



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: January 19, 2023

Re: PLNZAD2022-01122–Variance Request

VARIANCE

PROPERTY ADDRESS: 2373 E. 1300 S.

PARCEL ID: 16-10-451-005-0000

ZONING DISTRICT /ORDINANCE SECTION: R-1-12000 (Single-Family Residential) /
Front Yard setback requirement Ord. 21A. 24.050.E.1

APPLICANT: Steven Cornell, representing the property owners

DETERMINATION ISSUE:

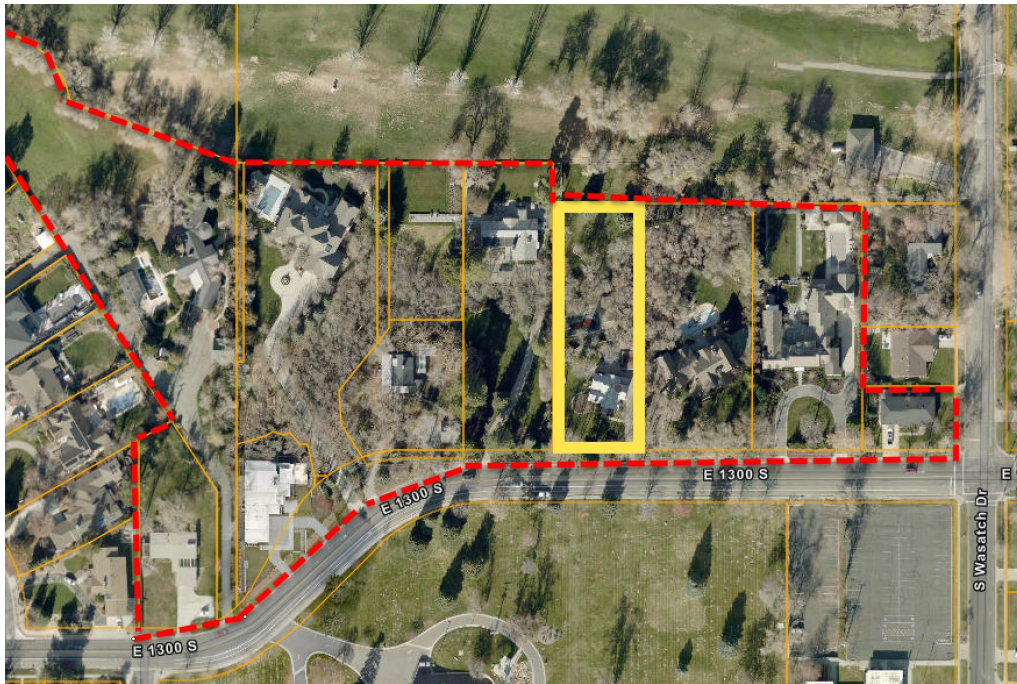
Whether the applicant meets the standards for a variance in Ordinance 21A.24.050.E.1 to build an addition in the front set back (based on the average block face) of the subject property at a reduced setback of 44 feet 6 inches from the required 98-feet. This variance request is a determination that is 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 meets the standards for approval for the variance request in petition PLNZAD2022-01122 to reduce the front yard setback from 98-feet to 44-feet six-inches for an addition to the main dwelling. Therefore, it is recommended that the Appeals Hearing Officer approve 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 Comments



Subject Property outlined in yellow. Block face properties outlined in dotted red.

PROJECT DESCRIPTION:

Steven Cornell, the applicant representing the property owners, is asking for a variance from Ordinance 21A.24.050.E.1, in order to build an addition to the main dwelling which will expand the structure into their front yard setback. The addition consists of an additional room being built onto the southwest portion of the existing dwelling (with a second-floor area) and a porch with a cover being added to most of the dwelling's front façade on the south side of the structure.

The Ordinance for front yard setback requirements reads:

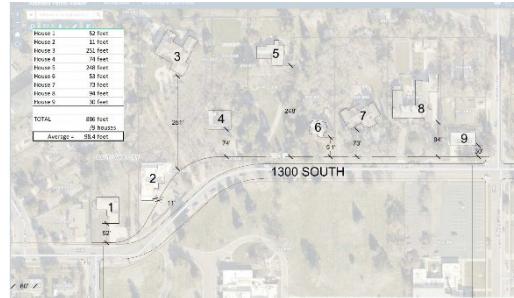
- 1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail. For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the established setback line of the existing building.***

Definition of "Block Face":

All of the lots facing one side of a street between two (2) intersecting streets. Corner properties shall be considered part of two (2) block faces, one for each of the two (2) intersecting streets. In no case shall a block face exceed one thousand feet (1,000').

There are nine properties (including the subject property) that have been considered in the block face average for calculating the minimum depth of the front yard. Here are the setbacks of each of the nine (measurement is from front property line to the closest point of the main dwelling):

- 2289 E. = 52 feet
- 2321 E. = 9 feet 9 inches*
- 2329 E. = 251 feet
- 2337 E. = 74 feet
- 2355 E. = 248 feet
- 2373 E. = 51 feet (Subject Property)
- 2385 E. = 73 feet
- 2397 E. = 94 feet
- 2419 E. = 30 feet



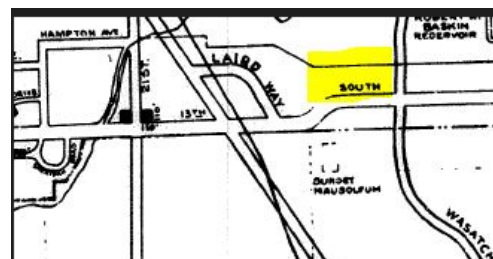
**This property received a variance approval from 121 feet to 9'9", in 2015, as a reduction in the front yard requirement in 2015, due to the irregular shape of the lot and that there is an existing utility easement in front of the property.*

The total average of the setbacks from all nine properties (including the subject property) is approximately 98 feet. At that average, only two properties meet that front yard setback, and both of those dwellings sit at the far north on those properties.

