



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Ashley Scarff, Principal Planner
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Date: January 11, 2018

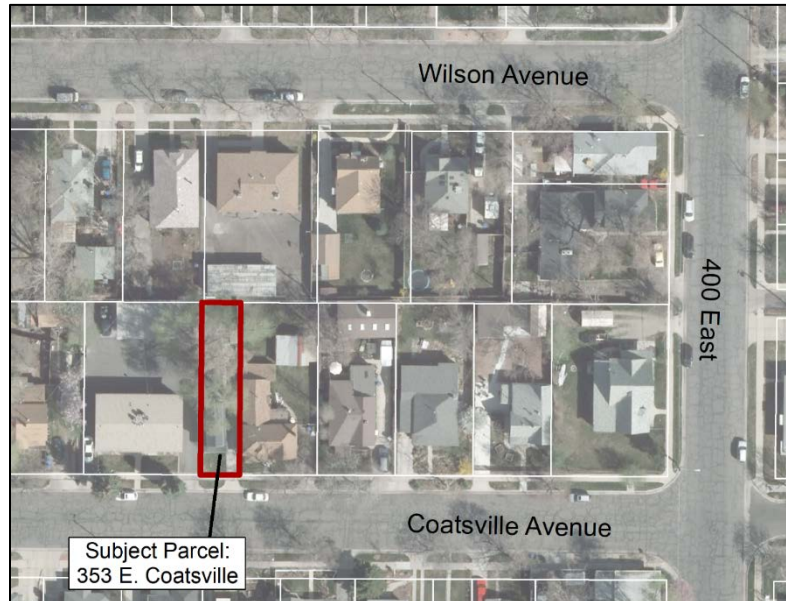
Re: PLNZAD2017-00903: Variance for reduced interior side yards for a new single-family dwelling

Variance

PROPERTY ADDRESS: 353 E. Coatsville Avenue
PARCEL ID: 16-18-403-019-0000
MASTER PLAN: Central Community
ZONING DISTRICT: R-1/5,000 Single-Family Residential District

REQUEST: Pablo Gotay, architect representing the property owner, is requesting a variance to construct a new single-family dwelling with interior side yard setbacks that measure 3 feet on one side and 8 feet on the other, instead of the minimum requirement of 4 feet and 10 feet, respectively. The subject property is located at 353 E. Coatsville Avenue and is zoned R-1/5,000 Single Family Residential.

RECOMMENDATION: Based on the information in this staff report, it is the Planning Staff's opinion that the requested variance for a reduction in the minimum required side yard setbacks meets the standards for approval and Staff recommends that the Appeals Hearing Officer approves the variance as requested.



ATTACHMENTS:

- A. Map of Surrounding Lot Widths
- B. Historic Development of Site
- C. Submitted Narrative and Plans
- D. Analysis of Standards
- E. Public Comment

PROJECT DESCRIPTION:

The property in question is currently occupied by a single-family structure that the applicant is proposing to demolish and replace with a new single-family structure. The R-1/5,000 zoning district requires a minimum lot width of 50 feet for single-family detached dwellings, and interior side yard setbacks of 4 feet on one side and 10 feet on the other. The subject lot has a lot width of 25 feet and the existing structure has side yard setbacks of 3 feet and 8 feet, respectively. The applicant is proposing to build a new single-family home that will maintain the same noncompliant side yard setback dimensions as the existing structure, but will meet all other requirements of the R-1/5,000 zoning district as outlined in the table below.

While the proposed side yard setbacks will remain roughly equal to those of the existing structure, the massing of the new structure will be different in regard to footprint and height. The building footprint will be extended further toward the rear of the lot (increasing by 166 sf), but will be compliant with the minimum required rear yard setback as well as the maximum allowable building coverage. In addition, the new structure will be taller than the existing home, but will comply with requirements of the zoning ordinance, which contains the following provision to reduce side building wall heights when reduced setbacks are granted through a special exception or variance:

Maximum exterior wall height adjacent to interior side yards shall be twenty feet (20') for exterior walls placed at the building setback established by the minimum required yard ... If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

In this case, the applicant has requested side yards that are reduced by 1 foot on the west side, and reduced by 2 feet on the east side; thus, the maximum building wall height is limited to 19 feet on the west side and 18 feet on the east side. The proposed structure meets these height requirements, dimensions included in the table below.

The overall project also includes the construction of a new single-car garage at the rear of the lot that will be accessed via the existing driveway to the east of the home. The garage, as currently proposed, meets all requirements of 21A.40, Accessory Uses, Buildings and Structures.

Standard	Current / Proposed	Finding
Minimum Lot Area: 5,000 sf	Current: 2,750 sf	Noncompliant
Minimum Lot Width: 50 ft.	Current: 25 ft.	Noncompliant
Setbacks:		
<i>Front Yard</i> - average of existing building or 20 ft.	Current/Proposed: 20 ft.	Complies
<i>Interior Side Yards</i> - 4 ft. on one side, 10 ft. on other side	Current/Proposed: 3 ft., 8 ft.	Noncompliant
<i>Rear Yard</i> - 25% of lot depth or 20 ft., whichever is less	Proposed: Approx. 25 ft.	Complies
Maximum Building Height		
<i>Pitched Roof:</i> 28 ft. measured to ridge	Proposed: 25 ft.	Complies
<i>Flat Roof:</i> 20 ft.	Proposed: 19 ft.	Complies
Maximum Building Wall Height: 20 ft. minus 1 ft. for each foot of encroachment into side yard setback granted	Proposed: 19 ft. (west), 18 ft. (east)	Complies
Maximum Building Coverage: 40% of lot area = 1,100 sf	Proposed: 1,082 sf (home + garage)	Complies

The existing single-family structure on site has been in place for many years. Records from the Salt Lake County Assessor's Office indicate that it was first constructed in 1901. The 1911 Sanborn Fire Insurance Map shows that the subject property used to be addressed as 357 E. Wilson Avenue, and the parcel boundaries and building placement at that time was roughly the same as what exists today (refer to Attachment B). By 1950, the property had been re-addressed as 353 E. Coatsville Avenue, but the development on site had largely remained unchanged. The eastern property line is not shown on the 1950 Sanborn for unknown reasons, but there is a clear delineation between accessory structures belonging to 353 and 359 E. Coatsville Avenue that roughly line up with the separating property line shown on the 1911 Sanborn.

Building permit records for the initial construction of the home could not be found, but assuming that the existing structure was in place in 1911, it was built well before the adoption of Salt Lake City's first zoning ordinance in 1927.

Because it appears that the subject lot has maintained the same dimensions since at least 1911, it is considered to be a legal noncomplying lot. Similarly, because the existing structure does not have the minimum required side yard setbacks, it is considered to be a noncomplying structure. 21A.38.050.G.2 of the zoning ordinance indicates that if a noncomplying structure is voluntarily demolished (removal of 75% or more of the building), the new structure must comply with the regulations of the zone where it is located. Therefore, a variance is required in order to demolish the existing house and replace it with a structure that has the same noncomplying setback dimensions.



