

Land Use Hearing Officer

Public Meeting Agenda

Tuesday, September 15, 2015 1:00 P.M.

**LOCATION: SALT LAKE COUNTY GOVERNMENT CENTER
2001 SOUTH STATE STREET, NORTH BUILDING
KEARNS CONFERENCE ROOM, SUITE N3-600**

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 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

Administrative

29597 – Shawn Brinkerhoff is requesting a side yard setback variance from 8 feet to 5 feet to accommodate a home on a substandard lot of record. **Community Council:** Magna. **Location:** 3012 South 9050 West. **Zone:** R-1-6. **Planner:** Spencer Hymas

29452 – Greg Larsen on behalf of Patricia M Flick Trust requests approval to rebuild and expand a non-complying dwelling structure. **Location:** 5798 Emigration Canyon Road. **Zone:** FR-20; Foothills and Canyons Overlay Zone (FCOZ). **Planner:** Todd A. Draper

ADJOURN

File # 29597

Land Use Hearing Officer Summary and Recommendation

Request Type: Sideyard Setback Variance

Meeting Date: September 15, 2015

Parcel ID: 14-30-257-026

Current Zone: R-1-6

Property Address: 3012 south 9050 west

Community Council: Magna

Township: Magna

Planner: Spencer Hymas

Community Council Recommendation: Not Required for this type of application

Planning Commission Recommendation: Not Required for this type of application

Planning Staff Recommendation: Approval

Applicant Name: Shawn Brinkerhoff

PROJECT DESCRIPTION

The applicant is requesting a side yard setback variance from 8 feet to 5 feet to accommodate a home on a substandard lot of record.

STAFF SUMMARY

19.92.040 - Variances.

B.1. The land use hearing officer may grant a variance only if:

- 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 will not substantially affect the general plan and will not be contrary to the public interest; and*
- e. The spirit of the zoning ordinance is observed and substantial justice done.*

Discussion: Staff believes that all of the above items are satisfied. The substandard size (34 foot wide lot), makes it difficult for the applicant to build a home that meets County Standards of a 20 foot wide home – see 19.76.290 (H). The variance approval would provide for a 24 foot wide home, which will fit in with the character of the neighborhood.

2.a. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection (B)(1), the land use hearing officer may not find an unreasonable hardship unless the alleged hardship:

- i. Is located on or associated with the property for which the variance is sought; and*
 - ii. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.*
- b. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection (B)(1), the land use hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.*

Discussion: Staff believes the request satisfies the above criteria.

3. In determining whether or not there are special circumstances attached to the property under subsection (B)(1), the land use hearing officer may find that special circumstances exist only if the special circumstances:

- A. Relate to the hardship complained of; and*
- B. Deprive the property of privileges granted to other properties in the same district.*
- C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.*
- D. Variances run with the land.*
- E. The land use hearing officer may not grant use variances.*
- F. In granting a variance, the land use hearing officer may impose additional requirements on the applicant that will:*
 - 1. Mitigate any harmful effects of the variance; or*
 - 2. Serve the purpose of the standard or requirement that is waived or modified.*

Discussion: Staff has not identified any harmful effects in that the applicant may already choose to have one side of the side yard setbacks at 5 feet. Staff believes that the request satisfies the above criteria.

19.76.060 - Separately owned lots—Reduced yards.

On any lot under a separate ownership from adjacent lots and of record at the time of passage of the ordinance codified herein, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided that, on interior lots, the smaller of the two yards shall be in no case less than five feet, or the larger less than eight feet; and for corner lots, the side yard on the side street shall be in no case less than ten feet or the other side yard be less than five feet.

Discussion: Staff is already allowed the ability to reduce side yards based upon the ratio of the reduced lot size; however, staff is not able to reduce further than 5 feet on one side and 8 feet on the other side. The ratio would allow as little as 9 feet total, 5 feet on one side and 4 feet on the other. Granting the variance would 10 feet total, 5 feet on one side and 5 feet on the other. Staff believes that the request is in harmony with the intent of the ordinance.

