



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

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

Date: April 18, 2024

Re: PLNZAD2024-00113 -Variance request

VARIANCE

PROPERTY ADDRESS: 1185 S. Jeremy St.

PARCEL ID: 15-11-475-040-0000

ZONING DISTRICT /ORDINANCE SECTION: R-1-7,000 (Single-Family Residential) /
21A.40.050.B.2.a

APPLICANT: Richard Lewis, representing the property owners

DETERMINATION ISSUE:

Whether the applicant meets the standards for a variance in Ordinance 21A.40.050.B.2.a. for approval to expand an existing accessory structure that would exceed 50% of the principal structure's footprint size. It was determined that this request would require a variance per ordinance section 21A.18.020 of the Salt Lake City Zoning Ordinance.

RECOMMENDATION:

Based on the analysis and findings in this staff report, the Planning Staff believes that this application does not meet the standards for approval for the variance request in petition PLNZAD2024-00113. 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 applicant, Richard Lewis, who is representing the property owners, is asking for a variance from the following city code for approval to build an expansion on an existing accessory structure (garage) that would exceed 50% of the principal structure's footprint size.

Ordinance 21A.40.050.B.2.a states:

2. Building Coverage:

a. In the FR, R-1, R-2 and SR residential districts the maximum footprint of any accessory building, shall not exceed 50% of the building footprint of the principal structure

The applicant proposes a 24' x 24' (576 sq. ft.) addition to the eastern wall of the existing garage, which is currently approximately 720 square feet and was built in 1974. The total size of the existing garage with the addition would be just under 1,300 square feet, which is twice the allowed size based on the current ordinance stated above.

According to the Salt Lake County Assessor's office, the current size of the principal structure (a single-family dwelling) is approximately 1,125 square feet. The total square footage of the accessory building footprint should not be able to exceed 563 square feet based on the current ordinance requirement (which the existing garage already exceeds at 720 sq.ft., since it was built before the current ordinance size limitation).

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 increase the size requirement from Ordinance 21A.40.050.B.2.a, which restricts the size of accessory structures to 50% of the square footage of the principal structure. The applicant is asking to increase the entire accessory structure (detached garage) to approximately 1,296 square 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 resolving the circumstance(s) causing hardship to the applicant, **then it is not appropriate to grant a variance.**

In this case, the applicant states that the hardship is “that the access is limited, and the soil doesn’t drain its clay and is not suitable for growing anything.” However, this issue is not caused by the characteristics of the subject property (size, shape, topography, etc.). Since most of the properties in the immediate area also have these issues, the subject property does not have special circumstances that others do not.

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

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 outlined 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 size, shape or topography of the subject property. The subject property is very similar to other properties in the immediate neighborhood.
2. The subject property is comparable in size to most of the immediate properties.
3. The Planning Staff does not believe this property has a special circumstance that deprives it of privileges that other properties in the same zoning district have. The properties within this neighborhood are subject to the same size limits for accessory structures.
4. The applicant states that the hardship is “that the access is limited, and the soil doesn’t drain its clay and is not suitable for growing anything”. This is not a hardship that would be considered special circumstances that others have and that do not. Also, the fact that structures and planting are not the only options for the rear yard property, there are other uses that could be options.

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

SUMMARY:

The Planning Staff does not find this meets the standards for granting a variance. In size, shape, and topography, the subject property is similar to other properties in the immediate area.

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 apply for a building permit to expand the existing garage as long as it complies with all other zoning and building regulations.

If the variance request is denied, the applicant cannot expand the existing garage, which is already larger than the current ordinance allows. However, the applicant could follow the staff's recommendation to build a second accessory detached structure to the north within the buildable lot area. This would allow the structure to be larger than the 50% principal structure footprint if the applicant met the building coverage requirements for the zone at 50% maximum.

