



Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer
From: Seth Rios, Associate Planner
seth.rios@slcgov.com, 801-535-7758
Date: May 16, 2024
Re: PLNZAD2023-00826, Kinney House Parking Variance

Variance

PROPERTY ADDRESS: 563 N Center St
PARCEL ID: 08-36-208-008-0000
GENERAL PLAN: [Capitol Hill General Plan](#)
ZONING DISTRICT: [SR-1A, Special Development Pattern Residential District](#)
LOCAL HISTORIC DISTRICT: [Capitol Hill](#)

REQUEST:

New single-family dwellings built in the SR-1A zone are required to have two off-street parking stalls on the property. The property owner is requesting a variance to build a new single-family dwelling without providing the required off-street parking.

RECOMMENDATION:

Planning Staff recommends that the Appeals Hearing Officer approve the variance request.

ATTACHMENTS:

- A. [ATTACHMENT A: Vicinity Map](#)
- B. [ATTACHMENT B: Applicant Narrative](#)
- C. [ATTACHMENT C: Plan Set](#)
- D. [ATTACHMENT D: Property & Vicinity Photo](#)
- E. [ATTACHMENT E: Variance Standards](#)
- F. [ATTACHMENT F: Public Process & Comments](#)
- G. [ATTACHMENT G: Department Review Comments](#)

PROJECT DESCRIPTION



Quick Facts

Date Parcel Was Created: 1916
Lot Size: 1,215 sq ft
Lot Width: 19.22 ft
Lot Depth: 67.27 ft
Proposed Building Footprint: 958 sq ft
Proposed Use: Single-Family Dwelling
Number of Parking Stalls Required by Zoning Code: 2
Number of Stalls Applicant is Requesting to Provide: 0

The applicant is proposing to build a single-family home without providing the required off-street parking of the SR-1A zone. The applicant is requesting the variance because of the small size of the lot and the design requirements of the local historic district standards. The subject property is located in the Capitol Hill local historic district, where all new construction is required to be reviewed and approved by the Historic Landmark Commission (HLC). The HLC can grant modifications to certain dimensional, lot, and bulk standards (building height, setbacks, lot coverage requirements, etc.), but they cannot grant relief from parking standards. This is within the authority of the appeals hearing officer through the variance process. The final design of the building may look different, but a variance would remove the requirement to provide off-street parking on the property. The applicant states that a variance is necessary because the property would not be able to fit the required parking without compromising its design, safety, and functionality.

Background

An administrative interpretation issued in 2023 determined that the existing parcel is legal. The original parcel was much larger and included the land currently occupied by 561 N Center St. The total square footage of the original parcel was approximately 8,275 square feet. The owner at the time built two structures on this large lot in 1890. The parcel was then subdivided in 1916, leaving two buildings on a 1,215 square lot. The subdivision was legal because it was done before Salt Lake City's first zoning code was implemented. Before 1927, there were no minimum setbacks, lot sizes, or parking standards for buildings.

The subsequent owners maintained the buildings until they were demolished around 1980. The parcel has remained vacant since the demolition of the buildings. The original buildings occupied most of the property's lot area. This is reflective of the building patterns of the time and of the surrounding neighborhood, as homes built in the early 20th century were smaller. The property, in its original configuration, as seen below, never accounted for off-site parking.

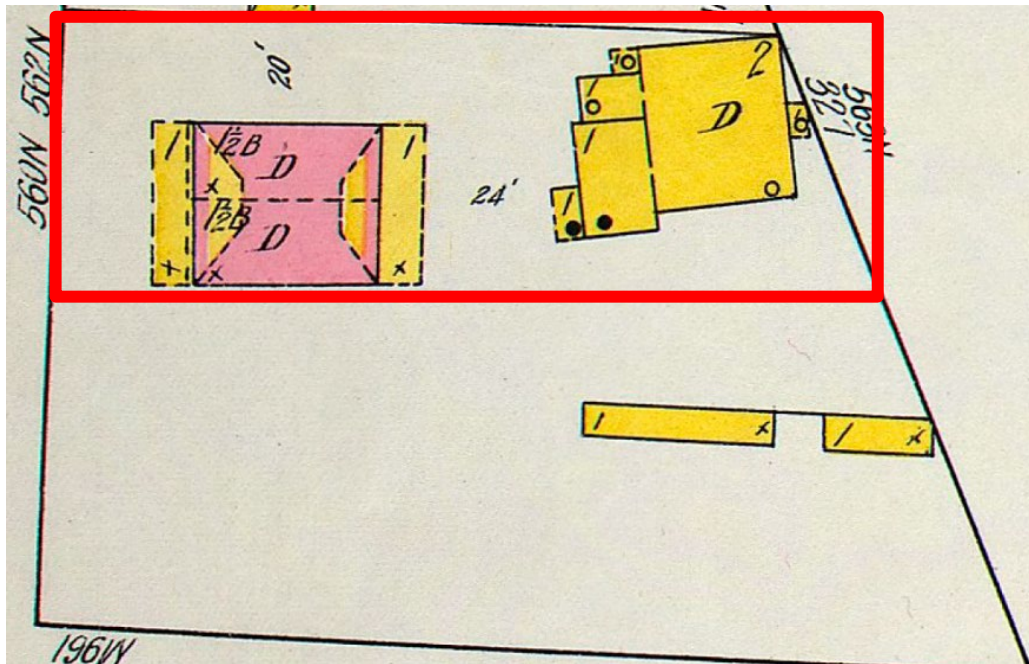


Figure 1: Building configuration of the parcel in 1911. This is taken from a Sanborn map, a detailed map of buildings created for fire insurance companies. This was before the 11-unit apartment complex was constructed to the south.

