

SALT LAKE CITY LAND USE APPEALS HEARING OFFICER
REQUEST FOR VARIANCE
PETITION NO. PLNZAD2021-00832
320 NORTH 800 WEST
PUBLIC HEARING HELD NOVEMBER 18, 2021
DECISION ISSUED NOVEMBER 30, 2021

Trevor Stevens, property owner, filed a request directed to the Salt Lake City Land Use Appeals Hearing Officer requesting a variance to allow for the reduction of the side yard setbacks for construction of a home at 320 North 800 West. The applicant asserts that the small size of the lot places a substantial impediment to the allowed residential use of the property if the setback ordinance is enforced without exception. Pursuant to Salt Lake City ordinance 21A.18.020; variances are determined by the Appeals Hearing Officer following a public hearing.

On November 18, 2021, a public hearing on this matter was held and appearances were made by the applicant and Salt Lake City. No public comment was offered. The record in this matter consists of the staff report, the information received during the public hearing and communication from the applicant and the City regarding access rights to an alley behind the property.

The property is currently occupied by a single family structure which has been vacant for 13 years attracting squatters and criminal activity. Based on the testimony and evidence in the staff report, the existing home is uninhabitable and cannot be saved through renovation. The applicant testified that the current foundation is in poor condition and that complete demolition and construction of a new home is the safest solution to rehabilitate the property.

The lot at issue is approximately 25 feet wide, significantly narrower than most lots subject to the setback requirements. In this case, the variance will result in a still-narrow home, at 19 feet wide, with similar setbacks to the existing home, which was built in approximately 1934.

Based on the substantial evidence in the record, described above, the variance is granted. The record demonstrates that the applicant's ability to build on the narrow lot without relief from the side setback regulation would result in a substantial hardship. The evidence is undisputed that the application for a variance meets the standards set forth in Utah Code Section 10-9-707 and Salt Lake City Zoning Ordinance, Section 21A.18.050-060 in that the hardship is related to specific characteristics of the property specifically its width. Furthermore, literal enforcement of the set-back requirement would cause an unreasonable hardship not necessary to carry out the purposes of the zoning ordinance. The application meets each subsection of Section 21A.18.060, as set forth in the staff report and is not in conflict with any other provision of Salt Lake City ordinance.

As set forth in the staff report, the Applicant's plan relies on access to an alleyway to the rear of the property. The applicant has produced some title documentation suggesting that a right of access exists. This approval is dependent upon a commitment for a title policy or other

acceptable evidence furnished to the City Attorney, or her designee, indicating legal rights to access the rear of the property from the adjacent alley to the south of the property.

The request for a variance to reduce the side yard setbacks, as requested in the application, is approved with the condition set forth above.

Dated this 30th day of November, 2021

/s/Mary J. Woodhead

Mary J. Woodhead, Appeals Hearing Officer