



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Diana Martinez, Principal Planner, (801) 535-7215 or diana.martinez@slcgov.com

Date: July 21, 2022

Re: PLNZAD2022-00545-Variance Request

VARIANCE

PROPERTY ADDRESS: 1924 E. 2100 S.

PARCEL ID: 16-21-229-015-0000

ZONING DISTRICT /ORDINANCE SECTION: R-1-5000 (Single-Family Residential) /
Circular Driveway 21A.44.020.F.7.d.

APPLICANT: Christopher and Elizabeth Wright

DETERMINATION ISSUE:

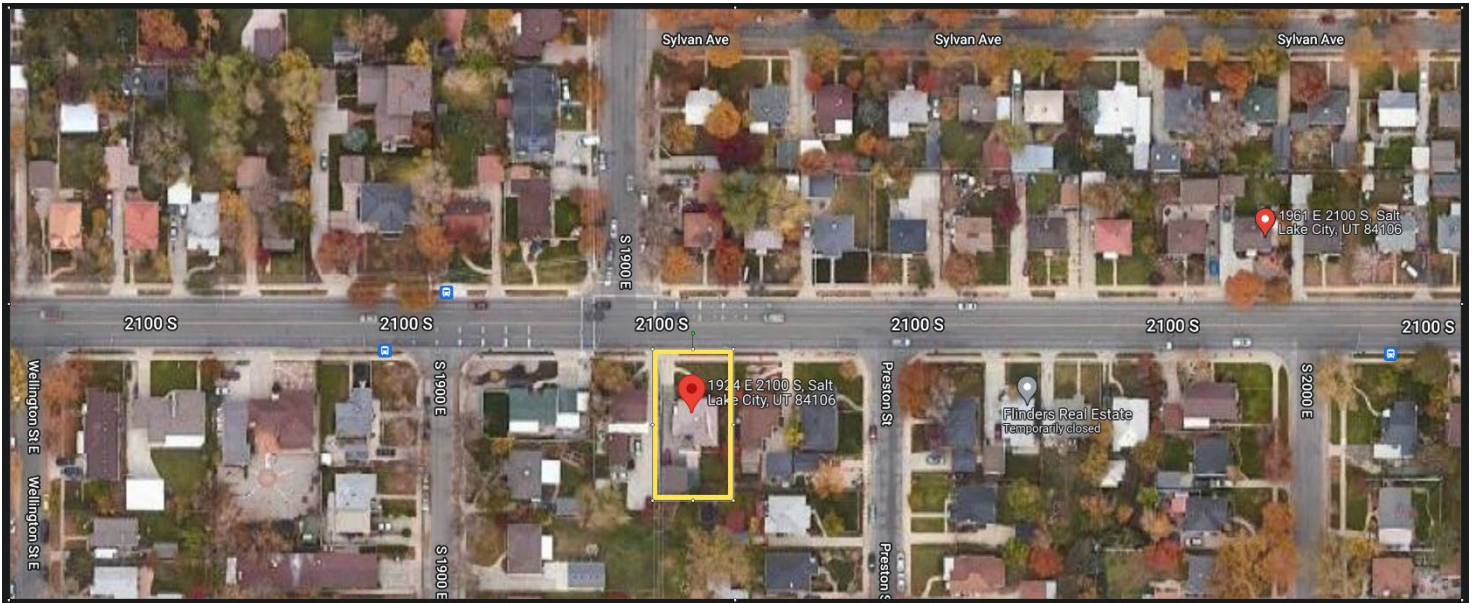
Whether the applicant meets the standards for a variance in Ordinance 21A.44.020 to place a circular driveway in the front set back of the subject property at a reduced setback of five feet from the required 15 feet. This variance request is a determination that is made by the Appeals Hearing Officer per ordinance section 21A.18.020 of the Salt Lake City Zoning Ordinance.