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



South Property Line -View from Jeremy Street



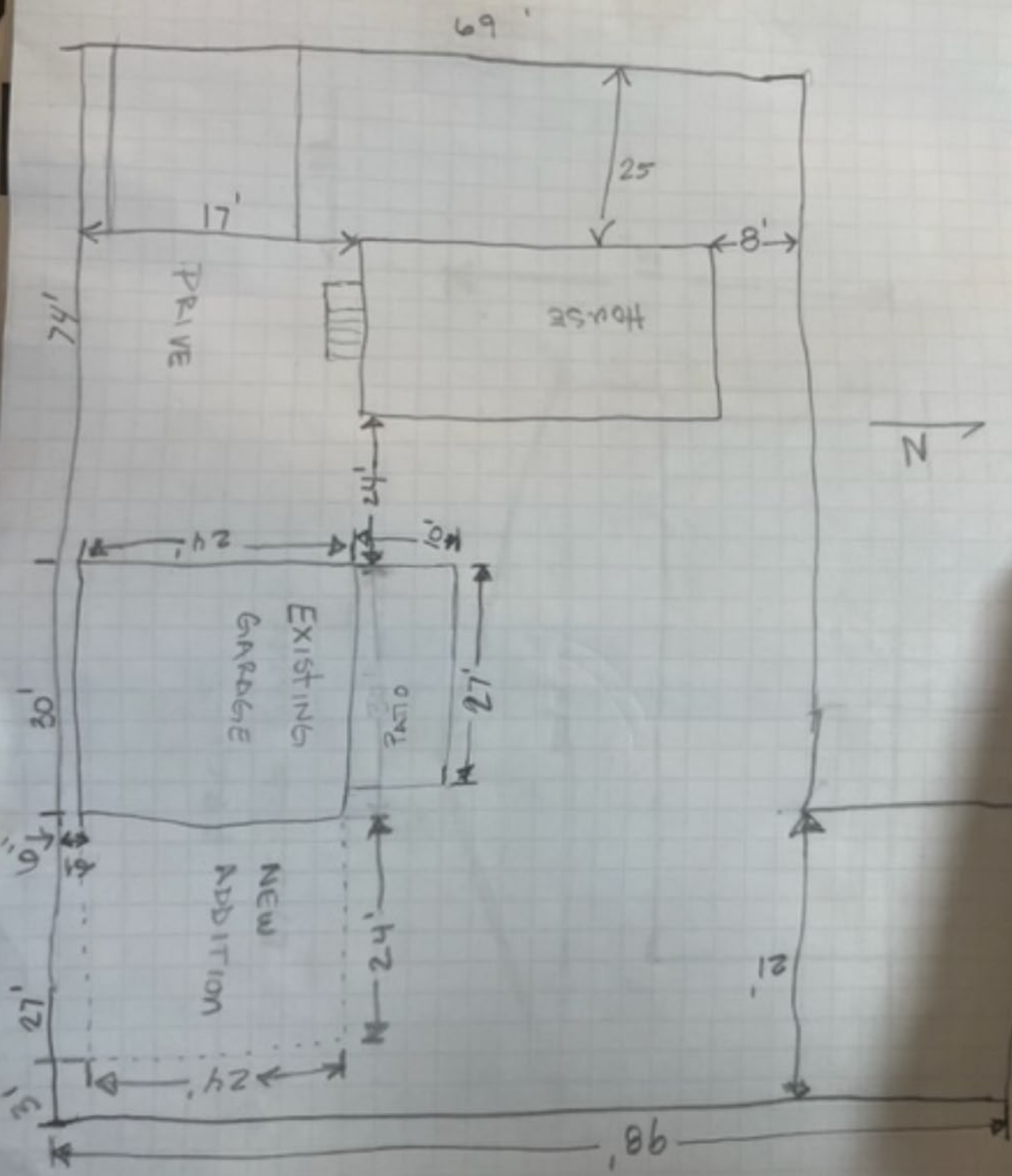
Principal structure and existing detached accessory structure

