



Engineering Department  
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www.summitcounty.org

## STAFF REPORT

**To:** Summit County Board of Adjustment  
**Report Date:** September 10, 2010  
**Meeting Date:** **September 23, 2010**  
**Author:** Heather Judd, Assistant Technician

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**EXECUTIVE SUMMARY:** The applicant, EM Ventures, has submitted a request to the Summit County Board of Adjustment for a 10 foot variance to the 10 foot setback requirement for the length of the designed driveway, 130 feet from the front property line. This is a pre-construction request on lot 13 of Willow Creek subdivision.

A. **Project Description**

- **Applicant(s):** EM Ventures
- **Property Owner(s):** EM Ventures
- **Location:** 4779 Pace Dr
- **Parcel Number and Size:** WLCRK-13, 0.45 acres

B. **Community Review**

A public hearing notice was published in the Park Record, and notice was mailed to all property owners within 1,000 feet of the subject property. As of the date of this report no public comment has been received.

C. **Background**

Lot 13 is a relatively flat lot and is typical of the neighborhood. The home fills the width of the lot (less required setbacks) with a side entry garage.

The applicant is proposing to construct a driveway along the West property line.

D. **Findings/ Code Criteria and Discussion**

Section 10-3-6 of the Snyderville Basin Development Code requires that the applicant demonstrate how specific criteria for granting a variance are being met. The applicant has submitted his responses to the code criteria which are attached in Exhibit A. Staff has evaluated each of the criteria below.

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning provisions.  
*The only hardship in this case is the inconvenience of redesigning and/or reconfiguring the home on the lot. The non-complying driveway is a self imposed hardship given that it would be possible to meet the setback requirements. The applicant argues that the "rhythm" of the facades would be negatively impacted;*

*however there are several homes in the area which demonstrate both garages and driveways within compliance of the required setbacks.*

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.  
*The property is similar in grade and shape of surrounding properties. Surrounding homeowners with similar lots have been able to construct a home/driveway while meeting all the setback requirements. The driveway/home can be modified to meet the setback requirements.*
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.  
*It is not necessary to grant the variance in order to enjoy the property rights of other property owners in the area. They can meet the requirement and still have a sufficient driveway to access the home.*
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.  
*A variance would not necessarily adversely affect the General Plan or be contrary to the public interest; however the design of the driveway/home is self imposed and is possible to be modified.*
5. The spirit of the provisions of the land use ordinance is observed and substantial justice done.  
*The land use ordinance requires compliance with the Code. In the absence of a physical hardship present on the property, such as geological conditions or an irregularly shaped lot, a variance is not appropriate and justice will not be done.*

E. **Recommendation(s)/Alternatives**

Staff recommends that the Board of Adjustment hold a public hearing to gather public comment. Taking into consideration any public comment, information provided by the applicant and the information in the Staff Report, Staff further recommends that the Board of Adjustment deny the variance based on the finding: There are no special circumstances attached to the property that do not generally apply to other properties in the same zone. If the BOA chooses to approve the variance, appropriate findings shall be articulated that support the approval.

**Attachment(s)**

- Exhibit A – Applicants response to code criteria
- Exhibit B – Vicinity Map (aerial)
- Exhibit C – Site Plan
- Exhibit D – Site Photo(s)

**Engineering Department**

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**BOARD OF ADJUSTMENT APPLICATION FORM**

Owner(s) of Record:

Name: **EM Ventures** Phone: **435-655-3860**  
Mailing Address: **PO Box 680844**  
City: **Park City** State: **Utah** Zip: **84060**  
E-Mail Address: **esquared13@gmail.com** Fax: **435-655-3862**

Authorized Representative to Whom All Correspondence is to be Sent:

Name: **Quinn Wheeler** Phone: **801-597-1718**  
Mailing Address: **3210 w 4960 s**  
City: **Salt Lake City** State: **Utah** Zip: **84118**  
E-Mail Address: **quinn@mybuddysfirm.com** Fax: **N/A**

**Project Information:**

Parcel #: **Lot 13** Subdivision Name: **Willowcreek Estates**  
Address: **4779 Pace Drive** Section: **31** Township: **1** Range: **4 East**

Project Description (acreage, building square footage, number of lots, etc.):

**The project is a single residence to be built on Lot 13 of the Willowcreek Estates. The lot size is 0.45 acres with a proposed building footprint of 3,611 square feet. Total living space is 5,553 square feet with a 660 square foot garage.**

**OWNER(S) ACKNOWLEDGEMENT**

All application fees must be paid at time of application submittal. No application will be processed until all application fees are paid. Notification and publication fees for required public hearing notices (individual notices mailed to property owners \$1.25 per notice; 14 day publication of legal notice in local newspaper – cost of notice) will be billed to applicant at the time a hearing is scheduled. Notification fees must be paid within 10 days of billing and prior to hearing.

