



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer
From: Krissy Gilmore, Principal Planner, (801) 535-7780
Date: May 13, 2021
Re: PLNZAD2021-00205 – 2829 E Glen Oaks Drive

Variance

PROPERTY ADDRESS: 2829 E Glen Oaks Drive
PARCEL ID: 16-23-129-028-0000
MASTER PLAN: East Bench Master Plan
ZONING DISTRICT: FR-3/12,000 (Foothills Residential District)

REQUEST: The petitioners, Stephen Miller and Sneha Parikh, are requesting approval for a variance to encroach approximately 6.5 feet into the required 35-foot rear yard setback, creating a rear yard setback of approximately 26 feet 2 1/2 inches. The variance is requested to accommodate a 260 square foot addition. The subject property is located at 2829 Glen Oaks Drive in the FR-3/12,000 Foothills Residential District. The Applicant has requested a variance from the Appeals Hearing Officer to allow the construction within this setback.

RECOMMENDATION: Based on the information in this staff report, it is Planning Staff's opinion that the requested variance for a reduction of the 35-foot rear 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. Project Plans
- D. Applicant's Narrative
- E. Existing Conditions
- F. Analysis of Standards
- G. Public Process and Comments

PROJECT DESCRIPTION:

Subject Property Description

The applicant is requesting a variance to encroach into the 35-foot required rear yard setback, effectively creating a 26 feet 2 1/2 inch setback. The variance is to accommodate a 260 square foot addition that is for a master closet and exercise space, which would free up other areas of their house. The lot has an irregular shape and the rear yard is set at a diagonal line.

The following are the minimum size standards for a new single-family lot in the FR-3 zoning district:

Minimum Lot Width = 80 feet

Minimum Lot Size = 12,000 square feet

The dimensions of the subject property are:

Lot Width = 87 feet

Lot Depth (average) = 111 feet

Lot Depth (north property line) = 134 feet

Lot Depth (south property line) = 87 feet

Lot Size = 11,761 square feet

As indicated above, the width of the subject property is 7 feet wider than the required width standard and 239 square feet less than the required lot size standard for new lots in the FR-3 zoning district. Lot depth is not a dimensional standard in the FR-3 zoning district.

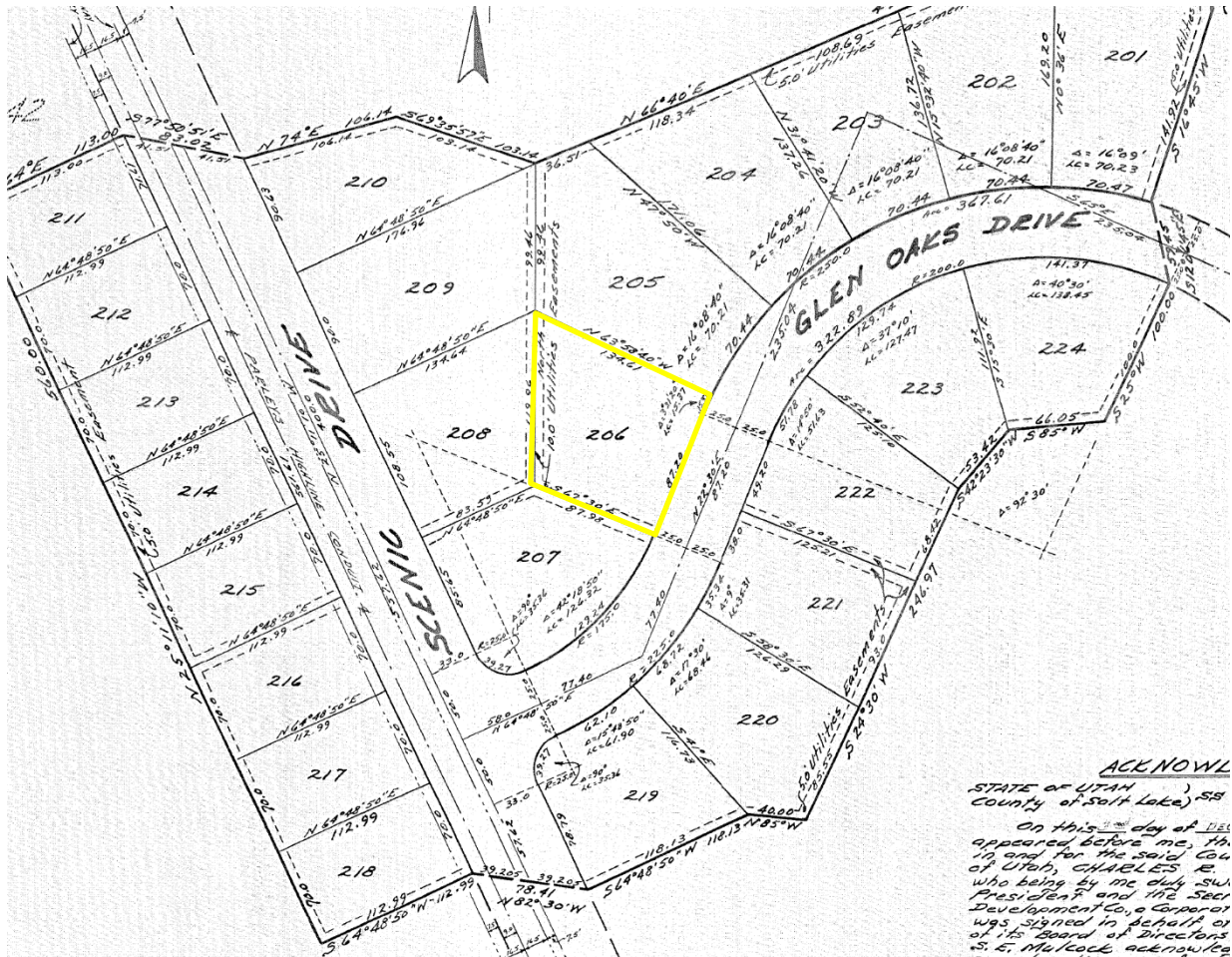


The required rear yard setback in the FR-3 zoning district is 35 feet. The proposed rear yard setback is 26 feet 2 1/2 inches. The total size of the addition is 260 square feet, but a smaller area, approximately 122 square feet, is new space that would encroach into the rear yard. The new addition would move the exterior wall of the house 6.5 feet to the west and would utilize 122 square feet of new space in the rear yard.



Rear Yard Setback Variance

The property was created legally through the subdivision process. It was legally recorded as Lot 206 of the Arcadia Heights Subdivision in 1956. The subject structure in question was constructed in 1963. The current configuration of the lot is consistent with the original subdivision plat. The image below illustrates the recorded plat and development pattern. Due to the configuration of the subject property, the lot has an irregular shape. The properties abutting the subject parcel also have irregular lot shapes.



Subdivision Plat

In general, subdivisions developed in this era included curved streets and cul-de-sacs, which resulted in lots that are not perfectly square. Given the curved streets and slope, an irregular lot shape is also not uncommon in the FR-3 zoning district. Other lots, including at least one that abuts the property, have similar diagonal property lines.

According to the applicant, lots in this neighborhood have an average depth of approximately 139 feet (see Attachment D). The subject property has an average depth of approximately 111 feet, which creates a shallower lot compared to other properties in the neighborhood. While the buildable area in the rear yard may be reduced compared to other properties, the lot is 7 feet wider than required by the zone, 17

feet wider than the other lots on the block face which are all 70 feet, and wider than typical lots found in the neighborhood. The buildable area is of similar size as other properties in the neighborhood and zoning district.

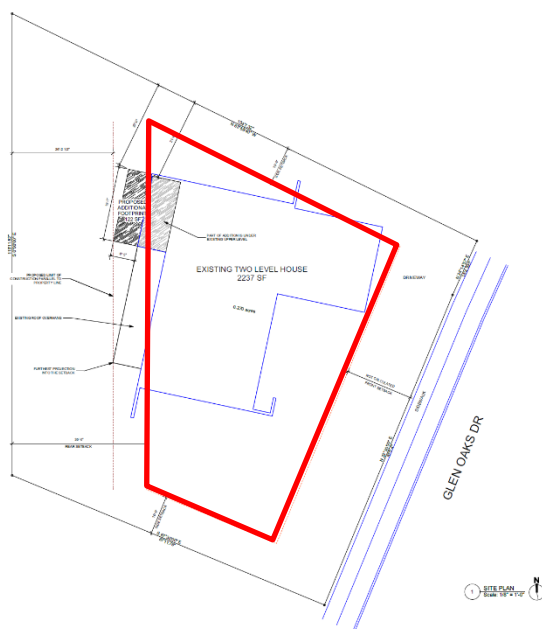
While staff agrees that the property is unique in that it cannot accommodate a rear yard addition due to the placement of the home, lot angle, and lot depth, staff is of the opinion that the applicant has the similar buildable area available, and does not have a hardship related to size, shape, or topography.

Substantial Property Right

Having a home on the property is a privilege granted to other properties and is a substantial property right. The property currently accommodates an existing moderately sized single-family home. According to the Salt Lake County Assessor's Office, the home is 5 bedrooms and 2.5 bathrooms. In staff's opinion, the request to encroach into the required rear yard setback to accommodate an addition is not a substantial property right.

Minimal Variance Necessary

Variances should only be granted if, "it is not greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant." In reviewing the application materials and site plan, it appears there is adequate space to accommodate an addition to the side and front of the property. The approximate average front yard setback on the block face is 28 feet, and the required side yard setback is 10 feet, which leaves a minimum 23 feet setback from the south side yard setback to accommodate an addition. The applicant has stated that this is not reasonable due to the slope and style of the home. While this may be true, the hardship in this case would be due to economics and design preference, and not permissible in a variance case.



Approximate Buildable Area

The requested variance is not associated with any evidenced property related hardship or substantial property right; it is rather a request for additional living space in their home. 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 adequate area within the buildable area to construct an addition. Further, Staff does not believe that increasing the size of the home is a substantial property right.

