



3932 S. 500 E.
Millcreek, UT 84107
801-214-2700
millcreek.utah.gov

File # LUHO – 19-006

Land Use Hearing Officer Summary and Recommendation

Request Type: Enlarge Non-Complying Structure

Parcel ID: 16-28-254-034

Property Address: 1830 East White Avenue

Planner: Robert May

Planning Staff Recommendation: Approval, subject to existing setbacks and RCOZ compliance

Applicant Name: Jennifer Garriot

Meeting Date: February

Current Zone: R-1-8

Community Council: East Millcreek

PROJECT DESCRIPTION

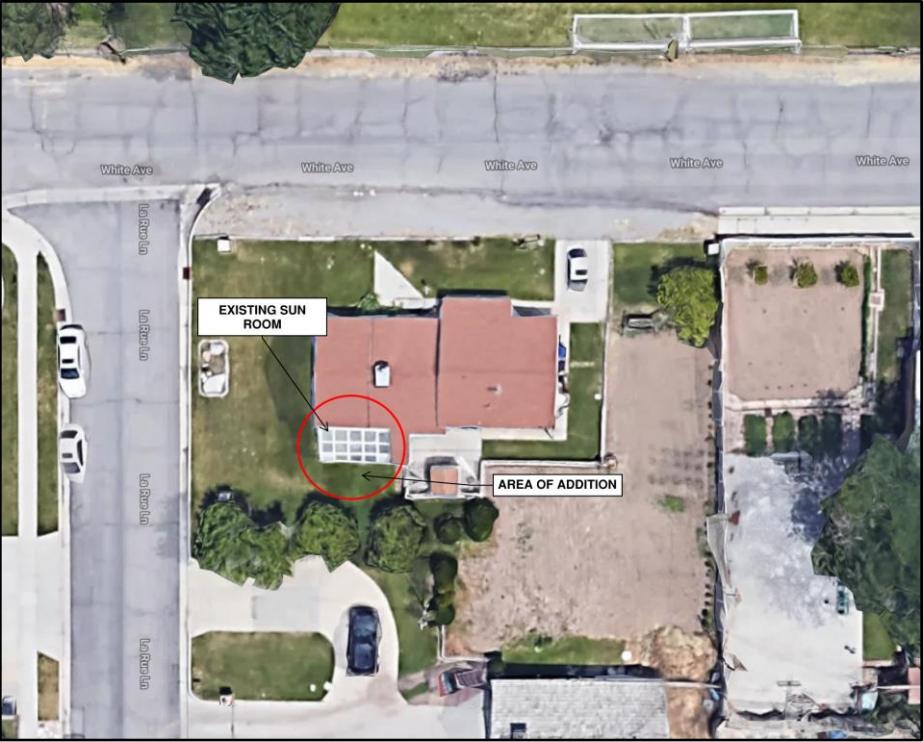
Jennifer Garriot is requesting to enlarge a noncomplying single-family dwelling built in 1959 in the R-1-8 zone. The dwelling is considered non-complying due to the minimum front and rear yard setback distances of the R-1-8 Zone not being met. The front yard setback minimum setback is 25 feet from the property line. The existing dwelling has a 15-foot front yard setback. The rear yard setback minimum is 30 feet from the property line. The existing dwelling has an approximate 26-foot rear yard setback. The applicant wishes to do an addition to the dwelling which would meet all other current R-1-8 Zone setback and height requirements **excluding the front and rear setbacks**. Although staff finds the new addition to be extremely minor, based on Chapter 19.88 of the Millcreek Zoning Ordinance, an addition to a noncomplying structure must obtain authorization by the Land Use Hearing Officer.

19.88.070 Additions, Enlargements, Moving and Reconstruction of a Structure

1. A noncomplying structure or building occupied by a nonconforming use shall not be added to or enlarged in any manner or moved to another location on the lot or reconstructed at another location on the lot except as provided by subsection B of this section unless such additions and enlargements comply with the regulations and intent of this title.
2. 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 MKZ 19.02.020, 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.*

SITE AND VICINITY DESCRIPTION

The subject property is situated in a relatively old residential neighborhood that consists of R-1-8 zoning. Many of the dwellings were built post World War 2 and are between 1,000 to 2,000 square feet. The subject property is also a corner lot facing White Avenue and has La Rue Lane as a side facing street. Corner lots are subject to a larger side setback due to the property abutting a street versus having two interior side setbacks.



