



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Appeals Hearing Officer

From: Amy Thompson, Principal Planner  
801-535-7214

Date: February 15, 2018

Re: PLNZAD2017-00181: Variance requests for a proposed single-family dwelling

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## Variance

**PROPERTY ADDRESS:** 151 W. Paxton Avenue  
**PARCEL ID:** 15-12-476-039  
**MASTER PLAN:** Central Community  
**ZONING DISTRICT:** RMF-35 Moderate Density Multi-Family Residential District

**REQUEST:** Cameron Broadbent, the owner of the property, is requesting six variances to construct a single-family home on the property located at approximately 151 W. Paxton Avenue. The subject property is located in the RMF-35 Moderate Density Multi-Family Residential District. Variances are being requested the following:

1. A reduction of the 10 foot side yard to 3 feet
2. A reduction of the 4 foot side yard to 2 feet 9 inches
3. A reduction of the 25% of the lot depth rear yard setback to 6 feet 5 3/4 inches
4. Exceeding the maximum 45% building coverage by 4% (49% lot coverage)
5. Relief from one of the two required off street parking spaces
6. One front yard parking space

**RECOMMENDATION:** Based on the information in this staff report, it is Planning Staff's opinion that the requested variances meet the standards for approval and recommends that the Appeals Hearing Officer approve the variance requests.

**ATTACHMENTS:**

- [A. Map – Neighborhood Lot Size Distribution](#)
- [B. Site Photos](#)
- [C. Project Plans](#)
- [D. Applicant's Narrative](#)
- [E. Determination of Legality of the Lot](#)
- [F. Analysis of Standards](#)
- [G. Public Comment](#)

**PROJECT DESCRIPTION**

**Subject Property Description and Background Information:**

The applicant is proposing to construct a single-family home on a lot that is narrower in width than typical lots in an RMF-35 Moderate Density Multi-Family Residential District. The following are the minimum size standards for a new single-family lot in the RMF-35 zone:

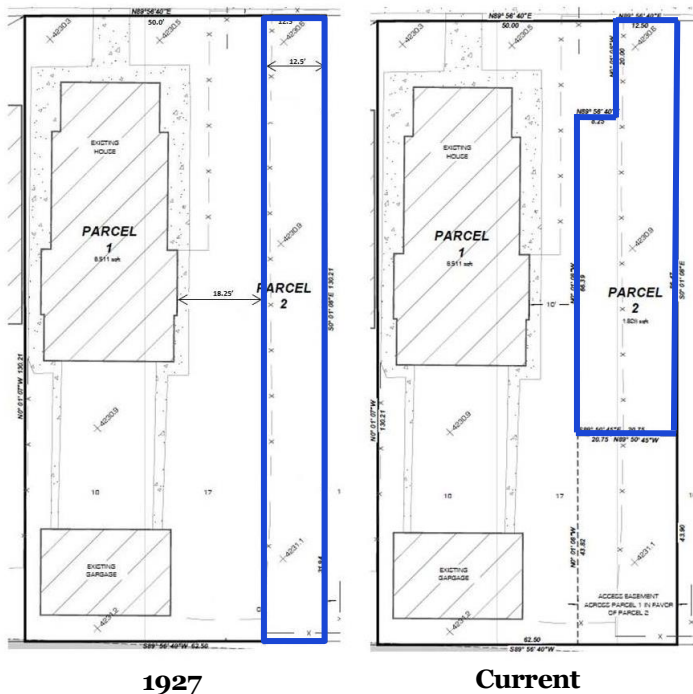
- Minimum Lot Width = 50 feet
- Minimum Lot Size = 5,000 square feet

The dimensions of the subject property are:

- Lot Width = 12.5 feet/20 feet 9 inches
- Lot Depth = 86 feet 5 5/8 inches
- Lot Size = 1,628 square feet



As indicated above, the width of the subject property is about 29 feet less than the standard required width, and 3,372 square feet less than the required lot size for new lots in the RMF-35 district.



The original configuration of the subject property was legally created through the subdivision process. The subject parcel is located in the West Boulevard Subdivision which was recorded in 1889. A recorded deed from 1927 indicates the subject parcel was in existence as early as 1927. Pursuant to section 21A.38.110 of the Salt Lake City ordinance, because Salt Lake City had no zoning or subdivision regulations at the time the lot was created, the noncomplying lot is considered legal noncomplying.

The current configuration of the lot is the result of a lot line adjustment of the west and rear property lines that expanded the width of the buildable area on the lot while maintaining the same lot area of the subject parcel and parcel to the west. The lot line adjustment was approved by Salt Lake City and recorded in 2017. More detail is provided in Attachment E.

**Proposed Development Description:**

The subject property is currently vacant and undeveloped. The proposed development consists of a new one story 795 square foot single-family dwelling on a 1,628 square foot parcel.

**Variance Requests:**

In order to accommodate the proposed development, variances are being requested for the following zoning regulations which are discussed in greater detail below.

<b>Regulation</b>	<b>Zoning Ordinance Requirement</b>	<b>Variance Request</b>
<b>Side Yard Setbacks</b>	4 FT and 10 FT	3 FT & 2 FT 9 IN
<b>Rear Yard Setback</b>	25% of lot depth, min 20 FT	6 FT 5 ¾ IN
<b>Building Coverage</b>	45% of lot area	49% of lot area
<b># Off Street Parking Spaces</b>	2 off street parking spaces	1 off street parking space
<b>Front Yard Parking</b>	Not permitted	1 front yard parking space

***Side Yard Setback Variance***

The required setback between the side property lines and a single family detached structure in the RMF-35 zoning district is 10 feet on one side and 4 feet on the other. The proposed side yard setbacks are 3 feet on one side and 2 feet 9 inches on the other.

The applicant is requesting a reduction of the side yard setbacks due to the narrowness of the subject property. In the RMF-35 zoning district, the required width for lots created according to the zoning district standards is 50 feet. After applying the required 10 foot and 4 foot side yard setbacks, the allowable buildable lot width on a standard 50 foot wide lot would be 36 feet. In the case of the subject property which is 20 feet 9 inches at the widest point, applying the required side yard setbacks would result in a buildable width of 6 feet 9 inches, with an interior measurement closer to 5 feet due to the thickness of the walls. It would be a long narrow structure that is functionally incapable of providing interior living space.

The purpose of the side yard setback requirements is to provide light, air and privacy between adjacent properties. Granting a variance for the setbacks as proposed allows for space that is necessary for functionality while still providing adequate space between adjacent properties.

***Rear Yard Setback Variance***

The required rear yard setback in the RMF-35 zoning district is 25% of the lot depth with a minimum of 20 feet. The proposed rear yard setback is 6 feet 5 ¾ inches.

Typical lots in this subdivision have a depth of approximately 130 feet. The subject property has a depth of approximately 86 feet 5 5/8 inches. The minimal width of the property coupled with the depth of the property, results in a house design that is narrower than other homes in the area and a variance from the rear yard setback is necessary in order to accommodate the size that is needed for the structure to be functional living space. The interior design of the space is a modest 795 square feet with one bedroom and one bathroom.

***Maximum Building Coverage***

The maximum building coverage for the RMF-35 zoning district is 45%. The proposed building coverage is 49%.

The applicant is requesting to exceed the maximum building coverage due to the size of the subject parcel. For new single family dwellings, the RMF-35 zoning district requires a lot area of 5,000 square feet and the subject property has a lot area of 1,628 square feet. Lots in this subdivision are much larger than the subject property. The smallest lots on the block face have a lot area of 3,049 square feet which is more than twice the size of the subject parcel. The applicant is proposing to exceed the maximum lot coverage by 4% which would allow for a dwelling with reasonable interior living space.

### ***Required Off Street Parking Spaces***

The RMF-35 zoning district requires two off-street parking spaces for new single family dwellings. The applicant is seeking a variance for relief from one required off street parking space.

A reduction of one required off-street parking space is being requested due to the size and shape of the lot. Parking space dimensions are determined by the angle of the parking space but generally, the smallest area that can accommodate a parking space is 8 feet 3 inches wide and 17 1/2 feet deep. Applying two required parking spaces to the site would require approximately 288 square feet of the already significantly undersized lot.

Because this lot is a legal lot, building a single family dwelling on the property is a substantial property right, however, the size and shape of the lot presents a hardship in terms providing enough area for two parking spaces while still providing buildable area that will accommodate a structure with adequate interior living space. Staff is of the opinion, relief from one space is the minimum relief needed to relieve the hardship associated with the property. One front yard parking space is proposed and discussed in greater detail in the next section.

### ***Front Yard Parking***

Table 21A.44.060 of the zoning ordinance regulates parking in required yard areas and front yard parking in the RMF-35 zoning district is not permitted. The applicant is requesting one parking space be allowed in the front yard.

The property has only one vehicle access point off of Paxton Avenue via a shared driveway with the property to the east. The rear and side yards of the subject property are not accessible for parking because of the narrowness of the property as discussed in previous sections of this Staff Report. The proposed parking space has at least 20 feet between the front of the dwelling and the front property line to help ensure the parked vehicle will not encroach into the public right of way. The front yard of the subject property is really the only area on the subject lot that could accommodate a parking space along with a single family dwelling, and granting a variance for front yard parking accommodates for one of the required off street parking spaces.

