



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer
From: Brooke Olson, Associate Planner, (801) 535-7118
Date: November 18, 2021
Re: PLNZAD2021-00831 – Variance 320 North 800 West

Variance

PROPERTY ADDRESS: 320 North 800 West
PARCEL ID: 08-35-427-001-0000
MASTER PLAN: Northwest Master Plan
ZONING DISTRICT: R-1-5000 (Single Family Residential District)

REQUEST: The petitioner, Trevor Stevens is requesting approval of a variance to construct a new 1,235 sq. ft. single-family dwelling on the property located at 320 North 800 West. The subject property is located in the R-1-5000 (Single Family Residential) Zoning District which requires minimum side yard setbacks of 10 feet on one side and 4 feet on the other side. As proposed, the new dwelling would encroach approximately 1 foot into the northern side yard setback and 7 feet into the southern side yard setback. The applicant has requested a variance from the Appeal Hearing Officer to allow the construction within these setbacks.

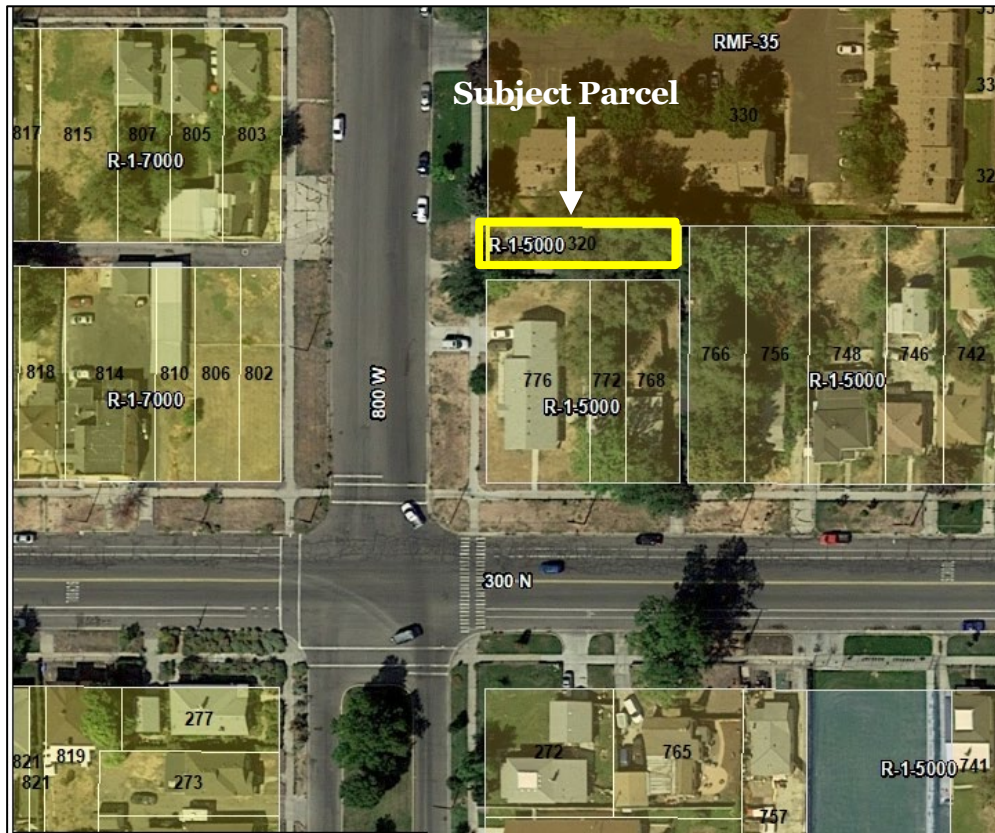
RECOMMENDATION: Based on the information in this staff report, it is the Planning Staff's opinion that the requested variance for a reduction in the minimum required side yard setbacks meets the standards for approval and Staff recommends that the Appeals Hearing Officer approve the variance as requested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

1. The applicant provide evidence that the subject parcel has rights to use the existing alley way to the south of the parcel, to access the garage located at the rear of the dwelling.

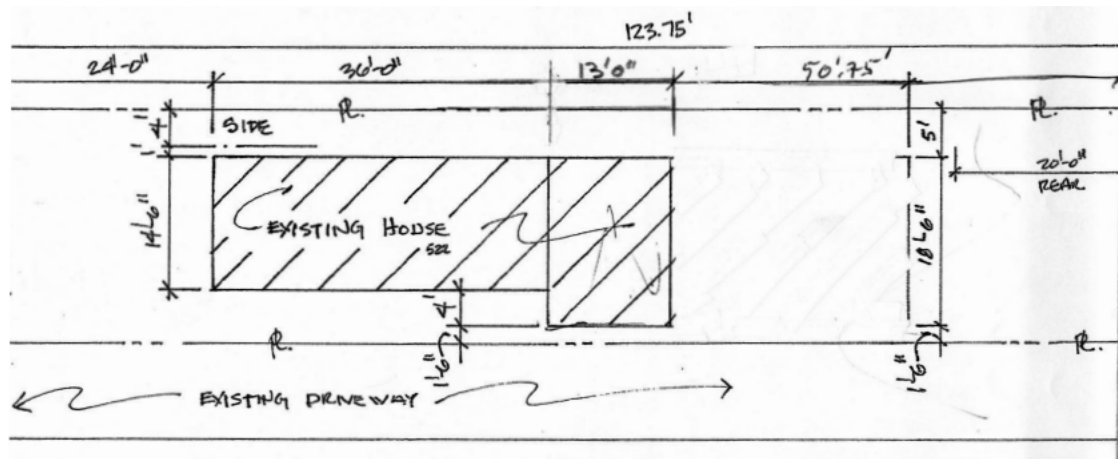
ATTACHMENTS:

- A. Vicinity Map & Plat Map
- B. Salt Lake City Tract Index Plat and Block Records
- C. Project Plans and Applicant's Narrative
- D. Analysis of Standards
- E. Public Process and Comments

PROJECT DESCRIPTION:

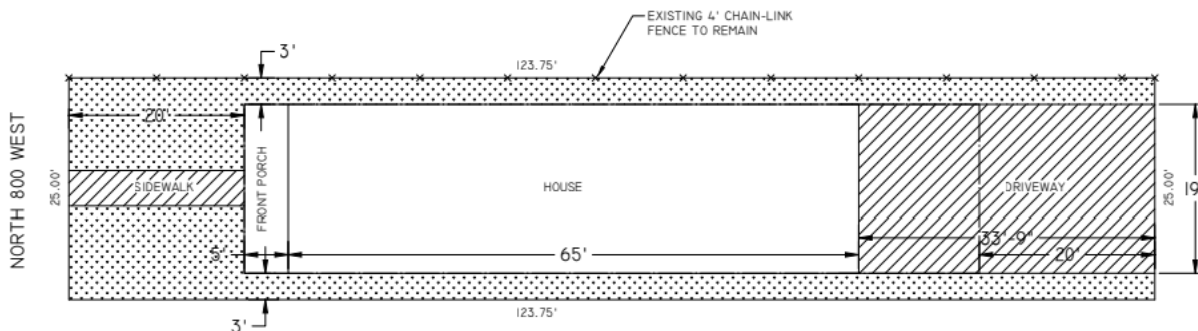


The property in question is currently occupied by a vacant single-family structure that the applicant is proposing to demolish and replace with a new single-family structure. The applicant has indicated the existing single-family structure on the property is in a state of disrepair and has been vacant for 13 years attracting squatters and criminal activity. In its current state, the existing structure is uninhabitable and structurally unsafe for occupancy. The applicant has considered, renovating the existing single-family dwelling and adding an inline addition to expand the square footage of the existing building footprint. However, the applicant indicated the foundation of existing dwelling is in poor condition and a complete demolition and rebuild is the safest solution to rehabilitate the property.



Existing Site Plan

The subject property is located in the R-1/5,000 zoning district which 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. As shown in the existing Site Plan above, the subject lot has a lot width of 25 feet and the existing structure has side yard setbacks of 4 feet on the northern side and 1 foot 6 inches on the southern side, respectively.



Proposed Site Plan

The applicant is requesting approval of a variance to construct a new two-story single-family dwelling on the property as shown in the Proposed Site Plan above. The proposed dwelling is 65 feet in length and 19 feet in width. The applicant is proposing to locate the proposed dwelling 3 feet from the northern side property line and 3 feet from the southern side property line. Though the applicant is proposing to build a new single-family home with noncompliant side yard setback dimensions similar to the existing structure, the proposed dwelling 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 similar 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 683

sf) but will be compliant with the minimum required rear yard and front 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:

21A.24.070.D.3.

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 7 feet on the south side and reduced by 1 foot on the north side; thus, the maximum building wall height is limited to 13 feet on the south side and 19 feet on the north side. The proposed structure meets these height requirements, dimensions included in the table below.

The overall project also includes the construction of a new attached one car garage at the rear of the dwelling that will be accessed via the existing private alley way to the south and east of the subject property. The proposed driveway at the rear of the property will also provide a second parking space for the proposed dwelling. The legal description of the parcel does not indicate the property has access rights to the private alley. However, this is not an unusual situation with private alleys created in that era. As a condition of approval, the applicant will need to ensure the parcel has rights to use the existing alley way to access the garage located at the rear of the dwelling prior to the issuance of building permits.

| Standard | Current / Proposed | Finding |
|--|---|-----------------------------------|
| Minimum Lot Area: 5,000 sf | Current: 2,750 sf | Legally Noncompliant |
| Minimum Lot Width: 50 ft. | Current: 25 ft. | Legally 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., 3 ft. | Noncompliant - Variance Requested |
| <i>Rear Yard</i> - 25% of lot depth or 20 ft., whichever is less | Proposed: Approx. 33 ft. | Complies |
| Maximum Building Height | | |
| <i>Pitched Roof:</i> 28 ft. measured to ridge | Proposed: 20 ft. | Complies |
| Maximum Building Wall Height: 20 ft. minus 1 ft. for each foot of encroachment into side yard setback granted | Proposed: 13 ft. (south), 16 ft. (east) | Complies |
| Maximum Building Coverage: 40% of lot area = 1,235 sf | Proposed: 1,235 sf (home + attached garage) | Complies |

BACKGROUND INFORMATION:

The existing, vacant, single-family structure on the property has existed for many years. Records from the Salt Lake County Assessor’s Office indicate that it was first constructed in 1934. Building permit records for the initial construction of the home could not be found, however, the Salt Lake City Tract Index Plat and Block records indicate the parcel was created in 1934. The 1941 Zoning map shows the property was likely zoned Residential B-2 when the parcel was created. Further, the 1944 Zoning Ordinance states parcels in the Residential B-2 Zoning District required a minimum lot area of 3,000 square feet. These records confirm the parcel was legally created in 1934 and has noncomplying rights to be developed.

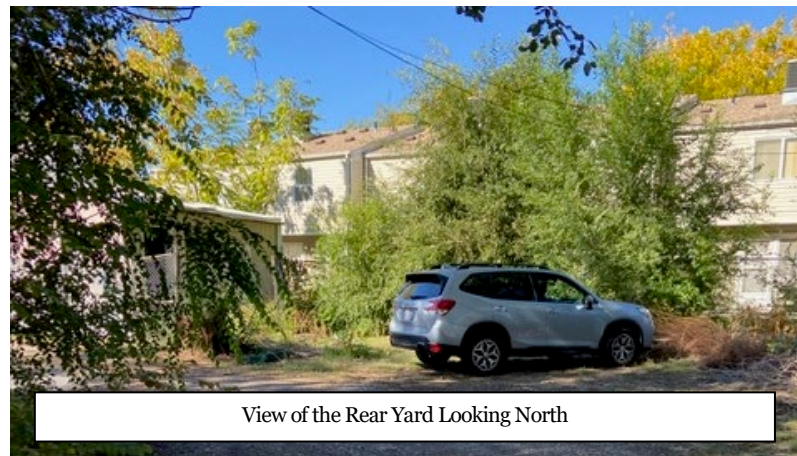


Parcel boundaries and building placement at that time was roughly the same as what exists today. An addition was constructed on the rear of the dwelling after 1934 however, since 1934 the development on site has largely remained unchanged.