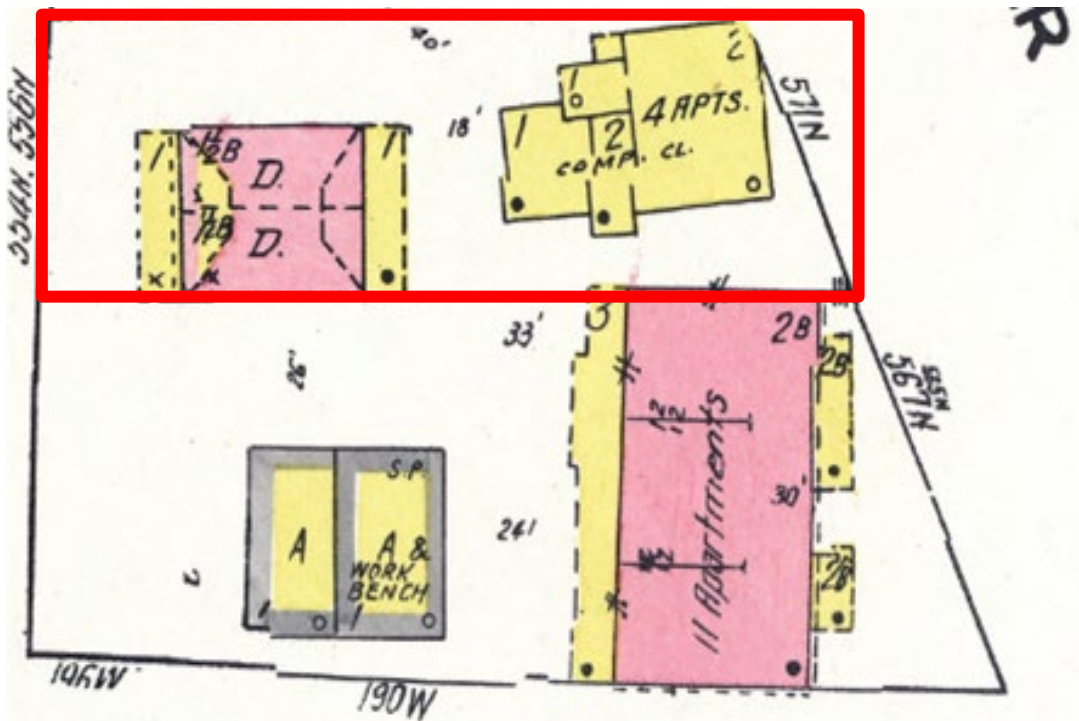


Figure 2: Building configuration of the parcel in 1950. The 11-unit apartment building is the only remaining structure.

APPROVAL PROCESS AND COMMISSION AUTHORITY

The standards for variances are established in [Utah Code 10-9a-707](#) and [Salt Lake City Code 21A.18.060](#). An Appeals Hearing Officer may only grant a variance if the request meets all standards. A full analysis of each variance standard can be found in [Attachment E](#).

KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

1. Requirement to Comply with Historic Design Guidelines
2. Parking Context of the Surrounding Neighborhood
3. Analysis of Variance Standards

Consideration 1: Requirement to Comply with Historic Design Guidelines

The subject property is located in the Capitol Hill local historic district, where new constructions must meet the design standards of [Chapter 21A.34.020H](#). The purpose of these standards is to ensure that new constructions are compatible with the character of the existing developments in the local historic district. Applicants are required to design their buildings in a way that pays respect and contributes to the evolution of Salt Lake City's architectural traditions. The Historic Landmark Commission (HLC) will review the proposed design of the building to ensure compliance with these standards. The applicant will be requesting additional zoning modifications from the HLC to build the proposed structure. These modification requests include additional building and wall height, decreased front, side and rear yard setback, and additional building coverage. Staff is working with the applicant to propose a design that meets the requirements, but the parking requirement imposes a hardship that cannot be considered through the HLC.

The applicant states that providing any amount of off-street parking stalls would compromise the design of the building and prevent it from meeting the design standards required by city code. Parking stalls are generally required to be 8-10 feet wide and 18-20 feet long. Driveways are required to have a minimum width of 8 feet and must lead to an approved garage, carport, or paved area. Parking between the front lot line and the front façade is prohibited unless it leads to one of these areas. Residential properties are allowed to double-stack parking spaces, but in this case, one stall consumes approximately half of the parcel width.

The subject property is 19 feet wide and 67 feet deep. The uniquely small dimensions of the property and strict application of the parking ordinance would require nearly half of the front of the property to be used for a garage or a driveway leading to the back. This is not reflective of building patterns in the surrounding historic district. The following table lists all design requirements for new constructions in a local historic district. The standards on the left could feasibly be met if parking is required on the site. The requirements on the right are standards that would be compromised if off-street parking is provided on the property. An analysis of each compromised standard follows the table.

Historic Design Standards Unaffected by Parking Requirement	Historic Design Standards Compromised by Parking Requirement
Reflects historic block patterns	Maintains historic building placement
Building orientation matches street pattern	Site access matches historic function
Preserve lot and building site patterns	Vehicular access is least obtrusive as possible (located on side and rear)
Grading of land matches historic context	Building engages with the sidewalk and public realm
Landscape structures match historic context	Pedestrian access promoted
Lighting used appropriately	Character of street block matches scale and composition
Height of building matches historic context	Massing reflects historic character
Width of building matches historic context	Façade articulation reflects the historic context
Roof form reflects historic context	Rhythm of openings matches historic context
Durable building materials used	Proportion of scale of openings matches historic context
Window patterns reflect those established in district	Ratio of wall to openings matches historic context
Architectural elements reflect those used in historic district	
Signage used appropriately	
Site utilities screened from public view	
Prohibited building materials avoided on front façade	
Location and design of balcony reflect historic patterns	

Historic Design Standards Compromised by Parking Requirement

Building Placement (21A.34.020.H.1)

Due to the small size of lots in the area, buildings in the Capitol Hill district were historically constructed close to property lines, occupying a significant portion of the lot and maximizing the available lot space. Requiring parking in the rear would require a paved driveway to lead to that area. This would require the side wall of the building to be placed further away from the side property line than what was traditionally seen, and substantially change the size and shape of the house. Parking in the side yard area presents the same issue, in addition to the design conflicts discussed later in this consideration. Parking in front of the house is prohibited by code and would require a larger building setback in the front yard. None of the potential parking designs would reflect the building placement of the historic district. Removing the parking requirement allows the building to be built close to property lines in a way that reflects traditional building placement patterns.

Site, Vehicular, and Pedestrian Access (21A.34.020.H.2)

The proposed design of the project allows for site access that is similar, in form and function, with patterns common in the historic context and block face. Vehicle access was not considered when the parcel was created in 1916. The design standards require vehicle access to be provided in the least obtrusive manner possible. Vehicle access is only available from the front of the lot. A parcel width of 19 feet makes any off-street parking proposal obtrusive because one parking stall is 8 feet wide and nearly half the width of the parcel. Accommodating a vehicle in the front or side of the house would sacrifice half of the front of the building for parking. Even if a garage were designed to fit one car, it would make up most of the front façade. Such an intrusive parking space would not reflect the pattern of the district nor block face. The proposed design engages the public realm and promotes pedestrian activity by building close to the parcel lines and providing visual interest through the 8 openings on the front façade.

Character of the Street Block and Massing

The buildings that are close to the property lines and the small yard areas help to create the small scale of North Center Street. The original character of the property block face was shaped by the continuous façade of buildings on the street, similar roof shape, and zero lot line construction. This can be seen in the photo at the end of this section. The surrounding properties still maintain that original configuration. Requiring parking in front or side yards on the subject property would create a visual disruption that is not present in the surrounding neighborhood.

It would also impact the proportions of the proposed building, reducing the building width by half. Massing is a term used in architecture to describe the shape, size, and arrangement of a building. It refers to how different architectural elements come together to create the structure. In the proposed design, the massing is defined by the building's vertical rectangular shape and flat roof. The façade is wide enough to provide elements that make the building more interesting. If parking is provided in a driveway or side yard, the size and shape of the building would be greatly reduced, which would impact the massing of the building.

