



Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake Appeals Hearing Officer
From: Liz Hart, Principal Planner
Elizabeth.hart@slcgov.com 801-535-6681
Date: May 12, 2022
Re: PLNZAD2022-00177, Variance request to allow the continued construction of a covered porch within the front and side yards.

Variance

PROPERTY ADDRESS: 835 W Genesee Ave
PARCEL ID: 15-11-254-007
MASTER PLAN: West Salt Lake
ZONING DISTRICT: R-1-5000 Single Family Residential District

REQUEST:

Ali Partovi (applicant) is requesting a variance to allow further construction of a covered porch that encroaches into the front and side yards. The subject property is within the R-1-5000 zone and a covered porch is not allowed to encroach into the front or side yard according to the Salt Lake City Zoning Ordinance.

RECOMMENDATION:

Based on the information and findings listed in the staff report, it is the Planning Staff's opinion that the request does not meet the applicable standards of approval and therefore recommends the Appeals Hearing Officer deny the request.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Site Photos](#)
- C. [Applicant Materials](#)
- D. [Variance Standards](#)
- E. [Public Process & Comments](#)
- F. [Department Review Comments](#)

PROJECT DESCRIPTION

Subject Property Description

The subject property is a detached single-family structure within the R-1-5000 Single Family Residential Zoning District. The property owner is seeking a variance to allow further construction of an attached covered porch within the front and side yards.

The subject property is located in the Poplar Grover neighborhood and is part of the Albert Place Subdivision which was platted in 1890. The lot is 25 feet in width and 141 feet in depth.

The home on the subject property was built prior to current zoning regulations. The following table provides the dimension of the property and the building setbacks in relation to the current zoning requirements. Regarding the front yard setback the R-1-5000 zoning district states that the front yard setback is established by the average of the existing block face. The applicant has provided a diagram (See attachment C) showing the front yard setbacks for the block face and determined that the average front yard setback for the block face is 23 feet. From staff's analysis of the block face, using GIS measuring tools, staff agrees with this determination. The existing principal structure on the subject property has a front yard setback of approximately 23 feet, measured from back of sidewalk.

<u>R-1-5000 Standard</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Lot Area: 5000 sf.	3,528 SF	NA
Minimum Lot Width: 50 ft.	25 ft	NA
Minimum Lot Depth: NA	141 ft	NA
Front Yard Setback: Average of existing block face or 20 ft.	Existing Primary Building: Approx. 23 ft.	7 ft from overhang of constructed covered porch
Interior Side Yards: 4 ft. on one side and ten ft. on the other	Less than 4 feet on both sides	Constructed covered porch extends the existing exterior wall length by more than 10 feet.
Rear Yard: 25% of the lot depth, or 20 ft, whichever is less	Existing Primary Building: Approx. 77 ft.	NA

Proposed Project Description

The applicant constructed a covered porch in front of the home without going through the required permitting process. As the covered porch exists today it is not connected to the existing building, making it an accessory structure within the front yard which is not allowed. The applicant has submitted plans (See Attachment C) to connect the covered porch to the existing building so that it becomes an addition to the existing building instead of an accessory structure.

The covered porch extends 13 feet from the front façade of the existing principal structure and has a 3 foot 4 inch overhang towards the street, which makes the covered porch a total of approximately 16 feet in length. The covered porch encroaches into the front yard setback by approximately 16 feet. The covered porch length is measured from the closest portion to the front façade of the existing structure to the end of the overhang towards the street. If measured from the interior posts, the covered porch is approximately 10 feet in length with a 2 foot 5 inch overhang towards the front faced of the existing structure and a 3 foot 4 inch overhang towards the street. The applicant has calculated the approximate area of the covered porch, measured from the within the posts, to be an approximate area of the covered porch 187 square feet. (See Attachment C)

The applicant has stated in their narrative that having a protected exterior space and the ability to enjoy shaded outdoor space in one's front yard is of extreme importance for one's property. The applicant claims that the narrow layout of the property and amount of area the existing primary building takes up (~980 SF) makes much of the property unusable without violating setbacks. In their narrative the applicant states that to achieve the protected exterior space the covered porch had to be placed in the front yard because of the hardship that the size of the property creates. The applicant also states that covered porches in the front yard setback are not uncommon within the neighborhood as many houses have covered porches that are within 10 feet of the front property line.

Front Yard Encroachment

The purpose of the average front yard setback is to ensure that new development is compatible with the existing development patterns of the neighborhood. Setbacks establish continuity in the feel of the neighborhood. The average front yard setback for the block face of the subject property is 23 feet. Section 21A.36.020B allows for some obstructions to encroach into the required yards, but attached, covered and unenclosed porches are not allowed to project into the required front yard.

The covered porch extends a total of 16 feet from the front façade of the existing principal structure. The existing principal structure establishes the front yard setback at approximately 23 feet, thus the covered porch extends into the front yard by a total of 16 feet.

Side Yard Encroachment

The existing principal structure is a noncomplying structure in regard to the side yard setbacks. The R-1-5000 zoning district requires side yard setbacks to be a minimum of 10 feet on one side and 4 feet on the other. The existing side yard setbacks on both sides of the existing structure are less than 4 feet. Section 21A.38.050.B.2.c.(1)ii allows for a single story noncomplying structure to follow the existing interior side yard setback line provided that the addition does not extend the noncomplying exterior wall more than 20% of the length of the existing wall. The existing length of the exterior wall on the principal structure is 46 feet, a 20% extension would be a maximum of approximately 9 feet, the constructed covered porch is 16 feet in length, exceeding the allowed maximum extension by 7 feet.

Variance Standards of Review

The standards required for granting a variance are set forth in Utah Code 10-9-707 and Salt Lake City Code 21A.18.060. A full analysis of each of the standards or review for variances may be found in Attachment D.

In the consideration of variances, the first requirement is that the requested variance is not prohibited, meaning the variance:

- Cannot be of a temporary nature; all relief given must be for a permanent solution
- Cannot be greater than the minimum amount of relief needed to address the hardship, and

- Cannot be a “use” variance.

The applicant is proposing the constructed covered porch to be a permanent structure. The applicant has not proven that there is a hardship on the property for the covered porch to exist in the front yard setback, therefore there is nothing that needs to be relieved. Finally, the request is not for a use variance because the applicant is looking to be allowed to have an addition to the existing single-family dwelling, which is an allowed use within the R-1-5000 zoning district as long as the addition is constructed in a manner that meets all noncomplying structure standards and lot and bulk standards.

The following are the remaining standards for approval of a variance. Staff’s analysis and findings related to these standards is located in Attachment D.

- Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of Title 21,
- There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district,
- The variance will not substantially affect the general plan of the city and will not be contrary to the public interest, and
- The spirit of this title is observed and substantial justice is done.

As will be discussed further in Attachment D, staff does not believe the property has a hardship that is unique to the subject property as there is adequate space provided by the lot depth which is observed by all the lots in the neighborhood. Further staff does not believe that the addition of a front porch to a home for added living space is a substantial property right.

APPEALS HEARING OFFICER NEXT STEPS

Approval of the Variance Request

If the requested variance is granted the applicant will be able to submit all necessary building plans and obtain a building permit.

Denial of the Variance Request

If the requested variance is denied the applicant would need to proceed to remove the constructed covered porch from the front and side yard.