KEY ISSUES and SUMMARY DISCUSSION:

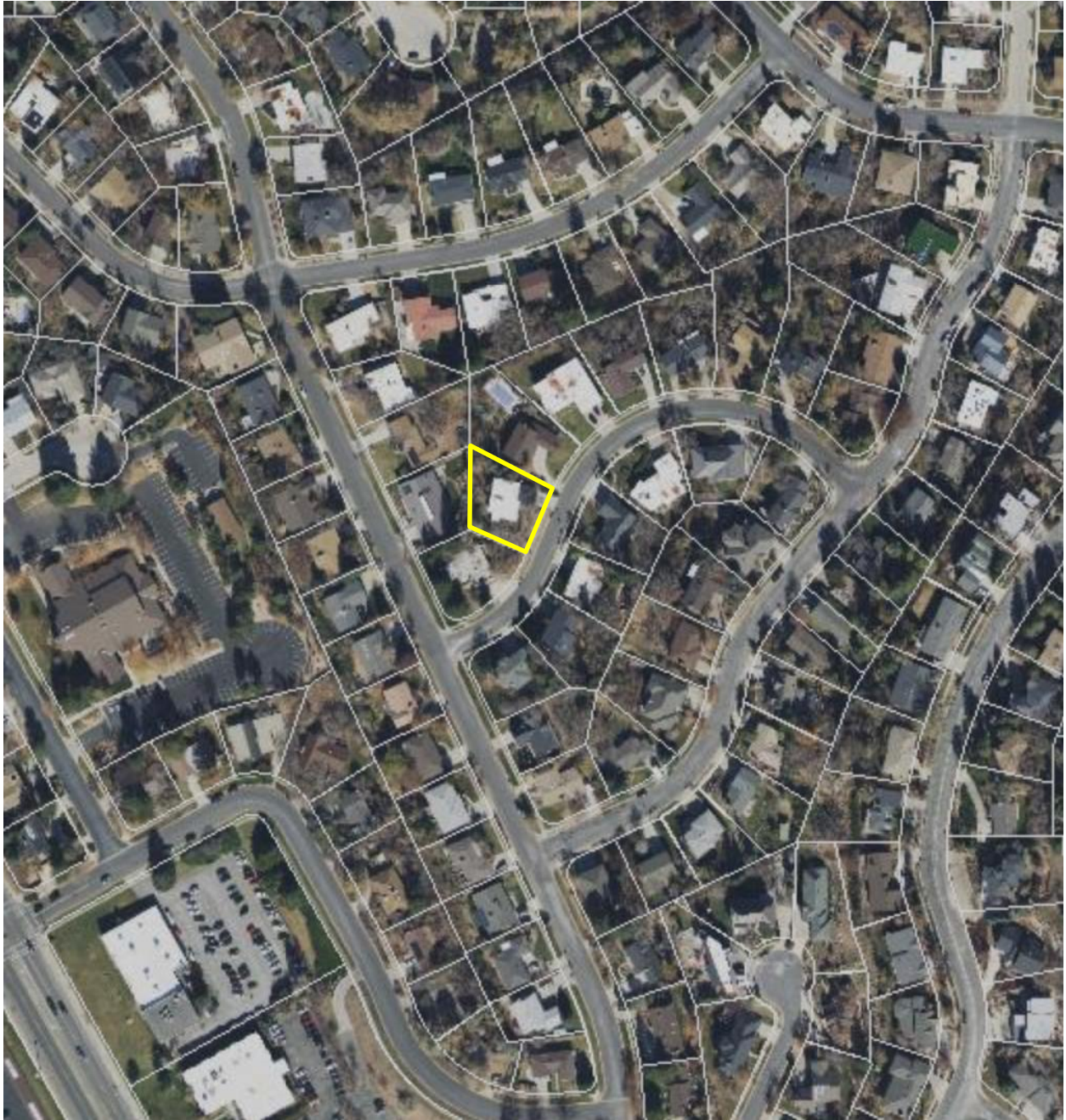
The standards required for granting a variance are set forth in Utah Code Section 10-9-707 and Salt Lake City Zoning Ordinance, Section 21A.18.060. The Hearing Officer may grant a variance if all of the conditions described in Attachment E are met. The applicant shall bear the burden of demonstrating 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 and exceeds the lot width and is only slightly under the minimum lot size for a new lot, which does not limit the potential of a front or side addition of the structure.
2. The subject property is peculiar in that it has a diagonal rear property line, though, an irregular shaped lot (i.e. not rectangular) is not unusual in the FR-3 zone.
3. 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. Staff does not believe that having an addition is a substantial property right. The requested variance is not due to a unique characteristic of the property, rather it is a self-imposed hardship of wanting more living space.
4. Staff does not believe that this property has a hardship and does not meet the standards for granting a variance.

NEXT STEPS:

If the requested variance is approved, the applicant could proceed with applying for a building permit to construct the rear addition as shown on the project plans in Attachment C. If the variance request is denied, the applicant would not be able to proceed with their planned addition as proposed.

ATTACHMENT A: VICINITY MAP & PLAT MAP



 **Subject Property**

ATTACHMENT B: SITE PHOTOGRAPHS



Photo of the Subject Property





Photo of rear yard area showing where the addition is generally proposed. Photos provided by the applicant.

ATTACHMENT C: PROJECT PLAN SET

Miller Parikh Remodel

2829 Glen Oaks Dr. SLC, UT

SCOPE OF WORK: CREATE TWO STORY ADDITION TO REAR OF HOUSE

DESIGNED TO 2018 INTERNATIONAL RESIDENTIAL CODE
AND ASSOCIATED CODES AND STATE AMENDMENTS

Legal Description:
LOT 206, ARCADIA HEIGHTS SUB PLAT B 8420-8339 8420-8340
8819-4665 8819-4666 10200-9106,9108,9110,9111 10269-1786
10378-7570

SIDWELL: 16231290280000
LOT SIZE: 0.27 ARCES

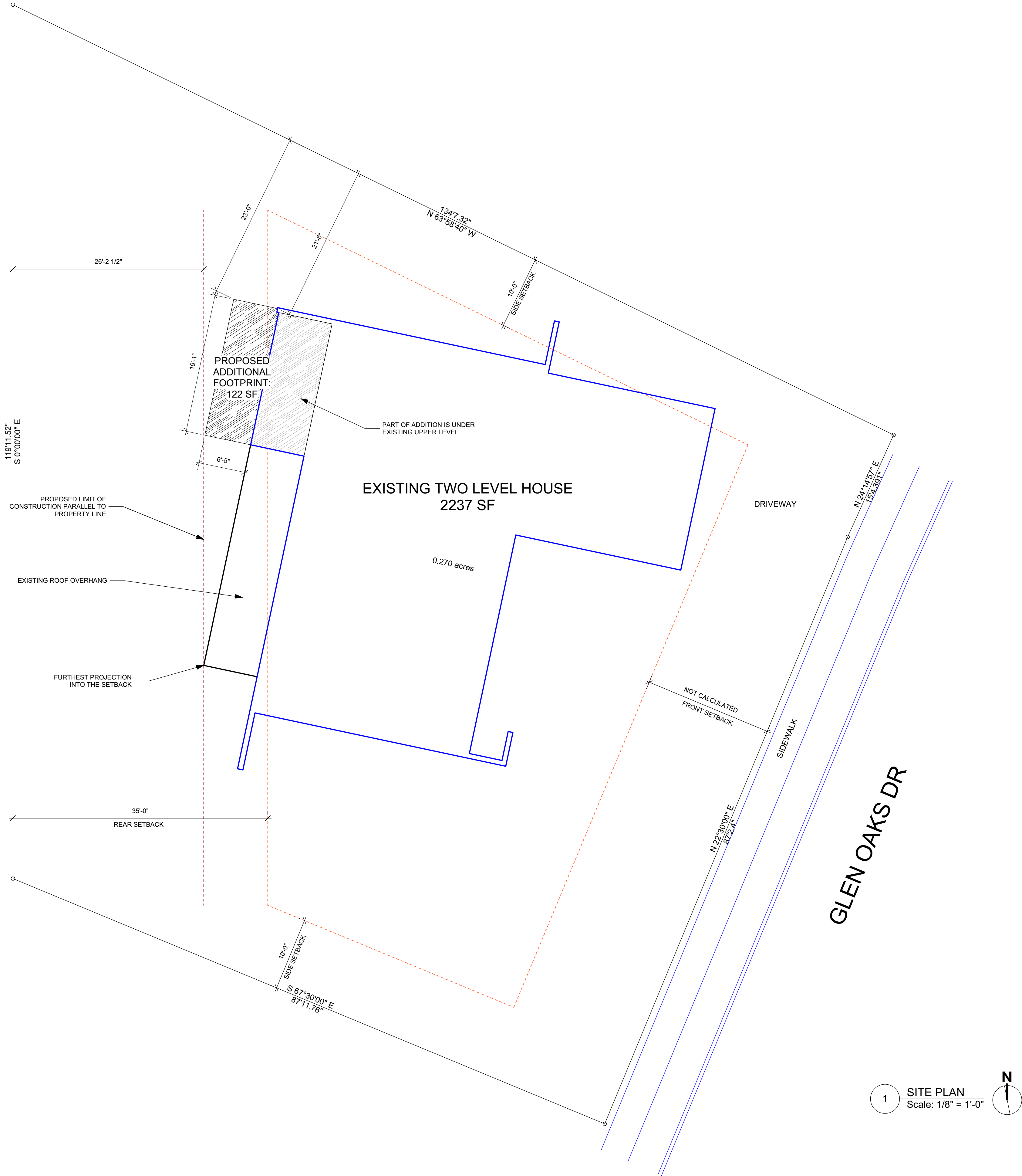
ZONING: FR-3

SETBACKS:

FRONT: AVERAGE - NOT CALCULATED
SIDE: 10FT
REAR: 35FT

HEIGHT: 28FT

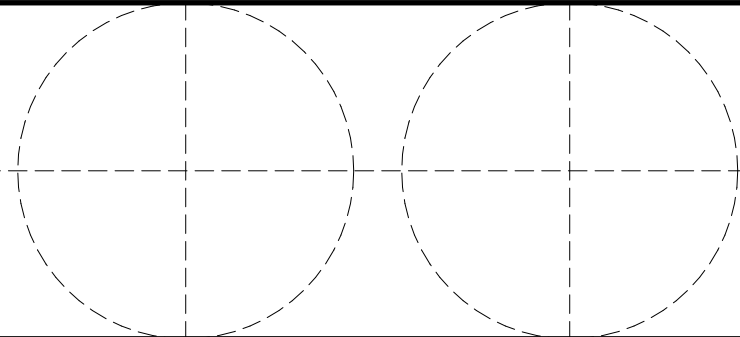
LOT COVERAGE:
LOT = 11,761 SF
35% MAX COVERAGE = 4116 SF
PROPOSED: 2498 SF