The existing dwelling was built in 1936. From 1933 to 1941, the zoning requirement for a front yard setback according to the city ordinance, read as follows:

In all residential districts no part of any building (exclusive of steps) shall be erected nearer to the property line on which it faces than fifteen (15) feet, unless adjacent existing structures are nearer to the front property line than fifteen (15) feet, then the average alignment of such structure shall govern.

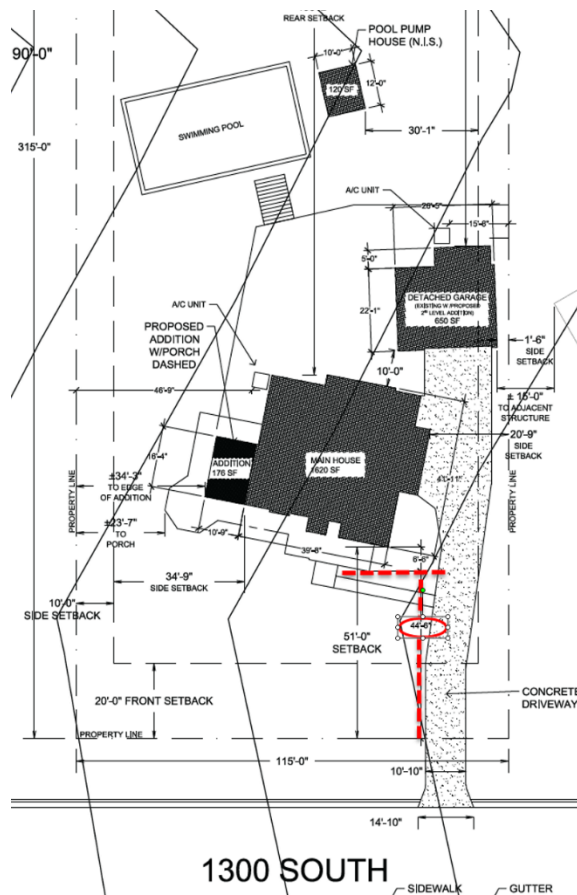
Because the subject dwelling was built prior to the realignment of 1300 South (between Foothill Blvd. and Wasatch Drive), the current measurement from front yard property line to the closest part of the dwelling is 51-feet and therefore is presently noncomplying to the current required front yard setback of 98-feet (based on the block face average).



Left- 1933 Road alignment of 1300 South
Right-1941 Road alignment of 1300 South

The applicant is proposing a 176 square foot addition to the southwest corner of the main dwelling with a covered gazebo (also in the southwest corner protruding from the main dwelling) and a porch with a cover that will span across most of the dwelling's front façade. These additions to the existing dwelling do not meet the 98-foot front yard setback and therefore, require a variance approval to be built.

The applicant is also proposing a three-foot rail along the porch area. This railing will also be within the front yard setback since it would go to the end of the porch, which is the most east point of the front porch. The property owners are willing to remove or change the location of this railing as needed.



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.24.050.E.1 which requires ***“Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face.”*** The applicant is asking to reduce that requirement from 55-feet to 44.5-feet 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 the topography of the land that slopes to the north, prohibits the addition onto the house to be in a more rear area of the dwelling. Also, the porch and cover, which will be covering most of the dwelling's front façade cannot be changed since the orientation of the dwelling locates the dwelling much closer to the front property line on the east side.

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. There is no impact from the addition to the southwest corner of the existing dwelling or the construction of the porch and porch cover along the dwelling's front façade. Both would be significantly distanced from any abutting properties. On the west side of the dwelling there would maintain a 23'+ side yard setback, and in the front, there would be a 44.5-foot front yard setback. The property to the south across the 1300 South is a cemetery and to the rear of the subject property is a public golf course.
2. Planning Staff believes the front yard setback, being based on the average of the block face for the homes on this street, is very unique and a special circumstance for the property owner. The homes on this block of 1300 South are setback from the public right-of-way substantially more than what is generally found in other low density residential neighborhoods throughout the city. In general, the zone requires a 20-foot front yard setback unless the average of the block face is higher.
3. The topography of the land limits where the property owner can add to the main dwelling. Because the property starts to slope toward the north at the back end of the dwelling, putting an addition at the proposed site in the front corner allows construction to be done at an even grade. Additionally, the rear yard is separated by a substantial grade change to the north. There is an approximate 10-15-foot difference from the rear yard directly behind the main dwelling and the rear yard where the swimming pool is further north on the property.
4. The slanted orientation of the existing dwelling on the property, does not allow the property owners the right to have coverage over their main front door without the approval of this variance modification for the front yard setback. By being limited from having coverage over the front door, safety and inclement weather protection are privileges that this property owner does not get to have without the approval of the variance request.

SUMMARY:

Planning Staff finds this meets the standards for granting a variance. The subject property has limitations due to topography sloping and the existing dwelling's orientation on the subject property limits the addition of buildable area. Therefore, the subject property does have 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.

