

SALT LAKE CITY LAND USE APPEALS HEARING OFFICER  
APPEAL OF ADMINISTRATIVE DECISION  
PETITION NO. PLNZAD 2017-00903  
353 E. COATSVILLE AVENUE  
PUBLIC HEARING HELD JANUARY 11, 2018  
DECISION ISSUED JANUARY 18, 2018

This matter arises out of a request for a variance to Salt Lake City's setback requirements for the R-1/5000 zoning district as applied to a property at 353 E. Coatsville Avenue by Pablo Gotay, an architect representing the property owner.

On January 11, 2018, a public hearing was held on this matter and appearances were made by Mr. Gotay, along with representatives of Salt Lake City. Public comment was heard from one neighbor who resides adjacent to the subject property. The Public Hearing along with the written submissions of the applicant and the staff report prepared by Salt Lake City form the basis for this decision.

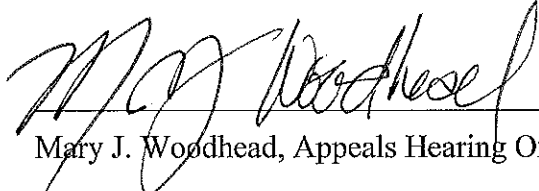
Based on the substantial evidence in the record, described above, the variance is granted. The record demonstrates that the applicant's ability to build on the narrow lot without relief from the side setback regulation would result in a substantial hardship. The evidence is undisputed that the application for a variance meets the standards set forth in Utah Code Section 10-9-707 and Salt Lake City Zoning Ordinance, Section 21A.18.060 in that the hardship is related to specific characteristics of the property, specifically its width, which is unusually narrow, at only 25 feet.

As mandated by Salt Lake City Zoning Ordinance 21A.18.050, the variance is not intended to be a temporary measure, is not greater than the variation necessary to relieve the demonstrated hardship and is not intended to authorize a use not allowed by law. The proposed new construction will result in a residence which is no wider than the current house, which has existed on the narrow lot since 1901.

Because of the distinct lot size, the variance is necessary to the enjoyment of a substantial property right; here the right to continue to use the property for residential purposes. Without the variance, the new construction would be limited to a width of less than 12 feet, leaving the property owners deprived of a right granted to other homeowners in the same zoning district. The variance will not affect the general plan of the city and will not result in construction contrary to public interest. In fact, the variance will allow the historic use and building parameters on the property to continue. As such, the variance upholds the spirit of the zoning ordinance and its goal of substantial justice.

The request for a variance to reduce both side yard setbacks, as requested in the application, from 4 to 3 feet on one side and from 10 feet to 8 feet on the other side is approved.

Dated this 18<sup>th</sup> day of January, 2018.

  
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Mary J. Woodhead, Appeals Hearing Officer