SITE AND VICINITY DESCRIPTION (see attached map)

This property is located in an area surrounded by R-1-6 (single family) zoning.

LAND USE CONSIDERATIONS

Requirement	Standard	Proposed	Compliance Verified
Height	35 feet	>35 feet	
Front Yard Setback	25 feet	25 feet	
Side Yard Setback	16 feet – 5 feet one side and 11 on garage or driveway side.	10 feet – 5 feet on both sides.	
Rear Yard Setback	15 feet with garage 30 feet without garage	30 feet	
Lot Width	60 feet	34 feet	
Lot Area	6000 square feet	4012 square feet	

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with Landscaping Requirements.	N/A
Compliance with the General Plan.	Yes

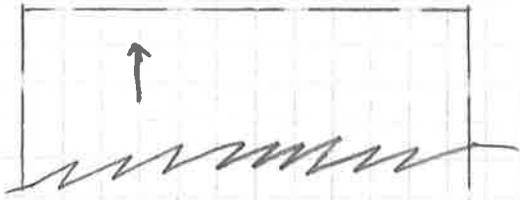
ISSUES OF CONCERN/PROPOSED MITIGATION

None.

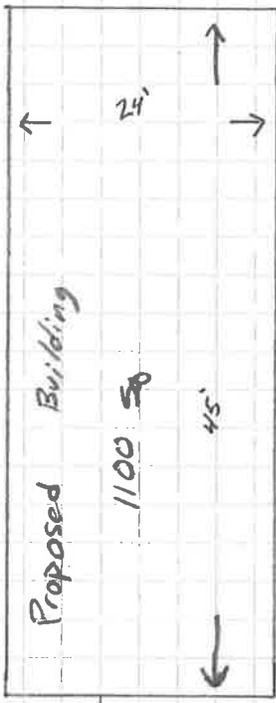
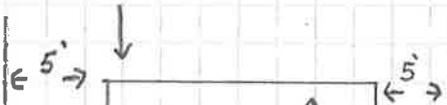
PLANNING STAFF RECOMMENDATION

Staff recommends approval based upon the request meeting the requirements of the ordinances identified, the request being in harmony with the intent of the ordinance, and no negative effects being identified in the allowance of the request.

← 34' →



35'



Proposed Building

1100 sq

45'

Driveway

Property line

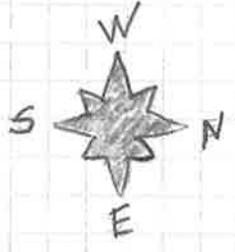
45'

Property Line

Sidewalk

Curb + Gutter

81'

