



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer
From: Kelsey Lindquist (801) 535-7930
Date: August 8, 2019
Re: PLNZAD2019-00504 – 169 W. Fremont Avenue

Variance

PROPERTY ADDRESS: 169 W. Fremont Avenue
PARCEL ID: 15-12-429-004-0000
MASTER PLAN: Central City Community Master Plan
ZONING DISTRICT: RMF-35 (Moderate Density Multi-Family Residential District)

REQUEST: The petitioner, Carolyn Crawley, is requesting approval for a variance to encroach approximately 3 feet into the required 20 foot front yard setback. The variance is requested to accommodate an attached covered porch, which has been partially constructed and is currently under enforcement. The subject property is located at 169 W. Fremont in the RMF-35 Moderate Density Multi-Family Residential District.

The RMF-35 zoning district requires structures to be setback 20 feet from the front property line. The proposed front porch would extend 3 feet into the required front yard setback. The current home meets the minimum required front yard setback, at 24 feet from the front property line.

RECOMMENDATION: Based on the information in this staff report, it is Planning Staff's opinion that the requested variance for a reduction of the 20 foot front yard setback does not meet the standards for approval and recommends that the Appeals Hearing Officer deny the variance request.

ATTACHMENTS:

- A. Vicinity Map
- B. Site Photographs
- C. Additional Applicant Information
- D. Analysis of Standards
- E. Public Process and Comments

PROJECT DESCRIPTION:

Subject Property Description

The applicant is requesting approval of a constructed attached and covered porch to the front of an existing single-family dwelling. The subject property is not unusually sized or configured and meets the established lot minimums of the RMF-35 Moderate Density Multi-Family zoning district.

The following are the minimum lot size and width requirements in the RMF-35 zone for a single-family dwelling:

<i>Regulation Standard</i>	<i>Dimensional Requirement</i>	<i>Existing Condition</i>
<i>Minimum Lot Width</i>	<i>50 Feet</i>	<i>50 Feet</i>
<i>Minimum Lot Area</i>	<i>5,000 Square Feet</i>	<i>6,534 Square Feet</i>
<i>Minimum Front Yard Requirement</i>	<i>20 Feet</i>	<i>24 Feet</i>
<i>Minimum Interior Side Yard</i>	<i>Four Feet (4') and Ten Feet (10')</i>	<i>9 Feet on the west and 11 feet on the east</i>
<i>Minimum Rear Yard</i>	<i>Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25").</i>	<i>Approximately 70 feet</i>
<i>Maximum Building Coverage</i>	<i>The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.</i>	<i>Approximately 15%</i>

Proposed Development Description

The proposed covered porch, which is approximately 232 square feet in size, is to accommodate a similar porch to those found within the neighborhood. The applicant provided written details that the existing house is plain and does not provide any shelter or protection from the winter elements. The requested encroachment would enable the subject property to be similar in appearance and function to surrounding properties, which contain attached and covered front porches. Please note, the porch has been partially constructed and is currently under enforcement for the front yard encroachment and lack of applicable building permits.

The applicant included information on the need for ADA access into the front of the existing home. Staff informed the applicant that there is an alternative process to receive a special accommodation for ADA access that encroaches into a required yard. The applicant wished to continue with this process and has yet to provide additional requested information on the ADA ramp dimensions and location.