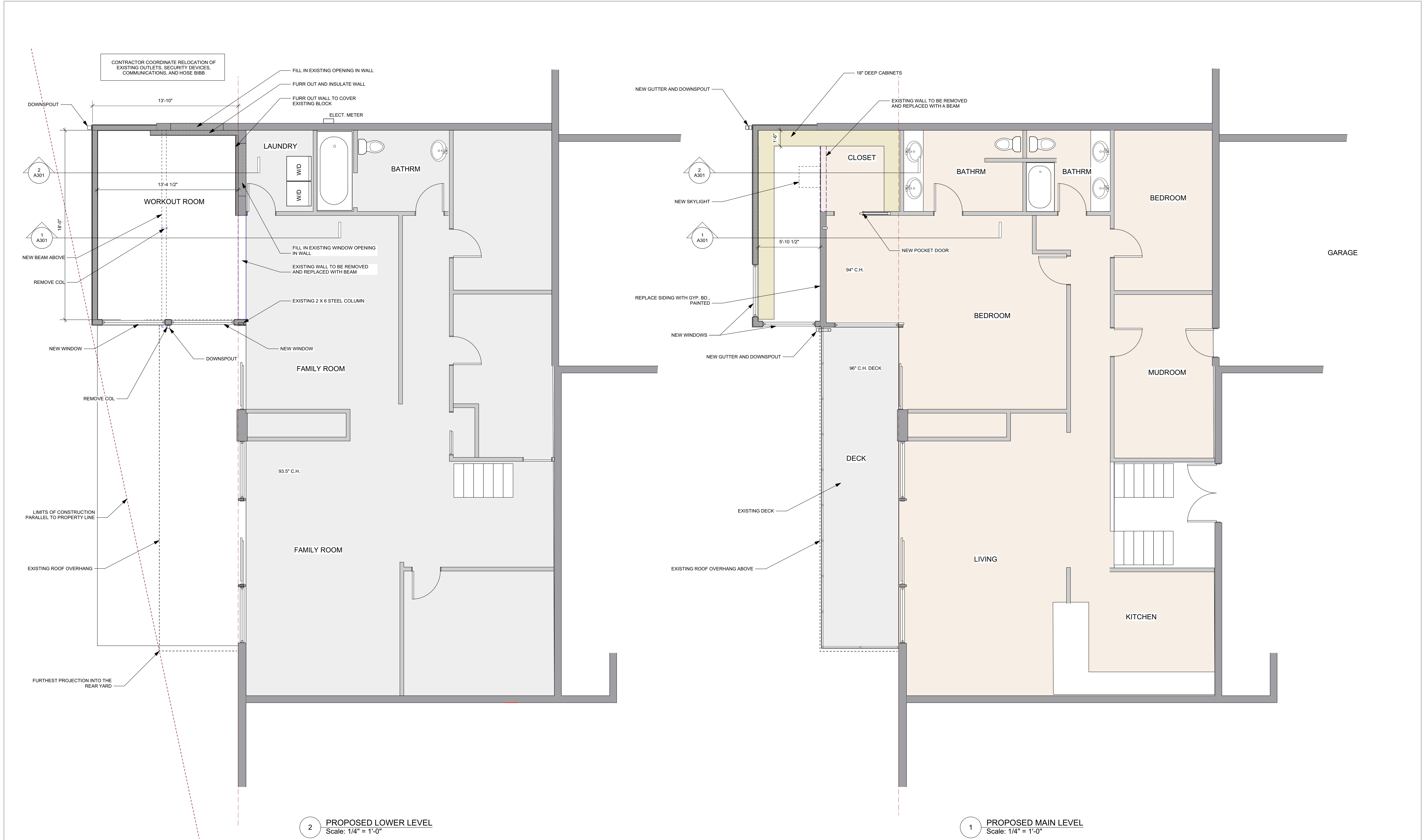


SHEET INDEX

- A100 SITE PLAN COVER
- A101 EXISTING PLANS
- A102 PROPOSED FLOOR PLANS
- A301 SECTIONS
- A201 PROPOSED ELEVATIONS

FOR VARIANCE REVIEW 3/3/21

No.	Date	Revision Notes	Zone	By	No.	Date	Issue Notes		Design Firm	Newell Studio 1234 S 900 E Salt Lake City, UTAH	Project Title	Miller Parikh Remodel 2829 Glen Oaks Dr SLC, Utah	Project Manager	Project ID
											Drawn By	Scale	1:48	
											Reviewed By	Sheet No.	A100 _____ of _____ 6	
											Consultant	Sheet Title		SITE PLAN/COVER

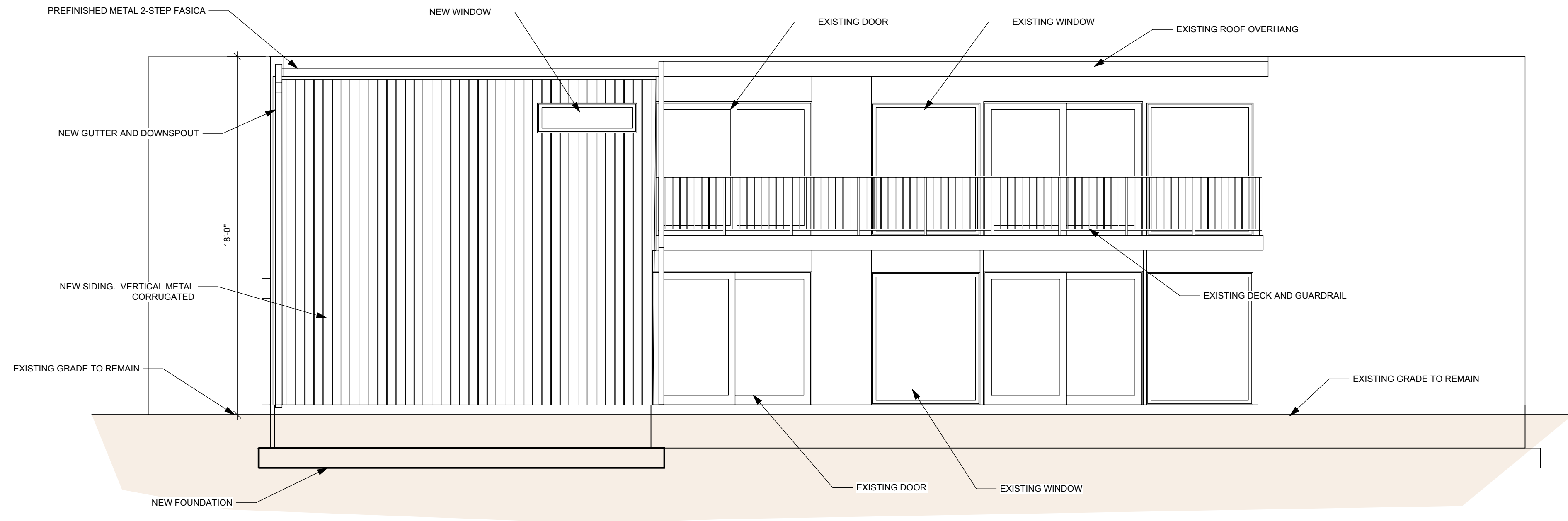


2 PROPOSED LOWER LEVEL
Scale: 1/4" = 1'-0"

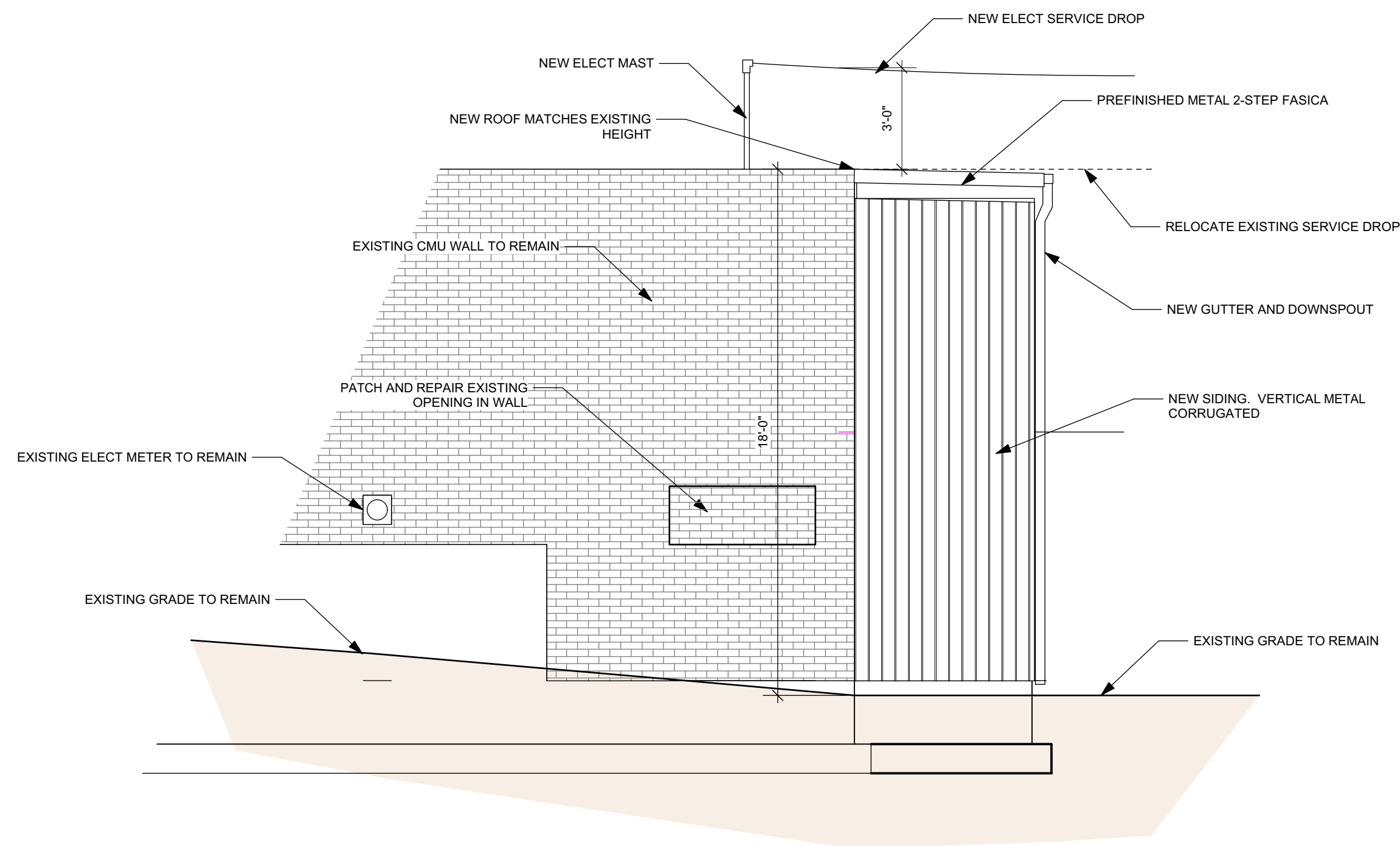
1 PROPOSED MAIN LEVEL
Scale: 1/4" = 1'-0"