RECOMMENDATION:

Based on the analysis and findings in this staff report, Planning Staff is of the opinion that this application does not meet the standards for approval for the variance request in petition PLNZAD2022-00545 to reduce the front yard setback from 15-feet to five-feet for a circular driveway. Therefore, it is recommended that the Appeals Hearing Officer deny the proposed variance request based on the findings in this Staff report.

ATTACHMENTS:

- A. Vicinity map
- B. Photos – Site and Vicinity
- C. Applicant Narrative and Site Plan
- D. Variance Standards
- E. Public and Department Review Comments



PROJECT DESCRIPTION:

The applicants, Chris and Elizabeth Wright, are asking for a variance from Ordinance 21A.44.020.F.7.d in order to place a circular driveway in their front yard. The Ordinance for a circular driveway reads:

*d. Circular Driveways: Circular driveways that connect to a driveway extending to a legal parking location shall be constructed of concrete, brick pavers, block or other hard surface material other than impermeable asphalt. The circular driveway shall be situated such that the street front edge is situated parallel to the property line and shall not be used for overnight parking. In residential districts, **circular driveways shall be set back at least fifteen feet (15') from the front property line no wider than twelve feet (12') in width.** In commercial districts, circular driveways shall be set back at least five feet (5') from the property line and no wider than twenty feet (20') in width.*

This required distance for the circular is typically taken from the front property line to the farthest point of the circular driveway in a straight line.



Example of distance measurement from front property line to circular driveway

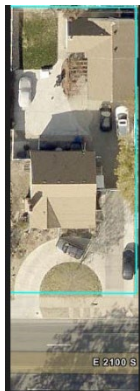
The applicants are proposing a circular driveway five feet from the front property line, a reduction from the required 15 feet. The applicants have already begun work in their yard in preparation of putting in the circular driveway. They have taken out the grass and other vegetation from the front yard, and they have cut a gap into the small landscaping edging along the sidewalk.



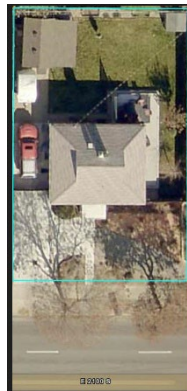
The applicants applied for a permit to construct the circular driveway, however, was denied the permit since a variance was required for the reduction in the setback distance from the required 15 feet to the proposed five feet.

The subject property is approximately 62.5 feet wide and 158 feet long and is approximately 9,714 square feet in lot size. The subject property is very similar in size, shape, and topography to most of the properties that front along 2100 south on the south side of the street. The lots directly to the north, that front along 2100 south on the north side of the street, are smaller in lot size (about 5,666 square feet or .13 acres) yet, have about the same lot width.

Along 2100 south, between 1700 east and 2100 east, there are only four properties that have circular driveways in their front yard setbacks. Although, Planning Staff was not able to find permits for any of these properties, only one meets the required 15-foot setback from front property line to the circular driveway.



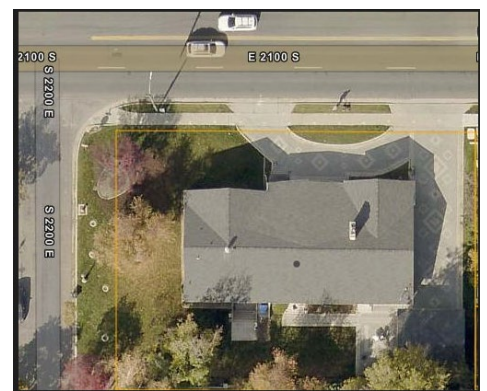
1757 East



1961 East



1990 East



2208 East

ANALYSIS:

To assist the Hearing Officer in reviewing this request, the Planning Division has provided the following analysis and findings related to the regulations in 21A.18.060 for Standards for Variances.

