



April 23, 2025

**Request Type:** Variance  
**File No:** LUHO-25-004  
**Address:** 1761 East Millcreek Way  
**Zone:** R-1-10, Single-Family Residential Zone  
**Applicant:** Sandra Geary  
**Planner:** Brad Sanderson, AICP

## **SUMMARY DESCRIPTION**

The applicant has filed a land use application seeking a variance to reduce the front yard setbacks for the purpose of extending an existing garage, approximately four feet (4') closer to the public right of way. The property is located at 1761 East Millcreek Way.

The property is located within the Single-Family Residential (R-1-10) Zone, which requires dwellings and garages to be set back at a minimum distance of thirty (30') feet from the front property line or right of way. MKZ § [19.14.050 Yards](#)

The garage is attached to the front most portion of the primary dwelling. The vehicular access is made possible from a curved driveway extending from the right of way to a vehicular opening on the west side of the garage. The applicant is proposing to reorient the garage door opening and driveway access, by relocating them to the south side of the garage, thus creating a more direct opening and perpendicular driveway access between the garage and the right of way.

The current dimensions of the garage are 19'-5" x 20'-9" as measured from inside of wall to inside of wall. Due to a couple of steps between the garage and the house, and an interior swinging pedestrian door, the depth of the newly oriented garage will be impeded and no longer suitable for a standard size vehicle.

## **SCOPE OF DECISION**

Utah Code [10-9a-702](#), allows “*Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.*”.

Millcreek Zoning Code [19.92.050.A](#). and similarly, the above referenced Utah Code state “*The authority may grant a variance only if:*

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;*



2. *There are special circumstances attached to the property that do not generally apply to other properties in the same district;*
3. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;*
4. *The variance will not substantially affect the general plan and will not be contrary to the public interest; and*
5. *The spirit of this title is observed, and substantial justice is done.”*

The applicant has provided a written response to the above-listed criteria, as it applies to their specific request for a variance (see applicant's request letter, attached).

Furthermore, Millcreek's Zoning Code states,

*“In determining whether enforcement of this title will cause unreasonable hardship, the authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of this title would cause an unreasonable hardship, the authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In determining whether or not there are special circumstances attached to the property, the authority may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the same district. The applicant shall bear the burden of proving that all the conditions justifying a variance have been met.”*

*“In granting a variance, the authority may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified.” (MKZ §19.92.050.)*

## STAFF FINDINGS, ANALYSIS & CONCLUSIONS

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### **Staff Findings:**

1. According to the Salt Lake County Records, the property is approximately 0.23 acres in size. The home was originally built in 1963-64 and later modified in 1997.
2. Millcreek's code does require single-household dwellings to have “2 [parking] space per unit”, of which “one space must be covered”. The code does not however require any specific garage size or dimensions. (see MKZ [19.80.020](#) parking table 19.80.2)
3. The property is Lot #5 of the Millbrook Village Subdivision recorded in 1964. According to the record plat, the property is generally rectangular, being approximately 80' wide and ranging between 123' to 131' in depth.
4. At the time of plat recordation, the property contained a five-foot (5') Public Utility Easement along the north and east property lines, which is a standard practice and is somewhat common on many lots.
5. The subject property is within the same R-1-10 Zone as most properties along Millcreek Way.
6. The standard parking stall dimensions are 9' x 18'. Typical garage dimensions are 20' x 20'.



**Staff Analysis:**

The burden of justifying a request for a variance is on the applicant. See Utah Code § 10-9a-702(3) and City Code §19.92.050

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; In determining whether enforcement of this title will cause unreasonable hardship, the authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of this title would cause an unreasonable hardship, the authority may not find an unreasonable hardship if the hardship is self-imposed or economic. City Code §19.92.050.B*

**Staff Response:**

- The existing dwelling, including the attached garage, currently meets the minimum size and setback standards as prescribed by the Millcreek codes. The current orientation and access of the garage have sufficient depth to accommodate a standard size vehicle.
- The applicant's concerns pertaining to there not be enough room to park a vehicle in the garage, is only an issue caused by the proposed reorientation of the garage access.
- The Applicant has not demonstrated that the “alleged hardship comes from circumstances particular to the property”, [and] “not from conditions which are general to the neighborhood,” or that there is an “unreasonable hardship”. Instead, the proposed modifications, as proposed in this application would instead seem to 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 district;*

*In determining whether or not there are special circumstances attached to the property, the authority may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the same district. City Code §19.92.050.B*

**Staff Response:**

- The property is somewhat rectangular in shape and is similar in size to other surrounding properties within the same zone and neighborhood.
- The applicant cites the curvature of the street which allegedly reduces the front yard dimension on the east side of the property, however the curved portion of the street does not immediately touch or affect the applicant's property but instead would seem to be relevant to the adjoining property to the east.