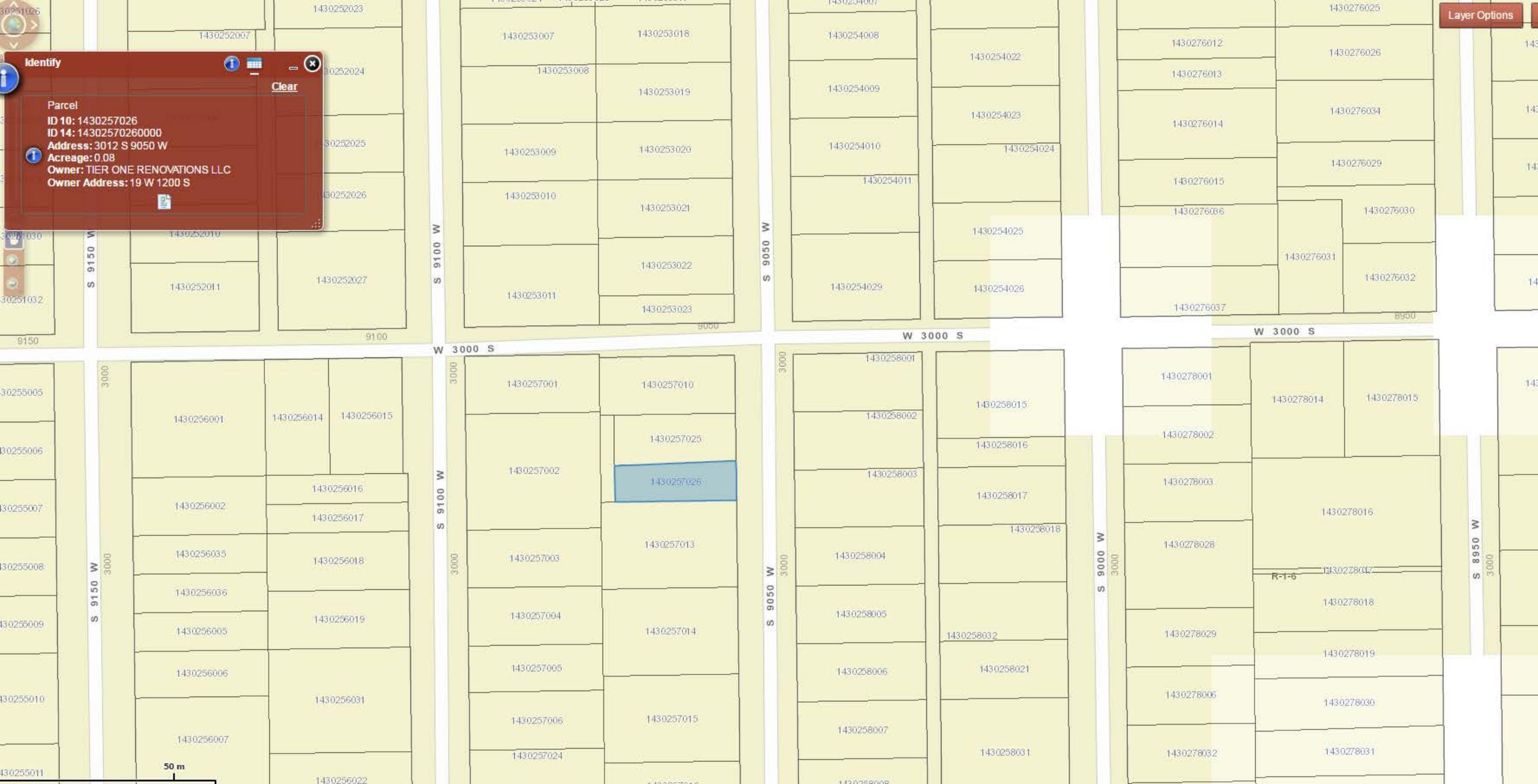


1" = 10'

Identify

Parcel
 ID 10: 1430257026
 ID 14: 14302570260000
 Address: 3012 S 9050 W
 Acreage: 0.08
 Owner: TIER ONE RENOVATIONS LLC
 Owner Address: 19 W 1200 S

Clear



50 m

Clear

Parcel
ID 10: 1430257026
ID 14: 14302570260000
Address: 3012 S 9050 W
Acreage: 0.08
Owner: TIER ONE RENOVATIONS LLC
Owner Address: 19 W 1200 S



1430252010

1430252011

1430252027

1430253011

1430253023

1430257001

1430257010

1430257025

1430257026

1430257002

1430257013

1430257003

1430257004

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1430276032

1430278014

1430278015

1430278016

R-1-5

1430278018

1430278019

1430278030

1430278031

1430278021

50 m

200 ft





File # 29452

Land Use Hearing Officer Summary and Recommendation

<p>Request Type: Modification of a Non-complying Structure</p> <p>Parcel ID: 10-32-428-009</p> <p>Property Address: 5798 Emigration Canyon Road</p> <p>Community Council: Emigration Canyon</p> <p>Planner: Todd A. Draper</p> <p>Planning Staff Recommendation: Approval</p> <p>Applicant Name: Greg Larsen</p>	<p>Meeting Date: September 15, 2015</p> <p>Current Zone: FR-20 (FCOZ)</p> <p>Township: Emigration Township</p>
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PROJECT DESCRIPTION

The applicant is requesting approval from the Land Use Hearing officer to rebuild and expand an existing non-complying single-family dwelling structure on the site. The structure is non-complying with regards to the minimum 100 foot setback from a perennial stream required in the foothills and canyons overlay zone (FCOZ). The entire existing structure sits between approximately 25 and 65 feet from the stream.