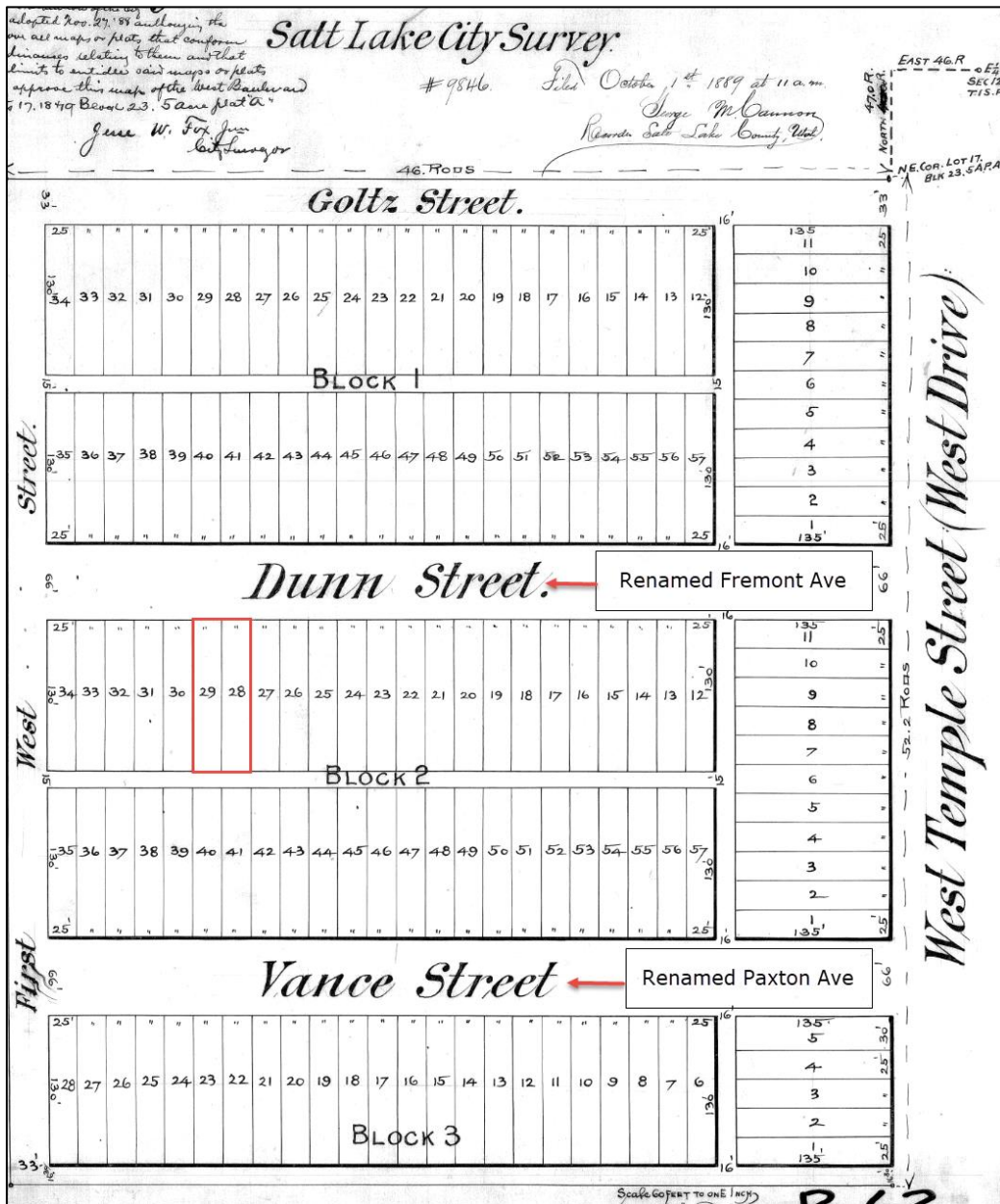


Requested Variances

The required front yard setback in the RMF-35 is 20 feet. The proposed front porch would encroach into the required front yard setback by approximately 3 feet, decreasing the front yard setback to approximately 17 feet. As discussed above, the front porch addition is to create a similar aesthetic and function of the surrounding properties.

The subject property was originally platted in 1889, as part of the West BLVD Subdivision. The subject property includes two recorded lots (28 and 29). Additionally, there are several similar two lot configurations to the south and east. The image below, illustrates the recorded plat and the development pattern of combining lots. Due to the configuration of the subject property on two lots, the lot has additional square footage and a larger buildable area.

The property is located in a neighborhood that was developed post war, interspersed with some early 1920 structures. The post war era of construction does often contain a front porch, with several illustrated within the neighborhood. The subject structure in question was constructed in 1949.



The requested variance is not associated with any evidenced property related hardship, it is rather a request for convenience. The purpose of front yard setback requirements are to provide light, air, privacy and continuity along street frontages. This encroachment would have a negative effect on the adjacent properties and established front yard setbacks.

As will be discussed further in Attachment E Standards of Approval, staff does not believe that the property has a hardship that is unique, as there is a pattern of oversized lots in the neighborhood. Further Staff does not believe that a covered front porch is a substantial property right.

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 met. 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.

