Applicant: Carl Christensen

Staff: Elizabeth Reining
801-535-6313
elizabeth.reining@slcgov.com

Tax ID: 16-14-352-007

Current Zone: SR-1 (Special Development Pattern Residential)

Master Plan Designation: East Bench Master Plan
Low Density Residential (4-8 Units per gross acre)

Council District: Council District 6, JT Martin

Community Council: East Bench

Lot Size: 0.28 acres

Current Use: Single Family Residence

Applicable Land Use Regulations:
- 21A.24.080.E SR-1 Minimum Yard Requirements
- 21A.24.010.1 Front Façade Controls
- 21A.18 Variances

Notification:
- Notice mailed on May 3, 2011
- Property posted on May 5, 2011
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on May 3, 2011

Request
The applicant, Carl Christensen, requests the Board of Adjustment grant a variance at 1915 South Wasatch Drive in the SR-1 Special Development Pattern Residential zoning district. The requested variance is for a reduction of the required front yard setback. The applicant is requesting a reduction in the front setback from the required twenty feet (20’) to sixteen feet (16’). The Board of Adjustment has final decision making authority for variances.

Recommendation
Based on the findings listed in the staff report, it is the Planning Staff’s opinion that the variance requested does not meet three of the five standards for a variance and recommends the Board of Adjustment deny the request.

Potential Motions
Consistent with Staff Recommendation: Based on the findings listed in the staff report, testimony and plans presented, I move that the Board deny the variance to allow the applicant to reduce the required front yard setback from twenty feet (20’) to sixteen feet (16’) at 1915 South Wasatch Drive because the request does not meet the following standards for a variance.

A. Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
B. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
C. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Not Consistent with Staff Recommendation: From testimony and plans presented, I move that the Board grant the variance to allow the applicant to reduce the required front yard setback from twenty feet (20’) to sixteen feet (18’) at 1915 South Wasatch Drive because the request does meet the standards for a variance.

The Board shall make findings on the variance standards as listed below:
A. Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
B. There are special circumstances attached to the property that do not generally apply to other properties in the same district.

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

D. The variance would not substantially affect the general plan of the City or be contrary to the public interest.

E. The spirit of the Zoning Ordinance is observed and substantial justice done.
Background

Project Description
Mr. Carl Christensen, the applicant, is requesting a reduction in the required minimum front yard setback in the SR-1 Special Development Pattern Residential zoning district. An existing single-family is on the property, located at 1915 South Wasatch Drive. The required minimum front yard setback is twenty feet (20’) due to a variance granted on September 26, 1955 (Attachment D). Mr. Christensen is requesting the variance so he can add a front entrance vestibule to his home when he encloses an existing carport into a garage. The front entrance vestibule would extend two feet (2’) into the front yard setback and a supporting wall and roof would extend an additional two feet (2’). The total extension would be four feet (4’).

Mr. Christensen claims a hardship because the topography of his lot would not allow him to place a garage or secure storage elsewhere on the lot. If Mr. Christensen encloses his carport into a garage, he will not have a front entrance door, as required by 21A.24.010.1 (Front Façade Controls). Currently, Mr. Christensen’s main entrance is through the carport on the south side (Attachments B and E). The house does not have an entrance door on its front façade as required by 21A.24.010.1 (Front Façade Controls). Mr. Christensen’s home is on the east side of Wasatch Drive and his lot has extreme grade changes (Attachments B and E). Due to this, secure storage or a garage cannot be placed in the backyard or side yards. Due to safety concerns, various city fire and building codes will not allow Mr. Christensen to replace his carport with a garage if he cannot provide an entrance from Wasatch Drive. Mr. Christensen cannot place a front door into his existing front building façade because of an interior staircase that is near the western exterior wall of his house (Attachment E). City building codes require a certain distance between doors and stairways. Mr. Christensen could not meet those codes without adding an entrance vestibule extending from his house. An entrance vestibule in the required front yard setback would allow Mr. Christensen an entrance to his home from Wasatch Drive when he enclosed his carport into a garage.

Background
The Board of Adjustment granted a variance for reduced front and side yards on September 26, 1955. Due to the lot topography, the Board allowed a front yard setback of twenty feet (20’) and a side yard setback along the north side of eight feet (8’) with a retaining wall at six feet (6’) from the north property line. On July 9, 1956, the Board of Adjustment approved a second variance that maintained the front yard setback of twenty feet (20’) and reduced the north side yard setback to 3.83 feet. The north side yard setback was reduced due to a survey that found the retaining wall closer to the property line than originally projected.