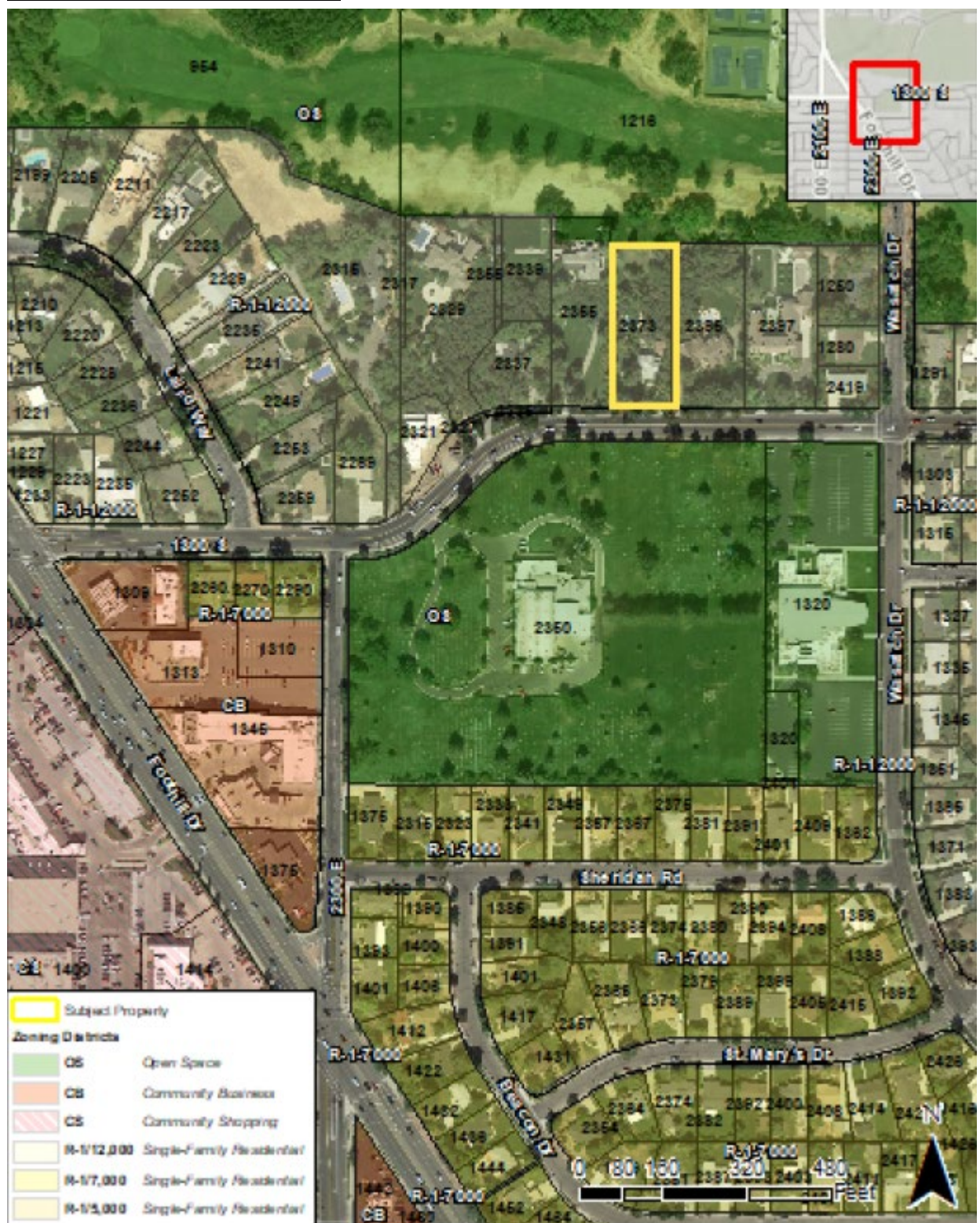
NEXT STEPS:

If the requested variance is approved, the applicant could proceed with applying for a building permit to construct the addition and the porch and porch cover 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



Existing front porch



Front dwelling facade



Side yard where proposed addition will be connected to main dwelling



Rear yard of subject property -property slopes to the north (left side of photo)



Far rear yard area – considerably lower grade then area directly behind dwelling



Across the street to the south – Larkin Cemetery

ATTACHMENT C: Applicant Narrative and Site Plans

2373 East 1300 South
Zone R-1-1200

*see diagrams at the end of these pages (“Averaging Setback Diagram” and “Topography Diagram” as referenced in the text). The houses identified in the text are numbered in the averaging setback and topography diagrams.

1. Project Description:

The project for which the applicant is requesting a variance is a porch addition for a residential house at 2373 E 1300 S. The proposed porch extends out from the main portion of the house on the east end 7'-0" at its widest and then narrows to 5'-0" wide as it extends to the west. The porch wraps around the west side and at the southwest corner of the existing house the porch addition will be punctuated with a gazebo structure. Because the house sits at an angle to the street, the southeast corner is the closest point to the property line, 51'-0" feet from the property line, and the southwest corner is 61'-5" feet from the property line. The porch structure would be 44'-6" off the property line at the southeast corner and 49'-1 inch off the property line at its widest. The gazebo structure at the corner would be 54'-9" off the property line at its widest.

2. Variance Information

a. Describe your proposed construction and specifically how it would not meet the zoning ordinance.