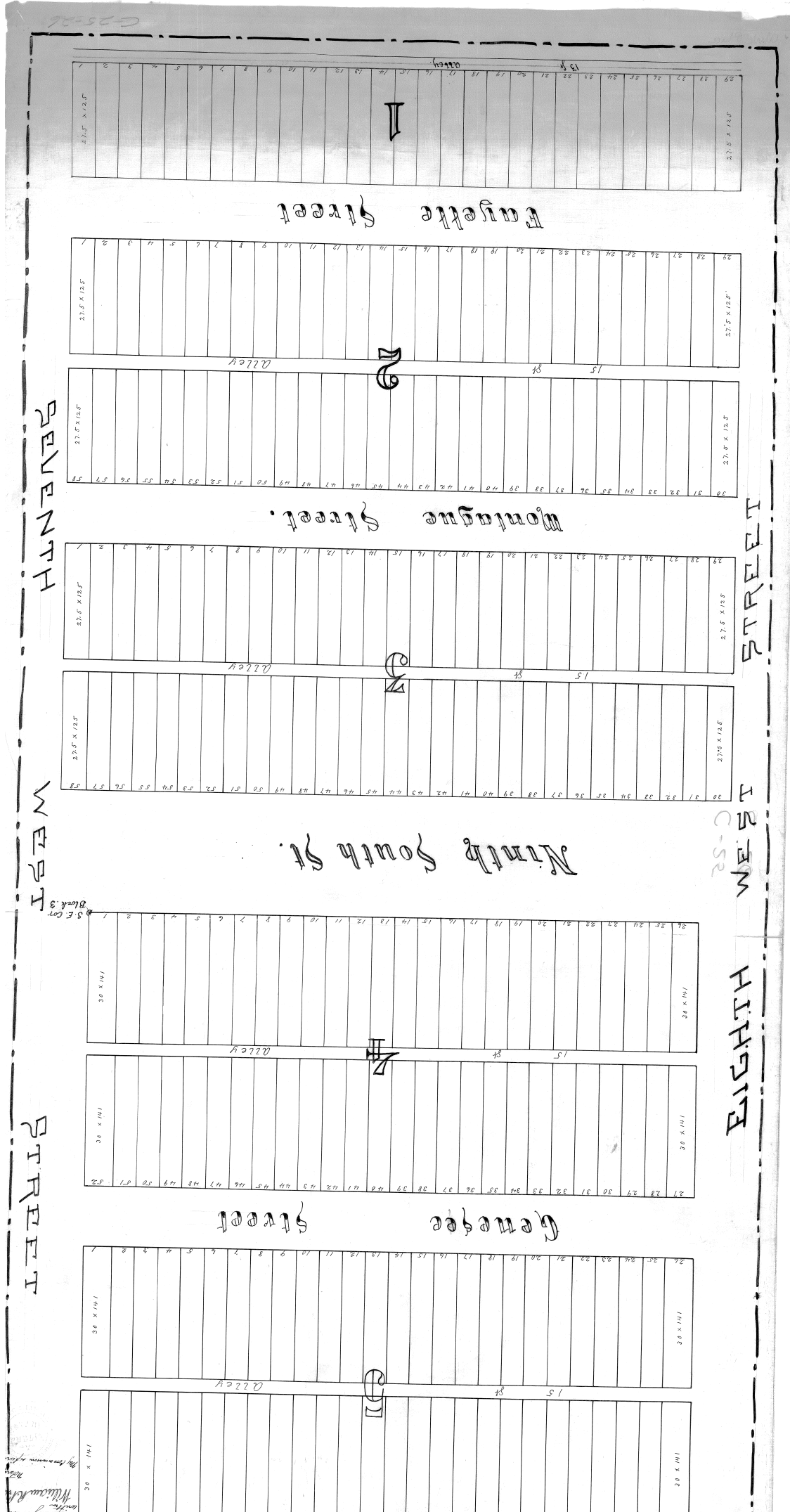
ATTACHMENT A: Vicinity Map



ALBERT PLACE

Eight South South

[Detailed handwritten notes and survey data, including lot numbers and measurements, are present in this section.]



1

Fayette Street

2

Montague Street

Ninth South St.

Genesee Street

WEST

WEST

WEST

EAST

EAST

EAST

C 52458

ATTACHMENT B: SITE PHOTOS

WEST



FRONT



EAST



ATTACHEMENT C: APPLICANT MATERIALS

Variance Application R-1-5000 Zone

- 1) Project Description: A covered patio in the front yard of 835 West Genesee Avenue.

- 2) Variance Information:
 - a. A covered patio already constructed in front of the existing home. To achieve a covered area in the front yard it encroached into the property setbacks.

 - b. 21a.24.070.E1: R-1/5,000 SINGLE-FAMILY RESIDENTIAL DISTRICT

 - c. The average set back on the street is 22 FT. the home is already within this setback. See attached *Set Back Calculation* sheet.

 - d. The ability to have a protected exterior space in one's front yard is of extreme importance. A covered patio allows you to enjoy your outdoor space in any type of weather, shade from the sun and shelter from the rain keeps people comfortable year-round without being exposed to harsh Utah weather. To deny the property owner a shaded area in his yard would be unreasonable hardship.

 - e. The size of the owner's property is small. Only 28" wide and only 3,900 sq ft. The house takes up a considerable amount of the property, over 980 sq ft. of a property. The narrow layout of the property makes much of it unusable without violating setbacks.

 - f. The local neighborhood has many examples of people with covered patios and porches in their front yards many of which are within 10 to 20 ft of the property line. (Please see attached document of precedent)

 - g. It is not uncommon to the vernacular of the neighborhood. Some properties on the same street have covered areas within 10ft of the property line in the front yard. The covered patio in question will be kept back 10 ft from the sidewalk, which will provide enough line of site to pedestrians and motorists and will not negatively affect public interest.

 - h. The structure in question observes the spirit of the west side master plan, it does not increase population density and does not add additional dwellings onto the property. It also observes the spirit of the zoning ordinance by keeping in line with precedent of other buildings in the neighborhood. The covered patio also stays in line with Salt Lake City's clear sight zone area by staying 10 feet away from the sidewalk.

 - i. The property owner is an Iranian immigrant who is very unfamiliar with American municipality practices. He has been thrown into a culture and language he does not