- The applicant also cites homes on either side of their property as “projecting past the front yard setback towards the street”. According to the site plan supplied by the applicant, this seems to be true with the home located immediately to the east, however, this does not appear to be true for the property to the west. In either case, these would seem to be circumstances which would be applicable to other properties and are not unique circumstances applicable to the subject property.

The property does **not** appear to have any unique easements or significant change in grade that would “*deprive the property of the privileges granted to other properties in the same district*” was reduced from the standard 50-foot width to a 35-foot width, thus adding 15 additional feet of depth of buildable area to the front of each lot.

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

**Staff Response:**

The applicant does have an existing covered garage. There may also be ways of expanding the garage in other directions, without violating a minimum setback or other code requirements.

***4. The variance will not substantially affect the general plan and will not be contrary to the public interest;***

**Staff Response:**

While the General Plan does promote infill development and supports one’s ability to enhance their property, however, reducing the setbacks without just cause would set an undesired precedence of inequality which may lead to alternate scenarios which may be detrimental to the general public interest.

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

**Staff Response:**

- Although Millcreek supports modifications that would further enhance one’s property, such enhancements should not impose on the standards and regulations set forth by the established codes.

**Conclusion:**

Based on the above findings and other supporting documents contained within this report, the following conclusion(s) can be made:

Based on the findings and analysis above, it is Staff’s opinion that the applicant has not met their burden of justifying a request for a variance, according to the criteria listed in Utah Code § 10-9a-702(3) and City Code §19.92.050 and therefore, the request for a variance is not supported by Staff.

**Millcreek City Hall**  
1330 East Chambers Ave  
Millcreek, Utah 846  
millcreekut.gov



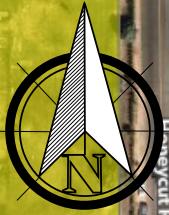
**Planning & Zoning**  
(801) 214-2700  
planner@millcreekut.gov

## SUPPORTING DOCUMENTS

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- Zoning Map/Location Map
- Millbrook Village Subdivision plat.
- Variance Application and Applicant's Request
- Applicant's site plans
- Applicant's photos

# Zoning Map



R-1-6

R-1-10

Millcreek Cir

Millcreek Cir

Subject  
Area

Millcreek Way

Millcreek Way

Millcreek Cir

Millcreek Way

Canyon Way

R-1-10

Millbrook Rd

Honey Creek Ln

Honeybrook Pl

Honeycut Rd

Honeycut Road

Honeycut Rd

# Location Map



Subject  
Area

Millcreek Way

Millcreek Way

## SURVEYOR'S CERTIFICATE

I, ROBERT B. JONES, do hereby certify that I am a Registered Professional Engineer and/or Land Surveyor, and that I hold certificate No. 1525, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as MILLBROOK VILLAGE SUBDIVISION and that same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION		
COURSE	DIST.	REMARKS
Beginning at the Northwest corner of lot 53, Millbrook Addition subdivision, said point being		
589°51'E 533.50	feet from the North Quarter corner of Section 33, Township One South, Range One East, Salt Lake Base and Meridian, and running thence	
50°02'15"W 149.44	feet along the boundary line of said subdivision to a point on a curve to the right, the center of which is	
58°51'40"W 114.20 feet; thence	N 58°51'40"W 114.20 feet; thence	
Southwesterly 6.50	Southwesterly 6.50 feet along the arc of said curve;	
58°24'W 58.64	thence	
North 508.74	508.74 feet; thence	
589°51'E 587.50	587.50 feet to the point of beginning.	