Because it appears that the subject lot has maintained the same dimensions since at least 1934, 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 states 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 roughly the same noncomplying setback dimensions.



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 on each side 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 1934.

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 19 feet wide (25 foot lot width minus 6 total feet of required setbacks), with an interior width of approximately 17-18 feet. While this would still result in a narrow home, the side yard setback dimensions of the existing structure would be similar.

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 similar to existing structure, which the neighbors are accustomed to. Sufficient space will be provided between the proposed dwelling and the neighboring structures as the closest structure to the south will be approximately 45 feet from the proposed dwelling and the closest structure to the north will be located approximately 20 feet away.

Further, a private alley (10 feet in width) is located along the southern property line which provides additional space/buffering between the subject parcel and the neighboring property to the south. 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.

- Requirements of the R-1/5,000 zoning district: 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 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.
- Applicants' alleged hardship: Because residents began developing this neighborhood prior to the adoption of the current Salt Lake City Zoning Ordinance, various nearby properties do not meet the minimum lot width of 50 feet. However, as can be seen in Attachment A, the 25-foot lot width of the subject parcel is the second narrowest in the immediate vicinity, with the exception of one other lot in the block that is 23 feet in width and seems to have a similar development history. The majority of the nearby substandard lots are at least 30 feet wide.
- Location of the existing dwelling: 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 1934, has noncompliant side yard setbacks of 4 feet on one side and 1 foot 6 inches on the other. This variance request is necessary to allow the applicant to construct a new

home on the lot that maintains similar noncompliant side yard setback dimensions but meets all other requirements of the zoning ordinance.

- The spirit of this title is observed and substantial justice done: The main purpose of side yard setbacks is to provide an open space buffer between structures and the streets on which they are located. Sufficient space will be provided between the proposed dwelling and the neighboring structures as the closest structure to the south will be approximately 45 feet from the proposed dwelling and the closest structure to the north will be located approximately 20 feet away. A private alley (10 feet in width) is located along the southern property line which provides additional space/buffering between the subject parcel and the neighboring property to the south 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 similar setbacks to what has been in place for almost 90 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 3 feet, as shown on the attached site plan.

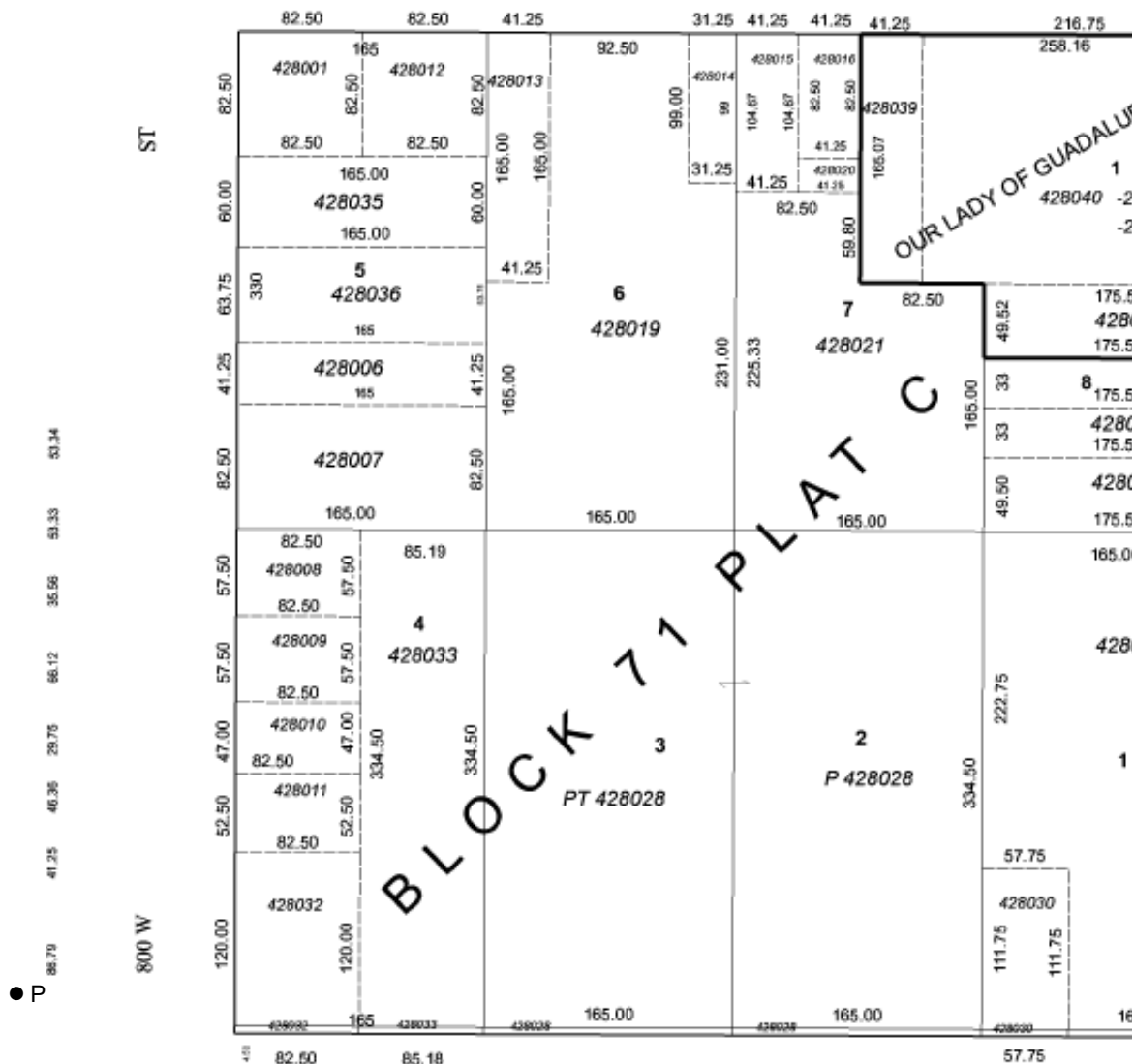
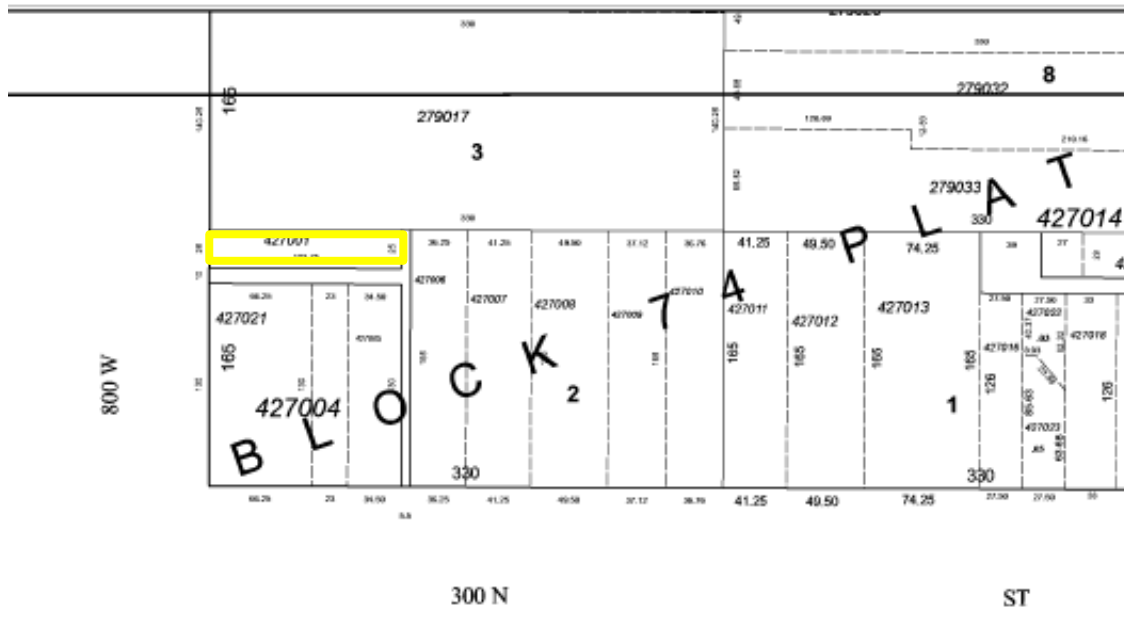
If the variance is denied, the applicant's options would include the retention of the existing structure on-site, or the construction of a new single-family structure that complies with all zoning and building regulations.

ATTACHMENT A: VICINITY MAP & PLAT MAP

Vicinity Map



Salt Lake City Planning Division 10/26/2021



**ATTACHMENT B: SALT LAKE CITY TRACT INDEX PLAT
AND BLOCK RECORDS**

ATTACHMENT C: PROJECT PLAN SET AND APPLICANT NARRATIVE

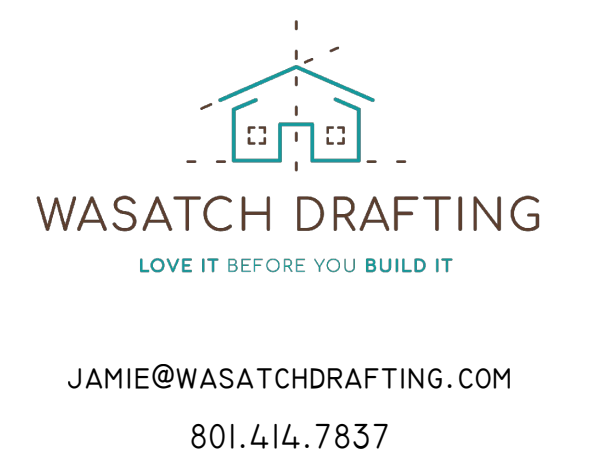
RESIDENTIAL HOME DESIGN

ZONE R-I-5000

LEGAL DESCRIPTION: BEG NW COR OF
LOT 2, BLK 74, PLAT C, SLC SUR; S
25 FT; E 7.5RDS; N 25 FT; W 7.5 RDS
TO BEG.