Street view from Coatsville Avenue looking north



West side of existing structure



East side of existing structure and driveway access

REQUESTED VARIANCE:

The applicant is requesting a variance to reduce the required interior side yard setbacks on both sides of the proposed structure from 4 feet on one side and 10 feet on the other to 3 feet and 8 feet, respectively. The main reason for the request is due to the narrow width of the noncomplying subject lot (25 feet), which appears to have been established with roughly the same dimensions since at least 1911.

If the proposed dwelling were constructed to meet the interior side yard setback requirements of the R-1/5,000 zoning district, the maximum possible width of the entire structure would be 11 feet (25 foot lot width minus 14 total feet of required setbacks). Once exterior wall dimensions are factored in, the interior width would be about 9-10 feet.

The proposed setback reduction would allow for a structure that is a maximum of 14 feet wide (25 foot lot width minus 11 total feet of required setbacks), with an interior width of approximately 12-13 feet. While this would still result in a narrow home, the side yard setback dimensions of the existing structure would be maintained.

The purpose of the side yard setback requirements are to provide light, air and privacy between adjacent properties. In the case of the proposed development, the setbacks would remain the same as they are now, which the neighbors are accustomed to. The new structure would vary from what's existing in footprint, height and design, but would be in full compliance with all requirements of the R-1/5,000 zoning district beyond the reduced side yard setbacks.

KEY ISSUES and SUMMARY DISCUSSION:

The standards required for granting a variance are set forth in Utah Code Section 10-9a-707 and Salt Lake City Zoning Ordinance, Section 21A.18.060. The Appeals Hearing Officer may grant a variance if all of the conditions described in Attachment D 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 and points of discussion listed below have been identified through the analysis of the project.

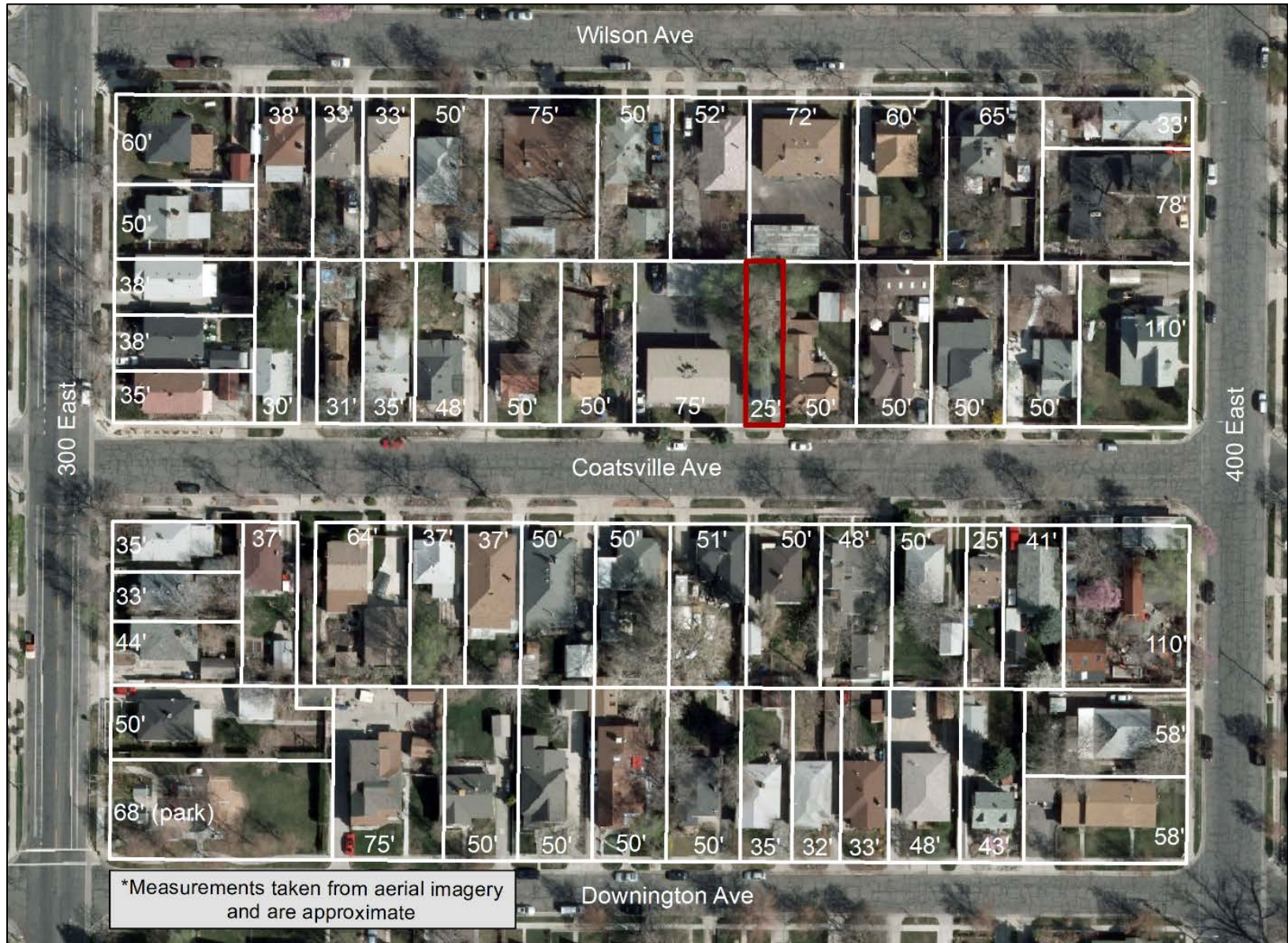
1. The R-1/5,000 zoning district required a minimum lot width of 50 feet for single-family detached dwellings, and interior side yard setbacks of 4 feet on one side and 10 feet on the other. The subject property is unique because it is only 25 feet in width. The width of the lot presents a hardship when applying the required side yard setback dimensions, as they limit the potential exterior width of the building to 11 feet, resulting in a very narrow structure with limited functionality.
2. Because residents began developing this neighborhood prior to the adoption of Salt Lake City's first zoning ordinance, there are multiple nearby properties that do not meet the minimum lot width of 50 feet. However, as can be seen in Attachment A, the subject lot's 25 foot width is the narrowest in the immediate vicinity, with the exception of one other lot across the street that is also 25 feet in width and seems to have a similar development history. The remainder of the nearby substandard lots are at least 30 feet wide.
3. The applicant is proposing to demolish an existing single-family structure and replace it with a new single-family structure. The existing home, which research shows has been in place since at least 1911, has noncompliant side yard setbacks of 3 feet on one side and 8 feet on the other. This variance request is necessary to allow the applicant to construct a new home on the lot that maintains the same noncompliant side yard setback dimensions, but meets all other requirements of the zoning ordinance.
4. Staff is of the opinion that the request for reduced side yard setbacks is appropriate and the case meets all standards for granting a variance. Approving the reduced setbacks so the new home can maintain what has been in place for at least 100 years will allow sufficient building width on the lot while still providing an open area between the building and adjacent properties.