### **KEY ISSUES and SUMMARY DISCUSSION:**

The standards required for granting a variance are set forth in Utah Code Section 10-9-707 and Salt Lake City Zoning Ordinance, Section 21A.18.060. The Hearing Officer may grant a variance if all of the conditions described in Attachment E are found to exist. The applicant shall bear the burden of demonstrating that the standards have been met and the variance is justified. The key issues listed below have been identified through the analysis of the project.

1. The lot was created, prior to the Zoning Code being adopted by Salt Lake City. Because this is a legal lot staff believes that the ability to construct a single-family dwelling on the property is a substantial property right.
2. The subject property is peculiar in that it is 12 1/2 feet in width at the narrowest, and 20 feet 9 inches at its widest point. The standard lot width requirement in the RMF-35 zoning district is 50 feet. The lot is also peculiar in that its total area is 1,628 square feet. The standard lot size requirement in the RMF-35 zoning district is 5,000 square feet. With this being an old neighborhood, many of the neighboring lots are also non-complying in regards to widths being less than the 50 feet required by the RMF-35 zoning district. However, the subject property is an extreme outlier when compared to others in the neighborhood. There are two parcels on Paxton Avenue that are 25 feet wide, the widths of other neighborhood parcels increase in size from there, with the vast majority being in the 30-50 foot range, while

several others are wider than that. The subject parcel is the narrowest and smallest in the neighborhood by a significant margin. Please see attachment A for more details.

3. The shape and width of the lot presents a hardship when applying the required side yard setbacks in that it would limit the buildable width to only 6 feet 9 inches at the widest point on the lot and applying the required side yard setbacks at the narrowest portion of the lot would result in a negative buildable area. Approving the variance to encroach into the required side yard setbacks would allow sufficient buildable width on the lot while still providing an open area between the proposed building and adjacent properties.
4. The overall size and width of the lot presents a hardship when applying the 21 feet 7 <sup>5</sup>/<sub>16</sub> rear yard setback in that typical lots in this subdivision have a depth of approximately 130 feet. The subject property has a depth of approximately 86 feet 5 <sup>5</sup>/<sub>8</sub> inches. The width of the property coupled with the depth of the property, results in a house design that is narrower than other homes in the area in order to accommodate functional living space. The interior design of the space is a modest 795 square feet with one bedroom and one bathroom.
5. The size of the lot presents a hardship when applying the 45% lot coverage maximum in that typical lots in this subdivision are much larger than the subject property that has a lot area of 1,628 square feet. The smallest lots on the block face have a lot area of 3,049 which is more than twice the size of the subject parcel. The applicant is proposing to exceed the maximum lot coverage by 4% which would allow for a dwelling with reasonable interior living space.
6. The size and shape of the lot presents a hardship in terms providing enough area for two off street parking spaces, while still providing buildable area that will accommodate a structure with adequate interior living space. Staff is of the opinion, relief from one space is the minimum relief needed to relieve the hardship associated with the property.
7. A reduction of one of the two required off-street parking spaces is being requested due to the size and shape of the lot. The smallest area that can accommodate a parking space is 8 feet 3 inches wide and 17 1/2 feet deep. Requiring two parking spaces for the development would require approximately 288 square feet of the already significantly undersized lot. Relief from one of the required spaces will provide a buildable area that will accommodate a structure with adequate interior living space. One parking space is proposed on site (see next section).
8. The size and shape of the lot presents a hardship in terms of off-site parking locations on the property. The property has one access point off of Paxton Avenue and because of the narrow width of the property, there is not access to the side and rear yards where parking is permitted. Granting a variance for front yard parking would accommodate one of the required parking spaces on site.

**NEXT STEPS:**

If all of the requested variances are approved, the applicant could proceed with applying for a building permit to construct the single-family home as shown on the project plans in Attachment C.

If only a portion of the requested variances are approved, the applicant would need to redesign the project to comply with all zoning regulations except the regulations for which the relief was granted.

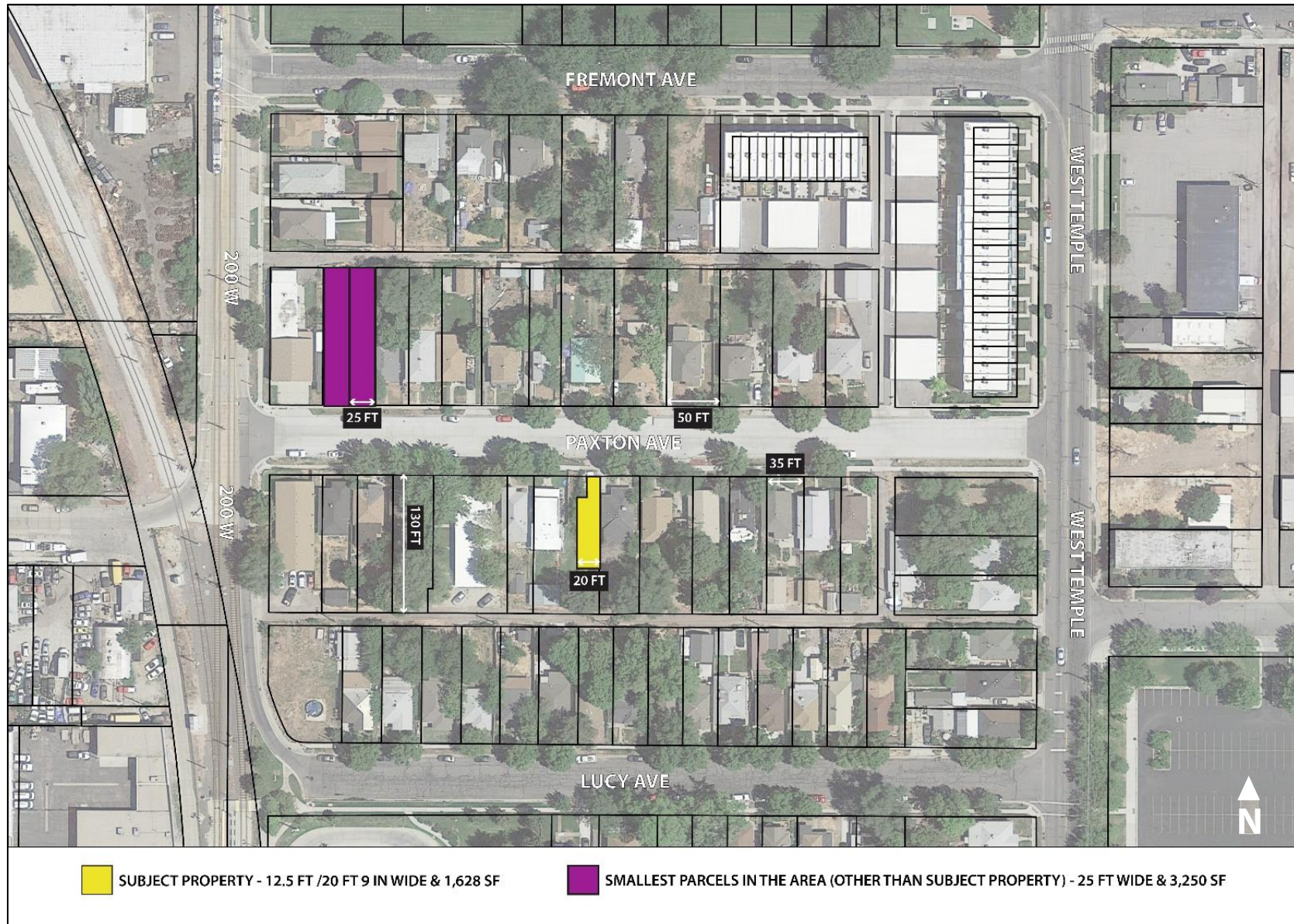
If all variance requests are denied, the applicant would need to redesign the project to comply with all zoning and building regulations.