FOR VARIANCE REVIEW 3/3/21

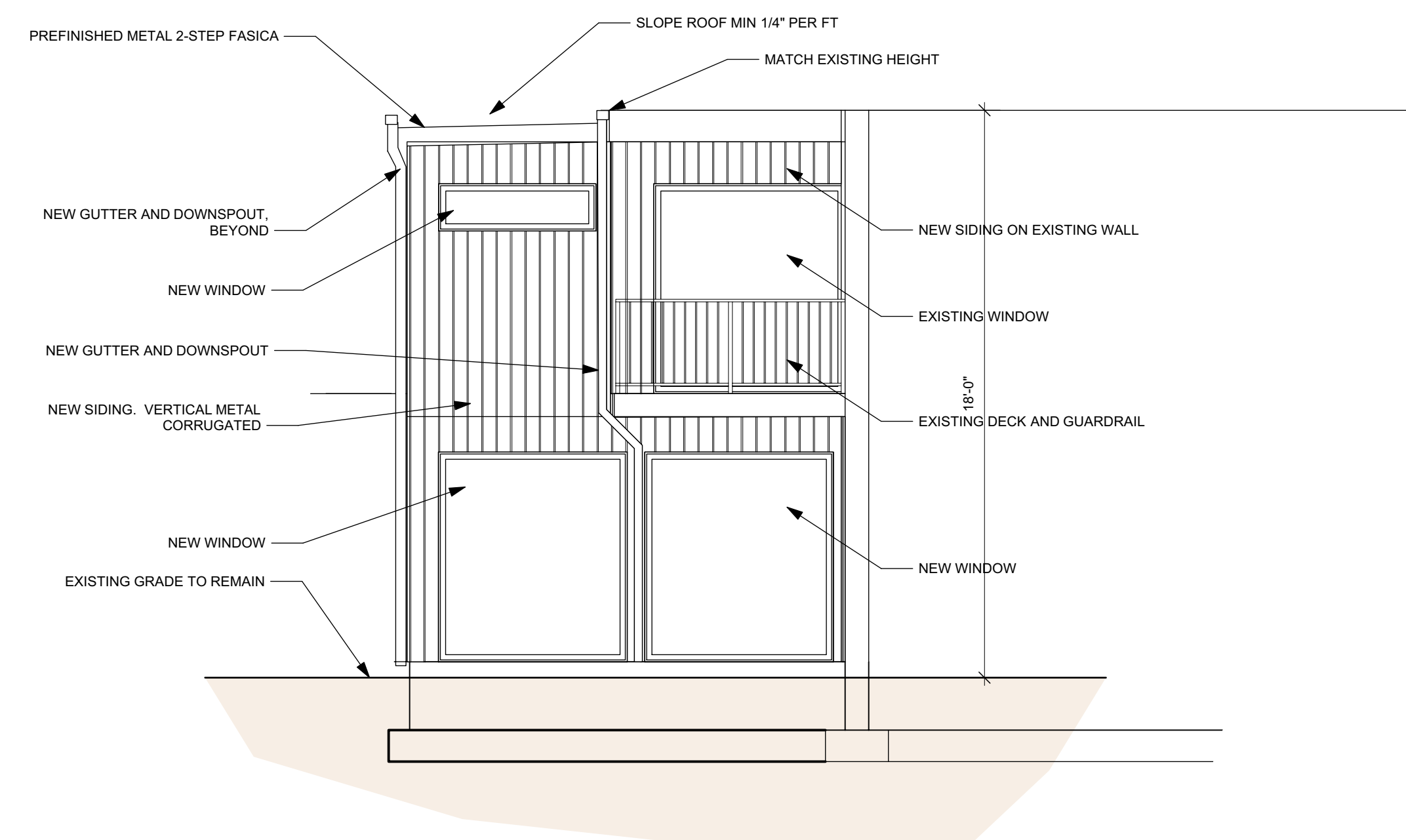
									Design Firm	Newell Studio 1234 S 900 E Salt Lake City, UTAH	Project Title	Miller Parikh Remodel 2829 Glen Oaks Dr SLC, Utah	Project Manager	Project ID	
											Drawn By		Scale	1:48	
											Reviewed By		Sheet No.	A102 <div>_____ of _____</div> <div>6</div>	
													Date		
													CAD File Name Miller Parikh.vwx		
No.	Date	Revision Notes			Zone	By	No.	Date	Issue Notes	Consultant	Sheet Title	PROPOSED PLANS			



1 PROPOSED WEST ELEVATION
Scale: 1/4" = 1'-0"



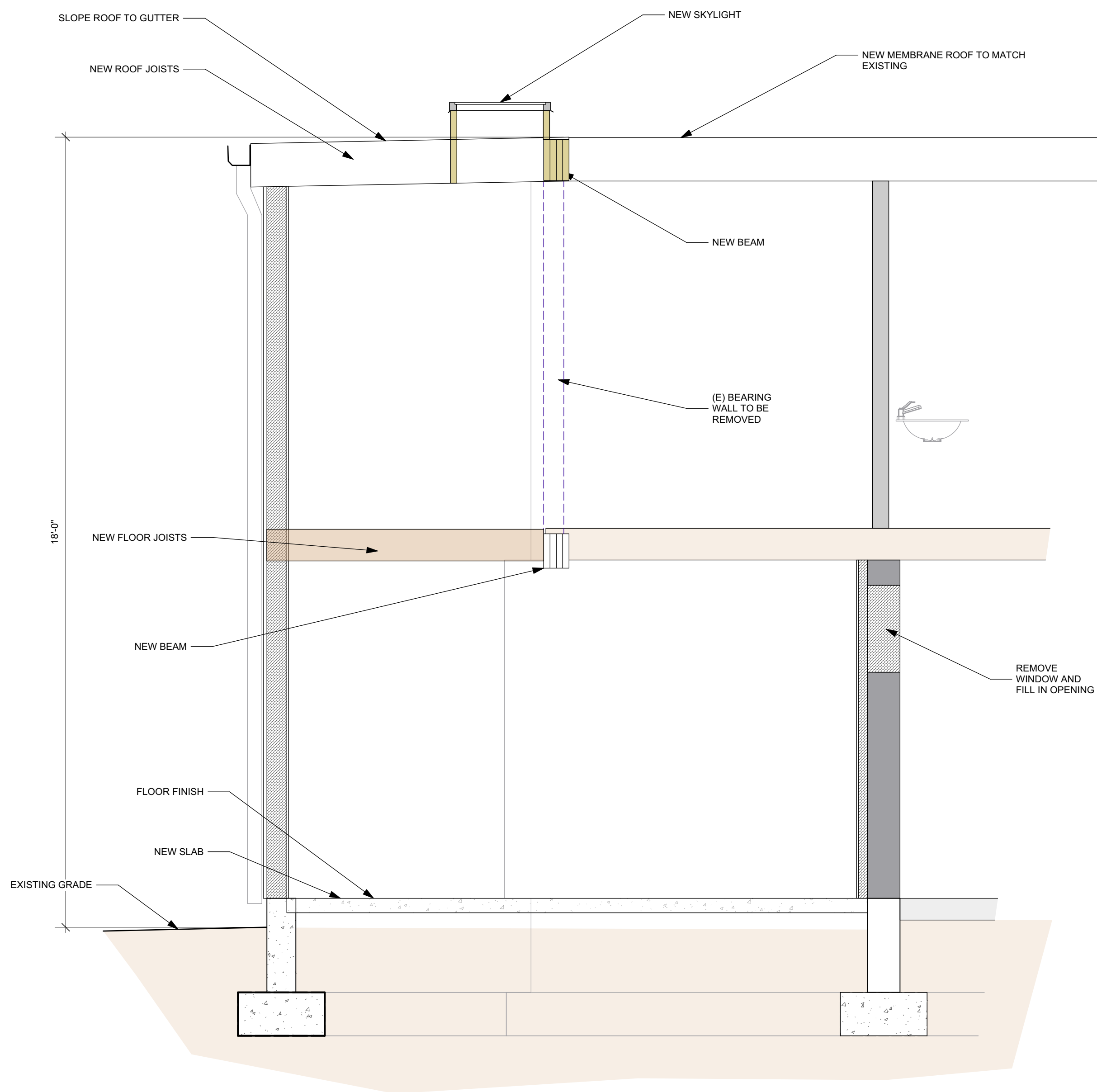
3 PROPOSED NORTH ELEVATION
Scale: 1/4" = 1'-0"
PARTIAL