The proposed construction consists of adding a porch structure to the front (south face) of the existing house. The house currently sits at an angle to the street and a portion of the porch does not meet the setback requirements. Based on the requirement that the minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face we provided the following diagram. The average front yard setback was determined to be 50'-6" which was based on the conversation with SLC Planning Staff that two of the houses along the block face could be excluded in the calculation, House 4 and House 6. The proposed addition would be added to House 7. The porch addition, as stated above, would be 44'-6 off the property line at its closest point at the southeast corner. Because the house sits at an angle to the street, as the porch addition extends to the west, the setback from the property line increases to 54'-9". So only a portion of the proposed porch extends past the average setback line on the blockface. The depth of the porch is 7'-0" and this is the desirable depth to allow one to occupy the porch. The 7'-0" depth is partially encumbered by the porch structure (columns) and the rail, thus there is approximately 6'-0" of porch width one can occupy.

b. Cite the zoning ordinance that prevents your proposal from meeting the zoning requirements.

21A.24.050: R12,000. E: **FRONT YARD: THE MINIMUM DEPTH OF THE FRONT YARD FOR ALL PRINCIPAL BUILDINGS SHALL BE EQUAL TO THE AVERAGE OF THE FRONT YARDS OF EXISTING BUILDINGS WITHIN THE BLOCK FACE. WHERE THERE ARE NO EXISTING BUILDINGS WITHIN THE BLOCK FACE, THE MINIMUM DEPTH SHALL BE TWENTY FEET (20'). WHERE THE MINIMUM FRONT YARD IS SPECIFIED IN THE RECORDED SUBDIVISION PLAT, THE REQUIREMENT SPECIFIED ON THE PLAT SHALL PREVAIL. FOR BUILDINGS LEGALLY EXISTING ON APRIL 12, 1995, THE REQUIRED FRONT YARD SHALL BE NO GREATER THAN THE ESTABLISHED SETBACK LINE OF THE EXISTING BUILDING.**

Based on the requirement that the minimum depth of the front yard for all principal

buildings shall be equal to the average of the front yards of existing buildings within the block face we provided the following diagram. The average front yard setback was determined to be 50'-6" which was based on the conversation with SLC Planning Staff that two of the houses along the block face could be excluded in the calculation, House 4 and House 6.

c. What Special circumstances associated with the subject property prevent you from meeting the zoning requirements?

Special Circumstance 1:

The topography of the land slopes down to the creek which is situated to the north from 1300 South. There is a portion of land that is flat enough to build on toward the south side of the property. When the houses were constructed initially beginning in the 1930s (subject property) the houses were constructed on this portion of the lot. The elevation at the south property line (18'-0" back from the curb line of 1300 South) slopes down toward the west from 4794 feet to 4791 feet. As the land moves toward the north the elevation slopes from 4791 feet down to 4781 feet at the bottom of the creek and then begins to slope back up as the land continues northward toward the property line. This condition exists through all the properties through the blockface to a varying degree and contributed to the siting of the buildings along this blockface of 1300 South. Houses 4 and 6 on the averaging diagram were sited on the north side of the creek, while the other houses were sited on the south side of the creek. The subject property (House 7) was sited to occupy the zone between the steep slope down toward the creek and the street and the house is essentially centered between the two. The garage which was built at the same time was sited at the edge of the slope and the house was sited in front of this. It is directly related to these conditions that the house was sited where it is. It could not have been pushed further north or it would bear down on the garage. Provided below is a diagram showing the topography of the land through the blockface. One can clearly understand how the siting of the structures responded directly to the topographic conditions. The creek alignment is depicted as well to indicate the trough that cuts through the properties.

Special Circumstance 2:

When the road was originally planned the S-curve was further to the west than it is now. It was modified it when they improved the road with curb and gutter to decrease the slope of the road and that is when the road frontage increased at the curve in front of houses 3, 4, and 5. Because of this realignment to mitigate the slopes on 1300 South, variances were provided to Houses 3 and 5 to build closer to the property line. The property owners at House 5 purchased a strip of right of way from the City to allow the garage structure to be erected per the ordinance. Likewise, House 3 was granted a variance to build 11'-0" off the property line. House 3 is also a good example of how the house needed to be sited where it is because of the topography. Since the variance was granted based on the topographic considerations of this property, the same variances should be granted for the subject property.

This then becomes a question of equality which requires that property owners along this blockface should be given the same right to encroach in the set back as others have had.

d. Explain how the literal enforcement of this zoning ordinance causes an unreasonable hardship that is not necessary in carrying out the general purpose of the zoning ordinance.

The proposed addition is an open porch that will provide a covered entry to the interior of the house. As stated there is only a small portion of the porch that does not meet the zoning code. The porch addition, as stated above, would be 44'-6 off the property line at its closest point at the southeast corner. Because the house sits at an angle to the street, as the porch addition extends to the west, the setback from the property line

increases to 54'-9". So only a portion of the proposed porch extends past the average setback line on the blockface. At the southeast corner the porch extends 2'-7 1/2" over the setback line and is in the setback a length of 13'-6 1/2" parallel to the road toward the west when, because of the angle away from the street, it then crosses behind the setback line to a point on the west end of the widest section of porch where it is 4 1/2" behind the setback line.