**ATTACHMENT A: NEIGHBORHOOD LOT SIZE  
DISTRIBUTION**

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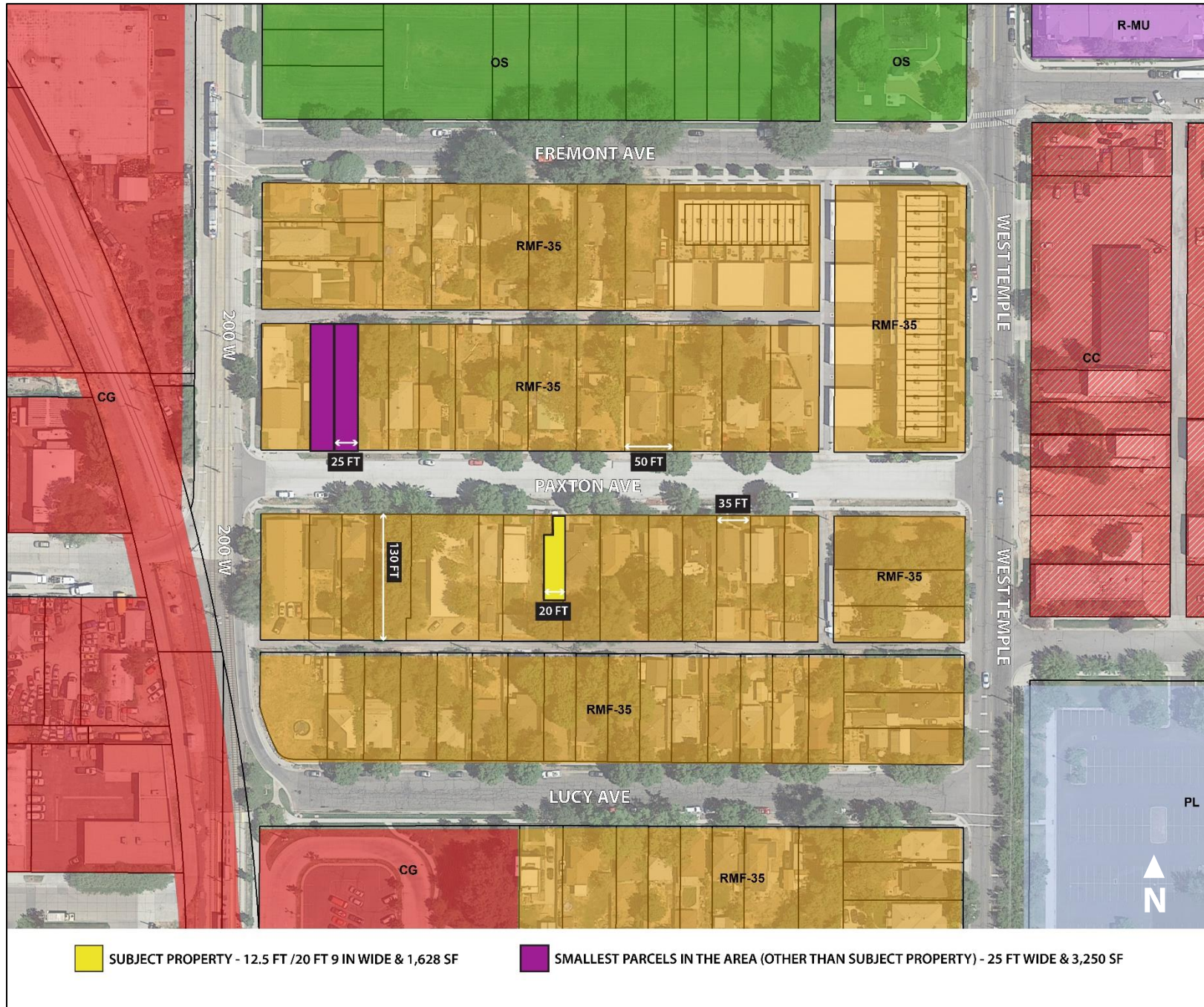


The average width of properties in the area is approximately 40 FT with an average area of 5,200 SF. Surrounding properties have a lot depth of at least 130 FT compared to the subject property which has a depth of approximately 86 FT. The smallest parcels in the area (identified in purple on the map below) are twice as large as the subject parcel.





# ZONING DISTRICTS – AREA LOT SIZE DISTRIBUTION





## ATTACHMENT B: SITE PHOTOS



View of subject property from Paxton Avenue facing south. Markup indicates approximate location of the front property line of the subject parcel which is 12 1/2 FT wide.



View of subject property from Paxton Avenue facing south. The property is 12 1/2 FT wide for a depth of 20 FT, and the rest of the parcel has a maximum width of 20 FT 9 IN.





View of subject property from rear alley facing north. The rear property line of the subject parcel is approximately 43 FT from the alley.



View of subject property from rear alley facing north. The rear property line of the subject parcel is approximately 43 FT from the alley.





Development on the north side of Paxton Avenue



Development on the north side of Paxton Avenue





Development on the south side of Paxton Avenue



Development on the south side of Paxton Avenue

## **ATTACHMENT C: PROJECT PLANS**

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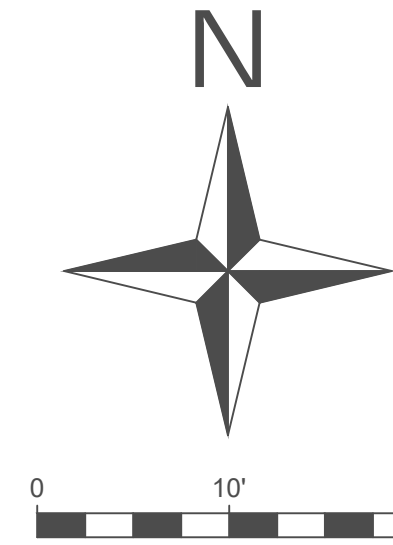
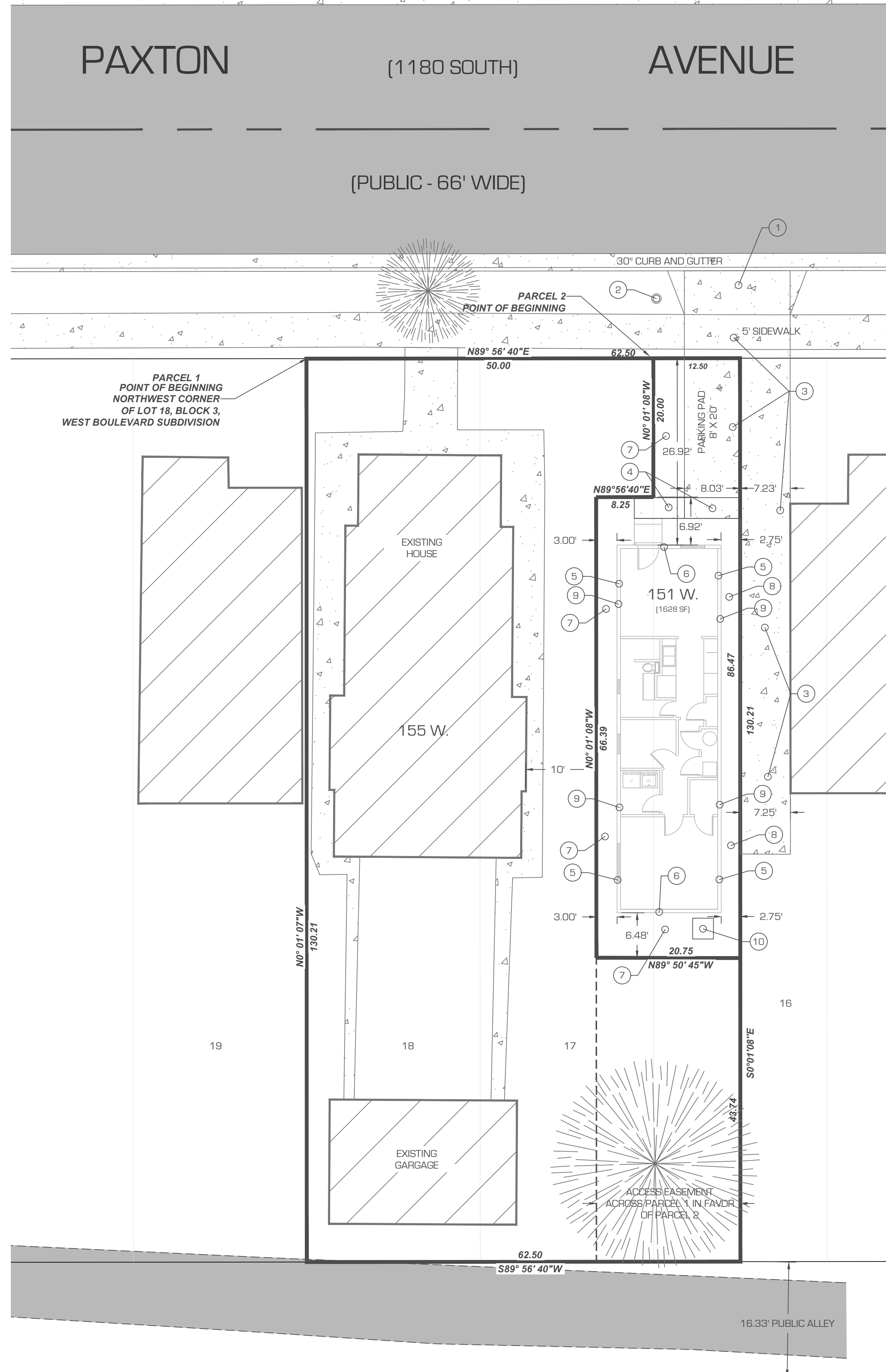
# NEW HOME FOR CAMERON BROADBENT



VICINITY MAP

- LEGEND**
- EXISTING ASPHALT
  - EXISTING BUILDING
  - EXISTING FENCE
  - EXISTING CONCRETE
  - SPOT ELEVATIONS

Site Plan - Updated 1/22/18



**① SHEET KEY NOTES:**

1. EXISTING DRIVEWAY ENTRANCE TO REMAIN.
2. EXISTING POWER POLE/LIGHT POLE TO REMAIN.
3. EXISTING CONCRETE DRIVEWAY TO REMAIN.
4. PROPOSED CONCRETE SIDEWALK FROM PORCH TO CONNECT TO EXISTING DRIVEWAY.
5. ROOF OVERHANGS EXTERIOR WALL BY 9"
6. ROOF OVERHANGS EXTERIOR WALL BY 18"
7. INSTALL XERISCAPE STYLE LANDSCAPING.
8. INSTALL GRAVEL XERISCAPE AND PERFORATED PIPE FOR DRAINAGE. DAYLIGHT DRAINAGE PIPE TO FINISH GRADE.
9. 1HR FIRE RATED EXTERIOR WALL ASSEMBLY
10. AC CONDENSER UNIT PAD

**GENERAL NOTES:**

1. IRRIGATION SHALL BE DRIP IRRIGATION, TWO ZONES, DESIGNED FOR XERISCAPE AS DETERMINED BY OWNER.
2. LIMIT OF DISTURBANCE TO NOT EXTEND BEYOND PROPERTY LINES AS DEPICTED ON THIS SHEET.
3. SURFACE DRAINAGE SHALL NOT DISCHARGE FROM THE IMPROVEMENT SITE AND MUST BE CONTAINED ON SITE, WITHIN THE LIMIT OF DISTURBANCE.
4. CONTRACTOR SHALL PROCURE ALL REQUIRED PERMITS.