Comments

Public Comments
No comments have been received from the public.

Transportation Division Comments
Barry Walsh, of the Transportation Division, reviewed the request and responded on April 21, 2011 (Attachment C). Mr. Walsh had concerns about clear sight zones in the driveway. Since that time, the applicant has met with Mr. Walsh and all of Transportation’s comments have been resolved.
Analysis

Options
Options for this variance request include denying the variance, approving the variance or approving a modified request. Due to Utah state law, a variance must meet all five standards to be approved. If one standard is not met, then the variance request must be denied. If the variance request for a reduced front yard setback is denied and the ordinance strictly upheld the existing carport could not be enclosed into a garage because an entrance to the residence could not be provided from Wasatch Drive, due to city building code. Granting the variance for a reduced front yard setback would result in a new front door to the dwelling and an enclosed garage.

Findings

General Standards for Review
The standards of review for a variance are set forth in the Utah Code 10-9-707 and Salt Lake City Code 21A.18.060. The Salt Lake City Zoning Ordinance standards are as follows:

Standard A. Does literal enforcement of the Zoning Ordinance cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance?

Section 21A.18.060.B provides direction to the Board of Adjustment in determining an unreasonable hardship.

Section 21A.18.060.B.1 states: The alleged hardship is related to the size, shape or topography of the property for which the variance is sought.

Finding: The subject property is located in the SR-1 Special Development Pattern Residential zoning district. The property’s square footage is approximately 0.28 acres, or 12,197 square feet, and the lot width is 105 feet along Wasatch Drive. The minimum lot area for that zoning district is 5,000 square feet for a single-family detached dwelling and the minimum lot width is 50 feet. The lot is trapezoidal, narrowing from 105 feet on its western boundary to a width of approximately 60 feet on its eastern boundary. The lot is approximately 120 feet deep. The lot’s elevation rises rapidly heading east from Wasatch Drive and there is a large boulder on the southwestern corner of the property. Mr. Christensen claims the topography as a hardship. The topography of his lot would eliminate other locations, such as his backyard, for secure storage.

Section 21A.18.060.B.2 states: The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

Finding: The subject property does not have a circumstance that is peculiar to the property. All the surrounding property along the east side of Wasatch Drive has severe elevation gains heading east away from Wasatch Drive. Staff finds no hardship arises that is peculiar to the subject property.

Standard B. Are there special circumstances attached to the property that do not generally apply to properties in the same district?

Section 21A.18.060.D provides direction to the Board of Adjustment in determining whether or not there are special circumstances attached to the property.
Section 21A.18.060.D.1 states: The special circumstances relate to the alleged hardship.

Section 21A.18.060.D.1 states: The special circumstances deprive the property of privileges granted to other properties in the same zoning district.

Finding: As stated under the finding for Standard A, Staff does not find that the subject property has a hardship that is peculiar to the subject property. There is no evidence that the subject property has special circumstances that deprive it of privileges granted to other properties in the SR-1 Special Development Pattern zoning district. The subject property has been granted variances in the past that gave it property privileges beyond other properties in the area built around the same time. Other properties along the east side of Wasatch Drive, in the same zoning district, have the same topographic issues. The majority of those properties have been able to have enclosed garages and front façade entrances without encroaching in the front yard setback.

Standard C. Is granting the variance essential to the enjoyment of a substantial property right possessed by other properties in the district?

Finding: The applicant is requesting the variance so he can replace an existing carport with a garage to have secure storage and vehicular parking. If he is to replace the carport with a garage, he will need to provide a building entrance on the residence’s front façade (21A.24.010.I). The applicant can only meet this requirement if a variance is granted and he can place an entrance vestibule in the required minimum front yard setback. He cannot place an entrance in the current front façade because an entrance would interfere with the landing for an interior staircase.

Neither Salt Lake City nor the Board of Adjustment has generally held that a garage is a substantial property right. The City requires only legally located parking stalls regardless of whether or not they are covered or enclosed (21A.44.020.H.2). While several homes in the area offer garages, there are other homes in the SR-1 Special Development Pattern Residential zoning district that do not. Staff finds that granting a variance is not essential to the applicant enjoying a substantial property right enjoyed by other properties in the same zoning district.