The proposed variance request is to reduce the requirement from Ordinance 21A.44.020.F.7.d. which requires “***circular driveways shall be set back at least fifteen feet (15') from the front property line no wider than twelve feet (12') in width***”. The applicant is asking to reduce that requirement to five feet through the variance request procedure. According to Ordinance 21A.18.010 the purpose statement states:

The variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this title that create unreasonable hardships. When such hardships may be more appropriately remedied, if at all, pursuant to other provisions of this title, the variance procedure is inappropriate.

This statement informs us that if there are other options for the relief of the circumstance(s) causing hardship to the applicant, then it is not appropriate to grant a variance.

In this case, the applicants are stating that parking on the property and the lack of safety to back onto 2100 south are circumstances that cause them hardship. 2100 South is identified as an arterial street on the city’s major street plan and is described as: “*Arterial Streets facilitate through traffic movement over relatively long distances such as from one end of the city to the other and from one neighborhood to neighborhood. Arterials are generally Multi-line streets carrying high traffic volumes at relatively high-speed limits. These are commuter streets and typically offer controlled access to abutting property.*” Due to this, the street carries a higher volume of traffic than other city streets which can create unsafe issues. However, this issue is not caused by the characteristics of their property (size, shape, topography, etc.). Since most of the properties along 2100 south also have these issues, the subject property does not have special circumstances that others do not.

The ordinance definition of “variance” also states that the deviation from the requirements by a variance pertains to the physical characteristics of the property not the issues that are general to the neighborhood (i.e., traffic, parking locations).

VARIANCE: A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure under this title and authorized according to the procedures set forth in chapter 21A.18 of this title.

KEY CONSIDERATIONS AND 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 Hearing Officer may grant a variance if all 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 list below has been identified through the analysis of the project.

1. The variance requested is not related to the dimensions, total size and orientation of the subject property. The subject property is very similar to other properties along 2100 south, on the south side of the street. The subject property is minimally larger in size than those directly to the north, that front along the north side of 2100 south.
2. Although safety issues, concerning the amount of traffic along 2100 south, are a concern for the applicant, variance requests are based on circumstances peculiar to the property and the hardship that creates for the property owner. Planning Staff finds that most of the properties that front along 2100 south are burdened with the lack of safety caused by the high traffic flow along 2100 south, and the side streets that come out onto 2100 south, therefore, this is not a circumstance peculiar or special to the subject property.
3. Other properties that front along 2100 south on the south side of the street have been able to create turn around areas in their rear yards, in order to drive out of their properties "head-first".
4. Planning Staff does not believe that this property has a special circumstance that deprives the property of privileges that other properties in the same zoning district have. As the majority of the properties along 2100 south have the same circumstance of having to back onto a busy arterial street.

SUMMARY:

Although Staff believes the applicant does have an issue with the lack of safety from the traffic being that his property is along 2100 south, Planning Staff does not find this meets the standards for granting a variance. The subject property is similar to others along 2100 south, in size, shape and topography. Therefore, it is apparent that the subject property does not have any special circumstances or physical characteristics related to it, which would cause it to be deprived of privileges that other properties in the same district are granted.