**FRONT YARD OPEN SPACE CALCULATIONS:**

- |                                       |        |
|---------------------------------------|--------|
| 1. FRONT YARD TOTAL AREA:             | 394 SF |
| 2. FRONT YARD HARDSCAPE AREA:         | 223 SF |
| 3. FRONT YARD GREEN SPACE AREA:       | 171 SF |
| 4. FRONT YARD GREEN SPACE PERCENTAGE: | 43%    |

**LOT COVERAGE CALCULATIONS:**

- |                        |         |        |
|------------------------|---------|--------|
| 1. LOT TOTAL AREA:     | 1628 SF | (100%) |
| 2. BUILDING FOOTPRINT: | 795 SF  | (49%)  |
| 3. HARDSCAPE AREA:     | 232 SF  | (14%)  |
| 4. GREEN SPACE AREA:   | 601 SF  | (37%)  |

**BASIC SITE PLAN**

**SCALE: 1" = 10'**

**DATE**  
JANUARY 2018

**OWNERS**  
CAMERON  
BROADBENT

**CONTRACTOR**  
OWNER BUILD

**SCALE**  
1" = 10'

**CAMERON BROADBENT  
BASIC SITE PLAN**

**SHEET NO.**

**4**

**4**



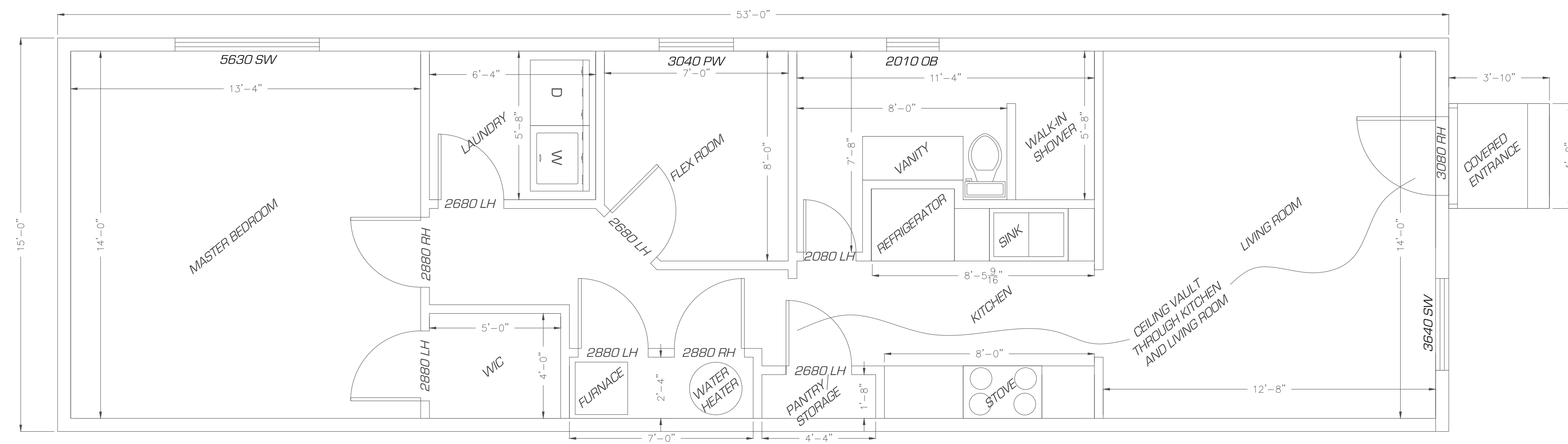
NEW HOME FOR  
CAMERON BROADBENT

DATE  
DECEMBER 2017

OWNERS  
CAMERON  
BROADBENT

CONTRACTOR  
OWNER BUILD

SCALE  
1/2" = 12"



FLOOR PLAN

SCALE: 3/8" = 1'-0"

CAMERON BROADBENT  
FLOOR PLAN

SHEET NO.

1

4

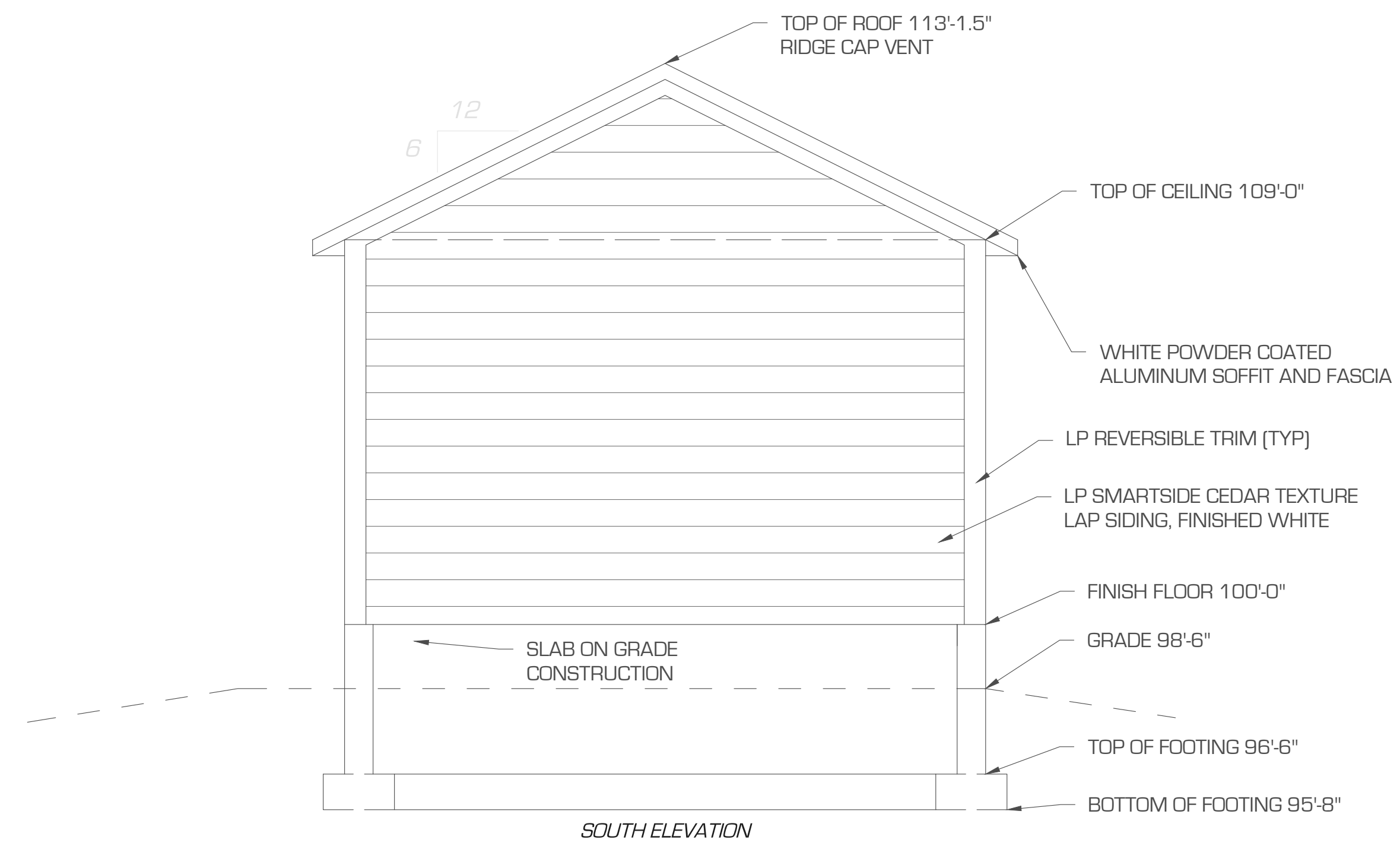
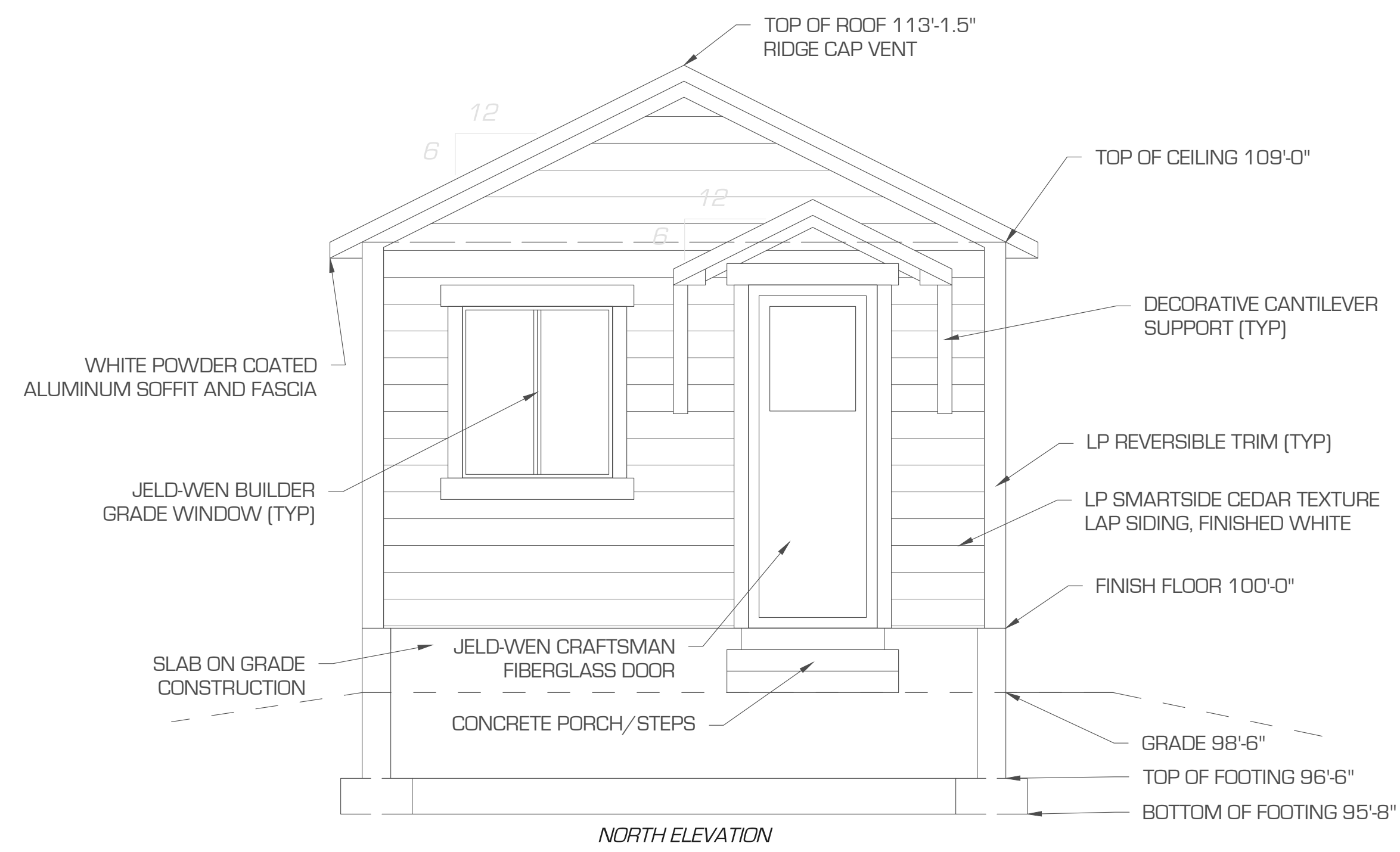
NEW HOME FOR  
**CAMERON BROADBENT**