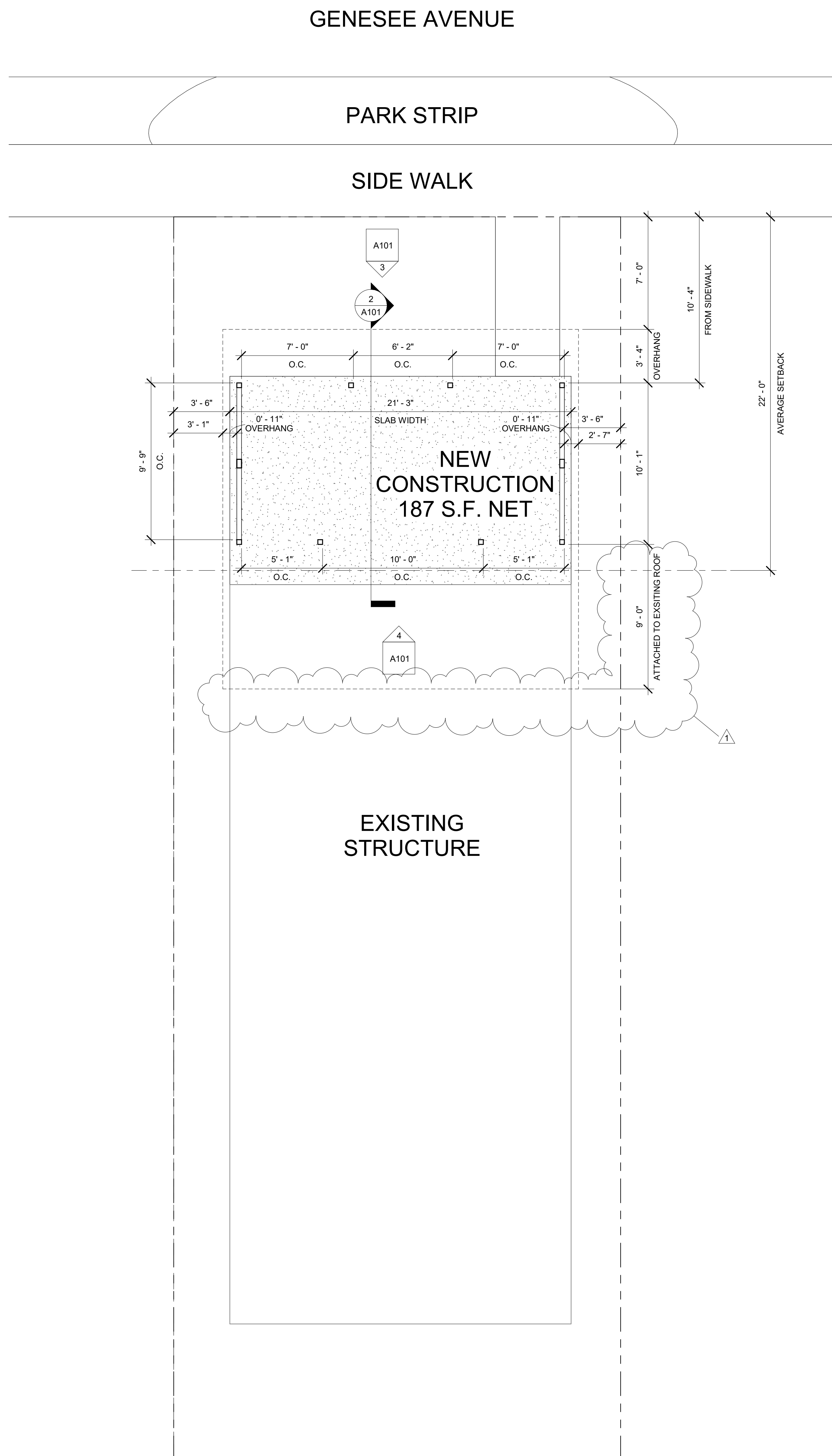
understand fully. Before he built his covered patio, he believed he did his due diligence by finding examples in his neighborhood and by talking with neighbors about their covered spaces. He also believed by following Salt Lake City's clear sight zone Area rules he was keeping with zoning. The property owner has also had instances of theft from his property and the covered area provides a space for him to store his possessions (bicycles, etc.) more securely out of site.

3) See attached sheets for plan and elevations.

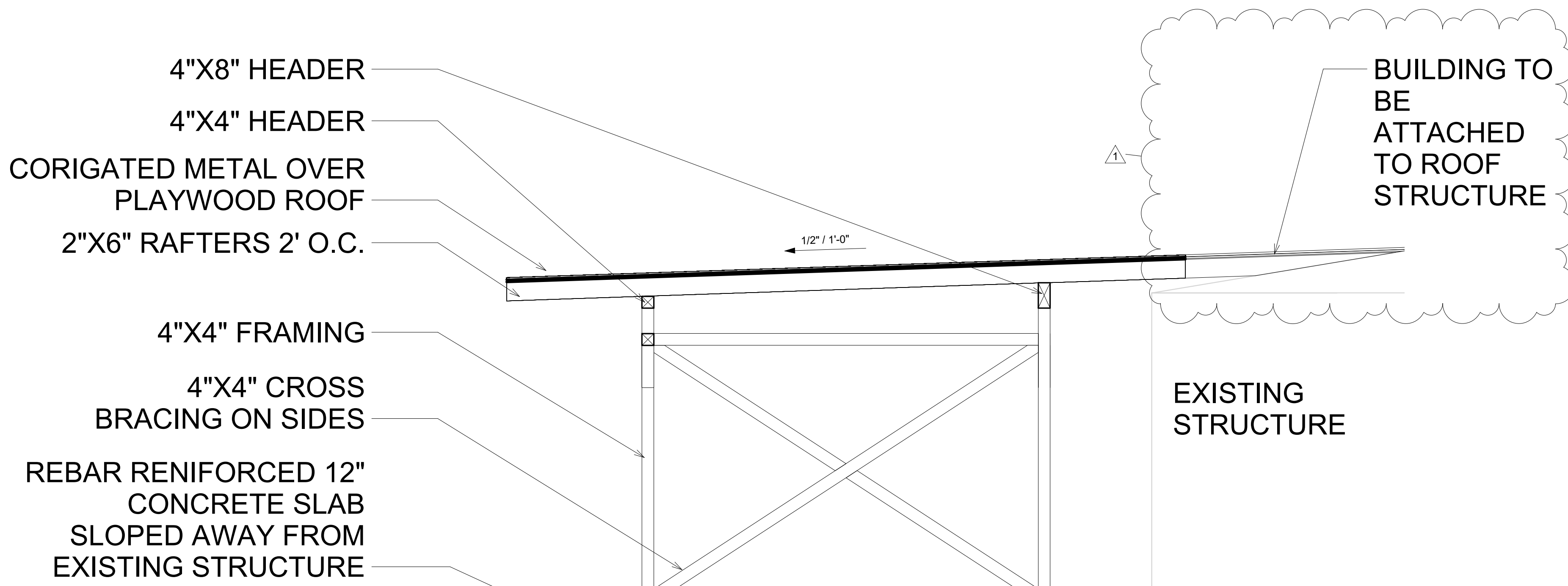
4) See attached sheets for site plan.

5) Elevation Drawings:

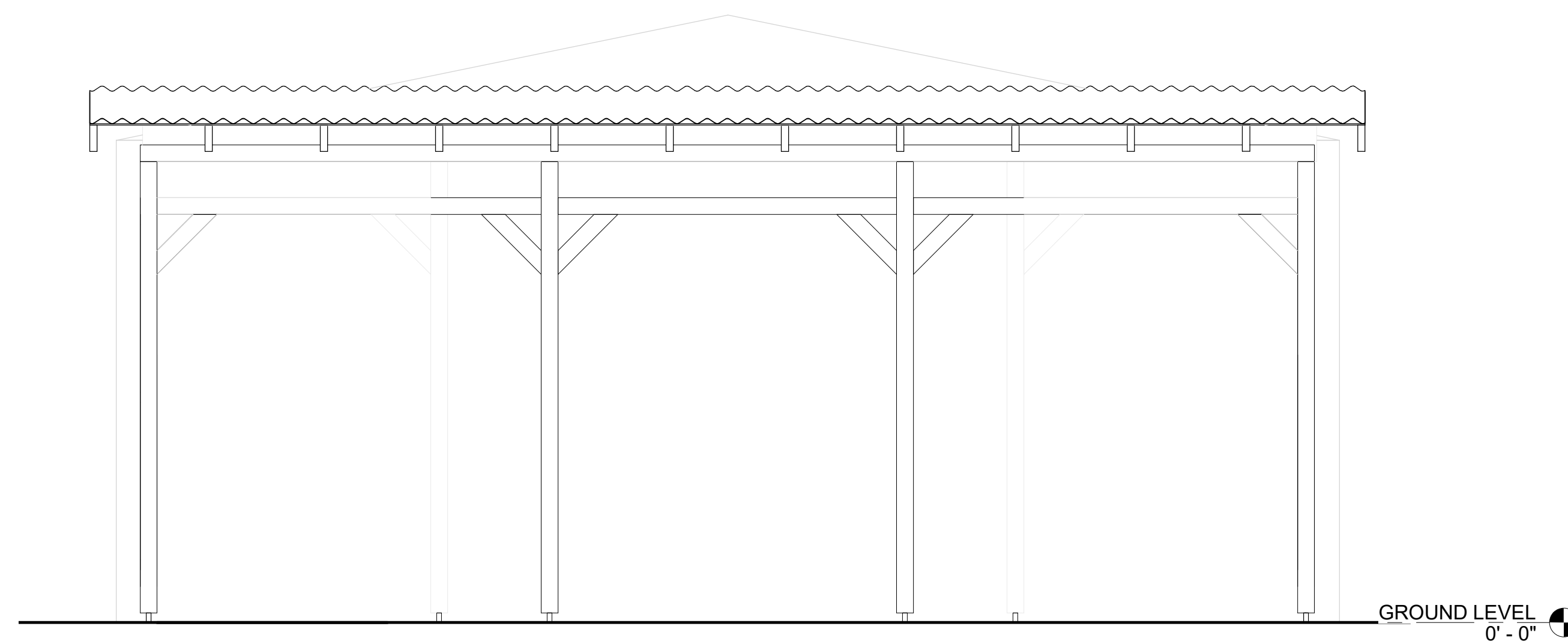
- a. See attached sheets for detailed elevation, sections and profile with dimensions drawn to scale.
- b. See attached sheet for type of construction and materials. Listed on elevations.
- c. Non applicable.