Standard D. Will the variance substantially affect the general plan or be contrary to the public interest?

Finding: The East Bench Community Future Land Use Map designated this parcel as low density residential (4 to 8 units per gross acre). The requested variance would not affect this designation as the primary land use will not change from single family residential.

Standard E. Is the spirit of the Zoning Ordinance observed and substantial justice done?

Finding: The City requires entrance doors to be on front facades to “maintain architectural harmony and primary orientation along the street” (21A.24.010.I). By granting the variance, the Board of Adjustment would meet the spirit of this section of the Zoning Ordinance. The purpose of the SR-1 Special Development Pattern Residential zoning district is “to maintain the unique character of older predominately single- and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics.” The variance request meets this standard. The variance request would bring the property into compliance with Front Façade Controls (21A.24.010.I) and not be against the purpose statement for the zoning district.
ATTACHMENT A

Application
Variance

Address of Subject Property: 1915 South Wasatch Drive

Project Name: projek ck-1

Name of Applicant: Steve Scoville Phone: 801 320 9773

Address of Applicant: 228 East 500 South #101, Salt Lake City, Utah 84111

E-mail Address of Applicant: steve@arcflo.com Cell/Fax: c 801 577 5132 f 801 320 9774

Applicant's Interest in Subject Property: architecture + planning

Name of Property Owner: Carl Christensen Phone: 801 582 1565

E-mail Address of Property Owner: cc1md@yahoo.com Cell/Fax: 801 588 8432

County Tax ("Parcel "): #16-14-352-007-0000 Zoning: SR-1

Existing Property Use: Single Family Residence Proposed Property Use: Single Family Residence

Please include with the application:
The cost of first class postage to each property owner within 85 feet, or within 300 feet if new construction of a principal building is involved is due at time of application. Please do not provide postage stamps.

1. Site plan and elevation drawings drawn to scale at a minimum of 1:20 identifying all property lines, structures both proposed and existing (including primary and accessory structures), fences, rights-of-way, and their respective distances from property lines. Also one (1) 11 x 17 inch reduced copy of each plan and elevation drawing.

2. When the variance involves building height, a streetscape plan showing the height of the buildings on both sides of the street to the nearest intersection.

3. When the variance involves grade changes, a topographic drawing prepared by a licensed surveyor must be included. The existing topography must be shown in dashed lines at two foot intervals and the proposed grade must be shown in solid lines at two foot intervals. All retaining walls must be identified and the height must be shown on the plan relative to the proposed grades. Retaining walls must be designed by a structural engineer licensed to practice in the State of Utah.

4. When a variance request involves setbacks, height, or grade changes a complete landscape plan must be provided. Plans must include landscape design and must identify all species and caliber of proposed trees.

5. Complete written answers to questions accompanying this application.

6. Filing fee of $332.22, plus the cost of first class postage is due at time of application.

If you have any questions regarding the requirements of this application, please contact the Salt Lake City Buzz Center at 801-535-7700 prior to submittal.

File the complete application at:
Salt Lake City Buzz Center
PO Box 145471
451 South State Street, Room 215
Salt Lake City, UT 84114

Signature of Property Owner
[Signature]

ARCFLO Architecture + planning
Please provide the following information.

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

The proposed construction is the enclosure of an existing carport. This enclosure of the carport creates a necessary condition to move the existing main entrance door. This existing main entrance door would no longer be accessible once the carport is closed in. Currently, the primary orientation of the existing front door is on the side of the house.

The proposed design solution adds a vestibule to the front of the structure which would create space for a new entrance door maintaining it's primary orientation along the street. This additional space for the proposed vestibule entrance does not meet the zoning front set back requirements.

The proposed entrance extends into the required setback 2'-0". The roof covering over the proposed vestibule extends over the west side of the vestibule by 2'-0".

2. Cite the zoning ordinance that prevents your proposed construction from meeting the zoning requirements.

Title 21A.24.080: SR-1 and SR-1A Special Development Pattern Residential District
E. Minimum Yard Requirements:
1. Front Yard:
   a. SR-1: 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.