DATE  
DECEMBER 2017

OWNERS  
CAMERON  
BROADBENT

CONTRACTOR  
OWNER BUILD

SCALE  
1/2" = 12"



ELEVATIONS

SCALE: 3/8" = 1'-0"

CAMERON BROADBENT  
N / S ELEVATIONS

SHEET NO.

2

4

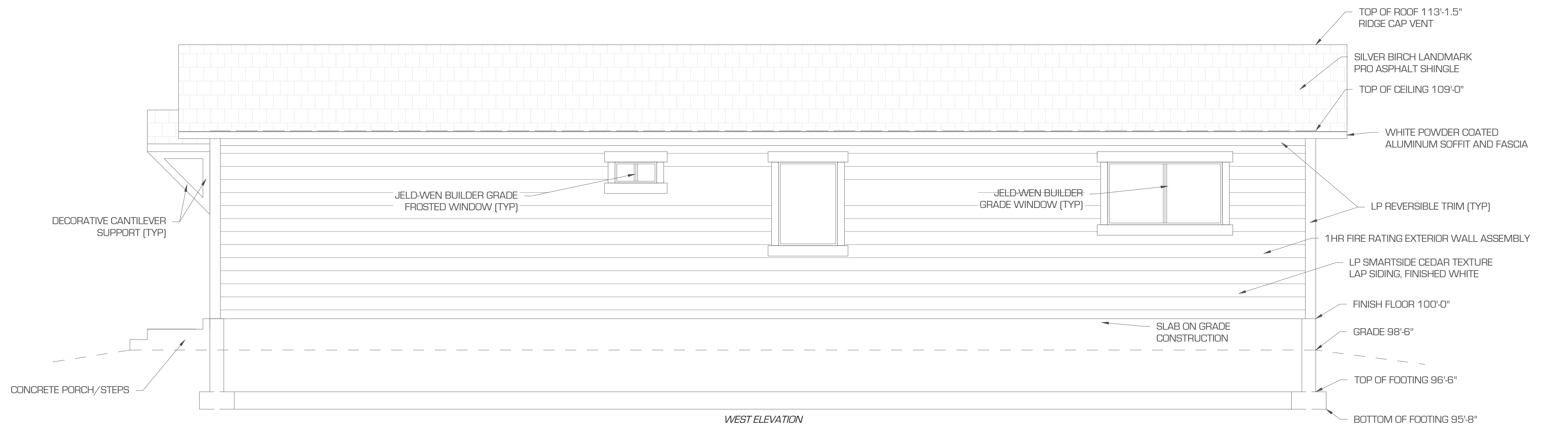
NEW HOME FOR  
**CAMERON BROADBENT**

DATE  
DECEMBER 2017

OWNERS  
CAMERON  
BROADBENT

CONTRACTOR  
OWNER BUILD

SCALE  
1/2" = 12"



WEST ELEVATION



EAST ELEVATION

ELEVATIONS

SCALE: 3/8" = 1'-0"

CAMERON BROADBENT  
E / W ELEVATIONS

SHEET NO.

3

4



## **ATTACHMENT D: APPLICANTS NARRATIVE**

## Variance Submittal Requirements:

1. Project Description. It's proposed that the legal, buildable lot of 151 W. Paxton in existence prior to 1927 be approved for the site of one small home that is built to match the character of the surrounding homes and its associated variances be granted.

2.a. Proposed construction. It's proposed the home on 151 W. Paxton be built to blend with the architecture of the neighborhood. It would be stick frame on cement slab with cement board exterior. It unfortunately wouldn't meet the recommended lot width, side-yard, rear-yard, surface coverage guidelines and parking requirements of the current RMF 35 Zone.

2.b. The zoning ordinances which prevent this proposal from meeting the zoning requirements include:

- 1) 21A.24.130:C which outlines the minimum front lot width of 50' exist in the RMF 35 Zone. It's proposed the existing front lot width of 12.5' be allowed and the lot offered 37.5' variance relief.
- 2) 21A.24.130:E.3.a.(1) outlines the interior side yard to be 4' on one side and 10' on the other. Proposed is a 3.0' (west) & 2.75' (east) side yard respectively requesting a 1' and 7.25' variance relief.
- 3) 21A.24.130:E.4 outlines the rear yard be 25% of lot depth but not less than 20' and need not exceed 25'. The proposal is for a 6.48' deep back yard. The requested back yard variance relief would be for 13.52'.
- 4) 21A.24.130:G.1 outlines the principal building coverage area shall not exceed 45% of the lot. The proposed home for the lot requires 49% coverage (795 of 1628sqft). The requested yard coverage variance would be approximately 4%.
- 5) 21A.44.030 outlines that each single family dwelling shall have 2 off-street parking spaces per dwelling. One front-yard parking space is proposed. This proposal requests the relief from one of the required off-street parking spaces.
- 6) 21A.44.060 outlines the restrictions to front-yard parking. One front-yard parking space is proposed (8' wide x 20' deep) that still meets the 1/3 vegetation requirement. Relief from the front-yard parking restriction is requested.

2.c. Special circumstances exist for the subject property prevent it from meeting current zoning requirements. These reasons include:

- 1) It's special for being one of the few vacant lots in the area and the only one on the street. Today's lot line requirements/setbacks make it practically impossible to build without requesting a variance. The front of the lot is 12.5' wide. A recent lot line adjustment was approved that expanded the width of the lot to the maximum amount which still allowed the neighboring lot to west to maintain its 10' side yard.
- 2) The 4' & 10' side yard wouldn't allow much more than a home the width a little wider than a front door. The 2.75' and 3' side yards only allow for a small home to be built.
- 3) The proposed small home is <800sqft. The 20' minimum backyard depth requirement is approximately the same distance as the widest part of the entire lot. The length of the buildable area (20.75' wide) is only 66' long. A 20' deep backyard would take nearly 1/3 of the space which isn't practical or in harmony with the intent of the zoning ordinance suggesting 25% of the lot depth for normal sized lots.
- 4) No vacant lots exist on the street still as most homes were built prior to 1950 making this property very unique in nature. Other homes were built in the neighborhood under less stringent building guidelines. Despite being a legal lot in existence since prior to 1927, the proposed single-family home that matches other humble homes in its immediate surroundings cannot meet all zoning requirements today. If a neighboring home burned down, it would be allowed to rebuild even if its coverage exceeded 45%. This lot is unique in that it existed dating back to the same time when neighboring homes were built, but it will require the granting of a variance for 151 W Paxton to enjoy the same right given its 49% proposed lot coverage. The 1628sq lot is proposed to have a building footprint of 795sqft (49%), hardscape area of 223sqft (14%), and green space area of 601sqft (37%)
- 5) The usable space of the lot (everything after the 20' setback from the front property line) is only 66.4' x 20.75' or 1,378sqft. The humble, 795sqft home proposed matches the character of the other single-story homes around it. There is only 583sqft left to handle all other setbacks (all other 3 sides), landscaping and anything else (possible parking). Two parking spaces in a 18'x20' configuration requires 26% of this usable space and represents 61.7% of usable space after a humble home in placed on the lot. These circumstances are the reason for the request for parking relief.
- 6) The understood use of a variance is for the minimum assistance needed. Allowing one parking space to be in front of the home using the existing curb cut-in is in alignment with this goal for granting variances. The proposed 8'x20' spot in the front of the home only uses 160sqft. Total hardscape with sidewalks takes 223sqft of the 394sqft in the proposed



front yard allowing 171sqft for green space and landscaping (43% green space). The spirit of the zoning ordinance also includes verbiage for front-yard parking situations when it is “Not feasible to build an attached garage that conforms to yard area and setback requirements...” It has other stipulations attached to it (when rear or side yards cannot be accessed), but the spirit of the zoning ordinance and the uniqueness of this lot are in harmony with this recommendation to allow a 1-car space in front of the home.