NEXT STEPS:

If the requested variance is approved, the applicant could proceed with applying for a building permit to construct a new single-family dwelling with side yard setback dimensions of 3 feet and 8 feet, as shown on the attached site plan.

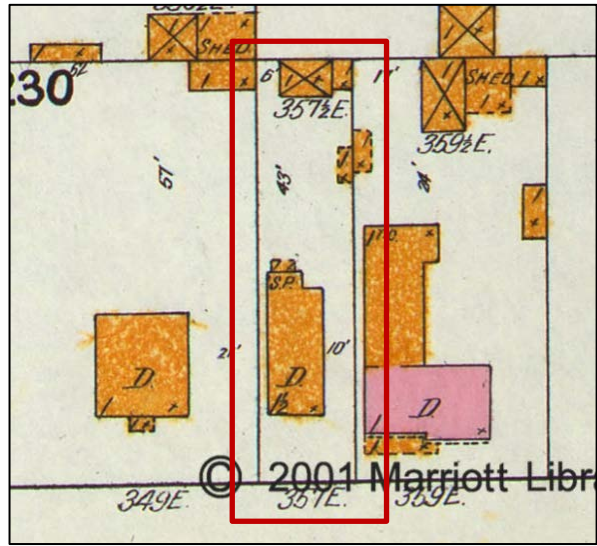
If the variance is denied, the applicant's options would include the retention of the existing structure on-site, or the construction of a new single-family structure that complies with all zoning and building regulations.

ATTACHMENT A: MAP OF SURROUNDING LOT WIDTHS

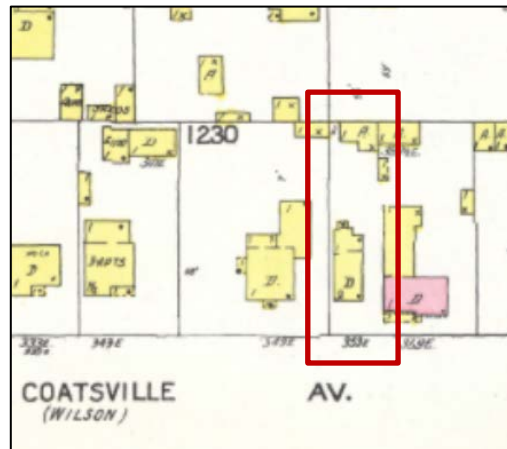


ATTACHMENT B: HISTORIC DEVELOPMENT OF SITE

1911 Sanborn Fire Insurance Map



1950 Sanborn Fire Insurance Map



2017 Google Aerial Imagery



ATTACHMENT C: SUBMITTED NARRATIVE AND PLANS

Variance Request
353 East Coatsville Ave

Project Description

1. Single Family Home to replace existing single family home that has extensive foundation and structural damage.

Variance Information

- A. Property is 25' wide by 110' long. The existing home overlaps the setback in the 25' direction by one foot to the west (4' required setback/3' actual setback) and two feet to the East (10' required setback/8' actual setback). The property owner would like to replace the home with the same footprint in the East/West direction and enlarge the home to the North
- B. 21A.24.070: R-1/5,000 SINGLE-FAMILY RESIDENTIAL DISTRICT Section E: Minimum Yard Requirements
- C. The width of the property is only 25' and the combined setbacks equal 14'.
- D. If the setback variance request is not approved the clear space of the home with the required setbacks would be between 9-10' which would make building nearly impossible.
- E. Most properties in the district have been combined over the years to equal 50-75' in width. This property is flanked by completed buildings and thus, can not be combined with adjacent properties.
- F. The variance is required to make the lot buildable for a single family home.
- G. This property is zoned for a single family residence and the application requests the placement of a single family home. The replacement home is exactly as wide as the existing property which does not adversely affect any of the surrounding properties.
- H. The existing conditions are being maintained while improving the property. There is still 10'-0" of space between the home and the neighbor to the East and 13'-0" between the home and the building to the West.
- I. N/A