Façade Articulation, Rhythm of Openings, Scale of Openings, and Ratio of Wall to Openings

New constructions in the local historic district are required to provide articulation and openings that match the patterns established in the local historic district. Articulation in architecture refers to the division of the building into smaller parts to make it more interesting and break up a boring, blank wall. Openings are the intentional spaces created in a building. Entryways,

windows, or doors are examples of different openings in a building. The proposed project uses windows, doors, a balcony, and varied building materials to meet the articulation and opening requirements. Garage doors do not provide articulation because they are often blank, flat surfaces that prioritize functionality over design. The size of the garage door opening would also not meet the design standards because it is not reflective of the development pattern in the area. Similarly, a driveway would reduce the size of the building and limit the ability to create articulation and openings.

Findings

The requirements of [21A.34.020H](#) establish that the building should prioritize the historical context when considering the design of the building. A building with half the front façade reserved for parking or driveway access would not comply with [the design standards listed above](#). Parking in front of the building would cause issues with the building placement requirement. A garage door that is half the width of the parcel is out of character and in conflict with the historic pattern established in the surrounding historic district. Thus, if 2 parking stalls are required, it is unlikely that a new construction would comply with the standards of review. This would place the HLC in a difficult position, where they would have to permit a reasonable development of a legally existing property.

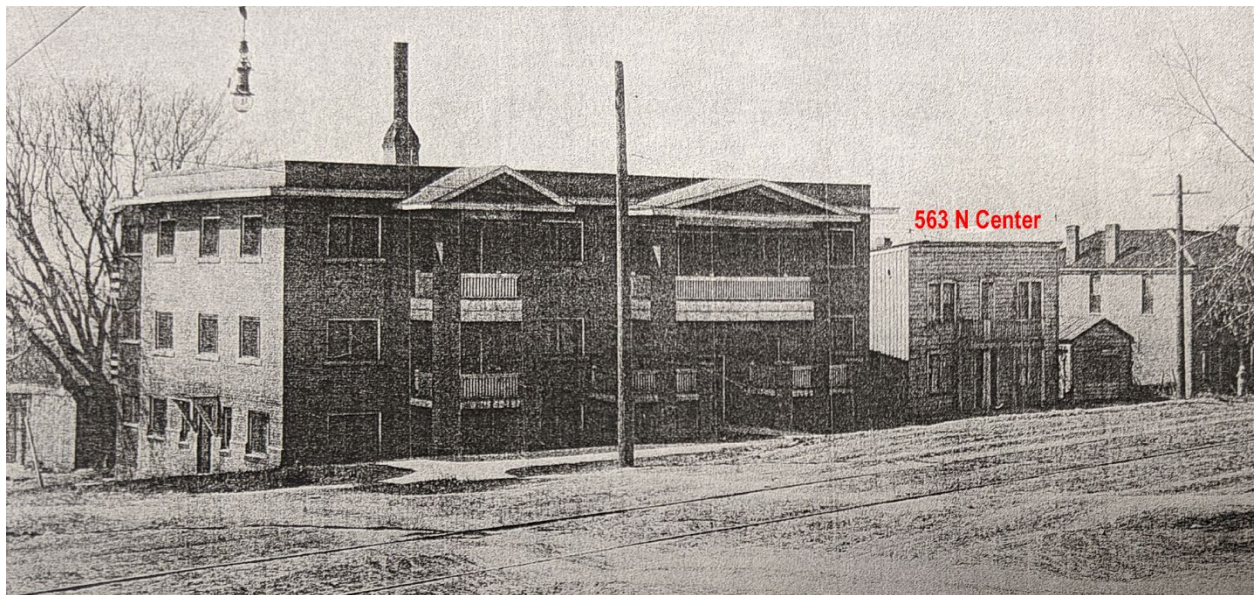


Figure 3: Historic placement of the original building on 563 N Center St. The home was built right up to the front property line.

Consideration 2: Parking Context of the Capitol Hill District.

Salt Lake City adopted parking requirements in 1950 to accommodate the increased number of drivers after vehicles became more accessible and prominent in Americans' lives. This minimum applied to all properties in the city, mimicking the planning trends of the time. This zoning standard often forces new developments to provide larger lots to accommodate attached garages and bigger driveways. It creates a much different neighborhood character than what is seen in Salt Lake City's historic districts. Capitol Hill has maintained its neighborhood character through historic preservation and design guidelines that ensure new buildings are compatible with the surrounding area.

The only other building on the block face, 561 N Center St, is a historic 11-unit apartment complex that provides no off-street parking for residents. Like many other buildings in the Capitol Hill

district, this apartment building was built in the early 1900s before zoning codes required off-street parking and families had access to an automobile. This pedestrian-oriented building pattern is seen in the surrounding Capitol Hill district. Buildings often cover most of the parcels they are built on, with many built right up to the property lines. Porches and front entrances are built very close to the sidewalk to engage the public realm. The following table shows similar-sized properties of the Capitol Hill historic district and if they provide off-street parking.

Similar Sized Properties in the Capitol Hill District

Address	Lot Width in Feet	Lot Area (Sq Ft)	Off-Street Parking provided?
563 N Center St (Subject Property)	19.22	1,306	
116 W 500 N	30.7	2,178	no
124 W 500 N	26.28	1,742	no
149 W Girard Ave	25	1,306	no
507 N Center St	32.45	2,613	no
511 N Center St	32.45	2,613	no
514 N 200 W	33	3,049	no
554 N 200 W	37	3,049	no
532 N Center St	37.5	2,316	no
566 N Center St	48	2,175	yes
582 N Center St	50.5	8,276	yes
586 N Center St	50.41	6,969	yes

Legend:

- Subject Property (Yellow)
- No Parking Provided (Red)
- Off-Street Parking Provided (Green)

Map Labels:

- Streets: Alida Pl, Girard Ave, Center St, Quince St, Main St, 500 N, 400 N, 200 W, Wall St.
- Lot Numbers: 586, 582, 566, 561, 554, 558, 560, 563, 572, 576, 570, 544, 538, 536, 530, 529, 525, 521, 519, 514, 507, 508, 512, 502, 501, 504, 503, 500, 499, 498, 497, 496, 495, 494, 493, 492, 491, 490, 489, 488, 487, 486, 485, 484, 483, 482, 481, 480, 479, 478, 477, 476, 475, 474, 473, 472, 471, 470, 469, 468, 467, 466, 465, 464, 463, 462, 461, 460, 459, 458, 457, 456, 455, 454, 453, 452, 451, 450, 449, 448, 447, 446, 445, 444, 443, 442, 441, 440, 439, 438, 437, 436, 435, 434, 433, 432, 431, 430, 429, 428, 427, 426, 425, 424, 423, 422, 421, 420, 419, 418, 417, 416, 415, 414, 413, 412, 411, 410, 409, 408, 407, 406, 405, 404, 403, 402, 401, 400.