2.d. The literal enforcement of the Zoning Laws causes an unreasonable hardship that is not necessary in carrying out the general purpose of this Zoning Ordinance (promote health, safety, morals, convenience, order, prosperity & welfare of present&future inhabitants). This occurs in several ways including:

- 1) Requiring two parking spaces for this small of a lot puts an unreasonable hardship on the owner wishing to build a simple, humble home and the reason for the request for a front-yard space for one car.
- 2) Reasonably sized homes in the area were built in the early 1900’s on small lots that didn’t have these parking restrictions. The literal enforcement of today’s zoning laws upon the owner of this vacant lot are unreasonable since it prohibits a legal right from being extended to the owner that was already extended to other owners on the street for legal lots in existence at the same time.
- 3) Stopping a home from being built for side/front/back yard variances seems unreasonable given the need for more housing & improvement in the area evident by the spot zoning change approvals (1068 S. Jefferson St., 1015 S. 200 W.) where these approvals allow for practically zero setbacks for property literally around the corner and down the block (1015 S. 200 W.). These zero-like setback requirements being used around the corner on projects going up in 2017 suggest it would be fair to allow this home the similar right given that all three properties together represent the only remaining vacant lots on the extended block (West Temple on the east to 200 W (TRAX line) on the west and the 900 S. off ramp exit on the north to 1300 south on the south end). The intent and recent use of Zoning Ordinances on this extended block seems to be assisting with managing existing housing stock and making quality, effective use of vacant land where situations can benefit the community as a whole. The literal enforcement of zoning ordinance doesn’t allow for a building right to be extended to one property that two other vacant property owners have today.
- 4) There is a history of allowing small homes to be built on infill lots in the area despite being odd-size or odd-shaped lots that appear almost non-existent. An example of this is a 2013 modern, box-like home built on 0.05 acres at 138 W. Goltz Ave, also in zone RMF-35 (800 ft). Allowing a home that doesn’t appear to really fit in the neighborhood be added to the needed single-family housing stock suggests that it would be unreasonable to withhold a variance for an owner to build a home that was thoughtfully designed to benefit the character of the neighborhood.
- 5) RMF 35 Zoning requires a minimum lot width of 50 feet. This lot’s widest point is just over 20’ making it non-compliant, however other homes in the area and on the same street are on very narrow lots as well. Single-family home lots even just on the same street with an approximate lot width of 25’ include 182, 178 & 159 W. Paxton (<300’). Additionally, the front-facing duplex across the street has a 45’ lot width giving each door an equivalent lot width of 22.5’. It poses an unrealistic hardship to require a 50’ lot width on this one vacant lot remaining on the street when similar lots on the street and in the area are <50’ wide. At the place where the home would be on the lot, it’s width is very similar to the widths of several other lots.
- 6) RMF zoning requires 5,000sqft (.11acres) area to build a dwelling. This lot has just .04acres. However, when we look in the area, ones sees other home owners extended the privilege of having a dwelling or a “Door” on <.11 acres.
  - a) 1959-built fourplex at 165 W. Paxton Ave on 0.21 acres (0.05 acres/door).
  - b) 1938-built duplex at 160 W. Paxton (across the street) is on .13 acres or 0.065/door.
  - c) 1912-built duplex at 111 W. Mead Ave on 0.07 acres (within ½ mile) offering 0.035 acres/door.
  - d) 2013-built single family home at 138 W. Goltz Ave on .05 acres.
  - e) The literal enforcement of the lot area requirement for 151 W. Paxton would impose an unfair hardship on the owner since rights extended to other existing owners in the area with smaller acreage/door would be unfairly withheld from the owner of 151 W. Paxton. The general purposes of the zoning ordinances could be achieved in this RMF zone by allowing this variance. Withholding the right extended to others on the street or in the area seems unreasonable.

And, because the property is one of the only vacant lots in the area, the circumstances surrounding it are peculiar in that it is being developed under a different set of rules than the other homes in the immediate neighborhood. Many of the surrounding buildings were built in the first half of the 1900’s and were not subject to the RMF-35 restrictions. The general purpose of the Zoning Ordinances would be to stop development not in-line with the character of the homes in

an area. Approving this variance would simply allow a home that meets the character of the neighborhood to be built and benefit the community as a whole.

Additionally, section 21A.38.040:H.5.d. of the Zoning Ordinance states that if any noncomplying building is destroyed, the Zoning Administrator may authorize the reconstruction of the building to its original form. This constitutes an unnecessary hardship to any vacant land owner given that developed properties in the area are granted a measure of protection from the constraints of the Zoning Ordinances where as a vacant property is not.

It's worth noting that the owner of the lot didn't create this lot. It was a legal lot in existence as early as 1927. In preparation for building a home on this lot, a lot line adjustment was recently approved by city. While the papered lot width is now 20'+ at its widest point, the long-term usage of the west-side boundary has suggested that both owners of 151 & 155/57 W. Paxton have allowed 151 W. Paxton a full, 25' wide area of usage.

2e Special circumstances exist on the subject property that aren't generally applicable to other properties in the same zoning district. These circumstances include:

- 1) There are no other vacant properties on Paxton Ave, and few even exist in the area. The lot size is small at .04 acres.
- 2) Because this lot is within ¼ mile from a fixed transit station, it's circumstances are special. Parking exemptions for proximity to Mass Transit for any new multi-family residential allow the minimum number of parking spaces required to be reduced 50% according to section 21A.44.030 of this chapter (outlined in 21A.44.040:7). The spirit of this ordinance would suggest allowing a parking variance for a new single family home in RMF-35 on a 90+yr old lot would be in harmony with the intent of granting variances to historically unique lots close to mass transit.
- 3) Looking at homes in the immediate area of zoning (across the street & immediately east & west), the homes are of a small, modest, one-story construction. Building code may require firewalls with limited windows on one side and no windows on the other side. Given the 7.2' driveway between the east property line and neighboring home, a 2-story building with no windows didn't fit with the character of the neighborhood; therefore a variance for a small, modest one-story home matching the character of the neighborhood is requested.
- 4) Other parcels in the same extended block with construction underway have areas that are the same distance to the TRAX line (1068 S. Jefferson) and have been afforded the chance to both build on vacant land and tear down existing structures in order to build a structure with a different footprint. The subject property, 151 W. Paxton, is closer to the TRAX station and closer to the TRAX line than 1068 S. Jefferson St, giving it a unique distinction.
- 5) Unlike newly subdivided or created lots, this lot existed prior to 1927. The original owners (Lawrence & Margaret Risco) respectively died June 8, 1939 & May 7, 1958, and the lot remained in their name until 2016. It became a neighborhood nuisance due to lawless activity on it. The current owner also owns property on the street. In order to protect the value of neighboring homes and improve the public nuisance situation, the current owner worked on this project for years. In 2016, the current owner paid the long-term squatter's family to relinquish a right to the property (sadly, the squatter himself passed away just prior to completing the transaction). Nearly 10 heirs of the Risco family were also satisfied in order to obtain clean title to the property.
- 6) For years, this vacant lot attracted squatters and was turned into a dumping ground for junk; today, it's an issue of homeless, drugs & more. The junk at one time was so extensive that when the owner of the lot to the west purchased the duplex on the property of 155/157 W. Paxton in 2001, the owner made the purchase believing lot 151 W. Paxton was actually 25' wide because of its existing usage as a massive dumping yard with make-shift fences. At that time, 151 W. Paxton's open-air storage unit/junk pile was piled 6'high, 25' wide and 130' long, filling the property. Within the year and after watching the junk pile winter over, melt and become an annual mess, the neighbors and the new Duplex owner worked together to pressure the squatter to clean the mess. Calls to zoning resulted in UT State Prisoners coming and cleaning the public nuisance. Today, the proximity to the TRAX station and the fact that this section of Paxton Ave is the literal walking path for previous public offenders walking to AP&P (Adult Probation & Parole), continues to make this vacant lot uniquely convenient and attractive to homeless, drug users and trespassers. These activities leave behind dangerous items such as needles and drug paraphernalia which the owner is required to be legally liable to others for and is required to pickup/remove. This lot is uniquely situated and carries an excessive public burden put upon the owners of the property that other property owners don't carry. It merits granting the variance to relieve the owners of this unfair burden.