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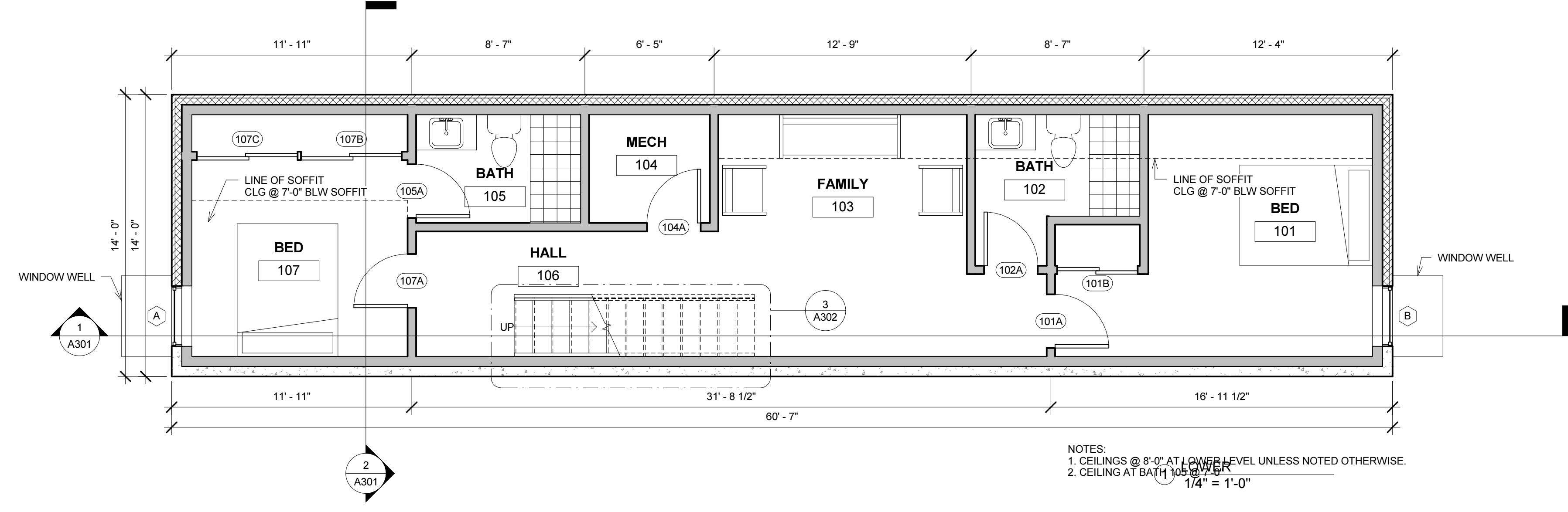
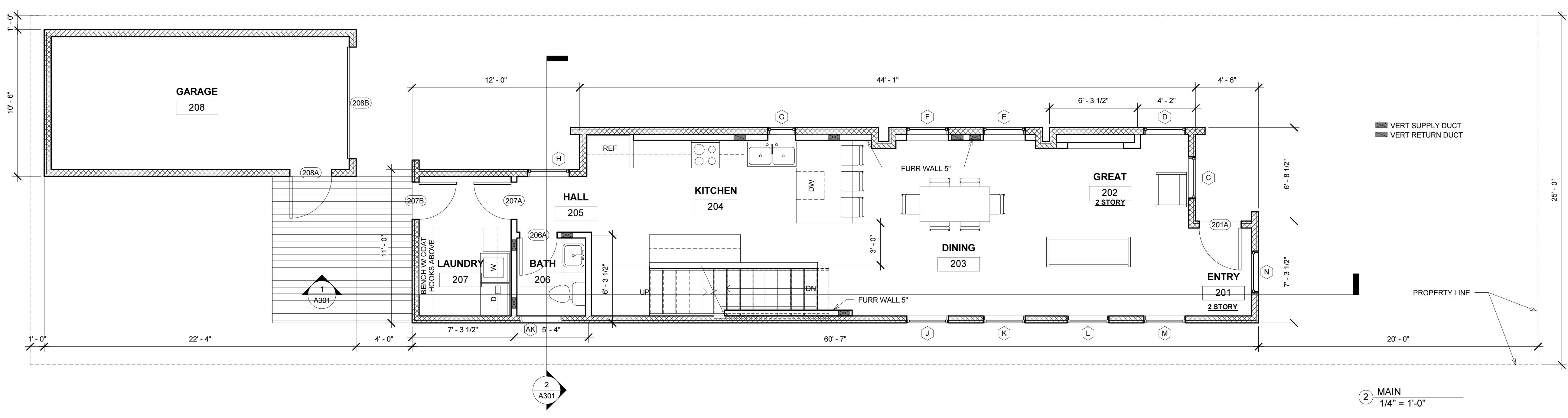
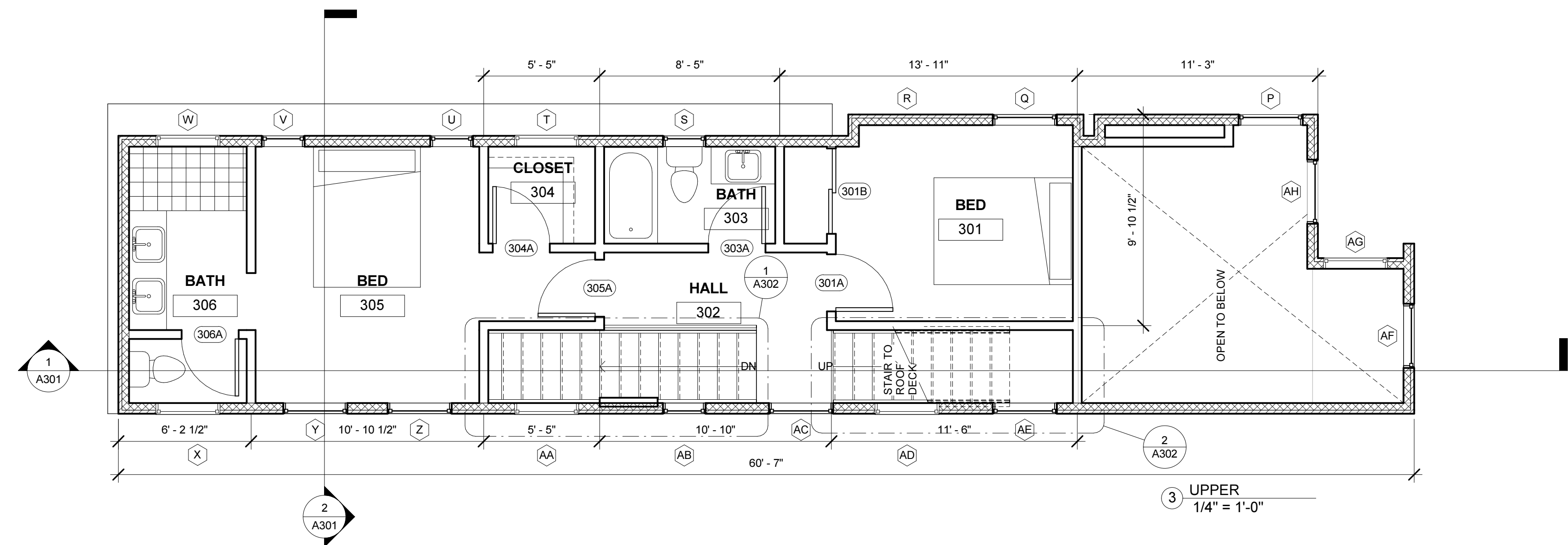
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NOTES:
1. CEILINGS @ 8'-0" AT LOWER LEVEL UNLESS NOTED OTHERWISE.
2. CEILING AT BATH 105 LOWER LEVEL
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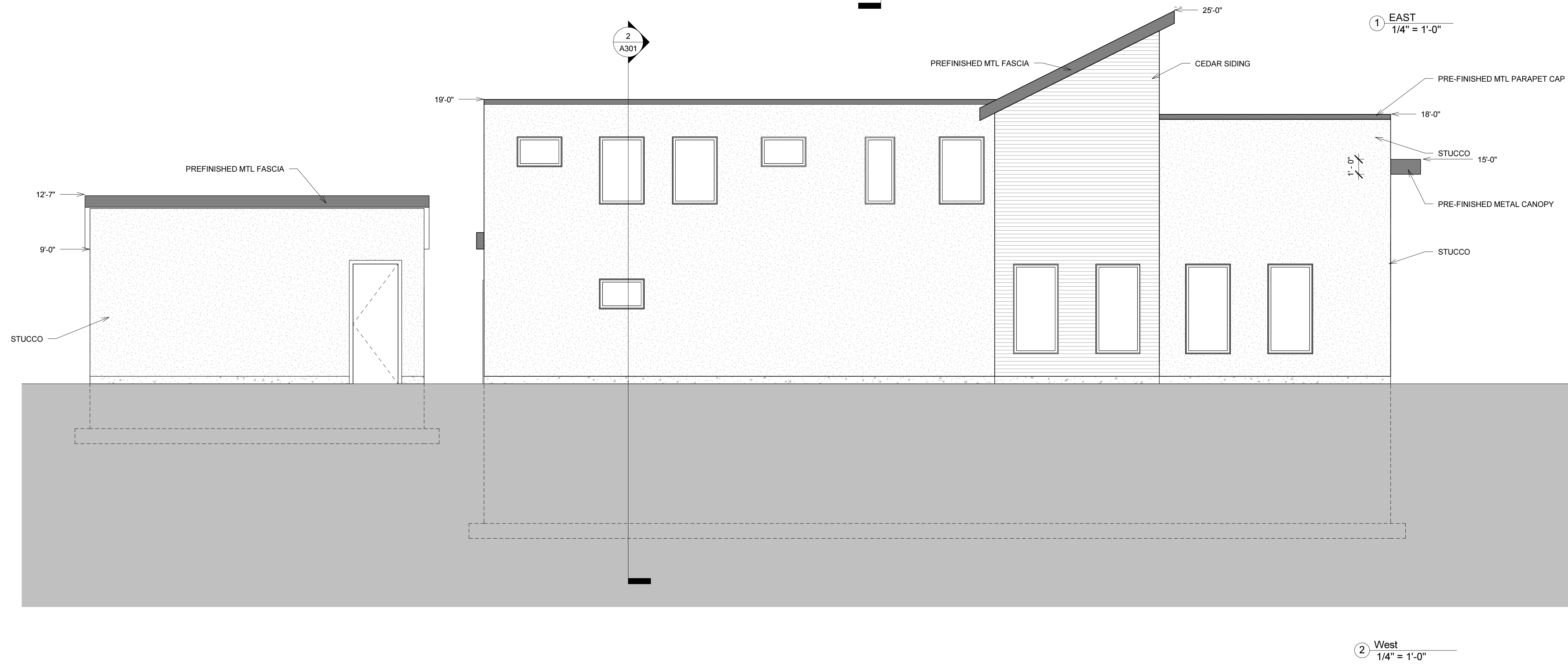
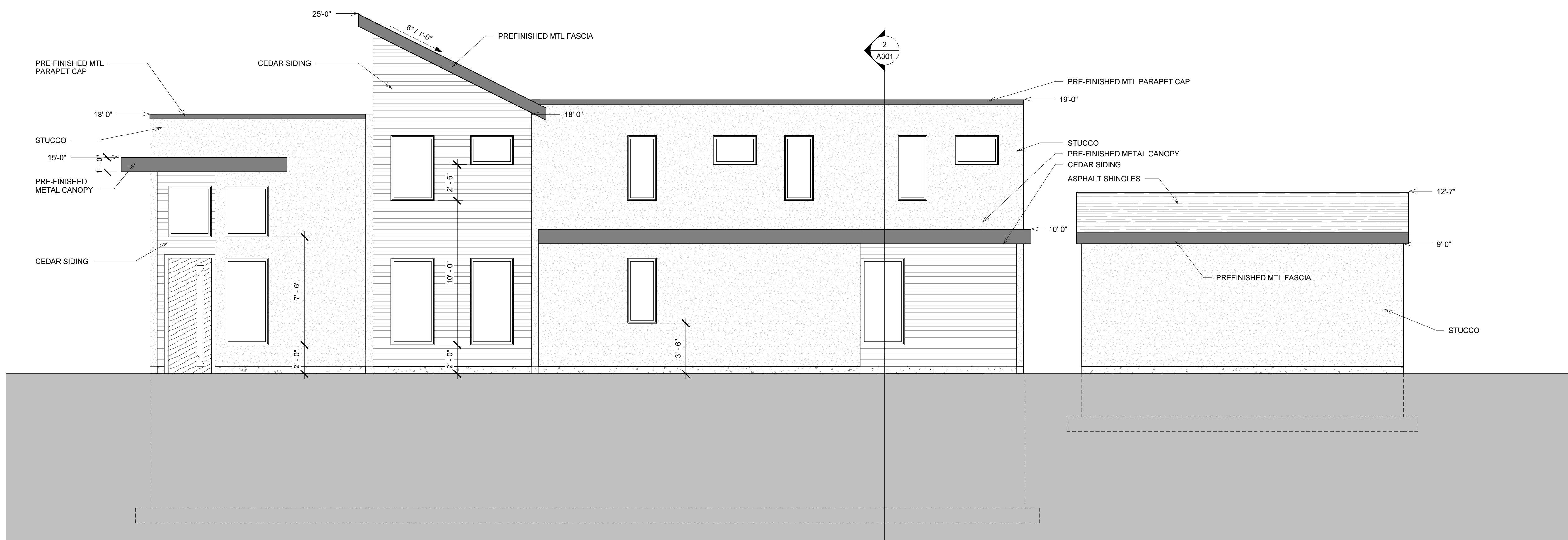