The adjacent images provide a reference for the existing dwelling and the proposed addition. The addition appears to encapsulate the existing sun room and extend towards the rear property line only a few more feet. Based on the applicants site plan, the proposed addition leaves approximately 18 feet to the rear property line.



LAND USE CONSIDERATIONS

Requirement	Existing	Zone requirement	Proposed	Compliance Verified
Height	18	28 feet (RCOZ)	unchanged	
Front Yard Setback	15	25	unchanged	
Side Yard Setback	33 and 18 feet	8 feet interior / 20 ft. facing street	unchanged	
Rear Yard Setback	26 feet	30 feet	22'	
Lot Width	110 feet	65 feet	unchanged	
Lot Area	10,018 square feet	8,000 square feet	unchanged	

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

ISSUES OF CONCERN/PROPOSED MITIGATION

Planning staff does not find the proposed modifications of the dwelling to be a negative impact based on the provided site plan provided. However, from aerial photography, the neighboring property owner to the south has a driveway that extends onto the subject parcel approximately 3-4 feet. From the edge of the neighbor's driveway to the proposed new addition would measure around 16 feet. A distance of 16 feet is typical for a rear yard setback in this neighborhood due to the smaller lot sizes and homes.

Moreover, the proposed addition does not appear to be out of character with the surrounding neighborhood as many of the homes are clearly noncomplying. The addition on the subject lot is in harmony with one or more of the purposes of the R-1-8 Zone and is in keeping with the intent of this zone and its



character. Staff finds the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure. Staff would recommend that a stamped survey of the subject parcel be submitted prior to receiving a building permit to verify the property boundaries and the setbacks.

PLANNING STAFF ANALYSIS

The subject parcel suffers from constraints of being a corner lot. Corner lots have a much larger side yard setback due to the side yard facing a street. Corner lot configurations typically force the dwelling foot print into the rear yard. Many of newly established corner lots make up for this by having an extremely large rear and side yard. However, in the case of the subject parcel, the dwelling and lot were created in the late 50's and did not account for any further development or expansion. Furthermore, the square footage of many homes built in the 50's were only 1,200 -1,500 square feet and consisted of only one bathroom serving the entire residents.

The proposed expansion does not encroach any closer to the road right-of -way which will not conflict with any future public improvements such curb, gutter and sidewalk.

Staff finds that the project is in harmony with the purposes of the City's zoning Ordinance and is in keeping with one or more of the purposes of this title as stated in MKZ 19.02.020.

- The subject parcel and the proposed addition maintains the form and style of the existing structure and is consistent with the historic pattern of development and housing type in the neighborhood. With the exception of the rear and front yard setbacks, the project meets all other ordinances.

Staff finds that this property does not impose any unreasonable burden upon the lands located in the vicinity of the noncomplying structure.

- The project does not encroach closer to the existing ROW which will not create a conflict with any future public improvements. Although the south property driveway encroaches onto the subject parcel approximately 4 feet, a minimum of 18 feet of rear yard is maintained which is consistent with other properties located in the neighborhood.

For the above reasons, staff does not object to the request to enlarge a non-complying structure with the setbacks as provided in the exhibits in the staff report.

SUPPORTIVE DOCUMENTS

1. Application
2. Affidavit
3. Letter of Intent
4. Current county plat
5. Google top view



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

Millcreek.Utah.gov

File #

Land Use & Development Application

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

Zone: _____ Community Council: _____ Planner: _____

Parent File #: _____ Date: _____

Property Address: 1830 E White Avenue Parcel #: 16-28-254-034-0000

Name of Project Bathroom addition Property Acreage: .23

Please describe your request:

We would like to add a 2nd bath & mudroom to this house.