May 9, 1963

Robert B. Jones  
SURVEYOR

## OWNER'S DEDICATION

Know all men by these presents that we, the undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as the

## MILLBROOK VILLAGE SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use.

In witness whereof we have hereunto set our hands this 28<sup>th</sup> day of January A.D. 1964

HOUSEBRAND CORPORATION  
(A UTAH CORPORATION)  
Wood Peterson *Wood Peterson* BEVERLY J. PETERSON  
PRESIDENT *Beverly J. Peterson* SECRETARY  
BEVERLY J. PETERSON  
PRESIDENT *Wood Peterson* SECRETARY

## ACKNOWLEDGMENT

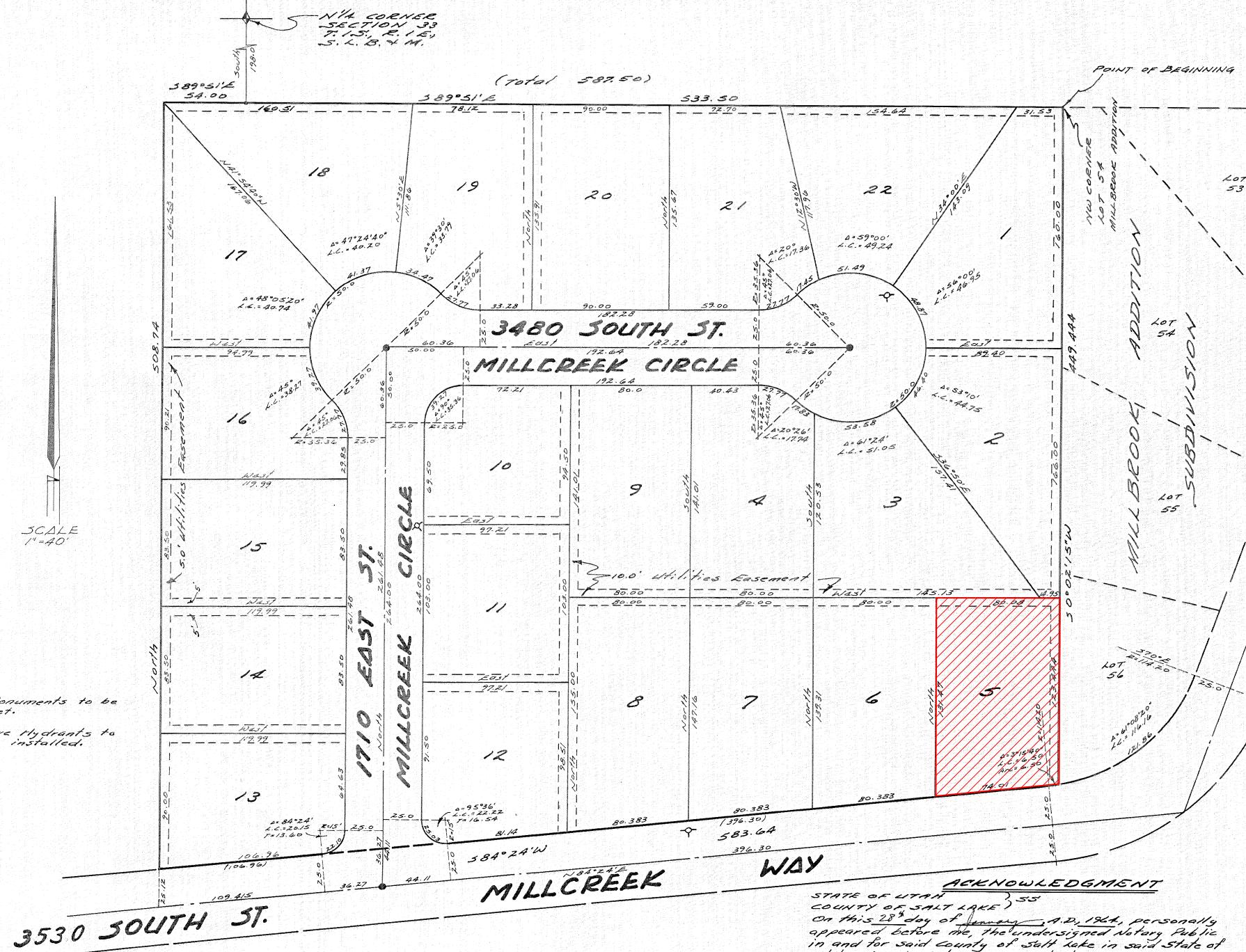
STATE OF UTAH } S.S.  
County of Salt Lake }  
On the 28<sup>th</sup> day of January A.D. 1964 personally appeared before me, the undersigned Notary Public in and for said County of Salt Lake in said State of Utah, Wood Peterson, President and Beverly J. Peterson, Secretary of HOUSEBRAND CORPORATION, a Utah Corporation, who being by me duly sworn did say that they are the President and Secretary of said Corporation and the accompanying instrument was signed by them in behalf of said Corporation by authority of a Resolution by its Board of Directors and Wood Peterson and Beverly J. Peterson duly acknowledged to me that said Corporation executed the same.