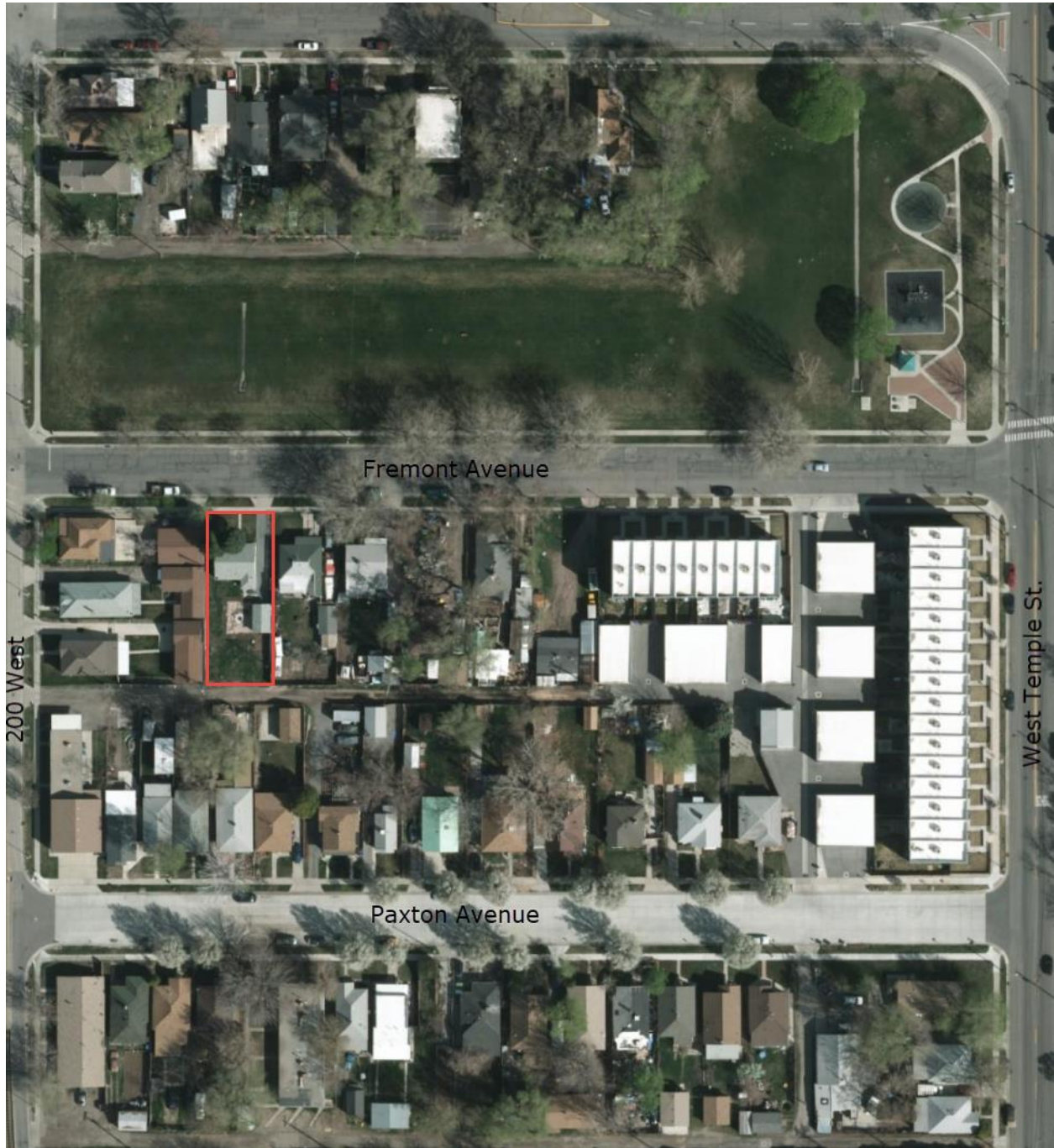
1. The subject property meets the minimum lot width and exceeds the minimum lot size, which does not limit the potential of a rear or side addition of the structure.
2. The requested variance is not due to a unique characteristic of the property rather it is a self-imposed hardship of wanting a covered front porch.
3. Staff does not believe that having a covered front porch is a substantial property right.
4. Staff does not believe that this property has a hardship.

NEXT STEPS:

If the requested variance is approved, the applicant could proceed with applying for a building permit to construct the front porch as shown on the project plans in Attachment B.

If the variance request is denied, the applicant would need to remove the partially constructed porch and comply with all zoning and building regulations.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: SITE PHOTOGRAPHS



Photo of the Subject Property



Photo of the Subject Property



Photo of the Subject Property



Photo of the Abutting Properties to the East

ATTACHMENT C: ADDITIONAL APPLICANT INFORMATION

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Project Description:

As part of a larger interior renovation project, we would like to add a covered porch to the front of our house at 169 W Fremont Ave. Our hope is to complete the front porch to accommodate the type of living condition that is consistent with the overall neighborhood. We are requesting only the minimum amount of variance needed to construct a porch that is proportionate to the openings of a Bungalow-Style residences and to achieve the minimum dimensions needed to meet our needs. The porch dimensions will also allow enough room to accommodate entry of our wheel-chair bound relatives during family gatherings at the resident. In addition, the existing house is very flat and has a very plain front facade, with an open stoop. This allows no cover of entry for ice and snow and the front door is unusable during the winter. Access via the back of the house is unfeasible for a wheelchair, due to the gravel driveway. The proposed front porch alleviates these dangerous condition by reducing the slope of the roof and allows year round access. In order to permit the porch extension, we need the front yard variance reduced from 20 feet to 17 feet.

Variance Information:

- a. We are applying to receive a setback variance for a covered front porch that would encroach into the minimum front setback of the property. The porch would be approximately 232 sq. ft. and create a front setback of approximately 17 feet. The required setback in this district is 20 feet. The site is zoned RMF-35, Multifamily Residential. The site is currently occupied by a detached home with a footprint of 790 Sq. feet. The site is adjacent to RMF-35 zoning on the East, West and South and by OS, open space, zoning to the north.
- b. Cited Zoning Ordinance Below:

21A.24.130: RMF-35 MODERATE DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: 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, and multi-family dwellings with a maximum height of thirty five feet (35'). This district is appropriate in areas where the applicable Master Plan policies recommend a density of less than thirty (30) dwelling units per acre. 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 for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

B. Uses: Uses in the RMF-35 Moderate Density Multi-Family Residential District, as specified in section 21A.33.020, "Table Of Permitted And Conditional Uses For Residential Districts", of this title, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