Scale: 0 to 180 Feet

North Arrow: N

Inset Map: Shows the location of the map area within the city of Chicago, bounded by 200 W, Wall St, 400 N, and 400 N.

May 16, 2024

Of the eleven example properties listed in the table, only three provide off-street parking. The 3 properties with off-street parking have significantly more street frontage, and two of them are significantly larger. Other comparable properties with similar sizes and widths do not have off-street parking. The subject property is significantly narrower and smaller than the examples in the table, making it virtually impossible to provide 2 parking stalls while also complying with the design guidelines discussed in [Key Consideration 1](#). Granting a parking variance to the property owner would allow them to build a single-family dwelling that is compatible with the historic context of the surrounding neighborhood. It would also grant them the ability to enjoy their property in the same manner as other properties. The Transportation Division has expressed its support for the variance request to build a home without off-street parking. The comment has been included in [Attachment F](#).

Consideration 3: Analysis of Variance Standards

The applicant must comply with all standards listed in [Chapter 21A.18.060](#) of the city code to be granted a variance. Staff has found that the proposed design meets all standards and recommends approval of the requested variance. The property is uniquely small, and requiring off-street parking imposes a hardship on the property owner by forcing a design that does not comply with the historic design guidelines. The full analysis can be found in [Attachment E](#).

STAFF RECOMMENDATION

Based on the parcel's small size, legal status, and design standards that need to be met, Planning Staff has determined that the variance request satisfies the approval standards. Therefore, Staff recommends that the Appeals Hearing Officer approve the request to construct a new single-family home without the requirement for 2 off-street parking stalls.

NEXT STEPS

Approval of the Request

If the requested variance is approved, the applicant will present their proposed design to the Historic Landmark Commission. Approval from the HLC is required before the new single-family home can be constructed. HLC may approve a different building design from what is proposed here, but would not require off-street required parking. If a design is approved by the HLC, the applicant can build a single-family home without the 2 required parking stalls.

Denial of the Request

If the variance request is denied, the applicant would need to redesign the project to comply with the parking requirements of Chapter 21A.44 of the city code, which would require two parking off-street parking stalls. Any person adversely affected by a final decision made by the Appeals Hearing Officer can be appealed to the Third District Court within 30 days after the decision is rendered.

ATTACHMENT A: Vicinity Map

Vicinity Map



Salt Lake City Planning Division 4/25/2024

ATTACHMENT B: Applicant Narrative

Narrative

Information about the proposed construction and specifically how it would not meet the zoning ordinance.

- The proposed construction is a single-family residence on a legal non-conforming lot. The lot is 19 feet wide, with a total area of approximately 1,220 square feet. Given the parcel's small size and configuration, the parcel does not have the room to include the off-street, on-site parking required by the zoning ordinance.

The specific provision of the zoning ordinance from which the variance is sought.

- E21A.44.040. Required Off Street Parking.

The special circumstances associated with the subject property that prevent compliance with the zoning requirement.

- The parcel is unusually small for Salt Lake City. The lot width is approximately 19 feet, and the total area is approximately 1,220 square feet. The Planning Department has determined that the subject property is a legal noncomplying lot, and a single-family home may be constructed on the property (PLNZAD2023-00285).
- The subject property is in the Capitol Hill National Historic District. The proposed construction's design is a similar size and massing of the structure that was originally constructed on the lot during the district's period of historic significance. The proposed construction incorporates the City's new construction design criteria for building in historic districts by including similar size, massing, placement and setbacks to what was originally constructed on the property during the period of historic significance. Given the small size and configuration of the lot, and the unique site challenges associated with the absence of any historical use of off-street parking on the lot, the applicant is seeking a variance from the City's off-street parking requirements.
- The applicant has conducted multiple discussions with planning staff and architects over the past several months. The main issue is that there is no place to physically locate parking on the subject parcel, while still having enough room on the parcel for a reasonably sized single-family house. For instance:
 - Placing a driveway at the front of the property for on-site off-street parking along the street-facing side would cause the house to be set back, both further back from the adjacent property and the historical placement of the house during the district's period of historic significance. This would create an unreasonably small area to construct the home on the lot. In addition, it would also be incompatible with the City's design guidelines for new construction in historic districts, specifically, with the City's goal for building homes that helps achieve a human scale. Setting back the construction would also violate the principles of Crime Prevention Through Environmental Design (CPTED), by

creating a space that would not be defensible or, in other words, visible to neighboring properties.

- Placing the new construction on a podium, and constructing below grade or partially below grade parking, would also be problematic. Notwithstanding the cost prohibitive nature of constructing a podium structure to accommodate parking below for a small single-family house on a small lot, the short width of the parcel (19 feet) would cause problems when considering the width of the retaining walls necessary to support the podium, the width of the parking, stairs, and access route to the house, the safety clearances and the turning radius required to safely enter and exit, and the clearances required for sewer laterals connecting to the sewer main on Center Street. Doing so would leave effectively no room to place a street-facing entrance or porch to the house, and would cause the on-site parking to dominate the parcel and the house, which again would be in conflict with the City's design guidelines for new construction in historic districts.
- The proposed project also includes a permanent easement area from the neighboring property to the south, at 561 N Center Street, for the benefit of the subject property. It is contemplated that the proposed easement area would include two tandem parking spaces for the benefit of the subject property; however, City planning staff are interpreting the zoning code that such an arrangement would constitute either off-site parking for the subject property or a shared driveway between the two properties, and the additional off-street parking would not meet the code's provisions for on-site parking in residential areas.
- Using the proposed shared easement as a dedicated driveway to provide access to on-site parking on the rear of the subject property would also be problematic, because of the narrow width and length of the property, the narrow width of the proposed easement area, and the sewer infrastructure necessary to service the rear of the property. Notwithstanding the cost prohibitive nature of building a podium on such a small site for a single-family house, such an approach, even if it were technically feasible to construct, would result in bad design outcomes for the house. In addition, such an approach would cause very negative effects to the neighboring property, because the turning requirements of an automobile at the rear of the subject property would cause noise pollution, light pollution, and air pollution for the residents at 561 N Center Street every time the parking space is used on the subject property, and in particular for the ground-level apartment unit at 561 N Center Street, whose bedroom would be facing the car's tailpipe or headlines from within a few feet every time the rear parking area would be used. The very narrow available area for the proposed easement and the very small turning radius would also cause automobiles turning to park on the rear of the subject parcel to risk collision with the apartment building, pedestrians utilizing the apartment building's private sidewalk, and with the proposed construction on the subject parcel.

How compliance with the zoning requirement would result in unnecessary hardship.

- Literal interpretation of the on-site parking requirement for this property would result in the substantial use of the property for parking and would create poor design outcomes, notwithstanding the high construction costs to create on-site parking structures for such a small single-family home. The main issue is the potential size and layout of the home would be unacceptably small and awkward on this site with any on-site, off-street parking arrangement. Given the layout and size of the parcel, any on-site parking would also result in design outcomes that are incompatible with the City's design guidelines for new construction in historic neighborhoods. The

ultimate result of the City's on-site parking requirement would make construction of a home infeasible on this parcel.