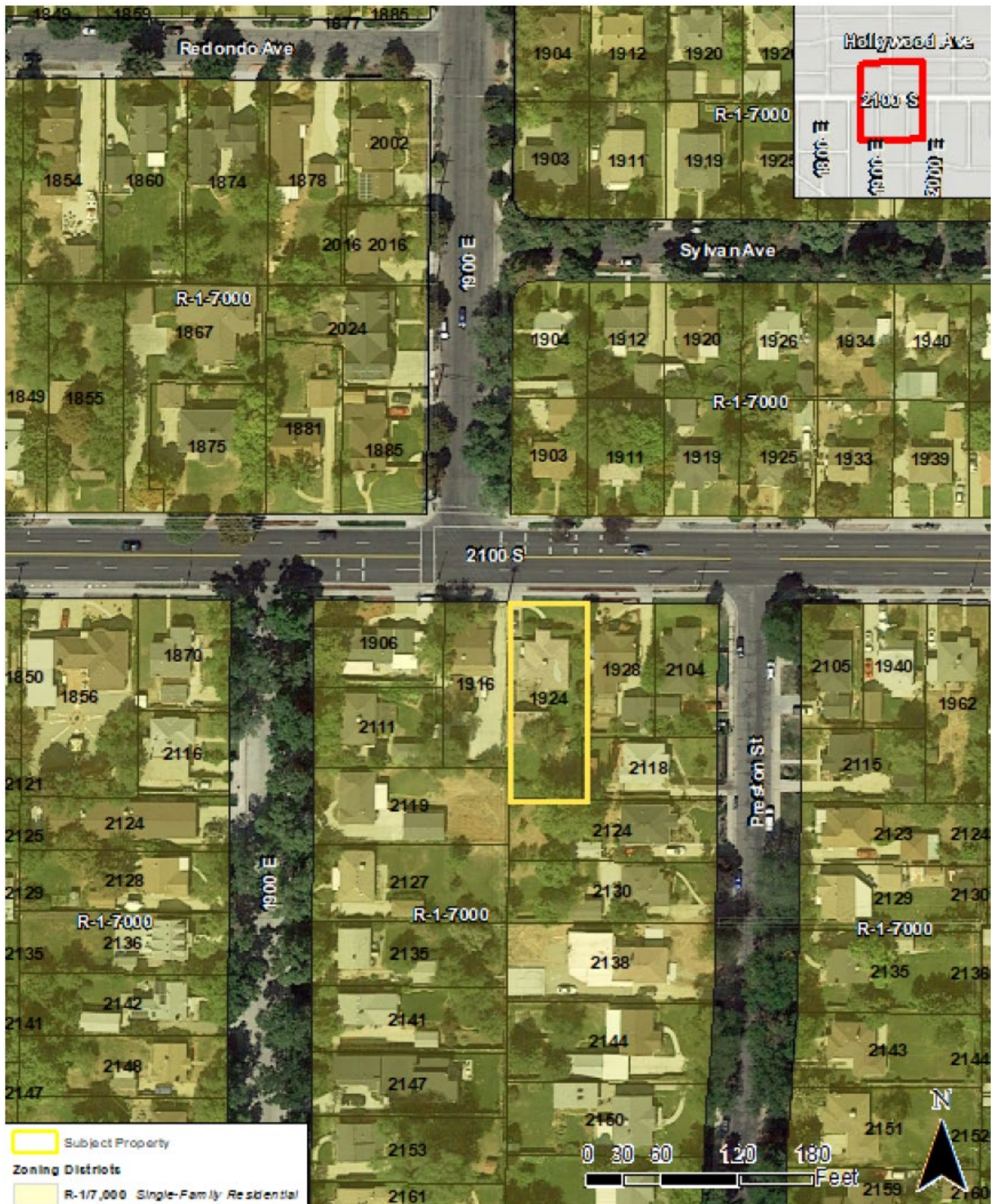
NEXT STEPS:

If the requested variance is approved, the applicant could proceed with applying for a building permit to construct the circular driveway as shown on the project plans in Attachment B, as long as it complies with all other zoning and building regulations.

If the variance request is denied, the applicant would need to redesign the project to comply with setback standards, as well as all other zoning and building regulations.

Any person adversely affected by a final decision made by the appeals hearing officer can be appealed to Third District Court within 30 days after the decision is rendered.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: PHOTOS – Site and Vicinity



Subject Property



Subject property and dwelling to west



Subject property on left -view from 1900 East



View of 2100 South – Midday traffic

ATTACHMENT C: Applicant Narrative and Site Plans

May 27, 2022

Dear Salt Lake City Zoning and Planning departments,

I am writing to petition a variance to code (21A.44.020.F.7.d) related to the requirement for a curved driveway to be a minimum of 15' from the front property line. I have already filed a corresponding building permit (BLD2022-03436: Curved driveway) and have since discovered that I will require a variance to this requirement.