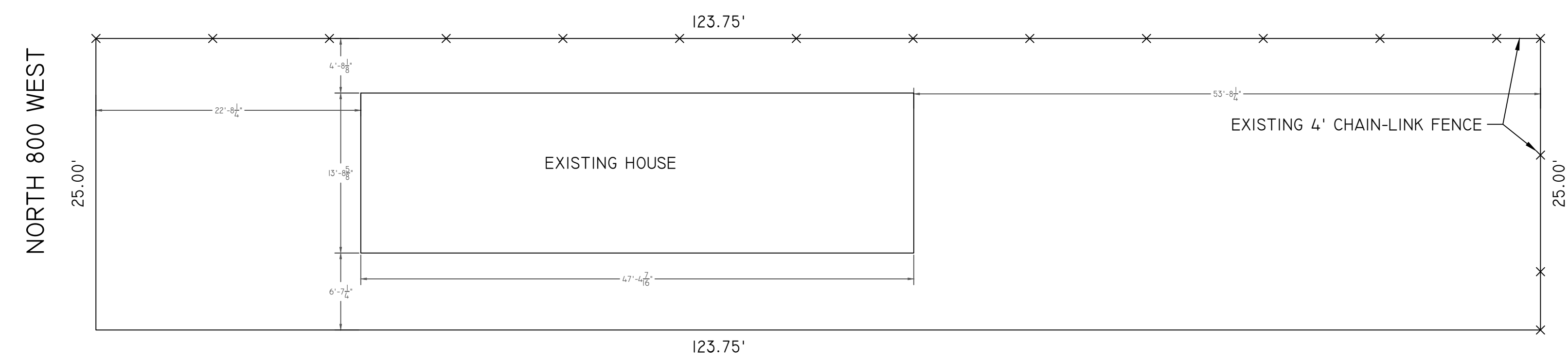
GENERAL NOTES

| SHEET INDEX | |
|-------------|------------------------------|
| PAGE | DESCRIPTION |
| A0 | TITLE PAGE |
| A1 | EXISTING SITE PLAN |
| A2 | PROPOSED SITE PLAN |
| A3 | MAIN FLOOR PLAN |
| A4 | SECOND FLOOR PLAN |
| A5 | ROOF PLAN |
| A6 | ELEVATIONS |
| A7 | ELEVATIONS (CONT'D) |
| A8 | INTERIOR ELEVATIONS |
| A9 | INTERIOR ELEVATIONS (CONT'D) |
| A10 | DETAILS |
| A11 | DOOR & WINDOW SCHEDULE |
| E1 | MAIN FLOOR ELECTRICAL |
| E2 | SECOND FLOOR ELECTRICAL |

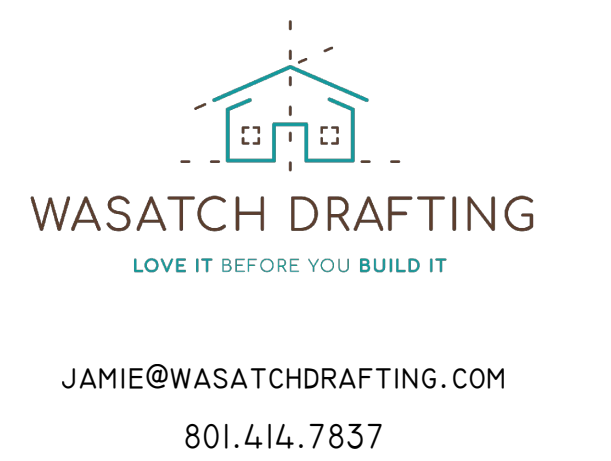


PROJECT NAME AND ADDRESS
TREVOR STEVENS
320 N. 800 W.
SALT LAKE CITY, UT 84116

| | | | | |
|---------|---------------|-------|----|----------|
| PROJECT | RESID'L House | SHEET | A0 | |
| DATE | 10/25/2021 | SCALE | | AS NOTED |



GENERAL NOTES



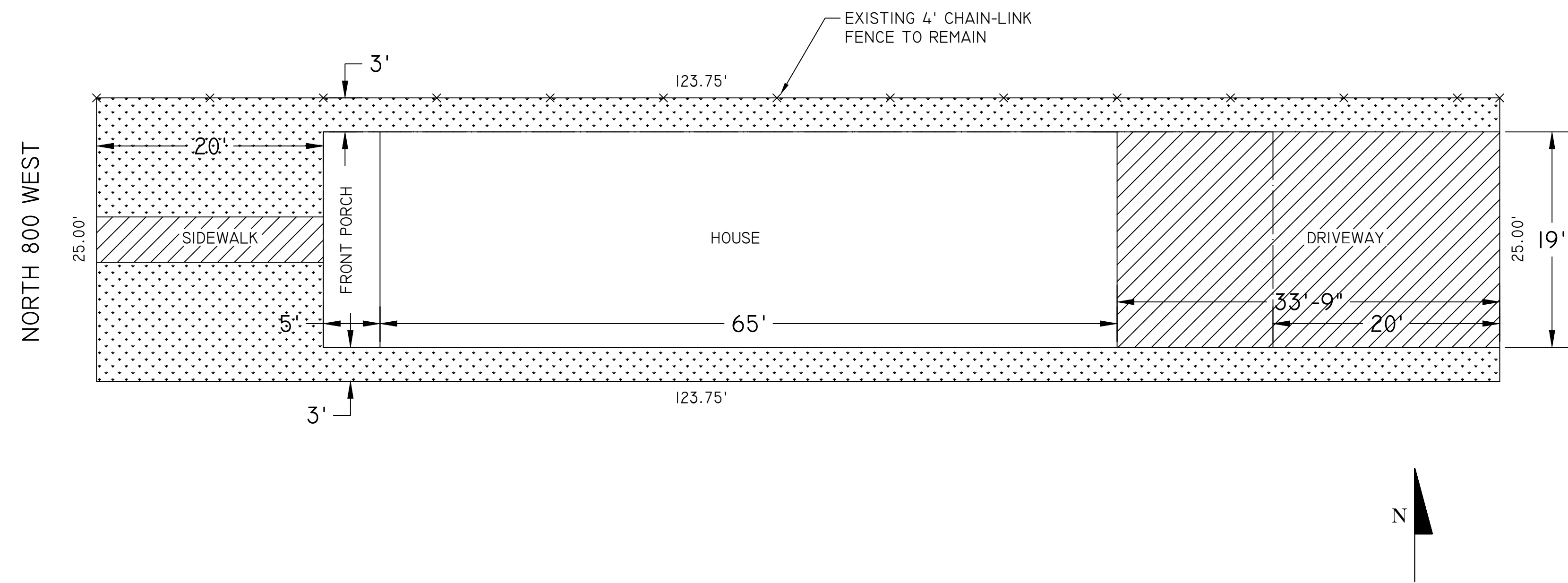
PROJECT NAME AND ADDRESS
TREVOR STEVENS
320 N. 800 W.
SALT LAKE CITY, UT 84116

EXISTING SITE PLAN

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

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|--------------------------|-------|
| PROJECT RESID'L HOUSE | SHEET |
| DATE 10/25/2021 | AI |
| SCALE AS NOTED | |

GENERAL NOTES



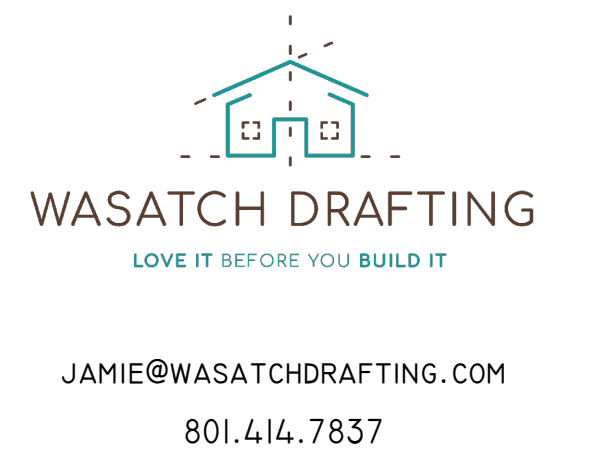
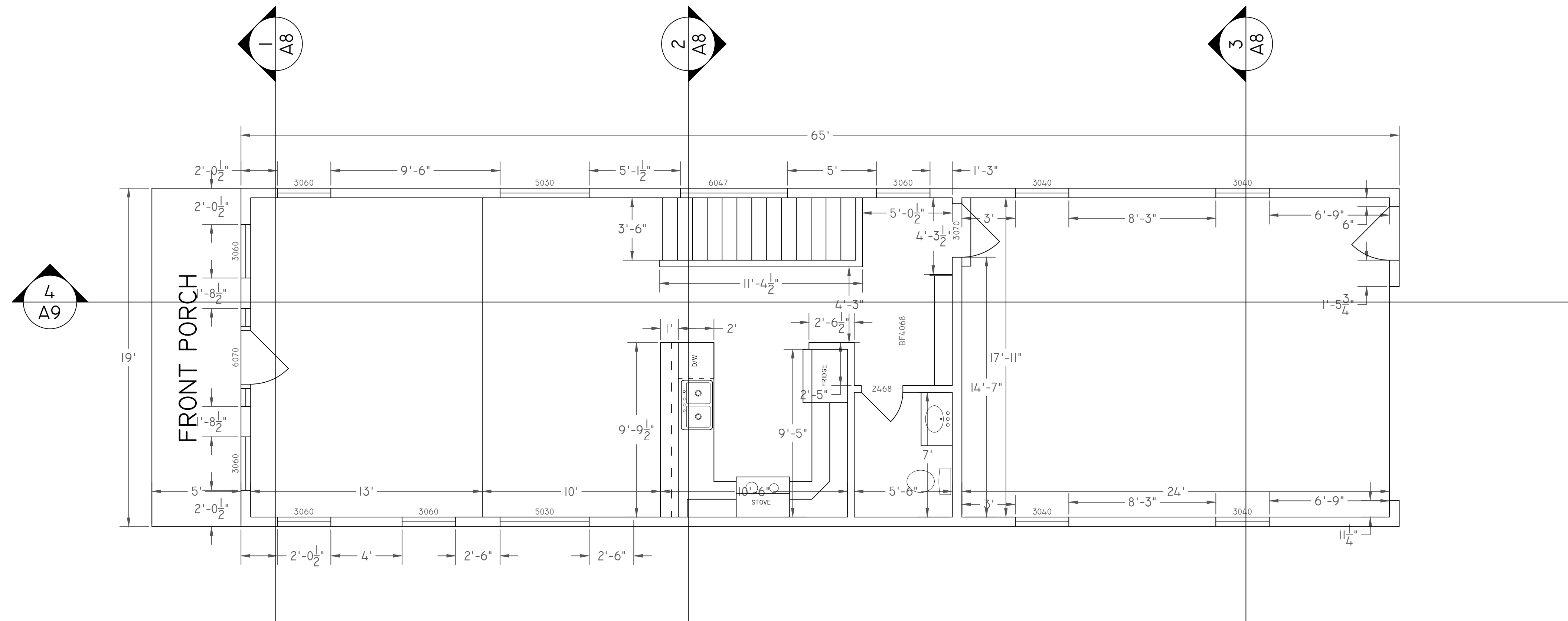

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TREVOR STEVENS
320 N. 800 W.
SALT LAKE CITY, UT 84116