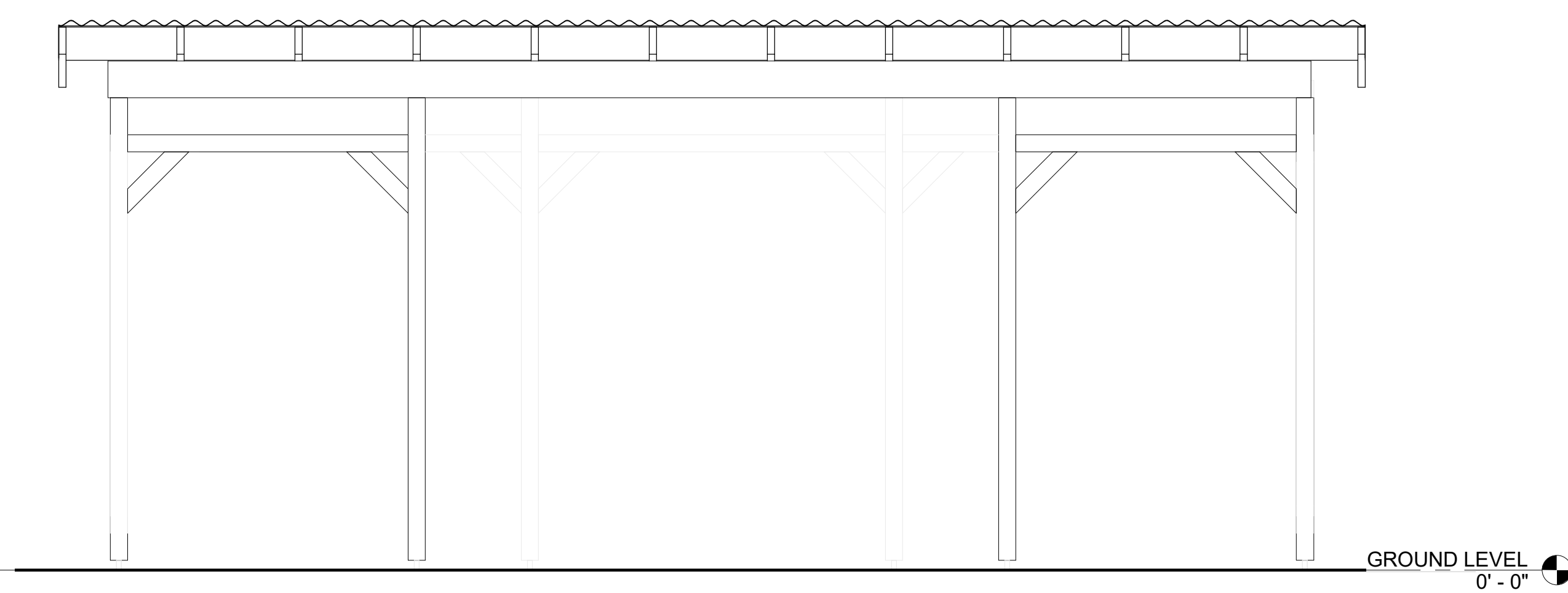
1 SITE PLAN
1/4" = 1'-0"



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



3 North
1/2" = 1'-0"



4 South
1/2" = 1'-0"

Ali Partovi

greenberryirish@yahoo.com
801-688-5455

Draftsmen: David Zimmerman
E-mail: davidjameszimmerman2@gmail.com
Phone: 801-895-9028

No.	Description	Date
1	Revision 1	7/2/2021

835 West Genesee Avenue, Salt Lake
Covered Patio

DRAWINGS

Project Number BLD2021-01081
Date 5/28/2021
Drawn By David Z.
Checked By Salt Lake City

