



Planning & Development Services Division
<http://pwpds.slco.org/agendas/index.html>
<http://www.utah.gov/pmn/index.html>

Land Use Hearing Officer

Public Meeting Agenda

Tuesday,

November 18, 2014 1:00 P.M.

THE MEETING WILL BE HELD AT SALT LAKE COUNTY GOVERNMENT CENTER
2001 SOUTH STATE STREET, NORTH BUILDING
PLANNING DIVISION CONFERENCE ROOM, SUITE N3600
ANY QUESTIONS, CALL (385) 468-6700

REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED UPON RECEIPT OF A REQUEST WITH 5 WORKING DAYS NOTICE. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.

The purpose of the Land Use Hearing Officer's Meeting is to allow the Land Use Hearing Officer to hear applicant and public comment, as well as agency and staff recommendations, prior to making a decision on applications filed with Salt Lake County.

The Land Use Hearing Officer shall: act as an appeal authority for zoning decisions applying this title as provided in Section 19.92.050 and conditional use decisions by a planning commission; hear and decide the special exceptions to the terms of the zoning ordinance set forth in Section 19.92.060; hear and decide variances from the terms of the zoning ordinance; and, hear and decide applications for the expansion or modification of nonconforming uses.

PUBLIC HEARINGS

Variance –

29062 – Mark Sudbury is requesting a variance on the setback requirements. The parcel is 0.16 acres. The lot shape is irregular and the setbacks requested would match the existing surrounding areas. **Location:** 5520 South Northwest Avenue. **Zone:** C-2. **Community Council:** Kearns. **Planner:** Spencer Hymas

Special Exception –

27303 – Barrett and Roxanne Flowers are requesting a special exception to allow for the removal and replacement of an elevated front/side porch that was noncomplying as to front and side yard setbacks with one that is noncomplying to front yard setbacks only. **Location:** 4159 W Zodiac Drive (6020 S). **Zone:** R-1-6. **Community Council:** Kearns. **Planner:** Jim Nakamura

ADJOURN



STAFF REPORT

Executive Summary									
Hearing Body:	Land Use Hearing Officer								
Meeting Date and Time:	Tuesday, November 18, 2014	01:00 PM	File No:	2	9	0	6	2	
Applicant Name:	Mark Sudbury	Request:	Variance						
Description:	Variance from C-2 Setbacks								
Location:	5520 S Northwest Ave.								
Zone:	C-2 Community Commercial	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input type="checkbox"/>					
Planning Commission Rec:	Not Applicable								
Community Council Rec:	Not yet received								
Staff Recommendation:	Approval								
Planner:	Spencer Hymas								

1.0 BACKGROUND

1.1 Summary

Mark Sudbury is requesting a variance on the front and rear setback requirements for a property located at 5520 S Northwest Ave. The parcel is 0.16 acres and zoned C-2. The depth of the lot is less than 31 feet and the width is approximately 225 feet. The short depth of the lot makes developing any building, under the ordinance prescribed setbacks, nonviable. The proposed setbacks requested would be similar to the setbacks of the existing uses in the surrounding area. West of the property is a railroad and Kearns High School. To the East is a commercial storage operation and a residential neighborhood.

1.2 Neighborhood Response

None at the time of this report.

2.0 ANALYSIS

2.1 Applicable Ordinances

Section 19.92.040.B.1. of the Zoning Ordinance establishes five criteria to be used in evaluating requests for variances. The Board of Adjustment must find that all five of these criteria have been met before granting approval of a variance. Staff suggests the following analysis based upon a review of the five criteria:

Criteria Met		Variance Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>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.</i>
		<p>Discussion: Literal enforcement of the setbacks would not create a building envelope for development.</p> <p>19.62.080 - Front yard. In C-2 zones: A. Multiple and/or Group Dwellings. The minimum depth of the front yard for dwellings and for private garages which have a minimum side yard of eight feet shall be twenty-five feet, or the average of the existing buildings where fifty percent or more of the frontage is developed, but in no case less than fifteen feet. B. Other Buildings. The minimum depth of the front yard shall be twenty feet.</p> <p>19.62.100 - Rear yard. In the C-2 zone: A. Multiple and/or Group Dwellings. The minimum depth of the rear yard for any dwelling shall be thirty feet, and for accessory buildings one foot, provided that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard; B. Other Buildings and Structures. None, except that on corner lots which rear upon the side yard of another lot in a residential or agricultural zone, the minimum rear yard shall be ten feet.</p>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>b. There are special circumstances attached to the property that do not generally apply to other properties in the same district.</i>
		<p>Discussion: The lot is irregular in size. It is only 30 feet in depth and over 225 feet in width. The unusual size is a special circumstance that does not apply to other properties in the same district.</p>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district.</i>
		<p>Discussion: Adjacent lots that are also of the same size and dimensions have residential structures with similar reductions in setbacks.</p>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>d. The variance will not substantially affect the general plan and will not be contrary to the public interest.</i>
		<p>Discussion: Approval of the variance will provide an opportunity for development of a derelict vacant lot. Staff believes this would benefit the area and not be contrary to the public interest.</p>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>e. The spirit of the zoning ordinance is observed and substantial justice done.</i>
		<p>Discussion: The spirit of the zoning ordinance will not be adversely affected with an approval of the variance, and substantial justice will be done by providing a viable development</p>

	opportunity.
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3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Variance .

3.2 Reasons for Recommendation

1) Staff believes that all 5 of the variance criteria are met.

2118103003

C-2
2118102008

2118102017

2118127037

2118129015

2118129016

2118129017

4580

W 5500 S

Northwest Ave
2118104002

W 5500 S

2118130003

2118130004

2118130005

2118130006

2118130007

2118130008

2118130009

2118130010

2118130011

2118130002

R 1.6

211801002

Length: 31.2217 ft

2118130001

2118130015

2118130016

2118130017

2118130018

2118130019

2118130020

2118130021

2118130022

2118130023

5522

2118104003

W 5540 S

W 5540 S

2118131001

2118131003

2118131004

2118131005

2118131006

2118131007

2118131008

2118131009

5550

2118131002

2118131012

2118131013

2118131014

2118131015

2118131016

2118131017

2118131018

2118104004

W 5570 S

50 m

Enhanced Search Zoom Clear

Parcels Selected: 1

ID 10: 2118104002
 ID 14: 21181040020000
 Address: 5520 S NORTHWEST AVE
 Acreage: 0.16
 Owner: ARGUMEDO, GUADALUPE
 Owner Address: 5520 S NORTHWEST AVE

