIONS | Think |
| | | LAP SIDING FIBER CEMENT 6" EXPOSURE AS PER SPECIFICATIONS | Architecture |
| | | STANDING SEAM METAL ROOF SEE SPECIFICATIONS FOR TYPE, PATTERN AND COLOR. | Architecture Interior Design Landscape Architecture Land Planning Construction Management |
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| | | NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL | |
| | | KEYNOTE INSTRUCTIONAL |] |

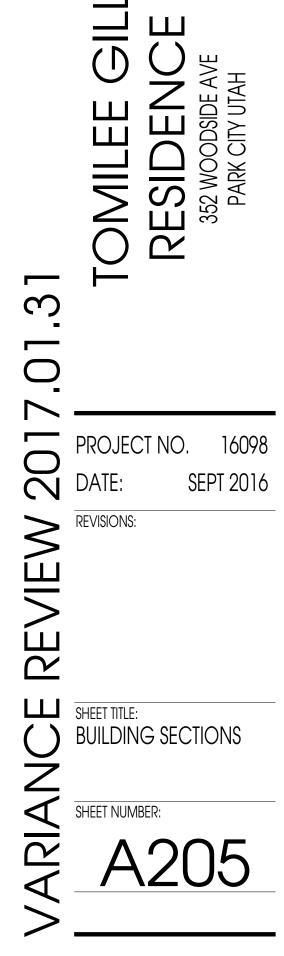


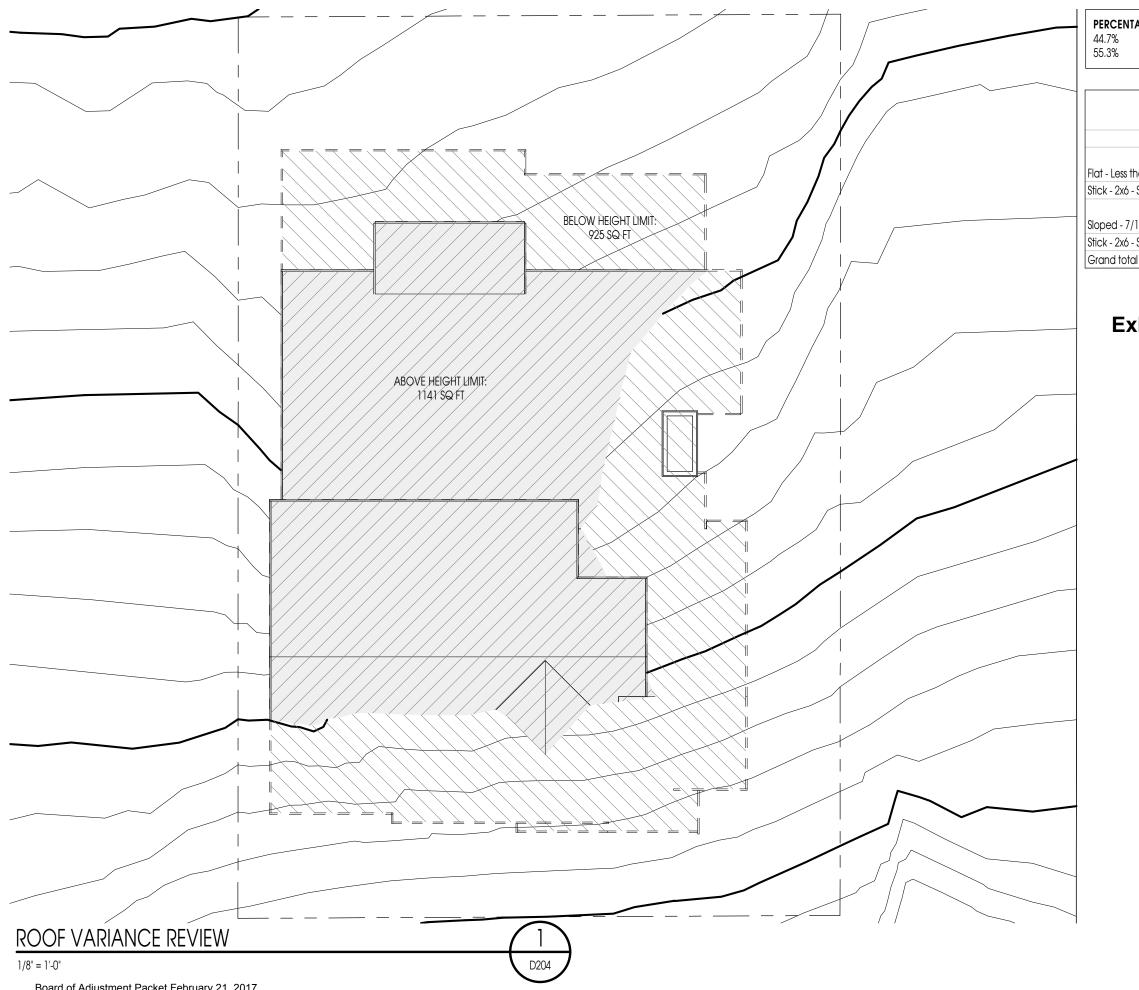


<u>Section 2</u> 1/4" = 1'-0"