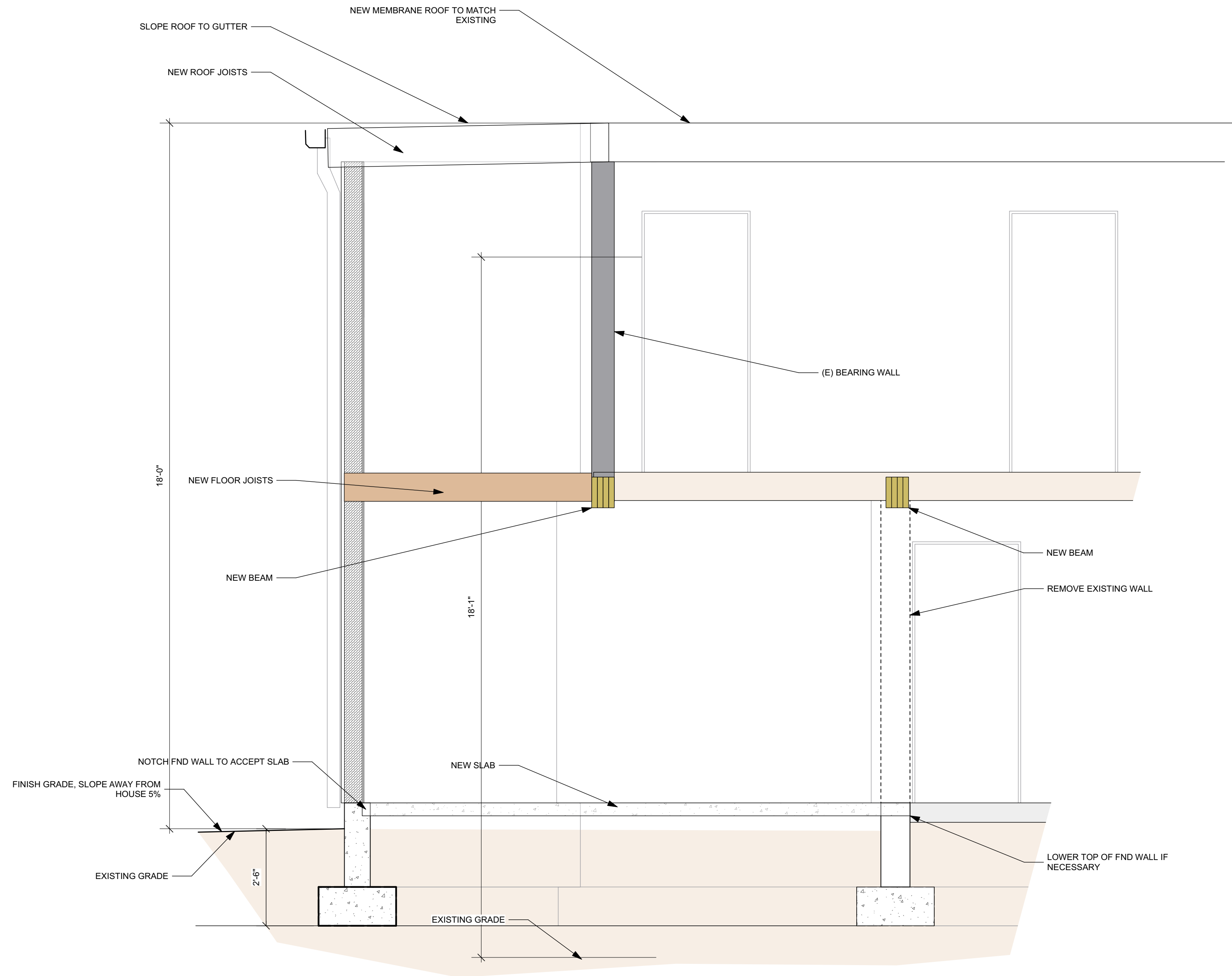
2 PROPOSED SOUTH ELEVATION
Scale: 1/4" = 1'-0"
PARTIAL

FOR VARIANCE REVIEW 3/3/21

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2 SECTION
Scale: 1/2" = 1'-0"



1 SECTION
Scale: 1/2" = 1'-0"

FOR VARIANCE REVIEW 3/3/21

									Design Firm	Project Title	Project Manager	Project ID
									Newell Studio 1234 S 900 E Salt Lake City, UTAH	Miller Parikh Remodel 2829 Glen Oaks Dr SLC, Utah	Drawn By	Scale
											Reviewed By	Sheet No.
									Consultant	Sheet Title	Date	A301
										SECTIONS	CAD File Name Miller Parikh.vwx	of 6
No.	Date	Revision Notes	Zone	By	No.	Date	Issue Notes					

ATTACHMENT D: ADDITIONAL APPLICANT INFORMATION

2829 Glen Oaks Drive Project Description

Our proposal is for a 260 square foot home addition to be attached at the northwest corner of the existing house. The purpose of this construction is to add additional space for home fitness and master closet, allowing us to maintain space for children and family members in the existing bedrooms. The northwest corner was chosen for construction as the most compatible with the zoning ordinances, and there are a number of mitigating factors to align our project with the spirit of those ordinances. The construction makes use of space below the existing overhanging structure, so that half of the addition is already contained within the existing home footprint. The new addition would only move the exterior wall of the house 6.5 feet to the west and would only utilize 122 square feet of new space in the rear yard. Additionally, while we cannot meet a literal enforcement of the setback ordinances due to the irregular shape of our lot, a large yard area in excess of what is prescribed by the ordinances will still be maintained in the immediate vicinity around the addition. The proposed construction is designed to follow the existing wall and roof lines of our home with similar construction materials, allowing it to match with the original architecture of the house. The goal of the project is to improve the existing house with additional meaningful space while minimizing the impact on the appearance of the house and the surroundings.

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 Standards:

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;

Literal enforcement of the title causes us an unreasonable hardship because it completely prevents us from expanding our house to accommodate for anticipated additional family members. Literal enforcement is not necessary because the spirit of title 21A is observed through a rear yard area immediately around the planned construction in excess of what the ordinances require.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;

While the overall area of our property is only slightly below the minimum lot area for the zone, it is the front to back distance (depth) where our property is especially deficient. Our depth is 92nd percentile shortest out of the 54 properties analyzed, the shortest depth on our block of Glen Oaks Drive, and our property is 28 feet shorter than the average of other properties surrounding us in FR-3. So, by definition there are not many similar irregular parcels, and this is clearly a special circumstance related to the size and shape of our property. The positioning of the home within the property further restricts the space allowed for the rear yard space – if our property is 28 feet shorter than the average in totality, then our house would need to be positioned 28 feet closer to the street than other homes in order to have average backyard space. 28 feet is a huge difference in property depth: our variance application is only requesting 5 to 9 feet of exception. These measurements are in exhibit B.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

Per my contact with the state ombudsman's office: "As for substantial property rights, the right to develop and install improvements on your property is a quintessential property right, so if other properties in your neighborhood have a right to add to their homes, and the only reason why you cannot do the same is some unique characteristic of your property, then what you have provided is perfect." Other properties can (and have) made rear yard additions to their homes in our immediate vicinity and the only reason we cannot is due to the special circumstances related to the size shape and topography of our lot. Exhibit D shows the massive majority of homes in our neighborhood that could expand 7 feet to the rear. (Note regarding 2253 Belaire: our architect found that a variance was issued for their construction. If this was in error and it was in fact a special exception the point still stands that the only reason they don't have the space to expand is due to the fact that they already did).

4. The variance will not substantially affect the general plan of the city and will not be contrary to the public interest; and

We have included proof of community support (Exhibit E) that show that there is no negative impact on the public interest and quotes from the East Bench Master Plan showing our construction aligns with the spirit of the general plan of the city.

5. The spirit of this title is observed and substantial justice done.

We would be maintaining a yard area much larger than what is implied by the ordinance distances in the northwest corner of the property in the spirit of the setback ordinances within the title. This is best demonstrated graphically in exhibit C. This aligns specifically with the purpose statement for FR-3 in 21A.24.040 (maintaining the scenic character and wildlife of the foothills area) and insisting that we attempt to re-slope portions of our property to be able expand to the side or front of the house is in direct contradiction of that purpose statement (increasing flooding/erosion, reducing scenic character/wildlife habitat).

B. Circumstances Peculiar To Property: 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:

1. The alleged hardship is related to the size, shape or topography of the property for which the variance is sought; and

The alleged hardship is specifically related to the size, shape and topography of our property – our property is shaped such that it is exceptionally shallow from front to back compared to the average of FR-3 around us (size and shape). Additionally, our property is sloped from northeast to southwest (topography). There is little level ground where it would be reasonable to build, and the existing home is constructed into the slope so that major excavation/re-sloping would be required to expand on the side or front of the house.

2. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

We provided an analysis that shows that the vast majority (50/53) of other homes in the surrounding area of FR-3 have somewhere within the rear yard where the home could be extended 7 feet while without violating the setback ordinance (exhibit D), and there are only 4 homes out of 54 with shorter property depths than ours. The shape and size qualities of our property are clearly on the extreme for the neighborhood, and if those conditions were general then our property depth would not be more than a full standard deviation below the mean.

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.

There is nothing about the hardship that is self-imposed or economic. The home was built in 1963, we are at least the 5th owners that we are aware of. We did not choose the parcel shape, the position of the house within the lot, the slope of the lot, or the architectural construction style that have imposed the existing hardship.

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:

1. The special circumstances relate to the alleged hardship; and

The special circumstances (short property depth, shown to be atypical for the area) specifically relate to and cause the hardship (inability to reasonably add to our home, a right of other properties around us).

2. The special circumstances deprive the property of privileges granted to other properties in the same zoning district. (Ord. 8- 12, 2012)

Again, we have conducted an analysis showing that 50/53 other homes in the surrounding FR-3 area could extend their home somewhere within the rear yard while maintaining the rear yard setback and we cannot. This is not a theoretical privilege: we've seen other homes build extensions in our immediate area (e.g. 2199 Scenic Drive). Additionally, there is the case of PLNZAD2020-00490 – variance for 1977 Scenic Drive – which was approved after going to hearing with planning staff support. That variance specifically awards the privilege that are we are being deprived to that property for materially similar hardships and circumstances, with less supporting evidence and scope of comparison than we have provided.

a. Describe proposed construction and specifically how it would not meet the zoning ordinance.

Our project is a 260 square foot home addition to be connected at the northwest corner of the existing home. The proposed addition would extend between five and nine feet into the prescribed 35-foot rear yard setback.

b. Cite the zoning ordinance that prevents your proposal from meeting the zoning requirements.