MY COMMISSION EXPIRES: July 2, 1964

Clifton R. Davis  
NOTARY PUBLIC  
RESIDING IN SALT LAKE COUNTYMILLBROOK VILLAGE  
SUBDIVISION

A SUBDIVISION LOCATED IN NORTH 1/4  
SECTION 33  
TOWNSHIP ONE SOUTH, RANGE ONE EAST  
SALT LAKE BASE & MERIDIAN

RECORDED # 1983139  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF Security Title Co.  
DATE 3/2/64 TIME 2:37 PM BOOK 88 PAGE 2  
18.50 FEE \$

Hazel Rapport Chase  
SALT LAKE COUNTY RECORDER

April 3, 2025

To: City of Millcreek Zoning  
1330 E Chambers Avenue  
Millcreek, UT 84106

Re: Letter of intent - Request for Variance on Front Yard Setback to 25' on  
Parcel 16332030120000  
1761 E MILLCREEK WY

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:

If the title is enforced and variance is not granted, there will not be enough room in the existing garage to park a car, close the garage door and enjoy safe access into the home through the door and up the steps.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district:

Special circumstances on this particular property include the curved street that reduces the front yard dimension on the east side of the property. The adjacent home on the west projects past the property front yard setback towards the street and the adjacent home on the east projects past the property front yard setback towards the street.

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

A 25' front yard setback on the property would allow the owner to enjoy the full front yard property with landscaping and outdoor amenities. The car would fit in the garage and out of sight of the neighborhood.

If the garage cannot be extended, the owner will not be able to park the car in the garage and have safe access to the home using the steps in the garage and operating the door.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest:

The variance will not be contrary to the public interest as adequate space will exist in the new front yard setback for off street parking if needed. The spirit of the title is also to enhance the neighborhood with landscaped front yards and the smaller driveway will allow more room for improved landscaping of the yard.

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

Justice will be done by allowing this property's structures to align with the structures on the neighbor's property directly to the east and west of this property.

Sincerely,

  
Sandra Geary

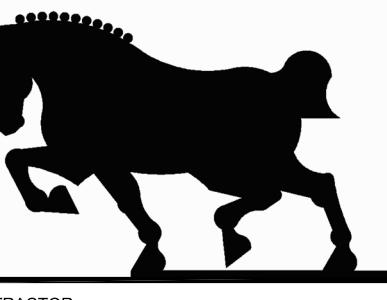
Attachments:

Existing Site Plan

Proposed Site Plan

Existing Garage Drawing

Photographs



CONTRACTOR:

CONTRACTOR:  
TBD

ARCHITECT:

MARTHA MITCHELL  
617 E BRIARSPRINGS CIR.  
MIDVALE, UT  
84047  
801-915-3531  
marti.mitchell67@gmail.com

DRAFT -  
NOT FOR  
CONSTRUCTION

PROJECT NAME

GEARY HOME  
REMODEL

PROJECT ADDRESS

1761 E MILLCREEK WAY  
MILLCREEK,  
UT 84106

DRAWING ISSUE:

DRAFT DESIGN  
DRAWINGS  
NOT FOR  
CONSTRUCTION

REVISIONS:

SCALE

PROJECT NO.