PLEASE NOTE REGARDING FEES; the payment of fees and /or the acceptance of such fees by County Staff does not constitute any sort of approvals, vesting, or signify that the application is complete or appropriate in any manner. The collection of fees is simply a requirement to begin the review process that will ultimately make such determinations.

I hereby declare under penalty of perjury that this application form, and all information submitted as part of this application form is true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application form be incorrect or untrue, I understand that Summit County may rescind any approval or sufficiency determination, or take other appropriate action.

Owner(s) Signature: *BF Sammons* Date: 9.1.10  
**EM VENTURES LTD**  
**by BF SAMMONS, PRES.**

EACH OF THE FINDINGS MUST BE MET IN ORDER TO QUALIFY FOR APPROVAL OF A VARIANCE.

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances.

Literal enforcement of the ordinance regarding driveways and setbacks would require a reconfiguration of the garage element's relationship to the street and the house. Either the garage would need to be located at the front of the house and directly on the setback line, or the entire house would need to be relocated to the rear of the property, nearly doubling the length of the driveway. Both solutions would adversely affect the visual impact of the home from the street; views and sight lines for both this lot and the neighbors would be reduced and/or blocked, and the "rhythm" of the facades from the street would be negatively impacted. Both results are contrary to the general purpose of maintaining a rural mountain setting as well as Willowcreek Design Guideline H which outlines and encourages side-entrance garages, garage setbacks, and maintaining a compatible and visually sensitive streetscape.

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

The wedge shape of the property is the circumstance most affecting the design and layout of the garage location on site. Lot 13 reduces in width from 128' at the rear setback to 62' at the front setback. With the standard width of a 3-car garage being +/- 32', half of the street-facing façade would then have to be the garage element. Shifting the garage to the front of the house would push the rest of the house towards the rear of the lot as well as elongating it. This would impact the views of the homeowner as well as the views of the neighboring property owners. Having the driveway in the setback allows the house to be rotated as shown and placed at the front setback creating a setback variety with the neighbors, maintaining a more pleasant streetscape, and maintaining view corridors.

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

Granting the proposed variance will allow the home to blend in with its surroundings as well as the neighboring homes without a negative result. Because the element in question is a driveway and has no vertical impact and the house is within all required setbacks, allowing the house to be set at the proposed location will not impede views or crowd the street and allow a better flow between properties.

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

The general plan has the public interest and neighboring property owners in mind when it speaks of space buffers and visual / scenic preservation. The intent of the house and its site layout is to achieve both. Architectural requirements such as colors, materials, roof design, and roof heights have been done in accordance with the Land Use Ordinance as well as the Willowcreek Design Guidelines. The project has also been approved by the Willowcreek HOA (Architectural Design Committee). Allowing this placement of the driveway would be in line with the intent of the general plan and thus, public interest.

5. The spirit of the provisions of the land use ordinance is observed and substantial justice done.

**The intent of this variance application is to allow the property owners of Willowcreek Lot 13 and design team to develop and place the house in a way that, while outside the written parameters of driveway location, adheres to and enhances the spirit and concepts outlined in both the Land Use Ordinance as well as the Willowcreek Design Guidelines.**

## CHECKLIST AND REVIEW PROCEDURE FOR

## BOARD OF ADJUSTMENT

**Snyderville Basin** (Section 10-3-6) **Eastern Summit County** (Section 11-4-8)

### SUBMISSION REQUIREMENTS

o Application form: Completed and signed by the property owner(s).

o Approval of the property owner(s) if different from the applicant: The property owner(s) must sign the back of the application form, or submit a letter indicating their ownership and authorization for the submittal of the application.

o Fee: \$100.00

o Detailed written analysis that describes how the "Criteria for Approval" findings are being met (see attached sheet).