3. What special circumstances associated with the subject property prevent you from meeting the zoning requirements? (Reasons for your variance request may not be economic)

   a) Topography
   The only reasonable and prudent location for garage and secured storage on this property is found in the proposed area of the existing carport. The existing topography does not allow for the property owner to reasonably build and have access to a garage with secured storage in any other location on the lot.

   b) Existing Stair Conditions
   The existing location of the lower stair landing creates a dangerous condition which would impede circulation and would also increase the possibility of collision if the vestibule cannot be constructed.
4. Explain how the literal enforcement of this Zoning Ordinance causes an unreasonable hardship that is not necessary in carrying out the general purpose of this Zoning Ordinance.

The literal enforcement of this Zoning Ordinance causes an unreasonable hardship by not allowing a property owner to improve property conditions by bringing the property more in compliance with the current Zoning Ordinance and the City Plan.

5. Explain what special circumstances exist on the subject property, which do not generally apply to other properties in the same zoning district. The requires that the Board of Adjustment identify a property related hardship before granting a variance. For example, size, grade of lot, etc.

a) Extreme Topographical Conditions

The special circumstances which exist on this property which do not generally apply to other properties in the same zoning district would be that of extreme topographical conditions which impede construction of a garage with secured storage anywhere else on the lot.

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

This variance will allow the property owner the right to have a front entrance which has a primary orientation along the street, and achieve compliance as required by the current Zoning Ordinance.
7. Would the variance uphold the general zoning plan and not negatively affect the public interest? Please explain your reasoning.

Yes, this variance would uphold the general zoning plan. By allowing the variance for the front vestibule, this will allow the necessary space to incorporate an entrance which complies with the Zoning requirements specified for Front Facade Controls.

Furthermore, with minimal change, this new front entrance would allow the existing carport to be converted to an enclosed garage. This will have a positive effect on the public interest by concealing items which are associated with vehicle and home ownership, while providing a reasonable option for secured storage.

8. Explain how this variance will observe the spirit of this Zoning Ordinance and City Master Plan.

This variance will observe the spirit of the Zoning Ordinance by bringing areas of the property more into compliance with Zoning Ordinance [i.e. Front Facade Controls]. At the same time this variance will make possible the enclosure of the existing carport which honors the City Master Plan by facilitating the way for a property to appear more kept and less cluttered.
9. Any other information deemed necessary by the Zoning Administrator.
   
a) copy of past violation

DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT

SERVICE REQUEST

4/14/2011

INFORMATION

Case #: 192179

Blowell #: 16-14-362-007-0000

Address: 1915 S WASH R (2595 E)

Hand District:

Owner Info:

CHRISTENSEN, CARL R

1916 S WASH DR SALT LAKE CITY UT 84108-3325

Input Date: 06/16/2006

Input by: GD2781

Complete Date: 7/1/2006

REQUEST / COMMENT

Trash, junk

VIOLATIONS

0554 - JUNK/UNLICENSED VEHICLES RESIDENTIAL

WORK ACTIONS

<table>
<thead>
<tr>
<th>Action</th>
<th>Inspector</th>
<th>Action Description</th>
<th>Date - Time</th>
<th>Mailed Date</th>
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<tr>
<td>AD 10 - FINAL</td>
<td>69</td>
<td>Outdoor storage as been removed. Case may be closed.</td>
<td>06/16/2006 - 12:30</td>
<td>×</td>
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<td>AD 27 - ZONE 1</td>
<td>69</td>
<td>Mailed Zone 1 for 240A</td>
<td>06/16/2006 - 14:00</td>
<td>07/01/2008</td>
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<tr>
<td>AD 22 - PHONE</td>
<td>69</td>
<td>Carl 581-2802 559-8432 cell. Call to set up follow-up</td>
<td>06/16/2006 - 09:00</td>
<td>07/01/2008</td>
</tr>
<tr>
<td>AD 18 - INITIAL</td>
<td>69</td>
<td>Spoke to Carl about using his carport and backyard for storage. He asked for information about making his carport a garage and I referred him to permit office and he asked about some intersection concerns and I gave him Barry Wasn's name in engineering. Sanguin Zone 1</td>
<td>06/15/2008 - 10:35</td>
<td>07/01/2008</td>
</tr>
</tbody>
</table>

INSPECTOR'S COMMENT

In June of 2008 this property was cited for trash and junk. The property owner was using what space was available in the carport area for storage.
b) photos of neighboring properties on the same block face which enjoy the benefits of a closed 2 car garage and secured storage (East Side of Wasatch Drive)

Properties on the EAST SIDE of Wasatch Drive
c) photos of neighboring properties on the opposite side of block face which enjoy the benefits of a closed 2 car garage and secured storage (West Side of Wasatch Drive)

Properties on the WEST SIDE of Wasatch Drive

d) photos of neighboring properties on the opposite side of block face which enjoy the benefits of a closed 2 car garage and secured storage (West Side of Broadmoor St.)