ATTACHMENT C: Applicant Narrative and Site Plans

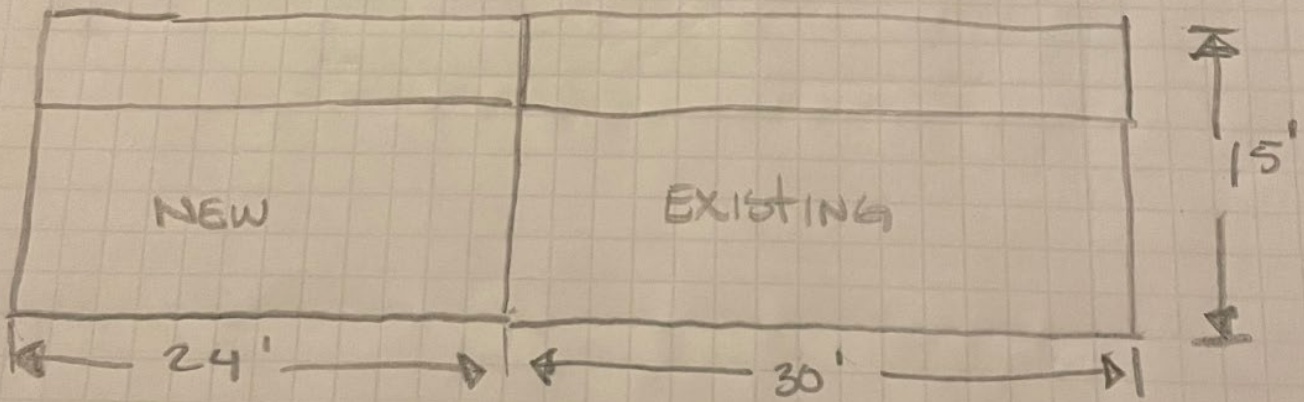
Bill Platt

To whom it may concern the above property owner would like to have additional storage on his lot the proposed structure would be connected to the existing garage to the back. It would be built with metal frame and exterior sheeting that is metal. The addition to the existing garage won't meet the zoning requirement for the square footage that is in the zoning but the combined structure new and existing would not take up half of the required backyard space because the property owner purchased a property that connects to his property that is 27 feet back from the existing garage and has a width that is 98 feet. The surrounding lots in the neighborhood don't have this extra space. The property owner wants to access this part of his yard by going through the garage because access is limited because it is land locked the proposed addition would accommodate the access to the property and add beautification to his backyard. This proposed structure would be only seen from empty backyard space from the neighbors. This will help the city's overall plan by creating a clean and attractive yard space. The minimum variation to the zoning would be to allow the property owners to add the 24x24 structure to the existing structure on the back allowing them to use the property for their enjoyment. I have looked over the neighborhood and this wouldn't be the only property that has a oversized accessory building there are over 10 in the neighborhood between 800 south and 1400 south and between 700 west and 1000 west. We would like to have the same opportunity to enjoy the property the way that is the norm in this neighborhood.

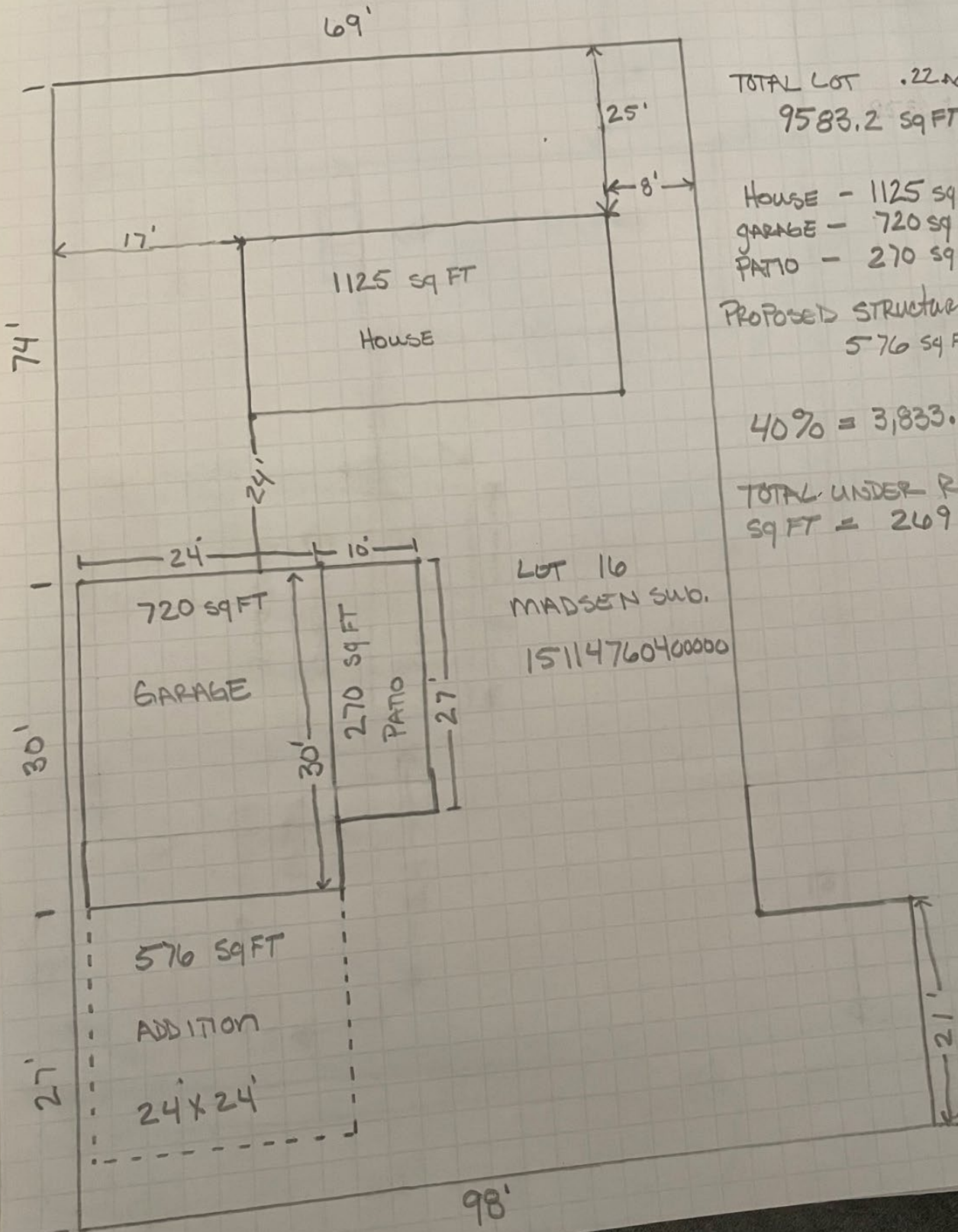
The hard ship would be that the access is limited and the soil doesn't drain its clay and not Suitable for growing anything.