The designed construction does not meet the 35-foot rear yard setback for the FR- 3/12,000 Foothill Residential District required by zoning ordinance 21A.24.040.E.4.

c. What special circumstances associated with the subject property prevent you from meeting the zoning requirement. (Reasons may not be economic.)

The shape of our lot and the position of our home within it present unique conditions when compared to the surrounding properties. Glen Oaks Drive curves to the north as the road runs uphill, creating an acute-angled corner with Scenic Drive (see Exhibit A). Our rear property line meets with a neighbor on Scenic Drive rather than extending to the rear property lines of Commonwealth Avenue. This arrangement of the parcels severely limits the depth of our lot from front property line to rear property line, and thus limits the distance available for the rear yard setback. All other interior lots on the north side of the Glen Oaks Drive share a rear property line which extends to meet with parcels on Commonwealth Avenue. Likewise, all interior lots on the south side of Glen Oaks Drive extend to meet parcels on Belaire Drive.

We have conducted an analysis (Exhibit B) measuring the average parcel depth of all properties in the immediately surrounding neighborhood (the homes included in this analysis are the same surrounding neighborhood shown in Exhibit D). The mean parcel depth from front property line to rear property line among these 53 lots is 139 feet, with a median of 136 feet. Our parcel has an average depth of 111 feet – 25 to 30 feet shorter than normal for the neighborhood. The irregular trapezoidal shape of our property creates a depth of only 88 feet at the southern end of the lot, further exacerbating the property-based hardship preventing us from meet the rear yard setback ordinance. Overall, our parcel has the shortest average depth of any property on Glen Oaks Drive (111 feet), the shortest property depth at any point on Glen Oaks Drive (88 feet), and our lot is of the 93rd percentile of shortest parcels in the surrounding neighborhood of 53 properties.

Our lot is also sloped substantially downwards from Glen Oaks Drive to the rear property line, and the original home construction is built into that slope using a split-level design. The lower level of the home is 80% below ground at the front of the house, and fully above ground only at the rear wall. Because of this construction style and the gradation of the lot, the only location where the house can viably be expanded without altering either the natural rolling character of the environment or the original architectural design of the house is along the rear wall. The diagonal rear property line with respect to the house places the existing building line much closer to the rear property line at the southwest corner, making the northwest corner the least intrusive location for an addition in consideration of the zoning setback ordinances.

d. Explain how the literal enforcement of this Zoning Ordinance causes an unreasonable hardship that is not necessary in carrying out the general purpose of this Zoning Ordinance.

From the Purpose Statement for FR- 3/12,000 Foothill Residential District (21A.24.040A), it is clear that the general purpose of the setback ordinances is to preserve the scenic character of the foothills area by maintaining the natural environment in larger distances between homes. Because of our parcel's diagonal rear property line and the placement of our home within the lot, a large area of rear yard exists in the northwest corner of the lot (in the immediate vicinity of the proposed addition) which maintains the spirit of that distanced spacing. The rear and side yard setback ordinances are expressed as distances (35 feet and 10 feet respectively); these one-dimensional distances can alternatively be expressed as a two-dimensional area. Converting the distances to an area implies a required corner yard area of 1155 square feet around the proposed addition. While we cannot meet the literal rear yard setback distance, our proposed construction does maintain a corner yard area of 1826 square feet around the addition. This comparison is illustrated in Exhibit C.

We live in a unique area where the development of the city meets a natural environment, and we are very conscious about maintaining the scenic character of our property. Although they sometimes wreak havoc on our landscaping, we cherish our annual deer visitors that appear through the fall and winter months. We are unwilling to jeopardize our slice of the natural environment, and the proposed addition is designed specifically with that in mind. Half of the footprint of the addition is located beneath an overhanging portion of the upper level of the original home where the lower level is already enclosed by two walls. Because of this, the addition would only be utilizing 122 square feet of the existing rear yard area, and the new construction would only shift the northwest rear wall of the home 6.5 feet to the west. The proposed construction is also specifically designed to extend no further towards the rear property line than the closest existing projection at the southwest corner of the original home.

A literal interpretation of the rear yard setback ordinance is not necessary in this instance because a large yard area greater than that implied by the setback ordinances would still be maintained around the addition in the spirit of the zoning ordinances. A literal enforcement would unduly penalize us for the unique shape, size and slope of our lot.

e. Explain what special circumstances exist on the subject property, which do not generally apply to other properties in the same zoning district. (The law requires that a property related hardship be identified before granting a variance. For example, size, grade of lot, etc.)

The shape of our property and the construction of our home within the lot create a special hardship which does not apply to the significant majority of other homes in the surrounding neighborhood. As explained in the answer to question 2c, the curvature of Glen Oaks Drive creates an acute angle with Scenic Drive so that our lot does not enjoy the same extensive parcel depth, and associated rear yard length, as other nearby properties. Along with this, our lot is sloped in such a way that the proposed location is the only viable space for the

construction without ruining the existing appearance of the home or the natural character of the land.

Exhibit D shows the results of an analysis we have conducted using the Salt Lake County assessor's Parcel Viewer tool. Out of the surrounding 53 interior lots on Glen Oaks Drive, Commonwealth Avenue, Belaire Drive and the adjacent lots on Scenic Drive, 50 properties would be able to construct a similar sized home addition without violating the rear yard setback ordinance. Every other lot on Glen Oaks Drive could accommodate a similar rear yard addition. Measurements were made at least restrictive points in each property's rear yard as, in the spirit of the ordinance, we are also proposing to build at the least restricted location of our yard. An average two-foot roof overhang was assumed from the aerial map in the analysis based on a walk-around survey of roof styles in the neighborhood (the northwest corner of our home has no roof overhang). Corner parcels were not considered in the analysis as such properties do not have a rear yard setback requirement. Of the 3 properties that do not have the rear yard distance to accommodate a similar addition, it should be particularly noted that the home at 2253 Belaire Drive previously received a rear yard setback variance to allow it to extend to its current dimensions.

From this analysis, it is clear that the length of the 35-foot rear yard setback ordinance is reasonable as intended for the shape and depth of the vast majority of lots typical to the FR- 3 Foothill Residential District, but the conditions of our parcel are a specific outlier.

f. Explain how this variance will be essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district.

We have a substantial property right to develop and install improvements on our property. Other properties in our neighborhood have the freedom to add to their homes in a similar fashion to our proposed construction while maintaining the rear yard setback specified in the zoning ordinance. Thus, this variance is essential to the enjoyment of the same property rights as our neighbors because of the hardships presented by the shape, size, and topography of our parcel.

While it is expected that the proposed addition would add value to our home, and by association other nearby homes, the purpose of the construction is not economically driven. We love our house and the foothills neighborhood, and we wish to remain living at our home for a very long time. We are two professionals working full-time that want to be able to start a family, and the planned home renovation is intended to prepare the house for that purpose. Raising children while maintaining two full-time professional careers is a difficult proposition, and we anticipate frequent extended stays from family to assist with childcare. While the proposed addition is not designed as an additional living unit, the intention of the expansion is to maintain the bedroom spaces within the existing house for anticipated children and family members to live multi-generationally, rather than need to repurpose them for fitness space and storage.

g. Would the variance uphold the general zoning plan and not negatively affect the public interest? Please explain your reasoning.

Our proposed construction would not conceivably cause a negative impact to the public interest now or in the future. As stated above, the purpose of this extension is to enable us to stay in our home for a long time and raise a family here, so it is very important to us personally that there are no negative effects to the project, because we would be the ones to experience that impact.

From an architectural standpoint, the planned addition is designed to fit seamlessly into the original 1963 style of the home. It follows the existing roof and wall lines, is planned to use similar materials to match the original structure, and maintains the overall shape of the home's footprint. The addition has also been devised to be as respectful of the zoning ordinances and our natural landscape as the conditions of our property will allow. It encroaches no further towards the rear property line than the furthest existing projection at the southwest corner of the house, makes use of space below the existing structure in order to absolutely minimize the additional yard area utilized, and meets the general spirit of the zoning plan and setback ordinances with the elongated corner of yard area surrounding the intended expansion site.

The proposed addition is also considerate of our neighbors' interests. The addition would not block, hinder or alter the views from any of the surrounding properties in any material way, and because it is designed to minimize the impact to the overall shape of the home, nor would it change the profile of our home from the surrounding properties. The new construction would also not be visible from the front of the property and thus would not impact the street appearance of the neighborhood at all. Our community has been extremely supportive of our project and our right to add to our home. The surrounding property owners that would potentially be impacted by our addition have all signed petition statements (Exhibit E) supporting the issuance of a variance for our project, corroborating the lack of negative impact and adherence to the spirit of the zoning plan.

h. Explain how this variance will observe the spirit of this Zoning Ordinance and City Master Plan.

The following is a compilation of quotations from the East Bench Master Plan that are embodied in our planned addition:

"New development and changes to existing development are sensitive to the defining features and character of the surrounding neighborhood. The Community offers a variety of housing sizes and types to accommodate residents in all stages of life."

(East Bench Master Plan pg. 16 – Stable and Unique Neighborhoods)

"There is a strong desire among East Bench residents to preserve the defining features of their unique neighborhoods. The challenge comes in balancing private property rights and allowing the community to grow, while preserving the things that make the neighborhood special."

(East Bench Master Plan pg. 24 – Maintaining Neighborhood Character)

"The East Bench is characterized by its mature, stable neighborhoods. While this is an asset, it also creates challenges due to limited opportunities for new growth. An aging population, and the young families who are replacing this population, are looking for additional housing, service and recreational opportunities within their community. The limited redevelopment potential in the East Bench will require creative solutions to meet these needs."