PROPOSED SITE PLAN

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

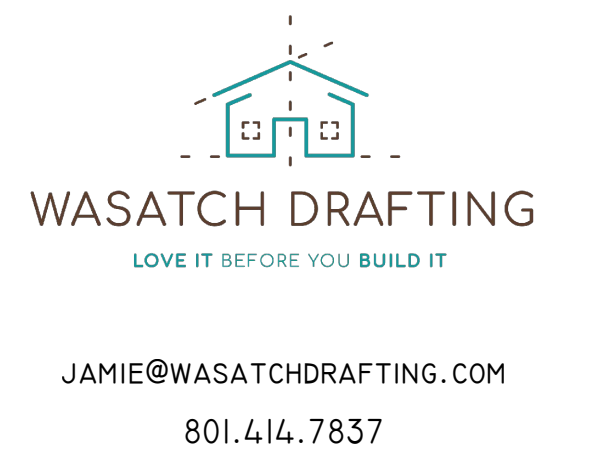
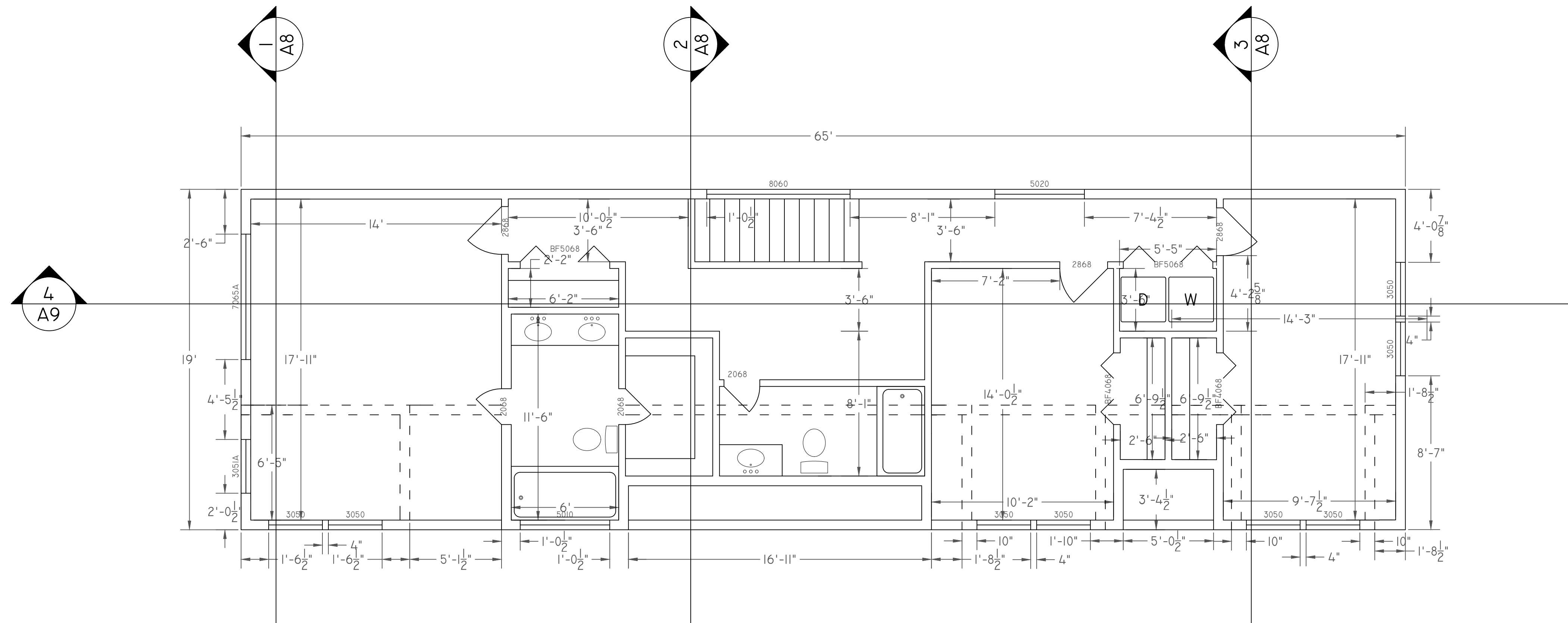
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| PROJECT | RESID'L HOUSE | SHEET A2 |
| DATE | 10/25/2021 | |
| SCALE | AS NOTED | |



PROJECT NAME AND ADDRESS
TREVOR STEVENS
320 N. 800 W.
SALT LAKE CITY, UT 84116

MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

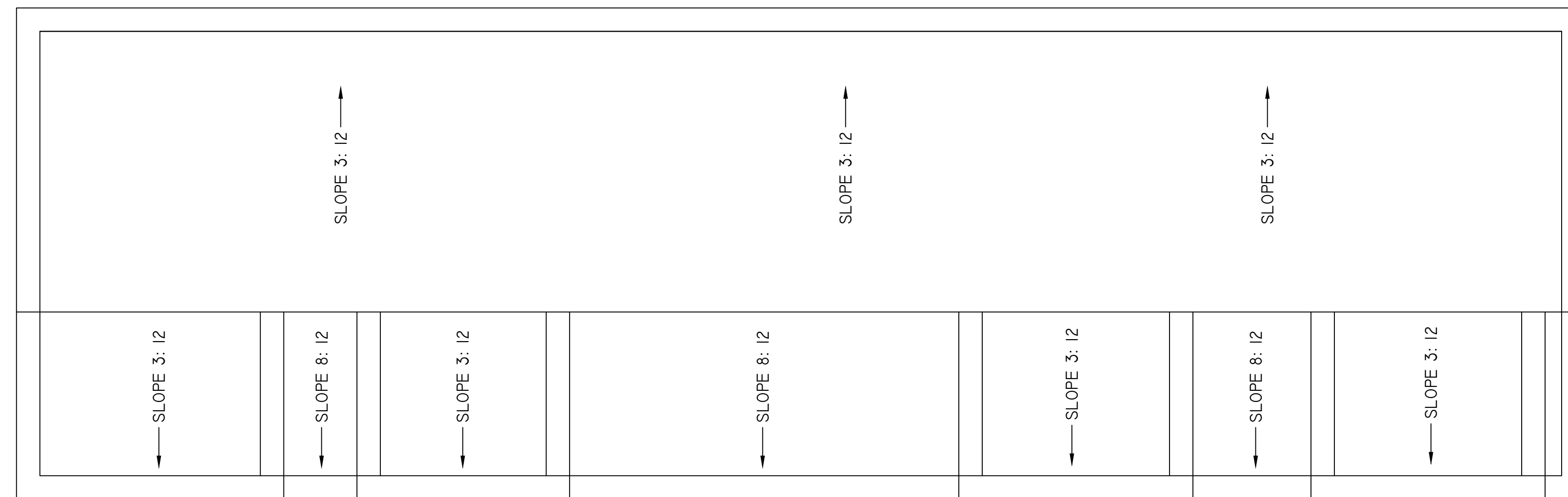
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| PROJECT | RESID'L HOUSE | SHEET | A3 |
| DATE | 10/25/2021 | | |
| SCALE | AS NOTED | | |



PROJECT NAME AND ADDRESS
TREVOR STEVENS
 320 N. 800 W.
 SALT LAKE CITY, UT 84116

SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

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| PROJECT | RESID'L HOUSE | SHEET | A4 |
| DATE | 10/25/2021 | | |
| SCALE | AS NOTED | | |



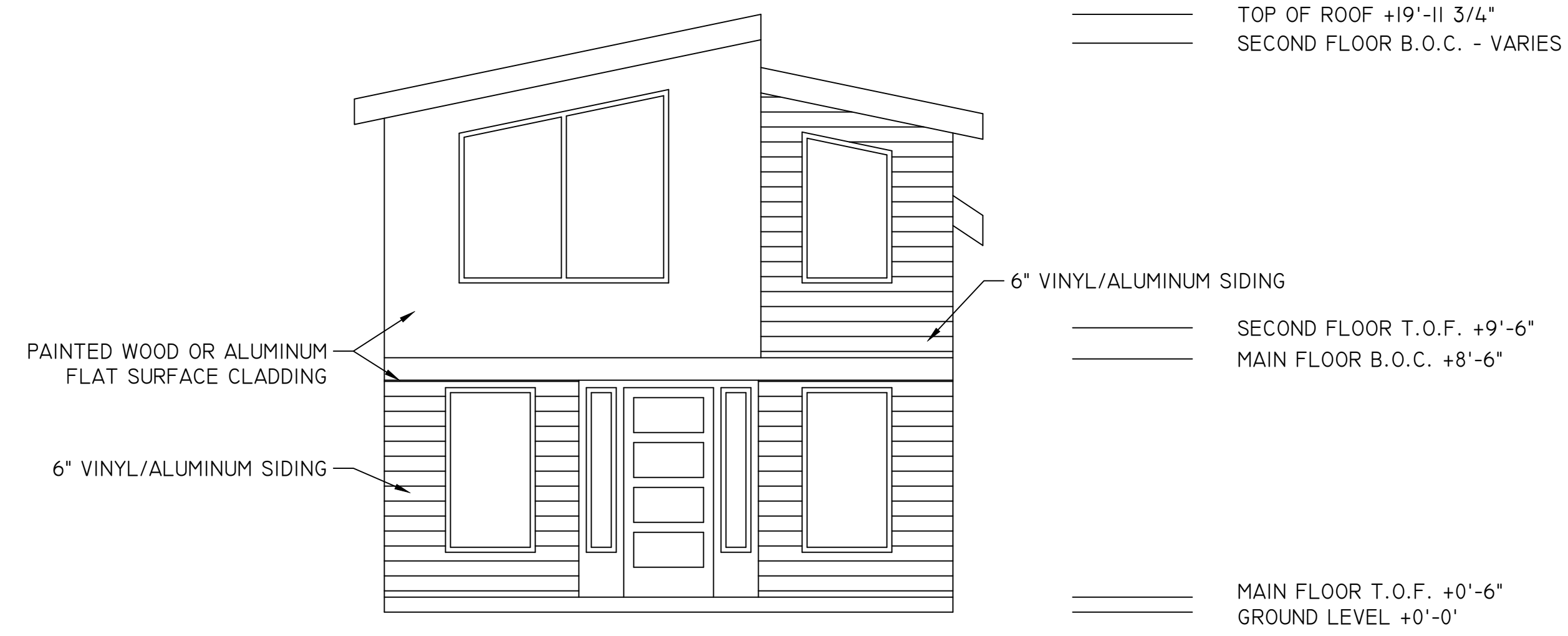
GENERAL NOTES

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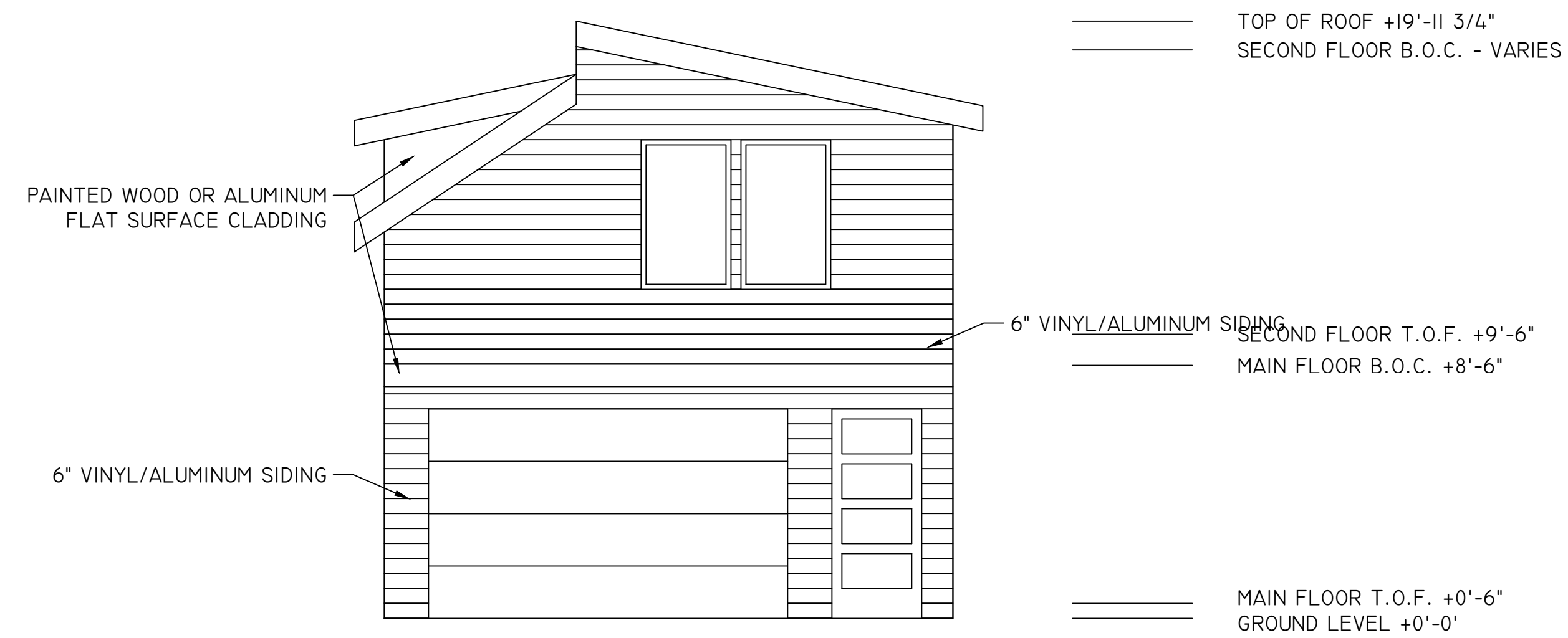
PROJECT NAME AND ADDRESS
TREVOR STEVENS
 320 N. 800 W.
 SALT LAKE CITY, UT 84116