DATE  
MARCH 24, 2025

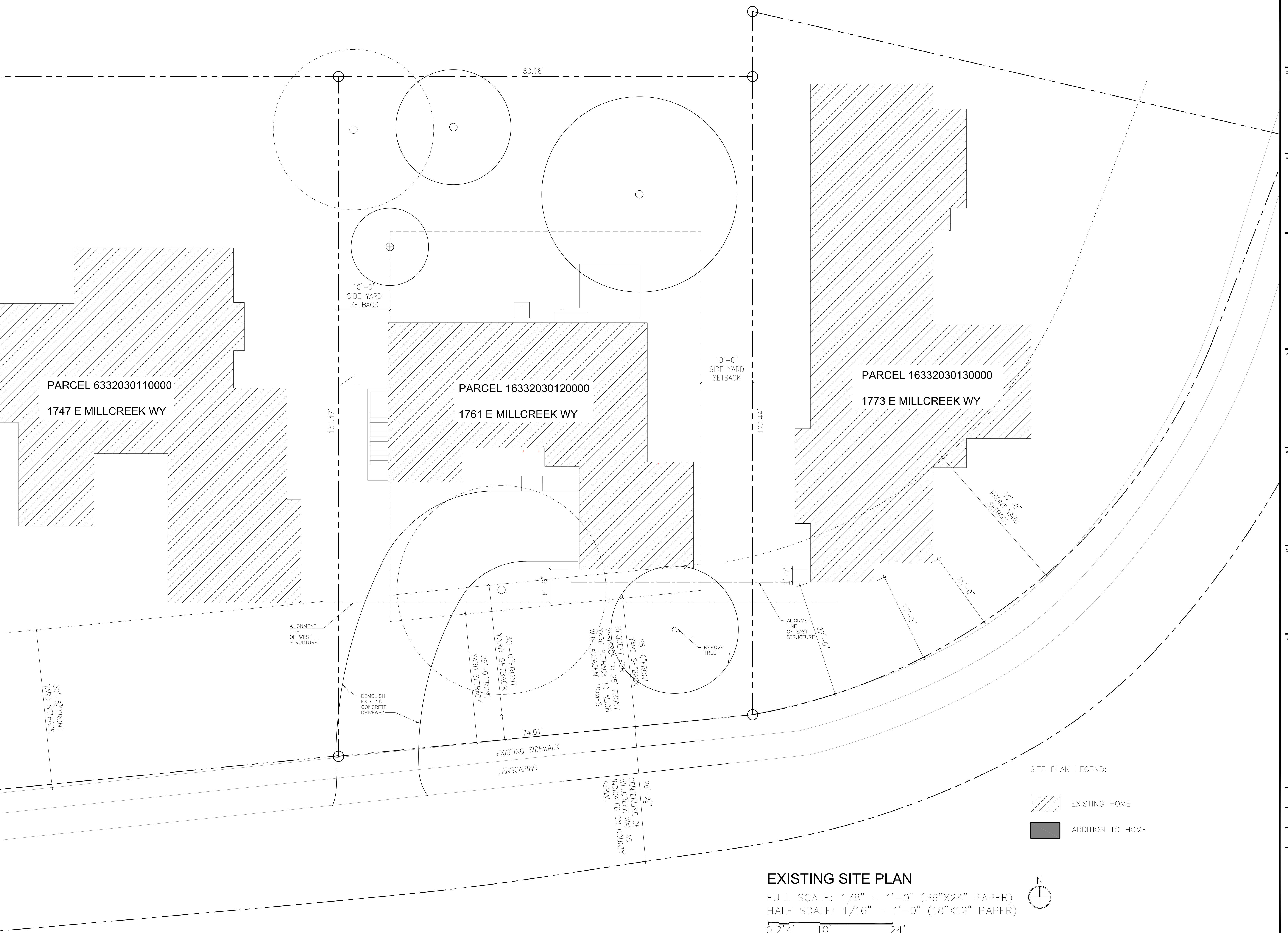
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EXISTING  
SITE  
PLAN  
AS-1

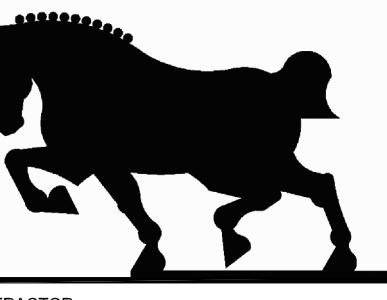
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2 of 29

### EXISTING SITE PLAN

FULL SCALE: 1/8" = 1'-0" (36"X24" PAPER)  
HALF SCALE: 1/16" = 1'-0" (18"X12" PAPER)

0 2' 4' 10' 24'





CONTRACTOR:

CONTRACTOR:  
TBD

ARCHITECT:

MARTHA MITCHELL  
617 E BRIARSPRINGS CIR.  
MIDVALE, UT  
84047  
801-915-3531  
marti.mitchell67@gmail.comVARIANCE  
SUBMISSION

