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VIA HAND DELIVERY & EMAIL: Planning@ParkCity.org; FAstorga@ParkCity.org

January 2, 2015

Park City Planning Department
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Re: Response to Appeal to Park City Historic Preservation Board – 491 Echo Spur

Dear Park City Historic Preservation Board:

I. INTRODUCTION & BACKGROUND

On October 17, 2013, through Ordinance No. 13-39, the City Council approved the Lot 17, 18, and 19 Echo Spur Development Replat Amendment in respect of the property located at 491 Echo Spur in Park City, Utah (the “Tlou/Barnsdale Property”) This approval came after more than a year of public hearings and work sessions in which Leeto Tlou and Charlene Barnsdale, the owners of the Tlou/Barnsdale Property (the “Owners”), along with their architects, worked diligently and cooperatively with the Park City Planning Commission (the “Planning Commission”) to assuage any concerns that arose concerning the replat amendment through repeated revisions to the submitted plans, reports, architectural design, and mitigation of any and all perceived issues. On April 9, 2014, the Planning Commission approved a Steep Slope Conditional Use Permit for the Tlou/Barnsdale Property. Several months later, on October 21, 2014, after continued work by the Owners and their architects in which they demonstrated their steadfast commitment to resolve all concerns surrounding their proposed single-family full-time residence, the Park City Planning Department (the “Planning Department”) approved a Historic District Design Review (“HDDR”) application submitted by the Owners for the proposed residence on the now-consolidated lot located at 491 Echo Spur, Park City, Utah 84060 (the “Tlou/Barnsdale Residence”), effectively allowing for a beautiful addition to the

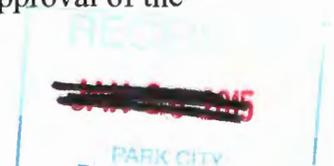
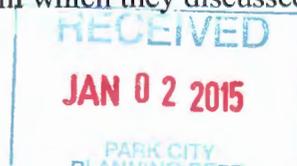


neighborhood that is consistent with the charm and beauty of Historic Old Town Park City, while simultaneously subtly elevating its elegance (the "Approval").

In September and October 2014, Dan and Paula Riordan (the "Appellants"), who own a property next door to the Tlou/Barnsdale Property, located at 490 Ontario Drive, Park City, Utah 84060, (the "Riordan Property") where they live part time, tried to convince the Owners to grant them a permanent free easement for the various encroachments that they had made on the Tlou/Barnsdale Property. These demands had the effect of tying up the recordation of the approved plat amendment by the City. This situation was exacerbated by the fact that time was running out on when recordation of the plat needed to occur in order for the Owners to avoid having to re-start the entire plat amendment process that at this point now taken years. The Owners, in an effort to be good neighbors and come to a fair agreement, had offered up a temporary easement instead, which the Appellants summarily rejected. Certain representative e-mailed communications between the Owners and the Appellants on this subject are attached hereto as **Exhibit A**. The plat amendment was recorded with the Summit County Recorder's Office on October 15, without an easement provision. The Appellants then filed an appeal in respect of this Approval on October 31, 2014 (the "Appeal"), which is attached hereto as **Exhibit B**. Consequently, the timing of this Appeal hints of sour grapes due to the Appellants' own self interest in encroaching on someone else's property, rather than a purported deep concern for the design of the Tlou/Barnsdale Residence, which design is in complete conformity with all Land Management Code ("LMC") provisions relevant to the HR-1 District.

II. SPECIFIC RESPONSES TO ALLEGATIONS RAISED BY APPELLANTS

The subject matter of this response shall be limited only to the points raised by the Appellants with respect to the Approval by the City of the Historic District Design Review application, as the plat amendment has been officially approved by the City and recorded with no further rights of appeal. The City successfully approved and signed off on the recordation of the plat amendment after a close review of all of the information that had been set before it, including the successful resolution of the ridgeline concerns that had essentially resulted in the Planning Commission's negative recommendation for approval. Therefore, although Appellants offer up in their Appeal snippets of conversation favorable to their position that occurred among Planning Commissioners during several meetings in which they discussed the approval of the



plat amendment, while choosing to ignore many of the opposite views held by other Planning Commissioners during these discussions that were unfavorable to Appellants' position, all such one-sided commentary pertaining to the plat amendment approval are moot to this HDDR Appeal. To that end, and in light of the fact that Appellants themselves admit that "the standard of review for factual issues is 'de novo' – which means that the Historic Preservation Board is 'starting fresh' and deciding the factual issues" without reference to any other findings, opinions, discussion snippets, or observations made by the Planning Commission or anyone else, we will stick to the facts in this response, addressing each of the items that have been raised in their Appeal.

A. Finding of Fact 23 – "The Application meets the Universal Guidelines for New Construction."

Universal Guideline 6: Scale and height of new structures should follow the predominant pattern of the neighborhood with special considerations to be given to Historic Sites.

The Owners and their architects have worked closely with the City to ensure that their home echoes and beautifully complements the predominant pattern of the neighborhood, giving special consideration to its placement, where it serves as a transition between the neighborhood on Ontario and Marsac Avenues and the much larger lots of the Gateway Estates Replat Subdivision. The proposed home's 2,049 sq. ft. footprint and 2,822 gross residential floor area help maintain compatibility with the surrounding areas. To further blend with the property's surroundings, the house incorporates the Old Town mining vernacular with more contemporary elements. The stepping volumes allow the home to follow the contours of the site, with the third story stepping back 10' horizontally from the downhill façade. The design maintains the 27' height restriction as it cascades down the property. Visual impact and privacy of the Tlou/Barnsdale residence has been a paramount consideration in the design. The north side yard setback has been increased to 15' to address this. A large landscaping buffer in this area will help minimize the visual impact of both the home and the existing concrete retaining walls. Existing surrounding vegetation and drought-tolerant types will serve as reference in choosing the new landscaping.



Regarding the size of the house, it is smaller than several houses that have been built in the same and/or surrounding neighborhood. Homes on bordering Ontario and McHenry Avenues run much larger. On Ontario Avenue, the following homes have much larger square footage, which square footage excludes the basement, garage, and decks: 275 Ontario Ave. – 4,550 square feet and 302 Ontario Ave. – 3,448 square feet. On McHenry Avenue, you will find the following existing homes: 300 McHenry Ave. – 6,665 square feet and 335 McHenry Ave. – 4,100 square feet. The listings from the MLS providing these numbers are attached hereto as **Exhibit C**. At 2,049 square feet, the Tlou/Barnsdale Residence is far from the largest property in the neighborhood or surrounding areas.

Regarding the appearance of the house, attached as **Exhibit D.1** is an artistic rendering of the Tlou/Barnsdale Residence. Attached as **Exhibit D.2** is a picture of the Riordan Property. You will see that the architect took great pains to ensure that the Tlou/Barnsdale Residence followed the predominant pattern of the neighborhood.

Universal Guideline 7: The size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood.