SUBJECT PROPERTY

2113104002

ADJACENT PROPERTIES



2113103006

2113102017

2113127037

2113102003

2113130003

2113130004

2113130005

2113130006

2113130007

2113130008

2113130009

2113130002

2113130001

2113130015

2113130016

2113130017

2113130018

2113130019

2113130020

2113130021

2113101002

2113104005

2113130014

2113131001

2113131003

2113131004

2113131005

2113131006

2113131007

2113103002

2113131002

2113131012

2113131013

2113131014

2113131015

2113131016

2113104004

2113104010

2113132001

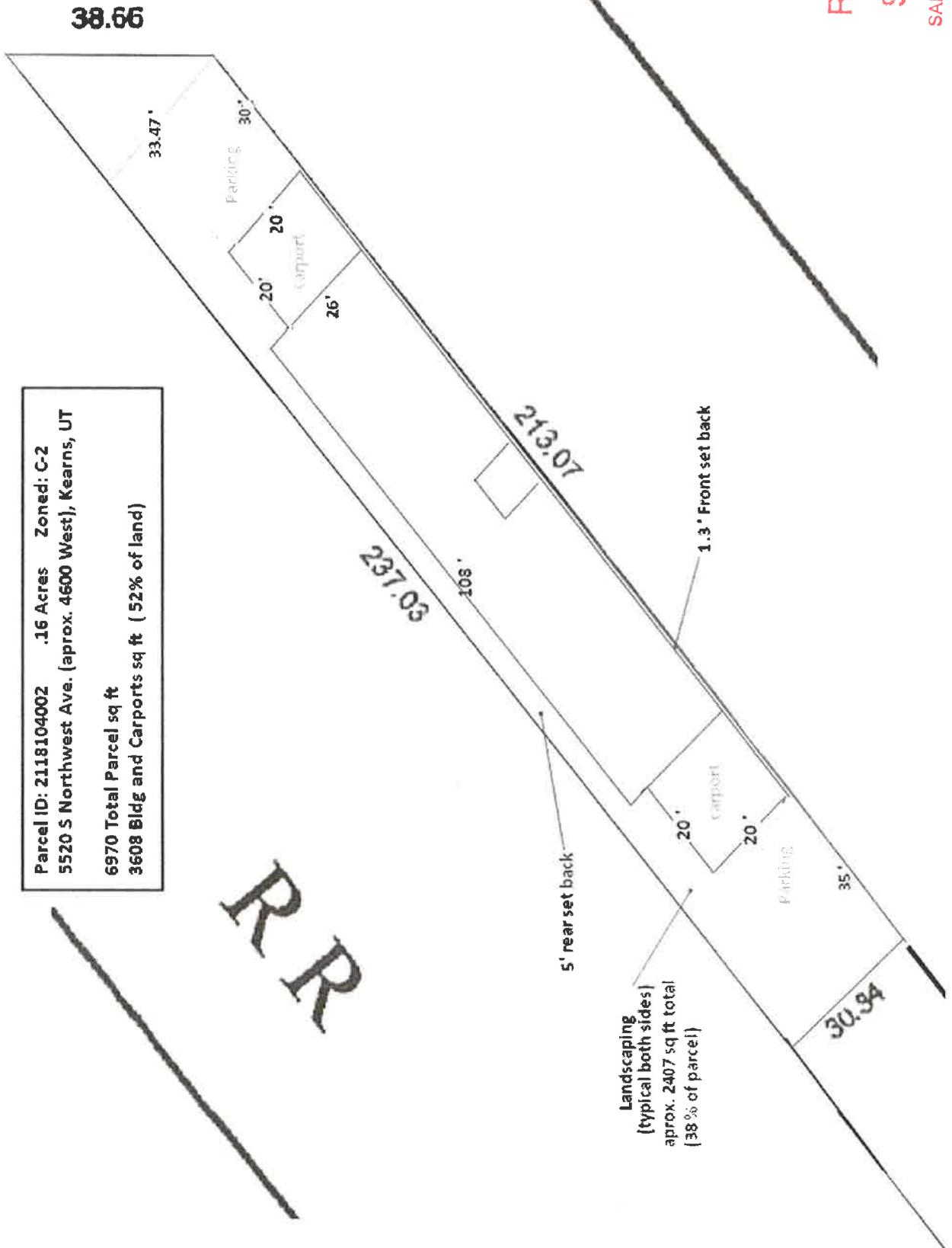
2113132002

2113132003

2113132004

50 m

Parcel ID: 2118104002 .16 Acres Zoned: C-2
 5520 S Northwest Ave. (approx. 4600 West), Kearns, UT
 6970 Total Parcel sq ft
 3608 Bldg and Carports sq ft (52% of land)



Landscaping
 (typical both sides)
 approx. 2407 sq ft total
 (38% of parcel)

RECEIVED
 SEP 22 2014
 SALT LAKE COUNTY
 PLANNING



STAFF REPORT

Executive Summary									
Hearing Body:	Land Use Hearing Officer								
Meeting Date and Time:	Tuesday, October 14, 2014	01:00 PM	File No:	2	7	3	0	3	
Applicant Name:	Flowers, Barrett & Roxanne	Request:	Special Exception						
Description:	Non-complying Structure								
Location:	4159 W. Zodiac Drive								
Zone:	R-1-6 Residential Single-Family	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Community Council Rec:									
Staff Recommendation:									
Planner:	Jim Nakamura								

1.0 BACKGROUND

1.1 Summary

The home on the above property was built with an elevated front deck with stairs that were within 1 foot of the side (east) property line, which greatly impacted the privacy of the back yard of the neighbor to the north. The property owners replaced that deck with a covered one that extended into the front yard and does not wrap around the house to the east. The new deck complies with the side yard setback requirements of the R-1-6 zone, but not the front yard setback requirement (being 15' 6" from the front property line in a zone where 25 feet is required).