The intent of the averaging setback ordinance is to maintain a consistency along the blockface. Because the setbacks along this blockface vary widely, the code has not been evenly applied and the result is a setback irregularity along the blockface, varying from 11'-0" to 251'-0". Even by disregarding the two outlying properties (Hosues 4 and 6) there is still an inconsistency along the blockface with properties varying from 11'-0" to 94'-0". The older homes along the block face were all situated closer to the street but as new homes were built, because there was not a code defining how far back the house could be off the front property line, the houses were pushed far back into the lot (Houses 5, 8, and 9).

e. Explain what special circumstances exist on the subject property, which do not generally apply to other properties in the same zoning district.

The creek on the subject property runs through the center of the property and required that the house be sited where it is. The creek runs through each of the properties along the block face is, in some cases, located toward the center of the property (as is the case in the subject property) in some cases more toward the south which allows for the construction of the residence on the north side of the property, or in some cases, it is more toward the north which allows the house to be situated deeper into the lot (longer setback) from the property line. This has caused an irregularity in the setbacks along the blockface and has had the unfortunate result of driving the setback requirement to be longer and longer.

Special Circumstance 1:

The topography of the land slopes down to the creek which is situated to the north from 1300 South. There is a portion of land that is flat enough to build on toward the south side of the property. When the houses were constructed initially beginning in the 1930s (subject property) the houses were constructed on this portion of the lot. The elevation at the south property line (18'-0" back from the curb line of 1300 South) slopes down toward the west from 4794 feet to 4791 feet. As the land moves toward the north the elevation slopes from 4791 feet down to 4781 feet at the bottom of the creek and then begins to slope back up as the land continues northward toward the property line. This condition exists through all the properties through the blockface to a varying degree and contributed to the siting of the buildings along this blockface of 1300 South. Houses 4 and 6 on the averaging diagram were sited on the north side of the creek, while the other houses were sited on the south side of the creek. The subject property (House 7) was sited to occupy the zone between the steep slope down toward the creek and the street and the house is essentially centered between the two. The garage which was built at the same time was sited at the edge of the slope and the house was sited in front of this. It is directly related to these conditions that the house was sited where it is. It could not have been pushed further north or it would bear down on the garage. Provided below is a diagram showing the topography of the land through the blockface. One can clearly understand how the siting of the structures responded directly to the topographic conditions. The creek alignment is depicted as well to indicate the trough that cuts through the properties.

Special Circumstance 2:

When the road was originally planned the S-curve was further to the west than it is now. It was modified it when they improved the road with curb and gutter to decrease the slope of the road and that is when the road frontage increased at the curve in front of

houses 3, 4, and 5. Because of this realignment to mitigate the slopes on 1300 South, variances were provided to Houses 3 and 5 to build closer to the property line. The property owners at House 5 purchased a strip of right of way from the City to allow the garage structure to be erected per the ordinance. Likewise, House 3 was granted a variance to build 11'-0" off the property line. House 3 is also a good example of how the house needed to be sited where it is because of the topography. Since the variance was granted based on the topographic considerations of this property, the same variances should be granted for the subject property.

This then becomes a question of equality which requires that property owners along this blockface should be given the same right to encroach in the set back as others have had.

f. Explain how this variance will be essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district.

Many houses have a porch that can be occupied to some degree. The applicant feels that the habitation of a porch is a substantial property right that is enjoyed by the owners of other homes in this same zoning district. Currently, there is a stoop that provides access to the front of the house. There is not any weather protection. Furthermore, there is not a place to occupy at the front of the house except the small stoop. The applicant would enjoy occupying a porch structure on the front the house that is not unreasonable to expect in this zone.

In essence, the applicant is attempting to beautify the neighborhood while optimizing the livability of a house that was constructed in the 1930s under different zoning requirements and when distances to the roadway alignment and width of the roadway were different. The variance consideration should account for the unique nature of this site.

g. Would the variance uphold the general zoning plan and not negatively affect the public interest? Please explain your reasoning.

Yes. Because there are structures along this blockface that have been recently erected in the setback (House 3 is 11'-0" and the garage of House 5 is 10'-0") the precedent has been established that a structure within the setback upholds the general zoning plan and does not negatively affect the public interest. Furthermore, because the right-of-way for 1300 South is so wide (the property line is 18'-0" offset from the back of the curb) encroaching 2'-4 inches into the setback is negligible and does not negatively affect the public interest. The porch at its closest point would be 63'-10" from the back of the curb of 1300 South.

As the applicant has talked with neighbors, no one objects, No one is damaged. There is still over 65 feet from the back side of the curb to the porch with foliage essentially filling the space between the back of curb and the property line (18'-0" depth). This improvement will enhance the value of the houses along the blockface. Historically, every time the city has sold property, or granted a variance the look and feel of the street has been substantially improved. This would be no different.

h. Explain how this variance will observe the spirit of this Zoning ordinance and the City Master Plan.

The spirit of this zoning ordinance is already not observed along this block face. If the spirit of the zoning ordinance were observed, then all the houses along the blockface would have essentially the same setback, and it would not vary to the large degree that it does. The setback would be regular along the blockface. Because there are already structures that have been approved by the city to be within the setback, this minimal encroachment on the subject property will not negatively affect the spirit of this zoning ordinance.