A101

Scale As indicated

8/6/2021 8:51:11 AM

M 006 W

Genesee Ave

Genesee Ave

Genesee Ave

Genesee Ave

M 008 S

AVERAGE SETBACK
23FT

855
20ft

851
20ft

849
20ft

847
25ft

843
22ft

835
17ft

835 Genesee Ave, S
Lake City, UT 84104

831
32ft

829
17ft

823
9ft

817
12ft

813
22ft

809
57ft

801

854

866

Salt Lake County
West Side Sr

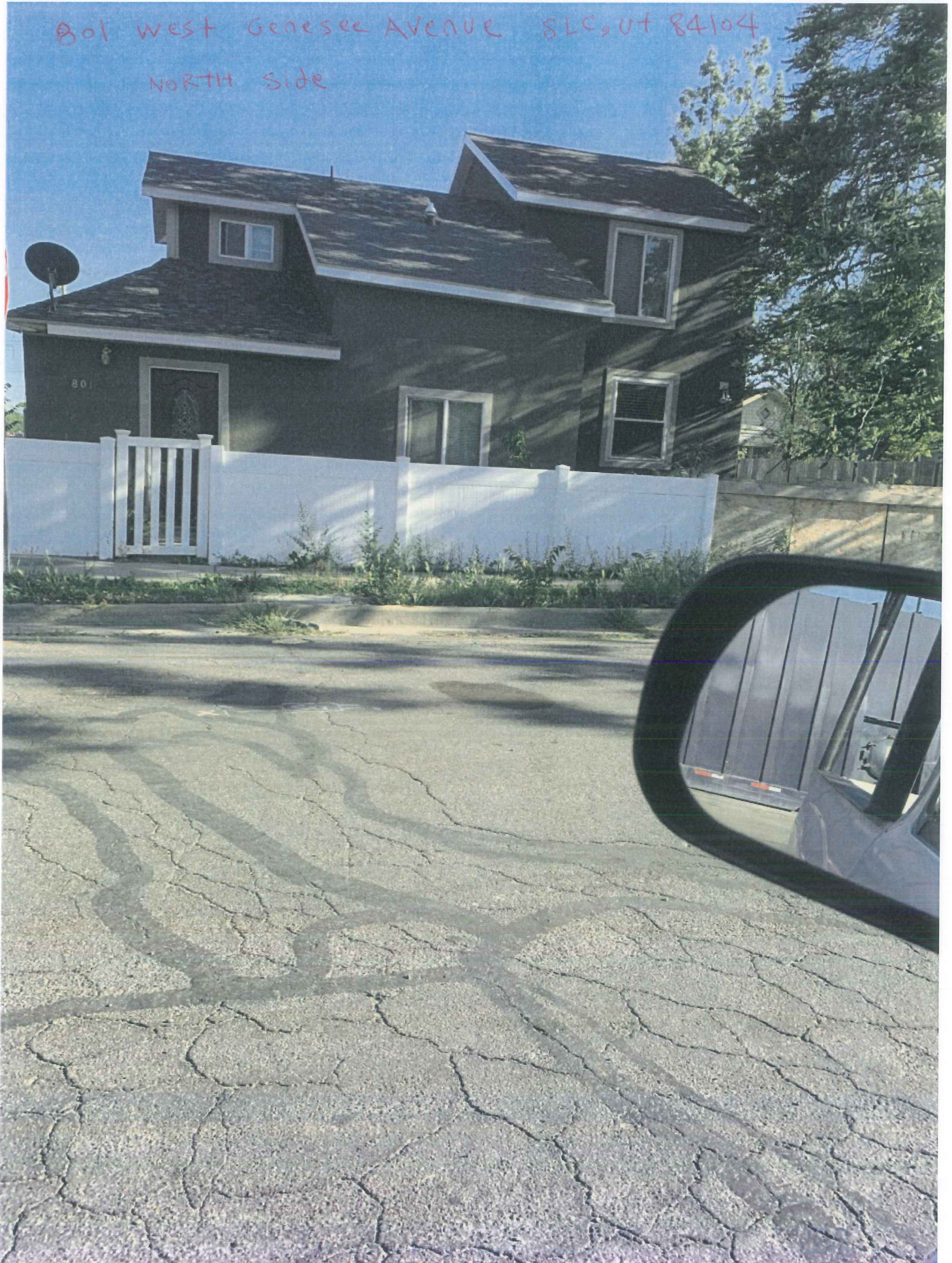
PROPERTY IN
QUESTION

M 008 S

S 006 W







Date: 2-23, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 843 W Genesee Ave, Salt Lake
City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Hilary Gilmer
Name
Hilary Gilmer

Date: 2/23/22, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:


I am a neighbor of Ali Partovi. My address is 547 Genesee Ave., Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Name


April Stults
(Dutton)

Date: 2/23, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 844 W Genesee, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely, Camber Firth

Camber Firth
Name

Date: 24 Feb, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 851 W Genesee Ave, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Name 

Date: 2/23, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 866 W Genesee Ave., Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Name

A handwritten signature in blue ink, consisting of stylized initials and a surname, written over a horizontal line.

Date: 2/23/2022, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 423 W GENESSEE AVE, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

BRYAN M. HOLTMEZ
Name

Date: 2-24-22, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 801 Genessee Ave, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Rosen do Zavala
Name

Date: FEB. 24, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

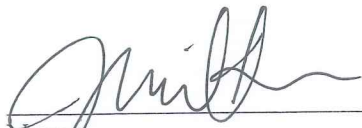
To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 847 800 WEST ^{GENESSEE}, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,


Name _____

Date: 2/24/2022, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee


To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 767 W Genesee Ave, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,


JOFELYN NAVARETE-HUFF
Name

Date: Feb 24, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 751 West Genesee, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Susan Meln
Name

Date: Feb. 24, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee


To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 862 W. Genesee Ave, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Kyle Ashmunt
Name 

Date: Feb 23, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 849 W Genesee Ave, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely, URSULA PERRY


Name _____

Date: 09/24/22, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 838 W. Genesee Ave, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Catherine Jo Erikson

Name

Date: 2/24, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 748 W. Genesee Ave, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Kerry Buckingham
Name



Date: 2-23-22, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 832 W. Genesee, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,

Dalvador Alfaró Salva Dor
Name

Date: 2/03, 2022

Re: PLNZAD2022-00177 - Front Patio Addition/ 835 W Genesee

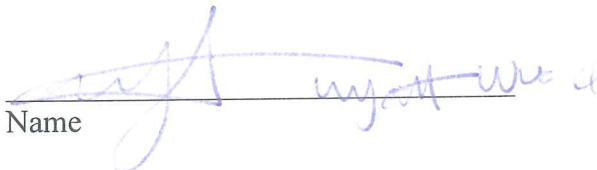
To Whom it May Concern:

I am a neighbor of Ali Partovi. My address is 804 W Genesee, Salt Lake City, Utah 84104.

I have been made aware that Mr. Partovi has applied for a variance to allow a covered patio in his front yard. I have no objection to the proposed variance. I believe the patio is in keeping with the character of the neighborhood. Mr. Partovi is a good neighbor and I would like to see him obtain the variance.

Thank you for your attention to this matter.

Sincerely,


Name

ATTACHMENT D: VARIANCE 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 covered porch 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	Does not comply	The applicant has not proven that there is a hardship in this case so there is nothing that needs to be relieved.
C. Authorizes uses not allowed by law (i.e., a "use variance").	Complies	The proposed covered porch would be an addition to the existing Single-family home, which is a permitted use 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;	Does not comply	<p>The zoning ordinance requires that specified yard areas remain open and unobstructed by buildings, this is accomplished through building setbacks. Setbacks are the minimum distance between the property line and built structure, they are established by the zoning district and vary in size.</p> <p>Literal enforcement of the zoning regulations prohibits the applicant from constructing an addition to the front of home. All the homes in the neighborhood are required to maintain the front yard setback and it is not unreasonable to impose the same requirement on the subject property. The variance standards stated below provides guidance on determining if there is an unreasonable hardship. As stated below, Staff is of the opinion that there is not a hardship related to size, shape or topography, there are no circumstances peculiar to the subject property, and the alleged hardship is self-imposed.</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 applicant has stated in their narrative that the small size of the property and the existing house makes the property unusable without violating setbacks. The subject property is undersized, the lot width is 25 feet and has a depth of 141 feet, making the property 3,525 square feet in size, which does not meet the R-1-5000 lot requirements if the property was created after 1995. The applicant claims that the variance request is needed for additional shaded outdoor space. There is sufficient space at the rear of the home to create that space due to the rear of the home being approximately 77 feet from the rear property line. Staff is of the opinion that there is no evidence showing that there is a hardship related to size, shape, or topography.

<p>The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.</p>	<p>Does not comply</p>	<p>The block of W Genesee Ave consists of 24 lots.</p> <p>The block face on the North side of W Genesee Ave consist of 12 lots that have an average lot width of 48 feet.</p> <p>The block face on the South side of W Genesee Ave (the subject property is on the south side) has an average lot width of 35.5 feet.</p> <p>Of the 24 lots only 5 lots, including the subject property, have a lot width of 25 feet.</p> <p>Lot depths for all 24 properties are approximately 141 feet.</p> <p>The covered porch is not reliant on the width of the property to meet the front yard setback, and the depth of the property provides adequate space for an addition to be made in the rear of the property.</p> <p>Staff is of the opinion that there is no hardship related the request and the subject property does not have any peculiar circumstances that aren't general to the neighborhood.</p>
<p>The hardship is not self-imposed or economic.</p>	<p>Does not comply</p>	<p>The hardship in this case is self-imposed. The applicant constructed the covered porch within the front and side yard without obtaining a building permit. The size of the property does not impose a hardship to the applicant in relation to this request..</p>
<p>2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;</p>	<p>Does not comply</p>	<p>The Albert Place Subdivision was created in 1890 and it was not uncommon to have narrow lots during this period. There are a handful of properties within the neighborhood that have the same width (25 feet) as the subject property, but the average lot width for this block is between 35 feet and 48 feet meaning most of the lots do not meet the minimum lot width of 50 feet. All properties on this block do share the same lot depth of 141 feet.</p> <p>Many of the existing principal structures in the neighborhood were built in the early 1900s and few were built between the 1940s and 1950s, the subject property's existing principal structure was built in the late 1890s. Staff recognizes that some of the existing homes have front porches, but these front porches establish the front yards for those homes. These existing homes were constructed prior to the zoning ordinance existing, and it was not uncommon to have smaller setbacks, today they are considered legal nonconforming structures. However, new construction today would be required to meet the standards in Title 21A. for required front and side yards..</p> <p>It is staff's opinion that the property does not have special circumstances that do not generally apply to other properties within the same zoning district.</p>
<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:</p>		
<p>The special circumstances relate to the alleged hardship; and</p>	<p>Does not comply</p>	<p>The subject property does not have special circumstances attached to it. There are a handful of properties with the same lot width but all properties have the same lot depth. The lot width does not create a hardship for the subject property to meet the required front yard setbacks.</p>
<p>The special circumstances deprive the property of privileges granted to other properties in the same zoning district.</p>	<p>Does not comply</p>	<p>The subject property has an existing home that established a front and side yard. The lot width does not deprive the property of privileges because the lot width does not impact</p>

