



CITY OF HOLLADAY
ADMINISTRATIVE APPEALS HEARING
MEETING AGENDA
Monday, February 24, 2024. @ 9:30 AM
Mount Olympus Room, 4580 S. 2300 E.

AGENDA ITEM(S)

1. **Holladay Peaks Lot 2 Lot Coverage Variance** – 1691 E DELAWARE, HOLLADAY, UT 84117
(SLC Assessor Parcel No. 22032520510000; the property is in an R-1-10 [*Single Family Residential*] Zone)

The appellant is requesting to be granted a relief from the prescribed 31% maximum coverage for all structures, proposing to maintain a 35% maximum coverage [City Code Title §13.14.080].
(*City Case # 25-5-02; IVORY HOMES and Peter Gamvroulas as applicant and representatives*)

2. **Shirra Fencing Variance** – 4504 S. HOLLADAY CIRCLE, Holladay, Utah - 84117
(SLC Assessor Parcel No. 22044051110000; the property is in an R-2-10 [*Two Family Residential*] Zone)

The Applicant seeks relief from front yard fencing requirements relating to height and location along 4500 S. [H.C.C. § 13.76.710.B.(2)(a) and(c)] and clear view fence standards [H.C.C § 13.76.710.H.(1) and (2)] in order place a fence that is 6 feet tall along the perimeter of the entire front yard.
(*City Case # 25-5-03; Carter Shirra as Applicant and representatives*)

3. Adjourn

CERTIFICATE OF POSTING

I, Stephanie N. Carlson, the City Recorder of the City of Holladay, certify that the above agenda notice was posted on the City of Holladay bulletin board, the City website www.cityofholladay.com, the Utah Public Notice website www.utah.gov/pmn, and was emailed to the Salt Lake Tribune and Desert News and others who have indicated interest.

DATE POSTED: 13, February, 2024 at 4:30 pm

*Stephanie N. Carlson MMC, City Recorder
City of Holladay*

Reasonable accommodations for individuals with disabilities or those in need of language interpretation service can be provided upon request. For assistance, please call the City Recorder's office at 272-9450 at least three days in advance. TTY/TDD number is (801)270-2425 or call Relay Utah at # 7-1-1



GENERAL APPEAL APPLICATION

Name of Project:	Holladay Peaks Lot 2
Address of Project:	1691 East Delaware Lane

TYPE OF APPEAL	
<input type="checkbox"/> APPEAL AUTHORITY: ADMINISTRATIVE APPEALS OFFICER (ORD. 13.09)	<input type="checkbox"/> APPEAL AUTHORITY: CITY COUNCIL (ORD. 13.07)
<input checked="" type="checkbox"/> VARIANCE* - WAIVER/MODIFICATION to ZONE ORDINANCE	<input type="checkbox"/> PLANNING COMMISSION ACTION - 10 days from date decision
<input type="checkbox"/> ADMINISTRATIVE DECISION - 10 days from date decision	

*Please review the FAQs on Variances at Utah Property Rights

Appellant Name: (Please Print) Ivory Homes LTD		Appellant's Agent: (Please Print) Peter Gamvroulas	
Appellant's Mailing Address: 978 East Woodoak Lane		City: Salt Lake City	State: UT
Appellant's Phone: 801-842-5714		Zip: 84111	
Appellant's Email Address: peterg@ivoryhomes.com			
Main Contact Person (Please Print): Peter Gamvroulas			
Phone: 801-842-5714 email:			
Brief description of decision being appealed: (attach written, detailed ground for the appeal to this application)			
Variance to increase Lot Coverage (\$13.14.080) to recognize "coverage inversion"			
Variance to increase Lot Coverage (\$13.14.080) to recognize "coverage inversion"			

FILING FEES: (ORD 3.35)		OFFICE USE ONLY	
<input checked="" type="checkbox"/> VARIANCE - RESIDENTIAL	\$500.00	FILE NUMBER	
<input type="checkbox"/> VARIANCE - COMMERCIAL	\$750.00	PART NUMBER	
<input type="checkbox"/> APPEAL of ADMINISTRATIVE DECISION	\$500.00	GENERAL PLAN	
		ZONE	
		PC ACTION	DATE
		CC ACTION	DATE
		FILE DATE	
FINAL TOTAL DUE: \$500			