1.3 Neighborhood Response

1.4 Community Council Response

2.0 ANALYSIS

2.1 Applicable Ordinances

Section 19.92.060 of the Zoning Ordinance allows the Land Use Hearing Officer to approve any of the following special exceptions to the zoning ordinance where it determines the exception is consistent with the purposes of the zoning ordinance and will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the

vicinity:

A. Where a zone boundary line divides a lot in single ownership at the time of the passage of the ordinance codified in this title, the hearing officer may permit a use authorized on either portion of such lot to extend not more than fifty feet into the other portion of the lot.

B. The hearing officer may permit the enlargement of or addition to a noncomplying structure or a building or structure occupied by a nonconforming use.

C. The hearing officer may permit the relocation on a lot of a noncomplying structure or a building or structure occupied by a nonconforming use; or the hearing officer may permit the reconstruction on a lot of a noncomplying structure or a building occupied by a nonconforming use.

2.2 Exception Request

Having built the new deck further from the neighbor most likely to be impacted (to the east) and having built the deck in such a way as to create a covered kennel for their dog, the property owner has taken into consideration the health, safety, and welfare of the neighborhood, and designed the deck accordingly. The request is to allow the reconstruction and relocation of a noncomplying structure (deck) on the lot as set forth in section 19.62.060.C of the County Zoning Ordinance.

2.4 Other Issues

3.0 STAFF SUGGESTED CONSIDERATIONS

3.1 Considerations for APPROVAL of the proposed Special Exception

- 1) The new deck has a reduced impact from the old deck on the nearest neighbor (east).
- 2) The new deck has incorporated a kennel for the Flower's dog, thus keeping it further from pedestrians on the sidewalk.
- 3) The two other homes on this block that abut the south side of Zodiac Drive face east and west respectively, making this home the only one fronting onto Zodiac. As such, the deck does not create a visually inconsistent front yard with adjacent properties.

3.2 Considerations for DENIAL of the proposed

- 1)



Salt Lake County Public Works Department
Planning and Development Services Division
 2001 S. State Street #N-3600, Salt Lake City, UT 84190-4050
 Phone: 801-468-2000 FAX: 801-468-2169
 Visit our web site: <http://www.pwpds.slco.org>

File # 27303

Land Use & Development Application

- FCOZ RCOZ DWSP Watershed Over Pressure Magna Main
 Natural Hazards Other _____

Zone: R16 Community Council: KEARNS Planner: PAUL BRINGHURST
 Parent File # N/A CASE: 12544 Date: 10/31/11

Property Address: 4159 Zo diac Drive Parcel #: _____

Name of Project: _____ Property Acreage: _____

Please describe your request: we would like a variance for our front porch- was already existed when purchased, but add front steps & enlarged

<p><u>New Development:</u></p> <input type="checkbox"/> Use and / or Site Plan Approval <input type="checkbox"/> Subdivision # lots: _____ <input type="checkbox"/> PUD #lots: _____	<p><u>Modify an Existing Development:</u></p> <input type="checkbox"/> Change Conditions of Approval <input checked="" type="checkbox"/> Change the Site Plan <input type="checkbox"/> Change the Use <input type="checkbox"/> Condo Conversion <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Mobile Store <input type="checkbox"/> Signs	<p><u>Other:</u></p> <input checked="" type="checkbox"/> Board of Adjustment Review <input type="checkbox"/> Exception Request <input type="checkbox"/> Non-Conforming <input type="checkbox"/> RCOZ Appeal (Option C) <input type="checkbox"/> Research Request <input type="checkbox"/> Re-zone <input type="checkbox"/> Vacate a Street
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Is a key or gate code required to access the property? Yes No If yes, code: _____ (or provide key)

Driving Directions to Property:
4159 W 6020 S. Taylorsville - Kearns

*note: all correspondence will be sent to the applicant's address:

Applicant(s): Barrett & Roxanne Flowers
Address: 4159 Zodiac Dr
City, State, Zip: Kearns Ut 84118
Phone Number(s): 801-381-2858 e-mail: hwflowers@comcast.net
801-381-3090

Property Owner(s): Barrett & Roxanne Flowers
Address: _____
City, State, Zip: _____
Phone Number(s): _____ e-mail: _____

Professional(s): Engineer Architect Other

Company: _____
Contact: _____
Address: _____
Phone Number(s): _____ e-mail: _____

To facilitate Salt Lake County's land use notice and review process, the undersigned hereby authorize the County to reproduce this application and all documents attached to the application for staff, officials, and the interested public:

Roxanne Flowers 10-31-11

		Office Use Only	Applicants Signature	Date
Fees Due:				Dead Box # _____
<input checked="" type="checkbox"/>	Application Fee.....		\$ 1,000	
<input type="checkbox"/>	Fire Department.....		\$ 75.00	
<input type="checkbox"/>	Geology Initial Site Assessment.....		\$ 75.00	
<input type="checkbox"/>	Health Department		\$ 50.00	
<input type="checkbox"/>	Initial Engineering Checking Fee.....		\$150.00 or	
			\$90.00 per lot (\$180 min) for subdivisions	
Cashier: <u>LN</u>				



Kearns 21-18

ZODIAC DR

SCORPIO DR

478-001

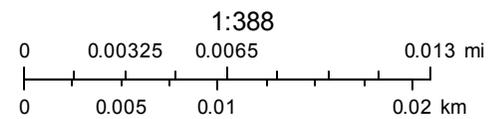
478-002

478-003

478-004

478-019

August 22, 2014



RE: Property located at 4159 Zodiac Dr, Kearns, UT 84118

Roxanne & Barrett Flowers

12/22/2011

New Deck

Our old deck was in terrible condition with rotted boards and a poor foundation, so we decided to repair it. One thing led to another and we ended up tearing the old deck down and rebuilding a nicer one with a roof over it. As can be seen in the photographs our house sits between two other houses which face opposite directions, so we are essentially the only house on our side of the block. For some reason, when the house was built, it was built "sideways" and our front door is located in the middle of the west side of house, right next to the garage. This makes it very difficult for anyone to come to the front door as it is essentially hidden from view. We constructed the front deck to move the "front door" to the actual FRONT of the house. This is how we get in and out. Under the deck is our dog's house and "his" front yard, as the police have complained several times about OUR DOG BEING IN OUR FENCED FRONT YARD. Now he is contained and away from people walking by on the sidewalk. When we constructed the new deck we spent a lot of money to make a structure that we felt would be a real improvement over the old deck and make the appearance of our home more inviting and nice. This also makes the neighborhood look much better.