New Development:

- ☐ Conditional Use
☐ Permitted Use
☐ Subdivision # lots: _____
☐ PUD #lots: _____

Modify an Existing Development:

- ☐ Change Conditions of Approval
☐ Change the Site Plan
☐ Condo Conversion
☐ Lot Consolidation
☐ Lot Line Adjustment
☐ Mobile Store
☐ Signs
☐ Billboards

Other:

- ☐ Exception Request
☐ General Plan Amendment
☐ GRAMA (Records Request)
☐ Land Use Hearing
☐ Non-Conforming
☐ RCOZ Appeal (Option C)
☐ Research Request
☐ Re-zone
☐ Right-of-Way Improvement Permit
☐ Vacate a Street

Is a key or gate code required to access the property? ☐ Yes ☒ No If yes, code: _____
(or provide driving directions to property):

APPLICANT'S NAME:First: Jennifer Last: Garrjatt Initial: SAddress: 2900 Melbourne St. City: Millicreek State: VT Zip: 84106Phone: 801-486-3910 Cell: 801-953-6988 Email: jeng234@msn.com**Property Owner(s):**First: RICHARD Last: EGAN Initial: RAddress: 6680 Cottonwood St. City: Murray State: UT Zip: 84107Phone: 801-265-1255 Cell: 801-414-9080 Email: STICKWITHRICK@GMAIL.COM**Professional(s):** ☐ Engineer ☐ Architect ☐ Other

Company: _____ Contact: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

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

To facilitate the 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:

Applicant's Signature: _____ Date: _____



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AFFIDAVIT – Property Owner

STATE OF UTAH }

} ss

COUNTY OF SALT LAKE }

I (we) ELAN BROTHERS being duly sworn, depose and say that

I (we) am (are) the owner(s) of the property(s) located at:

1830 E. WHITE AVE., SLC, UT 84106

My (our) signature below attests that I (we) have reviewed the proposal by _____

requesting review and approval of REMODEL

and that I (we) consent to the statements and information provided in the attached plans and exhibits

and that all information presented is true and correct to the best of my (our) knowledge.

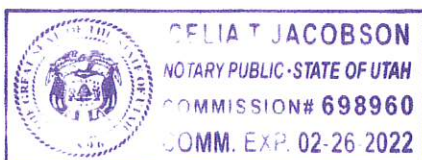
Property Owner Robert Esaw

Property Owner _____

Subscribed and sworn to me this 28th day of November, 20 18.