NEXT STEPS FOR APPLICANTS:	
<ol style="list-style-type: none">1. To be considered COMPLETE, this form must be accompanied by all applicable "project tracking" checklist(s)/submittals or it will not be accepted.2. Complete applications must be submitted 3 weeks prior to the desired Planning Commission date3. Applications are reviewed every Tuesday by the Holladay TRC. You will be notified of any deficiencies, decisions and/or meetings dates at that time4. Planning Commission convenes each month on the 1st and 3rd Tuesday. City Council convenes the 1st and 3rd Thursday of each month5. Your Attendance at the Planning Commission and/or City Council meetings is required by the applicant or a representative of the applicant.	
STAFF ACKNOWLEDMENT OF COMPLETE APPLICATION: _____ DATE: _____	

**Variance Request
Holladay Peaks Subdivision
Lot 2
February 7th, 2025**

Type of Variance:

Lot Coverage Variance (Holladay City Code 13.14.080)

Background:

The property at 1691 East Delaware Lane (Lot 2) was previously the site of a Church of Jesus Christ of Latter-Day Saints (“LDS Church”) Meeting House. The LDS Church sold the property, and it was subsequently developed into a 10-lot subdivision, with plat approval and recording on September 30, 2024 (Entry Number 14294193). The applicant purchased the property from the developer as a finished lot. Subdivision improvements have been completed and building permit applications are currently being processed for the subdivision. The outcome of this variance request will directly affect the building pad for Lot 2.

Variance Request:

The applicant seeks a variance to allow a **35% maximum coverage of all structures** for Lot 2, instead of the 31% coverage limit currently set for lots between 10,001 and 15,000 square feet, as defined in §13.14.080B.

Purpose of the Variance:

This variance request aims to promote the full enjoyment of a property right for Lot 2. Allowing a 35% coverage limit—consistent with the coverage allowed for lots up to 10,000 square feet—will enable the contracted buyer to build a home with a comparable footprint to what could be built on a slightly smaller lot. The unique characteristics of the Holladay Peaks subdivision, as well as the specific zoning regulations at play, support this request for a reasonable adjustment.

Contextual Narrative:

Holladay Peaks is a newly developed 10-lot subdivision, set in a neighborhood primarily developed 70+ years ago. Nearby subdivisions, Cottonwood Meadows, Crown Colony, and Shahleh Estates—were developed in the 1950s through 1970s. Many older homes in the surrounding area have been replaced with new construction, often in "tear-down" situations. In response to the impact of new homes on older housing, Holladay City adopted Ordinance 2012-15 in September 2012, establishing development standards for setbacks, height, lot coverage, and building mass within the R-1 Zone. The ordinance's goal is to ensure that new development is harmonious with the character of the surrounding neighborhood.

However, **Lot 2** is situated in a new subdivision, and its immediate neighbors—Lot 1 and Lot 3—are both newly developed vacant lots. The only properties adjacent to Lot 2 from outside the subdivision are portions of the rear boundaries of Lot 90 and Lot 91 of the Crown Colony subdivision. Therefore, **Lot 2 does not have a direct impact on the existing housing stock** in the same way as "tear-down" properties in older areas.

Purpose of Lot Coverage Ordinances (§13.14.080):

The primary purpose of the lot coverage regulation is to manage the installation of impervious surfaces within the city. The goal is to balance development with environmental sensitivity, addressing factors such as water runoff, air quality, and landscape preservation. Lot coverage is regulated by the percentage of the lot that may be covered by structures:

Lot Size In Square Feet	Percent Coverage Of All Structures	Percent Impervious Coverage
Less than 10,000	35	40
10,001 to 15,000	31	36
15,001 to 20,000	28	33
20,001 to 30,000	25	30
30,001 to 40,000	24	29
40,001 to 50,000	23	28
50,001 to 60,000	22	27
60,001 to 70,000	21	26
Above 70,000	20	25

- **For lots 10,000 SF or smaller:** The maximum coverage is 35%, allowing for up to 3,500 SF of coverage.
- **For lots between 10,001–15,000 SF:** The maximum coverage is 31%, which would allow only 3,239.81 SF of coverage for a 10,451 SF lot like Lot 2.