Properties across the street from subject property on WEST SIDE of Broadmoor Street

e) Please also see attached design drawings and illustrations and calculation summaries.
Front View of Subject Property

View of Current Main Entrance
ATTACHMENT C

Department Comments
April 21, 2011

Elizabeth Reining, Planning

Re: PLNBOA2011-00186 for carport enclosure and entry revisions at 1915 South Wasatch Drive.

The division of transportation review comments are as follows:

Please review the additional front yard paving. A 3:1 taper edge of driveway access is standard with the 10x10 clear sight zone along the public sidewalk in alignment with the existing drive approach. The added paving may encourage front yard parking and vehicles impacting the park strip along the south side of the existing drive approach trying to access that area, as well as the 10x10 CS2 if moved south.

The new carriage walk and stairs in the park strip needs to be submitted to Property Management for a proposed revocable lease agreement.

Sincerely,

Barry Walsh

Cc  Kevin Young, P.E.
    Scott Weiler, P.E.
    John Spencer, Property Management

From:  Reining, Elizabeth
Sent:  Thursday, April 21, 2011 10:36 AM
To:  Walsh, Barry
Subject:  Variance Application for 1915 South Wasatch Drive

I'm sending you the attachments in two emails because of their file size.

Thanks,

Elizabeth Reining, AICP
Principal Planner
Salt Lake City Corporation
451 South State Street #406
PO Box 145480
Salt Lake City, UT 84114-5480
From: Reining, Elizabeth  
Sent: Thursday, April 21, 2011 10:35 AM  
To: Walsh, Barry  
Subject: Variance Application for 1915 South Wasatch Drive

Barry, 

Attached is the application and proposed site plans for 1915 South Wasatch Drive. The homeowner wants to enclose two parking stalls into a garage and place an entrance vestibule in the required front yard. The case number is PLNBOA 2011-00186. The materials are also in Accela. If you could get me a response by May 6, 2011. I’d appreciate it.

Thanks,

Elizabeth Reining, AICP  
Principal Planner  
Salt Lake City Corporation  
451 South State Street #406  
PO Box 145480  
Salt Lake City, UT 84114-5480  
elizabeth.reining@slcgov.com  
801-535-6313
ATTACHMENT D
Previous BOA Decision
at the corner of the house. The final survey, requested by the lending agency, showed only 3.83 instead of 6' at the end of the "fin". The adjoining lot is about 75 feet wide. Mr. Jorgensen read a letter from the neighbor to the north, Mr. Jeri Tsuya, who is in favor of the variance being granted. The petitioner pointed out that Mr. Tsuya has indicated that he will have his 12' side yard next to the home of the petitioner. Mr. Simms pointed out that if the petitioner had a survey in the first place, he would not have put his house so close to the line where he is now short. He pointed out that any hardship was financial and was self-imposed. The petitioner stated that the rear lot line was on the side of the mountain in a lot of rocks and no stake could be put in there.

There were no protests.

Mr. Underwood moved that the variance be granted with the side yard of 3.83 feet at the corner of the projected wall instead of the 6' as required, seconded by Mr. Searle, all voting "Aye".

Case No. 3338 at 1948 South West Temple, over from previous meeting, in re-application of Armstrong Supply Company for a permit to erect a sign at 1948 South West Temple without maintaining the required setback in a Residential "R-4" District.

This case was first heard June 25, 1956, and was held over until this meeting for further information. Mr. James Newton appeared. Inasmuch as he did not know until Thursday that a sketch of the proposed sign was required, he presented only a preliminary sketch and a picture using an old sign they already had in their possession to give an idea how the sign is to appear as placed in a planter. They want the sign low enough to show against the black-topping. The sign will be placed in a planter in front of the existing curb, which is approximately 90" from the sidewalk.