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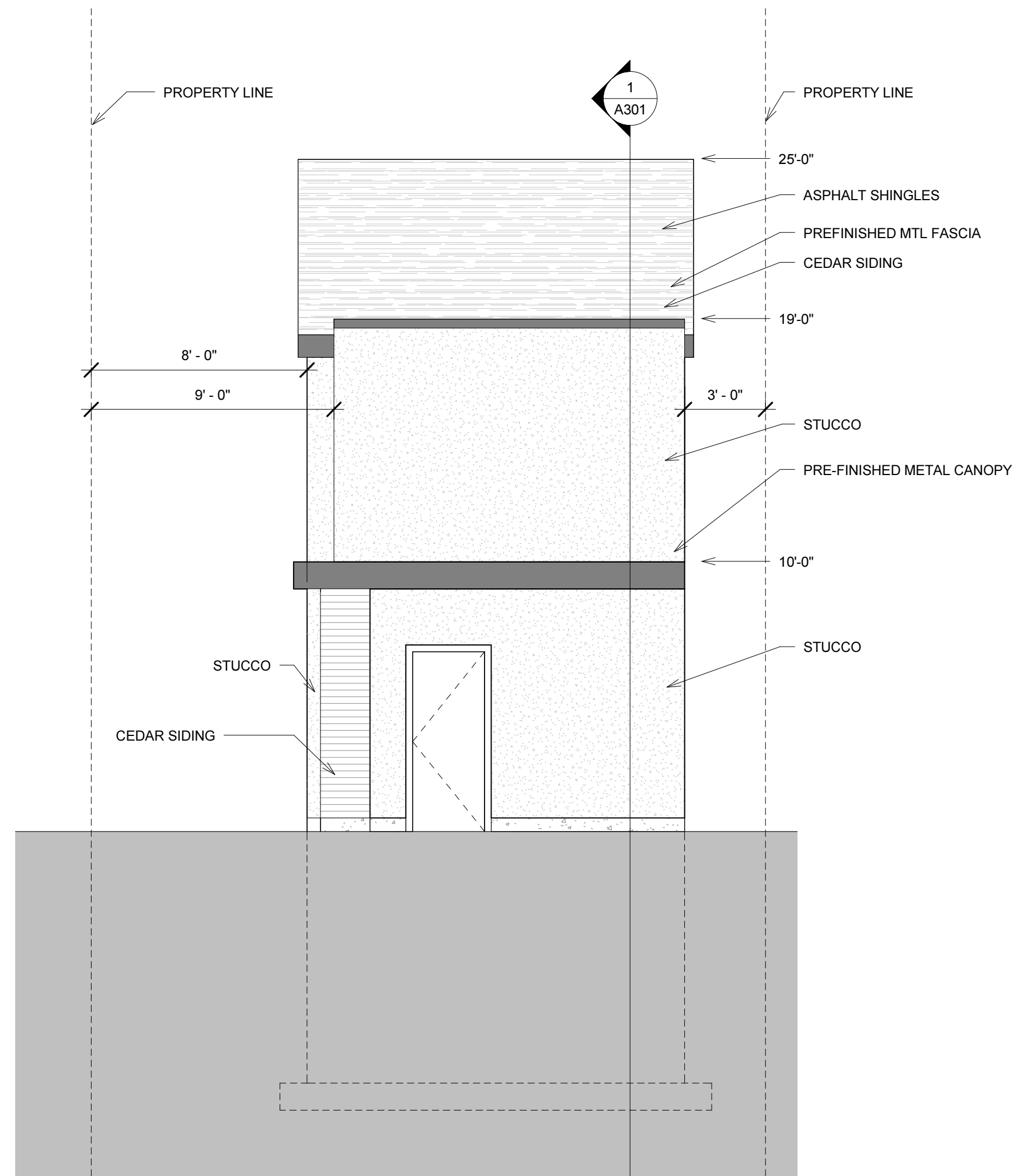
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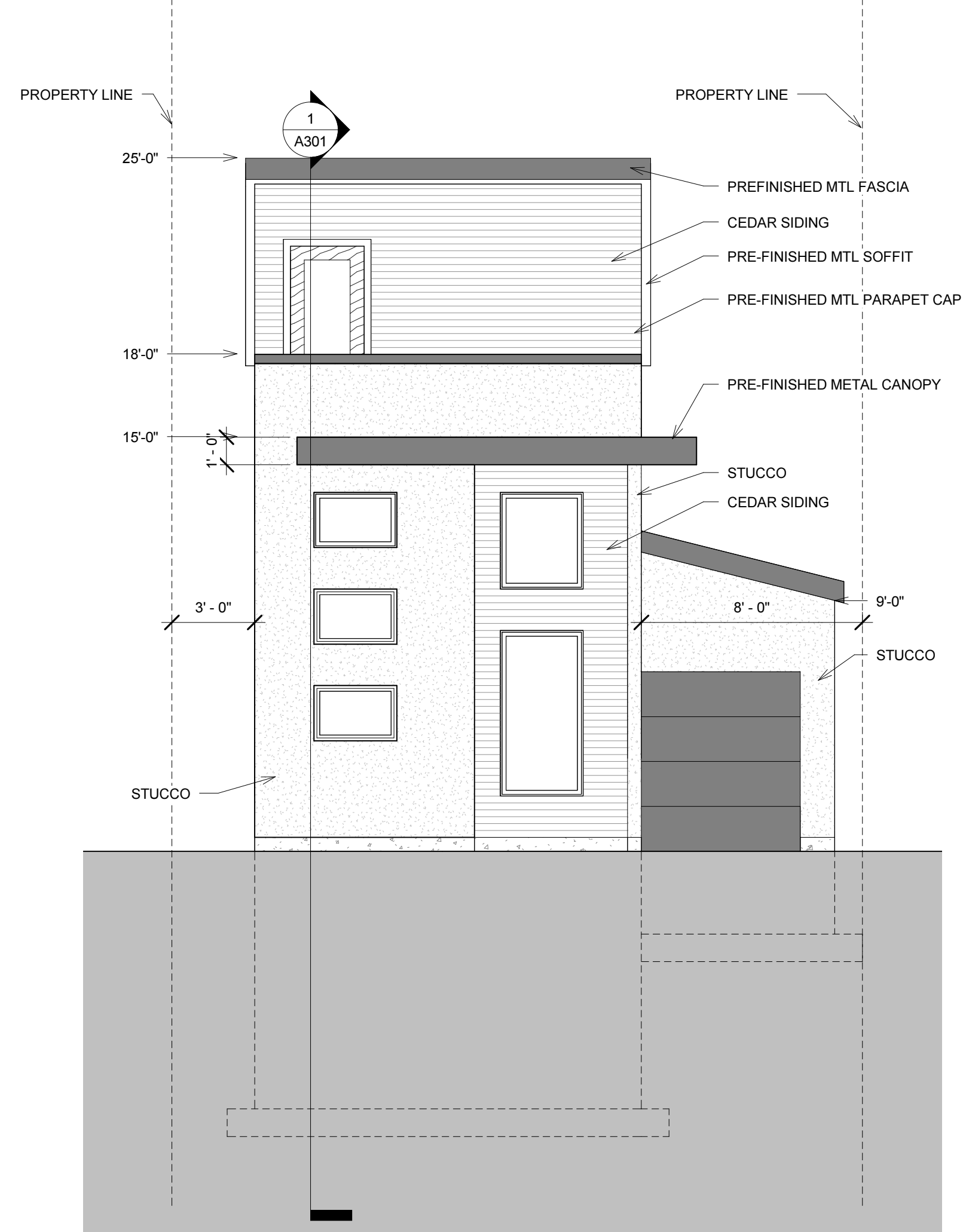
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