The Anomaly:

There is a notable inconsistency in the coverage regulations. Specifically, for lots in the 10,001–15,000 SF range, the lower coverage percentage (31%) results in a **smaller allowable footprint** than would be allowed on a 10,000 SF lot (35%). This discrepancy creates what can be described as a “**coverage inversion**” where a 10,000 SF lot can accommodate a larger home (in terms of footprint) than a slightly larger 10,451 SF lot.

For example:

- A 10,000 SF lot can support up to **3,500 SF** of coverage (35%).
- A 10,451 SF lot (Lot 2) is limited to **3,239.81 SF** of coverage (31%).

This leads to a situation where Lot 2, despite being larger, would be restricted to a smaller home footprint than a 10,000 SF lot.

Request for Variance Justification:

- 1. Special Circumstances:**

Lot 2 is part of a newly developed subdivision, with its immediate neighbors being new, vacant lots. This is not a "tear-down" situation, so the impact on existing housing is minimal. Moreover, Lot 2's size places it at the low end of the 10,001–15,000 SF range, where the lower 31% coverage limit applies. This creates an inequity that does not align with the intent of the R-1 zoning.

- 2. Substantial Property Right:**

Granting the variance is necessary for the applicant to build the home as designed. Strict adherence to the current code would result in a smaller home footprint—one that is even smaller than what would be permitted on a lot 451 SF smaller than Lot 2. For the applicant to achieve the desired home size, a two-story design would be required, which would not be in line with the buyer's preference for a single-story home.

- 3. No Substantial Impact on the General Plan:**

The variance will not contradict the General Plan or the public interest. The coverage would be consistent with what is allowed for smaller lots, and the overall footprint would not exceed the typical coverage for lots of this size in the R-1 Zone.

- 4. Spirit of the Zoning Ordinance:**

The purpose of the R-1 Zone is to maintain harmony with the surrounding development, focusing on building mass, setbacks, and lot coverage. Lot 2's unique position within a new subdivision, coupled with the coverage inversion issue, warrants this variance to ensure substantial justice is served while maintaining the intent of the zoning regulations.

Conclusion:

The applicant respectfully requests that the City grant this variance to allow a 35% maximum coverage for Lot 2, in line with the allowable coverage for smaller lots. This adjustment will allow the applicant to build a home of comparable size to those on smaller lots, without negatively impacting the surrounding neighborhood or conflicting with the overall purpose of the zoning ordinance.

Thank you for your consideration.



**VARIANCE APPLICATION
REQUEST FOR APPEAL OFFICER ACTION**

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FEBRUARY 12, 2025

REQUEST: HOLLADAY PEAKS LOT 2 LOT COVERAGE VARIANCE  
ADDRESS: 1691 E DELAWARE, HOLLADAY, UT 84117  
APPLICANT: IVORY HOMES & PETER GAMVROULAS  
FILE NO: 25-5-02  
STAFF: JUSTICE TUFFOUR, (*City Planner & GIS Manager*)  
APPEAL OFFICER: MR. FRANK NAKAMURA

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**PROPERTY INFORMATION**

ACREAGE: 0.24 acres (10,451 square feet)  
GENERAL PLAN: Low Density Residential - Stable (LDR-S)  
ZONE: R-1-10  
CURRENT USE: Single Family Residential (SF-Residential)  
GOVERNING ORDINANCES: Title §13.14.080: Lot Coverage; Title §13.09.020: "Variance"  
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**REQUEST**

The applicant seeks an exception to the regulations outlined in the City of Holladay Code Title §13.14.080 [pertaining to Lot Coverage], which governs the installation of impervious surfaces for any lot within the city of Holladay. The appellant is requesting to be granted a relief from the prescribed 31% maximum coverage for all structures, proposing to maintain a 35% maximum coverage. The requested exception herein would constitute a +4% structural coverage variance, which would run with the land in perpetuity.

**PROPOSAL BACKGROUND**

The appellant and agent, Ivory Homes and Mr. Peter Gamvroulas, have filed an appeal with the Administrative Hearing Officer seeking a variance to the above portions of Chapter 13 of the City of Holladay Zoning Ordinance, specifically pertaining to the maximum coverage of structures they can build on their lot. Ivory Homes and Mr. Gamvroulas have intentions of building a home on 1691 E Delaware – a recent subdivision we call Holladay Peaks Lot 2. The Holladay Peaks subdivision, which used to be a religious meeting site, is currently 10-lot subdivision within a single-family residential zone (R-1-10). According to the applicant, they are proposing to construct a new residential home which would require a larger structural footprint than what is currently allowed (*more details to be provided in staff analysis below*).