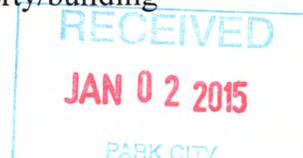
The LMC exists for a reason. It regulates how much house can be built on a certain property area. Park City Municipal Code – Title 15 LMC, Chapter 2.2 – HR-1 District, Section 15.2-3(D) states that the maximum Building Footprint of any Structure located on a Lot or combination of Lots not exceeding 18,750 square feet in Lot Area shall be calculated according to the Building Footprint formula illustrated in Table 15-2.2 of the same Chapter. The Building Footprint formula is set forth as the following:

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

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

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

To make this calculation easier, Table 15-2.2 specifically provides the relevant numbers for reference. It states that for a Lot with a Lot width up to 75 ft., with a Lot area of 5,625 square feet, the maximum building footprint is 2,050 square feet. The proposed building footprint of the Tlou/Barnsdale Residence is 2,049 square feet. Table 15-2.2 is attached hereto as **Exhibit E**. The LMC provides a statutory building footprint formula that ensures property/building



compatibility in a uniform manner, no matter the Lot size. The Tlou/Barnsdale Residence conforms to that formula. To argue that their conformity with this statute somehow violates their building compatibility with the size of the property is ludicrous. It would be the equivalent of penalizing someone who drives right up to, without going over, the speed limit. Attached as **Exhibit F** is an additional table prepared by Planning Commission Staff that sets forth the fact that the Tlou/Barnsdale Residence is also in conformance with all other LMC requirements. By definition, therefore, and also by statute, the size and mass of the Tlou/Barnsdale Residence is compatible with the size of the Tlou/Barnsdale Property.

B. Finding of Fact 24 – The Application, as conditioned, meets the Specific Guidelines for Site Design, Primary Structures, Off-Street Parking Areas, Exterior Lighting and Sustainability.

Specific Guideline A.5.4: *The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.*

Lots 17, 18, and 19, which comprise 491 Echo Spur, were zoned as residential housing. To state that the fact that they are now going to be built on for the purpose for which they were originally zoned therefore somehow results in less open space is a slippery slope argument at best. The recorded plat documents were publicly available to Appellants when they purchased their own house. It is no surprise that eventually a home or homes would be built on those parcels. In fact, by combining these 3 lots into one, there will not be three paved driveways and three different houses, as well as the resultant traffic and density concerns thereof. Rather, the enhanced landscaping and an environmentally-conscious design that blends into the natural slope will enhance the look of the neighborhood and district, providing a needed transition from the neighborhood on Ontario and Marsac Avenues into the Gateway Estates Replat Subdivision.

Specific Guideline B.1.6: *Windows, balconies and decks should be located in order to respect the existing conditions of neighboring properties.*

The Tlou/Barnsdale Residence has been designed with the proximity of the Riordan Property in mind. Attached as **Exhibit G** is a photo of the view from the West side of



the Tlou/Barnsdale Property toward the Riordan Property. The elevation difference between the two properties creates a situation where the Tlou/Barnsdale Residence living area would be located above any windows on the East side of the Riordan Property, which resolves any privacy concerns that Appellants may raise.

Specific Guideline B.1.8: *Buildings constructed on lots greater than 25 feet wide should be designed so that the façades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, building depth, and patterns within the façade.*

The access street mentioned by Appellants in their argument is inapplicable to Guideline B.1.8, as it is not a “primary public right-of-way.” Rather, it is a private way utilized by the residents of such access street. The primary public right-of-way would be Deer Valley Drive, which passes below the Tlou/Barnsdale Property by several hundred feet. The Owners’ architect has designed the Tlou/Barnsdale Residence façade to beautifully reinforce the rhythm along that street in terms of traditional building width, building depth, and patterns within the façade.

C. Conclusion of Law 1 – The proposed dwelling complies with the Park City Historic District Design Guidelines, as conditioned.

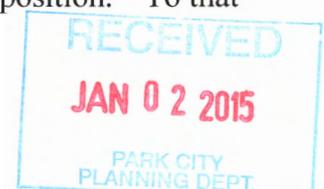
The first few paragraphs of this Section does not state an argument for which a response is warranted. In addition, it deals with the moot point of Lot combination, which has already been definitively approved in this matter and is not the subject of this Appeal. Therefore, we have no response to this item.

Regulation: Old Town Lots Should Maintain the Existing Block’s Historic Fabric

As Appellants admit, in this Section they reference a proposed regulation, not an existing one. In addition, it pertains to Lot combinations, which is not the subject of this Appeal. Therefore, we have no response to this item.

Regulation: New Construction in the Historic District Should Be Compatible

As Appellants state, the General Plan sets forth that “design reviews are necessary to preserve the neighborhood’s overall historic integrity, character, and composition.” To that



end, the Owners and their architects have worked tirelessly and diligently with the City for over 2 years to review, re-think, and revise the architectural plans for the Tlou/Barnsdale Residence. Their collaboration has created a beautiful residence compatible with the neighborhood and surrounding neighborhoods, elegantly combining touches of Old Town mining charm with more contemporary elements, and serving as a successful transition between historic Park City neighborhoods. In addition, as set forth above, the Tlou/Barnsdale Residence is compatible with the existing surrounding area.

D. Conclusion of Law 2 – The proposed dwelling complies with the Land Management Code requirements pursuant to the Historical Density (HR-1) District.

As argued by Appellants, the LMC states at Section 15-2.2-1 that the purpose of the Historical Residential HR-1 District is to do the following:

1. Preserve present land Uses and character of the Historic residential Areas of Park City.

The present land Use of the neighborhood in question is that of a residential nature. Therefore, the Tlou/Barnsdale Residence preserves that land Use. The character of the neighborhood and surrounding residential area are, as stated above, preserved, as well as beautified, by the addition of the Tlou/Barnsdale Residence.

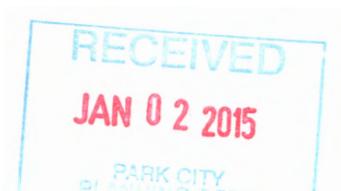
2. Encourage the preservation of Historic Structures.

The construction of the Tlou/Barnsdale Residence in no way endangers any Historic Structures.

3. Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.

The Tlou/Barnsdale Residence serves to maintain and enhance an existing residential neighborhood. The Old Town mining touches, combined with an updated elegance, as well as its use to successfully transition two distinct Park City neighborhoods, makes it a structure that is historically compatible and contributes to the character and scale of the Historic District.

4. Encourage single family Development on combinations of 25' x 75' Historic Lots.



The Tlou/Barnsdale Residence squarely complies with this purpose of the Historical Residential HR-1 District. Appellants have argued in their Appeal, in contravention of this statutory purpose of the LMC requirements, that such combinations are undesirable. However, the combination of Lots 17, 18, and 19 by the Owners in order to create a single family residence is one of the stated directives of the purpose of the Historical Residential HR-1 District. Therefore, the construction of the Tlou/Barnsdale Residence is in complete alignment with this HR-1 directive.

5. Define Development parameters that are consistent with the General Plan policies for the Historic core.

These Development parameters have been defined and provided to date. Although they may continue to be revised, we currently have parameters in place that guide this current matter, and, as set forth above, the Tlou/Barnsdale Residence is well within compliance of these parameters.

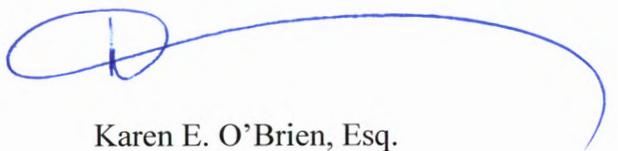
6. Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

This same review criteria for new Development on Steep Slopes was used as a basis for the Planning Commission, on April 9, 2014, to approve the Steep Slope Conditional Use Permit for the Tlou/Barnsdale Residence. Therefore, by definition, the Tlou/Barnsdale Residence is in compliance with such review criteria as set forth by the Historical Residential HR-1 District.

III. CONCLUSION

For the foregoing reasons, Leeto Tlou and Charlene Barnsdale respectfully request that you deny the Appeal by the Appellants of the Planning Department's approval of the HDDR application for the Tlou/Barnsdale Residence, as there is no basis in either law or fact to do so.

Sincerely,



Karen E. O'Brien, Esq.

