

**Ordinance No. 2022-37**

**AN ORDINANCE APPROVING THE BARDSLEY PLAT AMENDMENT, LOCATED AT 517 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 517 Park Avenue petitioned the City Council for approval of the Bardsley Plat Amendment; and

WHEREAS, on July 13, 2022, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on July 13, 2022, courtesy notice was mailed to property owners within 300 feet of 517 Park Avenue; and

WHEREAS, on July 27, 2022, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on July 27, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on September 15, 2022; and

WHEREAS, on September 15, 2022, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

**SECTION 1. APPROVAL.** The Bardsley Plat Amendment, located at 517 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

***Background:***

1. The property is located at 517 Park Avenue.
2. The property is listed with Summit County as Parcel number PC-73 and consists of Lot 3, Lot 4, and a portion of Lot 5 in Block 5, Park City Survey.
3. The Applicant owns Lot 3, Lot 4, and the south 19.5 feet of Lot 5.
4. The property is in the Historic Residential (HR-1) Zoning District.
5. The Site contains a T/L cottage constructed circa 1888 and is on Park City's Historic Sites Inventory.
6. The Historic Structure straddles the Lot Line common to Lot 4 and Lot 5.
7. Historically, Lot 3 contained a Single-Family Dwelling which was demolished between 1929 and 1941.
8. A non-historic section of a covered porch and approximately 2.28 square feet of the Historic Structure encroaches onto Lot 3.

9. A rock wall, running the length of Lots 3, 4, and 5, encroaches into the Park Avenue Right-of-Way.
10. The Episcopal Diocese of Utah owned 517 Park Avenue and proposed demolition of the Historic Structure in 1988.
11. The Historic District Commission awarded the Episcopal Diocese a grant to help restore the Historic Structure, but the grant was never used.
12. The Historic District Commission voted to support the renovation of the Historic Structure on June 19, 1989.
13. On July 6, 1991, the Historic District Commission voted to send the Episcopal Diocese of Utah a letter encouraging three alternatives to demolition: A) Renovation or reconstruction of the Structure; B) Sell the property; or C) Donate the property to the City for renovation of the Structure.
14. On August 12, 1991, the Board of Trustees of the Corporation of the Episcopal Church in Utah adopted a resolution to demolish 517 Park Avenue and submitted an application for demolition on December 11, 1991.
15. On May 13, 1992, the Planning Commission approved a two-Lot Subdivision and the Lot Line between Lots 5 and 6 moved south 5.5 feet to accommodate an existing walkway adjacent to the Episcopal Church on Lot 6 and included a Condition of Approval to place a deed restriction on Lot 3, as approved by the City Attorney's Office, addressing separate ownership and additional development. However, the Plat Amendment was never recorded with Summit County.
16. On May 14, 1992, the City Council reviewed the Subdivision Plat for 517 Park Avenue. The Subdivision was approved on consent with the same Condition of Approval as the Planning Commission. The plat was not recorded, and the approval expired.
17. On June 16, 1992, the property owner of 517 Park Avenue applied for a Historic District Review application to renovate the Historic Structure and construct an attached basement garage. The City financially participated in the project and co-signed on the construction loan which was paid off and released.
18. The Corporation of the Episcopal Church in Utah conveyed through a Special Warranty Deed to the property owner Lot 3, Lot 4, and Lot 5 with the exception of the northern most 5.5 feet of Lot 5. The deed was recorded on June 19, 1992.
19. On October 9, 1992, survey No. S-983 was recorded showing the removal of the northern most 5.5 feet of Lot 5 from the property survey but did not address the removal of the internal lot lines which were still shown on the survey.
20. Survey No. S-983 created a new metes and bounds legal description which included the three lots as if the May 14, 1992, Plat Amendment had been recorded.
21. On May 3, 1993, the Planning Department sent a letter to the property owner advising the approval for the two Lot Subdivision would expire on May 13, 1993. A hand-written note dated May 4, 1993, from a Staff Planner states an Administrative Lot Line Adjustment was completed and there was no need for recordation.
22. The City has been unable to find any further record of the form of administrative approval.