They have therefore submitted a variance application requesting to be allowed a 35% maximum structural coverage instead of the 31% maximum limit set forth by the City Ordinance. The applicant is of the opinion that the city ordinance governing lot coverage limits for individual lots in Holladay is unfair and inequitable. Something they



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refer to in their narrative as a “coverage inversion”. They are of the believe that their property and the Holladay Peaks subdivision have certain unique characteristics that support this request for a reasonable adjustment. Additional information regarding the applicants' narrative and supporting documentation are attached herewith.

### HOLLADAY CITY CODE

#### Per City Ordinance §13.14.080: LOT COVERAGE:

**A. Purpose:** The purpose of this section is to regulate the installation of impervious surfaces within the city of Holladay. It is the intent of this regulation to be sensitive to the natural and built environment. The city's intent is to support reasonable land use regulations. Some of the tools that can be used in this regard are included elsewhere in this title and also outlined below. The restriction of impervious surfaces can have a positive effect on the overall environment. Impervious surfaces replace and alter the natural landscape. Their construction can initiate a chain of events that modifies water resources, urban air elements, and the overall environment. Findings supporting this regulation are:

1. Impervious surfaces seal the soil surface, eliminating the benefits of rainwater filtration and natural groundwater recharge. Stormwaters run across impervious surfaces, collecting toxins and debris which may be damaging to the health of riparian habitats and to all waterways and lakes.
2. Excessive storm drainage created by uncontrolled runoff often negatively impacts private property and public infrastructure.
3. Impervious surfaces damage tree roots systems depriving them of water which in turn destroys the canopy and shade that would otherwise moderate excessively hot urban climates known as "heat islands". Impervious surfaces displace living vegetation, which is necessary for normal atmospheric carbon cycling.
4. The loss of urban forests, especially in arid Utah and particularly in Holladay, which is well known for its spectacular tree cover, results in a loss of community identity and reduces property values.
5. In areas of urban build out, redevelopment and reconstruction are opportunities for environmental rehabilitation. Permeable or porous paving is an important component in low impact development.

**B. Maximum Lot Coverage:** The total allowable lot coverage for all structures and the total impervious coverage for any lot is shown on chart 13.14.080B of this section, excluding outdoor swimming pools, ponds with artificial liners and other water features. Approved permeable or porous surfaces may be allowed per coverage bonus table 13.14.080C of this section.

CHART 13.14.080B

| Lot Size In Square Feet | Percent Coverage of All Structures | Percent Impervious Coverage |
|-------------------------|------------------------------------|-----------------------------|
| Less than 10,000        | 35                                 | 40                          |
| 10,001 to 15,000        | 31                                 | 36                          |
| 15,001 to 20,000        | 28                                 | 33                          |
| 20,001 to 30,000        | 25                                 | 30                          |
| 30,001 to 40,000        | 24                                 | 29                          |
| 40,001 to 50,000        | 23                                 | 28                          |
| 50,001 to 60,000        | 22                                 | 27                          |
| 60,001 to 70,000        | 21                                 | 26                          |
| Above 70,000            | 20                                 | 25                          |



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**C. Coverage Bonus:** Total percent impervious coverage, as per chart 13.14.080B of this section, may be increased no more than an additional ten percent (10%) as per coverage bonus table 13.14.080C of this section. **This provision may not be used to increase the maximum percent coverage of all structures as set forth herein.**

### COVERAGE BONUS TABLE 13.14.080C

*(Maximum 10 Percent Bonus Allowed)*

| Method                                                                                                                                                                                                        | Maximum Percent Increase |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Plant 2-inch caliper tree: 1 percent per tree. Species as per tree selection guide made available through city of Holladay community development department                                                   | 6.0 percent              |
| Permeable pavers or porous surface <sup>1</sup> : Installed as per approved manufacturing standards                                                                                                           | 3.5 percent              |
| Water wise landscaping: Landscaping area must be equal in area to the percent increase gained, as per Holladay water wise guidelines made available through city of Holladay community development department | 3.5 percent              |
| Sump <sup>2</sup>                                                                                                                                                                                             | 2.5 percent              |
| Cistern <sup>2</sup>                                                                                                                                                                                          | 2.5 percent              |