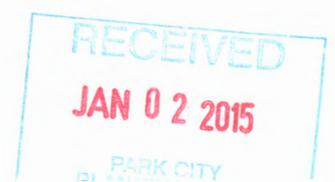


EXHIBIT A

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JAN 02 2015
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From: Leeto Tlou <ltlou@me.com>
To: Dan Riordan <dan.riordan@yahoo.com>
Sent: Thursday, October 2, 2014 2:25 PM
Subject: Re: Revised Easement

Dan,

Thank you for your comments. During our review, we noted that a small portion of the wall next to the steps extends beyond 2 feet (max distance 2.6 feet). I'm sure that as the steps are modified, the portion of the wall next to the steps that exceeds 2 feet could be modified at the same time.

Regarding the temporary nature of the easement, we are offering you a temporary encroachment easement so that you and your wife can enjoy the current wall as long as you own the property. My wife and I know that you will take care of the wall and make every effort to maintain it. However, we want to make sure that if the property is sold or there are proposed material changes to the wall, then we will not be obligated to allow the encroachment to persist on our property. As you and your wife have mentioned, the wall is not built to code. Therefore, if you were to sell your property, the wall would most likely need to be redone. At that time we would ask that it be modified such that it no longer encroaches upon our property. The attached revised document incorporates some of the other points you raised about the wall, and I believe it addresses your remaining concerns.

October 6th is a hard deadline for us to resolve this issue one way or another. In order for us to move forward, we need to report whether both parties are proceeding with the attached agreement or if we are moving forward with actions that are less appealing to both of us. If your attorney is out of town, then perhaps they can review and respond via email; or, some other arrangements can be made. It's your call, but we are unable to push this deadline either way.

The attached is a revised agreement (blackline and clean). We look forward to hearing from you by October 6, 2014.

Leeto Tlou

On Oct 01, 2014, at 12:44 PM, Dan Riordan <dan.riordan@yahoo.com> wrote:

Leeto,

I received your proposed changes to the easement proposed by us on September 3, 2014. We are in the process of reviewing your proposal. I will also need to have our attorney review these changes. I understand that he is out of the office until October 6, 2014. Accordingly, I will likely not be able to get back to you until later in the week next week.

In the interim, it would be helpful to get clarification on two points. First, your email states that you are willing to grant a 2 foot easement, that would allow us to keep a portion of the current wall that may be encroaching. However, the agreement also suggests that the retaining wall needs to be modified. If you believe that there is a portion of the wall (not the steps) that exceeds two feet, please let us know what modifications you are proposing to be made to the

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existing wall. It is our understanding that the purpose of this agreement is to provide an easement for the current wall in its current location.

Second, we were a bit surprised to see the concept of a “temporary easement.” While we currently have no plans to sell our home, it would make little sense for us to agree to something that would not allow us to transfer the easement for the wall to a purchaser of our home. We are also very concerned about the provision that would essentially void the easement if we were to spend over a certain amount to maintain the wall. This seems to conflict with the provision in the agreement regarding our obligation to maintain the wall in good condition. Please let us know whether you are willing to move forward with negotiation of a permanent easement for the small portion of the wall that we are discussing.

We look forward to working through these issues with you.

Best,

Dan

From: Leeto Tlou <ltlou@me.com>
Date: October 1, 2014 at 10:51:57 AM EDT
To: Dan Riordan <dan.riordan@yahoo.com>
Subject: Revised Easement

Dear Dan:

Thank you for your patience between responses. My wife and I reviewed the agreement you sent to us, and compared it to our plans as well as our initial thoughts on landscaping. In order to accommodate additional trees and other landscaping that will in effect create a level of privacy that can be enjoyed by everyone, we can give you a two foot easement that will allow you to keep the wall. I understand that it is normal for us to ask for financial compensation for this easement, but we are currently offering it to you without a financial compensation requirement.

I have attached revised copies of your earlier agreement – redline and clean. Please reply by October 6, and we look forward to having you as our neighbor.

Thank you once again,

Leeto Tlou



EXHIBIT B

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JAN 02 2015
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1745 Sidewinder Drive
Park City, Utah 84060
(435) 649.2525
f (435) 649.5959

October 31, 2014

VIA HAND DELIVERY AND EMAIL: planning@parkcity.org; fastorga@parkcity.org

Park City Planning Department
445 Marsac Avenue
PO Box 1480
Park City, Utah 84060

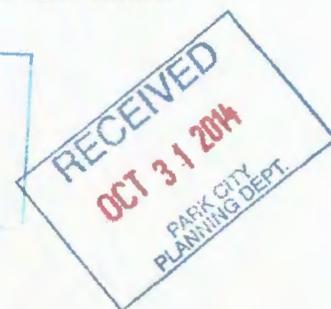
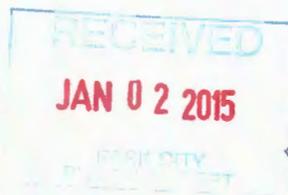
Re: Appeal to Park City Historic Preservation Board – 491 Echo Spur

Dear Park City Historic Preservation Board:

I. INTRODUCTION

On October 21, 2014, the Park City Planning Department (“Planning Department”) approved a Historic District Design Review (“HDDR”) application submitted by Leeto Tlou (“Tlou”), owner of a lot located at 491 Echo Spur, Park City, Utah 84060 (“Tlou Property”) in the Echo Spur Development Replat Subdivision (“Echo Spur Development”). Specifically, the Planning Department approved the building of a massive residential structure on the Tlou Property (“Tlou Residence”) that is more than twice the size of other residences in the historic neighborhood.

Dan and Paula Riordan (“Riordans”) own property located at 490 Ontario, Park City, Utah 84060 (“Riordan Property”). The Riordans can be reached through counsel at 435-649-2525. The Riordan Property and the Tlou Property share a common property line, located on the west boundary of the Tlou Property. The Riordans are appealing the Planning Department’s HDDR approval of the Tlou Residence because it is not in conformity with the goals and objectives of the Park City General Plan (“General Plan”), the Design Guidelines for Historic District and Historic Sites (“Guidelines”), and the Park City Land Management Code (“LMC”). Specifically, several findings of fact and conclusions of law set forth in the HDDR approval lack support. Accordingly, pursuant to Sections 15-11-12(E) and 15-1-18(D)(2) of the LMC, the Riordans hereby submit this appeal and request that the Board disapprove the HDDR Application.



II. BACKGROUND

On August 10, 2012, Park City (the "City") received an application to amend the Echo Spur Development Replat, and combine Lots 17, 18, and 19 into one lot of record ("Requested Plat Amendment"). The purpose of the combination of the three lots was to allow Tlou to build one enormous home on all three lots, which is a substantial deviation from the historic practice of building a residence on one or one and a half lots. On September 12, 2012, the Park City Planning Commission ("Planning Commission") reviewed the Requested Plat Amendment and expressed concern regarding multiple aspects of the proposed project, including ridgeline development/vantage point analysis and contextual neighborhood analysis. The Planning Commission ultimately continued the item to a future date.

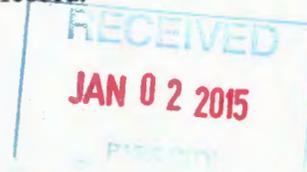
On December 12, 2012, the Planning Commission visited the site and again expressed the same concerns. Further discussion was scheduled for a future date. Thereafter, on June 26, 2013, the Planning Commission reviewed the application and models prepared by Tlou's architect. The Planning Commissioners disagreed about certain elements relating to the ridgeline analysis. Thereafter, a meeting was scheduled for July 31, 2013. Before, the July 31, 2013 meeting, the Planning Commissioners conducted a public hearing regarding the Requested Plat Amendment. On July 31, 2013, after deliberation and a public hearing, the Planning Commission decided to issue a negative recommendation to the City Council for the Requested Plat Amendment application.