Land Use	Minimum Lot Area	Minimum Lot Width
Multi-family dwellings (3 through 11 units)	9,000 square feet ¹	80 feet
Multi-family dwellings (12 or more units)	26,000 square feet ¹	80 feet
Municipal service uses, including City utility uses and police and fire stations	No minimum	No minimum
Natural open space and conservation areas, public and private	No minimum	No minimum
Places of worship less than 4 acres in size	12,000 square feet	140 feet
Public pedestrian pathways, trails and greenways	No minimum	No minimum
Public/private utility transmission wires, lines, pipes and poles	No minimum	No minimum
Single-family attached dwellings (3 or more)	3,000 square feet per unit	Interior: 22 feet Corner: 32 feet
Single-family detached dwellings	5,000 square feet	50 feet
Twin home dwellings	4,000 square feet per unit	25 feet
Two-family dwellings	8,000 square feet	50 feet
Utility substations and buildings	5,000 square feet	50 feet
Other permitted or conditional uses as listed in section <u>21A.33.020</u> of this title	5,000 square feet	50 feet

Qualifying provisions:

1.9,000 square feet for 3 units, plus 2,000 square feet for each additional dwelling unit up to and including 11 units. 26,000 square feet for 12 units, plus 1,000 square feet for each additional dwelling unit up to 1 acre. For developments greater than 1 acre, 1,500 square feet for each dwelling unit is required.

D. Maximum Building Height: The maximum building height permitted in this district is thirty five feet (35').

E. Minimum Yard Requirements:

1. Front Yard: Twenty feet (20').

2. Corner Side Yard: Ten feet (10').

3. Interior Side Yard:

a. Single-family detached and two-family dwellings:

(1) Interior lots: Four feet (4') on one side and ten feet (10') on the other.

(2) Corner lots: Four feet (4').

b. Single-family attached: No yard is required, however, if one is provided it shall not be less than four feet (4').

c. Twin home dwelling: No yard is required along one side lot line while a ten foot (10') yard is required on the other.

d. Multi-family dwellings:

(1) Interior lots: Side yard shall be at least ten feet (10').

e. All other permitted and conditional uses: Ten feet (10') on each side.

4. Rear Yard: Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

6. Existing Yards: For buildings legally existing on April 12, 1995, the required yard shall be no greater than the established setback line of the existing building unless the proposed yard encroachment is to accommodate additional units. New principal buildings must conform to current yard area requirements, unless the new principal two-family dwelling or twin home has legal conforming status as outlined in section 21A.38.070 of this title.

F. Required Landscape Yards: The front yard, corner side and, for interior multi-family lots, one of the interior side yards shall be maintained as landscape yards.

G. Maximum Building Coverage:

1. Single-Family Detached: The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.
2. Single-Family Attached Dwellings: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.
3. Two-Family And Twin Home Dwellings: The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.
4. Multi-Family Dwellings: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.
5. Existing Dwellings: For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.
6. Nonresidential Land Uses: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

H. Landscape Buffers: Where a lot abuts a lot in a single-family or two-family residential district, a landscape buffer shall be provided in accordance with chapter 21A.48 of this title. (Ord. 46-17, 2017: Ord. 66-13, 2013: Ord. 12-11, 2011: Ord. 62-09 §§ 6, 9, 2009: Ord. 61-09 § 7, 2009: Ord. 35-99 §§ 18, 19, 1999: Ord. 26-95 § 2(12-12), 1995)

c. There is a practical difficulty which relates to the location of the house on the lot. The subject residence as well as surrounding homes in the neighborhood, have been built with more shallow front - yard setbacks than found in modern subdivisions. The existing shallow setback is a special circumstance as the we may not be able to build a porch as they desire, with the indicated stylistic features, without having to request a variance. This is not a cost issue for the applicant; rather the proposed porch is located to provide cover access to the front of the home. This is a design issue not an economic consideration.

d. The roofline angle creates ice and snow buildup over the door. Without a covered porch huge icicles hang off the front of the house. It is an extreme hardship to not enter the house through the front door and not being able to receive guests through the front door during the winter.

e. Due to the north facing entrance to the house and the orientation of the lot in the neighborhood, we do not receive adequate sunlight in the winter to melt off the buildup of ice and snow around the front door. All of the surrounding houses, have either extended porches or enclosed porches to mitigate this same issue.

f. The granting of the requested variance is essential to build a front porch which is a substantial property right in this residential neighborhood and street. All of the single family dwellings on this street have either a porch or an enclosed entry way. In addition, many of the lots in the adjacent neighborhood have porches with the similar size and dimension we are requesting and many have much larger encroachments into the front yard setbacks. This would bring this lot the same property rights as others in the street and neighborhood.

g. The proposed front porch will not affect the health or safety of any persons residing in the neighborhood. The current neighborhood is constantly changing and growing and is included in the State Street Redevelopment Project Area. Many of the neighboring houses in the surrounding neighborhoods have either been renovated, added-to and/or rebuilt. It is our intention that this construction will enhance this property aesthetically without having to create a major work area and/or total rebuilt. We also want to enhance the living standard and value of this property and help enhance the value of neighboring properties as well. The new front porch would also help protect our entrance from bad weather and other hazardous conditions, especially since this is the main point of entry into the home.

h.