- The minimum variation of the zoning requirement that would be necessary to permit the proposed use, construction or development;
 - Given the small size and width of the lot, as well as the historic overlay with associated City design requirements, the constrained options for site design and sewer infrastructure, and the lack of any historical on-site off-street parking, the minimum variation for the zoning requirement for is to allow zero on-site, off-street parking spaces.

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

- The zoning overlay defines guidelines for much larger lots, measuring a minimum of 50 feet wide and 5,000 square feet in area. The subject property measures only 19 feet wide and between approximately 59 and 67 feet long. It is located on a small triangular block, with typical lot uses on the block being dense multifamily. For instance, the only other property facing Center Street on the block is 561 N Center, which has a current density of approximately 56 residential units per acre and a previous legal density of 76 residential units per acre at the time the zoning ordinance was enacted. Other non-street facing properties on the block include another 9-plex at 570 N 200 W, and a triplex at 556 N 200 W. The stated goal for the SR-1A zoning overlay for the subject property's block is to preserve the unique character of predominantly single family and two-family neighborhoods, which does not reflect the actual land uses of dense multifamily on smaller parcels on the subject property's block.
- The subject property is too small and narrow to accommodate on-street parking with a single family house.

How the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zoning district.

- City planning staff have determined that property is buildable. The County agrees, and has assessed land values and property taxes that are consistent with other existing single family or buildable single family land values in the City. Requiring on-site, off-street parking would remove the ability to construct a reasonable home on the parcel.

How the variance upholds the general city's plan and not negatively affect the public interest.

- Salt Lake City has been experiencing unprecedented growth, and the housing supply has not been keeping up with demand. This mismatch has caused the cost of housing to increase to the extent that the City is allocating significant resources and stated policy goals to provide more housing options through a variety of methods. One of the adopted measures includes, specifically, to eliminate or reduce parking requirements for residential development (Housing SLC Plan 2023-2027, strategy H). However, this policy goal has not yet translated to the zoning requirements that affect the subject property, even though the subject property is in one of the few parts of the City that are walkable to downtown and is on a block with dense multifamily that is inconsistent with the SR- 1A zoning overlay intended for single-family neighborhoods. The subject property is also located in a neighborhood with alternative forms of transportation, including bicycle lanes, bus stops, and a walkable mix of uses, that provide alternatives to a suburban two-car household. The applicant has also observed that the vicinity of the subject property has on-street parking available

at all hours of the day and night, which demonstrates that, if needed, the block has capacity for additional on-street parking.

How the variance observes the spirit of the Zoning Ordinance.

- The preamble to the Zoning Ordinance describes a goal to further the health, safety, and welfare of the City's residents, and, among others objectives, to foster the City's residential development. While the on-site parking requirements may have been at one point reasonable for a typical 50-foot minimum width and 5,000 sq foot minimum lot size for the subject parcel's SR-1A zoning overlay, this particular lot is substantially smaller and does not have the physical space to meet the ordinance's off-street, on-site parking requirement.

PLNZAD2023-00826



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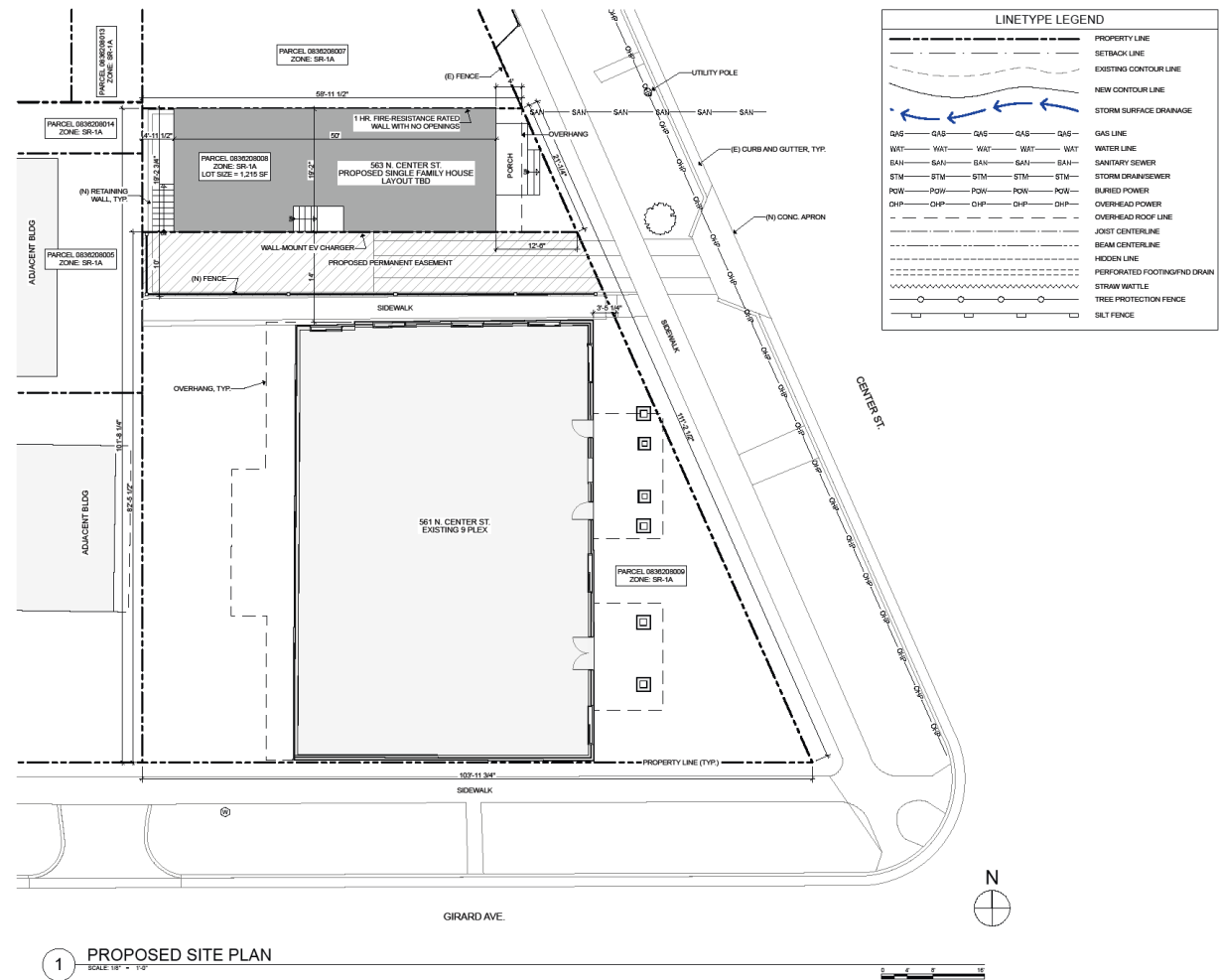
KINNEY HOUSE
563 N. CENTER ST.
SALT LAKE CITY, UT 84103