Dr. Maurice J. Taylor was spokesman for the group of four property owners who appeared in protest. They asked that if a sign were approved, the letters be limited to 10" to 12" and the length to 8".

The size of the sign and the size of the letters were discussed in some detail. Mr. Jorgensen pointed out that the only guide in the ordinances is listed under Residential "R-2" Districts as follows: "One (1) or more signs not exceeding in total area two (2) square feet for each one (1) lineal foot of frontage occupied by a non-conforming commercial or industrial use, but in no case shall the total area of all signs exceed one hundred (100) square feet."

Mr. Underwood moved that the variance be granted for a non-illuminated sign to be set in a planter in the lawn area set on the existing curbing wall back approximately 90' from the front property line, the top of the sign not to exceed three feet in height above the black-top level and the length to be determined by the proportion of the letters but not to exceed approximately 21", the height of the letters not to exceed 17" for the capital letters, the plans to be approved by the entire Board, seconded by Mr. Searle, all voting "Aye".
The regular meeting of the Board of Adjustment on Zoning for Salt Lake City, Utah, was held Monday, September 26, 1965, at 10:00 A.M. in Room 301 of the City and County Building. Present were: Mr. Wendell Ashton, Mr. T. A. Schoenfeld, Mr. Ray J. Underwood, Mr. Vernon Jorgensen and Mr. C. C. Snider. Excused: Mr. Keros Searle, and Mr. Heath who is in the hospital.

A letter from J. W. Cushing, Case No. 2891, requesting an extension of time was read. A six months extension was granted, the new expiration date becoming March 29, 1966.

Action taken on cases as advertised for hearing as follows:

Case No. 3193 Petitioner arrived late, so it was heard later in the meeting.

Case No. 3194 at about 1919 South Wasatch Drive in re-application of W. Earl Pace for a permit to erect a residence at about 1919 South Wasatch Drive without maintaining the required front and side yard space in a residential "B" district.

Mr. Pace and Mr. Dryer appeared. Mr. Jorgensen explained this lot is located on the east side of Wasatch Drive next to a huge rock. The lot is wedge shaped and rises sharply from about the middle of it to the rear property line. The first point involved is that the petitioner desires a 20' front setback instead of the required 25' setback. There is no building on the lot to the north; but on the south, on the other side of the rock, there is a house which is set back 25 feet; this house has 6' eaves which come out to 20' from the property line and with which the petitioner's proposed house will be aligned. Neither home would be visible from the other due to the size of the boulder. The second point involved is that due to the slope of the north property line, the front corner of the house would have a side yard in excess of 20' and the rear corner would be 6' from the property line. The north wall of the house will continue as a retaining wall, extending eastward from the corner of the house, and at the closest point it will be 6' from the property line instead of 25'. The house will be on stilts, more or less, and will be open underneath with the carport and ascending stairway below; only the furnace and storage space will be enclosed toward the rear of the house.

There were no protests.

Case No. 3195 at 1259 East 3rd South in re-application of Leo G. Provost for a permit to attach existing garage to residence at 1259 East 3rd South without maintaining the required side and rear yard space in a residential "B" district.

Mr. Provost appeared. Mr. Jorgensen explained this is a request to do nothing that is already done. This lot is a very small 45 x 64 lot. Across the street and sidewalk is a wide 32 x 45 parkway. The petitioner's house was built about 1905 or 1906 with a 30' front setback, a 4' side on the east and a 1 foot side yard on the west. On the very rear of the property is a 12 x 21 garage with a 4' aisle between it and the
July 9, 1956

Page 2

asking for 8' and 10' side yards instead of the required 6' and 12'. The petitioner's lot is 58' wide and the plan calls for the garage underneath the house. There is only this lot, and on another, that is vacant. The petitioner explained that their home had been designed when 8' and 8' side yards were allowed and they had redone their home but were not able to reduce it more than 2'. The other homes in the block with attached garages have 8' and 8' and 8' and 10' side yards.

There were no protests.

Mr. Simons moved that the variance be granted with the plans to be approved, seconded by Mr. Searle, all voting "Aye".

Case No. 3364 at 3955 Zenith Avenue in re-application of Clark Fred for a permit to erect a dwelling at 3955 Zenith Avenue without maintaining the required side yard and rear yard space in a Residential "R-2" District.