The proposed front porch will be in accordance with the city's master plans, land use, and zoning related policies of Salt Lake City. The variance would not alter the essential character of the neighborhood, as it is consistent with surrounding land uses and guided land uses. The variance would also allow for private investment that is consistent with the goals and policies of the city's larger Master Plan. The Master Plan for the City of Salt Lake City has number of relevant sections to this type of project. One of the city's goals for residential properties is to improve housing stock values within existing older neighborhoods by promoting home repairs, maintenance and site clean-up including:

Examine City development regulations to provide greater development flexibility for single family homeowners to encourage home expansions, alterations, and reinvestment.

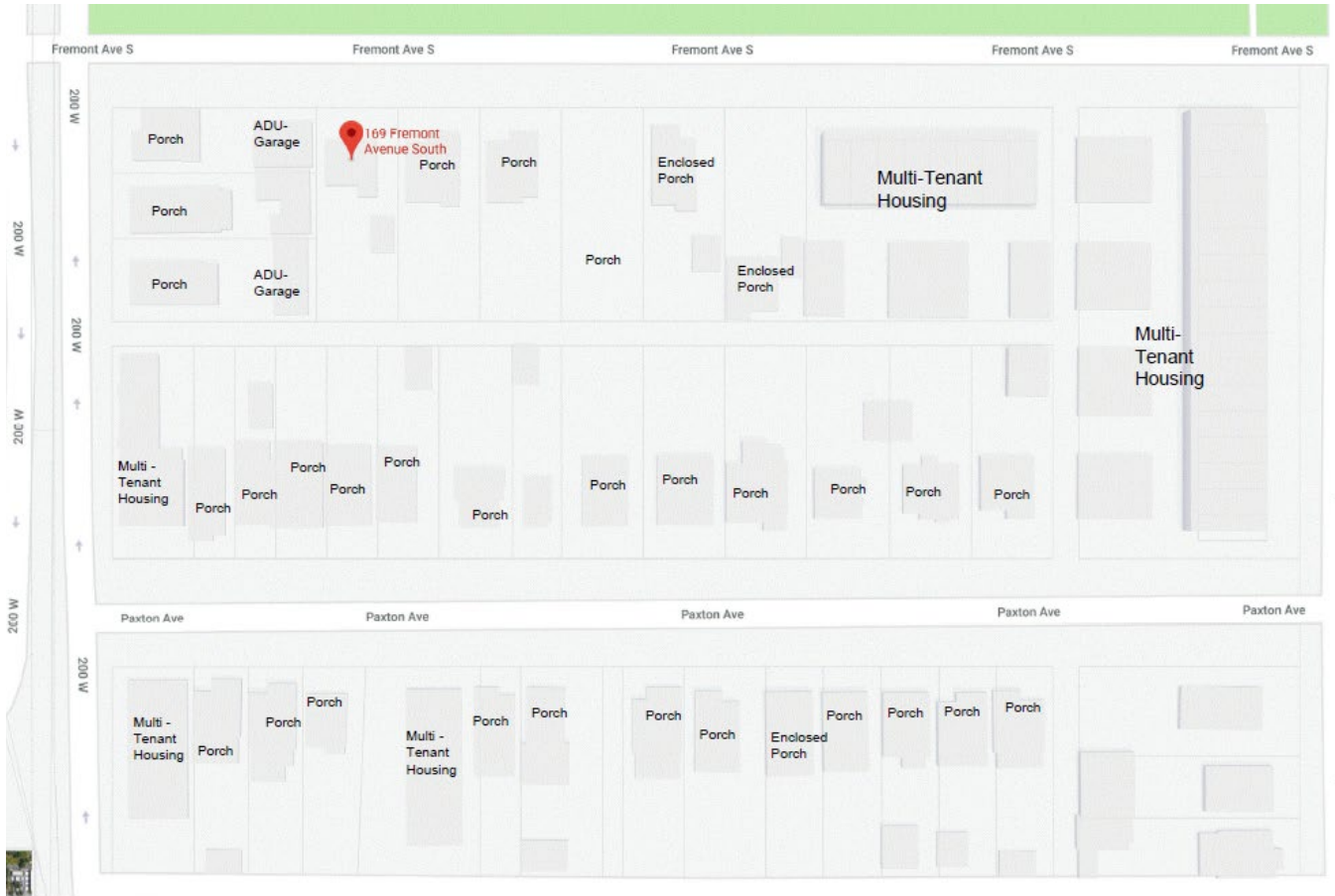
Additionally, just in the immediate area, there are many lots with houses that have existing porches/structures that are also encroaching into their front property lines. Many of the surrounding houses have large front porches going across the fronts of their homes, similar to the dimensional depths that we are requesting. Our goal is for us to make this property more aesthetically pleasing, not just for ourselves, but to the other neighbors and even to passing traffic. And maintaining a similar look to the neighboring structures. (see attached Appendix

The proposed front porch will remain well under the maximum lot coverage percentage requirements. The proposed front porch will be in character with surrounding structures on other properties as far as size, bulk, and height. Many houses have similar porches in neighboring properties and neighborhoods. This renovation will be very modest compared to some of the neighboring houses that have been completely rebuilt and/or added to. We are not looking to change the grading of the property, and the land disturbance will be very minimal.