Figure 1: Averaging Setback Diagram

Figure 2: Topography Diagram



WEST ELEVATION - EXISTING SCALE: 1/4" = 1'-0"



NORTH ELEVATION - EXISTING SCALE: 1/4" = 1'-0"



SOUTH ELEVATION - EXISTING SCALE: 1/4" = 1'-0"



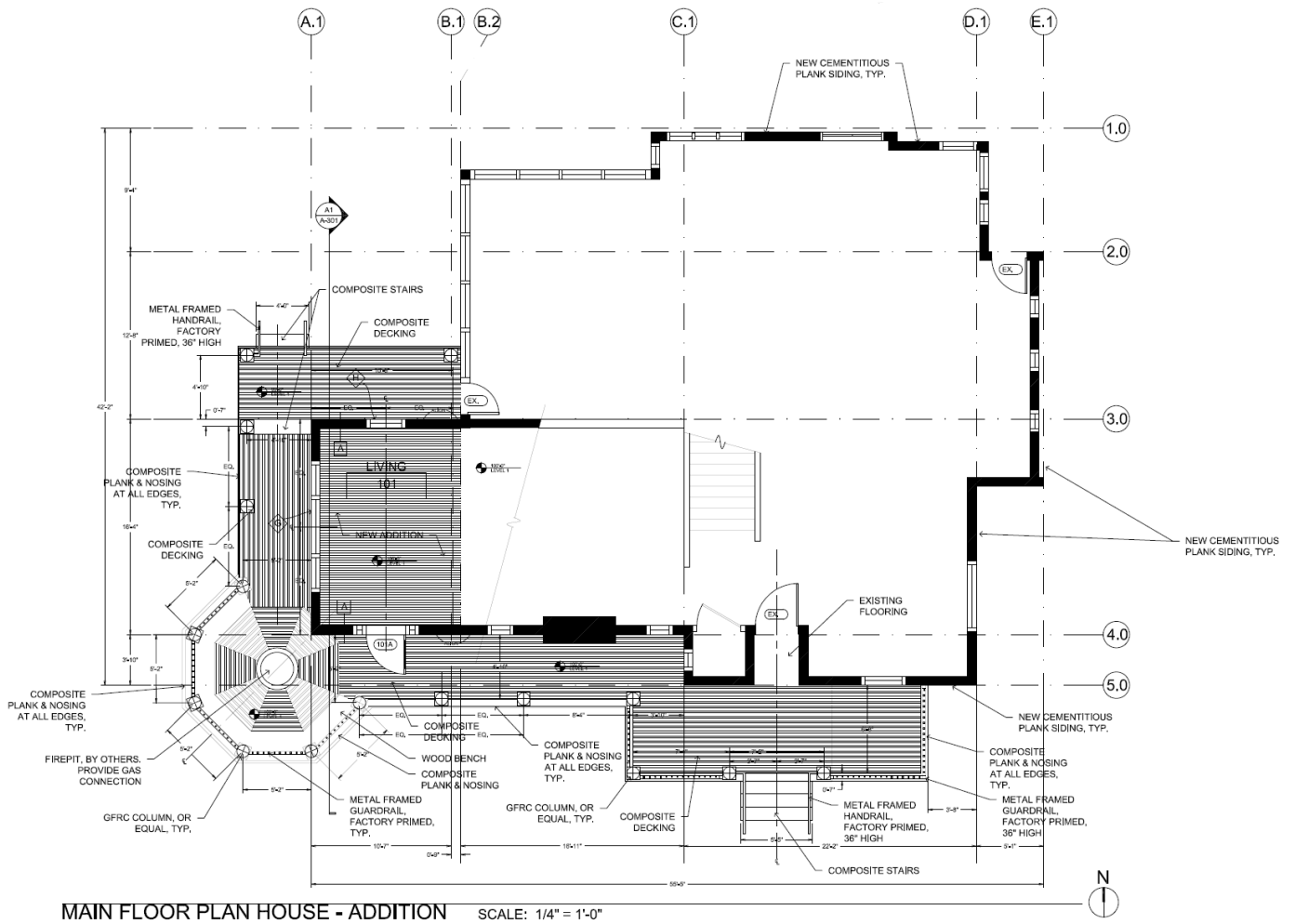
WEST ELEVATION - NEW SCALE: 1/4" = 1'-0"