Mr. Fred appeared. Mr. Jorgensen explained this is the property on the corner of Zenith Avenue and 14th East. The lot is 61' wide. The petitioner is asking for 8' and 10' side yards instead of the required 8' and 12' and a 15' rear yard instead of the required 25'. The home was designed prior to the changes of ordinances. The petitioner is asking for a 15' rear yard and wants to attach the garage. Under the ordinance a detached garage can be put on the 25' rear yard. Therefore, the petitioner would meet the ordinance by detaching his garage, but he felt the attached garage would look better and be less objectionable to the neighbor. The ordinance states that on corner lots over 60' in width there should be a setback maintained on both streets. This lot is one foot over 60' and the petitioner has asked to come in 10' from the street. The home on the north is set back quite a distance from the street. The homes are 50' back. The petitioner stated he will set back 30' on Zenith Avenue but he couldn't build if he had to maintain a 30' setback on 14th East as well. The home is 43x54. Waivers from both the man to the west and the man to the north are on file. The proposed structure is a one-story building.

There were no protests.

Mr. Searle moved that the variance be granted as long as it stays one story, seconded by Mr. Underwood, all voting "Aye".

Case No. 3365 at 1915 Wasatch Drive in re-application of Walter Earl Pace for a variance to legalize a residence at 1915 Wasatch Drive without the required side yard space in a Residential "R-2" District.

Mr. Pace appeared. Mr. Jorgensen read a letter written by Mr. Pace explaining his case and explained that the home is on Wasatch Drive immediately north of the big rock. Mr. Pace presented letters from the people near him indicating the granting of the variance would in no way harm them. The Board granted a variance reducing the front yard on this lot to 20' (on the other side of the rock, the homes are 25'), and reduced to 6' the point at the end of the retaining wall, with 8'
ATTACHMENT E

Site Plan & Elevation Drawings
projek ck-1

Located in the project by ARCE+G Architecture + Planning

PreliminaryKenya is an opportunity to an existing home which was originally built in 1927. The current state of the property needs a design to improve the living conditions, to keep which enhances the use of the space functions and presents itself.

In addition to improving the living conditions, the proposal will also transform the property to become more accessible to the community of the site's zoning ordinance.

Areas of improvement include adherence to the site's zoning ordinance for site compatibility with the site's existing conditions as well as the existing residential home. The design for the proposal includes the project goals and the zoning characteristics as outlined by the site's zoning ordinance.

The project goals seek to (1) create a garage for security and storage and its integration with the entrance door in the front facade of the existing homes in the same zoning district.

Substantial Property Right #1...
- Secured Storage

The property has an existing garage which, in the past, has been difficult to maintain an orderly space. By adding to the existing garage, the property will acquire the ability to provide secured parking and storage.

Secured storage is a basic property right which over 23 neighboring properties enjoy. By adding a new garage to create a garage the property will benefit from having the same secured storage feature that the neighboring properties enjoy. One may raise the question: "Why retain a separate utility structure somewhere else on the property in order to develop space for a garage and secured storage?"

This is a reasonable question. However, when one develops further understanding of the site conditions associated with this property, it is easy to see that the deeper side yard will not allow access to other areas of the property where an auxiliary storage could be built for such a purpose. In addition to providing a safe and dry property right of secured storage, creating a garage from the existing garage will enhance the appearance of the property. By providing a way to connect the character associated with the home's entrance, the general zoning plan is upheld and the spirit of the City Master Plan is observed.

Substantial Property Right #2...
- Front Facing Entrance

The current entrance is located on a walk which is in the front facade of the home. To improve the living conditions, the entrance needs to be modified in order to still be able to access the home.

The existing entrance is located on the front facade of the home. The entry is not easily accessible from the street due to the location of the front property line. The proposed design includes the addition of a front facing entrance which is located on the side of the house.

Section 21A.260(1) - Front Facing Entrance of the site's zoning ordinance states that this feature...

Substantial Property Rights include any property right whose use or exercise is restricted by the authority. The authority may not interfere with the use or exercise of substantial property rights.

Vicinity Map

Due to the hardships associated with the topography (carport, reirectangular garage, and the front setback from the entrance) it is necessary to request a variance to the front setback's order to be able to construct the rectangular carport on the south side of the home.
Sample-A

Properties on the EAST SIDE of Wasatch Drive

Sample-B

Properties on the WEST SIDE of Wasatch Drive

Sample-C