- i. N/A

APPENDIX

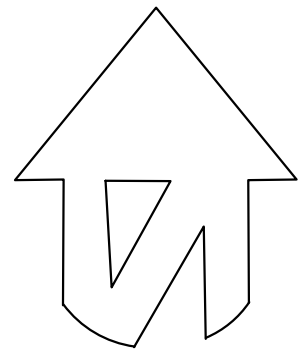
Neighborhood Map notating houses with porches.



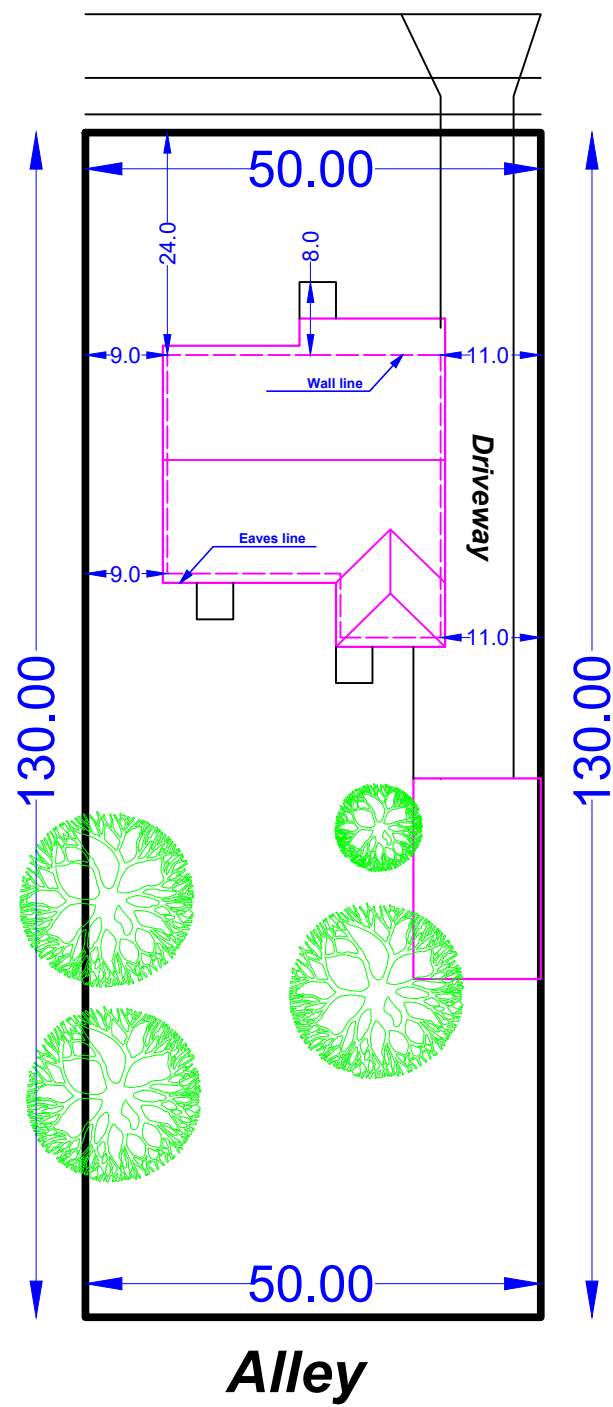
Pictures of Neighboring Houses with Porches