		the subject property ability to meet the established front and side yard requirements. .
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 provide, in the applicant's opinion, a protected exterior space which allows enjoyment of one's property. Staff is of the opinion that the proposal provides a desired amenity rather than a substantial property right. Further, the applicant could provide protected outdoor space in the rear of the property.
4. The variance will not substantially affect the general plan of the city and will not be contrary to the public interest; and	Does not comply	The Westside Master Plan is not substantially affected by this request, the intent of the master plan in this area is the protection of single-family residential neighborhoods. This intent is still being met as the property is still being used for a single-family residence and could continue to operate without the added porch. It is the opinion of Staff that a property related hardship does not exist; therefore, it would be contrary to the public interest to deviate from the zoning ordinance regulations.
5. The spirit of this title is observed and substantial justice done.	Does not comply	Yards establish continuity in the feel of the neighborhood. They provide space between buildings and streets that create open space for property owners and streetscapes for pedestrians. The purpose of the yard requirement is to ensure that new development is compatible with the existing development patterns of the neighborhood. In cases where a hardship is associated with a parcel of land due to the size, shape, and topography of the property, a variance may be granted to provide relief. Staff is of the opinion that there is not a size, shape, or topography hardship associated with the subject property; therefore, the spirit of the zoning ordinance would not be observed if the variance were granted.

ATTACHMENT E: PUBLIC PROCESS & COMMENTS

Public Notice, Meetings, Comments

Notice of the public hearing for the proposal included

- Public hearing notice mailed on March 31, 2022
- Public notice posted on Site and State Websites and Planning Division list serve on April 28, 2022
- Public hearing notice sign posted on May 3, 2022

Public Input:

From: [Kimberly Peterson](#)
To: planning.comments@slc.gov; [Hart, Elizabeth](#)
Subject: (EXTERNAL) Case number PLNZAD2022-00177
Date: Monday, April 11, 2022 2:46:41 PM
Attachments: [exhibit 1.pdf](#)
[exhibit 5.pdf](#)
[exhibit 2.pdf](#)
[exhibit 4.pdf](#)
[exhibit 3.pdf](#)
[exhibit 6.pdf](#)

These are our comments in regards to the Variance request for an enclosed patio at 835 W Genesee Ave SLC Case number PLNZAD2022-00177

We appreciate that Ali walked up and down the street and gathered signatures from neighbors that he doesn't even know and that are not immediately affected by the patio. We are the only neighbors that the patio blocks our line of vision as we try to back out of our driveway. We are located at 831 Genesee Ave, Salt Lake City, UT 84104

It is very hard to see if someone is coming up the sidewalk in front of his house, as I have already almost hit my other neighbor twice as she walked up. When backing out of our driveway, we are on top of the sidewalk before we can even see if someone is approaching.

I have attached pictures that show Ali has already added onto his house without a permit and then has built the patio, again without a permit. I don't understand why you would be giving a Variance when it clearly shows that he has no regard to rules and regulations.

His permit application states the patio was built by his brother, Jalil (licensed contractor) ; however, Ali did all the work himself. And if Jalil had built it, why would he have not gotten a permit before doing any work?? The new additions are not even built with quality building material, if you look at it, it is simply painted particle board which is in violation of the Building Code.

Exhibit 1 - This is his house prior to any additions

Exhibit 2 - This shows where he starts to enclose his patio

Exhibit 3 - This is the original house with the added additions that he has built on

Exhibit 4 - Here is the patio that is clearly attached to his roof line

Exhibit 5 - This shows the newly built corner of the addition to his house

Exhibit 6 - 3 examples of Building code & City code infractions: Patio, no permit;

Construction fencing, not approved building material; vehicle stored on the street, never moves

We do not agree that the patio should be allowed, our family & friends as well as ourselves are in danger of hurting someone walking up the sidewalk since our line of sight is obstructed.

Our question that will need to be answered if this is approved is: Who do we sue when we or family hits someone on the sidewalk? Will it be the City, Ali Pavorti, or both since you are allowing the regulation to be changed?

We look forward to participating at the Hearing on April 14th.