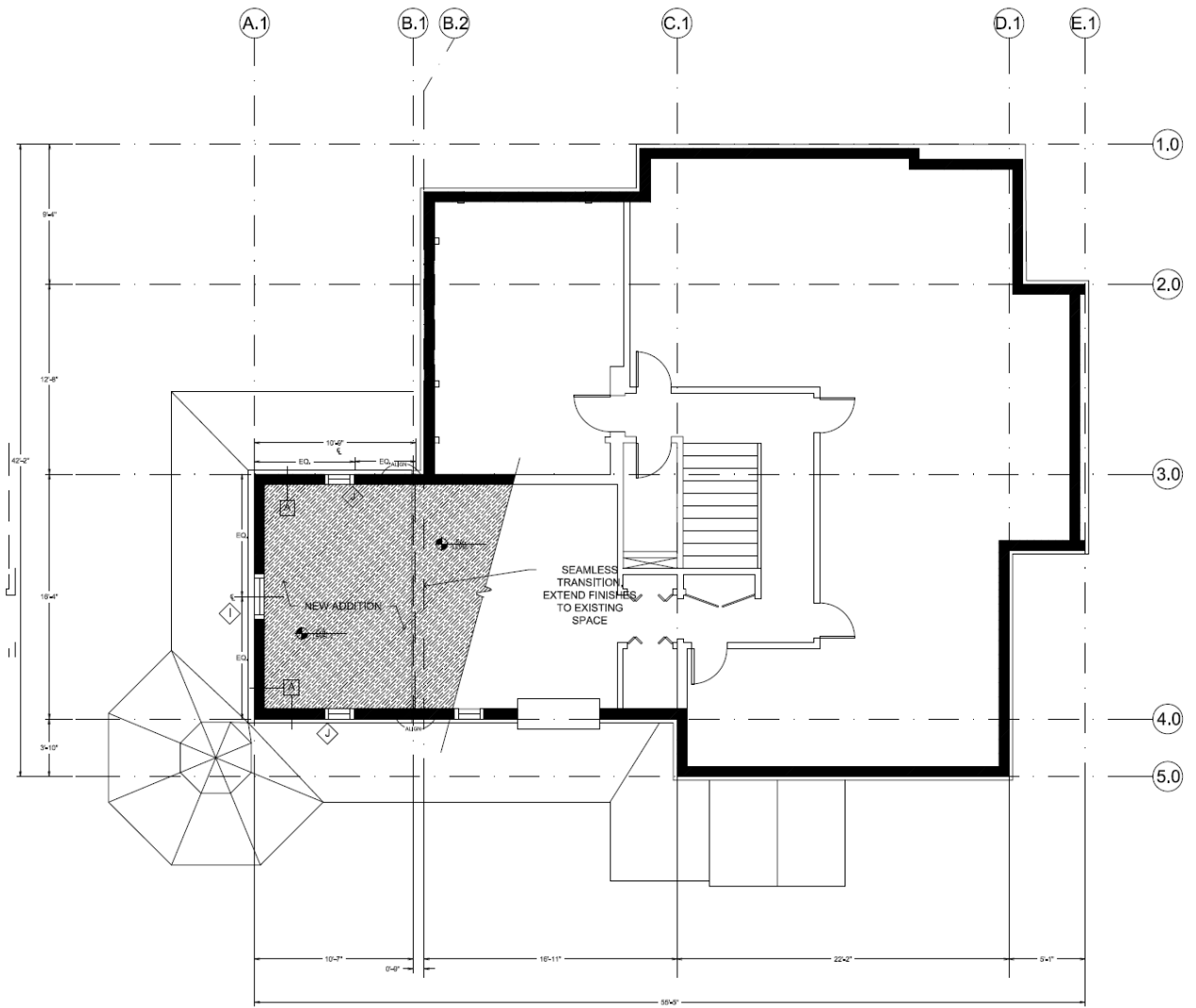


SOUTH ELEVATION - NEW SCALE: 1/4" = 1'-0"



NORTH ELEVATION - NEW SCALE: 1/4" = 1'-0"