The Planning Commission based their negative recommendation regarding the combination of the three lots – which would enable the construction of a massive structure on the combined lot – on multiple factors, including but not limited to:

- The negative impacts the Requested Plat Amendment would have on the neighborhood and the surrounding area;
- a lack of good cause as the plat would cause undo harm on adjacent property owners;
- the public would be materially injured;
- the Requested Plat Amendment adversely affected health, safety, and welfare of the citizens of Park City;
- the Requested Plat Amendment did not comply with multiple historical objectives of the 2013 Park City General Plan ("2013 General Plan"); and
- the Requested Plat Amendment did not comply with the purposes statements of the HR-1, including the construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.

A copy of this recommendation is attached as Exhibit A.

On September 11, 2013, the Planning Commission made and unanimously passed a motion to forward a negative recommendation to the Park City Council ("City Council") regarding the Requested Plat Amendment. Notwithstanding the Planning Commission's negative recommendation based on the above factors, the City Council approved the Requested Plat Amendment, thereby creating the Echo Spur Development Replat ("Echo Spur Project") and combining three Old Town lots into one large lot of record.



Again, the purpose of Tlou's requested replat was to triple the lot size and thereby allow construction of an enormous residence in the historic district. A typical lot in Old Town is 75 feet in depth by 25 feet wide. Given this lot size, a property owner would be limited to a maximum building footprint 844 square feet. In contrast, the Tlou property is 75 feet in depth and 75 feet wide. Given this lot size, the maximum building footprint is 2,050 square feet. The footprint for the proposed Tlou Residence is 2,049 square feet. Tlou has used every possible square foot of the maximized building footprint and has sought approval for a residence that is over 5,100 total square feet. In other words, the footprint for the Tlou Residence (and corresponding total square footage) is over double the size of neighboring homes in the Historic District. In addition to a footprint for the structure that consumes most of the three-lot parcel, Tlou has also proposed a multitude of decks and patios that encroach on the very modest ten foot setback. In fact, it appears that the patio/deck (it is difficult from the plans to discern between an elevated deck and patio), comes to within one foot of the property line. Thus, not only is there massive structure looming over neighboring properties, but also decks and patios that are located nearly on the property line, peering down on and into the neighboring patios and windows.

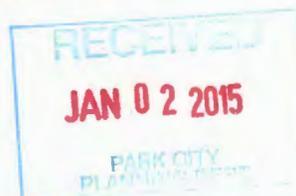
On April 9, 2014, the Planning Commission met to discuss a Steep Slope Conditional Use Permit ("CUP") for the Tlou Residence. Once again, the Planning Commissioners discussed multiple concerns with the both the Echo Spur Project as well as the CUP. In particular, that the Echo Spur Project did not comply with the General Plan and Historical Guidelines. Notwithstanding the disagreement between the Planning Commission members, the Planning Commission ultimately approved the CUP, although not unanimously.

October 21, 2014, the Planning Department completed a Historic District Design Review ("HDDR") for the Tlou Residence. The Planning Department concluded that the Tlou Residence complied with the Design Guidelines thereby approving Tlou's Application, with conditions.

III. APPEAL

The Riordans write to appeal several of the findings set forth in the HDDR Approval. The Riordans do not undertake this appeal lightly. It is both time consuming and expensive for them. However, the Riordans feel they have no alternative. They are compelled to attempt to preserve the historic nature of the neighborhood they love and appreciate. Like many on the Planning Commission, the Riordans are steadfast in their belief that the proposed Tlou Residence is simply incompatible with the historic nature of the neighborhood, due to its enormous size and location.

With respect to the HDDR Approval, the standard of review for factual issues is "de novo" – which means that the Historic Preservation Board is "starting fresh" and deciding the factual issues without reference to the findings made by the Planning Commission staff. The ultimate conclusions of the Planning Commission staff are reviewed for correctness. If the Planning Commission's conclusions are not deemed correct, the Historic Preservation Board should disapprove the application. The Riordans urge the Historic Preservation Board to disapprove the application for the reasons set forth below. Specifically, in this appeal, the Riordans specifically challenge Findings of Fact 23 and 24 and Conclusions of Law 1 and 2 contained in the HDDR Approval as follows:



A. **Finding of Fact 23 – “The Application meets the Universal Guidelines for New Construction.”**

1. ***Universal Guideline 6: Scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites.***

Universal Guideline 7: The size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood.

The staff conclusion that the Tlou Application met the Universal Guidelines for New Construction is in error. In fact, the proposed Tlou Residence fails to meet Universal Guidelines 6 and 7, because it is inconsistent with the historic nature of the neighborhood in which it is located. There is no dispute that the Tlou Residence is located in a historic district. With this in mind, on September 11, 2013, in an attempt to follow, implement, and enforce the General Plan, the Planning Commission issued a Negative Recommendation to combine lots 17, 18, and 19. A copy of the Recommendation has been attached hereto as Exhibit A. The Planning Commission’s negative recommendation was founded on multiple violations of both the General Plan and the Guidelines. In particular, in a September 12, 2012 Planning Commission meeting, Commissioner Hontz expressed concern that approving the combination of three Old Town lots – which would then be used to build one enormous structure on all three lots – would potentially violate the purposes of the HR-1 Historic District under the LMC, and negatively impact the neighborhood and surrounding area. *See* September 12, 2012 Planning Commission Meeting Minutes, attached hereto as Exhibit B. Commissioner Hontz also expressed concern that any approved structure be restricted in maximum square footage. *Id.* Commissioner Strachan expressed concerns that approval of Echo Spur Development might set a precedent for the surrounding homes and area. *Id.* Despite these legitimate concerns that the scope of this structure would negatively impact the neighborhood and the statements that the square footage should be restricted, the footprint of the proposed Tlou Residence is only one square foot shy of the maximum allowed square footage, and the decks and patios are anticipated to sprawl up to the property line.

In addition, on April 9, 2014, the Planning Commission was unwilling to conclude, as a matter of law, that the Echo Spur Project complied with the General Plan because, among other reasons, the size and magnitude of the project was not historically compatible. *See* April 9, 2014 Planning Commission Meeting Minutes at p. 21, attached hereto as Exhibit C. Specifically, Tlou’s lot does not maintain the existing blocks historic nature. For example, Block 58 of the Park City Survey (“Block 58”) does not contain any lot which is comparable to the size and magnitude as Tlou’s lot, indicating Tlou’s lot is wholly inconsistent and incompatible with the historic nature of the Historic District, the Design Guidelines, and the General Plan.

The incompatibility of Tlou’s Residence with surrounding structures, and with structures in Historic District generally, is illustrated on the Artistic Rendering Tlou submitted with his HDDR Application, attached hereto as Exhibit D. It is apparent that the proposed Tlou residence will tower over and dwarf the surrounding homes in the historic neighborhood. Moreover, the Tlou Residence will maximize the entire building space, pushing the allowed setbacks to their



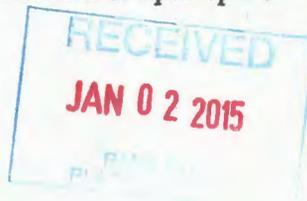
respective maximums and will ultimately total over 5,100 square feet, which is substantially larger than any other structure on Block 58. A copy of the Block 58 plat and the Echo Spur Subdivision Plat are attached hereto as Exhibit E. A cursory review of the Block 58 plat shows that most, if not all, other lots in the neighborhood are one lot or one and half lots. In turn, because the lots are smaller, the houses on those lots are smaller – about half the size of the proposed Tlou Residence. For example, the adjacent property to the south of Tlou’s Residence, Lot 20, has submitted building plans, which contemplate a residential structure with a size consistent with the surrounding area, the Historic District, the General Plan, and the Guidelines. A copy of the Lot 20 Floor Plans is attached hereto as Exhibit F. The lot is a traditional 25 x 75 lot, one third the size of the Tlou Property. The maximum building footprint is 844 square feet – less than half of the Tlou Property. The total proposed square footage for the home on Lot 20 is 2038, about 3000 square feet less than the proposed Tlou Residence. Lot 20 is not the exception, it is consistent with the historic neighborhood. It is obvious that the Tlou Residence will be more than twice the size of the home next door and would be substantially larger than other homes in the neighborhood. Simply put, it will stand in stark contrast to the goals and objectives of the Guidelines and neighboring properties.

