

Ordinance No. 2019-60

AN ORDINANCE APPROVING THE 245 WOODSIDE PLAT AMENDMENT LOCATED AT 245 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 245 Woodside Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on July 30, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on July 27, 2019, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held public hearings on August 14, 2019, September 11, 2019, and on October 23, 2019 forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 12, 2019 and December 5, 2019, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 245 Woodside Plat Amendment, located at the same address.

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

SECTION 1. APPROVAL. The 245 Woodside Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Site is located at 245 Woodside Avenue.
2. The Site is within the Historic Residential-1 District.
3. The subject Site consists of the northern half of Lot 11 and all of Lot 12, Block 31, within Park City Survey.
4. The proposed Plat Amendment creates one (1) Lot from one and a half (1½) Old Town Lots.
5. The Applicant is proposing to remove the interior Lot line between Lot 11 and Lot 12, Block 31, within Park City Survey to create one (1) Lot. The interior Lot line currently bisects the Duplex Dwelling.
6. The minimum Lot size within the Historic Residential-1 District is 1,875 square feet and 3,750 square feet for a Duplex Dwelling.

7. The proposed Lot size is 2,812 square feet. This does not meet the requirements for a Duplex Dwelling.
8. The minimum Lot width within the Historic Residential-1 District is twenty five feet (25').
9. The proposed Lot width is thirty-seven and half feet (37.5').
10. At the time of its construction, the site was located in the Residential-1 Zoning District. The project complied with the following:
 - a. Required Rear Setbacks of 10 feet; complied with a Rear Yard of 28.3 feet, measured.
 - b. Required Building Height of 35 feet; complied with a gable roof at 24 feet and 4 inches, as measured.
11. At the time of its construction, the site did not comply with the following:
 - a. Required Lot Width of 37.5 feet, measured 20 feet back from the Front Lot Line; did not comply as the Structure was built over a 25' wide Lot (Lot 12) and a 12.5' Lot (Lot 11, north half). The Lots together did total 37.5' at this time, but were not actually combined.
 - b. Required Lot Size of 3,000 square feet; did not comply as the Lot size would have been 1,875 square feet for Lot 12 and the north half of Lot 11 would have been 937.5 square feet. Combined, the Lots would have been about 2,812 square feet and would not have complied.
 - c. Required Side Yard Setbacks of 5 feet; did not comply with 3 foot setbacks along the north and south property lines. This is according to the 2010 Building Permit Existing Site Plan showing a Side Setback (north) of approximately 1.75 feet. The south Side Setback is 3 feet on this plan.
 - d. Required Front Setback of 20 feet; did not comply with a Front Setback of 9 feet.
12. Staff believes the Structure was originally built as a Duplex, based on the 1983 Planning Department Determination Letter (Attachment 1). It is undetermined whether the house originally abided by Front and Side Setback requirements, and parking requirements of two (2) parking spaces for a Duplex Dwelling, of the R-1 Zoning District without building plans.
13. In 1976, the Site was rezoned to the Historic Residential-1 (HR-1) Zoning District. The building complies the current HR-1 Zone Height of 27 feet and the Maximum Building Footprint of 1200.5 for the proposed Lot size of 2,812 square feet, per the proposed Plat Amendment. It also complies with the Rear (10 feet) and Side (south Side, 3 feet) setbacks; however, it does not comply with the required Lot Size for a Duplex Use of 3,750, or the Front Setback of 10 feet or Side (north) Setback of 3 feet.
14. As the Site is currently configured in the Front Yard area (east), with a parking area of 225 square feet (9 feet deep by 25 feet wide within the property lines), this site would not be able to accommodate the required 4 parking spaces for a Duplex per LMC 15-3-6.
15. In 2010, two (2) Building Permits were approved to 1) remodel the Structure from a Triplex to a Duplex (BD-10-15955) and 2) repair and add to the existing Front (east) decks, Side landings (south), and stairs (south), and add a Rear Yard deck (BD-10-15565).
16. Dwelling located at 245 Woodside Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex

Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling. There are two (2) sets of stairs on this Site that encroach onto the Woodside Avenue public Right-of-Way. The stairs along the southern property line have an existing Encroachment Agreement, recorded with Summit County as Entry No.00919262.