ROOF PLAN
 SCALE: 1/4" = 1'-0"

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|--------------------------|--------------------|
| PROJECT RESID'L HOUSE | SHEET A5 |
| DATE 10/25/2021 | |
| SCALE AS NOTED | |



FRONT ELEVATION



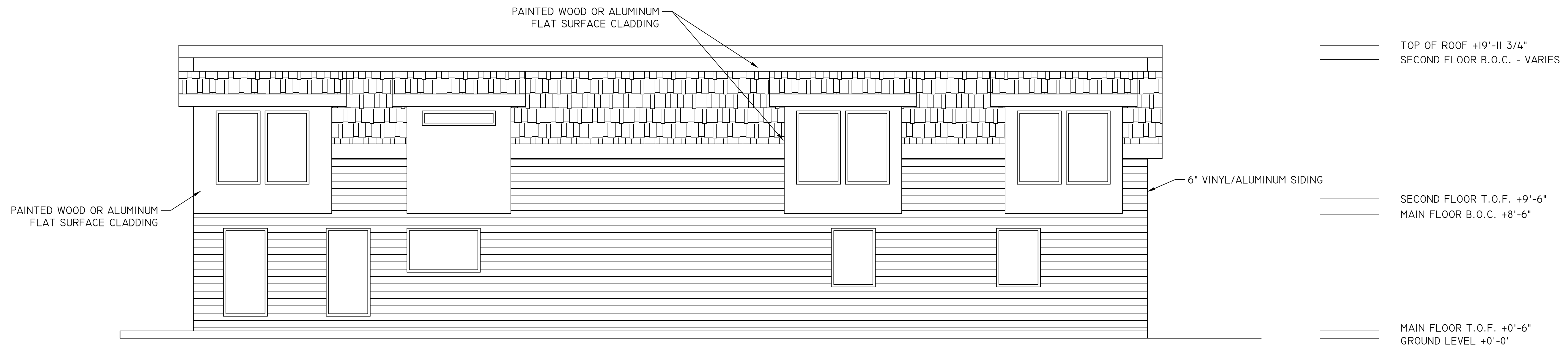
REAR ELEVATION



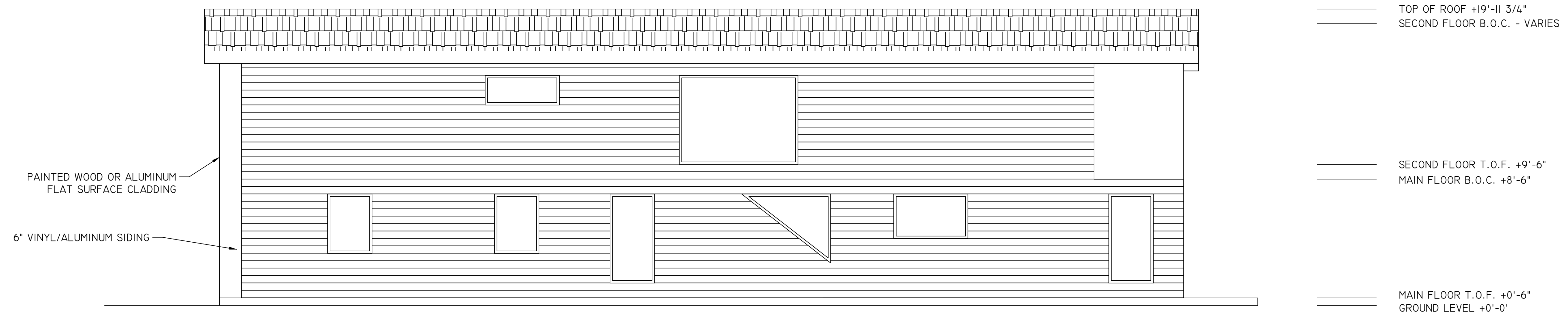
PROJECT NAME AND ADDRESS
TREVOR STEVENS
 320 N. 800 W.
 SALT LAKE CITY, UT 84116

| | | |
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| PROJECT | RESID'L HOUSE | SHEET |
| DATE | 10/25/2021 | A6 |
| SCALE | AS NOTED | |

GENERAL NOTES



RIGHT ELEVATION



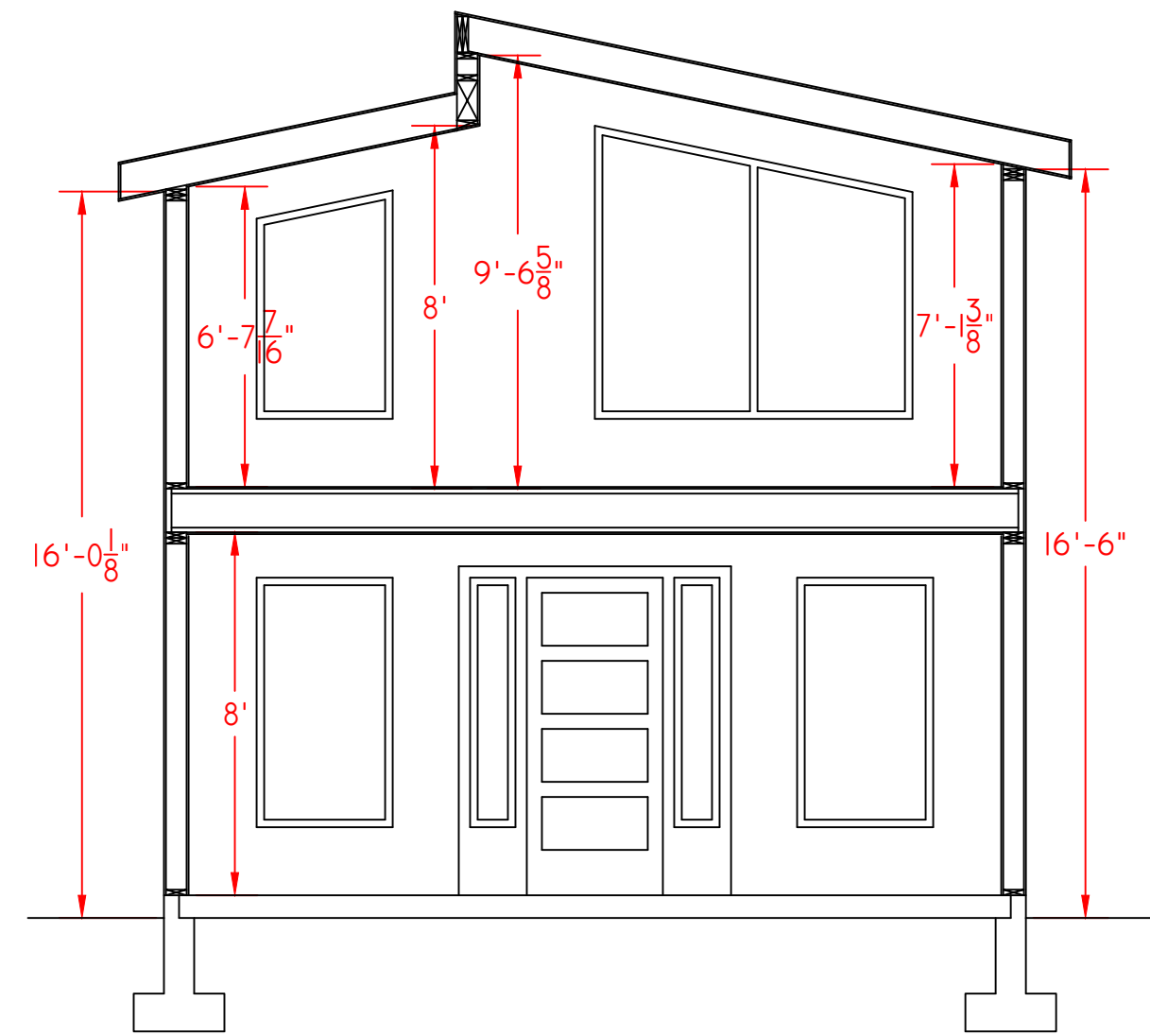
LEFT ELEVATION


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PROJECT NAME AND ADDRESS
TREVOR STEVENS
 320 N. 800 W.
 SALT LAKE CITY, UT 84116

| | | | |
|---------|---------------|-------|----|
| PROJECT | RESID'L HOUSE | SHEET | A7 |
| DATE | 10/25/2021 | | |
| SCALE | AS NOTED | | |

SCALE: 1/4" = 1'-0"