Notes:

1. *Appropriate porosity approved by city engineer.*
2. *Size, design and capacity approved by city engineer.*

## APPROVAL STANDARDS

### FIVE-PART TEST FOR VARIANCE:

The Hearing Officer may grant a variance only if:

1. **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.** In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship, the board of adjustment may not find an unreasonable hardship unless the alleged hardship: 1) is located on or associated with the property for which the variance is sought; and 2) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The hardship cannot be self-imposed or economic.
2. **There are special circumstances attached to the property that do not generally apply to other properties in the same zone.** The Hearing Officer may find that special circumstances exist only if the special circumstances: 1) relate to the hardship complained of; and 2) deprive the property of privileges granted to other properties in the same zone.
3. **Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.**
4. **The variance will not substantially affect the development code and will not be contrary to the public interest.**
5. **The spirit of the zoning ordinance is observed and substantial justice is done.**

## STAFF FINDINGS (ANAYLSIS)

*(Staff does not vote on these matters and acts only in an advisory position on the technical aspects of the application)*

Generally, these findings and observations were made in relation to the variance request;

- **Application of Lot Coverage Code:** Pursuant to Holladay City regulations on lot coverage as defined in section §13.14.080 of the City Code, the installation of impervious surfaces on individual lots is regulated





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based on the size of a property. The City Code determines these restrictions in percentage terms relative to lot size categories. That is to say, all properties within a certain category are all limited to the **same ratio** of installing hard surfaces. The applicant's property (10,451 sq. ft.) falls within the category of lots >10,000 sq. ft. to 15,000 sq. ft. This means, just like any other property with comparable size, they are required to install structures up to 31% of the lot size (*i.e.*, 3,239.8 sq. ft.). This structural coverage requirement is not a nuance and enforced strictly without flexibility. Section C of Holladay ordinance §13.14.080 explicitly states "*Total percent impervious coverage, as per chart 13.14.080B of this section, may be increased no more than an additional ten percent (10%) as per coverage bonus table 13.14.080C of this section. **This provision may not be used to increase the maximum percent coverage of all structures as set forth herein.***"

What this means is that, while the Planning Department makes accommodations for residents to increase the total impervious coverage by up to 10%, such flexibilities may not be allowed in complying with the structural coverage requirement. In this regard, if a property owner maxes out the allowable percentage for structures, they may no longer expand or build more structures on that property. On the other hand, they could increase their total hard surfaces like walkways, driveways, and patios up to 10% of their required maximum – subject to implementing certain strategies in Table 13.14.080C. The city is very keen on enforcing impervious coverage to the effect that, '*any type of development*' adding more than 10% of hard surfaces automatically triggers additional Engineering restrictions – requiring the design and implementation of onsite stormwater retention plans.

- **Perceived Anomaly/Coverage Inversion:** The applicant submits in their narrative that there are inconsistencies in the coverage regulations – referring to this as a 'coverage inversion'. What they refer to as 'inconsistency' is another way of implying that the same coverage limits (in % terms) should be applied to all properties in Holladay regardless of their size or zoning designation. Per City Staff's analysis, this implication of inequity is quite the opposite of what the ordinance actually intends to achieve. The requirements of the lot coverage ordinance as outlined in section §13.14.080 is intended to mitigate excessive porous surfaces, ensuring low impact-development in areas of urban build out. Furthermore, the ratio for structural coverage maximum ensures that there is equity in massing of structures and not equality. A closer evaluation of the lot coverage table shows that the tiered categories actually align with the zoning designation of properties, ensuring that massing is consistent in residential neighborhoods within similar zones (*See Figure 1*). The applicant provides an example, comparing their massing requirements to smaller lots – less than 10,000 sq. ft. However, they fail to recognize the mismatch in this comparison. Essentially, they draw parallels between the massing requirements for properties situated within R-1-10 zones and those in R-1-8 and/or R-1-4 zones – a blanket comparison for different zones with unique neighborhood characteristics. Moreover, an estimate of the lot sizes in the applicant's neighborhood R-1-10 zone shows that the vicinity has similar-sized lots (*averaging 10,019 sq. ft.*), which means that they are uniformly assessed at the 31% maximum for structural coverage. Smaller lots in Holladay are subject to less restrictive structural requirements in order to reduce disproportionate impacts of massing for properties with constrained spaces, allowing them to build decent size homes. It is important to note that this provision is equally applicable to other property owners with lot sizes greater than that of the applicant's. While larger lots generally have more restrictive coverage requirements, their absolute structural sizes are bigger than that of smaller lots. Thus, this is not an inconsistency issue, but rather, a strategic approach by the city ordinance to moderate the impacts of property developments on natural surfaces while maintaining harmoniously comparable built environments.