Because of the location and narrow shape of my lot, it is not possible for me to install a curved concrete driveway and meet this requirement. 15' from the front property line would place a curved driveway right next to my house and would be under 8' wide, the turning radius would also be too sharp to be usable due to the location of the water meter at my property.

The reason we applied for a permit and are now requesting a variance is because our existing driveway is very difficult to back out of safely. We are located near the intersection of 2100 S and 1900 E. We have been witnesses to regular accidents at this intersection. They seem to occur on a monthly basis. There was even a fatal accident not too long ago. The most recent accident occurred on 5/25/2022 when someone took out the electronic crosswalk sign. Backing out onto our street requires us to watch both lanes of eastbound traffic, usually traffic that well exceeds the 30 MPH speed limit on the street. Eastbound traffic turning left onto 1900 E often backs up one lane and other drivers unsafely dart around the stopped cars bringing extra traffic into the lane closest to our home. When we back out we don't only have to watch the eastbound traffic, but also traffic from 1900 E turning left (eastbound). To know whether or not someone from 1900 E will be turning or not, we also have to watch the westbound traffic to see if there are breaks in traffic from both directions that will cause them to turn at the same time we might be backing out. Sometimes we could wait 10-15 minutes to safely back out at peak traffic times.

Allowing a variance for us to install a curved driveway would allow us to back up in our driveway and then turn into the curved driveway to more safely pull out front first and make a much more simple right hand turn. We know of at least 3 other curved concrete driveways along 2100 S between 1700 E and 2300 E, and one other gravel driveway. Based on walking the street and taking measurements, none of these other curved driveways meet all the zoning requirements that were noted in my permit application, and only 1 is close to meeting the specific requirement of being 15' away from the street that I am asking for a variance for. Most of them also use the curved driveways as extra overnight parking. We have no need to park out the front, we want this curved driveway specifically to be able to exit safely.. I can provide specifics of these other curved driveways if needed.

Other homes in our neighborhood not on 2100 S do not experience the amount of traffic we do, and most other

homes along 2100 S do not have to watch for the traffic from 1900 E like we do. Our next door neighbors just west of us that have their driveway right next to ours, also have the majority of their rear yard as parking that allows them to pull forward out of their driveway. While we can occasionally do this when there are not extra cars in our driveway, we do have 3 vehicles and 4 drivers at home, so turning around behind the home is not always possible to maneuver. The curved driveway would also put our preferred exit location in a safer location further east away from 1900 E. It would also make it easier for elderly visitors to come to our home, such as our parents visiting our grandchildren.

Finally, allowing a variance for us to more safely exit our property would not negatively affect other residents. A curved driveway would add to the safety of our community. My wife had consulted with Lynn Jacobs from the transportation department prior to our permit request, and he agreed that this would be the best thing for us to safely exit our property. We still plan on maintaining landscaping around the curved driveway in a manner that would observe the Zoning Ordinance and City Master Plan so that we can be good neighbors and maintain good curb appeal.

Thank you for taking the time to read this and consider our request,

Sincerely,

Christopher Wright

Email from applicant to Planning Staff:

Hi Diana,

Thanks for the update.

Regarding the turnaround, it would require a lot more work and would honestly kind of ruin our enjoyment of the back yard. We really don't want to turn our backyard into a large parking lot like our next door neighbors have done with their multi family unit property. With the busy street in the front yard the backyard is kind of our safe haven and where we like to hang out.

Our driveway is 2 cars wide in the back. We park 2 cars in the garage and the 3rd car behind one of the other cars. Next to the driveway is a brick patio in front of our covered patio. Both patios are at a lower level than the driveway area, and the bricks really aren't the type meant to be driven on without risk of breaking them. With where our back door entry sticks out I feel like we'd have to do the following changes in the back yard to more easily turn around:

1-demo and move the garage (and attached patio) further back into our garden area.