23. On April 12, 2022, the Applicant submitted a Plat Amendment Application. On July 22, 2022, the application was deemed complete.
24. The proposed Plat Amendment removes the Lot line common to Lots 4 and 5 creating one Lot-of-Record containing 3,336 sq. ft.
25. On May 13, 2022, the City's Historic Preservation Consultant determined the porch that encroaches onto Lot 3 is non-historic and was constructed during a renovation in 1992.
26. On July 6, 2022, the Historic Preservation Board approved Material Deconstruction of a portion of the rear façade to accommodate a desk addition to the second story of the Landmark Historic Structure.
27. On July 28, 2022, the Planning Department approved the Historic District Design Review for a remodel to the Historic Structure.
28. On August 12, 2022, an Encroachment Agreement was recorded with Summit County to address the encroachment of the Historic Structure onto Lot 3.
29. On August 15, 2022, an Encroachment Permit was recoded with Summit County to address the encroachment of the Historic rock wall into the Park Avenue Right-of-Way.
30. No easement is vacated or amended as a result of the plat amendment.
31. The LMC regulates Lot and Site Requirements per LMC [§ 15-2.2-3](#).
32. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The proposed Lot size for Lot 3 is 1,874.25 square feet. The proposed Lot size for Lots 4 and 5 is 3,336 sq. ft.
33. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width of Lot 3 is 24.99 feet. The proposed width of Lots 4 and 5 is 44.48 feet.
34. The required front Setback for Lot depths of 75 feet is ten feet (10').
35. The required Side Setback is five feet (5').
36. Pursuant to LMC § 15-2.2-4, Historic Buildings and/or Structures that do not comply with Setbacks are valid Non-Complying Structures. The proposed Plat amendment maintains the existing Setbacks on Lots 4 and 5: 4.5 feet on the north and 0 feet on the south.
37. In the HR-1 Zoning District, the Maximum Building Footprint =  $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$ . The Maximum Building Footprint for Lot 3 is 843 square feet. The Maximum Building Footprint for Lots 4 and 5 is 1,383 square feet.
38. Building Height in the HR-1 Zoning District is 27 feet. The Historic Structure is 30 feet and is non-conforming because it is historic.
39. The findings in the Analysis section of the Staff Report are incorporated herein.

### **Conclusions of Law**

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, *Historic Residential (HR-1) Zoning District*, and LMC § 15-7.1-6, *Final Subdivision Plat*.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

- 3. 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval 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. The plat shall note that fire sprinklers are required for all new construction on Lot B and for possible expansion of the building footprint of the Historic Structure on Lot A, to be approved by the Chief Building Official.
- 4. A non-exclusive ten foot (10') public snow storage easement on Park Avenue shall be dedicated on the Plat.
- 5. Any new development on Lot 3 must comply with the Land Management Code and requires Historic District Design Review.
- 6. The Applicant shall record an encroachment agreement with Summit County to address the portion of the Historic Structure that encroaches onto Lot 3.
- 7. New construction on Lot 3 shall meet the zone height of 27 feet.
- 8. The Applicant shall record an encroachment agreement with Summit County to address the portions of the retaining wall along the front of the property that encroach into the Park Avenue Right-of-Way.
- 9. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

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

PASSED AND ADOPTED this 15<sup>th</sup> day of September, 2022.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:  
  
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Nann Worel, MAYOR

ATTEST:



DocuSigned by:  
  
 E5E905BB533E431

City Recorder

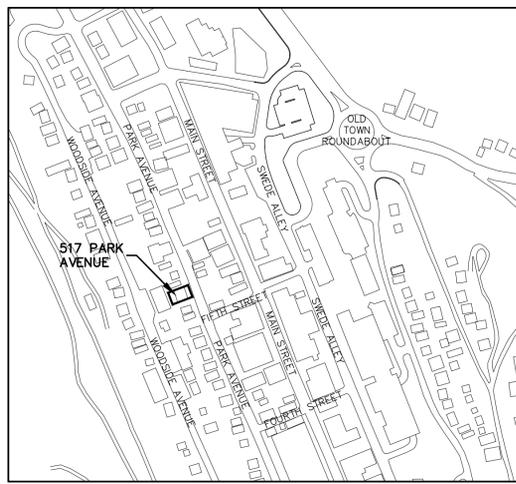
APPROVED AS TO FORM:

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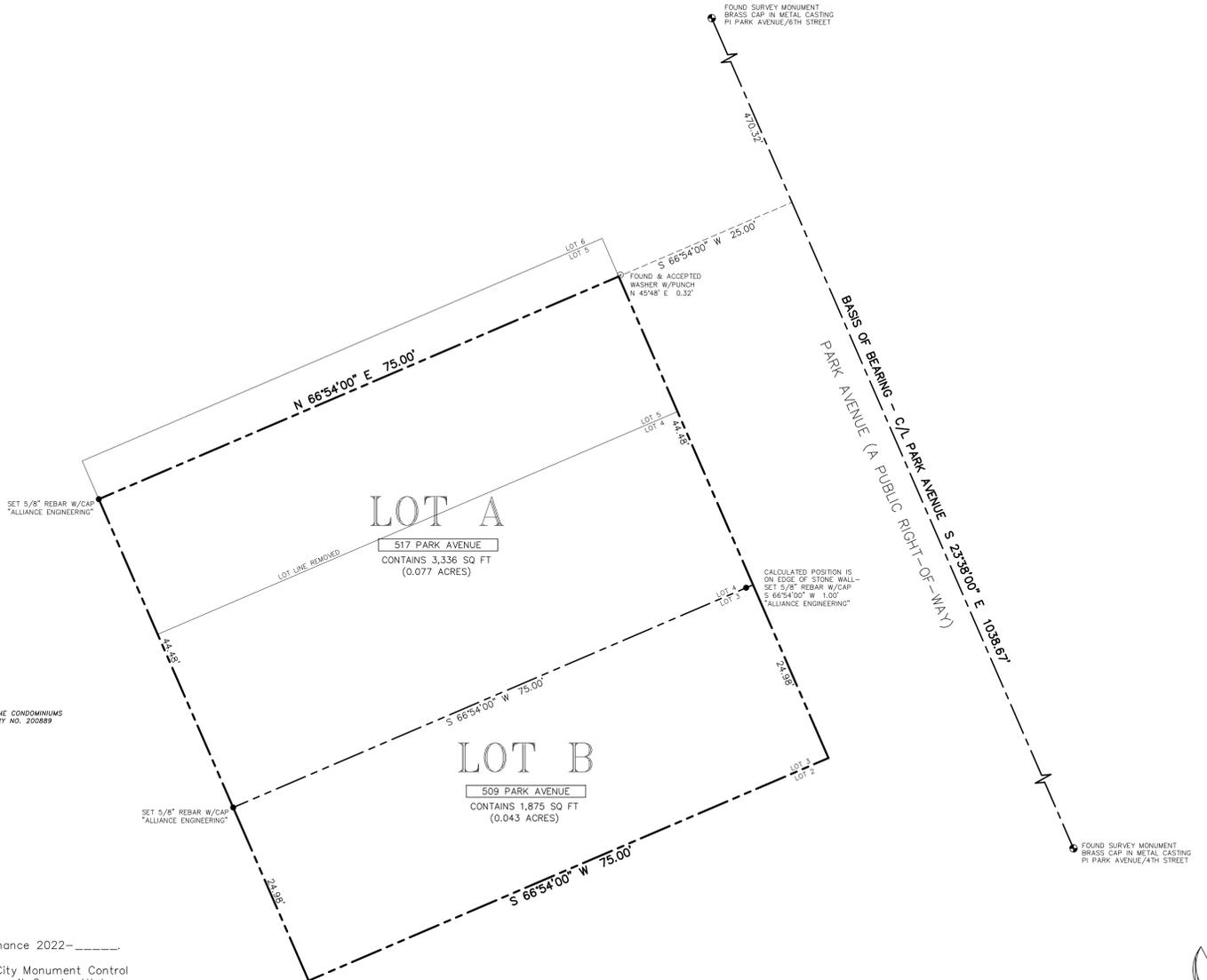
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City Attorney