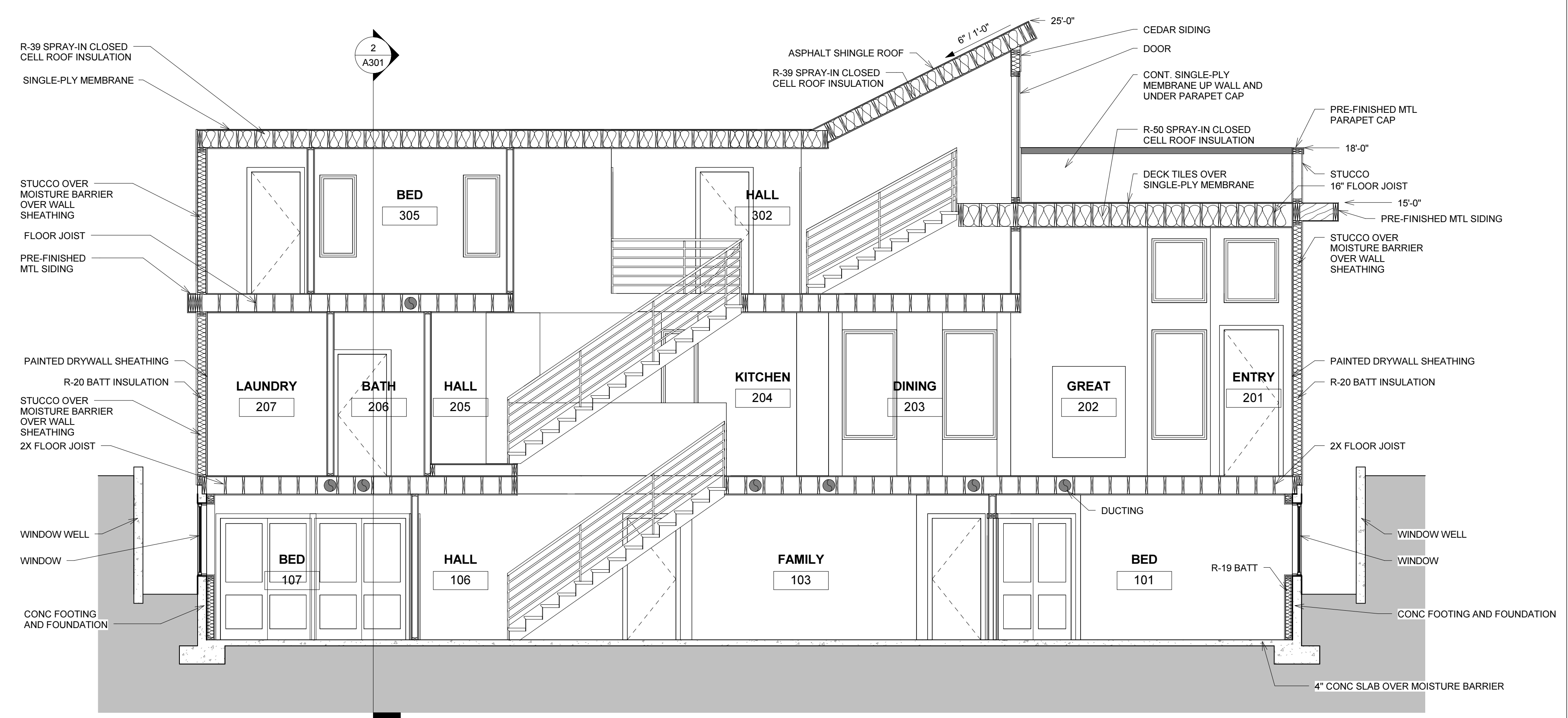
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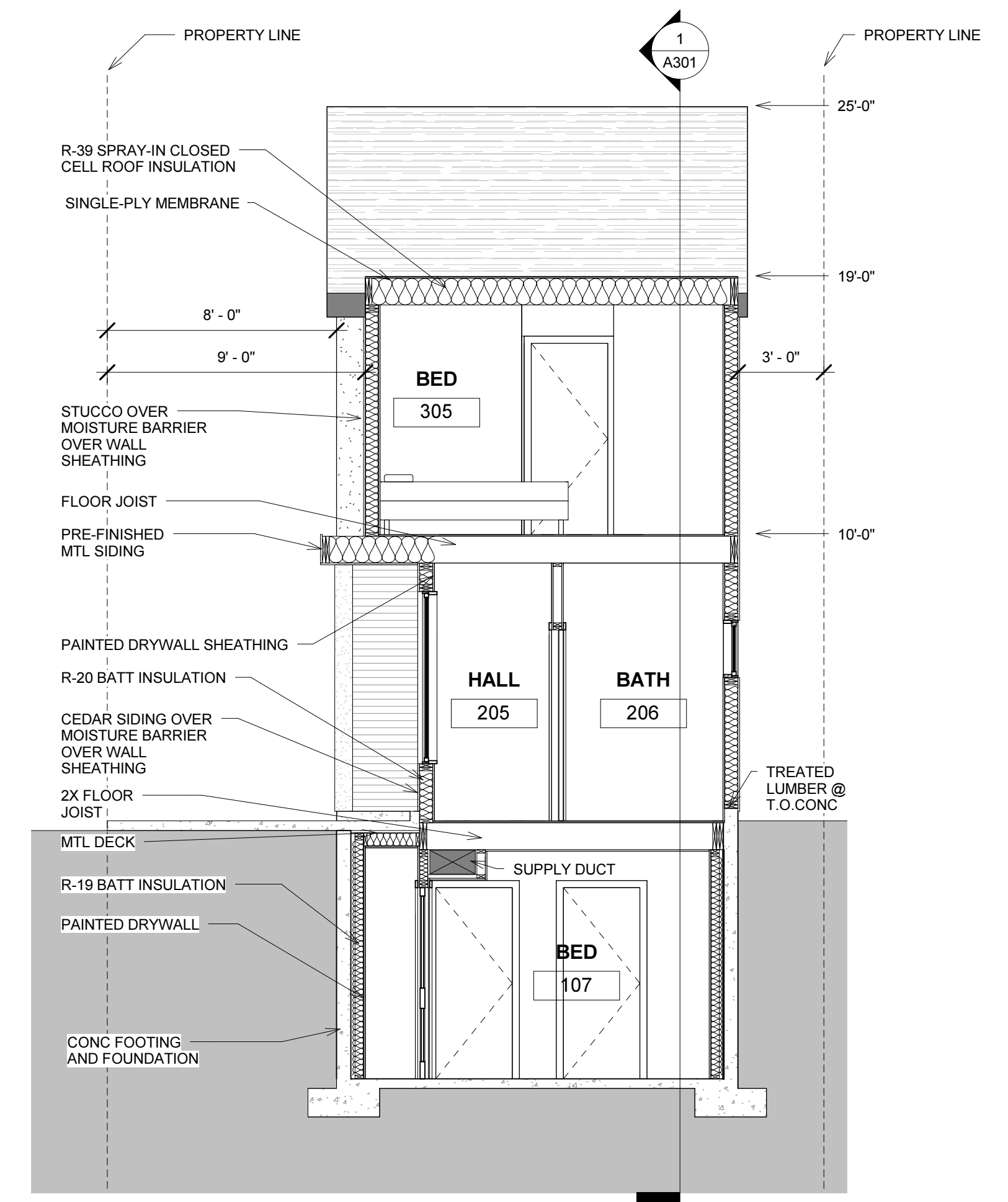
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353 COATSVILLE RESIDENCE SECTION