The Tlou Residence is also not compatible with other structures in the surrounding area and the Historic District generally, due to its proposed height. The Tlou Residence has a building heights reaching towards 27 feet. Although this technically complies with the LMC, the General Plan states that “building heights up to twenty-seven feet (27’) in the residential area ...exceeds the height of the majority of historic mining homes” rendering it incompatible with other Historic structures as contemplated by the General Plan. See General Plan at p. 210 (emphasis added). For this additional reason, the Tlou Application should be disapproved.

B. Finding of Fact 24 – The Application, as conditioned, meets the Specific Guidelines for Site Design, Primary Structures, Off-Street Parking Areas, Exterior Lighting and Sustainability.

1. ***Specific Guideline A.5.4: The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.***

The proposed residence is a large structure of approximately 5,118 square feet, which mandates a lot size of over 5,600 square feet to accommodate its multiple levels and non-simplistic elevation plans. Further, to accommodate this unreasonably large structure, Park City was forced to approve a plat amendment allowing three previous Old Town lot sizes of 25’ x 75’ to be consolidated to one geographically unique large lot of 75’ x 75’. Rather than building a structure that is compatible with surrounding homes, and leaving the remainder of the combined three lots as open space or non-built yard space, the proposed Tlou Residence maximizes the huge building footprint and leaves very little space between the home and the setbacks. Indeed, due to the size of the home, and Tlou’s proposed use of additional areas for decks and patios, only three feet of unused space exists between the proposed building and the property line in certain areas. The proposed plan will substantially diminish the character of the neighborhood and will significantly reduce the proportion of built/paved area to open space.



2. **Specific Guideline B.1.6: *Windows, balconies and decks should be located in order to respect the existing conditions of neighboring properties.***

The plans for the Tlou Residence contemplate a deck and/or a patio on the west portion of the lot, adjacent to the Riordan Property (from the plans for the proposed Tlou Residence, it appears that there may be both a deck and a patio that intrude on the setback space on the west side). Although the setback is ten feet, the deck/patio appears to encroach upon the setback by over seven feet, stopping just three feet from the property line.

Given the elevation difference between the Tlou Property and the Riordans Property, the proposed deck/patio will sit approximately 12 feet directly above the Riordans' deck and will allow persons on the proposed deck/patio to look directly into the Riordans' second story windows. This deck/patio, which would have the effect of giving the Tlou's an elevated deck, will significantly impact the Riordan's privacy and quality of enjoyment of the property. The Board should disapprove of the deck/patio in its current location and configuration.

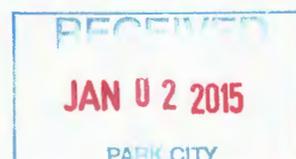
3. **Specific Guideline B.1.8: *Buildings constructed on lots greater than 25 feet wide should be designed so that the facades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, building depth, and patterns within the façade.***

The front of the Tlou Residence, adjacent to the access street, is 75 feet wide and utilizes all of the maximum buildable space to the setback limitation. Consequently, the size of the Tlou Residence requires a large concrete retaining wall, placed in front of the residence and setback requirements, which is visible from the access street. See Artistic Renderings attached hereto as Exhibit G. The retaining wall lacks a façade consistent with the rhythm of the remaining structures on Block 58 and the Historic District generally, which incorporate materials for retaining walls consisting of rock and similar material consistent with the historic nature of Old Town.

Further, because of the lot size and square footage of the Echo Spur Project and the Tlou Residence generally, the width of the Tlou Residence is substantially wider than other residential structures on Block 58 and, by nature of the size of the lot compared to the other lots on the same street, will be wider than other residential structures scheduled to be built. Consequently, the width of the Tlou Residence will be inconsistent with the rhythm of Echo Spur Drive, Block 58, and the Historic District generally and therefore violates the Historic Guideline. The Riordan's appeal the approval of the front retaining walls and the width of the front of the Tlou Residence.

C. Conclusion of Law 1 – The proposed dwelling complies with the Park City Historic District Design Guidelines, as conditioned.

Property owners rely on the Design Guidelines to ensure that projects and buildings are reasonable and consistent with buildings and structures in both the immediate surrounding area



as well as throughout the Park City Historic District. The Design Guidelines provide the Historic Preservation Board “with a foundation for making decisions and a framework for ensuring consistent procedures and fair deliberations.” See Design Guidelines at p. 2. A copy of the applicable portions of the Design Guidelines has been attached as Exhibit H.

The Design Guidelines are designed to carry out the policy directives in the Park City General Plan (“General Plan”). See Design Guidelines at p.2. A copy of the applicable portions of the General Plan has been attached as Exhibit H. The General Plan states that the Design Guidelines are “an effective tool for retaining the character of a historic district” and designed and adopted to “ensure that the historic district is not overwhelmed by new development and the historic character of a place is preserved.” See General Plan at p.132.

Consequently, as it relates to the historic character of the General Plan, specifically including the Historic Districts and Historic Sites, the General Plan states that the “Old Town lots were plotted to accommodate a high density allowing houses to fit “snugly” within the lots, which allowed “adequate spacing between structures while providing sufficient backyard spaces.” See General Plan at p. 118. The General Plan further states that current real estate demands, including the combination of Old Town lots to accommodate large residential structures, threatens the current historic fabric of Park City and have caused and are causing “increased adverse effects on the historic pattern and aesthetic of the Old Town neighborhood.” *Id.*

Moreover, the General Plan specifically attributes the adverse effect currently being experienced by the historic nature of the Old Town neighborhoods to lot combinations, which ultimately accommodate uniquely large residential structures. *Id.* Consequently, the General Plan recommends that some regulatory measures be taken, and specific objectives be met, by boards authorized to make decisions to help mitigate the deterioration of the historic fabric of the Old Town neighborhoods and ultimately preserve the intent of the Historic designation. *Id.*

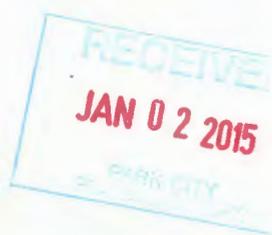
The Planning Commission did not agree that the Tlou Residence complies with the General Plan. In the April 9, 2014 Planning Commission Meeting, Commissioner Strachan raised concerns that the Planning Commission was charged with the responsibility to make a conclusion of law that the Tlou Residence complied with the General Plan. However, Commissioner Strachan stated that the Tlou Residence did not comply with the General Plan. See April 9, 2014 Planning Commission Meeting Minutes at p. 21. Additionally, Commissioner Strachan stated that the size of the Tlou Residence Spur Development was not in conformity with the HR-1 purposes and was not a historically compatible structure. *Id.* Due to the failure of the Tlou Residence to comply with the General Plan, the HDDR application should be disapproved.