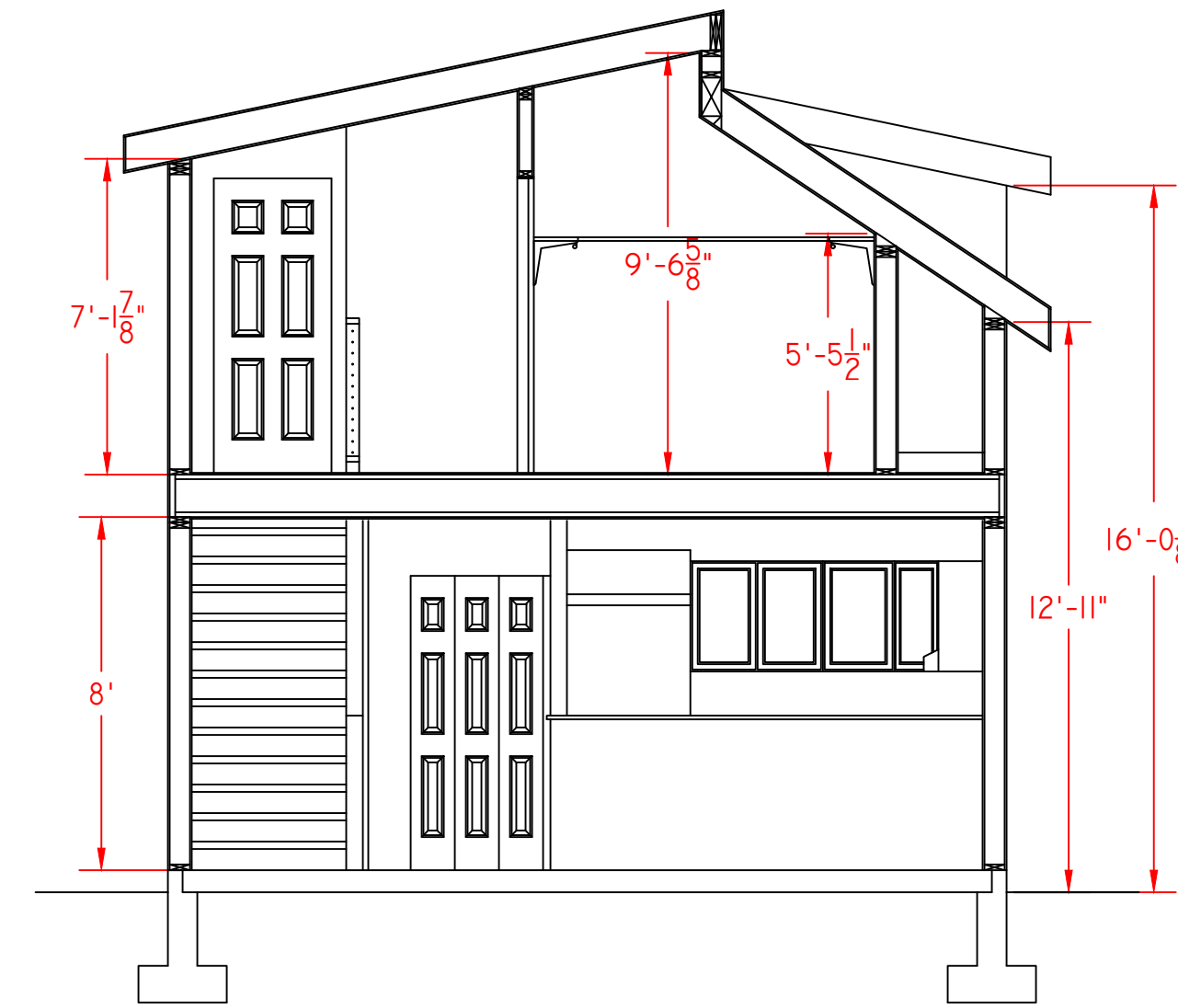


TOP OF ROOF +19'-11 3/4"
 SECOND FLOOR B.O.C. - VARIES

SECOND FLOOR T.O.F. +9'-6"
 MAIN FLOOR B.O.C. +8'-6"

MAIN FLOOR T.O.F. +0'-6"
 GROUND LEVEL +0'-0"

SECTION 1

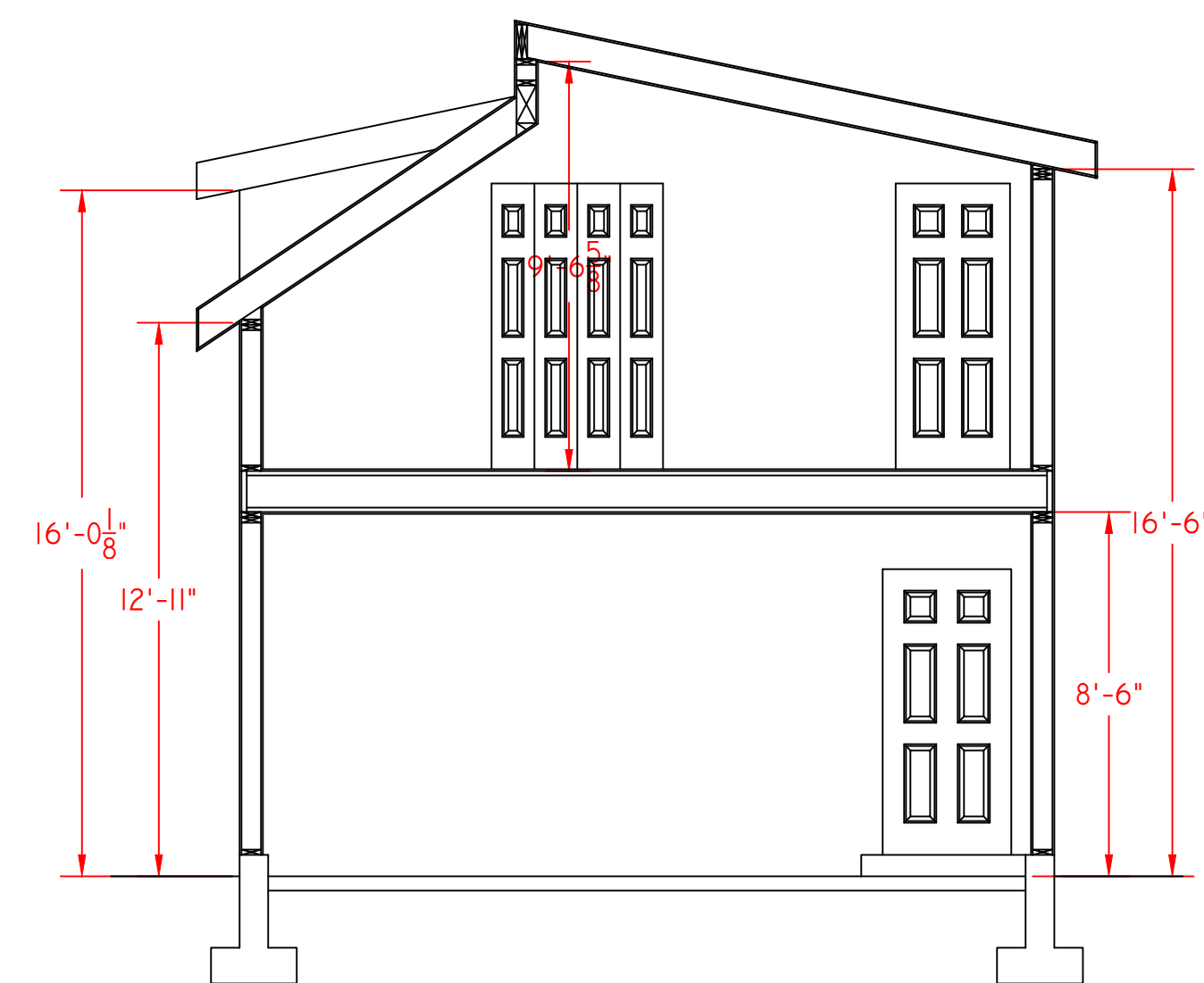


TOP OF ROOF +19'-11 3/4"
 SECOND FLOOR B.O.C. - VARIES

SECOND FLOOR T.O.F. +9'-6"
 MAIN FLOOR B.O.C. +8'-6"

MAIN FLOOR T.O.F. +0'-6"
 GROUND LEVEL +0'-0"

SECTION 2



TOP OF ROOF +19'-11 3/4"
 SECOND FLOOR B.O.C. - VARIES

SECOND FLOOR T.O.F. +9'-6"
 MAIN FLOOR B.O.C. +8'-6"

MAIN FLOOR T.O.F. +0'-6"
 GROUND LEVEL +0'-0"

SECTION 3

PROJECT NAME AND ADDRESS
TREVOR STEVENS
 320 N. 800 W.
 SALT LAKE CITY, UT 84116

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|--------------------------|--------------------|
| PROJECT RESID'L HOUSE | SHEET A8 |
| DATE 10/25/2021 | |
| SCALE AS NOTED | |

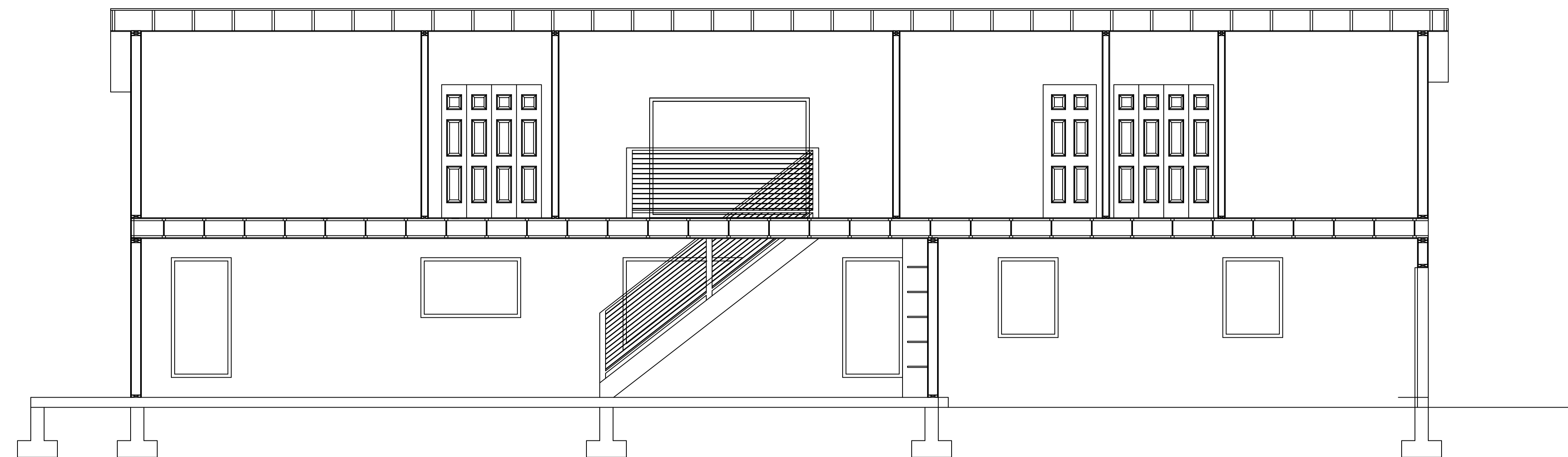
SCALE: 1/4" = 1'-0"

GENERAL NOTES

TOP OF ROOF +19'-11 3/4"
SECOND FLOOR B.O.C. - VARIES

SECOND FLOOR T.O.F. +9'-6"
MAIN FLOOR B.O.C. +8'-6"

MAIN FLOOR T.O.F. +0'-6"
GROUND LEVEL +0'-0"