CHART 13.14.080B

| Lot Size In Square Feet | Percent Coverage Of All Structures | Percent Impervious Coverage | Zones          |
|-------------------------|------------------------------------|-----------------------------|----------------|
| Less than 10,000        | 35                                 | 40                          | {R-1-8; R-1-4} |
| 10,001 to 15,000        | 31                                 | 36                          | {R-1-10}       |
| 15,001 to 20,000        | 28                                 | 33                          | {R-1-15}       |
| 20,001 to 30,000        | 25                                 | 30                          | {R-1-21}       |
| 30,001 to 40,000        | 24                                 | 29                          |                |
| 40,001 to 50,000        | 23                                 | 28                          | {R-1-43}       |
| 50,001 to 60,000        | 22                                 | 27                          |                |
| 60,001 to 70,000        | 21                                 | 26                          |                |
| Above 70,000            | 20                                 | 25                          | {R-1-87}       |

Figure 1: Zones and Coverage Requirements

- Potential Precedence of Self-imposed Hardship:** The Holladay Peaks subdivision as indicated earlier, is a fairly new subdivision created sometime last year. City staff believes that the intent of this new subdivision and ensuing rezoning was not to create a unique neighborhood that distinctively differs from the surrounding Westmoor and Delaware neighborhoods. In fact, the applicant acknowledges this by stating in their contextual narrative that *“the ordinance’s goal is to ensure that new development is harmonious with the character of surrounding neighborhood”*. When the subdivision was rezoned to R-1-10 with their pre-determined lot sizes, it was understood that development would adhere to the applicable standards governing buildings within the R-1-10 zone. City staff does not believe that the intention of the subdivision was to create conditions where multiple lots would run into non-conforming situations. This observation is supported by the fact that the City Planner reviewing the permit for another lot within the same Holladay Peaks subdivision (Lot 105) –has run into a similar structural coverage issue. City staff recognizes that this situation may potentially mirror a self-imposed hardship, given the fact that the applicant’s narrative states that they purchased the property as a finished lot from the developer and have a contracted buyer who prefers a home larger than what is permitted by Holladay ordinance for this lot size. Similar-sized lots within the Holladay Peaks subdivision (specifically, lots 108 and 109) are currently being permitted by the Planning Department and have been able to meet the 31% structural coverage requirement. Thus, this comes down to whether the lot in question poses unique circumstances that are different from these lots in the same subdivision or a matter of the buyer’s preference for a larger home. City staff defers to the applicant to provide sufficient evidence to substantiate the existence of a legitimate hardship or unique circumstance.

## STAFF COMMENTARY & RECOMMENDATION

Pursuant to State Law and Holladay City’s Quasi-Judicial Procedures regarding variance requests, the burden of proof lies with the applicant to convincingly argue before the Administrative Appeals Officer that one or more conditions related to the property they represent hinders the applicant’s reasonable use of their land in a manner and form comparable with that enjoyed by their neighbors or other properties in a similar situation and zoning



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district. Each variance application is reviewed on a case-by-case basis and the merits of the matter are assessed in a public forum. Any public testimony received in response to notifications provided via public notice, the City's websites, and any comments or recommendations by City Departments or external agencies have been presented to the Administrative Appeals Officer for their consideration. Below, the City staff assigned to this case provides commentary and recommendations on each of the five-part approval standards for this variance application.

***Describing what hardship will occur if variance is not granted.***

Concerning the appellant's demonstration of the existence of unique circumstances or an unreasonable hardship, no explicit response was provided to clarify the exceptional difficulty in complying with the zoning regulations or what hardship will occur if the variance is not granted. The appellant notes that Lot 2 is part of a new subdivision with immediate neighbors being either new and or vacant lots, suggesting minimal impact. However, City staff would like to highlight that the designation of the property as a new lot does not exempt it from complying with the ordinance regulations applicable to that zone. Moreover, the applicant's reference to perceived 'inequity' has been addressed in the staff analysis and does not constitute a valid hardship, since other lots within the same subdivision have successfully complied with the same regulations. City Staff submits that the applicant has not sufficiently demonstrated the presence of unique circumstances or hardships that would occur if the variance is not granted. It is recommended that the applicant provides a clear and convincing justification that makes compliance with the city ordinance §13.14.080 unreasonable.