REVISIONS:

PROJECT NO:
DATE: 3/20/24
DRAWN BY:
SCALE: AS NOTED IN DRAWING

SITE PLAN A0.2

SHEET 2 OF 9



NOT FOR CONSTRUCTION



BRACH DESIGN
ARCHITECTURE
801-865-7648
dave@brachdesign.com

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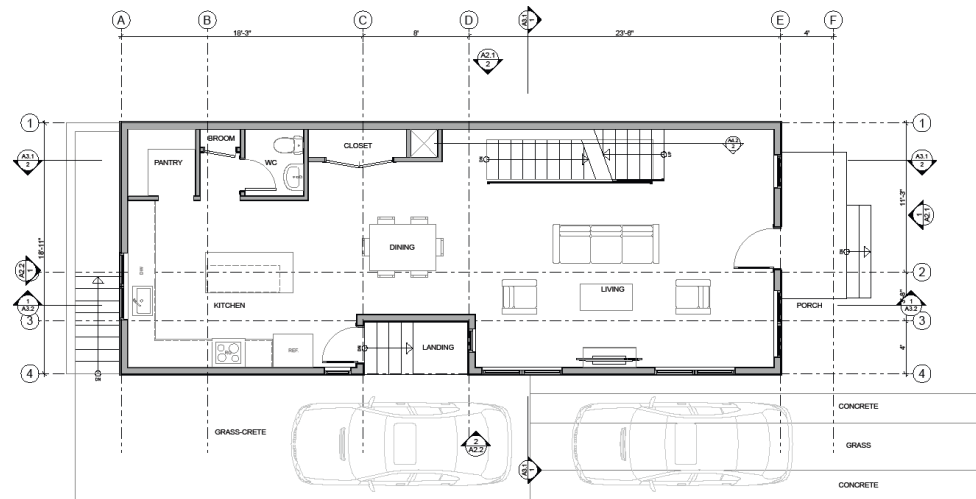
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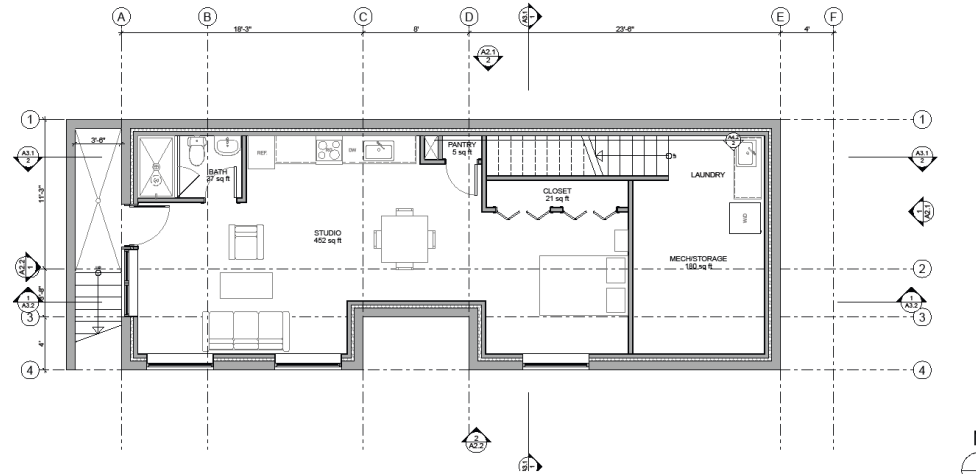
SCALE: AS NOTED IN DRAWING

BASEMENT &
FIRST FLOOR
PLAN
A1.1

SHEET 3 OF 9



2 FIRST FLOOR PLAN NEW
SCALE: 1/8" = 1'-0"



1 BASEMENT FLOOR PLAN NEW
SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION

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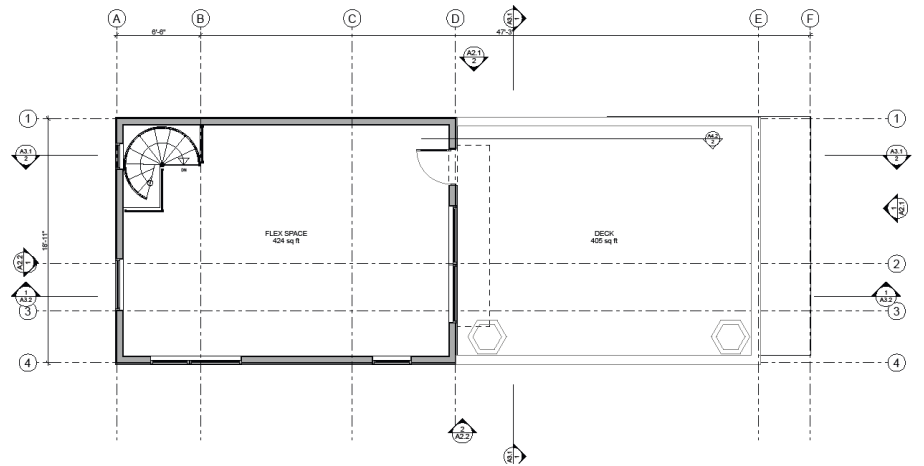
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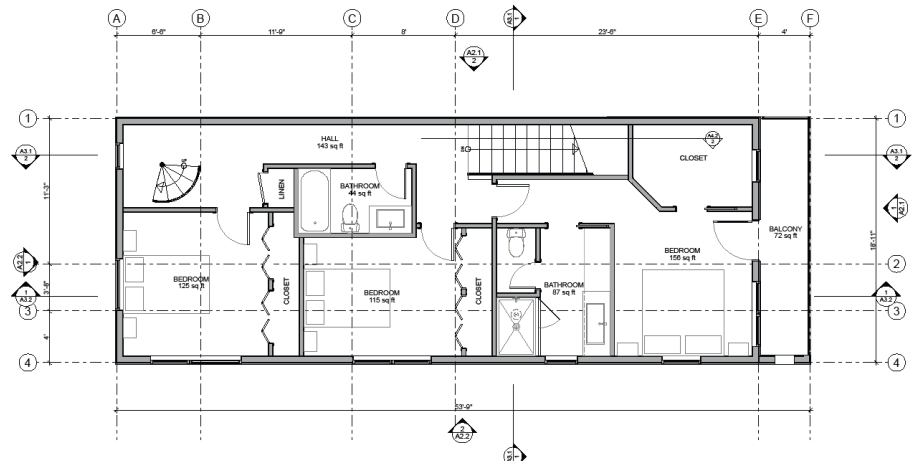
PROJECT NO:
DATE: 9/20/24
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SCALE: AS NOTED IN DRAWING