2-remove the brick patio and pour concrete to bring it up to the level of the driveway area so that we have extra area to turn in and use for parking.

Even if we made those more costly changes, it wouldn't really help our situation when someone tries to visit us. We usually have our gate closed to keep our dog in the yard so visitors park in the front, but only those who are brave enough to back out of the driveway. My wife and I both have parents who are of retirement age. My mother refuses to park in our driveway. She'll park in a side street and walk a few houses over to visit because she current does not have mobility issues. One of my in-laws has a condition that allows them to legally have a handicap hanger in their car, so walking a few houses down is a real issue for them, and they also refuse to park in our driveway.

A curved driveway is the solution that make it easier for us and any visitors to more safely exit our property front first. It is also a much less expensive option than making more extensive changes to the back yard.

Sincerely,

Chris Wright

SITE PLAN

1924 E 2100 S

Salt Lake City, UT 84106

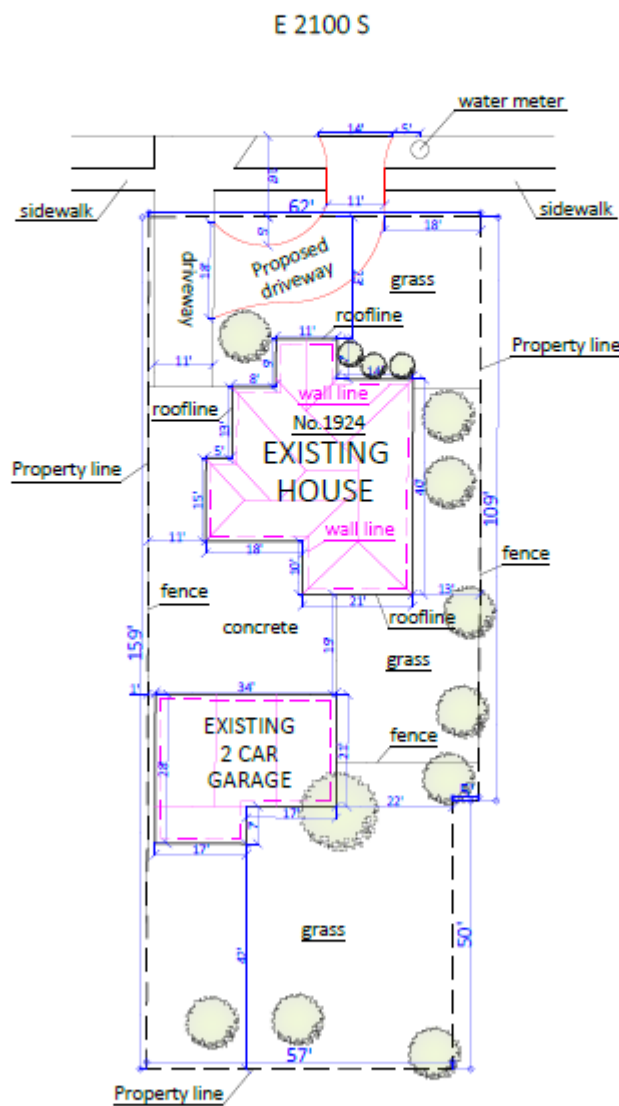
Parcel ID: 16-21-229-015

Lot area: 0.22 Acres

Plot Size: 11"x17"



scale 1"=20'



ATTACHMENT D: Variance Standards

The Finding for each standard is the recommendation of the Planning Division based on the facts associated with the proposal, the discussion that follows, and the input received during the engagement process. Input received after the staff report is published has not been considered in this report.