***Describing how the property is different from other properties within the vicinity.***

Regarding the existence of special circumstances distinguishing the property from others within the vicinity, the applicant provided no justification or response. However, City Staff assesses that the property in question (Lot 2) does not exhibit any distinguishing characteristics in terms of size, shape, or configuration when compared to other lots within the subdivision or the immediate vicinity. Consequently, there is no basis to warrant exceptional treatment or deviation from the applicable zoning requirements.

***Describing benefits other properties in the vicinity will enjoy at the expense of Applicant without a variance.***

In addressing the necessity of granting the variance to ensure the applicant's enjoyment of a substantial property right consistent with that of other properties in the same district, the applicant cites their buyer's preference. Specifically, the applicant states "...to achieve the desired home size, a two-story design would be required, **which would not be in line with the buyer's preference for a single-story home**". As shown in extract above, the benefit outlined by the applicant is clearly rooted in their buyer's preference rather than a legitimate comparison with property rights enjoyed by neighboring properties. A GIS analysis of similar-sized lots in the vicinity shows that the average structural footprint of a home in the neighborhood is approximately 1,730 sq. ft. – some 1,500 sq. ft. less than the applicant's required maximum. City Staff does not believe granting the variance is essential to the substantial enjoyment of property rights and common privileges enjoyed by other properties in the vicinity.

***Describing why the variance will not deviate from the general purposes of the City of Holladay development code***

Regarding deviations from the City's development code that are not contrary to the public interest, the ordinance provisions as pertaining to lot coverage §13.14.080 is explicit in its intent to restrict the coverage of impervious surfaces and constructions that can initiate a chain of events that modifies water resources, urban air elements, and the overall environment. Subsection C of this same ordinance is further explicit in stating that "*This provision may not be used to increase the maximum percent coverage of all structures as set forth herein*". In light of the clear intent



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of the city ordinance, City staff disagrees with the applicant's assertion that granting this variance would not contradict Holladay's development code.

### *Describing how the variance is fair and conforms to the overall intent of the zoning laws*

In conforming to the general intent of zoning laws and fairness, the applicant surmises their narrative by highlighting the position of the lot within a new subdivision and a so-called 'coverage inversion' as justifications. City staff submits that the property is not unique in its characteristics nor is there any coverage inversion – as pointed out in earlier analysis. In fact, all similar-sized lots within the R-1-10 zone are treated the same and have the same coverage requirements (*i.e.*, 31% structural and 36% total impervious). Granting a variance in this circumstance, where there is an absence of a unique circumstance from neighbors or by virtue of being a new lot does not align with the principle of fairness to produce equal outcomes. City Staff believes that situation does not warrant fairness in applying Holladay city ordinance nor uphold the spirit of zoning intent.

## RECOMMENDATION

Concluding from the City Staff's technical review of City Code and analysis of the geographical characteristics of the case context, granting this variance request does not appear to be the least intrusive solution to upholding the spirit of zoning as outlined in section §13.14.080(C). The city has no building design references from the applicant to assess and provide alternative recommendations from its Technical Review Committee. Moreover, the applicant's request to be an exception to the rule based on buyer's preference appears to be a self-imposed hardship. Generally, discussions regarding denials or approval should be moderated by examination of the language of City Code (*on sections §13.14.050 and §13.14.056*), the applicant's narrative and proceedings from the public hearing, as well as other submissions received herein. From the City Staff's perspective, this variance request does not comprehensively pass the five-part test for variance approval standards. Denial is Recommended.

## POSSIBLE MOTIONS

- ❖ Deny the variance request.
- ❖ Approve variance as requested.
- ❖ Approve variances with revised/alternative mitigation methods.
- ❖ Remand the request back to CED for consideration (*reschedule date should be set during this meeting*)

## SUPPORTING DOCUMENTS

- Affidavit of Property Ownership
- General Appeal Application
- Variance Request
- Applicant's Narrative











