

Payson City Council Staff Report, November 15, 2017

Request for Recommendation of Approval for I-O Overlay Zone

Approval Process:

Development Review Committee:	Technical and Administrative Review
Planning Commission:	Recommended to City Council
City Council:	Approval or Denial (Legislative Action)

Background

The applicant, Damon Hickman, is requesting approval to apply the I-O (Infill) Overlay Zone on property at Utah County parcel 08-150-0001 located at 775 E 100 S. This property has been a vacant, yet legal buildable lot since before city and county records kept track of ownership starting in 1980. As such, this lot of record would not require any zone change or overlay if the applicant sought to build a residence on this property. However, the applicant would like to amend the west property line in the back portion of this lot. Currently, the applicant owns both this lot and the adjacent lot to the west. The applicant would like to sell this lot and maintain ownership of a historic barn in the Northwest corner of the lot. Any change to the lot lines requires the lot meet current zoning regulations. This lot does not meet the requirements of the R-1-10 zone due to the existing non-conforming frontage, therefore, the applicant is seeking application of the I-O Overlay zone.

During the Planning Commission hearing, it was discovered that there is a dispute regarding the northern property line. The northern property line, however, is not the property line that the applicant is proposing to adjust. The neighbor to the north, Darrell Thomas, disputes the survey and also believes that due to the law of acquiescence the fence serves as the property line instead of what is on the deeds. Mr. Thomas will have to obtain his own independent survey to contest the current survey and, if he chooses to pursue a legal remedy, such as through the law of acquiescence, will need to go through the appropriate legal proceedings. Accordingly, the civil law process can resolve any discrepancies over the northern property line. While the parties will need to resolve this dispute at some point, it does not directly affect this request for the I-O Overlay or adjustment of the West property line, which is the matter at hand. The city has no reason to believe that the independent survey obtained by Mr Hickman is inaccurate as it pertains to his I-O overlay request.

Analysis

Without modification, the property at 775 E 100 S consists of 0.41 acres with 47.5 feet of frontage along 100 S and a lot depth of 214.5 feet. The lot width remains at 47.5 feet for the first 103 feet of depth before opening up to a large nearly square back portion with a width of 115.5 feet and additional depth of 114.5 feet. The R-1-10 zone requires 100 feet of frontage and 100 feet of depth, with a minimum total square footage of 10,000 sq ft. However, this lot is a buildable lot with only 47.5 feet of frontage because it is an existing lot of record.

The applicant would like to move the west property line 27.38 feet to the east in order to accommodate the barn and a 5 foot setback. The amended lot dimensions will maintain the same 47.5 feet of frontage, 214.5 foot lot depth, and reduce the lot width for the back portion from 115.5 feet to 88.12 feet.

Because the proposed amended lot does not meet the requirements of the R-1-10 zone and because a Lot of Record cannot be amended, the lot will need to meet the requirements of the Infill Overlay Zone found in Payson City Code 19.6.25. Some pertinent requirements from this section include:

- Curb, gutter, and sidewalk improvements are installed. (19.25.8.2)
- A twenty (20) foot wide access to the back of the property (19.25.8.4)
- The purpose and objectives of the zone are fulfilled (19.25.1 and 19.25.2)
 - Allow orderly development

- Encourage reinvestment and maintenance of existing neighborhoods
- Stabilize and enhance property values
- Foster community pride
- Promote new development that will enhance and protect the existing structures
- To strengthen the economy and improve the quality of life

In consideration of the factors listed above, Staff recommends approval. Curb, gutter, and sidewalk are already installed and the 47.5 frontage provides ample space for access. The non-conforming portions of this lot are not changing, so this action will have no effect on the neighborhood or create any condition further distancing this property from the requirements of the underlying R-1-10 zone. The proposed lot is as large as or larger than most neighboring lot, and, at 14,717.4 sq ft, far larger than the requirements of the R-1-10 zone. Application of this overlay will allow the property to develop and be more easily maintained. In addition, transferring the Western edge of this lot to the neighboring lot, the neighboring lot at 767 E 100 S will increase from 7004 sq ft to 10057 sq ft, thereby bringing the adjacent property into compliance with the current code. In short, applying the I-O Zone to this property appears to meet the purpose and objectives of the zone and result in an improvement for the neighborhood.

Recommendation

The City Council will need to determine if the proposal is consistent with both the R-1-10 and I-O, Infill Overlay, Zone. Following review of the site plan, application materials, and the contents of the staff report, Council may:

1. Remand the request of the applicant back to staff for further review. The Council should select this option if it is determined that the applicant has not provided enough information to make a decision.
2. Recommend approval of the request. Council should select this option if the proposal is consistent with the requirements of both the overlay and underlying zone.
3. Recommend denial of the request. Council should select this option if it is determined that the proposal is inconsistent with either the overlay or underlying zone.

Each recommendation should include findings that indicate reasonable conclusions.