SECOND FLOOR
& ROOF PLAN
A1.2

SHEET 4 OF 9



2 ROOF DECK
SCALE 1/4" = 1'-0"

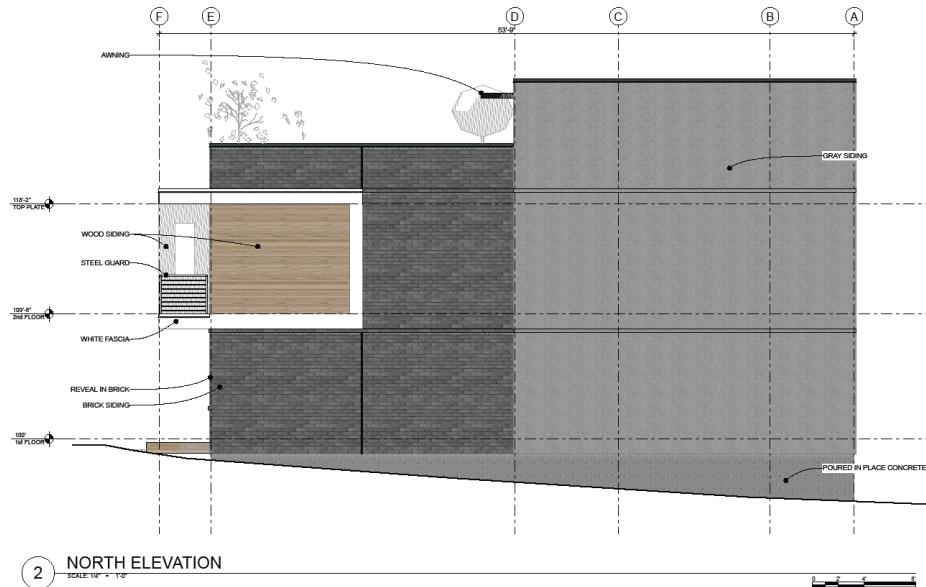


1 SECOND FLOOR PLAN NEW
SCALE 1/4" = 1'-0"

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KINNEY HOUSE
563 N. CENTER ST.
SALT LAKE CITY, UT 84103

REVISIONS:

PROJECT NO:

DATE: 3/2024

DRAWN BY:

SCALE: AS NOTED IN DRAWING

NEW
ELEVATIONS
A2.1

SHEET 5 OF 9

NOT FOR CONSTRUCTION

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dave@brachdesign.com

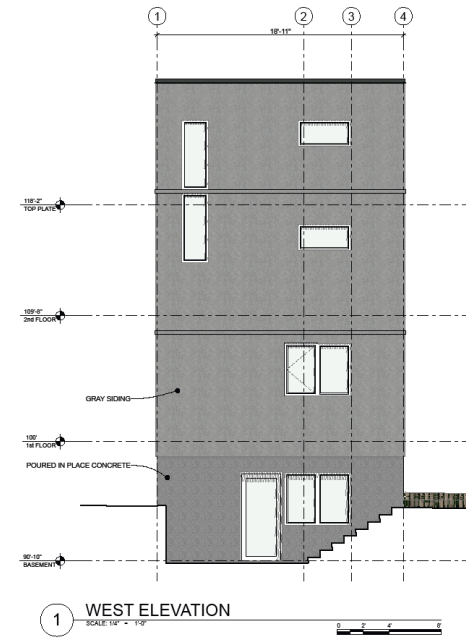
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NEW
ELEVATIONS
A2.2
SHEET 6 OF 9



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dave@brachdesign.com

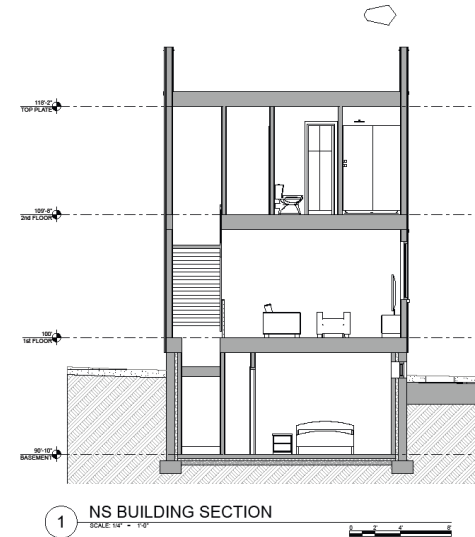
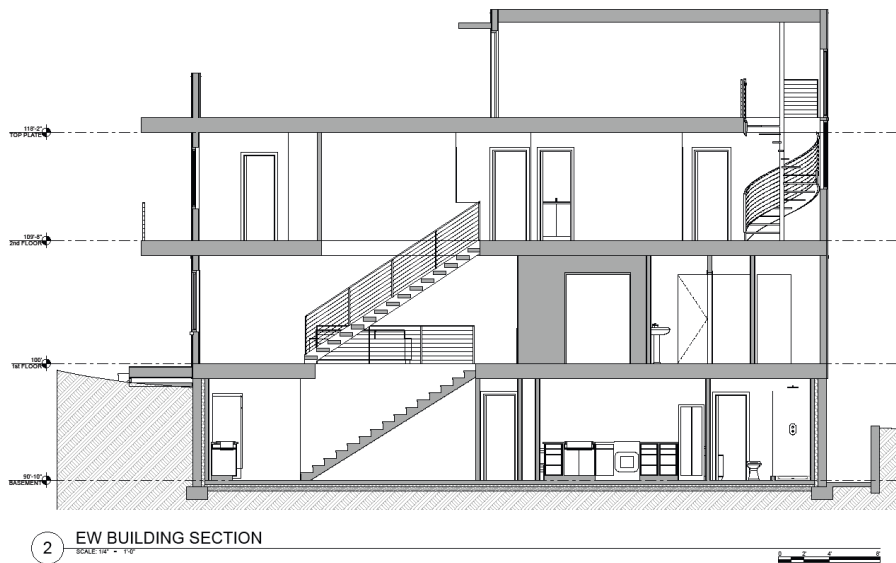
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BUILDING
SECTION
A3.1
SHEET 7 OF 9



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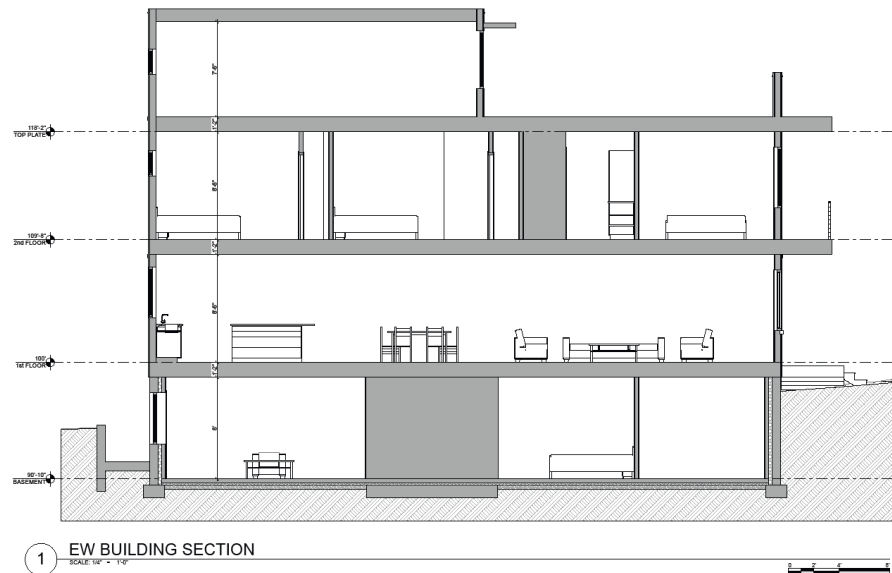
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DATE: 3/25/24
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BUILDING
SECTION
A3.2