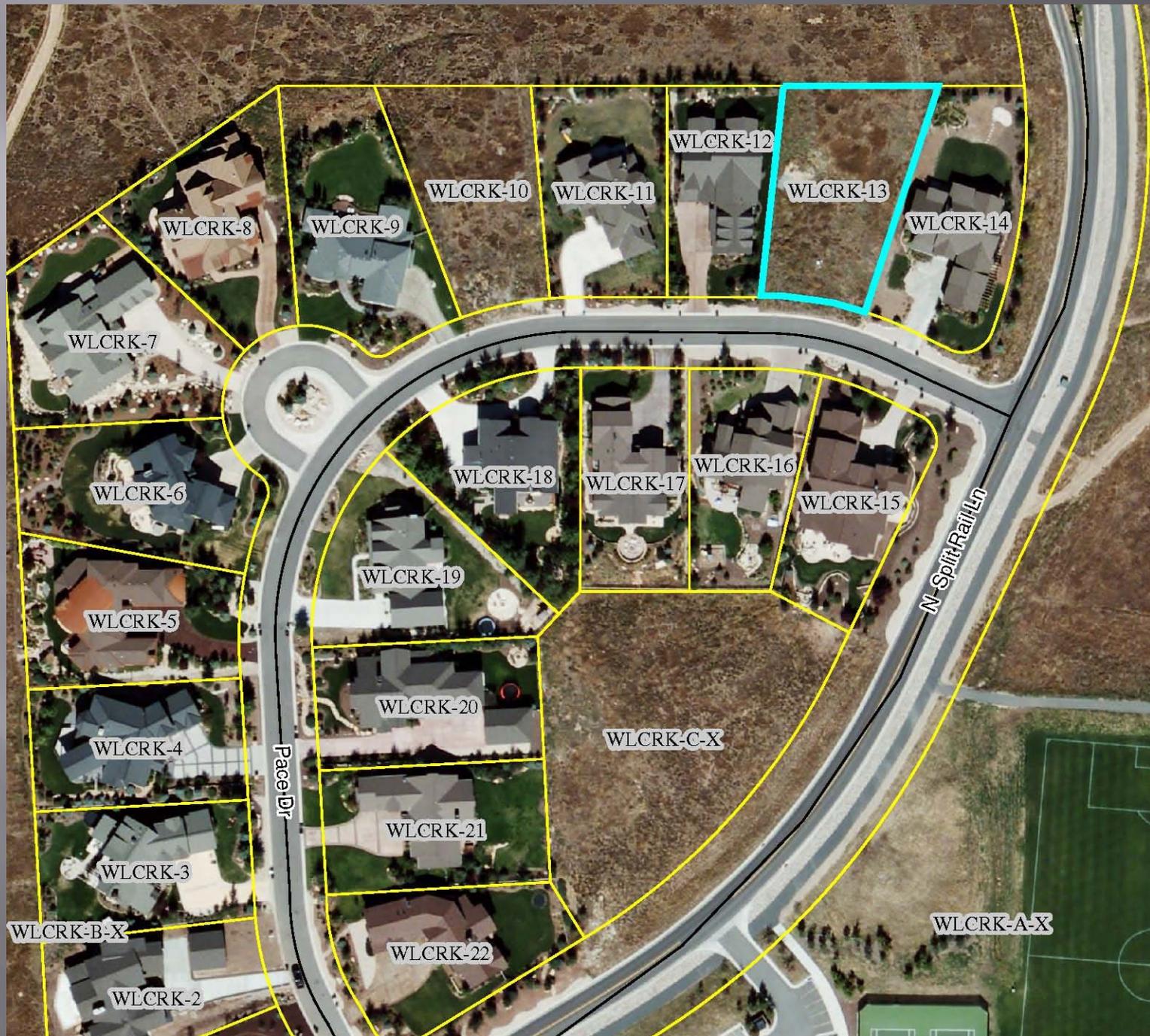
o 1 copy of a detailed site plan (11" x 17" minimum paper size, drawn to scale), including, at a minimum:

- North Arrow;
- Scale;
- Property lines;
- Existing and proposed structures, driveways, etc;
- Setbacks for existing and proposed structures, driveways, etc;
- Existing easements, roads;
- Sensitive areas (slopes exceeding 30%, wetlands, floodplains).
- Or refer to Site plan requirements - [www.summitcounty.org/engineering/downloads/siteplanreq\\_final.pdf](http://www.summitcounty.org/engineering/downloads/siteplanreq_final.pdf)

o 1 electronic copy of the site plan and elevations in PDF format.

o ADDITIONAL INFORMATION MAY BE REQUIRED.

# Aerial Map





LOT 13



09.10.2010

STREET VIEW  
LOOKING  
WEST



09.10.2010



Lot 3 of Willow Creek; same amount of frontage and depth as lot 13





Lot 2



Lot 4



Lot 11

Lot 12

Lot 16

Lot 19