Notary: Celia T. Jacobson

Residing in Salt Lake County, Utah



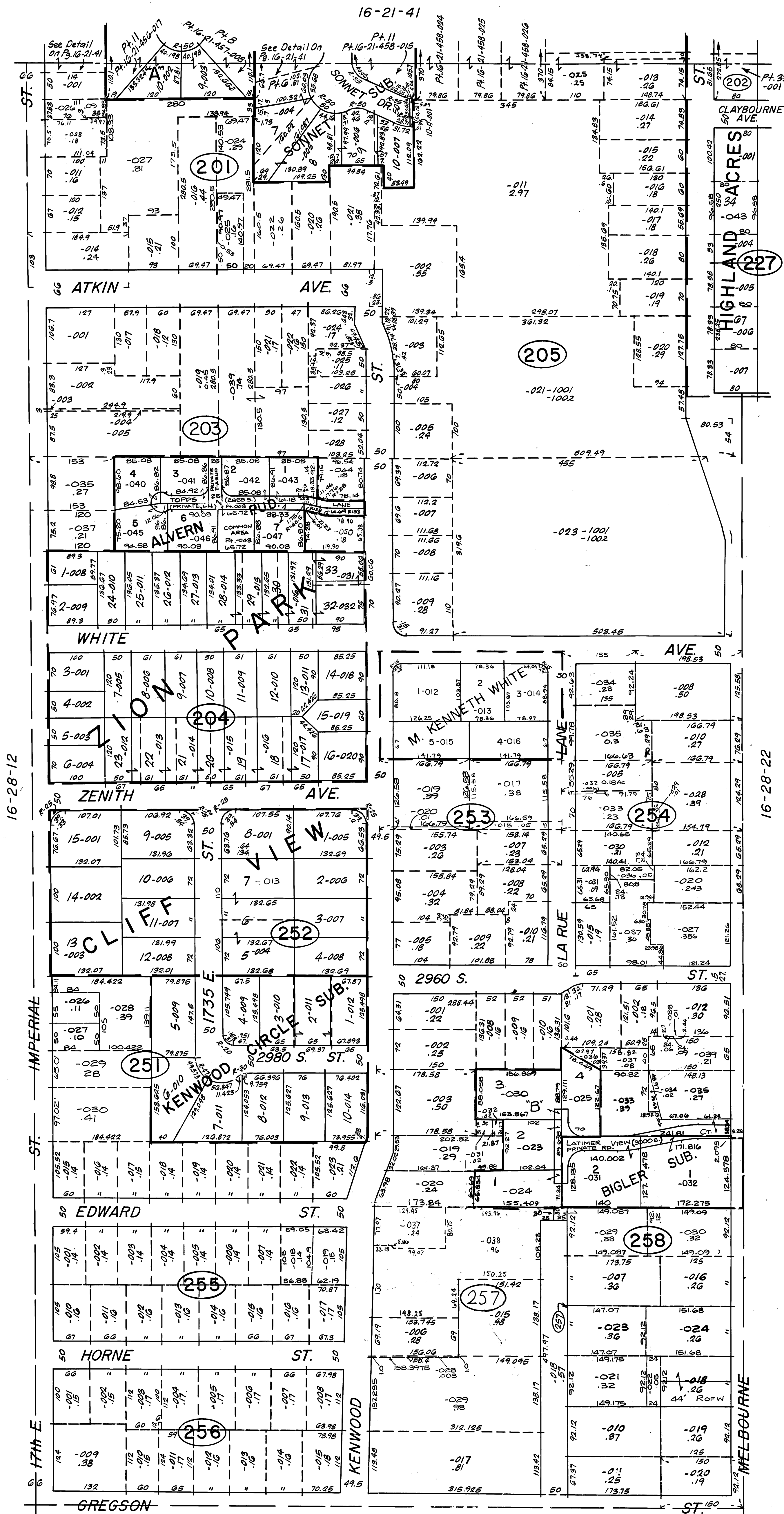
We are the owners of a home located at 1830 E. White Avenue in Millcreek. We are asking for a variance and believe our home fits under 19.88.070 (B) (1) and (2) in order to do a small remodel on the home and allow it to better suit our needs. This home sits on the corner of White Avenue and LaRue Lane. It is a small dwelling with three bedrooms and one bathroom. We have lived around the corner from this home for almost 25 years. This home was previously owned by Jen's grandparents, but we have consistently cared for its needs and maintenance. We were able to purchase it several years ago and did so with plans to obtain a space for a disabled brother (Nate) to live in. Nate requires some live-in, one on one care and we had previously been able to provide that with his family members. Our children have grown such that they are now able to provide that care. In order to make the home better accommodate this situation, we are proposing to add a small wet bar and bathroom to the existing structure to provide a space where Nate and his caretakers can have reasonably private accommodations. This remodel is in harmony with the provisions of Section 19.02.020, because it promotes the health, welfare, convenience, and prosperity of our family.

The home does not have a garage. Therefore, it is a noncomplying structure and requires permission under the Millcreek code in order to obtain proceed with the remodel. None of the homes in this area are complying. Some of the homes in the area have permitted setbacks of less than 4 feet from their property lines. The remodel we are proposing would extend the current structure out an additional 4 or 5 feet in one small area. It essentially replaces an existing storage room/greenhouse attached to the home. Even with the proposed addition, the home would still be more than 15 feet from the adjacent property line. Significantly, there are mature fruit trees between our home and the property line. The remodel will not impact or unduly encroach upon those fruit trees. It does not impose any unreasonable burden upon the lands in the vicinity of the proposed nonconforming structure. We are happy to provide any additional information or answer any other questions you might have in this regard.

"A"
VAUGHN SUB.
"B"
LATIMER LANE SUB.

SALT LAKE COUNTY Geographic Information System
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PREPARED BY SALT LAKE COUNTY RECORDER

This map is not intended to represent actual physical boundaries a survey of the property may be necessary.



SCALE: 1" = 100'

16-28-21

16-28-41
SALT LAKE CO.
W. 1/2 NE. 1/4 SEC. 28 T.1S. R.1E.



White Ave

White Ave

White Ave

White Ave

White Ave

La Rue Ln

La Rue Ln

La Rue Ln

La Rue Ln

EXISTING SUN
ROOM

AREA OF ADDITION