SHEET 8 OF 9



1 EW BUILDING SECTION
SCALE: 1/4" = 1'-0"

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1 STREETScape
SCALE 1/8" = 1'-0"

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REVISIONS:

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SCALE: AS NOTED IN DRAWING

3D
PERSPECTIVES
A3.3

SHEET 3 OF 3

Rendering shows new building adjacent to apartment building:



ATTACHMENT D: Property & Vicinity Photo



Subject Property, looking towards the north from the sidewalk.



Subject property from North Center Street.

ATTACHMENT E: 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 of section [21A.18.050](#) of this chapter, and subject to the other provisions of this chapter, the appeals hearing officer may not grant a variance if the variance :

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 as the new house would be a permanent feature of the property.
Finding: Complies
B. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant
Discussion: Building a new single-family dwelling without the 2 required parking stalls is the minimum variation necessary to comply with the historic design guidelines for a new construction listed in Chapter 21A.34.020H of the city code. Reducing the parking requirement from 2 stalls to 1 does not solve the design issues created by the parking standards, as discussed in Consideration 1 . The lot is 19 feet wide and one parking stall requires roughly 9 feet of width. A driveway requires 8 feet of width. Both options would occupy one-half of the front façade of the building, which does meet the historic design requirements of this property.
Finding: Complies
C. Authorizes uses not allowed by law (i.e., a "use variance").
Discussion: Off-street parking is considered a development standard of the permitted use (single-family dwelling). The applicant is requesting a variance from this development standard and not a use variance.
Finding: Complies

21A.18.060: Standards for Variances: 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:

The building is located in the Capitol Hill local historic district, placing unique design requirements on the property that cannot be met if the property is required to provide off-street parking. An attached garage, driveway, or detached structure all present the same design problems outlined in [Key Consideration 1](#) of this report. Enforcing modern parking minimums on the historic lot forces the applicant to propose a design that is incompatible with the surrounding historic district and would put the HLC in a difficult position because a use must be permitted on the legally established lot.

The lot was legally created before zoning codes were enacted in Salt Lake City and literal enforcement of the current parking code creates an unreasonable hardship for the applicant because providing parking while meeting the design guidelines is a nearly impossible task. Staff finds that this literal enforcement of [Table 21A.44.040-A](#) would create an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance. The request complies with this standard.

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: Complies

Discussion:

Properties in local historic districts are often smaller than those in newer neighborhoods, and the subject property is significantly smaller than the properties in the Capitol Hill district. As shown in [the Similar Sized Properties table](#), the subject property is significantly smaller than other properties that do not provide parking. The three example properties that provide off-street parking have bigger lot sizes and more street frontage. The size and width of the subject lot are generally not found in the Capitol Hill historic district. The small size of the subject property, coupled with the reduced street frontage, is a special circumstance attached to the property that does not apply to other property owners in the same zoning district.

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: Complies

Discussion:

The ability to build a home on a legally existing lot is a substantial property right that other homeowners in the same district possess. Imposing zoning requirements that completely

inhibit the applicant's ability to build a home on this lot may constitute a taking. As discussed in Consideration 1, providing the required off-street parking would compromise the ability to comply with applicable standards.

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 Capitol Hill General Plan lists the following goals for the Capitol Hill neighborhood:

- Encourage appropriate housing opportunities in the community through compatible infill development
- Ensure new construction is compatible with the historic district within which it is located
- Enhance the visual and aesthetic qualities of the community by implementing historic preservation principles

A parking variance would allow the applicant to design a new construction that meets these goals and enhances their product through historic preservation. The requested variance would not negatively impact the community or be contrary to public interest and would support the goals of the Capitol Hill General Plan. The request complies with this standard.

The city-wide general plan, Plan Salt Lake, includes various goals that are applicable to this proposal.

- Support neighborhood identity (pg. 17)
- Promote infill and redevelopment of underutilized land (pg. 19)
- Accommodate and promote an increase in the City's population (pg. 19)

The historic design guidelines ensure that any development on this parcel will be compatible with the surrounding area, preserving the existing neighborhood character. The parcel has been vacant for more than 30 years, so a new house would meet the goals of building on underutilized land and promoting increased population in existing neighborhoods. The request meets the goals and initiatives of Plan Salt Lake.

Condition(s): n/a

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

Finding: Complies

Discussion:

The stated purposes and intent of the zoning ordinance are listed in [21A.02.030](#) of the city code. One of the listed purposes is to “foster the City’s industrial, business, and residential

developments.” Granting the requested variance fulfills this purpose and allows the applicant the opportunity to build a single-family home on a legally existing lot that is unable to comply with current zoning codes. The City would be fostering residential development by granting the requested variance. The request complies with this standard.

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: Complies

Discussion:

The hardship is caused by the small lot dimensions, which were created before the zoning code existed. The lot is much smaller and narrower than the existing minimum standards for the SR-1A zone allow. Strict enforcement of the parking standard would prevent a design that is historically compatible with the local historic district.

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 circumstances are peculiar to the property because the subject parcel is smaller and narrower than others in the neighborhood and is currently undeveloped. This combination of circumstances makes the hardship unique to this property. Because it is a vacant lot, new construction is required to comply with the current standards, which were not created to address the unique size of the property.

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 related to the size of the lot and the ability to comply with both off-street parking standards and the design guidelines of the Capitol Hill local historic district. The hardship is not economic or self-imposed, but rather created by a unique circumstance outside of the owner's control.
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;
The small size of the subject parcel is the special circumstance that creates the hardship of being unable to meet historic design standards and provide off-street parking.
2. The special circumstances deprive the property of privileges granted to other properties in the same zoning district.
Finding: Complies
Discussion: As stated above, the ability to build a home on a legally existing lot is a substantial property right that other homeowners in the same district possess. Several other property owners live on lots that do not provide off-street parking because they were built before parking minimums were required. This property's modern zoning regulations prevent building a home, despite other properties in the same district having the right to do so.
Condition(s): n/a

ATTACHMENT F: Department Review Comments

This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

Engineering:

No objections.

Fire:

No comments on the parking variance.

Transportation:

I recommend approval of the proposed variance.

Building:

No Building Code comments in regard to the parking variance.

Public Utilities:

Public Utilities have no issues with the proposed variance for off-street parking requirements.