SITE AND VICINITY DESCRIPTION (see attached map)

The property is located directly on the main Emigration Canyon Road. The property is bifurcated by Emigration Creek and the property slopes away from the roadway down to the creek and then rises steeply again on the other side of the creek. The existing dwelling structure is located on the portion of the property that is nearest to the roadway.

LAND USE CONSIDERATIONS

Requirement	Standard	Existing	Proposed
Height	30 feet	unknown	29.5 feet
Setback from Perennial Stream	100 feet	25 feet	18 feet
Lot Width	300 feet	205 ±	No Change
Lot Area	20 Acres	.7 acres	No Change
Parking	2 spaces per D.U.	2 spaces	3+

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with Landscaping Requirements.	N/A
Compliance with the General Plan.	Yes

STAFF ANALYSIS

19.88.070 - Additions, enlargements, moving and reconstruction of a structure.

- B. A building occupied by a nonconforming use or a noncomplying structure may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the land use hearing officer, provided that the land use hearing officer shall find:
1. The addition to, enlargement of, moving of, or reconstruction of the structure at a new location on the lot is in harmony with one or more of the purposes of this title as stated in **Section 19.02.020** of this title, and is in keeping with the intent of this title;
 2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

19.02.020 - Purpose of provisions.

This title is designed and enacted for the purpose of promoting the health, safety, morals, conveniences, order, prosperity and welfare of the present and future inhabitants of Salt Lake County, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the county's agricultural and other industries, and the protection of both urban and nonurban development.

19.72.030 - Development standards.

- J. Stream Corridor and Wetlands Protection.
4. Minimum Setbacks. Except where the city of Salt Lake, pursuant to its recognized extraterritorial jurisdiction, has defined a greater setback from watershed resources (including stream corridors and wetland areas), the following minimum setbacks shall be required:
 - a. Stream Corridors. All buildings, accessory structures, leach fields, and parking lots shall be set back at least one hundred feet horizontally, (plan view) from the ordinary high-water mark of stream corridors.

19.72.060 - Administration and enforcement. (FCOZ)

- A. Administrative Modification of Standards Allowed.
3. Exceptions to Perennial Stream Corridor and Wetland Setback Requirements for Lots of Record.
 - a. Existing Legally-Established Buildings and Structures. A building or structure legally existing on the effective date of the ordinance codified in this chapter that is within fifty feet of a perennial stream corridor or twenty-five feet of a wetland may be renovated, altered, or expanded as follows:
 - i. Renovations or alterations that will not increase the gross floor area of the original, existing structure are permitted.
 - ii. Renovations, alterations or expansions which will increase the gross floor area of the original, existing building or structure are limited, regardless of change of ownership, to a cumulative total expansion of no more than two hundred fifty square feet of gross floor area located closer than fifty feet to a perennial stream corridor or closer than twenty- five feet to a wetland.
 - iii. Renovations, alterations or expansions which will increase the gross floor area of the original, existing building or structure but which are no closer than fifty feet to a perennial stream corridor or no closer than twenty-five feet of a wetland are

permitted, subject to compliance with all other applicable regulations and standards.

4. In allowing for the preceding improvements, the development services director shall not:
 - a. Increase the maximum limits of disturbance set forth in Section 19.72.040F; or
 - b. Authorize the encroachment of more than five hundred square feet of gross floor area of structural improvements (cumulative total) within the land area between seventy-five feet and fifty feet from perennial stream corridor or within the land area between fifty and twenty-five feet of a wetland.

Pursuant to the preceding ordinances, staff has analyzed the preliminary drawings and plans provided by the applicant. The measurements made by staff are approximate based on the preliminary nature of the drawings provided by the applicant.