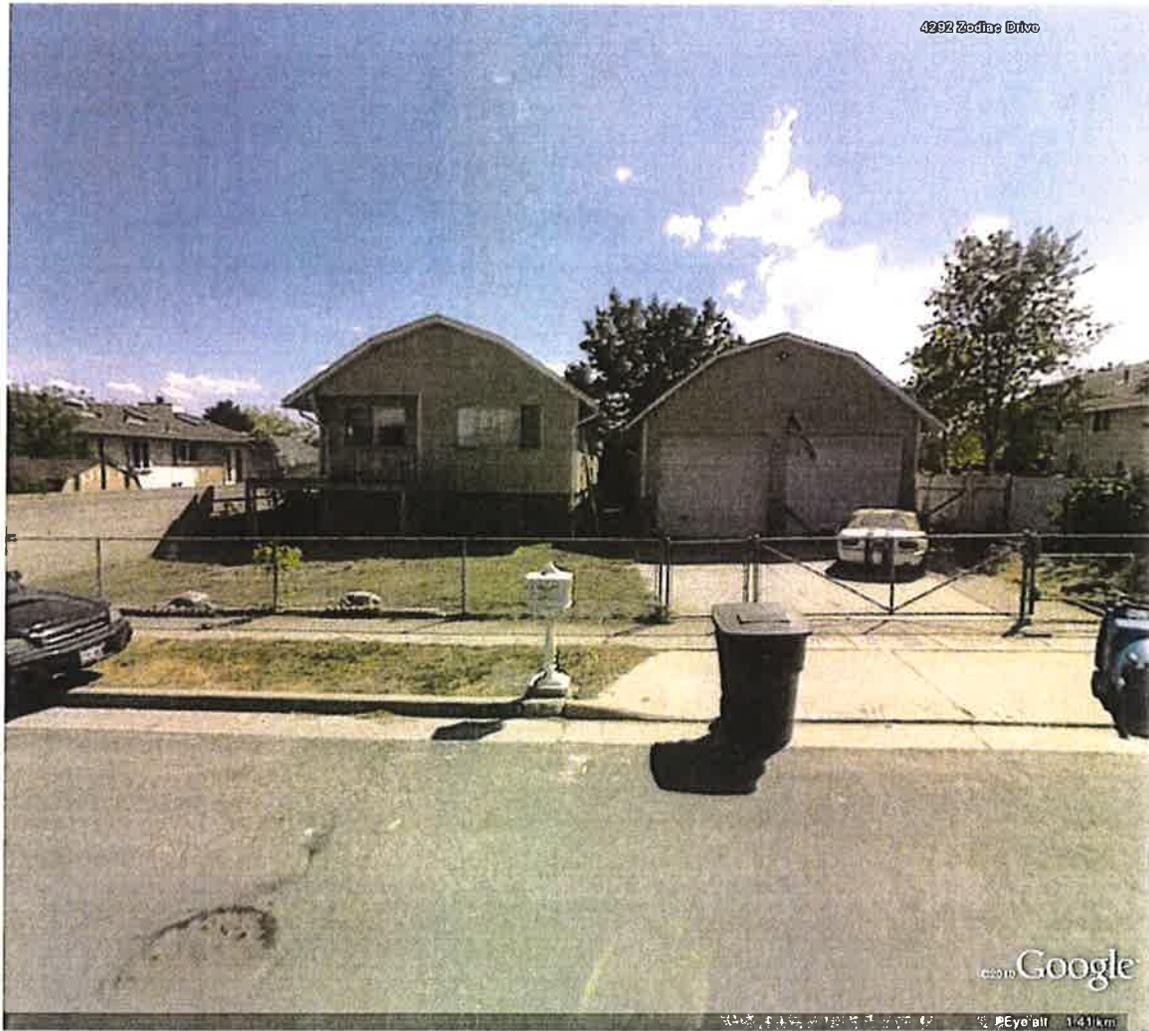
When we were approx. 75% finished we were informed by the county that we would need a building permit. We went down to apply for the permit but were denied, and told not to continue any work because it was too close to the front property line. We were also told that the old original deck was also too close to the front property line. The old deck was L shaped and ran ½ way across the front of the house, turned and ran approx 12' down the east side of the house and was less than one foot from the existing concrete block fence. If we dropped anything, it fell into the neighbor's yard, not ours. At the time we started building the new deck, we thought we were doing something "good". In considering the setback, we also do not feel that the front steps should be counted as part of the deck for setback purposes. The steps are no different that if we had a cement walk to our front door, they are just raised some (approx 4' high to deck level).

Now we are applying for a "variance" to be able to keep our new deck and complete it. I would like to point out (also in the photos) that our neighbors house to the east of us- well, their house is only approx 14' from the front property line. The entire house is closer to the property line than our deck is. We can't help it if someone has gotten something wrong somewhere along the line. To our knowledge, all of the neighbors are in full agreement that we should be able to keep the deck and they agree that it makes everything look much nicer.

Roxanne & Barrett Flowers

4159 Zodiac Dr. 84116

4159 S. ZODIAC, LEGANNS UT.



12560

Roxanne & Barrett Flowers
4159 W. Zodiac Dr, 84118



Roxanne & Barrett Flowers

4159 W. Zodiac Dr., 84118

← 10' →

35' 7 7/8"

20' 11 5/8"
10' 5 1/8"

← 14' 3 5/16" →