Sincerely,
Cory & Kimberly Dearden

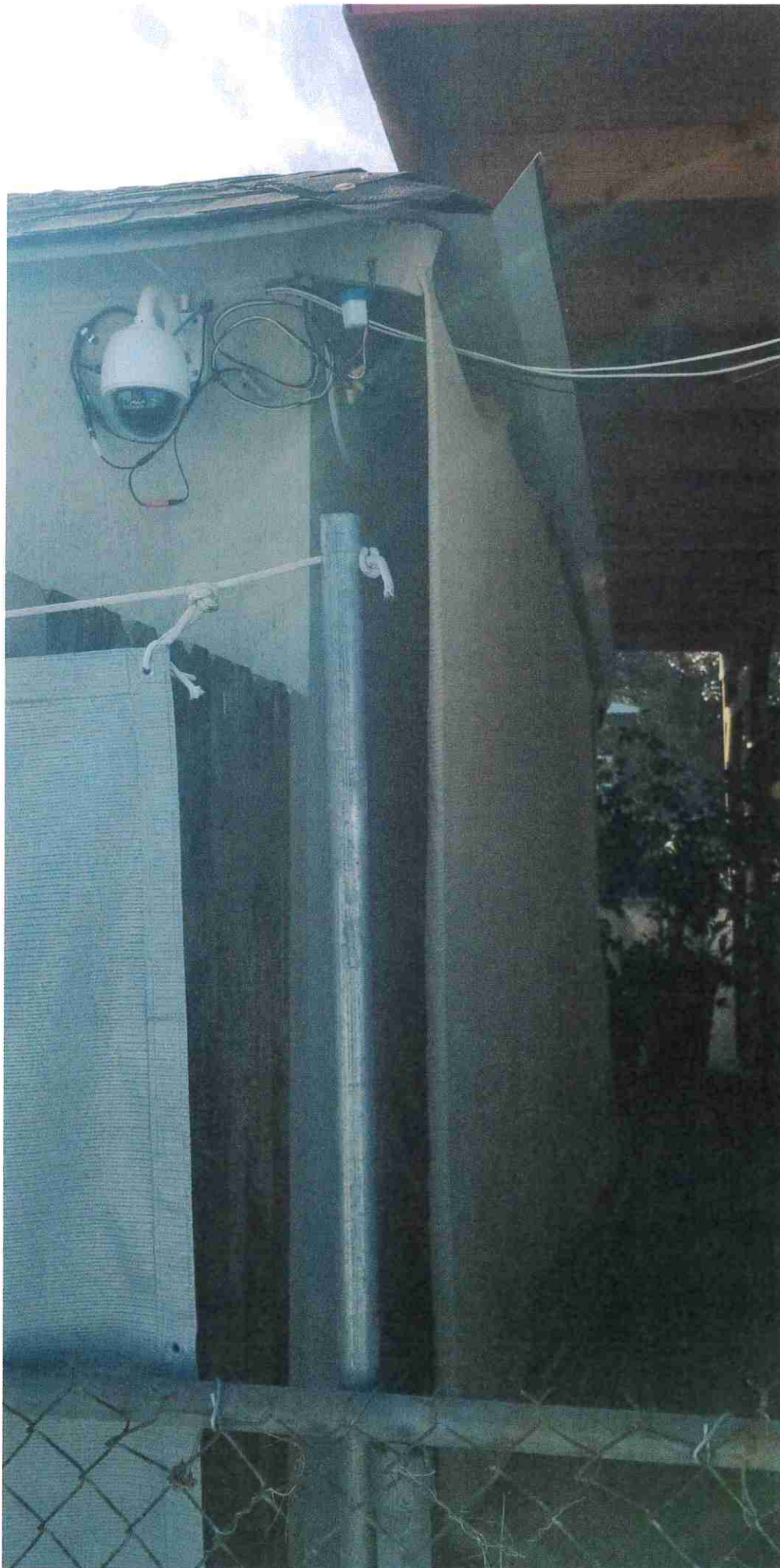
ATTACHMENT B: SITE PHOTOS

WEST

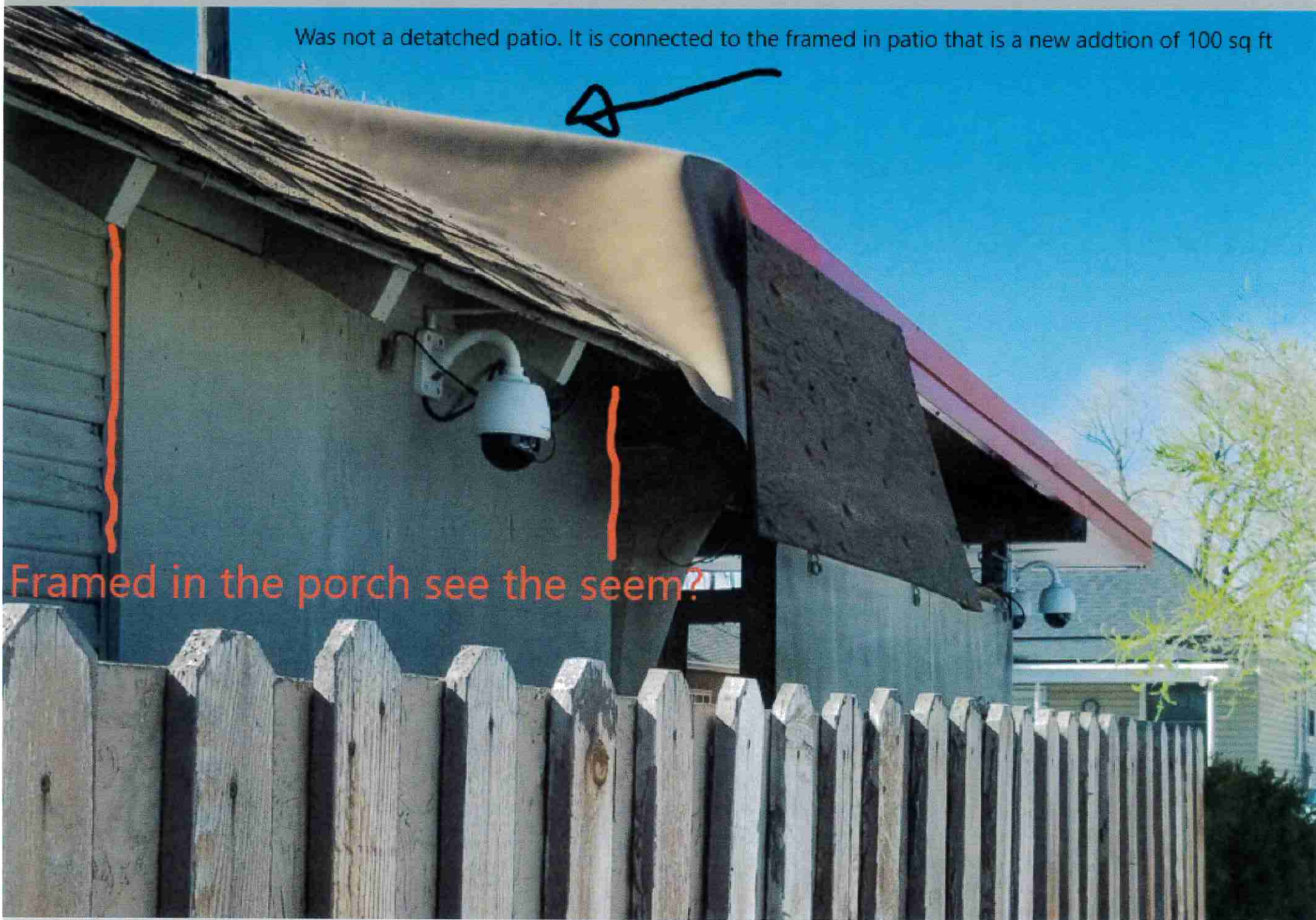


FRONT





Was not a detached patio. It is connected to the framed in patio that is a new addition of 100 sq ft



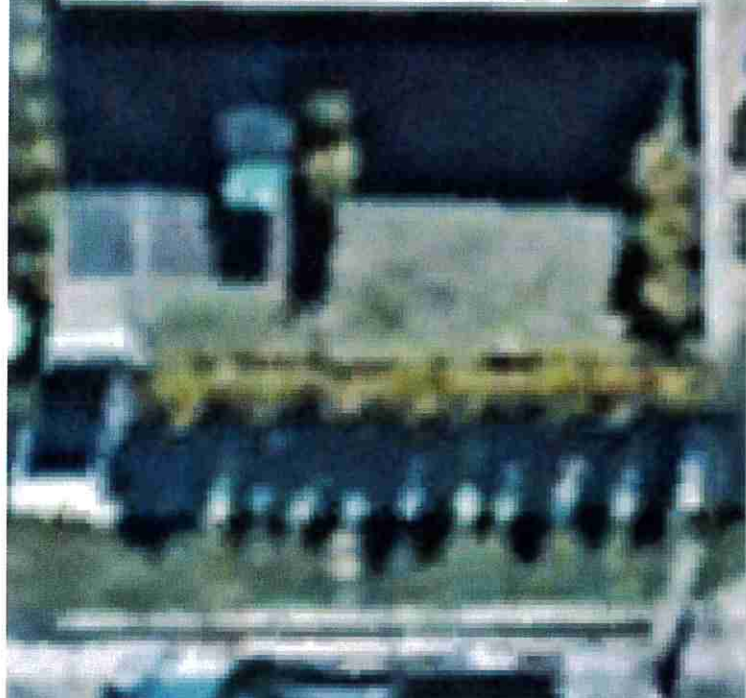
Framed in the porch see the seem?