The maximum amount of administrative expansion allowed for lots of record where an existing structure is closer than the prescribed 100 feet from the stream bank is 750 square feet. The planning and development services director is limited to allocating this square footage to no more than 250 square feet closer than 50 feet to the stream bank and 500 square feet that is further than 50 feet from the stream bank. The plans as proposed are nearly the inverse, asking for approximately 405 square feet of expansion that is closer than 50 feet to the stream bank and approximately 210 square feet of expansion that is further than 50 feet from the stream bank. Accordingly the planning and development services director is not able to approve the application as proposed, and the Land Use Hearing officer must decide whether or not the additional 155 square feet of proposed expansion closer than 50 feet to the creek is warranted pursuant to the purposes stated in Section 19.02.020 of Salt Lake County ordinance.

The majority of the desired expansion that is closer than 50 feet to the creek consists of covered decks. These decks would be constructed in locations on the property that have previously been disturbed and that currently include impervious at grade patios.

The staff recommendations below represent suggested conditions to help balance between the desires of the applicant and property owner to rehabilitate the existing structure and expand closer to the creek which would increase the potential for detrimental impacts to the environment by including additional limitations to expansion in the future which would limit future potential impacts. The proposed conditions recognize an allowance for 155 additional square feet in the more impactful locations that are closer than 50 feet to the creek in exchange for the removal of 290 square feet of otherwise allowable expansion in less impactful locations further than 50 feet from the creek (roughly a 1 to 2 ratio).

PLANNING STAFF RECOMMENDATION

Planning Staff recommends that land use permit for the expansion and reconstruction of the non-complying structure is granted with the following conditions:

1. Expansion of the structure to be limited to the proposed 615 square feet, allocated as follows; 105 square feet of enclosed floor space closer than 50 feet to the creek, 300 square feet of covered deck space closer than 50 feet to the creek and 210 square feet of expansion located further than 50 feet from the creek.
2. That in deference to the additional square footage being located closer than 50 feet to the creek than would typically be allowed, that this expansion represents the cumulative total expansion permitted for the property. No future expansions are permitted.
3. That enclosure of the decks is not permitted.

4. That the applicant obtain all other necessary permits of the Salt Lake County Health Department pertaining to sewage disposal including but not limited to any applicable waivers, exceptions, or variances to the required setbacks imposed by Health Department regulations.