A205

| | ELEVATION / SECTION MATERIAL LEGEND | | |
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| | | STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH. | |
| | | CORRUGATED METAL SIDING COLOR AS PER SPECIFICATIONS | Think |
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| EXST BLD | | NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL | |
| | KEYNOTE INSTRUCTIONAL | | |
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| | | | EE GILL SIDE AVE VUTAH |





PERCENTAGE OF ROOF BELOW AND ABOVE 27' HEIGHT LIMIT

925 SQ FT BELOW LIMIT 1,141 SQ FT ABOVE LIMIT

| ROOF AREA BY TYPE . | | | | |
|---------------------|---------|-------|--|--|
| Туре | Area | % | | |
| nan 2/12 | | | | |
| Standing Seam | 1197 SF | 48.8% | | |
| 12 | | | | |
| Standing Seam | 1255 SF | 51.2% | | |
| | 2453 SF | | | |
| | | | | |

Exhibit K - Roof over height



Architecture

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suitants, ncies, vendors, and dance with this





Exhibit L - Public Comment

Hello Makena,

As indicated in my voice mail to you on 2-9-17, I am not in favor of the proposed variances for the subject property. I have reviewed the (3) requests and do not support the applicant's requests.

Sincerely,

John Bull

JBT LLC 3999 LaPlaya Lane Orchard Lake, Mi. 48324

313-670-0455 c. John.bull@eagleindinc.com Makena,

Thank you for taking the time to discuss the project at 353 Woodside Avenue with me this week. As I mentioned, I'd like to offer a few comments for the record, and would appreciate your distribution of them at the hearing.

As the immediate downhill neighbor to this project (343 Park Avenue), I'm concerned that the extra height proposed for 353 Woodside Ave. will harm the appearance and the aesthetics of my own home as well as others near us. The variance for the additional side-yard area is not something that I would object to given some of the reasons raised by the applicant, however, the additional proposed height limit area will tower over those of us who are underneath it, as well as setting an unfortunate precedent for other homes in Old Town.

For these reasons, I would respectfully request that a variance for additional height be denied.

Thanks much,

Russell Long, Ph.D.

Hi Makena -

We are downstairs neighbors to the project proposed at 353 Woodside Avenue. We are located at 363 Park Avenue.

We are very concerned about the proposed height for this project, and would like to formally request that the height variance be denied.

What is the best way for us to lodge a formal request?

Thank you,

Mike and Lisa Herring

Re: Notice of Public Hearing to Adjacent Property Owners

Application # PL-16-03388

Project Location: 352 Woodside Ave., Park City, UT 84060

Comments from: Jordan and Helen Levin, Owners of immediately adjacent home at 351 Park Ave.

Hello Makena,

Thank you very much for taking time to discuss the project at 352 Woodside Avenue with me this week. As always, we appreciate the city's diligence with these matters, especially as it pertains to maintaining the unique character of Old Town.

We would like to present a few comments for the record as the planning commission considers the applicant's request for variance.

First and foremost, our overriding concern is protecting the geological integrity of the hillside itself. The land in question incorporates a steeply sloping bank. Work on our own property resulted in the discovery of a watercourse running beneath the land. We have concerns about the impact of the proposed development on adjacent properties in terms of drainage as well as ground stability. We have serious concerns about the impact the proposed works could have on the stability of our property. The land is steeply graded, and subsidence is already a concern with the existing lot at 352 Woodside. We along with our adjoining neighbors, depend upon the city, as well as the owner of 352 Woodside Ave., to minimize the adverse effects on neighboring properties.

In terms of the specific variances requested, we do in fact object to the set back variance. and If granted we urge the city to strictly enforce the newly proposed set backs to ensure that the construction of any structure on the 352 Woodside lot adheres to the minimum setbacks from all property lines. While the property in question is only slightly over the lower set back requirements, it is in fact over them. Additionally, the greater requirements are not significantly onerous, but as written are

intended to protect Old Town sites from being overbuilt. We are deeply concerned about the proximity of this project to our property especially given the steepness of the slope. Because of the grand scope of the proposed project, the additional side yard set backs would ensure landscaping, light, and the general feel of the neighborhood be maintained. For these reasons therefore, we object to any reduction in the reasonable set backs as stipulated.

As the adjacent downhill neighbor to this project (351 Park Avenue), we are deeply troubled by the extra height proposed for 352 Woodside Ave.

The variance as proposed will significantly harm the appearance and the aesthetics of our home. It will cause us to lose a significant level of sunlight and daylight. It would result in our feeling much more overlooked and cause a significant loss of privacy. The sense of enclosure, or feeling of being hemmed in, in our property because of the close proximity and height of the extension is both undesirable and unsettling. The additional proposed height limit area would completely over shadow our home beneath it.

For all of these reasons, we would respectfully request that a variance for altered set backs and additional height be denied.

Thanks much,

Jordan and Helen Levin

351 Park Avenue