(East Bench Master Plan pg. 24 – Meeting Needs of Future Generations)

"Maintain neighborhood stability and character

Support neighborhood identity and diversity

Encourage housing options that accommodate aging in place"

(East Bench Master Plan pg. 30 – list of Plan Salt Lake initiatives)

It is clear from these quotations that the intention of the Master Plan and zoning ordinances is not to restrict any and all development of properties in the neighborhood, but rather to ensure that any new construction is conducted in a manner sensitive to the surrounding environment and community. From the above answers, it should be apparent that our project has been designed specifically with that goal in mind, and that the requested variance is only necessary due to the unusual shape, depth, and topography of our lot. The construction makes use of the space below existing structure to minimize the additional building footprint and maintains a rear yard area surrounding that corner of the home in the spirit of the zoning ordinance. It is considerate of our natural landscape, avoiding any alteration to the rolling character of the land, and continues to allow for wildlife to frequent our rear yard. And lastly, the project is approved by the surrounding community, and enhances neighborhood stability by accommodating our wish to raise a family and age in place, continuing to reside long-term at our home.

ACUTE ANGLE



THE ACUTE ANGLE OF THE STREET ALIGNMENTS CREATES
A LOT SHAPE THAT IS VERY RESTRICTIVE

Parcel #	Average Parcel Depth
131-004	103
131-008	104
129-026	107
129-011	110
Our Parcel	111
129-014	111
131-009	111
130-008	112
176-002	115
131-007	120
130-009	121
130-007	122
131-010	122
176-003	123
130-005	124
129-005	127
129-002	127
130-006	128
129-024	129
129-004	129
130-013	130
129-019	133
131-011	133
130-011	134
130-004	135
130-012	136
104-010	136
131-005	137
129-012	138
130-002	138
129-020	140
131-015	140
131-012	141
131-006	141
129-003	142
129-008	143
129-006	143
131-014	146
131-013	146
130-010	149
129-018	150
129-007	150
131-016	150
129-010	151
129-013	156
129-017	166

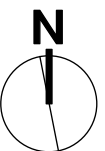
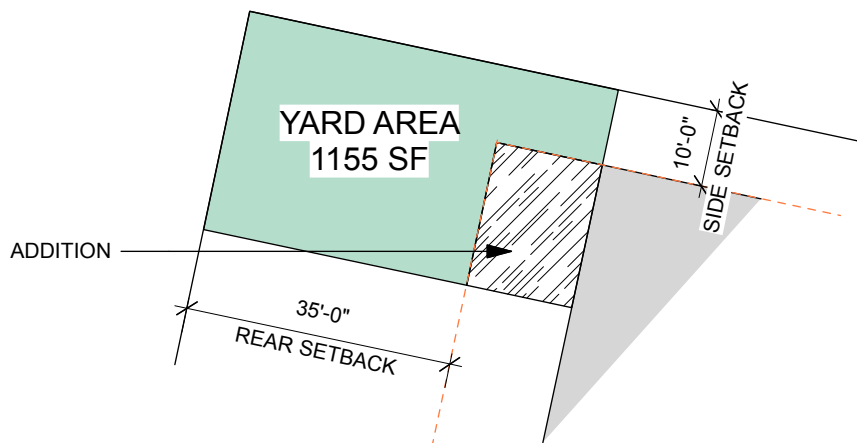
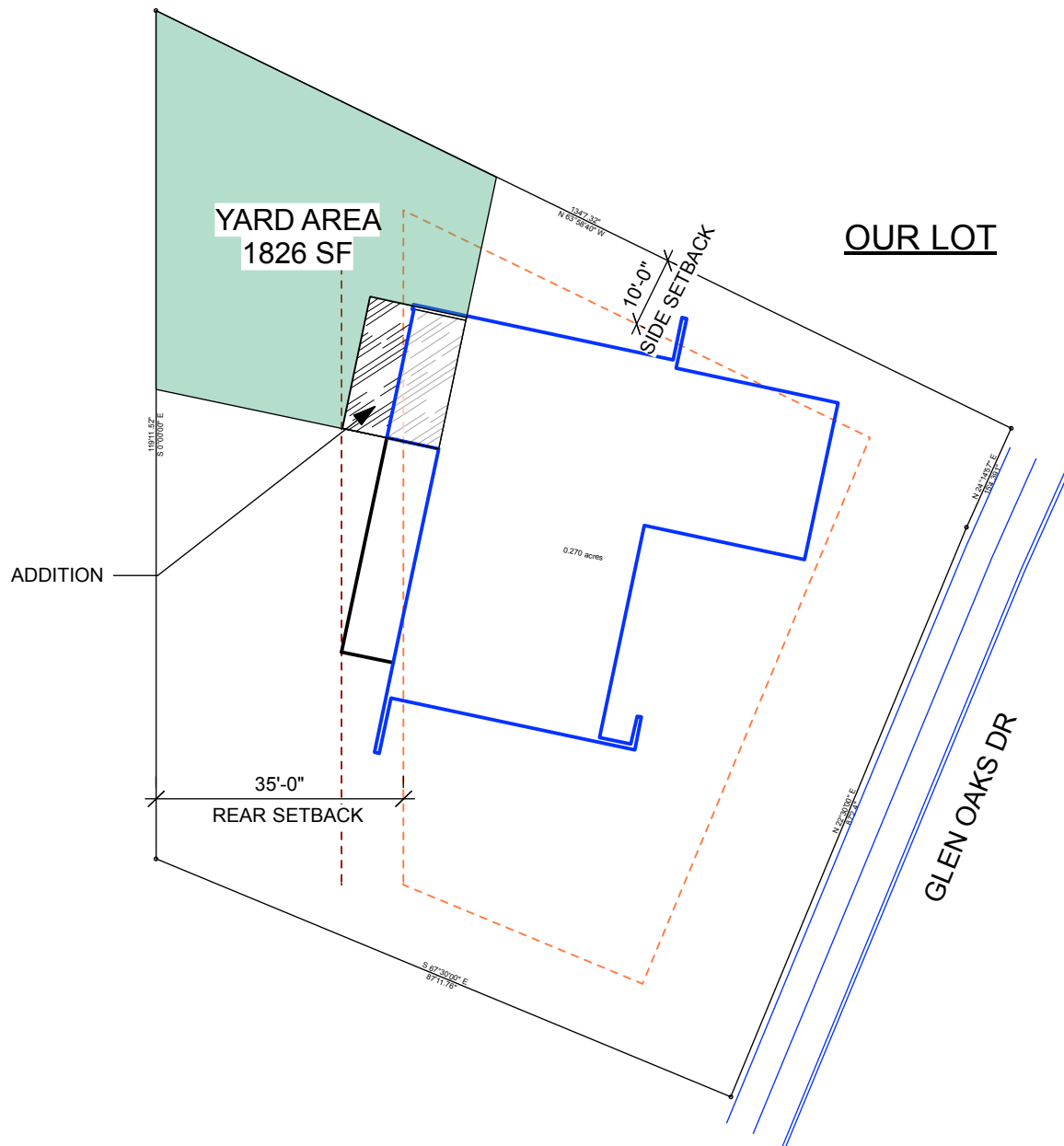
Mean **139**

Median **136**

Percentile Smallest 0.925

104-011	167
126-009	181
126-006	187
126-007	193
126-008	194
129-021	197
129-025	200

ADJACENT YARD AREA COMPARISON



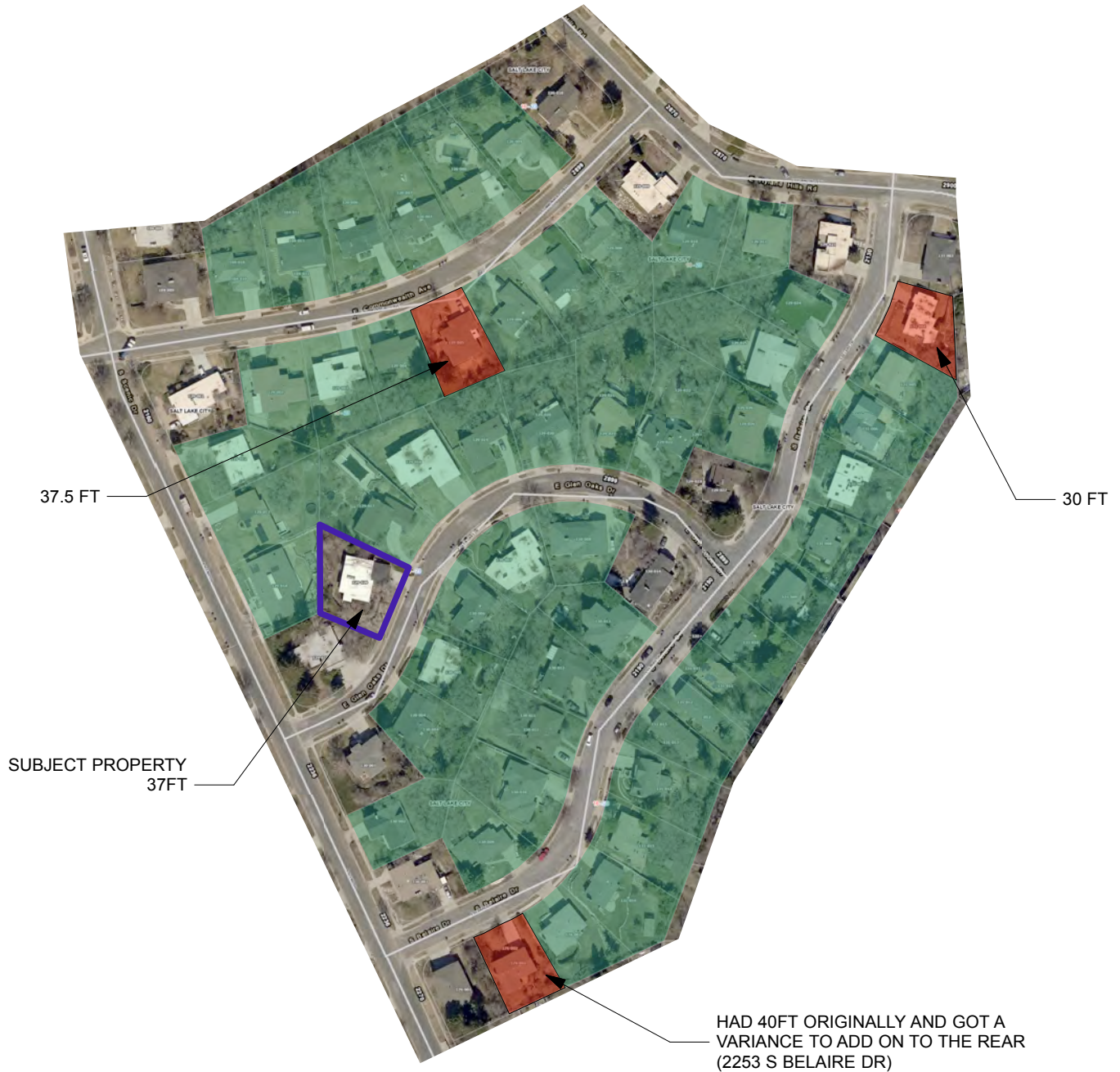
newell studio, inc
architects 801.842.7375

MILLER /PARIKH ADDITION

2829 GLEN OAKS DR. SLC

3.4.21

REAR YARD ANALYSIS



- GREEN LOTS HAVE LARGE ENOUGH REAR YARDS TO ALLOW FOR OUR PROPOSED ADDITION ASSUMING BEST CASE DIMENSIONS AND AN AVERAGE 2FT ROOF OVERHANG.
- RED LOTS HAVE RESTRICTIVE REAR YARDS THAT COULD NOT ACCOMMODATE OUR PROPOSED ADDITION WITH CURRENT ZONING.
- CORNER LOTS DO NOT HAVE A REAR YARD SETBACK REQUIREMENT SO WERE NOT CONSIDERED FOR THIS COMPARISON.