PROJECT NAME

GEARY HOME  
REMODEL

PROJECT ADDRESS

1761 E MILLCREEK WAY  
MILLCREEK,  
UT 84106

DRAWING ISSUE:

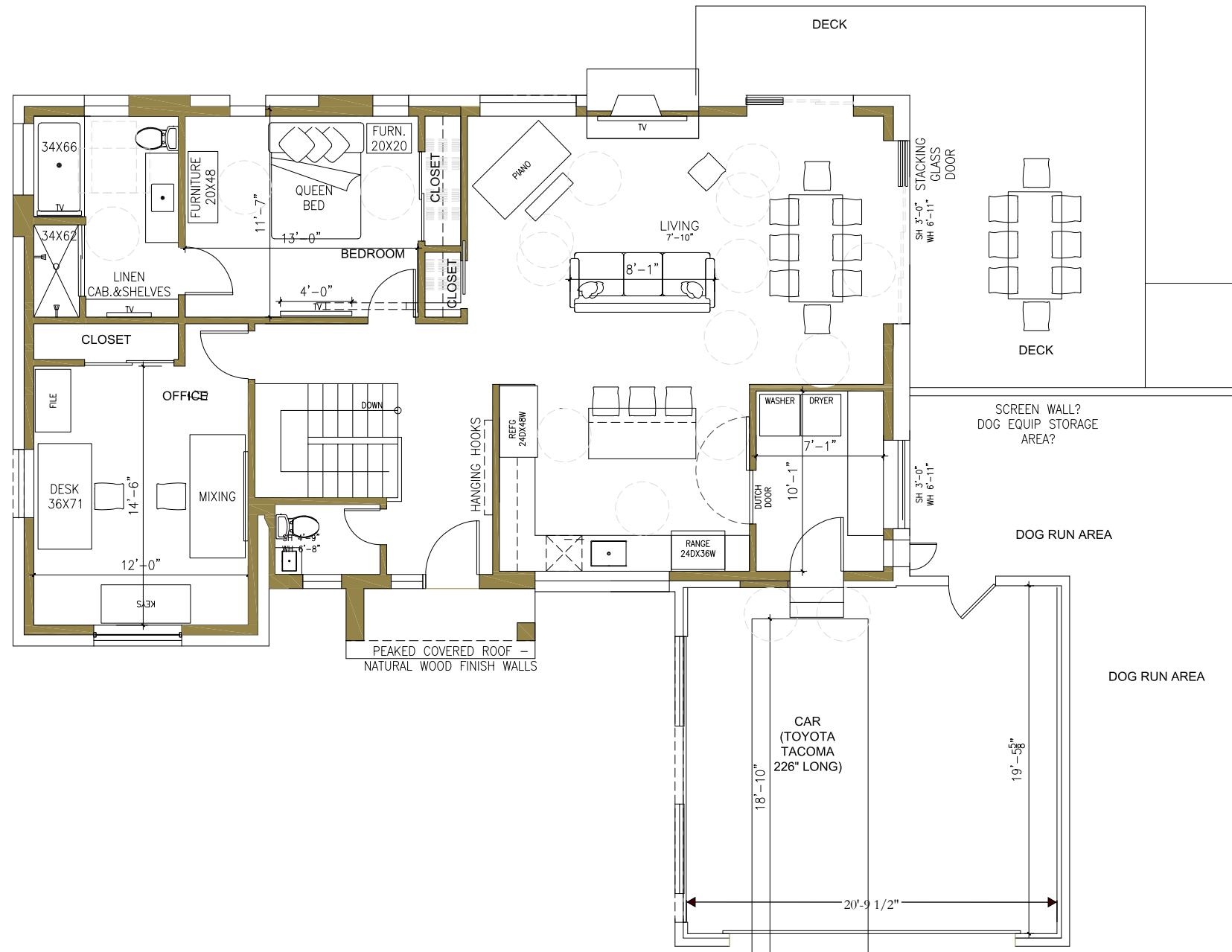
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CONSTRUCTION

REVISIONS:

SCALE

PROJECT NO.

APRIL 1, 2025  
DRAWING NAMENEW  
SITE  
PLAN  
AS-2  
DRAWING NUMBER  
2 of 29



EXISTING GARAGE SIZE