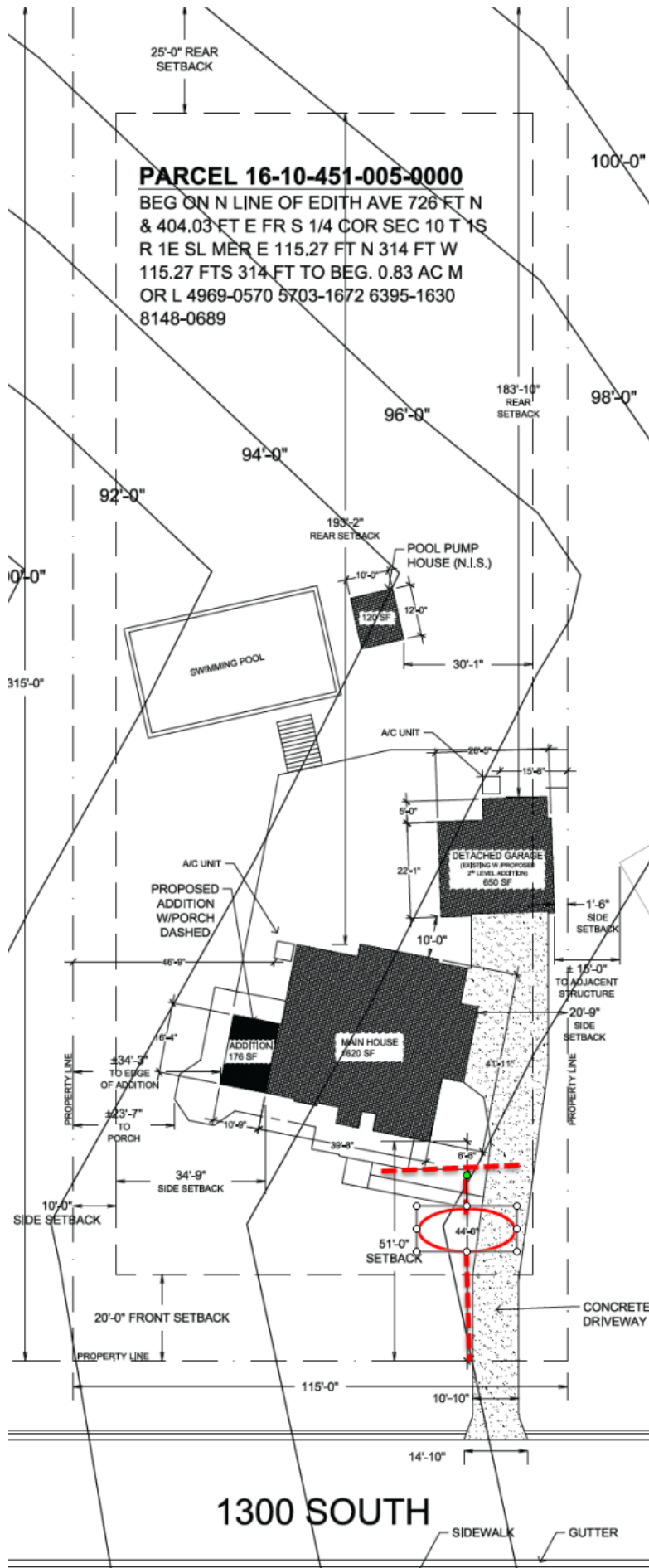




SECOND FLOOR PLAN HOUSE - ADDITION

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





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. The proposed addition would be constructed as a permanent addition to the main dwelling.
Finding: Complies
B. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant
Discussion: The proposed setback reduction would be an appropriate front yard setback for the existing dwelling on the property. The property has hardship issues with the topography of the property, with the ground sloping to the north. As well as the fact that the existing dwelling was built at an angle to the roadway, having the east portion of the house built closer to the property line, unlike other houses along this block face that were built squared to the property line. It is the opinion of the Staff that the request is not greater than what is necessary to relieve the hardship.
Finding: Complies
C. Authorizes uses not allowed by law (i.e., a "use variance").
Discussion: If approved, the variance would allow a reduction in the front yard setback requirement. It would not allow a use not allowed by law.
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: Complies
Discussion: Because of the orientation of the existing dwelling and the sloping topography of the lot, in order to have a covered porch area like the other homes along the block face; and to have an addition to the southwest side of the dwelling, which meets the existing

<p>setback; literal enforcement of this title would restrict the applicant from the enjoyment of a substantial property right possessed by other properties in the same district.</p>
<p>Condition(s): n/a</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>Finding: Complies</p>
<p>Discussion: The slight sloping of the topography to the north, and the orientation of the existing dwelling creates the need to keep the proposed addition in line with the existing front yard setback. In addition, the average front yard setback on the block is usually large and not common in similar neighborhoods in the R-1-12,000 zoning districts. Also, the need to have a covered front door is an enjoyment that the properties are not able to have without the approval of a variance for reduction in the front yard setback.</p>
<p>Condition(s): n/a</p>
<p>3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.</p>
<p>Finding: Complies</p>
<p>Discussion: The applicant is not able to cover the front door with a porch cover, without the approval of the variance requests. All the properties along the block face are able to have front door covers, as this provides a safety feature for the entry and exit for the home and gives protection from inclement weather. The enjoyment of this property right is a legitimate right for this applicant.</p>
<p>Condition(s): n/a</p>
<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>
<p>Finding: Complies</p>
<p>Discussion: The addition and the porch cover would have a minimal impact on any adjacent properties and would not make changes that would affect the community or be contrary to public interest. With the addition to the southwest, the dwelling would still have a setback of over 23-feet to the west property line and 44.5-feet to the front property line. There is a golf course in the rear of the property, and a cemetery to the south across the street from the property. Granting this variance would not impact the community, affect the East Bench Master Plan and would not be contrary to the public interest.</p>
<p>Condition(s): n/a</p>
<p>5. The spirit of this title is observed, and substantial justice done.</p>
<p>Finding: Complies</p>
<p>Discussion: The zoning ordinance requires setbacks to provide open space buffers between dwellings and streets on which they are located. The subject property would still maintain a larger front yard setback than a few of the properties on the block face and substantially more than is generally found in other low density residential neighborhoods throughout the city. In Staff's opinion, the request meets the variance standards; therefore, the spirit of the Zoning Ordinance is observed and substantial justice would be done.</p>
<p>Condition(s): n/a</p>

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: Complies

Discussion: The topography of the ground to the north, the substantial required front yard setback, and the orientation of the existing dwelling causes the addition and the covered porch to be located within the block face front yard setback. This causes a hardship for the property owners which prohibits them from enjoying the ability to have safe coverage from elements, over their main door, and an addition to their main dwelling.

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: Complies

Discussion: The slight topography of the ground to the north and the orientation of the existing dwelling cause the addition and the covered porch to be located within the block face front yard setback. In addition, the average front yard setback on the block is unusually large and not common in the neighborhood. This causes a hardship for the property owners which prohibits them from enjoying the ability to have safe coverage from elements, over their main door, and an addition to their main dwelling.

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: Complies

Discussion: The hardship is not related to self-imposed or economic reasons. The property slopes to the north, the average front yard setback, and the orientation of the existing dwelling prohibits the additions from being built in a different location.

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: Complies

Discussion: The subject lot is located in the R-1/12,000 zoning district. The minimum front yard setback along this block face is 98-feet, even at the 55-foot setback, this property would not be able to comply with these setbacks and be able to enjoy the same additions and porch coverage that other properties in the same zoning district are able to have due to the

topography of the land, the substantial average front yard setback, and the orientation of the existing dwelling.

Condition(s): n/a

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

Finding: Complies

Discussion: The subject lot is located in the R-1/12,000 zoning district. The minimum front yard setback along this block face is 98-feet, even at the 55-foot setback, this property would not be able to comply with these setbacks and be able to enjoy the same additions and porch coverage that other properties in the same zoning district are able to have due to the topography of the land, the substantial average front yard setback, and the orientation of the existing dwelling.

Condition(s): n/a

ATTACHMENT E: Public Comments

PUBLIC INPUT:

Staff has received no comments from the public.