SIDE



N →



TOTAL LOT .22 AC
9583.2 SQ FT

HOUSE - 1125 SQ FT
GARAGE - 720 SQ FT
PATIO - 270 SQ FT

PROPOSED STRUCTURE
576 SQ FT

$40\% = 3,833.28$

TOTAL UNDER ROOF
SQ FT = 2491

LOT 16
MADSEN SUB.
15114760400000

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
<p>Discussion: This request is not intended as a temporary measure. An approved variance would run with the land.</p>
Finding: Complies
B. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant
<p>Discussion: There is no hardship related to the size, shape, or topography of the subject property. It is very similar to most of the properties in the immediate area, and therefore, the request to increase the square footage of an accessory structure should not be granted since there is no hardship related to the property itself.</p>
Finding: Does Not Comply
C. Authorizes uses not allowed by law (i.e., a "use variance").
<p>Discussion: Accessory structures are allowed in the R-1 zones, with a footprint size limit of 50% of the principal structure's footprint square footage.</p>
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 still have a 720 sq ft detached garage. 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 in this neighborhood.

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 the fact that the property owners have an existing 720 sq.ft. garage gives a substantial property right of having an accessory structure for storage and safety of equipment. The applicant is not being restricted from having a garage, so a variance is not essential to the enjoyment of a property right.

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:

Construction of a larger garage 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 an accessory building to be 50% of the footprint of the principal structure. To allow this variance to be approved, would contradict the ordinance and would cause a precedence for other properties owners to go against the ordinance restrictions.

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 stated that the conditions are due to the property's access and the inability to grow anything on the land. Adding buildings to this property and growing plants/vegetation are not the only options that the rear yard property could be used for. These are not hardships peculiar to the property or from conditions that are not general to the entire neighborhood.

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:

The property's size, shape, or topography does not create a hardship, and no special circumstances distinguish it from the other properties in the neighborhood.

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:

This property does not have any special circumstances related to size, shape, or topography. The applicant is able to build a second accessory detached garage within the buildable area north of the existing garage but does not want to.

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 in this neighborhood.

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//Jena Carver, Transportation Engineer:**
No comments at the time of this report. Staff will follow up with the transportation engineer.
- **Public Utility Comments // Kristeen Beitel // 801-483-6733 // Kristeen.beitel@slcgov.com**
Public Utilities has no issues with this proposed garage addition, assuming that it would not include any plumbing. If the structure were to be used with any plumbing, then Public Utilities would have additional comments.
- **Fire // Seth Hutchinson // 801-535-7164 // seth.hutchinson@slcgov.com**
No comment for fire at this time for the variance. But the following should be kept in mind for building on the parcel;
Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of IFC section 503 and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, and an unobstructed vertical clearance of not less than 13 feet 6 inches and be capable of supporting 80,000 pounds per square inch (psi). Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles, or medians. The approved method of measurement for the 150-foot requirement is from the curbing of the FD Access Road, then using right angles and straight lines, measure 10 feet from the building around the building.
- **Building Services // Steven Collett // 801-535-7289 // steven.collett@slcgov.com**

4/3/2024: No Building Code comments in regard to the variance application.

A building permit is required to expand the garage.

All construction within the corporate limits of Salt Lake City shall be per the State of Utah adopted construction codes and to include any state or local amendments to those codes. RE: Title 15A State Construction and Fire Codes Act.

Existing structures on adjacent parcels shall not be made less complying to the construction codes than it was before the proposed subdivision or construction.

Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. The owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, or demolish a building is responsible for all shoring of adjacent properties public or private. Protection shall be provided during excavation, footings, foundations, retaining walls, etc. Provisions shall be made to control water runoff and erosion during all construction or demolition activities.