Regulation: Old Town Lots Should Maintain the Existing Block’s Historic Fabric

The General Plan proposes a regulation, which requires lot combinations to be:

limited within existing block’s pattern to respect the historic fabric of the block. For example, lot combinations in the Historic Residential (HR-1 and HR-2) districts could be limited to that which has historically existed in each block.

Id. Specifically, the General Plan regulation states that:



[n]ew development on vacant lots within Old Town should be limited to single-lot development, or allowed only to combine lots to match the existing development pattern. In this case, an average lot size per block should be demonstrated by the home builder to determine how many lots have traditionally been combined and built upon in the past. Existing home owners wishing to combine lots should be limited to the same standards as described above, with an exception for existing homes that straddle lots lines.

See General Plan at p.118-120. The General Plan concludes its first proposed regulation of lot combinations by adding:

[i]n areas in the HR-1, HR-2 and HRL where no lots are platted, new lots should respect the historic lot patterns of 25' X 75' lots.

Id.

Regulation: New Construction in the Historic District Should Be Compatible

Similar to the previous regulation, the General Plan encourages new construction structures in the Historic District to be compatible in all aspects with the existing surrounding area. Such compatibility includes, but is not limited to, scale, proportion, shape, rhythm, mass, height, roofline, and architectural style. See General Plan at 122. Specifically, the General Plan states:

[n]ew construction and additions must contribute to the overall historic character of the neighborhood, rather than detract from it, in order to protect the historic integrity and coherence of the historic district. For this reason, design reviews are necessary to ensure that new construction and additions maintain the overall feel and composition of the neighborhood by taking a holistic design approach.

See *id.* The General Plan further states that the reason for the compatible design of new construction is to create a “harmonious appearance along streetscapes and the district as a whole. Similarities between structures and designs are necessary to preserve the neighborhood’s overall historic integrity, character, and composition.” *Id.* As noted above, the proposed Tlou Residence is not compatible with the historic nature and characteristics of the neighborhood. As such, the application should be disapproved.

D. Conclusion of Law 2 – The proposed dwelling complies with the Land Management Code requirements pursuant to the Historical Density (HR-1) District.

In addition to the General Plan, the Guide Lines are also designed to carry out the policy directives in the Land Management Code (“LMC”). See Design Guidelines at p. 2. In particular, the LMC states that the purpose of the Historic Residential HR-1 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;

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(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) established Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

See LMC 15-2.2-1.

Similar to the goals and objectives of the General Plan, the LMC, and those who enforce it, are charged with the responsibility of preserving the historic character of the neighborhoods. This responsibility includes ensuring that new construction is limited to the character and scale of the Historic District generally and is compatible with surrounding structures. As demonstrated above, the Tlou Residence is nearly double those in the neighborhood and necessitated the combination of three Old Town lots. The proposed Tlou Residence is unlike and incompatible with any existing structures in the historic district and the application should be disapproved.

VII. CONCLUSION

For the forgoing reasons, the Riordans appeal the Planning Department's approval of the ("HDDR") Application for the Tlou Residence. The proposed structure is not compatible with the historic nature of the surrounding neighborhood. The HDDR Application submitted by Tlou should be disapproved. We request that this firm be included in all future correspondence regarding this appeal.

Respectfully Submitted,

WRONA GORDON & DUBOIS, P.C.



Scott A. DuBois

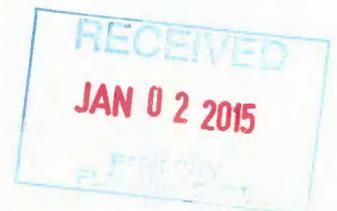


EXHIBIT C

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JAN 02 2015
PARK CITY
PL /

Emailed: Never

Christopher O'Neill
435-901-0832
Jess Reid Real Estate

PARK CITY BOARD OF REALTORS
Single Family

01/02/2015 3:10 PM

Status: **Closed** MLS #: **9984601** [275 Ontario AVE](#)
 Book Headline: **Major Price Reduction. Best Deal In Old Town**



© Park City Board of REALTORS®



General Information

List Price:	\$1,550,000	Current Price/FSF:	\$341	Type:	Single Family
Area:	01 - Old Town	Original Price:	\$2,150,000	DOM:	525
Subdivision:	Old Town Area	Price Sold:	\$1,500,000	Terms:	Cash, Conventional

Address:	275 Ontario AVE		Total Bedrooms:	5	Apx. Yr Built:	2010
City:	Park City		Total Bathrooms:	6	Apx. Yr Remodeled:	
State: UT	County: Summit	Zip: 84060	Total Fireplaces:	4	Access:	Year Round
Culinary Water Shares:			Apx. Total SqFt:	4,550	Taxes:	\$3,915
Irrigation Water Shares:			Apx. Total Finished SqFt:	4,550	HOA Dues:	
Apx. Acres Irrigated:			Apx. Lot Sq Ft:	3,920		
			Apx Acres Owned:			
			Apx Acres Leased:			

Buyer Agency Commission:	3	Owner/Agent:	No	Listing Type:	Exclusive Right to Sell
Bonus Selling Office:	No	Bonus Amount:		Short Sale:	Yes

Confidential Remarks

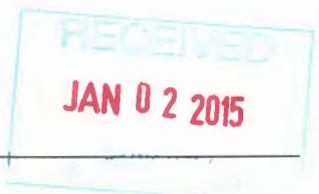
Owners now living at home, but still easy to show. Call Tom at 645-5811 or Sean at 901-2158. Originally priced at \$3,250,000. Potential Short Sale. Requires third party approval. Commission to be split 50/50.

Property Profile

Level	Bed	Bath Full	Bath 3/4	Bath 1/2	Kit	GR	FR	DR	Loft	Stdy Ofc Den	Ldrv	Fpl	Media Room
Main	1		1									1	
DN1	1		1	1	1	1						1	
DN2	2		2				1				1	2	
DN3	1		1								1	1	
Totals	5	0	5	1	1	1	1	0	0	0	2	4	0

Property Information

Tax ID:	TD-1	Additional Tax IDs:	
Lot Number:		Access Type:	Paved, Public
Apx Lot Acres:	0.090	Lot Size Source:	
Access:	Year Round		
Legal Description:			
Property Description:	Steep		
View:	Mountain, Ski Area, Valley		
Land Leases:			
Ranch Amenities:			
Environmental Cert:	None		



Interior

Apx. Total SqFt:	4,550	SqFt Source:	Building Plans
Total Finished SqFt:	4,550	Total Unfinished SqFt:	100
Fireplaces:	Fireplace - Gas	Apx % Unfinished SqFt:	0
Dining Area:	Eat-In Kitchen		
Other Rooms:			
Interior Features:	Ceiling Fan, Ceiling(S)/9 Ft. Plus, Ceiling(S)/Vaulted, Dryer Hookup - Electric, Dryer Hookup - Gas, Elevator, Fire Sprinklers, Flooring - Tile, Flooring - Wood, Pantry		
Appliances:	Dishwasher, Disposal, Dryer - Gas, Freezer, Indoor Grill, Oven/Double, Range - Gas, Refrigerator, Washer		
Equipment Included:	Garage Door Opener, Smoke Alarm, Water Heater - Gas		
Heating Cooling:	Boiler, Natural Gas, Radiant Heat - Floor, Zoned		

Exterior

Style:	Mountain Contemporary, Multi Level
Garage Type:	1 Car, 1 Car per Unit, Oversized Garage

Agent Full

Emailed: Never

Christopher O'Neill
435-901-0832
Jess Reid Real Estate

PARK CITY BOARD OF REALTORS
Single Family

01/02/2015 3:10 PM

Status: **Closed** MLS #: **11400841** **502 Ontario**
 Book Headline: **Three Units in One with Fantastic Views and Old Town Access**