SECTION 4



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PROJECT NAME AND ADDRESS

TREVOR STEVENS
320 N. 800 W.
SALT LAKE CITY, UT 84116

PROJECT
RESID'L HOUSE

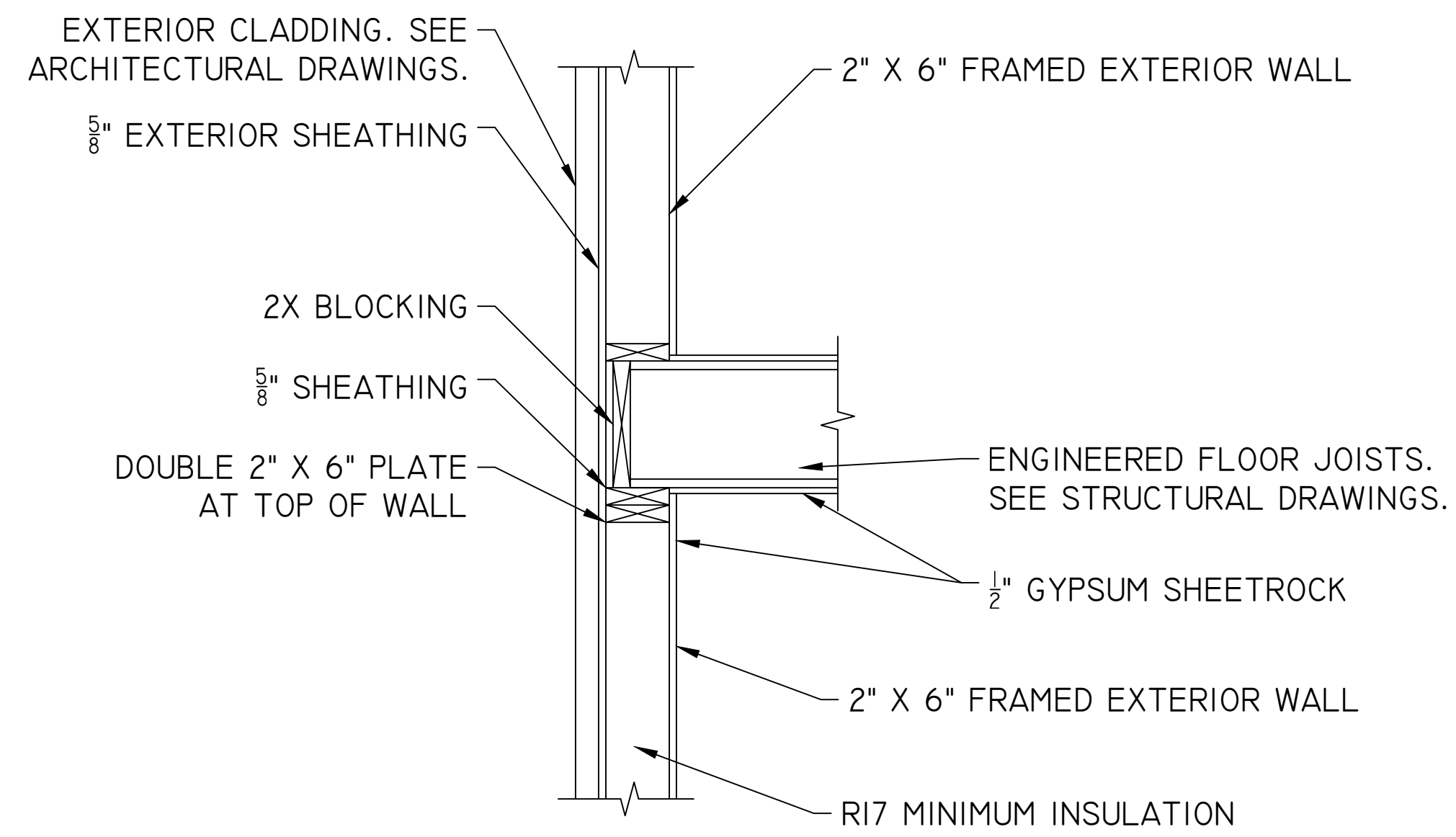
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10/25/2021

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AS NOTED

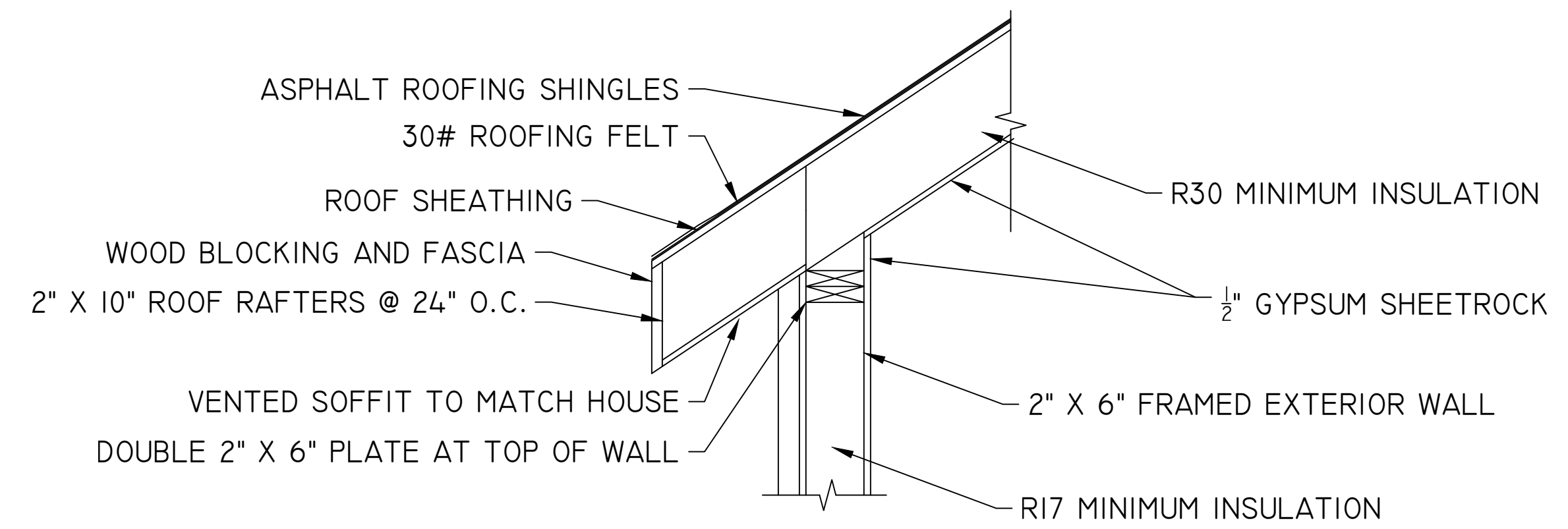
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A9

SCALE: 1/4" = 1'-0"



DETAIL 1 - FLOOR TO FLOOR WALL DETAIL



DETAIL 2 - ROOF DETAIL



PROJECT NAME AND ADDRESS
 TREVOR STEVENS
 320 N. 800 W.
 SALT LAKE CITY, UT 84116

| | | | |
|---------|---------------|-------|-----|
| PROJECT | RESID'L HOUSE | SHEET | A10 |
| DATE | 10/25/2021 | | |
| SCALE | AS NOTED | | |

SCALE: 1" = 1'-0"

DOOR AND WINDOW SCHEDULE

| DOORS | | | | |
|--------|-----------------------|----------------|----------|-------------------------------|
| Label | Location | Size | Quantity | Description |
| 6070 | MAIN FLOOR EXTERIOR | 6'-0" X 7'-0" | 1 | FRONT ENTRY WITH SIDE WINDOWS |
| 3070 | MAIN FLOOR EXTERIOR | 3'-0" X 7'-0" | 2 | GARAGE ENTRIES |
| 16X7 | MAIN FLOOR EXTERIOR | 16'-0" X 7'-0" | 1 | OVERHEAD GARAGE DOOR |
| 2468 | MAIN FLOOR INTERIOR | 2'-4" X 6'-8" | 1 | BATHROOM |
| 2868 | SECOND FLOOR INTERIOR | 2'-8" X 6'-8" | 3 | BEDROOMS |
| 2068 | SECOND FLOOR INTERIOR | 2'-0" X 6'-8" | 3 | BATHROOMS AND MASTER CLOSET |
| BF5068 | SECOND FLOOR INTERIOR | 5'-0" X 6'-8" | 2 | HALL CLOSET, LAUNDRY |
| BF4068 | SECOND FLOOR INTERIOR | 4'-0" X 6'-8" | 2 | BEDROOM 2/3 CLOSETS |

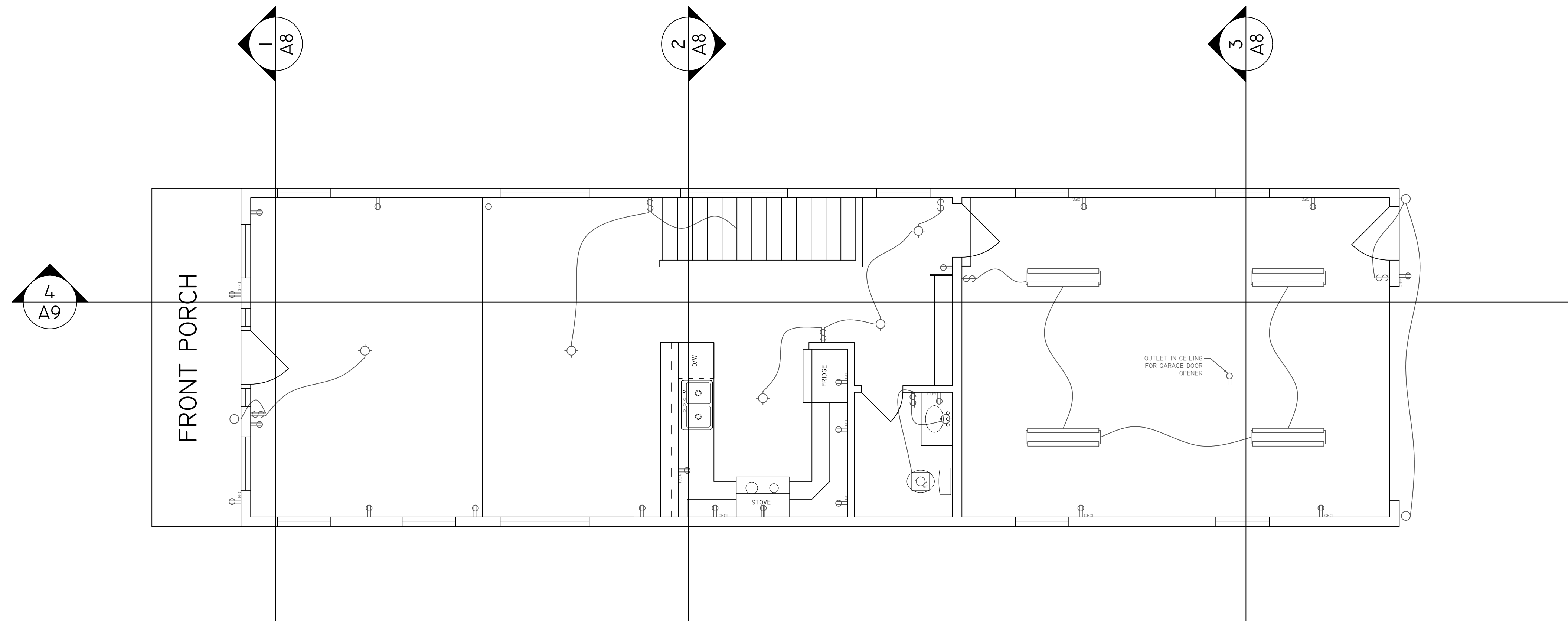
| WINDOWS | | | | |
|---------|--------------|---------------|----------|-------------------------------|
| Label | Location | Size | Quantity | Description |
| 3060 | MAIN FLOOR | 3'-0" X 6'-0" | 6 | SINGLE HUNG |
| 5030 | MAIN FLOOR | 5'-0" X 3'-0" | 2 | SLIDING WINDOW |
| 6047 | MAIN FLOOR | 6'-0" X 4'-7" | 1 | TRIANGULAR PICTURE WINDOW |
| 3040 | MAIN FLOOR | 3'-0" X 4'-0" | 4 | SINGLE HUNG |
| 3050 | SECOND FLOOR | 3'-0" X 5'-0" | 8 | SINGLE HUNG |
| 3051A | SECOND FLOOR | 3'-0" X 5'-1" | 1 | ANGLED PICTURE WINDOW |
| 7065A | SECOND FLOOR | 7'-0" X 6'-5" | 1 | ANGLED MULLED PICTURE WINDOWS |
| 5010 | SECOND FLOOR | 5'-0" X 1'-0" | 1 | FROSTED PICTURE WINDOW |
| 8060 | SECOND FLOOR | 8'-0" X 6'-0" | 1 | PICTURE WINDOW |
| 5020 | SECOND FLOOR | 5'-0" X 2'-0" | 1 | SLIDING WINDOW |

GENERAL NOTES











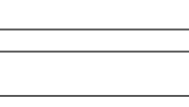


PROJECT NAME AND ADDRESS
TREVOR STEVENS
320 N. 800 W.
SALT LAKE CITY, UT 84116

| | |
|--------------------------|---------------------|
| PROJECT RESID'L HOUSE | SHEET All |
| DATE 10/25/2021 | |
| SCALE AS NOTED | |