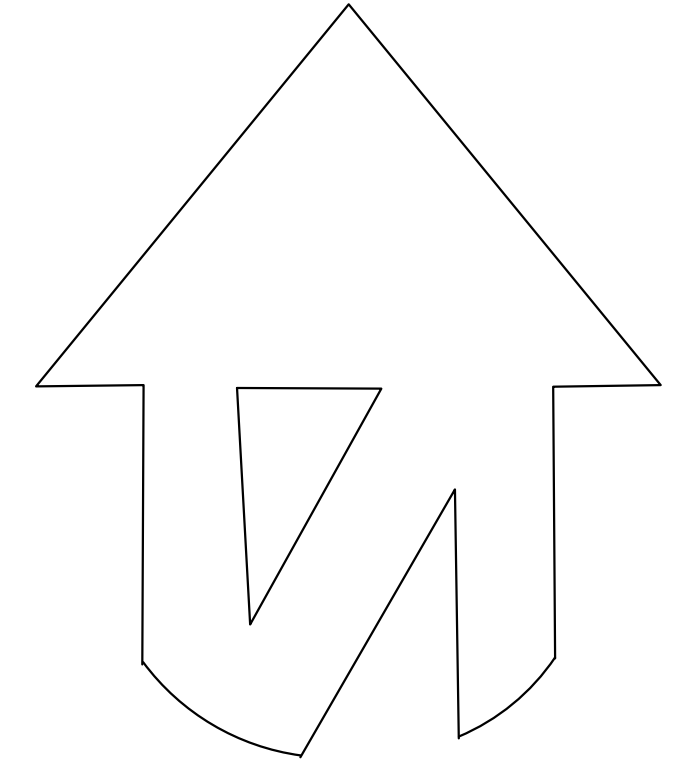




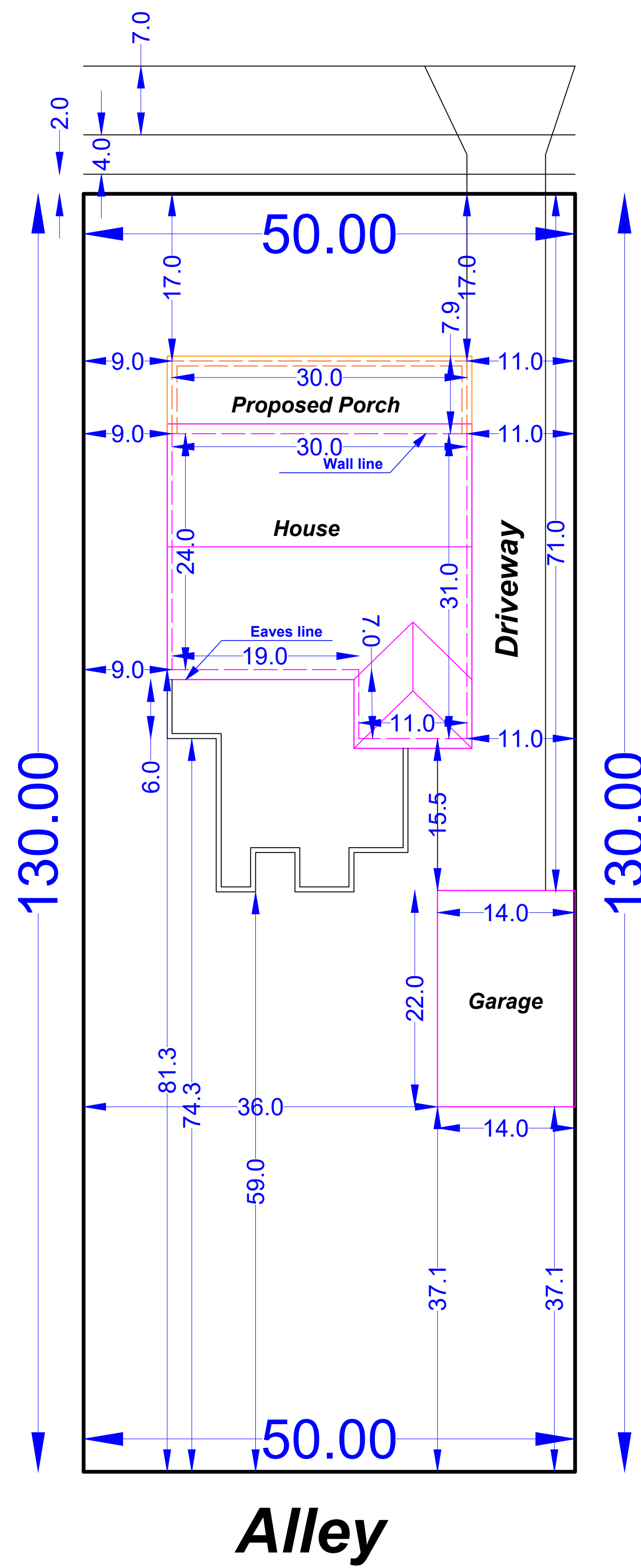
W Fremont Ave



Current Site plan
Scale 1"=10'