2829 Glen Oaks Drive Addition Proposal

Our neighbors at 2829 Glen Oaks Drive have shared their proposed construction plan, the reason why they are requesting a variance, and the reasons why they qualify for the variance.

We support the issuance of a variance for the 2829 Glen Oaks Drive home addition project.

Signed,

A handwritten signature in black ink, consisting of a stylized 'J' or 'S' followed by a long horizontal stroke.

Owner at:

2835 E. Glen Oaks Dr. Salt Lake City, UT 84109

2829 Glen Oaks Drive Addition Proposal

Our neighbors at 2829 Glen Oaks Drive have shared their proposed construction plan, the reason why they are requesting a variance, and the reasons why they qualify for the variance.

We support the issuance of a variance for the 2829 Glen Oaks Drive home addition project.

Signed,



Owner at:

2832 E. Glen Oaks Dr.

2829 Glen Oaks Drive Addition Proposal

Our neighbors at 2829 Glen Oaks Drive have shared their proposed construction plan, the reason why they are requesting a variance, and the reasons why they qualify for the variance.

We support the issuance of a variance for the 2829 Glen Oaks Drive home addition project.

Signed,

Rosemary J. Beless

Owner at:

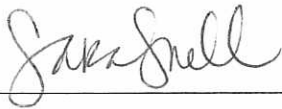
2826 E. Glen Oaks Drive, Salt Lake City, Utah
84109

2829 Glen Oaks Drive Addition Proposal

Our neighbors at 2829 Glen Oaks Drive have shared their proposed construction plan, the reason why they are requesting a variance, and the reasons why they qualify for the variance.

We support the issuance of a variance for the 2829 Glen Oaks Drive home addition project.

Signed,



Owner at:

2199 Scenic Drive

SLC, UT 84109

2829 Glen Oaks Drive Addition Proposal

Our neighbors at 2829 Glen Oaks Drive have shared their proposed construction plan, the reason why they are requesting a variance, and the reasons why they qualify for the variance.

We support the issuance of a variance for the 2829 Glen Oaks Drive home addition project.

Signed,

Jennifer A. Pace

Owner at:

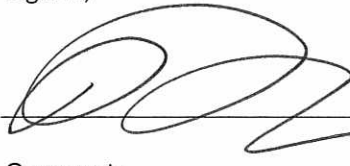
2211 Scenic Drive

2829 Glen Oaks Drive Addition Proposal

Our neighbors at 2829 Glen Oaks Drive have shared their proposed construction plan, the reason why they are requesting a variance, and the reasons why they qualify for the variance.

We support the issuance of a variance for the 2829 Glen Oaks Drive home addition project.

Signed,

 BARBARA DAHL FASSEL

Owner at:

2822 GLEN OAKS DR.

2829 Glen Oaks Drive Addition Proposal

Our neighbors at 2829 Glen Oaks Drive have shared their proposed construction plan, the reason why they are requesting a variance, and the reasons why they qualify for the variance.

We support the issuance of a variance for the 2829 Glen Oaks Drive home addition project.

Signed,

Wayne Satsuda

Owner at:

2841 Glen Oaks Dr., S.L.C., UT. 84109

2829 Glen Oaks Drive Addition Proposal

Our neighbors at 2829 Glen Oaks Drive have shared their proposed construction plan, the reason why they are requesting a variance, and the reasons why they qualify for the variance.

We support the issuance of a variance for the 2829 Glen Oaks Drive home addition project.

Signed,

Melodie Holz Will & Wethers

Owner at:

2817 GLEN OAKS DR SALT LAKE CITY, UT. 84109

2829 Glen Oaks Drive Addition Proposal

Our neighbors at 2829 Glen Oaks Drive have shared their proposed construction plan, the reason why they are requesting a variance, and the reasons why they qualify for the variance.

We support the issuance of a variance for the 2829 Glen Oaks Drive home addition project.

Signed,

Louie M. Gonzales

Owner at:

2846 Glen Oaks Dr

ATTACHMENT E: 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 rear addition 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	Although the lot shape is irregular, a single-family dwelling was built in the buildable area, and there is additional space available within the buildable area in the front and side yards for an addition. Granting the variance would be greater than the minimum variation necessary.
C. It does not authorize uses not allowed by law (i.e., “use variance”).	Complies	Single-family homes are allowed in the FR-3 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	<p>The applicant has not provided sufficient evidence of a property related hardship. The lot, which is approximately 87 in width and 11,761 square feet in size, could accommodate an addition to the side and potentially a reconfiguration of the front elevation.</p> <p>Literal enforcement of the rear yard setback requirement would not cause an unreasonable hardship that is not necessary to carry out the purpose of the Zoning Ordinance as staff believes that there are other solutions that could accommodate an addition.</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:		
The alleged hardship is related to the size shape or topography of the property for which the variance is sought.	Does not comply	The subject property is located in the FR-3 zoning district. The minimum lot size for parcels created under the FR-3/12,000 zone is 12,000 square feet and the minimum lot width is 80 feet. There is no minimum lot depth, and the lot was legally created under the Arcadia

		<p>Heights Subdivision. At 87 feet in width, the subject property is wider than the size of a standard lot in the district and only slightly below the minimum required lot area at 11,761 square feet.</p> <p>The applicant is requesting the variance because the required rear yard setback is 35 feet with an irregular diagonal setback line. The lot also has one of the shallowest depths in the subdivision, with an average depth of 111 feet, creating a smaller area for a rear yard addition. The average lot depth is 139 feet.</p> <p>While the lot depth of the subject property is below the average lot depth within the general subdivision, the buildable area of the lot was still able to accommodate an existing moderately sized home, and there is additional space within the buildable area to accommodate an addition. The applicant has stated that it is unreasonable to expand in those areas due to the design and slope of the home. Many, if not, most homes in the FR-3 zoning district have slope constraints, and staff finds that this issue is more related to economic reasons than actual development feasibility.</p> <p>Staff agrees that the lot has an irregular shape, along with other lots in the subdivision, but does not find that it contains a hardship that is related to the size, shape, or topography as there was sufficient buildable area on the lot that a home was able to be constructed. There is no hardship present.</p>
The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.	Does not comply	Most lots in the neighborhood are not perfectly square or rectangle and contain some type of irregular shape. An irregular lot is also not unusual in the FR-3 zoning district, specifically along curved streets. Other lots, including at least one that abuts the property, have similar diagonal property lines.
The hardship is not self-imposed or economic.	Does not comply	The requested addition is related to the applicant's desire to have additional living space within the home. A functional, moderately sized single-family home is existing on site. The hardship in this case is self-imposed.
2. There are special circumstances attached	Does not comply	There are no special circumstances attached to the subject property that are not generally

to the property that do not generally apply to other properties in the same zoning district;		present in the FR-3 zoning district. While the rear yard does have a diagonal lot line, irregular lot shape is not unusual for the FR-3 zoning district due to the layout of streets in the foothills. The property is generally a standard lot 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 addition is not related to a hardship.
The special circumstances deprive the property of privileges granted to other properties in the same zoning district.	Complies	<p>The applicant has provided a map in Attachment D which shows that they are one of four homes within the subdivision who would not be able to accommodate an addition of the requested size due to the size of the rear yard setback and depth of the lot.</p> <p>Strictly speaking to the standard, staff agrees that the alleged hardship is unique to only a few properties in the subdivision; and that other properties in the subdivision may be able to accommodate a rear addition.</p>
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;	Does not comply	Granting the requested variance would allow the construction of the proposed addition that would, as stated by the applicant, provide space for a master closet and exercise space, which would free up living space in other areas of the home. Granting this variance is not essential to the enjoyment of a substantial property right, as the property provides a livable single-family home with similar square footage to most the other homes in the same district. Staff finds that the proposal provides a desired amenity rather than a substantial property right.
4. The variance will not substantially affect the general plan of the city and will not be contrary to the public interest; and	Complies	<p>The East Bench General Plan's guiding principle PR-03 is to protect the foothills. It states "development should be limited to single-family land uses or other low intensity uses that serve the neighborhood and should minimize impacts to the natural environment and views of the foothills."</p> <p>The granting of a variance would allow the applicant to construct a minor addition in the rear of their property which does not impact the use and matches the desired "low intensity use". Furthermore, the granting of the variance does not harm the public interest in that there</p>

		<p>is no construction proposed in publicly owned open space.</p> <p>The applicant has provided a petition of signatures from neighboring properties stating their support for the request. Staff has taken this into consideration and is of the opinion that generally the proposal complies with Standard 4. However, it should be noted that allowing structures to encroach into required yard areas diminishes the buffer areas between properties which provide for privacy, space, and light between structures. This creates a development pattern contrary to the public interest.</p>
<p>5. The spirit of this title is observed and substantial justice done.</p>	<p>Does not comply</p>	<p>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 rear yard setback to accommodate an addition 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 F: PUBLIC PROCESS AND COMMENTS

No comments have been received regarding the requested variance as of the published date of this report.