2f This variance is essential to the enjoyment of a substantial property right possessed by others in the same zoning district in these ways:

- 1) Others on the same street have enjoyed the right to build a single-family home and could re-build a small home consistent with the size and architecture of other homes built prior to 1950. The owner of 151 W. Paxton requests the same right as the lot dates back to pre-1927 when many homes in the area were built making it a legal, buildable lot.
- 2) ALL other vacant land owners on the same extended block have been extended the same right to build mentioned in 2f.1 regardless of size and existing zoning requirements; this include large and small/tiny parcels previously mentioned. The owner of 151 W. Paxton is the last vacant lot on the extended block and seeks the same enjoyment/right possessed by ALL others.
- 3) Other extended block owners enjoy the right to tear down & rebuild or rebuild after natural destruction which suggests the right is so universal to build on legal existing lots that one is allowed the right again and again. 151 W. Paxton's owner request to enjoy the same right.
- 4) Properties along the TRAX line and near stations are regularly being granted special rights due to their unique circumstances close to public transit. This property is <1/4mile from the TRAX station, and closer to the TRAX station than high-density properties approved around the same 1300 S. TRAX Station. The property owner of 151 W. Paxton asks for similar special rights/variances to be granted it for the enjoyment of the owner and benefit to the community.
- 5) Over the recent past, the residents of 155 W. Paxton's basic property rights of possession to enter and safely occupy a property and the right to exclude trespassers is being compromised because the vacant land of 151 W. Paxton attracts lawlessness including graffiti, drug activity, cut window screens/destruction of property and trespassing. Allowing the owner of 151 W. Paxton the universal right to build on legal, vacant land helps restore the enjoyment of the neighboring property owner's basic property rights he shares with those living there.
- 6) Because of its proximity to TRAX and because 151 W. Paxton is often along the path that previous public offenders walk to AP&P, it carries an unusually heavy public burden that compromises the owner's most basic property right of possession where one can safely enter, occupy, invite or exclude others (no trespassing). Others enjoy a home in which they can take safety; however, the owners of 151 W. Paxton must face this heavy public burden and those individuals without the physical protection of a refuge or home. Additionally, the owners are legally liable for anyone hurt by the dangerous leftovers of trespassers leaving drug paraphernalia & items from associated activities. The owner's family is literally forced to regularly and carefully clean the property at the risk of their own personal safety. Additionally, today's zoning requires too that they maintain their property free of weeds and use approved materials to maintain fences. This too requires their family be exposed to used drug paraphernalia, needles, blood and men's seaman and work around such materials in order to lawfully comply with zoning ordinances. The very definition of Zoning includes a right & responsibility given to government/"We The People" to protect the health, welfare and safety of the public. Not granting this variance knowingly puts a family's very safety at risk. Granting it allows for the enjoyment of the most basic property right of *Possession*.

2g This variance supports the general zoning plan and is in the public's best interest. A new home would bring continued positive energy to an area needing revitalization. It will also eliminate a weed-filled area that attracts vandalism, drugs and general lawlessness. While the current zoning is MRF-35, the Central City Master Plan states that the property should be low density transit oriented development (1-20 dwelling units/acre) which can translate to 1unit/.05 acres per the Plan. Allowing this small home or one unit to be built on 0.04acres allows the area to remain in a state consistent with the Master Plan.

Granting the variance would permit the construction of a single family home on a legal, non-complying lot. There is no evidence that approval of this proposal would substantially affect the general plan for the neighborhood in any negative way. In fact, granting the variance would be a very positive thing. Numerous general plans and planning documents emphasize the need for Salt Lake City to maintain and enhance its housing stock including documents going back to District 5's August 2016 newsletter emphasizing the need for affordable housing on the "East Side." More recently, District Five residents have been considering allowing small apartments that share the same lot with a single-family home called ADU's/Accessory Dwelling Units. These considerations are evidence of the need to increase housing stock

in single-family residential neighborhoods and the desire by many to consider small homes to be used for the general good of the public (SLC District 5's Nov/2/17 newsletter).

2h Allowing this variance is in the spirit of the Zoning Ordinance and master plan. The purpose of the RMF-35 moderate density, multi-family residential district is to provide an environment suitable for a variety of moderate density housing types, including single-family, two-family (duplex) and multi-family dwellings with a maximum height of 35'. This district is appropriate in areas where the applicable master plan policies recommend a density of less than 30 dwelling units per acre (knowing 30 units/acre is equivalent to 1unit/.033 acres). This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide safe and comfortable places to live. The standards also promote sustainable and compatible development to preserve the existing character of the neighborhood. Approving this variance would be consistent with the Master Plan's vision to creatively utilize existing space and encourage compatible infill housing.

The intent of this proposal is to make it possible to build a single family home similar in size and shape to several homes in the surrounding neighborhood. Although the home has requirements that don't completely meet today's zoning laws in the RMF-35 zone, the purpose for the RMF-35 zone states that the standards are intended to promote sustainable and compatible development patterns that preserve the existing nature of the neighborhood. By approving this variance, it allows for the construction of a single family home on a vacant lot of similar size and scale to other places being built today in the immediate neighborhood and extended block area. Replacing a vacant lot that attracts lawless behavior with a single family home positively impacts the community. Investment on the street adds to the vitality of the street and invites neighborhood regeneration rather than disintegration which is in the interest of the public good and in harmony with zoning ordinances.

2i Any other information deemed necessary by the Zoning Administrator can be provided upon request.

## **ATTACHMENT E: LEGALITY OF LOT**



WILFORD H. SOMMERKORN  
PLANNING DIRECTOR  
  
CHERI COFFEY  
ASSISTANT PLANNING DIRECTOR

**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
PLANNING DIVISION

RALPH BECKER  
MAYOR  
  
ERIC D. SHAW  
COMMUNITY AND ECONOMIC  
DEVELOPMENT DIRECTOR

June 5, 2014

Cameron Broadbent  
10962 Manitou Way  
South Jordan, Utah 84095

Re: PLNSUB2014-00358; Subdivision Screening for parcel 15-12-476-008 (151 W Paxton Avenue, Salt Lake City, Utah 84101)

Mr. Broadbent:

The Salt Lake City Planning Division has reviewed the subdivision screening regarding parcel 15-12-476-008 located at approximately 151 W Paxton Avenue.

The subject parcel is the west half of lot 16, block 3, and is located in the West Boulevard Subdivision. The West Boulevard Subdivision was recorded 1889. The parcel is located in the RMF-35 Moderate Density Multi-Family Residential District. The lot does not comply with the minimum lot area and width required in the zoning district. Salt Lake City recognizes the legal use of the lot as residential.

In researching the parcel, a recorded deed from 1927 and a plat map from 1995 indicate the subject parcel was in existence as early as 1927. Pursuant to section 21A.38.110 of the Salt Lake City ordinance, a lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of any amendment to this title that makes the existing lot noncomplying shall be considered a legal complying lot. Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-1/5,000 district. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located.

Section 20.32 of the Salt Lake City ordinance discusses the consolidation of adjacent parcels and or subdivision lots. In order for two or more adjacent lots to be consolidated into one lot, the following criteria shall be met:

- A. Compliance with all applicable zoning regulations including maximum lot size, if applicable.
- B. A lot consolidation cannot yield two principal buildings on one lot, unless permitted in the zoning district or by an approved planned development.

If you have additional questions, please call me at 801 535-7281 or by e-mail at amy.thompson@slcgov.com

Sincerely,



Amy Thompson  
Associate Planner

## **ATTACHMENT F: ANALYSIS OF STANDARDS**

**21A.18.050 Prohibited Variances:** Subject to the prohibitions set forth in section [21A.18.050](#) of this chapter, and subject to the other provisions of this chapter, the Appeals Hearing Officer may grant a variance from the terms of this title only if:

Standard	Finding	Rationale
<p><b>A. It is not intended as a temporary measure only;</b></p>	<p><b>Complies</b></p>	<p>The proposed single-family detached dwelling would be constructed as a permanent structure.</p>
<p><b>B. It is not greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant; or</b></p>	<p><b>Complies</b></p>	<p><b>Side Yard Setback</b> – The proposed setback reduction would allow for construction of a single family dwelling on the property, which is a substantial property right. The width of the property is very narrow and in the opinion of Staff, the requested side yard setbacks are the minimum necessary to relieve the hardship associated with the property.</p> <p><b>Rear Yard Setback</b> – Typical lots in this subdivision have a depth of approximately 130 feet. The subject property has a depth of approximately 86 feet 5 5/8 inches. The minimal width of the property coupled with the depth of the property, requires a narrow house design and a variance from the rear yard setback is necessary in order to accommodate the size that is needed for the structure to be functional living space.</p> <p><b>Lot Coverage</b> – The request to exceed the maximum building coverage by 4% is due to a hardship associated with the small size of the subject parcel (1,628 square feet). The smallest lots on the block face have more than twice the lot area of the subject parcel. The design of the house is modest in size (1 bd 1 bath) and Staff is of the opinion the request is not greater than the minimum necessary to relieve the hardship.</p> <p><b>Relief from 1 Parking Space</b> – The size and shape of the lot presents a hardship in terms providing enough area for two parking spaces, while still providing buildable area that will accommodate a reasonable dwelling. Staff is of the opinion, relief from one space is the minimum relief needed to relieve the hardship.</p> <p><b>Front Yard Parking</b> – The property has only one vehicle access point off of Paxton Avenue. The rear and side yards of the subject property are not accessible for parking because of the narrowness of the property and therefore, the front yard is really the only area on the subject lot that could accommodate a parking space.</p>
<p><b>C. It does not authorize uses not allowed by law (i.e., a “use variance”).</b></p>	<p><b>Complies</b></p>	<p>Single-family homes are allowed in the RMF-35 zoning district as a permitted use. Granting the variance would not authorize a use that is not already allowed by right in the zoning district.</p>