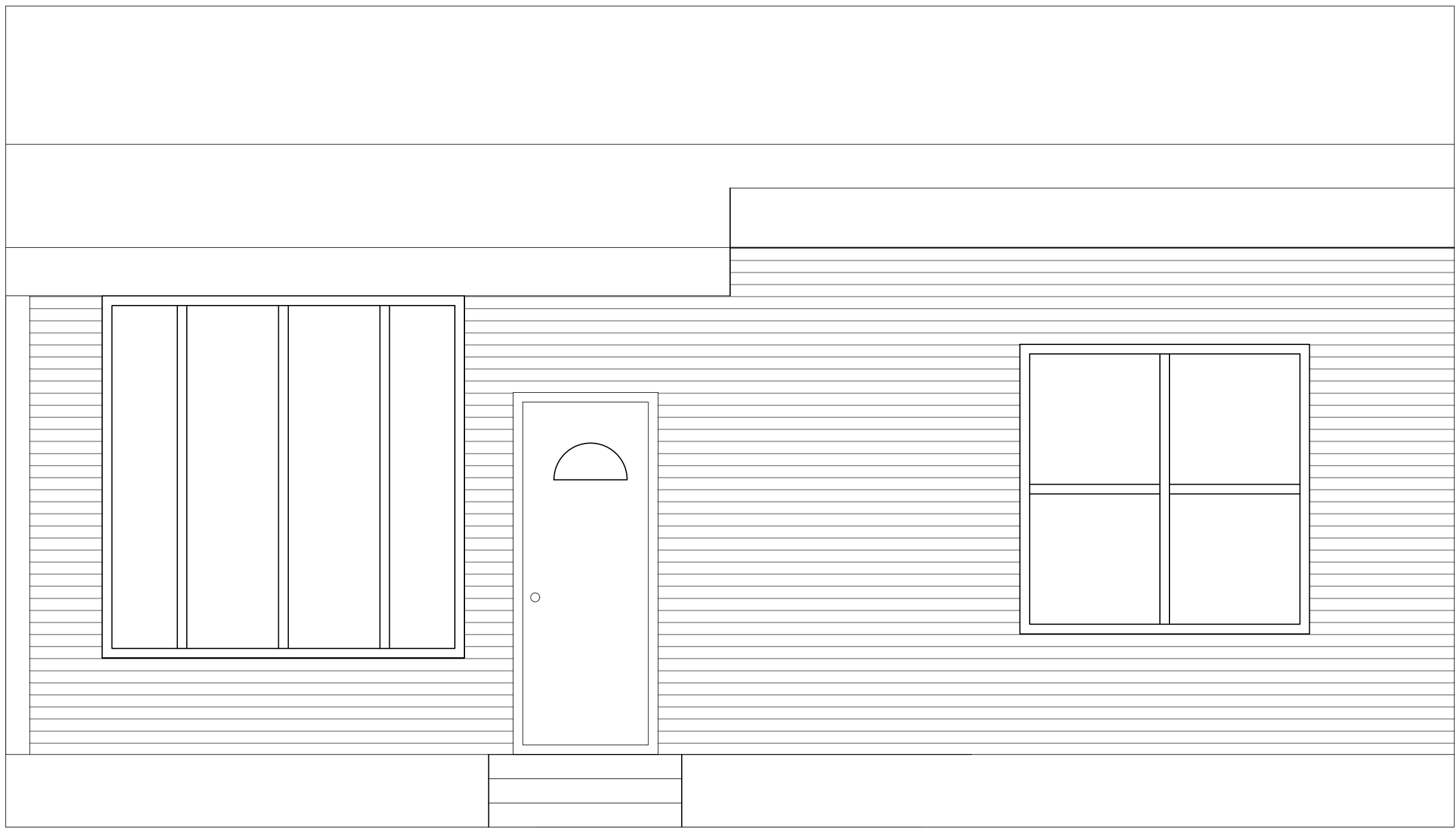


W Fremont Ave



Proposed Site plan
Scale 1"=10'

17.0



Elevation Scale: 1"=1'



ATTACHMENT D: 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
A. It is not intended as a temporary measure only;	Complies	The front porch would be constructed as a permanent structure.
B. It is not greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant; or	Does not comply	There is no unnecessary hardship that has been demonstrated by the applicant.
C. It does not authorize uses not allowed by law (i.e., “use variance”).	Complies	Single-family homes are allowed in the RMF-35 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:

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;	Does not comply	The applicant has not provided sufficient evidence of a property related hardship. The proposal to construct an attached and covered front porch is not an unreasonable hardship. The lot, which is approximately 50 in width and 6,499 square feet in size, could accommodate an addition to the rear and a reconfiguration of the front elevation. Staff believes that there are other solutions that could accommodate an attached and covered front porch.
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:		
The alleged hardship is related to the size shape or	Does not comply	The lot does not contain a hardship that is related to the size,

topography of the property for which the variance is sought.		shape or topography. The lot has a standard rectangular shape and meets the minimum width and size required for the zoning district. There is no hardship present.
The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.	Does not comply	The property does not contain any peculiarities. The property is 50 feet in width and 6,499 square feet in size.
The hardship is not self-imposed or economic.	Does not comply	The requested attached and covered front porch is related to the applicant's desire to have a porch similar to surrounding properties. The hardship in this case is self-imposed.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;	Does not comply	There are no special circumstances attached to the subject property. The property is a standard size for the district.
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:		
The special circumstances relate to the alleged hardship; and	Does not comply	There are no special circumstances related to the alleged hardship. The requested front porch is not related to a hardship.
The special circumstances deprive the property of privileges granted to other properties in the same zoning district.	Does not comply	As stated above, this property does not have a property related hardship. The subject property contains more lot area compared to the abutting properties to the west and south. Having a home on the property is a privilege granted to other properties and is a substantial property right. However, the request to encroach into the required front yard setback to accommodate an attached and covered front porch is not necessarily a privilege granted to other properties in the same zoning district and is not a substantial property right.
3. Granting the variance is essential to the	Does not comply	Granting the requested variance would allow the construction of

<p>enjoyment of a substantial property right possessed by other property in the same district;</p>		<p>the proposed front porch that would in the opinion of the applicant create a similar aesthetic and enjoyment of surrounding properties. Staff finds that the proposal provides a desired amenity rather than a substantial property right.</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 Central Community Master Plan states: Ensure that new development is compatible with existing neighborhoods in terms of scale, character, and density.” The requested variance is compatible with the existing neighborhood scale and character. However, does not comply with the base RMF-35 zoning district.</p>
<p>5. The spirit of this title is observed and substantial justice done.</p>	<p>Does not comply</p>	<p>The subject property is not peculiar in the area or for the RMF-35 zoning district. Additionally, because having an attached covered front porch is not a substantial property right, in staff’s opinion, the request does not meet the variance standards; therefore, the spirit of the Zoning Ordinance is not observed and substantial justice would not be done.</p>

ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

No comments have been received regarding the requested variance.