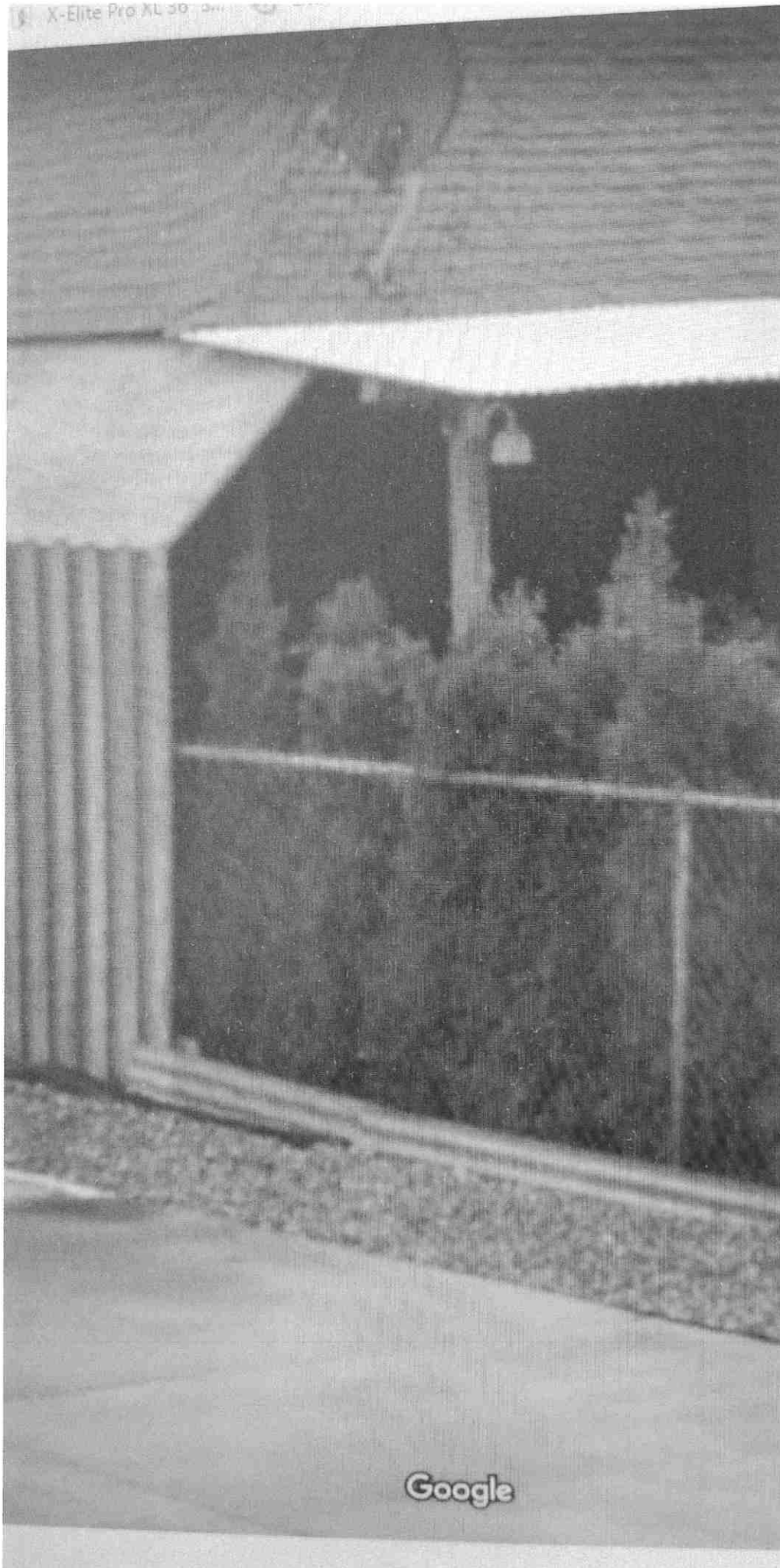
200 sq ft

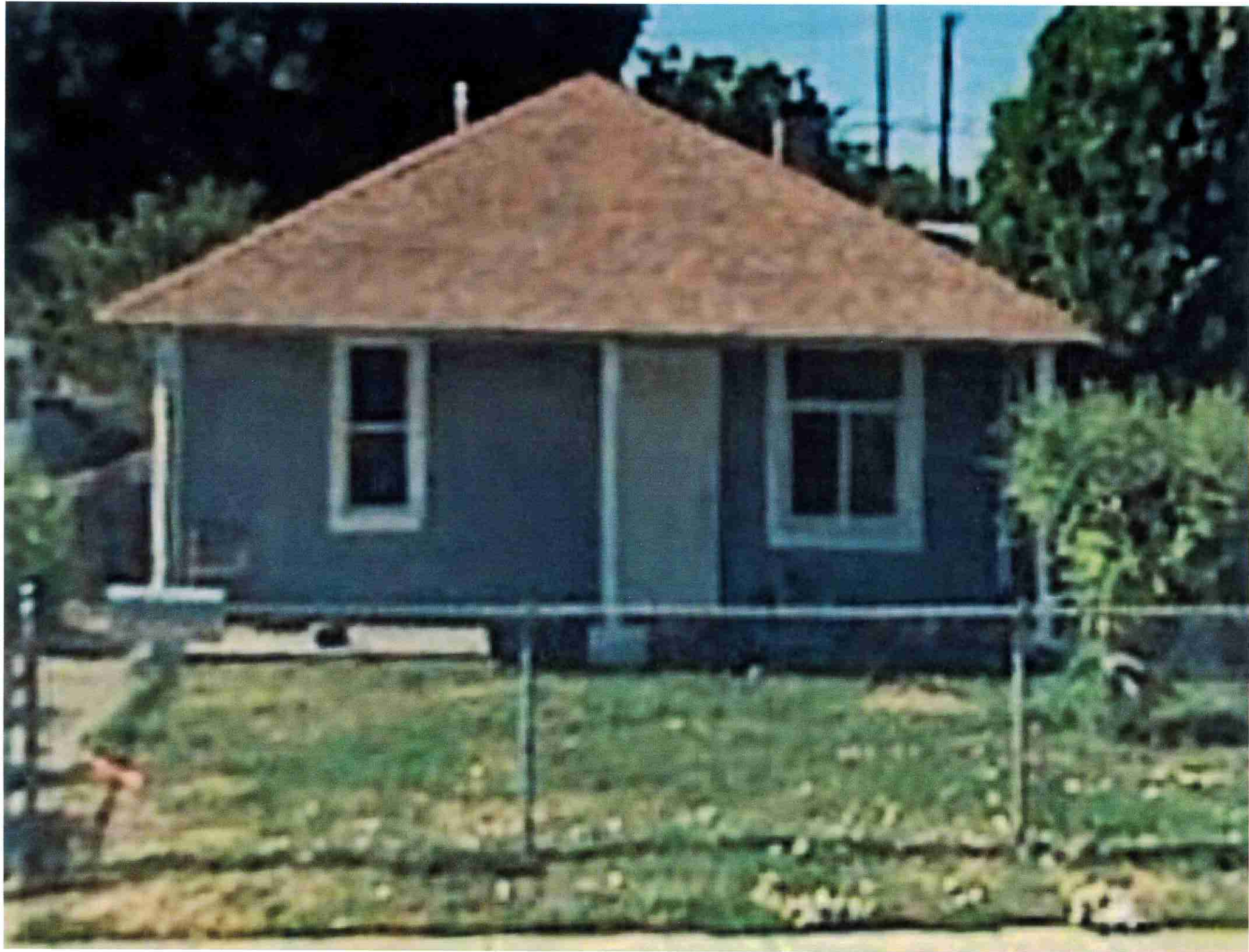
651 sq ft



100 sq ft







ATTACHMENT F: DEPARTMENT REVIEW COMMENTS

No comments were given.