General Information

List Price:	\$1,374,500	Current Price/FSF:	\$399	Type:	Single Family
Area:	01 - Old Town	Original Price:	\$1,495,000	DOM:	209
Subdivision:	Funks Place	Price Sold:	\$1,337,500	Terms:	Cash, Conventional

Address:	502 Ontario AVE	Total Bedrooms:	6	Apex. Yr Built:	1995
City:	Park City	Total Bathrooms:	6	Apex. Yr Remodeled:	2005
State:	UT County: Summit Zip: 84060	Total Fireplaces:	3	Access:	Year Round
Culinary Water Shares:		Apex. Total SqFt:	3,448	Taxes:	\$4,186
Irrigation Water Shares:		Apex. Total Finished SqFt:	3,448	HOA Dues:	
Apex. Acres Irrigated:		Apex. Lot Sq Ft:	5,663		
		Apex. Acres Owned:			
		Apex. Acres Leased:			

Buyer Agency Commission:	3	Owner/Agent:	No	Listing Type:	Exclusive Right to Sell
Bonus Selling Office:	No	Bonus Amount:		Short Sale:	No

Confidential Remarks

Need appointment to show. Tenant occupied. Furnishings negotiable. Square footage source is Appraiser. Buyer to verify all information herein to buyers own satisfaction.

Property Profile

Level	Bed	Bath Full	Bath 3/4	Bath 1/2	Kit	GR	FR	DR	Loft	Stdy Ofc Den	Ldry	Fpl	Media Room
Up2	4	2	1								1	1	
Up1	1		1									2	
Main	1		1	1	2	2					1	3	
Totals	6	2	3	1	2	2	0	0	0	0	2	3	0

Property Information

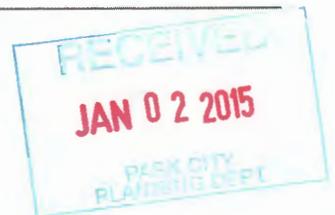
Tax ID:	FP-1	Additional Tax IDs:	
Lot Number:		Access Type:	Paved, Public
Apex Lot Acres:	0.130	Lot Size Source:	
Access:	Year Round		
Legal Description:			
Property Description:	Gradual Slope		
View:	Mountain		
Land Leases:			
Ranch Amenities:			
Environmental Cert:	None		

Interior

Apex. Total SqFt:	3,448	SqFt Source:	Appraiser
Total Finished SqFt:	3,448	Total Unfinished SqFt:	0
Fireplaces:	Fireplace - Gas Starter, Fireplace - Woodburning	Apex % Unfinished SqFt:	0
Dining Area:	Informal Dining		
Other Rooms:			
Interior Features:	Ceiling(S)/Vaulted		
Appliances:	Dishwasher, Microwave, Oven, Range - Gas, Refrigerator		
Equipment Included:	Garage Door Opener, Water Heater - Gas		
Heating Cooling:	Forced Air		

Exterior

Style:	Mountain Contemporary, Multi Level, Twin Home
Garage Type:	3 Car



Emailed: Never

Christopher O'Neill
435-901-0832
Jess Reid Real Estate

PARK CITY BOARD OF REALTORS
Single Family

01/02/2015 3:10 PM

Status: **Closed** MLS #: **9987173** **300 Mchenry AVE**
 Book Headline: **3 Acre In-Town Estate At Top Of Rossi Hill!**



General Information

List Price: \$2,399,000	Current Price/FSF: \$360	Type: Single Family
Area: 01 - Old Town	Original Price: \$2,399,000	DOM: 95
Subdivision: Old Town Area	Price Sold: \$1,999,999	Terms: Cash, Conventional

Address: 300 Mchenry AVE	Total Bedrooms: 4	Apx. Yr Built: 1993
City: Park City	Total Bathrooms: 4	Apx. Yr Remodeled: Year Round
State: UT County: Summit Zip: 84060	Total Fireplaces: 4	Access: Year Round
Culinary Water Shares:	Apx. Total SqFt: 6,665	Taxes: \$11,746
Irrigation Water Shares:	Apx. Total Finished SqFt: 6,665	HOA Dues:
Apx. Acres Irrigated:	Apx. Lot Sq Ft: 149,410	
	Apx Acres Owned:	
	Apx Acres Leased:	

Buyer Agency Commission: 3	Owner/Agent: No	Listing Type: Exclusive Right to Sell
Bonus Selling Office: No	Bonus Amount:	Short Sale: No

Confidential Remarks

Renters present. Please call Tracey (435-901-2355) or Rick (435-655-1930) for showings.

Property Profile

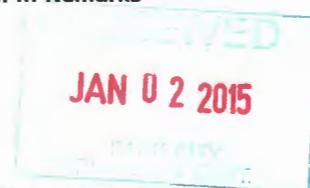
Level	Bed	Bath Full	Bath 3/4	Bath 1/2	Kit	GR	FR	DR	Loft	Stdy Ofc Den	Ldry	Fpl	Media Room
Up1									1				
Main	1	1	1		1	1		1		1		3	
DN1	3	1	1				1				1	1	
Totals	4	2	2	0	1	1	1	1	1	1	1	4	0

Property Information

Tax ID: 300-MC-1	Additional Tax IDs:
Lot Number:	
Apx Lot Acres: 3.430	Block: Access Type: Paved, Public
Access: Year Round	Plat: Lot Size Source:
Legal Description:	
Property Description: Adj Public Land, Cul-De-Sac, Gradual Slope, Horse Property, Natural Vegetation, Secluded, Wooded/Partially	
View: Mountain, Ski Area, Valley, Woods	
Land Leases:	
Ranch Amenities:	
Environmental Cert: None	

Interior

Apx. Total SqFt: 6,665	SqFt Source: Other - Explain in Remarks
Total Finished SqFt: 6,665	Total Unfinished SqFt: 0
Fireplaces: Fireplace - Gas, Fireplace - Gas Starter, Fireplace - Woodburning	Apx % Unfinished SqFt: 0
Dining Area: Breakfast Bar, Semi-Formal Dining	



Other Rooms: Loft(s), Ski Prep Room, Study/Office/Den, Workshop
Interior Features: Ceiling Fan, Ceiling(S)/9 Ft. Plus, Ceiling(S)/Vaulted, Dumb Waiter, Fire Sprinklers, Flooring - Wood, Flooring-Stone/Marble/Brk, Jetted Bath Tub(S), Pantry, Ski Storage, Spa/Hot Tub, Steam Room/Shower, Storage - Interior, Washer/Dryer Hookup, Wet Bar
Appliances: Dishwasher - Energy Star, Disposal, Microwave, Oven/Double, Range - Gas, Refrigerator - Energy Star, Trash Compactor
Equipment Included: Fire Pressure System, Garage Door Opener, Humidifier, Satellite Dish, Smoke Alarm, Thermostat - Programmable, Water Softener - Owned
Heating Cooling: Fireplace, Forced Air, Natural Gas

Exterior

Emailed: Never

Christopher O'Neill
435-901-0832
Jess Reid Real Estate

PARK CITY BOARD OF REALTORS
Single Family

01/02/2015 3:10 PM

Status: **Closed**

MLS #: **9981633**

335 Mchenry AVE

Book Headline: **Unique Old Town Home close to Main Street & Ski Resorts, featured in Utah Style & Design Magazine**



General Information

List Price:	\$2,495,000	Current Price/FSF:	\$609	Type:	Single Family
Area:	01 - Old Town	Original Price:	\$2,650,000	DOM:	188
Subdivision:	Old Town Area	Price Sold:	\$2,100,000	Terms:	Cash, Conventional

