

**BEFORE THE PLANNING & ZONING COMMISSION
OF THE
CITY OF KETCHUM**

In the Matter of the Administrative)	
Appeal of:)	
Michael Taylor (Appellant))	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
)	DECISION
Of a Planning Director Determination)	
related to Prospector Condominiums)	
Building 4 Deck)	

This matter comes before the Planning and Zoning Commission of the City of Ketchum (Commission), pursuant to Ketchum City Code §16.07.020(H), as an appeal by an applicant/affected party of a Planning Director determination. An appeal hearing on the matter was duly noticed and held before the Commission on April 15, 2026. The Commission does hereby make and set forth the following Record of Proceedings and the Commission's Decision as follows.

I. RECORD OF PROCEEDINGS

The Appellant in this matter is Michael Taylor (Appellant), property owner of the relevant portion of Prospector Condominiums Building 4, related to a request for administrative determination on the re-building of an existing, nonconforming deck on the rear of the building (Project). The Planning Director served as Respondent in replying to the issues raised on administrative appeal. No other parties were involved in the appeal.

A Record of Documents before the Ketchum Planning Department and upon administrative appeal ("Record") was prepared and submitted to the Commission before the April 15, 2026 hearing. That Record, including briefs and memos filed by the parties, is hereby referenced and incorporated in full into the Record and this Decision.

An appeal hearing on this matter was held on April 15, 2026, at which hearing the Commission heard oral arguments by the Parties, deliberated, and made a verbal determination. Such hearing was recorded and that recording is made a part of the Record in this matter.

II. JUDICIAL NOTICE AND REVIEW STANDARD

The Commission takes judicial notice of the Ketchum Municipal Code (KMC).

Pursuant to KMC § 16.07.020(H)(3), the Commission makes its determination considering the administrator determination below along with written and oral legal arguments by the Parties. New facts or evidence are not considered in the appeal. The Commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the administrator.

III. FINDINGS, CONCLUSIONS, AND DECISION

1. The Administrator's Determination was in error due to misunderstanding on the voluntariness of the deck removal in relation to the fire-caused demolition.

The Administrator Determination, dated January 13, 2025, determined that the Prospector Condominiums Building 4 was an existing nonconforming building that was destroyed by fire, and therefore was eligible to be restored to its preexisting nonconforming condition per KMC §16.01.050.B.3.a. However, the deck on the back, at issue in this appeal, was determined to be an existing nonconforming structure that was not destroyed by the fire and therefore was not subject to the same restoration provision as the building. Based on this, and on egress requirements, the Administrator Determination allowed only a portion of the existing deck to be rebuilt and removal of any rebuilt nonconforming deck beyond that allowable portion.

Appellant presents that the Administrator Determination is in error, as it relies on the notion that the demolition of the deck was voluntary and a choice by the Appellant. Appellant argues that the demolition of the deck was involuntary and required by a City-issued condemnation letter in connection with the demolition of the building.

Upon review of the Record and the arguments by the parties, and clarifications during the appeal hearing, the Commission finds in agreement with the Appellant's argument that the deck was intrinsic to the building and demolition of the deck was necessitated within the condemnation of the building after the fire. The Commission finds that the demolition of the deck was involuntary, and therefore the Appellant should be able to restore such deck to the existing nonconforming footprint under these particular circumstances.

Based upon the foregoing review and analysis, and good cause appearing from the record in these proceedings, the Commission REVERSES the Administrator Determination as presented in this matter and authorizes the Chair to sign this Decision on behalf of the Commission.

Tim Carter, Chair

ATTEST:

By: _____

, Deputy City Clerk