17. There is a deck on this Site that encroaches into the Woodside Avenue public Right-of-Way. The deck currently projects 9 feet, as measured, from the main Structure into the Front Setback, but also projects 5 feet, as measured, past the Front property line into the Right-of-Way. It is also 27.08 feet wide, as measured. The HR-1 Zone allowed for decks to be 10 feet wide and project into the Front Setback by 3 feet. The current deck configuration exceeds this requirement. Staff believes this was permitted as the deck was existing and the dimensions were not changing per the permit's (BD-10-15565) plans.
18. The Planning Commission held a public hearing and forwarded a positive recommendation to City Council on October 23, 2019.
19. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment. Although the Site currently has multiple aspects that do not conform with the Land Management Code, a Plat Amendment will prepare the property for future development by removing a bisecting Lot Line that is crossing through existing Structures. The non-complying aspects of the Site will not be allowed to be expanded.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Lot combinations. The Plat Amendment does not modify any of the other exiting building or lot conditions.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Prior to Plat recordation, the Applicant shall either remove the existing deck, retaining walls, paved Parking Area, and stairs (both sets) encroachments from the City Right-of-Way, or enter into and Encroachment Agreement with the City that includes these encroachments conditioned as the City Council deems appropriate. The Applicant is responsible of securing appropriate City approvals and permits before any work on the encroachments can begin. The City Council's, in addition to the City Engineer's, review and approval of the Encroachment Agreement for this 245 Woodside Plat Amendment application will be required.
4. The Applicant may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The Applicant may maintain and remodel the existing Duplex Dwelling. Should the more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Applicant may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of the application. This is pursuant to [LMC 15-9-5](#).
5. Any future development will need to come into compliance with the Land Management Code and Historic District Design Guidelines in effect at the time of application.
6. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat.
7. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue Right-of-Way.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

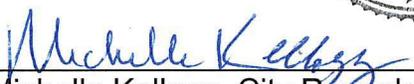
PASSED AND ADOPTED this 5th day of December, 2019.

PARK CITY MUNICIPAL CORPORATION

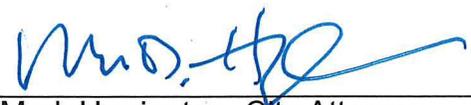



Andy Beerman, MAYOR

ATTEST:


Michelle Kellogg, City Recorder

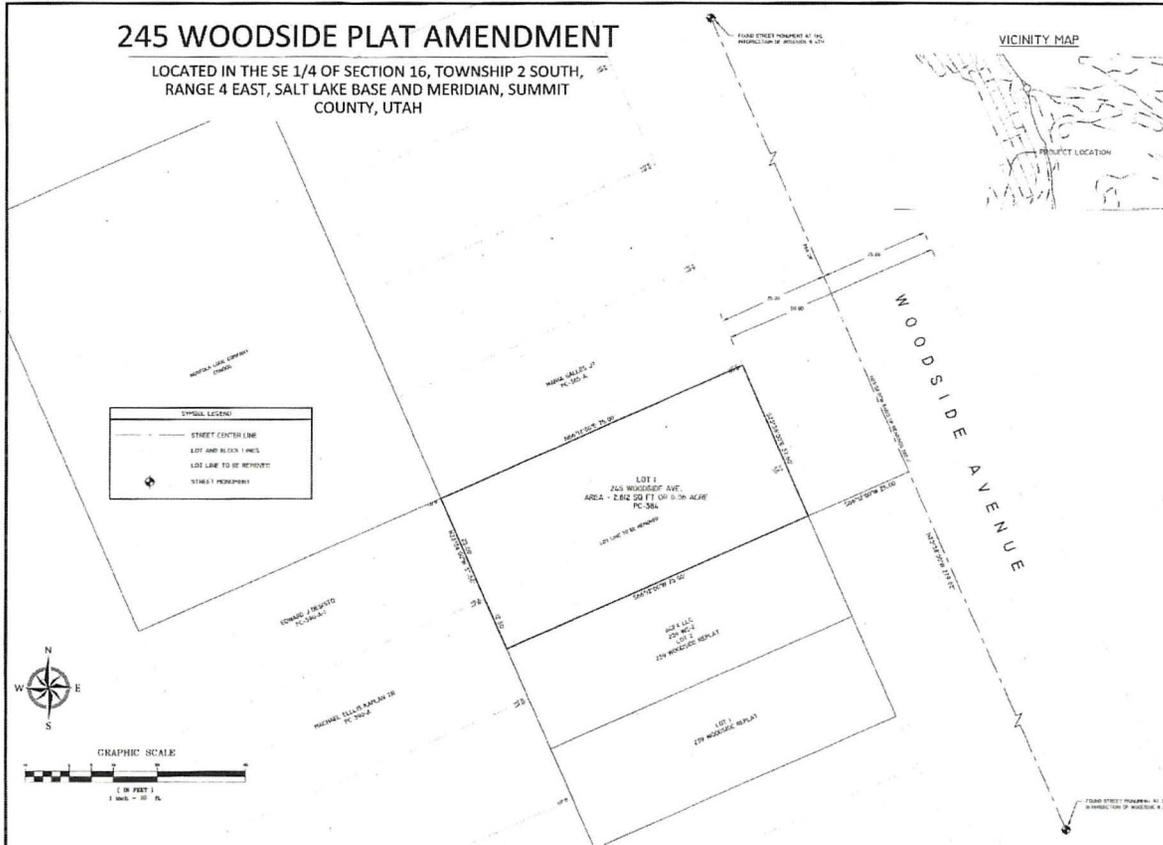
APPROVED AS TO FORM:



Mark Harrington, City Attorney

245 WOODSIDE PLAT AMENDMENT

LOCATED IN THE SE 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT
COUNTY, UTAH



SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-10-103 OF THE UTAH CODE, I, CHAD A ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 776535 IN ACCORDANCE WITH TITLE 38, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT THIS PLAT AMENDMENT WAS PREPARED BY ME AND UNDER MY SUPERVISION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION.

Chad Anderson
PROFESSIONAL LAND SURVEYOR

DATE: 05/27/20
05/27/20

SURVEYOR'S SEAL

BOUNDARY DESCRIPTION

THE NORTH HALF OF LOT ELEVEN AND ALL OF LOT TWELVE OF THE PARK CITY SURVEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT SUZANNE W HERNIMANN, A SINGLE PERSON, THE UNDERSIGNED OWNER OF THE TRACTS OF LAND SHOWN AS BEING HERETOFOR AS 245 WOODSIDE PLAT AMENDMENT, HAS CAUSED THIS PLAT AMENDMENT TO BE PREPARED AND DOES HEREBY CONSENT TO THE RECORDED OF THIS PLAT AMENDMENT.

IN WITNESS THEREOF, I HAVE HERETOFORE SET MY HAND THIS ____ DAY OF _____, 20__.

SUZANNE W HERNIMANN

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____ SS

ON THIS ____ DAY OF _____, 20__, PERSONALLY APPEARED BEFORE ME, SUZANNE W HERNIMANN, A SINGLE PERSON, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____

SEAL: _____
SIGNATURE - NOTARY PUBLIC:
RESIDING IN _____ COUNTY, _____

NOTES

- RESIDENTIAL FIRE SPRINKLERS WILL BE REQUIRED FOR ALL NEW CONSTRUCTION PER REQUIREMENTS OF THE CHPT BUILDING OFFICIAL.
- THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE _____.
- SUBJECT PROPERTY IS LOCATED IN ZONE X PER FEMA FLOOD MAP NO. 49013D.

ELEMENT LAND SURVEYING • 2296 SOUTH 270 EAST, HEBER CITY UT 84032 • 801-592-5975 & 801-657-8748



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS.

ON THIS ____ DAY OF _____, 20__

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION

ON THIS 9th DAY OF May 20__

CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE.

ON THIS ____ DAY OF _____, 20__

PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM

ON THIS ____ DAY OF _____, 20__

PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THE RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL.

ON THIS 31st DAY OF May 20__

PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL.

ON THIS ____ DAY OF _____, 20__

MAYOR

RECORDER

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE RECORDER'S OFFICE.

DATE: _____ PAGE: _____ TIME: _____ BOOK: _____

FEE: _____

SIGNATURE - SUMMIT COUNTY RECORDER: _____