Address:	335 Mchenry AVE	Total Bedrooms:	4	Apx. Yr Built:	1994
City:	Park City	Total Bathrooms:	5	Apx. Yr Remodeled:	2005
State: UT County: Summit Zip: 84060		Total Fireplaces:	2	Access:	Year Round
Culinary Water Shares:		Apx. Total SqFt:	4,100	Taxes:	\$5,695
Irrigation Water Shares:		Apx. Total Finished SqFt:	4,100	HOA Dues:	
Apx. Acres Irrigated:		Apx. Lot Sq Ft:	9,583		
		Apx Acres Owned:			
		Apx Acres Leased:			

Buyer Agency Commission:	3	Owner/Agent:	No	Listing Type:	Exclusive Agency
Bonus Selling Office:	No	Bonus Amount:		Short Sale:	No

Confidential Remarks

Owner occupied, please call agent Hope Grabarnick 640-3867, two hours notice

Property Profile

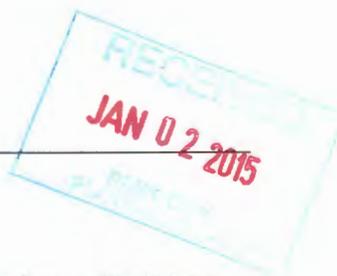
Level	Bed	Bath Full	Bath 3/4	Bath 1/2	Kit	GR	FR	DR	Loft	Stdy Ofc Den	Ldry	Fpl	Media Room
Up1	2	2									1		
Main				1	1		1	1				1	
DN1	2	2			1	1					1	1	
Totals	4	4	0	1	2	1	1	1	0	0	2	2	0

Property Information

Tax ID:	335-MC-1	Additional Tax IDs:	
Lot Number:		Access Type:	Public
Apx Lot Acres:	0.220	Lot Size Source:	
Access:	Year Round		
Legal Description:	335-MC-1		
Property Description:	Adj Public Land, Gradual Slope, Natural Vegetation, Wooded/Partially Mountain, Other/See Remarks, Ski Area, Valley, Woods		
View:			
Land Leases:			
Ranch Amenities:			
Environmental Cert:	None		

Interior

Apx. Total SqFt:	4,100	SqFt Source:	Building Plans
Total Finished SqFt:	4,100	Total Unfinished SqFt:	0
Fireplaces:	Fireplace - Gas, Fireplace - Woodburning		
Dining Area:	Breakfast Bar, Informal Dining		
Other Rooms:	Lower Level, Lower Level W/ Walkout, Other/See Remarks, Study/Office/Den, Utility Room, Workshop		



Interior Features: **Flooring - Reclaim Wood, Flooring - Tile, Flooring - Wood, Lock Out, Lower Level Walkout, Pantry, Sauna, Ski Storage, Skylights, Spa/Hot Tub, Storage - Interior, Washer/Dryer Hookup, Wet Bar**

Appliances: **Dishwasher, Disposal, Dryer - Electric, Freezer, Microwave, Other/See Remarks, Oven, Range - Gas, Refrigerator, Washer, Washer/Dryer - Stacked**

Equipment Included: **Air Purifier, Audio System, Computer Network-Prewired, Fire Pressure System, Garage Door Opener, Humidifier, Media System-Prewired, Satellite Components, Security System, Smoke Alarm, Thermostat - Programmable, Water Heater - Gas, Water Purifier, Water Softener - Owned**

Heating Cooling: **Ac/Central, Forced Air, Natural Gas**

Exterior

EXHIBIT D.1





JAN 02 2015

ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES



EXHIBIT D.2

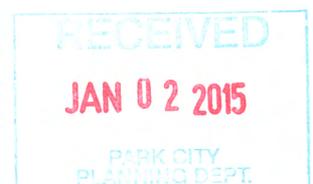




EXHIBIT E

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(h) Landscaping.

(2) Exceptions to the Building Pad area are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- (a) provides increased architectural interest consistent with the Historic District Design Guidelines; and
- (b) maintains the intent of this section to provide horizontal and vertical Building articulation.

(C) **BUILDING PAD (HR-1 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Yard Areas.

(D) **BUILDING FOOTPRINT (HR-1 DISTRICT).** The maximum Building Footprint for any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

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

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

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

See the following Table 15-2.2. for a schedule equivalent of this formula.

TABLE 15-2.2.

Lot Depth, \leq ft.	Lot Width, ft. Up to:	Side Yards		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
		Min.	Total, ft.			
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801
75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

(E) **FRONT AND REAR YARDS.** Front and Rear Yards are as follows:

TABLE 15-2.2a

Lot Depth Minimum Front/Rear Setback Total of Setbacks

Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

(F) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

- (1) Fences or walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
- (2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
- (3) Decks, porches or Bay Windows not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.
- (4) Roof overhangs, eaves or cornices projecting not more than two feet (2') into the Front Yard.
- (5) Sidewalks and pathways.
- (6) Driveways leading to a Garage or Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

(G) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

- (1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

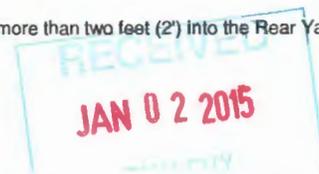


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Staff made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	2,050 square feet maximum, (based on lot area)	2,049 square feet, <u>complies.</u>
Front/Rear Yard Setbacks	10 feet minimum, 20 feet total	10 feet (front and rear), <u>complies.</u> 20 feet total, <u>complies.</u>
Side Yard Setbacks	5 feet minimum, 18 feet total	15 feet (north), <u>complies.</u> 5 feet (south), <u>complies.</u> 20 feet total, <u>complies.</u>
Building Height: Zone Height	No structure shall be erected to a height greater than 27 feet from existing grade.	Various heights all under 27 feet, <u>complies.</u>
Building Height: Final Grade	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.	4 feet or less, <u>complies.</u>
Building Height: Internal Massing Height	A structure shall have a maximum height of 35 feet measured from the lowest finish place to the point of the highest wall top place that supports the ceiling joists or roof rafters.	31.5 feet or less, <u>complies.</u>
Building Height: Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [.] The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.	23 feet, <u>complies.</u>
Building Height: Roof Pitch	The primary roof pitch must be between 7:12 and 12:12 for primary roofs. [...] A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.	All primary roof forms contain a 7:12 roof pitch, <u>complies.</u>
Parking	2 off-street parking spaces, minimum	2 interior spaces, <u>complies.</u>

LMC § 15-2.2-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 District, subject to the following Steep Slope Conditional Use Permit criteria:

- 1. Location of Development.** Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

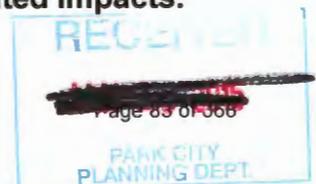
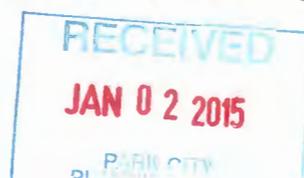
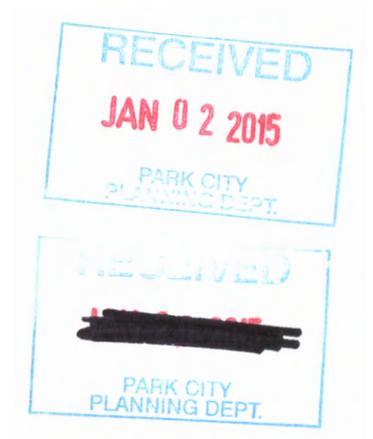


EXHIBIT G





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