**21A.18.060: Standards for Variances:** Subject to the prohibitions set forth in section [21A.18.050](#) of this chapter, and subject to the other provisions of this chapter, the Appeals Hearing Officer may grant a variance from the terms of this title only if:

Standard	Finding	Rationale
<b>A. General Standards</b>		
<p>1. <b>Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;</b></p>	<p><b>Complies</b></p>	<p><b>Side Yard Setback</b> – The subject property ranges from 12 ½ FT to 20 FT 9 IN wide. Enforcing the required 10 FT and 4 FT side yard setbacks would result in a buildable width of 6 FT 9 IN, with an interior measurement closer to 5 FT due to the thickness of the walls. The structure would be long and narrow structure and functionally incapable of providing interior living space.</p> <p><b>Rear Yard Setback</b> – Typical lots in this subdivision have a depth of approximately 130 feet. The subject property has a depth of approximately 86 feet 5 5/8 inches. The minimal width of the property coupled with the depth of the property, requires a narrow house design and a variance from the rear yard setback is necessary in order to accommodate the size that is needed for the structure to be functional living space.</p> <p><b>Lot Coverage</b> – The request to exceed the maximum building coverage by 4% is due to a hardship associated with the small size of the subject parcel (1,628 square feet). The lot coverage requirements of the zoning district are based on lots that are significantly larger than the subject property and assumed to be 5,000 SF.</p> <p><b>Relief from 1 Parking Space</b> – The size and shape of the lot presents a hardship in terms providing enough area for two parking spaces (288 square feet) of the already significantly undersized lot while still providing enough buildable area to accommodate a reasonable dwelling.</p> <p><b>Front Yard Parking</b> – Parking is permitted in the rear and side yards however, the rear and side yards of the subject property are not accessible for parking because of the narrowness of the property. The front yard of the property is the only area on the subject lot that could accommodate a parking space.</p>
<p>2. <b>There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;</b></p>	<p><b>Complies</b></p>	<p>The unusually narrow lot dimensions, the shallow lot depth, the unique lot shape and the sub-standard lot size are special circumstances that must be considered in relation to the subject property when comparing it to other properties in the same zoning district. The smallest properties on the block face are more than twice the size of the subject parcel. The majority of lots in this zoning district are deep, and many have two vehicle access points. Staff is of the opinion that although there are some other lots that are smaller in size, the dimensions of the subject property are significantly smaller and more</p>



		<p>restricted which is not a general characteristic of the larger neighborhood or zoning district. The requirements of the zoning ordinance are also a contributing factor to the requested variances. Regulations for new single family dwellings in the RMF-35 zoning district are based upon an assumed standard rectangular lot that would be approximately 50-feet wide by 100-feet deep so the requirements of the zoning regulations don't work with the atypical parcel such as the subject parcel. The shape and size of the lot are a special circumstance in and of itself.</p>
<p><b>3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;</b></p>	<p><b>Complies</b></p>	<p>The proposed house has exterior dimensions of approximately 15 FT wide by 53 FT deep and a footprint of approximately 795 square feet. Taking into account the required front yard setback of 20 FT and rear yard setback of 25 FT, and the side yard setbacks of 10 FT and 4 FT for a standard lot in the RMF-35 district, the typical lot depth of 130 feet and an average width of 40 FT in the area, the typical lot would have a buildable area of approximately 2,210 SF and allow for a house approximately 26 FT wide. If the side and rear yard setbacks are met, the buildable width of the property would be approximately 6 FT 9 IN and the house would be approximately 297 SF and would not provide adequate living area. This unusually small narrow house in lieu of a design with pleasing proportions would be denied on this property while being granted to other properties in the same zoning district. Granting the variances would allow the property owner to construct a home that is closer to the property rights possessed by other properties in the same zoning district.</p>
<p><b>4. The variance will not substantially affect the general plan of the city and will not be contrary to the public interest; and</b></p>	<p><b>Complies</b></p>	<p>The subject property is located in the Central Community planning area. The Central Community Master Plan and other city-wide guiding documents, emphasize the importance of developing housing to meet the needs of a growing populace and that is compatible with existing stock. Granting the requested variances for setbacks and lot coverage would allow a new home to be built on a legal parcel in an existing neighborhood that is compatible in size and style to neighboring homes, where currently there is a vacant lot. It is Staff's opinion that granting the variances would comply with policies in the Central Community Master Plan and would not be contrary to the public interest.</p> <p>50% parking reductions are given to other types of development (commercial, multi-family, office, etc.) in this planning area if they are located within ¼ mile of a fixed transit line. Although reductions aren't given to single family developments, the request to reduce the parking on the property by 50% is consistent with the location of the property.</p>

<p><b>5. The spirit of this title is observed and substantial justice done.</b></p>	<p><b>Complies</b></p>	<p>The Zoning Ordinance requires standards for new development types to help ensure compatibility with the existing scale and intensity of the neighborhood. Setbacks to provide an open space buffer between the residences and the streets on which they are located as well as between properties. The subject property is much smaller, narrower, and shallower than typical lots in the RMF-35 zoning district. Staff is of the opinion the applicant has demonstrated that a new house could not be built without the requested variances and the variance standards are met; therefore, the spirit of the Zoning Ordinance is observed and substantial justice done.</p>
<p><b>B. In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the appeals hearing officer may not find an unreasonable hardship unless:</b></p>		
<p><b>1. The alleged hardship is related to the size, shape or topography of the property for which the variance is sought.</b></p>	<p><b>Complies</b></p>	<p>The minimum size and width for a parcel with a single family dwelling in the RMF-35 zoning district is 50 feet and 5,000 SF. Portions of the subject parcel measure 12 ½ FT wide and a maximum of 20 FT 9 IN wide. The subject parcel is 1,628 SF, which is 33% smaller than the size of the lot for which the zoning regulations are based on. Consequently, the hardship is related to the lot size (width, depth, total area) and shape.</p>
<p><b>2. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.</b></p>	<p><b>Complies</b></p>	<p>The map in Attachment A illustrates that the subject parcel is an extreme outlier when compared to others in the neighborhood in terms of size and shape. With exception to the subject parcel, the narrowest parcels on Paxton Avenue are 25 feet wide but still have a lot area of 3,049 SF which is more than twice the size of the subject parcel. The dimensions and shape of the subject property are peculiar and are not conditions that are general to the neighborhood.</p>
<p><b>C. Self-Imposed Or Economic Hardship: In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the Appeals Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.</b></p>		
<p><b>The hardship is not self-imposed or economic.</b></p>	<p><b>Complies</b></p>	<p>The purpose of the requested variances are to construct a home with sufficient size to provide adequate living space that is comparable to other residences in the area and to not have that home be un-necessarily narrow in design. The hardship is related to the size of the legally recognized parcel that was created in 1927 before the zoning ordinance. The hardship is not self-imposed or economic.</p>
<p><b>D. Special Circumstances: In determining whether or not there are special circumstances attached to the property under subsection A of this section, the Appeals Hearing Officer may find that special circumstances exist only if:</b></p>		
<p><b>1. The special circumstances relate to the alleged hardship;</b></p>	<p><b>Complies</b></p>	<p>The special circumstance is that the property is much smaller in area, much shallower in depth,</p>

<p><b>(continued from above)</b>  <b>1. The special circumstances relate to the alleged hardship;</b></p>		<p>and much narrower than other properties in the area in the RMF-35 zoning district. These circumstances specific to the lot dimensions make it difficult to develop the property in the same manner as other properties in the area and on adjoining lots.</p>
<p><b>2. The special circumstances deprive the property of privileges granted to other properties in the same zoning district.</b></p>	<p><b>Complies</b></p>	<p>The lot is a legal buildable lot, and there is a substantial property right to be able to construct a single family dwelling. The size and shape of the subject property are special circumstances that are unique to the property and strict enforcement of zoning regulations would deprive the property of privileges granted to other properties in the same district. Given that the minimum side yard setbacks for this property in the RMF-35 zoning district would be 4 FT and 10 FT respectively on a parcel that is in some areas 12 ½ FT wide and only 20 FT 9 IN at its widest point, the subject property could not comply with required setback without impacting both the interior functionality and exterior design of the proposed single family dwelling. An unusually narrow house would need to be utilized and, consequently, privileges of more expansive design with pleasing proportions would be denied this property while being granted to other properties in the same zoning district.</p>



## **ATTACHMENT G: PUBLIC COMMENT**

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Notices for the public hearing were mailed on February 1, 2018

The site was posted on February 2, 2018

At the time this report was written, staff has not received any comments on the variance requests.