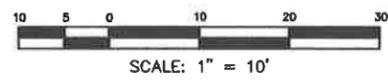
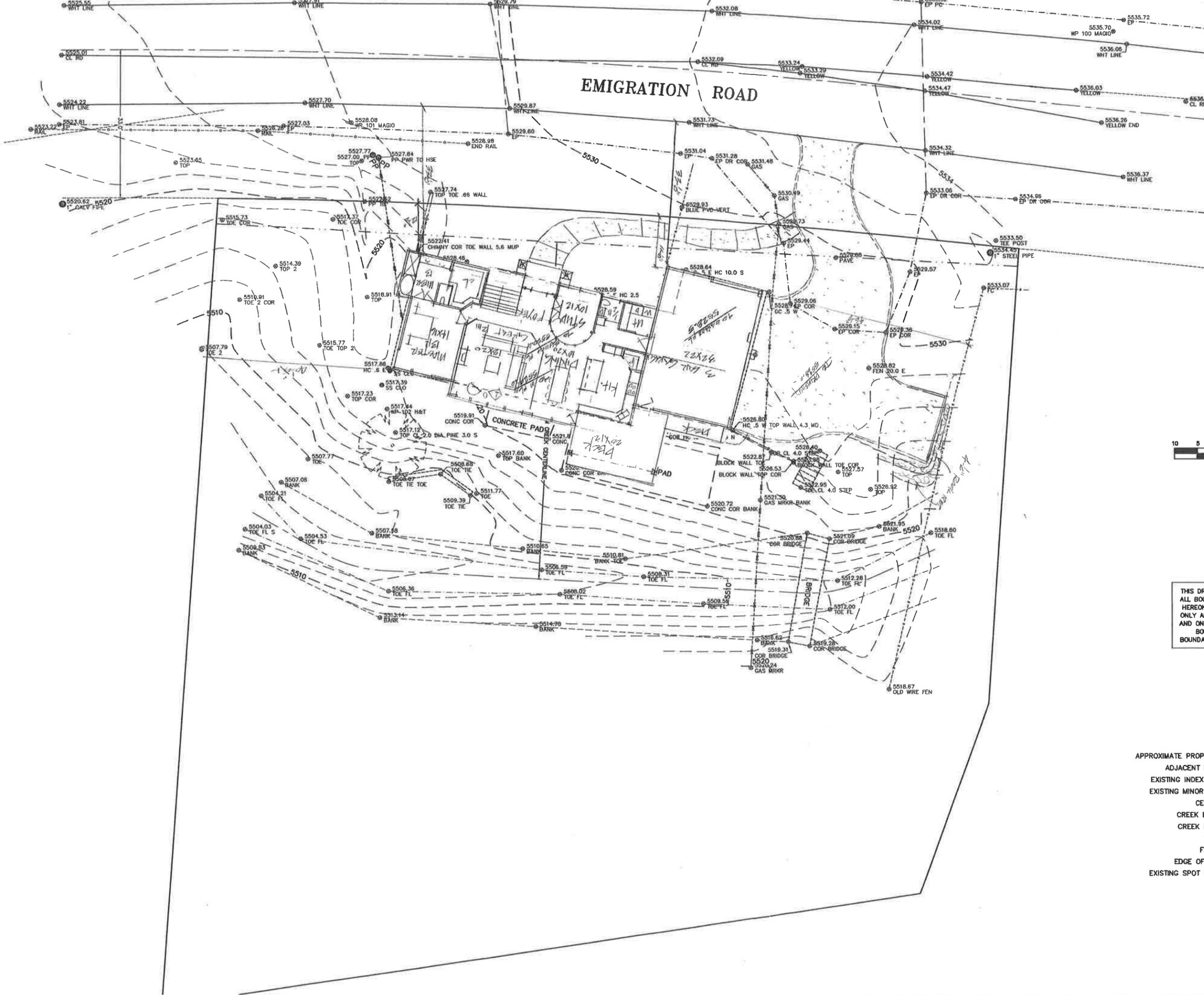
29404

Aerial Map



Wed Jun 10 2015 01:19:43 PM.

POWERED BY
esri



THIS DRAWING IS FOR TOPOGRAPHICAL INFORMATION ONLY. ALL BOUNDARIES AND ROAD CENTERLINE DATA PORTRAYED HEREON ARE APPROXIMATE GRAPHICAL REPRESENTATIONS ONLY AND ARE BASED SOLELY ON OBSERVABLE LAND USE AND ON INFORMATION IN SALT LAKE COUNTY RECORDS. NO BOUNDARY SURVEY HAS BEEN PERFORMED. TRUE BOUNDARIES MUST BE DETERMINED BY BOUNDARY SURVEY.

LEGEND

APPROXIMATE PROPERTY LINE	—————
ADJACENT PROPERTY	-----
EXISTING INDEX CONTOUR	----- 4220 -----
EXISTING MINOR CONTOUR	-----
CENTER LINE	-----
CREEK BANK LINE	-----
CREEK FLOW LINE	-----
WALL LINE	-----
FENCE LINE	-----
EDGE OF ASPHALT	-----
EXISTING SPOT ELEVATION	⊕ 4904.04 GR

TOPOGRAPHICAL SURVEY FOR
GREG LARSEN

DRAWN BY	JRC	DATE	03/25/15
APPROVED	VRH	DATE	XX/XX/XX
REV.	BY	DATE	
	BC	07/15/15	
	ARC	07/22/15	

SHEET 1 OF

SHEET NAME

TOPC

DRAWING NAME

TOPC

PROJECT NO.

15-15