ELECTRICAL LEGEND

-  120 V OUTLET
-  240 V OUTLET
-  GFCI 120 V OUTLET
-  SINGLE GANG SWITCH
-  DOUBLE GANG SWITCH
-  TRIPLE GANG SWITCH
-  WALL MOUNT LIGHT
-  CEILING MOUNT LIGHT
-  CEILING FAN
-  VENT FAN
-  FLUORESCENT CEILING LIGHT

MAIN FLOOR ELECTRICAL

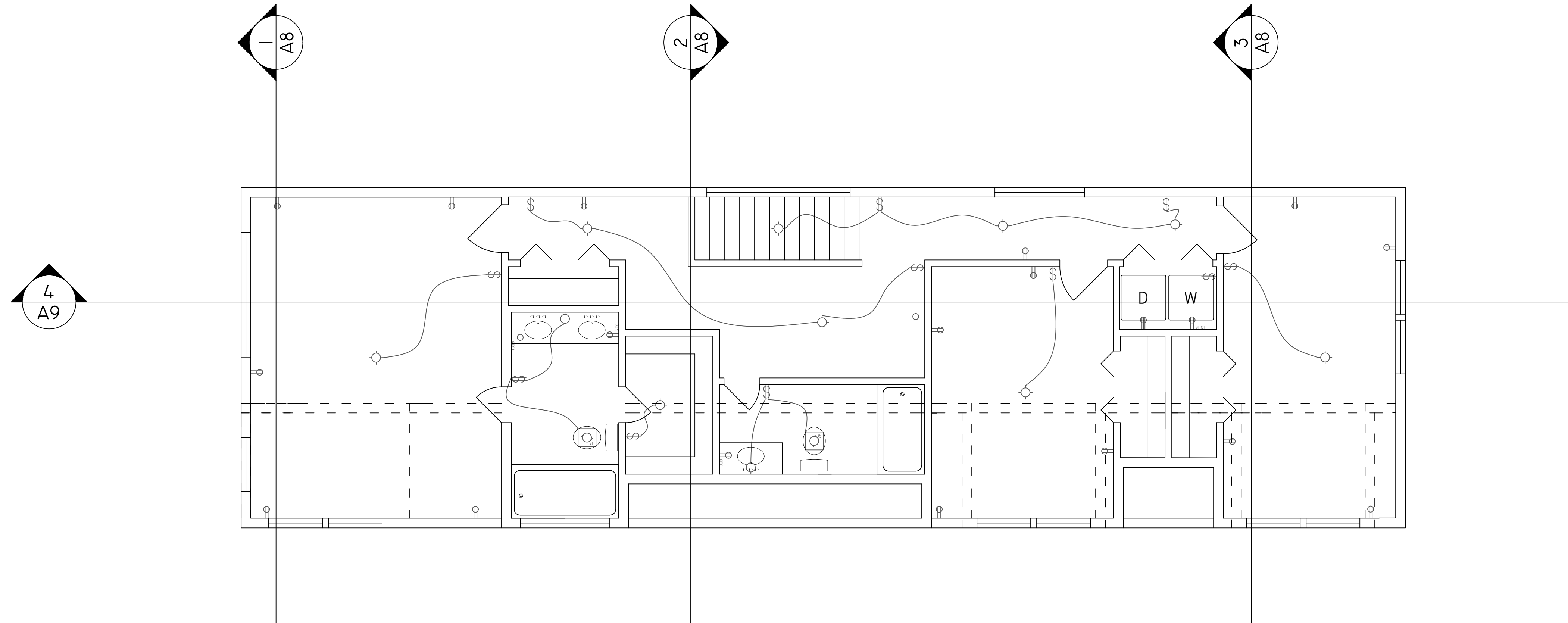
SCALE: 1/4" = 1'-0"


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 801.414.7837











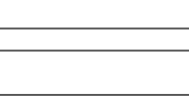
PROJECT NAME AND ADDRESS
TREVOR STEVENS
 320 N. 800 W.
 SALT LAKE CITY, UT 84116

| | |
|--------------------------|-----------|
| PROJECT RESID'L HOUSE | SHEET |
| DATE 10/25/2021 | EI |
| SCALE AS NOTED | |

GENERAL NOTES




ELECTRICAL LEGEND

-  120 V OUTLET
-  240 V OUTLET
-  GFCI 120 V OUTLET
-  SINGLE GANG SWITCH
-  DOUBLE GANG SWITCH
-  TRIPLE GANG SWITCH
-  WALL MOUNT LIGHT
-  CEILING MOUNT LIGHT
-  CEILING FAN
-  VENT FAN
-  FLUORESCENT CEILING LIGHT

SECOND FLOOR ELECTRICAL

SCALE: 1/4" = 1'-0"



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PROJECT NAME AND ADDRESS
TREVOR STEVENS
 320 N. 800 W.
 SALT LAKE CITY, UT 84116

| | | | |
|---------|---------------|-------|-----------|
| PROJECT | RESID'L HOUSE | SHEET | E2 |
| DATE | 10/25/2021 | | |
| SCALE | AS NOTED | | |

Variance Application

320 North 800 West
Salt Lake City, UT 84116

1. Project Description

This variance application is in regards to a side yard setback request to allow a “comfortable home” to be built upon the non-conforming parcel. The subject property located at 320 North 800 West is currently distressed and needs to be demolished and rebuilt. The property is not a safe or suitable dwelling and is a magnet for crime, squatters and illegal activity. The current home has been vacant for over 13 years. A demolition permit cannot be issued until a building permit is approved. This permit is unattainable for the current design without a variance.

The current lot is zoned R1/5000 however the lot is 25 feet wide by 123.75 feet deep, making it non-compliant with city zoning and planning standards and therefore a non-complaint lot. Because the parcel size is non-complying it is therefore not suitable for a functional single family dwelling; the current dwelling is 18.5 feet wide but with current zoning setback standards this same structure cannot be torn down and rebuilt without a variance. A variance is requested to allow for a functional, safe and code-updated single family dwelling to be built on this lot.

A current building permit is active for an in-line addition - however to help increase the value of the area and to provide the best possible solution for this location, it would be in the best long term interest of all parties involved, the homeowner, adjoining parcels and neighbors, and the City to allow for a rebuild of this home with the proposed changes. The foundation is also dangerous and presents a potential safety hazard with earthquake risk and potential flooding/washout as it is an original stone footing construction.

In order to make this project economically viable a variance is being requested so the existing structure can be demolished and a new, code compliant, energy efficient and functional single family residence can be constructed.

2. Variance Information

- a. We are currently proposing a 18' wide by 70' deep two story structure to be erected on the subject property. Zoning standards currently require a 3' and 10' side yard set back to accommodate this type of structure. This building proposal would leave us 6 feet short on the south side yard and 1' on the north. The current building design accommodates the necessary wall height adjustments for the side yard encroachment. The current structure is 18.5' feet wide at the back half of the property.
- b. Due to the narrow aspect of the lot, the side yard set back requirements would not meet zoning requirements . The existing structure does not meet zoning requirements
- c. Special circumstances regarding this property specifically relate to the narrow lot which would limit the home to 11' wide, making it abnormally narrow and not functional for a single family dwelling, creating a hardship.
- d. The hardship is that the home needs to be rebuilt, however in order to do so to make it financially and economically viable, an appropriate structure must be approved.

- e. Minimum lot width for R1/5000 is 50 feet, however the subject property is limited as the width is 25 feet, therefore non-conforming status.
- f. This variance would be instrumental in helping to fashion a relatively blighted area. It would increase surrounding property values, deter crime and illegal activity and enhance the beauty of the neighborhood.
- g. The zoning exception would be a benefit to the public by helping to increase the visual appeal of the neighborhood and to create a suitable and functional single family dwelling that could be a home to a family of 4 or 5.
- h. It would uphold the City's master plan by helping to create a sustainable neighborhood, attracting talented individuals who desire to make Salt Lake City a better community and ultimately a better place to live.
 - a. The City's Growth Initiative discusses promoting "infill and redevelopment of underutilized land" and although this does create a more dense housing parcel it also fulfills the City's plan to "accommodate and promote an increase in the City's population" by creating a home that can house a larger family (Plan Salt Lake 19).
- i. See attachments

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 19 feet wide (25 foot lot width minus 6 total feet of required setbacks), with an interior width of approximately 17-18 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 approximately 1934, would be similar. 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</p> |

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| | | space once exterior wall space is subtracted. In this case, 56% of the lot width would be devoted 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. |
| 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. | 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> |
| The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. | Complies | <p>Attachment A is a map showing approximate lot width distribution for properties surrounding 320 N 800 W. Even though all of the lots shown fall within the R-1/5,000 zoning district, neighboring lot sizes vary, with several having noncomplying widths that are less than the required 50 feet.</p> <p>Despite this, only one other lot on the block has a width less than 25 feet, with the narrowest lot measuring at 23 feet. The other 23-foot-wide lot, 772 W 300 N, contains a single-family structure with 667 sf of living area that was constructed in 1936 (according to the Assessor's Office). These historic lots were created and built in the 1930's-1940's when the area was zoned Residential B2 when the required square footage of new lots was 3,000 square feet. As a result, 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> |
| The hardship is not self-imposed or economic. | Complies | 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 early |

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| | | zoning regulations. As shown in Attachment B, it is apparent that this lot has had the same configurations since at least 1934. The hardship is not self-imposed or economic. |
| 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district; | Complies | <p>Similar to the information provided above, the subject property is peculiar (very narrow) due to special circumstances involving zoning regulations at the time the parcel was created in 1934. 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>In 1934 the property was likely zoned Residential B2 which only required a lot area of 3,000 square feet. Therefore, the existing parcel is legally noncomplying. 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> |
| 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 | Complies | The special circumstances are directly related to the hardship described above, the narrow dimension of the lot. |
| The special circumstances deprive the property of privileges granted to other properties in the same zoning district. | Complies | 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. |
| 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district; | Complies | 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 19 feet rather than 11 feet. While 19 feet is still a narrow structure, it provides for more flexibility in design, and maintains similar setbacks to the existing dwelling. 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 |

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| | | will result in a much more compatible and functional structure. |
| <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> | Complies | <p>The subject property is located in the Northwest Community Master Plan area. The most recent Master Plan contains a goal to “preserve the existing housing stock” (p. 5). 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 the Growth initiatives of the Citywide Master Plan “Plan Salt Lake” by promoting infill and redevelopment of underutilized land. The applicant has indicated the existing dwelling on the property has been vacant for 13 years. Therefore, the property has been underutilized for 13 years. Constructing a new home on the property will help meet the housing needs of the City by providing a new residential unit for the Citizens of the City on a parcel that has been underutilized for many years.</p> <p>The applicant wishes to develop the proposed dwelling with side yard setbacks similar to the existing side yard setbacks of the existing structure that has been in place for many years 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> | Complies | <p>The main purpose of side yard setbacks is 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 setback) on the north side, and an 3 foot setback (rather than 10 foot) on the south side. These dimensions are similar to those of the existing structure, which has been in place since approximately 1934, with much of the surrounding neighborhood likely being designed and built around it.</p> <p>Sufficient space will be provided between the proposed dwelling and the neighboring structures as the closest structure to the south will be approximately 45 feet from the proposed dwelling and the closest structure to the north will be located approximately 20 feet away.</p> |

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| | | <p>Further, a private alley (10 feet in width) is located along the southern property line which provides additional space/buffering between the subject parcel and the neighboring property to the south.</p> <p>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

Public Notice, Meetings, Comments

The following is a list of public input opportunities, related to the proposed project since the application was submitted:

Public hearing notice mailed on November 4, 2021.

Public hearing notice sign posted on November 9, 2021.

Public Input:

As of the publication of this staff report, Staff has not received any public comment regarding this petition.