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ATTACHMENT D: ANALYSIS OF STANDARDS

21A.18.050 Prohibited Variances: The Appeals Hearing Officer shall not grant a variance that:

Standard	Finding	Rationale
A. Is intended as a temporary measure only;	Complies	The proposed single-family dwelling would be constructed as a permanent structure, and not be temporary in nature.
B. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant; or	Complies	<p>If the proposed dwelling were constructed to meet the interior side yard setback requirements of the R-1/5,000 zoning district, the maximum possible width of the entire structure would be 11 feet (25 foot lot width minus 14 total feet of required setbacks). Once exterior wall dimensions are factored in, the interior width would be about 9-10 feet.</p> <p>The proposed setback reduction would allow for a structure that is a maximum of 14 feet wide (25 foot lot width minus 11 total feet of required setbacks), with an interior width of approximately 12-13 feet. While this would still result in a narrow home, the side yard setback dimensions of the existing structure, which has been in place since at least 1911, would be maintained. It is Staff's opinion that the request is appropriate and the variation is not greater than necessary to relieve the hardship caused by the narrow lot width.</p>
C. Authorizes uses not allowed by law (i.e., a "use variance").	Complies	Single-family homes are permitted in the R-1/5,000 zoning district. Granting the variance would not authorize a use that is not allowed.