**Attachment 1** – Proposed Plat



VICINITY MAP  
1"=300'



**SURVEYOR'S CERTIFICATE**

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, and have combined said land into two lots, hereafter to be known as the BARDSLEY PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

**LEGAL DESCRIPTION**

**Parcel 1**  
Lots 4 and 5, Block 5, Amended Plat of the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

Excepting therefrom the Northerly 5.50 feet of Lot 5, referred to as the 517 Park Avenue Parcel and described as follows:

Beginning at the Northeastly corner of Lot 5, Block 5, of the Park City Survey, Park City, Utah, said point also being the Easterly right of way line of Park Avenue (a public street); and running thence South 23°38'00" East along said right of way line and the Easterly line of said Lot 5 for 5.50 feet; thence South 66°54'00" West 75.00 feet to the Westerly line of said Lot 5; thence North 23°38'00" West 5.50 feet along said Westerly line to the Northwest corner of said Lot 5; thence North 66°54'00" East along the Northerly line of said Lot 5 for 75.00 feet to the point of beginning.

**Parcel 2**  
Lot 3, Block 5, Amended Plat of the Park City Survey, according to the official plat thereof on file and of record, in the office of the Summit County Recorder.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL BY THESE PRESENTS that Jeffrey T. Love, as Trustee of the Jeffrey T. Love Living Trust dated May 25, 2010, as amended and restated, as to Parcel 1, hereby certifies that he has caused this plat amendment to be made, together with easements as set forth to be hereafter known as the BARDSLEY PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Jeffrey T. Love Living Trust dated May 25, 2010, as amended and restated

By: \_\_\_\_\_  
Jeffrey T. Love, Trustee

**ACKNOWLEDGMENT**

State of UTAH)  
: ss.  
County of SUMMIT)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, Jeffrey T. Love personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Trustee of the Jeffrey T. Love Living Trust, dated May 25, 2010, as amended and restated, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed the BARDSLEY PLAT AMENDMENT.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No: \_\_\_\_\_

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL BY THESE PRESENTS that Jeffrey T. Love, as to Parcel 2, hereby certifies that he has caused this plat amendment to be made, together with easements as set forth to be hereafter known as the BARDSLEY PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public areas shown on this plat as intended for public use. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

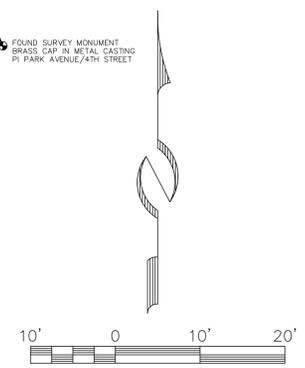
By: Jeffrey T. Love

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_)  
: ss.  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, Jeffrey T. Love personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed the BARDSLEY PLAT AMENDMENT.

By: \_\_\_\_\_  
Notary Public  
Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_



- NOTES**
1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-\_\_\_\_\_.
  2. A proration was applied to the platted distances based on the Park City Monument Control Map, recorded as Entry No. 199887 in the Office of the Recorder, Summit County, Utah.
  3. See recorded survey S-2382, S-2221 and S-799 in the Office of the Recorder, Summit County, Utah.

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

# BARDSLEY PLAT AMENDMENT

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

<b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b> REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2022 BY _____ ENGINEERING DEPARTMENT	<b>PLANNING COMMISSION</b> RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2022 BY _____ CHAIR	<b>ENGINEER'S CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ENGINEER	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ATTORNEY	<b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ MAYOR	<b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ PARK CITY RECORDER	<b>PUBLIC SAFETY ANSWERING POINT APPROVAL</b> APPROVED THIS _____ DAY OF _____, 2022 BY _____ SUMMIT COUNTY GIS COORDINATOR	<b>RECORDED</b> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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