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:

A. Is intended as a temporary measure only
Discussion: This request is not intended as a temporary measure. An approved variance would run with the land.
Finding: Complies
B. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant
Discussion: There is no hardship related to the size, shape or topography of the subject property. The proposed variance for the setback reduction would allow the circular driveway in the front yard setback; however, there is not a hardship related to the property itself to grant the variance.
Finding: Does Not Comply
C. Authorizes uses not allowed by law (i.e., a "use variance").
Discussion: Circular driveways are permitted in residential zones if they meet the required setbacks. This request is not a use variance request.
Finding: Complies

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;
Finding: Does Not Comply
Discussion: If the variance was not granted, the applicant would continue to have vehicular access to their property by using their main driveway, backing onto 2100 South like other properties along 2100 south. The requested variance is not based on a hardship related to the property (size, shape, or topography).
Condition(s): n/a

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

Finding: Does Not Comply

Discussion: There are no special circumstances attached to the property that do not generally apply to other properties in the same zoning district. The size, shape and topography of the subject property is similar to others along 2100 south, on the south side of the road. The subject property is larger in size than those properties directly to the north, on the north side along 2100 south.

Condition(s): n/a

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

Finding: Does Not Comply

Discussion: Staff believes that the ability to access your property is likely a substantial property right possessed by other properties in the same district. The applicant has not stated that there would be a loss of that right only that they believe that it is unsafe to use their driveway. However, the stated safety issues are not unique to their property. Most of the properties along 2100 south have the same circumstance of having to back onto a busy arterial street. There is no special circumstance related to this property that others along 2100 south do not have.

Condition(s): n/a

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

Finding: Complies

Discussion: The installation of the driveway would have a minimal impact on a single property and would not make changes that would affect the community or be contrary to public interest.

Condition(s): n/a

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

Finding: Does Not Comply

Discussion: The zoning ordinance requires setbacks to provide open space buffers between dwellings and streets and to create development consistency throughout neighborhoods. The applicants have substantially reduced the percentage of landscaping in their front yard by anticipating a circular driveway (with a reduced setback) which is not a consistent design element in the neighborhood.

Condition(s): n/a

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

Finding: Does Not Comply

Discussion: There is no hardship on the developed property. The size and shape of the property meet the minimum zoning standards for development of the lot. The lot is also relatively flat meaning there is no topographic hardship.

Condition(s): n/a

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

Finding: Does Not Comply

Discussion: There is no hardship related to the property (size, shape, or topography). The applicant is stating the conditions are due to the traffic along 2100 south and the traffic turning east from 1900 East. The traffic conditions are general to the neighborhood, specifically the properties that front along 2100 south.

Condition(s): n/a

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.

1. The hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

Finding: Does Not Comply

Discussion: There is not a hardship related to the size, shape or topography of the property and there are no special circumstances related to the property that make it different than the other properties along 2100 south.

Condition(s): n/a

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;

Finding: Does Not Comply

Discussion: There are no special circumstances related to this property in regard to size, shape or topography. Most of the properties along 2100 south on the south side of the street are the long, narrow properties. The properties along 2100 south on the north side of the street are less deep than those on the south side of the street, however, the house placement and front yard setbacks of all dwellings is about the same.

Condition(s): n/a

2. The special circumstances deprive the property of privileges granted to other properties in the same zoning district.

Finding: Does Not Comply

Discussion: There are no special circumstances related to the property. The subject property is very similar to other properties along 2100 south. The properties on the south side of 2100 south, like the subject property, are long and narrow.

Condition(s): n/a

ATTACHMENT E: PUBLIC & DEPARTMENT REVIEW COMMENTS

PUBLIC INPUT:

Staff has received no comments from the public.

CITY REVIEWER COMMENTS:

- **Transportation Review Comments//Michael Barry, Transportation Engineer:**
Considering the safety implications, Transportation approves this circular driveway
- **Public Utility Comments // Jason Draper, Development Review Manager:**
The water meter needs to be shown on the site plan. The new circular driveway cannot have the meter in the driveway.