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:

A. General Standard	Finding	Rationale
1. 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;	Complies	<p>21A.24.070 indicates that the minimum lot width for a single-family detached dwelling within the R-1/5,000 zoning district is 50 feet, with minimum interior side yard setbacks of 4 feet on one side and 10 feet on the other. A typical lot meeting these standards could accommodate a house that's a maximum of 36 feet in width. In this case, 28% of the lot width is devoted to side yard setback areas.</p> <p>The subject lot is 25 feet wide, or half of the minimum requirement of the zone. As described above, if a structure was built that complied with the minimum required side yard setbacks of 14 feet total, the home could only be a maximum of 11 feet wide, with even less interior space once exterior wall space is subtracted. In this case, 56% of the lot width would be devoted</p>

		to the side yard setback areas. Staff finds that requiring 56% of the lot width to be open space is not necessary to carry out the general purpose of the zoning ordinance, and that the proposed reduced setback dimensions are appropriate for this property.
<p>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:</p>		
<p>The alleged hardship is related to the size, shape or topography of the property for which the variance is sought.</p>	Complies	<p>The applicant has identified the narrow width of the lot as causing a hardship that necessitates a variance. Within the R-1/5,000 zoning district, the minimum required width for a lot containing a detached single-family structure is 50 feet. A lot of this width leaves adequate room for the required 14 total feet of side yard setback areas.</p> <p>The subject lot is noncomplying with a 25 foot width; thus, subtracting 14 feet of width to accommodate the side yard setbacks greatly impacts the size and design of the structure that can be built on site, resulting in a very narrow living area.</p>
<p>The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.</p>	Complies	<p>Attachment A is a map showing approximate lot width distribution for properties surrounding 353 E. Coatsville Avenue. Even though all of the lots shown fall within the R-1/5,000 zoning district, lot sizes vary, with roughly 1/3 having noncomplying widths that are less than the required 50 feet.</p> <p>Despite this, only one other lot has a width of 25 feet, with the next narrowest lot measuring at 30 feet. The other 25 foot wide lot, 372 E. Coatsville Avenue, contains a single-family structure with 520 sf of living area that was constructed in 1911 (according to the Assessor's Office). Because these historic lots were created and built upon prior to the adoption of Salt Lake City's zoning ordinance, it makes sense that they are ultimately noncomplying with today's ordinance standards.</p> <p>Staff is of the opinion that the subject lot is peculiar due to circumstances that are not general to the neighborhood, with the exception of one other lot on the street that seems to have a similar history.</p>
<p>The hardship is not self-imposed or economic.</p>	Complies	<p>The hardship in this case is the substandard lot width that resulted from the development of a property prior to the adoption of the City's first set of zoning regulations. As shown in Attachment B, it is apparent that this lot has had the same configurations since at least 1911. The hardship is not self-imposed or economic.</p>

<p>2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;</p>	<p>Complies</p>	<p>Similar to the information provided above, the subject property is peculiar (very narrow) due to special circumstances involving historic development prior to the enforcement of any zoning regulations. While this same situation could apply to other lots within older neighborhoods throughout the City, the current zoning designation of those lots is irrelevant.</p> <p>Prior to 1927, if someone wanted to build a home in Salt Lake City, their main concern was purchasing the property and securing a building permit. The City did not regulate aspects like lot size or setback dimensions, which were likely based on the size and design of the structure and not vice-versa. Thus, there are likely many historic lots and structures scattered throughout the City that don't comply with the current ordinance, but their distribution is entirely unrelated to current zoning district boundaries.</p>
<p>In determining whether or not there are special circumstances attached to the property, the appeals hearing officer may find that special circumstances exist only if:</p>		
<p>The special circumstances relate to the alleged hardship; and</p>	<p>Complies</p>	<p>The special circumstances are directly related to the hardship described above, the narrow dimension of the lot.</p>
<p>The special circumstances deprive the property of privileges granted to other properties in the same zoning district.</p>	<p>Complies</p>	<p>The R-1/5,000 zoning district requires a minimum lot width of 50 feet and minimum interior side yard setbacks of 4 feet and 10 feet. Literal enforcement of these side yard setback requirements for the subject property would result in a single-family structure that is a maximum of 11 feet wide, with even smaller interior living space dimensions. Owners of other parcels within the same zoning district that meet the minimum lot requirements have the ability to build structures that are a maximum of 36 feet wide, significantly increasing not only the size of their home, but also their exterior and interior design options.</p>
<p>3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;</p>	<p>Complies</p>	<p>To further add to the section above, if this variance were granted, the applicant would have the ability to construct a new single-family home that has a maximum exterior width of 14 feet rather than 11 feet. While 14 feet is still a narrow structure, it provides for more flexibility in design, and maintains the existing setbacks, which research shows have been in place for over 100 years. If the variance was not granted, the applicants could develop further toward the rear of the lot in order to gain more living area, but the result would be a long, narrow home. Staff finds that the request for reduced side yard setbacks is appropriate, and will result in a much more compatible and functional structure.</p>

<p>4. The variance will not substantially affect the general plan of the city and will not be contrary to the public interest; and</p>	<p>Complies</p>	<p>The subject property is located in the Central Community Master Plan area. The most recent Master Plan contains a goal to “preserve low-density residential areas and keep them from being replaced by higher density residential and commercial uses” (p. 9). This project supports that goal by replacing an existing single-family home with a new single-family home, effectively keeping the density of the lot the same.</p> <p>In addition, the proposal supports another listed goal to “ensure that new development is compatible with existing neighborhoods in terms of scale, character, and density” (p. 9). The applicant wishes to maintain the existing side yard setbacks that have been in place for over a century, and construct a home that meets all other requirements of the zoning ordinance. Staff finds that granting this variance will not negatively affect any plans of the City and will not be contrary to public interest.</p>
<p>5. The spirit of this title is observed and substantial justice done.</p>	<p>Complies</p>	<p>The main purpose of side yard setbacks are to provide an open space buffer between structures and the streets on which they are located. The subject parcel is half the width of typical lots within the R-1/5,000 zoning district. Despite this, the proposed development will provide a 3 foot setback (rather than 4 foot) on the west side, and an 8 foot setback (rather than 10 foot) on the east side. These dimensions match those of the existing structure, which has been in place since at least 1911, with much of the surrounding neighborhood likely being designed and built around it. Staff finds that the request meets all of the standards above and with the granting of this variance, the spirit of this title will be observed and substantial justice done.</p>

ATTACHMENT E: PUBLIC COMMENT

At the time that this staff report was published, no comments from the public had been received.