

Salt Lake City Land Use Appeals Hearing Officer
PLNZAD2022-00177
Application for Variance
835 West Genesee Ave
Revised Decision - May 24, 2022

This is a request for a variance to the front and side yard setback requirements in the R-1-5000 Single Family Residential Zoning District.

Record

The record includes the Staff Report, a document of 43 pages dated May 12, 2022, and an audio recording of a hearing held via electronic means on May 12, 2022. Public notice was provided for the hearing as required. Among those appearing at the hearing were Chris Jessop, attorney appearing on behalf of the applicant Ali Partovi, and Liz Hart, Principal Planner, who prepared the staff report. Kimberly Deardon and Maryellen Sessions spoke during the public hearing portion of the meeting.

The Issue

Variances can only be granted if the applicant establishes with substantial evidence in the record that the proposed variance complies with criteria found in the City Code at 21A.18.050 and 21A.18.060.

Analysis

The Applicant has established that the property involved is unique as to the width of the lot but has failed to demonstrate by substantial evidence in the record that this width justifies a variance to the front or side yard setbacks that apply to all new construction in the zone. There is also no evidence or legal authority that would establish that the ability to encroach into the yard setbacks with a porch has been recognized as a substantial property right. The specific issue here is not whether a porch is a desirable amenity, as it surely is. While such a porch is clearly desired by the Applicant, the variance process is intended and restricted by both City and State codes to provide relief in circumstances which are not found here.

The staff report includes a detailed analysis of each of the variance criteria, and the conclusions by the staff that this application does not meet the criteria. All the criteria must be met. The table that accompanies the Staff Report as Attachment D at pages 32-34 is specifically incorporated herein by this reference. Based on the evidence and analysis submitted the request does not meet all criteria required for the variances. The variances are denied.

Dated this 24th day of May, 2022.

/s/ Craig M Call

Craig M Call, Hearing Officer